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CONGRESSIONAL RECORD:

CONTAINING

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Part 3

THE PROCEEDINGS AND DEBATES

OF THE

U.S.  
FIFTY-SEVENTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

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VOLUME XXXV.

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CONGRESSIONAL RECORD

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THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SEVENTH CONGRESS FIRST SESSION

SPECIAL SESSION OF THE SENATE



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VOLUME XXXV, PART IV.

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CONGRESSIONAL RECORD,

FIFTY-SEVENTH CONGRESS, FIRST SESSION.

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VOLUME XXXV. PART IV.

CONGRESSIONAL RECORD

SEVENTH CONGRESS. FIRST SESSION.



ought to be placed in the same category with Louisiana and Florida, but the gentleman from Louisiana [Mr. RANDELL] and the gentleman from Florida [Mr. SPARKMAN] are unwilling that my amendment be placed in the bill, and I know that I can not secure the passage of that amendment without their consent. Therefore I withdraw it.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

Mr. BURTON. As I understand it, the section which was passed over on page 53 was read and is a part of the bill.

The CHAIRMAN. The paragraph has been read. By unanimous consent its consideration was postponed, in case there might be any amendment to offer to it.

Mr. BURTON. That is as I understood it. That makes it a part of the bill.

The CHAIRMAN. The Chair will state that it is now a part of the bill in its original form.

Mr. BURTON. Then, Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the river and harbor bill (H. R. 12346), and had instructed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, they will be submitted in gross to the House.

A separate vote not being demanded, the question was taken; and the amendments were agreed to in gross.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SULZER. The yeas and nays, Mr. Speaker, on the final passage of the bill.

The SPEAKER. The gentleman from New York asks for the yeas and nays on the passage of the bill. [After counting.] Four gentlemen have risen—not a sufficient number—and the yeas and nays are refused.

The question was taken; and the bill was passed.

On motion of Mr. BURTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 7320. An act granting an increase of pension to James Mautach;

H. R. 2547. An act granting an increase of pension to William M. Guy;

H. R. 4468. An act granting an increase of pension to John B. Kurth;

H. R. 10132. An act granting an increase of pension to John Garner;

H. R. 5109. An act granting an increase of pension to Frederick M. Hahn;

H. R. 7771. An act granting an increase of pension to Frank Seaman;

H. R. 1325. An act granting an increase of pension to William J. Wallace;

H. R. 7424. An act granting an increase of pension to John Craig;

H. R. 6864. An act granting an increase of pension to Milton A. Embick;

H. R. 2786. An act granting an increase of pension to William K. Hoffman;

H. R. 10956. An act granting an increase of pension to Francis K. Morrison;

H. R. 2669. An act granting an increase of pension to Isabella Compton;

H. R. 7846. An act granting a pension to Michael Tynan;

H. R. 5073. An act granting a pension to Christina Daniels;

H. R. 9296. An act granting a pension to Mary E. Chapman;

H. R. 8292. An act granting a pension to Hester Thomas;

H. R. 3873. An act granting a pension to William C. Flowers;

H. R. 6487. An act granting a pension to Kazier Washburn;

H. R. 7965. An act granting a pension to Norris L. Lungren;

H. R. 2123. An act granting a pension to Elizabeth M. Folds;

H. R. 3769. An act granting a pension to Susan Terry; and

H. R. 9991. An act for the relief of F. E. Coyne.

#### CHANGE OF REFERENCE.

The reference of the bill (H. R. 11351) to empower the Secretary of War to set aside a part of each national cemetery in the United States for the burial of enlisted men and their wives was changed from the Committee on Naval Affairs to the Committee on Military Affairs.

Mr. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for the increase of salaries of the seven chiefs of bureaus of Department of State—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for fish hatchery at San Marcos, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edwin T. Hill, administrator of estate of Leroy L. Hill, against the United States—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11725) to amend sections 4139 and 4314 of the Revised Statutes, reported the same with amendments, accompanied by a report (No. 1099); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1100); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix, reported the same without amendment, accompanied by a report (No. 1098); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1681) granting an increase of pension to Maria Louisa Michie, reported the same without amendment, accompanied by a report (No. 1101); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4071) granting an increase of pension to George C. Tillman, reported the same with amendment, accompanied by a report (No. 1102); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2976) granting an increase of pension to Edward Thompson, reported the same with amendment, accompanied by a report (No. 1103); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3072) granting a pension to Oliver Gisborne, reported the same without amendment, accompanied by a report (No. 1104); which said bill and report were referred to the Private Calendar.



He also, from the same committee, to which was referred the bill of the Senate (S. 1172) granting an increase of pension to Catharine F. Edmunds, reported the same with amendment, accompanied by a report (No. 1105); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2599) granting an increase of pension to John Hall, of Bradley County, Tenn., reported the same with amendments, accompanied by a report (No. 1106); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10496) granting a pension to James T. Steele, reported the same with amendment, accompanied by a report (No. 1107); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9308) granting an increase of pension to Edwin P. Johnson, reported the same with amendments, accompanied by a report (No. 1108); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11578) granting an increase of pension to John Gaston, reported the same without amendment, accompanied by a report (No. 1109); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5560) granting a pension to Annie L. Evens, reported the same with amendments, accompanied by a report (No. 1110); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4622) granting a pension to Frank W. Lynn, reported the same without amendment, accompanied by a report (No. 1111); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1046) granting an increase of pension to John J. Martin, reported the same without amendment, accompanied by a report (No. 1112); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1486) granting an increase of pension to Charles A. Perkins, reported the same with amendment, accompanied by a report (No. 1113); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9592) granting a pension to Emily Briggs, reported the same with amendments, accompanied by a report (No. 1114); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10010) granting a pension to Mina Weirauch, reported the same with amendment, accompanied by a report (No. 1115); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9187) granting increase of pension to Caroline A. Hammond, reported the same with amendments, accompanied by a report (No. 1116); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11737) granting a pension to Irene Hill, reported the same with amendments, accompanied by a report (No. 1117); which said bill and report were referred to the Private Calendar.

Mr. DE GRAFFENREID, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11924) granting an increase of pension to Lewis H. Delong, reported the same with amendments, accompanied by a report (No. 1118); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12356) granting a pension to Washington Ojers, reported the same with amendments, accompanied by a report (No. 1119); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12418) granting a pension to Matilda E. Clarke, reported the same with amendments, accompanied by a report (No. 1120); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9847) granting an increase of pension to Zachariah R. Sanders, reported the same with amendments, accompanied by a report (No. 1121); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was

referred the bill of the House (H. R. 10090) granting an increase of pension to James F. P. Johnston, reported the same with amendments, accompanied by a report (No. 1122); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 3867) granting an increase of pension to Benjamin Jacobs, late of Battery I, Fourth United States Artillery—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11556) to reimburse W. J. Pool for money paid to the Government as postmaster at Dong, Ga.—Committee on Claims discharged, and referred to the Committee on the Post-Office and Post-Roads.

A bill (H. R. 11351) to empower the Secretary of War to set aside a part of each national cemetery in the United States for the burial of deceased enlisted men and their wives—Committee on Naval Affairs discharged, and referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 12864) to reduce the tax on spirits from \$1.10 per gallon to 70 cents per gallon—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 12865) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. CUSHMAN: A bill (H. R. 12866) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes—to the Committee on the Territories.

By Mr. BREAZEALE: A bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: A bill (H. R. 12868) authorizing the Postmaster-General to provide for the transportation of the mails by pneumatic tubes or other similar devices—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: A bill (H. R. 12905) to provide for the improvement of the old military cemetery on the Fort Crawford Reservation, at Prairie du Chein, Wis.—to the Committee on Military Affairs.

By Mr. WEEKS: A resolution (H. Res. 171) authorizing employment of clerk and messenger for Committee on Elections No. 3—to the Committee on Accounts.

By Mr. GAINES of Tennessee: A resolution (H. Res. 172) concerning the question in dispute between the Government of the United States, the people of the Philippine Islands, and the Malolos government or Philippine republic—to the Committee on Insular Affairs.

By Mr. BROWNLOW: A resolution (H. Res. 173) authorizing the Doorkeeper of the House to appoint an assistant driver for the folding-room team—to the Committee on Accounts.

By Mr. SHAFROTH: Resolutions of the legislature of the State of Colorado, sympathizing with the Boers—to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 12869) for the relief of William Stephenson Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 12870) for the relief of Holland Hedger—to the Committee on War Claims.

By Mr. CONNER: A bill (H. R. 12871) granting a pension to Ellen A. Plumley—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 12872) granting an increase of pension to Florence Bacon—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 12873) to correct the military record of John Shimer—to the Committee on Military Affairs.

Also, a bill (H. R. 12874) granting an increase of pension to Levi H. Figard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12875) granting a pension to Elias Knupp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12876) granting an increase of pension to Isaac Gordon—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 12877) granting an increase of pension to James N. Gates—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 12878) granting a pension to Phoebe M. Gates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12879) granting an increase of pension to W. C. Robins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12880) granting an increase of pension to James G. Kelly—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 12881) granting an increase of pension to Angus Fraser—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 12882) granting a pension to Lucy Warren—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 12883) granting a pension to William Edington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12884) granting an increase of pension to Grandison Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12885) granting a pension to James Thompson—to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 12886) for the relief of holders and owners of certain District of Columbia special-tax scrip—to the Committee on the District of Columbia.

By Mr. LOVERING: A bill (H. R. 12887) for the relief of the families of the seven members of the life-saving crew of the Monomoy station, in Massachusetts, who perished in the performance of their duties on March 17, 1902—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 12888) granting an increase of pension to Christian Romain—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 12889) granting an increase of pension to Lucy Good Bigbie—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12890) granting an increase of pension to John C. Crimins—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12891) for the relief of George S. Ayre, administrator of Thomas Ayre, deceased—to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 12892) for the relief of Joseph A. Cox—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 12893) granting a pension to Sara D. Bereman—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 12894) granting a pension to Mrs. Jane Rankin Eades—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 12895) for the relief of C. G. Perkins—to the Committee on War Claims.

By Mr. RHEA of Virginia: A bill (H. R. 12896) for the relief of George T. Larkin—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 12897) for the relief of Thomas J. Austin—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 12898) to renew certain letters patent—to the Committee on Patents.

By Mr. LOUDENSLAGER: A bill (H. R. 12899) granting an increase of pension to William H. Rightmire—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12900) granting an increase of pension to Milton Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12901) granting a pension to Rebecca Conner—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 12902) granting a pension to Julia Lee—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12903) for the relief of Green Henry—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12904) to remove the charge of desertion from the record of Robert McKown—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Trades League of Philadelphia, Pa., urging an amendment to the river and harbor bill authorizing communities or individuals to improve commercial channels at their own expense, etc.—to the Committee on Rivers and Harbors.

Also, papers to accompany House bill 4426, for the relief of Daniel Sims—to the Committee on Invalid Pensions.

Also, petition of citizens of Brownfield, Pa., favoring the passage of Senate bill 1891 and also for the passage of the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. BELLAMY: Resolution of the Trades League of Phila-

delphia, Pa., asking for an amendment to the river and harbor bill authorizing communities, companies, or individuals to improve channels at their own expense when such work does not conflict with the Government plans—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Resolutions of the Trades League of Philadelphia, Pa., favoring an amendment to the river and harbor bill authorizing corporations, etc., to improve commercial channels—to the Committee on Rivers and Harbors.

By Mr. BOREING: Papers to accompany House bill 12849, granting a pension to John Stills—to the Committee on Invalid Pensions.

By Mr. BROWN: Resolutions of Cigar Makers' Union No. 287, Marinette, Wis., for an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, memorial of the American Chamber of Commerce of Manila, suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

Also, resolution of Interstate Irrigation Congress, favoring irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. BURK of Pennsylvania: Resolutions of the New Century Club, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolutions of the Trades League of Philadelphia, Pa., favoring a law permitting cities to improve ship channels—to the Committee on Rivers and Harbors.

Also, petition of the Chicago Board of Trade, approving House bill 8337 and Senate bill 3575—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Petition of Bogart Lodge, No. 294, Smithville, Tex., Brotherhood of Railroad Trainmen, in relation to immigration—to the Committee on Immigration and Naturalization.

By Mr. CONNELL: Resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolution of the Trades League of Philadelphia, asking for an amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, petition to the President to stop the use of United States ports and waters for the augmentation of British military supplies—to the Committee on Foreign Affairs.

By Mr. CURRIER: Resolutions adopted by Concord Division, No. 335, Order of Railway Conductors, of Concord, N. H., favoring the exclusion of Chinese from the United States—to the Committee on Foreign Affairs.

By Mr. DRAPER: Resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolution of Wholesale Grocers' Association of New York City relative to the removal of the Indian warehouse from that city—to the Committee on Appropriations.

Also, petition of the New York State Woman Suffrage Association, asking for the appointment of a commission to investigate woman suffrage in Western States—to the Committee on the Judiciary.

Also, resolutions of the Retail Lumber Dealers' Association of New York and the Chicago Board of Trade, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, favoring an amendment to the river and harbor bill authorizing communities and corporations to improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

By Mr. EDWARDS: Resolutions of Winston Miners' Union, of Winston, Mont., and Stationary Engineers' Union No. 83, of Butte, Mont., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of Board of Trade of Chicago, Ill., approving House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Affidavit to accompany House bill 9987, granting a pension to Aaron Young—to the Committee on Invalid Pensions.

Also, petition of citizens of Markleton, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of the Trades League of Philadelphia, urging that the river and harbor bill be amended so that private interests or municipal authorities may be authorized and permitted to improve commercial channels at their own



expense whenever deemed proper by them—to the Committee on Rivers and Harbors.

Also, resolutions of Board of Trade of Chicago, Ill., approving House bill 8337 and Senate bill 3775, said bills being amendatory to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Petitions of Trunk and Bag Workers' Union No. 10, of Nashville, Tenn., and Typographical Union No. 43, of Clarksville, Tenn., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolution of board of directors of the Chicago Board of Trade, approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, Pa., for an amendment to the river and harbor bill so corporations, etc., may improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

Also, petition of the Eight-Hour League of America in support of a national eight-hour day—to the Committee on Labor.

By Mr. GREEN of Pennsylvania: Resolutions of Laborers' Protective Union No. 7351, of Reading, Pa., and Just in Time Lodge, No. 346, Railroad Trainmen, Bethlehem, Pa., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Just in Time Lodge, No. 346, of Bethlehem, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Resolutions of the Lawrenceburg Roller Mills Company, of Lawrenceburg, Ind., for the abolition of the London clause in bills of lading issued to London from North Atlantic ports, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL (by request): Petition of Gregg Post, No. 95, Grand Army of the Republic, of Bellefonte, Pa., favoring an investigation of the administration of the Commissioner of Pensions—to the Committee on Rules.

By Mr. HAMILTON: Petition of John H. Andrews Post, No. 288, Grand Army of the Republic, Department of Michigan, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

Also, petition of 10 citizens of Hastings, Mich., against the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEMENWAY: Petition of Union No. 9133, of Princeton, Ind., American Federation of Labor, asking that the desert-law laws be repealed—to the Committee on the Public Lands.

By Mr. HILL: Resolutions of Bakers and Confectioners' Union of Bridgeport, Conn., favoring restricted immigration—to the Committee on Immigration and Naturalization.

Also, resolution of same body, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. HITT: Resolutions of the Chamber of Commerce of Quincy, Ill., in favor of a bill "to maintain the legal-tender silver dollar at a parity with gold and to increase the subsidiary silver coinage"—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Chamber of Commerce of Quincy, Ill., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. LACEY: Resolutions of Butchers' Union, Ottumwa, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LANHAM: Resolution of Typographical Union No. 198, of Fort Worth, Tex., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, petition of Brotherhood of Railroad Trainmen of Texarkana, Tex., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolutions of the Trades League of Philadelphia, Pa., favoring an amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

By Mr. LONG: Resolutions of Bricklayers' Union No. 3, of Topeka, and of Bricklayers' Union No. 4, of Pittsburg, Kans., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. JACK: Paper to accompany House bill No. 8466, granting a pension to Lucinda A. Sirwell, helpless child of Col. William A. Sirwell—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Papers to accompany House bill 12885, granting a pension to James Thompson—to the Committee on Invalid Pensions.

Also, petition of William Edington for increase of pension, to accompany House bill 12883—to the Committee on Invalid Pensions.

By Mr. MICKEY: Petition of citizens of Hancock County, Ill., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. MORRELL: Resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolutions of the New Century Club, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolution of Board of Trade of Chicago, Ill., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, Pa., favoring amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, resolutions of Matthew W. Sayre Council, No. 141, Ladies of Grand Army of the Republic, Philadelphia, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

By Mr. NEWLANDS: Petition containing 182 names of citizens of the State of Nevada, opposing the leasing of public lands—to the Committee on the Public Lands.

By Mr. OVERSTREET: Petition of Bell Lodge, No. 158, Railroad Trainmen, of Garrett, Ind., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. PALMER: Petitions of Brotherhood of Railroad Trainmen of Hazleton, Pa., and Tobacco Workers' Union No. 59, of Wilkesbarre, Pa., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Petition of 19 citizens of Muir, Pa., favoring restriction of immigration and the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also (by request), papers to accompany House bill No. 12840, for the relief of sundry officers of the Ninety-sixth Regiment Pennsylvania Volunteers, and to reimburse them for losses of personal effects destroyed under orders for the benefit of the service—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: Petition of Retail Clerks' Association No. 151, of Memphis, Tenn., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. PAYNE: Papers to accompany House bill 12780, for the relief of William H. Wheeler—to the Committee on Pensions.

By Mr. PEARRE: Petition of Retail Clerks' Association No. 22, of Cumberland, Md., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Potomac Lodge, No. 2, and Retail Clerks' Association of Cumberland, Md.; Knobley Division, No. 183, of Cumberland, and Berkley Division, No. 234, Order of Railroad Conductors, of Brunswick, Md., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 12493, for the relief of James Hilliard—to the Committee on War Claims.

Also, papers to accompany House bill 12492, granting an increase of pension to Callie West—to the Committee on Invalid Pensions.

By Mr. RYAN: Resolutions of Philadelphia Trades League, favoring authorization to corporations, etc., to improve commercial channels—to the Committee on Rivers and Harbors.

Also, resolutions of Chicago Board of Trade, favoring House bill No. 8337, to increase the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Clothing Cutters and Trimmers' Union No. 46, of Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Resolutions of Bricklayers and Masons' Union No. 15, of Clinton, Iowa, favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolutions of Typographical Union No. 47, of New Haven, Conn., favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

By Mr. SPIGHT: Papers to accompany House bill 12894, granting a pension to Mrs. Jane Rankin Eades—to the Committee on Invalid Pensions.

By Mr. SULZER: Protest of Sedalia Typographical Union, No.

206, of Sedalia, Mo., and of St. Louis Mailers' Union, No. 3, of St. Louis, against the passage of House bill 5777 and Senate bill 2894—to the Committee on Patents.

Also, resolutions of the Chicago Board of Trade, favoring House bill 8337 and Senate bill 3575, to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, favoring the authorizing of corporations, etc., to improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

By Mr. THOMAS of Iowa: Resolutions of Brotherhood of Railroad Trainmen of Clinton, Iowa, urging the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. TOMPKINS of New York: Petition of Local Union No. 46, of Nyack, N. Y., for an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. VREELAND: Resolutions of Painters and Decorators' Union of Dunkirk, N. Y., favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Painters and Decorators' Union of Dunkirk, N. Y., favoring the exclusion of Chinese laborers from the United States and their insular possessions—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to Rebecca Conner—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of Grass Valley Miners' Union, No. 90, and Bodie Miners' Union, No. 61, State of California, favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Petition of Burnham, Williams & Co., Philadelphia, in support of House bill No. 11308—to the Committee on Ways and Means.

Also, resolutions of the Trades League of Philadelphia, Pa., favoring an amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 22, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

### LIGHT-HOUSES AT MOUTH OF BOSTON HARBOR.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel.

*Be it enacted, etc.*, That there shall be established by the Secretary of the Treasury a first-order light and fog signal at the Northeast Grave, on a granite tower, built in the most substantial and secure manner and of sufficient height to allow the lantern a focal plane of 100 feet above high water, to mark the entrance to the new Broad Sound Channel, Boston Harbor, at a cost not to exceed \$188,000; for the establishment of two range lights on Lovells Island, at the mouth of Boston Harbor, the rear light to be of the fourth order, on a tower about 45 feet above high water, and the front light to be of the fifth order, on a tower about 25 feet above high water, at a cost not to exceed \$10,000; and for the establishment of two range lights on Spectacle Island, mouth of Boston Harbor, the rear light to be of the fourth order, upon a tower about 55 feet above high water, and the front light to be of the fifth order, upon a tower about 30 feet above high water, at a cost not to exceed \$13,000, the entire appropriation for the five lights above mentioned not to exceed the sum of \$211,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOVERING. Mr. Speaker, this bill provides for the construction of a light-house near the entrance to the new 30-foot channel leading from Broad Sound to Presidents Roads, in Boston Harbor. This channel is nearly completed, and it is expected that it will be open for transit this fall.

The light is to be built on what is known as the Northeast Grave. The whole course from Massachusetts Bay to and through the channel is beset with dangers on all sides. Ledges seen and unseen are only avoided by the most careful navigation. This light is absolutely indispensable at this point. To properly utilize the calm weather of the coming summer to build this light-house necessitates prompt action on the part of Congress.

The bill also provides for range lights on Lovells Island and on Spectacle, to insure the safe passage through the channel which is necessarily somewhat devious, and only 1,200 feet wide.

This bill is identical with H. R. 11472, introduced in the House by my colleague, Mr. CONRY of Massachusetts.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LOVERING. Mr. Speaker, I move that the House bill 11472, on the same subject, lie on the table.

The SPEAKER. Without objection, the House bill similar to the one just passed will lie on the table.

There was no objection.

On motion of Mr. LOVERING, a motion to reconsider the vote by which the bill was passed was laid on the table.

### MONUMENT TO WILLIAM E. SHIPP AT CHARLOTTE, N. C.

Mr. BELLAMY. Mr. Speaker, I ask unanimous consent to call up for present consideration House joint resolution 155.

The Clerk read as follows:

Joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

*Resolved, etc.*, That permission be, and the same is hereby, granted the Shipp Monumental Committee, of the State of North Carolina, to erect a monument in honor of the late William E. Shipp on the premises upon which the public building and the United States mint are located in the city of Charlotte and State of North Carolina; said monument to be located under the supervision and direction of the Secretary of the National Treasury and the chairman of the Shipp Monumental Committee; said monument to be presented to the people of the United States by the Shipp Monumental Committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MERCER. Mr. Speaker, I desire to ask the gentleman the size or area of the grounds referred to in that resolution.

Mr. BELLAMY. Mr. Speaker, this resolution simply asks the United States Government to permit a monument to be built on the public grounds in the city of Charlotte. I do not suppose it will take 8 or 10 feet square. It is a small monument the people of Charlotte, N. C., desire to have erected in memory of William E. Shipp, who was so highly complimented by General Wheeler for his gallantry at the charge of Santiago Heights.

Mr. MERCER. I am not discussing the merits of the proposition.

Mr. BELLAMY. Oh, the reservation. I suppose from my knowledge of it, an acre; a large piece of ground. I am corrected by some of my North Carolina friends, and should reply it is about an acre.

Mr. MERCER. About an acre.

Mr. BELLAMY. Yes, sir.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

On motion of Mr. BELLAMY, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

### LOAN OF TENTS TO KNIGHTS OF PYTHIAS ENCAMPMENT.

Mr. LOUD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 11839) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.:

*Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to committee of citizens in charge of arrangements for the encampment of the Uniform Rank, Knights of Pythias, to be held in San Francisco, Cal., August 10 to 20, 1902, and deliver to Charles L. Patton, president and executive director of said committee, 1,000 wall tents, size 10 by 12, with poles, ridges, and pins for each: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property; the same to be delivered to said committee designated above at such time prior to the date of said encampment as may be agreed upon by the Secretary of War and said Charles L. Patton, the number of tents so loaned not to exceed 1,000.

The amendment recommended by the committee was read, as follows:

At the end of line 3, page 2, add the following:

*"And provided further*, That the Secretary of War shall, before delivering such property, take from said Charles L. Patton a good and sufficient bond for the safe return of said property in good order and condition; and the whole without expense to the United States."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

### LIFE-SAVING STATION AT OCRACOE ISLAND, NORTH CAROLINA.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10983) to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on Ocracoke Island, near Ocracoke Inlet, on the coast of North Carolina, at such point as the General Superintendent of the Life-Saving Service may recommend.

SEC. 2. That the character of the equipments and appliances of the station and the station building shall be determined by the General Superintendent of the Life-Saving Service.



The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SMALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE OVER NEUSE RIVER, NORTH CAROLINA.

Mr. CLAUDE KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 12063) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CLAUDE KITCHIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CONTESTED-ELECTION CASE—SPEARS AGAINST BURNETT.

Mr. POWERS of Maine. Mr. Speaker, I move that the House do now take up the report 624, the contested-election case of Spears against Burnett.

The SPEAKER. The gentleman from Maine calls up the privileged report in the election case, which will be read.

The Clerk read as follows:

Resolved, That N. B. Spears was not elected Representative to the Fifty-seventh Congress from the Seventh district of Alabama and is not entitled to a seat therein.

Resolved, That John L. Burnett was elected a Representative to the Fifty-seventh Congress from the Seventh district of Alabama and is entitled to retain his seat therein.

Mr. POWERS of Maine. Mr. Speaker, the Committee on Elections carefully considered this case and listened to the argument of counsel. While the Republican members of the committee found some things that they could not commend, we were satisfied that there were no such number of illegal or improper votes cast for the contestee as would change the result, and therefore the committee have unanimously reported the resolutions which have been read. I now move that the same be adopted.

The SPEAKER. The question is on agreeing to the resolutions. The question was taken; and the resolutions were agreed to.

On motion of Mr. POWERS of Maine, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

#### CONTESTED-ELECTION CASE—MOSS AGAINST RHEA.

Mr. MANN. Mr. Speaker, I call up the privileged report on the House resolution No. 148, reported from Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That John S. Rhea was not elected a member of the Fifty-seventh Congress from the Third Congressional district of the State of Kentucky and is not entitled to a seat therein.

Resolved, That J. McKenzie Moss was elected a member of the Fifty-seventh Congress from the Third Congressional district of the State of Kentucky and is entitled to a seat therein.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Mississippi, who desires to have read a substitute resolution.

Mr. FOX. Mr. Speaker, I offer the following resolution as a substitute, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That J. McKenzie Moss was not elected a member of the Fifty-seventh Congress from the Third Congressional district of Kentucky and is not entitled to a seat therein.

Resolved, That John S. Rhea was elected a member of the Fifty-seventh Congress from the Third Congressional district of the State of Kentucky and is entitled to a seat therein.

Mr. MANN. Mr. Speaker, I understand that the gentleman from Mississippi desires to ask unanimous consent that the substitute resolutions may be considered as pending. To that I have no objection.

The SPEAKER. Without objection, the substitute resolutions will be considered as pending.

There was no objection.

#### REPRINT OF RIVER AND HARBOR BILL.

Mr. MANN. Mr. Speaker, I yield for a moment to the gentleman from Ohio.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that 1,000 copies of the river and harbor bill, passed yesterday by the House, be printed.

Mr. RICHARDSON of Tennessee. I think it would be well, Mr. Speaker, to settle in the order where they shall be placed for distribution.

Mr. BURTON. I take it that they will be in the document room.

Mr. RICHARDSON of Tennessee. Not unless you make the order special.

Mr. BURTON. I have no preference of my own. The im-

mediate object of this request is that the Senate committee may have copies before it so that they may take up the consideration of the bill promptly.

Mr. RICHARDSON of Tennessee. They had better go to the document room, then.

Mr. BURTON. I will ask that they go to the document room.

The SPEAKER. The gentleman from Ohio couples with that the request that they go to the document room.

Mr. RICHARDSON of Tennessee. I suggest, Mr. Speaker, if the gentleman from Ohio will give me his attention, that some of the gentlemen around me think that the number had better be increased to 1,500 copies. There is quite a demand for the bill.

Mr. BURTON. I will modify my request, Mr. Speaker, and ask that the number be 1,500.

The SPEAKER. The request now made by the gentleman from Ohio is that 1,500 copies of the river and harbor bill be printed for the use of the House, the documents to be sent to the document room. Is there objection? [After a pause.] The Chair hears none.

#### CONTESTED-ELECTION CASE—MOSS AGAINST RHEA.

Mr. MANN. Mr. Speaker, I ask unanimous consent that debate upon the pending resolution may continue for eight hours without interfering with District of Columbia business on Monday, and that at the end of eight hours' debate the previous question shall be considered as ordered upon the resolution and pending substitute.

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate on the pending election case shall continue for eight hours, not to interfere with District of Columbia day, which is on Monday next, and that at the end of the eight hours the previous question shall be considered as ordered upon the original resolution and upon the substitute.

Mr. FOX. Mr. Speaker, coupled with that I think it is conceded that the vote will not be taken until Tuesday.

Mr. MANN. That is the understanding, and that would be the result that the vote would not be taken until Tuesday.

The SPEAKER. Does the gentleman desire to couple that with the suggestion of the gentleman from Mississippi?

Mr. MANN. I do.

The SPEAKER. And coupled with that request that the vote will not be taken until Tuesday.

Mr. RICHARDSON of Tennessee. There ought to be a further agreement that the time shall be equally divided.

The SPEAKER. That will necessarily follow. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Now, Mr. Speaker, I ask unanimous consent that the time be equally divided, to be controlled by the gentleman from Mississippi [Mr. Fox] and myself.

The SPEAKER. The gentleman from Illinois asks further unanimous consent that the eight hours be controlled by himself and the gentleman from Mississippi [Mr. Fox]. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, it is never a pleasant duty to perform to attempt to remove from a seat on the floor of this body any person who has taken his seat. The Committee on Elections No. 1 has had no occasion for personal or political feeling either in favor of the contestant or against the contestee. This is the third term of Congress during which I have been compelled to do duty on that committee, and although it is a popular impression throughout the country, and often in legislative bodies themselves, that a committee on elections acts wholly from a partisan standpoint and solely for the purpose of protecting "our rascals," as the expression is sometimes used, I deem it proper to call the attention of the House to the reports which this committee has made upon election cases during the last three Congresses.

In the Fifty-fifth Congress there was referred to this committee seven contested-election cases. Three of these cases were abandoned, so that hearings were not had before the committee. In one of the cases—that of Aldrich against Plowman—the committee reported in favor of the Republican contestant and he was seated.

In three cases which were contested before the committee the committee reported in favor of the Democratic contestees. One of those cases was the case of Goodwyn v. Brewer—a hot contest, where the Republican members of the committee decided in favor of the Democratic contestee.

Another case was that of Crowe v. Underwood, from Alabama, where the committee again decided in favor of the contestee; and I have always been exceedingly pleased that we could find in that way since I have become better acquainted with the gentleman himself. In one of the cases then pending before the committee, the contest was from the same district, with the same contestee as the present case, that of Hunter v. Rhea; and, although in the Hunter case Mr. Hunter had been appointed to an office abroad,

there came before the committee from Kentucky some of its most eminent lawyers and Republican statesmen, who urged the committee, upon the facts of the case, to find that Mr. Rhea was not entitled to the seat. But the committee then, because the case favored upon its merits Mr. Rhea, decided in his favor, without regard to the partisanship of the case.

In the Fifty-sixth Congress there were referred to this committee four contested-election cases. In one of those cases the committee decided in favor of the Republican contestant, Mr. Aldrich, who was seated from the district in Alabama. In one of the cases, which was from Kentucky, the committee decided in favor of the contestee, Mr. Turner, and against Judge Evans, the Republican contestant, who meanwhile had been appointed judge, but insisted that the committee should decide Mr. Turner was not elected. In one of the cases Mr. Davidson, of Kentucky, was the contestant, and Mr. Gilbert, my friend from Kentucky, who sits near me, was the contestee; and the committee again decided in favor of the contestee on the merits of the case.

In the most bitter case, I think, that has been before us—at least since I have been a member—we decided in favor of the Democratic contestee. I refer to the case of General Walker, the Republican contestant, against our friend Mr. Rhea of Virginia who now has a seat on this floor. If there ever was a case in which there was a chance for partisanship, it was that case. In that case for three weeks the committee sat and heard arguments upon the facts in the record, and at the end of that time, purely in the spirit of nonpartisan fairness, it decided in favor of the contestee.

There have been three cases before the committee at this Congress. The House has just passed a resolution favoring the seating of Mr. Burnett, of Alabama, although the contestant in that case, a Republican, urged before the committee, with all the force that he and his friends could command, that there was fraud in the case, and that the contestant, Mr. Spears, was fairly elected. But we decided, not in the spirit of partisanship, but in the spirit of fairness, that Mr. Burnett was fairly elected to the seat he occupies. In one of the cases at this session of Congress referred to us we have decided that neither the contestant nor the contestee is entitled to the seat.

I know it will be charged that in this particular case now pending before the House the committee has decided because of a bias. It is sometimes asked why in these cases the minority does not agree with the majority where the committee reports in favor of unseating the member. I have always taken the position myself, Mr. Speaker, that in a contested-election case, where the proposition is to unseat a member, the minority occupy the position rather of attorneys than judges, while the majority of the committee occupy the position of judges and not of attorneys, and that when the majority of the committee has decided in favor of unseating the member it is the duty of the minority to see that the question is properly argued in the House by making a minority report, so that no man can be turned out of his seat on the floor without an opportunity of having his case heard before the body which should act upon it.

So much for the record of the committee. In the case now before the House we have not determined it upon the basis of a fraudulent election. We have determined this case upon very simple grounds. We recommend to you the unseating of Mr. Rhea and the seating of Mr. Moss because Mr. Moss received, without question, more votes and Mr. Rhea received less votes.

At the outset of this case we were met with the proposition on behalf of the contestant that on the undisputed ballot he had received a majority of the votes. It seems that in the State of Kentucky the law provides that where the judges of election have any doubt with reference to the validity of a particular ballot, the ballot is preserved and returned to the canvassing board as a questioned or rejected ballot; and in this case the contestant claims that if these ballots were counted, as provided by law, where they were clearly subject to be counted, he would be elected on the face of the ballots; and the contestee claimed otherwise.

It happens that in the city of Bowling Green, Ky., there are six election precincts. In one of these 112 ballots were returned as questioned or rejected ballots; in other precincts various numbers; in Electric Light precinct 100 ballots were returned as questioned or rejected ballots, and the question before the committee was, as the question before the House now is, whether these ballots should be counted at all, and, second, whether if they were counted and considered the result would elect Mr. Moss.

I have here on my desk the original ballots, which I shall be glad to have members of the House examine. Under the law of Kentucky, which is the Australian ballot law, the marking of the ballot is made, ordinarily, by the use of a stencil stamp; and it happened that in this city and other places in the district the stencil stamp, which received its ink from an ink pad, was surcharged with ink from the ink pad, and when stamped upon the

ballot and the ballot folded over, made a second impression upon the ballot.

It is as plainly to be seen as anything can be; it requires only the inspection of the eye to determine that the second mark upon the ballot is simply a reprint caused by the folding of the ballot by the voter over the original marking upon the ballot. It is perfectly evident that the second mark on the ballot was not put there for the purpose of identifying the ballot for fraudulent purposes, and it is perfectly evident that the second mark on the ballot was not made by the original stencil stamp. In some cases it was impossible for the committee to determine which was the original mark and which was the imprinted mark, and in those cases or where there seemed to be any doubt to the committee whatever we did not count the ballot.

Now, the law of Kentucky provides for the marking of these stamps by stencil. Gentlemen will notice that some of them are marked with a stencil cross and some of them are marked with the butt end of the stencil. The law says they shall be marked with a stencil cross, but the supreme court of Kentucky has decided that they may be marked with the butt end of the stencil, and when so marked in any way they shall be counted as valid ballots.

Mr. THAYER. How many were there of those you were in doubt about that you did not pass upon?

Mr. MANN. In the Electric Light precinct, which is one precinct, there were 7 ballots marked in the Republican circle and one other circle which we did not count, 4 ballots marked in the Democratic circle and another circle which we did not count. There were other ballots scattered from other different precincts, but, as a rule, the majority of the ballots which we did not count were marked in the Republican circle as one of the circles and not in the Democratic circle; so that by refusing to count those we did not give any advantage to the contestant, but gave an advantage to the contestee.

Now, Mr. Speaker, when we were determining this case the committee first, without determining whether the ballots should be counted as valid ballots or not, because there might be a difference as to one precinct or another precinct, appointed a subcommittee to examine the ballots and report upon the ballots from the various precincts which are in the record. That subcommittee called together the contestee, the contestant, and all the members of the committee, when the principal ballots in the case were counted—those from Warren County—and as each ballot was examined by all of these members who chose to look at it, a dictated statement was made to a stenographer, so that we all, or both sides, had a complete description of these ballots as they were in the record without controversy.

Subsequently the gentleman from Maine [Mr. POWERS] and myself, who were the Republican members of the subcommittee, again went over these ballots. Subsequently, I think, Mr. POWERS went over them by himself. I know that I have been over these ballots two or three or more times, making minutes, to discover if there could be any question, by examining the particular ballot at different times, as to which was the original stencil mark and which was the imprint. For myself, in reference to a case of this sort, I may say that until the full statement of my opinion upon each of these cases—each of these precincts—had been footed up by my secretary, I never knew whether my conclusion seated the contestant or the contestee, the case was so close; because, in the first place, I may say that the contestee upon the face of the returns had a majority of 156 in a vote of nearly 40,000.

Upon the vote, as we make it in the House here, where we only count what we consider the undisputed result, we give the contestant a majority of only 21. It was so close that I was not willing to permit myself to be subject to the political bias of partisanship in deciding upon the question as to whether the particular ballot or the ballot from the particular precinct should be counted; and as I went through these ballots writing an opinion for myself upon the ballots from each precinct in question, determining in my own mind whether the ballots should be counted, and if so how many should be counted, I never knew until this had all been footed up by my secretary what the result would be; whether it would give Mr. Moss a majority or continue a majority for Mr. Rhea.

Various members of the House have now examined ballots which were returned from the Electric Light precinct No. 20, in Warren County, and I laid those ballots particularly open, because the minority of the committee in their minority report laid particular stress upon this particular precinct. In addition, Mr. Speaker, to the ballots which bear the impress, I desire to call the attention of the members of the House to another set of ballots which were rejected, and these last were all rejected in one precinct. When they went to count the ballots in this precinct, which is Police Court precinct No. 21, in Warren County, the clerk of the election called the attention of the judges of the election to a number of little pencil marks upon the ballot. These



pencil marks are all different in shape, located generally in the upper right-hand corner of the ballot, but sometimes on other portions of the ballot.

They are of different styles, evidently all made with the same kind of a lead pencil—a soft, thick lead pencil—and usually a little mark, less than a quarter of an inch in length, probably placed there, undoubtedly placed there, either by accident or by design, by the election clerk himself, who called attention to them; and because these marks were upon the ballots the judges returned them as rejected.

I do not criticize the judges of election for doing this. The law forbids a ballot to be counted which has upon it a mark placed there by the voter for the purpose of fraudulent identification; and it may be very proper that the judges of election in deciding a matter of this sort offhand should say, "We have doubt whether these ballots should be rejected or counted, and we will send them up where they can be considered in proper order by a proper body."

This precinct, where these ballots are marked with a pencil, is the only precinct where we lay any stress on claims whatever upon the question of fraud; but it is perfectly patent that in this precinct the clerk of election committed fraud by making these marks upon the ballots.

Mr. FOX. I should like to interrupt the gentleman.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. MANN. I do.

Mr. FOX. You will agree with me that there is no testimony as to who placed the marks on the ballots?

Mr. MANN. I will agree that there is no testimony as to who placed the marks upon the ballots, although the effort was made in the testimony on behalf of the contestant to show that the clerk of election did it. I do not think the evidence proves that fact. I do not think it is material as to who placed the marks upon the ballots.

What are the facts in the case? Under the Kentucky law there are two judges of election, a clerk, and a sheriff. The clerk of election handles the ballots; the clerk of election gives out the ballots to the voters; the clerk of election writes his name upon the back of each ballot as it is given out; the clerk of election has the ballots under his hand, with a pencil in his fingers, and in this case we must either presume that the clerk of election made these marks or that they were made for the purpose of fraudulent identification, and anybody who will look at the ballots can see that the marks are not made in such a way as to identify them at all.

Mr. HEMENWAY. There are Democratic ballots so marked, are there?

Mr. MANN. There were several Democratic ballots so marked.

Mr. HEMENWAY. Are they given credit for them?

Mr. MANN. They are not. They were all rejected in the record. Of course we have nothing but the rejected ballots before us.

Now, the law of Kentucky provides also that there shall be two stubs to the ballot, one on each end. Gentlemen will notice that on all of these ballots there is something torn off from each side. The ballots are sent out to the election precincts in a book form. There is a stub at the upper end of the ballot, and when the voter comes in to vote the clerk of election writes the voter's name, his residence, and the number of the ballot upon the proper stub of the ballot.

He also writes the voter's name and the number of the ballot upon the lower stub of the ballot. I speak of it as the "lower" stub. These ballots were illegally printed by a Democratic election commissioner, in violation of the law. The stubs should have been, one at the upper end of the ballot and the other at the lower end.

The voter then takes the ballot into the booth and marks it, folds it up, and returns it to the judge of election or hands it to one of the judges of election, who tears off the lower stub of the ballot, opens the stub, identifies the voter, and then deposits the ballot in the ballot box. I am not sure but that in this respect it is the most perfect election law I have ever seen.

In the city of Bowling Green—and this is a matter which was not dwelt upon in the contest before us—every ballot was printed illegally by the Democratic election commissioner. And I may say one of the tribulations and trials which a committee on elections has to undergo is that very seldom is an election case properly presented before us. The minority of this committee, in their minority report, quote certain sections of the Kentucky election law, although those sections had been repealed before the election was held and although the election was held under a subsequent act. Yet in the briefs presented to us, both on the part of the contestant and contestee, the matter is never referred to that a new election law was adopted only eighteen or twenty days before the election under which it was held. The brief of the contestee quotes the election law of the State of Kentucky,

although that law had been repealed and the election was not held under it.

Now, the law which was passed in October, 1900, just before the election was held, provided that these ballots should be so printed that the stubs should be one at the upper end of the ballot and one at the lower end of the ballot, and not at the side of the ballot. We lay no stress upon this fact, except that this illegal printing of the ballots, in the form in which they were, by one of the Democratic commissioners of election in that county, who was a printer, is the cause of folding these ballots in such a way that the second imprint upon the ballot appears in another circle at the head of the ticket. If the ballots had been properly printed they would not have been folded as they were, so as to leave a doubt on 112 ballots in one precinct, on 100 ballots in another precinct, and on a large number in various other precincts.

This seems plain enough, and no doubt members of the House say, "Why, if that is the case, can there be any question about the results? Where does the contest come in?" I may say to you that the question is principally one of identification of ballots. The Kentucky law provided—the old law—that a ballot rejected or a questioned ballot should be returned in a sealed envelope with the election returns. Under the law as it existed prior to October, 1900, the ballots which were counted and not questioned were destroyed immediately after being counted.

Ballots which were not used were destroyed immediately after being counted. Ballots which were rejected or questioned were directed to be returned in sealed envelopes with the election returns. The act of October, 1900, passed a few days before this election was held, provided that the ballots counted and not questioned should be sealed up and returned in a sealed envelope, and sent inside of the ballot box to the county clerk; that the ballots which were rejected should be sealed in another envelope, in a linen envelope, sealed with sealing wax, with the seal of the county impressed upon the wax, with the names of the judges written across the flap, and that they should be returned to the county clerk as a part of the election returns.

The law also provides that judges may count ballots and return them as questioned ballots, so that the judges have the right to reject a ballot which is a questioned ballot and to return a ballot as questioned which has been questioned. The law provides that the judges shall return with these ballots a true statement showing whether they have or have not been counted, and if counted, for whom.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. THAYER. As I understand, you have here before you all the ballots that were thrown out in the whole district. Am I correct about that?

Mr. SMITH of Kentucky. Not thrown out.

Mr. THAYER. Not counted?

Mr. MANN. I do not think they are all here. I will say to the gentleman from Massachusetts that the ballots were all referred to in the evidence, but they were not all offered as exhibits, because of the fact that in some cases there was no question that the ballots were properly rejected.

Mr. THAYER. Now, as I understand, some of these rejected ballots have been counted for either one of these parties. Have you got those that you threw out and did not count for either? Have you got the number that you did not count for either here?

Mr. MANN. They are all here. We have the entire record here.

Mr. THAYER. Have you, by themselves, those that you did not count for either party?

Mr. MANN. It is perfectly evident that we have not, for all these ballots are bound by the Clerk of the House in these books. I would be very glad to show the gentleman some of the ballots in the record which we did not count.

Mr. THAYER. I think it being so close we ought to scrutinize each one of these ballots, and each member determine for himself whether it should be counted for either of the parties or not.

Mr. MANN. Why, of course, that is the privilege of the members of the House, and I would be very glad, indeed, to allow everybody else to examine these ballots for himself. I know that I spent three or four weeks of solid work in this case, and I am perfectly willing that the gentleman from Massachusetts should take these ballots home with him and take the printed record and investigate all of these ballots. If he so desires it would be a pleasure for me to afford him an opportunity.

Mr. THAYER. I did not know but what the committee had done so, and that it could be easily referred to.

Mr. MANN. If the gentleman will read the report of the majority of the committee he will find the ballots referred to particularly from each precinct and a description given of every ballot which we count, and every ballot in those precincts which we do not count, and the reason for it.

Mr. THAYER. We might be better satisfied if we inspected



them and came to our own conclusion. That is the point of my inquiry.

Mr. MANN. The ballots are practically all here for inspection, Mr. Speaker. The gentleman has been here for some time. If he finds an objection to the character of the ballots on inspection, he has the right to make that objection known. There is practically no difference about the character of the marks upon the ballots. It is true that a particular ballot might have a little stronger imprint than another, but the character of the ballot is the same through the district.

Now, Mr. Speaker, the reason they give in this case for not wishing to count these ballots is that under a decision of the supreme court of Kentucky they claim the ballots are not sufficiently identified. In a case in the Kentucky court of appeals it was decided in reference to these rejected ballots that they must be sealed up properly and accompanied with a proper true statement. And although this language was not necessary to the opinion of the supreme court in that case, we claim that we do not conflict with it in any way whatever, and I will read to you the foundation of the claim upon which the minority rests its case.

Referring to the statute requiring that a true statement shall be returned with the ballots, showing whether they have or not been counted, the Supreme Court says:

Moreover, section 1476 seems to prohibit such a statement being made upon the ballot itself as was done by the clerk in the case referred to. Consequently, the statement, in order to carry with it verity, must be made on a separate paper, signed by all the officers of election; and its relation to the particular ballot it refers to must be clearly shown by attaching them together, or in some other satisfactory manner, and sealed up and returned to the clerk of the county court with the returns of the elections.

Now, the contestee claims that in this precinct where there were 112 rejected ballots, it was the duty of the judges of election to make separate statements and attach one to each one of the 112 ballots, stating that that particular ballot had not been counted. It must be remembered that the law of Kentucky provides no blank form for this purpose. There is no form sent out by the election officers to the election judges. The contention of the contestee is that it was the duty of the judges of elections, the mandatory duty of the judges of elections, to write out a statement, "This ballot was not counted," signed by each of the election officers, and in some way attach it to the ballot.

I may say, in passing, that it has been one of the things that I can not understand how marking a ballot on the back identifies it, but fastening a paper to it does not. The supreme court of Kentucky says you can not make this statement on the back of the ballot, because that is forbidden by the law which forbids making an identifying mark of any kind on the ballot. But you can put it on a separate piece of paper and attach that paper to the ballot. That is a distinction that requires the fine acumen of my friend from Mississippi or the gentleman from Kentucky.

We say in this case that the law has been complied with and that this decision of the supreme court of Kentucky has been complied with. The court of appeals of Kentucky said that this statement should be attached to the ballot or made in some other satisfactory manner, sealed up, and returned to the clerk of the county court. In each case where we have counted rejected ballots we have found in the record the return of the judges of election certifying to these rejected ballots, certifying to the number of ballots rejected, absolutely identifying the ballots from the time they left the judges of election until they appeared in the committee room here in the House.

Now, I call the attention of the House to what the judges of elections actually did do. The contestee claims that there should have been a statement attached to each ballot. The law does not so state. The supreme court does not so state. The minority of the committee selecting, I suppose, what they considered to be the strongest precinct in their favor in their report selected Electric Light precinct No. 20, and this is what the minority of the committee say:

There is not only wanting the certificate required by law to identify these ballots, but in some instances there is not even parole evidence offered to prove them.

It is alleged that 100 ballots were rejected at Electric Light precinct, Warren County; not one of the officers of the election at that precinct testified, and Edley, the Republican county clerk, testified, page 27 of the record, as follows:

"Q. How many ballots were returned, if any, from the Electric Light precinct, No. 20, and how did they come to your hands?"

"A. There were 100 returned by the election officers of said precinct in a linen envelope duly sealed."

And the minority of the committee further say:

It also appears from the return of the officers of election at this precinct, page 12 of the record, that there were 44 votes in addition to those cast and those questioned that are wholly unaccounted for by the testimony, and non constat that these were not a part of the ballots in the record.

They take this as their strongest case, Electric Light precinct, where we have counted the 62 rejected ballots for Moss and 26 for Rhea, rejected a portion of them, and they laid particular stress that in this precinct the ballots are not sufficiently identified by the judges, or in the case at all.

Here is the record. The record shows that the ballots were pro-

duced by the county clerk of Warren County, who testified that these ballots were returned to him by the judges of election; that they were opened by the board of election canvassers at the proper time, and that they had remained in his custody ever since; and upon this linen envelope in which these ballots were returned appears this indorsement: "None of these ballots have been counted for anyone," signed by all the officers of election, all four of them.

Now, the only trouble in reference to any statement is that the law provides that the questioned ballots which have been counted and the questioned or rejected ballots which have not been counted, but have been rejected, shall be returned in the same envelope, and without a statement it would be impossible for the election canvassers to determine whether a ballot which they found in the record subject to be counted had been counted or had not been. And that is the reason for having a "true statement" made.

But here is the statement on the outside of this linen envelope: "None of these ballots have been counted for anyone;" and that is signed by all the election officers. What sense is there in saying that these election officers should have been compelled to write out 100 of these statements—practically a physical impossibility—after the votes had been counted and the returns made out on the night of the election? How can anyone reasonably say that the ballots are not identified because each one of them has not attached to it a statement that that particular ballot had not been counted?

Now, that is not all. The return of the election officers from this precinct, as from all other precincts in the State where the law was complied with and where we have counted any ballots, sets out the number of ballots which have been cast, the number of ballots which have been counted, the number of ballots which have been rejected, the number of ballots which have been marked "spoiled," and the number of ballots which have been destroyed because not used. In the Electric Light precinct, which gentlemen choose to set out as their special precinct, the election officials returned the number of ballots counted as valid, 264; the number of ballots questioned or rejected, 100; the number of ballots marked "spoiled," 10; the total number of ballots cast (which of course did not include the "spoiled" ballots), 374.

Here is another absolute certificate that there were 100 rejected ballots—another compliance with and true statement of the law—that these ballots had been rejected—all of them.

Here are two statements, each not only a compliance with the law, but each a compliance with the decision of the court of appeals of Kentucky, that the "true statement" was to be returned sealed with the election returns. Each of these statements was returned with the election returns. One of them was the election return itself sealed in an envelope, and the other was the indorsement upon the other sealed envelope that none of the ballots had been counted.

I am perfectly willing to rest my case upon the question whether a general certificate, embracing all the ballots, is a compliance with the law, or whether the judges of elections must write out and attach to each separate ballot a certificate, although not required by law or by the decision of the supreme court of Kentucky.

Now, Mr. Speaker, this case which the gentlemen on the other side rely upon—the case of *Anderson v. Likens*—is not the only case which the supreme court of Kentucky has decided in reference to election matters. That case was decided by the court of appeals of Kentucky November 19, 1898; but in a case subsequently decided by the court, the court passed upon other ballots and came to other conclusions. In the case of *Booe v. Kenner*, which was decided subsequently to the case of *Anderson v. Likens*, the supreme court of Kentucky, while not referring to a description of the ballots themselves, while not deciding the points of law in the opinion, passed upon the ballots in this language:

In answer to this we will add that we have carefully examined the record and are satisfied that the decision of the county canvassing board in giving Dudley the certificate of election was right; that the intention of the voter can be determined from an inspection of several of the ballots rejected by the court below, and that on the merits of the case the mandamus should be denied.

Here was an expression of opinion that the Supreme Court had decided upon the record in the case of *Booe v. Kenner*, and that upon the merits of the case the court below was right.

Mr. FOX. Has the gentleman the original volume of that report?

Mr. MANN. Mr. Speaker, I do not know who has the original volumes of any of these cases. I have not been fortunate enough to get hold of any of the court reports during the last week. I supposed the gentlemen on the other side had them.

Mr. BOWIE. The report has been in the possession of the gentleman from Iowa [Mr. SMITH]. I handed it to him myself at his request.

Mr. MANN. I am not reflecting on anyone.

Mr. SMITH of Iowa. It can not be disputed that the gentleman from Texas [Mr. BURGESS] got it from me.



Mr. MANN. I have been chasing for these reports, and they seem to have been going round in a sort of merry-go-round.

Mr. Speaker, I had the original report. I had the original record from the clerk of the court of appeals of Kentucky. I know what the court decided because I have examined the original record of the case. I have the original ballots which the court of appeals of Kentucky said were properly counted. They were rejected ballots. There was no "true statement" attached to those ballots. The court of appeals of Kentucky said that they had examined those ballots and that they were properly counted; and in this case the county canvassers had counted 7 ballots for the Democrats and 2 ballots for the Republicans—rejected ballots—and that had changed the result.

I have the 7 ballots which were counted to change the result, which the supreme court of Kentucky said was a proper result. There is no "true statement" attached to any of these ballots. There was no "true statement," such as the gentleman on the other side of the aisle insist upon, connected with any of these ballots, and there are ballots in this case exactly like the ballots which we have in the matter pending before the House. Here is a ballot which I will defy anybody on the floor of this House to determine as to whether the original mark was made in one place or in the other, and yet the court of appeals of Kentucky said that it should be counted for the Democratic candidate for county clerk.

The gentlemen who are opposed to contestant make another point in this case: In each of the ballots in Kentucky there is a blank space below the name of the candidate large enough in which to write the name of another candidate, and there is a square opposite not only the name of the candidate, but a square opposite the blank space. It very often happens that the voter, in voting, marks his cross in the square opposite the blank space below the name of the candidate instead of in the square opposite the name of the candidate. In those cases in the pending contest we counted them, because the law of Kentucky says that no ballot shall be rejected where you can arrive at the intention of the voter, and we thought it clear that where the voter had marked the blank space below the name of the candidate, the two places being inclosed, he intended to vote for the candidate whose name was printed in connection with it.

At that time I had not seen the decision of the supreme court of Kentucky in the case of *Booe v. Kenner*, but in these original ballots, which the court of appeals of Kentucky said should be counted, there are several ballots, I may say to my friend from Mississippi, where the court of appeals counted a ballot where the only mark was in the blank space below the name of the candidate. I shall be delighted to present for examination to my hypercritical friends from Kentucky and on the minority these ballots passed upon as legal by the court of appeals of Kentucky, and let them reconcile the opinions of that court in accordance with their own suggestion.

It is not my intention, Mr. Speaker, to weary the House with these matters. I know very well that in matters of this kind the House must depend largely upon the opinion of the committee which makes the report. It is with that consciousness that the members of the Committee on Elections have attempted to decide this case fairly and impartially upon its merits, believing and hoping that whatever may be done with this particular case the members of that committee might merit and receive the confidence and approbation of their fellow-members on the floor of this House. Mr. Speaker, I would not for any consideration vote to turn a man out of a body which I believe to be the greatest body of men on earth if I thought that he had even a reasonable chance of doubt in his behalf.

The contestant in this case was a Republican candidate. I do not know whether he is a Republican or not. I do not care what his present politics may be. He had been a Democrat in former years. In the break-up of political alignment in Kentucky he became allied to the so-called anti-Goebel Democrats. I know not and I care not, so far as this contest is concerned, what his politics may be; but I thoroughly believe that he received a majority of the votes cast at the election, and although that majority is small it makes no difference in the chance and luck of elections whether the successful candidate receives 1 majority or 50,000 majority; he is as much entitled to his seat upon a majority of 26 as he would be entitled to a majority of 26,000.

You will notice, Mr. Speaker, that I have not referred to the Goebel election law of Kentucky, and it is not my purpose to indulge in any special comments upon that law, which did not affect and which does not control the method of voting in that State. This election was held while the Goebel election law was in force. The Goebel election law provided for the selection of three State election commissioners by the State legislature. It provided that these three State election commissioners should select three county election commissioners in each county. It provided that these three county election commissioners should select

four election officers in each precinct, to be divided equally between the parties.

The only criticism I have to make in reference to that is that if you place the power of elections wholly in a partisan body elected by another partisan body, absolutely removed from local influences, and then provide that if these judges of election fail to perform the duties of their office you can not count the ballots on the one hand or prosecute the election officers on the other hand, then all hope of fair elections is forever removed. I make no claim that such action was taken in this case. I make no criticism on the precinct election officers in this case; but if the law provided, as contended in behalf of the contestee, that it was the duty of these election officers to attach to each of the rejected ballots in their precincts a separate statement, stating that these ballots had not been counted, then I say that it is placing upon election officers an opportunity such as they have nowhere else, and then I say it is the result also of partisan selection of election officers removed from local control.

Why, you can not prosecute one of these election officers for not attaching a certificate to each of these ballots. The law does not provide for it. You could not prosecute one. There is no evidence of intent to commit a crime. There is no evidence that the people did not intend to be absolutely fair. They complied with the law; they complied with the decision of the court; they complied with the statute, and if the law were otherwise they endeavored to comply with it. But suppose we say that it is the duty of the judges to do so and so, and the judges are all partisan judges, selected for partisan purposes, removed from local control, where the people of the county can not rebuke them in any way, and then say that they have the power to throw out all of the Republican ballots or all of the Democratic ballots in a precinct, and there is no way of getting at it.

The gentleman may smile at the idea of throwing out all of the Republican ballots in a precinct; but remember that in the one city of Bowling Green more than 300 ballots which are entitled to be counted were rejected by these judges of election, and probably rejected honestly. If they knew they had the power, without molestation by law, to elect a man to an office by simply saying, "There is a question about a ballot and we reject it," there is absolutely no security for honest elections.

Mr. Speaker, I should be very glad, if any member of the House wishes to ask any particular question in regard to this matter, to explain it as far as may be within my power.

Mr. PALMER. How did you identify the rejected ballots?

Mr. MANN. The rejected ballots, under the law, were inclosed by the precinct election officers in a large official linen bag, such as I show to my friend from Pennsylvania. This bag is an official bag, furnished by the county clerk. After the rejected ballots were placed in a bag, it was sealed with sealing wax, and the county seal is impressed upon the sealing wax in this case. It should be in every case. It is sealed across the flap and the names of the election officers written across the flap.

Mr. PALMER. That bag contains nothing but the rejected ballots?

Mr. MANN. This contains nothing except the questioned, rejected, and spoiled ballots. In this case which I refer to, and in every case where we counted any ballots, the certificates of the officers show that all of the ballots from that precinct were rejected, and that there were no questioned ballots. There are cases in the record where some ballots are rejected and some of the ballots are questioned, without a statement telling which of the ballots are questioned and counted and which are rejected, and in those cases the committee did not count anything from the precinct.

Mr. PALMER. Is there any evidence before the committee as to the reasons for which the judges rejected the ballots?

Mr. MANN. Oh, there was parole evidence, yes; but the reasons are quite plain upon the face of the ballots, I think.

Mr. PALMER. That was because the marks appeared in two circles?

Mr. MANN. Yes.

Mr. PALMER. What did you do with the ballots that had the pencil marks on them?

Mr. MANN. We counted them. The law of Kentucky provides, not that a ballot shall be rejected if it has an identifying mark upon it, but that it shall be rejected if the voter, for the purpose of committing fraud, places an identifying mark upon it.

Mr. SMITH of Kentucky. I beg the gentleman's pardon. He is mistaken in that proposition.

Mr. MANN. Well, I beg the gentleman's pardon, but I am not mistaken in the proposition.

Mr. SMITH of Arizona. The law will show.

Mr. PALMER. Was there any evidence in this case that the identifying mark was put upon the ballot by the voter, or was it in evidence that it was put on by the clerk?

Mr. MANN. The only evidence in the case was a sort of guess

evidence introduced in behalf of the contestant for the purpose of showing that it was put on by the clerk, but the evidence did not prove that fact. There was no evidence tending to show that it was put on by anybody else, including the voter.

Mr. SMITH of Kentucky. Now, if the gentleman will permit me, I made the statement, in contradiction of his statement, that where there was a distinguishing mark upon the ballot it could not be counted. The gentleman said that if the voter had put it on it could not be counted.

Mr. MANN. I still say that.

Mr. SMITH of Kentucky. I say if it is there at all, the ballot can not be counted.

Mr. MANN. The gentleman is mistaken.

Mr. SMITH of Kentucky. I read from section 1570 of the election law:

Any ballot having any of the distinguishing marks mentioned in this section shall not be counted for any candidate voted for at that election.

If that is not as plain as a sentence can be drawn, I should like to know how it could be made any plainer.

Mr. MANN. It is perfectly plain, and I will read to the gentleman what the section says. What the gentleman quotes is:

Any ballot having any of the distinguishing marks mentioned in this section shall not be counted.

Now, what the section says is:

If any person shall induce or attempt to induce any elector \* \* \* to place on his ballot \* \* \* any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted—

That is the section.

Mr. SMITH of Kentucky. Yes; I agree that the section contains that language.

Mr. MANN. And it refers to a case where the elector places the distinguishing mark upon the ballot.

Mr. SMITH of Kentucky. I beg the gentleman's pardon—

Mr. MANN. Oh, I beg the gentleman's pardon. I can read. The section expressly says:

To induce any elector \* \* \* to place on his ballot \* \* \* any sign or device of any kind as a distinguishing mark.

Mr. SMITH of Kentucky. Will the gentleman permit another question?

Mr. MANN. Certainly.

Mr. SMITH of Kentucky. That book you exhibit contains not alone the rejected ballots, but it contains those ballots that may have been questioned and counted. They are put in together. Now, I want to know how your committee distinguished the ballots put into these books that had been merely questioned and counted and those which have been rejected. You find in that book 20 ballots. Now, how can you tell which particular ones of those ballots were simply questioned and counted and which ones were rejected and not counted?

Mr. MANN. If a portion of the ballots were rejected and returned, I do not know how I could tell without a particular statement.

Mr. SMITH of Kentucky. How, then, can you tell whether a portion had been questioned and counted or a portion had been questioned and rejected, or whether they had all been rejected? How can you ascertain that proposition?

Mr. MANN. I am frank to tell you how I arrive at that conclusion.

Mr. SMITH of Kentucky. Yes.

Mr. MANN. I refer to Electric Light precinct, No. 20. That is a fair sample by way of illustration. Now, the precinct judges of the election, or the election officers, return in their statements the number of ballots counted as valid 264, number of ballots questioned or rejected 100, number of ballots cast 374. Now, it seemed perfectly evident to the committee that 374 ballots were cast, and 274 were counted, and 100 returned as questioned. Those 100 were not counted, and hence were rejected. Now, I do not know whether that is a correct conclusion or not; but it seemed to me just as patent as to say that one and one make two.

Mr. SMITH of Kentucky. I think the gentleman is very much in error. Let us see.

Mr. MANN. Well, let us see if I am mistaken; 100 and 274 make 374. I can understand nothing more clear than that.

Mr. SMITH of Kentucky. Listen, will you? The total number that is counted as valid is 274; the number of ballots questioned and rejected, 100. Now, you do not know how many of that 100 were included in those that were counted as valid.

Mr. MANN. Yes, I do.

Mr. SMITH of Kentucky. How do you know?

Mr. MANN. We have here the statement that 374 ballots were cast, and they counted 274, and there were 100 they did not count, and they have so certified to that 100.

Mr. SMITH of Kentucky. Then that 100 were questioned or rejected—questioned or rejected?

Mr. MANN. Yes.

Mr. SMITH of Kentucky. There are a number of them that were merely questioned, and counted in the 264.

Mr. MANN. What became of the other ballots?

Mr. SMITH of Kentucky. That is a question you will have to ask the election officers.

Mr. MANN. You wish me to impeach the returns? We take the returns.

Mr. SMITH of Kentucky. No; I do not.

Mr. MANN. We accept the return of the election officers, which says that they had 374 votes cast. They have only counted 274, and they have rejected 100. Now, we find 100 here in the bag, which you contend are questioned ballots. You contend that they are questioned or rejected. But there were only 100 ballots there. If they were not all rejected, then the official returns of the officers are false.

Mr. POWERS of Maine. If the gentleman will permit me to suggest, the questioned ballots that are counted are placed in the box, to which each of the election officers has a key.

Mr. MANN. Certainly.

Mr. POWERS of Maine. Only those that were counted are put in that book, and this report is made.

Mr. MANN. The gentleman is to a certain extent correct and to a certain extent not correct.

Mr. SMITH of Kentucky. That is true.

Mr. MANN. All the ballots are counted. The questioned or those rejected ballots are sealed up in one envelope and put in the ballot box. The ballot box has two keys—one in the possession of one of the Democratic judges and one in the possession of one of the Republican judges—and it takes both keys to open it. Here, now, all the ballots were found, so that there were 374 ballots cast; 274 of those are counted as ballots not questioned.

Mr. SMITH of Kentucky. They are counted as ballots. They may have been questioned, but they are counted as ballots.

Mr. MANN. Very well; 274 were counted as valid and 100 were not counted as valid, and that means that 100 were rejected.

Mr. SMITH of Kentucky. There is no statement in the certificate to that effect at all. There is 100 either counted or rejected.

Mr. MANN. Not at all; there were 100 rejected.

Mr. SMITH of Kentucky. One-half of them may have been included in those counted.

Mr. MANN. It is a matter of arithmetic. If the gentleman says that a portion was included in the 264 counted, what became of the rest of the ballots?

Mr. SMITH of Kentucky. I do not undertake to account for them. I am undertaking to show the gentleman that the general election certificate can not be made to take the place of a statement that our statute requires shall accompany the ballots for the purpose of identification.

Mr. PALMER. What is a questioned ballot?

Mr. MANN. A ballot that is counted and the validity of which is questioned by a judge of election. It may be counted by the election officers, but still it is returned as a questioned ballot.

Now, there are cases in this record where it is impossible to tell whether the ballots were rejected or whether they were questioned merely, and in this case we have not counted them at all. But it is as plain as that 1 and 1 make 2 that in this precinct the 100 ballots which were not counted were rejected ballots. That is a mere matter of arithmetic. In that particular precinct, and that is one which the gentlemen on the other side have dwelt upon most strongly in their opinion, and I call the attention of the House to the fact that there is a certificate over the signatures of the four election officers stating that not one of them had been counted for anybody.

Mr. SCOTT. Is it not true that the ballots that were questioned and counted were deposited in the ballot box?

Mr. MANN. It is true that in that precinct there were no ballots questioned. If there had been ballots counted and questioned they would have gone with the rejected ballots, but the returns show that there were no ballots questioned and counted. The returns in other precincts show the same thing.

Mr. PALMER. What you want is to get an honest return?

Mr. MANN. Not so much an honest return as to find out who upon the record was fairly elected to the office under the Kentucky law and in accordance with the Kentucky statutes and the decision of the Kentucky court of appeals.

We have taken the court of appeals of Kentucky as a guide for determining the Kentucky election law, although we have never considered that we were bound, so far as the rule of evidence was concerned, by the construction of the Kentucky court of appeals; but, so far as the result is concerned, we have absolutely followed not only the Kentucky statutes, but the Kentucky court of appeals' decisions.

Mr. PALMER. Why did you not count the ballots not questioned and not counted for somebody?

Mr. MANN. Well, we find a case like this, for instance: We find a return like this in Logan County, and there were severe



charges of fraud made by the contestant against the contestee's case in Logan County. If I remember rightly, the contestee's brother is one of the election officers in Logan County.

Mr. RHEA of Kentucky. I beg the gentleman's pardon. He is an election commissioner, and has nothing to do with the conduct at the polls on election day.

Mr. MANN. Well, I call an election commissioner one of the election officers. But, as far as the case shows, there was no proof of fraud on his part at all. But this occurred: In a certain precinct, Ferguson, No. 10, the judges of the election made this return:

Number of ballots counted as valid .....	245
Number of ballots rejected .....	0
Number of ballots marked "spoiled" .....	0
Whole number of ballots cast .....	21
John S. Rhea received .....	168
J. McKenzie Moss .....	85
Total .....	253

So here was a case where they certified to 21 ballots cast and 245 as counted, and they made 253 votes for the two candidates for Congress. But we did not pay any attention to that case at all. I do not know but that we would have had an excuse for throwing out the returns. We found rejected ballots coming from that precinct, or what was claimed to be rejected ballots. We found ballots in the record there questioned, rejected, or spoiled, and we could not determine, and we did not attempt to determine which.

Mr. RHEA of Kentucky. The gentleman does not mean for the House to understand that my brother signed that certificate or was an election officer or in any capacity was present at that polling place?

Mr. MANN. I hope the House did not misunderstand me. I have not the slightest doubt that if the gentleman's brother had been an election officer the ballots would have been properly returned.

Now, there are other cases. We found a case at precinct No. 4, Logan County. In this precinct the election officer made a statement like this:

Whole number of ballots cast .....	357
Whole number of rejected ballots .....	6
Whole number of ballots marked "spoiled" .....	1

We find in the record, in connection with the envelope returned for precinct election officers, an envelope marked "spoiled and contested ballots," and in that we find 8 ballots. The record seems to show 3 ballots were counted by the precinct officers, and 3 not counted. It is impossible to tell which of the 8 ballots in the record, if any, were rejected ballots, which of them were counted, and which of them were not counted by the precinct officers, and therefore we counted not any of them.

Mr. SMITH of Kentucky. As I am reasonably familiar, I think, with the election law of Kentucky, the gentleman will allow me to make a suggestion. Take a precinct in which 300 votes have been polled. There are 100 of them questioned; but of those the precinct officers count 50. In their general statement or certificate they say that 250 votes have been counted as valid. The next item is questioned or rejected ballots, of which they say there were 100, which, added to the 250, would make 350 votes polled. That is the gentleman's method of getting at his result. The truth, however, would be that of the 100 questioned ballots 50 had been counted and included in the specification of the 250 votes counted as valid. That is the difficulty with the gentleman's method of computation.

Mr. MANN. In every one of these cases we have verified the number of votes counted as valid by examining the returns as to how many votes were actually cast for the different candidates. What the gentleman supposes to occur would be an absolute impossibility.

Mr. BURGESS. Allow me to ask the gentleman from Illinois a question. The original ballots returned as valid are not in the record, are they?

Mr. MANN. Of course the original ballots are in the record.

Mr. BURGESS. Those that are here mentioned as returned ballots, are they in the record?

Mr. MANN. Oh, the original ballots which were counted as valid and not questioned are not in the record.

Mr. BURGESS. Very well; now, this was a general election, in which candidates for all offices were voted for. My question is this: The gentleman asserts that we can determine that certain ballots were rejected, because the returning officers recite so many questioned and rejected ballots; and then he claims that by the mere process of addition you can determine that all those were rejected. Now, I ask the gentleman how he can do that when he can not determine that the 100 ballots, we will say, counted as valid were any of them for Mr. Moss or Mr. Rhea, except the number recited, which in each instance is short of the valid number of ballots?

In other words, in a general election, a voter may have voted for county clerk and no other officer, for sheriff and no other offi-

cer. That ballot may have been counted as a valid ballot, and a questioned ballot may have been counted for Mr. Rhea. In such a case these returns will not demonstrate that it was a rejected ballot. Hence the gentleman's whole argument falls to the ground as not being consistent with the returns.

Mr. MANN. Well, Mr. Speaker, I would not wish to say for a moment that the gentleman's arithmetic is not good, but I suggest to him that he examine the figures in the case. I have simply cited one case. They are all alike. In every case we have counted the ballots as plain as anything can be. Here are, we will suppose, 374 ballots on the table. The election officers lay aside 274 which they have counted and 100 which have not been counted for anybody. It is perfectly evident that if they have received 374 ballots and have counted only 274 there are 100 ballots which have not been counted at all. If the gentleman can not understand that arithmetic, I confess my inability to enlighten him on the point.

Mr. WHEELER. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. WHEELER. If a ballot were cast for county clerk of Warren County and not voted in the Congressional race, would it not, under the Kentucky law, be mandatory upon the precinct election officers to certify that vote as having been cast as a valid vote?

Mr. MANN. I am not sure that I understand the gentleman's question.

Mr. WHEELER. If in a general election some one voted for county clerk—

Mr. MANN. Certainly that would be a valid vote.

Mr. WHEELER. And would not the precinct election officers be required under the Kentucky law to certify that that vote was cast as a valid ballot and counted?

Mr. MANN. If the election officers counted it as a valid ballot, as they ought to do.

Mr. WHEELER. We presume that they did their duty. Then they will have to certify that vote?

Mr. MANN. Yes; as one of the ballots cast.

Mr. WHEELER. Then your record would show that among the ballots cast at this election was this ballot cast for county clerk, though it had no relation to the Congressional race?

Mr. MANN. Certainly.

Mr. WHEELER. Then will the gentleman explain, not as a conclusion, but as a matter of fact, how it happens that among the ballots certified as cast by the precinct election officers there were no ballots cast for county officers which were not cast in the Congressional race?

Mr. MANN. Quite to the contrary; I presume there were a number. We do not undertake to say anything of the sort. The figures that I have been referring to have nothing to do with the Congressional race. This does not mean that there were 264 ballots cast for Mr. Rhea and lost, or on Congressman at all. This does not mean and it does not say there were 264 votes cast for Congress, but that 264 ballots were counted.

Mr. WHEELER. Will the gentleman permit me just a little bit further? While that is entirely true, it is upon the hypothesis of the number of ballots utilized that you base your calculations in regard to the rejected and questioned ballots. Am I correct in that?

Mr. MANN. Well, I will not say yes or no, because I do not understand what you mean. Suppose you elucidate further.

Mr. WHEELER. What I mean is this. You take the whole number of ballots certified as cast and the number of ballots returned as questioned or rejected, and upon the basis of the whole number of those cast and those returned you arrive at the conclusion that the ballots returned as questioned or rejected are the identical ballots; those returned now are the rejected ballots and all—

Mr. MANN. Why certainly we do not arrive at anything of the sort. We have the certificate. These ballots are returned in an envelope in a particular way to the county clerk, who states these are the ballots, and we have his testimony.

Mr. WHEELER. I do not mean that.

Mr. MANN. Then you misstate the question.

Mr. WHEELER. Perhaps I am not clear. Some of those ballots are returned as questioned and they may have been counted, and the gentleman arrives at the conclusion that these ballots returned as questioned have not been counted because, by adding the total number of ballots returned as questioned or rejected to the total number of votes counted he arrives at the conclusion that, as that tallies with the certificate of the counting officer, that was the total number of votes polled, and that therefore some of these votes questioned or rejected must be the same ones mentioned in the certificate and not counted.

Mr. MANN. Well, the gentleman has made a statement of his own.

Mr. WHEELER. Is not that correct?

Mr. MANN. That is not correct.

Mr. WHEELER. Well, then, I have been laboring under a misapprehension. I understood the gentleman to say to my colleague here that that was the way they knew these particular ballots had not been counted.

Mr. MANN. That is the way we determined that the ballots which are returned in the beginning in rejected envelopes have been rejected and not counted.

Mr. WHEELER. Let me put you a hypothetical case.

Mr. MANN. But the number of them is certified in the election returns.

Mr. WHEELER. Supposing there were 300 votes cast, certified to, and that there are three of those ballots cast for county clerk and not returned.

Mr. MANN. What do you mean by not returned?

Mr. WHEELER. Well, destroyed, because they were counted as valid.

Mr. MANN. That is where the gentleman is misleading. The gentleman ought to be perfectly familiar with the election law of Kentucky, but at the time this law was in force the ballots that were counted were not destroyed, and they are not destroyed now.

Mr. WHEELER. I understand that perfectly well, but still those ballots that were not destroyed are not here before the House, nor are they questioned.

Mr. MANN. You state they were destroyed.

Mr. WHEELER. Then I retract that statement. They will be put in the ballot box; in other words, three of them will be put in the ballot box and then three ballots would be questioned but counted, and these ballots would be rejected and not counted, but the nine ballots would be returned as questioned or rejected. Now, will the gentleman state to the House how he would arrive at the conclusion whether or not those three ballots that were questioned were not counted or were counted according to his statement.

Mr. MANN. If there were 300 ballots cast?

Mr. WHEELER. Yes.

Mr. MANN. And the judges of election counted all of them but 6?

Mr. WHEELER. Yes.

Mr. MANN. And returned they had counted 294 ballots, and the questioned and rejected ballots were inclosed in the same envelope? Without anything further we could not determine, and in such case we have not counted them.

If the judges of election have 300 ballots cast and there were 6 ballots which were not counted, and the 3 ballots which were counted and questioned and the judges of election made the return they had only counted 291 ballots, then we presume that all of the ballots in the envelope were rejected ballots, although it would be a false presumption, based on the false return by the judges of election; and we have not presumed in any case that the judges of election made a false return, because if you presume that there would be nobody elected at any time to any office in that State, and that, of course, we could not concede.

I reserve the balance of my time, Mr. Speaker.

Mr. LACEY. Before the gentleman sits down I should like to ask for a word of explanation.

Mr. MANN. I am very glad to yield.

Mr. LACEY. In some of these envelopes there were ballots returned that had not been counted, that had been rejected, mingled with others that had been counted although questioned.

Mr. MANN. There were a few such returns.

Mr. LACEY. And in those cases I understand you did not attempt to do anything. Because of the confusion of goods you could not separate one from the other.

Mr. MANN. In those cases we paid no attention to the ballots, and refused to consider parole evidence upon the subject.

Mr. LACEY. You accepted the return as conclusive?

Mr. MANN. We accepted the return as conclusive in every case, although I am frank to say that I have some doubt in reference to whether that would be the law or not; but we did not consider any ballot unless the return showed absolutely that all of the ballots in the envelope were rejected ballots.

Mr. BOREING. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BOREING. I should like to ask the gentleman from Illinois if it is not a fact that there were very few ballots that were returned questioned and counted?

Mr. MANN. There were very few. There were some.

Mr. BOREING. Can you state how many?

Mr. MANN. That would be a guess, Mr. Speaker, and in an election case I am not willing to indulge in a guess upon any proposition whatever.

Mr. BOREING. The reason I ask the question is that I think your report shows that there are very few.

Mr. GAINES of West Virginia. It does show that there are a very few.

Mr. MANN. I reserve the balance of my time.

Mr. FOX. Mr. Speaker, before the gentleman sits down, I want to ask him a question as to a fact, because I think we ought to agree about the facts, and I have no doubt we will. Perhaps I misunderstood the gentleman. I understood the gentleman to say that no questioned ballots were considered in making up the report of the majority of the committee except those inclosed in an envelope bearing the statement that they were not counted, signed by the judges of election.

Mr. MANN. Well, the gentleman misunderstood me then.

Mr. FOX. I must have done so, because I understood the gentleman to say that.

Mr. MANN. No; I called attention to the case which the gentleman of the minority selected as their battle ground in this case by singling it out in the minority report, and I referred to that case in full for the purpose of demonstrating the absurdity of the position of the gentlemen of the minority. Why, Mr. Speaker, if the position of the minority were correct, no man could ever expect, in the State of Kentucky, to be sure of an honest election, and that is a libel upon the State, which is not deserving of it, because the people of that State, in my opinion, as well as the people in other parts of the country, have no desire to take advantage of any candidate, or of any chicanery or fraud in the elections.

Mr. FOX. Will the gentleman allow me a question, because I am not going to make the mistake of arguing this case in the gentleman's time? I am going to wait until I get the floor before I make my argument, but I want to agree upon the facts. Is it not a fact that the envelope inclosing the questioned ballots from the Electric Light precinct is the only one that bears the statement, signed by the officers of election, that there were none counted? Is not that the only envelope of that kind?

Mr. MANN. It is not.

Mr. FOX. Then I will ask you, if you have it there, to refer to the envelope inclosing the questioned ballots for Kisters Mill precinct, No. 25, and see what the indorsement is on that; because I do not want to make any mistake about a question of fact.

Mr. MANN. I should be very glad to have the gentleman refer to it. I can not lay my hand upon it.

Mr. FOX. There is no statement upon that, is there?

Mr. MANN. I probably can tell that by referring to it. That is easy enough. It is very likely there is not.

Mr. FOX. Of course, we can differ about the construction of law, but we ought not to disagree about the facts.

Mr. MANN. Upon the ballot from the precinct which the gentleman cites there is an indorsement simply of the names of the election officers across the paster of the ballots.

Mr. FOX. Now, will the gentleman allow me to ask him just one more question? In reference to precinct No. 9, in Simpson County, I will ask him whether there is any indorsement on the envelope containing the questioned ballots from that precinct, and if so, what that indorsement is?

Mr. MANN. I think the gentleman will have ample opportunity to lay this particular case before the House. He might ask me as to each precinct in my time.

Mr. FOX. That is the last question.

Mr. MANN. I will say very frankly to the gentleman, as I said before, in some of these precincts there is no indorsement, and that we never rejected any of the ballots in those districts.

Mr. FOX. You stated that you did not count any of those ballots where there was no indorsement.

Mr. MANN. I did not state anything of the sort. We did not count any ballot where the judges of the election did not certify showing absolutely by the certificate the number of ballots rejected, meaning that all the ballots in the linen envelope were rejected. But the gentleman chooses to say that we did not introduce parole evidence. In his minority report, in reference to Electric Light precinct No. 20, he says, "there is no parole evidence or other proof."

Why, Mr. Speaker, we have not to rely upon parole evidence to prove anything in this case except the identity of the ballots from the hands of the county clerk, who certifies to them, he being the legal custodian, and hence the gentleman thought to criticize us for not offering parole evidence in this particular case which is the only case he selects out in his minority report. I called the attention of the House to the envelope and the return from that particular precinct at length. If the gentleman wishes to change now and admit that the ballots from that particular precinct are valid, and take another tack, and write another report, and select another precinct, I am perfectly willing to go into the proof in the other precincts and show that there were sufficient grounds for our conclusion.

Mr. FOX. I will not follow the example you have in making an amended report that you brought in.

Mr. MANN. I have not brought in an amended report. If I have, I must have written it in one of my dreams, as Bryan speaks of Cleveland doing.



Mr. FOX. You certainly made two reports.

Mr. MANN. I reserve the balance of my time.

Mr. FOX. Mr. Speaker, I yield such time to the gentleman from Texas as he desires; but before he proceeds, I will ask how much time has the gentleman from Illinois consumed?

The SPEAKER pro tempore. The gentleman from Illinois has consumed one hour and forty-five minutes.

Mr. BURGESS. Mr. Speaker, the gentleman who has just addressed the House enters into some of the history of the committee of which we are both members with reference to its previous decisions in questions like this. Being a new member, and for the first time on this committee, I know nothing of its previous record, and, frankly, I care less.

I am not concerned as to whether the committee decided the previous cases correctly or not. I hope for its honor that it did. I am mainly concerned about how it is trying now to have this case decided. The gentleman speaks in defense of his purity of purpose; how he, together with his secretary, was so careful as to have these ballots all counted without knowing what the final cast-up would be in the case.

I am glad to see the gentleman so afraid of himself. It argues well for him, perhaps, in the future. But the question in this case—decisive, in my judgment, and upon which the minority feels certain the majority has blundered—is not one of count so much as one of legal import, as to whether any ballots in this record shall be counted or not. It is true we contend, and I think an inspection of the ballots will support that contention, that even if these ballots contained in the record are correctly counted, according to correct rules of law, and the results added to the official return by which Mr. Rhea occupies his seat in this House, that the result of these returns will not be changed.

But the first contention is in this case that none of these ballots contained in this record ought under law to be properly counted for any purpose in this contest. That question will arise, and I shall present it to you, upon the undisputed record which is before you. There will be no controversy between the gentleman who has preceded me and myself as to the facts; and he will be forced, or those who reply for him will be forced, to meet the fair legal question which involves the distinct proposition of whether or not this Congress will follow the statute and decisions of a State with reference to its elections, or whether both will be overruled by the committee of this House, contrary to the decisions and without a single one to support it.

I had intended briefly to cite the provisions of our Constitution and the decisions thereunder which define the boundaries of our power as a Congress to deal with Congressional elections in one of the States. The gentleman has frankly admitted that we are bound by the statutes of the State and the decisions of its supreme court construing them, and hence I regard it as unnecessary to consume time to demonstrate the wisdom and the correctness of that admission.

I will say, however, briefly, in the language of that splendid lawyer who wrote the minority report in this case, that the right to vote is not a matter guaranteed to any citizen in this country by the Constitution of the United States or any act of Congress. It is a State privilege. The only provision of the Constitution which could attach to an election in one of the States is that which has reference to the color line, and that is not involved in the remotest degree in this contest now before the House.

The Constitution also provides that the members of the House of Representatives "in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." That provision is not involved at all in this case. The Constitution also further provides that "times, places, and manner of holding elections for Senators and Representatives shall be prescribed by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." That provision is not involved in this contest.

Mr. Tucker in his work tersely and completely states this whole contention in the sentence when he says:

Suffrage is a State privilege belonging to State citizenship and is exclusively under State jurisdiction.

The minority report says:

The State of Kentucky has fixed the qualification of electors and has prescribed the time, places, and manner of holding elections for Representatives in Congress. Although perfectly competent to do so, Congress has not at any time made such regulations or altered those made by the State of Kentucky.

Hence it follows this House is bound by the laws of the State of Kentucky and the decisions of her supreme court thereunder, and it is therefore perfectly obvious that the gentleman from Illinois admits the legal situation when he says this House is bound by the statutes and decisions of the State of Kentucky touching upon the manner and conduct of her elections, Congressional or otherwise.

Now, what is the real issue here between these two reports? Certain ballots are found in the record. The contention of the

majority is that those ballots were rejected by election officials in the Third Congressional election district in Kentucky, and that here by this House, by this Congress, they should be recounted and the result added to the official returns. And by that process, taking the official returns, which gave Mr. Rhea the election by 156 majority, they add enough votes to Moss to bring him out 21 votes in the lead. Going through the whole record and counting all they could afford to count, scrutinizing it with all the labor and patience of the gentleman from Illinois for three weeks, as he says, they have added out of these ballots to the official returns enough votes to make Rhea 21 votes behind.

Now, I wish this House to carry that 21 majority, upon which the majority report stands, in its mind, for I intend to demonstrate, as I can as a lawyer, under the decisions of the supreme court, under the statutes of the State, and under the facts of this record, written down by the majority committee themselves, that there are more than enough votes in one precinct alone which they counted, that ought not to be counted, to change the result.

Now, in a general way I want to state so every man can understand the point about which we differ, the way elections are conducted in Kentucky in so far as they bear upon the points named in the discussion. They have there an official ballot. They are printed under the direction of the county clerk. They are required to bear a fac simile of his signature. They are sent out in bound books of various numbers in accordance, I presume, with the judgment of the clerk as to the size of the precinct and the number of voters that will need them. That ballot has on it different columns above which appear different devices. These devices indicate the parties for which the nominees thereunder are named, like the log cabin for the Republicans and the rooster for the Democrats, and something else for the Populists, and so on. Beside each name is a square in which the voter is to mark his choice, and also blanks where he may vote for some one else than any of the names for the particular office, if he sees fit.

A circle is under each device, upon which he may vote for the whole straight ticket by merely stamping in that. Now, the procedure in the election is about this: The election officers are made up of two judges and a sheriff and a clerk. The two judges are required to be of different political faith, and the sheriff and clerk are required to belong to different political parties, and there is no contention here but what these provisions of the Kentucky law were carried out in this case, and the two parties were represented. There is no necessity, no reason, for any fling being made with reference to fraud, because if one party was wrong the other was equally so, and it could not be charged to the Goebel law or its administration or to the Democracy of Kentucky that this or that failed to appear upon the ballots when they were returned.

Now, the voter goes to the clerk of the election when the polls are open, and the clerk takes the ballot upon which are two stubs. He writes the name of the voter upon one stub and the name of the voter on another, tears it in two between, hands him the ballot with one of the stubs attached, and the voter goes into the booth, and he marks it as he may see fit. He comes back with it folded so that nothing will be disclosed except the stub and the name of the county clerk, showing that the ballot is official. Then the judge of elections, not the clerk, takes that ballot, tears from it the stub, and deposits the ballot in the ballot box. Now, that is exactly the simple process of voting under the existing law in Kentucky.

And I pause here long enough to say that substantially those provisions have existed for years and years in Kentucky. The questions which arise in this case upon these two reports arise upon statutes more than twenty-five years old and that were not changed through all the Goebel period which is sought to be thrust into this case—I know not for what purpose—for no good one, evidently. Now, proceeding further, after the voters have all voted, then this is what the law requires: The judges and the sheriffs and the clerks—the whole body of election officers—are furnished with a blank return. And I call attention to the fact that the form of the return, to which this printed form furnished by the county clerk to the election officers conforms, is provided for in section 1483 of the statutes, as follows:

SEC. 1483. The form of the return to be made on the inside of the cover of the stub book shall be substantially as follows: State of Kentucky, \_\_\_\_\_ County, election held on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, in \_\_\_\_\_ precinct. Number of ballots counted as valid, \_\_\_\_\_; number of ballots questioned or rejected, \_\_\_\_\_; number of ballots marked "spoiled," \_\_\_\_\_; whole number of ballots cast, \_\_\_\_\_; number of votes received for governor \_\_\_\_\_ by \_\_\_\_\_; number of votes received for lieutenant-governor \_\_\_\_\_ by \_\_\_\_\_ (and so for other State and county offices). \* \* \* We, the judges, sheriff, and clerk of election at the precinct mentioned, certify that the above is a correct return of the election held therein on the day aforesaid. \* \* \*

Now, that refers only to ballots about which no question arises—ballots against which none of the officers make any claim of invalidity. The statute continues:

That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court with the

returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted; and if counted, what part and for whom.

It must be quite clear, I think, to any lawyer that this section assumes that in these ballots which will not be included in the number cited in the returns as having been counted as valid there will be frequently some or all of the ballots questioned which were counted, but counted separately from the other ballots about which there was no question. It must also be clear to the legal mind that the returns provided for in one of these sections by the legislature which enacted both sections could not have been dreamed of as covering the "true statement" provided for in the other section. And when any man on the floor of this House contends that the correct legal construction of this section providing for returns is that the returns provided for may be taken as covering the "true statement" provided for in the other section to be attached to the ballots, he goes against every authority of any weight that has ever treated of statutory construction in this country or in England, and he would be ashamed to state that kind of a proposition before any respectable court—even the court of a justice of the peace in the State of Texas.

The familiar rule is that statutes upon the same subject are to be construed together, and that one is not held to cover the other completely, for such a construction would suppose a legislative body to be foolish enough to enact two statutes covering the same ground. These two statutes are to be treated as separate and distinct. Both statutes are mandatory in their terms, and they clearly, by any fair construction have not the same object in view.

Now, our contention is that this statute, which is mandatory and which requires that all the questioned or rejected ballots shall be returned to the election board accompanied with a "true statement" showing that they were counted or not counted, and if counted for whom, is to be applied to the facts of this case. It is admitted here that no statement of any sort is attached to any of the ballots that are sought to be counted by this committee.

The majority of the committee have been four weeks in going over and inspecting these ballots with microscopic eyes from A to Z, and in all their searching they found one bag containing some ballots which, on the back of the bag, said they were not counted. That is all they could find. There was nothing on the ballots themselves, mark you. There was no statement to identify them at all, and no man can say whether they are the ballots that were voted by the voters in that Kentucky election for Moss or Rhea or not.

Mr. FOX. There is nothing on the back of any of the bags except that from the Electric Light precinct.

Mr. BURGESS. And only in the one case from the Electric Light precinct is there on the back of the bag containing ballots any attempted compliance with the statute, and that does not state enough to identify anything.

Mr. FOX. In that connection, if it does not bother my friend, I want to call his attention to the fact that in many cases these ballots are not even identified as exhibits in this record. There is not a mark on them to identify them as part of the record whatever.

Mr. BURGESS. I will say for further explanation on that point that the only way that the ballots are attempted to be drawn into the record is in this way: The ballots returned are returned to the county clerk. The deposition of the county clerk is taken, and with reference to some of the ballots he puts a mark on them, and he certifies they were ballots in his office, identifying them as being in his possession; but that is not the question. We are passing upon the action of the election officials under this statute with reference to these ballots before they reach the county clerk.

It is when they are taken out of the box, when there is any question as to whether they were cast by voters or not. Then and there the election officials must identify the ballot about which there is a question and must affix in some way a statement to which they agree or disagree, so that there can not afterwards be any question about whether that was the ballot about which the dispute arose.

Mr. PALMER. Will you contend that each ballot ought to be indorsed with a statement?

Mr. BURGESS. No, sir; no, sir. The gentleman misunderstood me if he drew any such conclusion as that. There never ought in any instance to be more than two statements, no matter how many ballots, and the statute clearly indicates it, because when the statute fixes here the penalty for putting a mark on the ballot, in brackets it expressly exempts putting a mark on the protested ballot, and the inference is clear that if there were 100 ballots here, part of which were questioned and part of which were rejected, and you and I were the election judges, that the simple way of complying with the statute would be to make two statements, attach all the ballots to one, and say these ballots were

rejected and counted for nobody, and attach all the ballots to the other and say these ballots were counted for So and so or not counted for So and so.

That is the plain, easy way of complying with the statute. That is all there is to it. There is no difficulty about it at all, and all this fuss that is made in the majority report about the difficulty of complying with the statute and about attaching separate statements to each ballot, and that that would take a hundred statements written out and signed by all the election judges and attached to each one, is ridiculous. That is not my contention at all.

Mr. SMITH of Iowa. Will the gentleman permit a question right there?

Mr. BURGESS. Yes.

Mr. SMITH of Iowa. Is it not a fact that that was the very contention of the contestee before the Committee on Elections, and that that is the reason that this appears in the report of the majority?

Mr. BURGESS. Well, sir, I would not undertake to give you reasons for what you say in your report.

Mr. SMITH of Iowa. Do you deny that he so contended before the committee?

Mr. BURGESS. I am not sure about that; I would not deny that.

Mr. SMITH of Iowa. Do you not know that it was contended before the committee on behalf of the contestee that every separate rejected ballot had to have attached to it a separate and distinct certificate, certified by the officers of elections, showing it was rejected?

Mr. BURGESS. I think not. I think you misunderstood the gentleman. I do not think that has ever been the contention of my friend Mr. Rhea or his attorney. I do not see how it well could be.

Mr. SMITH of Iowa. You do not remember this being discussed before the committee?

Mr. BURGESS. Oh, yes; I remember its being discussed, like here. Mr. MANN ridiculed the idea, and perhaps you did too, and I agree with you. That is unnecessary and it is ridiculous.

Mr. MANN. I am glad you gentlemen have got to that point, at least.

Mr. BURGESS. Yes.

Mr. FOX. That is the point of the Kentucky statute that we are trying to speak about.

Mr. BURGESS. The question, however, was brought into this case by those on your side urging that the statute ought not to be complied with, and as a reason against it, saying it was impossible to be complied with, because it would require so many statements.

Mr. SMITH of Iowa. I beg your pardon, Mr. BURGESS; we never contended it should not be complied with.

Mr. BURGESS. Then you admit it ought to be complied with.

Mr. SMITH of Iowa. I admit that it ought to be complied with. I do not admit the same result follows that you claim if it is not complied with.

Mr. BURGESS. Very well; I understand. We understand each other, and I am glad the other gentleman [Mr. MANN] admits the statute ought to be complied with. With reference further to the identification of these ballots, it will be seen by reference to article 1476 that it is very plain. It reads as follows:

If any officer of election, or other person intrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate, or deface any ballot, or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, etc.

Now, that, I take it, strengthens my contention upon the other two statutes, that the plain idea of all of them is that the election officers, when they act upon ballots rejected and questioned, shall make them up into two piles, so to speak, and attach to each a statement signed by all of them specifying whether they were counted or not and, if counted, how many and for whom, and identify them by number if necessary.

Now, if we were before a court that was blind to partisanship, blind to everything but a righteous decision of the law, it would be enough to read this statute and to read these Kentucky decisions, in my judgment, to end the case. This precise point has been before the supreme court of the State of Kentucky in two distinct cases, raised by the briefs of parties and upon precisely the record shown in this case.

I repeat that statement and challenge a denial from the gentleman who shall hereafter follow me, that this exact question has been before the supreme court of the State of Kentucky in two distinct cases upon exactly the record in this case, and in both cases decided in accordance with our contention. The first case that I shall read to you, decided as late as November, 1898, is the case of *Anderson v. Likens*, published in 20 Kentucky Law



Reporter, page 1001. I will read that portion of it which bears upon the question now before the court:

Of the whole number of ballots contained in the sealed envelopes referred to the lower court, upon appeal from the contesting board, adjudged that 15 be counted for Likens and 2 for Anderson. But it appears from an inspection of those ballots that none of them were accompanied "with a true statement as to whether they had or had not been counted, and if counted, what part and for whom," as required by article 3, section 37.

Now, mark you:

There was no statement at all in relation to any of them except 5 or 6; and the statement as to each of them was not only meager, but was signed alone by the clerk of the election, and not all of them signed by him officially.

We think the statement should be full and complete, as required by the statute, and signed officially by all of the officers of the election. Moreover, section 1476 seems to prohibit such statement being made upon the ballot itself as was done by the clerks in the cases referred to.

Consequently, the statement, in order to carry with it verity, must be made upon a separate paper, signed by all the officers of the election, and its relation to the particular ballot it refers to must be clearly shown by attaching them together, or in some other satisfactory manner, and sealed up and returned to the clerk of the county court with the returns of the election. Questions as to the fitness of some of the ballots contained in the sealed envelopes to be counted and for whom counted were decided by the lower court, and have been argued by opposing counsel in this court. But as, for the reasons stated, none of them afford competent evidence of any fact, or can be considered for any purpose, we need not discuss or determine any question relating to the efficiency of any of them.

My senior colleague on this committee took the trouble to send to the State of Kentucky and procure the original record of this case, so that we might see whether the returns of election showed what they show in this case, and see whether there was any question about the decision being on all fours with the facts in this case. We have the record here. It shows a stronger state of facts to invoke this rule than is in the case before this House now. There is more of it in that record to identify the ballots, outside of the statement required by the statute, than there is in this case.

Not only that. This question was specifically raised before the court in the brief for the contestant. Not only that. This decision was rendered by a Democratic court, and the effect of it was to unseat a Democrat and to seat a Republican. That is the record of this case; and if I were disposed to appeal to your sense of justice on that side, I would say to you as honorable men and as competent lawyers, before you overrule a Democratic court that seated a Republican in Kentucky over the head of a Democrat, you Republicans upon the same state of facts ought to hesitate here to unseat a Democrat in order to seat a man who is only a pretended Republican.

This same question was before the supreme court in another case of later date than the one I read, a case decided in the December following the same year in which the other one was decided, a case in which precisely the same point was raised that we raise here and that was raised in the Likens case. Here is what the court say about it (*Banks v. Sargent*, 20 Ky. L. Rptr., 1049):

Appellant complains of the action of the contesting board and the circuit court because they refused to count certain ballots returned from precinct No. 5. The originals of these ballots are here, and are indorsed "This ticket was counted for all persons under the rooster and no one else. H. Banks, clerk of election precinct No. 5."

That was on the ballot in this case, and fixed definitely, exactly whom it was counted for, and in that case, if my friend from Illinois [Mr. MANN] had been there, what a beautiful argument he could have made about the intent of the voter being plainly disclosed, and the ballot being perfectly identified by the statement on it in compliance with the statute and the signature of the clerk and the returns of all the election officers; and the speech that he made here if made there ought to have enlightened and opened up the brain of the judges of the supreme court of the State of Kentucky and led them to a different decision.

Here is what they say:

The exact indorsement is not on all the ballots, but they are similar. On inspection of the ballot, the cross is opposite appellant's name, which is under the "log cabin," and appellant contends that the votes so marked should be counted for him.

And the court on this finding held:

"The opinion in the *Anderson v. Likens* case, supra, also is conclusive of this point. The certificate of the clerk of election alone amounts to no certificate. In any event the certificate should not be on the ballot. It should be on a separate paper attached to the ballot, and signed by all the officers of the election. The ballots so certified can not be used as evidence of any fact, and they should not have been counted by the contesting board."

Mr. FOX. There is one suggestion in the case of *Anderson v. Likens* that I want to make to the gentleman. The ballots were accompanied by a statement signed by the clerk something more than these. They had no statement signed by the election officers.

Mr. BURGESS. I have stated to the gentleman that they were better identified in that case than they were in this, and I did not care to go into all the details. If any gentleman reads the record in the case of *Anderson v. Likens* he will see that they are much better identified than any of these are that the gentleman reports, and the only way the supreme court opinion can be dodged, the only way it can be obviated, is by arguing in a circle after a horse-mill fashion that the supreme court of Kentucky has not enough sense to read a plain statute and say what it means.

That is the only way you can evade it; and in effect that is what you do. In effect the majority's contention recites that "we believe, having great respect for the supreme court, that if we had appeared before it, with our logic and our brains, the decision would have been different." That was exactly the way it was written, and when I read it it makes me think of CHAMP CLARK's story about "gall," which I will not repeat.

Mr. MANN. May I call the attention of the gentleman to a statement in the report of the majority?

Mr. BURGESS. Certainly.

Mr. MANN (continuing). In which we say that from an examination of the case the gentleman has referred to we are satisfied that the supreme court perfectly applied the law to the facts. That is quite contrary to the statement which the gentleman has now made.

Mr. BURGESS. I understand you to say that as a salve at the last, after the sore is opened. [Laughter.] It is like what you say when you turn John Rhea out with a certificate of good moral character.

Mr. MANN. Am I to understand that the gentleman is not willing that we should make that statement with reference to Mr. Rhea?

Mr. BURGESS. I have no objection to it. I think it is true, and it does me good to have you hit the thing occasionally.

Mr. MANN. The gentleman criticises us for making that statement.

Mr. BURGESS. Not at all; I simply use it as an illustration.

Mr. MANN. I take it as a criticism from the gentleman.

Mr. BURGESS. I use it as an illustration as to how you did in the other matter. When you want—

Mr. MANN. "How nice we can smile when we stick in the stiletto."

Mr. BURGESS. I will read what you say about the supreme court of the State of Kentucky:

We have too great a respect for the Kentucky court of appeals to believe that that court intended to aid in such a construction of the Kentucky statute.

You think they did not intend to say what they said because there can be no dispute that they did say that the ballots must not be counted unless attached to them is a statement as to whether they were counted or not; and if counted, how many and for whom?

Mr. MANN. Does the gentleman want me to answer that now?

Mr. BURGESS. Is not that the language of the opinion?

Mr. MANN. That is not the language of the opinion. The language of the opinion is "attached or shown otherwise." The gentleman seems to have omitted the very express statement of the supreme court that there are two ways of showing, one by attaching a statement to the papers, or in any other satisfactory way which may be used.

Mr. BURGESS. I will read it to the gentleman:

Consequently, the statement, in order to carry with it verity, must be made upon a separate paper, signed by all the officers of the election, and its relation to the particular ballot it refers to must be clearly shown by attaching them together, or in some other satisfactory manner.

Now, the gentleman will not run counter to all the grammar he ever knew and say that a "satisfactory manner" only refers to the statement instead of the manner of its "relation to the particular ballot." Does the gentleman contend that the statement required by the supreme court is given in the record here? They had this case before it, and they say it must be attached to the particular ballot.

Mr. MANN. We claim that a proper certificate is here.

Mr. BURGESS. Can the gentleman show me any statement in the record which shows how many of any particular ballot was rejected or counted; and if counted, how many for whom? That is the kind of statement required by the court.

Mr. MANN. I take it that the supreme court of Kentucky and the State law did not intend to say, where they say the ballots were not counted at all, that they must publish a statement for whom the ballots were counted. I do not see how it is possible to say for whom they were counted if they were not counted at all.

Mr. BURGESS. You can not find the statement in the record that they were not counted.

Mr. MANN. The law says that a true statement must show whether the ballots have or not been counted, and if counted, for whom. We say the statement in the record before us shows that the ballots have not been counted; that is, a statement in writing signed by the officers of election in each precinct, sealed and returned with the returns of the election.

Mr. BURGESS. Very well; that precise statement in that case was in the *Anderson-Likens* case. That precise statement was before the court there. Not only that, but the returns which you call the statement is in the exact form of the statute, the form set out in the statutes, and the supreme court must have known it; so they could not in the *Likens* case have been overlooking your contention that it was a statement to which the subsequent statute refers. I am surprised that any serious contention should be made



that the returns of the general election is the "statement" attached to the ballot referred to in the Likens opinion. The statute requires both, and the statement treated here, in the words of my friend, admits of no controversy.

Mr. MANN. I remember the language of the supreme court perfectly well, and if the gentleman will permit me, I will say that, like him, I have read the original record in the case and the briefs of counsel in the case, and I say the supreme court of Kentucky have never intended to make or hold such a doctrine as the gentleman claims, and in the record of that case and the briefs of that case the attention of the supreme court of Kentucky was never called to the certificates in the case and they never examined the certificates, and they did not know that they were in the record.

Mr. BURGESS. Just a moment in reply to that, because that constitutes a worse reflection than any the gentleman has before uttered; that brands every Republican lawyer in the State of Kentucky and the Democratic court as not knowing how to conduct an election case. I will say to the gentleman from Illinois that he is the first man that ever raised this issue, although five or six cases have been ably represented by the best Republican attorneys in the party in the State of Kentucky.

Mr. MANN. Does the gentleman claim that was an issue?

Mr. BURGESS. I do.

Mr. MANN. Does the gentleman claim that in the 51 pages of brief of counsel it is remotely referred to?

Mr. BURGESS. I do.

Mr. MANN. I will thank the gentleman to show it.

Mr. BURGESS. I admit that no reference was made by the court or any lawyers to the election returns under this statute as being the "statement" required. Why? Because nobody in Kentucky ever thought of it, be he Democrat or Republican. It took an election committee of this House to find out that simple difference.

Mr. MANN. I challenge the statement that there is a word in the 51 pages of brief of the contestee in that case which refers to this controversy at all in regard to the rejected ballots and the point the gentleman makes.

Mr. BURGESS. I will stake my reputation as a lawyer and an honest man that the straight-out point is raised every time in the Likens brief that these ballots ought not to have been counted because the true statement required by the statute is not attached. The gentleman admits it in his own report.

Mr. MANN. I say that in the 51 printed pages of brief of the contestee in the Anderson-Likens case there is not the remotest suggestion of it.

Mr. BURGESS. I am not talking about the contestee. I am talking about the man who raised the point, who was a Republican and represented by Republican lawyers, and the Democratic lawyers in Kentucky had the good sense not to make that contention. No lawyer on the Democratic side in Kentucky ever contended that the returns of a general election amounted to a true statement under this statute.

Mr. MANN. You claim that the Democratic lawyers filed 51 pages of briefs and did not refer to the contention in the case? I do not believe such a slander on the Democratic party.

Mr. BURGESS. For the simple reason that there was no way to meet the proposition under the statute, and the best that could be done, as every good lawyer knows, and what the gentleman ought to do is to admit that you are knocked out and quit. That is what they did. [Applause on the Democratic side.] There is no justice in this proposition in any fair court on earth. I will tell you that it is not a question of unseating John S. Rhea; it is not a question of seating Mr. Moss. This ruling and this majority report involves a great contention that will go further in innovation upon the rights of the State of Kentucky and its supreme court than any action of this House that has occurred since the war.

It means fairly and squarely whether the Committee on Elections can override and misconstrue and rip up the back the statutes and the supreme-court decisions of a State and be sustained in so doing by the House of Representatives. There is no escape from this question.

But I am not nearly through yet with this proposition. I am willing to meet the gentleman on his own construction of this statute and say there is absolutely nothing in this case and that no sensible man can vote to turn John Rhea out of this House on that kind of evidence. You may assume that the legislature of the State of Kentucky and the supreme court of that State were foolish enough to treat a general statement referring to no ballot as compliance with a statute which required a particular statement with reference to particular ballots as being questioned or rejected, and a particular statement as to how many were counted and for whom.

Why, sir, it took ingenuity to maintain that a general return can be treated as a compliance with that sort of a particular statute. There is not a lawyer on the other side but would be

ashamed to write himself down as sustaining such a proposition. No wonder the gentleman wanted to talk about how fair the majority of the committee had been and how justly it had acted in reaching this result.

Mr. MANN. May I ask the gentleman a question?

Mr. BURGESS. Yes, sir; as many as you please.

Mr. MANN. Does not the gentleman think that, if the contention which he holds is correct, it would have been fair for the Kentucky law to provide a blank upon which these 112 returns, more or less, or any returns, might have been made by the election officers?

Mr. BURGESS. No, sir; I think not; and I think the reason why a form for the purpose indicated by the gentleman is not furnished is perfectly clear. In this case, as in many other cases under the statute, blanks, as a matter of necessity, could not be furnished because there is so varied a state of facts in different cases that no blanks would serve the purpose. The officers would get into more trouble by undertaking to use a form in making the returns than if they simply followed their common sense. That is the simple explanation; and I ask the gentleman, if the legislature intended this return to cover such a statement as he contends for, why did they not provide a form for it in the statute? Let the gentleman answer.

Mr. MANN. They did provide the form.

Mr. BURGESS. I say—why did they provide a form for only that one return if they intended it to cover the other statements, the particular statements for which they did not provide—why?

Mr. MANN. They provided a form which we contend is sufficient. You contend that the judges of election should have written out a form for which the statute provided no blanks. We contend that the statute furnished a form for the blanks required—furnished all the forms that were necessary. You contend that the Kentucky law is defective; we contend that it has provided for the case in good faith.

Mr. BURGESS. I beg the gentleman's pardon. I believe this statute is one of the best I know of, and if rightly administered would unerringly produce accurate results, unless "monkeyed with" by an election committee. [Laughter.]

That is my judgment. I am trying to get the gentleman to see the absurdity of his contention. Here is a particular statute, requiring a particular measure, and the gentleman challenges me with the question, Why was not a form made out? And yet his contention is that a general statute which does lay down a form is to be construed as covering a statute which does not lay down any form.

Mr. MANN. There is no particular statute in the case; it is all one statute.

Mr. BURGESS. Well, the gentleman is getting very technical.

Mr. MANN. "Getting very technical!" I am taking the same identical statute—not the statute, by the way, referred to in the report of the minority.

Mr. BURGESS. I will ask you whether this language used by statute writers would not be regarded as a particular statute as against the general language of the other:

The ballots shall be accompanied with a true statement as to whether they have or have not been counted; and if counted, what part and for whom?

Now, if the gentleman does not understand the difference between a general and a particular statute, it will be impossible to debate with him further. The other statute refers to all elections and all returns and to no particular ballot. It lays down the form that all the election officers are to return from all the election precincts, without reference to any particular ballot. This statute requires the identification of particular ballots upon which the election officers take particular action, questioning some and rejecting others.

Mr. MANN. The gentleman will pardon one further remark and that will end this interruption by me. If he holds that a statute with reference to one return is a particular statute, and a statute with reference to another return, where it is the same statute, applying to the same officers and about the same matter, is a general statute, I do not understand his distinction, and I do not think there is any difference under the gentleman's own statement. Therefore, I say, I will not interrupt him any more, because he does not consider me intelligent enough to debate with him.

Mr. BURGESS. I beg the gentleman's pardon. That is only an assumption like some of the gentleman's assumptions in his report—assumptions not supported by the facts.

Mr. MANN. My assumption was based upon the gentleman's statement, which, of course, on this matter, as on others, he did not intend anybody to take seriously.

Mr. BURGESS. Of course the whole body of this statute referring to the general subject of elections might be called an election law; but in speaking of two particular sections I still maintain that I am right, and I do not intend that the gentleman from Illinois shall get away from this conclusion by the imputation that I am asserting my knowledge as superior to his. Not at all;



I am not. He is older and smarter and better looking than the gentleman from Texas. I will make that broad admission, but in this particular case he is mistaken as to the law.

Mr. MANN. I said I would not interrupt again, but I can not permit a statement like that to go unchallenged, because it is not true in any particular or in the whole.

Mr. BURGESS. Well, I will except the good looks part of it [laughter], but I am going to let the balance go. Now I have said to you in seriousness, and I did not intend to get in the light of having a little circus and playing ringmaster to my friend from Illinois in the other character—that was not my purpose. I am serious, as earnest and as sincere as ever I was in my life, and I am willing to be written down in this record and confront for the next twenty years, if I should be so fortunate as to be reelected. I mean to make a record in this case of which I shall be proud when I am in my grave, and one of which I shall not be ashamed to have the greatest lawyer in this country say, "Here is the speech you made in a contested-election case; just read it and see what a miserable lawyer and quibbler you were."

Mr. MANN. Does the gentleman think they can read paper documents there?

Mr. BURGESS. Where? [Laughter.] I am not aware of where your intended future abode is, but I am sure they will read them where I intend to go. [Laughter.] Now, I have stated that I am willing to take the gentleman's position that the general return under the Kentucky law could be taken pro tanto, so to speak, as covering this true statement, and that still that would not help him, that still that would not justify the count in this record, that still that would not change the return of this vote.

Now, if you will follow me I will try and make it clear. For fear that the gentleman may think I misunderstand him when I attempt to state his statement on this floor, I will read it out of his report so that there can be no mistake about his position. Here is what they say with reference to this return. This is the way they attempt to identify these ballots and justify their count under this statute and under these decisions:

It seems to us quite evident that if for instance the precinct election officers in their certificate of election state that the number of ballots cast was 400, that the number counted as valid was 300, and that the number questioned or rejected was 100, that this is a sufficient statement to show that there are 100 rejected ballots not counted.

Now, if you will notice that, that is the meat of their case. Unless that is exactly true in fact and in law there is absolutely nothing in their report, and it ought not to be adopted. Practically they concede that. Practically they admit that the other evidences of identification of ballots under the statute would not be sufficient, but they say that this general election return which gives the number of valid ballots, the number of questioned and rejected ballots, the number of ballots cast, and the number of spoiled ballots, and the number of ballots furnished to the election officers by the county clerk affords five statements of arithmetic, from which it can be deduced that these ballots in this record were all rejected.

Now, I assert positively as a matter of fact that that is not true, and that they admit it in their own statement, and that the only question is as to how many of them it is true of. Now, these things need to be understood as bearing upon this proposition in mathematics, so to speak. If this had been, gentlemen, an election alone for Congress—Do you follow me?—if this had been an election alone for Congress and there had been only two candidates, namely, Mr. Moss and Mr. Rhea, then you could take the general return and concede that every voter there voted for Mr. Rhea or for Mr. Moss or did not vote for either—that is, that he did not vote for anybody else—you could determine whether a given number of ballots returned as questioned or rejected were all rejected or not.

But where, as in this case, there was a general election for all offices from constable to governor, including Congress, you can not take those figures and tell anything about whether these ballots that were in this record were counted for Mr. Rhea or for Mr. Moss or not. I mean from the returns, and upon that they must stand. For there is one box here alone—let me turn to it—

The SPEAKER. The gentleman has consumed one hour. Having unlimited time, the gentleman may go on; but it has been usual to call attention to the fact that an hour has been consumed. The gentleman may proceed if he desires.

Mr. FOX. I will yield to the gentleman as much further time as he desires.

Mr. SPEAKER. The gentleman will proceed.

Mr. BURGESS. To bring this down and try and get every one of you to see it, so that it can not be uncertain, I will ask you to consider with me just one election precinct upon which this committee has acted with reference to this particular question. I have stated to you that their report shows Mr. Moss was elected by 21 votes only. In this one precinct, Kisters Mill precinct No. 25, they increased Mr. Moss's vote over Mr. Rhea 51 votes. So that if they are wrong as to that one precinct, then

Mr. Rhea has still got 30 majority under their own report, without reference to all other questions.

Now, I want you to take their own report of how they identify those ballots under this statute. They admit there was not a single one of them signed by the election officials, nor was there anything on the bag in which they were contained which stated whether a single one of them had been counted or not, mark you. They were in a bag with no statement attached to them and there was nothing on the bag, so they admit in their own report, except that it had on the paper across the front, not sealed as the statute requires, not the signature of all the officials, but on a flap merely it had the signature of the election officers.

There was no statement on the bag or on the ballot as to any number of them, as to how they were counted, or for whom. So I have got here a case in which they added to Mr. Moss 51 votes, in which they must stand alone the doctrine of applying to this statute under these decisions the general election return and rely upon that alone to identify every one of these ballots as having been rejected. For unless it is certain that they were rejected, by what right will you recount them for Moss? If there is any question as to whether they were counted originally for Moss, by what right will you now recount them for Moss? And your whole right to count any one of them is and must be founded upon the righteous judgment that they were all rejected. There is no escape from that.

Now, you ask me to believe that because these returns show the number of ballots counted as valid, 257; number of ballots questioned or rejected, 112; number of ballots marked "spoiled," 3; whole number of ballots cast, 369; number of ballots not used and destroyed after the polls closed, 64; number of ballots in this book, 436—you ask me as a reasonable man, as a man who is willing to decide the facts on his oath, to believe from that that those ballots were all rejected by the election officers and to recount them for Moss as they may show on their face. I say you ask me too hard a proposition.

Mr. LACEY. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. BURGESS. Yes; certainly.

Mr. LACEY. It seems that an amount equal to 50 per cent of the counted ballots was rejected; that is, that one-third of the whole was rejected.

Mr. BURGESS. About.

Mr. LACEY. How did it happen that such a large rejection occurred in that precinct?

Mr. BURGESS. Well, your question assumes more than I am willing to assume. There is no proof that they were all rejected.

Mr. LACEY. The return shows 112.

Mr. BURGESS. They may have been all questioned, and that is the point I am discussing now. How can you tell that the whole 112 were not merely questioned? They may have all been counted. How do I know that they were not counted? You say, "Why, because there are so many ballots counted as valid." Why, that would not include a ballot that was counted for a particular man but questioned. The "questioned" ballots and the "ballots counted as valid" must not be mingled together, under the statute. That is clear.

Mr. MANN. Does the gentleman claim that if a ballot is counted as valid, but questioned, it is not included in the return of those counted as valid?

Mr. BURGESS. I think so, clearly.

Mr. MANN. Then the gentleman ought to read the Kentucky law.

Mr. BURGESS. That is a mere difference of opinion as to whether the gentleman from Illinois ought to know more about the Kentucky law. I say that this is clear. The number of ballots counted as valid refers to the ballots counted about which there was no question, and the addition shows it; for added to that the questioned and rejected ballots, the spoiled ballots, and the ballots left in the book makes the number of ballots sent out by the clerk. So I must be correct when I say that the first recital of the number of "ballots counted as valid" did not include a "questioned" ballot that was counted.

Mr. MANN. As valid?

Mr. BURGESS. Yes.

Mr. MANN. So that the gentleman's contention is that a ballot counted as valid is not included in the number of ballots counted as valid?

Mr. BURGESS. Yes; that is exactly my position.

Mr. MANN. That is the position of the gentleman, which he rests upon.

Mr. BURGESS. Yes.

Mr. MANN. That the certificate of the judges that they counted a certain number of ballots as valid does not include the number of ballots counted as valid?



Mr. BURGESS. The gentleman ought not to make a speech in my time.

Mr. MANN. I wanted to know what the gentleman's position was.

Mr. BURGESS. I will state my position so clearly, I think, that any man who has good common sense can understand it. Now, listen. I say that this number of ballots "counted as valid," in my judgment, does not include any "questioned" ballots which may have been counted for some one particular candidate, and the proof of that is that in each instance in these election returns the number of ballots counted as valid, the number questioned or rejected as a whole added together, with the spoiled ballots and the ballots left at the close of the election, added together, make the total number of ballots sent out in the book. So that it amounts to a demonstration that no questioned ballot is included in the number of ballots counted as valid.

Mr. BURLESON. That is a mathematical demonstration.

Mr. BURGESS. It is a mathematical demonstration.

Mr. MANN. That is what we think.

Mr. PALMER. The demonstration is the other way.

Mr. BURGESS. So that the only contention you have is to ask me to assume that all of the ballots returned by the election officers as questioned or rejected, how many of each I do not know and for whom I do not know—you ask me to assume that all of them were rejected, and I say you have no right to make that assumption. I say that half of them or all of them may have been questioned as to other officers and that they may have been counted for Moss. But you say that would increase his vote.

Mr. LACEY ROSE.

Mr. BURGESS. Just a moment, and I will yield to the gentleman from Iowa.

How frequently do we find, in red-hot Congressional elections, men who vote for neither candidate, and yet vote for candidates for county officers or for State officers. The returns show it. I have made a little table, and I will give you the figures without going into them minutely. These returns show that in the boxes that you counted there were 49 votes of those who did not vote either for Mr. Moss or Mr. Rhea, as shown by the mere subtraction of the total vote from the vote counted as valid. As shown by these figures in these precincts there were 49 voters who did not vote either for Moss or Rhea.

Mr. MANN. Does the gentleman claim that the sum of 86 and 163 are 49? Because that is the gentleman's statement, and that is faulty arithmetic.

Mr. BURGESS. No; the gentleman simply misunderstands me.

Mr. MANN. The gentleman stated that in this precinct the number of votes returned for the two candidates for Congress were 49 less than the ballots counted as valid.

Mr. BURGESS. I did not intimate anything of the kind. I say that in this precinct there were 51 votes that you counted for Moss, and that was more than double the whole majority you give him. What I do say with reference to the vote is this: I was using 49 with reference to all the precincts that you set out in your report. Add them, and they show that 49 returned as valid votes by the election officers did not vote for either Moss or Rhea. That is the face of your returns. That depends upon how many questioned ballots were counted, that went in to make the aggregate and decrease the number of those that did not vote for either Rhea or Moss.

There may have been a hundred of them—I do not know how many—that did not vote for either Moss or Rhea. As to one of them the voter might say that he did not look upon him as a straight Republican, and as to the other, he might not like his Democracy. How many of this number were in the questioned ballots no man can now know, and it takes an election committee with a remarkable arithmetic to figure out all the rejections and add them to the election returns overturning the election of a Democrat and turning it on the side of the Republican.

That is the shape of it exactly. Is it really possible that any thinking man would contend that he can tell how many of these ballots were in fact rejected by the election officers merely from the face of the returns? Were there none questioned? If they were questioned were they counted? Who knows? How many of them were there? For whom were they counted? Who knows? Nobody but the gentleman from Illinois, with his fabulous intellectual process, could determine.

Mr. GAINES of West Virginia. Will the gentleman allow me to answer as to who knows?

Mr. BURGESS. I shall not yield for an answer, because the gentleman has time in his own right, and while I would as cheerfully yield to him as to any other man on the floor, I prefer that he answer his own question in his own time and in his own way.

Mr. GAINES of West Virginia. I simply wanted, Mr. Speaker, to show where the record answered the question.

Mr. MANN. He does not want it answered.

Mr. BURGESS. I guess the answer will keep. It will not

spoil unless it is like some of the other remarkable statements that have been made.

Now, Mr. Speaker, I have spoken longer than I intended to speak, but I desire that the House shall take these propositions of law and apply them to the undisputed facts in this case. There is no contention of any real dispute as to how these ballots are in the record, what they show, and what the facts are. And it is only a question of the application of the statute and two Kentucky decisions to these facts.

There is no need of talking about what the committee has done heretofore; no need to talk about the Goebel election law, or partisanship, or anything else, except the law in the case invoked by the undisputed facts; and it does seem, if this House would not get together on any question under heavens, of patriotism or of principle, we can afford one time to agree as lawyers as to what the law is and apply that to a certain state of facts.

Now, in conclusion, I press this matter, because I believe there are many fine lawyers in this House on both sides, and I do not desire to be understood as asserting that any member of this committee meanly or corruptly has reached the conclusion that he holds; not at all. But men are involuntarily and unconsciously biased, and especially so, unfortunately, in matters of religion and politics. The best of men who listen to a religious discussion generally believe their man at the other fellow up, and the tendency of this House has been on contested-election cases merely for each member to find out what side of the report he is on, and that settles the matter.

I say that this is a question of the highest right and the highest judicial opinion that you or I shall ever be asked to give; and in making our decision it is one in which we ought to remove far from us every partisan plea, one in which every principle of patriotism ought to well up in our hearts and say let us decide the real law in the case and preserve the real rights of States and the rights of individuals if the heavens and parties all fall into pieces. [Loud applause on the Democratic side.]

I tell you it is a great question. If we shall set a precedent of winking at decisions and statutes of a State upon the free election of one of its citizens to represent her in this House, where shall we draw the line? If we set for once that precedent, when a time of excitement comes, when a time of partisan feeling may come, when there will not be the good era as there is now, men will be driven along and along and along until the rights of States and of individuals will be lost in a mere centralized power under the dictation of the men who are then running it.

I tell you I feel as if this case involved as much for the State of Kentucky as any of the great trials through which she has been called to go, and God knows they have been many and severe enough. I feel as if I would like to say to her, out of my heart, "I fear, thou grand old State, thou art about to be wounded in the house of thy friends."

"Surrounded by representatives of sister States whose stars blend with thine in the national flag, they are about to say that your Supreme Court decisions are of no value; that your statutes are meaningless, and that the election of one of your citizens can be determined by ballots not in compliance with the laws of your State or your court; that though you are gallant and brave enough to have men that would turn out on the same issue a Democrat and seat a Republican, that in a Republican House they are about to reverse the order of things and the decision of your higher court, and turn out a Democrat and seat a pretended Republican." [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, may I ask how much time the gentleman from Iowa would like?

Mr. SMITH of Iowa. I am not able to say, Mr. Speaker.

Mr. MANN. I yield to the gentleman from Iowa [Mr. SMITH] such time as he desires.

Mr. SMITH of Iowa. Mr. Speaker, the history of the Kentucky election laws is a novel one in this country. From 1799 until 1891 elections took place in the State of Kentucky by a viva voce vote, and there was no ballot law in that State for any purpose. The constitutional convention which adopted the present constitution of the State provided that thereafter elections should be by ballot.

The following year a ballot law was enacted which I think is one of the best laws upon that subject ever written upon the books of any State of this Union. [Applause.] It was a law written with the benefit of all the experience of all of the States. Kentucky, the last to accept this system, was enabled by a comparison of the laws of other States to write upon her books a model upon this subject. That law has not been greatly modified since, but some changes were made in October, 1900, just before the election here in question.

In 1898 the legislature of Kentucky passed the so-called "Goebel law," and that law has something to do with this contest. It provided for the election by the then legislature of Kentucky of three commissioners, for their having the selection of the election



commissioners in every county in Kentucky; and for the selection by the county commissioners of all the precinct election officers in the State; it provided for no division, politically speaking, of the members of these official bodies except in the precincts; provided that in the precincts there should be one judge from each of the two great political parties, and that the sheriff and clerk should be divided between the two parties, but, as the law provided, that the sheriff should be the umpire and should decide all disputes between the judges.

So that the county board was enabled to appoint one Republican judge and one Democratic judge, a Democratic sheriff and a Republican clerk, and could thus control the board of elections everywhere that it saw fit to control it.

Mr. RHEA of Kentucky. Can I interrupt the gentleman?

Mr. SMITH of Iowa. I will allow the gentleman to do anything he pleases.

Mr. RHEA of Kentucky. I know the gentleman from Iowa does not mean to misstate the law, but the provision which provided that the sheriff should be the arbiter has existed in Kentucky for fifty years.

Mr. SMITH of Iowa. I did not intend to be understood that that was a part of the Goebel law. I meant to state that the Goebel law provided for the appointment of the local board by the county board, and the county board by the State board, and while it did require the judges to be of different political faiths, under the law the sheriff was the umpire to decide between them, and could, under the Goebel law, be a Democrat in every precinct. The gentleman does not dispute that proposition, does he?

Mr. RHEA of Kentucky. I thought the gentleman from Iowa had fallen into the supposition that making the sheriff the arbiter was a part of the Goebel law.

Mr. SMITH of Iowa. I have not. Now, these judges and sheriffs and clerks, selected in the manner I have indicated, made up the returns from which this contestee claims that he was elected to the Congress of the United States, and he is now defending his seat chiefly on the ground that, as he claims, these partisans of his did not comply with the election laws of Kentucky so as to preserve the evidence of the rejected ballots. He is here insisting that these ballots are not identified under the laws of Kentucky by the election officers selected under the unjust Goebel law.

Mr. BOWIE. Will the gentleman allow me a question?

Mr. SMITH of Iowa. I will.

Mr. BOWIE. In the county of Warren, about which complaint is made as to the rejection of the ballots, is it or not a fact that both parties were equally represented at each election precinct in that county?

Mr. SMITH of Iowa. They were in every county in Kentucky, if the law was complied with, and I take it that it was.

Mr. BOWIE. If that is so, what was to prevent the Republican members of the precinct election board from making a certificate and calling on the Democrats to sign it?

Mr. SMITH of Iowa. I will answer the question. It would not do a particle of good, because you say the law of Kentucky required them to be certified to by all the election officers, and you had the controlling factors of the board; you had one judge and the sheriff in each precinct.

Mr. BOWIE. One other question, if the gentleman will permit.

Mr. SMITH of Iowa. Yes, sir.

Mr. BOWIE. If the Republican members had signed such a certificate and the Democratic members, upon request, had refused to sign it, could not the Democratic members have been compelled by mandamus to sign it?

Mr. SMITH of Iowa. I presume they probably could have been.

Mr. BOWIE. Was anything of that sort done?

Mr. SMITH of Iowa. I think not.

Mr. BOWIE. Did even the Republicans offer to sign such a certificate?

Mr. SMITH of Iowa. In some instances the certificate is signed by a portion of the board.

Mr. BOWIE. By one clerk.

Mr. MANN. If I may be allowed a question, I would like to ask what would become of the ballots while a mandamus proceeding was winding its weary way through the courts?

Mr. SMITH of Iowa. The object of this law, according to the contention on the other side, is to identify these ballots; and if they are not identified from the very hour of the election the identification is worthless, as gentlemen well know.

Mr. BOWIE. If the ballots were taken into court they would be in the custody of the court, and would follow the mandamus proceedings.

Mr. SMITH of Iowa. Did the gentleman ever hear of a court anywhere in the world taking charge of ballots pending mandamus proceedings?

Mr. BOWIE. I presume it has been done time and again in Kentucky.

Mr. SMITH of Iowa. So many things have been done in Kentucky that it is possible this may have been done there, but I do not think it has ever been done anywhere else.

Mr. MANN. I assure the gentleman that such a thing has never taken place in Kentucky in any recorded proceedings.

Mr. SMITH of Iowa. But I want to return to the case I was discussing. I have not here the law of 1900, but I have the law which is in substance the same as to the certificate to be attached to these rejected ballots:

If there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

There is not a syllable in that provision of law which says that this "true statement" shall be attached to the ballot.

Mr. WHEELER. If the gentleman from Iowa will permit, I should like to make a single remark with reference to the question just asked by the gentleman from Iowa, and the intimation of the gentleman from Illinois [Mr. MANN], that there would be something done in Kentucky with the ballots pending mandamus proceedings. I desire to say that there were mandamus proceedings in the city of Louisville in connection with the election of 1899, and the judges of the circuit court in that city (in some instances Democratic judges and in some instances Republican judges) were compelled to sign the returns.

Mr. SMITH of Iowa. No one questions that.

Mr. WHEELER. The gentleman from Illinois did.

Mr. SMITH of Iowa. Not at all; he has not questioned it in the slightest degree.

Mr. WHEELER. I understood the gentleman from Illinois to ask what would become of the ballots during mandamus proceedings?

Mr. SMITH of Iowa. He simply wanted to know how you would identify the ballots after this long litigation.

Mr. WHEELER. No long litigation is required. In the case I have mentioned it took the court only three hours to determine the question.

Mr. SMITH of Iowa. They have a summary way of doing things in Kentucky.

Mr. WHEELER. But a very honest way, though it may sometimes be a little mysterious to some gentlemen.

Mr. MANN. The question is how the ballots could be identified by a certificate of the court, which could not be had except at the end of mandamus proceedings, which might be weeks after the ballots had passed out of the hands of the judges of election. The ballots could not remain in the possession of the election officers; that is sure.

Mr. WHEELER. I presume they would go to the county clerk—

Mr. SMITH of Iowa. I say the statutes in Kentucky did not provide that this true statement should be attached to the rejected ballots. But it is insisted that in the decision in the case of *Anderson v. Likens* the supreme court of Kentucky said that the certificate should be attached. When you come to examine the original record in that case you find there never was any argument before the court upon that subject; you find that the question never was discussed there, and you find that there is not a word in the statute saying that the certificate must be attached to the ballot. You find that it is a mere opinion of the court without any argument having been made upon the subject at the bar.

But suppose it be conceded that that is a fair construction. The court then says that the identification must be done by attachment or in some other satisfactory manner. In this case we have the identification in an entirely satisfactory manner, as can be shown to any fair-minded man.

This question was asked here this morning: If the returns should show 274 votes as valid and 100 votes as "questioned or rejected," how could you tell that there were not 50 "questioned or rejected" votes included in the 274 returned as valid?

Mr. FOX. Well, will my friend permit me—

Mr. SMITH of Iowa. Let me finish that statement. I will answer that question.

Mr. FOX. I have not asked you any question. Go ahead.

Mr. SMITH of Iowa. I mean the question propounded here upon the floor this morning; not the question by Judge Fox. I will answer that question.

Mr. FOX. I have not asked you a question.

Mr. SMITH of Iowa. I am answering the question propounded here before this morning.

Mr. FOX. But I have not asked you anything.

Mr. SMITH of Iowa. I have repeatedly stated that I am not answering the gentleman's question.

Mr. HENRY C. SMITH. The gentleman declines to ask a question. [Laughter.]

Mr. SMITH of Iowa. I am answering the question propounded



here this morning as to how you know that 50 of these 100 votes were not included in the 274. I want to answer that question. Because these returns, certified upon the honor of these reputable Democratic officers of election, state that the total was 374; and if 274 were counted as valid, and 100 were questioned or rejected, and 50 of that 100 were included in the first 274, then there were not 374 in the aggregate.

Mr. WHEELER. Will the gentleman pardon me—

Mr. SMITH of Iowa. I wanted to yield to my friend Judge Fox, if he wishes to ask a question.

Mr. FOX. I will ask you if the same certificate that you contend for is sufficient in this case, was it not in the case of Anderson against Lickens, and the court said it was not sufficient, for such a true statement as required by the statute must also be in the record.

Mr. SMITH of Iowa. I will take pleasure in answering that.

Mr. FOX. Was not the identical general return in the case of Anderson against Likens in the record that is in the case of Moss against Rhea?

Mr. SMITH of Iowa. I will answer that as best I can.

Mr. FOX. It is a categorical question.

Mr. SMITH of Iowa. I do not want to answer it in a categorical way. I want to answer it in my own way, if I may have that privilege. This general certificate may be sufficient in some cases and insufficient in others, and I will show you how. If there were 250 votes—

Mr. FOX. Will you not answer the question?

Mr. SMITH of Iowa. Let me proceed as I am.

Mr. FOX. You decline to answer it, then?

Mr. SMITH of Iowa. No; I do not. You will be fully answered in a moment.

Mr. MANN. If the gentleman listened to me this morning, I answered the question, and he ought to be satisfied.

Mr. FOX. Will you not admit that return is in the case of Anderson v. Likens?

Mr. SMITH of Iowa. In the same form?

Mr. FOX. Yes; in the record.

Mr. SMITH of Iowa. In the same form?

Mr. FOX. In the same form—in the statutory form.

Mr. SMITH of Iowa. I will admit—

Mr. FOX. Made out exactly according to the blank that is set out in the statutes of Kentucky.

Mr. SMITH of Iowa. I will admit that it appears in Anderson v. Likens in the same form, but not in the same relation to the facts in the case; and now, if the gentleman had waited, I would have explained that a moment ago. If the record shows 250 votes counted as valid, and it shows that there are 50 questioned votes included in that and 50 rejected votes, and the 100 questioned and rejected are bunched together in the same canvas bag, there is no method of distinguishing which were questioned and which were rejected.

Then this general certificate is not sufficient to comply with this provision of the statute to which the attention of the House has been so often called this day; but if the record shows that the votes that were counted as valid, added to those that were both questioned and rejected, makes the exact aggregate number of votes cast in that precinct, then it conclusively appears, if the certificate be true, that every ballot classed as questioned or rejected was, in fact, rejected.

Mr. WHEELER. Will the gentleman permit me to interrupt him there?

Mr. SMITH of Iowa. Yes; certainly.

Mr. WHEELER. The gentleman's argument would be true if there was but one race in which balloting was being done, but in this particular case the citizens of Kentucky were voting a blanket ticket for everything from constable to governor.

Mr. SMITH of Iowa. I am glad that you asked me that question.

Mr. WHEELER. I am glad you gave me the opportunity to do so.

Mr. SMITH of Iowa. I might have overlooked that if you had not asked me.

Mr. WHEELER. I desire to direct your attention to this point, that if 10 voters had cast their ballots for county judge, those 10 ballots would have been certified to as cast, while 10 of the ballots that were returned as questioned might have been also counted in the Congressional race, and offset those that were counted only in the county judge's race in footing up the total amount of ballots passed.

Mr. SMITH of Iowa. I will try to answer that. The law of Kentucky, as you know, provides that the ballots for the precinct shall be bound in a book.

Mr. WHEELER. Yes.

Mr. SMITH of Iowa. And it provides that the judges and other officers of election shall account for every ballot that they receive in that book, does it not?

Mr. WHEELER. That is true.

Mr. SMITH of Iowa. That is true. When they come to make

up this statement we are talking about, it is not a statement of votes cast for candidates; it is a statement of what became of the ballots in that book, and you know it.

Mr. WHEELER. That is just exactly right.

Mr. SMITH of Iowa. And they state that of the ballots in that book—400, for instance—200 were counted as valid.

Mr. WHEELER. That is right.

Mr. SMITH of Iowa. That 150 were rejected or questioned, and 50 were destroyed because not used.

Mr. WHEELER. But if my friend will permit me, if a ballot is cast for only one man and it is a legal ballot, it is counted in the sum total as a good ballot, and you can not tell whether it has been rejected or counted in the Congressional race, in the Presidential race, or in the county race.

Mr. SMITH of Iowa. A ballot is either good or bad as a whole ballot. It may be that a voter has failed for some reason to vote for some one candidate.

Mr. WHEELER. Yes.

Mr. SMITH of Iowa. And he may have voted for other candidates; but the ballot as a ballot is either a valid ballot or not a valid ballot.

Mr. WHEELER. I agree entirely to that.

Mr. SMITH of Iowa. And it is so reported by the election officers of the precinct.

Mr. WHEELER. And it is for that reason that we contend that when you take the total footings that may have been cast for one candidate or a dozen candidates, upon which to hypothecate this calculation, and show how many of those ballots were questioned and rejected or questioned and counted, it is absolutely fallacious, because you are assuming that every voter in Kentucky voted the entire Democratic or entire Republican ticket.

Mr. SMITH of Iowa. I beg your pardon. I am simply turning to these returns, which show there were a certain number of votes counted as valid, and a certain number counted as questioned or rejected, and a certain number that were not used, and the aggregate equals the total number of tickets furnished to the judges of the precinct. And therefore I say those thus reported as rejected or questioned can not have been counted as valid or the statement is false.

Mr. FOX. Before my friend proceeds, will it bother him for me to ask him a question?

Mr. SMITH of Iowa. It does not bother me at all, except that it uses up my time very rapidly.

Mr. FOX. I dislike to interrupt the gentleman for that reason, and I have refrained heretofore; but suppose that the return from the Electric Light precinct, for instance, shows that there are 100 questioned or rejected ballots. Admitting that that is sufficient to show that there were 100 rejected ballots, for the sake of argument, how does it identify the rejected ballots?

Mr. SMITH of Iowa. I do not say it identifies the rejected ballots.

Mr. FOX. Wait a minute. The contention is on our side that the true statement required by the statute to accompany rejected ballots is necessary to identify the rejected ballots, not to show how many there were, but that without that true statement being made there is nothing in the record to identify the rejected ballots. It is true, perhaps, that the general returns show that there were 100 questioned or rejected ballots; but where are they, and how are you going to find out what they are? What points to them, what identifies these ballots in the record as the rejected ballots?

Mr. SMITH of Iowa. The law requires them to seal up those rejected ballots in a canvas sack, does it not?

Mr. FOX. Certainly.

Mr. SMITH of Iowa. And as a matter of fact the officer to whom these ballots were returned by your Democratic officers swears that these are the ones they did return as the rejected ballots.

Mr. FOX. It was not a Democratic officer. Mr. Edley was a Republican officer.

Mr. SMITH of Iowa. I did not say that the witness was a Democrat.

Mr. FOX. Then I want to call your attention—

Mr. SMITH of Iowa. I said the custodian who received them from your Democratic officer swore that the ballots he received are the ones which are here.

Mr. FOX. I say Mr. Edley swore, and he is the only man that knows anything about it, that he was the custodian, and he was a Republican officer; and there is nothing on these sacks, except the one from Electric Light precinct, to identify them as coming from anywhere.

Mr. SMITH of Iowa. I did not say that the county clerk was a Democrat.

Mr. FOX. They are just dumped into this record without any sort of mark to identify them. They are not even identified as exhibits by the commissioner who took the depositions.

Mr. SMITH of Iowa. I say the clerk, the custodian of those

ballots, testified that your Democratic officials turned them in as rejected ballots.

Mr. FOX. No; he did not.

Mr. SMITH of Iowa. That is the effect of his testimony.

Mr. FOX. Well, as you read it.

Mr. SMITH of Iowa. Yes; as I read it. Now, I have said something about this Kentucky statute and something about the decision of the supreme court of Kentucky. I claim, first, that under the statute, and then, second, I claim under the decision of the supreme court, these ballots are admissible; and I claim they are admissible even in defiance of the statute and in defiance of the decision of the supreme court of Kentucky. I propose to put it on both grounds, and I feel that it may be well to read even to our Democratic friends the provisions of the Constitution of the United States upon this subject.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

Does that provide that the legislature of any State can prescribe the rules of evidence which shall govern this judicial body in sitting and trying contested-election cases? Does the Constitution, when it says—

That the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, confer authority to enact rules of evidence for the Government of this judicial tribunal?

Each House shall be the judge of the elections, returns, and qualifications of its own members.

Is this House, sitting in the exercise of its high judicial functions, to be bound and limited by rules of evidence derogatory of the common law enacted by the legislature of the Commonwealth of Kentucky? I want to read an authority upon that subject. This is from George W. McCrary, of Iowa, who was once chairman of the Committee on Elections of this House. His work upon the subject of elections is certainly the most able, the most learned, and the most scholarly of any text-book upon that subject in the English tongue. He made a report to this House upon the very subject now under discussion.

Mr. SMITH of Kentucky. What page do you read from?

Mr. SMITH of Iowa. It is the case of Norris against Handley, from the Third Congressional district of the State of Alabama, reported in Smith, page 73, the portion of it I desire to read:

The statute of Alabama, defining the powers and duties of the board of county canvassers, or supervisors of elections, provides as follows:

"That it shall be the duty of the board of supervisors of elections, upon good and sufficient evidence that fraud has been perpetrated, or unlawful or wrongful means resorted to to prevent electors from freely and fearlessly casting their ballots, to reject such illegal or fraudulent votes cast at any such polling place, which rejection so made as aforesaid shall be final unless appeal is taken within ten days to the probate courts."

The gentlemen say that merely the failure of the judges of elections of Kentucky to certify is final to this House, unless an appeal is taken to the court of Kentucky upon mandamus.

Another section provides that this "board of supervisors of elections" shall be composed of the judge of probate, sheriff, and clerk of the circuit court in each county.

In the opinion of the committee, it is not competent for the legislature of a State to declare what shall or shall not be considered by the House of Representatives as evidence to show the actual votes cast in any district for a member of Congress, much less to declare that the decision of a board of county canvassers, rejecting a given vote, shall estop the House from further inquiry. The fact, therefore, that no appeal was taken from the decision of the board of canvassers, rejecting the vote of Girard precinct can not preclude the House from going behind the returns and considering the effect of the evidence presented. From this evidence we conclude that box No. 1 was improperly rejected by the board.

That report was adopted in this House, and I am a little surprised to see our Democratic friends are taking a contrary position. I want to read a little more from the Constitution of the United States:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The Constitution thus confers upon the State, as an entity, the absolute power to choose electors for President and Vice-President; and yet twenty-five years ago, when the Republicans were insisting in a Presidential contest that the Congress could not go behind the face of the returns from a State, our friends set up a cry of fraud and insisted that Congress had that power. How does it come, as we had the right, as you said then, to go behind the returns to say who were chosen electors for President and Vice-President for the whole State, that we are to be bound absolutely by the rules of evidence of the States in determining who has been elected by the people of a State to a seat on the floor of this House?

Mr. FOX. Does my friend think that the regulation of a statute requiring a certain certificate to accompany the ballots is a rule of evidence?

Mr. SMITH of Iowa. You say that the court can not entertain any evidence except that prescribed by the law of Kentucky. That is a part of your contention; that it is simply a rule of evidence. I say that it is a rule of evidence, and perhaps more than

a rule of evidence. I say that you propose to nullify the election by a law of the State which you claim fixes and limits the evidence identifying the ballots, and I insist the Constitution never conferred on the State authority thus to govern and control this House in the exercise of its judicial functions.

Now, as a matter of fact, this whole election was in the charge of the partisans of this contestee. They conducted the election; they made the returns. We have got here what his partisans returned as rejected ballots. They show that he was not elected a member of this House. And we have produced the evidence of the custodian who received these ballots directly from his partisans appointed under the Goebel law, that law which was repealed before the election, but which the legislature deemed it wise and expedient to keep in force until after the election, providing that the repeal should take effect after this thing had been consummated.

Now, assuming, then, first, that we have complied with the Kentucky law, second, that if we have not complied with the Kentucky law, if we have identified these ballots, that is all that is necessary under the Constitution, I pass to a brief consideration of this case on one or two other propositions involved.

It appears that these Goebel law officials systematically passed out the ballots without the initials of the clerk on them. Then they took them back and put them in the ballot box, and then when they came to count the votes rejected them. It is now contended that because the law said the ballots should not be deposited without the initials of the clerk, that that was a proper exercise of the power of the election boards.

I assert, without fear of successful contradiction, that the overwhelming weight of authority is that where a law provides that a ballot under certain circumstances shall not be counted, that is mandatory; where the law provides that under these circumstances it shall not be received, it must be counted if it is received. This very question was recently before the supreme court of the State of Missouri, and I call attention to the opinion of that court in the case of Hehl against Guion, 55 Southwestern Reporter, page 1036, in which the court specifically lays down the proposition that where the law provides that without the initials the ballot shall not be received; if it is received, the voter can not be cheated of his right of suffrage by rejection of the ballot after its receipt. Numerous authorities are collated on the same subject and on the same side.

Mr. FOX. Will the gentleman allow me an interruption?

Mr. SMITH of Iowa. Certainly.

Mr. FOX. Has not another branch of the Missouri supreme court decided exactly the opposite?

Mr. SMITH of Iowa. Yes; before this case.

Mr. FOX. About the same time?

Mr. SMITH of Iowa. Just before this case; and that was a minority decision, and this was the majority of the court.

Mr. FOX. It was the full court, but a different branch of the supreme court.

Mr. SMITH of Iowa. No; I beg the gentleman's pardon—

Mr. FOX. There are several branches of the supreme court.

Mr. SMITH of Iowa. I know there are several branches, but this decision that I refer to was a four-judge branch and yours was a three-judge branch. [Laughter.]

Mr. FOX. This was an appellate division.

Mr. SMITH of Iowa. Yes; but this was a four-judge division and yours was a three-judge division. Yours was the first case and this was the last case. [Laughter.]

Mr. FOX. This was not the last case. The gentleman is mistaken about that.

Mr. SMITH of Iowa. The last case from the court on that subject.

Now, Mr. Speaker, I do not care to further discuss the rejection of these ballots where they appear here in these volumes from page to page. The gentleman from Illinois [Mr. MANN] has ably presented that subject. It is a fact that has been called clearly to the attention of the House that there was no candidate for Congress upon these tickets upon which the blots were made.

Even if there had been a specific cross on the Republican ticket and the Social Labor ticket, under these circumstances, under the weight of authority, the ballots should have been counted for the contestant and not thrown out. The weight of authority is that where a man marks two ballots, under the Australian system—two tickets—that he does vote for all such candidates as are running for office where there is no candidate for the same office upon the other ticket.

Mr. MANN. Will the gentleman pardon me?

Mr. SMITH of Iowa. Certainly.

Mr. MANN. I quite agree with the gentleman about the law, especially upon further investigation of it. But the gentleman understands that in figuring the majority of 21 which the committee reports, they did not include these ballots, and if we did include them, it would make the majority considerably larger.



Mr. SMITH of Iowa. I am well aware that they were not included. The truth is that in this case if the ballots were counted—as they should have been counted under the weight of authority—if in this case we had been able to go into the precincts where the certificate was not full enough by lack of evidence indicating how many had been rejected, the majority of the contestant would have been several times what it is by the report of the committee. But absolutely every ballot has been rejected by the committee where it was not conclusive that the contestant was entitled to have it counted in his behalf.

This Kentucky legislation provides for a system of ballots with two stubs, and it provides that the last stub shall be detached by the officers of the election after the vote has been prepared by the elector. In a number of instances the stub was not thus detached as required by the statute; and the judges, having neglected their duty in this respect, rejected the votes, thereby benefiting this contestee. But the same authorities to which I have already referred hold that ballots of that kind must be counted. That has been the principle governing cases of this kind—that where the voter has on his part complied with the law, the judges of election can not by their misconduct in depositing his ballot without the preliminary steps having been taken, defraud him of the right of suffrage.

Now, Mr. Speaker, I have discussed this case so far as I intend to do. I believe the evidence abundantly shows the election of this contestant; and while I have the utmost regard and respect for the gentleman from Kentucky [Mr. Rhea], my colleague upon the Committee on Banking and Currency, I trust that he does not want to sit here as the beneficiary of a system under which, according to his present contention, these ballots were first unlawfully excluded by the judges of election, who then, as he contends, failed to furnish the statutory evidence of that fact. I trust that the gentleman from Kentucky would not be willing, as the result of such a proceeding, to hold the seat to which Mr. Moss was justly elected by the people of the Third district of Kentucky.

Mr. MANN. I move that the House do now adjourn.

Several MEMBERS. Oh, wait a moment.

Mr. MANN (after a pause). Mr. Speaker, I withdraw the motion for the present.

The SPEAKER. Does the gentleman from Illinois desire to close up this matter for to-day?

Mr. MANN. We are through with the discussion for to-day.

#### LEAVE OF ABSENCE.

Mr. BARTHOLOTT, by unanimous consent, obtained leave of absence for one week, on account of important business.

#### MARINE HOSPITAL AT BUFFALO.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 3148) for a marine hospital at Buffalo, N. Y.

The amendment of the Senate was read, as follows:

In line 1, page 2, strike out "for all purposes."

Mr. ALEXANDER. I move that the House concur in this amendment.

The motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3653. An act for the protection of the President of the United States, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4366) granting a pension to John Y. Corey.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher. The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11145. An act granting an increase of pension to Mary F. Key.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 3148. An act for a marine hospital at Buffalo, N. Y.;

H. R. 10530. An act to repeal war-revenue taxation, and for other purposes; and

H. R. 10404. An act granting a pension to John Y. Corey.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3653. An act for the protection of the President of the United States, and for other purposes—to the Committee on the Judiciary.

Mr. MANN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 14 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the Rock Island Arsenal—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of deficiency appropriation for printing and binding for the Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, relating to the claim of Capt. S. J. B. Schindell—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a report of tests of iron and steel and other material for industrial purposes, at Watertown Arsenal, during the year ended June 30, 1901—to the Committee on Manufactures, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11658) to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect, reported the same with amendments, accompanied by a report (No. 1167); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10173) granting an increase of pension to Richard Trist, late of Company A, First Wisconsin Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1123); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11638) granting an increase of pension to Samuel Hyman, reported the same with amendments, accompanied by a report (No. 1124); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11894) granting a pension to Hannah A. Timmons, reported the same with amendments, accompanied by a report (No. 1125); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11798) granting an increase of pension to Ole Oleson, reported the same with amendment, accompanied by a report (No. 1126); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6645) granting an increase of pension to Ann E. Austin, reported the same with amendment, accompanied by a report (No. 1127); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12129) granting a pension to Minnie M. Rice, reported the same with amendment, accompanied by a report (No. 1128); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2857) granting an increase of pension to Francis J. Houghton, reported the same with amendments, accompanied by a report (No. 1129); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8721) granting an increase of pension to Joseph Westbrook, reported the same with amendment, accompanied by a report (No. 1130); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7116) granting an increase of pension to Alexander F. McConnell, reported the same without amendment, accompanied by a report (No. 1131); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9370) granting a pension to John J. Wolfe, reported the same with amendments, accompanied by a report (No. 1133); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5170) granting a pension to Frederick Wright, reported the same with amendments, accompanied by a report (No. 1133); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9458) granting an increase of pension to Adolph Becker, reported the same with amendment, accompanied by a report (No. 1134); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9378) granting a pension to Clara B. Townsend, reported the same with amendment, accompanied by a report (No. 1135); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10782) granting a pension to Ole Steensland, reported the same with amendment, accompanied by a report (No. 1136); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11496) granting a pension to Henry S. Foster, reported the same with amendment, accompanied by a report (No. 1137); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1742) granting an increase of pension to Alonzo Lewis, reported the same without amendment, accompanied by a report (No. 1138); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11662) granting an increase of pension to Albion P. Stiles, reported the same with amendment, accompanied by a report (No. 1139); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1455) granting an increase of pension to Aaron S. Gatliff, reported the same with amendments, accompanied by a report (No. 1140); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5111) granting a pension to James G. Bowland, reported the same with amendments, accompanied by a report (No. 1141); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8355) granting a pension to Robert C. Ballard, reported the same with amendment, accompanied by a report (No. 1142); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7982) granting an increase of pension to William T. Peterson, reported the same with amendments, accompanied by a report (No. 1143); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11112) granting a pension to S. Agnes Young, reported the same with amendments, accompanied by a report (No. 1144); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9658) granting an increase of pension to Robert Stewart, reported the same with amendments, accompanied by a report (No. 1145); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9883) granting an increase of pension to William Kelley, reported the same with amendment, accompanied by a report (No. 1146); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10679) granting an increase of pension to Charlotte E. Baird, reported the same with amendment, accompanied by a report (No. 1147); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1292) for the relief of J. P. O'Brien, reported the same with amendments, accompanied by a report (No. 1148); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11890) granting an increase of pension to James Brown, reported the same with amendments, accompanied by a report (No. 1149); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4238) granting a pension to Emsley Kinsauls, reported the same with amendments, accompanied by a report (No. 1150); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12054) granting a pension to Elizabeth A. Burrill, reported the same without amendment, accompanied by a report (No. 1151); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8003) granting an increase of pension to Louisa M. MacFarlane, reported the same with amendments, accompanied by a report (No. 1152); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12012) granting an increase of pension to Walter C. Tuttle, reported the same with amendments, accompanied by a report (No. 1153); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12697) granting a pension to M. C. Rogers, reported the same with amendment, accompanied by a report (No. 1154); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12395) granting a pension to Ruth Bartlett, reported the same with amendment, accompanied by a report (No. 1155); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12774) granting an increase of pension to John M. Brown, reported the same with amendments, accompanied by a report (No. 1156); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8341) granting a pension to Hannah C. Chase, reported the same with amendment, accompanied by a report (No. 1157); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5695) granting an increase of pension to John M. Seydel, reported the same with amendment, accompanied by a report (No. 1158); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6721) granting an increase of pension to Andrew Ray, reported the same with amendments, accompanied by a report (No. 1159); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9290) granting a pension to Francis L. Ackley, reported the same with amendments, accompanied by a report (No. 1160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8794) granting a pension to Henry I. Smith, reported the same with amendments, accompanied by a report (No. 1161); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4304) granting a pension to John S. Nelson, reported the same without amendment, accompanied by a report (No. 1162); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4413) granting an increase of pension to Martha A. Greenleaf, reported the same without amendment, accompanied by a report (No. 1163); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to



which was referred the bill of the Senate (S. 2006) granting an increase of pension to James Lelew, reported the same without amendment, accompanied by a report (No. 1164); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1289) granting an increase of pension to Julius W. Clark, reported the same without amendment, accompanied by a report (No. 1165); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3518) granting a pension to Nadine A. Turchin, reported the same without amendment, accompanied by a report (No. 1166); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4486) granting an increase of pension to Myra W. Robinson, reported the same without amendment, accompanied by a report (No. 1168); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1861) to remove the charge of desertion from the military record of Abner H. Goyt, reported the same adversely, accompanied by a report (No. 1169); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9233) for the relief of John B. Burns, alias John B. Wilson, reported the same adversely, accompanied by a report (No. 1170); which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 7919) to provide American register for steamer *Eagle*—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 11597) granting a pension to Sarah E. Compton—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9226) granting a pension to Elizabeth I. Ogden—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 12906) to consummate the purchase of additional land adjoining the naval station, Key West, Fla.—to the Committee on Naval Affairs.

By Mr. BLACKBURN: A bill (H. R. 12907) for the construction of a macadam road from the public square in the city of Salisbury, N. C., to the national cemetery—to the Committee on Military Affairs.

By Mr. MERCER: A bill (H. R. 12908) for the relief of certain officers of the Volunteer Army, and for other purposes—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 12909) for the relief of tobacco growers—to the Committee on Ways and Means.

By Mr. SPARKMAN: A bill (H. R. 12910) to increase the limit of cost of the building heretofore authorized at Tampa, Fla., for use of the United States court, post-office, and custom-house there—to the Committee on Public Buildings and Grounds.

By Mr. POU: A bill (H. R. 12911) authorizing the President to suspend the collection of the import duties upon certain articles—to the Committee on Ways and Means.

By Mr. FLETCHER: A bill (H. R. 12912) to authorize the Secretary of War to acquire additional lands at Fort Snelling, Minn.—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 12913) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes—to the Committee on the Public Lands.

By Mr. MEYER of Louisiana: A bill (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: A memorial requesting Congress to provide for an investigation by the United States Government of the

feasibility of constructing a canal between Weymouth Fore River and Taunton River—to the Committee on Railways and Canals.

By Mr. BELL: A memorial resolution of the Colorado senate expressing sympathy for the Boers—to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 12914) granting an increase of pension to Cynthia J. Shattuck, widow of George F. Shattuck—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: A bill (H. R. 12915) for the relief of M. L. Skidmore—to the Committee on Claims.

By Mr. BULL: A bill (H. R. 12916) for the relief of E. W. and A. Cross, of Wakefield, R. I.—to the Committee on Claims.

By Mr. GREENE of Massachusetts: A bill (H. R. 12917) to remove the charge of desertion against the name of Richard Clifford, Company I, One hundred and twenty-first New York Infantry—to the Committee on Military Affairs.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 12918) for the relief of the estate of Josiah Turner—to the Committee on Claims.

Also, a bill (H. R. 12919) for the relief of the estate of Bedford Brown—to the Committee on Claims.

By Mr. MOON: A bill (H. R. 12920) for the relief of James Moore—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 12921) granting an increase of pension to Mary E. Adams—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 12922) for the relief of the estate of the late Thomas C. Fuller—to the Committee on Claims.

Also, a bill (H. R. 12923) for the relief of the estate of the late Jesse R. Stubbs—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 12924) granting a pension to Lizzie S. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12925) granting an increase of pension to Israel C. Drew—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12926) for the relief of John C. Bishop—to the Committee on Military Affairs.

Also, a bill (H. R. 12927) for the relief of Charles W. Irwin—to the Committee on Military Affairs.

Also, a bill (H. R. 12928) for the relief of Lebens S. Landon—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 12929) for the relief of Moses Gillespie—to the Committee on Pensions.

Also, a bill (H. R. 12930) for the relief of Theodore Cole—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 12931) granting an increase of pension to Alexander Jones—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 12932) granting a pension to Elizabeth D. Harding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12933) granting an increase of pension to George W. McConkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12934) granting an increase of pension to William V. Carr—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12935) granting a pension to Susannah Ryan—to the Committee on Pensions.

Also, a bill (H. R. 12936) granting a pension to Reuben M. Mercer—to the Committee on Pensions.

By Mr. HEMENWAY: A bill (H. R. 12937) granting an increase of pension to Patrick Clair—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APLIN: Resolution of Merrill Post, No. 419, Grand Army of the Republic, Department of Michigan, favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Cigar Makers' Union No. 452, of Petoskey, Mich., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. BELL: Resolutions of Bricklayers' Union No. 2, of Pueblo, Colo., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of American Cattle Growers' Association of Seibert, Colo., opposing the leasing of public lands—to the Committee on Public Lands.

By Mr. BLACKBURN: Petition of M. L. Skidmore, for the

payment of a claim for lost stamps for internal-revenue packages—to the Committee on Claims.

By Mr. BOWERSOCK: Resolutions of the Trades League of Philadelphia, Pa., favoring an amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, resolution of Carpenters' Union No. 942, of Fort Scott, Kans., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BRICK: Petition of Brotherhood of Railroad Trainmen, Lodge No. 23, of Elkhart, Ind., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, petition of Group No. 193, South Bend, Ind., Polish Society, urging a monument at Washington to the memory of Count Pulaski, of the Revolutionary war—to the Committee on the Library.

By Mr. BULL: Resolution of Brewery Workers' Union No. 166, of Providence, R. I., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Engineers' Union No. 616, of Providence, R. I., favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Resolution of Board of Trade of Chicago, Ill., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, Pa., for an amendment to the river and harbor bill so corporations, etc., may improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

By Mr. BURLESON: Resolutions of Cattle Raisers' Association of Texas, indorsing Senate bill No. 3311, relating to the leasing of public lands for grazing purposes—to the Committee on the Public Lands.

Also, resolutions of same body, favoring a complete census of the live stock every five years—to the Select Committee on the Census.

Also, resolutions of same body, favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolution of the same body, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of citizens of Westerly, R. I., favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, in favor of legislation to abolish the regulation of vice in the insular possessions—to the Committee on Insular Affairs.

Also, petition of the Haskell Manufacturing Company, of Pawtucket, R. I., protesting against the ratification of the reciprocity treaties now pending—to the Committee on Ways and Means.

By Mr. CROMER: Resolutions of Bakers and Confectioners' Union No. 195, of Anderson, Ind., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of General George H. Thomas Circle, No. 24, Ladies of Grand Army of the Republic, of Pittsburgh (South Side), Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Pensions.

Also, resolutions of the New Century Club, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolution of the Trades League of Philadelphia, Pa., favoring amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, resolutions of Jersey Shore Division, No. 168, and Round Top Division, No. 153: Order of Railway Conductors of Vilas, Wilkesbarre, Connellsville, Philadelphia, and Derry Station, and Order of Railway Trainmen of Pittsburgh, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

By Mr. FOERDERER: Papers to accompany House bill 10951, for the relief of Mrs. Pauline M. Roberts—to the Committee on Invalid Pensions.

By Mr. FOSS: Petitions of Polish societies of Chicago, Ill., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of the Trades League of Philadelphia, Pa., favoring amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, petitions of Association of Machinists Union No. 253, Chicago, Ill., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. GORDON: Papers to accompany House bill 12817, to amend the military record of John Rose—to the Committee on Military Affairs.

Also, papers to accompany House bill 12816, granting an increase of pension to John Dugan—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petitions of Central Reformed Presbyterian Church, of Allegheny; the First Pentecostal Church of Pittsburgh, and Mount Washington Baptist Church, of Pittsburgh, Pa., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania: Petition of citizens of Berks County, Pa., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, petition of Plumbers' Union No. 42, Reading, Pa., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Stove Mounters' Union No. 42, Reading, Pa., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, petition of Penn Lodge, No. 172, of Reading, Pa., Brotherhood of Railway Trainmen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. GREENE of Massachusetts: Petition of Massachusetts Board of Trade, favoring the appointment of a commission to improve trade relations with China, and also for the adoption of the merit system in the appointment of consuls—to the Committee on Foreign Affairs.

Also, resolution of Bakers and Confectioners' Union No. 99, of Fall River, Mass., and Granite Cutters' Union, New Bedford, Mass., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Group 536, of New Bedford, Mass., Polish Society, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. HASKINS: Resolutions of Granite Cutters' Union of Groton, Vt., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Painters and Decorators' Union of Montpelier, Vt., favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolutions of Painters' Union of Greenwich, Conn., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOLLIDAY: Resolutions of Carpenters' Union No. 205, of Terre Haute, Ind., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KEHOE: Petition of sundry telegraph operators, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. KNOX: Resolutions of Bricklayers' Union No. 31, of Lowell, Mass., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. LITTLEFIELD: Resolutions of Bricklayers and Plasterers' Union No. 1, of Lewiston, Me., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. METCALF: Resolutions of Pacific Coast Marine Firemen's Union, of Sailors' Union of the Pacific, and of City Front Federation, of San Francisco, and of Eureka Branch of the Sailors' Union, of Eureka, Cal., favoring the enactment of section 39 of the Chinese-exclusion bill, H. R. 9330—to the Committee on Foreign Affairs.

Also, sundry petitions of 115 officers of the National Guard of California, favoring the passage of House bill (H. R. 11654) to increase the efficiency of the militia, and for other purposes—to the Committee on Militia.

Also, resolutions of Vallejo Lodge, No. 148, of Boiler Makers and Iron Ship Builders, of Vallejo, Cal.; of the Merchants' Exchange of Oakland, Cal., and of Brotherhood of Teamsters Local Union No. 85, and Sailors' Union of the Pacific, of San Francisco, Cal., favoring the exclusion of Chinese laborers and condemning the action of the Merchants' Exchange of San Francisco—to the Committee on Foreign Affairs.

Also, resolutions of Upholsterers' International Union No. 54, of Oakland, Cal.; of Black Diamond Bryan and Stevenson Club, of Black Diamond, Cal.; of Leather Workers' Union No. 17, of Benicia; of San Francisco Labor Council and Sailors' Union of the Pacific, of San Francisco; of Vallejo Lodge, No. 252, of United Brotherhood of Carpenters and Joiners; of Trades and Labor Council; of Typographical Union No. 389 and of Ship Keepers'



Protective Union No. 8970, of Vallejo; of Cigar Makers' International Union No. 253; of Oakland Typographical Union, No. 36; of Pacific Coast Union, No. 1; of Boiler Makers and Iron Ship Builders' Union No. 233; of Order of Railway Conductors, Golden Gate Division, No. 364, and of Retail Clerks' Association No. 47, all of Oakland, and petition of residents of Oakland, Cal., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union, Teamsters' Union No. 70, District Council of Alameda County, Machinists' Union No. 284, and Locomotive Engineers' Union, all of Oakland, Cal.; Carpenters' Union No. 194, of Alameda; Leather Workers' Union No. 17, of Benicia; Typographical Union No. 389; Brewers' Union No. 11, and Local Union No. 376, all of Vallejo, Cal., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOON: Petition of Street Railroad Employees' Union No. 115, of Chattanooga, Tenn., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. MUTCHLER: Paper to accompany House bill No. 12517, to amend the military record of Isaac Sutton—to the Committee on Military Affairs.

By Mr. NAPHEN: Petition of Journeymen Plumbers' Union No. 12, Boston, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. NEVIN: Protest of C. H. Barton, of Dayton, Ohio, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Resolutions of Cigar Makers' Union No. 266, of Memphis, Tenn., for an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. RUMPLE: Resolutions of Hand in Hand Lodge, No. 183, Railroad Trainmen, Clinton, Iowa, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Federal Labor Union No. 6303, of Muscatine, Iowa, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Resolutions of Bakers' Union No. 16, and Pattern Makers' Union, of Buffalo, N. Y., favoring restricted immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

By Mr. HENRY C. SMITH: Resolutions of Bricklayers' Union No. 15, of Jackson, Mich., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. SPARKMAN: Memorial of the State board of health of the State of Florida, requesting that the control of the maritime quarantine service of the ports of the island of Cuba be retained by the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Affidavits to accompany House bill 8287, granting an increase of pension to Peter Johnson—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Papers to accompany House bill granting an increase of pension to Alexander Jones—to the Committee on Invalid Pensions.

Also, resolutions of Red Prince Lodge, No. 250, Knights of Pythias, and Byesville Lodge, No. 765, Independent Order of Odd Fellows, of Byesville, Ohio, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. WARNER: Resolution of Division 37, of Mattoon, Ill., Brotherhood of Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Barbers' Union No 95, of Bloomington, Ill., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODS: Petition of the National Guard of California, for the passage of House bill 9972—to the Committee on the Militia.

Also, petition of Confidence Miners' Union, No. 47, of Confidence, Cal., favoring restriction of immigration and the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Petition of E. S. Garner, secretary, Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Alumnae Association of the Girls' High and Normal Schools, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, letter of S. B. Hedderson, of Philadelphia, Pa., in opposition to the passage of House bill 9352—to the Committee on Interstate and Foreign Commerce.

## SENATE.

MONDAY, March 24, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

## REPORT ON LEPROSY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General of the Marine-Hospital Service, submitting a report of the medical officers appointed to investigate the origin and the prevalence of leprosy in the United States, and to report what legislation is necessary for the prevention of the spread of this disease; which, on motion of Mr. GALLINGER, was, with the accompanying papers, referred to the Committee on Public Health and National Quarantine, and ordered to be printed.

## POSTAL SAVINGS BANKS IN PORTO RICO.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication addressed to the President pro tempore of the Senate, by Federico Degetau, resident commissioner from Porto Rico, inclosing resolutions, adopted by the executive council of Porto Rico, relative to the enactment of legislation by the Congress of the United States for the establishment of a system of postal savings banks in Porto Rico. The Chair suggests that the communication, together with the resolutions of the executive council, be printed, and referred to the Committee on Pacific Islands and Porto Rico. In the absence of objection it will be so ordered.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3148) for a marine hospital at Buffalo, N. Y.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL W. SMITH, Mr. DARRAGH, and Mr. KLEBERG managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

Mr. LODGE. I present certain resolutions of the legislature of Massachusetts relative to the feasibility of constructing a canal between Weymouth Fore River and Taunton River. I ask that they may be read and referred to the Committee on Commerce.

The resolutions were read, and referred to the Committee on Commerce, as follows:

Commonwealth of Massachusetts, in the year 1902. Resolutions requesting Congress to provide for an investigation by the United States Government of the feasibility of constructing a canal between Weymouth Fore River and Taunton River.

*Resolved*, That the general court of Massachusetts requests that the Congress of the United States shall take such action as will provide for an investigation by the United States Government of the feasibility of constructing a canal from Weymouth Fore River to Taunton River, by way of the city of Brockton, in this Commonwealth, and for a report thereon, to be made as speedily as possible to Congress.

*Resolved*, That copies of these resolutions be sent by the secretary of the commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted March 6, 1902.

In senate, adopted, in concurrence, March 11, 1902.

A true copy. Attest:

WILLIAM M. OLIN,  
Secretary of the Commonwealth.

Mr. PLATT of New York presented a memorial of Typographical Union No. 62, American Federation of Labor, of Utica, N. Y., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented a memorial of Columbus Lodge, No. 401, International Association of Machinists, of Brooklyn, N. Y., remonstrating against the enactment of legislation granting more



than fifteen days' leave of absence to employees of Government navy-yards and arsenals; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Western New York Horticultural Society, of Rochester, N. Y., remonstrating against the enactment of legislation providing for the irrigation of the public lands of the West; which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 6, American Federation of Labor, of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Lumber Dealers' Association of Utica, N. Y., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Grocers' Union of New York City; of sundry newspaper clippings from the New York Commercial Advertiser, New York Tribune, New York Evening Post, New York City Commercial; of The Post Express, of Rochester, and a petition of Madison County Pomona Grange, Patrons of Husbandry, of Parish, all in the city of New York, praying that certain relief be granted to Cuba; which were referred to the Committee on Relations with Cuba.

He also presented petitions of sundry citizens of Knowlesville, Medina, and Rochester, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Unions Nos. 711, 7, 72, 489, 119, 34, 37, 185, 54, 133, 8631, 369, 25, 139, 233, 156, 15, 68, 176, 66, 75, 2, 121, 58, 89, 135, 22, 325, 6, 44, 159, and 179, of Buffalo, Rochester, North Tonawanda, Dunkirk, Dansville, Troy, New York, Seneca Falls, Albany, Elmira, Oswego, Syracuse, Binghamton, Salamanca, Jamestown, Ithaca, Little Falls, Schenectady, Oneonta, Yonkers, Poughkeepsie, and Auburn, all of the American Federation of Labor, in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Local Unions Nos. 429, 2, 246, 5, 7, 136, 41, 44, 84, 141, 156, 10, 25, 39, 89, 48, 68, 121, 78, 120, 429, 292, 274, 195, 146, 12, 135, 325, 233, 205, 131, 14, and 170, of Niagara Falls, Buffalo, Frankfort, Troy, Brooklyn, Syracuse, Utica, New York, Binghamton, Wappingers Falls, Rochester, Ogdensburg, Glens Falls, Watertown, Schenectady, Albany, Green Island, Hornellsville, Corning, Jamestown, Oswego, Cohoes, Newburgh, and Waverly, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Poolville, Oneonta, Coventry, Geneva, West Lebanon, Auburn, Canton, Rochester, Woodbourne, Patterson, Port Gibson, New Kingston, East Greenbush, Rockroyal, Edinburg, Tracyscreek, Taylor Center, Clarence, West Meredith, Triangle, Lebanon, Altoona, Getzville, Chaseville, Hensonville, Chipman, Madison, Brushton, Castile, Ashland, Willet, East Homer, Richville, Plattsburg, Bergen, Greenriver, East Hamilton, Sidney, Rock City Falls, Hamilton, Crownpoint, Forest, Wayne, and Trenton Falls, all in the State of New York, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of the Board of Trade and Transportation, of New York City, N. Y., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of the United Retail Grocers' Association, of Brooklyn, N. Y., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a petition of the Central Trades and Labor Council, American Federation of Labor, of Olean, N. Y., and a petition of sundry citizens of Cattaraugus, N. Y., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Local Unions Nos. 105, 289, 401, 156, 521, 108, and 10, of Geneva, Olean, Brooklyn, Dunkirk, and Washington, all of the American Federation of Labor; of Grand Army Posts Nos. 399, 391, 447, 21, 355, 521, 351, 91, 231, 389, 449, 102, and 55, of Brooklyn, Rochester, Hannibal, Suffern, Troupsburg, Medina, Panama, York, Moriah Center, and Wolcott, all of the Department of New York, Grand Army of the Republic, in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. PENROSE presented petitions of the congregations of the Central Allegheny Reformed Presbyterian Church, of Allegheny; the Mount Washington Baptist Church, of Pittsburg, and the First Pentecostal Church, of Pittsburg, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of 32 citizens of Jermyn, Pa., and a petition of 35 citizens of Wyoming, Pa., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Local Union No. 3, of Waynesburg; of Painters, Decorators, and Paper Hangers' Local Union No. 370, of Pittsburg; of Local Union No. 24 of New Castle, all of the American Federation of Labor; of Lodge No. 228, Brotherhood of Railroad Trainmen, of Bradford; of Council No. 853, Junior Order of United American Mechanics, of Chester County; of 44 citizens of South Bethlehem, and of Local Division No. 357, Order of Railway Conductors, of Connellsville, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Sardis, W. Va., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented memorials of Leo Schaffer, of Sewell; of P. Bachman's Sons, of Wheeling; of Silas M. Thomas, of West Union; of John N. Tregellas, of Grafton, and of Reynolds and Morriss, of Bluefield, all in the State of West Virginia, and of the W. M. Ritter Lumber Company, of Columbus, Ohio, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. BATE presented a petition of Cigar Makers' Local Union No. 83, American Federation of Labor, of Nashville, Tenn., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of 100 citizens of Robertson County, Tenn., praying for the enactment of legislation permitting a farmer to buy and sell his neighbor's tobacco in the leaf, as though raised by himself, after having paid the Government license; which was referred to the Committee on Finance.

Mr. McLAURIN of South Carolina presented a petition of Loom Fixers' Local Union No. 309, of Warrenville, S. C., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of Congaree Division, No. 323, Order of Railway Conductors, of Columbia, S. C., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. MILLARD presented a petition of Comrade of George G. Meade Post, No. 19, Department of Nebraska, Grand Army of the Republic, of Sutton, Nebr., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Beemer, Smithfield, Brunswick, Wilbur, Lincoln, Mission Creek, Liberty, Litchfield, and Funk, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which were referred to the Committee on Privileges and Elections.

Mr. McLAURIN of Mississippi presented a petition of R. E. Harris Division, No. 105, Order of Railway Conductors, of Meridian, Miss., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. DOLLIVER presented a petition of Leather Workers' Local Union No. 11, American Federation of Labor, of Davenport, Iowa, praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bricklayers, Masons, and Plasterers' Local Union No. 11, American Federation of Labor, of Boone, Iowa, praying for the enactment of legislation providing for the compulsory education and inspection of child labor; which was referred to the Committee on Education and Labor.

He also presented a petition of Phil Kearney Post, No. 40, Department of Iowa, Grand Army of the Republic, of Oskaloosa, Iowa, and a petition of Company F, Fiftieth Regiment Iowa National Guard, of Burlington, Iowa, praying for the enactment of legislation to increase the efficiency of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of G. W. Sanborn Lodge, No. 9, Order of Railroad Trainmen, of Mason City, Iowa, and a petition of Butchers' Local Union No. 144, American Federation of Labor, of Ottumwa, Iowa, praying for the passage of the so-called Hoar



anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly, American Federation of Labor, of Centerville, Iowa, praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act, and also that an appropriation be made for irrigation surveys; which was referred to the Committee on Public Lands.

He also presented the petition of Louis P. Vance, of Sutherland, Iowa, to accompany the bill (S. 3262) granting a pension to Louis P. Vance; which was referred to the Committee on Pensions.

He also presented petitions of Switchmens' Local Union No. 89, of Ottumwa; of Typographical Union No. 251, of Muscatine; of Harness Makers' Local Union No. 11, of Davenport; of Wood Workers' Local Union No. 64, of Dubuque; of Wood Workers' Local Union No. 167, of Lyons; of Painters' Local Union No. 246, of Des Moines; of Team Drivers' Local Union No. 90, of Des Moines; of Barbers' Local Union No. 97, of Cedar Rapids; of Barbers' Local Union No. 52, of Sioux City; of United Garment Workers' Local Union No. 48, of Ottumwa; of Amalgamated Wood Workers' Local Union No. 92, of Clinton; of Pork Butchers' Local Union No. 50, of Sioux City, and of Painters' Local Union of Ottumwa, all of the American Federation of Labor, and of Division No. 6, Brotherhood of Locomotive Engineers, of Boone, all in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of Local Union No. 87, of Ottumwa; of Coopers' Local Union No. 29, of Dubuque; of Plasterers' Local Union No. 15, of Clinton; of Masons' Local Union No. 14, of Cedar Rapids; of Local Union No. 51, of Sioux City; of Typographical Union No. 334, of Clinton; of Bricklayers' Local Union No. 1, of Cedar Rapids; of Typographical Union No. 22, of Dubuque; of Bricklayers' Local Union No. 7, of Muscatine; of Bricklayers and Plasterers' Local Union No. 11, of Boone, all of the American Federation of Labor; of Local Union No. 522, Brotherhood of Railroad Trainmen, of Cherokee; of Lodge No. 183, Brotherhood of Railroad Trainmen, of Clinton, and of Lodge No. 9, Order of Railroad Trainmen, of Mason City, all in the State of Iowa, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the convention of mine workers, United Mine Workers of America, of Albia, Iowa, praying for the enactment of legislation to protect the lives of miners in the Territories; which was ordered to lie on the table.

Mr. McMILLAN presented memorials of sundry business firms of Detroit, Mich., remonstrating against the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Cheboygan County, Mich., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of Bricklayers' Local Union No. 15, of Jackson, and of Iron Molders' Local Union No. 317, of Detroit, in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. QUAY presented petitions of sundry citizens of Lancaster, Altoona, Monongahela City, South Sharon, Newcastle, Mount Pleasant, McKeesport, Curwensville, Wilkinsburg, Greensburg, Sewickley, Coraopolis, Vandergrift, Millvale, Apollo, Pittsburg, Sharpsburg, McKees Rocks, Wilmerding, Brushton, Tarentum, Etna, Beaver Falls, Sharon, Homewood, New Kensington, Spring Forge, Reynoldsville, Bradford, Allegheny, Farmersville, Niantic, Kittanning, Braddock, Pomeroy, Mount Chestnut, Eldred, Conneautville, Bedford, Sturtevant, Moscow, Hayes Grove, Font, Duquesne, New Sheffield, Doylestown, Sparta Township, Millbrook, Stonyrun, Lyndell, Troy, Amasa, Moselem Springs, Zeno, Thompsonstown, Evans City, Leraysville, Auburn Center, Prospect, Newcastle, Springboro, Sassamansville, Wescosville, Union City, Waynesboro, Hill, Sugar Grove, Gold, Beckersville, Timicula, Hegins, Fishersville, Loysburg, Spring Mills, McConnellsburg, Kingsley, Columbus, Burning Bush, Eagle Foundry, Jackson Summit, East Rush, Lawton, Keisters, Flicksville, Niagara, Nillegass, Penn Township, Overton, Windom, Union City, Bird-in-hand, Tweedale, Sayre, Carbon Black, Fairfield, Dundaff, Auburn, Woodcock, Lederachville, Coon Island, West Alexander, Chandlers Valley, Rauschs, Friendsville, Unityville, Bellwood, Vanderbilt, Elderton, Valley, Wismer, Rushboro, Montrose, Carbondale, Mansfield, Snyder Township, Honesdale, Kimberton, Daggett, Jobs Corners, Williamson, Mount Pleasant, Maple Lake, Campbelltown, Salfordville, New London, Corry, Hanlin, Colum-

bus, Birchardsville, Mainsburg, Forest Lake, Clarion, Tulpehocken, Hecktown, Rebersburg, Willow Hill, Thompson, McDonald, Cambridge Springs, Fagleysville, Gratersford, Millbach, Sugar Grove, Kantz, Silver Lake, Fredericksburg, Lickdale, Loyalville, Grover, Blooming Valley, Lincolnville, Stillwater, Shartlesville, Amasa, Mountville, Waterford, Meadville, Hickernell, Marble, Lykens, Dryland, Jermyn, Nescopeck, Stone Church, Allensville, Erie, Spinnerstown, Etters, Lemon, Saegerstown, Crosscut, Townhill, Fleetville, Keown, Yostville, Solebury, Richlandtown, Braddock, Charleroi, Washington, Erie, La Belle, Latrobe, Beaver, Monessen, Newcastle, all in the State of Pennsylvania, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of 115 citizens of Newville, 142 citizens of Reading, 30 citizens of Danville, 32 citizens of Philadelphia, 55 citizens of Utica, 52 citizens of Pittsburg, 40 citizens of Tionesta, 33 citizens of Markleton, 80 citizens of Philadelphia, 140 citizens of Hydetown, 80 citizens of Pittsburg, 83 citizens of Pittsburg, 60 citizens of Marchand, and 12 citizens of Barnesboro, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Bricklayers' Local Union No. 31, of Braddock; Cigarmakers' Union No. 446, of Norristown; Oil City Union, No. 156, of Oil City; Brewery Workmens' Union No. 22, of Charleroi; Retail Clerks' Union No. 209, of Meadville; 20 citizens of Galeton; 53 citizens of Irwin; Electrical Workers' Union No. 91, of Easton; 17 citizens of Tyrone; Central Labor Union of Hanover and McSherrystown; Bricklayers and Plasterers' Union No. 37, of Easton; Local Union No. 84, of Erie; Local Union No. 3, of Belle Vernon; Local Union No. 615, of Fayette; 18 citizens of Columbia; Bricklayers' Union No. 40, of Johnstown; Carbondale Typographical Union, No. 239, of Carbondale; Local Union No. 1254, of McGovern; Local Union No. 1359, of Bowerston; 40 citizens of Verona; 28 citizens of Archbald; Local Union No. 558, of McDonald; 52 citizens of Williamsport; Bricklayers and Masons' Union No. 43, of Franklin; Hod Carriers' Protective Union No. 7351, of Reading; Harrisburg Typographical Union, No. 14, of Harrisburg; Pittsburg Lodge, No. 18, of Pittsburg; of sundry citizens of South Side, Pittsburg; Newspaper Writers' Union No. 11, of Philadelphia; Journeymen Barbers' Union No. 198, of Meadville; Bricklayers, Masons, and Plasterers' Union No. 47, of Pottsville; Bricklayers and Masons' Union No. 16, of York; Cigar Makers' Union No. 257, of Lancaster; Stone Masons' Union No. 34, of Philadelphia; United Brotherhood of Carpenters and Joiners of America, Local Union No. 709, of Shenandoah; sundry citizens of Artz; Federal Labor Union, No. 7204, of Carbondale; Coopers' International Union No. 101, of Allegheny; United Mine Workers Local Union No. 79, of Webster; Philadelphia Plate Printers' Union No. 1, of Philadelphia; sundry citizens of Hellertown; Local Union No. 1787, of Fayette; Miners and Mine Workers' Local Union No. 248, of Fayette; Retail Clerks' Union No. 61, of Easton; Iron and Steel Workers' Union No. 8610, of Lebanon; Local Union No. 761, of Webster; Cigar Makers' International Union No. 104, of Pottsville; sundry citizens of Kutztown; Local Union No. 376, of Roscoe; sundry citizens of Johnstown; Bakers and Confectioners' Union No. 132, of Lancaster; Iron and Steel Workers' Union No. 9249, of Pottstown; Brotherhood of Railroad Trainmen's Union No. 172, of Reading; Erie Typographical Union, No. 77, of Erie; Local Union No. 1572, of Lansford; sundry citizens of Pittsburg; Typographical Union No. 2, of Philadelphia; Bricklayers and Plasterers' Protection Union No. 8, of Bethlehem; sundry citizens of Dunbar; sundry citizens of Conemaugh; Bricklayers and Masons' Union No. 56, of Greenville; sundry citizens of McKeesport; sundry citizens of Elixir; Pattern Makers' Association of Erie; sundry citizens of Fogelsville; Coal Miners' Union No. 1826, of Canonsburg; Brotherhood of Railroad Trainmen's Union No. 43, of Sunbury; Bartenders' Local Union No. 225, of Meadville; the Central Labor Union of Kane; sundry citizens of O'Hara Township; the United Mine Workers' Union No. 132, of Price-dale; sundry citizens of Spring Grove borough; sundry citizens of Philadelphia; sundry citizens of Shiremanstown; Stone Masons' Union No. 38, of Reading; Stove Mounters' Union No. 6, of Philadelphia; Local Union No. 11, of Washington; Local Union No. 1726, of Saltsburg; United Mine Workers' Union No. 1234, of Tarentum; the Central Labor Union of Charleroi; Stove Mounters' Union No. 42, of Reading; International Bricklayers' Union No. 54, of Norristown; Society of St. Joseph, No. 293, of Lansford; Bricklayers' Union No. 12, of Chester; Cigar Makers' Union No. 194, of Bradford; United Mine Workers' Union No. 1622, of Greenock; Bricklayers' Union No. 4, of Allegheny; Brotherhood of Blacksmiths' Union No. 104, of Philadelphia; sundry citizens of Tidal; Granite Cutters' National Union, of Philadelphia; sundry citizens of Pittston; sundry citizens of New Stanton; United



Mine Workers' Union No. 548, of Buena Vista; Meadville Cen-Union No. 95, of Tarentum; Barbers' Local Union No. 297, of Lansford; Journeymen Barbers' International Union No. 277, of Easton; Cigar Makers' Local Union No. 466, of Easton; Journeymen Plumbers' Union No. 207, of Bradford; Powder Makers' Union No. 8742, of Olivers Mills; Carpenters' Local Union No. 492, of Reading; sundry citizens of Jeannette; United Mine Workers' Local Union No. 700, of Hauto; Local Union No. 1115, of Pricedale; sundry citizens of Steelton; Local Union No. 187, of Pittsburg; Local Union No. 556, of Meadville; sundry citizens of Johnstown; Cigar Makers' Local Union No. 232, of Sellersville; Shirt Waist and Laundry Workers' Union No. 74, of Reading; Ellwood City Lodge, No. 5, of Ellwood City; Federal Labor Union No. 8139, of McSherrystown; Local Union No. 500, of Butler; Journeymen Bakers' Union No. 150, of Reading; Central Labor Council, of Franklin; Typographical Union No. 7, of Pittsburg; the Central Labor Union of Hazleton; Coopers' International Union No. 102, of Brownsville; United Mine Workers' Union No. 844, of Carbondale; Tanners and Slaters' Union No. 7382, of Newcastle; United Mine Workers' Local Union No. 1887, of Seek; Federal Union No. 9257, of Renovo; Tin Plate Workers' Union No. 30, of Washington; Typographical Union No. 258, of Easton; Iron Molders' Union No. 370, of Reading; Federal Labor Union No. 9220, of New Castle; Local Union No. 1315, of Roscoe; Amalgamated Sheet Metal Workers' Union No. 146, of Easton; Iron Workers' Union No. 9261, of Lancaster; Local Union No. 1263, of Monongahela; Boiler Makers' Union No. 147, of Susquehanna; American Tin Workers' Union No. 10, of New Kensington; Local Division No. 85, Amalgamated Association of Street Railway Employees of America, of Pittsburg; Electrical Workers' Union No. 56, of Erie; sundry citizens of Westcoesville; Cigar Makers' Local Union No. 295, of Scranton; Machinists' International Union No. 159, of Philadelphia; Local Union No. 51, of Monongahela; Cigar Makers' Union No. 236, of Reading; Central Labor Union, of Lancaster; delegates to the Federal Trades Council of Reading; the Central Trades Assembly of Washington; Typographical Union No. 86, of Reading; Slate and Tile Roofers' Union No. 8926, of Reading; Local Union No. 32, of Canonsburg; Powder Workers' Union No. 8974, of Wapwallopen; the Central Labor Union of Carbondale; International Jewelers' Union No. 5, of Philadelphia; Good Hope Lodge No. 19, of McKeesport; Glass Cutters' Union No. 78, of Monaca; Local Union No. 6, of New Kensington; Printing Pressmen's Union No. 31, of Pittsburg; the American Lace Curtain Operators' Union of Philadelphia, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 9257, American Federation of Labor, of Renovo; Order of Railroad Telegraphers' Union No. 3, Harrisburg; Local Union No. 167, of Meadville; Bakers and Confectioners' Union No. 132, of Lancaster; Electrical Workers' Union No. 56, of Erie; Retail Clerks' Union No. 469, American Federation of Labor, of Shenandoah; Journeymen Barbers' Union No. 278, of Newcastle; Iron Molders' Local Union No. 313, of Chester; Powder Makers' Union No. 8742, of Olivers Mills; Iron Molders' Union No. 235, of Lehigh-ton; New Kensington Union, No. 333, American Federation of Labor, of New Kensington; Machinists' Local Union No. 305, of Susquehanna; Junior Machinists Apprentices' Union No. 9008, of Susquehanna; Retail Clerks' International Protective Union No. 159, of Altoona; Railroad Telegraphers' Union No. 67, of Wilkes-barre; Tube Workers' Union No. 8077, of Washington; Glass Bottle Blowers' Union No. 76, of Sharpsburg; Local Union No. 57, of Franklin; International Lonsshoremens' Association of Erie; Carpenters' Union No. 492, American Federation of Labor, of Reading; Journeymen Barbers' Local Union No. 226, of Sunbury; Machinists' Union No. 327, of Meadville; Carpenters and Joiners' Union No. 102, of Wilkesbarre; Brotherhood of Carpenters and Joiners' Local Union No. 165, of Pittsburg; Journeymen Barbers' Local Union No. 203, of Reading; Machinists' Union No. 16, of Harrisburg; Clerks' Union No. 140, of Pittston; all of the American Federation of Labor; of New Wilmington Post, No. 446, of New Wilmington; L. R. Piper Post, No. 454, of Hopewell; Charles S. Whitworth Post, No. 89, of Apollo; Sharon Post, No. 254, of Sharon; J. C. Markle Post, No. 623, of West Newton; Lieutenant William H. Child Post, No. 226, of Marietta; Colonel John D. Musser Post, No. 66, of Muncy; Swarts Post, No. 72, of New Albany; C. W. Deming Post, No. 476, of Millerton; General Thomas A. Rowley Post, No. 495, of Natrona; E. B. Young Post, No. 87, of Allentown; George Smith Post, No. 79, of Conshohocken; Major Gaston Post, No. 544, of Gastonville; Lieutenant H. C. Litman Post, No. 93, of Auburn; Colonel Crossdale Post, No. 256, of Riegelsville; Clarksville Post, No. 557, of Clarksville; Major W. G. Lowry Post, No. 548, of Wilkinsburg; Joseph Shields Post, No. 688, of Covode; T. D. Swarts Post, No. 218, of Moscow; Yeager Post, No. 13, of Allentown; John Fisher Post, No. 337, of Riceville; A. F. Jones Post, No. 204, of Coudersport;

trual Labor Union, of Meadville; Glass Bottle Blowers' Branch Edgar Richards Post, No. 595, of Pottstown; Eli Berlin Post, No. 629, of East Hickory; Lieutenant S. C. Potts Post, No. 62, of Altoona; of Phelps Post, No. 124, of East Smithfield; of Captain S. S. Marchand Post, No. 190, of Irwin; Captain John Q. Snyder Post, No. 408, of Liverpool; of Captain G. W. Ryan Post, No. 364, of Middleburg; of General Welsh Post, No. 118, of Columbia; Frederick C. Ward Post, No. 468, of Altoona; Robinson Post, No. 26, of Hazleton; John A. Warner Post, No. 494, of Lebanon, and Robert Aldham Post, No. 527, of South Bethlehem, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

Mr. COCKRELL presented petitions of sundry citizens of Christian and Holden, in the State of Missouri, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of the Live Stock Exchange of South St. Joseph; of the Live Stock Exchange of Kansas City; of the Commercial Club of Kansas City; of sundry citizens of Joplin, Atchison County, and Kansas City, all in the State of Missouri, and of the Mercantile Club of Kansas City, Kans., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. CLARK of Montana presented petitions of Miners' Local Union No. 129, of Virginia City; of the Miners' Local Union, of Kendall; of the Rocky Canon Miners' Local Union, of Chestnut; of Miners' Local Union No. 103, of Marysville; of George Dewey Engineers' Local Union No. 86, of Granite, and of Typographical Union No. 255, of Anaconda, all in the State of Montana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. GALLINGER presented a memorial of sundry citizens of Webster, N. H., remonstrating against the appointment to the Supreme Court of the United States of Hon. John W. Griggs; which was referred to the Committee on the Judiciary.

He also presented a petition of the Granite State Dairymen's Association, of Durham, N. H., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. NELSON presented sundry papers to accompany the bill (S. 4578) granting a pension to Timothy Hayne; which were referred to the Committee on Pensions.

Mr. HALE presented a petition of sundry citizens of Topsham, Me., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of sundry citizens of North Monmouth and West Franklin; of Bricklayers and Platers' Local Union No. 1, of Lewiston, and of Stonemasons' Local Union No. 5, of Lewiston, all in the State of Maine, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Painters and Decorators' Local Union No. 262 of Bangor, and of Painters and Decorators' Local Union No. 237 of Portland, in the State of Maine, praying for the enactment of legislation restricting the immigration of illiterate persons; which were ordered to lie on the table.

Mr. HOAR presented a petition of the Massachusetts State Board of Trade, of Boston, Mass., praying for the establishment of the so-called merit system of appointment in the consular service of the United States; which was ordered to lie on the table.

He also presented a petition of Boston Division No. 122, Order of Railway Conductors, of Boston, Mass., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. MITCHELL presented petitions of Boiler Makers and Iron Shipbuilders' Union No. 72, of Amalgamated Sheet Metal Workers' Local Union No. 16, and of the Amalgamated Sheet Metal Workers' International Association, all of the city of Portland, in the State of Oregon, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Portland, Oreg., praying for the enactment of legislation providing for the laying and establishment of a trans-Pacific cable by private enterprise; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Columbia County, in the State of Oregon, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. BLACKBURN presented a petition of Newport Lodge, No.



5, Amalgamated Association of Iron, Steel, and Tin Plate Workers, of Newport, Ky., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Covington, Ky., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. MONEY. I present a petition of certain editors of newspapers in the United States, praying for the defeat of the Henry oleomargarine bill and for the enactment of the Wadsworth substitute instead. I ask to have the accompanying petition, together with the names, printed, and that it lie on the table.

The PRESIDENT pro tempore. The rule prohibits the printing of the names.

Mr. MONEY. I know that. I am asking unanimous consent that it may be done.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that the petition be printed—

Mr. COCKRELL. As a document?

The PRESIDENT pro tempore. Together with the names—as a document or in the RECORD?

Mr. MONEY. As a document.

Mr. SPOONER. Is there a large number of names?

Mr. MONEY. There are probably 50 names.

Mr. SPOONER. Why should the names be printed? Does the Senator care for that?

Mr. MONEY. I care for it. That is all there is to it. The petition sets forth their objection, and without their names it would not be valuable.

The PRESIDENT pro tempore. The request is that it be printed as a document and not in the RECORD. Is there objection? The Chair hears none.

Mr. FRYE presented a petition of Winthrop Grange, Patrons of Husbandry, of Winthrop, Me., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented the petition of Francisco Garcia y Garcia, of Carolina, Porto Rico, praying that a pension be granted his sons for services and disabilities incurred while in the service of the United States; which was referred to the Committee on Pensions.

He also presented a petition of Lodge No. 321, Order of Railway Conductors, of McKees Rocks, Pa., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

#### AFFAIRS IN THE PHILIPPINES.

Mr. DUBOIS. I present a memorial of the American Chamber of Commerce of Manila, suggesting needed legislation for the Philippine Islands, which I ask may be read by the Secretary.

The PRESIDENT pro tempore. Without objection, the Secretary will read the memorial.

The Secretary read as follows:

The American Chamber of Commerce of Manila—A memorial to Congress suggesting needed legislation for the Philippine Islands.

To the Congress of the United States of America:

The American Chamber of Congress respectfully represents to your honorable body—

That the following legislation for the Philippine Islands is urgently needed:

For the sale and settlement of the Government lands, under laws as may be enacted by the Philippine Commission, to American citizens, and to those who have declared their intention of becoming American citizens.

That the United States mining laws be extended to the Philippines.

Laws facilitating the cutting of timber on the public domain for at least fifteen years, under such terms and restrictions as now are, or may be imposed by the forestry bureau, for the prevention of the denudement of the forest reserve.

For the immediate provision of the granting of franchises for the development of the islands and their resources.

For the immediate passage of laws for the admission of cool labor, as the native labor is inadequate and insufficient for the development of the resources of the islands.

That the coastwise shipping laws of the United States be extended to the Philippine Islands.

That free trade be established between the United States and the Philippine Islands. We are convinced that the competition of Spanish merchandise in the Philippines is not to be feared by importers of American goods. In case of a possible deficit in the customs receipts caused by the free admission of American and Spanish goods, this chamber urges a uniform tax on real estate and personal property sufficient to meet the requirements of the administration.

For the adoption of an uniform staple currency for these islands.

For internal-revenue laws on manufactured tobacco, spirits, and malt liquors in these islands.

That a free zone be established in Manila, so as to make Manila a distributing point for produce and manufactured goods, thereby enabling the merchants of Manila to compete with the free ports of Hongkong and Singapore.

That the Philippine Commission be increased to 10 members and that the two additional members be Americans of commercial and industrial experience.

If Congress will enact laws as indicated, this chamber is convinced that the army in the Philippines can be materially reduced within a very brief period of time.

Resolved, That the secretary be instructed to forward a copy of these resolutions to each member of Congress.

Adopted at a full meeting of the American Chamber of Commerce held on the 6th day of February, 1902.

F. E. GREEN, President.  
ROGER AP C. JONES, Secretary.

Mr. DUBOIS. I ask that the memorial be referred to the Committee on the Philippines. I wish to call attention to the significant fact that this is the second memorial presented through the Chamber of Commerce at Manila insisting that the restrictions in regard to Chinese coolie labor shall be removed. The whole testimony before our committee goes to show that we can not develop those islands without Chinese labor, and this is the second unanimous petition upon that point.

The PRESIDENT pro tempore. The memorial will be referred to the Committee on the Philippines.

Mr. HOAR. Mr. President, is the question of reference debatable?

The PRESIDENT pro tempore. The rule provides that petitions and memorials shall be referred without debate, but Senators very frequently violate the rule.

Mr. HOAR. I rose to ask from what persons the petition comes. Is it a petition from citizens of a foreign country with whom we are at war or is it a petition from persons for whom we are at present the Government?

Mr. DUBOIS. The memorial is from the American Chamber of Commerce.

Mr. HOAR. Are they American citizens?

Mr. DUBOIS. I understand that they are American citizens.

Mr. HOAR. I want to know, Mr. President, if I can, whether these petitioners are a people with whom we are at war. I hear of criticism of various members of this body and other people—a criticism I have not myself escaped, although I have not any complaint to make of it—that some obstruction is placed in the path of our military authorities in carrying on war. I wish to know whether the Senate thinks we are carrying on war. We can not carry on war, I suppose, against anybody without an act of Congress, but certainly we can not carry on war without an act of Congress against our own citizens or subjects. Whatever act of force, whether civil or military, can be conducted by the Executive of its own authority is for the sake of keeping or restoring the peace as a police power.

I should like to know whether in criticising such things for one I am criticising acts of force against American subjects, which I suppose are lawful subjects of criticism, or whether I am talking about my country in a state of war against a foreign country. We can not under our rules accept petitions from citizens of any foreign country.

Mr. PLATT of Connecticut. "Of a foreign power."

Mr. HOAR. Well, it is the same thing, I suppose, whether it is a foreign power or a foreign weakness. I think the reception of this petition for reference, to which I certainly make no objection and for which I shall vote if I have an opportunity to vote on it, is an admission by the entire Senate that we are not engaged in war, and I shall govern myself accordingly.

The PRESIDENT pro tempore. The memorial is referred to the Committee on the Philippines.

#### POST-EXCHANGE SYSTEM.

Mr. HANSBROUGH. I have here some letters, press extracts, resolutions, etc., concerning the improvement of the post-exchange system in the military establishment. It will be a short document and very interesting, and I should be glad to have the unanimous consent of the Senate to have it printed as a document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

#### REPORTS OF COMMITTEES.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7683) granting an increase of pension to Almond Delamater;

A bill (H. R. 366) granting an increase of pension to Edward M. Kanouse; and

A bill (H. R. 7755) granting a pension to Laura G. Weisenburger.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 2805) granting a pension to Mary Ella Cory and Edwin Lewis Cory, reported it with amendments, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2240) granting an increase of pension to Aquila Wiley; and

A bill (H. R. 9659) granting a pension to Laura A. Van Wye.

Mr. HARRIS, from the Committee on Indian Affairs, to whom

the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 71) directing the Secretary of the Interior to restate the accounts of certain registers and receivers of the United States land offices in the State of Kansas, and for other purposes; which was read twice by its title.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 3103) granting an increase of pension to Susan Hays, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 2971) granting an increase of pension to Silas D. Strong, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11619) granting an increase of pension to David A. Frier; and

A bill (H. R. 7998) granting an increase of pension to William H. Allen.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1678) granting an increase of pension to Charles B. Wingfield; and

A bill (H. R. 12315) granting an increase of pension to James Todd.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (S. 3437) to amend chapter 4, Title XIII, of the Revised Statutes of the United States, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4658) granting an increase of pension to Charles F. Rand;

A bill (H. R. 669) granting an increase of pension to Richard C. Smith; and

A bill (H. R. 8269) granting an increase of pension to James R. McClellen.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1011) granting an increase of pension to John S. Raulett, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4319) granting an increase of pension to Helen G. Heiner; and

A bill (H. R. 11418) granting an increase of pension to Hannah T. Knowles.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 2936) granting an increase of pension to Berthold Fernow, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2417) granting a pension to James B. Harris;

A bill (H. R. 10411) granting an increase of pension to Mary E. Singley; and

A bill (H. R. 2093) granting an increase of pension to Anna B. McCurley.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3472) granting an increase of pension to Zeno T. Griffin;

A bill (S. 1512) granting an increase of pension to Mary Jane Faulkner; and

A bill (S. 4072) granting an increase of pension to Samuel J. Lamden.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 3519) granting an increase of pension to Charles L. Cummings, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1378) granting an increase of pension to Bessie H. Lester;

A bill (H. R. 8212) granting a pension to Alice Angel; and

A bill (H. R. 6873) granting an increase of pension to Sarah Maley.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (S. 1154) for the relief of certain owners and

occupants of land in Monroe County, Ark., reported adversely thereon.

Mr. BERRY. This bill was introduced by my colleague [Mr. JONES of Arkansas]. He is not present in the Senate. I should like to have it placed on the Calendar until he returns.

The PRESIDENT pro tempore. The bill will take its place on the Calendar.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River in Arkansas, reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 4080) to correct the naval record of Daniel W. Blake, United States Marine Corps, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, reported it without amendment.

#### REPORT OF GOVERNOR OF ARIZONA.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Public Printer be, and he is hereby, authorized and directed to print from stereotyped plates 500 additional copies of the report of the governor of Arizona for 1901, and to deliver the same to the Department of the Interior for its use.

#### REPORT OF COMMISSIONER OF PENSIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. 21) authorizing the printing of extra copies of the annual report of the Commissioner of Pensions, to report it back and recommend concurrence in the amendment of the House.

The PRESIDENT pro tempore. The amendment will be read. The SECRETARY. In line 7, after the word "one," insert "from which shall be omitted all illustrations."

Mr. PLATT of New York. On behalf of the committee, I move that the amendment be concurred in.

The motion was agreed to.

#### JAMES O. JONES.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN on the 20th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the sum of \$100 be paid to James O. Jones, from the contingent fund of the Senate, for preparing the index, tables of contents, and briefs of the testimony taken before the Committee on Inter-oceanic Canals at the present session of the Senate.

#### COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FORAKER on the 20th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with bills pending before it, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

#### BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4679) granting an increase of pension to Griffith T. Murphy; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Griffith T. Murphy, with affidavits of Dr. G. W. Fitzpatrick, Dr. John R. Lewis, Dr. P. C. Jones, and Dr. R. S. Tenney, Mrs. A. J. Leilly, Ambrose Dale, and Sarah Dale, Harry L. Ferguson, and Dr. H. A. Grossman. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HEITFELD (by request) introduced a bill (S. 4680) for the relief of the various tribes of Indians and individual Indians in the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORGAN introduced a bill (S. 4681) to extend to citizens of the United States who are owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected, because of the citizenship of the claimants, by the international commission appointed pursuant to the convention



of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by subjects of Great Britain in respect of damages for unlawful seizures of vessels or cargoes, or both, or interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris in the award of August 15, 1893; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4682) for the relief of John W. Fowler;  
A bill (S. 4683) for the relief of Richard Workman;  
A bill (S. 4684) for the relief of the estate of Jonathan Albright;  
A bill (S. 4685) for the relief of William B. Booker;  
A bill (S. 4686) for the relief of F. A. R. Scott; and  
A bill (S. 4687) for the relief of James C. Anderson, James H. Tarkington, and Nannie Jones, heirs at law of James C. Anderson, deceased.

Mr. BERRY introduced a bill (S. 4688) for the relief of Elizabeth Pitmaster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 4689) granting a pension to Mary Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (by request) (S. 4690) for the relief of T. H. B. Myers, surviving partner of John Myers & Son;  
A bill (by request) (S. 4691) for the relief of John I. Rowland;  
A bill (S. 4692) for the relief of Homer W. Styron;  
A bill (S. 4693) for the relief of Sidney T. Dupuy and George R. Dupuy, the only surviving heirs of George R. Dupuy, deceased;  
A bill (S. 4694) for the relief of James W. Adams and of the estate of Solomon N. Adams; and  
A bill (S. 4695) for the relief of John Wilson.

Mr. CLARK of Montana introduced a bill (S. 4696) granting a pension to Phileman Morrell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 4697) for the relief of the legal representatives of Zenon de Moruelle, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4698) granting an increase of pension to George A. Comfort;  
A bill (S. 4699) granting a pension to William V. Thompson; and  
A bill (S. 4700) granting an increase of pension to Henry A. Sampson (with accompanying papers).

Mr. McMILLAN introduced a bill (S. 4701) granting a pension to Sarah E. Yeamans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4702) granting an increase of pension to Ephraim Cunningham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM (for Mr. MASON) introduced a bill (S. 4703) for the relief of John T. McKeon; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4704) granting a pension to Christina Wisener (with an accompanying paper);  
A bill (S. 4705) granting an increase of pension to James Bennett; and  
A bill (S. 4706) granting a pension to William Harrington.

Mr. LODGE introduced a bill (S. 4707) authorizing the Light-House Board to contract for the construction of a tender for light-house service in Porto Rican waters; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT of New York introduced a bill (S. 4708) to authorize the President to place Samuel E. St. Onge Chapleau on the retired list of the Army with the rank of captain; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KITTREDGE introduced a bill (S. 4709) granting a pension to Nelson W. Wade; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4710) granting a pension to Anna May Hogan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4711) granting an increase of pension to Marion Paine; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4712) granting an increase of pension to Eliphalet Noyes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BERRY (for Mr. JONES of Arkansas) introduced a bill (S. 4713) for relief of estate of William McCreight, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4714) granting an increase of pension to Charles W. Tyler;

A bill (S. 4715) granting a pension to John W. Puett; and  
A bill (S. 4716) granting an increase of pension to Jesse Ault.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4717) granting an increase of pension to Henry H. Baldwin;

A bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb;

A bill (S. 4719) granting an increase of pension to Ellen Murphy;

A bill (S. 4720) granting a pension to Joseph Grade; and  
A bill (S. 4721) granting an increase of pension to George H. Harris.

Mr. FAIRBANKS introduced a bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 4723) to define the judicial circuits of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. DUBOIS submitted an amendment proposing to appropriate \$155,200 to pay to the estate of Eli Ayers, deceased, the amount paid by the said Eli Ayers in his lifetime to the Chickasaw reserves for 194 sections of land in the State of Mississippi, which land was afterwards appropriated, sold, and disposed of by the United States without regard to the rights acquired by the said Eli Ayers, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FOSTER of Louisiana submitted amendments proposing to increase the appropriation for the improvement of the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River from \$600,000 to \$650,000; to increase the aggregate amount which may be expended on the improvement of that river between the points mentioned from \$1,800,000 to \$1,900,000; to increase the limit of the amount that may be expended in any one year on the improvement of the said river between the points mentioned from \$600,000 to \$650,000; to increase the appropriation for continuing the improvement of the Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission, from \$2,000,000 to \$2,250,000; to increase the aggregate amount which may be expended on the improvement of the said river between the points last mentioned from \$6,000,000 to \$6,750,000; to increase the limit of the amount that may be expended in any one year on the improvement of said river between the points last mentioned from \$2,000,000 to \$2,250,000; providing that of the money appropriated for the improvement of said river between the points last mentioned \$50,000 shall be expended at Greenville, Miss., \$20,000 at Helena, Ark., \$20,000 at New Madrid, Mo., and \$20,000 at Caruthersville, Mo.; providing that the expense of operating dredges between Cairo and St. Louis, on the Mississippi River, shall be charged to the fund appropriated for the said river between Cairo and the mouth of the Missouri, and proposing to appropriate \$110,000 for continuing the improvement of the harbor of New Orleans, La., \$50,000 for continuing the improvement of the harbor of Natchez and Vidalia, Mississippi and Louisiana, \$25,000 for rectification of Red and Atchafalaya Rivers, Louisiana, and \$70,000 for continuing the improvement of the harbor of Memphis, Tenn., intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$225,000 for the rectification of the Stockton and Mormon Channels at and near the city of Stockton, Cal., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to increase the salaries of special agents in charge of divisions in the rural free-delivery service from \$2,400 to \$2,500, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### VIEWS OF MINORITY ON SHIPPING BILL.

On motion of Mr. COCKRELL, it was

*Ordered*, That 2,000 extra copies of Senate Report No. 201, part 2, being the views of the minority of the Committee on Commerce on the bill (S. 1348) to provide for ocean mail service between the United States and foreign ports, and the common defense; to promote commerce, and to encourage the deep-sea fisheries, be printed for the use of the Senate.

#### INVESTIGATION BY COMMITTEE ON FISHERIES.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Fisheries be, and is hereby, directed to examine into the destruction of sea fish along the eastern coast of the United States by persons engaged in fishing with dynamite and other explosives, and to report to the Senate, by bill or otherwise, as to what remedy lies in Federal legislation upon the subject.

#### WHALING AND SEALING CLAIMS AGAINST RUSSIA.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That there be printed for the use of the State Department 200 extra copies of the Document S. 62, Fifty-seventh Congress, first session, being a report by the Third Assistant Secretary of State on the whaling and sealing claims against Russia.

#### SPANISH TREATY CLAIMS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Attorney-General be directed to transmit to the Senate a list of the claims which he is now defending before the Spanish Treaty Claims Commission, giving in each case the number, the names and residences of all the claimants, the citizenship, whether native or by naturalization, the ground of the claim, the place where the injury was done, and the amount claimed in each case, with a statement of the gross amount of all the claims; and also to transmit to the Senate copies of the petitions in each case where \$1,000,000 or upward is claimed.

#### PERSONS IN CLASSIFIED SERVICE FROM SOUTH CAROLINA.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Civil Service Commission is hereby directed to transmit to the Senate a list of persons now holding places in the classified service charged to the State of South Carolina, giving names, present address, legal residence, when appointed, and amount of salary in each case.

#### HERBERT A. BOOMHOWER.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. Mr. President, I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. GIBSON were appointed.

#### RIVER AND HARBOR BILL.

Mr. HALE. If morning business is over, let us go to the Calendar.

The PRESIDENT pro tempore. The Chair first lays before the Senate a bill from the House of Representatives for reference.

The bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE (Mr. PENROSE in the chair). The Committee on Commerce desired me to say to the Senate that hearings would commence on the bill known as the river and harbor bill to-morrow morning at half past 10; that Senators would be heard to-morrow morning, Wednesday morning, Thursday morning, and Friday morning, and after that there will be no further hearings. They requested me also to ask leave of the Senate to sit during the sessions of the Senate.

The PRESIDING OFFICER (Mr. PENROSE in the chair). Without objection, leave is granted.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had

on the 21st instant approved and signed the act (S. 3312) for the establishment of a light-house at the mouth of Oyster Bayou, near the Louisiana coast, in the Gulf of Mexico.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 3261) authorizing the Eldorado and Bastrop Railway Company to construct and maintain a bridge across the Ouachita River, in the State of Arkansas; and

An act (S. 3267) to change the boundaries between the southern and central judicial districts of the Indian Territory.

#### THE CALENDAR.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. HALE. It is now something more than an hour before the expiration of the morning hour. If we go to the Calendar, I think we may clear it off again, as we have done before, and I hope that will be done. I shall object to any request for consideration except in the order bills are reached.

The PRESIDENT pro tempore. The first bill on the Calendar will be announced.

#### JOHN L. SMITHMEYER AND PAUL J. PELZ.

The bill (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz was announced as first in order on the Calendar.

Mr. HALE. Let the bill go over to-day.

The PRESIDENT pro tempore. The bill goes over, objection being made.

Mr. STEWART. It went over without prejudice?

The PRESIDENT pro tempore. It went over without prejudice.

#### ASSAY OFFICE AT PROVO CITY, UTAH.

Mr. RAWLINS. I ask that the bill (S. 150) for the establishment of an assay office at Provo City, Utah, which was temporarily passed over, be taken up.

The PRESIDENT pro tempore. The bill has heretofore been read in full as in Committee of the Whole.

Mr. PLATT of Connecticut. When that bill was before the Senate heretofore the Senator from Iowa [Mr. ALLISON] made some remarks about it, and I do not know whether he is now ready for its passage.

Mr. SPOONER. There is no report accompanying this bill, and so I should like to ask the Senator from Utah if it is recommended by the Treasury Department.

Mr. HALE. Let the bill go over for the day, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill will go over without prejudice.

Mr. RAWLINS. Mr. President, if I may be permitted to make a brief statement about the bill, I will say that when it was originally called up the Senator from Rhode Island [Mr. ALDRICH], the chairman of the Committee on Finance, made some objection because the bill had been reported by the Committee on Mines and Mining. Upon further consideration the Senator from Rhode Island withdrew his objection to the bill. When the bill was called up the second time the Senator from Iowa [Mr. ALLISON] asked that it temporarily go over in order that he might look into it a little further. I think the Director of the Mint says that if we are to establish an assay office anywhere it ought to be at this place, but he is doubtful as to the propriety of establishing any more assay offices. I think, however, this is one that ought to be established. The committee has favorably reported the bill, and I should like to have action upon it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. The bill may be taken up later, but the Senator from Iowa [Mr. ALLISON], who heretofore objected, is not now present, and I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

#### DISTRICT CODE OF LAW.

Mr. PRITCHARD. I ask present consideration of Order of Business No. 1, being the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia," which was formerly passed over without prejudice.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

Mr. HALE. Mr. President, that is a long bill, and I must object to its consideration to-day. I want to get through with the cases on the Calendar, which will not take much time.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. PRITCHARD. I ask the Senator from Maine to withdraw his objection, as the amendments which are proposed by the bill to the District code are very important and should be promptly acted upon.

Mr. HALE. If that bill is read, nothing more will be done this



morning. I do not want to consume all the time with the reading of that bill. I am not opposed to the bill, but I do not want the hour, which might be devoted to passing twenty-five or thirty bills in which Senators are interested, taken up in reading the bill to which the Senator from North Carolina refers.

Mr. PRITCHARD. Mr. President, this is a very important measure, and I give notice that I shall endeavor to get early action of the Senate upon it.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar, and the next bill on the Calendar will be stated.

#### AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 3, on page 5, line 18, after the word "missions," to insert "and lands reserved for common schools as provided in section 4 of this act;" so as to read:

That the lands ceded to the United States under said agreement, excepting such tracts as may be reserved by the President, not exceeding 398,000 acres in all, for subside station, Indian day school, 1 Catholic mission, and 2 Congregational missions, and lands reserved for common schools as provided in section 4 of this act, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert the following as a new section:

SEC. 4. That sections 16 and 36 of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools, and the same are hereby granted to the State of South Dakota for such purpose; and in case either of said sections, or parts thereof, of the lands in said county of Gregory is lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract herein ceded, to locate other lands not occupied, in quantity equal to the loss, and such selection shall be made prior to the opening of such lands to settlement.

The amendment was agreed to.

Mr. PLATT of Connecticut. I move to amend the bill in section 3, on page 6, line 18, by striking out after the word "acre," down to and including the word "that" before the word "homestead," in line 25, and inserting the word "and" before the word "homestead."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 3, on page 6, line 18, after the word "acre," it is proposed to strike out:

But settlers under the homestead law, who shall reside upon and cultivate the land entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fee and commissions, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry, except that.

And insert "and," so as to read:

And provided further, That the price of said lands shall be \$2.50 per acre, and homestead settlers who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

Mr. GAMBLE. Mr. President, the bill submitted to the Senate for consideration was prepared by the Interior Department, and has its approval and indorsement. Two amendments were suggested to the bill by the Committee on Indian Affairs, and they have already been adopted by the Senate. The amendment proposed by the Senator from Connecticut [Mr. PLATT] eliminates that provision in the bill in regard to the opening of the lands to free homes. These lands are situated in the southern part of South Dakota, west of the Missouri River, and adjoining the great Sioux Reservation. The Government agrees to pay the Indians \$2.50 per acre for the land proposed to be ceded. The lands affected by this agreement involve about 521,000 acres. Of that amount 105,000 acres have been allotted to 452 Indians, leaving, practically, 416,000 acres unallotted and to be thrown open to settlement under this agreement.

Under the provisions of the enabling act authorizing the admission of the State of South Dakota into the Union, sections 16 and 36 in every township were reserved for school purposes. This provision did not apply to permanent Indian reservations, but became operative when the Indian title was extinguished and the lands restored to and became a part of the public domain. This would withdraw about 29,000 acres of these lands and would leave 387,000 acres to be opened to settlement, and which would be affected by the proposed amendment.

Mr. President, we believe that the bill as reported by the committee should pass without the amendment submitted by the Senator from Connecticut. It has long been the policy of the Government to open the Western reservations to free homes. The homestead law enacted so many years ago certainly proved of inestimable value, not only to the West, but to the country at large. A different policy was inaugurated some ten or twelve years ago, under which, when reservations were opened, the settler was obliged to pay the same price for the land that the Government paid the Indians for the relinquishment of their title.

Two years since a free-homes bill was passed by Congress after having been discussed at great length, especially in this body. It occurs to us that by that act the homestead policy has been reestablished by the Government. We do not believe it is wise now to reopen that question.

When the bill to open the Crow Reservation in Montana was recently under consideration in this body it passed without any opposition on the part of Senators; and it opened those lands to free homesteads, involving, I think, something like 1,000,000 acres. We believe that the same rule should be applied to the lands in South Dakota, and that this reservation should be opened in like manner.

Settlers who go upon these new lands to open and develop them necessarily meet severe and trying conditions. They are inaccessible and far removed from railway or other facilities of communication. The settlers are obliged to bear all the burdens incident to organizing and developing the local community. They are compelled to build highways and bridges, to erect school-houses, and maintain schools, the courts, and jails, and all the expenses of local government. Within the limits of the lands proposed to be opened to settlement there are upward of 450 Indian allottees, and the settlers who take these lands will be obliged to assume the responsibilities of the local community practically unaided by the Indians, and to bear largely all the responsibilities that heretofore have been borne by the General Government.

The Indians have selected the choicest and best lands along the streams, and the settlers who move in will be obliged to take the more undesirable lands.

I believe the men who settle upon this reservation and bear these responsibilities and who build up these new communities ought to have their lands at the same price that was paid by other settlers upon adjacent lands of like character. I believe it is nothing more than an act of simple justice, considering the hardships they must endure and the responsibilities they must necessarily assume.

It is a question of policy, and I do not believe we should depart from the one heretofore adopted by the enactment of the free-homes law two years ago.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. STEWART. Mr. President, this question ought to be understood by the Senate.

Mr. PLATT of Connecticut. Will the Senator from Nevada permit me a moment, as I moved the amendment which is pending?

Mr. STEWART. I want to speak to that amendment.

Mr. PLATT of Connecticut. I wish to make a single suggestion.

Mr. STEWART. All right. I yield to the Senator.

Mr. PLATT of Connecticut. I had hoped that the Senator from South Dakota [Mr. GAMBLE] would accept the amendment, as the Senator from North Dakota [Mr. HANSBROUGH] accepted the amendment in relation to the bill opening up the Devils Lake Reservation, and I want to say now that if this amendment is to be opposed the bill can not be disposed of this morning.

Mr. STEWART. Mr. President, I wish to make merely a remark or two in order to call the attention of the Senate to the situation we are in. Although the Indians have no title, except the title of occupancy, the Government is bound to take care of them, and to see that justice is done them. For the most part we have submitted to the Indians the fixing of the price of the lands which we have purchased. As the land is settled, the Indians put up the price according to the price of adjoining lands that are cultivated by white people. In this very case the committee had much doubt whether the land was worth \$2.50 an acre; but they finally consented to report the bill, because the Senator from South Dakota insisted that it would be detrimental and ruinous to the State of South Dakota to have settlement there tied up in this way, and that these lands ought to be opened.

If Congress should exercise the power to fix a reasonable price on the land we open, and pay the Indians for it, there would be no serious objection to free homesteads; but if the Indians are to fix an exorbitant price, the Government pay it, and then open the land to free homes, there would be great friction before we disposed of these millions of acres of land. This raises a very serious question. I was in hopes the Senators from South Dakota would

avoid the question by adopting the same course which was adopted by the Senators from North Dakota as to the Devils Lake Reservation. They accepted a similar amendment to that bill, and the bill was passed. The Crow Reservation was also opened, and there was probably paid not more than half as much as it was worth in the market, and the Government will be fully reimbursed in that case.

A large portion of this particular reservation will not be worth very much, because it is not arable land. If the Government pays \$1.25 an acre for the land, and that is all the Indians ought to demand, then I should be in favor of opening it to free homesteads, but I am not in favor of paying the Indians a price which is fixed by the value of adjoining land held by white men, and then opening it to free homes, because before we get through with it we shall find that it will involve a vast amount of money.

I make these observations so that the situation may be understood by the Senate. If Congress adopts the policy of fixing the price of land to be opened and not leave it to the Indians, then we can open it to free homesteads for such price as will be reasonable; but if we leave it to the Indians to fix the price, under the advice of white men around there, then it will become so extravagant that the scheme can not be carried out.

Mr. PLATT of Connecticut. Mr. President, as I remarked a moment ago, I did hope that the Senator from South Dakota [Mr. GAMBLE] would accept the amendment I have offered, which is the same as that placed in the bill opening the Devils Lake Indian Reservation a few days ago, which was accepted by the Senator from North Dakota [Mr. HANSBROUGH], who was interested in opening that reservation, and it was adopted by the Senate.

Manifestly we must have some policy with reference to the opening of these reservations. If the Senator from South Dakota insists on opposing this amendment, we can not discuss this question under the five-minute rule, and I shall be compelled to object to the further consideration of the bill this morning.

I want to say right here and now, however, that the State of South Dakota, as it seems to me, ought to be pretty well satisfied when we pay to the Indians \$2.50 an acre for this land and then give to the State of South Dakota two sections, amounting in value to something over \$75,000, which is a clean gift of so much money from the Government to the State of South Dakota, without any obligation whatever on the part of the Government to do so.

The Senator from South Dakota said that when the State of South Dakota was admitted to the Union there was a provision in the enabling act that two sections in each township should be reserved for school purposes. That is true, Mr. President; but there was also an express proviso in that act that that reservation should not apply to any land which was then within an Indian reservation. So the amendment which has been already adopted is a clean gift to the State of South Dakota of \$2.50 an acre for all the lands embraced in those two sections in each township, which would amount, I think, to something about \$75,000, without pretending to be accurate about it.

Mr. President, this is a question which is very much larger and more far-reaching in its importance than the mere question of whether this bill is to pass in the form in which it was reported by the committee, or whether the amendment I have proposed shall be adopted. It is true that several years ago—more than ten years ago, I think—in opening Indian reservations, we paid large and extravagant prices for land to the Indians, upon the theory that the Government was going to be reimbursed for its expenditures by the settlers paying for the land which they settled upon a sufficient sum to reimburse the Government. That went on for years, and everybody supposed that that was acceptable to the settlers. Then the settlers began to agitate that the Government should remit to them the obligation which they had incurred to pay for the land, and thereby reimburse the Government; and the history of that agitation of course is well known. The Government remitted about \$35,000,000 which it had paid to the Indians and which the settlers had agreed to repay to the Government by the passage of that free-homes bill.

I well remember the argument here on that question. It started as to Oklahoma. The ground upon which it was put was not so much that the free-homes policy should be continued where we bought the lands from the Indians, but that this land was in the semi-arid region and it was impossible for the settlers to make the money on the farms in that semi-arid region to pay what they had agreed to pay. The argument was extended beyond Oklahoma to all the lands which had been thus opened to settlement. I do not wish to say, Mr. President, that the Government was imposed upon by that argument, but I do wish to say that since that free-homes bill passed you can not get any person in Oklahoma who will deny that the lands which were thus affected are worth \$20, \$25, and \$30 an acre. The school fund commissioners of Oklahoma, immediately after the passage of that act, reported to the Govern-

ment that the lands belonging to the school fund in Oklahoma were worth, on an average, \$30 an acre.

The PRESIDENT pro tempore. The Senator's time has expired. Mr. COCKRELL. It is manifest that we can not dispose of this bill under the five-minute rule or under the half-hour rule. So I think it will have to go to the other Calendar.

The PRESIDENT pro tempore. The Senator from Missouri objects to the further consideration of the bill.

Mr. GAMBLE. Will the bill go over without prejudice?

Mr. COCKRELL. It can not be discussed under the five-minute rule, and it is not worth while to keep it on the Calendar under the five-minute rule.

Mr. GAMBLE. Perhaps it might be passed without prejudice this morning.

Mr. COCKRELL. I have no objection to its being passed over without prejudice once.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### BILLS PASSED OVER.

The bill (S. 3504) to provide an American register for the steamer *Brooklyn* was announced as the next case in order on the Calendar.

Mr. HALE. Let the bill go over without prejudice.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property" was announced as the next case in order on the Calendar.

Mr. HALE. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over without prejudice.

Mr. NELSON subsequently said: I was momentarily called out of the Chamber. What was done with Order of Business 742, Senate bill 1792?

Mr. HALE. It went over.

The PRESIDENT pro tempore. It was passed over without prejudice.

Mr. NELSON. Retaining its place on the Calendar?

The PRESIDENT pro tempore. Retaining its place on the Calendar.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as the next business in order.

Mr. GALLINGER. Let the bill go over.

The bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent, was announced as the next business in order.

Mr. GALLINGER. I ask that the bill may go over.

The PRESIDENT pro tempore. All these bills will go over without prejudice.

#### ORDER BOOK OF GEN. ARTHUR ST. CLAIR.

The joint resolution (S. R. 26) authorizing the Secretary of War to negotiate with John T. Dolan, of Portland, Oreg., for purchase of original manuscript copy of "order book of Gen. Arthur St. Clair," was announced as the next business in order on the Calendar.

Mr. HALE. I told the Senator from Oregon I would look into the joint resolution. It is a matter of such small moment, however, that I do not think it is worth while to interpose any further objection.

Mr. MITCHELL. I ask unanimous consent that the joint resolution may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to negotiate with John T. Dolan, of Portland, Oreg., with the view of purchasing for the use of the Government the original manuscript copy of the "order book" of Gen. Arthur St. Clair, and if on inspection of the original manuscript it is deemed advisable by the Secretary of War, in the interest of complete and accurate military history of the Government, to purchase the same for the use of the Government, he is authorized to do so, paying therefor a sum not exceeding \$300.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MOORES CREEK BATTLEFIELD, NORTH CAROLINA.

The bill (S. 3060) appropriating \$5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. DALZELL, and Mr. RICHARDSON of Tennessee managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. HEMENWAY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11839) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.;

A bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;

A bill (H. R. 10363) to authorize the establishment of a life-saving station at Ocracoke Island, on the coast of North Carolina; and

A joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

## ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 3148) for a marine hospital at Buffalo, N. Y.; and it was thereupon signed by the President pro tempore.

## JURORS' AND WITNESSES' FEES IN WYOMING.

The bill (S. 1919) fixing fees for jurors and witnesses in the United States courts in the State of Wyoming was announced as the next business in order on the Calendar.

Mr. SPOONER. The Senator who reported this bill is not present, and I ask that it go over without losing its place on the Calendar.

The PRESIDENT pro tempore. The bill will go over without prejudice.

## EMPLOYEES IN TREASURY, WAR, AND NAVY DEPARTMENTS.

The bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy departments was announced as the next business in order on the Calendar.

Mr. HALE. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

## LAND-OFFICE FEES IN MINING CASES.

The bill (S. 156) to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims was considered as in Committee of the Whole. It provides that all moneys deposited in any United States depository for platting of mining claims and other office work in the office of any surveyor-general connected with proceedings to obtain patents shall be deemed an appropriation for the objects contemplated by such rules and regulations, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriation for platting and other office work in obtaining patents for mining claims; but any excesses in such sums over and above the actual cost of such platting and office work, comprising all expenses incidental thereto, and for which they were severally deposited, shall be repaid to the depositors, respectively; such payments to be made upon a statement of account therefor by the Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## A. G. BOONE.

The bill (S. 1594) for the relief of the legal representatives of A. G. Boone was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. I wish the bill might go over for the day at least. I desire to look at it.

The PRESIDENT pro tempore. Objection being made, the bill will go over, retaining its place.

## THIERMAN &amp; FROST.

The bill (S. 4074) for the relief of Thierman & Frost was announced as the next business in order on the Calendar.

Mr. ALLISON. I ask that the bill may go over without prejudice.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

## HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.; and

A bill (H. R. 10363) to authorize the establishment of a life-saving station at Ocracoke Island, on the coast of North Carolina.

The bill (H. R. 11839) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal., was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city, was read twice by its title, and referred to the Committee on the Library.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10847) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. WARREN, and Mr. TELLER were appointed.

## REPEAL OF WAR-REVENUE TAXATION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. In the absence of the chairman of the Committee on Finance, who is necessarily detained from the Senate to-day, I move that the Senate insist upon its amendments and accede to the request for a conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALDRICH, Mr. ALLISON, and Mr. VEST were appointed.

## MARINE HOSPITAL AT PITTSBURG, PA.

The bill (H. R. 3136) for a public building for a marine hospital at Pittsburg, Pa., was announced as the next business in order on the Calendar.

Mr. HALE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

## LIFE-SAVING STATION AT EAGLE HARBOR, MICH.

The bill (S. 3492) to authorize the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 5, after the word "near," to insert "Eagle Harbor on;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station at or near Eagle Harbor on Keweenaw Point, Michigan, in such locality as the General Superintendent of the Life-Saving Service may recommend.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ELEONORA G. GOLDSBOROUGH.

The bill (S. 3421) for the relief of Eleonora G. Goldsborough was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 8, after the word "death," to insert "with allowances for two years;" so as to read:

That the Secretary of the Treasury be, and he is hereby, instructed to pay to Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, out of any moneys not otherwise appropriated, two years' pay at the rate of salary he was receiving as surgeon at the time of his death, with allowances for two years.

The amendment was agreed to.

Mr. PLATT of Connecticut. Let the report be read.  
The Secretary proceeded to read the report submitted by Mr. BURNHAM on the 20th instant.

Mr. PLATT of Connecticut rose.

Mr. COCKRELL. Let the whole report be read.

Mr. PLATT of Connecticut. Do you want the whole of it read?

Mr. COCKRELL. I do, if the bill is going to pass to-day.

Mr. PLATT of Connecticut. Let the reading proceed.

Mr. COCKRELL. I wish to make some inquiries in regard to it.

The Secretary resumed the reading of the report.

Mr. PLATT of Connecticut. The Senator who reported this bill is not present, and I suggest that the further reading of the report be dispensed with, that the whole report be printed in the RECORD, and then that the bill go over.

Mr. COCKRELL. I have no objection to that course, but in the report—the Senator who made the report I believe is not present—there is a statement which I must confess astonishes me. The report says:

Now, inasmuch as the statute law gives to the widows of surgeons in the Army and Navy two years' pay, and inasmuch as your committee agree with Dr. Hamilton that no distinction should be made in the emoluments of the two branches of the medical service, your committee, after a full consideration of the bill, conclude that the officers of the hazardous service in question should be given the same consideration in the matter of emoluments as Army and Navy surgeons.

I should like to see that statute.

Mr. PLATT of Connecticut. I was going to call attention to these recommendations, but I thought perhaps, as the Senator who reported the bill is not present, it had better go over.

Mr. COCKRELL. I think so.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the remainder of the report be printed in the RECORD.

Mr. COCKRELL. Let the whole of the report be printed in the RECORD.

The PRESIDENT pro tempore. And that the bill go over, retaining its place on the Calendar. Is there objection? The Chair hears none.

The report referred to is as follows:

Mr. BURNHAM, from the Committee on Claims, submitted the following report:

[To accompany S. 3421.]

The Committee on Claims, to whom was referred the bill (S. 3421) granting two years' pay of her husband to Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, have given the same careful consideration, and respectfully report that the facts are as follows:

To the Congress of the United States:

The memorial of Eleonora G. Goldsborough respectfully represents to your honorable body that she is the widow of Dr. Charles B. Goldsborough, late in the Marine-Hospital Service, and on behalf of herself and the minor children of the said Dr. Charles B. Goldsborough she respectfully prays that you will grant her the relief she asks for in her bill, to be paid to her; and for the purpose of informing your honorable body as to the facts upon which her bill is based she sets forth as follows:

(1) Dr. Charles B. Goldsborough was examined in accordance with law for admission into the service in August, 1877, and on October 3, 1877, was appointed an assistant surgeon in the Marine-Hospital Service.

He was first stationed in New York as assistant; was appointed in charge of the service in Norfolk, Va., and remained there two months; he was placed on special duty in Washington and Baltimore, and was assistant at New York for five months; he was nine months chief clerk in the city of Washington, and was then placed in charge of the service in the city of Baltimore, where he remained for three years, until April, 1882.

In October, 1880, he was promoted to the office of passed assistant surgeon while in charge of the Baltimore service. From Baltimore he was ordered to Mobile, where he remained in charge of the Marine-Hospital Service for three years and six months, until October 20, 1885, when he was ordered to Chicago, where he remained in charge of the service for two years and four months, until February 9, 1888.

While in Chicago he was promoted to the office of full surgeon October 1, 1886. From Chicago he was ordered to New Orleans, where he remained one year and eleven months, and died in the service January 5, 1890, leaving to survive him his widow, your petitioner, and two children, Charles Bloomfield, 9 years, and Irwin, 5 years of age.

(2) The entire estate left by your petitioner's husband amounted to \$2,100, which was in the hands of a firm which has since failed, reducing his estate to nothing. Your petitioner's estate consists of a farm on the eastern shore of Maryland, valued at \$3,000, but subject to a mortgage of \$6,000, making its total net value \$3,000, and shares of bank stock of the value of \$1,300.

The net income from the farm, after paying the interest on the mortgage and all other charges and expenses incident to the same, when the crops are good is about \$50, and the dividends derived from the bank stock amount to about \$120, making the entire income received by your petitioner for the support of herself and her two children \$170, which is liable to be decreased at any moment by the failure of the crops upon which the income from the farm depends.

(3) Your petitioner's husband, while engaged in the service of the Government, devoted himself with untiring energy to his duty, and he was constantly exposed, not only to the danger of disease incident to his calling but to the dangers arising by the constant change of climate, which in the course of his duty while under orders he was obliged to undergo, and his constitution was undoubtedly greatly undermined thereby.

While on duty in the city of Mobile he was desperately ill with malarial fever, and from there he was ordered to Chicago, the extreme cold of which, following upon the warmer temperature of Mobile, brought on a serious attack of rheumatism, from which he had not wholly recovered when he was again ordered to New Orleans. While engaged in the course of his duty he contracted blood poison in the performance of an operation, which also tended to undermine his health, and in April, 1889, he was again attacked by

malarial fever, which his already weakened constitution was unable to withstand, and from which, together with the other complications, he eventually died.

(4) Your petitioner further represents that the compensation received by her husband and the frequent removals which in the course of his duty it became necessary for him to make rendered it impossible for him to save up more money than a portion of that which was left and which has been lost through no fault of your petitioner.

(5) Your petitioner has done and is doing all in her power to support herself and her children, and will continue to do so and will use all means in her power by her own exertions to increase the small income which she now receives.

All of which is respectfully submitted.

ELEONORA G. GOLDSBOROUGH.

To the Congress of the United States:

The undersigned respectfully represent to your honorable body that they are personally cognizant of many of the facts stated in the foregoing memorial of Eleonora G. Goldsborough, and those of which they are not cognizant personally they believe to be therein stated truly. They further state that they believe the said Eleonora G. Goldsborough, the widow of Dr. Charles B. Goldsborough, and his two children are in great need of some support, and that the services of the late Dr. Charles B. Goldsborough entitle them to be paid a pension, and they are personally aware that she is using every honorable means to assist in the support of herself and her children.

JAS. SOMERS SMITH.

ANNA M. SMITH.

D. HAYES AGNEW.

W. DUBOIS MILLER.

(Since the date of the above memorial the farm and bank stock mentioned in section 2 have been disposed of at a sacrifice, and the proceeds have been entirely expended in the support of the petitioner's family.)

The affidavits of Mrs. Goldsborough and Mrs. Annie E. Haverstick, in the possession of your committee, show that Surgeon Goldsborough contracted blood poisoning while operating on a negro sailor in the United States marine hospital in New Orleans, La., in August, 1888.

In a letter from Surgeon Goldsborough to Dr. John B. Hamilton, the then Surgeon-General of the Marine-Hospital Service, dated at Chicago, Ill., September 25, 1888, he states that he is suffering from carbuncles and is totally unfit for duty, his statement being substantiated by the accompanying certificate of Surg. H. W. Austin, of the Marine-Hospital Service, his attending physician.

That Surgeon Goldsborough suffered from the effects of blood poisoning up to the time of his death is shown by the affidavits of Mrs. Goldsborough and Mrs. Haverstick, above referred to, and that his death was due primarily to the blood poisoning is proved by the affidavit of his attending physician at the time of his death, Dr. R. P. M. Ames, which is here set forth in full:

SPRINGFIELD, MASS., March 7, 1902.

I hereby certify that I attended Surg. Charles B. Goldsborough in the marine hospital, New Orleans, in November and December, 1889, and until his death, January 5, 1890. His death was due primarily to "blood poisoning," as manifested by the formation of abscesses and carbuncles.

While not personally cognizant of the fact, as I was not stationed in New Orleans at the time, I have frequently heard that Surgeon Goldsborough had been poisoned while operating upon a negro sailor in the summer of 1888.

Very respectfully,

R. P. M. AMES.

Late Passed Assistant Surgeon, M. H. S.

Subscribed and sworn to this 7th day of March, 1902, before me.

FRANK E. CARPENTER,

Notary Public.

There can be no reasonable doubt that Surgeon Goldsborough's death was directly due to the effects of the operation in August, 1888.

Dr. John B. Hamilton, Supervising Surgeon-General, Marine-Hospital Service, appeared before the Committee on Invalid Pensions of the House and there advocated that a pension should be allowed Mrs. Goldsborough, stating that Dr. Goldsborough was an able and efficient officer, and the duty he was on subjected him to orders involving change of climate and contact with epidemic diseases, and the Doctor urged, as a matter of justice, that there should be no distinction in the allowance of pensions between the surgeons of the Marine-Hospital Corps and the medical officers of the Army and Navy.

Now, inasmuch as the statute law gives to the widows of surgeons in the Army and Navy two years' pay, and inasmuch as your committee agree with Dr. Hamilton that no distinction should be made in the emoluments of the two branches of the medical service, your committee, after a full consideration of the bill, conclude that the officers of the hazardous service in question should be given the same consideration in the matter of emoluments as Army and Navy surgeons.

It may be further stated that Congress, by an act approved March 4, 1882, provided for the payment of two years' salary to the families of members of the Life-Saving Service in the event of their death as a result of their peculiar calling, and that a precedent for the bill now under consideration has been set by the act approved June 15, 1888, which granted the legal representatives of Asst. Surg. John W. Branham, of the Marine-Hospital Service, the amount of his salary and allowances for two years, Dr. Branham having died of yellow fever.

Your committee are of the opinion that Dr. Goldsborough died of an infectious disease acquired in the performance of his duty, and the bill is therefore returned with the recommendation that it pass when amended as follows:

In line 8 strike out the period after the word "death" and insert in lieu thereof a comma, and add after such comma the words "with allowances for two years."

SOUTH DAKOTA LOWER BRULE SIOUX INDIANS.

The bill (S. 912) to reimburse certain Lower Brule Sioux Indians of South Dakota for property destroyed was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claims of the members of the Lower Brule band of Sioux Indians for loss of property resulting from their forcible removal from their homes south of White River, in South Dakota, in the year 1893, and to determine what amounts they may be justly and equitably entitled to for the loss of such property, and to certify the same to the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and



directed to pay such sums so certified to him by the Secretary of the Interior to members of the Lower Brule band of Indians as aforesaid. And the sum of \$1,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD HAINES AND OTHERS.

The bill (S. 4306) for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased, was announced as the next business in order on the Calendar, and was read.

Mr. SPOONER. Let the bill go over.

The PRESIDENT pro tempore. The bill goes over—retaining its place?

Mr. SPOONER. Yes.

PROTECTION OF MINERS.

The bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories" was next in order on the Calendar, and was read.

Mr. PLATT of Connecticut. The Senator who reported this bill is not present, and as the act amended is not so pointed out that I can find it readily, I wish that it may go over.

The PRESIDENT pro tempore. The bill goes over—retaining its place?

Mr. PLATT of Connecticut. Yes.

The PRESIDENT pro tempore. The bill will retain its place.

MARINE HOSPITAL AT PITTSBURG, PA.

Mr. PENROSE. During my absence from the Senate Chamber the bill (H. R. 3136) for a public building for a marine hospital at Pittsburg, Pa., favorably reported from the Committee on Commerce, was passed over. I should like to have the bill considered now, if there is no objection to it.

The bill was read, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the city of Pittsburg, Pa., a suitable and commodious building for a marine hospital, at a cost which shall not exceed \$125,000 when finally completed.

Mr. HALE. I wish the Senator would tell us what is the scheme of the committee as to marine-hospital buildings. An enrolled bill has just been signed providing for another at Buffalo. Is it the plan of the committee to establish marine hospitals within a short distance of each other all over the country?

Mr. PENROSE. I have sent for the report and I should like to have it read.

Mr. HALE. Yes; that will be better.

Mr. PENROSE. The bill has been favorably reported, and it has passed the House.

The PRESIDENT pro tempore. The report is at the desk.

Mr. PENROSE. I ask to have the report read.

The PRESIDENT pro tempore. It will be read.

Mr. HALE. It seems to me as if the two places were rather near each other to have marine hospitals.

Mr. PENROSE. This bill has been approved by the Treasury Department. I ask that the report may be read.

Mr. HALE. Let the report be read. That will be better.

The Secretary read from the report submitted by Mr. PENROSE on the 20th instant, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3136) for a public building for a marine hospital at Pittsburg, Pa., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Treasury Department, as will appear by the report of the House Committee on Interstate and Foreign Commerce, which is adopted as the report of your committee.

[House Report No. 948, Fifty-seventh Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 3136) to establish a marine hospital at Pittsburg, Pa., having considered the same, beg leave to submit the following report:

The city of Pittsburg with its adjoining cities and boroughs, all of which substantially constitute one city, has a population of 775,000. It is at the head waters of the Ohio, and has an inland tonnage exceeding that of any other city in the world. Cities of lesser need have marine hospitals, while it has none. Surgeons-General of the Marine-Hospital Service and Secretaries of the Treasury have repeatedly called the attention of Congress to its need for a marine hospital. So long ago as June, 1874, twenty-eight years ago, there was an appropriation for a marine hospital at Pittsburg, but because of its insufficiency a building was never erected, and the site which was purchased, being very desirable for other purposes, was finally allowed to be sold.

Now, the marine-hospital station at Pittsburg has grown to such proportions that it requires the services of two physicians and surgeons to look after the ill of the river men. Dr. F. W. Meade, who has long been in the service of the Government, was detailed only recently to report for duty there by Surg. Gen. Walter Wyman. Dr. Meade, who has had a most varied experi-

ence in the practice of medicine, has spent much of his time in Boston, Portland, Me., and St. Louis. His first detail to duty was at the latter place.

Dr. R. C. Craig, who has been in charge of the marine-hospital department at Pittsburg, has been stationed there for the last three years, and orders recently sent from Washington will keep him there for an indefinite period. Dr. Craig served two years at New York and one year at St. Louis.

The sick marines are now sent to the Mercy Hospital, where there are 67 patients in the marine ward. The expense of taking care of these men is paid by the Government. The revenue derived is collected from ocean vessels, the amount being regulated according to the tonnage.

Last year 1,250 patients were treated at the office of the marine surgeon in the Federal building, and the work has so increased that it became necessary to detail an additional physician. Drs. Meade and Craig are heartily in favor of the idea of establishing a hospital at Pittsburg for the exclusive use of the river men. Pittsburg is the only port of any consequence on the Ohio or Mississippi rivers that does not boast of an institution of the kind.

The necessity for a hospital at Pittsburg is rapidly growing, and it is desirable that the patients should be under the direct care of the Marine-Hospital Service, instead of, as now, under the care of other institutions under contract.

There is no marine hospital upon the Ohio River nearer to Pittsburg than Cincinnati, which is 250 miles away.

In view of all the facts your committee is clearly of the opinion that the bill ought to pass with an amendment striking out all after the word "completed," in line 11, as suggested by the Assistant Secretary of the Treasury, and so recommend.

A letter from the Assistant Secretary of the Treasury and one of the Surgeon-General of the Marine-Hospital Service are hereto appended as part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, February 13, 1902.

SIR: Referring to your communication, dated the 29th ultimo, requesting a report in connection with H. R. 3136, providing for the acquisition of a suitable site and the erection of a building for a marine hospital at Pittsburg, Pa., I have the honor to advise you that from information in the possession of the Department it appears that provision should be made for accommodations for 50 patients, allowing for each patient a minimum cubic air space of 1,500 cubic feet; that there should be 2 wards of 20 beds and 2 wards of 5 beds each; also, suitable quarters for one or two medical officers, a hospital steward, and 15 attendants, and provisions for heating kitchen, dining rooms, laundry, baths, etc.

Mr. HALE. The figures given are only in support of the recommendation of the Secretary. They throw no new light upon the question except in that way. I do not think the report need be read further unless some Senator asks for it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT GEORGETOWN, S. C.

Mr. TILLMAN. I ask unanimous consent to call up the bill (S. 637) for the erection of a public building at Georgetown, S. C.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States custom-house, post-office, and other Government offices in the city of Georgetown and State of South Carolina; the cost of the site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Georgetown, State of South Carolina."

STATUTES OF LIMITATIONS IN CERTAIN LAND CASES.

Mr. HARRIS. I ask unanimous consent for the consideration of the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Let the report of the committee be read. It is very short. Let the first part of it be read.

The PRESIDENT pro tempore. The report will be read.

Mr. COCKRELL. Just that part of the report showing the necessity for the bill.

Mr. HARRIS. I can explain to the Senator in a few moments what the bill is.

Mr. COCKRELL. Very well.

Mr. HARRIS. It is simply owing to the fact that some thirty or thirty-five years ago the Shawnee tribe of Indians were authorized to receive patents for their lands. Since then they have been conveyed from time to time, and pretended heirs have appeared and have brought suit for interest in the land. The bill is recommended in the strongest possible terms both by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. COCKRELL. I understand that patents were actually issued.

Mr. HARRIS. They were actually issued, and then—  
 Mr. COCKRELL. The title passed from the Government?  
 Mr. HARRIS. Subsequently deeds were made under the authority of the Secretary of the Interior.  
 Mr. COCKRELL. All right.  
 The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### IMITATION DAIRY PRODUCTS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, which had been reported from the Committee on Agriculture and Forestry with amendments.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendments of the committee will be reported in the order in which they stand.

Mr. PROCTOR. I suggest that the amendments be considered later. I think there is no occasion to read them now.

The PRESIDING OFFICER. The amendments, then, will be deferred.

Mr. PROCTOR. Mr. President—

Mr. SCOTT. If the Senator from Vermont will allow me, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dolliver,	Kittredge,	Pettus,
Bard,	Elkins,	Lodge,	Platt, N. Y.
Bate,	Fairbanks,	McCumber,	Pritchard,
Berry,	Foster, Wash.	McLaurin, Miss.	Proctor,
Beveridge,	Gallinger,	McMillan,	Quarles,
Blackburn,	Gamble,	Mallory,	Scott,
Burnham,	Hale,	Millard,	Simmons,
Burrows,	Hanna,	Mitchell,	Spooner,
Clark, Wyo.	Hansbrough,	Money,	Teller,
Cockrell,	Harris,	Morgan,	Tillman,
Culberson,	Heitfeldt,	Patterson,	Vest.
Deboe,	Jones, Nev.	Perkins,	
Dillingham,	Kearns,		

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present. The Senator from Vermont will proceed.

Mr. PROCTOR. Mr. President, this bill proposes to put a tax of 10 cents a pound on oleomargarine when it is colored so as to make it pass for an entirely different and more valuable product, and to reduce the present tax of 2 cents per pound to one-fourth of 1 cent per pound when it is not colored so as to deceive purchaser and consumer. It also subjects it to the laws of any State into which it may come, although it may have been introduced therein in original packages. It may be claimed that this is a measure to tax a legitimate industry out of existence. We claim that it only affects the fraud; that it may and should prevent this product from masking under false colors, and that the legitimate industry will be benefited rather than injured as the present tax is reduced.

It is a measure in the interest of the farmers, the honest producers of an article that sells for what it is, and they should be protected from this fraudulent imitation designed to sell for what it is not.

I propose in opening to give some statistics which may be useful to both sides in discussing this measure.

Census Bulletin No. 138, dated February 13, 1902, gives the latest statistics in regard to oleomargarine. It opens with the following statement, which I will ask the Secretary to read:

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Oleomargarine manufacture is now for the first time made the subject of special inquiry by the Census Office. The industry was introduced into the United States prior to 1880, and at the census of that date and in 1890 its general statistics were collected and may be found in Table 1 of the accompanying report. All the large centers of the industry were visited by Mr. Garber in obtaining reports, and 17 of the largest factories were personally inspected by him. The remaining reports were secured by correspondence.

The statistics are presented in 8 tables: Table 1 showing comparative figures for the industry at the Tenth, Eleventh, and Twelfth censuses; Table 2 showing a comparative statement of capital for 1890 and 1900; Table 3 showing the different classes of materials and the products for 1900; Table 4 showing the annual production of oleomargarine from 1886 to 1900, inclusive, as shown in the reports of the Internal Revenue Commissioner; Table 5 showing the amount of oleomargarine shipped into each State for the fiscal year ending June 30, 1899; Table 6 showing the quantity and value of the oleomargarine and oleo oil exported during the fiscal year ending June 30, 1900, as published in the Report on Commerce and Navigation, 1900; Table 7 showing the estimated annual production of European countries; Table 8 showing the detailed statistics for the industry in 1900, by States and Territories.

Mr. PROCTOR. Mr. President, it will be seen that these statistics have all been obtained from the oleomargarine manufacturers themselves either by personal visits of the census agents or by correspondence with the manufacturers.

Table 1 shows that in 1880 the value of the oleomargarine produced was \$6,892,939, and in 1890 it had fallen to \$2,988,525. The statistician gives the following reason for this decrease.

This large decrease is due, in part, to the fact that certain States—notably New York—enacted effective legislation antagonistic to the manufacture of oleomargarine, and the act of Congress of 1886 imposing a special tax of \$600 on manufacturers forced a few small producers out of business.

It is probable, Mr. President, that this decrease is apparent rather than real, and that it is due to imperfect reports. As stated in that bulletin, there was no systematic gathering of statistics until the last census. In 1900 the value produced was \$12,499,812, an increase of 318 per cent over that of 1890.

Table 3 shows the quantity and cost of the ingredients used in 1900 and the value of the products, and I ask to have this table printed in full. The total cost of materials, it will be seen, is \$7,639,501, and of the products \$12,499,812.

The PRESIDING OFFICER. The table will be inserted in the RECORD, in the absence of objection.

The table referred to is as follows:

TABLE 3.—Materials and products, 1900.

Items.	Quantity.	Cost of materials.	Value of products.
<b>Materials:</b>	<b>Pounds.</b>		
Total.....	114,748,633	\$7,639,501	.....
Milk and cream.....	23,684,395	579,068	.....
Oleo oil.....	33,724,621	2,744,235	.....
Neutral lard.....	37,651,741	2,976,870	.....
Cotton-seed oil.....	11,818,921	567,790	.....
Butter.....	396,956	61,176	.....
Salt.....	6,962,233	58,887	.....
Color.....	204,418	32,078	.....
Sugar.....	137,842	7,084	.....
Glucose.....	32,965	494	.....
Stearin and oleo stock.....	134,541	4,320	.....
Fuel and rent of power and heat.....		49,855	.....
Mill supplies.....		5,745	.....
All other materials.....		501,107	.....
Freight.....		50,792	.....
<b>Products:</b>			
Total.....	104,633,214		\$12,499,812
Oleomargarine.....	104,633,214		12,286,857
All other products.....			213,455

Mr. PROCTOR. Table 4 gives the quantity of oleomargarine produced and the internal revenue received in each year from 1887 to 1900, inclusive.

Table 5 gives the quantity of oleomargarine shipped into each State for the fiscal year ending June 30, 1899. I do not think a reprint of these tables important in this discussion.

Table 6 gives the quantity and value of oleo oil and oleomargarine exported to each of many foreign countries during the fiscal year ending June 30, 1900. The total exports of oleo oil were 146,739,681 pounds, of the value of \$10,503,856, and of oleomargarine 4,182,536 pounds, of the value of \$409,083.

Table 7, based on commercial estimates, shows approximately the annual production of oleomargarine in European countries. I ask to have that table printed in full.

The PRESIDING OFFICER. The table referred to will be printed in the RECORD, in the absence of objection.

The table referred to is as follows:

TABLE 7.—Annual production of oleomargarine in European countries.

Country.	Quantity produced.	Quantity imported.
	<b>Pounds.</b>	<b>Pounds.</b>
United Kingdom.....	82,000,000	110,000,000
Denmark.....	35,000,000	4,500,000
Norway.....	22,000,000	.....
Sweden.....	22,000,000	.....
Germany.....	220,000,000	.....
Netherlands.....	123,000,000	.....
Belgium.....	20,000,000	.....

Table 7 indicates that Germany is the greatest producer of oleomargarine, with a product of 220,000,000 pounds, followed by the Netherlands, with 123,000,000 pounds. According to the figures of this table, the United States, with an output of more than 100,000,000 pounds, ranks third in production.

Mr. PROCTOR. Formulas are given of the ingredients used in the manufacture of three different grades of oleomargarine, which I ask to have printed.

The PRESIDING OFFICER. In the absence of objection, the formulas will be printed.



The matter referred to is as follows:

*Formula 1.—Cheap grade.*

	Pounds.
Oleo oil.....	495
Neutral lard.....	265
Cotton-seed oil.....	315
Milk.....	255
Salt.....	120
Color.....	1½
Total.....	1,451½

Will produce from 1,265 to 1,300 pounds of oleomargarine.

*Formula 2.—Medium high grade.*

	Pounds.
Oleo oil.....	315
Neutral lard.....	500
Cream.....	280
Milk.....	280
Salt.....	120
Color.....	1½
Total.....	1,490½

Will produce from 1,050 to 1,080 pounds of oleomargarine.

*Formula 3.—High grade.*

	Pounds.
Oleo oil.....	100
Neutral lard.....	130
Butter.....	95
Salt.....	32
Color.....	1
Total.....	357½

Will produce about 352 pounds of oleomargarine.

Mr. PROCTOR. It will be seen that cotton-seed oil is only used in the cheapest grade. In regard to this I will ask the Secretary to read what the bulletin states.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

In the cheap grades cotton-seed oil is often substituted for a portion of oleo oil and neutral lard, but never to the total exclusion of either. It never fully replaces them, but is added to some combination of those two ingredients to cheapen the product. It is a liquid within the range of temperature to which butter is exposed, and its use is therefore limited to such a proportion in any formula as will not soften the product beyond the usual consistency of butter. Its use would doubtless increase largely were it not for the fact that no process has been discovered that will take away its characteristic flavor. To make a high-grade oleomargarine it is absolutely essential that all its constituent oils respond fully to the neutralizing treatment by which their characteristic odors and flavors are removed, so that they will take on the flavor of butter from the aromatic principles of the milk or cream with which they are churned. Cotton-seed oil, when forming any considerable proportion of oleomargarine betrays its presence, and those manufacturers making a specialty of high-class table products have discontinued its use altogether.

Mr. PROCTOR. I call special attention to this statement, which comes from the manufacturers of oleomargarine, that cotton-seed oil can only be used in the cheaper products, and the manufacturers are already discontinuing its use to some extent. It will be seen from the formulas given of the ingredients that cotton-seed oil is not put down as an ingredient except in No. 3, the cheapest grade.

In this connection I will give some of the facts concerning cotton-seed oil, derived from Census Bulletin No. 129, dated January 27, 1902, to show of how little comparative value is the cotton-seed oil used in oleomargarine:

COTTON-SEED OIL.

[Facts derived from Bulletin No. 129.]

	Gallons.	Value.	Average value per gallon.
Amount of oil produced in 1900 in United States.....	93,325,729	\$21,390,674	22.9
Amount of oil exported in 1900.....	46,902,390	14,127,538	30.1

Amount exported: 50.25 per cent of gallons, and 66.5 per cent of value.

Mr. CULBERSON. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Texas?

Mr. PROCTOR. Yes.

Mr. CULBERSON. I suppose the statement of the Senator is to the effect that about half of the product of cotton-seed oil is exported and that that industry will not be so much damaged by this legislation if it becomes a law. I will ask him if he can give us any information as to what proportion of the cotton-seed oil that is exported is used in the manufacture of oleomargarine in foreign countries?

Mr. PROCTOR. Those figures I have not been able to find. There are tables in the bulletins to which I have referred that show the amount exported to each of the foreign countries to which it goes, but I have seen no figures to show what it is used

for at its destination. I will show something of the proportion of the product that is used in this country in oleomargarine.

Amount used in oleomargarine manufacturing in the United States, 1,575,800 gallons of the 93,325,729 gallons produced, or 1.68 per cent. The product of cotton seed crushing plants is not confined to oil, but other marketable products of the mill are linters, or "short lints;" hulls for paper stock and fertilizer and cattle feed; meal and cake for cattle feed and fertilizers. The total value in 1900 of products of the cotton-seed industry was \$42,411,835. The value of cotton-seed oil used in oleomargarine in 1900 was \$567,790, or 1.34 per cent. The amount and value of cotton-seed oil exports have increased largely during the past few years.

I ask that Table 3 of Bulletin 129 may be printed in full in my remarks. This table gives the exports of cotton-seed oil from 1870 to 1901, inclusive.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The table referred to is as follows:

TABLE 3.—Exports of cotton-seed oil, 1870 to 1901.\*

Year.	Gallons.	Value. <sup>b</sup>	Average value per gallon.
			Cents.
1870.....	(*)	\$14,946	.....
1871.....	(*)	140,577	.....
1872.....	547,165	293,546	53.6
1873.....	709,576	370,506	52.2
1874.....	782,067	372,327	47.7
1875.....	417,387	216,640	51.9
1876.....	281,054	146,135	52
1877.....	1,705,422	842,248	49.4
1878.....	4,992,349	2,514,323	50.4
1879.....	5,352,530	2,232,880	41.7
1880.....	6,997,706	3,225,414	46.1
1881.....	3,444,084	1,465,255	42.5
1882.....	713,549	330,260	46.3
1883.....	415,611	216,779	52.1
1884.....	3,605,946	1,570,871	43.6
1885.....	6,364,279	2,614,592	41.1
1886.....	6,240,139	2,115,974	33.9
1887.....	4,067,138	1,578,935	38.8
1888.....	4,458,597	1,925,739	43.2
1889.....	2,690,700	1,298,609	48.3
1890.....	13,384,385	5,291,178	39.5
1891.....	11,003,160	3,975,305	36.1
1892.....	13,859,278	4,982,285	36
1893.....	9,462,074	3,927,556	41.5
1894.....	14,958,309	6,008,405	40.2
1895.....	21,187,728	6,813,313	32.2
1896.....	19,445,848	5,470,510	28.2
1897.....	27,198,882	6,897,361	25
1898.....	40,230,784	10,137,619	25.2
1899.....	50,627,219	12,077,519	23.9
1900.....	46,902,390	14,127,538	30.1
1901.....	49,356,741	16,541,321	33.5

\* Commerce and Navigation of the United States.

<sup>b</sup> The value of cotton-seed oil, at the time of exportation, in the ports of the United States whence exported.

\* Quantity not stated.

Mr. PROCTOR. Mr. President, Table 6 of Bulletin No. 129 gives the quantity and value of crude products from a ton of cotton-seed oil, and I ask that it may be printed in full.

The PRESIDING OFFICER. In the absence of objection, the table referred to by the Senator from Vermont will be printed in the RECORD.

The table referred to is as follows:

TABLE 6.—Crude products per ton of cotton seed.

Products.	Quantity.		Value.	
	Pounds.	Per cent.	\$17.00	Per cent.
Total.....	2,000	100		100
Oil.....	282	14.1	8.61	50.4
Cake and meal.....	713	35.7	6.43	37.9
Hulls.....	943	47.1	1.29	7.5
Linters.....	23	1.1	.71	4.2
Waste.....	89	2	.....	.....

Mr. PROCTOR. The value of the oil cake, meal, and hulls from a ton of seed is nearly equal to the value of the oil. These are used largely for cattle feed, in regard to which I will ask the Secretary to read an extract from Bulletin 129.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Cattle feeding is, however, by far the most useful purpose to which these hulls have yet been applied, and this use of the product is one which must greatly increase. A mixture of ground hulls and cotton-seed meal makes one of the best feeds known to the stock-raising and dairy industries. The proportions employed are about five parts hulls to one of meal in weight. "Two and a half million tons of hulls will fatten for market an equal number of heavy beef cattle or maintain that number of dairy cattle."

Mr. PROCTOR. On this point Secretary Wilson stated before the committee:

The benefit that comes to the cotton grower through the sale of a little oil to be used in making oleomargarine is very small compared with the dairying and feeding that must be increased to use the by-product of the cotton-seed mills, and the consequent return to the soil of this most valuable of all mill feeds and fertilizers. The best interests of the cotton-seed belt lie in increasing its dairy and feeding interests, rather than in contributing a little oil toward the serious injury of dairying and feeding, that should use all the cotton-seed meal produced there.

Mr. D. A. Tompkins, an authority on cotton-seed mills and the cotton industry, says in volume 2 of his work on Cotton and Cotton Oil, published by him at Charlotte, N. C., in 1901, in regard to the relation of cotton-seed to dairy cattle what I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

#### DAIRY CATTLE.

(Page 384.)

Some experiments in feeding dairy cattle on cotton-seed meal and hulls have erroneously led to conclusions adverse to the use of these materials for this purpose. These conclusions were hastily reached in regions where other feeding stuffs were plentiful and cheap, and more agreeable at first to the taste of the cattle. This relates mostly to the use of cotton-seed hulls. The feeding value of cotton-seed meal has now become universally recognized, and it is known that it is one of the very best of feeds, price and results considered. It is, of course, important for every dairyman who owns a farm to utilize all the home feeding stuffs; but in the South it is generally and most profitable to supplement them with the cotton-seed products. In competing in the markets of the world for beef and dairy products, it seems evident that the South's opportunity lies in the intelligent use of the cotton-seed meal and hulls.

(Pages 388 and 397.)

With cotton-seed hulls and meal as feeding stuffs, supplemented by present farm products, and with good breeding and good care, the German yields (milk and butter) might be equalled.

If this could be done, then the dairy business in North Carolina, which is, as a rule, now unprofitable, might be made superior to that of New York State as now conducted, and equal to that of Germany as now conducted.

What is here said about the dairy business in North Carolina is equally applicable to most of the other cotton-growing States. This entire discussion is based upon the idea that cotton-seed meal and hulls make, in nearly all parts of the cotton-growing States, ample opportunity for profitable business in raising and fattening beef and in producing milk and butter.

The climate in the cotton-growing area is very favorable to all forms of cattle business. There must always be a certain amount of warmth supplied to cattle. If the weather is cold, the warmth must be supplied by food, and such food as is adapted to the purpose.

Mr. PROCTOR. Census Bulletin No. 138, page 15, shows that the oleomargarine makers of this country used in their product for 1900 cotton-seed oil to the extent of 11,818,921 pounds, valued at \$567,790.

On the other hand, of the 884,391 tons (1,768,782,000 pounds) of cotton-seed cake and meal produced, valued at \$16,030,576; 1,143,704,342 pounds, valued at \$11,229,188, are exported (see Agricultural Yearbook, 1900, p. 850), leaving 625,077,658 pounds, valued at \$4,801,398, to be used in this country, very largely fed to dairy cows. It is safe to say that the dairyman of the United States pays the cotton-seed-mill interests five to six times as much for their products of cake and meal as do the manufacturers of oleomargarine for cotton-seed oil. If the cotton States are interested either way it is upon the side of butter.

In regard to the production of oleo oil Bulletin No. 138 has the following statement:

The number of grades manufactured is from three to five, and, when the market is active and prices are high, about all the fat taken in slaughtering, both from cattle and sheep, is worked into one grade or another. The oil made from sheep fat can not be neutralized, and retains the characteristic odor and flavor of the animal to such degree as to be unfit for the oleomargarine demanded in American markets. It is exported to Europe, where there is demand for cheaper oils. With the beef fats the character of the animal from which they are taken is the most potent factor in the selection. Some manufacturers work into their highest grade of oleo oil practically all the fat taken from a good steer, and make one or two lower grades from the fat of cows and "canners."

This statement is derived from the manufacturers themselves by the census agents.

Other manufacturers make their highest grade from the caul and other selected fats of the best heaves, using certain intestinal and other lower forms, together with that taken from poorer animals, in making from one to three lower grades. As previously indicated the manufacture of oleo oil is more widely distributed than that of neutral lard, and while it is largely confined to the big packing houses considerable quantities are made in large cities, outside the centers of the packing industry, from fats collected in part from abattoirs and in part from retail butchers.

This extract from the bulletin suggests possibilities in the way of deleterious materials from which the oil may be produced on which I will not enlarge. From tables 6 and 8 of Bulletin No. 138 the following facts appear:

1900.	Pounds.	Value.
Oleo oil used in manufacture in United States .....	33,724,621	\$2,744,235
Oleo oil exported (over 4 times) .....	146,739,681	10,503,856
Total .....	180,464,302	13,248,091

Mr. John F. Hobbs, editor of the National Provisioner, New York, who appeared before the committee in behalf of the livestock interests, gave the number of cattle slaughtered annually in this country as 11,000,000. If the use of the \$2,744,235 worth of oleo oil now used in this country was entirely cut off, the loss of that amount divided among 11,000,000 of cattle would be only about 25 cents per head. Aside from the use of oleo oil in oleomargarine, Mr. Hobbs mentioned other purposes for which it was in demand.

The statistics by the Department of Agriculture show an annual increase in the exports of oleo oil in a table which I shall ask to have printed.

The PRESIDING OFFICER. The table referred to will be printed, in the absence of objection.

The table referred to is as follows:

#### Monthly exports of oleo oil, quantities and values, 1899 to 1901.

Month.	1899.		1900.		1901.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Pounds.		Pounds.		Pounds.	
July .....	14,746,933	\$348,827	12,032,477	\$872,205	13,342,732	\$985,403
August .....	11,600,143	667,517	13,438,025	910,130	17,076,266	1,256,983
September .....	10,668,719	635,072	9,631,527	700,127	11,649,497	842,042
October .....	11,676,227	731,878	8,009,274	656,006	12,703,835	931,844
November .....	8,287,594	512,055	9,167,054	672,767	13,264,917	960,790
December .....	10,762,801	662,056	11,593,796	857,502	10,703,607	768,479
January .....	9,012,969	574,707	9,875,713	782,610	13,262,121	907,244
February .....	9,399,249	679,277	12,538,941	923,138	8,714,704	632,681
March .....	13,172,038	942,918	13,495,147	961,799	12,481,946	912,137
April .....	12,490,677	856,441	11,102,549	778,246	13,380,520	1,029,620
May .....	13,083,108	908,272	13,271,051	926,925	17,594,957	1,326,027
June .....	17,439,929	1,164,639	21,229,127	1,462,898	17,496,251	1,293,123
Total .....	142,390,492	9,183,659	146,739,681	10,503,856	161,651,413	11,846,373

Mr. PROCTOR. Mr. President, the manufacture of neutral oil from the fat of hogs is a comparatively simple process. It is of two grades, one made from the leaf and the other from the back fat. The Bulletin states:

The oil made from back fat retains more of the flavor peculiar to lard and, like the lower grades of oleo oil, is less free from stearin or other undesirable constituents. Some packing houses mix a small per cent of back fat with the "leaf" in making their highest grade of neutral, and oleomargarine manufacturers sometimes use both grades of the finished oil in combination.

After treating of the ingredients, the Bulletin says of the manufacture:

While there is substantial uniformity in the process of manufacture, there is great diversity in the grades and combinations of material used and, consequently, in the character of the finished article. The cheapest grades of oleomargarine found on the market are made from the lowest grades of oleo oil and neutral lard, to which is added the limit of cotton-seed oil, and the whole is churned with skimmed milk or buttermilk, salted with common salt and colored with the cheaper grades of coloring matter. These low-grade oils may be manufactured from "scrap" fat and made firm by the addition of more stearin or other similar substances, so that a greater proportion of cotton-seed oil can be added to the combination. Sometimes glycerin is added to give the product a glossy appearance, and sugar or glucose to sweeten or give texture.

Secretary Wilson, when before the committee last winter in regard to the importance of dairying, stated that population in the United States is increasing faster than cattle, and he submitted a table which shows this fact, which I shall ask to have printed.

The PRESIDING OFFICER. In the absence of objection, the table referred to will be printed.

The table is as follows:

Census year.	Number of all cattle.	Population.	Number of cattle per 100 of population.
1850 .....	17,778,907	23,191,876	76.7
1860 .....	25,620,019	31,443,321	81.5
1870 .....	23,820,608	38,558,371	61.8
1880 .....	35,925,511	50,155,783	71.6
1890 .....	51,393,572	62,622,250	82
1900 .....	43,902,414	76,295,220	57.5

Mr. PROCTOR. Secretary Wilson made a further statement before the committee, which I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Demand in our island possessions for meats will increase, and demand abroad will call for more of the product of the cow that is only profitable when placed in the dairy. Dairying will increase in the mountain States as homesteaders take possession of lands on which to raise families, and it will increase in the cotton-growing States as farmers realize the necessity of rotation of crops, and the increase of grazers and feeders that come through this industry.

Now, then, the tendency in the South, where they have destroyed the lands by perpetual cropping, and the tendency west of the Missouri, in the semi-dry belt, where they are destroying the grazing lands by injudicious overgrazing, is to take greater interest in the dairy cow than in the steer, and in the case of settlers who want to raise families out west of the one hundredth meridian the interest grows every day on behalf of the dairy



cow, and with regard to the production of steers east of the Missouri River on the farms there is no comparison whatever. The small amount of cattle that commerce calls for in making oleomargarine is infinitesimal in value compared with the injury that the growth of this bogus industry will inflict upon legitimate agriculture that requires a dairy cow.

Mr. PROCTOR. Mr. President, there is abundant evidence that the bulk of the oleomargarine used in this country reaches the consumer as butter. The circulars of the dealers show this. I read from circulars of R. C. Dotson, a manufacturer of oleomargarine at Baltimore. He says:

A word for quality. "Economy"—

That is one grade of Mr. Dotson's manufacture—

"Economy" is fancy. "Perfection" is the happy medium of grades, good enough for fancy trade. "Clover Creamery." In producing this fancy grade of butterine scientific research has been exhausted. "Clover Creamery" is the best on earth, by actual test; made by the most approved scientific methods; possessing the very purity and flavor of the clover fields; more perfect uniformity than any other butterine or butter. The cow herself could not tell it.

The innocent cow and the innocent purchaser are both deceived. They adopt for their products names intended to deceive. For example, another Baltimore dealer advertises two grades, one as "creamery goods," the other as "dairy goods." One company takes the name of the Vermont Manufacturing Company, although not connected with Vermont by location or otherwise, an unfair use of an honest name.

The same manufacturer from whom I quoted, Dotson, of Baltimore, in another circular, which is headed, in large and very red letters, "Opportunity," says:

BALTIMORE, February 17, 1903.

Had it occurred to you that you can make money out of butterine without liability to the Government for license? Perfectly simple. You solicit the orders by quotation or by your salesmen, turn them over to me, and I will fill them and allow you a handsome profit. It requires not a dollar invested and no responsibility on your part. You would be surprised at the nice round profit you can make in this way. Some merchants are making enormous commissions.

The profits seem to be large, as all illegitimate enterprises seek to make them. I submit the prospectus of the Standard Butterine Company, of this city, W. P. Wilkins, president, and will ask to have that portion of it printed which gives the cost and profits of the business. This gives the total cost, free on board, in this city at 8.92 cents per pound, and the prospectus claims a net profit of \$4.08 per hundred pounds, or nearly 50 per cent; to be exact, 45.74 per cent.

The prospectus referred to is as follows:

*Prospectus of the Standard Butterine Company, incorporated under the laws of the State of West Virginia, U. S. A., capital stock, \$1,000,000. Standard Butterine Company, W. P. Wilkins, president; offices, 208 Ninth street NW, Washington, D. C., U. S. A., September 1, 1900.*

#### TABLE OF COST AND PROFITS.

It is perhaps best to add to this prospectus a statement of the exact cost of and profits in the manufacture of butterine, compiled from manufacturing statistics and recent market quotations.

*Cost, showing proportions used for each 100 pounds.*

Oleo oil, 32 pounds, at 9½ cents per pound	\$3.04
Neutral lard, 17 pounds, at 8½ cents per pound	1.44½
Cotton oil, 17 pounds, at 5 cents per pound	.85
Milk, 17 pounds, at 1 cent per pound	.17
Salt, 7 pounds, at ½ cent per pound	.03½
Moisture, 10 pounds, at 00 per pound	.00

100 pounds	5.54
Labor, parchment paper, tubs, etc	1.38
Internal revenue, 2 cents per pound	2.00

Total cost (f. o. b. Washington)..... 8.92

The above cost when deducted from the market price of \$13 per 100 pounds shows a net profit of \$4.08.

It will be seen that even if the company produced only the 400,000 pounds per month for which it now has definite orders a net profit of over \$16,320 a month, or \$195,840 a year, would be assured.

This would mean 8 per cent on the preferred stock of the company, or 20 per cent of the entire capitalization.

This is a simple statement of actual facts which can be easily verified. This showing surely ought to be of interest to everybody with money for which a highly profitable investment is desired.

#### STOCK.

The Standard Butterine Company is incorporated, with a capital stock of \$1,000,000, divided as follows:

Five thousand shares preferred, full paid, nonassessable—par value, \$100 per share—\$500,000.

Five thousand shares common stock, \$500,000.

#### BONDS.

There are also \$150,000 in bonds, divided into 150 bonds, at \$1,000 each, paying an interest at 6 per cent per annum.

The preferred stock is guaranteed to pay 8 per cent per annum, and the common stock ought, by conservative estimate, to pay at least 15 per cent after the first year of business.

Mr. PROCTOR. I also read from a circular of Wilkins & Co., and understand that Mr. Wilkins is the same man who is president of the Standard Butterine Company, and that Wilkins & Co. are the selling agents of the company. It is addressed to the president of the Iowa Agricultural College, and is apparently

a circular intended to secure trade of colleges and schools and other institutions. It reads as follows:

WILKINS & CO., INCORPORATED,  
208 Ninth street NW., Washington, D. C., November 8, 1901.

PRESIDENT IOWA AGRICULTURAL COLLEGE,  
Ames, Iowa.

DEAR SIR: Good butter is getting scarce and the demand for our butterine is increasing. Why? Simply because we are handling the very best goods to be found on the market—a substitute for butter that can not be detected.

Mr. President, that is what they fear—detection—and what we propose to make sure.

In regard to the deception in the sale and the profits on oleomargarine, Secretary Wilson testified before the committee last winter, and I ask the Secretary to read his statement on this point.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

When the Secretary of Agriculture, the Hon. James Wilson (p. 417), appeared before this committee, he was asked and answered a question as follows:

"Mr. SCHELL. I would like to ask further, if you know from your own experience or from the reports that have come to you of a single case where the consumer has ever been prosecuted because of being defrauded by the dealer.

"Secretary WILSON. I can find plenty of such cases in this very city. \* \* \* There is no question about the everyday deception of us people who have to buy butter."

And later, in reply to a question by Senator MONEY (p. 421), Mr. Wilson said:

"Well, you have a perfect right to buy oleomargarine, but I do not want you to be deceived and pay 10 cents a pound too much. The poor people are being robbed by this deception to the extent of 10 cents a pound; and you and I, who have to take butter from second or third hands in this city, are deceived regularly. If you will send me samples of the butter you are eating between now and spring, I will tell you the percentage of it that is oleomargarine. I will have it analyzed. In fact, we have been analyzing it for members of Congress who have sent samples to us.

"Said President Cleveland, in his message approving the oleomargarine legislation of 1886, as shown by evidence before House Committee, page 8:

"Not the least important incident related to this legislation is the defense afforded to the consumer against the fraudulent substitution and sale of an imitation for genuine article of food of a very general household use. \* \* \* I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character."

Mr. PROCTOR. The reduction in cost to the consumer by the reduction of the tax is shown by the following figures. In fact, it should be greater, as a manufacturer always charges a profit on such advances.

This reduction of 1½ cents on the manufacturers' selling price of 14 cents would be 12.5 per cent; 16 cents would be 10.94 per cent; 18 cents would be 9.72 per cent.

The even figures would doubtless be used and a reduction of 2 cents per pound be made in the selling price. Quite an item in a laborer's monthly account.

The statistics and statements from the Census Bulletins in regard to oleomargarine and oleo and cotton-seed oil were of course obtained by the census experts from the manufacturers of those products themselves. I have quoted no testimony from witnesses who favored the bill except briefly that of Secretary Wilson. I trust the opponents of this measure will recognize the fairness of this course.

In conclusion, we claim—

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Texas?

Mr. PROCTOR. Certainly.

Mr. CULBERSON. Like all Senators here, I have been very much interested in the statistics which have been presented by the Senator from Vermont. This bill, however, purports to be a revenue measure. I should like to ask the Senator if he has any statistics or any statement from the Treasury Department showing, first, the necessity for this additional revenue, and, second, the amount of revenue the bill will produce?

Mr. PROCTOR. I have no statistics. I sought none of that kind. Of course, they would be at the best very imperfect.

In conclusion we claim:

First. That the coloring of oleomargarine is for the purpose of passing it upon the consumer for an entirely different substance.

Second. That the purpose is accomplished in the great majority of cases.

Third. That oleomargarine can be sold for what it is and that the reduction in cost made by reducing the tax 1½ cents will increase the sale, and, in a short time, more than compensate for the trade lost by lack of color, and will be a benefit to the laborer and honest consumer.

Fourth. That this being the case, there is no injury to the producers of cotton-seed or oleo oil, and at the worst any injury is compensated by resulting benefits. We claim that it is a measure to protect an honest product against a fraud.

The PRESIDING OFFICER. Is it the pleasure of the Senate that the committee amendments shall be considered at this time?

Mr. PROCTOR. I think it would meet with better satisfaction

on both sides if we were to consider the committee amendments later on, when we consider the bill on its passage, perhaps.

Mr. VEST. Will the Senator from Vermont permit me to ask him a question? I understand he is about to conclude his remarks.

Mr. PROCTOR. I have concluded, but I shall be glad to hear any question.

Mr. VEST. I should like to ask the Senator if he thinks that the Congress of the United States, under the Constitution, has the right to legislate upon the subject of fraudulent or adulterated food products unless they are the subject of interstate commerce? In other words, can the Congress of the United States come into my State and legislate as to the inspection of articles for food or the adulteration of articles for food when the transaction or the product or the sale is confined exclusively to the citizens of Missouri, and where there is no pretense that interstate commerce is affected in any way?

Mr. PROCTOR. I certainly do, but that is a phase of the question upon which I have not touched. Others will consider and discuss it later.

Mr. COCKRELL. Has the report in the case been read?

The PRESIDING OFFICER. It has not been read. There are several committee amendments, and it is the desire of the committee to have them deferred until later.

Mr. BATE. Let the report be read.

Mr. MONEY. I will take the floor at this time, but I think the suggestion of the Senator from Missouri is a good one. The report of the majority is quite short. The report of the minority, however, is much longer. I am perfectly willing, however, and I believe it would be a good idea, to have them both read. The Senator from Vermont, the distinguished chairman of the committee, did not have the majority report read, I believe.

The PRESIDING OFFICER. The reading of the majority and minority reports is called for. The Secretary will read the majority report.

The Secretary read the report submitted by Mr. PROCTOR February 24, 1902, as follows:

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 9203) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, have considered the same and suggest the following amendments:

First. On page 2 strike out lines 10, 11, 12, 13, and 14, inclusive.

Second. On page 3, in line 12, strike out the word "and" and insert in lieu thereof the word "or."

Third. Strike out the whole of section 4.

And when so amended your committee respectfully recommend that the bill do pass.

This bill proposes to increase the tax on oleomargarine colored in semblance of butter and reduce that not colored in imitation of butter, the purpose being to encourage the sale of the genuine article and to discourage the fraudulent sale of the imitation article, and to protect the honest producer, dealer, and consumer of both butter and oleomargarine.

The laws heretofore enacted to prevent the fraudulent selling have proved fruitless to remedy the evil, and it has been shown that existing laws are continually violated, and the violations are not easy of detection. It is apparent that the wide margin of cost between oleomargarine and butter is an incentive to the retail dealer to perpetrate the fraud for the sake of large profits, and it has been shown that the manufacturer frequently aids and abets him in so doing.

The need for such a law is evidenced by the State laws which have been passed by 32 States and by the general public interest on the subject. The law of 1886 does not identify the commodity to the consumer, the evidence being that a very large proportion of the oleomargarine manufactured reaches the consumer finally as butter, either as a purchaser of the retailer, or as a guest at a hotel, restaurant, or boarding house.

The House has twice indorsed the principles of what is known as the Grout bill, providing an increase from 2 to 10 cents per pound in the tax on oleomargarine colored to imitate butter and to reduce the same on the uncolored article to one-fourth of 1 cent per pound. This proposition met the approval of your committee in the second session of the last Congress, as shown in Report 2043, and we have seen nothing to cause us to change the conclusions reached then.

The principal opponents of the bill are the manufacturers of oleomargarine, live-stock associations, and the cotton-seed mill men.

The cotton-seed interests will be but little, if any, affected by the passage of this bill, as more than half of their oil product is exported, and of the portion retained in this country only the best grade of it can be used, and none is used in the manufacture of the best qualities of oleomargarine. Besides, there are other commercial avenues open for the disposition of cotton-seed oil.

We fail to see how the live-stock interests will be seriously affected, as the calf fat from which oleo oil is derived is but a very small percentage of the animal's value, and this material has commercial value for other purposes.

There is a present demand for the uncolored oleomargarine, and we believe it will grow and furnish an increasing market for this product, on which there is only a slight tax; and on the colored article there will still be left a reasonable margin of profit—sufficient, we believe, to enable the manufacturers to dispose of that product to advantage. Mr. F. W. Tillinghast, president of the Vermont Manufacturing Company, Providence, R. I., manufacturers of oleomargarine, testified that his company was making and selling white oleomargarine, and that it would be sold freely if the colored article was out of the way.

With this brief statement, we favor the passage of the bill with the amendments.

A minority of the committee will submit their views.

Mr. VEST. I should like to have the Secretary read the amendments. Let the bill as it came from the House be read and then

the amendments proposed, so that we can understand exactly what the measure means.

The PRESIDING OFFICER. The Chair will state that the bill has already been read. Does the Senator desire to have it read through again or only as proposed to be amended?

Mr. VEST. Let the amendments proposed by the committee be stated.

The SECRETARY. The first amendment proposed by the Committee on Agriculture and Forestry is to strike out lines 10, 11, 12, 13, and 14 on page 2, section 1, as follows:

*Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State provided that it is manufactured and sold entirely within the State.*

The Committee on Agriculture and Forestry propose, on page 3, line 12, section 3, to strike out the word "and" and insert in lieu thereof the word "or;" so that the first part of the section will read:

SEC. 3. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound.

Mr. PROCTOR. In regard to this amendment, I will say that I do not consider it of much importance, but the bill there is a quotation from the existing law of 1886, and it has the word "or" instead of "and." It was following that act, and I think we had better follow it exactly. That is all.

The SECRETARY. The Committee on Agriculture and Forestry propose to strike out all of section 4, as follows:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50, nor more than \$500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect; and no renovated butter shall be shipped or transported from one State to another or to foreign countries unless inspected as provided in this section.

Mr. HOAR. There are a good many other matters which one has to deal with, and I have not been able carefully to follow this proposed legislation. What is the precise change made in section 8 of the law? Section 8 of the old act is to be amended. Now, what is the amendment? What is the change made by the amendment?

Mr. PROCTOR. It assesses the tax of 10 cents per pound upon oleomargarine, to be paid by the manufacturer thereof, with the proviso that when oleomargarine is free from coloration or ingredient that causes it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

Mr. HOAR. What is the present tax?

Mr. PROCTOR. Two cents a pound.

Mr. HOAR. It raises the tax from 2 cents to 10 cents?

Mr. PROCTOR. Where it is colored it raises the tax from 2 cents to 10 cents and reduces it where it is uncolored from 2 cents to one-fourth of 1 cent.

The PRESIDING OFFICER. The senior Senator from Mississippi [Mr. MONEY] has called for the reading of the minority report. The minority report will be read.

The Secretary proceeded to read the views submitted by Mr. MONEY on the 14th instant.

Mr. SPOONER. Mr. President, I have looked the Senate over and there is no one listening to the reading of the views of the minority, so I suggest that the remainder of the paper be printed in the RECORD.

Mr. MONEY. Oh, no; let the reading be concluded.

Mr. SPOONER. If the Senator is anxious to have it read, very well.

Mr. BATE. Yes.

The reading of the views of the minority was resumed and concluded. The entire paper is as follows:

The minority of the Committee on Agriculture and Forestry beg leave to submit to the Senate a substitute for the bill H. R. 9203, with favorable recommendation. The substitute is as follows:

[Substitute for H. R. 9203.]

Strike out all after the enacting clause and insert the following:

"That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows:

"SEC. 1. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than five pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. *Provided, That when such packages are packed in prints, bricks, rolls, or lumps the word "oleomargarine"*



shall be impressed in sunken letters, the size to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, on all prints, bricks, rolls, and lumps so packed; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and only in original stamped packages when packed in solid bulk, or in prints, bricks, rolls, or lumps, as received from the manufacturer. Every person who knowingly sells or offers for sale, or delivers or offers to deliver any oleomargarine in any other form than in the original packages as above described, or in prints, bricks, rolls, or lumps, as received from the manufacturer, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

"SEC. 2. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers shall pay \$300 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in greater quantities than 10 pounds at a time shall be deemed a wholesale dealer therein, but any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own product only at the place of its manufacture, in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$24 per annum. Every person who sells oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein."

Amend the title so as to read: "An act to prevent the fraudulent sale of oleomargarine, butterine, or other imitations of butter, and for other purposes."

Oleomargarine is a legitimate article of commerce. This has been distinctively held by the Supreme Court of the United States. In the case of *Schollenberger v. Pennsylvania* (171 U. S., 30), which was decided May 26, 1898, the Supreme Court held as follows:

"In the examination of this subject the first question to be considered is whether oleomargarine is an article of commerce. No affirmative evidence from witnesses called to the stand and speaking directly to that subject is found in the record. We must determine the question with reference to those facts which are so well and universally known that courts will take notice of them without particular proofs being adduced in regard to them, and also by reference to those dealings of the commercial world which are of like notoriety. Any legislation of Congress upon this subject must, of course, be recognized by this court as of first importance. If Congress has affirmatively pronounced it a proper subject of commerce, we should rightly be influenced by that declaration."

After referring to the act of Congress of August 2, 1886, being the law now in force, imposing a tax of 2 cents a pound on oleomargarine, the court further stated as follows:

"This shows that Congress at the time of its passage in 1886 recognized the article as a proper subject of taxation, and as one which was the subject of traffic and of exportation to foreign countries and of importation from such countries. Its manufacture was recognized as a lawful pursuit, and taxation was levied upon the manufacturer of the article, upon the wholesale and retail dealers therein, and also upon the article itself."

Concluding upon this branch of the case, the court stated as follows: "The article is a subject of export and is largely used in foreign countries. Upon all these facts we think it apparent that oleomargarine has become a proper subject of commerce among the States and the foreign nations."

Coloring matter is used both in the making of butter and in the manufacture of oleomargarine for the purpose of catering to the tastes of consumers who have been accustomed to a generally yellow tint in both food products.

Neither the makers of butter nor the manufacturers of oleomargarine can claim rightfully any exclusive right to the use of coloring matter in their respective products. Both admit that coloring matter is used for the reason that their customers prefer an article of a yellowish tint. If customers preferred the article white, or free from any tint whatever, the makers of butter and the manufacturers of oleomargarine could just as easily, and even more easily, respond to that taste. The question for the lawmaking power to consider is this: Should the law interfere in a case of this kind and aid the makers of one product and injure the manufacturers of the other?

The second section of the proposed bill imposes a tax of 10 cents a pound upon colored oleomargarine, or, in the language of the act, "by coloration that causes it to look like butter of any shade of yellow." The advocates of this proposed legislation admit that their object is to place the tax on oleomargarine so high that it can not be placed upon the markets of the country if colored.

It is the universal opinion of those engaged in the manufacture of oleomargarine that a tax of 10 cents a pound upon the product colored a yellow tint will destroy that industry, for the reason, which experience has shown, there would not be any considerable demand for oleomargarine in an uncolored condition. This opinion is based upon efforts which have already been made to introduce and sell the uncolored product in States where anticolor laws now prevail. The object, therefore, of imposing this excessive tax of 10 cents a pound upon colored oleomargarine is not for the purpose of raising revenue, but for the purpose of prohibiting its manufacture, and of thus destroying the industry. It is of no importance that the proposed legislation reduces the tax on uncolored oleomargarine from 2 cents a pound to one-fourth of a cent a pound. Unless there is reason to believe there would be a substantial production of that kind of article, the increase of the tax of 10 cents a pound would, in all probability, prevent any substantial revenue being derived from its manufacture.

The alleged frauds committed in the sale of oleomargarine are not attributed to the manufacturers, but to the retail dealers in the article.

This brings us to the consideration of the question whether fraud in the sale of oleomargarine as butter can better be prevented by the proposed legislation, which imposes a tax of 10 cents a pound upon its manufacture, or by the enactment of more stringent regulations governing the retail dealer.

Under the present law the retail dealer is required to break the original package in which he receives oleomargarine from the manufacturer. The smallest package which the law permits the manufacturer to place upon the market contains 10 pounds. The retail dealer is only permitted to sell from the manufacturer's original packages. If he desired to sell in 10-pound packages or over, he would be required to take out a wholesale dealer's license, which is fixed at \$480 a year. This makes it necessary for the retailer to break the original package, and it is conceded that whatever frauds may be committed occur by reason of this fact.

If the retail dealer desires to commit a fraud upon his customer, the opportunity for so doing is thus afforded. If legislation can be enacted which will require the retail dealer to sell oleomargarine in the original package put up by the manufacturer without breaking the wrapper or the internal-revenue stamp of the Government, and if such wrappers and stamps were

clearly and distinctly marked and branded, under regulations of the Commissioner of Internal Revenue, the opportunity to commit fraud upon the customer would be wholly eliminated or reduced to a minimum. This opinion is entertained by those most intimately connected with the manufacture and selling of oleomargarine; and it is also the opinion of the Secretary of the Treasury, given in his statement before the Senate Committee on Agriculture; and also the opinion of ex-Commissioner of Internal Revenue, Mr. Wilson, given in his statement before the House Committee on Agriculture.

Under the proposed bill the temptation to fraud on the part of the retail dealer would be largely increased from the fact that he will be enabled to buy the uncolored oleomargarine, on which one-fourth of a cent per pound tax is imposed, and by coloring the same himself increase the value of his product 94 cents per pound, for the reason that he could sell the same at this largely increased profit for either butter or oleomargarine.

We assume that the lawmaking power of the Government desires to prevent the possibility of fraud in the sale of oleomargarine as butter and not to destroy the industry itself. We therefore recommend legislation upon the subject which will make fraudulent sales as near impossible as laws can provide.

We have omitted reference heretofore to the first section of the pending bill. This section has for its object the placing of oleomargarine under the police laws of the several States, notwithstanding its introduction into a State in the original package. This provision is for the purpose of avoiding the effect of the ruling of the Supreme Court of the United States in the case of *Schollenberger v. Pennsylvania*, reported in 171 U. S., 1-30. The opinion of the Supreme Court in that case was to the effect that a lawful article of commerce can not be wholly excluded from importation into a State from another State where it was manufactured. It was conceded in that opinion that a State has power to regulate the introduction of any article, including a food product, so as to insure purity of the article imported, but that such police power does not include the total exclusion even of an article of food.

The States may provide for a reasonable inspection of all food products imported into them, but the object of this legislation must be inspection and not prohibition of the traffic. It is true that Congress, in 1880, passed an act which placed intoxicating liquors under the police power of the States; but oleomargarine, which is a wholesome and nutritious food, ought not to be treated in the same manner that the law regards intoxicating liquors. The States should not be permitted by Congress to interfere in its sale, and especially should Congress refuse to place the article subject to the laws of the States which might exclude its manufacture or sale entirely. The States may inspect oleomargarine for the purpose of ascertaining whether it was free from adulterants or unwholesome ingredients; but Congress should not recognize the right of a State to exclude it from importation and sale therein, so long as it is conceded to be nutritious as an article of food.

The proposed bill is not a revenue measure. It is not for the purpose of raising revenue or reducing surplus revenue. In fact, in no sense is it a measure resting for its authority upon the taxing power of the Government. Its object is to prevent competition between two home industries by building up the one and destroying the other. Such use of the taxing power of the Government is an abuse which should not be encouraged or even tolerated for a moment. The precedent will open wide the door for all manner of vexatious schemes and instigate selfish greed to demand legislation involving every conceivable interference of Government with private interests. It is an effort to so frame our internal-revenue laws that one class of home producers will be protected from competition with another class of home producers. While our Government has adopted the policy of protecting home producers against foreign producers of the same kinds of articles, there can be no excuse or justification for interfering among our own citizens by aiding one industry at the expense and to the injury or destruction of another. This policy would tend to destroy all benefits which consumers receive from improved processes of production, from labor-saving machinery, and from the results of invention. By such means all progress could be arrested and mankind could be deprived of the blessings which modern science and genius are securing to the world.

The taxing power of the Government can not be used for any object other than the public needs. As was said by the Supreme Court of the United States in *Loan Association v. Topeka* (20 Wallace, 664), "To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation." While under the proposed bill the object is not to donate the taxes which may be raised to aid a particular industry, yet the imposition of the tax is for the purpose of enabling one industry to sell its products free from competition with another, and thus to exact from the public an increased price for the product, not for the benefit of the public Treasury, but for private purposes solely. The effect upon the people is the same in both cases. As was stated in the opinion of the Supreme Court in the *Topeka* case, "There can be no lawful tax which is not laid for a public purpose." This doctrine is so well recognized that it is unnecessary to produce further authorities upon the subject. There is no conflict of judicial opinions; all are in harmony with the opinion in the *Topeka* case.

The proposed bill is class legislation of the most dangerous character. It is not demanded by any existing economic conditions in this country, and its passage would be a perversion of the taxing power of the Government and a violation of the Constitution, both in its letter and spirit.

The Hon. Lyman J. Gage, Secretary of the Treasury, was invited to come before the committee and give his view from a revenue standpoint. The following is a part of his testimony:

"Secretary GAGE. Of course, I only feel at liberty to state my views as the Secretary of the Treasury, and only upon that part of the bill which involves the question of revenue. I might have personal views which go far beyond those, but you would probably not care much about them.

"There is, in my opinion, an objection to the bill on either theory. If it is a revenue producer, it is superfluous; we do not need it. If it is not a revenue producer, then the title of the bill is a misnomer, and it is inoperative in the name of revenue. It seems to me that on either theory there are serious objections to it.

"I think that covers all I care to say directly on the subject.

"The ACTING CHAIRMAN. Mr. Secretary, can you tell us what has been the experience, in a general way, of your Department in the collection of the revenue on oleomargarine? You know, of course, that there is now a 2-cent tax on it.

"Secretary GAGE. Yes, sir; I think the revenue is well collected. There has been considerable discussion of that subject between the Commissioner of Internal Revenue (especially Commissioner Wilson) and myself at different times, and we think we are cheated to some extent, as we are in all revenue matters.

"Senator BATE. Then I suppose the losses in oleomargarine internal-revenue collections are about on a par with the losses in all other revenue collections?

"Secretary GAGE. Well, they are on a par with the losses in most of the revenue collections. There is not any great disparity.



"Senator ALLEN. Of course the liquor can not go out without the consent of the Government?"

"Secretary GAGE. No, sir; but the tax on liquor is \$1.10 a gallon, while that on butterine is 2 cents per pound, so that the temptation is very much greater in the one case than in the other."

"Senator ALLEN. The only thing with which you are concerned is the tax?"

"Secretary GAGE. That is the main thing, of course."

"Senator MONEY. The remark you have just made, Mr. Secretary, suggests this question: You say the greater the tax the greater the incentive to fraud. The same rule would apply here, would it not?"

"Secretary GAGE. Undoubtedly."

Conflicting interests have appeared before the committee, one to demand the exercise of the taxing power in order to crush a rival in the business and the other to ask that it be permitted to continue the manufacture of a product, wholesome and nutritious, for the benefit of the thousands who are unable, by their poverty, to buy butter. The makers of oleomargarine, of dairy butter, of creamery butter, of the process of renovated or resurrected butter have all appeared, personally or by representatives, to insist upon their interests being more or less protected or not to be interfered with. The producers of cotton-seed oil and the live-stock growers have also been represented, asking that there be no further interference with the profits of their several industries for the benefit of the dairymen.

In the consideration of this subject the quarrels of the respective manufacturers and parties at interest as to the profits to be lost or made from this legislation are not so important as the rights of the consumers of the several products. There are millions of working people who are not producers of any articles of food, but who must consume these various products. They can not, all of them, buy butter, and, as the object of this bill is evidently—from the expressions of the leading advocates of the bill—to exterminate the oleomargarine industry, these great numbers of people are interested that such nefarious legislation should be defeated. They have rights as well as the manufacturers of butter and oleomargarine, as well as the cotton-seed oil and the live-stock men, and it is the cry of the consumer, the cry of the poor, that should have the first attention of the Senate.

Below is appended statements by accredited representatives of the various labor organizations of the country, and it can not be doubted that they speak not only for those who have formally accredited them to us, but also for the vast number of unrepresented poor people whose interests and whose wants are the same.

Mr. Patrick Dolan, president of the United Mine Workers' Association, testified as follows:

"Our people, Mr. Chairman, are against the passage of the measure. I represent over 40,000 miners and their families, and I know from the sentiment in other sections of the country to which I go, from talking to people who are interested in our organization, that they do not want to be deprived of the ability to purchase this wholesome article of food. If it is not made in a wholesome way, then they do not want it; but if it is just as good to them to spread their bread with as 35-cent butter, they do want it. And if this measure passes the chances are that butter will go up to 50 cents, and poor people will not be able to purchase it at all."

Mr. John Pierce, representing the Amalgamated Association of Iron and Steel Workers, said:

"Colored oleomargarine is at present retailed at from 12½ to 20 cents per pound. On investigation I am satisfied that most of our people are paying about 15 cents per pound for it, and I can not admit that those who buy it can afford to pay more. I therefore arrive at the conclusion that they must either find 10 cents per pound more to pay this proposed robbery (for I can not dignify it by the name of tax) or buy and eat white oleomargarine. And this to satisfy the greed of the manufacturers of butter, who think that white oleomargarine is good enough for those who can not afford to pay 10 cents additional for yellow or the 20 cents or more additional for creamery butter, or use the off grades of butter now unsalable as food."

"Shall those thus defrauded of what should be their inalienable constitutional right be compelled either to wear in their homes, on their very tables, flaunting before the eyes of their children and of those who may share their board, a badge of their poverty, and an emblem of their inability to pay a legalized robbery; or, on the other hand, to contribute from their meager board to the hellish greed of the butter interests, of whom it has been doubtless truly said that they seek to follow the fashion and form a trust, but are deterred by the existence of oleomargarine?"

"Now, Mr. Chairman, there are a good many of our people who make pretty good wages, and of course they can buy butter; but the majority of them make small wages now, especially since we got into this trust business. I know there are lots of men who do not like to buy this white oleomargarine, because it looks more like lard than anything else. It does not look like butter at all. Why should they be made to pay 10 cents a pound more because they get butter that resembles country butter and looks a little better on the table? That is why I am here to oppose the passage of this bill. It is for our people alone, for of course I do not know much about the butter business myself."

Mr. John F. McNamee, vice-president and chairman legislative committee Columbus Trades and Labor Assembly, Columbus, Ohio, said:

"I bear from the Central Labor Union of the city of Columbus, Ohio, officially known as the Columbus Trades and Labor Assembly, credentials which, with your permission, I will read to you:

"COLUMBUS, OHIO, January 5, 1901.

"To whom it may concern:

"This is to certify that the bearer, Mr. John F. McNamee, vice-president of the Columbus Trades and Labor Assembly, is authorized and empowered by said body to exert every effort and use all honorable means in accomplishing the defeat of a measure now pending in the United States Senate, and known as the Grout bill, the object of which is to destroy a legitimate industry in the interest of its competitors, said Grout bill being regarded by said Trades and Labor Assembly and all it represents as a gross injustice, class legislation, an invasion of citizenship rights, and a serious menace to the best interests of all citizens, particularly those in moderate circumstances."

"Any courtesies extended to our representative, Mr. McNamee, will be fully appreciated and remembered by the Columbus Trades and Labor Assembly."

"[SEAL.]

FRANK B. CAMERON, President.  
WILLIAM P. HAUCK, Secretary."

"This letter of introduction which I have presented represents but faintly the bitter antagonism which prevails in the ranks of organized labor to said measure."

"The members of organized labor are thoroughly familiar with all of the phases of this bill. They speak about the chemical analyses which have been made of oleomargarine by official chemists, and they discuss all of the various components and ingredients of the product with almost as much familiarity as the manufacturers themselves are capable of doing. So I say that they are wide awake to the necessity, in the protection of their own inter-

ests, of having the bill defeated. Not only that; but as patriotic American citizens they feel deeply the indignity to which our legislative bodies have been subjected by this attempt to utilize them for the promotion of the interests of certain individuals and corporations in violation of every sense of right and justice and at the expense of the constitutional prerogatives of other citizens. They feel that the legislative bodies of some of our States and the Congress of the United States have been insulted by this attempt to utilize them as tools for the protection of certain interests which can not sustain themselves against competitors."

"Gentlemen, there are hundreds of thousands of our citizens in moderate circumstances who are now looking to the United States Senate for protection against the perpetration of such a gross injustice. They are depending absolutely upon that sense of justice, that sense of honor, fair play, and conservatism which has always characterized this body to protect them from this, one of the most culpable violations of their rights which any individual or combination of individuals has ever attempted to perpetrate upon the American public. They are looking to this body with the firm hope that its traditional love of justice will prevail and predominate in this crisis. Should this measure become a law, arising from the mists of the near future there will come a monster into whose insatiable maw the contributions of our citizens shall continually flow, and whose appetite shall be increased by all attempts at its gratification. This monster we have all, in our apprehensive conviction of the certainty of its existence, learned to regard as the creamery trust of the future—the combination of creamery interests into one great organization, which shall monopolize the manufacture, not only of the food product known as butter, but of everything of that nature. That octopus is now being conceived. If the United States Senate should consent to the passage of a bill so outrageously unjust as this one is, then its birth will have been accomplished."

"Now, we can not see that there is any justice whatever in placing any tax upon oleomargarine. Heaven knows that its manufacture is already sufficiently restricted and that it is an utter impossibility, under the stringent laws which exist in almost all of our States regulating its sale, for any deception to be practiced therein. And I want to assure you, gentlemen, that if any deception in this connection should be attempted in our part of the country it would be, and often is, in undertaking to palm off inferior butter for the product known as oleomargarine. I am myself a consumer of the article, and I propose that it shall be continually used by my family, because I know, and so do all of the members of organized labor who have listened to the discussions relative to this product in their various unions, that it is absolutely free from all disease germs; that the process of its manufacture is such as to destroy all the bacilli of tuberculosis and various other disease germs that exist in the cow and through the medium of butter consumption are conveyed to the human system, and that butter is not subjected to any process which will eliminate that element of danger."

"Here is an expression from one of the largest representative labor bodies in the United States—the Chicago Federation of Labor—and here is what they say relative to the tax:

"We believe the efforts to place a tax of 10 cents per pound on colored butterine is inspired by selfish motives, so that the manufacturers of butter may charge an unreasonable price for their commodity and enable the large creameries to establish surely and securely a butter trust which may raise prices as their cupidity may dictate."

"Here is another expression:

"Justice demands equal rights for both manufacturers of butter and butterine, both products having equal merit. Any adverse legislation against either must be condemned."

"This is from the Journeymen Horseshoers' Union:

"We feel that all people having arrived at the age of discretion should be left to exercise their own choice as to whether they shall use butter or oleomargarine. Therefore, be it

"Resolved by Journeymen Horseshoers' Union No. 40, of Columbus, Ohio, That as long as butterine is colored with a healthful ingredient said coloring should be encouraged, as it improves the appearance of the product; that we do most emphatically condemn the persecution being waged against the butterine industry; that we protest against the attempt to increase the tax thereon, and that copies of this resolution be forwarded to every Congressman, with the request that they each and every one exert the most strenuous efforts to crushingly defeat once and for all any and all measures providing for the further taxing of butterine."

"Here is something from the Painters and Decorators of Cleveland, Ohio. It speaks in very plain language. This is in the form of a letter, signed by Mr. Peter Hassenpflue, 442 Erie street, Cleveland, president of said union:

"I have been instructed by our union, containing over 400 members, to write and inform you that we are unanimously and bitterly opposed to the bills now pending in Congress providing for the persecution of the butterine industry. As you doubtless know, there are laws now that are being carefully enforced and lived up to that make it impossible for butterine to be manufactured and sold for anything else but butterine, and it is the unanimous opinion of our members that butterine made according to these laws is better for all uses than three-fourths of the butter that can be bought. It won't get strong, and it don't come from feverish cows that are full of disease germs, and butter frequently does."

"We feel this way—that if butterine is wrong, or poison, or liable to injure public health, then do away with it altogether; but if it is not (and years of experience in using it have taught us it is not), then why persecute the industry and keep passing laws against it? Our belief is that this is kept up just for political reasons, and that some people in Congress that are sworn to protect the rights and interests of all the people are willing to increase our already too high cost of living and add to our taxes just to catch the farmer vote and increase the business of the butter trust or trusts (and if butterine is killed they will soon be in one), and make them a present of the butter market, so they can either rob the people or make them go without butter. It is the rankest kind of injustice to kill one industry that is right and legitimate in order to accommodate another. We want butterine; we know what it is; we would rather have it than butter, and it is an outrage, in order to gratify the people who make butter, that we should have to go without it and pay two prices for butter which we are compelled by law to eat, and which, nine cases out of ten, is not fit for human use."

"It is getting to be pretty serious when the Congress of the United States is asked to go into the business of booming certain interests, and for their accommodation driving their competitors out of existence simply because they are competitors, and for no other reason on earth. A great deal is being said about butterine being a certain color. Now, the only reason that a kick is made on that color is because it helps to sell that commodity. If the butterine makers were to use red or black or blue, these patriotic statesmen, and others so solicitous for the people's protection, would raise no objection,



because that would make the same point that they want to make by law, and that is to hurt its sale and thereby tickle the farmers and advance the interests of the creamery trusts. The ingredient used in butterine which gives it its color has been proven by official chemical analysis to be a natural and healthful product. As there is no reason to kill butterine but because it hurts another business, then why not do away with these hose-painting machines because they hurt our business?

"We know it would be unreasonable to ask this, but it would be no more so than for butter makers to try, as they are doing, to drive butterine out of existence because it hurts their business."

"I will close by saying that we consider any further legislation by Congress tampering with the butterine business as a prostitution of that dignified body to the greed and avarice of certain corporations and individuals, at our sacrifice and that of the people in general who don't own farms or creamery factories; and in the name of my union, under its seal, and by its unanimous instruction, I earnestly request you do everything you can to defeat all measures that provide for the increase in the tax of or further interference with the manufacture or sale of butterine."

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"From the Chicago Federation of Labor:

"CHICAGO, March 21, 1900.

"Hon. WILLIAM MCALISTER.

"DEAR SIR: The following resolutions were unanimously adopted by the Chicago Federation of Labor at regular meeting, Sunday, February 4, and I was instructed to forward a copy of same to you:

"Whereas the Chicago Federation of Labor is deeply interested in and desires to encourage every legitimate industry which furnishes employment to the laboring classes; and

"Whereas efforts are being attempted by contemplated legislation at Washington to destroy the manufacture and sale of butterine, thereby displacing large numbers of the industrial element and preventing them from gaining a livelihood as well as the use of an article of food which has received the highest testimonials of every chemist in this country and the indorsement of every standard work that treats on the subject of hygiene; and

"Whereas we believe the efforts to place a tax of 10 cents per pound on colored butterine is inspired by selfish motives, so that the manufacturers of butter may charge an unreasonable price for their commodity and enable the large creameries to establish surely and securely a butter trust which may raise prices as their cupidity may dictate; and

"Whereas justice demands equal rights for both manufacturers of butter and butterine, both products having equal merit, any adverse legislation against either must be condemned; and

"Whereas the late published reports furnished to Congress by the Secretary of the Treasury prove the legitimate and growing demand for butterine, and disclose the large amount of revenue derived therefrom; and

"Whereas we believe that the present Federal law taxing butterine 2 cents per pound and the additional regulations imposed by the Commissioner of Internal Revenue are sufficient to properly regulate the manufacture and sale of butterine: Therefore be it

"Resolved, That we, the representatives of the industrial classes in Chicago, and voicing, as we know we do, the sentiments of the mechanic and the laborer throughout the country, protest against the passage of the Tawney, Grout, or any other bills that have for their object the further increase of tax or the relegating to the different States the right to enact laws that are opposed to the interests of the people and in no way in harmony with the inventive and progressive spirit of the age; and be it further

"Resolved, That we instruct our secretary to have sufficient copies of these resolutions printed that one be mailed to every Senator and Congressman in Washington and one to each of the labor organizations affiliated with the Federation of Labor, requesting them to indorse same or pass others of a similar character, so that a full expression of our condemnation of such legislation may be made known."

"Respectfully submitted.

"WALTER CARMODY,

"Secretary Chicago Federation of Labor."

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"BUILDING TRADES COUNCIL,

"Cleveland, Ohio, April 27, 1900.

"DEAR SIR: The Building Trades Council of Cleveland, Ohio, and vicinity, representing over 5,000 mechanics, has by unanimous vote indorsed the action of the Chicago Federation of Labor and all the other labor organizations who are so doing in opposing the persecution of the butterine industry.

"We can not see any justification in placing a larger or, in fact, any tax on butterine or oleomargarine. The article is sold on its merits, and it would rather hurt than help its sale to attempt to sell it for butter, as it is more popular and generally regarded as more healthy than butter. Any of our people that may not want butterine can, while it is on the market, buy butter at a reasonable price, but if the attempt to kill it by legislation is successful, the butter manufacturers will have no competitors, and the result will be that the present butter trust will absorb the butter industry and control the purchase of milk by having little creameries in every farming locality on the plan of the Standard Oil Company, and we will have the pleasure of paying 50 or 60 cents per pound for butter or going without it altogether, the chances being in favor of the latter.

"We feel that as butterine is demanded and sold for what it is, and as the laws regulating its manufacture and sale are operating successfully in preventing its adulteration, that the legislative bodies of our country have gone as far as they have any right to go, and that further interference on their part is persecution and intended to advance private interests at the expense of the rights of the people.

"There is undoubtedly political motive behind all this.

"There are a hundred different cases in which legislative vigilance could protect the people from adulterated foods where such vigilance is not exercised, or if in any remote way ever applied it is not being taken advantage of by the officials supposed to enforce it; and why? Simply because the manufacturers of adulterated foods or the beneficiaries of their existence have no influential competitors to be served by their suppression.

"Butterine has been the victim of legislative attacks for a number of years, and we feel it is now time to let up on it and devote the effort wasted in the persecution of this legitimate industry to some more worthy cause in the protection of the real interests of the people.

"There is an old saying that 'He who is bent on an evil deed is never lacking for an excuse,' and it is certainly applicable in this case, the excuse being that it is wrong to color butterine because it is likely to be sold as butter, whereas, in fact, owing to the extreme popularity of the former, there is more liability of an attempt being made by some butter manufacturer to imitate it, and the only reason why an attempt is made to prevent the use of the material in butterine imparting color to it is to hurt its sale, as it has been proven this material is perfectly healthy. And where is the justice of prohibiting its use simply because it helps the sale of an honest product?

"As long as the people want butterine and it is good to use, as the Government chemists have proven, why should it be abolished? We can not see that there is need to say more. You can not but see the rank injustice of this

whole business, and we would therefore earnestly request, in the name of common American justice, that you would strenuously oppose and exert every means in your power to defeat all such legislation.

"This letter has the hearty indorsement of our body, and as a testimony of which it bears our seal.

"W. C. DAVIS, President.

"GRANT MORGAN, Secretary."

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The minority insert here, as a part of their report, the views of the minority of the Committee on Agriculture of the House of Representatives, which is as follows:

#### VIEWS OF THE MINORITY OF THE COMMITTEE ON AGRICULTURE OF THE HOUSE OF REPRESENTATIVES.

"The minority of the Committee on Agriculture of the House of Representatives beg leave to submit the accompanying bill, which we offer as a substitute for H. R. 3717, known as the Grout bill.

"We first wish to bring to the attention of the House proof positive that oleomargarine is a wholesome and nutritious article of food and is therefore entitled to a legitimate place in the commerce of our country. In substantiation of this statement we beg to submit the following testimony taken before the committee:

#### "OPINIONS OF LEADING SCIENTISTS.

"Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: 'I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.'

"Prof. George F. Barker, of the University of Pennsylvania, says: 'Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint.'

"Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey, says: 'I am able to say with confidence that it contains nothing whatever which is injurious as an article of diet, but, on the contrary, is essentially identical with the best fresh butter, and is superior to much of the butter made from cream alone which is found in the market. The conditions of its manufacture involve a degree of cleanliness and consequent purity in the product such as are by no means necessarily or generally attained in the ordinary making of butter from cream.'

"Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College, New Haven, says: 'It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.'

"Prof. S. C. Caldwell, of Cornell University, Ithaca, N. Y., says: 'While not equal to fine butter in respect to flavor, it nevertheless contains all the essential ingredients of butter, and since it contains a smaller proportion of volatile fats than is found in genuine butter, it is, in my opinion, less liable to become rancid. It can not enter into competition with fine butter, but so far as it may serve to drive poor butter out of the market, its manufacture will be a public benefit.'

"Prof. C. A. Goessman, of Amherst Agricultural College, says: 'Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter.'

"Prof. Charles P. Williams, professor in the Missouri State University, says: 'It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best quality of dairy butter.'

"Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: 'I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food.'

"Prof. W. O. Atwater, director of the United States Government Agricultural Experiment Station at Washington, says: 'It contains essentially the same ingredients as natural butter from cow's milk. It is perfectly wholesome and healthy and has a high nutritious value.'

"Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College, and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture, and one of the best butter makers in the country, says: 'The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.'

"Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: 'As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.'

"Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

"The Committee on Manufactures of the United States Senate, in a report dated February 28, 1900, finds, from the evidence before it, 'that the product known commercially as oleomargarine is healthful and nutritious.'

"Dr. George M. Kober, professor of hygiene, Georgetown University, District of Columbia, says:

"As a teacher of hygiene, I have urged upon my students for years to bring the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad."

"Charles Harrington, assistant professor of hygiene in the medical school of Harvard University, in his Manual of Practical Hygiene, 1901, page 112, says:

"Oleomargarine has been misrepresented to the public to a greater extent, probably, than any other article of food. From the time of its first appearance in the market as a competitor of butter there has been a constant



attempt to create and foster a prejudice against it as an unwholesome article made from unclean refuse of various kinds, a vehicle for disease germs, and a disseminator of tapeworms and other unwholesome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture.

"The truth concerning oleomargarine is that it is made only from the cleanest materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted.

"Judge Hughes, of the Federal court of Virginia, in a decision, says: 'It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny, and has been adopted by every leading government in Europe as well as America for use by their armies and navies. Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually.'

"Believing that this testimony establishes beyond controversy that oleomargarine is a nutritious and wholesome article of food, the main question to be considered is the complaint that fraud is practiced in its sale.

"In this connection the minority directs attention to the fact that the charge of fraudulent sale is not made against the manufacturer. It is conceded that the manufacturers of oleomargarine make no effort to evade the existing law, but that their product is always so marked and branded as to advise the customer who buys direct from the manufacturer as to the nature of the product.

"It is charged, and doubtless truly, that the present law is violated by unscrupulous retailers. In view of these two facts, viz, that the manufacturer does not violate the law, and that by reason of his being constantly under the eye of Government inspectors there is no danger of his doing so, and that the retailer does violate the law (when it is violated), the minority holds that the only proper legislation is that which directs the penalties against the retailer and not against the manufacturer—in other words, against the man who commits the crime and not against the man who does not. H. R. 9206 violates this fundamental principle of equity and jurisprudence by directing its penalties against the manufacturer who is already surrounded by such restrictions as to effectually prevent even the attempt at fraud, while it in no way either diminishes the temptation or increases the difficulty involved in the violation of the law by the retailer.

"The fact just stated, that H. R. 9206 is directed against the manufacturer (who is not even charged with violating the law) and not against the retailer, through whom, if at all, the fraud is committed, seems to justify the conclusion that the real object of this measure is to prevent the use of oleomargarine as a substitute for butter, and not merely to stop the fraudulent sale of oleomargarine as butter. Indeed, the radical advocates of the legislation proposed by H. R. 9206 have not hesitated to declare that their wish and expectation is that the passage of this bill will result in seriously crippling the oleomargarine industry, and the elimination of oleomargarine from the market as a food product.

"In substantiation of this assertion we quote the following:

"Mr. Adams, pure-food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

"There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

"Charles Y. Knight, secretary of the National Dairy Union, in a letter to the Virginia Dairymen, dated May 18, 1900, writes:

"Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling in defiance of law a spurious article in imitation of pure butter. We have a remedy almost in grasp which will eliminate the manufacture of this article from the food-product list. The Grout bill, now pending in the Agricultural Committee of the House of Representatives in Congress, meets the demand."

"W. D. Hoard, ex-governor of Wisconsin, and president of the National Dairy Union, stated in his testimony before the committee on March 7, 1900, as follows:

"To give added force to the first section of the bill, it is provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation."

"And on January 13, 1902, in his testimony before the Committee on Agriculture, House of Representatives, the same witness, replying to the question as to 'whether this bill (H. R. 9206—or similar measure) would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold,' said:

"In that case, sir, I would come before Congress and demand a still higher tax."

"In view of this testimony (and much more of a similar character might be cited) the minority feel amply warranted in claiming that the purpose of H. R. 9206 is to cripple the business of the legitimate oleomargarine manufacturers. In just the extent to which this purpose is realized Congress will be responsible—in the event of the passage of H. R. 9206—for injuring or ruining one American industry at the demand of another; a thing which, as all will concede, Congress ought not to do. The minority believe it to be class legislation of the most pronounced kind and would establish a precedent which, if followed, would create monopolies, destroy competition, and militate against the public good.

#### "THE SUBSTITUTE BILL.

"The purpose of the substitute bill, offered by the minority, is not to prevent the manufacture of oleomargarine or its legitimate sale, but to prevent it from being fraudulently sold for butter. To accomplish this end it throws such safeguards about the retail sale of the article (the only operation in which, under existing law, it is possible for fraud to be committed) as, in our opinion, to entirely eliminate all possibility of fraud in such retail sales and compel all dealers in oleomargarine to sell for what it really is and not for butter. The substitute offered is really an amendment to sections 3 and 6 of the existing oleomargarine law. The annual licenses for the manufacture and sale of oleomargarine (\$600 for manufacturers, \$480 for wholesalers, and \$48 for retailers) are not lessened, while the penalties imposed for violation of the law are materially increased.

"The minority respectfully submit that the enforcement of these provisions would effectually eliminate all possibility of fraud in the sale of oleomargarine, and that, in our opinion, is as far as Congress can legitimately go.

"One of the claims made by the friends of H. R. 9206 and similar measures is that it will protect the interests of the farmer. We call attention to the fact that every ingredient that enters into the manufacture of oleomargarine is as much a product of the farm as is butter, and that such ingredients are made more valuable on account of their use in the manufacture of oleomargarine.

"In support of this statement we cite the following resolution adopted by the National Live Stock Association at its meeting in Chicago, December 8, 1901:

"Resolved, That the National Live Stock Association, in convention assembled, representing more than \$4,000,000,000 of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be tolerated in a free country."

"The National Live Stock Association is a voluntary organization, comprising 117 subordinate local organizations of the cattle, sheep, and swine raisers and breeders of 26 States and Territories of the Union and representing more than four billions of invested capital.

"The annual meeting at which the foregoing resolution was adopted was attended by 1,500 delegates, and we submit that the unanimous protest of the accredited representatives of substantially all the live-stock interests of the United States (except those engaged in the dairy business) is entitled to respectful consideration. Representatives of this association, and also representatives of the cotton industry, came before this committee and were unanimous in expressing the opinion that the enactment of such legislation as is contemplated by H. R. 9206 would lower the price of their products and materially damage their industry.

"The minority directs attention also to the significant fact that the passage of House bill 9206 (or similar measure) is demanded solely by the producers of butter and not by consumers, who might naturally be supposed to ask for protection from a fraudulent product if they felt themselves in need of it. On the contrary, the consumers, as represented by hundreds of labor organizations representing many thousands of workmen, have protested against the passage of this measure as one calculated to deprive them of a cheap, wholesome, and nutritious substitute for butter.

"The claim that the fraudulent sale of oleomargarine interferes with the growth and prosperity of the butter industry is not borne out by the evidence before the committee. Statistics show that the total manufacture of oleomargarine in the United States last year was 104,000,000 pounds, as against 1,500,000,000 pounds of butter. As to the amount of oleomargarine sold fraudulently, exact statistics can not, of course, be obtained, but it would certainly be a liberal estimate to place the sum of the fraudulent sales at 25 per cent of the total product. Is it reasonable to suppose that the price of the 26,000,000 pounds thus fraudulently sold materially affected the price of the 1,500,000,000 pounds of butter used? Even assuming that the total oleomargarine output was sold fraudulently, it yet represents so small a proportion (about 7 per cent) of the total amount of butter produced as to render it unlikely that it in any way reduced the average price of butter.

"And as further supporting the conclusion that the butter industry is not materially damaged by the sale of oleomargarine, the minority directs attention to the significant fact that those sections of our country which are most exclusively devoted to the dairy interests are blessed with the greatest prosperity, as brought out in the testimony of ex-Governor Hoard, of Wisconsin, before our committee, who said that a few years ago land was worth only \$15 an acre in that State, but as the State began to be devoted more exclusively to the dairy interests land had rapidly appreciated in price, and that farmers had gotten out of debt, had paid their mortgages, and the land is now worth the sum of \$80 per acre, this price averaging much higher than agricultural lands in other parts of the country.

"In conclusion, the members of the Committee on Agriculture who have joined in this minority report beg to assure the House and the country in the most solemn manner possible that it has been their earnest intention, and is now their determination, to do everything possible to be done to enforce the sale of oleomargarine as oleomargarine and to prevent its sale as butter. To prevent fraud and not to injure or hamper a legitimate industry has been and is our purpose. We believe that it ought to be the sole purpose of all legislation and the sole motive of all just men."

The bill recommended by the majority is, in the opinion of the minority, an unconstitutional measure in that it is class legislation. If it is designed as a revenue measure, then it would be unconstitutional, because it taxes one man for the benefit of another, which, according to the language of the Supreme Court, "is robbery under the form of law."

WM. B. BATE.  
H. D. MONEY.  
HENRY HETTFELD.  
F. M. SIMMONS.

Mr. GALLINGER. I will ask the Senator from Mississippi [Mr. MONEY] whether he desires to go on this evening or if he will yield?

Mr. MONEY. No; I have no desire to go on at this time.

Mr. GALLINGER. Then I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. Does the Senator from Mississippi take the floor on the pending bill?

Mr. MONEY. I took the floor and yielded it that the report might be read, at the request from the Senator from Missouri.

Mr. SPOONER. Then the Senator from Mississippi holds the floor?

Mr. GALLINGER. Yes.

Mr. MONEY. I am ready to yield it to any one else who desires to go on.

#### EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 25, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

Executive nominations received by the Senate March 24, 1902.

#### APPOINTMENTS IN THE ARMY.

##### Artillery Corps.

Lawrence Carter Crawford, at large, to be second lieutenant, March 18, 1902, vice Patterson, promoted.



George H. Terrell, of Texas, to be second lieutenant, March 18, 1902, vice Cassells, promoted.

William Scott Wood, of Virginia, to be second lieutenant, March 18, 1902, vice Wilbur, promoted.

#### CONSULS.

Hugo Muench, of Missouri, to be consul of the United States at Zittau, Saxony, vice Francis B. Gessner, removed.

William E. Alger, of Massachusetts, to be consul of the United States at Puerto Cortez, Honduras, to fill an original vacancy.

#### PROMOTIONS IN THE NAVY.

Lieut. Harold P. Norton, to be a lieutenant-commander in the Navy, from the 26th day of October, 1901, vice Lieut. Commander Chauncey Thomas, promoted.

Lieut. Frank M. Bennett, to be a lieutenant-commander in the Navy, from the 28th day of December, 1901, vice Lieut. Commander John E. Roller, promoted.

Commander John D. Ford, to be a captain in the Navy, from the 5th day of March, 1902, vice Capt. John F. Merry, retired.

Commander Charles R. Roelker, to be a captain in the Navy, from the 5th day of March, 1902, vice Capt. John D. Ford, an additional number in grade.

Lieut. Commander Asher C. Baker, to be a commander in the Navy, from the 5th day of March, 1902, vice Commander Lucien Young, an additional number in grade.

Lieut. Commander William H. H. Southerland, to be a commander in the Navy, from the 5th day of March, 1902, vice Commander Charles R. Roelker, promoted.

Lieut. Thomas Snowden, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902, vice Lieut. Commander Lucien Young, promoted.

Lieut. Commander Charles E. Fox, to be a commander in the Navy, from the 16th day of March, 1902, vice Commander Frederick M. Symonds, promoted.

#### POSTMASTERS.

Margaret Miller, to be postmaster at Tuscaloosa, in the county of Tuscaloosa and State of Alabama, in place of Margaret Miller. Incumbent's commission expires March 31, 1902.

Jacob M. Alexander, to be postmaster at Dawson, in the county of Terrell and State of Georgia, in place of Jacob M. Alexander. Incumbent's commission expired March 21, 1902.

De Witt C. Cole, to be postmaster at Marietta, in the county of Cobb and State of Georgia, in place of De Witt C. Cole. Incumbent's commission expired March 9, 1902.

James Bromilow, to be postmaster at Chillicothe, in the county of Peoria and State of Illinois, in place of James Bromilow. Incumbent's commission expired February 23, 1902.

James R. Morgan, to be postmaster at Maroa, in the county of Macon and State of Illinois, in place of James R. Morgan. Incumbent's commission expired February 18, 1902.

Milton A. Ewing, to be postmaster at Neoga, in the county of Cumberland and State of Illinois, in place of Milton A. Ewing. Incumbent's commission expired January 10, 1902.

Watson D. Morlan, to be postmaster at Walnut, in the county of Bureau and State of Illinois, in place of Watson D. Morlan. Incumbent's commission expired March 16, 1902.

James M. Hundley, to be postmaster at Summitville, in the county of Madison and State of Indiana, in place of James M. Hundley. Incumbent's commission expired January 10, 1902.

John McL. Dorchester, to be postmaster at Pauls Valley, in the Chickasaw Nation, Indian Territory, in place of John McL. Dorchester. Incumbent's commission expired February 25, 1902.

Lewis B. Krook, to be postmaster at New Ulm, in the county of Brown and State of Minnesota, in place of John H. Wedden-dorf. Incumbent's commission expired March 4, 1902.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the county of Kent and State of Michigan, in place of Leonard M. Sellers. Incumbent's commission expired March 9, 1902.

Oscar J. R. Hanna, to be postmaster at Jackson, in the county of Jackson and State of Michigan, in place of Henry E. Edwards. Incumbent's commission expired January 21, 1902.

Sarah K. Travis, to be postmaster at Magnolia, in the county of Pike and State of Mississippi, in place of Sarah K. Travis. Incumbent's commission expired January 12, 1902.

Samuel J. Kleinschmidt, to be postmaster at Higginsville, in the county of Lafayette and State of Missouri, in place of Samuel J. Kleinschmidt. Incumbent's commission expired March 22, 1902.

Horace M. Wells, to be postmaster at Crete, in the county of Saline and State of Nebraska, in place of Horace M. Wells. Incumbent's commission expired March 16, 1902.

Josiah Ketcham, to be postmaster at Belvidere, in the county of Warren and State of New Jersey, in place of Josiah Ketcham. Incumbent's commission expired March 9, 1902.

Fred A. Wright, to be postmaster at Glen Cove, in the county

of Nassau and State of New York, in place of Fred A. Wright. Incumbent's commission expired March 9, 1902.

Joseph Ogle, to be postmaster at Greenport, in the county of Suffolk and State of New York, in place of Joseph Ogle. Incumbent's commission expired March 9, 1902.

Ada Hunter, to be postmaster at Kinston, in the county of Lenoir and State of North Carolina, in place of Ada Hunter. Incumbent's commission expired March 9, 1902.

John H. Tripp, to be postmaster at Carrollton, in the county of Carroll and State of Ohio, in place of Fred W. McCoy. Incumbent's commission expired February 16, 1902.

Martin L. Miller, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio, in place of Martin L. Miller. Incumbent's commission expired March 16, 1902.

John F. Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia, in place of Mary Gibson. Incumbent's commission expired February 18, 1902.

Charles W. Adams, to be postmaster at Gillett, in the county of Teller and State of Colorado, in place of Maynard Gunsul, resigned.

Joseph A. Shriver, to be postmaster at Manchester, in the county of Adams and State of Ohio, in place of Wesley B. Lang, removed.

Arthur C. Cogswell, to be postmaster at Burke, in the county of Shoshone and State of Idaho. Office became Presidential October 1, 1901.

Charles W. Nugen, to be postmaster at Kimball, in the county of Brule and State of South Dakota. Office became Presidential January 1, 1902.

Charles H. Jones, to be postmaster at Arlington, in the county of Snohomish and State of Washington. Office became Presidential January 1, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 24, 1902.*

#### CONSUL.

Hugo Muench, of Missouri, to be consul of the United States at Zittau, Saxony.

#### POSTMASTERS.

John M. Mull, to be postmaster at Morganton, in the county of Burke and State of North Carolina.

Benjamin F. Martin, to be postmaster at Marblehead, in the county of Essex and State of Massachusetts.

Isaac A. Macurda, to be postmaster at Wiscasset, in the county of Lincoln and State of Maine.

William F. Darby, to be postmaster at North Adams, in the county of Berkshire and State of Massachusetts.

Allison H. Fleming, to be postmaster at Fairmont, in the county of Marion and State of West Virginia.

H. A. Darnall, to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia.

Abram P. Funkhouser, to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia.

James M. Leverett, to be postmaster at Winona, in the county of Montgomery and State of Mississippi.

L. S. Calfee, to be postmaster at Pulaski City, in the county of Pulaski and State of Virginia.

Fred C. Furth, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas.

J. G. Walser, to be postmaster at Lexington, in the county of Davidson and State of North Carolina.

Jerry P. Wellman, to be postmaster at Keene, in the county of Cheshire and State of New Hampshire.

#### HOUSE OF REPRESENTATIVES.

*MONDAY, March 24, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. FOSTER of Vermont, for four days, on account of a funeral in his city.

To Mr. SMITH of Illinois, for five days, on account of important business.

To Mr. YOUNG, for one week, on account of sickness in his family.

#### EAST WASHINGTON HEIGHTS TRACTION RAILROAD.

Mr. MUDD. Mr. Speaker, this being, under the rules, the day appointed for the consideration of business from the Committee on the District of Columbia, I call up, on behalf of that committee, the bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The bill was read, as follows:

*Be it enacted, etc.,* That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of twelve months from the 18th day of June, 1902.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

#### REPEAL OF WAR-REVENUE TAXES.

Mr. PAYNE. Will the gentleman from Maryland [Mr. MUDD] allow this business to be suspended for a moment?

Mr. MUDD. Certainly.

Mr. PAYNE. Mr. Speaker, the bill to repeal war-revenue taxes is, I understand, on the Speaker's table with Senate amendments. I have had some conversation with the gentleman from Tennessee [Mr. RICHARDSON] upon the subject, and I would like to get the bill into conference. I ask unanimous consent that the House disagree to the amendments of the Senate and ask for a conference.

Mr. RICHARDSON of Tennessee. I do not know whether the bill is here or not.

Mr. PAYNE. It is on the Speaker's table.

Mr. RICHARDSON of Tennessee. I have not had an opportunity to look at the amendments.

The SPEAKER. If there be no objection, the amendments will be reported.

The Clerk proceeded to read the amendments of the Senate.

Mr. RICHARDSON of Tennessee (interrupting the reading). Mr. Speaker, I suggest that from the reading of the amendments in this way it is impossible for us to get a very intelligent understanding of their effect. If the object is to nonconcur in the amendments, I do not see the necessity of detaining the House by reading them. If the gentleman from New York desires to have the amendments go to a conference, I see no objection to the House nonconcurring without reading.

Mr. PAYNE. I ask unanimous consent that that be done.

The SPEAKER. Without objection, the further reading will be dispensed with, the amendments will be nonconcurring in, and a conference asked by the House.

There was no objection, and it was ordered accordingly.

The SPEAKER announced the appointment of Mr. PAYNE, Mr. DALZELL, and Mr. RICHARDSON of Tennessee as conferees on the part of the House.

#### EAST WASHINGTON HEIGHTS TRACTION RAILROAD.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, reported back to the House the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, with Senate amendments thereto.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the legislative appropriation bill, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House nonconcur in the Senate amendments in the legislative and judicial appropriation bill, and asks for a conference. Is there objection?

There was no objection; and the Speaker announced as conferees on the part of the House, Mr. BINGHAM, Mr. HEMENWAY, and Mr. LIVINGSTON.

#### WILLIAM DIX.

Mr. MUDD. Mr. Speaker, I desire now to call up the bill H. R. 11696.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and required to grant and convey unto William H. Dix, of the city of Baltimore, State of Maryland, and his heirs and assigns all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington in the District of Columbia, known upon the plat or plan of said city as lot No. 4 in square 1113, upon the payment by the said Dix into the Treasury of the United States of such sum of money as the said Secretary of the Interior, upon consideration of all the circumstances, shall determine proper to be paid by the said Dix for the said lot.

Mr. MUDD. Mr. Speaker, this bill is not upon the Private Calendar, and I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill just read be considered in the House as in the Committee of the Whole House. Is there objection. [After a pause.] The Chair hears none.

Mr. MUDD. Mr. Speaker, just a word as to this bill. This is a measure to quitclaim all interest or color of title held by the United States Government to a tract of land in the District of

Columbia claimed by the proposed beneficiary of the bill. I will only say further about the bill that it is one of a class as to which the committees of both Houses have adopted a settled policy. The course proposed to be pursued in reference to it is approved by the Commissioners of the District of Columbia and the office of the Attorney-General of the United States, to which the bill has been referred. We have adopted this policy after thorough investigation and elaborate reports upon similar bills in recent sessions, the Secretary of the Interior being required to fix the amount which the party claiming the lands shall pay to the Government for the release of title. The interests of the Government are sufficiently safeguarded, and the bill, in my judgment, ought to pass.

Mr. HEPBURN. I would like to have some explanation of this bill. It seems to belong to a class. What is the class?

Mr. MUDD. I will call on the gentleman from Missouri, a member of the subcommittee on judiciary of the Committee on the District of Columbia to explain the bill. The bill was reported by his subcommittee.

Mr. COWHERD. This bill, as I remember it, has twice passed the House; certainly once. I know it passed the House in the last Congress, toward the close of the session, and failed in the Senate. This is one of those cases that arose out of the confusion of titles in very early times. The gentleman will remember, there have been several reports made to Congress of titles that the Government had a claim in, arising out of the transactions with Greenleaf and others. The attorney for the District of Columbia reports the Government has a claim, and in this bill we leave it to the Secretary of the Interior to say what is the value of the Government's claim, and the party proposes to pay whatever the Government fixes as the value of this claim, so that there is nothing lost to the Government.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### AMENDMENT OF DISTRICT CODE.

Mr. MUDD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11099) to amend section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11099. The Clerk will read the bill.

Mr. MUDD. Mr. Chairman, under the rule, I believe, these bills have to be read twice, and I ask unanimous consent that the first reading be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. UNDERWOOD. I object. I would like to know what is in the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901 be, and the same is hereby, amended so that it shall read as follows:

"SEC. 1189. SALARY.—He shall receive an annual salary of \$2,000, which shall include all fees and emoluments."

Mr. MUDD. Mr. Chairman, I would say in connection with this bill that it was introduced by the gentleman from Ohio [Mr. NORTON], whom I do not see present. The only effect is to reinstate the salary of the warden of the District Jail to the amount at which it was fixed by act of Congress passed a year or two ago; but it was inadvertently repealed in the enactment of the code through an error of the clerk who copied the code, in copying from the old law instead of the law which had repealed it. The salary in the code, therefore, is \$1,800. This man had been getting theretofore \$2,000. It was not the intention of the codifiers to repeal the law, and the Commissioners of the District of Columbia have approved this proposition, and the committee unanimously recommend the passage of the bill restoring the salary to what it was before—\$2,000.

Mr. UNDERWOOD. I would like to ask if this is a unanimous report on the part of the District Committee?

Mr. MUDD. It is. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. MUDD. Mr. Chairman, I move that the committee do now rise and report the bill favorably.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the



Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11099) to amend section 1189 of chapter 35 of an act to establish a code of law for the District of Columbia, approved March 3, 1901, and had directed him to report the same back to the House with the recommendation that it be passed.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill passed was laid on the table.

JOHN Y. COREY.

The SPEAKER laid before the House the following resolution of the Senate:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4366) granting a pension to John Y. Corey.

The SPEAKER. Without objection, this request of the Senate will be complied with.

There was no objection.

#### DISPOSITION OF CERTAIN DEAD BODIES IN THE DISTRICT OF COLUMBIA.

Mr. MUDD. I now call up the bill (S. 2291) for the promotion of anatomical science and to prevent desecration of graves in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That there shall be, and is hereby, created, in and for the District of Columbia, a board for the control of the dead human bodies hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine or doctor of dental surgery or both; the Post Graduate School of Medicine, incorporated by an act of Congress, approved February 7, 1896, entitled "An act to incorporate the Post Graduate School of Medicine of the District of Columbia;" the medical school of the United States Army; the medical examining boards of the United States Army, Navy, and Marine-Hospital Service, and the board of medical supervisors of the District of Columbia. Said board shall be known as the Anatomical Board of the District of Columbia, and shall consist of the health officer of said District and two representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the by-laws of such faculty, except in the case of the medical school of the United States Army, the representatives from which shall be selected and detailed by the Surgeon-General of the Army. Said health officer shall call a meeting of said anatomical board for organization at a time and place to be fixed by said health officer as soon as practicable after the passage of this act. Said anatomical board shall have full power to establish by-laws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said anatomical board and by the United States attorney for the District of Columbia.

Sec. 2. That every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said anatomical board, or such person as may be designated by the said board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said anatomical board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said board and permit said board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said anatomical board within twenty-four hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

Sec. 3. That the said anatomical board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this act. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting, and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such school and board shall report to said anatomical board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said board may direct. All bodies shall be delivered among such schools and boards in regular order so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than twenty-four hours prior to such delivery notice of the death has been given by said anatomical board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said anatomical board at least once in a daily newspaper published in the city of Washington, in the District of Columbia. The notice required by this section shall be deemed to have been given if

served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said board shall be properly filed by it.

Sec. 4. That no school except the medical school of the United States Army shall receive any body under the provisions of this act until said school has given bond to the District of Columbia, and the Board of Commissioners of said District has approved such bond, which said bond shall be in the penal sum of \$300 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the science and art of medicine and dentistry.

Sec. 5. That it shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this act to see that such bodies are used in the District of Columbia and for the promotion of science and art of medicine and of dentistry, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

Sec. 6. That any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be so transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than \$200 or imprisoned in the workhouse of said District for not more than one year.

Sec. 7. That neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical school of the Army, the medical examining boards of the Army, the Navy, and the Marine-Hospital Service, and the board of medical supervisors of the District of Columbia; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said anatomical board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

Sec. 8. That any person having any duty enjoined upon him by the provisions of this act who willfully neglects, refuses, or fails to perform the same, shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment in the workhouse of the District of Columbia for not more than one year.

Sec. 9. That all prosecutions under this act shall be in the police court of the District of Columbia, on information brought in the name of said District on its behalf.

Sec. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. MUDD. Mr. Speaker, I desire to yield to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, this is the ordinary statute of most of the States, creating an anatomical board and providing for the disposition of the bodies of those who die in public charitable institutions, and so forth. Unless some one desires an explanation, I will ask for a vote.

Mr. McCALL. Mr. Speaker, I should like to ask the gentleman how this bill compares with the statutes of the different States?

Mr. COWHERD. I have not personally compared it; but I am somewhat familiar with the statute in my own State. I know it is very much the same, but I have not compared it with the statutes of any other State. I think the statute of Missouri was framed upon that of the State of Massachusetts.

Mr. McCALL. I am not familiar with that statute.

Mr. COWHERD. This bill creates a board composed of certain persons named in the bill, selected from the medical schools of the District, and the medical school of the Army, the post-graduate school of the District, and the medical examining boards of the Army, the Navy, and Marine-Hospital Corps. That board is to have charge of the bodies of persons who die in the almshouse, prison, jail, asylum, morgue, hospitals, and public charitable institutions and who are to be buried at public expense. Now, if those persons have any relatives or friends, notice must be given to them, and if any friend or relative objects, the body is not turned over to this board. If no one objects, it is then turned over, to be distributed to these schools pro rata. There is no expense to the District or the Government.

Mr. McCALL. While statutes of this kind may be common, yet upon the face of it it would strike one, in view of our present customs, as somewhat inhuman to provide for the dissection of the body of a person simply because he happened to die poor or in such an institution as that.

Mr. COWHERD. Yet the gentleman knows that prior to the creation of anatomical boards in the States the question of the robbing of graves had become a scandal in every large city in the Union, and yet it was an absolute necessity that the medical schools, for the protection of the living, should have some way of getting dead bodies for dissecting purposes. As a matter of fact, I think this system has proved very satisfactory in all the States where it has been tried.

I will ask for a vote, Mr. Speaker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

Mr. MUDD. That is all the business which the District of Columbia has this morning.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who announced that the President had approved and signed bills of the following titles:

On March 20, 1902:

H. R. 5224. An act for the relief of Edward Kershner;  
H. R. 11241. An act to amend an act entitled "An act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes," approved January 25, 1898; and  
H. R. 6300. An act to provide for the erection of a dwelling for the keeper of the light-house at Kewaunee, Wis.

On March 21, 1902:

H. J. Res. 162. Joint resolution authorizing and requesting the President to extend to the Government and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument of Marshal de Rochambeau to be unveiled in the city of Washington;

H. J. Res. 161. Joint resolution authorizing the Secretary of War to loan tents to the Texas Reunion Association;

H. R. 11719. An act to amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;" and  
H. R. 1980. An act to establish a marine hospital at Savannah, Ga.

On March 21, 1902:

H. R. 428. An act granting a pension to Sarah Bowers;  
H. R. 597. An act granting a pension to Adella C. Chandler;  
H. R. 1743. An act granting a pension to Samuel M. Graves;  
H. R. 3515. An act granting a pension to Mary A. House;  
H. R. 3694. An act granting a pension to Benjamin Wylie;  
H. R. 4209. An act granting a pension to Thomas Butler;  
H. R. 6435. An act granting a pension to Susan P. Crandall;  
H. R. 6869. An act granting a pension to M. Callie Glover;  
H. R. 7432. An act granting a pension to Charles A. Sheafe;  
H. R. 8486. An act granting a pension to Annie S. Hummel;  
H. R. 8493. An act granting a pension to Harry H. Sieg;  
H. R. 9383. An act granting a pension to Narcissa Tait;  
H. R. 1018. An act granting an increase of pension to George C. Leighton;

H. R. 1350. An act granting an increase of pension to Joseph W. Grant;

H. R. 3288. An act granting an increase of pension to Elmer J. Starkey;

H. R. 1688. An act granting an increase of pension to Charles Armstrong;

H. R. 1697. An act granting an increase of pension to Richard A. Lawrence;

H. R. 2175. An act granting an increase of pension to Kephart Wallace;

H. R. 3747. An act granting an increase of pension to William R. Underwood;

H. R. 4035. An act granting an increase of pension to Elias Longman;

H. R. 4084. An act granting an increase of pension to Charles H. Wickham;

H. R. 4827. An act granting an increase of pension to Charles H. Baker;

H. R. 5160. An act granting an increase of pension to James Harper;

H. R. 5247. An act granting an increase of pension to Richard Fristoe;

H. R. 5536. An act granting an increase of pension to Daniel Schram;

H. R. 6014. An act granting an increase of pension to William Rhenby;

H. R. 6515. An act granting an increase of pension of Carleton A. Trundy;

H. R. 6861. An act granting an increase of pension to Joseph K. Ashby;

H. R. 7907. An act granting an increase of pension to Alice M. Ballou;

H. R. 7997. An act granting an increase of pension to Henry Burns;

H. R. 8541. An act granting an increase of pension to Mahlon C. Moores;

H. R. 8954. An act granting an increase of pension to Alfred N. Mosier;

H. R. 9220. An act granting an increase of pension to John S. Hunter; and

H. R. 11144. An act granting an increase of pension to Anderson Howard.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment

of the House of Representatives to the joint resolution (S. R. 21) authorizing the printing of extra copies of the annual report of the Commissioner of Pensions.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3136. An act for a public building for a marine hospital at Pittsburg, Pa.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALDRICH, Mr. ALLISON, and Mr. VEST as conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10847) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PRITCHARD, and Mr. GIBSON as the conferees on the part of the Senate.

## CONTESTED-ELECTION CASE, MOSS V. RHEA, THIRD CONGRESSIONAL DISTRICT, KENTUCKY.

Mr. MANN. Mr. Speaker, I call up the unfinished business, which is the election case of Moss v. Rhea, Third district of Kentucky.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls up the unfinished business, being the election case of Moss v. Rhea. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, the minority are very anxious to have the time for debate extended, in order to give additional time to the contestee to speak in his own behalf. I therefore ask unanimous consent that the time for debate be extended one hour on each side.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that time for debate on this election case be extended two hours, one hour upon each side. Is there objection?

There was no objection.

Mr. MANN. I yield to the gentleman from Mississippi [Mr. FOX].

Mr. FOX. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BOWIE] thirty minutes.

The SPEAKER. The gentleman from Alabama [Mr. BOWIE] is recognized for thirty minutes.

Mr. BOWIE. Mr. Speaker, in the brief time allotted it would not be possible for me to go into a complete discussion of all the facts of this case. I shall therefore omit from my remarks any reference in detail to the question which was so ably presented by the gentleman from Texas [Mr. BURGESS] on Saturday. I have to say upon that subject, however, that I fully indorse the contention of my colleague on the committee upon the proposition that there is not a single ballot before this House which can be considered for any purpose, because they are not identified in the manner prescribed by law. That position is sustained, as we insist, by three decisions of the supreme court of Kentucky and by the plain mandate of the statute itself, which specifically provides:

That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

But the gentlemen are not satisfied. They say that this House, borrowing its authority from that provision of the Constitution which declares that it is the exclusive judge of election and qualification of its own members, can so far stretch that principle that they can set aside the statutes of Kentucky and the decisions of its courts. And, sir, when they make that assertion and choose that as their battle ground, I desire to attack them in their own castle; to accept the gage of battle which they have laid down; to meet them upon the very issue which they have made, and I propose to discuss this case, in the thirty minutes allotted to me, upon the principles of law which are conceded by the majority in their report to be correct.



The ballots which were rejected, outside of 1 precinct in the county of Warren and 4 precincts in the city of Bowling Green, amount to nothing so far as this contest is concerned. There are 5 precincts in which almost every one of those rejected ballots can be found, and I will call attention to these 5 precincts. They are Electric Light precinct, No. 20, in which were 100 rejected ballots; Police Court Room precinct, in which were 41 rejected ballots; Gas House precinct, in which were 57 rejected ballots; County Court Room precinct, in which were 5 rejected ballots; Kister's Mill precinct, in which there were 112 rejected ballots, and Hazelip's Mill precinct, in which there were 23 rejected ballots.

All the balance of the rejected votes in the district would not amount to a difference of fifty. So that this case can be determined upon the evidence as it relates to four precincts in the city of Bowling Green and one precinct outside of the city, but in the same county. It has been charged against the position which we take here that our contention is a terrible indictment of the so-called Goebel election law, because they say that the counting or rejection of these ballots is a matter which was devolved upon the Democratic officials, who were in charge, as they allege, of every election precinct in that district, and who, if we are correct, can wrongfully reject the ballots in the first instance and then defeat a contest or a prosecution by fraudulently failing to make a proper certificate.

Mr. Speaker, if the proposition which they lay down had one single atom of truth to sustain it, it might be persuasive upon some members of this House; but I undertake to say, and an examination of this record will disclose, that there is not a scintilla of truth in the assertion of the majority that the Democrats had the control of the election judges in all the precincts, or even a majority of them, in dispute. Now, let me call the attention of this House to what the record in this case shows upon that subject.

In Electric Light precinct, where Mr. Rhea had 147 votes and Mr. Moss had 117, there were 100 rejected ballots. The Republicans were in control of that box. The Republican sheriff and Republican judge constituted the majority of the board in determining whether or not a ballot should be rejected. So that this case does not stand upon the proposition that a Democratic board has fraudulently rejected Republican ballots, but so far as this precinct is concerned the contention of the majority reduces itself to this, that Republican judges in a Democratic precinct fraudulently rejected Republican votes! Mr. Speaker, I denounce, on behalf of the Republican managers in Electric Light precinct, that libel upon their character and intelligence!

The next precinct to which I call your attention is Police Court precinct, No. 21. Mr. Rhea had 164 votes; Mr. Moss had 19. There were 41 rejected ballots; and the Republicans controlled that precinct. The contention is that the Republicans took away from Mr. Moss in that case enough votes to have changed the result.

In the Gas House precinct the Republicans were in control. There were 57 rejected ballots.

In Russells Lumber Yard precinct the Democrats were in control. There was not a single rejected ballot.

In the County Court Room precinct the Democrats were in control and there were only five rejected ballots.

In Kisters Mill precinct there were 112 rejected ballots, and the Democrats, as I understand, were in control.

In Hazelip's Mill precinct there were 23 rejected ballots, and the Republicans were in control.

So that I find in these four precincts in which the Republicans were in control there were 221 rejected ballots—enough to elect John S. Rhea half a dozen times over; and in the three precincts in Bowling Green in which the Democrats had a majority there were only 117, not enough to affect the result in any particular. This is the record.

Well, but they say that it does not matter whether these Republicans came in there and defrauded Moss of his seat or whether the Democrats did it. They say if it was done, and that it is evident in this case that it was, that it does not make any difference who did it.

Now, I want to apply their contention to the facts in this record and see if there is one scintilla of evidence, verbal or written, in this record that will support the assertion that either the Republican or Democratic officials wrongfully deprived the contestant of any ballots to which he was lawfully entitled. I want to call attention to the argument of the gentleman from Iowa [Judge SMITH], a man for whom I have the highest respect. Judge SMITH, in the colloquy in which I was engaged with him on Saturday, when I put the proposition to him as to what would prevent the Republican judges from signing this certificate and calling upon their Democratic brethren to join them in signing it and then if the Democrats did not consent to do so to mandamus them, tried to get out of it as follows: "Why," he said, "because when you take the case into court you lose control of the ballots

and you can not follow them up." And here is the language of the gentleman from the RECORD:

The object of this law, according to the contention on the other side, is to identify these ballots; and if they are not identified from the very hour of the election the identification is worthless, as the gentlemen well know.

I say amen to his proposition; but the fault of his logic is this: That in the mandamus proceedings suggested the ballots would go to the same clerk, a Republican clerk, as they would if there were no mandamus proceedings instituted. It would be simply a question whether that clerk would hold the ballots in one capacity or hold the same ballots in a different capacity. It would be the same question as whether he held these ballots in his right hand or in his left.

But, Mr. Speaker, I want to go further. The gentleman says, and correctly says, that he has got to account for these ballots for every hour of the time when they leave the ballot box until they get into the hands of the county clerk. That is his contention. He is correct in that. Now, I hold in my hand the record in this case, and I say that in not one of these precincts, not a single precinct, have they accounted for these ballots in the hands of these managers and traced them to that clerk. Not only they have not accounted for them for every hour, but they have not accounted for them for a single hour of the time when the election closed to the time, several days later, when they reached the hands of the county clerk.

Why do I say that? In the Kisters Mill precinct there were 112 rejected ballots. There was not a single judge, not a single clerk, not a single sheriff, who testified as to where those ballots were or what was done with them between the 6th and the 9th day of November. There was not one of the officers that went on the stand to testify to anything concerning them; and yet, while the statute plainly provides that these ballots shall be inclosed in a linen bag and sealed with wax, and the county seal impressed on the wax, and the names of all the election officials plainly written thereon; the following statement is taken from a stenographic report on these ballots, dictated by the gentleman from Illinois [Mr. MANN]: "The envelope bears evidence of having possibly been sealed with a paster on top of the flap, but the paster bears no indorsement and was not signed by any of the election officers, and the names of the election officers do not appear on any place on the linen envelope. The envelope has never been sealed with sealing wax."

Now, this is a stenographic report dictated by the gentleman from Illinois [Mr. MANN], the author of the majority report in this case, the gentleman who has led the fight here, and the omission in that one election precinct will save the seat to John S. Rhea. Neither one of these election officials was examined.

In the Gas House precinct, No. 22, where there were 57 rejected ballots, there was not examined any of the officers to prove the possession of those ballots and trace them into the hands of the county clerk.

In the Electric Light precinct, where there were 100 rejected ballots, there is not a scintilla of evidence that gets them away from the precinct officials to the county clerk, except the statement of the clerk that on the 9th day of November he received them from some official, he does not pretend to say who. That is all there is about it, and that is all there is of it. And yet upon this record it is contended that they have traced these ballots and accounted for them for every hour from the time they were cast until they were supposed to reach the county clerk.

Now, the gentlemen feel that they have got so weak a case upon the facts that they must go down into the very grave; they are not satisfied to go into an ordinary grave, but they must go down into a grave that was dug by an assassin's hand, and from that grave they must dig up something that will appeal to the prejudice of the members on the opposite side of this House.

Mr. Speaker, William Goebel is dead, and it is not for me to be his eulogist. It has been said, in the language of the immortal poet:

The evil that men do lives after them;  
The good is oft interred with their bones.  
So let it be with Cæsar.

I will not, sir, in this presence undertake to eulogize or to laud or to praise that mighty man of the people who met so untimely an end; but I do deplore that in this presence it was thought to be necessary by this majority to speak evil of the dead in order to bolster up this flimsy case and turn out this man who was honestly elected. I do say that it is pretty bad that they have got to go down into the grave of a man slain by an assassin in order to appeal to the prejudice of the members of this House.

While I need not and will not defend William Goebel, I want briefly, in the little time that is left to me, to call attention to one proposition. It has been said that the election law of Kentucky, under which this election was held, is one of the best passed by any State in this Union. The gentleman from Iowa [Mr. SMITH] said that he believed it was the very best that he had seen, because it was one of the latest and they had the advantage of

comparison with all the other States. This election was held under the provisions of that law, and the provisions of the Goebel amendment to that law, so far as it affects this case, had nothing whatever to do with it.

Mr. SMITH of Iowa. Will the gentleman permit an interruption?

Mr. BOWIE. Yes, sir.

Mr. SMITH of Iowa. I did not state that the election law was one which could be approved, but that the ballot law was one which could be approved.

Mr. BOWIE. Well, all right; I will let it stand at that. I have no time to look into the RECORD, and I will accept the gentleman's statement.

Now, let us consider the fine-spun distinction which the gentleman tries to draw between the ballot law and the election law. What is the Goebel law, which has been so maligned? Why, sir, before the Goebel law was enacted any county judge in a county of Kentucky could appoint the managers of elections, even though he was a candidate himself, and he had no associate with him. If he were a Republican he could appoint all the managers; if he were a Democrat he could appoint them all. The Goebel law changed that, so that in every county in Kentucky no man who was a candidate at an election could sit as an election commissioner; and under its provisions two of the election commissioners were of one party and one of the other in every county of the State.

Mr. LANDIS. Who recommended the member who represented the minority party?

Mr. BOWIE. There is no provision for that.

Mr. LANDIS. And the result was that the appointee was really some weak-kneed Republican—some Republican selected by a Democrat; was it not?

Mr. BOWIE. No, sir; I deny that.

Mr. LANDIS. In your district, if minority representation were given, would you consent to have the election board selected by Republicans of your district?

Mr. BOWIE. I deny that anything of that kind has happened in Kentucky.

Mr. LANDIS. It is true; all over Kentucky.

Mr. BOWIE. I deny it.

Mr. FOX. Let me say to the gentleman from Indiana [Mr. LANDIS] that there is not the slightest complaint on the part of the majority of the committee of any fraud of that sort. There is no allegation of that kind in the case.

Mr. BOWIE. Now, allow me just a word further.

According to the statement made by the gentleman from Illinois [Mr. MANN] in his opening speech last Saturday, there have been four election contests from Kentucky in which the issue of fraud was raised before this House—a Republican House—and each one of those contests, on the merits and facts of the case, was decided in favor of the Democrat—every one under this Goebel law. If the parties could not get a fair trial in the State of Kentucky, they certainly could get a fair trial in this House; and on a fair trial in this House every case that came here has been decided, so far as the question of fraud is concerned, in favor of the Democratic candidate.

Mr. SMITH of Iowa. The gentleman does not mean to say that four of those contests from Kentucky arose under the Goebel law?

Mr. BOWIE. Three of them did, I should have said.

Mr. SMITH of Iowa. The gentleman said "four." I presume he meant there were four contests from Kentucky, but not four under the Goebel law.

Mr. BOWIE. Three under the Goebel law, I believe, and all three of them, so far as the question of fraud was concerned, were decided in favor of the Democratic candidate.

Now, another thing. It is charged that in the county of Logan there was an unfair division of the election officials in the last election. Yet the report of the majority of the committee shows that, though more than 6,000 votes were polled in that county, only one ballot was changed, where the Democrats, as claimed, had the majority of the managers or judges. "The proof of the pudding is the chewing of the bag." That is the record as it appears in this House.

But the Goebel election law has nothing to do whatever with this case. In the county of Warren—in four out of five precincts upon which this case turns—the Republicans had the majority of the judges of elections; and it is the action of the Republican majority that is sought to be reviewed and set aside in this case. That is the case as it stands.

Mr. Speaker, I yield back the balance of my time.

Mr. UNDERWOOD. Before my colleague closes will he allow me a question?

Mr. BOWIE. Certainly.

Mr. UNDERWOOD. Are we to understand that there is no contention in this case as to the fact that the Republican judges were satisfactory to the Republican candidates?

Mr. BOWIE. There is not a particle of contention that the Republicans were dissatisfied with the election managers in the county of Warren, upon which this case turns. In the county of Logan, the only county in which they expressed dissatisfaction, out of 6,000 votes this committee, upon a month's consideration of this case, are able to find only one doubtful vote, which they give to Mr. Moss.

Mr. UNDERWOOD. One other question. In order to unseat the sitting member in this case is it necessary to count ballots that a Republican board in Warren County refused to count?

Mr. BOWIE. Absolutely so in 4 precincts—not 1, but 4 of them.

Mr. SMITH of Iowa. Will the gentleman allow me to ask who selected the so-called Republican boards in Warren County?

Mr. BOWIE. They were selected by a board composed of two Democrats and one Republican, and no living man questioned the fairness of them; no man questioned their Republicanism—not a single man—and you do not question it in your report in this case.

Mr. OLMSTED. Is it not a fact that they refused to appoint the Republicans that the Republican organization recommended?

Mr. BOWIE. They pretended that was the fact in the county of Logan, as I have said, and after one month's work on this case they found one ballot which they could change out of 6,000.

Mr. UNDERWOOD. In Warren County they made no contention.

Mr. BOWIE. Never.

Mr. SMITH of Iowa. Will the gentleman state to this House that in Warren County they appointed the persons nominated by the Republican organization?

Mr. BOWIE. I will state to this House that in Warren County there was not a question raised by either side but what the Republicans got exactly what they wanted.

Mr. SMITH of Iowa. The gentleman then declines to answer the question.

Mr. BOWIE. I only go upon this record. I do not know what they may have said outside of this record. I say that neither by the testimony in the record, nor by the argument of counsel, nor by the report, which you had the honor to sign, was there a suspicion cast upon the good faith and the honor and the integrity and the Republicanism of the Republican managers in these precincts where they set aside these votes. That is what I say, and that is my contention, and it is their action which you are undertaking to annul and declare void.

Mr. FOX. How much time has the gentleman consumed?

The SPEAKER pro tempore. Twenty-eight minutes.

Mr. MANN. Mr. Speaker, I yield thirty minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Speaker, in the examination of this case I think I have tried to determine what was right. I knew nothing of either the contestant or the contestee until I met them before the committee. I would not do either of them an injustice. I went into the examination of this case with the same spirit, the same desire to do justice, and the same determination to ascertain who was in fact elected that animated and controlled me in the examination of the case of Spears against Burnett, where I reported last Saturday in favor of the Democratic contestee. And having examined it fully and carefully I came to the conclusion—and I know something of election contests—that the contestant in this case had received an honest majority of the votes cast in his district, and that if the election officers had done their duty, if they had obeyed and complied with the constitution and the statutes of Kentucky, even under this Goebel law, which gentlemen on the Democratic side have told so much about and eulogized, that the certificate would have been issued to him, and that it was only by a violation of their duty and their oaths in refusing to count ballots that under the decision of the supreme court of the State of Kentucky should have been counted for contestant that the certificate was given by them to the contestee.

Now, I care not myself whether the election officers that were thus guilty were Democrats, as was true in some cases, or at least a majority Democrats, or whether there were but one Democrat and two Republicans of that peculiar stamp that the Democratic county election officers deemed it safe and advisable to select—it does not in the least mitigate the fraud.

Mr. BOWIE. What do you think under the old law of the Democrats of that peculiar stamp where a Republican county judge would select them all?

Mr. POWERS of Maine. I apprehend that when a Republican county judge selected he would select fairly. I have never heard that he did not. If I am not mistaken, the record shows we had but two Republican sheriffs in all the precincts, and he has the controlling vote.

Mr. BOWIE. What is that?

Mr. POWERS of Maine. That was in Logan County, I believe.



I know also that it was contended before the committee, and I think appears in the records, and it was not denied at the hearing, and that it was the law, which was changed afterwards, because its injustice and unfairness was so manifest that at the time of this election the county election board, consisting of a majority of Democrats, selected as Republican judges and sheriffs, not the men that had been presented by the Republicans or by the minority, as is the general practice in other States, but such persons as they saw fit to call and to designate as Republicans.

Mr. BOWIE. Where was this county—what county is that you speak of, where they only selected such men as they chose to?

Mr. POWERS of Maine. I say that the law gave them that power, and I think my charge is true of every county.

Mr. BOWIE. Do you say there is anything of that sort done in Warren County?

Mr. POWERS of Maine. I do not know that there is any special evidence as to their proceedings in Warren County, but it is common knowledge that they proceeded in that way everywhere.

Mr. BOWIE. I say, Mr. Speaker, there is not a particle of evidence of that sort.

Mr. POWERS of Maine. The law permitted them to select the Republicans that they saw fit to choose. The law under which this election was held, and which had been repealed, but which remained in force until this election was held, did not permit the Republicans or any minority party to present the name of a man who was to represent them on that board, and if you will let the opposing party in almost any State select as the Democratic members of a board those whom I choose to call Democrats and to have them act as they did in all the precincts—men in many cases unfit, and who knew nothing about the laws of election—I think it will have no great trouble to get votes not counted or thrown out as they were in this case.

Now, right here, to illustrate it, let me take a precinct and read the evidence upon this point in this case. In one of the precincts Mr. Downer was tendered as a witness. He was a Republican sheriff that they saw fit to appoint in a precinct where they transferred 25 votes from Moss to Rhea, and I shall come to that by and by. Now, what does he say about it? He says, first, that he had never acted upon an election board before; second, that he did not believe what was proposed to be done was right, but that they had some whisky there and that the Democratic clerk, Mr. Wright, after a time declared that if he did not sign these returns so and so, as these certain little marks vitiated the votes, then he would not make up the report or sign it, and he said he thought it was best to do it rather than to have any fuss. That was one of the Republican officers that this Democratic county election board gave us in the very few places where we had a majority of the board.

Mr. SMITH of Kentucky. I want to say for Mr. Downer that he is as upright and reputable a citizen as there is in the Commonwealth of Kentucky, although he is a Republican.

Mr. POWERS of Maine. That may be, but I can read what he said.

Mr. SMITH of Kentucky. There is no better man in Kentucky than Mr. Downer.

Mr. POWERS of Maine. I am telling you what Mr. Downer said. Mr. SMITH of Kentucky. Anyone in that country who knows Mr. Downer would resent any reflection made upon him.

Mr. POWERS of Maine. I am not making any reflection upon Mr. Downer, but I doubt very much indeed if Mr. Downer, never having acted on an election board before, understood, as he says he did not, what had been decided by the supreme court of Kentucky, that certain marks upon a ballot should not prevent that ballot from being counted, and therefore it was very easy for these other men who did understand it to press him in after a time and have him sign the returns, as they had wrongfully made them.

Mr. SMITH of Kentucky. Mr. Downer is one of the most intelligent and one of the best citizens in that whole section.

Mr. POWERS of Maine. I do not know how that may be.

Mr. SMITH of Kentucky. If you go down there you will find out how that is.

Mr. POWERS of Maine. Let us take that vote in that precinct, for there were 25 ballots peculiarly dealt with. Let us see what Mr. Downer says. There is where this clerk—Mr. Wright—obtained a dry stencil; went into the booth and got it, and placed a little impression, so slight that you could hardly see it, upon somewhere from 25 to 40 Republican votes, marked and voted for the Republican candidates, and then had them counted for Rhea.

Mr. FOX. That does not appear in the record, does it?

Mr. POWERS of Maine. I am going to read it and show it. If I do not read it, then we will say it does not appear.

Mr. FOX. Is there a syllable of testimony in the record that the clerk put that mark there?

Mr. POWERS of Maine. Well, we will see when we get to it. There was where we took our judge, for each judge has a key to

the box, and went and asked the contestee to bring the Democratic judge and have the box opened, and he would not do it, for the purpose of examining these votes that had been thus treated. Now, let us see what the evidence is.

Mr. SMITH of Kentucky. Let me ask the gentleman—

Mr. POWERS of Maine. One moment. Let us see what the evidence is.

Mr. SMITH of Kentucky. You speak of their refusing to open the box. I want to ask the gentleman if he knows that the law of Kentucky absolutely precludes the opening of these ballots that have been counted, except in case of a contest?

Mr. POWERS of Maine. Well, here was a case of contest.

Mr. SMITH of Kentucky. Not a contest over those ballots.

Mr. POWERS of Maine. Yes, there was; over these identical ballots that the mark had been placed on.

Mr. SMITH of Kentucky. Yes, but the ballots, as I understand, had been counted as valid and sealed up inside of the ballot box.

Mr. POWERS of Maine. Yes, but there was a contest over them as to these 25 votes, and we have it here. Let us see what they did. First, Mr. Downer, who is such an excellent gentleman—

Mr. SMITH of Kentucky. Yes, he is a good man—

Mr. POWERS of Maine. Mr. Downer swears, in his testimony, as follows:

17. Q. State if during the day you saw the clerk go into one of the booths and take anything therefrom, and what he said, if anything.

A. I think it was about 10 o'clock in the morning. Of course, I could not see what he took, but he went into one of the booths, and when he came out he had something in his hand that looked like a stencil, and was picking on the point of the stencil, and he stated while picking on the point of the stencil that some of these damn voters had been pressing on it so hard they had pushed the rubber up in the instrument, and remarked also that "I will just take the stencil from the one uppermost this way, that they are not using, and put it in the one that they got this one that was damaged from and try to repair this one."

He next asks:

28. Q. What names were marked besides those under the log cabin?

A. Rhea and Gorin.

29. Q. Was the stencil mark under the log cabin and that opposite the name of Rhea and Gorin of similar character and distinct?

A. No, sir; the one under the cabin was plain and distinct and the other very indistinct.

30. Q. Who called attention to these marks opposite the name of Rhea and Gorin?

A. The clerk, Mr. Wright.

31. Q. Did you notice these marks yourself?

A. I never would have discovered them unless you put them right up between the eye and the light; there was no ink on them.

That is, the 25 votes or 40 votes, as others suggest.

31½. Q. You say there was no ink on the stencil?

A. I could not discover any.

32. Q. Describe the condition and appearance of these marks under the cabin and opposite the name of Rhea and Gorin.

(Counsel for contestee object to the foregoing questions because the ballots are still in existence and show for themselves as to the condition of the stencil mark.)

These are the ballots that they would not let us get at.

A. Well, it appeared to me that it was pressed on just by hard pressure with the hand. Just looked like you had taken a stencil and pressed on it with your hand and left an indentation.

33. Q. Was this the appearance also of the stencil mark under the cabin?

A. No, sir; that was perfectly distinct, with ink.

Under this dry-pressure scheme, so difficult to detect, they counted for Mr. Rhea instead of Mr. Moss from 25 to 41. This shows how near we bring it to the clerk and he does not deny it, nor does contestee take his deposition to refute the natural presumption. But I will also read some more of it.

34. Q. Who was the first person to notice these different ballots?

A. Mr. Wright.

35. Q. Was any objection made to counting them?

A. Yes, sir; they all objected, all the Republicans.

36. Q. Why were they counted?

A. Well, the clerk claimed that anything that indicated that there had been an effort to make a mark there would have to go.

37. Q. For whom were these ballots counted?

A. For Mr. Rhea and Gorin, and for the Republican electors, and Yerkes.

38. Q. What was done with these ballots that were stamped under the device of the log cabin and opposite the name of Rhea and Gorin?

A. They were placed aside when we began to count up the result of the different candidates.

39. Q. After the count was made in what bag or receptacle were they placed?

A. The one prepared by the officers or sheriff to inclose them in.

40. Q. Were they placed in the sack marked and sealed up as ballots that were counted as valid, or among the questioned or rejected ballots?

A. They placed them in among the counted ballots, I think.

41. Q. Do you know where they are now?

A. We took them after the thing was over that night and delivered them to the clerk—I have not seen them since—the county clerk.

Then he was cross-examined by Mr Sandidge, counsel for contestee.

27. Q. Did I understand you to say that there was no ink marks in the square opposite the name of Mr. Rhea and the name of Mr. Gorin?

A. I could not discover any; I have reference to those that were disputed about.

28. Q. What was the number of those in which you could discover no stencil mark?

A. I think there were 41, if my memory serves me.

Others did not make it so many; so we have placed it in our report at 25.

29. Q. Why didn't you have those ballots returned as contested or questioned ballots?

A. Well, Mr. Wright stated that he would refuse to sign the thing unless we allowed them to go.

Mr. Wright, who is the clerk, stated that he would refuse to sign it unless they let them go.

30. Q. Why didn't you refuse to sign them if they did allow them to go?

A. Well, that might have been a question, but we concluded to let them go.

31. Q. You didn't believe, then, if I understand you, that these ballots had been voted for Mr. Rhea and Mr. Gorin?

A. We had our doubts about it.

32. Q. Notwithstanding this you signed the returns and swore to it, stating that Mr. Rhea and Mr. Gorin had both received these votes?

A. I don't understand it that way. We came as near to an agreement as we could, and we all signed with that understanding.

33. Q. You didn't ever have them returned among the contested or questioned ballots, did you?

A. I don't remember distinctly now all the classifications that were made, but I know we came as near to an agreement as we could and signed them.

I want to show you how this Mr. Wright managed it, and that the Republicans never had anything to do with this matter.

Here is the deposition—

Mr. SMITH of Kentucky. Are you going away from this particular question?

Mr. POWERS of Maine. I am going to read on the same question.

Here is the deposition of R. C. Causey.

Mr. SMITH of Kentucky. He was a Republican.

Mr. POWERS of Maine. He was a Republican—sheriff.

33. Q. How many that were not counted?

A. Forty-one.

35. Q. In examining these ballots did you find any ballots with the stencil mark under the log cabin, and then marked for anyone else under any other device?

A. Yes, sir; not under any other device. I believe there was one ballot in the whole lot that was that way, but there were Republican ballots that I didn't call a stencil mark opposite the name of Rhea and George Gorin—just like you take a stencil and press down and make an impression without any ink.

36. Q. Do you know how many of these ballots there were?

A. I think there were 33—I think it was. I did have a statement of it, but I gave it to some one the night of the election, and I have not seen it since.

37. Q. Was the stencil mark on these ballots under the log cabin, and that opposite the name of Rhea and Gorin equally distinct, or what was the difference between the stencil mark under the log cabin and that opposite the name of Rhea and Gorin?

A. The stencil mark in the device was plain under the log cabin, and that opposite Mr. Rhea's name and Mr. Gorin just look like you had taken a stencil without any ink and made an impression on the paper. Could not have been done with anything else, I don't think.

38. Q. Was that distinct or very indistinct?

A. Very indistinct.

39. Q. Was it distinct enough that you could see it with your natural eye, or you have to use your glasses?

A. I had to use my glasses, and some of them I could not see it then; only they said they could see it.

40. Q. Who called attention first to these marks opposite the name of Rhea and Gorin?

A. Mr. Wright.

41. Q. What did he say about them?

A. He contended that they were made after the stencil on the long cabin, but not enough ink on it to make it plain.

42. Q. Made after the long cabin, but not enough ink to make it plain?

A. Yes, sir. He tried to show me the shape of the stencil on the paper, but wherever it was pressed hard enough it always made a print.

43. Q. Did it appear from any of these marks that there was any ink on the stencil?

A. No, sir.

44. Q. Was there any objection made to the counting of these votes for Rhea?

A. Yes, sir; I objected, and told them once I would not sign the book.

45. Q. What did you do with these ballots?

A. Well, there were 41 in all that never was counted for anyone.

46. Q. What did you do with these ballots that were marked distinct under the log cabin and indistinct for Rhea and Gorin?

A. Well, there were a good many counted. I could not say how many.

47. Q. Well, when you completed the count what did you do with the ones that were counted?

A. Put them all in the ballot box and locked it up.

Now, here is a deposition of J. M. Hagan on the same point to the same effect:

29. Q. Do you remember the number of ballots that were not counted at all?

A. Yes, sir; 41.

30. Q. Was the cross or mark opposite the names of Rhea and Gorin distinct or indistinct on the 29 referred to?

A. They were very dim. In a great many cases the officers had to get their spectacles in order to see any cross at all.

31. Q. Who first called attention to the marks opposite the names of Rhea and Gorin?

A. Charley Wright.

32. Q. What did he say about them?

A. He called the attention of the other members to those crosses that the ballots were voted for Rhea and Gorin.

33. Q. Did it appear from the marks made opposite the names of Rhea and Gorin that there was any ink on the stencil?

A. Very little; it seemed more like the impression of a dry stencil. I objected to the counting. Mr. Wright said that he would not sign a thing unless they were counted.

34. Q. You remember what the objection was to the 41 ballots that were not counted at all?

A. Yes, sir. They claimed they were disfigured ballots.

Now, then, if the gentleman has any question to ask me.

Mr. SMITH of Kentucky. Now, this last witness, as I understand you, admits there was some inking, but he says very little?

Mr. POWERS of Maine. He hardly admits that.

Mr. SMITH of Kentucky. I understand there is no controversy over these facts.

Mr. POWERS of Maine. Oh, yes; there is.

Mr. SMITH of Kentucky. Oh, I thought that they had been counted and they did not enter into the contest.

Mr. POWERS of Maine. Oh, yes; they do.

Mr. SMITH of Kentucky. Does the majority undertake to cast out these 25 votes that were thus marked for the contestee, Rhea, and Gorin?

Mr. POWERS of Maine. I will read to you about that in due time in the majority report. Now, this man Wright is and was there in Kentucky, and, with reference to these marks on every one of these ballots, neither Mr. Wright nor the counsel for the contestee, that took more depositions than the contestant, offer any explanation of them, but leave it without answer or denial, so that it has been brought pretty close to Mr. Wright, I think. In answer to the gentleman's question, I felt a little different. My views were perhaps a little stronger in reference to counting these and certain other ballots which I will consider in a minute than those of the distinguished chairman of the subcommittee. And so, if you will look into the report signed by the committee, you will find an alternative report. The record shows that different witnesses do not agree as to the number of these dry stencil ballots; one makes it 33, and others 25 to 41. So we called the number 25 in the report. If you will turn to page 22 of our report it gives the votes in which it states that there may be the same question, and then gives it, deducting the 25 illegally counted for Rhea in the police court district of Warren County, and they are deducted.

Mr. SMITH of Kentucky. They are deducted.

Mr. POWERS of Maine. And that number should be added to Mr. Moss's vote. If you do it, the majority for Moss will be 96 instead of 21, if you allow him some others about which I have no question and to which I will soon refer.

Mr. SMITH of Kentucky. Is there not why it makes the majority for Rhea?

Mr. POWERS of Maine. Oh, no. There is without any reference to these votes—

Mr. SMITH of Kentucky. When you leave these 25 votes and have them counted for Rhea, does not it leave Mr. Rhea a majority?

Mr. POWERS of Maine. No, sir. If you do not take these 25 votes from Mr. Rhea and do not count certain votes for Mr. Moss that I think clearly under the law should be counted, if they leave them out and do not count these 25 votes, then Mr. Moss would have a majority of only 21; but if you deduct these 25 votes from Mr. Rhea's column and also add them to Mr. Moss, where they should be, and also add some other votes that I will come to very soon, then the majority of Moss is, and should be, 96, as I believe, instead of 21.

Mr. SMITH of Kentucky. In other words, you are not standing by the report of the committee?

Mr. POWERS of Maine. I am standing by the report of the committee, for it is an alternative report.

Mr. SMITH of Kentucky. Leaving that aside, I want to ask the gentleman this question: You ask the House to say that these 25 votes shall be taken off from Mr. Rhea upon the idea that this clerk, Wright, with that stencil there in the open room, with a Democratic judge and a Democratic challenger, a Republican judge, a Republican sheriff, and a Republican challenger—five men, ten eyes looking at him—could take that stencil and make those marks on the ballots in the square opposite the names, and you ask us to believe that before we can take the votes?

Mr. POWERS of Maine. Well, if the gentleman from Kentucky is done making a speech or an argument in my time, I will answer. The Republican judge was sitting over at a box some way off, handling a registration book. The Republican sheriff was out at the door, as he testifies, 25 feet away, receiving voters and letting them in. The Democratic judge was here, and the clerk was here with a dry stencil handing out the votes. It was as easy as that two and two make four to commit this fraud, and I believe he did it.

Mr. SMITH of Kentucky. What was the Republican challenger doing?

Mr. POWERS of Maine. I do not know. I believe he was challenging votes as they came in at the door. He was not watching for this sort of a thing, doubtless did not expect it, and I submit that these peculiar marks on 25 to 41 votes with a dry stencil raises such a strong suspicion of fraud, with the additional proof by the three witnesses that this clerk went in and got a stencil and pulled the rubber out of it, added to the fact that his deposition has not been taken by the contestee to deny or explain or to show that he had acted honestly and fairly—that it makes out the strongest kind of a case for contestant as to these 25 votes.

Mr. SMITH of Kentucky. In other words, if a man is charged with crime and fails to testify, you convict him.



Mr. POWERS of Maine. Oh, but that is not all. That is only a fair sample of the way this thing was done. "From one know all." Now, while I am at it, I will take up another point in the case. You will notice also in our report that we do not count in our first statement a certain number of votes—that is, we question them—where it was impossible to tell whether the mark under the Republican circle or the Democratic circle or the corresponding marks under the Socialist Labor circle and the Socialist Democratic circle were made first or last. I believe, under the decisions of three States—and I have one here—that every one of those votes should have been counted. You will find in the alternative report that a number of votes of that character we do not count in the first computation. We only counted, in getting a majority of 21, those where we were confident, where you could plainly see, that the mark was broader and better under the device of the Republican or Democratic party; we set aside 7 of Rhea's votes and 32 of Moss's votes because the marks under the Democratic and Republican devices and the Socialist Democratic and Socialist Labor where the blots were were alike.

Now, there was no candidate for Congress on the Socialist Labor or the Socialist Democrats' ticket—I think I get the terms right. The statute of Kentucky expressly declares that where there is more than one candidate voted for for any office that vote shall not be counted. As there was no candidate for Congress in the Socialist Labor or Socialist Democrat column, notwithstanding there may be a mark in those devices as well as in the Republican and Democratic device—although I believe in every instance but one it was done by folding—notwithstanding the mark may be made as distinct in the one case as in the other, yet as there was no candidate for Congress under either device the man has only marked for one candidate and his vote would be counted. I am not aware that that question has ever been decided by the State courts of Kentucky, but in Illinois, under a similar statute, it has been decided.

Mr. SMITH of Kentucky. The gentleman has the provision of the Kentucky statute relating to that proposition?

Mr. POWERS of Maine. Yes; I have it here.

Mr. SMITH of Kentucky. I do not ask the gentleman to read it, but I ask him to insert it in his remarks.

Mr. POWERS of Maine. Very well. Now, under exactly a similar statute this question came up before the supreme court of the State of Illinois, and here is the decision. I will read from the opinion of the court:

Marking a ballot by a cross will not prevent the vote being counted for a candidate named on one ticket for an office for which no candidate is named on the other

Therefore we claim, and it seems to be right, that he voted for but one man, and that these 32 votes should be counted for Moss and that those 7 should be counted for Rhea.

Mr. SMITH of Kentucky. I think the gentleman will find upon close examination that there is a difference between the Kentucky statute relating to that matter and the statute of Illinois.

Mr. POWERS of Maine. Well, I will read what the Kentucky statute says, if you will wait a moment. I think it states it as I gave it to you.

Now let me hasten along. The supreme court of the State of Kentucky has decided—and I think there is no question about it—that notwithstanding the statute provides for marking the ballots with a stencil and black ink, yet the vote shall not be rejected though marked with a lead pencil, or marked outside the circle, or with a red pencil, or the butt end of a stencil, unless it can be shown that this has been done with some fraudulent purpose. The court construes the statute in reference to marking as directory. It recognizes the distinction, which I think all courts recognize, that statutes which direct the manner in which the right of voting shall be exercised are directory, but all statutes which confer a right, which designates the persons who shall or shall not be legal voters, are mandatory. Such are statutes prescribing the age or sex of voters, etc. All these mandatory statutes must be complied with, while statutes which simply direct how rights shall be exercised are directory. If the voter has placed his ballot in the ballot box, and there has been any neglect on the part of the officers to see that the vote has upon it all things required by the statute, yet if the voter is no party to such neglect his vote shall be counted. I think that is the tenor of the decisions, and I think such a construction of the law is right.

Now, let us look at the facts of this case for a moment. First, we have the blurred ballots. I claim that in these cases, as it is evident that the folding of the vote made the blot and that where the blot appeared there was not the name of any candidate, every one of these votes should be counted.

Mr. THAYER. I understand the gentleman from Maine has gone over this case very carefully—

Mr. POWERS of Maine. I have.

Mr. THAYER. And has come to the conclusion that, in fairness and justice, Mr. Moss ought to be regarded as receiving 96 majority.

Mr. POWERS of Maine. I would give him that.

Mr. THAYER. That is what the gentleman would give him if he alone were the committee. Now, if the other members of the committee think that Mr. Moss has but 21 majority, who is right?

Mr. POWERS of Maine. The other members of the committee were inclined to take, I think, my view of it. There are two tabulated statements—

Mr. THAYER. As a matter of fact—

Mr. SMITH of Iowa. Will the gentleman from Massachusetts [Mr. THAYER] yield a moment?

Mr. THAYER. I will, if I am not cut off from finishing my question.

Mr. SMITH of Iowa. I want to say that the assumption that any member of the committee ever conceded that the contestant had only 21 majority is a mistake.

Mr. THAYER. That is the very point I want to reach.

Mr. SMITH of Iowa. No member of the majority concedes that.

Mr. THAYER. I understand from the remarks of the gentleman now on the floor [Mr. POWERS of Maine] that the committee holds that the majority, properly estimated, is not only 21, but ought to be more than that. Am I correct in that?

Mr. SMITH of Iowa. Absolutely correct. Very much more than that.

Mr. THAYER. Then why should you ask the House to predicate its action upon this doubt? I understand that these tickets, some of them, were marked with a lead pencil and were thrown out by the ward or precinct officers. Now, the statute provides that if any voter makes a mark upon his ballot for the purpose of identification his ballot shall be discarded; and therefore the precinct officers discarded those ballots. Now, the majority of this committee come and say that they do not know whether the voter put that mark there or whether the clerk did it; but they assume the clerk did it, because he was the one who found it. Now, it occurs to me that the clerk is the one who is responsible above all other men for finding those marks; and it ought not be considered as any evidence that he put the marks there because he brought those marks to the attention of the others, he being one of four officers whose duty it was to scrutinize those ballots. Under the circumstances, why should not those ballots be thrown out rather than counted as the committee have counted them? And further—

Mr. POWERS of Maine. Is the gentleman through with his speech?

Mr. THAYER. I have not taken but a minute. I have undertaken to ask the gentleman about some things which I would like to have him explain. Now, I want to know how we can be any more correct when we frame such conclusions as those to which the committee has come than the precinct officers in framing their conclusions. Those are the suggestions which I would like to have the gentleman answer.

Mr. POWERS of Maine. I do not know whether I can answer satisfactorily to the gentleman from Massachusetts, but I think I can give a satisfactory answer.

In the first place, each one of those ballots where there was a slight mark upon it was counted, and is included in the 21 majority.

Mr. THAYER. But they were not counted by the election officers.

Mr. POWERS of Maine. No, sir; but the supreme court of the State of Kentucky had decided in reference to similar marked ballots that they should be counted.

Mr. THAYER. How do you know but what the voter put those marks there—those two bars in connection with his name—so that, having agreed to vote for one candidate or the other, the persons interested might know whether he had carried out his bargain or not? How do you know the voter did not make those marks with some such intention?

Mr. POWERS of Maine. I will answer that question right now. I do not believe there is a fair-minded man within the sound of my voice that can look at those tickets and see the peculiarity of the mark, evidently everyone put on with one lead pencil and in but one handwriting on a few Democratic ballots and a large number of Republican, and come to the conclusion that they were put on by any voter or that they could give any indication of what any voter had done. That is how I will answer that, and in a similar case before the supreme court of Kentucky, with ballots having similar marks, the courts have held that it is not enough to show that something of that kind is on the ballot, but there must be other evidence to show it was fraudulently put on before the ballot could be thrown out.

Mr. THAYER. You say the same handwriting. There were

simply two little marks, something in a V shape, not at all alike. There is nothing in the mark that would indicate the handwriting of anyone, as I inspected them.

Mr. POWERS of Maine. I think there is, and on that I disagree with the gentleman.

Mr. SMITH of Kentucky. I would like to call attention to the fact that in order to permit these votes to be counted, you have to believe your clerk made these marks in the presence of the other five election officers.

Mr. POWERS of Maine. I think that question has been answered already. Whether the clerk made it or whether they were sort of catch marks put on the ballots before they were sent out, or where they were made, it does not matter; I know this, that under the decision of your supreme court in Kentucky they should have been counted, and that should settle it.

Mr. WHEELER. I would like to ask the gentleman if he thinks that decision good law?

Mr. POWERS of Maine. It is the law of the State of Kentucky.

Mr. WHEELER. Is the committee following that decision?

Mr. POWERS of Maine. I think they are.

Mr. WHEELER. If the committee follows that decision why should it not also follow the decision of the court of appeals of Kentucky in other respects?

Mr. POWERS of Maine. I think they do.

Mr. WHEELER. The remarks of the gentleman's colleague on the committee—

Mr. POWERS of Maine. I think the gentleman from Iowa [Mr. SMITH] settled that question pretty thoroughly.

Mr. WHEELER. I do not understand.

Mr. POWERS of Maine. I say I think the gentleman from Iowa [Mr. SMITH] settled that question pretty thoroughly, and I do not care about taking what little time I have to go over it again.

Mr. WHEELER. I was just trying to induce the gentleman to reconcile his statement with the statement of the gentleman from Iowa. I, of course, do not desire to go into it myself.

Mr. POWERS of Maine. Now, what is the truth, what is right, what is just? I have only one or two observations more. I want to say one thing about these ballots and the manner in which they were returned. Let us look at it candidly; let us understand it. Some of our friends on the other side have tried to create a great furor that we are going into the grave of a man who has been placed there by an assassin; that we are attacking Goebel in commenting on the Goebel law. I have not heard one word derogatory of Mr. Goebel from any members on this side of the Chamber. The gentleman is simply creating his man of straw and then knocking him down. We say nothing for or against him; we simply state the provisions of the law and let that speak for itself, whether it be for or against. I say under this law enacted by a Democratic legislature a Democratic board sitting at Frankfort, I believe, appoints in every county in Kentucky a Democratic election board—at least a majority of it is Democratic—and the county board appoint election officers in every precinct. They have the entire election machinery under their control. This law provides for furnishing one blank, and that blank they fill out and return. Gentlemen claim that other returns for which no blank is furnished must be made or we can have the votes returned in the linen bag counted for want of proper and sufficient identification.

Mr. SMITH of Kentucky. Are you referring to the present law or to what was known as the Goebel law?

Mr. POWERS of Maine. The law that existed at the time this election was held. That blank was used by the election officers. It also provides that all questioned ballots or questioned and not counted ballots—questioned and rejected I think are the words used—

Mr. SMITH of Kentucky. "Questioned or rejected?"

Mr. POWERS of Maine. Questioned or rejected, yes; shall be sealed up in a separate linen bag, and it then states certain formalities that shall be observed, all of which I believe to be directory, and then that this bag with the ballots shall be delivered by the precinct sheriff to the county clerk. That the ballots counted as valid shall be placed in a certain box, and that ballots not used shall be destroyed by the precinct officers. This whole machinery, from first to last, is under the control and the supervision of the party of the contestee. They send a return and these ballots, which are a part of the record, to the county clerk. We take the deposition of the clerk showing how these ballots came into his possession and have been in his custody ever since; yet they say there is no sufficient identification and no proof that these were not counted—some of them. Let me say in reply to that, in the first place, that an examination of those questioned and rejected ballots will show that every ballot rejected there and returned in the several linen bags was rejected as a whole, and on account of a mark that went to it as a whole and not as to some particular person on that ballot.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question, because I am sure he wants to do what is right.

Mr. POWERS of Maine. Yes.

Mr. SMITH of Kentucky. I want the gentleman to demonstrate to me, with some judicial certainty, that these ballots were all rejected in these precincts that are in controversy.

Mr. POWERS of Maine. That is what I am going to do.

Mr. SMITH of Kentucky. I want to hear the gentleman on that proposition.

Mr. POWERS of Maine. I say, in the first place, an examination of every ballot there that we have treated as not counted will show that the reason for which it was rejected applies to the whole ballot, and not to some particular name on that ballot.

Mr. SMITH of Kentucky. Well, you are assuming that it was rejected in that statement.

Mr. POWERS of Maine. Hold on. That is the first proposition. I say next that in the whole proceeding, in all the taking of the testimony, not one single Democratic election officer from any precinct was called to testify that one of those ballots had been counted. That is the negative testimony upon the subject.

Mr. WHEELER. You could not do that.

Mr. SMITH of Kentucky. That could not be done.

Mr. POWERS of Maine. They could have been called to state that they were counted.

Mr. SMITH of Kentucky. No; you could not introduce testimony of that kind. It would not be competent, and the gentleman knows that.

Mr. POWERS of Maine. Well, I do not know that, although I used to think I knew a little law.

Mr. SMITH of Kentucky. I am willing to do the gentleman the justice to say that he must know it, as good a lawyer as he is.

Mr. POWERS of Maine. I confess that I do not know it, and I believe my statement correct. Now, I do not expect to demonstrate this to the satisfaction of the gentleman. But I want to state one thing more. There is a distinction between votes and ballots. When the return shows that so many ballots were counted and so many were rejected, and so many were spoiled and so many were destroyed, and when the number of ballots counted is exactly the same as the number of votes for the two candidates—I hope I make myself plain—to presume that some of the votes in those rejected or not counted have been included in the votes counted for Rhea and Moss, and that some man who had voted, some of the votes that were put among the counted ballots, had scratched out or erased the names of Rhea or Moss, would be to presume, without knowing anything about it, that the number of names erased and the number of names that were counted afterwards from the questioned or rejected ballots were exactly and identically alike in every case, which could not happen and is not even thinkable.

Mr. SMITH of Kentucky. Now, I think I understand the gentleman's theory and his reasoning on that question.

Mr. POWERS of Maine. So I take those three things. Now, if the gentleman will allow me—

Mr. SMITH of Kentucky. All right.

Mr. POWERS of Maine. I do not want to take much longer time, because I am occupying time that some other gentlemen can use a great deal better.

Mr. SMITH of Kentucky. I am greatly interested in the gentleman's speech, and he is talking as I like to hear a man talk on a question.

Mr. POWERS of Maine. The gentleman's compliment is very polite, though I fear not deserved. Looking at it from the standpoint that I wanted to do what was right and fair—I may have been prejudiced—

Mr. SMITH of Kentucky. I believe you wanted to do what was right.

Mr. POWERS of Maine. I have no doubt myself that the contestant Moss should have had that certificate of election. It is not a matter of any consequence to this House or to the Republican members of this House whether we have one more or one less member here. The gentleman must admit that.

Mr. SMITH of Kentucky. That is true.

Mr. POWERS of Maine. It is a matter of grave consequence whether or not the man who is entitled to a seat and who should have had the election certificate if the votes had been honestly counted is deprived of that seat by a refusal of the election officers to do their sworn duty.

Now, the gentleman from Texas [Mr. BURGESS] seemed to give us some advice that I think we may not exactly comply with. I recollect that he advised us, in short, to own that we are knocked out, and quit; that we have no honest case. He told us that the era of good feeling that is dawning will be injured if we commit this great violence to the State of Kentucky.

Now, I am of those who recognize the fact that the civil war is over, and I am of those who believe that all of its bitterness should be forever entombed in oblivion and forgetfulness. I am



glad to see this era of good feeling ushering in the dawn of the twentieth century. Still, if that era of good feeling is dependent upon this House recognizing and legalizing a false and fraudulent return of votes, a refusal to count votes that should be counted, under the law and by every consideration of eternal right and justice, then I think we are paying a pretty high penalty for it. I think the gentleman drew largely upon his imagination in making that statement. I believe that if this Republic is to endure, if constitutional government is to continue and bless millions yet unborn, it is essential that when a ballot has been cast it should be honestly counted. If we would have the people willingly and cheerfully submit to verdict at the polls they must believe that verdict has been honestly obtained.

I recognize and indorse the position taken by the minority as to right of the State to determine who shall and who shall not vote. That right is a State right fully. This is not a question of calling the State of Kentucky to account for its election laws. I think the laws of Kentucky, in allowing persons to vote, those which confer the right of suffrage, barring the fact that they do not grant female suffrage, as is the case in some few States, are as liberal as any laws in any State in the Union, perhaps more liberal than they ought to be. They have not any educational test, no property test, and they have not yet arisen to the sublimity of the idea of having a grandfather clause. They are all right in conferring the same privileges of voting on black and white, poor and rich.

Mr. SMITH of Kentucky. Let me ask the gentleman if in his State they have an educational or tax-paying test?

Mr. POWERS of Maine. We have a slight educational test, but it applies to all, black and white, alike.

Mr. SMITH of Kentucky. I understand; and does not the gentleman regard it as a pretty good qualification?

Mr. POWERS of Maine. I wish to say to the gentleman that I do. I have no objection to an educational qualification or test at any time, in any State or anywhere. Our educational test is very slight in its effect at present. It was adopted some six years ago. I had something to do with the adoption of it. I believe in it; it only applies to persons who had never exercised the right of suffrage before that day.

Mr. KEHOE. A grandfather clause?

Mr. POWERS of Maine. We have no grandfather clause.

Mr. SMITH of Kentucky. It is a kind of grandson clause, is it not? I would like to ask the gentleman a question or two as to the method in reaching his conclusion in reference to the questioned ballots.

Mr. POWERS of Maine. I have answered a great many questions of the gentleman, and have occupied much more time than I had intended or expected to.

Mr. SMITH of Kentucky. If the gentleman does not care to answer them, I will not ask them.

Mr. POWERS of Maine. I will say this to the gentleman. I believe that the Republican party is not only pledged to a sound currency and to the protection of American industries and American manufactures, but it is one of its cardinal principles that there shall be a fair ballot of those entitled to cast a vote, and that the vote when cast shall be honestly counted.

Mr. SMITH of Kentucky. I agree with the gentleman in that proposition.

Mr. POWERS of Maine. I am glad to stand with the gentleman on that proposition and believe an honest count of the votes cast in the Third district of Kentucky gives to the contestant, J. McKenzie Moss, the absolute right to a seat in this House as a member of the Fifty-seventh Congress. I believe that as firmly as I ever believed anything in the world. I had carefully investigated the subject when I signed this report. The report signed is of rather an alternative character and presenting two methods of counting, either of which seats the contestant. I believe that it would be doing violence to the voters and overruling the will of the majority were we not to seat the contestant. I do not believe that technicalities should be allowed to thwart the popular will. In a conversation with a gentleman, a Representative upon the other side, he stated to me, in justification of the grandfather clause, that they had to do something in his State; that to allow the negro vote to rule meant financial ruin and that to continue to count it out was producing moral ruin; therefore they had to do something of this kind. There is perhaps much of truth in this statement. I do not believe the end justifies the means, and I have always been unalterably opposed to carrying elections by fraud, bribery, violence, intimidation, tissue ballots, ballot-box stuffing, and equally so to any attempt to override the will of the voters by false returns, and I believe that whenever an attempt to count out is brought before this Congress it should and will put its seal of condemnation upon it; and I also am confident will adhere to and reaffirm this cardinal principle of Republican faith by granting to the contestant a seat in this House, to which he is both legally and equitably entitled.

Mr. FOX. Mr. Speaker, I will ask how much time was consumed by the gentleman?

The SPEAKER pro tempore. Fifty-seven minutes.

Mr. MANN. Mr. Speaker, can you tell us how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Illinois has one hundred and sixty-three minutes and the gentleman from Mississippi has one hundred and ninety minutes.

Mr. FOX. Mr. Speaker, if I were a playwright, I would not want any better material for a first-class farce than the trial of a contested-election case in this House. The attention of the country ought to be called to this condition of things. It is not the fault of gentlemen upon the other side, and it is not the fault of gentlemen on this side. It is the fault of the system. This case, Mr. Speaker, has been ably and well presented by gentlemen on the committee, both for the contestant and for the contestee, and yet a large majority of this House know nothing whatever about the case, and after all this discussion will be able to qualify as jurors by declaring that they never heard the case discussed.

There has not been a quorum present in this House since this case was taken up. That is not all. That all really results from the fact that no arguments and no presentation of any question of facts that ought to govern this case will probably control a single member of this House, on either side; and therefore they will not be here until the close of this debate, and then they will come in and cast their votes, following the leadership of the committee on their respective sides.

Mr. Speaker, this is an important matter; we sit here not as a legislative body, but as a court; not as a quasi court, but a court of final and exclusive jurisdiction, involving not merely a right to property; but, as the gentleman from Maine [Mr. POWERS] has just said, the right of a Congressional district to be represented in this House by the man of their choice. The absence of members of this House results from the fact that they come here at the close of the argument and cast their votes in a purely partisan way. My friend from Illinois [Mr. MANN] says that the committee has tried to be impartial and nonpartisan. I have no doubt but that every gentleman has been perfectly conscientious, but if you will show me a member of Congress that is nonpartisan, I will show you a man with a patch of hair in the palm of his hand. There is no question that comes before this House in which there is more partisanship exercised than in the trial of contested-election cases.

Mr. Speaker, the system ought to be changed. It is true the Constitution of the United States makes this House the judge of the qualifications and election of its own members, and it would not be right to take it away and vest it in some other jurisdiction; but the proceedings in this House could be so regulated by law as to make it less partisan and compel the members of this court, because they are members of a court, to be here when the case is presented. I will say in this connection that my friend the gentleman from Iowa, my colleague on the committee, has some splendid suggestions as to the methods of procedure in this House, so as to insure a nonpartisan result, at least, in a degree, and I hope he will do himself the honor to present those suggestions some time to this House in the shape of proposed legislation.

Now, Mr. Speaker, this is a case, as has been stated, which involves questions of grave importance. It involves not only the question, as the gentleman from Maine has said, of the right of a district to be represented by the man of their choice, but it involves the right of Kentucky to regulate in its own way its own elections, and to prescribe the manner in which the voters in Kentucky may exercise their right to vote.

Mr. Speaker, the constitutional right of a State to fix the qualifications of its own electors is not disputed, but has just been conceded by the gentleman from Maine. Following that right, a right every State has exercised, the right that States are more jealous of than any other right, is the right to regulate the manner in which elections shall be held, so far as State elections are concerned, absolutely without any interference on the part of Congress, and they have the exclusive right to regulate the manner of holding even Federal elections, subject only to the right of Congress, given by the Constitution, to modify the regulations made by the State.

Mr. Speaker, in the formation of the Constitution the States were very jealous of this right. All but two or three of the States of the Union at the formation of the Constitution of the United States had constitutions of their own in which they regulated the right of suffrage in their respective States. They were not satisfied in framing the Constitution to leave this right to any implication or construction; they were not satisfied to leave it to the general clause of the Constitution which reserves to the States all the rights and powers not expressly delegated by Congress. They in terms expressly reserved to themselves the right to fix the qualifications of their own voters. Not only that, they reserved the right to fix the manner in which the voter should exercise his



right and cast his ballot in all elections absolutely, save only in Federal elections, and in Federal elections they have the right to fix the regulations, subject only to any change that may be made by the Congress of the United States.

Now, Mr. Speaker, the issue in this case is whether the regulations enacted by the legislature of the State of Kentucky and interpreted by the supreme court of Kentucky shall be respected by this House as the Constitution of the United States declares you should do. They have made these regulations, and although competent for Congress to do so, no modifications of those regulations have ever been made by this Congress. My friend from Maine has said that any law regulating the manner of voting is directory. He might as well have asserted that the Constitution of the United States is directory, because the Constitution of the United States says that the legislature shall have the right to fix the times and places and manner of regulating its own elections absolutely in all cases except Federal elections, and that is subject only to such modifications as Congress may prescribe. You might as well get up here and argue—and it is good Republican doctrine—that the Constitution is directory, for they always cut it out and brush it away whenever it obstructs their way.

Mr. SMITH of Iowa. May I interrupt the gentleman?

Mr. FOX. Certainly.

Mr. SMITH of Iowa. I would like to ask as to which of these terms such a regulation as this comes under. The Constitution says that the States may, in the absence of provision by Congress, fix the time and the place and the manner of holding elections. Now, I assume you claim that this statute of Kentucky, as construed in the case of *Anderson v. Likens*, has reference to the manner of holding elections, not to the time or place.

Mr. FOX. Well?

Mr. SMITH of Iowa. Now, I ask the gentleman this question: After you have regulated the time of the election, and the place of the election, and the manner of the election, and the election being over, how does a law fixing the manner in which the ballots shall be identified in this tribunal come within the provisions of the Federal Constitution to which the gentleman has referred?

Mr. FOX. The Federal Constitution refers to the whole machinery of conducting elections in the States. It must follow that Congress can not interfere in such things unless the right of republican government is denied. The provision in regard to the manner of holding elections refers to the whole election system that is laid down by the States, and the issue in this case is whether this Congress is going to respect what the legislature of Kentucky has done.

Mr. MANN. Will the gentleman allow me a question?

Mr. FOX. Yes, sir; in a moment. Mr. Speaker, I send to the Clerk's desk what I would like to have read. Meanwhile I will yield to the gentleman now.

Mr. MANN. While I do not concede that the discussion in this respect is anything but an academic discussion, because it does not affect the case—

Mr. FOX. Then let us come to the case.

Mr. MANN. I will ask my learned friend, in his view of this question, what would be the result in a case like this: Suppose the legislature—

Mr. FOX. Mr. Speaker, my time is very limited, and I must decline to discuss other cases.

Mr. MANN. Then the gentleman will not answer the question?

Mr. FOX. Not with reference to another case. I will answer a question with reference to the case at bar, as we may call it.

Mr. MANN. My question has reference to your contention in the case "at bar," which of course I do not consider a serious one, though I suppose the gentleman means it in that way.

Mr. FOX. The gentleman knows that my time is very limited. I do not object to a question concerning the merits of this case; but I do not want him to take up my time in discussing something which is outside of the case.

Mr. MANN. I am sure I do not wish to take up the gentleman's time in discussing anything outside of the case.

Mr. FOX. Let the Clerk read what I have sent up. It is the decision of the Committee on Elections of this House in the case of *Wright v. Fuller*.

The Clerk read as follows:

Having disposed of this preliminary point, the committee proceeded to the examination of the law and testimony involved in this case.

In discharging the last duty the committee considered that although the House of Representatives, by virtue of the fifth section of the first article of the Federal Constitution, are made judges of the election returns and qualifications of its members, yet this power is not plenary, but is subordinate to the second and fourth sections of the same article, the first of these sections providing that the electors of the members shall have the qualifications of the most numerous branch of the State legislature, the fourth section empowering and authorizing the legislature in each State to prescribe the places, times, and manner of holding elections for Senators and Representatives, such regulations being subject to alterations made by Congress.

By force of these provisions the House is compelled, when adjudicating in any matter affecting the election returns or qualifications of its members, to make the law of the respective States from which such members may be returned its rule of action.

Mr. FOX. The gentleman from Iowa in his argument invokes the provision of the Constitution making the House the judge of the elections, returns, and qualifications of its members, as giving the House full authority to do what it pleases, and to adopt whatever rules of law it may choose, unfettered by the enactment of the legislature of the State of Kentucky or by the decisions of its supreme court construing those enactments. While my distinguished friend from Illinois, with all his ability and shrewdness as a lawyer, is compelled to acknowledge the correctness of our position as to the rights of the State under the Constitution, and is compelled to acknowledge that the decisions of the supreme court of Kentucky and its laws must be respected here, he undertakes to explain away those decisions.

The gentleman from Iowa, with his usual frankness, recognizing the force of those statutes and those decisions as being against the contestant in this case, boldly says that we can seat the contestant here and decide the case in his favor in defiance of the laws of Kentucky and the decisions of the supreme court. That is the issue here—whether you will do this or not—whether you will defy the laws of Kentucky or respect them. Mr. Speaker, the Supreme Court of the United States has decided in half a dozen cases that where nothing even but the right of property is involved, that tribunal, the highest in the land, is bound by the statutes of the respective States and by the construction which the courts of the States have put upon those statutes.

I have not much respect for precedents so far as Congress is concerned, because this House has decided contested election cases in every way. Frankly, I will state you can find precedents for any conceivable position that any man may take in reference to any contested election case. But the Supreme Court of the United States, the highest tribunal of this country, has always recognized the force of a State statute or of the decision of a State court construing such a statute; and in no single instance since the formation of our Government has the Supreme Court of the United States ever trampled upon a State statute or a decision of a supreme court of a State construing such a statute, unless on the ground of unconstitutionality. The Supreme Court of the United States has never ignored such a statute or decision. Yet the doctrine is proclaimed here boldly—and it is the only consistent one in this case—that there is nothing in the law of Kentucky, nothing in the decisions of the supreme court of Kentucky, that we can not arbitrarily defy and trample upon simply because the Constitution of the United States gives us the power to judge of the qualifications and elections of our own members.

Mr. MANN. Will the gentleman allow me a question?

Mr. FOX. Yes, sir.

Mr. MANN. The supreme court of Illinois decided, in reference to bank checks, that under the statute of Illinois the law was one way; the supreme court of Indiana, deciding exactly the same question, held that under the statute of Indiana the law was directly opposite. And the question was fairly raised before the Supreme Court of the United States as to whether it would follow the law of Illinois in Illinois and the law of Indiana in Indiana, and the Supreme Court of the United States declined to do that and said that the Supreme Court would not follow one rule of evidence on one side of the State line and another rule of evidence on the other side of the State line, and it laid down the law itself. Will the gentleman explain to us about that?

Mr. FOX. That is not the case as presented here. That is the case that the gentleman from Iowa [Mr. SMITH] undertakes to make out of this, that it is simply a rule of evidence; that we are not bound by any rule of evidence, he says, that the legislature of Kentucky may make in contravention of common law. But it is not a rule of evidence. It is a regulation of the election system in the State of Kentucky.

Mr. SMITH of Iowa. Will the gentleman permit me to make myself plain there?

Mr. FOX. I must decline to be interrupted in that way.

Mr. SMITH of Iowa. Very well.

Mr. FOX. I will tell you what I will do. If you will let me proceed with this argument I will submit to any questions after I get through.

Mr. SMITH of Iowa. I do not want to interrupt you if it is not satisfactory to you.

Mr. FOX. I do not want to be discourteous, but that would suit me better. That is the position of the gentleman from Iowa, that this is simply a rule of evidence. It is not a question of evidence. It is a peremptory statute requiring certain evidence to be sent up with the returns. That is all. It is a regulation of the election system in Kentucky providing as to how the contested ballots shall reach the canvassing board. Now, let us come to it practically, Mr. Speaker. If gentlemen have the CONGRESSIONAL RECORD and the minority report of this committee before them, I want to call their attention to certain provisions of the Kentucky statute that are involved in this case.

You will find the blank form of general returns in the report on



page 35, and you will find it in the speech of the gentleman from Texas [Mr. BURGESS] on page 3379 of the RECORD. That is the blank form of the returns prescribed by the statutes that must accompany the valid ballots not questioned. Now, will the gentleman say that the statute is directory? Will the gentleman say that, although the legislature has provided that a return shall be made by the returning officers to the canvassing board in a form prescribed by statute, that statute is directory? Will you say that the canvassing board could have considered one single one of these ballots if there had been no return in the case at all?

Mr. TAYLER of Ohio. Will the gentleman answer a question there for information?

Mr. FOX. Yes.

Mr. TAYLER of Ohio. This is a question of identification of certain ballots which it is claimed by one side ought to have been counted and that were not counted. Now, I want to ask whether or not the gentleman thinks that this House has a right to count such ballots, coming to the House without any actual question of their identity, even though some statutory provision intended to fix their identity was not complied with?

Mr. FOX. Well, they must be identified. We must know where they are.

Mr. TAYLER of Ohio. I know, but suppose they are, as a matter of fact, absolutely and unquestionably identified, but that some statutory provision respecting the method of identification was not complied with. Do you think that we have not a right to count ballots thus actually identified?

Mr. FOX. No such question arises in this case. But, proceeding with my argument, no gentleman, even of the committee, will say that that provision of the statute, section 1483, prescribing the general return, is directory, but that it is mandatory; otherwise you would have no ballots to consider, you would not know where they were from, for whom they were cast, or anything of the kind. Now, then, I say there is another return prescribed by the Kentucky statute which is mandatory in its terms, that must accompany the questioned ballot, and if the gentlemen who have the report on their desks look at the concluding clause of section 1482—

Mr. MANN. Will the gentleman pardon me right there? I do not wish to disturb the gentleman in his argument.

Mr. FOX. I can not make an argument when it is all chopped up in that way. I am not smart enough to do that, I frankly confess.

Mr. MANN. I know the gentleman is smart enough to make an argument if anybody else can, from personal contact with him, but I appreciate the difficulties he complains of.

Mr. FOX. I want to make my argument in some connected way and, as I said a moment ago, if you will wait until I finish with my argument, I will be glad to yield to any questions. Now under the system in Kentucky, which is declared to be one of the best in this country, conceded to be, and, by the way, I want to say that all this smoke about the Goebel law and the obnoxious provisions of the Goebel law, if there are any, are not involved in this case. These two sections of the statute here are the only sections of the Kentucky statute that are really involved in this case, providing for the returns, and they were in the old law and have been in the Kentucky law for twenty-five years. So that there is nothing in the world in this discussion about the Goebel law excepting a disposition to hide the merits of this case by prejudicing the minds of those who regard the Goebel law as obnoxious.

Mr. Speaker, under this system whenever a ballot was questioned, whenever a ballot was challenged, whenever the right of a voter to cast a vote was challenged, whenever in counting a vote the validity of the ballots was challenged, under the requirements of the law the managers of the election put it in a sealed envelope. All of the questioned ballots were put in a sealed envelope, and they were required to be sent up to the canvassing board with this certificate. Mind you, whenever a ballot is questioned, whether it is counted or not, it must be treated in this way. Sometimes a ballot is challenged and after discussion it is counted. At other times its validity is questioned and it is rejected; but all questioned ballots, whether counted or not, are required to be sent up in a sealed envelope with this certificate accompanying them.

*Provided*, That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

The supreme court of Kentucky has decided several times that this provision is mandatory. They have decided that questioned ballots unaccompanied by such a "true statement" as is required there can not be counted.

In the case of *Anderson v. Likens* a Republican contested the seat of a Democrat, and a Democratic court seated the Republican contestant over the protest of the Democratic candidate, after

construing this law as mandatory and determining that the questioned ballots in that case could not be counted because they were unaccompanied by any certificate identifying them in any way.

The gentleman from Illinois [Mr. MANN] cites the case of *Booe v. Kenner*, and relies upon that as modifying the case of *Anderson v. Likens*. I want to call the attention of the lawyers in this House to the case of *Booe* against *Kenner*, and I hope you will read it, if you have any doubt about it, before the vote is taken in this case to-morrow.

That case was decided by the supreme court of Kentucky on a question of jurisdiction simply. It was held that a mandamus proceeding would not lie in that case, and therefore the court did not have jurisdiction. Whatever else it said was mere dictum; but even in the dictum, which the gentleman from Illinois [Mr. MANN] relies on, there is nothing that even in the slightest degree modifies the doctrine laid down in the supreme court in the case of *Anderson v. Likens*. It does say—and I take to be true the statement of the gentleman from Illinois, who has the original record, that in that case the questioned ballots were not accompanied by the true statement—the supreme court does say in this dictum that on the merits of the ballots the lower court decided the case aright and that the ballots on their merits should have been counted for the party for whom they were counted, and that is all. Looking to the ballots themselves, without any question as to whether they were properly there or not, they were evidently counted in favor of those candidates for whom they were intended to be cast, and on the merits of the ballots they should have been counted as they were counted; but the court never once decided that the true statement was unnecessary.

Mr. MANN. The gentleman does not want me to correct him. The opinion of the court said:

In answer to this we will add that we have carefully examined the record and are satisfied that the decision of the county canvassing board in giving Dudley the certificate of election was right.

Mr. FOX. Of course.

Mr. MANN. And that depended upon those ballots, without the statement which you contended was necessary.

Mr. FOX. I hope every lawyer in this House will get that book and read it, or as many of you as can. That is all it does mean, looking to the face of the ballots.

Mr. MANN. It did not refer to the face of the ballots.

Mr. FOX. Without raising any question as to how they got there, that they were properly counted for those for whom they were intended to be cast.

Mr. GILBERT. There was no issue made on that question.

Mr. FOX. There was no issue made, and there is not a lawyer in this House who has knowledge enough to qualify him to be a justice of the peace who would not say, and there is not a court in the land that would not say, that that statement of the court was pure dictum, unnecessary to be said, and that that question was not involved in the case, and the question was not raised by the facts, but looking to the merits of the ballots themselves.

Mr. MANN. I do not wish the gentleman to be incorrect. They went right into the question that was raised by the court of appeals—the identical question. It was argued before them, and they passed upon it in the way that I have read.

Mr. FOX. The question as to whether a true statement was necessary was made in this case. The court does not refer to it. There is no reference in the case before the court. It was a case that was decided on the question of jurisdiction.

Mr. MANN. For every possible effect the question was raised.

Mr. FOX. I will leave it to the candor of every lawyer in this House, and I say fearlessly there is not a court on the face of the earth that would be governed or pay the slightest attention to a dictum of that kind when it was not at all necessary to reach the conclusion reached by the court. They do not even refer to the *Anderson* and *Likens* case, or the case of *Banks* against *Sargent*, following that case, and they stand as law to-day. And on the merits of the case, as was so ably shown by my colleague from Texas on Saturday, considering these ballots as identified, considering them here—which I do not concede, only for the sake of argument—considering these ballots as being practically identified as being questioned ballots, you can not tell to save your life, without this true statement, whether they were counted or rejected.

Now, let me show you. I will take the precinct of Kisters Mill, precinct No. 25, found on page 22 of the majority report. There is a general return, and it is the contention of the gentleman from Illinois that the general return sufficiently identifies these questioned ballots, without any particular statement as to its having been rejected. I say that this return might identify these ballots as having been questioned, but does not identify them as being counted or uncounted. Now, those of you gentlemen who have the report look to page 22.

Number of ballots counted as valid .....	257
Number of ballots questioned or rejected .....	112



Mr. WILLIAMS of Mississippi. "Questioned or rejected."

Mr. FOX (continuing):

Number of ballots marked "spoiled".....	3
Whole number of ballots cast.....	369
Number of ballots not used and destroyed after the polls closed.....	64
Total number of ballots in this book.....	436

Then below it shows the vote for Congress that was counted:

FOR CONGRESS.

John S. Rhea received.....	86 votes
J. McKenzie Moss received.....	163 votes

Now, Mr. Speaker, according to that report there were 112 ballots in Kister Mill precinct, No. 25, that were questioned, that were challenged by somebody. There is not one single syllable in the report which shows how many were counted. It does not determine how many were actually rejected. Remember, as I have told you, all the ballots that are questioned, whether counted or not, are sent up in this envelope.

Mr. WILLIAMS of Mississippi. It does not show that some were not counted.

Mr. FOX. It does show that some of them may have been counted and some of them may not have been counted; and hence the necessity with these ballots of this certificate, this true statement, identifying these ballots, and stating how many were counted and how many were not counted, and for whom. Now, I think I can make it perfectly plain to this House, to any man in this House, who wants to understand the question, that in the conclusion reached by the majority of this committee a ballot may have been counted twice for Mr. Moss. Now, let us look at it. It takes four items to make up the sum total of the ballots that were sent down there in the book. One item is the number of ballots counted as valid, another item is the questioned or rejected ballots, of which there were 112, another item is the number of ballots marked spoiled, the other item is the number of ballots not used and destroyed after the polls closed, making a total of 436.

Now, that shows the votes for Congress—that John S. Rhea received 86 votes, James McKenzie Moss 163 votes. How do you know, as this was a general election, at which there were a great many candidates, from governor down to constable; how do you know that some of these votes counted for J. McKenzie Moss were not questioned and still counted? I call your attention to the fact that the whole number of ballots cast at this box was 369. There were 112 votes questioned. The whole number for Congress was 249. There were 10 votes cast for somebody that did not express any choice for Congressman at all. There were that many voters at that box that did not vote for anybody for Congress.

Mr. BURGESS. That is, conceding the whole 112 were rejected?

Mr. FOX. That is, conceding the whole 112 votes were rejected. There were 10 votes not cast for anybody for Congress. That is evidenced by a mere glance at these figures. Now, then, suppose there were 10 others of the questioned ballots that were not voted for anybody except Mr. Moss and were counted. It is perfectly evident that this return would be the same, would it not? There were 10 who did not vote for Congressman at all. There were 10 votes cast that did not express any choice for Congress.

Mr. BURGESS. Will the gentleman yield for a suggestion?

Mr. FOX. Yes.

Mr. BURGESS. I want to suppose a case under the gentleman's idea, and it is this: Suppose 10 of these ballots counted as ballots did not vote for Moss or Rhea; suppose there were 10 more who voted for Moss that were counted. Would not the return be precisely the same, and by adding those 10 you would count 10 votes twice for Moss if you follow the majority report?

Mr. FOX. That is exactly what I say. If 10 ballots were cast for Moss and you do not know whether they were cast or whether they were counted without the true statement; if 10 votes or 10 questioned ballots have been cast for Moss and counted for Moss, in the total the returns would have been precisely like they are, conceding that there were 10 votes not cast for anybody. Suppose there were 10 votes not cast for anybody for Congress and 10 votes among those questioned were cast for Moss. Then, under your pure assumption that all of the 112 ballots were rejected, and you count them all, you have evidently counted 10 votes twice for Moss.

Mr. LACEY. Where does the gentleman get the basis for his statement that there were 10 votes not cast for anybody?

Mr. FOX. It is an illustration I am making. No man on the face of the earth, I will say to the gentleman from Iowa, can tell, without the true statement required by statute, whether the votes were ever counted or not. They are only identified by the returns as questioned ballots; not identified as rejected ballots.

Mr. WILLIAMS of Mississippi. I am afraid the gentleman from Mississippi does not appreciate or understand the question of the gentleman from Iowa. The question of the gentleman from Iowa is, Where do you get the 10 votes that were not cast

for a candidate for Congress? The returns show it absolutely, because they show that there were 10 votes more cast.

Mr. LACEY. There were 104 votes short, and that would only make 8.

Mr. FOX. There were 369 votes cast.

Mr. LACEY. Three hundred and sixty-three.

Mr. FOX. Three hundred and sixty-nine votes cast.

Mr. LACEY. There were 3 votes spoiled, and that leaves 366.

Mr. FOX. Well, my illustration holds good.

Mr. LACEY. I thought the gentleman was speaking of facts shown in the record outside of this report.

Mr. FOX. Now, Mr. Speaker, that's all there is in this case. It is utterly impossible to identify these ballots in any other way than by the true statement required by the statute. I know there are 112 ballots that are questioned at this precinct, but we do not know that there were 112 rejected, and they are not identified in the record even as questioned ballots. There is nothing in the record to identify them.

You ask where the ballots are that are questioned. Gentlemen show you a lot of ballots dumped into the record without any statement accompanying them showing they were rejected. It is said that in a number of precincts here these ballots were sent up in sealed envelopes without a single mark on the envelopes to identify them in any way as having been questioned. And when any lawyer seeks evidence—seeks from the record competent evidence—to determine how many ballots were rejected, he will fail to find anything in the record whatever identifying these ballots. Why, some of them are not even marked as exhibits by the commissioner himself.

Mr. PALMER. May I ask the gentleman a question?

Mr. FOX. Certainly.

Mr. PALMER. Do you have any doubt that the ballots were actually cast in the election?

Mr. FOX. I know nothing on the face of the earth about it. I will say this to the gentleman: That Mr. Rhea comes here with a certificate of election and there is no charge of fraud here whatever, and to overcome the prima facie case that he has under the law by virtue of his certificate you must make the proof that certain ballots were illegally rejected and ought to have been counted for Mr. Moss.

Mr. PALMER. What is the gentleman's idea of the reason why the election officers rejected these ballots?

Mr. FOX. I do not know whether they were rejected or not. If you sit down, as a lawyer, to find out whether they were rejected or not, to save your life you can not ascertain.

Mr. PALMER. That is because, you say, the election officers did not put the certificate on the back of the ballots that went to the county clerk to distinguish them?

Mr. FOX. They did not put anything on the back to identify them.

Mr. PALMER. What reason does the gentleman suppose the election officers had for returning the ballots to the clerk's office if they were either questioned or rejected ballots?

Mr. FOX. I do not know what the reason was; but I will say to the gentleman that, as shown here to-day, the majority of those election officers were Republicans.

Mr. PALMER. I do not suppose that makes much difference. What we are trying to do, or what I am trying to do as one of the jurors in this case, is to find out what is the truth; and it seems to me reasonably clear that these ballots were used in that election, and when these election officers returned them to the office of the clerk they returned them either as questioned or as rejected ballots.

Mr. FOX. They ought to have done so; the law required that they should do so.

Mr. PALMER. What earthly reason had they for returning them if they were not in one or the other class?

Mr. FOX. I can not tell.

Mr. WILLIAMS of Mississippi. They might have had as their reason that they were trying to unseat the contestee.

Mr. BURGESS. Will the gentleman from Pennsylvania [Mr. PALMER] allow me to make a suggestion? Assuming that these 112 ballots were in fact returned by the election officers, and that the returns showed that those 112 ballots were either questioned or rejected, can the gentleman tell me how many were questioned, and does he not admit that when a ballot is returned as questioned it means that it has been counted, for otherwise it would be a rejected ballot?

Now, then, the return speaks of ballots "questioned or rejected." It does not say how many or which they were, or whether they were counted, or for whom. Now, how can the gentleman say they were not counted for Mr. Moss and that the committee in counting them now are not counting them twice for Mr. Moss?

Mr. PALMER. I do not find that any of these ballots were voted for Mr. Rhea. I find they were all voted for Mr. Moss.



Mr. BURGESS. May they not have been counted for Mr. Moss? May they not have been "questioned" ballots alone?

Mr. FOX. The gentleman from Pennsylvania [Mr. PALMER] is mistaken in the assumption he makes.

Mr. BURGESS. I ask how does the gentleman from Pennsylvania reach the conclusion that all these ballots were rejected ballots when the return says "questioned or rejected;" and how can he tell how many were questioned? A questioned ballot would have been counted; that is the point exactly.

Mr. PALMER. There were so many ballots returned as having been cast, and so many as either "questioned or rejected."

Mr. BURGESS. The ballots returned as counted included only the ballots that were neither rejected nor questioned.

Mr. PALMER. I understand—

Mr. BURGESS. So that those returned as "questioned or rejected" may have been all "questioned," and may have all been counted for Mr. Moss; there is no proof to the contrary. Yet in the face of a return of that kind you ask to have those ballots counted again, and added to the vote of Mr. Moss.

Mr. FOX. Now, Mr. Speaker, in answer to the suggestion of the gentleman from Pennsylvania I wish to say that he is mistaken in assuming that all the "questioned" votes were cast for Mr. Moss. Many were cast for Mr. Rhea. That is the contention of the counsel for the contestant; but it is impossible to tell from any return that has been made for whom they were cast. You can, of course, look at the face of the ballot and determine, so far as that evidence goes, whether it was cast for Mr. Rhea or Mr. Moss.

But where did that ballot come from?

What kind of a ballot is it? Is it a "questioned" ballot? If so, where is the evidence, the record, that points to it as a "questioned" ballot? I say to the gentleman in all good faith there is nothing whatever in the record to point to these ballots as having ever been even handled at the election—nothing whatever. There is only one case—the case of the Electric Light precinct—in which that fact appeared. In that case there is a memorandum on the sealed envelope saying that none of these ballots were counted. But in no other instance is there any sort of evidence in the record showing where the ballots came from, whether they were questioned or not, and if so, whether they were counted or not, and, if counted, for whom they were counted.

Now, then, coming to another question, I say, waiving everything that I have said as to the law of Kentucky—waiving any arguments that I have made as to whether this House is bound by the statutes of Kentucky—waiving the right of the State of Kentucky, under the Constitution, to regulate the manner of holding its elections—I say, coming to the ballots themselves, looking at the face of the ballots, conceding their validity, conceding their identification, there are more than 21 of these ballots which the committee counts for J. McKenzie Moss but in regard to which no man in this House can tell for whom they were cast. There are no three men in this House who can come up to my desk and, looking at some of these ballots which were rejected, tell me for whom they were intended to be cast.

Now, I invite an inspection of these ballots by any gentleman, and I would be glad to have it done. Look at that ballot on page 1331, and if there are any two men in this House that will agree as to whether that ballot ought to be counted without knowing for whom it is cast, then you have got better eyes than I. Under their system you see there is a blanket ballot, arranged in parallel columns.

There are one, two, three, four, five, six tickets here, and they are all arranged together in parallel columns, six different parties, each having a device at the head of it to distinguish the party ticket from the others. It is a law common to many States. Now, then, under the system in Kentucky the voter takes a stencil when he goes into the booth and stamps in the circle at the head of the ticket the ticket of his choice. He does not have to make any mark on it. A stamp in that circle there is a vote for every man on this ticket, if he does not make any of the exceptions—

Mr. PALMER. You mean on the column?

Mr. FOX. Yes. Now, then, we do not disagree as to the facts, except on the points that I am contending for now. It is stated by counsel for contestant, it is conceded by myself and my colleagues constituting the minority of this committee, that these ballots, as a rule, were blotted in folding. You see that when you fold this ballot down in that way, these two circles coincide, and there is no doubt of that; I concede that; but in folding the ballot it makes the impression in another circle, do you not see?

Mr. LACEY. Ought not that to be thrown out?

Mr. FOX. I thank you for the question. It ought to be thrown out if you can not tell for whom the voter intended the vote. It ought to be counted if you can ascertain honestly and fairly and beyond a doubt—that is, free from any reasonable doubt—which ballot he intended to cast.

Mr. LACEY. Which is the original and which is the impression received from the original.

Mr. FOX. Yes; that is the point I make. Let me make another point here. Mr. Rhea comes here with a certificate of election. These contested ballots come up from precincts controlled by Republican managers of election.

Mr. LESSLER. You invited us here to examine the ballot.

Mr. FOX. Do not break into my argument and I will show it to you. These ballots under the certificates of election give Mr. Rhea a prima facie case. They were rejected by Republican officers of election and ought to be rejected here in a case that is not free from doubt, and I will leave it to the gentleman from Iowa, who himself has been a distinguished member of the Committee on Elections, if I have not stated the correct principle of law. I leave it to any honest man in this House—

Mr. LACEY. The difficulty about this particular ballot would not be the question of a distinguishing mark. It is merely inability to identify the intention of the voter.

Mr. FOX. Yes.

Mr. LESSLER. Have you a provision in your law that it was the duty of the election officers to come as near as they can to ascertaining that?

Mr. FOX. I concede that to be the law.

Mr. LESSLER. I asked you that.

Mr. FOX. I concede that to be the law of this case here now.

Mr. LESSLER. Is not the question as to that ballot, if in a man's common judgment that is not the reverse?

Mr. FOX. Well, which is the reverse?

Mr. LESSLER. I would say this one.

Mr. FOX. You would say it because you have seen the Republican ticket there underneath it.

Mr. LESSLER. You are making an assumption and you ask a question of some sort—

Mr. FOX. I do not doubt your sincerity, sir, but I say there is not a man in this House that is free from that political bias.

Mr. LESSLER. If you come and ask me a question and you do not allow me to give you a reason, then there is no reason for bringing us over here. The only point as to that particular ballot was that the impression there is stronger than the impression here.

Mr. FOX. You think so? The Republican managers of election did not think so. It is just exactly what I said, that no two men will agree about it, and you and the gentleman from Mississippi do not agree.

Mr. LESSLER. I never saw one of these before, and did not know what they were when you asked the question.

Mr. FOX. Now, just to show you how men may differ, let me show you something here. Here is the contention of the counsel for Mr. J. McKenzie Moss with reference to West Door precinct, No. 9.

Listen to this.

The SPEAKER. The gentleman has now consumed one hour.

Mr. FOX. I thank the Speaker for the information.

On page 22 of the contestant's brief, which makes the statement with reference to West Door precinct, No. 9, you will find that there were 119 votes not counted. He states that there were 119 votes rejected at that precinct. Now listen. Counsel for contestant in this brief states:

Some were rejected because they were blurred and blotted by folding before the ink was dry. It is difficult in some of them to ascertain the voters' intention on account of these blots, but the marks are plain enough on 23 ballots to show that the voters marked them as for the entire Republican ticket.

They only contend that 26 of the rejected ballots from West Door precinct, No. 9, should have been counted for Mr. Moss. Yet the majority of this committee count 53 of those rejected ballots for Mr. Moss, when it was never contended by counsel for the contestant that more than 26 ought to be counted. They concede the fact that the others are so doubtful that it is impossible to determine the intention of the voter.

Mr. HENRY of Mississippi. Without counting the 56, how would the case stand?

Mr. FOX. That would elect Mr. Rhea of itself.

Mr. LESSLER. In all of these tickets which are marked and countermarked—in other words, where there are two marks—they are all in the same places relatively, the same two columns, are they not?

Mr. FOX. Not all of them.

Mr. LESSLER. They are always in the Republican and Socialist Labor columns.

Mr. FOX. Some of them are in the Democratic.

Mr. LESSLER. The principle I want to get at is this: In determining the class of ballots where the relative marks are the same in both columns there are 26 of those that you have agreed should be counted in the Republican column.

Mr. FOX. No, sir.

Mr. MANN. Mr. Speaker, I should like to have this conversation loud enough so that it can be heard across the aisle.

The SPEAKER. The House will please be in order.

Mr. LESSLER. Is it not safe to infer from the ballots that you consider to be without any doubt as to the intention of the voter that those which are in doubt, but where the marks appear in the same columns, belong to the same class, and that the 53 votes are rightfully counted for the ticket having the heavier impression, which is the Republican ticket?

Mr. FOX. Why, I will say to my friend that, in my judgment, the proper way would be to inspect the face of each ballot. If you determine in the first place that these are identified as the questioned or rejected ballots, then it was the duty of this committee, and would be the duty of this House, so far as possible, to inspect them. If you determine that they are sufficiently identified, it would be your duty to inspect each ballot, and if you can ascertain from an inspection of the face of that ballot the honest intention of the voter as to which one of these tickets he intended to vote for, then it ought to be counted in that way; but if it is impossible to tell which is the original impression and which impression was made by folding the ballot, then for whom can you count it?

Mr. LESSLER. In a scrutiny of these ballots, is there any doubt in your mind, taking them as a class, knowing the relative positions of the first and second impression, that those ballots were cast for J. McKenzie Moss?

Mr. FOX. Why, certainly, I do not believe a word of it. I do not believe anything that the testimony does not show. As a juror in this case, or, if you please, as a judge, it is my sworn duty not to arrive at any conclusion that is not sustained by proper and competent evidence. That is all I say. No man anxious to arrive at the truth, whether he be a lawyer or not, is going to assume a fact that is not proven by the record, and no lawyer will ever state a thing to be a fact that is not proven by competent evidence.

Hence I say that if ballots like this, and there are a great many of them, if you can not say whether the stamp was made there [indicating], and this blur is made by folding, or whether the stamp was made here [indicating], and this is the blur that is here [indicating], then you can not count the ballot, because you do not know the intention of the voter.

Mr. SMITH of Arizona. Do you know whether this ballot [indicating] was counted or not?

Mr. FOX. I know it was counted for Mr. Moss; and I say—and, gentlemen, do not take my word for it, because the rest of the ballots are here—I say there are over 21, which is the majority that they give to Mr. Moss, and which they counted for Mr. Moss, just as uncertain as that.

Mr. SMITH of Arizona. Was it counted by the election officers?

Mr. FOX. It was not counted for anybody by the Republican managers of the election. The returns were signed, and they are all agreed about that.

Mr. LESSLER. Have you such a provision in the law as we have in the State of New York, that the vote of the man who voted this ballot [indicating] may be rejected for all the candidates on the two tickets for the reason that you can not determine for whom he voted? But here he voted for J. McKenzie Moss for Congress, and nobody else.

Mr. FOX. That is a good argument.

Mr. LESSLER. Is there anything in your law by which you would reject everything on that ticket or count a portion of it where a man cast his vote for one name on that ticket and for no other man? Say, for instance, that it was for Congressman, or whatever these other things are, would you throw it out for all when it shows on its face that he voted for Moss?

Mr. FOX. Your argument is a perfectly sound one, but your premises are just as far wrong as they can possibly be. You assume that the voter marked this ticket [indicating]. There is nothing to show that. It is a mere assumption. I say, if he marked this ticket [indicating] and intended to vote this ticket, and this blur [indicating] is a mere blur made by folding, then he intended to vote for nobody for Congress, and it ought not to be counted for anybody. Now, let me illustrate. Gentlemen who are entirely conscientious arrive at the truth very differently in this proposition. My colleague, the gentleman from Illinois [Mr. MANN], and myself were appointed a subcommittee to examine these questioned ballots. He made up a typewritten report—I have it here—showing his conclusions as to which of these ballots ought to be counted and which ought not to be counted. As to the uncertainty, he said that there were some of them so absolutely uncertain that they ought not to be counted for anybody. In his report, dictated by him to his stenographer, he states that there were certain votes that ought not to be counted for anybody, because it was impossible to tell which was the original impression and which was the blot made by the folding.

The gentleman from Maine has brought in a totally different count, and he contends that these votes should be counted for Moss, and he insists on them being counted, while the gentleman from Illinois [Mr. MANN], with all of his nonpartisanship, states here that it is impossible to count them for anybody. Now, you see how gentlemen will differ. The gentleman from Illinois [Mr. MANN], who makes the majority report in this case, makes the majority for Moss 21 votes, after counting all the ballots that he is in doubt about. The other gentleman, the gentleman from Maine, would include in those votes for Moss a number of rejected ballots which the gentleman from Illinois says are so uncertain that they ought not to be counted for anybody.

Mr. WILLIAMS of Mississippi. And yet the gentleman from Illinois includes fifty-odd votes for the contestant where he only claims 29.

Mr. FOX. They count 53 votes for Moss from precinct 9, when the contestant never contended for but 26 of those votes. Now, Mr. Speaker, I have not concluded my argument, but I have consumed all the time that I desire to take from the contestee in this case, and I yield the balance of the time allotted to the minority to the gentleman from Kentucky, the contestee.

The SPEAKER. The gentleman from Kentucky.

Mr. FOX. It is not understood, Mr. Speaker, that the gentleman from Kentucky is to speak now. I simply yield the balance of my time to him to dispose of as he pleases.

Now, Mr. Speaker, I have not concluded my argument, but I have consumed all the time that I desire to take from the contestee in this case, and I yield the balance of the time allotted to the minority to the gentleman from Kentucky, the contestee.

The SPEAKER. The gentleman from Mississippi states that the remainder of the time on that side is reserved to the gentleman from Kentucky, the contestee.

Mr. MANN. Now, Mr. Speaker, I yield twenty minutes to the gentleman from Kentucky [Mr. BOREING].

Mr. BOREING. Mr. Speaker, I desire to state in the beginning of my remarks that I have neither the right nor the inclination to cast any reflections whatever upon the sitting member. Our relations have always been friendly and pleasant. Nor does the record justify me in saying anything derogatory of the integrity or honor of the contestee.

This was an election, Mr. Speaker, held for the election of electors for President and Vice-President, for governor of Kentucky, and members of the Fifty-seventh Congress of the United States. It must be remembered that this election was held under the Goebel election law when it was clothed with its fullest power to do evil. That law was enacted in contempt of the rights of the citizens and the liberties of the people. It has been interpreted to afford the greatest opportunity for fraud upon a free and equal ballot. It has been administered to crush the public will by turning out the duly elected officers of the State of Kentucky and installing in their stead the defeated Democratic candidates.

Under the operation of the Goebel election law the election machinery of the State is an adjunct to the political organization. The central board, composed of three State commissioners, are a partisan political body elected by the legislature, which itself is elected under the most unjust apportionment law that ever disgraced the statute books of any one of the forty-five great Commonwealths of the Federal Union, an apportionment that disfranchises one-half the Republican voters of Kentucky. According to the showing of the Democratic board in Kentucky Mr. Beckham carried the election for governor by 3,500 majority; but out of 100 members of the State legislature the Republicans have 26 and the Democrats 74. How do you figure this? It is by making the Republican districts twice, and in some instances three times, as large as Democratic districts.

Now, Mr. Speaker, from this partisan State board emanates all power in Kentucky to hold elections, make returns thereof, to canvass and tabulate the votes, and try and dispose of contested-election cases, except the legislature itself is the board of trial of contested cases for governor and lieutenant-governor. The power goes out from the State commissioners through the county commissioners, to the officers in the precincts, who are clothed with the authority and charged with the duty of holding elections. These creatures of the parent board hold the elections and report back, through the county commissioners, to their masters.

The State commissioners have the right at any time to remove the county commissioners and appoint others in their stead. The county commissioners have the right at any time to remove the election officers in the precinct and appoint others in their stead, and it has been the practice under the Goebel law, on the day before election, for the county commissioners to make such changes as have been demanded by the Democratic organization. In the district of my colleague [Mr. INWIN], in the election of 1899, I



believe, on the night before the election they changed nearly 100 of the election officers.

Mr. IRWIN. They changed 87.

Mr. BOREING. Eighty-seven. And in like manner they removed the election officers in other counties. Mr. Speaker, the record in this case discloses the fact that the same practice was continued in 1900. Now, neither the State commissioners nor the county commissioners are required to give any bond for the faithful performance of their duties. There is no provision in the Goebel election law to punish either a State commissioner or a county commissioner for a violation of law. I do not care whether they are all three Democrats or whether they are two Democrats and one Republican; they are in the majority in the State and in the county boards; and it is not true, as the gentleman from Alabama [Mr. BOWIE] stated to-day, that one of these commissioners has always been a Republican. In my own county, where we have 1,000 Republican majority, they gave us two Democrats and one Populist for county commissioners.

But, Mr. Speaker, I am speaking of the election law as it existed at the time this election was held. It is not the same now. In the beginning of the campaign of 1900 the Democrats in Kentucky found themselves in a defenseless position before the people. They had in broad, open daylight held up and robbed the Republicans of their election for State officers after the State board had canvassed the returns, tabulated the vote, and given them their certificates of election.

The same board that canvassed the vote and declared the result, after having tabulated the vote and declared the result on the face of the returns, transformed themselves into a board of contest, in which capacity they exercised the judicial power granted to them by the Goebel election law, and threw out the vote of county after county, including the city of Louisville, disfranchising one-fourth of the voters of the State, until they disposed of the Republican majority. So intense was the public sentiment against the Goebel law that even the Goebel Democrats, and especially the class of Democrats that went with the Goebel organization, because it seemed to be regular, would not approve of the methods practiced under its provisions. So monstrous was this conduct that it grated upon the sensibilities of the Goebel Democrats themselves.

I may say here, Mr. Speaker, that a Kentuckian by instinct is an honest man, whether he is a Republican or a Democrat. Kentuckians will not stand for office stealing by any party. They have something of the spirit of the Revolutionary fathers who believed that it was better to die than to live without civil liberty. So, notwithstanding my distinguished colleague from the First district of Kentucky in the Fifty-sixth Congress stood upon this floor and prophesied that the Goebel election law would stand forever as a monument to the memory of its framer, yet in less than six months perhaps after that utterance the legislature was convened in Kentucky for the purpose of repealing or modifying the Goebel election law.

Mr. WHEELER. He will find a more fitting monument in his calumniators and slanderers, who are denouncing his memory after his death.

Mr. BOREING. That prophecy is, perhaps, like your former prophecy. A Democrat is the worst prophet upon earth, because he always fixes the time for the fulfillment of his prophecy so near that he lives to witness the failure of his own predictions. [Laughter.]

Now, the legislature assembled in August and adjourned till October, and then they took down the most objectionable features of the Goebel election law; but they did not let that apply to the ensuing election. When the Goebel election law was enacted in Kentucky we had just had an election, and it was about eight months before another would occur. Yet the legislature put into operation what is known down there as "the emergency clause." We do not have any "grandfather clause" in our constitution; but we have a very peculiar and a very convenient clause known as the "emergency clause."

So, when the legislature of Kentucky enacted this law, notwithstanding it was eight months till an election, they applied "the emergency clause," and why? To enable the existing legislature to appoint the State commissioners. But when they assembled to take down this law, notwithstanding it was less than thirty days before an election, they failed to apply "the emergency clause."

Now, I put it to my colleagues and gentlemen on the other side of this House to answer this question: If the Democratic party—the Democratic organization in Kentucky—did not mean to use the Goebel law in the election of November, 1900, why did you not apply the "emergency clause" and let it go into effect then? Why, Mr. Speaker, this legislature passed two bills. They passed one in reference to the ballot and one in reference to the election machinery; and to the act passed in reference to the ballot they did apply the "emergency clause," letting that act go into effect

at once, because the change in the ballot would tend to confuse the illiterate voter, especially the colored voter, and afford a pretext for throwing out his vote. But they wanted to use the election machinery in one more election—they therefore reserved the right to make one more "steal," and promised the people of Kentucky that they would be more honest thereafter.

This action was accepted by the Republicans at the time as notice that the Democrats intended to make it appear on the face of the returns, if possible, that they had a majority. By their action with reference to the election of 1899, in taking these offices from the Republicans by contest, they put themselves in a very bad attitude before the people of Kentucky and the people of the country; so the Democratic organization adopted a different policy for the campaign of 1900, a plan of a multiplicity of acts of petit larceny, instead of one act of grand larceny, which they had perpetrated before.

There are enough outcroppings in this record to show these facts. I do not mean to say that we did not have a fair election in any precinct in Kentucky in 1900, but I do declare to this House and to the country that wherever we had a fair election in Kentucky it was attributable to the fact that the election officers were better than the law under which they acted. I further declare that in the Third district, where this contest is made, the fact is disclosed by the record that they had some officers of election that were as bad as the law.

I refer especially to Hazelips Mills precinct, in which one Charley Jenkins figured, the district where they laid the Republican ballots in one pile and the Democratic ballots in another, and then this sweet-scented geranium, Jenkins, says, "Let us see whether all these ballots are signed by the clerk of the election." He looks at the Democratic pile and he finds only one. "Well," said some Republican, "that is a mistake; let us count it."

"Oh, no; I do not believe we ought to count it. Let us look at the Republican pile."

And they find 21 there that this Democratic clerk had failed to sign. Some Republican said, "Well, that is a pretty slick trick." Jenkins got angry, threatened to cut to pieces the man who impugned any dishonesty to his motives. Now, if Jenkins was sincere in his anger, then he had made a mistake and that vote ought to have been counted. If he had method in his madness, then he had committed a corrupt act and still the ballots ought to have been counted. I do not want to go into this legal discussion, as lawyers will never agree as to what the law is, and I speak as a layman, but allow me to say this: There is nothing better settled in Kentucky than the doctrine that neither the ignorance nor the fraud of election officers can deprive a citizen of his right to vote and have his vote counted as it is cast.

There is another doctrine well settled there, that it is the duty of an election officer to count the vote of every voter the way it has been cast if the intention of the voter can be determined from the ballot. Acting upon these two lines of doctrine, a majority of your committee have reached the finding that if we count these votes according to this doctrine it elects McKenzie Moss and does not elect John Rhea, the sitting member; consequently, they have not considered it necessary to go into the investigation of all the frauds that have been alleged and proven in this record.

There is another instance of an election officer who is as bad as the law in the person of Charles Wright. I believe that is in the Police Court precinct. What do we find? I am not quite as full of concession as the distinguished gentleman from Chicago. He admits that no fraud is proven there. Well, it is a fact that no witness testifies that he saw Charles Wright put those marks on the margin of those ballots, but to my mind, Mr. Speaker, there is the strongest kind of circumstantial proof that he did do it. It is in proof in this record that the Republican sheriff was engaged at the end of a long hall receiving the voters.

It is in proof in this record that the Republican judge was given a registration book, and he was poring over that with his spectacles on, trying so see that everything conformed to it; and here is Charlie Wright, with a lead pencil in one hand and a stencil in the other, getting in his work. Why, it is like the old man's coon trap down in North Carolina. He caught them comin' and gwine. It is in proof that he was the custodian of the ballots, that he gave out these ballots to the voters, that he had an opportunity to commit this fraud, and that he was the only man who did have an opportunity to put those marks upon the ballots. It is in proof that he was the first to discover them. It is remarkable that the very man who is suspected of making these marks discovers them first. Just like the clerk in the other precinct when he failed to sign the ballots, he was the first to investigate it.

The SPEAKER. The time of the gentleman has expired.

Mr. BOREING. Can I have a few moments more?

Mr. MANN. How much longer time does the gentleman want?

Mr. BOREING. Not over ten minutes, and maybe five.



Mr. MANN. I yield the gentleman ten minutes more.

Mr. BOREING. Mr. Speaker, there is method in all this; there is design in all this. They always made their marks to affect a few Democratic votes as well as Republican votes. You know that in order to make a lie go you have to put a little truth in it.

Now, it always worked out to the detriment of the Republicans and to the advantage of the Democrats; but it shows and tends to show just what we have always believed in Kentucky, that if we had been given a perfectly fair vote and a fair count in all the precincts that Mr. Yerkes would have been elected governor and Mr. Beckham would not have been elected governor. But I have no time to go further into this line of discussion. It has been said on the other side that Mr. Moss is a pretended Republican. I regret that such flings as that should come from the other side, because it is always in bad taste for a party or a church to abuse a man after he has left it. It is sufficient to say that McKenzie Moss has repudiated your doctrine, condemned your methods, and walked from under your jurisdiction, and it is too late now for you to undertake to arraign him and try him for political heresy, and however unsatisfactory his politics may be to the party that he went out from, they are eminently satisfactory to the party with whom he has cast his fortune and with whom he will affiliate in the future.

But I want to tell you, Mr. Speaker, that he came not alone when he walked out from under the dominion of Goebelism in Kentucky. Along with him came a large per cent of the best talent, the best culture, and the best standing of the Democratic party. Along with him came most of the former leaders of the Democratic party. Along with him came 75 per cent of the old Confederate soldiers in Kentucky, who refused to stand for the Goebel law or the Goebel methods in elections. All these men have not joined the Republican party, but they did all join in condemning Goebelism.

Now, Mr. Speaker, we have only to count the vote as the voter intended to cast it in order to seat the contestant in this case. The majority of the committee have been exceedingly fair in reaching their conclusion, in my opinion, and the law of the case has been fully and ably presented by the distinguished attorneys who have spoken for the majority report. I deem it unnecessary to attempt further to discuss the facts, and I have the utmost confidence in the jury that is to try this case. Whether the lawyers will all agree about the law or not I do not know; but I am confident of one thing—that the jury will be able to find a verdict from the facts. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I trust that the gentleman from Mississippi [Mr. FOX] will consume some of his time at present.

The SPEAKER pro tempore (Mr. BURKETT). Does the gentleman from Mississippi desire to use some time now?

Mr. FOX. I will ask the gentleman from Illinois [Mr. MANN] if he desires to use any more of his time?

Mr. MANN. Not at present.

Mr. FOX. Mr. Speaker, it will be impossible for the contestee [Mr. Rhea of Kentucky] to conclude his remarks to-day. I have already yielded the entire time remaining to the minority, two hours, to the gentleman from Kentucky. It would be unpleasant and inconvenient to him to make a part of his argument this afternoon and a part to-morrow. In view of this fact, I hope that the gentleman from Illinois [Mr. MANN] will move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I stated to the gentleman from Mississippi this morning that this very complication would arise unless the gentleman from Kentucky, the contestee, should address the House at the time the gentleman from Mississippi [Mr. FOX] commenced.

I think the House has exercised great patience in extending the time for the debate in the case. At my request this morning the House consented to give the extension of one hour on a side, which was purely for the purpose of accommodating the gentleman from Kentucky as to time, and it hardly seems to me a fair thing to the House to make the request which the gentleman from Mississippi now prefers.

We have acted in the very best of faith toward the gentlemen, in endeavoring to accommodate them so that all the members of the minority of the committee might have opportunity to be heard, and so that the gentleman from Kentucky [Mr. Rhea] might have the very unusual time of two hours in which to discuss the case. I think the gentleman from Kentucky might well proceed. The House is pretty well filled now, and will undoubtedly become much better filled as soon as the gentleman commences his speech. I myself am not willing that the House adjourn now. I think it is only fair to the House that the gentleman proceed.

Mr. FOX. We are not complaining of any treatment of the House. The action of the House has been satisfactory, as to time and all that. It would be a great convenience to the contestee and, it seems to me, a favor that might very well be granted. I

ask unanimous consent that the remainder of this argument be postponed until to-morrow.

Mr. MANN. Well, Mr. Speaker, it has been the custom of the House ever since I have been here to close up an election case within two days. As a matter of accommodation to the minority, we originally planned that the vote should be taken upon to-morrow, so that more time might be devoted to debate, and then have allowed a portion of to-morrow in addition for debate, and because the business of the House is already delayed and we have not the right to ask further time in this case I must object.

The SPEAKER pro tempore. The Chair will state that the contestee has two hours and five minutes and the contestant one hour and eighteen minutes of time remaining.

Mr. MANN. I hope the gentleman from Kentucky will proceed. Of course I understand that he fears that breaking into his argument will make a difference; but I think the gentleman from Kentucky enjoys an opportunity which he might well seek—of having the House fresh to-morrow when he closes his argument.

Mr. RHEA of Kentucky. Mr. Speaker, it has been my hope and purpose in addressing this House touching a matter which not so much personally concerns myself as it does the great State of Kentucky that I should be able to present reasons, not invective, to the jury which is to decide my fate, and that I might be indulged the poor privilege of having at least a respectable number of the jury present to hear me; but when one is caught between Scylla and Charybdis he must do the best he can.

It would be a sad day for the American people if election contests were to be decided from purely partisan standpoints. It would be untrue if I were to say that I did not believe a Democrat could get a fair hearing at the hands of an Election Committee whose majority is opposed to him in politics, or a fair hearing in the House where the majority is against him.

It would also be a great mistake to assume that neither the Elections Committee nor the House could make a mistake in its findings. It was never my purpose to assail the committee or accuse the House of having been influenced in its determination of this case by political bias. Therefore I regret that the distinguished gentleman from Illinois in opening this debate deemed it necessary to assure the House that the committee was not controlled by partisan bias. I am reminded, however, that authority venerated among men hoary with age and entitled to as much acceptance as an election-contest speech in the House has said that "the wicked flee when no man pursueth."

The question to be determined here, and the question I am ready to meet, is whether, under the statute laws of Kentucky, controlling its elections, the right of each and every legal voter who presented himself at his polling place to cast one vote and have it counted as he casts it was violated in an election which on its face gave me the certificate to hold the seat which up to this moment I am entitled to. If by fraud, injustice, or partisanship I believed I was returned to this House I would scorn to hold the place here. [Loud applause on the Democratic side.] I am not reduced to the personal extremity that a mere salary of about \$400 a month would induce me to hold on with tenacity to a place to which I was not elected. I have the pride which ought to animate every man that holds a place on this floor. That pride would go down in humiliation and defeat if I had the knowledge that a majority of the electors did not send me here.

I regret—I say it sincerely—I regret that my colleague from Kentucky, Judge BOREING, has played the part he did in this contest. I shall not say anything unkind of him or about him. I shall not even deal in kind against his political associates in the State of Kentucky. I shall not be taken from the true issue involved here, to answer the purely bitter partisan arraignment of my political associates in Kentucky, further than to say that his speech disclosed the fact that he is both partisan and ignorant of the election law in Kentucky. I took his language, and he said this:

That the Republican party was held up and the Republicans robbed of the State offices in 1899 after they had won them and the State board of election commissioners had issued to them the certificates, and that that was done under and pursuant to the provisions of the Goebel election law.

For more than a hundred years, indeed since that great Commonwealth which he and myself both represent adopted its first constitution, the law in regard to a contest and its settlement for the offices of governor and lieutenant-governor has given to the general assembly final and exclusive jurisdiction.

Mr. BOREING. Mr. Speaker, will the gentleman permit me?

Mr. RHEA of Kentucky. I can not, and I will not.

Mr. BOREING. I thought you would not.

Mr. RHEA of Kentucky. Yes; you are right. [Applause on the Democratic side.]

Had William Goebel never been born on this earth; had he never left that other great Commonwealth of Pennsylvania to seek his fortune in Kentucky; had he never trod its clover-blossomed fields; had Kentucky sunshine never bathed his pale brow; had he never drawn inspiration from the eyes of her fair women, the



law invoked and the law which settled that contest would have been the same.

Just for a brief while I shall endeavor, not to defend, because it needs no defense, but to explain to those who do not know the changes that were made in the election laws of Kentucky as they existed from time immemorial, by the law known as the Goebel election law. There is not in any Commonwealth in this glorious Union a nonpartisan election board—not one but what the majority party in that Commonwealth enact all its laws, the election laws included, and not one to which commits the conduct and control of its elections to its political opponents who are in the minority.

Now, under the old law, as I said, from the inception, from the adoption of the first constitution in Kentucky, where contests ever arose over the governor or the lieutenant-governor, it was committed to the general assembly. It was not in any wise changed by the Goebel election law. Now, the law from time immemorial in contests for State offices less than governor and lieutenant-governor, the canvassing board, the contest board, was composed of the governor, the attorney-general, the auditor, the secretary of state, and the treasurer of the State. It has never occurred in the history of Kentucky that the State offices in Kentucky have been divided between two political parties, so that necessarily whichever party won at the election the election machinery was, in that sense, purely partisan, and the politics of those charged with the administration of the law and the settling of the contest rendered them more or less partisan in their judgment and decision.

In the selection of officers to conduct the election on election day under the late law, the county judge, one man in each county, was charged with the sole duty of selecting all the election officers, judge, sheriff, and clerk. In that selection he was only restricted by the statute which said he should make an equal division between the two dominant political parties, or the two political parties that cast the highest vote at the last general election in the Commonwealth; that is, one judge should be a Republican and one a Democrat, and a like division existed between the offices of sheriff and clerk; and that notwithstanding the fact that pretty nearly—I may say, in 99 out of 100 cases the county judge who made the selection was a candidate for reelection at the time himself, thereby selecting those who were to pass upon his own case in the coming election.

The canvassing board under the old law was the county judge, the county clerk, the county sheriff, all three of whom were frequently, as is known to every Kentucky member on this floor, candidates for reelection. The law said that when you come to canvass the vote as to county judges, the county judge shall stand aside and the clerk and sheriff shall render the return and write the certificate; and when you come to the county clerk's office, the clerk shall stand aside and the judge and the sheriff shall render the result; and when you come to the sheriff, the sheriff shall stand aside and the judge and the clerk shall ascertain and declare the result. But if men would forget their duty and proceed along partisan lines purely, how easy would it be for a common understanding between the three for the judge to say to the clerk and the sheriff, "You count me in and I will count you in;" and so all along the line.

Now, the change made by the Goebel law was that instead of the governor, etc., constituting the canvassing board for the State and the board for the contest of offices less than the governor and lieutenant-governor, there was selected by the general assembly three State commissioners who did this. The change in the county machinery was that instead of the county judge appointing the officers and the county judge and sheriff and clerk constituting a canvassing board to issue certificates, the State commissioners named three commissioners for the county, who did this work.

I can not undertake to say what the court in London, Laurel County, Ky., did, but I do undertake to assert, upon my word as a member of this House, that in no election occurring in the Third Congressional district of Kentucky has that county board been composed of all Democrats, but that two of them were Democrats and one a Republican, and that the records will show that a Republican was appointed upon the recommendation of the local Republican committee of each county.

If, in the judgment of that State board, it found it necessary to keep a Republican off in the county of my colleague [Mr. BORENG], I am not responsible, nor are the voters of my Congressional district. But the Goebel election law did not remove, or attempt to remove, one safeguard thrown around the ballot box by the State law. It still commanded that the election officers should be equally divided between the two political parties. It still gave to each political party not only a division of the election officers, but it gave each party the right to have an inspector and a challenger named by the Republican organization of each county who could be present at the polls and in the polling places from the time the

first vote was deposited until the certificate was written. If in any county in the Third Congressional district that was not done, this record fails to disclose it, and it could only have been because the Republican organization failed to name and appoint such person to be present at the polling places.

Now, none of us—none of you any more than myself—are free from political bias. Determine how we will to divest ourselves of all political feeling in forming our judgments and writing our verdicts, we can not do it. It creeps in unconsciously oftentimes and displays itself in the ardor of debate. Now, my genial and able friend, Judge SMITH of Iowa, on Saturday—and I submit to himself and that side of the Chamber—forgot that he was a judge in his argument and became a Republican advocate. I admire his genius, his ability, and his kindly good nature, but his political bias just exuded out of the pores of his skin, and he could not help it. [Laughter.]

When he was being interrogated on the floor touching the returns from the county of Warren and asked why it was that the Republican officials at these polling places did not make the returns that our contention is the Kentucky statute and the Kentucky courts say must be made in order to give validity to the so-called contested ballot, he said in distinct language that under the operations of the Goebel law we had all the sheriffs; that the law was so written as to put the appointment in the power of Democratic hands, and that the Democratic commissioners used the law, as he says, so that at every polling place the Democrats had the sheriff, who was the arbiter in dispute, and the Republicans had the clerk, who could do nothing but write the ballot. That is his exact language as printed in the RECORD.

Mr. SMITH of Iowa. Will the gentleman read the language from the RECORD, if that is the exact language?

Mr. RHEA of Kentucky. I hate to take the time, but I know what I am talking about.

Here it is:

Mr. SMITH of Iowa. I will answer the question. It would not do a particle of good, because you say the law of Kentucky required them to be certified to by all the election officers, and you had the controlling factors of the board; you had one judge and the sheriff in each precinct.

[Applause on the Democratic side.]

Mr. SMITH of Iowa. I submit that that is not either in substance or in letter the language as the gentleman stated it.

Mr. RHEA of Kentucky. I do not hear the gentleman's remark.

Mr. SMITH of Iowa. I submit that the language just read is not either literally or in substance the language as before stated by the gentleman.

Mr. RHEA of Kentucky. That is a mere quibble. You were discussing (and I was referring to it) the returns from the sixth election precinct in the city of Bowling Green, where these contested and so-called uncounted ballots were sent up. The very question and the answer (if I had the time to go into the matter) would show—all the colloquy led up to it—that the statement was made on our side that if it was an intentional fraud that this return was withheld it was within the power of the Republican election officers there to sign the return and have the Democrats refuse; and you gave that answer to that statement, in which you say at that time we had the sheriff.

Now, I undertake to say that at four of the polling places whence come these disputed and contested ballots you had the controlling factor, and your own evidence discloses it. In Electric Light precinct, No. 20, you had J. H. Thompson, a Republican sheriff; at Police Court Room, 21, you had F. N. Downer, a Republican sheriff; at Gas House, 22, you had W. H. Hawkins, a Republican sheriff; and at precinct 18 you had T. C. Garretson, a Republican sheriff. At only one precinct where any considerable number of ballots appear in this record as contested or rejected had the Democrats the control of the election machinery; and under the election law of Kentucky controlling that election, which has been the law since Kentucky was a State, if a difference arises between the judges as to the right of a voter to vote or as to the legality of a ballot which is voted and taken out of the box, the sheriff of the election has the controlling vote in that disagreement.

I understand it is admitted that unless all the ballots are accounted for that were at the polling place on election day no certain conclusion can be arrived at as to these contested ballots. Now, let us see what your report shows. Here is the report of the majority; let us test it by that rule. I repeat it is conceded by the majority of the committee that every ballot that was in the box at any polling place where a contest arose on the morning when the election was opened must be accounted for in the return, or else you can not arrive at a true conclusion as to what was or what was not done with the contested ballots. Now, let us take the Electric Light precinct:

Number of ballots counted as valid	264
Number of ballots questioned or rejected	100
Number of ballots marked "spoiled"	10



The ballots counted as valid, with those questioned or rejected and those marked "spoiled," make the total number 374.

Number of ballots not used, and destroyed after the polls closed, none.  
Total of ballots in this book, 418.

Now, tell me what became of the difference between 374 ballots counted and 418 ballots that appeared at that polling place on election day. You can not do it, but perhaps I can.

The evidence of John E. Dubose, witness and attorney—not to be feared much as a lawyer, but most dangerous as a witness [laughter]—the evidence of John E. Dubose taken in this contest—the man who appeared before your committee to argue the contestant's case—discloses the fact, on cross-examination, that he and the contestant who sits there had these ballots in their possession.

The law says that the ballots shall be kept sealed and inviolate; surrendered to no man except a court of jurisdiction competent to try the contest. Yet this man is forced to admit, because he knew we knew it—he is forced to admit on cross-examination that he and the contestant went into the clerk's office, the clerk being a partisan of the contestant, as well as the custodian of the ballots, and that he and the contestant were there permitted to handle these ballots. That explains the difference between 374, the number accounted for, and 418, the number in the books.

Now, I maintain, under the concession of gentlemen who agree with the contestant side of this case, that if all these ballots are not accounted for, then no conclusion can be arrived at touching these questioned or rejected ballots. I ask gentlemen on that side of the Chamber, then, what they will do with the Electric Light precinct in the face of this discrepancy of 26 and 18—44 ballots. Gone where? I don't know. Never in the possession of anybody but the clerk, who was the contestant's supporter and partisan, and the contestant and his lawyers. What will you do with that when the committee that reports sixty odd votes of the 100 returned "contested" ought to be counted for the contestant in order to give him the 21 majority that they say he is entitled to?

Now, I want to take up a little of the law of this case and notice for a while some of the law relied on by the distinguished gentleman from Iowa, Judge SMITH. His contention is that the House is not bound by the statutes of a State touching the conduct of its elections; is not bound by the law as laid down by its highest courts of adjudication construing those statutes, and for that he cites from McCrary on Elections, a most learned law-giver, who has written, perhaps, the best treatise in the English language, as was said by Judge SMITH, on the subject of elections. This is the law Judge SMITH cites to uphold his contention:

The statute of Alabama, defining the powers and duties of the board of county canvassers, or supervisors of elections, provides as follows:

"That it shall be the duty of the board of supervisors of elections, upon good and sufficient evidence that fraud has been perpetrated, or unlawful or wrongful means resorted to to prevent electors from freely and fearlessly casting their ballots, to reject such illegal or fraudulent votes cast at any such polling place, which rejection so made as aforesaid shall be final unless appeal is taken within ten days to the probate courts."

He cites further from the report of the committee of the House, of which Judge McCrary was perhaps a member at that time. Touching upon this Alabama case, the committee in its report says:

In the opinion of the committee, it is not competent for the legislature of a State to declare what shall or shall not be considered by the House of Representatives as evidence to show the actual votes cast in any district for a member of Congress, much less to declare that the decision of a board of county canvassers, rejecting a given vote, shall estop the House from further inquiry. The fact, therefore, that no appeal was taken from the decision of the board of canvassers rejecting the vote of Girard precinct can not preclude the House from going behind the returns and considering the effect of the evidence presented. From this evidence we conclude that box No. 1 was improperly rejected by the board.

What does that decide? It simply says, which everybody knows to be true, that no power rests in the legislature of the State of Kentucky or the State of Alabama to say: If you do not do a certain thing by a certain day you can not wage a contest before the Congress of the United States touching the seat of a member therein; if you do not appeal to some court by a certain day your right of appeal to the Congress will be denied. Certainly nobody was ever so foolish as to contend that the House would be bound by any such statute as that, because the Congress of the United States has lodged in it exclusive and final jurisdiction of all contests arising over the right of a member to his seat on the floor of the House; and no State legislature could enact a law requiring that an appeal should be taken from the canvassing board to some court of the Commonwealth or of the county before the right of appeal would lie to the Congress of the United States on a contest. So it proves nothing.

Now, what has the Kentucky court and the Kentucky statute said? It does not say, you must do this, that, or the other, else you can not carry the record to the Congress of the United States. It simply says that in order to validate a return, in order to give authenticity to a return, in order to constitute a return, that certain prerequisites must be complied with. In other words, that if a ballot is contested and either counted or rejected, and it is to

be made the basis of a contest before the canvassing board or before Congress, that in order to identify that ballot before the canvassing board of the county, you must keep it separate and apart from all other ballots returned.

You must inclose it in a sealed envelope, you must seal that envelope with sealing wax and put the county election seal upon it, and you must indorse across the face of that seal your names as election officers; and a true statement must accompany these ballots showing how many there are, whether counted in whole or in part, and if counted in part, for whom and how many. Now, I want the gentleman from Illinois who will conclude this case to tell me how a canvassing board, a committee of Congress, or the House itself can determine that a ballot has been contested and either counted or not counted unless something is done to or concerning that ballot to identify it when it gets before the county canvassing board or before the committee of this House or the House itself.

Will it do to say that the general return, as has been argued here, which is written in the back of the poll book, which states how many votes were cast for the Democratic electors for President and Vice-President, naming them by name; how many for the Republicans, naming them by name; how many for Yerkes, the Republican candidate for governor; how many for Beckham, the Democratic candidate; how many for Mr. Moss, and how many for me and for the other candidates for those offices, merely saying that there were 100 contested ballots? Can anybody determine from that? I ask any member of this House, can you take such a return as that and simply because you find in a sack sent up with the other returns a lot of ballots without any other mark of identification or any other certification from those in charge of the election, and either count in whole or in part, or reject in whole or in part, and send them up for future investigation in the absence of any mark made by these gentlemen identifying them—can this House undertake to say what those ballots are or what was or what was not done with or concerning them? I do not think it can be done.

But it is said that if the contention of the contestee here is the correct one, then a fair election and an honest return could be forever prevented by the dominant party in control of the polls in Kentucky. Let us see about that, Mr. Speaker. Let us apply it to the case in hand.

All the contested ballots come from the county of Warren, and 95 per cent of them from the precincts within the city of Bowling Green. No complaint is made that any injustice was done in the selection of election officers at either one of these precincts. No suggestion of fraud is intimated in the record or notice of contest or the brief of attorneys except as to the action of possibly three men, but none is intimated against the manner of their appointment or against the intelligence or loyalty of those representing the Republican party.

Now, if it had been the purpose of the Democratic officials to refuse to execute the law, in order that they might beget an untrue and an unrighteous result, then those Republicans had it absolutely in their power to have made the fraud so apparent to this House that you would not have found this contestee here asking you to consider his case. How? They could have made the return required by the statute. They could have said to the remaining Democratic officials, "Here is the law. Write this return and indorse your name on this official envelope, containing these ballots," and if those Democrats had refused to do it it would not have been necessary to seek the extraordinary processes of a court of chancery or the writ of mandamus. The fraud would have been so apparent that every honest man in Bowling Green and Warren County would have risen in rebellion, and the mere presentation of such a record as that would have been conclusive as to what was the purpose of those Democrats who refused to obey the law. But how do our friends, the enemy, seek to avoid that? Oh, they say that Charlie Wright, up in the Police Court-House precinct, said, "Damn it, if you do not count these votes and put them in here and sign the returns, I will not sign anything."

Now, the gentleman from Maine [Mr. POWERS] went ahead to read a statement from Mr. Downer, in which Mr. Downer said that he had never served as an election officer before. I will add my personal word about Mr. Downer. He is one of the most intelligent, upright, courageous men I know; a man of large business interests; not a street vagabond, not an election bummer picked up by a Democratic election commission who would serve their purpose either by reason of ignorance or cowardice, but a most reputable man; and had the contestant dared make use of the privilege I tried to get him to exercise—to be heard in his own behalf—I would have forced him to admit that my personal tribute to Frank Downer is a true one. [Applause on the Democratic side.]

That is the answer, though, that somebody said, "Oh, if you do not do this, I will not do the other." Well, if they had not done the other there could not have been any return at all, and if the



Democrats had refused for that reason, especially, because the Republicans refused to coincide with them upon the legality of some vote or the illegality of another, the statement of Frank Downer would have been conclusive of the fraud. It is the merest pettyfogging to make such an argument to this House. It is a special plea that is not worthy of a police-court lawyer. It is insulting to the intelligence of the American Congress to say that Republicans like Frank Downer and Erasmus Motley and others who presided over and protected the Republican interests at the polls submitted to this thing either through fear or coercion, and wrote anything or refrained from writing anything that Charlie Jenkins or Charlie Wright or some others suggested to them.

The committee pays me the personal compliment—for which I return my gratitude and thanks—to say that it finds nothing in the record that affects my character as a man or a member of this House. I say to the committee that I thank them for that personal estimate; but I should be untrue to myself, knowing these Democrats as I do and knowing this record as I know it, to let the charge of fraud and corruption and forfeiture of their oaths be hurled at them, and escape through a fulsome compliment of this committee. I accept the fate of my political brethren in Kentucky and my district. [Applause on the Democratic side.] I am no better than my party or its humblest honest voter. [Applause on the Democratic side.] They stand for honesty and for purity as much as I do, and if by this record they are to be impeached, then I will share a common fate with them.

When the committee gets into my own county of Logan, where the fiercest onslaught was made in the notice of contest, in the argument of contestant's attorneys and in the attempted evidence, it finds that gross frauds were perpetrated. Inasmuch as a brother of mine was a Democratic elections commissioner, it may fairly be assumed I am responsible for certain things. I want to say now that he did all he did at my suggestion. He did nothing I would not have done, and he did nothing any honest man ought to refuse to do for his party. The committee says that it finds that the grossest fraud was perpetrated in precinct No. 20, in Logan County, Ferguson precinct, and it prints the returns to show that everything went wrong down there. Here is the report:

This charge of conspiracy to commit fraud relates to a number of precincts in Logan County. It is quite certain that the Kentucky law requiring an equal division of the precinct election officers between opposing political parties was neither properly nor honestly obeyed by the county election board in Logan County. It is also quite certain that in a number of the precincts the conduct of the officers of election is subject to criticism. For instance, in Ferguson precinct the Democratic clerk of election conducted himself in a particularly reprehensible manner. It is charged that in this precinct a number of persons who voted the Republican ticket made out the proper affidavits in accordance with the statute after being challenged, but that nevertheless their ballots were not counted, and that the officers of the election conducted the election without regard to the law and wholly in the interest of the contestee and against the interest of the contestant.

The certificate of return by the election officers in this precinct of itself at least casts suspicion on, if it does not condemn the action of, the election officials in the precinct.

They made the following return:

Number of ballots counted as valid.....	245
Number of ballots questioned or rejected .....	
Number of ballots marked "spoiled" .....	
Whole number of ballots cast.....	21
Number of ballots not used and destroyed after the polls closed.....	96
Total number of ballots in this book.....	360

The evidence discloses the fact that in a large Democratic precinct a Democratic clerk, with the very able assistance of a Republican inspector, Bill Darby, whom I have known all my life, imbibed too much whisky and got drunk and conducted himself improperly; and the evidence discloses that other Democratic officials at that polling place and Democrats on the outside tried to get him to vacate his place and let some one else go in and conduct the election. But he was simply in a drunken condition, and to say my political friend and my personal friend, in an attempt to perpetrate fraud, being a man of enough intelligence to fill the place of clerk, would intentionally make such a return as that, to be seen of all men, is so preposterous on its face that it is idle for anybody to talk about it.

I admit that the return is in such a shape that no credence could or ought to have been given to it. I admit that by reason of his drunken condition such things occurred there as would at least throw a suspicion of fraud—not actual, but legal, technical fraud—around about it and to render the return wholly uncertain; to make it impossible for either the canvassing board, perhaps, or the board of this House to determine what was the true result at that polling place. I recognized that fact and introduced proof to show the true vote. Recognizing that the value of the returns had been destroyed, I put on the stand or accounted for 144 voters, who testified under oath that they were there present on that day, legal voters, and cast their votes for me.

I accounted for all but 9 of the votes claimed for me in that

precinct. "McCrary on Elections" says you may destroy the returns, utterly blot them out, but every legal voter has the right to establish the fact that he voted that day, and he get credit for it. But I told you Dubose is more dangerous as a witness than as a lawyer. Dubose did not know that, having destroyed the validity of the returns, if it was thrown out it would also throw out the 85 votes for his man. I proved within nine votes of all that were claimed for me, but he never put on the witness stand a single voter to prove a vote for Moss, and the committee do not disturb this return, because if the committee threw out the whole return it would knock out Moss's 85 votes and away would go the majority of 21 which they give him. [Loud applause on the Democratic side.]

Mr. Speaker, it is now 5 o'clock, and I would ask the indulgence of the House to quit now, to enable me to conclude to-morrow. [Loud applause on the Democratic side.]

Mr. MANN. I hope that may be accorded to the gentleman, Mr. Speaker.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 6018. An act granting a pension to Lue Emma McJunkin;
- H. R. 7074. An act granting a pension to Benjamin F. Draper;
- H. R. 5289. An act granting a pension to Malvina C. Stith;
- H. R. 5543. An act granting an increase of pension to Samuel W. Skinner;
- H. R. 4260. An act to correct the military record of James A. Somerville;
- H. R. 1529. An act granting an increase of pension to John G. Brower;
- H. R. 3272. An act granting an increase of pension to Israel P. Covey;
- H. R. 4456. An act granting a pension to Ruth B. Osborne;
- H. R. 2673. An act granting an increase of pension to John Vale;
- H. R. 11145. An act granting an increase of pension to Mary F. Key;
- H. R. 4488. An act granting an increase of pension to Selden E. Whitcher;
- H. R. 9227. An act granting an increase of pension to Frederick Shafer;
- H. R. 9397. An act granting a pension to John S. Lewis;
- H. R. 8293. An act granting a pension to Amanda Jacko;
- H. R. 7823. An act granting an increase of pension to Jacob D. Caldwell; and
- H. R. 3148. An act for a marine hospital at Buffalo, N. Y.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURTON, for four days, on account of important business.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. FITZGERALD obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of James L. Proctor, Fifty-seventh Congress, no adverse report having been made thereon.

By unanimous consent, Mr. MAYNARD obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of James McGreevey, Fifty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. DE GRAFFENREID obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ferguson M. Burton, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the resident commissioner from Porto Rico, transmitting a copy of a resolution of the executive council of Porto Rico relating to postal savings banks, was taken from the Speaker's table, referred to the Committee on Insular Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 10140) for the relief of Henry La Croix, of Algonac, Mich., reported the same with amendment,

accompanied by a report (No. 1172); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 4399) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886, reported the same without amendment, accompanied by a report (No. 1173); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8546) to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc., reported the same with amendment, accompanied by a report (No. 1174); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 3728) for the relief of Noah Dillard, of the State of Connecticut, reported the same with amendment, accompanied by a report (No. 1175); which said bill and report were referred to the Private Calendar.

Mr. NEVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 4534) for the relief of Joseph A. Jennings, reported the same with amendments, accompanied by a report (No. 1176); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6830) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail, reported the same with amendment, accompanied by a report (No. 1177); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 4178) for the relief of Austin A. Yates, reported the same without amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the Senate (S. 567) for the relief of H. B. Matteosian, reported the same without amendment, accompanied by a report (No. 1179); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BREAZEALE: A bill (H. R. 12939) to authorize the parish of Bienville, La., to construct and maintain a wagon and foot bridge across Loggy Bayou, in the parish of Bienville, State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: A bill (H. R. 12940) creating a commission to inquire into the condition of the colored people of the United States—to the Committee on Labor.

By Mr. SUTHERLAND: A bill (H. R. 12941) defining what shall constitute a discovery of and providing for assessments on oil mining claims—to the Committee on Mines and Mining.

By Mr. MOODY of Oregon: A bill (H. R. 12942) for the relief of the various tribes of Indians and individual Indians in the United States, and for other purposes—to the Committee on Indian Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 12943) to erect a monument on the Chalmette battle ground, in St. Bernard Parish, La.—to the Committee on the Library.

By Mr. LLOYD: A bill (H. R. 12944) providing for the erection of a public building at Kirksville, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A joint resolution (H. J. Res. 169) providing for the publication of 1,000 copies of Preliminary Description of the Geology and Water Resources of the Southern Half of the Black Hills—to the Committee on Printing.

By Mr. RANDELL of Texas: A joint resolution (H. J. Res. 170) expressing sympathy for the two South African Republics and urging cessation of hostilities—to the Committee on Foreign Affairs.

By Mr. COCHRAN: A resolution (H. Res. 174) requesting the Secretary of State to secure safe conduct for physicians sent by charitable associations to the theater of military operations in South Africa—to the Committee on Foreign Affairs.

By Mr. WANGER: A resolution (H. Res. 175) directing the Secretary of War to furnish to Congress copy of the "Proceedings of Board of Ordnance and Fortifications" for the past two years; also opinions obtained by said Board as to the value of the service disappearing gun carriage—to the Committee on Appropriations.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 12945) granting a pension to Jennie E. Boernstein—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 12946) for the relief of J. H. Sanders, of Jackson County, Mo.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 12947) granting a pension to John N. Bayles—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12948) for the relief of Van Goolsberry—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 12949) for the relief of Mahlon H. Childs—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 12950) for the relief of Morgan O'Brian—to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 12951) for the relief of the heirs of H. D. Flowers, deceased—to the Committee on War Claims.

By Mr. MARTIN: A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes—to the Committee on Patents.

Also, a bill (H. R. 12953) granting an increase of pension to Adoniram J. Austin—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 12954) for the relief of the legal representatives of Zenon de Moruelle, deceased—to the Committee on War Claims.

By Mr. MOODY of North Carolina: A bill (H. R. 12955) granting a pension to Alfred B. Panther—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12956) granting a pension to Melissa White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12957) granting a pension to Joseph H. Bryson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12958) for the relief of Henry Berry—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 12959) granting an increase of pension to William C. Lyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12960) granting an increase of pension to Andrew T. Bovard—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 12961) for the relief of James L. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12962) granting a pension to Minerva Chamberlain—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 12963) granting a pension to Sarah E. Smith—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 12964) granting a pension to James M. Littrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12965) granting an increase of pension to William Evans—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 12966) granting a pension to William C. Kinyon—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 12967) to remove the charge of desertion from the military record of Nicholas Swingle—to the Committee on Military Affairs.

By Mr. WARNER: A bill (H. R. 12968) granting an increase of pension to John T. Mull—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 12969) granting an increase of pension to Capt. George W. Kimble—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 12970) granting a pension to Frederick Dutrer—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 12971) granting a pension to Thomas Martin—to the Committee on Pensions.

Also, a bill (H. R. 12972) granting an increase of pension to John Cable—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of United Labor League of Sharpsburg, Pa., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. ADAMSON: Petition of Atlanta Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of Group No. 259, Depew, N. Y., Polish Society, urging a monument at Washington to the memory of Count Pulaski, of the Revolutionary war—to the Committee on the Library.

Also, petition of Carpenters' Lodge No. 440, of Buffalo, N. Y.,



favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: Memorial of the general committee of adjustment of the St. Louis and San Francisco Railroad Company of Fort Scott, Kans., favoring reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, memorial adopted by the Fifth Annual Convention of the National Live Stock Association, at Chicago, favoring legislation relating to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fort Scott, Kans., favoring an amendment to the Constitution defining legal marriage—to the Committee on the Judiciary.

By Mr. BREAZEALE: Petition of citizens of Desarc, Red River Parish, La., praying for the passage of a bill to authorize the construction of a wagon and foot bridge across Loggy Bayou, in the parish of Bienville, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of Queen City Lodge, No. 105, Iron Ship Builders' Union, Cincinnati, Ohio, favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKETT: Petition of National Live Stock Association, for modification of section 4386 of the Revised Statutes, for the care and feeding of live stock in transit to market—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 3242, granting a pension to T. A. Wilson—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolutions of Boston Division, No. 122, Order of Railway Conductors, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. COWHERD: Petition of J. H. Sanders, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. CROWLEY: Paper to accompany bill for the relief of Lofton Burgess—to the Committee on Military Affairs.

By Mr. CRUMPACKER: Petitions of Polish societies of Hammond, Ind., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, petition of Order of Railway Conductors, Division 302, of Lafayette, Ind., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. EDWARDS: Resolutions adopted at a meeting of the Montana Agricultural Association, Helena, Mont., opposing any measure that has for its object the leasing of the public lands, etc.—to the Committee on the Public Lands.

Also, petition of the Aldridge Miners' Union, No. 57, of Aldridge, Mont., favoring a restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Communication from Samuel Gompers, president American Federation of Labor, with reference to House bill 3076—to the Committee on Labor.

Also, letter from J. K. McCammon, with reference to House bill 3076—to the Committee on Labor.

By Mr. ESCH: Petition of the National Live Stock Association, in relation to the feeding and watering of live stock in transit—to the Committee on Interstate and Foreign Commerce.

Also, Petition of Holy Cross Society, of La Crosse, Wis., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

By Mr. FITZGERALD: Resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Morion Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolutions of Manufacturers' Association of New York, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, resolutions of National Live Stock Association, presenting reasons for the modification of section 4386 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Retail Lumber Dealers' Association, urging the passage of House bill No. 8337, confirming certain powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Association of New York, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. FLEMING: Petition of Augusta Typographical Union, No. 41, of Augusta, Ga., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Augusta Typographical Union, No. 41, of

Augusta, Ga., favoring a further extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. FLETCHER: Petition of American Association of Masters and Pilots, Duluth, Minn., to extend the lien for mariners' wages to the masters of vessels, to provide for investigation of the conduct of officers of steam vessels by jury trial, etc.—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Crookston, Minn., urging the establishment of an Army post at Crookston, Minn.—to the Committee on Military Affairs.

Also, resolutions of Blacksmiths' Union No. 73 and Tailors' Union No. 89, of Minneapolis, Minn., favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, protest of Electrical Workers' Union No. 24, of Minneapolis, Minn., against the passage of Senate bills 2054 and 1486, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., favoring a national park reservation in Minnesota—to the Committee on the Public Lands.

Also, petition of Medical Association of Hennepin County, Minn., suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., urging the enactment of the Payne Cuban reciprocity bill—to the Committee on Ways and Means.

Also, resolution of the same body, favoring irrigation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

Also, resolution of the St. Paul Jobbers' Union, protesting against the passage of the Elkins bill, for the enlargement of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Commercial Club of Minneapolis, Minn., urging the enactment of certain measures for commercial expansion—to the Committee on Ways and Means.

Also, petition of citizens of Minneapolis, Minn., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petition of J. C. Irwin Post, No. 669, Grand Army of the Republic, of South Salem, Ohio, favoring an investigation of the administration of the Commissioner of Pensions—to the Committee on Rules.

Also, resolution of McPherson Post, Little Rock, Ark., favoring preference to veterans—to the Committee on Reform in the Civil Service.

Also, resolution of Division No. 73, Brotherhood of Locomotive Engineers, of Columbus, Ohio; Lodges 107, 175, 370, and 527, Brotherhood of Locomotive Firemen; Divisions 144, 107, 122, 145, 100, 177, and 329, Brotherhood of Railway Conductors, and Lodges 425, 59, 200, and 148, Brotherhood of Railroad Trainmen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HILL: Petition of Local Union No. 527, Painters, Decorators, and Paper Hangers, of Norwalk, Conn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of Prairie City Union, Painters, Decorators, and Paper Hangers, of Dixon, Ill., favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, sundry petitions of residents of Illinois, favoring eight-hour law for postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLIDAY: Papers to accompany House bill No. 8644, granting a pension to John W. Thomas—to the Committee on Pensions.

By Mr. JOY: Petition of Car Coach Painters' Union No. 204, St. Louis, Mo., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KNOX: Resolutions of the International Association of Machinists, Lodge No. 172, of Lawrence, Mass., favoring the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of William F. Hills and 17 other citizens of Lowell, Mass., asking for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. LACEY: Resolutions of Barbers' Union of Oskaloosa, Iowa, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Electrical Workers of Ottumwa, Iowa, in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Painters' Union and Local Union No. 813, of South Ottumwa, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of the Manufacturers' Association of New York, protesting against the passage of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

Also, resolution of same body, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, resolution of the same body, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LINDSAY: Resolution of the Manufacturers' Association of New York, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of same body, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. MANN: Resolution of Chicago Board of Trade, favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Live Stock Association, favoring modification of section 4386 of the Revised Statutes—to the Committee on the Judiciary.

Also, petition of John III Sobieski Society, of West Hammond, Ill., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolutions of Reliable Lodge, No. 253, International Association of Machinists, of Chicago, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of same organization, favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Chamber of Commerce of Quincy, Ill., favoring the passage of Senate bill 1618—to the Committee on Foreign Affairs.

Also, resolutions of the same organization, favoring passage of bill to maintain the legal-tender silver dollar at a parity with gold—to the Committee on Coinage, Weights, and Measures.

By Mr. MOODY of Massachusetts: Resolutions of Boston Division, No. 122, Order of Railway Conductors, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. MOODY of North Carolina: Papers to accompany House bill 12956, granting a pension to Malissa White—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12955, for the relief of Albert B. Panther—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Affidavits of Otis D. Lyon, C. D. Essig, William F. Bassett, and James Tucker, to accompany House bill 12519, granting a pension to Hugh McFadden—to the Committee on Invalid Pensions.

By Mr. NEVIN: Resolutions of the Columbus Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of Reynolds & Reynolds Company, Weston Paper Company, Charles Hoffritz, the F. A. Requarth Company, Dayton Motor Vehicle Company, Sterling Electric Motor Company, Seybold Machine Company, and Brownell & Co., all of Dayton, Ohio, protesting against the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Division 295, of Lorain, Ohio, Brotherhood of Railway Conductors, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of Painters' District Council of Milwaukee, Wis., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of various groups of Polish societies of Milwaukee and Cudahy, Wis., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of C. McLeod Smith, of Ray, Ind., on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUPPERT: Petition of the National Live Stock Association, for a modification of section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Board of Trade of Chicago, Ill., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

Also, resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolution of the Trades League of Philadelphia, Pa., favoring amendment to the river and harbor bill—to the Committee on Rivers and Harbors.

Also, resolutions of the Manufacturers' Association of New York, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Manufacturers' Association of New York, favoring the passage of House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

By Mr. RUSSELL: Resolution of Loom Fixers' Union No. 307, of Willimantic, Conn., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the Polish Shoemakers' Society of Buffalo, and of the Society of the Sons of the Polish Queen, of Buffalo, N. Y., favoring House bill 16, to erect a monument to the memory of Brigadier-General Pulaski—to the Committee on the Library.

Also, resolutions of Niagara Lodge, No. 330, of Machinists, of Buffalo, N. Y., favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SCOTT: Petition of G. H. Titus and other citizens of Iola, Kans., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Cattle Raisers' Association of Texas, protesting against the passage of the Henry bill—to the Committee on Agriculture.

By Mr. HENRY C. SMITH: Resolutions of Michigan Reformatory, at Iona, against the passage of House bills 3143 and 5798, restricting the shipment of prison-made goods—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions of Carpenters' Union No. 841 and Coopers' Union No. 104, of Murphysboro; Adkins Post, Cottage Home, and Dollins Post, Johnston City, Ill., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Carpenters' Unions Nos. 581, of Herrin; 841, of Carbondale; 604, of Murphysboro, and 803, of Metropolis; Box Makers' Union No. 190, of Cobden; Coopers' Union No. 104; Woodworkers' Union No. 61, and Laundry Workers' Union No. 94, of Murphysboro, and Railroad Telegraphers' Division No. 93, Illinois Central Railroad, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Labor Union 8203, of Duquoin; Hoisting Engineers' Union No. 17, of Herrin; Typographical Union No. 461 and Woodworkers' Union No. 182, of Cairo, and Teamsters' Union No. 88, Typographical Union No. 217, Painters and Paper Hangers' Union No. 87, Bartenders' League No. 241, and Coopers' Union No. 104, all of Murphysboro, Ill., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of Polish-American citizens of New Haven, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Trades Council of New Haven, Conn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. TONGUE: Petition of railway postal clerks of the State of Oregon, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Shipbuilders' Union No. 72, of Portland, and Cornucopia Miners' Union No. 91, of the State of Oregon, favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WADSWORTH: Resolution of National Wholesale Lumber Dealers' Association, favoring bill now pending to abolish the London landing charges on cargoes of lumber from North Atlantic ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Niagara Falls and vicinity, New York, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of manufacturing firms of Niagara Falls, N. Y., protesting against the ratification of the reciprocity treaties now pending, and favoring possible reciprocity concessions—to the Committee on Ways and Means.

By Mr. WARNER: Resolutions of mechanics and laborers of Peoria, Ill., and of Bricklayers and Masons' Union No. 17, of Champaign, Ill., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers' Union No. 19, of Bloomington Branch of Stonecutters of Bloomington Trades and Labor Assembly; of Plasterers' Union No. 152, O. P. I. A.; of Cigar Makers' Union No. 259, of Bloomington, Ill.; of the E. T. Jeffery Lodge, No. 412, Brotherhood of Railroad Trainmen, of Centralia; of Division No. 404, Brotherhood of Locomotive Engineers, of



Chicago, and of Tailors' Union No. 8, of Champaign, all of Illinois, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of Journeymen Horseshoers' Union No. 60 and of B. M. and S. B., Union No. 24, of Bloomington, and of Ord Post, No. 372, Grand Army of the Republic, of Ludlow, Ill., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. WEEKS: Petition of board of control of Michigan Reformatory, relating to shipment, etc., of convict-labor products—to the Committee on Labor.

By Mr. WILSON: Resolution of Bricklayers' Union No. 9 and Union No. 57, of Brooklyn, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODS: Petition of the National Guard of California, for the passage of House bill 11654—to the Committee on the Militia.

Also, resolution of the Chamber of Commerce of Santa Barbara, Cal., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Bakers and Confectioners' Union No. 120, Stockton, Cal., favoring restricted immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Bakers and Confectioners' Union No. 120, Stockton, Cal., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of National Live Stock Association, Chicago, Ill., for modification of section 4386 of the Revised Statutes, in relation to the transportation of stock from one State to another—to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT: Resolutions of Division 10, Order of Railway Conductors, of Sayre, Pa., and Division 137, Brotherhood of Locomotive Engineers, of Susquehanna, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. YOUNG: Petition of Henry Howerter, president of State legislative board of railroad employees of Pennsylvania, and of West Philadelphia Division, No. 45, Brotherhood of Locomotive Engineers, urging the passage of the Grosvenor anti-injunction bill, H. R. 11060—to the Committee on the Judiciary.

## SENATE.

TUESDAY, March 25, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10404) granting a pension to John Y. Corey.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11099) to amend section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901;

A bill (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix; and

A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The message further returned to the Senate, in compliance with its request, the bill (S. 4366) granting a pension to John Y. Corey.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1529) granting an increase of pension to John G. Brower;

A bill (H. R. 2673) granting an increase of pension to John Vale;

A bill (H. R. 3272) granting an increase of pension to Israel P. Covey;

A bill (H. R. 4260) to correct the military record of James A. Somerville;

A bill (H. R. 4456) granting a pension to Ruth G. Osborne;

A bill (H. R. 4488) granting an increase of pension to Selden E. Whitcher;

A bill (H. R. 5289) granting a pension to Malvina C. Stith;

A bill (H. R. 5543) granting an increase of pension to Samuel W. Skinner;

A bill (H. R. 6018) granting a pension to Lue Emma McJunkin;

A bill (H. R. 7074) granting a pension to Benjamin F. Draper;

A bill (H. R. 7823) granting an increase of pension to Jacob D. Caldwell;

A bill (H. R. 8293) granting a pension to Amanda Jacko;

A bill (H. R. 9227) granting an increase of pension to Frederick Shafer;

A bill (H. R. 9397) granting a pension to John S. Lewis; and

A bill (H. R. 11145) granting an increase of pension to Mary F. Key.

### PETITIONS AND MEMORIALS.

Mr. KEAN presented memorials of John Maddock & Sons, of Trenton, N. J., and of sundry business firms of Trenton, N. J., remonstrating against the establishment of reciprocity treaties with foreign countries; which were referred to the Committee on Foreign Relations.

He also presented a petition of Palisade Lodge, No. 592, Brotherhood of Railroad Trainmen, of Jersey City, N. J., praying for the passage of the so-called Foraker-Corliss safety appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Merchants' Protective Association, of New Brunswick, N. J., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented petitions of 35 citizens of Lebanon, of 31 citizens of Jacksonville, and of 26 citizens of Rosenhayn, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Painters, Decorators, and Paperhangers' Local Union No. 26, of Newark, and of Typographical Union No. 807, of New Brunswick, of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of Bricklayers and Masons' Local Union No. 14, of Plainfield, N. J., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 146, of New Brunswick, N. J., remonstrating against the proposed reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of Cigar Makers' Local Union No. 138, and of Painters, Decorators, and Paperhangers' Local Union No. 26, of the city of Newark, in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented memorials of George Cook, of Plainfield; of the New Jersey Melting and Churning Company, of Hoboken; of Samuel Calton, of Perth Amboy; of P. Cussen, J. F. McDonald, and E. Neelen, of Elizabeth; of T. Leuthauser, W. S. Morton, and E. J. Thompson, of Newark; of Therkelsen & Brown, of Perth Amboy; of S. Scheuer & Sons, of Summit; of C. D. Vincent & Co., of Orange; of Wyckoff & Shields, of Washington; of Col. S. D. Dickinson, of Hoboken; of J. M. Saunders, of Hackettstown; of Bush & Stuart, of Oakland; of Mrs. H. Metz, Mrs. Thomas Williams, Mrs. Francis Johnson, Mrs. William Chilver, Mrs. G. A. Owens, George Matthews, and of Fred Emory Tilden, of Jersey City; of L. F. Hersh & Bro., Mahon Brothers, and G. B. Kinsey, of Elizabeth; of Fred Angle, jr., of Dover; of J. D. Rover, of Taurus; of G. W. Meredith, of Trenton; of W. L. Black, of Hammon; of Mattison & Barker, of Hackettstown; of W. L. Hoff, of Washington; of H. F. Brown & Bro., of South Amboy; of E. W. Turner, of Asbury Park; of J. H. Polhemus, of Whippany; of Cramer & Rogers, of Burlington; of DeMott & Ryerson, of Wayne; of N. E. Warmolts, of Paterson; of L. M. Lee, of Vineland; of J. H. Hooke, E. B. Park, A. Scott, Mrs. Ackley, J. J. DuBois, C. S. DuBois, H. Behrens, jr., the American Cheese and Butter Company, T. Hanlon, R. H. Bowden, C. Young, M. Anderson, Dr. L. Dodson, W. Henderson, F. E. La Roche, D. D. Clark, J. J. Murphy, M. A. Finley, D. J. Colbert, A. G. Campbell, T. E. Older, C. E. Loomis, W. H. Britton, G. W. Snider, H. T. Goodrich, J. T. Bryan, C. H. Klink, Mrs. A. Wilkes, G. W. Van Blarcom, and Mrs. Williams, of Jersey City; of E. Young and A. Decker, of Little Falls; of A. Powdermaker and Charles Roesch & Sons, of Atlantic City; of the New Jersey Butter Company of Camden; of J. Tschumi & Bro., of New Durham; of L. Goodman, of Newark; of W. Schoenebaum, jr., of Hoboken; of

D. C. Lewis, of Cranbury; of J. R. Voorhees, of C. & D. D. Munson & Co., of Franklin Furnace; of C. Haefeli, G. W. Slingerland, and J. H. Feeny, of Paterson; of Mrs. A. Higgins, of Dundee; of G. Modersohn, J. W. Housel, and C. Sommer & Son, of Newark; of P. Pointer, of Passaic; of Vail & Gardner, of Plainfield; of J. S. Gratz, of Camden; of W. M. Lewis, of Long Branch; of G. W. Treat, of Asbury Park; and of C. M. Brandt, of Paterson, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. PLATT of New York presented petitions of sundry citizens of Amityville; of Local Union No. 69, American Federation of Labor, of Canandaigua, and of Local Union No. 718, American Federation of Labor, of New Rochelle, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the Pattern Makers' Association, American Federation of Labor, of Buffalo, N. Y., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a compilation of sundry newspaper clippings from the Post-Express, of Rochester; the Investigator, of New York City; the New York Evening Post; the Journal, of Adams; the Press, of Utica; the Democrat-Chronicle, of Rochester, and the New York Times, all in the State of New York, in favor of granting relief to Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of Grange No. 781, Patrons of Husbandry, of Clarksville, N. Y., and a petition of Grange No. 823, Patrons of Husbandry, of Corinth, N. Y., praying for the passage of the so-called pure-food bill; which were referred to the Committee on Manufactures.

Mr. PENROSE presented a petition of 28 citizens of Harrisburg, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Ship-Keepers' Protective Union No. 8970, American Federation of Labor, of Vallejo, Cal., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of sundry citizens of Everett, Wash., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a memorial of Painters, Decorators, and Paper Hangers' Union No. 526, American Federation of Labor, of Aberdeen, Wash., remonstrating against the enactment of legislation to amend chapter 7 of the Revised Statutes relating to the employment of seamen in the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented a petition of Bricklayers and Masons' International Union No. 9, American Federation of Labor, of Bellingham, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the Associated Charities of Tacoma, Wash., and a petition of Bricklayers and Masons' International Union No. 9, American Federation of Labor, of Bellingham, Wash., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. NELSON. I present a memorial of the legislature of Minnesota relative to the bill (S. 3575) to increase the powers of the Interstate Commerce Commission. I ask that the memorial be printed in the RECORD and referred to the Committee on Interstate Commerce.

The memorial was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Introduced by Mr. Young. A memorial to the Congress of the United States, by the legislature of the State of Minnesota, relating to the bill (S. 3575) to increase the powers of the Interstate Commerce Commission, introduced in the Senate by Senator KNUTE NELSON on February 5, 1902.

Whereas the power and right to "regulate commerce among the several States" given by the Constitution to the Congress has by repeated decisions of the Supreme Court been held to include the right to fix reasonable maximum rates for common carriers engaged in the transportation of such commerce; and

Whereas the Congress attempted to delegate its power in this regard to the Interstate Commerce Commission, and attempted to give said Commission the necessary authority for that purpose; and

Whereas the Supreme Court of the United States has recently decided that the act creating the said Interstate Commerce Commission is seriously defective and incomplete, and that while said act confers on said Commission the power to declare existing rates unreasonable it does not give said Commission the power to prescribe a tariff of reasonable rates to replace those found to be unreasonable; and

Whereas since said decision there is no tribunal having the power to correct any unreasonable rates or classifications of freights in the domain of interstate commerce; and

Whereas one of the most important functions of the Government is thus suspended, and immediate legislation is imperatively necessary to clothe said Interstate Commerce Commission with adequate power to regulate interstate commerce and to prescribe reasonable maximum rates for the transportation thereof, and the State of Minnesota, as well as the entire Northwest, is vitally interested in the enactment of such a law; and

Whereas the bill S. 3575, introduced February 5, 1902, in the Senate of the United States by Senator KNUTE NELSON, contains all of the provisions necessary to invest said Interstate Commerce Commission with the powers needed for the purposes aforesaid, and said bill is therefore one of the most important bills now before Congress: Therefore be it

Resolved by the legislature of the State of Minnesota, That we heartily indorse said bill S. 3575 and respectfully urge the early passage of the same by the Congress of the United States; and be it further

Resolved, That we indorse and approve the action of Senator NELSON in introducing and advocating said bill.

Resolved further, That a copy of this memorial be sent to the Secretary of State, to each member of Congress from Minnesota, and to the President of the Senate of the United States.

Mr. DRYDEN presented petitions of Bergenfield Council, No. 247, Junior Order United American Mechanics, of Dumont; of Bakers' Local Union No. 84, of Newark; of Coopers' Local Union No. 40, of Hoboken; of Railroad Telegraphers' Division No. 10, of Jersey City; of Cigar Makers' Local Union, of Newark; of Woodworkers' Local Union, of Newark; of Woodworkers' Local Union No. 87, of Jersey City; of Lampworkers' Local Union No. 47, of Millville; of Trenton Division No. 85, Order of Railroad Telegraphers, of Trenton; of Sanitary Ware Potters' Local Union, of Trenton; of American Flint Glass Workers' Local Union No. 85, of Newark; of Typographical Union No. 235, of Rahway; of Bakers and Confectioners' Local Union No. 165, of Paterson; of Boiler Makers and Iron Ship Builders' Lodge No. 176, of Elizabethport; of Cigar Makers' Local Union No. 146, of New Brunswick; of Union Hill Typographical Union, No. 10, of West Hoboken; of Iron Molders' Local Union No. 208, of Dover; of Iron Molders' Local Union No. 7, of Jersey City; of Garment Makers' Local Union No. 101, of Rosenhayn; of Iron Molders' Local Union No. 99, of Bridgeton; of Iron Molders' Local Union No. 267, of Trenton; of Core Makers' Local Union No. 92, of Trenton; of Cigar Makers' Local Union No. 131, of Jersey City; of Hope Lodge, No. 202, Brotherhood of Railroad Telegraphers, of Netcong; of the Cigar Makers' Local Union, of Elizabeth; of Cigar Makers' Local Union No. 427, of Rahway; of Cigar Makers' Local Union No. 8, of Hoboken; of the United Brewery Workmen, of Newark; of Beer Drivers and Stablemen's Local Union No. 148, of Newark; of Brewers' Local Union No. 106, of Union Hill, and of Brewery Workmen's Local Union No. 171, of Newark, all in the State of New Jersey, praying for the enactment of legislation restricting the immigration of illiterate persons; which were ordered to lie on the table.

Mr. HARRIS presented a petition of Sunflower Local Union, No. 46, American Federation of Labor, of Topeka, Kans., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Nickerson, Independence, Brookville, Wakefield, Attica, Harper, Baldwin, Woodston, Oak Hill, Halstead, Ladysmith, Centropolis, Moonlight, Walnut, Parsons, Peabody, and Walton, all in the State of Kansas, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Fort Scott, Kans., and a petition of sundry citizens of Beloit, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Jetmore, Kansas City, Leroy, and Olathe, all in the State of Kansas, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Local Union No. 270, of Atchison; of Smeltermen's Local Union No. 147, of Gas City, and of Smeltermen's Local Union No. 124, of Girard, all of the American Federation of Labor, in the State of Kansas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a petition of Carpenters' Local Union No. 499, American Federation of Labor, of Leavenworth, Kans., praying for the enactment of legislation providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Leavenworth and Wichita; of Local Division No. 330, Order of Railway Conductors, of Emporia; of Retail Clerks' International Protective Union No. 421, American Federation of Labor, of Parsons, and of Sunflower Local Union, No. 41, American Federation of Labor,



of Topeka, all in the State of Kansas, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. CLAY presented a petition of sundry citizens of Savannah, Ga., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of the Central Council of Irish-American Societies of Kansas City, Mo., remonstrating against the violation of the treaty of Washington permitting the United States Government to allow England to use the ports and waters of the United States as bases of military operations against the two South African Republics; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Musicians' Protective Union No. 34, American Federation of Labor, of Kansas City, Mo., praying for the enactment of legislation to prohibit Government employees competing with civilians in the arts of labor; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 141, Order of Railway Conductors, of St. Joseph, Mo., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. GAMBLE presented a petition of the Miners' Union of Galena, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the Retail Implement Dealers' Association, of South Dakota, Minnesota, and Iowa, praying for the ratification of the reciprocity treaty with France; which was referred to the Committee on Foreign Relations.

He also presented the petitions of A. H. Wheaton and 50 other citizens of Brookings, of Mark Marion and 45 other citizens of Kidder, and of W. S. Hill and 35 other citizens of Alexandria, all in the State of South Dakota, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. QUARLES presented a memorial of the Metal Trades Association of Milwaukee, Wis., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and also against the adoption of the metric system as the standard of weights and measures in the United States; which was ordered to lie on the table.

He also presented a petition of H. W. Lawton Camp, No. 6, Spanish-American War Veterans, of Manitowoc, Wis., praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on the Judiciary.

He also presented the petition of D. Baldwin Wylie and sundry other citizens of Milwaukee, Wis., praying for the enactment of legislation to provide for the protection of game in the district of Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Business Men's Association of Sparta, Wis., and a memorial of the Board of Trade of La Crosse, Wis., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Grocers' Association of Milwaukee, Wis., and a petition of the Business Men's Association of Sparta, Wis., praying for the enactment of legislation to prohibit the manufacture and sale of adulterated food products; which were referred to the Committee on Manufactures.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., and a petition of the Wisconsin Retail Lumber Dealers' Association, praying for the passage of the so-called Nelson-Corliss safety-appliance bill; which were referred to the Committee on Interstate Commerce.

Mr. QUAY presented petitions of sundry citizens of Northeast, Jermyn, and Quarryville, all in the State of Pennsylvania, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Bradford; of Local Union No. 173, United Mine Workers of America, of Beaver Rock; of Local Union No. 1824, of Leechburg; of Railway Telegraphers' Local Union No. 67, of Wilkesbarre; of sundry citizens of Bethlehem; of sundry citizens of Brownfield; of Typographical Union No. 437, of Franklin, and of Retail Clerks' Local Union No. 196, of Wilkesbarre, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. PLATT of Connecticut presented a memorial of 45 citizens of the Indian Territory, remonstrating against the enactment of legislation calculated to imperil the prohibitory laws now existing

in that Territory relative to the use of intoxicating liquors; which was referred to the Committee on Indian Affairs.

Mr. BLACKBURN presented a petition of Queen City Lodge, No. 105, Boiler Makers and Iron Ship Builders' Union, of Cincinnati, Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. SCOTT presented a petition of Lodge No. 110, Brotherhood of Railroad Trainmen, of Wheeling, W. Va., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the H. F. Behrens Company, of Wheeling; of H. E. Stephan, of Sistersville; of O. O. Allison, of Mercer; of C. Meyer & Son, of Wellsburg, and of H. L. Willis, of Parkersburg, all in the State of West Virginia, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. BURROWS presented a memorial of sundry business firms of Grand Rapids, Mich., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Allenville, Millburg, Dowagiac, Lawrence, Jackson, Salem, West Bay City, Cushing, Pipestown, Standish, Breedsville; of Fernville Grange, Patrons of Husbandry, of Fernville; of Fern Grange, Patrons of Husbandry, of Big Rapids, and of Pine Lake Grange, Patrons of Husbandry, all in the State of Michigan, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Nattowa, Mich., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of H. P. Merrill Post, No. 419, Department of Michigan, Grand Army of the Republic, of Bay City; of Typographical Union No. 122, of Kalamazoo; of Boiler Makers' Local Union No. 64, of Jackson; of the American Federation of Labor, all in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Lodge No. 8, International Association of Machinists, of Detroit; of District Lodge No. 24, United Mine Workers of America, of Saginaw; of the Council of Trades and Labor Unions of Detroit, and of Local Division No. 1, Brotherhood of Locomotive Engineers, of Detroit, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of Boiler Makers' Local Union No. 64, of Jackson; of Typographical Union No. 300, of Port Huron; of Bricklayers' Local Union No. 2, of Detroit; of Local Union No. 48, Order of Railway Conductors; of Journeymen Bakers' Local Union No. 89, of Saginaw; of Typographical Union No. 122, of Kalamazoo; of Typographical Union No. 168, of Muskegon; of Cigar Makers' Local Union No. 452, of Petoskey; of Bricklayers and Masons' Local Union No. 11, of Bay City, and of Amalgamated Association of Street Railway Employees, of Bay City, all in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. PROCTOR presented a petition of Painters' Local Union No. 28, of Rutland, Vt., and a petition of Local Union No. 311, Brotherhood of Painters, Decorators, and Paperhangers, of Montpelier, Vt., praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. DEPEW presented the petition of Don. J. Wood and 25 other citizens of West Exeter, N. Y., praying for the enactment of legislation to prohibit the false branding and labeling of dairy and other food products; which was referred to the Committee on Manufactures.

He also presented petitions of the Journeymen Bakers and Confectioners' Union of Albany; of Bricklayers and Masons' International Union, of Canandaigua; of Loom Fixers' Local Union No. 270, of Jamestown, and of sundry other citizens of Amagansett, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Painters, Decorators, and Paper



Hangers' Local Union No. 454, of Bronx Borough; of the Piano and Organ Workers' International Union of Brooklyn; of Bricklayers' International Union No. 69, of Canandaigua, and of Wall Paperers' Local Union No. 273, of Jamestown, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Prattville, Wayne, Windham, Lowman, North Franklin, Rockroyal, Tracy-creek, East Greenbush, New Kingston, Taylor Center, Sherburne, Allegany, Glen Aubrey, Skerry, Edinburg, Georgetown, Frewsburg, Chittenango, Sidney, Rock City Falls, South Trenton, Green River, East Hamilton, Richville, Plattsville, Otego, Oneonta, Cameron, Gardiner, Cattaraugus, Owego, Moons, Wood-bourne, Rockdale, Moores Forks, Cicero, Hamilton, Arcade, Nashville, Neversink, Jefferson Valley, Johnsonville, Crown Point, Falconer, Forest, Colton, Trenton Falls, Bergen, Bemus Point, Reniff, Yanhank, Geneva, West Lebanon, Auburn, Canton, Louisville Landing, Morley, Patterson, South Bethlehem, Oriskany, Castile, Brasher Falls, North Cuba, Poolville, Port Gibson, De-kalb, Canton, Hamlet, West Meredith, Newport, East Aurora, Cassadagua, Walton, Hamlin, Spokane, Canton, Tompkins, Ash-land, Willet, East Homer, Chipman, Triangle, Getzville, and Altona, all in the State of New York, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. MCOMAS presented a petition of Oriole Branch, No. 176, National Association of Letter Carriers, of Baltimore, Md., praying for the enactment of legislation providing for the payment of overtime claims excluded from judgment because barred by the statute of limitations; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Typographical Union No. 228, American Federation of Labor, of Norwood, Mass., and a memorial of Typographical Union No. 43, American Federation of Labor, of Charleston, S. C., remonstrating against the enactment of legislation to amend chapter 7 of the Revised Statutes, in relation to copyright; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Towson, Kingsville, Bosley, Lutherville, Mount Washington, and Delight, all in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Rocks, Union Bridge, Double Pipe Creek, Walkersville, Big Spring, Clear-spring, Poplar Springs, Howard County, and Chestnut Hill, all in the State of Maryland, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the regulation and control of vice by the board of health of Manila, P. I.; which was referred to the Committee on the Philippines.

He also presented a memorial of Columbus Lodge, No. 401, International Association of Machinists, of Brooklyn, N. Y., remonstrating against the enactment of legislation giving Government employees in navy-yards and arsenals a fifteen days' leave of absence in every year; which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Berlin, Md., remonstrating against the repeal of the anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Maryland, praying that an appropriation be made to pay the depositors what they have been deprived of by the failure of the Freedman's Savings Bank and Trust Company; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Williamsport, Md., praying for the enactment of legislation to improve and beautify Battery Park; which was referred to the Committee on Military Affairs.

He also presented a petition of Steam Fitters and Helpers' Local Union No. 54, of Baltimore, Md., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of Potomac Lodge No. 2, Amalgamated Association of Iron, Steel, and Tin-Plate Workers, of Cumberland Md., and a petition of Local Division No. 234, Order of Railway Conductors, of Brunswick, Md., praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of Iron Molders' Local Union No.

211, American Federation of Labor, of Baltimore; of Admiral John Rodgers Post, No. 25, of Havre de Grace; of Corporal Joseph Johnson Post, No. 61, of Talbot County, of the Department of Maryland, Grand Army of the Republic, in the State of Maryland, and of Farragut Post, No. 4, Department of California, Grand Army of the Republic, of Vallejo, Cal., and of Columbus Lodge, No. 401, International Association of Machinists, of Brooklyn, N. Y., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Local Union No. 234, of Brunswick; of Bricklayers' Local Union No. 1, of Baltimore; of Local Union No. 54, of Baltimore; of Stereotypers' Local Union No. 10, of Baltimore, and of Cigar Makers' Local Union No. 1, of Baltimore, all of the American Federation of Labor; of sundry citizens of Baltimore County, Creagerstown, and Alberton, all in the State of Maryland, and of Columbus Lodge, 401, International Association of Machinists, of Brooklyn, N. Y., and of Local Division No. 234, Order of Railway Conductors, of Cedar Rapids, Iowa, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a memorial of the National Live Stock Exchange, of Chicago, Ill., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Columbus Lodge, No. 401, International Association of Machinists, of Brooklyn, N. Y., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of Dr. Oscar H. Allis, of Philadelphia, Pa., praying that Congress use its influence to abolish the regulation of vice in our island possessions and put an end to enactments intended to make vice safer; which was referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of Massachusetts, praying for the enactment of legislation to secure the calling together of a world legislature; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Worcester North Agricultural Society, of Fitchburg, Mass., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Boot and Shoe Workers' Local Union No. 175, American Federation of Labor, of Newburyport, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of Painters and Decorators' Local Union No. 443, American Federation of Labor, of Cambridge, Mass., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. FRYE presented a petition of Local Union No. 262, American Federation of Labor, of Bangor, Me., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

#### CLAIMS AGAINST COLOMBIA.

Mr. HOAR. The President sent in the other day papers regarding claims growing out of the Colon fire. They were quite voluminous. The resolution of the Senate asking for them was passed on May 15, 1900, and it has taken the Department a good while. It was suggested when the papers came in that they be referred to the Committee on Foreign Relations without printing—at any rate, until they could be examined. I am now informed that they relate to claims amounting to several million dollars—claims which had been in the State Department in Mr. Bayard's time, and for the examination of which a commission had been agreed upon between the two Governments, but something interrupted the negotiation, and then the city of Colon was seized. There will undoubtedly be a very serious application to Congress for relief, and there will also be a demand for a hearing before the Committee on Foreign Relations, and it is very important that the papers should be printed. I move that they be printed for the use of the Senate.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Has the Senator ascertained what the cost of the printing will be?

Mr. HOAR. I have not. I do not understand, when a document sent in by the President is to be printed for the use of the Senate, that the first printing requires the application of the rule as to cost.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the papers referred to, which are now in the hands of the Committee on Foreign Relations, be printed as a document.

Mr. HOAR. If it shall turn out that the cost of the printing is beyond the amount allowed by law, and that the law applies in



such a case—which I do not think it does—we shall be so informed; and then, if it be necessary, we can pass a joint resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts that the papers referred to by him be printed.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 11053) providing for the issuance of patent to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3633) granting a pension to Samuel L. Leffingwell; and

A bill (S. 1814) granting an increase of pension to Anna E. Luke.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 4404) granting an increase of pension to Otto H. Hasselman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6918) granting an increase of pension to Thomas Bliss;

A bill (H. R. 725) granting an increase of pension to Joseph B. Arbaugh;

A bill (H. R. 9848) granting an increase of pension to Joseph Cowgill;

A bill (H. R. 6016) granting an increase of pension to William J. Overman; and

A bill (H. R. 1275) granting an increase of pension to Charles W. Thomas.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1107) limiting the liability of sureties on bonds of officers of the Navy, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, reported by him yesterday from the Committee on Naval Affairs without amendment.

He also, from the same committee, submitted a report to accompany the bill (S. 4080) to correct the naval record of Daniel W. Blake, United States Marine Corps, reported adversely by him yesterday and indefinitely postponed.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 1643) granting an increase of pension to Ellen J. Clark, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7811) granting a pension to Mary King, reported it without amendment, and submitted a report thereon.

#### AMERICAN REGISTER FOR STEAMER BROOKLYN.

Mr. HANNA. I move that the bill (S. 3504) to provide an American register for the steamer *Brooklyn*, now on the Calendar, be recommitted to the Committee on Commerce.

The motion was agreed to.

#### CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business to-day twenty minutes may be devoted to the consideration of pension bills on the Calendar and bills to correct the records of soldiers.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at the conclusion of the routine business twenty minutes be given to the consideration of unobjected pension cases and bills to correct military records. Is there objection? The Chair hears none. It is so ordered.

#### BILLS INTRODUCED.

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 4724) for the extension of M street east of Bladensburg road, and for other purposes;

A bill (S. 4725) for the opening of R street northeast to Twenty-eighth street, and of Twenty-eighth street northeast from R street to M street; and

A bill (S. 4726) to regulate the practice of veterinary medicine in the District of Columbia.

Mr. McMILLAN introduced a bill (S. 4727) granting an increase of pension to Isaac Rhodes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of Connecticut (by request) introduced a bill (S. 4728) for the relief of Mary Keith and Benny Keith; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4729) granting an increase of pension to Daniel A. Hall;

A bill (S. 4730) granting an increase of pension to George W. Youngs; and

A bill (S. 4731) granting an increase of pension to James McGuire.

Mr. PENROSE introduced a bill (S. 4732) granting an increase of pension to Charles H. Hazzard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4733) granting an increase of pension to Henry W. Gaskill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4734) to correct the military record of John Gauley, alias John Shepherd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BATE introduced a bill (S. 4735) to enable Samuel H. Jenkins, formerly of New York, N. Y., and now of Chattanooga, Tenn., to make application to the Commissioner of Patents for the extension of letters patent; which was read twice by its title, and referred to the Committee on Patents.

Mr. BATE. I introduce a bill for my colleague [Mr. CARMACK], who is necessarily absent.

The bill (S. 4736) granting an increase of pension to Alwilda A. Wheeler was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4737) for the relief of the estate of P. B. Sawyer, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4738) for the relief of the estate of Mrs. Robert Garland; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 4739) granting an increase of pension to Samuel J. Brainard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 4740) granting an increase of pension to Maria L. Godfrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4741) for the relief of Hiram Wilhite; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 4742) granting a pension to William Cross; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4743) for the relief of Martha R. Blanton, administratrix; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER of Louisiana introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4744) for the relief of Charles Banks;

A bill (S. 4745) for the relief of the New Orleans and Bayou Sara Mail Company;

A bill (S. 4746) for the relief of the estate of Armand Duplantier;

A bill (S. 4747) for the relief of Francois Jefferson; and

A bill (S. 4748) for the relief of P. Emile Arceneaux.

Mr. DEPEW introduced a bill (S. 4749) granting an increase of pension to Eunice A. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4750) for the relief of N. F. Palmer, jr., & Co., of New York; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. MCCOMAS introduced a bill (S. 4751) granting a pension to Mary Louise Lowry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4752) granting a pension to Betsey

Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4753) for the relief of Ellen O. Thomas, administratrix (with accompanying papers);

A bill (S. 4754) for the relief of Peter Targarona;

A bill (S. 4755) for the relief of the heirs of George Minor (with accompanying papers); and

A bill (S. 4756) for the relief of Horace Resley, of Cumberland, Md. (with an accompanying paper).

Mr. McCOMAS introduced a bill (S. 4757) to set aside Court-Martial Orders, No. 53, dated November 18, 1870, in the case of Lieut. William W. Armstrong; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate \$200,000 for improving the Anacostia River and the reclamation of its flats in the District of Columbia, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment providing for a survey of the Columbia River at Foster Creek Rapids, near the mouth of the Okanogan River, in the State of Washington, intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

He also submitted an amendment proposing to appropriate \$18,000 for improving the Columbia River between the mouth of Willamette River and the city of Vancouver, in the State of Washington, intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. MONEY submitted the following amendments, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate \$783,622 for improving the Pascagoula River, Mississippi;

An amendment proposing to appropriate \$100,000 for improving the Tombigbee River from Demopolis, Ala., to Columbus, Miss.; and

An amendment proposing to appropriate \$100,000 for improving the harbor of Biloxi, Miss.

Mr. PROCTOR submitted two amendments intended to be proposed by him to the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent; which were referred to the Committee on Immigration, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent; which was referred to the Committee on Immigration, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate \$100,000 for deepening and rendering the channel navigable between the El Dorado Canyon and Rioville, Nev., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate \$25,000 for deepening the channel from the mouth of the Withlacoochee River to the loading pool in the Gulf of Mexico, in the State of Florida, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate \$250,000 for improving the Cape Fear River above Wilmington, N. C., to be expended in obtaining a navigable channel from Wilmington to Fayetteville, N. C., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate \$45,000 for improving Warroad Harbor and Warroad River, in the State of Minnesota, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAY submitted the following amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate \$15,000 for improving the inside water route between Savannah, Ga., and Fernandina, Fla.;

An amendment providing for a survey and estimate of the cost of connecting Club and Plantation creeks so as to provide for an inside water route from the Altamaha River into the port of Brunswick, Ga.;

An amendment proposing to increase the appropriation for the improvement of Brunswick Harbor, Georgia, from \$140,000 to \$165,000; and

An amendment proposing to increase the appropriation for improving the Oconee River, Georgia, from \$15,000 to \$40,000.

Mr. MARTIN submitted an amendment proposing to appropriate \$20,000 for additional improvement of Norfolk Harbor, Virginia, and its approaches, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,203.96 for improving Chesconnessex Creek, Virginia, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$28,870 for improving Pagan River, Virginia, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$100,000 for extending the improvement of James River to the head of navigation at the docks, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the harbor at Cape Charles City, Va., from \$10,000 to \$20,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$25,000 for the deflection and improvement of the river at Petersburg, Va., etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate \$50,000 for improving the inland waterways between Charleston Harbor, South Carolina, and Alligator Creek, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for a survey from the ocean to Georgetown Harbor, South Carolina, with a view to its improvement, to a depth of 18 feet at mean low water, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to increase the appropriation for improving the Lower Willamette and Columbia rivers below Portland, Oreg., from \$250,000 to \$300,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,000 for continuing improvement of Coquille River between Myrtle Point to Coquille, Oreg., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the mouth of Columbia River, Oregon and Washington, from \$500,000 to \$600,000, and to increase the aggregate appropriation for improving the mouth of Columbia River from \$1,000,000 to \$1,500,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Columbia River at The Cascades, Oregon, from \$30,000 to \$50,000, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the mouth of Siuslaw River, Oregon, from \$26,000 to \$50,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.



He also submitted an amendment proposing to increase the appropriation for improving the entrance to Coos Bay and Harbor, Oregon, from \$10,000 to \$142,970.64, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Willamette River above Portland, and Yamhill River, Oregon, from \$68,000 to \$70,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for a survey of the Yaquina River from its mouth to Elk City, instead of to Toledo; also for an estimate of the cost of revetting the bank of the Willamette River near Albany, Oreg., with a view of preventing a diversion of that stream; and, further, for a survey and estimate as to the character and cost of improvements in the Willamette River between the city of Portland and Oregon City, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$500,000 for procuring the right of way for a canal at The Dalles of the Columbia River between the foot of The Dalles rapids to the head of Celilo Falls, Oregon, and for commencing the construction of the same, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### HEIRS OF ABEL WALKER, DECEASED.

Mr. MONEY submitted the following resolution; which was read, and referred to the Committee on Claims:

*Resolved*, That the bill (S. 3190, Fifty-seventh Congress, first session) "for the relief of the heirs of Abel Walker, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### TREATIES WITH INDIANS IN OREGON.

Mr. PLATT of Connecticut submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and is hereby, directed to inform the Senate what treaties were negotiated with tribes of Indians in the Territory of Oregon under the act of June 5, 1850 (9 U. S. Stat. L., p. 437), entitled "An act authorizing the negotiation of treaties with Indian tribes, etc.," and under the authority for the negotiation of such treaties contained in the subsequent act of June 27, 1851 (9 U. S. Stat. L., p. 586); whether any of said treaties were ever ratified by the Senate; whether the lands agreed by the Indians in said treaties to be ceded to the United States have been occupied as public lands; what sums of money, either in cash or merchandise, were to be paid to said tribes, respectively, by said treaties, and whether the sums so specified have been paid; whether said Indian tribes are now in existence, and, if so, the numbers of Indians belonging to said tribes, respectively, and their present location, and any other or further information respecting said treaties that may be necessary in order to determine whether the Government is now equitably bound to compensate said Indian tribes or any of them.

#### CHARLESTON (S. C.) HARBOR IMPROVEMENT.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War be, and he is hereby, directed to furnish the Senate a copy of the modified estimate recently made of the cost of improving the inland navigation between Charleston, S. C., and opposite McClellanville.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 11099) to amend section 1189 of chapter 35 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901;

A bill (H. R. 11696) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix; and

A bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company.

The PRESIDENT pro tempore. The morning business is closed. The Secretary will announce the first pension case on the Calendar.

#### ELIZABETH W. SIMMONS.

The bill (H. R. 7341) granting a pension to Elizabeth W. Simmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth W. Simmons, widow of Samuel Simmons, late of Captain Emerson's company, Virginia Volunteers, war of 1812, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARTHA A. DE LAMATER.

The bill (H. R. 2273) granting a pension to Martha A. De Lamater was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "dollars," to insert "per month;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. De Lamater, widow of Walter De Lamater, late of Company I, Sixth United States Infantry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of the said Walter De Lamater until they shall have reached the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### JOHN H. COATES.

The bill (H. R. 5261) granting an increase of pension to John H. Coates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Coates, late of Companies F and K, Fourteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LUCY B. BEVIS.

The bill (H. R. 5714) granting an increase of pension to Lucy B. Bevis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy B. Bevis, widow of Benjamin F. Bevis, late first lieutenant Company G, Thirty-second Regiment Illinois Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALIDA PAYNE.

The bill (H. R. 10486) granting a pension to Alida Payne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alida Payne, the helpless daughter of John A. Payne, late of Company E, Thirty-ninth Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$12 per month.

Mr. GALLINGER. In line 6, after the word "helpless," I move to insert the words "and dependent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### EMILY J. TALLMAN.

The bill (H. R. 11011) granting an increase of pension to Emily J. Tallman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily J. Tallman, widow of Charles C. Tallman, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$24 per month in lieu of that she is now receiving, provided, however, that in the case of the death of the helpless son, William C. Tallman, on whose account the pension of Emily J. Tallman is increased, the pension of said Emily J. Tallman shall continue only at the rate of \$12 per month from and after the death of said helpless son.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER on the 21st instant, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11011) granting an increase of pension to Emily J. Tallman, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

"The soldier named in this bill, who served as private in Company B, Eighteenth New Hampshire Infantry, from September 7, 1864, to June 10, 1865, when honorably discharged, was a pensioner under the general law at \$16 per month from September 16, 1887, on account of catarrh and disease of lungs, following measles of accepted service origin.

"He died March 30, 1890, of disease of lungs.

"The beneficiary named in the bill, now 62 years of age, who married the soldier October 25, 1860, was pensioned in February, 1890, as the widow of the soldier under the general law at \$12 per month, commencing from the date of the soldier's death, and she is now in receipt of said pension, and in her application for pension stated that the soldier left no children under 16 years of age surviving him at the time of his death.

"There has been filed with your committee the affidavit of the beneficiary, showing that she has a son, William C. Tallman, born July 21, 1863, who was

nearly 21 years of age when his father died; that he was a cripple from birth and had epileptic fits ever since he was 3 years and 4 months of age; that the fits have so impaired his mind that he is wholly incapacitated, mentally and physically, to earn his support, and that he has no means of support and no money, but is wholly dependent upon the affiant for support and care; that she is 62 years of age and unable financially to bear the whole burden of his support, and unable physically to take care of him in case of sickness.

"Other testimony filed with your committee shows that said William C. Tallman is the son of the soldier; that the beneficiary is destitute; that he has no means of support, and that he has been a cripple and epileptic, and, in fact, an incurable imbecile, unable to take care of himself since arriving at the age of 3 years and 4 months, and medical testimony filed with your committee corroborates these statements as to the son's mental and physical condition.

"Following precedents established in former Congresses, to add to the pension of a soldier's widow an additional sum of \$12 per month for the support and maintenance of a blind, idiotic, insane, or helpless child, your committee recommend a like increase in this case, and the bill is reported back with the recommendation that it pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. MEADE.

The bill (H. R. 10906) granting a pension to John W. Meade was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Meade, late of Company A, Fourth Battalion District of Columbia Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. HOWE.

The bill (H. R. 9178) granting an increase of pension to John M. Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Howe, late of Company E, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BALL.

The bill (H. R. 1694) granting an increase of pension to Henry Ball, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Ball, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK LEE.

The bill (H. R. 2781) granting an increase of pension to Patrick Lee, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Lee, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROLLIN TYLER.

The bill (H. R. 5862) granting an increase of pension to Rollin Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rollin Tyler, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LARZALERE.

The bill (H. R. 10044) granting an increase of pension to William Larzalere was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Larzalere, late captain of Companies F and D, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FREDERICK A. CONDON.

The bill (H. R. 1696) granting an increase of pension to Frederick A. Condon was announced as next in order.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

ELIAS M. HAIGHT.

The bill (H. R. 10924) granting an increase of pension to Elias M. Haight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias M. Haight, late of Company I, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMOND DELAMATER.

The bill (H. R. 7683) granting an increase of pension to Almond Delamater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almond Delamater, late of Company I, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA L. CORY.

The bill (S. 2805) granting a pension to Mary Ella Cory and Edwin Lewis Cory was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna L. Cory, widow of John Cory, late of Company G, First Regiment Wisconsin Volunteer Infantry, and second lieutenant Company H, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Ella Cory and Edwin Lewis Cory, helpless and dependent children of said John Cory, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna L. Cory."

Mr. COCKRELL. I should like to call the attention of the chairman of the Committee on Pensions to the fact that all the bills from this one on were reported only yesterday, and the bills and reports have not been laid on our tables. There will be no trouble about passing them at the proper time, and I think it would be better to delay action on them.

Mr. GALLINGER. The bills and reports have been printed.

Mr. COCKRELL. At least I have not been able to get them. I have sent for them to the document room. I should like to have the privilege of glancing at some parts of them.

Mr. GALLINGER. I have no objection, Mr. President.

Mr. COCKRELL. Has the Senator copies of all of them?

Mr. GALLINGER. I have copies of all of them, I will say to the Senator.

Mr. COCKRELL. They are not here, and I have sent word to the document room that it would be better to send them down a little more punctually when we are to consider bills the day after they are reported.

Mr. GALLINGER. I have copies of them. I have carefully examined them all, and I would be glad to turn these over to the Senator from Missouri, if that will answer his purpose.

Mr. COCKRELL. Very well; so that I can look at them.

EDWARD M. KANOUSE.

The bill (H. R. 366) granting an increase of pension to Edward M. Kanouse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward M. Kanouse, late of the Third Battery Wisconsin Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA G. WEISENBURGER.

A bill (H. R. 7755) granting a pension to Laura G. Weisenburger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura G. Weisenburger, widow of John J. Weisenburger, late major, First Regiment Washington Volunteer Infantry, war with Spain, and to pay her a pension of \$25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AQUILA WILEY.

The bill (H. R. 2240) granting an increase of pension to Aquila Wiley was considered as in Committee of the Whole. It proposes



to place on the pension roll the name of Aquila Wiley, late colonel Forty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$72 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA A. VAN WYE.

The bill (H. R. 9659) granting a pension to Laura A. Van Wye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura A. Van Wye, the dependent and helpless daughter of John C. Van Wye, late of Company H, Seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN HAYS.

The bill (S. 3103) granting an increase of pension to Susan Hays was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Hays, widow of John C. Hays, late colonel First Regiment Texas Mounted Rangers, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SILAS D. STRONG.

The bill (S. 2971) granting an increase of pension to Silas D. Strong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas D. Strong, late of Company F, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. ALLEN.

The bill (H. R. 7998) granting an increase of pension to William H. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Allen, late of Company B, Twenty-third Regiment Michigan Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. FRIER.

The bill (H. R. 11619) granting an increase of pension to David A. Frier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Frier, late of Capt. R. B. Turner's company of Florida Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES B. WINGFIELD.

The bill (S. 1678) granting an increase of pension to Charles B. Wingfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Wingfield, late of Company A, First Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES TODD.

The bill (H. R. 12315) granting an increase of pension to James Todd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Captain," to strike out the name "Norcutt's" and insert "Northcutt's;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Todd, late of Captain Northcutt's Company D, First Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES F. RAND.

The bill (S. 4658) granting an increase of pension to Charles F. Rand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Rand, late of Company K, Twelfth Regiment New York Volunteer Infantry, and to pay him a pension of \$60 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. RAULETT.

The bill (H. R. 1011) granting an increase of pension to John S. Raulett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 7, before the word "and," to insert "United States Navy;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Raulett, late of the United States steamship *Florida*, United States Navy, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RICHARD C. SMITH.

The bill (H. R. 669) granting an increase of pension to Richard C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard C. Smith, late of Company H, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. MC'CLELLEN.

The bill (H. R. 8269) granting an increase of pension to James R. McClellen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. McClellen, late of Company C, Fifth Regiment United States Cavalry, and Company D, Eighty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN G. HEINER.

The bill (S. 4319) granting an increase of pension to Helen G. Heiner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen G. Heiner, widow of Robert G. Heiner, late captain, First Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERTHOLD FERNOW.

The bill (S. 2936) granting an increase of pension to Berthold Fernow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "second;" in the same line, after the word "lieutenant," to strike out "in the" and insert "Company I;" and in line 7, before the word "Infantry," to insert "Volunteer;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Berthold Fernow, late second lieutenant Company I, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. HARRIS.

The bill (H. R. 2417) granting a pension to James B. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Harris, late of Company K, Twenty-eighth Regiment Pennsylvania Volunteer Emergency Militia, and to pay him a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. SINGLEY.

The bill (H. R. 10411) granting an increase of pension to Mary E. Singley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Singley, widow of John M. Singley, late of Company K, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided, however,* That in the case of the death of the helpless child, Robert H. C. Singley, on whose account the pension of Mary E. Singley is increased, the pension of said Mary E. Singley shall continue only at the rate of \$8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH T. KNOWLES.

The bill (H. R. 11418) granting an increase of pension to Hannah T. Knowles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "living," to strike out "still;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah T. Knowles, widow of William T. Knowles, late of the U. S. S. *Independence*, war with Mexico, and pay her a pension at the rate of \$8 per month, such pension to cease upon proof that the soldier is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNA B. M'CURLEY.

The bill (H. R. 2093) granting an increase of pension to Anna B. McCurley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna B. McCurley widow of Felix McCurley, late commander, United States Navy, and to pay her a pension of \$35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZENO T. GRIFFEN.

The bill (S. 3472) granting an increase of pension to Zeno T. Griffen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Griffen" and insert "Griffen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zeno T. Griffen, late of Company E, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Zeno T. Griffen."

MARY JANE FAULKNER.

The bill (S. 1512) granting an increase of pension to Mary Jane Faulkner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "late," to strike out "deceased;" in line 8, before the word "war" to strike out "Mexican;" in the same line, before the word "and," to insert "with Mexico;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Faulkner, widow of Josiah Faulkner, late of Company A, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES L. CUMMINGS.

The bill (S. 3519) granting an increase of pension to Charles L. Cummings, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Cummings, late of Company E, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL J. LAMBDEN.

The bill (S. 4072) granting an increase of pension to Samuel J. Lambden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Lambden, late of Company B, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$25 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel J. Lambden."

BESSIE H. LESTER.

The bill (H. R. 1378) granting an increase of pension to Bessie H. Lester was considered as in Committee of the Whole. It proposes that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bessie H. Lester, widow of Charles H. Lester, late lieutenant, Second Regiment United States Cavalry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE ANGEL.

The bill (H. R. 8212) granting a pension to Alice Angel was considered as in Committee of the Whole. It proposes that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Angel, helpless and dependent daughter of James J. Angel, late of Captain McClelland's company, Tennessee Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH MALEY.

The bill (H. R. 6873) granting an increase of pension to Sarah Maley, was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Maley, widow of Thomas E. Maley, late first lieutenant and regimental quartermaster Fifth Regiment United States Cavalry, and to pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Mr. President, that concludes the Pension Calendar.

Mr. HALE. Now let us go back to the Calendar and take that up for the rest of the morning hour.

AMENDMENT OF DISTRICT CODE.

Mr. PRITCHARD. I ask the Senate to take up the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia." It is the bill that I called up yesterday.

The PRESIDENT pro tempore. It is No. 1 on the Calendar.

Mr. HALE. That is an important bill. While it is somewhat long it will always be in our way until it is disposed of. If the Senator thinks it will not give rise to debate and is likely to have quick passage, I will not ask the Senate to delay action upon it.

Mr. PRITCHARD. I do not think it will give rise to any debate.



Mr. HALE. It is undoubtedly an important bill, and it ought to be passed. We may as well take it up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The PRESIDENT pro tempore. The bill will be read.

Mr. PRITCHARD. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall receive first consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment of the committee was, in section 1, on page 1, line 7, after the word "by," to strike out the words:

Striking out in the first and seventeenth lines thereof the word "ten" and inserting in lieu thereof in each of said lines the word "eight." Also by.

So as to read:

Amend section 3 by adding at the end of said section the words: "No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the words "Amend section 42 by," to strike out "inserting in the second line thereof, after the word 'present,' the word 'constituted,'" and insert:

Substituting for said section the following:

"SEC. 42. CONSTITUTION.—There shall continue to be a police court in the District as at present constituted, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, or until their successors are appointed, who shall each receive a salary of \$4,000 per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the acts of said court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States."

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to insert:

Amend section 51 by substituting for said section the following:

"SEC. 51. Disability of judge.—In cases of sickness, absence, disability, expiration of the term of service of, or death of either of the judges of said court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for the judge of the police court and shall receive the sum of \$5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court."

The amendment was agreed to.

The next amendment was, on page 19, after line 15, to insert:

Amend section 190 by substituting for said section the following:

"SEC. 190. There shall continue to be a coroner of said District, who shall be appointed by the Commissioners of the District of Columbia, and shall receive a salary of \$1,800 per annum."

The amendment was agreed to.

The next amendment was, on page 37, after line 20, to insert:

Amend section 645, line 5, by substituting the words "three thousand five hundred" for the words "two thousand five hundred."

The amendment was agreed to.

The next amendment was, on page 41, line 23, after the word "of," to insert and by substituting, in lines 2 and 3, the words "corporation counsel," for the words "city solicitor;" so as to make the clause read:

Amend section 932 by striking out in the tenth line thereof the word "for" and inserting in lieu thereof the word "of," and by substituting, in lines 2 and 3, the words "corporation counsel" for the words "city solicitor."

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to strike out:

Strike out sections 966 and 967 and insert in lieu thereof the following:

"SEC. 966. CAUSES FOR DIVORCE A VINCULO.—A decree of divorce from the bond of matrimony may be granted in any of the following cases, namely:

"First. Where either party has committed adultery during the marriage, unless the same has been with the consent or connivance of the other party; or, after knowledge of the fact, he or she has continued voluntarily to cohabit with the guilty party.

"Second. Where the party complained of has been an habitual drunkard for the period of three years.

"Third. Where the party complained of has been guilty of cruelty of treatment, endangering the life or health of the other party.

"Fourth. In case of willful desertion and abandonment of the complainant, by the other party, for the full, uninterrupted period of two years.

"SEC. 967. CAUSES FOR DIVORCE A MENSA ET THORO.—A divorce from bed and board may be granted for either of the following causes, namely:

"First. Cruelty of treatment by either party endangering the life or health of the other party.

"Second. Reasonable apprehension by one party of bodily harm from the other."

The amendment was agreed to.

The reading was continued to line 5, on page 57.

The PRESIDENT pro tempore. The Chair calls attention to lines 3 and 4. The bill strikes out "contracted" and inserts "contracted."

Mr. COCKRELL. In the amendment to section 1286?

The PRESIDENT pro tempore. To section 1286.

Mr. COCKRELL. I suppose that is because in the original print here it is "who has knowingly and willfully contracted any marriage." It is spelled wrong in the original, but, unfortunately, both words are spelled right in the bill. The bill ought to read that the word "contracted" be stricken out.

Mr. PRITCHARD. Let "contracted" be substituted for the correct spelling of the word.

The PRESIDENT pro tempore. That change will be made.

The reading of the bill was resumed. The next amendment was, on page 60, after line 14, to insert:

Amend section 1582, in line 6, by striking out all after the word "expressed" and inserting in lieu thereof the following:

"And whether said lots or parcels conform to the general orders of the Commissioners of the District of Columbia made under existing law or under authority of section 1901 of this code; and if upon such examination he shall find the plat correct he shall certify the same under his hand and seal to the said Commissioners with such remarks as appear to him necessary; but no such plat or subdivision shall be admitted to record in the office of the surveyor without an order to that effect, indorsed thereon by said Commissioners."

The amendment was agreed to.

The next amendment was, on page 61, after line 5, to insert:

Amend section 1584, line 3, by striking out the words "to the public or subject to the uses declared by the person making such subdivision."

The amendment was agreed to.

The next amendment was, on page 61, after line 8, to insert:

Amend section 1589, line 2, by striking out the words "when requested," and in lines 3 and 4, by striking out the words "when the same shall be level with the street or surface of the ground."

The amendment was agreed to.

The reading of the bill was continued to line 2 on page 62.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. PRITCHARD. I ask that the unfinished business be temporarily laid aside in order that we may complete the reading of the bill.

Mr. COCKRELL. There are only two and a half pages left.

Mr. PRITCHARD. Only two and a half pages.

Mr. PROCTOR. Let the reading be finished; and if there is to be no debate on the bill, I will consent to its passage.

The PRESIDENT pro tempore. No objection being made, the unfinished business is temporarily laid aside.

The Secretary resumed and concluded the reading of the bill.

Mr. PRITCHARD. On behalf of the Committee on the District of Columbia I offer an amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 35, after line 3, insert:

Amend section 553 by striking out, in line 16, "1891," and inserting "1901."

The PRESIDENT pro tempore. Does that appear in this bill? Mr. PRITCHARD. It is to amend the section of the code, page 98.

Mr. COCKRELL. It is not in this bill at all.

Mr. PRITCHARD. No, sir; it is not in this bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President, I find in the estimates of appropriations for the present fiscal year, on page 366, a recommendation for a provision in this bill for—

One deputy clerk, to be known as financial clerk, to enable the clerk to carry out that portion of section 58 of the District code, approved March 3, 1901, relative to receiving, accounting for, and disposition of all fines, penalties, costs, and forfeitures imposed or taxed by the police court on process ordered by the court.

I find that the police judges recommend the adoption of such an amendment, and I send the amendment to the desk to be read. It proposes to amend section 58 of the code.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 6, after line 9, insert:

That section 58 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be amended so as to read as follows:

"SEC. 58. FINES TO BE PAID TO THE CLERK OF THE POLICE COURT: All fines, penalties, costs, and forfeitures imposed or taxed by the police court shall be paid to the clerk of said court, either with or without process or on process ordered by the court. The clerk of the police court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs, and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia, subject to the requirements of the provision of the act of June 11, 1896, to meet any deficiency in the police or the firemen's relief fund. The said clerk shall render an itemized

statement of each deposit aforesaid upon such forms and in such manner as shall be prescribed by the auditor of the District of Columbia."

Mr. COCKRELL. What has been read is from page 12 of the code of law?

Mr. PRITCHARD. It is on page 12.

Mr. COCKRELL. It is not in this bill at all?

Mr. PRITCHARD. It is not in this bill.

Mr. HANSBROUGH. It is in the old code.

Mr. PRITCHARD. It is in the old code at page 12.

Mr. HANSBROUGH. I suppose the proper method would be to have the amendment adopted as an additional section or in lieu of the section covering that subject.

Mr. COCKRELL. On page 6 of the bill, after line 19 and before the next clause amending section 61, let the amendment be inserted amending section 58 of the code.

Mr. HANSBROUGH. That is proper.

The PRESIDENT pro tempore. On page 2 of the proposed amendment, line 9, there is a bracket in pencil. What does the Senator signify by it?

Mr. HANSBROUGH. That is the new matter which provides for the appointment of the deputy clerk.

The PRESIDENT pro tempore. That has not been read.

Mr. HANSBROUGH. No; it has not yet been read.

The Secretary read as follows:

And to carry into effect the provisions of this section there shall be appointed by the judges of the police court an additional deputy clerk, to be designated "financial clerk," at an annual compensation not to exceed \$1,800.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. COCKRELL. Where is it to come in?

Mr. PRITCHARD. After line 19.

The SECRETARY. On page 6, after line 19.

Mr. COCKRELL. Now, let us see how it reads.

The SECRETARY. Amend section 58 as follows:

SEC. 58. Fines to be paid to the clerk of the police court.

Mr. COCKRELL. Now, what change does it make in the original? It is only additional.

Mr. HANSBROUGH. The change occurs at the end of the proposed section.

The PRESIDENT pro tempore. The last five or six lines.

The SECRETARY. "And to carry into effect the provisions of this section"—

Mr. COCKRELL. Then say: "Amend section 58 by adding thereto the following words." It is not worth while to insert the whole section again. That is the way the amendments have been made all the way through.

Mr. HANSBROUGH. That will answer the purpose, I think.

The SECRETARY. Amend section 58 by adding thereto the following words:

And to carry into effect the provisions of this section there shall be appointed by the judges of the police court an additional deputy clerk, to be designated "financial clerk," at an annual compensation not to exceed \$1,800.

Mr. COCKRELL. Now, about the salary. I have here the original section. It does not say what the clerk's salary shall be.

Mr. HANSBROUGH. In the estimates of appropriations the salary is fixed at \$1,500.

Mr. COCKRELL. Let it go in at that for the first.

Mr. HANSBROUGH. I have no objection to making it \$1,500.

Mr. COCKRELL. One thousand eight hundred dollars might be too high for a deputy clerk.

The PRESIDENT pro tempore. The modification will be stated.

The SECRETARY. In line 13 strike out "eight" and insert "five;" so as to read:

At an annual compensation not to exceed \$1,500.

The amendment as modified was agreed to.

Mr. HOAR. Mr. President, I should like to inquire if it is the purpose to pass this statute in its present condition and to leave the code amended in all this vast number of particulars, some of them verbal, relating to different sections, so that everybody who wants to know what the law is has first to look at the code and then to search through the separate sections and patch together the two? It is a very awkward and unscientific method of amending bills that we have got into to say that an act shall be amended by striking out some word and inserting another in the old law instead of reenacting the law; but we do it ordinarily only where there is really a substantial section stricken out and a new text put in, which amounts to the same thing as a new law. It would seem to me that the proper course to pursue would be to refer the bill back to the committee with instructions to report the existing District code with these amendments in it, and to order, when it comes in, that it may be read only by its title, unless the Senate otherwise direct at the time.

Mr. COCKRELL. Let me make a suggestion to the Senator.

Mr. HOAR. In a moment. The Senate will, of course, accept the authority of the committee that what we have passed has been incorporated in the code. The only difficulty about it is that in

the House, if it goes there as a new bill in that way, it might require the reading in the House of the entire District of Columbia code, which would be a very serious obstacle to its passage, and which I do not want to create; but it seems to me that there ought to be some mode of getting rid of this method of legislating in an important matter. It would be very embarrassing and uncomfortable for all lawyers and citizens, for the courts and everybody else.

Mr. PRITCHARD. Mr. President, it was in order to obviate the necessity of reading the entire code that the amendments were prepared as now reported. It is the purpose of the committee to have a reprint of the code which will meet the objection my distinguished friend from Massachusetts [Mr. HOAR] makes to the bill.

Mr. FAIRBANKS. Do I understand that the code is to be printed as amended?

Mr. PRITCHARD. That is the intention.

Mr. COCKRELL. But that can only be done after the bill has been agreed to in conference.

Mr. PRITCHARD. That is true.

Mr. COCKRELL. Let the bill go to the other House and let the amendments be acted upon there, and when the bill is agreed to in conference then let the conferees bring in the perfected code just as the Senator says it ought to be, and then we shall have the code as it will be when amended. That is the only way it can be done.

Mr. HOAR. That is what I was about to say I thought would be the only solution of the difficulty, not by doing it in the Senate alone, for it has to go to the other House and be acted upon there. I desire to express the hope when this bill has been adopted, or when the two Houses have agreed on some bill of which this may be the foundation and substance, that the two committees will find some way to substitute the revised code as it will be with these amendments, and it can then be put through very quickly.

I do not know that every Senator present knows that before the Revised Statutes of the United States of 1884 were passed the House spent nearly the whole summer in evening sessions, reading every chapter and going over the bill very carefully. The revision was under the authority of very competent and experienced lawyers of the committee there. Then it came over here, and was read one evening at an evening session by title only. The Senate took it absolutely upon the authority of the House, not a word of it being read here. It was then sent to the Printer, and the volume of the Revised Statutes, printed and bound, was laid on the desk of the President of the Senate the next morning when the Senate met. I dare say the Senator from Nevada [Mr. STEWART] remembers that fact.

Mr. STEWART. Yes; I was on the committee.

Mr. HOAR. The Senate took it on his authority, without wanting to inquire further about it, and without even wanting to hear him make a speech about it. [Laughter.]

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEMUEL GROVE.

Mr. COCKRELL. Mr. President, by an oversight this morning Order of Business 797, being the bill (S. 2305) granting an increase of pension to Lemuel Grove, was not considered. I ask that it be taken up and passed now.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2305) granting an increase of pension to Lemuel Grove.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Grove, late captain Company F, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN Y. COREY.

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 4366) granting a pension to John Y. Corey.

Mr. GALLINGER. A similar bill has passed both Houses of Congress, and I move to reconsider the vote by which it was passed and that the bill be indefinitely postponed.

The motion was agreed to.



## IMITATION DAIRY PRODUCTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. MONEY] is entitled to the floor.

Mr. MONEY. Mr. President, yesterday afternoon I yielded for the reading of the reports of the majority and of the minority of the Committee on Agriculture and Forestry on this bill, which consumed the remainder of the afternoon and enabled me to make a little collection of papers.

This bill is one that is sui generis. There has never been, I believe, since the foundation of this Government a bill with such a proposition in it as is embodied in the bill now pending. Senators on both sides have decided convictions about it. My conviction of it is that it is unconstitutional, unjust, immoral, and dishonest, and I do not mean to flatter anybody by making that statement.

I listened with a great deal of interest, not to say enthusiasm, to the impassioned and thrilling statistics submitted on this question by the Senator from Vermont [Mr. PROCTOR] on yesterday, and heard with a great deal of pleasure his glowing eulogy of the cow as the giver of almost every good and perfect gift in this country. I could even add uses of the cow which were not mentioned by the Senator from Vermont. But, nevertheless, my enthusiasm, moved by his oratory, did not quite sweep me from my convictions, and I am still of the same opinion that the bill should not pass.

I endeavored to put in the minority report, so far as I had a hand in drawing it, my reasons for my attitude on this bill, but being conscious of the fact that reports of committees are never read, except when read at the desk, and then never heard, I shall be compelled to repeat something contained in the report.

This proposition is one in line somewhat with all the protective measures that have been adopted by the Congress of the United States. It is a singular fact that only the people who desire the money of other people have been pushing bills of this character. It is not the great mass of the people who rise up and demand protection for a single class, and there has never before been a proposition for such a tax as this. We have had bounty acts passed, in which the whole public were taxed for the benefit of people engaged in an industry that was supposed to labor under some inequalities, such as the cheapness of labor in pauper Europe, and so on, and we have had taxes levied upon all the people of the United States on fish caught in the fisheries of our Northern seas. We have had taxes levied to pay manufacturers in order that they might enjoy the home market and sell their products about 50 or 60 per cent higher in the United States to American citizens than they sell the same articles abroad, where there is the competition of the world.

Any proposition which taxes other people for the benefit of any one industry is, in my opinion, obnoxious not only to the Constitution, but to good morals. But here is a proposition that goes far beyond any other that has been considered here. This is a proposition not simply to tax one man for the benefit of another, but to tax out of existence a legitimate industry in order that another industry may enhance its profits. If the manufacturer of oleomargarine or butterine or imitation butter were called upon to pay a part of his earnings, or if the people who produce the raw material, the cotton-seed oil, beef fat, lard, and other ingredients in butterine or oleomargarine were called upon to pay a part of the tax for the interest of the butter men, that would be bad enough, in good conscience; but this is a demand that an industry shall be absolutely exterminated. I do not believe that any protectionist has ever heretofore gone that far. In fact, I consider this to be protection run mad—gone clean crazy—and how the Senate or any deliberative body can coolly consider a proposition of this sort is beyond my comprehension.

Mr. President, the distinguished chairman of the committee said in his report that—

The principal opponents of the bill are the manufacturers of oleomargarine, live stock associations, and the cotton-seed mill men.

The cotton-seed interests will be but little, if any, affected by the passage of this bill, as more than half of their oil product is exported, and of the portion retained in this country only the best grade of it can be used, and none is used in the manufacture of the best qualities of oleomargarine. Besides, there are other commercial avenues open for the disposition of cotton-seed oil.

We fail to see how the live-stock interest will be seriously affected, as the caul fat from which oleo oil is derived is but a very small percentage of the animal's value, and this material has commercial value for other purposes.

I do not think that that is an exactly correct statement, although I have no doubt the Senator from Vermont thought he was making it exactly as it was. I am not here representing live-

stock associations, or the cotton-seed-oil men, or the cotton-seed-producing men, or any other interest; but I am here representing that vast body of American citizens who rarely have a voice raised here in their behalf, and that is the consumers of these products. I speak to-day in the interest of the vast mass of working people throughout this country, who can pay no attorneys, who can promise probably no votes, and who have no national organization to press their demands upon Congress.

This is a proposition to deprive millions of people in this country, men working in the mines, in the crowded factory towns, and in the great commercial centers of the country, of a wholesome, legitimate, and nutritious article of food, for there are millions who can not buy butter who are perfectly satisfied with butterine. I will say that the chemist, the expert, the doctor, and everybody else who has been before the committees of the two Houses and given testimony as experts have said that butterine is quite as good an article of food as butter, just as wholesome, just as nutritious, and in several instances they have pronounced it a great deal better. Oleomargarine or butterine is not subject to the decay and the rancidity to which butter is subject. It contains no butyric acid, and is less obnoxious to the delicate stomach than butter. So, according to the scientific testimony of those people who should know, on an average of large experiments, butterine is a better or, at least, as good an article of food as butter.

I do not know that I ever ate any oleomargarine, and I do not think anybody else knows whether he has eaten any. I venture to say there is not a Senator here who can tell the difference between that article and butter. I recollect last year a Senator on the Committee on Agriculture and Forestry said one morning that he had been eating oleomargarine the whole winter at his hotel, that he had just heard of it, and his indignation was greatly aroused. I asked if he could not tell it by the smell. "No," he said. "Nor by the color?" "No." "Nor by the taste?" "No." "Nor by the effects upon your digestion?" "No." "Then," I said, "what is the odds whether you eat oleomargarine or butterine or butter if you can not tell the difference in any way whatever?"

But it is said that the position of the committee is to protect the people of the United States from the imposition of a fraudulent product in substitution for another. Mr. President, we are accustomed to say these formal things just as we begin a letter by saying "My dear sir," and end it "Your most obedient servant," or "Yours, truly;" but, as a matter of fact, there would not be a voice raised here to protect anybody from imposition if there was no money behind this bill in the enhanced profits, as they suppose, that are to go to the butter interests of this country.

I am not against the butter interest. I have had any number of petitions here under that stereotyped heading as sent forth by the National Dairymen's Association, imploring me to vote for this bill, and one man wrote to me—and a very good man after his way, I suppose—that if I thought I was doing any service to the dairy people I was badly mistaken. I wrote him that if he thought I was trying to do anything for the dairy people, or any other interested class of people, he was badly mistaken. I am not here to champion any one interest against another; but there is a just indignation in the breasts of those people who are engaged in an honest industry—just as honest as milking and churning—in the production of a good, wholesome article of food, that they should be oppressed and compelled to quit their business, and that the producers of the raw material should suffer in their proper earnings from the effects of such a law as this.

I say, in the first place, Mr. President, that this is an unconstitutional act. It is plainly class legislation. Nobody will deny that it is in the interest of one class; nor is it simply taxing the people generally for the benefit of that class. That is already done. There is to-day a duty of 6 cents a pound on butter. America is the highest butter market in the world. Butter is 6 or 7 cents a pound higher here than in the market of Great Britain, which is supplied mainly by the Danish people, who make the best butter in the world, and it is 9 or 10 cents higher here than in Canada. Canadian butter pays the duty when it comes into this country, and it is exported again with a rebate of 5 cents to enable the exporter to get it in and send it out at the cost of only 1 cent a pound. This is a great protection for butter, at least that was the argument of the men who framed the law and fixed this rate on the importation of butter, which, as I said before, is higher in this country than it is anywhere else on the face of the earth.

Nobody can complain that the dairymen are not doing well. They are doing well. We find that they are doing so well that there is a proposition now to make a grand trust, run by the butter factories of the country, as is stated here by a paper published in Kansas City of a late date.

Big butter trust—Two Kansas men to consolidate all United States creameries—Capital stock, \$18,000,000—They already control about 400 creameries in the West.



That is legitimate enterprise, some people will say. Well, let it go at that. I do not attack this consolidation of creameries; but what I do oppose is the taxation of other people for the benefit of these gentlemen in the creamery business.

I say this bill is unconstitutional in respect to its being class legislation, and it is unconstitutional in the tax itself. It has been often said, quoting Chief Justice Marshall in *McCulloch v. The State of Maryland*, that the power to tax carries with it the power to destroy; but it also has been said over and over again that when the Government laid its hand upon a citizen to take from him a part of his money for the benefit of another citizen or class of citizens, it was not legislation, but legislative decree under the form of law, and was robbery. That was the opinion delivered in those words by the greatest judge in my time—a Republican judge from the State of Iowa.

Now, I propose, if the Senate will not be wearied by a few legal decisions, to substantiate what I am saying. I deny that this Government has a right to tax anybody, much less to so tax as to exterminate an industry for the benefit of any person or any number of persons, even if there were millions of them. I deny the right of this Government to tax to destruction or to tax at all anybody or anything except for the purposes of government. You must show that the object of the taxation is to raise revenue that will permit this Government to conduct its affairs and administer the affairs of the people in a proper way; to supply the instruments for the enforcement of law, and to do everything that becomes a sovereign in the family of nations in its internal relations to its own citizens and in its external relations to the world.

The greatest case that I know of is the one that is repeated here quite often, and was set forth quite elaborately the other day by my distinguished friend from Kansas [Mr. HARRIS] in the very able and lucid speech which he submitted to the Senate. It is the case of *Loan Association v. Topeka*, quoted in 20 Wallace, page 665, the opinion being delivered by Mr. Justice Miller, as I said, the greatest judge in my time; and I want to say further that, although a Republican, when the history of his time is written he will be put down as, next to John C. Calhoun, the strongest States' rights man who ever figured very prominently in this country. Strange he should be a Republican, but it is so. Judge Miller says:

The power to tax is therefore the strongest, the most pervading of the powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of *McCulloch v. The State of Maryland*, that the power to tax is the power to destroy.

But that was a case—I want to call it to mind—where the State of Maryland attempted to tax one of the instrumentalities of the United States, and the denial was that the State could levy a tax at all upon an instrument of this Government, because to tax included the power to destroy.

A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage.

That is the opinion of the judge, but it does not give the argument. The argument was that the Government was then in the stress of war; it was struggling for its national integrity, to preserve itself, rounding out its whole extent of dominion, and money being the principal instrument in conducting a war and absolutely necessary thereto, it was compelled for lack of hard money to issue paper money, and in order to give that a place in the markets and sustain it in its value the Government was compelled to tax out of existence the issues of the State banks. That was the argument, and it was a good one, for the Government had a right to do that.

This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.

That is what is being attempted in this bill. It may be said by my distinguished friend from Vermont [Mr. PROCTOR], who honors me with his attention, that it is not the intention to exterminate this industry. He does not say that is the intention here, but it is professedly a revenue bill, and Secretary Gage, when invited before the committee, said that if it was a revenue bill it was not needed. We have just passed a bill wiping off the statute books the whole war-revenue taxes because there is a surplus in the Treasury of one hundred and eighty-odd million dollars outside of the \$150,000,000 of the gold reserve. So we do not need the money; and if it is not a revenue measure, then it is a misnomer.

Here is a proposition in this bill to add to the wealth of one class of our fellow-citizens, to use the language of this decision, "so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised."

That is evidently the proposition here—to enhance the value of

the products of the dairy and to decrease the value of live stock, cotton-seed oil, and lard, and also to destroy millions of dollars invested in butterine and oleomargarine, the making of which is recognized as a legitimate article of commerce by law.

To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done in the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

There never were truer words spoken. They are words that ought to carry weight to every mind in this Senate, and if this decision does not fit all around this bill then it does not amount to anything at all.

Nor is it taxation. "A tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by the Government for the use of the nation or State."

I ask you, Senators, is this taxation for the benefit or use of the nation or State? The testimony of Secretary Gage was that if you raised the tax to 10 cents a pound there would be great difficulty about collecting any of it at all. Suppose the industry could bear the tax, how many inducements have you given to those people engaged in the manufacture and sale of oleomargarine to evade the law and save the 10 cents per pound? You know when you raised the tax on whisky to \$2 a gallon it had to be put down to \$1.10 because nobody wanted to pay the tax, and the wit, the enterprise, and the energy of the whisky men were directed to putting whisky on the market without paying the extraordinary tax of \$2 per gallon, and the tax had to be reduced in order to increase the revenue derived from that article.

Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes.

Is this tax to be imposed to raise money for public purposes? We do not want any more money. We are trying to reduce the surplus in the Treasury. This is what Judge Miller described here as an attempt to tax one class, or several classes of people, in order to enrich one particular favored class, and that, he declared, is unconstitutional. Is it a public purpose because a hundred, or a thousand, or a million, or ten million dairymen would reap profits from it? That does not make it for a public purpose. The "public" in the law is not the public in the newspaper sense of that word, in the common acceptance of people generally, but it means for governmental purposes, when it says "for public purposes," that the Government must need this money. For what? Not to reward this man or that man, to induce him to extend his operations and increase his private wealth, but to carry on the administration of public affairs; and that is the only sense in which it can be called a public purpose. The determination of the meaning of that phrase "public purpose" runs through a hundred decisions which are not necessary to be cited here, but some of which I will give.

The State ex rel. James Griffith et al. v. Osawkee Township et al. Municipal bonds not issued for public purposes; constitutional law.

The act of the legislature of 1875, entitled "An act authorizing townships to issue bonds for relief purposes," in that it provides for the issue of bonds and the levying of taxes for other than public purposes is unconstitutional and void.

In *Lowell v. City of Boston* (111 Mass., 454) the court held an act of the legislature unconstitutional and void that authorized the city of Boston to loan, on sufficient security, to the sufferers from a great fire in that city amounts not exceeding in the aggregate \$20,000,000, to enable them to rebuild upon their property, because it was an appropriation of public money for private use and made taxation necessary for private purposes.

There was a whole city full to be benefited; that may be called the whole public of Boston, and yet this tax was not for a public but for a private purpose. The Government had no interest in it, it was not necessary for the administration of its affairs, and therefore it was adjudged unconstitutional.

*Allen v. Inhabitants of Jay* (60 Me., 124):

Taxation, by the very meaning of the term, implies the raising of money for public uses, and excludes the raising of for private objects and purposes.

That is a case in which, I believe, a township asked the legislature of the State to enable it to issue bonds to establish a cotton factory or to give a bonus to a cotton factory, and the legislature granted the request. The factory was built, the taxpayers disputed the act, and it was declared unconstitutional by the Maine court.

In *Sharpless v. Mayor, etc.* (21 Penn. St., 147), Black, C. J., said:

I concede that a law authorizing taxation for any other than public purposes is void.

*Hanson v. Vernon* (27 Iowa, 28), Dillon, C. J.:

The acquisition, possession, and protection of property are among the chief ends of government. To take directly or indirectly the property of individuals and loan to others for purposes of private gain and speculation, against the consent of those whose money is loaned, would be to defeat it



from the protection of the Constitution, and submit it to the will of an irresponsible majority. It would be robbery and spoliation of those whose estates, or a portion of whose estates, is thus confiscated.

That is pretty strong language—that part of the estate of a butterine factory or of a man who is engaged in raising live stock or cotton producing or hog raising is confiscated by legislative decree under the form of law to enrich the milkmen and dairymen of this country who are already, as I have said, so well protected under a 6 per cent duty that butter is higher here than in any other part of the globe, and not only higher here, but a great deal higher than where the best butter in the world is sold.

Now, here is what Chief Justice Marshall said, in *McCulloch v. State of Maryland*, to which I referred before:

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance in conferring on one government a power to control the constitutional measures of another, which other, with respect to these very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied.

I beg attention to this one line of the Chief Justice's decision:

How all inconsistencies are to be reconciled by the magic of the word "confidence." Taxation, it is said, does not necessarily and unavoidably destroy. To carry it to excess of destruction would be an abuse, to presume which would banish that confidence which is essential to all government.

In other words, such legislation destroys absolutely in the minds of the people taxed all confidence in the integrity of the legislature which puts into operation such a proposition as this under form of law for the enrichment of one class of its citizens as against another; and, as I said a while ago, it is not simply taxation, but it is the determination to extinguish an industry just as legitimate as any on earth, producing an article not like whisky, to steal away the brain and disintegrate the whole physical and moral nature of man, but a wholesome article of nourishment, accessible to millions of the working people of this country who will be without this necessary article of food if the pending legislation is adopted.

*Missouri, etc., Railway Company v. Nebraska* (164 U. S., 147; 41 L., 495; 17 S. Ct., 135), in holding State can not take property of one person without owner's consent for use of another person. *Atchison, etc., Railroad v. Atchison* (11 Kans., 714; 28 Pac., 1001), holding tax levied in aid of private sectarian college void.

Notwithstanding the beneficent influence which would naturally emanate from a college or any institution of learning to the whole people, notwithstanding the fact that it educates a portion of them and elevates to a higher plane intellectually and morally the people of the whole State, yet this provision is declared void upon the protest of a taxpayer.

In the same case it is held:

The taking by a State of the private property of one person or corporation, without the owner's consent, for the private use of another is not due process of law, and is a violation of the fourteenth article of amendment to the Constitution of the United States.

Citing *Wilkinson v. Leland*, 2 Pet., 627; *Murray v. Hoboken Company*, 18 How., 272; *Loan Association v. Topeka*, 20 Wall., 655; *Fallbrook District v. Bradley*, 112 U. S., 158; *State v. Chicago, Milwaukee and St. Paul Railway*, 36 Minn., 402.

*Atchison, Topeka and Santa Fe Company v. City of Atchison*. In error from district court. Opinion by Johnston, J.

While it is argued that the public is benefited by the increase of schools and the spread of learning and knowledge, it is not contended that the colleges in question are under the supervision and control of the public, or that there is or could be any legislative authority for their support. The officers of the city had no power to impose a tax on the property of the citizens of Atchison to aid private sectarian schools or to promote private interests and enterprises.

Citing *Loan Association v. Topeka*, 20 Wall., 665.

These decisions seem to me to be very conclusive upon the point of the constitutionality of this measure.

Now, as to the interests concerned—

Mr. QUARLES. Will the Senator permit me to ask him a question?

Mr. MONEY. With pleasure.

Mr. QUARLES. I should like to ask the Senator his opinion as a lawyer. Suppose this bill is passed; does he think any court would hold it unconstitutional?

Mr. MONEY. The court has evaded the merits of a great many questions by saying that it could not look behind to discern the legislative intent; and when I say that this legislation is unconstitutional I do not mean that any court will ever pronounce it so, although it might, but what I mean is this: That we as legislators must see from these decisions that we are attempting to do a thing which is absolutely unconstitutional, although the court may never make a direct decision upon that point, because in a great many other cases it has said, "We can not go behind the text of the law to inquire into the intent of the lawmakers."

Mr. QUARLES. If I understand the position of my distinguished friend, it is that this measure is unconstitutional, but that no court can ever be made to see it. It is unconstitutional in a Pickwickian sense.

Mr. MONEY. Not at all. My friend misunderstood me in toto cetero if he imagines anything of the sort.

Mr. SPOONER. If the Senator will permit me, it is unconstitutional in the Senate, but not in the Supreme Court of the United States.

Mr. MONEY. I did not say that, either. I am very much obliged to the Senator from Wisconsin for his able assistance. I did not say that. Neither do I think I am making so strong an argument that it needs to be misrepresented or misunderstood. I do not say that it can not reach the Supreme Court, nor do I say what the Supreme Court will say; but I do say that a great many unconstitutional measures have been confirmed by the Supreme Court of the United States upon the ground that it must consider the text of the measure, and that it has no right to go behind that text to inquire into the legislative intent; that when the Congress of the United States says it had before it a bill which it made into a law for the purpose of raising revenue to carry on the Government, although in fact the court must know, from all the circumstances surrounding it, from general information which courts generally take cognizance of (and they are as much called upon to do so as they are of the law or the Constitution), yet the court must say, "We will not go behind to convict the legislature of fraud."

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Mississippi yield to the Senator from Texas?

Mr. MONEY. Certainly.

Mr. CULBERSON. I desire to ask the Senator from Mississippi this question: If the record could be made up of a case to be submitted to the Supreme Court, in which it were admitted, as it is virtually admitted in this debate, that the tax of 10 cents a pound is not levied in order to raise revenue but to drive colored oleomargarine out of the market, what is his opinion as to the judgment of the Supreme Court?

Mr. MONEY. There would not be a single moment's hesitation, and there would not have been a single moment's hesitation in a number of cases which have been passed upon by the court. Change the title of this bill, or change a section, and instead of "raising revenue" say on the face of it, "Here is a bill to drive out of existence an industry that is injuring by its competition, and honest competition, another industry," and you would see what the Supreme Court would do with it. I challenge the majority of the committee, who have reported this bill, to change it in one single instance, so that the court may honestly come to a decision upon that point, without the necessity of challenging the purpose and intent of the political power of the Government.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. MONEY. Certainly.

Mr. HARRIS. I should like to ask the Senator from Mississippi if his argument is not really sixteen years old? His argument, it seems to me, might have had some relevancy and pertinency to the law which was enacted sixteen years ago, but as applying to this measure, which is merely an amendment of that law, which has stood the fire of the courts all of these years, it seems to me it has not much effect. I should like him to discuss this as an amendment to the existing law.

Mr. MONEY. In reply my distinguished friend the Senator from Kansas, I will say that I am discussing this on principle. I do not care whether it is an amendment or an original bill or a substitute or what not; the form of it is nothing. It is the principle of the bill; that is what I am discussing. I care not what the court said sixteen years ago. Any number of precedents can not deter legislators from performing their duty as they see it. We are not bound in legislating by a decision of the court. There may be any number of decisions, but they have nothing more than a persuasive power upon the minds of men enacting law. It is a good thing that we have to come back really to first principles and reject decisions and judgments and precedents and get down to fundamental principles once in a while, in order to secure the rights of the people of this country. If we drift on the tide of precedents, one getting a little worse than the other all the time, no man on earth can tell where we will land.

But I venture to say there never will be a bill framed, with an honest title to it, which can pass the Supreme Court of the United States or any other court of competent jurisdiction as to its constitutionality. Gentlemen must hide behind a cover. Talk about the fraud of oleomargarine. It is a molehill as to a mountain compared with the fraud that is perpetrated upon the country and upon the court when a bill professing one thing means an entirely different thing. Everybody knows as well as the Secretary of the Treasury that there is no need of this tax. Everybody knows that by the unanimous vote of both Houses the Congress has swept off of the statute book a whole system of internal-revenue taxation. We all know that. We know it is hard to get



rid of the \$183,000,000 of surplus, which ought to be in circulation among the people of this country to quicken and enliven commerce in all its avenues.

I said the determination is to exterminate this industry. I have the testimony of men who have been sent here to effect legislation to that end. Mr. Hoard, who I believe is the chairman of the National Dairymen's Association, a gentleman of very high character, an ex-governor, said in his testimony before the House committee, when asked about this bill, that if it did not succeed in stamping out the industry he would be here next winter with one that did; and Mr. Knight, the secretary I believe of one of these associations, who has been a sort of dry nurse to the committees of both Houses until he was expelled from the committee room of one of them, or was not permitted to go in, has been collecting all sorts of testimony, and we find a letter of his to the Virginia dairymen, in which he says: "Now is the time to clip the fangs of this octopus and destroy it." We can not account for his mixed-up metaphors. An octopus has tentacles and not fangs.

Mr. Adams, who represents the State of Illinois, I believe, comes in and says, "The purpose of our bill is to exterminate this business; to wipe it out of existence." The effect was not good upon the committee. However much the committee was committed to a proposition of this sort, it could not quite have it declared openly, *al fresco*, "We are going to exterminate one industry by taxing it in order to benefit another." So he went before the committee and declared he was misunderstood, but when he said that the committee rose up and said, "You were well understood," and the minority of the committee print in their report the statement that he did say what he was reported to have said. The testimony is full on that subject. I could read you any quantity of stuff. I can not find what I want, but I will go away from that point. I believe it is exhausted.

I do not believe there is a man in the committee or in the Senate who believes that this bill is for any other purpose than to wipe out of existence the butterine or oleomargarine business, to destroy the money invested in it, for the purpose of relieving the butter men of a competitor, a competitor who undersells them in the market upon a grade of goods satisfactory to the consumer, with a protected market which makes it the highest in the world, so that the dairyman can absolutely buy Canadian butter, pay the 6 cents tax, get the rebate of 5, and export it abroad. And yet with all this protection the dairymen come here and ask that Congress lay an additional burden upon the cotton-seed men and the live-stock men and the hog-raising men, and at the same time tax out of existence a lawful industry, an industry just as lawful as theirs, producing just as good an article of food.

Now, that is the purpose, and there is not a man here who will deny it, in my opinion. They protect themselves by the title and the phraseology of the bill from any inspection of the purposes by the Supreme Court of the United States. That shield has been put up over and over again.

Now, a great many people will be deprived of a wholesome food article by this act, assuming that it will operate as its friends desire. If it does not so operate, I suppose we will have Mr. Hoard back here next year and there will be another bill introduced, imposing a tax of 20 cents or doubling the inspection or something of that sort, still further to injure and embarrass or destroy this legitimate industry producing a wholesome article of food for the millions of this country who can not buy a higher priced article of food.

Mr. SPOONER. Will the Senator allow me to ask him a question, if it will not interrupt him?

Mr. MONEY. Not at all. This is not susceptible of interruption.

Mr. SPOONER. If oleomargarine is innocuous, as I assume it is—

Mr. MONEY. It is, anyhow.

Mr. SPOONER. May be it is and maybe it is not.

Mr. MONEY. It is.

Mr. SPOONER. There is a difference of opinion about that.

Mr. MONEY. You are not an expert.

Mr. SPOONER. Unfortunately, I have been swindled in using it.

Mr. MONEY. It did not hurt you.

Mr. SPOONER. It hurt a member of my family. I think a man who wants to use in his family oleomargarine ought to be permitted to do it.

Mr. MONEY. Certainly; I admit that.

Mr. SPOONER. But I think a man who wants to buy butter and has oleomargarine palmed off on him for butter is swindled.

Mr. MONEY. I think so.

Mr. SPOONER. Does the Senator admit that this is largely sold as butter?

Mr. MONEY. No; I do not. I think it is sometimes, but not largely.

The PRESIDING OFFICER. This discussion has been contrary to the rule.

Mr. SPOONER. I think the Chair is right.

Mr. MONEY. I yielded with pleasure to my distinguished friend, because this is a free-for-all and a go-as-you-please sort of matter, and I do not care how much interruption there is.

That brings me to this point. The weight of testimony is almost overwhelming that there is no fraud practiced by the wholesale dealer, and no complaint is made, and Mr. Gage testified that he collected the tax as easily as any other tax; that he had no more trouble than he had with any other tax, and that it was much more easy to collect it than some of the other taxes, because a tax is evaded in the proportion that there is reward for its evasion.

It is said also that the wholesale dealer has not imposed upon the retail dealer. I hope my distinguished friend the Senator from Wisconsin will listen to this. It is directly in line with his question. I dislike to beg his attention, but it is in answer to his question, if he please. The testimony is that the manufacturer does not deceive, nor does he desire to, and the wholesale dealer does not deceive anybody. But the complaint is that here and there a retail dealer, in some small instance, does deceive the purchaser.

I want to say here that I am just as much in favor of preventing an imposition upon the consumer as any man in this Chamber. I am as ready and will go as far as any other man to prevent it, and I have here the substitute bill, which is offered by the minority as a measure which will prevent imposition in a degree very far exceeding that of the bill presented by the majority, except in so far as the majority suppress the industry. I am glad to call attention to the substitute, and I desire to read it. Here it is:

Strike out all after the enacting clause and insert the following:

"That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows."

I meet my friend the Senator from Kansas right there. The substitute is proposed as an amendment to the existing law. I have done, not in my own person, but for the minority, exactly what the Senator from Kansas says should be done. We have amended the old law so as to protect the innocent consumers from imposition and fraud on the part of the retail dealer, and that is the only place where the fraud is asserted to come in. Here is the provision:

SEC. 1. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 5 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe: *Provided*, That when such packages are packed in prints, bricks, rolls, or lumps the word "oleomargarine" shall be impressed in sunken letters, the size to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury on all prints, bricks, rolls, and lumps so packed; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and only in original stamped packages when packed in solid bulk, or in prints, bricks, rolls, or lumps, as received from the manufacturer. Every person who knowingly sells or offers for sale, or delivers or offers to deliver any oleomargarine in any other form than in the original packages as above described, or in prints, bricks, rolls, or lumps, as received from the manufacturer, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

SEC. 2. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows: Manufacturers shall pay \$600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in greater quantities than 10 pounds at a time shall be deemed a wholesale dealer therein, but any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own product only at the place of its manufacture, in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

Retail dealers in oleomargarine shall pay \$24 per annum. Every person who sells oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

That is the provision of the substitute proposing to amend the law as suggested by the Senator from Kansas, and in accord with his suggestion we have endeavored to throw around the consumer protection from imposition or fraud. There is no attempt here to destroy one industry for the benefit of another. There is no inequality in this. There is no injustice. I consider this bill as a totally immoral instrument, for the reasons I have given and others which I will adduce.

Mr. RAWLINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. MONEY. Certainly.

Mr. RAWLINS. I desire to ask, for information, a question of the Senator from Mississippi, who is familiar with this subject.



It is whether the sole object of the pending bill is to impose a tax on oleomargarine which is colored in imitation of genuine butter, leaving it open to manufacture oleomargarine and sell it without the imposition of a tax, provided it is not so colored as to convey the impression to those who may purchase it that it is genuine butter?

Mr. MONEY. That is what they say in the bill.

Mr. RAWLINS. Then, one other inquiry in that connection, and I should like to hear the Senator upon it. He is making an interesting argument. How, then, will this bill or the imposition of this tax, as provided in the bill, destroy a legitimate industry? If oleomargarine is wholesome, if it is equally nutritious, if it in every way commends itself to the consumer as a desirable article, why will it not stand upon its merits without any attempt to imitate any other article which may be upon the market?

Mr. MONEY. There are a dozen answers to that question, and it opens up an illimitable field. I could reply by asking another question: Why do all the creameries color their butter? Take the renovators or resurrectors of stale, rancid, sour butter, collected from a thousand or a million storehouses throughout the South and the West, placed in great cauldrons and heated to 212°. Some of it stinks; some of it is sour. It is remade with the aid of chemicals to deprive it of its odor, which makes it absolutely injurious to the consumer; and that product is permitted to be sold and colored. Why are they not deprived of the privilege of coloring their product? Why not make the man who makes white butter sell it white? I will tell you the reason why. Because the taste—I do not mean the palate—must be satisfied as well as the palate.

I once asked a retail grocer in my town who had canned goods on his shelf, "How do you sell these things?"

He said "so and so." "Now," he said "I want to tell you a singular fact. We have tomato cans. I can sell unlimited quantities of tomatoes put up in a can with a red and yellow label, and if you put a black and white label on the same tomato can you can never sell a can." They were the same tomatoes, they were just as good, they were just as palatable, they were just as digestible, but the cans had an unattractive label on them. So the public has demanded golden butter, yellow butter, Jersey butter, or California butter, and so on, which is presumed—it is a violent presumption—to be all yellow. As a matter of fact, butter is not yellow, but the great majority of it is white. Now, we come in here and we demand that one manufacturer of a made article shall not color it and the other is permitted to do it.

Mr. SPOONER. Will my friend permit me to ask him a question?

Mr. MONEY. Certainly.

Mr. SPOONER. Butter colored is still butter, is it not?

Mr. MONEY. I suppose so, with the added ingredients.

Mr. SPOONER. Oleomargarine in the similitude is simply hog fat?

Mr. MONEY. No; it is simply oleomargarine.

Mr. SPOONER. That is the difference?

Mr. MONEY. And black is still black and white is still white, and so we could go on endlessly with that sort of logic.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. MONEY. With the greatest pleasure.

Mr. HARRIS. The Senator did me the honor to allude to me a little while ago in reference to an amendment which has been proposed by the minority of the committee. That amendment requires, as I understand, that the bricks or blocks of butter shall be stamped with the word "oleomargarine." The present law, I believe, requires that the paper in which oleomargarine is wrapped and sold shall be stamped with the word "oleomargarine." That law, as we know, is constantly being violated. Instead of selling it in a paper stamped with the word "oleomargarine" it is constantly (and I speak from personal knowledge) sold without that stamp. Now, what would prevent the same dishonest retailer from obliterating, with a stroke of a knife, the words impressed upon the brick of butter, just as he now fails to comply with the existing law?

Mr. MONEY. Mr. President, in answer to that I will say that there never was yet a law framed by human ingenuity that evaded the lawbreaker. We hang people for murder, and they still murder. The illicit distillers still sell moonshine whisky. So men from some of the States in the Union sell terra alba to be mixed with flour. Wheat is the staff of life, and the people of the land are poisoned by wholesale assassinations. These things can not be prevented; and I do not believe it is the province of this Government to step in and prevent people from being imposed upon in transactions of that sort.

Mr. HARRIS. Then the Senator ought not to have introduced any such amendment as he now proposes from the minority of the committee.

Mr. MONEY. I think it is so much superior to the majority

measure, at least in principle, and that is what I am talking about, as I said, that I shall stick to it. But I shall be very willing, as far as I am concerned, to accept, and I believe I speak for the minority, any proposition that the Senator from Kansas or any other Senator will offer here that will make more perfect the impossibility of imposing a single ounce of any substitute for butter upon the public.

Mr. HARRIS. Mr. President, that is wholly and entirely the object of the bill which is now being discussed. It is to perfect—

The PRESIDING OFFICER. The Senator from Kansas ought to pause until he gets permission from the Chair.

Mr. HARRIS. I beg pardon of the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. MONEY. Certainly.

The PRESIDING OFFICER. The Senator from Kansas will proceed.

Mr. HARRIS. If the Senator will give the same credit of honesty to those who are in favor of this bill I think he will admit that the whole object of the bill is to perfect an existing law and to prevent fraud.

Mr. MONEY. Mr. President, it is exceedingly painful to me to disagree with anything that is concluded by the Senator from Kansas, but I do not believe anything of the sort. I do not believe that there is any intention or design particularly worthy of mention to protect anybody from anything, but I do believe the purpose is to enrich one class at the expense of another and to destroy an industry in order to do it. I say that that is unprecedented in legislative history here. I will not say abroad, because I believe they did it once.

Probably some one here more familiar with history can correct me if I am wrong—if the Senator from Massachusetts [Mr. HOAR] were here he could correct me—but I believe that once the British Empire prohibited the colonies from making certain things of iron and steel, and in order to recompense them for the loss forbade the cultivation of tobacco in England, where it could not grow. These things have happened frequently, and I have been looking for somebody here to introduce a bill in behalf of the Filipinos to compensate them for what we have done to them by providing that nobody shall raise Manila hemp or Nipa grass in Connecticut or somewhere else in the United States, as a compensation for a little bit of robbery.

Of course there is a great agreement of the people interested in this measure, and that reminds me of what poor old Sam Cox used to say about these protection measures when it was announced that everybody who was a beneficiary of the spoliation was harmonized. I can recollect when the celebrated McKinley bill was passed it was said that everyone who went into the committee room wrote with his hand what he wanted in the bill, and it was considered a perfect bill because they had agreed about it. Sam Cox called that the mutuality of rascality. That is a pretty hard term, perhaps, but it was said in his jocular vein, and nobody took offense at all. He designated it as "the mutuality of rascality," and there were people everywhere who were not harmonized, the people who had to pay the money and get nothing back; and they ought always to dissent.

There are other objections to this bill besides the one I have mentioned. I could go on indefinitely talking on the bill. Here is a provision, for instance, in the very first section:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers, to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Now, if this destroys the decision of the Supreme Court in the original package case, where is the power of the Government of the United States to regulate internal commerce? The State could not prevent the introduction from another State of its articles of manufacture or production in the original package. We attempt here by legislation on the part of Congress to confer power upon the sovereign States of this Union. The sovereign States of this Union made the Constitution. They conceded certain of their own sovereign powers in order to establish a more perfect Union, and they reserved to themselves all things not delegated or necessary and implied to carry out the delegated grant of power.

Here is Congress attempting to confer sovereign power upon a State. No lawyer knows better than my distinguished friend from Wisconsin [Mr. SPOONER] that the police power is an inherent and an inalienable right in every community.



Mr. DOLLIVER. Will the Senator allow me?

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Iowa?

Mr. MONEY. Certainly.

Mr. DOLLIVER. I call the Senator's attention to the fact that the original-package law of 1890 was declared constitutional and valid in full by the united court in the habeas corpus case which came up from Kansas, reported in 140 United States.

Mr. MONEY. That is just what I said.

Mr. DOLLIVER. I understood the Senator to say that this attempt to confer power upon the State to exercise its police jurisdiction over articles of interstate commerce was unconstitutional.

Mr. MONEY. I did, but that has nothing to do with the case you cite. The case you cite exactly supports what I say. The United States has power to regulate commerce, and therefore a State can not prevent the introduction within its limits of a prohibited article of manufacture in that State when it comes in the original package. This section is an attempt to do away with that decision of the Supreme Court.

Mr. DOLLIVER. On the contrary, the Supreme Court of the United States in *Leisy v. Hardin* decided that articles of interstate commerce coming into a State did not, until they had been once sold in the original packages, commingle in such a way with the property of the State as to come within its police jurisdiction.

Mr. MONEY. Of course.

Mr. SPOONER. Without the consent of Congress.

Mr. DOLLIVER. Without the consent of Congress.

Mr. MONEY. That is all right; there is no difficulty about that. But here is a proposition to confer power upon the State by the legislative branch of the Government.

Mr. DOLLIVER. The Supreme Court, in the case—

The PRESIDING OFFICER. The Senator from Iowa is out of order.

Mr. MONEY. Of course I yield to the Senator from Iowa. The interruption is perfectly agreeable to me.

The PRESIDING OFFICER. The Senator is out of order.

Mr. DOLLIVER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. MONEY. Yes, sir; I yield.

Mr. DOLLIVER. In the case of *Leisy v. Hardin*, the Chief Justice expressly stated that if Congress did confer power by special act upon the State then the State could exercise it.

Mr. SPOONER. If Congress gives consent?

Mr. DOLLIVER. Removal of obstruction was the language of the court. So this first provision follows verbatim the language of the original-package law of 1890, which has been affirmed by the Supreme Court.

Mr. MONEY. I understand all that, Mr. President. The Senator from Iowa brings up the matter just exactly as I understand it. But notwithstanding, that leaves me in the same position I was before. There is no sovereign power that can be conferred upon the States by Congress. The Constitution, which was the work of the people of the States creating Congress, creating the Government of the United States for the government of the nation, reserved expressly in two amendments all the powers not therein expressly delegated or implied. Therefore it is beyond the reach, it is ultra vires entirely, of Congress to confer sovereign power, such as the police powers especially, which are inalienable and not impugnable also.

Now, the committee struck out also a whole section of the bill that was inserted as a part of the House bill. Now, I want the attention of the Senator from Kansas [Mr. HARRIS] particularly to this, as he is so much interested in protection and not so much in revenue in this matter. I am speaking, of course, with great respect, but it seems to me to be the real moving cause in this matter that it is in somebody's interest and not the desire to protect the unsophisticated workingman who wants oleomargarine and goes and buys it. Here is what is stricken out by the Senate committee:

SEC. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection—

Note the words—

to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated Butter" shall be printed on all packages thereof, in such a manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter.

Here is what they did with oleomargarine:

Any persons violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50, nor more than \$500, and imprisoned not less than one month nor more than six months.

The Secretary of Agriculture shall make all needful sanitary and other

rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another or to foreign countries, unless inspected as provided in this section.

Here is an opportunity to protect the consumer, not from a wholesome article of food full of albumen, but from a substance that is unfit to eat; that confessedly in its manufacture involves the use of chemicals as a disinfectant and deodorizer that makes it injurious to the human stomach—rancid and sour butter collected from the four corners of the world and carried to these vast renovated or resurrected butter establishments, put in caldrons and heated and mixed with chemicals and the other things, and brought out and colored with annatto or some other substance, the coloring matter being harmless, I believe, and it is palmed off as butter. Yet here is a provision to protect the innocent purchaser from imposition and fraud, and it is stricken from the bill. Oleomargarine will hurt nobody. If a man is imposed on he is not injured, although I would not have him imposed on. But here is a case where he is imposed on and injured, and a provision for the protection of the purchaser, which this committee has thrown its whole heart into, is stricken from the bill.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MONEY. With great pleasure.

Mr. GALLINGER. As a supporter of the measure now under consideration, Mr. President, I want to say to the Senator from Mississippi that when the time for voting upon the provision which he has just referred to arrives I shall be glad to join with him in keeping it in the bill. I think it ought to be kept in the bill.

Mr. MONEY. Very well, I shall be very happy to have the able assistance of the Senator from New Hampshire.

Mr. PROCTOR. Mr. President—

Mr. MONEY. And of the Senator from Vermont, too.

Mr. PROCTOR. Will the Senator from Mississippi yield to me?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Vermont?

Mr. MONEY. With pleasure. Did you mean to say that you would join me in this?

Mr. PROCTOR. For the committee I wish to say that we looked upon that provision in regard to renovated butter as so imperfect in its machinery that it would be inoperative. Striking it out does not indicate that the committee were opposed to such a provision. There are two bills now pending in another body in regard to renovated butter. The committee have been comparing those measures, and I hope before this bill comes to final action an amendment may be submitted in lieu of the provision stricken out that will reach that purpose. I think there is no disagreement about it.

Mr. MONEY. I will have little confidence in keeping it in the bill. It is very easy to offer something here to perfect it. It was just as easy to perfect this paragraph by substituting one of the bills before the committee of the House and none before the Senate committee as it was to strike it out. If there is any desire to protect the people, why not perfect here this imperfect arrangement for inspection and for the protection of the consumer?

No, Mr. President, the fact is that here is an additional seller of butter employed in making this fraudulent article that is imposed upon people as good butter. Here is an opportunity to extend the sale of the product of the cow and the churn. Therefore it is stricken out. I want this whole subject to go along and not to take it by piecemeal. Why did not the committee present here the matter that was pending in the House bill? The document is accessible in the document room. It could have been offered here and substituted for this section, but it was not done.

Mr. HARRIS. The Senator from Vermont expects to do it.

Mr. MONEY. He is trying to round out this bill and to perfect it to absolutely disarm any suspicion that there is an unfair treatment of one product at the expense of another. There could not have been anything said on the subject—at least of protection—except that behind it all was interest. I do not, of course, mean the gentlemen who are voting on this bill; I mean the interest of a class of people, and one of the best classes. There is no attempt here on my part, I am sure, to disparage it in any way. I own milk cows myself. I make Jersey butter. I do not sell it; I eat it. I do not know that anybody eats oleomargarine in my State. There is one thing about it, though, it will keep where butter will not; it can be carried where butter can not.

That brings me right back to an answer to the question of my friend here, and I will just mention that—the question of suiting the taste, and why white oleomargarine will not sell. It is calculated by those who seem to understand the subject that about 75 per cent of the 83,000,000 pounds would not be consumed if it were not colored. The last year's product was about 110,000,000 pounds. Now, you have got to cater to the eye as well as to the palate. For instance, we export oleomargarine to the West Indies. What is the color of it? It is not white; it is not yellow;



it is a brilliant red. Why? Because the darkies down there want red butter or red oleomargarine. That suits their taste. It is like a red shirt or a red cravat—

Mr. TILLMAN. Or red lemonade.

Mr. MONEY. Or red lemonade at a circus, or the red label on a tomato can, or anything of that sort. You have got to please your customer or he will not trade with you.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Of course.

Mr. SPOONER. Does the Senator think that if all butter were white, oleomargarine would be colored at all?

Mr. MONEY. I think that whenever you begin to make the prevailing tint of butter white and the public taste demands it the oleomargarine man also will need his to be white, because both classes are suiting the taste of the people to whom they sell. And I want to say now that some crack hotels in this country are putting white butter on the table to-day instead of yellow.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Certainly.

Mr. SPOONER. The Senator did not answer my question; he ran away from it.

Mr. MONEY. Oh, I did not mean to run, I assure you.

Mr. SPOONER. If all butter were white, does the Senator think oleomargarine would be colored?

Mr. MONEY. I answered that. I said it would not be—

Mr. SPOONER. Oh.

Mr. MONEY. I said it as plainly as I could.

Mr. SPOONER. I have it now.

Mr. MONEY. I am not in the habit of running away, or evading, as far as that is concerned.

Mr. SPOONER. I did not mean that.

Mr. MONEY. Of course the Senator was in good humor. I take it that way; and I want to say, in the first instance—

The PRESIDING OFFICER. This conversation between the Senators is out of order.

Mr. MONEY. It is addressed to the President of the Senate, if you please.

Mr. President, I said a while ago that there are millions of poor people in this country who could not buy butter and they can buy oleomargarine, and it is the confident belief of people in the business that the 10 per cent tax will destroy their industry.

Now, the question has been raised whether, if the butter gets the benefit of that 10 per cent which protected articles generally do, although sometimes the home competition reduces it, will we not then be flooded with the butter of Canada, which would pay only six cents per pound rate of duty, and would it not come in here and compete with the Vermont farmer, as good as his butter is and as cheap as he can make it? Certainly, it will not raise the price of Canadian butter from 21 and 22 cents to 25 or 26 cents, and there would be a big profit in Canadian butter. Would it not invite competition from Denmark, from Australia, and from other countries that make butter, because this is the highest butter market in the world, as gentlemen know? Although we export some of our butter, yet we buy and sell exactly the same article that is made in almost every country in the world, unless there is something peculiar in the soil or climate.

To get back to the proposition about the people who use oleomargarine, I have just received this morning, at the hands of the distinguished Senator from Missouri [Mr. VEST], a letter addressed to him, which I take the liberty of reading, by his permission:

JOPLIN, MO., March 14, 1902.

HON. GEORGE G. VEST,  
United States Senate Chamber, Washington, D. C.

DEAR SIR: As a consumer of butterine, speaking for myself and in behalf of the working class in the Joplin mining district—

Joplin is a great mining district in Missouri, as you all know—aggregating some 100,000, including dependents, I take the liberty of urging that you cast your vote and use your influence against the passage of the oleomargarine bill. It is necessary in this locality, in order to enjoy the use on our tables of anything having the semblance of butter, to use butterine. I have used it in my own household for eight years, and grade for grade, compared with butter, I can honestly state that we prefer the butterine.

There is no accounting for tastes.

The retail price of the so-called butter offered in this market makes its use prohibited, so far as the laboring man here is concerned, and a 10-cent tax on butterine will result in depriving him and his family of both butter and butterine.

In passing, I may add that I have mining interests in New Mexico, where I spend more or less of my time. To the thousands engaged in mining, prospecting, and lumbering in all of that mountain region the passage of the bill will be little less than a calamity. Butterine there is as staple an article of diet as canned beef.

Trusting that you can see your way clear to vote against the passage of the bill, I am,

Yours, very truly,

C. W. STEPHENS.

This gentleman employs several thousand men in mines in New Mexico and in the Joplin district in Missouri.

Mr. President, as I have previously stated, the cry of the poor should be heard here as well as the cry of the protected interests who want more money at the expense of other people. When I say "the cry of the poor," I mean the working poor as well as the dependent poor; I mean the stalwart millions whose brawn and muscle and brain and energy make the great bulk of the things we use and export; who create the wealth of this country, and who are the underpinning and foundation of every industrial enterprise in the Union. The men at the forges, in the mines, in the factories, in the commercial establishments everywhere, want this bill defeated. They have addressed themselves to this Congress by every means that they know; they have had their representatives come here and present memorials and address committees; and there can not be the slightest difference of opinion as to the fact that the working people are against this bill.

May I be permitted, if you please, to read some—I shall not read it all—but just a small portion of the statements which have been made by representatives of various labor organizations in reference to this bill?

Mr. Patrick Dolan, president of the United Mine Workers' Association, testified as follows:

Our people, Mr. Chairman, are against the passage of the measure. I represent over 40,000 miners and their families, and I know from the sentiment in other sections of the country to which I go, from talking to people who are interested in our organization, that they do not want to be deprived of the ability to purchase this wholesome article of food. If it is not made in a wholesome way, then they do not want it; but if it is just as good to them to spread their bread with as 35-cent butter, they do want it. And if this measure passes, the chances are that butter will go up to 50 cents and poor people will not be able to purchase it at all.

If butter does not go up, it will be an extreme disappointment to the supporters of this measure, for then its whole object will have failed.

Mr. John Pierce, representing the Amalgamated Association of Iron and Steel Workers, said:

Colored oleomargarine is at present retailed at from 12½ to 20 cents per pound. On investigation I am satisfied that most of our people are paying about 15 cents per pound for it, and I can not admit that those who buy it can afford to pay more. I therefore arrive at the conclusion that they must either find 10 cents per pound more to pay this proposed robbery (for I can not dignify it by the name of tax) or buy and eat white oleomargarine. And this to satisfy the greed of the manufacturers of butter, who think that white oleomargarine is good enough for those who can not afford to pay 10 cents additional for yellow, or the 20 cents or more additional for creamery butter, or use the off grades of butter now unsalable as food.

Senators, you are going to hear a great deal of the same kind of talk from the working people this fall when the stump is surrounded by those who listen to aspirants for office and place.

I will say here, Mr. President, that if, under the rules of the Senate, this bill could be voted for by secret ballot it would not get a dozen votes. I am brought to that conclusion from such remarks as those I have just read. Mr. Pierce further said:

Shall those thus defrauded of what should be their inalienable constitutional right be compelled either to wear in their homes, on their very tables, flaunting before the eyes of their children and of those who may share their board, a badge of their poverty, and an emblem of their inability to pay a legalized robbery; or, on the other hand, to contribute from their meager board to the hellish greed of the butter interests, of whom it has been doubtless truly said that they seek to follow the fashion and form a trust, but are deterred by the existence of oleomargarine?

They are not much deterred, I should think, according to the report in the Kansas City papers, where the butter trust has been organized.

Now, Mr. Chairman, there are a good many of our people who make pretty good wages, and of course they can buy butter; but the majority of them make small wages now, especially since we got into this trust business. I know there are lots of men who do not like to buy this white oleomargarine, because it looks more like lard than anything else. It does not look like butter at all. Why should they be made to pay 10 cents a pound more because they get butter that resembles country butter and looks a little better on the table? That is why I am here to oppose the passage of this bill. It is for our people alone, for of course I do not know much about the butter business myself.

The people who use oleomargarine do not seem to be afraid that they are going to be imposed upon by anybody. They go into a store and ask for oleomargarine; they do not want butter and they do not propose to buy it, because they can not pay for it, and this protection, which is volunteered and vouchsafed to those people, they entirely repudiate.

They want to be able to take care of themselves and not be coddled in any such way as this bill proposes. This Government, in my opinion, has no business to be protecting anybody from imposition by anybody else in a trade like this, unless it can be shown that the article imposed upon the consumer is deleterious or injurious to health, morals, intellect, or something else; and it has been shown that oleomargarine is a perfectly innocent commercial article and its purchasers do not desire to be protected from the dealer.

Mr. John F. McNamee, vice-president and chairman legislative

committee Columbus Trades and Labor Assembly, Columbus, Ohio, said:

The members of organized labor are thoroughly familiar with all of the phases of this bill. They speak about the chemical analyses which have been made of oleomargarine by official chemists, and they discuss all of the various components and ingredients of the product with almost as much familiarity as the manufacturers themselves are capable of doing. So, I say, that they are wide awake to the necessity, in the protection of their own interests, of having the bill defeated.

They do not want to be protected by the bill, except by its defeat. That is the protection they ask from Congress—the defeat of this iniquitous legislation which proposes to discriminate against them and to compel them to do without a necessary article of food. There must be something to go with the cereal. You can not eat flour; you have got to have something like lard, butter, oleomargarine, butterine, or oil with it. A great many people in the Tropics do not eat butter or butterine at all. They use olive oil, and the Government of Italy some years ago prohibited cotton-seed oil to be imported, because it interfered with the olive-oil industry; in fact, it was better than the olive oil.

Mr. McNamee proceeded to say:

Not only that, but as patriotic American citizens they feel deeply the indignity to which our legislative bodies have been subjected by this attempt to utilize them for the promotion of the interests of certain individuals and corporations, in violation of every sense of right and justice and at the expense of the constitutional prerogatives of other citizens.

These workingmen come here to protect you, Senators, and they say they are indignant because it is attempted to use you as the instruments of these corporate interests in order to extract from the people a tax for the support of such interests and to enhance their earnings at the expense of the working people of this country and deprive them of an article of food. They say they are jealous of your dignity and protest that you should not levy a tax of 10 cents a pound at the butterine counter or the oleomargarine counter. It seems to me that we are getting into a retail business here. The great United States of America, the greatest nation in the world, discarding constitutional principles, the equal rights of all of its citizens, the protection and the equality of all men before the law, has got down, not to the manufacturer, not to the wholesale dealer, but has got down to the transactions between the petty shopkeeper and the man who comes with his tin pail desiring to purchase butterine or oleomargarine, to protect him against buying the very thing he comes there to buy. We have got into a small business.

They feel that the legislative bodies of some of our States and the Congress of the United States have been insulted by this attempt to utilize them as tools for the protection of certain interests which can not sustain themselves against competitors.

I do not agree with them about that. Butter has sustained itself, and I am very glad that butter has done so. I do not want to hurt the butter interest; I would not hurt any legitimate interest on earth; but the record shows that butter has steadily improved in price ever since the invention of oleomargarine. There has not been any loss. The protection of 6 cents a pound has been ample to keep the home market, to enable us to buy it and then export it, and at the same time the price of good butter has gone steadily up; in fact, in order to secure a market at a good price to-day, good butter must be made. Oleomargarine is so good that a great number of people would use oleomargarine if butter were not made better year by year.

Mr. McNamee said further:

Gentlemen, there are hundreds of thousands of our citizens in moderate circumstances who are now looking to the United States Senate for protection against the perpetration of such a gross injustice.

That is the protection that some of them want. They want protection against the greed of these interests coming here and using the strong hand of the Government in legislation to take money out of the pocket of one man and put it in the pocket of another. It is protection against that that the workingman wants. He does not call for this bill, but he calls for you to vote against this bill; and I guess the friends of the workingman will vote that way, and vote to protect his interests.

Mr. McNamee continues:

They are depending absolutely upon that sense of justice, that sense of honor, fair play, and conservatism which has always characterized this body to protect them from this, one of the most culpable violations of their rights which any individual or combination of individuals has ever attempted to perpetrate upon the American public.

This representative of labor talks well. He would do well in a seat in this Senate. He could express himself as vigorously, as lucidly, as clearly, and as much to the point as any Senator in this Chamber, and he has a right to be heard for what he says. He continues further:

They are looking to this body with the firm hope that its traditional love of justice will prevail and predominate in this crisis. Should this measure become a law, arising from the mists of the near future there will come a monster into whose insatiable maw the contributions of our citizens shall continually flow, and whose appetite shall be increased by all attempts at its gratification.

That has been the observation of mankind through all the ages. Greed grows by what it feeds on. Goldsmith says:

In vain our flocks and fields increase our store,  
Our having riches only makes us wish for more.

At the expense of somebody else. If this butter trust had the whole of this earth for a grazing ground, they would still want a corner of the moon for a cow pen. [Laughter.]

This monster we have all, in our apprehensive conviction of the certainty of its existence, learned to regard as the creamery trust of the future, the combination of creamery interests into one great organization, which shall monopolize the manufacture not only of the food product known as butter, but of everything of that nature.

That "apprehensive conviction" is about to be realized by this great trust now being organized, including already 400 creameries and with a capital of \$18,000,000. This man spoke with a spirit of prophecy upon him; he had a live coal from the altar on his lips.

That octopus is now being conceived. If the United States Senate should consent to the passage of a bill so outrageously unjust as this one is, then its birth will have been accomplished.

Here the Senate of the United States is called upon by the interested parties to be accoucheur at the birth of this monstrous octopus, as this laboring man calls it. I do not know whether he knew the meaning of the word or not, but he knew the thing, and that is well enough.

I might go on reading indefinitely from the statements pertaining to this matter by representatives of organized labor. Here is an expression from one of the largest representative labor bodies in the United States—the Chicago Federation of Labor—and here is what they say relative to the tax:

We believe the efforts to place a tax of 10 cents per pound on colored butterine is inspired by selfish motives, so that the manufacturers of butter may charge an unreasonable price for their commodity and enable the large creameries to establish surely and securely a butter trust which may raise prices as their cupidity may dictate.

That has happened. Here is another man who comes with a prophecy or prediction that is being verified to-day by this butter trust which is being formed in the United States. Here is another expression from another source:

Justice demands equal rights for both manufacturers of butter and butterine, both products having equal merit. Any adverse legislation against either must be condemned.

There are statements in the report of the minority from the painters and decorators, composed of a large number of people of Cleveland, Ohio, from the home of our distinguished and brilliant junior Senator from Ohio [Mr. HANNA], who has always beneficently and benevolently occupied himself in adjusting the little differences between labor and capital, and who, I am quite sure, as a lover of the laboring man, would oppose this bill with all his known energy and ability if he should happen to be here.

Then here are resolutions of the Chicago Federation of Labor, which ought to interest the Illinois Senators, which condemn this legislation in strong terms. They say they are opposed to the dairymen's trust, or the butter trust, or whatever it is called; that they want to protect and uphold the dignity of Congress and to protect themselves from such legislation as is here proposed.

That is what these people want. They want to be let alone a little bit. But here are people going around dropping their legitimate business to protect people in an infinitesimally small retail transaction, because there is no pretense of fraud anywhere else except in the retail business, or, if there is a pretense, it is nothing more than a pretense. There is neither justification nor excuse nor any palliation for any charge that the manufacturers and the wholesale dealers have engaged in any such thing. It is all in the retail trade, and that is a very small business. I could read much more testimony to the Senate.

Among the scientists who testified as to oleomargarine being wholesome and nutritious, I would mention Prof. C. F. Chandler, professor of chemistry at Columbia College, New York; Prof. George F. Barker, of the University of Pennsylvania; Prof. Henry Morton, of the Stevens Institute of Technology, New Jersey; Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station and professor of agricultural chemistry in Yale College. I will read what Professor Johnson says:

It is a product that is entirely attractive and wholesome as food, and one that is for all ordinary and culinary purposes the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficent industry.

I want to say right now to Senators that the butterine man or the oleomargarine man is not hostile to the cow. The farmers in northern Ohio, in some parts of New York, and in other portions of the country do not themselves use the milk of their cows, but sell it to cheese factories, and so it is all over the country. They send it to the creameries, and vast quantities are really sold to and used in the butterine factories and the oleomargarine factories, which must have 25 per cent of pure sweet milk, in which they churn the ingredients which enter into their product, which is sold as oleomargarine, and that is the best substitute for butter.



The French Government not long ago sent a commission down into Holland to inquire there into what had been the effect of the oleomargarine or butterine factories established in the low countries. What was the report? They were told that the establishment of these manufactories, which are sending their product all over the globe with perfect satisfaction to everybody concerned, had largely increased the raising of cattle, that the production of milk had enormously increased, and that those factories there were one of the means of support for a large number of people who raised cattle.

There are other things in the cow besides milk. Some people want to eat beef, some people want leather, some want bones, some want horns and hoofs, for every part of the animal is useful, even the hair. We talk about it as though the milk of the cow was the sole thing to be protected. What is to become of those vast ranges in the West, which are fast being extinguished, I am sorry to say? At last we have got to get back to the Eastern section of the country and the Middle section of the country to raise beef and butter, too. Who is going to discourage the raising of cattle merely because there is obtained from them this fat, this stearin—I believe it is called—I will ask the Senator from Idaho about that?

Mr. HEITFELD. Caul fat.

Mr. MONEY. I am not as familiar with this matter as some other Senators. These form an important article of the beef. The Cattle Association and the Live Stock Association, who met at Fort Worth, Tex., the State of my distinguished friend here [Mr. CULBERSON], and another at Chicago, declared that this bill would depreciate the value of their product from \$3 to \$4 per head of cattle. I do not know whether that is true or not, but that is what they say; it is in their memorial to Congress. They state that it is the truth. Those men are responsible; they are men of worth, and they state it positively.

There has been a great deal of talk about cotton-seed oil, and it is supposed that I am interested because my people raise cotton. That is not of such great concern to me, because the cotton trust regulates the price. I am going to be very honest about it and very candid. I am a cotton raiser, but I do not know that it is worth one cent to me, because if I sell my cotton seed at all I sell it at whatever price is imposed by the mill, and not by the state of the market for the seed or for the oil. But at any rate the farmers of the South are interested this much, that they want an avenue for every possible use of their product. In my opinion, having been a cotton raiser all my life, I think the best use to which a cotton farmer can put his cotton seed is to put it right back into the ground, and not let a mill touch it. It will pay more to the cotton planter in that way.

But, unfortunately, under the taxation that rests upon the cotton planter of the South to pay every sort of taxation to support the Government, to help to pay his share of the \$140,000,000 of pensions, and his share of this, that, and other things, none of which he gets back, he has been compelled, by this narrow stress of circumstances—res angusta domi—to sell everything that will bring a price in the market, even if it results in detriment to his best interests. He ought to put his cotton seed right back to the earth that gave it to him, and not let the mill have it; but the cotton farmers do sell it, nevertheless. They are interested in it that much.

Prof. Henry E. Alvord, formerly of the Massachusetts Agricultural College and president of the Maryland College of Agriculture, and now Chief of the Dairy Division of the United States Department of Agriculture and one of the best butter makers in the country, says:

The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.

Then Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says:

As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.

Now, if these things are true—and no man here can contradict them—what is the harm if a man intending to buy butter shall buy butterine by fraudulent imposition of his dealer? Of course we do not want fraud; but I think the fraud perpetrated is very little when you consider the vast amount of this substance that is sold. But is anybody injured by it? There is not the slightest injury in any sense of the word, but there is a relief to the pocket. Here one by one the so-called quasi reasons for the support of this bill perish when put to the test of truth.

Professor Wiley, Chief of the Division of Chemistry of the United States Department of Agriculture, also appeared before the committee and testified to the nutritive and wholesome qualities of oleomargarine.

Dr. George M. Kober, professor of hygiene, Georgetown University, District of Columbia, says:

As a teacher of hygiene, I have urged upon my students for years to bring the merits and nutritive value of this food stuff to the attention of the public, and in the interest of the wage-earners of this country to correct, as far as possible, the prejudice which has been created against the use of this product, provided always it is sold under its true name and at its real value. In this opinion I am glad to be supported by the highest scientific authorities in this country and abroad.

That brings me to this point: I have had it stated to me—I do not know whether it is true or not, and therefore I give it as I got it—that butterine and oleomargarine are used in nearly all the schools, colleges, and Soldiers' Homes in the United States, as well as by miners and working people, used with full and deliberate knowledge of what it is, and that it is bought and used as butterine and oleomargarine by preference by the one on account of its equal value with butter and by the other on account of its lower price. That may be disputed, and I am not able to substantiate it; but I say that statement has been made to me, and I believe it is true, or I would not repeat it.

Charles Harrington, assistant professor of hygiene in the medical school of Harvard University, in his Manual of Practical Hygiene, 1901, page 112, says:

Oleomargarine has been misrepresented to the public to a greater extent probably, than any other article of food. From the time of its first appearance in the market as a competitor of butter there has been a constant attempt to create and foster a prejudice against it as an unwholesome article made from unclean refuse of various kinds, a vehicle for disease germs, and a disseminator of tapeworms and other unwholesome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture.

The truth concerning oleomargarine is that it is made only from the cleanest materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter, which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material however slightly tainted.

These are the certificates of scientists who are not interested in this question pecuniarily and not interested except as scientists, who, by microscopic and chemical tests, ascertain whether this product is good or bad, to denounce it to the public if it is bad and to commend it if it is good. These experiments were instituted in the interest of the people who consume, not of the people who get money for the article manufactured, whether butter or butterine. All this testimony is in behalf of the people of the United States, the poor people.

Judge Hughes, of the Federal court of Virginia, in an opinion says:

It is a fact of common knowledge that oleomargarine has been subjected to the severest scientific scrutiny and has been adopted by every leading government in Europe as well as America for use by their armies and navies.

Now, will gentlemen please listen to that? Here is this statement of a Federal judge giving a decision from the bench that this article of oleomargarine is used by all the governments of the world in their armies and their navies, where the most nutritious and most wholesome food is absolutely necessary for the effective employment of their troops.

The great Napoleon never said a truer thing in his life than when he said an army was like a snake; it crawled upon its stomach; and if it was not well fed it was inefficient. And yet these governments, by the aid of their scientists and experts, have decided that oleomargarine is the best thing that they can give to the men in their armies and navies—better than butter, for it is just as wholesome and keeps in tropical countries better than butter.

Of course, it is next to impossible to keep butter from the milk of the cow in the Tropics. The Swiss have been in the habit of putting up their butter in wide mouth glass bottles, pouring on top of the butter two or three tablespoonfuls of the finest olive oil, which hermetically seals the butter, because nothing can get through the oil to it. In that manner of packing it has gone around the globe and been approved everywhere. It may be excelled by the Danish butter, I will say, which is the best butter made, which keeps better, is more easily preserved anywhere in the world, and is the best butter on earth, better even than Vermont butter. [Laughter.]

Judge Hughes went on to say, further:

Though not originally invented by us, it is a gift of American enterprise and progressive invention to the world. It has become one of the conspicuous articles of interstate commerce and furnishes a large income to the General Government annually.

We do not care anything about revenue, although this bill proposes to be a revenue bill.

Now, gentlemen, oleomargarine has come here to stay. You can repress it, but I want to tell you that the world's progress is made up of innovations, of inventions, of discoveries; and whenever a man can come forward with an article just as good as the one in use or better or cheaper the cheaper will prevail. You can not imitate the brand so as to prevent the world from finding



out what it has bought. England attempted it and did utter forgeries upon the brands of our cotton goods sent to the Orient, and put in sizing to give the goods weight, but the Chinese detected the fraud, and it was a failure. Talk about the trade following the flag or anything else. Trade goes where it can buy the cheapest, the article being just as useful or as good, and you can not prevent it.

You can not put down this article. It has come to stay, and all the bills in the world will not prevent it. They will make it white, and the people will eat it white, perhaps, after the taste is educated, and I believe hotel men in New York are trying to cultivate the palate to white butter.

There is any amount of this matter here, but I do not care to read it all. What I have presented seems to me sufficient. As Mercutio said when he was wounded in a conflict between the Capulets and the Montagues and he lost his life—

'Tis not so deep as a well nor so wide as a church door, but 'tis enough; 'twill serve.

What I have submitted ought to convince, if it does not, and I believe it will. Here is something from the National Live Stock Association, but I will not read it.

Mr. President, I have talked longer on this subject than I expected, led on by interruptions which were very agreeable to me, because what I want is to bring out the truth of this matter. I have no prejudice against anything—butter or butterine—so far as that is concerned. But I insist upon some measure of justice being meted out to these people who can not be represented here on account of their poverty, except when they make up a purse and send a delegate, and in every instance where a single one has come here, sent by the laboring people, he has protested in the strongest possible language against the passage of this bill. He has denounced it as unjust, as robbing the people of a valuable food product, which can not be replaced by butter on account of its price.

You have heard here the protests of the people whose interests are concerned not as consumers, but as producers of articles going into the manufacture of this article of butterine. Then you have heard above all others the persistent cry of the dairyman, who wants this protection, although he is now protected with a 6 cents tax, protected by having the home market, protected by having a price higher from 6 to 9 cents than is found in any other market in the world. You have him here insisting upon this legislation, committing an outrage upon the poor, discriminating against the producers of certain substances, and absolutely attempting to tax out of existence a lawful industry producing a wholesome and nutritious article of food, with the admission from the chief, the head of the dairymen, that if this bill is not sufficient to extinguish that industry next winter will see him return with a bill that will. I suppose he will be here if this is not sufficient. I suppose that industry is writing with a large hand into the laws of this country what its demands are. Having no respect for anybody else's rights, and only concerned about their own interests, they have presented to the Senate and to the Congress a bill objectionable in every single one of its features, as I conceive it.

Of course there may be honest differences, but I think the bill is unconstitutional. I think it is unjust. I think it is oppressive to the poor, and I think it is immoral and dishonest. Whatever the courts may do about it matters not to me, discussing it on principle; but I say that if this measure were presented to the Supreme Court of the United States with a title that belongs to it by virtue of the inherent qualities of the bill itself, if there were prefixed to it a title which the reading of the bill would suggest to any fair-minded and candid man, the court would knock it out without a moment's hesitation as an unconstitutional measure. A shield has two sides, gold and silver; and sometimes a man fights until he gets around on both sides of the shield and sees both ways. I see it just as I think it is, without prejudice against anybody, without being particularly interested in it except, as I said, on account of the multitude of those who must have this kind of food—either butter, butterine, oleomargarine, or lard, or something of the kind—and who have appealed to us not for their protection against the retail dealer in oleomargarine, but for protection from this bill in your hands.

Mr. DOLLIVER. Mr. President, I desire to be heard briefly on this bill, and I am disinclined to proceed to-night. If it is not disagreeable to the Senate, I give notice that to-morrow when the unfinished business is taken up I will ask the attention of the Senate.

Mr. HOAR. I move that the Senate proceed—

Mr. HANSBROUGH. Mr. President—

Mr. HOAR. I was about to move that the Senate proceed to the consideration of executive business; but if some other Senator wishes to speak to-night, I will withhold the motion.

Mr. HANSBROUGH. Mr. President, it has been charged here

that the purpose of this bill is to destroy an established industry. I deny it. The enactment of the bill into law will put oleomargarine and kindred products before the people on their merits, for what they really are, and deprive the manufacturers of these products of the privilege of imposing them upon the public for what they are not.

The purpose of the bill is to prevent one class of manufacturers from enhancing the value of their product by making it to resemble another and more costly product. It will be difficult to convince any unprejudiced person that this is an immoral purpose or that it is a dishonest purpose.

When this question is looked at in its true light it is surprising that there should be any objections to the principles of this bill, because it is simply aimed at manifest intentional deception, shown in every feature of the article oleomargarine and the methods which are employed in its sale.

Not only is this article oleomargarine an intentional imitation of an older and more popular article of food in every possible detail, but the methods used to push its sale are equally deceitful. The names used to designate the compound, "Jersey creamery," "Holstein," "Fancy dairy," "Fancy creamery," etc., are all intended to mislead the public into believing it is another and more popular article of food, and added to this *prima facie* evidence of an intent to mislead the public comes the overwhelming testimony of the methods employed by those who deal in the article.

The makers and apologists for this imitation claim for it merit surpassing that of butter. They lay claim to better keeping quality, purer ingredients, more sanitary methods of production and a less susceptibility to its carrying disease germs. They argue that it is a popular article of food; that those who use it prefer it to butter, and that it is sold at prices much below those at which butter can be produced and sold. They tell us that as a matter of fact the two articles are chemically the same—butter and oleomargarine—and that one is as digestible as the other, and their product more pleasing to the palate than nine-tenths of the butter made.

Now, one would naturally suppose that the makers of an article possessing all these superior qualities would desire to have it stand absolutely on its own merits. It is customary with the producers of a popular article of food to copyright a trade-mark that will become familiar to the public, and to prominently display it upon the packages of their product. One or two soaps are advertised as possessing certain characteristics, such as being in powder form. Another is identified through the constant calling to the attention of the public the fact that "It floats."

What has been the history of oleomargarine? As to the article itself the very first quality, to accept the statements and claims of the makers, must be that it imitates butter. Unless it imitates butter, they say, it can not be sold. If butter were all white, they admit, their product could also be sold white. But all its other superior qualities count for naught when it is not possible to make it look like butter. The price, sometimes 50 per cent cheaper than butter, has no attraction to the buyer if the article does not look like butter. The advantages claimed of being more uniform in quality, more wholesome, fully as healthful, and imitating the taste of butter so completely as to fool experts, will not commend it to the people unless the eye is also deceived.

Now, the public might take some stock in this claim if it were made under other circumstances than presented. If the makers could show that the product oleomargarine was really desired by the public at large, and that the people knew it whenever they tasted it, and that there was no deceit in its sale, then their arguments for the right to color their product in semblance of butter would not meet objections. But what are the facts in the case?

The evidence before the committee of fraud in the sale of oleomargarine is overwhelming. It is the testimony of the food commissioners, presidents and secretaries of the State boards of agriculture, and others who have the matter of enforcing State laws in charge, that instead of the selling of oleomargarine for what it is being the rule, it is the exception. Our own senses and reason will make it plain to us that oleomargarine is almost wholly consumed as butter, when it is understood that fully one-ninth of all the articles marketed and consumed and supposed to be butter is oleomargarine. That is to say, the production of oleomargarine in this country last year was 104,000,000 pounds. It would fill over 5,000 cars of 20,000 pounds each. It would make a train 36 miles long. The production of butter was, as shown by the Twelfth Census, about 1,500,000,000 pounds, and it is estimated that about 700,000,000 pounds of this was consumed by the producer, leaving 800,000,000 pounds of butter to come upon the market, which meets in competition in the leading centers 104,000,000 pounds of oleomargarine. Now, it is well known that a very large majority of the hotels and eating houses serve oleomargarine on their tables. In fact, this is a large part of the trade of these manufacturers. Yet who of you ever remembers of knowingly consuming oleomargarine at a hotel or restaurant?



And who of you have ever called for it or heard anybody else call for it?

Where is the necessity for more evidence of deceit? This article has been on the market in the United States now for about a quarter of a century. It shows no more disposition to-day to stand on its own merits than it did twenty-five years ago. As a matter of fact, the attempt to popularize oleomargarine as such has not been successful.

The tax proposed in this measure is not intended to destroy the oleomargarine industry. The advocates of this bill have shown their willingness to be fair by conceding a reduction amounting to 87½ per cent of the present tax, when the article is made in its natural color, or, in fact, any color except that by which butter has been known from time immemorial. All they ask of Congress is to do what it can to aid the States in controlling the traffic of the colored article.

The opponents of the bill came before the Agricultural Committee and solemnly protested against what they termed vicious class legislation, which would deprive them of the right to color their oleomargarine in imitation of butter.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. HANSBROUGH. I yield.

Mr. PETTUS. I desire to know whether it would not suit the convenience of the Senator from North Dakota to go on in the morning; and if so, I will move an executive session.

Mr. HANSBROUGH. It is immaterial to me. I can finish what I have to say in the morning in a very short time, if it will accommodate the Senator. I yield.

#### EXECUTIVE SESSION.

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 26, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 25, 1902.*

##### POSTMASTER.

John F. Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia, in place of Mary Gibson. Incumbent's commission expired February 18, 1902.

##### PROMOTIONS IN THE NAVY.

Commander Frederick M. Symonds, to be a captain in the Navy from the 16th day of March, 1902, vice Capt. A. S. Crowninshield, promoted.

Lieut. (Junior Grade) Hutch I. Cone, to be a lieutenant in the Navy from the 9th day of February, 1902, vice Lieut. John B. Bernadou, promoted.

##### APPOINTMENT IN THE ARMY.

##### Infantry Arm.

Archibald G. Hutchinson, of Missouri, to be second lieutenant, February 2, 1901.

#### WITHDRAWAL.

*Executive nomination withdrawn March 25, 1902.*

John Keller, to be postmaster at Romney, in the State of West Virginia.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 25, 1902.*

##### POSTMASTERS.

William P. Fleming, to be postmaster at Georgetown, in the county of Williamson and State of Texas.

William F. Bloebaum, to be postmaster at St. Charles, in the county of St. Charles and State of Missouri.

William M. Treloar, to be postmaster at Mexico, in the county of Andrain and State of Missouri.

Joshua Mizell, to be postmaster at Punta Gorda, in the county of De Soto and State of Florida.

Sallie Millsaps, to be postmaster at Hazlehurst, in the county of Copiah and State of Mississippi.

Florence Sheasby, to be postmaster at Elgin, in the county of Bastrop and State of Texas.

James A. Gammill, to be postmaster at Calvert, in the county of Robertson and State of Texas.

Thomas T. Wilson, to be postmaster at Tarkio, in the county of Atchison and State of Missouri.

Charles T. Ramsdell, to be postmaster at Denton, in the county of Denton and State of Texas.

Harry Martin, to be postmaster at Bonham, in the county of Fannin and State of Texas.

Christian H. Wegerslev, to be postmaster at Alta, in the county of Buena Vista and State of Iowa.

John M. Glenn, to be postmaster at Sedalia, in the county of Pettis and State of Missouri.

Reuben N. Shanks, to be postmaster at Clarence, in the county of Shelby and State of Missouri.

Tom Richards, to be postmaster at Sherman, in the county of Grayson and State of Texas.

Warren S. Randall, to be postmaster at Poplar Bluff, in the county of Butler and State of Missouri.

Frank W. Reast, to be postmaster at Whitesboro, in the county of Grayson and State of Texas.

William C. Smith, to be postmaster at Bowie, in the county of Montague and State of Texas.

#### HOUSE OF REPRESENTATIVES.

*TUESDAY, March 25, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN Y. COREY.

The SPEAKER laid before the House the bill (H. R. 10404) granting a pension to John Y. Corey, with Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### CONTESTED-ELECTION CASE—MOSS AGAINST RHEA.

The SPEAKER. This brings us to the election case of Moss against Rhea, and the gentleman from Kentucky [Mr. Rhea] is entitled to the floor for fifty-nine minutes.

Mr. RHEA of Kentucky. Mr. Speaker, on yesterday afternoon when the hour of adjournment had arrived the time allotted to myself had been about half consumed. At the quitting point I had reached a precinct in the county of Logan that by the report of the committee itself, if dealt with in accordance with the rule of law as applied to the evidence in the case, would, in my judgment, be conclusive of this matter, and could only result in upturning the finding of the majority of the Committee on Elections. I believe that my contention is so well founded, touching at least two propositions submitted to the House on yesterday, that I will, at the expense of wearying, perhaps, those who heard me on yesterday, for the benefit of those who did not, recapitulate, as briefly as I may, what I said at that time. The contention of the contestee is: First, that the law controlling elections—that is, as to the method of voting, the returns to be made, and the statement necessary to accompany the returns—has not been complied with. Second, that if it be conceded that not only the spirit but the letter of the law has been fully met, and that the ballots returned with this record as contested are to be received as certain, as the true official ballots voted at the election in 1900 in the precincts in question in Warren County, an inspection of those ballots will demonstrate that a doubt must necessarily ensue in the minds of men as for whom these ballots were voted and how they should be counted, if at all.

It does not impute to the majority of this committee nor to any member of this House a partisan bias to say that his finding is in favor of the contestant, the Republican ticket; nor does it impute partisan bias to others to say that their finding is against that counting. But it goes alone to the different judgment men may form, the different impression which a personal inspection of these ballots may make. The ballots come in such a questionable shape—I speak now of their physical condition and not their legal status—that honest men may well differ about what they show or do not show; and I contend, further, that by every rule of law, whether it be written in the statute books of the much-defamed Kentucky or whether it is to be read in the text-books of the common-law writers, these doubts ought to be solved in favor of the sitting member, the contestee.

Now, to recapitulate for a few moments. It is admitted by those who make and defend the majority report that unless every ballot contained in the poll book at the precinct from which is returned the contested or rejected ballots—that each and every ballot that was in the book before the vote commenced must be accounted for or else that no value can be given to the returns sent up in shape of contested ballots, and no recount can be had.

Let us try that statement now in the light of the majority report of this committee. The very first precinct in the city of Bowling Green, county of Warren, that is under consideration by the report of this committee is Electric Light precinct, No. 20, and here is the return as made in the report of the committee:

Number of ballots counted as valid.....	264
Number of ballots questioned or rejected.....	100
Number of ballots marked "spoiled".....	10
Making a total sum of.....	374
Number of ballots cast.....	374
Number of ballots not used and destroyed after the polls closed.....	0
Total number of ballots in this book.....	418

Mr. MANN. May I interrupt the gentleman?

Mr. RHEA of Kentucky. Certainly.

Mr. MANN. I do not wish to mislead the gentleman in any way. In the actual record in the case the number of ballots not used and destroyed is given as blank.

Mr. RHEA of Kentucky. That is what I said. This is an exact copy of the record.

Mr. MANN. I beg the gentleman's pardon, in order not to mislead him: The Clerk of the House, in making up the printed record, or copy for the printed record, makes various marks on all papers indicating whether it is to be in one kind of type or another, and various things of that sort. As it is printed in the printed record there is a cipher used, which through mere inadvertence on my part is also copied into the majority report. In the certified copy of the record there is no cipher used at all.

Mr. RHEA of Kentucky. What is used?

Mr. MANN. It is a mere blank.

Mr. RHEA of Kentucky. A blank is a cipher and a cipher is a blank, as far as this goes.

Mr. MANN. I do not wish to argue it; I simply called the gentleman's attention to it so that it would not mislead him.

Mr. RHEA of Kentucky. That does not mislead me at all. I submit, What would be the difference if, in stating the "whole number of ballots cast, 374, the number of ballots not used and destroyed after the polls closed," there should be a blank there or a cipher? A blank means nothing; a cipher means nothing. Supposing it to be the fact that by reason of a mere typographical error a cipher has been placed there when there ought to be a blank, there are still 44 ballots unaccounted for that were sent to that polling place. If that is not true, then I ask the gentleman, before I take my seat, to show me wherein the error of the statement lies.

Therefore let us wipe out that cipher, and in that line, "Number of ballots not used and destroyed after the polls closed, 0," let us put a blank instead of the cipher. Still the whole number of ballots accounted for is 374. The total number of ballots contained in that box when the election officers got it that morning was 418, and there are 44 ballots unaccounted for. Yet the majority of the committee say that out of 100 ballots returned as questioned or rejected sixty-odd ought to be counted for the contestant—three times as many as the majority of the committee gives him in its conclusion, notwithstanding the fact that the return shows that 44 ballots are missing and totally unexplained.

As I said yesterday, the committee may not be able to explain this, but the reading of this record will give the explanation. Turn to the deposition in the record of John E. Dubose, lawyer and witness for the contestant. He discloses, on cross-examination, that, contrary to the law, not only the Goebel law of Kentucky, but contrary to every statute in every State where the Australian ballot is used, the secrecy of the ballot law was destroyed, and the county clerk, the custodian of these ballots—the partisan of the contestant—permitted the contestant and his attorney to handle these ballots, and that the public generally had access to them for many days before they reached this committee or this House. If that is to be denied, I will read the statement of this witness of the contestant in which he discloses that fact.

A MEMBER. Is Dubose a Democrat or a Republican?

Mr. RHEA of Kentucky. He was one of the "ex's;" and I may say, digressing from the record, one who did me a foul wrong as a Democrat and was denounced, and he and many of his kind have been driven out of the party. It was not a voluntary exile that he took. [Applause on the Democratic side.] It was the conventions of my own party that refused to recognize him, and he found shelter in the camp of the Republicans of Kentucky.

Now, let us see what the law is. I do not read from a Kentucky decision, but from Illinois Reports, volume 94—the case of *Kingerly v. Berry*. That was a case growing out of a township election in which I believe some 7 or 8 or 10—I do not pretend to give the exact number; the principle is what I want to state—in which a number of ballots were contested, the contestee alleging that a recount of the ballots would disclose the fact that he had been fairly elected. Proof was made that the ballots there were to be kept secret and only surrendered into the possession of a court of competent jurisdiction to decide the contest, but

that the clerk, the custodian of the ballots, had permitted the contestant himself to have them in his possession; and the court refused to consider them as evidence, saying that it was not necessary to show by evidence that actual fraud had been committed or that the ballots had been manipulated, but that the mere possession of them, the mere handling by the contestant, without notice to the contestee or without him or his friends being there to see what was being done, was sufficient to throw about them such suspicion as to warrant the court in utterly refusing them. That case has been affirmed and reaffirmed by later decisions in Illinois.

So that by every rule of law these 100 ballots coming from Electric Light precinct—waiving all questions of proper identification—are surrounded with such an aroma of fraud, and the chance to substitute other than the ballots originally sent up, that by every rule of right and justice and by every rule of law delivered by any court, they ought not be considered in this contest. The record shows that the clerk, the partisan of contestant, allowed contestant and his attorney to have possession of these 100 contested ballots; that 44 ballots not used in the election at this precinct are unaccounted for, and could easily have been marked and substituted for that number of the contested ballots actually returned by the election officers.

Next the record shows that out of six precincts in the county of Warren, whence 95 per cent—yea, I will say 99 per cent—of the contested ballots come, the Republicans had the sheriff of election in four of those precincts; that under the law—the old law, the Goebel law, the amended law, under every law that ever existed in Kentucky—the sheriff of elections is the arbiter between disagreeing judges. If the judges disagree as to the right of a man to vote or as to the regularity of a ballot after it has been put into the box and has been taken out for count, the sheriff has the decisive vote and can say whether the vote can be received or not and whether the ballot shall be counted or not; and the fact is disclosed by this record—a fact no man will deny—that in four instances a Republican sheriff—not appointed by fraudulent means, for that charge is not made by the contestant himself; not weak-kneed, old, and feeble Republicans, but men of brawn and brain, men in vigorous manhood, loyal and intelligent, there on the scene, inspecting these ballots before the ink had grown dry—refused to count them as properly cast for Moss and sent them up as contested.

I then ask this House if it shall substitute its judgment, far removed from the scene of action, more than a year after the election, on a mere physical inspection or noninspection now of the ballots and upon the recollection of men who detailed or professed to detail what they saw, for the judgment of these men, one Democrat and one Republican sheriff, or a Republican judge and a Democratic judge and a Republican sheriff all agreeing? I ask if the judgment of these men is to be set aside and yours is to be substituted in place of it as to what the true intent or purpose of these ballots was? And again, we come now to the county of Logan. That is my own county. I want to say within the record, for I am not traveling out of the record, that I have had the honor to appear before the voters of Logan County six different times for office.

Until I became a candidate for Congress the Republican party never even so much as put up a man against me in Logan County, although it had carried the election years before and years after my candidacy, and in the three elections in which I have stood before that people as a candidate for Congress I have received under the old law in 1896, before Goebel ever wrote his infamous law, as it was denounced by the gentleman from Kentucky [Mr. BOREING] yesterday, before he ever dreamed of putting it upon the statute books, I received the highest majority ever given to a Democrat since the civil war, with one exception, in Logan County, over Dr. Hunter, the Republican sitting member of this House at that time [applause], and although a contest was waged by him and withdrawn, as stated by the gentleman from Illinois, a careful inspection of the record and the votes disclosed the fact that it was an honest vote I received there, uninfluenced by partisan election boards or officials. The record discloses it.

In 1895 the county of Logan went Republican, and it was so certified, giving Governor Bradley a majority of 288, I believe—over 200, at any rate. In 1896 it gave me a majority of 862. In 1897 it ran down to less than 100 Democratic majority in some of the county races. In 1898 it gave me 1,060 majority. In 1899 it went Republican, and in 1900 it gave me in round numbers a majority of 800, and I shall go back there, and if I stand as a candidate again an honest majority of at least 1,000 will be returned for this contestee. [Applause.] I do not ask the aid of Democratic returning boards or election commissions. I take my appeal to the honest people of that county, and it has ever, and I believe ever will, sustain me. [Applause.] Yet, notwithstanding these facts, the contestant devoted more time in his notice of contest to that county than to any other. It was there where, to use the



language of the report, the contestant said that gross frauds were committed in all the precincts.

I want this House to bear in mind that there were no contested ballots came up from Logan County. There was a change of only 1 vote made in this record. There were not a dozen contested ballots sent up, as my recollection serves me now, or exceeding a dozen, from all over the county, but the contestant pitched his whole battle on the ground of fraud, thinking, no doubt, he would overslaugh me and the Democratic party. He ransacked with a fine-tooth comb from center to the outermost edge of the county in every direction. He could not find, except within three precincts any testimony that even squinted at any wrongdoing. He particularly assailed one large Democratic precinct, Ferguson, No. 20, saying that here in this precinct particularly a common conspiracy had been laid between the election commissioners, the Democratic management, and the officials who were to preside at the polling place there on election day, and what did he discover? He discovered that the clerk of the elections, a Democrat, with the assistance of the Republican inspector, got drunk during the voting hour.

That his conduct was very reprehensible I admit. The drunkenness was reprehensible, and in his drunken condition he slammed votes this way and the other way. He perhaps refused to put 6 or 8 or 10 votes, I do not know the exact number, but not very many, in the ballot box which the contestant alleges were entitled to go there, but the proof shows that the other Democratic officials tried to get him to leave his place as clerk on account of his drunken condition and let somebody else assume the duties there, and the report goes on in this language:

This charge of conspiracy to commit fraud relates to a number of precincts in Logan County. It is quite certain that the Kentucky law requiring an equal division of the precinct election officers between opposing political parties was neither properly nor honestly obeyed by the county election board in Logan County. It is also quite certain that in a number of the precincts the conduct of the officers of election is subject to criticism. For instance, in Ferguson precinct the Democratic clerk of election conducted himself in a particularly reprehensible manner.

So, too, say I. He conducted himself in a particularly reprehensible manner, but the committee do not, in that candor which I submit should have characterized the criticism of this precinct, relate what the evidence discloses, that he was in a drunken condition and that that accounted for his reprehensible conduct. The report continues:

It is charged that in this precinct a number of persons who voted the Republican ticket made out the proper affidavits in accordance with the statute after being challenged, but that nevertheless their ballots were not counted, and that the officers of the election conducted the election without regard to the law and wholly in the interest of the contestee and against the interest of the contestant.

The certificate of return by the election officers in this precinct of itself at least casts suspicion on, if it does not condemn the action of, the election officials in the precinct.

They made the following return—

Bear in mind this is a return that comes from a large Democratic precinct, admittedly so, made by Democratic officials—

Number of ballots counted as valid .....	245
Number of ballots questioned or rejected .....	
Number of ballots marked "spoiled" .....	

Whole number of ballots cast .....	21
Number of ballots not used and destroyed after the polls closed .....	96

Total number of ballots in this book .....	300
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FOR CONGRESS.

John S. Rhea received .....	Votes.
J. McKenzie Moss received .....	168
	85

The report goes on:

It will be seen from this that the number of ballots counted as valid is less than the combined vote returned for Rhea and Moss; that the whole number of ballots cast is incorrectly stated; that there is no return of questioned or rejected or spoiled ballots, and that the whole return is inaccurate and insufficient.

So say I, and I submit to this House and to that honorable committee, if the whole return was insufficient and inaccurate, why did you not set it aside in whole? Why did you not wipe out the 168 votes returned for me and the 85 votes returned for Moss, and then put us to the law which is laid down by McCrary, the ablest law writer on contested elections whom I know?

He says that where the verity of a return is destroyed, or where it comes in such questionable shape that it can not be received, or where fraud lurks round about the action of the election officers and destroys the value of returns, that both parties to the record can yet put the legal voters on the stand and show that they were there present at the polling place and cast their votes, and their votes so proved shall be given to the man for whom they were cast. Recognizing that that return had been impeached, as I now disclaim by intentional fraud, because it was my friend destroying a large vote for me: he did it, and whether technical or actual fraud, the fraud existed. We recognized that the return had been destroyed. And out of the 168 votes certified for me I have accounted, by the sworn testimony in this record, for 144 of

them, leaving only 24 not shown to have been absolutely cast there. One hundred and forty-four men proven to have voted that day, proven to have been legal voters that day, proven to have cast their vote for me on that day; but as I said yesterday, commenting on Dubose, lawyer and witness, that he was not much to be feared as a lawyer, but dangerous as a witness. He never knew that in destroying that return he destroyed the 85 votes certified for Moss, the contestant; or else, following the language of his written brief before the committee, he assumed that no proof was necessary in order to have a Democrat unseated by this House.

I will read his language:

There is a ray of comfort for a contestant who was a candidate of the Republican party in this: That he does not have to take proof to explain irregularities or disprove charges of fraud; the law relieves him of this duty.

It is a direct insult to the committee and the House. He never put a witness on the stand to prove that Moss had received, or that Glenn, the other candidate for Congress, had received a vote.

What do the committee finally say about it? They say:

We have, however, in this, as in other instances, resolved all doubts in favor of the contestee, and hence do not change the vote as returned in this precinct.

You say it is smirched with fraud; you say it is irregular; you say it is uncertain; you say it is incorrect; you say the conduct of the election clerk was most reprehensible; you say nothing can be proven from it; but in your kindness of heart you resolve all doubts in my favor, and let both the 168 for me and the 85 for Moss stand, and, forsooth, why? The result, not the motive—for I do not impugn the motive—what would have been the result had you thrown out that which you yourself have spat upon in your report and denounced? Had you thrown out the 85 votes certified, in the absence of Moss proving, as I have proved, and as I was compelled to prove to get credit for the vote there, the 85 would have four times wiped out the 21 majority you return for him and have left me the undisputed rightful occupant of a seat on this floor. [Applause on the Democratic side.] That is the result, explain it as you may or as you can. No other result follows that action, that conclusion, that determination.

As to the general charge and intimation of a dishonest administration of the election law in the appointment of election officials for the Republicans in Logan County by the Democratic members of the commission, I shall not take the time to read the record; but I call the attention of the gentleman who will conclude this case to the evidence of Mr. L. A. Freeman, the Republican election commissioner; not a blind, halt, decrepit, ignorant, disloyal Republican, but, I assert on my honor as a man, he was the choice of the Republican county committee for that place and was recommended to the State commission and appointed as the choice of the Republicans of that county. And the evidence here discloses the fact that the commissioner appointed Democratic officials only when he was unable to give the names of Republicans competent to fill the election places in about four election precincts in Logan County, and in some he himself suggested the Democrats, because no Republicans lived within the district of the intelligence that he admitted the law required they should have if appointed to those places.

And I submit, further, that the proof shows, notwithstanding the denunciation of the committee of that election board, that they did in many places appoint Republicans where Freeman recommended Democrats; and his evidence admits that. Take the Court-House precinct, in Russellville. He did not name a Republican, although many reside there, but he named Democrats. These simon-pure Democrats, those who are better than their party—Buckner and Palmer, John Brown, anti-Goebel—and I take the responsibility to say I advised the two Democratic members not to appoint Democrats, but to find Republicans, because the law then said that an equal division should be had if they could be found. I did not suggest the names, but told them to appoint Republicans in every precinct where they could find them intelligent enough to fill the place, and the record shows that in the Court-House precinct they did appoint Republicans, instead of so-called Democrats suggested by the Republican commissioner.

Complaint is now made that the commission did not appoint certain Republicans; for instance, that John Sadler and Foster were appointed instead of Burger and somebody else. Nobody ever proposed Burger or the other men. The commission selected Republicans who could read and write, and whose loyalty to their party was and is unquestioned to this day, and put them at the polling places. In four precincts Freeman himself admits not a Republican resided, because not a white man in those precincts has ever united as yet with the Republican party; where Freeman himself admits no Republican who could read or write or intelligently administer the law and protect the interests of the Republican party could be found. Therefore he says he made no recommendations except those of Democrats, and that in those places, with possibly the exception of one, the Democrats he suggested were appointed.



Now, Mr. Speaker, I want to come to Allen County. I want to show you another thing. You will find on page 233 of the record evidence that at a polling place in Scottsville, Allen County, Ky., John H. Gilliam, a Republican, not a voter of that precinct, went into the polling place and got from the Republican clerk 50 ballots, not voted at that polling place, but sent them somewhere else, so they say. That Republican clerk of elections, at the request of J. H. Gilliam, a Republican, tore out, in violation of the statute law of the State, 50 ballots from that polling book and took them outside of the polling place. Now they attempt to explain that by saying that they had run short at ——— precinct, or some other precinct, and they took the official ballots from one polling place and sent them to another.

Talk about committing a fraud. Give me one of the official ballots outside of the polling place and if I am dishonest and partisan enough to violate the law I can change the result of two-thirds of the votes polled there if I could find men who would sell their votes, by marking one official ballot for a Democratic candidate, give it to the voter and say: "Take this into the polling booth, put this marked ballot into the box, and bring me one out when the clerk gives it to you, unstamped; bring it to me and I will pay you the money." When he does that I can take it and mark it and give it to another corrupt voter and repeat the process. Here is evidence that this was done, done by a Republican clerk at the instance of a Republican worker. The explanation of this was that they wanted them to go to some other precinct. When they arrived there it was found that only 11 of these were used, and they further say that out of 11, 6 or 7 were voted by Democrats and 3 or 4 were voted by Republicans. How do they know how these ballots were voted? This was unlawful, and gave the opportunity to the Republicans who got the ballots to commit fraud and bribe voters.

Then you take Butler County, the home of Taylor, the refugee governor. Take that, and I have the returns of elections for eight or ten years in the record. Yet it seems that with the result in that county for eight or ten years, that at the November election, without any increase in the Democratic votes, the Republican votes stated in these returns runs up to 97 per cent of the total vote of Butler County, something that never occurred in the history of the United States in any county in any State of the Union. Yet the committee, with all these things staring them in the face, because they say they can determine better than the election officers, both Democrats and Republicans, how a smeared or blurred ballot was intended to be voted, determined to give contestant 21 majority on the recount, and this House is asked to declare that the seal of my State certifies to a lie and a fraud.

Do it, gentlemen, if it be your judgment; I shall not complain. I stand here for my people and my party, thank God, as I have ever stood. Never in the hour of my greatest extremity, political or otherwise, have I been found to befool the people of my own State, Democrats or Republicans. [Applause.] I would scorn to do it. I stand for Kentucky and Kentuckians, Kentucky manhood and womanhood, for the honesty of her election officials, for the honesty of her voters, and for the virtue of her women, thank God. [Applause.] Not for a seat on this floor, not for the Presidency of this great nation, could I be induced to befool the State that has honored me with an election in this body. [Applause.]

Now, about the contestant; let me read you something from his printed brief in this case. He says:

In 1899 Mr. Taylor carried the district by 1,500 majority over Mr. Goebel, with 1,500 votes cast for Mr. John Young Brown. This change in the political complexion of the district was due in a large measure to the zeal and ability of Mr. J. McKenzie Moss, he having been selected by the anti-Goebel Democrats to manage their campaign. He gave his whole time to the work without compensation or expectation of reward. Because of this and his fitness for the place—

He tells you this, and it must be true [laughter on the Democratic side]—

Because of this and his fitness for the place, and because he was and is in full accord with the Republican party on the dominant issues of the time, he was unanimously nominated as the candidate of the Republican party from this district.

That is a little bit of history that I never knew. I did my best to get the contestant to occupy this floor and tell his tale to this House. I invited him—whether that invitation was delivered or not I do not know—through my friend Judge SMITH of Iowa, with the assurance that he should speak without objection on my part or the objection of my associate Democrats. I sent my colleague, Mr. WHEELER, in person to him, and he declined. I wanted him on this floor, and he might have chosen his place, but I wanted him where he would have the right to speak and to answer questions. I wanted him to tell if he is in full accord with the Republican party on all the dominant issues of the day, when and how he got there.

This record discloses the fact that within less than two weeks before the election he registered as a Democrat in the city of Bowling Green. Now, either that registration given in by him

is false or his statement in his brief is false. I care not which. I assert, too, and if he is fortunate enough to get his seat here and will dare deny it, I will send to some member the sworn evidence of his own adherents, the Brown Democrats, that he told them, not later than a week before the election, that he was for Bryan and free silver, and if elected to this House he would vote with the Democrats on the organization and all party questions. [Applause on the Democratic side.] I will defy him, if he gets his seat, to deny it, and I will overwhelm him with evidence to demonstrate that he is the poor, miserable creature that I know him to be.

Mr. MANN. Mr. Speaker, I call the gentleman to order.

Mr. BOWIE. I hope the gentleman from Illinois will not take up the time of the gentleman from Kentucky, as he has only five minutes more.

Mr. MANN. I can not help that; this is not parliamentary language.

Mr. UNDERWOOD. Mr. Speaker, I ask that the gentleman from Kentucky be allowed to proceed in order.

Mr. BARTLETT. The Speaker has not yet ruled.

Mr. RHEA of Kentucky. I will wait until the Chair has ruled.

Mr. DINSMORE. Mr. Speaker, we would like to have a ruling whether the gentleman is proceeding in order or not.

The SPEAKER pro tempore (Mr. MAHON). The Chair did not hear all of the remarks of the gentleman from Kentucky.

Mr. MANN. Well, Mr. Speaker, I do not wish to detain the House, and I suppose this would come out of the time of the gentleman from Kentucky or out of the time of the House, and I withdraw the point of order.

Mr. RHEA of Kentucky. I undertake to say, Mr. Speaker, the statement that he betrayed his party, allied himself to the opposition without the hope or expectation of reward, is not the current history of his own city of Bowling Green, in the Third Congressional district. I undertake to say that there is sworn testimony that he registered as a Democrat. Three of his witnesses testified on cross-examination that he was known as a free-silver Democrat when he was making this run against me. I undertake to say, in the face of this record, that if current history is not true when it says he got his reward in that canvass he is now abjectly begging the Republican party in this House to take him, saying he is theirs to-day and to do their will from now henceforth, which shows that he hopes to come into his reward right soon. [Applause on the Democratic side.]

Mr. Speaker, I am about done. During my five years of service on the floor of this House I recall with pride and with pleasure that never has an unkind word or a discourteous retort escaped my lips to any member on either side of this Chamber. I have never indulged in acrimonious debate. I have never seen fit to impugn the motives of my brethren, whether differing or agreeing with me. I have not done so in this instance. But I am equally proud of the fact that the record discloses the fact that I have stood by my party platform and my party faith against all comers. [Applause on the Democratic side.] And for that I have no apologies to make.

So long as I believe in its principles I stand ready on all merely party questions, questions of party or governmental policy, to follow my party. Whenever the time may come that I can not longer follow it, then, like an honest and conscientious man, as I hope I am, I will renounce that party and go openly to that party wherein I can find shelter and secure association with those in consonance with my opinions and views. [Applause.]

Gentlemen of the House, fellow-members, I make no cringing appeal to you. I do not want you to violate your sense of duty. If your honest judgment leads you to conclude that I am not rightfully the occupant of this seat, say so. But I do beg you, as honest men, if this contestant has not shown by proof positive and certain that the seat I hold does not belong to me, rise above party questions, even though you have to differ with your committee, and follow your judgment and give me the benefit of it.

I thank you, Mr. Speaker and gentlemen of the House, for your courteous and kind attention. [Loud applause.]

Mr. MANN. Mr. Speaker, I yield forty minutes to the gentleman from West Virginia [Mr. GAINES].

Mr. GAINES of West Virginia. Mr. Speaker, I have listened with great interest to the impassioned appeal of the gentleman from Kentucky, the contestee in this case; and I must say that the eloquence he has displayed merits the congratulations which have been extended to him by gentlemen on the other side. That his appeal was impassioned is something for which nobody will criticize him, in view of the position which he occupies. But it becomes my duty, Mr. Speaker, to recall the attention of this House to the fact that the committee in this case have solved every doubt in favor of the contestee, and yet are bound to come to the conclusion that the contestant is lawfully entitled to his seat.

It is not to be forgotten in this case that the contestant proceeded in the election in Kentucky under great and grave disadvantages. The committee in this case had hoped, in view of the



fact that there were enough ballots here to settle this controversy by a mere count, to be relieved of the necessity of going into the question of the Goebel election law—that fraud at the very source of elections in the State of Kentucky—as well as to be relieved of the necessity of going into the question of fraud at the election under that law. But since so much has been made of it, let me for a moment call the attention of the House to the Goebel election law.

That law provides, in the first place, that a partisan body shall be elected by the legislature, consisting of two Democrats and one Republican—not a Republican of Republican selection, but of Democratic selection. It provides that these three shall, in every county in the State, appoint an election board, of which the Democratic party has control—giving that party control in every county in the State. And that election board does what? It appoints election officers, and the law requires that the Republicans shall have representation among the election officers, but it does not require that they shall have representation of their own choice.

Under an election law of this sort, Mr. Speaker, this case discloses the fact that with the machinery in the possession of the Democratic party these election officers, acting under the Goebel election law, could certify to the contestee in this case a majority of only 158, and to do that it was necessary to refuse to count votes which it is plain to be seen by anybody should be counted for the entire Republican ticket. Some question has been raised in this case as to what the record discloses as to the manner in which these election officers in Kentucky were appointed.

The contestee himself eulogizes the character of L. A. Freeman, a Republican and a witness in this case—not, he says, a weak man. The contestee gives him credit for both character and intelligence. What says Mr. Freeman, who was the minority representative on the county board of election commissioners of one of the counties of the Third district?

Q. Of the 21 precincts, in which and how many of them were there no Republicans whom you could recommend?

A. I think there were three or four, probably.

Q. Of the 42 names submitted by you how many were appointed by the board?

A. There was some 14 or 15.

Again he says:

Q. What about J. T. Rhorer?

A. I knew him to be a Republican.

I am showing the House the character of the people they appoint in Kentucky to take care of the interests of the Republican party in the elections.

Q. Did he ask to be excused for any reason?

A. He made an affidavit that he was physically disqualified to serve.

Q. What attention was paid to his affidavit?

A. Rejected.

Q. Had he or not, on several occasions before, been appointed as an election officer and always failed to serve?

A. I could not say.

And then, gentlemen of the House, there follows a statement of his physical difficulties, which I shall not read; neither shall I read the promises made by the contestant's brother, a member of the board of county commissioners, to enable him to rid himself of his physical troubles. But I suggest to any member of this House who wishes to see the amusing side of this case that he read this part of the record.

And again. They appointed to take care of Republican interests in one of the precincts Dillard Foster; and about him the record shows the following questions and answers:

Did you ask him if he could read and write?

I don't know that I did at that time, but I did before the election, for he spoke to me about it on several occasions after my first talk with him.

Could he read or write, either?

He could not read the letters that I handed him, and his writing was very poor.

Was it anything more than a scrawl?

I could not read it.

And you could not read it after he had written it?

I don't think I could. He came around the next morning and told me he could write better now than he could the night before.

That is the character of people put up in elections to take care of the Republican party's interests in the State of Kentucky, and the kind of people selected by Democrats to represent the Republican party in this election in the Third Congressional district of that State, from which this contest comes.

Let me call the attention of the gentlemen of this House to another matter. Public opinion in the State of Kentucky, dissatisfied with the dishonesty of this election law, required its repeal, and the legislature of that State passed what was known as the emergency law of October 16, 1900. They, however, specifically excepted from the operation of that emergency law the Goebel election law concerning the appointment of election machinery, which was so unpopular in the State.

Let me ask gentlemen on the other side, who defend that law, why, if it was a just law, did popular opinion in Kentucky compel them to repeal it? And why, if they saw fit to repeal it, did

they except the very part of it that was objectionable from operation at the election of 1900? Was it not, Mr. Speaker, for this purpose: In order that they might seem to yield to popular demand when they were compelled to; and yet that they might keep that law for one more election, and have one more chance to stifle public sentiment and the popular will in that district under the terms of that infamous Goebel election law?

Gentlemen on the other side have argued this case with great adroitness. They would have you believe that the committee in this case have resolved doubts in favor of the contestant. They tell you that as to these election precincts there is no evidence as to how many votes were rejected and how many were merely questioned. They have particularly called attention to Kister's Mill precinct, where 112 ballots were rejected.

The gentleman from Texas [Mr. BURGESS] said that he did not know and nobody knew as to how many of these 112 ballots marked as questioned or rejected had been counted. But the record, Mr. Speaker, and gentlemen of this House, discloses what gentlemen on the other side were unwilling to know. The testimony of L. J. Warden, one of the election officers, on page 54 of the record, is as follows:

Q. Were any of these 112 ballots counted for anyone; and if so, for whom?  
A. They were not counted for anyone.

And so you may take the evidence all through.

Now, the part of this case that is clearest and plainest, that part which is absolutely conclusive and yet does not attack anybody's conduct or character or reputation; that part upon which the committee sought to rest its case without going further and proving more than was necessary and much that is offensive, is as follows: In the last Kentucky election the ballot was composed of six tickets. The Democratic ticket was the first one on the left, and the Social Democratic ticket was the last one on the extreme right. The Republican ticket was the second one from the left, and the Socialist Labor ticket was the second one from the extreme right. So that when the ballots were folded the Democratic ticket folded over exactly on the Social Democratic ticket, and the Republican ticket folded over exactly on the Socialist Labor ticket.

The result was that using the stencil with a pad full of ink, when these tickets were folded the cross which had been put by the voter in the circle, as required by the Kentucky election law, made a blur over on the corresponding ticket on the other side. There are enough of these tickets in the record where the election officers in this district refused to count Republican tickets that had been blurred on an opposite ticket, after the voter marked for a straight Republican ticket, to change the result of this election. Upon a consideration of these tickets the committee has reported. And yet we are talked to as if something unkind were done to the contestee in this case. The ranking member of the committee, who introduced this discussion, referred, as he had a right to refer, to the record of this committee for fairness and judicial decision of these election cases.

I may refer to that record, Mr. Speaker, because it existed before I was a member of this body, much less of this committee. It is the record of this committee that it has never reported cases for decision to the House except in a judicial manner, putting partisanship and unfairness aside; and in this Congress of the two cases that we have reported, one has been in favor of the Democrat, and this one in favor of the Republican. I challenge the closest examination, Mr. Speaker, of the action of the committee in this case by every member of this House, and assert that it will sustain the reputation of the committee for fairness.

We are told again, Mr. Speaker, that we are deciding this case contrary to the decision of the supreme court of the State of Kentucky. Let us see what the decisions of the supreme court of Kentucky are which bear upon this case. The decision referred to by gentlemen on the other side is that of *Anderson v. Likens*. The court says in that case:

But it appears from an inspection of those ballots that none of them were accompanied with a true statement as to whether they had or had not been counted, and if counted, what part and for whom, as required by article 3, section 37.

There was no statement at all in relation to any of them except five or six, and the statement as to them was not only meager, but signed alone by the clerk of election, and not all of them signed by him officially. We think the statement should be full and complete, as required by the statute, and signed officially by all of the election officers.

Moreover, section 1476 seems to prohibit such a statement being made upon the ballot itself, as was done by the clerk in the case referred to. Consequently the statement, in order to carry with it verity, must be made on a separate paper, signed by all the officers of election, and its relation to the particular ballot it refers to must be clearly shown by attaching them together, or in some other satisfactory manner, and sealed up and returned to the clerk of the county court with the returns of the election.

Now, Mr. Speaker, to claim, as gentlemen on the other side have claimed, that the Kentucky court of appeals intended to decide that a separate certificate must accompany each and every one of these ballots, and be attached in every case to the ballot, and that such certificate should state at length as to every



office whether it had been voted and for whom, would be to convict the Kentucky court of appeals of requiring of election officers an utter impossibility.

Take the case of Kisters Mill precinct. There are 112 ballots not counted. If it be correct, as claimed by the contestee, that the election officers should prepare a certificate stating as to every ballot whether it was not counted for governor, not counted for lieutenant-governor, not counted for all the other officers in detail and by name, it is clear to every man that it would be impossible for the election officers to make a return inside of two or three days; and yet the statute of Kentucky requires, and very properly requires, that the counting of the ballots shall be concluded on the night after the election, or immediately after the election without any adjournment.

But, Mr. Speaker, we are not left in doubt as to whether this contention is true under the decisions of the supreme court of Kentucky, because the supreme court of Kentucky, in the case of *Booe v. Kenner*, decided since the decision in *Anderson v. Likens*, upon which the gentlemen on the other side rely, goes on to give a full review of the case of *Anderson v. Likens*. It will be seen by any gentleman who will take the trouble to refer to that case that the supreme court of Kentucky, in three different places in the decision, refers to the case of *Anderson v. Likens*.

The case I am speaking of (*Booe v. Kenner*) was not only a well-considered case, but was particularly well considered with reference to the case of *Anderson v. Likens*. In that case the judges say that they have carefully inspected the ballots, and that the same position for which we contend in this case—the right to inspect ballots certified as these—was correct and proper. Here are the ballots themselves [holding up to the view of the House the ballots which were before the Kentucky court of appeals in *Booe v. Kenner*] which the supreme court of Kentucky permitted to be counted, for the purpose of correcting a false return in that case, and gentlemen of the House would do well to examine these ballots and see how much on all fours they are with the ballots which we have counted in this case, and how much on all fours the decision of the committee in this case is with the decision of the Kentucky court of appeals in *Booe v. Kenner*.

Mr. WHEELER. Will the gentleman permit me to interrupt him?

Mr. GAINES of West Virginia. Certainly.

Mr. WHEELER. The gentleman does not desire to misstate the record, I am sure. Was not the question in the *Booe* case a question of jurisdiction entirely, and did not the court so decide, that it had no jurisdiction in the matter?

Mr. GAINES of West Virginia. The *Booe* case brought up this question, Mr. Speaker: Under the old Kentucky law they had had a viva voce vote, and the supreme court had decided that under that law the writ of mandamus would lie to compel a proper count and a particular certificate, because the election officers had nothing to do but foot up the returns. That mandamus would not lie under the recent law; but in view of the fact that the change of procedure was just then taking place in that case, in view of the fact that injustice was likely to be done to the person who had relied upon the course of decisions formerly sustained by the supreme court, that court went into the merits of the record, and permit me to read to the gentleman from Kentucky what they said:

It is insisted for appellee that he took his proceeding in this case relying upon the case of *Houston v. Steele*, and that after he has acted upon it this court can not in justice overrule that decision when to do so will be to defeat his action. In answer to this we will add that we have carefully examined the record and are satisfied that the decision of the county canvassing board in giving Dudley the certificate of election was right; that the intention of the voter can be determined from an inspection of several of the ballots rejected by the court below, and that on the merits of the case the mandamus should be denied.

Now, the county board of canvassers, in doing what the supreme court of Kentucky say was right, had done exactly what this committee has done in this case.

Where does this trouble come from? It comes from a misunderstanding with reference to section 47 of the election law of Kentucky, which provides what sort of certificate the election officers shall make as to ballots. In the first place, the Kentucky election law requires ballots to be furnished to election officers bound in a book. It requires the election officers to account for all those ballots, how many of them were voted, how many of them were counted as valid votes, how many of them were questioned or rejected, and the number which were destroyed. There is no other form of certificate set out in the Kentucky election law.

Why, Mr. Speaker, if the position contended for by gentlemen on the other side were correct, what would have happened? In the first place, if these lengthy certificates were demanded by law the law itself would have required the public officers to furnish the election officers blanks with which to make them. The election officers are not usually lawyers; they are not usually men skillful

with the pen; and even if they were the most skillful lawyers and most skillful penmen in the world, they could not within a reasonable time prepare 112 certificates of the character claimed to be necessary by gentlemen on the other side.

But not only is it true that the law does not make the requirement; it is likewise true that the election machinery of neither party in Kentucky has ever furnished such blanks to its election managers and workers, and if you will look at the language of the statute you will see why. Because the language itself in the certificate required by the election law would never indicate to anybody that any such certificate as claimed to be necessary by gentlemen upon the other side ought to be made. Now, election laws are like constitutions, in that they are intended for the guidance of the people themselves. They are intended to be construed by the rank and file of the people, from whom are taken election officers. When you look to the form of the certificate required by the statute to be made out by the election officers, what is it?

SEC. 1483. The form of the return to be made on the inside of the cover of the stub book shall be substantially as follows: State of Kentucky, ——— County, election held on the ——— day of ———, 18—, in ——— precinct. Number of ballots counted as valid, ———; number of ballots questioned or rejected, ———; number of ballots marked "spoiled," ———; whole number of ballots cast, ———; number of votes received for governor, ——— by ———; number of votes received for lieutenant-governor, ——— by ——— (and so for other State and county offices). \* \* \* We, the judges, sheriff, and clerk of election at the precinct mentioned, certify that the above is a correct return of the election held therein on the day aforesaid \* \* \*.

Now, let us remember that election laws are for the guidance of the people—the laymen—who as a general rule are in the first instance charged with their construction. The election officers are required to certify "the number of votes counted as valid" and "the number of votes questioned or rejected." Now let us see what they did at these various voting places in the Third district of Kentucky, so far as they appear in this record. Take Electric Light precinct, No. 20, as a sample, and it is a fair sample in this case, and I refer to this precinct because it has been the subject of very much discussion. The certificate is as follows:

Number of ballots counted as valid .....	264
Number of ballots questioned or rejected .....	100
Number of ballots marked "spoiled" .....	10

Whole number of ballots cast .....	374
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Now, what, under the law, would the election officers understand to be a proper certificate? That they should certify that they counted the votes; that if they counted a vote they should certify it as "valid" and return it among the "valid" ballots, as required by the election laws of Kentucky; that if they thought certain ballots were not valid ballots, then they should not so certify them, but should certify and return them as "questioned" or "rejected" ballots. And, again, if "questioned" and "rejected" are terms that mean something different, how much or how little questioning will, under the contention of gentlemen on the other side, make it necessary for the election officers to take a valid ballot out of the list of "valid votes" and certify it as "questioned?" The absurdity is too apparent for argument. Such a view would put in the power of a single election officer to take all valid ballots or a precinct out of their proper class and have them certified as questioned or rejected. Such was obviously not the intention of the law.

The common-sense inference of the law, the one that ought to be drawn and the one which the record in this case shows that the election officers did draw, is that whenever they counted a ballot as valid they so certify it, and whenever they rejected a ballot they put that in the "questioned or rejected" envelope, and certify it accordingly. Yet we are told, Mr. Speaker, that for some reason or technicality we can not use our sense and judgment, that we can not make a proper calculation in this case; that where the election officers certify, as in this precinct, the number of "ballots counted as valid" 264, the number of ballots "questioned or rejected" 100, the whole number of ballots cast 374, we, for some reason or technicality, can not arrive at the necessary conclusion that 264 ballots were counted and 100 were rejected; that we can not make the simplest mathematical calculation; that we can not employ the plainest processes of reasoning and of common sense.

The contestee, Mr. Speaker, in his argument on yesterday afternoon undertook to attack the position of my colleague on the committee, the gentleman from Iowa [Mr. SMITH], for having said in effect that while in many places where the Republican party had two election officers, by virtue of their law which made the sheriff the arbitrator in cases of dispute, the Democrats still had the control in the precincts. And with great vigor and denunciation he asserted that the gentleman from Iowa was ignorant of the law of the State of Kentucky in making that assertion.

Well, there was a slight inaccuracy in saying that the Democrats had the sheriffs in all cases. The contestee called attention to the Court-House precinct, the Electric Light precinct, and the



Police Court precinct, three very important precincts in this case in which the Republicans had the sheriff. Let me see, Mr. Speaker, if that can not be explained. I read from section 1493 of the Kentucky statutes, as follows:

SEC. 1493. *Duties of respective officers.*—In making the registration the clerk shall act as the recording officer, the judges shall decide all questions relating to the qualifications of persons offering to be registered, except that in case of a difference of opinion between the judges the clerk shall have the casting vote.

Now, section 1487 provides that "The officers of election in the several election precincts of the respective cities and towns mentioned in the preceding section shall be the officers of registration in such precincts." So that it appears that in substance the gentleman from Iowa was correct, because under this election law the Democratic party had the sheriff in all those places where the sheriff was the most useful officer, and in the registration precincts they took the clerk because in such precincts he was the essential and important officer.

Mr. BOREING. May I interrupt the gentleman?

Mr. GAINES of West Virginia. Certainly.

Mr. BOREING. In view of that, is it not a fact that the contestee himself is either ignorant of the law or unfair in his argument?

Mr. GAINES of West Virginia. Well, Mr. Speaker, there has been so much talk on the other side about ignorance and about legal ability adapted only to a justice's court that I do not care to characterize the contestee as ignorant or as unfair. But I do state, however, in this case, that this record shows that wherever under the Kentucky election law the Democratic party needed a sheriff, they had the sheriff; and where the clerk would best suit their purposes, they had the clerk. So the gentleman from Iowa knew pretty well the Kentucky election law, and he appreciated accurately its practical working.

There is one other precinct to which the contestee himself called attention, and that I want to mention. It was Electric Light precinct No. 20, where he claims that the whole returns should be thrown out. Why, Mr. Speaker, if the committee had thrown out the whole return, as claimed by him, it would have reduced his majority 30; whereas by the course the committee took it only gave Mr. Moss a majority of 6. In other words, the contestant in this case would have been 24 votes worse off if the course had been adopted that the contestee contends the committee in fairness should have taken.

Mr. RUCKER. Will the gentleman allow me a question?

Mr. GAINES of West Virginia. Certainly.

Mr. RUCKER. Did not the contestee say that under the law he had produced witnesses to prove that 145 of those ballots were deposited for him?

Mr. MANN. That related to another precinct, a precinct in Logan County, while Electric Light precinct is in Warren County.

Mr. GAINES of West Virginia. As to the precinct the gentleman from Missouri has just mentioned, what reason was there for throwing it out? It is in evidence in this case that the election officers failed to remove the secondary stub from certain ballots voted; and we are gravely told that because the election officers in that case did not do their duty the voters in that precinct should be disfranchised.

Let me say to the gentleman from Missouri, since the contestee is not present, that I hope there never will be a Congress that will decide that voters may be robbed of their rights because election officers fail to do a duty of that kind; and especially when, as in this case, it is shown that the tearing off of the stub afterwards, when the polls were closed, was done by agreement of both parties, and was without fraud and without prejudice to either party. They attack us for not throwing out the returns in this instance where it is admitted by both parties that there was no fraud and that the right thing was done to preserve the votes of the people.

Mr. Speaker, I have already, I believe, consumed the time so kindly allotted to me by my colleague on the committee who has charge of this case. I shall not enter into the personal matters between the contestant and the contestee, so unfortunately brought into the discussion by the contestee at the close of his argument. I know something of the contestant in this case, not by long personal acquaintance, but by the judgment and statement of gentlemen of Kentucky, some of whom have been driven out of the Democratic party by unfair election methods in that State, and some of whom have by those same methods been driven in disgust from the State.

I want to say, Mr. Speaker, that this committee did not care whether he was a Republican or a Democrat. But if it be true, as stated by the contestant, that no attractiveness of the Republican party but only the improper conduct of the Democratic party has removed the contestant from the ranks of that party, the contestant is welcome to all the comfort out of that situation he can extract from it. All the committee cares about and all it desires to certify to this House is that, upon a careful, honest,

conscientious investigation of this record, the contestant in the case is, beyond any possible doubt, entitled to a seat in this House.

Mr. KEHOE. Before the gentleman takes his seat, I would like to ask him a question.

Mr. GAINES of West Virginia. Very well.

Mr. KEHOE. Does the gentleman mean to convey the idea to the House that in any precinct the clerk of elections in Kentucky has the deciding vote as to the ballots or who shall be allowed to vote on election day?

Mr. GAINES of West Virginia. I do not know that I do. In the first place, I have read the Kentucky law, which should satisfy the gentleman. I then explained to this House that in a question of registration, of deciding who is entitled to go to the polls and vote, the clerk had the controlling vote; and I further said that where the gentleman's party needed a sheriff, it took him, and where it needed a clerk, it took him. The gentleman should not ask me whether I intended to say something I did not say.

Mr. KEHOE. And how many places in the district were there registrations?

Mr. GAINES of West Virginia. I do not know. I took three out of four places mentioned by the contestee on which to base my argument. I am meeting the very argument produced in this case by the contestee himself.

Mr. KEHOE. I will ask the gentleman whether the law is not as the contestant stated it to be, that in every case where a ballot is questioned the sheriff is the umpire. Is not that the law?

Mr. GAINES of West Virginia. I have not denied it.

Mr. KEHOE. That is the law.

Mr. GAINES of West Virginia. I read the law itself as the basis of my remarks, and I said that the clerk had the control, the casting voice, on the question of registration, and I followed that by the statement that, as a general rule, where you needed the sheriff you had him, and where you needed the clerk you had him.

Mr. Speaker, I leave the question to the House. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, while it is undoubtedly true, as stated by my colleague on the committee, the gentleman from West Virginia [Mr. GAINES], who has just spoken, that under the Kentucky law the Democratic party, or the party which is in power, may prefer its own interest in the appointment of clerk or sheriff as it pleases, so far as I am concerned I make no complaint of that. I make no complaint that any party in power which has the selection of three officials, two of whom shall be of one party and one from another, selects two from its own side. And, Mr. Speaker, the question is not involved in this case whether the election officers of Kentucky were honest or honorable or fair dealing in their action in counting the ballots except in one or two precincts. We admit that the judges of election under the Kentucky election law were justified in sending to a higher tribunal for decision the question whether these re-marked ballots should be counted or not; and they performed a proper duty on their part when they returned these ballots in such a way that they might be laid before the House of Representatives itself, which should determine upon their validity.

It is not my purpose, Mr. Speaker, to discuss or reply at length to the arguments which have been made in favor of the minority report; but I think I would be wanting in fairness to the majority of this House if I did not reply to one or two statements which have been made and arguments which have been advanced on wholly false premises. We were told in the brief filed in behalf of the contestee in the first place that it was necessary to have the "true statement" there referred to attached to each ballot. The statement in the contestee's brief, construing the decisions of the Kentucky courts, was, "unless each ballot is accompanied with a true statement;" and again, "Its relation to the particular ballot it refers to must be clearly shown by attaching them together."

We attacked that decision. The contestee had construed the decision of the Kentucky court and said that it meant what he stated in his brief. We have attacked that decision, and, lo and behold, they have abandoned it on the floor of the House. What they contended the supreme court of Kentucky had decided was so absurd in the light of the report of the majority that on the floor their first speaker abandoned the contention and said that the law only meant that the ballots should be put in two different piles.

Mr. Speaker, the supreme court of Kentucky, or court of appeals, which is the same thing, have decided that a "true statement" in accordance with the law must be preserved and presented; and the "true statement" in each case is found in this record where we have counted the ballots.

The gentleman from Mississippi [Mr. Fox] yesterday called the attention of the House to the volume containing the ballots from West Door precinct, No. 9, in Simpson County, and because he



did not wish to be interrupted I made no interruption as he stood there showing the ballots to the members on the floor of the House and calling their attention to the fact that he could find in that volume of ballots a number which they could not distinguish as to which had the actual mark and which the remark. But, Mr. Speaker, the report of the committee shows that in this volume of ballots there were 20 ballots which the committee did not count, for the very reason which the gentleman urged, and those were the ballots which he was showing to the members of the House as ballots which could not be distinguished and which we had counted. We did not count the ballots which the gentleman disclosed to the House.

Mr. FOX. I beg the gentleman's pardon. What he states is not the truth. I never did exhibit a single ballot to the House but what was counted by the committee.

Mr. MANN. Well, Mr. Speaker—

Mr. FOX. It would have been a disgrace to myself and an insult to this House for me to have presented ballots here that had not been counted by the committee, and I deny that I did so.

Mr. MANN. If the gentleman has finished, Mr. Speaker—

Mr. FOX. There was no necessity for the gentleman to make such a statement as that, because I would have been unworthy of membership in this House and unworthy of being recognized as a gentleman if I had condescended to do such a thing.

Mr. MANN. Mr. Speaker, if the gentleman from Mississippi had had patience enough to contain his soul, he would have found that I absolved him from any intentional purpose to deceive the House—

Mr. FOX. I will not allow a statement of that sort to be made here which impeaches my character as a gentleman and a man of honor.

The SPEAKER. The gentleman from Mississippi is not in order. He has no right to address the House unless upon recognition of the Speaker and with the permission of the gentleman on the floor.

Mr. MANN. Well, Mr. Speaker, I am perfectly willing to let the gentleman from Mississippi make the statement he has made. I would not believe for a moment—and I am very sorry the gentleman understood me as implying such a thing—that he would intentionally mislead the House. I believe the gentleman from Mississippi to be a man of the highest honor, and I will not be led by his passionate and hasty remark into saying anything to the contrary. I hope I have self-possession enough to not permit hasty remarks such as he has made to turn me from my even way and from my pleasurable acquaintance with the gentleman. But the gentleman from Mississippi did show to the House or call to the attention of the House the ballots from West Door precinct, No. 9, in Simpson County, and showed to the House ballots which he contended ought not to be counted because we could not tell which was the original mark and which was the imprinted, and the report of the committee shows that from that precinct there were 20 ballots which the committee did not count, a majority of which were marked in the Republican circle.

Whatever may have been the intention of the gentleman on the floor of the House—and I would not for a moment accuse him or any other colleague of mine upon the committee, for all of whom I have the highest respect, of intentionally deceiving the House—but when the gentleman showed these ballots I knew which ballots were counted and which were not by the majority of the committee, and the ballots which the gentleman showed were not counted for the contestant by the majority of the committee in this case.

Now, Mr. Speaker, another complaint which has been made by the contestee is in reference to Ferguson precinct, No. 20, in Logan county, and, Mr. Speaker, I am not unmindful of the splendid, passionate eloquence of the gentleman from Kentucky. I shall only say that in my opinion he made a much stronger argument and a much more eloquent speech and a much better presentation of his case when he argued his own case before the committee than he did upon the floor of the House.

The gentleman from Kentucky makes most of his argument in reference to the points in his brief on which the committee sustained him. Most of the argument which the contestee made was about cases where the committee sustained the contention of the contestee. Most of his argument was addressed to counties like Logan and Barren counties, and in those cases we sustained the contention of the contestee; but he says that in Ferguson precinct, No. 20, Logan County, the Democratic clerk got drunk, and he complains because the committee did not say the man was drunk instead of merely saying that his conduct was reprehensible. He says that in that precinct the committee sustained the contestee against his interest. I call the attention of the House to the claim made by the contestee in reference to this precinct, which he now says ought to be thrown out altogether. The contestee now says that the committee ought to have rejected the returns from Ferguson precinct, but when he prepared his brief and when he argued

his case before the committee he took a different notion of the matter. Referring to the precinct, the contestee in his brief says:

There is no charge here that the return is false or fraudulent. There is no claim that any person was intimidated or that any person who desired to vote was prevented by fear of violence from so doing. \* \* \* It is shown conclusively by all of the witnesses that every voter who went to the election and desired to vote was allowed to do so.

That was the contention which the contestee presented to the committee, and the majority of the committee sustained his contention and permitted the returns to stand. Nor is it true that if the committee had thrown out the returns it would have been to the interest of the contestee. The contestee stated that he placed upon the witness stand, as I remember, 144 witnesses to testify that they voted for him. He did not place upon the witness stand 144 witnesses, though he did claim, and it is claimed that the testimony which he did introduce showed that 144 persons voted for him, and he says that there was no testimony to show how many voted for the contestant.

The gentleman from Kentucky, the contestee, was mistaken. The contestant upon the returns had 85 votes. The evidence before the committee showed that there were counted for him on the night of the election 89 votes from the ballots, and that there were 89 votes for the contestant instead of the 85 returned; and if the committee had thrown out the returns, it would have increased on the evidence the vote of the contestant from this precinct and decreased the vote of the contestee from this precinct. If the gentleman from Kentucky, the contestee, were half so good a lawyer as he is an orator, he would have known what the facts in the record showed in the case.

I call for a moment the attention of the House to another case that the contestee referred to, and that is the Electric Light precinct No. 20, in Warren County. In this precinct the judges of the election, in making their returns, did not certify as to the number of ballots not voted and destroyed at the election. The election law of Kentucky provides that immediately after the polls are closed, and before the ballots are counted, the unvoted ballots shall be torn from the book and destroyed by the election officials. The contestee claims that in this precinct the returns did not show whether these ballots were destroyed or not, and thereupon he builds a fanciful and chimerical imaginative tale about the attorney for the contestant.

Why, Mr. Speaker, it would be perfectly absurd for the House to reject the returns from a precinct because the judges of election had omitted to state the number of unvoted ballots which they had destroyed; and if this class of returns were to be rejected as the contestee desires, it would reduce his majority a thousand votes. The contestee in this contest received in the county of Barren 3,144 votes, and the contestant received 2,246, nearly a majority of 1,000 for the contestee, and in no precinct from the county was the return made which the contestee insists should be made. Ah, but he says, what of the 44 ballots which were not voted in Electric Light precinct? And thereupon the contestee now charges that the record shows that the rejected ballots had been turned over to the possession of the attorney for the contestant and left in his possession, so that a portion of the ballots which were actually returned might be taken out and have substituted for them these 44 ballots which were not voted. I deny it. The record shows nothing of the sort.

The record shows, Mr. Speaker, that these rejected ballots, according to the law, were returned by the sheriff of the precinct to the county clerk; that they were turned over by the county clerk to the Democratic board of election commissioners of the county; that the envelope containing them was opened by the Democratic election commissioners, and when so opened returned to the county clerk. The record shows that the county clerk permitted both the contestant and his attorneys and the contestee's attorneys to examine these ballots in his presence and while in his possession—a proper proceeding.

Ah, Mr. Speaker, we do not have to depend upon that testimony, even although these ballots are traced from one official to another as a registered letter is traced from one officer handling it to another. We have the ballots in our possession which were returned from this precinct where the contestee charges that fraudulent or other ballots have been substituted in their place, and I invite the attention of the gentlemen of the minority to the fact that each of these ballots in the record bears the original signature of the Democratic clerk of this election precinct. No question is raised in reference to it. Each of these ballots when given out to be voted was signed by the Democratic clerk of election. Each of these ballots is here in the record, signed by this Democratic clerk of election, and the charge that other ballots have been substituted in their place by the attorney for the contestant was a cowardly charge, unworthy of a man who has the standing of the contestee.

The contestant's attorney has no opportunity to appear here; and I take the responsibility of saying that in the interest of



what I believe to be the proper conduct of the trial of any litigation, I refused to permit the contestant to speak on the floor of this House in this contest. I do not believe in litigants arguing their own cases. I think the contestee would have left a better impression upon the House if he had omitted the scurrilous remarks, which no gentleman ought to make without an opportunity for reply, and which no gentleman ought to make under any circumstances. I refuse to permit this case to degenerate into a question of billingsgate between the two parties in contest. I decline to permit the contestants to engage in the business of fishwives replying to each other. The contestant appeared before the committee, and to a certain extent argued his case there, and, I may say, he made as good an argument as I have ever heard in the room of the Committee on Contested Election Cases. As between the character of the two, Mr. Speaker, it is not for us to decide. We decide upon the record before us. The citizens and voters of the Third district of Kentucky have decided between the two gentlemen, and they have expressed their approbation for the gentleman whom I hope will soon be the gentleman from Kentucky, the contestant in this case. He has the support of the majority of the people who voted at this election. He can afford to let go without reply the contemptuous remarks of the gentleman from Kentucky, the contestee.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the substitute resolution which is pending for consideration.

Mr. RICHARDSON of Tennessee. I ask that it be reported.

Mr. FOX. And I ask for the yeas and nays.

The SPEAKER. The Chair did not understand the gentleman.

Mr. RICHARDSON of Tennessee. I ask that the substitute be reported.

The SPEAKER. Without objection, the substitute will be again reported.

Mr. RICHARDSON of Tennessee. The substitute resolutions.

The SPEAKER. The substitute resolutions.

The Clerk read as follows:

*Resolved*, That J. McKenzie Moss was not elected a member of the Fifty-seventh Congress from the Third Congressional district of Kentucky, and is not entitled to a seat therein.

*Resolved*, That John S. Rhea was elected a member of the Fifty-seventh Congress from the Third Congressional district of the State of Kentucky, and is entitled to a seat therein.

The SPEAKER. The question is on the adoption of the resolutions.

Mr. MANN. Mr. Speaker, I demand the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 136, answered "present" 13, not voting 82; as follows:

## YEAS—124.

Adamson,	Fitzgerald,	Latimer,	Robb,
Allen, Ky.	Fleming,	Lester,	Robertson, La.
Bankhead,	Fox,	Lever,	Robinson, Ind.
Bartlett,	Gaines, Tenn.	Lewis, Ga.	Robinson, Nebr.
Bell,	Gilbert,	Lindsay,	Ruppert,
Bellamy,	Glenn,	Little,	Ryan,
Belmont,	Goldfogle,	Livingston,	Salmon,
Bowie,	Gooch,	Lloyd,	Scarborough,
Brantley,	Gordon,	McClellan,	Selby,
Breazeale,	Green, Pa.	McCulloch,	Shackleford,
Burgess,	Griffith,	McLain,	Shafroth,
Burleson,	Griggs,	Maynard,	Shallenberger,
Burnett,	Hall,	Mickey,	Sims,
Butler, Mo.	Hanbury,	Moon,	Smith, Ky.
Caldwell,	Hay,	Mutchler,	Sparkman,
Candler,	Henry, Miss.	Naphen,	Spight,
Cassingham,	Hooker,	Neville,	Stark,
Cochran,	Howard,	Newlands,	Sulzer,
Conry,	Jackson, Kans.	Norton,	Swanson,
Cooney,	Jett,	Otey,	Talbert,
Cooper, Tex.	Johnson,	Padgett,	Tate,
Cowherd,	Jones, Va.	Patterson, Tenn.	Thomas, N. C.
Crowley,	Kehoe,	Pierce,	Thompson,
Cummings,	Kern,	Pugsley,	Underwood,
Davis, Fla.	Kitchin, Claude	Randell, Tex.	Vreeland,
De Armond,	Kitchin, Wm. W.	Ransdell, La.	Wheeler,
De Graffenreid,	Kieberg,	Reid,	White,
Dinsmore,	Kluttz,	Rhea, Va.	Williams, Ill.
Edwards,	Lamb,	Richardson, Ala.	Williams, Miss.
Elliott,	Lanham,	Richardson, Tenn.	Wilson,
Finley,	Lassiter,	Rixey,	Zenor.

## NAYS—136.

Adams,	Brownlow,	Dalzell,	Greene, Mass.
Alexander,	Burk, Pa.	Darragh,	Grow,
Allen, Me.	Burke, S. Dak.	Deemer,	Hamilton,
Applin,	Burkett,	Dick,	Haskins,
Ball, Del.	Calderhead,	Draper,	Haugen,
Barney,	Cannon,	Emerson,	Hemenway,
Bates,	Capron,	Evans,	Henry, Conn.
Bingham,	Cassel,	Fordney,	Hepburn,
Bishop,	Connell,	Foss,	Hill,
Blackburn,	Conner,	Gaines, W. Va.	Hitt,
Blakeney,	Cooper, Wis.	Gardner, Mich.	Holliday,
Boreing,	Corliss,	Gardner, N. J.	Howell,
Boutell,	Cousins,	Gibson,	Hughes,
Bowersock,	Crumpacker,	Gill,	Hull,
Brick,	Currier,	Gillett, Mass.	Irwin,
Bromwell,	Cushman,	Graff,	Jack,
Brown,	Dahle,	Graham,	Jenkins,

Knapp,	Minor,	Prince,	Stevens, Minn.
Knox,	Moody, N. C.	Ray, N. Y.	Stewart, N. Y.
Lacey,	Moody, Oreg.	Reeder,	Storm,
Lewis, Pa.	Morgan,	Roberts,	Sulloway,
Littlefield,	Morrell,	Rumple,	Sutherland,
Long,	Morris,	Russell,	Tawney,
Loudenslager,	Mudd,	Schirm,	Taylor, Ohio
Lovering,	Needham,	Scott,	Thomas, Iowa
McCleary,	Nevin,	Shattuc,	Tompkins, Ohio
McLachlan,	Otjen,	Sherman,	Tongue,
Mahon,	Palmer,	Skiles,	Van Voorhis,
Mann,	Parker,	Smith, Iowa	Wanger,
Marshall,	Patterson, Pa.	Smith, S. W.	Warner,
Martin,	Payne,	Smith, Wm. Alden	Warnock,
Mercer,	Perkins,	Southard,	Watson,
Metcalf,	Powers, Me.	Sperry,	Weeks,
Miller,	Powers, Mass.	Steele,	Woods.

## ANSWERED "PRESENT"—13.

Coombs,	Lawrence,	Rucker,	Wright.
Curtis,	Maddox,	Showalter,	
Jones, Wash.	Meyer, La.	Small,	
Ketcham,	Pou,	Smith, H. C.	

## NOT VOTING—82.

Acheson,	Douglas,	Kahn,	Sibley,
Babcock,	Dovener,	Kyle,	Slayden,
Ball, Tex.	Driscoll,	Landis,	Smith, Ill.
Bartholdt,	Eddy,	Lessler,	Snodgrass,
Beidler,	Esch,	Littauer,	Snook,
Benton,	Feely,	Loud,	Southwick,
Bristow,	Fletcher,	McAndrews,	Stephens, Tex.
Broussard,	Flood,	McCall,	Stewart, N. J.
Brundidge,	Foerderer,	McDermott,	Taylor, Ala.
Bull,	Foster, Ill.	McRae,	Thayer,
Burleigh,	Foster, Vt.	Mahoney,	Tirrell,
Burton,	Fowler,	Miers, Ind.	Tompkins, N. Y.
Butler, Pa.	Gillet, N. Y.	Mondell,	Trimble,
Clark,	Grosvenor,	Moody, Mass.	Vandiver,
Clayton,	Heatwole,	Olmsted,	Wachter,
Creamer,	Hedge,	Overstreet,	Wadsworth,
Cromer,	Henry, Tex.	Pearre,	Wiley,
Davey, La.	Hildebrandt,	Reeves,	Wooten,
Davidson,	Hopkins,	Rhea, Ky.	Young.
Dayton,	Jackson, Md.	Shelden,	
Dougherty,	Joy,	Sheppard,	

So the resolutions were not agreed to.

The following pairs were announced:

Until further notice:

Mr. LANDIS with Mr. CLARK.

Mr. BARNEY with Mr. McRAE.

Mr. CROMER with Mr. MIERS of Indiana.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. STEWART with New Jersey with Mr. WOOTEN.

Mr. REEVES with Mr. HENRY of Texas.

Mr. BABCOCK with Mr. MAHONEY.

Mr. GROSVENOR with Mr. SNOOK.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. EDDY with Mr. SHEPPARD.

Mr. KEICHAM with Mr. SNODGRASS.

Mr. KYLE with Mr. VANDIVER.

Mr. JONES of Washington with Mr. BRUNDIDGE.

Mr. MCCALL with Mr. STEPHENS of Texas.

Mr. BURTON with Mr. BALL of Texas.

Mr. LESSLER with Mr. DOUGHERTY.

Mr. FOSTER of Vermont with Mr. POU.

For this session:

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. YOUNG with Mr. BENTON.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. JOY with Mr. MADDOX, until April 1.

Mr. BARTHOLDT with Mr. RUCKER, for one week.

Mr. OLMSTED with Mr. WILEY, until Wednesday.

Mr. WACHTER with Mr. SMALL, until Thursday.

For this day:

Mr. SHELLEN with Mr. FEELY.

Mr. BUTLER of Pennsylvania with Mr. McDERMOTT.

Mr. TIRRELL with Mr. THAYER.

On contested-election case—Moss v. Rhea of Kentucky:

Mr. SIBLEY with Mr. FOSTER of Illinois.

Mr. LAWRENCE with Mr. CLAYTON.

Mr. DOVENER with Mr. TRIMBLE.

Mr. CURTIS with Mr. McANDREWS.

Mr. ESCH with Mr. FLOOD.

Mr. WRIGHT with Mr. CREAMER.

Mr. OVERSTREET with Mr. HANBURY (Mr. OVERSTREET for contestant and Mr. HANBURY for contestee).

Mr. BEIDLER with Mr. BROUSSARD, on this vote.

Mr. TAWNEY. Mr. Speaker, I notice in the announcement of the pairs a pair between the gentleman from Indiana, Mr. OVERSTREET, and the gentleman from New York, Mr. HANBURY. I understand Mr. HANBURY voted.

Mr. RICHARDSON of Tennessee. Mr. Speaker, we can not hear what the gentleman says.

The SPEAKER. The gentleman will repeat his statement.

Mr. TAWNEY. I notice in the announcement of the pairs a pair between Mr. OVERSTREET and Mr. HANBURY, of New York.

My recollection is that Mr. HANBURY—I do not know whether he is here—has voted.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not think that is in order on a question of pairs.

The SPEAKER. The gentleman is recorded as voting in the affirmative. The House can not decide that question. It is a matter of honor for any gentleman as to whether he will observe his pair. The Chair knows of no law governing the matter.

Mr. TAWNEY. I suppose, if Mr. HANBURY—

Mr. RICHARDSON of Tennessee. I call for the regular order. I can not understand that the gentleman has any right in this matter.

The SPEAKER. The regular order is demanded.

Mr. HASKINS. Mr. Speaker, I voted "nay" on the first roll call. I was in the gallery when the second roll was called, and my name was called on the second roll call. I was in my seat and voted on the first roll call, and voted "nay."

The SPEAKER. The gentleman is not recorded as voting. Does the gentleman state that he voted on the first call?

Mr. HASKINS. I voted on the first call "nay" very distinctly.

The SPEAKER. The gentleman will be recorded according to the statement of facts.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the original resolutions reported by the committee.

Mr. FOX. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FOX. Mr. Speaker, at the request of the gentleman from Kentucky, Mr. Rhea, I withdraw the demand for the yeas and nays.

The SPEAKER. The demand for the yeas and nays is withdrawn. Is it renewed? [After a pause.] Without objection, the order for the yeas and nays will be canceled and a vote taken viva voce.

The question was taken; and the resolutions were agreed to.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

Mr. MANN. Mr. Speaker, I ask that the contestant, Mr. Moss, be allowed to take the oath of office.

Thereupon J. McKenzie Moss appeared at the bar of the House, accompanied by Mr. MANN, of Illinois, and took the oath of office prescribed by law.

#### PERSONAL PRIVILEGE.

Mr. HANBURY. Mr. Speaker, I rise to a question of personal privilege. I understand that it was announced that I, having a pair, had voted. Is that correct?

The SPEAKER. The RECORD so shows.

Mr. HANBURY. I wish to correct the RECORD then. I did not vote after I was paired, but after I voted I was paired for the next roll call.

The SPEAKER. The gentleman's statement will be entered in the RECORD.

#### BOARD OF MANAGERS FOR NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

#### House joint resolution 171.

Resolved, etc., That Henry E. Palmer, of Nebraska, GEORGE W. STEELE, of Indiana, WALTER P. BROWNLOW, of Tennessee, T. J. Henderson, of Illinois, and J. M. Brown, of Maine, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Henry E. Palmer to fill a vacancy caused by the death of Gen. William J. Sewell, whose term of service expires April 21, 1904; GEORGE W. STEELE to succeed himself, his present term of service expiring April 21, 1902; WALTER P. BROWNLOW to succeed Gen. William B. Franklin, whose term of service expires April 21, 1902; T. J. Henderson to succeed himself, his present term of service expiring April 21, 1902; J. M. Brown to succeed himself, his present term of service expiring April 21, 1902.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman from Iowa if this is a unanimous report?

Mr. HULL. It is a unanimous report made by the committee, and it is requested that it be passed to-day.

The SPEAKER. The Chair hears no objection. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. GARDNER of Michigan, for four days, on account of important business.

To Mr. BEIDLER, for this week, on account of important business.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 156. An act to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims;

S. 637. An act to provide for the purchase of a site and the erection of a public building thereon at Georgetown, State of South Carolina;

S. 912. An act to reimburse certain Lower Brule Sioux Indians of South Dakota;

S. 3060. An act appropriating \$5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina;

S. 3492. An act to authorize the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan;

S. 4264. An act providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians; and

S. R. 26. Joint resolution authorizing the Secretary of War to negotiate with John T. Dolan, of Portland, Oreg., for purchase of original manuscript copy of "order book of Gen. Arthur St. Clair."

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 366. An act granting an increase of pension to Edward M. Kanouse;

H. R. 669. An act granting an increase of pension to Richard C. Smith;

H. R. 1378. An act granting an increase of pension to Bessie H. Lester;

H. R. 1694. An act granting an increase of pension to Henry Ball;

H. R. 2093. An act granting an increase of pension to Anna B. McCurley;

H. R. 2240. An act granting an increase of pension to Aquila Wiley;

H. R. 2417. An act granting a pension to James B. Harris;

H. R. 2781. An act granting an increase of pension to Patrick Lee;

H. R. 5261. An act granting an increase of pension to John H. Coates;

H. R. 5714. An act granting an increase of pension to Lucy B. Bevis;

H. R. 5862. An act granting an increase of pension to Rollin Tyler;

H. R. 6873. An act granting an increase of pension to Sarah Maley;

H. R. 7341. An act granting a pension to Elizabeth W. Simmons;

H. R. 7683. An act granting an increase of pension to Almond Delamater;

H. R. 7755. An act granting a pension to Laura G. Weisenburger;

H. R. 7998. An act granting an increase of pension to William H. Allen;

H. R. 8312. An act granting a pension to Alice Angel;

H. R. 8269. An act granting an increase of pension to James R. McClellan;

H. R. 9178. An act granting an increase of pension to John M. Howe;

H. R. 9659. An act granting a pension to Laura A. Van Wye;

H. R. 10411. An act granting an increase of pension to Mary E. Singley;

H. R. 10906. An act granting a pension to John W. Meade;

H. R. 10924. An act granting an increase of pension to Elias M. Haight;

H. R. 11011. An act granting an increase of pension to Emily J. Tallman; and

H. R. 11619. An act granting an increase of pension to David A. Frier.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 3136. An act for a public building for a marine hospital at Pittsburg, Pa.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3865. An act to establish light-houses at the mouth of Boston Harbor to mark the entrance to the Broad Sound Channel;

S. R. 21. Joint resolution authorizing the printing of extra copies of the annual report of the Commissioner of Pensions; and



S. 2291. An act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 156. An act to provide for the repayment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims—to the Committee on Mines and Mining.

S. 637. An act to provide for the purchase of a site and the erection of a public building thereon, at Georgetown, State of South Carolina—to the Committee on Public Buildings and Grounds.

S. 912. An act to reimburse certain Lower Brule Sioux Indians, of South Dakota, for property destroyed—to the Committee on Indian Affairs.

S. 3060. An act appropriating \$5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina—to the Committee on Military Affairs.

S. 3492. An act to authorize the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan—to the Committee on Interstate and Foreign Commerce.

S. 4264. An act providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians—to the Committee on the Judiciary; and

S. R. 26. Joint resolution authorizing the Secretary of War to negotiate with John T. Dolan, of Portland, Oreg., for purchase of original manuscript copy of "order book of Gen. Arthur St. Clair"—to the Committee on Military Affairs.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 12804) making appropriations for the support of the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 12804, being the Army appropriation bill.

Mr. HULL. And pending that motion, Mr. Speaker, I would state to the House that by agreement of the committee, if ratified by the House, general debate shall run for ten hours, five hours on a side, the time to be controlled on the majority side by the chairman of the committee and on the minority side by the gentleman from New York [Mr. SULZER], and I ask unanimous consent that that agreement may be ratified now.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, asks unanimous consent that general debate upon the pending bill be limited to ten hours, one half of the time to be controlled by the chairman of the committee and the other half to be controlled by the gentleman from New York [Mr. SULZER]. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

The motion of Mr. HULL was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HEMENWAY in the chair.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Chairman, I do not intend to detain the House with any speech this afternoon, and in fact I could see no reason why general debate should run for ten hours on the bill. The measure reported to the House covers the usual items, and with few exceptions does not depart from the legitimate rules of the House. There are two or three items in the bill clearly subject to a point of order, if one should be made.

The estimate submitted to the committee called for appropriations amounting to \$101,905,940.03. The bill carries appropriations amounting to \$90,880,943.41. The reduction is largely made by the reduction in the Army and by the reduced cost of the transportation of the Army. The appropriation of last year was about \$113,000,000, with some deficiencies made afterwards, taking it up to about \$117,000,000; so the appropriation for the next fiscal year will be something over \$26,000,000 less than for the last fiscal year.

On the hearings before the committee I believe we have appropriated for every legitimate and necessary expenditure for the Army for the next fiscal year, unless the Army shall be largely increased, a contingency that none of us anticipate. The discontinuance of the army of occupation in Cuba and taking off the transport service from the Atlantic Ocean has largely cut down the expenses for transportation of the Army and its supplies, leaving only a small army that we have in Porto Rico and the army

of the Philippines to be provided for by this bill outside of the United States proper. So that I think \$28,000,000, as against \$38,000,000 for last year, will be ample for all that the Government will need.

The parts of this bill which are new legislation will be found to be of minor importance. On page 5 there is one clause providing for 50 first-class surgeons in the Signal Corps. Of course, we shall discuss the necessity of that when we reach it under the five-minute rule. There are one or two other places where minor changes of the law will be found, which will be submitted to the judgment of the House as we reach them during the reading of the bill, without any attempt to hide anything that has been done. Attention should have been called to these items in the report, but on account of my absence and the hurried method in which the report was prepared that has not been done in this case, as we have usually done in bills which I have reported in the past. I think, Mr. Chairman, this is all I desire to say on the bill now.

Mr. GAINES of Tennessee. I should like to ask my friend from Iowa [Mr. HULL] a question. I saw in the New York Times of yesterday a statement of an incident in Mindanao, where our signal corps had been captured by 200 Moros and one of our men killed. They captured the transportation of the detachment, including four pack mules, so this report states. Does the gentleman know anything about that?

Mr. HULL. Mr. Chairman, we do not propose to legislate on that subject in this bill. We provide for a signal corps—

Mr. GAINES of Tennessee. I desire to ask this question—

Mr. HULL. I have no information on the subject.

Mr. GAINES of Tennessee. Does the signal corps go around in these islands unprotected?

Mr. HULL. The members of this signal corps are themselves soldiers; they go where they are ordered. Of course the commanding general is supposed to know about the size of the force proper to be sent out. Whether in this case they were fooled by the apparently friendly disposition heretofore manifested by the natives, I am unable to say. I only know what I have seen in the public prints; and the gentleman from Tennessee has as much information on the subject as I have.

Mr. GAINES of Tennessee. This seems to have been a small corps operating in that so-called peaceful territory; and they were captured. The press report, as I remember it, states that some were killed.

Mr. HULL. I do not like to have the time occupied in this way with a matter which is entirely irrelevant.

Mr. GAINES of Tennessee. Just one word more. Does the gentleman approve of the policy of sending a mere handful of men around in this way and having them butchered?

Mr. HULL. I suppose, as a matter of fact, wherever conditions exist that are not lawful, and still there is not a state of war, it is very difficult to tell just how many people should go out upon an expedition of this kind. I have known cases, even in this country, where men sent out with a paymaster in the Rocky Mountains were overpowered, a part of the escort killed, and the treasure looted. But I would hardly say that that was a matter for legislation on an appropriation bill.

Now, Mr. Chairman, the other side claimed that they had members enough desiring to speak to occupy at least twelve hours in general debate on this bill. I would be glad if some of them would go ahead. I very much doubt whether we shall use anything like our five hours.

Mr. SULZER. If you have time to spare, we would be very glad to occupy it.

Mr. HULL. I would prefer to go on with the bill.

Mr. SULZER. I yield twenty minutes to the gentleman from South Carolina [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, I wish to state at the outset that the remarks I shall submit to the House this afternoon will not have reference to the pending question. My purpose is, in the time allotted to me, to say something in regard to what might be characterized as "the Southern question." The only apology, Mr. Chairman, I have to make for obtruding my remarks upon this question at this time is that it is currently reported and well understood that when the resolution requiring an investigation into the suffrage laws of the different States is reported, no time, or very little time, will be allowed for general debate; therefore, if I can have the attention of the House for a few minutes I desire to place my views upon record.

It is well understood in political circles that the solid South is not a dream or a supposititious condition or situation, but is a real fact. Standing, then, upon the threshold of this discussion, I purpose offering some reasons for the existence of this situation and explaining briefly why there is in one section of this country a people solidly and unanimously united in matters of politics.

It will be my purpose, Mr. Chairman, in the discussion of this question, to say nothing which may tend to irritate the gentlemen upon the other side of this Chamber, nothing calculated to arouse their passions or their prejudices. But it is my purpose to state



facts as they are, and appeal to the sober common sense, as well as to the sense of justice, of the gentlemen who occupy seats upon this floor.

It is a well-known fact that the people of the section which I have the honor in part to represent are allied with the Democratic party, and the reason that this party is so largely in the majority in that section is not only because of the treatment which the South in the past has received at the hands of the dominant party, but because we believe with all our hearts that the Democratic party stands for all that is highest and best in government—the things best suited to our condition and to the condition of the country at large.

Why, Mr. Chairman and gentlemen, has the resolution known as the Dick resolution been introduced in this body? What has caused the gentlemen upon the other side of this Chamber to conclude that it is necessary or proper that this resolution should be offered? Whence comes the demand for this proposed legislation? Is it a result of a broad spirit of patriotism and love of country found in the breasts of our Republican friends? Who is so ignorant as to answer yes? The fact is, gentlemen, this resolution is the offspring of sectionalism—narrow, bigoted sectionalism. The conservative people in every section of this great Union desire to see close fraternal relations exist between all our people. It has been our boast, as well as our hope, that the new century would be free from the bigotry and rancor of the old. We of the South had hoped that we would be allowed to work out "our manifest destiny" without the patronizing, demagogical supervision and espionage of politicians and mercenary statesmen. I have no idea that the great body of the people of those States from which come the advocates of this measure desire any such legislation.

The people of the South do not now nor have they ever presumed to dictate to other sections of the country as to their suffrage laws and matters of domestic policy. Local self-government is a principle dear to the heart of every true American, and gentlemen who advocate the Dick resolution need not delude themselves with the idea that the people of this great country demand this legislation or will sustain those who attempt it.

Again, what good is the pending measure intended to conserve? Does the great Republican party see a handwriting on the wall and fear that the South will once again control legislation and shape the policies of this Government? Considering present conditions, the dominant party's large majority in this body, the arbitrary rules foisted upon the House, and its consequent absolute control of legislation upon this floor, I again ask, What good is to result from the proposed investigation of the suffrage laws of Southern States? What good is to come from the proposed reduction of Southern representation, when you already have legislation in your own hands? Yes, it is a fact that there is a solid South, and it will remain so.

The people of that section are obliged to stand together for their common defense. We would have it otherwise. We would have conditions more conducive to larger individual freedom of opinion, but the attitude of the Republican party toward the governing class in the Southern States has made the solid South a necessary political condition. It is a matter of surprise to the people of the South that the leaders of the Republican party should persistently interfere in the domestic affairs of the Southern States and by vicious legislation thwart them in their efforts to build up their section. The Republican party seems to lose sight of the fact that we of the South are more than Southerners—that we are Americans, of kin to the people of every other section of our country, connected by birth, history, and tradition with you of the North, bone of your bone, and flesh of your flesh, as proud of the Anglo-Saxon blood in our veins as are you. And yet, Americans though we all are, some of you are prone by vicious legislation to oppress your brethren and kinsmen under the specious guise of aiding an alien and an inferior race found in our midst, and for whose presence in our locality you are largely responsible.

To my mind the Golden Rule is as applicable to political as to private affairs, and under its binding sanction we demand at your hands the same measure of consideration which you expect us to accord you.

This above all: to thine own self be true,  
And it must follow, as night the day,  
Thou canst not then be false to any man.

The condition which the advocates of this resolution claim exists in Southern States is greatly exaggerated and misunderstood, but so far as it does exist the responsibility therefor lies at the door of the Republican party. We have high authority for this statement. Mr. Blaine, one of the leading lights of the Republican party, and in many respects superior to his party, in his book *Twenty Years in Congress* admits the truth of this proposition. In speaking of some of the conditions which resulted from the civil war and the reconstruction methods of his party he said:

The consequence was that some of the States had wretched government, officered by bad men, who misled the negroes and engaged in riotous corruption. Their transgressions were made so conspicuous that the Repub-

lican leaders of other Southern States, who were really trying to act their part worthily and honorably, were obscured from view and did not obtain a fair hearing at the bar of public opinion.

The government of South Carolina under its series of Republican administrations was of such character as brought shame upon the Republican party, exposed the negro voters to unmerited obloquy, and thus wrought for the cause of free government and equal suffrage at the South incalculable harm.

This situation, honestly stated by your great leader, is the problem with which the South has had to grapple for a third of a century. The people of that section alone understand the true situation; they alone are competent to settle what you call the Southern question. The Southland is their home and country, and they will control it in spite of the ravings of bitter partisans and politicians. When you tell us that we oppress the freedman and deny him the right to vote, we ask what is the status of the large number of negroes found in your section of the country? Notwithstanding the fact that those among you are of a higher type than the great majority found in our midst, yet how many negroes hold office in Massachusetts, Pennsylvania, Ohio, Indiana, and other great States whose Representatives upon this floor are so extremely solicitous of the welfare of their Southern brothers in black? How many of you recognize them as your social and political equals, vote for them for political positions, or try to lead them into the higher walks of life? And yet, be it said to your shame, in this the highest law-making body in the American Union, you declare by your conduct, if not by your words, that we of the South should accord to the colored man privileges which you yourselves deny him.

The situation in the South is peculiar, two distinct races occupying the same territory. One race the owners of the soil and until recently the absolute owners of the other race. One race the highest type of civilized man. The other a people without a country, just freed from the yoke of bondage, ignorant of the rights and duties of citizens, and yet by cruel, wicked, and unphilosophical legislation suddenly placed upon the same legal footing with the other, declared to be the equal before the law, and entitled to share equally in the functions of government. The situation is without a parallel in modern history, and for its proper solution we need reason and cool judgment, exercised by broad-minded statesmen rather than by bitter partisans. As a result of the bitterness engendered by the civil war the Republican party deliberately undertook to humiliate the people of the Southern States. That party, for its own purposes, ignoring its duty to the common country, and particularly to the southern section, thrust the ballot into the hands of the untutored and irresponsible freedmen, declared him the equal of his former master, and even placed him in the halls of state. It is needless, however, to say more upon that feature of the situation. The bitter struggle of the South is recent history, and I have no desire to revive those unpleasant memories. The people of that section have met the issue fairly, have solved it in a reasonable, philosophical, and legal way.

It is a case of "the survival of the fittest."

The so-called Southern question is a sociological question, and not a political one. It can never be successfully solved as a political problem, and the more such attempts are made the more complicated and annoying will the situation become.

But we are told by the gentlemen on the other side of this Chamber, as well as by newspapers that echo the enlightened (?) sentiment of the Republican party, that Representatives from the Southern States need not become excited or go into hysterics over this proposition; that no wrong is intended, and that there is no disposition to place the South under negro domination and control. What, then, is the purpose of this resolution? Is it to conserve the best interests of this country, the best interests of the Southern States, or is it not rather to advance the interests of the Republican party?

We hear it said, however, that the real purpose is to reduce the representation from the Southern States in accordance with the provisions of the fourteenth and fifteenth amendments to the Constitution of the United States. We deny the right of this body to interfere with our representation as at present composed. The Constitution of the United States declares that the House of Representatives shall be composed of members chosen from the several States of the Union in proportion to population. It has never been the theory of this Government that representation should be predicated upon the number of electors in a State, but only upon population; and each Representative upon this floor is the spokesman not only of the electors in his district, but of all the people, whatever their condition, white or black, male or female.

It is true that section 2 of the fourteenth amendment to the Constitution of the United States, reaffirming the doctrine of representation based on population, does provide that representation may be reduced in any State where male inhabitants, otherwise qualified, are disfranchised on account of race, color, or previous condition of servitude. But even then this body can not constitutionally reduce the representation of any State unless it



can show the exact proportion that such disfranchised persons bear to the whole number of electors. Furthermore, the proviso would not be applicable if the abridgement of the right of suffrage applies to all classes alike. Another section of the Constitution provides that—

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Therefore, beyond question, the Federal Constitution concedes to the several States the right to determine for themselves the qualifications of their voters. Here again it appears that we should treat the so-called Southern question as a sociological proposition, and deal with the freedmen of the South with the same freedom that all the States of this Union exercise in dealing with the question of woman suffrage. In other words, each State has the right to extend or withhold the elective franchise according to the enlightened conscience of its people, provided, of course, there is no discrimination as to class.

Strange things happen in the school of politics. Gentlemen upon the other side of this Chamber, who will doubtless vote for the Dick resolution when it is reported, and thereby provide for a committee to go into the Southern States to examine into the condition of our suffrage laws, are radically inconsistent. The Southern black man is the object of their especial care, and yet the Filipino is considered neither competent nor worthy to cast a ballot in the land which is their birthplace and for which they are fighting to-day. In the discussion of the Philippine tariff bill it was vehemently denied by some of the Republicans upon this floor that Filipinos are capable of governing themselves, and yet, so blinded by prejudice and swayed by partisan zeal, you demand that the people of the South submit to negro domination, for you know that that would be the practical effect of the complete enfranchisement of the Southern black. Filipinos, according to your argument, are unfit to govern themselves, while on the other hand you seem to consider that the Southern black men are capable of governing Anglo-Saxons, your brethren. Allow me to quote from the published report of the Philippine Commission:

In this condition of affairs we have thought that we ought first to reduce the electorate to those who could be considered intelligent, and so the qualifications for voting fixed in the municipal code are that the voter shall either speak, read, and write English or Spanish or that he shall have been formerly a municipal officer or that he shall pay a tax equal to \$15 a year or own property to the value of \$250.

If such is your judgment in regard to the Filipinos, a people who have at least a measure of civilization and a kind of government, why is it that you want to remove all restriction from the negro and give him the right to vote regardless of qualification?

Speaking particularly for the State of South Carolina, we are willing to rest our case upon the record; we are willing to have the constitution of 1895 construed in the light of the fourteenth and fifteenth amendments to the Constitution of the United States. It is true these amendments are the product, not of the cool and deliberate judgment of the wisest statesmen of the period in which they were adopted, but rather are the offspring of the passion and rancor prevailing at that period.

The ratification of those amendments, so far as the South is concerned, was obtained at the point of the bayonet. I have no desire, however, to reopen those unpleasant questions or give utterance to thoughts unbecoming this period of our history or unbecoming a representative of a great people. Yet the introduction of this resolution emphasizes the fact that the spirit of 1860 is still abroad in the land. Whatever may have been the sentiment of the great body of the people of the North at the time those amendments were adopted, one thing is certain—the conservative people throughout the entire country now confess that the enfranchisement of the negro was a mistake, a mistake of the Republican party, a mistake the bitter consequences of which we have had to suffer, while you have stood by and expressed amazement that the people of the South have not gracefully submitted to this great injustice and have not been ready to kiss the hand that smote them.

The right of suffrage is neither a natural nor an absolute right. It is not one guaranteed by the Constitution of the United States. It is a relative right, one which is subject to control, and the people of the sovereign States composing this Union have the right to declare for themselves who shall be entitled to cast the ballot. This right is inherent in the State as a sovereign, and no power anywhere can deny this exercise of sovereignty unless it is exercised in such a way as to contravene the provisions of the fourteenth and fifteenth amendments of the Federal Constitution. Here again let me quote from that eminent Republican, Mr. Blaine, speaking with reference to the adoption of those amendments.

Mr. Blaine, in his speech on "Basis of representation in Congress," used this language:

These propositions differ somewhat in phrase, but they all embrace the one idea, substantially, of making suffrage, instead of population, the basis of apportioning Representatives; or, in other words, to give the States in future a representation proportioned to their voters instead of their inhabitants. \* \* \*

As an abstract proposition, no one will deny that population is the true basis of representation, for women, children, and other non-voting classes may have as vital an interest in the legislation of the country as those who actually deposit the ballot. Indeed, the very amendment we are discussing implies that population is the true basis, inasmuch as the exclusion of the black people of the South from political rights has suggested this indirectly coercive mode of securing them those rights. Were the negroes to be enfranchised throughout the South to-day, no one would insist on the adoption of this amendment, and yet if the amendment shall be incorporated in the Federal Constitution its incidental evils will abide in the loyal States long after the direct evil which it aims to cure may have been eradicated in the Southern States.

Basing representation on voters, unless Congress should be empowered to define their qualifications, would tend to cheapen suffrage everywhere. There would be an unseemly scramble in all the States during each decade to increase by every means the number of voters, and all conservative restrictions such as the requirement of reading and writing, now enforced in some of the States, would be stricken down in a rash and reckless effort to procure an enlarged representation in the national councils. Foreigners would be invited to vote on a mere preliminary "declaration of intentions."

In these latter days it has been found that the Federal Constitution, which has been of force for more than a hundred years, is somewhat in the way of those who are now in charge of our Governmental affairs. And while as to some questions the Republican party insists upon a strict construction of the Constitution, yet when they find it necessary to have at least some apparent authority for doing an act which in the past has been considered foreign to the purposes and principles of our Government they want a liberal construction. So when we come to discuss the so-called Southern question, and ask why this resolution has been introduced, we are pointed to the Constitution and its amendments and reminded, "Thus saith the law."

The Constitution has been found sufficiently elastic to adjust itself to the changed conditions of the country, and the highest court in the land has interpreted it in the light of present circumstances and in a philosophical way rather than in a strict and truly legal way. In other words, the decisions of our Supreme Court indicate that the Constitution will not be allowed to stand in the way of the present Administration. Whether we believe its construction relative to the powers of this Government to acquire and control foreign territory is sound and in keeping with our past history and traditions is of no importance now. The court has declared the law. So when we come to consider the fourteenth and fifteenth amendments as applied to existing Southern conditions, we ask for a fair and liberal interpretation, like that you place upon other provisions of the Constitution in dealing with Porto Rico and the Philippine Islands.

But we are told, Mr. Chairman, that we have made invidious distinctions in our suffrage laws in the South, and that therefore there should be an investigation to see whether or not we are denying the right of suffrage to anyone contrary to the provisions of the Federal Constitution. It is unnecessary that I enter upon any further discussion of the legal questions that arise under this proposition. It will be time enough to argue that phase of the case when the proposed committee shall have made its report. But speaking particularly for the State of South Carolina, I dare to say that so far as their legality is concerned we are willing for you to make a most rigid investigation of our suffrage laws. We are willing to stand by the constitution and laws which we have adopted, and we believe that when it becomes a practical question we will be able upon purely legal grounds to satisfy even a partisan majority that we are right in our contentions and that we have not illegally treated the colored people of the South. The suffrage laws of South Carolina are fair and apply to all alike. We have simply a property and educational qualification.

Mr. PALMER. Then why do you object to the inquiry?

Mr. SCARBOROUGH. I object to the inquiry, Mr. Chairman and gentlemen, because it is un-American. One of the greatest constitutional rights of the individual American is the right to be exempt in his person and in his property from unwarranted search and seizure, and that is the principle which actuates the Southern man. We are willing for you to investigate, provided you were going there as broad-minded Americans; but we do not propose to sit silent and see this resolution adopted knowing that you have prejudged the case and will come back to this Congress and make a prejudiced report. If you would go in a broad American spirit, we would welcome you. When you claim that you have a right to go there, we admit it. We admit that this Congress has a right to make an investigation, but we do not admit that you have a right to go there for the avowed purpose which you have in view.

As a matter of fact, the so-called Southern question loses its importance when we eliminate politics from it. There are none in the South who desire to interfere with the legal and vested rights of those who live upon our soil. Again, speaking with special reference to the State of South Carolina, I submit that no unprejudiced person can claim that our suffrage laws are obnoxious to the Constitution of the United States. The constitution of South Carolina, section 3 of Article II, provides:

Every male citizen of this State and of the United States, 21 years of age and upward, not laboring under the disabilities named in this constitution, and possessing the qualifications required by it, shall be an elector.



## SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment, six months before any election, of the poll tax then due and payable; *Provided*, That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section of this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns and has paid all the taxes collectible during the previous year on property in this State assessed at \$300 or more.

(e) Managers of election shall require of every voter offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this constitution or if he has been registered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right of appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. 6. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided*, That the pardon of the governor shall remove such disqualification.

Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

Wherein do the foregoing clauses of our constitution contravene the Constitution of the United States? It is useless to quote authorities to sustain the position that each State has the right to adopt its own registration and election laws so long as they do not conflict with the Federal Constitution. They have the right to declare the qualifications of electors, and the courts have held that a property and educational qualification is not an illegal abridgment of the elective franchise.

Sifted down to its last analysis, it appears that South Carolina has merely followed the lead of other great States of this Union and has adopted a property and an educational qualification for suffrage, without discrimination or an attempt to abridge the rights of any particular class.

Before you criticize the people of my State relative to these salutary provisions incorporated in their constitution, examine the laws of the State in their practical operation and see whether or not our people are acting in good faith and thus attempting to improve their suffrage regulations. Many of you are doubtless ready to declare that the restrictive clauses of our constitution are aimed directly at the negro; but this is untrue. As a matter of fact, while perhaps not more than 10 per cent of the negroes of South Carolina are taxpayers, yet the white people of the State annually burden themselves by taxation to raise a fund to educate not only their own children but the negro as well. According to the census of 1900, the white population of South Carolina—that is, males of voting age in the State—is 130,375; negroes of voting age, 152,860.

According to the same census we have: Illiterate whites, 15,711; literate whites, 111,685; illiterate negroes, 83,594; literate negroes, 69,201.

According to the report of our efficient superintendent of education for 1901, there were enrolled in the public schools of the State 127,230 white pupils and 157,976 colored pupils.

Look at these figures in the light of our suffrage laws and answer: Does this situation show that we are ignoring the educational interests of the negro? Does it not rather show that the white people of the State are trying to qualify the colored race for the intelligent use of the elective franchise? South Carolina during the year 1901 expended upon her free public schools for negroes \$211,287.50, in addition to the amounts expended for the maintenance of the normal summer school for colored teachers and the appropriation for Claflin University. Where, then, is the charge that the negroes are being unfairly treated? When you claim that our people are denying the right of suffrage to negroes in South Carolina in violation of the fourteenth amendment to the

Constitution of the United States, we deny it, and appeal to the record for the refutation of the unfair charge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. The gentleman from New York is in control of the time.

Mr. SULZER. I yield to the gentleman five minutes more.

Mr. SCARBOROUGH. I thank the gentleman.

I started to say that while in their practical effect the suffrage laws of South Carolina do reduce the colored vote, yet they also reduce the white vote, and are not obnoxious to the fourteenth and fifteenth amendments to the Federal Constitution. We have no "grandfather clause;" we have no "understanding clause" now in force. We have an educational and property qualification, pure and simple, and are appropriating money every year in order that whites and blacks alike may qualify themselves for the intelligent exercise of the right of suffrage.

But I submit, gentlemen, that while we do not fear an investigation if it were fairly made, yet the proposed investigation is inopportune, unwise, and unnecessary. The relations between the two races in the South are pleasant and friendly, and only harm could result from the proposed investigation. It would tend to inject into the mind of the Southern colored man a desire which he does not now entertain—a desire to again enter into politics—and revive an agitation which in good faith we have tried to settle.

Let me repeat that there is no such thing as the Southern question viewed from our standpoint. There is no disagreement or strife between the two races in our section, and I dare to say here and now without fear of successful contradiction that apart from the interference of politicians, apart from the interference, aye, more, of the Republican party, the races of the South will continue to maintain their present pleasant and harmonious relations. Experience teaches us that this is true. It is only when designing Republican politicians stir up the colored people that we have trouble with them. The Southern question, as a matter of fact, rests in the imagination of the people who live north of the Mason and Dixon's line, and who want to make Republicans out of the Southern negro.

Now, in conclusion, I would like to ask the gentlemen upon the other side of this Chamber to answer as sworn Representatives: Is it a fact that you want to place a free and unrestricted ballot in the hands of the colored men of the South to enable them to exercise the elective franchise as they see fit; or is it not rather your desire and purpose to secure the ballot for them in order to advance the interests of your party and to humiliate and annoy the solidly Democratic South? Suppose it could be known that every negro in the South, if enfranchised, would vote the Democratic ticket, would you desire the passage of the Dick resolution? Would you be heard upon this floor Congress after Congress harping upon the "Southern question" and continually charging that there is an illegal suppression of the colored vote in the Southern States? I dare say there is no man in this Chamber so utterly regardless of truth as to make an assertion of that kind.

Let me once again ask why the dominant party should desire to disturb the pleasant relations that now exist between the different sections of the country and turn this sociological question into a political one?

The Anglo-Saxon people, of which we are a part, are born rulers and leaders. They have never yet surrendered nor will they ever surrender their governmental functions to any other race of people. The people of the South will find means to control the suffrage of their section in a legal and constitutional way, just as they are controlling it to-day, and they feel that they should have the hearty cooperation and help of this great American people, regardless of party affiliation, in fairly and properly carrying the "white man's burden."

Mr. Chairman, when I was elected to Congress I congratulated myself that I could make my appearance here under such auspicious circumstances. I felt that we had a reunited country; no North or South, no East or West, and that this was indeed a most auspicious time for a representative to stand at the altar of his country to be dedicated to its service.

But rude indeed has been my awakening from that fanciful dream. I must confess that I have been surprised to note that there are those who linger around the embers of hate and passion which I had thought long dead and forgotten. The blood of the sons of Southern heroes and Northern veterans has been mingled and poured out in a common cause for the honor and protection of our common country, and I had hoped this crimson tie would forever bind all sections of this fair land together.

Why, then, does the great Republican party continually threaten the South with force bills, reduction of representation in Congress, and such like, and by such conduct revive the unpleasant recollections of the past? Racial instinct is as strong in the



breast of the Southern man as in that of any other in all the earth. We ask in all candor, Why are you seeking to erect a different standard for us from that by which you yourselves are governed? When in all conscience is this unholy crusade against the South to end? Think you that threats like these will terrorize the people whom I have the honor in part to represent? Think you such measures will disintegrate the South and make its people cringe and sue for peace on bended knee? We have a constitutional right to regulate our suffrage question. We have exercised that right in a plain, fair, and legitimate way. We demand that you judge us fairly, treat us as your equals, allow us to manage our own affairs under the guidance of the Constitution unawed by the rage of politicians and the arrogant and unwarranted espionage of overzealous partisans. Reason should prevail when the passions have subsided. We "appeal from Philip drunk to Philip sober." [Loud applause.]

Mr. SULZER. Mr. Chairman, I now yield twenty minutes to the gentleman from Tennessee [Mr. GAINES].

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. SULZER. Mr. Chairman, I trust the gentleman from Iowa [Mr. HULL] will now use some of his time.

Mr. HULL. There is no gentleman present now on this side who desires to talk, and I do not know that anyone will really desire to do so—certainly not if the debate does not take a wider range than it has taken up to this time. I am perfectly willing, if the other side will go on now, to have charged up against me a corresponding amount of time. I shall be glad to make that arrangement, if gentlemen on the other side will occupy the time till 5 o'clock.

Mr. SULZER. Our side has already consumed an hour and fifteen minutes, and the other side only five minutes, I believe, or a little more.

Mr. HULL. I took a little time to explain the bill, but a very little.

Mr. SULZER. I think it only fair to our side that the other side should now use some of their time. If there are no members on that side who wish to go on with the debate now, I am perfectly willing that we adjourn till to-morrow morning.

Mr. CANNON. I would like to play the rôle of peacemaker, if I can, between these two very excellent gentlemen. It is now three-quarters of an hour before 5 o'clock. Why should not the gentlemen agree between themselves to charge up that time to the two sides, count it as occupied, and then let us go home?

Mr. HULL. I would be very glad to adopt the suggestion, but would much prefer to close general debate and go on with the bill.

Mr. SULZER. Mr. Chairman, we have a number of gentlemen on our side who desire to speak on this bill.

Mr. HULL. Does the gentleman from Connecticut wish to talk on this question?

Mr. HILL. Oh, no.

Mr. SULZER. We think it is only fair, as we have occupied nearly all the afternoon, that that side should now occupy some time. Of course if they are not ready and have no one who desires to speak, we are content to take an adjournment, but we are perfectly willing to sit here if they have anybody who desires to speak.

Mr. HULL. Suppose we divide the time from now to 5 o'clock half and half and then adjourn. I will state that I have no one here now who desires to talk at all and have no desire to take up any time.

Mr. PARKER. Why not proceed with the reading of the bill?

Mr. HULL. If the gentleman will consent to proceed with the reading of the bill now, I will be perfectly willing to make a liberal arrangement in regard to the five-minute rule to-morrow.

The CHAIRMAN. The House made a rule for ten hours' general debate, and if there is no gentleman who desires to be heard, the Chair supposes it is in order to read the bill. Without objection—

Mr. SULZER. Mr. Chairman, we have occupied an hour and five minutes of our time, and they have occupied, I think, not more than ten minutes of their time, and surely it would be unjust to force us to go on now.

The CHAIRMAN. The Chair calls the attention of the gentleman from New York to the fact that if the gentleman desires to discuss the question in general debate, he may proceed.

Mr. SULZER. Do I understand that the gentleman from Iowa has no one on his side of the House who desires to discuss this bill?

Mr. HULL. I have, Mr. Chairman, only one man who requests thirty minutes' time, and I would not be surprised, unless the debate would live up in some way, if that would be all that we would have on this side. I am perfectly willing at this time to go to the five-minute rule.

Mr. SULZER. I am perfectly willing, then, Mr. Chairman, to do this: I am willing to take up all of the time to-morrow, and on Thursday, immediately after the approval of the Journal, to take up the bill under the five-minute rule.

Mr. HULL. Well, we could not make that agreement if we tried.

Mr. SULZER. Then we can not make any other agreement.

Mr. HULL. That would be a proposition that is absurd on its face.

The CHAIRMAN. The Chair will recognize anyone suggested by either of the gentleman in control of the time, but if there is no one who desires to speak it is hardly proper for the committee to remain sitting here.

Mr. SULZER. Then I move that the committee rise.

The question was taken; and on a division (called for by Mr. SULZER) there were—ayes 20, noes 23.

Mr. HAY. Mr. Chairman, I make the point of no quorum.

Mr. HULL. Mr. Chairman, it is hardly worth while to wait here until we count to see whether there are 100 present. I am willing to have charged off my time thirty minutes—nothing more could be done to-day anyhow in order to shorten it up—and suggest to my friends that to-morrow they have their men ready to go on with the debate; that if this state of affairs comes on to-morrow at any time we will at once proceed to the reading of the bill under the five-minute rule. I ask unanimous consent that thirty minutes may be charged off my time—

Mr. HAY. That is all right.

Mr. HULL. And not take up the time of the Committee of the House longer.

The CHAIRMAN. Does the gentleman [Mr. HAY] withdraw his point of no quorum?

Mr. HAY. Yes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that thirty minutes be charged to his time. Is there objection?

Mr. PARKER. And ten minutes to the other side.

Mr. HAY. Oh, no; not at all.

The CHAIRMAN. The Chair hears no objection, and it will be so ordered.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12804), the Army appropriation bill and had come to no resolution thereon.

On motion of Mr. HULL (at 4 o'clock and 20 minutes), the House adjourned.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SOUTHWARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 2210) relating to Hawaiian silver coinage and silver certificates, reported the same with amendments, accompanied by a report (No. 1180); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 2766) to provide for the coinage of certain memorial half dollars for the benefit of the Washington Monument Association of Alexandria, reported the same with amendment, accompanied by a report (No. 1181); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6539) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., reported the same without amendment, accompanied by a report (No. 1219); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the Senate joint resolution (S. R. 57) relating to military badges, reported the same without amendment, accompanied by a report (No. 1220); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River, reported the same with

amendments, accompanied by a report (No. 1221); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," submitted the views of the minority of said committee (No. 739, part 2) on said bill; which were ordered printed and referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania, reported the same with amendment, accompanied by a report (No. 1223); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1685) granting an increase of pension to Augustus E. Hodges, reported the same with amendment, accompanied by a report (No. 1182); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5551) granting an increase of pension to Charles Edward Price Lance, reported the same with amendments, accompanied by a report (No. 1183); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6890) granting an increase of pension to Robert G. Scroggs, reported the same with amendment, accompanied by a report (No. 1184); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7994) granting an increase of pension to Margaret M. Grant, reported the same with amendments, accompanied by a report (No. 1185); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11180) granting an increase of pension to Henry W. Gaskill, reported the same with amendment, accompanied by a report (No. 1186); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10545) granting an increase of pension to Solomon P. Brockway, reported the same with amendment, accompanied by a report (No. 1187); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3519) granting an increase of pension to John Marble, reported the same with amendment, accompanied by a report (No. 1188); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1967) granting an increase of pension to Andrew J. Freeman, reported the same without amendment, accompanied by a report (No. 1189); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11314) granting an increase of pension to Mary E. Pettit, reported the same with amendment, accompanied by a report (No. 1190); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5453) granting an increase of pension to Thomas Wilkinson, reported the same with amendment, accompanied by a report (No. 1191); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5870) granting an increase of pension to Oscar W. Lowrey, reported the same with amendments, accompanied by a report (No. 1192); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7512) granting an increase of pension to Neil Gillespy, reported the same with amendment, accompanied by a report (No. 1193); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4184) granting an increase of pension to John Glenn, reported the same with

amendments, accompanied by a report (No. 1194); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7678) granting a pension to Mary Holmes, reported the same without amendment, accompanied by a report (No. 1195); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6871) granting an increase of pension to Harman Scramlin, reported the same with amendment, accompanied by a report (No. 1196); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 965) granting a pension to Eliza B. Gamble, reported the same without amendment, accompanied by a report (No. 1197); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5150) granting a pension to Mary C. Trask, reported the same with amendment, accompanied by a report (No. 1198); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4261) granting an increase of pension to Sanders R. Seamonds, reported the same with amendment, accompanied by a report (No. 1199); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4426) granting a pension to Daniel Sims, reported the same with amendments, accompanied by a report (No. 1200); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5961) granting an increase of pension to Charles F. Coles, reported the same with amendment, accompanied by a report (No. 1201); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9366) for the relief of Peter T. Norris, reported the same with amendments, accompanied by a report (No. 1202); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 954) granting an increase of pension to Rachel Brown, reported the same with amendment, accompanied by a report (No. 1203); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 639) granting an increase of pension to Justus Canfield, reported the same with amendment, accompanied by a report (No. 1204); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1422) granting a pension to Mrs. C. M. Merritt, reported the same with amendments, accompanied by a report (No. 1205); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3486) granting a pension to James S. Peery, reported the same with amendments, accompanied by a report (No. 1206); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1811) granting an increase of pension to Thomas Milsted, reported the same without amendment, accompanied by a report (No. 1207); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3213) granting a pension to Anna J. Thomas, reported the same without amendment, accompanied by a report (No. 1208); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3755) granting a pension to Lawson Williams, reported the same with amendments, accompanied by a report (No. 1209); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2994) granting a pension to Eliza J. Noble, reported the same with amendments, accompanied by a report (No. 1210); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3868) granting an increase of pension to Isadora F. Maxfield, reported the same



without amendment, accompanied by a report (No. 1211); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12504) granting a pension to J. B. Hashbarger, reported the same with amendments, accompanied by a report (No. 1212); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12409) granting an increase of pension to J. M. Peck, reported the same with amendments, accompanied by a report (No. 1213); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12408) granting an increase of pension to John A. Eveland, reported the same with amendment, accompanied by a report (No. 1214); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12312) granting a pension to Susan Walker, reported the same with amendment, accompanied by a report (No. 1215); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12549) granting an increase of pension to Ransom Simmons, reported the same with amendment, accompanied by a report (No. 1216); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11534) for the relief of Hugh McGuckin, reported the same with amendments, accompanied by a report (No. 1217); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1942) granting an increase of pension to Kate H. Clements, reported the same without amendment, accompanied by a report (No. 1218); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 12973) to extend to citizens of the United States who are owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected, because of the citizenship of the claimants, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by subjects of Great Britain in respect of damages for unlawful seizures of vessels or cargoes, or both, or interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris in the award of August 15, 1893—to the Committee on Claims.

By Mr. BINGHAM: A bill (H. R. 12974) to abolish the ranks of sergeant-major and quartermaster-sergeant in the Marine Corps, and for other purposes—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 12975) to regulate the practice of veterinary medicine in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Statutes, 796), applicable to the State of Utah—to the Committee on the Public Lands.

By Mr. BROWNLOW: A resolution (H. Res. 176) providing that bills H. R. 2212, 2216, and 2686, for the relief of George W. Webster, Peter Dougherty, and Dr. J. J. Crunk, with accompanying papers, be referred to the Court of Claims for a finding of facts under the Tucker Act—to the Committee on War Claims.

By Mr. WILCOX: A memorial disapproving any attempt to so amend the organic act of the Territory of Hawaii as to restrict the suffrage of the natives of the islands—to the Committee on the Territories.

By Mr. McCALL: A memorial of the legislature of Massachusetts, requesting Congress to provide for an investigation by the United States Government of the feasibility of constructing a canal between Weymouth Fore River and Taunton River—to the Committee on Railways and Canals.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. APLIN: A bill (H. R. 12976) granting an increase of

pension to Jacob Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12977) granting an increase of pension to William L. Church—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 12978) granting an increase of pension to Charles F. Smith—to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 12979) for the relief of the heirs of John D. Clemson—to the Committee on War Claims.

Also, a bill (H. R. 12980) granting a pension to Christopher Bull—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 12981) granting a pension to Sarah A. Waltrip—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 12982) to correct the military record of Edward A. M. Gerrold—to the Committee on Military Affairs.

By Mr. CROMER: A bill (H. R. 12983) granting an increase of pension to Eleanor Emerson—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 12984) to correct the military record of Bird Pippin—to the Committee on Military Affairs.

Also, a bill (H. R. 12985) to correct the military record of James Lewis—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 12986) granting a pension to S. A. Routh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12987) granting a pension to Nehemiah Gunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12988) for the relief of John Gibbons—to the Committee on Military Affairs.

Also, a bill (H. R. 12989) for the relief of Jerome Kunkel—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 12990) granting an increase of pension to John H. Decker—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 12991) granting a pension to Gustavus S. Perkins—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 12992) granting an increase of pension to Linza Cottrell—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 12993) for the relief of Ira H. Burbaker—to the Committee on Military Affairs.

Also, a bill (H. R. 12994) for the relief of George H. Warren—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 12995) granting an increase of pension to John Lilley—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 12996) for the relief of the Western Branch Baptist Church, Virginia—to the Committee on War Claims.

Also, a bill (H. R. 12997) granting a pension to Frances A. Almy—to the Committee on Pensions.

Also, a bill (H. R. 12998) granting a pension to Emma V. Simmonds—to the Committee on Pensions.

By Mr. MORRIS: A bill (H. R. 12999) granting an increase of pension to Simon Prutsman—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 13000) granting an increase of pension to M. J. Cohn—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 13001) granting a pension to John Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13002) granting a pension to Robert T. Knox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13003) granting an increase of pension to David Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13004) granting an increase of pension to Peter B. Rouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13005) granting an increase of pension to Mathew Maley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13006) granting an increase of pension to Harley H. Sage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13007) granting an increase of pension to George Ott Middleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13008) to remove charge of desertion from record of Michael Mahar—to the Committee on Military Affairs.

Also, a bill (H. R. 13009) to remove charge of desertion from record of Thomas Ready, alias Thomas O'Maley—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13010) to remove the charge of desertion from the military record of Richard Wilson—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 13011) granting a pension to Mary Dolores O'Neal—to the Committee on Pensions.

By Mr. STORM: A bill (H. R. 13012) for the relief of certain watchmen in the War Department during the war with Spain—to the Committee on Claims.

By Mr. TOMPKINS of Ohio: A bill (H. R. 13013) granting a pension to Fannie Swartz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13014) granting a pension to Alwilda Slat-ter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13015) granting a pension to Mary A. Law-yer—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 13016) for the relief of George W. Leonard—to the Committee on War Claims.

By Mr. WOODS: A bill (H. R. 13017) granting an increase of pension to James Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13018) granting a pension to William T. Binninger—to the Committee on Pensions.

By Mr. MERCER: A bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton—to the Committee on In-val-id Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13020) granting a pension to Maggie Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13021) for the relief of Matthew Bier—to the Committee on Military Affairs.

Also, a bill (H. R. 13022) granting a pension to Henry Fuller—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13023) granting a pension to James C. Finn—to the Committee on Invalid Pen-sions.

Also, a bill (H. R. 13024) granting an increase of pension to Isaac W. Waters—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Maritime Exchange, favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. APLIN: Resolutions of Bricklayers and Masons' Union No. 11, of Bay City, Mich., in favor of excluding Chinese laborers from the United States and their insular possessions—to the Com-mittee on Foreign Affairs.

By Mr. BRICK: Resolutions of Jones-Darling Camp, No. 186, National Association Spanish-American War Veterans, in favor of flag legislation—to the Committee on Military Affairs.

Also, resolutions of Painters and Decorators' Union No. 95, South Bend, Ind., favoring restricted immigration—to the Com-mittee on Immigration and Naturalization.

By Mr. BURKETT: Petition of W. J. Crandall, of Firth, Nebr., favoring such reciprocity treaties as will not sacrifice or injure any American industry—to the Committee on Ways and Means.

By Mr. CONRY: Resolution of Polish-American citizens of Boston, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Com-mittee on the Library.

By Mr. CROWLEY: Paper to accompany House bill to remove the charge of desertion against the record of Bird Pippin—to the Committee on Military Affairs.

By Mr. CURTIS: Resolutions of the Trades and Labor Council of Atchison, Kans., against the reduction of duty on imported cigars—to the Committee on Ways and Means.

Also, resolutions of the Gas City Smelter Men's Union, No. 147, W. F. M., and of Union No. 270, Brotherhood of Painters, Deco-rators, and Paper Hangers of America, of Atchison, Kans., favor-ing a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Electrical Workers' Union No. 19, of Atchison, and of Amalgamated Sheet Metal Workers' Union No. 170, of Leavenworth, Kans., in favor of a further exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of Order of Railway Conductors of Sayre and Albion, Pa.; Order of Railroad Telegraphers of Wilkesbarre; Locomotive Engineers of Susquehanna, and State Legislative Board of Railroad Employees of Northumberland, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DRAPER: Resolutions of National Live Stock Associa-tion, presenting reasons for the modification of section 4386 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: Petition of Belt Mountain Miners' Union, No. 7, of Piehart; Rocky Canyon Miners' Union, of Chestnut; North Moccasin Miners' Union, of Kendall; George Dewey Engi-neers' Union, of Granite, and Miners' Union No. 129, Virginia City, Mont., favoring an educational restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Com-mittee on Labor.

Also, resolution of the Manufacturers' Association of New

York, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

By Mr. GRIFFITH: Resolutions of Bricklayers' Union No. 23, of Columbus, Ind., favoring a reenactment of the Chinese-exclu-sion law—to the Committee on Foreign Affairs.

By Mr. HANBURY: Papers to accompany House bill 9592, granting a pension to Emily Briggs—to the Committee on Pen-sions.

By Mr. HENRY of Connecticut: Resolution of the Cigar Mak-ers' Union of Hartford, Conn., protesting against a reduction of the duty on cigars—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Resolutions of Local Union No. 197, of Terre Haute, Ind., in regard to immigration from the south and east of Europe—to the Committee on Immigration and Natural-ization.

By Mr. JACK: Petition of Polskiw Gornikow Grupa Society, No. 409, Glen Campbell, Indiana County, Pa., and of Henryh Dabrows Ri Society, Branch 533, of New Kensington, Pa., favor-ing House bill No. 16, for the erection of a statue to the memory of the late Brigadier-General Pulaski—to the Committee on the Library.

Also, resolutions of United Mine Workers' Union No. 1824, of Leechburg, Pa., favoring a further exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of the Polish National Alliance, Branch No. 181, of Brooklyn, N. Y., urging a monument at Wash-ington to the memory of Count Pulaski, of the Revolutionary war—to the Committee on the Library.

By Mr. MARTIN: Petition of Miners' Union of Galena, S. Dak., on the subject of immigration—to the Committee on Immigra-tion and Naturalization.

By Mr. McCALL: Petition of Division 122, of Boston, Mass., Brotherhood of Railway Conductors, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, memorial of the American Chamber of Commerce of Manila, suggesting needed legislation for the Philippine Islands—to the Committee on Insular Affairs.

Also, resolution of Rubber Workers' Union No. 8622, of Cam-bridge, Mass., and State Lodge No. 88, Brotherhood of Railroad Trainmen, favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. NEVILLE: Affidavits of Frank Webster and others, to accompany House bill 12518, granting a pension to William H. Covert—to the Committee on Invalid Pensions.

By Mr. PALMER: Petitions of Antoni Walerak and others, of Plymouth, Pa.; B. A. Walentynowicz and others, of Wilkesbarre; Jan Drapala and others, of Edwardsdale; Holy Trinity Society, of Duryea; Polish Alliance of Duryea, and Polish Patriotic Society of Nanticoke, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Com-mittee on the Library.

Also, resolution of Retail Clerks' Association No. 321, of Nanti-coke, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Clerks' Union No. 140, of Pittston, Pa., fa-voring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. PRINCE: Petition of Thomas Jefferson and other citi-zens of the State of Mississippi, in relation to an appropriation for money lost by the failure of the Freedmen's Saving and Trust Company—to the Committee on Appropriations.

By Mr. ROBINSON of Indiana: Petition of Fort Wayne (Ind.) Printing Pressmen's Union, No. 19, against immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of National Wholesale Lumber Dealers' Association, favoring bill now pending to abolish the London landing charges on cargoes of lumber from North Atlan-tic ports—to the Committee on Interstate and Foreign Commerce.

By Mr. SIBLEY: Resolutions of Typographical Union No. 437, of Franklin, Pa., favoring a further extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SMITH of Kentucky: Paper to accompany House bill 1614, granting a pension to Langston P. Byrant—to the Commit-tee on Invalid Pensions.

By Mr. SPERRY (by request): Resolution of Fairfield County (Conn.) Pomona Grange, No. 9, Patrons of Husbandry, favoring House bill 6578, relative to postage and postal currency—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Resolutions of Bricklayers and Masons' Union No. 12, of Marion, Ind., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Huntington (Ind.) Lodge, Brotherhood of



Railroad Trainmen, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. SOUTHARD: Resolutions of Flint Glass Workers' Union No. 81; Brotherhood of Railway Trainmen, Lodge No. 397, of Toledo, and Oil Well Workers' Union of Bays, Ohio, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of Iron Molders' Union, Mule Spinners' Association, and B. of P. D. and P. of A., Local Union No. 317, of Manchester, N. H., and of District Mule Spinners' Association of Dover, N. H., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petitions of Polish Society of Polonia, N. Y., and Group No. 44, Polish National Alliance, of New York, urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Stereotypers' Union No. 1, of New York City, N. Y., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolution of Manufacturers' Association of New York, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of same body, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, resolution of Harlem Board of Commerce, of New York, urging the appointment of more mail carriers in the boroughs of Manhattan and the Bronx—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Iowa: Resolution of Esther Lodge, No. 352, Brotherhood of Railroad Trainmen, of Estherville, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. TOMPKINS of Ohio: Resolutions of Electrotypers' Union No. 14, Columbus, Ohio, favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. TONGUE: Petition of Brotherhood of Railroad Trainmen, of La Grande, Oreg., favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WARNOCK: Petition of Cigar Makers' Protective Union of Urbana, Ohio, favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill to amend the military record of Hiram Hutchcraft—to the Committee on Military Affairs.

By Mr. ZENOR: Resolutions of Carpenters' Union No. 533, of Jeffersonville, Ind., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

## SENATE.

WEDNESDAY, March 26, 1902.

Prayer by the Chaplain. Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

### PETITIONS AND MEMORIALS.

Mr. WELLINGTON presented a petition of sundry business firms of Baltimore, Md., praying for the elimination of the clause known as the "London clause" from steamship bills of lading; which was referred to the Committee on Commerce.

He also presented a petition of Machinists' Local Union No. 212, American Federation of Labor, of Cumberland, Md., and a petition of the Granite Cutters' National Union, American Federation of Labor, of Baltimore, Md., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of 193 citizens of the State of Maryland, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Potomac Lodge, No. 2, American Federation of Labor, of Cumberland, Md., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a memorial of Subordinate Association No. 18, Lithographers' International Protective and Beneficial Association, of Baltimore, Md., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of 58 citizens of Maryland; of Cigar Makers' Local Union No. 1, of Baltimore; of Clothing Cutters and Trimmers' Local Union No. 6, of Baltimore; of the Granite Cutters' Local Union of Baltimore; of Carriage and Wagon Workers' Local Union No. 83, of Baltimore; of Bakers and Confectioners' Local Union No. 12, of Baltimore, and of Machinists' Local Union No. 212, of Cumberland, all of the American Federation of Labor, and of Local Division No. 267, Brotherhood of Railroad Trainmen, of Cumberland, all in the State of Maryland, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the encampment of the Department of Maryland, Grand Army of the Republic, in the State of Maryland, praying for the enactment of legislation providing for military instruction in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the encampment of the Department of Maryland, Grand Army of the Republic, in the State of Maryland, praying that a commission in the Regular Army be granted to George L. Fisher, of Hagerstown, in that State; which was referred to the Committee on Military Affairs.

He also presented a petition of the Utah Volunteers, praying for the enactment of legislation to allow travel pay from Manila, P. I., to San Francisco, Cal., to those who enlisted on the call for volunteers for the Spanish-American war; which was referred to the Committee on Military Affairs.

Mr. HARRIS. My colleague [Mr. BURTON] is unavoidably absent from the Senate, and I present for him a memorial from sundry citizens of Kansas City, Kans., remonstrating against the passage of House bill No. 9206, raising the tax on oleomargarine. I move that the memorial lie on the table, the bill now being under consideration by the Senate.

The motion was agreed to.

Mr. DRYDEN presented the petitions of Herbert W. Collingwood, of Monmouth County; of W. Van Fleet, of Bergen County; of D. C. Lewis, of Cranberry; of J. R. Voorhon, of Hopewell, and of F. G. Woner, of Elizabeth, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of D. D. Clark, Mrs. Arkley, John J. Murphy, Arthur Scott, Edgar B. Park, C. Young, R. H. Bowden, M. Burke, James T. Bryan, M. A. Finley, Louis W. Dodson, C. A. Brush, Mrs. Williams, Mrs. A. Wilks, George Van Blaricord, Augustus S. Van Dien, Dr. W. L. Boyd, B. A. Beebe, and F. E. Older, of Jersey City; of Fred Angle, of Dover; of Adolph H. Powdermaker, of Atlantic City; of George H. Allen, of Paterson; of John D. Rover, jr., of Taurus; of De Morr & Ryerson, of Wayne; of Edward J. Thompson, of Newark; of H. F. Brown & Bro., of South Amboy; of George W. Treat, of Asbury Park; of J. R. Callahan, of Millville; of C. M. Brandt, of Paterson; of Charles Sommer & Son, of Newark; of James W. Housel, of Newark; of Vail & Gardener, of Plainfield; of G. Modersohn, of Newark; of Charles H. Klink, of Jersey City Heights; of G. W. Slingerland, of Paterson; of Pettis & Co., of New Brunswick; of L. Goodman, of Newark; of the New Jersey Butter Company, of Camden; of C. & D. E. Munson & Co., of Franklin Furnace; of Caesar Haefeli, of Paterson; of W. Schoenebaum, of Hoboken; of Mattison & Barker, of Hackettstown; of Joseph A. Colgate, of Elizabeth; of Theodore Leuthauser, of Newark; of William L. Hoff, of Washington; of George W. Meredith, of Trenton; of William L. Black, of Hammonton; of Alvin Decker, of Little Falls; of William H. Connors, of Newark, and of L. M. Lee, of Vineland, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. TELLER. I present a memorial of the legislature of Colorado, praying for the construction of reservoirs in the arid-land States for the storage of surplus water. I ask that the memorial be read and referred to the Committee on Irrigation and Reclamation of Arid Lands.

The memorial was read, and referred to the Committee on Irrigation and Reclamation of Arid Lands, as follows:

House joint memorial No. 2. By Mr. W. C. Harris.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the general assembly of the State of Colorado, would respectfully represent that—

Whereas the continued material growth of the Western States and the productivity of the public and private lands thereof are dependent in a large degree upon systematic irrigation of the same; and

Whereas the waters capable of successful application for such purpose can

only be fully utilized by a system of reservoirs beyond the limits of local or private enterprise to construct and operate; and

Whereas there are throughout the Western States, and particularly within the limits of the State of Colorado, great areas of arid and grazing land, belonging to the United States, that are now of little or no value, but which, with the proper application of water thereto, on account of their natural fertility, would become immensely productive; and

Whereas the fullest use of all available waters, through the impounding thereof, is requisite for their development, and would open a new field for the acquisition of desirable homes under the laws of the United States, thereby relieving the congested centers of population in the East, enlarging the demands for labor, and increasing kindred and dependent industries;

Therefore your memorialists respectfully urge your honorable body to favorably consider and speedily pass appropriate laws, making adequate provision for the construction of a system of reservoirs throughout the arid West for the storage of its surplus waters, to be used for the purpose of irrigation under equitable and suitable regulations.

*Resolved*, That a copy of this memorial be forwarded to the presiding officer of each House of Congress, to the Hon. HENRY M. TELLER, to the Hon. THOMAS M. PATTERSON, to the Hon. JOHN F. SHAFROTH, and to the Hon. JOHN C. BELL, our Senators and Representatives in Congress. And they are respectfully requested to use every effort to secure the early passage of such laws.

B. F. MONTGOMERY,

*Speaker of the House of Representatives.*

D. C. COATES,

*President of the Senate.*

WILLIAM J. HAMILTON,

*Clerk of the House of Representatives.*

JAMES B. ORMAN,

*Governor of the State of Colorado.*

W. H. KELLY,

*Secretary of the Senate.*

Attest:

[SEAL.]

DAVID A. MILLS,

*Secretary of State.*

Mr. TELLER presented a petition of the Retail Grocers and Butchers' Association of Denver, Colo., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a petition of the Trades and Labor Assembly, American Federation of Labor, of Denver, Colo., praying for the enactment of legislation providing for the construction of storage reservoirs to equalize the flow of streams and to save the flood waters for the irrigation of the public lands of the West; which were ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Colorado, remonstrating against the management and control of vice by the board of health of Manila, P. I.; which was referred to the Committee on the Philippines.

He also presented petitions of the congregations of the Central Christian, Baptist, First Presbyterian, Methodist Episcopal, and Fountain Presbyterian churches, all in the State of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Lyons, Fondis, Le Roy, Elbert, and El Paso, all in the State of Colorado, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Ten Mile Miners' Local Union No. 41, of Kokomo; of Excelsior Engineers' Local Union No. 85, of Colorado; of the Painters' Local Union, of Leadville; of Battle Mountain Miners' Local Union No. 89, of Gilman; of Miners' Local Union No. 56, of Central City, and of Miners' Local Union No. 137, of Black Hawk, all of the American Federation of Labor, in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of Machinists' Local Union No. 47, of Denver; of Shirt Waist and Laundry Workers' Local Union No. 84, of Pueblo; of Local Union No. 349, of Grand Junction; of Bricklayers' Local Union No. 2, of Pueblo, and of Typographical Union No. 425, of Canyon, all of the American Federation of Labor, in the State of Colorado, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the National Live Stock Association, of Chicago, Ill., praying for the enactment of legislation regulating the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. HEITFELD presented a petition of the Miners' Local Union, of De Lamar, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. HOAR presented a petition of Local Division No. 237, Order of Railway Conductors, of Worcester, Mass., and a petition of the Central Labor Union of Quincy, Mass., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. LODGE presented the petitions of George Johnson and 9 other citizens of Barre; of Walter Guild and 24 other citizens of Northampton; of C. E. Smith and 14 other citizens of Westboro; of W. W. Chapin and 16 other citizens of Sheffield, and of F. M.

Olmsted and 47 other citizens of Berkshire County, all in the State of Massachusetts, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of the Philadelphia Maritime Exchange, of Philadelphia, Pa., praying for the enactment of legislation extending the so-called merit system so as to include the consular service of the United States; which was ordered to lie on the table.

Mr. KEAN presented memorials of 23 citizens of Jersey City, Elizabeth, and Newark; of W. H. Axford, of Washington; of J. E. Borton, of Camden; of C. Postel, of Hoboken; of W. R. Hill, of Hoboken; of J. Worischeck, of Hoboken; of M. M. Crane, of Boonton; of D. H. Fenn, of Jersey City; of Col. John J. Toffey, of Newark, and of Delaware Grange, No. 126, Patrons of Husbandry, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented the petitions of A. M. Davidson, E. Erwin, and C. R. Dye, of Cranbury; of W. J. Lowell, of Burlington, and of M. F. Fischer, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. BLACKBURN presented petitions of International Job Workers' Local Union No. 44, of Covington; of Local Union No. 153, of Louisville; of Local Union No. 547, Brotherhood of Railroad Trainmen, of Paris; of Team Drivers' Local Union No. 291, of Covington; of Local Union No. 72, Iron, Steel, and Tin-Plate Workers, of Louisville, and of Candy Makers' Local Union No. 124, of Louisville, all in the State of Kentucky, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. KEARNS presented a resolution adopted at a meeting of the Utah Volunteers, favoring the allowance of travel pay to honorably discharged soldiers; which was read and referred to the Committee on Military Affairs, as follows:

Whereas Congressman JOHN C. BELL, of the Second district of Colorado, has introduced a bill in the House of Representatives on January 22, 1902, asking the Government to allow travel pay from Manila, P. I., to San Francisco, Cal., to those who enlisted on the call for volunteers for the Spanish-American war, and

Whereas we, as honorably discharged soldiers, having done our duty in the service, deem it our just due that said bill should be passed: Therefore, be it

*Resolved*, That we appeal to the Senate and House of Representatives, urgently requesting the early passage of said bill.

Mr. FRYE presented the memorial of William F. Willis and 32 other citizens of West Paris, Me., remonstrating against the appointment of Hon. John W. Griggs as a justice of the United States Supreme Court; which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 3084) for the relief of bona-fide settlers in forest reserves, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was recommitted the bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2120) granting an increase of pension to Horatio N. Warren, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 9821) granting a pension to John W. Moore, reported it with an amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Mines and Mining, to whom was referred the bill (S. 634) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, reported it with an amendment.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (S. 4284) to amend an act entitled



"An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported it with amendments, and submitted a report thereon.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. CLARK of Montana introduced a bill (S. 4758) granting an increase of pension to Mary L. Doane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEITFELD introduced a bill (S. 4759) granting an increase of pension to Martha Clark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BARD introduced a bill (S. 4760) granting an increase of pension to John Hamilton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4761) granting an increase of pension to Philip T. Greeley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. McMILLAN introduced a bill (S. 4763) to provide for the removal of overhead telephone wires in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 4764) granting an increase of pension to Queen Esther Grimes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 4765) granting an increase of pension to H. R. Rutledge; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 4766) granting a pension to James P. McClure; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4767) authorizing the appointment of a board of engineers to consider the subject of an inland waterway from Norfolk, in the State of Virginia, to Beaufort Inlet, in the State of North Carolina; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TALIAFERRO introduced a bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 4769) to fix the fees of jurors in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCOMAS introduced a bill (S. 4770) for the relief of John Lippincott and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McMILLAN introduced a joint resolution (S. R. 72) to regulate the height of buildings on residence streets in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

#### AMENDMENTS TO BILLS.

Mr. FOSTER of Louisiana submitted an amendment proposing to increase the appropriation for continuing the improvement of the mouth and passes of Calcasieu River, Louisiana, from \$35,000 to \$207,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MALLORY submitted an amendment providing that the seagoing dredge authorized for improving the harbor of Pensacola, Fla., may be used in improving Apalachicola Bay and at East Pass, Carrabelle Harbor, Florida, and proposing to appropriate \$25,000 for the operation for one year of such dredge, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HEITFELD submitted an amendment proposing to increase the appropriation for continuing the improvement of the Upper Columbia and Snake rivers, Oregon and Washington, from \$25,250 to \$40,250, and proposing to increase the appropriation for improving Snake River above Lewiston, Idaho, from \$10,000 to \$25,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed

by him to the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; which was ordered to lie on the table and to be printed.

Mr. BAILEY submitted an amendment proposing to appropriate \$300,000 for the improvement of Galveston Harbor, Galveston, Tex., and authorizing the Secretary of War to make contracts to complete said project not to exceed in the aggregate \$1,200,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAY. I am requested by the junior Senator from Illinois [Mr. MASON] to submit an amendment proposing to appropriate \$150,000 to provide for a wireless system of telegraphy to connect the post-offices of Washington, Baltimore, Wilmington, Philadelphia, New York, Albany, Buffalo, Cleveland, Detroit, Toledo, and Chicago, intended to be proposed by him to the Post-Office appropriation bill. At his instance I submit the amendment, and ask that it be printed and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Post-Offices and Post-Roads and be printed.

Mr. QUARLES submitted an amendment proposing to appropriate \$10,000 for improving the harbor at Ahnapee, Wis.; also proposing to appropriate \$6,000 for improving the harbor at Port Washington, Wis., and, further, proposing to appropriate \$3,000 for improving the harbor at Oconto, Wis., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to increase the appropriation for improving the harbor at Milford, Conn., from \$5,000 to \$15,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing that in estimating the probable cost of improving the Connecticut River between Hartford, Conn., and Holyoke, Mass., the engineer officers appointed by the Secretary of War shall take into account both direct and consequential damages, and the annual cost of maintaining this improvement, and shall hear all parties interested in this improvement or who may be affected thereby, and proposing to appropriate \$25,000, or so much thereof as may be necessary, to pay the expenses of this board, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### GEORGE A. K. MORRIS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the President be, and he is hereby, requested, if not incompatible with the public interests, to furnish the Senate with copies of correspondence between the Department of State and George A. K. Morris, or his attorneys, in 1885 and 1886, against the Government of Nicaragua for injuries done to his property by Nicaraguan troops in violation (as alleged) of the rules of civilized warfare, at Amapala, Honduras, in 1883.

#### HERRERA'S NEPHEWS.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War be, and he is hereby, directed to communicate to the Senate copies of all the papers and correspondence, arranged in chronological order, relating to the claims of Herrera's Nephews for the detention and use of their steamship *San Juan*, and of Gallego, Messa & Co., for the detention and use of their steamship *Tomas Brooks*, and the occupation and use of their wharves and warehouses by the military authorities of the United States at Santiago de Cuba in the years 1898 and 1899.

#### THE ISTHMIAN CANAL.

Mr. HARRIS (for Mr. MORGAN) submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed 3,000 copies of Senate Document 253, first session Fifty-seventh Congress, being the hearings before the Committee on Inter-oceanic Canals, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

#### IMITATION DAIRY PRODUCTS.

Mr. PROCTOR. I move that House bill 9206 be taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.



Mr. HANSBROUGH. Mr. President, when the Senator from Alabama [Mr. PETTUS] asked me to yield to him yesterday that he might move an executive session, I was discussing the pending oleomargarine bill, and I said that the opponents of the bill came before the Committee on Agriculture and Forestry and solemnly protested against what they termed vicious class legislation, which would deprive them of the right to color their oleomargarine in imitation of butter.

As a matter of fact, nine-tenths of those who entered this solemn protest have no right under their State laws to do what they are doing when they thus color their product, and they appeared before the committee as violators of the laws of their own States to protest against the Government doing something that might result in preventing them from further successfully evading State statutes. They made no pretext of being law-abiding citizens, but openly acknowledged that they employed various schemes for the defeat of justice, and some of the food commissioners verify their statements in a manner not at all creditable to those engaged in this traffic.

As a matter of fact, this entire contest is over the right of the manufacturer of oleomargarine to color his product in semblance of butter. This protest of the oleomargarine makers against the tax of 10 cents a pound is a protest that if this measure is passed it will not be profitable for them to longer engage in a traffic that the States, with a few exceptions, have absolutely forbidden through the most stringent laws. They are pleading for what is practically an outlawed business. They come to Congress and say they can successfully evade and beat the laws of the States and those whose duty it is to enforce them, but they can not cope with the United States when Congress places a tax on their outlawed product. Therefore they ask us not to pass this bill, because they will then no longer be able to carry on an illegal business.

Some of our friends from the South have an idea that their people are greatly interested in the production of oleomargarine. It was represented to them when this subject first came up for discussion that something like 55,000,000 pounds of their cotton-seed oil was used annually in the production of this substitute for butter.

Some evidence on this point may be found on page 844 of the hearings before the committee.

But investigation, which was combated by their supporters in the House, revealed the fact that instead of this being the amount used there was less than 9,000,000 pounds employed in 1900, worth less than \$500,000, of the total annual output of cotton-seed oil, which amounts to about 1,000,000,000 pounds, worth \$28,000,000, as shown by the Twelfth Census. In other words, the interest of the cotton-seed oil producer is about six-tenths of a cent a pound in the finished product, oleomargarine, which displaces, when sold, a pound of butter, which is worth to the producer of the latter article 20 cents. The Southern cotton-seed oil interests are willing, apparently, that the dairy farmer shall be cheated out of a market for \$20,000,000 worth of butter per year in order that the cotton-seed oil producer may have a market for less than one-fortieth that amount of cotton-seed oil through an article 75 per cent of which is sold for what it is not.

But even the cotton-seed oil people themselves have not been able to withstand without protest the encroachments of this fraud in their own States. In 1885 the State of Alabama passed a law, approved February 18, which provides that:

No article which is in imitation of pure yellow butter, and is not made wholly from pure milk and cream, shall be manufactured, sold, or used in any public eating place, hospital, or penal institution, etc.; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such manner as will advise the consumer of its real character, is permitted. It must be stamped with its name.

In December of the same year the State of Georgia passed a similar law, providing as follows:

Imitation butter and cheese are defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter or cheese and designed to be used as a substitute for either. Every package must be plainly marked "Substitute for butter" or "Substitute for cheese," and each sale shall be accompanied by verbal notice and by a printed statement that the article is an imitation, the statement giving also the name of the producer. The use of these imitations in eating places, bakeries, etc., must be made known by signs.

In 1896 the State of South Carolina passed a law, approved March 9, which provides:

Imitation butter and cheese are defined as every article not produced from pure milk or cream, with or without salt, rennet, and harmless coloring matter, which is in semblance of, and designed to be used as a substitute for, butter or cheese; they shall not be colored to resemble butter or cheese; original packages shall be marked "Substitute for butter" or "Substitute for cheese;" shall not be sold as genuine butter or cheese, nor used in hotels, etc., unless signs are displayed.

And in 1895 Tennessee enacted a law as follows—

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I yield for a question.

Mr. TILLMAN. As the Senator is quoting the statutes of various Southern States as being opposed by their laws to this bogus butter—this axle grease which they sell down there for butter, and all that kind of thing—I should like to ask him why he does not let the State laws apply as to original packages in the first section and leave off the 10 cents a pound tax. If the States are endeavoring to protect their citizens against a fraud, and everybody agrees to it, why not stop with that and simply let the State laws govern, instead of Congress going forward and, as we contend, in an unconstitutional way taxing this thing out of existence?

Mr. HANSBROUGH. I anticipated just such a question from the Senator from South Carolina. I call the attention of the Senator to the fact that in 1886 Congress passed a law fixing a tax of 2 cents a pound on oleomargarine, and so far as the collection of the tax was concerned, the law was enforced in all the States, but it was found impossible under State laws, and even with that Federal statute, to work the color out of oleomargarine. The purpose now is to put a 10 cent tax on it so that oleomargarine which is colored must pay a tax of 10 cents, as it is the only way, in my judgment, by which color can be worked out of oleomargarine.

The statutes of Tennessee on this subject were equally stringent. The law of Tennessee is as follows:

Any article which is in imitation of yellow butter and not made exclusively from pure milk or cream is prohibited; but oleomargarine, free from color or other ingredient to cause it to look like butter, and made in such form and sold in such manner as will advise the consumer of its true character, and other imitations uncolored and labeled with their correct names are permitted; wholesale packages shall be plainly labeled and a label shall accompany retail sales.

Laws of Kentucky, passed in 1898, of Missouri, passed in 1895, of Virginia, passed in 1898, all forbid the manufacture and sale of oleomargarine colored yellow in semblance of butter, while in the North the only States which have not passed laws on this subject are Rhode Island, Kansas, Indiana, Wyoming, Idaho, and Montana, and in Montana there is a State tax of 10 cents per pound on all oleomargarine.

But let us look into the objections of the opponents of this bill. They are almost wholly confined to the 10-cent tax, and it is loudly claimed that the imposition of this amount will utterly wipe the oleomargarine industry out of existence. They will not for a moment concede that it is possible to sell oleomargarine at all unless it is colored in semblance of butter.

The manufacturers of oleomargarine do not want to be driven to the production of an article that must be sold for what it really is. Their chief argument for its sale to the retailer is that it can be sold with twice the profit obtained through the sale of butter. Now, why should this be? Why should a compound, which is claimed by the maker will keep much longer and better than butter, realize him twice the profit that he can obtain through the sale of butter? Surely not because of the fact of any loss in the handling thereof through shrinkage in values. In the handling of butter the dealer finds that it depreciates in quality if he does not dispose of it promptly.

For this reason he must charge relatively a higher profit on butter, the perishable article, than he exacts from other articles in which there is no risk. Now comes the maker of a product which it is claimed is little less perishable than lard or tallow, and tells him he can make double the profit on oleomargarine that he can make on butter, when, as a matter of fact, such an article should be sold with much less profit. Oleomargarine, because of its composition and cost of production, should rank with lard and cottolene, rather than with a high-priced, delicate article like butter, because the additional moisture or overrun in oleomargarine, amounting to about 15 per cent, will almost pay for the manipulation of the fats and the cost of the milk that is used in it. What I mean is that 85 pounds of neutral lard, oleo oil, and cotton-seed oil, with 15 pounds of milk added, will make 100 pounds of oleomargarine, the milk not costing 10 per cent of the value of the additional 15 pounds of fat.

It is plain that these manufacturers prefer to produce an article that can be substituted three times out of four for a dearer product. This very fact creates their entire demand from the hotels and restaurants. The consumer would undoubtedly soon become educated to the uncolored article, but the manufacturer knows that his best customers, the hotels and restaurants, would be compelled to meet the popular taste and give their patrons what they now ask for and think they are getting—butter—provided they could not purchase yellow oleomargarine at figures that would enable them to serve it with profit, because no man, not even the hotel keepers, practices deceit for the amusement of the thing. It is the profit that is in it.

What is the objection to the uncolored product, oleomargarine, which can be distinguished by everyone? The workingmen who came before our committee said that it would be a blow to their pride to have to eat what looked like lard; that their children



would revile them and that they would be held in contempt by their neighbors for serving white butter (or oleomargarine) on their tables. The oleomargarine makers themselves told us that if butter were white that they would have no trouble selling white oleomargarine, but that people would not buy the one white without the other were white also. The butter people tell us, and the oleomargarine people do not deny it, that some of the finest hotels in this country now serve butter as white as it can be made; that it is a fad among certain people to eat white butter, and that the highest-priced butter in England is the uncolored French butter that comes from Normandy. But the oleomargarine people say that the minute butter is white then the objections to white oleomargarine will disappear and that they can sell their goods uncolored without being hampered.

Now what conclusions are we to draw from all these statements and claims? Is not it quite clear that what the oleomargarine people want to do is to build up their business on the reputation of butter? If oleomargarine is a popular article of food among those who consume it why not reverse the order of things and say that if this popular article of food is left uncolored people will no longer consume butter colored; that instead of oleomargarine being dominated by the color of butter why not butter be compelled to follow the color of oleomargarine?

The apologists of oleomargarine say that to forbid its being colored in semblance of butter would kill the industry; that people would not eat it. Do they mean to say that if butter were not colored people would not eat butter? And if they will knowingly take butter uncolored, as they do in the finest of hotels, why not oleomargarine? And does not this bring us back to the same point every time—no matter where we started or from which direction we look at it—that there is no valid excuse, except for the purpose of deception, that oleomargarine should be colored in imitation of butter? Not a single position or argument can be sustained to excuse the imitating of butter by the makers of oleomargarine.

In the first place, oleomargarine has no excuse for artificial coloring. In its natural state it is never yellow, never was yellow, and the yellow color added through artificial means is entirely foreign. And yet its makers claim that this foreign color is the only thing that sells it.

Can anyone mention a single other article of food that depends wholly upon an artificial, unnatural, and foreign color to sell it? It is true many foods are more or less colored. Candies are colored, but not all of them, and none of them colored for deceptive purposes or fraud; and their sale does not depend upon their colors; canned peas are colored, or rather the natural green of French peas is preserved through the addition of copperas. But the result obtained is not a new, unnatural, or foreign color; it is merely the preservation of the original color. Mustard is colored yellow at times, but mustard is naturally yellow, and it is not done to make anybody think it is anything else but mustard. But everybody knows that if nine out of ten consumers knew they were having oleomargarine set before them at the hotels or restaurants as a substitute for butter there would be a row right away. And the makers of oleomargarine know this—

Mr. BACON. Will the Senator please let me ask him a question?

Mr. HANSBROUGH. I yield for a question.

Mr. BACON. Why is it that they can not detect the difference?

Mr. HANSBROUGH. Between butter and oleomargarine?

Mr. BACON. Yes.

Mr. HANSBROUGH. I supposed the Senator from Georgia had had experience with oleomargarine, being a producer of cotton-seed oil, which would have taught him that if he will put oleomargarine, for instance, on a porterhouse steak and undertake to cook that steak with the oleomargarine the tallow in the product will settle on the steak until it is all covered with a white substance; whereas if he puts butter on a porterhouse steak the steak will absorb the butter. Now, if the Senator wants—

Mr. BACON. I understand from the Senator, then, that there is no difficulty in distinguishing the one from the other?

Mr. HANSBROUGH. Not if a person knows about it—if you know how.

Mr. BACON. If there is no difficulty, then, it seems to me our labor is unnecessary here.

Mr. HANSBROUGH. The Senator from Georgia has not tried developing this question to a sufficient extent undoubtedly to discover the difference himself. He wants some one else to discover it for him. It is very easy if the Senator will go about it.

Mr. BACON. I did not say there was no difference, but I was simply getting the Senator to the point which he seems to have reached—the recognition of the fact that there is no difficulty in distinguishing one from the other. I understand that it is the sole purpose of this bill to prevent a person from being deceived, and if there is no difficulty in distinguishing one from the other I do not see that there is any danger in that matter.

Mr. HANSBROUGH. I will say to the Senator that there is another way by which he may discover the difference between the two products. If he will put on a table a piece of oleomargarine, no matter how pure it is, and a piece of butter, placing them side by side, during a warm day, he will discover at once which is oleomargarine and which is butter. He will discover that it will be necessary to put a piece of ice on the butter to preserve it or to keep it from melting, while the oleomargarine will stand up for all time.

Mr. BACON. The Senator still continues to add to the argument to show that there is no difficulty in distinguishing between the two. That is the point I am after. He keeps on piling up the evidence of the fact that there is no difficulty in distinguishing between the two, and yet I understand the sole purpose of the bill is to prevent the people from being deceived as to which is one and which is the other.

Mr. HANSBROUGH. Mr. President, I should not undertake to convince the Senator from Georgia. He ought to know; but all people do not know how to distinguish between the two products. I was saying, Mr. President, that the makers of oleomargarine know this, and for that reason want to keep that yellow color in for the purpose of concealing the identity of the article so it will go into consumption without protest. For this and for no other reason—the disguising of their compound—do they desire to keep the color in it.

What do the courts say of this plea—that the coloring of oleomargarine is for the purpose of making the article more palatable? The learned jurist, Mr. Justice Harlan, in his opinion in the Plumley case, handed down in December, 1894, in which it was held that the law of Massachusetts forbidding the sale of oleomargarine when colored in semblance of butter was a valid exercise of the police power of the State, said:

Now, the real object of coloring oleomargarine so as to make it look like genuine butter—

And I call the attention of the Senator from Georgia to this opinion in the Plumley case. I think it answers his peculiar question:

Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained, to buy it as and for butter, produced from unadulterated milk, or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter.

And this conclusion is only too plainly apparent to anyone who reasons the thing out.

Are we particular as to the color of jellies we spread on our bread? Do we send back graham bread because it is not the color of the white bread we have been accustomed to eat? Do we call for rye bread and then refuse it because it is black? Do we expect when we get rye bread or whole-wheat bread that it is going to look just like the white bread we are accustomed to eat? We eat these articles for other reasons than their effect upon the eye. And when we go abroad and are served with butter as white as can be made, do we do as the oleomargarine makers claim would be done in the case of oleomargarine, reject it because it is not yellow?

The truth of the whole matter is that oleomargarine is made from tallow, lard, and cotton-seed oil. When it is not disguised with coloring matter its identity is revealed. It does look like lard when uncolored, because lard predominates, the fat content being about 45 per cent lard. People do not relish eating lard on their bread, and are prejudiced against it, and the oleomargarine makers know that they will not eat it so freely when they know what it is. Therefore the desperate effort to disguise the character of the compound and force it upon the people against their will or through their ignorance.

You will say that butter is colored. That is a fact; but the coloring of butter deceives no one. The yellow color in butter has been its trade-mark for centuries. Butter is naturally yellow except for a few months in the year. It is seldom if ever dead white, and very frequently and almost wholly, in summer the fine hotels that demand white butter must have it bleached in order to satisfy the fastidious taste of their guests. Nobody ever heard a complaint because somebody sold colored butter. The color in butter is in no wise indicative of its quality. The charge that butter is artificially colored in winter to make it look like rich summer butter falls to the ground in absurdity when it is known that in winter this same summer butter is worth from 3 to 5 cents a pound less than butter which is freshly made. People do not want summer butter in winter. They want it fresh, and if they thought the yellow color indicated that the butter they bought in December was made in June they would not buy it, and the coloring would be a detriment rather than a benefit to butter.

Why is butter colored? For the sole purpose of maintaining a uniform shade. Changes of weather, and of feed and the changed



conditions of the cow, which do not affect the quality of the butter fat so far as the palate or nutritive value is concerned, do affect the color, and the product of a dairy is likely to be one color one day and another the next. The use of an artificial coloring preserves a uniformity that is demanded in the markets. It is either necessary to color up to one shade of yellow in winter, when the product of the dairy is lightest, or bleach the butter white in summer to keep it of a uniform color the year around. It is a matter of convenience. If all butter could be white the year round, the trade and consumers could be educated to that color in thirty days. It is not the color, but uniformity that is sought, and the color that can be kept uniform the year around is the end to be attained.

With the oleomargarine makers there is no necessity for any artificial methods of keeping their product uniform in color. Cottonseed oil, lard, and oleo oil are the same color the year through. Without the use of coloring matter they can get a uniformly colored product, and can soon, if they desire to spend the money and time to do so, build up a trade for their uncolored product that will supply everybody who really wants oleomargarine as a substitute for butter. Other manufacturers of food have had to pay out money advertising and popularizing their articles. A little magazine advertising, setting forth the merits of uncolored oleomargarine and comparing its qualities with butter, would be beneficial, no doubt, as it has been to other food products. There are no prohibitions upon the sale of uncolored oleomargarine in any State, and it can have a free trade with the tax reduced to a mere trifle under the measure now under consideration.

The Government in 1886 undertook the regulation of this oleomargarine traffic, and thereby admitted the inability of the States to cope with the fraud. The law of 1886 has not been successful. Can Congress now refuse to so modify or amend that act that it will give the people the protection that it has undertaken? And in doing this should not Congress make some recognition of the policy of the States in handling this question, and would it be right for us to tear down the laws they have enacted when they come to us for assistance in their enforcement? Should we enact legislation in conflict with their laws, when their officials have had all the experience there is in the regulation of this traffic? Should we go counter to the judgment of every State official who has had experience in the prosecution of cases under the various laws, and ignore the protests and appeals of the united dairy sentiment of the country?

Mr. President, the most active opponents of this measure until recently, apart from the manufacturers of oleomargarine themselves, have been the live-stock associations and their officers. We have seen this opposition only through these associations, there having been no petitions presented to the committee, so far as I know, signed by individual live-stock growers. There may have been a few letters from individuals.

It appears from investigation that the growers of live stock have been led to believe that the passage of this bill means a loss of anywhere from \$2 to \$4 per head on their fatted steers. The resolutions of the National Live Stock Association, passed at Fort Worth, Tex., two years ago, claim a loss of from \$3 to \$4 per head on the fat of a steer, as shown on page 78 of the printed testimony. In its resolutions, as printed on page 185, the National Live Stock Exchange says that the loss will amount to \$3 per head. The Kansas City Live Stock Exchange recites the fact that the loss will be an average of \$4 per head, as shown on page 72; and the basis of the opposition of the Kansas City Commercial Club's opposition to the bill, as shown in its resolutions, printed on page 62, is that it has been represented that there will be a loss of \$2 per head on cattle. The South St. Paul Live Stock Exchange calls the loss from \$3 to \$4 per head, as printed on page 57.

That these figures are unreliable and without foundation was clearly shown, we believe, by Hon. S. C. Bassett, president of the board of agriculture of the State of Nebraska, who appeared before the committee in behalf of this measure and showed in figures and facts that were not questioned or disproved that only about 44 cents' worth of beef fat is used for oleomargarine made in this country from each animal slaughtered. His evidence is printed on page 451, and I read the following extract as embracing the vital points thereof:

A neighbor of mine who annually feeds large numbers of cattle for market, after reading this statement, said to me: "If that statement be true I certainly am opposed to your Grout bill."

Gentlemen of the committee, as I understand this matter, this statement is not true, and neither by statistics nor otherwise can it be shown to be true. Statistics published by the United States Department of Agriculture for the fiscal year ending June 30, 1899, show that at 41 packing centers the number of cattle inspected before slaughter was 4,654,842. Outside of those inspected by the Department it is estimated that enough more were slaughtered to make the aggregate number slaughtered for the year, 5,000,000 head.

The report of the Secretary of the Treasury of the United States to Congress in May last shows that in all the 83,000,000 pounds of oleomargarine manufactured in this country last year there were but 24,491,769 pounds of oleo oil used. This at 9 cents per pound has a value of \$2,204,253, which sum divided among the 5,000,000 head of cattle who produced this oleo oil makes an average of 44 cents per head.

In some cases this product is priced at 10 cents per pound, but I think that is unjust from a producer's standpoint, for the reason that at 10 cents a pound oleo oil is a manufactured product into which labor, etc., goes, and on which profit is realized, but the man who markets the cattle does not receive 10 cents a pound for it, and I have used the figure 9 cents, which, in my judgment, is a proper estimate. No one believes or for a moment seriously contends that if this oleo product used in the manufacture of oleomargarine could not be so used it would be a total loss, and lessen by the sum of 44 cents the average amount received by the owners of cattle for each animal sold for slaughter. But suppose it needs be sold at the price of other fats—5 cents per pound—it would mean a mere nominal loss of 20 cents on each animal sold for slaughter, which sum every owner of live stock well knows is hardly given a thought when his stock is being disposed of for slaughter at packing centers.

Mr. Bassett also showed (p. 452) that of the 43,891,814 head of cattle owned in this country 28,825,933 were owned in the States prohibiting the sale of yellow oleomargarine, while but 15,065,881 were owned where its sale is permitted. And in closing his remarks, as shown on page 453, Mr. Bassett said:

I do not wish to discredit the National Live Stock Association before this committee, but in its appearance here it does not represent either the wishes or sentiments of the very large majority of the farmers and stock raisers of my State. It undoubtedly does represent the sentiment of the packers, commission men, owners of live stock on the ranges, and like interests, but it does not represent the sentiment of our farmers and dairymen, who are by far the largest raisers and owners of live stock.

When I say "owners of live stock on ranges," I have reference to that class of men who own large interests in live stock.

In support of this statement, Mr. President, I have since had placed in my hands a petition signed by a large number of live-stock growers of the State of Nebraska protesting against the action of the National Live Stock Association in its antagonism of the measure, and indorsing the same in the strongest terms.

Secretary Wilson was invited to appear before your committee and give his views of the Grout bill. Mr. Wilson is himself a stock farmer, and his Iowa farm is largely, if not wholly, given to the growing of beef cattle for the markets of this country. The following is taken from the testimony on page 418, and can be relied upon, I believe, to be a true, impartial, and expert statement of the matter:

Senator ALLEN. Have you inquired into the effect the passage of this bill will have upon the value of animals raised for food purposes; not for dairy purposes?

Secretary WILSON. Very carefully.

Senator ALLEN. What will be the effect of the passage of this bill on that class of animals?

Secretary WILSON. I tried to reason that in my short paper which I have read. There is a little oil furnished by cottonseed people, and a little by the people who grow steers; but the old-fashioned steer that had lots of fat in him is not the steer that is used to-day. The young beef, under 2 years of age, put into the market and prepared for the shambles, is not an animal that produces much body or intestinal fat. That is the animal that is wanted to-day.

The old-fashioned steer that was 3½ years old before he got to market had a large amount of fat, running up in some cases to 150 and as high as 180 pounds.

Now, then, the tendency in the South, where they have destroyed the lands by perpetual cropping, and the tendency west of the Missouri, in the semidry belt, where they are destroying the grazing lands by injudicious overgrazing, is to take greater interest in the dairy cow than in the steer, and in the case of settlers who want to raise families out west of the one hundredth meridian the interest grows every day on behalf of the dairy cow, and with regard to the production of steers east of the Missouri River on the farms there is no comparison whatever. The small amount of fat from cattle that commerce calls for in making oleomargarine is infinitesimal in value compared with the injury that the growth of this bogus industry will inflict upon legitimate agriculture that requires a dairy cow.

And the following is an excerpt from the printed testimony on page 425:

Senator DOLLIVER. I received a telegram from a cattle dealer in Iowa stating that this bill was likely to very greatly damage the value of beef cattle.

Secretary WILSON. Yes; he does not know what he is talking about, that same cattle dealer.

Mr. President, from what I have stated here in respect of the interest taken by the growers of live stock, it will be observed, no doubt, that the Live Stock Association have heretofore, as we all know to be true, opposed any legislation of this character. But some of the members of the Live Stock Association have recently seen new light; they have been thinking of this question; they have been studying it; and some of them, at least, have come to the conclusion that it is better for them as an association to keep out and allow Congress to do what it thinks best in a matter of this kind. In proof of that I desire to quote from a letter recently written by Mr. H. F. McIntosh, who is the editor of the Nebraska Farmer and a member of the executive committee of the American Cattle Growers' Association, which met at Denver in Colorado, I think, on the 4th, 5th, 6th, and 7th of the present month. In that letter Mr. McIntosh says:

The executive committee of the American Cattle Growers' Association brought in and recommended for adoption the Fort Worth resolution opposed to the Grout bill. I immediately made a motion to lay this resolution on the table. This motion was voted down. The question then recurred on a motion to adopt the resolution. I presented what seemed to me to be the leading objections to taking action on this resolution, and when the vote was put a considerable majority of those voting were found to be opposed to the resolution. \* \* \*

I may say, in addition to this, that the Nebraska Stock Growers' Association, reported in the Nebraska Farmer, had a large attendance and is made up of all the leading range cattlemen in Nebraska. The American Cattle



Growers' Association, which met at Denver, is a strictly national organization of range cattlemen, and it has a membership of about 450 individuals. The association is not made up of delegates from corporations or other organizations, but represents exactly the opinion of men engaged in growing cattle on the plains.

In another letter, dated at Omaha, March 13, 1902, Mr. McIntosh says:

Inclosed I send the original copy of antioleo resolution introduced at the Nebraska Stock Growers' Association meeting, and which was tabled, as Secretary Van Boskirk's letter, attached, shows. This was received since my report of the meeting was sent you.

This same resolution was presented at the Denver meeting of the American Cattle Growers' Association, with the result reported fully in the Rocky Mountain News and all Denver papers of March 7, 1902.

So, Mr. President, some, at least, of the stock growers' associations are changing their views on the question of the feasibility and desirability of legislation such as we now propose.

Now, a word as to the charge that the object of the 10-cent tax is for the purpose of taxing a legitimate industry out of existence. What is a legitimate industry? Can you call an industry that has been condemned by the legislatures of 32 States as one that shall not be permitted to do business in their borders a legitimate industry?

What could be more illegitimate than an industry that has been forbidden by more than two-thirds of the States, with more than four-fifths of the population of the United States?

Is it not straining a point to call such an industry legitimate? Certainly this is a new definition of the word, and if colored oleomargarine, outlawed by 32 States, is legitimate, it would be difficult to find anything illegitimate. And these laws have not only been universally upheld by the courts, but oleomargarine colored in imitation of butter has come in for judicial condemnation by the Supreme Court of the United States in the case of *Plumley v. Massachusetts*, with which decision almost everybody who has studied the question is familiar.

But to go back to the question of taxation. It may be true that the tax of 10 cents per pound would deprive some few who desire to purchase it of the privilege of buying colored oleomargarine at the prices that it can now be bought as oleomargarine. But what are the objections of consumers to uncolored oleomargarine? The representatives of the workingmen who appeared before your committee said it was a matter of pride. They didn't want people to see them have white oleomargarine on their table. They did not claim that the color added to the palatability of the article, or to its nutritive value. It simply permitted them to conceal its identity from their neighbors and children.

On the other hand, the thousands and millions of people who do not want oleomargarine at all, but are having it palmed off on them as butter at butter prices every day by the retail dealer, and are being cheated out of millions of dollars every year, are to be considered, and there is a large class of people who are defrauded at the hotels and restaurants, and who have under present conditions or under the substitute offered by the minority no protection whatever. Then there is what is of as much importance, the defrauding of the dairyman out of his market for the butter that the great majority of people desire. These dairymen are imposed upon by those who substitute oleomargarine and charge butter prices.

Now the question is, Which side has the best claim to protection, the man who appeals for colored oleomargarine to be permitted to go upon the market in guise of butter in order that he may not be compelled to color it for himself, or the classes which appeal for protection from fraud, deceit, and injury and probable demoralization of their business? In weighing the evidence your committee has twice come to the conclusion that inasmuch as the only demand for the color in oleomargarine is a matter of very small convenience to its limited number of conscious consumers, and that it is the color and the color alone which makes the fraud possible in the open market and at hotels and restaurants, the tax of 10 cents per pound is defensible upon the ground that it is a tax which would strike at fraud and would not come out of the consumer, but, if paid, would be paid by the one who should pay it—the man who makes the compound in such a manner that it is used to defraud the public.

Oleomargarine has no competitor. Its field is as wide as the universe. Let it take off its mask and say, "Here am I, white as the first flake of snow, pure as a freshly plucked orange, wholesome, digestible, without artifice, purged of all deceit," and there will be no trouble, Mr. President, about a market for it. With such a label upon it people will be convinced that it is an article full of merit, and the demand for such an article will be unlimited and world-wide.

Mr. MONEY. I ask the consent of the Senate to withdraw the substitute offered in the minority report and to insert in its place the one which I now send to the desk.

I wish to say that the substitute in the minority report was not intended to be there and was placed there inadvertently. In the collection of papers my clerk got the wrong substitute and inserted it.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the request of the Senator from Mississippi for the withdrawal of the substitute which appears in the views of the minority and substituting therefor the amendment in the nature of a substitute now submitted by the Senator? The Chair hears no objection, and that order will be made.

Mr. MONEY. I ask that the proposed substitute be printed.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. STEWART obtained the floor.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. STEWART. Certainly.

Mr. PETTUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bailey,	Depew,	Lodge,	Pettus,
Bard,	Dillingham,	McComas,	Platt, Conn.
Bate,	Dolliver,	McCumber,	Platt, N. Y.
Berry,	Dryden,	McLauren, Miss.	Proctor,
Blackburn,	Fairbanks,	McLauren, S. C.	Rawlins,
Burnham,	Gallinger,	McMillan,	Scott,
Burrows,	Gibson,	Mallory,	Simmons,
Carmack,	Hale,	Martin,	Stewart,
Clark, Wyo.	Hansbrough,	Millard,	Taliaferro,
Cockrell,	Hoar,	Mitchell,	Teller,
Culberson,	Jones, Nev.	Money,	Tillman,
Cullom,	Kean,	Patterson,	Vest,
Deboe,	Kearns,	Perkins,	Wellington.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

Mr. STEWART. Mr. President, I am unable to discover any principle of legislation which would warrant the passage of such a measure as this. It seems to me designed to destroy one legitimate industry for the benefit of another without a qualifying circumstance. The only argument against oleomargarine is the coloring. It is admitted that it is healthful; that it is useful; that it is clean; that it possesses all the qualities of good butter so far as results are concerned; that it is good in every way; and nobody claims otherwise.

This measure is not to protect the people against some insidious poison; it is not to guard against an alleged evil; but its sole object is to destroy the industry. It even goes so far as to impose a tax of one-fourth of 1 cent a pound on oleomargarine if it is uncolored. The first section of the bill makes a statement which would deprive three-fourths of the people of the United States of any butter. It says:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State, etc.

Now, how much of the butter in the market does anybody suppose is made of pure and unadulterated milk or cream? There is very little; probably not more than 5 or 10 per cent. There is probably more disease occasioned by dairy products than by any other article of food.

If we can rely on the reports of experts in nearly every important city in the United States and Europe, about one-half the deaths among children are occasioned by unclean dairy products. The cities of Paris and New York are to-day in great commotion on account of the deadly results of poisoned milk and cream. I will insert in my remarks some articles and reports on this point. I am aware that dairymen are making considerable effort to remedy this alarming evil. If the attention of Congress were directed to protecting the community from deadly poison in dairy products instead of an effort to destroy a sanitary and wholesome product because it is in competition with unclean butter, some good might be accomplished. There is some yellow butter at a certain season of the year.

In Northern climates a rich, nutritious grass, fed on by cows, will produce yellow butter for a month or two in the early season. This will certainly not exceed 1 per cent of the butter sold on the market. I remember very well when two or three counties of northern New York prided themselves on the production of yellow butter, which was quite a fad for a time in New York City. The popularity secured for yellow butter during the season of this fad induced the dealers in butter to color their white, dirty-colored butter yellow, until the butter dealers have educated the whole community that butter to be good must be yellow.

Anyone who is familiar with the country store where butter is gathered in from small farmers which in its natural state could not be sold for consumption, but which is bought with store pay, sold to butter dealers, washed and perhaps churned in butter-milk, and then colored to imitate the best butter in the market, will appreciate the want of cleanliness in ordinary butter and why thousands of children perish every year from the microbes

in the butter they eat. This universal practice of dealers in coloring their butter has led the mass of the people to believe that the natural color of butter is yellow. They do not know that the practice of coloring was inaugurated to conceal the unwholesome appearance of microbe butter.

Afterwards the discovery was made that butter could be produced quite as palatable and equally nutritious as the best butter made from cow's milk, but it could not be made yellow any more than the ordinary butter in the market without resorting to the same process of coloring used by the butter dealers at large.

Mr. SPOONER. It is not butter.

Mr. STEWART. I know it is not butter from a dirty farm stable.

Mr. SPOONER. It is not cow's butter.

Mr. STEWART. It is not unclean, unwholesome, microbe butter. It will not poison children. It would not shock the consumers to know its ingredients, as they would certainly be shocked if they witnessed the process of producing butter at a large portion of the dairies of this country. If the Senator from Wisconsin will visit some of the dairies that produce butter, he will have a strong stomach if he does not desist from the use of milk and butter for a time at least. The cry is for the protection of microbe butter, which may kill, and often does, against a perfectly clean and healthful product. In many respects oleomargarine is better for use than any cow's butter. The millions of miners, manufacturers, and mechanics throughout the country can not use to any considerable extent cow's butter. They can not afford to keep refrigerators and buy ice to keep butter cool, and must therefore dispense with the use of cow's butter during warm weather. Such butter melts down and becomes unfit for use in a few hours unless preserved with ice. This fact accounts for the preference of the great mass of laboring men for oleomargarine butter, which will not become rancid or melt down in warm weather.

But the advocates of microbe butter say that we will only tax you one-fourth of 1 cent a pound on your oleomargarine butter if you will allow us to have a monopoly of coloring our butter, which could not be sold for any purpose in its natural color. There is no doubt that the coloring of cow butter is a wrong, because the deception enables the dealer to sell poison under the trade-mark of clean butter. Why should butter dealers complain that the coloring they use to sell clean as well as unclean butter should be adopted by oleomargarine vendors to sell an article the cleanliness and wholesomeness of which has not been questioned?

The principle at the bottom of the bill is wrong. There is no justification or excuse for the vendors of colored cow butter, which may or may not be wholesome, to protest against the sale of oleomargarine butter which is admitted to be wholesome. Why should the millions of laboring men be deprived of buying a cheap and healthful product to allow butter dealers to sell without restraint a dearer product in much of which lurks deadly poisons?

The discovery of oleomargarine butter was most beneficent. It provided for the poor a product that could be kept without large expenditures for ice, containing no poison, at a price which the laboring masses could pay. If the butter dealers will allow this bill to be amended so that no coloring matter shall be used for either cow butter or oleomargarine and apply the taxation and punishment to the sale of cow and microbe butter as well as to oleomargarine, the community might have some protection against the unclean methods of butter dealers.

If the policy to tax one industry for the benefit of another is to prevail, why not tax the growers of oats for the benefit of the farmers who raise barley and corn? And the growers of cotton for the benefit of the growers of wool? There is hardly a fabric in ordinary use which does not contain some material which it does not profess to contain.

It is not the business of government to legislate against wrongs which do not exist or to destroy legitimate industries. No wrong is done the community by the sale of oleomargarine, because it is a healthful and nutritious article of food.

I do not propose to elaborate this matter. The fact that this legislation is aimed against a clean, wholesome, good product in favor of a product which may or may not be clean condemns it. Coloring matter is used by the manufacturers of oleomargarine to pander to a taste for yellow butter created by the dealers in cow butter, to sell unwholesome butter and deceive the community. Strip all butter of coloring and the price of oleomargarine will be higher on its merits than the average price of cow butter. The producers of cow butter and microbe butter are carrying this war against a legitimate industry too far. The time may come when unclean dairy products carrying deadly poisons will be excluded from the markets.

Mr. DOLLIVER. Mr. President, I would not venture to ask anybody to listen to me on this bill if it were not for the fact that

for many years in the other House of Congress I had some modest connection with the legislation which had for its object the prevention of the adulteration of cheese and flour and other agricultural products; and while the subject is rather a lowly one from some standpoints, it has nevertheless become, in my humble judgment, one of the pressing and important questions with which we have to deal.

I was very much interested in the discourse delivered here yesterday by the honorable Senator from Mississippi [Mr. MONEY], and I regret that in stating the object of this measure he failed altogether to get the standpoint of those who have felt an interest in the passage of this bill. His idea seemed to be that the object of this measure is to suppress the legitimate industry of manufacturing oleomargarine, whereas in truth the object of this measure and the only object which it has is so to amend the oleomargarine act of 1886 as to more effectually prevent the imposition which has been practiced upon the community in the manufacture and sale of imitation dairy products.

That statute levied a tax of 2 cents a pound on oleomargarine and provided means for identifying the article in the market place. It was thought at the time to be adequate for that purpose, and would have been in all probability if its promoters had not deliberately chosen for their industry a career of lawlessness and false pretenses. At that time the annual production of oleomargarine was comparatively small, and few people could be found to eat it if they knew it, but since then the number of factories has greatly increased, the chemical processes of its manufacture have been vastly improved, and the annual output multiplied beyond a hundred million pounds.

If those who have invested their money in the business had chosen to deal in good faith with the community, observing the act of Congress and the laws of the States in which three-fourths of our population live, no additional legislation would have been necessary. But year after year this business has played into the hands of men who have nullified the act of Congress in every particular save only the payment of the tax, and have trampled under foot the local enactments of 32 States in the Union; all for the purpose of selling its product to those who are unable to distinguish it from butter.

The result of this is that the business has become fraudulent through and through, and unless its promoters are willing to cooperate with the lawmaking power, State and Federal, in the effort to lift it above the general reputation of a cheat at common law, the time will come, however many millions are invested in it, when it will be unfit for the countenance of any honest man.

Before I go any further I will point out what this bill proposes to do. The first section subjects original packages of all imitation dairy products entering any State through the channels of interstate commerce to the police regulations of that State in respect to such articles. This section is drawn for the purpose of preventing people in one State from sending these articles into another under conditions which exempt them from the operation of the laws of the State to which they are sent.

There was a time when most lawyers would have said that whenever an article of commerce enters a State it becomes immediately subject to the police powers of that State, for the opinion of Chief Justice Taney in the license cases of 1847, notably the case of *Pierce et al. v. the State of New Hampshire*, reported in 5 Howard, would appear to settle the right of any State to fix the status of articles of commerce brought into it from another State.

But at the October term, 1889, that ancient landmark of our jurisprudence was removed by the opinion of the court in the case of *Leisy v. Hardin*, reported in 135 United States, page 100. That case arose in the State of Iowa. The legislature of Iowa, in its discretion, had prohibited the manufacture and sale of intoxicating liquors within its borders under the usual penalties of seizure and condemnation.

The firm of *Leisy & Co.*, citizens of Illinois, transported to Keokuk original packages of intoxicating liquors and undertook to sell them there notwithstanding the statutes of Iowa in such cases made and provided. They were seized by the constable of the township, and in an action of replevin to recover them the supreme court of Iowa held that they were in all respects subject to the laws of the State.

The case was brought here on writ of error, and the Supreme Court, with a dissenting opinion by Mr. Justice Harlan, in which Mr. Justice Gray and Mr. Justice Brewer joined, held that the liquors in controversy being articles of interstate commerce, had not, when sold for the first time in their original packages, so commingled with the common stock of goods subject to State jurisdiction as to feel the weight of State laws intended to prevent the traffic in intoxicating liquors.

This decision of the court would undoubtedly have produced universal confusion in every State where the law had undertaken to subject the liquor traffic to police regulations, whether by license or prohibition, if Congress had not promptly acted upon a



suggestion of the Chief Justice, repeatedly made in the decision, in which its right is recognized to permit by express enactment the exercise by the States of the power to interfere by seizure or any other action with the importation or sale of goods brought in by foreign or nonresident importers.

Acting upon this suggestion, the original-package law of 1890, applicable only to intoxicating liquors, was passed—a law since fully sustained by the court in *Re Rohrer* (140 U. S.)—and the first section of this bill repeats verbatim the language of that law, extending it to include the imitation dairy products with which we are now concerned. I regard the first section of this bill, therefore, as an important step in the direction of effectually managing the oleomargarine question.

It will be observed that the committee has struck out an amendment added by the House. We did that for two reasons. In the first place it is not necessary and therefore of no value, and in the next place it is ambiguous and therefore likely to produce controversy. Without the amendment nobody will be constrained in taking oleomargarine into States where the law permits its sale, provided the tax is paid, while with the amendment left in a question of construction may arise in which the rule of uniformity in the levy of taxes may be invoked to invalidate the whole statute.

I found great pleasure in urging the committee to leave it out because I heard the advocates of oleomargarine boasting that they had secured an amendment in the House which, while innocent in its appearance, would operate to cripple if not to nullify the statute. So much for the first section.

The second section extends the definition of the words "manufacturer of oleomargarine" so as to include everybody who sells it for money. It does not include those who are in possession of it for their own use. So the bill enables the purchaser, the poor workingman, who seemed to disturb the feelings of the Senator from Mississippi [Mr. MONEY] so much, to buy the article in its natural appearance and color it to suit himself, a thing which was shown to the committee to be very much more simple in the economy of the household than the somewhat complex process of salting mashed potatoes, for example.

But the bill extends that definition so as to include boarding houses, dining cars, hotels, restaurants, and everybody who handles the article for the purpose of disposing of it to others.

The next section of the bill may be described as the battleground of the controversy. It increases the tax on oleomargarine from 2 cents to 10 in case the article is colored in imitation of butter, and it reduces the tax from 2 cents to a quarter of a cent in case the article is put upon the market without an artificial coloring which brings it into the similitude of butter.

The final section of the bill is administrative—concerns only the relations of wholesale dealers to the Treasury Department.

The Senator from Mississippi [Mr. MONEY] undertook to state the purpose of the bill, and I am afraid that, without intending it, he did so with a certain lack of that fairness which usually characterizes his utterances here. He said that it was the object of the bill to kill the oleomargarine industry.

I will say to the Senator from Mississippi that the object of this bill, if I have understood it correctly, is to put a stop to an abuse which has long existed in the American market place—an abuse which has worked a very special hardship upon a great agricultural industry of the country, and in a lesser degree upon the whole community.

Mr. MONEY. Mr. President, will the Senator permit me?

Mr. DOLLIVER. Certainly.

Mr. MONEY. I desire to state to the Senator that I did not intend to impute any dishonesty of purpose to the members of the committee particularly, but I quoted the men who are here urging the bill and whose pockets are interested in the result, who declared before the committee and are in print to the effect that they intended to exterminate this industry, and if this bill did not do it they would come with another. That was the reason why I said it was the object of the bill to extinguish the industry.

Mr. DOLLIVER. I do not desire to raise any personal question with my honorable friend from Mississippi, although I could not help being somewhat impressed with the cheerful way in which he stated that this bill would receive a majority of the votes cast in the open Senate, but would be left with only a bare dozen if a secret ballot could be had.

Mr. MONEY. I want to say to the Senator that since I made that statement I have had assurance on the other side of the House that that is the case.

Mr. DOLLIVER. I do not wish to get the Senate into such a controversy as any further pursuit of that subject might involve. I desire, however, by the kindness of your attention, to discuss this question both from the standpoint of the American farm and from the point of view of everybody who takes an interest in the integrity of the market place itself.

What is oleomargarine? My friend from Mississippi gave a

beautiful and classic definition of it yesterday; a definition very valuable in this discussion, when he pointed out that it is derived from a word signifying pearl, and that it means a pearl-colored oil. It was the invention of a French chemist, who, in 1869, I think, under the patronage of the Government of Napoleon III, found a way to remove the fat of beef from its cellular tissue by the action of carbonate of potash under a temperature of 115° F. and then by hydraulic pressure to separate the stearin, leaving a neutral residuum of oil.

That product he churned in milk and water, and after a careful washing it was ready for use. The process was a very simple one, and produced an article nutritious and in a degree wholesome, which could be used as a cheap substitute for butter, but did not deceive anybody on account of its similarity.

Very soon the formula fell into the hands of enterprising persons both here and in other countries, who set out to produce an article so nearly akin to butter chemically as to need only a few unscrupulous commercial arts to convert it into the most elaborate swindle that has ever been contrived against the rule of square dealing among men.

The originators of it did not at first perceive the actual possibilities of the swindle, for the industry passed through stages of development so crude, both in the materials employed and in the methods used, that for many years it needed the surveillance of the board of health rather than the attention of the legislature.

Indeed, if a man will go through the debates which accompanied the oleomargarine act of 1886 he will see at once that the chief ground of complaint against the article was based upon the natural repugnance that men everywhere feel toward articles of food suspicious in their appearance and doubtful in their origin.

The tax of 2 cents a pound would in all probability have totally wiped out the business if the managers of it, in order to save its life, had not taken two steps—one in the right direction, and the other in a direction which, whatever may be the fate of this bill, will leave it one day outcast and discredited everywhere in the United States.

They set out by the aid of science to remove from it all elements deleterious to the public health; and for the purposes of this debate, though for no other purpose, the claim need not be disputed that the oleo factory of to-day at its best is able to produce, and if the hope of unnatural profits were taken away would uniformly produce, an article of food which, whatever its merits as a substitute for butter, would at least give rise to no questions of mere sanitation and hygiene.

I do not go quite as far as my honorable friend from Wisconsin [Mr. SPOONER], who intimated yesterday that in his judgment the article is unhealthy. I do not know whether it is or not, although I am convinced that if it produces any diseases at all they are likely to be chronic in their character and such as might be expected to arise from a gradual impairment of the human system. I heard a gentleman say the other day—a colleague of mine from the Fifth Congressional district of Iowa, Representative COUSINS—that he had examined the subject with very great care and he found only one real difference between oleomargarine and butter, and that difference a mere question of time, a question of twenty-four hours, butter having the peculiar property of melting in you in the same day.

I do not know whether that covers the whole case or not; but for the purposes of this argument, though for no other purpose, I am willing to concede that oleo in its best estate is no longer subject to the suspicion which, twenty years ago, made its most reputable headquarters mysterious with the secrets of the garbage plant and the soap factory. I make this admission freely for the purposes of this debate, reserving only the right of further inquiry under proper guidance as to where the visible supply of oleo oil, now known to pass annually through the channels of our commerce, domestic and foreign, actually comes from.

Unfortunately, even yet the manufacturers of oleomargarine seem to hesitate about taking the public into their confidence. There is a little book bearing the title of *Facts about Butterine*, presented with the compliments of William J. Moxley, a leading manufacturer of the goods in Chicago. Now, you would expect to find in a book like that a statement of what the article is made of.

It gives the composition of butter on the authority of those who have analyzed it, but says nothing about oleomargarine except that it contains a fraction less of acids, leaving the impression upon the mind that this shortage is intentional in order to make the goods more acceptable to the popular taste. We are not, however, without the means of finding out what the thing is made of, and we can not fail to admire the ingenuity with which the oleomargarine trade has inveigled into its defense the various industries which supply, or are said to supply, its raw materials.

Mr. John H. Garber, an expert special agent of the Twelfth Census, has just finished his bulletin upon the oleomargarine industry, and in the course of that bulletin he gives exactly the

composition of the three grades of oleomargarine known to the trade. If you will let me, although I hate to do it, I will read what he says:

*Formula 1.—Cheap grade.*

	Pounds.
Oleo oil.....	495
Neutral lard.....	295
Cotton-seed oil.....	315
Milk.....	255
Salt.....	120
Color.....	1½
Total.....	1,451½

*Formula 2.—Medium high grade.*

	Pounds.
Oleo oil.....	315
Neutral lard.....	500
Cream.....	280
Milk.....	280
Salt.....	120
Color.....	1½
Total.....	1,496½

*Formula 3.—High grade.*

	Pounds.
Oleo oil.....	100
Neutral lard.....	130
Butter.....	95
Salt.....	32
Color.....	½
Total.....	357½

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. MONEY. I do not want to interrupt the Senator—

Mr. DOLLIVER. I do not object to the Senator's interruption.

Mr. MONEY. Except that as long as he is on that line I beg to call his attention to the report made by the Commissioner of Internal Revenue to the Secretary of the Treasury, the report for 1900. He gives the table in full here of the ingredients of oleomargarine. The Senator will find it on the eighty-eighth page of Mr. Springer's argument, if he has it there.

Mr. DOLLIVER. I am familiar with that. I read this simply because it appears to me that the expert examination made by the Director of the Census would probably be more accurate than the analyses of specimens by people who are not familiar with the business connected with the Internal-Revenue Department of the Government.

Mr. MONEY. The report the Senator read, if he will pardon me, was made by a special employee of the Census Bureau.

Mr. DOLLIVER. I so stated.

Mr. MONEY. The other was made by the Internal Revenue inspection department. I had supposed each one of them to be charged with the duty of finding out exactly what it was. But I do not intend to interrupt the Senator to set off one table against the other, by any means, or to make any conflict of authority on that point; I simply direct attention to the fact that there is a variation.

Mr. DOLLIVER. I recognize the slight variation, but I have felt more security in Mr. Garber's report, in view of his expert knowledge of the oleomargarine industry, than I would feel in an Internal Revenue report, even if the Commissioner had signed it himself.

Now, what will be the effect of this bill upon this article? It will have no effect at all unless it induces the manufacturers in preparing these goods for the market to leave out the coloring matter, and in the highest grade to leave out that admixture of butter or other ingredient which by reason of its natural shade would be likely to dominate the appearance of the finished product. It gives to these manufacturers, with the tax reduced almost to nothing, the whole field of supplying the world with a cheap substitute for butter, and takes away from them only one opportunity which they now enjoy—the opportunity of filling the channels of a long-established trade in the United States with an unlimited output of bogus merchandise.

Now, what will be the effect of this bill upon the manufacture of this product? Will it go on as at present? The framers of this bill think not, and for this reason: The addition of 8 cents a pound to the retail price of the goods brings it up so near the usual price of butter as to take away altogether the temptations of the trade to mislead its customers as to the character of the article; for after all the least tolerable feature of the oleomargarine swindle is its habitual assumption of the price of butter as well as its appearance. In fact the fraud could not exist if it did not do that.

If a householder found himself buying creamery butter, everywhere known to be worth 30 cents, for 15, he would instantly perceive that there was something the matter with the transaction, just exactly as a man would be put on his guard if he was offered a Perfecto cigar for a nickel. Therefore this assumption of price goes side by side with the oleomargarine business. The

trade itself understands this perfectly, for I find here preserved in the hearings before the committee a circular letter by the Capital City Dairy Company, of Columbus, Ohio, in which they distinctly point out the importance of selling their prime butterine at 25 or 30 cents, and also suggest that they have mixed packs or country rolls always in stock.

This means that they are preparing for the market in the State of Ohio not only an imitation of the color of butter, but of the humble efforts of the country housewife to put it up in packages, noticeable on account of the limitation of her situation. They deliberately copy the infirmities and defects incident to her situation, and then send peddlers, dressed as farmers, through the streets of the cities of Ohio selling this article as genuine butter.

The other day I was in the city of Cleveland and I found there a universal turmoil going on about the discovery that everybody was eating oleomargarine. The courts were getting in action and indictments were being found, and the food commissioner of the State, in an interview printed in an evening newspaper, said "that most of the oleomargarine cases are cases of peddlers who rig themselves up as farmers" and proceed to peddle this butter through the streets of that city. I have no doubt that the same business is going on all over the United States. I know that it is going on in the city of Chicago, which is the headquarters of this swindle in the United States.

I have here [exhibiting] the sign of one of the leading oleomargarine grocery houses in the city of Chicago, which was presented in evidence before the Senate committee at the last session of Congress: "Try our best Elgin creamery butter; five pounds for a dollar." The gentleman who secured the sign asked for butter and got oleomargarine, though there was none for sale in there for less than 25 cents a pound.

The other day, in order just to satisfy myself as to whether this business was still going on, I caused to be purchased in the city of Chicago, of a very famous butter dealer there, who never had a pound of real butter in his place, a little package of butter, and I have it here unopened. [Exhibiting.] Everybody in the Senate will remember what the provisions are of the oleomargarine law of 1886 as to the marketing of this product. There is a package of the article, and I intend to exhibit to the Senate the skill with which that law is nullified.

I will unwrap that package and tell you in advance that it is marked in plain letters "Oleomargarine." I would be willing to contribute something to the happiness of any Senator in this Chamber who will within five minutes discover the mark upon that package. In order to have the business well and faithfully attended to I will ask my friend from the State of South Carolina, which has the most stringent laws on this subject of any State in the Union, to try to find the mark "Oleomargarine" which the law of 1886 requires to be written upon the covering of that package [handing package to Mr. TILLMAN].

Mr. TILLMAN. Do you mean this package?

Mr. DOLLIVER. Yes; the outside wrapping paper.

Mr. TILLMAN. This is the wrapper in which the grocer gave it to you?

Mr. DOLLIVER. Exactly; but the law of 1886 requires this mark to be made upon the wrapper. It will engage any man's ingenuity to discover it, although if he knows exactly how that business is practiced in the city of Chicago, and removes all the folds around the imitation butter, he might before nightfall find the word "oleomargarine" printed in dim letters on the package.

Mr. TILLMAN. Does the Senator leave the package on my desk because he wants me to get introduced to this article?

Mr. DOLLIVER. I hope to introduce the Senator to the genuine goods before I am through.

Mr. TILLMAN. I wish to say to the Senator that a couple of years ago I was in the town of Elgin, and they gave me oleomargarine at the hotel table. I recognized it.

Mr. DOLLIVER. You recognized the goods?

Mr. TILLMAN. That is supposed to be the leading dairy market in the West.

Mr. DOLLIVER. If the Senator will remember that this retail grocer, who never had a pound of butter in his great establishment, advertised in his windows "New Elgin butter."

Mr. TILLMAN. Why do you not try him?

Mr. DOLLIVER. He has been in the courts half the time in the last five years, but he never got in without finding at his side the attorneys of the oleomargarine manufacturers and their representatives ready to sign his bail bonds. I see by the Chicago newspapers of yesterday that he is in court again, along with about 15 or 20 other slippery gentlemen there.

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. DOLLIVER. Certainly.

Mr. MONEY. I fear that the Senator in his good nature has been imposed upon by my interruptions.



Mr. DOLLIVER. Not at all.

Mr. MONEY. Since the Elgin creamery has been brought in, are you quite sure that the oleomargarine dealer when he advertises Elgin butter was not giving it its proper name?

Mr. DOLLIVER. I think not—

Mr. MONEY. I should just like to say, then—

Mr. DOLLIVER. As will be developed in the course of my remarks, I have not that supreme confidence in these manufacturers which the Senator from Mississippi manifested here on the floor yesterday.

Mr. MONEY. I have not a bit more confidence in them than I have in the butter men, but I desire to say that a very high and responsible gentleman, and very high in the Republican party, told me he went to market here to get pure butter, made a little scarce by this investigation. He went to the principal butter man in town and asked him, "Do you sell oleomargarine?" He said, "No; I do not; I sell butter, but I can take you to a man who sells oleomargarine." He asked him, "Where do you get your butter?" And he said, "I get it from the Elgin Creamery." The gentleman happened to be the correspondent or agent here of the Armour Company, and he told me the Elgin Creamery was the biggest customer Armour had for the butterine which the retail dealers are selling us.

Mr. DOLLIVER. I do not want to get into a side controversy with the Senator from Mississippi. His remarks only indicate the bewildering mystery of the business with which we are dealing. I have personally gone into at least a score of stores on a single street in the city of Chicago and stood there as an observer while the workingmen, whom my friend from Mississippi was disturbed about yesterday, were asking for butter and carrying away with them, at the price of butter, a spurious article which they did not come there to buy.

Of course it is too much to expect a dealer, whether in Washington or Chicago, when he has once embarked upon piracy like that, to reduce any of his margins as a voluntary concession to the rights of anybody else. The only way to break up a nest like that is to reduce to a minimum the profits of the rascality, and I will say to my friend from Mississippi that if the 10-cent tax proposed in this bill is not sufficient to do that he will find me ready to vote to make it high enough to accomplish that result.

What, then, does this bill leave for these manufacturers to do? It leaves them to put upon the market the article which they are making in its natural color. It leaves them still at liberty to copy the smell of butter by capturing and colonizing our microbes and permitting them to starve to death in an unfriendly environment. They may simulate the taste of butter, but this bill will require them to give to me and to you and to everybody else at least one unmistakable and authentic way to find out what kind of a lubricant we are actually spreading upon our bread.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. Then will the Senator be ready when he sees a white article in the market to declare that it is oleomargarine?

Mr. DOLLIVER. That will certainly make it easier to locate.

Mr. TILLMAN. Does not the Senator know that during eight months of the year you can not get yellow butter?

Mr. DOLLIVER. Like my friend, I ought to know something about butter. Out in our part of the country, where cows are fed on nutritious food, we manage to get up a little color all the year round.

Mr. TILLMAN. Very little, however, during the winter months.

Mr. DOLLIVER. But I do not intend to waste the time of the Senate in taking lessons to-day on the subject of what the color of butter is if I can help it.

Mr. TILLMAN. I do not want to intrude on the Senator unless it is agreeable to him.

Mr. DOLLIVER. It is perfectly agreeable.

Mr. TILLMAN. If white becomes the flag of oleomargarine and yellow becomes the flag of butter, I simply want to know how you are going to keep the people from being deceived by white butter?

Mr. DOLLIVER. It is impossible to entirely avoid that difficulty; but if any misguided man should be entrapped into buying good butter when he is looking for something in the nature of oleomargarine I think he is entitled neither to the Senator's sympathy nor to mine. [Laughter.]

Mr. TILLMAN. If, on the contrary, you get something that is not good butter, but is colored in imitation of good butter, as oleo is said to be artificially and fraudulently colored, thus deceiving the customer, would that have the Senator's indorsement?

Mr. DOLLIVER. Not at all. I agree entirely with the suggestion made here yesterday by the chairman of the committee in respect of all falsifications of butter.

Mr. TILLMAN. Will the Senator vote for an amendment forbidding the coloring of genuine butter—good butter?

Mr. DOLLIVER. I do not think I will.

Mr. TILLMAN. Why not?

Mr. DOLLIVER. There is no reason why I should do so. Cow butter has been colored from time immemorial.

Mr. TILLMAN. By what?

Mr. DOLLIVER. By everybody who has been engaged in making it. At certain seasons of the year, as my friend says, it falls off from the natural color.

Mr. TILLMAN. I suppose when the cow herself can not color it, it is permissible to color it?

Mr. DOLLIVER. That is permissible. That has been the practice for many years, and I know of nobody who has been wronged by it.

Mr. President, if the operation of this bill results as we hope it will, instead of doing the manufacturers of oleomargarine an injury, as the Senator from Mississippi seems to think, in point of fact we would be doing them more good service than all the attorneys they have ever employed and all the witnesses that have filled the courts of 32 States with the atmosphere of its disrepute; for the way in which this business is now managed, notwithstanding its investment of millions, has made it a defendant in the criminal courts of nearly every State in the Union.

As the distinguished Senator from North Dakota [Mr. HANSBROUGH] said a moment ago, the testimony of those who have spoken before the Senate committee in behalf of labor revealed the fact that this article has attached to itself the badge of a disgrace so complete that even among the mining villages of Pennsylvania it is impossible for anybody to call its name in a store without running the risk of social ostracism and reproach.

Not even the modern liquor traffic at the point of its worst degradation has ever lived in such a storm of indictments and motions for a new trial. This article, so far as its manufacture and sale are concerned, has been put under the ban of the law in nearly every State in the Union; and yet the business out of its unjust profits has gone steadily forward, executing the most far-reaching conspiracy that we have ever known in the United States against the administration of justice.

The law's delays in thousands of cases pending all over the United States; organized relays of hired attorneys carrying their thumb-worn briefs from one court-house to another, leaving behind them the trail of appeal bonds and assignments of error; jury fixers in all the stages of moral decay; professional witnesses graduated in the arts of perjury—these, and such as these, are the influences with which the food commissioners of 32 States in the Union have for years been waging an almost hopeless conflict.

They have come before the committee of the Senate charged with this business, and as they have told us—faithful officers of the law, as they are—their story of this unequal warfare, I have not permitted myself to doubt that if the managers of these misguided commercial enterprises are looking for a fight to a finish with the American farm, they will be accommodated by the allied agricultural industries of the United States.

But my friend from Mississippi says, Why do you emphasize the wrong of the manufacturers when the fraud belongs altogether to the grocery trade? Why do you, on account of this unseemly carnival of petit larceny in the retail stores, want to disturb the happiness of the noble band of men who are engaged in this industry and who are turning out upon the tender mercies of a very cold world these 100,000,000 pounds of wholesome and nutritious food product?

I wish I could take the view that my friend from Mississippi takes. I wish I could acquit these manufacturers of the misdeemeanors which are now being committed in their name; but the evidence in this case prevents me from doing that, because I find that these reputable gentlemen, standing a little in the background, are even now guiding the course of this traffic, are offering their counsel and their money and their help to everybody who gets into the pitfalls of the retail oleomargarine trade, and are following to-day with vigilant attention the covert and devious passage of this article throughout the whole market place.

What is the evidence of that? Fortunately the evidence is clearly upon record. If you will open the little volume containing the hearings, you will find stated in the circular of the trade itself the origin of these retail frauds. It may be said that the whole scheme of committing the color fraud has been perfected under the direct guidance and supervision of these reputable manufacturers for whom my friend was so eloquently speaking only yesterday; and in order to show that I will read this circular, dated Chicago, April 5, 1899, and signed by a leading manufacturer of these goods there.

#### NOTICE TO THE TRADE.

Inclosed find a color card, which is as near the color of our butterine as the printer's art can represent. Our aim is sending you this card is to aid you in selecting the proper color suitable to your trade.

Not a palatable color that would be cheerful to the eye, as my friend said, but "the proper color suitable to your trade."

Mistakes are easily made, but hard to remedy.

There is a profound truth.

In nearly every section of the country there is a difference in the color of butter, and even in certain seasons of the year there is a change—

These people seem to be onto this, if the Senator from South Carolina will take note of this language—

In certain seasons of the year there is a change, as you will have noticed. In winter butter is of a lighter color than in summer. In many sections this is the result of the difference in feed or pasture.

This man seems to be familiar with that aspect of suburban life. He continues:

We can give you just what you want at all seasons if we know your requirements. As an example, No. 1 has no coloring matter; No. 2 has a little coloring, and so on to No. 8, which is the highest colored goods we turn out. Preserve this card, order the color you want by number, and we will send you just what you want.

It is in vain for these reputable manufacturers to cry out that they are being persecuted simply because they put upon their product a palatable and cheerful color. If that is so, what does it mean when these trade circulars go out advising and exhorting their customers to watch the changing color of butter in particular markets and at particular seasons of the year?

But my friend from Mississippi says they have the same right to color their oleomargarine that the butter manufacturer has to color butter. I deny it. They are without the legal authority to do it in 32 States of the Union, and they are without the moral right to do it anywhere in the United States. Why? Because the coloring of butter, whether the practice be good or bad, misleads nobody, wrongs nobody, injures nobody; whatever its color, it is still butter and nothing else. The maker of it in adding a harmless vegetable dye to his product at those seasons of the year when the natural color of butter differs from the bright yellow produced by green pastures, modifies, in a way of which nobody can complain, the appearance of the article, without in any way disturbing the rights of anybody else.

I hope to see the color fashion of butter so changed as to no longer require a resort to this cheap device; but if that good day should ever come the literature of the oleomargarine business contains ample evidence that its promoters, as the Senator from Mississippi candidly admitted yesterday, would follow such a change with a skill so perfect as to perpetuate the scheme which they have been working for twenty years. The thing I protest against is not the coloring of oleomargarine, but the selling of it in the market under the false pretense that it is butter, and this bill strikes the color only because it is the instrument of that crime.

I have not come here as an adviser of these 27 oleomargarine factories scattered here and there over the United States, but I will say to them—and I wish my voice could reach the ear of some worthy and honest man connected with the business, which has in it to-day an investment of more than \$3,000,000—if my voice could reach the men engaged in this business, I would say to them that I am a better friend to them than those in Congress or out who would counsel them to go on trying to perpetuate the license which they are now enjoying to prey upon the entire community.

Already the demand for oleomargarine in its natural color is seen in the markets of the United States, and it has long been seen in Denmark, in France, in Holland, and in Italy, and it needs, in my judgment, only the encouragement of a moderate integrity—only a moderate integrity—to increase to the proportions at least of a decent commerce.

There must be something fatally wrong about an investment that spends more of its time dodging police than it does in the other departments of the business, and I for one hope the time is come when we shall have in the United States a state of things such as exists in Denmark to-day. If that time should come, it would at least make this business respectable, whether it remained profitable or not.

I do not therefore agree with those who think that the enactment of this law will disturb for any length of time the manufacture of a suitable substitute for butter, made in its own likeness and presented to the public on its own merits in a legitimate way. It is on account of this belief that I have listened without alarm to the representations that have been made before the Committee on Agriculture of both Houses of Congress in behalf of great interests which are said to be threatened by this measure.

If it operated to entirely extinguish the oleomargarine business by shutting up these factories, I would not even then have very much fear on account of any damage to American agriculture; for those who have given the profoundest thought to the problems of the farm are united in the opinion that the dairy stands for more in all sections of the United States than all the interests that contribute to the oleomargarine trade added together.

In the last session of Congress the Secretary of Agriculture appeared before the Senate committee at their request. It is no disparagement of others to say that he stands to-day unapproached in his own country and unrivaled in any other country of the world as a student of the questions with which the farm has to deal. And not the least of his qualifications for the great work which he is now doing is his talent for surrounding himself with men who, like Major Alvord and his young assistant in the Dairy Division, Raymond A. Pearson, have become independent workers and constant contributors to the sum of the allied sciences to which they have devoted their lives.

No man can doubt his devotion to the interest of the American farmer, whether on the scattered quarter sections of the Mississippi Valley, or in the region where cotton was king, or on the remote frontiers where the cowboys, watching over their herds, take their first lessons in the curriculum of the strenuous life.

While Secretary Wilson was making his statement to the committee on the occasion to which I have referred, a telegram was handed to me from a dealer in my own State saying that this bill was likely to very greatly damage the value of beef cattle. I took occasion to read the telegram to the Secretary in order to get his opinion about it, and without hesitation he answered in these words:

He does not know what he is talking about, that same cattleman.

He showed that the total amount of beef fat used in making oleomargarine is, in the nature of the case, so insignificant as to find no expression in the market price of cattle.

But under his brief statement was a suggestion still more important than that, for he pointed out that the days of the range herd are numbered, as the Senator from Mississippi himself admits, and that the very life of that business even now depends upon the individual homestead, with its bona fide settlers, and the creamery near at hand.

I can not help admiring the success of the oleomargarine industry in putting itself into partnership with the Stock Growers' Association, and I can easily understand the satisfaction with which one of its chief spokesmen, in a letter which I have had an opportunity of seeing, congratulates the contributors to the oleomargarine campaign fund that in securing the services of the attorney of the Stock Growers' Association they had acquired a standing here which an undisguised oleo barrister could never have secured.

I claim not only the right to speak, but I exercise an official duty in speaking for the live-stock industry of a State that is first in swine, first in beef cattle, and first in the production of milch cows. Our people can not be shut out of a first-class live-stock association or any other well-regulated institution. [Laughter.]

Mr. TILLMAN. They raise a pretty good crop of politicians out there.

Mr. DOLLIVER. Maybe that is so. There is a little pork fat which in the form of neutral oil is used in making oleomargarine, and nearly everybody in Iowa is raising pigs, but nobody wants to sell them for butter, so far as I have ever heard. Some fat of beef is used, and nearly everybody in Iowa is raising steers, magnificent specimens, tracing their ancestry through the herd books of the Old World, but you never meet anybody there who wants to sell them for butter.

With hogs so corpulent that we have to put casters under them to move them around the feed yard [laughter] and shorthorns that balance the weight of a ton on scales at Chicago, I have heard from only one man who appears to think that the live-stock industry has anything to gain by crippling the butter trade of the United States; for that whole community long ago learned from the counsel of James Wilson that at the threshold of all permanent agricultural prosperity stands the cow with her calf by her side.

More grotesque even is the effort of the oleomargarine partisans to enlist in their support the cotton belt of the United States on the theory that this bill, by wiping out oleomargarine, cuts off an important cotton-seed market. That is an argument put forth with only the dimmest comprehensions of the facts. Little or no cotton-seed oil is used in the manufacture of oleomargarine and none at all except in the cheapest grade. There are several reasons for this. In the first place, no possible refinement of cotton-seed oil takes away from it entirely its characteristic taste. I do not say that the taste is unpleasant or disagreeable, only that it is peculiar, and no article desiring to enjoy the undisturbed experience of butter in the market can afford to carry with it the taste of cotton-seed oil.

Besides that, cotton-seed oil resumes its liquid state within the temperature which butter is called on to endure. Therefore any considerable admixture of it softens the product, not indeed past the point of use, but past the point of keeping up the appearance of butter. For these two reasons incidentally pointed out in the Census bulletin to which I have before referred, the employment of cotton-seed oil in this product has wholly disappeared except



in the cheapest grades; and the only possible way to reinstate it in the chemical formula of oleomargarine is to bring back the business to its legitimate channels, since in its masquerade as butter it is compelled, in order to keep its disguise on straight, to part company with cotton-seed oil even in its most refined forms.

But if it were true as some have claimed that the oleomargarine factories have opened a great and growing market for this product, there are two far-reaching reasons which ought to disassociate the cotton fields from this lawless invasion of the rights of the American dairyman. The cotton belt gets more money by the sale of cotton-seed meal to butter-producing States than it does from the sale of cotton-seed oil to the oleomargarine factories, many times over, so that, from the purely business point of view, it has an interest far more distinct in the prosperity of the dairy farm than in the scandalous programme of its enemies. If our friends of the South want to get the riches of cotton seed into butter why not put it in by feeding the animal, because she has within the only chemistry that can assimilate that product.

Beside that, as Secretary Wilson stated before the committee out of the abundance of his wisdom and his undoubted good will toward the South, the redemption of its worn-out fields must come from the widest variation in their tillage, combined with such specialties in production as have made the modern creamery a universal and unfailing sign of thrift and wealth.

There are almost unnumbered reasons why the State of Mississippi, for example, distinguished on this floor by the public services of my friend and colleague on the committee, should have as much interest in the dairy as the State of Vermont, in which our honored chairman pursues the quiet tasks that belong to country life. I venture to predict that within twenty years the States of the Middle South will be the center of the butter-making industry of America, and that the children of its present representatives will be laughing at the folly of their fathers, who for the sake of selling a few gallons of cotton-seed oil are lending the influence of their honored names to the most destructive fraud ever devised against American agriculture.

Mr. BATE. I beg to say to the Senator from Iowa that we are moved by a principle in this matter and not that we may make a few dollars by the sale of cotton-seed oil. I am sorry the Senator has made such a reflection. I can not believe he means it—

Mr. DOLLIVER. I make no reflection. On the contrary, it is inspiring to know that the representatives of any section of the country for the sake of principle are willing to sacrifice so much.

I have so far spoken mainly of the rights of the people at large to be defended against the adulteration and falsification of their food. If this is not the most important aspect of the oleomargarine question, it is at least the aspect which invites the attention of the most people, for it can not be denied that we live in a time when greed and avarice have filled the world with a thousand plausible inventions intended to deceive and rob the unfortunate and the unwary.

Neither the clothing that we wear nor the food we eat has escaped the strategy of the counterfeiter. Wherever we go and whatever we buy, we are not for a moment free from the uneasy feeling that we are likely to be entrapped and fleeced on every hand. And if this measure, dealing with the most conspicuous swindle of them all, shall operate to deliver our market place from this notorious offense against sound morality, it will be a notable step in fulfillment of the law of self-protection, which in nearly every country except our own has become part of the general code of civilized life.

Even those who like to eat oleomargarine have a right to know what they are eating, and those who are just able to stand it when they can not afford anything else are entitled to have it served in such a way that both the price of it and the looks of it will put them on their guard as to its actual character. A free people ought not to be asked to surrender the right to know what kind of a dose is being administered to them. The American people have done nothing to deserve such a fate.

In the course of his joint debate with Job, Zophar, the comforter, undertakes to show the state and final portion of the wicked. Curse after curse he utters as he tries to reach an adequate statement of their misfortunes. "He shall suck the poison of asps, and the vipers' tongues shall slay him." But that is not all; the climax of loss and penalty is not yet reached. It is no sudden retribution; no swift judgment from the skies. He hastens to present it to the imagination of the afflicted patriarch. "He shall not see the rivers, the floods, the brooks of honey and butter." Not even the brooks. A pictorial way, obviously, of saying that the worst thing that can happen to a man is to be sentenced to eat glucose and oleomargarine all the days of his life. [Laughter.]

Much has been said in the course of this controversy—and just now reiterated by the honorable Senator from Nevada [Mr.

STEWART]—intended to disparage the butter trade by pointing out the conditions of negligence and filth which are said to surround farm life in the United States and which result in making butter an undesirable and even dangerous article of diet. I do not recognize the necessity of defending the home life of the American farm against these contemptuous comments. They have no application to the great butter-producing communities of the United States, and I do not believe that they describe conditions existing, certainly not above the line of abject poverty, even in the most remote backwood neighborhoods.

And I have not been able to listen to those sneering descriptions of dirt and destitution surrounding the old-fashioned family churn without going back in my own memory to the cellar doorway of an humble farmhouse yonder among the mountains of West Virginia, where, in the shadow of climbing roses, with a spring of living water at hand, colder than ice and clearer than crystal, I took my turn in counting the strokes which at length brought forth the yellow luxury, which waited only the sleight of patient fingers to transform it into a work of art and beauty.

"Surely the churning of milk bringeth forth butter," said the royal sage of Israel, ages ago. I do not believe that any butter brought forth by the methods mentioned in the Scriptures ever did the world any serious harm. The market has an unerring way of measuring its value by its quality and condition, so that the incentive is always present to correct its faults by care and labor. It always has been true, and is still true, that those who make bad butter eat the most of it themselves, and therefore the general market never has had and does not now have anything more than a sympathetic interest in the subject.

I am aware that in recent years means have been invented to renovate grades of homemade butter not before available. But whatever may be said against the sale of renovated butter, one thing must not be overlooked—it is butter. Surely the churning of milk has brought it forth. I do not believe that it appears in the butter market under any subterfuges of the trade. It is bought for cooking and for other immediate uses. It does not bear the price of butter of the first quality, and no merchant with a fixed place of business seeks to deceive his customers in its sale.

It reveals its character to the senses, and if its taste does not betray it the first day its smell will the next. It can not hide itself. Therefore it stands upon the counters on the butter market in its true character and at its true price. Some people like it, others tolerate it, while others reject it altogether. In some tropical markets it finds great favor, being consumed in a melted form like the goat butter of the ancients, of which Pliny says in the twenty-eighth book of his natural history, "The more rank it is in smell the more highly it is esteemed."

The mere reworking of butter to cleanse and solidify it and to give it uniformity of color and specific gravity can arouse no reasonable complaint. But if it is true, as the evidence appears to show, that in recent years the butter market has been invaded by goods heretofore unmerchantable, collected into factories and resurrected by questionable chemical processes in order to remove the evidences of decay, there can be no objection to putting such a business under the same supervision with which we propose to surround the sale of oleomargarine.

The House of Representatives, in the bill before us, made an effort in that direction. That amendment your committee struck out, not for the want of sympathy with the purpose in view, but because the House amendment contained no definition of renovated butter and provided no effective machinery for approaching the subject; and at the proper time it is the purpose of your committee to offer an amendment more completely covering that subject. I assent to this, not because I believe it involves in any appreciable degree the rights of the public, except in so far as sound commercial policy ought to encourage thrift and enterprise, leaving goods hopelessly unmarketable without profitable access to the channels of the trade.

My friend from Mississippi seemed to find it against this bill because it is intended really to help the farmer. I do not mind confessing to my honorable friend that I, for one, do not regard it as necessary to conceal the fact that the American farmer has probably more interest in the suppression of these abuses than anybody else.

A country like ours, which not only feeds itself but stands ready to answer calls for bread and meat and all other food from every part of the world, does not need to apologize for a vigilant national policy guarding the welfare of the farming population. Whatever intrudes upon the privileges of the farm, disturbing its business, limiting its opportunities, and wasting its ancient estate, is a proper subject for notice even in the Senate of the United States.

There are 30,000,000 people in this country living upon farms, actually making their homes, bringing up their families, going about their daily business in the midst of the surroundings which were described here by the Senator from Nevada as a miserable



landscape of squalor and disease. They are not alone in their miseries, because they have sent out the best vigor of their blood into every center of American energy to win the prizes of the great professions, to master the problems of national life, to conquer the mysteries of the arts and sciences, and to win the laurels of all great achievements.

Not very long ago the late President of the United States crossed the State of Iowa with a distinguished party on a train which carried him into the Northwest, where he went to receive the returning volunteer regiments of the Philippine army. There were present with him in the car all the members of his Cabinet, the governors of several great States, and nearly a score of Senators and Representatives, all of them famous and honored in the public life of these times.

As they were all sitting one morning in the smoking car, just after an early breakfast, everybody noticed the President laughing benevolently to himself as he watched the antics of two boys who appeared to be warming their feet by the roadside in a place, a sort of oasis in the desert of frost, where an old cow had been lying down all night; and turning to his company, the President said, "Gentlemen, do you know that one of the most delightful recollections of my boyhood is the solid comfort of the experience that those boys are now having, warming frost-bitten feet in the place where cows had been lying down?"

Turning to his company, he said: "I wonder how many of you here have had the same experience." One after another the members of his Cabinet gave in their experience. My honored colleague, the senior Senator from Iowa, was present upon the occasion and heard every member of the Cabinet bear the same witness, beginning with John Hay, who did his foot warming partly in Ohio and partly on the prairies of Illinois, and ending with James Wilson, "Tama Jim," as we affectionately call the Secretary of Agriculture out in Iowa, who did his on the heather in Scotland. Everyone gave the same testimony, and one after another all the governors and the Senators and Representatives of great States followed, every one of them bearing the same witness, a manly testimony to the recollection of the luxuries of their own boyhood.

I heard a man say the other day that he was surprised that a few milk dealers could get the attention of the Congress of the United States, as they evidently have had it on the oleomargarine question. He seemed to think they did not amount to anything. He made one mistake in his calculations. He did not count the reserve corps, for when the old homestead calls for volunteers in its defense, millions of men and women are ready to answer the call as they go back again to the far-off happy days when, after sundown, boys and girls together, with laughter and with song, they followed the procession through the barnyard gate as the cows came home. And so gentlemen need not be surprised that an attack like this, carried on for twenty years against American agriculture, has excited a little attention even here in the Senate of the United States.

Mr. President, the American farm, whatever my friend from Nevada may say, whatever the learned Senator from Mississippi may say or think, asks no advantage over its competitors if you will give it a market place that is on the square. We have no fear of competition that is straight. We do not believe that the natural fruits of the earth's bounty are ever going to be cast away to make room for the secrets of the laboratory or the patent rights of the chemist.

We have no anxiety—none at all—for fear the simple bill of fare which Abraham and Sarah set before angels from heaven at the very dawn of history as they held a picnic together under a friendly tree will ever lose its place in the menu of civilized man. [Laughter.] We have no fear of that. But if I have interpreted the resolution of the farmers of the United States correctly, very interesting events are in progress.

The Senator from Nevada complains that they are counterfeiting one thing. Other gentlemen complain that they are counterfeiting another. I serve notice on the whole race of counterfeiters that the day of reckoning with public opinion in the United States is at hand.

It used to be thought that the cow jumped over the moon. That was not true. It used to be said that the dish had run away with the spoon. That was a harmless fiction of the nursery; but if the little dog will keep his eyes open he will see some interesting exercises yet [laughter], for if I have interpreted aright the purpose and the resolution of the American farmers, they do not intend to permanently allow a horde of sneak thieves to follow them through the streets of cities, here and abroad, forging their trade-mark, purloining their profits, and degrading their merchandise in markets where it has been respected through uncounted centuries.

The American farmer does not come here to beg anything. He makes a plea here directly to the sense of fairness and of justice, never absent from the American character. He prays for nothing. He pleads nothing. He does not ask Congress to give

him anything. His appeal here is a petition of right; and representing 2,000,000 of them, now hopefully going about their spring work, sorting their seed corn between the great rivers which throw the arms of their loving kindness about the Commonwealth of Iowa, I desire to thank you for the patience and attention with which you have listened to the inadequate statement which I have made of their case in equity against the oleomargarine fraud. [Applause in the galleries.]

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported by the committee.

Mr. LODGE. I should like to ask what the amendment is.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, beginning in line 10, it is proposed to strike out the proviso, as follows:

*Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State, provided that it is manufactured and sold entirely within the State.*

Mr. PROCTOR. As I suggested on Monday, I think it would be better to leave these amendments until the time that may be fixed upon for a final vote arrives. I am not aware that there is anybody wishing to go on this afternoon. If there is, I shall be glad to have him do so. There is plenty of time. If there is no one who wishes to go on, I suppose it is an indication that there is very little more to be said, and I would suggest that it would be well to fix a time for taking a vote on the bill.

Mr. CULBERSON. I desire to offer an amendment in the nature of a substitute for the pending bill. I ask to have it read and printed.

The PRESIDING OFFICER. The Senator from Texas offers an amendment in the nature of a substitute, which he asks to have read and printed. It will be read if there be no objection.

The Secretary read as follows:

Amendment, in the nature of a substitute, intended to be proposed by Mr. CULBERSON to H. R. 9206, entitled "An act to make oleomargarine and other imitation dairy products subject to the laws of any State," etc., as reported by the Senate Committee on Agriculture and Forestry, with amendments. Strike out all after the enacting clause and insert the following:

"That sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay \$900 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be \$500.

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2-pound prints, bricks, rolls, or lumps.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not



less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years.

"Sec. 6a. Renovated butter is butter produced from inferior, cheap, old, sour, unmerchantable, or rancid butters by washing, mixing with milk, cream, or other milk product, rechurning, recoloring, reworking, melting, chilling, or by any or all of such processes combined, or by any other process. That upon renovated butter which shall be manufactured, made, and sold, or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer or maker thereof, and any fractional part of a pound shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section. The Secretary of the Treasury is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500, and imprisoned not less than one month nor more than six months.

"The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another or to foreign countries unless inspected as provided in this section."

The PRESIDING OFFICER. The substitute will be printed and lie on the table.

Mr. LODGE. I wish to ask a question in regard to one of the proposed amendments to the bill.

Mr. PROCTOR rose.

Mr. LODGE. If the Senator from Vermont desires to speak I will not interrupt him now.

Mr. PROCTOR. No; I did not rise to speak. I rose to ask for an agreement.

Mr. LODGE. I will not interfere with the Senator's request for an agreement. I will make my inquiry subsequently.

Mr. PROCTOR. No one seems ready to speak this afternoon. I suppose that is an indication that there is very little more to be said on the subject. So far as those who favor the bill are concerned, we are entirely ready to vote now. The minority of the committee expressed themselves as ready to vote to-morrow afternoon, but others seem to want a longer time. I shall be glad if some reasonable agreement can be made about a time to vote. Then we should all know what to calculate upon.

Mr. MONEY. Mr. President, I should like very much myself to contribute to the pleasure of the Senator from Vermont, who I know has an engagement which he desires to meet and which will require him probably to leave for a while. But it is impossible for me to represent this side of the House in a matter of this sort. I find several gentlemen here desirous of speaking on this question, and they are not yet prepared to do so on account of the press of other matters which have been demanding their attention. I do not know that anyone is ready to go on now. I could take the floor myself, if necessary, but I do not particularly want to monopolize the discussion.

The distinguished Senator from Texas [Mr. BAILEY] is preparing a speech, and I should be glad if he could be heard. The junior Senator from Alabama [Mr. PETTUS] desires to make a speech, but he is not ready to go on this afternoon, and he does not know that he will be prepared to go on to-morrow.

I would suggest to the Senator from Vermont that this matter be dropped until these gentlemen get ready to present their views to the Senate on this important question, and in the meanwhile there are other matters waiting which can be taken up, and the Senator can return, if he wants to leave now, and call up the measure when he gets back.

I wish to repeat that personally I am very willing to come to any accommodation that will suit the convenience of the Senator from Vermont, but I am not authorized to do so for anybody, and I find that objections will be made on this side.

Mr. PROCTOR. This measure has been on the Calendar now for over a month. Of course that was equivalent to notice that it might come up at any time, and it has been the regular order of business since last Friday. On Good Friday we probably shall not be in session, and that will afford a leisure day for preparation. I think it would be unwise to lay aside the measure. I shall be glad to give a liberal, fair time for debate. Thursday was thought to be agreeable to the minority of the committee as a time for taking a vote. I would suggest the coming Saturday.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Texas?

Mr. PROCTOR. Certainly.

Mr. BAILEY. I will say to the Senator from Vermont very frankly that no day short of Monday will be considered upon a

request for unanimous consent. As stated by the Senator from Mississippi, it is my purpose to address the Senate upon this question. Up to this time I have not begun even the necessary preparation, consulting statistics, and I have not examined until at my seat to-day the opinions of the Supreme Court touching the powers of the States and the powers of the Federal Government over this question.

I have no intention of preparing or attempting an elaborate speech. Indeed, I have no intention of preparing a speech at all; but I do intend to make one. I will not be ready to proceed before Monday; that is practically certain. I will say this much to the Senator from Vermont, that after those of us who desire to speak have spoken we will be ready to take a vote. There is no disposition to interpose objections or to delay the consideration of this measure or the vote upon it.

Mr. PROCTOR. I am very glad to learn that the Senator from Texas is going to favor us with a speech. It will surely be interesting and able. We all know his facility in preparation and force in delivery, and I am very glad to agree to postpone the time for a vote until Monday afternoon at 4 o'clock and to agree that he shall have all the time Monday that he wishes, if that is satisfactory.

Mr. BAILEY. No, I would not think of agreeing to that arrangement, because I feel that there are other Senators here who desire to speak and who would be permitted to speak with my consent, even if it displaced me. I think rather than to undertake a definite agreement it will answer the purpose if the Senator from Vermont will announce that he will endeavor to obtain a vote at 4 o'clock on Monday. That will be sufficient notice to bring all the Senators here who desire to be present, and if there should happen to be on either side of the Chamber any Senator who has not spoken and who desires to discuss the measure, I think the Senator from Vermont would not press a vote under those circumstances. If there is no one then still desiring to speak I assure him that we will not attempt to delay the vote. I speak for myself. Of course I have no authority to speak for anyone else, but I am sure that is the feeling on this side of the Chamber.

Mr. PROCTOR. Mr. President, there have several Senators spoken to me to the effect that they are very anxious on account of other engagements and going away to have a definite time fixed. I would suggest to the Senator, to insure ample time, that we make it Tuesday afternoon at 4 o'clock.

Mr. BAILEY. It seems ungracious, after the very kindly reference of the Senator from Vermont to me, to persist in an objection, but I believe it is impossible to reach an agreement about this matter now, though I do not believe that it is altogether impossible to reach a vote on Monday, or on Tuesday at the most.

Mr. HOAR. Mr. President, I should like to say one word with reference to what the Senator from Vermont said as to the expectation that we shall adjourn over Friday. I believe that has been the custom for a good many years now, and I think it would be the desire of many Senators to adjourn also over Saturday if we are to be absent on Friday, so I think that when we adjourn on Thursday we ought to adjourn until Monday. I mention it now so that there may be no misunderstanding on that point.

Mr. BAILEY. I suggest that a Friday and Saturday recess would enable those of us who, in the press of other matters, have not been able to make any kind of preparation to prepare for the discussion on Monday, and, then, surely if the bill does not occupy the time of the Senate longer than Monday and Tuesday, I imagine that a vote can be reached on Tuesday. For myself I might be willing to have that understanding, but I could hardly consent that there should be a unanimous agreement to that effect.

Mr. PROCTOR. To vote on Tuesday?

Mr. BATE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Tennessee?

Mr. PROCTOR. Certainly.

Mr. BATE. Some of us here want in that time to appear before the Committee on Commerce. We have, including Friday, but three days. A great many amendments have gone in, and we shall be required to appear before the committee in that time. So I think it would be a good proposition to adjourn from Thursday until Monday.

Mr. PROCTOR. I did not quite understand the proposition of the Senator from Tennessee.

Mr. BATE. I said that I think it would be a good idea to adjourn over on Friday and Saturday. A vote on Tuesday evening would be agreeable as far as I am concerned, but many Senators on this side, five or six of us, at least, will have to appear before the Committee on Commerce on Thursday and Friday.

Mr. MONEY. Mr. President, with the permission of the Senator from Vermont, I will state that this is a very important question involving very large interests and involving much more than the right of a great many people. The debate only began on Monday afternoon at 2 o'clock, and it has been very short. I

do not believe that there ever was so short a debate on a matter so important as this.

I had not thought of Friday as Good Friday before, but it seems to be impossible under the circumstances for those who desire to speak to prepare themselves in the time named. I had also forgotten what was mentioned by the Senator from Tennessee. I must spend some time on the reports of the engineers, because of the matters coming before the Committee on Commerce to-morrow relating to the improvement of the Mississippi River and its tributaries. Nearly all the Southern members I understand are to appear before the committee, and they must necessarily be engaged in preparing themselves for arguments that they will submit to that committee. That is an exceedingly important matter for them.

I regret that the personal convenience of the Senator from Vermont compels him to urge such prompt action on the bill, although I am not averse to giving it. I think if he would allow the matter to go until Tuesday, that then we can take a vote upon it.

Mr. PROCTOR. Would the Senator be willing to agree to unanimous consent for a vote on Tuesday afternoon.

Mr. PETTUS and others. No.

Mr. MONEY. I would say yes, but I hear "no" all around me, so that I cannot do it. That was my intention, but I hear "no" all around me, and I presume that gentlemen will not permit me to speak for them in that regard.

Mr. PROCTOR. On account of what has been said to me by several gentlemen who wish to know, I would be very much pleased if some day could be named.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. PROCTOR. Certainly.

Mr. PETTUS. I think this is too early a date to fix any period for a vote on a bill like this. The discussion commenced on Monday and I do not see any necessity for any great haste about it. I should like to accommodate the Senator in charge of the bill as far as I could possibly go, but I do not think that we ought to fix a time at all now. I think we ought to have time to discuss the bill fully.

Mr. PROCTOR. So far as I have heard expressions on this side, Senators favor an adjournment over from to-morrow night until Monday. That will give two days, to say nothing about the first day of the week, for preparation, and I will agree to the suggestion made by the Senator from Texas. I will not ask for a vote before Tuesday at 4 o'clock, and I will rely upon his expression that he will try to be ready before that time.

Mr. BAILEY. I simply disclaim any right to speak for others who may not be prepared. I shall be prepared.

Mr. QUARLES. Mr. President, it is my purpose at some time to make a few observations regarding the pending measure, and as there seems to be a lack of Senators who are prepared to proceed I will be glad to proceed in the morning, if the Senate will please.

Mr. HOAR. I should like to say a word or two on the bill now.

Mr. QUARLES. Very well. I understand that my distinguished friend from Massachusetts is prepared to say something upon the bill at this time. To-morrow morning, after the routine business, I shall be glad to occupy a little of the time of the Senate.

Mr. WELLINGTON. Mr. President, I should like to know what is the exact understanding concerning the bill.

The PRESIDING OFFICER. The Chair understands that there is no understanding at the present time.

Mr. HOAR. Mr. President, I do not wish to debate the bill, but as I am to be absent after to-morrow and shall probably not be here until after the vote is taken, I should like to state simply, without the fullness which would be occupied by an argument, the reason upon which I shall be governed in my vote.

I think one of the greatest dangers to the country now is the danger that the principle will be established that we may use the taxing power of the Government as a means either of punishing or suppressing vice and all crime or any form of wrongdoing. We have, in my judgment, no right under the Constitution to use the taxing power for that purpose. If we have, we can usurp into the hands of Congress the entire power of criminal and penal legislation in this country. We can punish polygamy or murder or burglary or any form of offense against the safety of business like stockjobbing and attempt to reach it in a way by which the measure, on the part of the State, can be defeated, and so get all the powers which belong to the States indirectly into our hands.

It is settled by the Supreme Court that we have the right to use the taxing power when we do not use it for the mere purpose of getting revenue to suppress anything which we have the constitutional right to suppress. We have the right to suppress the currency of State banks under our power to regulate the cur-

rency. Therefore the taxing power, being a method of accomplishing a result which is put into the power of Congress, it has been held that we can do it by the use of the taxing power.

So if all the arguments which have been stated with so much eloquence and force against the abuses of the manufacture of this spurious article were all that existed I not only could not give it my support, but I should be bound to resist the measure as one carrying with it an extreme danger. But they are not all. We have undoubtedly under our right to regulate interstate commerce the right to suppress commerce in deleterious articles, and so far there can be no reasonable argument that I can think of against this bill.

We have another right which is well settled, and that is in selecting objects upon which we shall put the tax in raising revenue. We have a right to select objects the burdening of which is not a public injury, and to omit or pass by objects which are a clear benefit, and every burden, or load, or condition placed upon which is a public disadvantage.

We might, I suppose, for the mere purpose of raising a revenue, tax the production of wheat, or of milk, or of honest and wholesome butter as an excise, but we do not do that because we do not want to put any burden upon such products, which are absolutely and unquestionably beneficial. So we take brandy, whisky, tobacco, beer, and articles which, while they yield us a revenue, we do not mean to prohibit their sale if we could. Still nobody claims that if the sale or use of beer, or tobacco, or brandy, or whisky be burdened the public has suffered any disadvantage.

Now, that being true, and it being a sound constitutional principle and a sound principle in the exercise of legislative discretion, we have undertaken to tax oleomargarine under the use of our taxing power on the same principles and for a like reason, and moderately, just as we have undertaken to tax beer and whisky and brandy.

This fraudulent and spurious butter is not only, if what the gentlemen who have spoken are right, as I suppose they are, an injury to the farmers' butter, but it is an escape by fraud or forgery from exhibiting and laying open for purposes of taxation a genuine product of oleomargarine which we have a right to tax. Just as we had the right to tax out of existence the State-bank currency because it interfered with our national currency, which we had a right to provide, to establish, and to regulate, we have a right to tax out of existence spurious oleomargarine because it interferes with the genuine oleomargarine, which is a genuine and legitimate object of taxation. If it incidentally benefits the butter producer, so much the better, just as the taxing out of existence State currency was an incidental benefit to the public by the fact that it extinguished the wild-cat banks which were the curse of this country before 1860. That was a good and additional reason for exercising our discretion, although it was not the constitutional foundation on which the legislation rested.

So it seems to me that this being a wise and beneficent thing in itself, it does not establish the principle of using the power of Congress to tax matters which are merely State products and articles of State commerce alone and do not enter into international or interstate commerce. It is not using that power as a mere national police regulation, but it is a fair and reasonable exercise of our power, justified by established precedents which have received the sanction of the Supreme Court.

I do not wish to debate this matter, but I wished to state the ground on which I shall cast my vote.

Mr. VEST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. HOAR. Certainly; I yield the floor.

Mr. VEST. I should like to ask the distinguished Senator from Massachusetts a question. I could not hear him very distinctly. Does he hold that the Congress of the United States has the right to come into my State, where oleomargarine is manufactured with the permission of the State, and tax it out of existence when the oleomargarine manufactured has not entered into interstate commerce? That is a point upon which I should like very much to hear the distinguished Senator.

Mr. HOAR. If the Senator had heard me distinctly he would have the answer to his question. I do not like his phrase in that question—if I think the Congress of the United States has a right to come into a State. The Congress of the United States is in every State in this Union just as much as his life blood or his nerves are in his body. It is there just as much as the State government is there, and it is there more than the State government is there, in that wherever it is and as far as it is rightfully there it is the supreme controlling authority.

Mr. VEST. Mr. President—

Mr. HOAR. But that is a matter of mere phraseology.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?



Mr. HOAR. I was coming to the substance of the Senator's question, but, certainly, I yield.

Mr. VEST. Does the Senator from Massachusetts concede that there is certain legislation which is given by the Constitution of the United States exclusively to the States; for instance, inspection and police laws?

Mr. HOAR. No; I do not.

Mr. VEST. Does the Senator hold then—

Mr. HOAR. I do not concede that there is anything given by the Constitution of the United States to the States. I take a stronger ground in the way of State rights than that. I affirm that there are certain powers which the States possessed as inherent powers of sovereignty before the Constitution was formed, and they never were surrendered to anybody; and there are other inherent powers which the people of the United States possess, which they have not given either to State or to nation. So I have no trouble with the Senator on that point.

But I do not want to be led away from the answer which I rose to make to the Senator's question into a discussion as to whether I am right or wrong with my criticism of his phraseology when he asked me if I thought the Congress of the United States had a right to go into a State. It does not have to go when it acts within its authority; it is there all the time. The Congress of the United States is in Missouri in the exercise of its power a great deal more than it is in Washington.

Mr. VEST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. HOAR. Certainly.

Mr. VEST. There is no difference between the Senator from Massachusetts and myself when he states that the Constitution is in every State in the Union. It is in every State in the Union and in every Territory as to all matters over which jurisdiction is given to the National Government. But the point I make, and upon which I desire to hear the distinguished Senator, is as to inspection laws, as to sanitary laws, within the State. Has not the State exclusive jurisdiction?

Mr. HOAR. Certainly.

Mr. VEST. Very good.

Mr. HOAR. Very good.

Mr. VEST. Then, I ask, can the Congress of the United States come into any State of the Union which permits the manufacture of oleomargarine and interfere with that manufacture when the oleomargarine has not entered into interstate commerce?

Mr. HOAR. Mr. President, I thought I had answered that precise question in what I said before. The Senator said he heard me imperfectly, and undoubtedly he did hear me imperfectly.

The legislative authority of the United States, being always in and over every State, has no right to exercise its penal power or its power of criminal legislation, except in the matters specifically committed to it by the Constitution, anywhere in a State. That is clear. I go further—and this is what I rose to say—and state that it has no right to use its taxing power there when it uses it, not for the purpose of raising revenue, but only to strike some evil thing, or thing supposed to be evil, out of existence, and the attempt to exercise that taxing power for purposes however laudable, but which belong to the States and not to Congress, constitutes, in my mind, one of our present political dangers of a very serious character. If that objection existed to this bill, nothing could induce me to give it my support.

But, on the other hand, we have the right to use the taxing power to strike down, to put out of existence, anything which we have a constitutional right to strike at directly, because it interferes with one of our national functions. We had no right to suppress the State banks in the time of war merely because the wild-cat State bank was an evil, it being confined to State business and authorized by State power; but when we established a national currency we had a right by any method of constitutional action to protect that national currency against the competition or rivalry of any other, to make it exclusive. Therefore we had the right to tax out of existence the currency of State banks, just as we should have had the right to pass a law directly that no State bank should issue currency in competition with ours.

This bill can not be supported constitutionally unless it comes within that principle. Every argument which has been adduced by the very eloquent and brilliant Senator who has just addressed the Senate, or by those who have preceded him in this debate, so far as it stops with saying that oleomargarine as used in purely State commerce, and as purely a State product is a miserable fraud, does not help this bill, in my opinion, in passing. We have a right, however, in selecting objects for national taxation to select such objects as it is no harm to the public to put a burden on, and to avoid such objects as it does hurt the public to put a burden on; and we have the same right to select oleomargarine as an object of revenue in good faith to get money into the Treasury

and to pass by butter, just as we select brandy or whisky or beer or tobacco and pass by wheat or corn.

Mr. BAILEY. Mr. President—

Mr. HOAR. Let me finish this sentence. I wish to explain my point, and then I will yield.

Mr. BAILEY. I was merely going—

Mr. HOAR. Let me finish. I can not state these things in a half sentence, and then have to go back and begin over again. I want to get the agony over, and I shall complete what I have to say as soon as I can.

Mr. President, we asserted as a pure taxing power the power to put a tax of 2 cents a pound on oleomargarine, just as we might, if we had been foolish enough, have put a tax on pure butter—which of course no human being would dream of—and we put it there just as we put taxes on beer or tobacco or whisky. Having that tax, the men who make the article which is the subject of our taxation come in, and by fraud or fraudulent device endeavor to present that as something else, so as to escape our taxation for their article. We have a perfect right to say that that article which we tax for the pure purposes of taxation shall not be disguised, or by any fraud made into something else and put on the market, just as we have a right to say that nobody shall import into any port of this country something appearing to be other than it is and thereby get rid of the duty.

If we had the constitutional right to do that, as we have, then the further fact that it puts a burden on a bad thing or stamps a bad thing out of existence, just as the taxing of State currency afforded the further benefit of getting rid of the wildcat banks, does not hurt or diminish our power to do it, but it affords an additional and fair argument for doing it, for the reason that we are attacking a bad thing and not a good thing, just as I said a while ago, we impose a tax on whisky, brandy, and beer, the use of which is not of very great value to mankind altogether, and not on milk or butter or cheese.

Now, I will yield to the Senator from Texas.

Mr. BAILEY. The Senator from Massachusetts evidently did not understand the purpose for which I rose. I rose to say that I agreed with him in stating that we had a perfect right to select such articles for taxation as our wisdom might suggest; but the question I desired to propound was, whether the Senator thought the imposition of 10 cents a pound on oleomargarine was really intended to raise revenue?

Mr. HOAR. No; and I have tried to make that as clear as I knew how. Conceding that it is not intended to raise revenue, conceding that this tax of 10 cents a pound is to stamp the thing out of existence, this 10 cents a pound is a tax, not on oleomargarine, but on fraud or false coloring. It does not touch the product of the manufacturer of oleomargarine, and his product of oleomargarine is not taxed under this bill when we come to the last analysis. It is the fraud, the coloring to make it look like butter, that we are putting the tax on. We could not do that merely because it is a fraud, as I agree, but it is a fraud that interferes with our legitimate power of taxing, and we impose, I think, 2 cents a pound on uncolored oleomargarine—

Mr. PROCTOR. One-fourth of a cent a pound.

Mr. HOAR. Very well, one-fourth of a cent. The principle is just the same. This is not, in my judgment, the taxing power, but it is the power to crush out or stamp out—

Mr. BAILEY. Then the tax is only on account of the coloring?

Mr. HOAR. But we have got the power to crush out or stamp out this thing, although it is a State manufacture, not alone because it is a bad thing, but because it is a thing which interferes with our legitimate, lawful, and proper taxation of the real thing by disguising the real thing.

Mr. BAILEY. Then, Mr. President, as I understand the Senator from Massachusetts, his answer is, that the real purpose of this bill is—and that is the purpose which commands his support of it—that it is intended to destroy the oleomargarine industry.

Mr. HOAR. Oh, no.

Mr. BAILEY. At least so far as it attempts to color its product.

Mr. HOAR. I do not think so. The Senator does not understand me.

Mr. BAILEY. Let me state it in another way.

Mr. HOAR. Perhaps I had better contradict that way first.

Mr. BAILEY. Very well.

Mr. HOAR. I stated, if the Senator will pardon, that this tax is in substance on the fraud and not on the manufacture.

Mr. BAILEY. I understood the Senator from Massachusetts to say in the beginning that if the only argument in support of this bill was such as was so eloquently advanced by the Senator from Iowa [Mr. DOLLIVER] he would be compelled to vote against it. Further on he suggested the analogy between this tax and the tax upon the issues of State banks, asserting the power of

Congress to lay the tax upon the notes of State banks for the purpose of driving them out of competition against the notes of the Government. Then, if that analogy is correct, the purpose of laying this tax upon colored oleomargarine is to drive it out of competition with butter.

Mr. HOAR. Fraudulently colored oleomargarine. I did not say drive it out of competition with butter.

Mr. BAILEY. No; I did not say that the Senator stated that; but I was following his analogy that the Government tax upon State bank notes was justified upon the ground that it drove them out of competition with the Government's own notes.

Mr. HOAR. Yes.

Mr. BAILEY. And in our power to regulate the currency that right to drive the State bank notes out of existence originated.

The Senator further argued that in our power to regulate commerce originated the power to lay this tax upon oleomargarine.

Mr. HOAR. I said nothing of the kind, nor anything that came within ten thousand million miles of it.

Mr. BAILEY. That is a distance that I can not compute, but I do think I can comprehend an analogy even when it is so finely drawn as the Senator from Massachusetts sometimes draws it.

Mr. HOAR. The Senator's want of comprehension of what I said is owing to the want of clearness with which I said it, and not to any difficulty of his comprehension.

Mr. BAILEY. The Senator is too kind.

Mr. HOAR. I did not say what the Senator has stated; but what I said was, that we have the right to tax oleomargarine as an excise just as we have the right to tax butter, but we would not do that.

Mr. BAILEY. I agree with the Senator as to that.

Mr. HOAR. Then we all agree as to that. The United States in raising a tax on honest, fair oleomargarine is cheated out of that tax by its being disguised, so that it pretends to be something else than what it is; and the fraudulent article is an injury to the genuine article and an injury to our right of taxation, just as the State-bank currency was an injury to our national currency, which we had a right to provide. I did not say that oleomargarine is taxed because it comes in competition with butter, or whatever it was the Senator stated in the last remarks he made, but it is because it is a fraud which destroys practically the right and power of the United States to impose and collect a tax on the genuine article of oleomargarine. It is not because of competition with oleomargarine. It is because it is an injury to the revenue which we get from it.

Mr. BAILEY. Well, Mr. President, let me suggest to the Senator from Massachusetts that the Government is cheating itself in this operation, because the tax now imposed upon oleomargarine is 2 cents a pound, and from that tax we derive a considerable revenue. The pending bill proposes to reduce that tax upon pure oleomargarine to one-fourth of a cent a pound.

Mr. HOAR. To protect that industry.

Mr. BAILEY. And it is proposed to increase the tax to 10 cents a pound upon colored oleomargarine. So the argument is that the tax upon colored oleomargarine is intended to drive it out of competition against pure oleomargarine. That is the Senator's argument.

Mr. HOAR. Mr. President, what earthly difference does it make whether we reduce that tax of 2 cents a pound or increase it? We tax the genuine article, and we have the power to compel every manufacturer of that genuine article to disclose to mankind what he is doing. Now, he comes in and says: "I will put that under a mark; I will put it under a fraud; I will color it, so that it will pretend to be an article of butter, which is an untaxed article." We say: "No, my friend; you can not do that. We will put a tax on that thing that will drive the fraudulent, disguised, masked imitation of the genuine thing out of existence." There is no reason why we should not do it, if we have the right to do it, for the reason that it also competes with honest butter.

Mr. BACON. Will the Senator pardon me for asking him a question for information before he takes his seat?

Mr. HOAR. Certainly.

Mr. BACON. I understand the Senator from Massachusetts to base his support of the bill upon the proposition that this tax on colored oleomargarine is justifiable in order to protect the other tax. In other words, this tax of 10 cents a pound is justifiable in order to protect the Government in the collection of the 2-cent tax or the quarter-cent tax, as the case may be. The question I want to ask the learned Senator is this: If there was no 2-cent or quarter-cent tax, would there be any ground upon which he could base the constitutionality of this act?

Mr. HOAR. I think not. I think if there were no tax whatever on this article it would stand just as the proposition of ex-Senator from Minnesota, Mr. Washburn, to tax stock jobbing or stock gambling where it was entirely confined to the States and did not come at all into interstate commerce, a proposition which I perhaps ought to say found its chief advocates and supporters

on the other side of the Chamber, notably in the late very able Senator from Mississippi, Mr. George, the great champion of States' rights. But that does not affect the merits.

Mr. BACON. Now, Mr. President, if the Senator will pardon me, what I was about to say was this: If I understand the logical presentation of the Senator, the object of this bill is not to protect the country against spurious butter, but to protect it against spurious oleomargarine. That is as I understand the proposition of the Senator, and it at least has the virtue of originality.

Mr. LODGE. Mr. President, it is my intention to vote for this bill on the very simple ground that, while I have no objection in the world to the sale and purchase of oleomargarine as such, I think the sale of oleomargarine as butter is a fraud which ought to be put an end to. But there is one proposition of the committee as to which I should like to have some information, and that is the proposition to strike out the clause about renovated or process butter. Whatever may be thought of oleomargarine—I believe in itself it is generally considered to be an innocuous product—there is no doubt that process butter, renovated butter, is as bad an article as can possibly be devised; and I do not think this bill ought to pass without a suitable provision in regard to renovated butter.

Mr. QUARLES. There is an amendment which provides for that.

Mr. LODGE. If there is an amendment I have not seen it, and I wanted to ask the Senator from Vermont whether it was the purpose to do nothing in that regard?

Mr. PROCTOR. Mr. President, the committee reported in favor of striking out that provision in regard to renovated butter for the reason that it was very imperfect and would not accomplish the purpose aimed at. The Senator from Kansas has this morning offered an amendment fully covering renovated and process butter and adulterated butter. It is fair to the committee to say that some of the members of the committee assisted in the preparation of this amendment, and I am authorized by the committee to say that when that amendment comes up they will agree to it.

Mr. LODGE. That is entirely satisfactory to me, Mr. President. I was not aware of the amendment.

Mr. STEWART. Does that amendment prohibit the coloring of butter?

Mr. PROCTOR. It does not.

Mr. CLAY. Mr. President, I desire to offer an amendment to the pending bill, which I ask may be printed and lie upon the table.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Georgia will be printed and lie upon the table.

Mr. STEWART. Mr. President, I have heard it remarked here several times this afternoon, or assumed, rather, that this bill is designed to destroy something bad. I thought it was admitted—for certainly the evidence is all that way—that the oleomargarine product is perfectly wholesome and healthful. There is no question about the facts. We are not destroying by this bill anything bad, but we are destroying something good.

The crime of coloring products to resemble butter is not original with the oleomargarine men. I recollect how the crime grew into existence. When I was a boy in western New York some of the northern counties produced yellow butter—Goshen butter it was sometimes called—which sold for a higher price than other butter. Yellow butter became quite a fad. Then they commenced coloring all butter to keep up the fad, and thus they were enabled to sell it for a higher price.

Following that, all classes of butter were colored, even such as ought not to have been allowed to be sold in the market at all. So it is that the people got to be educated to the idea that all butter is yellow, and when an article of butter is introduced it can not be sold unless you conform to this custom. If you could by a penalty prevent the using of any coloring matter in butter, and in oleomargarine and everything sold as butter, there could be no objection to such legislation. That would be honest legislation.

We all know that microbe butter is put upon the market and sold to the injury of the people. An investigation was held at Paris over this thing, and it was shown that numbers of children were killed every year. So it is in New York, and you have reports in your own city here of the death of infants from milk products containing microbes, which result from the mode of keeping the dairies and manipulating the milk. These things are dangerous. You should strike at them.

I undertake to say that if you were to treat them all alike oleomargarine would outsell butter side by side, for it is superior to much of the stuff that is sold as butter.

Mr. TILLMAN. What kind of butter, if the Senator will permit me?

Mr. STEWART. Cow butter.



Mr. TILLMAN. Any kind of cow butter?

Mr. STEWART. No; microbe butter.

Mr. TILLMAN. What is microbe butter?

Mr. STEWART. Butter that kills.

Mr. TILLMAN. There is butter and butter. Of course butter will get rancid very soon if it is not properly handled; but I hope the Senator does not stand here and undertake to say that good, honest cow butter is not better than any imitation of it that is ever manufactured.

Mr. STEWART. I do not know about that. I will tell you what you will find. If you will read the reports of the investigations that are now taking place in Paris and in New York, and read the reports here, showing the death-dealing poisons that are the result of milk products, cow products, and dairy products, you will see that you have to choose for your families, not knowing whether it is microbe butter or pure cow butter, because you can not determine that from the color. You might be able to judge pretty well if it was in the natural color, but when it is doctored and fixed up in that way, if you had to choose for your family between this colored microbe butter and oleomargarine you would take the safe side, as many do now, and buy oleomargarine. That is one of the reasons why oleomargarine has such a large sale. The reports which are constantly being made of the impurities in cow products have alarmed a great portion of the people, and they buy oleomargarine for self-protection.

All that honest legislation should require is that these products should be clean, healthful, and bear their own natural color without deception; but persons should not be allowed to color butter containing this death-dealing poison and fix it in an attractive way for the purpose of selling when you will not allow persons selling wholesome products to color them. That is what I complain of in this bill. I do not think it is fair legislation. I think there is a necessity for legislation requiring that there should be no coloring in any of these products.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. If microbe butter were uncolored, it would still be microbe butter, would it not?

Mr. STEWART. Yes; it would be microbe butter.

Mr. SPOONER. You could not tell it from the fact that it was not colored?

Mr. STEWART. But the butter that is unclean is badly made. Some of you have been in a country store and have seen butter brought in and packed down in the cellar, where it is worked over and doctored up after it has been gathered in, and then sold off by the butter dealers as first-class butter. I am not at all afraid of that stuff getting much headway on its own merits. You can see what it is, and that is sufficient. Take the coloring off of it and there is nothing disgusting in the appearance of oleomargarine, and that is where it would have a great advantage. If you take them both in the natural state, oleomargarine is the best article altogether. The ordinary, poor, miserable butter, which ought not to be sold, shows for itself if you do not color it. Take the coloring off and give the people a show, or leave the coloring on both, and let the oleomargarine have a show.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 27, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 26, 1902.*

##### APPOINTMENTS BY BREVET IN THE ARMY.

*To be captain, by brevet.*

First Lieut. Henry C. Clement, jr., Twenty-first Infantry, for distinguished gallantry in action near Calamba, Luzon, Philippine Islands, July 30, 1899, to rank from that date.

(NOTE.—This officer was nominated to the Senate March 20, 1902, for appointment to the above-named office, under the name of Harry C. Clement, jr. This message is submitted to correct error in the name of the nominee.)

##### SURVEYORS OF CUSTOMS.

Mahlon M. Garland, of Pennsylvania, to be surveyor of customs for the port of Pittsburg, in the State of Pennsylvania. (Reappointment.)

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

#### INDIAN AGENTS.

Frederic O. Getchell, of North Dakota, to be agent for the Indians of the Devils Lake Agency, in North Dakota, his term having expired. (Reappointment.)

A. W. Thomas, of Seymour, N. Dak., to be agent for the Indians of the Fort Berthold Agency, in North Dakota, vice Thomas Richards, term expired; George L. Robinson, who was confirmed January 31, 1902, having declined appointment.

Albert M. Anderson, of Washington, to be agent for the Indians of the Colville Agency in Washington, his term having expired. (Reappointment.)

Herman G. Nickerson, of Wyoming, to be agent for the Indians of the Shoshone Agency in Wyoming, his term having expired. (Reappointment.)

#### CHIEF OF THE BUREAU OF YARDS AND DOCKS.

Civil Engineer Mordecai T. Endicott, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear-admiral, from the 4th day of April, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 26, 1902.*

##### PROMOTIONS IN THE NAVY.

Lieut. Harold P. Norton, to be a lieutenant-commander in the Navy, from the 26th day of October, 1901.

Lieut. Frank M. Bennett, to be a lieutenant-commander in the Navy, from the 28th day of December, 1901.

Commander John D. Ford, to be a captain in the Navy, from the 5th day of March, 1902.

Commander Charles R. Roelker, to be a captain in the Navy, from the 5th day of March, 1902.

Lieut. Commander Asher C. Baker, to be a commander in the Navy, from the 5th day of March, 1902.

Lieut. Commander William H. H. Southerland, to be a commander in the Navy, from the 5th day of March, 1902.

Lieut. Thomas Snowden, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902.

Lieut. Commander Charles E. Fox, to be a commander in the Navy, from the 16th day of March, 1902.

##### POSTMASTERS.

Charles W. Nugen, to be postmaster at Kimball, in the county of Brule and State of South Dakota.

Milton P. Schautz, to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania.

Ross L. Hammond, to be postmaster at Fremont, in the county of Dodge and State of Nebraska.

Francis M. Love, to be postmaster at Lewistown, in the county of Fulton and State of Illinois.

Josiah Ketcham, to be postmaster at Belvidere, in the county of Warren and State of New Jersey.

De Witt C. Cole, to be postmaster at Marietta, in the county of Cobb and State of Georgia.

John F. Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia.

#### HOUSE OF REPRESENTATIVES.

*WEDNESDAY, March 26, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

##### GEN. NELSON A. MILES.

Mr. COOPER of Wisconsin. Mr. Speaker, I present a privileged report from the Committee on Insular Affairs, and ask for its immediate consideration.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on Insular Affairs, by direction of that committee, submits the following privileged report, which the Clerk will read.

The Clerk read as follows:

*Resolved*, That the President of the United States be, and he is hereby, respectfully requested, if same is not incompatible with the public interest, to transmit to the House copies of all correspondence relating to, and papers bearing on, the matter of the recent request of Lieut. Gen. Nelson A. Miles, United States Army, to be assigned to duty in the Philippine Archipelago and to be allowed to put into effect there a plan outlined by him having for its purpose and being calculated to bring about an immediate cessation of hostilities in said Philippine Archipelago without further loss of life on either side.

The following amendments recommended by the committee were read:

In line 5 strike out the word "recent" and insert the word "reported."

In lines 8 and 9, after the word "him," strike out the words "having for its

purpose and being calculated," and in line 9, after the word "about," strike out "an immediate" and insert "a."

In line 10, after the word "hostilities," strike out "in said Philippine Archipelago without further loss of life on either side."

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the bill H. R. 12804, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12804, the Army appropriation bill, with Mr. HEMENWAY in the chair.

Mr. HULL. I yield thirty minutes to the gentleman from Ohio [Mr. WARNOCK].

Mr. WARNOCK. Mr. Chairman and gentlemen, the bill under consideration, the Army appropriation bill, has been very ably prepared, and I think the thanks of the House are due to the Committee on Military Affairs for the splendid work which has been done in framing a bill that meets all the requirements and at the same time is more than \$11,000,000 less than the estimates.

There is one thing, however, in this admirable bill that I take very great exception to. I think as a matter of fact and of law that it is subject to a point of order, and if it were in order at this time I should submit the point of order. This provision that I object to is found on page 11 of the bill and reads as follows:

*Provided, That hereafter there shall not be allowed or paid any increase of longevity pay to any officer retired from actual service above the sum allowed and paid to such officer at the date of retirement.*

The practical effect of this provision is to reduce the pay of every officer who was retired because of wounds received or disabilities incurred in the line of duty in our great civil war. It does not affect any officer who was on post duty or who was on staff duty at some city headquarters, far removed from the scene of danger, and who passed through the war without injury. It does not affect those gallant officers who had the good fortune to pass through the dangers and hardships of that war without disability, but it does affect 70 officers who were retired because of wounds received on the field of battle. Some of these officers lost legs or arms, and one officer lost both legs and was retired with the rank of lieutenant. Most of these officers were retired shortly after the close of our civil war with very low rank. Very few of them were retired with rank above that of lieutenant or captain.

They were retired on three-quarters pay, and for more than thirty years they have been receiving, by virtue of the laws of Congress, an increase of 10 per cent for every five years continued in the service, not exceeding a period of twenty years; so that the extreme maximum of increase would be 40 per cent. These officers, as I have said, were retired very soon after the close of the civil war. I know many of them personally. They are now growing old, averaging in age from about 60 to 75 years. When they were young men they gave up their business and their professions and entered the Army. They were prompted by the loftiest patriotism and by the purest motives. Some of them gave up most brilliant prospects for successful careers, but they were so unfortunate as to be wounded upon the field of battle while in the line of duty. If they had been as fortunate as their comrades who escaped unharmed and who passed through the dangers and hardships of the civil war without injury, they would to-day be enjoying higher rank and increased pay, as those comrades are.

But because they were stricken down, because they were no longer able to discharge the active duties of their office, because they were physical wrecks, because they were wounded, maimed, and disabled for life, these men were retired by a peremptory order from the Government upon three-fourths pay and this provision as to the increase. When these men were so retired there was no further opportunity for promotion for them. When they were so retired their careers as far as the Army was concerned were ended. The avenues of civil life were practically closed to them because on account of their disabilities they were not able to compete with the earnest, active strugglers who crowd every avenue of labor and of thought.

Mr. JETT. Do you know of any other business where any men are cared for by three-fourths pay outside of the Army and Navy?

Mr. WARNOCK. I do, sir. The Pennsylvania Railroad retires its employees on a time limit on three-fourths pay. [Applause.]

Mr. JETT. Any other employees of the Government?

Mr. WARNOCK. I do not know of any other service or any other occupation that stands on the same plane that does the man

who risks his life in defense of his flag. [Applause.] I said the avenues of civil life were practically closed on account of the active, earnest strugglers who crowded every avenue of labor and thought. These men thus retired could live only in the past. They could rejoice only in that which they once had been. So far as their lives were concerned, there was nothing for them to do but to endure and to wait. Now a proposition comes to take from these brave old veterans this pay which has been granted to them by an act of Congress and which has been received for the last thirty years. I have been unable to understand why this remarkable proposition should have been made.

If this Government were insolvent, if this Government were bankrupt, if it were in the throes of financial distress, if we were in the midst of a great panic, if we were not prosperous in our industries, if there were a failure in our crops, if gaunt famine were stalking throughout this land, then I might be able to understand this proposition of economy with reference to these old veterans; but with the Treasury overflowing, with our industries all working full time and overtime, with a commerce such as the world has never known, and a prosperity such as the world has never known, I am unable to comprehend why this proposition is now made to take from these old veterans the little miserable increase of pay that has been given to them by the Congress before the generosity of the people had grown cold for the services rendered by these old veterans.

Who are the men whom it is now proposed to single out by reason of this provision in this law? Each and every one of them was a hero in the mightiest struggle that ever shook a continent. These men who participated in these engagements were heroes as great as ever walked and fought and endured upon the battlefields of earth. Other wars have continued longer, but there were cessations for recuperation and rest; but with our great civil war there was no cessation for four long years, and during that struggle there was no time when one army could say, "My enemy is asleep and is taking a vacation, and I will take a rest." It was one long, continuous, strenuous struggle for four long years of bloody war. In that struggle there were 1,882 general engagements, battles, and skirmishes in which at least one regiment was engaged on each side, being an average of more than one for every day of the four years. There were 112 general engagements in which the losses on one side or the other exceeded 500 in killed and wounded.

It was a struggle in which, including both sides, half a million men were killed or mortally wounded upon the battlefield and a million men permanently disabled. It was a struggle in which American manhood, courage, endurance, and skill were pitted against American manhood, courage, endurance, and skill. It was the greatest war of the century. It was the greatest because it was the bloodiest and fraught with the greatest results to mankind. The bloodiest wars have not always been the most decisive, but they have always been the most historic. The most memorable wars of the world are those which have been made so because of the fatalities which have attended them. When the world comes to assign its place in history to a great battle, it usually assigns it by the length of the casualty list. Measured by this standard, the great battles of our civil war have been away and beyond the bloodiest struggles of all history. [Applause.] I was greatly impressed by this not long ago when reading Fox's *Regimental Losses*. In that book comparisons were instituted between the losses in the great battles of our civil war and the losses in the battles of other times and other countries, and I am indebted to that book for the figures that I shall give. It is very interesting to compare some of those figures.

First, there was the charge of the Light Brigade at Balaklava, which Tennyson has made famous in immortal verse, so that we have come to regard that as one of the most gallant, heroic exhibitions of human effort in all history. In that charge 673 men obeyed an ill-advised order, and rode to their death. No victory was won, no results were accomplished, but it takes its place in history and in song because of the fatalities which attended it. Of the 673 men who made that charge 113 were killed, 134 wounded, making a total loss of 247, or a per cent of loss of 36.7. But we had 150 regiments in our great civil war—75 on the Union side and 75 on the Confederate side—that had a greater loss than that. In a single engagement each of these regiments lost over 40 per cent of the numbers engaged.

Take, again, the Franco-Prussian war, the greatest loss sustained in any engagement by any regiment during that war was that of the Third Westphalian at Mars la Tour. It went into the engagement with 3,000 men, and it lost in killed, wounded, and missing 1,484, a loss of 49.4 per cent. But we had 120 regiments in the Union and Confederate armies that had a greater loss than 50 per cent of the numbers engaged—some as high as 60, 70, 75 per cent—and two regiments, one in the Confederate army and one in the Union Army, that had a percentage of loss of over 82 per cent of the numbers engaged.



The following tables give the list of regiments, battles, numbers engaged, losses in killed, wounded, and missing, and the per cent of loss:

Maximum percentage of casualties.

Regiment.	Battle.	Engaged.	Killed.*	Wounded.	Missing.	Per cent.
First Minnesota	Gettysburg	262	47	168	82	
One hundred and forty-first Pennsylvania.	do	198	25	103	21	75.7
One hundred and first New York.	Manassas	168	6	101	17	73.8
Twenty-fifth Massachusetts	Cold Harbor	310	74	139	7	70
Thirty-sixth Wisconsin (4 companies).	Bethesda Church	240	30	108	38	69
Twentieth Massachusetts	Fredericksburg	238	25	138	68	4
Eighth Vermont	Cedar Creek	156	17	66	23	67.9
Eighty-first Pennsylvania	Fredericksburg	261	15	141	20	67.4
Twelfth Massachusetts	Antietam	334	49	165	10	67
First Maine Heavy Artillery	Petersburg	950	115	489	28	66.5
Ninth Louisiana, colored	Millikens Bend	300	62	130	64	
One hundred and eleventh New York.	Gettysburg	390	58	177	14	63.8
Twenty-fourth Michigan	do	496	69	247	(*)	63.7
Fifth New Hampshire	Fredericksburg	303	20	154	19	63.6
Ninth Illinois	Shiloh	578	61	300	5	63.3
Ninth New York (8 companies).	Antietam	373	45	176	14	63
Fifteenth New Jersey	Spottsylvania	432	75	159	38	62.9
Fifteenth Massachusetts	Gettysburg	239	23	97	28	61.9
Sixty-ninth New York	Antietam	317	44	152	61	8
Fifty-first Illinois	Chickamauga	309	18	92	18	61.2
Nineteenth Indiana	Manassas	423	47	168	44	61.2
One hundred and twenty-first New York.	Salem Church	453	48	173	55	60.9
Fifth New York	Manassas	490	79	170	48	60.6
Ninety-third New York	Wilderness	433	42	213	5	60
Second Wisconsin	Gettysburg	302	26	155	(*)	59.9
Forty-first Illinois	Jackson	383	27	135	40	59.7
One hundred and forty-eighth Pennsylvania.	Gettysburg	210	19	101	5	59.5
Fifteenth Indiana	Missionary Ridge	334	24	175	59	5
Seventh Ohio	Cedar Mountain	307	31	149	2	59.2
Eighty-third New York	Gettysburg	287	35	111	24	59.2
Sixty-third New York	Antietam	341	35	165	2	59.2
Third Wisconsin	do	340	27	173	58	8
One hundred and fourteenth New York.	Opequon	315	21	164	58	7
Fifty-ninth New York	Antietam	381	48	153	23	58.7
Twenty-sixth Ohio	Chickamauga	362	27	140	45	58.5
Second Wisconsin	Manassas	511	53	213	32	58.3
Third Maine	Gettysburg	210	18	59	45	58
Seventeenth United States Infantry (7 companies).	do	260	25	118	7	57.6
One hundred and twenty-sixth New York.	do	402	40	181	10	57.4
Forty-fifth Pennsylvania	Cold Harbor	315	18	141	22	57.4
Forty-ninth Pennsylvania	Spottsylvania	478	50	180	44	57.3
Sixth United States Colored.	Chaffin's Farm	367	41	160	8	56.9
Fifteenth Massachusetts	Antietam	606	65	255	24	56.7
Twenty-sixth New York.	Fredericksburg	300	23	136	11	56.6
Fourteenth Indiana	Antietam	320	30	150	56	2
Ninety-sixth Illinois	Chickamauga	401	39	134	52	56.1
Twenty-sixth Pennsylvania	Gettysburg	382	30	176	7	55.7
Eleventh New Jersey	do	275	17	124	12	55.6
First Michigan	Manassas	320	33	114	31	55.6
Nineteenth Indiana	Gettysburg	288	27	133	(*)	55.5
Twelfth New Hampshire	Cold Harbor	301	23	129	15	55.4
Sixty-first Pennsylvania	Fair Oaks	574	68	152	43	55.4
Twenty-fifth Illinois	Chickamauga	337	10	171	24	54.9
Fourteenth Ohio	do	449	35	167	43	54.5
Second New Hampshire	Gettysburg	354	20	137	36	54.5
Eighth Kansas	Chickamauga	406	30	165	25	54.1
Sixteenth Maine	Fredericksburg	427	37	170	34	54
Sixteenth United States	Stone River	308	16	134	16	53.8
Fifty-fifth Illinois	Shiloh	512	51	197	27	53.7
Sixty-ninth New York	Fredericksburg	238	10	95	23	53.7
Thirty-fifth Illinois	Chickamauga	299	17	130	13	53.5
Twenty-second Indiana	Chaplin Hills	303	49	87	23	52.4
Eleventh Illinois	Fort Donelson	500	70	181	(*)	50.1

\*Including the mortally wounded.

<sup>b</sup> Action of July 2; eight companies engaged; total casualties at Gettysburg were 224.

<sup>c</sup> In addition to the killed and wounded, there were 47 missing.

<sup>d</sup> In addition to the killed and wounded, there were 52 missing.

<sup>e</sup> In addition to the killed and wounded, there were 50 missing.

<sup>f</sup> In addition to the killed and wounded, there were 88 missing.

Remarkable percentages of loss in Confederate regiments at particular engagements.

Regiment.	Battle.	Present.	Killed.*	Wounded.	Missing.	Per cent.
First Texas	Antietam	226	45	141	82	8.3
Twenty-first Georgia	Manassas	242	38	146	76	
Twenty-sixth North Carolina	Gettysburg	820	86	502	(*)	71.7
Sixth Mississippi	Shiloh	425	61	239	70	5
Eighth Tennessee	Stone River	444	41	265	68	2
Tenth Tennessee	Chickamauga	323	44	180	68	
Palmetto Sharpshooters	Glendale	375	39	215	67	7
Seventeenth South Carolina	Manassas	284	35	164	166	9
Twenty-third South Carolina	do	235	37	129	66	2
Forty-fourth Georgia	Mechanicsville	514	71	284	65	1

Remarkable percentages of loss in Confederate regiments at particular engagements—Continued.

Regiment.	Battle.	Present.	Killed.*	Wounded.	Missing.	Per cent.
First Alabama Battalion	Chickamauga	260	24	144	64	6
Second North Carolina Battalion	Gettysburg	240	29	124	63	7
Sixteenth Mississippi	Antietam	228	27	117	63	1
Twenty-seventh North Carolina	do	325	31	168	61	2
Fifth Georgia	Chickamauga	317	27	165	261	1
Second Tennessee	do	264	13	145	160	2
Fifteenth and Thirty-seventh Tennessee.	do	202	15	102	459	9
Sixth Alabama	Seven Pines	632	91	277	5	59
Sixteenth Alabama	Chickamauga	414	25	218	58	6
Fifteenth Virginia	Antietam	128	11	64	58	5
Sixth and Ninth Tennessee	Chickamauga	335	26	168	57	9
Eighteenth Georgia	Antietam	176	13	72	16	57.3
First South Carolina Rifles	Gaines Mill	537	81	225	56	9
Tenth Georgia	Antietam	148	15	68	56	7
Eighteenth North Carolina	Seven Days	386	45	179	56	5
Third Alabama	Malvern Hill	354	37	163	56	4
Eighteenth Alabama	Chickamauga	527	41	250	56	3
Seventeenth Virginia	Antietam	55	7	24	56	3
Seventh North Carolina	Seven Days	450	35	218	56	2
Twelfth Tennessee	Stone River	292	18	137	9	56.1
Twenty-second Alabama	Chickamauga	371	44	161	55	2
Ninth Georgia	Gettysburg	340	27	162	55	
Sixteenth Tennessee	Stone River	377	36	155	16	54.9
Fourth North Carolina	Seven Pines	678	77	286	6	54.4
Twenty-seventh Tennessee	Shiloh	350	27	115	48	54.2
Twenty-third Tennessee	Chickamauga	181	8	77	13	54.1
Twelfth South Carolina	Manassas	270	23	121	2	54
Fourth Virginia	do	180	18	79	53	8
Fourth Texas	Antietam	200	10	97	53	5
Twenty-seventh Tennessee	Chaplin Hills	210	16	84	12	53.3
First South Carolina	Manassas <sup>d</sup>	283	25	126	53	3
First North Virginia	Fair Oaks	424	32	170	22	52.8
Twenty-ninth Mississippi	Chickamauga	368	38	156	52	7
Twelfth Alabama	Fair Oaks	408	59	156	52	6
Seventh South Carolina	Antietam	268	23	117	52	2
Fifty-eighth Alabama	Chickamauga	288	25	124	51	7
Seventh Texas	Raymond	306	22	136	51	6
Sixth South Carolina	Fair Oaks	521	88	181	51	6
Fifteenth Georgia	Gettysburg	335	19	152	51	
Eleventh Alabama	Glendale	357	49	121	11	50.7
Seventeenth Georgia	Manassas	200	10	91	50	5
Thirty-seventh Georgia	Chickamauga	391	19	168	7	50.1
Third North Carolina	Gettysburg	312	29	127	(*)	50

\*Including the mortally wounded.

<sup>b</sup> In addition to the 588 killed and wounded, this regiment lost 120 missing, many of whom were killed.

<sup>c</sup> General Ewell, in his official report, states that the Second North Carolina Battalion lost 200 killed and wounded out of 200 present.

<sup>d</sup> Including Ox Hill (Chantilly).

<sup>e</sup> There were 51 missing also, who are not included, most of whom were killed or wounded.

The foregoing are the immortal records of more than 60 regiments in each army, where the loss in killed and wounded was from 50 to 85 per cent of the numbers engaged. Let us make a little further comparison. Take the great battle of Waterloo, one of the 15 decisive battles of the world, a battle which decided the fate and changed the geography of all Europe. In that battle Napoleon had 82,000 men and 256 guns. Wellington, with the allies, had 72,000 men and over 200 guns. They lost on each side in killed and wounded about 23,000 men, being a percentage of loss of from 25 to 32 per cent. Turn to the great battle of Gettysburg and compare it with the battle of Waterloo, and there is a wonderful similarity between the two in some respects. General Meade had in his army almost precisely the same number of men Napoleon had at Waterloo.

Mr. BURLESON. May I ask the gentleman a question at this point?

Mr. WARNOCK. Yes.

Mr. BURLESON. Will the gentleman state how the mortality of the battles in the civil war compare with the mortality at the battle at San Juan Hill? [Laughter.]

Mr. WARNOCK. It is no embarrassment to me personally, and I think that question would answer itself. None of the battles that I have named as battles—

Mr. BURLESON. I withdraw the question if it embarrasses the gentleman. [Laughter.]

Mr. WARNOCK. I have said that at Gettysburg General Meade had 82,000 men, with the Sixth Corps in reserve, with 250 guns. General Lee had an army of 72,000 men, with 200 guns. The losses were 23,000 on each side in that engagement, almost identical with the losses at Waterloo.

Now, let us compare Gettysburg and Waterloo with some of the other great battles of history. The battle between the French and Russians at Borodino was perhaps the bloodiest battle since the invention of gunpowder; there were 30,000 men killed on each side. But as each army numbered over 130,000, the per cent of loss was less than at Gettysburg and less than at Waterloo.

Mr. OTEY. Can not the gentleman account for the difference

in the loss by the fact that at the battle of Gettysburg and other battles he has named the soldiers on both sides were Americans?

Mr. WARNOCK. Why, sir, that is the point of my argument, and I am glad the gentleman has seen it in advance. It is because they were Americans. Take the great battle at Leipzig, where Napoleon had 175,000 men and where the allies had on the first day 275,000, increased on the next day by reinforcements to 330,000. There were about 40,000 killed on each side. Yet the very large numbers engaged in that battle made the per cent of loss very much less than at Gettysburg or Waterloo. It would be interesting to compare other battles, but I will not weary the House.

Mr. OTEY. I would like to make one statement by way of correction of the gentleman's remarks. If he will go to the War Department he will find by the records that at the battle of Gettysburg the Twenty-sixth North Carolina Regiment (I am from Virginia) lost 90 per cent.

Mr. WARNOCK. I have that in the record; but I did not read down to it. I will comment on that a little further on.

Mr. BURLESON. Just one more question, if the gentleman will allow me.

Mr. WARNOCK. Certainly.

Mr. BURLESON. How does the ratio of brevets which were conferred as the result of the battle of Gettysburg compare with the brevets which were conferred as a result of the sanguinary conflict which took place at San Juan Hill?

Mr. WARNOCK. I thought the gentleman had withdrawn that question.

Mr. BURLESON. Well, if it is embarrassing to the gentleman, I will withdraw it. I withdraw it.

Mr. WARNOCK. As I said, it is not embarrassing to me personally. I was about to say that the greatest loss of a single regiment on the Union side in any one engagement was that of the First Minnesota at the battle of Gettysburg. During the second day's fight, when the Union Army was driven back from Emmetsburg road in disaster and defeat, General Hancock was making a wonderful effort to establish a new line. He had but one regiment at hand, and that was the First Minnesota, numbering 263 men. While he was having the reinforcements hurried up, he saw suddenly marching from a clump of trees Wilcox's Confederate brigade. He saw from the position and rapid movements of that brigade that they would occupy, unless he could prevent it, the position that he regarded as the key to that part of his lines. Seeing the extremity to which he was reduced, he rode to Colonel Colville, commanding the First Minnesota, and, pointing to the advancing colors, gave the order, "Take those colors." Without a moment's hesitation the gallant Minnesotans charged upon those colors. A desperate hand-to-hand conflict ensued. The advance of the Confederate brigade was checked, but 215 of the First Minnesota Regiment were left upon that battlefield dead or wounded and bleeding. The 47, however, who went back carried the colors with them. That check saved that line from disaster on that day. [Applause.]

General Hancock, speaking of it afterwards, said it was the most gallant deed recorded in history. "I needed," he said, "a few minutes in order to repair my lines. I saw that if I could not check the brigade that was advancing my line would be broken and the position would be lost." It was the position at Little Round Top; and he said "I would have ordered that regiment in to make that charge if I had known absolutely that every man would have been killed. I was glad that I had a regiment so near at hand willing to make this great sacrifice." The loss to that regiment on that day was 82  $\frac{1}{2}$  per cent.

Mr. OTEY. Will the gentleman yield to me now for another question?

Mr. WARNOCK. Certainly.

Mr. OTEY. Is it not recorded in the War Department that the Spanish army at Santiago positively refused to surrender until they were requested to do so? [Laughter.]

Mr. WARNOCK. Well, if the gentleman will ask me anything about the war I was in I will be glad to tell him, so far as I know. I was not at San Juan, and I was not in the Spanish war. I wrote to the President (I have his letter on file) and he thought I was a little too old to go down to Cuba and Porto Rico; so that I am not posted as to that war. Take, again, the One hundred and forty-first Pennsylvania Regiment at Gettysburg. That regiment went in with 198 men and they lost in killed and wounded 149, a loss of 75.7 per cent. I shall not attempt to discriminate further, except to say that the most pathetic incident, to my mind, in that entire struggle was when the Twenty-fifth Massachusetts at Cold Harbor was ordered to make the charge at that place, which history condemns, which General Grant himself condemns, which the men themselves, with a keen instinct, knew was a blunder.

Notwithstanding this these same men deliberately began writing their names on slips of paper and pinned them on the inside of their blouses, that their dead bodies might be identified, and with that staring them in the face, they made the charge and came

out, a little remnant of them, 90 men out of 310 who made that charge. Where there were such losses inflicted, it is only fair to say that equal losses were inflicted in turn, and so I call attention to the First Texas at Antietam, with its 226 men, having 45 killed and 141 wounded, being a loss of 82.3 per cent. I come again to the question asked me by the gentleman from Virginia in regard to the Twenty-sixth North Carolina. That I regard as one of the most remarkable instances in all history. That regiment was 820 strong. It had 86 killed and 502 wounded, making a total of 588, or 71.7 per cent. That was on the first day's battle; but the most remarkable part of it is that this regiment on the third day's fight turned up with a little remnant of 216 men out of their 820, and participated in that gallant charge, and came out with only 80 men left. [Applause.]

That I regard as the most remarkable loss in all history. There was a company in that regiment—Captain Tuttle's company—that went in with 3 officers and 84 men. They came out of that with only 1 officer and 1 man. Another remarkable fact about that contest was the greater loss of officers in proportion to the enlisted men. There were 110,090 men killed in action in the Union Army. Of these 6,365 were officers and 103,725 enlisted men, being 1 officer to 16 men. The regiments as organized had 1 officer to 28 men; but when they were depleted the average became 1 officer to 21 men. It is not claimed that this increase of loss on part of the officers is due to any greater bravery on their part, but because they were charged with greater responsibility and were made the targets for the sharpshooters and others.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Mississippi. Mr. Chairman, I ask unanimous consent that the gentleman be given time to finish his remarks.

Mr. HULL. How much more time does the gentleman want?

Mr. OTEY. Let him finish.

Several MEMBERS. Let him finish.

Mr. WARNOCK. I will not take over ten or fifteen minutes.

Mr. HULL. I yield ten minutes more to the gentleman from Ohio.

Mr. WARNOCK. As my time is limited, I pass on to a little incident which I think is a tribute well worth preserving. General Scott was asked on one occasion before he had resigned his active command of the Army, "Why is it that it takes you so long to get into Richmond, Va., when you got into the City of Mexico in such a short time?" His answer was, "Because some of the men that are keeping me out of Richmond are some of the men that helped me get into Mexico." [Applause.]

And now it is proposed to take away from the old battle-scarred heroes that helped to fight these battles, that helped to make these immortal records—it is proposed to take away from them the little increased pay which they were allowed by a generous Government thirty years ago, when their services had not been forgotten. [Applause.]

Mr. HULL. Will the gentleman permit me just a question there? I will yield him the time to make it up.

Mr. WARNOCK. Certainly.

Mr. HULL. Is it not true that those battles were largely fought by the volunteer?

Mr. WARNOCK. Why, certainly.

Mr. HULL. Does the gentleman understand this as affecting the volunteer?

Mr. WARNOCK. I do not.

Mr. HULL. Is it not true that the volunteer that lost a leg would get from \$35 to \$40 a month?

Mr. WARNOCK. Yes.

Mr. HULL. Is it not true that the regular who lost a leg would get three-quarters of his pay at that time?

Mr. WARNOCK. Yes.

Mr. HULL. Does the gentleman think, as justice between the regular and the volunteer, that the one should have, say, \$3,000 a year and increase that every year for twenty years on the retired list, and the other never get but the one?

Mr. WARNOCK. The cases are not parallel. When the volunteer went into service it was simply an episode in his life. He went for three years.

Mr. HULL. But he lost his leg?

Mr. WARNOCK. He did; but when the Regular Army officer went into that war or into any other war it was his profession; it was his business for life; he was fitted for that, and for nothing else.

Mr. STEVENS of Minnesota. Will the gentleman allow me a question?

Mr. WARNOCK. Why, I can not get through with what I have.

Mr. HULL. I will yield the time.

Mr. WARNOCK. Very well.

Mr. STEVENS of Minnesota. Does the gentleman know how many officers who participated in the war of the rebellion would be affected by the provision to which he refers?



Mr. WARNOCK. I know this—

Mr. STEVENS of Minnesota. Does the gentleman know how many?

Mr. WARNOCK. I can not give you the exact number.

Mr. STEVENS of Minnesota. Well, we can.

Mr. WARNOCK. I know that there are 700 retired Army officers.

Mr. STEVENS of Minnesota. And only about 70 of them are affected by this bill, so that I do not believe the gentleman can name three who are affected by this provision, and all this talk about the gallant conduct of officers in the war of the rebellion refers to the volunteers. It does not refer to those veterans of the Regular Army who have been on the retired list for so long and who are drawing an increased amount every five years.

Mr. WARNOCK. I know positively that that statement is not true. I know that the regular infantry regiments of the Army of the United States participated in every great battle of that war. And I know, personally, several officers of the Regular Army who were wounded in one or other of those great battles and retired with low rank, and one who lost both legs and was retired as lieutenant.

Mr. HULL. Well, he gets three-quarters of that pay.

Mr. WARNOCK. Certainly, he does.

Mr. HULL. Now, just right there. Suppose he had been a captain of infantry in the volunteer service, what would he have got?

Mr. STEVENS of Minnesota. What portion of what he now gets would he get?

Mr. WARNOCK. He would have gotten the various rates that are established.

Mr. STEVENS of Minnesota. He would get about one-third of what he gets now.

Mr. WARNOCK. That is very true; but if he had not given up his life and given up his business and given up his profession to go into the Regular Army he would have had a business and a profession to which he could have returned at the close of the war when he was disabled; but he had no such business; he had no such profession; he was not fitted for anything else; he was a soldier, trained as such—a professional soldier—and unfitted for any other pursuit.

What is the reason urged now for this proposition? The reason that has been suggested is that the law discriminates between the volunteer and the regular. I say it does not. The regulars stand on a different footing. One reason urged is that these men have no vested rights in the increased pay. This law was enacted subsequent to the time that these gentlemen entered the service, and as the law can be repealed they have no vested rights. I grant that that is true, but I never expected to live to see the day when the American Congress would calmly and deliberately weigh the claims of the old veterans by a mere cold, legal statement of vested rights. Why, to my mind the old crippled officer with one leg or one arm or bearing on his body honorable scars of painful wounds received in the defense of his country has a more sacred claim, because of his disabilities, than could ever come by any mere cold, legal vested rights. I do not believe that the time has come when the American Congress or the American people are ready and willing to economize at the expense of courage and patriotism and valor in order that they may squander their millions for mere tinsel or show or some useless public improvement. [Applause.]

Mr. PALMER. Does this provision take away anything that the officer has been getting?

Mr. WARNOCK. It takes away the increased pay that was allowed in 1870 for every five years of service, so that if an officer were retired before 1870 it would take away the 40 per cent that he has been receiving for the years after twenty years had elapsed. In other words, the law only gave this increase at the rate of 10 per cent for each five years, and when his service was twenty years, then the increase stopped. So that it makes 40 per cent of his salary, and these men have adjusted themselves to that manner of living and their families have, and I regard that as an additional reason why these men in their old age, with one foot in the grave, should not now be treated in that way by a generous Government.

Mr. PALMER. Will they get as much in the future as they have been getting in the past? That is what I want to know.

Mr. WARNOCK. Not if this provision prevails. The 40 per cent of their pay will be taken away.

Mr. PALMER. Then I am with you.

Mr. NORTON. And we are all with you, as far as that is concerned. [Applause.]

Mr. HULL. I ask the gentleman from New York now to proceed in his time.

Mr. SULZER. I yield twenty minutes to the gentleman from Texas.

Mr. BURLESON. Mr. Chairman and gentlemen of the com-

mittee, on the 8th day of March I introduced a resolution directing an inquiry to the Department of State with reference to its alleged refusal to issue certain passports to the Rev. Dr. Thomas and his wife to visit the concentration camps in South Africa, to relieve the distress of the noncombatant women and children there confined.

On the 14th of that month this resolution, having been in the meantime broadened in its scope by the Committee on Foreign Affairs, was reported and unanimously adopted by the House. I contend that neither the inquiry with reference to this matter originally propounded to the State Department, nor the inquiry provided for by the resolution adopted has been answered in spirit or in letter.

Many times during the past two years the chief officer of the State Department has been denounced as an Anglomaniac and as a pro-British sympathizer. In the press and upon this floor it has been charged that through his instrumentality this Government was being used as a buttress for Great Britain in the prosecution of the unholy war she is conducting in South Africa.

I have never indulged in this harsh criticism against the officers of our State Department. It is not my purpose now to indulge in any harsh language against the head of the State Department; but it is my purpose by the utilization of irrefutable logic applied to indisputable facts and circumstances, which I shall lay before you, to demonstrate that in this matter he deserves at the hands of every true American condemnation for his derelict conduct. I wish to be perfectly fair in this discussion and do not desire to reach any conclusion not justified by the unquestioned facts.

In the first place, what inquiry was originally made of the Secretary of State; what action did Governor Yates and his committee, the parties at interest, attempt to secure at his hands? I will submit it to the candid judgment and determination of every honest man in this House that the query propounded and the action solicited at the hands of the State Department was clearly made manifest as early as January 7 in a letter to the State Department by Mr. Van Vlissingen.

That what was wanted was clearly understood by the State Department is disclosed by Mr. David J. Hill, of the Department, in his reply, dated January 9, 1902, to this letter of Mr. Van Vlissingen, member of "Governor Yates's Boer Relief Fund" committee. Now, what action was asked at the hands of the State Department? What did the representatives of Governor Yates and his relief committee seek to obtain from the Secretary of State?

They wished to enlist the good offices of the Secretary of State of the United States to secure a permit from the British war office for Dr. Thomas and his wife to proceed to South Africa upon their charitable mission to relieve the dying women and children there confined in concentration camps. Am I doing the Secretary of State an injustice? Let us see.

I read from a letter of Mr. David J. Hill upon that point. It is known to everyone that an ordinary passport can be secured by making an affidavit before any notary public to American citizenship and applying to the passport clerk in the State Department. The intervention of the Secretary of State or other high officials of the State Department is not necessary to secure passports. In the letter referred to, Mr. David J. Hill, the First Assistant Secretary of State, uses this language, speaking with reference to what was necessary if Dr. Thomas undertook the mission contemplated:

The Department is informed that a permit should be procured from the British Government by every person desiring to proceed to South Africa, and that no person unprovided with such permit is allowed by the authorities in South Africa to land, except under special circumstances. Permits are issued by the colonial secretary in London on production of satisfactory evidence from the United States embassy that the purpose of the contemplated journey is legitimate, etc.

Consequently, gentlemen, I am justified in my statement that the State Department was exactly advised of what was wanted before Mr. Knight, acting for the Boer relief committee, appointed by Governor Yates, first visited the State Department. Furthermore, in a letter which is printed in the CONGRESSIONAL RECORD, Mr. Knight uses this language in reference to that visit:

In order to secure the admittance of Dr. Thomas to the concentration camps, however, it was realized that it would be necessary to first secure passports [permits] from the British war office—

The British war office—

to enable him to proceed to his destination.

He knew that this permit was absolutely essential, and his sole mission to the State Department was to enlist the good offices of the Secretary of State in order to secure it. Now, is it possible that I am mistaken about this?

Let us go one step further and see. In addition to this letter, which had been addressed by Mr. Van Vlissingen to the Secretary of State in the early part of January, and the reply of Mr. Hill, which disclosed what was necessary to have in the way of permits and what was wanted, Mr. Knight, before he visited the Secretary of State, secured an interview with the chairman of the

Committee on Foreign Relations of the Senate, and clearly explained to him his mission.

Now, if only an ordinary passport was desired, if the application was to be made for a simple passport, what would have been the necessity of securing the intervention and assistance of the great chairman of the Committee on Foreign Relations of the Senate?

Every man here knows that the chairman of that great committee ought to be versed in international law.

Every man here knows that if Mr. Knight had gone to him to ask his assistance to secure a simple passport that he would have replied, "There is no necessity for it. Go to the passport clerk and get it." Mr. Knight informs you that in the archives of the Secretary of State's office there is a letter from Senator CULLOM, chairman of the Committee on Foreign Relations, laying this matter before Mr. Hay, setting forth in detail what was desired by the Boer Relief Fund Committee. Let me read further from Mr. Knight's letter, and it has been published for days, and has never been questioned and can not be contradicted.

I first went to Senator CULLOM, of Illinois, and explained to him the nature of my mission. He then gave me a note to Secretary Hay, again explaining what I sought, as it had been stated to him, and speaking a high word of praise for the character of Dr. Thomas, with whom he is personally acquainted.

In addition to the letter written by First Assistant Secretary Hill in the archives of the State Department there is this letter from Senator CULLOM disclosing the fact that it was not a passport, but the good offices of the Secretary of the Department, which was sought in order to secure a permit from the British war office for Dr. Thomas and his wife to visit the concentration camps where the unfortunates were confined. There has been no denial of it, because the State Department can not truthfully deny it.

Now, let us go one step further. These facts which I have cited can not be questioned. I now desire to cite an indisputable circumstance in support of my contention. Mr. Knight was thoroughly familiar with conditions in South Africa, having spent several months there. He knew an ordinary passport would be valueless; he knew that it would be necessary to secure this permit from the British war office, and concluded it was best to secure it through the good offices of the State Department, if it could be done. I will read from a recent letter of his on that point:

Having spent several months in South Africa during the present war as a newspaper correspondent, I was also familiar with the situation there and knew just what would be needed from the British authorities in the way of passports or passes, and having carried an American passport during that time, which I secured through a notary public in California, I well knew the incompetency of such a passport to secure entrance to a country under martial law unless it bore the indorsement of those in control of the military situation.

This additional circumstance conclusively establishes the fact that the Secretary of State knew that it was not passports, but his good offices, which were sought to secure this permit from the British war office.

Again:

At first the plan was entertained of having Dr. Thomas go direct to London and make his application there, but this was afterwards rejected on the ground that such a trip would incur heavy expense and might be without satisfactory result. It was then decided to bring the matter directly before our own State Department, have the matter brought, if possible, by our Secretary of State to the attention of the British ambassador here, and laid by him before the London war office.

This I read from the same letter from the representative of the "Boer Relief Fund Committee" appointed by Governor Yates.

You will see, gentlemen, that I am not mistaken in my contention that prior to March 11 the State Department knew that it was the good offices of the State Department in securing these permits, which were desired, and not mere passports.

But if gentlemen who are anxious to defend the State Department, who feel that it is incumbent upon them to defend the Secretary of State, see fit to say that the matter was still in doubt at that time as to what was asked of the Secretary of State, I will again read for their benefit a communication addressed to the State Department which removes it entirely from the field of uncertainty.

After the interview with the Secretary of State wherein he was requested to use his good offices to bring Dr. Thomas's application for permission to visit the South African concentration camps in the interest of charity before the British ambassador, for the purpose of having it passed on by the British war office, and after, it is claimed, the Secretary of State had declined to do this on the ground that such action on his part might be considered meddling, a remissness, etc., Mr. Knight addressed a communication to the Secretary of State dated March 11, which is in the RECORD, on page 2816, bringing directly to the attention of the State Department that it was not passports, but his good offices which were sought.

On the 14th of March, with conditions as I have now detailed them, the resolution I had introduced was brought up before the Committee on Foreign Affairs.

Precipitately, without having official knowledge of the existence of the resolution, the Secretary of State (according to the statement of the gentleman from Illinois [Mr. HITT]) wrote a letter to the Committee on Foreign Affairs in answer to an inquiry which was set forth in the resolution as originally introduced. The scope of this resolution was subsequently broadened by the Committee on Foreign Affairs to recite and meet the true conditions, and of course to the resolution thus broadened the letter of the Secretary of State was no answer.

In my opinion, in the light of what had transpired—but I forego the expression of an opinion and submit the question to you—was not the letter thrust before this committee and subsequently read to you an attempt to evade the real issue? After this letter from the Secretary of State was read by the gentleman from Illinois, the resolution, broadened in its scope, as I have shown, was unanimously reported and unanimously adopted. Conditions remained in statu quo until March 17, at which time this letter was addressed to the honorable Secretary of State by Mr. Knight:

The honorable SECRETARY OF STATE,  
Washington, D. C.

SIR: I had the honor to present a written communication to your Department on the 11th instant, requesting your good offices to secure, through the British ambassador in Washington or such other agency as you might deem best, a permit from the British authorities to enable Dr. and Mrs. Hiram W. Thomas to visit the Boer concentration camps in South Africa for the purpose of disbursing funds collected in the State of Illinois for the relief of women, children, and other noncombatants held in these military camps. No reply to my communication has been received.

In view of the fact that women and children are dying by the scores and hundreds for the want of proper care, as is shown by the British official reports of the condition in these camps, and as the very purposes for which the charitable people of Illinois have subscribed funds are, in a measure, being thwarted by the continued delay in dispatching the relief which they wish to send, I now beg leave to request that a reply be made to my communication as early as the matter can be consistently reached by your Department.

I have the honor to be, sir, very respectfully,

JOHN O. KNIGHT,

Acting for Boer Relief Committee appointed by Governor Yates.

HOTEL RALEIGH,  
Washington, D. C., March 17, 1902.

To this letter the Secretary of State to this day has made no reply, unless this news item to which I direct your attention may be considered an answer. In the next morning's issue of the Washington Post, under the caption "War Office dodges inquiry," which did not refer to this dodge, but another made by Mr. Broderick, the war secretary of Great Britain, to an inquiry made by Sir Henry Campbell-Bannerman, the Liberal leader in the House of Commons, was this statement:

WAR OFFICE DODGES INQUIRY—BRODERICK SAYS INVESTIGATION WOULD BE DISASTROUS JUST NOW.

Secretary Hay will not make further response to the House resolution inquiring into the facts connected with the application of Rev. Dr. and Mrs. Thomas for passports to reach the Boer camps. All the facts in the case were set out in the Secretary's letter, written in anticipation of the passage of the resolution of inquiry and read by Mr. HITT to the Committee on Foreign Affairs. The Secretary is communicating with Governor Yates, of Illinois, who initiated the movement to send the Thomases to South Africa, to ascertain exactly what is wanted by the contributors to the fund.

This news item states: "All the facts in the case were set out in the Secretary's letter written in anticipation of the passage of the resolution of inquiry."

Now, gentlemen, upon your conscience, aside from partisanship—and there is no partisanship involved here—I submit to every candid, fair-minded man whether the letter meets any of the true facts of this case.

Is there any allusion in Secretary Hay's letter to the fact that Mr. CULLOM, chairman of the Committee on Foreign Relations, in a letter, had explained to him exactly what was wanted? Is there any allusion to the fact that Mr. Knight had addressed him on the 11th of March a clean-cut, explicit request for his good offices to secure this permit? On the contrary, these unquestioned facts were ignored. On the contrary—I dislike to indulge in strong language, but this letter was an evasion on the part of the Secretary of State. Why? Because he could not meet the true facts without demonstrating that he had proven derelict, that he had shown himself un-American when this eminently proper request was submitted to him.

It is such conduct as this on the part of high officials of our Government which warranted the Hon. Joseph Chamberlain, Britain's colonial secretary, in making this remarkable statement:

"We must make the Boers recognize that they are defeated, and take from them the barest possibility of repeating the attempt. \* \* \* The war has the approval of sister nations across the sea."

These were his words, spoken in an address recently delivered by him at Guildhall, London. Thus, for the first time in our history, we are placed in the attitude of having sympathy for a monarchy as against a republic.

What was the purpose of this request which was refused by our Secretary of State? It was to furnish relief in the way of medicine, food, and clothing to Boer women and children confined in concentration camps in South Africa, their husbands and fathers



being in the field struggling for independence as did our revolutionary sires in 1776, and that, too, against the same tyrannical foe. How can any true American uphold the Secretary of State in his refusal to aid in this humane undertaking?

What are the conditions prevailing in South Africa? Some two years ago a few thousand honest Dutch burghers were living there under a government of their own—a Christian, God-fearing, peace-loving people—the majority of them engaged in pastoral pursuits. In an evil moment for them gold was discovered in their country in immense quantities.

[Here the hammer fell.]

Mr. COOPER of Texas. I ask unanimous consent that my colleague's time be extended.

The CHAIRMAN. The time, which is to be equally divided, is controlled by the gentleman from New York [Mr. SULZER] on one side and the gentleman from Iowa [Mr. HULL] on the other.

Mr. COOPER of Texas. Then I appeal to the gentleman from New York.

Mr. SULZER. How much further time does the gentleman from Texas [Mr. BURLESON] desire?

Mr. BURLESON. Ten minutes.

Mr. SULZER. I yield the gentleman ten minutes more.

Mr. BURLESON. As I was saying, in an evil moment, gold was discovered in that country. This discovery excited the greed and the money lust of Britain's subjects. Immediately plans were set on foot by that wonderfully strong man, Cecil Rhodes, acting for the British Empire, to overturn the government of the Boers—to wrest from the control of those peace-loving, inoffensive people their country. For two years a contest has been waged there, without a parallel in history.

A people unaccustomed to the arts of war—only 25,000 of them—without financial resources, without credit, without an open port, when the effort was made to destroy their government, animated by the spirit which moved our illustrious Washington, took up arms in defense of their country.

Opposed to them is the most powerful nation in the world, with possibly one exception—a nation of unlimited credit—a nation which has for years dominated and controlled the seas—a nation able to throw into South Africa an army of 250,000 men, which it promptly did, to grapple and combat these 25,000 inexperienced farmers.

The contest has been waged for two years. It is still being waged, and notwithstanding the fact that when one of the unfortunate Boers is stricken down no man is there to take his place, while when a British soldier is stricken down ten men can be immediately sent forward to supply the place made vacant by his death—notwithstanding these odds which have been against them the Boers have struggled and fought on and on and are still contending for the maintenance of their government.

May God give them strength to endure and fight on until every British soldier is driven from South Africa or every valiant Boer dies.

During the past two years we have heard much about Anglo-Saxon civilization—the Anglo-Saxon race, the race devoted to the principles of constitutional government, a race that has been persistently determined to maintain for itself self-rule—and yet, gentlemen, the anomalous spectacle is presented of the only English-speaking Government upon the Eastern hemisphere engaged in this struggle to destroy the only people on the Dark Continent who are endeavoring to maintain the right to govern themselves, and the only English-speaking Government on the Western hemisphere is engaged in attempting to suppress and beat down the first effort which is being made by a people in the Orient to govern themselves.

As a matter of fact, this is the tie that binds. Animated by unrighteous purposes, both Britain and America are engaged in unholy causes of conquest. We hear no word of sympathy upon the other side of the Chamber for these suffering Boers. Why is it? It is not because you do not love liberty; it is not because you do not sympathize with the dying women and children in the concentration camps in South Africa, for no man can make me believe that your kind hearts are not animated by the same impulses of humanity that move the hearts upon this side.

I could not be made to believe that you do not cherish in your souls the same noble affection for liberty that is entertained on this side. Yet you are silent. Why is it? Because you are sustaining an Administration whose policy it is to crush out the love of liberty in the Philippine Islands—suppressing and destroying a people who are endeavoring to control their own country. We are engaged in the same business as Britain.

The truth is a spirit of commercialism, which has marked the beginning of the decadence of every great nation, has taken possession of our people. I fear we have reached the period in our history when we love dollars more than we do right and justice, when we esteem conquest and power more than we do liberty and freedom.

But, gentlemen, I said there was no expression of sympathy on the other side. Permit me to retract that. The gentleman from Michigan [Mr. WM. ALDEN SMITH] on the 21st of last January introduced this resolution, and it does credit to his head and heart:

Whereas it is officially reported that the British military authorities in South Africa have passed and are about to execute sentence of death upon Commandant Scheepers, of the army of the Orange Free State;

Whereas said Commandant Scheepers, a subject of the Orange Free State, was captured while sick and wounded in hospital, and should therefore be considered especially entitled to all the privileges and exemptions of a prisoner of war;

Whereas his execution may lead to acts of retaliation and reprisal, and thus make more difficult and distant the prospect of peace;

Whereas the whole civilized world suffers from the effects of war waged between any of the family of nations; and

Whereas the people of the United States are moved by feelings of humanity in behalf of the sufferers from the terrible warfare now being conducted in South Africa: Therefore

Resolved by the House of Representatives (the Senate concurring), That the British Government be requested to set aside the sentence of death passed upon Commandant Scheepers, and to accord him the customary immunities and privileges of a prisoner of war guaranteed under the Geneva Convention.

A similar resolution was introduced by the senior Senator from Colorado in the Senate, but it came too late. Permit me to read to you the finale of that unfortunate episode. Here is the story of a soldier who formed one of the hollow square inclosed in which Commandant Scheepers, the Boer patriot, met his doom:

Commandant Scheepers was shot at 3 o'clock. They brought him from town in an ambulance van, with a band playing and the firing party following behind. When they got him to his grave he begged to be allowed to stand up and face death, but they tied him down in a chair and blindfolded him. Then 15 of the Coldstream Guards stood 10 paces from him and fired. The volley was a sickening sight. He must have been a brave man; he did not flinch nor turn pale. They buried him as he was, and broke up the chair upon which he had sat, throwing the pieces on top of him.

When it is further added that the tune played by the band that convoyed Scheepers to death was a rollicking one, and that the victim at the time was suffering from severe wounds, the horror excited among the Boers by the execution may be imagined.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I yield the gentleman two minutes more.

Mr. BURLESON. How this contrasts with the magnanimous treatment accorded by the Boers to the wounded English general, Methuen, when a captive in their hands! Too poor to give him proper medical treatment they returned him safely to the British lines, and yet our boasters and braggarts prate of Anglo-Saxon civilization, talk much of Christian charity, actually claiming the meek and lowly Nazarene as an exemplar for their conduct!

Now, gentlemen, in conclusion, I have no doubt that the requested permits will ultimately be secured, and that, too, through the good offices of our Secretary of State, but it will be through force of public opinion which lashes our laggard officials into action.

Theodore Roosevelt has done things of which I do not approve. There are many things he ought to have done as President which I believe he would have done if left alone, but which by reason of his environments he has failed to do. However, I would not be fair to myself if I did not express my belief that Mr. Roosevelt is a courageous, strenuous American. I believe that—and I now indulge a prophecy—in less than one year, yea, much less than one year, there will be another interchange of letters of regret between our President and another Cabinet minister, and our little pro-British Secretary of State, the little author of "Little Breeches," will follow other Cabinet ministers of a former President into the quiet of a private life. [Applause.]

Mr. HITT. Will the gentleman from Iowa yield me some time?

Mr. HULL. How much time do you want—twenty minutes?

Mr. HITT. Oh, no.

Mr. HULL. I yield to the gentleman from Illinois such time as he may desire.

Mr. HITT. Mr. Chairman, I do not think it necessary to imitate the gentleman in repeating and again reading what the House has heard once or twice before. These letters have all been read and published and discussed before. They were promptly given to the press at the very instant they were indited by the enterprising young man whom the gentleman from Texas mentions so frequently. The action of the State Department, which the gentleman has denounced with such extreme vehemence as evasion, is, in fact, prompt and frank, as is apparent to anyone who will look a moment candidly at it.

A resolution was introduced making an inquiry of a Department. A copy, as is customary, was sent to the Department. The Secretary of State, instead of evading, answered immediately in a note which is before you, which compactly states the facts; and none of those long details and conjectures about what was requested for Mr. Thomas, which are read from letters in the newspapers and uttered by the gentleman, are necessary to know the simple facts. A request was made to the Secretary, first, for a passport. He said, "Yes," at once, and, more than that, "I will give letters to all those with whom I can have any influence to



forward this work." "Inquiry was then made"—I quote the Secretary's letter—"whether this Government would ask of the British Government permission for Mr. and Mrs. Thomas to go at will through the British military lines and camps, a suggestion which I thought impracticable."

That was the necessary answer which would be given in such case. Permission could no doubt be obtained to visit those camps "under surveillance," as has been granted the Germans; and such permission would be given to anyone properly authorized presenting the request from the State Department or from our minister in London. The Secretary states further, showing his willingness to aid, that "he is ready at any time to consult with a representative of Governor Yates," and Governor Yates is the man who inspired and set in motion this whole work of contributions by people for the benefit of the distressed Boer prisoners, "as to the best means of getting into the proper hands the sums contributed by charitable people in Illinois for the relief of the sufferers by the war in South Africa." I have no official information as to any action that has taken place since. I have reason to believe that the wishes of Governor Yates and of that committee have been or are being discussed.

I do not know the state of affairs, but one of the gentlemen connected with the committee has said to me that they were in communication about it, and we may believe from the promptness with which the Secretary acted and the spirit that he has shown that the purposes of the good people to relieve the sadness and suffering in South Africa will be carried out. I do not wish to detain the House in further discussion dragging this matter out. It has been talked over at such length, with such repetition and such bitterness, that further talk does not add much. Our Government has repeatedly shown the sympathetic spirit that animates it toward the South Africans. We have offered our mediation when other nations did not. When it was refused, we have again and again in the most public manner that a national utterance can be given, stated our willingness to mediate again whenever we can to bring about peace or mitigate the sufferings that come from such a dreadful war. I do not think it necessary to answer the epithets and vituperations of the gentleman. I merely call attention to the statement of the real facts, embraced in this ten-line letter of the Secretary. [Applause on the Republican side.]

Mr. SULZER. Mr. Chairman, I yield thirty minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON of Tennessee. Mr. Chairman, the American people have asked and are now asking why it is that the enormous appropriations for the military establishment of the Government show no signs of substantial diminution.

This bill carries with it the sum of \$90,880,934.41, a little less than the amount carried for 1901, but larger than the amount appropriated for the year 1900. And this in spite of the fact that in the two preceding years large numbers of troops were quartered in Cuba and the insurrection in the Philippine Islands was flagrant. But now we will soon withdraw all our troops from Cuba, and we are told that conditions in the archipelago are highly favorable, that the majority of the provinces are pacified, and that armed resistance to our sovereignty is unorganized and confined to a few malcontents in remote regions from the city of Manila. In glowing terms we are told of the general peace which prevails, and yet we are to send and maintain under this bill a standing army in the islands of upward of 40,000 soldiers. But this is no new promise. We were told in the beginning that the insurrection, if such it can be called, would soon be quieted and that peace would prevail throughout the archipelago.

We have been told from time to time in the press dispatches, by military authorities and by our Republican friends, that these heavy burdens imposed upon the American taxpayer would be reduced; but we have spent in the hitherto vain attempt to subjugate the Christian people of these islands the stupendous sum of over \$500,000,000, and yet the appropriations go on, the insurrection still lives, and whatever of peace prevails is at the point of the sword. Not only have these vast amounts been expended in the inglorious and unsuccessful effort in the East, but we have slain or wounded nearly 100,000 people whose sole affront has been that they sighed for liberty, and without it were ready to die. To accomplish this the American soldier has too often gone out full of promise and hope to find a grave in those unhappy and distempered islands or to return broken in spirit and wrecked in health to become an inert pensioner on the Government.

But, Mr. Chairman, the time at my disposal is limited, and I do not purpose to enter into an extended or general discussion of this question, reserving this for a future time when the government bill relating to these islands shall be presented to the House for its consideration.

But I shall now submit a few remarks upon one feature of the situation there relating to the practice and continuation of human

slavery, as an illustration of one of the many grave questions which the dominant party has forced upon the country in its great folly in the East.

In doing so I wish to correct the impression sought to be left by the distinguished gentleman from Massachusetts [Mr. MOODY], who will soon be called to the head of the Navy, and who will, I am sure, worthily wear his great and new-found honor. In the course of his remarks early in the session he attempted to show that slavery did not exist in the Philippine Islands with the approval or consent of the United States Government. If the House will give me its attention, I shall undertake to show that not only does it exist with the approval and consent of the Government, but that it has been made and is now a participator and copartner in that iniquity.

Acting under orders from the President, General Otis, who was at the time military governor of the Philippine Islands, directed instructions to General Bates to enter into negotiations with the Sultan and the datos of the Sulu Archipelago with the ultimate object of entering into a "written agreement," subject to the approval of the authorities, and designated General Bates the "agent on the part of the United States military authorities in the Philippine Islands." The following is a part of the instructions:

The United States will accept the obligations of Spain under the agreement of 1878 in the matter of money annuities, and in proof of sincerity you will offer as a present to the Sultan and datos \$10,000 (Mexican), with which you will be supplied before leaving for Jolo, the same to be handed over to them, respectively, in amounts agreeing with the ratio of payments made to them by the Spanish Government for their declared services. From the 1st of September next and thereafter the United States will pay to them regularly the sums promised by Spain in its agreement of 1878, and in any subsequent promises of which proof can be furnished.

The United States will promise, in return for the concessions to be hereinafter mentioned, not to interfere with but to protect the Moros in the free exercise of their religion and customs, social and domestic, and will respect the rights and dignities of the Sultan and his advisers. It promises not to interfere in their affairs of internal economy and political administration further than to respond to their requests for assistance, or to render supervisory action through advice and instruction in those special features of administration connected with the development of trade and agricultural resources, and the methods of conducting and employing the same for the improvement and efficiency of government.

It agrees to insure to the Sultan and his people the enjoyment of these rights and privileges against all foreign nations, and will declare all trade of the Sultan and his people with any portion of the Philippine Islands, conducted under the American flag, free, unlimited, and undisturbed. It demands, of course, the right to exercise control over the places within its actual occupation.

In return for these promised assurances, the Sultan and his chiefs, acknowledging the sovereignty of the United States, should stipulate to permit that Government to occupy and control such points in the islands as the execution of the obligations which it assumes makes necessary, whether for naval or military operations against foreign aggression or to disperse attempted piratical excursions. They should agree to accept and fly on all occasions, and continuously, the American flag, as the emblem and proof of United States sovereignty.

Armed with these instructions as the accredited agent of the Government, with the money furnished by General Otis, knowing full well that slavery existed throughout the Sultan's dominions, General Bates started upon his mission, the result of which was the celebrated treaty or agreement bearing his name.

In Senate Document No. 136, not furnished until February 1, 1900, after the Senate resolution of January 24, 1900, had been passed requesting its production, is found the reports relating to the culmination of this agreement, the American people being kept in entire ignorance of the facts up to that time.

A careful reading of the interviews between General Bates, the Sultan, and the datos, who are next in authority to the Sultan, discloses a state of facts in which a great government is made to play an undignified and puerile rôle, not to speak of its future responsibility arising from these unpardonable transactions.

If the situation was not one of the most grave import, the comical features of the daily peregrinations of General Bates about the ports of the archipelago and the reported dialogues between himself and the Sulu dignitaries would at least be amusing if not instructive. There are many instances, one of which I shall insert as a fair sample of our consideration toward the slaveholding Moros, and as showing the performance of our "Christian duty," about which our Republican friends are so wont to prate. The interview is as follows:

CONFERENCE BETWEEN GEN. J. C. BATES AND DATOS CALBI AND JOAKANAIN, HELD AT THE RESIDENCE OF DATO CALBI, NEAR JOLO, P. I., AUGUST 19, 1899.

GENERAL. Tell Dato Joakanain that we would have been down to see him at his own house, but we did not get back in time from our trip, and arranged to come here to-day, as we heard he would be at his brother's, and that the visit is to him as well as to his brother.

Say that we have been very glad to feel that both he and his brother are good friends to us, and we hope we will always keep good friends and be better friends.

Dato JOAKANAIN. He thanks you very much.

GENERAL. Tell him when my Government sent me down here they told me to make presents to those that I found were good friends, and I think he and his brother are good friends to us, and I want to make them a present from the Government. I am talking the same to both, Dato Calbi and himself.

You can also tell him we have enjoyed the races very much, and will be



glad to see him to-morrow. Tell him I give them these because we regard them as friends.

(Each dato presented with flag and bag of pesos.)

Dato CALBI. They receive it with thanks. He says things are turned around. It was customary if people came from another country that they should take something away from it, and he says you have taken nothing from the country, but have given them something. He will take it, he says, because whatever he could give you would be worthless, and so he will not give you anything.

GENERAL. Tell him we want to build up a trade here. We want to sell American goods and buy what the Moros have to sell. We want to be good friends and expect to make our expenses that way, as this is the way Americans make their money, by increasing trade and improving conditions in the country.

Dato CALBI. He says he has got several daughters, but he is very glad to tell you to-day he got a son.

GENERAL. I congratulate him very heartily.

(Refreshments served.)

For the information of that part of the American people who may not know what a peso is, a bag of which was presented to these fortunate datos, I will explain by saying that it is a Spanish dollar, and that the flags presented were those which "should never come down." How like the Republican party this association of the flag and a bag of money! The old flag and an appropriation! It is little wonder that these particular datos are "pacified," and we behold their signatures to the infamous agreement which was shortly thereafter consummated.

These scenes were repeated, gifts of money and presentations of flags, "refreshments," and an era of brotherly love and good feeling begun, which up to this hour is still undiminished.

The Sultan himself seems to have resisted these blandishments for a while, but the redoubtable General Bates finally had an "interview;" the Sultan was presented with "several" American flags, \$1,500 in money, and an agreement to pay him \$250 per month indefinitely, and he, too, became "pacified" and a firm friend of the Government. The only apparent halt in these negotiations between General Bates and the Sultan was in regard to his own and the American flag, whether he should use his or our flag at his capital and on his excursions in the surrounding waters; but mutual concessions and forbearance settled this delicate international point of etiquette, and both were agreed to be flown, the Stars and Stripes just a little above the Sultan's flag.

Having settled this delicate point to his own satisfaction, and in a manner consonant with the "dignity" and "duty" of a great and beneficent government, General Bates and the Sultan had "refreshments" and parted the best of friends, the general sailing away to report the result of his arduous labors, leaving the Sultan, holding the American flag in one hand and a bag of silver in the other, to return to the ministrations of his slaves and the delights of the harem, and with a profound respect for the American Government and the uplifting force and beneficent influence of American institutions.

"How would you like to be the Sultan of Sulu?" would form a striking title for a comic opera, and Senate Document No. 136 would furnish all the material for a successful production.

Happy man! Joint sovereign with the United States Government; secure in his wives and concubines; his slaves unmolested; guaranteed protection in all his rights, temporal and spiritual; with American money to spend and the American flag to secure him and his numerous posterity forever in the enjoyment of these great and varied blessings. [Laughter and applause.]

The following is the treaty:

#### AGREEMENT

Between Brig. Gen. John C. Bates, representing the United States, of the one part, and His Highness the Sultan of Jolo, the Dato Rajah Muda, the Dato Attik, the Dato Calbi, and the Dato Joakanain, of the other part; it being understood that this agreement will be in full force only when approved by the governor-general of the Philippine Islands and confirmed by the President of the United States, and will be subject to future modifications by the mutual consent of the parties in interest.

ARTICLE I. The sovereignty of the United States over the whole archipelago of Jolo and its dependencies is declared and acknowledged.

ART. II. The United States flag will be used in the archipelago of Jolo and its dependencies, on land and sea.

ART. III. The rights and dignities of His Highness the Sultan and his datos shall be fully respected; the Moros shall not be interfered with on account of their religion; all their religious customs shall be respected, and no one shall be persecuted on account of his religion.

ART. IV. While the United States may occupy and control such points in the archipelago of Jolo as public interests seem to demand, encroachment will not be made upon the lands immediately about the residence of His Highness the Sultan unless military necessity requires such occupation in case of war with a foreign power; and where the property of individuals is taken, due compensation will be made in each case.

Any person can purchase land in the archipelago of Jolo and hold the same by obtaining the consent of the Sultan and coming to a satisfactory agreement with the owner of the land; and such purchase shall immediately be registered in the proper office of the United States Government.

ART. V. All trade in domestic products of the archipelago of Jolo, when carried on by the Sultan and his people with any part of the Philippine Islands, and when conducted under the American flag, shall be free, unlimited, and undutiable.

ART. VI. The Sultan of Jolo shall be allowed to communicate direct with the governor-general of the Philippine Islands in making complaint against the commanding officer of Jolo or against any naval commander.

ART. VII. The introduction of firearms and war material is forbidden, except under specific authority of the governor-general of the Philippine Islands.

ART. VIII. Piracy must be suppressed, and the Sultan and his datos agree to heartily cooperate with the United States authorities to that end, and to make every possible effort to arrest and bring to justice all persons engaged in piracy.

ART. IX. Where crimes and offenses are committed by Moros against Moros, the government of the Sultan will bring to trial and punishment the criminals and offenders, who will be delivered to the government of the Sultan by the United States authorities, if in their possession. In all other cases persons charged with crimes or offenses will be delivered to the United States authorities for trial and punishment.

ART. X. Any slave in the archipelago of Jolo shall have the right to purchase freedom by paying to the master the usual market value.

ART. XI. In cases of any trouble with subjects of the Sultan the American authorities in the islands will be instructed to make careful investigation before resorting to harsh measures, as in most cases serious trouble can thus be avoided.

ART. XII. At present, Americans or foreigners wishing to go into the country should state their wishes to the Moro authorities and ask for an escort, but it is hoped that this will become unnecessary as we know each other better.

ART. XIII. The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them.

ART. XIV. The United States will not sell the island of Jolo or any other island of the Jolo Archipelago to any foreign nation without the consent of the Sultan of Jolo.

ART. XV. The United States Government will pay the following monthly salaries:

	Mexican dollars.
To the Sultan	250
To Dato Rajah Muda	75
To Dato Attik	60
To Dato Calbi	75
To Dato Joakanain	75
To Dato Puyo	60
To Dato Amir Hussin	60
To Hadji Butu	50
To Habib Mura	40
To Serif Saguir	15

Signed in triplicate, in English and Sulu, at Jolo, this 20th day of August, A. D. 1899 (13 Arabul, Abril 1517).

JOHN C. BATES,

Brigadier-General, United States Volunteers.

Sultan of Jolo.  
Dato Rajah Muda.  
Dato Attik.  
Dato Calbi & Dato Joakanain.

This treaty or agreement, Mr. Chairman, is not only wholly unworthy of our Government, but criminal as well, involving us, as it does, with the maintenance of the religion of the Moros, which recognizes slavery in all its varied forms, and their customs, which countenance polygamy.

But the distinguished gentleman from Massachusetts read the letter of the Secretary of War, after this treaty was signed, addressed to General Otis, and which is as follows:

WAR DEPARTMENT, Washington, October 27, 1899.

SIR: The President instructs me to advise you that the agreement signed August 20, 1899, between Brig. Gen. John C. Bates, representing the United States, of the one part, the Sultan of Jolo, the Dato Rajah Muda, the Dato Attik, the Dato Calbi, and the Dato Joakanain, of the other part, is confirmed and approved, subject to the action of Congress provided for in that clause of the treaty of peace between the United States and Spain which provides, "The civil rights and the political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by Congress," and with the understanding and reservation, which should be distinctly communicated to the Sultan of Jolo, that this agreement is not to be deemed in any way to authorize or give the consent of the United States to the existence of slavery in the Sulu Archipelago, a thing which is made impossible by the thirteenth amendment to the Constitution of the United States.

At the same time when you communicate to the Sultan the above-mentioned understanding, the President desires that you should make inquiry as to the number of persons held in slavery in the archipelago, and what arrangement it may be practicable to make for their emancipation. It is assumed that the market price referred to in the agreement of August 20, 1899, is not very high at present, and it may be that a comparatively moderate sum, which Congress might be willing to appropriate for that purpose, would suffice to secure freedom for the whole number.

It is needless to suggest that the inquiry should be prosecuted in such a way as not to create the impression that we now have authority to make such an arrangement, and in such a manner as not to create extravagant expectations.

Very truly, yours,

ELIHU ROOT,

Secretary of War.

Maj. Gen. E. S. OTIS,

Commanding United States Forces in the Philippines, Manila, P. I.

From this letter he derives the conclusion that the United States Government did not consent or approve the continuance of slavery in these islands, but how weak the position is when the treaty is approved, and not one thing has been done from the time it was signed up to the present to vary, alter, or modify a single term.

Of course the Secretary of War was compelled to say the Government did not recognize slavery. That was a fact before his letter of approval, and the statement of the Secretary did not make or change it, for the inhibition is written in the Constitution itself.

That the Constitution is opposed to slavery; that every good man, including the gentleman from Massachusetts, is needs nothing but the statement, but in spite of the Constitution—in gross disregard of it, to the shame of the American people—we have approved it, and are protecting it not only by a treaty but by subsequent promises not to interfere with the religion and customs of the Moros.

Long after the letter of the Secretary of War was written we find repeated assurances from Governor Taft that the Commission did not intend and would not interfere with the religious customs and tribal relations of the Moros. The following is an excerpt as published in the report of the Philippine Commission, page 106:

INTERVIEW OF COMMISSION WITH VARIOUS MORO DATOS.

COTABATO, Afternoon of April 2, 1901.

PRESIDENT (addressing Spanish interpreter). Say to him (Moro interpreter) that we would be glad if he would express to the datos who have honored us by coming here our pleasure in seeing them. Say to him that we come here with the friendliest feeling to continue the policy which has been introduced by the worthy military officers now in command; that we would not deprive a single Moro of a just right which he has heretofore enjoyed; that we are not here to take their country from them or to make profit out of them; that anything the Government of the United States may do here, through its representatives, will be directed solely to the prosperity and best interests of the Moro people; that we do not come here to interfere with their form of government, but only to see to it that justice is administered and that peace and equity are maintained; that nothing could be further from our purpose than an interference with their worship of God as they choose, according to their own religious beliefs; that the foundation stone of the American Republic is tolerance in religion, and the entire separation of church and state, and that the Moros will be left to practice their religious rites as they choose.

The history of article 10 is instructive. It was a subject of some controversy between General Bates and the Sultan whether the price at which the slaves could buy their freedom should be fixed at a definite figure or not, but the Sultan insisted that it should be at the "market price," and our agreeable and complacent agent, unwilling that so small a matter should interfere with amicable relations, consented to this proviso.

According to article 10 it will be seen that the slave working for nothing is secured in the inestimable privilege of purchasing his freedom, and we can better understand this boon which the American flag has brought to him when we are informed that he could have thus purchased his freedom long before the acquaintance of General Bates and the Sultan of Sulu was formed, and before the Stars and Stripes were apparent in the archipelago. An interesting problem in mathematics would be, How long would it take a slave working for nothing to buy his freedom at the "market price?"

And we may inquire of our Republican friends to-day, What is the "market price" of a slave in the Philippine Islands? What are the market quotations in the Sultan's price current?

Taking the Republican view, we have paid \$20,000,000 to Spain for the whole Philippine Archipelago, which includes the Sultan's so-called dominions, and our title is indefeasible to the whole. Yet the United States Government is placed in the miserable attitude of negotiating with the Sultan for trading privileges, bartering with him for military positions of occupancy, just as if he was in fact a foreign potentate, and agreeing in return to protect him in the religion and customs of the Moros, as well as their tribal relations. And the unenviable position of the dominant party with reference to this treaty is that to free the slaves would be a gross breach of faith toward the people with whom the agreement was made, while if its continuance is permitted and protected, as it has been in the past and up to the present time, it is to bring dishonor on the nation and shame to all citizens of the Republic.

EXTENT OF SLAVERY, ITS CHARACTER, AND HOW SLAVES ARE OBTAINED.

In his evidence before the Insular Affairs Committee of the House Governor Taft estimated that there were from two hundred and fifty to three hundred thousand slaves in the Mohammedan countries of the archipelago, and, in addition, in the first volume of the United States Philippine Commission, page 38, he says:

It should be understood that slavery in the Philippines is by no means confined to the Moros. It is common among the wild Indonesian tribes in the interior of Mindanao and among the wild Malayan tribes of northern Luzon. If the evidence of credible witnesses is to be believed, some of the wild tribes of Mindanao sacrifice their slaves to propitiate their heathen divinities.

Governor Taft further stated in his testimony before the committee that the dato or master had the power of life and death over his slaves. In the second volume of the Philippine Commission Report, page 85, Maj. C. J. Sweet, an officer at Jolo, on March 28, 1901, testified, in response to inquiries by the commissioners, as follows:

SYNOPSIS OF INTERVIEW HAD BY THE COMMISSION WITH MAJ. O. J. SWEET, COMMANDING OFFICER, JOLO, P. I., MARCH 28, 1901.

In response to inquiries, Major Sweet stated as follows:

Slavery among the Moros originates in three ways—by capture, by debt, and by heredity. Practically all the slaves favor emancipation. Applications for freedom are received almost daily, eight or ten having been received within the past few days. Did not think the slaves were treated with great cruelty; at times were whipped and at times killed outright if they displeased the "datto." Being asked whether the slaves were used as concubines, he stated that the term "concubine" was a distinctive name applied to an attendant upon the women of the harem; that the concubine was often a slave. All female slaves, however, were always subject to the desires of the master; that was recognized by the Koran. Said that a slave followed the mother; could sell father without the mother. Understood there could be marriages between slaves by consent of owner. Did not understand that such consent deprived owner of right to sell father without mother.

In order to show that manumitted slaves may have an opportunity to rise, Major Sweet cites an instance as follows:

Manumitted slaves could rise to positions of trust and honor if they showed themselves competent. Cited the case of the man Janarin, who was a slave and notorious liar, whose mouth had been slit from ear to ear, but was subsequently, though a slave, placed in charge of a village to represent the business interests of his master; that is, to collect the tax levied upon the industries of the people.

From which we may infer that in order to fit a slave for a position of responsibility after his manumission it would be necessary to slit his mouth from ear to ear, or at least this operation would not interfere with his efficiency.

Major Morrison, in an interview by the Commission at Zamboanga, March 31, 1901, made the following statement as illustrative of this system:

Most of the Moros obtain slaves by stealing children or by making war and capturing them. I do not think the Zaboangans deal in slaves much. They are a different class from the others. The people of Iligan Bay made some trouble and captured some slaves, and one of their sultans was coming down here, and he brought a woman and two children to a little island up here and sold them to a Chinaman. An acquaintance of mine was in there one day and saw them. This man asked the Chinaman what he bought them for. "I am going to feed them for a few months and then get a good price for them," he replied. When I was down in Tawi Tawi they were selling girls 15 years old for from \$5 to \$15. I had a girl offered to me for \$36 Mexican.

We must all agree that at some time, if we are to hold these islands as a permanent possession of the Government, slavery must cease, and that we will be compelled, as a matter of national honor, to exterminate it; and when that time shall come we will have a war of fanaticism with the Moros far more serious than that with the Christian Filipinos, and we can see in the future increasing appropriation bills for the Army and growing pension rolls as a result of the strange cruise upon which the Republican party has launched the ship of state.

Governor Taft, on this subject, in the first volume of the Philippine Commission Report, page 37, says:

An attempt at the present time to use force in securing the liberty of Moro slaves would inevitably provoke a fierce conflict with a brave and warlike people, and, so far as the slaves themselves are concerned, would meet with little appreciation. If, on the other hand, the refusal on the part of the Government to recognize slavery is persisted in, and the taking or purchasing of new slaves prevented, the question will settle itself in a generation without bloodshed or the bitterness necessarily engendered by an armed strife.

That these views of Judge Taft, to the effect that this question will settle itself, are not only optimistic, but will simply postpone the day when the conflict shall come, will be understood by every man who has studied this question or has any knowledge of Moro laws and customs.

Mr. Chairman, I hope I have not approached the discussion of this question from any narrow partisan standpoint, or to be understood as charging that either Governor Taft or the military authorities are in favor of a continuation of human slavery, but the facts do warrant the assertion made in the beginning, that it is being protected by the United States Government, and either silently or actively approved by every agent who has dealt with the question.

The facts laid before the country can not fail to inspire sentiments of the deepest concern to the American people.

If the observations of those not connected with the Government and who profess to speak from personal knowledge are true, they disclose a much worse state of affairs than here presented. But I have purposely refrained from coloring the situation by reading from other reports, but have contented myself with presenting the facts as gathered from the testimony of military officers taken by the Commission, and that of Governor Taft himself. I shall not stop now to contrast the harsh treatment of the Christian Filipino with the regard manifested by our Government toward the Mohammedan Sultan and the infamous system which is a part of his religion further than to say that if the Christian had received the same treatment as the Mohammedan much of



ruin would have been prevented and much of treasure and human life would have been saved.

We appeal first to the dominant party to end this intolerable condition of affairs and demand that the thirteenth amendment to the Constitution be made as effective in the Philippine Islands as it is in the States of the Union. Failing in this, our next appeal will be to the American people to put a party in power pledged to the independence of the Christian peoples of those islands, and who will either wash its hands of this miserable business in the East or see to it that nowhere under the protection of the American flag shall a single human being be held in bondage. [Loud applause.]

Mr. SULZER. Mr. Chairman, I trust the gentleman from Iowa [Mr. HULL] will now use some of his time.

Mr. HULL. I do not know that we care to use over thirty minutes at the outside—to close.

Mr. SULZER. Well, if that is so, we will go on and consume all of our time.

Mr. HULL. If I should have any applications for time, I shall of course expect to come in whenever my friends want to speak. I do not surrender my rights.

Mr. SULZER. I yield twenty minutes to the gentleman from Illinois [Mr. KERN].

Mr. KERN. Mr. Chairman, when the proper time arrives under the five-minute rule I shall take occasion to offer the following amendment to this bill:

*Provided, That the Secretary of War be instructed to authorize the reestablishment and restoration of the Army canteen as it existed under the rules in force previous to its abolition by Congress: And be it further provided, That the provisions of all acts in conflict herewith are hereby repealed.*

The Army canteen, Mr. Chairman, which is sometimes called the "post exchange," was, as I understand the subject, nothing more or less than a place maintained by the regiments in our Army which desired to maintain it, at which refreshments and stimulants of the milder sort were served to the members of those regiments who were both willing and able to pay for what they received under the regulation and restraint of the military authority.

To say that these places were during the time of their existence disorderly; that they were the scenes of the drunken ribaldry, of disgraceful orgies, and of excessive indulgence in intoxicating drink, to the extent of making them injurious to the health and morals of our soldiers, is to impeach the character of the Army for efficient discipline and to characterize the military authority as weak and impotent.

I deny that in the period when the canteen was tolerated by the Department of War and when its operation was sanctioned by the military officers the discipline in the Army was more lax than it is now or that the government of the posts was lacking in that firmness and resolution which is so essential to the preservation of good order and the attainment of the highest degree of efficiency in the troops. Yet Congress has seen fit by legislative enactment to prohibit the continuance of the post exchange.

I have not the slightest doubt in my mind that this step was taken in obedience to a sentiment which aimed to bring about an entirely meritorious reform. It was done in the interests of sobriety and with a view of purifying the lives of the soldiers; with the view of improving their physical health, elevating their morals, and advancing the men who have enlisted to fight the battles of our country in an intellectual way. This commendable purpose no good man will try to bring into reproach by the use of either ridicule or criticism. Far be it from me to do so. It should be encouraged and upheld at all hazards. It should be made the guiding star not only in our military, but in our civil life. It furnishes a foundation strong enough and broad enough on which to build a nation. It should be the text of our most effectual sermons. It should be the gist and pith and core of the system of our universal education.

But I deny that the abolition of the canteen has established or even approached that much-to-be-desired condition of things. I assert, on the contrary, that the change involves a movement in the opposite direction. We have had a sufficient trial of both plans to place us into a position to form an intelligent judgment on this matter by calm analysis and fair comparison of the two. Instead of introducing habits of greater sobriety in the Army, the abolition of the canteen has substituted inebriacy for moderation in the use of intoxicants among the soldiers, periodical sprees for steady and noninjurious if not healthful indulgence. Instead of improving the health and morals of the soldiers, that move has proved fatal to both. Instead of improving the order of the Army posts, it has resulted in demoralization and wanton disobedience to the command. A fair trial of the new method ought to serve to convince reasonable men that the means employed are not merely ill suited to bring about the end aimed at, but that they are subversive and absolutely destructive of it.

The universal opinion from General Howard, that Christian

soldier, down among all of our military men, and of the most keen observers on the outside of the military ranks, is that the prohibitory statute enacted against the post exchange was a grave mistake. Its theoretical object and ultimate purpose was no doubt to make total abstinents of the soldiers. This is a purpose which never was accomplished by law in the wide world since Adam fell. The attempt has been made over and over again, and over and over again has it failed. The statutory law in that instance conflicts with the natural and inalienable rights of the individual. For that reason it falls to the ground every time it is placed on the books, and becomes inoperative. That has been the fate of the prohibitory law in the Army. It has been the common fate, and ever will be the common fate of all such laws.

It is a fact which is of record that when the post exchange was abolished the men simply went outside the camp to get their refreshments, their stimulants, and their relaxation. The prohibition of the canteen did not make abstinents of them. Their personal liberty had been seriously abridged and ruthlessly tampered with, but the end aimed at was not attained.

They became the easy prey of unscrupulous dealers doing business on the immediate outskirts of the military camps who were after their pitifully small wages as the hawk is after its victim by selling them stimulants at exorbitant prices. The goods sold to the men under the operation of the departure are seldom of a high standard of excellence. As a rule they are vile decoctions, adulterated to increase profit, reeking with poisons which palsy and kill. The result is too well known to require specification before men of the intelligence and world knowledge which I am convinced the members of this House possess. Riot, disorder, brawls, suicides, murders, insanity—and this is a sad and deplorable fact—disease, and death are the inevitable consequences. These are the fruits of a blind and misguided zeal, the white-robed speculators of a vain and complacent fanaticism which has taken the place of reason and practical every-day common sense in the administration of our Army affairs.

Simply by way of emphasizing my contention I beg leave at this point to submit, for the consideration of this House, a press telegram from Omaha, Nebr., dated March 15, 1902. It is one out of many which have, during the last decade, appeared in the public prints throughout the length and breadth of this land. This was printed in the Chicago Chronicle, a newspaper of wide and general circulation and of acknowledged reliability so far as its news columns are concerned. With the indulgence of the House I shall read it:

OMAHA, NEBR., March 15, 1902.

A car of insane soldiers passed through the Union Station to-day. They were eighteen in number, and they are being sent from the Philippines to the soldiers' hospital at Washington. Every one of the eighteen is violently and incurably insane. Their wild, haggard faces peered menacingly through the windows of their coach, their manacled hands wildly threatened the on-lookers, and their fiendish shrieks and laughter echoed through the depot. Few of them were apparently diseased in body.

The maniacs were in charge of a squad of soldiers armed with clubs. The guards said, in reply to questions, that a consignment of a score or two score of maniacs from the Philippines was by no means unusual. The affliction is due either to the heat and unhealthy climate of the Philippines or the indulgence in the Filipino "vino" and other liquors sold there.

The malady is of a violent and persistent nature and will not respond to any treatment that has yet been discovered.

#### MEN RAVE LIKE BEASTS.

As the Union Pacific train from the West pulled into the station this afternoon there was a sound as of a menagerie approaching. The imprisoned men were chattering, snarling, moaning, and whining like wild beasts, and the noise was terrifying to the spectators.

Depot employees and trainmen who passed the car, not knowing of the presence of the maniacs, were greatly frightened when they heard a snarl of rage and then looked up into fiendish faces, which had their lips drawn back and teeth exposed. One unwitting man fainted from horror and fright and was compelled to receive medical aid.

#### ALL WEAR HEAVY IRONS.

The condition of the maniacs was pitiable in the extreme. All were absolutely mad and violent. Every one of them wore leg irons and handcuffs, and some were in strait-jackets and bound to their seats in the car. Most of them are young men.

Their car was turned over here to the Chicago, Milwaukee and St. Paul road, which will take it to Chicago.

Reestablish the Army canteen and your cases of pitiable insanity caused by the consumption of the vile and death-dealing "vino and other liquors sold" in the Philippines will no longer disgrace our Army records or mar the pages of our public journals to stand as a rebuke to proud, manly, liberal, self-respecting, and patriotic Americans. [Applause.]

This question of the sale and use of intoxicating beverages can be regulated by discreet and wise action; but it can not be settled with hammer and tongs and prohibition laws, and its proper solution can not with safety be left to the impractical and inexperienced nor to unreasoning zealots with a cause to promote by any sort of partisan trickery or political bulldozing. The testimony of experienced Army officers is solidly against them on this matter. The common sense of this entire nation is against them. The heart and the brain of every boy in blue is against them.

In the post exchange none but goods of attested purity and the



best quality were sold to the men. The medical authorities in the Army saw to that. That was not sold to them in excessive or injurious quantities. The officers of the Army saw to that. The milder class of stimulants only was dispensed to the men at the canteen. The rules provided for that. When a man was found to be drinking to excess, to the extent of showing signs of intoxication, he was unceremoniously hustled to his quarters, an eye was kept on him in the future, and he was punished for his indiscretion.

At all times he remained under the observation of his superiors. When he became lost to his sense of responsibility he found himself in charge of comrades with authority over him who were in full possession of their reason and who were fully responsible for their acts and alert to preserve the order, the honor, and the good name and character for decency of the camp. Furthermore, the incentive for selling to the soldiers in excessive quantities was entirely removed. No individual made any profits by the sale. These went into the hands of trusted officers who expended the proceeds impartially among the men for more palatable and more abundant rations.

Many a highly appreciated dainty was purchased with the seemingly trifling surplus of the canteen which made many a poor heart glad and shed one ray of welcome sunlight into its homesick and disconsolate recesses. Under the same provision the incentive of overcharging the soldier was wholly wiped out. So that the Army canteen was the greatest promoter of temperance which the posts have ever known. It was the best safeguard to the health and the morals of the men. It dealt with conditions and with human nature as it found them, in the most sane and sensible way. It preserved the order and elevated the dignity of the camp. It recognized the individual liberties of the men; and let no man contend that they surrendered these when they donned the uniform to brave the dangers of hell in defense of the flag of our great country. [Applause.]

A soldier is not a convict. He does not enter the gates of a penitentiary when he enlists in the Army. If true, self-reliant, honorable manhood is needed anywhere it is in the Army. All of the liberty compatible with efficient military discipline belongs to the soldier, and it should be sacredly preserved for him. He does not surrender his tastes or his appetites when he dons the uniform, and reasonable and tolerant men do not expect him to do so. Nor can he change his habits of life in an hour. Perhaps he is not willing to change them. The strongest ties that bind human society together are the habits of the people. They can not be broken by caprice nor by a pet fad. They are bands of most tenacious steel, and it takes as many centuries of persistent hammering to break them as it took ages to forge and mold them. May that day be far off when the habits of liberty, loved and worshiped by the American people, are crushed under the iron heel.

The sentiment which bids us go forth to our cemeteries where rest the heroes who have kept our flag in the sky on the 30th day of May each year, to do them reverence and commemorate their deeds by laying flowers on their tombs, marked and unmarked, of the known and the unknown dead, is a tender and touching one, which does honor to us as a nation and which should be perpetuated as long as the words liberty, justice, and equality are inscribed on our standard (applause); but while we should weep for the fallen, and while we should keep their graves green and bury them each year, again and again, beneath the wealth of spring, with sprigs and garlands borne by willing hands to their silent chambers of dreamless rest, we should not forget the earthly needs and the human wants of the living in our tearful sympathy and endearing solicitude for the dead.

On fame's eternal camping ground  
Their silent tents are spread,  
And glory guards with solemn round  
The bivouac of the dead.

Believe me, my colleagues, as soon as you abridge the personal liberty of the soldiers of this Republic beyond the point of human endurance and in wanton violation of our sacred traditions of liberty, you deter the flower of America's manhood from carrying arms under the flag.

Carrying arms! Would the time were past when man's inhumanity to man makes it necessary for anyone to carry arms. I wish there were no more wars. Would that bright day had come and that golden era been reached when we could discharge the whole Army and apply the immense sums of money which these bills appropriate to some useful and humanitarian purpose. Were we honest and sincere in practicing what we preach there would be no more human blood voluntarily shed.

Ez fer war, I call it murder;  
There you hev it, plain and flat.  
I don't want to go no furdur  
Than my Testymnt fer that.

I sometimes wish that the very word war were obsolete, particularly when I reflect on the kind of miserable, inglorious, land-grabbing, and liberty-destroying warfare we are engaged in carrying on now in the distant islands of the somber sea. I wish

the very word were obsolete as it is applied to the kind of murderous and exterminating warfare which our so-called mother country is carrying on in the interests of despotism, tyranny, and red-robed kingcraft in the Transvaal.

But as long as you do need soldiers treat them as men, endowed with all the attributes of a sturdy and robust manhood while they are living; not only as heroes when they are dead. They fight the battles of our country. They face the dangers of the field. They endure the hardships of the camp. They make the long and weary marches. They defy the fiercest elements. They say the long, perhaps the last, good-by to the loved and loving ones at home. They carry the flag and keep the old banner in the breeze. They leave their blood, their limbs, their lives on sanguinary battlefields. They suffer untold agonies in the hospitals of pain. They cheerfully lay all they have on earth on the altar of their country in willing sacrifice. Then let them enjoy some of the comforts—some of the sweets mixed with the hardships, the perils, and the bitterness of life.

In God's name do not deny to them what you demand for yourselves, my colleagues. You have your canteen. Nobody molests it. The Senate has its canteen. No one disturbs that. Then let the soldiers of this Republic have and enjoy their canteen unmolested and undisturbed. Restore to them the personal liberty which you have taken away from them. Protect them against the leeches, the tin-horn gamblers, and the prostitutes who linger around the Army camps to fleece and rob them. Have some regard for their health, their comfort, and their moral being. Let them be American freemen, proud of the flag under which they are fighting, imbued with an unwavering love for the country they gave up home to serve in obedience to all commands. In this spirit of entire toleration and perfect fairness, and with this purpose of promoting the cause of true temperance among our soldiers and preserving their personal liberty, I shall submit this amendment for your candid consideration. [Loud applause.]

Mr. SULZER. Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. LITTLE. Mr. Chairman, there is no disinterested citizen who has observed the enormous growth in the appropriations in this country for the last thirty years, and especially for the last five years, who does not stand amazed at its proportions.

There is a general tendency in all branches of the Government toward extravagance rather than economy. The old doctrines, founded in wisdom and right, that the Government should be economically administered and that taxation should be limited to the amount found necessary for this purpose, have no place in the modern statesmanship of the dominant party.

That Federal taxation and extravagant expenditures have reached the limit of endurance a brief comparison with the former history of the Government will clearly establish.

I desire to submit a statement of the comparative expenditures of the Government for ten-year periods, beginning with the year 1840, and giving the sum total for each of these years, as well as the amount per capita of the population.

The following table shows the amounts expended for the years mentioned:

Year.	Net expense.	Amount per capita.
1840.....	\$24,317,579.00	\$1.42
1850.....	39,543,492.00	1.71
1860.....	63,130,508.00	2.01
1870.....	309,653,561.00	8.08
1880.....	287,642,958.00	5.24
1890.....	318,040,710.00	5.07
1900.....	674,981,022.00	8.84
1901.....	710,150,862.00	8.13
1902.....	729,911,683.00	9.06
1903 (estimated).....	800,848,318.00	9.89

I do not believe, Mr. Chairman, that \$800,000,000 will meet the obligations that have been and will be decreed by this session of Congress. I feel quite certain that this amount is not an extravagant estimate.

We have in the United States and Territories at this time, in round numbers, 22,000,000 male population over 21 years of age.

So it will be seen that the expenses of the Government for the fiscal year 1903 will be equal to a charge of \$36.36 against every man in the United States over the age of 21 years. This is more than twice as much as the cost of the Government for the year 1890, 12 times as much as it cost for the year 1860, and 30 times what it cost for the fiscal year 1840. These figures speak for themselves and need no comment to warn the taxpayer what may be expected from a continuance of the highest tariff laws that ever existed in this country.

When the amounts collected from the people through the taxing laws of the Government are in excess of the legitimate demands of the Government and a large and growing surplus accumulates in the Treasury, one of three things must happen—



either the taxes must be reduced or the expenditures must be increased or the surplus paid upon the national debt, so as to absorb the continual accumulations in the Treasury. Then of necessity all those interests that enjoy protection at the expense of the people under the tariff laws, in order to perpetuate the bounties they enjoy, are especially interested in the expenditure of the public moneys. I think I may safely say that this will account for many of the schemes now being pressed before Congress asking for appropriations and throw light upon many of the expenditures made.

Take as an illustration the course of our Government in the Philippines. Who is it that would be bold enough to assert that if the Supreme Court had decided in the insular cases—as many of us believe that they ought to have done—that Congress had no right to impose tariff taxes on imports from those islands that the Republican party would not now be favoring the relinquishment of that country to the people thereof?

The policy pursued in the Philippine Islands since the conclusion of peace with Spain has furnished the excuse for not only continuing the trust-breeding tariff but the war taxes long after they might have been repealed. That policy, Mr. Chairman, has not only been a great wrong upon the people, but it has been a most expensive one on this country, both in men and money.

Now, more than three years since the conclusion of the peace treaty with Spain, we still have an army there greater than the standing army of the United States at the beginning of the war with Spain. More than 30,000 men are there, at a cost of over \$50,000,000 annually, and no man can predict when it can be materially reduced if the present policies are pursued.

I do not intend to enter into a general discussion of the policies being pursued there in that far-off land, except in so far as it is necessary to show its cost to the people of this country. No absolutely correct estimate can be made, but I believe everyone will concede that \$300,000,000 is not only conservative, but is a low estimate of actual expenditures on account of our army in the Philippines. This may seem a trifling amount to some, but to men who earn their livelihood by daily toil, and contribute more than their share to the payment of these moneys its amount can be appreciated.

It is estimated that the cost of the Revolutionary war was \$135,193,703; the war with Great Britain, in 1812, \$107,159,103; the war with Mexico, \$100,000,000. Total cost of these wars, \$342,352,806. These three wars combined with their wonderful achievements cost but little more, indeed, if any more, than we have already expended in the senseless attempted subjugation of the Filipinos. But this is not all the cost. Our army there is giving us a pension roll that will last for half a century.

There have already been allowed something over 500 pensions, and there are pending over 4,500 more claims originating from service in the Philippines, and the number is rapidly increasing. What total sum this will cost in the end no one can tell, but that it will run into many millions is apparent.

Not only this, Mr. Chairman. This policy made the excuse for increasing the standing Army from 25,000 men to an army of 100,000 when at its maximum, and which can not under existing law be reduced below 59,181.

When will these expenditures cease? No one dare predict. The partisan press tells us that the war in the Philippines is over. No one believes this, and, judging from proposed legislation, it is not expected to end for a long time. The general opinion is that for at least ten years we will be compelled to keep an army of from 25,000 to 30,000 men there.

In the urgent deficiency bill, which passed the House some weeks ago, \$500,000 was appropriated for the establishment of a military post near Manila. The pending bill appropriates \$1,500,000 for the shelter and protection of soldiers on duty in the Philippines. These items show beyond doubt that we may expect our army to remain in that country for years to come if the present policies are not repudiated by the people. I will submit at this point statement of expenses of military establishment since 1890.

*Statement of expenditures on account of "Military establishment" (support of the Army and Military Academy), for the fiscal years 1890 to 1901, inclusive.*

1890	\$23,961,300.95
1891	25,344,199.73
1892	23,404,533.83
1893	23,377,828.35
1894	23,635,153.16
1895	23,032,746.34
1896	24,046,264.22
1897	22,519,606.01
1898	55,520,884.07
1899	234,480,206.51
1900	96,484,226.06
1901	105,702,101.02

Total	681,530,062.25
Amount appropriated for 1902	116,728,655.62
Amount for 1902 (estimated)	99,849,436.45

Now, Mr. Chairman, returning to the many plans at home—in our own country—asking admission to the public Treasury, I desire to call attention to the universal demand for the increase of salaries of Federal officers. In this connection I call attention to

the bill to increase the salary of the Supreme Court judges, which has already passed the Senate.

This bill, if it becomes a law, will give the Chief Justice, who now receives \$10,500, a salary of \$13,000 per annum and each of the eight associate justices, who now receive \$10,000, a salary of \$12,500 per annum. These men hold their offices for life, and at the age of 70 may retire from duty and continue to draw their salaries during life. Under these circumstances I believe their salaries are already high enough and should not be increased. I think any lawyer who will read the decisions of this great court on the insular cases will decide that they are now overpaid, at least some of them.

A bill is also pending to increase the salary of Senators and Representatives to \$7,500 per year. This bill should not pass, and I know it will not if I can prevent it. These bills show the general tendency in every department of this Government.

Another evidence of not only extravagance, but special and unjust legislation, is the ship-subsidy bill. This bill has passed the Senate and is now pending in this House. Not desiring to discuss it at this time, I will only say that it is a bold attempt to transfer \$100,000,000 from the pockets of the people to the favored ship-owners, and the party responsible for its enactment, in the event of its final passage, will witness the transfer of power to enact laws to other hands.

Now, Mr. Chairman, coming to the direct cause of this condition of affairs in public legislation, I attribute it in its inception and growth largely to our present system of taxation.

When the first law was passed authorizing a tax not for the purpose of raising revenue but for protecting special interests, the seeds were sown from which we are now reaping the ripened fruit. Not only in burdening the people with overtaxation, but in compelling them to pay tribute out of their honest earnings to the most gigantic trusts that ever disgraced not only a free government but any government on the face of the earth. You can not turn your attention to any line of manufacturing industries without being confronted with combinations seeking to control and monopolize such industries.

Indeed, there is hardly a single important industry in the whole country free from the dominating influence of this evil in our commercial life. No man who has not given the subject more than passing attention can appreciate the stupendous proportions of these combinations in the last few years and especially since the enactment of the Dingley tariff law.

I will at this point submit a summary or statement recently appearing in the New York Journal, the accuracy of which will not be doubted, showing the organization of these combinations for the years 1900 and 1901.

The summary shows the capitalization for each month of the current year, with comparisons for 1900:

Month.	1901.	1900.
January	\$105,250,000	\$203,750,000
February	79,500,000	124,350,000
March	190,500,000	502,900,000
April	1,314,150,000	325,250,000
May	177,980,000	261,600,000
June	303,200,000	166,200,000
July	238,325,000	185,700,000
August	57,450,000	99,900,000
September	66,800,000	90,700,000
October	164,600,000	128,950,000
November	508,850,000	105,775,000
Total	3,205,605,000	2,255,075,000

These figures are not only startling but demonstrate that unless checked by national legislation these trusts will soon control with an iron hand the various interests covered by their monopolies and leave the people the helpless victims of their remorseless greed.

Mr. Chairman, I will at this point call the attention of the House to the profits disbursed in dividends during the year 1901, which amounts to a grand total of \$238,830,633.

The following statement will give their dividends more in detail:

INDUSTRIAL DIVIDENDS IN TWELVE MONTHS AMOUNT TO ALMOST A QUARTER BILLION DOLLARS—THE DECEMBER DISBURSEMENTS.

The disbursements for dividends by industrial corporations in December amounted to \$17,991,933. Nearly two-thirds of this total is due to the Standard Oil Company and the United States Steel Trust, which will jointly pay their stockholders \$12,889,638.

The grand total for twelve months is \$238,830,633, as will be seen from the subjoined summary:

January	\$29,915,740
February	11,450,630
March	26,166,430
April	24,913,380
May	9,338,320
June	19,100,830
July	23,204,080
August	16,523,754
September	\$19,436,034
October	23,016,608
November	17,772,834
December	17,991,933

Total..... 238,830,633



Now, Mr. Chairman, I desire to call the attention of the House particularly to two of these organizations, the Northern Securities Company, with a capitalization of \$400,000,000, and the United States Steel Company, with a capitalization of \$1,404,000,000. The first named was organized for the purpose of controlling and dominating a great railroad combination, and if it succeeds will open the way for the complete consolidation of the great railways of the country. The evils to follow from the consummation of this plan can only be measured by the demands of such combinations and the evils of freight discrimination and excessive freight charges, although in many instances now intolerable, will be multiplied many times over. I can not now go further into the discussion of this organization in line with what I wish to say, but I will content myself by now stating that the party in control of the affairs of this Government, by refusing to legislate against this threatened crime against the commerce of the country, are taking upon themselves a fearful responsibility—one that must in the near future prove the undoing of the Republican party or end in the complete overthrow of the rights of the people.

The United States Steel Company, organized for the purpose of dominating and controlling the iron and steel industries of the country, is the greatest single trust in the world.

I refer to the following statement in the report of the Director of the Census for 1900, showing its total capitalization and also the different companies that have been absorbed by it and the total capitalization of each of the constituent companies:

	Total authorized capitalization.
United States Steel Corporation .....	\$1,404,000,000
Constituent companies:	
Total .....	829,494,000
The Carnegie Company .....	160,000,000
American Bridge Company .....	70,000,000
Lake Superior Consolidated Iron Mines .....	30,000,000
Federal Steel Company .....	200,000,000
American Steel and Wire Company of New Jersey .....	90,000,000
National Tube Company .....	80,000,000
National Steel Company .....	63,494,000
American Sheet Steel Company .....	53,000,000
American Tin Plate Company .....	50,000,000
American Steel Hoop Company .....	33,000,000
Shelby Steel Tube Company .....	

The net earnings of this company for the nine months ending December 31, 1901, amount to the fabulous sum of \$84,779,298.

Mr. Chairman, all the products manufactured or controlled by this trust are among those protected by the highest tariff rates contained in the Dingley law, giving it the power to hold up the American consumer like a highwayman, while its products are shipped to foreign countries and sold for a far less price than our own people can buy them at the factory door.

At this point I desire to call attention to statements made in a recent Republican caucus by the gentleman from Ohio, Mr. DICK, and the gentleman from Maine, Mr. LITTLEFIELD. These statements appearing in the city press the next morning, I assume that they were authorized or are substantially correct.

The statement of the gentleman from Ohio is reported as follows:

A statement made by Mr. DICK, of Ohio, in the conference Tuesday is causing much comment, as respects the need of tariff revision for steel and iron schedules. Mr. DICK announced that he had recently received a letter from a prominent manufacturer of mowers and agricultural implements at Akron, declaring that he was now buying the large quantities of steel which he uses annually in Europe. This is American steel, but Mr. DICK's correspondent said that he could buy this steel in Europe, pay the duty thereon and the freight back to Akron, cheaper than he could buy identically the same article in Pittsburg.

The statement of the gentleman from Maine is reported as follows:

Mr. LITTLEFIELD'S argument was largely a legal one, and commanded the closest attention. He denied that we could guarantee a stable government for Cuba. That was more than the United States could do for any one of the States. We could guarantee a constitutional form of government for one of the States; nothing more. He warned the Republican protectionists that the time was not far distant when tariff revision would come. He told how American steel cost \$1.65 in Maine shipyards, while the identical kind of American steel could be bought in England for 95 cents. If the high-tariff Republicans of the House now heeded not the appeal of the beet-sugar industry for protection, they could expect little help or sympathy when their own Macedonian cry went up.

Now, Mr. Chairman, I quote these statements from these two eminent Republicans and stalwart protectionists with the hope that they may carry conviction home even to the disinterested protectionist that at least this mammoth trust, the United States Steel Company, does not need the protection of the tariff. It is matter of common information that many articles controlled by the trusts can be bought in foreign markets from 20 to 50 per cent cheaper than they can be bought at the factory doors in this country.

If American steel costs in this country \$1.65 when the identical kind of American steel can be bought in England for 95 cents, no man can well afford to insist that this trust ought longer to be allowed to fleece the American consumer.

This condition is true not only as to steel, but equally true as to hundreds of other articles of commerce that enter into the daily needs of our people.

These monopolies are completely protected against foreign competition in our own markets by the high tariff rates that must be paid upon foreign goods before they can enter into our markets.

They have, by consolidations, destroyed competition at home, and can with impunity add practically the rate of tariff duties to the selling price in the home markets, and the people are powerless in their hands unless relief is given by legislation.

The remedy in most instances is simple—remove the tariff from trust-made and trust-controlled articles and commodities and you will break the shackles from the hands of the American consumer and independent industries and strike the trusts a staggering blow. Why not do it? Why should the American consumer be longer held in bondage to such monopoly? Who can justify his own course before the people that refuses to join in the struggle to right this indefensible wrong? Where is the man that can justify a condition that will admit of the sale of American goods in foreign markets, and at a profit after paying freight, cheaper than the same article can be bought in our own market by our own people? This injustice, this iniquity and open robbery can not be justified upon any ground. It is indefensible and intolerable.

This condition has been brought about by Republican legislation. The same party that is now in power is directly responsible for it. They brought it into existence by legislative favoritism. They loved and protected it, and they are now maintaining and defending it. It is vain and useless for the people to hope and expect relief at their hands. They are powerless to grant it. The slavery of those who dominate that party to monopoly is complete and they can not extricate themselves from its grasp, and their overthrow must precede the overthrow of the trusts.

Great as that party claims to be, it can not agree upon any fair or liberal trade relations with Cuba. That this great party has on its hands now one of the greatest contests within its ranks that has threatened the harmony of its councils in years over a proposition to reduce the tariff rates in favor of Cuba 20 per cent of the Dingley rates for only two years upon her making like concessions in our favor. The principal produce of the island is sugar, and the existing rate of duty is equivalent to 86 per cent ad valorem. Yet the Republican majority are unable to agree to this, which will be of little benefit to either country.

In my opinion simple justice demands that a much larger concession should be made. Not only justice but good judgment in the interest of our own commerce demands it. Notwithstanding this, the party in power halts and hesitates, and in the end will fail to permit any legislation to pass that will materially benefit Cuba or our commerce with her.

Mr. Chairman, the issue as to the trusts is not one so much between the friends of a tariff for revenue only and those who believe in a protective tariff as formerly taught as it is an issue between honesty and dishonesty, between fair dealing and open robbery, between the sovereign people on one side and unbridled and unrestrained monopoly on the other side. Shall the great trusts and aggregations of capital continue to be protected by the tariff while they destroy the country and ride down the people? is the question.

Can the followers of the Republican creed of protection be longer deluded into the support of that doctrine—the protection to these enemies of the people? Let the rank and file of that party answer. Let the destroyed competitor answer. No effective or sincere efforts of those in control of the legislation in this or the last Congress has been made looking to the destruction of these trusts. None will be made by them at this session. But, Mr. Chairman, the day of reckoning is near at hand. The people are growing restless and resentful. They are alarmed for the safety of themselves and their industrial institutions. They witness with disapproval the wasteful and reckless expenditure of the public money.

They are already convinced of the unholy alliance of selfish interest and are resolving upon its overthrow.

Those who stand for just and equal legislation, with equal privileges to all and economy in public expenditures, are enlisting under that banner. The merchant, the farmer, the laborer, and all who believe in just government are equipping themselves for the conflict, and when the contest is over the doctrine of equal rights and privileges for all and economy in the public expenditures, and that taxation should be limited to the needs of the Government, economically administered, will again prevail in this country. [Loud applause on the Democratic side.]



Mr. HULL. Mr. Chairman, I yield such time as he may want to the gentleman from Illinois [Mr. PRINCE], a member of the committee.

Mr. PRINCE. Mr. Chairman, we have under discussion to-day the Army appropriation bill. It appears that the bill last year carried an appropriation of \$115,734,049.10. The bill this year carries an appropriation of \$90,880,934.41, in round numbers \$25,000,000 less this year than it was last year.

It is true, gentlemen of the House, that this bill to-day is much larger in appropriations than it was when I first entered in the Fifty-fourth Congress. It was my privilege then to come at a time when one branch of the Government service was in control of our friends upon the other side of the Chamber. Two years later the party to which I belong came into control of all branches of the Government.

I remember very well, as if it were only but yesterday, the intense feeling and interest in this House in the Fifty-fifth Congress. It was not confined to the other side of the Chamber, but it was on this side of the Chamber as well. The sentiment was not only here in this legislative hall, but it was throughout the country on the part of the people, that something should be done to relieve Cuba. I remember very well how we marched in and out of the various conferences and caucuses on this side urging and insisting that the President of the United States should do something toward the relief of Cuba. I now recall in substance some of the words that I heard the distinguished President of the United States—who had been a soldier in the civil war, who had gone forth as a mere lad of 17 years of age, who had bid his neighbors and friends good-bye, who had kissed the dear mother that he loved so well, who knew what war was—make use of then. He said that we could easily succeed in war, but the results would be unpalatable to many of our people.

He stood against war in those days, because he thought this whole question of the disturbance in Cuba could be settled by honorable and peaceful means. But it had been decreed otherwise, gentlemen of the House. The people demanded that we should go and relieve and free Cuba. There was no purpose in the mind of the President or anyone at that time, nor is there now, to obtain Cuba by force of conquest. But we went to war, and we succeeded very quickly. Our armies upon the sea and land were covered with glory. The world looked to the young republic, and by leaps and bounds we became one of the foremost, if not the foremost, nation in the world; and then there came upon us the results of that war. Let me say to you it was not a party war. Cuba was relieved of Spanish rule; Porto Rico fell into our hands, and there came into our hands also the archipelago where the Philippine Islands are located.

This is not a party question, and gentlemen of the House of Representatives should not discuss this question as a party question. We are here representing a great people, with a great representative duty to perform, and let us move along as representatives in this great body with a knowledge of this question that we are discussing. Porto Rico and the Philippines now belong to us. Cuba, we said, "is and of right ought to be a free and independent people." On the 20th of May, 1902, Cuba will take her place as an independent people. The resolution that we passed in this House by practically a unanimous vote, as I recall it, will be consummated on the 20th of May, 1902.

How have we acted in the case of Porto Rico? We have given that island a form of self-government. Her executive officers are appointed by the President and confirmed by the Senate. The executive council is appointed by the President, but the legislative body is selected by the people of that country.

Now, as to the Philippines. As the representatives of a great people—representing a people the greatest on earth—what should we as representatives do with this question? It is for us to discuss this question, and as a result we shall have to go before our people and render an account of our stewardship in reference to those islands. Have we mistreated those people in any way? Who is there in this Hall or elsewhere to say that the American people, by arms or by civil force in the Philippines, have laid a harsh hand on those people? There are 8,000,000 of them—1,000,000 Moros and non-Christians, 7,000,000 believing in the same religion that we believe in, worshiping the same God, recognizing the same Master.

Have we borne heavily upon them by law or by force of arms? Who says that we have? We have been conducting ourselves in that island in a humane and Christian manner, as far as it was possible. Their schools are moving successfully along. We are holding out to those people inducements to expect that they will have a form of government given to them as rapidly as it is possible for them to accept it and maintain it and use it. We are recommending—and, in my judgment, it will pass in this Congress—a form of civil government. They will have an executive head, appointed by the President and confirmed by the Senate. They will have an executive, council selected by the President of the

United States—perhaps the members of the Commission already constituted. They will have an elective body similar to the legislative bodies throughout this country.

But, my fellow-members, what have they there? There are 34 provinces where the electors choose through proper channels the men to preside over them. There are 500 municipalities similar to municipalities in our own country. There will be formed among those islands a central form of government, similar, perhaps, to the Congress of the United States, to which those men will send their representatives, chosen by their own electors, whose right to vote will be prescribed perhaps along the line of intelligence and property. And there should be permitted to come to this legislative body as Delegates from that archipelago three representatives, to tell us of the condition of the people there—what they want and what they need.

These are the lines along which we are moving. These are the ideas which will be crystallized in legislation, no doubt, before this Congress closes. Have you ever thought, my fellow members, that no country in the world under any form of government has ever pointed the finger of reproach to the United States in regard to its treatment of the Filipinos? It has been left for men of this country alone to criticize our action there as a great people. The world has never said that we have been harsh or cruel to them. In the heat of party politics perhaps at times we have said things that we ought not to have said; but the world, which is the best judge of our actions—the civilized and Christian world that is represented in Continental Europe, Great Britain, and in other portions of the globe—has never found fault with the conduct of the United States toward Cuba or Porto Rico or the Philippines. That to my mind is the best and highest evidence that we have been moving along the lines of a Christian nation, sustained by the voice of a Christian people. The conduct of men who are here representing our people in legislative halls has been approved by the people of this country and by the people of the world.

So it seems to me that, irrespective of party lines, we can render an account of our stewardship to the voters this fall in regard to our treatment of the Filipinos, the Porto Ricans, and the Cubans. I have heard no fault found thus far, aside from a little questioning here and there. And I ask you, fellow-members, not to consider any party lines in dealing with this question. Consider your oath of office; consider what you have said you would do to maintain this Government and all its colonies—if you see fit to call them colonies—or its dependencies, its insular possessions—if you see fit so to call them. Remember that they are part of your possessions as well as ours. Remember it is yours as well as ours, and ours as well as yours. There is no party line that should be drawn. It is part of our duty as representatives of a great people to see to it that the men in those islands who are wearing the uniform of the United States and maintaining our flag, as well as those in civil positions, shall be sustained, their hands upheld in all they are doing for the betterment of this people and the betterment of the world. This is what I ask you to do, and when you consider the question in the line of your duty as men you will not give to anybody here or elsewhere any encouragement to resist the lawful, honorable government enacted in the Philippines. [Loud applause.]

Mr. SULZER. Mr. Chairman, I now yield twenty minutes to the gentleman from Louisiana [Mr. BREAZEALE].

Mr. BREAZEALE. Mr. Chairman, we have been informed that the Naval Committee of this House, by a recent strict party vote, has concluded not to report any of the pending bills relative to the status of Admiral Schley, and that it will no longer consider that subject. I regret exceedingly, Mr. Chairman, that that great committee should have reached that conclusion. I have not seen nor have I heard the reasons that induced that conclusion, but I take it for granted that the reason given or the reason actuating them will be found in the closing paragraph of President Roosevelt's judgment on what is known as the Schley appeal. He closes with these words:

To keep it alive would merely do damage to the Navy and to the country.

I submit, Mr. Chairman, that no reason of State or other reason should operate to prevent the rectification of an injustice done. I submit that before the country, before the world, Admiral Schley stands to-day as being the victim of one of the greatest and most cruel injustices ever perpetrated upon a gallant man. I submit again that, if it be true that the Naval Committee representing, as it is presumed to represent, the judgment or opinion of this House, it is deplorable in the extreme that it did not give this House an opportunity to express its opinion by vote on that subject. I do not believe it is right to deny a free and fair expression of opinion upon any question, and especially upon a question in which all the people, the whole people of this great country, are so directly interested.

The people of this country are generous. They are courageous.



They believe in fairness, and they believe that if one man more than another is entitled to that great victory at Santiago it is Winfield Scott Schley. [Applause.]

Mr. Chairman, Admiral Schley stands in a horrible predicament. He stands convicted by the highest executive officer of this Government—convicted in the most remarkable judgment that ever has been given to the public on any question. I dislike to criticize as severely as I would desire that judgment because the inherent respect I have for the high station of Chief Executive of the nation circumscribes the plain expression of my opinion, and I desire in what criticism I may make of him to do so with dignity and with a proper regard for the proprieties.

Let us look at it now as laymen, as nonprofessionals, as people who know nothing of the technique of naval warfare. Let us look at it from the standpoint of fairness and of justice, and let us see what has been decided in that opinion. It has been charged, or rather insinuated, that this prosecution of Admiral Schley is the result of a cabal or conspiracy in naval circles. Of that I know nothing. I wish we could get at the bottom of it, and I believe if the Naval Committee of this House would permit us to go into that question by reporting some of these bills we could get at the merits of that charge and lay bare that conspiracy.

But what says President Roosevelt? He weighs with exact mathematical certainty the merits of Admiral Schley's appeal. He tells us that five-sixths of that appeal—now, Mr. Chairman, mark the mathematical exactitude of that statement, that five-sixths of the appeal is based upon the demand to know who commanded and who is entitled to the credit for that victory. He immediately tells us what? I quote him:

What I have to decide therefore is whether or not President McKinley did injustice in the matter.

I submit, Mr. Chairman, that that is unfair to Schley. Neither Admiral Schley nor his counsel nor any one of his friends and admirers or believers in his integrity or in the fairness or justice of his claim ever asked President Roosevelt or any other man to decide whether or not President McKinley had committed an injustice. Mr. Chairman, that gives the whole case away. It is hiding behind the ghostly shadow of a good man, and a desire to prevent the public from looking at the real situation.

Following that up, what does the President say? He gives the evidence of all the captains involved in that battle. After doing that he goes back again to his mathematics and demonstrates with the impetuosity of a school boy the actual number of shots which struck the Spanish ships, and, furthermore, demonstrates, to his satisfaction at least, the actual number of those shots fired by each respective American vessel.

Then what does he say? He reaches then the heat of the engagement with a coolness that is sublime, a coolness that is truly marvelous. He tells us, sitting in his cosy cabinet room, that he can plot and does plot with absolute certainty every single movement of the actual battle—a most wonderful capacity he has demonstrated in that line—and in doing so he reaches the conclusion (a most remarkable one, to me) that the battle itself was a "captain's fight." Involuntarily the mind travels back to that bright morning in the springtime when the great battle of San Juan hill was raging, and we, no doubt, believe, or are called upon to believe by parity of reasoning, that that battle was a colonel's or a lieutenant-colonel's victory.

No general had command there, by parity of reasoning. No one had command at the battle of Santiago, says the President; it was absolutely a captain's fight; yet immediately preceding that assertion he tells us that Admiral Sampson then in charge of the American squadron had left on that morning before the battle with a signal flying, observed by the entire squadron, "Disregard the movements of the commander in chief." Who is to disregard it? The squadron or the second in command? Who was the second in command? He admits here that Admiral Schley was the second in command. Is there any way to reconcile that faulty reasoning, telling us in one breath that the commander in chief had left with a signal flying, observed and acted upon by the entire squadron, to disregard the movements of the commander in chief, and then telling us that the battle immediately following, when that command devolved by right upon Admiral Schley, was won by the captains? What captains, in God's name?

I find from a careful reading of this judgment on this appeal that the principal captain selected by him for recommendation—at least the judgment in that appeal is in his favor—was Captain Wainwright, of the *Gloucester*, a torpedo boat, I think. The whole judgment is one in favor of every captain involved in that fight, except the actual commander of the battle, Admiral Schley; yet we find running through it some modicum of consolation. In plotting this actual battle, that he tells us he can do with absolute certainty, we find this (it is true it comes to the admiral in partnership with Captain Cook):

Admiral Schley is rightly entitled, as is Captain Cook, to the credit of what the *Brooklyn* did in the fight. On the whole she did well.

Thanks, mighty mogul, thanks. She did well, in his opinion. "On the whole she did well." It is true that she received more than a majority of the damage done to any of the American ships, but at least we have that modicum of consolation that Admiral Schley and Captain Cook together are entitled to credit for whatever the *Brooklyn* did, and that on the whole she did well. Mr. Chairman, it makes no difference to the public whether there was a retrograde movement or not; whether there was a blockade of 1 mile or 5 miles; whether or not there was a loop or no loop. The layman looks at the results. The people look at the crowning result, the grandest victory in naval warfare of modern times, and for that victory the people of this country are indebted to Admiral Schley.

I want to have read in my time by the Clerk a criticism taken from a newspaper, the Post of this city. I do not know the politics of that paper, nor do I care, but it is a great paper. I do not know whether it be Republican or Democratic, but I know its criticism of that judgment is so thoroughly stated, so thoroughly expressed, so thoroughly represents public opinion, that I desire to have it printed in the RECORD, and will send it to the desk to have it read.

The Clerk read as follows:

RIGHT HERE WE DODGE.

"A high-school boy" writes to us in great anxiety of mind. He has carefully examined the President's memorandum in the Schley case, and, as boys will do at times, he asks embarrassing questions. He takes the very great, not to say irreverent, liberty of criticising the Presidential grammar and casting impious doubts upon his august rhetoric. This Smart Aleck—who will fall down before long unless he gets a better gait on—quotes from the memorandum, as follows:

"Under such circumstances it seems to me that the recommendations of President McKinley were eminently proper, and that so far as Admirals Sampson and Schley were concerned, it would have been unjust for him to have made other recommendations."

"Personally I feel that in view of Captain Clark's long voyage in the *Oregon* and the condition in which he brought her to the scene of service, as well as the way in which he actually managed her before and during the fight, it would have been well to have given him the same advancement that was given Wainwright."

And then our youthful correspondent proceeds, stiff-necked and unabashed, to say:

"Long before I got to the high school my teacher, Miss —, told me that it was ungrammatical to say such things as 'it would have been unjust for him to have made,' and 'it would have been well to have given,' and things like that. She said they didn't mean anything, that they were 'cancellations,' and left you in doubt as to the time or the meaning involved. It's a humiliating admission, but true, that whenever I used what she called 'the double potential,' she always kept me in or said mean things to me."

"Now, I can't believe Mr. Roosevelt would write bad grammar. He is a graduate of Harvard, and, besides, he writes books. I have read his history of the great war in Cuba, and it was just fine. I only wish I had been old enough to go with the Rough Riders and charge heights and slaughter Spaniards as they did. Still, I can not forget how Miss — used to rap me when I was a little second-year chap and said things like 'it would have been well to have given him.' I wish you would tell me about it. I don't know whether to believe the President or the grammar."

We respectfully but swiftly dodge this complication. In any issue, as between the President of the United States and a mere private citizen like Mr. Lindley Murray, there is only one attitude the patriotic and loyal American can conscientiously assume. We may not know what "it would have been well to have given him" means. But shall we set up against a carefully prepared declaration by Mr. Roosevelt the benighted challenge of our own ignorance? Never! A thousand times never! To use the language of our own Mrs. Malaprop, we might say to this high-school boy, "strictly nous avons"—that we do not take kindly to "it would have been unjust for him to have made." Secretly we assign that phrase to Du Maurier's list of "things one would rather have put otherwise." Speaking officially, we say: "Mum's the word."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I yield the gentleman two minutes more.

Mr. BREAZEALE. Mr. Chairman, in closing, I desire to direct the attention of the public to the parallel between the two historic cases in this country. There appears to me to be a remarkable parallel between this present case of Admiral Schley and the grave injustice done to a great Union soldier in the civil war, Gen. Fitz-John Porter, who for more than thirty years rested under the stigma of cowardice and of treason. At last he was vindicated.

The great Gen. U. S. Grant, who had hastily acted in the first instance, subsequently upon a review of the testimony in the case, with a manly courage truly American, undid that injustice, and to-day the name of Fitz-John Porter shines brightly in the grand galaxy of generals who fought in the Union Army. I hope and trust that Admiral Schley will not have so long to wait. I hope and trust that the President may find occasion to reverse this most hideous, monstrously hideous, judgment in his case, and if he fails to do so, mark this prophecy, it will be but a short time when this House, under a different majority and under the control of a different party, will see that ample and perfect justice is done to this great, this noble, this patriotic man, this gallant sailor, Admiral Schley. [Applause.]

Mr. SULZER. Mr. Chairman, I ask unanimous consent that all the gentlemen who have spoken on this bill have leave to print.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all gentlemen who have spoken on this bill have leave to print. Is there objection?



Mr. HULL. I supposed they had had leave to print; they have been given ample time.

Mr. SULZER. This request is only for those who have spoken on the bill.

Mr. HULL. I understand, but they have all spoken themselves out, and I object to their going to work and writing up a lot more.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. SULZER. I trust that the gentleman from Iowa will now consume some of his time.

Mr. HULL. The gentleman from Iowa will be glad to proceed with the reading of the bill, if the gentleman has no objection. I make the request that we proceed with the reading of the bill, with the understanding that to-morrow morning the gentleman from Virginia [Mr. HAY], a member of the committee, have twenty-five minutes, and that we have twenty-five minutes on this side, if we desire to take it.

Mr. SULZER. I have no objection to that, and I trust now, as I have agreed to that proposition, the gentleman from Iowa will withdraw his objection to unanimous consent that those who have spoken have leave to extend their remarks.

Mr. HULL. I make that request in order to accommodate gentlemen on the other side of the House, not with any idea of accommodating myself; so that in place of its being a concession for the gentleman to agree with me it is a concession on our part to ask that consent for them, and I can see no reason for withdrawing my objection.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. ROBERTSON of Louisiana. Mr. Chairman, the gentleman from Louisiana [Mr. BROUSSARD], who is a member of the committee, understands, I think, that he will be given some time, and he is now preparing some remarks on this bill. He is not present, and I desire to have him protected, and that time be given to him.

Mr. HULL. The gentleman's request would not affect him at all. It would not help him out any, because the request was for those who have spoken, and they have all had time and have finished their remarks, with the exception, as I remember now, of one or two gentlemen, who asked that they might be permitted to extend their remarks in the RECORD, which consent was given. A general leave to print to those who have spoken would mean that parties can go to work and write anything they please, and I think it is hardly a fair proposition.

Mr. ROBERTSON of Louisiana. I misunderstood the request.

Mr. HULL. But if the gentleman from Louisiana [Mr. BROUSSARD] under the five-minute rule to-morrow will ask leave to extend his remarks I shall be glad to state that I hope the leave will be given him.

Mr. SULZER. Mr. Chairman, the gentleman from Tennessee [Mr. GAINES] addressed the House yesterday and requested me to ask leave for him to extend his remarks.

Mr. HULL. Well, Mr. Chairman, we gave Mr. GAINES some of our time yesterday in order to allow him to finish and he talked out. I should hate to give him permission to get a second wind and go on with it. I shall object.

I ask, Mr. Chairman, that the reading of the bill be proceeded with now, under the five-minute rule.

The CHAIRMAN. No one demanding the floor, the Clerk will proceed to read the bill.

Mr. HAY. I should like to know whether the request was granted that I have leave to speak to-morrow?

Mr. HULL. I understand that consent was given on the proposition that I asked for the gentleman from Virginia, that he have twenty-five minutes to-morrow, and that we on this side have twenty-five minutes, if we desire.

The CHAIRMAN. In order that there may be no doubt about it, if there be no objection the request of the gentleman from Iowa will be granted. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of enlisted men of all grades, including recruits, \$11,500,000.

Mr. HAY. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 17, page 4, strike out the words "eleven million five hundred" and insert "nine million nine hundred and fifty."

Mr. HAY. Mr. Chairman, when the Army was increased to 100,000 men it was understood that as soon as the exigencies of the service and of the Government allowed it would be reduced. This bill calls for an Army of 83,000 men—5,000 Filipino scouts and 78,000 American troops.

We have the evidence of Governor Taft that there will only be required in the Philippine Islands for the next year about 20,000 American soldiers. This bill provides beyond that for 5,000 Filipino scouts, making 25,000 men for the Philippine Islands.

The artillery has now been increased to 18,000 men, which is considered to be sufficient for the manning of our coast defenses and for the field batteries. So that if you take the 25,000 men for the Philippines and the 18,000 for the artillery from the 83,000 provided in this bill you will leave about 40,000 men in this country, outside of the 18,000 used in the artillery. I should like to know how these 40,000 men can be used in this country at the various posts which we have? It is a well-known fact that the posts have been decreased, and that there is no need for as many men outside of the artillery as there used to be. Before the war with Spain 25,000 men were sufficient for every purpose in the United States.

It is now proposed to keep 40,000 men here. The amendment which I present is offered upon the basis of reducing this bill by 15,000 men, so that there will be 30,000 men here and 25,000 men in the Philippine Islands, an ample number, more than sufficient. But I desire to be conservative, and I desire that the Government shall have all the men necessary to protect its interests in the Philippine Islands and here. The only use really for that number of men (30,000) in this country is to have a sufficient number of them to interchange with the troops in the Philippines.

Now, Mr. Chairman, it is very true that it is difficult to ascertain just exactly how many men are needed there. The Secretary of War says in his hearings that we will need 30,000 regular troops and 5,000 Filipino scouts. Governor Taft, as I said a moment ago, stated they would only need 20,000 in all, and that they ought to be reduced, and that they could use what he called the Filipino constabulary there to much better advantage than they could use troops. General Hughes says practically the same thing. General Otis, in his hearings before the Philippine Committee of the Senate, says that they only need 25,000 troops in the Philippine Islands.

Now, what I want to know is, why we should vote an Army of 83,000 men, when we can get along without any trouble with an Army of 66,000 men? If gentlemen can show that we need more than 66,000 men, if there is any necessity for it, then I am willing to vote it. But after a careful consideration of the subject, after reviewing all the evidence which I have been able to get with regard to the Army and the needs of the Army in the Philippines and in this country, I have come to the conclusion that we can without trouble reduce the Army about 15,000 men in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAY. I move to strike out the last word.

Mr. HULL. How much time does the gentleman want?

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Virginia be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Now, then, the amendment which I have offered is based, as I have said, upon the reduction of the Army by 15,000 men from this bill. We all know that there is no need, and there will be no need, in the year 1903, for any troops in Cuba. This bill provides for two battalions, I believe, in Porto Rico; and if there is any necessity, if the conditions in the Philippines are such as to need any more men than the 30,000 men as asked for by the Secretary of War, then I would like to know it. We derive our information from Administration sources, we derive it from the civil governor of the Philippine Islands, we derive it from the officers of the United States Army, so far as they are permitted to speak.

Mr. Chairman, we all know that there is a sort of tyranny of silence which is placed upon the Army; that officers are not permitted to give their opinions to committees of either House of Congress without being called to account for it by people in high place and in power. We know that the Commanding General of the Army of the United States, for giving his opinion upon the verdict of a court of inquiry in another branch of the service, was reprimanded by the President publicly before a promiscuous audience. I say, therefore, that if they have any evidence to show that there are more men needed in the Philippines than they themselves say there are, let that evidence be produced. But until it is produced it is our business as members of this House, legislating for the American people and for the American taxpayers, to keep this army down to such a number as is necessary, and not to give a single man more than is necessary. I propose to follow the present amendment with amendments all along through the bill, reducing it as I have said.

Mr. HULL. Mr. Chairman, I think this side of the House should be under the greatest obligation to the gentleman from Virginia for his solicitude in keeping the appropriations of this Congress down to the lowest limit, and I should be glad to join with him in that policy, that we might make the total appropriations showing a very great deal of reduction under Republican leadership; but I want to call the attention of the committee to the fact that the

Committee on Military Affairs has already reduced the estimate for the Army proper by \$1,000,000 from that submitted to us in the estimate. So that this amount that we have reported to the House is for a much smaller army than was originally estimated for when the estimates were submitted to Congress in last December.

Mr. HAY. I will ask the gentleman the question whether or not those estimates were made for an army of 100,000 men?

Mr. HULL. No, sir; not quite.

Mr. HAY. Well, what does the gentleman estimate the Army to be raised under this bill?

Mr. HULL. The Army under this bill is, as I understand, between seventy and eighty thousand men. But I want to take issue with the gentleman's argument as to the number of men we may need in the Philippine Islands. I believe if we were to reduce them below the point of safety it would encourage further insurrection and result in increased expenditures on the part of the Government in the future.

When I was in the Philippine Islands I had the privilege of going with General Chaffee and visiting nearly all the posts outside the island of Luzon, and the evidence taken before General Chaffee, not given by Army officers alone, but given by the native officials, the governors, the fiscals, the treasurers, and the supervisors, was, without exception, that it was unsafe to take any troops from the localities we visited. There is to-day no organized army in the Philippines, but there is lawlessness all over the islands.

I know that Governor Taft has been very optimistic and hopeful as to the conditions that may prevail in the Philippine Islands. I sincerely hope time may prove him right. I think conditions are better than when I was there, but he was very optimistic when I was there as to the military force it would require to protect life and property. After I left there I think you will all remember that several of the provinces were turned back to military authority on account of the civil governments being prematurely started on their careers. They were powerless to accomplish good.

This appropriation offered by the committee—I supposed it met the approval of the entire committee, because we had very full conference as to all of these appropriations, and I will say for the credit of my Democratic friends that they joined with the majority in cutting down wherever they could; but when we made the report it was on the basis of a reduction of the army in the Philippines to about 30,000 men, American soldiers, and 5,000 Filipino soldiers organized under the law that was passed when we adopted the general reorganization bill.

It does seem to me, Mr. Chairman, that it is a great mistake for this committee to reduce this amount below what was reported from the committee. The Administration in the United States and Governor Taft in the Philippines are both of them anxious to reduce the army to the lowest point consistent with safety and the interest of the United States, and if we do not need the number that we appropriate for, which, in my judgment, is the lowest number that this country can safely go ahead with, they will not be used, and if not enlisted and employed they will not be paid for; but we should not make it impossible to pay if enlisted.

The gentleman from Virginia is not more anxious to get the army down to the lowest point consistent with safety than is the Administration, both the President and the War Department, so I hope the amendment will not be adopted; and I can see no good reason why he should have offered it.

Mr. HAY. Will the gentleman allow me a question?

Mr. HULL. Certainly.

Mr. HAY. The gentleman says he wants to reduce the Army to what he considers a point of safety?

Mr. HULL. I do.

Mr. HAY. How many men do you think ought to be kept in the Philippines?

Mr. HULL. I think that there ought to be more than the Secretary of War estimates, if you want my honest judgment. They have five hundred and some odd posts there. The force of natives there is new and untrained, and it is only effective when it knows that it is backed by the power of the United States. Without that power the native troops would be worthless.

Mr. HAY. Then that is from your experience?

Mr. HULL. From my personal experience and what I have read and know of it, I should say 30,000 American troops in the Philippines was reducing the Army to the lowest point consistent with safety, and reducing the number more than I would take the responsibility of doing.

Mr. HAY. That is what the Secretary of War says.

Mr. HULL. Yes; but I think it is too low. I think you ought to have more than 30,000 there.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAY. I ask unanimous consent that the gentleman may continue for five minutes.

The CHAIRMAN. The gentleman from Virginia asks that the gentleman from Iowa may continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Now, let me finish my answer. If it takes 30,000 troops in the Philippines, there ought to be 30,000 here, because these troops ought to be exchanged at stated intervals so that no one would be there more than two years if possible. If you do that and have 18,000 artillerymen—and I understand the gentleman from Virginia to say the artillery was raised to that number, although I didn't so understand it—that would be 78,000 men.

Mr. HAY. And 5,000 Filipino troops.

Mr. HULL. If you have that number, the amount we have reported here will, in my judgment, call for a deficiency bill during the short session of this Congress. We are appropriating for 50,000 privates; and we cut off \$1,000,000 from the estimates. The estimates were for 55,000 privates.

Mr. JETT. From the gentleman's judgment and experience while in the Philippines, does he or does he not believe that it will be necessary for some time to keep troops where the so-called civil government has been established?

Mr. HULL. I say yes. It will be necessary for some time. I do not regard it as possible that a people who have never had any experience in civilized government, as we understand it, can in the course of a year or two years or three years leap into full-fledged American citizenship, with fully developed ideas of the rights of property and life and a full comprehension of how to administer a free government.

Mr. HAY. Governor Taft in his evidence before the Philippine Committee stated that the constabulary there were doing more good than the soldiers; that they could find these robbers and these disturbers of the peace much more effectively than the soldiers could.

Mr. HULL. I think that is true in one sense and not true in another. I think that if the United States troops should be removed the local constabulary would not amount to anything, but when backed by American troops and protected by them they are better scouts than our soldiers, because they are more familiar with the habits and haunts of their people.

Mr. HAY. I am not advocating the removal of the American troops, but I wanted to know the lowest number of American troops added to the Filipino troops that the gentleman thought necessary.

Mr. HULL. I should say that 35,000 would be better than 30,000.

Mr. HAY. Then the gentleman thinks that 35,000 American troops, in addition to the 5,000 Filipino troops, are needed there?

Mr. HULL. Yes, sir; and if I had adhered to my own idea I should have insisted upon that number; but I yielded to the judgment of the Secretary of War, who thought that 30,000 of our troops, with the 5,000 Filipino troops, would suffice.

Mr. HAY. And you think they will be needed there for some years to come?

Mr. HULL. For the next fiscal year, anyhow; and that is what we are legislating for.

Mr. PATTERSON of Tennessee. My recollection is that Governor Taft, before the Insular Affairs Committee, said that all the provinces of the archipelago were pacified, with the possible exception of five.

Mr. HULL. I have not read what Governor Taft said, and I do not want to answer for him. They may be pacified in one sense of the term; that is, there may be no organized army there.

Allow me to say that I have been so busy at home for the last month or five weeks trying to preserve my own private or political interests that I have paid but little attention to public matters, and I think I will take this occasion to say in reply to what has been thrown out here to-day that while I was thus engaged at home I made absolutely no promises as to what should be my course in the future. [Laughter.]

Mr. PATTERSON of Tennessee. If the gentleman from Iowa thinks that is an answer to my question, I suppose I must be satisfied with it.

Mr. HULL. I do not know whether I understood the gentleman's question.

Mr. PATTERSON of Tennessee. What I wanted to ask was this—the gentleman did not wait till I finished my question: I stated that, according to my recollection, Governor Taft, before the Insular Affairs Committee, testified that the whole Philippine Archipelago is pacified, with the possible exception of four or five provinces. Now, I understand the gentleman from Iowa has visited that archipelago, and I would like to know whether he agrees with Judge Taft on that point.

Mr. HULL. Well, Mr. Chairman, I believe I have partially



answered that question already. I do not believe that pacification exists in the broad sense that there is a law-abiding people. If by pacification is meant simply that there is no organized, armed rebellion against the authorities, I should say yes. But I want to say from my observation that there is a large lawless element there that never has been controlled by any government in the past; this is the first Government that ever has undertaken to control it and establish peaceful conditions outside of the large cities.

And it is going to require the strong arm of the Government to protect the Filipinos from their own people—not to protect the United States in the cities, but to protect the law-abiding Filipinos, who want to work and make a living, from the raids of those robber bands that for centuries have preyed upon them, destroying the fruits of their industry and compelling them to huddle in little towns along the seaports, instead of spreading themselves out on farms in the interior as they might have otherwise done.

Mr. PATTERSON of Tennessee. The gentleman is referring to the Filipinos who oppose the authority of our Government?

Mr. HULL. Oh, no; they oppose any government. They oppose us just now because we are the government; but they would oppose any government. They would oppose their own government. They are lawless bands of ladrones.

Mr. PATTERSON of Tennessee. Does the gentleman think it necessary to have a standing army there to keep those provinces pacified?

Mr. HULL. The future must determine that.

Mr. PATTERSON of Tennessee. I would like to have the gentleman's opinion about it.

Mr. HULL. I say for the present, yes.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL. I call for a vote.

Mr. WILLIAM W. KITCHIN. I wish to ask the gentleman from Iowa [Mr. HULL] a question, and for that purpose I ask that his time be extended for two minutes.

The CHAIRMAN. Is there objection to extending the time of the gentleman for two minutes?

There was no objection.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I understood the gentleman from Iowa to state that if we had 30,000 Americans in the Philippines, or 35,000, which he thought would be better, we ought to have the same number of troops here, in order that these soldiers could be exchanged or replaced from the United States to the Philippines as often as at least once every two years. I would like to know the reasons for the necessity of that change. Is it owing to the climatic conditions there?

Mr. HULL. It is a tropical country, and no people that are engaged in service there ought to be kept any great length of time. While a large number of the troops there when mustered out were perfectly healthy, and the percentage of sickness in the past was no higher than it is here, yet the danger of affecting the constitution of Americans by keeping them there in service too long is enough of itself to warrant the change, and we change troops in this country from one part of it to another in the same way. We do not keep troops in the Gulf States an unreasonable time.

Mr. WILLIAM W. KITCHIN. Well, the main reason for that change then would be owing to the health of the soldiers in the Philippines?

Mr. HULL. I should say, yes; very largely that.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia.

Mr. HAY. Mr. Chairman, I want to say one word in conclusion. I understood the gentleman from Iowa to say that there were only 50,000 enlisted men provided for in this bill.

Mr. HULL. I said there are less than 55,000. The estimates were for 55,000 previously, and we cut it down \$1,000,000.

Mr. HAY. And yet it is very well understood that there is to be an Army of 83,000 men under this bill. Now, I understand that the artillery has 18,000 men. Am I mistaken about that?

Mr. HULL. I do not so understand.

Mr. HAY. The artillery, I say, is to have 18,000 men in it.

Mr. HULL. I doubt if there are that many there now, but they are getting it to that number as rapidly as they can find good men.

Mr. HAY. That is what this appropriation calls for.

Mr. HULL. Yes; but you must remember in addition to this statement that this appropriation does not commence until after the 30th of next June.

Mr. HAY. Oh, I understand that, of course; and it is all the more reason for reducing the appropriation, because as time goes on, as Governor Taft says, so much less there is any necessity for American soldiers in the Philippine Islands. Now, there cer-

tainly can not be any reason for 43,000 soldiers in this country, 18,000 soldiers in the artillery and 25,000 outside.

Surely no man will contend that it is necessary to have that number of troops here, and if there is a chance of an opportunity to reduce this Army, as these gentlemen who come from the Philippines tell us that there is, then we ought to reduce it, and next December, if it is found necessary that a larger appropriation shall be made, we will be here to make it. Therefore I say that it is our duty to the taxpayers and as representatives of the American people to bring this Army down, and to reduce this appropriation as much as we possibly can, and I hope that gentlemen upon this floor who have the interests of the people at heart will vote for the amendment which I have introduced.

Mr. SHAFROTH. Mr. Chairman, if the gentleman will yield just a minute, I have what purports to be an interview from Governor Taft when he landed in San Francisco on January 22, and I will read the language with which he is credited:

Fifteen thousand men will be an ample force in the islands before the close of the year. I was told this only a few days before I came away. Officers thoroughly versed in the situation gave me the figures.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Virginia.

The question was taken; and on a division (called for by Mr. HAY) there were—ayes 31, noes 52.

So the amendment was rejected.

The Clerk read as follows:

For additional pay for length of service for all enlisted men, exclusive of Hospital Corps, \$900,492.

Mr. COCHRAN. It is to me a matter of amazement that the recklessness of assertion which at the beginning of the controversy about the Philippine Islands characterized this discussion should still continue on this floor. Even earlier in the discussion, before gentlemen had time to inform themselves, this was inexcusable. At this late date it is unpardonable. The gentleman from Iowa would have you believe that the Philippine Islands never had in the interior a good municipal government. Where does he get that information? Not from any history or other authentic source. The fact is that the Philippine Islands—that is, the Christian islands—prior to the war with Spain, had good municipal governments.

Every writer who has ever discussed the subject, including distinguished Frenchmen and distinguished Englishmen, and our own Dean Worcester, of the Michigan University, bear testimony to the peaceableness, honesty, and good social qualities of the Filipino people. When, after the cessation of hostilities at the end of our war with Spain, two Americans, one a military and the other a naval officer of the United States, visited every part of the Christian island of Luzon, upon their return, they said that ere the embers of the war with Spain had disappeared the people had returned to their fields and shops and resumed the pursuits of peace, and that the island was as peaceable as any part of the United States.

A report to this effect was made to their superiors and has been printed as a public document. Why do gentlemen refuse to inform themselves on the subject and in the face of all history continue to misrepresent the real situation in the Philippines?

Why do they seek to misrepresent the facts and pervert history? Gentlemen, the truth will finally be known. In discussing the question it is useless to try to exclude it. The people will finally know all the facts.

The gentleman from Iowa [Mr. HULL] says that no less than 35,000 troops should be retained in the islands, and in this connection he and others who discuss it talk about the pacification of the country. What do you mean by pacification?

Do you think the time will ever come when a conquered country, inhabited by four or five millions of civilized Christians, will be content to live under alien rule? Do you think that there will ever be found on earth a country such as I have described, where anything short of brute force will secure submission to a conqueror? Instead of the word "pacify" say terrorize. Other conquered countries have been pacified, you will say. Ah, yes! Ireland has been pacified, but at the end of seven centuries of foreign occupation we find 35,000 British troops there, and a tax imposed to prohibit men from having firearms in their houses. Seven centuries of pacification, and yet the people of Ireland are as ready as they were in the days of Elizabeth to seize arms and fight for the liberties of their country.

India has been pacified, but the bayonet of the conqueror is at India's throat. Poland has been pacified, yet the largest contingent of the armies of the Czar stationed in any one portion of his Empire, from the day of the tragedy of the destruction of that kingdom down to this hour, have been within striking distance of Polish centers of population. And so I might go on.

The truth is that God has planted in the breasts of men the national instinct, the pride of race, the love of country, which

everywhere leads them to resist the aggression of any foreign power that invades their country and usurps its government.

If we are to retain the Philippine Islands as a vassal state in perpetuity, if we are to set up a colonial government there and maintain it, we must enter this new field prepared to follow the example of England and other great colonizing powers. We must maintain a large army there and the taxpayers must foot the bills. We must rule by force. There will be opposition. We must beat it down. So, when hereafter we speak of peace in the Philippine Islands, let us say not that the people over there are "pacified," but that they have been terrorized into submission. That is what conquest means.

Do you want to do that? Will the American people continue to abet you in doing it? Are you content to look into the future with the distinct understanding that fifteen, thirty-five, or fifty thousand, or any other number of thousands of troops shall be kept there at the expense of the American taxpayers for the purpose of coercing consent to our sovereignty? If we are to go on in this way I do not believe an army of 35,000 will be any too large. The Spaniards went there when these people were barbarians. The islanders had no civilized government.

The Spaniards imported a large number of Catholic priests—the Catholic religion then being practically the only Christian denomination in existence—and converted substantially all the people of the arable portions of the northern islands to the Christian religion. From that day on Spanish was the official language. The Spaniards were the tutors of the Filipinos. They furnished them their priests and their religion and their learning and their schools. The people became civilized under Spanish rule. Inter-marriages of Spaniards and natives produced the educated and enlightened classes which have had most to do with making Philippine history.

Identity of official language, identity of religion, as well as many humane and beneficent projects carried forward in the earlier days of the settlement of the islands, bound the Filipinos to the Spanish Crown. But as the natives learned what was going on in the outside world, as the spirit of individual self-respect asserted itself in their breasts, the national spirit, which, thank God, abides everywhere, came to them also.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he be allowed to proceed for two minutes. Is there objection?

There was no objection.

Mr. COCHRAN. Repeatedly and repeatedly they rebelled against this alien rule. Revolt after revolt occurred, and for many years before their final expulsion the Spaniards were compelled to keep in the islands an army which frequently exceeded 50,000 men in order to hold sovereignty over that people.

We must do the same thing. Do not tell me that 15,000 troops will quell opposition to American rule. The time will come when 100,000 men will be needed. Withdraw 15,000 men now—cut your force down to the beggarly 15,000 talked about—and you will find that 100,000 will be needed before you are through with it. Every day you stay there will embitter them. Every hour of their travail will intensify their desire for independence and liberty.

Mr. PARKER. Do I understand the gentleman to say that it will take a hundred thousand men?

Mr. COCHRAN. I say if you cut your army down and another insurrection takes place you will have to send a hundred thousand men there to quell it.

Mr. PARKER. Did you vote for the amendment of the gentleman from Virginia to cut down the Army?

Mr. COCHRAN. I will vote to withdraw 1 soldier, 5 soldiers, 5,000 soldiers, 15,000 soldiers, or all our soldiers from the Philippines every time I get a chance. [Applause on the Democratic side.]

Mr. PARKER. Then you want—

Mr. COCHRAN. I want every nation on the earth to enjoy the God-given right of independence of every other nation on earth.

Mr. PARKER. I understood the gentleman to say that if the army were reduced there would be a massacre there. Do I understand—

Mr. COCHRAN. You did not understand the gentleman to say any such thing, if you were listening, and if you were not listening, you ought not to put words into my mouth which I have not uttered. I said the withdrawal of 15,000 troops would be followed by another insurrection. That is what I said. I believe that at every opportunity the people of the islands will arise and attempt to win independence.

Mr. PARKER. Does not the gentleman know from what we

saw here the other day about these telegraphers it was pretty near the same thing?

Mr. COCHRAN. I do not know what the gentleman refers to? I know this, that in every war such as we are carrying on in the Philippine Islands all the usages of civilized warfare are forgotten by both parties to the contention. Under such circumstances the struggle ceases to be legitimate war and degenerates into bloody reprisals levied generally by both parties to the conflict without reference to the usages of war.

I was going on to say that no matter what you may do, insubordination, resistance, rebellion will continue. No people numbering millions will ever peaceably and willingly submit to the reign of a conqueror.

Under such circumstances resistance is mere obedience to impulses and sentiments which shape the conduct and destiny of all races. A people speaking the same language, inspired by the same ideals, segregated from others, and possessing the country in which they live, instinctively desire a government of their own—a monarchy if they be monarchists—a republic if they are democrats.

Do you regret that this is true, you gentlemen who favor the conquest of the Philippines? Whether you do or not is immaterial. It is a principle of humanity as ineradicable as any emotion of the human breast. No country that enters upon the career of a conqueror can escape dealing with it. Force, not reason, will compel obedience to government that is despised. [Loud applause on the Democratic side.]

The Clerk read as follows:

Inspector-General's Department: For pay of officers in the Inspector-General's Department, \$51,500.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. I want to pour a little sugar on the troubled waters. I send to the Clerk's desk an article from the Philadelphia North American, a great Republican newspaper, which I desire to have read.

The Clerk read as follows:

[Philadelphia North American, March 14, 1902.]

Representative SULZER introduces a bill which is intended to reform the present tariff law. Aims a blow at trusts.

Mr. HULL. Mr. Chairman, I raise the point of order that that has nothing to do with the bill. We are not dealing with the tariff under the five-minute rule. We are dealing with the Army, and there is no use taking up the time in this way.

Mr. SULZER. The point of order, in my judgment, can not be made until the gentleman from Iowa finds out what this article is about.

Mr. HULL. Well, the way it starts out is enough to find out. [Laughter.]

The CHAIRMAN. The Chair will state that the Clerk has read far enough to indicate the character of the article; and the Chair sustains the point of order.

Mr. SULZER. Well, I will read the article myself. [Laughter on the Democratic side.] Mr. Chairman, I introduced a bill in this House some time ago to repeal that provision in the Dingley tariff law known as the color restriction on sugar.

Mr. HULL. Now, Mr. Chairman, I raise the point on the gentleman himself. I raise the point of order that the gentleman is not discussing the bill, and under the rules he had plenty of time in general debate to discuss the matter that he is now referring to.

Mr. SULZER. I have the floor, and the gentleman from Iowa is out of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman is not discussing the amendment.

Mr. SULZER. The Chair does not know what my amendment is going to be.

The CHAIRMAN. The gentleman moved to strike out the last word of this paragraph, and the remarks of the gentleman are not addressed to that amendment, and he is not in order.

Mr. SULZER. Well, Mr. Chairman, I desire to discuss this matter, and I trust the gentleman will not make that point of order. He will get along much more rapidly if he does not.

The CHAIRMAN. Does the gentleman ask unanimous consent to discuss the question he is now discussing?

Mr. SULZER. I understand I have the floor, Mr. Chairman.

The CHAIRMAN. The gentleman has not the floor, unless he is in order.

Mr. SULZER. Then I ask unanimous consent—

The CHAIRMAN (continuing). The gentleman is not in order.

Mr. HAY. I ask unanimous consent that the gentleman may be allowed to proceed without being interrupted with points of order. [Laughter.]

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from New York may be permitted to proceed without being interrupted by points of order.



Mr. HULL. Mr. Chairman, I object to that. I am willing to concede to the gentleman, as he had no opportunity, controlling the time himself, and his modesty forbade him to use it, that he may have five minutes to discuss the tariff question if he desires. I will not object to that kind of a proposition if he or his friends will put it in that form.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent—

Mr. HULL. I do not ask it, but if the other side asks unanimous consent I will not raise any objection.

Mr. SULZER. Do I understand the gentleman from Iowa to object to the reading of this article from the Philadelphia North American?

The CHAIRMAN. The gentleman from New York is not in order. The point of order has been raised against the reading of that article, and the Chair has sustained the point of order. Does the gentleman request unanimous consent. If so, the Chair will submit the request to the committee.

Mr. SULZER. I understood unanimous consent had been given.

The CHAIRMAN. Unanimous consent has not been given.

Mr. SULZER. Then I ask unanimous consent for five minutes to present this matter to the House.

The CHAIRMAN. The gentleman from New York asks unanimous consent to discuss the question that he is now discussing for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DICK. I object.

Mr. HAY. Too late.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. SULZER. The President will read him another lecture to-morrow morning. [Laughter.]

The Clerk read as follows:

The Corps of Engineers: For pay of officers in the Corps of Engineers, \$331,900.

Mr. SULZER. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SULZER) there were—21 ayes and 53 noes.

Mr. SULZER. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and three members present—a quorum.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were ordered; and Mr. HULL and Mr. SULZER were appointed as tellers.

The question was again taken; and the tellers reported—22 ayes and 63 noes.

Mr. SULZER. No quorum present, Mr. Chairman.

The CHAIRMAN. The Chair has just counted a quorum. The point is dilatory, and the Clerk will read.

The Clerk read as follows:

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$425,000: *Provided*, That hereafter there shall not be allowed or paid any increase of longevity pay to any officer retired from active service above the sum allowed and paid to such officer at the date of retirement.

In all, \$2,068,301.07.

Mr. WARNOCK. Mr. Chairman, I make the point of order that this changes existing law.

Mr. HULL. Will the gentleman from Ohio withhold the point of order, so that the gentleman from Minnesota [Mr. STEVENS], a member of the committee, can be heard?

Mr. WARNOCK. I will reserve the point of order, Mr. Chairman.

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman from Ohio this morning discussed the subject of longevity pay. The committee have placed this provision in the bill with the desire to bring before this House an evil that has been presented to them for several years past. The Paymaster-General in his reports and the Paymaster-General in the hearings before the committee every time has recommended that something be done to cure an obvious defect in the present law, and that is this: Officers when they have been placed upon the retired list for any cause receive three-quarters of full pay under all circumstances. There is no disposition to cut that down. But under the law as it now stands, as construed by the Supreme Court, the longer a man remains on the retired list the more pay he gets under the longevity clause, and for this reason: Longevity pay is given for length of service. For every term of five years of service an additional 10 per cent of pay is given—

Mr. WARNOCK. Does not that stop at the end of twenty years?

Mr. STEVENS of Minnesota. I was just going to say it is given for four periods, or up to twenty years, when the officer shall have received 40 per cent additional pay. Now, under the

law as it exists at present we have found quite a number of cases where the officer has been retired after a few years of service, and after that go on the retired list with three-quarters pay, to do whatever they may choose. The longevity pay increases right along. After five years they get 10 per cent more pay; after ten years they get 20 per cent more pay; after fifteen years they get 30 per cent more pay, and after twenty years they get 40 per cent additional pay; and so the longer they remain on the retired list the more pay they get.

The committee conceive that that was not the theory of longevity pay. The history of this statute shows that when it was first enacted the pay department construed that longevity pay was not applied to the retired list. That construction was maintained for quite a number of years, until the Supreme Court of the United States construed the word "service" as applying to the retired list as well as to the active list, so the longevity pay applied to the officers on the retired list. Now, the theory of longevity pay is that the longer a man is in active service in the Army the better fitted he is by his experience and his wisdom to perform efficient service for the Government, and Congress has deemed it necessary to retain the services of such men and prevent their resignation when most needed by giving them this additional longevity pay.

But when a man is on the retired list, when under the law he is not required, with few exceptions, to perform any services whatever, the reason for the addition of this longevity pay does not apply. Longevity is a gratuity alone. It is not a pay called for by rank; it is a pay that is given for service, pay given for wisdom, a pay given for experience, and these reasons do not obtain in the case of the man on the retired list of the Army. Now, these officers on the retired list are getting pretty good pay anyway. I have a list of the rates of pay that is given to the officers on the retired list, as shown by the very last Army Register of 1901.

The highest pay is given to the Lieutenant-General—\$8,250 per annum. This is the pay on the retired list. The lowest pay is given to a second lieutenant, who may be retired the very moment after he receives his commission, and yet he receives \$1,050 per annum. Now, that second lieutenant, after he has received his commission and goes on the retired list, may, after remaining on the retired list twenty years, receive 40 per cent additional pay, or \$1,450 per annum, although he does not do a single thing for the Government. The gentleman from Ohio [Mr. WARNOCK] made this morning a very eloquent and able speech recounting the services and the sacrifices of many gallant officers during the civil war. This amendment applies to only a few of those men.

[Here the hammer fell.]

Mr. HULL. I ask that the gentleman from Minnesota [Mr. STEVENS] be allowed five minutes more. This is a matter vitally affecting the bill.

Mr. SHAFROTH. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Minnesota be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. HILL. Before the gentleman from Minnesota resumes, I wish to call his attention to an amendment which I have submitted to the gentleman from Ohio [Mr. WARNOCK]. That gentleman, if this provision be accepted, is perfectly willing to withdraw his point of order. I would like to have the gentleman from Minnesota address his remarks to it.

I understand that the objection to the provision in the bill is founded principally upon the injustice which it is understood would accrue under it to those officers who have been receiving this longevity pay, and who now in their old age may find it stricken off under the operation of this provision. I have suggested to the gentleman from Ohio to insert in line 4 the word "hereafter;" so that the clause will read:

That hereafter there shall not be allowed or paid any increase of longevity pay to any officer hereafter retired.

Mr. JETT. Let me say to my friend that that already appears in the bill. The language of the bill is:

*Provided*, That hereafter there shall not be allowed, etc.

Mr. HILL. I understand the gentleman from Ohio [Mr. WARNOCK] will withdraw his amendment if my amendment be substituted for the provision of the bill.

Mr. HULL. I think the gentleman from Minnesota [Mr. STEVENS] has a better amendment.

Mr. STEVENS of Minnesota. The point suggested by the gentleman from Connecticut and the gentleman from Ohio has been considered. The alternative propositions are the one inserted in the bill and the amendment which I send up now to be read for information, and which I think covers exactly the point suggested by the gentleman from Connecticut [Mr. HILL].

The Clerk read as follows:

On and after the approval of this act no further increase of longevity pay shall accrue to officers now on the retired list, and officers hereafter retired from active service shall not be allowed or paid any increase of longevity pay above the sum allowed and paid to such officers at the date of retirement.

Mr. STEVENS of Minnesota. This amendment will not affect such officers as those described by the gentleman from Ohio [Mr. WARNOCK] this morning—those who, having served during the war of the rebellion, have been placed on the retired list and have been there long enough to get their full longevity pay. They will continue to get it if this amendment be adopted. Nor does the amendment affect those who have served in the Regular Army long enough to receive their full longevity pay before going on the retired list. All those will be exempted from the operation of this amendment. It will cover a few officers who have entered the service late in life, as chaplains, quartermasters, paymasters, etc., and who have served only a few years before going on the retired list. This proposition will prevent such officers from getting larger pay after going upon the retired list than they did before.

Mr. WARNOCK. The amendment sounds all right, but I would like to see it in writing before giving my assent to it. If it does not affect the old officers who were retired immediately upon the close of the civil war on account of wounds or disability, that is all I want.

Mr. STEVENS of Minnesota. The officers of the War Department whom I have consulted about the matter tell me that the provision will not affect any officer who served—

Mr. HULL. It does not affect any officer who has already been receiving full pay upon the retired list.

Mr. STEVENS of Minnesota. It does not cut anybody down. It simply prevents the pay of certain officers from increasing under the longevity provision. The effect of the amendment, if adopted, will be to prevent any further increase of longevity pay to those who go on the retired list hereafter. The amendment affects only a comparatively few officers. A table has been prepared by the War Department showing the number who would be affected—only 13 officers of five years' service, 62 over five years, and 78 over fifteen years, so that there would be less than 10 per cent of the officers on the retired list affected by the amendment as first suggested, and none of those covered by the proposition of the gentleman from Ohio.

Mr. WARNOCK. If that amendment is adopted, I am entirely content to withdraw my point of order.

Mr. STEVENS of Minnesota. Then I ask unanimous consent—

Mr. HULL. Just offer that as an amendment.

Mr. STEVENS of Minnesota. That this amendment I send to the desk be offered as a substitute for the proviso at the top of page 11.

The CHAIRMAN. Does the gentleman from Ohio withdraw his point of order?

Mr. WARNOCK. I say that if that amendment be adopted I withdraw my point of order.

Mr. STEVENS of Minnesota. Mr. Chairman, I ask unanimous consent, so that the gentleman can maintain his right, that the amendment which I have sent to the desk, and which has been read, be substituted instead of the proviso on the top of page 11.

Mr. HULL. I understand the gentleman asks to strike out all after the word "provided" down to and including the word "retired" in the fifth line, and insert this as that proviso.

Mr. STEVENS of Minnesota. Yes.

Mr. BARTLETT. That simply makes a little more definite what you mean by the proviso already in there?

Mr. STEVENS of Minnesota. No; it makes it definite, but it does not include those now on the retired list. It does not cut down anybody.

Mr. BARTLETT. I have no objection to cutting down anybody.

Mr. STEVENS of Minnesota. Well, we have not, but we can not do it under the rules.

The CHAIRMAN. I understand the gentleman from Ohio to withdraw his point of order, but only on the ground that the amendment be adopted.

Mr. HULL. He reserves his point of order.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the amendment which he sends to the desk be substituted instead of the proviso on the top of page 11. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. I object.

Mr. WARNOCK. Mr. Chairman, I withdraw my point of order for the present.

The CHAIRMAN. The point of order is withdrawn.

Mr. SULZER. Then I renew it.

The CHAIRMAN. The gentleman from New York makes the point of order.

Mr. STEVENS of Minnesota. If the Chair will rule on the point of order, then I will offer this as an amendment.

Mr. SULZER. Regular order.

Mr. HULL. Regular order is the ruling of the Chair.

The CHAIRMAN. The gentleman from Minnesota offers the amendment that the proviso on page 11, "Provided, That hereafter there shall not be allowed," etc.—

Mr. STEVENS of Minnesota. Now, I offer this as an amendment, Mr. Chairman.

The CHAIRMAN. The Chair has not ruled yet.

Mr. STEVENS of Minnesota. I beg the Chair's pardon; I thought he had.

The CHAIRMAN. I will ask the gentleman from New York the ground upon which he bases his point of order.

Mr. SULZER. Does the Chair desire to hear me on this point of order?

The CHAIRMAN. The Chair asks the gentleman to state the ground upon which he makes the point of order.

Mr. SULZER. Is the Chair in doubt?

The CHAIRMAN. Will the gentleman please reply to the question of the Chair?

Mr. SULZER. Well, Mr. Chairman, if the Chair is in doubt, I desire to say that my point of order is that the proposed amendment changes existing law.

The CHAIRMAN. The Chair holds that the point of order—

Mr. CAPRON. Before the Chair rules, may I be heard upon the point of order for a moment?

The CHAIRMAN. The Chair is not in doubt. The Chair holds that the point of order made by the gentleman from New York is well taken and that it changes existing law. The Chair sustains the point of order.

Mr. STEVENS of Minnesota. Now, I offer the amendment which I forward to the desk and ask the Clerk to read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Insert after the word "dollars," line 2, page 11, the following: "Provided, That on and after the approval of this act no further increase of longevity pay shall accrue to officers now on the retired list, and officers hereafter retired from active service shall not be allowed or paid any increase of longevity pay above the sum allowed and paid to such officers at the time of retirement."

Mr. SULZER. I make a point of order against that.

Mr. HULL. I am inclined to think the point of order is not well taken, Mr. Chairman. This is a limitation under the appropriation only. The other was more than a limitation, because it reduced the pay of officers. This does not reduce the pay, and my impression is that the gentleman had better look up the law on that. This is an effort toward a limitation upon an appropriation bill to declare what shall be paid. The gentleman puts himself on record as in favor of giving increased pay to men year after year who perform no service for the Government. The gentleman may want to go before the country on that theory, and I am delighted to have him do it.

Mr. SULZER. Then you are dissatisfied with the bill you reported to the House.

Mr. HULL. I do not understand the gentleman's remark.

Mr. SULZER. Why did you vote for the bill in the committee?

Mr. HULL. Mr. Chairman, I voted for it because I believed the other provision ought to have been agreed to. That is why I did it.

Mr. SULZER. Then you ought not to have done it.

Mr. HULL. I would have supported the bill as reported if you had not stopped it on a point of order. It was the gentleman from New York who interfered with it. By his point he places himself and his party on record as in favor of increasing pay of officers when they perform no service for the country. But I do not believe his point of order is well taken as to this proposition.

The CHAIRMAN. The amendment offered by the gentleman from Minnesota [Mr. STEVENS] is as follows:

Provided, That on and after the approval of this act—

And so forth. It is evident that the words "that on and after the approval of this act," if the provision was adopted, would result in enacting permanent law in this appropriation bill, and for that reason are subject to the point of order. If the provision read so as to limit the appropriations in this bill, it would not be subject to the point of order; but this provision seeks to enact permanent law, and consequently the Chair sustains the point of order.

Mr. STEVENS of Minnesota. Mr. Chairman, I have another amendment, which I think comes clearly within the ruling of the Chair.

The CHAIRMAN. The gentleman from Minnesota offers the following, which the Clerk will report:

The Clerk read as follows:

Insert after "dollars," in line 2, page 11, the following: "Provided, That no part of this sum shall be used for the payment of further increase of longevity pay to officers now on the retired list; and officers here-



after retired from active service shall not be allowed or paid therefrom any increase of longevity pay above the sum allowed and paid to such officers at the date of retirement."

Mr. SULZER. A point of order, Mr. Chairman. That is just the same as the other. It means the same thing and would accomplish the same thing. It is just a change of verbiage. I ask for order, Mr. Chairman. I think the Chair is capable of deciding the point of order without instructions from the gentleman from Minnesota.

The CHAIRMAN. The gentleman from New York will be in order. If the gentleman has anything to say upon the point of order, the Chair will hear him.

Mr. SULZER. Mr. Chairman, this is clearly subject to a point of order. It is exactly the same in effect as the previous amendment offered by the gentleman from Minnesota, and accomplishes the same thing.

The CHAIRMAN. The Chair calls the attention of the gentleman to the fact that the amendment now proposed is a limitation upon the appropriations in this bill, and with that in view, if the gentleman has anything to say, the Chair will be glad to hear from him.

Mr. SULZER. My point of order is that this amendment will change existing law, and is clearly subject to the point of order under the rule, and the Chair has held accordingly regarding two previous amendments. This amendment is almost identical with the others, and accomplishes the same purpose.

Mr. HULL. Mr. Chairman, just a word before the Chair decides the point of order, and one word only, I think, will make the Chair very clear on the subject. That is, that I am delighted that at last the Democratic party has appeared as champion of the retired list, and in favor of increasing pay of officers after they are placed on the retired list.

Mr. SULZER. That comes with very bad grace from a Republican who has been in favor of it ever since he has been in Congress.

Mr. HULL. You gentlemen have always opposed it before.

Mr. JETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. JETT. I desire to be heard on the point of order. I want to take exception to what my distinguished friend [Mr. HULL], the chairman of the Committee on Military Affairs, has said.

The CHAIRMAN. The Chair does not care to hear that question discussed. Unless the gentleman has something to say on the point of order—

Mr. JETT. I was going to say that I hope the Chairman can see his way clear to hold that this is a mere limitation upon this appropriation, and that this amendment may be adopted. For myself I would love to have seen it stand as reported in this bill rather than see this provision enacted into law, and I hope the distinguished gentleman presiding will see his way clear to hold it is a mere limitation upon this provision, and it ought to be adopted.

The CHAIRMAN. This amendment provides that "no part of this sum shall be used for the payment," etc., purely limiting the provision to the amount appropriated on this bill. In other words, that no sum of money appropriated in this bill shall be used for this purpose. The amendment being a limitation upon the appropriation bill, the Chair holds it is in order, and overrules the point of order made by the gentleman from New York.

Mr. GARDNER of New Jersey. Now that the Chair has—and properly, in my judgment—ruled on the point, it ought to be voted down. That amendment, which is for a single year, would read precisely as if it were for all time, and wholly defeats the object of the gentleman from Ohio in his original objection. That amendment takes away the longevity pay of the veterans of the civil war who have been thirty years on the retired list just the same as a second lieutenant of last year, and it ought not to be adopted.

Mr. SULZER. I ask that the substitute be reported as amended.

The CHAIRMAN. The gentleman from New York asks that the amendment be again reported. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. STEVENS of Minnesota. Just a word in explanation.

Mr. GARDNER of New Jersey. The words "further increased" were not read when that amendment was first read.

Mr. STEVENS of Minnesota. This was prepared very carefully. I have gone over the matter with the pay officers of the War Department, and they have pointed out these two classes very clearly. First those already increased, who do not get any more, and second, including those who come hereafter; so that I think it specifies clearly that it does not affect the first or the second.

Mr. GARDNER of New Jersey. As read the last time it is all right.

Mr. SULZER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. SULZER. I understood the gentleman from Minnesota had concluded.

Mr. STEVENS of Minnesota. I have concluded all I care to say.

Mr. SULZER. Just a very few words. Mr. Chairman, I agree substantially with my friend from New Jersey that this amendment, which has now been adopted, and that the whole provision should be voted down; and I trust that there will be enough members on that side of the House to do so. I am glad, at this late day, that the gentleman from Iowa, chairman of the Committee on Military Affairs, has begun to see a new light, and that he now wants to reduce the expenditures of the Government. He is now in favor of a little economy, after having been in favor for years of the most extravagant appropriations for military affairs.

In my judgment, this bill carries millions and millions of dollars more than is necessary for the military establishment of the Government. I believe it will be a good thing at this time to vote down this whole provision, in accordance with the views expressed by the gentleman from New Jersey, and I hope enough Republicans will vote with us on this side to accomplish that purpose.

Mr. LACEY. Mr. Chairman—

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. LACEY. I move to strike out the last word. I am not sure, Mr. Chairman, that I fully understand this amendment; but if I do, it is to this effect: That the law heretofore fixed the pay of an officer at a certain percentage of the amount given him when on active duty. In addition to that there is the fogle allowance every five years of 10 per cent increase that the law gives to that pay.

The proposition in this bill is to appropriate only a portion of what the law gives this retired officer. If so, and we appropriate four-fifths of what is due the officer, what is to hinder him from going to the Court of Claims and suing for the remainder and getting a judgment against the Government of the United States for that portion of the pay not appropriated for? It does not prevent him getting it in the future. We simply put ourselves in the attitude that we will not change the law, but only appropriate enough to pay for four-fifths or five-sixths of what the law gives the retired officer.

Mr. WARNOCK. I move to strike out the last two words.

Mr. HAY. I would like to be heard on the amendment.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2805. An act granting a pension to Mary Ella Cory;

S. 3103. An act granting an increase of pension to Susan Hays;

S. 2971. An act granting an increase of pension to Silas D. Strong;

S. 1678. An act granting an increase of pension to Charles B. Wingfield;

S. 4319. An act granting an increase of pension to Helen G. Heiner;

S. 2936. An act granting an increase of pension to Berthold Fernow;

S. 3472. An act granting an increase of pension to Zeno T. Griffin;

S. 1512. An act granting an increase of pension to Mary Jane Faulkner;

S. 3519. An act granting an increase of pension to Charles L. Cummings;

S. 4072. An act granting an increase of pension to Samuel J. Lamden;

S. 493. An act to amend act entitled "An act to establish a code of law for the District of Columbia;"

S. 2305. An act granting an increase of pension to Lemuel Grove; and

S. 4658. An act granting an increase of pension to Charles F. Rand.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 10486. An act granting a pension to Alida Payne;

H. R. 10044. An act granting an increase of pension to William Larzalere;

H. R. 12315. An act granting an increase of pension to James Todd;

H. R. 1011. An act granting an increase of pension to John S. Ranlett;

H. R. 11418. An act granting an increase of pension to Hannah T. Knowles; and

H. R. 2273. An act granting a pension to Martha A. De Lamater.

# ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. WARNOCK. I want to make a few remarks upon this last amendment.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last two words.

Mr. WARNOCK. I understand the proposition to be that you can not change existing law under the rules as they now stand. I understand, further, that as claimed by the gentleman that the law enacted in 1870 was open to construction once in the court, and the court held that the retired officers were not entitled, but the Supreme Court held that they were. Now, this amendment offered is open to construction and leaves the matter in doubt. It professes to make an appropriation for this year only as follows:

*Provided, That no part of this sum shall be used for the payment of further increase of longevity pay to officers now on the retired list; and officers hereafter retired from active service shall not be allowed or paid therefrom any increase of longevity pay above the sum allowed and paid to such officers at date of retirement.*

Mr. PARKER. Still the effect of it is precisely the same as to officers hereafter retired.

Mr. WARNOCK. Ah, it is not limited to that.

Mr. PARKER. Yes, sir; "and officers hereafter retired."

Mr. WARNOCK. But it is officers on the retired list.

Mr. PARKER. That is the first class. The first one is, "No part of this sum shall be used for further increase of longevity pay of officers on the retired list." Then it goes on, "Officers hereafter shall not be paid any increase at all."

Mr. WARNOCK. How could they be paid further increase when the time had not elapsed?

Mr. PARKER. It means beyond the increased longevity pay.

Mr. WARNOCK. For the five years?

Mr. HULL. Oh, no.

Mr. WARNOCK. Well, it is so open to construction that I hope the amendment will be voted down.

Mr. HAY. Mr. Chairman, I hope the amendment will not be voted down, and I think when gentlemen on this side of the House understand it as I do and those of us who heard the matter discussed they will not vote it down. This amendment will save the Government every year a considerable sum, and it will only take away from a few men longevity pay which they do not earn. If the gentlemen on this side of the House want to vote for an amendment which will reduce appropriations they will vote for this amendment, because this is just what it does; and I hope, therefore, that the amendment will be adopted.

Mr. RICHARDSON of Alabama. May I ask the gentleman a question?

Mr. HAY. Certainly.

Mr. RICHARDSON of Alabama. As I understand, an officer that received longevity pay for ten years—that is, who gets 20 per cent—this amendment stops it there and does not allow him any further longevity pay?

Mr. HAY. That is right.

Mr. RICHARDSON of Alabama. And being on the retired list he can not get any greater longevity pay?

Mr. HAY. That is right.

Mr. RICHARDSON of Alabama. And it applies to the next man that goes onto the retired list, so that he does not get any longevity pay by reason of being on the retired list?

Mr. HAY. No; he gets no pay unless he got it on the active list.

Mr. RICHARDSON of Alabama. The man who goes upon the retired list does not get longevity pay?

Mr. HAY. Not unless he earned it by being on the active list.

Mr. STEVENS of Minnesota. Does not this allow an officer that goes on the retired list to get the longevity pay that he has earned on the active list?

Mr. HAY. Yes. If he has earned 30 per cent of what they call foggy or longevity pay on the active list, when he is retired he continues to get it; but he does not get the other 10 per cent which he would have been entitled to if he had continued for five years more on the active list?

Mr. MANN. Mr. Chairman, I would like to ask a question of the gentleman from Minnesota [Mr. STEVENS] or the gentleman from Iowa, the chairman of the committee, in reference to this matter. I see the appropriation for the retired list seems to be \$2,068,391. I would like to inquire of the gentlemen whether that is the complete appropriation for the retired list; whether that is all for the retired list.

Mr. HULL. That is all for the retired list.

Mr. MANN. Can the gentleman inform us what the amount appropriated is for the officers on the active list?

Mr. HULL. The bill tells that.

Mr. MANN. I suppose we might be able to figure it out from the bill, but I would like to have the gentleman tell me, if he has it at hand.

Mr. HULL. On page 4 of the bill it provides for paying officers of the line \$5,000,000.

Mr. MANN. I beg the gentleman's pardon, but I understand the retired list embraces other officers than the officers of the line.

Mr. HULL. So does the active list.

Mr. MANN. What I want to get at is what proportion of the appropriation is now used to pay officers on the active list, and what proportion to pay officers on the retired list.

Mr. HULL. I should say it was a little less than one-third in favor of the retired list.

Mr. MANN. It seems to me, Mr. Chairman, that when we get to the point that the Government is paying for men on the retired list one-third as much as we are for men on the active list it is high time that some amendment of this sort was put into law.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was considered, and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEMENWAY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12804) making appropriations for the support of the Army, and had come to no resolution thereon.

## PROTECTION OF THE PRESIDENT OF THE UNITED STATES, ETC.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that immediately after the disposition of the military appropriation bill, now under consideration in Committee of the Whole, the House take up the bill (H. R. 10386) for the protection of the President of the United States, the suppression of crime against the Government, and for other purposes, reported from the Committee on the Judiciary, and that it be the special order until disposed of; not, however, to interfere with appropriation bills.

Mr. DALZELL. I suggest that the gentleman include also revenue bills.

Mr. RAY of New York. Very well; not to interfere with appropriation bills or revenue bills.

Mr. BARTLETT. Does the gentleman propose now to fix a limit of debate on this bill?

Mr. RAY of New York. Oh, no; my proposition is simply for a continuing order until the bill is disposed of, not to interfere with appropriation or revenue bills.

Mr. LACEY. I should like to make an inquiry. I understand this is the so-called "anarchy bill."

Mr. RAY of New York. It includes something of that kind—the suppression of crime against the Government.

Mr. LACEY. Then, I ask, why not take up the Senate bill on the same subject, so that the measure which has already gone through the other House may be before this House?

Mr. RAY of New York. My proposition is to take up the House bill. The Senate bill has not been acted upon in the committee.

Mr. LACEY. Then it will be necessary to have double action in this House.

Mr. BARTLETT. Mr. Speaker, I object to the request made by the gentleman from New York [Mr. RAY].

The SPEAKER. Objection is made.

## MINORITY REPORT.

Mr. MONDELL. I ask unanimous consent that a minority of the Committee on Public Lands be granted leave to file their views on the bill (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes.

There being no objection, leave was granted.

## COMMITTEE ASSIGNMENTS.

The SPEAKER announced the following committee assignments:

*Committee on the Library*—Mr. CONNER of Iowa and Mr. WOOTEN of Texas.

*Committee on Banking and Currency*—Mr. BARTLETT of Georgia.

*Committee on the Militia*—Mr. CONEY of Massachusetts.

*Committee on Labor*—Mr. GILBERT of Kentucky.

*Committee on Enrolled Bills*—Mr. RHEA of Virginia.

*Committee on Alcoholic Liquor Traffic*—Mr. REID of Arkansas.



## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 10404. An act granting a pension to John Y. Corey;  
 H. R. 7755. An act granting a pension to Laura G. Weisenburger;  
 H. R. 10411. An act granting an increase of pension to Mary E. Singley;  
 H. R. 669. An act granting an increase of pension to Richard C. Smith;  
 H. R. 366. An act granting an increase of pension to Edward M. Kanouse;  
 H. R. 2240. An act granting an increase of pension to Aquila Wiley;  
 H. R. 7683. An act granting an increase of pension to Almond Delamater;  
 H. R. 11619. An act granting an increase of pension to David A. Frier;  
 H. R. 8269. An act granting an increase of pension to James McClellen;  
 H. R. 1378. An act granting an increase of pension to Bessie H. Lester;  
 H. R. 2093. An act granting an increase of pension to Anna B. McCurley;  
 H. R. 2781. An act granting an increase of pension to Patrick Lee;  
 H. R. 2417. An act granting a pension to James B. Harris;  
 H. R. 7998. An act granting an increase of pension to William H. Allen;  
 H. R. 6873. An act granting an increase of pension to Sarah Maley;  
 H. R. 8212. An act granting a pension to Alice Angel;  
 H. R. 9659. An act granting a pension to Laura A. Van Wye;  
 H. R. 5862. An act granting an increase of pension to Rollin Tyler;  
 H. R. 1694. An act granting an increase of pension to Henry Ball;  
 H. R. 9178. An act granting an increase of pension to John M. Howe;  
 H. R. 10906. An act granting a pension to John W. Meade;  
 H. R. 5714. An act granting an increase of pension to Lucy B. Bevis;  
 H. R. 11011. An act granting an increase of pension to Emily J. Tallman;  
 H. R. 5261. An act granting an increase of pension to John H. Coates;  
 H. R. 7341. An act granting a pension to Elizabeth W. Simmons; and  
 H. R. 10924. An act granting an increase of pension to Elias M. Haight.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

- H. R. 11145. An act granting an increase of pension to Mary F. Key;  
 H. R. 4488. An act granting an increase of pension to Selden E. Whitcher;  
 H. R. 1529. An act granting an increase of pension to John G. Brower;  
 H. R. 2673. An act granting an increase of pension to John Vale;  
 H. R. 3272. An act granting an increase of pension to Israel P. Covey;  
 H. R. 5543. An act granting an increase of pension to Samuel W. Skinner;  
 H. R. 7823. An act granting an increase of pension to Jacob D. Caldwell;  
 H. R. 9227. An act granting an increase of pension to Frederick Shafer;  
 H. R. 9456. An act granting a pension to Ruth B. Osborne;  
 H. R. 6018. An act granting a pension to Lene Emma McCunkin;  
 H. R. 5289. An act granting a pension to Malvina C. Stith;  
 H. R. 7074. An act granting a pension to Benjamin F. Draper;  
 H. R. 8293. An act granting a pension to Amanda Jocko;  
 H. R. 9397. An act granting a pension to John S. Lewis;  
 H. R. 4260. An act to correct the record of James A. Somerville; and  
 H. R. 3148. An act for a marine hospital at Buffalo, N. Y.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
 To Mr. STEWART of New Jersey, indefinitely, on account of sickness in his family.

To Mr. PATTERSON of Pennsylvania, until Friday next, on account of important business.

And then, on motion of Mr. HULL (at 4 o'clock and 58 minutes p. m.), the House adjourned.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROW, from the Committee on Education, to which was referred the bill of the House (H. R. 11911) to encourage the establishment of homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age, so as to fit them to enter the public schools provided for hearing children, reported the same without amendment, accompanied by a report (No. 1225); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland, reported the same with amendments, accompanied by a report (No. 1228); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, reported the same with amendments, accompanied by a report (No. 1231); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11536) to transfer certain forest reserves to the control of the Department of Agriculture, to authorize game and fish protection in forest reserves, and for other purposes, submitted the views of the minority of said committee (No. 968, part 2) on said bill; which were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 3525) for relief of Jacob B. Phillips, reported the same with amendments, accompanied by a report (No. 1229); which said bill and report were referred to the Private Calendar.

Mr. SALMON, from the Committee on Claims, to which was referred the bill of the House (H. R. 7007) for the relief of the legal representative of Maj. William Kendall, reported the same without amendment, accompanied by a report (No. 1230); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8955) for the relief of Gottlieb Schlecht and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch, reported the same with amendments, accompanied by a report (No. 1232); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. GROW, from the Committee on Education, to which was referred the bill of the House (H. R. 7480) to encourage industrial education in the several States, reported the same adversely, accompanied by a report (No. 1226); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7481) to establish a general system of industrial education in the Territories of the United States and

insular dependencies, reported the same adversely, accompanied by a report (No. 1227); which said bill and report were laid on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. WOODS: A bill (H. R. 13026) to amend section 5 of an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. JONES of Washington: A bill (H. R. 13027) extending the time for making final proof in desert-land entries in Yakima County, State of Washington—to the Committee on the Public Lands.

By Mr. BARTLETT (by request): A bill (H. R. 13028) to regulate the statute of limitations in suits to annul patents to land obtained by fraud—to the Committee on the Public Lands.

By Mr. HILDEBRANT: A bill (H. R. 13029) for the relief of Joseph's Band of Nez Percé Indians—to the Committee on Indian Affairs.

By Mr. WILCOX: A bill (H. R. 13030) to permit the Hawaiian Tramways Company, Limited, to use and maintain electric traction—to the Committee on the Territories.

By Mr. PERKINS, from the Committee on Foreign Affairs: A bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, as a substitute for H. R. 9330—to the Union Calendar.

By Mr. WILCOX: A bill (H. R. 13032) to grant the right of way through the islands of the Territory of Hawaii to the Hawaii Railway Company, and for other purposes—to the Committee on the Territories.

By Mr. HAY: A joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.—to the Committee on Military Affairs.

By Mr. CORLISS: A resolution (H. Res. 177) directing the Attorney-General to institute proceedings against the Commercial Cable Company for violation of the act of July 2, 1890, known as the "anti-trust law"—to the Committee on the Judiciary.

By Mr. HILL: A resolution (H. Res. 178) for the consideration of H. R. 12704—to the Committee on Rules.

By Mr. POU: A resolution (H. Res. 179) to investigate the use of money in the elections of 1896, 1898, and 1900—to the Committee on Rules.

By Mr. BELL: Joint memorial of the Colorado legislature, asking for national aid in Western irrigation—to the Committee on Irrigation of Arid Lands.

By the SPEAKER: Memorial of the legislature of Colorado in regard to irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MERCER: Memorial and concurrent resolution of the legislature of North Dakota, favoring the erection of suitable monument to mark White Stone battlefield, in said State—to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 13033) for the relief of Mrs. Nancy Gregg—to the Committee on Claims.

Also, a bill (H. R. 13034) for the relief of Sidney Maxwell—to the Committee on Claims.

Also, a bill (H. R. 13035) for the relief of Z. C. Church—to the Committee on Claims.

By Mr. BULL: A bill (H. R. 13036) granting an increase of pension to John B. Greenhalgh—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 13037) granting an increase of pension to Frank W. Anderton—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 13038) authorizing the Secretary of War to purchase the Isham shell and Tuttle's "thorite"—to the Committee on Appropriations.

By Mr. GORDON: A bill (H. R. 13039) granting an increase of pension to William A. Mullen—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13040) granting an increase of pension to Hensley H. Kirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13041) granting an increase of pension to William Wheeler—to the Committee on Invalid Pensions.

By Mr. HANBURY (by request): A bill (H. R. 13042) for the relief of Theodore R. Timby—to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 13043) granting a pension to Elizabeth Kimball—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 13044) granting an increase of pension to Charles M. Baber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13045) granting an increase of pension to Moses Kiger—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 13046) granting an increase of pension to Joseph H. Ludlum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13047) to remove the charge of desertion from the military record of William Thomas—to the Committee on Military Affairs.

Also, a bill (H. R. 13048) to remove the sentence of court-martial from the military record of Thomas J. Sutton—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 13049) for the relief of the trustees of the Drummondtown Methodist Episcopal Church, at Drummondtown, Va.—to the Committee on War Claims.

By Mr. KEHOE: A bill (H. R. 13050) for relief of Baptist Church of Flemingsburg, Ky.—to the Committee on War Claims.

By Mr. LASSITER: A bill (H. R. 13051) for the relief of the estate of Richard Wiseman, deceased—to the Committee on War Claims.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 13052) granting an increase of pension to Charles K. Batey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13053) granting an increase of pension to Samuel Law—to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 13054) granting a pension to Louisa L. Kerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13055) granting an increase of pension to Thomas H. Thornburgh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13056) granting an increase of pension to Isaac Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13057) granting an increase of pension to John F. Zeller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13058) granting an increase of pension to Wilson H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13059) granting an increase of pension to William Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13060) granting an increase of pension to Joseph S. Chilcoat—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 13061) granting a pension to George Larson—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 13062) for the relief of Richard Workman—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 13063) granting a pension to Julia B. Shurtleff—to the Committee on Pensions.

By Mr. RUMPLE: A bill (H. R. 13064) to restore to the pension roll the name of William W. McAllister—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 13065) granting an increase of pension to William Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13066) granting an increase of pension to O. D. Jasper, Mexican war veteran—to the Committee on Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 13067) for the relief of Reuben Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13068) granting an increase of pension to Jacob C. Yorty—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 13069) granting a pension to Leverett C. Lindley—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 13070) granting a pension to Mary Lane—to the Committee on Invalid Pensions.

By Mr. TAYLER of Ohio: A bill (H. R. 13071) granting an increase of pension to Robert A. Pinn—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Waynesburg Lodge, No. 3, Greene County, Pa., favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 12600, granting an increase of pension to Dr. George S. Graham—to the Committee on Invalid Pensions.

Also, papers in support of House bill 4426, granting an increase of pension to Daniel Sims—to the Committee on Invalid Pensions.



By Mr. BARTHOLDT (by request): Affidavits and papers in reference to a patent for a quarter section of land obtained by fraud by John S. Goddard and his false witnesses, September 9, 1869—to the Committee on the Public Lands.

By Mr. BELL: Petition of citizens of Durango, Colo., asking for an antipolygamy amendment to the national Constitution—to the Committee on the Judiciary.

Also, resolutions of soldiers of the Second Congressional district of Colorado, favoring passage of travel bill—to the Committee on Military Affairs.

Also, resolution of Typographical Union No. 425, Canon City, Colo., favoring reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the National Live Stock Association, for a modification of section 4336 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Grocers and Butchers' Association of Denver, indorsing the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Typographical Union, of Canon City, miners' unions of Black Hawk and Ophir, Colo., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. BINGHAM: Resolutions of Polish societies of Philadelphia, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. BOWERSOCK: Petition of citizens of Pleasanton, Linn County, Kans., favoring protection, with such changes in schedules from time to time as changed conditions may require—to the Committee on Ways and Means.

By Mr. BRICK: Resolutions of Polish Przemyslowcow Society of South Bend, Ind., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. BULL: Petition of the Society of the Sons of Poland and Lithuania of Providence, R. I., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, petition of George H. Hope and other citizens of Rhode Island, favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of citizens of Chester County, Pa., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. CANNON: Papers to accompany House bill 12981, granting a pension to Sarah A. Waltrip—to the Committee on Invalid Pensions.

By Mr. CAPRON: Resolutions of Typographical Union No. 33, and Brewery Workers' Union No. 166, of Providence, R. I., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolution of Retail Clerks of Detroit, Mich., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COUSINS: Resolution of Brotherhood of Railroad Trainmen, Cedar Rapids, Iowa, on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Resolutions of Brotherhood of Locomotive Firemen of Connellsville, Pa.; Order of Railway Conductors of Erie, Altoona, Bennett, and Carbondale, Pa.; Locomotive Engineers of Conemaugh, Philadelphia, East Mauch Chunk, and West Philadelphia, Pa.; Railroad Trainmen of Columbia, McKees Rocks, Sunbury, Derry, Scottdale, Carnegie, Pottsville, Conemaugh, and Carbondale, Pa., in regard to the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DARRAGH: Papers to accompany House bill 5911, granting an increase of pension to Gilbert G. Gabrion—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8005, granting a pension to Samantha A. Newcomb—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9570, granting an increase of pension to Isaac Gabrion—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9073, granting an increase of pension to Darling Wilson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9074, granting a pension to Elizabeth Gates—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8401, granting an increase of pension to Henry E. Murphy—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9710, granting an increase of pension to Elizabeth J. Eagon—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9072, granting an increase of pension to George W. Steffey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9569, granting an increase of pension to Albert Deits—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6694, to correct the military record of Richard Foster—to the Committee on Military Affairs.

Also, papers to accompany House bill 6696, to remove the charge of desertion against the name of Hiram A. Thompson—to the Committee on Military Affairs.

Also, papers to accompany House bill 6691, to correct the military record of Cyrus Irwin—to the Committee on Military Affairs.

Also, resolutions by Board of Control, Michigan Reformatory, Ionia, Mich., opposing the passage of House bills 3143 and 5798, restricting the shipment of prison-made goods—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Resolution of a meeting of Utah Volunteers for the Spanish-American war, relating to allowance for travel pay from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

By Mr. ESCH: Petition of Group No. 6, Polish National Alliance, of La Crosse, Wis., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Guard Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, Wis., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of a mass meeting of the Utah Volunteers, favoring bill to allow travel pay from Manila, P. I., to San Francisco to those who enlisted on call for volunteers—to the Committee on Military Affairs.

By Mr. FLETCHER: Resolution of John A. Rawlins Post, Grand Army of the Republic, of Minneapolis, Minn., urging passage of a bill for the establishment of a national park at Fredericksburg, Md.—to the Committee on Military Affairs.

By Mr. GRAHAM: Resolutions of a meeting of volunteers for the Spanish-American war, from Utah, asking for allowance of travel pay from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

Also, resolution of United Labor League, of Pittsburg, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Resolutions of citizens of Osterville, Mass., favoring the granting of pensions to life-savers—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Dr. W. C. D. Stevenson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of Post No. 434, Grand Army of the Republic, Barlow, Ohio, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Order of Railroad Conductors No. 402, Massillon, Ohio, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Divisions No. 402, of Massillon; No. 289, of Wellsville; No. 299, of Lima; No. 134, of Bellevue, and No. 14, of Cleveland, Ohio, Order of Railway Conductors, and Lodges No. 21 and 243, Order of Railway Trainmen, and No. 208, Locomotive Firemen, State of Ohio, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HANBURY: Resolution of Boiler Makers' Union No. 171, Brooklyn, N. Y., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Manufacturers' Association of New York, against the passage of Senate bill 1118—to the Committee on the Judiciary.

Also, resolution of same body, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, resolution of Boiler Makers' Union No. 171, Brooklyn, N. Y., favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. HEDGE: Resolutions of Painters and Decorators' Union No. 83, of Keokuk, Iowa, and Union No. 548, of Fairfield, Iowa, favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Resolution of Samuel Brown Post, No. 56, of Thompsonville, Conn., Grand Army of the Republic, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of various labor organizations of Hartford, Thompsonville, and New Britain, Conn., favoring a further

restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. HILDEBRANT: Petition of E. and M. J. Underwood, of Harveysburg, Ohio, for the passage of a bill to prohibit vice in the Philippines—to the Committee on Insular Affairs.

Also, resolutions of Iron Molders' Union of Hillsboro, Ohio, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of Bricklayers' Union No. 16, of Xenia, Ohio, favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of Boot and Shoe Workers' Union No. 265, of Dixon, Ill., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. JACKSON of Kansas: Papers to accompany House bill granting a pension to Oxley Johnson—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Paper to accompany House bill No. 956 to amend the military record of Henry Von Hess—to the Committee on Military Affairs.

By Mr. JOY: Resolutions of Boot and Shoe Workers' Union No. 245, of St. Louis, Mo., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Boot and Shoe Workers' Union No. 245, of St. Louis, Mo., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Railroad Trainmen, Future Great Lodge No. 45, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of Shoe Cutters' Union of North Adams, Mass., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MAHON: Papers to accompany House bill 12995 for the relief of John Lilley—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Papers to accompany House bill 12996 for the relief of Western Branch Baptist Church, Virginia—to the Committee on War Claims.

Also, papers to accompany House bill 12997 for the relief of Frances A. Almy—to the Committee on Pensions.

By Mr. McCALL: Resolution of Lithographers' Union No. 3, of Boston, Mass., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolution of Hardwood Finishers' Union No. 109, of Boston, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of trustees of Tufts College, Massachusetts, in favor of bill to refund taxes paid by educational, charitable, etc., institutions under the war-revenue act—to the Committee on Ways and Means.

By Mr. McDERMOTT: Petitions of Piano and Organ Workers' Union No. 32, and Shipbuilders' Union No. 16, of Jersey City, N. J., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Petition of the Chamber of Commerce and Shipbuilders' Union No. 72, of Portland, Oreg., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of the Board of Trade of Portland, Oreg., favoring the establishment of a trans-Pacific cable by private enterprise—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Linn County Business Council, Patrons of Husbandry, of Oregon, opposing the leasing of public lands—to the Committee on the Public Lands.

Also, resolution of the Chamber of Commerce of Santa Barbara County, Cal., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Stanley Post, No. 73, of Flora, and Butler Post, No. 57, of Portland, Oreg., Grand Army of the Republic, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. MORRIS: Resolutions of Northwestern Manufacturers' Association, in relation to the irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of John A. Rawlins Post, No. 126, Minneapolis, Minn., for the establishment of the Fredericksburg National Battlefields Memorial Park Association of Virginia—to the Committee on Military Affairs.

By Mr. MUTCHLER: Resolution of Typographical Union No. 17, of New Orleans, La.; Typographical Union No. 206, Sedalia, Mo.; Typographical Union No. 198, Fort Worth, Tex., and Mailers' Union No. 3, St. Louis, Mo., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, petition of Linwood Griffin, Memphis, Tenn., relating to

salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New Century Club, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolution of Lehigh Lodge, No. 292, of Weissport, Pa., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of the National Guard of California, for the passage of House bill 11654—to the Committee on the Militia.

By Mr. NORTON: Petition of F. A. Mabery, of Tiffin, Ohio, in regard to reduction of duty on hides—to the Committee on Ways and Means.

Also, papers to accompany House bill 12121, granting an increase of pension to C. Terfinger—to the Committee on Invalid Pensions.

Also, resolution of Bucyrus Division, No. 193, Order Railway Conductors, favoring the passage of the Foraker-Corliss bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Kleinmaier Brothers, of Marion, F. H. Steigmeyer, of Attica, and the Schwerer Box Company, of Sandusky, Ohio, for reduction of tariff between United States and Cuba—to the Committee on Ways and Means.

Also, petition of A. M. Hilfinger, of Crestline, Ohio, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bucyrus Division, No. 193, Order of Railway Conductors, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petitions of George W. Cunningham and 20 others, of Fostoria; H. J. Dryfuse and 6 others, of Bloomville; Alvie Myers and 31 others, of Melrose; M. M. Shoemaker and 37 others, of Fostoria; and Bucyrus (Ohio) Division, No. 193, Order of Railway Conductors; Buckeye Lodge, No. 35, of Galion; Marion Lodge, No. 466, of Marion; Whetstone Lodge, No. 344, American Machinists, and Buckeye Union, No. 228, of Galion, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 13054, granting a pension to Louisa L. Kerr—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13060, granting an increase of pension to Joseph L. Chilcoat—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13059, granting an increase of pension to William Greer—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13059, granting an increase of pension to Wilson H. Davis—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13056, granting an increase of pension to Isaac Decker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13057, granting an increase of pension to John F. Zeller—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolutions of Lithographers' Association of Milwaukee, Wis., favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Papers to accompany House bill for the relief of Richard Workman—to the Committee on War Claims.

By Mr. PALMER: Petitions of Plymouth Branch, No. 457, Paul Kopicki, and others, of Plymouth, Pa., and Branch No. 25, Polish Alliance, of Wilkesbarre, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of Bennington Post, No. 283, Grand Army of the Republic, Department of Pennsylvania, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Railroad Telegraphers' Union No. 67, of Wilkesbarre, Pa., and Mine Workers' Union No. 173, of Audenreid, Pa., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Railroad Telegraphers' Union No. 67, of Wilkesbarre, Pa., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Papers to accompany House bill 12902, granting a pension to Julia Lee—to the Committee on Pensions.

By Mr. PUGSLEY: Petition of citizens of Mount Vernon, N. Y., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

Also, resolutions of Carpenters' Union No. 718, of New Rochelle, Bricklayers' Union No. 75, of White Plains, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Typographical Union No. 6, of New York,



favoring the passage of House bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Interstate Irrigation Congress of Colorado and Nebraska delegates in joint convention, favoring irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of Bricklayers and Plasterers' Union No. 75, of White Plains, and Bricklayers' Union No. 33, of New York, favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

Also, resolutions of Wholesale Grocers' Association of New York and vicinity, regarding the Indian warehouse in New York—to the Committee on Indian Affairs.

By Mr. RICHARDSON of Alabama: Paper to accompany House bill No. 13010, to amend the military record of Richard Wilson—to the Committee on Military Affairs.

By Mr. RYAN: Resolutions of the Chamber of Commerce of Stockton, Cal., for an appropriation for the purpose of diverting the waters of the Mormon Channel into Calaveras River—to the Committee on Rivers and Harbors.

Also, resolutions of St. Joseph Branch, No. 225, and Rejtana Branch, No. 279, Polish National Alliance, Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of National Wholesale Lumber Dealers' Association, favoring bill now pending to abolish the London landing charges on cargoes of lumber from North Atlantic ports—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL: Resolutions of Pomona Grange, No. 9, Fairfield County, Conn., favoring House bill 6578, to improve postal facilities—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: Petition of Harry Evans and 47 citizens of Pleasanton, Kans., favoring reciprocity with Cuba—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Resolutions of George G. Meade Post, No. 19, Grand Army of the Republic, of Sutton, Nebr., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SIBLEY: Resolution of Turbut Grange, No. 249, Northumberland County, Pa., asking for the defeat of the irrigation bill—to the Committee on Irrigation of Arid Lands.

By Mr. SKILES: Petition of Victory Star Branch, No. 442, Polish National Alliance, of Lorain, Ohio, urging the passage of House bill 16, providing for the erection of a statue to the memory of Count Palaski at Washington—to the Committee on the Library.

By Mr. HENRY C. SMITH: Resolution of Cigar Makers' Union No. 814, Jackson, Mich., against reducing tariff on tobacco from Cuba, etc.—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Resolution of Painters and Paper Hangers' Union No. 233 and Barbers' Union No. 15, of Flint, Mich., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. STEELE: Statement to accompany House bill for the relief of the bondsmen of I. W. Eurit, late postmaster at Macy, Ind.—to the Committee on Claims.

By Mr. SULLOWAY: Petition of Brotherhood of Railroad Trainmen of Manchester, N. H., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of volunteers for the Spanish-American war for travel pay from Manila to San Francisco, Cal.—to the Committee on Military Affairs.

By Mr. TAWNEY: Petition of Division No. 215, of Austin, Minn., Brotherhood of Railroad Conductors, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. THAYER: Resolutions of Worcester Division, No. 237, Order of Railway Conductors, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. VREELAND: Petition of Knights of Kosciusko, Dunkirk, N. Y., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolutions of Bakers' Union of Dunkirk, N. Y., and Union No. 270, of Jamestown, N. Y., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of same, favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill 13024, granting an increase of pension to Isaac W. Waters—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13023, granting a pension to James C. Finn—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill 13017, granting an increase of pension to James Austin—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, March 27, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FOSTER of Washington, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

## CHARLESTON (S. C.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 25th instant, a letter from the Chief of Engineers, United States Army, together with a copy of a report from Capt. J. C. Sanford, Corps of Engineers, giving a modified estimate of the cost of improving inland navigation between Charleston, S. C., and McClellanville. The Chair suggests, if there be no objection, that the communication and accompanying papers be referred to the Committee on Commerce, without printing.

## AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement between the United States and the Choctaw and Chickasaw tribes of Indians in the Indian Territory, which has been negotiated on behalf of the United States by the Commission to the Five Civilized Tribes and on behalf of the Choctaws and Chickasaws by commissioners appointed for that purpose by their respective tribes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 171) for appointment of Board of Managers of the National Home for Disabled Volunteer Soldiers; in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 366) granting an increase of pension to Edward M. Kanouse;

A bill (H. R. 669) granting an increase of pension to Richard C. Smith;

A bill (H. R. 1378) granting an increase of pension to Bessie H. Lester;

A bill (H. R. 1694) granting an increase of pension to Henry Ball;

A bill (H. R. 2093) granting an increase of pension to Anna B. McCurley;

A bill (H. R. 2240) granting an increase of pension to Aquila Wiley;

A bill (H. R. 2417) granting a pension to James B. Harris;

A bill (H. R. 2781) granting an increase of pension to Patrick Lee;

A bill (H. R. 3136) for a public building for a marine hospital at Pittsburgh, Pa.;

A bill (H. R. 5261) granting an increase of pension to John H. Coates;

A bill (H. R. 5714) granting an increase of pension to Lucy B. Bevis;

A bill (H. R. 5862) granting an increase of pension to Rollin Tyler;

A bill (H. R. 6873) granting an increase of pension to Sarah Maley;

A bill (H. R. 7341) granting a pension to Elizabeth W. Simmons;

A bill (H. R. 7683) granting an increase of pension to Almond Delamater;

A bill (H. R. 7755) granting a pension to Laura G. Weisenburger;

A bill (H. R. 7998) granting an increase of pension to William H. Allen;

A bill (H. R. 8212) granting a pension to Alice Angel;

A bill (H. R. 8269) granting an increase of pension to James McClellan;

A bill (H. R. 9178) granting an increase of pension to John M. Howe;

A bill (H. R. 9659) granting a pension to Laura A. Van Wye;

A bill (H. R. 10404) granting a pension to John Y. Corey;

A bill (H. R. 10411) granting an increase of pension to Mary E. Singley;

A bill (H. R. 10906) granting a pension to John W. Meade;  
 A bill (H. R. 10924) granting an increase of pension to Elias M. Haight;  
 A bill (H. R. 11011) granting an increase of pension to Emily J. Tallman;  
 A bill (H. R. 11619) granting an increase of pension to David A. Frier;  
 A bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia;  
 A bill (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel; and  
 A joint resolution (S. R. 21) authorizing the printing of extra copies of the Annual Report of the Commissioner of Pensions.

#### PETITIONS AND MEMORIALS.

Mr. KEAN presented memorials of sundry citizens of Jersey City, Hoboken, Arlington, Bayonne, and Passaic, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. CLARK of Montana presented a petition of 51 citizens of Choteau County, Mont., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Miners' Local Union No. 45, of Bridger; of Bricklayers and Masons' Local Union No. 1, of Butte; of the Miners' Local Union of Basin; of Typographical Union No. 277, of Missoula; of Typographical Union No. 256, of Great Falls; of Photo-Engravers' Local Union No. 25, of Anaconda; of Local Union No. 86, of Helena; of Local Union No. 110, of Great Falls; of Plasterers' Local Union No. 119, of Butte; of Local Union No. 27, of Kalispell, and of Cigar Makers' Local Union No. 361, of Butte, all of the American Federation of Labor, in the State of Montana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. BERRY presented petitions of Coopers' Local Union No. 44, of Little Rock; of Barbers' Local Union No. 197, of Little Rock; of Switchmen's Local Union No. 147, of Texarkana; of Leather Workers on Horse Goods' Local Union No. 35, of Fort Smith; of Wood Workers' Local Union No. 189, of Jonesboro, and of Typographical Union No. 313, of Texarkana, all in the State of Arkansas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the United Type Founders of Chicago, Ill., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented a petition of Reliable Lodge, No. 253, International Association of Machinists, of Chicago, Ill., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Retail Grocers' Association of Danville, Ill., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

Mr. BARD presented petitions of the Associated Charities of San Jose; of Painters and Decorators' Local Union No. 267, of Los Angeles; of Engineers' Local Union No. 609, of San Francisco; of Miners' Local Union No. 90, of Grass Valley; of Miners' Local Union No. 141, of French Valley, and of Sign and Pictorial Painters' Local Union No. 510, of San Francisco, all in the State of California, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a petition of 72 commissioned officers of the National Guard of California, praying for the enactment of legislation to increase the efficiency of the militia of the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of Photo-Engravers' Local Union No. 8, of San Francisco, Cal., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of Gilboa Grange, Patrons of Husbandry, of Gilboa, N. Y., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a memorial of Local Union No. 2, International Cigar Makers' Union of America, of Buffalo, N. Y., remonstrating against the passage of the so-called Philippine 20 per cent reduction bill; which was referred to the Committee on the Philippines.

He also presented a petition of the National Lumber Dealers' Association of the United States, praying for the enactment of legislation to abolish the London lading charge imposed by steamship companies upon lumber and other products exported from the North Atlantic ports; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers' Association of New York City, N. Y., praying for the passage of the so-called Babcock bill, to provide revenue for the Government and to encourage the industries of the United States; which was referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Association of New York City, N. Y., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Manufacturers' Association of New York City, N. Y., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of the North Side Board of Trade, of New York City, N. Y., praying for the enactment of legislation providing for the improvement of Bronx Kills in that city; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Lockport; of the Iron Molders' Local Union No. 130, American Federation of Labor, of Sandy Hill, and of Loom Fixers' Local Union No. 270, American Federation of Labor, of Jamestown, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. DEPEW presented a petition of the Manufacturers' Association of New York City, N. Y., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Manufacturers' Association of New York City, N. Y., praying for the passage of the so-called Babcock bill, to provide revenue for the Government and to encourage the industries of the United States; which was referred to the Committee on Commerce.

He also presented a memorial of the Manufacturers' Association of New York City, N. Y., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of Local Union No. 52, of Mount Vernon; of Painters, Decorators, and Paper Hangers' Local Union No. 306, of Fulton; of Local Union No. 122, of Newburg, and of Painters, Decorators, and Paper Hangers' Local Union No. 148, of Peekskill, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of New York City and Brooklyn, in the State of New York, remonstrating against the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented petitions of Leander Wright and 40 other citizens of Amityville; of B. M. Hutcheson and 69 other citizens of Lockport; of Bricklayers and Plasterers' Local Union No. 25, of the American Federation of Labor of Sing Sing, and of Local Division No. 225, Order of Railway Conductors, of Hornellsville, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of Nipsic Lodge, No. 282, International Association of Machinists, of Brewerton, Wash., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Monongalia County, W. Va., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented the memorials of Armstrong, Crislip, Day & Co., of Clarksburg; of Louis H. Bachmann, of Wheeling; of Andrew P. McGarrell, of Benwood, and of O. E. Darnall, of Pruntytown, all in the State of West Virginia, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. KITTREDGE presented a petition of Typographical Union No. 218, of Sioux Falls, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. GALLINGER presented the memorial of Dr. Oscar H.



Allis, of Philadelphia, Pa., remonstrating against the management and control of vice by the board of health of Manila, P. I.; which was referred to the Committee on the Philippines.

He also presented petitions of the Iron Molders' Local Union of Manchester; of Coopers' Local Union No. 120, of Nashua, and of the Iron Molders' Local Union No. 251, of Nashua, all of the American Federation of Labor, in the State of New Hampshire, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. McMILLAN presented petitions of Charles F. Foster Post, No. 42, of Lansing, and of Murray Post, No. 168, of Maple City, Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Pipestone and Standish, in the State of Michigan, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Typographical Union No. 359, of Sault Ste. Marie; of Team Drivers' Local Union No. 298, of Flint; of Team Drivers' Local Union No. 287, of Saginaw; of Typographical Union No. 166, of Adrian; of Hematite Lodge, No. 612, Brotherhood of Railway Telegraphers, of Ishpeming; of Masons and Bricklayers' Local Union No. 4, of Marquette; of Team Drivers' Local Union No. 322, of Owosso; of Bricklayers and Masons' Local Union No. 11, of Bay City; of District No. 24, United Mine Workers of America, of Saginaw, and of Leather Workers' Local Union No. 22, of Flint, all in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Local Union No. 3, Marine Engineers' Beneficial Association, of Detroit; of Stove Mounters' Local Union No. 1, of Detroit; of Iron Molders' Local Union No. 244, of Detroit; of Painters, Decorators, and Paperhangers' Local Union No. 233, of Flint; of Tobacco Workers' International Union, of Detroit; of Local Division No. 26, Street Railway Employees' Association, of Detroit; of Boxmakers' Local Union No. 124, of Detroit; of Typographical Union No. 122, of Kalamazoo; of the Journeymen Barbers' Local Union, of Lansing; of Woodworkers' Local Union No. 168, of Kalamazoo; of Cigar Makers' Local Union No. 188, of Three Rivers; of Team Drivers' Local Union No. 322, of Owosso; of Jackson Lodge, No. 61, Switchmen's Union, of Jackson; of Woodworkers' Local Union No. 41, of Detroit; of Detroit River Lodge, No. 2, of Detroit; of Iron Molders' Local Union No. 213, of Grand Rapids; of Iron Molders' Local Union No. 134, of Albion; of Woodworkers' Local Union No. 74, of Saginaw; of Local Union No. 67, Marine Engineers' Beneficial Association, of Saugatuck; of Barbers' Local Union No. 169, of Kalamazoo; of Barbers' Local Union No. 130, of Menominee; of Woodworkers' Local Union No. 160, of Benton Harbor; of Carriage and Wagon Workers' Local Union No. 53, of Detroit; of Bay City Lodge, No. 16, Order of Railway Clerks of America, of West Bay City; of Local Union No. 27, Marine Engineers' Beneficial Association, of Bay City; of Huronia Lodge, No. 43, Marine Engineers' Beneficial Association, of Port Huron; of Local Union No. 51, Marine Engineers' Beneficial Association, of Muskegon, and of Local Union No. 55, Marine Engineers' Beneficial Association, of Cheboygan, all in the State of Michigan, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. MARTIN (for Mr. DANIEL) presented petitions of Cigar Makers' Local Union No. 240, of Norfolk; of Coopers' International Union No. 70, of Lynchburg; of the Brewers' Local Union, of Richmond; of Cigar Makers' Local Union No. 412, of Norfolk; of Iron Molders' Local Union No. 105, of Norfolk; of Plasterers' Local Union No. 64, of Norfolk; of Bridge and Structural Iron Workers' Local Union No. 28, of Richmond; of Tobacco Workers' International Union No. 40, of Richmond, and of Typographical Union No. 70, of Richmond, all of the American Federation of Labor, in the State of Virginia, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. CARMACK presented a petition of the Commercial Club, of Gallatin and Sumner County, Tenn., praying that an appropriation be made to improve the Cumberland River in that State; which was referred to the Committee on Commerce.

He also presented the petition of Donna A. Waldron, of Tennessee, to accompany the bill (S. 2793) for the relief of the estate of William B. Waldron, deceased; which was referred to the Committee on Claims.

Mr. BLACKBURN presented petitions of Garment Workers' Local Union No. 153, of Louisville; of the Tobacco Workers' Local

Union of Covington; of Tobacco Workers' Local Union No. 68, of Henderson; of Tobacco Workers' Local Union No. 72, of Louisville; of Tobacco Workers' Local Union No. 79, of Henderson; of the Wood Workers' Council of Louisville; of Wood Workers' Local Union No. 161, of Ashland; of Wood Workers' Local Union No. 186, of Farmers; of Mailers' Local Union No. 16, of Louisville; of Team Drivers' Local Union No. 291, of Covington; of Stove Mounters' Local Union No. 20, of Louisville; of Local Union No. 29, Marine Engineers' Beneficial Association, of Paducah; of Coopers' Local Union No. 45, of Owensboro; of Coopers' Local Union No. 112, of Louisville; of Iron Molders' Local Union No. 16, of Louisville; of Stereotypers and Electrotypers' Local Union No. 32, of Louisville; of Plasterers' Local Union No. 193, of Owensboro; of Cigar Makers' Local Union No. 32, of Louisville; of Cigar Makers' Local Union No. 185, of Paducah, and of Beer Drivers' Local Union No. 207, of Louisville, all in the State of Kentucky, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. BAILEY presented a petition of C. Spangler Lodge, No. 52, Brotherhood of Railroad Trainmen, of San Antonio, Tex., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. HOAR presented a petition of the American Humane Education Society, of Boston, Mass., praying for the enactment of legislation to place the men of the Life-Saving Service within our pension system; which was referred to the Committee on Commerce.

Mr. FRYE presented petitions of Team Drivers' Local Union No. 282, of Portland; of Cigar Makers' Local Union No. 273, of Rockland; of Boiler Makers and Iron Shipbuilders' Local Union No. 768, of Bath; of Iron Molders' Local Union No. 101, of Bangor; of Cigar Makers' Local Union No. 179, of Bangor; of the Iron Molders' Local Union of Bath; of Garment Workers' Local Union No. 85, of South Norridgewood, and of the Iron Molders' Local Union, of Portland, all of the American Federation of Labor, in the State of Maine, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 1451) to correct the military record of A. W., alias Washington, Huntley, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territories in which they are made or produced, asked to be discharged from its further consideration, and that it be referred to the Committee on Manufactures; which was agreed to.

Mr. QUARLES, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6196) transferring a lot in Woodland Cemetery to city of Quincy, Ill.; and

A bill (H. R. 610) to correct the military record of John F. Antlitz.

Mr. McCUMBER, from the Committee on Manufactures, to whom was referred the bill (S. 1347) for the proper labeling of wine purporting to be champagne, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territories in which they are made or produced, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3797) authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans, reported it without amendment.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2029) entitling any officer of the Navy or Marine Corps appointed a second lieutenant of artillery to take rank in accordance with the date of his original commission in the Navy or Marine Corps, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the bill (H. R. 12095) to amend section 4883 of the

Revised Statutes, relating to the signing of letters patent for inventions, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 4099) to provide for a macadamized roadway from the town of Sharpsburg, Md., to the Connecticut monument on the battlefield of Antietam, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3984) granting land for a miners' home, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3821) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof, to report it without amendment, and to submit a report thereon.

The law as it stands now limits the time to the present month and the bill extends it to January, 1903, and is acceptable to the Treasury Department and the War Department.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HAWLEY. I am also directed by the Committee on Military Affairs, to whom was referred the bill (S. 4572) to grant an honorable discharge from the military service to Charles H. Hawley, to report it with an amendment, and to submit a report thereon.

I will state that a similar bill was passed and it was vetoed by the President. A new bill was presented in its stead which obviates the criticisms of the veto, and we have been given informally to understand that it will be accepted.

Mr. GALLINGER. Mr. President, I desire to ask the Senator from Connecticut, the chairman of the Committee on Military Affairs, if this is the soldier a bill for whose benefit was vetoed during the present session of Congress?

Mr. HAWLEY. Yes; it was vetoed two or three weeks ago. The difficulty was purely technical. It was a clerical error.

Mr. GALLINGER. I have noticed that I think three vetoes of bills proposing to correct the records of ex-soldiers have come to the Senate during the present session, and I have been writing ex-soldiers who have been importuning me to introduce bills that I did not think there was any use in doing it—that apparently all such bills were to be vetoed. I hope that is not to be the case.

Mr. HAWLEY. I can explain in a moment what the President's difficulty was.

Mr. GALLINGER. It is not necessary that it should be explained now.

Mr. HAWLEY. The original bill revoked the order dismissing Charles H. Hawley from service as a second lieutenant, and directed the issue to him of a certificate of honorable discharge to date the 25th of January, 1863, and provided that he shall hereafter be held and considered to have been honorably discharged. If I may refer to the other end of the avenue, the objection was to the words directing the Secretary of War to revoke the order dismissing him. It is now changed to "authorized to review and to revoke the order," and a single word, "hereafter," is substituted for "thereafter;" that is all. The phraseology used in the first bill involved, I may say, a constitutional question, because it was a direction, and in a case of that sort it was not thought to be quite acceptable; but an authorization to review instead of a direction to revoke is acceptable.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. FAIRBANKS. I move that the bill (S. 3220) providing for an additional circuit judge in the seventh judicial district, be recommitted to the Committee on the Judiciary.

The motion was agreed to.

Mr. FAIRBANKS subsequently, from the Committee on the Judiciary, to whom was recommitted the bill (S. 3220) providing for an additional circuit judge in the seventh judicial district, reported it without amendment, and submitted a supplementary report thereon.

#### BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 4771) authorizing the appointment of George F. Ormsby as a judge-advocate, with the rank of major, upon the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLARD introduced a bill (S. 4772) to fix the salary of the collector of customs at Omaha, Nebr.; which was read twice

by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 4773) granting an increase of pension to Christopher C. Underwood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4774) to confirm title to lot 4, square 1113, in Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4775) granting an increase of pension to Jonathan B. Bozorth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River, in Davidson County, Tenn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LODGE introduced a bill (S. 4778) for the relief of Samuel M. Blair; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 4779) relating to the office of the secretary of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BARD introduced a bill (S. 4780) granting a pension to Alice D. H. Krause; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4781) to authorize the county of Maricopa, Ariz., to issue bonds for the construction of canals, and so forth, for irrigating purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Wyoming. On behalf of my colleague [Mr. WARREN], who is absent on account of critical illness in his family, I introduce two bills.

The bill (S. 4783) granting an increase of pension to Mary Breckons was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

The bill (S. 4784) to amend section 9 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 4785) to correct the military record of Maurice J. O'Brine; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4786) granting a pension to George W. Witherell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 4787) for the relief of the estate of Daniel W. Seay; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 4788) granting an increase of pension to Andrew J. Cupples; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 4789) to provide for the erection of a monument for Joseph Anthony Mower; which was read twice by its title, and referred to the Committee on the Library.

Mr. FRYE introduced a bill (S. 4790) directing payment of pension to Stephen A. Seavey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4791) authorizing the Postmaster-General to provide for the transportation of the mails by pneumatic tubes or other similar devices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

#### AMENDMENTS TO BILLS.

Mr. MALLORY submitted an amendment providing for a preliminary examination and survey of Key West Harbor, Florida, with a view of determining the feasibility of securing a channel 30 feet deep and 400 feet wide through the ship-channel entrance into the harbor of Key West, intended to be proposed by him to



the river and harbor appropriation bill; which was referred to Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$500,000 for the transmission of mail by pneumatic tubes, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate \$1,500 to enable the Secretary of the Interior to employ a special attorney for the Eastern Band of North Carolina Cherokee Indians for the remainder of the fiscal year ending June 30, 1902, and to pay for legal services heretofore rendered said Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate \$1,000 to enable the Secretary of the Interior to have a survey made of Net Lake Reservation in the State of Minnesota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BATE submitted an amendment proposing to increase the appropriation for improving the Cumberland River, Tennessee, above Nashville, Tenn., from \$105,000 to \$250,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CARMACK submitted an amendment proposing to appropriate for the improvement of the Cumberland River, Tennessee, the following sums: Completion of work at lock 2, \$94,700; at lock 3, \$112,100; at lock 4, \$121,500; at lock 5, \$101,148; at lock 6, \$61,000; at lock 7, \$70,000, and for contingent and office expenses \$70,604.80, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate \$300,000 for the purpose of securing a 17-foot channel from 3 miles above the mouth of Dog River to the 17-foot contour in Mississippi Sound, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for a survey of Yazoo and Big Sunflower rivers with a view to the construction of a lock and dam in the Yazoo River near the mouth of the Big Sunflower River, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to increase the appropriation for improving certain harbors and rivers on the easterly shore of Chesapeake Bay, Maryland, from \$60,000 to \$74,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$16,665 for completing the improvement of Elk River, in Maryland, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for improving the channel of Curtis Bay, Baltimore Harbor, Maryland, by deepening the same to 30 feet and widening it to 250 feet, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$200,000 for increasing the depth of the main ship channel of the Patapsco River and Baltimore Harbor to 35 feet and the width thereof to 1,000 feet from Baltimore to Chesapeake Bay, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate \$30,000 for improving Shallotte River, Brunswick County, N. C., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,000 for maintenance of improvement of Fishing Creek, North Carolina, from its mouth to Beach Swamp, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for a survey of the waterway connecting Swan Quarter Bay with Deep Bay, North Carolina, with a view of obtaining a depth of 7, 8, and 9 feet, respectively, etc., intended to be proposed by him to the river

and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to appoint a board of engineers to consider the entire subject of a waterway of not less than 16 feet depth from Norfolk Harbor, Virginia, to Beaufort Inlet, North Carolina, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to appropriate \$60,000 for maintenance of the channel at Sabine Pass, Texas and Louisiana, and to reduce the appropriation for maintenance and repairs of the jetties at Sabine Pass from \$185,000 to \$125,000; also proposing to connect the Sabine and Neches rivers by a channel 8 feet deep at or near the west margin of Sabine Lake instead of through Sabine Lake; further, to increase the appropriation for continuing the improvement of the Sabine and Neches rivers, Texas, from \$79,000 to \$150,000, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### INDIAN SCHOOLS.

Mr. STEWART submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 12,000 copies of the Revised Course of Study for Indian Schools; 3,000 for the use of the Senate, 6,000 for the use of the House of Representatives, and 3,000 for the use of the Superintendent of Indian Schools.*

#### DESTRUCTION OF FISH BY DYNAMITE, ETC.

Mr. BARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved. That the Attorney-General is hereby directed to examine into the facts relating to the destruction of fish in the shore waters of the United States near the Province of New Brunswick by dynamite or other explosive fishing and to report to the Senate what relief for the same can be given by legislation by Congress.*

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (H. J. Res. 171) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY. I think the Senator from Tennessee [Mr. BATE] is authorized to report the joint resolution favorably.

Mr. BATE. Yes, sir; I am instructed by the committee to report it back favorably, and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Tennessee, from the Committee on Military Affairs, reports the joint resolution favorably, and asks for its present consideration. It will be read.

Mr. ALLISON. I hope it will not be considered to-day. I think it ought to lie over.

Mr. HAWLEY. I hope it will be considered and passed for the reason I shall state. There is no objection made to the men named, and the board is to meet on Tuesday next to go down to Tennessee on official business. If the joint resolution does not fill the vacancies, no quorum can be had next Tuesday.

Mr. ALLISON. I understand from the Senator from Connecticut, the chairman of the Committee on Military Affairs, and also from the Senator from Tennessee, that the joint resolution has been considered by the Committee on Military Affairs.

Mr. HAWLEY. It has. It was considered before the committee this very morning.

Mr. ALLISON. In view of the pressing necessity for the consideration of the joint resolution, I will withdraw my suggestion that it lie over for a day, although I should be glad to look at it for a moment.

Mr. BATE. I will state that I was not present in the committee this morning when it was considered, but it was turned over to me when I came in directly afterwards, and the chairman and others informed me that it was considered and acted on this morning, and that I was instructed to report it favorably.

Mr. HAWLEY. The committee instructed me to put it in the hands of the Senator from Tennessee, because one of the chief nominees is a Tennessee man; that is all.

The PRESIDENT pro tempore. The joint resolution will be read.

The joint resolution was read, as follows:

*Resolved, etc., That Henry E. Palmer of Nebraska, GEORGE W. STEELE of Indiana, WALTER P. BROWNLOW of Tennessee, T. J. Henderson of Illinois, and J. M. Brown of Maine be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Henry E. Palmer to fill a vacancy caused by the death of Gen. William J. Sewell, whose term of service expires April 21, 1904. GEORGE W. STEELE to succeed himself—his present term of service expiring April 21, 1902. WALTER P. BROWNLOW to succeed Gen. William B. Franklin, whose term of service expires April 21, 1902. T. J. Henderson to succeed himself—his present term of service expiring April 21, 1902. J. M. Brown to succeed himself—his present term of service expiring April 21, 1902.*



The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADJOURNMENT TO MONDAY.

Mr. PROCTOR. I move that when the Senate adjourns this afternoon it be to meet on Monday next. I trust if this motion prevails it will give an opportunity for the gentlemen who wish to be heard on the pending bill to prepare their speeches.

The PRESIDENT pro tempore. The Senator from Vermont moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

#### RIVER AND HARBOR BILL.

Mr. FRYE (Mr. FOSTER of Washington in the chair). The Committee on Commerce desired me to say to Senators that they would be in session all day to-morrow after 11 o'clock, and that the hearings for Senators will be concluded on to-morrow. They will be heard at any hour during the day after 11.

#### IMITATION DAIRY PRODUCTS.

Mr. PROCTOR. I move that House bill 9206 be now taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. HARRIS. Mr. President, I submitted an amendment yesterday to the pending bill, which was practically a measure which had been introduced in the House. It had been carefully gone over by the chairman and members of the Senate Committee on Agriculture and by others interested, and it was intended to take the place of the provision in regard to process or renovated butter, as found in the bill when it came over to us from the House. I think it is very important that that amendment should be understood by the Senate as the bill is being considered, and I therefore ask that the amendment be read for the information of the Senate.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert in lieu of section 4 the following:

SEC. 4. That for the purpose of this act "butter" shall be understood to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; that "adulterated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, and any butter with which there is mixed any substance foreign to butter as herein recognized or understood, with intent or effect of cheapening in cost the product in any way, either through cheaper or inferior ingredients, or with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream: *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886.

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter and of adulterated butter shall pay \$600 per year, the payment of which shall cover the tax upon the manufacture of both articles. Every person who engages in the production of process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

Dealers in adulterated butter shall pay \$48 per year. Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, besides being liable to the payment of the tax, be fined not less than \$1,000 and not more than \$5,000; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, besides being liable to the payment of the tax, be fined not less than \$50 nor more than \$500 for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep

such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than \$500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and banded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and banded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined \$50 for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

All parts of an act providing for an inspection of meat for exportation, approved August 30, 1890, and of an act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March 3, 1891, and of amendment thereto approved March 2, 1895, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same for exportation or transmission from one State to another. All process butter and the packages containing the same shall be marked with the words "Process Butter," by marks, label, or brands, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

Mr. HARRIS. Mr. President, in the discussion of this bill there has been a great deal of complaint made, and I think with justice, that the health of the consumer is injured by what is called process or renovated butter. I think the amendment I have offered practically protects, in the most efficient way, the interests of the consumer in that direction, and I hope it will remove some of the objections that Senators on this side have to the bill.

So far as the general bill is concerned, I have been somewhat undecided. For a good many years I have been engaged in the breeding and feeding of beef cattle, and I have, with a great deal of interest, long watched the operations of the improvement which has been made in the production of oleomargarine. Beginning with the experiment of the French chemist. I think the great packing houses of this country have accomplished a wonderful and magnificent achievement. No man can possibly say anything more in favor of oleomargarine than I am willing to say. I believe it to be a healthful product; I believe it to be nutritious; I believe it is an honest and legitimate article of trade, provided it is not sophisticated by the use of color and people imposed upon and induced to use it as butter. It is an article of commerce with



such merit that it astonishes me that the oleomargarine manufacturers themselves do not come out openly and boldly and advertise it as such. It has advantages over butter. It requires a higher temperature to melt it; it is not subject to the changes of decomposition, which affect butter so severely, and which make it so perishable, and for camp use, for the use of miners, and in a thousand other ways oleomargarine is more desirable than butter itself. It is strange that these manufacturers do not so advertise it and claim these merits for it.

The growth of this industry has been something very marvelous. It has gone hand in hand with the development of the wonderful packing interest, that now controls practically the butchering and selling of meats all over this country. These great establishments have practically superseded everywhere the local butcher. They control absolutely the price of the steer on the hoof and the price of every pound of meat sold on the butcher's block throughout the country. It is a magnificent improvement over the old method, and we are supplied with a better class of beef, properly killed, properly cooled, and properly handled, reaching the consumer in the best possible state. They have broadened the use of meat and extended the period when fresh meat can be used throughout the summer, where formerly its use had largely to be abandoned. It is a wonderful achievement; it is a magnificent example of the power of organization and intelligence applied to what we had supposed heretofore would be a field controlled by local interest.

These great packers utilize every possible product of the beef animals which they slaughter. They therefore are enabled to bring about a more economic result. Among the utilizations of the different by-products is this of oleomargarine. These packers have demonstrated that it is a valuable addition to the sum total of the food products of the world.

So far as the great packing establishments of the country are concerned, they are manufacturing and selling oleomargarine in an absolutely honest and legitimate way. I do not think that any evidence has been brought before any of the committees which have had charge of the consideration of this matter which shows that these great packing houses in Chicago, in Kansas City, or in St. Louis in any way deceive or render assistance to those who are deceiving in this matter.

But it does not stop with them. The oleo oil which they manufacture and sell is taken hold of by special concerns that manufacture simply oleomargarine and that are not engaged in any other business. They are the ones who endeavor to assist and help the retail dealers of the country in imposing oleomargarine as a fraudulent article upon the consumer.

For two summers, I believe, I was on the subcommittee of the Committee on Manufactures engaged in investigating all the adulterations of food products in Chicago and elsewhere, and everywhere we were met with this conflict between the dairy interests of the country and the fraudulent sellers of oleomargarine, assisted, aided, and abetted by the specific manufacturers of oleomargarine. The evidence presented was absolutely overwhelming that a great part of this manufacture is sold as butter. There can be no controversy on that question.

I admit also that we were tremendously disgusted with the amount of duplicity and of false charges that were produced on the dairy side of the case. There has been a great deal of dishonesty and a great deal of selfishness exhibited by that party to this controversy, and it is partly to meet and check some of the injurious effects which result from the illegitimate and improper sale of renovated and process butter that I have offered this amendment.

The oleomargarine business back in 1886 was in danger of becoming a stench in the nostrils of the people. Those engaged in that business at that time resisted the proposed law just as vehemently as they resist the present proposed amendment to that law. They said they would be ruined and driven out of business; they said it was an unjust aggression in the interest of an opposing industry; they denounced it in every possible way; and yet this great industry, which is of so much importance and value to-day, absolutely owes its existence, I believe, to the protection, to the regulation, and to the supervision which was placed upon the industry by that law.

At that time every stock yard in the country was surrounded by people who were buying dead animals, diseased animals, and all sorts of improper fat and other substances, and they were gradually, on account of the enormous profits involved, using such material in this new industry. That was checked, and these scavengers of the stock yard were practically driven out of business by that very act, which has been so much denounced. It has been the salvation of that great industry; and I believe that the regulation which is imposed upon renovated and process butter by the amendment which I have offered will be of equal value to the great dairy interests of this country. They are in danger, I think,

of being rendered obnoxious on account of the improper processes used by the manufacturers of renovated, process, or adulterated butter. Because it is to protect the purity of the food products of this country I think that this legislation is justifiable and proper.

As to the interests of the cattlemen being hurt in any possible way I do not for a moment concern myself. The evidence is absolutely conclusive that, even if we should absolutely stop the consumption of oleomargarine in this country, the effect upon the cattle industry of the country would be absolutely inappreciable.

As has been shown, we slaughter about 11,000,000 head of cattle in this country, and the total amount of the value of the product of oleomargarine which is utilized in this country is only about \$2,750,000. So that there will be from 25 to 30 cents per steer, and every cattleman knows that that would be absolutely inappreciable.

The great packing interests control, as I have said, the price of cattle in this country, and—I do not say it with any desire to reflect upon them—considering the opportunities that they have had, I think they have acted with wonderful fairness and moderation. They have the power, they are members of all the great live-stock exchanges of the country, and they control practically all the great cattle associations everywhere. The commission men are practically all subordinated to the wishes and interests of the great packing houses. Cattle are sent to the great stock yards of this country to be sold, and the seller meets but four or five buyers, representing these great establishments. Every commission merchant knows that unless he is on good terms with the great packing houses his business is liable to suffer, and consequently it is an easy matter for the live-stock exchanges to pass any kind of resolution that may be supposed to be in the interest of these great establishments.

They, of course, complain that this legislation is liable to injure them in some respects, but I think they exaggerate the difficulties, just as they did in 1886. I think they will not be hurt. Eighty per cent of the product is exported and that can not possibly be affected, and the 20 per cent that remains to be consumed in this country can be consumed, in my judgment, absolutely as well uncolored as colored.

I have tried this article thoroughly myself. I have used oleomargarine in every possible way on my table, in camp, and elsewhere, and I believe it to be a thoroughly good product. I have also used it uncolored, and I am just as willing to use it uncolored as I am to use it colored. There is no amount of consideration, I think, that is due to this claim that the whole thing depends upon its being made palatable by being of a yellow color. I have a letter, which I received this morning, from one of these great establishments, the managers of which are honorable and respectable men in every possible way, from whom I regret even to differ upon a question of this kind.

We are inclined to take issue with you on the color question. The appearance of an article has a great deal to do with its palatability. An article may be palatable and still not appeal to the taste on account of its appearance. Would you like to eat green ice cream?

Well, I could not help laughing when I came to that, for it seemed that my friend was not well informed as to ice cream, as we frequently eat green ice cream here and elsewhere, and enjoy it quite as much as that of any other color. The pistache ice cream is always green.

And yet it would be just as palatable and taste just as well as the beautiful pink punch served at fashionable receptions. Butterine manufacturers have just as much right to use coloring as the dairy people. While the fact has been disputed, the butterine manufacturers contend they were the first to adopt the high yellow standard for our goods, and the dairy people, seeing that it pleased the public, followed suit. You can remember years ago when it used to be said "that must be oleomargarine because it is so yellow."

That seemed to me a little bit amusing. I could not help recalling a day just about ten years ago when I wandered around the pastures of Warlaby, that historic spot in Yorkshire, England, which has been the home of the magnificent herd of short-horn cattle through three generations of the Booth family. My feet were colored with the yellow dust which fell from the blossoms of that beautiful little flower that we call the buttercup. The pastures were yellow with that beautiful flower; and that has been known as the buttercup for centuries. Why? Because it resembles the yellow color which butter has and which must have existed even long before we had any record of the buttercup. And yet my friend says the yellow color of butter became fashionable here and was first initiated by the manufacturers of oleomargarine.

The writer of this letter further says:

We know that very light butter is preferred in some markets; but the very lightest butter that can be produced looks palatable, while uncolored butterine looks extremely unpalatable, for the reason that it has a dirty white shade. If it possessed a tinge of yellow it would perhaps appeal more to the buyer.



It seems to me, Mr. President, that comment is unnecessary upon that kind of claim. I had not myself observed that uncolored oleomargarine was a dirty white. The white color would not be so attractive, but it seems to me that it is not an unpalatable color. On our farms in the winter time we continually use butter which is practically of the same color. As my friend from Iowa [Mr. DOLLIVER] said yesterday, as a matter of course butter has always more or less of a yellow tinge, unless the feed is absolutely confined to bran and water; but if you feed any kind of good clover or timothy hay there will be a slight color in the butter. That color, however, is a quality which belongs to butter, and should not be taken and used as a mask for any other product.

I have received several telegrams this morning from creamery concerns all over the country, which commend the amendment I have offered. While there is a great deal of human nature and selfishness on both sides of this controversy, yet I believe the creamery men of the country are willing to be fair and just in this matter. They demand that which is theirs of right, and nothing more. They do not desire to impose any hardship upon the manufacturers of oleomargarine. They are willing to meet a fair, honest competition; and my friends all through the West, who are interested in the production of beef cattle, are willing to yield to that kind of competition. The beef-cattle men of the West have no fear of any disastrous results to them. They are perfectly willing that everything shall stand strictly upon its own merits and that honest dealing shall be used in every possible way in handling their products.

The cattlemen of the West are a great big-hearted, broad-souled set of men; they live in the open; their lungs are filled with pure air, and their veins are filled with good, warm, red blood. I denounce and deny as a cattleman that the owners of the great cattle ranges and farms of the country are in any way whatever in sympathy with this false pretense that is being made use of by a part only of the manufacturers and dealers in oleomargarine that is offered for sale throughout the country.

The interest of the laboring man has been brought in here, and laboring men have been appealed to here and there over the country in the mistaken idea that this bill means the prohibition of the manufacture of oleomargarine. I have talked with laboring men, members of labor organizations, who have sent in petitions here, and they were astonished to learn that this bill does not mean anything like a prohibition of the manufacture of oleomargarine; that they can still continue to buy oleomargarine; that they can still continue to have all the advantages which it is supposed to possess over butter; that they can take it themselves, and the housewife, if she so desires, by a very simple process can give it any color she pleases.

Mr. NELSON. Will the Senator allow me to interrupt him for just a minute?

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. HARRIS. Certainly.

Mr. NELSON. Will not the effect of this legislation be to make oleomargarine cheaper for the people who want to use it?

Mr. HARRIS. Unquestionably. I was about to state that the only practical effect upon the laboring man will be that under this legislation he can and ought to be able to buy oleomargarine a cent or three-quarters of a cent a pound cheaper than now. There is no doubt about it. This is in the interest of the laboring man, and there is no reason why he should not buy white oleomargarine and color it to suit himself if he desires to do so.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. HARRIS. Certainly.

Mr. CULBERSON. I call the attention of the Senator from Kansas to the testimony of Commissioner of Internal Revenue Wilson before the Senate Committee on Agriculture and Forestry last year, in which he said that the demand that oleomargarine be colored came from the purchasers of oleomargarine and the retail dealers—the users of the article, the plain laboring people of the country. I call the attention of the Senator to that statement.

Mr. HARRIS. That the demand came from the purchasers?

Mr. CULBERSON. That it came from the users, the consumers, the purchasers.

Mr. HARRIS. Mr. President, we had before the Committee on Manufactures in Chicago one of the most notorious violators of the law in regard to this matter that we have met, the man who, I believe, was alluded to by the Senator from Iowa [Mr. DOLLIVER] yesterday, who is continually in the courts. In reply to some questions with regard to the matter of coloring, he said: "The very men who come to us and whisper in our ears that they want oleomargarine want that kind which is colored yellow; and

the people would think we were cheap skates"—I remember the expression perfectly well—"if we were to let it be known that we are purchasing and using oleomargarine on our table."

There may be, Mr. President, a class of people who are willing to deceive their friends and their children in that kind of way, but I must confess that I have very little sympathy for them. The real laboring man who desires yellow oleomargarine, as I have said, can purchase it white and in a few minutes can change it to yellow. It is like the preparation of any other article that comes upon the table; it can be prepared to suit the taste of the particular individual or family who consume it. There is no difficulty whatever about that. But he knows exactly what he is using.

There is one other class I have heard of who are perhaps affected in this way. I have been told that letters have been received from people who keep large boarding schools and large establishments of that character, who say that the children are crying for oleomargarine colored, but they would not eat it white. I should like to have those children given a chance to see which they prefer at all events.

Mr. STEWART. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. HARRIS. Certainly.

Mr. STEWART. I do not know whether the Senator has spoken on that point, but I should like to hear him also as to the coloring of cow butter, and whether he has made any investigation of that matter?

Mr. HARRIS. If it comes to the question of coloring cow butter, I think I shall have to refer the Senator from Nevada to the subtle alchemy which exists in the digestive process of the cow herself. She is responsible for the color in the butter. It is there, as I said earlier in my remarks, all the time except when she is fed on unnatural and abnormal feed. Natural feed produces color in the butter.

Mr. MONEY. I wish to ask the Senator a question, suggested by the question of the Senator from Nevada. Does not the creamery as well as the cow have something to do with the coloring of butter?

Mr. HARRIS. Yes, sir; but the cow begins the process.

Mr. MONEY. But at times she gives us yellow butter, and at other times she gives us white butter.

Mr. HARRIS. I have said that there are certain seasons in the year, perhaps in the Senator's part of the country, when the hay crop is short and cows have to be fed on cotton-seed meal, when they produce an article that looks very much like lard; but if the Senator will improve his farming, raise more clover hay, and feed his cows on that kind of feed in the winter, he will find the butter always more or less yellow.

I admit—and of course there is nobody who controverts the idea—that dairymen, for the sake of uniformity, as the color of butter varies from one season of the year to another, do use artificial coloring matter; but the product is none the less butter. They do not color it in order to make it resemble oleomargarine; they do not color it in order to make it resemble any other product on earth; there is no deception or fraud whatever so far as the real character of the article is concerned; and that is the crucial point in the manufacture of oleomargarine, that the coloring is introduced for the purpose of enabling it to be sold for something which it is not, whilst in the butter it is introduced merely for the sake of uniformity in color, and it is not pretended to be anything else but butter all the time.

I think that is the consideration that finally determined me in this matter. I could not see in the cloud of charges, the crimination and recrimination through each stage of this quarrel, any other way to do than to adhere to the plain, simple, honest principle of requiring everything which we have to use as food to stand upon its own merits.

I am in favor of pure-food legislation. I am in favor of every article of food being sold to the people for exactly what it is. I do not believe in maple sirup made in the magnificent corn State of my friend from Iowa; I do not believe in honey which purports to come from California, but which is manufactured at a glucose factory in New Jersey; I do not believe in strawberry jelly or jam 90 per cent of which is made from apple parings and apple cores, and we all know that is the process used in the manufacture of that article. I do not want any of those things. It is a plain, simple proposition, as I have stated, of honesty in the essential matter of food products. We are improving in that direction, and that feeling is growing all over the country.

As a member of the subcommittee of the Committee on Manufactures, I was astounded at the extent to which adulteration is carried on in some of our food products. We have got to take some steps in that direction, and I believe the chairman of the Committee on Manufactures to-day reported a bill, which I hope will



be passed, which would be a long step in the right direction. It is almost impossible to buy any spice that is not adulterated or sophisticated; it is impossible to buy any article of confectionery that is not adulterated or sophisticated; it is impossible to buy any kind of pickles that are not injuriously sophisticated or adulterated. You can not even buy an ounce of ground ginger without finding old rope ground up in it and other adulterants. It is that kind of greedy, heartless, selfish, remorseless grasping for the dishonest dollar that I think we ought to take some measures to stop. No matter whether it hits the great manufacturing establishments, no matter whether it hits the little pickle factories down in the dirty little alleys, no matter where it hits, let us be honest in the sale of the food products in this country.

Of course my friends on this side of the Chamber are very much concerned over the constitutionality of this bill, and I was staggered for a long time prior to 1886; but the message of Mr. Cleveland—delivered at the time he signed the original oleomargarine bill—largely cleared up my mind on that matter. That law has been upon the statute book for sixteen years; it has been assailed in every possible direction by the most tremendous aggregations of capital, and yet it stands upon the statute book unshaken in its integrity. Now, it seems to me late in the day, when an amendment is proposed simply to carry on the good work, simply to make that measure more effective, to attack this kind of legislation from that standpoint. As Mr. Cleveland said:

Having entered upon this legislation, it is manifestly a duty to render it as effective as possible in the accomplishment of all the good which should legitimately follow in its train.

If there had been objections to that law of a constitutional character, the courts certainly would have decided those questions long ago.

I will ask, Mr. President, that the Secretary read a further extract from the same message of Mr. Cleveland.

The PRESIDING OFFICER. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

If this article has the merit which its friends claim for it, and if the people of the land, with full knowledge of its real character, desire to purchase and use it, the taxes exacted by this bill will permit a fair profit to both manufacturer and dealer. If the existence of the commodity taxed and the profits of its manufacture and sale depend upon disposing of it to the people for something else which it deceitfully imitates, the entire enterprise is a fraud and not an industry; and if it can not endure the exhibition of its real character, which will be effected by the inspection, supervision, and stamping which this bill directs, the sooner it is destroyed the better in the interest of fair dealing.

Such a result would not furnish the first instance in the history of legislation in which a revenue bill produced a benefit which was merely incidental to its main purpose.

There is certainly no industry better entitled to the incidental advantages which may follow this legislation than our farming and dairy interests, and to none of our people should they be less begrudged than our farmers and dairymen. The present depression of their occupations, the hard, steady, and often unremunerative toil which such occupations exact, and the burdens of taxation which our agriculturists necessarily bear, entitle them to every legitimate consideration.

Nor should there be opposition to the incidental effect of this legislation on the part of those who profess to be engaged honestly and fairly in the manufacture and sale of a wholesome and valuable article of food which by its provisions may be subject to taxation. As long as their business is carried on under cover and by false pretenses, such men have bad companions in those whose manufactures, however vile and harmful, take their place without challenge with the better sort in a common crusade of deceit against the public. But if this occupation and its methods are forced into the light and all these manufactures must thus either stand upon their merits or fall, the good and bad must soon part company and the fittest only will survive.

Not the least important incident related to this legislation is the defense afforded to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of very general household use. Notwithstanding the immense quantity of the article described in this bill which is sold to the people for their consumption as food, and notwithstanding the claim made that its manufacture supplies a cheap substitute for butter, I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character.

While in its relation to an article of this description there should be no governmental regulations of what the citizen shall eat, it is certainly not a cause of regret if by legislation of this character he is afforded a means by which he may better protect himself against imposition in meeting the needs and wants of his daily life.

Having entered upon this legislation, it is manifestly a duty to render it as effective as possible in the accomplishment of all the good which should legitimately follow in its train.

Mr. HARRIS. Mr. President, I do not believe that I care to take up the time of the Senate any further. This is all, it seems to me, a simple proposition, and when it is rightly understood I believe this bill will receive the approval of every man who desires to protect all classes of people in every possible enjoyment of good health and in their pocketbooks. If I believed that oleomargarine was in the least unhealthful I should be in favor of abolishing it altogether. We in the Committee on Manufactures have divided food products into two classes; one where the adulteration is deleterious to health and injurious, and we wish to abolish that class wholly and altogether; another class is where it is merely a sophistication and a fraud upon the pocketbook.

I regard oleomargarine as it is improperly sold, as it is sold as butter, merely as a fraud upon the pocketbook. I do not condemn it as unhealthful in every possible way. It is difficult, it is almost impossible for anyone to detect one from the other. You can not tell. A good deal was said the other day about how readily you can tell butter from oleomargarine. I have tried it in every possible way, and I can not detect the difference between good oleomargarine and good butter. You can tell bad butter readily enough. There is no trouble about that. There is only one simple method by which the consumers can protect themselves. Inquired of the chemical bureau of the Department of Agriculture, and I found that the only simple method by which to detect the difference between the two is by taking a small quantity of each in a spoon, letting it melt, stirring it gently with a toothpick or match as it melts over a flame, and the butter will froth up, will assume a light appearance and gradually subside into a fine delicate oil, whereas the oleomargarine quietly melts down with a few bubbles like some wax would melt, and it requires, of course, a higher temperature than the butter does.

But the peculiar quality of butter is that it foams when subjected to heat. It gets light; and it has that effect when used in bread or in any other possible way. That is the reason why it has a greater superiority in point of digestibility, in my opinion, but not enough so to require us to brand oleomargarine in any possible way as unhealthful to the ordinary consumer.

Mr. President, the Senator from Vermont [Mr. PROCTOR] introduced some tables that I think are of great interest in this matter. I ask that they be printed as an appendix to my remarks.

The PRESIDING OFFICER. If there be no objection, that order will be made.

The tables referred to are as follows:

TABLE 3.—Materials and products, 1900.

Items.	Quantity.	Cost of materials.	Value of products.
	Pounds.		
Materials:			
Total	114,748,683	\$7,639,501	
Milk and cream	23,684,305	579,068	
Oleo oil	33,724,621	2,744,235	
Neutral lard	37,651,741	2,976,870	
Cotton-seed oil	11,818,921	867,790	
Butter	306,956	61,176	
Salt	6,962,233	58,987	
Color	204,418	32,078	
Sugar	137,842	7,084	
Glucose	32,965	494	
Stearin and oleo stock	134,541	4,320	
Fuel and rent of power and heat		49,855	
Mill supplies		5,745	
All other materials		501,107	
Freight		50,792	
Products:			
Total	104,633,214		\$12,499,812
Oleomargarine	104,633,214		12,286,357
All other products			213,455

TABLE 7.—Annual production of oleomargarine in European countries.

Country.	Quantity produced.	Quantity imported.
	Pounds.	Pounds.
United Kingdom	82,000,000	110,000,000
Denmark	35,000,000	4,500,000
Norway	22,000,000	
Sweden	22,000,000	
Germany	220,000,000	
Netherlands	123,000,000	
Belgium	20,000,000	

Table 7 indicates that Germany is the greatest producer of oleomargarine, with a product of 220,000,000 pounds, followed by the Netherlands, with 123,000,000 pounds. According to the figures of this table, the United States, with an output of more than 100,000,000 pounds, ranks third in production.

#### COTTON-SEED OIL.

[Facts derived from Bulletin No. 129.]

	Gallons.	Value.	Average value per gallon.
			Cents.
Amount of oil produced in 1900 in United States	93,325,729	\$21,390,674	22.9
Amount of oil exported in 1900	46,902,390	14,127,538	30.1

Amount exported: 50.25 per cent of gallons, and 66.5 per cent of value.

In regard to the production of oleo oil Bulletin No. 128 has the following statement:

"The number of grades manufactured is from three to five, and, when the market is active and prices are high, about all the fat taken in slaughtering, both from cattle and sheep, is worked into one grade or another. The oil

made from sheep fat can not be neutralized, and retains the characteristic odor and flavor of the animal to such degree as to be unfit for the oleomargarine demanded in American markets. It is exported to Europe, where there is demand for cheaper oils. With the beef fats the character of the animal from which they are taken is the most potent factor in the selection. Some manufacturers work into their highest grade of oleo oil practically all the fat taken from a good steer, and make one or two lower grades from the fat of cows and "canners."

This statement is derived from the manufacturers themselves by the census agents.

"Other manufacturers make the highest grade from the caul and other selected fats of the best beeves, using certain intestinal and other lower forms, together with that taken from poorer animals, in making from one to three lower grades. As previously indicated, the manufacture of oleo oil is more widely distributed than that of neutral lard, and while it is largely confined to the big packing houses, considerable quantities are made in large cities, outside the centers of the packing industry, from fats collected in part from abattoirs and in part from retail butchers."

This extract from the bulletin suggests possibilities in the way of deleterious materials from which the oil may be produced on which I will not enlarge. From Tables 6 and 8 of Bulletin No. 138 the following facts appear:

1900.	Pounds.	Value.
Oleo oil used in manufacture in United States.....	33,724,621	\$2,744,235
Oleo oil exported (over 4 times).....	146,739,681	10,503,856
Total.....	180,464,302	13,248,091

Monthly exports of oleo oil, quantities and values, 1899 to 1901.

Month.	1899.		1900.		1901.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Pounds.		Pounds.		Pounds.	
July.....	14,746,933	\$848,827	12,692,477	\$872,205	13,342,732	\$985,403
August.....	11,000,148	667,517	13,438,025	910,130	17,076,266	1,256,983
September.....	10,608,719	635,072	9,681,527	700,127	11,649,497	842,042
October.....	11,676,227	731,878	8,609,274	656,009	12,703,835	931,844
November.....	8,287,594	512,055	9,167,054	672,767	13,264,917	960,790
December.....	10,762,801	662,056	11,593,796	857,502	10,703,607	768,479
January.....	9,012,969	574,707	9,875,713	782,610	13,262,121	907,244
February.....	9,399,349	679,277	12,583,941	923,138	8,714,704	632,681
March.....	13,172,038	942,918	13,495,147	961,799	12,481,946	912,137
April.....	12,490,677	856,441	11,102,549	778,246	13,390,520	1,029,620
May.....	13,083,108	908,272	13,271,051	926,925	17,594,957	1,326,027
June.....	17,439,929	1,164,639	21,229,127	1,462,398	17,496,251	1,293,123
Total.....	142,390,492	9,183,659	146,739,681	10,503,856	161,651,413	11,846,373

Formula 1.—Cheap grade.

	Pounds.
Oleo oil.....	495
Neutral lard.....	265
Cotton-seed oil.....	315
Milk.....	255
Salt.....	120
Color.....	1½
Total.....	1,451½

Will produce from 1,265 to 1,300 pounds of oleomargarine.

Formula 2.—Medium high grade.

	Pounds.
Oleo oil.....	315
Neutral lard.....	500
Cream.....	280
Milk.....	280
Salt.....	120
Color.....	1½
Total.....	1,496½

Will produce from 1,050 to 1,080 pounds of oleomargarine.

Formula 3.—High grade.

	Pounds.
Oleo oil.....	100
Neutral lard.....	180
Butter.....	95
Salt.....	32
Color.....	½
Total.....	357½

Will produce about 352 pounds of oleomargarine.

TABLE 3.—Exports of cotton-seed oil, 1870 to 1901.\*

Year.	Gallons.	Value. <sup>b</sup>	Average value per gallon.
			Cents.
1870.....	( <sup>c</sup> )	\$14,946	
1871.....	( <sup>c</sup> )	140,577	
1872.....	547,165	298,546	53.6
1873.....	709,576	370,506	52.2
1874.....	782,067	372,327	47.7
1875.....	417,387	216,640	51.9
1876.....	281,054	146,135	52
1877.....	1,705,422	842,248	49.4
1878.....	4,982,349	2,514,323	50.4
1879.....	5,352,530	2,232,880	41.7
1880.....	6,997,796	3,225,414	46.1
1881.....	3,444,084	1,465,255	42.5
1882.....	713,549	330,260	46.3
1883.....	415,611	216,779	52.1

TABLE 3.—Exports of cotton-seed oil, 1870 to 1901.—Continued.\*

Year.	Gallons.	Value. <sup>b</sup>	Average value per gallon
			Cents.
1884.....	3,605,946	\$1,570,871	43.6
1885.....	6,364,279	2,614,592	41.1
1886.....	6,240,139	2,115,974	33.9
1887.....	4,067,138	1,573,935	38.8
1888.....	4,458,597	1,925,739	43.2
1889.....	2,680,700	1,298,609	48.3
1890.....	13,384,385	5,291,178	39.5
1891.....	11,003,160	3,975,305	36.1
1892.....	13,859,278	4,982,285	36
1893.....	9,432,074	3,927,556	41.5
1894.....	14,958,309	6,008,405	40.2
1895.....	21,187,728	8,813,313	32.2
1896.....	19,445,848	5,476,510	28.2
1897.....	27,198,882	6,897,361	25
1898.....	40,230,784	10,137,619	25.2
1899.....	50,627,219	12,077,519	23.9
1900.....	46,902,390	14,127,538	30.1
1901.....	49,356,741	16,541,821	33.5

\* Commerce and Navigation of the United States.

<sup>b</sup> The value of cotton-seed oil, at the time of exportation, in the ports of the United States whence exported.

<sup>c</sup> Quantity not stated.

TABLE 6.—Crude products per ton of cotton seed.

Products.	Quantity.		Value.	
	Pounds.	Per cent.	\$17.09	Per cent.
	2,000	100		100
Total.....				
Oil.....	282	14.1	8.61	50.4
Cake and meal.....	713	35.7	6.48	37.9
Hulls.....	943	47.1	1.29	7.5
Linters.....	23	1.1	.71	4.2
Waste.....	39	2		

Number of cattle, by census years.

Census year.	Number of all cattle.	Population.	Number of cattle per 100 of population.
1850.....	17,778,907	23,191,876	76.7
1860.....	25,620,019	31,443,321	81.5
1870.....	23,820,608	38,558,371	61.8
1880.....	35,925,511	50,155,783	71.6
1890.....	51,363,572	62,622,250	82
1900.....	43,902,414	76,295,220	57.5

Prospectus of the Standard Butterine Company, incorporated under the laws of the State of West Virginia, U. S. A., capital stock, \$1,000,000. Standard Butterine Company, W. P. Wilkins, president; offices, 208 Ninth street NW, Washington, D. C., U. S. A., September 1, 1900.

TABLE OF COST AND PROFITS.

It is perhaps best to add to this prospectus a statement of the exact cost of and profits in the manufacture of butterine, compiled from manufacturing statistics and recent market quotations.

Cost, showing proportions used for each 100 pounds.

Oleo oil, 32 pounds, at 9½ cents per pound.....	\$3.04
Neutral lard, 17 pounds, at 8½ cents per pound.....	1.44½
Cotton oil, 17 pounds, at 5 cents per pound.....	.85
Milk, 17 pounds, at 1 cent per pound.....	.17
Salt, 7 pounds, at ½ cent per pound.....	.03½
Moisture, 10 pounds, at 00 per pound.....	.00

100 pounds.....	5.54
Labor, parchment paper, tubs, etc.....	1.38
Internal revenue, 2 cents per pound.....	2.00

Total cost (f. o. b. Washington).....

The above cost when deducted from the market price of \$13 per 100 pounds shows a net profit of \$4.03.

It will be seen that even if the company produced only the 400,000 pounds per month for which it now has definite orders, a net profit of over \$16,320 a month, or \$195,840 a year, would be assured.

This would mean 8 per cent on the preferred stock of the company, or 20 per cent of the entire capitalization.

This is a simple statement of actual facts which can be easily verified.

This showing surely ought to be of interest to everybody with money for which a highly profitable investment is desired.

STOCK.

The Standard Butterine Company is incorporated, with a capital stock of \$1,000,000, divided as follows:

Five thousand shares preferred, full paid, nonassessable—par value, \$100 per share—\$500,000.

Five thousand shares common stock, \$500,000.

BONDS.

There are also \$150,000 in bonds, divided into 150 bonds, at \$1,000 each, paying an interest at 6 per cent per annum.

The preferred stock is guaranteed to pay 8 per cent per annum, and the common stock ought, by conservative estimate, to pay at least 15 per cent after the first year of business.

Mr. QUARLES obtained the floor.

Mr. PROCTOR. Will the Senator from Wisconsin yield to me for a moment?



Mr. QUARLES. Certainly.

Mr. PROCTOR. I wish to have the attention of the Senator from Mississippi for a moment. If there is no possible objection to the amendment offered by the Senator from Kansas, and it could be adopted, as it involves some other verbal amendments in other portions of the bill, I would ask to have it reprinted. But if there is any single Senator who objects to its being adopted, there is a very thin Senate present and I will not ask it.

Mr. MONEY. The Senator from Vermont did me the honor to consult me a moment ago, and I then told him there was no objection, but since then, not then having read the amendment, I find this article is not taxed, and that would take it beyond the supervision of anyone in particular. I would rather have a tax put on it, so that it would come under the supervision of the Secretary of the Treasury and the people employed by him to see that the law is enforced in this matter as well as with respect to oleomargarine. I think it nothing but fair that this product should be taxed just as oleomargarine is.

Mr. HARRIS. There is in the amendment a tax of 10 cents a pound on adulterated butter.

Mr. MONEY. Does it put on a tax of 10 cents per pound?

Mr. HARRIS. Ten cents a pound upon the butter which is found to be adulterated, where any foreign substance is used in its composition. On page 6 this provision will be found:

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound.

Mr. STEWART. I wished to move an amendment, when I heard it read, to include colored butter.

Mr. HEITFELD. I desire to state that in reading the amendment I find there is a tax upon adulterated butter, but no tax upon renovated butter. I believe that the amendment provides that renovated butter shall be under the supervision of the Secretary of Agriculture, while the other would be under the supervision of the Secretary of the Treasury. Therefore, I suggest that it be amended to the extent of putting renovated butter under the same tax that is imposed on uncolored oleomargarine, so that it would be policed and governed by the same Government official.

Mr. HARRIS. That class of manufacture which is described as "process butter" or "renovated butter," as distinguished from adulterated butter, indicates—

A grade of butter produced by mixing, reworking, reurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added.

The manufacturer of that product is required to pay a tax of \$600 a year and is required to give bond and is required to conduct his business—and I call the attention of the Senator from Idaho to this provision—

under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require.

And further than that, his place of manufacture is also brought under the supervision of the Secretary of Agriculture, so that he is practically covered by all the safeguards of both Departments.

Mr. STEWART. It says "nor any substance whatever." Would not that include coloring matter?

Mr. HARRIS. I will let the Senator make his own interpretation.

Mr. STEWART. If it would include coloring matter, the amendment would cover the matter, it seems to me.

Mr. HARRIS. Those are the words in the amendment—"nor any substance whatever."

Mr. MONEY. I should like to know the meaning placed upon the words by the Senator who framed the amendment and introduced it. Does it include coloring matter?

Mr. HARRIS. I think strictly construed it would. I think there is no question as to what the words mean. I will say so far as I am concerned, that I am perfectly willing to require that class of butter to pay the one-fourth of a cent a pound which is required of uncolored oleomargarine.

Mr. MONEY. Uncolored oleomargarine?

Mr. HARRIS. Yes, sir; uncolored oleomargarine.

Mr. MONEY. It seems to me, as renovated butter is a substance which is not wholesome—

Mr. HARRIS. I do not know that there is any authority for that statement. Adulterated butter is the class referred to.

Mr. MONEY. I have not heard of any testimony before the committee of either House which did not show that butter was renovated by introducing into it deodorizing chemicals, and I believe sterilizing chemicals, for the purpose of getting out bacteria, and by inserting coloring matter to give it an appearance to suit the public eye and taste in the matter. I do not know of any other butter than that which is called renovated.

Mr. HARRIS. Oh, yes; there is another class of what might be called renovated butter in which no acids or alkalis or chemicals of any kind are used; a better class of butter, which is melted, mixed, and churned over with cream to give it freshness.

Mr. MONEY. Will the Senator put in the word "colored," or whatever is necessary there?

Mr. HARRIS. No; because butter has a natural color and you can not take the color out of it.

Mr. STEWART. We do not want to take the color out of it, but we object to putting it in.

Mr. HARRIS. The cow put it in.

Mr. STEWART. If the cow put it in, let it stay there, but do not put it there. If the amendment includes putting in coloring matter into any kind of butter, I think it might get my vote, perhaps. That is the point with me.

Mr. MONEY. I should very much prefer, if the Senator from Kansas means that it shall not be colored, that he would say so in the amendment. I will offer an amendment to that effect, if he will accept it; and if he does, then accept his.

Mr. HARRIS. I am perfectly willing to accept an additional tax, if you think that is necessary.

Mr. MONEY. And include the word "colored?"

Mr. HARRIS. No; I would not be willing to do that, because I believe it infringes upon a just right which the man who handles pure butter, real butter, has.

Mr. STEWART. The right to color it?

Mr. MONEY. The great mass of butter consumed in the United States, except where it is consumed where it is made, on the farm, is colored. Whatever the natural color may be, an artificial coloring is put in in every creamery in the United States.

Mr. HARRIS. For the sake of uniformity.

Mr. MONEY. For the sake of making it attractive and getting a sale, and that is a fact well known to the trade, as proven by the Senator from Iowa [Mr. DOLLIVER] yesterday in the case of the oleomargarine manufacturer who sent round a card with different colors, wanting to know what shade the customer wanted. That was simply appealing to the taste.

Mr. HARRIS. I believe that card was sent around by an oleomargarine manufacturer.

Mr. MONEY. And the creameries consult the public taste just as the oleomargarine man does. He wants to produce something to please the public. The people prefer to eat a yellow butter, because it is richer than white butter. It is richer in fat than white butter. My contention all the time about the coloring business has been not that oleomargarine is colored simply to imitate butter, but that butter and oleomargarine are both colored for the purpose of pleasing the public who buy and consume it, and for no other reason. I do not believe that oleomargarine is colored in order to deceive anybody, so as to make them take it for butter, but because the public want yellow butter.

I made an allusion the other day to hotels trying to set the fashion of eating white butter, and the distinguished Senator from Wisconsin asked me whether I thought the oleomargarine men would not immediately leave out the coloring matter if that kind of butter came in vogue. I answered frankly that I thought they would, not because they wanted to imitate butter, but because they would want to consult the taste of the people who pay for and eat the article.

So I would prefer to have the amendment amended in that way, if the Senator will accept it. This is just as much a process as the other. The Senator from Kansas [Mr. HARRIS], with his usual candor and his usual fairness—because I believe the Senator from Kansas is as fair a man as there is anywhere—has admitted that oleomargarine is a good and wholesome product, and that he does not desire to circumscribe its sale, and all that sort of thing. I contend, and the experts bear me out, that process butter is not healthful. Yet it is permitted to be colored and to be sold as butter with all of its injurious ingredients—renovated or resurrected, as some of the witnesses called it before the committee.

Mr. PROCTOR. As the Senator from Wisconsin [Mr. QUARLES] yielded to me for a moment, if there is any doubt about this amendment being accepted, and about its being satisfactory to everybody, I think it had better go over.

Mr. STEWART. Let it be printed.

Mr. MONEY. Let it go over.

Mr. PROCTOR. It has been printed.

Mr. MONEY. It has been printed.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair understands that the amendment has been printed.

Mr. MONEY. I hope I may be allowed a moment to refer to a matter to which the Senator from Kansas alluded. It is not material. He spoke of the white butter made in Mississippi, and said we do not have grass there. He is very much mistaken. We have the Bermuda grass, the finest grass ever grown out of soil, not even excepting the blue grass of Kentucky. Then we have what is called the black or prairie belt—the finest grass and cereal

producing country I know of. There they have elegant creameries. I know of one there, because I have a petition from the neighborhood asking me to vote for this bill. I do not believe there is any finer butter made in the world than there is there. The largest registered herd of Jersey cattle in the country is in Mississippi.

Mr. HARRIS. I take great pleasure in withdrawing what I said as to the inferior agriculture of Mississippi, and I congratulate the Senator that it is in so much better condition.

Mr. MONEY. I knew the Senator would when he had the facts.

Mr. QUARLES. Mr. President, things have come to a strange pass when the steer competes with the cow as a butter maker. When the hog conspires with the steer to monopolize the dairy business, it is time for self-respecting men to take up the cudgels for the cow and defend her time-honored prerogatives. As a matter of poetic justice, if nothing else, we ought not to forget the bountiful favors of earlier years that were conferred by that faithful creature, and we ought not now to desert her or to permit her to be displaced, her sweet and wholesome product supplanted by an artificial compound of grease which may be chemically pure but has never known the fragrance of clover, the freshness of the dew, or the exquisite flavor which nature bestows exclusively on butter fat to adapt it to the taste of man.

Mr. President, I desire butter that comes from the dairy, not from the slaughterhouse. I want butter that has the natural aroma of life and health. I decline to accept as a substitute caul fat, matured under the chill of death, blended with vegetable oils, and flavored by chemical tricks. The man who makes this compound may have clean hands; he may wear a clean, white apron, but he is no friend of mine.

Mr. President, the State of Wisconsin has invested in dairies over a hundred and seventy-five million dollars. The annual product of that investment is over \$40,000,000. The best part of our agricultural domain has been dedicated to this great industry. No man representing that State here would discharge his duty if he remained silent when the chief industry of his State was assailed, her greatest product imperiled by a cheap and spurious substitute, and 175,000 of her best citizens disturbed in their regular employment.

In addition to these matters of State concern, Mr. President, I wish to remind you that there are 5,000,000 American dairymen now appealing as a matter of right for commercial honesty and fair dealing in the American markets. They are men of high intelligence, who seldom ask for legislation. But, sir, when 110,000,000 pounds of counterfeit product has in a single year forced its way into the American market as butter—has been sold for butter and bought for butter; when State jurisdiction has been found utterly impotent to protect that great interest—what wonder is it that these men come here with a dignified appeal for Federal protection?

Mr. President, this measure is what on its face it purports to be—a revenue bill. As such I defend it. It has been charged on the other side that while having the semblance of a revenue bill it is in truth and in fact an illicit exercise of the police power of the State; and the first suggestion which comes from the other side is that we are not in need of revenue. That is a proper question to raise and settle here.

We must remember that at this session of Congress, by a bill recently passed by both Houses, we have taken away \$78,000,000 of the annual revenue of this Government. If the great projects now contemplated are to be undertaken, we shall certainly need additional revenue. But it is said that this bill will not yield revenue. It is insisted that this bill is calculated to crush out the manufacture of oleomargarine and that the result of the enactment will be no revenue whatever. It is to this point that I wish to direct attention for a moment.

It will be noticed that the manufacturers of oleomargarine have been all the time directing attention to the importance of the matter of color. They have been educating the people to believe that it is a vital matter in the sale and disposition of oleomargarine; that without it they would be unable to dispose of their product. I infer from this that the policy of the manufacturers can not be changed at once so as to produce a white oleomargarine. I infer, therefore, that at least one-half of the oleomargarine that shall be manufactured in the coming year will be colored, and if so this bill will yield at least \$5,000,000 in the next year.

Now, let me call your attention to another proposition. It has been repeatedly asserted on this floor that a 10-cent tax is prohibitive; that no oleomargarine can possibly be made to pay this 10-cent tax and still compete with butter. Nothing is further from the truth. The report of the Twelfth Census shows that the average price paid to the manufacturer during the last year for oleomargarine is 11 cents and a fraction. Call it 11 cents, if you please. That 11 cents, as you will see, covers the 2-cent tax and the manufacturers' profit.

I assert that when the tax is 10 cents and butter is 23 cents the margin is as great in favor of oleomargarine as it is when the tax is 2 cents a pound and the price of butter is 15 cents. The margin is the same, as you will see by computing it.

Now, I direct your attention to the report of the hearings before the committee last year, on page 558. There you will find a compilation of the monthly production and the monthly price of butter compared with the production of oleomargarine month by month. This table discloses that in 1893, and, indeed, in several other years, when the price of butter was 15 cents and oleomargarine was paying a 2-cent tax, its production went on and reached 3,000,000 pounds a month, even as early as 1893, when the production of this article was really in its infancy.

I say that if oleomargarine with a 2-cent tax could compete with butter at 15 cents in 1893, then, with a 10-cent tax, whenever butter is 23 cents, there is an equal margin and an equal opportunity for the butterine manufacturer; and, of course, when butter advances above 23 cents, then there is that much larger profit to the oleomargarine manufacturer.

If butter should remain at its present price and the retailer could obtain oleomargarine at the present cost, there would, after paying the 10-cent tax, remain a much larger profit for oleomargarine than butter has ever yielded. Here is the formula: Eleven cents, the manufacturers' price, includes 2 cents of tax; add 8 cents to cover balance of tax and 19 cents will stand as the cost price of butterine. When butter commands 30 cents in the market, there will be a profit of 11 cents for every pound of colored butterine that can be sold as butter. Now, it is well known that the retailer of butter is satisfied with a profit ranging from 2 to 5 cents. Will not the thrifty retailer still prefer to sell butterine under above conditions? What warrant has any man for saying that this enactment will prove prohibitory?

A perusal of this table will show that in all probability oleomargarine in the future will be colored notwithstanding this legislation and will yield a considerable revenue.

But it is said, sir, that this act is unconstitutional. I have been utterly unable to understand the ground upon which that contention rests. The Constitution confers upon Congress the taxing power absolutely, without any limitation whatever. Congress certainly has the right to select the articles upon which it will impose taxation, and that selection may properly be made—nay, it always has been made—largely with reference to the character of the article in question.

I suppose that it does not cost over 12 cents to manufacture a gallon of whisky, and still we impose upon that article a tax of \$1.20, which is ten times the cost of production. Why is that done? Why is that article singled out by Congress to bear such an enormous burden? Of course I need not suggest to any Senator on this floor that it is because in the opinion of many, if not most persons, it is a deleterious article, whose influence upon society is harmful. So alcohol, which costs a little more to produce, bears a tax of \$2.25, if I remember aright.

Let me call your attention, Senators, to the bill which passed the Senate just the other day—the tax-reduction bill, as it is called. Congress has seen fit to relieve every one of the industries which was bearing that unusual burden, except only bucket shops. Congress reserves the right to release all others and still let bucket shops bear the burden known as the war tax. Why? Because, in the opinion of Congress, the influence of a bucket shop is unwholesome. Does any man doubt the right of Congress to impose the tax upon that ground? There was not a voice raised in either House of Congress in favor of repealing the tax on the bucket shops.

In the same way Congress selects oleomargarine that has been colored in semblance of butter—that is, fraudulent oleomargarine—and says here is a product which is the result of a conspiracy; it is a continuing fraud upon the public, and we will select that article to bear a tax of 10 cents a pound.

I would call your attention to the fact that under the act of 1886, which imposed only a 2-cent tax on oleomargarine, the revenues were increased by from two to three million dollars annually.

Let me say in regard to the Constitution, that ever since I have known anything about politics our friends in the Democratic party have been sitting up with the Constitution like a trained nurse. I am therefore not surprised that in this simple matter of the imposition of a tax upon an article because it is a fraud the Constitution should be resorted to again as an impediment.

But, Mr. President, no lawyer on this floor will stand in his place and assert that this bill, if enacted by Congress and signed by the President, will ever be in any danger of being set aside on any constitutional ground. Of course it is familiar and elementary that no judicial tribunal will ever review the discretion with which Congress is here vested by the Constitution over the subject of taxation. Therefore no Senator, in my judgment, need have the slightest hesitation in voting for this measure upon any constitutional ground. The police power has failed signally in



its effort to protect an honest industry or to strike down a counterfeit, and I submit that it would be mockery to now turn these dairymen over to the jurisdiction which has been utterly impotent to protect their rights.

Mr. President, I am not to be deterred from supporting a revenue measure because it will accomplish an incidental benefit which may by some be thought more important than the major purpose of the bill. There is no occasion to apologize for this bill because, incidentally, it will protect the American people from fraud. It is too late in the history of Federal legislation to challenge a revenue measure because it has an incidental purpose. That proposition has been discussed for so many years that it has been considered settled, and the American people at the ballot box have recorded their verdict upon it.

Now, Mr. President, I wish to state the basic proposition upon which the contention of the dairyman rests, and upon which he predicates his demand for protection. Butter has a color, flavor, and grain that were known of all men everywhere, recognized in every market, many years before the siege of Paris, out of whose trials and privations came the first suggestion of oleo. In another place some one contemptuously asked, "Has the dairyman, forsooth, a patent upon this color, which is known as the butter color?" Yes, Mr. President, nature has conferred her letters patent. The color in dispute is imprinted by God's sunshine, and you might as well deny to the modest buttercup of spring its yellow tint or the right of the violet to its shade of blue. The great artist makes no mistake in the use of colors, and the American people will make no mistake if they demand butter that has been sanctified by the sunshine. In the sunny month of June, by its own weird processes, nature gives to milk and butter a peculiar shade that is recognized and known as exclusive and distinctive as the badge and attribute of butter.

Mr. President, butter has another monopoly traced to the same great origin, and that is that wonderfully delicate and delicious flavor. It is distilled in the crucibles of nature under the summer sky, in field and meadow, where the bobolink and the bee practice their sweet incantations. It is conferred by the same great power that gives to the rose its distinctive fragrance; so delicate is it that no chemist can reproduce or even imitate it.

These are the attributes, the trade attributes, if you please, the natural trade-marks, that butter has which were recognized as belonging to it by the consensus of mankind and had earned for it a universal demand.

That good will, that trade-mark, became appurtenant to that business, and it follows that every butter maker who, by his skill and effort, had helped to build up the reputation of that product had a proprietary interest in that trade-mark and in that good will. They belonged to him. They were his to have and to hold, and were of incalculable value. This proposition is so plain and so equitable that it will not be denied either here or elsewhere.

Let me illustrate for a moment. A few days ago it transpired in a committee hearing of this body that a counterfeit product was being produced to take the place of jellies and jams made from preserved fruit. What did the evidence show? It showed that the people who manufacture that miserable counterfeit took the parings and the cores of apples—the refuse gathered up at the hotels and restaurants—and by jockeying and doctoring with chemical colorings and flavorings they produced an article that could not be detected by the eye, the nose, or the taste from the original. Still there was not a bit of fruit in it.

This is the proposition I wish to enforce as a matter of natural justice and commercial honesty. Should the man who for years, perhaps for a lifetime, has been building up a legitimate business in the preserving of fruits, gathering in the most ripe and delicious fruit that could be found in the market, preserving it with the best sirups he could obtain, having acquired a good will for his business, should that man, as a matter of natural justice and right, be compelled to submit to such a competition as that of which I have spoken? No fair-minded man would contend for such a proposition. All will agree that such a counterfeit should be driven out of the market and the honest industry protected. Common honesty should be enforced by common law.

Mr. President, let us leave the proposition of natural right and justice, conferring these property rights upon the honest butter maker, and trace the history of a conspiracy to despoil the butter maker, to take away his profits, and infringe his just claims.

It was when the Germans had the Frenchmen shut up in Paris at the end of the Franco-Prussian war that oleomargarine was first conceived. When famine was pinching the besieged and the necessities of life were obtained with difficulty, a French chemist used his skill and crucible to alleviate distress. His prime purpose was not to make a substitute for butter, but to utilize certain food products that otherwise would be unfit for food. He said, in describing his process, that he took the fat of all animals—he made no distinction—and reduced it by novel methods. He put in bicarbonate of soda for an obvious purpose. He added color-

ing matter, some pepsin from a cow's udder, and churned it together, and that product he called oleo.

This was a merciful expedient to ameliorate famine, but as soon as its success was understood on this side of the ocean its commercial possibilities attracted the attention of shrewd and unscrupulous men, who saw an opportunity of making a cheap imitation of butter and reaping a rich reward by a species of commercial piracy. In time 84 patents were taken out in this country for the production of patent butter. These patents disclose on their face the motive and purpose of the promoters. They provide for the use of the most powerful acids and deodorizing agents, throwing a ghastly light on the character of the material to be used in the production of patent butter. In Paris the expedient was dictated by necessity, which knows no law; it was promoted here by avarice, which respects no law.

After the experimental stage in this country the production of oleomargarine attracted a large amount of capital, and it progressed marvelously until the dairymen began to cry out against it. State after State exhausted its jurisdiction and its police power to check the growth of this fraud. What was the result? The great manufacturers who then had millions of dollars invested came to the front and said to the retail dealers, "If you will persist and continue to violate these State laws and sell this product we will stand between you and the county jail; we will stand between you and all harm; we will furnish all lawyers; we will provide all bail bonds; we will pay all your fines; now go ahead with your business." Thirty-two States denounced colored oleomargarine as a fraud and branded it as an outlaw, and still those manufacturers, by the means I have indicated, were able to defy this State authority and the legislation came to naught.

What then happened? In 1886 Congress undertook to come to the help of the States, and you remember the original oleomargarine act that was passed. It depended upon brands and marking as well as inspection. But it soon fell out that the retailers were getting an enormous profit, 15 cents on every pound that they could sell for butter at 25 cents. That profit they divided with the manufacturer. When the tub was set up with the marks upon it, only a turn of the wrist was required to change all that in the dark recesses of the ice chest, and oleomargarine was retailed for butter just the same.

Now, let me say right here that from the beginning oleomargarine was a counterfeit. It never came into the market as a substitute for butter or as an independent food product. It came in as a counterfeit with a mask upon it, saying, "I am butter." What methods were adopted to facilitate this fraud? What were the representations that were made to the public? It was put up originally in exactly the same packages that the dairies had used, so that it might simulate a dairy product. It was branded on the outside with the names of favorite dairies—"Oakdale Dairy," "Ferndale Dairy," and many other dairies. Armour & Co. sententiously testified: "Why, we brand that to suit the customer; we give it to him just as he wants it."

Not only so, but the color that belonged to butter was reproduced with great fidelity. The coarse compound of suet and tallow was blended with vegetable oil to secure the grain. The delicate flavor they could not counterfeit, so they stole it outright and mixed in enough high-grade butter to sanctify the mass. Thus they produced an article at a cost of about 8 or 10 cents a pound which was sold for butter, bought for butter, and eaten for butter. I do not hesitate to pronounce this the greatest fraud of the century. The evidence clearly shows that, in defiance of State laws and the act of Congress, from 75 to 95 per cent of that product was retailed as butter. We are seeking simply to amend the act of 1886 to correct a structural defect in that law, so as to accomplish what Congress intended to accomplish by that enactment.

Mr. President, will you have the patience to listen for a moment as to how this pending measure will harmonize with our system of legislation and jurisprudence? This nation has a conspicuous record for enforcing commercial honesty. In the first place, we have the trade-mark law, which is familiar to everyone. It is intended to prevent the counterfeiting or imitation of trade products. A counterfeit, in order to fall under the penalties of that law, need not be an exact imitation, it only needs to come so near the genuine article as to induce purchasers to buy it for the original. What the trade-mark law was intended to punish and discourage is precisely what oleomargarine is doing in the market on a large scale, although, for obvious reasons, the dairymen can have no benefit or protection from the trade-mark law.

As is well known, Congress has jurisdiction to punish fraud in its public service, but has no authority within one of the sovereign States, as an original matter of jurisdiction, to entertain a complaint of that kind. But what have we done? For the purpose of throwing the influence of this great Government against fraud, we have enacted penalties for the use of our mails by fraudulent enterprises. A rigid enforcement of that enactment,



which has penalties adequate to punish the fraud, has rid many a State of fraudulent nuisances that might otherwise have escaped the State jurisdiction. So that it may almost be said that this Government has been ingenious in its efforts to acquire jurisdiction to rebuke fraudulent practices.

Next came the filled-cheese legislation of 1896, which involves precisely this principle. A counterfeit article of cheese had been made, which was debauching the cheese market; Congress laid hold upon that fraud, and by the same means invoked in this bill it restored the genuine article to its market, and taxed the fraudulent article out of existence.

Let me remind you, Mr. President, that when that bill was pending here every argument that is now raised on this bill was made. We are but rehearsing stale objections, and every question involved in this controversy is res adjudicata, in so far as the deliberate action of Congress can ever be final upon any question.

The Supreme Court has emphatically indorsed the principle of this bill, and has recognized the right of the State to prohibit and punish the invasion by a counterfeit product.

In the case of *Plumley v. Massachusetts* (155 U. S., 461) Justice Harlan, in delivering the opinion of the court, said:

The Constitution of the United States does not secure to any one the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society. The States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character. And this protection may be given without violating any right secured by the National Constitution and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States nor in any just sense interfere with the freedom of commerce among the several States.

So that there remains no doubt that this bill rests upon a just and equitable basis and is in accord with the spirit of our laws and jurisprudence.

Mr. President, this fraud is more universal and more inveterate than any other with which we have had occasion to grapple. It goes to every home in this land—to the mansion and to the cottage. I say "inveterate." The bogus dollar circulates from hand to hand and every man who uses it gets good value for it except the man in whose hands it is finally detected; but every man who uses bogus butter, supposing it to be the genuine article, is injured and defrauded.

This bill is based upon a simple proposition, namely, that every man has a right to buy what he will and to get what he buys. If he wants butter he has a right to have butter; if he wants oleomargarine he ought not to be compelled to pay a butter price in order to get it. That is the simple proposition upon which this legislation rests.

There are two aspects of this fraud, so far as the consumer is concerned. An imitation product is foisted upon him which he does not want. This is an insult. He pays the price of butter—say 30 cents—but gets a product that ought not to cost him 15 cents. That amounts to an injury. Furthermore, the consumer is absolutely helpless to protect himself against this imposition. He calls for butter, pays the price of butter, but, by reason of the skillful imitation in color and grain, he cannot detect the imposture.

Mr. President, allow me for a few moments to speak of the defense that is made here for oleomargarine. Why, it is said, it is wholesome; it tastes just as well and is just as palatable as butter. Is that any answer to this indictment? The gravamen of this charge is fraud; the germ of the complaint is imitation. There is no escape by showing that the imitation is successful, and that it is a good article. That only shows the strength of our case. It would not be dangerous if it were not good. But we stand upon the proposition, which I have before enunciated, that when we have built up a good will for a trade product no adventurer may come in and dispossess us of our trade, purloin our profits, and then justify himself by saying, "Oh, my product is just as good as yours and just as palatable." That is no answer under the trade-mark law; it is no answer in equity; it is no answer in justice.

"Well," it is said, "it is chemically as pure as butter." Mr. President, what is it to be chemically pure? This all rests on the testimony of the chemist. The chemist is the Mephistopheles of modern society. He has headquarters in every distillery, and by his necromancy in an hour's time converts raw spirits into 10-year-old whisky. By a change of ingredients and a turn of the wrist high wine directly from the still is converted into old Holland gin. The poor fool, whose vitals are being eaten out by the decoction, smacks his lips when he drinks it and fancies he detects the mellifluous flavor of age. [Laughter.] The chemist is particeps criminis in every one of our food adulterations. He is a very jolly man; he stands back at a safe distance and sees the public fleeced according to his own machinations; he has an oleaginous face and wears a smile that would grease a wagon. [Laughter.] As has been suggested here, it would be cold comfort for the individual whose vitals had been eaten out by this

chemical dose to receive the assurance of the chemist that the stuff was chemically pure.

Mr. President, with the art which the chemist commands he can take oil that is rendered from the disease-infected carcass of a horse and in a few minutes he will present it to you in the test tube chemically pure. There is none of the sediment of decay in it, because it has been deodorized by chemicals. There is no taste that indicates decomposition, because powerful agents have been applied; it has just been divorced from death and disease, but there is no human sense that can detect its revolting history. Do you yearn for that as an appetizing morsel upon the assurance of the chemist that it is chemically pure? Probably there has been no field open to the chemist which has been more remunerative or successful than in giving oleomargarine the semblance of butter.

I do not doubt that there are butterine factories that are cleanly, but we all understand that oleo oil is a separate trade product, sold ready-made in the market. Who made that oleo oil or from what substance it was extracted no man can tell, but the imagination can easily suggest.

It is said that butter is guilty of the same deception of which it complains, and my friend from Nevada [Mr. STEWART]—and I am sorry he is not here—is inclined to think that the coloring of butter is as much a transgression as the coloring of oleomargarine. That is really the old, old trick of the criminal lawyer to put the prosecution on trial and create a diversion for the time being. But let us see whether butter is equally guilty.

We have spoken earlier of the title the dairyman has in equity and justice to the color, to the grain, and to the flavor. It is well known that every manufacturer, no matter in what line, is anxious to present to the market a uniform product, and for that purpose, and not for the purpose of deception, it has been customary for very many years for the butter makers to resort to various expedients in feeding stock and in the use of color to bring the winter butter nearer to the standard of the color of the butter of June. Is there a human being who has ever been deceived by that? Has butter ever imposed upon anyone by virtue of its color? Has it ever been sold for anything but butter or assumed to be anything else than butter?

The distinction is this, that the coloring that is put in butter in January is reaching back to June and trying to perpetuate a color that belongs to butter, that distinctively and exclusively belongs to it. It is not a scheme to counterfeit something else or to mislead the trade. I am reminded, sir, that the woman of fashion sometimes employs cosmetics. She is seeking to perpetuate in her cheeks the roses that used to bloom there; she is struggling to reproduce charms that were hers in the earlier years. It is another case of January reaching back to June. It is true that in her case she probably fools nobody but herself. [Laughter.] The distinction is that while butter is trying to preserve and perpetuate its own color throughout the twelve months of the year and make it uniform, a color that is recognized as belonging to it and to no other product, oleomargarine, on the other hand, is using the color of butter as a mask to enable it to sneak into the market and deprive this genuine article of its trade and profit. The distinction is apparent and elementary. Before the great inquest of public opinion the indictment of the genuine article can not be found "a true bill."

So stealthy has been the advance of this counterfeit that never yet in any trade circular or newspaper has there been a market quotation of either butterine or oleomargarine. For twenty years it has been insidiously taking possession of the market of butter; but so far as the great trade circulars are concerned, and the market quotations, where every article of merchandise is scheduled, there has not been to this day a suggestion that there was such an article of merchandise as butterine or oleomargarine. Stealthily, like a serpent, it has crept into this market; it has thrown its coils around a great, honest industry, and when the dairymen cried out from sheer distress it raised its scaly head and darted out its dark tongue, and said: "Don't step on me; I am an honest industry."

For a moment, Mr. President, I want to speak of another very persuasive argument which has been made by the opponents of this bill. It is asserted that this bill is intended to crush one industry for the benefit of another. A most pathetic chorus has been chanted upon that key. The cattlemen and the cotton-seed men have all joined in, and I fancy that the chemist has been moved to tears by the doleful strains. This tale of woe need deceive no one. In the first place, this bill does not attack oleomargarine except when it is fraudulent. In the next place, sir, if I have shown that originally this conspiracy against this market amounted to commercial rascality, by what necromancy has it been converted into a righteous enterprise? The proposition involves moral obliquity that does no credit to its advocates. The assumption of the argument is that colored oleomargarine is entitled to the same consideration and the same



treatment as colored butter. I say, Mr. President, that that argument falls to the ground. Wealth can not make fraud decent. By its enormous profits oleomargarine has become great, and it impudently assumes to have become good. Age will not lend fraud respectability. Its great success is simply evidence of its slippery skill and nothing more.

What is called here "an honest industry that is liable to be crushed out" has been denounced by the legislatures of 32 States as an outlaw and a base fraud. Any argument that is built up upon the proposition that that fraud is entitled to the same consideration as the genuine article and the honest trade is not entitled to be considered in this place.

We do not assail cheap butter or patent butter or oleomargarine. We demand that it shall be honest with the trade. This bill denies to oleomargarine nothing that oleomargarine has a right to demand. Instead of taxing it out of existence, we insist that it shall have an existence—an independent existence of its own. All we ask is to tax the fraud out of it so that it shall no longer thrive as a parasite. If it still persist in counterfeiting butter, we propose to reduce the commercial incentive and compel it to pay a tax of 10 cents a pound, and thus equalize the cost of production.

I should ill represent the breadth of mind and the fairness of my constituents if I stood here opposing a wholesome substitute for butter. I will not do that. There is room for both products in the market if they can be honestly manufactured and honestly sold. If the lumbermen think, as many of them do, that oleomargarine is better for the purposes of the camp, that it lasts longer, and is more easily transported, let them have it by all means; but let us have the market honestly conducted; what is sold for butter, let it be butter, and what is sold for oleomargarine, let it be understood as such. Then the poor man will need no protection such as our friends on the other side of this Chamber have assumed to throw around him. Destroy the fraud in the market and the poor man will take care of himself. He knows what he wants; he knows whether he wants butter or oleomargarine, and if the market can be honestly administered he will need no protection at our hands.

The most prominent, if not the most persuasive, feature of the testimony offered by the opponents of this bill before the committee is that sales of oleomargarine must be abandoned unless it is permitted to simulate butter. This is an appeal for letters of marque and reprisal against a legitimate market—a sinister argument in favor of fraud. Such an appeal is not fit to be considered, much less countenanced, here. The insincerity of the opposition becomes apparent in view of the fact that no honest effort has been made to sell oleomargarine as oleomargarine. They have not tried the experiment of honesty. This appears from the literature of the trade on the subject.

The Senator from Iowa [Mr. DOLLIVER] yesterday called attention to the card of William J. Moxley, which I have here, calling attention to the differences in color in winter, in summer, in different localities. I also have a little card that is sent out in connection with that publication which I wish to call to the attention of the Senate. You will notice that on the outside the Stars and Stripes are printed, as though that fraud might nestle under its graceful folds, and it says "Stand by your colors."

Here [exhibiting] are the colors that are the badge of this fraud. There is the Wisconsin color [indicating]; the Denver color [indicating]. No. 6 is a straw color; No. 5 is the Cincinnati color; and now notice: "No. 4 is for country roll," suggesting the despicable fraud that was so justly characterized by the distinguished Senator from Iowa in his eloquent address on yesterday. There is a separate color for the man who can cherish in his heart so mean a fraud as that, making this counterfeit butter up into those little unequal rolls, just as the poor old country woman was in the habit of doing, and putting the basket in the hands of a man disguised as a farmer to go about and impose upon poor people. In order that such a fraud may be successfully perpetrated, here is the color of your "country roll."

By these notices the trade is informed that the varying shade of butter from month to month has been carefully imitated, and that the manufacturer is prepared to produce just what is wanted at all seasons to make the counterfeit complete. In another circular this same man Moxley advises the trade—

Your profit will be double the amount made from the butter you are now handling, and your butter trade will be more satisfied if you will send them such butterine as you can buy from me.

Then I have here a card from Braun & Fitts, who are among the leading producers of this bogus article:

Now is your chance to build up a first-class trade by handling only first-class butterine. Eggs are selling at cost, but The only High Grade—

That is the brand—

will give you profit; so keep pushing its sale and build up a reputation for good butter.

That is the gospel of this trade—push butterine, and so build up a reputation for good butter.

Here I see on the next page the card of one of the manufacturers of patent butter—the Capital City Dairy Company. Why "dairy," Mr. President? Their product has never seen a dairy. They draw on the shambles for their material. This only indicates that the trail of the serpent is over it all. Oleomargarine seems to be a diaphanous compound. It seems to induce a fraud as naturally as snuff induces a sneeze. As an old judge in the early days of our State once said while charging a jury in a fraud case, "Gentlemen, 'f-r-o-a-d' [fraud] is wrote all over it from one end to the other."

Everybody who deals in the slippery stuff is involved in a strong temptation to deceive, but by one of the clauses of this bill it would appear that the oleo eater has reserved the right to fool himself. He will tell you that oleo is cleaner and more wholesome and quite as palatable; that butter is much of it vile stuff, and still he wants his oleo colored to resemble butter. He knows it is oleo, but it stimulates his pride to say, "Mary, pass the butter." Therefore, in recognition of this inevitable crooked tendency, this bill recognizes the right of the consumer to color his own oleomargarine for family use and to indulge a harmless delusion.

I wish to call attention to another card which is issued by one of the strongest combines engaged in this business—that is Swift & Co.; Swift & Co., a firm known all over the world. What do they say? And, by the way, this card was sent to every member of Congress and every Senator, and see what an audacious thing it is:

The question of color is urged against the use of oleomargarine. It goes without saying—

Note the language—

It goes without saying—

That is, it is too plain to require explanation—

It goes without saying that we have the right to make our goods as attractive and as pleasing to the eye and as desirable to the purchaser as we can.

That is almost the exact language of my distinguished friend, the Senator from Mississippi, and whether Swift & Co. got the language from him or whether he borrowed it from them I do not know. They discuss this coloring matter, but I will not weary the Senate by reading it. The gist of it is that it goes without saying that they have the right to employ the butter color in their oleomargarine.

Now, who is Swift & Co.? It is an Illinois concern, presumably a corporation, created by the laws of Illinois and protected by the police power of that State. What was the law of Illinois at that time?

Imitation butter is defined as any article not produced from pure milk or cream—salt, rennet, and coloring matter excepted—in semblance of butter and designed to be used as a substitute for it. *Shall not be colored to resemble butter.*

The creature has become greater than the creator, State laws are trampled under foot, and this corporation says that it goes without saying that it may defy the law of Illinois. Not only so, but 31 other States of this Union have passed substantially the same law, and therefore this great combine have the audacity to say to you and to me by their card that it goes without saying that they have the right to do what? To violate the laws of 32 sovereign States of this Union.

Whence comes that power and what is the source of that undoubted prerogative? I can only think that it rests upon the brutal power of money or the dark sorcery of the trust. Swift & Co. Who are they? One of the Big 4, as we know them out West—trade despots, great enough to have thrown a shadow over every farm in the Northwest. Thousands of men trained as butchers have been obliged to abandon their calling because, forsooth, "it goes without saying" that this combine would have ground them to powder. In no State of the West dare one of these men kill a calf or a sheep for his own market. Why? Because "it goes without saying" that the combine would destroy him if he dared to do it.

Yet, Mr. President, the arrogance of that pretension is defended on the other side of this Chamber. There used to be an idea among the masses of the Democratic party throughout the country that the champions of the poor men, "the plain men," if you please, sat on the other side of this Chamber, but the debate on the oleomargarine bill will go a great ways to dispel that ancient superstition.

Mr. President, what have these men done? They have not only induced every retail dealer in oleomargarine to trample the law under his feet, but they have been powerful enough, as it now develops from the testimony taken by the Interstate Commerce Commission, to constrain the railroads of this country to violate the law in order that their own illicit profits might be increased. Still our friends on the other side, when we attack this fraud, bring in the Constitution of the United States and say, "Oh, give it a chance; give it a chance." They are practically holding the poor men of this country where they may be fleeced by these combinations, while at the same time they are uttering unctuous prayers for the welfare of the laboring men.



But, Mr. President, there is one thing that does "go without saying," and that is that these great combines are not willing to try conclusions with the Federal power, and therefore they oppose the passage of this bill. For that very reason, sir, we ought to pass the bill. I believe that Uncle Sam, with his own strong arm, ought to push these trade giants over on to their own ground and give the American dairyman a chance. Let us declare that henceforth the markets shall be honestly conducted; that what is sold for butter shall be butter, and that if oleomargarine shall sneak into the market under the disguise of butter it shall hereafter pay a tribute of 10 cents a pound. Otherwise, it shall stand on its own merits content with its own profits. If this measure shall accomplish these results, no Senator on this floor will have occasion to regret his vote in favor of this bill.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1256) to remove the charge of desertion from the military record of Stephen A. Toops.

#### RELATIONS WITH CUBA.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair) laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress of the United States:

I commend to the Congress timely consideration of measures for maintaining diplomatic and consular representatives in Cuba and for carrying out the provisions of the act making appropriation for the support of the Army for the fiscal year ending June 30, 1902, approved March 2, 1901, reading as follows:

"Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled 'For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect,' the President is hereby authorized to 'leave the government and control of the island of Cuba to its people' so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba substantially as follows:

#### "I.

"That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

#### "II.

"That said government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

#### "III.

"That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

#### "IV.

"That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

#### "V.

"That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

#### "VI.

"That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

#### "VII.

"That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

#### "VIII.

"That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."

The people of Cuba having framed a constitution embracing the foregoing requirements, and having elected a president who is soon to take office, the time is near for the fulfillment of the pledge of the United States to leave the government and control of the island of Cuba to its people. I am advised by the Secretary of War that it is now expected that the installation of the government of Cuba and the termination of the military occupation of that island by the United States will take place on the 20th of May next.

It is necessary and appropriate that the establishment of international relations with the government of Cuba should coincide with its inauguration, as well to provide a channel for the conduct of diplomatic relations with the new State as to open the path for the immediate negotiation of conventional agreements to carry out the provisions of the act above quoted.

It is also advisable that consular representation be established without delay at the principal Cuban ports in order that commerce with the island may be conducted with due regard to the formalities prescribed by the revenue and navigation statutes of the United States, and that American citizens in Cuba may have the customary local resorts open to them for their business needs and, the case arising, for the protection of their rights.

I therefore recommend that provision be forthwith made, and the salaries appropriated, to be immediately available, for—

a. Envoy extraordinary and minister plenipotentiary to the Republic of Cuba.....	\$10,000
b. Secretary of legation.....	2,000
c. Second secretary of legation.....	1,500
d. Consul-general at Habana.....	5,000
e. Consuls at—	
Cienfuegos.....	3,000
Santiago de Cuba.....	3,000

I do not recommend the present restoration of the consulates formerly maintained at Baracoa, Cardenas, Matanzas, Nuevitas, Sagua la Grande, and San Juan de los Remedios. The commercial interests at those ports heretofore have not been large. The consular fees collected there during the fiscal year 1896-97 aggregated \$752.10. It is believed that the actual needs of the six offices named can be efficiently subserved by agents under the three principal consular offices until events may show the necessity of erecting a full consulate at any point.

The commercial and political conditions in the island of Cuba while under the Spanish Crown afford little basis for estimating the local development of intercourse with this country under the influence of the new relations which have been created by the achievement of Cuban independence, and which are to be broadened and strengthened in every proper way by conventional pacts with the Cubans and by wise and beneficent legislation aiming to stimulate the commerce between the two countries, if the great task we accepted in 1898 is to be fittingly accomplished.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, March 27, 1902.

#### CAPTURE OF AGUINALDO.

Mr. PATTERSON. Mr. President, on opening the papers this morning we were confronted with an Associated Press dispatch from Topeka, Kans., which I desire to read. The headlines are as follows:

FUNSTON DENOUNCES PRESS—EASTERN CRITICISM OF LOTUS CLUB SPEECH MAKES THE GENERAL TIRED.

The following is the dispatch:

TOPEKA, KANS., March 26, 1902.

Gen. Frederick Funston was in this city to-day, on his way to California. General Funston delivered himself of a denunciation of the Eastern newspapers which criticised his speech before the Lotus Club in New York. He said:

"I have been nagged by that class of papers until I am tired. Editorially they willfully misinterpret my remarks, and I am glad to express my independence of their opinions and their talk and that of their kind about my using dishonorable and unfair means in the capture of Aguinaldo; also that I violated the Articles of War. They know a great deal more about the articles of golf than they do about the Articles of War. Everything is permissible in a campaign except the use of poison or the violation of a flag of truce.

"As a matter of fact, only four of my men on the expedition were dressed in the insurgent uniform. The others were dressed as Filipino peasants.

"President Roosevelt approved heartily of my remarks before the Lotus Club banquet and was very anxious to have me go to Boston on the invitation of Senator LODGE and make the same speech there, but my orders were such that it was impossible for me to go."

Mr. President, I paid no attention to the speech of General Funston before the Lotus Club, although it indulged in pretty broad suggestions that those in the United States who were engaged in seeking to have justice done to the Filipinos and to satisfy the people that the Philippine Archipelago was undesirable property for the United States deserved hanging more than those actually engaged in the insurrection. I do not intend to criticize General Funston nor to denounce him in any way, and I would not notice the matter now were it not for the fact that he seeks to buttress himself behind President Roosevelt and the chairman of the Senate Committee on the Philippines.

As it is quite evident, if he is correctly reported, that he is likely to be used in the future for campaign purposes, making practically the same speech, with the approval of distinguished officials of the nation, that he made before the Lotus Club, I think it but just and proper that two things should be put before the country in a calm and dispassionate manner. First, the statement of General Funston himself, over his own signature only last September, about the capture of Aguinaldo; and, second, the rules of civilized warfare as promulgated, with the approval of President Lincoln, and as declared by all writers upon international law, and as ratified by the late peace conference at The Hague.

Without indulging in criticism, I will first call attention to the rules of war applicable to the conduct of General Funston in dealing with Aguinaldo. I read from page 223 of George B. Davis's International Law. The author was an instructor at West Point, and he gives the rules which should govern warfare upon the part of a civilized nation, as he derives them from all the great authorities upon that very important subject. On page 222, section 21, under the subhead "Use of the enemy's uniform and flag," he makes the following statement:

It is forbidden in war on land to make use of the enemy's flag for purposes of deceit. It is also forbidden to use the enemy's uniform except with some distinguishing mark sufficiently striking in character to attract attention at a distance. On the sea the national flag of a public armed vessel must be displayed before an engagement begins or a capture is made. These rules are based on the fact that flags and uniforms are used for the purpose of determining the national character of troops in the field. A violation of these rules indicates a want of good faith, a quality equally obligatory in peace and war.

Turning to the late work of Mr. Frederick W. Holls, who was



a member of The Hague conference, representing the United States, I read as follows from pages 150 and 151:

The idea of codifying the laws of war in their entirety originated with the late Francis Lieber, professor of political science and international law at Columbia University, New York. He was also the author of the code approved by President Lincoln and formulated in 1863 as General Orders, No. 100, for the government of the United States armies in the field by General Halleck. This order, as was said by M. de Martens at The Hague, has remained the basis of all subsequent efforts in the direction of humanization of war.

I turn to that general order, which received the approval of President Lincoln, and was issued for the government of the American armies in the field, and has remained the guide for American armies—both of privates and officers—and call attention to the following sections on page 411:

63. Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

65. The use of the enemy's national standard, flag, or other emblem of nationality for the purpose of deceiving the enemy in battle is an act of perfidy by which they lose all claim to the protection of the laws of war.

Then I turn to section 101 of this order, which reads as follows:

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous and it is so difficult to guard against them.

Recurring again to the work of Mr. Holls, page 151, in which, as I have already read, he says the order approved by President Lincoln has remained the basis of all subsequent efforts in the direction of the humanization of war, I read from it the following in The Hague treaty, which treaty was ratified by the Senate only the other day:

ART. 22. The right of belligerents to adopt means of injuring the enemy is not unlimited.

It then recites things which are prohibited, and says:

ART. 23. Besides the prohibitions provided by special conventions, it is especially prohibited—

(a) To employ poison or poisoned arms.  
(b) To treacherously kill or wound individuals belonging to the hostile nation or army.

Then following down to "f.":

(f) To make improper use of a flag of truce, the national flag, or military ensigns, and the enemy's uniform, as well as the distinctive badges of the Geneva convention.

So we discover that following the precedents which were established by the United States forty years ago and approved by President Lincoln, The Hague conference classes with the employment of poison or poisoned arms and to treacherously kill or wound individuals, the following:

To make improper use of a flag of truce, the national flag, or military ensigns, and the enemy's uniform, as well as the distinctive badges of the Geneva convention.

I now read from Halleck on International Law, pages 400 and 401, a part of section 20 and a part of section 21:

SEC. 20. The same may be said of assassination, or treacherously taking the life of an enemy. Not unfrequently the success of a campaign, or even the termination of the war, depends upon the life of the sovereign or of the commanding general. Hence, in former times it sometimes happened that a resolute person was induced to steal into the enemy's camp, under the cover of a disguise, and, having penetrated to the general's quarters, to surprise and kill him. Such an act is now deemed infamous and execrable, both in him who executes and in him who commands, encourages, or rewards it.

Quoting from section 21:

But we must distinguish between a treacherous murder and a surprise, which is always allowable in war. A small force, under cover of the night, may pass the enemy's lines, penetrate to his headquarters, surprise the general, and take him prisoner or attack and kill him. It was his duty to guard against such attacks, and to prevent a surprise. Such acts are, therefore, not only justifiable, but commendable; it is the disguise and treachery which gives to the deed the character of murder or assassination.

So that, beyond any doubt, if persons in the Federal uniform by any sort of subterfuge had gained access to the quarters of Aguinaldo and carried him off or killed him, if it were necessary, they would not act in violation of the articles of war, but where they succeed in doing this by disguise, by the assumption of the enemy's flag, or of his uniform, it is denounced, and if the result is the killing of an enemy under such circumstances it is declared to be assassination or murder.

Now, Mr. President, having in view those statements, I desire to call the attention of the Senate to General Funston's own rehearsal of this transaction. I call nobody else as a witness. I shall not attempt to give color to his statements, but will content myself with reading to the Senate his own plain, simple, almost naive and childish statement of that affair.

Turning to Everybody's Magazine, which I understand is owned and published by John Wanamaker, we find two articles, one in the September and the other in the October number, 1901, which is the story continued from one into the other, by General Funston, over his own signature, of his capture of Aguinaldo.

If the Senate will bear with me, I will, in as succinct a manner as I can, give General Funston's statement about that transaction.

Commencing at the beginning, it seems that about February, 1901, Company C of the Twenty-fourth United States Infantry was located at Pantabangan, upon the northeast part of the island of Luzon. Its commander, Lieutenant Taylor, was informed by the mayor of Pantabangan that a small number of insurgents were in the neighborhood, and that they could probably be induced to come in and be of service to the American side. The result was that they were induced to come in. The body was found to consist of Cecilio Segismundo, a confidential agent of Emilio Aguinaldo, and was the bearer of important dispatches to the insurgent generals in southern and central Luzon. The others were merely insurgent soldiers who acted as an escort for the messenger.

Lieutenant Taylor communicated with General Funston, the result being that he was directed to have Segismundo and the papers in his possession sent as rapidly as possible to headquarters. Upon an examination of the correspondence that Segismundo carried, it was found to consist of letters from Aguinaldo to his cousin, Baldomero Aguinaldo, and to Lacuna Sandico, Pablo and Simon Tecson, and to several subordinate chiefs. It directed that Baldomero Aguinaldo should be given an advanced command, and further asked that 400 of the best insurrectionary soldiers be sent to him at his then headquarters. General Funston states:

We kept Cecilio Segismundo at the headquarters, and I had several long talks with him, in which I finally got all the necessary information regarding the town of Palanan and the number of people with Aguinaldo. After much persuasion he agreed to assist in the capture of his former chief.

In other words, after much persuasion Cecilio Segismundo, the confidential agent of Emilio Aguinaldo, was induced to betray his superior and enter into an agreement to capture the chief he was professing to serve.

General Funston then describes the manner in which they reached the plan by which Aguinaldo was to be captured, and I read it. It is not very long. The latter part of it is the important feature.

The plan which I first suggested was a secret landing from a ship at night in the vicinity of the town and a quick march to effect a surprise. This, he said, was impossible, as the savage Balugas, who are very numerous throughout that region, would without doubt discover the landing and give the alarm, as they were well disposed toward the insurgents, who had poisoned their minds against the Americans by all sorts of ridiculous stories. A march from the valley of the Cagayan to the westward of Palanan would be wasted effort, as there was but one trail over the mountains, a distance of 50 miles, and that was very carefully guarded by outposts. Aguinaldo would receive ample warning of any expedition from that direction to enable him to get out of the way. When I proposed the plan that finally succeeded, the man clasped his hands together, jumped from his chair in great glee, and said it would probably succeed. The plan—

Now, mark the plan, and bear in mind the rules that govern civilized warfare while the plan that Funston himself unfolds is being considered. He says:

The plan was to disguise a body of native troops in our service as insurgent soldiers representing the reinforcements asked for by Aguinaldo, and thus gain access to his presence. The necessary American officers were to be carried along as supposed prisoners who had been captured en route. Any suspicious Aguinaldo might have were to be lulled by decoy letters over the forged signature of some insurgent chief. The whole plan will be best understood by a perusal of the following letter to my immediate superior, General Wheaton—

Then follows the letter in which the plan is substantially stated as I have read it. I do not desire to consume the time of the Senate in reading it, and I ask that it may be published with my remarks.

THE PRESIDING OFFICER. The Chair hears no objection, and leave is granted.

The letter referred to is as follows:

SAN ISIDRO, PROVINCE OF NUEVA ECILJA,

February 12, 1901.

THE ADJUTANT-GENERAL,

Department of Northern Luzon, Manila, P. I.

SIR: I have the honor to suggest the following plan for the capture of Aguinaldo, who, from recent developments, is known to certainly be at Palanan, province of Isabela.

Before stating the plan I wish to call attention to the following facts, gleaned partly from the captured letters and partly from the native Cecilio Segismundo, who brought through the correspondence. Aguinaldo has in these letters ordered Simon Tecson, Sandico, and Baldomero Aguinaldo to send him troops as soon as possible, this man to act as guide for one of the detachments. The man himself corroborates this by stating that Aguinaldo gave him verbal instructions to guide back to Palanan the first one of the columns to come through. Aguinaldo will consequently be expecting the column guided by this man.

My plan is to take a company of Macabebes to Manila, arm them with Mausers and Remingtons, dress them partly in insurgent uniforms and partly in the clothing of the country, take one of the Navy light-draft gunboats, and be landed at night on the east coast of Luzon, south of Casiguran. Four or five officers would be with them, carried along as supposed prisoners, until the time came for action. I would take Natividad and several other ex-insurgent officers, who would act as officers of the column until the time came to throw off the disguise. Upon arrival at Casiguran, which we would do by marching along the beach, we would call on the presidente, an insurgent, to supply us with necessities (this man facilitated Segismundo), and would send forward a letter signed by Natividad that we were reinforcements from Nueva Ecija, coming in obedience to his orders.

I believe that we could deceive him until we were in his presence, and the rest would be easy. Up to this time the American officers would be prisoners, nominally. It is not likely that Aguinaldo knows that Natividad has presented himself, but still considers him in his service.

The native Segismundo is more than willing to play his part. All details

can be worked out satisfactorily, and the plan ought to succeed, though there is no doubt great hardships will be endured. It should be done before Aguinaldo learns that his courier has presented himself and given up the letters. It would be necessary to pay the Tagalos who go as supposed officers pretty liberally, of course contingent on success. If the plan is approved may I be notified by wire, in order to make preparations?

Respectfully,

FREDERICK FUNSTON,  
Brigadier-General, United States Volunteers.

Mr. PATTERSON. General Funston then proceeds with his account, as follows:

The reply to the above communication was a telegram instructing me to come to Manila at once for consultation with the department commander, General Wheaton. The latter approved the plan without hesitation, and directed me to report to the division commander, General MacArthur, etc.

Now, I pass from that to the preparations that were made as described by General Funston and the methods of disguise resorted to. General Funston's memory is bad when he states there were but four of the Macabebes dressed as Filipinos, as I shall show. There were 20, at least. Under the subhead "Preliminaries arranged in secret," General Funston recites:

Once in Manila I was kept busy making the preliminary arrangements for the expedition. I was given practically carte blanche by my superiors, and assisted in every manner possible. The company of Macabebes was immediately brought from its station at Pulilan, Bulacan, to Caloocan, a suburb of Manila. The first task was to make these men look as much as possible like a band of insurgent soldiers. It would have been very unwise to put them all in insurgent uniforms, for since the insurrection had degenerated into guerrilla warfare the great majority of the enemy's soldiers have been dressed in the clothing of the country, so that they could be combatants or noncombatants without the necessity of undergoing any more transformation than concealing their rifles in a clump of bamboo.

To have equipped our men throughout with uniforms would have aroused suspicion because of their neatness and uniformity. Accordingly we procured only 20 uniforms of the blue and white striped cotton cloth with which the insurgents were formerly clothed, the remainder being outfitted as Filipino paisanos or peasants. Fifty Mauser and 18 Remington rifles were obtained from the stock of captured arms in the Manila arsenal. There were 100 cartridges for each Mauser and 80 for each Remington.

Those were his preparations. Since I can not read it all, I turn to the following paragraphs:

The Macabebes—

And these were native soldiers who were to assume the rôle of insurrectos and by their uniform to deceive the insurrecto general—

The Macabebes went on board wearing their uniforms as American soldiers, and did not receive their insurgent equipment until after the vessel had sailed. On March 6 we embarked, and after dark the same day the little white gunboat slipped out of Manila Bay to the southward, en route to the east coast into the Straits of San Bernardino.

It became necessary, in addition to dressing 20 Macabebes as insurrectos and the rest as peasants, in order that the disguise might be the more complete and less likely of discovery, to forge some letters. A little while before they had captured the baggage of a Filipino general named Lacuna. General Funston, referring to that, says:

During the six days' voyage from Manila the decoy letters which were to play so prominent a part were prepared. On the 24th day of October, 1900, while scouting with a small detachment of cavalry in the southern part of Nueva Ecija, I had surprised and nearly captured the insurgent general, Lacuna, obtaining, however, his personal effects, stationery, correspondence, etc. Among this material were several sheets of writing paper, the top of each one being already stamped with his official seal. From captured correspondence we were perfectly familiar with Lacuna's signature, and before leaving San Isidro I had had a Filipino very expert with the pen imitate Lacuna's autograph at the foot of two of these sheets of paper.

Then he tells how afterwards at sea they filled in the blank pages above Lacuna's forged autograph. They give a translation of the two forged letters addressed by the fictitious Lacuna to Aguinaldo, one of which simply contained general information as to the progress of the insurrection and the other related to the troops that Lacuna was ostensibly sending to Aguinaldo in response to his request to send him 400 Filipinos. I will not read it all, but it recites that he is unable to send 400; that he sends somewhere in the neighborhood of 100, and that they are under the command of one Hilario Placido, an ex-mayor, "whom you no doubt remember through his former service."

Thus equipped with disguised Macabebes and with forged letters intended to deceive Aguinaldo and to cause him to believe that the company that was approaching were his own troops and his own officers, we came to the statement of General Funston as to his entrance into Casiguran on his way to Aguinaldo. The subhead under which this part of the story is printed reads "Entrance into Casiguran under false colors."

Just as darkness was coming on, worn and weary by our march of 20 miles, we entered the dilapidated town and were met by the alcalde and principal citizens. The first Americans ever seen by the inhabitants of this isolated village were regarded with mild curiosity. A few scowled at us, but the majority appeared by no means unfriendly. Our people—

That is, the Macabebes—

hugely enjoyed the joke, and it was with difficulty that the Macabebes kept serious faces. Apparently no one suspected our identity. The Macabebes

had been cautioned against conversing in their own language lest suspicion be aroused, and used the Tagalog dialect exclusively.

While at Casiguran General Funston caused a third letter to be forged, purporting to be signed by Hilario Placido, addressed to Aguinaldo, in which the insurgent general was notified of their approach and of the difficulties of their trip and of the additional fact that—

While on the march through the mountains near Pantabangan we came face to face with a detachment of American soldiers making maps, and by the suddenness of our attack and by surrounding them we were able after slight resistance to take five prisoners.

The five prisoners were the five American officers who accompanied the Macabebes, all under the command of General Funston. They were carried along, after this letter was forwarded to Aguinaldo, as captured American soldiers by this supposed band of Filipino insurgents.

That ends the story as told in the September number of the magazine. I now come to its conclusion in the October number. Here is the account of the journey from Casiguran to Aguinaldo's headquarters. They were compelled to make detours, the footpaths being fearfully steep, so they were compelled to use not only their feet, but their hands, and they could not have surmounted the difficulties if it had not been for the roots and branches of the trees, which gave them something to hold to. The account says:

Every morning at daybreak we took up the march without breakfast, and kept at it until 10 o'clock, when we boiled some cracked corn, which we ate; rested two or three hours, and resumed the march until dark, when we would prepare another meal and lie down to sleep. We had but two meals a day, and these were short rations. Rain poured in torrents nearly all the time, day and night, and there was not one who had on his person a stitch of dry clothing at any time between Casiguran and Palanan. It is difficult to estimate how many streams we waded. Some were deep, swift, and dangerous, others trivial. We had three days' ration, but made it last five. The Macabebes caught small fish in their hands, and we got limpets, snails, and a small devilfish, which we stewed, etc.

All of the sixth day out from Casiguran we plodded along weak and hungry, without a mouthful of food. Our situation could not be regarded in any other light than serious. It was a day, too, of misgivings. Why had no messenger been sent out from Palanan to meet us?

He means in response to the forged letters that had been forwarded to Aguinaldo.

Had someone been a traitor and sold us? During all the afternoon of that day we half expected a blast of rifle fire from every cliff we passed under.

Omitting some immaterial portions—immaterial for my purpose—he tells how he addressed a forged letter, ostensibly signed by Hilario Placido, to Aguinaldo telling him of the straits in which they were for food, and begging that food be sent them. General Funston, as to that, says:

In the meantime we must have food before resuming the march in the morning. Accordingly, a letter was written in Tagalog and forwarded to Palanan at once by a Baluga furnished us by the old man.

Then follows the purported letter of Hilario Placido, lieutenant-colonel commanding, addressed, "To the colonel and chief of staff, Simeon Villa." Then the account continues:

The food came early the next morning, and after a hasty breakfast the march for Palanan—

That is where Aguinaldo was—

was taken up by the main part of the company, we Americans being left behind with a guard of 10 Macabebes, under a corporal.

The company reached Palanan, and I take up the statement of General Funston as to what occurred there. He says:

But the end was now at hand. A few moments before 3 o'clock we reached the bank of the Palanan River, a stream about a hundred yards wide, and saw the last boat load of Macabebes forming on the farther bank. As prearranged the boat was sent back for us and we were just embarking when firing broke out in the town on the other bank. We hurried across and took command of the excited and yelling Macabebes, who were filling the air with bullets, firing in every direction. We Americans ran at once to Aguinaldo's house, and reached there just in time to take part in the last of the scrimmage and saved the lives of the prisoners from the Macabebes, who had recognized the unfortunate dictator and were chasing him about the room.

Aguinaldo, as might be expected, was terribly agitated, and, in fact, could scarcely speak. He said to me in Spanish, "Oh, tell me, is not this a joke?" I assured him that it was, to the contrary, cold, hard fact, and that he was at last a prisoner. He would scarcely believe it at first. Villa, shot through the hand and shoulder, was more self-contained. Santiago Barcelona, Aguinaldo's treasurer, a bright and well-educated mestizo, was excited, but glad to be alive. We assured the prisoners that no harm would come to them, and from that time treated them with every possible consideration.

Because of the unfortunate circumstance that compelled us Americans to be kept in the background at first, we had to hear from the others what had occurred while we were crossing the river. The column had been met at the river bank by a staff officer, and Segovia and Hilario taken up to report to Aguinaldo—

Those Macabebes and those in command of them were received as friends; they were dressed as friends, professing to be friends. By reason of an arrangement they had gone on a short time in advance of the five Americans who were of the party.

The column had been met at the river bank by a staff officer and Segovia and Hilario taken up to report to Aguinaldo, who, surrounded by eight



officers, received them cordially, and plied them with questions regarding their long march, the capture of the Americans, and many other matters. It was the most trying situation for the two men, surrounded as they were by a number of men, every one of whom carried a revolver. The versatile Spaniard—

He was the one who had done the forging for General Funston—

was put to his wits' end to answer all the questions successfully and keep up the conversation. In the meantime the Macabebes were crossing the river in the boat, eight at a time, and forming on the bank. All across, they were marched up to the plaza near Aguinaldo's house, not more than a hundred yards from the landing, and formed in line facing the 50 soldiers of Aguinaldo's escort, who were drawn up to receive them—

To receive them as friends—

At this moment Segovia, looking out of the window, saw the Americans approaching—

Segovia was the Spaniard who has been referred to, the instrument of Funston to forge the letters—

and, excusing himself for a moment, stepped out of the house and told Gregorio Cadhit—

This was another of Funston's Macabebes—

to open fire on the escort.

That was the escort of Aguinaldo.

Gregorio yelled out in Spanish, "Now is your time, Macabebes; give it to them." The Macabebes, terribly excited over the trying situation, fired first a few scattering shots and then a ragged volley. The men lined up near them broke in disorder and fled, firing a few shots in return, one of which wounded a Macabebe slightly. In their flight they threw away 18 rifles and a thousand rounds of ammunition. Only two of them were killed. When Segovia had given the order to Gregorio, he stepped back into the house.

At the first shots Aguinaldo, who did not suspect the situation, stepped to the window and said to his men:

"Stop that foolishness. Do not waste your ammunition."

He evidently thought the men were firing in the air to celebrate.

That is, to celebrate the arrival of these reenforcements, these new officers.

At this juncture Hilario threw his arms about Aguinaldo and bore him to the floor, saying: "You are a prisoner of the Americans." Segovia drew his revolver and shot Villa twice and Commandante Alhambra once. Both men threw themselves out of the window and into the deep and swift river, Alhambra disappearing entirely, so that his fate is still unknown. Villa was fished out by the Macabebes, who, with howls of delight, dragged him up the bank, a sorry-looking specimen. Of the officers in the room all escaped except Santiago Barcelona, the treasurer, who gave up quickly. At this moment we Americans entered the house, as already related.

It is unnecessary, Mr. President, to read more. I have done all that I intended to do. I simply desired to call the attention of the Senate to the rules of civilized warfare, as declared in the order that was approved by President Lincoln and as set forth by Halleck in his work upon international law, and that is stated by Holls as the basis of The Hague treaty, which the Senate ratified. All declare that the use of the enemy's uniform is perfidy, and that if in the use of such a killing occurs it is assassination, and those who engage in affairs of that character are, under the rules of civilized warfare, outside of protection.

It is true that Aguinaldo was not killed. It is true that General Funston and the Americans preserved Aguinaldo's life. In all human probability if Funston had not reached the headquarters of Aguinaldo at the time he did, the Macabebes and their officers would have succeeded in their efforts to kill Aguinaldo and his officers there with him. If that had occurred, what would it have been? If a general officer is responsible for those who are under him and operating under his command, he would have been responsible for whatever the crime was, and under the laws of war it is declared to be assassination.

I make this suggestion, however, that when Funston went on that expedition he took his life in his hands. It was an affair that required great personal courage, there is no doubt of that; but it was an expedition equipped and carried on in violation of the most sacred and most important rules of civilized warfare.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. SPOONER. I think the rule the Senator read, so far as I recollect it, related to civilized and regular warfare.

Mr. PATTERSON. Yes.

Mr. SPOONER. Is it not stated in the letter from which the Senator has read that, so far as the Filipinos are concerned, their war has degenerated into a guerrilla warfare? Did the Senator read the rule relating to guerrilla warfare?

Mr. PATTERSON. So has the warfare upon the part of the Boers in South Africa degenerated into guerrilla warfare. Guerrilla warfare is legitimate warfare. So all writers recognize. When Governor Taft testified before the Philippine Committee, he recognized the fact that guerrilla warfare is legitimate warfare.

Mr. SPOONER. I have turned down a page in the book from which the Senator read on guerrilla warfare.

Mr. PATTERSON. I have no objection to the Senator reading it.

Mr. SPOONER. I do not care to do so now.

Mr. PATTERSON. But General Funston in this interview, as it is printed this morning, claims that he violated no rule of civilized warfare, that only the administration of poison or the violation of a flag of truce are in derogation of the rules of civilized warfare. He thereby undertakes to place his conduct in that transaction upon the plane of the rules of civilized warfare.

As I said before, it is not my purpose to denounce General Funston, but simply to state unquestioned facts as detailed by General Funston himself, and to read the rules applicable to civilized warfare as they have been recognized in this country for years, and by the civilized nations of the world, and as they have been adopted in the treaty composed by the conference at The Hague.

I was going to say that undoubtedly when General Funston went on that expedition—and I think I am doing him no injustice—he made up his mind to sell his life dearly if it became necessary to do so. If his plan had not been successful, if Aguinaldo had been prepared for his reception, and it had been necessary, without any hesitation whatever Aguinaldo would have been killed, as would everyone who was in his command and connected with his defense. Fortunately for Aguinaldo and, I think, fortunately for Funston, there was no necessity for that. But two of Aguinaldo's guards were killed. By the rules of war they were assassinated.

I want to suggest, therefore, whether General Funston was warranted in saying that the President approved his speech or not, and whether he was warranted in what he said about the chairman of the Senate Committee on the Philippines, and also whether or not, as he intimates, he may be used as a campaign orator in the coming campaign, the facts of his dealings with Aguinaldo, as detailed by himself, and the laws of civilized warfare as they are, without any question, should be put clearly and unequivocally before the American people.

I have done, Mr. President, all I intended to do, and, under the circumstances, I think I have done no less than I should do.

#### ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 171) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers; and it was thereupon signed by the President pro tempore.

#### AMENDMENT OF THE RULES.

Mr. HOAR. I am directed by the Committee on Rules, to whom was referred the resolution submitted by myself on the 28th of February, providing for additional rules for the government of debate in the Senate, to report it back, and I desire at this time, if there be no objection, to have the report read at the desk.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

I am directed by the Committee on Rules to report the following resolution: "Resolved, That Rule XIX be amended by inserting at the beginning of clause 2 thereof the following:

"No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator, or to other Senators, any conduct or motive unworthy or unbecoming a Senator."

"And further, by direction of the same committee, I give notice in writing of said proposed amendment to the second clause of the nineteenth rule, and that the purpose thereof is to make more clear the rule of the Senate requiring decorum in debate and the power and duty of the Chair to enforce the same."

GEO. F. HOAR,  
For the Committee.

The PRESIDING OFFICER. Does the Senator desire the report to lie over or to be placed on the Calendar?

Mr. CULLOM. Let it lie over and be printed.

Mr. HOAR. I suppose it will lie over and be printed. I shall not call it up for one week unless the chairman of the committee thinks it desirable to have it sooner considered.

Mr. SPOONER. That is entirely agreeable to me.

The PRESIDING OFFICER. The report will be printed and lie upon the table.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 7 minutes spent in

executive session the doors were reopened, and (at 4 o'clock and 7 minutes p. m.) the Senate adjourned until Monday, March 31, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 27, 1902.*

##### POSTMASTERS.

Melville Sheridan, to be postmaster at Osceola, in the county of Clarke and State of Iowa, in place of Melville Sheridan. Incumbent's commission expired January 14, 1902.

Wallace M. Moore, to be postmaster at Mount Vernon, in the county of Linn and State of Iowa, in place of Wallace M. Moore. Incumbent's commission expired March 1, 1902.

George L. Wilkinson, to be postmaster at Neola, in the county of Pottawattamie and State of Iowa, in place of George L. Wilkinson. Incumbent's commission expired March 22, 1902.

William L. Buford, to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky, in place of William L. Buford. Incumbent's commission expires April 5, 1902.

Nathan H. Sears, to be postmaster at Millbury, in the county of Worcester and State of Massachusetts, in place of Nathan H. Sears. Incumbent's commission expired January 19, 1902.

Charles B. Collingwood, to be postmaster at Agricultural College, in the county of Ingham and State of Michigan, in place of Ira H. Butterfield. Incumbent's commission expired January 10, 1902.

John E. Crawford, to be postmaster at Milford, in the county of Oakland and State of Michigan, in place of John E. Crawford. Incumbent's commission expired March 16, 1902.

George W. Buswell, to be postmaster at Blue Earth, late Blue Earth City, in the county of Faribault and State of Minnesota, in place of George W. Buswell. Incumbent's commission expired January 10, 1902.

Samuel Y. Gordon, jr., to be postmaster at Brown Valley, in the county of Traverse and State of Minnesota, in place of Samuel Y. Gordon, jr. Incumbent's commission expired February 16, 1902.

Lemmon G. Beebe, to be postmaster at Winnebago City, in the county of Faribault and State of Minnesota, in place of Lemmon G. Beebe. Incumbent's commission expired January 10, 1902.

Jonas W. Mullen, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina, in place of Jonas W. Mullen. Incumbent's commission expired January 14, 1902.

Richard Daeley, to be postmaster at Devils Lake, in the county of Ramsey and State of North Dakota, in place of Richard Daeley. Incumbent's commission expires March 31, 1902.

Thomas J. Davies, to be postmaster at Barberton, in the county of Summit and State of Ohio, in place of George A. Shaw. Incumbent's commission expired January 31, 1902.

Charles W. Searls, to be postmaster at Madison, in the county of Lake and State of Ohio, in place of Charles W. Searls. Incumbent's commission expired January 31, 1902.

David M. Graham, to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania, in place of Frank F. Reed. Incumbent's commission expired March 23, 1902.

Henry S. Williams, to be postmaster at Aberdeen, in the county of Brown and State of South Dakota, in place of Samuel H. Jumper. Incumbent's commission expires April 5, 1902.

Joseph L. Crupper, to be postmaster at Alexandria, in the county of Alexandria and State of Virginia, in place of Joseph L. Crupper. Incumbent's commission expired March 4, 1902.

John McDuffie, to be postmaster at Laurel, in the county of Jones and State of Mississippi, in place of Katie Edwards, removed.

Herbert C. Hurd, to be postmaster at Rugby, in the county of Pierce and State of North Dakota. Office became Presidential July 1, 1901.

Horatio S. Whetsell, to be postmaster at Kingwood, in the county of Preston and State of West Virginia. Office became Presidential January 1, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 27, 1902.*

##### RECEIVER OF PUBLIC MONEYS.

John H. Bauman, of Arizona, to be receiver of public moneys at Tucson, Ariz.

##### POSTMASTER.

Jacob M. Alexander, to be postmaster at Dawson, in the county of Terrell and State of Georgia.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 27, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. HULL obtained the floor and said: Mr. Speaker, I move that the House resolve itself in Committee of the Whole—

##### PURCHASE OF DANISH WEST INDIAN ISLANDS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a question of privilege. I present the resolution which I hold in my hand and now send to the desk, and which I ask to have read, as it states the matter of privilege.

The SPEAKER. The Clerk will read for the information of the House.

The Clerk read as follows:

Whereas one Walter Christmas, a subject of Denmark, who is now and who has been for several years a diplomatic agent and representative of the Government of Denmark, authorized and empowered to negotiate with the Government of the United States for the sale of the Danish West Indian Islands to the United States, and who was also the agent of the United States for the purchase of said islands, has submitted a secret and confidential report to his own Government; and

Whereas the said Christmas, agent and representative as aforesaid, in his said report to his said Government, declares and sets forth, among other things, the fact that the Government of Denmark has contracted, agreed, and obligated itself to pay and turn over to him, the said Christmas, 10 per cent, or about \$500,000, of the proceeds of the purchase money arising from the sale of said islands to the United States when the same shall have been paid by the United States to Denmark, for the express purpose, as has been declared and set forth by him in his said secret report to his Government, for the bribing of members of the United States Congress and other prominent citizens of this country and for subsidizing American newspapers, to the end that the pending treaty between the United States and Denmark for the sale of the islands by the latter to the former Government may be so consummated; and

Whereas it is also declared and expressly set forth in said secret report that if said purchase money shall be paid to Denmark by the United States the said sum of about \$500,000 thereof will be immediately paid over to said Christmas, agent and representative of the aforesaid, by his Government in pursuance of the agreement and contract already referred to for the corrupt objects and purposes set forth; and

Whereas the treaty between the two said Governments for the sale of the West Indian Islands by Denmark to the United States is now pending, and its ratification has not been finally consummated by the two said Governments, and the purchase price for the islands has not been appropriated by Congress; Therefore

Be it resolved by the House of Representatives, That a select committee of seven members of the House of Representatives be appointed by the Speaker, whose duty it shall be to examine into the truth of all the allegations and charges made by the said Walter Christmas, agent and representative as aforesaid, in his said secret and confidential report to the Danish Government as to the methods pursued and to be pursued by him and any of his assistants in the United States, and the contracts made or proposed to be made by him or other persons acting in any way for him, or as assistants to him, for the purpose of, or which in any manner has for their object the bribery of or the attempted bribery of members of the United States Congress or of the payment of any valuable consideration of any kind or character to them or to any of them to vote for or to assist in procuring the proposal, adoption, or ratification of the said treaty of sale of the said islands, as aforesaid. Said committee shall have power to subpoena and examine witnesses under oath and to send for records, papers, and all other evidence that may be necessary for a full and complete investigation of the subjects herein mentioned, and it shall be authorized to sit during the sessions of the House and to have such printing and binding done as it shall deem necessary. The committee shall make a full report to the House of the result of its investigation at as early a date as is practicable. The expense of the investigation shall be paid out of the contingent fund of the House of Representatives.

Mr. PAYNE. Mr. Speaker, I make the point of order against that. The preamble recites that the information it contained in a secret report, or, in other words, the preamble itself recites the fact that there are no facts known to the author of it—

Mr. RICHARDSON of Tennessee. A little louder. I can not hear what the gentleman says.

Mr. PAYNE. The preamble recites that this is based on a secret report, or, in other words, it states facts of a secret report. Now, it seems to me that contradicts itself; that there is no foundation to form a question of privilege upon such a report, and the second point is that that matter is not before the House of Representatives.

Mr. HULL. Mr. Speaker, I would like to add to that that it is not such a question of privilege that would take me off the floor for the further consideration of the Army appropriation bill.

The SPEAKER. Upon the latter point the Chair is clear that it would take the gentleman from the floor.

Mr. RICHARDSON of Tennessee. Mr. Speaker, in reply to the gentleman from New York, I hope I will be permitted to say that that resolution which I have introduced alleges that these charges have been made by a diplomatic agent of the Danish Government to his Government in a secret report. I desire to say that I have on my desk a copy of that secret report, and therefore the objection made by the gentleman is not tenable. It was a secret report when made, and is described as a secret report by me in the resolution; but I state upon my honor as a member of this House that I have what purports to be and what I believe, from the evidence which I have before me and which I propose now to offer to the Speaker and to the House and to the country,



to be the report, less one page, made by this secret agent to the Danish Government.

Now, I say that, Mr. Speaker, with a full responsibility of the words. I state as a member of this House that I have the unmistakable evidences in my judgment that this report was made by Mr. Christmas, the agent of the Danish Government and a quasi, if not a real, agent of our own Government, to Denmark. Having the copy of the report which I purpose offering here as a part of my remarks and from which I now desire to read, it seems to me that the objection made by the gentleman from New York will not hold.

Mr. PAYNE. I would like to ask the gentleman when he examined the archives of the Government of Denmark to see this secret report.

Mr. RICHARDSON of Tennessee. Ah, Mr. Speaker, I have never been to Denmark and have never examined the archives of that Government, but that is not the only way in which we can get evidence of the genuineness of a report. I take it the gentleman has never examined any of the archives of the courts of Europe, and yet he must believe that reports that have been made there are genuine. It is not necessary that I should go to Denmark. I have the evidences, Mr. Speaker, and I desire now to submit some of those evidences to the Chair, if necessary.

Mr. Speaker, this is a grave charge. I have not brought it here for the purpose of seeking a mere political advantage. Here is a charge made by an official of the Danish Government that he has \$500,000, or will have, of the purchase money to be paid, and which has not yet been paid, by this Government, for the express purpose of bribing American Congressmen, and yet the gentleman from New York endeavors to interpose a technical objection. I say, Mr. Speaker, that I have evidences to sustain me in the statement which I have made upon my honor, and which I believe to be true. Now, sir, I am content to have the Chair rule upon the statement as made, or I will submit cheerfully some of the evidences which I hold in my hand and which are in my possession as to the genuineness of this report. Mr. Speaker, shall I proceed with some of the evidences as to the genuineness of the report or the authenticity of the report?

The SPEAKER. The Chair thinks the gentleman has covered that branch of the case by making the statement here upon his honor.

Mr. RICHARDSON of Tennessee. I believe it, sir; but I would prefer to give some of the evidences in order that the gentleman may see that I am not exaggerating, that I am not straining my conscience at all in making that statement, because I think the evidences which I possess are conclusive of the fact, and that every gentleman on the floor of this House who hears these evidences will believe that the report is genuine.

Mr. Speaker, I state that it has been published largely in nearly all of the papers in Copenhagen. I have some of the Copenhagen papers here containing this report, or portions of it. I have had them translated. I have the translations from these papers, and I am ready to submit the original papers to any Danish scholar who may read them, and I will also submit and have published with my remarks these extracts from the Danish papers. Now, Mr. Speaker, if this is true—

The SPEAKER. The Chair would like to call the gentleman's attention to the fact that the allegations are that the members of Congress have been corrupted and bribed; also the newspapers. With regard to the newspapers, the Chair thinks that is a matter which alone would be hardly within the jurisdiction of the House.

Mr. RICHARDSON of Tennessee. That may be subject to the criticism made, I admit.

The SPEAKER. And the term "Congress" includes both House and Senate. The allegations are not so specific as to show whether any member of the House is included in the charge. In respect to this the Chair is very strongly of the opinion that that body must be the custodian of its own morals, and no specification is made here which directly affects the House, as the Chair remembers the resolution when read, although the general term would include both Houses. The Chair would like to hear the gentleman on that point.

Mr. RICHARDSON of Tennessee. Yes; I am prepared on that. The resolution as I present it describes the persons to be bribed as "members of Congress." I am warranted in amending the resolution, if the Chair holds that it is necessary, so as to say that the charge includes members of this House; but, Mr. Speaker, that is unnecessary. If we, the representatives of the American people, are to appropriate the money, if this treaty has been procured by bribery of American Senators and members were not included, we would have a right to inquire as to the truth of these charges.

Therefore that objection is immaterial; but I would be warranted in amending the resolution so as to limit it alone to members of this House, if that is required, and the Chair should hold that it must be members of the House of Representatives who are

charged and should exclude all charges as to Senators. And I am very clearly of the opinion, Mr. Speaker, that inasmuch as the treaty has not been ratified, and inasmuch as the question must come here for an appropriation, that we have the right, as the representatives of the American people, to know whether or not that treaty has been procured by bribery, whether \$500,000, or any portion of this money, when paid over to Denmark, is to be distributed in this country to members of either House of Congress in furthering this legislation.

The SPEAKER. The Chair is pretty strongly of the opinion that this should be limited to the House. If the gentleman will make that amendment—

Mr. RICHARDSON of Tennessee. Very well, Mr. Speaker. In my resolution, where I use the word "Congress," I will insert "including members of the House of Representatives."

Mr. FLEMING. Including members of the House of Representatives.

Mr. RICHARDSON of Tennessee. I desire that the resolution be sent to me in order that I may add the words "including members of the House of Representatives."

The SPEAKER. That will be the proper form.

Mr. RICHARDSON of Tennessee. All right; I will make that addition.

Now, Mr. Speaker, I hope we may have order; but if gentlemen do not want to hear this it is immaterial to me.

The SPEAKER. The House will please be in order.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have added, after the words "members of the United States Congress," the words "including members of the House of Representatives."

The SPEAKER. The Clerk will report the resolution as amended in full.

The Clerk read as follows:

Whereas one Walter Christmas, a subject of Denmark, who is now and who has been for several years a diplomatic agent and representative of the Government of Denmark, authorized and empowered to negotiate with the Government of the United States for the sale of the Danish West Indian Islands to the United States, and who was also the agent of the United States for the purchase of said islands, has submitted a secret and confidential report to his own Government; and

Whereas the said Christmas, agent and representative as aforesaid, in his said report to his said Government, declares and sets forth among other things the fact that the Government of Denmark has contracted, agreed, and obligated itself to pay and turn over to him, the said Christmas, 10 per cent, or about \$500,000, of the proceeds of the purchase money arising from the sale of said islands to the United States when the same shall have been paid by the United States to Denmark for the express purpose, as has been declared and set forth by him in his said secret report to his Government, for the bribing of members of the United States Congress, including members of the House of Representatives, and other prominent citizens of this country, and for subsidizing American newspapers, to the end that the pending treaty between the United States and Denmark for the sale of the islands by the latter to the former Government may be so consummated; and

Whereas it is also declared and expressly set forth in said secret report, that if said purchase money shall be paid to Denmark by the United States, the said sum of about \$500,000 will be immediately paid over to said Christmas, agent and representative of the aforesaid, by his Government in pursuance of the agreement and contract already referred to, for the corrupt objects and purposes set forth; and

Whereas the treaty between the two said Governments for the sale of the West Indian Islands by Denmark to the United States is now pending, and its ratification has not been finally consummated by the two said Governments, and the purchase price for the islands has not been appropriated by Congress: Therefore,

Be it resolved by the House of Representatives, That a select committee of 7 members of the House of Representatives be appointed by the Speaker, whose duty it shall be to examine into the truth of all the allegations and charges made by the said Walter Christmas, agent and representative as aforesaid, in his said secret and confidential report to the Danish Government, as to the methods pursued and to be pursued by him and any of his assistants in the United States, and the contracts made or proposed to be made by him or other persons acting in any way for him, or as assistants to him for the purpose of, or which in any manner had for their object the bribery of or the attempted bribery of members of the United States Congress or of the payment of any valuable consideration of any kind or character to them or to any of them to vote for or to assist in procuring the proposal, adoption, or ratification of the said treaty of sale of the said islands, as aforesaid.

Said committee shall have power to subpoena and examine witnesses, under oath, and to send for records, papers, and all other evidence that may be necessary for a full and complete investigation of the subjects herein mentioned, and it shall be authorized to sit during the sessions of the House, and to have such printing and binding done as it shall be necessary. The committee shall make a full report to the House of the result of its investigation at as early a date as is practicable. The expenses of the investigation shall be paid out of the contingent fund of the House of Representatives.

Mr. RICHARDSON of Tennessee. Mr. Speaker—

The SPEAKER. The Chair desires to say, on the point of order made by the gentleman from New York [Mr. PAYNE], that it is clear, especially as the matter has been amended at the suggestion of the Chair, that this is a matter of high privilege. It has troubled the Chair somewhat to decide how much we should be governed by the statements made by a member of a foreign Government, but the gentleman from Tennessee, having stated on his honor as a member of the House that he believes in the integrity of these charges that have been made—

Mr. RICHARDSON of Tennessee. No; I beg pardon. I do not mean—

The SPEAKER. The Chair will state it. Not that the gentleman vouches for the charges being true, but for the fact that this



officer of a foreign Government made the statement, practically brings it in as his own charge.

Mr. RICHARDSON of Tennessee. Let me ask pardon of the Chair. I have not stated that these charges are true. I have stated that I believe this report is genuine and that Mr. Christmas, the agent of the Danish Government, has made the charges that are contained in it. I do not say the charges are true.

The SPEAKER. The gentleman from Tennessee clearly vouches for the authenticity of the charges, in the opinion of the Chair.

Mr. RICHARDSON of Tennessee. That they have been made.

The SPEAKER. In that view of the case, the Chair is clearly of the opinion that the point of order is not well taken, and recognizes the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, the first proof which I desire to offer, and which leads me to believe that these charges have been made in this report, is in the shape of an affidavit made by a man who was formerly a subject of Denmark, who was born in Denmark, educated at Harvard University, and who is now a citizen of the United States. He has made an affidavit, which I will now read:

DISTRICT OF COLUMBIA, Washington City:

Personally appeared before me, the undersigned, Niels Gron, and made oath in due form of law that he is a native of Denmark, but now a citizen of the United States; that he was in Copenhagen, Denmark, from the 7th day of December, 1901, to the 15th day of February, 1902. That he arrived in the United States, returning from Denmark, on the 26th day of February, 1902, and came at once to Washington City; that he brought with him a copy of the special and confidential report made by Walter Christmas to the Danish Government of date October 1, 1901, less one page thereof, which is missing from the report; that a large part of said report has been published in many of the newspapers of Denmark, and that he himself translated said report into English and delivered a copy thereof to Hon. JAMES D. RICHARDSON, M. C., within the last week; that he knows the said Walter Christmas personally, and that said Christmas, has admitted, in a statement over his own signature, which statement has been published in the newspapers of Copenhagen, that the copy of the report as published in the Danish papers is a correct copy. He further makes oath that he has faithfully translated extracts from Copenhagen newspapers commenting on said report as they appeared in said papers from about February 1, 1902, to a late date, and that he has also delivered said extracts, with the newspapers from which they were taken, to said RICHARDSON.

NIELS GRON.

Sworn to and subscribed before me this March 27, 1902.

[L. S.]

AARON RUSSELL, Notary Public.

Mr. RICHARDSON of Tennessee. The same gentleman who makes this affidavit, Mr. Gron, this morning handed me the following statement:

When early in February last the contents of Mr. Walter Christmas's secret report to the Danish Government, relative to the transfer of the Danish West India Islands to the United States, became public, a party comprising a large portion of Denmark's best and most influential men and highest interests, realizing that since Christmas had, in the furtherance of the pending treaty, served by direct authority first the Secretary of State of the United States and afterwards the Danish prime minister, Mr. Horning, it would be impossible to disassociate his efforts from the treaty or the methods set forth in his report from the official negotiation.

And realizing, further, that if the present treaty was consummated and permitted to take effect Denmark would be obliged to stand before the world as having made use of and the United States as having accepted such negotiations as said Christmas sets forth and describes in the above-mentioned report; and since it was thought that that would place the people of the two nations in an unfavorable and regrettable light, I was requested by the party referred to to journey with all speed from Copenhagen to Washington and lay before the representatives of the people of the United States the facts touching certain parts of the negotiations, in order that any further steps taken by the United States toward causing the taking effect of the treaty in question might be done with a full knowledge of the situation.

NIELS GRON.

WASHINGTON, D. C., March 27, 1902.

Now, Mr. Speaker, I have in my hands the extracts which this American citizen, Mr. Gron, says he has translated from Danish papers, and some of these extracts I shall read. I have the papers on my desk, and any Danish scholar who desires to do so can have that pleasure, if it be a pleasure to him, to read them. The first article is headed:

#### LEAVES OF DANISH DEGRADATION.

This paper says:

At the second reading of the finance bill—

In the Parliament or Congress of Denmark—

it was argued as a proof that our ministers to foreign countries are of no value, that Mr. Brun, in Washington—

Mr. Brun, I may add, is the official representative of the Danish Government in Washington—

had had nothing to do with the sale of the West Indies. Prime Minister Deuntzer contradicted this, and said that the negotiations could not have been carried on without Minister Brun's assistance. Captain Christmas will certainly think differently. It is a fact that it was he who got the American Government to begin the negotiations. It was he who brought the American Government's envoy, Mr. White, to the Danish foreign ministry in Copenhagen, and it was he who got the mission again in January, 1900, to go to America, where, according to Mr. White's statement, he was persona grata. Mr. Christmas claims that he has had no assistance from the Danish minister in Washington, Mr. Brun.

It appears even from his report that he thinks himself directly opposed by the minister. Before his departure Captain Christmas had expressed to Prime Minister Horning that he feared antagonism from Minister Brun. Mr. Horning then promised him that he would write to the minister and inform him of Christmas's mission. Nevertheless, Christmas thinks he has noticed

cold rays from the minister in Washington. While Christmas under his first visit had found open doors and cordial receptions, he now noticed a strong turn in the situation. A part of the press turned against him and wrote uncomplimentary about him, especially was diligent use made of the fact that he had been dismissed from the Danish Navy in disgrace. Mr. Christmas had anticipated that, and on that account had made every effort to get the judgment removed.

The Government had not been entirely unwilling to listen to this, but thought that the actual removal of the judgment should be the final reward when the sale should be accomplished through Mr. Christmas's efforts. The Danish Government in that has without doubt acted very unwisely. Either Mr. Christmas was a man whom the Government could not use, and then it should have nothing to do with him, or else it had confidence in him and his ability, in which case it was its duty to assist him and in every way prevent difficulties. Mr. Christmas went to Senator LODGE, a man who it was not possible to bribe, and requested his advice. Mr. LODGE advised him to go to the foreign minister, Mr. Hay, and tell him how the matter stood. He followed the suggestion. Hay was surprised that Christmas did not receive greater assistance from the Danish side, and he was angry over Rodger's machinations.

The ground in Washington became too warm for Christmas, and he moved to New York. For the benefit of the sales project Christmas had secured the assistance of two press associations, and he had contracts with a C. W. Knox, friend of Senator MARK HANNA, of Ohio, and Mr. Richard P. Evans, a lawyer in Washington, who represented Senator HANNA.

These connections quite naturally made certain demands. Already this to bribe politicians and buy journalists on credit was in itself a difficult matter, and Christmas had nothing else to offer as guaranty than his own promises. He was obliged, however, in several cases to furnish the cash. Where did he get it from? He had nothing himself, and the 6,000 kr. for expenses would reach nowhere for such use. He must have had connections in Denmark.

Mr. Christmas insisted upon getting his banking firm, Seligman, in New York, recognized. For this he claims to have had the promise of the prime minister, Horning. The recognition should mean that the named firm should receive the sales sum and out of that retain 10 per cent, which was to be used as Christmas directed. This recognition would have placed Seligman in a position to guarantee Christmas's promises to his tools, etc.

Now, Mr. Speaker, here is a further extract from the Folkets Avis, Copenhagen, February 11, 1902, which, in speaking of Christmas's work, prints this paragraph:

And after that it appears to us that the Danish minister, Mr. Brun, has played a perfect stasis rôle, though one should expect him to be fitted for the head rôle. What in the world have we ministers for when they are not to be used on such occasions?

The Social Demokratten, February 17, 1902, in speaking of Christmas's report, among other things, says:

The facts revealed are based upon a confidential report from Captain Christmas to the Sehested ministry. That report was at first only sent to Sehested himself, but afterwards a copy was sent to each one of the other ministers. It contains the information that Mr. Christmas was obliged to bribe American politicians in order to secure their interest for the purchase of these islands. Since he had no money with him, it was necessary to bribe them on credit, which naturally became much more expensive. When it is reported, therefore, that he is to receive 2,000,000 kr., it must be understood that a large sum of money is to be paid to Americans if the islands are sold.

The following extract is from the Nationalitidende of February 14, 1902:

This paper, which, I think, from information I have, I am safe in calling Denmark's most conservative and most careful newspaper, published on this date an article criticizing the negotiations used by Denmark toward America. The following is an extract from a two-column article: "In order to make it specially clear to the Americans how willing we are to let us Jew down we make the offer to pay to get rid of our goods. Like certain businesses giving a coffee-pot gratis with each pound of coffee so Denmark offers the Americans one and one-half million kroner on buying 15,000,000 kroner's worth of islands, and as an explanation for this method of procedure it is whispered secretly and confidentially in corners that this is now once necessary, you understand \* \* \* but by all means keep quiet about it."

It seems as if it never struck Mr. Christmas and those back of him that they by such business principles committed the greatest insult against the United States politicians. How? It is of high importance to the States to secure some little islands, and the leading American politicians must be bribed in order to further or at least not to oppose their country's interests. \* \* \*

An unpardonable use has been made of the State's money secured by the sale of Danish territory, since the sale price belongs without any reductions, including the famous 10 per cent, to the Danish state treasury and to no one else.

Further, Mr. Speaker, in proof that this is a correct copy of the report, we have—

First. Copies of Danish papers in which most of the report has been published.

Second. Christmas himself, in an article over his own signature, published in Denmark's largest politiken on February 11, 1902, admitting that it is his secret report to the Danish Government which is being so freely used for the public, he says:

"There is, however, one point which attracts general interest. How has my report reached out to the public? I sent out at the time this confidential report to each one of the nine ministers which constitute the Sehested ministry. There existed only those nine copies.

"Who has stolen or who has given out this document which now is being so freely used for creating scandal? How, on the whole, is it possible that such a secret document, which, according to the nature of its contents, never should come to the public knowledge, can disappear from the ministry?"

In proof that Prime Minister Horning had promised Christmas 10 per cent, we quote a paragraph from an article published in Vörtland on February 5, 1902.

On January 14, 1901, Captain Christmas sent to the chairman of the Finance Committee of the Folkething a written statement in which he recounted his efforts and set forth his claim.

He presented the case thus: That he had definite legal claims, and that he meant to make good such claims at the right time and place. Mr. Horning, former prime minister, was asked if he had made an agreement with Christmas, and Mr. Horning, in a written statement to the minister of finance, Mr. Scharling,



dated February 9, 1901, says he had promised Christmas to ask Rigsdagen's consent to pay him 10 per cent if the sale took place.

He asked the Danish Parliament, or Congress—whatever it may be termed—to pay him 10 per cent if the sale took place. He says this contract had been made. In Vortland of February 2, 1902, this paragraph appears:

Captain Christmas commenced his second trip to America on January 7. Previously he had negotiated with Prime Minister Horrning about the pecuniary side of the question. The prime minister agreed that Christmas could operate with 10 per cent of the sales price of the islands. America should pay the money to an American bank. For this Christmas had chosen the firm of I. & W. Seligman & Co., in New York. This firm should retain 10 per cent of the sum and send direct to Copenhagen.

Christmas came to America, Mr. Speaker, from the evidence that I have, in the fall of 1899. The first official step taken in the furtherance of the present treaty was taken because of this trip of this gentleman to America, when he had an interview, as he says in the report, with the Secretary of State.

In the preamble of the resolution I have stated that this man was at one time a representative of the American Government. That appears to be a strange statement. He was a subject of Denmark.

Now, I wish to explain here why I say he was a representative of this Government. He came and presented himself to the Secretary of State and offered in some way to bring about the sale of these islands. The only way by which he became the agent of the United States that I know of was that he was engaged to put on foot the preliminary steps looking to this sale and to the pending treaty. He came to our Secretary of State, and, as he shows in his report, was sent to conduct a diplomat of the United States to the Danish court and there present him.

He was directed first to go to London. He did go to London; and there, as he was told by the Secretary of State, he would find introductory letters to our legation there and further instructions. He went there and was informed that Mr. White, of that legation, would accompany him to Copenhagen, to put on foot these negotiations looking to the treaty of sale. He did go. Mr. White did not go in the same conveyance, as I believe, with this agent from London, but that was on account of the illness of some member of his family; but that is not material. He did join him in Copenhagen.

After this agent met Mr. White in the American legation in London he did, with all reasonable diligence, proceed to Copenhagen, where he met this man Christmas, who, at least at that time, was acting as agent for the American Government, and by him Mr. White was presented to the Danish court or to the prime minister. That he was the guest of Captain Christmas at his hotel while he was in Copenhagen can not be denied, if the report is true.

Now, Mr. Speaker, in Denmark the negotiations were handed down from the Horrning ministry, which first put them on foot, to the Sehested ministry, and from the Sehested ministry to the present Deuntzer ministry, which later concluded the pending treaty. So that there have been two administrative changes since the matter was put on foot in Denmark by Mr. Christmas and Mr. White.

As proof that the official negotiations begun by Horrning on Mr. White's visit to Copenhagen were continued through the various administrations I quote from an editorial in the largest Government paper, the *Politikan*, dated February 10, 1902:

The present Government found this affair far advanced on its coming into power. \* \* \* Though naturally the liberal government could have cut off negotiations, perhaps also on account of previous workers, if they had not been approved of, but what the conservative governments had begun and approved of that the liberal government continued.

I read this to show that the two administrations that followed the Horrning government, which made the contract, continued in existence down to the present date the contract with Christmas to spend this \$500,000.

I read again, Mr. Speaker, from the Vortland, February 5, 1902:

The new (Sehested) cabinet on finding the question handed down from the Horrning ministry was, even though it did not itself feel that the sale of the islands was desirable, obliged to continue negotiations with America, which had already brought about the result that there had been sent from the foreign minister of the United States a draft for a treaty.

The same paper on February 13, 1902, says:

When Horrning's ministry was relieved by the Sehested ministry, Mr. Scharling became minister of finance. He was opposed to the sale of the islands, and had been among those prominent men of all parties who had publicly protested against the sale. There was therefore reason to believe that the negotiations with America would be broken off or allowed to run out in the sand.

The Sehested ministry let it become known that it was not with pleasure that it took over the affair from its predecessors. The negotiations with America were not broken off, however, only prolonged through the Sehested ministry and continued by the Deuntzer ministry (which is the present ministry of Denmark), with the result that a treaty between the two countries has been arrived at.

I have shown, sir, beyond controversy, as it seems to me, that this report is a report made by this diplomatic agent of Denmark to his own Government. I have shown that he was a quasi if not a real agent of this Government in instituting these proceedings—that is, the proceedings which led to this treaty. Mr. Speaker, to show that I have not exaggerated the charges made by this corrupt bargainer, and that they are worthy of our consideration and investigation, I propose to read a few extracts from that report. In an interview which this man Christmas had with the prime minister of Denmark in Copenhagen he speaks of his experience in this country. I shall quote literally from this report, but it is too long for me to read it all. I shall ask to have it printed in the CONGRESSIONAL RECORD and as a document, but I quote from that report—

Mr. CANNON. What is the report the gentleman speaks of now?

Mr. RICHARDSON of Tennessee. What I now purpose reading are extracts from the report.

Mr. CANNON. What report.

Mr. RICHARDSON of Tennessee. The report of Walter Christmas, made to the Danish Government, on which I am commenting. I would read it all, I state to my friend from Illinois, but in my time I could not read it; it would take me more than an hour to read it to the House. I have therefore culled some luscious extracts from it, some delicious extracts, which I am ashamed to offer, and if they be true they ought to bring the blush of shame to every man in this country, and no man, white or black, in it should object to an investigation. If they are true they bring disgrace upon this country here and in every foreign land in the world.

I will quote now from the report some things that this corrupt bargainer says were said while he was speaking with the prime minister of Denmark:

His excellency (that is, the prime minister) expressed himself with greater force than I wish to report. His abhorrence for the political situation in America which made it necessary to offer money in order to bring a political action like that of transferring the islands to a successful termination, but that he had long ago discovered the necessity for making such a money sacrifice and he was ready to grant it.

Further on he says:

Besides, I made the acquaintance of the President's brother, Mr. Abner McKinley, who is a lawyer and has a business in New York, together with his partner, Colonel Brown. These two gentlemen are only very little respected, and their business, which specially consists in securing certain firms contracts and concessions from the Government, is, without question, anything but nice, but both Mr. Brown and Mr. Abner McKinley have the entrée to the White House at Washington. They know most accurately almost all the winding paths through Congress and are well informed as to what members of Congress must be paid, as well as the method which must be used to accomplish it.

And again:

The next day I went to New York, where I remained until November 20, on which day I received a written request to come to Mr. Hay. Mr. Hay immediately told me that he had investigations made both as regards the German company on St. Johns and my chart, that my representations had proven correct, and that he would now take steps to begin negotiations with the Danish Government for securing the Danish colonies.

I asked him to remember that the Danish Government knew nothing of my visit to Washington, to which he replied that he could make no mistake as to my position, since I myself had declared not to possess credentials of any kind, but that Mr. Hay would highly appreciate it if I personally would accompany a trusted diplomat to Copenhagen and secure for him a secret meeting with the chief of the Danish Government.

I gave the minister frankly the information that I had promised, besides others, President McKinley's brother and his partner a certain sum. Besides, I had bound to me two press associations, one in Washington and one in New York, and that I had an understanding with the banking firm I. & W. Seligman & Co. that they were to assist me, all, of course, upon the conditions that the sale of the islands took place.

The minister expressed that he found the political conditions in America horrible, but "that it had been known for a long time, and I can let you dispose of the 10 per cent, but not any more." His excellency asked me what I thought I would make out of the affair. I replied that it hardly would be very much. His excellency: "That you must certainly try to arrange, for more than 10 per cent I can not secure for you, and it would be too bad if you should get nothing for yourself."

Again he says:

It was not alone the members of Congress I had to invite.

He is speaking at this point in the report of inviting members of Congress to dine with him at the Hotel Raleigh in this city. He says:

It was not alone the members of Congress I had to invite. I had as my special assistants two men, C. W. Knox, who was an intimate friend of Senator MARK HANNA, and Richard P. Evans, a lawyer in Washington, who represented Mr. GARDNER and his friends in the House. These took an active part in the personal agitation, since they talked with a large number of members of Congress and agitated for the purchase of the islands.

I had contracts with them both, according to which they and through them certain members of Congress should have a share of the commission if the sale took place; but the two gentlemen's agitation, expenses, etc., bills in restaurants and hotels, I had to pay. The two press associations, Abner McKinley, and Brown, Evans, Knox, and others, I had promised that their contracts should be guaranteed by the house of Seligman. To this the banking house had agreed, as it should in one way or another have to be recognized by the Danish Government.

Mr. Speaker, I could make more of these quotations, but I will not take the time of the House. It is enough to show what a

report this creature has made to the Danish Government, this man whom our Secretary of State used as an agent—I was about to say tool, but as an agent—to carry a trusted diplomat from our legation in London to the court at Copenhagen, who there entertained this trusted agent and procured him admission and introduction to the prime minister of Denmark, which resulted in putting on foot the negotiations leading to this treaty.

Now, sir, I am not here to charge, and I do not charge, that any American Member or Senator has been bribed in this matter, but here is the declaration of this agent of the Danish Government and of our own Government that he had contracts for \$500,000 of the money which we supposed we were paying into the treasury of Denmark for these islands, to be used, as he says, for the corrupt purpose of bribing American Congressmen.

Does not this demand an investigation at our hands? Are we to sit here and permit this paper to be published in the leading papers not only of Denmark and of the United States—because a portion of this report making these charges has already been printed in a Philadelphia paper and in some other papers in this country—but printed also in the newspapers in all the capitals of Europe? I have seen a notice of it in the London Times. It has been printed, I venture to say, in the leading papers of every capital in Europe. These charges have gone forth to the world that there is a condition of affairs in the United States Congress, as described by this agent to the minister of state in Denmark, which is characterized as something that is simply horrible and which it appears the minister said has been known for a long time.

Does such a state of affairs exist, Mr. Speaker? Every member of Congress can be called and interrogated upon his oath whether or not he met this man Christmas, whether or not he dined with him at the Hotel Raleigh, and if he knows of any improper means having been used in any way to make public opinion in favor of the ratification of the treaty for the purchase of the Danish islands. I repeat that I do not say these charges are true. I have brought them before the House from a sense of duty. And in order that this House and the country may see that I have not exaggerated, that I have not misquoted the allegations made in the report, I shall ask that it be printed in full in the CONGRESSIONAL RECORD. Then each gentleman to-morrow morning can read and digest it with his breakfast, if he desires to do so.

Mr. Speaker, one other point. I have so far made no reflections upon any American official; but I do say this, that these facts that I have submitted here, the newspaper extracts, show that the charges of corruption against the American Congress have been public in Denmark, and the allegations at corrupt contract business have been published there since the 28th day of January. These things have appeared daily in the papers at Copenhagen. We did not know, and I take it that the Senate of the United States did not know on the 17th day of February that \$500,000 of that money had been bargained away for the corrupt purpose of buying them and you and the balance of us, into the support of the treaty of sale; and yet on the 17th day of February the American Senate almost unanimously, as I believe, and as has been published in the newspapers, ratified the treaty.

Did they know, Mr. Speaker, when they ratified the treaty that these things were being published in Copenhagen, Denmark? Did these United States Senators, did the Committee on Foreign Affairs of the Senate know this? I do not know, but this is the first time the attention of this House has been called to this disgraceful charge. I have shown you that the publications began as far back as the 28th of January, that they continued through the first half of the month of February. I say, Mr. Speaker, that there is, it seems to me, one thing unpardonable in this whole business, and that is that the Department of State must have known of the publication of these infamous charges in Denmark and in Copenhagen for two weeks, or nearly three weeks, before this treaty was ratified and took no notice thereof so far as I know.

If with full knowledge of these facts, with the light turned on as this report turns it on when published; if, in other words, with full knowledge of all the facts, the Senate of the United States—Senators of both parties—said, "We will ratify this treaty," I would bow to their act. But I do not believe that these facts and charges were in their possession when they voted with so much unanimity to ratify this treaty.

Were they not entitled to have these facts? We have an American minister at the court of Denmark, resident in Copenhagen. Where was he from the 28th of January until the 17th of February, the day the American Senate ratified the treaty? Do you suppose he failed to give notice to our premier; do you suppose that our Secretary of State was not in full and complete possession of these allegations? If so, I respectfully ask if the American Senate and the American people were not entitled to have the benefit of these charges?

Mr. Speaker, this matter is still here with us, as we have not

appropriated the purchase money. I am not here to oppose the purchase of the Danish Islands; I am now of the opinion that we ought to own them. They are right at our door. I think we need the harbors that they offer there. I am not objecting to the purchase; but I do object, I have the right to object, when you come and ask me to vote for \$5,000,000 to pay for these islands, that I shall not be asked to vote that appropriation with knowledge such as these papers bring to us, that \$500,000 of this \$5,000,000 are to be used for the corrupt purposes indicated in that report. We had better keep that sum ourselves. The report shows, I think, that we could have purchased the islands for \$4,000,000 or even less.

Now, Mr. Speaker, I believe I have nothing further to say. I believe that these resolutions ought to pass unanimously. I believe they are worthy of the attention of the House. The charges may not be true. I do not vouch for their truth. But here they are in the report of our own agent and the report of the agent of the Danish Government. They ought to be investigated fully and a complete report be made. If the American Congress has been foully slandered, as I believe, and as I hope the proof will show it has, no man will rejoice more than myself.

I thank you, Mr. Speaker, and the House.

The SPEAKER. The question is on agreeing to the resolutions.

Mr. CANNON. Mr. Speaker—

Mr. RICHARDSON of Tennessee. Before the gentleman begins, I ask that I may be allowed to print with my remarks the reports which I have referred to.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks by printing the report which he has named. Is there objection?

Mr. OLMSTED. I would like to ask the gentleman to whom that report was addressed? It has not been stated by the gentleman.

Mr. RICHARDSON of Tennessee. I beg pardon. I thought I had stated it plainly. The report is addressed to the Danish Government by Capt. W. Christmas, and gives his full Danish name, W. Christmas Dirckinck Holmfeldt, October 1, 1900. It is addressed to the Danish Government.

Mr. OLMSTED. Who is the Danish Government?

Mr. RICHARDSON of Tennessee. Yes, sir; to the Danish Government.

Mr. OLMSTED. What officer of the Danish Government?

Mr. RICHARDSON of Tennessee. No officer is named. It is addressed to the Danish Government.

Mr. OLMSTED. Just addressed at large, then.

Mr. RICHARDSON of Tennessee. It is addressed to the Danish Government.

The SPEAKER. Is there objection?

Mr. LACEY. I would like to ask the gentleman this question, as he is going to print the full report: Is there anything to indicate that Christmas was simply trying to get a rake-off of 10 per cent, explained it this way, and he could not get it unless he made some such statement?

Mr. RICHARDSON of Tennessee. There is nothing in the report to that effect.

Mr. HITT. Mr. Speaker, I would like to have the first portion of the "whereas" read again. I would like to see whether the statements that are therein recited are recited apparently with the approval of the House of Representatives and by its indorsement, or merely the reported statement of this man Christmas. Perhaps the gentleman can answer?

Mr. RICHARDSON of Tennessee. Let it be read for more certainty.

The SPEAKER. Without objection, the first section of the preamble will be read.

Mr. HITT. The gentleman has gone over it so frequently I would like to see whether it is a declaration of the House.

The Clerk read as follows:

Whereas one Walter Christmas, a subject of Denmark, who is now and has been for several years a diplomatic agent and representative of the Government of Denmark, authorized and empowered to negotiate with the Government of the United States for the sale of the Danish West Indian Islands to the United States, and who was also the agent of the United States for the purchase of said islands, has submitted a secret and confidential report to his own Government.

Mr. HITT. That I object to. I object to that recital being put in the mouth of the House as a declaration of the House. If the gentleman will put it that "it is alleged" or "publicly stated," there will be no objection, but I object to putting a declaration like that into the mouth of the House, that he is a representative of our Government. I can hardly consent to that.

Mr. RICHARDSON of Tennessee. I think, Mr. Speaker, that the gentleman's technical objection comes too late, but I do not want any snap judgment. If the gentleman from Illinois thinks the word "alleged" should be inserted, I see no objection.



Mr. HITT. I ask that at the beginning it may be made to read "Whereas it is alleged." Do the words after the second "whereas" contain any such allegation?

Mr. RICHARDSON of Tennessee. If it does I will look at it and make the insertion.

Mr. CANNON. Mr. Speaker, I came in a few minutes after the gentleman from Tennessee began to make his statement. I have listened to him as carefully as I could in his reading of the extracts of this alleged report, and as near as I can get at it on the wing, it seems that some man by the name of Christmas, a Danish subject, that acknowledges himself a briber and worse than a thief, makes certain allegations, and upon those allegations it is proposed to make an investigation, not whether any Senators, but whether any Members of the House of Representatives have been guilty of bribery. Am I correct? Is that the scope of the investigation?

Mr. RICHARDSON of Tennessee. I do not propose by any admissions to limit the extent of it; the resolution shows the extent. It is to investigate the whole matter from beginning to end.

Mr. CANNON. It was held to be privileged, because it related to members of the House.

Mr. RICHARDSON of Tennessee. It includes members of the House. One member is named in the report.

Mr. CANNON. One member is named?

Mr. RICHARDSON of Tennessee. Yes; he says that he had dealings with him; or at least he mentions the name of one member whose representative he had employed here in Washington.

Mr. CANNON. Well, that escaped me and I would like to have it read. While the Clerk is finding it, I want to suggest—

The SPEAKER. The Chair will state that that is not a part of the resolution; it was a part of the remarks of the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. What I read, if the gentleman from Illinois is referring to that, is an extract from the report. I read several extracts. What they mean the gentleman can infer as well as I.

Mr. CANNON. Does any extract which the gentleman read, or does the report upon which this investigation is to be founded, if it is ordered, make a charge of bribery against any member of the House of Representatives?

Mr. RICHARDSON of Tennessee. Why, undoubtedly, it makes a charge of bribery. It says that he made contracts for the bribery of the members of Congress.

Mr. CANNON. Contracts with whom?

Mr. RICHARDSON of Tennessee. I read the names of the men; I do not care to go over that again. Has the gentleman from Illinois just come in?

Mr. CANNON. I came in after the gentleman from Tennessee began his remarks.

Mr. RICHARDSON of Tennessee. He says that he had contracts with several gentlemen; I can read them again if the gentleman desires.

Mr. CANNON. Very well, Mr. Speaker; it seems to me it would be wise to make this investigation, if it be worthy of an investigation, and, as this document is to be printed in the RECORD, and as that part of the gentleman's remarks that I listened to was the reading of extracts from newspapers and then his own impressions and remarks, it seems that nothing would be lost if this whole matter should go into the RECORD, and to-morrow morning, after members have had the opportunity to see what is substance and what is not, if it all is not substance the House can take such action as it sees proper.

There is no man on the floor of this House that does not desire that a full investigation be made if the honor of any man is authoritatively called in question in his official capacity or otherwise in the performance of his duty as a Representative. But I do not believe there is a man in this House that desires an investigation of a mere statement of an acknowledged thief. I would be glad if it could go over until to-morrow.

The SPEAKER. Does the gentleman from Illinois make a motion to postpone to a certain day?

Mr. CANNON. I hope the gentleman from Tennessee will accept it. I will say to the gentleman that I make the suggestion in the greatest good faith.

Mr. RICHARDSON of Tennessee. Well, I offered this in the greatest of good faith, too, and I shall not agree to it.

Mr. CANNON. It ought not to be passed before the membership of the House have had a chance to read the statements on which the gentleman founds his motion; to read the papers from which the gentleman read very incomplete extracts.

Mr. RICHARDSON of Tennessee. In reply to the excited and agitated remarks of the gentleman from Illinois, I will now tender this report to the Clerk and ask to have it read, in order that the gentleman may understand what it is. I am perfectly willing to give all the facts that I possess, but I could not undertake to

read all that matter in my time, because, as I said, it would take too long.

Mr. CANNON. We can not follow it from the reading. Therefore, having the floor, I move that this whole matter be postponed until to-morrow morning after the reading of the Journal.

Mr. RICHARDSON of Tennessee. On that we want the yeas and nays.

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield?

Mr. UNDERWOOD. I want to say something in reply to what the gentleman from Illinois has said on his motion if he will yield the floor to me for a few moments before he attempts to close debate.

Mr. CANNON. How much time does the gentleman wish?

Mr. UNDERWOOD. About ten minutes.

The SPEAKER. The Chair desires to say that he questions the right to move to postpone this matter to a particular hour; but the gentleman may move to postpone it till to-morrow, subject to other privileged matters. This will be privileged to-morrow, if the motion is made and adopted to postpone until to-morrow without the clause "after the reading of the Journal."

Mr. CANNON. Well, I desire to make that motion.

The SPEAKER. That will make it a special order for to-morrow morning.

Mr. CANNON. Very well.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. CANNON. Certainly; I yield ten minutes to the gentleman from Alabama.

Mr. MIERS of Indiana. I rise to a parliamentary inquiry. I wish to ask whether this motion, if adopted, would interfere with the special order for to-morrow?

The SPEAKER. If the motion of the gentleman from Illinois should prevail, this business will be the special order for to-morrow.

Mr. MIERS of Indiana. Then I hope the gentleman will make his motion apply to Saturday instead of to-morrow, so as not to interfere with the special order for to-morrow.

The SPEAKER. This will be privileged to-morrow morning if the motion of the gentleman from Illinois should prevail. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. CANNON. Yes; I yield to the gentleman ten minutes.

Mr. UNDERWOOD. Mr. Speaker, I do not think, from what the gentleman from Illinois has said, that he addresses his remarks to the true gravamen of this situation. I may be old-fashioned in my ideas, but I believe my country's honor ought to stand above everything else. Now, it is not merely an individual's honor that is at stake in this matter; that would be a small consideration as compared with the honor of our country. That is the question at stake here; that is the true question that is to come for trial before this House.

I care not what you put in your resolution or how you may make it privileged. I say that this fact exists and is shown, that a man—I do not care whether he is a thief or a knave—that a man by the name of Walter Christmas came to this country, attempting first in his own individual behalf to negotiate a sale of these islands; that that man went back to Denmark, accredited by the Government of the United States, to introduce our diplomatic agent to his own Government. Be he thief or knave, he carried our commission for that purpose, and it is denied by no man. When he had done that and the negotiations were opened, it is not denied—nay, it is recognized—that he was sent back here by his Government, not as an official agent, to negotiate this sale.

Mr. Brun, the Danish minister, represented his Government in an official capacity; but it is not denied, and the official records of Denmark show it—it is admitted by the ministers of the Sehested ministry—that this man was the unofficial agent of Denmark to negotiate this trade. Be he thief or be he knave, I care not. They sent him here, and he dealt with our people in this matter. Now, what is the result? He goes back to Denmark and makes a report to the Sehested ministry of what he has done here, and he says in that report to the ministry of his country that he has contracted to expend \$500,000 of the purchase money of these islands with American citizens, with members of Congress and of the Senate, and press associations, for corruption purposes. For what? To put through a bargain that we say is just and right, a proper trade, yet we stand committed before the people of Denmark to the effect that it is necessary to use bribery and corruption in order to get through a proper and legitimate trade with the American people.

Now, what this man says may be untrue. I pray God that it is untrue. But he has made the charge. As these reports show, here is an affidavit stating that this is the report of which this thief or knave—as the gentleman may call him, but the accredited agent of the Danish Government, the unofficial agent—has made

to that Government, saying that he has used \$500,000 for a corruption fund, here under the Dome of our country's Capitol.

Are we to laugh that down? Are we to say that because this man is a knave, that he has no character, that we are above reproach and stand there in that position before the nations of the world? Mr. Speaker, and my fellow-members, if that is the position the American Congress is to take when our country's honor is involved, then I say that the day of our degradation is not far distant. No, it is not merely a question of knowing. I do not believe it is so. I hope it is not so. I hope this man has lied—lied from beginning to end—but when governments use men for corruption purposes they do not use honest men, and this man reports to his Government that he has used their money for corruption purposes.

We do not expect to find them using an honest man for that purpose, but we do know that he has made this report to his Government, that it has been published in the Danish papers, in the London papers, and in probably every paper of Europe, and there our country stands discredited in the face of the world; and would you deny the right of Congress to acquit ourselves; would you deny us the right to show to the world that we have clean hands in this matter? That is what we are demanding. We are not demanding the right to know if some poor weak individual, if it be so, has fallen by the wayside, but we do demand a committee to investigate this matter and show to the nations of the world that the Congress of the United States and the Government of the United States stands with clean hands in this transaction.

Mr. HITT. Will the gentleman from Tennessee inform us of the date of that report?

Mr. RICHARDSON of Tennessee. October 1, 1900.

Mr. HITT. Is it an official document, or is it a statement from a newspaper?

Mr. RICHARDSON of Tennessee. It is not official. It is a typewritten statement.

Mr. HITT. Is it a copy, or purporting to be a copy, made by some one who has had an official document, or is it printed from a newspaper? I could not understand from the gentleman's statement.

Mr. RICHARDSON of Tennessee. It is impossible for me to tell how this document got out of the archives of Denmark, but I have produced the evidences, which are satisfactory and conclusive to my mind, that it is a faithful copy, except one page, and I have produced the affidavit here—

Mr. HITT. That is the affidavit of a translator.

Mr. RICHARDSON of Tennessee. Yes; the affidavit of an American citizen who was in Copenhagen.

Mr. HITT. Does he say it was a genuine report?

Mr. RICHARDSON of Tennessee. He says that this is, in his judgment, a copy, and that Christmas has admitted that it was a copy, as published in the newspapers there, of his secret report. That is what he says.

Mr. HITT. The matter was so obscurely stated that I could not follow the gentleman.

Mr. RICHARDSON of Tennessee. I do not know whether it is or not.

Mr. HITT. We know what official documents are.

Mr. RICHARDSON of Tennessee. I do not say that it is; I do not vouch for it, and I am not going to attempt to answer the denunciations of your colleague from Illinois [Mr. CANNON], who says this man is a thief, an admitted thief; but this record shows that he was the trusted agent of Denmark, and it shows one Department of this Administration, the Secretary of State, used him to introduce our minister, Mr. White, at the court of Denmark.

Mr. CANNON. Mr. Speaker, just one word, and then I will ask for a vote. I never heard of this man Christmas until now. I have no knowledge or information about him, but, on his bare statement, he is a briber and worse than a briber; a thief; that is what I said.

Mr. RICHARDSON of Tennessee. What does the gentleman think if our Secretary of State sent a man like that with our minister from London to Denmark?

Mr. CANNON. Oh, the gentleman is not fair to our Secretary of State.

Mr. RICHARDSON of Tennessee. I am not unfair. I do not want to be unfair, or to have you put me in that category.

Mr. CANNON. Even upon his own statements, he states—or this man states, and he indorses it—that he came as a secret agent of Denmark—diplomatic—and that the Secretary of State, taking him at his word, told him to go to our representative in London and he would go with him to make these negotiations, and therefore the gentleman says artfully—

Mr. RICHARDSON of Tennessee. Oh, no; it is no art of mine.

Mr. CANNON. That the Secretary made him our agent. Now, Mr. Speaker, one word. I do not know what the fact is

about this matter. If there is anything that ought to be investigated, I am for investigating it; if there is anything in this resolution that is omitted, it ought to be inserted. If there is anything in it that ought to be stricken out, it goes without saying that it ought to be stricken out. It is brought this morning before us, a long document that the gentleman does not read nor purport to read—

Mr. UNDERWOOD. Will the gentleman from Illinois allow me a question?

Mr. CANNON. One moment. With a lot of newspaper extracts, and they are to go into the RECORD in toto. Now, then, when this investigation begins, it ought to begin on a proper resolution. Therefore, in common justice, in common fairness, and in common discretion, in my judgment, this matter should go over until to-morrow. It can go into the RECORD and we can have an opportunity to read it, and then, in the light of that information, each individual member of the House can be in condition to act intelligently. The gentleman is not more swift than I am—neither of the gentlemen—to investigate all things that affect Federal officials or the American Congress.

I ask a vote upon my motion.

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman permit me?

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. For a question.

Mr. CANNON. I yield for a question.

Mr. RICHARDSON of Tennessee. The gentleman imputes to me some art in what I said about the Secretary of State. Now, I said, Mr. Speaker, that the Secretary of State must have known from the 28th of January until the 17th of February, that these reports were being printed in Denmark papers, and I did say that I thought the Secretary of State should have called the attention of the Senate to it, and if that is a reflection on the Secretary of State, I stand by it. I should like to ask the gentleman if he does not think that the Secretary of State should have called the attention of the United States Senate to the fact that \$500,000 of this purchase-price money was to be used for corrupt purposes, as alleged, whether truthfully or falsely.

Mr. CANNON. I do not know that the \$500,000 was used. I do not know anything about it, and until I do know more than the gentleman from Tennessee seeks to know I will not rise in my place and seek to cast dishonor upon any man connected with the Government.

Mr. RICHARDSON of Tennessee. Why, Mr. Speaker, I submit to the gentleman that the passage of the resolution does not reflect on anybody. We are seeking to keep them from being reflected on. I hope the motion will be voted down, and that gentlemen who are anxious to come to the relief of the American Congress will show it by voting down the motion.

Mr. CANNON. Ah, the gentleman fears the reading of the document in full by all the members of the House which he read extracts from.

Mr. RICHARDSON of Tennessee. That statement of the gentleman from Illinois is not true, and I ask now, before we vote upon it—I have asked and I repeat it—I ask unanimous consent now, Mr. Speaker, that this full report be read at the desk.

Several Members objected.

Mr. RICHARDSON of Tennessee. I prefer that you act upon the full report and not upon my own statements.

Mr. CANNON. It will keep until to-morrow.

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. CANNON], that the consideration of the resolution be postponed until to-morrow, Friday.

The motion was rejected.

The SPEAKER. The question is on agreeing to the resolution of the gentleman from Tennessee.

Mr. MERCER. Mr. Speaker, I think in all fairness that we should have the resolution and document read.

Mr. SULZER. Regular order, Mr. Speaker.

Mr. MERCER. I ask unanimous consent that it be read now.

Mr. PAYNE. Mr. Speaker, I understand it (the resolution) has been amended by the gentleman from Tennessee since it has been read in the House. I understand the preamble has been amended. The gentleman took it for that purpose, at the suggestion of the gentleman from Illinois [Mr. HITT].

Mr. RICHARDSON of Tennessee. I added the word which the gentleman from Illinois [Mr. HITT] asked me to add. I added the word "alleged."

The SPEAKER. The House is clearly entitled to have it read. The Clerk will report the resolution.

Mr. LACEY. Mr. Speaker, I ask unanimous consent again, as we are to vote on this matter, that the full report be now read. Objection was made a while ago with the idea of the matter going over, but we ought to hear this full report. I mean the full report on which the gentleman bases his resolution.



The SPEAKER. The resolution will first be reported, as requested.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I will state that the word "alleged" may not appear there as often as the gentleman from Illinois wishes. If not, it can be inserted.

The SPEAKER. The House will be in order while the Clerk reports the resolution as amended. The Clerk will read.

The Clerk read as follows:

Whereas one Walter Christmas, a subject of Denmark, who is now and who has been for several years an alleged diplomatic agent and representative of the Government of Denmark, authorized and empowered to negotiate with the Government of the United States for the sale of the Danish West Indian Islands to the United States, and who was also the alleged agent of the United States for the purchase of said islands, has submitted a secret and confidential report to his own Government; and

Whereas the said Christmas, agent and representative, as aforesaid, in his said report to his said Government declares and sets forth, among other things, the fact that the Government of Denmark—

Mr. HITT. Stop right there. The essence is right there in the assertion that he has made the report. It should be "alleged" to have made a report.

Mr. RICHARDSON of Tennessee. I have no objection to that.

Mr. HITT. That word should go in right there.

The Clerk read as follows:

Whereas the said Christmas, agent and representative as aforesaid, in his said alleged report—

The Clerk continued to read as follows—

has contracted, agreed, and obligated itself to pay and turn over to him, the said Christmas, 10 per cent, or about \$500,000, of the proceeds of the purchase money arising from the sale of said islands to the United States, when the same shall have been paid by the United States to Denmark, for the express purpose, as has been declared and set forth by him in his said secret report to his Government, for the bribing of members of the United States Congress and other prominent citizens of this country, and for subsidizing American newspapers, to the end that the pending treaty between the United States and Denmark for the sale of the islands by the latter to the former Government may be so consummated; and

Mr. HITT. No. Whereas it is "alleged" that it is declared. That is what it should declare.

Mr. RICHARDSON of Tennessee. I have no objection to putting the words in, and I am willing that the gentleman from Illinois shall insert the words himself.

The Clerk read as follows:

In his alleged secret report.

Mr. PAYNE. If the gentleman will add the words "it is alleged" after each of the whereases it will cover the matter.

Mr. RICHARDSON of Tennessee. This is a matter to be investigated, and I do not want any snap judgment on it.

The SPEAKER. That correction will be made, if there be no objection, after each whereas.

There was no objection.

Mr. LACEY. I would call attention, further, to the fact that the attack is not made on American newspapers, but certain press associations, and you are investigating the whole of the American newspapers.

Mr. RICHARDSON of Tennessee. The Speaker held that we do not investigate the newspapers anyway.

Mr. LACEY. The resolution does not conform with the facts as stated.

The SPEAKER. The Chair desires to correct the gentleman from Tennessee. The Chair did not so hold.

Mr. RICHARDSON of Tennessee. I so understood.

The SPEAKER. Not at all.

Mr. LACEY. The resolutions ought to conform to the facts as the gentleman alleges them to be, as alleged.

Mr. RICHARDSON of Tennessee. I am of the opinion that the word "newspaper" is used in Mr. Christmas's report, and in some places "press associations," but, Mr. Speaker, where "newspapers" appear I ask to add "or press associations."

The SPEAKER. This change will be made. Does that cover the matter desired to be read by the gentleman from Illinois [Mr. HITT]?

Mr. WANGER. I would like to hear the first whereas read.

The SPEAKER. Without objection, this will be read again.

The Clerk read as follows:

Whereas it is alleged that one Walter Christmas, a subject of Denmark, who is now and who has been for several years an alleged diplomatic agent and representative of the Government of Denmark, authorized and empowered to negotiate with the Government of the United States for the sale of the Danish West Indian Islands to the United States, and who was also the alleged agent of the United States for the purchase of said islands, has submitted a secret and confidential report to his own Government.

The SPEAKER. The question is on agreeing to the resolution. The question was taken; and the resolution was agreed to.

The SPEAKER. The Chair announces the following committee of investigation: Mr. DALZELL, Mr. HITT, Mr. COUSINS, Mr. MCCALL, Mr. RICHARDSON of Tennessee, Mr. DINSMORE, and Mr. COWHERD.

*Report to the Danish Government from Capt. W. Christmas, Dirckinck Holmfeldt, October 1, 1900.*

*To the Danish Government:*

As early as May 4, this year, I permitted myself to hand over to his excellency the prime minister a report of my work in the affair of the Danish West Indian Islands, while at the same time I requested that there might later be given me the opportunity of more fully explaining the case in person. Since in the meantime no such opportunity has been afforded me by his excellency, there remains no other way open to me than by a renewed request to attempt to secure the high Government's attention to this matter.

I believe it necessary to express myself as explicitly as possible with regard to all the details, as I am anxious to give an accurate and complete picture of what has happened to me in this affair, an affair about which I dare believe it will be understood has been one of honor and for the highest good, in which, therefore, I believe I owe those men who have assisted me, no less than myself, as clear a presentation as possible of all the relations and conditions pertaining to it, without which it will be impossible for my efforts to receive fair judgment.

#### INTRODUCTION.

In order to explain how I, on the whole, came to interest myself in the sale of the West Indian Islands, let me briefly show how these islands, ever since my childhood, have played a rôle in my life and how circumstances have constantly kept my interest in them awake.

My family's economical situation has been closely connected with our colonies in the West Indies. My grandfather, Admiral Christmas, was in his time a very wealthy man. He invested his whole fortune in plantations on St. Croix, which in the beginning gave him a large income. The liberation of the slaves gave him and the other plantation owners a severe injury, which he never got over. At his death he was ruined, and the State took over his plantations. No wonder, then, that my interest in the West Indian colonies was early aroused. As second lieutenant I sailed down there on board a koffardimand and remained on the islands about six months.

I have since, both in men-of-war and privately, visited the islands seven times in the last ten years. I have seen how the plantation owners have become gradually impoverished, how one business firm after another has failed, and how shipping has been reduced. Often I have prepared plans for the betterment of the conditions on the islands. I have tried to establish a steamship connection between St. Thomas and St. Croix. I have worked out and sent to the Government a proposition for a more economical rule (or government) of the islands, and I have tried to start a company for the purpose of making use of the fertile soil on St. Johns by the help of Chinese coolies, but without success, since never have I met in this country any interest for the West Indian colonies. All have skeptically shrugged their shoulders whenever future possibilities for the distant islands were suggested. Without exception all have (at any rate heretofore) expressed the opinion that the islands' only future lay in annexation to the United States.

By studying the old West Indian literature, especially that touching the Danish Islands, I saw that the English, in the beginning of the century, won the colonies and appear to have had the intention of uniting them to the English West Indies. It was the intention of the English to establish a naval station at St. Thomas, but changed this plan when they discovered the large harbor on the east side of the St. Johns. Two English ships were sent into Coral Bay, the whole harbor was carefully measured, and a chart made of it. In the English naval chart archives may still be found the large chart showing what a splendid, deep, excellently protected, and clean harbor St. Johns has, especially adapted to a naval or war station, as batteries or forts can be placed on far-extending peninsulas and on Bock Island, which absolutely protects the entrance. I got the idea that that harbor could be made a new and important source of income to the colonies. I decided to attempt to get established a large and modern harbor, where nature had pointed out such a good place and such excellent conditions. I did not doubt but that good use could be made of such a harbor, since the West Indies, as far as harbors are concerned, is the poorest archipelago in the whole world.

#### THE HARBOR PROJECT AND ITS RESULT.

In the fall of 1898 I went to the West Indies and examined the conditions on St. Johns. This island has but very few plantations, but the numerous ruins of large stone houses and mills which lie scattered between grassy paths and shrubs remind one of former culture and the soil's fertility. There is to be found splendid grass plains for cattle and extensive woods containing valuable species of wood. I got a large amount of the island's land upon my hand and returned to Copenhagen to secure money for my project of buying the land and using it and for putting the harbor in order for receiving ships.

I worked upon that for several months; secured also a loan of money from different persons interested in my undertaking, but failed to secure enough capital to carry my plan through. I was then advised to seek capital in Germany, and that in a short time I succeeded in doing in Berlin. A syndicate was formed, and I went again to the West Indies, this time in order to study the conditions on the English and French islands and for the purpose of measuring and making a chart of the harbor on St. Johns. This I accomplished in the spring of 1899 and returned to Berlin with chart and plans.

The German syndicate that in the meantime had established itself was "Die Kolonial und Handelsgesellschaft St. Jun," and had laid large plans for bringing the island in under the German sphere of interest by first buying up all the land and afterwards to put the harbor in order for German commercial ships and men-of-war. The plan had been presented to authorities of the German navy, who seemed to look upon it with favor, for just as desirable as it was for Germany to secure a foothold in the West Indies, so impossible did it seem if they should proceed openly by offering Denmark to buy the islands, for it was known that America would never allow another European power to establish itself in the West Indies. On the other hand it seemed possible that Germany, through the indirect way, as proposed by the Company St. Jun, could make use of the newly made harbor and gradually, as time would pass, secure control over the harbor and over the whole island.

I could have no scruples in working for that plan, since nothing could happen without the knowledge and consent of the Danish Government. To a degree it would be necessary that the directions of such a harbor company should be Danish, and leave its seat in Denmark.

The plan was, as already stated, adherence at the highest places, and it was attempted to get the Hamburg-American Line, which had about 60 steamers running in the West Indies, to take up the affair. That company's director, Mr. Ballin, had several conferences with the St. Jun Company director, Admiral Zirkón. Herr Ballin requested certain guaranties of the Government, which it hesitated to give, and the negotiations proceeded very slowly.

On my return from the West Indies the directors of the "Company St. Jun" asked me to go to Denmark to seek the Danish minister of finance, with a view of securing such concessions as to make the establishment of the new harbor possible.

In June, 1899, I sought Herr Schlichtkrull, department chief in the ministry of finance, and later the minister of finance, Horning, and presented to them both the plan, and at the same time explained to them how the situation had evolved itself. The minister was not disposed to give concessions or permission to establish a new harbor, and he expressed as his opinion that



the only thing which could be done for the West Indian Islands was to transfer them to America. Such a transfer would, in the opinion of the minister, be the final outcome. I informed the German syndicate of the result of my interview with the minister of finance, and secured an agreement whereby I would be able to do as I might think best in the project of establishing the harbor in return for paying the syndicate a sum of money.

During the summer of 1899 I found out, quite by chance, that a circle of men in this country, in connection with some Americans, had, in 1897, attempted to effect a transfer of the West Indian colonies to America. That committee consisted of General Bahnson, Captain Bluhme, Redaktor Corstensen, Count Frijs, Folkethingsmand Christopher Hage, Fabrikejer Hagemann, Atatsraad Gustav Hansen, Højesteretsrægt Octavius Hansen, and Redaktor Hörup. The committee, through a native Dane, Mr. Neils Grön, stood in touch with a number of American financiers, Mr. H. H. Rogers, Mr. Flint, etc.

As already noted, the patriotic motive of this committee was to effect the transfer of the West Indian Islands to the United States. It worked with the knowledge and full authority of the Danish minister of finance, and the minister had given his consent to let the committee dispose of 10 per cent of the sales price for furthering the project, since it was taken for granted that the political conditions in America were such that an affair like the sale of the islands could not be carried through without a substantial expenditure of money.

Upon Mr. Hagemann's proposition, Mr. Neils Grön, in the name of the Danish committee, was to apply to Mr. H. H. Rogers for his assistance, and Mr. Rogers declared himself willing to put the matter through Congress on the condition that he be authorized to dispose of 10 per cent of the price. It was further arranged that the banking house of J. Pierpont Morgan in New York and Privatbanken in Copenhagen should represent the Danish Government. The first-named banking house should receive the sum from the American Treasury and deliver it to Privatbanken less 10 per cent, the commission to be paid to America. The work of the committee came to nothing, because the breaking out of the Spanish-American war stopped negotiations, which were not resumed later. But the committee still existed, inasmuch as it had never dissolved itself formally, and its subcommittee, consisting of General Bahnson, Herr Hagemann, and the chairman of the committee, Etatsraad Gustav Hansen, kept in constant touch with the American syndicate through Mr. Neils Grön. This I discovered later, as when I went to America I thought the above-mentioned committee had long before given up the project of sale, and on the whole no longer existed.

When I decided to take up the question of a sale, I presented myself to Department Chief Schlichtkrull and laid before him my plans. Herr Schlichtkrull expressed it as his conviction that my plan would find recognition if it could be carried through, since it was clear to the Government that it was best to hand over the islands, and the department chief expressed besides that there would hardly be any difficulty in getting the right to dispose of the 10 per cent commission, as the previously mentioned committee had had. Department chief inquired of the minister if he would receive me, and on the following day I called on the prime minister.

The minister assumed a very skeptical position toward my project, since, evidently, he did not believe that I could accomplish anything in America. What I specially desired was to get permission to dispose of the same amount of money as the committee three years before and to secure a statement as to the amount Denmark would be willing to accept for the West Indian Islands.

The prime minister assumed a very distant attitude as regards the first question, and said that if my plan succeeded could I (this expression his excellency used) figure upon the same support as the committee. His excellency expressed himself with greater force than I wish to report—his abhorrence for the political situation in America, which made it necessary to offer money in order to bring a political action, like that of transferring the islands, to a successful termination, but that he had long ago discovered the necessity for making such a money sacrifice, and he was ready to grant it. As to the amount desired for the islands, the minister did not wish to commit himself. He said:

"I can surely not then give you the islands in hands that would be quite contrary to all feelings of dignity."

And later:

"On the whole, it is not the idea to sell the islands. To that thought is His Majesty opposed. What could be done is to arrange a transfer on such conditions that we sustain no loss, but it must not appear that we sell."

When I left the minister he said:

"I must honestly admit that I can not see how you can accomplish your project; but, of course I can not forbid you making the attempt, especially since the undertaking can become of value to the country. One can not cast away the private intuition which is necessary, especially here, when the Government can do nothing. It must constantly be remembered that what must be done is to get the American Government to take the first step toward acquiring the islands. The Danish Government is absolutely ignorant of your journey and undertaking."

From that conversation I considered myself at liberty to draw the following conclusion:

- (1) The Danish prime minister and minister of finance desires nothing better than the transfer of the islands on conditions fair to the inhabitants.
- (2) The minister considers it necessary and is willing to place a portion of the sales price to further negotiations in question at the disposition of "the private initiative."
- (3) "The minister will accept a sum of money for the islands which will cover all expenses, the Colonial debt pension, etc., so that the country get out of the affair without loss."
- (4) That my object was to get the American Government to take the first step without having the Danish Government officially even suspect anything of my undertaking. I dare insist that my understanding of the four points was correct, and I have strictly kept to them point for point, as the following will show.

#### MY TRIP TO WASHINGTON.

In October, 1899, I went to America via London. I had no connections there, and not as much as a letter of introduction, but I had a decided opinion as to how I should manage, and I had good cards on hand.

(1) On President McKinley's platform in 1896, together with a few reforms of vital interest to the Union, was expressed the desire of securing the Danish West Indies Islands. The President and his followers, the Republicans, naturally, therefore, must consider the acquirement of our islands as being important, and therefore it would hardly become difficult for me to interest the Government in Washington in my plans.

(2) I knew the sentiments of Americans against Germany and their anxiety as regards an attack upon the Monroe doctrine. I could clearly show that the idea of securing directly or indirectly the Danish Islands was not strange in influential circles in Germany.

(3) I knew that the Americans desired to establish a strong naval harbor in the West Indian waters. On the independent Cuba that could not be done. Porto Rico does not own a single good harbor, but America had nevertheless chosen San Juan in Porto Rico as the best place, and had voted \$3,000,000 to improve the harbor. (That project was stopped after I had been in Washington.) St. Thomas Harbor is neither large enough nor especially suited for a

naval station, whereas the harbor on the east side of St. John complies with all the requirements of that harbor. I made a chart, and I felt confident that just that harbor would open the eyes of the Americans to the value of our islands.

All three suppositions proved themselves to be absolutely correct.

From among the many banking houses in New York I chose the firm of I. & W. Seligman as one of the most recognized and most respected, and which at the same time stood in close touch with the Government. The house Seligman is there the American's Naval Department special financiers, and is often used by the Administration in Washington to handle large money transactions. I have never had occasion to regret that selection. Since it was necessary for me to secure an introduction to President McKinley, Mr. Seligman secured me the same through a friend of the President, a wealthy shipbuilder of San Francisco, Mr. Scott.

Besides, I made the acquaintance of the President's brother, Mr. Abner McKinley, who is a lawyer, and has a business in New York, together with a Colonel Brown. These two gentlemen are only very little respected, and their business, which specially consists in securing certain firms' contracts and concessions from the Government, is without question anything but nice, but both Mr. Brown and Mr. Abner McKinley have the entrée to the White House in Washington. They know most accurately all the winding paths through Congress, and are well informed as to what members of Congress must be paid, as well as to the method which must be used to accomplish it.

As the situation was, I could not be too particular in the choice of my assistants, and I must say that the gentlemen, Mr. Brown and Abner McKinley, have rendered me excellent assistance.

Ten days after my arrival in New York I was informed that Mr. Scott had secured me an introduction to the President, and that he awaited me. I went to Washington, and obtained an audience with the President, who received me most cordially. I informed him of the object of my visit, while I pointed to his platform of 1896, and expressed it as my personal conviction that the Danish Government would scarcely refuse to consider with favor a proposition from the Americans for the transfer of the islands on conditions which should prove fair to the inhabitants of the colonies. I made it clear that I acted entirely on my own responsibility, had no connection with the Danish Government, and told my motive was simply my own pecuniary interest in such a sale.

The President admitted that he had always considered it natural and right that America should take over the islands, which, as he expressed himself, had for a long time been on the market. I made sure of that expression to remark that I had every reason to believe that the Danish King would never allow his colonies "to be on the market;" that His Majesty, on the other hand, found it out of harmony with the dignity of the country to sell any part of the land, but that it would be of much economic advantage to the islands to get it under the large Republic, and since His Majesty has only the good of his subjects at heart, do I feel sure that the King will not oppose any arrangement which will give to the Danish Islands such advantages as the natural harbor of the West Indian waters, the United States can offer them.

The President closed the audience when there were announced six Indian chiefs. He requested me to seek Secretary Hay the following day and to discuss the matter further with him, and thanked me for the visit.

The next morning I was received by Mr. Hay in the foreign ministry. I had taken with me my large chart of the harbor of St. John and a pamphlet I had written on the conditions in the West Indies, the fertility of the islands, the harbor conditions, etc.—in short, all which could make the Americans desirous of buying the islands. Mr. Hay, however, did not need much information. He appeared to know all regarding the islands; also that a Danish committee had sought to secure the Government's interest for the sale three years before. Mr. Hay was well informed as regards the unfortunate pecuniary status of the islands, and asked why Denmark did not permit the colonies to export sugar duty free to the mother country. When I laid my chart of St. John's Harbor on the table, it at once caught his interest. He asked me why it was that Denmark had so far neglected so excellent a national harbor as not even to have it marked off by buoys, etc.

I said that we had enough in St. Thomas Harbor which was quite good. Mr. Hay did not appear to take special interest in St. Thomas Harbor. He constantly returned to the harbor of St. John, and evidently believed my chart to be very unreliable. I showed him how much that harbor was thought of by others, and that if America did not care for it then it would interest Germany so much the more. That made a strong impression on Mr. Hay. He became actually very excited when he learned that a German company had contemplated making use of the harbor and of buying the whole island. Once he exclaimed: "They are trying to sneak into the West Indies, are they?"

When I was through reading the papers showing the above, he requested that he might be permitted to keep them and my chart while he thought over the affair. He got my address, and I went. The next morning early I was called up to Mr. Hay. That time Admiral Bradford, Chief of the Navigation Department, was present. My chart lay on the writing table, and both by Mr. Hay and Mr. Bradford I was cross-examined for about an hour. It was evident that the interest in the Danish West Indian Islands was advancing.

The next day I went to New York, where I remained until November 20, on which day I received a written request to come to Mr. Hay. Mr. Hay immediately told me that he had had investigations made both as regards the German company on St. Johns and my chart, that my representations had been proven correct, and that he would now take steps to begin negotiations with the Danish Government for securing the Danish colonies.

I asked him to remember that the Danish Government knew nothing of my visit to Washington, to which he replied that he could make no mistake as to my position, since I myself had declared not to possess credentials of any kind, but that Mr. Hay would highly appreciate it if I personally would accompany a trusted diplomat to Copenhagen and secure for him a secret meeting with the chief of the Danish Government.

Admiral Bradford said: "I have sent in my report of the Danish West Indian Islands, and especially over St. Johns Harbor. I can tell you that my report could not be more favorable to your plans," and the Admiral followed me out in the hall and said: "I will let you know that I not only wish the islands for the Navy, but I intend to demand them."

On the 28th November I received two letters from Foreign Minister Hay, in one of which he informed me that he had written to the ambassador in London about my early arrival. The other was an introduction to the ambassador in London, Mr. Choate.

I could first get away on the steamer sailing December 4, and as a friend of mine, Mr. W. G. Pedersen, had started on the 29th of November, I delivered to him a primary report to the prime minister, at the same time requested him personally to inform the foreign minister, both of which he did.

When I, on the 12th of December, announced myself to the American ambassador in London, Mr. Choate had already received information as to my mission from Mr. Hay, who had given orders that the first secretary to the legation, Mr. White, should incognito go with me to Copenhagen and there confer with the Danish Government about the transfer of the islands. Mr. White's



wife was in the meantime very ill, and he had gone south with her, but had not come farther than Dover, where he awaited a good crossing over the Channel. I decided immediately to go to Dover. Mr. Choate had received instructions from Mr. Hay to keep secret, if possible, the conferences about the sale of the islands. Mr. Choate proposed that Mr. White should meet the Danish minister some place outside of Copenhagen, to which I replied that the minister himself must decide that, but that I would make the proposal. The proposal, however, was not accepted. On the same day I arrived in London I went over to Dover, where I met Mr. White. The next morning we went together to Paris, where we parted. White brought his wife to Bordighera, and I went to Copenhagen.

Mr. White kept me assured of his movements by telegraph, and on the 9th of December he arrived in Copenhagen.

#### IN COPENHAGEN.

In the forenoon of the 16th December I arrived at Copenhagen. Dr. F. Hansen, son of Etatsraad G. Hansen, who had traveled with me from New York, where to some extent he assisted me as secretary during my activity for the sale of the islands, had arrived in Copenhagen two days before me. Mr. Hansen had, without my knowledge and desire, sought an audience with His Royal Highness the Crown Prince, in order to inform him of my arrival with an American diplomat.

Dr. Hansen has concisely written some of his recollections about several personal happenings. I quote therefrom the following:

"As regards what has happened in America, I can add nothing above what Captain Christmas has already stated. I visited Mr. Hay in Washington one of the last days in November for the purpose of obtaining some papers, and he requested me specially not to say anything about the affair to the American minister in Copenhagen. On the homeward journey I parted from Captain Christmas in London, since he went to Dover to meet Mr. White, and I went directly to Copenhagen. On my arrival here I immediately sought an audience with the Crown Prince, who at that time was Regent during the King's absence. I told him exactly all that had happened to us during our stay in America, about the United States Government's strong desire to get the matter through and about Mr. White's early visit to Copenhagen. His Royal Highness expressed his doubt as regards the possibility of bringing the matter to an early termination. It has several times failed just as it was almost completed. That it would not be safe to be too hopeful before the matter was entirely finished, although it would greatly please His Royal Highness if I should be proven right in my optimistic view, that Captain Christmas had actually been able to put the matter through."

"About a week after I was informed that Gehejmekonferentsraad Vedel to a private person (Generalinde Bruun f. Bluhme) had expressed his disapproval of the fact that I went about and told that I had something to do with the sale of the Danish West Indian Islands. Since I knew that I was absolutely not guilty of any indiscretion, and that His Royal Highness the Crown Prince was the only one with whom I had discussed the affair, I sought Gehejmekonferentsraaden to get the mistake corrected, and on that occasion had a prolonged conversation with Gehejmekonferentsraaden. It appeared that he actually had entertained the idea as above expressed."

"He admitted, however, his mistake after hearing my presentation of the affair. Gehejmekonferentsraad Vedel appeared in the beginning to feel strongly against the idea of having Captain Christmas having anything to do with the affair. It appeared, however, that His Excellency changed his mind slightly after I had more closely informed him of the circumstances, especially after he had heard of Christmas's relation to the prime minister, Mr. Hørring, and about the accomplished results, viz, Mr. White's visit to Copenhagen."

So much for Dr. Hansen's report.

Gehejmeraad Vedel had, however, as above said, expressed himself with indignation about my efforts in America to Generalinde Bruun, who evidently believed that I had taken the affair out of her son's (Kammerherre Bruun, in Washington) hands, and at once wrote and told him the whole affair, which should have been kept secret. This was the reason for and the beginning of Mr. Bruun's jealousy and enmity toward me, feelings which he, even in affairs of so great importance, could not control while I worked for the Danish Government in America.

Two hours after my arrival in Copenhagen I presented myself to the prime minister in the treasury department. The minister received me very cordially and was greatly interested in hearing how the affair had evolved itself, and about Mr. White's expected arrival. The minister said:

"Well, thanks to God, that the sale now can be brought about, I must compliment you for what you have accomplished. I had really not believed that it would have been possible for you."

The minister would not agree to meet Mr. White either in Roskilde or in Malmö. "I can not see what is the use of all that secrecy. The meeting must naturally take place here in the foreign ministry." Some time after His Excellency asked what language I thought Mr. White could use. I answered that besides English I knew he could talk excellent French, which I had experienced in Paris. The minister replied: "It is too bad that of those two languages I am not at all familiar." I: "It is possible that Mr. White understands German." The minister: "German I understand quite well; that is, I can read, but I lack entirely the practice in speaking it." The minister ended up by proposing that the foreign minister, Mr. Ravn, should meet Mr. White instead of himself.

The prime minister asked me about the conditions. I informed him then how I had insisted upon both over for President McKinley and over for the foreign minister in Washington that the Danish Government would not in any way make a business out of the islands, and would only consent to a transfer on such terms that Denmark should not sustain a loss. I had said as my opinion that the sum would likely come up to about three and a half million dollars, but I said to the prime minister that the American Government would be sure to give more if it was demanded. The minister said: "We can hardly do it for less than \$4,000,000," to which I replied that it would be sufficient to show Mr. White that, and the size of the sum would play an unimportant part.

I then touched upon the question of the commission and pointed out how I, in conformity with the minister's expressions to me before my departure, had allowed myself to make use of the same 10 per cent which the former committee had had a right to dispose of. I gave the minister frankly the information that I had promised, besides others, President McKinley's brother and his partner a certain sum. Besides, I had bound to me two press associations, one in Washington and one in New York, and that I had an understanding with the banking firm, I. & W. Seligman & Co. that they were to assist me, all, of course, upon the conditions that the sale of the islands took place.

The minister expressed that he found the political conditions in America horrible, but "that it had been known for a long time, and I can let you dispose of the 10 per cent, but not any more." His excellency asked me what I thought I would make out of the affair. I replied that it hardly would be very much. His excellency: "That you must certainly try to arrange, for more than the 10 per cent I can not secure you, and it would be too bad if you should secure nothing for yourself." I: "If it should come short (for 10 per cent is not very much to use for such an undertaking), would it not be possible

for your excellency to secure me some from home?" His excellency: "That I can not guarantee you. I can only promise you to do my best in that way; but you know very well how narrow-minded are the peasant members of the Rigsdag." The minister asked me if I was personally acquainted with the committee, and proposed that I should meet with the members of it. His excellency said:

"The committee will surely take the greatest interest in the undertaking. They are excellent people; especially Mr. Hagemann can be of great assistance. He is well acquainted with American conditions. It will be of great assistance both to you and to me if the negotiations are supported by the committee."

I promised to put myself in touch with the committee immediately. As one will see from the above, I had every reason to be satisfied. The prime minister had on no point disavowed me. He had complimented me for what I had accomplished; had expressed himself willing to negotiate with the American representative upon the same basis as was mentioned in Washington. The islands should not be sold, but transferred to America, on the condition that Denmark sustained no pecuniary loss. The minister had given me right to dispose of 10 per cent of the commission and had even promised to do his best to secure for me a commission besides what I could make out of the 10 per cent.

Etatsraad G. Hansen's son, Dr. Folmer Hansen, applied in my name to his father, the committee's chairman, and requested a meeting. That was brought about the next evening, though only the subcommittee met, since several of the members were absent from the city. The subcommittee consisted of the chairman, Etatsraad G. Hansen, General Bahnson, and Fabrikker Hagemann.

The chairman, and afterwards Mr. Hagemann, expressed themselves satisfied with what I had accomplished, complimented me on that point, and afterwards we discussed what was further to be done. It was agreed upon that a new plan had been adopted for accomplishing the sale of the islands, brought forward by a new man, and based upon new chances—as, for example, the new harbor on St. John—but that the aim was the same as when the committee worked, as well as the means for accomplishing the result, viz, the 10 per cent commission. As regards that point, none of those present had entertained the slightest doubt, and that is best shown by the fact that the gentlemen unanimously advised me to effect a relation with the American members of the syndicate, the gentlemen Gron and Rogers, in part for the purpose of giving over a proper portion of the commission to them. Not only would it be dangerous to secure those gentlemen's enmity, but their assistance would to a high degree further the undertaking. Especially Mr. Gron had done a great deal of work for the sale of the islands before, and therefore had a right to consider himself entitled to a pecuniary advantage. I felt convinced of the accuracy of all that, and wished no thing more than the opportunity of working together with Gron and Rogers. I promised to offer to them as much as was possible of the 10 per cent.

Later it will appear that I offered to them over half of the commission—namely, \$200,000.

Etatsraad G. Hansen offered to give me a letter to Mr. Gron and Fabrikker Hagemann and one to Mr. Rogers.

We next discussed Mr. White's expected arrival and his conference with the foreign minister, and Mr. Hagemann then showed how important it was that the islands were admitted into the American tariff union. I promised to talk with Mr. White concerning that. Of our conference that evening, as well as later, a report was made in the committee's journal by Etatsraad G. Hansen personally. It will therefore be easy to have confirmed if my statements are true.

On the evening of December 19 Mr. White arrived, and I drove him to the Hotel Phoenix, where during his stay he was my guest. In order to remain as much as possible incognito, I gave his name as "Schwartzkopf, from Berlin." That precaution, however, was not worth much, since a couple of times daily he received telegrams under his right name from his wife at Bordighera. In the meantime he visited no one here, not even the American minister. He was always in my presence. The only ones who recognized him was Baron Reedtz Thott and Baroness Reedtz Thott, who one day sat at the table next to us at the hotel.

On the 20th took place the meeting at the foreign ministry, but before that Mr. White came to my room and requested instructions on different points that might be brought up in the conference. I still hold a piece of paper upon which he had written down three points, to which I added the question of the tariff; unfortunately to no avail, since the foreign minister forgot entirely to mention it, and Mr. White did not feel himself under obligation to offer better conditions than were demanded from the Danish side.

For the sake of precaution I asked Mr. White how he intended to introduce the conversation, and he replied: "Why, of course, I will tell him that as Denmark wishes to get rid of the islands we might buy them at a reasonable price."

I tried to make him understand that that was the very worst thing he could say, and he promised to begin thus: "That the United States Government, under the just inaugurated colonial-expansion policy, had discovered the advantages which America could secure from acquiring the Danish West Indian Islands, but that naturally the American Government could not possibly under any circumstances intimate to Denmark their possible willingness to buy them before secretly they had secured from the Danish Government the intimation that they were willing to part with their colonies."

Mr. White assured me after the conference that he had used the very words I have said above, and added: "I never saw a man smile like the old fellow when I had given him just your words, so I think they were exactly what he wanted."

I accompanied Mr. White to the foreign ministry and presented him to his excellency. Since I remained in the antechamber, I do not know what took place, except from Mr. White's report, and, since he was in a rather playful mood, I will not repeat his report, except in an abbreviated form.

The minister had declared himself willing to negotiate with America about the transfer of the islands upon such a basis that Denmark should receive enough to cover the colonial debt and the expenses to pensions, etc. To Mr. White's question as to the size of the sum, the minister replied that it would perhaps come to between \$4,000,000 and \$5,000,000. That gave the American later an opportunity playfully to say, "The old fellow was not much of a business man. Why didn't he ask \$4,000,000 or \$5,000,000? Of course he can not expect us to give him more than \$4,000,000 after that."

During the conference Kmhr. Krag was called, and he and Mr. White then went into the archives, where the necessary material from the minister of finance was to be obtained, so that Mr. White could take notes of the islands' budget, debts, pensions, Crown estates, etc.

Under that adjournment of the conference, Minister Hørring, accompanied by Department Chief Schlichtkrull, came in to find out how the meeting had resulted. Both appeared well satisfied when they later passed through the antechamber where I stood, and the minister said a couple of friendly words to me.

After Mr. White came out from the archives he remained for a short time with the minister. The conference lasted about an hour. We then took a long walk together, during which Mr. White recounted to me the whole of the conversation with the minister and Mr. Krag.



Mr. White was very well satisfied with the result of his journey, and he expressed it as his conviction that the islands before one year would be American. He said: "The price is not at all the question; but as your Government won't make any bargain, why, of course we don't wish to pay more than necessary. It is a very fine feeling (not to wish to sell the islands). We Americans are more in the business line, don't you know. We hardly understand those feelings." Mr. White departed that evening.

When on the following evening I met with the subcommittee I informed them of Mr. White's report of the conference, and especially that the tariff question had not at all been discussed. Mr. Hagemann was very angry about that, as well as the other gentleman, and found that it was absolutely a scandal that the most important point had been forgotten. He predicted that there would spring up a strong sentiment against the sale of the islands if the colonies did not get free trade with America.

Mr. Hagemann was certainly right therein, for if the sugar from the islands could be sold on the American market without duty the property there would rise in price 40 per cent. I offered then to telegraph Mr. White and request him to add to his report to Mr. Hay in Washington the demand for free trade. That request was accepted. Mr. White answered by telegraph that the desire would be complied with. A letter to me from Mr. Hagemann of December 27, 1899, shows the importance he places on the question of free trade for West Indian Islands. He writes: "Thanks for the information as regards Mr. White's report. It was fortunate that the most important point of all was considered from the beginning."

I have during my whole work in the affair of the West Indian Islands sought assistance and counsel from a lawyer to the supreme court, Mr. Salomon. It is therefore quite natural that I at the time, while I was constantly conferring with the prime minister (naturally keeping Mr. Salomon constantly informed of such conferences), should several times request Mr. Salomon in my stead to talk to the prime minister, to whom I had, with Mr. Salomon's consent, expressed the fact that he was my adviser. Mr. Salomon answered my request that he naturally would be ready to seek the prime minister in case he should express the desire to see him, but that without such expressed desire he could not trouble the minister by requesting a conversation.

However, on the 27th of December a conversation took place between the prime minister and Fr. Salomon, since the latter, without any request from me, on that day sought the minister. I have requested Fr. Salomon himself to write down and present to the prime minister a report of their conversation and everything else known to him regarding my work for this affair. To this report, the contents of which are known, I take the privilege to call the High Government's attention.

It was clear to the prime minister that it was necessary for me again to return to America; that I, as it were, had all the threads in my hand, and knew the persons who should agitate during the coming negotiations and acts in Congress. Besides that, Mr. White had urgently advised the foreign minister to let me complete what I had begun, since I, as Mr. White expressed it, was *persona gratissima* in Washington.

In the meantime I had used up all my personal means during my trips to West Indians and America, since the Danish Government had now accepted all my plans touching the sale, and furthermore desired to make use of my assistance, it appeared to me reasonable that the Government should pay my journey, or at least a part thereof. The prime minister was perfectly willing to do this, but he had no funds from which to take the money. It was then arranged that Mr. Hagemann should advance me a sum of 6,000 kroner, against the guarantee of the minister of finance. That sum should be regarded as an advance on what I should make out of the 10 per cent commission. Hagemann brought about that arrangement by, together with Etatsraad G. Hansen, calling in the ministry of finance. Regarding that advance, Mr. Hagemann writes me on December 28: "Etatsraad Hansen and I have just come from the prime minister, who, in accordance with your statement yesterday, requested me to assist you by advancing an amount not exceeding 6,000 kroner, in the form of a letter of credit. That shall be done."

It has always been clear to me that it would be difficult for the prime minister to make any written documents regarding the affair, neither as regards credentials for authority nor guarantees for what by word of mouth was promised me, especially on so delicate a matter as the use of the 10 per cent. The prime minister's word was naturally sufficient. There was that possibility that the minister might die while the affair was in progress, but in that case I should have as witnesses to what was agreed upon such prominent men as Department Chief Schlieckkrull, Fr. Salomon, and the members of the subcommittee, and in case of a change of ministry, all were convinced that the prime minister would give his successors all the information necessary regarding the situation and those binding promises which were the basis for my work for the sale of the islands and upon which hung both my moral and pecuniary existence.

In the meantime there were two difficulties which had to be overcome, and in this the minister had to act personally.

The minister in Washington, Mr. Brun, I have known from my childhood. He has always been an energetic and intelligent man, but reserved and peculiar; an extremely sensitive man about his own dignity. As soon as I heard Dr. Hansen's experience with Gehejmraad Vedel and Generalinde Brun I knew that Minister Brun would be my enemy. I informed the prime minister of this and showed the great danger the whole affair would encounter if Mr. Brun began to intrigue against me in Washington. The prime minister recognized this, and decided to write a letter to Mr. Brun in order to make him assume the right position over for me. At the same time could that letter serve to clear another difficulty, namely, to show the Danish Government's relation to the banker I had promised, and whom the Government's chief had accepted; but the prime minister did not like to write directly to Seligman, and it was necessary to find a means whereby the firm could receive some official recognition.

The prime minister then promised me that in his letter to Mr. Brun he would recognize Seligman as the American bankers on whom I could depend, and who should receive the price of sale for Denmark, and afterwards send it to Privatbanken in Copenhagen with a 10 per cent discount. The prime minister requested from me a copy of my contracts with the firm of J. & W. Seligman & Co., and I sent the copy to the minister's private house in Tordenskjoldsgade. The prime minister's letter to the minister in Washington was sent. The contents I am not acquainted with, but the results I know. Mr. Brun worked with great energy against me. He was successful in ruining my position and my name in Washington. He refused to enter into relations with Seligman, and thus I never got my bankers recognized. About that later. I shall only in this connection remark that the recognition of my bankers was the basis for my whole effort. I had no money above that which I should use personally, and to bribe politicians and buy journalists on credit is naturally very difficult. At any rate, guarantees must be furnished.

By recognizing my bankers the prime minister gave me the necessary pecuniary backing for the money offers it was necessary for me to make in order to get the islands sold. This the minister recognized, and expressed it both to me and to my lawyer, Salomon. The Danish minister in Washington should have by word of mouth given the necessary recognition, but he refused it absolutely.

There was one more affair to arrange before I started on my journey. I

had been dismissed from the service of the navy by a court-martial, and that fact could become ruinous to my efforts if anybody should use that easily obtainable weapon against me in Washington, and thereby make me impossible with the American Government. When the prime minister had used my service and secured for me the means for the journey, since I had already had personal intercourse with the President and foreign minister of the United States, and since I was the one who had personally presented the American diplomat to the Danish foreign minister, it appeared to me in harmony with all the parties' interests that my position should be changed.

I therefore applied in this connection, to the men about whom I know, that he both deserved and possessed the absolute confidence of the prime minister, viz. Mr. Hagemann. Mr. Hagemann realized that my desire was opportune, and promised to take up the affair, about the good result of which he had no doubt, but the good result did not come. Mr. Hagemann has since told me that he did all he could for me, but in the meantime the withdrawal of judgment against me was refused for the present, but intimated as a possibility in the event of the success of my mission. I should here remark that the minister of the navy, Ravn, at one time prevented me from resigning, since I preferred that to dismissal by court-martial. Mr. Ravn said to my father, who gave in my resignation: "Your son can at the very highest only receive a couple of months in the fort, and that is nothing to speak of. Besides, if he sends in his resignation he will not receive that recognition that is due him on account of his courageous work in Siam."

In this matter Mr. Ravn prevented me from resigning, and I thought that I could expect from him that he would make use of this opportunity to make good again the injustice which he had previously done. But I was mistaken. My dismissal by court-martial should continue to hang on me as a chain about my leg. Neither the foreign minister, Ravn, nor the prime minister wished to take up the affair, and what I anticipated happened. My enemies in America made use of this means to the fullest extent. Mr. Braun started the startling news that the man who had gone between the American and Danish Governments had been kicked out of the Danish navy by a court-martial both in the American foreign ministry and in the good society in Washington. Mr. Neils Gron took good care that the press got hold of the scandal and was delicately used.

The day after Mr. White had been at the foreign ministry it was published in the papers (from Danish journalists). It went over England to America, and thereby Mr. Rogers and Mr. Gron secured the information that the affair of the islands was again up.

On the same day that I left Denmark Mr. Hagemann received the following telegram from Mr. Rogers:

"MAR. 11, 1900.

"Danish islands up again, with prospects of success if worked with proper parties. Would like authority to speak.

"H. H. ROGERS."

Mr. Hagemann sought me at the hotel and gave me a copy of telegram. Together we wrote an answer, which was as follows:

"MARCH 1, 1900.

"The sale is in official channels. Have protected your interests. Await arrival Captain Christmas, St. Paul, with introduction to you.

"HAGEMANN."

On January 5 I received in London the following:

"Captain CHRISTMAS, *Hotel Savoy, London.*

"Following cable is sent: 'Sale is in official channels. Await arrival Captain Christmas, St. Paul, with introduction to you.

"HAGEMANN."

I left Copenhagen on January 8 after I had had a farewell audience with the prime minister. The minister asked me to do all in my power to get the price up to \$4,000,000; told me about his meeting with my lawyer, Salomon, to whom he sent his thanks for the visit he (Salomon) had paid the minister; advised me with much cordiality to be sure to see that I got my share out of the 10 per cent, and said in conclusion: "God be with you, and do not forget to send frequent reports."

No one who knows anything about the affair doubted that on my departure I had commission from the Danish prime minister to work for the sale of the islands, and that I had the right to dispose of 10 per cent of the sale price. I do not know whether from a legal point of view there is a difference between a verbal and a written authorization. Certainly from a moral point of view there can be none. There can be no difference between a man's verbal promise and his written one. The supreme court lawyer Salomon has clearly expressed himself to me as to his understanding of the relation between the prime minister and myself and as regards the authorization given me. The subcommittee also had no doubt on that point.

Mr. Hagemann requests me that all money transactions in regard to the sale should go through Privatbanken, on the ground that that bank at a former time was interested through him. He would not make such a request to me if he did not know that I had it in my power to arrange the money matter as I might think best.

And when Rogers later (see below) telegraphically requested subcommittee to leave me "disinterested Christmas" the gentlemen replied: "This is impossible, since 'matter is officially in Christmas's hands.'" The subcommittee recognized thereby again the authorization I had received from the prime minister and called it "official."

#### IN AMERICA.

On the same day that I arrived on the steamer *St. Paul* in New York I sent the two letters of introduction to Mr. Rogers and to Neils Gron.

The first I met the day after in his office in the city. Mr. Rogers is a man of about 60, extremely wealthy, but, in spite of his large fortune of about \$50,000,000, exceedingly desirous of making money. He is the most active member of the Standard Oil Company, and is both hated and feared in the money world on account of his absolute inconsiderateness in his money operations, which yearly demands a great many offers, both on New York's and Chicago's exchanges. Mr. Rogers was evidently dissatisfied because I had taken hold of the sale of the islands, and he repeated several times, "I wish to make money by this, and don't you forget it."

I asked what sum he demanded for his assistance in the affair, but as to that he would not commit himself. He requested me to see Mr. Gron and further to negotiate with him. When I left, he said, "Now, Mr. Christmas, I don't know if we come to an agreement or not; but, mind you, this island business will never pass through Congress without my consent. I am able to swing 26 votes in the Senate, and don't you forget it."

I sought next Mr. Neils Gron. This man is a Dane by birth, and has gone through Harvard University. He leads a more mysterious existence than any man I know. He calls himself a journalist, but is not connected with any paper. Most people look upon him as a kind of secret agent either in the service of the police, or else in one or other company's service; but no one, in fact, knows anything about his means of existence or his efforts.

Mr. Gron was absolutely unapproachable. He presented to me the choice of securing him and Mr. Rogers as enemies, which, in his opinion, would make the sale impossible, or to give the whole over into his hands and depart for home. I should have nothing to do with disposing of the 10 per cent



commission. The next day, however, he sought me and offered me \$25,000 of the commission. This was an impossible condition, since I had already disposed of a much larger sum, and I answered him that more than half of the commission it was impossible for me to offer to Rogers and him. Gron refused that offer and prophesied that I would soon realize my error in not handing everything over in his hands.

The next day he brought my wife a long article regarding the sale of the islands, which had the heading, "Pretty woman in St. Thomas deal," and spoke of my wife in the most scandalous manner and expressed insinuations regarding the Danish King. I feel convinced that no other than Gron himself had inspired that article. No American journalist could have known the special relations mentioned therein.

The next day two large New York papers contained interviews with me. My expressions regarding the sales of the islands and the Danish King's position toward the sale were the height of indiscretion and lack of tact. In one of the interviews I told the reporter that President McKinley's brother was to receive an enormous sum of money for bringing about the sale. I had had no interviews whatsoever and had not talked to a reporter since I landed in America. I protested both verbally and in writing to the different editors, but no attention was paid to my demands for a retraction.

I do not hesitate to assert that these and all other false interviews and compromising articles originated from Mr. Gron, directly or indirectly, and thereby he began a fight against me which should last for over two months. Mr. Gron's use of the press absolutely astonished me. It was first later that I found out that Mr. Gron's means are often used in America and that, on the whole, it is placed at the disposition of him who has money enough to offer. It is difficult at home to judge of Americans, and especially American press conditions. I, at any rate, had never dreamed to what a degree the American press is for sale, both for political and other speculations and intrigues.

During my whole stay in America I fought constantly with Mr. Gron to get him to work with me, or at least to cease to oppose my efforts. Late in February I offered him and Mr. Rogers \$300,000 if the sales price should be \$4,000,000. He accepted this, but a week later he broke his agreement and demanded more. During the last part of my stay I was compelled to use strong means to compel him to my side, and I succeeded in getting a binding contract between us. It was at that time too late to get the island question through Congress during the spring session, but it could be passed during the coming winter session. The contract provided that Gron and his friends should dispose of two-thirds and I of one-third of the commission.

I was so much the more anxious to arrive at an understanding with Mr. Gron, as I was afraid that he could overthrow my work, and besides Mr. Gron had—I regret that I have to say—his very best assistant in the Danish minister, Mr. Brun, who at the same time was my worst enemy.

As I have previously remarked, our minister in Washington, even before my arrival, worked against me. Mr. Brun was, through his mother, Generalinde Brun, already, before my departure from Copenhagen, made acquainted with my work for the transfer of the islands, and that scarcely on a favorable basis for me, as Generalinde had, through Mr. Vedel, according to Dr. Hansen's report, got the impression that I was interfering with the minister's work, which, humorously enough, also seemed to be the minister's own impression.

One could imagine that the minister, from principle, found it improper that unauthorized private persons should appear as politicians, but that was by no means the case. Mr. Brun knew perfectly that I appeared with authorization from the prime minister, especially as he had received written information on that point from the prime minister, and he had at the same time for a long time been acquainted with the former committee's work. Mr. Brun stood even in a very intimate relation to Mr. Neils Gron, whom I several times met in the minister's home. Mr. Gron was always well informed what of interest had taken place regarding the affair in Denmark, and he prided himself upon his good relation to the minister—proud because he knew that I had nothing to pride myself upon in that connection.

The minister did not feel himself in the slightest degree obliged to do anything for me because the Danish prime minister had commended me to his consideration, and he stated several times that, as he had no order from the prime minister, he could not undertake to assist me. The banker Seligman he would have nothing whatever to do with.

Upon the minister's sympathy for Gron, whom he knew opposed me, and his antipathy for myself, I shall not dwell any longer, but I must here express my indignation that Mr. Brun attempted to make me impossible in Washington. He used, in order to create distrust of me, that easily obtainable and unworthy weapon—my discharge from the Navy—and it was made use of in the foreign ministry with members of Congress, with certain journalists, and in the circles of society where my wife had been well received.

As I have previously related, during my former stay in America I had established relations with the President's brother, Mr. Abner McKinley, and his partner, Colonel Brown, besides I had bound to me two press associations in New York and Washington. These different connections brought me once more in touch with a number of Senators and Members of Congress. Congress, in the middle of February, was taken up with the Nicaragua Canal treaty and the extension of the fleets, and both of these affairs had to be disposed of before the question of the Danish Islands could be brought forward.

I shall attempt, in setting forth my work in Washington, to keep close to the reports and letters which I, after agreement with the prime minister and the committee's chairman, Etatsraad Hansen, forwarded to them, and I use quotations from both reports in order to illustrate the progress of affairs.

ETATSRAAD HANSEN, Washington:

Mr. Rogers expressed that he, if he obtained that advantage from the sale which he thought due him, will be pleased to assist me. He requested me to arrange all with Gron, who represented him.

I sent your letter to Gron, who lived at the Waldorf, and next had a meeting with him. I regret much to have to inform you that Gron's position taken over for me was absolutely antagonistic. Gron's opinion is that I have fooled him and ruined his dearest hope that he himself should sell the islands. I had in the meantime substantial hope that I would be able to get Gron and Rogers over. Gron has in the meantime already begun actively against me, as following will show, and he has openly expressed that it was his and his party's intentions to overthrow the affair at present in order late to take it up afresh.

I shall here remark that all that has appeared in American papers called interviews with me are lies from one end to the other. I have not allowed myself to be interviewed and will not. Since the papers, however, have been full of reports relating to me and the sale of the islands, and since it could hurt both myself and the affair, I requested the editor of the Washington Post (the Government organ) to publish a declaration from me. That clipping I inclose. The declaration came out early in order to satisfy the Danish minister here.

I have had a conference with Mr. Hay, who received me very cordially, only he expressed regret that Mr. White's visit to Copenhagen had not re-

mained a secret. He expressed himself very satisfactorily about America's desire to buy the islands. I suppose the question will be brought forward in about a fortnight, as soon as the debate over the Nicaragua Canal and the extension of the Navy is brought to a close.

Papers of all colors have already expressed themselves in favor of the purchase of the islands, and as far as I have heard the Government has both in the Senate and House votes enough to put the matter through.

To-day I am to talk with Senator DEWEY, and other members to whom I have letters of recommendation. In the same way I am to have a meeting with Admiral Dewey, whose influence is very large.

I sent yesterday evening the following cablegram: "Affair looks favorable. Christmas."

I had, as above mentioned, at last made the acquaintance of different Members of Congress, for example, Senators LODGE, DEWEY, CLARK, BACON (the last two were Democrats); members of the House, ALEXANDER, GARDNER, and others. They all took a great interest in the acquirement of the islands, and promised me their very best assistance. I got them to establish the price of \$4,000,000, as the prime minister had desired.

In the meantime I, through indiscretion from the foreign ministry, found out that Mr. Hay would only offer Denmark \$3,500,000, and that it was therefore important as early as possible to get the sum placed at \$4,000,000.

In the last part of January I wrote to Etatsraad Hansen: "Since my last letter nothing official has taken place, but I have accomplished much underhand work. I have been at a couple of secret meetings in Congress, where the plan for future developments was agreed upon. A pair of the leading Senators and some members of the House were present, and the general opinion was that the acquirement of the West Indian Islands would not meet any serious opposition. It was the first intention that some Senators should privately suggest to the President that he should let Secretary Hay apply to the Danish minister here and officially ask if Denmark would sell."

The President, on the other hand, desired for political reasons that the affair should not come from the Administration to Congress, but the reverse. For that reason there is now being prepared a big speech, which on next Wednesday or Thursday is to be delivered by a Member of Congress, Mr. GARDNER, on which occasion the House will express its wish about buying the Danish islands for \$4,000,000. That sum has been decided upon and, if the Government of Denmark insists upon it, will be appropriated. It is not impossible that Hay will attempt to screw down the price, but the \$4,000,000 can be considered sure.

I have sent you the following telegram: "Four million dollars guaranteed," because I could not know how quickly requests would be made, and therefore you should know what sum you ought to insist upon. All appears, therefore, in a most hopeful manner, and if no personal interests intervene in the affair it will go off easily enough.

In the meantime I am somewhat afraid of Mr. Rogers and Mr. Gron. I have even reasons to believe that the gentlemen have intentions of injuring me in Copenhagen, and especially to try to take the affair out of my hands. I believe in the meantime that that will be impossible. Of course it is of little importance whether I personally bring the matter to a close or not, but if all the arrangements which I made for the furtherance of the matter are now overthrown, would it possibly give occasion to a great scandal and litigation? I will, however, try to come to an understanding with Rogers and Gron, but they assumed, as already said, a very antagonistic position toward me.

I have formerly on different occasions touched upon, and repeat here, that Rogers and Gron tried to persuade the committee to take the authority from me. The reply was: "Impossible; matter officially in Christmas's hands."

In Congress all seemed to go after desire, and on January 30 I was able to telegraph Etatsraad Hansen, "To-morrow the House will vote \$4,000,000 for buying the islands."

In the meantime, however, my friends in Congress changed the programme somewhat. Instead of the proposed great speech of Mr. GARDNER, and the subsequent vote of the House, there was in the House brought forward a bill, the so-called Gardner bill of February 1.

I telegraphed to Etatsraad Hansen February 2, 1900, "Resumé Gardner bill yesterday: 'Be it enacted by the House and Senate of Congress assembled, That State Department is authorized to expend the sum not exceeding four millions in acquiring West Indian Islands, and that this act take effect immediately.'"

As regards the significance of that bill, I have expressed myself in my report to the prime minister of the 5th and 2d. By this I have the honor to inform your excellency that all touching the West Indian Islands appears as promising as possible. I had the honor to forward to your excellency a copy of the Gardner bill after previously sending telegraphic resumé of same to Etatsraad Hansen. This bill will possibly not bring the affair to a direct conclusion, but it has established the price as \$4,000,000, and that was its special mission, as Mr. John Hay had attempted to acquire the islands for three to three and a half millions. All has now been prepared as well as it has been possible for me to do. The right people are interested in the affair and I have good reason to believe that negotiations will proceed rapidly in the near future if from Denmark's side no opposition arises. As I have previously permitted myself to express, Gardner's bill will not come to play a decisive part, since the Senate is the place where treaties are ratified. The Senate Committee on Foreign Affairs, whose chairman is Senator Davis, will report the affair favorably and then it will immediately be sanctioned, but since it is the House which appropriates the money it is also of importance that this is considered.

It will be seen from the above that I do not give too much importance to the bill. My efforts have been in the direction of supporting the Danish prime minister in his attempt to get the price for the islands set to \$4,000,000, and to that end has the Gardner bill been of service.

It was now my hope that the bill should be put through in the course of a few days, but that did not happen.

There were now in Congress (as Mr. LODGE expressed it) "evil spirits at work," namely, Rogers and his friends.

Senator LODGE, who is the most respected member of the Senate, and who, of all the political persons I have met in America, is the only one that can not be bribed, was my best assistant. It was he who discovered that Rogers was at work, agitating among his 26 Senators, whose votes he thought to be able to control.

Mr. LODGE advised me to seek Mr. Hay, and to inform him of all regarding my antagonistic position to Rogers and Gron. I had at that time offered Gron half of the commission, which sum he refused. Hence I felt that I had done all in my power to win him and friends, for if Gron had received the offered sum, I would have nothing for myself; not even enough to cover my own debt.

I was therefore so angry with Rogers and Gron that I decided to take no consideration whatsoever of them, and to follow the advice of Mr. LODGE. I worked out a statement, took all my papers, letters, and telegrams, and announced myself to Mr. Hay. Mr. Hay became confused, annoyed, and angry when I had told him what was in my mind. He was confused, because I, a foreigner, had secured such an unfortunate impression of the political conditions in Washington; annoyed because Mr. LODGE had sent me up into the foreign ministry, and angry, or more correctly enraged, against Rogers

JANUARY 18.



and his people. To me he said: "Well, it may be that these 'trust people' are very powerful, but I will show them that they do not yet rule the Administration of this country or its Congress."

Now I felt no more of Gron's machinations, not even through articles in the press. I could now work in peace for the sale of the islands, and use my best efforts.

I had one article after another published in different papers describing the islands, and often illustrated with photographic drafts that I had with me. I point in that connection to my scrapbook, which contains several hundred clippings. I made the acquaintance of many members of Congress, and had now one, now another, either to dine or to supper at Hotel Raleigh, where I lived. It cost me much money, because Washington is one of the most expensive cities in the world—especially the dinners in the hotels were expensive. It was not alone the members of Congress, but their private secretaries that I had to invite. I had as my special assistants two men, C. W. Knox, who was an intimate friend of Senator MARK HANNA, and Richard P. Evans, a lawyer in Washington, who represented Mr. Gardner and his friends in the House. These took an active part in the personal agitation, since they talked with a large number of members of Congress and agitated for the purchase of the islands.

I had contracts with them both, according to which they, and through them certain members of Congress, should have a share of the commission if the sale took place. But the two gentlemen's agitation expenses, etc., bills in restaurants and hotels I had to pay.

In the middle of January I had to procure more money from Denmark, since the amount I had for my journey was entirely exhausted, and, again, before my departure for America I was compelled to have it replenished.

In the meantime work proceeded rapidly in Washington, and I could count that the matter would have the majority both in the Senate and the House (also between the Democrats was a sentiment created for the acquirement of the islands). I was in the happiest frame of mind, since I believed that all the difficulties had at last been overcome, but just then began my very worst troubles.

As already reported, Mr. Brun talked about my dismissal in such a manner that both Mr. Hay, Senator LODGE, and others came to know it. In different ways I noticed that cordiality by which I had been received cooled. My two assistants, Evans and Knox, referred more frequently to the reports that were circulated, and Mr. Knox even sought the minister and had from his own mouth confirmed the frightful news that I had been discharged and disgraced from the Danish navy.

One day Senator LODGE, in his private room at the Senate, asked me how the matter stood, and when I last had an audience with Mr. Hay he asked me the same question. I could not deny the fact that I had been dismissed in disgrace, and my efforts to ameliorate the situation had no effect.

I had become a suspicious person and blackened, and soon my stay in Washington had become impossible for myself as well as for my wife. Both Mr. Hay and Senator LODGE advised me to take my departure, and I decided to do that and to live in New York, from where I could easily run over to Washington when my presence should be necessary.

But a much worse danger threatened to bring me into the most painful situation. I had not yet secured the recognition of my banker, J. & W. Seligman & Co., and I could no longer do without a guarantee for the sums of money I had been obliged to promise. My own financial means were entirely exhausted; I was obliged to live as economically as possible in New York; I could no longer offer money upon the Senators and Members of Congress, and was obliged to let Mr. Knox and Mr. Evans know that I was not able to pay their expenses.

The two press associations, Abner McKinley and Brown, Evans, Knox, and others I had promised that their contracts should be guaranteed by the house of Seligman. To this the banking house had agreed as soon as it should in one way or other be recognized by the Danish Government. I had the prime minister's absolute promise of such a recognition. I had blind confidence in the promise, but it was not kept. Upon my presentation to the prime minister I received only this reply by telegram, which had no signature, but which I conclude was from the minister. It stated: "Letter received, but incomprehensible. Can not give you or S. any authority."

I then studied out that possibly the prime minister would agree to permit a bank guarantee; and since Privatbanken, in Copenhagen, had requested me to ask Seligman to send them the eventual amount of sale (in which connection Seligman had written Privatbanken), it appeared to me reasonable that the minister would rather let Privatbanken take the affair in hand and give Seligman the desired bank guarantee that the American banking house was accepted by the Danish Government.

I wrote, then, February 25, 1900: "Herr Direktor Larsen, Privatbanken, Copenhagen: I have, after agreement with you before my departure from Copenhagen, informed J. & W. Seligman & Co., New York City, who have been accepted by the minister of finance as financiers in the event of the sale of the Danish West Indian Islands to the United States, that Privatbanken, from the Danish side, should handle the affair; and Seligman have with pleasure agreed to that arrangement."

Seligman, in that connection, will, by the next post, send you a letter in which will be referred to the strange fact that the firm has not yet received the official confirmation of the recognition from the minister of finance.

I will therefore request from you after conversation with the minister to assure Seligman that they have actually been accepted, in case a sale takes place.

Seligman at the same time wrote Privatbanken, in order to get a recognition established, and received late in March reply from Direktor Larsen. In that letter the director gave the information that he, after conference with the minister, had received the impression that his excellency regarded your firm as bankers for the American Government, but by no means as acting for the Danish Government. Seligman gave me that letter and I believe that from that moment they looked upon me with suspicion. Was it possible also to explain that I to that degree had been disavowed by the Danish prime minister.

In the month of January my whole efforts had been based upon the clear understanding between myself and the prime minister that Seligman should be the recognized bankers of the Danish Government in the sale, and in March the minister declared to the Direktor of Privatbanken that Seligman had actually nothing to do with the Danish Government.

But even a greater surprise awaited me. In order to get that for me so extremely important recognition of Seligman brought about, I advised the counsel to the banking house to write to my adviser, the lawyer of the Supreme Court, Mr. Salomon, to whom I myself wrote on February 25, 1900.

As I at one time explained to you, I had already before my return home in December disposed of a part of the 10 per cent, and had accepted the bankers, J. & W. Seligman & Co., all upon the supposition that the minister of finance approved both of my future administration of the 10 per cent and of the bankers. As you know, the minister agreed to my proposition. As you will understand, I have had great difficulty in giving actual guaranty for the commission I have promised. I myself have only the minister's word to depend on. That is naturally enough for me, but the Americans refused to accept that as good enough.

Here I have been obliged to place my own person and my personal prop-

erty as security, and, besides, Seligman have, who have absolute confidence in me, placed their highly respected name as guaranty for my administration of the 10 per cent.

The firm now think, as is natural, that the moment has come, under one form or another, to receive confirmation for the fact that the Danish Government actually will use it to finance an eventual sale of the islands. I have, therefore, advised the firm's legal counsel to put himself in touch with you with a view of securing a recognition.

I take it for granted that the minister can not as yet give any official authority, and he has in that matter sent me a telegram, but the affair might be arranged in the same manner as when the minister gave me expense money, viz. through Privatbanken. Direktor Larsen requested me to see that Privatbanken got the business in hand, and I arranged this with Seligman. The sale of the islands will, therefore, be financed by J. & W. Seligman & Co. on this side of the Atlantic and by Privatbanken on the other. In that connection, therefore, it would seem to me that Privatbanken could give the guaranty to Seligman that they could consider themselves the Danish Government's bankers in the affair.

It is very difficult with this "hide and seek" anxiety on the part of the minister. I must have the relation established before it is too late. Seligman ought to have the guaranty that they run no risks in giving guaranties in connection with the 10 per cent, or it will end in their considering me a humbug, in whom they could have no confidence.

Supreme Court Lawyer Salomon, on receipt of his letter, took steps to see the prime minister on my account. As regards the result of the attempt, I received the following telegram:

"MARCH 13, 1900.

"Schlichtkrull, principal, writes indignantly. He won't speak anybody directly or indirectly representing you. Give me explanation."

"SALOMON."

My answer back on the same day was:

"Only explanation, principal crazy."

"CHRISTMAS."

I knew nothing else to answer. I was not only paralyzed from surprise, but entirely confounded by Mr. Salomon's telegram. I had to believe that there was either a mystery or mistake. My brain could not contain the idea that the prime minister who three months ago secured me money for the journey, gave me instructions, had acceded to all my plans and propositions, had shown me the confidence of allowing me to administer as large a sum of money as a tenth of the sum to be paid for the Danish Islands, who, on my departure had pressed my hand in a most cordial manner and wished me "Godspeed"—that he now indignantly refused to talk to anyone who, directly or indirectly, represented me.

And I knew that I had done nothing to which he could take exception. I had offered the best of my ability for the affair. I had talked with several hundred persons, written innumerable articles in the paper, conferred, convinced, bribed, given dinners and suppers, used all my money, borrowed more, and again used it.

But nevertheless this fact was sure: The prime minister would have nothing to do with anyone who represented Captain Christmas.

When I later talked with Supreme Court Lawyer Salomon about the strange situation, he said about the following:

"When I had read the minister's letter I was obliged to believe that you had committed one crime or another over there, or at least a scandal. I knew not what to think."

I had not done anything but to accomplish the work the minister had given me to do. The most remarkable is, however, that after my return when I asked the prime minister why he had written such a letter, if he had anything to complain of regarding me, he answered "No."

In the latter part of February I returned to New York. The affair stood well in Washington, and my only concern was that the Danish Government should sell the islands for less than \$4,000,000. On the 19th of February I wrote Etatsraad Hansen:

"One of my assistants in Washington, who has a position in the State Department, has informed me that a whole series of telegrams has passed between Mr. Hay and the American minister in Copenhagen. It would seem, therefore, that an attempt has been made to reach an understanding as to the sum. I hope Denmark will not sell under \$4,000,000, but rather would wait over the summer. The American Navy can not do without the harbor, and has demanded it of the Administration. It is quite possible that by waiting until the fall the price can be advanced a million. Senator LODGE thinks soon to have the affair ready in the Senate. It is there that I have found the greatest difficulty, since Mr. Rogers, Flindt, etc., had worked energetically to prevent the sale. The opposition, however, now seemed to be overcome, but I had an exceedingly difficult task and am most likely not through with it yet."

"As long as I was personally in Washington my different assistants waited with some patience on the promised guaranties for the contracts I had made with them and worked energetically, but when I had gone back to New York began to express themselves impatiently, and I was requested again and again to let them know if the Government had yet or would soon recognize Seligman. They did not wish to work any longer upon the uncertainties. They were not accustomed to give credit in political matters, etc. In short, my helpers were beginning to go on a strike."

I did not know what in the world to do, and Seligman themselves began to have suspicion on account of that strange delay by the Danish minister of finance to recognize the firm, which had already shown considerable energy and done much work for the Danish Government.

It was at that time, while I, as I have shown above, made such great efforts to get that recognition established with the lamentable result, I became at last so nervous and helpless in my position on account of the many complaints from Washington, and for fear that the whole affair should go to pieces for lack of guaranties, that I, in my distress, accepted help from a quarter where I greatly regretted to look for it.

And here begins the most painful part of my experience in America. I made Advocate Fischer-Hansen my legal adviser and accepted his help. I have been very strongly criticised for that, but I think the criticism should fall upon those who broke their agreement with me and compelled me to act as I did. Carl Fischer-Hansen, who is a Dane by birth, became a lawyer in New York at a very early age, where he has a large law practice. He is a man of ability, but suffers from the most pitiable vanity and desire to make himself observed. I consider him to be inconsiderate in the choice of means and quite unreliable. He is married into a very wealthy family, through whom he has good connections, especially in the White House.

On my first visit in New York I made Fischer-Hansen's acquaintance, and it was he who presented me to Messrs. Abner McKinley and Brown. As soon as he had heard of the island question he wished absolutely to play a part, but after he had committed a number of indiscretions I withdrew as much as possible from him. Through Mr. Abner McKinley, however, I stood always in a certain relation to him, and did not dare to break off for fear that he should become my enemy.

By and by, as the difficulties increased for me regarding getting my guaranty recognized, Mr. Fischer-Hansen became more and more generous in his offers, and the other side, Abner McKinley, pressed me to accept him.



About the last of February I was very badly situated. I could no longer pay Evans and Knox cash. It was still necessary to work with the press, which cost much money. I wished to secure a large model of St. Thomas, which cost several hundred dollars, and should be exhibited in Washington for the purpose of interesting the members of Congress in the islands. Seligman withdrew more and more, and my people in Washington threatened to lay down the work if I could procure no guaranties.

Then came Fischer-Hansen to me one forenoon at the Hotel Manhattan, and offered his and his father-in-law's guaranty for the sums I had promised, until Seligman should be recognized. He promised to pay for a model of St. Thomas referred to and also to furnish the running expenses in Washington and to the press.

Whatever reluctance I might have had, I did not dare, difficult position, to refuse the offer. The only demands Fischer-Hansen made in return were that I to the Danish prime minister should acknowledge him as my legal counsel, to report to the minister his offer, and to promise to work to the end that he might receive a decoration, which was the aim of his ambition.

Fischer-Hansen guaranteed, as promised, several contracts, and in return I reported to the prime minister that I had accepted Fischer-Hansen as my legal counsel in New York, and praised him, as was natural, for his generous offer. I refer in that relation to my report to the prime minister dated February 26, 1900.

In the meantime a great struggle had sprung up in Congress which lasted for a long time. The fight was about the Porto Rico tariff, and the result of the contest played an important part as the Danish West Indian Islands' future might fare in the same way as Porto Rico. That island had up to the present been kept outside of the American tariff limit, and its economical situation was very bad. The President desired to give Porto Rico free trade, the Democratic party also, but the large sugar trust company opposed it as harmful to the interests of the company. After a long time an agreement was arrived at upon a basis of 15 per cent tariff, which compromise satisfied none of the parties.

I had in the beginning of March a meeting with Mr. Bryan, the Democratic party's candidate to the Presidency. Mr. Bryan had made a number of political speeches in the different large cities in America, and came also to Philadelphia. He agitated especially against McKinley's imperialistic policy, and I was afraid that he might oppose the purchase of the Danish West Indies. Mr. C. W. Knox obtained for me a meeting with Mr. Bryan in a train between Baltimore and Philadelphia. I had a ten minutes' conversation with him, and secured his assurance that he would not oppose the sale. Mr. Bryan considered the purchase of the islands as a military strategic necessity which had nothing whatever to do with politics.

That evening, in a speech before the Philadelphia Democratic Club, Mr. Bryan confirmed his position as regards that question. He said he would always fight against imperialism and militarism, which he considered as synonymous; and said he could always sympathize with a peaceful extension, and especially a rounding off of the Republic within our own waters, as that was specially to protect our own coasts and islands. Together with the discussions about the Porto Rico tariff was the Nicaragua Canal treaty. Mr. Hay and the English ambassador, Pauncefoot, had signed the treaty according to which the proposed Nicaragua Canal could not be fortified. That angered a large portion of the Americans, and there was a strong sentiment against Mr. Hay.

I mention this question because, like the Porto Rico tariff, it touched the fate of the Danish Islands. While the Democrats demanded that the Nicaragua Canal should be fortified, the Republicans, with Senator Lodge in the lead, insisted that that was not necessary, since the canal could be protected from the islands lying about, by establishing strong naval stations in the right places. Not one but many times came the advocates of the treaty back to this point, and showed how the canal could be protected on the west from some islands in the Pacific; on the east from the Danish Islands. I have in my scrapbook numerous articles from the papers touching on this question, and it is quite remarkable to see how the American politicians already at that time looked upon the Danish Islands as the best place to establish American fortifications.

It would of course have been of great value to me to have been kept informed of what took place in Denmark regarding the island affair, but I never heard a word beyond a few scattered newspaper articles. In the beginning of March, however, I received a letter from Mr. Hagemann, and by reading that I first began to realize that opposition to the sale might be found in Denmark. I knew, however, that the Danish Government had formally agreed to a transfer to the United States Government, and since I had received no command to stop my work I simply continued.

I have never known what during that time took place in Denmark regarding the sale beyond what a few Congressmen told me.

It is sure that the Danish Government would not have found any difficulty in putting the affair through, since in America at least, no material opposition would have appeared. In Congress there was a majority for obtaining the islands. The Administration desired that extension of the United States. The military department demanded outright the islands as necessary for the country's security, and all the papers of any importance over the whole Union had expressed themselves as favoring the affair. The only dangerous opponents, viz, Rogers and his friends, had been brought to silence.

I dare here express, without in any way running the risk of being criticised for self-praise, that all of this favorable situation for the affair which, by the way still exists, is the direct result of my own work, and it is far from that this work had been made easy for me since, on the contrary, great oppositions had been placed in the way by the syndicate, by the Danish minister, yes, and not the least, by the Danish prime minister.

It is therefore not without a feeling of bitterness that I, on the 13th of March, wrote the prime minister:

"With this I could terminate my communication, but I consider it my duty to add some remarks which will assist in giving your excellency a fair comprehension as to how my position has been over here since I last left Denmark. Your excellency did me the honor at one of our meetings to inform me that you had written a lengthy letter to the Danish minister in Washington; informed him as to the progress of the affair, and as to my early return to America. I had absolute reason to believe that that communication from your excellency should serve me as a sort of an official credential, so that I not only would be able to count upon the assistance of the minister in the interest of the affair, but should also be in a position to give to my banker in New York a semi-official confirmation that he had been accepted by the Danish Government, since such a confirmation should have taken place through a personal meeting between the minister and the chief of the house of I. & W. Seligman & Co.

"As I have previously had the honor to inform your excellency, Mr. Brun would scarcely admit that he had received the letter referred to. He would only look upon me as a chance tourist. Nor has it in any way assisted me that Mr. Brun's conception of me and my position was transplanted to the foreign minister in Washington, where previously I have been treated with much regard and confidence. Mr. Brun's treatment of me has caused me an endless amount of worry and difficulty, which I shall not further elaborate upon. It must be permitted, with all due consideration, that I express my surprise that I have thus been obliged without avail to seek assistance in this

important affair, which both your excellency and a large portion of the Danish people desire to have terminated as quickly as possible. It has now for nearly three years been clear both to your excellency and to the committee of the highest Danish patriots, which was formed for the purpose of accomplishing the sale of the Danish West Indian Islands, that such a political action could not be put through in America without paying a large sum of money.

"I can, after my experience, absolutely confirm that conception as being right. Since no official representative of the Danish Government could undertake to administer the amount of money necessary for accomplishing the sale, a private person had to do it, and it became my task to accomplish that unpleasant and by no means easy task; but from difficult it became almost impossible for me, since I had neither cash money nor guaranties to offer the persons whom it was necessary to interest in the affair. I had, therefore, surely depended that I should have been able to use a banker as guarantor for the sums I had to offer in case the affair was accomplished, but in that regard I had not been backed up from home."

That communication I was obliged to dictate to my wife while lying in bed ill from nervousness and provocation over the treatment which I had received from the prime minister.

From private letters and newspaper articles from Denmark, and especially after receiving the supreme court lawyer Salomon's telegram, I understood that a sentiment against the sale of the islands was springing up in Denmark; also that Horrings's ministry would soon be dissolved. I decided, therefore, to return home as soon as Privatbanken's reply to Seligman's should arrive, because upon that I based my last hope that the prime minister would keep his promise to recognize the banker.

The reply arrived, as already stated, early in April, and with that my last hope was banished.

The Danish Rigsdag would soon close, and in the American Congress the coming Presidential campaign had already begun to absorb all interest. Hence it was easily recognizable that the sale of the islands could not be terminated before the next Congress—that is, after the 4th of December, 1900.

I had already in several letters and reports, for example, in my letter to Etatsraad G. Hansen, on 19th February—expressed this eventuality, and I had even advised sooner to wait the summer over, as thereby it might be possible to increase the sum \$1,000,000.

Before I left America, however, it was of the highest importance that I should come to a definite understanding with Rogers and Gron, as I did not dare to leave the country with those two as enemies.

I attempted, therefore, again to get Gron to agree to a compromise, but that was very difficult. He and Rogers evidently did not think there was any possibility that the sale of the islands would take place before the following session, and it was then their intention to manage with me out, so that they themselves, assisted by their friends in Copenhagen, could arrange the latter in accordance with their own interests.

To that I was naturally opposed, since I had not only done a great and important work in the matter and sacrificed a large sum of money in trying to accomplish it, but I had also to consider other persons who had rendered me much assistance both in Congress and in the press, and those persons would without doubt, if they saw their demands neglected and their interests threatened, work just as strongly against the affair as they had before for it.

For about a fortnight I had worked in New York to the end of arriving at a compromise, but did not succeed. In the meantime I was notable, from pecuniary reasons, to remain longer in New York. I was absolutely obliged to depart before I became so reduced that I should not be able to pay my passage home for my wife and myself. An attempt to secure money from Denmark through Mr. Hagemann failed.

I could therefore see no other means, in my difficult position, than to compel Gron to compromise. My feelings toward him and Rogers were not of the kindest, since they had done me all the harm they could and had not been select in their choice of weapons.

Before I did anything I sought Mr. Gron and informed him of my decision. These transactions with Gron and Rogers had to come to an end, and if they would not willingly accept my offer, which, in generosity, was much greater than the two gentlemen could expect or demand, then I would in one of New York's largest papers make public their opposition to me in the island affair, their misuse of the press, etc.; in short, scandalize them to such a degree as they for months had tried to scandalize me. My offer to Gron consisted in that he and Rogers during their present session of Congress should have half of the commission, but if the islands first were sold during the coming winter session they could have two-thirds and one-third of the commission. The day after Gron sent to me a refusal of the offer.

I then went to the editor in chief of the World, Colonel Vanbenheisen, and made him acquainted with my difficult situation. He understood immediately, and offered to assist me. I gave Mr. Vanbenheisen a short account of the whole affair of my relations with Rogers and Gron, handed over to him a number of letters, telegrams, and other documents, and made him promise that he would publish nothing without my permission. Advocate Fischer-Hansen was witness to our conversation, which he, by the way, himself had brought about, since he personally knew Colonel Vanbenheisen.

My intention was not to have anything made public, since that would only produce scandal, without any way furthering the affair. I only wished to frighten Gron, and especially Rogers.

I must here explain that no paper can make public an article giving names of persons without first presenting such an article's head points and assertions. In such a case the editor sends some one to the person and presents him a résumé of the article's contents, and allows the person to protest against it if he wishes. Those press conditions had been explained to me by Fischer-Hansen, and upon that I had built my hopes of being able to force Rogers to give in when he should see that there was danger that I would actually follow up my threats. Besides, I must explain that the World is especially feared by the large trust companies, which the paper fights with all its power, as detrimental to the middle class. Mr. Rogers is, besides, the very blackest sheep in all the trusts, since he is the most inconsiderate operator, with the enormous fortune of the Standard Oil Company.

Mr. Vanbenheisen kept his promise, sent a reporter to Mr. Rogers, and afterwards to Mr. Gron, and the result was the desired one. The day after Gron, in his own and Rogers's name, signed a contract with me, after which half of the sum should fall to him and Rogers if the islands were sold during the present session, two-thirds if the sale took place during the coming winter session. As soon as the contract was signed, Mr. Fischer-Hansen secured me back all my papers, letters, etc., from Colonel V., who kept his word and never made public a line of what I had given him in confidence.

That affair was therefore, in my opinion, out of the world when I returned to Denmark, but unfortunately there awaited me an afterplay. About three weeks after my departure the paper, New York Times, published a long article against Rogers in connection with his relation to the sale of the islands.

A part of that article has been published in the Politikan, and I have answered it. It was not clear to me from where the article originated and who had inspired it. I had left no material behind. In the beginning I thought



that it was from the foreign minister, to break a possible opposition in the Senate to the island sale. The minister of war held warlike speeches, in which he demanded the islands. Now he is believed to understand better, but what it all is about he can not be blamed more than the man who has fallen as an offer for thieves and bandits. Gron has here in this country blamed Fischer-Hansen as the author.

Before I left Fischer-Hansen desired to be liberated from some of the obligations he had given as guarantor of my contracts, and I complied with his desire, so much the more as I had never wished to make use of his help. I was only compelled to do so by circumstances, because I set the affair over all personal wishes and considerations.

Those persons and press associations who previously were my assistants are still. I have reduced the different sums of which I am now the only guarantor in such a way that I can now manage to get along with a third of the commission promised me. That I did in order to be able to give the gentlemen, Rogers and Gron, the large amount—two-thirds of the 10 per cent commission—which they demanded.

After my return to Denmark I applied to the chief of department Schlichtkrull and requested him to inquire of the prime minister when I could secure an audience. The minister asked me to call the day after, and I met.

I had not seen the minister since my departure from Denmark in January, and it was in a bitter frame of mind that I again entered the minister's reception room in the ministry of finance. I had in the meantime worked to such a degree that my nerves were almost ruined and my means entirely exhausted. I had not saved myself, but thrown my whole energy into the affair, which the minister had shown such a lively interest for. In return the minister had done nothing for me. He had broken his promises and agreements, even to such a degree that he had proven untrue to me and had made it appear that I had made myself impossible for the minister's confidence. (See prime ministers letter to Salomon.)

The audience terminated for both parties in a very unpleasant manner, and my bitterness and anger ran away with me, and I reproached the minister for his failure to keep his word and remain loyal to me.

The minister admitted that perhaps in his letter to Salomon he had expressed himself too strongly. When I asked him if he had had anything to reproach me for, he answered no.

I permitted myself to make it clear to him how he, by refusing to back me up, had made it possible for Mr. Brun to drive me out of Washington; how I had there only worked according to the agreement between myself and the minister, but had been left in the lurch, had been made suspicious, and mocked; how the minister had been the fault of making my best friends in America, such as Seligman and Senator Lodge, look upon me with suspicion; how I had been jeered at in Denmark, and called various names, etc., without the minister having done anything toward assisting me; on the contrary, he had betrayed me and disavowed me each time he found an opportunity. I asked the minister to think it all over, and requested urgently that he should secure for me satisfaction. His excellency had only this reply—that it was not in his power to give me any satisfaction; that he only had a couple more days to remain minister in.

#### CONCLUSION.

I have above given a detailed and accurate account of my work in the island affair. How that evolves itself in the future I do not know, but I permit myself here to establish the absolutely undeniable fact that it is I and my personal work that is the cause of the Americans' interest in the islands and their desire to buy them.

[Here a page is lost.]

Justice and to the enlightenment of all the relations upon which I base this desire is this: That I have permitted myself to trouble the high Government with this presentation of my work in the affair in question.

With the highest obedience,

W. CHRISTMAS DIRCKINCK HOLMFELDT.

FARUNGAARD, October 1, 1900.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12804.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEMENWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12804.

Mr. HULL. Mr. Chairman, I understood the gentleman from Virginia was to have twenty-five minutes' debate on the bill.

Mr. HAY. I yield ten minutes to the gentleman from New York.

Mr. HULL. I hardly think that was the agreement. I submit to my friend from Virginia if that was not with the understanding that he was to discuss the bill, and that he was not quite ready to proceed with his remarks yesterday. That was the understanding, was it not?

Mr. HAY. I did not so understand. I wanted forty-five minutes; and I say to the gentleman from Iowa that I will yield ten minutes to the gentleman from New York, and then I will not take any time myself.

Mr. HULL. It was not a question of time; it is a question of the understanding that was made. If the gentleman will say that that was not his understanding, of course I will raise no objection.

Mr. HAY. I do not want you to have any misunderstanding.

Mr. HULL. Well, I will leave it to my friend from Virginia.

Mr. HAY. I am between the gentleman from Iowa and the gentleman from New York. I do not want to do anything discourteous to either one. I do not propose to make any remarks myself. I just yield ten minutes to the gentleman from New York.

Mr. HULL. Go ahead.

Mr. SULZER. Mr. Chairman, yesterday afternoon I sent to

the Clerk's desk an article from the Philadelphia North American dated March 14, 1902, which I desired to have read. At that time it was objected to by the gentleman from Iowa [Mr. HULL] and the gentleman from Ohio [Mr. DICK]. I now send to the Clerk the same paper to have the article read in my time.

The Clerk read as follows:

[From Philadelphia North American, March 14, 1902.]

REPRESENTATIVE SULZER INTRODUCES A BILL INTENDED TO REFORM PRESENT TARIFF LAW—AIMS BLOW AT SUGAR TRUST—WOULD REMOVE COLOR RESTRICTION AND OPEN MARKET TO CUBAN PRODUCERS.

[By Angus McSweeney.]

WASHINGTON, March 13, 1902.

The North American's exposure of sugar-trust methods is having its effect.

Representative SULZER, of New York, to-day introduced in the House a bill to amend the present tariff law by striking from the sugar schedule the provision that all sugars above No. 16, Dutch standard in color, shall pay a duty of 1½ cents a pound.

This action was based directly upon the statements in the North American of Tuesday showing the enormous protection given the sugar trust by the color restriction in the tariff law and the palpable deception practiced by Congress, both by its insertion in the law and by its retention there.

As its author is a member of the Democratic minority, Mr. SULZER's bill will be scoffed at by the members of the Ways and Means Committee, but it will serve as a beginning of the investigation which should be demanded by the country, and which should lead to favorable action upon the bill as soon as the purposes aimed at are generally understood.

#### REFERRED TO COMMITTEE.

The bill was referred to the Ways and Means Committee, and it is before that committee now. Mr. SULZER expects to obtain his first hearing and a hearing also for the witnesses he will produce to testify in behalf of his proposition.

Except by reports of the trust interests, it is not easy to see how objections to the bill can be successfully argued. It proposes no reduction in the rates of duty established by existing law upon sugar according to its grade of purity, and leaves the duty of 1½ cents a pound upon refined sugar, but eliminates the color restriction and opens the way to the sugar producers of Cuba to send their highest grades of sugar to the United States for sale in the markets in competition with sugar-trust products.

Of course, the measure will be opposed by the trust and by all trust advocates in Congress, but there is no sentiment outside the two legislative Chambers in favor of trust privileges, and sooner or later SULZER's proposition will be accepted. The North American has aroused the spirit of inquiry, and nothing more is needed to expose the trick by which the trust has secured absolute control of the sugar market. Mr. SULZER said to-day respecting his measure:

"Everyone must admit that the whole usefulness of the Dutch standard lies in the fact that, first, it forces the planters to sell exclusively to the trust, and second, of course, it forces the people to buy exclusively of the trust. It is merely a means of assuring to the trust an absolute monopoly in the sugar business. The Cubans, who would be glad to market their sugars direct and pay the higher duties, which will be required according to a really scientific test, are unable to do so, and the people of the United States, who would be glad to buy their sugar direct from the producers, are unable to do so."

"Ingenuity of man could not have devised a more perfect and admirable method of securing for a limited number of capitalists an absolute monopoly of an important article of food than this one which lies hidden in that apparently innocent color restriction. It helps nobody but the trust, it keeps the planters poor, and it robs the people. All this can be easily proved, and that is what I purpose to do. It was because I was certain of it that I introduced the bill."

Mr. SULZER. Mr. Chairman, the article just read is from one of the most fearless, one of the most honest, and one of the greatest Republican newspapers in this country, the Philadelphia North American. The article speaks for itself. I have had it read from the Clerk's desk so that it will be inserted in the CONGRESSIONAL RECORD, and I hope that every member of this House will take the trouble to read it.

The article clearly, fully, and intelligently tells the purpose of the bill I introduced in this House on the 13th day of this month. The bill was referred to the Ways and Means Committee by the Speaker, and I request, and indulge the hope, that it will ere long be favorably reported.

Let me reiterate what I have frequently said before on this floor, that I am now, always have been, and always will be a friend of Cuba and of the Cubans. The record will show that ever since I have been a member of this House I have done all in my power for the Cuban people. I am glad the bright day is not far distant when the Cuban Republic will take her place among the nations of the earth. May success, happiness, prosperity, and domestic tranquillity abide with her hereafter forever, is my fervent prayer. [Applause.]

The time is at hand, nevertheless, when we must live up to our sacred obligations to Cuba. We must grant her the freedom and the independence promised. We must launch this young Republic of Cuba on the ocean of nations and say to all the world, Cuba is free and independent. We must say to every nation, She is our creation—a daughter of the great Republic—and any interference with her will be an act unfriendly to the Government of the United States.

But that is not all, Mr. Chairman. We must now grant her immediate trade relief. In a commercial way she is at our mercy. That is not her fault—it is our fault. Congress has made it practically impossible for Cuba to market her products in other countries; they must be sold here, and they can not be sold in this country at present except at a ruinous loss, unless our tariff law is repealed or modified. This must be done at once—it



should have been done months ago. If it is not speedily done I predict that conditions in Cuba will soon be worse than they ever were before. The situation is serious and admits of no further delay. The people want Congress to act.

The Republican party is responsible for the deplorable commercial condition now existing in Cuba. The Republican party, wedded to its high protective-tariff policy, would apparently rather witness the starvation of the Cubans than consent to reduce to a slight degree for Cuba its present system of outrageous tariff taxes. What a spectacle of commercial selfishness, monopolistic greed, and political shortsightedness the Republican party presents to day! We have been in session here since the first Monday of last December, and nothing has been done to afford relief to the Cubans.

The President, the Secretary of War, General Wood, President-elect Palma, and every person familiar with the present situation in Cuba have urged Congress to reduce the existing tariff taxes on Cuban exports to this country at least 50 per cent. But nothing has been done. The Republican leaders can not agree, the Ways and Means Committee will not act, and the industrial arm of Cuba is becoming paralyzed. I predict that if this selfish policy is continued much longer the doctrine of Republican protection will soon be destroyed by its foolish worshippers.

Mr. Chairman, I am in favor of doing something now to avert calamity in Cuba. I want to see Cuba free and happy and prosperous. I will vote for any measure to reduce the present tariff duties between this country and Cuba. In my judgment we should have free trade with Cuba. It would be beneficial to us and advantageous to the Cubans. It would help the people of both countries.

But I say now, and it must be apparent to anyone who gives the subject consideration, that if relief comes by tariff reduction the present duties must be reduced at least one-half. Anything less in this line will be useless and futile, and Cuba will go back to a condition of commercial stagnation that will cost us dearly in the end, and the fault will be all our own.

In the last three years the balance of trade has been over \$30,000,000 against the island. Her people have exhausted their resources in a heroic struggle to build up their industries, but they can not go on spending more than they receive any longer, and this year's sugar crop, which will be over 800,000 tons, represents their supreme effort, and unless relief comes—and comes quickly—we must expect a crisis which will render Cuba's position most deplorable and ours most embarrassing.

A mere handful of protected beet growers and cane growers, who care nothing for Cuba, nothing for the millions of American sugar consumers, are the only obstructors of this nation's good will to the people of Cuba. The American people expect Congress to grant relief, and to grant it quickly.

When the Congress adopted the so-called Platt amendment, which I voted against, and which in my judgment never should have been adopted, it took an unfair advantage of Cuba; but when that amendment finally became a law, the Cuban people accepted it in good faith, and, at our request, wrote it into their constitution. By virtue of that amendment Cuba is commercially helpless to-day, and unable to make treaties of a commercial character to market her products. Under the circumstances, it seems to me that it is now incumbent on this Government to grant some trade relief to Cuba by which her products can be admitted into this country and sold without a loss. At present this can not be done.

The cost of raising sugar in Cuba is 2.6 cents per pound. The selling price of sugar, duty paid, in New York is now 3.75 cents. The Dingley duty is 1.68½ cents per pound, or nearly 100 per cent of its value on the plantation in Cuba. It plainly appears, therefore, that Cuba can only sell her staple crop in New York at a loss, and can not sell it anywhere else. There is now about \$20,000,000 worth of sugar cane standing in Cuba, and if the Dingley blockade against it is not raised it might as well be left to rot on the ground.

Governor-General Leonard Wood, pleading for a speedy reciprocal arrangement, insists that this country has nothing to lose and much to gain thereby. Our domestic production of sugar is about 450,000 tons; in the annexed and protected islands, Cuba included, about 1,000,000 tons more are grown, and from Europe we buy about 800,000 tons besides. One-fifth of all the sugar the American people use must come from outside. Cuba's total product, even if it were greatly increased, could not possibly make us independent of Europe.

Now, sir, if I could have my way regarding the matter I would strike down every tariff barrier between the Republic of Cuba and the United States. If something is not quickly done by Congress that will be the solution. The leaders of the Republican party have been quarreling day in and day out regarding this question. I am now informed and believe they have reached an agreement by which they are willing to reduce the existing tariff

duties 20 per cent on sugar and tobacco. That according to the President, the Secretary of War, General Wood, President Palma, of the Cuban Republic, and others competent to testify, will do absolutely no good. If there is going to be any reduction of the tariff law, the reduction must be 50 per cent or more in order to help the Cubans.

Now, Mr. Chairman, a few words regarding my bill to remove the color restriction on unrefined sugar coming from Cuba. I introduced the bill in good faith, and I intend to do all in my power to pass it. It is a good bill, and should become a law. There should be no opposition to it, and to some extent it will solve the present difficulty by permitting the Cuban planters to market their unrefined sugar product immediately in this country. That will afford some relief at once.

If the color restriction on Cuban unrefined sugar should be removed, it would not materially injure the beet-sugar growers nor the cane-sugar growers of this country, but it would benefit immediately the Cuban planters and furnish to the people of this country cheaper and better sugar.

At present, on account of this color restriction, put in the law by the sugar trust, every pound of unrefined sugar that comes from Cuba to this country must be sold to the sugar trust, and it must be sold to the trust at the trust's own price. If this bill to remove that restriction should become a law, the Cuban sugar planters, if they were unable to sell to the sugar trust, could market their product and sell it to grocers and consumers in competition with the sugar trust.

The only legitimate opposition to this bill must therefore come from the sugar trust, in order to control the product, dictate the price, and stifle competition. When this question is understood, I am satisfied every friend of the people, every foe of monopoly, and every believer in commercial justice will favor the bill.

Now, sir, I do not say this bill is all that is necessary at the present time, but I do say, and I challenge successful contradiction, that it is a step in the right direction, and will afford immediate relief not only to the tariff-taxed Cuban producer, but also to the trust-taxed American consumer.

The color restriction on sugar is a device of the sugar trust and was put in the Dingley high protective tariff law at the instigation of the sugar trust, to give it a monopoly in this country on refined sugars. Remove the color restriction and the higher grade Cuban sugars can be put on the American market at once and sold in competition with the refined sugars of the trust.

At present the color restriction on sugar in the law forces the producers of Cuban sugar to sell to the trust at the price fixed by the trust, and compels the consumers in America to buy from the trust at the price dictated by the trust. The trust controls the product and fixes the price to suit itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I wanted to get this matter before the House. I have done so briefly. At some future time I shall discuss this question more fully and at greater length. This color restriction for monopoly will have to go. The Republican party must repeal it or admit it stands for monopoly. [Applause on the Democratic side.]

The Clerk read as follows:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

Mr. HULL. Under instruction of the committee, I move to amend by inserting after the word "appropriated," in line 25, page 14, the words "for pay of the Army and miscellaneous."

Allow me to explain, Mr. Chairman, that in the making up of this bill for the last four or five years several items have gotten into the first part of the bill (following the lines of the estimate) that are not under the control of the Pay Department. This amendment should be adopted for the purpose of keeping distinct what belongs to the Pay Department and what belongs to other branches of the service.

The amendment was agreed to.

The Clerk read as follows:

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations; also ranges and stoves and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's



Department's, and for printing department orders and reports, \$5,500,000; *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition; and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose: *Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open-market emergency purchase made in the manner common among business men which exceeds in amount \$300 shall be reported for approval to the Secretary of War under such regulations as he may prescribe.

Mr. HULL. By the instruction of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "bakeries," in line 23, page 17, insert the following: "for ice machines and their maintenance, where required for the health and comfort of the troops in the insular possessions."

The amendment was agreed to.

Mr. BELLAMY. Mr. Chairman, I move to amend by striking out the last word. I was very much interested in the very just and glowing tribute paid yesterday to the valor of American soldiers by my friend from Ohio [Mr. WARNOCK], and I have been even more interested in the table of casualties—as inserted in this morning's RECORD—that were sustained by the various armies on both sides in the great struggle between the North and the South.

I come, as you are aware, sir, from the Old North State, which has for its motto *Esse quam videre*. That motto expresses a striking characteristic of our people, but the modesty of North Carolina will never permit her interests to suffer, when her sons are apprised of an occasion when even unintentionally she is deprived of her merited glory. She was the next to the last State to go into and form the present Union; and yet so devoted was she to it that when she once gave her heart and hand to it she was the last State to reluctantly withdraw from it. And when she, with sorrow, decided to break away from the old Union, she dedicated her all to the new Confederacy, and became the first to lose the life of a son, at Bethel, and was the last to lay down her arms, at Appomattox. And, sir, she contributed more soldiers to the lost cause than did any one of her sisters. But she accepts the arbitrament of war, and now vies with her sisters in her loyalty and devotion to her first love, but treasures with pride and sacred reverence the conspicuous part she bore in the "lost cause."

In the table of statistics that the gentleman gives will be found that he put at the head a Texas regiment as having sustained the greatest loss during the war. Mr. Chairman, it is a well-known fact that the regiment that sustained the greatest casualties in deaths and wounds in that great battle of Gettysburg was the Twenty-sixth North Carolina Regiment, which lost 90 per cent of its men and its gallant colonel, Harry Burgwyn; and the Second North Carolina Battalion took into that great engagement 200 men, of whom there was not one who was not killed or wounded.

In all history, Mr. Chairman, from Plataea and Marathon to Spion Kop, there is nothing to equal it for courage and endurance; and that the future historian may not omit from the records of time this brilliant achievement, never before equaled in the world's history, I simply refer to this well-established fact to-day in order that he may make up an accurate account of the valor of our troops in that great and sanguinary struggle and give the proper credit to the modest but great State that I have the honor to represent and love so well.

I withdraw the pro forma amendment.

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same, \$3,000,000: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than \$150 per month, except upon the approval of the Secretary of War.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. ROSE, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 171. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. KERN. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

At the conclusion of the paragraph just read insert the following:

"*Provided further*, That the Secretary of War be instructed to authorize the reestablishment and restoration of the Army canteen as it existed under the rules in force previous to its abolition by Congress: *And be it further provided*, That the provisions of all acts in conflict herewith are hereby repealed."

Mr. HULL. I raise the point of order that this is new legislation and not in order on this bill.

The CHAIRMAN. The amendment evidently changes existing law, and is therefore subject to a point of order. The Chair sustains the point.

The Clerk read as follows:

For the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, to be expended in the discretion of the President, and to be immediately available, \$1,500,000; and the President is directed to report a detailed statement of the expenditure of this sum to each session of Congress until the entire appropriation is expended.

Mr. CANNON. I move to amend by striking out the last word. Mr. Chairman, I wish to occupy only a moment. In my judgment this item, under the rules of the House, belongs upon the sundry civil bill and not upon the Army appropriation bill. But I have not deemed it proper to make a point of order upon it because I apprehend that the appropriation ought to be made. I call attention to the matter now merely for the purpose of preventing this being cited in the future as a precedent.

Mr. COCHRAN. Mr. Chairman, I suppose the appropriation embraced in this paragraph is in addition to the \$500,000 heretofore appropriated for the same purpose in the urgent deficiency bill. Of course it is a necessary appropriation and I have no word of opposition to offer to it. But I wish to challenge the attention of the House and the country to the fact that this same item may be expected to appear in the Army appropriation bill at every session for an indefinite period in the future. The purpose to which the money will be devoted possesses great significance. This money will be expended in adding to the vast number of military posts scattered throughout the Philippines so thickly as to beleaguer the archipelago with American bayonets. These military posts tell the whole story. They typify the form of government under which henceforth the people of the islands must live.

I have said on this floor and I repeat it now that as long as we stay there we will dominate only the portion of the Philippine Islands commanded by the guns of our Army. Retire our soldiers and the people will reclaim their own and take possession of their country. I have forgotten the number of military posts now in existence in the islands, but it is a far greater number than ever existed on this continent. Without definite knowledge of statistics, I will venture to say that we now have in the Philippines a greater number of military posts than ever existed in the entire Western Hemisphere at any time in its history. This bill provides for more, and we will need them. In order to coerce the people into submission we must police the islands from one end to the other with soldiers. In order to compel respect for our authority the people must constantly look into the muzzles of our guns or see the gleam of our bayonets.

The gentlemen on the other side of this Chamber, the Chief Executive, and some of the great newspapers assure the country that presently the Army will be withdrawn from the Philippines and that civil government will be instituted there. This done, they will tell us that a small force—ten or twelve or fifteen thousand soldiers—will suffice. They are deceiving themselves. Whatever its form or name, the government will rely upon the military for support. It will be a government of force, a government at variance with every principle of the American Constitution, a government at variance with every idea of the American people, a government such as American orators and American writers have from the foundation of our Government down to this hour denounced as infamous, because it will not rest upon the consent of the people. There are probably 5,000,000 Christians in that island. In order to justify the policy of our Government they are continually represented as barbarians.

Even if they were barbarians, would that justify us in crossing an ocean to subjugate them and despoil them of their country; to say that wherever a barbarous people may be found an American squadron and an American army shall be sent forth to conquer the country? But the Christian Filipinos are not barbarians. They are not our equals as a race nor in intelligence. The Malay can never approach the attainments of the great races of Europe and the North American Continent. Probably they can never have a government like ours.

Every government is a reflection of the intelligence and capacity



of the people who are its subjects. Establish whatever government you may over any people, and in the long run it will be no better than the people themselves. The form of government, its methods, and its efficiency depend upon the people themselves. The Philippine Islanders, I assert again, as I have asserted frequently on this floor, had a better government than most countries have before we interfered with them. Withdraw our armies tomorrow and they will have a better government than we can give them. They will have a government capable of protecting life and property and guaranteeing the peace of the citizens.

After over two years of active campaigning, during which our Army has created a reign of terror in the island of Luzon, destroying the habitations of the people, laying waste the country, terrorizing the inhabitants, and now you say the country is pacified. I said yesterday, and I repeat it, terrorized is the word. The people have been terrorized into submission, but not pacified. Now, in order to retain what has been won by the use of fire and sword, we must build barracks and garrisons there with soldiers as a constant admonition to the Filipinos that resistance is hopeless.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. HULL. I would ask unanimous consent that the gentleman have leave to print his remarks.

Mr. SHAFROTH. Oh, no; let him have five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from Missouri have five minutes more. Is there objection?

Mr. HULL. I shall not object to this.

The CHAIRMAN. The Chair hears no objection.

Mr. COCHRAN. I am exceedingly obliged to the gentleman from Iowa for not objecting. The gentleman asks that my remarks be printed. They will be printed, and more remarks of the same kind will be printed, not only at this session, but at future sessions of Congress, because more appropriations of the same kind will be asked. The War Department will be here at the next session asking more millions to build more fortresses, to establish more outposts in the Philippines. As long as we remain in the Philippine Islands, at session after session we will be compelled to make these appropriations. Congress must appropriate this money, because nobody here desires to deprive the soldiers in that island of anything necessary to their comfort, and I see no reason to expect a reduction in the amount demanded from year to year. I am one of the number who believe that it is better to keep a large army there than a small one if we are to retain in our hands permanently the government of this distant foreign country. Then at the very outset let us accept the responsibility and discharge it without flinching.

We must do as England has done in her colonies. We must keep in the islands constantly a sufficient number of soldiers to strike terror to the hearts of those people and hold them in unquestioning submission to our authority.

It is futile and hopeless, it is spitting in the face of all history, to expect that we can secure acquiescence in our government of the islands in any other way.

Gentlemen talk about pacifying the country. They were talking in this same strain two years ago. Long, long before General Otis left Manila he reported that the islands were just about pacified. Others who have gone there in official capacity, and still others who have gone there to be entertained and wine and dined at military headquarters in Manila while writing for American newspapers and magazines, have said: "The war is over and the country is pacified." Then in ten or twelve days afterwards we have heard of skirmishes in the very suburbs of Manila.

Recently, after having read reports and statements from all kinds of official and unofficial sources that the war in the Philippines had been terminated, that there were nothing but a few bands of robbers and marauders in the field, it became necessary for General Bell to issue an order sweeping 16,000 people into one concentration camp and 9,000 into another. So desperate was the situation that one of our commanders adopted the very tactics of Weyler in Cuba and of Kitchener in South Africa, and cleared a wide area of its inhabitants. Strange, is it not, that such drastic measures should be deemed necessary after we have been told over and over again, even in President's messages, that the Philippine war is over.

Only one course is left open to us. We must restore the country to its people or keep a force there strong enough to fairly gridiron the country with military roads and punctuate it at frequent intervals with military outposts. Thus we can hold the people in subjection. It can be done in no other way.

As I have said before, this appropriation will have to be made. So will another be necessary next year and the year after, and when we get through what will we have to show for the outlay? We may benefit a few Americans who want to get rich quickly

without work, exploiting the natural resources of the Philippine Islands. We may help promoters of all kinds of fanciful corporations organized to develop gold mines, quarries, coal mines, and forests. All the various resources of the islands may be, and probably will be, seized and appropriated by speculators, to the end that a few men may get rich, or make the effort; meantime the American taxpayer will foot the bill. No American boy will ever go there to get a farm. Few Americans will ever go there to seek employment. No man can go there and, in that pestilential climate, make his home and rear his family. No Americans will expatriate themselves for the purpose of going into a country the inhabitants of which are citizens of nowhere, with no sovereign except the bayonet, and owing allegiance to no country that has a name in history.

At the outset we were compelled to outlaw those islands. They are not a part of our nation. They are not a nation. Where, then, is their allegiance? When a Filipino boy arrives at the age of manhood, where shall he address the devotions of a patriot? To the United States? He is not a citizen of the United States! To the Philippine Islands? They have been blotted out as an entity by the American Government.

Build your outposts, quarter your army there, go on with this scheme of conquest and spoliation, but let it be understood distinctly that you are carrying out a permanent policy.

Every gentleman on the other side of the Chamber has reached the conclusion long ago that military force must be the permanent basis of government in the Philippine Islands, but the Republican leaders have not dared to say so to the country. We all know that there is not in the islands any class of people who are loyal to our Government, but that on the contrary the inhabitants are united in opposition to our sovereignty. The pretense that any considerable number of them are loyal to our flag must be abandoned. There are no loyal Filipinos. The country is committed irrevocably to the policy of military despotism in the Antipodes. [Applause on the Democratic side.]

[Here the hammer fell.]

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of the full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, \$25,000,000: *Provided*, That the balance of the appropriation of \$100,000 made by the act of May 26, 1900, for construction of military roads and bridges in Alaska remaining unexpended on June 30, 1901, is hereby reappropriated and made available for such construction: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service.

Mr. HAY. Mr. Chairman, I offer the following amendment:  
The Clerk read as follows:

On page 25, line 16, strike out the word "five" and insert the word "two."

Mr. HAY. The amendment which I offer makes the appropriation of this service read "twenty-two" instead of "twenty-five" millions of dollars. The committee will observe that on



page 16 of the bill the officers and crews and employees of these transports are provided for in that particular clause. Now, after careful examination into this question of the transport service, there being only 22 transports, it seems to me that \$22,000,000 is a sufficient sum to run this service. As it is run now, it is very expensive, and this appropriation ought to be cut down. I hope that the amendment will be agreed to.

Mr. HULL. If the gentleman will look at page 16, he will see that the appropriation there is only for the subsistence of the crews that he speaks of. I want to say to the committee that last year it cost about \$35,000,000 for this transport service. The estimates this year were \$30,000,000, and the committee cut the estimate down \$5,000,000, appropriating \$25,000,000 for this year. The Quartermaster-General said the item should not be reduced below \$28,000,000; and we ought not to cut one penny below the amount in this bill. There is danger of having a small deficiency at the next session of Congress even with this appropriation of \$25,000,000. Now, with reference to this service being extraordinarily expensive to the Government, it has cost the Government less than one-half of what it would have cost the Government to transport these troops back and forth, if they had used the regular means of travel instead of owning their own transports.

Mr. HAY. They had to buy the transports, had they not?

Mr. HULL. The Government owns all the transports it uses.

Mr. HAY. I know they do.

Mr. HULL. But when they needed more than they owned and chartered a boat the chartered boat cost a great deal less than to use commercial lines. It seems to me that my friend is offering an amendment here which would simply either cripple the service or demand at the next session of Congress that the Committee on Appropriations shall take the matter up and report a deficiency.

Mr. HAY. Was there not a deficiency on the last appropriation?

Mr. HULL. I believe that \$25,000,000 is the least sum that we ought to appropriate at this session.

Mr. HAY. Was there not a deficiency the last appropriation?

Mr. HULL. We appropriated \$34,000,000, and in the last bill there was no deficiency.

Mr. HAY. I think the Quartermaster-General said that he had more than he needed.

Mr. HULL. If you will read the hearings you will see that he reported we ought to appropriate more than \$25,000,000.

Mr. HAY. I understand that he said he could cut it down \$2,000,000.

Mr. HULL. He said he could cut it down \$2,000,000, and the committee cut it down \$5,000,000.

Mr. HAY. But we are not transporting as many troops as heretofore.

Mr. HULL. But we are transporting all the time.

Mr. HAY. I understand we are.

Mr. HULL. We are going to transport all the time, and we have cut off \$5,000,000 by the committee below the estimates submitted to Congress, and it seems to me that \$5,000,000 is a pretty big cut, in view of what the Quartermaster-General says, and we ought not to cut it down another three millions. I call for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. NORTON. Mr. Chairman, I believe in my country's progress; I believe in advancement, and in doing all that is possible to aid in its material growth, and in making the lives of my fellow-beings happier and better.

I am not an alarmist. I believe in justice and equality, and I have faith in the common sense and loyalty of the people, and from this belief and faith I am confident that the people throughout the length and breadth of the country will sanction votes cast for general public improvements, but I am equally confident that they will be quick to condemn the unpatriotic schemes presented here, which are leading our country farther and farther away from the principles of loyal devotion and adherence to the ideas upon which this Republic was built.

Mr. Chairman, it does seem that the leaders of the Administration party have forgotten the precepts taught by our fathers; that they deliberately set out to ignore the grand heritage handed down to us by those who have gone before, that this is the "land of the noble free;" that independence and the right of the people to govern themselves are sacred principles. The air we breathe instills devotion to freedom and right, and the doctrine of the "divine right of kings" finds no lodgment in the heart of any true American.

Republican party leaders on the stump during every campaign, when appealing to the voters of the land, either are blatant-mouthed jingoists, for the occasion, or avoid the subject as a pestilence and a plague. I have no doubt but that the great heart of the American people beats in unison with every impulse of freedom, every longing for independence that fills the heart of

every oppressed people on the globe, and if left free to carry out the noble thoughts, desires, and intentions of their nature they would join in some movement whose widening circles and swelling crest would reach to the earth's remotest bounds and extend the benedictions of liberty and peace to all of the world's oppressed.

The United States of America should stand at the head and lead in this glorious crusade of freedom as the evangel of liberty; but unfortunately her limbs have been fettered by those in power, who have sought personal ends at the expense of the country's shame.

For years in our history the Fourth of July meant something to our people. It was celebrated as a reminder of the foundation of our independence and greatness. In every hamlet and village celebrations were held, eloquent speakers portrayed the growth and glory of the country, and, in common phrase, "twisted the Lion's tail," and I have no doubt but that there are many of my Republican friends here who have been the eloquent "orator" on such an occasion and have denounced England's aggression; but such celebrations have fallen into disuse, and the stern sense of opposition to British schemes has grown less or been crowded into the background by self-interest or overcome by the glitter of British gold.

If we were true to our real convictions and should speak out our honest sentiments as American citizens, we would espouse the cause of the struggling Boers, and our voice would be heard in thunder tones demanding that the South African republics shall remain as such, and not be destroyed at the behest of the cupidity and greed of the brutal Briton.

The sturdy burghers are fighting for their very existence; and, though their numbers are comparatively small, the ferocity of British authorities has given to them a long list of heroic martyrs, whose memories are to the struggling Boers an inspiration that makes each one an host.

The Boers are fighting to maintain their existence as a separate government under a republican form. The British, under pretense of holding a suzerainty over their territory, just as the British claimed a suzerainty over the United States, are fighting to destroy the independence of the Dutch republics, and, mainly, to steal the gold and diamonds of the country.

Any intelligent and unbiased person in looking over the situation, comparing the history of the United States and England with the history of the Boers and England, would say that at the very first rifle shot fired by English ruffians at the Boers this Government would at once leap to the defense and rescue of her sister republic and say to the Imperial British Government, "Stop, we will never consent or permit such wrong. It is our mission to aid in the advance of liberty and freedom and in the building up of independent republics wherever they exist, and, 'by the Eternal,' we will do it."

Have we done this? No, no; speak it to our shame! We have not only sit by and watched the "robber nation" violate all the rules of civilized warfare in its war against the Boers, protesting neutrality, we have permitted the English to draw from our country their military supplies.

So "commercialized" is the patriotic spirit of the Administration leaders that the 150,000 horses and mules that have been purchased in this country and shipped to Cape Colony for the use of the British army are a more potent influence than all ideas of patriotism, humanity, justice, and right.

This Administration can not receive "officially" the duly authenticated representatives of the South African Republics or listen to an appeal for peace, but it can use all the power and force of the Government to guard and protect the British mules near New Orleans. I wonder that such obsequent subservency to a foreign foe, for that is what England is and ever has been to us, does not arouse the shade of old "Sam" Houston and his band of brave patriots from their graves and incite them to sweep the whole beggarly crew from America's shores.

Reason, justice, patriotism, humanity, all the memories of our past, all the hopes, aspirations, and desires of a freeborn people, prompt us to intervene in behalf of the Boers. Why do we not? Why?

It is time that we should. The horrors of war are darkening the brightness of the twentieth century dawn. The Boers are fighting for justice and the maintenance of their independence, and the spirit of independence, when once aroused, is seldom extinguished, save by the utter annihilation of every man, woman, and child of the race. Why do we not act favorably to these struggling heroes? Ah, since we have launched our destiny on the same course as imperialistic England, since we have wandered so far away from the principles upon which our Republic was founded, since we, too, as a nation are equally guilty of the same crimes against liberty, honor, and justice, for very shame's sake we can not speak a word or lift a finger in behalf of South Africa, or England would simply point to the Philippines and say, "Physician, heal thyself."



This is the answer to the question why we do not take some action to bring peace to the stricken South Africans and relieve them from the savage tortures of savage British soldiers. Let us take a survey of our surroundings, for it is high time we took our bearings and found out where we stand. We have drifted from landmark after landmark and are sailing over seas where many a ship of state has foundered.

It was the idea of the fathers that this should be a representative government, with three coordinate branches—the executive, the legislative, and the judicial. For a century this system was on trial, as an experiment and as an assured fact, a success; but ambition and organized greed crept in, and by shrewd manipulation the executive encroached more and more upon the rights of the other branches, which tamely submitted, until now both are subordinate—in fact, if not in theory—to the executive.

Mr. Chairman, this ought not to be. No matter who occupies the Presidential chair, he is there but to execute the laws passed by Congress, and it is beneath the dignity of any legislature to follow the beck and nod of any President, irregardless of what his wishes may be. If the wishes of the people were carried out and political chicanery dropped, there might come to us such a condition that our skirts would be clean enough to permit us to speak a word for the Boers, but as long as we maintain our present condition we can not with consistency advocate any course which demands honor, patriotism, and humanity. So bound is the Government to scheming ringleaders that there is no consistency anywhere in the legislation sought to be enacted. No established rule of honor or duty is maintained. Right in Porto Rico is wrong in the States. We have one standard of dealing with Cuba, another with the Philippines, and still others, different with each subject, the only agreement being in complete deference to the trusts.

To-day war exists in our Eastern possessions—our colonies, our dependencies, our provinces—no one knows just how to describe the Philippines. But we are engaged in a brutalizing warfare there that in some ways may be compared to the conduct of the war in South Africa.

There is no question of patriotism or loyalty to the Republic involved in this war. It is simply a war of aggression and conquest. Our honor, our homes, our rights have not been assailed by any of the foes we are fighting.

They are fighting for their liberty and independence, and we are fighting for their homes and their subjection to our domination. They have made a brave, even if hopeless, struggle, but are not as yet conquered or subdued. But how great the cost to us, not alone in money but in shame and sorrow!

It is still to continue, and we will be having repetitions of the scenes described in a press dispatch from Omaha, which I will read. We have had many a ship load of confined forms brought home, and many a load like these, all part of the price paid by the nation for its crimes and for the trampling underfoot of the principles of Independence Day.

OMAHA, March 15, 1902.

A carload of maniacs brought in from the West to-day caused commotion at the Union station. The men were United States soldiers who had gone insane in the Philippines. All were absolutely mad and violent. All wore leg irons and handcuffs. Some were in strait-jackets and were bound to isolated parts of the car.

There were 18 maniacs in all. The guards and care takers were soldiers. They were stationed at the doors of the car and at intervals along it with clubbed rifles.

As the train pulled into the station there was a confused sound as of a menagerie approaching. The imprisoned men were chattering, snarling, growling, moaning, roaring, and whining like so many wild beasts. Each seemed to imagine himself some representative of the animal kingdom, and the result was terrifying and heartrending.

The maniacs are being taken to the Insane Soldiers' Hospital at Washington.

The course of the Administration can not be defended upon any moral or religious ground. It is only upon the assumption that "might makes right," and that the "almighty dollar" is in it, that the advocates of the continuance of the present policy can stand.

We hear a great deal about the large sums we are expending for the education of the natives over there, but whose money is it that we are spending? It is money that is collected there and belongs to the revenues of the islands; it is not our money; and for every teacher, preacher, Bible, or text-book we send over to those "poor heathen" we send a whole shipload of whisky and beer.

We hung on to the islands as an after conclusion. When Dewey captured the Spanish fleet and, with Aguinaldo's aid, took possession of Manila, there was no thought on the part of this Government to retain anything more than the harbor at Manila, but when the word came that the forests were valuable, that rich beds of minerals could be found, and that there were opportunities for big stealings, then the greedy cormorants of monopoly here in the States declared that they must have a show, and they have had it.

I hope they may soon get satisfied, and the only way to reach them is through the pocket. Have the Philippines paid for all the vast expenditures necessary in remaining on the islands and maintaining our present hold? Has it paid in dollars and cents,

and say nothing of the loss of honor, life, health, and reason that as a nation and as individuals we have suffered? Is the game worth the candle? In the report of the Secretary of War for 1901 the imports to the Philippine Islands for 1901 were as follows:

Great Britain	\$3,956,145
United States	2,855,685
Spain	2,161,352
Germany	2,135,252
France	1,683,929
China	4,339,941
Hongkong	2,340,585
East Indies	2,182,802
All other countries	5,623,025
Total	30,279,406

The exports were:

Great Britain	\$10,704,741
United States	2,572,021
Other countries	9,938,186
Total	23,214,948

Now, a large part of the imports were for goods for our own soldiers there, so that it was not legitimate trade of the islands. For this paltry \$2,855,685 of commerce that went from the United States, we paid out over \$100,000,000. How long will this be kept up? The independence of the Philippines is the only solution. With the people and the Democratic party rests their only hope, and not alone their hope, but the hope for the perpetuity of this Republic. The Republican party has had in its past some great leaders, men whose clear intellect, rugged honesty, and uprightness of character made them leaders, and at the inception and early days of the party these leaders enunciated the principles of the party with a vigor that was unmistakable. Compare the words of Lincoln, when he said:

These arguments that are made that the inferior races are to be treated with as much allowance as they are capable of enjoying; that as much is to be done as their condition will allow—what are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. You will find that all the arguments in favor of kingscraft were of this class: that they always bestrode the necks of the people, not that they wanted to do it, but because the people were better off for being ridden. Turn it whatever way you will; whether it comes from the mouth of a king, an excuse for enslaving the people of the country, or from the mouth of men of one race for enslaving the men of another, it is all the same old serpent.

Or that resolution adopted by the Republicans in convention assembled in 1860:

That the maintenance of the principles promulgated in the Declaration of Independence, that governments are instituted among men, deriving their just powers from the consent of the governed, is essential to the preservation of our republican institutions.

Compare, I urge, this language, these sentiments, with that of the leaders to-day, who boldly advocate forcible annexation and declare "We have the Philippines and we are going to keep them forever." Like Pharaoh of old they have hardened their hearts, and it may be necessary for a holocaust, such as the death of all the firstborn in the land, to bring them to hear reason. It is not because there is no remedy for present conditions in the Philippine Islands that no action is taken. It is because of the opportunity given for favored officials on high salaries, for pet contractors who reap fortunes from their dealings with the Government, for syndicates and rings to get hold of valuable properties. These are the main reasons. The dollar is their god and man but a slave. As long as there is this sickening subserviency to greed there will be a demand for our brave boys to be thrown as victims to disease of body and mind, to wounds, torture, and death, in a war which has degenerated to a level with the war in South Africa, for the Philippine natives are struggling for their freedom now, as they have been for over three hundred years, and we have but taken the place of the Spaniards.

If Congress should pass resolution or the President issue proclamation that it was the intention of the United States within a year or two years, or even five years, to grant to the Filipinos an independent government, without any humiliating conditions, the native combatants would quietly seek their homes as soon as the news could reach them and at once begin the preparation for their independent statehood and take up the rebuilding of their properties, and would concede to us such naval stations and trade concessions as would in a shorter time than can ever be under our dominion of the isles reimburse us for the money we paid to Spain for their purchase. Our Republican friends, however, are having trouble all along the line. Take Cuba as another illustration. Forced by the demand of the people, we, in the name of humanity, delivered Cuba from Spanish bondage, and then, at the suggestion of the trusts, we saddled the island with a military and a carpetbag government. We saved them from murder, but left them to starve while the Rathbones and Neelys plundered the revenues.

We pledged ourselves to make it a stable government, and we so hedge it about with conditions that it is impossible for the island to develop its resources. Foreign capital was timid, as capital always is, and has kept out of Cuba while we haggled over



the political disposition of the Cuban question, and now the principal industry of the island is paralyzed by our neglect.

During our occupation of the island the sugar trust secured control of many plantations, and with changed conditions they now make their demands on Congress.

I have been opposed to a protective tariff, as such, and I would be glad to wipe out the tariff on sugar, but I also want to be equally kind to tea, to tobacco, to iron, steel, hides, and wood pulp.

I realize that the Republican leaders are in a state of mind over this Cuban question, and afraid of its outcome. They realize that there is boundless sympathy for the Cuban people in the hearts of the American people; that Cuba has untold wealth of natural resources and raw material, and if we treat them justly, and as they have the right to expect under the conditions in which we have placed them, in a very short period of time we will have an annual trade with them of hundreds of millions; but, like Demetrius of Ephesus, they cry, "Our craft is in danger," and great is their confusion.

The tariff is the fetich upheld by the trusts, and before which the Republicans bow themselves.

A Democratic standard bearer once tritely said that "the tariff is a local issue," and he was assailed and ridiculed by the opposition leaders and press for the saying, and yet each different section and locality of this country, each separate industry, has separate wants and interests to be conserved, and every tariff that has ever been made has been the result of compromises, and only satisfactory to the interests which get the most favorable consideration.

I receive from many of my Republican constituents appeals to have hides placed on the free list, because it is for the interest of leather workers to have the tariff reduced. The great newspapers of the country, Republican journals as well as others, are in distress, and beg, demand, and threaten that wood pulp must be admitted free, and so it goes all along the line.

Cuba comes and begs of us for relief, and humanity dictates that we heed her cry.

I read one of many letters I have received from Cubans:

HABANA, February 12, 1902.

HON. JAMES A. NORTON,

Member of the United States Congress, The Raleigh, Washington.

DEAR SIR: We would earnestly request you to carefully read and think over the contents of this letter, as a nation's prosperity or ruin depends on the way in which the matter herein touched on is settled.

After three years of a civil war of the most destructive character we find ourselves with all our capital invested in the reconstruction of the country, chiefly in the building up again of our two great industries, sugar and tobacco. At the commencement of the present grinding season, or, say, the harvesting of our sugar, we find ourselves with a prospective crop of fully 800,000 tons of sugar, the market price for which, duty included, in our actual market is so much below the cost to us of producing same that unless immediate measures are taken by the American Congress to give us some relief in the way of a reduction in the duties our sugar and tobacco pay on entering the United States absolute ruin stares us in the face.

This crisis in our affairs reaches every person in the island of Cuba, whether planter, banker, business man, or whatever he may be, and unless the reduction comes to us within the present month, that its benefits may reach the crop we are in these moments commencing to harvest, our conditions will be worse than ever before in this island.

It is a well-known fact that every civil war Cuba has had has been, more than anything else, due to economic reasons. The best-informed people on the island consider that the economical crisis which now overshadows us is the most serious in our history.

Unless you wish to see a people ruined and anarchy reign at the very doors of the United States, and as a direct result of her intervention for the saving of said people, we most earnestly beg and implore you to use all your well-known and powerful influence that the reduction we ask for on our sugar and tobacco may be granted us within the course of the present month; for, believe us, it is a matter of life and death for the island of Cuba, and the evils which threaten us unless this reduction is conceded we dare not think of. A failure in the present crop possibly means a complete wiping out of the existing business interests in the island of Cuba.

Respectfully, yours,

ANSELMO CASSELLS.

The fight is not so much upon giving relief, but as to the details. As sugar is the chief export from Cuba, anything that will help that industry will aid the development of the islands, and from the hearings had before the Ways and Means Committee it would seem that the removal of the differential duty, or that corresponding to color restriction, upon Cuban unrefined sugars imported into the United States would produce this result. I am in favor of this, as far as it goes. I want to help the people of Cuba to the fullest extent, not in any halfway degree; but I want the people of my own country benefited first, and I find in the evidence before the committee this statement:

Should Congress deem it advisable to make a reasonable reduction on raw sugars from Cuba, we, as beet-sugar manufacturers, can stand such a reduction on such tariff, and still, with such decreased duties, feel assured of a legitimate profit on the actual money investment.

But, while Cuba comes asking for relief, there are selfish interests here, represented by the sugar trust, which contend against this full measure of relief and join with the Administration in a policy which by making use of the necessities of Cuba will lead to forcible annexation through the medium of starvation.

Now, while it may or may not be desirable to have Cuba annexed to the Union and add another problem to our existence as

a Republic, I do not believe it wisdom or good policy or anything less than a crime to add even the "Gem of the Antilles" to the galaxy of States until it comes freely, willingly, and of the own volition of the people thereof.

We are here to legislate for the people of the United States, and in all things we should be most jealous of the interests of all the people. We should not cater or defer to one class or industry, but so act that the beneficent influence and result of our legislation will fall alike upon rich and poor, capital and labor, everywhere within our borders.

If legislation be enacted in behalf of or against sugar, then bring within the same treatment tobacco, corn, wheat, cotton, lumber, iron, steel, and all the products of our country.

If the steel industry is favored, then extend the same privileges to the farmer.

If the members of a syndicate owning great steamship lines are to receive millions in the way of subsidy, then scatter millions more among the workingmen of the country. If you are going to open the vaults of the Treasury to a few, why not throw wide the doors and give all a chance to go in and steal what they choose?

You all know that this is not a land of equal opportunities, no matter how loudly, for campaign purposes only, you prate about the glorious Republic of equality. Look at the vast accumulation of wealth in the hands of the few, not gathered by honest industry, but by favored legislation! See how they continue to be favored! Now, it is the duty of the Democratic party to be true to its principles and fight for the restoration to the people of their common heritage to be free and equal and to have equal opportunity with syndicate and trust in the benefits of legislation.

There is coming before us soon the ship-subsidy bill, which, by its provisions, is a gift, pure and simple. Under its first title the Postmaster-General can make contracts with owners of certain vessels for the carrying of the mail, and for such service the Government is bound to pay, not in proportion to the amount of mail carried, but a rate based on the gross tonnage and distance sailed by the vessels. Then, again, there is a general subsidy to freight vessels, and here the bounty is not confined to amount of freight carried, but is governed by the capacity of the vessel and the sailing distance. Again, there is a gift outright to those engaged in deep-sea fishing which has been estimated to only reach \$175,000 a year, and it would not be necessary for a single fish to be caught under the provisions of the bill. It is a most vicious bill. I read the provisions as to payment:

SEC. 5. The rate of compensation for such ocean mail service, to be paid per gross registered ton for each 100 nautical miles sailed from the port of clearance in the United States to the port of entry in the United States, according to the route required by the Post-Office Department, shall not exceed the following:

Steamships of the first class, 2.7 cents.  
Steamships of the second class, 2.5 cents.  
Steamships of the third class, 2.3 cents.  
Steamships of the fourth class, 2.1 cents.  
Steamships of the fifth class, 1.9 cents.  
Steamships of the sixth class, 1.7 cents.  
Steamships of the seventh class, 1.5 cents.

The rates of compensation to a steamship to be employed in carrying the mails to a foreign port in North America under any contract hereafter to be made under the provisions of this act shall not exceed 70 per cent of the maximum rates established by this section: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts, or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages, and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General: *And provided further*, That until July 1, 1907, not more than \$5,000,000 shall be expended in any one year under the contracts provided for in this title, and after that date not more than \$8,000,000 shall be expended in any one year under the contracts provided for in this title; and the Secretary of the Treasury shall make such regulations for the payment of said compensation as will cause any excess in the total amount of compensation earned under this title in any one fiscal year over and above said sums respectively to be deducted pro rata from the total compensation due each person or corporation under this title during said fiscal year.

#### GENERAL SUBSIDY.

SEC. 6. That from and after the 1st day of July, 1902, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this title, out of any money in the Treasury not otherwise appropriated, to the owner or owners of any vessel hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), and being at the time of entry engaged in the foreign trade of the United States, which shall be entered in the United States from a foreign port or from any port in the Philippine Islands, compensation as hereinafter provided, that is to say:

(a) On each entry, not exceeding 16 entries in any one fiscal year, of a sail or steam vessel of over 1,000 gross registered tons, 1 cent per gross registered ton for each 100 nautical miles sailed.

(b) On each entry, not exceeding 16 entries in any one fiscal year, and for a period of five years from the date of registration of a vessel of over 1,000 gross registered tons, which shall be completed and registered after the passage of this act, one-fourth of 1 cent per gross registered ton for each 100 nautical miles sailed, in addition to the compensation provided in paragraph (a).

SEC. 7. That compensation under this title shall not be allowed in respect of any of the following-named vessels:

(a) A vessel on a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States or from



a foreign port less than 150 nautical miles from her first port of arrival in the United States.

(b) A vessel on a voyage less than one-half of the whole length of which, on her outward and homeward voyages, respectively, shall have been on the sea between a port of the United States and a foreign port.

(c) A vessel which shall not be at least of the Class A1, as classified either by the Record of American and Foreign Shipping or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any other register of shipping of at least equal merit.

(d) A vessel of which less than one-fourth of the crew shall be citizens of the United States or such persons as shall be within the provisions of section 2174 of the Revised Statutes.

(e) A barge, canal boat, or vessel proceeding from port to port in tow, or a tugboat, or a vessel engaged in wrecking.

(f) A foreign-built vessel, hereafter admitted to American registry pursuant to the provisions of section 4136 of the Revised Statutes.

(g) A vessel while employed in the coasting trade.

(h) Steamers which during their trials have not obtained a minimum speed of 8 knots, half loaded.

SEC. 8. That the mileage upon which compensation shall be paid under this title shall be determined by the direct customary route from the last port of departure in the United States to a foreign port or a port in the Philippine Islands, and from such last-mentioned port by the direct customary route to the first port of arrival in the United States. If during the voyage the vessel shall enter at two or more foreign ports or ports in the Philippine Islands, the distance by the direct customary route between such ports shall also be included in the mileage upon which compensation shall be paid under this title.

#### DEEP-SEA FISHERIES.

SEC. 12. That from and after the 1st day of July, 1902, the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, bounties as follows:

(a) To the owner or owners of a documented vessel of the United States engaged in the deep-sea fisheries for at least three months in any one fiscal year, \$2 per gross ton per annum: *Provided*, That at least one-third of the crew shall be citizens of the United States, or such persons as shall be within the provisions of section 2174 of the Revised Statutes.

(b) To a citizen of the United States serving as a member of a necessary and proper crew of a vessel of the United States documented and engaged in deep-sea fisheries for at least three months during any one fiscal year, \$1 per month during the time necessarily employed in the voyages of such vessel.

Now, this bill is lauded to the skies by its framers as a great help to our merchant marine, and that it will promote shipbuilding in American shipyards; that in a few years all the carrying trade of the seas will be in American-built and American-owned vessels.

Let us lay aside the fact that the father of the bill is one of the large beneficiaries under the bill, and see, if we can, wherein our merchant marine will gain.

The provisions of the bill do not apply to our coasting trade, nor to commerce on the lakes and rivers of our country; only to those vessels engaged in the foreign trade. The amount to be expended is in a measure limited, and there are now more than enough vessels owned by the favored corporation to use up the entire appropriation, so what encouragement is there for the building of new ships under this law?

The shipyards of the country are not lacking in orders. Many of them are declining to accept new business by reason of the amount of business they now have on hand. It is true that a large share of our commerce with prosperous foreign countries is carried in foreign-built, foreign-owned, and foreign-manned vessels, but how that can justify or argue that we should take money out of the Government Treasury and give it to one class of people for absolutely no service rendered and compel the rest of the people to contribute to the fund by taxation is certainly a hard proposition to digest.

If the merchant marine can not maintain itself and a paternal Government must rush to its assistance, then, in all justice and fair play, apply the same principle to other industries. The farmers are not prosperous, so every time they drive to town pay them 10 cents a pound for all their whole outfit weighs over a ton for each three miles traveled. Now, would not such a proposition build up and promote agriculture?

Do you not think the farmers would then build better roads, buy larger and heavier wagons, and raise more heavy draft horses? Why, of course they would.

The laboring men are not in a flourishing financial condition. Shall we not give them a compensation of 30 cents for each tool they may have in their hands per hour? Would there not soon be an increased production of tools, a cessation of all eight-hour day agitation, and the workingmen prospering everywhere?

Where is there more right and justice in giving shipowners a subsidy than in giving the farmer and workingman?

What justice is there in paying the boat owners and the crews on boats which engage in deep-sea fishing a subsidy and ignore the fishermen on the lakes?

The whole scheme is one by which a few of the great shipowners who have already formed a trust may draw still more from the nation's Treasury.

This unjust discrimination in favor of one class of our citizens ought not to be. I believe that laws should be general in their application, and not so hedged about with restrictions as to benefit but a favored few.

It is the same way with the Chinese-exclusion law. I do not favor the exclusion of Chinese laborers alone. I do not believe that the United States should bar out the coolies of China from

the "Golden Gate" and give entrance through the "Narrows" to the paupers, the ignorant, the vicious, and criminal from the slums of every other country on the globe. I am no advocate of cheap labor. Cheap labor and contract labor are ever to be deprecated, as they are next to slavery. History, experience, and observation teach us that the best-paid labor is the most economical and produces the best results. It does more and better work. It makes better citizens. So let us broaden the restrictions of our immigration laws and shut out every element that will tend to lower our standard of citizenship.

I am in favor of home protection. Not the protection taught by Republican leaders, which would shut out the products of the "pauper labor" of Europe, but bring the pauper laborers in by the thousands to take the places of American workmen, and then shoot them down like dogs when they are starving under the meager pittance paid them and ask for more.

This leads me to speak of a breed of humans who have been brought to this country and nursed by Republican practices and Republican precepts—the anarchists.

When on that fair autumnal day in September last, like a lightning sheet from a clear sky, there flashed the news that William McKinley had been slain, a whole world paid tribute of love, sorrow, and appreciation. Here in his own country the whole nation mourned, party lines were obliterated, partisan feeling was forgotten, and under the dark cloud of our nation's disaster from every heart there welled up the most profound sympathy and grief, while all united in condemnation of the hideous crime. All parties have joined in approval of the merited punishment which was given to the spawn of hell in whose base heart that monstrous crime had its birth.

There was insistent demand everywhere that without delay Congress should legislate against "anarchy," and many good people were so exercised that the most anarchistic suggestions were made as to the form legislation should take.

Almost four months have passed since we opened this session, and the "anarchists" are still undisturbed.

The Republican party is responsible for what is done and for that which is not done here. Your acts in the past have created the conditions which breed anarchy, and you can not escape the responsibility involved in such breeding. Your high protective tariff, which engendered trusts; the importation of pauper foreign labor by the beneficiaries of your legislation, your government by injunction, the infamous "bull pen," the brutal murders at Latimer, the assassination of Goebel in Kentucky, and the protection of the instigator and hoped-for beneficiary of the murder by the Republican governor of an adjacent State, all these are the hotbeds and inspiration of anarchy. The disregard of the Constitution and subversion of equal rights and justice, the triumph of the Navy ring, and a score or more acts of autocratic misrule, all have developed anarchy.

This land of ours may suffer for a time by the sporadic growth of anarchy under the favoring shelter of Republican Administration, but it will not last. The people of this nation are always stronger than the officeholders; they are patient and enduring up to a certain point, and then they render summary justice upon the offenders, and it is to the people we must look for help, and they have never failed. Their courage and bravery has been shown on many a battlefield, their patriotism and devotion attested by a century's history, and although, while corporations control the Government and imperialism casts its dark shadow over society, a dangerous and rebellious spirit will spread throughout the land, yet the time will come when the people will demand in thunder tones that can not be ignored that class privileges must be abolished and the principles of equality and equal rights to all be established once more as the foundation wall and capstone of the temple of liberty in this nation.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. SHAFROTH. Mr. Chairman, the statement made by the chairman of the Committee on Military Affairs a few minutes ago ought to impress the members of this House and the country at large with the fact that this Government is bound to be at an enormous expense in holding the Philippine Islands. He stated that the appropriation of two years ago for transportation to the Philippines was \$35,000,000 and that last year it was \$30,000,000.

Mr. HULL. Thirty-four millions.

Mr. PARKER. This is not for the transport service, but for transportation in general.

Mr. HULL. For transportation and supplies everywhere.

Mr. SHAFROTH. I understand that, but most of it is for the transport service. It shows the enormous amount it is costing us to transport soldiers from one part of the country to another for embarkation and in sending them to and from the Philippine Islands. Four-fifths of this appropriation is necessitated by our occupation of the archipelago.

I want to call attention to the fact that the appropriation in



this bill for that service is \$25,000,000—an enormous amount. According to the report of the Committee on Military Affairs the amount appropriated for subsistence of the enlisted soldiers is \$11,934,000 and for the pay of the soldiers is \$12,402,000. In other words, the cost of transportation is such a large item that it exceeds the pay and the subsistence of the enlisted men.

Mr. Chairman, what I desire to call attention particularly to in this paragraph is that the cost of the Army in the Philippine Islands is enormous compared to the cost of the Army in the United States. Of the \$90,000,000 appropriated in this bill for the military establishment of the United States, I have no doubt that two-thirds of it is for the maintenance of the soldiers in the Philippine Islands. In other words, we are appropriating \$60,000,000 a year in order to hold the Philippine Islands—\$60,000,000 annually to sustain by force our sovereignty there!

Mr. Chairman, when we look at these figures we naturally inquire how are we ever going to get even on this enterprise of conquest and subjugation. If we could wipe out the past expenditures of \$300,000,000 and start anew, we could never get even on this great blunder of the American people. Mr. Chairman, the Secretary of War in his annual report made a statement with respect to the commerce of the Philippine Islands which, it seems to me, ought to convince anybody that even if we have peace, even if we reduce the force to 15,000 men in the archipelago, there will still be an expenditure of more than \$20 for every dollar of profit made to our commerce.

Mr. Chairman, I want to call attention to a table in the last annual report of the Secretary of War, which to my mind is the strongest argument from the commercial standpoint against holding the Philippine Islands that ever has been made. It shows that the total imports of the Philippine Islands for the fiscal year ending June 30, 1901, aggregated \$30,000,000, and of that amount the United States exported to the Philippine Islands only \$2,855,685.

It is generally asserted that the exporter of goods is doing exceedingly well if he makes 10 per cent profit on his exports. Ten per cent of that amount is only \$285,000. That, then, is the sum which the exporters from the United States make on the goods sold in the Philippine Islands in a whole year.

Mr. Chairman, we have been in possession of and the flag of our country has floated over the archipelago for nearly four years, and yet we find that we have not received 10 per cent of the total commerce of the islands. We have heard of the argument that trade follows the flag; we have heard it stated that if we planted colonies we could get their trade; and yet we have been in possession of the islands, with all the advantages in our favor, and we have captured not quite one-tenth of the commerce of the same.

Yea, more. We find that the demand for the American goods we send is made largely by our own soldiers there. If that demand were eliminated we would not have one-twentieth part of the commerce of the islands.

Mr. Chairman, the Filipinos are like other people; they buy where they can buy cheapest, and they sell where they can sell dearest. In this very table is an item that Spain, hated Spain, shipped to the Philippine Islands during the past year almost as many goods as did the United States—\$2,182,000 worth of goods—and yet they tell us that the trade follows the flag.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. SHAFROTH. I would like five minutes more, Mr. Chairman.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado may have five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Colorado be extended five minutes. Is there objection?

There was no objection.

Mr. SHAFROTH. Mr. Chairman, we find that the Philippine people purchase from the very country they had been in rebellion against for a generation almost as many goods as they purchase from the people of the United States.

There is another statement contained in this report of the Secretary of War which every person ought to take and consider seriously in connection with the Philippine problem. It is shown by this report that although the United States commerce with the islands has increased somewhat, yet certain other nations have been increasing their commerce with the archipelago more than the United States. That statement demonstrates that trade does not follow the flag, but does follow the price list.

Now, what is that statement? The Secretary of War, on page 77 of the report, says:

The imports from the United Kingdom, from Germany, from France, and from the British East Indies have increased in greater proportion than the imports from the United States.

Think of it! With our Army there, with all the natural tendencies that our soldiers have to buy American goods, with everything

in our favor, with the flag floating from all the ports of the archipelago, yet the Secretary of War admits, in language that can have but one construction, that the imports from the United Kingdom of Great Britain, from Germany, France, and from the British East Indies have increased in greater proportion than the imports from our own country.

Mr. Chairman, is it possible that anyone can contend that "trade follows the flag," in view of that declaration of the Secretary of War? Gentlemen say that the trade will increase. It may increase; it may double, treble, or quadruple. It may increase tenfold. And yet, according to the extent of our expenditures in the past and those that are bound to be made in the future, we will expend at least \$20 out of the Treasury of the United States for every dollar of profit to our exporters of goods.

And who gets the profit? Mr. Chairman, it is not the Government. We do not get the profit. It is not even the people who get the profit. It is only one class of the people. The exporter alone gets the profit which is made upon the goods. That paltry \$285,000 is what all the exporters of the United States get in profits. But who pays the \$60,000,000 which we are appropriating in this bill? It is the people—the taxpayers. How long are the people of this country going to consent to pay \$60,000,000 a year out of their earnings for the purpose of maintaining a commerce in which there is a profit of only \$285,000 a year?

But suppose that commerce should increase a thousand per cent. That would be an extraordinary increase—not to be looked for—perhaps never to be attained; for you must remember that notwithstanding the reputation of having phenomenally increased our commerce, it took the United States more than twenty years to even double our exports. The exports of the United States for the year 1880 were \$835,000,000; and for the fiscal year ending June 30, 1901, they were \$1,487,000,000. Our exports have not quite doubled in twenty-one years. Yet it was the pride of every American that we had extended our commerce more rapidly than any other great nation of the world.

But, Mr. Chairman, assuming the exports from our country to the Philippine Islands will grow ten times faster than our commerce with the rest of the world has grown, yet for our yearly expenditure of \$60,000,000 our exporters will derive a profit of only \$2,850,000 per annum. That is, the Government will expend out of money collected from the people \$20 for every dollar of profit to our exporters of goods. If the expenditures be cut down one-half, which is not probable in this generation, yet the Government expense will be ten times the profit to commerce. What an idiotic policy, even from the commercial standpoint, it is to hold the Philippine Islands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I find it difficult to determine what is the attitude of the Democratic party in respect to our Philippine policy.

Mr. COWHERD. Will the gentleman tell us what is the attitude of the Republican party in regard to the Philippine Islands, or what policy that party has ever declared on that question?

Mr. MONDELL. Mr. Chairman, the policy of the Republican party, as I understand it, is to do our duty there manfully and well.

Mr. COWHERD. Can not the gentleman decide what our duty is—whether we should give those people an independent government or hold them as colonies?

Mr. MONDELL. We are following our duty as we see it. We will continue to do so until the end.

Mr. COWHERD. Can not the gentleman tell us how he sees our duty?

Mr. MONDELL. I can if the gentleman will give me time.

The gentleman from Colorado [Mr. SHAFROTH], in a speech made here some time ago, suggested that while we could not with propriety hold the Philippine Islands, we might properly trade them off.

Mr. SHAFROTH. No, sir; the gentleman is mistaken. I never made any such statement. I was accused of it; but it was some one else upon this side—

Mr. MONDELL. I understood the gentleman took the ground that we might bargain away or "swap" the Philippines.

Mr. SHAFROTH. Oh, no. My contention was that the only solution of the problem was to treat the Philippines in exactly the same way we promised to treat the Cubans—to promise them their independence, and then after the establishment of a stable government give it to them.

Mr. MONDELL. I certainly understood the gentleman to say we might better trade or exchange the Philippines—

Mr. SHAFROTH. No, sir; it was another gentleman on this side who said that; but the declaration never met with my approval, and when the gentleman from Iowa charged me with having made such a declaration I denied it. There is nothing in the RECORD to show that I ever said such a thing.

Mr. MONDELL. I am glad that my friend from Colorado did



not say it—that it was some other gentleman on that side who said it.

Mr. PATTERSON of Tennessee. The remark to which the gentleman from Wyoming [Mr. MONDELL] refers was made by the gentleman from Mississippi [Mr. WILLIAMS]. He did not say that he wanted to trade off those islands. What he did say was that it would be better to trade them off than hold them as colonies.

Mr. MONDELL. Well, Mr. Chairman, if we have no right to hold the Philippines I do not understand how we can have any right to swap them off to some other nation for territory elsewhere.

Mr. SHAFROTH. I do not think we have.

Mr. MONDELL. The gentleman from Missouri yesterday declared himself opposed to our Philippine policy because, he said, it was a policy of conquest. The gentleman from Colorado but a moment ago was opposed to our Philippine policy because it does not promise to bring a large return in trade. On which proposition does that side of the Chamber stand? I suppose that if there was a prospect of a large increase in commerce with the Orient by reason of our holding the Philippines, the gentleman would admit that we were justified, or would suggest that we were justified.

Mr. SHAFROTH. No; I would not admit. I have discussed the question from the moral standpoint. You can not get up here on the floor of the House and in five minutes cover the moral, political, military, and commercial aspect, for the simple—

Mr. MONDELL. The gentleman suggested that there was no large balance of trade coming our way because of our occupancy of the Philippine Islands, and therefore we were not justified in holding the Philippine Islands. Gentlemen on the other side have a very convenient memory. They seem to have forgotten that the Philippine policy was the first fruit of our intervention in Cuba; that even before we struck the first blow at the Gordian knot of Cuban captivity we had the Philippine policy on our hands by reason of Dewey's victory in Manila Bay; that we destroyed a government, and the destruction of that government laid upon us the duty of establishing a government in its stead. Would the gentleman have us shirk our responsibilities? Would the gentleman have had us leave the islands to domestic anarchy or to spoliation on the part of foreign powers, and sail away after we had destroyed the government which we found there at the time of the battle of Manila Bay? I hope not.

Mr. SHAFROTH. I will state to the gentleman what I think we ought to have done.

Mr. MONDELL. Well, the gentleman has just made his speech, and I am making mine.

Mr. SHAFROTH. You ask me the question, and if you do not care to have me answer it, very well.

Mr. MONDELL. Now, the gentleman asked what was the Republican policy in the Philippine Islands. I certainly can not speak for all of the gentlemen on this side, or for the party of which I am a member, but as I understand it, Mr. Chairman, our policy in the Philippine Islands is the policy of performing our whole duty.

I know that the opposition, with their ear to the ground to catch any faint rumblings of popular discontent with the form or result of our policy in the Orient, with their eyes bent upon the East, not to discern by the dawn's early light whether our flag in triumph still waves over fair Luzon, but to find some excuse for criticising the policy which has planted it there, which may have some weight with the voter at the coming November election, or some pretext for pulling it down, have constantly sought to disassociate two phases of the same action—our intervention to save Cuba from Spain and the firm hand we have maintained to save all of the Filipino people from some of the Filipino people; to disconnect the cause—the war with Spain—in which they glory and for which they claim a large measure of credit, from the effect—our difficulties in the Philippines, from all responsibility for which they seek to absolve themselves.

I feel that it is almost an imposition upon this House to trace the continuity of events and the rapid march of incidents—thrilling, epoch marking, inspiring—which began with the decision of the American people for intervention in behalf of Cuba, carried our flag triumphant around the world, and planted our institutions in the heart of the Orient. But to judge from some of the speeches made on the other side one would imagine that decades, if not generations, had thrown a gulf of time unbridged by continuing and connecting events between the Spanish war and the pacification of the Philippines. So convenient have been their memories they seem to have been able to forget that the Philippines were the first fruits of the Cuban intervention; that Dewey's guns aroused us to a new duty and a tremendous responsibility there before the first blow had been struck directly at the Gordian knot of Cuban captivity.

To judge from the speeches made on that side of the Chamber one would imagine that the lapse of time had entirely obliterated

from the memory of the opposition the fact that it was their acknowledged leader who drummed up votes enough in the United States Senate to ratify the treaty of Paris, and I am not surprised that the gentlemen are not anxious to recall this fact of history, challenging as it does the responsibility of their party for the inauguration of a policy which for partisan ends they now seek to criticise, and at the same time reminding them of the anything but patriotic motives which their "peerless" leader confessed actuated him in seeking to have the treaty ratified. Such is their present situation; and yet, casting a prophetic eye down the lane of time, I think I can see the day at no distant future when, forgetful of and ignoring the present attitude of the gentlemen on this floor who claim to represent the Democracy of the nation, when, denying in all probability the motives which their candidate and their leader admitted actuated him in seeking the ratification of the treaty—to embarrass a Republican Administration—they will place Mr. Bryan upon a pedestal beside the immortal Jefferson and laud him, not for his advocacy of the policies which carried Democracy to defeat in 1896 and 1900, but as the follower of Thomas Jefferson, who, like him, gave additional territory to freedom, a wider zone to American influence, and enlightenment by securing the ratification of the treaty which extended our sovereignty over the Philippines.

But, as I have said, that is the prophetic not the present view. To-day we have the spectacle of a party claiming all the credit of bringing on the war with Spain, claiming the major portion of the credit of planting the flag in Porto Rico and Santiago, while trying to pull it down in Luzon, preposterously insistent in claiming the lion's share of the credit of adopting the policy of forceful intervention, ridiculously pathetic in the turn-tale and scuttling policy advocated in dealing with the questions which intervention gave rise to, absolutely impotent and nerveless with regard to a definite policy for the future.

So far as we are concerned on this side of the Chamber, we can well afford to allow our Democratic friends to indulge to their limit the hallucinations that the American people will desert a policy strenuously pursued to a definite aim and purpose to follow the will-o'-the-wisp of nerveless vacillation and opaque uncertainty outlined by the Democratic party on this floor. We may well rest content while they seek to allay the bruises of past defeats and heal the breach of party differences with the balm of duty shirking and of issue straddling, for the people will be fooled by none of these things. Let them not vainly imagine that a discerning people will give more honor to those who, taking their own statement of the case, stood within the safe buttresses of the Congressional watch tower and sounded the charge without counting the cost, than to those who, as the fortunes of battle carried them far afield, fought to the grim finish the fight which the trumpet call brought on. Foolish are they who trust their political fortunes to the illusive hope that the American people once having put their hand to the plow will listen to the opportunists' call to turn back.

But let us assume that our friends on the other side or their party associates and leaders were in no way responsible with us for the Philippine question; that instead of advocating the policy of retreat only in the hour of accomplishment they had preached it from the onslaught; that the Republican party and its leaders were entirely responsible for the Cuban intervention and for all that has followed since. I do not believe there is any disposition on this side to shirk that responsibility, to apologize for anything that has followed. It is bootless at this late day to air our opinions as to whether or no American sovereignty could have been established in the Philippine Islands without bloodshed or with less bloodshed than has occurred. The fact remains that once the Government of Spain was destroyed there the establishment of American sovereignty was necessary to serve as a foundation of law and order upon which to build the government which is to succeed that which went down with the fall of the Spanish power. I am one of those who believe that in taking Manila we became responsible for the entire archipelago. That responsibility is not discharged except by the establishment of stable government throughout the archipelago; by the planting there, so far as we may be able to accomplish it, of the institutions which distinguish us as a people and upon which we believe must rest the permanent happiness, progress, and prosperity of any people.

Our brethren on the other side in the discussion of this question have generally started out by denying our moral right to coerce any portion of the Philippine people into a recognition of our authority, and generally end up by saying that it would be unprofitable to do so because the Philippine Islands do not offer an inviting field for American settlement or a profitable opportunity for American trade and enterprise; and it never seems to occur to them that these two arguments can not logically be advanced at the same time, for if we have been exceeding our duty and transcending our rights in the Philippines not all the fertile lands, not all the trade and commerce of the world, can justify



our action, while their arguments carried to the logical conclusion would excuse any infraction of international and moral law, providing there is enough to be gained by it.

Mr. Chairman, we have poured out our treasure like water in the Philippines. Hundreds of American soldiers have given up their lives in establishing and maintaining our flag there. There can be no justification of our policy or of the sacrifice of precious lives in either the hope or realization of enlarged trade and commerce or increased prestige in the Orient, and when our Democratic friends assail not the Republican but the national policy in the Philippines, as they have often done, by attempting to show that no great increase in trade can be expected in those regions, their arguments are a confession that from their view point the policy which they now condemn would be justifiable if it brought a large return in trade.

I thank God that our past and present policy in the Philippine Islands rests on no such indefensible foundation as desire for conquest or lust of commerce, but it rests upon the firm and substantial basis of a duty clearly seen and bravely met; that it was neither conceived nor is it being executed in the ignoble desire of territorial aggrandizement or in the vain pride of power and prestige, but in the firm conviction that our destruction of the Spanish power laid the duty upon us to plant in the soil from which we had torn the root and branch of tyranny the institutions of liberty and self-government, and in a firm and steadfast resolution to do our duty as we see it, regardless of the cost, confident that our efforts shall not be in vain; that they shall bring to us, if nothing else, at least the consciousness of a duty well performed, and that the fruits of our efforts shall be the establishment of peace, order, and justice throughout the archipelago.

The gentleman from Missouri on yesterday saw fit to compare our policy in the Philippines with that of Russia in Poland, of England in Ireland, and to draw a picture of the Filipinos as a whole which would place them on a par, at least, with the citizens of any American Commonwealth. I have no disposition to minimize the virtues of any class of the Filipino people, but in the gentleman's calmer moments I have no doubt he would be inclined to revise the fervid rhetoric with which he painted a people largely illiterate, but recently, as the evolution of races is counted, barbarous, and many of them still in that condition—a people who have had no voice whatever, in all their history, in their own government; whose only knowledge of government has been that of a monarchy, the whole history of whose colonial administration has been one of unparalleled ferocity, duplicity, and oppression, with peoples like those of Poland and Ireland, with a long and glorious national history, with aptitude for and knowledge of the arts of government; intelligent, brave, self-reliant, liberty loving.

It may suit the political purposes of some gentlemen to compare the sacrifices of their own country in the fulfillment of a duty to the tyrannies and oppressions of despotic conquerors, but I do not apprehend that that view will be shared in by any considerable number of American people.

Brief as has been our occupation of the Philippine Archipelago, we have already progressed far in the establishment of institutions which in the course of a few years will vitally effect a change of character and conditions of the Filipino people for their good. We are even now maintaining order in provinces and districts which under Spanish rule were left largely to the whims, caprices, and despotisms of petty local tyrants or to the sway of savages; we have already given the people of the more enlightened provinces a larger participation in their local government than they have ever enjoyed in all their history; we are building school-houses, sending American school-teachers, employing capable native instructors, for the purpose of educating the people to a realization of their individual responsibility and a capability for governing themselves; we have relieved them from the extortions of the Spanish taxgatherer, from the forced levy of the savage and the Ladrone; we have gone in true American spirit, steadfastly, and earnestly in the work of planting institutions which must be a lasting and inestimable benefit to the people of the Philippines.

Let no man delude himself into the belief that it is in the mind of the American people to leave the work we have begun half accomplished, to halt or vacillate in the duty which Providence has placed upon us, for the American people, as a whole, fully appreciate their responsibility in this regard, though some few among us do not.

As a people we were charged first with the responsibility and granted the high privilege of developing and peopling a virgin continent, rich beyond all comparison in natural resources. Thanks to these bountiful gifts and to the energy and courage of our people, we have grown and developed to a commanding position among the nations of the earth. Can it be possible that there are any so unmindful of the duties which power, prestige, and commanding position lay upon nations as to imagine that we owe no duty to civilization and have no responsibilities beyond our

borders; who imagine that we can, without loss of our own self-respect and degradation in the eyes of all the world, in the wantonness of our strength leave a people who our act has deprived of the only government they have ever known to the chance of domestic anarchy or foreign spoliation and exploitation?

Our policy in the Philippines is a policy of duty. Our presence there is demanded by every consideration of national honor and responsibility, and we shall remain there to the glory of our principles and to the infinite benefit of the people of the islands. As to the final outcome I have no fear. The task has not and will not be an easy one. No great and beneficent work ever has been accomplished without infinite cost and effort, but I have faith in the people of the Philippine Islands. I have faith in the efficacy of the principles of the Republic even when transplanted to the Orient, and I look forward with confidence to the no distant future when our work and our efforts there shall be applauded by the Filipino people themselves, when it shall be said, to the everlasting glory and honor of the Republic, that not only have we established and maintained the principles of liberty and justice on this continent, but have carried them undiluted, undefiled, into the heart of the Orient, where in the days to come the Philippine Archipelago, with her millions of law-abiding, enlightened, and prosperous citizens, shall be an everlasting example of the fidelity of the Republic to its duty and of the strengthened efficacy of the American ideals.

Mr. COWHERD. Mr. Chairman, the gentleman from Wyoming propounded a question which he then proceeded to answer himself, but I notice that he took particular pains to evade the question I propounded to him. Whenever discussion of the Philippine Islands has come up on this floor, some gentlemen on the other side of the Chamber have arisen and said, "Oh, you voted for war, and therefore we must proceed to hold the Philippines indefinitely as colonies or as subjects." I deny that any gentleman can find any logical connection between holding the Philippine Islands and voting that Spain should cease to oppress the Cubans in this hemisphere. I deny there is any connection between stopping oppression by Spain in Cuba and beginning oppression by the United States in the Philippine Islands, but I want to challenge the statement of the gentleman as to what was the Republican policy. I have made some attempt to find it in the records, I have searched through the messages of the President and through the reports from the War Department, and I assert here that no man can tell authoritatively what the Republican policy is in the Philippine Islands.

Gentlemen will remember that a few years ago, when we first asserted from this side of the Chamber that it was the intention to hold the Philippine Islands, distinguished gentlemen rose on the other side of the Chamber and denied it indignantly—aye, they even challenged us then to point to a single sentence from the Republican President, to a single line in the Republican platform, to an authoritative statement from a Republican leader that they ever intended to hold the Philippine Islands, but that they were simply attempting to settle conditions in the Philippine Islands. That was the statement then. A year or two later came the statement that they were simply attempting to establish a government so as not to leave a condition of anarchy upon our withdrawal. What is the proposition now? Oh, that they are going to do their duty. What is that duty? Why do you not define it?

I defy any man to point to an authoritative statement as to what is to-day the Republican policy in the Philippine Islands and what they intend eventually to do. Whether they intend to hold those islands forever as colonies, whether they intend to give those islands self-government, whether they intend to make them States, the Republican party has never declared, and they dare not declare it. They dare not say they intend to hold them forever as colonies; they know the people of the United States in large measure will disapprove of it. They dare not say they intend to make them States and make the 10,000,000 Filipinos the equals of the American people, with equal privilege of voting for American Presidents; and notwithstanding this condition in his own party, the gentleman has the sublime nerve, if he will permit me to say it in kindness, to rise here and talk humorously as to what is the Democratic position. We have declared our position in our platform. You have not any position, and you have never had the courage to announce one on the floor of this House or elsewhere. [Applause on the Democratic side.]

#### MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On March 22, 1902:

H. R. 11471. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1903.



H. R. 11474. An act for the acknowledgment of deeds and other instruments in the Philippine Islands and Porto Rico affecting land situate in the District of Columbia or any Territory of the United States; and

H. R. 9991. An act for the relief of F. E. Coyne.

On March 24, 1902:

H. R. 3148. An act for a marine hospital at Buffalo, N. Y.

On March 26, 1902:

H. R. 4607. An act to provide for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.

On March 27, 1902:

H. R. 3297. An act to correct the military record of William T. Pratt.

#### ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Manufacture, repairing, procuring, and issuing arms at the national armories, \$1,700,000: *Provided*, That hereafter no part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said department.

Mr. HAY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 33, in line 13, strike out the word "seven" and insert "one;" so that it will read "\$1,100,000" instead of "\$1,700,000."

Mr. HAY. Mr. Chairman, \$1,100,000 was the amount estimated by the War Department and was the estimate sent to us.

The majority of the Committee on Military Affairs thought proper to increase this item from \$1,100,000 to \$1,700,000 upon the ground, as I understand it, that the National Guard would need a larger supply of firearms and upon the further ground that this country might get into a foreign war, when it would need more guns.

Now, on page 88 of the hearings, the chairman of the committee, in referring to this item, said:

The next item is a very important one; it is this item of \$1,100,000. How much of a reserve of these modern guns will that provide?

General CROZIER. 65,000 or 70,000 a year.

The CHAIRMAN. The militia of the different States are now clamoring for a law that will give them the new guns and take up the old guns. Can you do that?

General CROZIER. If a law were passed in that form we would have to increase the appropriation to make good the amount given the militia.

The CHAIRMAN. That question of supplying the militia would naturally come before the Committee on the Militia, but the manufacturing of guns comes before us.

General CROZIER. If that law should pass we would have to ask for an additional amount to replace those guns in this appropriation.

Mr. PARKER. Have you the machinery to increase your products?

General CROZIER. Yes; we can increase the product.

Mr. PARKER. How many can you make with your machinery when pressed?

General CROZIER. We can perhaps make 90,000 in a year, but we can always nearly double the output by running two shifts—employing two shifts of men and working sixteen hours instead of eight.

Mr. PARKER. Have you the men to run the machinery sixteen hours?

General CROZIER. Yes, sir; during the war we got out 350 a day—that is, working sixteen hours.

Now, there is no necessity for that increase. There is no possibility or probability of any foreign war at this time, and if there should be, an appropriation could be made.

There is no necessity for this from the standpoint of the National Guard, because under the appropriation asked for they can turn out 70,000 rifles a year, and there are not in the country over 100,000 of these national guards.

Therefore I say, in the interest of economy—and the gentleman says he wants to economize—let us cut out this appropriation, which the War Department does not ask for, and which the general of the Ordnance Bureau does not press in these hearings.

Mr. PARKER. Mr. Chairman, I am surprised at this motion. If the gentleman will examine the testimony of General Crozier he will find that in his oral statement, as well as in the letter which he sent to me on that subject, General Crozier expressed his opinion that this appropriation was necessary in order speedily to obtain a reserve for the use of the United States Army of 300,000 rifles. Does any gentleman in this Chamber forget—

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. PARKER. Excuse me; I have only a few minutes. I will yield to the gentleman at the end of what I have to say.

Does anyone in this Chamber forget that at the outbreak of the Spanish war, when we called out 250,000 volunteers, we had no weapons with which to arm them except obsolete Springfield rifles? The Regular Army, then consisting of 25,000 men, were the only troops for whom it was possible to afford new magazine rifles, so that they should meet soldiers armed with Mausers on an equal footing.

Do we forget that under those circumstances every man felt as if it were murder to send our men into the field armed only with Springfield rifles? Do we forget how we were then asking why,

as a protection against war, as a prevention of the danger of war, we did not have in our arsenals a reserve of rifles sufficient to put in the hands of our patriotic soldiers, so that we should not fear attack by any foreign country?

That was in 1898. With improved facilities we are now making 65,000 rifles a year with \$1,100,000 appropriations. Last year the appropriation was smaller and we made less. Make the most liberal estimate for what rifles we have made since the war, and then remember that 50,000 of those went into the hands of the regular troops that have been added to our original 25,000 men to make the 75,000 men that we have now in service.

At least 50,000 rifles may be estimated to have been used up, lost, or destroyed in the requirements of the service. I do not state to this House, because it is a matter of confidence always, what the reserves stores of the Government are ready for the use of a citizen soldiery. But any man, reckoning from the number that we make, can say that in the armories of the United States, outside of arms in the hands of the regular troops, we have not enough rifles to arm the 250,000 troops which we called out in the war with Spain.

Any man can reckon this, and has a right to take that from the figures, knowing what we make and what we have used. Now, a country of such size that at one time it had 2,000,000 men in the field has no right to remain without sufficient small arms to be able to provide them to its armies on the instant. The gentleman's statement that we can make what we need on a sudden call is negated by what took place in the Spanish-American war. Now, the militia, amounting to 100,000 men, also ask for new guns. Shall we tell them they will have to wait two years until they can be manufactured?

It is true that we appropriate by the present law to the militia a million dollars a year, and give them the money to pay for rifles, but they want the guns, and they do not want to wait till we make them. We should have the rifles ready to deliver and still keep a reserve for volunteers. I am surprised the gentlemen from the Committee on Military Affairs should make such a proposition. Skimp your fortifications if you will; skim your artillery if you will—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask that the gentleman from New Jersey may have five minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from New Jersey be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER. Skimp your Navy even, if you will. The protection of the country rests finally in a free people with arms in their hands; and the war in South Africa, to which appeal is so often made, proves the fact that the one defense of a free people consists not in staffs or in uniforms, or in forts or intrenchments, and not even in wealth; but the protection of a free people consists in men whose rulers have had the foresight, the wisdom, and the patriotism to insist upon laying up in arsenals small arms, the best the world knows, and ample ammunition with which to use them. It is in this view that I have asked for the additional appropriation, enough to make 50,000 more rifles a year for the present, until we have such a reserve. I wish I had asked for double that amount, for our factories could turn out 100,000 more in a year if we would pay for them.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. PARKER. I request the gentleman to wait until I am through. The cost of a soldier in the Regular Army is \$1,000 a year. The cost of a gun is about \$12; and we know it will not go out of fashion for at least five years. The Springfield stayed in use for thirty years. This is the cheapest, it is the best, it is the most necessary military appropriation ever asked of Congress, and we should make it; and if we do not do so, then the people will know the reason why. Now I yield to the gentleman for a question.

Mr. HAY. I will take it in my own time.

Mr. HULL. Just one minute.

Mr. HAY. I would like to reply to some of the astonishing remarks of the gentleman from New Jersey.

Mr. HULL. The gentleman will have an opportunity before debate closes. He should close the debate on this amendment.

I want to call the attention of the House to the reason why this committee increased the amount over the estimate submitted by the War Department. The gentleman from Virginia read a part of the hearings. On page 88 of the hearings, General Crozier, in answer to my question, said:

The CHAIRMAN. The next item is a very important one; it is this item of \$1,100,000. How much of a reserve of these modern guns will that provide?

General CROZIER. Sixty-five thousand or 70,000 a year.

I then said:

The militia of the different States are now clamoring for a law that will give them the new guns and take up the old guns. Can you do that on this appropriation?

And General Crozier answered:

If a law were passed in that form we would have to increase the appropriation to make good the amount given the militia.

Now, on page 90 he returns to this question. Mr. ESCH of Wisconsin, a member of the committee, asked him this question:

And in addition to that there are appropriations made by the several States?

General Crozier answered:

Yes, sir; some of the States are quite liberal, and when material is used by the General Government, as was done during the Spanish-American war, the States are reimbursed, as is proper.

Then Mr. BRICK asked him this question:

Mr. BRICK. If this \$1,000,000 appropriation is made for the militia of the United States, will there be enough money to equip each man?

And General Crozier answered:

General CROZIER. They get now \$900,000 more than before. It will take between \$1,500,000 and \$2,000,000 to equip all the organizations with the magazine rifle, and that would do it in three years.

Now, to ask the War Department to give a supplemental estimate would have brought no information, because the War Department have no information as to what was proposed by Congress; but after the estimates were submitted to Congress the Committee on the Militia have reported a bill asking that we give these new arms to the militia. When the National Guard Organization met in Washington a few weeks ago they were unanimous in asking that we make this exchange of guns. In this proposed militia bill it is proposed to exchange new guns for the old. So the expense of manufacture must be carried on this bill. The old gun has already been charged up against their appropriation, and if we are to supply them with these guns, it is necessary that this Congress appropriate \$600,000 more in order to make that exchange. And in my judgment, Mr. Chairman, the militia ought to be encouraged in every way that it is possible for the Federal Government to encourage such organizations by giving them the best gun we can make, because every one of us recognizes it is upon the militia the country must depend in every great war, and for that reason I hope this amendment will be voted down.

Mr. HAY. Mr. Chairman, I do not know why the gentleman from New Jersey [Mr. PARKER] should be so very much surprised at the amendment I offered, because I voted against the appropriation when it came before the Committee on Military Affairs, and he was present and heard it. I appreciate very much the enthusiasm of the gentleman from New Jersey, which seems to be infused into him because of the proposition to cut down this item, which has not been asked for by the War Department. The gentleman says that these guns will not go out of fashion for five years.

Well, Mr. Chairman, that is a most excellent reason why we should not make a large number of these guns, if they are going out of fashion in five years. Then we should have to go to work and make new guns. The War Department must have known what it was doing when it asked for an appropriation of \$1,100,000 to make a reserve supply of these guns. Why should we now, when we have got an Army fully armed with these guns, and when we can turn out this year 70,000 of them and are turning out every day guns of that character, why should we have this large appropriation when we should have made enough this year and next year to supply the National Guard?

Mr. HULL. Does not General Crozier state that it will take three years to arm the National Guard?

Mr. HAY. General Crozier says it would take three years to arm them under the appropriation, but he also stated that there was only 100,000 of the National Guards now, and therefore his statement must have been a mistake, because our own soldiers are armed with these guns, and if there were only 100,000 of the National Guard, and we can make 70,000 a year, it seems that he must be mistaken.

Mr. HULL. I want to call the gentleman's attention to the fact that it requires a good many guns to make up for the casualties that occur from time to time.

Mr. HAY. How many?

Mr. HULL. I can not say, but I think quite a large per cent. I think General Crozier's statement is probably true in regard to the length of time it will take to arm the militia. He should know.

Mr. HAY. I can not see exactly the force of the gentleman's remark, and I was unable to catch the percentage that he stated.

Mr. HULL. I did not give it because I have not got it, but it does take quite a per cent.

Mr. HAY. Is there any great necessity for giving the National Guard these arms now?

Mr. HULL. I should say, yes; on the general theory that if you have an organized National Guard you ought to give them the best possible arms.

Mr. HAY. I agree to that; but is it necessary to spend the money now, if you propose to do it?

Mr. HULL. It would not be necessary to continue to expend it after the next fiscal year.

Mr. HAY. I understand it is proposed to continue the appropriation to provide for a foreign war. That was the contention of the gentleman from New Jersey. I hope the House will adopt the amendment I have offered.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia.

The question was considered and the amendment was lost.

The Clerk read as follows:

Purchase of ordnance and ordnance stores and supplies may be made by the Ordnance Department in open market, in the manner common among business men, when the aggregate of the amount required does not exceed \$200, but every such purpose shall be immediately reported to the Secretary of War.

Mr. HULL. Mr. Chairman, there is an error in line 22, and I offer the following amendment.

The Clerk read as follows:

In line 22, page 33, strike out the word "purpose," and insert the word "purchase."

The amendment was agreed to.

This completed the reading of the bill.

Mr. HAY. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken on the bill may have leave to print.

The CHAIRMAN. The Chair will say to the gentleman that the Committee of the Whole does not give general leave to print. The motion of the gentleman will be in order in the House, but not in Committee of the Whole.

Mr. HAY. Then, Mr. Chairman, I make the request for unanimous consent to extend my own remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JETT. Mr. Chairman, I ask a similar privilege on my part.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that as amended the bill do pass.

The motion was agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be submitted in gross.

The amendments were considered, and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### INDEPENDENCE OF CUBA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Congress of the United States:

I commend to the Congress timely consideration of measures for maintaining diplomatic and consular representatives in Cuba and for carrying out the provisions of the act making appropriation for the support of the Army for the fiscal year ending June 30, 1902, approved March 2, 1901, reading as follows:

"Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled 'For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect,' the President is hereby authorized to 'leave the government and control of the island of Cuba to its people' so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba substantially as follows:

"I.

"That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

"II.

"That said government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.



## "III.

"That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life and property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

## "IV.

"That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

## "V.

"That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

## "VI.

"That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

## "VII.

"That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

## "VIII.

"That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."

The people of Cuba having framed a constitution embracing the foregoing requirements, and having elected a president who is soon to take office, the time is near for the fulfillment of the pledge of the United States to leave the government and control of the island of Cuba to its people. I am advised by the Secretary of War that it is now expected that the installation of the government of Cuba and the termination of the military occupation of that island by the United States will take place on the 20th of May next.

It is necessary and appropriate that the establishment of international relations with the government of Cuba should coincide with its inauguration, as well to provide a channel for the conduct of diplomatic relations with the new State as to open the path for the immediate negotiation of conventional agreements to carry out the provisions of the act above quoted. It is also advisable that consular representation be established without delay at the principal Cuban ports in order that commerce with the island may be conducted with due regard to the formalities prescribed by the revenue and navigation statutes of the United States, and that American citizens in Cuba may have the customary local resorts open to them for their business needs and the case arising, for the protection of their rights.

I therefore recommend that provision be forthwith made, and the salaries appropriated, to be immediately available, for—

a. Envoy extraordinary and minister plenipotentiary to the Republic of Cuba .....	\$10,000
b. Secretary of legation .....	2,000
c. Second secretary of legation .....	1,500
d. Consul-general at Habana .....	5,000
e. Consuls at—	
Cienfuegos .....	3,000
Santiago de Cuba .....	3,000

I do not recommend the present restoration of the consulates formerly maintained at Baracoa, Cardenas, Matanzas, Nuevitas, Sagua la Grande, and San Juan de los Remedios. The commercial interests at those ports heretofore have not been large. The consular fees collected there during the fiscal year 1896-97 aggregated \$752.10. It is believed that the actual needs of the six offices named can be efficiently subserved by agents under the three principal consular offices until events may show the necessity of erecting a full consulate at any point.

The commercial and political conditions in the island of Cuba while under the Spanish Crown afford little basis for estimating the local development of intercourse with this country under the influence of the new relations which have been created by the achievement of Cuban independence, and which are to be broadened and strengthened in every proper way by conventional pacts with the Cubans and by wise and beneficent legislation aiming to stimulate the commerce between the two countries, if the great task we accepted in 1898 is to be fittingly accomplished.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, March 27, 1902.

## EFFICIENCY OF REVENUE-CUTTER SERVICE.

Mr. DALZELL. I submit a report from the Committee on Rules, which I send to the desk.

The Clerk read as follows:

The Committee on Rules having had under consideration House resolution 151, submits the following substitute:

"Resolved, That immediately upon the adoption of this rule the House shall resolve itself into Committee of the Whole House on the state of the Union to consider Senate bill numbered 1025, 'An act to promote the efficiency of the Revenue-Cutter Service;' that said bill shall be considered as a special order until finally disposed of, but shall not interfere with appropriation or revenue measures, conference reports, or other measures of privilege or special orders heretofore made."

Mr. DALZELL. Mr. Speaker, it is not necessary that I should occupy any time in discussing this proposed rule. Its purpose, which is very plain, is to make immediately in order the consideration of the Senate bill for the promotion of the efficiency of the Revenue-Cutter Service, and to permit that bill to hold its place until finally disposed of, not to interfere, however, with privileged matters.

Mr. HULL. If the rule should be adopted without any further qualification, would it not cut off pension business to-morrow?

Mr. DALZELL. No; there is a reservation of previous orders.

Now, Mr. Speaker, I would like to yield to my colleague on the committee, the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. I desire only a few minutes myself, but I understand the gentleman from Illinois [Mr. MANN], a member of the committee that reported the bill, would like to be heard against the adoption of this proposed rule.

Mr. DALZELL. How much time does the gentleman from Illinois desire?

Mr. MANN. I should like to have half an hour if I can get it.

Mr. DALZELL. Make it fifteen minutes.

Mr. MANN. What I have to say will be upon the present consideration of the bill.

Mr. DALZELL. Does my colleague [Mr. UNDERWOOD] want to occupy any time himself?

Mr. UNDERWOOD. I would like to occupy about five minutes.

Mr. DALZELL. Well, I yield twenty minutes to the gentleman and reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I ask to be reminded when I have occupied five minutes, because I want to yield the rest of the twenty minutes to the gentleman from Illinois.

The SPEAKER. The gentleman from Alabama is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I am opposed to this rule, because it brings before this House a bill which I think is the opening wedge to a class of legislation that it would be very dangerous for our Government to enter upon. I have nothing to say against the original bill as drafted, nor have I anything to say against the gentlemen concerned in pressing the bill. The officers of the Revenue-Cutter Service are men of high character and standing, but in the end they are simply civil employees of the Government. You can not make any more out of them than that. They have taken part in several of our wars, and have conducted themselves gallantly. But they are not a part of the military or naval department of this Government. Their business is that of revenue agents at sea, just as the deputy marshal or internal-revenue collector is a revenue agent on land. They are controlled by the Secretary of the Treasury. He orders them to come and go. They are not under ordinary circumstances expected to do the work of a naval or military officer.

It is true that in time of war their vessels, and sometimes their personal services, are used for war purposes. But they do not have to go to war. They can resign if they do not care to carry their vessel into naval conflict.

There are thousands of other good citizens in this country who go to war when war comes on. They go as volunteers. Is that any reason why we should establish a retired list for all the volunteer officers who served in the civil war or who served in our Spanish war? Not at all. Military duty is not their life employment; it is only an incident in their lives. But with the regular Navy or Army officer his line of duty is the business of his lifetime, and we provide for him a salary accordingly, and then a place on the retired list with pay when he has no longer work to do.

But these gentlemen in the Revenue-Cutter Service, as I have already stated, are merely the revenue agents of the Government to prevent smuggling, to see that the tariff taxes are paid, that the tariff laws are carried out. They receive their orders from the Secretary of the Treasury.

Now, Mr. Speaker, if we once start upon a precedent that authorizes the retirement of civil employees of the Government upon a pension where are we going to stop? Last year there were upon the Calendar several bills, and there have been introduced this session, if they have not already been reported, several bills, for retiring upon a civil pension men engaged in the Weather Bureau Service, in the coast-guard service, in various departments of this Government—all these bills providing for a retirement pay or a civil pension list.

I grant you (for I believe it is the fact) that of all these bills the revenue-cutter bill is the most meritorious. But whenever you break down the line and start in this direction, where are you going to stop? Each branch of the Government service will say it has meritorious men who have given their lives for the good of the Government and who ought to be taken care of in their old age. Mr. Speaker, do we not give our lives to the Government? Would not a great many of us be willing to serve our constituents for a great many years to come and yet ask no retirement pay?

All through the civil service of the Government we have men who have given their lives to the service, but we are supposed to pay them salaries from which they can lay aside something, as they ought to do, for the day and the hour when they must retire from active service.

Now, that is the reason I am opposed to the general bill. The reason I am opposed to the adoption of the rule is this: We have a number of bills on the Calendar that are seeking the consideration of this House, meritorious bills, bills where they have an absolutely unanimous report from the committees from which they come. I say that that class of bills should have the right of way. This rule is brought in here to give this bill the right of way.



Now, here comes a bill before this House, true, reported by a majority of a committee, but with a minority report, and that minority report not along partisan lines. If it was—

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Just one word, and then I will yield the balance of my time. If it was reported only by a majority of this House and the minority of this House was opposed to it it might be said that party exigencies required it to be taken up, but in the minority report members on that side of the House have reported against its consideration as well as members on this side of the House, and under these circumstances I say this is not the hour or the time when this House should engage upon the consideration of this bill. I now yield the balance of my time to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I do not propose to address myself particularly in opposition to the bill itself at this time, but I hope I may give a few reasons which may appeal to the members of the House why this bill should not be considered at this time. There are pending before Congress various bills of like character in regard to other branches of the Government. The bill which the rule proposes to make the continuous order is a bill called "A bill to promote the efficiency of the Revenue-Cutter Service." The title is misleading. It is a bill designed wholly for the purpose of increasing the salaries of revenue-cutter officers and of creating a retired list for those officers. There are many other branches of the Government which desire the same thing. The Railway Mail Service, the Life-Saving Service, the Light-House Service, and various other bureaus or branches of the Government service which are dangerous in character are requesting Congress that something shall be done in reference to a retired list.

What I say, Mr. Speaker, is that there is not sufficient information obtainable in reference to the Revenue-Cutter Service by which we can learn whether this Service should be picked out from all the other branches of the civil department of the Government for preferment.

And I call the attention of the members of the House to this peculiar situation of affairs: The Revenue-Cutter Service is the one branch of the Government employ which makes no report of its doings or its expenditures. The Life-Saving Service makes an annual report, which is published; the Marine-Hospital Service makes an annual report, which is published; so does the Light-House Service, so does the steamboat inspector, so does the Coast and Geodetic Survey, and so do all the other branches of the Treasury Department. The one exception, the one branch of the Government service in the Treasury which makes no report at all, is the Revenue-Cutter Service.

There has been no annual report from that Service for four years, no report from this branch of the Government since 1897, although this is the one which is now seeking preference at our hands over all other branches of the service. Nor is this all. In 1888 Congress provided—and I ask the attention of the members of the House:

That the Secretary of the Treasury shall submit to Congress at its next session a detailed statement of expenditures for the fiscal year 1888 under the appropriation for the Revenue-Cutter Service; and annually thereafter a detailed statement of expenditures under said appropriation shall be submitted to Congress at the beginning of each regular session.

Here is a specific statute requiring this Revenue-Cutter Service to submit to Congress a detailed statement of its expenditures. If any gentleman on the floor of this House can find a detailed statement by this service of its expenditures I will withdraw any opposition which I have to the passage of the bill. This service has spurned the law of the United States. It pays no attention to the statutes of the Government. It makes no annual report of its doings. It refuses to comply with the statute which says that it shall make a detailed report of expenditures—

Mr. HEPBURN. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. MANN. I will.

Mr. HEPBURN. What officer did the gentleman say was required to make this report?

Mr. MANN. The Secretary of the Treasury.

Mr. HEPBURN. Yes.

Mr. MANN. But, Mr. Speaker, the Secretary of the Treasury in all of these cases means the officer in command of the particular branch of the service. It may have been the fault of the Secretary of the Treasury that he did not require this law to be complied with. That is not what I am calling to the attention of the House. I say that before the House considers this proposition it is entitled to have the report which the law says the service shall make. And whether it be the fault of the Secretary of the Treasury or of the Revenue-Cutter Service makes no difference.

Mr. Speaker, I have been trying to investigate the subject of this bill as best I could for a year and a half. I have not been able to acquire the information which ought to be laid before the House, because this branch of the Government service makes no

report. The only report of the expenditures of the Revenue-Cutter Service, in any way, shape, or manner, made to Congress is included in the "combined statement of receipts and expenditures" of the Government, wherein, under the head of the "Customs service" expenditures is a one-line item, "Expenses of Revenue-Cutter Service, \$1,246,550.61."

This is the only detailed statement made to Congress.

Before we pass upon the question of considering this bill we ought to be permitted to examine the detailed statement which the law requires them to make and which they do not make.

Nor is this all. The statute of 1889 provides that this service shall make a report in detail, showing separately the amount required for pay of officers, rations, etc., and that there shall be included—

in the Annual Book of Estimates a statement showing the authorized number of officers and cadets in the Revenue-Cutter Service, their rank and pay; also the number of men constituting the crews of vessels in said service.

They make a pretense of complying with this section of the statute, but they do not really comply with its requirements.

Mr. Speaker, the only report of the Revenue-Cutter Service for last year, published anywhere, is included in the report of the Secretary of the Treasury and covers less than one-third of a page, so far as the annual operations of the department are concerned; and the statement in the report of the Secretary of the Treasury, furnished by the Revenue-Cutter Service itself to the Secretary of the Treasury, is not true. The Secretary of the Treasury reports:

The following is a summary of the work performed by vessels of the Revenue-Cutter Service during the year.

And here are half a dozen or more items, one of which is the following:

Lives saved (actually rescued) from drowning, 178.

I do not call attention to this for the purpose of opposing the bill at this time, but for the purpose of trying to show to the House that we have not sufficient information upon which to base intelligent action. The statement in this report of the Secretary of the Treasury that the Revenue-Cutter Service "actually rescued from drowning," in the language of the report, 178 lives last year is not true.

In order to make up the report of 178 lives saved last year, "actually rescued from drowning," they included 103 lives, as I find by examination of the books in the Department itself, which they credit to the revenue cutter *Gresham* as saving from the barkentine *Fraternidade* on August 13, 1900; and I have here a copy of the report of the captain of the revenue cutter *Gresham* at that time, stating that he saved no lives at all. If we had had a printed report of the operations of this Service it would have shown that they saved no lives at that time; but in order to make out that they are doing great work, they furnished to the Secretary of the Treasury a statement that they saved 178 lives, including in the number these 103 lives which were not saved, which the captain said were not saved from drowning, on August 13, 1900.

Nearly all of the report is equally misleading. The Revenue-Cutter Service has not made a report for four years, because it has been seeking this legislation during that time, and it has not dared to publish to Congress what its duties are or what it is doing.

If the report of the Revenue-Cutter Service were published it would show that no boat in the control of the Revenue-Cutter Service had its anchor weighed so much as eight days per month. If this report were published it would show that the average service of the revenue cutters during the last year is equal to about four days per month per vessel. I dare the Revenue-Cutter Service to publish its reports; and I say, Mr. Speaker, that until the branch of the Government which is required to make reports, complies with the law and makes the reports, it is not proper for us to take up the time of the House in order to increase the salaries of that service and give it a retired list ahead of any other branch of the Government.

Every part of the civil Government wants a retired list. Every branch of the Government wants its superannuated clerks cared for. Why should we prefer a service because it is unknown and makes great claims?

Let the Revenue-Cutter Service publish their reports, and if the reports show that they do what they claim, perhaps they may be entitled to it. I deny that they are entitled to the preference. I deny that they do the work which they claim that they do, though I do not wish to reflect upon the captain who is at the head of that service, and who is a courteous gentleman.

Mr. Speaker, I take it that this rule is presented to the House at this time, because last year through the persistence of some revenue-cutter officers there was obtained a petition signed by a majority of the House asking that a rule then be reported. In conformity with that petition a rule—

The SPEAKER. The time of the gentleman has expired.



Mr. MANN. Can I get about two more minutes?

Mr. DALZELL. I yield to the gentleman two minutes.

Mr. MANN. In accordance with that petition, Mr. Speaker, a rule was brought in from the Committee on Rules at that time, and the bill was made a continuing order. I suppose now that this rule is reported simply because the bill was never finished in the last House. I do not believe that the leaders on this side of the House are in favor of the passage of this bill or that they are in favor of the passage of this rule to force the consideration of the bill without an opportunity to understand it by reports from the Department itself.

Mr. DALZELL. I yield such time as he may desire to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, it is not necessary that I should say anything, I hope, in favor of the consideration of this rule, after the remarks that have been made by the gentleman from Illinois. If a speech could show the necessity of the consideration of a question, the statements that have been made by that gentleman appear to me would serve all proper purposes. The gentleman has charged that one of the chief officers of this Government, who has been charged by a statute with the performance of a specific duty, for four years—he states so—has contumaciously refused to perform that duty. Is it not wise that after this charge has been made, after this negligence has been specifically pointed out, after a base motive has been given for this neglect of duty, that there should be some investigation by the peoples' representatives?

He has charged that officer of this Government, whose duty it is to make reports of facts, to state truths, that year after year he has lied in the discharge of his official duty. Is it not time there should be some inquiry with regard to a matter of that kind, and that the gentleman should be given an opportunity to make proof of reckless and irresponsible charges of this character? I think that the House must have been satisfied when the gentleman took his seat that at least he should have an opportunity in a proper and a legitimate way to make good some small modicum at least of these grave charges. I yield back the time to the gentleman.

Mr. DALZELL. I yield to the gentleman from Illinois five minutes.

Mr. CANNON. Mr. Speaker, I want to call attention to this order just a moment. As I understand it, it is a continuing order, not to conflict with orders heretofore made, not to conflict with revenue or appropriation bills. The gentleman will correct me if I am wrong.

Mr. DALZELL. What was it the gentleman said?

Mr. CANNON. I say, as I understand it, it is a continuing order covering this bill, not, however, to conflict with orders heretofore made, or with revenue or appropriation bills.

Mr. DALZELL. Or with conference reports.

Mr. CANNON. But, with that exception, like a jack-in-the-box, from this time until the end of this session, and the next, too, the moment that those privileged matters are out of the way it pops up like a jack-in-the-box, and all other matters on the Calendar are subordinated until this is finished. It becomes a matter of the highest privilege. It is not often that an order of this kind is made, and I doubt the wisdom of making it. Now, then, as to the merit of the proposed legislation, I shall not discuss it. That is a matter that gentlemen differ about, and I have no doubt honestly differ about. If I were to discuss it, I should say that we are coming to the parting of the ways in the matter of enlarging the retired list for those in the service of the Government. It now covers the Army, and it now covers the Navy. This service wants to go on.

The Light-House Service and the Life-Saving Service also want to go on; and the last two named services have, perhaps, more merit than this; and then there are various other branches of the civil service that want to go on the retired list. I do not believe that the House ought to adopt this order, making it a continuing order, as it does, to the exclusion of all other business, until the end of this Congress; and therefore I shall vote against the order.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. CANNON. Certainly.

Mr. SHAFROTH. Does it interfere with the Pension Calendar and the Claims Calendar?

Mr. CANNON. I take it, not.

Mr. DALZELL. It does not.

Mr. CANNON. Those are special orders, heretofore made.

Mr. DALZELL. Mr. Speaker, I have no opinion to express at this time upon the merits of the bill. But I think that the gentleman from Illinois is anticipating a condition of things that can not possibly exist. With respect to the form of the rule, it is a form which has been used a great many times. In fact, it is the usual form, making it in order to discuss a question until it shall have been disposed of, saving the rights of matters of higher privilege.

The gentleman says it may pop up at any time, as it did during the last session of Congress. Now, the reason why it was a nuisance to the House in the last Congress was because the rule was brought in during the last days of the session, I think within a week or ten days before the end of the session, at a time when, as gentlemen know, the House is engaged almost every day in the consideration of conference reports and matters of that kind. It is not possible, in my judgment, that any such condition of things can exist during this period of the session, and I think, therefore, the fears of my friend from Illinois [Mr. CANNON] are not well founded. Now, Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania asks for the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the substitute resolution.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 84, noes 54.

Mr. UNDERWOOD. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. UNDERWOOD. Mr. Speaker, some gentlemen on this side do not understand what they are to vote upon. I ask that the substitute resolution be read.

The SPEAKER. The question is on agreeing to the substitute resolution asking for the consideration of the act to promote the efficiency of the Revenue-Cutter Service.

Mr. UNDERWOOD. This is a substitute resolution.

The SPEAKER. It is a substitute for the original resolution, so that one vote will adopt the resolution.

The question was taken; and there were—yeas 118, nays 67, answered "present" 16, not voting 154; as follows:

#### YEAS—118.

Adams,	Dayton,	Kahn,	Robinson, Ind.
Allen, Me.	Dick,	Knapp,	Rumple,
Aplin,	Dovener,	Lamb,	Ryan,
Ball, Del.	Draper,	Latimer,	Salmon,
Bates,	Driscoll,	Lester,	Shallenberger,
Bell,	Emerson,	Lindsay,	Sibley,
Bellamy,	Esch,	Littauer,	Small,
Bingham,	Evans,	Littlefield,	Smith, S. W.
Bishop,	Fitzgerald,	Long,	Southard,
Blakeney,	Gaines, W. Va.	McDermott,	Southwick,
Brick,	Gardner, N. J.	McLachlan,	Sperry,
Bristow,	Gibson,	Mahon,	Steele,
Brownlow,	Gillet, N. Y.	Marshall,	Stevens, Minn.
Burk, Pa.	Goldfogle,	Martin,	Stewart, N. Y.
Burke, S. Dak.	Gordon,	Meyer, La.	Sulloway,
Butler, Pa.	Graff,	Miers, Ind.	Sulzer,
Calderhead,	Graham,	Minor,	Tawney,
Capron,	Grosvonor,	Moody, N. C.	Taylor, Ohio
Cassel,	Grow,	Moody, Oreg.	Thomas, Iowa
Conner,	Hamilton,	Morris,	Tongue,
Coombs,	Hemenway,	Nevin,	Wachter,
Cooper, Wis.	Hepburn,	Olmsted,	Wanger,
Cousins,	Hill,	Otjen,	Warner,
Cromer,	Hitt,	Parker,	Warnock,
Crumpacker,	Hooker,	Payne,	Watson,
Curtis,	Howell,	Pearre, Md.	Weeks,
Cushman,	Hughes,	Perkins,	Woods,
Dalzell,	Jack,	Powers, Me.	Wright,
Darragh,	Jenkins,	Prince,	
Davis, Fla.	Jones, Wash.	Ray,	

#### NAYS—67.

Allen, Ky.	Henry, Conn.	Mickey,	Selby,
Bowie,	Henry, Miss.	Miller,	Shafroth,
Burgess,	Howard,	Mondell,	Smith, Ky.
Burkett,	Jackson, Kans.	Moody, Mass.	Sparkman,
Burnett,	Jett,	Moon,	Spight,
Caldwell,	Jones, Va.	Needham,	Stark,
Candler,	Kehoe,	Padgett,	Sutherland,
Cannon,	Kern,	Palmer,	Talbert,
Cassingham,	Lacey,	Pierce, Tenn.	Thompson,
Cochran,	Lever,	Randall, Tex.	Tirrell,
Cooper, Tex.	Lewis, Ga.	Reeder,	Underwood,
De Armond,	Little,	Reid,	Vandiver,
Dinsmore,	Lloyd,	Richardson, Tenn.	White,
Fox,	Loud,	Rixey,	Williams, Ill.
Glenn,	McCulloch,	Robb,	Williams, Miss.
Haskins,	McLain,	Robinson, Nebr.	Zenor.
Hay,	Mann,	Scarborough,	

#### ANSWERED "PRESENT"—16.

Bartlett,	Deemer,	Ketcham,	Richardson, Ala.
Boreing,	Hall,	McClellan,	Russell,
Boutell,	Haugen,	Maddox,	Sherman,
Cowherd,	Irwin,	Pou,	Smith, H. C.

#### NOT VOTING—154.

Acheson,	Breazeale,	Cooney,	Elliott,
Adamson,	Bromwell,	Corliss,	Feely,
Alexander,	Broussard,	Creamer,	Finley,
Babcock,	Brown,	Crowley,	Fleming,
Ball, Tex.	Brundidge,	Cummings,	Fletcher,
Bankhead,	Bull,	Currier,	Flood,
Barney,	Burleigh,	Dahle,	Foerderer,
Bartholdt,	Burleson,	Davey, La.	Fordney,
Beidler,	Burton,	Davidson,	Foss,
Belmont,	Butler, Mo.	De Graffenreid,	Foster, Ill.
Benton,	Clark,	Dougherty,	Foster, Vt.
Blackburn,	Clayton,	Douglas,	Fowler,
Bowersock,	Connell,	Eddy,	Gaines, Tenn.
Brantley,	Conry,	Edwards,	Gardner, Mich.

Gilbert,	Landis,	Norton,	Smith, Iowa
Gill,	Lanham,	Otey,	Smith, Wm. Alden
Gillitt, Mass.	Lassiter,	Overstreet,	Snodgrass,
Gooch,	Lawrence,	Patterson, Pa.	Snook,
Green, Pa.	Lessler,	Patterson, Tenn.	Stephens, Tex.
Greene, Mass.	Lewis, Pa.	Powers, Mass.	Stewart, N. J.
Griffith,	Livingston,	Pugsley,	Storm,
Griggs,	Loudenslager,	Ransdell, La.	Swanson,
Hanbury,	Lovering,	Reeves,	Tate,
Heatwole,	McAndrews,	Rhea, Va.	Taylor, Ala.
Hedge,	McCall,	Roberts,	Thayer,
Henry, Tex.	McCleary,	Robertson, La.	Thomas, N. C.
Hildebrant,	McRae,	Rucker,	Tompkins, N. Y.
Holliday,	Mahoney,	Ruppert,	Tompkins, Ohio
Hopkins,	Maynard,	Schirm,	Trimble,
Hull,	Mercer,	Scott,	Van Voorhis,
Jackson, Md.	Metcalfe,	Shackleford,	Vreeland,
Johnson,	Morgan,	Shattuc,	Wadsworth,
Joy,	Morrell,	Shelden,	Wheeler,
Kitchin, Claude	Moss,	Sheppard,	Wiley,
Kitchin, Wm. W.	Mudd,	Showalter,	Wilson,
Kleberg,	Mutchler,	Sims,	Wooten,
Kluttz,	Naphen,	Skiles,	Young,
Knox,	Neville,	Slayden,	
Kyle,	Newlands,	Smith, Ill.	

So the resolution was adopted.

The following pairs were announced:

For the session:

Mr. YOUNG with Mr. DENTON.

Mr. RUSSELL with Mr. McCLELLAN.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. BULL with Mr. CROWLEY.

Mr. BOREING with Mr. TRIMBLE.

Mr. HEATWOLE with Mr. TATE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. MCCALL with Mr. STEPHENS of Texas.

Mr. BURTON with Mr. BALL of Texas.

Mr. LESSLER with Mr. DOUGHERTY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. SMITH of Iowa with Mr. BURGESS.

Mr. OVERSTREET with Mr. COWHERD.

Mr. ALEXANDER with Mr. BELMONT.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. EDDY with Mr. SHEPPARD.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. REEVES with Mr. HENRY of Texas.

Mr. STEWART of New Jersey with Mr. WOOTEN.

Mr. LANDIS with Mr. CLARK.

Mr. GILLET of Massachusetts with Mr. NAPHEN.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. HOLLIDAY with Mr. CLAYTON.

Mr. IRWIN with Mr. GOOCH.

Mr. BARNEY with Mr. MCRAE.

Mr. JACKSON of Maryland with Mr. WILEY.

Mr. HANBURY with Mr. SPARKMAN.

Until April 1:

Mr. JOY with Mr. MADDOX.

For balance of this week:

Mr. MUDD with Mr. WILLIAM W. KITCHIN.

For one week:

Mr. BARTHOLDT with Mr. RUCKER.

Mr. CONNELL with Mr. HALL.

For this day:

Mr. BOWERSOCK with Mr. BRUNDIDGE.

Mr. BROMWELL with Mr. BURLESON.

Mr. BROWN with Mr. BUTLER of Missouri.

Mr. CORLISS with Mr. CONRY.

Mr. CURRIER with Mr. COONEY.

Mr. DAVIDSON with Mr. CREAMER.

Mr. DOUGLAS with Mr. EDWARDS.

Mr. FLETCHER with Mr. ELLIOTT.

Mr. FORDNEY with Mr. FINLEY.

Mr. GILL with Mr. FLEMING.

Mr. GREENE of Massachusetts with Mr. FLOOD.

Mr. HEDGE with Mr. GRIFFITH.

Mr. VREELAND with Mr. THOMAS of North Carolina.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. WADSWORTH with Mr. WILSON.

Mr. VAN VOORHIS with Mr. THAYER.

Mr. TOMPKINS of New York with Mr. SWANSON.

Mr. TOMPKINS of Ohio with Mr. CLAUDE KITCHIN.

Mr. HOPKINS with Mr. LIVINGSTON.

Mr. HULL with Mr. KLEBERG.

Mr. KNOX with Mr. KLUTTZ.

Mr. LAWRENCE with Mr. NEWLANDS.

Mr. KYLE with Mr. LASSITER.

Mr. LOVERING with Mr. MAYNARD.

Mr. MERCER with Mr. ROBERTSON of Louisiana.

Mr. HILDEBRANT with Mr. PATTERSON of Tennessee.

Mr. SCHIRM with Mr. NEVILLE.

Mr. WM. ALDEN SMITH with Mr. NORTON.

Mr. SCOTT with Mr. PUGSLEY.

Mr. SKILES with Mr. OTEY.

Mr. SMITH of Illinois with Mr. RANDELL of Louisiana.

Mr. BLACKBURN with Mr. BROUSSARD.

Mr. BEIDLER with Mr. BREAZEALE.

Mr. ACHESON with Mr. BANKHEAD.

Mr. SHELDEN with Mr. FEELY.

Mr. SHATTUC with Mr. LANHAM.

Mr. BOUTELL with Mr. GRIGGS.

Mr. GARDNER of Michigan with Mr. SNOOK.

Mr. FOWLER with Mr. BARTLETT.

Mr. McCLEARY with Mr. FOSTER of Illinois.

Mr. BABCOCK with Mr. BRANTLEY.

Mr. FOSS with Mr. GILBERT.

Mr. BURLEIGH with Mr. GAINES of Tennessee.

Mr. LEWIS of Pennsylvania with Mr. MCANDREWS.

Mr. PATTERSON of Pennsylvania with Mr. MAHONEY.

Mr. DAHLE with Mr. SHACKLEFORD.

Mr. FOERDERER with Mr. SIMS.

Mr. STORM with Mr. CUMMINGS.

On this vote:

Mr. RICHARDSON of Alabama, for rule, with Mr. ADAMSON, against rule.

Mr. HAUGEN with Mr. JOHNSON.

Mr. POU. Mr. Speaker, in voting upon this proposition a few minutes ago, I did not recall the fact that I am paired with the gentleman from Vermont [Mr. FOSTER]. I am not perfectly sure how he would vote on this proposition if he were here, but I ask to withdraw my vote and be recorded "present."

Mr. RUSSELL. I have been announced as paired with the gentleman from New York [Mr. McCLELLAN]. I therefore wish to withdraw my vote and be recorded "present."

Mr. DEEMER. Mr. Speaker, I have been announced as paired with my colleague, Mr. MUTCHLER. As I have voted, I wish to withdraw my vote and be recorded "present."

The result of the vote was announced as above stated.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

Mr. HEPBURN. I believe it does not require a motion now to go into Committee of the Whole for the consideration of this bill.

The SPEAKER. It is usual to make such a motion; but as the Chair finds the terms of the resolution are mandatory so that on its adoption the House must at once resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill.

Mr. PAYNE. I understand that the gentleman from Iowa [Mr. HEPBURN] does not want the House to go on now with the bill for more than a short time.

Mr. HEPBURN. Only a few moments.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. OLMSTED in the chair), and proceeded to the consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

Mr. HEPBURN. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. HEPBURN. The report in this case was made by the gentleman from New York [Mr. SHERMAN], to whom I yield the floor.

Mr. SHERMAN. I shall not this evening enter upon a discussion of the bill now under consideration. I simply want the attention of the committee for a very brief period to reply to what seems to me the unwarranted attack of the gentleman from Illinois upon the Secretary of the Treasury, present and past. The gentleman referred in his remarks in opposition to the adoption of the rule to the statute of October 2, 1888, which provides that the Secretary of the Treasury shall submit to Congress at its next session a detailed statement of expenditures of the Revenue-Cutter Service for the fiscal year 1888 under the appropriation made therefor, and annually thereafter a detailed statement of the expenditures under each said appropriation shall be submitted to Congress at the beginning of each regular session.

The gentleman from Illinois made the statement that the Secretary of the Treasury had deliberately, from the time of the enactment of that statute down to the present time, defied the mandate of Congress and had refused and neglected at any time to make the report required by that statute. In 1889, on the 2d day of March, that statute was modified so that it read that it shall be the duty of the Secretary of the Treasury to submit the estimates for the Revenue-Cutter Service for the fiscal year 1891, and for each year thereafter, in detail, showing separately the amounts required for pay of officers, rations for officers, pay of crews, rations of crews,



fuel, repairs, outfits, ship chandlery, and for traveling and contingent expenses, etc. Now, the gentleman states that that report has never been submitted to Congress. The gentleman is absolutely and entirely in error, Mr. Chairman. The report has been submitted to Congress each year; is submitted this year in the Book of Estimates, and I read—

Mr. MANN. Will the gentleman yield for a moment?

Mr. SHERMAN. Certainly.

Mr. MANN. Upon what basis does the gentleman say that the statute of 1888 which relates to detailed expenditures was modified by the statute of 1889 in referring to estimates for future expenditures?

Mr. SHERMAN. Well, the two expenditures and estimates are governed by the same statute—by the two statutes the two are governed.

Mr. MANN. The gentleman does not claim that they are governed by the same statute?

Mr. SHERMAN. They are governed by the two statutes—the question of submitting a statement of the amount expended and of the estimates for the following year.

Mr. MANN. Will the gentleman yield a moment?

Mr. SHERMAN. Certainly.

Mr. MANN. Is it not true that the statute of 1888 required a detailed statement of expenditures?

Mr. SHERMAN. Certainly.

Mr. MANN. And that the statute of 1889 required a statement of estimates for future expenditures?

Mr. SHERMAN. It required a statement of estimates for future expenditures; correct.

Mr. MANN. Did not the statute of 1888 require a detailed statement of the expenditures already made?

Mr. SHERMAN. Now, I am getting to that; and in the Book of Estimates for the following year and for every year since, including the present year—it is found in the Book of Estimates this year on page 289—is included a statement of the amount appropriated during the last year and the amount estimated for the following year.

Mr. MANN. Will the gentleman yield?

Mr. SHERMAN. Certainly.

Mr. MANN. Does the gentleman find that the estimates for this year is in the report purporting to show what the expenditures for the last year were?

Mr. SHERMAN. Why, certainly.

Mr. MANN. I would like to have them.

Mr. SHERMAN. The same book includes expenditures for the last year.

Mr. MANN. It gives the appropriation for last year.

Mr. SHERMAN. Certainly.

Mr. MANN. But not the expenditures.

Mr. SHERMAN. Well, it gives appropriations for last year in this same book and the estimates for the following year. It is understood to be a compliance with the requirements of the statutes and is so stated in the Book of Estimates.

Mr. MANN. The gentleman will understand me that I have no desire to do injustice to the Revenue-Cutter Service—

Mr. SHERMAN. I think the gentleman has no desire either to do an injustice to the Secretary of the Treasury, but I think he has done so in stating the case. This Book of Estimates is intended by the Treasury Department and was considered to be a compliance with the statute and is, in my judgment, a substantial compliance with it.

Mr. MANN. Will the gentleman himself claim that an estimate submitted for the coming year, which states what the appropriation was in the appropriation bill last year, is a compliance with a statute requiring a detailed statement of expenditures made by the Department?

Mr. SHERMAN. It shows the amount appropriated under each item specifically for the last year, and is a substantial compliance with the requirements of the statutes.

Mr. MANN. Well, I beg the gentleman's pardon; but, of course, it does not purport to show the expenditures of last year. Now, if the gentleman will permit me, at the same time of the passing of the statute in 1888 requiring a detailed statement of expenditures of Revenue-Cutter Service, provision was made for a detailed statement of the expenditures of the Smithsonian Institution, and that department makes to Congress an annual report, giving its detailed expenditures of that department. I have been unable to find, and I think the gentleman is unable to find, any detailed statement of expenditures at all. The only thing is the estimate.

Mr. SHERMAN. All I pretend to find is what is in the Book of Estimates, which shows the amount appropriated for last year and the estimates of the requirements for the various divisions of the Bureau for the following year, and it is, in my judgment, intended for, and is, a substantial compliance with the require-

ments of the statute of 1888 and 1889. Now, Mr. Chairman, I do not care to occupy any time to-night in discussing the merits of the bill. I will leave that for to-morrow morning. I did not wish to adjourn to-night until I had set right what I thought an injustice done the Treasury Department.

Mr. MANN. May I ask the gentleman another question?

Mr. SHERMAN. Certainly.

Mr. MANN. I see here in the Book of Estimates for last year a statement showing amount appropriated under each head of appropriations \$1,400,000, and they give various amounts of appropriations, and I have been unable to find anything which purports to tell what the expenditures were, and if the gentleman can point out anything to that effect I will be glad to have him do so.

Mr. SHERMAN. It shows what the appropriations were for the several items of last year immediately following that.

Mr. MANN. Well, does the gentleman think that the Congress making the appropriation bill and then passing a law requiring the Department to show what the detailed expenses were would simply ask the Department to report back to Congress what the appropriation bill itself contained and say that was a compliance with the statute?

Mr. SHERMAN. The Treasury Department has understood during all these years that this was a substantial compliance with the statute, and it has so reported each year.

Mr. MANN. The gentleman means that the Revenue-Cutter Service has made that contention. That is what I am complaining about.

Mr. SHERMAN. I mean that the Treasury Department has. So far as we are concerned, so far as the estimates are concerned, so far as the statute is concerned, it refers to the Secretary of the Treasury and not to the Revenue-Cutter Service.

I move that the committee do now rise, Mr. Chairman.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service and had come to no resolution thereon.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2805. An act granting a pension to Mary Ella Cory—to the Committee on Invalid Pensions.

S. 3103. An act granting an increase of pension to Susan Hays—to the Committee on Pensions.

S. 2971. An act granting an increase of pension to Silas D. Strong—to the Committee on Invalid Pensions.

S. 1678. An act granting an increase of pension to Charles B. Wingfield—to the Committee on Pensions.

S. 4319. An act granting an increase of pension to Helen G. Heiner—to the Committee on Invalid Pensions.

S. 2936. An act granting an increase of pension to Berthold Fernow—to the Committee on Invalid Pensions.

S. 3472. An act granting an increase of pension to Zeno T. Griffin—to the Committee on Invalid Pensions.

S. 1512. An act granting an increase of pension to Mary Jane Faulkner—to the Committee on Pensions.

S. 3519. An act granting an increase of pension to Charles L. Cummings—to the Committee on Invalid Pensions.

S. 4072. An act granting an increase of pension to Samuel J. Lamden—to the Committee on Pensions.

S. 493. An act to amend act entitled "An act to establish a code of law for the District of Columbia—to the Committee on the District of Columbia."

S. 2305. An act granting an increase of pension to Lemuel Grove—to the Committee on Invalid Pensions.

S. 4658. An act granting an increase of pension to Charles F. Rand—to the Committee on Invalid Pensions.

#### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. Res. 171. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOLLIDAY, indefinitely, on account of sickness in his family.

And then, on motion of Mr. HEPBURN (at 4 o'clock and 50 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for an addition to Fort Taylor, Fla.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for pumping plant at Industrial Home School, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for continuing construction of military post at Des Moines, Iowa—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for forage, Marine Corps—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of an agreement between the United States and the Choctaw and Chickasaw tribes of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting documents and recommendations, with a memorial from certain commissions of the Creek tribe of Indians relative to a proposed agreement with the United States—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War recommending an appropriation for the Military Academy—to the Committee on Military Affairs, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburgh, Pa., reported the same without amendment, accompanied by a report (No. 1238); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3292) granting an increase of pension to Arthur H. Perkins, reported the same with amendment, accompanied by a report (No. 1233); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7539) for the relief of Capt. Sidney F. Shaw, reported the same with amendment, accompanied by a report (No. 1237); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9219) granting an increase of pension to C. L. Newman, reported the same with amendments, accompanied by a report (No. 1239); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10710) granting an increase of pension to Mrs. Frances E. Scott, Jemison, Ala., reported the same with amendments, accompanied by a report (No. 1240); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9952) granting an increase of pension to William P. Featherstone, of Owen County, Ky., reported the same with amendments, accompanied by a report (No. 1241); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9777) for the relief of Helen F. Lasher, reported the same with amendments, accompanied by a report (No. 1242); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 6699) granting an increase of pension to Esther A. C. Hardee, reported the same with amendments, accompanied by a report (No. 1243); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11168) granting an increase of pension to Isaac Phipps, reported the same with amendment, accompanied by a report (No. 1244); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9018) granting a pension to Ida M. Green, reported the same with amendments, accompanied by a report (No. 1245); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11249) granting a pension to Katharine Rains Paul, reported the same with amendments, accompanied by a report (No. 1246); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1012) granting an increase of pension to Patrick Moran, reported the same with amendments, accompanied by a report (No. 1247); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1248) granting a pension to Erwin A. Burke, alias B. A. Erwin, reported the same with amendment, accompanied by a report (No. 1248); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12490) granting an increase of pension to Joseph Culbreath, late second lieutenant Company L, Palmetto Regiment South Carolina Volunteers, in war with Mexico, reported the same with amendments, accompanied by a report (No. 1249); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12028) granting an increase of pension to Henry C. Helphinstine, a veteran of the Mexican war, reported the same with amendments, accompanied by a report (No. 1250); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12101) granting a pension to William E. Gray, reported the same with amendment, accompanied by a report (No. 1251); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11550) granting an increase of pension to William G. Gray, of Burnsville, Miss., a veteran of the Indian war, reported the same with amendments, accompanied by a report (No. 1252); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3743) granting an increase of pension to Frances Gurley Elderkin, reported the same with amendment, accompanied by a report (No. 1253); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9075) for the relief of Gustave Villouet, reported the same adversely, accompanied by a report (No. 1234); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6499) to remove the charge of desertion from the military record of Bernhard Reuter, reported the same adversely, accompanied by a report (No. 1235); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6022) to amend the military record of G. W. Rand, reported the same adversely, accompanied by a report (No. 1236); which said bill and report were laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 11385) granting an increase of pension to Eleanor Harris Hord—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.



A bill (H. R. 12780) granting an increase of pension to William H. Wheeler—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 13072) applying the provisions of the mineral laws of the United States to the vacant lands in Oklahoma Territory—to the Committee on the Public Lands.

By Mr. SMITH of Arizona: A bill (H. R. 13073) to authorize the county of Maricopa, Ariz., to issue bonds for the construction of canals, and so forth, for irrigating purposes—to the Committee on the Territories.

By Mr. McLAIN: A bill (H. R. 13074) to authorize the governor of the State of Mississippi to select certain lands in part satisfaction of its grant for university purposes—to the Committee on the Public Lands.

By Mr. BINGHAM: A bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," and so forth, approved February 10, 1891—to the Committee on the Judiciary.

By Mr. WILCOX: A bill (H. R. 13076) to apportion the term of office of senators elected at the first general election in the Territory of Hawaii—to the Committee on the Territories.

By Mr. HAY: A joint resolution (H. J. Res. 173) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa.—to the House Calendar.

By Mr. BROMWELL: Memorial of the Ohio legislature, in regard to pensions for Army nurses—to the Committee on Pensions.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 13077) granting an increase of pension to Mary Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13078) granting an increase of pension to Joseph Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13079) to reimburse A. J. Cauffman, Girard, Erie County, Pa., in the sum of \$300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton as a substitute—to the Committee on Claims.

By Mr. BOREING: A bill (H. R. 13080) granting a pension to William H. O'Dear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13081) granting an increase of pension to Anthony J. Railey—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 13082) for the relief of the estate of Sven J. Johnson—to the Committee on Claims.

By Mr. BRISTOW: A bill (H. R. 13083) granting a pension to Lockie W. Reeves—to the Committee on Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 13084) granting an increase of pension to John Middleton—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 13085) to confirm title to lot numbered 4, square 1113, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DAVIS of Florida: A bill (H. R. 13086) granting an increase of pension to Frances F. Hopkins—to the Committee on Pensions.

By Mr. DEEMER: A bill (H. R. 13087) granting an increase of pension to Daniel S. Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13088) granting an increase of pension to Hiram D. Deming—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 13089) for relief of the heirs of Matthias Price, deceased—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 13090) granting a pension to F. S. Snodgrass—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 13091) granting an increase of pension to John B. Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13092) granting an increase of pension to Burdine Blake—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13093) granting a pension to Eliza A. Brownlow—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13094) granting an increase of pension to John Parker—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 13095) granting an increase of pension to Francis Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13096) granting a pension to James M. Hempill—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 13097) granting an increase of pension to H. H. McMichael—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13098) granting an increase of pension to James B. Mulky—to the Committee on Pensions.

By Mr. NEVIN: A bill (H. R. 13099) granting a pension to Isaiah Waltman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13100) granting a pension to Louis Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13101) granting an increase of pension to Martin S. Wintzloff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13102) granting an increase of pension to Jackson Weathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13103) granting an increase of pension to Benjamin F. Weimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13104) to remove charge of desertion from record of George Sloughman—to the Committee on Military Affairs.

Also, a bill (H. R. 13105) to remove charge of desertion from record of John L. Yohn—to the Committee on Military Affairs.

Also, a bill (H. R. 13106) granting an honorable discharge to Joseph Zuleger—to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 13107) granting an increase of pension to Winfield S. Smith—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13108) for the relief of the legal representatives of Mrs. S. W. Skinner—to the Committee on War Claims.

By Mr. WILCOX: A bill (H. R. 13109) to provide the settlement of fire claims during the bubonic plague of the year 1900 of the Territory of Hawaii—to the Committee on Claims.

By Mr. ZENOR (by request): A bill (H. R. 13110) for the relief of Joseph Bernard and other persons therein named—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 13111) granting a pension to William Hall—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 13112) granting an increase of pension to Amos Wilson, chaplain Twenty-third Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Painters and Paper Hangers' Union No. 208, of Washington, Pa., concerning immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: Resolutions of Atlanta (Ga.) Division, No. 368, Brotherhood of Locomotive Engineers, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BATES: Petition of A. J. Cauffman, of Girard, Pa., for \$300 and interest from October 16, 1862, for soldier furnished the United States, being the amount paid by him for a substitute—to the Committee on Claims.

By Mr. BARTLETT: Resolution of the National Wholesale Lumber Dealers' Association, favoring the passage of a bill to remove the London landing charge imposed at the North Atlantic ports—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Gate City Division, No. 368, Atlanta, Ga., Brotherhood of Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BOREING: Papers to accompany House bill granting a pension to William H. Odear—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Resolutions of William H. Lytle Post, Grand Army of the Republic, of Cincinnati, Ohio, and General George Washington Garrison, No. 1, in regard to personnel of the Navy—to the Committee on Naval Affairs.

By Mr. BURK of Pennsylvania: Petition of Polish Hall Alliance of the United States, favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, memorial of the National Live Stock Association, asking for the modification of section 4386 of the Revised Statutes—to the Committee on the Judiciary.

Also, resolutions of National Guard Association of Philadelphia, indorsing House bill 11654—to the Committee on the Militia.

Also, resolutions adopted by Utah volunteers, regarding mileage from the Philippine Islands—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Petition of Dument Post, No.

258, Grand Army of the Republic, Department of South Dakota, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. BULL: Resolution of Typographical Union No. 33, of Providence, R. I., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. CANNON: Papers to accompany House bill 13085, to confirm title to lot 4, square 1113, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. CASSINGHAM: Resolutions of Subordinate Association No. 19, Lithographers' Protective Association of the United States, in opposition to the passage of House bill 5777—to the Committee on Patents.

By Mr. COOPER of Texas: Resolutions of Painters' Union No. 545, and Screwmen's Benevolent Association, of Port Arthur, Tex., and Trades and Labor Council of Palestine, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CORLISS: Petition of Park Lodge, No. 555, Railroad Trainmen, Detroit, Mich., favoring restrictive immigration—to the Committee on Immigration and Naturalization.

By Mr. CUMMINGS: Resolution of Harlem Board of Commerce, of New York, urging the appointment of more mail carriers in the boroughs of Manhattan and the Bronx—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Order of Railway Conductors of Pittsburg and Sunbury, Pa.; Locomotive Engineers of Oil City, Pa., and Railroad Trainmen of Reading and Hazleton, Pa., in regard to the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also resolutions of a mass meeting of the Utah Volunteers, favoring bill to allow travel pay from Manila, P. I., to San Francisco to those who enlisted on call for volunteers—to the Committee on Military Affairs.

By Mr. DAYTON: Petitions of numerous citizens of West Virginia, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. DEEMER: Petition of Brotherhood of Railroad Trainmen of Renovo, Pa., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Renovo Lodge, No. 338, Brotherhood of Railroad Trainmen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DOUGHERTY: Petition of Olive Leaf Lodge, No. 526, Brotherhood of Locomotive Firemen, Stanberry, Mo., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DOVENER: Papers to accompany House bill 3482, granting a pension to Jacob Hare, of Hancock County, W. Va.—to the Committee on Pensions.

Also, paper to accompany House bill granting a pension to William Hall—to the Committee on Invalid Pensions.

Also, resolutions of Nail City Lodge, No. 110, of Wheeling; Brotherhood of Railroad Trainmen, and Butchers' Union No. 7, of Wheeling, W. Va., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Papers to accompany House bill 13091, granting an increase of pension to John B. Hammer—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of Iroquois Club, of San Francisco, Cal., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. FLETCHER: Resolution of Polish-American citizens of Minneapolis, Minn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. GIBSON: Papers to accompany House bill granting a pension to Mrs. Eliza A. Brownlow—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: Petition of the faculty of Mount Holyoke College, South Hadley, Mass., in favor of Senate bill 702, to establish a library post—to the Committee on the Library.

By Mr. GRIFFITH: Petition of the Hide and Leather Company of Seymour, Ind., for removal of the tariff on hides—to the Committee on Ways and Means.

Also, petition of James & Mayer Buggy Company, of Lawrenceburg, Ind., protesting against the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HAUGEN: Petition of citizens of Harpers Ferry, Iowa, remonstrating against the passage of House bill 9684—to the Committee on Levees and Improvement of the Mississippi River.

By Mr. JOHNSON: Papers to accompany House bill 7793, relative to the claim of Dr. A. Earle Boozer—to the Committee on Claims.

By Mr. KETCHAM: Petition of citizens of Greene County,

N. Y., for the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. LEWIS of Georgia: Resolutions of Atlantic Division, No. 368, Brotherhood of Locomotive Engineers, in favor of the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of a meeting of volunteers for the Spanish-American war, from Utah, asking for allowance of travel pay from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

By Mr. MANN: Resolutions of John McCutcher Post, No. 154, Grand Army of the Republic, of Barry, Ill., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of John III Sobieski Society, of South Chicago, Ill., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolution of Heart and Hand Lodge No. 505, of Fulton, Ill., and Muddy Lodge, No. 578, of Murphysboro, Ill., Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of Boston Division, No. 122, Order of Railway Conductors, favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Petition of Theatrical Protective Union No. 59, Jersey City, N. J., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of citizens of Jersey City, N. J., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Petition of Bricklayers' Union No. 30, of Washington, Ind., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. MOON: Resolution of Painters' Union No. 236, of Chattanooga, Tenn., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. MORRELL: Memorial of National Live Stock Association, favoring modification of section 4386 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. MORRIS: Petition of Federated Trades Assembly of Duluth, Minn., in opposition to Senate bills 2054 and 1644, relating to electric wiring in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Polish societies of Duluth and Virginia, Minn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Olmstead County Good Roads Association, Rochester, Minn., in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. NAPHEN: Petition of Cutters' Union of Newburyport, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Boston Division, No. 122, Order of Railway Conductors, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. NORTON: Paper to accompany House bill 13107, granting an increase of pension to Winfield S. Smith—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petitions of Polish Societies of Milwaukee, Wis., by J. Bieganski and T. Czewinski, favoring the passage of House bill 16—to the Committee on the Library.

Also, petition of Retail Grocers' Association of Milwaukee, Wis., in favor of the passage of House bill 9352—to the Committee on Interstate and Foreign Commerce.

Also, petition of Marine Engineers' Beneficial Association No. 9, of Milwaukee, Wis., regarding necessary experience required on shipboard to obtain a license as marine engineer—to the Committee on the Merchant Marine and Fisheries.

By Mr. PALMER: Petitions of various branches of Polish National Alliances of Wilkesbarre, Dupont, Georgetown, Hudson, and Plymouth, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of General Hancock Circle, No. 9, Ladies of Grand Army of the Republic, Wilkesbarre, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of Francis M. Brabham, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, resolution of Reno Post No. 4, Grand Army of the Republic,



Hagerstown, Md., favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. RIXEY: Petition of Mary V. and Susan P. Keith, of Virginia, asking that their claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, paper to accompany bill for the relief of the legal representatives of Mrs. S. W. Skinner, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. RYAN: Petition of the Iroquois Club, of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Barnhart Bros. & Spindler, Chicago, Ill., and J. L. Mott Iron Works, of New York, favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SALMON: Resolutions of Excelsior Lodge, No. 11, Phillipsburg, N. J., Brotherhood of Locomotive Firemen, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Resolutions of Polish National Society of Jackson, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SMITH of Illinois: Resolutions of Carpenters' Union No. 841, Carbondale, Ill., and of Carpenters' Union No. 939, of Campbell Hill, Ill., relative to settlement on public lands and reclaiming of arid lands—to the Committee on the Public Lands.

By Mr. SULZER: Resolution of Typographical Union No. 17, of New Orleans, La., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

By Mr. YOUNG: Petition of the National Guard Association of Philadelphia, Pa., for the passage of House bill 11654—to the Committee on Militia.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 28, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

### MISSOURI RIVER IMPROVEMENTS, ST. JOSEPH, MO.

Mr. COCHRAN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. COCHRAN. I rise to ask for the consideration of the resolution which I send to the Clerk's desk, which is now privileged.

The SPEAKER. The Clerk will report the privileged resolution. The Clerk read as follows:

Concurrent resolution (H. C. Res. 27).

*Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the condition of river improvements heretofore constructed on the Missouri River at a point south of St. Joseph, Mo.; whether said improvements are incomplete and, on account of their incomplete condition, in danger of destruction; and the sum necessary to complete said improvements and prevent their destruction by the encroachments of the current.*

Mr. COCHRAN. Mr. Speaker—

Mr. PAYNE. I should like to ask if this has been reported by a committee. It would not be privileged unless it is reported by a committee or unless the time prescribed by the rule has elapsed.

The SPEAKER. The Chair will hear from the gentleman from Missouri.

Mr. COCHRAN. Mr. Speaker, this is a resolution calling for information from one of the Departments of the Government. It has been in the hands of the committee for some time and not reported. I move that the committee be discharged from the further consideration of it and that it be put upon its passage.

Mr. PAYNE. The question is, How long has it been before the committee?

Mr. COCHRAN. More than a month.

The SPEAKER. The gentleman from Missouri moves to discharge the Committee on Rivers and Harbors from the further consideration of the resolution and to consider the same in the House.

The motion was agreed to.

Mr. COCHRAN. Mr. Speaker, I move to amend the resolution by striking out the word "concurrent" and inserting the word "House."

The SPEAKER. The gentleman from Missouri moves to strike out the word "concurrent" and insert the word "House," so that it will receive consideration as a House resolution. This will involve another amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "concurrent" and insert "House."

In lines 1 and 2, after the word "Resolved," strike out the words "by the House of Representatives (the Senate concurring)."

Mr. PAYNE. Mr. Speaker, is the resolution open to amendment?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. COCHRAN. What is the gentleman's suggestion?

Mr. PAYNE. I suggest to the gentleman from Missouri to insert the word "requested" instead of "instructed." It will answer the same purpose, and will be the usual form.

Mr. COCHRAN. I make no objection to such a change.

The SPEAKER. Without objection, the word "instructed" will be changed to "requested." Is there objection?

There was no objection.

Mr. MERCER. Mr. Speaker, I suggest to the gentleman from Missouri that he change the form of his resolution so that it will call for the information he has suggested with reference to all the improvements south of Sioux City, Iowa, rather than St. Joseph, Mo.

Mr. COCHRAN. I have the great honor to represent only a very small part of that vast territory, and I do not feel called upon to extend my jurisdiction.

Mr. MERCER. Will the gentleman accept an amendment of that sort?

Mr. COCHRAN. I prefer not to.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

### DUTIES PAID IN PORTO RICO.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11096) to refund the amount of duties paid in Porto Rico upon articles imported from the several States from April 11, 1899, to May 1, 1900, to confer jurisdiction on the Court of Claims to render judgment thereon, and making an appropriation therefor.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States of all claims against the United States arising out of the payment of customs duties to the military authorities in the island of Porto Rico upon articles imported from the several States, which articles were entered at the several ports of entry in Porto Rico from and including April 11, 1899, to May 1, 1900, and the Court of Claims is empowered and directed to ascertain the amounts of such duties paid during said period and to enter judgment against the United States for the several amounts so paid, with interest thereon at the rate of 6 per cent per annum from the several dates of payment of such duties to the dates of such judgments, respectively, in all actions for the recovery of such duties now pending in the Court of Claims and in all actions for the recovery of such duties which may be brought in said court within six months from the date of the passage of this act.*

Mr. LITTLEFIELD. Mr. Speaker, I desire to have the amendment of the committee amended by striking out all after the word "read."

The SPEAKER. The gentleman will suspend until consent has been given by the House. Is there objection?

Mr. RICHARDSON of Tennessee. Will the gentleman make some explanation of the bill?

Mr. PAYNE. Reserving the right to object, I want to say a word. This bill, in my judgment, should have gone to the Committee on Ways and Means, because it is a bill affecting the revenue, and I do not think that it gives the Committee on the Judiciary jurisdiction of the bill from the fact that it provides for a recovery in the Court of Claims. But the bill was reported by the Committee on the Judiciary before the Ways and Means Committee was aware that any such bill was before the House.

In the meantime the parties interested in this matter had appeared before the Committee on Ways and Means and stated the facts in reference to these claims; and I think, so far as I know, the Committee on Ways and Means were not opposed to this refund of duty, duties paid in Porto Rico, which under the decision of the Supreme Court ought not to have been exacted. The bill provides also for the payment of interest. The parties would be entitled to interest if they could get jurisdiction of the collector, but the General Government has sent General Davis—

Mr. SULZER. Mr. Speaker, I ask for order. It is impossible to hear what the gentleman says.

The SPEAKER. The House will be in order. The gentleman will suspend.

Mr. PAYNE. The General Government has, as I said, in the meantime sent the collector, who was General Davis, of the

Regular Army, to the Philippine Islands, and the parties can not, of course, reach him to bring him before the courts of the United States. If they had been able to serve process upon him, they would have been able to collect these claims and interest upon them, because it is the uniform rule. I do not, therefore, regard this as setting a precedent of the collection of interest on claims, as that is a subject that has been settled by the courts and Congress wherever suits have been commenced and judgment has been given against the Government for the claim and the interest on the claim. For that reason I do not interpose any objection to the consideration of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Now, I move to amend the committee amendment by striking out all of the committee amendment after the word "read" and inserting in lieu thereof the following—

The SPEAKER. The Chair will state that the copy of the bill at the desk does not indicate any committee amendment.

Mr. LITTLEFIELD. I move to strike out the title and insert in lieu thereof the amendment which I send to the Clerk's desk. It simply changes the reading of the title.

The SPEAKER. That will come after the bill has been considered and passed.

Mr. LITTLEFIELD. Very well.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The gentleman from Maine now moves the following amendment to the title.

The Clerk read as follows:

Amend the title so as to read:

"A bill to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900."

The SPEAKER. The question is on agreeing to the amendment offered to the amendment offered by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

On motion of Mr. LITTLEFIELD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MILITARY RESERVATION AT BATON ROUGE, LA.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 11936) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural College.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Louisiana State University and Agricultural and Mechanical College, at Baton Rouge, La., full and complete title to the buildings and grounds of the United States barracks at Baton Rouge for the purposes of said university and college, except that portion of said ground that lies westward of a line 100 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railroad Company, and said excepted land may be used and occupied by said railroad company, and should said railroad cease to use and occupy said land, then the possession shall revert to said university.

The amendment recommended by the committee was read, as follows:

In line 3, page 2, strike out the word "possession" and insert the word "title."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman how much land this gives away?

Mr. ROBERTSON of Louisiana. I will state, Mr. Speaker, that in 1886 the Government gave the university this land. It has been its home for fifteen years. It is on it and occupying it and everything on it. It is about 210 acres. It has already been disposed of by the Government, and nothing remains now. The only reservation was that it should revert to the Government if the Secretary of War should consider it was needed for military purposes. The Secretary of War has reported that he had no such need of the land, and the institution now wants a full title, so that they can continue erecting buildings upon this land for the uses and purposes of the university.

Mr. PAYNE. Congress originally gave them the right to use it?

Mr. ROBERTSON of Louisiana. Yes, sir.

Mr. PARKER. Will the gentleman allow me to ask him a question?

Mr. ROBERTSON of Louisiana. Certainly.

Mr. PARKER. Is it not the intention of the authorities of this university to sell a part of this land?

Mr. ROBERTSON of Louisiana. It is possible they may desire to exchange a portion of it for other lands.

Mr. PARKER. To exchange it for other lands. Was not the original statute of 1886 in this form—that the United States

lend or transfer to the university possession of this particular land?

Mr. ROBERTSON of Louisiana. That is true.

Mr. PARKER. Providing that it should only remain theirs so long as it was used for university purposes?

Mr. ROBERTSON of Louisiana. No, sir.

Mr. PARKER (continuing). And it provided further that it might be taken back by the Secretary of War whenever it was needed by the United States.

Mr. ROBERTSON of Louisiana. No, sir; not that. The gentleman is correct in only one particular. There is no question of the use of the university.

Mr. PARKER. I would like to have the statute of 1886 here.

Mr. ROBERTSON of Louisiana. I have it here.

Mr. LACEY. I would like to ask the gentleman why the bill was not referred to the proper committee—the Committee on Public Lands.

Mr. ROBERTSON of Louisiana. That question was entirely in the hands of the gentleman himself. I called upon him to get his opinion as to the jurisdiction of the committees over this particular bill. He agreed with me that the Committee on Military Affairs was the proper committee.

Mr. LACEY. The idea was that there was nothing left except a military right, and that was the only one to be extinguished.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was engrossed and read the third time, and passed.

The amendment to the title was agreed to.

On motion of Mr. ROBERTSON of Louisiana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### CENTRAL ARIZONA RAILWAY COMPANY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 11998, and in that connection I ask that a bill identical in language, passed by the Senate, may be considered in lieu of the House bill.

Mr. PAYNE. Has the House bill been reported by a committee?

Mr. LACEY. The House bill has been reported by the committee.

The SPEAKER. Has the Senate bill been reported from the committee?

Mr. LACEY. It has not, Mr. Speaker; it has come in since the House bill was reported by the House committee. It is the bill S. 4363, and is identical in language with the House bill. I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. The Chair will call the gentleman's attention to the fact that the Senate bill is not within the jurisdiction of the House.

Mr. LACEY. It can be by unanimous consent.

The SPEAKER. It would involve the discharge of the committee from further consideration.

Mr. PAYNE. I suggest, Mr. Speaker, that the bill be read before these various things are agreed to.

Mr. LACEY. I suggested this to prevent the reading of the bill a second time. Let the House bill be read.

The SPEAKER. What is the motion of the gentleman from Iowa?

Mr. LACEY. I ask unanimous consent that the Committee on Public Lands be discharged from consideration of the bill S. 4363, the identical bill in language having been reported in the House bill.

The SPEAKER. The gentleman from Iowa asks that the Committee on Public Lands be discharged from consideration of the bill S. 4363, and that House bill 11998 may be taken up and considered now. Is there objection?

Mr. PAYNE. Mr. Speaker, let the bill be read first.

Mr. RICHARDSON of Tennessee. I believe the title to the bill has not yet been read.

Mr. LACEY. The bill is a bill granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountain Forest Reserve. It was a bill introduced by the gentleman from Arizona [Mr. SMITH].

The SPEAKER. Without objection, and subject to further objection, the Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

Be it enacted, etc., That the Central Arizona Railway Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the San Francisco Mountains Forest Reserve (heretofore reserved from entry and settlement and set apart as a public reserve by William McKinley, President of the United States, by proclamation dated the 17th day of August, 1898).



Said road to be constructed upon and across the said San Francisco Mountains Forest Reserve from a point at or near the town of Flagstaff, in the county of Coconino, Territory of Arizona, thence in a southwesterly direction by the most practicable route to the town of Jerome, in the county of Yavapai, Territory of Arizona, and thence in a southeasterly direction to the town of Globe, in the county of Gila, Territory of Arizona; also to construct and maintain such side tracks, extensions, switches, and spurs as may be necessary to the convenient construction, use, and maintenance of said railroad in the said counties of Coconino, Yavapai, and Gila. Said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the right of way herein granted.

Mr. LACEY. Now, Mr. Speaker, I ask that the Senate bill be considered.

The SPEAKER. The messenger has been sent to get the Senate bill, as the House can not act on a copy. The Chair is informed that the room is closed, and the gentleman will have to withdraw his bill.

Mr. LACEY. I have a copy of the Senate bill.

The SPEAKER. A copy will not do. The House must have the bill in its possession.

Mr. LACEY. Then, Mr. Speaker, I ask that the matter be passed over for the present, and I will get the bill.

#### COMMUTATION OF HOMESTEAD ENTRIES.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9037) to allow the commutation of homestead entries in certain cases and providing for fees and commissions.

The Clerk read as follows:

*Be it enacted, etc.*, That homestead settlers upon the ceded portion of the Sioux Indian Reservation in South Dakota who made entry subsequent to March 3, 1899, shall be entitled to the provisions of the act entitled "An act to allow commutation of homestead entries in certain cases," approved January 26, 1901, and in commuting shall only be required to pay the price provided in the law under which original entry was made.

SEC. 2. That when any homestead entry shall be commuted to cash final commissions shall be paid thereon by the entryman at the same rate as is now payable upon final homestead entries, with a like rate of commission on payments for excess acreage.

With the following amendments recommended by the Committee on the Public Lands:

Strike out section 2 of the bill and amend the title so as to read: "To allow commutation of homestead entries in certain cases."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. Pending the request for unanimous consent, I wish to ask whether the bill has been reported by any committee of the House.

Mr. BURKE of South Dakota. It has been unanimously reported by the Committee on Public Lands.

Mr. MADDOX. I want to reserve the right to object until we hear an explanation.

The SPEAKER. That will be understood.

Mr. BURKE of South Dakota. Mr. Speaker, this bill, as I have just stated, has been unanimously reported by the Committee on Public Lands. Its passage is also recommended by the Secretary of the Interior and the Commissioner of the General Land Office. Its object is simply to cure a defect in an act which was passed by the last Congress allowing to settlers on land formerly included within Indian reservations the right to commute upon payment of the Indian price for the land. The Department had held that, in addition to this, the settler would have to pay \$1.25 an acre.

An act passed in March, 1899, relieved settlers from the payment of anything more than \$1.25 an acre when commuting, but it has been held that the act of January, 1901, was not retroactive, and that for lands entered between March, 1899, and January, 1901, settlers would still be required to pay the Indian price in addition to \$1.25 an acre. The present bill will affect only a dozen entries of land formerly included in the Sioux Reservation in South Dakota. I hope there will be no objection to the bill.

There being no objection the House proceeded to the consideration of the bill.

The amendments reported by the Committee on the Public Lands (excepting the amendment to the title) were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. In the absence of objection, the proposed amendment to the title will be agreed to.

There was no objection.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### F. M. VOWELLS.

Mr. SMITH of Kentucky. I ask unanimous consent for the present consideration of the bill (H. R. 1592) for the relief of F. M. Vowells.

The bill was read, as follows:

*Be it enacted, etc.*, That the military record of F. M. Vowells, an officer in Company H, Sixth Kentucky Cavalry, during the war of the rebellion, be so corrected and amended that he shall be carried on the rolls of regiment and company as a second lieutenant from July 21, 1863, the date of his commission as such, and that he be paid according to the said corrected roll.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time and passed.

On motion of Mr. SMITH of Kentucky, a motion to reconsider the last vote was laid on the table.

#### RIGHT OF WAY THROUGH SAN FRANCISCO MOUNTAINS FOREST RESERVE.

Mr. LACEY. I desire now to renew the request for the present consideration of the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve. The original bill is now in the hands of the Clerk.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] asks unanimous consent to discharge the Committee on Public Lands from the further consideration of Senate bill 4363.

There was no objection.

The committee was accordingly discharged; and the House proceeded to the consideration of the bill.

Mr. LACEY. This bill has already been once read.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

#### LOAN OF REVOLUTIONARY TROPHIES.

Mr. HAY. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburg, Pa., was read as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to loan to the Morgan Memorial Association, Winchester, Va., the two 24-pounder boat howitzers, English (bronze), without carriages, relics of the Revolutionary war, now at the Allegheny Arsenal, Pittsburg, Pa., to be placed at the grave of Gen. Daniel Morgan.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

#### EMANUEL KLAUSER.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

*To the House of Representatives:*

I return without approval House bill No. 3732, entitled "An act for the relief of Emanuel Klauser."

This bill is similar to that in the case of James W. Howell, Senate bill No. 24, which was recently returned by me without my approval. The Howell bill did not merely authorize the President to take action, but it ordered the Secretary of War to revoke and set aside the order approving the proceedings, findings, and sentence of a general court-martial, and to grant an honorable discharge. It appeared to imply the possession by Congress of the power of overruling and reversing by statute a valid judgment. If it did not do that, it was simply an exercise of the pardoning power. It is questionable whether Congress possesses either of those powers, and when the bill directed the Secretary of War to revoke an order, Congress in fact did the thing which it ordered him to do.

The reasons for the action taken in the Howell case appear to me to be equally applicable in the present instance.

THEODORE ROOSEVELT.

WHITE HOUSE, March 23, 1902.

Mr. HULL. Mr. Speaker, as the chairman of the subcommittee that has had this bill in charge is not present, and as I have no knowledge whatever of the matter, I move that this message, with the accompanying documents, be referred to the Committee on Military Affairs and ordered to be printed.

The motion was agreed to.

#### ALIDA PAYNE.

The SPEAKER laid before the House the bill (H. R. 10486) granting a pension to Alida Payne, with an amendment of the Senate.

The amendment was read.

Mr. SULLOWAY. I move that the House concur in the amendment.

The motion was agreed to.

#### HANNAH P. KNOWLES.

The SPEAKER also laid before the House the bill (H. R. 11418) granting an increase of pension to Hannah P. Knowles, with Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.  
The motion was agreed to.

#### PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar in their order under the rule for this day.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole, with Mr. CAPRON in the chair, for consideration of bills upon the Private Calendar under the rule.

#### CALVIN A. RICE.

The first business was the bill (H. R. 3379) to correct the military record of Calvin A. Rice.

The Clerk read as follows:

A bill to correct the military record of Calvin A. Rice.

Mr. TALBERT. Mr. Chairman, we have just heard read a message from the President of the United States, in which he vetoes a bill of this kind to remove a charge of desertion, and in view of the fact that he has taken that position, a position in which I agree with him, while I differ with him in most everything else, it seems to me that it would be useless for this House to continue to pass these bills. We had better displace them and let other and more meritorious bills be considered and clear the Calendar. I have looked over the Calendar, and I see on it a good many bills for the removal of the charge of desertion, to correct the military record, and to set aside verdicts of military courts.

Now, I desire as part of my remarks to insert Senate Document No. 244, which is a veto message from the President of the United States, vetoing an act to remove a charge of desertion from the naval record of John Glass. I will not take the time to read it. I will read only a short extract from it. After going on to say that no greater crime exists than that of desertion, the President says:

Under such circumstances it seems to me that to remove the charge of desertion from the Navy and give him an honorable discharge would be to falsify the records and do an injustice to his gallant and worthy comrades who fought the war to a finish. The names of the veterans who fought in the civil war make the honor list of the Republic, and I am not willing to put upon it the name of a man unworthy of the high position.

Comment is unnecessary. That language is as plain and as unmistakable as it can be made, and I am glad to see that I have at last had come to my assistance the Chief Executive of this great nation in preventing placing upon the roll of honor deserters, men who deserve nothing at the hands of the people who pay the taxes of this great nation. [Applause.]

I desire also to insert as a part of my remarks Senate Document No. 257, which contains a veto message from the President of the United States upon a bill referred to the Committee on Military Affairs, an act to grant an honorable discharge from the military service to Charles H. Hawley. After saying other things, the President concludes it by this language:

I think it in the highest degree inexpedient to reverse the order of dismissal nearly forty years after the event, when it is out of the question for anyone to possess the knowledge and the means of arriving at the judgment which was possessed by the fellow-officers of the man at the time they dismissed him.

That is also unmistakable language—plain and patriotic—that can not be misunderstood, and I want to call the attention of this House and of the country to it once more.

I also want to insert as a part of my remarks Senate Document No. 258, which is a message from the President of the United States, returning with his objections the bill (S. 24) for the relief of James W. Howell. I will not read the whole of it, but will read one extract. After saying a good many other things, the President concludes it by this language:

There is perhaps no other heritage an American would so like to leave to his children as an honorable discharge for services well and gallantly performed in the civil war; and the honorable discharge thus granted to those who with blood and toil have earned it is cheapened and rendered of little worth if also granted to their unworthy brothers who have forfeited the right to receive it.

That is also plain and unmistakable language.

Now, Mr. Chairman, I want now to read an article that appeared two or three days ago in the Washington Post along that same line:

DESERTERS TO FIND NO FAVOR—PRESIDENT ROOSEVELT DECLARES HIS OPPOSITION TO THEIR RESTORATION TO ROLLS.

President Roosevelt declared yesterday that so long as he is in office no deserter from the Army or Navy would find favor with him. The statement was made to Capt. Frank Bruner and Ferd. McDonough, of Lytle Post, Grand Army of the Republic, of Cincinnati, who handed him a set of resolutions from the ex-Union soldiers of Cincinnati, condemning the restoration of deserters to the rolls and approving his course in vetoing certain bills recently passed by Congress.

They also arranged to present to the President at the next annual encamp-

ment of the Grand Army of the Republic the resolutions passed by Lytle Post, thanking him for the stand he has taken in giving preference to civil-war veterans in the matter of appointments.

Now, that shows that the Grand Army men themselves are opposed to having shame and disgrace cast like a shadow over this roll by placing upon it, by the side of honest, patriotic soldiers, coffee coolers, bounty jumpers, and deserters.

I only desired in the outset of the consideration of the bills to-day to call the attention of this House and the country once more, as I have often done, to the fact that we are doing wrong when we continue this practice of removing the charge of desertion at this late day. I want to say that I have looked generally over every pension bill upon this Calendar, and when I see that a man comes up here and wants to take up the time that should be given to the consideration of meritorious bills I am opposed to it. I only submit these remarks, Mr. Chairman, and the House can do as it pleases with regard to the bill now before it.

Mr. JETT. Mr. Chairman, will the gentleman yield for a question?

Mr. TALBERT. Yes.

Mr. JETT. I want to ask the gentleman from South Carolina if he does not think the President took his cue from your position for the last ten years on this question?

Mr. TALBERT. I did not understand the gentleman's question.

Mr. JETT. Do you not think the President has taken his cue from your views in the last ten years?

Mr. TALBERT. I do not know. The dullest man in the country can be influenced by line upon line and precept upon precept, and I have certainly continued along this line in my humble way. Yet I will not claim any such thing, even in a joke, for fear that my friend from Missouri might get mad about it again. [Laughter.] Now, Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie upon the table, because if it should pass here the President will certainly veto it, and thus we shall have wasted our time. Let us go on and pass these meritorious bills which are upon the Calendar to-day.

Mr. PARKER. Does the gentleman suppose that this is a desertion case?

Mr. TALBERT. It is to correct a military record or to set aside the verdict of a court. Now, the gentleman ought not to get upon false premises himself.

Mr. PARKER. Do not you get on false premises.

Mr. TALBERT. He claims to be a lawyer, or the son of a lawyer, one or the other, or both, I do not know which.

Mr. PARKER. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Why, certainly.

Mr. PARKER. Has the gentleman read the report in this case?

Mr. TALBERT. Yes, sir; I have read the reports in almost all of these cases. I do not know that I have read every report.

Mr. PARKER. Has the gentleman read this report?

Mr. TALBERT. Did the gentleman ever read the Lord's Prayer or repeat it? [Laughter.]

Mr. PARKER. Do you know anything about the facts in this case?

Mr. TALBERT. I do not know that I have read every case. I am not supposed to know. A wayfaring man, though a fool, may see some things without looking into them.

I here insert for the information of the public the three following veto messages signed by the President:

[Senate Document No. 244, Fifty-seventh Congress, first session.]

JOHN GLASS.

Veto message from the President of the United States, returning to the Senate, with his objections, the bill (S. 1258) to remove the charge of desertion from the naval record of John Glass.

MARCH 11, 1902.—Read, referred to the Committee on Naval Affairs, and ordered to be printed.

To the Senate of the United States:

I return without approval Senate bill No. 1258, entitled "An act to remove the charge of desertion from the naval record of John Glass."

There can be no graver crime than the crime of desertion from the Army or Navy, especially during war. It is then high treason to the nation and is justly punishable by death. No man should be relieved from such a crime, especially when nearly forty years have passed since it occurred, save on the clearest possible proof of his real innocence. In this case the statement made by the affiant before the committee does not in all points agree with his statement made to the Secretary of the Navy.

In any event it is incomprehensible to me that he should not have made effective effort to get back into the Navy. He had served but little more than a month when he deserted, and the war lasted for over a year afterwards, yet he made no effort whatever to get back into the war. Under such circumstances it seems to me that to remove the charge of desertion from the Navy and give him an honorable discharge would be to falsify the records and do an injustice to his gallant and worthy comrades who fought the war to a finish. The names of the veterans who fought in the civil war make the honor list of the Republic, and I am not willing to put upon it the name of a man unworthy of the high position.

THEODORE ROOSEVELT.

WHITE HOUSE, March 11, 1902.



[Senate Document No. 257, Fifty-seventh Congress, first session.]

CHARLES H. HAWLEY.

Message from the President of the United States, returning, with his objections, the bill (S. 336) entitled "An act to grant an honorable discharge from the military service to Charles H. Hawley."

MARCH 18, 1902.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

To the Senate of the United States:

Senate bill No. 336, entitled "An act to grant an honorable discharge from the military service to Charles H. Hawley," is herewith returned without approval.

This is a mandatory bill, revoking the order of dismissal issued thirty-nine years ago, and directing the issuance of an honorable discharge from the Army to this man, whom his superior officers, including the Commander in Chief, Abraham Lincoln, held to be unworthy to serve in the Army of the Union thirty-nine years ago. I do not at this time express an opinion upon the constitutional questions involved in the bill. I think it in the highest degree inexpedient to reverse the order of dismissal nearly forty years after the event, when it is out of the question for anyone to possess the knowledge and the means of arriving at the judgment which was possessed by the fellow-officers of the man at the time they dismissed him.

THEODORE ROOSEVELT.

WHITE HOUSE, March 15, 1902.

[Senate Document No. 258, Fifty-seventh Congress, first session.]

JAMES W. HOWELL.

Message from the President of the United States, returning, with his objections, the bill (S. 24) entitled "An act for the relief of James W. Howell."

MARCH 18, 1902.—Read, referred to the Committee on Military Affairs, and ordered to be printed.

To the Senate of the United States:

Senate bill No. 24, entitled "An act for the relief of James W. Howell," is herewith returned without approval.

This is not a bill which confers jurisdiction. It is mandatory in its character, directing the Secretary of War to revoke and set aside the proceedings, findings, and sentence of a court-martial held thirty-seven years ago. I do not at this time express an opinion upon the constitutional questions involved in the bill. It is enough to say that this man was convicted of mutiny, sentenced to be dishonorably discharged from the Army, and confined at hard labor for a term of years. A portion of the confinement was remitted by Executive clemency.

It is to the last degree improbable that now, thirty-seven years after the event, there is as good an opportunity to pass judgment upon the facts as was the case when the fellow-officers of the offender found him guilty of an offense so serious as to call for the punishment they inflicted. There is perhaps no other heritage an American would so like to leave to his children as an honorable discharge for services well and gallantly performed in the civil war; and the honorable discharge thus granted to those who with blood and toil have earned it is cheapened and rendered of little worth if also granted to their unworthy brothers who have forfeited the right to receive it.

THEODORE ROOSEVELT.

WHITE HOUSE, March 15, 1902.

Mr. MONDELL. Mr. Chairman, the gentleman from South Carolina admits that he has not read the report in this case and knows nothing of the case. I am satisfied that had he read the report and studied the case as the Committee on Military Affairs has studied it he would be willing for them to bring in a favorable report. This is not a case of desertion. It is clearly shown by the official records that this officer never deserted. In 1862, on general orders, he was sent to New York on recruiting service. While there, by error, as clearly shown by the official record, he was marked as absent without leave. It subsequently developed that this officer was on duty at the time, and the order of dismissal was revoked by the assistant adjutant-general on January 8, 1863, but, unfortunately, in the meantime the vacancy existing by reason of the officer's dismissal had been filled, and there was no authority in the War Department to restore him to his rank, the place having been filled. The Record and Pension Bureau of the War Department says in this case:

The order of dismissal in this case having been carried into execution, and the officer thereby finally separated from the service, it is beyond the power of any executive officer of the Government to revoke, modify, or set it aside, however unmerited or injudicious that order may be deemed to have been, or to issue for Captain Rice an honorable discharge.

It is clearly indicated by the official records—and I will not take the time of the House to read them in full—that the man was on active duty at the time the order of dismissal was issued; that this matter was brought to the attention of the officials of the War Department; that the order of dismissal was revoked; but, unfortunately, his place having been filled in the ranks, it was beyond the power of the War Department to restore him. And at this late day, after this officer had suffered long years unjustly, I believe it the duty of this House to grant him an honorable discharge—all that is asked in this bill.

Mr. STEELE. I would like to ask whether the gentleman sought to be restored at the time?

Mr. MONDELL. The officer evidently endeavored to be restored at the time, and, as I have said, an order revoking the order of dismissal and restoring him as captain to command, if a vacancy existed, was issued on the 8th of January, 1863.

Mr. STEELE. By whom?

Mr. MONDELL. By the Assistant Adjutant-General of the Army.

Mr. STEELE. Read what he says.

Mr. MONDELL. I will ask for the reading of the entire report.

Mr. STEELE. Just read what the Adjutant-General says.

Mr. MIERS of Indiana. I make the point of order, Mr. Chairman, that this bill is not a proper subject for consideration at this time.

Mr. MONDELL. I will read briefly.

Mr. STEELE. Just read the letter of the Adjutant-General.

Mr. TALBERT. Will the gentleman allow me right there?

The CHAIRMAN. Does the gentleman yield to the gentleman from South Carolina?

Mr. MONDELL. I will say that the gentleman had considerable length of time to discuss the general subject, and I am talking about the bill.

Mr. MIERS of Indiana. I would like to have a ruling on the point of order. We are in Committee of the Whole House under the rule, and I do not think we can enlarge that rule by consent.

The CHAIRMAN. The Chair is ready to rule. The Chair will rule that, this being a case that changes the military record, not being a case of desertion, it ought not to be considered at this time; but the question having been debated to the length it has, the Chair will be compelled to hold that the point of order comes too late.

Mr. MONDELL. I read the concluding paragraph of the Adjutant-General's report:

I respectfully and most earnestly request that he be reinstated and permitted to continue on duty here at the depot, thus doing justice to a meritorious officer, as well as contributing to the public interests.

And there is considerable more of the same sort.

Another paragraph of the Adjutant-General's letter is this:

Had the circumstances been known at the date of reported absence without authority, Major Sprague would undoubtedly have been called on for a report, and this officer would not have been dismissed.

Mr. Chairman, I move as a substitute for the motion of the gentleman from South Carolina that the bill be laid aside with a favorable recommendation.

Mr. VANDIVER. Mr. Chairman, I desire to be heard on the bill. The statements made a moment ago in reference to the remarks of my friend from South Carolina [Mr. TALBERT] were based, I think, upon a better knowledge of the facts of the case than he possessed. I did not want it to appear in the RECORD that I was here championing the cause of deserters; but the case to which he referred was not a case of desertion at all. It was a case of setting aside the findings of a court-martial in the case of James W. Howard, a case I consider one of the most meritorious of any that has gone through the House. Mr. Howard was a faithful soldier, served something over three years in the civil war, was in many great battles of the war, and rendered efficient service. At the close of the term of enlisted men, but before his discharge had been issued, he was ordered to march in a procession with other members of the company to hear a Fourth of July oration, to be delivered by a man he had no respect for. Considering his term of enlistment had expired, the captain of the company had no right to order him to march in the procession, and, with a number of others in like condition, he refused to go.

For that offense he was jerked up before a court-martial and tried on a charge of mutiny, convicted, and sentenced to the penitentiary, and put there with a ball and chain.

After having been in prison for some months he managed to get the case before the Secretary of War and the President of the United States, and the remainder of the sentence was commuted, and they were set at liberty. But the charge still remained against him, and the finding of the court-martial still remained against him. The Senate three different times passed the bill to correct that finding. The House Committee on Military Affairs has three times reported in favor of that bill. At last the Senate and House both passed the bill and sent it to the President of the United States. The President has returned it with his veto.

The general remarks made in his veto message I entirely approve, but I do not believe that either the gentleman from South Carolina or the President in writing his veto was fully acquainted with the facts of the case. I can not believe that even the President of the United States would have written such a veto message if he had been fully acquainted with the facts in the case. That is all I desire to say, and I do it in entire good humor with my friend from South Carolina. I feel sure that if he had fully investigated the case he would have been in favor of the bill itself.

Mr. TALBERT. Mr. Chairman, I want to say a word in reply to what my friend from Wyoming has said about not reading the report. The gentleman knows I have stood on the floor time after time and requested that the reports all be read in the hearing of the House, so that men could have intelligent appreciation of every bill that is brought in here from the Pension Committee and the Military Committee. But the House has run roughshod over my request in that line, and I have examined as far as I could the numerous bills and read most of the reports.

But the point I rose to make, Mr. Chairman, this morning was simply this: In view of the fact that the President of the United States has taken a decided stand against the passage of such bills,



it is a useless waste of time to pass them through the House, because he will send every one of them back with a veto message. In view of that fact, I want to call the attention of the House and the country to the utter uselessness of passing these bills. We might lay them aside and proceed with the consideration of other meritorious bills of old soldiers who were true, who stood by the flag as long as they could, and their widows after them. That is the point I want to make, and if this committee wants to overrule me, let them do it. I only want to clear my conscience and show the country that I for one stand here in opposition to such legislation. That is the point I wish to make, and my remarks have applied to no particular case, but broadcast against removing charges of desertion at this late day, and it ought to be stopped.

Mr. HAY. Does the gentleman from South Carolina think that because the President of the United States takes any position upon any subject of legislation that we should thereupon abrogate our powers to him?

Mr. TALBERT. I do not think any such thing, and the gentleman from Virginia knows that the gentleman from South Carolina does not think any such thing. He knows that because I said it was about the only thing that he has done that I agreed with him—that is, vetoing deserters' bills. When a man takes the proper position, if it is the devil, I will agree with him. [Laughter.]

Mr. HAY. If the gentleman agrees with the President, all right. I thought he said that because the President had taken that position it was no use for us to legislate any further.

Mr. TALBERT. I agree with the President in his vetoing the bills on charges of desertion; and he having taken that position, I say it is useless for us to take up the time that should be given to meritorious bills of soldiers in discussing and considering these bills. Since we have been discussing this measure we could have passed 40 deserving ones.

Mr. HAY. Has the gentleman any information that the President will veto all the bills for desertion?

Mr. TALBERT. Certainly. I read a piece from the Post of this morning, and from the statements in that article he has no consideration for a deserter, and will continue to veto the bills. This is his position, if I understand the English language.

Mr. HAY. Has the gentleman any information, or does he believe that the President would veto—

Mr. TALBERT. I have no information on that subject, because I never have been about the President and do not know that I shall be, because I do not like him and his ways. The gentleman may have been crawling around him a good deal, but I have not.

Mr. HAY. The gentleman is very much mistaken. His remark is uncalled for.

Mr. TALBERT. Well, I withdraw it if it does not fit the gentleman.

Mr. HAY. The gentleman knows that I do not "crawl around" anybody.

Mr. TALBERT. But let the gentleman not try to put me in a false position, for he ought to know that I am not fond of the White House at all.

Mr. HAY. I am not trying to do so.

Mr. TALBERT. It does seem to me that the gentleman is trying to do that, by his insinuations.

Mr. HAY. Not at all.

Mr. TALBERT. Of course I am not in harmony with everything that President Roosevelt has done, by a long sight. I have said that in this particular case he has done about the only thing in which I have ever agreed with him.

Mr. HAY. I was trying to ask the gentleman a question, but he would not let me finish it.

Mr. TALBERT. Well, go on.

Mr. HAY. My question was whether the gentleman believed, or had any information leading him to believe, that the President would veto a meritorious bill?

Mr. TALBERT. I do not believe that the President thinks there is any merit in desertion. [Laughter.] I certainly do not think so.

Mr. ESCH. The gentleman from South Carolina has stated, as I understand, that it would be useless for the House to pass these bills, because the President would veto every one of them. I wish to ask the gentleman whether he is acquainted with the fact that the President signed a desertion bill yesterday?

Mr. TALBERT. I would not be astonished at anything he might do, in view of some things he has done. The gentleman understands, of course, that Republicans are often very peculiar in their ways. I am not astonished at anything they do. I simply took the President at his word. If he has gone back on it already, I will part company with him again right away. [Laughter and applause.]

Mr. MANN. Mr. Chairman, it seems to me it might be very well if this House or this Committee of the Whole should consider the attitude of the President in this matter. It will not do

to say the President had his duty to perform, and Congress its duty to perform, and therefore we shall pass the bill in whatever form we please and run the risk of a veto. We must appreciate the fact that if we pass bills it is for the purpose of having them enacted into law.

Now, the President has not taken the position that he will veto all desertion bills that are passed by Congress. The position he has clearly indicated in the two veto messages he has sent to the Senate is that a desertion bill, or a bill to correct the record of an officer or private, should be a bill permitting the War Department to correct the record—not a bill requiring that to be done.

The form of the bill which has been adopted by the House in these cases is a bill directing the War Department to correct the record. Now, in these meritorious cases, like the one which is now before the House, the War Department is undoubtedly willing to correct the record. Would it not be the part of good legislation on our part to amend the bill in such a case so that it will simply permit the War Department to correct the error in the record—not direct it to do so. In some cases the President and the Department might not think the proposed correction a proper one. The position of the President is that the matter must be left in the discretion of the Department.

Now, we may say that we do not agree with that position; but if we take that position and refuse to modify the form of our bills, we might as well quit passing these bills, because the President has clearly indicated his intention to veto every bill which requires the Department, without any discretion on its part or on the part of the President, to change the record of the Department. I ask the gentleman in charge of this bill whether he is not willing to put this bill in such a form as will meet the approval of the President?

The gentleman from Wisconsin [Mr. ESCH] has called attention to the fact that the President has signed a bill making a change in a military record. But, Mr. Chairman, that bill, after it had been vetoed, was put in the permissive form. We made the change in that case, and the bill has met the approval of the President. Why not make the change in all these cases, and not endeavor to run counter—

Mr. PARKER. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. PARKER. The suggestion of the gentlemen from Illinois [Mr. MANN] is new to me; and it strikes me very strongly. At the same time I see one very great difficulty in regard to following it. If bills introduced here for the purpose of correcting the military record of soldiers do not advise or request the change, but simply permitted it, may not that fact be made an excuse for urging upon the House that all these bills be passed without consideration? I see that some discretion should be left to the War Department; but at the same time it seems to me that we should never pass a bill of this kind through the House unless we are prepared to request, under the circumstances, that the action contemplated by us be taken by the Department, if it be right.

Mr. MANN. Well, Mr. Chairman, I am very much inclined to agree with my friend from New Jersey [Mr. PARKER], but here are two veto messages from the President of the United States, who, in the performance of his duty, has the right to say that he will not sign a bill in a particular form. Undoubtedly, as I suppose, he has taken that action upon the recommendation of the War Department. I do not assume that he vetoed a bill without the approbation of the Department concerning which the bill related to.

Mr. ROBINSON of Indiana. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana.

Mr. MANN. I do.

Mr. ROBINSON of Indiana. The gentleman seems to lose sight of the fact that this House is a coordinate branch of the Government. Now, if the War Department is directing the President, and if we are subjected to the will of the President, if we are subjected to the will of the Senate, if this body is subjected to the will of the Speaker of the House of Representatives, are we not therefore abdicating our powers as a legislative body if we conform to those views? [Applause.]

Mr. MANN. Well, it may be a very easy matter to say that we are abdicating our powers. I say no. We have the power to pass a bill. The President has the power to sign it or veto it, and you might as well say that he is abdicating his powers if he says he is to have no discretion as to the form of the bill. It is abdicating nobody's power. It is the action of two bodies who wish to agree on a result. If the gentleman prefers to pass bills for the mere amusement of passing them, well and good. If he wishes to legislate for the purpose of making laws, then he knows as well as I do that the House and Senate must first agree and then that the President must agree with the two Houses.

Mr. ROBINSON of Indiana. But let us act as an independent body representing our constituencies, and then if another



branch of the Government fails to agree with us, let the responsibility rest where it should. [Applause.]

Mr. MANN. If the gentleman prefers to pass a bill here and have it go to the Senate, and then have the Senate pass it and then go to the President of the United States, and then have him veto it and send it back and then take it up, rather than to in the first place do what the gentleman knows will be proper and pass muster, very well; but it seems to me very much like a waste of time. The point in controversy is not a point of materiality.

Mr. ROBINSON of Indiana. Does not the gentleman from Illinois feel that if we follow his course we will cease entirely to correct military records and fail in this body to remove any further charge of desertion?

Mr. MANN. Mr. Chairman, the gentleman from New Jersey [Mr. PARKER] suggested that if the course suggested by the President be followed it would result in removing too many charges. The gentleman from Indiana suggests that if the same course is followed it would result in removing no charges. I do not know. I apprehend the House can take care of that matter upon each question that comes before it, but I see no objection to the passage of a bill which permits the War Department to remove an erroneous charge against an officer or private in the Army, instead of requiring them to do it.

Mr. COWHERD. Mr. Chairman—

Mr. WEEKS. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. MANN. I yield to the gentleman from Missouri.

Mr. COWHERD. I want to ask the gentleman if it is not a fact that this form of bill was taken up and discussed in the House some two or three years ago, and the House then concluded not only to adopt this form, but after the discussion of the use of the word "directed," concluded that that was the proper word to use, that they did not wish to leave it in the discretion of that Department, and that they had a right to say to an executive officer that he must do a certain thing, as a matter of law.

Mr. MANN. Well, Mr. Chairman, the gentleman kindly puts his statement in the form of a question. I am not advised; but I have no doubt, if the gentleman says so, that that is the case.

Mr. COWHERD. That was my recollection, and I just wanted to know whether I was right.

Mr. SCOTT. I would like to ask the gentleman from Illinois a question, if he will yield.

Mr. MANN. Certainly.

Mr. SCOTT. Whether he understands it to be the position of the President of the United States that he will veto all bills of this character that are directory in their form, regardless of their merits?

Mr. MANN. Well, of course I do not know what the President will do, but I know that if the President is consistent he will veto every bill of this character which is directory in form, because the President gave no reason for vetoing the two bills which he has vetoed except the one that it made it directory upon the Department and left them no discretion, and the President did not consider the merits of either of those cases; and, on the contrary, the merit of at least one of the cases so strongly appeals to Congress and the President, so it has been stated here, that since the veto message was sent to Congress the bill has been repassed and has been signed by the President in a permissive form.

Mr. HAY. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Virginia?

Mr. MANN. Certainly.

Mr. HAY. I would like to ask what right the President of the United States has to direct us as to the form in which we shall draw our bills any more than we have the right to direct him what he shall do as to confirming or vetoing a bill? What right has he to tell us that we can not say that the Secretary of War, an executive officer, shall take from the record of A or B any dishonorable charge which this House or this Congress thinks ought to be taken?

Mr. MANN. The right of the President of the United States is derived from the Constitution of the United States.

Mr. HAY. To direct this House how to draw its bills?

Mr. MANN. To say that the House can not control an officer or cause to be removed a charge of desertion or correct the military record of one of its old soldiers. The only way that Congress can direct it is by the enactment of a law, and you can not enact a law without giving the President the right to sign the bill or to veto it, and the President's right is a coordinate right with that of Congress. He has the same right to veto that we have to propose, and when we know that he will reject a certain form it seems to me the policy of wisdom and proper legislation to propose a form which he will agree to, when there is, in my opinion, no great difference in the substance.

Mr. SHATTUC. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHATTUC. My point of order is that it is not proper to refer to the probable action of the President with a view to influencing the action of this House. I raise that point of order, and I ask a decision on it.

The CHAIRMAN. The Chair has not observed any breach of propriety in that direction. The gentleman will proceed in order, Mr. SHATTUC. Does the Chair overrule the point of order?

The CHAIRMAN. The Chair will state that the gentleman's point of order is not well taken.

Mr. SHATTUC. That is satisfactory.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. MONDELL. Does the gentleman know, as a matter of fact, that there have been no bills for the correction of military records, in the form of the bill now before us, signed by the President?

Mr. MANN. I do not.

Mr. HAY. I can tell the gentleman of one such bill which has been signed by the President, and that is the bill to correct the military record of James L. Proctor.

Mr. MONDELL. I think, as a matter of fact, there have been several bills signed which were in the form of the bill now before the House. That is my impression. I may be mistaken.

Mr. HAY. Has the gentleman read the veto messages to which he refers?

Mr. MANN. I read what purported to be the veto messages, as published in the newspapers.

Mr. MONDELL. Does not the gentleman know that the President did not base his veto specifically upon the ground of the use of certain words in either the Howell or the Klausner cases, but, as he states in the Klausner case, "it appeared to imply the possession by Congress of the power of overruling and reversing by statute a valid judgment?" In this case there is nothing of the sort. The man was simply marked a deserter in error, and the record should be corrected.

Mr. MANN. My understanding of the message is that the President said it was not proper legislation, in his judgment, for Congress to direct the military branch of the Government to correct a record, but that it should be left so that they might do so if they thought the circumstances justified it.

Mr. HAY. In other words, then, the President says that we have no right to pass a law which will necessarily require or direct an executive officer, but that we must leave it in the discretion of the Secretary of War to correct this military record or not, as he sees fit, notwithstanding our action on the subject.

Mr. MANN. Well, the President, of course, did not say that we did not have the right to direct. The President, in the exercise of his constitutional authority, refused to approve a bill in a particular form, as the President, under his constitutional right, was justified in doing.

Mr. HAY. Does not the gentleman know that we now have a law under which the Secretary of War can remove these charges of desertion and correct military records, if he wants to do it?

Mr. MANN. I know quite the contrary. I know that we have no law granting to the military branch of the Government any authority of the sort. At least I know that I have been frequently told that by letter and in person by the War Department, and the report in this case states the same thing.

Mr. HAY. There is a law in certain special cases. Now, if the contention of the President is true, why do you not pass a general law giving the Secretary of War the discretion?

Mr. MANN. Of course, Mr. Chairman, I might agree with the gentleman from Virginia that that might properly be done, but that is not the question before the House.

Mr. HAY. I understand it is not. You want us to take away from this House the power to do what it has been doing for its old soldier constituents and place it in the hands of the Secretary of War, an executive officer.

Mr. MANN. Well, the gentleman states what he says I want to do in language which I did not use. I simply called the attention of the House to what seems to me to be a proper method of procedure in legislation. I called that to the attention of the House and of the friends of the bill, if they are friends of the bill and wish it to become a law.

Mr. HAY. Will the gentleman let me read to him a bill that has been approved by the President?

Mr. MANN. I should be glad to have him.

Mr. HAY. It is a very short bill:

[Private—No. 181.]

An act to correct the military record of James L. Proctor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge in lieu of the dishonorable discharge heretofore granted to James L. Proctor, of the county of Kings, State of New York, late a private in Company F, Ninth Regiment of New York Veteran Volunteers: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Approved, March 20, 1902.

Now, here the President has signed a bill containing these very words. You say that he takes the other position, that as long as the word "directed" is in the bill he will not sign it.

Mr. MANN. I am frank to say it looks to me quite inconsistent with the President's approval of that bill.

Mr. HAY. Here it is.

Mr. ESCH. Will the gentleman allow me to interrupt him?

Mr. MANN. The gentleman can take his own time if he desires to speak. So far as I am concerned, I have already created much more talk than I had any idea of doing.

Mr. ESCH. I simply desire to ask the gentleman a question.

Mr. MANN. If the gentleman had just as leave that I retain the floor, I will yield to him.

Mr. ESCH. I wish simply to call your attention to the fact that the bill which the President signed yesterday, removing the charge of desertion against the military record of Stephens A. Toops, uses this language:

The Secretary of War be, and he is hereby, authorized and directed.

In line with the case which the gentleman from Virginia also cites.

Mr. MONDELL. Mr. Chairman—

Mr. WANGER. Will not the gentleman permit me to make a suggestion before he concludes?

Mr. MANN. I would be very glad to yield to the gentleman for a suggestion.

Mr. WANGER. I beg to suggest that there is no inconsistency meant on the part of the President when he declared that he would not approve a bill directing a department to take such action as that, the propriety of which he was not himself convinced of, and he was not convinced of the propriety of the action to be taken in this particular case.

Mr. JETT. Let me suggest. In writing each of these veto messages the President does not indicate his position on the merits or, so far as I have been able to see, discuss the facts of either of the particular cases that he has issued a veto message in.

Mr. WANGER. I beg to suggest that he does discuss the facts.

Mr. TALBERT. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TALBERT. A motion to lay upon the table is not debatable. My motion is to lay on the table, and the committee is wasting all this time when we might be considering bills for the old soldiers. My motion is to lay the bill on the table.

Mr. MANN. To the point of order made by the gentleman from South Carolina I make the point of order that a motion to lay a bill on the table in the Committee of the Whole House is out of order.

Mr. TALBERT. Now the gentleman is out of order. That is the only motion he can make. My motion is that the bill be reported to the House with the recommendation that it be laid on the table.

Mr. MANN. That motion is debatable.

The CHAIRMAN. The Chair desires to state—

Mr. TALBERT. Let me state the point of order. I moved that the bill be reported to the House with the recommendation that it lie upon the table.

The CHAIRMAN. Does the gentleman make that motion now?

Mr. TALBERT. I did make it before, but gentlemen were so much taken up with something else that it may not have been heard. I maintain that motion is not debatable.

The CHAIRMAN. The Chair will state that in the first of his remarks the gentleman from South Carolina did say that he made this motion—that the bill be reported to the House with the recommendation that it lie on the table—but before the Chair had an opportunity to put that question to the House and state that that was the motion before the House the gentleman from South Carolina, because of interruptions perhaps, went on with his remarks. Therefore, the motion of the gentleman not having been recognized by the Chair, the Chair does not recognize it as having been made, and the gentleman from Illinois has the floor. [Laughter.]

Mr. MANN. Mr. Chairman, I yield the balance of my time to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I made a motion, supposed to be an amendatory motion to that of the gentleman from South Carolina, to the effect that the bill be laid aside with a favorable recommendation. If the motion of the gentleman from South Carolina was not entertained, then I make my motion as the first and principal motion. I can not agree with the views of the gentleman from Illinois. In the first place, I do not believe it would be wise for the House to depart from the use of the language that has been used for many years in cases of this character.

The CHAIRMAN. Will the gentleman suspend for a moment until the Chair has an opportunity to state that the question be-

fore the House is the motion of the gentleman from Wyoming, that the bill be laid aside with a favorable recommendation?

Mr. MONDELL. In the first place, Mr. Chairman, the Secretary of War, in my opinion, has authority at the present time to correct military records in some cases which are referred to Congress. I believe it is now within the power of the Secretary of War, part of his authority, to correct the military record of the man whose case is now before the House.

The CHAIRMAN. The Chair desires to state that the motion of the gentleman will prevent further debate upon this question, debate having been exhausted on that motion.

Mr. MONDELL. I understood the gentleman from Illinois had the floor, and that he yielded to me the balance of his time.

The CHAIRMAN. The Chair entertained the motion of the gentleman from Wyoming; therefore, as soon as the gentleman from Illinois had taken his seat, general debate was closed.

Mr. MONDELL. I ask unanimous consent, then, Mr. Chairman, that I be allowed to continue for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may be allowed to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON of Indiana. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Indiana?

Mr. MONDELL. Yes.

Mr. ROBINSON of Indiana. I agree with the gentleman in this particular case; but why not pass a law giving the War Department the power to correct the records in these meritorious cases where the charge of desertion should be removed and the record corrected?

Mr. MONDELL. I believe the War Department already has the power to remove the charge of desertion. In most of the cases reported by the Committee on Military Affairs in this House we have cases where it has been clearly proven that men have died on the battlefield from wounds received in the service of their country, where comrades saw them die and saw them buried, and where a charge of desertion is clearly an error in the record, where there is no question as to the power of the War Department to remove that charge of desertion; and yet, for all these years charges of desertion have rested against the names of good men who gave up their lives to their country. And inasmuch as the War Department has not seen fit to correct the record in that class of cases and in this case, where I believe they have the right and authority to do it, this House should direct that justice be done.

Mr. BOREING. Does it not turn upon the fact as to what evidence the War Department will consider?

Mr. MONDELL. If the War Department says that the testimony in this case was not sufficient, I will say to the gentleman that in many of the cases the evidence is such as would decide a case in any court of justice in the country.

Mr. BOREING. But the gentleman does not quite understand me. As I understand, the War Department will only consider the record evidence—that they have declined to entertain parole evidence.

Mr. MONDELL. I will say to the gentleman that in a case that came before the committee a short time ago the records of the War Department indicated that the man had never deserted. It is a matter of fact that the records of the War Department indicate that the man was taken out of the service by a writ of habeas corpus, recognized by the law; and yet, because some clerk somewhere, at some time, had written opposite the name of that man a charge of desertion, the War Department refused to remove it, although the records themselves clearly proved that the charge was an unjust one.

Mr. BOREING. I want it understood that I quite agree with the gentleman from Wyoming.

Mr. WILLIAMS of Illinois. Will the gentleman yield to me for a suggestion?

Mr. MONDELL. Yes.

Mr. WILLIAMS of Illinois. My information from the War Department has been that it is not that they object to the words "direct" or "request," but the point they have objected to is that the particular form they have always used in the House is that we direct a change to be made in a record already made up years ago. My understanding was that if we would change the form of our bills so as to issue to the soldier a certificate of discharge now, or at the time of its passage, to have the effect as though it was an honorable discharge dating back to that time, there would be no objection to such a bill. I think, if the gentleman will permit me to say, that when the House has heard the evidence and passed upon it and says that the soldier is entitled to a discharge, we ought to have the bill in the proper form, and not only authorize it, but have the power to direct it, so that we will not have to follow it up afterwards with other facts.

Mr. MONDELL. Well, Mr. Chairman, I will say that I do



not believe that the form in which this bill is drawn, or the form in which most of them are drawn, is a happy one. I will say, also, that if the Committee on Military Affairs of the House, the subcommittee of which I am chairman, having charge of this matter, find any meritorious cases in the hundreds that we have before us in the future, we propose, as we did in the last case, to report a change in phraseology, and provide that the man shall receive an honorable discharge and that the record be corrected. I believe that is the better form.

Mr. WILLIAMS of Illinois. After a conversation with Colonel Ainsworth, who seems to know as much about this, and who was expecting this class of bills to be vetoed—

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. WILLIAMS of Illinois. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Wyoming be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Illinois. The objection that Colonel Ainsworth made as to that part of the bill and the Secretary of War's objection was that it directed a change in a record made up years ago, and that the bill ought not to require that.

Mr. HENRY C. SMITH. Were not those cases referred to court-martial cases, so that it changed the judgment of the courts-martial?

Mr. KEHOE. That is the whole trouble.

Mr. MONDELL. I agree entirely with Colonel Ainsworth's view as to the form, but there is a considerable amount of misunderstanding and misapprehension as to the President's position in this matter. The bills which have been vetoed, including the veto message which I hold in my hand, were court-martial cases, and the President's objection was to a direction which would absolutely wipe out the judgment.

Mr. KEHOE. And set aside the finding of the court?

Mr. MONDELL. And set aside the findings of the court-martial. His words are:

It appears to imply the position of Congress the power of overruling and reversing by statute a valid judgment.

It is clearly proven by all the cases which have been reported by the committee where there was a charge of desertion that there was no valid judgment; that as a matter of fact the charge of desertion was an error, and the majority of the cases might have been removed by the War Department itself under the existing law.

Mr. GAINES of Tennessee. Is not the removal of charges such as we are now discussing a legislative act?

Mr. MONDELL. I believe it is.

Mr. GAINES of Tennessee. Then what power has Congress to delegate its legislative authority?

Mr. KEHOE. Let me ask the gentleman from Wyoming a question.

Mr. GAINES of Tennessee. I would like to get an answer to my inquiry.

Mr. MONDELL. I have endeavored to make it clear to the House that I believe all these bills, no matter what their form, should contain the word "direct." Is that an answer to the gentleman's question?

Mr. GAINES of Tennessee. Is not that a delegation of legislative power, which can not be done?

Mr. MONDELL. Well, I am not a lawyer and I can not undertake to go into questions of law. As a layman, I believe it is within the power of Congress to direct the removal of the charge of desertion. That is what we have done in these cases where we believed we were justified in doing so.

Mr. KEHOE. Now, will the gentleman allow me to ask him a question? Is it not a fact that most of the cases of desertion coming before the gentleman's committee are cases where the men were not tried and where there is no judgment of a court-martial against them?

Mr. MONDELL. That is true. There are very few court-martial cases before the committee.

Mr. KEHOE. Does not the gentleman understand the position of the President to have reference only to cases where there has been a judgment of a court-martial and where Congress has undertaken to set aside the judgment of a court of competent jurisdiction? Is not that what the President objects to?

Mr. MONDELL. I think that is the President's position as indicated in his veto message.

Now, I simply want to say briefly to the House that the Committee on Military Affairs, having charge of these matters, has been exceedingly careful in the consideration of these cases; that of the hundreds of cases coming before the committee very few have been or will be considered favorably; that where there is one case favorably reported there are hundreds in which the committee recognizes no merit, and cases are adversely reported at

every meeting of the committee. We have been exceedingly careful to bring nothing before this House which, as we thought, the House could not in justice support.

The CHAIRMAN. The question is on the motion of the gentleman from Montana [Mr. MONDELL] that the bill be laid aside to be reported to the House with a favorable recommendation.

The question having been taken,

The CHAIRMAN said: The ayes seem to have it.

Mr. TALBERT. I call for a division.

The question being again taken, there were—ayes 64, noes 2.

Mr. TALBERT. I make the point that there is no quorum present.

The CHAIRMAN (having counted the Committee of the Whole). There are 123 members present—more than a quorum. The motion of the gentleman from Montana [Mr. MONDELL] is agreed to, and the bill is laid aside to be reported favorably to the House.

ABRAM WILLIAMS.

The next business was the bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams. The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion borne opposite the name of Abram Williams, formerly a private in Company B, Seventh Michigan Cavalry Volunteers, and to amend the said soldier's military record to show him honorably discharged December 15, 1865, the date of the muster out of the service of the organization in which his service was rendered.

The amendment reported by the committee was read, as follows:

At the end of the bill add these words: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. HENRY C. SMITH. I would like to ask the gentlemen representing the committee why they propose to add that proviso by way of amendment?

Mr. MONDELL. That proviso is attached to all these bills. It does not prevent a man from drawing a pension if he should be found entitled to it.

Mr. HENRY C. SMITH. This man was shot down in battle; he will never draw any pension; and he has no widow. This soldier, as the proof conclusively shows, was found by neighbors, who were brought up with him, with a wound in his side. They saw him dying on board a boat. And yet the Secretary of War declined absolutely to find upon my request that this evidence was true—evidence upon which any court in the world would direct a jury to find in favor of this man.

Now, there is nothing in this case except sentiment. This man has left sons and daughters, who are living in my district. The widow is gone. The man himself is gone. There can be no pension. I submit that this amendment ought not to be made. Why should the Government say, "We will clear the record, which is wrong; we will wipe out this stain upon the memory of this dead soldier, provided no claim shall be made against the Government." I object to the amendment, and I hope it will be voted down.

Mr. MONDELL. Mr. Chairman, an amendment in this form is added to all these bills. All that the gentleman from Michigan [Mr. HENRY C. SMITH] has said in regard to this soldier is absolutely true. It is the fact that he died from wounds received in the service, and yet has been carried on the rolls all these years as a deserter. I do not believe there is any necessity for the amendment in this case. But the committee has made it a rule to attach an amendment in this form to all bills of this character, and I do not feel authorized to consent in this case to a departure from the ordinary rule.

Mr. HENRY C. SMITH. If the situation is as the gentleman explains it, I would not have the committee depart from the ordinary rule. I did not understand the purpose of the amendment.

Mr. MONDELL. The amendment has no special reference to this case; it is in accordance with the invariable custom of the committee.

Mr. MIERS of Indiana. The gentleman from Michigan seems to think that this amendment would prevent an application for pay, bounty, or other emoluments.

Mr. HENRY C. SMITH. No; there is no one living to claim any pay, bounty, or emoluments.

Mr. MIERS of Indiana. The amendment does not provide that no application of that kind shall be made. It simply provides that the passage of the bill shall not carry anything of that kind. It leaves every question of that sort open.

Mr. HENRY C. SMITH. There is no widow nor are there any children who, under the law, could draw.

Mr. COONEY. Mr. Chairman, I desire to ask this question with reference to the rule the committee has adopted in making this addition to these bills: What reason, if any, exists for the committee adopting such a rule and placing such a proviso in these bills?

Mr. PARKER. May I answer the gentleman?

Mr. MONDELL. Certainly.

Mr. PARKER. The reason the provision was put upon all of these bills is the danger that the endeavor to get little amounts of pay, bounty, etc., would result in the bringing of a great many bills before Congress which would not come merely upon their own merits, and the further reason that if there were really any claims for pay, bounty, etc., those claims ought to have been made within the ordinary time of limitation, and not forty years after.

Mr. COONEY. Does the gentleman hold that this provision prevents the person whose record is clear from obtaining a pension and his dues hereafter?

Mr. PARKER. It does not prevent a pension, because that—

Mr. COONEY. It is, then, simply a scarecrow that the committee has put up?

Mr. PARKER. Not at all. It prevents the creation of a claim for bounty which did not exist, but it does not destroy the right to a pension, because that comes from another statute and another state of circumstances.

Mr. MONDELL. I will say to the gentleman in this particular case that this amendment would probably prevent the payment of about three months' pay, which was due the soldier, as I recollect, at the time of his death.

Mr. HENRY C. SMITH. Then, Mr. Chairman, let me submit that since this record is wrongful against this man, who died from a wound received in battle, and his heirs can not get anything—there is no widow nor any children who can get anything out of this—it would be just a little something, and I ask that it be taken off this bill.

Mr. SHAFROTH. Why should he not be entitled to pay under these circumstances?

Mr. HENRY C. SMITH. Yes. His heirs, I submit, are certainly entitled to this money.

Mr. MONDELL. The gentleman says this is entirely a matter of sentiment. I take it for granted it is. There is no thought of making any claim against the Government in this case, and therefore no harm is done by this amendment.

Mr. HAY. I hope the gentleman will not agree to this amendment.

Mr. MONDELL. This amendment has been insisted upon by this House in the past in cases where the amendment was not added in the committee, so that the committee has now adopted a rule to attach this amendment to every case regardless of the merits, because we find that the possibility of the presentation of a claim for \$25 or \$50 or \$75 or \$100 may jeopardize a case on the floor of the House, and the friends of this bill certainly would not want to have that done.

Mr. HENRY C. SMITH. Let me submit this, if I may be permitted just for a moment. As I said, this man's sons and daughters are honorable people. They do not want this record of desertion to rest against their father. It is largely a matter of sentiment. Now, I submit it is not fair that this Government should enter into this business of making a bargain with the soldier's children and say "We will clear the record if you will agree or on condition that you shall not present any claim for what this Government honestly owes your father." I ask for a vote on that amendment.

Mr. COONEY. Has this soldier a widow?

Mr. HENRY C. SMITH. No; no heir that could be pensioned.

Mr. HAY. Mr. Chairman, I hope that this amendment will be voted down; that is, the amendment to strike out the amendment which is usually put in by the committee. I am opposed to the amendment of the gentleman from Michigan [Mr. HENRY C. SMITH], which is to strike out the proviso. If we begin doing that in one case we will have to continue it in all cases. Now, it has been found wise for a large number of years in the interests of economy—

Mr. HENRY C. SMITH. Will the gentleman permit a question?

Mr. HAY. Certainly.

Mr. HENRY C. SMITH. If Congress has done a wrong thing, the fact that it has been doing it for a long time does not correct it, does it?

Mr. HAY. I do not admit it is doing a wrong thing. I am trying to say that it is doing the right thing. It is doing the right thing because if this sort of legislation is indulged in, and the proviso which the committee has always put on these bills is taken off, you open the flood gates here to all sorts of claims for bounty, back pay, pay for a horse, and everything of that sort. This proviso is the result of long experience. It is the result of wisdom, and it is economy, and the honor of the gentleman's constituents will not be in any wise interfered with or hurt by having this amendment on this bill. It is the first time that I have heard the question that this proviso should be taken off and I hope, therefore, that the bill will stand as it was reported by the Committee on Military Affairs.

Several MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the amendment of the committee.

The question was taken.

The CHAIRMAN. The noes appear to have it.

Mr. PARKER. Mr. Chairman, I do not think that the committee here has understood the question put by the Chair. The amendment of the committee is to put on this proviso.

Mr. HAY. I understand that the question was on the amendment of the gentleman from Michigan.

Mr. PARKER. Not at all.

The CHAIRMAN. The Chair will state that the question is on the adoption of the committee amendment.

Mr. PARKER. I think we ought to vote again on that, and I ask that the vote be taken again.

Mr. HENRY C. SMITH. Mr. Chairman, I rise to a parliamentary inquiry. After these gentlemen have voted right without intending to do so—

Mr. PARKER. Oh, I voted all right, and I now ask for a division on this matter. The question, as I understand it, is upon the adoption of the committee amendment.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 65, noes 13.

Accordingly, the amendment was agreed to.

The CHAIRMAN. Without objection, the bill as amended will be ordered to be laid aside, to be reported to the House with a favorable recommendation.

Mr. TALBERT. On that I demand a division.

The question was taken; and on a division there were—ayes 68, noes none.

Mr. TALBERT. Mr. Chairman, I raise the point that there is no quorum present.

Mr. SHATTUC. I make the point of order that that motion is dilatory.

Mr. TALBERT. I should like to know how the gentleman can arrive at that conclusion?

The CHAIRMAN. The gentleman is clearly within his right. No quorum has voted, and the Chair will count to ascertain whether a quorum is present.

After counting the House, the Chairman announced 112 members, a quorum, present.

Accordingly, the bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN O'BRIEN.

The next business was the bill (H. R. 3442) to correct the record of John O'Brien.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records against John O'Brien, late private, Company I, Sixth Regiment United States Infantry: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEVI L. REED.

The next business was the bill (H. R. 10095) for the relief of Levi L. Reed.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to Levi L. Reed, late of Company H, Fifth Regiment United States Cavalry.

The amendment recommended by the Committee on Military Affairs was read, as follows:

*Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ALBERT BAKER.

The next business was the bill (H. R. 2316) to correct the military record of Albert Baker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Albert Baker, who enlisted as a private in Company H, Eleventh Missouri Volunteer Infantry, for a period of three years; detailed in Battery F, Second United States Artillery, and stands charged with deserting, and grant an honorable discharge to said soldier.

The committee amendments set forth in the report were read.

The CHAIRMAN. The question is upon the adoption of the committee amendments.

Mr. TALBERT. Mr. Chairman, I should like to have the report in that case read.

The CHAIRMAN. The report will be read in the time of the gentleman.



The Clerk began reading the report (by Mr. MONDELL), which is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2316) entitled "A bill to correct the military record of Albert Boker, late private Company H, Eleventh Missouri Volunteer Infantry," report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and in lieu thereof insert: "That Albert Boker shall be held not to have deserted from the military service of the United States as a private of Battery F, Second United States Artillery, but to have been honorably discharged from said service and battery August 7, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by the passage of this bill."

The Committee on Military Affairs made a report in the Fifty-sixth Congress on this case, which report is as follows:

*Case of Albert Boker, late of Company H, Eleventh Missouri Infantry, and Battery F, Second United States Artillery.*

It is shown by the records that Albert Boker was enrolled July 20, 1861, at Sumner, Ill., and mustered into service August 6, 1861, at St. Louis Arsenal, Mo., as a private in Captain Oldham's company, First Missouri Rifles, to serve three years. The designation of this organization was changed to Company H, Eleventh Missouri Rifles, and again to Company H, Eleventh Missouri Infantry. He is reported present on the muster rolls of his company to May 10, 1862, on which date he was admitted to hospital steamer *D. A. January* with continued fever. He was admitted to general hospital at Jefferson Barracks, near St. Louis, Mo., May 14, 1862, with debility, and was furloughed May 22, 1862. He is reported on the muster roll of his company dated August 31, 1862, as absent on detached service in Company F, Second United States Artillery, since August 1, 1862, and is so borne on subsequent rolls of the company to October 31, 1863. He was discharged to date November 30, 1863, by reason of his reenlistment in Battery F, Second United States Artillery.

Respectfully submitted.

JOHN TWEEDALE,  
*Acting Chief Record and Pension Office.*

RECORD AND PENSION OFFICE,  
War Department, February 10, 1900.  
THE SECRETARY OF WAR.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, February 13, 1900.

SIR: I have the honor to return herewith H. R. 4021, Fifty-sixth Congress, first session, "To correct the military record of Albert Boker," and to invite attention to inclosed report from the Record and Pension Office, War Department, relative to the service of this man in Company H, Eleventh Missouri Volunteer Infantry.

The records of this office show that Private Albert Boker reenlisted December 1, 1863, in Battery F, Second Artillery; deserted August 7, 1865, at Louisville, Ky., while en route from Chattanooga, Tenn., to Baltimore, Md., and never returned to the service.

The Department has no power, under act of Congress of March 2, 1889 (copy inclosed)—the only law relating to the removal of a charge of desertion now in force—to take favorable action in this case.

No evidence has been presented to the Department that would warrant a favorable recommendation on the proposed legislation.

Very respectfully,

H. C. CORBIN,  
*Adjutant-General.*

THE SECRETARY OF WAR.

From this record it is seen that the said soldier, Albert Boker, had a continuous service from August 6, 1861, to August 7, 1865, a period covering four years and one day; that he enlisted as a private in Company H, Eleventh Missouri Volunteer Infantry, and while performing faithful service as a soldier in said company he was detailed in Company F, Second United States Artillery, where he remained constantly up to August 7, 1865, the date upon which he is charged with deserting; that his only absence from service in line of duty from the first enlistment, in August, 1861, to August, 1865, was during his detention on hospital steamer *D. A. January* with continued fever, and the period he was detained in the hospital at Jefferson Barracks, Mo., with debility, and the term of his furlough on account of said illness, about three months, all told.

That he voluntarily returned to the service at the expiration of his furlough, evidencing his loyal intention.

The plain, frank statement of the soldier, corroborated by the War Department, shows how he happened to be marked as a deserter. He says that he, with his battery, was ordered from Chattanooga, Tenn., to Baltimore, Md., as the soldier understood, to be mustered out; that the war being over, army discipline was somewhat lax, and while at Louisville, Ky., en route to Baltimore, he found congenial associates in the person of many comrades already mustered out.

That he failed to receive notice of the hour of the departure from Louisville of the battery to which he belonged, and hence was left behind. So soon as he learned that the battery had left he took passage on the first boat, following them to Cincinnati, Ohio, hoping to intercept them there. Failing in this, and not having the money with which to pay his transportation to Baltimore, the war being over, and feeling that his services were no longer needed, he remained with his brother, who was married and living there, that being the nearest a home he then possessed.

The following are affidavits of comrades attesting to his worth as a soldier and of citizens speaking of his high standing as a citizen before and since the war:

STATE OF ILLINOIS, Crawford County, ss:

William W. Boatwright, being duly sworn, on his oath states that he is a resident of the city of Sullivan, Ind.; that he was a lieutenant and captain in Company H, Eleventh Missouri Volunteer Infantry, from the 20th day of July, 1861, to the 20th day of March, A. D. 1864; that he was personally acquainted with Albert Boker, a private of said Company H, Eleventh Missouri, and knew him well as a member of said company; that in 1862, as affiant remembers, in July or August, affiant was ordered by his regimental commander to detail three men to go to the First United States Artillery, and that he detailed said Albert Boker as one of these three men; that said Boker was an exceptionally good soldier and that on account of this fact he was selected on this detail; that affiant saw said Boker frequently after he was placed on this detail, during the war, up to about 1864, when affiant last remembers having seen him in line of service; that affiant has known said Boker personally ever since the war, and knows him to be a good citizen, as he was a good soldier. Affiant further states that he was personally acquainted with said Albert Boker before the war, as well as since, and that

said Boker has ever demeaned himself, to the knowledge of affiant, as a worthy citizen.

WILLIAM W. BOATWRIGHT.

Subscribed and sworn to before me this 20th day of October, A. D. 1899.

[SEAL.]

GEORGE N. PARKER, Notary Public.

STATE OF ILLINOIS, Richland County, ss:

Joseph Fahrenbaker, a resident of Junction, Gallatin County, Ill., aged 58 years, being duly sworn, on oath says that he was a private of Battery F, Second United States Artillery, from about June, 1862, up to 1st day of December, 1863; discharged at Vancouver, Washington State. Affiant was first a private in Company E, Eleventh Missouri, and was detached for service in the battery as aforesaid. Albert Boker was also a private in Company H, Eleventh Missouri, and was detached for service in the said battery at the same time that affiant was, and the said Albert Boker served in the said battery with affiant up to about August, 1865, when affiant did not see him afterwards. The command was going from Chattanooga, Tenn., to Maryland, and the last affiant saw of him was at Louisville, Ky. At Louisville a number of the company got left behind and did not again catch up with the command until it had got to Parkersburg, W. Va., but the said Albert Boker, who was also left behind, did not rejoin his command.

The battery saw no more active service after Boker left, and was soon transferred from Baltimore to California. Affiant is free to say that during the entire time that said Boker was in the said service he was one of the best members of the battery—always ready for duty, never sick, and one of the most loyal men to the United States Government that affiant ever became acquainted with. Affiant is satisfied that said Boker had no intention of deserting his command at Louisville, but in all probability drank a little too much, and, when he came to, his command had departed and he could not follow.

Affiant has no interest in this case and is not related in any way to said Albert Boker.

JOSEPH FAHRENBAKER.

Subscribed and sworn to before me this 5th day of October, A. D. 1899, and I certify that the above affidavit was read over to affiant before he signed the same, and that he was made acquainted with its contents, and that I am not interested in the claim.

[SEAL.]

H. G. MORRIS, Notary Public.

STATE OF ILLINOIS, Crawford County, ss:

Samuel P. Mann, being duly sworn according to law, deposes and says that he is 72 years of age; that he was a member of Company H, Eleventh Regiment of Missouri Volunteers, war of 1861, and that Albert Boker was also a member of said company for about a year while this affiant was a member thereof; that this affiant knew the said Albert Boker from about 1859 to the present time; that the said Albert Boker before said war was an industrious farmer boy engaged in farming where this affiant resided; that the said Boker served with this affiant in said company for about one year; that the said Boker was a good and brave soldier and performed his duty as such soldier; that the said Boker was detailed and served with Battery F, Second United States Artillery, and that while said Boker was serving in said artillery this affiant saw him quite often, and that he knows that said Boker was a faithful, honorable, and true soldier; that affiant saw the said Boker in the battle of Nashville and knows he was performing his duty as a soldier, and that this affiant saw the said Boker soon after he returned from the war and has been intimately acquainted with him ever since, and knows that he has been an industrious, honorable citizen.

That he has married in this county and raised a family, and is now engaged in an honorable occupation; that from what this affiant knows of the service of the said Boker during the war he is confident that he never intended to desert the Army; that he was ever ready to do his duty. This affiant makes this affidavit that he may aid the said Albert Boker to secure an honorable discharge from military service of the United States, which he, the said Boker, in the opinion of this affiant, is justly entitled to. That this affiant now resides in the city of Robinson, county of Crawford, and State of Illinois, and has been resident of said city since about the year of 1845.

SAMUEL P. MANN.

Subscribed and sworn to before me this 3d day of January, 1900.

[SEAL.]

GEORGE N. PARKER,  
Notary Public.

STATE OF ILLINOIS, Crawford County, ss:

Jefferson Daugherty, being duly sworn according to law, deposes and says that he is 58 years of age; that he was a member of Company H, Eleventh Regiment of Missouri Volunteers, war of 1861, and that Albert Boker was also a member of said company for about a year while this affiant was a member thereof. This affiant knew the said Al Boker from 1859 to the present time; that the said Al Boker, before the war, was an industrious farmer boy, engaged in farming near where this affiant resided; that said Boker served with this affiant in said company for about one year, and that he (said Boker) was a good and brave soldier and performed his duty as such soldier; that the said Boker was detailed to serve in Battery F, Second United States Artillery, and that while said Boker was serving in said artillery this affiant saw him quite often, and that he knows that he was a faithful, honorable soldier; that when the said Boker came home from Cincinnati, Ohio, at the close of the war, on his way home he stopped and took dinner with this affiant, and then informed him that his battery had gone and left him.

That he was left at Louisville, Ky., and followed on to Cincinnati, and ran out of money and came back home, the war then having closed; that this affiant is satisfied and from the conduct of said Boker knows that he never had any intention of failing to do his duty as a soldier; that the said Boker since his return home has married and raised a family and has been a good citizen in this county since his return from the Army, and that the said Boker is entitled to an honorable discharge from the United States service; that affiant makes this affidavit free and voluntarily to aid a worthy comrade in procuring an honorable discharge; that affiant resides in the city of Robinson, county of Crawford and State of Illinois; that this affiant has resided in Crawford County, Ill., since his discharge from the United States service.

JEFFERSON (his x mark) DAUGHERTY.

Subscribed and sworn to before me this 3d day of January, 1900.

[SEAL.]

GEORGE N. PARKER, Notary Public.

ROBINSON, ILL., December 29, 1899.

To whom it may concern:

I, Charles H. Steel, certify that I have been a resident of Robinson, Crawford County, Ill., for forty-two years; that I am at present cashier of the

First National Bank of Robinson, Ill. I further certify that I have known Albert Boker since boyhood; that he is a good citizen, a kind and considerate husband and father; that there has been no stain upon his character while a citizen of our country; that his life has been such that he is entitled to and should receive all the credibility that can be given to any man; that I am in no way related to him.

CHARLES H. STEEL.

This is to certify that I, Abner P. Woodworth, have been a resident of the city of Robinson, Crawford County, Ill., over forty years; that I am president of the First National Bank of Robinson, Ill. I further certify that I have been a neighbor of and intimately acquainted with the character and habits of Albert Boker for over thirty years, and fully concur in the above statement of Mr. Steel on this sheet.

ABNER P. WOODWORTH.

During the reading,

Mr. MONDELL said: Mr. Chairman, I think I can make a statement which will make the facts in this case clearly understood.

Mr. TALBERT. Mr. Chairman, I have asked for the reading of the report in my time. I want to hear the report read. The gentleman accused me of not reading the report and I want to hear it.

The Clerk having proceeded for some time further in the reading of the report,

Mr. TALBERT said: Mr. Chairman, I ask that the further reading of the report be dispensed with.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ASA TARBOX.

The next business was the bill (H. R. 1423) granting an increase of pension to Asa T. Tarbox.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized, subject to the rules and limitations of the pension laws, to place upon the pension roll the name of Asa T. Tarbox, late a private in Company F, Eleventh Massachusetts Infantry, and pay him a pension of \$24, the same to be in lieu of the pension he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa Tarbox, late of Company F, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Asa Tarbox."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN M'DONALD.

The next business was the bill (S. 4214) granting an increase of pension to John McDonald.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonald, late of Company E, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ISRAEL HALLER.

The next business was the bill (H. R. 3733) granting an increase of pension to Israel Haller.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel Haller, late of Company H, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The following amendment recommended by the committee was read:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

Mr. SIMS. Mr. Chairman, I desire to make a few remarks, but inasmuch as the hour is far advanced, I ask permission to extend my remarks in the RECORD.

Mr. Chairman, a few weeks ago I had occasion to make some remarks upon the subject of private pension legislation. I showed by the report of the Commissioner of Pensions that during the months of January and February, 1901, there was passed by the House in the four days in which such bills were considered 707 private pension bills; that 465 of these were for increases. Four hundred and sixty-five of these bills were to increase pensions for soldiers whose claims had all been considered by the Pension Bureau, and had received the highest pension given them by the general law.

I further showed that there was no uniformity in the amount of increases carried by the several bills; that in those four days

there had been passed on an average 177 private pension bills each day; that in passing so many bills in so short a time it was was impossible to give them proper consideration; that, in fact, no consideration was given those bills in the House. I complained against such hasty action by the House in passing private pension bills.

On the 15th day of this month (March) I read to the House in my time as part of my remarks the following letter from an ex-Union soldier of long service:

CAMDEN, N. J., March 8, 1902.

Hon. T. W. SIMS.

MY DEAR SIR: As a long-term soldier of the civil war, and as a member of the pension committee of the Union Veteran Legion, I desire to thank you on behalf of my comrades on the manly, patriotic stand you have taken against political favoritism in the granting of pensions.

It is time somebody had told the truth about the pension question. Favoritism prevails to such an extent that the veteran has come to regard his pension more as a political perquisite than as a Government reward. I can not think it was ever the intent of the people of this country, in their desire to assist the veterans, that it should become part of the "spoils" system of party machinery.

I have recently made a pretty thorough analysis of the last report of the Commissioner of Pensions and am amazed at the inequality and injustice that is apparent. The most vicious feature, of course, is the special-act pensions, by which men with no service record and no pensionable status receive larger pensions through political influence than the deserving veteran who has to depend on the merits of his case alone. To the faithful soldier of the civil war the present system of granting pensions is a humiliation and an insult. In the first place, he is regarded as an imposter and perjurer and the burden of proof to the contrary is placed on him. He is subjected to expenses and tedious delay and examinations by boards whose reports are discredited by the Commissioner of Pensions, as per page 67 of his report. The pension system could be simplified and millions of expense saved by a law granting a specified amount and simply requiring the applicant to prove his identity with the name on the original enrollment on file in the War Department. The time has come when this could be done without regard to disability of claimant, as any man 60 or more years of age is physically incapacitated from hard manual labor.

One great evil of the favoritism shown is the fact that those who receive pensions in that way no longer have any interest in the thousands of their deserving comrades. They have got their pull, and every vestige of fraternal interest and comradeship is lost sight of in their selfish success, and they do not want the pension question discussed for fear it may imperil their political perquisite. On behalf of my comrades I protest against paying the widow of any President \$5,000 per year without regard to her income, while the widows of the common soldiers, faithful, loyal, devoted wives and mothers as the Lord ever permitted to live, are paid \$3 per month after declaring an income of less than \$250 per year.

And I am speaking on behalf of tens of thousands of my comrades when I say that we would rather see the entire pension system abolished than see it abused by and through political favoritism.

My great interest in this question is my apology for trespassing on your valuable time.

With kind regards, yours, truly,

H. M. AVIS.

941 Cooper Street, Camden, N. J.

(Late Company F, Twelfth New Jersey Volunteers, civil war.)

Immediately the gentleman from Kansas [Mr. CALDERHEAD] arose and as part of his remarks made use of the following language:

Mr. CALDERHEAD. Mr. Chairman, I want to say a word upon the letter that has just been read at the suggestion of the gentleman from Tennessee [Mr. SIMS]. The sentiments expressed in the letter are the legitimate fruit of the speech that was made which called it forth. At the time that speech was made a large part of the remarks were addressed to the criticism of the work of the Invalid Pensions Committee. As a member of that committee during the last Congress and during this Congress, I have never known any bill to pass the committee by reason of political favoritism, and if the gentleman himself adopts the language of the letter and makes that accusation against the committee he does injustice to himself and also does injustice to the committee. Bills that are passed by the Invalid Pensions Committee receive as fair consideration at the hands of as honorable men as any other bills that are passed by any committee in this House, and I think no gentleman is better aware of that fact than the gentleman from Tennessee.

The gentleman seemed to think that the writer of the letter was unduly criticising the Committee on Invalid Pensions.

Mr. Chairman, I can not see that this letter or that my speech makes any reflection on that committee. I have no idea that the committee knows the politics of the soldiers whose pensions are increased by these bills, but that does not prevent political favoritism being practiced. The committee, in reporting bills, act on such bills as are pointed out by the members of the House who introduce them.

When a Republican member of this House has introduced as many as 50 bills and he can only get four or five reported and passed, does anyone suppose he will not single out bills for Republicans? I have not a doubt of it. Then, on the other hand, a Democrat will do exactly the same thing. In this way political favoritism is shown, but not by the committee as such. This can not be prevented, however unjust it may be.

In the speech I made criticising the hasty action of the House in passing 177 bills at one session I believed the high-water mark had been reached, but, Mr. Chairman, on the day the above letter was read as part of my remarks the House was called to order at the usual time—12 o'clock—and adjourned at 3.31 p. m., making the session only three and one-half hours in length, with prayer, the reading of the Journal, and some other business transacted, there was considered in the Committee of the Whole and passed in the House 229 bills. The House was in session two hundred and eleven minutes and passed 229 bills, being one bill for every minute of its entire session and 18 over. So it might be argued that



my speech and the letter I had read had fallen on dull ears. No one will be so rash as to contend that bills passed in that way receive the slightest possible consideration by the House.

Mr. Chairman, I have received too many letters like the one above read, regarding that speech, to take the time of the House to read them. I must admit that I had but little hope that what I then said would have any effect on this House, but I did hope that the people would have their eyes opened to what their representatives were doing. Mr. Chairman, I now read an extract from a newspaper—the Placer County Leader—published at Auburn, Placer County, Cal., as follows:

#### PRIVATE PENSION BILLS.

Representative SIMS, of Tennessee, is claiming and rightfully urging that this business of passing private pension bills by Congress should be stopped. If a case occurs where the Pension Bureau finds the law will not warrant a just plea for grant or for increase, let the Bureau report the case to Congress for a remedy, general or special; but stop this indiscriminate passage of private pensions by Congress. There were on the rolls on the 1st of July, 1901, 997,735 pensioners, or 4,206 increase (notwithstanding the decrease by death of civil-war veterans). In the past three months Congress has introduced 5,672 private pension bills. Some members have introduced as high as 200, and increases have been granted out of all apparent proportion to the disability sustained. (From CONGRESSIONAL RECORD.)

We believe Mr. SIMS is clearly right. It is true that many a man who went in to fight rather than to make a big hospital record has been unable to secure the necessary evidence "at time of injury" through scattering or death of comrades or officers.

That was the experience of one we knew, who having laid claim for a specific injury at a specified time and place must prove that in each point. Had he procured a nice hospital record then and there, and claimed on that, he might perhaps have fared better than the \$1 a month for the first seventeen years and \$2 for two years. After nineteen years futile search for proof his Congressman went to the Pension Commissioner with "I want to know where the 'stick' is!" The Bureau sent the man "information which may enable you to perfect your claim." That only living "information" was but 40 miles away, and he got it within twenty-four hours. Now, we honestly believe that such result would occur from conference of Congressmen with the Pension Bureau, and claimants would get what the law allows, neither more nor less, and that is all anyone should ask.

This newspaper is Republican in politics. I do not know the owner or editor. This paper can not have any personal or political interest in me, and certainly no motive in saying what it has other than an honest expression of its views.

Mr. Chairman, I now read an editorial from the Washington Post of to-day, March 28, 1902, as follows:

#### SPECIAL PENSION LEGISLATION.

Would it be impossible for Congress to frame and enact a general military pension law under which all applications for such pensions could be finally and fairly disposed of by the Pension Bureau? That Bureau is provided with all the agencies that would appear to be requisite for such service. Medical science and the legal profession have been drawn upon for a large and costly equipment of examiners and reviewers and re-reviewers.

The great machine is running under various acts of Congress, presumably intended to cover all cases, and nevertheless Congress continues to be the arbiter upon a large and ever-increasing number of applications. This fact evidences defects in the laws which call loudly for remedial action. If a similar situation existed in any other branch of the service—a palpable failure to come anywhere near filling its intended purpose—it is morally certain that a legislative remedy would be devised and applied. But Congress seems more than willing to be a supplemental pension bureau.

The Boston Herald notes that a correspondent of the New York Evening Post raises the question as to whether President Roosevelt can conscientiously permit the 229 pension bills that were passed in the National House of Representatives in one hundred and ten minutes on the 15th instant to become enacted into law. The Herald says the Constitution directs that as regards each one of these bills, "if he approve he shall sign it; but if not he shall return it with his objections." And our Boston contemporary adds:

"The President may say that he approves these bills because Congress has approved them. Of course, he can approve them on no other grounds, for he has simply not the time to investigate them on their merits. The President does not differ from the body that passed them in taking this stand. These bills are generally passed by a bare quorum, if, indeed, there is a quorum in the case. The members allowing them to pass know nothing about them; they manifestly could know nothing when the bills go through at the rate of more than two per minute. The members shelter themselves behind the committee that reports the bills, and the President shelters himself behind the members. Is it edifying enactment of laws?"

It is simply impossible for the President to investigate and pass upon the merits of the claims in response to which those bills are passed. Had he nothing else to do the task would be impossible. Nor can Senators or Representatives, except those on the Pension Committees of the two Houses, perform that labor. Thus it necessarily happens that a favorable report from a committee carries a bill through. Naturally members decline to vote against a bill of whose merits they have no personal knowledge. The Post has no doubt that the Pension Committees intend to deal justly, but so many grists come to their mills that mistakes are unavoidable.

But we do not believe it is necessary to supplement the Pension Bureau—the elaborate and costly mechanism provided for the carrying out of the pension laws—with those pension mills in the Capitol. Either those laws are defective or Congress is doing what it has no occasion to do. In either case the responsibility rests on Congress.

These letters and newspaper editorials show that my humble efforts in opposition to this wholesale passage of private pension bills are not passing unnoticed by the press and people of the country, and when the people are fully informed as to the great discrimination practiced by the House in these private pension bills, and that they pass by the hundred without the least bit of consideration, Representatives will be sent here that will demand that an end be put to this farce of private pension bill day, and that every bill be properly considered, and that bills for pensions be passed only in such cases as have no remedy under the general law and are meritorious and for such amounts as would be given the pensioner under the general law was his title good at the Bu-

reau, and before any bill for a pension should pass it should be submitted to the Pension Bureau and receive its favorable recommendation.

The CHAIRMAN. Without objection, the gentleman will be permitted to extend his remarks in the RECORD. The Chair hears no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH A. CARTER.

The next business on the Private Calendar was the bill (S. 3650) granting a pension to Sarah A. Carter.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Carter, dependent mother of Joseph S. Carter, late of Captain Cobb's company, Maine State Militia, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY M. TAYLOR.

The next business on the Private Calendar was the bill (S. 3216) granting an increase of pension to Henry M. Taylor.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry M. Taylor, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA A. HOLLINGSEAD.

The next business on the Private Calendar was the bill (H. R. 5883) granting a pension to Martha A. Hollingseed.

The bill was read, as follows:

*Be it enacted, etc.,* That a pension of \$20 per month be granted to Mrs. Martha A. Hollingseed, of Elkhart, Tex.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Hollingseed, widow of Joseph Hollingseed, late of Company A, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Martha A. Hollingseed."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW B. SPURLING.

The next business on the Private Calendar was the bill (H. R. 11916) granting an increase of pension to Andrew B. Spurling.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew B. Spurling, late lieutenant-colonel Second Regiment Maine Volunteer Cavalry and brevet brigadier-general of volunteers, and pay him a pension at the rate of \$100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

Mr. BOUTELL. Mr. Chairman, the committee amendment to this bill fixes the amount at \$30 a month. I would like to move an amendment to the committee amendment, by substituting the word "fifty" for the word "thirty," and in offering that amendment I should, perhaps, say a few words to the committee. Although the beneficiary of this bill, General Spurling, lives in my district, I have not the honor of a personal acquaintance with this distinguished officer. The facts in this case were sent to me by some of his friends, and upon their statement of facts I introduced the bill as requested by them. The report in this case states that he enlisted in the volunteer service from the State of Maine, and that he served from 1861 to December, 1865, in the First and Second Maine Cavalry, being honorably discharged with the brevet rank of brigadier-general.

He was four times wounded—twice in 1863, by a gunshot wound, a pistol shot; in 1864 by a saber cut, and the same year being thrown from Escambia bridge—and, furthermore, that he contracted acute rheumatism. The pension he is now receiving is \$22.50 a month. He is now 70 years of age. I have received from some of his friends in Chicago this morning an affidavit, sworn to on the 26th day of this month, in which it is stated that within the past eighteen months General Spurling has been twice paralyzed; that he is entirely helpless, and that in 1894 he lost all the

property that he had, and he is now entirely destitute. Considering these facts as submitted to me by men in whom I have the highest confidence, considering the honorable and distinguished service of this man, considering his destitution and paralysis, it seems to me we could, not only in generosity, but in strict justice, make this \$50 a month; and I therefore offer that amendment in place of the committee amendment.

The CHAIRMAN. The gentleman from Illinois proposes to amend the committee amendment by inserting the word "fifty" in place of the word "thirty." The question is on the amendment to the amendment.

Mr. MIERS of Indiana. Mr. Chairman, if the statement of the gentleman from Illinois is true, I have no objection to the amendment. I would have been glad if that information had been known to the committee. There was nothing as to his present condition, there was nothing as to his financial condition. There was nothing except the fact that he was a lieutenant-colonel, and the committee's report of \$30 was the full amount. Ordinarily I think the facts stated by the gentleman ought to have come to the committee, so that they could have been considered; but in this instance I shall make no further objection.

Mr. BOUTELL. Mr. Chairman, I ask leave to incorporate in my remarks the affidavit I have just received.

The CHAIRMAN. Without objection the gentleman will be allowed to extend his remarks in the way indicated.

There was no objection.

The affidavit is as follows:

STATE OF ILLINOIS, County of Cook, ss:

Andrew B. Spurling, being duly sworn, deposes and says that he is upward of 69 years of age, and that in the month of October, A. D. 1900, he was stricken with paralysis, whereby his right side was completely paralyzed, and whereby he was confined in a hospital for a period of about five weeks, and thereafter recovered sufficiently therefrom to be able to walk with difficulty, and that since said time he has not been able to perform any labor or transact any business whatever, and that in the year 1901 he suffered from another stroke of paralysis, which again paralyzed his right side temporarily, and since said time he has been able to walk only with difficulty, and has been ever since and now is wholly and entirely unable to perform any labor or transact any business; and affiant further says that he is entirely without property or means of support, except the amount being received by him as a pension from the Government of the United States.

Affiant further says that immediately prior to the financial panic of 1893 he was well situated financially, but invested all of his means in the purchase of property and construction of buildings thereon in the city of Elgin, in the State of Illinois, and that about the year 1894, by reason of said financial panic and depression in real-estate values caused thereby, affiant lost all of said property and means by the foreclosure of mortgages upon said property, and that said property was lost through the failure of other parties, who were indebted to affiant in a large amount and became unable to pay affiant the amount of such indebtedness.

ANDREW B. SPURLING.

Subscribed and sworn to before me this 26th day of March, A. D. 1902.  
[SEAL.] HALLIE C. ELLIS,  
Notary Public.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLA R. GRAHAM.

The next business on the Private Calendar was the bill (S. 1630) granting an increase of pension to Ella R. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella R. Graham, widow of James Duncan Graham, late commander, United States Navy, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES E. DEXTER.

The next business on the Private Calendar was the bill (S. 3481) granting an increase of pension to James E. Dexter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Dexter, late surgeon Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN G. HUTCHINSON.

The next business on the Private Calendar was the bill (S. 2768) granting an increase of pension to John G. Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Hutchinson, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHESTER E. WADSWORTH.

The next business on the Private Calendar was the bill (H. R. 12115) granting a pension to Chester E. Wadsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chester E. Wadsworth, late of Captain Barker's Dragoons, Illinois State Militia, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Dragoons" and insert in lieu thereof the word "company." In line 7 strike out the words "State Militia" and insert "Volunteer Cavalry." In line 8 strike out the word "fifty" and insert the word "twelve."

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment to strike out the word "twelve" and insert the word "seventeen." I think the facts in the case are shown by the report of the committee; but, simply for the sake of comparison, I secured the report of the committee on the bill just passed preceding this, and I find in that case the pensioner was receiving \$6 a month and it was increased to \$20 a month. I think a comparison of that report with this one will show that the facts in that case are no stronger than in this case. This man is not receiving a pension at all. He was in what was known as Barker's Illinois Cavalry, which was held not to have been mustered into the service of the United States. He was drawing a pension under the construction of the Department that held that this cavalry was mustered into the service of the United States; he was drawing a pension of \$8 a month; but subsequently they held that it was not in the service of the United States, and the pension was dropped.

Now, I desire to call the attention of the chairman of the committee to the statement of the report by the committee itself. From the showing made in the Department this man was receiving a pension of \$8 per month for hemorrhoids and disease of the rectum. It shows, too, that he lives on a little piece of land worth \$200 or \$300, that he has been poor, and has asked the county for aid three or four times. The testimony was filed showing that he was incapacitated in consequence of injury to the left foot, and that he had no means of support, although he was temperate, industrious, and of good moral character.

This man applied for an increase of pension in 1889, and the report of the last examination shows this:

Prior to the dropping of the soldier's name from the roll the beneficiary filed, in 1889, another claim for pension on account of rupture, injury to foot, catarrh, and stricture, but this claim was also rejected in 1895 upon the ground that title to pension could not obtain for the reason that the soldier's organization had not been in the United States service.

When last examined, in 1892, the board of surgeons found him to be suffering from a rupture, stricture, injury to the left foot, catarrh, and pleurisy.

Now, it seems to me that a man in this condition should be entitled to receive more than \$12 a month. The Pension Office found that the disabilities for which he was receiving a pension was of service origin. They did not give him an opportunity to show under the second application that the disabilities were incurred in the service.

I think in the affidavit he alleges that they did occur in the service, and he sets out in detail how the disabilities were incurred. I believe it would be just for this pensioner to be given at least \$17 a month. I think it is a modest request, and that the amendment should be adopted.

Mr. SULLOWAY. Mr. Chairman, the committee recommended what they thought under the circumstances this man ought to have. His service was very short, only from April 19, 1861, to August 18, 1861. The gentleman reads from the last examination of the report of the board of surgeons of the difficulties which they found were contracted in the service. We have given him \$12, a pension which, under the act of 1890, would be for total disability. I hardly think we should be justified in adopting the amendment.

The question was taken, and the amendment was lost.

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE FARNE.

The next business on the Private Calendar was the bill (S. 2262) granting an increase of pension to George Farne.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Farne, late second Lieutenant Company G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

Mr. PATTERSON of Pennsylvania. Mr. Chairman, I move to amend by striking out the word "twelve" and inserting "twenty."



This applicant had a bill reported by the Senate committee in the last Congress, and I find upon examination that this report is a copy of that report. I know the man to be in a very feeble state of health, and I ask the committee to accept this amendment.

Mr. SULLOWAY. Mr. Chairman, this is a Senate bill, and I do not think we should be justified in adopting such an amendment. Nothing has been stated that will warrant us in accepting it.

The question was taken, and the amendment was lost.

The bill was laid aside to be reported to the House with a favorable recommendation.

CALEB W. STORY.

The next business on the Private Calendar was the bill (H. R. 12145) granting an increase of pension to Caleb W. Story.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb W. Story, late of Company G, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The following amendment was recommended by the committee:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE W. MYERS.

The next business on the Private Calendar was the bill (S. 2398) granting an increase of pension to George W. Myers.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Myers, late of Company F, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

DANIEL J. MAHONEY.

The next business on the Private Calendar was the bill (H. R. 8106) granting a pension to Daniel J. Mahoney.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Mahoney, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

With the following amendments reported by the committee:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of Daniel J. Mahoney, late of the U. S. S. *Vandalia*, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Daniel J. Mahoney."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES C. DUDLEY.

The next business on the Private Calendar was the bill (S. 4095) granting an increase of pension to Charles C. Dudley.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Dudley, late of Company D, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

WILLIAM KASTE.

The next business on the Private Calendar was the bill (H. R. 6021) granting a pension to William Kaste.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the general pension laws, the name of William Kaste, late a musician in the band of the Fifty-fifth Regiment Illinois Volunteers, and pay him a pension at the rate of \$20 a month.

With the following amendments, recommended by the committee:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In line 5 strike out the word "general."

In line 6 strike out the word "a."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line strike out the word "a" and insert in lieu thereof the word "per."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZA J. WEST.

The next business on the Private Calendar was the bill (H. R. 4543) granting a pension to Eliza J. West.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. West, formerly the wife of Elisha B. West, late a private in Companies B and D of the Seventh Indiana Cavalry, and pay her a pension at the rate of \$12 a month.

With the following amendments reported by the committee:

Strike out all after the word "West," in line 6, and all of lines 7, 8, and 9, and insert in lieu thereof the following: "widow of Elisha B. West, late of Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional for each of the minor children of the soldier until such children shall have arrived at the age of 16 years."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

CARLIN HAMLIN.

The next business on the Private Calendar was the bill (S. 2635) granting an increase of pension to Carlin Hamlin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlin Hamlin, late of Company I, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was laid aside to be reported to the House with a favorable recommendation.

PAULINE M. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 10951) granting a pension to Pauline M. Roberts.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pauline M. Roberts, widow of Samuel Roberts, late major, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month.

The following amendments were reported by the committee:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

In the same line, after the word "month," insert the following: "and \$2 per month additional on account of the minor child of the officer until such child shall have arrived at the age of 16 years, in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Pauline M. Roberts."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARGARET DUNN.

The next business was the bill (S. 2938) granting an increase of pension to Margaret Dunn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Dunn, widow of Joseph Dunn, late of Battery E, Third Regiment United States Artillery, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM T. HAMILTON.

The next business was the bill (H. R. 11117) to pension William T. Hamilton, of Wheeling, Ohio County, W. Va.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William T. Hamilton, late a member of Company E, of the Twelfth Pennsylvania Infantry Volunteers, upon the pension roll at the rate of \$40 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hamilton, late of Company E, Twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William T. Hamilton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TORGUS HARALDSON.

The next business was the bill (S. 1264) granting an increase of pension to Torgus Haraldson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Torgus Haraldson, late of Company E, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CARL JORDAN.

The next business on the Private Calendar was the bill (H. R. 6412) for the relief of Carl Jordan and restoration to pension roll. The bill was read, as follows:

Whereas Carl Jordan enlisted in Company B, First United States Volunteer Infantry, in the Army of the United States, on January —, 1864, and served faithfully until the — day of November, 1865, when he was honorably discharged, and subsequently received under the act of Congress passed June 27, 1890, a pension of \$12 a month until March —, 1895, when he was dropped from the pension roll for the alleged reason of disloyalty in having been a soldier in the Confederate service; and

Whereas it appears that at the breaking out of the war of the rebellion the said Carl Jordan was living in Richmond, Va., and was forcibly drafted into the Confederate service, but at the first opportunity abandoned that service and entered bona fide into that of the Army of the United States, and faithfully discharged his duty therein as hereinbefore set forth: Therefore,

*Be it enacted, etc.,* That the said Carl Jordan be, and he is hereby, restored to the pension roll of the United States, and that the Commissioner of Pensions be, and he is hereby, instructed to enter the name of Carl Jordan on said roll at the same rate originally granted, and also to pay him all arrearages of pension accrued since the — day of —, 18—, to the present time.

Sec. 2. That this act shall take effect from the date of its passage.

The amendments recommended by the committee were read, as follows:

Strike out the preamble, the enacting clause, and all after the enacting clause, and insert in lieu thereof the following:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carl Jordan, late of Company B, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

Amend the title so as to read: "A bill granting a pension to Carl Jordan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMORY S. FOSTER.

The next business was the bill (S. 880) granting an increase of pension to Emory S. Foster.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emory S. Foster, late major, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RICHMOND M. CURTIS.

The next business on the Private Calendar was the bill (H. R. 6205) to increase the pension of Richmond M. Curtis from \$12 to \$30 per month.

The bill was read, as follows:

*Be it enacted, etc.,* That the pension of Richmond M. Curtis be, and the same is hereby, increased from \$12 per month to \$30 per month, and the Secretary of the Interior is directed to enter said Richmond M. Curtis on the roll at \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

*That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richmond M. Curtis, late of Company A, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.*

Amend the title so as to read: "A bill granting an increase of pension to Richmond M. Curtis."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL M. HOWARD.

The next business was the bill (S. 1979) granting an increase of pension to Samuel M. Howard.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Howard, late of Companies A and H, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN G. SANDERS.

The next business was the bill (H. R. 5600) granting an increase of pension to John G. Sanders.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Sanders, of Jackson County, Ala., late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Jackson County, Ala."

In line 7 strike out the letter "G" and insert in lieu thereof the letter "B."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BARNARD.

The next business was the bill (S. 2505) granting an increase of pension to John Barnard.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Barnard, late of Company B, Brackett's battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN S. JAMES.

The next business was the bill (H. R. 9654) granting a pension to John S. James.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. James, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH FRANCES TAFT.

The next business was the bill (S. 4021) granting a pension to Sarah Frances Taft.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Frances Taft, widow of Charles Sabin Taft, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$17 per month.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS B. WILSON.

The next business on the Private Calendar was the bill (H. R. 3899) granting an increase of pension to Thomas B. Wilson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Wilson, late of Company H, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 7, 8, and 9 and insert in lieu thereof the following: "Regiment Indiana Volunteer Infantry, and D. Varner's battalion Ohio and Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES W. FOSTER.

The next business on the Private Calendar was the bill (S. 4086) granting an increase of pension to Charles W. Foster.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Foster, late of Company A, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JONATHAN H. SLOCUM.

The next business on the Private Calendar was the bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan H. Slocum, late of Seventh Company, First Battalion, New York State Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.



The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 7 strike out the word "State" and insert in lieu thereof the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUSTA TURNER.

The next business on the Private Calendar was the bill (S. 4346) granting a pension to Augusta Turner.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta Turner, widow of John E. Turner, late of Company C, Fourth Battalion, District of Columbia Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN HUFFMAN.

The next business on the Private Calendar was the bill (H. R. 7766) granting an increase of pension to John Huffman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of John Huffman, of Cornishville, Ky., late of Company F, Nineteenth Regiment of Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that which he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Huffman, late of Company F, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEANDER PARMELEE.

The next business on the Private Calendar was the bill (S. 3514) granting an increase of pension to Leander Parmelee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leander Parmelee, late of Company G, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES R. BROCKETT.

The next business on the Private Calendar was the bill (H. R. 5711), to increase the pension to James R. Brockett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of James R. Brockett, late a member of Company H, Fourteenth Regiment Illinois Cavalry, from \$12 to \$30 per month, subject to the provisions and limitations of the pension laws.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Brockett, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 a month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James R. Brockett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABBIE GEORGE.

The next business on the Private Calendar was the bill (S. 1872) granting an increase of pension to Abbie George.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie George, widow of Rufus L. George, late of Company F, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CLARA C. HAWKS.

The next business on the Private Calendar was the bill (H. R. 7986) granting a pension to Clara C. Hawks.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara C. Hawks, widow of

William M. Ball, late of Company H, Second Regiment Missouri Volunteer Cavalry (Merrill's Horse), and pay her a pension at the rate of \$12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8, after the word "Cavalry," strike out the words "Merrill's Horse."

In line 6, after the word "Hawks," insert the words "the former."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA GREGG.

The next business on the Private Calendar was the bill (H. R. 11271) granting a pension to Louisa Gregg.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Gregg, late nurse and member of Ladies' Union Aid Society from 1861 to 1865, United States Volunteers, and pay her a pension at the rate of \$20 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the words "of Louisa Gregg, late a nurse in the medical department, United States Volunteers, and pay her a pension at the rate of \$20 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY MORGAN.

The next business on the Private Calendar was the bill (S. 1095) granting an increase of pension to Mary Morgan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Morgan, mother of Algernon Morgan, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWIN J. GODFREY.

The next business on the Private Calendar was the bill (H. R. 1709) granting an increase of pension to Edwin J. Godfrey.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin J. Godfrey, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NATHANIEL C. GOODWIN.

The next business on the Private Calendar was the bill (S. 1039) granting an increase of pension to Nathaniel C. Goodwin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel C. Goodwin, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of — dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS KIRWAN.

The next business on the Private Calendar was the bill (H. R. 1453) granting a pension to Thomas Kirwan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Kirwan, late of Company K, Seventeenth Massachusetts Volunteer Infantry, and pay him a pension at the rate of — dollars a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Seventeenth," insert the word "Regiment."

In line 8, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY ETNA POOLE.

The next business on the Private Calendar was the bill (H. R. 2286) granting a pension to Mary E. Poole.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Poole, widow of Capt. David Poole, late of Company F, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the word "Etna."

In the same line strike out the word "Captain."

In the same line strike out the word "of" and insert in lieu thereof the word "captain."

After the word "month," in line 9, insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary Etna Poole."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE DANIELS.

The next business on the Private Calendar was the bill (S. 13) granting an increase of pension to George Daniels.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Daniels, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. HICKOX.

The next business on the Private Calendar was the bill (H. R. 4108) granting a pension to William C. Hickox.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Hickox, late of Company G, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$25 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. STONE.

The next business on the Private Calendar was the bill (S. 6) granting an increase of pension to Charles H. Stone.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Stone, late of Company H, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. BUTLER.

The next business on the Private Calendar was the bill (H. R. 7560) granting a pension to George W. Butler.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Butler, late of Company B, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month from and after the date of the passage of this act.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "B" and insert in lieu thereof the letter "G."

In line 8 strike out all after the word "month" and all of line 9 and insert in lieu thereof the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George W. Butler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES W. POOR.

The next business on the Private Calendar was the bill (H. R. 3653) granting a pension to James W. Poor.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of James W. Poor, of Harrodsburg, Mercer County, Ky., who was a private in Company B, Third Kentucky Volunteer Infantry, during the war of the rebellion, and to pay him a pension at the rate of \$25 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Poor, late of Company B, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to James W. Poor."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELBRIDGE FRANKLIN.

The next business on the Private Calendar was the bill (H. R. 6686) granting an increase of pension to Elbridge Franklin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elbridge Franklin, late of Company C, Fifth Michigan Volunteer Infantry, at the rate of \$24 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbridge Franklin, late of Company C, Fifth Regiment, and Company B, Eighth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STANTON L. BRABHAM.

The next business on the Private Calendar was the bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Stanton L. Brabham, late of Companies H and D, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him at the rate of \$30 per month in lieu of the pension which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stanton L. Brabham, late of Companies H and D, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES MATTHEWS.

The next business on the Private Calendar was the bill (H. R. 9415) granting an increase of pension to James Matthews.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Matthews, late of Company M, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGIE JOSEPHINE WALCOTT.

The next business on the Private Calendar was the bill (S. 2287) granting an increase of pension to Georgie Josephine Walcott.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgie Josephine Walcott, widow of William H. Walcott, late captain, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of the invalid and dependent son of said Georgie Josephine Walcott the pension of the beneficiary under this bill shall be reduced to the rate of \$30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ALLEN W. MERRILL.

The next business on the Private Calendar was the bill (H. R. 6823) granting a pension to Allen W. Merrill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen W. Merrill, late of Company C, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that which he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "which."

The amendment was agreed to.



The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY V. WALKER.

The next business on the Private Calendar was the bill (S. 3577) granting an increase of pension to Mary V. Walker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Walker, widow of William H. Walker, late captain Company H, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH B. CLINGERMAN.

The next business on the Private Calendar was the bill (H. R. 8009) granting a pension to Sarah B. Clingerman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah B. Clingerman, widow of Joseph Clingerman, late of the United States Navy, at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 insert the words "the former," and in lines 7 and 8 strike out the words "the United States Navy, at the rate of \$12 per month," and insert "the U. S. S. *Amanda*, United States Navy, and pay her a pension at the rate of \$12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. DUNN.

The next business on the Private Calendar was the bill (H. R. 8134) granting a pension to James H. Dunn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James H. Dunn, late captain of Company I, One hundred and sixty-ninth Regiment New York State Volunteers, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Dunn, late captain of Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEROY S. SMITH.

The next business on the Private Calendar was the bill (S. 3187) granting an increase of pension to Leroy S. Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leroy S. Smith, late of Company A, Sixth Regiment New York Volunteer Cavalry, and first lieutenant Company G, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$80 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY ANN E. SPERRY.

The next business on the Private Calendar was the bill (H. R. 9140) granting an increase of pension to Mary Ann E. Sperry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary Ann E. Sperry, widow of John J. Sperry, late lieutenant-colonel One hundred and Sixth Pennsylvania Volunteer Infantry, to \$30 per month in lieu of the pension which she now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann E. Sperry, widow of John J. Sperry, late lieutenant-colonel One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUNSFORD Y. BAILEY.

The next business on the Private Calendar was the bill (H. R. 9656) granting a pension to Lunsford Y. Bailey, of Monmouth, Oreg.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lunsford Y. Bailey, late sergeant, Company I, Twenty-third Indiana Infantry Volunteers, and also of the United States Signal Corps, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert the word "of;" in line 7 insert the word "Regiment" and also the word "Volunteer;" in same line, after the word "Infantry," strike out the word "Volunteer," and in line 8 strike out the words "also of the United States;" in same line, after the word "Corps," insert the words "United States Army."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC M. PAUGLE.

The next business on the Private Calendar was the bill (H. R. 9717) granting a pension to Isaac M. Paugle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Paugle, late of Company A, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "twenty-four" and insert the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY SWEENEY.

The next business on the Private Calendar was the bill (S. 3660) granting a pension to Mary Sweeney.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Sweeney, widow of Christopher Sweeney, late of Company G, Twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN S. BURKET.

The next business on the Private Calendar was the bill (H. R. 10122) granting a pension to John S. Burkett, of Blakeman, Kans.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Burkett, late of Company K, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to John S. Burkett."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. FERGUSON.

The next business on the Private Calendar was the bill (H. R. 10114) to increase the pension of Charles H. Ferguson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles H. Ferguson, late of Company I, First Regiment Maine Cavalry Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Ferguson, late of Company I, First Maine Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles H. Ferguson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Theron R. Mack.

The next business on the Private Calendar was the bill (H. R. 10179) granting an increase of pension to Theron R. Mack.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Theron R. Mack, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT S. WOODBURY.

The next business on the Private Calendar was the bill (S. 3910) granting an increase of pension to Robert S. Woodbury.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Woodbury, late of Company L, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRISON C. VORE.

The next business on the Private Calendar was the bill (H. R. 10230) granting an increase of pension to H. C. Vore.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. C. Vore, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the word "Harrison."

In same line strike out the word "of" and insert in lieu thereof the words "first lieutenant."

Amend the title so as to read: "A bill granting an increase of pension to Harrison C. Vore."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET TISDALE.

The next business on the Private Calendar was the bill (H. R. 10255) granting a pension to Margaret Bartlett Tisdale.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Bartlett Tisdale, former widow of Moses C. Bartlett, late sergeant, Company B, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Bartlett."

In same line, after the word "Tisdale," insert the word "the."

In line 7 strike out the word "sergeant" and insert in lieu thereof the word "of."

Amend the title so as to read: "A bill granting a pension to Margaret Tisdale."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. EVANS.

The next business on the Private Calendar was the bill (S. 2379) granting an increase of pension to George H. Evans.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Evans late of Company B, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM PAUL.

The next business on the Private Calendar was the bill (H. R. 10925) granting an increase of pension to William Paul.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Paul, late of Company D, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Twenty-second" and insert in lieu thereof the word "Twenty-seventh."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT J. HART.

The next business on the Private Calendar was the bill (H. R. 11075) granting an increase of pension to A. J. Hart.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of A. J. Hart, late musician, Company B, Seventeenth Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert J. Hart, late of Company B, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Albert J. Hart."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. LIPPS.

The next business was the bill (H. R. 11493) granting a pension to Mary A. Lipps.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Lipps, widow of George W. Lipps, late of Company K, Fortieth and Fifty-first Regiments Ohio Volunteer Infantry, and pay her a pension at the rate of twelve dollar per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and Fifty-first Regiments" and insert "Regiment."

In line 9 strike out "dollar" and insert "dollars."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. FELT.

The next business was the bill (S. 2371) granting a pension to Andrew J. Felt.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Felt, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

Mr. CALDERHEAD. I move to amend this bill by striking out "\$24" and inserting "\$30." Mr. Chairman, I know this soldier very well. I have known him for twenty-five years. For more than twenty years I have been proud to call him my personal friend. I know his history and his condition. He is the personal friend of a number of eminent members of this House and of the Senate. He served the State of Kansas as her lieutenant-governor four years. He was one of the prominent newspaper editors in that State. Every soldier in the State knows him by sight and knows the sound of his voice. All the members of this House from Kansas know him personally. He was and is as true a patriot as ever served this country.

In the war he served eleven months of bitter imprisonment. He came home a wreck. He has never seen a well day from that time to this. A man 5 feet 6½ inches in height, he weighed only 115 pounds. For the last twenty years he has not been able to do any more manual labor than a child 10 years old. He is wholly disabled and has been for years for the performance of any kind of labor. If he does not now require the daily attention of another person, it is certainly but a short time when he will. He is a man of unusual intellectual character, and, like many other good soldiers, he never applied for a pension as long as his brain and hand could labor. He should have been pensioned from the day of his discharge. He needs it now and I know he is worthy of it.

I am satisfied that if the Senate had had before it the testimony that I am now reciting that body would have passed the bill at \$30 a month. I hope that such an amendment may be made here, and I offer the amendment as a committee amendment.

Mr. MIERS of Indiana. Does the gentleman offer that as an amendment of the committee?

Mr. CALDERHEAD. I do.

The question being taken on the amendment of Mr. CALDERHEAD to strike out "\$24" and insert "\$30," it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

LUCY M. FERMAN.

The next business on the Private Calendar was the bill (H. R. 11976) granting a pension to Lucy M. Ferman, who served as a matron and nurse in military hospitals during the civil war.

The bill was read, as follows:

*Be it enacted, etc.,* That the Commissioner of Pensions be, and he is hereby, authorized to place on the pension roll the name of Lucy M. Ferman, on



account of services in the civil war, 1861-1865, in the One hundred and eleventh Pennsylvania Infantry, also as matron and nurse in the military hospital at Harper's Ferry, in 1862, and in military hospital at Sandy Hook, Md., 1863 and 1864, and that she be pensioned at the rate fixed by law for nurses during the war.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy M. Ferman, late a nurse in the Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Lucy M. Ferman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

W. A. HOPPER, ALIAS CUFF WATSON.

The next business was the bill (H. R. 12116) granting a pension to W. A. Hopper.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. A. Hopper, of Rockingham County, N. C. (post-office, Madison, N. C.), late of Company M, Eleventh Regiment Michigan Volunteers, who enlisted and served in said company under the name of Cuff Watson in the war between the States, and pay him a pension at the rate of \$25 per month.

The amendments recommended by the committee were read, as follows:

Strike out lines 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "of William A. Hopper, alias Cuff Watson, late of Company M, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to William A. Hopper, alias Cuff Watson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. WOOD.

The next business was the bill (H. R. 6441) granting an increase of pension to William H. Wood.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Wood, late of the United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "United," insert the words "United States steamships *Santee* and *Marion*."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GOTTLIEB KAUFER.

The next business was the bill (H. R. 4183) granting a pension to Gottlieb Kafer.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gottlieb Kafer, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$25 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Gottlieb Kafer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS FENERAN.

The next business was the bill (S. 1924) granting an increase of pension to Thomas Feneran.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Feneran, late of United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AMELIA A. RUSSELL.

The next business was the bill (H. R. 12275) granting a pension to Amelia A. Russell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia A. Russell, widow of Michael Russell, and pay her a pension of \$17 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of Amelia A. Russell, widow of Michael Russell, late first lieutenant Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$17 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL BORTLE.

The next business on the Private Calendar was the bill (H. R. 5228) granting a pension to S. Bortle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. Bortle, late of Company Twenty-eighth Regiment Wisconsin Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."

In the same line, after the word "Company," insert the letter "E." In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Samuel Bortle."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. SHAW.

The next business was the bill (H. R. 12284) granting a pension to George W. Shaw.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Shaw, late of Company C, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS E. SAULS.

The next business on the Private Calendar was the bill (S. 2046) granting an increase of pension to Thomas E. Sauls.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Sauls, late of Company H, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES E. HORTON.

The next business on the Private Calendar was the bill (H. R. 12550) granting an increase of pension to James E. Horton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Horton, late of Company A, Sixteenth Regiment New York Volunteer Infantry, on the pension roll at the rate of \$36 per month in lieu of the amount he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all of lines 3, 4, 5, 6, and 7, and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Horton, late of Company A, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EUGENE J. OULMAN.

The next business on the Private Calendar was the bill (S. 1932) granting an increase of pension to Eugene J. Oulman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene J. Oulman, late of

Company B, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD H. ARMSTRONG.

The next business on the Private Calendar was the bill (S. 3696) granting an increase of pension to Edward H. Armstrong.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward H. Armstrong, late of Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARIA LOUISA MICHIE.

The next business on the Private Calendar was the bill (S. 1681) granting an increase of pension to Maria Louisa Michie.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Louisa Michie, widow of Peter S. Michie, late professor at Military Academy, assimilated to rank of colonel, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE C. TILLMAN.

The next business on the Private Calendar was the bill (S. 4071) granting an increase of pension to George C. Tillman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Tillman, late of Company C, First Regiment Alabama Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Amended, however, by fixing the rate of pension to be allowed at \$16 per month, that being the allowance recommended by your committee in all cases of this character where the pension allowed is purely a service one and the conditions shown are not extreme.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD THOMPSON.

The next business on the Private Calendar was the bill (S. 2976) granting an increase of pension to Edward Thompson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Thompson, late of Company B, Sixth Regiment United States Infantry, and ordnance sergeant, United States Army, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9, after the word "of," strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVER GISBORNE.

The next business on the Private Calendar was the bill (S. 3072) granting a pension to Oliver Gisborne.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Gisborne, late of Company H, First Regiment Vermont Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$50 per month.

The bill was ordered to be laid aside with a favorable recommendation.

CATHARINE F. EDMUNDS.

The next business on the Private Calendar was the bill (S. 1172) granting an increase of pension to Catharine F. Edmunds.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine F. Edmunds, widow of Frank H. Edmunds, late major, First Regiment United States Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Frank H. Edmunds until she reaches the age of 16 years.

The amendment recommended by the committee was read, as follows:

Strike out "thirty-five," in line 8, and substitute therefor "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HALL.

The next business on the Private Calendar was the bill (H. R. 2599) granting an increase of pension to John Hall.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hall, late a sergeant of Company H, Fourth Tennessee Volunteers, Mexican war, at the rate of \$50 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out of the title the words "of Bradley County, Tenn." Strike out all in the bill after the words "John Hall," in line 6, and substitute therefor the following: "late of Company H, Fourth Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES T. STEELE.

The next business on the Private Calendar was the bill (H. R. 10496) granting a pension to James T. Steele.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of James T. Steele, late a member of the Hospital Corps, United States Army, during the Spanish-American war, and pay him a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and substitute therefor the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Steele, late of the Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of \$8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWIN P. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 9308) granting an increase of pension to Edwin P. Johnson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin P. Johnson, a member of Company E, Thirteenth Regiment United States Infantry, in the Mexican war, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a member" and insert "late."

In line 7 strike out "in the Mexican war" and substitute therefor "war with Mexico."

In line 8 strike out "twenty-five" and insert "twelve."

Mr. DAVIS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Florida offers an amendment which the Clerk will report.

Mr. DAVIS. I ask that the committee be liberal enough with me in this case to give the applicant at least \$15 a month instead of \$8.

The Clerk read as follows:

Strike out "eight" and insert "fifteen."

Mr. DAVIS. The report of the committee in this case gives \$8 a month. Mr. Johnson, the beneficiary of the bill, was really a captain in the Florida Seminole Indian war, but the records were so incomplete that that fact is not made to appear of record here. He appeared only as a private, and upon that idea was given only \$8 a month by the amendment of the committee. Captain Johnson was in point of fact a captain in this war and did valiant and splendid service. I ask the committee, therefore, to give him \$15 a month instead of the \$8 reported by the committee.

The CHAIRMAN. The Chair desires to state to the gentleman that the amendment recommended by the committee gives twelve dollars a month instead of eight. Does the gentleman desire to correct his amendment, so as to make it read to insert "fifteen" instead of "twelve?"

Mr. DAVIS. The bill I have before me gives him a pension at the rate of \$8 a month; but in any event I move to strike out "twelve" and insert "fifteen."

The CHAIRMAN. The gentleman from Florida moves to amend the committee amendment by inserting the word "fifteen" in place of the word "twelve."

Mr. LOUDENSLAGER. Mr. Chairman, I trust the committee will not adopt this amendment. The gentleman evidently was in



error in regard to the amount carried in the bill as reported from the committee. As amended by the committee, the bill proposes to pay this soldier \$12 a month. That is the rate that the general law gives to soldiers of the Mexican war when they are dependent, but this beneficiary is not dependent. The testimony shows that he is possessed of property; that he applied under the law for an increase to \$12 and was denied. This gives him the \$12 a month.

Mr. DAVIS. If the gentleman will permit me, I have a print of the bill before me which purports to be amended so as to allow \$8 a month. If the statement of the gentleman is correct, I will withdraw the amendment.

Mr. LOUDENSLAGER. It is reported at \$12 a month.

Mr. DAVIS. Then I withdraw my amendment.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN GASTON.

The next business on the Private Calendar was the bill (H. R. 11578) granting an increase of pension to John Gaston.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gaston, late of Company G, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE L. EVENS.

The next business on the Private Calendar was the bill (H. R. 5560) granting a pension to Annie L. Evens.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie L. Evens, widow of John H. Evens, late first lieutenant, Forty-third Infantry United States Volunteers, and pay her a pension of \$50 per month from the date of the death of the said John H. Evens, May 11, 1900.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "lieutenant," insert "Company K," and in the same line strike out "Infantry United States Volunteers," and insert in lieu thereof "Regiment United States Volunteer Infantry, war with Spain."

In line 8, after the word "pension," insert "at the rate," and in the same line strike out "fifty" and substitute therefor "twenty-five."

Strike out all in the bill after the words "per month," in line 8, and insert in lieu thereof "in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said John H. Evens, until they reach the age of 16 years."

Amend the title so as to read: "A bill granting an increase of pension to Annie L. Evens."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK W. LYNN.

The next business on the Private Calendar was the bill (H. R. 4622) granting a pension to Frank W. Lynn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank W. Lynn, late of Company C, First Regiment Colorado Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$24 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN J. MARTIN.

The next business on the Private Calendar was the bill (H. R. 1046) granting an increase of pension to John J. Martin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Martin, late a captain, Twelfth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES A. PERKINS.

The next business on the Private Calendar was the bill (H. R. 1486) granting an increase of pension to Charles A. Perkins.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Perkins, late of Company K, Second Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILY BRIGGS.

The next business on the Private Calendar was the bill (H. R. 9592) granting a pension to Emily Briggs.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Briggs, mother of James Briggs, late of Company G, Forty-seventh Regiment New York Volunteer Infantry, Spanish war, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 insert the word "dependent" before the word "mother;" in line 8 strike out the words "Spanish war" and insert in lieu thereof the words "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MINA WEIRAUCH.

The next business on the Private Calendar was the bill (H. R. 10010) granting a pension to Mina Weirauch.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mina Weirauch, widow of Heinrich Weirauch, late of Company L, Fourth Regiment United States Cavalry, and pay her a pension at the rate of \$8 per month, and in addition thereto \$2 per month for her minor child under 16 years of age.

The amendment recommended by the committee was read, as follows:

In lines 8, 9, and 10 strike out the following words: "and in addition thereto \$2 per month for her minor child under 16 years of age."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE A. HAMMOND.

The next business on the Private Calendar was the bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Hammond, widow of William P. Hammond, ensign in Captain Goodwyn's company of Alabama Volunteers, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "ensign in" and insert the words "late of;" in line 8 insert the words "Creek Indian war;" in line 9 strike out the word "twenty-five" and insert in lieu thereof the word "twelve;" add to the bill the following words: "the same to be paid to her under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of any former erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IRENE C. HILL.

The next business on the Private Calendar was the bill (H. R. 11737) granting a pension to Irene Hill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irene Hill, dependent mother of James T. Hill, late of Company M, Forty-fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Irene" and insert in lieu thereof the words "Irene C.;" in line 8 insert the words "war with Spain;" in line 9 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS H. DELONY.

The next business on the Private Calendar was the bill (H. R. 11924) granting an increase of pension to Lewis H. Delong.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis H. Delong, late a private in Capt. G. K. Lewis's company, Lane's battalion, of Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Delong" and insert in lieu thereof the word "Delony;" in lines 6, 7, and 8 strike out the words "a private in Capt. G. K. Lewis's company, Lane's battalion, of Texas Mounted Volunteers" and insert

in lieu thereof the words "of Company A, Battalion Texas Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### WASHINGTON OJERS.

The next business on the Private Calendar was the bill (H. R. 12356) granting a pension to Washington Ojers.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Private Washington Ojers, late of Company G, Second Regiment United States Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Private;" in the same line strike out "G." and insert the letter "D."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### MATILDA E. CLARKE.

The next business on the Private Calendar was the bill (H. R. 12418) granting a pension to Matilda E. Clarke.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda E. Clarke, the former widow of Alphonse Bietry, late of Company —, Seventh Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the former" and insert "formerly;" in line 7 strike out the words "of Company" and insert the words "unassigned recruit."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### ZACHARIAH R. SANDERS.

The next business on the Private Calendar was the bill (H. R. 9847) granting an increase of pension to Zachariah R. Sanders.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Zachariah R. Sanders, late of Ohio Mexican Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sanders" and insert in lieu thereof the word "Saunders;" in same line strike out the words "Ohio Mexican Volunteers;" in line 7 insert the words "Company C, Second Regiment Ohio Volunteer Infantry, war with Mexico;" in line 9 strike out the word "fifty" and insert the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### JAMES F. P. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 10090) granting an increase of pension to James F. P. Johnston.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James F. P. Johnston, of Florida, late a captain in Capt. James F. P. Johnston's independent company of volunteers in the Florida Indian war of 1858, and pay him a pension of \$30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "roll," in line 4, and insert "subject to the provisions and limitations of the pension laws, the name of James F. P. Johnston, late captain Independent Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of \$8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### RICHARD TRIST.

The next business on the Private Calendar was the bill (H. R. 10173) to grant an increase of pension to Richard Trist, late of Company A, First Wisconsin Volunteer Infantry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Trist, late of Company A, First Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "name," in line 5, and insert the following: "of Richard Trist, late of Company B, First Regiment Wisconsin Volunteer

Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### SAMUEL HYMAN.

The next business on the Private Calendar was the bill (H. R. 11638) granting an increase of pension to Samuel Hyman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Hyman, late Baltimore Battery Light Artillery, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Baltimore," insert the words "of the."

In same line, after the word "Battery," insert the words "Maryland Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### HANNAH A. TIMMONS.

The next business on the Private Calendar was the bill (H. R. 11894) granting a pension to Hannah A. Timmons.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah A. Timmons, widow of William R. Timmons, late captain of Company D, Thirty-fifth Regiment Illinois Volunteer Infantry, and to pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "to."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### OLE OLESON.

The next business on the Private Calendar was the bill (H. R. 11798) granting an increase of pension to Ole Oleson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Oleson, late of Company D, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### ANN E. AUSTIN.

The next business on the Private Calendar was the bill (H. R. 6645) granting an increase of pension to Ann E. Austin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Austin, widow of Joseph O. Austin, late of Company F, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### MINNIE M. RICE.

The next business on the Private Calendar was the bill (H. R. 12129) granting a pension to Minnie M. Rice.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Minnie M. Rice, daughter of Robert H. Rice, late a member of Company I, Eighty-seventh Regiment of Illinois Volunteer Infantry, and pay her a pension of \$12 per month, subject to the conditions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie M. Rice, the helpless and dependent daughter of Robert H. Rice, late of Company I, Eighty-seventh Regiment



Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES J. HAUGHTON.

The next business on the Private Calendar was the bill (H. R. 2857) to increase the pension of Frances J. Haughton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Frances J. Haughton, widow of Nathaniel Haughton, late colonel of the Twenty-fifth Ohio Volunteer Infantry, upon the pension roll of the United States, and pay her a pension of \$30 per month from and after the passage of act.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances J. Haughton, widow of Nathaniel Haughton, late lieutenant-colonel Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Frances J. Haughton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH WESTBROOK.

The next business on the Private Calendar was the bill (H. R. 8721) granting an increase of pension to Joseph Westbrook.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Westbrook, late of Company I, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER F. McCONNELL.

The next business on the Private Calendar was the bill (H. R. 7116) granting an increase of pension to Alexander F. McConnell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander F. McConnell, late of Company K, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN J. WOLFE.

The next business on the Private Calendar was the bill (H. R. 9870) granting a pension to John J. Wolfe.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Wolfe, late of Company A, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to John J. Wolfe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK WRIGHT.

The next business on the Private Calendar was the bill (H. R. 5170) granting a pension to Frederick Wright.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Wright, of North Platte, in the State of Nebraska, late seaman, U. S. S. *Minnesota*, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limita-

tions of the pension laws, the name of Frederick Wright, late of the U. S. S. *Minnesota*, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Frederick Wright."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries.

The committee resumed its session.

ADOLPH BECKER.

The next business was the bill (H. R. 9458) granting an increase of pension to Adolph Becker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolph Becker, late lieutenant-colonel Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Adolph Becker, late captain Company G, Twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARA B. TOWNSEND.

The next business was the bill (H. R. 9378) granting a pension to Clara B. Townsend.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Clara B. Townsend, widow of Justus Townsend, late acting assistant surgeon, United States Army, and pay her a pension of \$12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara B. Townsend, widow of Justus Townsend, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLE STEENSLAND.

The next business was the bill (H. R. 10782) granting a pension to Ole Steensland.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Steensland, late of Company E, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$25 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY S. FOSTER.

The next business was the bill (H. R. 11496) granting a pension to Henry S. Foster.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Foster, the permanently helpless son of William E. Foster, late unassigned drafted man, Indiana Volunteers, and pay him a pension at the rate of \$24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Henry S. Foster, the helpless and dependent son of William Foster, late an unassigned private, Indiana Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALONZO LEWIS.

The next business was the bill (H. R. 1742) granting an increase of pension to Alonzo Lewis.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Alonzo Lewis, late of Company B, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBION P. STILES.

The next business was the bill (H. R. 11662) granting an increase of pension to Albion P. Stiles.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albion P. Stiles, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON S. GATLIFF.

The next business on the Private Calendar was the bill (H. R. 1455) granting an increase of pension to Aaron S. Gatliff.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron S. Gatliff, late of Company G, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$25 per month in lieu of what he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."

In same line, after the word "Mounted," insert the word "Volunteer."

In line 8 strike out the word "five" and insert in lieu thereof the word "four."

In same line strike out the word "what" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES G. BOWLAND.

The next business was the bill (H. R. 5111) granting a pension to James G. Bowland.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James G. Bowland, late private, Company G, First United States Marine Artillery, and acting ensign of the United States Navy, and pay him a pension of \$24 a month, to date from and after the passage of this act, subject to the provisions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Bowland, late of Company G, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James G. Bowland."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT C. BALLARD.

The next business was the bill (H. R. 8355) granting a pension to Robert C. Ballard.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Ballard, late of Company D, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$18 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "eighteen" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM T. PETERSON.

The next business was the bill (H. R. 7982) granting an increase of pension to William T. Peterson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Peterson, late of Company F, One hundred and ninety-ninth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Pennsylvania," insert the word "Regiment." In line 8 strike out the words "thirty-six" and insert in lieu thereof the words "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

S. AGNES YOUNG.

The next business was the bill (H. R. 11112) granting a pension to S. Agnes Young.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of S. Agnes Young, widow of Thomas L. Young, late lieutenant-colonel of the One hundred and eighteenth Ohio Volunteer Infantry, and pay her a pension of \$40 a month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. Agnes Young, widow of Thomas L. Young, late lieutenant-colonel, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension of \$30 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to S. Agnes Young."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT STEWART.

The next business was the bill (H. R. 9658) granting an increase of pension to Robert Stewart.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Stewart, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "five" and insert in lieu thereof the word "four."

In line 9 strike out the word "new" and insert in lieu thereof the word "now."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM KELLEY.

The next business on the Private Calendar was the bill (H. R. 9883) granting an increase of pension to William Kelley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kelley, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLOTTE E. BAIRD.

The next business on the Private Calendar was the bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charlotte E. Baird, widow of George Baird, late first lieutenant Company K, Fourth Minnesota Infantry Volunteers, and to pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte E. Baird, widow of George Baird, late first lieutenant Company K, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH P. O'BRIEN.

The next business on the Private Calendar was the bill (H. R. 1292) for the relief of J. P. O'Brien.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. P. O'Brien, late private, Battery F, First United States Artillery, 1878, and hospital steward in 1865, and landsman on board U. S. S. *Kansas*, 1872, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "of Joseph P. O'Brien, late hospital steward, United States Army, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Joseph P. O'Brien."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES BROWN.

The next business on the Private Calendar was the bill (H. R. 11890) granting an increase of pension to James Brown.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Brown, late of Company —, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, after the word "Company," insert the letter "D."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMSLEY KINSAULS.

The next business on the Private Calendar was the bill (H. R. 4238) granting a pension to Emsley Kinsauls.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emsley Kinsauls, late a private of Company E, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 a month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "a private."

In line 8 strike out the letter "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH A. BURRILL.

The next business on the Private Calendar was the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Burrill, widow of Orrin A. Burrill, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LOUISA M. MACFARLANE.

The next business on the Private Calendar was the bill (H. R. 8003) granting an increase of pension to Louisa M. MacFarlane.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa M. MacFarlane, widow of Michael B. MacFarlane, late of Battery B, Fifth Regiment United States Artillery, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "MacFarlane" and insert in lieu thereof the word "Macfarlane."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

Amend title so as to read: "A bill granting an increase of pension to Louisa M. Macfarlane."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALTER C. TUTTLE.

The next business on the Private Calendar was the bill (H. R. 12012) granting an increase of pension to Walter C. Tuttle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter C. Tuttle, late first

sergeant of Company F, Fourth Illinois Volunteer Cavalry, and to pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "first sergeant."

In same line, after the word "Fourth," insert the word "Regiment."

In line 7 strike out the word "to."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

M. C. ROGERS.

The next business on the Private Calendar was the bill (H. R. 12697) granting a pension to M. C. Rogers.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of M. C. Rogers, and grant him a pension at the rate of — dollars per month for services rendered to the Federal Army and for wounds received in said service during the civil war.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. C. Rogers, late a guide, United States Volunteers, and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RUTH BARTLETT.

The next business on the Private Calendar was the bill (H. R. 12395) granting a pension to Ruth Bartlett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ruth Bartlett, daughter of Sylvanus Bartlett, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 a month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth Bartlett, the dependent and helpless daughter of Sylvanus Bartlett, late first lieutenant Company H, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. BROWN.

The next business on the Private Calendar was the bill (H. R. 12774) granting an increase of pension to John M. Brown.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Brown, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and Company C, First Massachusetts Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "Massachusetts," insert the word "Regiment." In same line, after the word "Massachusetts," insert the word "Volunteer."

In line 9 strike out the word "fifty" and insert the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HANNAH C. CHASE.

The next business on the Private Calendar was the bill (H. R. 8341) granting a pension to Hannah C. Chase.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. Chase, widow of the late Rev. William T. Chase, late chaplain Eighty-first Colored Volunteer Infantry, and pay her a pension at the rate of — per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Hannah C. Chase, widow of William T. Chase, late chaplain Eighty-first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. SEYDEL.

The next business on the Private Calendar was the bill (H. R. 5695) granting an increase of pension to John M. Seydel.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, directed to place on the pension roll the name of John M. Seydel, late a private in Company G, Forty-seventh Regiment of Iowa Infantry, at the rate of \$30 per month, said pension to be in lieu of the one he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Seydel, late of Company G, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW RAY.

The next business on the Private Calendar was the bill (H. R. 6721) granting an increase of pension to Andrew Ray.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Ray, late of Company F, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the word "Twenty" and insert in lieu thereof the word "Ninety."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES L. ACKLEY.

The next business on the Private Calendar was the bill (H. R. 9290) granting a pension to Francis L. Ackley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis L. Ackley, widow of Charles Ackley, late acting master in the United States Navy, and pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Frances L. Ackley, late a nurse in the Medical Department, United States Navy, and pay her a pension at the rate of \$30 per month."

Amend the title so as to read: "A bill granting a pension to Frances L. Ackley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY I. SMITH.

The next business on the Private Calendar was the bill (H. R. 8794) granting a pension to Henry I. Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Henry I. Smith, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$72 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Henry I. Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. NELSON.

The next business on the Private Calendar was the bill (S. 4304) granting a pension to John S. Nelson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Nelson, late wagon master, Second Regiment New Hampshire Volunteer Infantry, and Hooker's Division, United States Army, and pay him a pension at the rate of \$15 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA A. GREENLEAF.

The next business on the Private Calendar was the bill (S. 4413) granting an increase of pension to Martha A. Greenleaf.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Greenleaf, widow of Richard O. Greenleaf, late captain Company E, First Regiment New Hampshire Volunteer Infantry, and Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES LEHEW.

The next business on the Private Calendar was the bill (S. 2006) granting an increase of pension to James Lelew.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Lelew, late of Company A, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JULIUS W. CLARK.

The next business on the Private Calendar was the bill (S. 1289) granting an increase of pension to Julius W. Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius W. Clark, late captain of Company F, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NADINE A. TURCHIN.

The next business on the Private Calendar was the bill (S. 3518) granting a pension to Nadine A. Turchin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nadine A. Turchin, widow of John B. Turchin, late colonel Nineteenth Regiment Illinois Volunteer Infantry and brigadier-general United States Volunteers, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MYRA W. ROBINSON.

The next business on the Private Calendar was the bill (S. 4486) granting an increase of pension to Myra W. Robinson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myra W. Robinson, widow of Samuel C. Robinson, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUGUSTUS E. HODGES.

The next business on the Private Calendar was the bill (H. R. 1685) granting an increase of pension to Augustus E. Hodges.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus E. Hodges, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES EDWARD PRICE LANCE, ALIAS EDWARD PRICE.

The next business on the Private Calendar was the bill (H. R. 5551) granting an increase of pension to Charles Edward Price Lance.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Edward Price Lance, alias Edward Price, late of Company E, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.



The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "five" and insert in lieu thereof the word "four."

Amend the title so as to read: "A bill granting an increase of pension to Charles Edward Price Lance, alias Edward Price."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT G. SCROGGS.

The next business on the Private Calendar was the bill (H. R. 6890) granting an increase of pension to Robert G. Scroggs.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert G. Scroggs, late assistant surgeon of the One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of the \$12 per month he is now drawing.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Robert G. Scroggs, late assistant surgeon, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET M. GRANT.

The next business on the Private Calendar was the bill (H. R. 7994) granting an increase of pension to Margaret M. Grant.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret M. Grant, widow of Marcus Grant, late major First Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 before the word "Michigan" insert the word "Regiment."

In the same line strike out the word "Infantry" and insert in lieu thereof the words "Engineers and Mechanics."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY W. GASKILL.

The next business on the Private Calendar was the bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby authorized and directed to place on the pension roll the name of Henry W. Gaskill, late lieutenant, Company K, Twelfth New Jersey Volunteer Infantry, and pay him a pension of \$50 per month from any date after the passage of this act. He is now on pension roll at \$8 per month, invalid certificate No. 206449, act June 27, 1890.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Gaskill, late first lieutenant Company K, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOLOMON P. BROCKWAY.

The next business on the Private Calendar was the bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, the name of Solomon P. Brockway, late major Ninth Michigan Volunteer Cavalry, at the rate of \$50 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon P. Brockway, late major Ninth Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MARBLE.

The next business on the Private Calendar was the bill (H. R. 3519) granting an increase of pension to John Marble.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Marble, United States Navy, and pay him a pension at the rate of \$72 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of John Marble, late of the U. S. S. *Ohio*, *Cohasset*, and *Ceres*, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. FREEMAN.

The next business on the Private Calendar was the bill (S. 1967) granting an increase of pension to Andrew J. Freeman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Freeman, late of Company F, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. PETTIT.

The next business on the Private Calendar was the bill (H. R. 11314) granting an increase of pension to Mary E. Pettit.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Pettit, widow of Capt. Gilbert B. Pettit, late of Company F, One hundred and twentieth New York Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The following amendment was recommended by the committee:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Mary E. Pettit, widow of Gilbert B. Pettit, late first lieutenant Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS WILKINSON.

The next business on the Private Calendar was the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of Thomas Wilkinson, late of Company G, First Regiment Massachusetts Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The following amendment was recommended by the committee:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Wilkinson, late of Company G, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

OSCAR W. LOWERY.

The next business on the Private Calendar was the bill (H. R. 5870) granting an increase of pension to Oscar W. Lowrey.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar W. Lowrey, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

With the following committee amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar W. Lowrey, late of Company D, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Oscar W. Lowrey."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

NEIL GILLESPIE.

The next business on the Private Calendar was the bill (H. R. 7512) granting an increase of pension to Neil Gillespie.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Neil Gillespy, late of Company I, Forty-fourth Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

With the following committee amendment:

In line 6, before the word "Wisconsin," insert the word "Regiment."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN GLENN.

The next business on the Private Calendar was the bill (H. R. 4184) to increase the pension of John Glenn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed and authorized to increase the pension of John Glenn, late corporal, Company C, One hundredth Pennsylvania Volunteers, and pay him a pension of \$50 per month in lieu of the pension he now receives.

With the following committee amendments:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Glenn, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Glenn."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY HOLMES.

The next business on the Private Calendar was the bill (H. R. 7678) granting a pension to Mary Holmes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Holmes, widow of John O. Holmes, late of Company F, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

HARMAN SCRAMLIN.

The next business on the Private Calendar was the bill (H. R. 6871) granting an increase of pension to Harman Scramlin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harman Scramlin, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

With the following committee amendment:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Mr. MIERS of Indiana. Mr. Chairman, the committee desires that the committee amendment be voted down. This was an old soldier, and he was fourteen months in the Andersonville prison. He ought to have \$30 instead of \$24.

The question was taken; and the amendment was disagreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZA B. GAMBLE.

The next business on the Private Calendar was the bill (S. 965) granting a pension to Eliza B. Gamble.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza B. Gamble, widow of David C. Gamble, late captain Company E, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

With the following amendment recommended by the committee:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza B. Gamble, widow of David C. Gamble, late captain Company E, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month."

The amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY C. TRASK.

The next business on the Private Calendar was the bill (H. R. 5150) granting a pension to Mary C. Trask.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Trask, widow of Amos B. Trask, late of Company G, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The following amendment was recommended by the committee: In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

SANDERS R. SEAMONDS.

The next business on the Private Calendar was the bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanders R. Seamonds, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$90 per month in lieu of that he is now receiving.

With the following committee amendment:

In line 8 strike out the word "sixty" and insert in lieu thereof the words "thirty-six."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

DANIEL SIMS.

The next business was the bill (H. R. 4426) granting a pension to Daniel Sims.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sims, of California, Washington County, Pa., late a member of Independent Battery E, Pennsylvania Volunteer Heavy Artillery, war of the rebellion, from and after the passage of this act, at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sims, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Daniel Sims."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES F. COLES.

The next business was the bill (H. R. 5961) granting a pension to Charles F. Coles.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Coles, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER T. NORRIS.

The next business was the bill (H. R. 9366) granting a pension to Peter T. Norris.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the rolls of the Pension Office the name of Peter T. Norris, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, subject to the limitations and restrictions of the pension laws, and pay him a pension of \$24 per month from and after the date of the passage of this act.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter T. Norris, late of Company C, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to Peter T. Norris."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RACHEL BROWN.

The next business was the bill (H. R. 954) granting an increase of pension to Rachel Brown.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws, the name of Rachel Brown, widow of James Brown, late



a major of the Seventieth Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Brown, widow of James Brown, late major Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JUSTUS CANFIELD.

The next business was the bill (H. R. 636) granting a pension to Justus Canfield.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justus Canfield, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 a month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "a" and insert in lieu thereof the word "per."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH E. MERRITT.

The next business was the bill (H. R. 1422) granting a pension to Mrs. C. M. Merritt.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. C. M. Merritt, widow of C. M. Merritt, late a captain in Company A, Eighth Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$— per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Sarah E. Merritt, widow of Charles M. Merritt, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Sarah E. Merritt."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES S. PERRY.

The next business was the bill (H. R. 3486) to grant a pension to James S. Peery.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James S. Peery, of Aspinwall, Lewis County, W. Va., late a sergeant of Company C, Third West Virginia Volunteer Cavalry, on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$25 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Perry, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James S. Perry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS MILSTED.

The next business was the bill (H. R. 1811) granting an increase of pension to Thomas Milsted.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Milsted, late of Company F, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA J. THOMAS.

The next business was the bill (S. 3213) granting a pension to Anna J. Thomas.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna J. Thomas, widow of

Zachariah E. Thomas, late of Company A, First Regiment Iowa Volunteer Cavalry, and second lieutenant Company E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$15 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LAWSON WILLIAMS.

The next business was the bill (H. R. 3755) granting a pension to Lawson Williams.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawson Williams, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Lawson Williams, late of Company B, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lawson Williams."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA J. NOBLE.

The next business was the bill (H. R. 2994) granting a pension to Eliza J. Noble.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eliza J. Noble, widow of James D. Noble, late surgeon of the Fifty-first Regiment Pennsylvania Volunteer Infantry, and assistant surgeon, United States Navy, on the pension roll of the United States of America, at the rate of \$17 per month, subject to the rules and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Noble, widow of James D. Noble, late assistant surgeon, Fifty-first Regiment Pennsylvania Volunteer Infantry, and acting assistant surgeon, United States Navy, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Eliza J. Noble."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISADORA F. MAXFIELD.

The next business on the Private Calendar was the bill (H. R. 3868) granting an increase of pension to Isadora F. Maxfield.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isadora F. Maxfield, widow of Wesley Maxfield, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES B. HASHBARGER.

The next business on the Private Calendar was the bill (H. R. 12504) granting a pension to J. B. Hashbarger.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. B. Hashbarger, totally helpless son of Zachary Hashbarger, late private, Company K, First Tennessee Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of James B. Hashbarger, the dependent and helpless son of Zachariah S. Hashbarger, late of Company K, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to James B. Hashbarger."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JESSE M. PECK.

The next business on the Private Calendar was the bill (H. R. 12409) granting an increase of pension to J. M. Peck.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. M. Peck, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that which he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the letter "J" and insert in lieu thereof the word "Jesse."

In line 8 strike out the word "which."

Amend the title so as to read: "A bill granting an increase of pension to Jesse M. Peck."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. EVELAND.

The next business on the Private Calendar was the bill (H. R. 12408) granting an increase of pension to John A. Eveland.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Eveland, late of Company G, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN WALKER.

The next business on the Private Calendar was the bill (H. R. 12312) granting a pension to Susan Walker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Walker, widow of the late James H. Chrysler, who was a member of Company B, Fourteenth Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$24 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Walker, the former widow of James H. Chrysler, late of Company B, Fourteenth Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RANSOM SIMMONS.

The next business on the Private Calendar was the bill (H. R. 12549) granting an increase of pension to Ransom Simmons.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ransom Simmons, late of Company K, First Michigan Light Artillery, on the pension roll at the rate of \$30 per month in lieu of the amount he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom Simmons, late of Company K, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HUGH M'GUCKIN.

The next business on the Private Calendar was the bill (H. R. 11534) for the relief of Hugh McGuckin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, the name of Hugh McGuckin, formerly of Company G, Ninety-fourth New York Volunteer Infantry, at the rate of \$8 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh McGuckin, late of Company G, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$8 per month and such increase of pension as he may hereafter show himself to be entitled to under the present pension laws, notwithstanding the provisions of section 4716, Revised Statutes."

Amend the title so as to read: "A bill granting a pension to Hugh McGuckin."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATE H. CLEMENTS.

The next business on the Private Calendar was the bill (S. 1942) granting an increase of pension to Kate H. Clements.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate H. Clements, widow of Alexander H. Clements, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ARTHUR H. PERKINS.

The next business on the Private Calendar was the bill (H. R. 3292) granting an increase of pension to Arthur H. Perkins.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur H. Perkins, late of Company I, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 6 strike out the word "of" and insert the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

COLMORE L. NEWMAN.

The next business on the Private Calendar was the bill (H. R. 9219) granting an increase of pension to C. L. Newman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Colmore L. Newman, late of Company G, First Regiment United States Voltigeur Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Colmore L. Newman."

In line 6 change "Colmore" to "Colmose;" and in line 7 change "Voltigeur Infantry" to "Voltigeurs, war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES E. SCOTT.

The next business on the Private Calendar was the bill (H. R. 10710) granting an increase of pension to Mrs. Frances E. Scott.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to place the name of Frances E. Scott, widow of Charles H. Scott, deceased, late a private of Company H, Thirteenth Regiment United States Volunteers, in the Mexican war, upon the pension roll, and pay her a pension of \$18 per month in lieu of any pension that may now be paid her.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Frances E. Scott."

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Scott, widow of Charles H. Scott, late of Company H, Thirteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM P. FEATHERSTONE.

The next business on the Private Calendar was the bill (H. R. 9952) granting a pension to William P. Featherstone, of Owen County, Ky.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Featherstone, late of Company F, First United States Mounted Rifles.

The amendments recommended by the committee were read, as follows:

Strike out of the title the words "of Owen County, Ky."

In line 6, after the word "First," insert "Regiment," and add to the end of the bill the words "and pay him a pension at the rate of \$12 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HELEN F. LASHER.

The next business on the Private Calendar was the bill (H. R. 9777) for the relief of Helen F. Lasher.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Helen F. Lasher, widow of O. E. Lasher, late senior lieutenant of U. S. S. *Bennington* during the civil war, and pay her a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen F. Lasher, widow of Orin E. Lasher, late lieutenant, United States Navy, and pay her a pension at the rate of \$25 per month, and \$2 per month additional on account of each of the minor children of said Orin E. Lasher, until they reach the age of 16 years."

Amend the title so as to read: "A bill granting a pension to Helen F. Lasher."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ESTHER A. C. HARDEE.

The next business on the Private Calendar was the bill (H. R. 6699) granting an increase of pension to Esther A. C. Hardee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Esther A. C. Hardee, widow of Lucius A. Hardee, late a colonel in the Florida Seminole Indian war of 1857 and 1858, to the sum of \$30 per month, so that her entire pension aforesaid may be rated at \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the word "directed," in line 4, and substitute therefor the following: "To place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther A. C. Hardee, widow of Lucius A. Hardee, late captain, First Regiment Florida Volunteer Mounted Infantry, Seminole Indian war, and pay her a pension at the rate of \$20 per month."

Amend the title so as to read: "A bill granting a pension to Esther A. C. Hardee."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC PHIPPS.

The next business on the Private Calendar was the bill (H. R. 11168) granting an increase of pension to Isaac Phipps.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Phipps, late of Gregg's Tennessee Volunteers, Indian war, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "late of Gregg's Tennessee Volunteers, Indian war," and insert "late of Captain Gregg's company, Tennessee Volunteers, Cherokee Indian disturbances."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IDA D. GREENE.

The next business on the Private Calendar was the bill (H. R. 9018) granting a pension to Ida M. Green.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Green, widow of Frederick E. Green, late lieutenant-commander, United States Navy, and pay her a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change "Ida M. Green" to "Ida D. Greene;" and in the same line change "Frederick E. Green" to "Francis E. Greene."

In line 8 strike out "fifty" and insert "thirty."

Add to the end of the bill the words "and \$2 per month additional on account of each of the minor children of said Francis E. Greene until they reach the age of 16 years."

Amend the title so as to read: "A bill granting a pension to Ida D. Greene."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATHARINE RAINS PAUL.

The next business on the Private Calendar was the bill (H. R. 11249) granting a pension to Katharine Rains Paul.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Rains Paul, widow of Charles Rodman Paul, colonel Thirtieth Infantry, United States Army, and to pay her a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Katharine Rains Paul."

Strike out all in the bill after the sixth line and substitute therefor the following: "late lieutenant-colonel, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK MORAN.

The next business on the Private Calendar was the bill (H. R. 1012) granting an increase of pension to Patrick Moran.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Moran, late of Company M, Third Regiment United States Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Patrick Moran."

In line 8 strike out the word "fifty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ERWIN A. BURKE, ALIAS BURT A. ERWIN.

The next business on the Private Calendar was the bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erwin A. Burke, who enlisted under the name of B. A. Erwin, late of the United States Navy, and pay him a pension at the rate of \$50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "Erwin A. Burke," in line 6, and substitute therefor the following: "alias Burt A. Erwin, late ordinary seaman, United States Navy, war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH CULBREATH.

The next business on the Private Calendar was the bill (H. R. 12490) granting an increase of pension to Joseph Culbreath, late second lieutenant Company L, Palmetto Regiment South Carolina Volunteers, in war with Mexico.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Culbreath, late second lieutenant Company L, Palmetto Regiment South Carolina Volunteers, in war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "in."

Amend the title so as to read: "A bill granting an increase of pension to Joseph Culbreath."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. HELPHINSTINE.

The next business on the Private Calendar was the bill (H. R. 12028) granting an increase of pension to Henry C. Helphinstine, a veteran of the Mexican war.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Helphinstine, late of Company B, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 insert the words "war with Mexico;" and in line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM E. GRAY.

The next business on the Private Calendar was the bill (H. R. 12101) granting a pension to William E. Gray.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Gray, late of Company M, First Regiment Georgia Volunteer Infantry.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "Infantry," in line 7.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM G. GRAY.

The next business on the Private Calendar was the bill (H. R. 11550) granting an increase of pension to William G. Gray, of Burnsville, Miss., a veteran of the Indian war.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Gray, of Burnsville, Miss., a veteran of the Indian war, and now receiving a pension of \$8 per month under certificate No. 1500, dated July 27, 1892, and pay him \$20 per month in lieu of the said sum which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out after the word "Gray," in line 6, and insert: "late of Captain Daniels's company, Georgia Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES GURLEY ELDERKIN.

The next business on the Private Calendar was the bill (S. 8743) granting an increase of pension to Frances Gurley Elderkin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances Gurley Elderkin, widow of William Anthony Elderkin, late colonel and assistant commissary-general of subsistence United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "forty" and insert "thirty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC M. PANGLE.

Mr. SULLOWAY. Mr. Chairman, I desire to return to Calendar No. 824, page 23 of the Calendar. It is the bill (H. R. 9717) granting a pension to Isaac M. Pangle. The spelling should be "Pangle." I desire to amend the body of the bill and the title.

The CHAIRMAN. Without objection, the correction of the spelling of the name will be made. [After a pause.] The Chair hears no objection.

Mr. SULLOWAY. I now move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills on the Private Calendar, and had reported the same back, some with amendment and some without amendment, with the recommendation that the bills without amendment, and those with amendment as amended, do pass.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes. And I desire to give notice that I will call it up for consideration on Monday next.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, and by direction of the committee, reports the sundry civil appropriation bill, and at the same time gives notice that he will call the same up for consideration on Monday next.

Mr. LLOYD. Mr. Speaker, I want to reserve all points of order upon the bill.

The SPEAKER. The gentleman from Missouri reserves all points of order on the bill. The bill will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

#### PENSION BILLS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 3379. A bill to correct the military record of Calvin A. Rice;

H. R. 3442. A bill to correct the record of John O'Brien;

H. R. 9415. A bill granting an increase of pension to James Matthews;

H. R. 11578. A bill granting an increase of pension to John Gaston;

H. R. 4622. A bill granting a pension to Frank W. Lynn;

H. R. 1046. A bill granting an increase of pension to John J. Martin;

H. R. 7116. A bill granting an increase of pension to Alexander F. McConnell;

H. R. 7142. A bill granting an increase of pension to Alonzo Lewis;

H. R. 12054. A bill granting a pension to Elizabeth A. Burrill;

H. R. 7678. A bill granting a pension to Mary Holmes;

H. R. 6871. A bill granting an increase of pension to Harman Scramlin;

H. R. 1811. A bill granting an increase of pension to Thomas Milsted; and

H. R. 3868. A bill granting an increase of pension to Isadora F. Maxfield.

The following House bills with amendments favorably reported from the Committee of the Whole were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, and they were accordingly read the third time, and passed:

H. R. 2901. A bill to remove the charge of desertion from the military record of Abram Williams;

H. R. 10095. A bill for the relief of Levi L. Reed;

H. R. 1423. A bill granting an increase of pension to Asa T. Tarbox;

H. R. 3733. A bill granting an increase of pension to Israel Haller;

H. R. 5883. A bill granting a pension to Martha A. Hollingshead (title amended);

H. R. 11782. A bill granting an increase of pension to Allen Hockenberry (title amended);

H. R. 11916. A bill granting an increase of pension to Andrew B. Spurling;

H. R. 12115. A bill granting a pension to Chester E. Wadsworth;

H. R. 12145. A bill granting an increase of pension to Caleb W. Story;

H. R. 8106. A bill granting a pension to Daniel J. Mahoney (title amended);

H. R. 6021. A bill granting a pension to William Kaste;

H. R. 4542. A bill granting a pension to Eliza J. West;

H. R. 10951. A bill granting a pension to Pauline M. Roberts (title amended);

H. R. 11117. A bill granting a pension to William T. Hamilton, of Wheeling, Ohio County, W. Va. (title amended);

H. R. 6412. A bill for the relief of Carl Jordan and restoration to pension roll;

H. R. 6205. A bill granting an increase of pension to Richmond M. Curtis from \$12 to \$30 per month (title amended);

H. R. 5600. A bill granting an increase of pension to John G. Sanders;

H. R. 9654. A bill granting a pension to John S. James;

H. R. 3899. A bill granting an increase of pension to Thomas B. Wilson;

H. R. 10494. A bill granting an increase of pension to Jonathan H. Slocum;

H. R. 7766. A bill granting an increase of pension to John Huffman;

H. R. 5711. A bill granting an increase of pension to James R. Brockett (title amended);

H. R. 7986. A bill granting a pension to Clara C. Hawks;

H. R. 11271. A bill granting a pension to Louisa Gregg;

H. R. 1709. A bill granting an increase of pension to Edwin J. Godfrey;

H. R. 2316. A bill to correct the military record of Albert Baker;

H. R. 1453. A bill granting an increase of pension to Thomas Kirwan;

H. R. 2286. A bill granting a pension to Mary E. Poole (title amended);

H. R. 4103. A bill granting a pension to William C. Hickox;

H. R. 7560. A bill granting a pension to George W. Butler (title amended);

H. R. 3653. A bill granting a pension to James W. Poor (title amended);

H. R. 6636. A bill granting an increase of pension to Elbridge Franklin;

H. R. 7109. A bill granting an increase of pension to Stanton L. Brabham;

H. R. 6823. A bill granting a pension to Allen W. Merrill (title amended);

H. R. 8009. A bill granting a pension to Sarah B. Clingerman;

H. R. 8134. A bill granting a pension to James H. Dunn (title amended);

H. R. 9140. A bill granting an increase of pension to Mary Ann E. Sperry;



H. R. 9656. A bill granting a pension to Lunsford Y. Bailey, of Monmouth, Oreg. (title amended);  
 H. R. 9717. A bill granting a pension to Isaac M. Pangle (title amended);  
 H. R. 10122. A bill granting a pension to John S. Burket, of Blakeman, Kans. (title amended);  
 H. R. 10114. A bill granting an increase of pension to Charles H. Furgerson (title amended);  
 H. R. 10179. A bill granting an increase of pension to Theron R. Mack;  
 H. R. 10230. A bill granting an increase of pension to H. C. Vore (title amended);  
 H. R. 10255. A bill granting a pension to Margaret Bartlett Tisdale (title amended);  
 H. R. 10925. A bill granting an increase of pension to William Paul;  
 H. R. 11075. A bill granting an increase of pension to A. J. Hart (title amended);  
 H. R. 11493. A bill granting a pension to Mary A. Lipps;  
 H. R. 11976. A bill granting a pension to Lucy M. Ferman, who served as a matron and nurse in military hospitals during civil war (title amended);  
 H. R. 12116. A bill granting a pension to W. A. Hopper (title amended);  
 H. R. 6441. A bill granting an increase of pension to William H. Wood;  
 H. R. 4183. A bill granting a pension to Gottlieb Kafer (title amended);  
 H. R. 12275. A bill granting a pension to Amelia A. Russell;  
 H. R. 5328. A bill granting an increase of pension to S. Bortle (title amended);  
 H. R. 12284. A bill granting an increase of pension to George W. Shaw;  
 H. R. 12550. A bill granting an increase of pension to James E. Horton;  
 H. R. 2599. A bill granting an increase of pension to John Hall, of Bradley County, Tenn. (title amended);  
 H. R. 10496. A bill granting a pension to James T. Steele;  
 H. R. 9308. A bill granting an increase of pension to Edwin P. Johnson;  
 H. R. 5560. A bill granting a pension to Annie L. Evens (title amended);  
 H. R. 1486. A bill granting an increase of pension to Charles A. Perkins;  
 H. R. 9592. A bill granting a pension to Emily Briggs;  
 H. R. 10010. A bill granting a pension to Mina Weirauch;  
 H. R. 9187. A bill granting an increase of pension to Caroline A. Hammond (title amended);  
 H. R. 11737. A bill granting a pension to Irena Hill (title amended);  
 H. R. 11924. A bill granting an increase of pension to Lewis H. Delong (title amended);  
 H. R. 12356. A bill granting a pension to Washington Ojers;  
 H. R. 12418. A bill granting a pension to Matilda E. Clarke;  
 H. R. 9847. A bill granting an increase of pension to Zachariah R. Sanders (title amended);  
 H. R. 10090. A bill granting an increase of pension to James F. P. Johnson (title amended);  
 H. R. 10173. A bill granting an increase of pension to Richard Trist, late of Company A, First Wisconsin Volunteer Infantry (title amended);  
 H. R. 11638. A bill granting an increase of pension to Samuel Hyman;  
 H. R. 11894. A bill granting a pension to Hannah A. Timmons;  
 H. R. 11798. A bill granting an increase of pension to Ole Oleson;  
 H. R. 6645. A bill granting an increase of pension to Ann E. Austin;  
 H. R. 12129. A bill granting a pension to Minnie M. Rice;  
 H. R. 2857. A bill granting an increase of pension to Frances J. Haughton (title amended);  
 H. R. 8721. A bill granting an increase of pension to Joseph Westbrook;  
 H. R. 9370. A bill granting a pension to John J. Wolfe (title amended);  
 H. R. 5170. A bill granting a pension to Frederick Wright (title amended);  
 H. R. 9458. A bill granting an increase of pension to Adolph Becker;  
 H. R. 9378. A bill granting a pension to Clara B. Townsend;  
 H. R. 10782. A bill granting a pension to Ole Steensland;  
 H. R. 11496. A bill granting a pension to Henry S. Foster;  
 H. R. 11662. A bill granting an increase of pension to Albion P. Stiles;  
 H. R. 1455. A bill granting an increase of pension to Aaron S. Gatliff;

H. R. 5111. A bill granting a pension to James G. Bowland (title amended);  
 H. R. 8355. A bill granting a pension to Robert C. Ballard;  
 H. R. 7982. A bill granting an increase of pension to William T. Peterson;  
 H. R. 11112. A bill granting a pension to S. Agnes Young (title amended);  
 H. R. 9658. A bill granting an increase of pension to Robert Stewart;  
 H. R. 9883. A bill granting an increase of pension to William Kelley;  
 H. R. 10679. A bill granting an increase of pension to Charlotte E. Baird;  
 H. R. 1292. A bill for the relief of J. P. O'Brien (title amended);  
 H. R. 11890. A bill granting an increase of pension to James Brown;  
 H. R. 4238. A bill granting a pension to Emsley Kinsauls;  
 H. R. 8003. A bill granting an increase of pension to Louisa M. McFarlane (title amended);  
 H. R. 12012. A bill granting an increase of pension to Walter C. Tuttle;  
 H. R. 12697. A bill granting a pension to M. C. Rogers;  
 H. R. 12395. A bill granting a pension to Ruth Bartlett;  
 H. R. 12774. A bill granting an increase of pension to John M. Brown;  
 H. R. 8341. A bill granting a pension to Hannah C. Chase;  
 H. R. 5695. A bill granting an increase of pension to John M. Seydel;  
 H. R. 6721. A bill granting an increase of pension to Andrew Ray;  
 H. R. 9290. A bill granting a pension to Francis L. Ackley (title amended);  
 H. R. 8794. A bill granting a pension to Henry I. Smith (title amended);  
 H. R. 1685. A bill granting an increase of pension to Augustus E. Hodges;  
 H. R. 5551. A bill granting an increase of pension to Charles Edward Price Lance (title amended);  
 H. R. 6890. A bill granting an increase of pension to Robert G. Scroggs;  
 H. R. 7994. A bill granting an increase of pension to Margaret M. Grant;  
 H. R. 11180. A bill granting an increase of pension to Henry W. Gaskill;  
 H. R. 10545. A bill granting an increase of pension to Solomon P. Brockway;  
 H. R. 3519. A bill granting an increase of pension to John Marble;  
 H. R. 11314. A bill granting an increase of pension to Mary E. Pettit;  
 H. R. 5453. A bill granting an increase of pension to Thomas Wilkinson;  
 H. R. 5870. A bill granting an increase of pension to Oscar W. Lowrey (title amended);  
 H. R. 7512. A bill granting an increase of pension to Neil Gillespy;  
 H. R. 4184. A bill granting an increase of pension to John Glenn (title amended);  
 H. R. 5150. A bill granting a pension to Mary C. Trask;  
 H. R. 4261. A bill granting an increase of pension to Sanders R. Seamonds;  
 H. R. 4426. A bill granting a pension to Daniel Sims (title amended);  
 H. R. 5961. A bill granting an increase of pension to Charles F. Coles;  
 H. R. 9366. A bill for the relief of Peter T. Norris (title amended);  
 H. R. 954. A bill granting an increase of pension to Rachel Brown;  
 H. R. 639. A bill granting an increase of pension to Justus Canfield;  
 H. R. 1422. A bill granting a pension to Mrs. C. M. Merritt (title amended);  
 H. R. 3486. A bill granting a pension to James S. Peery (title amended);  
 H. R. 3755. A bill granting a pension to Lawson Williams (title amended);  
 H. R. 2994. A bill granting a pension to Eliza J. Noble (title amended);  
 H. R. 12504. A bill granting a pension to J. B. Hashbarger (title amended);  
 H. R. 12409. A bill granting an increase of pension to J. M. Peck (title amended);  
 H. R. 12408. A bill granting an increase of pension to John A. Eveland;  
 H. R. 12312. A bill granting a pension to Susan Walker;

H. R. 12549. A bill granting an increase of pension to Ransom Simmons;

H. R. 11534. A bill for the relief of Hugh McGuckin (title amended);

H. R. 3292. A bill granting an increase of pension to Arthur H. Perkins;

H. R. 9219. A bill granting an increase of pension to C. L. Newman (title amended);

H. R. 10710. A bill granting an increase of pension to Mrs. Frances E. Scott, Jemison, Ala. (title amended);

H. R. 9952. A bill granting a pension to William P. Featherstone, of Owen County, Ky. (title amended);

H. R. 9777. A bill for the relief of Helen F. Lasher (title amended);

H. R. 6699. A bill granting an increase of pension to Esther A. C. Hardee (title amended);

H. R. 11168. A bill granting an increase of pension to Isaac Phipps;

H. R. 9018. A bill granting a pension to Ida M. Green (title amended);

H. R. 11249. A bill granting a pension to Katharine Rains Paul (title amended);

H. R. 1012. A bill granting an increase of pension to Patrick Moran (title amended);

H. R. 12552. A bill granting a pension to Erwin A. Burke, alias B. A. Erwin;

H. R. 12490. A bill granting an increase of pension to Joseph Culbreath, late second lieutenant Company L, Palmetto Regiment South Carolina Volunteers, in war with Mexico (title amended);

H. R. 12028. A bill granting an increase of pension to Henry C. Helphinstine, a veteran of the Mexican war (title amended);

H. R. 12101. A bill granting a pension to William E. Gray; and

H. R. 11550. A bill granting an increase of pension to William G. Gray, of Burnsville, Miss., a veteran of the Indian war (title amended).

The following Senate bills without amendment, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read the third time, and passed:

S. 4214. An act granting an increase of pension to John McDonald;

S. 3650. An act granting a pension to Sarah A. Carter;

S. 3216. An act granting an increase of pension to Henry M. Taylor;

S. 1630. An act granting an increase of pension to Ella R. Graham;

S. 3481. An act granting an increase of pension to James E. Dexter;

S. 2768. An act granting an increase of pension to John G. Hutchinson;

S. 2262. An act granting an increase of pension to George Farne;

S. 2398. An act granting an increase of pension to George W. Myers;

S. 3299. An act granting an increase of pension to Isaiah Tufford;

S. 4095. An act granting an increase of pension to Charles C. Dudley;

S. 2625. An act granting an increase of pension to Carlin Hamlin;

S. 2938. An act granting an increase of pension to Margaret Dunn;

S. 1264. An act granting an increase of pension to Torgus Haraldson;

S. 880. An act granting an increase of pension to Emory S. Foster;

S. 1979. An act granting an increase of pension to Samuel M. Howard;

S. 2505. An act granting an increase of pension to John Barnard;

S. 4021. An act granting a pension to Sarah Frances Taft;

S. 4086. An act granting an increase of pension to Charles W. Foster;

S. 4346. An act granting a pension to Augusta Turner;

S. 3514. An act granting an increase of pension to Leander Parmelee;

S. 1872. An act granting an increase of pension to Abbie George;

S. 1095. An act granting an increase of pension to Mary Morgan;

S. 1039. An act granting an increase of pension to Nathaniel C. Goodwin;

S. 13. An act granting an increase of pension to George Daniels;

S. 6. An act granting an increase of pension to Charles H. Stone;

S. 2287. An act granting an increase of pension to Georgie Josephine Walcott;

S. 3577. An act granting an increase of pension to Mary V. Walker;

S. 3187. An act granting an increase of pension to Leroy S. Smith;

S. 3660. An act granting a pension to Mary Sweeney;

S. 3910. An act granting an increase of pension to Robert S. Woodbury;

S. 2379. An act granting an increase of pension to George H. Evans;

S. 1924. An act granting an increase of pension to Thomas Fennan;

S. 2046. An act granting an increase of pension to Thomas E. Sauls;

S. 1982. An act granting an increase of pension to Eugene J. Oulman;

S. 3696. An act granting an increase of pension to Edward H. Armstrong;

S. 1681. An act granting an increase of pension to Maria Louisa Michie;

S. 3072. An act granting a pension to Oliver Gisborne;

S. 4304. An act granting a pension to John S. Nelson;

S. 4413. An act granting an increase of pension to Martha A. Greenleaf;

S. 2006. An act granting an increase of pension to James Lelew;

S. 1289. An act granting an increase of pension to Julius W. Clark;

S. 3518. An act granting a pension to Nadine A. Turchin;

S. 4486. An act granting an increase of pension to Myra W. Robinson;

S. 1967. An act granting an increase of pension to Andrew J. Freeman;

S. 965. An act granting a pension to Eliza B. Gamble;

S. 3213. An act granting a pension to Anna J. Thomas; and

S. 1942. An act granting an increase of pension to Kate H. Clements.

The following Senate bills with amendments reported favorably from the Committee of the Whole were severally considered, the amendments recommended by the Committee of the Whole agreed to, the bills ordered to a third reading, read the third time, and passed.

S. 2371. An act granting a pension to Andrew J. Felt;

S. 4071. An act granting an increase of pension to George C. Tillman;

S. 2976. An act granting an increase of pension to Edward Thompson;

S. 1172. An act granting an increase of pension to Catharine F. Edmunds; and

S. 3743. An act granting an increase of pension to Frances Gurvey Elderkin.

On motion of Mr. SULLOWAY, a motion to reconsider the vote whereby the several bills were passed was, upon his motion, laid upon the table.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 10411. An act granting an increase of pension to Mary E. Singley;

H. R. 11619. An act granting an increase of pension to David A. Frier;

H. R. 8269. An act granting an increase of pension to James R. McClellan;

H. R. 7683. An act granting an increase of pension to Almond Delamater;

H. R. 669. An act granting an increase of pension to Richard C. Smith;

H. R. 366. An act granting an increase of pension to Edward M. Kanouse;

H. R. 2240. An act granting an increase of pension to Aquilla Wiley;

H. R. 1378. An act granting an increase of pension to Bessie H. Lester;

H. R. 2093. An act granting an increase of pension to Anna B. McCurley;

H. R. 2781. An act granting an increase of pension to Patrick Lee;

H. R. 7998. An act granting an increase of pension to William H. Allen;

H. R. 6873. An act granting an increase of pension to Sarah Maley;

H. R. 5362. An act granting an increase of pension to Rollin Tyler;



H. R. 1694. An act granting an increase of pension to Henry Ball;  
 H. R. 9178. An act granting an increase of pension to John W. Howe;  
 H. R. 5714. An act granting an increase of pension to Lucy B. Bevis;  
 H. R. 11011. An act granting an increase of pension to Emily J. Tallman;  
 H. R. 5261. An act granting an increase of pension to John H. Coates;  
 H. R. 10924. An act granting an increase of pension to Elias M. Haight;  
 H. R. 7755. An act granting a pension to Laura G. Weisenburger;  
 H. R. 2417. An act granting an increase of pension to James B. Harris;  
 H. R. 8212. An act granting an increase of pension to Alice Angel;  
 H. R. 9659. An act granting an increase of pension to Laura A. Van Wye;  
 H. R. 10906. An act granting an increase of pension to John W. Meade;  
 H. R. 7341. An act granting an increase of pension to Elizabeth W. Simmons;  
 H. R. 10404. An act granting an increase of pension to John Y. Corey;  
 H. R. 3136. An act for a public building for a marine hospital at Pittsburg, Pa.; and  
 H. J. Res. 171. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SALMON for four days, on account of important business.

#### ADJOURNMENT.

On motion of Mr. SULLOWAY (at 4 o'clock and 50 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 12868) authorizing the Postmaster-General to provide for the transportation of the mails by pneumatic tubes, or other similar devices, reported the same with amendments, accompanied by a report (No. 1256); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 113) authorizing the use and improvement of Governors Island, Boston Harbor, reported the same without amendment, accompanied by a report (No. 1258); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3129) for the authorization of the erection of buildings by the International Committee of the Young Men's Christian Associations on military reservations of the United States, reported the same without amendment, accompanied by a report (No. 1259); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10819) for the relief of George T. Winston, president of North Carolina College of Agriculture and Mechanic Arts, and W. S. Primrose, chairman board of trustees, reported the same without amendment, accompanied by a report (No. 1257); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 11522) for the relief of Eliza Ellen Ehle, reported the same without amendment, accompanied by a report (No. 1261); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII, Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 177) directing the Attorney-General to institute proceedings against the Commercial Cable Company for violation of the act of July 2, 1895, known as the "anti-trust law," reported the same adversely, accompanied by a report (No. 1255); which said resolution was ordered to lie on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred as follows:

A bill (H. R. 6059) granting a pension to Frank Klein—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12883) granting a pension to William Edington—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12644) to authorize the Secretary of War to furnish an artificial leg to Allan P. Dace—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rockford Cemetery Association to certain lands for cemetery purposes—Committee on Patents discharged, and referred to the Committee on the Public Lands.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CASSEL: A bill (H. R. 13113) to authorize the Secretary of War to loan tents for the use of the Spanish war veterans' encampment at Indianapolis—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 13114) to increase the number of Congressional Records to be furnished to Senators and Representatives—to the Committee on Printing.

By Mr. GARDNER of New Jersey: A bill (H. R. 13115) providing for the appointment of chaplains and a superintendent of chaplains in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 13116) to amend an act entitled "An act to create revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," approved June 19, 1878—to the Committee on the District of Columbia.

By Mr. SHAFROTH: A bill (H. R. 13117) prescribing the size of the field and for rearrangement of the stars in the field of the flag of the United States of America—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 13118) relating to the office of secretary of the District of Columbia—to the Committee on the District of Columbia.

By Mr. GIBSON: A bill (H. R. 13119) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 13120) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: A bill (H. R. 13121) for the purchase of a portrait of the late President William McKinley—to the Committee on the Library.

By Mr. STEELE: A bill (H. R. 13122) to purchase the manuscript of a book entitled Congressional Biographies—to the Committee on Appropriations.

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. THOMPSON: A bill (H. R. 13163) for the erection of a public building at Tallahassee, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13164) providing for the payment of \$100,000 to the Omaha tribe of Indians of Nebraska—to the Committee on Indian Affairs.

By Mr. RYAN: A resolution (H. Res. 181) to ascertain salaries paid by the municipal government of the District of Columbia—to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: A resolution (H. Res. 183) requesting the Secretary of State to furnish information to this House whether the Government of Russia has excluded or discriminated

against American citizens of Jewish religious denominations entering Russia or restricting their entrance into Russian territory, although provided with American passports—to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BISHOP: A bill (H. R. 13124) to correct the military record of John P. Weber—to the Committee on Military Affairs.

By Mr. BOREING: A bill (H. R. 13125) granting a pension to Angeline Harlan—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 13126) granting an increase of pension to Thomas Elmhake—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13127) granting a pension to Nancy Works—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13128) granting a pension to Martha J. Derrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13129) granting a pension to August Poister—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 13130) for the relief of Philip Hagne, administrator of the estate of Joseph Hagne, deceased—to the Committee on War Claims.

By Mr. FITZGERALD: A bill (H. R. 13131) to remove the charge of desertion standing against the name of Henry B. Mackey—to the Committee on Military Affairs.

Also, a bill (H. R. 13132) granting an increase of pension to Annie Cotter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13133) for the relief of Frank P. Hayes—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 13134) granting an increase of pension to John George—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13135) granting an increase of pension to Francis C. St. John—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 13136) granting an increase of pension to William P. Richardson—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 13137) granting a pension to Rebecca J. Hall—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13138) granting an increase of pension to William D. Christy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13139) granting an increase of pension to Simon N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13140) granting an increase of pension to Lewis Kimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13141) granting an increase of pension to M. C. Staves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13142) granting an increase of pension to Jonathan H. Mohler—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13143) granting a pension to Susan Parker—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 13144) for the relief of T. B. Bratton—to the Committee on Claims.

By Mr. KLEBERG (by request): A bill (H. R. 13145) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox—to the Committee on Claims.

Also, a bill (H. R. 13146) granting an increase of pension to Charles H. Helmcamp—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13147) to correct the military record of Phillip Bauman—to the Committee on Military Affairs.

By Mr. MUTCHLER: A bill (H. R. 13148) for the relief of the personal representatives of John McCabe and Patrick McCabe, deceased—to the Committee on Claims.

Also, a bill (H. R. 13149) for the relief of James Heiney, Company G, Two hundred and fourteenth Regiment Pennsylvania Infantry—to the Committee on Military Affairs.

By Mr. REID: A bill (H. R. 13150) granting a pension to J. B. Mahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13151) for the relief of William H. Roach—to the Committee on Claims.

Also, a bill (H. R. 13152) to remove the charge of desertion from the military record of George W. Hodges—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13153) to restore to the active list of the Navy the name of Andrew M. Moore—to the Committee on Naval Affairs.

By Mr. RIXEY: A bill (H. R. 13154) for the relief of the trustees of Union Church, of Falmouth, Stafford County, Va.—to the Committee on War Claims.

By Mr. RUMPLE: A bill (H. R. 13155) granting an increase of

pension to George F. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13156) granting an increase of pension to John Monahan—to the Committee on Invalid Pensions.

By Mr. SCARBOROUGH: A bill (H. R. 13157) granting an increase of pension to Martha S. Harlee, widow of W. W. Harlee, a soldier in the Florida war—to the Committee on Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13158) granting an increase of pension to Nathan C. Aldrich—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 13159) granting an increase of pension to Angeline E. Wright—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 13160) granting an increase of pension to Esley Patch—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13161) releasing unto W. J. Cosgrove, Mary Cosgrove, Mary Ellen Aylward (born Cosgrove), and others any rights the United States may have in certain lands in Pensacola, Fla.—to the Committee on the Public Lands.

By Mr. McLACHLAN: A bill (H. R. 13162) granting an increase of pension to Augustin M. Adams—to the Committee on Invalid Pensions.

By Mr. BISHOP: A resolution (H. Res. 182) concerning the pay of Mabel Crump Curtiss out of the contingent fund of the House for services rendered as clerk to her father, the late Hon. Rousseau O. Crump, of Michigan—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Typographical Union No. 321 and Cambria Lodge, No. 17, of Connellsville, Pa., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of National Guard Association of Philadelphia, indorsing House bill 11654—to the Committee on the Militia.

By Mr. BABCOCK: Resolution of Wisconsin Retail Lumber Dealers' Association, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. BELMONT: Resolutions of Bricklayers' Union No. 4, of New York, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Western New York Horticultural Society, protesting against the irrigation of the arid lands at public expense—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Manufacturers' Association of New York, against the passage of Senate bill 1118—to the Committee on the Judiciary.

Also, resolution of the same, favoring the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of same body, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, resolution of Bricklayers' Union No. 4, of New York, favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Shoe Manufacturers' Association of the United States, for removal of the tariff on hides—to the Committee on Ways and Means.

Also, resolution of Theatrical Protective Union No. 1, of New York, favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolution of the Merchants' Exchange of San Francisco, Cal., favoring the admission of Chinese merchants and the exclusion of laborers from China—to the Committee on Foreign Affairs.

By Mr. BURLESON: Resolutions of Bricklayers and Masons' Union No. 8, of Austin, Tex., in favor of excluding Chinese laborers from the United States and their insular possessions—to the Committee on Foreign Affairs.

By Mr. CANNON: Petition to accompany House bill 13127, granting a pension to Nancy Works—to the Committee on Invalid Pensions.

By Mr. CASSEL: Resolutions of Carpenters' Union No. 208, Brewers' Union No. 206, Cigar Makers' Union No. 388, Steel Metal Workers' Union No. 153, Iron Molders' Union No. 287, all of Lancaster, Pa., and Locomotive Engineers No. 104, of Columbia, Pa., favoring exclusion of undesirable immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Columbia Lodge No. 107, Brotherhood of Railroad Trainmen, in favor of Senate bill 11080, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

Also, petition of Reamstown Circle No. 27, of Reamstown, Pa.,



asking for the passage of bill to purchase Valley Forge encampment ground—to the Committee on Military Affairs.

Also, resolution of Susquehanna Division No. 331, Order of Railway Conductors, Adamstown Council No. 60, Order United American Mechanics, and citizens of Columbia, Pa., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of the First Congressional district of Wisconsin, for an amendment to the Constitution providing for woman suffrage—to the Committee on the Judiciary.

Also, resolutions of Typographical Union No. 6, of New York, favoring the passage of House bill to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Carpenters' Union No. 836 and Woodworkers' Union No. 175, of Janesville, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Bricklayers and Plasterers' Union No. 6, of Racine, Wis., favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

Also, resolution of the Milwaukee Chamber of Commerce and Wisconsin Retail Lumber Dealers' Association, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CROMER: Petition of the Knights of Fidelity, urging the enactment of House bills 178 and 179, known as the Joy bills, for reduction of the tax on whisky—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of Order of Railway Conductors of Reading, Scranton, and Philadelphia, and Railroad Trainmen of McKeesport, Pa., in regard to the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DINSMORE: Petition to accompany House bill granting an increase of pension to Thomas J. Daniels, of Newton County, Ark.—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of the board of aldermen of New York, favoring an increase of pay for letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of the Board of Trade of Kalispell, Mont., in opposition to the repeal of the present timber laws—to the Committee on the Public Lands.

By Mr. ELLIOTT: Petition of H. T. Morrison and others of Santee, S. C., for an appropriation for digging a canal between North and South Santee rivers, South Carolina—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD: Petition of the Lightning Fixture Association, opposing a certain treaty of reciprocity with France now pending in the Senate—to the Committee on Ways and Means.

By Mr. FOERDERER: Petition of Polish National Alliance, Branch No. 1, Society of Philadelphia, Pa., and Group No. 421 of Frankford, Philadelphia, Pa., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

Also, petition of officers of the National Guard Association of Philadelphia, Pa., favoring House bill 11654, increasing the efficiency of the militia—to the Committee on the Militia.

Also, resolutions of a meeting of Utah Volunteers for the Spanish-American war, relating to allowance for travel pay from Manila, P. I., to San Francisco, Cal.—to the Committee on Military Affairs.

Also, petition of the Atlantic Coast Seamen's Union, of Philadelphia, Pa., in support of a national eight-hour day—to the Committee on Labor.

Also, resolution of the New Century Club, Philadelphia, Pa., in favor of the Appalachian national park and forest reservation—to the Committee on the Public Lands.

Also, petition of the National Live Stock Association, for a modification of section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Shoe Wholesalers' Association, Boston, Mass., for removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of citizens of Orange, N. J., in relation to reciprocity affecting American industries—to the Committee on Ways and Means.

Also, resolution of Typographical Union No. 235, of Rahway, N. J., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolutions of Bricklayers and Masons' unions No. 14, of Plainfield, and No. 34, of Westfield, N. J., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Painters' Union No. 242, of Orange, N. J., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Polish National Society of Elizabethport, N. J., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. GIBSON: Petition of John George, of Knoxville, Tenn., a soldier of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. GRIFFITH: Papers to accompany House bill 8453, granting an increase of pension to Thomas H. Ballard—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of members of Polish National Alliance of Mount Pleasant, Pa., urging the passage of House bill No. 16, providing for the erection of a statue to the memory of Count Pulaski at Washington—to the Committee on the Library.

By Mr. JACKSON of Kansas: Papers to accompany House bill granting a pension to Mrs. A. C. Constant—to the Committee on Invalid Pensions.

By Mr. JOHNSON: Papers to accompany House bill 7792, for the relief of John L. Young—to the Committee on Claims.

By Mr. KETCHAM: Petition of Garrison Branch, Granite Cutters' National Union, Garrison, N. Y., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of the same, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. LACEY: Petition of Coopers' Union of Ottumwa, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LAMB: Petition of Journeymen Bakers of Richmond, Va., favoring restrictive immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolutions of Lighting Fixture Association of New York, urging the defeat of the French reciprocity treaty—to the Committee on Foreign Affairs.

Also, resolution of Iroquois Club, of San Francisco, Cal., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: Resolution of Penobscot Lodge, No. 514, Brotherhood of Locomotive Firemen, Bangor, Me., in favor of the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. LIVINGSTON (by request): Petition of Division No. 368, Atlanta, Ga., Brotherhood of Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. McCLELLAN: Petition of 57 citizens of the Twelfth Congressional district of New York, in favor of the passage of House bills 178 and 179, relating to the whisky tax—to the Committee on Ways and Means.

By Mr. McDERMOTT: Resolution of Iron Molders' Union of Hudson County, N. J., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. MERCER: Resolution of Retail Clerks' Union No. 492, of Omaha, Nebr., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. MIERS of Indiana: Paper to accompany House bill to amend the military record of Philipp Schmit, alias Bauman—to the Committee on Military Affairs.

By Mr. RIXEY: Paper to accompany House bill 12996, for the relief of the trustees of Union Church, of Falmouth, Stafford County, Va.—to the Committee on War Claims.

By Mr. RYAN: Resolution of Buffalo Division, No. 8, Railroad Telegraphers, on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCHIRM: Resolutions of Bricklayers' Union No. 1 and Stereotypers' Union No. 10, of Baltimore, Md., favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Stereotypers' Union No. 10, Baltimore, Md., favoring the building of warships in the navy-yards—to the Committee on Naval Affairs.

By Mr. SHACKLEFORD: Petition of Carpenters' Union No. 945, of Jefferson City, Mo., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of White Eagle Polish Society, of Meriden, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. STEELE: Petition of Brotherhood of Railroad Firemen, Wabash, Ind., praying for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Stone Masons' Union No. 26, Marion, Ind.,

favoring an extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of Polish National Association of St. Paul, Minn., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolution of Olmsted (Minn.) Good Roads Association, in favor of liberal appropriations for the Good Roads Bureau—to the Committee on Agriculture.

By Mr. SULZER: Petition of the Iroquois Club, of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. TAYLER of Ohio: Sundry petitions of American Federation of Labor in the State of Ohio, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, sundry petitions of citizens of the State of Ohio, favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, remonstrance of the Burford Brothers' Pottery Company, East Liverpool, Ohio, against any change in the present tariff law—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Omaha, Nebr., in relation to the irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of Ohio State Grange, Patrons of Husbandry, of Tippecanoe City, Ohio, favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of Indiana Yearly Meeting of Friends, Richmond, Ind., and J. F. Hill, Hot Springs, Ark., favoring the passage of Gillett-Lodge bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Canton Lodge, No. 407, Association of Machinists, asking that the desert-land laws be repealed—to the Committee on the Public Lands.

Also, petition of Typographical Union No. 6, of New York, favoring increase of compensation to letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry citizens of the State of Ohio, for the reclassification of railway clerks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry labor organizations in the State of Ohio, for the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petitions of various labor societies in the State of Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petitions of citizens of the Eighteenth Congressional district of Ohio, favoring a bill to increase the compensation of rural-mail service—to the Committee on the Post-Office and Post-Roads.

Also, letter of Charles S. Howe, Cleveland, Ohio, favoring the reorganization of the Naval Observatory—to the Committee on Naval Affairs.

Also, remonstrance of citizens of Ohio, against changing the present law respecting second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of John A. Bliss, Canton, Ohio, in favor of the suppression of anarchy—to the Committee on the Judiciary.

Also, resolution of East Liverpool Retail Grocers' Association, in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Guard Association of Ohio, for the passage of House bill 11654—to the Committee on Militia.

By Mr. TOMPKINS of New York: Petition of citizens of Orange County, N. Y., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Resolution of Polish-American citizens of Niagara Falls, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of the Union-Sun Company, of Lockport, N. Y., favoring passage of bill placing wood pulp on the free list—to the Committee on Ways and Means.

Also, petition of J. B. Gilmore and 28 other citizens of New York and vicinity, asking amendments or radical modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. WANGER: Petition of General S. K. Zook Circle, No. 143, Ladies of Grand Army of the Republic, Norristown, Pa., favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, petitions of Branch No. 543, Pottstown, Pa., Polish National Alliance, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Hagersville (Pa.) Circle, No. 37, Brother-

hood of the Union, in favor of a National park at Valley Forge—to the Committee on Military Affairs.

By Mr. WARNOCK: Petition of Union No. 43, of Urbana, Ohio, against reduction of duty on cigars—to the Committee on Ways and Means.

Also, petition of Amos Wilson for increase of pension—to the Committee on Invalid Pensions.

By Mr. WOODS: Report to accompany House bill 13026—to the Committee on the Judiciary.

By Mr. WRIGHT: Petition of Swats Post, No. 72, Grand Army of the Republic, of New Albany, Pa., favoring an investigation of the administration of the Commissioner of Pensions—to the Committee on Rules.

By Mr. YOUNG: Petition of W. Polhlmann, in relation to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 29, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

### CHINESE-EXCLUSION BILL.

Mr. HITT. Mr. Speaker, I ask unanimous consent that House bill 13031, known as the Chinese-exclusion bill, be taken up as a continuing order at the conclusion of the consideration of the bill that is by order now pending in the House—the Revenue-Cutter Service bill—this not to interfere with appropriation bills or conference reports.

The SPEAKER. The gentleman from Illinois [Mr. HITT] asks unanimous consent that House bill 13031, being the Chinese-exclusion bill, be made the continuing order after the disposition of the Revenue-Cutter Service bill until disposed of, not to interfere with bills affecting the revenue and appropriation bills.

Mr. SHERMAN. Under the same provisions as now apply to the Revenue-Cutter Service bill?

The SPEAKER. Under the same conditions exactly as apply to the present continuing order. Is there objection to the request?

Mr. RICHARDSON of Tennessee. I should like to know whether this comes as a unanimous request from the Committee on Foreign Affairs.

Mr. HITT. The bill itself is one to which we have all substantially agreed, and perhaps the gentleman from Tennessee is aware that this is a measure of peculiar urgency, as it is to take the place of legislation speedily to expire. We have all agreed to have the measure taken up as soon as possible, and we think it will take only a brief time.

Mr. RICHARDSON of Tennessee. I understand that all the members of the committee may be in favor of the measure; but whether the minority members would favor making it a special order or not is another question.

Mr. CLARK. Mr. Speaker, I do not know that I can speak for all the members of the minority; but it is absolutely necessary that this bill be taken up and disposed of at an early date, because, as the chairman has stated, the old law will expire by limitation on the 5th of May next. I am going to file a minority report, with the consent of the House.

The SPEAKER. Is there objection? The Chair hears none; and it is so ordered.

GEN. NELSON A. MILES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Insular Affairs, and ordered to be printed:

To the House of Representatives:

In response to the following resolution of the House of Representatives of March 26, 1902, "Resolved, That the President of the United States be, and he is hereby, respectfully requested, if not incompatible with the public interest, to transmit to the House copies of all correspondence relating to, and papers bearing on, the matter of the reported request of Lieut. Gen. Nelson A. Miles, United States Army, to be assigned to duty in the Philippine Archipelago and to be allowed to put into effect there a plan outlined by him to bring about a cessation of hostilities," I transmit herewith copies of all the papers upon which final action in the matter was taken.

Since such final action and since the introduction of said resolution, a further memorandum has been added to the papers by Lieutenant-General Miles, and I transmit also a copy thereof, together with the action thereon.

THEODORE ROOSEVELT.

WHITE HOUSE, March 29, 1902.

### CHANGE OF REFERENCE.

By unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (S. 475) to



refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due; and the same was referred to the Committee on Claims.

#### SENATE AMENDMENTS CONCURRED IN.

The SPEAKER laid before the House the amendments of the Senate to bills of the following titles; and the same were, on motion of Mr. BROMWELL, respectively concurred in:

A bill (H. R. 12315) granting an increase of pension to James Cobb; and

A bill (H. R. 2273) granting a pension to Martha A. De La-mater.

#### EFFICIENCY OF REVENUE-CUTTER SERVICE.

Mr. SHERMAN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service; and pending, that motion I would like to see whether we can not arrange with the gentleman from Illinois [Mr. MANN] as to the time to be allowed for general debate in Committee of the Whole.

Mr. MANN. Mr. Speaker, the demand for time in opposition of the bill considerably exceeds the amount of time which I am about to request be allowed; but I ask that we have at least five hours on a side.

Mr. SHERMAN. It appears to me, Mr. Speaker, that we ought to dispose of this bill in less than ten hours' general debate. Let me suggest three hours on a side.

Mr. MANN. Suppose I suggest to the gentleman that we run to-day. I think we will have no trouble in coming to some understanding about it.

Mr. SHERMAN. As far as I am personally concerned, that would meet my views entirely, but there are a number of gentlemen whose opinions differ and whose votes will differ when we come to a vote on this bill, who desire to be here, and it is with the hope of getting some definite time fixed for their guidance that I make the suggestion.

Mr. MANN. If the gentleman will permit me, I suppose that under no circumstances could a vote be had upon the bill to-day.

Mr. SHERMAN. Well, so far as this side of the question is concerned, I think we might. I have not had numerous applications for time.

Mr. MANN. Well, I hardly think it would be possible on any division of time—

Mr. SHERMAN. We could debate four hours and a half to-day, surely. Suppose we agree upon six hours; that would leave an hour and a half on another day. I assume that we can not go on with the bill on Monday, as my understanding is that the sundry civil bill is to be considered on Monday.

Mr. MANN. That is what I supposed. Suppose we proceed to-day without limitation. I think we will have no trouble in coming to an agreement, as the bill will not come up Monday anyway. The demand has been much greater than five hours for time, I will say to the gentleman.

Mr. SHERMAN. I do not want to be strenuous about it, but I do think we can get along better if we agree upon some time, even though that time be somewhat lengthy. I think I would sooner agree to the five hours than have no agreement at all.

Mr. MANN. Suppose the gentleman agrees to four hours' general debate to-day and four thereafter on some other day, the time to be equally divided.

Mr. SHERMAN. That is satisfactory as far as I am concerned.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general debate on this bill be limited to eight hours—four hours on a side—four hours to be used to-day and four at some subsequent day. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Mr. Speaker, I assume it is understood that the gentleman from Illinois and myself will control the time?

The SPEAKER. That will have to be agreed to.

Mr. SHERMAN. Then I ask unanimous consent that that agreement be made.

The SPEAKER. The gentleman from New York asks unanimous consent that the time that has just been allotted for this bill in general debate be controlled by himself and by the gentleman from Illinois. Is there objection to this request? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from New York, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, with Mr. OLMSTED in the chair.

Mr. SHERMAN. Mr. Chairman, I think the first reading of the bill was dispensed with the other day. The bill contains 10 sections and it does substantially this, and this only: It increases the rank and the pay of revenue-cutter officers, it regulates their relation of command with that of naval officers when the two services are thrown together, and it provides a retired list for the officers of the Revenue-Cutter Service. That, in substance, is all that the bill does. The committee have agreed upon an amendment which at the proper time will be offered to section 2, and which is as follows, at the close of that section:

*Provided further*, That such assimilated rank shall not be construed to place any officers of the Revenue-Cutter Service in charge of any naval vessel, nor shall any naval officer be placed in charge of a revenue cutter except by direct order of the President.

Mr. MANN. May I ask the gentleman a question about the amendment?

Mr. SHERMAN. Certainly.

Mr. MANN. I did not catch the exact wording of the suggested amendment, nor do I know whether I understand it quite fully without consideration, but I would like to ask the gentleman what is the purpose of the amendment. Is it to provide that in case a revenue cutter and a naval vessel are together under no circumstances shall the revenue-cutter officer have command?

Mr. SHERMAN. He shall not have command of the naval vessel. He will have command of his own vessel, but not of the naval vessel.

Mr. MANN. I assume that one of the two would have command of the two vessels, and I ask to know whether the purport of that was simply to say that the revenue-cutter captain should not be placed on board of the naval vessel in command or whether he should not be in command of the naval vessel.

Mr. HEPBURN. Permit me to read the language again:

*Provided further*, That such assimilated rank shall not be construed to place any officer of the Revenue-Cutter Service in charge of any naval vessel, nor shall any naval officer be placed in charge of a revenue cutter except by direct order of the President.

Mr. MANN. May I ask the gentleman further—he has considered the language undoubtedly—whether that language is, in his judgment, intended to say that if the two vessels are side by side, by themselves, where one would ordinarily be under the control of the officer of the other, the revenue-cutter officer in that case shall not command, or simply that he shall not be placed in charge of the naval vessel?

Mr. HEPBURN. It means, I think, that he shall not command in any way the naval vessel. For instance, he would not in any way be a commander of a squadron made up of revenue cutters and naval vessels.

Mr. MANN. Is that the intention?

Mr. HEPBURN. That is the intention of the amendment.

Mr. MANN. Then I invite the gentleman to carefully consider the language, because on a casual reading—of course I have not given it the thought the gentleman has—it seems to me as though that intention was not clearly stated.

Mr. HEPBURN. I have no objection to the gentleman perfecting the language to suit himself.

Mr. MANN. I have a great deal more faith in the gentleman's ability to perfect the language than I would have in my own.

Mr. HEPBURN. It has been submitted to members of the Naval Committee, and, as I understand, it is entirely satisfactory to them. We will modify the language, if it is necessary, so as to carry out that purpose.

Mr. SHERMAN. Mr. Chairman, my understanding is that in practice, in fact, there never has occurred a time when the two vessels of the service have been thrown together so as to clash in this matter in any way.

Mr. HEPBURN. No cutter officer has ever attempted to command a naval officer.

Mr. SHERMAN. No cutter officer has ever yet been placed in a position where he has claimed the command or attempted to exercise the command of a naval vessel. The intention of this amendment, as the chairman of the committee [Mr. HEPBURN] has stated, is, as I understand it, definitely to determine by statute that no revenue-cutter officer shall command a naval vessel.

Mr. MANN. Is not that the case as the statute now reads?

Mr. SHERMAN. What harm, then, in inserting it here? That is the intention of the amendment, as I understand it, as stated by the chairman.

Mr. MANN. But the statute as it now reads would be changed by this bill if enacted into law.

Mr. SHERMAN. As intimated by the gentleman from Iowa [Mr. HEPBURN], if the amendment as proposed does not cover what is intended, I should be glad to receive a suggestion from the gentleman from Illinois to change it so that it will accomplish that purpose.

Now, Mr. Chairman, I assume that this House is fairly familiar with what the Revenue-Cutter Service is. I assume that the general duties of the service are understood by the House and that

gentlemen know that they are semimilitary, certainly at times. The service at present has about 200 officers—202 or 207, I think, to be exact—and has about 1,000 enlisted men. The commissioned officers all receive their appointments from the President, subject to confirmation by the Senate. The officers are appointed from the noncommissioned men. They are all appointed by promotion. The lowest grade, the noncommissioned officers, are obliged to have a course of two years upon the training ship, which course is in many particulars very similar to that provided at the Naval Academy. I have a statement here in parallel columns showing the course of instruction at the Naval Academy and on the training ship of the Revenue-Cutter Service. I will not read it in full, but with the permission of the committee will print it in full in my remarks.

The length of the course at the Naval Academy is four years, while that on the training ship is two years; but the cadets in the Revenue-Cutter Service are admitted into that service at a greater age than are the cadets at Annapolis admitted.

At Annapolis during two years the cadets are instructed in seamanship. During two years they are instructed in seamanship upon the training ship of the Revenue-Cutter Service. At the Academy they are instructed for three and a half years in navigation and on the training ship for two years they are instructed in navigation. In ordnance and gunnery they are instructed during the third and fourth years at the Academy, and during both years upon the training ship of the Revenue-Cutter Service. They are instructed also in both places in international law. Of course, in revenue law they are instructed in the Revenue-Cutter Service and not in the Naval Academy. They have compass instruction in both schools. They have surveying in both, and in both they have hygiene, marine engineering, mathematics, and so forth. In drill the exercises are practically identical at both institutions, and the hours for instruction in these various subjects are very similar in both services.

*A comparative statement showing the similarity in scope of the courses of instruction at the United States Naval Academy and on the U. S. practice ship "Chase," with reference to the preparation of young men to serve as line officers in a military and nautical service.*

U. S. NAVAL ACADEMY.	U. S. S. CHASE.
Length of course, four years.	Length of course, two years. (Cadets are admitted at a more advanced age than at the Academy, and are required to pass an examination in purely academic subjects covering much taught at the Academy.)
Periods per week:	Periods per week:
Seamanship—	Seamanship—
Third year..... 1	First year..... 2
Fourth year..... 2	Second year..... 2
	(Instruction in handling ship at sea more thorough than is possible with large classes on Chesapeake.)
Navigation, fourth year..... 3½	Navigation—
	First year..... 2
Ordnance and gunnery—	Second year..... 2
Third year..... ½	Ordnance and gunnery—
Fourth year..... 3½	First year..... 2
English: First two years, and includes history.	Second year..... 2
	English: Two years, one period per week.
International law: Not taught otherwise than possibly by lectures.	(Official documents. Thorough knowledge of English supposed upon entrance.)
Revenue law.	International law: One year, two periods.
Compass compensation (included in navigation).	Revenue law: Two periods, two years.
Surveying (included with navigation).	Compass compensation: A distinct course, one year, two periods.
Astronomy.	Surveying: Distinct course. Fully as much practical work done.
Hygiene: One year, one period.	Astronomy.
Marine engineering, naval construction, mechanical drawing, etc., mechanics.	Hygiene: One year, one period.
(Course very thorough and extensive, necessary to train men for construction corps, engineer duty, etc.)	Steam engineering: Two years, one period per week.
Academic subjects which four-year course renders possible:	Mechanical drawing: Two years, one period per week.
Physics and chemistry.	(The U. S. R. C. S. has an engineer corps, graduates of technical schools.)
Mathematics.	
Modern languages.	Trigonometry: One year.
	One modern language required (at least formerly for entrance).
Infantry.	Infantry.
Artillery.	Artillery.
Fencing, etc.	Fencing, etc.
Boat drill.	Boat drill.
Signals.	Signals (thorough).
Bayonet exercise.	Bayonet exercise.
Target practice.	Target practice.
Gymnastics, dancing, etc.	(No facilities.)
Rigging ship, etc.	Rigging ship, etc. (Very thorough and practical.)

The men of the Revenue-Cutter Service are enlisted for three years and receive the compensation which is prevalent in the ordinary merchant service on the Atlantic and Pacific oceans. The duties of the Revenue-Cutter Service in time of peace are, in my

judgment, more strenuous, more exacting, more difficult, and more dangerous than are the duties of the naval officer in time of peace.

The statute provides that the President shall at any time, either in peace or war, transfer the Revenue-Cutter Service, which in ordinary times is under the Treasury Department, to the Navy Department and to service under the orders of the Secretary of the Navy, and in every war in which this country has been engaged the Revenue-Cutter Service has, in fact, been transferred to the Navy Department, and has, in fact, rendered valiant, heroic service, quite as much so, admittedly so even by the report of the minority in opposition to this bill, as have the officers and men of the Navy.

The Revenue-Cutter Service is older by many years than the Navy. It was the naval war arm of the Government for ten years before any Navy Department was provided by law. It is unnecessary to cite the instances of the specially heroic and specially valiant and particularly valuable services given by revenue-cutter officers and crews and boats during the times that this country has been at war. It will not be forgotten—it has not been forgotten—by members of this committee and by citizens of this country that a revenue-cutter boat was the first upon which the guns of the enemy were directed at Manila. It will not be forgotten that the *Hudson* at Cardenas performed specially heroic and particularly valuable service in rescuing the *Winslow*, a naval vessel, when in the most perilous position. It performed this service at the utmost risk to the vessel and to the lives of all the revenue officers and crew upon it.

In a magazine article which I have before me—*Cassiere's Magazine*, of March, 1899—is an article upon the Revenue-Cutter Service, in which are set out in detail the services rendered by officers and by vessels during the various wars. I will not go into this in particular. It refers to the uprising of the Seminole Indians in 1836, and to the services of the revenue cutters during the civil war, and also during the war with Spain, recently closed.

Mr. Chairman, I may print a few paragraphs from this magazine article in connection with my remarks, but I will not occupy the time of the committee in now reading these matters in detail.

That this service is not treated as the naval service, side by side with which it serves, is unquestioned. The officers of this service do not receive the compensation, either in times of war or of peace, that naval officers do. True it is that in times of war they are put upon the pension rolls for any injury they may receive at that time, but at no other time is there any pension provided for any officer of the Revenue-Cutter Service. The highest rank in the Revenue-Cutter Service is that of captain. There is no longevity pay provided for any one in the Revenue-Cutter Service. So that the highest compensation received by any Revenue-Cutter officer is \$2,500, a compensation no greater, Mr. Chairman, than is received by many officers in the Navy who were yet unborn when most valiant and heroic service was rendered by fellow-officers of the Revenue-Cutter Service who are to-day only receiving that compensation.

There are many instances of this kind in the two services. This bill provides that the captains of the Revenue-Cutter Service shall hereafter rank with and receive the compensation, including longevity pay, of majors in the Army and lieutenant-commanders in the Navy. That would increase their pay from \$2,500 to \$3,500 a year. That the first lieutenants in the Revenue-Cutter Service shall rank with and receive the compensation of captains in the Army and first lieutenants of the Navy, or \$2,500; that second lieutenants of the Revenue-Cutter Service shall rank with and receive the compensation of first lieutenants in the Army and lieutenants of the junior grade of the Navy, or \$2,140 a year; and that third lieutenants of the Revenue-Cutter Service shall rank with and receive the pay of second lieutenants of the Army and ensigns of the Navy, or \$2,000 a year.

Now, no longevity pay is given to any Revenue-Cutter officer. I assume it is known by the members of this House that longevity pay is an increase of 10 per cent for each five years of service after commission during the first twenty years, so that at most the compensation may be increased by 40 per cent and no more. Now, the offices of captain of engineers, Chief of Engineers, and assistant engineers correspond with those of captains, first lieutenants, and second lieutenants of the Revenue Cutter, and these officers of the Revenue-Cutter Service receive the compensation and rank and pay as do captains and second lieutenants under this bill.

Substantially this same measure, the same relief for the Revenue-Cutter Service, has been repeatedly recommended by Presidents of the United States over and over again, and it has been recommended by every Secretary of the Treasury of every party from 1871 down to the present time; and over and again, in making this recommendation, has the Secretary of the Treasury called attention to the value of the Service and to the justice of increasing the rank and compensation to be received.



The duties of the Service in times of peace are set forth in detail in the regulations relating thereto, and are found upon pages 26, and so on, in the book of regulations. I will not read them in full; but, to summarize these duties, in time of peace they consist in the enforcement of all laws of the United States affecting the maritime interest of the nation; the arrest and prevention of illicit traffic by sea; the navigation laws, compelling all kinds of craft navigating the waters of the United States to comply with legal requirements in regard to documents, lights, steamboat inspection, and passenger laws; the quarantine laws; the rescue and succor of distressed vessels and crews; the drill and discipline of the life-saving crews; the supervision of construction of life-saving stations, and the entire inspection work of that service, the supervision of anchorage grounds established by law, etc.

The duty performed in this service when rescuing crews of distressed vessels has been most important. It has been the saving of innumerable lives and of vast values in property. In their minority report upon this bill attention is called to the fact that these reports are not submitted in detail to Congress. They are submitted, Mr. Chairman, in detail by the service to the Secretary of the Treasury, and are on file in the Bureau subject to the inspection at any time of anybody who desires to see them. In that connection, Mr. Chairman, I desire to refer to the statements made by the gentleman from Illinois [Mr. MANN] on the day before yesterday in discussing the rule under which we are now operating. He challenged the statement that the revenue-cutter *Gresham* saved any lives on August 13 in rescuing the *Fraternidade*. The gentleman from Illinois made the statement that a false report had been made in that case, because, as he said, Captain Walker, in making his detailed report of that service, stated that no lives whatever had been rescued. I think the gentleman from Illinois either never saw the report of Captain Walker or else he has misunderstood Captain Walker's statement in that instance, because I have here and I will read the full report of Captain Walker of that service. He says:

*Letter of Capt. T. D. Walker, R. C. S., commanding the Gresham, to the honorable the Secretary of the Treasury.*

I have the honor to transmit herewith, for information of the Department, a report on Form 2015, of assistance rendered by the *Gresham* to the Portuguese barkentine *Fraternidade*, of Brava, Cape Verde Islands, on the 13th instant, near Narragansett Pier, Rhode Island. We were cruising from Newport to New London when we sighted the bark anchored dangerously near to the rocks with a distress signal flying, and we at once proceeded to extricate her. As we approached a second flag (ensign) was placed in the mizzen rigging, as though to emphasize the appeal of the unfortunate people for aid. Owing to the sea the bark was riding heavily, and the captain momentarily expected that his only remaining cable would break. In that event the bark would have been dashed onto the rocks, and there is no telling what the consequences might have been. It is reasonably certain that serious loss of life would have resulted, as the people, especially the women, seemed badly demoralized. The safety of the bark and the large number of people on board hung, as it were, upon a very slender thread, and I feel thankful that our good little ship happened along at the right time and was able to do the right thing. No other vessel capable of sending assistance was in sight, and this made our presence the more opportune. Crowds of summer cottagers from Narragansett Pier lined the rocks, but, under the circumstances, they were powerless to render aid. The officers and crew of the ship did their duty well.

Respectfully, yours,

THOMAS D. WALKER,  
Captain, R. C. S., Commanding.

Now, Mr. Chairman, I can not believe that the gentleman from Illinois had seen that report when he made the assertion that Captain Walker had stated that he saved no lives.

Mr. MANN. Will the gentleman allow an interruption?

Mr. SHERMAN. Certainly.

Mr. MANN. I want to say that I have not only seen that report, but I had a copy of it from the Department. At first the copy did not seem to be a full report, and hence I asked the Department again to send me the report in full, and I have here the report of the assistance rendered by the United States steamer *Gresham* to this vessel on August 13, 1900, in full, tabulated form. It is No. 30. It gives number, name, residence of persons actually rescued from drowning; and in answer to that question, the answer is given "none." This was furnished to me by the Revenue-Cutter Office itself, and is a complete tabulated report of the officer in charge of the revenue-cutter *Gresham*, and he says "none" in answer to the number of persons rescued from drowning.

Mr. SHERMAN. In other words, Mr. Chairman, the officer of that vessel found none of the crew in the water liable to sink out of sight in a moment. I suppose that is what that means. I assume that the tabulated report, where specific questions are put to be answered in the affirmative or negative, simply means that where the officers of the Revenue-Cutter Service find persons actually in the water they have rescued them from drowning. And yet, Mr. Chairman, while that condition did not exist at that time, here is the specific and detailed report of what was done by this officer and vessel. Here is a report stating that he found the *Fraternidade* in a very perilous position, found it

liable to be driven upon the rocks at any moment, when undoubtedly there would have been very great loss of life.

Here is the officer's full and detailed statement of exactly what was done by his vessel and crew, and with that report before us, Mr. Chairman, can we draw any other conclusion than that had it not been for the presence of the revenue-cutter *Gresham* at that time many lives would have been lost?

A life-saving crew was stationed near the point, and the life-saving crew were unable to reach the vessel; and, as Captain Walker said, but for the fortunate arrival of the *Gresham* in all human probability a very large number of persons on that vessel at that time would have lost their lives. Does the gentleman from Illinois desire to ask me something further?

Mr. MANN. No. I wish to say that I understand the vessel that was rescued in this case—and I have no doubt whatever that good service was rendered, and I never intimated anything to the contrary—the vessel rescued in this case was at anchor, and they were afraid that the anchor chain would break. Thereupon the *Gresham* pulled the vessel away, and did not take anybody off from the vessel at all. They pulled the vessel away and put her at some other place, and yet they claim to have actually rescued from drowning each of the persons on the vessel who were never taken off from the vessel.

Mr. SHERMAN. I made no such statement. The gentleman makes a direct statement that the captain says he saved nobody. The gentleman the other day made the direct statement that the report was false in stating that anybody was rescued, and yet here is the report stating in detail what was done, and the only possible conclusion that could be drawn is that the services there rendered in all human probability did save the lives of many people.

Mr. MANN. I hope the gentleman will not say that I said the vessel rescued no lives. I made no such statement. I said the report of the captain in charge of the vessel stated that they rescued no life.

Mr. SHERMAN. That is what I said you stated.

Mr. MANN. I have here the report transcribed and sent by the Revenue-Cutter Office, saying the same thing.

Mr. SHERMAN. Saying that he saved nobody from drowning; in other words, picked up no human beings out of the water. I do not know that the gentleman had that report, but I do know that that is one of the reports he could have had. I do know that every facility was offered him in the Revenue-Cutter Office to find out all the facts he could wish. I do know that the chief of that Bureau has furnished him a copy of every document he has asked for. I do know that it was possible for him to have seen that report.

Mr. MANN. Of course the gentleman does not know that, and in order that he may be sure of it, I will say that it is true.

Mr. SHERMAN. I have here the gentleman's letter to the Department and the Department's reply; and on those I state that I know it.

Mr. MANN. I have no question about that. I have received from the officers of the Revenue-Cutter Service great courtesy. They have endeavored, as far as possible, to furnish me with all information I requested, except they have told me that certain information not in print was altogether too voluminous to be transcribed, and I have made no complaint about that, because it is undoubtedly true. I have contended here that the information ought to be published so that we might know what the facts in the case are. That was the point. But I say now that the letter to which the gentleman refers does not show that any lives were actually rescued from drowning, which is the report of the Secretary of the Treasury.

Mr. SHERMAN. I do not know that it is necessary to thrash that straw over again. The report does show just exactly what was done. It does not show that anybody was actually taken out of the water, and such is not the fact. But it does show that all of the cables save one were broken, that a storm was raging, that a high wind was blowing, and that probably this vessel would have been dashed against the rocks and destroyed, with many of those on board, had not the revenue cutter come to the rescue.

Mr. LITTLEFIELD. If the gentleman from New York [Mr. SHERMAN] will allow me, I will call the attention of the gentleman from Illinois [Mr. MANN] to what he did say. It having been stated that the report showed that 178 lives were actually rescued from drowning, he said that if we had had a printed report of the operations of this service it would have shown, not that they were actually rescued from drowning, but that the cutter saved no lives at that time. That was the assertion of the gentleman from Illinois. He said that the report would show that.

Mr. SHERMAN. In my judgment it shows that many lives were saved. The report is here, and members of the House can draw their own conclusions.



Mr. Chairman, that is only one of the scores and scores of reports showing service rendered under very much more difficult and hazardous conditions than this; some of them showing, of course, as all such reports must show, that at times the service was trivial, and that often had the service not been rendered probably no disaster to life and property would have ensued. But these reports do show this fact, and the hearings before the committee disclose it, that for years and years the vessels of this service, in season and out of season—generally in storm, but sometimes in calm—have been patrolling our coast, have extended the hand of succor to vessels and mariners in distress, have done so at the risk of their own vessels and their own lives over and over again.

Now, in the minority report—I think I will not go further into those details, Mr. Chairman. The reports in the Department, if they were all published, would make volumes and volumes; they are very, very numerous, and as I say some show very serious and very valuable service and others show service less hazardous and less valuable.

Now, the gentleman from Illinois, or whoever prepared the minority report—I assume it was drawn by the gentleman from Illinois—asks why we do not put the Marine-Hospital Service, the Fish-Commission service, the Life-Saving Service under the same regulations, the same statutes that are provided in this bill for the Revenue-Cutter Service. Why, Mr. Chairman, we do not do it because the law already does it, because the vessels of all those services are now commanded by naval officers who have the pay we are proposing to provide for revenue-cutter officers and the longevity pay as well. If this bill looked to the relief of the vessel and not to the officer commanding it, the suggestion of the gentleman made in the minority report would be well taken, but when you consider the fact that the officers commanding all those vessels in the other services are naval officers who now enjoy not only all but more privilege and more emoluments than are provided by this bill to the Revenue-Cutter Service officers, then we see how misleading is the statement in the minority report.

Mr. WATSON. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SHERMAN. Certainly.

Mr. WATSON. I would like to ask whether or not the gentleman is satisfied that the amendment suggested, and which is supposed in the future to prevent conflict between Revenue-Cutter Service and Navy service, will work that result?

Mr. SHERMAN. I am perfectly satisfied it will; but if there is any possibility of its not doing so, we will change it so that it does. That is the desire of the committee who report this bill, and I believe it is the desire of the House, and I believe that result will be accomplished. Now, Mr. Chairman, the opponents of this measure object to it, amongst other things, as indicated by the minority report, because it gives a preference, as they say, to officers of the Revenue-Cutter Service over officers of the Navy.

The gentleman is in error in making that statement, as can be shown by two or three illustrations. For instance, Lieutenant-Commander Fullen, of the Navy, entered that service in 1873. Six years of the intervening service was spent at the Naval Academy. He is now a lieutenant-commander and drawing \$3,500 a year. First Lieutenant Newcome, of the Revenue-Cutter Service, entered that service the same year. He had previously served two years, from 1863 to 1865, in the naval establishment of this Government in the civil war. He served also during the Spanish war in the naval armament of the country, being in the Revenue-Cutter Service, and being transferred to the Navy Department by order of the President. Yet to-day he, as a first lieutenant of the Revenue-Cutter Service, receives but \$1,800 a year. There are 25 captains in the Marine Corps who outrank Lieutenant Newcome who were not born at the time Lieutenant Newcome served his country in the volunteer navy during the civil war.

Of the seven first lieutenants—mark you, Mr. Chairman, first lieutenants—at the head of the list of the Revenue-Cutter Service, five of them served in the naval establishment during the civil war. Five officers serving to-day for \$1,800 a year, forced to perform in times of war every service that every naval officer is required to perform, performing during periods of peace a more arduous and more exacting service, receive less compensation for their service at the present time than a very large number of naval officers who were not born at the time these services were rendered by them in the civil war, and without any hope of any early increase in their pay, and without any expectation or any hope under the present law of ever being cared for in their old and declining years. I have given only one or two illustrations, which, I think, show the incorrectness of the statements of the minority that the Revenue-Cutter Service is preferred or will be preferred, by virtue of this bill, over the naval officers. In the minority report it is asked, Why not put the enlisted men of the Revenue-Cutter Service on a retired list if you are to put the officers upon it?

Why, Mr. Chairman, in the first place, that query might be answered with another. Why not put the enlisted men of the Army and Navy on a retired list? If it applies in the one case it ought in the other; but there is another answer if any answer is needed, and it is this: That those enlisted men are enlisted for three years only. They can leave at the end of that time of enlistment and usually do. Reenlistments are not numerous. Enlisted men are not required to have a technical education, they are not required to pass an examination, and their whole life is not devoted to this one service. The minority report states in substance that the passage of this bill would result in very rapid, unduly rapid, promotions in the Revenue-Cutter Service. That statement is based upon the fact that there are more captains and first lieutenants than there are minor officers in that service.

The statement is not well founded, Mr. Chairman, because I think we are all familiar enough with current events to know that the promotions in the Army have recently been most rapid, for reasons that are well known, and also that the promotions in the Navy have been very rapid. What are the facts about the rapidity of promotions in the Revenue-Cutter Service? There is no captain in that service to-day, not one, who enlisted later than 1871. There is no captain who now receives more than \$2,500 per year. Every officer now on the active list of the Navy who enlisted in that service as early as 1871 receives at least \$3,500, or a thousand dollars more than the Revenue-Cutter Service officer of highest rank who entered the service at the same time.

The average age of the Revenue Service officer when he reaches a captaincy is 50 years. The average of the Naval officer when he reaches a grade at which he would draw \$3,500 a year is 38 years. There are several officers of the Revenue-Cutter Service who are now only captains—and that is the highest grade—who are now 58 years old. There are those above 60 who are on the waiting-order list.

Mr. Chairman, I think that covers substantially, in as brief a time and in as few words as I could confine it, the reasons which impelled the majority of the Committee on Interstate Commerce to report this bill favorably; the reasons which have impelled Secretaries of the Treasury, for thirty years, to advocate the passage of substantially this same measure; the reasons which have impelled the present occupant of the White House and his predecessors for many years to call the especial attention of Congress to this service and its needs; the reason why we are here now earnestly advocating that at this late day officers in the Revenue-Cutter Service shall be put upon something near an equality with officers of another service, under a different title, who perform no more arduous, serious, or valuable services in time of peace than do the revenue-cutter officers, and who in time of war perform services just as valuable, just as hazardous, just as brilliant as do the officers of the Navy.

The history of our country, Mr. Chairman, has been made more glorious by the service of the revenue-cutter officers. There is not one blot upon their record that I have been able to discover, in any spot or place. And for these reasons, Mr. Chairman, we earnestly urge the members of this committee favorably to recommend to the House the passage of this bill.

I reserve the balance of my time, Mr. Chairman. [Applause.]

Mr. MANN. I yield one hour to the gentleman from Alabama [Mr. RICHARDSON].

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] is recognized for one hour.

Mr. RICHARDSON of Alabama. Mr. Chairman, it would have been a great deal more pleasant to me, from a personal standpoint, to have been able to agree with the majority of the Committee on Interstate and Foreign Commerce in the report they have made on this bill. In doing so I should have answered the kind requests of a great many friends outside of Congress who have importuned me, honestly and sincerely, to support this bill; but with the convictions that I have as to the general policy, the objects and purposes of this bill, I could not consistently do so.

I heard the distinguished gentleman from Illinois [Mr. MANN], in the remarks that he submitted on the rule designating this bill as a continuing order, say that, after an experience of several years on this committee, he has been unable from the meager reports, opportunities, and facilities given him by the director of the Revenue-Cutter Service to understand and comprehend the details of that service. In the remarks that I propose to submit this morning I shall not enter at length into the details, but I shall confine myself chiefly to the purpose, to the object, and to the general policy declared in this bill.

I confess, Mr. Chairman, that in the limited time and opportunity that I have had since being a member of the Interstate and Foreign Commerce Committee to investigate and inquire into this matter, one of the chief facts, and the one that I look upon as "a headlight" in this matter—that sheds light all up and down the line—is the fact that the Revenue-Cutter Service was created and organized in 1790—eight years before the Navy was created. It



was then placed in the keeping and under the care of the Treasury Department, the most powerful civil department in this Government. I know that the majority in their report say that since 1872, to date, every Secretary of the Treasury has indorsed and recommended a bill of a character similar to this. I am not here either to affirm or deny that fact, but I propound this question today: If this bill in its objects and in its purposes, as is confessed, is intended to put the Revenue-Cutter Service officers on "an equal footing" with the officers of the Navy and the Army, why is it that no Secretary of the Navy has been found to indorse a bill of this character? There must be some reason for this. There is something behind it. I know that this bill has been before Congress in different shapes and forms for years past. Mr. Chairman, I will read from a letter of ex-Secretary of the Navy, Mr. Tracy, written in 1892. Remember that the title of this bill is to promote the efficiency of the Revenue-Cutter Service.

Mr. Tracy says:

In reply to your letter of January 20, inclosing for my consideration Senate bill No. 67.

To do what was that bill? Was it to promote the efficiency of the Revenue-Cutter Service? No; to transfer the Revenue-Cutter Service from the Treasury Department "to the Navy," and he gave his reasons why he would indorse it. Is that the purpose of this bill? Is it not in effect, as every gentleman will admit, does not it intend to create a separate and distinct naval branch, different from the Navy, without incurring any of the responsibilities, duties, or obligations of the Navy; and ex-Secretary Tracy said another thing about it. Why, his reason was, Mr. Chairman, that he did not want a separate branch of the Navy; and another was that by making this transfer, by making this consolidation, it would save \$603,895. I read from his letter. Does this bill that is for the consideration of this House to-day propose to make any reduction or a saving of any amount to the Government? I will show you by the figures that this bill will largely increase expenses.

I read now, Mr. Chairman, on that subject from the present occupant of the Department of the Navy, and I call especial attention to this. It is not a question here of the efficiency of the officers of the Revenue-Cutter Service. There is no question of their having discharged in full the duties that devolve upon them in their line of duty. No question is properly raised as to their courage. All these instances referred to by the distinguished gentleman from New York [Mr. SHERMAN] do not touch, in my judgment, what is the real question in this case. The question here, the real question, is: "Will this Congress put its sanction upon a bill that creates a civil pension list? That is the real question—nothing more nor less. Listen to what Secretary Long says in a letter written at Washington, March 3, 1900:

A careful examination of the bill in question shows—

I call especial attention—

shows that it is a step, and one covering considerable ground, in the direction of creating a separate naval establishment, with its corps of line officers, engineers, and a constructor, its rank and rates of pay, its system of examinations for retirement and promotion, and its military honors.

It is important to note that the broad question raised by Secretary Long to the nature of that bill applies to the bill now under consideration with equal force.

This bill does not differ from the one that Secretary Long was talking about, except in some immaterial features. The great object and purpose and spirit of this bill is exactly the same as the one about which Secretary Long was talking, and the same objectionable features are in this bill. Secretary Long says:

It is important to note that the broad question raised by the form in which this bill is drawn and by the provisions which it contains is whether or not, as a matter of policy, this Government should have more than one naval organization, and, if more than one, how many.

The arguments—

Says Secretary Long—

adducible in favor of conferring upon the Revenue-Cutter Service the benefits embodied in S. 728 apply with more or less force to the officers and men of the Coast Survey and the Fish Commission and to the newly created transport service, now a part of the organization of the Army.

Why, the distinguished gentleman said that the Fish Commission had nothing to do with it. It is a fact that in the Spanish-American war there were about 123 acting as auxiliary vessels to the Navy. How many of them were in the Revenue-Cutter Service? Thirteen. And the balance were the Marine Service—Fish Commission, life-saving, light-house tenders, and other vessels.

Mr. Long proceeds:

In the judgment of this Department the questions thus presented are far-reaching, and it would appear proper, before any further steps are taken in the direction of the establishment of a number of distinct organizations, naval in their character, with their necessary staff accompaniment and auxiliary machinery, under the control of at least three separate departments of the Government, that the attention of Congress should be invited to the apparently unnecessary complications which are thereby brought about, and to the patent advantages which a unified organization would afford in avoiding duplication, in interchangeability of duties at all times, and in prompt mobilization in emergencies.

Now, I read that, Mr. Chairman, from these two Secretaries, one the ex-Secretary of the Navy and the other the present incumbent, to show that the Navy Department did not favor the creation of a separate branch of the Navy as this bill proposes to create.

Now, there is another singular fact. These bills relating to the Revenue-Cutter Service have been before Congress for years. The present bill, as will be seen, changes the bill that Mr. Long was referring to in some respects. What are those changes?

Section 7 of the old bill, before the Fifty-sixth Congress, provided that the officers of the Revenue-Cutter Service shall have served thirty years as commissioned officers in said service, and then may be retired from active service by the President. This bill we are discussing makes it sixty-four years. It is apparent what objection would be made to the thirty-year clause. A young man 18 years old in the Revenue-Cutter Service would be retired at 48—in the prime of life.

Another feature is changed, and that is section 24, which accorded the Revenue-Cutter Service some "special honors." These special honors that these gentleman at one time intended to confer upon this Revenue-Cutter Service I am glad has been stricken out from the bill. Secretary Long, in discussing the "special official honor" paragraph of the old bill, said:

Section 24 of the bill contains inflexible requirements upon the subject of official honor and courtesies which would put the Revenue-Cutter Service in an anomalous position, but particularly in the presence of representatives of foreign military and naval service.

That section has been eliminated from the present bill. Now, there is another one that has gone out, and I will not discuss that, because I understand the amendment has been made in reference to the present provisions of the bill that fully regulates and provides that a Revenue-Cutter Service officer, even though he has equal rank and receives equal pay as a corresponding naval officer, the Revenue-Cutter officer shall never take command over a naval officer. It seems to me this amendment would smart in the pride of the revenue officer. That is not my concern.

Now, the question is a natural one. Why is it that for so long—such a great number of years after this Revenue-Cutter Service was organized—more than one hundred and ten years ago, and it has remained constantly in the Treasury Department, through all the vicissitudes of wars and rumors of wars in this country, through all the changes, through all the magnificent growth and splendid achievements of our great country, why is it that Congress has refused to pass this character of bill? There is some answer to this. There is some reason for it. Why, what is it? Let us look, now, Mr. Chairman, for a moment at the title to this bill. It reads: "An act to promote the efficiency of the Revenue-Cutter Service."

Now, Mr. Chairman, I propound this question, and I would like to hear it answered: In what way and in what manner does this bill "promote the efficiency of the Revenue-Cutter Service?" Does it impose additional duties; does it require additional obligations; does it make more rigid discipline? Nothing of that kind is proposed in it; nothing of that kind is contemplated. The sole object of this bill, stripped of all glamour and pyrotechnics and "gush" about the gallantry of the officers of the revenue cutters, their feats of unexcelled and unparalleled daring, all of which has no bearing whatever on the consideration of this bill—the sole object of the bill, I repeat, is to make the Revenue-Cutter officers equal to the Navy or Army officers. That is the only proposition. It proposes to do this by increasing their pay, and provides at the same time for the retirement of the officer with the increase of his pay. It seeks to establish, as I said before, a separate branch of the Navy, incompatible, independent with our Navy, not controlled by the Secretary of the Navy, but by the Secretary of the Treasury.

What else does it do? In section 3 of this bill—and I call especial attention to it, for it seems to me it gives valuable information about the purpose of the bill—section 3 provides that the officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay.

Why, I ask this committee, is the pay of these revenue officers to be estimated by corresponding officers in the Army? Why not put it according to corresponding officers in the Navy, with which Department it is so lustily claimed they are twin brothers? You know that there must be a purpose and an object, and I say that the bill, if it becomes a law, will accomplish that "purpose and object." This bill, in fact and in truth, gives preference to the revenue-cutter officer over the naval officer, and increases their pay above the pay of the naval officer.

I say that this bill does that. Why, it is a known fact, and I will read it to you, that when a naval officer is on the high seas he gets full pay; when he comes ashore there is a reduction of 15 per cent in his pay. Have you heard of any reduction proposed

in this bill for the revenue-cutter officers because he is on shore? The statute says that when they are on shore the naval officers are subject to a reduction of 15 per cent in their pay. Does any such thing apply to the army officer, the captain or the lieutenant? Here is disclosed the "cloven foot" in this bill. Why was the army officer made the standard of pay? Are you willing, when the bill reads "to promote the efficiency of the Revenue-Cutter Service," to put them in an advantageous position over the naval officers?

Now, Mr. Chairman, it does not make any difference, in referring to the standing of a cadet, when they entered or did not enter, as the gentleman from Ohio [Mr. SHERMAN] did, in the Naval Academy. The law governs us all.

Section 1556 of the Revised Statutes of the United States says:

Commanders, when at sea, \$3,500; on shore duty, \$3,000; on leave or waiting orders, \$2,800.

Lieutenant-commanders during the first four years after date of commission, when at sea, receive \$2,800; on shore duty, \$2,400; on leave or waiting orders, \$2,000; after four years from such date, when at sea, \$3,000; on shore duty, \$2,600; on leave or waiting orders, \$2,200.

Lieutenants, during the first five years after date of commission, when at sea, get \$2,400; on shore duty, \$2,000; on leave or waiting orders, \$1,600. After five years from such date, when at sea, \$2,600; on shore duty, \$2,200; on leave or waiting orders, \$1,800.

Now, what does this bill do? I call especial attention to it. It not only makes a distinction, but it provides for the officer of the Revenue-Cutter Service larger emolument than that of the naval officer. There is the statute. "Lex scripta est." It does not make any difference, as I said before, as to when the boys enter the Naval Academy; they are subject to and bound by that law. I now read, Mr. Chairman (and I will ask to have it published as part of my remarks), a table showing the rates of pay authorized under existing law for officers of the Revenue-Cutter Service on the active list and on the retired list:

Pay table as authorized under existing law.

ACTIVE LIST.

	Annual salary.	Total.
37 captains, at.....	\$2,500.00	\$92,500.00
37 first lieutenants, at.....	1,800.00	66,600.00
37 second lieutenants, at.....	1,500.00	55,500.00
37 third lieutenants, at.....	1,200.00	44,400.00
1 captain of engineers, at.....	2,500.00	2,500.00
35 chief engineers, at.....	1,800.00	63,000.00
17 first assistant engineers, at.....	1,500.00	25,500.00
18 second assistant engineers, at.....	1,200.00	21,600.00
1 constructor, at.....	1,800.00	1,800.00
Total.....		\$73,400.00

RETIRED AND WAITING ORDERS LISTS.

1 captain, at.....	\$2,500.00	\$2,500.00
4 captains, at.....	1,250.00	5,000.00
4 first lieutenants, at.....	900.00	3,600.00
1 second lieutenant, at.....	750.00	750.00
1 third lieutenant, at.....	600.00	600.00
9 chief engineers, at.....	900.00	8,100.00
6 first assistant engineers, at.....	750.00	4,500.00
3 second assistant engineers, at.....	600.00	1,800.00
Total.....		23,850.00

RECAPITULATION.

Total active list.....	\$73,400.00
Total retired and waiting orders lists.....	23,850.00
Total.....	400,250.00

Pay table under proposed law for fiscal year ending June 30, 1903.

ACTIVE LIST.

	Annual salary.	Total.
37 captains, at.....	\$3,500.00	\$129,500.00
15 first lieutenants, at.....	2,520.00	37,800.00
7 first lieutenants, at.....	2,340.00	16,380.00
15 first lieutenants, at.....	2,160.00	32,400.00
13 second lieutenants, at.....	1,800.00	23,400.00
10 second lieutenants, at.....	1,650.00	16,500.00
14 second lieutenants, at.....	1,500.00	21,000.00
37 third lieutenants, at.....	1,400.00	51,800.00
1 captain of engineers, at.....	3,500.00	3,500.00
21 chief engineers, at.....	2,520.00	52,920.00
6 chief engineers, at.....	2,340.00	14,040.00
8 chief engineers, at.....	2,160.00	17,280.00
1 first assistant engineer, at.....	1,800.00	1,800.00
16 first assistant engineers, at.....	1,650.00	26,400.00
5 second assistant engineers, at.....	1,540.00	7,700.00
13 second assistant engineers, at.....	1,400.00	18,200.00
1 constructor, at.....	1,800.00	1,800.00
Total.....		472,420.00

Pay table under proposed law for fiscal year ending June 30, 1903.—Continued.

RETIRED LIST.

	Annual salary.	Total.
12 captains, at.....	\$2,625.00	\$31,500.00
15 chief engineers, at.....	1,890.00	28,350.00
4 first lieutenants, at.....	1,890.00	7,560.00
1 second lieutenant, at.....	1,462.50	1,462.50
1 third lieutenant, at.....	1,470.00	1,470.00
6 first assistant engineers, at.....	1,575.00	9,450.00
2 second assistant engineers, at.....	1,470.00	2,940.00
1 second assistant engineer, at.....	1,260.00	1,260.00
Total.....		83,962.50

RECAPITULATION.

Total pay on active list.....	\$472,420.00
Total pay on retired list.....	83,962.50
Total.....	556,412.50
Total pay on active and retired lists under present law.....	400,250.00
Total pay on active and retired lists under proposed law.....	556,412.50

What is the result under this bill we are talking about? Thirty-seven captains of revenue cutters, at \$3,500 each, on the active list. The captain in the Revenue-Cutter Service has corresponding rank and pay with a lieutenant-commander in the Navy. The pay of a lieutenant-commander in the Navy during the first four years, when at sea, is \$2,800; on shore, \$2,400; on leave or waiting orders, \$2,000. After four years he gets, when at sea, \$3,000; on shore duty, \$2,600; on leave or waiting orders, \$2,200. So, if this bill becomes a law, a captain of the Revenue-Cutter Service on the active list and with the "longevity pay" will get \$500 more than the highest pay of a lieutenant-commander of the Navy, the officer that the revenue captain has corresponding rank with. The longevity clause, which we saw eliminated here the other day on the floor of the House from the Army appropriation bill, is included in this bill—not to exceed 40 per cent. Let us institute the comparison somewhat further. If the revenue-cutter captain goes on the "retired list" under this bill his pay is \$2,625, only \$175 less than the lieutenant-commander gets when at sea during the first four years after date of his commission. What is more, this retired captain gets \$225 more than the lieutenant-commander gets when on shore duty and \$625 more than the lieutenant-commander gets if he is on "leave or waiting orders." Now, I propose to go one step further in this matter of comparison—what kind of equality this bill establishes. The section of the law read above shows that a commander in our Navy when at sea gets \$3,500; on shore duty, \$3,000; on "leave or waiting orders," \$2,300. The captain of the revenue cutter on the active list under this bill gets the same pay as the commander in the Navy, who outranks the captain of the revenue cutter even under the provisions of this bill. I will not carry the comparison any further. The facts are before you. In my opinion there can not be any doubt about this matter.

Mr. HEPBURN. The gentleman, I think, does not want to be misleading.

Mr. RICHARDSON of Alabama. Certainly not, if I know it.

Mr. HEPBURN. Then he will allow me to say that the difference of which he is now speaking grows out of this peculiarity in the naval service: The naval officers have a tour of duty, say for three years at sea, then a tour of three years on shore, and the lesser pay applies to the latter period. Now, in the Revenue-Cutter Service there is no distinction of that kind; the officers have no period of shore duty. They are constantly with their vessels, unless it happens that an officer is detailed for the purpose of aiding in the construction of the machinery of vessels or some labor of that kind. But in the Navy it is habitual for officers to divide their time of service between sea and land.

Mr. RICHARDSON of Alabama. If there is this distinction which the gentleman states, so that these revenue-cutter officers do go on shore a part of the time and the officers of the Navy do, then they ought not be treated as a part of the Navy, and they ought not get the compensation and emoluments and distinctions of the Navy without bearing its responsibilities, its duties, and its obligations, and they certainly ought not get higher pay.

Mr. MANN. May I make a suggestion to my friend from Alabama?

Mr. RICHARDSON of Alabama. Certainly.

Mr. MANN. Quite a number of the officers of the Revenue-Cutter Service are on shore duty all the time.

Mr. HEPBURN. There are 13 or 14 officers who are engaged, as I have said, in the construction of the machinery of vessels.

Mr. MANN. Well, there are quite a number who are steam-machinery inspectors traveling around the country and who under this bill would receive 15 per cent more pay than a naval officer would receive for the performance of similar duty.

Mr. RICHARDSON of Alabama. The figures I have stated



have been carefully prepared, and the only answer that my distinguished friend from Iowa can suggest is that these Revenue-Cutter Service officers do not perform shore duty at all, and in this it clearly appears that he is mistaken.

Well, now, what is the pretense for all of this, if you will allow me in the proper spirit to use that word, and I use it most respectfully? What is it? Why, we know that under section 2757—and it has been so since 1789—the President has the right to order these Revenue-Cutter vessels to cooperate with the Navy at any time that he sees proper, or that the emergency requires, and it is for that reason that you are asked to-day, as you have been asked in previous Congresses, to pass this kind of legislation. What else does the statute provide in that, and I call especial attention to it? The great argument here is the inequality while they discharge the same duties, says my friend from New York [Mr. SHERMAN]—the inequality of their pay. Why, a man in this country, in my humble judgment, is not entitled to any pay except that for which he labors and toils. Section 4741 of the Revised Statutes is in words as follows, and I read it:

The officers and seamen of the revenue cutters of the United States who have been or may be wounded or disabled in the discharge of their duty while cooperating with the Navy, by order of the President, shall be entitled to be placed on the Navy pension list at the same rate of pension and under the same regulations and restrictions as are provided by law for officers and seamen of the Navy.

This appears to put the Revenue-Cutter officer while he is acting with the Navy on the same footing with naval officers. I am not prepared to say how many have received the fruits of this benevolent provision of the law.

Mr. Chairman, I ask you during the consideration of this bill have you heard a word said about providing for the seamen mentioned in the section of the law that I have just read? Nobody is provided for in this bill except the officers of the Revenue-Cutter Service. That, in my opinion, is a marked injustice. The man, as I understand it, in all wars and in all great emergencies that threatens the life of a government is the private soldier with a knapsack on his back and a gun in his hand. He it is who does honor and glory to his country, and he it is who makes the proud names and reputation of generals commanding. But in this bill nothing is said about making provision for the seamen. I detract nothing from the names of the great military men of our country when I say this.

Now, Mr. Chairman, I read first from the report of the Chief of the Division of Revenue-Cutter Service published in 1897, and it is the only work that I have been able to see that gives a detailed account of the expenses. If there has been another, I should have been glad to get it. I have heard it discussed here about the appropriation made for the Revenue-Cutter Service—reciting the fact that the appropriation was equivalent to giving the details, but in this book the details are given, and I would not subject myself to the suspicion of engaging in something humorous and trying to ridicule this Cutter Service if it was not that I read from the book gotten up by the superintendent of the division himself. I treat the matter with the respect and gravity it deserves. I read now from page 52 of that book, and I call especial attention to the caption:

FROM JULY 1, 1896, TO JUNE 30, 1897.

The following examples of assistance rendered during the fiscal year ending June 30, 1897, are given as illustrative of the character and value of the services performed by the Revenue-Cutter Service in one of its many fields of usefulness—

Mr. Chairman, it is a poor, unnatural creature that does not give the best side of his own case. Ah, we are all biased by our surroundings. In all the courts of the country and in all the relations of life self-interest suggests that we put our own side in its best light. This tendency governs the best of men in this country. I take it for granted therefore that they picked out the very best instances of that which would give character to the duties and the services they performed, and I will read them. I continue:

By the steamer *Boutwell*. Date, January 6, 1897. Location, mouth of St. Johns River, Florida. Yawl *Cocheco*. Home port, Providence, R. I. Number of persons on board, 1. Pleasure trip. Twelve days from Charleston, S. C., for Florida waters.

And I reckon if they had made a detailed statement of the services as they did in 1897, if they had made it for the intervening years, they would have something of this kind in it. Let me go on and read some more of them, and there are not more than a page and a half of them.

Date, April 26, 1897. Location, Mayport, St. Johns River, Florida. Sailboat. Number of persons on board, 2. From Pilottown to Mayport.

While a skiff under sail, with 2 persons on board, was crossing the St. Johns River she was struck by a squall and capsized. The dingy from the *Boutwell* assisted two boats from the pilot boat *Meta* in rescuing the occupants of the skiff, righting and towing her to the *Meta*, whereon the men were cared for.

Do you propose to put that character of service in connection with the magnificent Navy of this country? There never was a brighter or more hopeful prospect in the Navy of the United

States than there is to-day, and the future promises to make it more useful and valuable than it has ever been in the whole history of our great Republic.

The coming future holds out that promise to the Navy of our country, and the people everywhere are in hearty accord, in my opinion, with all of its improvements and the assistance it will have in extending and broadening the great commerce of this country. Why, the history of the world shows that no people have ever had any fear of the navy. It is not a navy that overturns the liberties of the people. It is the man that wears the knapsack and the gun, and that is in the army on the land, the man on horseback, that the people have most cause to fear. Now, I failed to read in that first instance the history of the *Cocheco*.

The *Cocheco*, with two men, left Charleston, December 26 bound on a pleasure trip in Florida waters. Heavy weather blew them to sea. When off St. Augustine, one of the men left her in quest of assistance and is supposed to have been lost. The *Boutwell* came up to her ashore at the mouth of the St. Johns River; took her in tow to Jacksonville.

Let me give a more modern instance that serves to characterize the Cutter Service.

HEROIC RESCUE OF EA'S CREW—TAKEN FROM STRANDED STEAMER WITH DIFFICULTY BY WRECKING TUG.

NORFOLK, VA., March 22.

Captain Guarey and crew of 23 men of the Spanish steamer *Ea*, which stranded and went to pieces off Cape Lookout last Saturday, reached Norfolk this afternoon and left to-night on the Old Dominion Line for New York, from where they will ship for Spain.

The credit for saving the lives of the captain and crew is due Captain Coley, of the wrecking tug *Merritt*, of this city. In order to get at the men, the *Merritt* towed the members of the life-saving crew to the windward of the wrecked steamer and let go, the storm driving them in the way of the vessel, and 12 of the men were taken off and towed to the *Merritt*. This was done the second time, the boat being almost swamped beneath every wave, and finally the remaining members were aboard the tug. Here the Spaniards, not having eaten or drunk for four nights and three days, were given food and water and warm clothing, they being nearly frozen and half dead from exposure.

From the *Merritt* they were transferred to the revenue-cutter *Algonquin*, where they remained until brought to this city.

I naturally presume if a detailed statement had been made, as in the case of the *Cocheco*, that the mere fact that these 23 men of the Spanish steamer were transferred from the wrecking tug *Merritt* to the revenue-cutter *Algonquin*, that this would have been sufficient ground for the officers of the *Algonquin* to have claimed the 23 Spaniards among those whose lives were saved actually by the revenue cutter. If the director of the Revenue-Cutter Service had given us a detailed statement of the examples of assistance up to the present date, as he did in 1897, probably some light might be shed on the number of lives claimed in the majority report to have been actually saved. I presume that if they had made a report on cases of the kind just above referred to, the wrecking tug *Merritt* would have been simply an auxiliary to the revenue cutter, and it would have been advertised that 23 Spaniards had been saved from a watery grave by the dauntless heroism of the officers of the Revenue-Cutter Service. That is the character of service they perform, except when cooperating with the Navy. I read the duties that the law requires of the Revenue-Cutter Service. I read from the report of the chief of the division, published in 1897:

The duties of the Revenue-Cutter Service, officially defined under the law, consist in the enforcement of all laws of the United States affecting the maritime interests of the nation, the arrest and prevention of illicit traffic by the sea; all navigation laws, compelling all kinds of craft navigating the waters of the United States to comply with the local requirements in regard to documents, lights, steamboat inspection, and passenger laws; the quarantine laws, the rescue and succor of distressed vessels and crews; the drill and discipline of life-saving crews, the supervision and construction of life-saving stations, and the entire inspection of the work of that service; the supervision of anchorage grounds established by law, the patrol and anchorage of vessels at St. Marys River, Michigan, etc.

These are the duties, and now I will state succinctly the objections that I have to this bill.

First, it proposes, Mr. Chairman, to retire civil officers on a pension of over \$200 per month.

Second, its passage as a law will mark the beginning of a policy for the retirement of our Government employees when they reach 64 years of age on full pay.

Third, it proposes a 40 per cent increase of the present salaries of the officers of the Revenue-Cutter Service by adopting the longevity pay and fails to make any provision for the seamen of the service.

Fourth, the bill proposes to retire officers in actual service and give them higher pay on the retired list than they now receive on the active list.

For instance, captains now in active service receive \$2,500 per year as their salary. Under this bill they would be retired at a salary of \$2,625 per year for life.

Mr. HEPBURN. Mr. Chairman, will the gentleman allow me to interrupt him there for the purposes of a question?

Mr. RICHARDSON of Alabama. Certainly I will, with a great deal of pleasure.

Mr. HEPBURN. I understand that one of the objections of



the gentleman to this bill is to be found in the fact that no provision is made in it for the retirement of the enlisted men of the Revenue-Cutter Service.

Mr. RICHARDSON of Alabama. I hope I am mistaken about that. If it is, I should be glad to know that those privates are provided for.

Mr. HEPBURN. I want to ask the gentleman if he is in favor of applying the retired principle to the enlisted men of the Army and the Navy?

Mr. RICHARDSON of Alabama. No; I am not.

Mr. HEPBURN. You are not?

Mr. RICHARDSON of Alabama. No.

Mr. HEPBURN. Then why do you urge this as an objection?

Mr. RICHARDSON of Alabama. You mean the Cutter Service here?

Mr. HEPBURN. To any service that we have?

Mr. RICHARDSON of Alabama. No.

Mr. HEPBURN. Are you in favor of applying it in that way?

Mr. RICHARDSON of Alabama. No; I am not in favor of applying the retired-pay principle to officers and soldiers of the Army.

Mr. HEPBURN. No, no; to the enlisted men; that is what I want to know. You have urged here, as an objection to this bill, the fact that it does not provide for the enlisted men. Now, I want to know from you if you are in favor of applying the retired principle to the enlisted men of the Army and the Navy and the Cutter Service?

Mr. RICHARDSON of Alabama. In the first place, I do not favor the retirement of officers in the way it has been done here for some years past. But I will say this in answer to your question: That wherever you apply the principle of retiring and paying the officers, I think the privates who did their duty should have the same benefits.

Mr. HEPBURN. Now, will you favor a proposition to insert in this bill the principle extending retirement to the enlisted men?

Mr. RICHARDSON of Alabama. No; because I am opposed to the entire bill, absolutely and unqualifiedly.

Mr. HEPBURN. Then why do you urge that as a reason against the bill?

Mr. RICHARDSON of Alabama. I am opposed to it in principle, spirit, policy, and theory—everything connected with it.

When I was interrupted by my distinguished friend from Iowa [Mr. HEPBURN], I was enumerating specifically my objections to this bill. Mr. Chairman, I am glad here in this presence to say that I heard with delight and pleasure a few days ago the distinguished gentleman from Ohio [Mr. WARNOCK] when he drew that magnificent parallel between the courage and bravery of the Federal and the Confederate soldiers. His tribute was one worthy of the transcendent courage that he so graphically described. It came from a broad mind and a heart filled with noble and patriotic impulses.

I admit that it filled me, as an old Confederate soldier, with pride to hear him speak of those brave men as American soldiers. I heartily congratulate him, and whenever an opportunity and time comes to me to reward these brave men of the Federal Army and their widows no man on the floor of this House will respond to it more cordially than I will. [Loud applause.] That is the feeling I have about it, but I do not believe that it is right in this revenue-cutter bill to advance these officers and give them immense pay upon a civil pension list and ignore the seamen, who do their duty and do the work.

I return now to my specific objections to this bill—the fifth one—and I want gentlemen to listen to it, as I have examined it, Mr. Chairman, with all the care and ability that I possess in the short time that I have been a member of the Committee on Interstate and Foreign Commerce: By act of Congress authorizing a permanent "waiting-orders list" in the Revenue-Cutter Service, on which list a captain, at his own instance and request, is placed and receives a salary of \$1,250 per annum. On the waiting list under this bill such captain would receive a salary of \$2,625 per annum. He is on the waiting list by the law, and he gets \$1,250. Under this bill he would get \$2,625 per annum. Examine for yourself the figures I give you. Are you going to do that?

In other words, an officer already retired, already drawing \$100 a month and something over that, unable to perform any service, under this bill will get something over \$200 per month. Paying a man for service that he can not render; taking him from a "waiting list," where he is now, where he is given with his own consent and on his own application \$1,250, and putting him on a retired list at \$2,625. That is the bill, and no one can deny it. The question is pertinent. What reason is there for this extraordinary liberality? And the sixth ground of objection is an important one. It organizes and creates a separate and distinct arm of the Navy, without imposing the obligations, discipline, and responsibilities of the Navy.

Now, Mr. Chairman, I see that my time is expiring. The great objection I have to this bill, after these many statements about it, is the far-reaching and dangerous precedent that it establishes. That is what Secretary Long was talking about. It is to-day but a cloud not larger than my hand on the governmental horizon; but it will not be long until that cloud will cover the entire governmental horizon with its dark shadows, and we will see the lightning's flash and hear the thunder roll when it will be too late to retrace our step, after we have inaugurated this policy and created a civil pension list in this Government. The powers will be too strong after once entrenched to dislodge them. They will dictate legislation. Such a policy as this bill fosters belongs to a monarchical form of government; it has not a place in the institutions, principles, theories, and conceptions of this great Republic of ours. It is creating a preferred civil list for civil officers. It creates a pampered, favored class, and to show the drift of public opinion I will ask the Clerk to read the paper which I send to the desk.

The Clerk read as follows:

[Philadelphia Inquirer, March 22, 1902.]

#### PENSION FOR SUPERANNUATED WORKERS.

A disposition to make some better provision than the poorhouse for men and women who, after working hard all their lives, find themselves in their old age without any means of support is one of the most salient and encouraging signs of the times. It is a disposition which has been manifested in various ways and in almost every direction; but there has been a more rapid progress along that line of development in the Old World than there has been in the United States, so far at least as regards the intervention of the Government. There are countries where a system of pensions paid by the state has already been established. To bring about the institution of such a system is the aim of the Socialist party in France, an aim toward whose attainment the Waldeck-Rousseau ministry has pledged its assistance, while it is a well-known fact that to soothe the declining years of the worn-out worker and to save him from the humiliation of "going on the parish" has long been one of Mr. Joseph Chamberlain's dearest ambitions.

He saw taken in the House of Commons the other night a step, though not a very long one, toward its realization. The aged pensioners' bill, which then passed its second reading, embodies the ideas upon this subject which Mr. Chamberlain has frequently expressed. It is framed in such a way as to avoid discouraging its expectant beneficiaries in the exercise of thrift, and it provides that every working man and woman who shall have passed his or her sixty-fifth year shall receive, out of the public funds, a pension for life, which, though necessarily small, shall be sufficient to insure a decent subsistence. It is proposed that the money required, which is estimated at between fifty and sixty millions of dollars, shall be provided in equal parts between the local authorities and the National Government. And this radical measure, involving as it does a wide departure from all precedent, a measure which not many years ago any British Parliament would have repudiated as revolutionary, was passed on second reading without any serious opposition from either side of the House.

It is true that its enactment at the present session is not expected. The unsatisfactory condition of the national finances consequent upon the enormous drain of the South African war renders the imposition upon the tax-paying classes of a supplementary and avoidable burden impracticable at this time. The significant thing about what has happened is the ready and virtually unanimous acceptance of the principle which underlies the proposed innovation, namely, that the man or the woman who after a life of useful labor is left in old age without means of support has a right to ask that the community shall provide him and her with something better than the pauper's portion, and that the existence of a need for such provision shall not be accounted a disgrace. This is a widely different theory from that which still prevails and which has only lately been questioned. At present public assistance is given to the aged needy, not as a right, but as a gratuity, from whose acceptance humiliation is inseparable. The new view is that it can be claimed as a right and accepted with no more discredit than attaches to the receipt of a military pension.

"The new view," Mr. Chairman, as declared there in that paper, a leading newspaper in this Republic, published in one of the largest cities of the United States—"the new view" is contained, yea, the germ of it lies latent, in this bill which we are to-day considering. Now, it is time, when these things are being manifested, when these evidences are being given, for us to order a halt before we go too near this precipice. Inaugurate this policy, Mr. Chairman, and why are not the officers of the Fish Commission, of the Marine Service, and the various others I could mention, to be added to the list? What evidence have we of this "new view" here in the bills now pending in this House tending to creating a civil-service pension list?

Mr. GROSVENOR. Will it interrupt the gentleman to yield to me for an inquiry?

Mr. RICHARDSON of Alabama. Not at all.

Mr. GROSVENOR. I am delighted at the position the gentleman takes in opposition to a civil-pension list, and especially that Mr. Secretary Long is opposed to a civil-pension list. How does the gentleman from Alabama stand, and how does the Secretary of the Navy stand, upon the question out of which has grown in this country to-day practically a larger pension list than there is in England, against whom you are inveighing?

Mr. RICHARDSON of Alabama. Larger civil list? Do you mean a larger military-pension list?

Mr. GROSVENOR. A larger civil-pension list, grown out of the operations of the so-called civil-service law.

Mr. RICHARDSON of Alabama. Oh, well; I would be very glad to answer my distinguished friend from Ohio [Mr. GROSVENOR] in any way that I can. I do not know much about that, but I can tell you cheerfully that I have never had much patience



with the civil-service policy, except as to the consular service and some other duties. I believe that when the Republicans are in power they should control the offices. I believe that they are able to find men in their own party that are good, honest, and straightforward enough to fill these offices, and I believe, too, that when the Democrats are in power they ought to control the offices and fill them with Democrats. That is my idea about it.

Mr. GROSVENOR. But under the administration of that law 40 per cent of the cost of the administration of the civil-service side of the Government is confessedly a civil-pension payment to-day. Nobody will doubt that, and yet when it comes to pensioning the men who do the service in the Revenue-Cutter Service of the country, Secretary Long seems to be condemning civil pensions.

Mr. RICHARDSON of Alabama. I am frank to say that I am not acquainted with that feature. I have read what ex-Secretary of the Navy, Mr. Tracy, and Secretary Long both said about this bill, and I agree with them about it fully. I was delighted the other day, Mr. Chairman, to hear that a distinguished gentleman on this floor—and we all take pride and have pleasure in seeing any member of this House promoted to higher honors and a more responsible position—I was also delighted to hear the distinguished gentleman from Massachusetts [Mr. MOODY], who will soon take that grand portfolio, the Secretary of the Navy, vote on the matter of the rule on this bill in a manner indicating his opposition to this bill. I say I was glad to hear him.

Now, Mr. Chairman, look at the tendency, the trend, of the public mind. It behooves Congress more than it ever did on any occasion at any period in the history of this country to use its power in checking and stopping the increase and growth of that civil-pension list. If it is true, as the distinguished gentleman from Ohio [Mr. GROSVENOR] says about the civil-pension list that has already been created, then my argument is still stronger, and we ought not to go any further with it. Look at the different bills introduced into this Congress. Here is one "to increase the efficiency of the public service by the retirement of superannuated employees." Here is one for "the retirement of Government employees in the classified civil service and the establishment of a retirement bureau." Another for the "retirement of Government employees in the classified civil service without cost to the Government." Here is one for the appointment of a "superannuated commission." Another "to prevent superannuation in the classified civil service." Still another "to classify the railway postal clerks and prescribe their salaries."

REASONS FOR URGING SPECIAL LEGISLATION IN FAVOR OF RETIREMENT FOR WEATHER BUREAU EMPLOYEES.

- (1) They work three hundred and sixty-five days in a year. Their hours of duty are long. On the Pacific coast the first observation is made between 4.30 and 5.30 a. m., while on the Atlantic coast the offices can not be closed before 11 p. m., and often later. They must be on the alert at all times to detect the first premonitions of storm development, and remain constantly on duty in order to distribute warnings that may be received at any moment.
- (2) They are subject to great vicissitudes of climate, being required to serve, as the exigencies of the service may require, in almost any degree of latitude, from Alaska to the West Indies.
- (3) By reason of the peculiar organization of the service its employees are, like officers of the Army, in a great measure deterred from obtaining a fixed habitation or enjoying the privileges that accrue to long residence in a community. Changes of station generally operate to their financial disadvantage.
- (4) It requires many years of experience in the Weather Bureau to become thoroughly efficient in the higher duties of the service, and constant study is necessary in order to keep pace with the developments of meteorological science. The most efficient men are those who entered the service when they were young and vigorous, and gained proficiency as a result of study of the weather conditions as they were daily presented. The observers of the Weather Bureau are on guard to give warning when danger threatens, so that measures of safety may be taken by those whose lives and property are in jeopardy.

And so it goes on, Mr. Chairman. It is already growing up in the railway service. We have various instances of it where they are regulating the retirement of their employees. Whenever you start that thing it is like knocking down a row of bricks—you hit the first one and they all follow after a while. It is tending to teach the public mind first to become reconciled to it and next the Government will be asked to help in it.

I read now from the General Superintendent of the Railway Mail Service in his annual report of 1901, in which he says that—this office has been very persistent in its efforts to secure some legislation in the way of relief bill or superannuation act to provide for our permanently disabled and worn-out clerks.

They are all drifting that way. Now, Mr. Chairman, I see that my time has about expired, but I would like to publish, and I ask leave to print some data that I have and am unable to read. In conclusion I have to say that I have not one iota of partiality or bias or prejudice about this matter. I am looking at it from the general broad standpoint, not whether these officers of the Revenue-Cutter Service are worthy or not, not whether they discharge their duties efficiently according to their line of duty—that is not the question; but it is a far-reaching precedent that this bill creates; it is the far-reaching effect of it that once you get it started in this Government you can never stop it.

As I said before, it is against the inspiration of our great Republic, it is against the teaching and precept of all the great men and all the great parties in this country from the time of the organization of our Government down to date. Of all the leading statesmen, none of them have ever, that I know of, countenanced this idea of creating a civil-service pension list. Because the President has the power under the statute to order the revenue-cutter vessels to cooperate with the Navy for the time being, we can not say that that takes from them the civil features when they remain in the custody and under the care of the Treasury Department, where they have been for over one hundred and ten years. [Applause.]

Mr. MINOR. Mr. Chairman, I desire to send to the desk and have read the following resolution:

The Clerk read as follows:

Resolution adopted by the Grand Lodge of Ship Masters' Association at a convention held in the city of Washington, D. C., January 23, 1902.

Hon. WILLIAM P. FRYE.

Chairman Committee on Commerce, United States Senate:

Whereas there is now pending before your committee Senate bill 1025, for the promotion of the efficiency of the Revenue-Cutter Service; and

Whereas that service is universally recognized as a most important auxiliary in aid of commerce, in the enforcement of the navigation laws, and all laws appertaining to maritime affairs; and

Whereas we deem it of the utmost importance that said service shall be maintained in the highest state of efficiency: Therefore be it

Resolved by the Shipmasters' Association in annual meeting assembled, That the Senate and House of Representatives be earnestly requested to enact said bill into law.

J. A. WARD, *Grand President.*

Attest:

E. G. ASHLEY, *Grand Secretary.*

Mr. MINOR. Mr. Chairman, I believe that completes the indorsement from every maritime organization of the United States, and they all favor this bill and every provision of this bill now before the House. In addition to these indorsements, numerous commercial bodies, boards of trade, chambers of commerce, national boards of trade, seven State legislatures, and numerous other bodies, political and commercial, have indorsed this legislation. If at any time in my life I ever doubted the propriety and wisdom of this legislation, these indorsements, coming to us as they have, would be ample justification for me to, in my feeble way, support this bill most heartily.

I will not attempt to reply to the gentleman from Alabama at length; but I could not fail to notice a few of the observations that he made while he was on the floor in reference to a letter from the Secretary of the Navy, Mr. Long. Mr. Long wrote the letter referred to, but it applied to a bill then before Congress, and that was the Fifty-sixth Congress. Mr. Long has never written or spoken a word against the bill now pending in this House. The objectionable features in that bill, if they were objectionable, have been stricken out, and this is a modification of that bill, against which the Secretary has urged no objection.

Nine months after the Secretary, Long, had written that letter, to which reference has been made, his chief, the lamented deceased President of the United States, wrote an indorsement, in his message to this House, of the bill then pending; and it is admitted by all that this is a much more acceptable measure than that; yet the President of the United States committed himself fairly and squarely to the bill before the Fifty-sixth Congress. And I know that if the Congress of the United States had passed that bill the President would have been more than delighted to sign it.

Nine months after the Secretary of the Navy had written that letter referred to, criticising the bill, I say, the President lent his indorsement to the same bill then pending before Congress; and you have never heard a word of objection out of this great civil-service reformer since that time.

So much for that part of the case of the gentleman from Alabama. I was surprised, Mr. Chairman, that a member of this House would squander ten or fifteen minutes in talking upon a letter written by a great Secretary pertaining to and touching a matter that is not before the House at all.

He also spoke of the duties of the Revenue-Cutter officers. I say to him now that the duties performed by Revenue-Cutter officers are more valuable, more complicated, more in number, and require greater experience and ability than the duties performed by any other officials of the Government of the United States. And I say to him, in addition, that every officer in the Revenue-Cutter Service knows that when the President so orders in time of war it is not left to his discretion to say whether he will go into active service in that war; but it is left to the President of the United States to issue his order, and every Revenue-Cutter and all Revenue-Cutter officers are compelled by statute to cooperate with the Navy. That is provided for in section 2757 of the Revised Statutes.

I say here and now that, notwithstanding the remarks of the gentleman from Alabama and the gentleman from Illinois, the Revenue-Cutter officers stand abreast of the naval officers or the



Army officers. They are as well equipped to perform their duties in peace and war as the Army, the Navy, or the Marine Corps. I say that the instructions and the duties of cadets on board the training ship, and the qualifications required when they are examined to enter as cadets, are such that it can not be otherwise than that they must have the same requirements as Navy and Army officers.

I make the further assertion, and will undertake to prove it within the thirty minutes given me, that all this charge about these officers being civil employees is absolutely misleading. They are a military branch of this Government and have so been characterized by every Secretary of the Treasury since 1872; and not only that, but some of the Secretaries of the Navy have so characterized them. And reviewing the history of this country from 1790 down to the present time, those statements have been verified by the history of our country for more than one hundred years. From 1790 down to the civil war and the war with Spain there never has been a bugle sounded or a drum tap beaten to arms when the revenue-cutter officers have not responded and have stood shoulder to shoulder with the Army and the Navy. Then why will gentlemen insist here in this House that if this bill passes it simply provides for a civil pension list? Such a remark is absolutely misleading.

Now, Mr. Chairman, I propose to enter into some details that have not been touched upon thus far and to give a history of this service from its inception down to the present time. If the House will bear with me I will read from the record compiled from the statutes of the United States and orders from the Secretary of the Treasury and the President of the United States.

This service was organized in 1790 by Alexander Hamilton, eight years prior to the organization of the Regular Navy. It took an active part in the war of 1812. There is where this service began its military experience, in the war of 1812; and this branch of the service covered itself with glory then as it has done on every occasion since that time.

In the war with Mexico a number of cutters cooperated with the Navy—as many as could be spared from the Revenue-Cutter Service at that time. In 1858 the cutter *Harriet Lane* formed a part of the Paraguay expedition (this was in time of peace), and the services rendered by this ship were the most valuable of any in the fleet, as stated by the commanding officer of the squadron. Many of these vessels cooperated with the Navy during the civil war, as all know, and the revenue cutters were in active cooperation with the Navy during the recent Spanish war, as I will show later. There are, approximately, 200 officers in this service, but by adding cadets the total number is about 220.

Officers of the Revenue-Cutter Service are regularly commissioned and can be dismissed in identically the same manner as officers of the Army and the Navy. They are appointed by the President and confirmed by the Senate. They are given rigid physical and professional examinations for entrance to the service, and for promotion to each of the grades above where they enter. The seamen are regularly enlisted for three years, uniformed the same as seamen in the Navy, drilled with large and small guns the same as in the Navy. Of the 229 officers who will be affected by this measure, 88, or over 25 per cent, of them saw active service in the civil war. Without casting any reflection upon the Navy, because God knows I love the Navy as well as any man on this floor, it will be pertinent to remark in this connection that in the naval service to-day there are scarcely 5 per cent who saw service in that war.

In glancing over the minority report upon this bill (S. 1025) my eye fell upon this paragraph:

Under the bill as recommended by the committee, every one of these torpedo boats or torpedo-boat destroyers would have been subjected to the command of a revenue-cutter captain if the two boats had happened to meet in joint operations on detached duty. It seems to us that it would be extremely unwise to place naval officers, specially trained by the Government for the purpose, who may be in command of naval vessels, under the command of revenue-cutter officers, who are without training in methods of warfare, when the latter happen to be serving on auxiliary duty with the Navy in time of war.

I want the House to remark those words, "who are without training in methods of warfare." Now, let us examine and see what the studies are. Let us see what these officers have to attain to—what the requirements are under the law and under the orders of the President of the United States. The studies pursued on board the *Chase*, and that, by the way, is the training ship for revenue-cutter cadets, are of a strictly technical character and are such as to fit the cadets for their duties as revenue-cutter officers. The course lasts two years, and it embraces the following subjects, the regular officers of the service being the instructors. We do not have to go outside to hire professors; we furnish our own professors. The revenue-cutter officer is the teacher. Now, what does it teach these cadets?

Seamanship, practical and theoretical; nomenclature, wooden and steel vessels; rules of the road; law of storms; sailing and

handling of small boats; composition and official correspondence; lectures on professional subjects; navigation, practical and theoretical; nautical surveying, practical and theoretical; magnetism of iron vessels; compensation of the compass; charts and tide tables; piloting; international law, if you please; artillery drill—mark you, artillery drill for these "civilians," so called; mathematics; plane and spherical trigonometry; gunnery (for these "civil" employees, as we are asked to believe them so be), practical and theoretical; infantry tactics.

Who would have thought it? Who would have supposed this was the curriculum, in view of the remarks that have been made by gentlemen who oppose this bill? Target practice, large and small guns; broadsword exercise—who would have believed that? What becomes of civilian theory? Then comes astronomy; laws relating to navigation; signals, service and international codes; fencing; pistols; hygiene; first aid to the injured; resuscitation of the apparently drowned; minor surgery and the practical use of drugs, and I believe nearly everything is taught aboard the *Chase* that is taught in the Navy except dancing. They do teach dancing in the Navy. We have never adopted it in the Revenue-Cutter Service; we make the other fellow dance when we meet him in armed conflict at sea. [Applause.]

Now, here follows the studies. Length of course in Naval Academy, four years, and two years at sea, and at this point I desire to call attention to the fact that revenue-cutter cadets are much more advanced in their studies when they enter the service as cadets than naval cadets. I remember last year in the appointment of a cadet to Annapolis. I ordered a competitive examination, and the boy that passed and took the highest prize out of seven would have failed in an examination for cadet in the Revenue-Cutter Service; but when that boy went to Annapolis he passed with high honors. But these cadets must have a college education, or, in other words, they must be just about as far advanced when they apply as cadets and have their examination as the cadets that have been at Annapolis for two years at least.

And then, in addition to this, they must go aboard to the training ship *Chase* for two years. And, gentlemen, I desire to say to this House that if I had a son for whom I desired a high education and practical instruction to meet the tides of life, to stem the adverse currents that we are called upon to stem in business and in other affairs of a practical nature, I would say that if he could enter this service as a cadet and go aboard of the *Chase* for two years and receive this instruction, that he would be fitted for any walk in life, except the great professions that require special training.

Candidates for appointment as cadets must be graduates of a college or first-class high school. Their examination is more severe than for entrance to the Naval Academy. The following subjects are enumerated, and they must be proficient in these subjects:

Spelling, geography, history and Constitution of the United States, grammar, composition and rhetoric, arithmetic, algebra, trigonometry, logarithms, chemistry, general information.

Now, that is the starting point in this Service. The cadet must pass a creditable examination in these studies, and then, in addition to this, he must take his two years' training aboard the training ship *Chase*. And I am told by disinterested persons, who are competent to judge, and who have boarded that ship, that there is no ship afloat where the discipline is more strict and the requirements more severe than aboard of that training ship *Chase*. In view of these studies, and in view of all other requirements—proficiency in target practice, in the handling of rifled cannon, in pistol shooting, cutlass, rifle, and infantry drills—I am surprised that some of these gentlemen do not propose to disarm these "civilians," so called, and take their arms from them, to take the big guns from off the ships and arm them with tooth picks and bologna sausages. [Laughter.]

Why, it is ridiculous to make such charges on this floor, that these officers are civilian employees. It seems so strange that this great Government of ours will put aboard of the *Gresham*, for instance, 100 rifles, 100 revolvers, 100 sabers, and 4 rifled cannon, with these so-called "civilians" to handle them. It is strange, indeed, is it not?

Engineer officers of the Revenue-Cutter Service are unlike engineers in the merchant service. It has been charged that they are better paid than the engineers in the merchant service. I am here to deny that proposition, and I am ready to furnish the proofs.

The engineers in this service must be better equipped than engineers in the merchant service, inasmuch as they are required to be graduates of technical colleges when they enter the lowest grades in this service. Moreover, they may at any time be detailed to design and superintend the construction or repairs of machinery of the revenue cutters, and they must be qualified to respond when called. They are also detailed to inspect all the materials entering into the construction of the hulls, machinery, and equipments of the vessels of the service. All machinery is



designed by officers of the service themselves, and they receive no assistance from outside experts, as is the case with merchant vessels. On board ship they must drill the men in their force. Now, think of it, in view of what has been asserted by the opposition, the engineer force, if you please, must be drilled in the handling of large and small guns. What is the matter with these civilians again! And they must be drilled in the various evolutions which are required on armed vessels of the Government.

It will be proper for me to say at this point, Mr. Chairman, that the engineers of the Revenue-Cutter Service are just as efficient, and I have it from high sources in the Navy that some of them are more efficient than the average engineer in the naval service. These men, who are drawing the magnificent sum of \$1,800 a year, and some only \$1,500, are able to take the material from which the engines and boilers are made, in its crudest state—pig iron, if you please—and convert it into steel, and by their drafts and designs convert it into engines and boilers, air pumps, condensers, and propeller wheels, and they do it themselves, without calling outside assistance. They can determine its tensile strength, its ductility, and everything about it, and they know when it is fit to go into this machinery. They do not have to go to an expert or professor to teach them that duty.

How often in the merchant service do you find an engineer who is even capable of setting up an engine in proper shape? It is not expected of them. Even after the engine is constructed not one out of ten of them can put it into the boat so as to get the best results. And yet, Mr. Chairman, many of these engineers in the merchant service are receiving to-day, right on the lake which is in front of the district represented by the gentleman from Illinois [Mr. MANN], greater compensation than some of these officers on board our cutters.

Now, gentlemen, this idea of their being inspectors of the life-saving stations has already been exploited. We know there is no question but what the Life-Saving Service owes its efficiency to the revenue-cutter officers. I have stations in my district; I have a station within 4 miles of my own home, and I know that regularly twice a year a first lieutenant of this service comes there to drill and practice with that crew, and I know that if he did not come that service would not be as efficient as it is, though I think that station has the best captain and crew I ever saw.

Now, as to the armament of revenue cutters. The vessels in the Revenue-Cutter Service and the naval vessels are the only classes of Government ships which are armed; and yet I heard the gentleman say yesterday, while opposing the rule to consider this bill, that light-house boats and marine-hospital boats were on all fours with the Revenue-Cutter Service, and that they formed a part of the blockading fleet off Santiago and Habana. Let me state to the gentleman that there were revenue cutters there, and every revenue cutter was under a revenue-cutter officer, and every light-house boat and hospital boat was commanded by a naval officer detailed for that purpose. There is the difference.

They never expected that a revenue cutter should be under any other command than a revenue-cutter officer. He is equipped at all times for peace or war. He reads the signals from the flag-ship and follows the evolutions as directed, and he fights like an American citizen for his country and its flag. Every revenue cutter is provided with rapid-fire guns of the most improved type. Each vessel is fitted with a magazine. In the magazine are modern rifles, a cutlass, and a Colt's navy revolver for each man in the crew, and they are taught how to use them effectually in time of war. In the Spanish-American war the revenue cutters which cooperated with the Navy carried a total of 61 large guns.

Now, let me stop right here to remark in the gentleman's opposition to the rule to consider this bill he was very careful not to mention anything about these boats that were cooperating with the Army. I find that in addition to the cutters that were cooperating with the Navy and carrying 61 large guns that 7 revenue cutters were cooperating with the Army, carrying 13 guns, which the gentleman purposely, carelessly, or unintentionally omitted from his statement. The larger cutters are fitted with a 15-inch torpedo tube, and in a very short time, on account of their great speed, can be fitted up as torpedo boats, and when thus fitted they do not have to detail a naval officer to command them. These modern revenue cutters are the fastest vessels of their size and type in the country. They average from 5 to 7 knots an hour faster than vessels of the same size in the Navy.

And, further, illustrating the competency of these revenue-cutter officers, they design their vessels, they inspect the materials that enter into them, they supervise their construction, they have the selection of the material that goes into the engines, they design them, they draft them, and supervise their construction, and put them into the boat when completed, and not one has ever failed to meet the requirements set forth in the specifications. In the views of the minority it was stated that the revenue cutters cooperate with the Navy only in time of war. Such is not the

fact, as they have frequently been put in cooperation with the Navy in peace times, notably in the Bering Sea patrol and in the joint cooperation for the suppression of filibustering along the southern coasts prior to the Spanish war. During the Spanish war such cutters as were not cooperating with the Navy were detailed to cooperate with the Army, and did very efficient work in the guarding and patrolling of the submarine-mine fields which were located in all the principal harbors.

I desire to speak just for a moment of one of the officers in that service, as I think his name will be familiar enough, and the House will agree with me that he is entitled to some consideration. I speak of Lewis N. Stodder, who was a master in the Navy during the civil war, who volunteered to pilot the *Monitor* during her memorable fight with the *Merrimac*, and to Stodder's skill as a pilot on this floating fighting machine much is due for the victory won that day. He is the sole surviving officer of that historic vessel, and is at present a captain in the Revenue-Cutter Service, on duty in New York City, as supervisor of anchorages. And I might say right here in this connection, Mr. Chairman, that until two years ago another officer of this service (Lieutenant Howard) distinguished himself in the civil war, but he died two years ago, covered with glory and filled with patriotism, and always ready to meet the demands of his country in peace or in war. I desire to say also that there is now in the Revenue-Cutter Service a lieutenant who was an assistant engineer on the *Merrimac* during her conflict with the *Monitor*, and he is a brave and worthy officer.

Now, then, Mr. Chairman, I have briefly outlined the history of this service, and if I have stated it correctly, I ask any man how he can consistently characterize it as a civil-service branch of this Government? I say now and here that it is a part of the military force of this country, and so long as the Navy and the Army have been given the distinguished honor and emolument that accrue to them by reason of the retired list, I say you can not consistently deny the same honor and the same advantage to the revenue-cutter officers. You talk to me about these officers being civilians. They are civilians in time of peace in a way, and so are the naval officers, as well as the Army officers. Thank God we are not always at war. We are a nation of peace, but when war comes we are mighty, either in the Army or the Navy or the Revenue-Cutter Service.

Mr. RICHARDSON of Alabama. Will the gentleman allow me an interruption?

Mr. MINOR. Why, certainly.

Mr. RICHARDSON of Alabama. It is a fact, is it not, that the nature and the character of the Revenue-Cutter Service have not changed since it was organized in 1790?

Mr. MINOR. No. I said "No." I want to qualify that. It has changed to meet conditions as they arose. Originally, in 1790, the cutters were sailing boats, small sloops, and two-masters, 100 or 150 tons burden. To-day they are steamships; some of them measure 1,400 tons and are able to travel 20 miles an hour.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHERMAN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MINOR. It has been asserted here, Mr. Chairman, that these revenue-cutter officers are amply paid for services rendered. It is said in the minority report that the duties are not laborious, not arduous, not extremely dangerous. I assert that all that is wrong and misleading; but granting that it may be so for the sake of argument, I desire to say that I had occasion last night to go through what is called the Blue Book, where all the employees of the Treasury Department are listed and their salaries given. Now, I do not want to reduce the salary of a single employee of the Government. I know what it costs to live in Washington. I have been here eight years with a family, and there is no place like it. They will beat you by day and they will beat you by night. It is a skin game from start to finish. [Laughter.] Therefore I have no desire to cut down the salary of a single person of the Treasury Department; but this will, I think, strike the House as remarkable.

I took up the list of female clerks in that Department, and Lord knows I love them all and have no desire to see their salaries cut, and they know it [laughter].

Mr. DAHLE. Even if they are 80 years old.

Mr. MINOR. Yes; age makes no difference for purposes of this discussion. [Laughter.] Now, I found one receiving \$1,800, or the same as a first lieutenant or chief engineer of this service. A first lieutenant, who takes charge of the machinery aboard one of these great cutters that is armed to the teeth, and who is responsible for the lives of these men; who goes to sea and stays there nine-tenths of the time, and who is an able and efficient officer, able not only to command one ship but to command a fleet of them, he receives the same pay as this one woman does, who works in a comfortable office about six hours each day. I found



32 women receiving \$1,600, \$100 more than a second lieutenant or a first assistant engineer. Think of it! The second lieutenant, under the rules and regulations, is required to step upon the bridge of one of these cutters and take her to any port in the world where there is water enough to float her. He is responsible for the property, responsible for the lives of the people aboard of his ship, and yet he receives less pay than each of these 32 women.

Then there are 105 of these ladies receiving \$1,400 a year, or \$200 more than a third lieutenant or a second assistant engineer. Think of it! A second assistant engineer or a third lieutenant, nominated by the President for life, confirmed by the Senate, adorned with shoulder straps, which I know is objectionable to some people, but they are an honor to their country, and they stay in that service and perform substantially the same duty as the Army officers and the same as the naval officers. I find also that 224 ladies receive \$1,200 a year, or the same as a third lieutenant and a second assistant engineer. I say the time has come when some measure of justice, so long withheld, should be meted out to these men. They are patriots; they are efficient men; they are educated men; they deserve well at your hands. They have always bared their breasts to the leaden hail in time of war; they have ever been ready and willing to protect this country and its flag. [Applause.]

Mr. HENRY C. SMITH. Mr. Chairman, the title of this bill is "To promote the efficiency of the Revenue-Cutter Service," and such is its purpose. I am in sympathy with the suggestion made by Secretary Long in his letter to this committee last year, where he says that this service ought to be a part of the Navy. I believe that one of the evils of this Government, and a growing evil, is the duplication of bureaus—the duplication of material and officers of all kinds. I never could understand, indeed it was a revelation to me to know that a service of this character, both of the magnificence and strength of the revenue-cutter boats, armed with guns and appliances, fit to wage battle against any fleet, was a part of the Treasury Department of this Government.

It seems to me to be an anomaly that this should be under the control of the Treasury of the United States, which results and must result in a duplication of armament, in a duplication of supplies, in a duplication of material, and in a duplication of men. And while I might more readily favor and support a measure which joined this with the service to which it naturally belongs, in my judgment, that we might have a greater, a grander, and a larger and stronger Navy under one single and controlling head, and that while I believe much is lost of the efficiency and of power in the disputes and contentions as to what officer shall control and what policy shall prevail, at the same time, in the investigation I have given this subject, I have become satisfied that this service of our Government has not received fair treatment; and I am satisfied that this bill will in a measure at least right the wrong that has been done to those who, I believe, are our best educated, best trained, and most efficient men.

Mr. MANN. Will the gentleman allow me a question?

Mr. HENRY C. SMITH. I will.

Mr. MANN. The gentleman referred a moment ago to the immense size of the revenue cutters. May I ask him if he has informed himself of the size of the vessels of the Revenue-Cutter Service?

Mr. HENRY C. SMITH. I do not pretend to have the accurate and technical information that the gentleman from Chicago has. I have not had an opportunity to confer with the gentleman, but in a general way—

Mr. MANN. I am giving you that opportunity now.

Mr. HENRY C. SMITH. Yes, sir; I appreciate it; and I thank the gentleman kindly for this school of information. But in a general way I have some information on the subject; and I have gained some from the report submitted to accompany this bill, which says that the boats of the revenue service now being constructed are of substantially the same strength, the same size, and the same efficiency as the great boats that are being built for the Navy.

Mr. MANN. May I call the gentleman's attention to the fact that in the Official Register—

Mr. HENRY C. SMITH. I have that "Blue Book." I have had sufficient influence to secure a copy, and have acquainted myself somewhat with the information therein contained. But I will permit the gentleman to put that in his speech when his time comes.

Mr. MANN. Then the gentleman does not care to have it in his speech, as it might break the symmetry of his remarks.

Mr. HENRY C. SMITH. Well, I expect everybody will read your speech and very few will read mine. Therefore the country will be far better served if the gentleman will embody it in his speech, where the country will see it. I appreciate the gentleman's kindly generosity and thank him for it, and trust that he will now be content to let me proceed.

Mr. MANN. I simply wished to know whether the gentleman was proceeding in his attitude toward this bill on the theory that the revenue-cutter vessels are of the same size and power as the naval vessels, because I call the gentleman's attention to the fact that the largest vessel in the Revenue-Cutter Service is of less than 900 gross tons, which would hardly fill the space of a coal apartment in a naval vessel.

Mr. HENRY C. SMITH. Well, I have seen a number of big men who did not do a big amount of work, and I have seen some small men and some small boats that were fully ready for effective duty, as I will show farther on.

Mr. MANN. I do not question that.

Mr. HENRY C. SMITH. It is not the size of a boat or the size of a navy or the size of a man that actually controls this question. It is the efficiency of the Service that I talk for, and I want to say that, in my judgment, this Service and the men that are in it, who are as honorable men as there are in our country, have been shamefully overlooked, misused, and snubbed, socially and every other way, by the men of the Navy, who want them to become and be subordinate to them.

I want to say another thing. They may not have as large boats under their command, and they have not as large salaries, I am sure. They may not have as much influence, and an order recently went out from the Treasury Department that they should not even write a letter or have a conference with a Congressman or any other representative of the Government looking toward the betterment of their condition. But while it may be true that they do not sail such large boats, do not stand so high socially, I want to say that no member of this organization ever objected to the promotion in the ranks of a young man who was efficient and in every way qualified for the place simply and solely on the ground that he did not have the social culture, the social standing, and the social refinement to entitle him to the place.

One of the evils of our Navy, and of our Army, too, is this social aristocracy. [Applause.] I do not care whether a man belongs to the Army or the Navy or the Revenue-Cutter Service, the official who says—and puts it in black and white—that a man shall not be promoted because of his want of family, because of his want of social refinement or standing, expresses ideas that are abhorrent to the growth and the dignity and the honor of American manhood. [Applause.]

While these men on this Service may not man as large boats as the gentlemen of the Navy, I want to say to you that they are manning boats; they are not in command of office desks. I wish I might embody in my remarks this cartoon that appeared in the Post yesterday morning of your gentlemen of the Navy sailing the seas on office desks, seated in easy chairs, entitled the "Squadron that Sweeps the Spoils."

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY C. SMITH. May I have five or ten minutes more?

Mr. SHERMAN. Certainly; I will yield the gentleman ten minutes more.

Mr. HENRY C. SMITH. And I for one, while it is in my mind, was pleased that the President of the United States in his message saw fit to call the attention of Congress to this evil of men in the Navy and Army holding civil positions; men educated at Government expense to fight the battles of the country seated to-day in Washington and other places behind mahogany desks, in easy chairs, drawing the salaries of civilians; and I honor the President for that part of his message in which he says it is their duty to get out upon the seas and to follow the fortune or the fate of the flag. Statistics furnished me show 585 graduates of West Point and Annapolis to-day holding civil positions. Now, my friend from Chicago, I ask you to name a man who was ever in the Revenue-Cutter Service who holds a place behind any office desk in this world.

Mr. MANN. You do not really want it, do you?

Mr. HENRY C. SMITH. I could not live if you did not give it to me.

Mr. MANN. Because there are quite a number of them.

Mr. HENRY C. SMITH. I have another argument that appeals to me in favor of this service. Perhaps by reason of my birth and early training I am a man of peace. I should be a man of peace, and I always hope to be a man of peace. It was the doctrine of my father and mother and for generations before them. I may have fallen a little from the high estate of the honest Quaker, but I still cling to the old faith of peace on earth and good will toward men.

Now, the sole purpose of the Navy and the sole purpose of the Army is to take life. The purpose of this Department, except when commanded by the Commander in Chief of the Army and Navy to do so, is the business of saving life. They are engaged in the undertaking of taking life only at such times as the perils of war warrant their being called into service. For this reason I am able and willing and pleased to support this bill.



Mr. SHACKLEFORD. Does the Navy take life at any other time? You say these people take life only when it is necessary. Does the Navy take life at any other time?

Mr. HENRY C. SMITH. No; I think not. I would not imagine they did.

Mr. SHACKLEFORD. I thought you were arguing that it did.

Mr. HENRY C. SMITH. No, sir; they do not take life except in time of war, but I have yet to learn that they of the Navy ever went out into storms hunting for chances to save life. [Applause.]

Mr. SHERMAN. And they do not take their lives in their hands at any other time.

Mr. HENRY C. SMITH. No; it is not a perilous business. [Laughter.] The safest business in all this world is to be a high officer in the Navy of the United States. [Laughter and applause.] It always has been safe, and it will be a good deal safer since our last brush with Spain, because, in my judgment, there will be no people on the face of the earth that will ever get within gunshot of us again. [Applause.]

But what I was going to suggest was that I want to call attention to some of the appropriations of Congress for these two Departments that do nothing but take life and some of the appropriations for this Department which does nothing but save life. Now, the appropriation for this Department is a little over a million dollars. In 1894 we appropriated something over twenty-four millions for the Army; in 1895, twenty-five millions; in 1896, twenty-three millions; in 1897, twenty-four millions, and so on—I will supply the figures later—in 1900, eighty millions; in 1901, one hundred and fourteen millions; in 1902, one hundred and fifteen millions.

Now, let us turn to the Navy: In 1894 we appropriated twenty-two millions; in 1895, twenty-five millions; in 1896, twenty-nine millions; in 1897, thirty millions; in 1898, thirty-three millions; in 1899, fifty-six millions; in 1900, forty-eight millions; in 1901, sixty-one millions, and over seventy millions by the last Congress. Now, I submit that it is a better policy to appropriate large sums for this Department that saves life. Now, what do the officers say? These great boats of the Navy go out onto the deep sea; they are out in midocean, where in reality there is little danger.

They patrol and police the far-out waters. These revenue cutters hug the shore, the rocky places, the shoals, and the places of danger. That is where these men are to be found, and I want to call attention to and make as a part of my remarks the statement made by Admiral Melville in speaking of this service. He says:

Although the Revenue-Cutter Service is, under existing law, under the cognizance of the Treasury Department, yet it is, always has been, and must necessarily be a military maritime organization. The service by law is made to enforce every statute that pertains to the protection of the country.

That is the business of this department. They patrol the coast for those who are violating the revenue laws, who are violating any of the laws of our country. This great Navy, for which we appropriate such large sums, is simply brought into requisition for actual service and actual good in times of war, except that I believe it is our duty to have a large Navy, a strong Navy, and a strong force, to be able to assert our rights and to maintain the dignity of the country at all times.

It is strikingly significant that just as soon as war is declared the service is practically drafted into the Navy and incurs every danger and peril that the regular men-of-war are subjected to. Does it not seem paradoxical that the men and ships of this organization are presumed to be in condition to be drafted at immediate call to the work of war and yet be not disciplined enough to fulfill the duties of the Navy in time of peace.

Such are the words of the man who knows what he is talking about. These men who are patrolling the seas, collecting the revenues, boarding boats, and looking after the interests of the Government, are expected to be sufficiently efficient on a moment's notice to take charge of their boats, to man the guns, to fight the battles of our country; and yet the minority here say that in times of peace they should not rank with the Navy.

I call the attention of the gentleman from Illinois [Mr. MANN] to this:

The ships that have been constructed during the past five years for this service will compare very favorably, in speed and armament, with the best of the Navy gunboats.

For over forty years I have seen the ships and known the men of the Revenue-Cutter Service. I have watched these vessels leave port upon the approach of a gale to patrol the coast in the hope of rendering assistance to any ships that might have been unfortunate enough to have been cast on the beach. I have seen these revenue ships in the Arctic Ocean hanging close to the ice pack, so as to afford immediate relief in case any of the whalers should be nipped in the floe. It is because I have seen this heroic work done that I have carefully studied the work of the organization. For over fifteen years I have had personal conferences with the superintendent and engineer in chief of the service, and I know of the efforts that have been made by these executive heads to only take into the commissioned personnel young men of character, professional efficiency, and high integrity.

As for the engineers of the organization, their professional training and education have been of such nature that in a short time I would have no hesitation in intrusting to their charge the care and management of the machinery of our best war ships. I believe that the percentage of men and

officers who meet violent deaths in line of duty is greater in the Revenue-Cutter Service than it is in the Navy. The officers and men of this service have made sled journeys of hundreds of miles over the roughest kind of country in their attempt to carry relief to the shipwrecked whalers.

Both officers and men are proud of their organization. The cleanliness of the ships and the general discipline maintained show that all hands are imbued with the best traditions and customs of efficient military service.

The work of the Revenue Marine is a more dangerous occupation than that of the Navy, because the duty of the first organization is to police the coast, while the Navy really polices the ocean. It is seldom that a ship is now lost at sea. It is cruising along the coast that is dangerous, and this is the special province of the Revenue Marine.

Every reason that can be given for the creation of a retired list for the Army and Navy is applicable to that of the Revenue-Cutter Service. There is not a day when every man in all three organizations is not subject to call for perilous duty. The personnel of all three bodies is subject to military as well as to civil trial for various offenses. In entering all three services the civil rights of the individual are abridged and military responsibilities assumed.

The pay received by the officers of the Revenue Marine is not at all commensurate with the service rendered. The uniform of these officers differs but little from that of officers of the Navy. As the work of the service is in tropical as well as in arctic waters, the officers are obliged to keep on hand clothing of all descriptions. Since the only allowance given the personnel of the organization is a "ration" amounting to about 30 cents a day, it is necessary for all the married officers to practically keep up their individual homes, as well as to contribute a share of the mess expenses on board ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY C. SMITH. I should like two minutes more. I have just one word further that I wish to say.

Mr. SHERMAN. Certainly; I will yield five minutes to the gentleman if he wishes it.

Mr. HENRY C. SMITH. The minority of this committee make no answer to the report of this Admiral. They make no disclaimer of what he says, of the facts he states; but they say that certain other services are just as much entitled to this consideration as this service.

Now, in conclusion, I want to call attention to this: The first cannon shot fired from any gun on any vessel in the war of the rebellion came from a revenue cutter; and is there any doubt of the gallantry and efficient service of Capt. D. B. Hodgson, who commanded the *McCullough*, the first boat that fired a gun in Manila Harbor? He, with the *McCullough*, was surveying in the port of Hongkong, engaged in an occupation of peace, but the cable of the President of the United States warned him to prepare immediately to engage in a naval battle which was to change the history of the world, and he steamed forward and was the first man at Manila to fire a shot in the engagement that sunk the Spanish fleet and sent down the Spanish flag. I believe that men of this character, who do this kind of work, should stand on an even plane and be entitled to the same protection, the same conditions, at equal salaries with the officers of the Navy. [Applause.]

Mr. MANN. I yield fifteen minutes to the gentleman from Arkansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Arkansas [Mr. LITTLE] is recognized for fifteen minutes.

Mr. LITTLE. Mr. Chairman, I had not intended to engage in any general discussion of this measure at this time, but the argument of the gentleman who has just taken his seat [Mr. HENRY C. SMITH] would be sufficient, so far as I am concerned, to cause me to oppose this bill.

The fact that the Army or the Navy, or both branches of the service, are overpaid, if they are, is to my mind no argument and no satisfactory reason why the pay and privileges of the Revenue-Cutter Service should be increased. The truth is, Mr. Chairman, that I have never yet been able to find any good reason why any class of the military or other service of the Government of the United States should be entitled to pay after retirement. I do not believe that the man who voluntarily gives his services to the Army, to the Navy, or to the Revenue-Cutter Service, or to the purely civil branches of the Government, or to Congress, if you please, can give any good reason why he should receive pay in the nature of a pension after he has passed the age of his usefulness and after enjoying his salary while engaged in such service.

The truth is that the high order of pay and the high order of distinction given to some branches of the public service in this country has given life to a social and military class of aristocracy described by the gentleman who has just taken his seat, and we should rather seek to correct the evils on that line, which will only be increased by this bill. The truth of the business is, that to continue this whole system of legislation, to my mind, strongly tends toward the building up of an official class, an aristocracy in this country, as contradistinguished from the American citizen. [Applause.]

The eulogies paid by the gentleman to those connected with the Revenue-Cutter Service is an uncontradicted testimonial of its efficiency. I have heard no complaint that the service is decaying, or that the service is becoming less efficient now than it has been. The Service has been eulogized by every gentleman who has advocated this bill. If under the present laws, with the present pay and with the present privileges, they secure for this



branch of the service thoroughly efficient service, I know of no reason why it ought to be changed. This service, like the service in the Army and the Navy, is not a compulsory service. There is no service of the Government, civil or military, that is a compulsory service. If it was compulsory, and a man compelled or obliged to spend his life in that service, for which he is not paid sufficient to save something for a rainy day, then there might be some excuse for taking care of him in his old age.

In other words, if you have compelled the service you would be under obligations to protect him from want when he is too old and otherwise incapable of rendering that service. It is claimed on one side that the duties in the Revenue-Cutter Service are largely military, and on the other that they are purely civil. I do know that this service in time of peace lies along the lines of the civil duties of the country. We know that this service is where it ought to be, under the control of the Secretary of the Treasury. These men may be called upon to perform perilous duties at times. There is hardly a branch of the active executive duties involved in the Government that does not carry with it some chances and some dangers.

You might as well tell me that the deputy marshal or the marshal who takes his gun in his hand or his pocket and goes out to round in the wild-catters and gets killed, that their service being so perilous they ought to be pensioned after they go out of office. Ah, this is simply a growing evil. It is no answer to me that those in the Army enjoy retired pay; it is no answer to me that those in the Navy enjoy retirement and service pay. It is no argument that this service should receive it, because I do not believe it ought to be given to any service in this country. Our Federal judiciary receive retirement pay. That is no reason why that evil ought to be extended any further than it is. The truth is, if I had the opportunity, and if I had the power, I would take it away from all those who now enjoy it. [Loud applause.]

When a man undertakes to do duty for a fixed salary I would pay him that salary, and would pay him a salary that would be sufficient compensation for the service rendered. If it was not, then the salary ought to be directly increased; but I would not say to the men who were enjoying the fat places of the land and the high offices of the land, where exertion is in a large measure laid aside, that because they had the pie and stood at the pie counter until they are 64 years old that after that time they should be retired upon pay without rendering any service.

I would rather, sir, if I had to make my choice between the two propositions, turn my eyes to the real heroes of the country; I would rather go to the man who, in the fields, in the mines, and in other industrial pursuits, is striving day in and day out, through evil as well as good report, to earn enough to sustain himself and his family, and when he gets too old to render that service to himself, when he has no protection except such as he may have been able to lay up for a wet day, and bestow the gifts of the Government upon him. Therefore, to my mind, while this man is struggling for his living I would rather give it to him than the man who is enjoying the fat salary, and the fat place, and holding the offices, when there are thousands of men equally as competent who would be glad to enjoy such privileges.

Mr. Chairman, the very example cited in the two instances referred to a moment ago, in the civil branch of the Government, covering the judiciary and those in the military and naval service enjoying retired pay, is beginning to produce its evil results. We hear every day clamorings for a civil pension list; claiming that the man who surrenders so much to accept a salary greater than he ever enjoyed before, in some department of this Government, and wears himself out in drawing his salary, shall be placed on a pension roll and given retirement pay after he gets too old to work. It is not right, Mr. Chairman; it is not just. It is not just to the people or the Government. I care not what the service is, the man who voluntarily engages to render this country service for a stipulated salary ought to be required to look to it that he saves a competency for himself in his old age.

If that is not to be the rule, it is impracticable that the other rule should be universal. In other words, it is much more of an argument to my mind much more substantial justice would be accorded by helping men who did not enjoy these privileges during the strength and vigor of their manhood rather than adding to the profits they have enjoyed during that period after they become too old to render such service.

The proposition in this bill carries with it, to my mind, an additional evil, because, from the debate here, it is evident that the service of these men is largely within the civil sphere. They carry guns, their duty requires them to drill, they may be called into military service of the Government in time of war, and if they do God knows that the laws of the United States provides ample protection for the care of those who serve in the wars of the Republic.

If you are going to base it upon that, extend it to that great

class of people, the real heroes, that in every struggle of the Republic from its inception down to this time, who, when danger is abroad in the land, do not wait for orders, but rush to the rescue of their homes and their country. Do not build up these classes while those honest, patriotic men who love their country because they hope their country will allow them in the race of life to enjoy equal rights and common protection—do not put before them the picture of the injustice, and, in its ultimate consequences, the iniquitous proposition of giving men service pay or longevity pay after you have paid them ample salaries.

It will not be calculated to make the bone and sinew of the country love their Government more. Any law that leads in the direction that those in the military service or in any other service of the Government are for that reason entitled to more beneficence from this Government than the honest man who by his daily struggle earns his bread, but who has never been permitted to enjoy the privileges of a lucrative salary, is pernicious and wrong. If we continue upon the course already begun, if we take the one step by passing this bill and place these 300 officers in this category with first an increase, as the report states, averaging 40 per cent of their salaries, and not only that, we give to them the service pay, which is a certain per cent additional for the time they have served, and beyond that retiring them at the age of 64 or upon the certificate of an examining board approved by the President, carrying them to a permanent waiting list, with compensation at full pay for life, I ask you, gentlemen, where it will all end? As was well said by the gentleman from Alabama [Mr. RICHARDSON], who preceded me, it is to not only retire them, but to retire them on greatly increased pay.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a suggestion?

Mr. LITTLE. Yes.

Mr. RICHARDSON of Alabama. Not only that, but you give them larger pay than the corresponding officers receive in the Navy.

Mr. LITTLE. Mr. Chairman, I thank the gentleman for the suggestion; that was one proposition that I had not discovered in the brief investigation I have given the bill. But it only shows the tendency of the times. By this bill you put these men and their salaries at more than those enjoy for like offices in the naval service. To-morrow some friend will come and present a bill, saying that it is an injustice to the American Navy that you are paying these men in a civil branch of the Government more salary than you are paying corresponding officers in that great military arm of the Government. No man will be heard to say let us reduce these salaries, for God knows that when once they take the step upward, when once a salary is fixed at a certain amount, you might just as well try to turn over the Rocky Mountains as to undertake to repeal a bill of that sort in the Congress of the United States. [Applause.]

Mr. COCHRAN. Mr. Chairman, this bill brings to the attention of Congress a subject of the utmost importance. Shall we establish a civil pension list? Undoubtedly the constabulary of the revenue department, a bureau of the Treasury Department, performs essentially civil duties. It will not be contended that United States marshals and their deputies, and other officials connected with the enforcement of the excise laws throughout the war country, are not civil officers. The Revenue-Cutter Service may be called a marine constabulary, performing on the seacoast substantially the duties performed on land by similar officials. It is said that they may be drafted into the naval service at any time during war.

That is true, but from 1865 until 1898 no emergency arose by which these Treasury officials were in fact drafted into the naval service, and there is nothing to indicate that in the next generation a single one of them will be drafted into the naval service. On the contrary, we may fairly indulge the expectation that no such duty will be required at their hands. If gentlemen here consider that temporary service in the Navy should entitle them to enjoy the rank of naval officers while so employed, with a place on the retired list later, it would have been better to bring forward a bill providing that when these revenue officers shall be called upon to perform the duty of naval officers they shall stand on terms of equality with naval officers of similar rank. Assuredly the possibility of their being required to perform such service can not justify this measure.

This brings to our attention another problem. Probably the most notable of all the abuses of the monarchy—probably the one which first and last has to a greater extent than any other called down on the heads of the monarchs the wrath of the people—has been the distinct recognition of the government class as such, the imputation being that all the people of the country must bear burdens to the end that those next to the source of power may enjoy unearned emoluments. The civil lists of kings have been



justly denounced as the meanest and most unjustifiable abuse of personal government and as inimical to the general welfare. Now comes a proposition that sounds in the same doctrine. It is undoubtedly true that recently in this country there is a tendency to the distinct recognition of the governing class as such. The motive power of legislation such as the measure under consideration is the opinion—entertained not only by those in the employment of the Government permanently, but by some of those temporarily called to the legislative halls to enact laws for the Government of the country—that when one enters the Government service the burden of providing for his future support may be justly imposed upon the Government—that is, by the taxpayers.

Now, under somewhat similar conditions to those existing in the thickly populated parts of our country a similar problem arises in all the countries of Europe at this time, but government employees are not the subjects of the benefices proposed over there to superannuated dependents. A generation ago the extent to which the individual throughout the German States and principalities was independent from his cradle to his grave was remarked by all writers on the subject. There were fewer almshouses, less necessity for public charity, in the German States than in any other part of Europe. Industrial conditions have changed. Germany has taken on the modern industrial system, by which a growing number depend from day to day and from the cradle to the grave upon their ability to earn subsistence by performing manual labor in a manner satisfactory to a taskmaster, obedient to the new conditions produced by the new industrial order. Germany now pensions aged laborers. Not only in Germany, but wherever the modern industrial system has been fully developed, those dependent solely on labor for a living find themselves, in old age, superannuated and unable to maintain themselves. The civil pension list is the result. But, mark you, it is the laborers and not classes who, in the period in which they are capable of earning comparatively lucrative salaries, who are eligible to this benefice.

The pending measure is based upon the theory that the Government owes a peculiar duty to those engaged in one particular branch of the Government service. Is this position tenable? If we should undertake to provide for deserving indigents, how would we proceed to ascertain who would have the fairest claim upon the taxpayers of the country, high-salaried employees of the Government or aged laborers who have never fed upon the public bounty? Do you say we should pay attention first to those who may be summoned to the defense of the flag? That would include every healthy male citizen in the country; for in an emergency justifying it all would be subject to that requisition. But the friends of the bill say those employed in the Revenue-Cutter Service are more liable to be called into the service than the rest. I think I have shown that such a thing is only a remote probability, and that this contingency could be dealt with more suitably by legislation dealing directly with it. Besides, of their own volition, the employees enter the Revenue Service at salaries, I will say, at least as large as they could command in private employment, and may quit the service at their pleasure.

What good reason can be advanced in support of the proposal to establish a civil pension list? Is not the salary of the average Government employee larger than that paid for similar services in private employment? Are not Government employees more secure in the term of their employment, less subject to the vicissitudes that attend men in private life, and in every way in a better position to lay by something against the approach of old age than those who perform similar work in private employment? In case of a few weeks' sickness do the salaries of high public officials cease? If for the purpose of preserving his health a well-paid public official concludes to make a brief journey or enjoy a season of recreation, does his pay cease? No; the public servants for whom there is so much solicitude are accorded privileges and enjoy immunities unknown to those engaged similarly in private life.

Is it not true, then, that they, more easily than any other class of our citizens, can lay by a competence for old age? Is it not true, also, that first and last they enjoy opportunities of every kind and description—social and otherwise—unknown to those in private life? Now, if they do enjoy all these things, where can we find excuse or apology for placing them on the retired list, and during their natural lives pay them large salaries?

In the course of the debate mentioned one gentleman censured the social discrimination practiced by Army and Naval officials in their dealings with the employees of the revenue service. Why, sir, in this respect the revenue officials are not alone. We must expect that those who wear epaulets will assert social exclusiveness and constitute an aristocratic group more or less amusing and certainly harmless. I may remark, in passing, however, that the wearers of epaulets enjoy no monopoly in snobdom. There are others. How often do we read in the newspapers that in offi-

cial swelldom a controversy is raging as to whether at an approaching function at the White House or at one of the foreign embassies this or that lady shall have precedence in the receiving line? What a grave problem it is, to be sure, this question as to just what order shall prevail in assigning persons to posts of distinction in social functions! Whether the wife of this dignitary or the wife of that dignitary shall stand at the head of the line at a pink tea! I do not see how these questions, highly important though they may be to the parties to such controversies, can cut a figure in this discussion, except it be to emphasize the silly pretensions of those who imagine that here, as at the courts of kings, individually and collectively, those in public life are disposed to take on the airs of a governing class. Snobbery is one way of indicating this feeling. Demands for peculiar immunities and emoluments is another.

Meantime the American people will continue in their everyday life to assign positions of distinction in social life to those who, on democratic grounds, seem to deserve them, and will continue to be sometimes amused and sometimes angered by the antics of official snobdom.

If the amusing pretensions to which attention has been called are of any value in determining the merits of the pending measure they furnish an argument against it. Probably one thing that makes some of our public officials less democratic than those who placed epaulets on their shoulders is the fact that our laws mark them as of the elect, and they take the lawmaker at his word. They are only living up to the full measure of the opportunities we give them. Each member of Congress has the right to appoint students at the Naval and Military Academies.

In my district this honor is disposed of by a competitive examination, and the boy who wins the prize enjoys it. He may be the son of a blacksmith or the son of a washerwoman. He may be a bootblack off the street. Whoever he may be, whatever circle he may be drawn from, if he be built on the snob pattern, which unfortunately is not unfashionable, forty years hence he will strut the streets of this capital enjoying half or three-quarters pay, living up on quality hill. He will have forgotten his origin as utterly as if he had not in his boyhood days known humbler walks of life. Fortunately this is not universal, or even the rule, but cases like that I have sketched are not infrequent.

I do not object to three-quarters pay for military and naval officers. Whether I would sanction it as an original proposition or not is immaterial. It is an established system and will never be disturbed. It rests upon reasons in no way applicable to the civil service. I know some gentlemen who are engaged in the Revenue-Cutter Service. Doubtless they prefer it to private employment or they would not be there. Probably some of them have made life a burden to Congressmen and Senators, who, of course, were glad to secure first employment and then promotion. Now comes this bill for their promotion to the grade of naval officers. They probably had good employment at home. Why did they seek employment here? Was it understood when they obtained employment in the Revenue Service that they were to be secure in their positions throughout the period of their usefulness, and receive thereafter, until death, pay for services which they will not perform?

Was it understood that when they accepted places at good salaries that they might spend their salaries, regardless, paying no attention to provision for the future, leaving all that to a beneficent Government? Are we to say to a young man who becomes identified with this branch of the Government service that thereby he becomes identified with the governing class and is henceforth a ward of the taxpayers, who until his death must support him? I do not think so. Go to the various departments and you will see gray-headed men and women who have been in service a long while. These old people can not possibly maintain themselves much longer. Can we afford to put them on the retired list? If we are to enter upon this kind of an inquiry, why not pursue it further. If old age and indigence are to be grounds for paying largesses out of the Treasury, why not take into account the aged in private life, whose circumstances are no better, and probably a great deal worse, than those in the Government service?

In the sunless and starless caverns of the earth, in the mines, at the mouths of the blazing forge, in employments both dangerous and unwholesome you will find in private employment men grizzled with age, who, in their walk and way, have faithfully served their country. They have been good citizens, have supported their families, educated their children, paid their taxes, and contributed their full share to the general weal. Shall you say to those, why, you did not get Government employment. Then you might have been provided for in old age. If you had obtained a place in the Government service, old age would have been provided for.

Mr. Chairman, I fear the time will come when modern industrial conditions will compel all governments to take notice of the



necessities of the superannuated laborer. Given the full development of the system which is so rapidly consigning so large a portion of the people to the estate of wage-earners, tell me what is to become of the man who, without skill, or very little skill, performs the rough, hard, arduous labor of the world.

Singular it may be, but it is true, that the common laborer is in an essential respect the mainstay of society. He populates the world. In town or country this holds true. In the laborer's hut and the humble habitation of the tenant farmer the large families are found. Thus is consumed from day to day his meager earnings. What is to become of the common laborer a little later on, when modern industrialism has found complete development?

Some economists have prescribed as a remedy for the difficulties and troubles of the laborer the limitation of the family circle. They would solve the problem by limiting the procreation of the species. Only one great civilized nation practices this formula, and its population, undepleted by extensive emigration, remains at a standstill, and everywhere the phenomenon witnessed nowhere else except in France is regarded as a national calamity.

In conclusion, I desire to say that I believe that Government employees, are better paid than any other class of employees in the country and have a better opportunity to provide for old age than any others; therefore they should not be singled out for special governmental benefices. [Applause.]

Mr. MANN. Mr. Chairman, may I ask how much time has been consumed on our side?

The CHAIRMAN. One hour and thirty minutes.

Mr. MANN. Mr. Chairman, I would like to be recognized for thirty minutes.

In anything that I have to say upon this bill I wish to distinctly disavow any intention to raise a question even concerning the courage, the ability, or the motives of the officers of the Revenue-Cutter Service or of those officers of the Government who have to deal with that department. I have no doubt that in both war and peace this service is officered by men courageous and able.

It is the spirit of the American genius which permeates the Revenue-Cutter Service, as it permeates all classes of our people when they enter either the regular or the volunteer service in time of war or when they are engaged in time of peace. But the question which is presented to Congress is one which seems to me of so much importance that we do not need to regard the present personnel of the service in order to determine whether they are right in asking additional privileges. I make no complaint in reference to their conduct. In the little examination which I have endeavored to make of this matter I have received extreme courtesy at the hands of Captain Shoemaker, the chief of the Revenue-Cutter Service, and of the men in his office, for which I have to and do now return to him my sincere acknowledgments.

The gentleman from Iowa [Mr. HEPBURN], when the matter was up as to whether the rule should be passed for the consideration of this bill, stated, referring to me:

He has charged that officer of this Government, whose duty it is to make reports of facts, to state truths, that year after year he has lied in the discharge of his official duty. Is it not time there should be some inquiry with regard to a matter of that kind, and that the gentleman should be given an opportunity to make proof of reckless and irresponsible charges of this character? I think that the House must have been satisfied when the gentleman took his seat that at least he should have an opportunity in a proper and a legitimate way to make good some small modicum at least of these grave charges.

Mr. Chairman, more language of the same sort was indulged in by the distinguished gentleman from Iowa, for whose ability no one has a greater respect than I have. But, Mr. Chairman, it was not I who charged that the officer of the Government lied. I made no charge in reference to any officer of the Government. I only endeavor to state facts. What the result of those facts may be is for the House to determine.

It is a matter of complete personal indifference to me whether this bill becomes a law or not, except that I construe it to be my duty as a member of the committee reporting the bill to lay before the House such information, which may bear upon the question, as has come to me.

I stated on Thursday last as a reason why this matter should not be considered at all at the present time that the Revenue-Cutter Service, through the Secretary of the Treasury, or, if it pleases the gentleman better, the Secretary of the Treasury and the Revenue-Cutter Service, together or singly, had not complied with the law, which requires them to make a detailed statement of their expenditures. The gentleman from New York [Mr. SHERMAN] endeavored to answer that proposition by saying that they did make a detailed statement of the expenditures. I called the attention of the House to the act itself upon this subject, included in the sundry civil act making appropriations for the fiscal year ending June 30, 1889:

That the Secretary of the Treasury shall submit to Congress at its next session a detailed statement of the expenditures for the fiscal year 1888 under

the appropriation for the Revenue-Cutter Service, and annually thereafter a detailed statement of expenditures under said appropriation shall be submitted to Congress at the beginning of each regular session thereof.

That statute remains in force, unrepealed, and yet the gentleman from New York [Mr. SHERMAN], denying that there had been a failure of compliance, called the attention of the House to the letter of the Secretary of the Treasury transmitting estimates of appropriations, and in this letter, transmitting the estimates of appropriations, there is no pretense of giving a statement of expenditures. The only items in the estimate on page 289, which the gentleman from New York cited, are items under a column which is headed, "Estimated amount required for each detailed object of expenditure," which means for the ensuing fiscal year. I leave it to the House to judge whether I accused the Department of anything, or whether I stated anything which was not absolutely true.

In this column and under this heading there are 11 items, aggregating the sum of \$1,482,545. Even if these items related to the expenditures of the past year at all, which they do not, they could hardly be called a detailed statement of expenditures. The gentleman from New York [Mr. SHERMAN] might have called attention to the fact that these 11 items of estimates were based on Appendix S in the Book of Estimates.

The deficiency bill approved March 2, 1889 (25 Stat., 907) provided that the annual estimates for the Revenue-Cutter Service should be given—

in detail, showing separately the amount required for pay of officers, rations for officers, pay of crews, rations of crews, fuel, repairs and outfits, ship chandlery, and for traveling and contingent expenses. He shall also include in the annual Book of Estimates a statement showing the authorized number of officers and cadets in the Revenue-Cutter Service, their rank and pay; also the number of men constituting the crews of vessels in said service.

Notwithstanding the positive requirements of the act of October 2, 1888, the Revenue-Cutter Service does not even pretend to furnish a detailed statement of the expenditures for any fiscal year. The appropriation for the Revenue-Cutter Service has always been made in a lump sum. The Revenue-Cutter Service makes a sort of compliance with the provisions of the act of March 2, 1889, requiring a detailed estimate of the money required for that service for the ensuing fiscal year, but in every estimate so submitted the Revenue-Cutter Service has insisted that it could get along with less money if the appropriation were made in bulk than if made in specific items, and through this means it has continued to secure a bulk appropriation each year for which it makes no report to Congress, notwithstanding the statute positively requires a detailed report of the expenditures.

Not only this, the act of March 2, 1889, requires that the Secretary of the Treasury shall include in the annual Book of Estimates a statement showing the authorized number of officers and cadets in the Revenue-Cutter Service, their rank and pay, also the number of men constituting the crews of vessels in said service.

The effort to comply with this statutory provision is found in Appendix S of the last Book of Estimates. The statute says that the statement shall show the authorized number of officers and cadets in the Revenue-Cutter Service. It is admitted and known that there are cadets in the service, but in Appendix S there is no reference either to the name, rank, or class of cadets, nor any statement concerning them or referring to them whatever. Nor is there any statement referring to cadets anywhere in the Book of Estimates. Evidently the Revenue-Cutter Service does not wish to call attention to the fact that there are cadets or its favoritism shown in their selection. It is the policy of the Revenue-Cutter Service to keep everything, so far as possible, under cover and in the dark.

According to the official register of the service dated July 1, 1900, there were 18 cadets. Each of these cadets draws a salary from the Government, but the Book of Estimates does not show any cadets or ask for any appropriation for their pay.

The requirement in the statute that the statement shall contain the number of men constituting the crews of vessels in said service was evidently intended to require the number of the crew of each vessel, so that Congress might know the number of men employed on each of the revenue cutters. This intention of the law is skillfully evaded. The statement furnished in the Book of Estimates does not pretend to give any information concerning the number of men constituting the crew of any particular vessel and does not furnish information of any special value in consideration of the Revenue-Cutter Service.

The statement furnished is, for example, in the following form:

	Per month.
1 seaman, at.....	\$56
25 seamen, at.....	45
7 seamen, at.....	40
14 seamen, at.....	37
40 seamen, at.....	35
3 seamen, at.....	32
39 seamen, at.....	30
40 seamen, at.....	28

The theory of the requirement of the statute is wholly ignored.



The items relating to the Revenue-Cutter Service in the Book of Estimates, including Appendix S, are not by any means a proper compliance with the act of 1889, and they are not even a pretended compliance with the act of 1888.

I hold in my hands a copy of the sundry civil bill making appropriations for the fiscal year ending June 30, 1889, which is the act of October 2, 1888. This contains the requirement about a detailed statement of expenditures annually from the Revenue-Cutter Service, which I have quoted before, and it also contains, in precisely the same form, a similar requirement of detailed statement of expenditures from the Smithsonian Institution.

I hold in my hands now House Document 31 of this session of Congress, being a detailed statement of expenditures of the Smithsonian Institution for the last fiscal year. The amount appropriated annually for the Smithsonian Institution is only a small portion of the amount appropriated for the Revenue-Cutter Service, and yet this detailed statement of expenditures by the Smithsonian Institution covers 47 pages of finely printed matter, giving in detail the expenditures for the year. This is a proper compliance with the statute. The Revenue-Cutter Service does not comply with the statute, makes no report of its expenditures, but demands a civil pension list and other privileges.

#### LIVES ACTUALLY RESCUED FROM DROWNING.

In the debate the other day on the question whether a special rule to consider this bill should be granted or not I called attention to the difficulty of obtaining information concerning what the Revenue-Cutter Service has done or is doing, and stated that there was a disagreement between the report of the Secretary of the Treasury concerning the number of lives saved and the report of the officers of the revenue cutters themselves. I did this at the time, not for the purpose of finding fault with the Revenue-Cutter Service, but for the purpose of showing the necessity of waiting for action until we could have published proper reports of this Service, so that we might know the facts and learn whether the facts justified granting any special privileges to the officers of this service.

The gentleman from New York [Mr. SHERMAN] has endeavored this morning to answer and refute my statement in regard to the 103 lives which were credited to the revenue cutter *Gresham* August 13, 1900. I called his attention at the time to the fact that I had received and held then in my hands a copy of the detailed report of the captain of the *Gresham* in reference to that occurrence, and in this detailed report occurs the following:

Number, names, and residences of persons actually rescued from drowning? None.

I stated the other day that if this report had been published it would so show, that no lives were "actually rescued from drowning." I think even the gentleman from New York [Mr. SHERMAN] will admit that I was right.

I did not make the statement at the time for the purpose of attacking the Revenue-Cutter Service, but simply for the purpose of urging upon the House that there was not sufficient information before it upon which to intelligently act upon this bill.

But now that the gentleman from New York [Mr. SHERMAN] has undertaken to show that 103 lives were "actually rescued from drowning" by the *Gresham* from the barkentine *Fraternidade* on August 13, 1900, I wish to briefly present to the House the information which I acquired in regard to this and the method pursued by me.

The Revenue-Cutter Service is, I believe, the only branch of the Government which makes no annual report, so that I could not acquire information in regard to the operations of the service from any report made by it. The only report in regard to the Revenue-Cutter Service for the last year is found in the annual report of the Secretary of the Treasury, on page 54, and, so far as it relates to the actual operations of the Revenue-Cutter Service, occupies about one-fourth of a page. This portion of the report of the Secretary of the Treasury was, of course, prepared by the chief of the Revenue-Cutter Service. In this report the Secretary includes several items, the second one of which is the following:

Lives saved (actually rescued) from drowning, 178.

Now, what was the purpose of putting this item in the report of the Secretary of the Treasury? It was plainly for the purpose of showing what important duties the Revenue-Cutter Service is performing and the great service it performs to the people on the sea and to our country in the matter of saving lives.

I did not have time or opportunity to investigate all of the claims put forward by the Revenue-Cutter Service, but I concluded I would ascertain as to the truth of this item, and if the Revenue-Cutter Service had actually rescued 178 lives from drowning for the last fiscal year, I would give them credit for efficient work in that respect, and if they had not performed this good work I should feel extremely sorry that anyone had reported the item as published.

This is what I found. In the office in the Treasury building of

the Revenue-Cutter Service is a volume which contains, on page 64, "Consolidation of record of vessels of the Revenue-Cutter Service for the year of 1900 and 1901." One of the columns in this consolidated record is headed "Number of lives saved," and this is the only reference to life saving in the consolidated record. The total under this heading is 178, and in the number to make up this total the revenue cutter *Gresham* is credited with 104. An examination of the monthly consolidated record of the *Gresham* shows that that vessel is credited with 103 lives saved in the month of August, 1900, as entered up in this same volume in the Revenue-Cutter Service Office. For that month of August the *Gresham* is credited with having assisted two vessels in distress, the two vessels having a total value for vessels and cargo of \$83,000, with 111 persons on board, and 103 lives saved.

The two cases in which the *Gresham* rendered assistance to other vessels in August, 1900, were the cases of the *Fraternidade*, August 13, 1900, and the *White Wings*, August 19, 1900. The *White Wings* had only 8 persons on board, and none of these was taken off that vessel.

According to the consolidated report, therefore, the *Gresham* saved 103 lives from the *Fraternidade* on August 13, 1900. By the time this report had gone through the monthly and yearly consolidation and through the hands of the Secretary of the Treasury and appeared in print in his annual report it is stated that these 103 persons were actually rescued from drowning, and this notwithstanding the report made by the captain of the revenue cutter *Gresham*, August 15, 1900, regarding the assistance furnished to the *Fraternidade* that the "number of persons actually rescued from drowning" was "none."

I will ask leave to have printed in the RECORD papers which have been sent to me by the Revenue-Cutter Office in regard to this occurrence. These include a letter from Captain Walker, of the *Gresham*, as well as his detailed report. The letter from Captain Walker, as furnished to me, is not complete. It is sufficient, however, to show that no lives were "actually rescued from drowning" and that the revenue cutter and its officers incurred no danger or hardship whatever in the matter. If a complete copy of the letter had been furnished to me it would have shown this fact in still stronger light. But the detailed report of Captain Walker absolutely establishes the fact that he did not pretend that he rescued one person from drowning, much less 103.

I do not deny, Mr. Chairman, that this revenue cutter at that time performed efficient service. It would be strange if, with 40 vessels in the Revenue-Cutter Service, they should never come to an occasion where they might perform service to a vessel in distress. They performed such service in this case. It is the one case during the last year where they performed greater service than any other which I have been able to discover; but I deny that they rescued any lives from drowning, if the report of the captain of the cutter itself is correct. I do not know what they did. I only know what the report says, and I say that the report of the captain says they rescued no lives from drowning, while the tabulated report when made up says that they at that time rescued 103 lives from drowning.

Mr. Chairman, I have nothing to conceal in this matter. All the information which I have obtained I lay before the House.

I found that the revenue steamer *Galveston*, located at Galveston, Tex., was credited with saving 40 lives from drowning at the time of the hurricane at that city in September, 1900, and I asked the Chief of the Revenue-Cutter Service to furnish me a copy of the report. I shall ask leave to print this in the RECORD for what it is worth.

What we want and what we ought to have some time before acting upon a bill like this is a report from the service showing what they do. I listened to the distinguished gentleman from New York, who occupied an hour, and who stated at the beginning that he would tell what duties the service performed; but I failed to hear him tell a single duty which they do perform. I will be very glad to hear upon this floor what the Revenue Service of the country does. I know what the law says it shall do. It says, among other things, they shall "protect the timber reserves;" but I apprehend it is seldom they get their boats on a forest reserve. What they do is one of the mysteries which I have been unable to fathom. We ought to have an annual report.

Now, the law which requires them to submit a detailed estimate of expenditures is not the only law they observe in the breach. There is also a law requiring each department of the Government to furnish a list of all its employees, to be published in the Official Register, known as the Blue Book. So far as my observation has gone, every other branch of the Government service publishes a complete list of its employees. Those branches of the Government which have vessels publish a complete list of the men upon them. The only branch which declines or which has neglected to comply with this provision of the law is the Revenue-Cutter Service; and it seems to me that we are entitled to information upon that point before we act upon a bill like this.



There are other provisions of the law which they do not observe, and which they have not pretended to observe. There are some which they have pretended to observe, but have not succeeded in observing according to the provisions of the statute.

But, Mr. Chairman, these observations have all been addressed to the consideration of the merits of the bill at this time. That matter has been passed upon by the House.

The bill has been ordered taken up, and we have to come to the conclusion as to whether the bill, in the light of the information which we now have, ought to be passed. What is the bill, and what is its purpose? Broadly stated, this bill proposes, first, to increase the pay of Revenue-Cutter officers by giving them 10 per cent increase for each five years' service up to the 40 per cent increase. This is based upon the provisions of the Army and Navy pay. It is not my purpose to enter upon any discussion concerning the Army or the Navy. Some of the gentlemen who have addressed the House in favor of this bill, notably the gentleman from Michigan, seemed to think it necessary to attack the Navy. I do not propose to enter upon a defense of the Navy. It requires no defense from attacks of that kind. I do not know—and I am frank to admit it—that I should favor, if it were a new proposition, if I had a chance to oppose it, the proposition to put men upon the retired list as now done. I think it is generally admitted that the retired list, both in the Army and Navy, has become a grievous burden in many respects.

Mr. HEPBURN. Will the gentleman permit an inquiry?

Mr. MANN. Certainly.

Mr. HEPBURN. When a new proposition of this kind was made four years ago to put the Navy officers on the retired list with an increased rank, with the pay and emoluments of the grade above them, did you not vote for that proposition?

Mr. MANN. Well, my recollection is, Mr. Chairman, that there was no roll call upon that matter. I was not very favorable to the proposition, I may say to the gentleman; and I may say to him further that in my opinion the Navy personnel bill would never have passed the House if the House had understood its provisions in regard to increasing the rank and pay on the retired list.

Mr. HEPBURN. I think I find the name of MANN—M-A-N-N—among the list of yeas voting on the passage of that bill. I do not know that there was any other gentleman of that name in the House except my friend from Illinois.

Mr. MANN. If there was a roll call upon the bill, Mr. Chairman, I undoubtedly voted for it. I was much younger in experience then even than I am now in reference to such matters. If I had been in the House as long as my distinguished friend from Iowa has been, I should not have voted for that bill.

Mr. HEPBURN. Mr. Chairman, in order that the gentleman may ease his conscience by declarations of that character, and with reference to his statement a moment ago that there was no publication of the persons employed in the Revenue-Cutter Service in the Blue Book, I wish to call his attention to page 252 of the first volume of the Official Register of the United States, commonly called the "Blue Book."

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MANN. I am very glad to yield, because I see the gentleman is making a mistake, which I will be very glad to correct.

Mr. HEPBURN. I think he will find the names of all the officers and of all the vessels set forth on pages 252, 253, 254, 255, and 256.

Mr. MANN. And I will call the attention of the distinguished gentleman to the law with reference to the Official Register. It says that there shall be included within this—

a full and complete list of all officers, agents, clerks, and other employees of said department, bureau, office, commission, or institution connected with the legislative, executive, or judicial service of the Government or paid from the United States Treasury, including military and naval officers of the United States, cadets, and midshipmen.

And if the gentleman can find the name of any clerk, employee, or any other person upon a Revenue-Cutter vessel other than a commissioned officer, I will abandon my speech and quit the opposition to this bill.

Mr. HEPBURN. All of the clerks, I am informed, are under the proper heading. Not necessarily in this place. Does the gentleman mean to say that the enlisted men of the Army and the Navy or the Revenue-Cutter Service should be found in the Blue Book?

Mr. MANN. Not the enlisted men of the Army and Navy, except warrant officers—certainly not, under the law—but the enlisted men of the Revenue-Cutter Service are required to be published in the Blue Book. The enlisted men of the transport service are published in the Blue Book, and the men on all of the other vessels of the Government, outside of the Regular Army and Navy, are published in the Blue Book, except the Revenue-Cutter Service.

Mr. HEPBURN. I think the gentleman is mistaken about that. There is no requirement that the thousand and odd enlisted men should have a place in the Blue Book.

Mr. MANN. If they are not employees paid out of the Treasury of the United States, then it is true; but under the law if they are employees of the Government or are paid out of the Treasury of the United States, they are required to be published in the Blue Book. Mr. Chairman, there is no escape from that proposition. I do not know whether the attempt was deliberate, or whether it was negligent, or whether it was lack of knowledge of the law. I make no charge against the officers of the Revenue-Cutter Service. I have no doubt they are as competent and capable as officers usually are. But I say when we are considering a proposition for the creation of a civil pension law which will eventually lead to pensioning every clerk in every department of the civil portion of the Government, we ought to have information in every respect, where required by the law, upon the subject.

But, Mr. Chairman, this bill proposes to do more than is done either for the Army or the Navy as to the retired list. They say they want to put the Revenue-Cutter Service upon a par with the Navy, but the bill does more than that. In the Army there are two retirement lists; one is a limited retired list and the other is an unlimited retired list. On the unlimited list are officers' names who are over 64 years of age. But when an officer is retired under the age of 64 for disability the number is limited. But there is no limitation in this Revenue-Cutter bill as to retiring officers for disability. If this bill becomes a law, the Revenue-Cutter board which retires officers can make places for men below them; they can retire them ad libitum, with no control upon their number.

In the Navy there is no retirement for age except above the rank of lieutenant-commander. The attempt here is to put a caption in the Revenue-Cutter Service on a par with a lieutenant-commander in the Navy. There is no retirement for age in the Navy for a lieutenant-commander. Here is a proposition to give the Revenue-Cutter Service as to the retired list a better position than is occupied by the Army or Navy.

I wish I had time, Mr. Chairman, to call particularly the attention of the House to the increase in pay which will be caused by this bill. I call the attention of the House to one proposition which has been referred to by the distinguished gentleman from Alabama [Mr. RICHARDSON] in opposition to the bill. Now, let us understand this bill.

A lieutenant-commander in the Navy, after twenty years of service, receives \$3,500 a year, and of course, as a rule, or almost invariably, they serve twenty years before they reach the point or rank of a lieutenant-commander. So under this bill a captain in the Revenue-Cutter Service would receive a salary of \$3,500 a year and a lieutenant-commander in the Navy would receive \$3,500 per year. In addition to the salary which is received under the bill a certain allowance is given them for commutation of quarters when not provided with quarters. That allowance is \$48 per month. The Revenue-Cutter officer also receives a Navy ration per day. Here is a proposition to give the Revenue-Cutter officers at sea or on shore—and a pretty large per cent of them are always on shore—\$3,500 for a captain, \$48 a month in addition for commutation of quarters, and a Navy ration. Now, what will a Navy officer of a corresponding grade get? If he is on shore he receives \$3,500 a year, less 15 per cent, or \$2,975 a year. The Navy officer on shore will receive \$2,975 a year as a lieutenant-commander, while the Revenue captain under this bill will receive \$3,500 a year, besides the various allowances.

The great claim which is so strongly urged is that the Revenue-Cutter Service ought to be put upon at least terms of equality with the Navy. I wish to call attention to an actual case by way of illustration for the purpose of showing that under the pending bill Revenue-Cutter officers will be paid better than in the Navy.

According to the Navy Register issued January 1, 1903, Lieut. Commander James Hamilton Sears is on duty at the branch hydrographic office, New York City. The Register shows that he entered the naval service September 22, 1871, and was appointed lieutenant-commander March 29, 1899. Having been in the service for more than twenty years, his pay, with longevity increase, amounts to \$3,500 per year, less 15 per cent because he is on land duty, or \$2,975 per annum, and in addition thereto \$576 for commutation of quarters, making a total of \$3,551.

Now, let us make a comparison of a Revenue-Cutter officer under the same circumstances, according to the provisions of the pending bill.

According to the last Revenue-Cutter Service register, July 1, 1901, Capt. Samuel E. Maguire is on duty at New York City as superintendent of construction in the Life-Saving Service. He entered the Revenue-Cutter Service March 8, 1871, and was appointed a captain May 8, 1896. Having been in the service for



more than twenty years, he would, under the bill, be entitled to a salary of \$3,500 a year, and in addition thereto commutation for quarters allowed a major in the Army, amounting to \$48 a month, or \$576 a year, making a total of \$4,076, or \$525 more than Lieutenant-Commander Sears receives. And this although the bill purports to only put captains in the Revenue-Cutter Service on an equal footing with lieutenant-commanders in the Navy.

In the above illustration I have not computed Captain Maguire as being entitled to one Navy ration per day or commutation therefor, although the present statute gives him that allowance and the pending bill does not expressly repeal it.

Mr. Chairman, there is considerably more which I wish to say to the House upon this subject later, but I do not desire to further occupy the time of the House at present. I ask permission to extend my remarks in the RECORD in order that I may insert various tables, letters, memoranda, statements, etc.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I do not wish to occupy the floor any longer at present. I reserve the balance of my time.

The tables, letters, etc., are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
DIVISION OF REVENUE-CUTTER SERVICE,  
Washington, March 18, 1902.

HON. JAMES R. MANN, M. C.,  
House of Representatives.

SIR: Agreeably to the request contained in your letter of the 17th instant, I inclose \* \* \* a copy of the formal report of assistance rendered by the *Gresham* to the barkentine *Fraternidade* August 13, 1901. It is presumed that this will not afford any additional information to what has already been furnished you, as the report of Captain Walker is more complete than that contained in the copy of the report inclosed. The two taken together include all the information concerning that matter which is on file in the Department. \* \* \*

Respectfully,  
C. F. SHOEMAKER,  
Captain, Revenue-Cutter Service, Chief of Division.

Report of assistance rendered by the U. S. S. *Gresham*, Capt. Thomas D. Walker, R. C. S., commanding, stationed at New York, N. Y., and cruising from Delaware Breakwater, Del., to Martha's Vineyard, Mass. Date of service rendered, August 13, 1901.

1. Name of vessel, *Fraternidade*.
2. Rig and tonnage, barkentine; 250 tons.
3. Nationality and home port, Portuguese; Brava, Cape Verde Islands.
4. Where from, Brava.
5. Where bound, New Bedford, Mass.
6. Number of days out, thirty-seven.
7. Number of crew (including master), 21.
8. Number of passengers, 82.
9. Nature of cargo, goat skins and ballast.
10. Estimated value of vessel, \$10,000.
11. Estimated value of cargo, unknown.
12. Name and address of master, Braz T. Pino, No. 2 Griffin street, New Bedford, Mass.
13. Names and addresses of owners, Joab B. Farie, Brava, Cape Verde.
14. Names and addresses of consignees, captain.
15. Condition of vessel when found, anchored close to lee shore; very heavy sea; one anchor gone; expecting the other one to part any time.
16. Time of day or night when found, 5.15 p. m.
17. State of weather, overcast; cloudy; very threatening.
18. Direction and force of wind, 7; SE, by E.
19. State of tide and sea, heavy sea running; flood tide.
20. Exact spot where vessel was found (locally designated, including country or State): Black Point, Rhode Island; 150 yards off rocks.
21. Latitude and longitude of same, 41° 24' N., 71° 27' W.
22. Cause and date of casualty, tried to tack; got in irons.
23. Duration of service rendered, two and three-fourths hours.
24. State nature of boat service, if any, running lines and communications.
25. If anything occurred to interfere with favorable operations, state nature and cause, heavy seas and wind.
26. Was vessel saved or lost? Saved.
27. If saved, estimated amount of damage sustained, lost port anchor and 30 fathoms chain.
28. Estimated value of cargo lost, none.
29. Number of persons cared for on cutter or afforded necessary transportation, none.
30. Number, names, and residences of persons actually rescued from drowning, none.
31. Number, names, and residences of persons lost, none.
32. Quantity of provisions or supplies furnished, and cost of same, none.
33. Quantity of fuel, etc., expended, and cost of same, immaterial.
34. Damages sustained by cutter, and estimated cost of repairs, none.
35. State any accident or injury to officers or crew of cutter, none.

#### REMARKS.

[A general statement of the casualty and the nature and extent of the services rendered will be here given.]

The *Fraternidade* was bound from Brava, Cape Verde Islands, for New Bedford with 103 persons on board. She had a favorable passage until off Montauk Point, where unfavorable winds kept them beating for seven days. The weather becoming very threatening, the captain deemed it best to try and make harbor, as he was short of provisions, water, and fuel, and the vessel was leaking. When off Black Point he tried to go about, missed stays, and got in irons, and as he was only about 1,000 yards from the rocks he let go his port anchor and 60 fathoms of chain, which parted before five minutes had elapsed. The starboard anchor was then let go and chain paid out to bitter end. This anchor dragged also, but she finally fetched up and the single anchor held her about 100 yards clear of the rocks. The heavy sea made the vessel strain and jump in such a manner that it was feared that the cable could not hold any time. Signal for assistance was set in the rigging and preparations made by the crew to save themselves when driven ashore. The sea getting larger and running heavier, the wind increasing in force, it was not deemed possible that they could survive. The *Gresham* was

coming from Newport, bound for New London, and seeing her signals of distress went to her assistance. We anchored 100 yards ahead of the vessel in 1½ fathoms of water. The cutter was lowered and, in charge of an officer, ran a small line to the vessel. Owing to the heavy sea, she was unable to go alongside, but managed to get the line to the bark. They bent on a steel wire hawser, which proved to be too short, so our 9-inch hawser was used instead. They then began to heave up their anchor.

Owing to the heavy seas and short distance off the rocks, when they had hove into 30 fathoms it was deemed best to drag the barkentine into deeper water and farther away, so that in case anything parted we could pick her up again before she was driven ashore. When an offing had been reached, the vessel was stopped, the anchor was hove up, and she was towed safely into Newport Harbor.

The foregoing is a true statement.

J. HUTCHISON SCOTT,  
Second Lieutenant.  
AUGUST 15, 1900.

Certified to be correct, and respectfully submitted.

THOMAS D. WALKER,  
Captain, Commanding.

Vessel assisting, *Gresham*.  
Vessel assisted, barkentine *Fraternidade*, 250 tons.  
Date, August 13, 1901.  
Number of persons on board, 103.  
Value of vessel, \$10,000.  
Nature of casualty, tried to tack, missed stays, and got in irons.  
Location, Black Point, Rhode Island.  
Detailed report:

Letter of Capt. T. D. Walker, R. C. S., commanding the *Gresham*, to the honorable the Secretary of the Treasury.

I have the honor to transmit herewith, for information of the Department, a report on Form 2013, of assistance rendered by the *Gresham* to the Portuguese barkentine *Fraternidade*, of Brava, Cape Verde Islands, on the 13th instant, near Narragansett Pier, R. I. We were cruising from Newport to New London, when we sighted the bark anchored dangerously near to the rocks with a distress signal flying, and we at once proceeded to extricate her. As we approached a second flag (ensign) was placed in the mizzen rigging, as though to emphasize the appeal of the unfortunate people for aid.

Owing to the sea the bark was riding heavily, and the captain momentarily expected that his only remaining cable would break. In that event the bark would have been dashed onto the rocks, and there is no telling what the consequences might have been. It is reasonably certain that serious loss of life would have resulted, as the people, especially the women, seemed badly demoralized. The safety of the bark and the large number of people on board hung as it were upon a very slender thread, and I feel thankful that our good little ship happened along at the right time and was able to do the right thing. No other vessel capable of sending assistance was in sight, and this made our presence the more opportune. Crowds of summer cottagers from Narragansett Pier lined the rocks, but, under the circumstances, they were powerless to render aid. The officers and crew of the ship did their duty well.

Respectfully, yours,

THOMAS D. WALKER,  
Captain, Revenue-Cutter Service, Commanding.

#### ANALYSIS OF SENATE BILL 1025, ENTITLED "A BILL TO PROMOTE THE EFFICIENCY OF THE REVENUE-CUTTER SERVICE."

The first section of the bill removes the present restriction of law upon the number of Revenue-Cutter officers and leaves the number of officers to be appointed wholly in the discretion of the President and permits him to increase them ad libitum. Section 1 also confers upon the engineer officers the rank of captain, first, second, and third lieutenant, respectively, being an entirely new provision in the service.

Section 2 confers upon Revenue-Cutter officers equal rank with certain Army and Navy officers and changes the present provision of law which directs that when Revenue-Cutter officers are serving under the Navy they shall rank next after lieutenants commanding in the Navy and provides that whenever forces of the Navy and Revenue-Cutter Service shall be serving in cooperation captains of the Revenue-Cutter Service shall rank with and next after lieutenant-commanders, thus making them rank over lieutenants commanding.

Section 3 provides that Revenue-Cutter Service officers shall receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay. Under this section the pay of Revenue-Cutter Service officers is graded according to their arbitrary rank, as fixed by section 2, corresponding with rank in the Army, but not according to corresponding rank in the Navy.

Why does not the bill recite the pay?

Why should it refer to the pay of officers in the Army instead of officers in the Navy?

There are only a few classes of officers in the Revenue-Cutter Service and the only object of putting in a section of this sort is to avoid calling attention to the amount of pay and allowances to be actually obtained through it. What are the allowances? How much do they amount to?

Does this section repeal provision of the statute granting to Revenue-Cutter Service officers navy ration?

Or does it propose to give Revenue-Cutter Service officers both Navy ration and commutation for quarters?

Or Navy ration in addition to pay when on sea, and commutation for quarters as per Army officers when on shore?

How about mileage?

Officers in the Revenue-Cutter Service now are paid as follows:

Officer.	Salary.	Commutation per month.
Captains.....	\$2,500	\$40
First lieutenants, chief engineer.....	1,800	30
Second lieutenants, first assistant engineer.....	1,500	25
Third lieutenants, second assistant engineer.....	1,200	20

In addition, each officer gets a Navy ration. A Navy ration equals 30 cents per day.

Section 3 proposes to increase salary of third lieutenant and second assistant engineer from \$1,200, as now paid, to \$1,400. It also increases the pay of all Revenue-Cutter Service officers 10 per cent for each five years' service until the increase is 40 per cent.

The salaries paid in the Revenue-Cutter Service are already higher than those paid in the merchant marine or in any of the vessel service of the United States outside of the Navy. This section would pay to Revenue-Cutter Service officers a higher salary than is now received for corresponding rank in the Navy. The bill selects Army officers as the basis of fixing salary for the Revenue-Cutter Service officers because there is no reduction given in the pay of Army officers when on shore. Salaries of Navy officers are reduced 15 per cent when on shore. The bill therefore as to salaries discriminates in favor of the Revenue-Cutter Service and against the Navy and grants to the Revenue-Cutter Service higher rates of pay than are now paid even in the Navy.

Section 4 proposes a retired list in the Revenue-Cutter Service and proposes to retire all Revenue-Cutter Service officers who reach the age of 64 years. There is now no regular retired list in any of the civil branches of the Government service. Congress is being urged by every branch of the civil service to enact legislation providing for the retirement on pay of persons incapacitated through malady or age all through the civil service. At least one-tenth of the employees in the classified service of the departments in Washington are above the age of retirement fixed in this section. To a certain degree this is true of the Government service throughout the land. The question as to what disposition should be made of superannuated clerks is a pressing one.

Whatever precedent is set in one case will likely be followed in the others. The Life-Saving Service, the Light-House Service, the Marine-Hospital Service, as well as the purely clerical service of the Government are all asking for the same thing, or making requests which will be toward the same thing. If a line can not be drawn by Congress between the Navy on one side and the Revenue-Cutter Service on the other, it is idle to suppose that Congress will draw a fixed line between the military establishment and the Revenue-Cutter Service on one side and the Life-Saving Service and other branches of the civil service on the other. The only place where a fixed line can be drawn in regard to the creation of retired lists is where it now is—between the military and civil branches of the Government. If this line be crossed once, there will never be any line drawn which can not be crossed at all.

Section 5 provides for the appointment of a medical board of five commissioned officers, two from the Marine-Hospital Service and two from the Revenue-Cutter Service, to pass upon the disability of officers who appear to be incapacitated for active service prior to reaching the age of 64. This retiring board ought to consist wholly of medical officers and wholly of officers outside of the Revenue-Cutter Service. The Revenue-Cutter Service officers ought not to have the opportunity to retire each other either as a matter of favor or of enmity. The question whether an officer is incapacitated for the service, either mentally or physically, is a matter which ought to be determined by medical experts. The provision of section 5 in this respect is very objectionable.

Section 6 provides that when a retiring board finds an officer incapacitated for active service, etc., he shall be retired. The word "active" ought to be stricken out before the word "service." If the officer is capable of performing service, he might properly be designated for some of the duties of the service which do not require active sea service. The construction of this section undoubtedly would be that if the officer were incapacitated for active service in command of a revenue cutter at sea, then he must be retired, whereas such officer might be fully fit for duty as inspector in the Life-Saving Service or in the office in Washington or on construction or repair work. The whole design of these retirement sections is to retire the officers as rapidly as possible in order to make more rapid promotions in the service.

Section 7 provides that where an officer is incapacitated by reason of his own vicious habits and not due to any incident of the service, he shall be dropped from the service. The present section is quite a commentary upon the section in the bill in the

last Congress, which proposed to advance such officer, upon being dropped for his own vicious habits, a considerable sum of money.

Section 8 provides that when any commissioned officer is retired, the next officer in rank shall be promoted, "according to the established rules of the service." What are the established rules of the service? Who knows?

Or is this a proposition to enact into law a rule which has been promulgated or which may be hereafter promulgated by an officer in the service? No one here can tell what the present rules are, and no one can possibly tell what the established rules of the future may be. The latter part of the section contains a provision that although the next officer in rank shall be promoted where one is retired, before this can be done he shall be subject to written examination and shall have his physical qualifications reported upon by a medical board. The section does not require that the officer shall pass the written examination or that the medical board shall find favorably as to his physical qualifications. And the wording of the section might require the promotion of the officer even though mentally incompetent and physically incapacitated. The section is loosely drawn and does not require what it was intended to require.

Section 9 proposes to pay all officers hereafter placed upon the retired list 75 per cent of the duty pay, salary, and increase of the rank upon which they may be retired.

What does duty pay, salary, and increase of the rank mean? Is there any difference between duty pay and salary; and if so, what is it?

Apparently the section is designed to give to the officers on the retired list 75 per cent of the increased pay provided for in section 3. This section also applies to officers already upon the permanent waiting-orders list. Congress passed an act in 1895, at the urgent solicitation of the Revenue-Cutter Service, providing for placing a number of officers on a permanent waiting-orders list at half pay. This was then satisfactory to the Revenue-Cutter Service and to these officers. This section would more than double the pay these officers are now receiving. When the Navy personnel bill was passed granting certain special benefits to officers who might be retired in the Navy, those special benefits were not conferred upon officers already upon the retired list. But this section proposes not only to create a retired list in the future at high pay, but to apply that high pay to officers who, on their own solicitation, have heretofore been retired at half pay.

BILLS FOR INCREASE OF SALARIES PENDING MARCH 1, 1902, IN THE SENATE AND HOUSE OF REPRESENTATIVES OF THE FIFTY-SEVENTH CONGRESS.

S. 943. To reclassify railway postal clerks and to increase their salaries.

H. R. 27. To reclassify railway postal clerks and divide them into ten classes and to increase their salaries.

S. 1345. To classify post-office clerks and to grant them an annual increase in salary of \$100 per annum.

H. R. 5286. To provide for the classification of salaries of clerks employed in first and second class post-offices and to increase the salaries of such clerks.

H. R. 5597. To increase the compensation of fourth-class postmasters.

S. 237. To increase the pay of letter carriers.

H. R. 2575. To increase the pay of letter carriers.

H. R. 6279. To increase the pay of letter carriers.

H. R. 6548. To increase the pay of letter carriers in cities to \$1,200 per annum and to increase the pay of rural carriers to \$1,000 per annum.

H. R. 7213. To increase the pay of letter carriers.

S. 3287. To increase the pay of judges of the Supreme Court and other courts of the United States.

H. R. 205. To increase the salaries of judges of the Supreme Court and other courts of the United States.

H. R. 5816. To increase the salaries of the Vice-President, judges of the Supreme Court, and members of Congress.

H. R. 6284. To increase the salary of the Vice-President to \$25,000 and Cabinet officers to \$15,000 per annum.

S. 1026. To increase the compensation of district superintendents in the Life-Saving Service.

H. R. 76. To increase the compensation of district superintendents in the Life-Saving Service.

H. R. 197. To increase the compensation of district superintendents in the Life-Saving Service.

H. R. —. To grant an increase of 10 per cent for each five years' service to all persons in the classified service.

BILLS FOR RETIRED LISTS AND PENSIONS IN THE CIVIL SERVICE PENDING IN THE FIFTY-SEVENTH CONGRESS MARCH 1, 1902.

S. 1902. A bill granting pensions to employees in the Life-Saving Service disabled by disease or injury, and to the widows and minor children of employees in the service who die from injury or disease contracted in the service, and for the purpose of the act to rank a superintendent in the Life-Saving Service with a captain in the Navy, etc.

H. R. 163. Granting pensions to certain officers and enlisted men of the Life-Saving Service and to their widows and minor children, and declaring the rank of superintendent in the Life-Saving Service for the purposes of the act to be equivalent to that of captain in the Navy, etc.

H. R. 4377. To retire on full pay certain class of disabled persons from the United States Light-House Service.

H. R. 7476. To provide for the retirement of all Government employees in the classified civil service on pay, and fixing the pay to be received by persons on the retired list, no person to receive over \$1,500 per annum.

H. R. 8741. To create a commission to provide for the retirement of employees in the classified civil service because of superannuation and to require persons entering the classified service to effect life insurance for the payment of annuities after reaching the age of retirement.

H. R. 10155. To provide for the retirement of employees in the classified civil service on certain rates of pay and for the establishment of a retirement bureau.

H. R. 10156. Entitled "A bill to increase the efficiency of the public service"



by retirement of disabled and superannuated employees" and providing for retirement of civil employees for disability, or after thirty years' service, on annual pay equal to 75 per cent of the average for the five years preceding retirement.

H. R. 4800. Providing for the retirement of Army officers who served in the civil war upon a rank one grade above the active rank. This follows the line of the Navy personnel bill in this respect.

#### VARIOUS STATEMENTS SHOWING THE AGES OF PERSONS EMPLOYED IN THE VARIOUS DEPARTMENTS IN WASHINGTON IN APRIL, 1900.

##### THE PRESIDENT:

In response to the resolution of the Senate of March 16, 1900, calling upon the heads of the several Executive Departments to communicate "at the earliest practicable date statements showing the number of persons employed in their respective departments and bureaus as clerks, messengers, etc., of the following ages: Number between 14 and 19, inclusive; between 20 and 29, inclusive; between 30 and 39, inclusive; between 40 and 49, inclusive; between 50 and 59, inclusive; between 60 and 64, inclusive; between 65 and 69, inclusive; between 70 and 74, inclusive; between 75 and 79, inclusive, and above 80; also the number now on the rolls, in the respective departments and bureaus, who are permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part," the undersigned, the Secretary of State, has the honor to report as follows:

There are at present in the employ of the Department of State as clerks, messengers, etc., 91 persons. Of these, none is between the ages of 14 and 19; 18 are between the ages of 20 and 29; 13 between the ages of 30 and 39; 25 between the ages of 40 and 49; 20 between the ages of 50 and 59; 6 between the ages of 60 and 64; 6 between the ages of 65 and 69; 1 between the ages of 70 and 74; 2 between the ages of 75 and 79, and none is above the age of 80. None of them are permanently incapacitated, either physically or mentally, for the performance of manual labor.

Respectfully submitted,

JOHN HAY.

DEPARTMENT OF STATE,  
Washington, April 4, 1900.

#### TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, April 10, 1900.

SIR: In response to the resolution of the Senate of March 16, 1900, calling for information as to the ages of the employees of this Department, and also the number of employees now on the rolls who are permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part, I have the honor to report as follows:

Number of employees:	
Between 14 and 19 years.....	9
Between 20 and 29 years.....	945
Between 30 and 39 years.....	1,053
Between 40 and 49 years.....	844
Between 50 and 59 years.....	903
Between 60 and 64 years.....	331
Between 65 and 69 years.....	160
Between 70 and 74 years.....	56
Between 75 and 79 years.....	24
Over 80 years.....	10
Total.....	4,338

#### WAR DEPARTMENT, Washington, April 5, 1900.

SIR: In response to Senate resolution of March 16, 1900, I have the honor to transmit herewith a statement showing by specified ages the number of regular employees in the War Department, and to report that 29 employees have a physical disability, as will be noted from the inclosed statement, which probably renders them unable for the performance of some kinds of manual labor; but that no employee of the Department is permanently incapacitated, either physically or mentally, for the performance of manual labor involved in the duties to which assigned.

Very respectfully,

G. D. MEIKLEJOHN,  
Assistant Secretary of War.

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

#### Number of regular employees in the War Department between specified ages.

Bureau or office.	14 and 19 years.	20 and 29 years.	30 and 39 years.	40 and 49 years.	50 and 59 years.	60 and 64 years.	65 and 69 years.	70 and 74 years.	75 and 79 years.	Over 80 years.	Total.
Secretary of War.....	15	15	10	19	5	4	—	—	—	—	68
Record and Pension.....	27	100	88	150	60	32	10	2	1	—	470
Adjutant-General.....	11	19	19	45	21	16	3	1	—	—	135
Inspector-General.....	1	3	4	1	2	—	—	—	—	—	11
Judge-Advocate-General.....	2	5	3	—	1	1	—	—	—	—	12
Quartermaster-General.....	1	8	25	15	42	15	7	3	—	1	117
Commissary-General of Subsistence.....	1	7	9	7	5	6	1	—	—	—	36
Surgeon-General.....	9	25	18	38	12	12	1	3	—	—	118
Paymaster-General.....	1	—	—	15	7	—	1	—	—	—	25
Chief of Engineers.....	6	22	19	4	5	—	—	1	—	—	76
Chief of Ordnance.....	5	7	13	8	5	4	1	—	—	—	43
Chief Signal Officer.....	—	1	3	—	1	—	—	—	—	—	5
Total.....	1	86	229	201	344	138	87	20	7	3	1,116

\* Of this number 89 are laborers.

#### POST-OFFICE DEPARTMENT, OFFICE OF THE POSTMASTER-GENERAL, Washington, D. C., March 24, 1900.

SIR: In response to the resolution of the Senate requesting information as to the number of persons employed in the several bureaus of this Department between certain specified ages, and also the number now on the rolls of this Department who are permanently incapacitated, either physically or

mentally, for the performance of manual labor in whole or in part, I have the honor to reply as follows:

Between the ages of—	
14 and 19, inclusive.....	2
20 and 29, inclusive.....	68
30 and 39, inclusive.....	187
40 and 49, inclusive.....	159
50 and 59, inclusive.....	162
60 and 64, inclusive.....	54
65 and 69, inclusive.....	18
70 and 74, inclusive.....	13
75 and 79, inclusive.....	3
Over 80.....	4
Incapacitated in whole or part.....	6
Total.....	676

Very respectfully,

CH. EMORY SMITH,  
Postmaster-General.

#### NAVY DEPARTMENT, Washington, March 28, 1900.

SIR: In reply to the resolution of the United States Senate of March 16, 1900, I have the honor to report that the number of clerks, messengers, etc., employed in the Navy Department, between the ages named herein below, are as follows:

Between 14 and 19, inclusive.....	9
Between 20 and 29, inclusive.....	118
Between 30 and 39, inclusive.....	144
Between 40 and 49, inclusive.....	81
Between 50 and 59, inclusive.....	66
Between 60 and 64, inclusive.....	20
Between 65 and 69, inclusive.....	7
Between 70 and 74, inclusive.....	7
Between 75 and 79, inclusive.....	5
Above 80.....	1
Total employees.....	458

Average age:	
458 employees.....	39.21
393 males.....	38.61
65 females.....	42.86

The different chiefs of bureaus and offices report that there are no employees in their respective bureaus or offices who are permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part.

I have the honor to be, very respectfully,

JOHN D. LONG, Secretary.

#### DEPARTMENT OF JUSTICE, Washington, D. C., April 12, 1900.

SIR: In reply to Senate resolution dated March 16, 1900, directing me to communicate to the Senate statement showing the number of persons employed in this Department as clerks, messengers, etc., together with their ages, I have the honor to submit herewith the following statement, viz:

	Departmental (nonex-cepted).	United States penitentiary, Kansas (nonex-cepted).	Miscellaneous (ex-cepted).	Total.
Between the ages—				
14 and 19.....	14	8	2	24
20 and 29.....	26	25	15	66
30 and 39.....	21	22	10	53
40 and 49.....	22	13	5	40
50 and 59.....	3	3	3	9
60 and 64.....	4	—	—	4
65 and 69.....	2	—	—	2
70 and 74.....	1	—	—	1
75 and 79.....	—	—	—	—
Total.....	—	—	—	199

There are none on the rolls of this Department who are permanently incapacitated, either physically or mentally, for the purpose of manual labor, in whole or in part.

Very respectfully,

JOHN W. GRIGGS,  
Attorney-General.

#### DEPARTMENT OF THE INTERIOR, Washington, April 12, 1900.

SIR: In compliance with the requirements of a resolution of the Senate of March 16, 1900, I have the honor to report the number of employees within the several age periods specified. The total number of persons belonging to this Department (excluding the Census Office) may be stated, in round numbers, as 14,500. Of these the departmental employees in this city are, approximately, 3,500. Excluding Presidential appointees and laborers, there remain 3,255 to whom the resolution seems to apply, as follows:

Between—	
14 and 19 years, inclusive.....	33
20 and 29 years, inclusive.....	303
30 and 39 years, inclusive.....	833
40 and 49 years, inclusive.....	718
50 and 59 years, inclusive.....	815
60 and 64 years, inclusive.....	301
65 and 69 years, inclusive.....	162
70 and 74 years, inclusive.....	58
75 and 79 years, inclusive.....	28
Over 80 years.....	4
Total.....	3,255

From the estimates furnished by the different bureaus and offices of the Department it may be stated that something over 250 persons now on the rolls must be considered as "permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part." This condition in many cases results from the loss of limbs, old wounds, or health impaired in the service.

A tabular statement by offices is inclosed.

Very respectfully,

E. A. HITCHCOCK, Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE.  
OFFICE OF THE SECRETARY,  
Washington, D. C., April 9, 1900.

SIR: In compliance with the resolution of the Senate of the United States of March 18, 1900, directing the heads of the Executive Departments "to communicate to the Senate, at the earliest practicable day, statements showing the number of persons employed in their respective departments and bureaus, as clerks, messengers, etc., of the following ages: Number between 14 and 19, inclusive; between 20 and 29, inclusive; between 30 and 39, inclusive; between 40 and 49, inclusive; between 50 and 59, inclusive; between 60 and 64, inclusive; between 65 and 69, inclusive; between 70 and 74, inclusive; between 75 and 79, inclusive, and above 80; also the number now on the rolls in the respective departments and bureaus who are permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part," I have the honor to transmit the following statement, which is the result of a very careful investigation carried out under my direction by the appointment clerk of this Department:

Number in Washington:

Between 14 and 19, inclusive	23
Between 20 and 29, inclusive	201
Between 30 and 39, inclusive	220
Between 40 and 49, inclusive	179
Between 50 and 59, inclusive	141
Between 60 and 64, inclusive	40
Between 65 and 69, inclusive	17
Between 70 and 74, inclusive	9
Between 75 and 79, inclusive	4
Above 80	0

Total..... 894

Outside of Washington:

Between 14 and 19, inclusive	62
Between 20 and 29, inclusive	613
Between 30 and 39, inclusive	637
Between 40 and 49, inclusive	481
Between 50 and 59, inclusive	252
Between 60 and 64, inclusive	63
Between 65 and 69, inclusive	32
Between 70 and 74, inclusive	18
Between 75 and 79, inclusive	8
Above 80	4

Total..... 2,120

Total in entire Department, in and out of Washington, D. C.:

Between 14 and 19, inclusive	85
Between 20 and 29, inclusive	814
Between 30 and 39, inclusive	857
Between 40 and 49, inclusive	610
Between 50 and 59, inclusive	393
Between 60 and 64, inclusive	103
Between 65 and 69, inclusive	49
Between 70 and 74, inclusive	27
Between 75 and 79, inclusive	12
Above 80	4

Total..... 2,954

The number now on the rolls in the Department of Agriculture who are permanently incapacitated, either physically or mentally, for the performance of manual labor, in whole or in part, is 10, and these are rendered so by reason of a loss of an arm or a limb while in the military service of the United States.

Very respectfully,

JAMES WILSON,  
Secretary of Agriculture.

The PRESIDENT OF THE SENATE.

THE LIFE-SAVING SERVICE.

The special claim made in behalf of a retired or pension list for the Revenue-Cutter Service is that that service is particularly dangerous. Even if we admit this to be true for the sake of argument, we must further admit that the specially dangerous service in behalf of the Government does not end with the Army, Navy, and Revenue-Cutter Service. An equally strong claim can be made in behalf of the Life-Saving Service. Indeed, there have been pending before Congress for years various propositions to create a pension list for the Life-Saving Service. The General Superintendent of the Life-Saving Service has reported to Congress that between March 1, 1876, and December 31, 1887, 57 persons died by reason of injury received or disease contracted in line of duty in that service, and the records of his department show that between January 1, 1888, and December 31, 1900, 105 persons have died by reason of injury received or disease contracted in line of duty in the service.

And the following statements have been made as among the reasons for increasing the compensation to employees in the Life-Saving Service and for providing a pension list for them (see Senate Report No. 87, first session, Fifty-second Congress):

When the severe toils, bitter privations, and appalling dangers incident to their calling are considered, and when it is remembered that the spirit with which these hardships have been met has resulted in the saving of thousands of lives and an amount of property many times exceeding in value the cost of maintaining the service, while the history of their achievements has added luster to the national honor, it would seem that the higher rates would not be too great a reward to bestow on these faithful and heroic men. At all events, a substantial increase should be made.

As a consequence of their exposure many of the men have fallen victims to chronic ailments, some have been maimed for life by accidents, and others have perished on their beats. It is probably safe to say that there is no other class of men engaged in duties at once so tedious and perilous as those which these faithful guardians of the coast perform in maintaining the unrelenting night patrol throughout the rigorous season of the year. But their labors are not confined to this routine of watch patrol and daily drill. Summoned in the dead of night or by day in the midst of their ordinary toil to a duty higher than these, by an alarm that a vessel is ashore, they take their

places at the boat wagon or the apparatus cart for a supreme effort, with a courage and determination that has never yet quailed before any hazard, and executed prodigies of valor and endurance that have made them celebrated throughout the land and added to the nation's glory.

The severity of this duty can hardly be conceived by people accustomed to remain at night indoors. Some idea may be framed from the fact that men have perished in its discharge, while others have providentially escaped death through timely rescue by their comrades. It is not at all unusual for the patrolmen to meet with accidents which cripple them through stumbling in the dark over driftwood and unseen obstacles, and a large proportion of the deaths which have occurred in the service is due to complaints contracted through exposure on patrol, it frequently happening during the prevalence of storms that the men are drenched by overflooding seas or by having to wade through the beach gullies, often waist deep and sometimes deeper. This duty is considered so important that it is never under any circumstances omitted, and its infraction is held to be unpardonable and is followed by certain dismissal.

In addition to the foregoing regular routine must be added their terrible and daring labors at shipwreck. This, of course, is their crowning duty, and involves efforts almost superhuman, heroism carried to the very brink of deadly peril, and often death itself.

The soldier in this age is known and is only justified as one who professionally stakes his life in defense of his fellow-citizens. It is because he does this that, grown veteran or infirm or falling on the battlefield, we recognize his right and the right of his family to support at the expense of the public he guards. These life-saving crews—these storm soldiers—render a similar service, and no less dangerous and noble, and they deserve the same substantial recognition.

In Senate Report No. 200, the present session of Congress, concerning a bill relating to compensation of district superintendents of the Life-Saving Service, there is included a letter from the General Superintendent of that service containing the following statement:

To these considerations should be added the fact that these officers, in their official routine, are exposed to hardships and dangers which do not fall to the lot of ordinary officeholders. During the active season, which embraces the most inclement portions of the year, they have to make frequent visits to the several stations in their respective districts, in most instances extending hundreds of miles along desolate and inhospitable coasts and distant from railroad facilities, often through storms and drifting snows, sometimes camping out and subsisting on rude and scanty fare, frequently making their way in small boats upon dangerous waters, and always under circumstances as widely at variance as is conceivable with the comforts and luxuries of ordinary travel. They are, moreover, frequently summoned by the keepers to trying scenes of shipwreck, where all efforts at rescue have proved fruitless and certain failure seems imminent, and on these occasions they assume command. In several such instances successful issues have resulted, when otherwise failure must have been inevitable. But their heroic struggles are not always so rewarded, nor are the hardships and perils of their calling always encountered with immunity. \* \* \*

The assertion is ventured that no other class of officers in the whole Government is so poorly paid.

THE WEATHER BUREAU.

The Committee on Agriculture in the Fifty-sixth Congress reported favorably a bill creating a retired list or civil pension list for Weather Bureau employees, and the following were some of the reasons urged in behalf of such employees:

(1) They work three hundred and sixty-five days in a year. Their hours of duty are long. On the Pacific coast the first observation is made between 4.30 and 5.30 a. m., while on the Atlantic coast the offices can not be closed before 11 p. m., and often later. They must be on the alert at all times to detect the first premonitions of storm development and remain constantly on duty in order to distribute warnings that may be received at any moment.

(2) They are subject to great vicissitudes of climate, being required to serve, as the exigencies of the service may require, in almost any degree of latitude, from Alaska to the West Indies.

(3) By reason of the peculiar organization of the service its employees are, like officers of the Army, in a great measure deterred from obtaining a fixed habitation or enjoying the privileges that accrue to long residence in a community. Changes of station generally operate to their financial disadvantage.

THE MARINE-HOSPITAL SERVICE.

The Marine-Hospital Service is probably fully as dangerous, if not more so, than the Revenue-Cutter Service. I called the attention of the House, in February, 1901, on the discussion of the revenue-cutter bill then pending, to the fact that three assistant surgeons of the Marine-Hospital Service had contracted yellow fever during the fiscal year then preceding, and to the further fact that one surgeon had died of this disease October 12, 1899, while engaged in the work of preventing its spread in Key West. In the case of a death like this in that service, there is no provision of law authorizing the payment of any sum to the family of the deceased or permitting any of those dependent upon the deceased to be placed upon the pension rolls.

But that the Marine-Hospital Service lives in expectation of eventually having all the benefits of a retired list and other special favors enjoyed by the Army and Navy is readily shown by the bill (H. R. 7189) introduced into the Fifty-seventh Congress by the gentleman from Iowa [Mr. HEPBURN] to increase the efficiency and change the name of the United States Marine-Hospital Service. That bill proposes to change the name so as to designate the service as the United States health service. It proposes that the surgeon-general of the United States health service shall receive the same salary and allowances as are now allowed to be paid to the Surgeon-General of the Army.

And section 4 of the bill provides that the President may in time of war transfer the officers of this health service to the Army, as he can now transfer the Revenue-Cutter Service to the Navy.



The Revenue-Cutter Service now demands a retired list like the Navy, because the President is authorized in time of emergency to transfer revenue cutters to the Navy. If this bill for the Marine-Hospital Service or United States health service becomes a law, then that service will demand a retired list, because the President is authorized in times of emergency to use the officers of the service in connection with the Army.

## RAILWAY MAIL SERVICE.

The General Superintendent of the Railway Mail Service, in his annual report for 1901, furnishes the following statement of casualties in that service from 1875 to 1901:

Year ended June 30—	Total clerks.	Casualties.	Clerks killed.	Clerks seriously injured.	Clerks slightly injured.
1875	2,238		1		
1876	2,415		1		
1877	2,500	27	2	10	4
1878	2,608	36	2	15	3
1879	2,609	35	3	14	13
1880	2,946	26		14	15
1881	3,177	62	7	15	22
1882	3,570	83	3	16	20
1883	3,855	114	1	35	42
1884	3,963	154	7	28	60
1885	4,387	102	2	25	65
1886	4,573	211		56	60
1887	4,851	244	5	45	72
1888	5,084	248	4	63	45
1889	5,448	193	10	95	40
1890	5,836	261	4	41	53
1891	6,022	219	13	68	84
1892	6,417	345	5	60	112
1893	6,645	403	10	66	115
1894	6,856	362	4	48	99
1895	7,045	497	7	50	128
1896	7,408	495	5	47	65
1897	7,573	589	14	33	75
1898	7,999	597	7	34	146
1899	8,388	799	6	50	162
1900	8,695	697	4	57	187
1901	8,978	825	7	63	229

This statement shows that during the fiscal year of 1901 7 railway mail clerks were killed, 63 seriously injured, and 229 slightly injured while on duty. This is stated to be the largest number killed and injured during any fiscal year since the service was organized, notwithstanding the fact that great improvements have been effected in railroad operations.

Superintendent White most earnestly urges legislation which will provide for the retirement of injured or superannuated clerks on pension, and he calls attention to the fact that that service has been for some time urging a pension list, just as the Revenue-Cutter Service has, in the following language:

That this office has been very persistent in its efforts to secure some legislation, in the way of a relief bill or superannuation act, to provide for our permanently disabled and worn-out clerks has been shown in the recommendations it has made in its annual reports for the last ten years.

And, referring to the bill which was introduced in Congress for the purpose of granting a pension to railway mail clerks, Superintendent White says:

In its favor is the admission of everyone who gives the nature of the occupation consideration that the service is very hazardous. The work of a postal clerk is performed under a high tension, drawing largely on his mental and physical make-up, and after years of this constant strain he is completely worn out. It seems, therefore, evident that some provision should be made for his retirement, which now involves the relinquishment of all means of support.

[From the Evening Star, January 10, 1902.]

The railway mail clerks hope for favorable action at this session of Congress upon their bill to enable them to secure retirement upon disability and other measures of relief, and in discussing the bill this morning with a Star representative, J. H. BROWELL, of Ohio, an active member of the Committee on Post-Offices and Post-Roads, who has ably championed the cause of the clerks, said:

"I sincerely hope that Congress will give heed to the request of these faithful men, who are of invaluable service to the public, yet who, shut up in their postal cars, are seldom seen. The letter carrier is a familiar sight, but the railway-mail clerk works at his hazardous occupation with a zeal and industry which only those who have been brought into close contact with him can appreciate."

## REVENUE AGENTS.

WASHINGTON, February 27, 1902.

HON. JAMES R. MANN, M. C.,

House of Representatives, Washington, D. C.

SIR: Your letter of the 24th instant is received, asking if this office has record of the number of internal-revenue officers injured or killed in the performance of their duty during the past year, or for several years past.

In reply I have the honor to inform you that during the fiscal year which ended June 30, 1901, one internal-revenue deputy collector was killed and two wounded in the performance of official duty.

During the fiscal year which ended June 30, 1900, there were no casualties. During the fiscal year which ended June 30, 1899, two posse men were wounded.

During the fiscal year which ended June 30, 1898, one deputy collector and four posse men were wounded.

Posse men are not officials regularly employed in this Bureau, but they are men summoned by a deputy collector to aid him in making raids, and they are paid a fixed per diem while employed.

You further ask if there is any provision of law for the payment of com-

pensation on account of officers who may be killed or may be so injured as to be unable to continue in the performance of their duties. In reply you are advised that this office regrets to state that no provision of law has been made for compensation in these cases. \* \* \*

I am, respectfully, yours,

J. W. YERKES, Commissioner.

## DEPUTY MARSHALS.

DEPARTMENT OF JUSTICE,  
Washington, D. C., February 27, 1902.

HON. JAMES R. MANN,

House of Representatives.

SIR: Referring to your letter dated the 24th instant, you are informed that it would be very difficult (if possible) to ascertain from the records of this Department the number of deputy United States marshals who have been injured while in the performance of duty during the past year or for several years back.

There is no provision made for the payment of compensation where deputy marshals have been killed or so injured as to be unable to continue in the performance of their duties. The killing of deputy marshals in some districts is of frequent occurrence. This is especially true in the mountain districts of the South.

Respectfully,

P. C. KNOX, Attorney-General.

## TWO REVENUE OFFICERS KILLED BY MOONSHINERS—BLOODY BATTLE FOUGHT IN THE MOUNTAINS OF KENTUCKY.

LEXINGTON, Ky., January 27, 1901.

The bloodiest battle in the history of the State between moonshiners and revenue officers occurred January 25 on Elkhorn Creek, on the line between Pike and Knott counties. Deputy Marshal James Hollifield and Simon Combs, of the revenue party, were killed. Rufus Wootton and Ambrose Ambury, of the posse, received flesh wounds, and Blaine Combs was captured. As none of the revenue party escaped, reports received have been meager. Elkhorn Creek is 30 miles from the nearest railroad station and in a rough mountain country. A strong force of revenue officers will be sent after the 'shiners.

## UNITED STATES CIVIL SERVICE RETIREMENT ASSOCIATION,

Washington, D. C., February 28, 1902.

HON. JAMES R. MANN,

United States House of Representatives.

DEAR SIR: Your favor of the 24th instant requesting to be informed whether any bill has been introduced into the House or Senate designed to carry out the wishes of our association has been received.

I regret to state that we have been unable as yet to present our measure. The delay has been caused by a number of circumstances, chief among which has been the difficulty in obtaining accurate and reliable data from which to base the measure. We hope, however, to have a bill introduced in the near future, and we will promptly notify you of the fact and send you an advanced copy of the proposed measure.

Secretary United States Civil Service Retirement Association.

## CLERKS' PENSION PROJECT—BILL BEING DRAFTED TO RETIRE AGED GOVERNMENT EMPLOYEES—PROPOSED SYSTEM OF CARING FOR LIFELONG WORKERS BEING FORMULATED BY COMMITTEE IN CHARGE.

For several weeks the rooms of the executive committee of the United States Civil Service Retirement Association, in the Evans Building, 1424 New York avenue, have been the scene of great activity. This committee is composed of the president of the association, Jacob W. Starr, Vice-Presidents Pickens Neagle and Solomon E. Faunce, Secretary John E. Brooks, Treasurer Henry C. Swan, and Robert Armour, W. W. Hite, Raymond Loran, George W. Harsch, E. A. Edifford, C. H. Campbell, Joseph Stewart, David A. Caldwell, George A. Bacon, Darius A. Green, A. F. McMillan, C. E. Baldwin, and Israel W. Stone, representing all the Executive Departments and independent bureaus in this city, and is charged by the association with formulating and presenting a bill to Congress which shall have for its object the retirement of the superannuated employees not only of the civil service in Washington, but also of the force in the United States at large, such as the post-offices, custom-houses, subtreasuries, etc.

To that end its labor has been unremitting and laborious. The regular meetings of the committee are held on Saturday evening, at which much business of a routine nature is acted on and conferences are held over propositions submitted for consideration. A large amount of correspondence is had with somewhat similar organizations throughout the country—from Boston to San Francisco and from Detroit to New Orleans—and the secretary is kept busy in answering the scores of inquiries coming in from all quarters.

The labors of the committee, while pleasurable, have been somewhat onerous. As early as the second session of the last Congress it succeeded in having a resolution pass the Senate calling upon the Executive Departments for such detailed information as would enable it to formulate a bill to present to the present Congress. Information was so furnished by the Executive Departments, but owing to the difference of interpretation as to the details desired much of it could not be used. Therefore at its own expense it had some 30,000 cards printed, which, by the kindness of the heads of departments, were placed on the desk of each employee, and collected and sent to the committee rooms. The card required of each employee his or her age on birthday preceding July 1, 1901, present salary per annum, total years of Government service, exclusive of military or naval, and the name of the department where now employed.

There have been more than 20,000 of these cards received, and the committee have them nearly all assorted. This has taken much time and labor, the members often working until a late hour in the evening. In making this assortment each card has been handled from three to five times, so that when finally placed upon the assorting boards it can be tabulated with but one more handling. Quite a number of matters have developed which would be exceedingly interesting to statisticians, but the committee has concluded not to make public this tabulation, at least not until after a bill has been formulated, when a statement will be probably forwarded to the proper committees of the House and Senate, accompanied by the report of a reputable actuary, who will be employed to ascertain what can be done with the figures as given.

The committee has a lively appreciation of the fact that their friends in the service are anxious to learn what the result of its labors will be, and expectantly hoping to see a bill introduced at this session. Much encouragement has been given by such Congressmen and public officials as have knowledge of what the committee has done, and such as have visited the committee rooms have manifested a great degree of interest in its undertaking. It seems to be the universal sentiment of these two classes of officials that something must be done to relieve the civil service of superannuated employees and at the same time provide some method by which these faithful servants shall be relieved from penury and want.

## VARIOUS PENSION PLANS IN PRIVATE LIFE—PENNSYLVANIA RAILROAD COMPANY.

All officers and employees who shall have attained the age of 70 years, or who, between the ages of 65 and 70, have become physically incapacitated, and who have been for thirty years in the service of the company, are entitled to a pension of 1 per cent of the average regular monthly pay for ten years preceding retirement for each year of service. The company sets aside an amount not to exceed \$300,000 a year to meet the pension allowances, and whenever the pensions amount to more than that then they are to be scaled down to come within that sum.

## CHICAGO AND NORTHWESTERN RAILROAD COMPANY.

The age of retirement, length of service, and amount of pension is the same as in the Pennsylvania Railroad scheme, but the amount set apart by the company shall not exceed \$300,000 a year. And when the pensions exceed that amount a new rate is to be established to bring it within that sum.

## ILLINOIS CENTRAL RAILROAD COMPANY.

All officers and employees who reach the age of 70 years and have been ten years in the service of the company shall be retired on pension. Men connected with the actual operation of trains, such as engineers, firemen, brakemen, switchmen, etc., may be retired at the age of 65. Persons between 61 and 70, who have been ten years in the service and who have become incapacitated, may be retired on pension. The amount of the pension is for each year of service 1 per cent of the average monthly pay received for the ten years preceding retirement. The company makes a yearly appropriation of \$100,000, and whenever the pension allowances exceed that sum they are to be ratably reduced.

## FIRST NATIONAL BANK OF CHICAGO.

Officers and employees contribute 3 per cent of their salaries to the pension fund. Pensions are granted when the age of 60 years is reached after fifteen years' service in the bank, and employees are compelled to retire at the age of 65. Pension allowed is one-fiftieth or 2 per cent of the salary paid at the date of retirement, for each year of service, provided that in no case should it exceed thirty-five-fiftieths or 70 per cent of such salary. Other restrictions concerning the pension fund are imposed.

## EUROPEAN INSURANCE COMPANIES.

In Europe it is stated that there are insurance companies which make a specialty of writing pension policies. One of the leading insurance companies in this class of business is the Wilhelma-Magdeburg, which issues policies to employees between the ages of 21 and 40 years, inclusive. The annual premiums equal 10 per cent of the yearly salary of the insured employee at the time of effecting the insurance, and, in addition, 4 per cent of each increase of salary, which is, however, only to be paid once. Pensions are paid when an employee is injured so as to be unable to work, after five years' service, or when he becomes 65 years of age. Pensions are also paid to widows and minor children up to the age of 18 years. The amount of the pension paid is equal to ten-sixtieths of the average yearly salary drawn and, in addition, one-sixtieth of such average yearly salary for each year of service above five years, but the whole pension is not to exceed forty-five sixtieths of such average yearly salary.

## THE MITTEL-DEUTSCH CREDIT BANK.

Each employee pays an initiation fee of 5 per cent of his yearly salary when he enters the service and 5 per cent of each increase of his salary, and then pays as yearly dues 3 per cent of his salary up to 3,000 marks and 4 per cent in excess of 3,000 marks up to 4,000 marks. An employee who has served twenty-five years and has passed his sixty-fifth year is entitled to a pension. The amount of the pension is based upon 34 per cent of the last-drawn salary for ten years' service; 1 per cent additional for each year of the second ten-years' service and 2 per cent additional for each year of service above twenty years' service; provided that the total pension shall not exceed 2,400 marks per year. There are various other provisions and details concerning this pension scheme.

## THE GERMAN GOVERNMENT.

In general, the German Government grants pension for each employee of the Government if, after a service of at least ten years, he becomes incapacitated. Or if he is injured while on duty, he is entitled to a pension even if the service is less than ten years. The rate of pension is twenty-eighthieths of the salary for ten years' service, and an additional one-eighthieth for each ensuing year of service, but shall not exceed sixty-eighthieths.

## RETIRED LIST IN THE ARMY.

In the Army there are two retired lists—one the limited retired list, and the other the unlimited retired list. The limited list is limited by act of Congress to 350, and on it are placed officers who are retired prior to the age of 64 years, such as those retired for physical disability or for length of service. When officers on the limited list become 64 years of age they are transferred to the unlimited list.

The unlimited list consists of officers who are retired on account of reaching the age of 64 years.

## RETIRED LIST IN THE NAVY.

In the Navy, under sections 1443, 1444, and 1445 of the Revised Statutes, officers above the grade of lieutenant, commander and below the rank of vice-admiral shall be retired on reaching the age of 62 and may be retired upon their own application after forty years' service. Under the personnel bill, approved March 3, 1899, a limited number of officers of the grades of captain, commander, and lieutenant-commander may be retired upon their own application under section 8, and under the provisions named in section 9 there may, under certain circumstances, be compulsorily retired not more than 5 captains, 4 commanders, 4 lieutenant-commanders, and 2 lieutenants in any one year.

Officers may also be retired for incapacity resulting from incidental service under act of August 3, 1861, and under certain conditions for physical disability under other acts.

In a report favoring the passage of this bill there is a statement showing the pay of officers of the Revenue-Cutter Service under existing law and under the pending bill. This statement was presumably furnished by the Revenue-Cutter Service. It is misleading. It gives the pay table of officers under existing law as

\$374,600 and the pay table of the officers whose pay would be affected by the provisions of the pending bill under said bill at \$479,960. Both of these items relate to the active list; but in order to compute the last-named amount the statement excludes consideration of the officers who would be subject to retirement upon the passage of this bill, which of course makes the longevity pay less than it would otherwise be.

This, of course, was perfectly proper as to that statement, but in connection with it is the pay table of the officers on the permanent waiting-orders list, both under existing law and under the pending bill. This gives the pay of officers on the waiting-orders list under existing law at \$23,850 and under pending bill at \$50,925. But the latter figure does not include the pay of any officers who would be at once retired under the pending bill. The table contains a recapitulation of the pay of active and retired officers under existing law and under the pending bill, giving the former at \$398,450 and under the latter \$530,820. But this computation does not include the pay of officers who would be entitled to retirement at the time of the passage of the bill, and they are not considered in the statement given either in the active service or on the retired list, so that the item in said statement showing the annual increase by pending bill at \$132,370 is misleading and does not state the true facts or give the true increase.

Pay table as authorized under existing law.

## ACTIVE LIST.

	Annual salary.	Total.
37 captains, at.....	\$2,500.00	\$92,500.00
37 first lieutenants, at.....	1,800.00	66,600.00
37 second lieutenants, at.....	1,500.00	55,500.00
37 third lieutenants, at.....	1,200.00	44,400.00
1 captain of engineers, at.....	2,500.00	2,500.00
35 chief engineers, at.....	1,800.00	63,000.00
17 first assistant engineers, at.....	1,500.00	25,500.00
18 second assistant engineers, at.....	1,200.00	21,600.00
1 constructor, at.....	1,800.00	1,800.00
Total.....		373,400.00

## RETIRED AND WAITING-ORDERS LISTS.

1 captain, at.....	\$2,500.00	\$2,500.00
4 captains, at.....	1,250.00	5,000.00
4 first lieutenants, at.....	900.00	3,600.00
1 second lieutenant, at.....	750.00	750.00
1 third lieutenant, at.....	600.00	600.00
9 chief engineers, at.....	900.00	8,100.00
6 first assistant engineers, at.....	750.00	4,500.00
3 second assistant engineers, at.....	600.00	1,800.00
Total.....		26,850.00

## RECAPITULATION.

Total active list.....	\$373,400.00
Total retired and waiting-orders lists.....	26,850.00
Total.....	400,250.00

Pay table under proposed law for fiscal year ending June 30, 1893.

## ACTIVE LIST.

	Annual salary.	Total.
37 captains, at.....	\$3,500.00	\$129,500.00
15 first lieutenants, at.....	2,520.00	37,800.00
7 first lieutenants, at.....	2,240.00	15,680.00
15 first lieutenants, at.....	2,160.00	32,400.00
13 second lieutenants, at.....	1,800.00	23,400.00
10 second lieutenants, at.....	1,650.00	16,500.00
14 second lieutenants, at.....	1,500.00	21,000.00
37 third lieutenants, at.....	1,400.00	51,800.00
1 captain of engineers, at.....	3,500.00	3,500.00
21 chief engineers, at.....	2,520.00	52,920.00
6 chief engineers, at.....	2,840.00	17,040.00
8 chief engineers, at.....	2,160.00	17,280.00
1 first assistant engineer, at.....	1,800.00	1,800.00
16 first assistant engineers, at.....	1,650.00	26,400.00
5 second assistant engineers, at.....	1,540.00	7,700.00
13 second assistant engineers, at.....	1,400.00	18,200.00
1 constructor, at.....	1,800.00	1,800.00
Total.....		472,420.00

## RETIRED LIST.

12 captains, at.....	\$2,625.00	\$31,500.00
15 chief engineers, at.....	1,890.00	28,350.00
4 first lieutenants, at.....	1,890.00	7,560.00
1 second lieutenant, at.....	1,462.50	1,462.50
1 third lieutenant, at.....	1,470.00	1,470.00
6 first assistant engineers, at.....	1,575.00	9,450.00
2 second assistant engineers, at.....	1,470.00	2,940.00
1 second assistant engineer, at.....	1,200.00	1,200.00
Total.....		83,922.50



## RECAPITULATION.

Total pay on active list	\$472,420.00
Total pay on retired list	83,992.50
Total	556,412.50
Total pay on active and retired lists under present law	400,250.00
Total pay on active and retired lists under proposed law	556,412.50

WASHINGTON, D. C., February 26, 1902.

SIR: The Bureau is in receipt of your letter of the 24th instant, requesting the rate of pay of a lieutenant-commander in the Navy who has a service of twenty years, both for sea duty and shore duty; and in reply thereto begs to inform you that an officer of this rank and service receives, while at sea, \$3,500, without any allowances, and on shore, in the United States, \$2,975 and quarters. If quarters are not furnished in kind, he is entitled to commutation thereof at the rate of \$48 per month.

Respectfully,

A. S. KENNY,

Paymaster-General United States Navy.

Hon. JAMES R. MANN,

House of Representatives, Washington, D. C.

## PAY IN THE NAVY.

Officers on the active list in the Navy receive the following rates of pay:

Lieutenant-commanders on sea duty	\$2,500
Lieutenant-commanders on shore duty	2,125
Lieutenants on sea duty	1,800
Lieutenants on shore duty	1,530
Lieutenants (junior grade) on sea duty	1,500
Lieutenants (junior grade) on shore duty	1,275
Ensigns on sea duty	1,400
Ensigns on shore duty	1,190

VARIOUS STATEMENTS AND LETTERS SHOWING COMPARISONS BETWEEN SALARIES PAID TO REVENUE-CUTTER OFFICERS AND SALARIES PAID ON OTHER VESSELS BELONGING TO THE CIVIL BRANCH OF THE GOVERNMENT AND SALARIES PAID IN THE MERCHANT MARINE, AND SHOWING THAT REVENUE-CUTTER OFFICERS NOW RECEIVE FAR HIGHER SALARIES THAN ARE PAID FOR CORRESPONDING SERVICE IN THE MERCHANT MARINE.

Yearly or monthly pay.

Vessels.	Ton- nage.	Captain or master.	Lieutenants, officers, or mates.				Engineers and assistants.					
			First or chief.	Second.	Third.	Fourth.	Chief.	First.	Second.	Third.	Fourth.	Eighth.
Revenue cutters.												
Seminole, at Boston	588	\$2,500.00	\$1,800.00		\$1,200.00		\$1,800.00	\$1,500.00				
Chandler, Boston Harbor	95		1,800.00				1,800.00					
Calumet, at New York Harbor duty	123		1,800.00				1,800.00					
Windom, at Baltimore	398	2,500.00	1,800.00	\$1,500.00			1,800.00	\$1,500.00				
Morrill, at Milwaukee	288	2,500.00	1,800.00	\$1,500.00	1,200.00		1,800.00		\$1,200.00			
Rush, at Sitka, Alaska	300	2,500.00		\$1,500.00	\$1,200.00		1,800.00	1,500.00	1,200.00			
United States transports.												
Viking	141	165.00					90.00					
Crook	4,126	200.00	100.00	75.00								
Grant, troopship	5,658	3,000.00	1,500.00	900.00	780.00	\$720.00	2,100.00	1,320.00	1,080.00	\$960.00		
Atlantic coast transports		200.00	100.00	75.00	65.00	60.00	150.00	100.00	75.00	65.00		
Coast Survey steamers.												
Pathfinder, in Alaska	460		125.00	100.00	60		140.00					
McArthur, in Alaska	190		130.00				115.00					
Marine Hospital.												
Steamer Welch Gulf							90.00					
Light-House Service.												
Tug Reno	135	165.00	90.00				115.00	90.00				
Tender Geranium	356	150.00	80.00				80.00	75.00				
Tender Mayflower	572	150.00	80.00	50.00			80.00	75.00				
Tender Azalea	423	150.00	80.00	50.00			100.00	75.00				
Steamer America	1,052	200.00	100.00	70.00	50.00		125.00	80.00	65.00			
Tender Amaranth on lakes	743	150.00	80.00	50.00			90.00	65.00				
Atlantic coast light vessels generally		1,000.00	780.00				960.00	780.00				
Merchant-marine steamers.												
American mail:												
St. Louis	11,629		120.00	70.00	60.00	40.00	150.00	100.00	85.00	70.00	\$65.00	\$50.00
Mexico (New York to Habana)	5,567		85.00	60.00	45.00		150.00	90.00	75.00	60.00		
Admiral Sampson	2,104		70.00	40.00			125.00	90.00	70.00	55.00		
Oceanic (British)	17,274		97.20	63.18	53.46	38.88	170.10	87.48	82.62	72.90	63.18	48.68
Kaiser Wilhelm (German)	14,349		66.64	38.08	30.94	23.80	119.00	71.40	60.69	51.17	41.65	26.18

\*2 each.

Great Lakes steamers, yearly or monthly wages.

	Tonnage.	Captain or master.	Officers or mates.		Engineers.			Months per year.
			First.	Second.	Chief.	Second.	Third.	
Goodrich Transportation Co.:								
Columbus	1,511	\$1,500	\$90	\$70	\$1,500	\$90		3
Virginia	1,606	1,800	90	70	1,500	90		4
Chicago	746	150	65	45	125	90		4
Indiana	1,177	150	65	45	125	90		
Williams Transportation Line, 4 steamers (each)	700	115	65		114			8½
South Haven Line (say average is about)		1,200	800		1,200			
Manitou Steamship Co., steamship Manitou	3,000	2,000	100	75	1,500	100	\$75	5
Lake Michigan and Lake Shore Transportation Co., passenger steamship City of Traverse	1,153	165	85		125			7½
Average wages on British vessels in foreign trade of 2,000 tons or over in 1900.			57	40	89	62	47	
Average wages on German steamships in foreign trade in 1900.		82	47	31	82	49		

[From Report of Commissioner of Navigation.]

Average rates of monthly wages paid in the American merchant marine for fiscal year ended June 30, 1901.

Port.	Steam.							
	Able sea-men.	Boatswains.	Carpenters.	First mates.	Second mates.	Firemen.	First engineers.	Second engineers.
TO GREAT BRITAIN.								
From 500 to 1,500 tons.								
New York .....	\$25.00	\$30.00	\$40.00	\$50.00	\$45.00	\$30.00	\$115.00	\$70.00
Over 1,500 tons.								
New York .....	25.00	37.50	50.00	120.00	70.00	40.00	150.00	100.00
TO SOUTH AMERICA.								
From 500 to 1,500 tons.								
Norfolk .....	25.00	-----	30.00	60.00	45.00	30.00	100.00	70.00
Philadelphia .....	25.00	-----	-----	75.00	50.00	30.00	125.00	75.00
Over 1,500 tons.								
New York .....	25.00	30.00	40.00	80.00	60.00	40.00	125.00	75.00
Norfolk .....	25.00	-----	35.00	65.00	-----	35.00	110.00	75.00
TO WEST INDIES, MEXICO, AND CENTRAL AMERICA.								
From 500 to 1,500 tons.								
Baltimore .....	25.00	30.00	35.00	55.00	45.00	30.00	100.00	70.00
Boston .....	25.00	30.00	30.00	70.00	40.00	40.00	125.00	90.00
New York .....	25.00	30.00	35.00	65.00	45.00	35.00	115.00	75.00
Over 1,500 tons.								
Baltimore .....	30.00	35.00	35.00	60.00	45.00	35.00	115.00	70.00
Boston .....	25.00	30.00	35.00	70.00	40.00	40.00	125.00	90.00
New Orleans .....	30.00	35.00	60.00	75.00	50.00	50.00	125.00	75.00
New York .....	25.00	30.00	40.00	75.00	55.00	35.00	125.00	80.00
Norfolk .....	25.00	-----	-----	70.00	45.00	35.00	100.00	70.00
Philadelphia .....	25.38	30.17	31.03	69.53	40.81	34.89	122.19	86.41
ATLANTIC AND GULF COAST- ING TRADE.								
Under 500 tons.								
Baltimore .....	25.00	30.00	-----	75.00	45.00	35.00	110.00	75.00
Philadelphia .....	25.00	-----	30.00	65.41	-----	35.00	102.67	65.83
From 500 to 1,500 tons.								
Baltimore .....	25.00	30.00	-----	75.00	45.00	35.00	125.00	75.00
Boston .....	25.00	30.00	30.00	65.00	40.00	35.00	115.00	85.00
New Orleans .....	30.00	35.00	60.00	75.00	50.00	50.00	125.00	75.00
New York .....	25.00	30.00	35.00	65.00	45.00	35.00	115.00	75.00

Average monthly wages paid to first engineers on American steam vessels, 1894 to 1901.

Port.	1894.	1895.	1897.	1898.	1899.	1900.	1901.
<b>TO WEST INDIES, MEXICO, AND CENTRAL AMERICA.</b>							
<i>Over 1,500 tons.</i>							
Baltimore			\$100.00	\$100.00			\$115.00
Boston				110.00	\$125.00	\$125.00	125.00
New Orleans			125.00				125.00
New York	\$125.00	\$125.00		87.50	125.00	125.00	125.00
Norfolk							100.00
Philadelphia	125.00	125.00	110.00		125.00	125.00	122.19
San Francisco			100.00				150.00
<b>ATLANTIC AND GULF COASTING TRADE.</b>							
<i>From 500 to 1,500 tons.</i>							
Baltimore				115.00	90.00	110.00	125.00
Bath			85.00	75.00	100.00	100.00	
Boston				100.00	120.00	110.00	115.00
Mobile						100.00	
New Orleans	125.00	125.00		125.00	125.00	125.00	125.00
Newport News				120.00	90.15	100.00	54.96
New York				100.00	100.15	100.00	115.00
Pensacola				125.00	125.00	125.00	125.00
Philadelphia		90.00				125.00	
Portland							125.00
Providence		125.00			115.00	115.00	115.00
Waldoboro		125.00					
Wilmington	75.00						
<i>Over 1,500 tons.</i>							
Baltimore				115.00		110.00	125.00
Boston						110.00	125.00

Average monthly wages paid to first engineers, etc.—Continued.

Port.	1894.	1895.	1897.	1898.	1899.	1900.	1901.
<b>ATLANTIC AND GULF COASTING TRADE—continued.</b>							
<i>Over 1,500 tons.</i>							
New Orleans			\$125.00	\$125.00		\$125.00	\$125.00
New York	\$105.00	\$125.00		125.00	\$125.00	125.00	125.00
Norfolk		125.00	120.00	125.00			154.16
Philadelphia							
Providence					130.00		

Average monthly wages paid to first mates on American steamers, 1894 to 1901.

Port.	1894.	1895.	1897.	1898.	1899.	1900.	1901.
<b>TO WEST INDIES, MEXICO, AND CENTRAL AMERICA.</b>							
<i>Over 1,500 tons.</i>							
Baltimore			\$80.00	\$55.00			\$60.00
Bath							
Boston				70.00	\$60.00	\$70.00	70.00
New Orleans			75.00	75.00		75.00	75.00
New York	\$80.00	\$80.00		50.00	65.00	75.00	75.00
Norfolk							70.00
Philadelphia	75.00	75.00	65.00		60.00	70.00	69.53
Port Townsend							
Providence							
San Francisco			100.00				100.00
<b>ATLANTIC AND GULF COASTING TRADE.</b>							
<i>Over 1,500 tons.</i>							
Baltimore			65.00			70.00	75.00
Bath							
Boston						70.00	70.00
Mobile							
New Bedford							
New Orleans			75.00	75.00		75.00	75.00
Newport News							
New York	65.00	80.00		65.00	65.00	75.00	70.00
Norfolk							
Philadelphia		75.00	65.00	70.00			75.00
Portland							
Providence					75.00		

GOODRICH TRANSPORTATION COMPANY.

SUPERINTENDENT'S OFFICE,

Chicago, February 6, 1902.

DEAR SIR: Your letter of February 1 addressed to this company has been handed to me for attention, and I gladly attach hereto the information called for.

You will note that the captains and engineers of the steamship *Columbus* and steamship *Virginia* get a yearly salary, but the officers of the other boats do not draw pay during the winter lay-up season.

Trusting that this fully covers what you desire, I am, yours, respectfully,  
D. M. COCHRANE, Superintendent.

Mr. JAMES R. MANN,  
House of Representatives, Washington, D. C.

Salaries of officers.

Boat.	Gross tons.	Master.	Chief engineer.	Second engineer.	First officer.	Second officer.	In commission.
Columbus	1,511	\$1,500	\$1,500	\$90	\$90	\$70	3 months.
Virginia	1,006	\$1,800	\$1,500	90	90	70	4 months.
Indiana	1,177	150	125	90	65	45	8 months.
		125	125	90	60	40	4 months.
Racine	1,041	150	125	90	65	45	8 months.
		125	125	90	60	40	4 months.
Atlanta	1,129	150	125	90	65	45	8 months.
		125	125	90	60	40	4 months.
Iowa	1,157	150	125	90	65	45	8 months.
		125	125	90	60	45	4 months.
Georgia	895	150	125	90	60	40	4 months.
Chicago	746	150	125	90	65	45	4 months.
Sheboygan	623	150	125	90	65	45	4 months.
Total	9,885						

\* Yearly.

In connection with the above would state that the *Columbus* runs from the latter part of June to the first week in September and the steamship *Virginia* from the middle of June until the latter part of September or first of October. Steamers *Chicago* and *Sheboygan* run practically during the same time. In the winter time three of the other five boats run throughout.

LAKE MICHIGAN AND LAKE SUPERIOR

TRANSPORTATION COMPANY,

Chicago, February 7, 1902.

Hon. JAMES R. MANN, M. C., Washington, D. C.

DEAR SIR: In reply to your letter of the 1st instant, the rate of wages paid by us to masters, mates, and engineers on our passenger steamers is as follows:

	Per month.
Masters	\$105
Mates	85
Engineers	125



The time they are employed is about seven and one-half months, which is the extent of our season of navigation. The engineers usually put in a little longer time than masters or mates, and their time would probably extend over eight months. It depends on the work there is to do in their department. The gross tonnage of our passenger steamers is as follows: Steamer *City of Traverse*, 1,153 tons; steamer *Peerless*, 1,199 tons. There are no wages paid during the lay-up season in winter except for ship keepers. Any other information required will be pleased to furnish.

Yours, truly,

C. F. A. SPENCER, Secretary.

THE H. W. WILLIAMS TRANSPORTATION LINE,  
South Haven, Mich., February 7, 1902.

Hon. JAMES R. MANN,  
House of Representatives, Washington, D. C.

DEAR SIR: In reply to yours, 1st instant, below find information asked: Masters, \$115; mates, \$85; engineers, \$114 per month, during season navigation only, which commences about March 15 and closes about December 1; average gross tonnage our four steamers, 700 tons.

Yours, truly,

THE H. W. WILLIAMS TRANSPORTATION LINE,  
Per M. E. PEARMAN.

SOUTH HAVEN LINE STEAMERS, DUNKLEY COMPANY,  
Chicago, February 6, 1902.

Hon. JAMES R. MANN,  
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your esteemed favor of the 1st instant, relative to scale of wages which we pay to the masters, mates, and engineers on our passenger steamers, would say:

We are a new line, just having opened up the business last year, hence appointed no annual men, with one exception. However, during our short season the chief engineer drew about \$1,000; the captain approximately the same. We had several changes in mates, which averaged \$55 per month for first mate; second mate, \$55 per month.

I understand the line men were mostly employed by the year this past season, and \$1,200 for the captains and chief engineers is a very fair estimate; the mates about \$800 per year.

We will be very glad to furnish you any information in our power at any time. We appreciate many of these subjects are for the good of the service.

Yours, very truly,

G. P. CORY,  
General Manager.

MANITOU STEAMSHIP COMPANY,  
GENERAL PASSENGER DEPARTMENT,  
Chicago, February 5, 1902.

Hon. JAMES R. MANN,  
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your favor of the 1st instant I have the pleasure to state that this company owns and operates the steamship *Manitou*, 3,000 gross tonnage. This ship is an exclusively passenger carrier, and is therefore in commission only about three months in the year, and for that reason the wages which we pay to our employees may not be a proper criterion for the purposes for which you desire the information.

Our captain receives a salary of \$2,000 for the season, but we have his services for the entire year in case we require it. The same holds good as to our chief engineer, who receives a salary of \$1,500. Our second engineer receives \$100 per month and the third \$75 per month. Our first mate receives \$100 per month and the second mate \$75 per month, but it must be borne in mind that the four latter officers are probably employed from four to five months during the year, as it will take the additional time over the actual running season to fit out and lay up the ship.

Trusting that this information may be of some service to you, I am,

Very truly, yours,

JOS. BEROLZHEIM,  
General Passenger Agent.

UNITED STATES COMMISSION OF FISH AND FISHERIES,  
Washington, D. C., February 4, 1902.

Hon. JAMES R. MANN,  
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiry of February 3, I have the honor to say that the vessels of this Commission, with the exception of a sea-going schooner and several launches, are officered and manned by the Navy. The master of the schooner receives \$1,500 per annum, the first mate \$1,050, and the second mate \$840. The launches are not specially provided with crews, but when used are placed in charge of other employees competent to operate them. There are several machinists appropriated for in the Commission who are competent to act as engineers of the small vessels, whose pay is \$900 per annum.

Very respectfully,

GEO. M. BOWERS, Commissioner.

TREASURY DEPARTMENT,  
OFFICE OF THE COAST AND GEODETIC SURVEY,  
Washington, D. C., February 5, 1902.

Hon. J. R. MANN,  
House of Representatives.

SIR: In response to your request of the 3d instant, I give below a list of the officers attached to the vessels of the Coast and Geodetic Survey. All officers on these vessels are either surveyors or under instructions as surveyors, and all take an active part in the navigation and management of the vessels; consequently the service makes no such classification as is indicated in your note, the officers being indiscriminately assigned to the deck, to boat and landing parties to meet the varying conditions, the existence of certain designations which are more purely nautical than others being simply the result of the form in which the appropriation is made.

1 commanding officer, at \$2,400 per annum	\$2,400
2 commanding officers, at \$2,200 per annum	4,400
4 commanding officers, at \$1,600 per annum	6,400
3 commanding officers, at \$1,200 per annum	3,600
1 navigating officer, at \$1,400 per annum	1,400
1 assistant navigating officer, at \$1,200 per annum	1,200
2 assistant navigating officers, at \$720 per annum	1,440

1 assistant navigating officer, at \$900 per annum	\$900
1 watch officer, at \$150 per month	1,800
4 watch officers, at \$135 per month	6,480
2 watch officers, at \$130 per month	3,120
3 watch officers, at \$125 per month	4,500
2 watch officers, at \$120 per month	2,880
2 watch officers, at \$115 per month	2,700
1 watch officer, at \$110 per month	1,320
1 chief engineer, at \$140 per month	1,680
2 chief engineers, at \$130 per month	3,120
4 chief engineers, at \$115 per month	5,520
9 deck officers, at \$100 per month	10,800
1 deck officer, at \$80 per month	720
5 surgeons, at \$125 per month	7,500
2 assistant surgeons, at \$110 per month	2,640
2 captains' clerks, at \$110 per month	2,640
2 captains' clerks, at \$75 per month	1,800

Respectfully,

O. H. TITTMANN, Superintendent.

#### PAY OF REVENUE-CUTTER OFFICERS ON GREAT LAKES.

The present statute fixing the pay of officers of the Revenue-Cutter Service provides for a substantial reduction of the pay while the officers are on leave of absence or while waiting orders.

The Revenue-Cutter Service calculates the Revenue-Cutter vessels on the Great Lakes as in commission eight months in the year. (See Appendix S, last Book of Estimates.)

The cutter *Morrill*, for instance, has 7 commissioned officers. She is stationed at Milwaukee, Wis. During the fiscal year ending June 30, 1901, she traveled a total distance of 9,092 miles and was steaming a total of thirty-six days twelve hours and forty minutes for the entire year. During the months of January, February, and March, 1901, she did not travel a mile nor have steam up. During the months of December, 1900, and April, 1901, together, she was under steam less than a total of four days. Her seamen were discharged, her officers had nothing to do, but they continued to draw full pay.

Statement showing tonnage, number of officers and men, and monthly salaries paid on various vessels.

Vessel.	Gross tonnage.	Number of officers and men employed.	Total monthly pay.
Revenue-cutter Windom	398	44	\$1,975
Revenue-cutter Rush	300	41	2,227
Revenue-cutter Morrill	288	43	1,916
Revenue-cutter Seminole	588	56	2,205
Revenue-cutter Calumet	123	12	800
Revenue-cutter Chandler	95	12	795
Mail steamer Mexico, New York to Habana	5,567	92	2,940
Mail steamer Admiral Sampson	2,104	51	1,825
American steamer St. Louis	11,629	380	11,806
German steamer Kaiser Wilhelm	14,349	500	7,715
British steamer Oceanic	17,274	427	9,881

#### CALUMET.

[123 tons.]

Crew.	Rate of pay.	Total pay.
1 pilot	\$100	\$100
4 seamen, each	45	180
3 firemen, each	50	150
1 wardroom steward	35	35
1 cook	35	35
10		500

Per month.

10 men's pay	\$500
2 officers' pay	300
12	800

#### CHANDLER.

[95 tons.]

Crew.	Rate of pay.	Total pay.
1 pilot	\$100	\$100
1 boatswain	45	45
4 seamen, each	45	180
2 firemen, each	50	100
1 wardroom steward	35	35
1 cook	35	35
10		495

Per month.

10 men's pay	\$495
2 officers' pay	300
12	795

Statement showing tonnage, number of officers and men, etc.—Continued.

## SEMINOLE.

[Gross tonnage, 588.]

Crew.	Rate of pay.	Total pay.
1 boatswain	\$50	\$50
1 gunner	45	45
1 carpenter	45	45
1 chief oiler	50	50
1 master-at-arms	40	40
1 second oiler	40	40
3 quartermasters, each	30	90
2 cockswains, each	28	56
1 third oiler	40	40
12 seamen, each	25	300
6 firemen, each	30	180
6 ordinary seamen, each	20	120
1 bugler	20	20
3 coal heavers, each	25	75
1 cabin steward	35	35
1 wardroom steward	35	35
1 cook	30	30
4 first-class boys, each	15	60
8 second-class boys, each	12	96
50		1,947

Per month.

50 men's salaries	\$1,947
6 officers' salaries	858
56	2,205

## MORRILL.

[Gross tonnage, 288.]

Crew.	Rate of pay.	Total pay.
1 boatswain	\$45	\$45
1 gunner	40	40
1 carpenter	40	40
1 master-at-arms	35	35
1 second oiler	37	37
2 quartermasters, each	30	60
4 cockswains, each	28	112
1 third oiler	35	35
7 seamen	25	175
2 firemen, each	30	60
4 ordinary seamen, each	20	80
1 bugler	20	20
2 coal heavers, each	25	50
1 cabin steward	35	35
1 wardroom steward	35	35
1 cook	30	30
3 first-class boys, each	15	45
2 second-class boys, each	12	24
36		958

Per month.

36 men's salaries	\$958.00
7 officers' salaries	958.33
43	1,916.33

## RUSH.

[Gross tonnage, 300.]

Crew.	Rate of pay.	Total pay.
1 boatswain	\$60	\$60
1 gunner	55	55
1 carpenter	55	55
1 master-at-arms	45	45
1 second oiler	45	45
2 quartermasters, each	40	80
2 cockswains, each	37	74
1 third oiler	45	45
4 seamen, each	35	140
2 firemen, each	45	90
6 ordinary seamen, each	30	180
1 bugler	25	25
2 coal heavers, each	35	70
2 stewards, each	45	90
1 cook	40	40
5 first-class boys, each	20	100
33		1,194

Per month.

33 men's salaries	\$1,194
6 officers' salaries	1,033
41	2,227

Statement showing tonnage, number of officers and men, etc.—Continued.

## WINDOM.

[Gross tonnage, 398.]

Crew.	Rate of pay.	Total pay.
1 pilot	\$75	\$75
1 boatswain	50	50
1 gunner	45	45
1 carpenter	45	45
1 chief oiler	50	50
1 master-at-arms	35	35
1 second oiler	37	37
2 quartermasters, each	30	60
2 cockswains, each	28	56
6 seamen, each	25	150
4 firemen, each	30	120
4 ordinary seamen, each	20	80
1 bugler	20	20
4 coal heavers, each	25	100
1 cabin steward	35	35
1 wardroom steward	35	35
1 cook	30	30
3 first-class boys, each	15	45
2 second-class boys, each	12	24
38		1,092

Per month.

38 men's salaries	\$1,092
6 officers' salaries	883
44	1,975

WASHINGTON, February 25, 1902.

Hon. JAMES R. MANN, M. C.,  
House of Representatives, Washington, D. C.

MY DEAR SIR: I beg to acknowledge your two communications of the 24th instant.

In reply to one, I beg to say that I have no accurate information as to the performance of duty analogous to that executed by the Revenue-Cutter Service in this country in England, France, and Germany. I believe, however, that the duty is performed in England and France by what is known there as the "coast guards," and that the officers of the vessels of that service are taken from the reserve lists of their navies.

I will be glad to serve you further if you will make your wishes known.

Very truly, yours,

C. F. SHOEMAKER,

Captain, Revenue-Cutter Service, Chief of Division.

## REVENUE SERVICE AND COAST GUARD IN FOREIGN COUNTRIES.

## England.

In England the revenue service and coast guard are under the direct control of the Admiralty, and have been since 1856. The men are all picked men from the regular service. The coast-guard ships proper are all old battle ships and ironclads, and are officered by regular naval officers. The coast is divided into districts, and each district has a naval officer as an inspector. There are gunboats for patrolling attached to each district, and these also are officered by naval officers either on the active or retired list.

In addition to the ships there are coast-guard stations all around the coast, and the entire coast is patrolled day and night. The coast guard not only are a preventive to smuggling, but they are so closely allied to the life-saving service that the two are practically one. Lifeboats' crews always have some coast-guard men in them, and frequently are manned entirely by the coast guard.

The service being entirely under the Admiralty, the pay of officers is the same as in the Regular Navy.

## France.

The French Government has no service which corresponds directly to our revenue marine. The duties which we confide to that branch of the Government service are performed partly by the customs authorities and partly by the navy.

The customs service more nearly corresponds to our revenue marine than anything else. The central administration of the customs is confided, under the ministry of finance, to a director-general, who is the sole medium of communication between the service and the minister.

The following is the strength of the force for the whole frontier:

Directors	26
Inspectors	79
Subinspectors	2
Captains	230
Lieutenants	249
Men of various ratings	19,511

The directors are divided into four classes, and receive 12,000, 10,000, 9,000, and 8,000 francs a year. They have also allowances for quarters and office expenses.

The inspectors are divided into three classes, and receive 6,000, 5,000, and 4,500 francs a year.

Subinspectors receive 3,500 and 3,000 francs a year.

Captains are divided into three classes, and receive 3,300, 2,800, and 2,400 francs a year.

Lieutenants are divided into three classes, and receive 2,300, 2,000, and 1,800 francs a year.

The other grades receive from 1,300 to 900 francs a year.

Captains and lieutenants receive an allowance for quarters of 400 and 200 francs a year, respectively.

The revenue boats are usually under the direct charge of the captains. The employment of parties afloat in boats or vessels outside of the ports is so unusual that very little provision is made for that contingency.

The duties which we are accustomed to associate with the idea of a revenue marine, namely, the repression of contraband trade, are performed by the customs authorities working on shore, while the duties actually performed by our revenue marine, namely, the policing of waters adjacent to the coast, are in France the peculiar and especial duty of the navy.



## Germany.

There is no armed revenue marine in Germany. There are a number of very small vessels employed for putting customs officers on board shipping, but there is no military force acting in connection with the customs officers or treasury.

## VESSELS IN THE REVENUE-CUTTER SERVICE.

The register of July 1, 1901, gives the number of vessels, launches, etc., of all classes in the service as 41. Of these 1 is a receiving ship, 1 a practice ship, 1 a sloop connected with the Life-Saving Service; 14 are assigned to mere harbor or anchorage duty in various harbors; 6 are on duty in Alaskan or Arctic waters; 2 are on the Great Lakes.

The largest revenue cutter is the *McCulloch*, which has a gross tonnage of 869 tons. Of the 42 vessels, only 8 have a gross tonnage of more than 500 tons. Only 11 have a draft of 10 feet or more.

In the annual report of the Revenue-Cutter Service for 1897 the following vessels, still in the service, were then reported as practically worthless, to wit: *McLane*, *Boutwell*, *Washington*, *Chandler*, *Forward*, *Winona*, *Galveston*. These vessels are now on duty as follows: *Chandler*, on harbor duty at Boston; *Washington*, on harbor duty at Philadelphia; *Boutwell*, on duty at Newbern, N. C.; *Forward*, at Charleston, S. C.; *McLane*, at Key West; *Winona*, at Mobile; *Galveston*, at Galveston.

In the report of 1897 the chief of the Service stated, referring to the 27 vessels in the service in 1895, that "There are but two of these vessels (the cruisers *Boutwell* and *Galveston*) of over 400 tons burden \* \* \* and not a single one has motive power to drive it, under the most favorable conditions of weather and sea, at top speed more than 10 or 11 knots an hour, while the average speed of the best of them will not exceed 8 or 9."

In the last annual report of the Secretary of the Treasury (p. 55) the Secretary states that "Attention is again invited to the absolute necessity for providing a number of new vessels to replace old ones of the fleet. The old, obsolete, and in other respects inefficient vessels in the Revenue-Cutter Service are a source of constant anxiety, not only because they are not adapted to the work of the Service and can not be depended upon in emergencies," etc. "These vessels are anything rather than efficient revenue cutters; they are discreditable to the Department, and furnish subject for criticism. Of this class are the following:"

The *Woodbury* (now at Portland Me.); the *McLane* (now at Key West); the *Hamilton* (now at Savannah, Ga.); the *Boutwell* (now at Newbern, N. C.). "It is plain that further expenditures on these old vessels should not be continued longer than it will take to provide new ones to supply their places. It is therefore recommended that new vessels be constructed to replace those above named at a cost for each of \$175,000. This will require an appropriation of \$700,000."

There is no vessel in the Revenue-Cutter Service of 1,000 tons burden.

The Light-House Board has 36 steam tenders, 11 steam launches, and 2 sailing tenders.

The new steam tenders of the Light-House Board cost over \$100,000 each, and a new one has been authorized for the Pacific coast to cost \$120,000 (Thirteenth district).

In the Second light-house district (Boston) there are 4 steam tenders including the *Mayflower*, a steel screw steamer of 572 tons' gross burden built in 1897.

Under the Hepburn bill, on July 1, 1902, seven captains would be retired on account of age. On the 1st day of July, 1907, there would have been retired 31 captains on account of age by reason of retirement for age only. There would be promoted several persons as captain by July 1, 1907, who had been commissioned in the service at that time less than twenty years and one of whom would be only 40 years of age.

Through retirement only there would be promoted by July 1, 1907, to first lieutenant several persons of the age of only 32 years and one of whom would have been commissioned in the service only nine years.

By retirement only on July 1, 1902, there would be promoted to first lieutenant several persons who would then be commissioned in the service only eleven years.

As illustrating the age and length of service of the engineers, I submit one of the present chief engineers is only 37 years of age May 3, 1902, and only entered the service February 18, 1888. Not any of the first assistant engineers entered the service prior to May 12, 1888, and three only entered the service in July, 1895.

Of the second assistant engineers, not any entered the service prior to July 13, 1895, and several entered the service in February, 1901.

There is to-day 1 retired officer, Captain Hodgson, who commanded the *McCulloch* at the battle of Manila Bay.

On the permanent waiting-orders list there are 4 captains, 4 first lieutenants, 1 second lieutenant, 1 third lieutenant, 9 chief engineers, 6 first assistant engineers, 3 second assistant engineers. These were all placed on the permanent waiting-orders list in 1895, shortly following the passage of the act approved March 2, 1895, authorizing such action.

BUREAU OF PENSIONS,  
Washington, D. C., February 1, 1901.

Hon. JAMES R. MANN,  
House of Representatives.

SIR: In compliance with your personal request of yesterday for the number of claims filed on account of disability and death resulting from service on the revenue cutters during the war with Spain, you are furnished the following statement:

Claims for invalid pension by enlisted men	8
Claims for invalid pension by commissioned officers	0
Claims on account of death of enlisted men	2
Claims on account of death of commissioned officers	3
<b>Total</b>	<b>13</b>

None of the claims for invalid pension has been allowed. One has been rejected for the reason that the disability existed prior to enlistment. The others are in process of adjudication.

The two claims on account of death of enlisted men are pending, awaiting the claimants' response to calls for evidence. One of the claims on account of death of a commissioned officer, of a dependent mother, was rejected—the officer having left a child who had prior right and who was pensioned; but pension was subsequently allowed the mother by special act of Congress. The other two were allowed under the general law.

Very respectfully,

H. CLAY EVANS, Commissioner.

BUREAU OF PENSIONS,  
Washington, D. C., March 6, 1902.

SIR: In reply to your letter of the 24th ultimo, in which you request that the information furnished you February 1, 1901, in regard to claims filed on account of disability and death resulting from service on the revenue cutters during the war with Spain, be brought to date, you are advised that no claims of this class have been filed since the former report was made to you. The following statement shows the present condition of the claims on file at that time:

## Claims for invalid pension:

Pending	3
Admitted	1
Rejected	4
<b>Total</b>	<b>8</b>

## Widows and dependents:

Pending	1
Admitted	4
Rejected	0
<b>Total</b>	<b>5</b>

Very respectfully,

H. CLAY EVANS, Commissioner.

## MEMORANDUM SHOWING THAT THE WORK OF THE REVENUE-CUTTER SERVICE HAS NOT INCREASED IN RECENT YEARS.

For fiscal year 1873 this service boarded 30,543 vessels.  
For fiscal year 1878 this service boarded 31,066 vessels.  
For fiscal year 1879 this service boarded 32,853 vessels.  
For fiscal year 1880 this service boarded 36,318 vessels.  
For fiscal year 1889 this service boarded 18,069 vessels.  
For fiscal year 1900 this service boarded 20,089 vessels.  
For fiscal year 1901 this service boarded 22,563 vessels.

## VESSELS IN DISTRESS ASSISTED.

In the report submitted by Mr. SHERMAN for the committee favoring this bill it is stated that during the fiscal year of 1901 the number of "vessels in distress assisted" by the Revenue-Cutter Service was 107, and that the "value of vessels assisted and their cargoes" was \$5,197,825, and that the number of "persons on board vessels assisted" was 1,581.

Great stress is laid in the committee report upon this showing, and the plain intention is to give the impression that the vessels of the Revenue-Cutter Service, through its arduous and gallant actions, saved from destruction a large number of lives and a large amount of property. The intimation is that the "vessels in distress" were in danger of shipwreck in time of storm, or something of that sort, and that through the bravery of the Revenue-Cutter officers these "vessels in distress" were rescued.

Herewith is submitted statements taken from the records of the Revenue-Cutter Service office in all cases of assistance rendered to "vessels in distress" during the fiscal year of 1901 where the value of the vessel and cargo together equaled \$75,000. The cases set forth cover the amount of \$4,441,345 out of the total of \$5,197,825 which the Revenue-Cutter Service claims to have assisted during the year.

An examination of these reports shows that in no case was any danger incurred by the Revenue-Cutter Service officers or vessels; that in no case was assistance rendered in time of storm or danger, and in no case was any very substantial assistance rendered at all. One instance of assistance rendered to a boat of the Navy is also given as an example:

Statement showing all cases where assistance to "vessels in distress" was rendered by revenue cutters during the fiscal year ending June 30, 1901, wherein the value of the vessel assisted, together with its cargo, amounted to the sum of \$75,000.

Revenue cutter.	Date.	Vessels assisted.	Value of vessel assisted and cargo.
McCulloch	July 11, 1900	Nome City	\$150,000
Rush	July 17, 1900	Jabez Howes	105,000
Do	Aug. 21, 1900	Rufus E. Wood	98,000
Bear	Oct. 2, 1900	Robert Dollar	95,000
Onondaga	Dec. 15, 1900	I. F. Chapman	155,000
Windom	Jan. 13, 1901	Inch Keith	302,000
Gresham	Feb. 6, 1901	Astral	285,000
McLane	Mar. 14, 1901	Margaret	85,800
Golden Gate	June 4, 1901	Cardiganshire	90,545
Nunivak	June 22, 1901	Leon	2,600,000
Do	June 25, 1901	Louise	75,000
Algonquin	June 29, 1901	Star Cross	400,000
<b>Total</b>			<b>4,441,345</b>

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, February 15, 1902.

Hon. JAMES R. MANN, M. C.,  
House of Representatives, Washington, D. C.

SIR: In reply to your letter of the 13th instant, asking to be furnished with the data on which the summary of the work performed by vessels of the Revenue-Cutter Service during the past fiscal year, as it appears in the report of the Secretary of the Treasury, was based, I have respectfully to state that the records from which it was compiled are voluminous and cannot be conveniently copied. In accordance with your suggestion an opportunity will be afforded you at any time to make a personal examination of said data.

Respectfully,

O. L. SPAULDING,  
Assistant Secretary.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, March 7, 1902.

Hon. JAMES R. MANN, M. C.,  
House of Representatives.

SIR: Agreeably to your letter of the 5th instant, I inclose copies of the statements therein requested, which are given in the order in which they occur in your letter.

The estimated value of the cargo (\$2,500,000) of the steamer *Leon* was inadvertently omitted in making up the tabular statement for the annual report. It has, however, been included in the statements prepared since the report was submitted, as it is in the one inclosed.

Assistance rendered to Government vessels is not usually included in our tabular statements. The launch of the U. S. S. *Michigan*, however, was included because her position was regarded as one of peril.

Respectfully,

C. F. SHOEMAKER,  
Captain, Revenue-Cutter Service, Chief of Division.

Vessel assisting, *Fessenden*.  
Vessel assisted, steam launch, U. S. S. *Michigan*.  
Date, July 4, 1900.

Number of persons on board, 7.  
Value of vessel (no cargo), \$2,500.  
Nature of casualty, engine broke down.  
Location, Detroit, Mich.

Detailed report: The vessel being anchored off the foot of Bates street, Detroit, Mich., about 9:30 p. m., on July 4, 1900, was hailed by the steam launch of the U. S. S. *Michigan*, requesting assistance, as she was drifting downstream into the path of the ferry and excursion boats, with her engine disabled. Sent the dingy to her assistance and towed her upstream to the *Michigan*, which was anchored above us.

Vessel assisting, *McCulloch*.  
Vessel assisted, steamer *Nome City*, 1,660 tons.  
Date, July 11, 1900.  
Number of persons on board, 60.  
Value of vessel, \$150,000.  
Nature of casualty, lost three blades of her propeller.  
Location, 255 miles W. & N. of Cape Flattery.  
State of weather, clear and pleasant.  
Direction and force of wind, light west breeze.  
State of tide and sea, smooth sea, gentle southerly swell.

Detailed report: July 11, 1900, at 4.15 p. m., en route Dutch Harbor to Seattle, 270 W. & N. of Cape Flattery, sighted the steam schooner *Nome City* standing across bow of this vessel making little headway, although under steam and sail with a fair wind. At 6.15 p. m., when she was abreast, a signal was hoisted which we could not read. Standing toward the *Nome City*, her master stated he had lost three blades of his propeller July 4; was bound for Portland, Oreg., and asked to be towed to Astoria. The commanding officer of the *McCulloch* offered to tow him to Port Townsend; steam was ordered on all boilers in order to get in with the disabled vessel before bad weather set in. The *Nome City* sent an 8-inch hawser by one of her boats, and at 7.10 p. m. took her in tow. At 8 a. m., July 13, cast her off at Port Townsend, having towed her 340 miles in thirty-seven hours.

Vessel assisting, *Rush*.  
Vessel assisted, ship *Jabez Howes*, 1,648 tons.  
Date, July 17, 1900.  
Number of persons on board, 17.  
Value of vessel with cargo, \$105,000.  
Nature of casualty, coal given out.  
Location, Dutch Harbor, Alaska.

Detailed report: At the request of the master of the ship *Jabez Howes* and the agent of the North American Commercial Company, steamed alongside that ship and towed her alongside wharf to discharge her cargo. The coal had given out at the company's station, and this was the only coal in Dutch Harbor, and there were no other means at hand to put her alongside wharf.

Vessel assisting, *Gresham*.  
Vessel assisted, barkentine *White Wings*.  
Date, August 19, 1900.  
Number of persons on board, 8.  
Value of vessel, with cargo, \$73,000.  
Nature of casualty: Sea smooth; in trying to sail from anchorage carried down by tide.

Location: Off Stapleton, Staten Island, N. Y.  
Detailed report: At 6.30 a. m., observing that the barkentine *White Wings* in sailing from anchorage toward channel was carried across the bow of the ship *Claverdon*, we got under way and proceeded to her assistance. The tug *Unity* of New York arriving and making a bargain, ran her hawsers and tried to pull her clear. Being unable to do so owing to the strong tide, she requested our assistance. We gave her our 11-inch hawser and held the *Unity* in position and also helped her tow. The tug had the *White Wings* on a bridle, and just as she was going clear the forward leg of bridle parted, the *White Wings* slewed, her mizzenmast fetched up against the bowsprit of the *Claverdon*, and threatened to carry it away at the deck. Some running gear was parted, also the forward swifter and one stay. The next attempt she came clear and proceeded to sea.

Vessel assisting, *Rush*.  
Vessel assisted, bark *Rufus E. Wood*, 1,477 tons.  
Date, August 21, 1900.  
Number of persons on board, 17.  
Value of vessel with cargo, \$98,000.  
Nature of casualty, mutiny.  
Location, Unalaska, Alaska.

Detailed report: Sent two officers and three armed men to arrest a mutinous sailor who had threatened the master and who had deserted from the

*Rufus E. Wood*. Apprehended him, placed him in irons, and delivered him to the master of the *Wood*.

Vessel assisting, *Bear*.  
Vessel assisted, *Robert Dollar*, 1,389 tons.  
Date, October 2, 1900.  
Number of persons on board, 88.  
Value of vessel with cargo, \$95,000.  
Nature of casualty, run aground.  
Location, off Nome, Alaska.  
State of weather, overcast and drizzling rain.  
Direction and force of wind, ESE. to to NE.; force, 3 to 5.  
State of tide and sea, flood tide, choppy sea.

Detailed report: At 8 a. m., October 2, a steam launch came alongside and reported American steamer *Robert Dollar*, of San Francisco, aground and that the master requested assistance. The *Bear* was immediately got under way and anchored as near the *Dollar* as safety permitted. The *Robert Dollar*, having a steam launch, ran a hawser, binding three hawsers together to reach the *Bear*, the latter at the time being anchored in 4 fathoms of water. At 10.15 got under way and steamed ahead at full speed; started the *Dollar*, but carried away tow line. Stood back for anchorage and ran line to *Dollar*. At 1.30 made second attempt to haul vessel off, when line again parted. *Dollar* sent line and, using *Bear* as an anchor, hove herself off, floating at 7.45 p. m. During the day the wind increased from gentle easterly to fresh north-easterly breezes, and sea was making rapidly when the *Dollar* was floated.

Vessel assisting, *Onondaga*.  
Vessel assisted, ship *I. F. Chapin*, 2,013 tons.  
Date, December 15, 16, and 17, 1900.  
Number of persons on board, 28.  
Value of vessel with cargo, \$155,000.  
Nature of casualty, ashore.  
Location, off North Jetty, Christiana Creek, Wilmington, Del.  
State of weather, clear and cold.  
Direction and force of wind, NE. 2.  
State of tide and sea, smooth sea, half flood.

Detailed report: At 5 p. m. December 15 came up with ship *I. F. Chapin* aground inside black buoy at southerly entrance to Cherry Island Channel off North Jetty; Christiana Creek, Wilmington, Del., she having grounded in attempting to pass out of the channel in tow of tugs *O. L. Hallenbeck* and *Juno*. The ocean tug *Navigator* had parted 9-inch hawser the day before in attempting to haul her afloat and had given up the attempt. 5.15 anchored ahead of ship; 6.30, at request of master, took hold of his 9-inch line. Started vessel, but line parted.

Tide having fallen, gave up attempt for that tide and anchored for the night. At 6.30 a. m. of the 16th took hold of *Chapin's* 11-inch line. By 9 had hauled him onto ranges, but tide having fallen, anchored to wait next tide. No work done, at request of master of ship, that evening tide. At 7 a. m. of 17th took hold of 11-inch line, hauled him off west bank, but he grounded on east bank; 8 had to let go hawser to straighten our vessel down river, and in attempting to bring it again tug *Juno* fouled it in her wheel. Tide was lost for that morning. 9.30 anchored. At 9.15, after master had sent word that no attempt to float the vessel would be made on that night tide, the *Chapin* floated off by the efforts of her two tugs alone and without further assistance from this vessel.

Vessel assisting, *Windom*.  
Vessel assisted, steamship *Inch Keith*, 2,419 tons.  
Date, January 13, 1901.  
Number of persons on board, 39.  
Value of vessel with cargo, \$32,000.  
Nature of casualty, ashore.  
Location, Holland Point, Md.  
State of weather, clear.  
Direction and force of wind, NW; force, 3.  
State of tide and sea, three-quarter flood, sea smooth.

Detailed report: At 9.55 sighted a steamer ashore off Holland Point, Md.; stood for her; 10.30, stopped and boarded her, and found her to be the British steamer *Inch Keith*, of Liverpool; had gotten ashore at 7 p. m., 9th instant, and was lightering cargo. Tug *Sandow* ran our line to steamer and held us up and assisted while pulling on her; 11.40, steamer floated, apparently without damage. Both master and agents expressed greatest appreciation of services rendered.

Vessel assisting, *Gresham*.  
Vessel assisted, ship *Astral*, 2,995 tons.  
Date, February 6, 7, 8, and 9, 1901.  
Number of persons on board, 32.  
Value of vessels with cargo, \$235,000.  
Nature of casualty, mutiny.  
Location, off Sandy Hook light-ship.

Detailed report: On the 6th instant, while standing down through the Swash Channel to sea on a cruise, sighted Standard Oil Company's ship *Astral* at anchor, 2 miles N. by E. of Sandy Hook light-ship, both anchors down, sails roughly furled, and yards cockbilled. Stood for her and at 3.10 hailed the master and ascertained that his crew had refused to work. A 50-mile gale blowing, with high-running sea, and the crew not violent, it was deemed not safe to lower a boat, and boarding her was therefore postponed until the gale abated.

At 6 the following morning weighed anchor and stood out for the *Astral*. At 8.15 anchored off her starboard quarter. Although the wind was still blowing strong from the northwest and a high sea running, the whaleboat with an armed crew was lowered and sent to the *Astral*, and after a hard pull to windward reached the ship. The mutinous crew was mustered and the law relating to mutiny read to them. After consulting among themselves they were again mustered and each man was asked what he decided to do.

Eleven of the number returned to duty, two desired medical attention, and nine refused to go in the ship. Three ringleaders were put in single irons and brought aboard the cutter upon the request of the master, where they were held until the civil authorities could take measures for their incarceration.

On the 8th instant the place made vacant by the removal of the three ringleaders was filled by new men and as the remaining men who had held out on the 7th instant turned to, the ship with her proper complement was able to sail on her voyage. For the suppression of this mutiny the master of the ship and the representative of the Standard Oil Company were very grateful and expressed their appreciation of the assistance rendered by the *Gresham*. On the 9th instant at 3.30 p. m. two deputy United States marshals came on board the *Gresham* with a warrant for the arrest of the three men, and they were thereupon surrendered and taken to jail.

Vessel assisting, *McLane*.  
Vessel assisted, steamer *Margaret*, 674 tons.  
Date, March 14, 1901.  
Number of persons on board, 17.  
Value of vessel with cargo, \$85,800.  
Nature of casualty, run aground owing to dense fog.  
Location, Point Pinelos, Tampa Bay, Florida.



State of weather, overcast and raining.  
Direction and force of wind, calm.  
State of tide and sea, flood, smooth.

Detailed report: The steamer *Margaret* left Port Tampa, Fla., on the morning of March 13, 1901, with 150 excursionists, bound for Egmont Key, Florida. About 9 p. m., in a dense fog, the *Margaret* ran aground in an almost inaccessible place on Point Pinelos. On learning of accident, *McLane* got under way and steamed from St. Petersburg to within a mile of the *Margaret*. All passengers had been transferred from the *Margaret* to *Caloosa*, which ran aground while trying to assist. The tug *Catherine* could not reach her because of shoal water, and the *Margaret* would have been uncomfortably situated had it not been for the *McLane*. The latter sent out a boat to sound ahead, and by extremely careful work got within 200 yards of the *Margaret* and sent a 4-inch line on board. This line proved inadequate, and a 6-inch line was substituted. It was very difficult to maneuver on account of shoal water all around, but the *McLane* succeeded in floating the *Margaret* after three hours' work.

Vessel assisting, *Golden Gate*.

Vessel assisted, British ship *Cardiganshire*, 1,400 tons.

Date, June 4, 1901.

Number of persons on board, 23.

Value of vessel with cargo, \$90,545.

Nature of casualty, loss of anchor, etc., so that she was drifting helplessly on an island.

Location, San Francisco Harbor, California.

Detailed report: The British ship *Cardiganshire* coming into harbor under sail with licensed pilot aboard was taking in sail preparatory to rounding to, when the starboard anchor was let go, the chain snapped, and the port chain got fouled so as to be useless.

Ship was rapidly drifting on weather side of Alcatraz Island, a strong flood tide of about 6 knots running, and a fresh breeze from southwest. Seeing her helpless condition, *Golden Gate* steamed out to her, ran under her bow and got a line to her. She was not 50 feet from the rocks when the *Golden Gate* started ahead, and, with a strong flood tide, it looked as if she must go ashore, but in a few minutes she was started ahead, and after she was clear of the rocks about half a mile out our line carried away. Came alongside and made fast to her starboard quarter; brought her to anchor, the people on board having succeeded in clearing the port chain. The quarantine boat *Sternberg* was alongside, but was unable to do anything with her, owing to her lack of power, and both vessels were drifting on the rocks when the *Golden Gate* took hold of her. If the latter vessel had not taken hold of her so promptly there is no doubt she would have gone on the rocks, stove a hole in her, and probably lost the ship.

Detailed statements of the casualty and the nature and extent of service rendered by vessels of the Revenue-Cutter Service in the following instances:

Vessel assisting, *Nunivak*.

Vessel assisted, steamer *Leon*, 632 tons.

Date, June 22, 1901.

Number of persons on board, 205.

Value of vessel, with cargo, \$2,600,000.

Nature of casualty, out of provisions.

Location, mouth of Yukon River, Alaska.

Detailed report: Arriving at Aphoon, mouth of Yukon River, June 22, 1901, found steamer *Leon* short of provisions for passengers and crew, she having been detained here a week by ice and her supplies exhausted. No prospect of ice clearing up for several days. None of the other vessels could assist her, as they, too, were running short, and no supplies within reach on the river. Loaned her from ship's rations 800 pounds flour, 50 pounds coffee, 72 pounds butter, to be replaced in kind at St. Michael.

Vessel assisting, *Nunivak*.

Vessel assisted, steamer *Louise*.

Date, June 25, 1901.

Number of persons on board, 48.

Value of vessel, \$75,000.

Nature of casualty, delay on account of ice.

Location, Aphoon, mouth Yukon River, Alaska.

Detailed report: On June 25, 1901, while waiting for ice to clear at Aphoon, mouth Yukon River, Alaska, master of steamer *Louise* came on board and stated that his supplies were almost exhausted by the long delay. None being obtainable elsewhere, loaned him from ship's rations 200 pounds flour, to be replaced in St. Michael, this being all that the cutter could then safely spare.

Vessel assisting, *Algonquin*.

Vessel assisted, British steamer *Starcross*, 1,822 tons.

Date, June 29 and 30, 1901.

Number of persons on board, 24.

Estimated value of vessel with cargo, \$400,000.

Nature of casualty, run aground.

Location, Cape Lookout, North Carolina.

Detailed report: At 10.45 p. m., June 28, *Algonquin* at anchor off Southport. Information brought alongside by tug that a steamer was ashore on Lookout Shoal. At 11.45 officers and crew on liberty having been recalled, ship was under way and steaming out of harbor under three boilers and fires started under fourth. All possible speed made. At 9 a. m., 29th, arrived on scene, but as steamer was ashore well up on shoal great care had to be used in approaching her and the way sounded in.

It was 10 a. m. before we were close enough to send an officer in a boat to sound out around her and board her. Found she was the British steamship *Starcross*, of Cardiff, Milburn, master, from Brunswick, Ga., for Bremen via Newport News, with heavy laden cargo of cotton, phosphate, and lumber. She had taken ground on outer shoal at 5 p. m., 27th, weather being clear and bright, daylight, sea smooth. Soundings taken by us showed she was drawing 22 feet 2 inches and was ashore on 20-foot lump. The boarding officer's questions could not develop any reason for her going ashore. Light-house in plain sight, sea smooth, soundings increase gradually to southward of shoal. It seemed a miracle that she had been two days on shoal and no sea had rolled in and no wind had developed.

Before our arrival the master had floated her (so he said) with his engine, but through ignorance of locality, had again grounded at top of high water. Low water when we arrived, so nothing could be done in way of pulling. Thorough examination of soundings made, however, and vicinity well sounded out. 11.30 a. m. tugs *Blanche* and *Marion*, of Wilmington, N. C., arrived, and entered into some agreement with master for floating steamer. Westwood by ready to take hold. We had offered our services on arrival, but master wished first to talk with tugs regarding matter. After making a thorough examination of her situation the tug captains approached us with a proposition that as she was too big for them to think of handling alone, we should take the steamer's line and pull on the high water and one of them would endeavor to hold her head up to the wind while the other pulled also.

Accordingly, at 3 p. m. we got our anchor and steamed up alongside and took her line. After pulling until 6 p. m. and parting her line twice without starting the vessel, we discontinued operations for that tide, it having fallen too much for further work. During night consultations were held with tug

captains and it was decided very sensibly that we should do all the pulling and both tugs endeavor to hold her head up. On morning of 30th we again went to steamer and worked on the high water from 4 a. m. until 7 a. m., but unavailingly. Succeeded in turning her on her heel, but not floating her. We then lay off and anchored to wait for afternoon tide, which was the fuller tide.

During the morning watch the wrecking tug *Wm. Coley*, of New York, arrived on the scene. At this time we had swung steamer around several points, so that she headed east, but she still remained fast aft. *Coley* planted a big wrecking anchor off starboard bow and hove the cable taut on bow of steamer, then made fast alongside of her just before high water. We ran out our 9-inch hawser to steamer's bow, she having no line strong enough to stand the strain, and with two tugs to hold her head up to wind, and with *Coley* working alongside stranded steamer, we finally floated her at 6 p. m.

The tugs were small and of little power and experienced difficulty in even holding her head to windward. Twice our line was let go from steamer after we had started her, and when at last we did give her the final pull, which started her, we not only brought the steamer, but the three tugs as well, and also the big anchor planted by the wrecker. After we had floated her she let go our line and we hauled it in on board at once, so as to give the tugs a better opportunity to handle her. After seeing her engines started and ascertaining by a boarding officer, sent for the purpose, that she was uninjured, as far as could be told at the time by her not leaking and everything working smoothly, we saw her started for Newport News under her own steam, and then headed back for Wilmington to renew our coal supply.

It was conceded by the tug captains and also by the steamer's master that they never could have floated her alone, and when one compares our 2,600 horsepower with their combined 400, the concession seems at least tenable. As a matter of fact, the next day a bad swell was rolling in from the south-east, and the steamer would not have lasted long if she had been there.

Respectfully submitted.

O. S. WILLEY.

Captain, United States Revenue-Cutter Service, Commanding.

The claim of the Revenue-Cutter Service, as has been set forth in various reports concerning the pending bill or similar bills, is that it is the ocean police, and that its vessels are constantly cruising on the lookout for disasters to other vessels. What the Revenue-Cutter vessels actually do in the way of rendering assistance is shown by the preceding statements. What the Revenue-Cutter Service does not do in the way of rendering assistance is shown by the following statement of facts taken from the report of the Life-Saving Service for the last fiscal year:

For the fiscal year ending June 30, 1901, as shown by the annual report of the Life-Saving Service, there were on the Atlantic, Gulf, and Pacific coasts and on the Great Lakes 937 casualties to vessels.

On the Atlantic and Gulf coasts there were 162 disasters resulting in total loss to vessels and 329 disasters resulting in partial damage to vessels. On the same coasts 51 vessels foundered, 182 vessels stranded, 213 vessels collided, 35 vessels were on fire. Other vessels suffered from other disasters.

On the Pacific coast there were 51 disasters resulting in total loss to vessels and 48 disasters resulting in partial loss to vessels. Of these, 4 foundered, 63 stranded, 20 collided, 9 were on fire.

On the Great Lakes there were 44 disasters resulting in total loss to vessels and 212 disasters resulting in partial loss to vessels. Of these, 19 foundered, 80 stranded, 99 collided, 32 were on fire.

Of the above vessels, 12 foundered with loss of life, 15 stranded with loss of life, and 9 collided with loss of life.

Where were the revenue cutters when these disasters were happening?

The report of the committee in favor of the pending bill quotes a statement which is said to have been made by Admiral Melville before the Committee on Interstate and Foreign Commerce. In this report Admiral Melville is credited with using the following language relating to the Revenue-Cutter Service:

I have watched these vessels leave port upon the approach of a gale to patrol the coast in the hope of rendering assistance to any ships that might have been unfortunate enough to have been cast on the beach. \* \* \*

The work of the revenue marine is a more dangerous occupation than that of the Navy, because the duty of the first organization is to police the coast, while the Navy really polices the ocean. It is seldom that a ship is now lost at sea. It is cruising along the coast that is dangerous, and this is the special province of the revenue marine.

This is the strongest claim put forward in behalf of the Revenue-Cutter Service. It is a claim that has been persistently made. Admiral Melville has not been in a position where he could possibly have personal knowledge of the facts stated by him. He has been imposed upon by some one. The statements submitted above of actual cases of assistance rendered to "vessels in distress," as claimed by the Revenue-Cutter Service, will show whether they were rendered during or following a gale. But the intimation in the statement by Admiral Melville, as well as in the persistent claim of this service, is that its vessels are constantly cruising in time of storm as well as in quiet along the coast for the purpose of aiding any vessels in distress. The intimation is made that the Revenue-Cutter vessels are out at sea cruising along the coast nearly all of the time. According to Admiral Melville, that is their chief occupation.

But in the Revenue-Cutter Office are monthly statements from each Revenue-Cutter vessel showing the time during the month such vessel has been at anchor and the time under way, both expressed in days, hours, and minutes. Such statements also show the number of miles traveled or cruised each month.

Herewith submitted are compiled statements as to about half the vessels in the Revenue-Cutter Service; also a statement showing the number of miles cruised by each vessel in the service during the last fiscal year, and the location of each vessel:

Statement showing time of various revenue cutters at anchor and under way, respectively, during the fiscal year ending June 30, 1901, expressed in days, hours, and minutes.

Name of vessel.	At anchor.			Under way.		
	Days.	Hours.	Minutes.	Days.	Hours.	Minutes.
Algonquin (Wilmington).....	312	11	15	52	12	45
Calumet (New York).....	325	13	20	39	10	40
Chandler (Boston).....	339	3	0	25	21	0
Galveston (Galveston).....	356	17	0	8	7	0
Gresham (New York).....	328	9	10	36	14	50
Guthrie (Baltimore).....	292	9	35	72	14	25
Hudson (New York).....	320	17	45	44	6	15
Manhattan (New York).....	309	9	25	55	14	35
McCulloch.....	311	15	5	53	8	55
McLane (Key West).....	310	1	54	54	22	6
Morrill (Milwaukee).....	328	11	20	36	12	40
Onondaga (Philadelphia).....	306	0	43	58	23	17
Seminole (Boston).....	328	20	1	36	3	59
Seward (Mobile).....	345	13	0	19	11	0
Smith (New Orleans).....	348	22	5	16	1	55
Washington (Philadelphia).....	322	0	45	42	23	15
Windom (Baltimore).....	308	4	0	56	20	0
Winona (Mobile).....	324	20	40	40	3	20

Statement relating to various revenue cutters, showing number of days, hours, and minutes under way and the distance traveled under steam for each month of the fiscal year ending June 30, 1901.

[Compiled from the monthly reports of the officers in charge of such revenue cutters.]

Month.	Steamer Algonquin.				Steamer Calumet.				Steamer Chandler.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
July.....	2	6	25	553.6	3	23	10	856.5	2	6	30	436
August.....	3	5	17	855.9	3	17	10	802.5	2	8	0	448
September.....	10	11	20	2,734.6	3	12	35	761.25	2	16	0	512
October.....	8	5	40	1,909.8	3	0	55	656.25	2	16	0	512
November.....	1	21	35	468.6	3	1	0	657	2	6	0	240
December.....	2	20	0	955.1	3	2	5	846.75	2	6	0	432
1901.												
January.....	3	17	25	822.1	3	11	30	751.5	1	21	0	405
February.....	4	5	5	922.8	2	12	55	638.25	1	19	0	387
March.....	3	15	20	934.3	3	11	25	750.75	2	4	0	468
April.....	3	13	23	948.9	3	11	0	747	2	0	30	437
May.....	2	3	10	528.1	3	8	10	702.5	2	13	0	549
June.....	5	8	5	1,320.9	3	14	45	780.75	2	1	0	441
Total.....	52	12	45	13,014.7	39	10	40	8,951	25	21	0	5,267

Month.	Steamer Galveston.				Steamer Gresham.				Steamer Guthrie.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
July.....	0	0	0	0	4	4	35	1,040	7	20	45	1,349
August.....	0	0	0	0	4	5	45	1,080	6	13	15	1,102
September.....	3	0	0	567.9	3	15	50	968	6	7	25	1,090
October.....	0	0	0	0	2	8	0	448	4	10	10	685
November.....	0	1	0	1.2	1	0	45	179	5	21	15	974
December.....	0	3	0	7	4	14	40	1,248	6	21	15	896
1901.												
January.....	0	0	0	0	4	13	5	1,219	5	21	10	854
February.....	0	0	0	0	4	8	45	1,270	5	5	20	753
March.....	0	0	0	0	4	17	0	1,268	5	15	50	855
April.....	1	11	0	350	4	11	30	350	5	6	45	881
May.....	2	11	0	526.5	0	1	40	7	7	19	45	961
June.....	1	5	0	266	1	9	15	364	7	13	30	1,127
Total.....	8	7	0	1,718.6	36	14	50	9,411	72	14	25	11,467

Month.	Steamer Hudson.				Steamer Manhattan.				Steamer McCulloch.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
July.....	3	2	5	695	4	6	45	1,090	9	17	35	2,090.3
August.....	2	22	0	656	4	21	45	1,185	13	8	35	2,825
September.....	4	2	0	956	7	10	25	1,065	22	18	5	538
October.....	4	15	0	1,016	5	9	0	1,275	7	5	50	1,322.6

Statement relating to various revenue cutters, showing number of days, hours, and minutes under way and the distance traveled under steam for each month of the fiscal year ending June 30, 1901—Continued.

Month.	Steamer Hudson.				Steamer Manhattan.				Steamer McCulloch.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
November.....	3	9	0	746	4	13	25	1,100	8	17	0	1,863
December.....	3	2	30	697	2	20	15	680	6	20	25	1,368.15
1901.												
January.....	2	22	0	661	4	9	15	1,055	0	0	45	1
February.....	3	15	0	805	2	17	0	650	3	7	15	374.8
March.....	4	0	0	897	4	7	0	1,030	0	3	50	26
April.....	4	5	0	926	4	10	45	1,065	0	7	30	62
May.....	4	7	40	958	5	6	15	1,260	0	14	25	108
June.....	3	18	0	807	5	2	45	1,220	0	7	40	67.5
Total.....	44	6	15	9,820	55	14	25	12,615	53	8	55	10,055.35

Month.	Steamer McLane.				Steamer Morrill.				Steamer Onondaga.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
July.....	3	19	4	599	5	7	10	1,251.5	5	22	50	1,403.8
August.....	5	13	50	912	6	4	15	1,433.5	2	6	15	647.5
September.....	3	23	5	696	3	17	55	906.5	11	15	20	2,773.3
October.....	1	14	55	240	4	17	15	1,351	9	19	48	2,570.9
November.....	5	20	30	890.3	3	10	35	755	1	1	25	246.9
December.....	4	12	39	632.5	1	11	0	329	5	0	14	1,153.3
1901.												
January.....	6	22	40	1,083.6	0	0	0	0	4	16	40	1,111.1
February.....	4	12	18	842.6	0	0	0	0	6	18	10	1,490.9
March.....	4	20	10	932.7	0	0	0	0	5	4	52	1,253.4
April.....	3	2	15	479	2	7	55	524.6	0	1	40	10
May.....	4	17	45	774.1	3	11	25	957	2	16	40	607
June.....	5	0	55	805.4	5	21	10	1,584	2	19	23	714.1
Total.....	54	22	6	8,737.2	36	12	40	9,032.1	58	23	17	13,752.2

Month.	Steamer Seminole.				Steamer Seward.				Steamer Smith.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
July.....	Not in commission.				2	3	0	345	0	0	30	2
August.....	Not in commission.				5	3	0	812	0	20	50	184
September.....	3	21	59	897.8	2	9	0	380	1	20	55	284
October.....	2	15	25	580.2	2	2	0	317	2	4	50	335
November.....	1	21	40	462.7	1	1	0	164	2	6	25	396
December.....	4	8	10	987.4	0	17	0	95	1	10	25	187
1901.												
January.....	5	15	15	1,367	1	13	0	237	2	7	30	334
February.....	5	15	40	1,394	0	20	0	126	1	6	50	163
March.....	5	5	5	1,340	0	20	0	124	2	0	10	293
April.....	1	18	0	425	1	12	0	229	1	2	40	171
May.....	2	0	0	526	1	7	0	223	0	11	20	76
June.....	3	2	45	780	0	0	0	0	0	5	30	7
Total.....	36	3	59	8,740.1	19	11	0	3,052	16	1	55	2,402

Month.	Steamer Washington.				Steamer Windom.				Steamer Winona.			
	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.	Days.	Hours.	Minutes.	Distance in miles.
1900.												
July.....	0	0	0	0	5	5	30	1,126.3	1	17	15	292
August.....	3	12	35	513	4	18	5	1,063.2	3	9	15	584
September.....	3	16	40	613	5	20	50	1,342.2	7	13	35	1,269
October.....	3	20	10	528	6	0	30	1,392.3	1	11	20	234
November.....	4	20	55	818	2	14	10	545.7	3	14	30	654
December.....	3	22	0	687	5	7	10	1,119.5	2	4	20	366
1901.												
January.....	4	2	30	655	6	15	15	1,470.8	3	14	35	617
February.....	3	6	29	411	5	22	40	1,258.5	2	13	5	417
March.....	3	14	35	493	6	16	35	1,527.3	1	0	0	164
April.....	4	20	30	734	3	1	55	644	2	18	35	446
May.....	4	0	5	640	0	1	0	3	4	15	35	769
June.....	3	7	5	531	4	16	30	1,040.8	5	15	15	876
Total.....	42	23	15	6,623	53	20	0	12,533.6	40	3	20	6,688



Statement of total number of miles cruised by revenue cutters for the fiscal year ending June 30, 1901.

Steamer.	Number of miles.	Where located.
Algonquin .....	13,014.7	Wilmington, N. C.
Bear .....	8,583.1	Arctic cruise.
Boutwell .....	3,598.5	Newbern, N. C.
Calumet .....	8,951	New York, N. Y.
Chandler .....	5,267	Boston, Mass.
Chase .....	2,445.3	On practice cruise.
Dallas .....	10,443.8	New London, Conn.
Dexter .....	9,430.9	New Bedford, Mass.
Fessenden .....	5,393	Detroit, Mich.
Forward .....	4,903.7	Charleston, S. C.
Galveston .....	1,572.6	Galveston, Tex.
Golden Gate .....	7,412.5	San Francisco, Cal.
Grant .....	18,488.5	Port Townsend, Wash.
Gresham .....	9,406	New York City, N. Y.
Guard .....	288	Port Townsend, Wash.
Guthrie .....	11,467	Baltimore, Md.
Hamilton .....	7,374	Savannah, Ga.
Hartley .....	5,131	Harbor duty, San Francisco.
Hudson .....	9,820	New York, N. Y.
Manhattan .....	12,595	Do.
Manning .....	16,793.9	Alaskan cruise.
McCulloch .....	10,664.35	San Francisco and Alaskan cruise.
McLane .....	8,737.2	Key West, Fla.
Morrill .....	9,062.1	Milwaukee, Wis.
Onondaga .....	13,752.2	Philadelphia, Pa.
Penrose .....	2,730.03	Pensacola, Fla.
Perry .....	10,904.9	Port Townsend, Wash.
Rush .....	11,064.1	Sitka, Alaska.
Scout .....	706	Port Townsend, Wash.
Seward .....	3,052	Mobile, Ala., harbor duty.
Smith .....	2,402	New Orleans, La.
Sperry .....	2,527	Patchogue, N. Y.
Tybee .....	3,356	Savannah, Ga.
Washington .....	6,623	Philadelphia, Pa.
Windom .....	12,533.6	Baltimore, Md.
Winona .....	6,688	Mobile, Ala.
Woodbury .....	8,777.7	Portland, Me.
Nunivak .....	2,050	Yukon River, Alaska.
Seminole .....	8,740.1	Boston, Mass.
Thetis .....	109.8	Alaskan cruise.
Total .....	237,810.58	

In addition there was total cruising of 3,554.7 miles in Life-Saving Service.

#### ASSIGNMENT OF DUTY OF REVENUE-CUTTER OFFICERS.

By the register of the Revenue-Cutter Service issued July 1, 1901, the following is shown:

Of the 37 captains, 20 captains are on board revenue cutters, 1 is on practice ship *Chase*, 6 are on duty with the Life-Saving Service, 4 are on waiting orders, and 6 are on other shore duty.

Of the 37 first lieutenants, 25 are on board revenue cutters, 4 are with the Life-Saving Service, 8 are on other special duty.

Of the second lieutenants, 6 are on special duty, not on board revenue cutters.

On the practice ship *Chase*, on practice cruise, there are 1 captain, 2 second lieutenants, 2 third lieutenants, 12 cadets.

The joint duties of the Revenue-Cutter Service, as set forth in the published regulations (paragraph 98) are, as fixed by law, the following:

1. The protection of the customs revenue.
2. The assistance of vessels in distress.
3. The enforcement of the laws pertaining to the quarantine.
4. The enforcement of the neutrality laws.
5. The enforcement of the navigation and other laws covering merchant vessels.
6. The protection of merchant vessels from piratical attacks and the suppression of piracy.
7. The protection of the seal fisheries and seal-otter hunting grounds in Alaska.
8. The protection of wrecked property.
9. The protection of the timber reserves of the United States against depredations.
10. The suppression of illegal traffic in firearms, ammunition, and spirits in Alaska.
11. The suppression of the slave trade.
12. The suppression of mutinies on board merchant vessels.
13. The superintendence of the construction of life-saving stations.
14. The inspection and drilling of crews of life-saving stations.
15. The assisting of the Commission of Fish and Fisheries.
16. The enforcement of the provision of law in regard to the anchorage of vessels in the ports of New York and Chicago.
17. The cooperation with the Navy when directed by the President.
18. The establishment and maintenance of a refuge station at or near Point Barrow, Alaska.

#### ALLOWANCES TO REVENUE-CUTTER OFFICERS.

Paragraph 868, Revenue-Cutter Service regulations, provides:

Officers on public duty, where there are no public quarters assigned them, will be paid commutation therefor at the following rates:

Captains, per month, \$40.

First lieutenants and chief engineers, per month, \$30.

Second lieutenants and first assistant engineers, per month, \$25.

Third lieutenants and second assistant engineers, per month, \$20.

Paragraph 870 provides:

Each officer of the Revenue-Cutter Service is entitled to one navy ration or to commutation therefor while on duty.

#### APPOINTMENTS TO REVENUE-CUTTER SERVICE.

Paragraph 6 of the regulations provides that no person shall be originally appointed in the service to a higher grade than cadet or second assistant engineer.

Paragraph 7, that no candidate for appointment of cadet shall be less than 18 nor more than 23 years of age.

Paragraph 8, that no candidate for position of second assistant engineer shall be less than 21 nor more than 28 years old.

#### NO PUNISHMENT FOR DESEDITION.

In a letter from Secretary Gage to Senator FRYE, chairman of the Committee on Commerce in the Senate, dated February 26, 1898, relating to the Revenue-Cutter Service, Secretary Gage said:

There is now no authority for the apprehension of deserters from the Revenue-Cutter Service; no mode or method by which the crime of mutiny or desertion can be punished. Under existing conditions a man may sign articles of enlistment one day and desert the Service the next and defy arrest for his crime, a condition unknown to any other organized service under Government or even the merchant marine.

#### TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, March 28, 1902.

Hon. JAMES R. MANN, M. C.,

House of Representatives, Washington, D. C.

SIR: Agreeably to the request contained in your note of the 26th instant, I inclose copies of the detailed reports of the operations of the revenue steamer *Galveston* during and subsequent to the hurricane which swept over the city of that name September 8, 1900.

You will observe that only 38 persons are referred in the detailed reports as having been rescued. The abstract journal of the vessel, however, which is a consolidated monthly report of the operations of the vessel for the month, shows 40 lives to have been saved.

Respectfully,

C. F. SHOEMAKER.

Captain, Revenue-Cutter Service, Chief of Division.

U. S. S. GALVESTON, Galveston, Tex., September 11, 1900.

C. T. BRIAN,

First Lieutenant, R. C. S., Commanding U. S. S. Galveston.

SIR: I have the honor to respectfully report that, at 12 o'clock on the 9th instant, on receiving the information that there were still people in the western part of the city who had not been rescued, and after obtaining your permission to take the cutter and go to their assistance, I took a boat's crew from the ship, composed of the following men: Charles Lincoln, boatswain; T. Olsen, coxswain; U. Idstrom, third oiler; C. Wichelhaus, seaman; H. Gosch, ordinary seaman; W. Miether, bugler, and one man from shore who went with us to show us the way. I would state that every man in the crew performed his duty in every way highly satisfactory.

I rowed up the bay about 4 miles and then started across the flooded portion of the city, and after dragging the boat over the shoal places I at last succeeded in reaching a freight car, where two women and two children had taken refuge. I took them into the boat, and after rowing and dragging the boat about, and finding no more people in trouble, I started back to the ship. On the way I picked up three dead bodies and towed them in and reported them to the proper authorities. I brought the people aboard ship and gave them food and shelter. One of the women being injured, I made a stretcher for her and carried her to the hospital with the help of the crew.

I would also state that on the morning of the 10th instant, at your direction, I took cutter and a crew from the ship and picked up eight dead bodies and towed them in to the wharf.

I would also inform you that I have issued 300 rations to the people we have taken care of, and would request you to ask the Department to authorize the purchasing of 300 extra rations from the contractor, to replenish those issued.

Respectfully submitted.

F. W. SMITH,

Third Lieutenant, Revenue-Cutter Service, Acting Executive Officer.

Respectfully submitted.

CHAS. T. BRIAN,

First Lieutenant, Revenue-Cutter Service, Commanding.

U. S. S. GALVESTON, Galveston, Tex., September, 1900.

Hon. SECRETARY OF THE TREASURY,

Washington, D. C.

SIR: I have to report that on the 8th instant a hurricane of great violence visited this place, doing untold damage, great loss of life, and causing great distress.

At 4 the water commenced to rise over the wharves so rapidly that it was impossible for the people to leave the house on the bay shore. Sent the cutter and crew in charge of Second Asst. Engineer C. S. Root (as it was impossible to spare Lieutenant Smith, as it took our attention to look out for the vessel) to render what assistance he could. He brought three families on board, and moved the rest to places of safety.

The boat returned at 1 a. m. September 9. Lieutenant Smith volunteered to take boat and rescue 2 women and 2 children in a box car up the bay. The boat returned with rescue party. We fed and gave shelter to 4 families, and issued 300 rations and water to those that asked for assistance, as it was impossible to buy any provisions as nearly 70 per cent of the residences were washed and blown down. The waterworks were damaged. The cistern water was ruined by salt water. In consequence fresh water is very scarce. Up to date the city authorities estimate the deaths nearly 5,000. We had no casualties on board. The crew behaved and worked splendidly, and responded promptly to every call.

Respectfully, yours,

CHAS. T. BRIAN,

First Lieutenant, Revenue-Cutter Service, Commanding.

U. S. S. GALVESTON, Galveston, Tex., September 11, 1900.

First Lieut. CHARLES T. BRIAN, R. C. S.,  
Commanding U. S. S. Galveston.

SIR: I have the honor to submit the following report of the part taken by eight men from this vessel in rescuing some of the inhabitants of this city from drowning during the hurricane that was raging here on the afternoon and evening of the 8th instant:

I left the ship with your permission at 4 p. m. in charge of the cutter, manned by the following volunteer crew: G. Jeffas, gunner; J. Anderson, carpenter; N. Cormack, master at arms; T. Olsen, coxswain; W. Gardiner, oiler (third class); W. Idstrom, oiler (third class); B. Rafailovich, fireman; J. Bierman, ordinary seaman.

I dragged the boat from the ship across the railway tracks and launched her on Fourteenth street. Being informed that there were women and children to the east of Fourteenth street in danger of drowning, I turned to the east on avenue A and succeeded in embarking 13 persons from two houses on that street between Thirteenth and Fourteenth streets. These houses were afterwards destroyed by the wind and sea. The boat being loaded as deep as I deemed advisable under the circumstances, I returned to the ship and placed these people aboard, arriving alongside at 4.50 p. m.

I left at 5 p. m. to render further assistance. On arriving at the corner of Fourteenth street and Avenue A, I found a current had commenced running from east to west with a speed of from 5 to 6 knots per hour, and this current, together with the high wind, made the boat almost unmanageable, pulling 6 oars.

I endeavored to pull to the eastward, but was unable to make headway. All hands jumped overboard and tried to tow the boat to windward by means of the painter, but finding the water up to our necks, and being unable to make way against the current, the oars were again manned, and I gradually drifted to the westward along avenue A. At a point midway between Fourteenth and Fifteenth streets, I picked up four women and two men from a skiff which had foundered about 300 feet to the eastward and were being rapidly swept into the bay.

About this time, the roof of the grain elevator at the foot of Fourteenth street blew off, and the boat narrowly escaped being crushed by flying debris. At the corner of Fifteenth street and avenue A, I caught a turn with boat's painter around a telegraph pole, thus preventing the boat from being driven farther to the westward. By this time the wind had so increased that oars were of no use and no further attempt was made to use them. By running lines the boat was warped to a small frame house between avenues A and B on Fifteenth street, and I took aboard four aged people (two women and two men). I then warped the boat to the corner of avenue B and Fifteenth street, dropped down to the westward along avenue B as far as Seventeenth street, but saw no one who needed assistance.

I then warped the boat to a brick building on the northeast corner of Avenue C and Seventeenth street and landed the passengers, this being the safest place I was able to reach. The lower floor of this two-story building was occupied by a grocer, and was crowded by refugees. I was there informed that there were several people in great danger on Avenue C between Fifteenth and Seventeenth streets. I took possession of a coil of 60 fathoms of 1½-inch sisal rope (which was part of the grocer's stock) to assist in working the boat to the eastward and gave a receipt of the same. Avenue C at this time was full of floating debris and swimming cattle. The wind was blowing so hard it was impossible to look to windward.

Ordinary Seaman J. Bierman took the end of the new coil of line in his teeth, swam as far to the eastward as he could draw the line, and made it fast to a telegraph pole which was about midway between Sixteenth and Seventeenth streets on Avenue C. Making fast to the pole I attempted to run a line farther to the eastward, but the wind, current, and wreckage prevented, so was reluctantly compelled to give it up. I took aboard the occupants of three frame houses at this point (11 persons in all). It was now so dark that it was impossible to see, and I was compelled to desist from the work of rescue.

The boat being full, I dropped back to the before-mentioned brick store and landed our passengers. It being impossible to return to the ship, and not knowing how long we should have to remain in the boat, I took possession of a box of soda biscuit. There being no fresh water to be had, and as all the men were thirsty, I took a large bottle of pickles, thinking the vinegar would help to quench their thirst.

The crew of the boat took nothing without my order. I gave receipts for the articles just mentioned. I had previously noticed a one-story brick warehouse on the east side of Seventeenth street, between avenues B and C, quite isolated from other buildings, and thinking it might be possible to get through the large double front door with the boat, with great difficulty the boat was warped alongside the buildings, only to find that the door was partly blocked with wreckage. I made the boat fast outside the building; all hands went overboard, swam inside, and found a place of refuge on top of some cases of merchandise. The water inside this building was about 10 feet deep at the time we entered, the surface being about 4 feet below the top of the door and rising slowly. A close watch was kept on the water, the idea being to take to the boat again in case we were in danger of being imprisoned by the rise of the water.

Being in this building undoubtedly saved us from being badly injured, if not killed, as the hurricane was at its height at 9.30 p. m., the boat being struck by numerous pieces of brick, shale, etc. At 10.30 the water began to fall rapidly, going down about 3 feet in half an hour. The wind and current having diminished so that I was able to handle the boat with the oars, I again started out at 11.15 p. m. No one could be seen who needed assistance, so I pulled for the ship. Our way was blocked when we arrived within 100 yards of the ship by wrecked freight cars and houses. I moored the boat securely, head and stern, took all movable equipment with me, and arrived on board, all members of the boat's crew being present and unhurt at 12.20 a. m. on the 9th instant.

I took possession of the rope and food heretofore mentioned only because they were urgently needed and because I felt sure, under the circumstances, you would approve of my action. I inclose a bill for the above articles. (See inclosure No. 1).

The men composing the boat's crew behaved with the greatest bravery and in a manner highly creditable to the Revenue-Cutter Service of the United States. I feel that I must make special mention of the conspicuous bravery of Ordinary Seaman J. Bierman, who, at the great risk of his life, repeatedly swam for long distances with lines, thus enabling me to move the boat after oars became useless.

Respectfully submitted.

CHAS. S. ROOT,

Second Assistant Engineer, Revenue-Cutter Service.

CHAS. T. BRIAN,

First Lieutenant, Revenue-Cutter Service, Commanding.

#### STATUTORY PROVISIONS RELATING TO THE OFFICIAL REGISTER.

[Act of Congress approved January 12, 1895.]

To enable the officer charged with the duty of preparing the Official Register of the United States to publish the same, the Secretary of the Senate

the Clerk of the House of Representatives, the head of each executive department of the Government, and the chief of each and every bureau, office, commission, or institution not embraced in an executive department, in connection with which salaries are paid from the Treasury of the United States, shall, on the 1st day of July in each year in which a new Congress is to assemble, cause to be filed with the Secretary of the Interior a full and complete list of all officers, agents, clerks, and other employees of said department, bureau, office, commission, or institution connected with the legislative, executive, or judicial service of the Government, or paid from the United States Treasury, including military and naval officers of the United States, cadets, and midshipmen.

Said list shall exhibit the salary, compensation, and emoluments allowed to each of said officers, agents, clerks, and other employees, the State or county in which he was born, the State or Territory and Congressional district and county of which he is a resident and from which he was appointed to office, and where employed.

A list of the names, force, and condition of all ships and vessels belonging to the United States, and when and where built, shall also be filed with the Secretary of the Interior by the heads of the departments having supervision of such ships and vessels for incorporation in the Official Register.

It will be noticed that the foregoing requirements regarding the Blue Book require all the employees of the Government to be inserted therein, including military and naval officers. By legal construction the words "including military and naval officers" would exclude the enlisted men of the Army and Navy, but even then the Navy reports as officers the names, etc., of its warrant officers, such as boatswains, gunners, carpenters, warrant machinists, etc., and both Army and Navy report all of the civil employees, including the employees in the Engineering Department of the Army and at the naval yards and naval stations of the Navy.

While other branches of the Government which have control of vessels, such as the Light-House Service, the Fish Commission, the Army Transport Service, etc., furnished a complete list of all the employees in such services for publication in the Blue Book, the Revenue-Cutter Service is the one branch of the Government service which refuses or neglects to furnish such information, although there are now more than 1,000 employees of that service besides the commissioned officers, and although there are several hundred officers similar to the warrant officers reported by the Navy in the Blue Book, such as boatswains, gunners, carpenters, etc.

Mr. HEPBURN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. OLMSTED reported that the Committee of the Whole House on the state of the Union had had under consideration the bill to promote the efficiency of the Revenue-Cutter Service, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. RANDELL of Louisiana, by unanimous consent, obtained leave of absence for two weeks, on account of important business. And then, on motion of Mr. HEPBURN (at 4 o'clock and 15 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter to the Chief of Engineers, draft of a resolution authorizing certain payments to employees on the Government Printing Office building—to the Committee on Claims, and ordered to be printed.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13084) granting an increase of pension to John Middleton, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MOSS: A bill (H. R. 13165) for the erection of a public building at Bowling Green, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 13166) to amend section 9 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States"—to the Committee on Military Affairs.

By Mr. JONES of Washington (by request): A bill (H. R. 13167) to prevent grazing on the public lands of the United States in the State of Washington east of the summit of the Cascade Mountains between the 1st day of December of any year and the 31st day of March following—to the Committee on the Public Lands.



By Mr. GREENE of Massachusetts: A bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: A bill (H. R. 13169) relating to third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEYER of Louisiana: A bill (H. R. 13170) to amend section 941 of the Revised Statutes, as amended by act approved March 3, 1899—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 13171) to ratify and confirm an agreement with the Creek tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. CONRY: A bill (H. R. 13173) to provide for the erection of a public building at Boston, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. MCCALL: A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Texas: A bill (H. R. 13174) granting an increase of pension to Ransford T. Chase—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 13175) to provide medals for the Port Hudson volunteer forlorn-hope storming column of June 15, 1863—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi: A bill (H. R. 13176) for the relief of the heirs of the late Thomas H. Brierly, deceased—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 13177) granting an increase of pension to John W. Worley—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 13178) granting a pension to William F. Bowden—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 13179) granting an increase of pension to Smith Bilderback—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 13180) granting a pension to Adam Maurer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13181) granting an increase of pension to John J. Reeder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13182) granting an increase of pension to Joseph W. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13183) granting an increase of pension to George R. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13184) granting an increase of pension to Philip Gavin—to the Committee on Pensions.

Also, a bill (H. R. 13185) granting an increase of pension to David Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13186) granting an increase of pension to Samuel B. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13187) granting an increase of pension to Benjamin F. Shoe—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13188) to remove the charge of desertion from the military record of Edwin C. Winchester, alias Willis E. Jackson—to the Committee on Military Affairs.

Also, a bill (H. R. 13189) granting a pension to Henry C. Cowan—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 13190) to remove the charge of desertion from the military record of James Jacobs—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: A bill (H. R. 13191) granting an increase of pension to Harvey L. Rose—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 13192) granting an increase of pension to Lionel O. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13193) granting an increase of pension to George N. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13194) granting increase of pension to Lewis F. Ross—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 13195) granting an increase of pension to David R. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13196) to correct the record of Wilson W. Brown—to the Committee on Military Affairs.

By Mr. WARNER: A bill (H. R. 13197) granting an increase of pension to William Nichol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13198) granting an increase of pension to George Gaylord—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13199) granting an increase of pension to Henry Clark—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13200) granting an increase of pension to Charles B. Greely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13201) granting an increase of pension to George Thompson—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 13202) granting a pension to Albert T. Weathers—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 13203) for the relief of Jeremiah Walton—to the Committee on Military Affairs.

By Mr. VREELAND: A resolution (H. Res. 184) concerning the payment to Mrs. Jessie A. Glenn, widow of Hon. W. J. Glenn, late Doorkeeper of the House of Representatives, certain moneys out of the contingent fund—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Polish-American citizens of Homestead, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. BELL: Resolutions of Denver Branch Society of Engineers, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Petition of the National Hay Association, Winchester, Ind., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CUMMINGS: Protest of the Manufacturers' Association of New York against the passage of Senate bill 1118—to the Committee on the Judiciary.

Also, resolution of same body, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, resolution of same body, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of the Wholesale Grocers' Association of New York and vicinity, regarding the Indian warehouse in New York—to the Committee on Indian Affairs.

By Mr. DALZELL: Petitions of Polish societies of Wilmerding, Braddock, Claridge, and West Pittsburg, Pa., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of Order of Railway Conductors of Columbia, Pa., and Order of Railway Trainmen of Philadelphia, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee of the Judiciary.

By Mr. DRAPER: Resolutions of Building Trades Council of New York, urging legislation to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. EDWARDS: Petition of the Basin Miners' Union, of Basin, Mont., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Letter from Gas Engine and Power Company, New York City, protesting against the passage of House bill 3076, known as the eight-hour bill—to the Committee on Labor.

By Mr. FLEMING: Resolutions of Augusta Division, No. 202, Order of Railway Conductors, of Augusta, and Division No. 368, of Atlanta, Ga., Brotherhood of Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HITT: Petition of the Congregational Church of Pocatone, Ill., for legislation against the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Communication of William H. Van Name, Port Richmond, Staten Island, in relation to Senate bill 2172—to the Committee on War Claims.

By Mr. LONG: Paper to accompany House bill 11445, granting a pension to James Gray—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 8560, to amend the military record of James A. Gregg—to the Committee on Military Affairs.

Also, petition of J. S. Wyckoff and many other citizens of Wichita, Kans., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, letter of Justin M. Cooper, to accompany House bill 1068, for his relief—to the Committee on Invalid Pensions.

By Mr. MARTIN: Petition of Lead City Miners' Union, of Lead, S. Dak., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MAYNARD: Petition of the Iroquois Club, of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Virginia State Good Roads Convention, Richmond, Va., in favor of liberal appropriations for the Good Roads Bureau—to the Committee on Agriculture.

Also, resolution of Massachusetts State Board of Trade, favoring the appointment of a commission to study and report upon the industrial and commercial conditions in China—to the Committee on Foreign Affairs.

Mr. McCLEARY: Resolutions of Minnesota State Encampment, Grand Army of the Republic, favoring a more liberal interpretation of the pension laws—to the Committee on Invalid Pensions.

Also, resolution of Olmsted (Minn.) Good Roads Association, in favor of liberal appropriations for the Good Roads Bureau—to the Committee on Agriculture.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, favoring liberal appropriations for the Department of Agriculture—to the Committee on Agriculture.

By Mr. MOON: Papers to accompany House bill 11449, granting an increase of pension to Otto Holtmorth—to the Committee on Pensions.

By Mr. PALMER: Petitions of Branches Polish National Alliance at Nanticoke and Glenlyon, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. Powers of Maine: Papers to accompany House bill relating to the correction of the military record of Edwin C. Winchester, alias Willis E. Jackson—to the Committee on Military Affairs.

Also, papers to accompany House bill 13189, for the relief of Henry R. Cowan—to the Committee on Invalid Pensions.

By Mr. RUCKER: Protest of merchants of Meadville, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of a mass meeting of the Utah volunteers, favoring bill to allow travel pay from Manila, P. I., to San Francisco to those who enlisted on call for volunteers—to the Committee on Military Affairs.

By Mr. SHATTUC: Papers to accompany bill to restore David B. Jeffers to the Army of the United States and place him on the retired list—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: Resolutions of Michigan State Grange against the ship subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Papers to accompany House bill 13192, granting a pension to Lionel O. Coleman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13194, granting a pension to Lewis F. Ross—to the Committee on Pensions.

Also, paper to accompany House bill 13193, granting an increase of pension to George N. Rice—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Piano and Organ Workers' Union of Derby, Conn., to exclude Chinese laborers—to the Committee on Foreign Affairs.

By Mr. SOUTHARD: Resolutions of Safety Lodge, No. 142, Brotherhood of Locomotive Firemen, for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Safety Lodge, No. 142, Locomotive Firemen; Division No. 26, Order of Railway Conductors; Machinists' Lodge No. 105; Journeymen Tailors' Union, all of Toledo, Ohio, and Retail Clerks' Union No. 239, of Bowling Green, Ohio, favoring more restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petitions of Branch No. 543, Pottstown, Pa., Polish National Alliance, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Hagerstown (Pa.) Circle, No. 37, Brotherhood of the Union, in favor of a national park at Valley Forge—to the Committee on Military Affairs.

By Mr. WOODS: Petition of the State Council of California, Junior Order United American Mechanics, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of Order of Railroad Conductors No. 195, Sacramento, Cal., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

## SENATE.

MONDAY, March 31, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

## PACIFIC RAILROADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th instant, a statement of the traffic relations between the railroads that connect the waters of the Pacific Ocean and the Government of the United States, with a reference to the statutes upon which such relations have been conducted, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

## LOTS IN THE CITY OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, in relation to Senate bill 4496, to confirm title to lots 3, 4, and 5, in square 979, in Washington, D. C., and also a copy of a letter from Col. Theodore A. Bingham, the officer in charge of public buildings and grounds in the city of Washington, relative to a bill of the House of Representatives on the same subject; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2273) granting a pension to Martha A. DeLamarter;

A bill (H. R. 10486) granting a pension to Alida Payne;

A bill (H. R. 11418) granting an increase of pension to Hannah T. Knowles; and

A bill (H. R. 12315) granting an increase of pension to James Todd.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 1172) granting an increase of pension to Catharine F. Edmunds;

A bill (S. 2371) granting a pension to Andrew J. Felt;

A bill (S. 2976) granting an increase of pension to Edward Thompson;

A bill (S. 3743) granting an increase of pension to Frances Gurlley Elderkin; and

A bill (S. 4071) granting an increase of pension to George C. Tillman.

The message further announced that the House had passed the following bills:

A bill (S. 6) granting an increase of pension to Charles H. Stone;

A bill (S. 13) granting an increase of pension to George Daniels;

A bill (S. 880) granting an increase of pension to Emory S. Foster;

A bill (S. 965) granting a pension to Eliza B. Gamble;

A bill (S. 1039) granting an increase of pension to Nathaniel C. Goodwin;

A bill (S. 1095) granting an increase of pension to Mary Morgan;

A bill (S. 1264) granting an increase of pension to Torgus Haraldson;

A bill (S. 1289) granting an increase of pension to Julius W. Clark;

A bill (S. 1630) granting an increase of pension to Ella R. Graham;

A bill (S. 1681) granting an increase of pension to Maria Louisa Michie;

A bill (S. 1872) granting an increase of pension to Abbie George;

A bill (S. 1924) granting an increase of pension to Thomas Feneran;

A bill (S. 1942) granting an increase of pension to Kate H. Clements;

A bill (S. 1967) granting an increase of pension to Andrew J. Freeman;

A bill (S. 1979) granting an increase of pension to Samuel M. Howard;



A bill (S. 1982) granting an increase of pension to Eugene J. Oulman;

A bill (S. 2006) granting an increase of pension to James Le-hew;

A bill (S. 2046) granting an increase of pension to Thomas E. Sauls;

A bill (S. 2262) granting an increase of pension to George Farne;

A bill (S. 2287) granting an increase of pension to Georgie Josephine Walcott;

A bill (S. 2379) granting an increase of pension to George H. Evans;

A bill (S. 2398) granting an increase of pension to George W. Myers;

A bill (S. 2505) granting an increase of pension to John Barnard;

A bill (S. 2625) granting an increase of pension to Carlin Hamlin;

A bill (S. 2768) granting an increase of pension to John G. Hutchinson;

A bill (S. 2938) granting an increase of pension to Margaret Dunn;

A bill (S. 3072) granting a pension to Oliver Gisborne;

A bill (S. 3187) granting an increase of pension to Leroy S. Smith;

A bill (S. 3213) granting a pension to Anna J. Thomas;

A bill (S. 3216) granting an increase of pension to Henry M. Taylor;

A bill (S. 3299) granting an increase of pension to Isaiah Tuf-ford;

A bill (S. 3481) granting an increase of pension to James E. Dexter;

A bill (S. 3514) granting an increase of pension to Leander Parmelee;

A bill (S. 3518) granting a pension to Nadine A. Turchin;

A bill (S. 3577) granting an increase of pension to Mary V. Walker;

A bill (S. 3650) granting a pension to Sarah A. Carter;

A bill (S. 3660) granting a pension to Mary Sweeney;

A bill (S. 3696) granting an increase of pension to Edward H. Armstrong;

A bill (S. 3910) granting an increase of pension to Robert S. Woodbury;

A bill (S. 4021) granting a pension to Sarah Frances Taft;

A bill (S. 4086) granting an increase of pension to Charles W. Foster;

A bill (S. 4095) granting an increase of pension to Charles C. Dudley;

A bill (S. 4214) granting an increase of pension to John Mc-Donald;

A bill (S. 4304) granting a pension to John S. Nelson;

A bill (S. 4346) granting a pension to Augusta Turner;

A bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve;

A bill (S. 4413) granting an increase of pension to Martha A. Greenleaf; and

A bill (S. 4486) granting an increase of pension to Myra W. Robinson.

The message also announced that the House had passed the fol-lowing bills and joint resolution; in which it requested the con-currence of the Senate:

A bill (H. R. 639) granting an increase of pension to Justus Canfield;

A bill (H. R. 954) granting an increase of pension to Rachel Brown;

A bill (H. R. 1012) granting an increase of pension to Patrick Moran;

A bill (H. R. 1046) granting an increase of pension to John J. Martin;

A bill (H. R. 1292) granting a pension to Joseph P. O'Brien;

A bill (H. R. 1422) granting an increase of pension to Sarah E. Merritt;

A bill (H. R. 1423) granting an increase of pension to Asa Tarbox;

A bill (H. R. 1453) granting an increase of pension to Thomas Kirwan;

A bill (H. R. 1455) granting an increase of pension to Aaron S. Gatliff;

A bill (H. R. 1486) granting an increase of pension to Charles A. Perkins;

A bill (H. R. 1592) for the relief of F. M. Vowells;

A bill (H. R. 1685) granting an increase of pension to Augustus E. Hodges;

A bill (H. R. 1709) granting an increase of pension to Edwin J. Godfrey;

A bill (H. R. 1742) granting an increase of pension to Alonzo Lewis;

A bill (H. R. 1811) granting an increase of pension to Thomas Milsted;

A bill (H. R. 2286) granting an increase of pension to Mary Etna Poole;

A bill (H. R. 2316) to correct the military record of Albert Boker;

A bill (H. R. 2599) granting an increase of pension to John Hall;

A bill (H. R. 2857) granting an increase of pension to Frances J. Haughton;

A bill (H. R. 2901) to remove the charge of desertion borne op-posite the name of Abram Williams;

A bill (H. R. 2994) granting an increase of pension to Eliza J. Noble;

A bill (H. R. 3292) granting an increase of pension to Arthur H. Perkins;

A bill (H. R. 3379) to correct the military record of Calvin A. Rice;

A bill (H. R. 3442) to correct the record of John O'Brien;

A bill (H. R. 3486) granting an increase of pension to James S. Peery;

A bill (H. R. 3519) granting an increase of pension to John Marble;

A bill (H. R. 3653) granting an increase of pension to James W. Poor;

A bill (H. R. 3733) granting an increase of pension to Israel Haller;

A bill (H. R. 3755) granting an increase of pension to Lawson Williams;

A bill (H. R. 3868) granting an increase of pension to Isadora F. Maxfield;

A bill (H. R. 3899) granting an increase of pension to Thomas B. Wilson;

A bill (H. R. 4103) granting a pension to William C. Hickox;

A bill (H. R. 4183) granting an increase of pension to Gottlieb Kafer;

A bill (H. R. 4184) granting an increase of pension to John Glenn;

A bill (H. R. 4238) granting a pension to Emsley Kinsauls;

A bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds;

A bill (H. R. 4426) granting an increase of pension to Daniel Sims;

A bill (H. R. 4542) granting a pension to Eliza J. West;

A bill (H. R. 4622) granting a pension to Frank W. Lynn;

A bill (H. R. 5111) granting an increase of pension to James G. Bowland;

A bill (H. R. 5150) granting a pension to Mary C. Trask;

A bill (H. R. 5170) granting an increase of pension to Freder-ick Wright;

A bill (H. R. 5328) granting an increase of pension to Samuel Bortle;

A bill (H. R. 5453) granting an increase of pension to Thomas Wilknison;

A bill (H. R. 5551) granting an increase of pension to Charles Edward Price Lance, alias Edward Price;

A bill (H. R. 5560) granting an increase of pension to Annie L. Evens;

A bill (H. R. 5600) granting an increase of pension to John G. Sanders;

A bill (H. R. 5695) granting an increase of pension to John M. Seydel;

A bill (H. R. 5711) granting an increase of pension to James R. Brockett;

A bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery;

A bill (H. R. 5883) granting a pension to Martha A. Hollingsead;

A bill (H. R. 5961) granting an increase of pension to Charles F. Coles;

A bill (H. R. 6021) granting a pension to William Kaste;

A bill (H. R. 6205) granting an increase of pension to Richmond M. Curtis;

A bill (H. R. 6412) granting a pension to Carl Jordan;

A bill (H. R. 6441) granting an increase of pension to William H. Wood;

A bill (H. R. 6645) granting an increase of pension to Ann E. Austin;

A bill (H. R. 6686) granting an increase of pension to Elbridge Franklin;

A bill (H. R. 6699) granting a pension to Esther A. C. Hardee;

A bill (H. R. 6721) granting an increase of pension to Andrew Ray;

A bill (H. R. 6823) granting an increase of pension to Allen W. Merrill;

A bill (H. R. 6871) granting an increase of pension to Harman Scramlin;  
 A bill (H. R. 6890) granting an increase of pension to Robert G. Scroggs;  
 A bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham;  
 A bill (H. R. 7116) granting an increase of pension to Alexander F. McConnell;  
 A bill (H. R. 7512) granting an increase of pension to Neil Gillespy;  
 A bill (H. R. 7560) granting an increase of pension to George W. Butler;  
 A bill (H. R. 7678) granting a pension to Mary Holmes;  
 A bill (H. R. 7766) granting an increase of pension to John Huffman;  
 A bill (H. R. 7982) granting an increase of pension to William T. Peterson;  
 A bill (H. R. 7986) granting a pension to Clara C. Hawks;  
 A bill (H. R. 7994) granting an increase of pension to Margaret M. Grant;  
 A bill (H. R. 8003) granting an increase of pension to Louisa M. Macfarlane;  
 A bill (H. R. 8009) granting a pension to Sarah B. Clingerman;  
 A bill (H. R. 8106) granting an increase of pension to Daniel J. Mahoney;  
 A bill (H. R. 8134) granting an increase of pension to James H. Dunn;  
 A bill (H. R. 8341) granting a pension to Hannah C. Chase;  
 A bill (H. R. 8355) granting a pension to Robert C. Ballard;  
 A bill (H. R. 8721) granting an increase of pension to Joseph Westbrook;  
 A bill (H. R. 8794) granting an increase of pension to Henry I. Smith;  
 A bill (H. R. 9018) granting a pension to Ida D. Greene;  
 A bill (H. R. 9037) to allow the commutation of homestead entries in certain cases;  
 A bill (H. R. 9140) granting an increase of pension to Mary Ann E. Sperry;  
 A bill (H. R. 9187) granting an increase of pension to Caroline A. Hammond;  
 A bill (H. R. 9219) granting an increase of pension to Colmore L. Newman;  
 A bill (H. R. 9290) granting a pension to Frances L. Ackley;  
 A bill (H. R. 9308) granting an increase of pension to Edwin P. Johnson;  
 A bill (H. R. 9366) granting an increase of pension to Peter T. Norris;  
 A bill (H. R. 9370) granting an increase of pension to John J. Wolfe;  
 A bill (H. R. 9378) granting a pension to Clara B. Townsend;  
 A bill (H. R. 9415) granting an increase of pension to James Matthews;  
 A bill (H. R. 9458) granting an increase of pension to Adolph Becker;  
 A bill (H. R. 9592) granting a pension to Emily Briggs;  
 A bill (H. R. 9654) granting a pension to John S. James;  
 A bill (H. R. 9656) granting an increase of pension to Lunsford Y. Bailey;  
 A bill (H. R. 9658) granting an increase of pension to Robert Stewart;  
 A bill (H. R. 9717) granting a pension to Isaac M. Pangle;  
 A bill (H. R. 9777) granting a pension to Helen F. Lasher;  
 A bill (H. R. 9847) granting an increase of pension to Zachariah R. Saunders;  
 A bill (H. R. 9883) granting an increase of pension to William Kelley;  
 A bill (H. R. 9952) granting a pension to William P. Featherstone;  
 A bill (H. R. 10010) granting a pension to Mina Weirauch;  
 A bill (H. R. 10090) granting a pension to James F. P. Johnston;  
 A bill (H. R. 10095) for the relief of Levi L. Reed;  
 A bill (H. R. 10114) granting an increase of pension to Charles H. Ferguson;  
 A bill (H. R. 10122) granting an increase of pension to John S. Burket;  
 A bill (H. R. 10173) granting an increase of pension to Richard Trist;  
 A bill (H. R. 10179) granting an increase of pension to Theron R. Mack;  
 A bill (H. R. 10230) granting an increase of pension to Harrison C. Vore;  
 A bill (H. R. 10255) granting a pension to Margaret Tisdale;  
 A bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum;  
 A bill (H. R. 10496) granting a pension to James T. Steele;  
 A bill (H. R. 10545) granting an increase of pension to Solomon P. Brockway;

A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird;  
 A bill (H. R. 10710) granting an increase of pension to Frances E. Scott;  
 A bill (H. R. 10782) granting a pension to Ole Steensland;  
 A bill (H. R. 10925) granting an increase of pension to William Paul;  
 A bill (H. R. 10951) granting an increase of pension to Pauline M. Roberts;  
 A bill (H. R. 11075) granting an increase of pension to Albert J. Hart;  
 A bill (H. R. 11096) to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900;  
 A bill (H. R. 11112) granting an increase of pension to S. Agnes Young;  
 A bill (H. R. 11117) granting an increase of pension to William T. Hamilton;  
 A bill (H. R. 11168) granting an increase of pension to Isaac Phipps;  
 A bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill;  
 A bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul;  
 A bill (H. R. 11271) granting a pension to Louisa Gregg;  
 A bill (H. R. 11314) granting an increase of pension to Mary E. Pettit;  
 A bill (H. R. 11493) granting a pension to Mary A. Lipps;  
 A bill (H. R. 11496) granting a pension to Henry S. Foster;  
 A bill (H. R. 11534) granting a pension to Hugh McGuckin;  
 A bill (H. R. 11550) granting an increase of pension to William G. Gray;  
 A bill (H. R. 11578) granting an increase of pension to John Gaston;  
 A bill (H. R. 11636) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College;  
 A bill (H. R. 11638) granting an increase of pension to Samuel Hyman;  
 A bill (H. R. 11662) granting an increase of pension to Albion P. Stiles;  
 A bill (H. R. 11737) granting a pension to Irenia C. Hill;  
 A bill (H. R. 11782) granting an increase of pension to Allen Hockenbury;  
 A bill (H. R. 11798) granting an increase of pension to Ole Oleson;  
 A bill (H. R. 11890) granting an increase of pension to James Brown;  
 A bill (H. R. 11894) granting a pension to Hannah A. Timmons;  
 A bill (H. R. 11916) granting an increase of pension to Andrew B. Spurling;  
 A bill (H. R. 11924) granting an increase of pension to Lewis H. Delony;  
 A bill (H. R. 11976) granting a pension to Lucy M. Ferman;  
 A bill (H. R. 12012) granting an increase of pension to Walter C. Tuttle;  
 A bill (H. R. 12028) granting an increase of pension to Henry C. Helphinstine;  
 A bill (H. R. 12054) granting a pension to Elizabeth A. Burrell;  
 A bill (H. R. 12101) granting a pension to William E. Gray;  
 A bill (H. R. 12116) granting a pension to William A. Hopper, alias Cuff Watson;  
 A bill (H. R. 12115) granting a pension to Chester E. Wadsworth;  
 A bill (H. R. 12129) granting a pension to Minnie M. Rice;  
 A bill (H. R. 12145) granting an increase of pension to Caleb W. Story;  
 A bill (H. R. 12275) granting a pension to Amelia A. Russell;  
 A bill (H. R. 12284) granting an increase of pension to George W. Shaw;  
 A bill (H. R. 12312) granting a pension to Susan Walker;  
 A bill (H. R. 12356) granting a pension to Washington Ojers;  
 A bill (H. R. 12395) granting a pension to Ruth Bartlett;  
 A bill (H. R. 12408) granting an increase of pension to John A. Eveland;  
 A bill (H. R. 12409) granting an increase of pension to Jesse M. Peck;  
 A bill (H. R. 12418) granting a pension to Matilda E. Clarke;  
 A bill (H. R. 12490) granting an increase of pension to Joseph Culbreath;  
 A bill (H. R. 12504) granting a pension to James B. Hashbarger;  
 A bill (H. R. 12549) granting an increase of pension to Ransom Simmons;



A bill (H. R. 12550) granting an increase of pension to James E. Horton;

A bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin;

A bill (H. R. 12697) granting a pension to M. C. Rogers;

A bill (H. R. 12774) granting an increase of pension to John M. Brown;

A bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903; and

A joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburgh, Pa.

The foregoing pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

#### PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a petition of Boot and Shoe Workers' Local Union No. 245, American Federation of Labor, of St. Louis, Mo., praying for the reenactment of the Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Boot and Shoe Workers' Local Union No. 245, American Federation of Labor, of St. Louis, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Holden Creamery Company, of Holden; of the Creamery Company of Strasburg; of Charles D. Mitchell, of Renick; of A. F. Griner, of California; of the Creamery Company of Amoret; of T. W. Bertenshaw, of Kansas City; of the Creamery Company of Purdin; of the Odessa Creamery Company, of Odessa; of the Creamery Company of Freeman; of W. R. Wilkinson, of St. Louis; of the Flemington Creamery, of Flemington; of the Warrensburg Creamery, of Warrensburg; of the Breckenridge Creamery, of Breckenridge; of the Centerville Creamery, of Centerville; of the Collins Creamery, of Collins; of the Merchants' Exchange, the Missouri State Board of Agriculture, and the State Dairy Association, of St. Louis, all in the State of Missouri, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of 200 citizens of St. Joseph; of 1,500 citizens of St. Joseph; of 250 citizens of St. Louis; of the Manufacturers' Association of Kansas City; of the Hilmer-Scheitlin Commission Company, of St. Louis; of Hague, Beyer & Co., of Desloge; of Rev. J. A. Hatch, of Kansas City; of J. A. Clark, of Kansas City; of James Kelly, of Kansas City; of Thomas E. Mulvihill, of St. Louis, and of the Manufacturers' Association of Kansas City, all in the State of Missouri, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented the petition of Sarah E. Allen, of Kansas City, Mo., together with the affidavit of Dr. H. W. Miller, to accompany the bill (H. R. 3427) granting an increase of pension to Sarah E. Allen; which were referred to the Committee on Pensions.

He also presented the petition of Jesse A. Creekmore, of Company I, Thirty-third Regiment Enrolled Missouri Volunteers, together with the affidavits of Dr. W. L. Brosius, Gideon Gilbreath, and John J. Wampler, to accompany the bill (S. 4581) granting a pension to John A. Creekmore; which were referred to the Committee on Pensions.

Mr. SCOTT presented the memorial of Stone Brothers, of Pinegrove, W. Va., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Wheeling Lodge, No. 1, Knights of Fidelity, of Wheeling, W. Va., praying for the enactment of legislation reducing the tax on whisky; which was referred to the Committee on Finance.

Mr. BURROWS presented petitions of Triumph Grange, No. 518, Patrons of Husbandry, of Hersey; of H. J. Flynn and sundry other citizens of Ceresco; of Resort Grange, No. 841, Patrons of Husbandry; of Vanderbilt Grange, Patrons of Husbandry, of Vanderbilt; of A. W. Fisher, of Fennville, and of Charles B. Welch, of Douglas, all in the State of Michigan, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. BERRY presented memorials of sundry citizens of Clifty, Ark., remonstrating against the establishment of reciprocity treaties with foreign countries; which were referred to the Committee on Finance.

Mr. DRYDEN presented the memorial of Susan W. Hildreth, of Orange, N. J., remonstrating against the official regulation of vice in the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of Local Union No. 26, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Newark, N. J., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Jersey City, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the New Jersey State Society of the Sons of the American Revolution, praying that an appropriation be made providing for the erection of a suitable monument to mark the battlefield at Princeton, in the State of New Jersey, and for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on the Library.

He also presented petitions of Painters' Local Union No. 242, of Orange; of the Carpenters' Local Union, of Montclair, and of Painters' Local Union No. 26, of Newark, all in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of Bricklayers and Masons' Local Union No. 24, of Westfield; of Typographical Union No. 433, of Dover; of Cigarmakers' Local Union No. 146, of New Brunswick; of Belleville Council No. 163, Junior Order of United American Mechanics, of Belleville, and of Mechanics' Home Council No. 71, Junior Order of United American Mechanics, of Jamesburg, all in the State of New Jersey, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Rosemont; of L. F. Hersh & Bro., of Elizabeth; of Dr. M. Herbert Simmons, of Orange; of Edward B. Voorhees, of New Brunswick; of James Brock, of Rosenhayn, and of James Butler, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented the memorials of W. M. Babier, of Jersey City; of J. E. Borton, of Camden; of A. T. Egbert, of Ashland; of William A. Hoagland, of Jersey City; of T. J. Schober, of Jersey City; of William J. Terrell, of Burlington; of William H. Axford, of Washington; of J. W. Beach, of Jersey City; of Edward Postel, of Hoboken; of John Worischek, of Hoboken; of C. Postel, of Hoboken; of M. M. Crane, of Boonton; of D. H. Feun, of Jersey City; of Fred Luusmain, of Jersey City; of Mrs. Peterson, of Union Hill; of Dr. E. B. Phelps, of East Orange; of Dr. W. C. Armstrong, of Redbank; of Dr. G. F. Wilbur, of Asbury Park; of Dr. S. E. Robinson, of Newport; of Dr. George E. Titus, of Hightstown; of Dr. M. D. Youngman, of Atlantic City; of Dr. John R. Fleming, of Atlantic City; of Dr. W. M. Moore, of New Brunswick; of Dr. Wallace McGeorge, of Camden; of Dr. Alexander Wilder, of Newark; of Dr. B. W. McFarland, of Trenton; of Dr. George R. Kent, of Newark; of Dr. A. L. Geddes, of Montclair; of Dr. Albert Mayer, of Jersey City Heights; of Dr. H. S. Lockwood, of Jersey City; of C. D. Vincent & Co., of Orange; of Elmer Young, of Orange; of F. Westphal, of Plainfield; of H. Walton, of Asbury Park; of Augustus S. Van Dien, of Jersey City; of F. E. Tilden, of Jersey City; of Therselsen & Brown, of Perth Amboy; of E. W. Turner, of Ridgefield Park; of John J. Reagan, of Jersey City; of Charles Roesch & Sons, of Atlantic City; of P. Pontier, of Passaic; of E. Neelen, of Elizabeth; of George Matthews, of Jersey City; of Mrs. H. Metz, of Jersey City; of Mahon Brothers, of Elizabeth; of W. S. Morton, of Newark; of Henry Ahrens, of Elizabeth; of the New Jersey Melting and Churning Company, of Hoboken; of F. E. La Haeke, of Jersey City; of G. B. Kinsey, of Elizabeth; of Mrs. S. F. Johnson, of Jersey City; of Thomas Hanlon, of Jersey City; of John A. Hooke, of Jersey City; of John S. Gratz & Co., of Camden; of George Cook, of Plainfield; of Mrs. William Chilver, of Jersey City; of Creamer & Rogers, of Burlington; of Bush & Shuart, of Oakland, and of M. Anderson, of Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. CULLOM presented a petition of Cannon Ball Lodge, No. 25, Brotherhood of Railroad Trainmen, of Beardstown, Ill., praying for the passage of the so-called Foraker Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented petitions of Cigar Makers' Local Union No. 77, of Minneapolis; of Coopers' Local Union No. 22, of Minneapolis; of Typographical Union No. 432, of Stillwater; of Upholsterers' Local Union No. 23, of Minneapolis; of Blacksmiths' Local Union No. 108, of Winona; of Local Union No. 81, of Minneapolis; of Butchers' Local Union No. 114, of St. Paul; of Journeymen Stonecutters' Local Union, of Kasota; of Core Makers'



Local Union No. 50, of St. Paul; of Plasterers' Local Union No. 65, of Minneapolis; of Plasterers' Local Union No. 53, of Duluth; of Typographical Local Union, of Winona; of Local Union No. 78, of Duluth; of Iron Molders' Local Union No. 226, of Brainerd, and of Iron Molders' Local Union No. 264, of Winona, all of the American Federation of Labor, in the State of Minnesota, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented sundry affidavits in support of the bill (S. 8100) granting an increase of pension to Frank Beekman; which were referred to the Committee on Pensions.

Mr. KITTREDGE presented the petition of John Ryan and 21 other citizens of Kimball, S. Dak., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of the Lead City Miners' Union, American Federation of Labor, of Lead, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. KEAN presented a memorial of Rahway Typographical Union, No. 235, of Rahway, N. J., remonstrating against the passage of the bill (S. 2894) to amend the copyright law; which was referred to the Committee on Patents.

He also presented a petition of Local Union No. 148, Boot and Shoe Workers, of Newark, N. J., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of Dover Typographical Union, No. 433, of Dover, N. J., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented petitions of the Joseph Campbell Preserve Company, of Camden, and of the Anderson Food Company, of Camden, in the State of New Jersey, praying for the passage of the so-called pure-food bill; which were referred to the Committee on Manufactures.

He also presented petitions of Local Union No. 119, and of Local Union No. 146, of the Brotherhood of Railroad Trainmen, of Jersey City, in the State of New Jersey, praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Ashland, Elizabeth, Jersey City, Allentown, Camden, Newark, Rosenhayn, Cranbury, and Keyport, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Jersey City, Newark, Elizabeth, Florence, Perth Amboy, Passaic, Ridgewood, Bayonne, Long Branch, Paterson, Hackettstown, Hoboken, and Camden, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. FOSTER of Washington. I present for the junior Senator from Illinois [Mr. MASON], who is necessarily absent from the Senate, a petition from the Chinese Empire Reform Association, of San Francisco, Cal., relative to the use of opium as a drug. I ask that the petition may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

HEADQUARTERS CHINESE EMPIRE REFORM ASSOCIATION,  
San Francisco, Cal., March 19, 1902.

Senator W. E. MASON,  
United States Senate, Washington, D. C.

HONORED SIR: The members of this association, which was organized and is maintained for the purpose of elevating and civilizing the Chinese people according to the ideas of Western peoples, pray that your excellency will give heed to the following humble prayer:

Realizing that the greatest social and physical destruction of our people may be attributed to the use of that pernicious drug, opium, and also having knowledge of the wonderful increase in the consumption of that same potent poison by the members of your excellency's race in the United States, we hailed with gratitude the notices published in the American newspapers that your excellency had introduced a bill into the Senate of the United States which, when it becomes a law, will forever prohibit the importation of this curse of the earth into the ten times blessed land of your excellency.

It is our earnest prayer to your excellency that you will exert the great power with which your honored people have trusted you to induce the honorable body of which you are a member to pass this more than just law, that our people may learn to pray for the prosperity of the wise men of the West, who, with kindness in their hearts and respect for the great unwritten law of humane consideration uppermost in their minds, will have saved future generations of their own people from the slavery which a powerful nation forced upon the unhappy races of the Far East. For this we pray.

CHINESE EMPIRE REFORM ASSOCIATION,  
T. Y. HEE, Secretary.

Mr. PATTERSON presented a petition of sundry Spanish-American war volunteers of Colorado, praying for the enactment of legislation to allow travel pay from Manila, P. I., to San Fran-

cisco, Cal., to those who enlisted on the call for volunteers for the Spanish-American war; which was referred to the Committee on Military Affairs.

He also presented petitions of Reno Post, No. 39, of Denver; of A. J. Smith Post, No. 102, of Florence, of the Department of Colorado, Grand Army of the Republic, both in the State of Colorado, praying for the enactment of legislation providing for the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Typographical Union No. 425, of Canyon City; of Local Division No. 325, Order of Railway Conductors, of Grand Junction; of Local Union No. 77, Order of Railway Telegraphers, of Denver; of Bricklayers' Local Union No. 2, of Pueblo, and of Bricklayers and Masons' Local Union No. 6, of Cripple Creek, all in the State of Colorado, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Miners' Local Union No. 137, of Black Hawk; of Gillett Mill Smeltermen's Union, No. 92; of Mine and Smeltermen's Local Union No. 58, of Durango; of Bryan Miners' Local Union, No. 64, of Ophir; of Denver Branch, Amalgamated Society of Engineers, of Denver; of the Ten Mile Miners' Union, of Kokomo, and of Miners' Local Union No. 59, of Ward, all in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. HARRIS presented a petition of Journeymen Barbers' International Union No. 87, of Leavenworth, Kans., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Como, Niles, Soldier, and Frederic, all in the State of Kansas, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Kansas, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of sundry labor organizations of Salina, Wichita, Pittsburg, Topeka, Osawatomie, Girard, Kansas City, Argentine, Norton, Atchison, and Stippville, all in the State of Kansas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. FAIRBANKS presented a memorial of the Lawrenceburg Roller Mills Company, of Lawrenceburg, Ind., remonstrating against the adoption of the so-called "London clause" in bills of lading issued to London from North Atlantic ports; which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of 67 citizens of Newport, R. I., praying for the enactment of legislation providing for the erection of a monument, in the city of Washington, to the memory of the late Prof. Spencer F. Baird; which was referred to the Committee on the Library.

He also presented a petition of 18 citizens of Providence, R. I., and a petition of the Brewery Workers' Local Union No. 116, American Federation of Labor, of Providence, R. I., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. MITCHELL presented a petition of the Chamber of Commerce, of Manila, P. I., praying for the enactment of certain legislation for the government of the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Progressive Commercial Association, of Astoria, Ore., and a petition of Local Division No. 1, United Brotherhood of Railway Employees, of Roseburg, Ore., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of Local Division No. 1, United Brotherhood of Railway Employees, of Roseburg, Ore., praying for the establishment of a post-office savings department; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Pleasant Hill, Ore., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of Cigar Makers' Local Union No. 487, of Baker City; of Cigar Makers' Local Union No. 202, of Portland; of Expressmen and Team Drivers' Local Union No. 197, of Portland; of Hardwood Finishers' Local Union No. 187, of Portland; of Local Union No. 143, of Portland; of Journeymen Barbers' Local Union No. 75, of Portland; of Local Union No. 167, of Astoria; of Local Union No. 41, of Portland, and of Team Drivers' Local Union No. 182, of Astoria, all of the American Federation of Labor, in the State of Oregon, praying for



the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. SPOONER presented a petition of H. W. Lawton Camp, No. 6, Spanish-American War Veterans, of Manitowoc, Wis., praying for the enactment of legislation to prohibit the desecration of the American flag; which was referred to the Committee on the Judiciary.

He also presented a petition of the Painters' District Council, American Federation of Labor, of Milwaukee, Wis., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the Retail Merchants' Association, of Menomonie, Wis., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented a memorial of the Retail Merchants' Association, of Menomonie, Wis., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DUBOIS. I present a petition of the Creek Nation of Indians, praying for the adoption of a proposed amendment to the Indian appropriation bill relative to the granting of annuities to these Indians. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DUBOIS presented a petition of the Farmers' Institute, of Riverside, Idaho, praying for the enactment of legislation providing for the reclamation of the arid lands of the West; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Cigar Makers' Local Union No. 380, of Wallace; of the Miners' Local Union of De Lamar, and of Miners' Local Union No. 37, of Giffonsville, all in the State of Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Burke, Ovid, and Liberty, all in the State of Idaho, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. FOSTER of Louisiana presented petitions of Iron Molders' Local Union No. 367, of New Orleans; of Journeymen Bakers and Confectioners' Local Union No. 35, of New Orleans; of Blacksmiths' Local Union No. 42, of New Orleans; of Butchers' Workmen Protective Union No. 146, of New Orleans; of Team Drivers' Local Union No. 254, of New Orleans; of Operative Plasterers' Local Union No. 211, of Shreveport; of Cigar Packers' Local Union No. 479, of New Orleans, and of Core Makers' Local Union No. 76, of New Orleans, all in the State of Louisiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. FORAKER presented a petition of 61 citizens of Rushsylvania, Ohio, praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of 126 citizens of Uhrichsville, Denison, Salineville, Toronto, and Tippecanoe; of 728 citizens of Cuyahoga Falls, Akron, Payne, Palmyra, Collinwood, Randolph, Columbus, Orrville, and Wanda, all in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Lake Seamen's Union of Cleveland, Ohio, remonstrating against the adoption of certain proposed amendments to chapter 7 of the Revised Statutes relating to the employment of seamen in the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented petitions of the congregations of the Third United Presbyterian Church of Xenia, of the African Methodist Episcopal Church of Xenia, of the First United Brethren Church of Xenia, and of the Woman's Christian Temperance Union of Dresden, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of opium and intoxicating liquors in the island possessions of the United States; which were ordered to lie on the table.

He also presented petitions of Barlow Post, No. 494, of Barlow; of Wilson Post, No. 602, of Vienna Crossroads; of J. G. Reethmille Post, No. 658, of Hannibal; of C. P. Ogden Post, No. 569, of Nova; of Sergeant Thompson Post, No. 235, of Salineville, and of William Bush Post, No. 455, of Racine, all of the Department of Ohio, Grand Army of the Republic; of Carpenters' Local Union No. 494, of Columbus; of Brewery Workers' Local Union No. 140, of Portsmouth, and of Stereotypers and Electrotypers' Local Union No. 14, of Columbus, all in the State of Ohio, praying for

the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented memorials of the joint advisory board of the Cigar Makers' and Packers' unions of Cincinnati, and of Cigar Makers' Local Union No. 249, of Findlay, in the State of Ohio, remonstrating against any reduction of the duty on cigars and tobacco imported into the United States; which were referred to the Committee on Finance.

He also presented a petition of Iron Molders' Union No. 4, American Federation of Labor, of Cincinnati, Ohio, praying for the enactment of legislation to restrict the application of the writ of injunction, to establish a uniform working day of eight hours, to prohibit interstate commerce in convict-made goods, and for the exclusion of Chinese immigrants to this country; which was ordered to lie on the table.

He also presented petitions of Local Unions Nos. 34, 6, 30, 60, 421, 10, 68, 105, 56, 189, 50, 31, and 210, of Martins Ferry, Columbus, Youngstown, Akron, Zanesville, Cincinnati, and Cleveland, all of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of 98 citizens of Canton; of 59 citizens of Fostoria; of 98 citizens of Cleveland; of 38 citizens of Cincinnati; of 27 citizens of Middlebranch; of 44 citizens of Springfield; of 203 citizens of Cincinnati; of 48 citizens of Mansfield; and of Local Union No. 371, United Mine Workers of America, of Byesville; of Carpenters' Local Union No. 589, of Chillicothe; of Bricklayers' Union No. 16, of Xenia; of Retail Clerks' Union No. 94, of Canton; of Bricklayers' Union No. 7, of Akron; of Bricklayers' Union No. 21, of Columbus; of Machine Coopers' Union No. 109, of Cincinnati; of Journeymen Bakers and Confectioners' Union No. 41, of Columbus; of Stereo and Electro Union No. 14, of Columbus; of Sole Fasteners' Union No. 218, of Cincinnati; of Shirt, Waist, and Laundry Workers' Union No. 25, of East Liverpool; of Typographical Union No. 182, of Akron; of Local Union No. 130, of Toledo; of Beer Drivers and Stablemen's Union No. 202, of Columbus; of International Association of Allied Metal Mechanics' Union No. 117, of Chillicothe; of Carpenters' Union No. 61, of Columbus; of Stereo and Electro Union No. 14, of Columbus; of Order of Railway Conductors, Local Division No. 295, of Lorain; of Union No. 43, of Urbana; of Order of Railway Conductors, Local Division No. 26, of Toledo; of Stove Mounters' Union No. 8, of Hamilton; of Federal Union, No. 7503, of Byesville; of Red Prince Lodge, No. 250, Knights of Pythias, of Byesville; of Lodge No. 765, of Byesville; of J. M. Ferris Lodge, No. 132, of Cleveland; of Stereotypers' Union No. 5, of Cincinnati, and of Typographical Union No. 200, of Youngstown, all in the State of Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of 74 citizens of Oak Harbor, Ottawa, and Kenton; of 45 citizens of German, of 46 citizens of Benton Station, 44 citizens of Huntsburg, 47 citizens of Fullertown, of 22 citizens of Fields, 44 citizens of Ravenna, 47 citizens of Oak Harbor, 42 citizens of Wildare, 43 citizens of Alvordton, 25 citizens of Eaton, 48 citizens of Vienna, 24 citizens of Deerfield, 29 citizens of West Mansfield, 27 citizens of Chesterland, 21 citizens of Glendale, 77 citizens of Cedarville, 25 citizens of Cincinnati, 25 citizens of Hamilton County, 42 citizens of Hardin and Jefferson counties, 55 citizens of Preble County; of Mount Nebo Grange, No. 664, Patrons of Husbandry, of Lisbon, and of Bradford Grange, No. 877, Patrons of Husbandry, of London, all in the State of Ohio, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. HAWLEY presented petitions of 20 citizens of New Haven; of Cigar Makers' Local Union of Bridgeport; of Journeymen Bakers and Confectioners' Local Union of Torrington; of Carpenters and Joiners' Union of New Haven; of Hat Makers' Union of Danbury; of Hatters' Union of Bethel; of Journeymen Bakers and Confectioners' Local Union of Danbury; of Coremakers' Union of New Haven; of Team Drivers' International Union of Danbury; of Stereotypers' Union of New Haven; of Team Drivers' International Union of Meriden; of Journeymen Bakers' National Union of Hartford, and of Bakers and Confectioners' Local Union of Bridgeport, all in the State of Connecticut, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Cigar Makers' Union of Hartford; of Cigar Makers' Union of New Haven; of Cigar Makers' Union of South Norwalk; of Typographical Union of Hartford; of Typographical Union of Danbury; of Iron Molders' Union of Stamford; of Iron Molders' Union of Shelton; of Brewers' Union of Waterbury; of Brewers' Union of Hartford; of Cigar Makers' Union of Ansonia; of Iron Molders' Union of Bridgeport; of

Iron Molders' Union of Hartford; of Tile Layers and Helpers' International Union of Hartford; of Iron Molders' Union of Middletown; of Switchmen's Union of New Haven; of Team Drivers' International Union of Danbury; of Coremakers' Union of New Haven; of Journeymen Bakers and Confectioners' Local Union No. 188, of Torrington; of Typographical Union of New Haven; of Typographical Union of Bridgeport; of Typographical Union of Waterbury; of Journeymen Barbers' International Union of South Norwalk; of Piano and Organ Workers' Union of Meriden, and of Journeymen Bakers and Confectioners' Local Union of Hartford, all in the State of Connecticut, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Maine State Board of Trade, praying for the adoption of certain amendments to the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a memorial of the general committee of the telegraphers, station agents, and signalmen of the New York Central and Hudson River Railroad Company, remonstrating against the adoption of the enacting clause of Senate bill No. 4553, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of the Lighting Fixture Association, of New York, remonstrating against the ratification of the so-called French reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented the petition of Ramon Rivera and 227 other citizens of Corozal, Porto Rico, praying for the restoration of the municipal government of that city; which was referred to the Committee on Pacific Islands and Porto Rico.

#### ARTICLES ON THE PHILIPPINES.

Mr. MONEY. I ask the consent of the Senate to have printed as a Senate document observations made by a member of this body during a visit to the Philippine Islands. The articles were published in the Saturday Evening Post, of Philadelphia, and I have the permission of the publishers to have the articles printed as a public document. One article is entitled "Will the Philippines pay?" and the other, "The real feelings of the Filipinos."

Mr. LODGE. What are the papers?

Mr. MONEY. The articles I desire to have published were contributed by the Senator from Georgia [Mr. BACON] to the Saturday Evening Post, being the result of personal observations after a considerable visit to the Philippines.

Mr. LODGE. I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi that the articles referred to by him be published as a document? The Chair hears none, and that order is made.

#### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1714) granting an increase of pension to Levi H. Winslow;

A bill (H. R. 1190) granting an increase of pension to Albert S. Whittier;

A bill (H. R. 6438) granting an increase of pension to Matthew C. Medbury;

A bill (H. R. 1503) granting an increase of pension to Michael Farrell; and

A bill (S. 4740) granting an increase of pension to Maria L. Godfrey.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 10289) granting a pension to Eliza Stewart;

A bill (H. R. 1706) granting an increase of pension to John E. White;

A bill (H. R. 10193) granting an increase of pension to John Hollister;

A bill (S. 4749) granting an increase of pension to Eunice A. Smith; and

A bill (S. 3091) granting an increase of pension to Matilda R. Schoonmaker.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 319) granting a pension to Ida Warren, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2289) granting an increase of pension to Benjamin S. Harrower;

A bill (H. R. 5413) granting an increase of pension to Alfred H. Van Vliet;

A bill (H. R. 3180) granting an increase of pension to Edward S. Dickinson; and

A bill (H. R. 7990) granting an increase of pension to Uriah Reams.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6687) granting an increase of pension to Lorenzo Blackman;

A bill (H. R. 3275) granting an increase of pension to William G. Johnson;

A bill (H. R. 2770) granting an increase of pension to Otilia M. Smoot;

A bill (H. R. 8696) granting an increase of pension to William B. Rowe;

A bill (H. R. 918) granting an increase of pension to Charles Misner;

A bill (H. R. 5327) granting an increase of pension to William H. Mackey; and

A bill (H. R. 10141) granting an increase of pension to William R. Armstrong.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield, reported it with an amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4514) granting an increase of pension to Mary Beals;

A bill (S. 3108) granting an increase of pension to Inez E. Perrine; and

A bill (S. 2943) granting a pension to Thomas S. Rowen.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 4381) granting an increase of pension to John S. Robinson, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 18th instant, proposing to appropriate \$100,000 to enable the Secretary of War to begin the construction of a memorial bridge across the Potomac River, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 181) granting an increase of pension to William C. David;

A bill (S. 3672) granting an increase of pension to James Scannell;

A bill (H. R. 9791) granting an increase of pension to John Reep;

A bill (H. R. 8048) granting an increase of pension to James A. Bramble;

A bill (H. R. 2545) granting an increase of pension to Isaac H. Crim;

A bill (H. R. 7250) granting an increase of pension to Margaret Hendry; and

A bill (H. R. 1278) granting an increase of pension to La Myra V. Kendig.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 9301) granting an increase of pension to Barbara McDonald, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6029) granting a pension to Mary E. Kelly, reported it with amendments, and submitted a report thereon.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred to bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, to report it with amendments, and I submit a report thereon. I hope to be able to call up the bill at an early day and dispose of it.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. RAWLINS. In behalf of the minority members of the Committee on the Philippines I present an amendment in the nature of a substitute for the bill which has just been favorably reported. I ask that it be printed.

The PRESIDENT pro tempore. The substitute will be printed, necessarily.

Mr. SCOTT, from the Committee on Pensions, to whom were



referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 283) granting an increase of pension to Robert M. McCullough;

A bill (H. R. 8553) granting a pension to Joseph Tusinski;

A bill (H. R. 809) granting an increase of pension to James P. Burchfield;

A bill (H. R. 9621) granting an increase of pension to Andrew Y. Transue;

A bill (H. R. 1938) granting an increase of pension to Helen V. Rorer;

A bill (H. R. 5761) granting a pension to Thomas F. Walter; and

A bill (H. R. 8651) granting a pension to Maggie Helmbold.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3041) granting an increase of pension to Emma F. Shilling; and

A bill (S. 4506) granting an increase of pension to Ann E. Collier.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 19th instant, intended to be proposed to the bill (S. 493) to amend the code of law for the District of Columbia, approved March 3, 1901, reported adversely thereon; and the amendment was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4483) to amend section 553 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, reported adversely thereon; and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 13th instant, proposing to appropriate \$8,000 for a survey for an additional conduit for the Washington water supply, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that the amendment be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 4792), relative to the control of dogs in the District of Columbia; which was read twice by its title.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 6466) granting a pension to Josephine M. Dustin; and

A bill (H. R. 2124) granting an increase of pension to Dewit C. McCoy.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4643) granting an increase of pension to Phoebe L. Peyton; and

A bill (S. 4056) granting an increase of pension to Minerva Melton.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart;

A bill (H. R. 3418) granting a pension to Dennis Dyer; and

A bill (H. R. 11375) granting a pension to Charles F. Merrill.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 8471) granting a pension to Eliza A. Wright, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1625) granting an increase of pension to Jethro M. Getman; and

A bill (S. 4335) granting an increase of pension to John Brown.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5712) granting a pension to Alice Bozeman; and

A bill (H. R. 2287) granting an increase of pension to George McDaniel.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 4221) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 6713) granting an increase of pension

to Freeman R. E. Chanaberry, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10692) granting an increase of pension to David C. Maples, reported it without amendment, and submitted a report thereon.

Mr. TALLAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1225) granting a pension to Clara W. McNair, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10415) granting a pension to Sarah M. Smith, reported it without amendment, and submitted a report thereon.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. BATE introduced a bill (S. 4793) granting an increase of pension to Thomas Claiborne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4794) to restore to the active list of the Navy the name of Andrew M. Moore; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL introduced a bill (S. 4795) granting a pension to George W. Johnson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for pension of George W. Johnson, with affidavits of Dr. O. F. Renick, A. O. Welton, T. D. Rafter, and Thomas Cameron and War Department letter. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4796) granting an increase of pension to Robert B. Drake; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Robert B. Drake, Company B, Ninety-ninth Ohio Volunteer Infantry, with affidavit of Dr. J. S. Cookes. I move that the bill and accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4797) granting an increase of pension to William H. Colville; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of William H. Colville, Company F, Fifth Regiment Ohio Volunteer Cavalry, with affidavits of Thomas J. Ireland and Dr. Joel S. Cooper. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River, at Quincy, Ill.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 4799) for the relief of Annie T. Jones, widow of Jonathan L. Jones, deceased; which was read twice by its title and referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 4800) granting an honorable discharge to Andrew Heradon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4801) granting an increase of pension to Augustus C. Paul;

A bill (S. 4802) granting a pension to John Allen Alcorn (with an accompanying paper);

A bill (S. 4803) granting a pension to Marsden H. Sammis (with an accompanying paper);

A bill (S. 4804) granting an increase of pension to Lorenzo W. Smith (with an accompanying paper);

A bill (S. 4805) granting an increase of pension to Charles H. Wilsey (with an accompanying paper); and

A bill (S. 4806) granting an increase of pension to Frank A. Olney (with an accompanying paper).

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4807) granting an increase of pension to Emmett C. Hill (with an accompanying paper);

A bill (S. 4808) granting a pension to George W. Soule (with an accompanying paper);

A bill (S. 4809) granting a pension to Henry J. McFadden (with an accompanying paper); and

A bill (S. 4810) granting an increase of pension to Wade P. Hard (with an accompanying paper).

Mr. HARRIS introduced a bill (S. 4811) granting an increase of pension to John W. Dick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MALLORY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 4812) granting a pension to Addison Arnold;
- A bill (S. 4813) granting a pension to Chesterfield Basford; and
- A bill (S. 4814) granting a pension to Amanda Pitman.

Mr. TELLER introduced a bill (S. 4815) to grant certain lands to the South Platte Canal and Reservoir Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

- A bill (S. 4816) for the relief of the heirs of John Nelson;
- A bill (S. 4817) for the relief of Louis Dubroc;
- A bill (S. 4818) for the relief of the heirs of Archibald P. Buchholz; and
- A bill (S. 4819) for the relief of the widow and heirs of James Hughes.

Mr. DEBOE introduced a bill (S. 4820) to correct the military record of Samuel T. Wallace; which was read twice by its title, and, with accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 4821) granting an increase of pension to William G. Mandeville (with accompanying papers);
- A bill (S. 4822) granting an increase of pension to Moses Hull;
- A bill (S. 4823) granting an increase of pension to John C. Parker; and
- A bill (S. 4824) granting a pension to Susan A. Brand (with an accompanying paper).

Mr. McMILLAN introduced a bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4826) for the relief of holders and owners of certain District of Columbia special-tax scrip; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4827) granting an increase of pension to George W. Stott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4828) granting an increase of pension to Mary A. Craigue; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4829) granting an increase of pension to Nimrod Headington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4830) granting an increase of pension to Sarah D. Graves; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4831) granting an increase of pension to Horace H. Redford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 4832) for the relief of Col. H. B. Freeman; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 4833) granting a pension to Israel Heffner (with accompanying papers);
- A bill (S. 4834) granting an increase of pension to James Gaines (with an accompanying paper);
- A bill (S. 4835) granting an increase of pension to James Brown (with accompanying papers);
- A bill (S. 4836) granting an increase of pension to John Mendenhall (with accompanying papers);
- A bill (S. 4837) granting an increase of pension to David J. Nunemaker (with an accompanying paper);
- A bill (S. 4838) granting an increase of pension to John Miller (with accompanying papers);
- A bill (S. 4839) granting an increase of pension to Richard Cramer (with accompanying papers); and
- A bill (S. 4840) granting an increase of pension to Elias Broadstone (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 4841) to correct the naval record of and grant an honorable discharge to Edward Pritchard;

which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4842) for the relief of William Wiggins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4843) for the relief of the estate of Charles McIntosh, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

- A bill (S. 4844) to remove the charge of desertion from the military record of James Knight;
- A bill (S. 4845) to correct the military record of Thomas Ross;
- A bill (S. 4846) granting an honorable discharge to Joseph Shuman; and
- A bill (S. 4847) to correct the military record of James Petty.

Mr. PLATT of Connecticut introduced a bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SPOONER introduced a bill (S. 4849) granting an increase of pension to Lovell Bullock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4850) to increase the pensions of soldiers and sailors who have lost limbs in the service; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 4851) for the relief of Richard Appling; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAWLINS introduced a bill (S. 4852) granting a pension to Loyd B. Stephens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4853) granting an increase of pension to Amos Moulton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4854) granting an increase of pension to Cassius B. Fisher; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4855) granting an increase of pension to John F. Dearborn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a joint resolution (S. R. 73) authorizing the President to restore and appoint Hamilton H. Blunt to be captain of infantry, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

#### AMENDMENTS TO BILLS.

Mr. LODGE submitted an amendment proposing to increase the number of special agents in charge of divisions in the rural free-delivery service from 7 to 10, and providing compensation therefor, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$500,000 to enable the Postmaster-General to make contracts for the transmission of mail by pneumatic tubes, intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also submitted an amendment relative to the report of the board of engineers appointed for the improvement of the harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, as to whether the original project be approved or the same be modified and whether the appropriation made for the improvement of this harbor be expended on the original or on the modified project, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing conditions whereby the Postmaster-General is authorized and directed to expend certain appropriations as may be necessary to test the practicability of performing rural free-delivery service by contract, etc., intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$1,000,000 for the construction and maintenance of suitable buildings at military posts and stations already established and occupied for the conduct of the exchange store, school,



library, reading, lunch, and amusement rooms, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$875,000 to pay the difference between the cost of the ration at 25 cents per day and the amount of 27½ cents per day to be issued to the company or detachment commander of each company or detachment for each enlisted man while present for duty with his command, and to the surgeon in charge of a hospital for the sick while under his care in the proportion of 75 cents per month per man, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$25,000 as an additional appropriation for acquiring by purchase or condemnation the land in the square surrounding Fort Constitution, at Newcastle, N. H., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. MONEY submitted an amendment providing for a survey of Horn Island Pass, Mississippi, with a view of obtaining a channel through said pass, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of Pascagoula River, Mississippi, with a view of obtaining a 17-foot channel from 8 miles above the mouth of Dog River, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment providing for a survey of the Ohio River below the mouth of Salt River, with a view to the construction of a movable dam, so as to make a harbor at New Albany, Ind., and Louisville, Ky., of an average depth of 6 feet below the Ohio Falls, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CARMACK submitted an amendment proposing to appropriate \$50,000 for the improvement of the mountain section of the Tennessee River, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BACON. On behalf of the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily detained from the Senate, I submit an amendment proposing to appropriate \$25,000 for the improvement of Ashley River, South Carolina, intended to be proposed by him to the river and harbor appropriation bill. I move that the amendment be printed and referred to the Committee on Commerce.

The motion was agreed to.

#### BOOK AGENTS OF METHODIST EPISCOPAL CHURCH SOUTH.

On motion of Mr. COCKRELL, it was

Ordered, That 600 copies of Senate Report No. 1445, Fifty-fifth Congress, third session, made by Mr. TELLER, from the Committee on Claims, January 9, 1899, being a letter from the bishops of the Methodist Episcopal Church South dated August 26, 1898, relating to the claim of the book agents of that church, be reprinted for the use of the Senate and placed in the document room.

#### HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1592) for the relief of F. M. Vowells;

A bill (H. R. 2316) to correct the military record of Albert Baker;

A bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams;

A bill (H. R. 3979) to correct the military record of Calvin A. Rice;

A bill (H. R. 3442) to correct the military record of John O'Brien;

A bill (H. R. 10095) for the relief of Levi L. Reed;

A bill (H. R. 11636) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College;

A bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903; and

A joint resolution (H. J. Res. 172) authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburgh, Pa.

The bill (H. R. 9037) to allow the commutation of homestead entry in certain cases was read twice by its title and referred to the Committee on Public Lands.

The bill (H. R. 11096) to confer jurisdiction on the Court of

Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts and joint resolution:

An act (S. 8) granting a pension to Sara B. Andrews;  
 An act (S. 502) granting a pension to Alexander Beachboard;  
 An act (S. 628) granting a pension to Annie D. Taggart;  
 An act (S. 665) granting a pension to Kate Pearce;  
 An act (S. 713) granting a pension to Frances E. Stebbins;  
 An act (S. 1041) granting a pension to Abbie M. Packard;  
 An act (S. 1086) granting a pension to Charlotte H. Race;  
 An act (S. 1139) granting a pension to Abby Clark McNett;  
 An act (S. 1146) granting a pension to Adela S. Webster;  
 An act (S. 1331) granting a pension to Ann Eliza Trout;  
 An act (S. 1933) granting a pension to Ella Bailey;  
 An act (S. 1940) granting a pension to Frances Fuller Victor;  
 An act (S. 2562) granting a pension to Emma R. Pawling;  
 An act (S. 2701) granting a pension to Thomas G. Foster;  
 An act (S. 2802) granting a pension to Martha R. Osbourn;  
 An act (S. 3021) granting a pension to India Stewart;  
 An act (S. 3258) granting a pension to Simeon Partridge;  
 An act (S. 3284) granting a pension to Gilbert P. Howe;  
 An act (S. 335) granting an increase of pension to Joseph H. Barnum;  
 An act (S. 462) granting an increase of pension to Ann Demonbrun;  
 An act (S. 469) granting an increase of pension to Hiram H. Kingsbury;  
 An act (S. 577) granting an increase of pension to Joseph W. Burch;  
 An act (S. 1015) granting an increase of pension to Israel A. Benner;  
 An act (S. 1135) granting an increase of pension to Thomas J. Stowers;  
 An act (S. 1164) granting an increase of pension to Lewis W. Moore;  
 An act (S. 1195) granting an increase of pension to Charles R. Bridgman;  
 An act (S. 1467) granting an increase of pension to Cynthia A. McKenney;  
 An act (S. 1626) granting an increase of pension to Michael Samelsberger;  
 An act (S. 1641) granting an increase of pension to Frank J. Clark;  
 An act (S. 1748) granting an increase of pension to Williamanna E. Lynde;  
 An act (S. 1800) granting an increase of pension to Jennie C. Ruckle;  
 An act (S. 1802) granting an increase of pension to Cornelia E. Wright;  
 An act (S. 1913) granting an increase of pension to Caroline Michler;  
 An act (S. 2008) granting an increase of pension to Peter C. Monfort;  
 An act (S. 2013) granting an increase of pension to Sidley Leland;  
 An act (S. 2049) granting an increase of pension to Franklin Taylor;  
 An act (S. 2100) granting an increase of pension to John McGrath;  
 An act (S. 2267) granting an increase of pension to Clara A. Penrose;  
 An act (S. 2303) granting an increase of pension to Noah F. Chafee;  
 An act (S. 2394) granting an increase of pension to Sybil F. Hall;  
 An act (S. 2423) granting an increase of pension to John W. Burnham;  
 An act (S. 2440) granting an increase of pension to John W. Gregg;  
 An act (S. 2468) granting an increase of pension to Horatio N. Francis;  
 An act (S. 2520) granting an increase of pension to Emma McLaughlin;  
 An act (S. 2531) granting an increase of pension to William H. H. Scott;  
 An act (S. 2643) granting an increase of pension to Peter C. Cleek;

An act (S. 2692) granting an increase of pension to Lucy W. Smith;  
 An act (S. 2732) granting an increase of pension to Marie J. Smyth.  
 An act (S. 2767) granting an increase of pension to Albert D. Scovell;  
 An act (S. 2867) granting an increase of pension to John A. Hazelton;  
 An act (S. 2929) granting an increase of pension to Jacob Barton;  
 An act (S. 2930) granting an increase of pension to Franklin B. Delaney;  
 An act (S. 2947) granting an increase of pension to Elizabeth A. Shaw;  
 An act (S. 3026) granting an increase of pension to Marie U. Nordstrom;  
 An act (S. 3036) granting an increase of pension to Jason Leighton;  
 An act (S. 3054) granting an increase of pension to Alice DeK. Shattuck;  
 An act (S. 3097) granting an increase of pension to Joseph A. Nunez;  
 An act (S. 3182) granting an increase of pension to Mary Louise Worden;  
 An act (S. 3257) granting an increase of pension to Elizabeth K. Prescott;  
 An act (S. 3269) granting an increase of pension to Jane E. Tompkins;  
 An act (S. 3322) granting an increase of pension to Joseph M. Clough;  
 An act (S. 3328) granting an increase of pension to Heber C. Griffin;  
 An act (S. 3329) granting an increase of pension to Annie McElheney;  
 An act (S. 3403) granting an increase of pension to George M. Emery;  
 An act (S. 3482) granting an increase of pension to Ida C. Emery;  
 An act (S. 3553) granting an increase of pension to Mary A. Van Wormer;  
 An act (S. 3559) granting an increase of pension to George E. Houghton;  
 An act (S. 3704) granting an increase of pension to Frederick E. Rogers; and  
 A joint resolution (S. R. 21) authorizing the printing of extra copies of the Annual Report of the Commissioner of Pensions.  
 The message also announced that the President of the United States had, on the 29th instant, approved and signed the act (S. 3865) to establish light-houses at the mouth of Boston Harbor to mark the entrance to the new Broad Sound Channel.

#### ADDITIONAL CIRCUIT JUDGE.

The PRESIDENT pro tempore. The morning business is closed and the Calendar under Rule VIII is in order.

Mr. CULLOM. I ask unanimous consent to call up the bill (S. 3220) providing for an additional circuit judge in the seventh judicial district. I think there will be no discussion about it.

Mr. HALE. Let us first take up the Calendar in regular order. After we have proceeded with the Calendar, if the Senator has reason for calling up this bill it can be done, but let us go first to the Calendar.

Mr. CULLOM. It will take less time to pass the bill than to discuss the order of business. I hope it will be considered now.

The PRESIDENT pro tempore. The Calendar is before the Senate, and the bill called up by the Senator from Illinois was passed over without prejudice on a former day.

Mr. HALE. That is right, if it belongs to that class.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, and the Senate as in Committee of the Whole proceeded to its consideration. It provides that there shall be in the seventh circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications, and shall have the same powers and jurisdiction and receive the same compensation now prescribed by law in respect to the present circuit judges.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third times, and passed.

#### BILLS PASSED OVER.

The bill (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill goes over. Shall it go over without prejudice, retaining its place?

Mr. LODGE. Yes.

The PRESIDENT pro tempore. The bill will retain its place. The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was announced as next in order.

The PRESIDENT pro tempore. The bill has been read in full. Mr. PLATT of Connecticut. This bill can not be disposed of under the five-minute rule. I am willing that it shall go over for to-day, keeping its place on the Calendar, but unless the amendment which I proposed is assented to it will have eventually to go over under Rule IX, when we can have a full discussion of it.

The PRESIDENT pro tempore. The bill will go over this morning, retaining its place.

Mr. PLATT of Connecticut. Yes.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property" was next in order on the Calendar.

Mr. HALE. By agreement that bill is to go over, retaining its place.

The PRESIDENT pro tempore. The bill will retain its place. The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was next in order on the Calendar.

Mr. HALE. That bill will go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent was next in order on the Calendar.

Mr. GALLINGER. That will likewise go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming was announced as next in order, and was read.

Mr. SPOONER. Who reported the bill?

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. CLARK].

Mr. SPOONER. The Senator is not in his seat. I ask that the bill may go over without losing its place on the Calendar.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy departments was announced as next in order on the Calendar.

Mr. HALE. That should go over.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

#### ESTATE OF A. G. BOONE.

The bill (S. 1594) for the relief of the legal representatives of A. G. Boone was considered as in Committee of the Whole. It proposes to pay to the legal representatives of A. G. Boone, of Laveta, Colo., \$12,291, in full satisfaction for his services and expenses as United States commissioner in negotiating the Indian treaty concluded February 18, 1861, whereby certain valuable and extensive Indian territory was acquired by the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THIERMAN & FROST.

The bill (S. 4074) for the relief of Thierman & Frost was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read in full as in Committee of the Whole. The amendment of the Committee on Claims will be read.

The Secretary proceeded to read the amendment, which was to strike out all after the enacting clause and insert a substitute.

Mr. ALLISON. I think the bill should be passed over.

The PRESIDENT pro tempore. It will be passed over without prejudice?

Mr. ALLISON. Without prejudice.

The PRESIDENT pro tempore. The bill will retain its place.

#### ELEONORA G. GOLDSBOROUGH.

The bill (S. 3421) for the relief of Eleonora G. Goldsborough was next in order on the Calendar.

Mr. BURNHAM. I desire that the bill may go over without prejudice, retaining its place.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

#### EDWARD HAINES AND OTHERS.

The bill (S. 4306) for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased, was considered as in Committee of the Whole. It proposes to



pay to Edward Haines, keeper of the Galveston life-saving station, and to John Haugland, Wallace L. Reed, and W. D. Davis, surfmen at that station, and Martin Monson, temporary surfman, and the legal representatives of J. P. Ferwerda, deceased, late temporary surfman at that station, and to Johann Bottjer, keeper of the San Luis life-saving station, such sums, respectively, as shall, on due inquiry by the General Superintendent of the Life-Saving Service, be found to be a just compensation to them for the loss in the Galveston hurricane of September 8, 1900, of such property belonging to them, respectively, as was necessary to be kept by them at said life-saving stations, from considerations of health, decency, and the nature of the service.

Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MALLORY on the 20th instant and read as follows:

The Committee on Commerce, to whom was referred the bill (S. 4306) for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by the following letters, which, with accompanying papers, annexed hereto, fully present the facts in the case.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, March 13, 1902.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, transmitting Senate bill 4306, Fifty-seventh Congress, first session, "for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased," for suggestions touching the merits of the bill and the propriety of its passage.

The matter was referred to the General Superintendent of the Life-Saving Service for report, which has been received and is herewith transmitted with my concurrence.

Respectfully,

L. M. SHAW,  
Secretary.

The CHAIRMAN COMMITTEE ON COMMERCE,  
United States Senate.

TREASURY DEPARTMENT,  
OFFICE OF GENERAL SUPERINTENDENT OF LIFE-SAVING SERVICE,  
Washington, March 12, 1902.

SIR: I have the honor to acknowledge your reference for report of the letter from the Committee on Commerce, United States Senate, dated the 5th instant, transmitting Senate bill 4306, Fifty-seventh Congress, first session, for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased, and asking for suggestions touching the merits of the bill and the propriety of its passage.

The bill provides for payment to the persons mentioned of such sums, respectively, as shall on due inquiry by the General Superintendent of the Life-Saving Service be found to be a just compensation for the loss in the Galveston hurricane of September 8, 1900, of such property as was necessary to be kept by them at the life-saving stations from considerations of health, decency, and the nature of the service, and makes it the duty of the General Superintendent, after the approval of the act, to ascertain and report to the Secretary of the Treasury the sums payable to each of said persons under the provisions of the act.

Affidavits containing schedules of the property lost by the persons mentioned upon the occasion in question have been forwarded to this office, and copies of the same are transmitted herewith. It will be observed from the summary (herewith inclosed) that the claims as presented (allowance being made for error in addition) amount to \$2,515.74.

The articles which appear to have been kept at the stations "from considerations of health, decency, and the nature of the service" have been separated from such as appear to have been kept there from choice and for personal convenience, and are indicated in the accompanying schedules in such a way as to admit of easy reference. The value of the articles of the first class is shown to be \$903.49, and of those of the second class, \$1,912.25.

Of the justice and equity of making reimbursement for the loss of the first class of articles, which is provided for in the bill, I think there can be no doubt. The second class stands, perhaps, on a somewhat different footing.

As the schedules herewith contain full information and data, and probably all the evidence obtainable, it is suggested that the bill might be amended, if deemed desirable, by specifying the amount to be allowed in each case. If, however, the question is left for this office to determine, its probable action in the premises is indicated in the accompanying papers.

In this connection I would call attention to the fact that in the deficiency appropriation acts of September 30, 1890 (26 Stat. L., p. 510), and March 2, 1895 (28 Stat. L., p. 849), provision was made for reimbursement of the crews of the Muskeget and Cahoon's Hollow life-saving stations, respectively, for such of their personal property lost by the burning of the stations as appeared to have been kept there from considerations of health, decency, and the nature of the service, excluding such as was kept from choice or for personal convenience.

Respectfully,

S. I. KIMBALL,  
General Superintendent.

The SECRETARY OF THE TREASURY.

Mr. PLATT of Connecticut. I do not care for a further reading of the report. I should like to inquire as to what amount is appropriated in the bill?

Mr. MALLORY. The amount is reduced to \$603.49 and the claims are cut down to that sum.

Mr. PLATT of Connecticut. Let the bill be again read.

The bill was again read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF MINERS IN THE TERRITORIES.

The bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories" was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. The Senator who reported that bill is not present. It is a House bill, and the report shows that the committee recommended the striking out of some portion of the bill and inserting something else in lieu of the part which was proposed to be stricken out; but the printed copy of the bill I have as reported does not indicate the amendment which the committee says ought to be adopted in lieu of the matter stricken out.

The PRESIDENT pro tempore. The bill as now printed shows the amendment.

Mr. PLATT of Connecticut. Very well. Then I have nothing to say about it.

The bill was reported from the Committee on Mines and Mining with an amendment, on page 2, line 4, after the word "gases," to strike out:

And all workings shall be kept clear of standing gas. All owners, lessees, operators of, or any other person having the control or management of any coal shaft, drift, slope, or pit employing miners to work therein shall employ shot flers to fire the shots therein. Said shots shall be fired once a day on each day when any such shaft, slope, drift, or pit is in operation, but shall not be fired until after all miners and other employees working therein shall have been hoisted out of said mine.

And in lieu thereof to insert:

Wherever it is practicable to do so the entries, rooms, and all openings being operated in coal mines shall be kept well dampened with water to cause the coal dust to settle, and that when water is not obtainable at reasonable cost for this purpose accumulations of dust shall be taken out of the mine, and shall not be deposited in way places in the mine where it would be again distributed in the atmosphere by the ventilating currents.

So as to make the bill read:

Be it enacted, etc., That section 6 of the act entitled "An act for the protection of the lives of miners in the Territories" be amended by striking out "3,300" and inserting "5,000," so as to read:

"SEC. 6. That the owners or managers of every coal mine at a depth of 100 feet or more shall provide an adequate amount of ventilation of not less than 834 cubic feet of pure air per second, or 5,000 cubic feet per minute for every 50 men at work in said mine, and in like proportion for a greater number, which air shall by proper appliances or machinery be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases. Wherever it is practicable to do so the entries, rooms, and all openings being operated in coal mines shall be kept well dampened with water to cause the coal dust to settle, and that when water is not obtainable at reasonable cost for this purpose accumulations of dust shall be taken out of the mine, and shall not be deposited in way places in the mine where it would be again distributed in the atmosphere by the ventilating currents. The violation of this act shall constitute a misdemeanor, and any person convicted of such violation shall pay a fine of not exceeding \$500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MOUNT RAINIER NATIONAL PARK.

The bill (S. 255) for the improvement of the Mount Rainier National Park, in the State of Washington, was considered as in Committee of the Whole. It appropriates \$25,000, to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT J. SPOTTSWOOD AND OTHERS.

The bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, was announced as next in order.

Mr. PATTERSON. I ask that that bill may be passed over without prejudice, retaining its place on the Calendar.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

MRS. ARIVELLA D. MEEKER.

The bill (S. 1305) for the relief of Mrs. Arivella D. Meeker was considered as in Committee of the Whole.

The bill was reported by the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury is hereby directed to pay to Mrs. Arivella D. Meeker, of Greeley, Colo., the sum of \$9,012.83, as a recognition of the services of her husband, the late Nathan Cook Meeker, as Indian agent at the White River Agency, in Colorado, and for the losses his family sustained by reason of his assassination and the destruction of his property by the Indians of said agency in the year 1879.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I notice that the report suggests that this money ought to be paid out of the annuities of the Confederate Bands of Ute Indians, and it was so provided in the original bill; but it is not in the amendment of the committee. I think it must have been omitted by oversight. I move to amend in line 14, on page 2, after the word "cents," by inserting

"out of the annuities of the Confederated Bands of the Ute Indians."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ACCOUNTS OF LAND OFFICES IN KANSAS.

The joint resolution (S. R. 71) directing the Secretary of the Interior to restate the accounts of certain registers and receivers of the United States land offices in the State of Kansas, and for other purposes, was considered in Committee of the Whole. It directs the Secretary of the Interior to restate the accounts of the registers and receivers of the United States land offices in the State of Kansas upon whom were imposed the duties and responsibilities of making sale and disposal of the Osage ceded, Osage trust, and Osage diminished reserve lands, in that State, under the treaty of September 29, 1865, between the United States and the Osage Indians, and the acts of Congress for carrying the treaty into effect, and to allow to each of the said registers and receivers for their service 1 per cent as commission on the proceeds arising from the sale and disposal of the lands received during their periods of service, respectively, less such amount heretofore received by them as commission on the proceeds, the sums so ascertained, to be stated separately as to each of the classes of lands, to be reported to Congress.

Mr. SPOONER. Let that joint resolution go over.

Mr. HARRIS. I hope the joint resolution may be considered. It was originally in the form of an amendment, which was offered to an appropriation bill, and was referred to the Committee on Indian Affairs. In order to arrive at an exact understanding of the amounts supposed to be due, the committee authorized me to report a joint resolution recasting the accounts to be so stated, in order to get at the amounts claimed by the various parties.

Mr. SPOONER. I withdraw the objection.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANCES GURLEY ELDERKIN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3743) granting an increase of pension to Frances Gurley Elderkin; which was, in line 9, before the word "dollars," to strike out "forty" and insert "thirty-five."

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

#### EDWARD THOMPSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2976) granting an increase of pension to Edward Thompson; which was, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty."

Mr. GALLINGER. I move that the Senate agree to the amendment of the House of Representatives.

The motion was agreed to.

#### ANDREW J. FELT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2371) granting a pension to Andrew J. Felt; which was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER were appointed.

#### IMITATION DAIRY PRODUCTS.

Mr. PROCTOR. I move that House bill 9206 be now taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. PATTERSON. I present a petition to the Senate from the Cattle and Horse Growers' Association of Colorado, which represents 32 local live-stock associations, and as it relates to the bill now under discussion I ask that it be read.

There being no objection, the petition was read and ordered to lie on the table, as follows:

#### MEMORIAL TO THE SENATE OF THE FIFTY-SEVENTH CONGRESS OF THE UNITED STATES.

We, your memorialists, the Cattle and Horse Growers' Association of Colorado, beg to represent that we are an organization composed of nearly all of the local live-stock associations of the State and representing practically the entire live-stock industry of Colorado. The principal business of the members of this association is that of breeding, feeding, and marketing beef cattle.

There is now pending in the Senate of the United States a bill known as House bill No. 9206, which has already passed the House of Representatives, providing for a tax of 10 cents per pound on colored oleomargarine. We, your petitioners, desire to respectfully enter our protest against the passage of this bill into a law, believing that such legislation is against the interests of not only growers of beef cattle, sheep, and hogs in this State, but also against the interests of the farmers and dairymen, the latter class being led to believe that the passage of this bill will increase the price they will receive for butter; but we, your petitioners, are convinced that such would not be the result, and that the chief class to profit by such a measure would be the owners and operators of big creameries.

We would respectfully call the attention of your honorable body to the fact that oleomargarine is largely used upon the stock ranches of the western country, principally for the reason that it is a pure and wholesome article of diet and a good substitute for butter, which in many places is impossible to be had. It is also used largely in the mining and other labor districts of the nation and in localities where it is impossible to get fresh butter, and owing to its purity and keeping qualities oleomargarine is very much preferred as an article of diet.

The consumers of the product in the West prefer to have it colored yellow, as was the practice in Holland before the creamery manufacturers assumed to themselves this exclusive right, not with any intent to deceive themselves or others, but simply and solely because the color is more pleasing to the eye, and consequently makes the product more palatable.

Should this bill become a law it will not interfere with the consumption of this product in this State, as a majority of the consumers would pay as much for the oleomargarine as for butter, preferring the former product at the same price; consequently this tax of 10 cents per pound would have to come from the pockets of the consumers, who number thousands for every creamery or oleomargarine factory in the country.

We would also call the attention of the Senate to the fact that oleomargarine is largely composed of the product of beef and dairy cattle, which we raise, the percentage being oleo oil (from the beef) 28.83, milk, butter, and cream 25.89 per cent, and should the proposed law diminish the consumption of oleomargarine in other parts of the country, it would result in a decreased use of these products from our beef and dairy cattle, and a consequent decrease in the value of the same.

It is the opinion of your memorialists that the confessed object of this bill—to prevent the use and consumption of oleomargarine as an article of food, to curtail its manufacture, and, if possible, to suppress its use altogether—would not be attained by the proposed law. As the laws and regulations already governing the manufacture of this article are sufficiently severe on those who attempt to sell it as butter, the increased price incident to the proposed law would be simply offering a premium to the men who are braving the present laws, and would result in an increased use of this imitation of butter under the name of butter.

We, your memorialists, are in favor of any reasonable law which will compel the manufacturers of this article of diet to sell the same as oleomargarine, but we are of the firm belief that the proposed bill would be most vicious legislation and is more calculated to injure the dairy business than, as alleged by the creamery combine, to grant the dairymen and farmers a relief from the competition of oleomargarine.

We are heartily in favor of the so-called Wadsworth bill, which provides that this product should be manufactured only in 1 and 2 pound packages, each package to be carefully labeled and stamped. As a large number of your memorialists are users of this product and prefer it to butter for the reasons above given, they naturally desire to know that they are securing oleomargarine rather than renovated butter, which is unhealthy and becomes rancid soon after being taken to the ranches, and naturally would favor any fair law which will enable us to know that we are securing just what we pay for.

Therefore we most earnestly protest against the said bill now pending before your honorable body, and most respectfully urge that it be not enacted into law.

And for this your petitioners will ever pray.

Arickaree Valley Stock Growers' Association; Axial Basin Stock Growers' Association; Bent County Cattle and Horse Growers' Association; Boulder County Stock Growers' Association; Chaffee County Stock Growers' Association; Cattle and Horse Growers' Association, Roundup District No. 9; Douglas County Stock Growers' Association; Edward Stock Growers' Association; Egeria Park Stock Growers' Association; Eagle Stock Growers' Association; Elk River Stock Growers' Association; Fremont County Stock Growers' Association; Fort Collins Sheep Feeders' Association; Grand River Stock Growers' Association; Gunnison County Stock Growers' Association; Hayden Stock Growers' Association; Kit Carson County Live Stock Association; Larimer County Stock Growers' Association; Lincoln County Cattle Growers' Association; Montrose Cattle and Horse Growers' Association; Middle Park Stock Growers' Association; Montezuma County Stock Growers' Association; North Park Stock Growers' Association; Otero County Stock Association; Park County Cattle Growers' Association; Roaring Fork and Eagle River Stock Growers' Association; Routt County Range Protective Association; Saguache Stock Growers' Association; Steamboat Springs Cattle Growers' Association; Southern Colorado Cattle and Horse Growers' Association; San Luis Valley Cattle and Horse Growers' Association; Yuma and Eastern Arapahoe County Cattle and Horse Growers' Association.

Mr. SIMMONS. Mr. President, the controversy between butter and oleomargarine is one of long standing. The issue raised by this controversy has been so fully discussed in both branches of Congress and before the Committee on Agriculture and Forestry of the Senate that the arguments and facts for and against this legislation are generally familiar to the Senate. I can not say, and I do not hope to say, anything new upon this subject, but it is probable that the people are not so familiar with these facts and these arguments as are Senators, and while primarily the object of discussion here is to enlighten the Senate, it is also important and useful in informing and instructing the people.



I am opposed to the pending bill, because, as a member of the Committee on Agriculture and Forestry, I have been present at most of the hearings during this session, and I have read most of the evidence at hearings at other times and in the other House of Congress, and they satisfy my mind, at least, that oleomargarine is not only a healthful but a nutritious article of diet, and that the coloring matter which is placed in it is not injurious, but adds greatly to its market value and acceptability to the consumer, as does the same coloring matter in the case of white butter when it is placed in that article, and because, being a healthy and nutritious article of diet, in my judgment, the manufacturers of oleomargarine have a right, which ought not to be denied to them, and which can not be legally and constitutionally denied to them, to use in the manufacture of their product any article which is not deleterious to the health of the consumer.

Mr. President, I do not believe the charges that are so persistently made by the advocates of this measure, that to any considerable extent the materials used in the manufacture of oleomargarine are improper or injurious. I do not believe these charges, because the evidence which has been adduced before the Committee on Agriculture and Forestry in the hearings to which I have referred contains nothing to support them, but contains much to refute them; and I do not believe them, because there is easy at hand to every manufacturer of oleomargarine the greatest abundance of pure materials to be had at such low prices as to preclude the temptation to practice this fraud upon the public.

I have no doubt that in the beginning of this industry in this country there were many questionable experimentations and even rascalities in the selection and use of materials that enter into oleomargarine by the manufacturer; but in 1886 Congress passed an act placing all these factories under the control and supervision of the Government, and since that time I do not believe that there have been any abuses worth mentioning practiced in connection with the manufacture of that article. So far as the manufacturers of oleomargarine are concerned, since these inspection laws went into force, I am satisfied that both in the selection of the materials which they use and in the processes which they employ in its manufacture there is no manufactured food product in this country, not excepting butter, which is produced with greater purity and cleanliness than oleomargarine is sent out from the factories.

I am satisfied, and I think the opponents of this bill are satisfied, that there is now, and has been all along, more or less fraud practiced by the retailers of oleomargarine in representing and selling their product for butter for the purpose of securing the higher profit allowed by butter prices. I am satisfied that is so; and is so to such an extent that it calls for action by Congress, because the evidence tends to show that this class of fraud is practiced more or less wherever oleomargarine is sold. I am satisfied it is so for other reasons, chief among them the fact that the present law regulating the sale of oleomargarine, which permits the manufacturer to put it up in packages of 10 pounds and sell it to the retailer, offers to these retailers easy opportunities to commit fraud of this character with comparative safety on their part.

Some of the oleomargarine retail dealers, like the retail dealers in other lines of commerce, are rascals; some of them are unscrupulous; some of them take advantage of the opportunities afforded them by the present inefficient law to make a fraudulent profit in the conduct of their business.

Mr. President, because we are satisfied that these frauds are practiced on the part of retail dealers, and to such an extent as would call for further legislation on this subject by Congress, the opponents of this measure are perfectly willing to vote and stand ready to vote for any measure the sole object of which is to suppress and prevent these frauds; but we are not willing to vote for a measure based upon the absurd theory that in order to prevent fraud in the sale of this article it is necessary to prevent its sale altogether. Nor do we propose to vote for a measure which, under the pretext of suppressing fraud in the sale of an article, seeks to outlaw that article and drive it out of the market altogether.

Mr. President, the junior Senator from Wisconsin [Mr. QUARLES], in his very able speech delivered in this Chamber last week, in an impassioned denunciation of oleomargarine, exclaimed, "We are dealing with a question of fraud;" and so we are dealing with a question of fraud and a fraud that ought to be punished and ought to be suppressed. But I want to say to the Senator from Wisconsin that it is not the custom in this country, at least, to punish fraud by killing the rascally perpetrator of the fraud, and it is not the custom in this country, at least, to seek to suppress fraud in the sale of an article by ostracizing that article and banishing it from the markets.

The opponents of this bill stand ready to vote for the most drastic measure having for its object the suppression of the frauds complained of, and which it is admitted to some extent exist, and on this behalf the minority of the committee have pre-

sented a substitute which it is believed will effectually accomplish this purpose.

Now, Mr. President, let me analyze this substitute and compare it with other admittedly effectual legislation against similar frauds. First, it places every factory where oleomargarine is manufactured under the closest Government inspection and espionage. Second, it requires every pound of oleomargarine to be put up in packages of 1 and 2 pounds and in no other or larger or smaller packages. Third, the article itself is to be impressed in sunken letters with the word "oleomargarine." Thus impressed, it is to be wrapped in a paper wrapper with the word "oleomargarine" printed thereon in distinct letters, together with the name of the manufacturer, and the article thus impressed and wrapped is to be placed in wooden or paper packages, upon which shall be branded the word "oleomargarine," and the whole is to be circled with a Government oleomargarine stamp. Fourth, no oleomargarine is permitted to be sold by manufacturer or retailer except in unbroken packages of 1 or 2 pounds. Fifth, the product, both in the hands of the retail dealer and the manufacturer, is constantly under the espionage of the Government, and the slightest infraction in any of these and other regulations provided in the substitute will subject the violator to heavy fines and penalties.

Can there be any reasonable doubts that the provisions of this substitute, if enacted into a law, would effectually put an end to the frauds and deceits complained of? I do not believe there is, and I doubt whether there are many who do honestly believe there is any such doubt.

A partial answer to this question will be found in the effect of a similar act to prevent the fraudulent sale of what is known as filled cheese for dairy cheese. A few years ago the manufacturers of dairy cheese raised a great clamor on account of the alleged fraudulent sale of this imitation product as cheese. Congress was asked to interfere to put an end to this alleged counterfeit and fraud, just as the dairymen are now asking it to protect butter. In response to their demand Congress passed an act defining dairy cheese and filled cheese, and differentiating the two and making certain regulations for the sale of filled cheese, so as to put a stop to these frauds. For the purpose of showing the character of this legislation I wish to read section 6 of the act:

SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than 2 inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages.

Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided, and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall, upon conviction thereof, be fined for each and every offense not less than \$50 and not more than \$500, or be imprisoned not less than thirty days nor more than one year.

Under that act filled cheese is placed under governmental supervision and the manufacturer is required to stamp and brand every package of filled cheese and the retailer is permitted to sell it only out of these branded packages. Before the passage of this law there was a great deal of trouble on account of fraudulent sales of filled cheese as dairy cheese, not only at home but especially in foreign markets, and our consular representatives abroad were constantly representing to the Government that this imitation and fraudulent product was undermining our cheese market abroad.

Since the passage of that act the evidence taken before the committee shows that these complaints, both at home and abroad, have totally ceased, and there is no suggestion to-day from any source that filled cheese is being sold to any considerable extent in imitation of dairy cheese.

It is the duty of the Treasury Department to enforce all laws and regulations to prevent frauds against the revenues of the Government. The Secretary of the Treasury is supposed, by reason of his experience in the enforcement of these laws, to be especially informed as to their sufficiency to accomplish the object of their enactment.

Now, when this bill and the pending substitute was before the Fifty-sixth Congress, the question of the adequacy of this substitute to suppress the frauds complained of was raised before the committee having the bill under investigation, and the then Secretary of the Treasury, the Hon. Lyman J. Gage, was examined as a witness upon these points. The evidence he then gave is a complete answer to all of the arguments of the advocates of this



bill, to the effect that the only remedy for this fraud is in practically denying the manufacturers of oleomargarine the right to color their products. Let me read the evidence of Secretary Gage before the committee.

Mr. SPRINGER—

Mr. Springer appeared before the committee, I believe, as the attorney of the Live Stock Association, and as such was permitted to participate in the hearing by asking questions of witnesses.

Mr. SPRINGER. The difficulties which have been called to the attention of the committee in regard to the selling of oleomargarine or butterine seem to relate to the fact that the retail dealer may break the original package and deal it out in smaller quantities to suit the desires of the purchaser, and in so doing he can sell oleomargarine or butterine to a consumer who presumes that he is buying butter.

Now, I desire to ask you whether it would be possible to make such rules and regulations (if the law so authorizes) requiring the selling of oleomargarine to the consumer by the agents of the manufacturer or the retail dealer in the original package, without breaking even the stamp itself around the original package, that the selling of oleomargarine for butter would be prevented, and it would have to be sold for what it really is?

Secretary GAGE. I think so. I have read the amendment or substitute bill recommended by the minority report of the House committee.

That is the same that the minority of the committee now present.

The ACTING CHAIRMAN. That is what is known as the Wadsworth bill?

Secretary GAGE. It provides a method of putting up oleomargarine in packages of 1 pound or not more than 2 pounds, I believe. Am I right?

Mr. SPRINGER. Yes, sir; that is right.

Secretary GAGE. They are, as I understand, required to be separate and distinct from each other, with a revenue stamp wound around them and sealed as effectively as a box of cigars is with its stamp. I can not imagine any reason why that would not be a very effective means of preventing the dealer from opening these packages and selling the product as butter. The abuse in that respect would be reduced to an infinitesimal amount. Of course, a dealer could cut a package in two, obliterate the stamp, and sell half a pound at a time as butter.

Senator MONEY. That is possible with cigars and everything else, is it not?

Secretary GAGE. It is possible in every department, but the temptation would be so small, and the penalties so great, that my opinion is that such deception would scarcely be practiced at all.

Mr. SPRINGER. That is to say, if the dealer is required to sell it to the consumer in the original packages and is not allowed to break them?

Secretary GAGE. That is what I mean.

Mr. SPRINGER. It would almost do away with the possibility of fraud on the consumer?

Secretary GAGE. Yes, sir.

Mr. President, in view of this evidence of the Secretary, in view of the effect of the filled-cheese act, I want to ask why are not the advocates of this bill, if their sole purpose is to suppress fraud, and if it is no part of their purpose, as is charged, to suppress competition and to destroy another industry, willing to accept the substitute? It certainly is no answer to say that the present law has not been effective. Of course it has not. It does not require Secretary Gage or even a lawyer to see that the present law is wide open to the frauds which are admitted to exist and which we all want to suppress. What does their refusal to accept the substitute as a settlement of this matter signify? What does it mean? To my mind it can mean but one thing. It means what is apparent from the bill itself and what was disclosed by the hearings before the committee and what is shown in the hysterical appeals that have been made in this debate on behalf of the cow. It shows that their purpose is not to suppress fraud; it is not to prevent fraud in the sale of this article so much as it is to protect the cow and her products and to suppress a competitor.

Mr. President, so far as oleomargarine is concerned, it is not a direct competitor of high-class dairy butter, although it is an indirect competitor of that article. It is not a direct competitor, because the difference in price removes it from the field of competition. High-class dairy butter at its present price sells in the market at from 30 to 40 cents a pound net. Even when you add the 10-cent tax proposed by this bill to the present price of oleomargarine it will still sell upon the market, when sold upon its merits, as I think it generally is, though sometimes it is not, at from 10 to 16 cents less than high-class dairy butter. But while oleomargarine is not a direct competitor of high-class dairy butter, it is a direct competitor of what is known as renovated butter and an indirect competitor of high-class butter.

I know, Mr. President, that it is claimed that dealers in high-class dairy butter have no interest in renovated or process butter, and that they are willing to let it stand upon its own merits and fight its own battles. But it is perfectly obvious that this is not true, and that they are interested and deeply interested in renovated butter. Why? Because they are interested in anything that preserves and prolongs the life of their product, and renovated butter is a dairy product, though a degenerated dairy product. The prolongation of the life of their product is an important element in the value of their product. That is exactly what the process factories do. They reclaim and rereclaim and reclaim again dairy butter from rancidity and from death, and by chemical process impart to it a sort of perennial youth and freshness, and in this way these process factories become a potent element in the market value of the whole dairy product.

The object of the bill is, therefore, not to protect dairy butter against the direct competition of oleomargarine, but it is to de-

stroy competition between oleomargarine and what is known as process or renovated butter, and by driving it from the market altogether make a full demand and high-price market both for the fresh product and this degenerate product of the dairy. Those who are denouncing oleomargarine as a vile counterfeit have found nothing to condemn in renovated butter and its fraudulent sale as a pure, fresh product of the dairy. Of course, the widespread sale of this chemically manipulated concoction is a fraud, and they know it is a fraud; but it is a fraud against the people and not against the cow. It is said there are those who think a dollar is more sacred than a man, and I am afraid there are also those who, in their zeal for the dairy, think a cow is more entitled to protection against fraud than the people.

I was glad that the senior Senator from Kansas [Mr. HARRIS] during the past week presented an amendment to the pending bill having for its purpose putting renovated butter under the same strict governmental supervision and control that this bill proposes to place around and upon oleomargarine. I trust the Senator will press that amendment, and I hope he will force a ye-a-and-may vote upon it. In that event I shall watch with profound interest the votes of the friends of this bill. I predict now that they will not vote for this amendment. And why? Because the same interest that is behind this bill, the same interest that has hounded oleomargarine from the day it was born as an industry in this country, the same interest that has excited all of the public prejudice and the hostile State legislation enacted against this product—I mean the dairy interest—is interested to see that renovated butter is not fettered and restricted as it demands oleomargarine shall be.

Now, Mr. President, what is process butter or renovated butter? I am not going to trouble the Senate by reading from the evidence to any considerable extent upon this subject, but I do desire to read what Professor Alvord has to say. I believe he is at the head of the Dairy Bureau of the Agricultural Department, and I believe he is not only famous as an expert in dairy products in this country but that he is also known throughout the world as such. Here is a letter written by him February 8, 1900, in which, in describing what process butter is, he says:

FEBRUARY 8, 1900.

DEAR SIR: Your inquiry has been received relating to process or renovated butter.

We have nothing printed upon this subject, and it would be impossible to give you a full account of it within the limits of a letter.

Briefly, it is butter which has become unmerchantable, or what we would call bad butter, running through all the degrees of badness, bought up cheaply, brought together in large quantity, reduced to a limpid oil by melting, and clarified by both chemical and mechanical processes, which are more or less secret. The oil is then drawn off, a semblance of the crystallization or granulation of butter fat is obtained by chilling, usually by spraying the fat into ice water, and then it is re churned with more or less sour milk or buttermilk to give it the new flavor, salted, and made up for market.

It is in this form just what the name "renovated" implies. Unless adulterated with other fats, which is not usual, it can be claimed to be pure butter, as far as chemical composition is concerned. But many of the characteristics of good and fresh butter are lacking, and the renovated article deteriorates very rapidly unless it is kept quite cold.

The chief objection to this renovated butter is that it is sold in large quantities under misrepresentation in place of fresh creamery butter—

The gravamen of the charge against oleomargarine—

and at prices much above its actual value. Fraud upon purchasers and consumers is thus perpetrated, and this is the feature connected with the business which needs governmental interference and regulation.

Very respectfully, yours,

HENRY E. ALVORD.

Dr. J. J. BAUMANN,

661 Jersey Avenue, Jersey City, N. J.

Now, in brief, Mr. President, renovated butter is old, rancid, unmarketable butter, gathered up from the four quarters of the country—from the hotels, and the restaurants, and the boarding houses, and the country stores—and sent to these process factories; there it meets the product of the cow of the treeless prairies of the West, and of the rocky hills of New England, and of the wire-grass region of the South in sympathetic and friendly embrace; there, with the aid of acids and adroit chemical surgery, the seeds of disease and death with which it has become infected are removed, and thus restored to apparent health, it is sent out as healthy butter, looking like healthy butter, with the sweet odor and with the exquisite flavor of perfectly well butter, and in that guise it is sold and bought and consumed.

But, Mr. President, this restoration to health is only temporary. This newfound freshness is short lived, and unless it is speedily bought and consumed it soon has a relapse to its old condition of rancidity. But there is one consolation about this patient. However often it may have a relapse, and however severe the disease may be, there is always a sure restorative and an unfailing panacea to be found in the numerous butter hospitals scattered about in this country, created and existing for the sole and exclusive purpose of treating and curing the disease to which creamery butter is unfortunately a victim.

Mr. President, we hear a great deal about the anticolor laws of the States against oleomargarine. Gentlemen have fallen back



upon those laws as an excuse for their effort through this bill to strike down the oleomargarine industry. I want to remind gentlemen who rely upon those laws as a justification for this legislation that there are also State laws in this country against renovated and process butter. I do not know how many States have laws of that kind; I believe about ten or twelve. I appeal to the gentlemen who place their support of this bill upon the fact that certain States have ostracised oleomargarine when they go to vote upon the amendment offered by the Senator from Kansas they that give the same consideration and significance to the State laws against renovated butter as to those against oleomargarine, and when they vote to protect the cow against oleomargarine that they will at the same time vote for the amendment of the Senator from Kansas to protect the people against renovated butter.

Mr. President, about the only argument I have heard in favor of this legislation, except the fraud argument to which I have so far chiefly devoted myself, is the fact that many of the States have enacted laws against the sale of oleomargarine. It is said by the friends of this bill that those laws show such a general antipathy on the part of the people against this product that it furnishes them a sufficient justification for this legislation.

I frankly admit that those laws apparently indicate (and I say apparently advisedly) a very harsh sentiment on the part of the people of those States toward oleomargarine. But when we analyze the reasons and considerations which led to the enactment of those laws, we will see, as I said, that it is more an apparent antipathy and objection than a real one. Most of those laws were passed under the influence of a misunderstanding created by the agitation and the exaggeration and the falsehoods instigated and put in circulation by the dairy interest as to the materials which enter into the manufacture of this product.

At the time they were passed there was a general misunderstanding in the country as to the character of the ingredients of the article. It was generally supposed that the article was made up of loathsome and repulsive ingredients, repugnant to the taste, and poisonous to the human system. This was the impression not only in those States at that time, but it was the impression among the enlightened members of this body and of the House when that measure was first discussed and debated in Congress. The only argument made in favor of the law was the argument that oleomargarine was unhealthy and poisonous to the human system. The fraud argument that we now hear was not made then at all.

Now, time has removed from the field of disputation and discussion the fundamental fact upon which this discriminating legislation of the States was based. When we consider whether State laws or national laws are wise or unwise and whether they indicate a certain public sentiment or feeling, we must look to the reasons which inspired the enactment of those laws. If there was a mistake as to facts, as to the grounds upon which the enactment was made, the reason for it failing, we may expect sooner or later that it will be repealed.

Now, Mr. President, the only ground upon which this State legislation was originally based has been removed and no longer exists, but the advocates of the bill say if that be so, why then have not those laws been repealed by the States? They have not been repealed because another reason for their continuance on the statute books has intervened and furnishes a justification for their continuance, and that is the reason I have just given why we should pass the minority substitute. I mean the necessity of regulating its sale so as to prevent deceits in selling it for what it is not. Remove this reason, as the other has been removed, by the National Government taking hold of this question and placing around the article a strict supervision to prevent the class of fraud to protect themselves against which the States still keep these prohibitory acts upon their statute books, and I predict that the States will be satisfied and that speedily and rapidly every one of the anticolor laws against oleomargarine will be repealed.

Mr. President, I do not wish to detain the Senate in discussing the proposition that time and experience and science have proved that the original basis of this legislation has been removed, for it is now almost universally admitted that at the time of the passage of these prohibitory laws the character of oleomargarine and its effect upon the human system were altogether misunderstood, and that it is not only not an unhealthy article, but it is an exceedingly healthy and nutritious food product. One of the chief advocates of this bill in debate in the other branch of Congress a few days ago admitted this fact, and the evidence taken before the committees of the two Houses during the last and the present session (evidence of the best scientific experts in the country) proves conclusively that the arguments which prevailed in securing the passage of these laws were based upon falsehood and misunderstanding as to the ingredients and qualities of this article.

I wish to read some of the evidence upon this point. It is so

conclusive, so overwhelming, it has practically silenced this clamor and forced the advocates of this legislation to put their support of it upon entirely new grounds. I read from the report of the Committee on Manufactures of the Senate appointed during the Fifty-sixth Congress. A part of the report which I read will be found printed on pages 57 and 59 of the committee's report, which is as follows:

In regard to butterine or oleomargarine it is not claimed by any of the witnesses before your committee that it is in any way deleterious to public health. On the contrary, all expert evidence upon this point strongly confirms the testimony of the manufacturers of this article, to the effect that it is a healthful food product. The testimony shows that this product is the result of a combination of beef and pork fats, butter, cream, and milk with coloring matter, which is similar to that universally used by farmers and dairies engaged in the manufacture of butter for the coloring of that product. As under the resolution under which this committee is operating it is made one of its duties to investigate food products and to ascertain what is sold that is deleterious to the public health, your committee made every effort to obtain information upon this branch of the subject, and in addition to oral testimony there were submitted authorities of an expert character, as follows:

Henry Morton, Stevens Institute Technology, New Jersey: "It contains nothing whatever which is injurious as an article of diet; but, on the contrary, is essentially identical with the best fresh butter."

S. C. Caldwell, chemical laboratory, Cornell University: "Possesses no qualities whatever that can make it in the least degree unwholesome."

Charles P. Williams, analytical chemist, Philadelphia: "It is a pure and wholesome article of food, and in this respect, as in respect to its chemical composition, is fully the equivalent of the best dairy butter."

Henry A. Mott, analytical chemist, New York: "Essentially identical with butter made from cream, and a perfectly pure and wholesome article."

W. O. Atwater, Wesleyan University, Connecticut: "It is perfectly wholesome and healthy, and has a high and nutritious value."

Scientific American: "Oleomargarine is as much a farm product as beef or butter, and is as wholesome as either."

Prof. Charles F. Chandler, New York City: "The product is palatable and wholesome, and I regard it as a most valuable article of food."

Prof. George F. Barker, University of Pennsylvania: "It is perfectly wholesome, and is desirable as an article of food."

I will also read a few opinions of leading scientists, which I find on pages 4 and 5 of Senate Document 2043:

#### OPINIONS OF LEADING SCIENTISTS.

Prof. C. F. Chandler, professor of chemistry at Columbia College, New York, says: "I have studied the question of its use as food, in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food."

Prof. George F. Barker, of the University of Pennsylvania, says: "Butterine is, in my opinion, quite as valuable as a nutritive agent as butter itself. It is perfectly wholesome, and is desirable as an article of food. I can see no reason why butterine should not be an entirely satisfactory equivalent for ordinary butter, whether considered from the physiological or commercial standpoint."

Prof. S. W. Johnson, director of the Connecticut Agricultural Experiment Station, and professor of agricultural chemistry in Yale College, New Haven, says: "It is a product that is entirely attractive and wholesome as food, and one that is, for all ordinary and culinary purposes, the full equivalent of good butter made from cream. I regard the manufacture of oleomargarine as a legitimate and beneficial industry."

Prof. C. A. Goessmann, of Amherst Agricultural College, says: "Oleomargarine butter compares in general appearance and in taste very favorably with the average quality of the better kinds of dairy butter in our markets. In its composition it resembles that of ordinary dairy butter, and in its keeping quality, under corresponding circumstances, I believe it will surpass the former, for it contains a smaller percentage of those constituents which, in the main, cause the well-known rancid taste and odor of a stored butter."

Prof. J. W. S. Arnold, professor of physiology in the University of New York, says: "I consider that each and every article employed in the manufacture of oleomargarine butter is perfectly pure and wholesome; that oleomargarine butter differs in no essential manner from butter made from cream. In fact oleomargarine butter possesses the advantage over natural butter of not decomposing so readily, as it contains fewer volatile fats. In my opinion oleomargarine is to be considered a great discovery, a blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food."

Prof. Paul Schweitzer, Ph. D., LL. D., professor of chemistry, Missouri State University, says: "As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter."

Now, Mr. President, if this bill passes the effect will be not only to prevent the manufacture and sale of colored oleomargarine, but to cripple the whole oleomargarine industry in this country. There are two reasons why it will destroy the manufacture of colored oleomargarine: First, because colored oleomargarine is now sold for only 3 or 4 cents more than the cost of production, and when you add to this the 10 cents tax proposed by this bill it will, on account of the price, be unsalable. Secondly, if this bill passes this first section would make effectual the anticolor laws of the several States, which are now ineffectual and largely inoperative because of the decision of the Supreme Court in the original package case and in the Schollerberger case. The sole object of the first section of this bill is, by breathing life into these laws, to make oleomargarine a contraband of commerce, to take from it its character as a commercial product and deny it the protection of the interstate-commerce clause of the Constitution, which the Supreme Court decided it is entitled to enjoy, and place it in the category of spirituous liquors.

The effect would be to take from colored oleomargarine 60,000,000 of its possible purchasers and consumers who live in the States in which these laws have been passed. Its passage may not



stop the manufacture of uncolored oleomargarine, but it will handicap it to such an extent as to make its profitable manufacture extremely doubtful, because it is well known, on account of the taste and fancy of the consumer (the same taste and fancy which dictates to the producer of white butter coloring matter to make it more palatable and pleasing), that there is practically no demand, or at least such a limited demand, for the uncolored article as butter as to make its manufacture for that purpose unprofitable, and the other demands for white oleomargarine are so limited that it is extremely doubtful whether its use would be sufficiently large to remunerate the large amount of capital invested in this industry.

Mr. President, in addition to the destruction of the oleomargarine industry and the millions of dollars worth of property invested in that industry, let us inquire what other important and legitimate occupations and industries will be affected by this legislation. Now, it is said that butter is a product of the farm; that the cow stands at the threshold of all agricultural prosperity, and that both she and her product should be protected. I do not deny the great value of the dairy cow. The dairy interest is one which should be encouraged, and the use of the cow in the home and upon the farm can not be overestimated. Both she and her product are entitled to all legitimate encouragement and protection.

But oleomargarine is also a farm product and an honest and legitimate industry. Practically everything that enters into it is made upon the farm—milk, cream, butter, cotton-seed oil, neutral lard, and oleo oil, all of them farm products, and at least 40 per cent of them the product of the cow herself. Chemically it is the same as butter. It has every chemical ingredient that butter has and none other. Now, the people who furnish the larger part of the ingredients that enter into oleomargarine are the cotton-seed oil manufacturers and the growers of beef cattle and hogs. These people believe, and honestly believe, that this legislation will affect them injuriously, and they are here protesting against its passage. They have sent representatives here; they have sent petitions here; they have sent resolutions here. I have here the resolutions passed by the cotton-seed oil superintendents of North and South Carolina, at a meeting held in July, 1900, at Charleston, S. C. I will read them, for they show the opinion of these skilled managers of this great Southern industry as to the effect of this legislation upon their business and through them upon the grower of cotton seed.

#### SUPERINTENDENTS OF OIL MILLS IN NORTH AND SOUTH CAROLINA.

Resolutions against oleomargarine tax offered at meeting of cotton-oil mill superintendents:

"CHARLESTON, S. C., July 6.

"Cotton-oil superintendents from South Carolina and North Carolina met yesterday at the Calhoun Hotel for the purpose of organizing the cotton-oil mill superintendents' association.

"After the constitution and by-laws were read and adopted, the following resolutions were offered by A. A. Haynes:

"*Resolved*, That this association, representing millions of dollars of invested capital in the South, strongly protests against national class legislation which aims directly at the destruction of competition in the manufacture and sale of wholesome and healthful articles of food.

"*Resolved*, That we protest strenuously against the passage by Congress of the Groul oleomargarine bill, which proposes to tax oleomargarine 10 cents per pound, and thus to drive it from the market.

"*Resolved*, That this association implores Congress not to destroy an industry which now uses nearly 10,000,000 pounds of the best grade of cotton-seed oil annually, and thus kill that quantity of our most profitable output.

"*Resolved*, That we urge the legislatures of South Carolina and of other Southern States to remove from their statute books the antioleomargarine legislation thereon, because such acts are only in the interest of the renovated and process butter factories of the North and Northwest, and against the hog fats, beef fats, and cotton-seed oil products grown on our Southern farms.

"*Resolved*, That a copy of these resolutions be sent to the National Provisioner, of New York and Chicago, the indomitable champion of the cotton-oil interests, for publication, and that the members of this association proceed to secure, if possible, the repeal of the obnoxious State laws above referred to.

"*Resolved*, That this association will do what it can to cause the defeat of the Groul antioleomargarine bill in Congress during the coming session."

Among the cotton-seed oil manufacturers who appeared before the committee of the Senate during the Fiftieth Congress against this bill was Mr. D. A. Tompkins, of my State. I know Mr. Tompkins well. He is largely interested not only in cotton-seed oil mills, but in various lines of manufacturing. He is one of the most prominent and useful men in the whole South, a leader in its industrial development, a man of broad information, accurate knowledge, and absolutely reliable in his statements. In the speech made by him before the committee he stated:

I say that if they pass this legislation they will undo it later, because they will hear from their constituents again when they do it. And why? Because, for instance, if you pass this law throughout the whole South you will appreciate the products of corporate dairies, of men with large fortunes, while you will depreciate by \$2 a ton all the cotton seed that is sold in the South to a cotton-seed oil mill.

If petitions from farmers were any good, and if these cotton-seed oil people had had the foresight to go about it, they could have gotten a petition signed by every cotton farmer in the South, because practically none of them have any interest whatever in the dairy business, and every single one of them has an interest in the cotton-seed oil industry to the sake of making or losing \$2 a ton, according to whether you pass this bill or whether you do not pass it.

The ACTING CHAIRMAN. Do you think it would depreciate cotton-seed oil? Mr. TOMPKINS. I know it.

Mr. KNIGHT. If there is any other representative of the cotton-seed interest here I would like to get him to give me the figures as to the interests of the cotton-seed oil people here. According to a little calculation I have made, the amount of cotton-seed oil used in oleomargarine constitutes less than two-thirds of 1 per cent of their gross output.

Mr. TOMPKINS. I can tell you right now that they have \$3,000,000 worth of interest a year in it, if this bill is passed in depreciation of the value of cotton seed. According to my estimate of 3,000,000 tons of cotton seed which are used for making oil every year, their loss would be \$6,000,000 a year—the loss of the cotton-seed people alone. Now, you would bleed the working people of the country of ten millions more, and you would bleed the stock people of five. That is what you would do. That is an estimate of the value, in dollars and cents, of these interests.

Not only the manufacturer of this oil is interested in maintaining this market for his product, but the Southern farmer who makes the seed out of which this oil is made is also interested, and surely there is no class of people in this country who need more help than the cotton farmers of the South, and against whom discriminating legislation is more unjust, for in all the prosperity about which we hear so much the cotton farmer of the South has had but little share.

While the prices of other products have gone up, the price of his, except for a little while during the year 1900, has ranged so low it is with difficulty he has been able to make a living. For these reasons he is weak and ill able to stand such a blow as this. True, he is sometimes a dairyman and makes a little butter to sell, but in the South there are at least 20 farmers and laborers who buy all the butter they consume to every Southern farmer who makes butter to sell, and the one who sells always finds a ready market at remunerative prices right at his door. I have had no petitions or letters from the farmers of my State for this bill, except from a few dairy farmers, and most of these bear evidence of having been inspired by the dairy trust.

When representatives of the cotton interests and the live-stock interests come here protesting against this legislation as injurious to their interests they are waived away and told that they do not know what they are talking about. One Senator the other day in the debate here rolled as a sweet morsel under his tongue the declaration of the Secretary of Agriculture with reference to the statement of a stock raiser that the passage of this bill would depreciate the value of beef cattle, when he said that "he does not know what he is talking about—that same cattle man."

The statements and representations and the petitions and appeals of the farmers of the South and the stock growers of the West fall upon deaf ears. They are told that they do not know what they are talking about, that they do not know what their interest is. Yet when we are considering tariff measures here and making schedules and imposing duties for the protection of home products against foreign products, the representatives of the great trust combinations and of the great protected industries come here and make all sorts of wild representations as to the effect of legislation upon their business, and they are accepted with childlike credulity and they are given whatever they demand.

That is what has often been seen here in the past. It will be seen again when we get to making tariff schedules. Representatives of these great combinations and protected interests who are selling their products in foreign markets for 25 and 30 per cent less than they are selling them in this country will come here and demand that the protection accorded them against foreign competition be continued, and with full knowledge of these facts as to the prices for which they are selling their products abroad their demands will be granted, and the protection they now enjoy but do not need will be continued.

Now, Mr. President, I say that the cotton-seed oil men are interested. Why do I say it?

Mr. HARRIS. Will the Senator from North Carolina permit me to interrupt him?

Mr. SIMMONS. Certainly, sir.

Mr. HARRIS. I should like to know to what extent the protection of the cotton-seed oil interests is to be carried? As the Senator is probably well aware, it is now an absolute impossibility to buy a bottle of pure olive oil in this city. I will venture to say that no Senator can buy a bottle of olive oil in this city. Whether it has a French label or an Italian label, it is invariably principally cotton-seed oil. We can not buy a box of sardines, whether they are packed on the coast of Maine or on the shores of the Mediterranean, that they are not put up in cotton-seed oil and saturated with it. Does the Senator mean to say that we have got to justify the use of cotton-seed oil all along these lines when it masquerades as something which it is not?

Mr. SIMMONS. To the extent, Mr. President, that cotton-seed oil, or oleomargarine, or any other product masquerades for what it is not, I am just as willing and as anxious as the Senator to pass legislation which will put an end to that masquerading. If cotton-seed oil, or any other farm product in the South, has obtained any protection against the competition of olive oil or any other foreign product that is sold in this country



in competition with it, it has nothing more than what is due to it. Although we have not asked for it, as the Senator from Mississippi [Mr. MONEY] suggests, Southern interests are entitled to it, because in the application of the general principle of protection, without any regard to the right or wrong of that principle, it would be unjust to discriminate against the products of one section and in favor of the products of another section. If that is to be a principle of government, it should be administered with sectional impartiality.

But, Mr. President, that has nothing to do with the phase of this question which I am now discussing. It is not whether there should be protection against a foreign product, but whether we should inaugurate here in this country a system of internal tariff duties, and whether we should use the taxing power of the Government for the purpose of building up one home industry by destroying another. That is what this bill will do if it becomes a law. It is using the taxing power of the Government for the purpose of building up and promoting and fostering the dairy interests of this country at the expense of and to the injury of the cotton-seed oil interests and the stock-raising interests in this country.

Now, I say these cotton-seed-oil men know what they are talking about. They have protested and they do protest against this legislation. They have passed resolutions, they have sent petitions, and they have sent representatives here to Congress to present their grievances and to protest against this legislation.

When Mr. Tompkins, of my State, was before the committee, in his statement, to which I have before referred, he said that the destruction of the manufacture of oleomargarine in this country meant the depreciation to the extent of \$2 a ton for every ton of cotton-seed used in the manufacture of oleomargarine.

But you say that does not affect anything except the cotton seed that is used in oleomargarine. Mr. Tompkins answered that in his statement by saying that there was a sufficient demand made by the use of cotton seed in making oleo oil, and the price for the seed thus used was sufficiently high to raise the level of the price of the whole cotton-seed product of the South; that effect was not limited to the amount of seed used in the oil business, but extended to the whole product.

Speaking upon this same subject, another witness before the committee, Mr. Bond, said that the price paid for the seed used in the manufacture of oleo oil went far toward settling the price of the whole cotton-seed product of the South. That is but another way of stating a principle axiomatic in commerce, that the price of the surplus of an article fixes the price of the whole article. It is not the quantity used, but the high price paid and the fact that the market is sufficiently large to raise the price of the whole product to a certain level.

Mr. HARRIS. Just in that connection, I should be very glad if the Senator from North Carolina would state of what importance the use of cotton-seed oil as a substitute for olive oil would be in this relation.

Mr. SIMMONS. I am not prepared to answer the Senator as to that, for I know nothing about olive oil. I have never studied that question.

Mr. HARRIS. It would affect the California olive-oil product.

Mr. SIMMONS. I am sorry that I am not prepared to give any information to the Senator on that subject, but I do not possess it.

Mr. HARRIS. It is on the question affecting cotton-seed oil.

Mr. SIMMONS. Yes; it is germane, and I should like to answer the Senator's question, but I can not. I am not familiar with the uses and constituent elements of olive oil.

The advocates of this bill ridicule the idea that the interests of the growers of beef cattle and hogs will be seriously affected by it, and yet, Mr. President, we find the representatives of this interest from one end of the country to the other greatly stirred up over this legislation. They too have sent representatives before your committee to protest in most vigorous terms.

Associations representing these interests have passed vigorous resolutions of protest against it. I wish to present now the resolutions passed at a meeting of the National Live Stock Association, which met in Chicago last December. There were some 1,500 delegates in this convention, and about 130 branch organizations, scattered all over the country, were represented. The resolutions, which I will not read in full but ask permission to insert in my remarks, were adopted by the unanimous vote of this convention, and, I take it, embody the honest convictions of this body as to the effect of this legislation upon the live-stock interest of the country, all of which was represented except the dairy interest.

The following resolutions were unanimously adopted by the fifth annual convention of the National Live Stock Association, held in Chicago, Ill., December 3, 4, 5, 6, 1901:

"Whereas the National Live Stock Association has heretofore announced itself as unalterably opposed to that class of legislation which builds up one industry at the expense of another equally as meritorious, and has opposed the passage of the bill for a law known as the Grout bill, which certain dairy interests sought to have passed by the last Congress of the United States, but which failed to reach a vote; and

"Whereas unofficial notice has been served upon the officers of this association that this same measure will be reintroduced in the coming session of Congress and forced to an issue; and

"Whereas the openly expressed intention of the movers of this law is to destroy the manufacture of oleomargarine, a product of the packing house, which has been declared by Government authorities to be a pure food product as wholesome and healthful as butter; and

"Whereas the stockmen of the United States believe that this product should be sold upon its own merits, and favor any legislation that will prevent or compel the manufacturers to sell their product for just what it is, a substitute for butter, but draw the line on legislation that would unjustly hamper the industry by compelling the manufacturers to offer their product in a form that would make it offensive to the eye of the consumer, and consequently unpalatable; and

"Whereas the so-called 'Wadsworth' substitute for the Grout bill, offered in the last Congress, which provides that the oleomargarine product be only offered for sale in 1 and 2 pound packages, each package labeled in plain letters, meets with the approval of the members of this association: Therefore,

"Resolved, That the National Live Stock Association, in convention assembled, representing more than four billions of invested capital, reiterates its former expressed disapproval of such class legislation as the old Grout bill, and we protest against the passage of any law of this nature, firmly believing that such legislation is unjust, unconstitutional, and unfair, and not to be tolerated in a free country.

"Resolved, That we heartily approve of such legislation as the law proposed by the Wadsworth substitute in the last Congress, and we approve any legislation which, in a legitimate manner, compels manufacturers to offer their products for sale for just what they are.

"Resolved, That we heartily indorse the position taken by Hon. J. W. WADSWORTH, chairman of the House Committee on Agriculture in the last Congress, and believe that in justice to him he should be retained as chairman of that committee in the present Congress. The thanks of this convention are due and are hereby tendered to Senators MONEY, of Mississippi; HEITFIELD, of Idaho; WARREN, of Wyoming, and BATE, of Tennessee, members of the Senate Committee on Agriculture, for their able and successful opposition to the passage of the Grout bill during the closing session of the last Congress.

"Resolved, That the executive committee of this association be instructed to forward copies of these resolutions to Congress, and to take such action as it may think necessary and proper to oppose the passage of any bill containing such provisions as the so-called Grout bill."

Attest:

JOHN W. SPRINGER, President.  
CHAS. F. MARTIN, Secretary.

Mr. MITCHELL. May I ask the Senator from North Carolina a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. SIMMONS. Yes, sir.

Mr. MITCHELL. May I ask the Senator the purport of those resolutions?

Mr. SIMMONS. The general purport of those resolutions is condemnatory of this bill, and that this class of legislation is injurious to the interests of the stock growers.

It is positively asserted, not only by the breeders of beef cattle, but by dealers in beef cattle, that the use of oleo oil, made from the caul fat of steers, in oleomargarine has increased the value of this class of cattle from \$2 to \$3 a head, and by dealers in hogs that the use of the leaf fat of the hog in oleomargarine has increased the value of the hog 20 cents a head. In support of this contention they show that caul fat for use in oleomargarine brings 10 cents a pound, while for use in tallow it brings only 6 cents a pound; that leaf fat used in oleomargarine sells for 8½ cents a pound, while for lard it sells for only 6 cents a pound, and that the demand for these products for this purpose is sufficiently large to fix the price of the whole product, and that thus the value of caul fat and leaf fat has been raised, respectively, from 6 to 10 cents and from 6 to 8½ cents a pound.

Mr. John C. McCoy, a Western farmer and stock raiser, as well as commission merchant for the sale of cattle, appeared before the Senate Committee on Agriculture and Forestry against this bill in the Fifty-sixth Congress, and I wish to present a part of his statements, giving statistics showing the effect of the passage of this measure upon the live-stock interests of the country:

Mr. McCoy. The average beef steer contains about 50 pounds of caul fat, and the average hog about 8 pounds of leaf fat. The market price to-day for caul fat for oleomargarine purposes is about 10 cents per pound, while tallow is worth about 6 cents; and the leaf fat for oleomargarine purposes 8½ cents per pound, and for lard only 6 cents. Those are very close approximate values.

There has been slaughtered in Kansas City since January 1, 1900, to date over 1,000,000 cattle, producing approximately 50,000,000 pounds of oleo oil, worth to-day for oleomargarine purposes 10 cents per pound, or \$5,000,000. Were it not for the demand the manufacture of oleomargarine has created for oleo oil, this product would have been sold for tallow at 6 cents per pound, netting \$3,000,000, a difference of \$2,000,000, or \$2 per head for each animal slaughtered.

During the period just mentioned there were slaughtered at Kansas City approximately 3,000,000 hogs, producing about 24,000,000 pounds of leaf fat, worth for oleomargarine purposes, at 8½ cents per pound, \$2,040,000. The demand for this product as an oleomargarine ingredient removed, it would have been sold for lard at 6 cents per pound, or \$1,440,000, a difference of \$600,000, or 20 cents per head for each hog slaughtered.

Had it not been possible to use these two products for oleomargarine purposes instead of tallow and lard, it would have cost the farmer marketing their stock at Kansas City this year \$2,600,000. The same is true at all the principal live-stock markets in proportion to their receipts. The five large Western markets—Chicago, Kansas City, St. Louis, Omaha, St. Joseph—have handled since January 1, 1900, to date, 6,500,000 cattle and 16,300,000 hogs. Of that number at least 75 per cent of the cattle, or 4,875, were slaughtered, and practically all of the hogs. A difference of \$2 per head on the cattle and 20 cents per head on the hogs would mean a loss to the Western farmers on their marketing of cattle and hogs for the year 1900 of \$13,000,000.

But, gentlemen, carry the reasoning still further. The Government report shows that on January 1, 1900, there were in the United States 27,610,000



cattle other than milch cows, or cattle available sooner or later for beef. A depreciation of \$2 per head on them would mean \$55,230,000. The same authority gives the number of hogs in the United States on January 1, 1899, approximately, 88,650,000.

**THE CHAIRMAN.** Would it reduce the value of the milch cow to have the manufacture of oleomargarine stopped? I thought you included all the cattle.

**MR. MCCOY.** No, sir; I included only the cattle other than milch cows. The Government makes a distinction. It would reduce the value of the milch cow, because the ultimate destination of all cattle is the block. Milch cows are used for a long time for milk purposes, but unless they should happen to die of old age, which the farmer generally sees is not the case, the ultimate destination of the milch cow is the block.

**MR. PROCTOR.** Mr. President—

**THE PRESIDING OFFICER.** Does the Senator from North Carolina yield to the Senator from Vermont?

**MR. SIMMONS.** Yes, sir.

**MR. PROCTOR.** I should like to ask the Senator from North Carolina if he does not recollect the testimony of Mr. Hobbs, who represented the opposition to this bill before the committee—he stated that the total number of cattle slaughtered in this country was about 11,000,000—and if, taking the total amount of oleo oil used in oleomargarine, the figures would not show that the amount was not over 25 cents and a fraction per head.

**MR. SIMMONS.** I do not remember that statement.

**MR. PROCTOR.** The Senator will find that the totals that were submitted to the committee figured about 25 cents per head.

**MR. SIMMONS.** I do not remember to have heard that. I do not dispute that he made the statement which the Senator has quoted.

But there is not only the testimony of Mr. McCoy, but the great preponderance of testimony, nearly all of the testimony in fact taken by the committee, tended to show that the depreciation in the value of beef cattle as the result of this legislation would be from two to three dollars per head. I think the National Live Stock Association so asserted in their resolutions.

Of course I do not know whether or not these statements are true; but I know they come from men who are engaged in the business of raising and selling cattle and hogs. They are supposed to know something about the effect of this legislation—not its future effect, for they are not speaking about that, but its past effect upon their product—and I am willing to take their statement as at least approximating the truth in this matter.

Not only the cotton-seed-oil interests and live-stock interests, but the labor organizations, have sent representatives here. Mr. Patrick Dolan, president of the United Mine Workers' Association, and another gentleman, Mr. John Pierce, representing the Amalgamated Association of Iron and Steel Workers, appeared here in the interest of the tens of thousands of laborers belonging to these great labor organizations. Let me read two short extracts from the statements of these two labor leaders. First I read from the statement of President Dolan, as follows:

Our people, Mr. Chairman, are against the passage of the measure. I represent over 40,000 miners and their families, and I know from the sentiment in other sections of the country to which I go, from talking to people who are interested in our organization, that they do not want to be deprived of the ability to purchase this wholesome article of food. If it is not made in a wholesome way, then they do not want it; but if it is just as good to them to spread their bread with as 35-cent butter, they do want it. And if this measure passes, the chances are that butter will go up to 50 cents, and poor people will not be able to purchase it at all.

Now, let me read from the statement of Mr. Pierce:

The interest of the consumer seems not to have been considered at all, the sole idea apparently being that the creameryman and dairyman should have a monopoly of the entire market for their wares, by rendering a competing product so unattractive that nobody would care to purchase it. Do you think that all the workmen of western Pennsylvania or of these United States (a portion of whom I represent in the Amalgamated Association of Iron and Steel Workers) can afford to pay 35 cents per pound for creamery butter, which is the present price for the first-class article in Pittsburgh? Everyone, I think, will admit that all can not.

If this bill passes, what position are we in? On examination we find that we will have three options, viz, (1) creamery butter at 35 cents, if the conditions are no worse, and I am not sure but that the passage of this bill may make it 50 cents per pound; (2) colored oleo at 25 cents per pound, on account of the 10-cent tax; (3) white oleo at 15 cents.

Colored oleomargarine is at present retailed at from 12½ to 20 cents per pound. On investigation I am satisfied that most of our people are paying about 15 cents per pound for it, and I can not admit that those who buy it can afford to pay more. I therefore arrive at the conclusion that they must either find 10 cents per pound more to pay this proposed robbery—for I can not dignify it by the name of tax—or buy and eat white oleomargarine. And this to satisfy the greed of the manufacturers of butter, who think that white oleomargarine is good enough for those who can not afford to pay 10 cents additional for yellow, or the 20 cents or more additional for creamery butter, or use the off grades of butter now unsalable as food.

But, Mr. President, in answer to these petitions and resolutions and representations of the mill men and farmers and stock growers, we are told that there is very little oleomargarine manufactured and sold in this country, and that these interests will be but slightly affected by the destruction of this industry. It is true there is not a very great amount of oleomargarine manufactured now; only a little over 100,000,000 pounds a year.

And yet the amount of oleomargarine consumed in some of the States of this Union where there has been no hostile legislation, such as Rhode Island, for illustration, where 8 pounds per capita is consumed a year, shows conclusively that if this industry were encouraged instead of handicapped that we would be producing

and selling in this country to-day probably half as much oleomargarine as we are selling butter; and but for the prejudice that has been created against it by agitation and misrepresentation in the interest of the dairy we would probably be manufacturing and using as much per capita in this country as they use per capita in Denmark. And upon that basis, instead of a demand in this country for 100,000,000 pounds, there would be a demand for at least 1,300,000,000 pounds.

If the comparatively small amount of cotton seed and the comparatively small amount of oleo oil and neutral oil used in the manufacture of 100,000,000 pounds now used is a source of benefit to the cattle farmer and hog raiser, as they all unite in saying there is, how much greater would be the profits and how much greater would be the demands for these farm products if this industry had been unfettered and allowed to expand to the proportions to which it would undoubtedly have attained but for this adverse legislation and agitation. In considering the effect of prospective legislation upon an industry, it is not fair, nor is it the American way, to look only at its condition when fettered and hampered by adverse environments, but also to look to what would be and will be its state if protected by fair and just laws.

Mr. President, there is another interest in this country affected by this legislation which is more entitled to the consideration of Congress than the interest of the farmer, or the manufacturer of oil, or the raiser of beef, and that is the great army of consumers in this country. They are mostly poor people; they are laboring people; they work on the farms; they work in the factories; they work in the mines, and they can not afford to pay high prices for the products which they consume.

In oleomargarine they have found a cheap article which, since they have come to learn that it is a healthy article, a nutritious article, is entirely satisfactory to them. They buy it; they use it extensively, and they can afford to pay the price for which it is sold; but they can not afford to pay the high prices of dairy butter. Much less can they afford, after this legislation goes into effect, which will drive oleomargarine from the market, and make a scarce market, and therefore a high-price market, to buy dairy butter at the high price to which it will go, for I believe, and the laboring people believe, and they state that belief in the memorials to which I have just referred, that in their opinion the result of this legislation will be to put the price of dairy butter up to 40 or 50 cents a pound. Then they will not be able to buy it at all.

These laboring people, as well as all other consumers of butter or any of its substitutes, are entitled to consideration in connection with this question. With oleomargarine out of the way we will have to look solely and exclusively to the cow for butter.

It is sheer nonsense to talk about the capacity of the cows of this country to supply unaided a cheap butter. There are not enough milk cows now to do it, and there will not be in a reasonable time enough to do it. There are only about 17,000,000 milk cows in the United States, and there are between seventy-five and eighty millions of people to be supplied. Strike down oleomargarine and you will do a great thing for the great trusts that now control the dairy interests of the country. It will give them the finest market in the world free and without competition. The rich will have to pay a little more for their butter, but they will be able to get what they want. The poor man will either have to pay more for his butter than he can afford to pay or he will have to go without it.

But, Mr. President, there is another ground upon which we who oppose this bill base our opposition to it, higher than that of the pecuniary interest of the producers of either butter or oleomargarine or the products out of which they are made. It is opposition to special legislation. This bill is special legislation of the most dangerous character. It has long been the custom in this country to use the taxing power of the Government to protect the products of home industries against the productions of foreign countries. The right or wrong of this I do not now propose to discuss, but this is the first time in our history that it has been proposed, deliberately proposed, to use the taxing power of the Government to build up one home interest by pulling down another.

If you start upon this legislation, where are you going to end? There was introduced in the House of Representatives the other day a bill which proposes to brand and mark an article of commerce known as shoddy. Shoddy is a material made largely from cotton goods, but in imitation of wool. There is but a small modicum of wool in it, but it looks like wool; it feels like wool; it is bought and worn as wool by poor people; but they know it is not wool because of the difference in price between these shoddy goods and genuine wool. Yet it is proposed now to brand and mark that in the interests of wool.

I know the bill to which I have referred was introduced by an opponent of the pending bill, as I am, but by a man impregnated with this idea of class legislation, as I am not. I think the bill obnoxious in a large measure to the same objections which should obtain against the the pending measure. It is not proposed in



that bill to tax shoddy, but what will be the next step? The next step in the evolution of this scheme and system of legislation would lead to the taxing of shoddy for what? In the interest of the sheep, just as it is proposed here to tax oleomargarine in the interest of the cow.

There is another imitation product in this country sold as silk. It is a very common article made in imitation of genuine silk. I do not know exactly the materials which are in it, but there is very little silk in it. Yet under the skillful manipulation of the adulterants of clothing it has been wrought in imitation of silk. You can not easily tell it from silk. Poor people buy it and wear it because it is cheap and because it looks like silk, and nobody except an expert can tell it is not the silk which the rich lady wears. Under the theory of this bill there is no reason why that product should not be taxed out of existence, and it would be, I suppose, if there was much silk grown and manufactured in this country.

There is a long train of similar articles that could be brought under the ban of this same class of legislation and taxed to death in the interest of some other article which it resembles called the genuine article.

If we enter upon this species of legislation, Mr. President, we shall soon have established here in America a system of internal tariff taxation very much akin to that which we now have upon our statute books applying to foreign trade, and we shall have, first, one product taxed in the interest of another and for the protection of another; then we shall have the products of one section taxed in the interest and for the protection of the products of another section; and, finally, we shall have Congress exercising its powers and its functions under the interstate-commerce clause of the Constitution in order to give the States, as it is proposed now to give them in this bill, a free hand to legislate independently of the protection of that clause against the interests of other States, and we shall have here in this country that very condition of State discrimination and State exclusion that played such an important figure in the original formation of the Government under which we live.

Mr. President, there are other features of this matter which I should like to discuss and which I intended to discuss, but I shall not trespass any further upon the patience of the Senate.

Mr. PROCTOR. Mr. President, I have been very much interested, as I have no doubt all have been who have listened to the Senator from North Carolina [Mr. SIMMONS] in his able discussion of this question. I only desire at this time to refer to one or two minor points. One is the matter of the live-stock interests in the manufacture of oleomargarine. It is very easy for men interested in live stock to make the offhand statement that it would entail a loss of two or three dollars a head if this bill should be enacted into law. It is true, as the Senator from North Carolina states, that representatives of the live-stock industry did make such statements in a hearing held a year ago this winter—I do not recollect any such statements this winter—but, the figures show how that is.

Mr. John F. Hobbs, the editor of the National Provisioner, of New York, a man whose opinion doubtless is as accurate as any man's can be in the absence of statistics which would show exactly, was before the committee in the interest of the live-stock people. He has been the manager of the opposition to this measure, and has carried on largely the correspondence with the opponents of the measure—the oleomargarine manufacturers. He gives the total number of cattle slaughtered in this country annually at 11,000,000 head. The total amount, according to the census bulletin, of oleo oil used in manufactures in this country is \$3,744,235 worth, but it is not all used in the manufacture of oleomargarine. It appeared before the committee that some of it was used for other purposes, the manufacture of soap, for instance; but admitting for the sake of argument that every dollar of it is used in the manufacture of oleomargarine, and figuring out the result, it gives 24 cents 9.4 mills, a fraction under 25 cents, as the total amount of oleo oil used per head of cattle.

I wish to make one other statement. The Senator from North Carolina speaks—and I agree with him in that—of process and renovated and adulterated butter. His suggestions in that regard differ from those of other Senators who favor this bill, and I agree with the Senator that this measure should deal impartially with all those products. I think he will find, if the amendment of the Senator from Kansas [Mr. HARRIS] is adopted, that it does deal impartially and fairly with all adulterations and mixtures of butter that pass as butter, and that he will find when the measure is perfected by that amendment that it is in effect, so far as butter is concerned, a pure-food bill and a class of legislation that is certainly just and right and demanded by the people.

Mr. SPOONER. I should like to ask the Senator a question. How much does the Senator from Vermont think the cattle raisers get out of the profits of the beef combine from the by-products of the cattle? In other words, how much does it affect the price?

Mr. PROCTOR. I think that is a question that could be better

answered by the great purchasers and raisers of live stock themselves.

Mr. MITCHELL obtained the floor.

Mr. HEITFELD. I should like to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. MITCHELL. Certainly.

Mr. HEITFELD. How much does the tariff on hides bring the owner of cattle?

Mr. SPOONER. I will answer that question just as the Senator from Vermont answered my question—I do not know; but I have had a very grave suspicion that it did not make very much difference.

Mr. HEITFELD. Still, it was contended here during the tariff debate that the tariff was placed on hides in the interest of the cattle raiser.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. MITCHELL. I yield to the Senator.

Mr. CLARK of Wyoming. In view of the statement made by the Senator from Vermont, I should like to ask if it is the intention of the Senator or of the committee to support or accept the amendment proposed by the Senator from Kansas [Mr. HARRIS]?

Mr. PROCTOR. I will say to the Senator that it is.

Mr. MITCHELL. Mr. President, I do not rise to make any extended remarks on this bill. I do desire to say, however, that I favor this scheme of legislation. I am in favor of the passage of this bill as reported from the Committee on Agriculture and Forestry, and I rise now for the simple purpose—because I think it is in line just at this point in the debate—of contributing, for the information of the Senate and of the country, an article published in the New York Herald of last Friday on the subject of the beef trust.

It seems to be admitted here that those engaged in that industry are severely hostile to this piece of legislation; that they are fighting it from every conceivable standpoint, because, as the Senator from Wisconsin [Mr. SPOONER] suggests to me, they make the product of oleomargarine and imagine that this proposed legislation is going to interfere somewhat with their business. As bearing, however, upon that question and as an answer to the resolutions which the Senator from North Carolina [Mr. SIMMONS] said a few moments ago had been adopted by the live stock men at Chicago, I desire to insert in the RECORD as a part of my remarks the article to which I have attracted attention.

The price of beef it seems to me has advanced all over the country to the consumer very largely in the last few months. It has been very noticeably so. It has advanced 2 or 3 cents a pound. The beef trust I am advised are coining their millions out of this industry. Therefore I ask unanimous consent to insert in the RECORD as a part of my remarks this article in the New York Herald. I do not pretend to vouch for the truth of all the statements contained in this article. I do pretend, however, to vouch for the truth of the statement that the New York Herald is one of our great metropolitan papers, and I believe no paper in the country stands any higher or receives more universal approval in its statements generally than does the New York Herald. It is all that I desire to say, and if I can have unanimous consent to insert this article, and the whole of it, I shall be obliged to the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. CULLOM. Have it read.

Mr. MITCHELL. It is too long.

Mr. BACON. Before the Senator from Oregon takes his seat, I should like to ask him a question, with his permission.

Mr. MITCHELL. Certainly.

Mr. BACON. It requires that I should make a brief statement before I submit the question. I do not suggest this as a jest. I should premise it, however, by stating that the Senator represents a constituency largely interested in the canning of salmon.

Mr. MITCHELL. That is a fact.

Mr. BACON. I saw in the papers a year or two ago that a company had been organized somewhere on the Mississippi River—the Upper Mississippi, I believe—the business of which was to be the catching of catfish, coloring the catfish in semblance of salmon, canning it, and selling it as salmon. I should like to ask the Senator whether or not he would favor a tax of 10 per cent on that industry in order to protect the salmon industry of Oregon?

Mr. MITCHELL. I suppose they are cooked in cotton-seed oil.

Mr. BACON. That may be; but I am not on cotton-seed oil now; I am on colored catfish. I desire to ask the Senator whether in the prosecution of this same idea he would desire to have the catfish industry taxed to the extent of 10 cents a pound in order to protect the Oregon salmon industry?

Mr. MITCHELL. When the Senator from Georgia is in earnest—

Mr. BACON. I certainly am.

Mr. MITCHELL. We always pay the greatest respect to him, but when he gets funny—

Mr. BACON. I do state with the utmost sincerity that there has been such a statement published. Whether true or not, I do not know. The Senator is quoting a newspaper, and I simply vouch for the fact that I saw such a statement in the newspapers, as the Senator vouches for the fact that he sees this article in the Herald.

Mr. SPOONER. It was a joke.

Mr. BACON. It was not supposed to be. I wish to test the sincerity of the position the Senator from Oregon occupies. I want to know whether in such a case, not limiting it to the butter industry, the Senator is in favor of taxing such a spurious product in order to protect the salmon industry of the Pacific coast, and also in all other similar cases, or whether he wishes to limit it to this particular one.

Mr. MITCHELL. The question of the salmon industry is not now before the Senate. When there comes before the Senate a proposition to tax something in connection with the salmon industry, then I will talk about it with the Senator from Georgia.

Mr. BACON. Then I will ask the Senator this question, with his permission: Whether he is in favor of extending legislation of this kind to all other industries which are manufacturing articles in competition with some other articles, in order that the genuine article may be protected at the expense of the spurious article?

Mr. MITCHELL. It will be time enough for me to answer that question when a proposition comes before the Senate to tax some other industry. The only question before the Senate now is in reference to oleomargarine.

Mr. BACON. The Senator is not prepared to say that if the same facts exist—

Mr. MITCHELL. It is not necessary for me to say it. It is not necessary even to answer the fish story of the Senator from Georgia.

Mr. BACON. It is not a question of necessity—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. MITCHELL. Certainly.

Mr. BACON. The Senator is not under any necessity to answer anything; but possibly there might be a consistency in his supporting all legislation of this kind under similar circumstances and an inconsistency in limiting it to this particular case, and I simply desired to know whether the honorable Senator intended to be consistent or inconsistent. It is not necessary that he should answer it. We would be very much edified, however, if he would give us an answer.

Mr. MITCHELL. I always aim to be consistent, and whenever any measure comes up here I will endeavor to act in such a way that I will not be open to the charge of inconsistency. As I said before, I do not vouch for the truth of every statement contained in the article, but we all know that the New York Herald is a cosmopolitan paper which stands along at the head of the list, and when statements such as are contained in this article are made in a paper like that, bearing so intimately and directly upon the question now under consideration by the Senate, I thought it was nothing more than proper and right, or at least permissible, to use no stronger term, to have them brought to the attention of the Senate.

Mr. BACON. Nobody objects to that.

Mr. MITCHELL. That is all I have to say, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none.

The article referred to is as follows:

BEEF TRUST SQUEEZES POOR FOR \$100,000,000—CAPACITY OF THE CHICAGO COMBINATION SHOWN BY THE LATEST ADVANCE IN PRICES—HUNGRY GO HUNGRIER; MEAT MADE A LUXURY—RECEIPTS OF FOUR CONCERNS REACH MORE THAN A HALF BILLION A YEAR—HOME INDUSTRY IS KILLED—LOCAL SLAUGHTERERS AND RETAILERS MUST BOW TO THE WILL OF THE WEST—NEW YORK'S SUPPLY REGULATED—HOW MUCH THIS CITY SHALL CONSUME IS DECIDED ON IN ADVANCE TO A POUND—BEEF TRUST'S TRADE HALF A BILLION A YEAR.

Annual trade controlled by the beef trust..... \$600,000,000

Annual business handled by the leading members of the combination:

Swift & Co.....	200,000,000
Armour & Co.....	190,000,000
Nelson Morris & Co.....	95,000,000
G. H. Hammond & Co.....	75,000,000

Business controlled by four packing-house firms in the beef trust..... 560,000,000

Absolutely controlling trade aggregating \$600,000,000 annually, the unofficial combination of interests known as the beef trust has succeeded, after many years of organization and expansion, in so completely dominating the provision markets of the United States that independent competition is killed. The strategic policy of the beef trust has become steadily more despotic and aggressive, until wholesale and retail butchers in New York and other cities who will not sign the ironclad agreement of the Chicago com-

bination are driven out of business by scores, both by being cut off from supplies and being openly undersold by agencies especially established for the purpose of crushing competition.

The latest "squeeze" engineered by orders from the pooled interests of the houses forming the trust is the boldest on record, and the middlemen and consuming population of New York have been forced to pay, within the last week, advances on prices already abnormally high of from 3 to 4 cents for beef, mutton, and pork. There has been a similar rise in other cities, until the increased profits of the beef trust over the scale of 1901 are conservatively estimated at \$100,000,000.

The recent movement makes fresh meat an almost prohibitive luxury to thousands of families in this city.

It is within the power of the beef trust to order another advance and pocket another \$100,000,000 with the mere labor of telegraphing the new schedule to their agents in every city and town in the United States.

Of the \$600,000,000 of yearly business, \$560,000,000 is handled by only four firms, who cooperate to the smallest details of regulating supply and demand from the stockyards to the retail markets. These are Armour & Co., Swift & Co., G. H. Hammond & Co., and Nelson A. Morris & Co. Their recent action in "skying" prices has aroused murmurs of open rebellion from New York meat dealers, but the beef trust employs a staff of experts whose business it is to whip the recalcitrant dealers back into line—to make them submit or be driven out of business.

#### DO NOT BID AGAINST EACH OTHER.

The combination to restrict trade in any kind of meats begins in the extensive stockyards of Chicago, St. Louis, St. Joseph, Kansas City, Omaha, and St. Paul. In these live-stock centers the cattle buyers for the houses of Armour, Swift, Morris, and Hammond never "cross bid" each other. If one of Armour's men sees an agent from Swift's bidding on one lot he does not interfere, but leaves the seller to take the price offered or keep his stock. If shipments are light or from any cause stock is scarce enough to cause a natural advance in the stockyard market, the trust agents avoid all purchases until the sellers are forced to come to their terms. Whenever independent buyers show pernicious activity, the beef-trust men, by united action and understanding, sweep the yards clean of stock to bar out competition and advance prices. Because of the lack of organized system the opposition can not market its purchases at these inflated prices. It must yield to the combination or quit business.

Having disposed of all competition on the hoof in the great cattle centers of the West, the trust next obtains from the railroads rebates which "squeeze" any possible rivals out of the competition in the cost of freight transportation. Products are, therefore, placed at any point in the country to be sold if necessary at prices which can not be met and fought in the local markets by dealers who kill their beef in their own countryside.

This system of underselling has been the club with which local slaughterers have been smashed right and left. These, together with the wholesale butchers and the feeding and fattening industry, which used to be the most profitable branch of small farming, are being rapidly driven out of existence. These men are now forced to work for or buy of the trust, or look elsewhere for a livelihood.

When the markets are reached the operation of the combination's system has been as follows: The wholesale butchers were asked to sell the trust products on commission, instead of buying from the farmers. Every dealer won over to the commission basis bagged two birds with one stone by removing a healthy competitor and compelling the farmer to find another market for his stock.

When the dealer declined to be won over the trust promptly opened an agency in his territory and pushed Western beef at prices suicidal to the opposition, which had to surrender for lack of resources. This warfare was carried the length and breadth of the United States, and then the field was ready for the next step.

#### INDEPENDENCE CRUSHED.

The commission merchants had a shred of independence left, and this must be taken from them. So they were forced to give up selling the meat products on commission and accept salaries as agents for one of the packing houses merged in the beef trust. If they refused, hostilities were revived by again opening agencies in the locality and selling at prices ruinous to the merchant. It is only a question of a very short time, under this system, before the salary proposition is accepted, and by the system the branch houses of the trust have been multiplied throughout the country.

This policy has been kept steadily in view since the organization of the great packing-house combination about twenty-five years ago.

A later development of the crusade was the establishment in large cities of local slaughterhouses, whose management is veiled behind firm names of their former proprietors.

#### REVOLT IN THE HUDSON VALLEY.

Light is thrown on the working of this system by the first organized protest against the jump in prices of the last week, which is voiced not by the dealers of New York, but the butchers of Fishkill Landing and Matteawan, who are up in arms against the beef trust as a measure of business life and death.

A meeting was held yesterday in which they decided that they must somehow fortify themselves against the torrent of high prices which, they said, was "sweeping them off the earth."

All the dealers in these localities must buy their meats of the Armour, Morris, or Swift companies, which have large cold-storage houses across the river at Newburgh. Coupled with the most prohibitive prices is the enforcement of the rule compelling them to make weekly cash settlements, under the penalty of refusal by the agencies to let them have a pound of meat. These dealers took no alarm when last week an advance of 1 cent a pound, wholesale, was made by the trust. Another advance, yesterday, to a 10-cent average rate per pound caused them to organize in self-defense.

#### SQUEEZING THE CONSUMER.

They decided to raise retail prices from 2 to 3 cents a pound and to give no customer credit for more than a week. If payment was delayed, the patron would not be allowed to buy meat at any shop in the town. This was a putting into operation of the methods of the beef trust on a retail scale. Before the trust invaded the Hudson River Valley, beef was sold wholesale at 7 cents a pound, and the retail dealers were able to command the prices they now have to ask because of the recent advances. Beef is higher in this region than was ever before recorded. The farmers can do almost nothing to ease the situation, because the trust has driven all the local slaughterhouses out of business.

In Jersey City alone 17 retail meat dealers have been compelled to close their shops, all forced to the wall by the packing-house branches in the town. The most despotic branch of the machinery and the part of the system which shows most impressively the complete interaction of the combination of interests has been devised for the purpose of keeping under control the army of dealers who must buy all their meat provisions from the trust houses. This is a "clearing-house" system, by which the entire trade, controlled by the combination in New York, Brooklyn, and Jersey City, is kept under daily and almost hourly supervision.

This "arbitration office" is maintained pro rata by the packing houses, which work under an agreement, with penalties of fines and forfeitures



strictly enforced. The management of this central office has free access and makes visits at unexpected hours to all the books and workings of the branches of the different members of the beef trust.

#### BLACKLIST IN OPERATION.

No butcher is allowed more than a week's credit, and failure to comply with the agreement means that he is "blacklisted" in every branch controlled by the trust.

The trust agreement under which this "clearing house" is operated is so jealously guarded that every agent in possession of one is held personally responsible for its secrecy. Rather than submit it to the test of the courts and risk an examination of the "blacklisting" system, there have been repeated instances of exasperated customers who, refusing to pay little bills they believed unjust, were not even threatened with proceedings.

#### NEW YORK'S SUPPLY REGULATED.

The supply of meat allowed New York by the grace of the trust is regulated in this central office.

Each member of the combination is allotted a certain number of carloads to be shipped from the West each week to a tabulated list of cities and towns in the East. If for any reason trade is dull in New York, a certain number of cars is cut out for the week following and some of those on the way held back or switched to other points to keep prices up in this market. In the arbitration office prices are fixed a week ahead, and instructions accordingly given to the managers of the branch houses. No cars can be unloaded nor a pound of meat sold unless these daily instructions are followed to the letter.

The sales and credit standing of every dealer compelled to buy of a trust concern are regularly reported to the "clearing house," and are open for consultation by any of its affiliated houses. It is useless for him to transfer his account from Armour to Swift or from Morris to Hammond, no matter if he has been ill used, or is, perhaps, the victim of a clerical error. There are no disputes, because the verdict of the central office is final and absolute. Such facts as these sufficiently demonstrate the existence of the beef trust, combining every essential element of a combination effected to restrain trade and crush natural competition.

#### ADVANCES IN PRICES OF MEAT HAVE NETTED TRUST \$100,000,000.

Advances in prices ordered by the beef trust to "squeeze" the retailer and consumer within one year:

#### WHOLESALE.

	1901.	1902.
	Cents.	Cents.
Dressed beef, per pound	6½	9½
Lamb, per pound	8	11½
Mutton, per pound	8	11
Veal, per pound	8	13
Pork, per pound	6	9

#### RETAIL.

Sirloin steak, per pound	16	20
Porterhouse steak, per pound	20	22
Round steak, per pound	16	18
Mutton, per pound	12	14
Lamb, per pound	12	15

Estimated profits divided among members of the beef trust out of the arbitrary advance in prices during 1901-1902, \$100,000,000.

While there has been an increase of from 2 to 4 cents a pound in the face of prices already abnormally high, American meats are being sold in Europe by the beef trust at prices much lower than in the United States. Yet the agents of the beef trust claim that the unprecedented price advances are caused by a scarcity of live stock in the West.

Mr. DILLINGHAM. Mr. President, I have listened with a good deal of interest to the discussions of the bill under consideration. I have devoted considerable time to an examination of the testimony taken by the Committee on Agriculture during the investigation conducted by it last year, which makes a volume of nearly 900 pages, and a record of the investigation made by the House and Senate committees also during the present session of Congress, and the impression has come to me with great force that the question presented by the pending bill is one which has aroused the interest of the whole country, and is perhaps affecting a greater number of people directly or indirectly than any other question which has been considered at this session.

The main feature of this measure, as I understand it, is the reduction of the tax on oleomargarine in its natural state from 2 cents a pound to one-fourth of 1 cent a pound and the increase of the tax provided by the act of 1886 from 2 cents a pound to 10 cents a pound upon that portion of oleomargarine which is colored in imitation of butter.

The agitation of this question has excited the interest of three classes of people in this country. The record to which I have referred shows that the producers of oleomargarine have appeared before the committees by attorneys, by agents, by witnesses. The great agricultural interests have been in like manner represented, and we have before us the record of the anti-color laws now in force in 32 of the States, representing the opinions of 80 per cent of the inhabitants of the nation.

It is not necessary to discuss the magnitude of the agricultural industry. That has already been done. Nor is it necessary that I should discuss in detail the growth of the oleomargarine industry. It is enough to say that within the last twenty years it has assumed proportions and forms that have attracted universal interest.

Now, sir, I stand here to say that when oleomargarine is presented to this country as oleomargarine, when it is put upon sale as and for what it really is, I am heartily in favor of giving it a free field and an opportunity for a fair fight. I am of the opinion that the American people are entitled to choose what they shall

eat and what they shall drink so long as the articles selected are wholesome and do not endanger health; but when an article is placed upon the market under a false color, in a false guise, intended to deceive, and which does deceive, then it is that the consumers have a vital interest in the matter and they have the right to come and claim legislation which shall protect them against deception and fraud.

When oleomargarine was first placed upon the market in this country, it is true, as suggested by the Senator from North Carolina [Mr. SIMMONS], that there was a time when the production and sale of oleomargarine was believed to be against public policy and the use of it dangerous to the health of the people, because of the action of unprincipled producers, who, it was alleged, employed unwholesome materials in its preparation. There is no question but that the prejudice was well founded, as is well evinced by a remark in President Cleveland's message sent to the Congress of the United States at the time of the adoption of the law of 1886. He said:

Nor should there be opposition to the incidental effect of this legislation on the part of those who profess to be engaged honestly and fairly in the manufacture and sale of a wholesome and valuable article of food which by its provisions may be subject to taxation. As long as their business is carried on under cover and by false pretenses such men have bad companions in those whose manufactures, however vile and harmful, take their place without challenge with the better sort in a common crusade of deceit against the public. But if this occupation and its methods are forced into the light and all these manufactures must thus either stand upon their merits or fall, the good and bad must soon part company and the fittest only will survive.

What President Cleveland prophesied has come to pass, and to-day, I apprehend, under the influence of the law of 1886, there is such a supervision of the manufacture of oleomargarine that what its friends claim for it as to the wholesomeness of materials and cleanliness in preparation is practically true. The State laws adopted during that period of its history prohibited to a very large extent the manufacture or sale of oleomargarine in any form. In several instances they were held to be unconstitutional. At a later period legislation, intended to apprise the purchaser of the character of the article, was adopted requiring that oleomargarine offered for sale should be colored pink. This law was also held to be unconstitutional as prohibitive in its character in a case that came up to the Supreme Court from the State of New Hampshire. But in 1891 the legislature of Massachusetts enacted a statute which forbade the sale of oleomargarine in that State when it was made in imitation of yellow butter. Its constitutionality was tested in the courts of that State and later, by appeal, in the Supreme Court of the United States in what is known as the Plumley case, by which court the statute was held to be valid, one that the State had a right to enact, one that it could put in operation, one that tended to protect the people from the imposition of having that which was not butter sold under the guise of butter, whereby the great public was defrauded.

Other States have followed in the lead of Massachusetts in adopting what are known as anticolor laws until 32 of them now have such statutes in force. These statutes represent 60,000,000 of people, 80 per cent of the entire population of the United States.

The danger to the people believed to exist through the introduction of oleomargarine was brought to the attention of Congress, and in 1886 a bill was introduced in the House providing for a tax of 10 cents a pound upon that article; but as the discussion proceeded the rate was reduced from 10 cents to 5 cents. The bill passed the House and came to the Senate, where the rate of taxation was still further reduced from 5 cents to 2 cents, and the bill became a law.

The same opposition was brought to bear against the passage of that bill that is brought to bear against the pending measure. The same classes appeared against it. The same arguments were urged against its passage, and we find again, referring to President Cleveland's message, that he had become aware of the impending danger and was fully in sympathy with legislation which should protect the people against imposition. He said:

Not the least important incident related to this legislation is the defense afforded to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of very general household use. Notwithstanding the immense quantity of the article described in this bill which is sold to the people for their consumption as food, and notwithstanding the claim made that its manufacture supplies a cheap substitute for butter, I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character.

That was the opinion of the President of the United States at that time. He goes further than that and says:

While in its relation to an article of this description there should be no governmental regulation of what the citizen shall eat, it is certainly not a cause of regret if by legislation of this character he is afforded a means by which he may better protect himself against imposition in meeting the needs and wants of his daily life.

Some question has been raised in this debate as to the right of the Government to tax colored oleomargarine in the manner provided in this bill. I do not know that anybody has ever directly raised the question of the constitutionality of the law of 1886 just referred to in any case which has gone to the Supreme Court of the United States for final adjudication, and the proposed law is



simply an amendment of the law of 1886, reducing the tax on uncolored oleomargarine and increasing it on that which has been colored in semblance of butter. The nearest approach of the court to that question that has come to my knowledge is contained in the case of *In re Kollock*, in which the Supreme Court uses this language:

The act is on its face an act for levying taxes and, although it may operate in so doing to prevent deception in the sale of oleomargarine as and for butter, its primary object must be assumed to be the raising of revenue, \* \* \* and, considered as a revenue act, the designation of the stamps, marks, and brands is merely a discharge of an administrative function, etc.

I do not know, I say, that the question has ever been directly raised under that statute, but the constitutionality of the act is evidently assumed by the court in the decision to which I have just referred.

The decision that this side of the Chamber has most depended upon as supporting the validity of this measure is found in the case of *Veazie Bank v. Fenno*, 8 Wall. This was a case arising under the statute which taxed the circulation of State banks and in the opinion upon the question whether the right of taxation was so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and therefore beyond the constitutional power of Congress, the court says:

The first answer to this is that the judicial can not prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts, but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation, or a class of corporations, it can not, for that reason only, be pronounced contrary to the Constitution.

One of the attorneys who appeared before the committee of which my colleague is chairman, Mr. Rathbone Gardner, attorney for the Oakdale Manufacturing Company, admits the constitutionality of this legislation. He says:

I do not go into the question of the constitutionality of the proposed act. I have felt that the act would be pronounced constitutional on the same ground that other acts which imposed a tax the purpose of which was really not the collection of revenue have been pronounced by the courts of the United States to be constitutional; upon the same ground upon which I think that the oleomargarine act of 1886 has been by the circuit court pronounced constitutional—upon the ground that the courts of the United States can not impugn the purposes, motives, or intentions of the legislative body.

Mr. President, I had intended to examine the cases that were referred to by the Senator from Mississippi [Mr. MONEY], but it is unnecessary to do so. The *Topeka* case to which he refers is that of the *Loan Association v. Topeka*, 20 Wall. There is no question about the law there laid down. That case simply raised the question of the validity of a law taxing the public to obtain money which the city proposed either to loan or to give to a manufacturing concern as an inducement to establish in their city a plant for the manufacture of iron bridges, if I remember it correctly. The other cases cited were along precisely the same line. The principle sustained in those cases is elemental. Nobody disputes the soundness of it. But the law under which this tax is imposed is altogether a different one. This tax is imposed for the benefit of the General Government. It is not given to anybody. Those cases can only be made applicable upon the supposition that this legislation is intended to stamp out an industry and to upbuild another one at its expense, and that is not the fact. It is intended to lay the tax upon the false, the spurious, and to reduce the tax upon that which is genuine and has the merit which is claimed for it.

Mr. President, there is in the United States the greatest market for butter which the world affords. The people of the United States have been educated to the use of butter. They know its history. They know its character. They know its quality. Ever since the time mentioned by the eloquent Senator from Iowa [Mr. DOLLIVER], when Abraham welcomed the angels that came to visit him by bringing forth butter for their refreshment, down to the present time, butter, the product of milk, has been known to the world as one of the most choice and valued articles of food.

Stimulated by the example of the Senator from Iowa, I consulted my Bible, believing there was another reference to butter that was even more significant than the one he referred to, and found that the grand old prophet Isaiah, the man who thought with God, and who, looking fifteen hundred years into the future, saw the coming of the Son of God, and exclaimed:

Behold, a virgin shall conceive, and bear a son, and shall call his name Immanuel.

Butter and honey shall he eat, that he may know to refuse the evil and choose the good.

Butter and honey were the two articles of food to which the human race was then accustomed which were so manifestly perfect in their type and quality that through them could be conveyed to the world in prophecy the character of the spiritual food upon which the Son of God was to be nourished until the time when He should come into the full measure and stature of His manhood and appear as the great teacher of the world, able under all circumstances to "refuse the evil and choose the good."

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Tennessee?

Mr. DILLINGHAM. Certainly.

Mr. CARMACK. The passage includes both butter and honey, and I suggest to the Senator from Vermont that he ought to put a tax on Vermont maple sugar to prevent honey from its competition.

Mr. DILLINGHAM. We have a bill pending to protect those articles. I will come to that before I get through.

Generations have been using butter; generations ever since Abraham; generations which can not be counted. The taste for butter is an inherited taste. It is one that has come to us just as naturally as any taste can come by the process of heredity through successive generations of consumers. We are a nation of butter eaters, and we demand the article in its purity.

Its color, too, for ages has been so well known that it has become a standard for comparison. The assertion has been made that butter is as often white as it is yellow. That is not true. "As red as the rose," and "as blue as the violet," and "as yellow as butter," and "as white as lard" are phrases of comparison which have been known and used beyond the recollection of every Senator present here this afternoon.

But in spite of this fact the manufacturers of oleomargarine have taken the garb in which butter has always appeared. To their product they have added enough of the substance of butter to give it the flavor and the aroma of butter, and now they claim the privilege of placing it upon the market, not for what it is, but in such a way that the people will be deceived into the purchase of the same by the belief that it is butter which they are procuring.

In a single year, out of a total of 104,000,000 pounds of oleomargarine produced, the records show that 80 per cent was sold in the States of this nation, where its sale, when colored in imitation of butter, was contrary to law, and we are also told that 75 to 90 per cent of the oleomargarine sold in those States was sold as butter. This appears over and over again in the record of the hearings before the Committee on Agriculture and Forestry.

The Senator from North Carolina [Mr. SIMMONS] says that oleomargarine is not a direct competitor with butter. I think if he will follow the testimony taken by the committee he will change his opinion in respect to that matter. Mr. Flanders, who is the commissioner of agriculture of New York, says:

In our State it has never been sold, taking it generally—there may be isolated cases—cheaper than butter. For the last fifteen years, as far as I know, and I have been looking after it, I myself bought it for butter in the city of Troy and paid 22 cents a pound, and the butter right opposite was 22 cents a pound. It is sold to consumers for butter and at butter prices. There is no exception to it in the State of New York.

Mr. Blackburn, dairy and food commissioner of Ohio, says in four years time he spent \$200,000 in ferreting out frauds, and that probably 60 per cent of it was spent in the detection of frauds in the sale of oleomargarine, and he states as his deliberate judgment that 75 per cent of all the oleomargarine sold in that State was sold for butter and by deceit.

Coming over to Philadelphia—because I want to call your attention to only two or three incidents—I find the record made by Mr. Kauffman, who was conducting the prosecutions against violators of the anticolor law in that city, says there were 508 instances coming under his observation where butter was called for and presumably procured. Four hundred and fifty-nine on examination and analysis proved to be oleomargarine and only forty-nine of them proved to be butter. The secretary of agriculture of Pennsylvania said that he took a thousand samples and in each case those samples proved to be oleomargarine.

Now, coming to the city of Washington, Mr. Knight testified as follows:

I made a search of this town, in company with a Representative from Nebraska, Representative HAUGEN, of Iowa, and Representative DAHLE, of Wisconsin, and we searched every place to find a package of oleomargarine in parchment paper that had any printing on it at all, and we failed to find one in the city.

A circumstance has come to my personal knowledge which occurred in the city of Washington and indicates the way the business has been done under existing law. I was appointed last year as one of the visiting trustees of the Government Reform School located in this city, and when there upon a visit I learned that it was the custom of the officers of that school to advertise monthly for the supplies needed during the next month. They did this on one occasion. They advertised for oleomargarine. They advertised also for butter. They procured both, as they supposed. Before the month was gone they were in doubt and caused both samples to be examined at the Department of Agriculture. One was found to be oleomargarine, and that which had been bought for butter was also found to be oleomargarine, and the Government of the United States had been paying 14 cents for oleomargarine bought as oleomargarine and paying 23 cents for precisely the same article furnished under the name of butter and in answer to the contract which they had made with the grocer to furnish butter.



I have mentioned these instances just as illustrations of what has been going on all over the United States, and it can not be wondered that the people are aroused upon this subject and that they are intensely interested to have the traffic stopped when it is attempted to be carried on by a profitable system of fraud.

The fraud which has been practiced is admitted by the substitute bill, because the bill itself contains only provisions adopted to prevent deceit. All admit, on both sides of the Chamber, that legislation must be had, but the question to be determined is whether that legislation shall be controlled by the manufacturers of an article through which there has been perpetrated upon the American people a great fraud? Shall the manufacturers say what it shall be? Shall they have preserved to them the right of color through which such deceit is perpetrated?

The report of the minority of the committee, which has been laid upon our desks, contains this statement:

The alleged frauds committed in the sale of oleomargarine are not attributed to the manufacturers, upon whom the tax falls, but upon the retail dealers.

This was news to me. My investigation of the subject led me to think that the manufacturers were the parties who were responsible for the fraud. When I noticed this I remembered that the names of a few of the corporations engaged in the manufacture of oleomargarine were suggestive of guilt. Referring to them, the very first name I came across was that of a concern in Providence, R. I., which has adopted the name of the Vermont Manufacturing Company. Why have they adopted the name Vermont Manufacturing Company? It is not a Vermont institution, nor is it a Vermonter who is running it; but Vermont is famed for her butter. Was it not adopted for the purpose of creating a false impression?

I found also the following: The Capital City Dairy Company and the Union Dairy Company. I looked in the Century Dictionary and found that a dairy is "that branch of farming which is concerned with the production of milk and its conversion into butter and cheese." I also found the following: The Lakeside Creamery and the Cold Spring Creamery. I looked again, and found that a creamery was defined to be a place in which milk was "obtained from a number of producers" and "is manufactured into butter." So it goes. You may take almost every name that has been attached to the manufacture of this article and you will find that it is calculated to deceive.

Mr. President, what has been accomplished by this deception? The census taken in 1890 shows that the entire lands, buildings, and machinery of those employed in manufacturing oleomargarine were valued at only \$135,000; that the live assets of those corporations was only \$500,000, and that the number of workmen employed in the manufacture of oleomargarine, taking in workmen of every class, was less than 2,500—only, in fact, about 2,300. In the ten years which elapsed until the census of 1900, with more than two-thirds of the States composing our Union legislating against the sale of oleomargarine colored in imitation of butter, with the national law in full operation, we find there has been an increase of 100 per cent in the number of establishments for the manufacture of this article, that the capital invested in it has increased 376 per cent, that the salaries paid to employees have increased 515 per cent, and that the products have increased 318 per cent.

We find that the number of manufacturers at this time is 30; that they have 186 wholesale dealers, who are really agents when their product is sent into all these States to be disposed of contrary to law; that the retailers of this article in Chicago alone number 2,500; that the retailers in the United States number 10,000, and that through these wholesalers and retailers 80 per cent of the entire product of oleomargarine is unloaded in the manner I have described and in States having an anticolor law.

How has it been done? Are not the manufacturers responsible for this? Mr. Adams, the State dairy commissioner of Wisconsin, states that—

Right across the line in the next State are those large oleomargarine manufacturers. They are pounding at the doors of Wisconsin all the time. The agents of these big companies come into the State and go to the retailers in our State and say: "We want you to sell this oleomargarine. You can make more out of it than you can out of butter, and you can make more out of it than you can out of uncolored oleomargarine." The retailer says, "But we will get into trouble." "Oh, we will stand behind you; that is all right." But the retail dealer answers, "But you won't be here when I am prosecuted," and the agents of those people have sometimes said, "Here is a check for \$500; we will stand behind you." For years they have been coming into our State endeavoring to induce our own citizens to break down the law of our State. We do not like it. It is one continuous struggle.

My colleague [Mr. PROCTOR], in opening this discussion, called your attention to the circular of William J. Moxley, one of the largest manufacturers of oleomargarine in the United States, and that circular shows very clearly how this work has been done. In it he says: "We can give just what you want at all seasons if we know your requirements," referring to the color card which he has inclosed in the circular.

The result of these frauds, of the pushing of oleomargarine in this unfair way, was such that in Illinois a certain attorney was employed, not to prosecute those who were selling it as oleomargarine, but to prosecute those who were selling it as butter. In his circular letter to retail dealers, he says:

If you sell oleomargarine this year, rest assured that the State food commissioner and the Illinois Dairy Union will see that you are not permitted to sell it as butter.

The only threat made by him was that they should not be allowed to sell it as butter. This disposes of the assertion so often made before the committee and advanced in this debate that people bought oleomargarine for what it was instead of buying it as butter and paying a butter price for it.

Immediately after that circular went out the manufacturers gathered around the retailers in oleomargarine for their protection, and this same William J. Moxley issued a circular letter to retailers in which he says:

We strongly recommend you to pay no attention to those circulars. We have always been in a position to protect our customers from injustice and blackmailers, and will be ever at your service should you require our aid.

In that same circular he says:

Should this so-called dairy union interfere with your business in the way of prosecution as to State laws, we hereby guarantee you protection to the extent of paying all fines, costs, etc., until the color law is decided unconstitutional in the supreme court of the State of Illinois, and will further, on receiving complaint, take such action for damages as will make it unpleasant for some of those who are attempting to interfere with your and our own legitimate business.

My colleague also introduced to the attention of the Senate the circular that was sent out by Braun & Fitts, also manufacturers of oleomargarine, in response to the letter warning the dealers against selling oleomargarine as butter. Please bear that in mind. They say:

Well, now, don't you believe a word of it; there is a law against blackmailing, and we want now and here to go on record to the assertion, as an affidavit, that we shall civilly and criminally prosecute any man or party of men interfering unlawfully with the butterine business in this or any other State. We know exactly where we stand; we are properly advised on the subject, and now we make you a "fair offer."

And again they say:

Handle our goods as you always have; we in turn promise and guarantee full protection against the State law (which has been declared unconstitutional) to the extent of paying cost of prosecution, fines, and paying all costs pertaining thereto. In declaring the law unconstitutional one of the judges stated to the effect "that the butter ring were, in his opinion, liable to prosecution to recover damages done an honest industry." Fair enough, isn't it? Renew your efforts, and be assured that we will be prepared to fight any number of rounds in any kind of a legal fight to the finish. Handle our butterine and be safe.

That was the assertion and the promise and the undertaking of the manufacturers who, according to the minority report, ought not to be affected by legislation because, as it is said, the fraud is upon the part of the retailer. But here is found the great source of all the fraud. It is in the men who are making enormous profits in the manufacture of colored oleomargarine, sending out circulars to retailers advising them to violate the State laws, to ride roughshod over them, with the promise to guarantee them protection to the extent of paying all fines, costs, etc., by them incurred.

My colleague also introduced a letter from R. C. Dotson, a manufacturer of oleomargarine in Baltimore, in which he speaks of the quality and says:

"Economy"—

That, I think, is the name of the brand which he was producing—

"Economy" is fancy. "Perfection" is the happy medium of grades, good enough for fancy trade. "Clover Creamery"—

Another innocent name—

In producing this fancy grade of butterine scientific research has been exhausted. "Clover Creamery" is the best on earth, by actual test; made by the most approved scientific methods; possessing the very purity and flavor of the clover fields; more perfect uniformity than any other butterine or butter. The cow herself could not tell it.

[Laughter.]

Why was he sending out such a statement unless the great public were the victims and he was inspiring the man to whom he was writing to violate the law of his State to impose upon his customers and to give them a compound the base of which is procured from tallow and from lard, and which contains only a sufficient amount of butter to give it its flavor and to make it in any degree palatable?

What has been the effect of the manufacturers' action? We find that years ago here in this city there was the firm of Wilkins & Co., so testimony produced before the Senate committee says, composed of Walter E. Wilkins, who is now the president of the Standard Butterine Company, doing business in this city, and his brother, Mr. Joseph Wilkins. The records show that Joseph Wilkins and Howard Butler, his clerk, were detected in doing what? They were detected in the railroad yards of Philadelphia removing the marks of identification and the revenue

stamps from a carload of oleomargarine which was to be sent to Washington as pure butter. The very thing that the retailer under the substitute bill can do they were detected in doing. They were indicted, and they were convicted. Mr. Wilkins was sentenced to imprisonment. He made an application to President McKinley for a pardon. President McKinley referred it to the Attorney-General of the United States for his opinion. Attorney-General Griggs, in returning the petition, said:

The petitioners, Joseph Wilkins and Howard Butler, were convicted of fraudulently removing labels from packages containing oleomargarine in violation of the act of August 2, 1896, and were sentenced on March 17, 1898, as to Wilkins, to imprisonment for six months and to pay a fine of \$1,500 and costs, and as to Butler, to imprisonment for four months and to pay a fine of \$500 and costs.

I will not read the entire record; but the Attorney-General, among other things, says:

The records of the office of internal revenue show that Wilkins has been a persistent violator of the oleomargarine laws, and that prior to the present prosecution he has escaped punishment by means of money payments in compromise. The records show that on December 14, 1893, Wilkins filed a proposition to pay \$2,100 and costs in compromise of all liabilities, civil and criminal, incurred in the First district of Illinois, for selling oleomargarine as butter, and by violating various sections of the law relating to wholesale dealers in oleomargarine. This offer was accepted December 26, 1893.

About a year later—

April 4, 1895, Wilkins again filed an offer of compromise, agreeing to pay \$2,000 in settlement of his liabilities for alleged frauds under the oleomargarine law committed in connection with a firm in West Virginia. This offer was also accepted.

A year later, April 2, 1896, Wilkins was indicted with another in the District of Columbia for selling unstamped oleomargarine. On June 20, 1896, he offered to pay \$1,000 in compromise, but this being rejected the case went to trial and the accused was acquitted. There are three separate indictments against him pending now in the District of Columbia for selling oleomargarine in unstamped packages. These indictments were found January 4, 1897.

The Attorney-General further says:

The offense of which the petitioners are now convicted was committed December 20, 1896, two days after the verdict of acquittal in the trial in the District of Columbia.

This man was so hardened in conscience and so beset with a purpose to violate the law that within two days after that acquittal he had committed a fresh offense.

The petitioners were discovered by a revenue agent in the act of scraping off the stamps, marks, and brands from packages of oleomargarine.

The Attorney-General further says:

In connection with the present case an offer to pay \$8,000 and costs in compromise was made, but rejected February 23, 1898, and thereupon the case went to trial, with the result above stated.

It is obvious that the business in which Wilkins was engaged must have been one of great profit; otherwise he could not have afforded to make the very large payments in compromise which he did make or offered to make.

Mr. HAWLEY. Will the Senator allow me to ask him to whom the money was paid?

Mr. DILLINGHAM. To the Government of the United States, as I understand it.

Mr. HAWLEY. Where was the money to go?

Mr. DILLINGHAM. I do not know. The last offer to compromise by the payment of \$8,000 by Wilkins was declined. If anybody thinks that manufacturers are not guilty of perpetrating a fraud upon the public when their agents can offer to compromise their offenses by paying such enormous sums, I shall be glad to have him read the whole opinion of the Attorney-General.

Mr. SCOTT. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Vermont yield to the Senator from West Virginia?

Mr. DILLINGHAM. Certainly.

Mr. SCOTT. I rose more particularly to reply to the Senator from Connecticut [Mr. HAWLEY]. I was commissioner at the time, and the money was deposited in the hands of the commissioner to be turned over to the Government in case it was accepted in compromise. I believe the Senator from Connecticut asked where the money was to go. The offer was refused, and a prosecution followed, and he was put in the penitentiary. We turned the money back.

Mr. DILLINGHAM. Now, Mr. President, there is another interesting chapter in the history of this man Wilkins, so convicted. After he was indicted by the Federal grand jury and his business broken up, and while, in fact, as I understand it, this conviction was hanging over him, he was employed by the firm of Braun & Fitts, of Chicago, whose circular I have referred to, as a director to their salesmen, and I have only to add that the record which I have read indicates that he must have been a most accomplished director of those who were to go out and perpetuate the methods which he had adopted in defrauding the public, but which for a season he was prevented from following.

Added to all this effort on the part of the manufacturers to force their product upon the market has been the further temptation on the part of the retailers to make enormous profits. The Mr. W. P. Wilkins who is the president of the butterine factory

in this city says in the prospectus which he issued when that factory was in process of construction that the cost of producing oleomargarine, including the tax of 2 cents a pound, would be \$8.92 per 100 pounds. Then he adds:

The above cost, when deducted from the market price of \$13 per 100 pounds, shows a net profit of \$4.08.

Then he adds:

It will be seen that even if the company produced only the 400,000 pounds per month for which it now has definite orders, a net profit of over \$16,320 a month, or \$195,840 a year, would be assured.

A most astonishing statement; and yet it is contained in the prospectus. He adds:

This would mean 8 per cent on the preferred stock of the company, or 20 per cent of the entire capitalization.

Governor Hoard, when he came before the Committee on Agriculture, made this statement:

What does oleomargarine cost? Armour & Co., of Chicago, testified before a Federal district court of New York that with a 2-cent Federal tax added the cost was less than 7 cents a pound. If it was uncolored the poor could buy it for 10 cents, or at most 12 cents a pound. Yet I saw the colored article selling in Ashland, Wis., to the poor for 28 cents a pound.

It was the Mr. Wilkins who is the president of the Standard Butterine Company who wrote the other letter produced by my colleague in which the offer was made to furnish butterine, "A substitute for butter that can not be detected." Now, who makes the profit in this business? Referring to the other circular letter introduced in evidence, and we find that the Capital City Dairy Company, of Columbus, Ohio, were corresponding with their retailers and offering their variety of oleomargarine, known as "Purity," at 14 cents a pound, and advising the retailer that it could be sold at 20 cents, making a profit to the retailer of 6 cents a pound; that they would sell the "Buckeye" brand at 17 cents a pound, and that it could be easily sold for 25 cents a pound, a profit of 8 cents; and that the "Pride" variety could be sold at 18 cents a pound and retailed at 30, or at a profit of 12 cents a pound.

The Senator from North Carolina [Mr. SIMMONS] says that Secretary Gage testified that the temptation would be too small under the substitute bill to lead any retailer to remove the labels and sell colored oleomargarine as butter; but if the profit upon it is as large as indicated, you can see at a glance that both temptation and opportunity still remain to remove the stamps and the wrappers from the packages and to pack the substance in tubs and sell it for butter, as was done by Wilkins with the carload of oleomargarine in Philadelphia.

Now, the question suggests itself whether manufacturers supporting the substitute bill shall through its provisions secure to the retailer an opportunity to defraud the public and impose upon them an article deceptive in character.

The real object they seek is well expressed by the Supreme Court of the United States in what is known as the Plumley case, to which I have already referred. In that case it appeared that oleomargarine in its natural condition is of a "light yellowish color" and that the article sold by the accused was artificially colored "in imitation of yellow butter." The court says:

Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers, who do not closely scrutinize the label upon the package in which it is contained, to buy it as and for butter produced from unadulterated milk, or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If anyone thinks that oleomargarine, not artificially colored so as to cause it to look like butter, is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice, in such matters, a fraud upon the general public. The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is, by preventing its sale for what it is not.

But the distinguished Senator from Mississippi [Mr. MONEY], after quoting the opinion of Professor Schweitzer, to the effect that, if carefully made, physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter, made the inquiry, "If these things be true, what is the harm if a man intending to buy butter shall buy butterine by fraudulent imposition of his dealer?"

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Mississippi?

Mr. DILLINGHAM. Yes, sir.

Mr. MONEY. I hope the Senator from Vermont will allow me to state what I did say.

Mr. DILLINGHAM. I shall be glad to have the Senator do so.

Mr. MONEY. I said, if you can not tell the difference by the taste, by the color, by the smell, or by its digestibility, and no harm is done, what is the odds? And I say that again.



Mr. DILLINGHAM. I will answer the Senator from Mississippi in the language of Governor Hoard, of Wisconsin, who has given this matter great attention. He says:

The normal heat of the human stomach is 98°. Butter melts at 92°, 6° below the heat of the stomach, passes into pancreatic emulsion, and digestion. Nature designed this fat in its raw state for food.

Oleomargarine melts at the varying temperature of 102° to 108°, a temperature no healthful stomach ever attains. As a consequence this unnatural foreign fat must be expelled by sheer gastric action and force.

Butter fat is found in the milk of all mammals. It is chemically and physically unlike any other fat in existence. It was designed by nature for the food and sustenance of infant offspring, having the most delicate of all digestion. Because of this most evident purpose and provision of nature butter forms a healthful and important article of food in milk, cream, and in its separated state.

Mr. MONEY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Mississippi?

Mr. DILLINGHAM. Certainly.

Mr. MONEY. I do not want to trespass on the courtesy or the time of the Senator, but I will ask him if Governor Hoard is an expert chemist, or doctor, or anything else, so that he is able to form a judgment about these things, or does he get his information elsewhere; and if so, from whom? The testimony is overwhelming, I say, almost unanimously so, of experts, chemists, and others, that oleomargarine is just as wholesome and as nutritious and as digestible as butter.

Mr. SPOONER. If the Senator will refer to the testimony taken before the committee, he will see that there was some testimony on the other side.

Mr. MONEY. There was one witness, and there may have been two, who so testified; but I say the overwhelming preponderance of testimony is the other way.

Mr. SPOONER. You argue that one thing in favor of oleomargarine is that it keeps longer. It does, in the stomach. [Laughter.]

Mr. MONEY. It keeps longer anywhere.

If the Senator from Vermont will permit me right here, I wish to say that I have now on my desk a letter from a chemist, who was one of the three appointed by the legislature of New York to make a chemical analysis of this food twenty years ago, when the subject was first agitated, and he reported that oleomargarine was absolutely wholesome and nutritious and a very valuable contribution to the list of foods; and I have now that oleomargarine which he examined twenty years ago, and it is still good. You could not say that of butter.

Mr. DILLINGHAM. Mr. President—

Mr. MONEY. I thank the Senator for his courtesy.

Mr. DILLINGHAM. That is not necessary.

Governor Hoard has for twenty years been investigating the subject of dairy products. He has made an exhaustive study of them. I do not know of any man in America, perhaps, who is better informed regarding them than Governor Hoard.

Now, answering the question in another way, suppose that we carry the same inquiry to the article of milk as a food. I have an ingenious neighbor who, years ago, when people were making filled cheese, invented a machine by which melted lard could be so combined with skimmed milk that it would enter into the curd and furnish the fat for filled cheese. Suppose oleomargarine is permitted, without discouragement, to be colored like butter, why should not the dealer in milk have the right to color his mixture of skimmed milk and lard in semblance of Jersey milk and impose it upon his customers? What would prevent the restaurateur from serving it to us as "half and half" when we go for our daily lunch? We could not tell the difference. If the imposition is right in one instance, why not in the other?

The truth is, Mr. President, that the American people are getting sick of being humbugged, whether it is by imitation butter, whether it is by adulterated milk, whether it is by adulterated maple sugar, or whether it is by honey that is made of glucose. We have a committee of this Senate that is investigating this very question, a committee that sat in all the principal cities a year or two ago taking testimony, and a committee that will, I hope, very soon be able to present a measure here that shall be so effective in its operations that the American people will be protected in their rights, at least in securing that which is pure and wholesome and good as an article of food.

Coming again to the question of color, and whether the makers of oleomargarine have the right to use this color, as they have done, in foisting upon the public a spurious article, I beg to refer to a case recently decided in the Supreme Court. I think the opinion was handed down on the 6th of January of this year. It was the case of the Dairy Company v. Ohio. In it the court used this language:

The supreme court of Ohio, however, having before it the evidence introduced upon the issues of fact made in the pleadings, held that oleomargarine was an article which might easily be manufactured so as to be hurtful, and thus result in fraud upon and injury to the public, and that the inhibition of

the use of coloring matter in oleomargarine was a reasonable police regulation tending to insure the public against fraud and injury. The purpose of the legislature in permitting the use of harmless coloring matter in butter and requiring that oleomargarine be sold in its natural state was declared not to be for the purpose of discriminating in favor of butter, but to provide a ready means by which the public might know that an article offered for sale was butter and not oleomargarine.

No one can improve either upon the doctrine or the language of the court which rendered that opinion.

Again, what has been the result of this system of fraud inaugurated by the manufacturers for the deceit of the public? We find that the assistant food commissioner of Illinois says that fully 75 per cent of all the oleomargarine that is retailed in that State is retailed as butter; in Ohio the assistant food commissioner says that 75 per cent of the oleomargarine sold there is sold as butter; in Wisconsin the food commissioner tells us that 90 per cent of all the oleomargarine sold in that State is sold as butter; and in New York the assistant commissioner of agriculture tells us that oleomargarine was universally sold as butter, so far as he knew, without exception.

Again, Mr. President, as showing who opposed this measure before the Committee of the Senate, if any man will read this book [exhibiting] or look through it he will see that Judge Springer is the leading attorney and perhaps the strongest advocate for the substitute bill of anyone who appeared before the body, and he appeared, as the record shows, for the National Live Stock Association of the United States. He stated that the association consisted of 126 other live-stock associations, a majority of all. He said that it had a capital of more than \$600,000,000. Armed with such credentials as those, Judge Springer comes before this committee. But what does Judge Springer say when he gets there? I challenge any man to read his statement or argument without becoming convinced that the great interest that Judge Springer is advocating is the interest of the manufacturers of oleomargarine. There is hardly an argument presented by anybody in favor of the substitute bill that has not first been presented by Judge Springer, and he is a very able man.

But now in the discussion of the question in this body the honorable Senator from Kansas [Mr. HARRIS] has lifted the cloud and he has let in a flood of sunshine upon the conditions. In a speech made the other morning in the Senate—a speech that was so fair and candid and strong and convincing that I wish every member of this body might have listened to it—the Senator from Kansas used this language:

As to the interests of the cattlemen being hurt in any possible way I do not for a moment concern myself. The evidence is absolutely conclusive that, even if we should absolutely stop the consumption of oleomargarine in this country, the effect upon the cattle industry of the country would be absolutely inappreciable.

As has been shown, we slaughter about 11,000,000 head of cattle in this country, and the total amount of the value of the product of oleomargarine which is utilized in this country is only about \$2,750,000. So that there will be from 25 to 30 cents per steer, and every cattleman knows that that would be absolutely inappreciable.

The Senator from Kansas further said:

The great packing interests control, as I have said, the price of cattle in this country, and—I do not say it with any desire to reflect upon them—considering the opportunities that they have had, they have acted with wonderful fairness and moderation. They have the power, they are members of all the great live-stock exchanges of the country, and they control practically all the great cattle associations everywhere. The commission men are practically all subordinated to the wishes and interests of the great packing houses. Cattle are sent to the great stock yards of this country to be sold, and the seller meets but four or five buyers, representing these great establishments. Every commission merchant knows that unless he is on good terms with the great packing houses his business is liable to suffer, and consequently it is an easy matter for the live-stock exchanges to pass any kind of resolution that may be supposed to be in the interest of these great establishments.

And these are the establishments that turn out the oleo oil that is made into oleomargarine. Now, I want to read further from the speech of the Senator from Kansas. He said:

The cattlemen of the West are a great big-hearted, broad-souled set of men; they live in the open; their lungs are filled with pure air, and their veins are filled with good, warm, red blood. I denounce and deny as a cattleman that the owners of the great cattle ranges and farms of the country are in any way whatever in sympathy with this false pretense that is being made use of by a part only of the manufacturers and dealers in oleomargarine that is offered for sale throughout the country.

That disposes of that whole question. It is a full explanation of the attitude of the cattlemen who were represented by Judge Springer. To-day the Senator from Colorado [Mr. PATTERSON] has introduced a memorial from the cattlemen of his State, in which they make the charge against the proprietors of the creameries of this country that the measure we are supporting is the measure of the creamery proprietors, and that they constitute a great trust controlling that particular industry of the country. Let us see how that is. I find from the statement that has been furnished us that the whole amount of butter produced in this country in 1899 was 1,500,000,000 pounds, and only 300,000,000 pounds were made in creameries; in other words, the butter industry of the country was so far controlled by individual producers that



only 20 per cent of all that manufactured came from the creameries of the country, which, it is claimed, have formed a trust.

It is an interesting fact in connection with the discussion of process butter that only three-fourths of 1 per cent of all the butter in the United States is of the process variety.

Mr. President, I want to ask another question. Has the general public made any demand for the substitute bill, or is the general public in favor of the bill now pending, reported by the committee? The nearest approach to anything that has indicated to me that the general public wants the substitute bill was in the question that was put by the Senator from Texas [Mr. CULBERSON] to the Senator from Kansas [Mr. HARRIS], when he was speaking the other day, when the Senator from Texas said:

Mr. CULBERSON. I call the attention of the Senator from Kansas to the testimony of Commissioner of Internal Revenue Wilson before the Senate Committee on Agriculture and Forestry last year, in which he said that the demand that oleomargarine be colored came from the purchasers of oleomargarine and the retail dealers—the users of the article, the plain laboring people of the country. I call the attention of the Senator to that statement.

Well, I have looked at the testimony given by Commissioner Wilson, which will be found on page 750 of this book, in which he says:

The incentive which brings about this violation of the law is not limited, in my judgment, simply to the desire for gain upon the part of the retail dealer who is selling oleomargarine. There are other sides to the question. The private family, the boarding-house proprietor, the hotel proprietor do not want to carry home oleomargarine marked as such. We encounter a great deal of that feeling.

He does not say a word about the laboring classes. He does not say a word about the plain people. He says that while some private families dislike to carry home oleomargarine, it is evident that it is the boarding-house and hotel keepers who make that complaint.

I listened with a great deal of interest to the argument of the Senator from Mississippi, made in support of the rights of the wage-earners of the United States. My suggestion, by way of reply, would be, first, if the bill we have under consideration becomes a law, it will reduce the tax on oleomargarine uncolored, and it will give people an opportunity to purchase it in any State in this Union as oleomargarine, and at a price 14 cents per pound less than it could otherwise have been gotten for.

It is said that a reproach attaches to oleomargarine. The time was when a reproach did attach to it, and rightfully enough, because it was a vile compound as manufactured by some in the beginning; but under the operation of the law of 1886 the superintendence over its manufacture has been such that a certain class of men have undoubtedly been driven from the business, and the agitation in Congress has been such as to advertise oleomargarine in all of its component parts.

The general public to-day is educated as to what the materials are that enter into its manufacture, how they are prepared, the cleanly methods which have been adopted, and all of those things which would tend to make oleomargarine respectable in the market and tend to make it something to be desired by those who do not wish to pay a higher price for a finer article of food, so that if this bill is passed these wage-earners are to be provided for; they can have it. Added to that, it has been proven during this investigation that any person may purchase oleomargarine in its natural color, and when he has taken it home he may color it to any tint of yellow he sees fit and present it on his family table in appearance just as beautiful as the finest creamery butter can be made. Under this bill they have the full right to do that; but the people who have not the right to do that are the retailers; the people who have not the right to do that are the hotel keepers; the people who have not the right to do that are the restaurant keepers. They are the men who are swindling all of us when we patronize them; but the wage-earner, who wants the cheaper article because he can not afford the other, can buy it, and he has the right to color it in any way he sees fit so as to make it beautiful to the eye and attractive to the sense.

There were witnesses before the committee who said that the manufacture of oleomargarine was an honest industry, that this bill was calculated to strike down that industry, and they wanted protection for American labor. Mr. McNamee, of the Chicago Federation of Labor, I believe, was one of them. They—the labor element of the country—have demanded the exclusion of the Chinese, and probably every man in the Senate agrees with them that the treaty regulations with China should be fully carried out in the exclusion of Chinese laborers; but when we come to compare the number of people who are employed in these industries, have they the right to demand that the oleomargarine industry should be nourished and propelled by legislation for the protection of American labor? I respectfully invite attention to the fact that in 1890 there were only 2,350 persons employed in the manufacture of oleomargarine, and by the same census there were more than 17,000—yes, 18,000—men who were professional dairymen employed in the production of butter and cheese, and when we came to the farm laborers, who are also largely em-

ployed in dairying, there were more than 5,000,000 of them. So that there is no argument in that suggestion.

The trouble is that they misapprehend what the object of this bill is; and it strikes me that they have misapprehended it by misrepresentations which have been made to them, possibly by the manufacturers of this product. Attention has been called, for instance, to the action of the Chicago Federation of Labor where they say that—

Efforts are being attempted by contemplated legislation at Washington to destroy the manufacture and sale of butterine, thereby displacing large numbers of the industrial element—

when everybody knows that the object of this bill is not to destroy the production of oleomargarine, but to legalize it and to encourage it as oleomargarine, the only purpose being to stamp it out when it becomes a fraud upon the public.

The painters and decorators of Cleveland, Ohio, also passed a resolution, in which they say:

It is an outrage, in order to gratify the people who make butter, that we should have to go without it and pay two prices for butter which we are compelled by law to eat.

That it is an outrage "that we should be obliged to go without oleomargarine and pay two prices for butter which we are compelled by law to eat." This clearly shows they understood that was the issue; that this bill was to stamp out the production of oleomargarine, rather than to regulate its manufacture and to encourage its sale as oleomargarine.

Another of these gentlemen referred to is Patrick Dolan, president of the United Mine Workers' Union. He says:

Don't want to be deprived of the ability to purchase this wholesome article of food.

He did not know that under this bill he would have the right to purchase it, and purchase it everywhere under the protection of the law, and to purchase it at a price that would not carry with it the price of butter.

Now, if there is anybody else than those I have mentioned who demand the adoption of the substitute bill as against the bill reported by the committee, I do not know who it is.

I have already called attention, Mr. President, to the fact that there are 10,000 retailers of oleomargarine in the United States. If the general public, to whom they have been selling oleomargarine as butter, want to have that practice continued, why have not these 10,000 retailers, with all the opportunity at their command, gathered petitions of their customers and sent them in here as others have sent in petitions? I do not know that a single petition from them has been presented. If there have been any they have escaped my attention. The petitions of that character which have been presented have been so limited in number that no one has paid any attention to them, and yet, if the general public wanted oleomargarine sold in the colored state, as it has been, surely these 10,000 retailers would have been employed as the agents of the manufacturers and those petitions would have come in here thicker than hail.

There is another side to this question, Mr. President. One gentleman appeared before the Committee on Agriculture and Forestry who was a manufacturer of oleomargarine. I refer to Mr. Tillinghast, of Providence, R. I., evidently a gentleman of great candor, a man who frankly said that oleomargarine was imitation butter, because, while it had for its base oleo oil and lard, it had also in it a sufficient quantity of butter to give it the aroma and flavor of butter, and had color in it to make it appear to be butter itself. Mr. Tillinghast is perfectly satisfied that this bill is going to pass. He appeared before the committee to make some suggestions about the tax that should be paid by the retailers, and he made the frank confession that he believed that oleomargarine in its natural state, without color, could be sold. He thinks that the people will overcome their prejudice against it.

It is—

He says—

sold to some extent already. I am one of those who believe that oleomargarine now, having been used for a quarter of a century and more, that people, some people at least, having learned that it is a wholesome and cheap article, will continue to use it.

I believe, too, that the American workingman is so intelligent, is so much of a reader and so much of an investigator that, with the discussion that has been going on here, he will have the right conception of what oleomargarine is, and that he will buy it, whatever the color of it may be, whenever he wants a cheaper article than butter.

Mr. PROCTOR. Mr. President—

The PRESIDING OFFICER. Does the junior Senator from Vermont yield to the senior Senator from Vermont?

Mr. DILLINGHAM. Certainly.

Mr. PROCTOR. I desire to inquire of my colleague if Mr. Tillinghast, the president of a Vermont manufactory manufacturing oleomargarine, did not testify that he was making and selling oleomargarine uncolored?



Mr. DILLINGHAM. He testified that he was selling it in Massachusetts and selling it in Connecticut where they have anticolor laws. He evidently sees a great future before him as a manufacturer of oleomargarine with this bill passed, when he can sell it strictly in accordance with law; and with the quality which he gives to his manufacture, make a market which can only be made when people have faith in the product which is placed before them.

Mr. President, I have spoken longer than I intended, but it is evident to me that, in order to regulate this matter once and for all, we must go to the root of it, and require that when butter is sold, it shall be sold as butter, and when oleomargarine is sold, it shall be sold as oleomargarine.

Mr. HARRIS. Mr. President, I should like to make a suggestion to the Senator from Vermont before he leaves the question of color and the sale of uncolored oleomargarine. On page 11 of the hearings before the Senate committee, I wish to suggest to the Senator the testimony of Mr. Springer who stated that—

The question is one of relative importance only. I do not wish to be understood as saying that in Denmark the consumption amounted to 15 pounds per capita by reason of the fact that the consumers were permitted to color it themselves. I stated that they were permitted to color it, and that that fact may have contributed to that large consumption. I have no fears whatever of conditions generally which will permit the consumption of 15 pounds per capita per annum of oleomargarine in the United States.

It shows that in Denmark the sale is very much greater than it is in the United States, because it is sold uncolored.

Mr. DILLINGHAM. I am very much obliged to the Senator for calling my attention to that statement. It had escaped me entirely as I was carrying on this discussion.

There never was a time in the history of our Government that we were not in need of revenue. We have just taken off the war taxes. I do not know how much larger revenue we will derive under this bill than is received under the present law, but probably not so much as would be supposed, because the new act will probably operate to discourage the manufacture of the colored article and the tax upon the uncolored article will be reduced from 2 cents a pound to one-fourth of 1 cent a pound.

I was very much struck the other day when the Senator from Wisconsin was discussing this bill with the point he made that public policy demands that this article be sold for just precisely what it is. I sent for the statutes of Canada, and I find that they provide that "food shall be deemed to be adulterated within the meaning of this act if any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength;" again, "if any inferior or cheaper substance has been substituted, wholly or in part, for the article;" again, "if it is an imitation of or is sold under the name of another article."

The result of that statute, we are informed by Governor Hoard in his argument, is this:

Compare the policy pursued by the United States with that of Canada. The Dominion government guards the purity and honesty of her dairy products to the extent of absolute prohibition of any adulteration or counterfeiting of the same. As a result, her export of cheese to England alone has grown in twenty years from \$3,000,000 to \$20,000,000, while ours has declined nearly the same amount because we did not place the strong hand of the law on the adulterated product—filled cheese—until we had lost the confidence of the foreign consumer.

The Dominion of Canada has taken from us nearly all of our once magnificent export trade in dairy products. Canada absolutely prohibits the making of counterfeit butter or cheese.

It seems to me, in view of all the facts that have been produced in this discussion, a manifest duty is laid upon us to take away the temptation for fraud which exists under present conditions. I believe we can best do this by placing upon the medium of that fraud a burden too great to be profitably borne. The bill reported by the committee is equitable in all its features. While it imposes a heavy rate of taxation upon oleomargarine colored in imitation of butter it also reduces the taxation upon oleomargarine offered for sale in its natural color, thus affording the purchaser of that article an opportunity to secure the same at a price 14 cents per pound less than he otherwise could do. By the adoption of this measure we protect the manufacturer of oleomargarine in all of his rights; we protect a time-honored industry in its rights; added to this, we protect the great army of consumers, who, without such legislation, are defenseless.

Mr. President, we represent here to-day 45 States. Thirty-two of them have adopted laws which prohibit the sale of oleomargarine within their borders when colored in imitation of butter. The legislatures of these States represent 80 per cent of the people of the United States. It has been impossible for the State authorities to enforce their statutes owing to the determined purpose of many of the manufacturers of oleomargarine to impose their goods upon the public in the garb of and as butter. The States are in a helpless condition. They appeal to this body to so adjust its system of taxation that incidentally protection may be given to the great army of dairymen in the United States against a fraud upon their industry, and the still greater army of consumers of

dairy products. Shall we not respond by the adoption of this measure?

Mr. McCUMBER. Mr. President, I intend to vote for this bill. I can give my reasons as clearly in ten minutes as I could in a ten-hour speech. I am not able to enthuse myself as our farmer Senators from Wisconsin and Iowa over the subject of protection to the cow. My associations with that quadruped have not been such as to bear fruits of enthusiastic admiration. I believed in my earlier days that she was rather a necessary evil, and that firmly fixed impression still clings to me.

But I do feel if there is any being on the face of this earth who is justly entitled to protection it is the man who owns and is compelled to attend to the desires and thwart the inclinations of that animal.

The opportunities to enact legislation directly beneficial to the product of the great army of agriculturists are so limited that whenever one is offered to protect any of their goods the duty to extend legislative aid becomes a most stringent moral obligation upon Congress.

The agriculturist is of the one class who always sells his product for just what it is. It may not always be the best, but it always leaves his hands with its true stamp. His butter may not always be the finest, but he sells his butter for butter, his lard for lard, and if it is poor, if it is fit for axle grease only, he only gets axle-grease prices for it. The man who renovates bad butter is seldom ever the farmer.

He is not asking very much; just simple, everyday honesty. His class constitutes about one-half of the people of the United States, and if he sells his products honestly and fairly for just what they are to the other half he is entitled by the law of commercial integrity to receive honest goods from them in return.

He is entitled to secure sirup when he buys sirup, and not glucose. He is entitled to have his coffee coffee, and not chicory, and legislation should not stop with the prohibition of colored oleomargarine alone. A pure-food bill—one that shall protect him in his sale as well as in his purchases—should also become a law.

The price of much of his product being fixed by foreign demand, where he is brought into close competition with all the cheap labor of all the balance of the world, while he does his part to protect all other industries from like competition, every principle of national justice and reciprocal integrity demands that he have an honest, fair field of competition in our home markets free from counterfeit and gross deceit.

He has a right to eliminate from that field of consumption this conglomerated mass of greases and deodorized rot that, under the head of "Finest Elgin butter" or other falsehood, comes into competition with his honest labors.

I regret that it has been found necessary to employ a somewhat deceptive bill to meet an insidious fraud, but the man who practices the fraud of selling a low grade of hog fat with a little suet for butter can not be heard to complain of the character of the weapon that is used against him. Selling his own articles under a false brand, flying them under false colors, he is not in a position to complain that the blow aimed at his product is struck from behind a shield with an erroneous or false title.

Everyone knows that this bill is intended to tax colored oleomargarine out of existence, although it is under the guise of a revenue bill which has never been referred to the Committee on Ways and Means. I was unable to follow the fine distinction drawn by the Senator from Massachusetts the other day, when, as I understood him, he denied the constitutional right to tax the colored article out of existence except upon the theory that it operated to assist the Government in the collection of a tax upon the uncolored. My understanding of the law is that once concede the right to tax any article or product, you concede the right to confiscate the very article itself to answer that tax, and the extent of the tax—the limit of amount—is always a legislative and not a judicial question, and may be levied for the very purpose of annihilation.

But if there is any other way whereby we can reach the evil legislated against; if there is any way by which we can so compel the branding of this article so that it can not come on any table without a card of identification, then I should prefer that other method.

The most strenuous objectors to this bill have shown no way by which this object can be accomplished other than by the character of legislation proposed. All other attempted remedies have failed. All their stress of argument is laid upon what they call an infringement of a right to make their goods presentable and palatable by coloring.

It is evident, however, that while this objection may enter into their protest, the great, the one important reason for the objection is that the coloring enables them to perpetuate a fraud.

The demand for their goods depends upon the amount consumed in the household, in the boarding houses, in the ranches, and in

the logging camps, and the amount so consumed depends almost wholly on the extent and the ability to counterfeit.

If this is true, then the colored article should be prohibited. If it is not true, then this law would be no hardship on the manufacturers and dealers in colored oleomargarine. If they wish to avoid this tax, let them cease to counterfeit butter. Let them first make a good, wholesome food out of wholesome oils and fats—one that will receive the approval of eminent chemists and food specialists—and then let that article, with its high indorsement, work its way into favor on its own merits, just as all other necessary manufactured food products have been compelled to do.

This, Mr. President, it seems to me, is all that they in right can ask of the legislators, and if that right is granted them they are in no position whatever to complain. There is nothing whatever in this bill which prevents them from selling their article for just exactly what it is, and no hardship is perpetrated upon them by requiring them so to do. These, Mr. President, briefly are my reasons in support of this bill.

Mr. HEITFELD obtained the floor.

Mr. PROCTOR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEITFELD. Certainly.

Mr. PROCTOR. Does the Senator from Idaho rise to speak on the pending bill?

Mr. HEITFELD. I do.

Mr. PROCTOR. Possibly on account of the lateness of the hour the Senator would prefer to defer his remarks until to-morrow.

Mr. HEITFELD. I would prefer to do so, with the understanding that I retain the floor.

Mr. PROCTOR. Certainly. I will give notice, then, that after the routine morning business to-morrow I will ask to have this bill taken up, and I shall expect the Senator from Idaho to resume the floor at that time.

Mr. HEITFELD. That will be satisfactory.

Mr. PROCTOR. It will probably be about half past 12 o'clock.

Mr. HEITFELD. Very well.

#### EXECUTIVE SESSION.

Mr. PROCTOR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 1, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 31, 1902.*

##### MARSHAL.

William D. Fossett, of Oklahoma, to be United States marshal for the Territory of Oklahoma, vice Canada H. Thompson, resigned.

##### COLLECTOR OF CUSTOMS.

Edward Fry, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York, to succeed Samuel D. Dickinson, resigned.

##### PENSION AGENT.

Augustus J. Hoitt, of Massachusetts, to be pension agent at Boston, Mass., to take effect April 27, 1902, at expiration of present term. (Reappointment.)

##### REGISTER OF LAND OFFICE.

Charles H. Titus, of Topeka, Kans., to be register of the land office at Topeka, Kans., vice George W. Fisher, term expired.

##### RECEIVERS OF PUBLIC MONEYS.

J. G. Wood, of Topeka, Kans., to be receiver of public moneys at Topeka, Kans., vice Rudolph B. Welch, term expired.

DeWitt C. Tufts, of North Dakota, to be receiver of public moneys at Fargo, N. Dak., his term having expired. (Reappointment.)

##### MEDICAL INSPECTOR IN THE NAVY.

Edward Kershner, to be a medical inspector in the Navy, on the retired list, in accordance with the provisions of an act of Congress (Private—No. 184) approved March 20, 1902.

##### APPOINTMENTS IN THE NAVY.

Christopher C. Wolcott, to be a civil engineer in the Navy, with the rank of captain, from the 28th day of February, 1901.

Frank O. Maxson, to be a civil engineer in the Navy, with the rank of commander, from the 28th day of February, 1901.

Robert E. Peary, to be a civil engineer in the Navy, with the rank of lieutenant-commander, from the 5th day of January, 1901.

George Mackay, to be a civil engineer in the Navy, with the rank of lieutenant-commander, from the 28th day of February, 1901.

Frank T. Chambers, to be a civil engineer in the Navy, with the rank of lieutenant, from the 5th day of January, 1901.

Charles W. Parks, to be a civil engineer in the Navy, with the rank of lieutenant, from the 28th day of February, 1901.

John F. Hanscom, to be a naval constructor in the Navy, with the rank of captain, from the 3d day of March, 1899.

Joseph H. Linnard, to be a naval constructor in the Navy, with the rank of captain, from the 5th day of August, 1899.

Joseph J. Woodward, to be a naval constructor in the Navy, with the rank of captain, from the 19th day of April, 1900.

David W. Taylor, to be a naval constructor in the Navy, with the rank of captain, from the 4th day of March, 1901.

Albert W. Stahl and William J. Baxter, to be naval constructors in the Navy, with the rank of commander, from the 3d day of March, 1899.

Washington L. Capps, to be a naval constructor in the Navy, with the rank of commander, from the 5th day of August, 1899.

Lloyd Bankson, to be a naval constructor in the Navy, with the rank of commander, from the 19th day of April, 1900.

John G. Tawresey, to be a naval constructor in the Navy, with the rank of commander, from the 4th day of March, 1901.

John D. Beuret, Joseph E. McDonald, and Homer L. Ferguson, to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 1st day of July, 1900.

Daniel C. Nutting, jr., and Holden A. Evans, to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 29th day of January, 1901.

William P. Robert and Daniel H. Cox, to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 12th day of July, 1901.

Thomas G. Roberts and Lawrence S. Adams, to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 20th day of July, 1901.

Thomas A. Gill, to be a chaplain in the Navy, with the rank of captain, from the 9th day of June, 1901.

Walter G. Isaacs, to be a chaplain in the Navy, with the rank of commander, from the 9th day of June, 1901.

The following-named chaplains to have the rank of lieutenant from the 3d day of March, 1899:

William G. Cassard.

Arthur O. Sykes.

William T. Helms.

Frederic C. Brown.

Curtis H. Dickens.

Omenzo G. Dodge, to be a professor of mathematics in the Navy, with the rank of commander, from the 17th day of December, 1899.

Stimson J. Brown, to be a professor of mathematics in the Navy, with the rank of captain, from the 25th day of August, 1900.

Henry M. Paul, to be a professor of mathematics in the Navy, with the rank of commander, from the 25th day of August, 1900.

Edward K. Rawson, to be a professor of mathematics, in the Navy, with the rank of captain, from the 25th day of November, 1900.

Aaron N. Skinner, to be a professor of mathematics in the Navy, with the rank of commander, from the 25th day of November, 1900.

Philip R. Alger, to be a professor of mathematics in the Navy, with the rank of commander, from the 22d day of May, 1899.

#### PROMOTIONS IN THE NAVY.

The following-named pay officers to be paymasters in the Navy, with the rank of lieutenant-commander, from the 3d day of March, 1899:

Charles W. Littlefield.

Arthur Peterson.

William W. Galt.

John R. Martin, to be a paymaster in the Navy, with the rank of lieutenant-commander, from the 22d day of November, 1899.

The following-named pay officers to be paymasters in the Navy, with the rank of lieutenant-commander, from the 8th day of December, 1899:

Charles M. Ray.

Mitchell C. McDonald.

Eustace B. Rogers.

The following-named pay officers to be paymasters in the Navy, with the rank of lieutenant-commander, from the 22d day of September, 1901:

Leeds C. Kerr.

Richard T. M. Ball.

Charles S. Williams.

Thomas J. Cowie.



The following-named pay officers to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), from the 20th day of May, 1901:

Hugh R. Insley.  
George M. Stackhouse.  
Grey Skipwith.  
Trevor W. Leutze.  
McGill R. Goldsborough.  
David V. Chadwick.  
Eugene C. Tobey.  
Arthur H. Cathcart.

The following-named medical officers to be surgeons in the Navy, with the rank of lieutenant-commander, from the 3d day of March, 1899, viz:

David O. Lewis.  
Howard E. Ames.  
Frank Anderson.  
Phillips A. Lovering.  
William R. Du Bose.  
Charles T. Hibbett.  
Nelson H. Drake.  
Henry G. Beyer.  
John M. Steele.  
James E. Gardner.  
Millard H. Crawford.  
George P. Lumsden.  
Emlyn H. Marsteller.  
James C. Byrnes.  
Samuel H. Griffith.

To be surgeons in the Navy, with the rank of lieutenant-commander, from the 8th day of December, 1899:

Averley C. H. Russell.  
Clement Biddle.

Henry T. Percy, to be a surgeon in the Navy, with the rank of lieutenant-commander, from the 30th day of August, 1900.

To be surgeons in the Navy, with the rank of lieutenant-commander, from the 22d day of September, 1901:

James D. Gatewood.  
Oliver Diehl.

The following-named medical officers to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 3d day of March, 1899, viz:

William C. Braisted.  
Sheldon G. Evans.  
Adrian R. Alfred.  
John E. Page.  
Middleton S. Guest.  
Joseph A. Guthrie.  
Charles M. De Valin.  
Charles P. Bagg.  
Carl D. Brownell.  
Henry D. Wilson.

The following-named medical officers to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1899, viz:

Lewis Morris.  
John M. Moore.  
Brownlee R. Ward.  
Edward M. Shipp.  
Charles E. Riggs.

To be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1900:

James F. Leys.  
Frank C. Cook.

To be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 26th day of December, 1900:

Ammen Farenholt.  
Charles P. Kindleberger.

To be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 29th day of January, 1901:

Arthur W. Dunbar.  
Theodore W. Richards.  
Reginald K. Smith.

To be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1901:

Jacob C. Rosenbleuth.  
Moulton K. Johnson.

The following-named medical officers to be assistant surgeons in the Navy with the rank of lieutenant (junior grade), from the 7th day of June, 1901, viz:

Thomas McC. Lippitt.  
Barton L. Wright.  
Ralph W. Plummer.  
Henry E. Odell.  
James S. Taylor.

Joseph A. Murphy.  
John T. Kennedy.  
Karl Ohnesorg.  
Charles N. Fiske.

#### APPOINTMENTS IN THE ARMY.

##### Artillery Corps.

Jacob M. Coward, of New Jersey, late captain, Fourth New Jersey Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

Edward L. Glasgow, of Kansas, late captain, Eleventh Cavalry, United States Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

Robert B. McBride, of Georgia, late captain, Third United States Volunteer Infantry, to be first lieutenant, September 23, 1901, to fill an original vacancy.

#### POSTMASTERS.

John B. Leffingwell, to be postmaster at Braidentown, in the county of Manatee and State of Florida. Office became Presidential January 1, 1902.

James R. Young, to be postmaster at Ada, in the Chickasaw Nation, Ind. T. Office becomes Presidential April 1, 1902.

Millard F. Campbell, to be postmaster at Wilburton, in the Choctaw Nation, Ind. T. Office becomes Presidential April 1, 1902.

Harvey G. Lowrance, to be postmaster at Thayer, in the county of Neosho and State of Kansas. Office becomes Presidential April 1, 1902.

Charles L. Hanson, to be postmaster at Berea, in the county of Madison and State of Kentucky. Office becomes Presidential January 1, 1902.

John C. Stoughton, to be postmaster at Geddes, in the county of Charles Mix and State of South Dakota. Office becomes Presidential April 1, 1902.

Warner S. Carr, to be postmaster at Lake Nebagamon, late Lake Nebagemain, in the county of Douglas and State of Wisconsin. Office becomes Presidential April 1, 1902.

Kennedy B. Summerfield, to be postmaster at Santa Monica, in the county of Los Angeles and State of California, in place of George B. Dexter. Incumbent's commission expired March 22, 1902.

Willis S. Gardner, to be postmaster at Clinton, in the county of Clinton and State of Iowa, in place of Willis S. Gardner. Incumbent's commission expired March 17, 1902.

Russel W. Branson, to be postmaster at Cherokee, in the county of Crawford and State of Kansas, in place of Russel W. Branson. Incumbent's commission expired January 10, 1902.

William T. McElroy, to be postmaster at Humboldt, in the county of Allen and State of Kansas, in place of William T. McElroy. Incumbent's commission expired March 17, 1902.

Thomas B. Leland, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi, in place of Thomas B. Leland. Incumbent's commission expired July 19, 1901.

Mathew J. Orr, to be postmaster at Osceola, in the county of St. Clair and State of Missouri, in place of Mathew J. Orr. Incumbent's commission expired June 11, 1901.

Robert Z. Bennett, to be postmaster at Beresford, in the county of Union and State of South Dakota, in place of Robert Z. Bennett. Incumbent's commission expires March 31, 1902.

Charles J. Hostrasser, to be postmaster at Hearne, in the county of Robertson and State of Texas, in place of Charles J. Hostrasser. Incumbent's commission expires March 31, 1902.

Thomas J. Darling, to be postmaster at Temple, in the county of Bell and State of Texas, in place of Thomas J. Darling. Incumbent's commission expired March 30, 1902.

Dozier Anderson, to be postmaster at Tupelo, in the county of Lee and State of Mississippi, in place of James W. Elliott, removed.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 31, 1902.*

##### CONSUL.

William E. Alger, of Massachusetts, to be consul of the United States at Puerto Cortez, Honduras.

##### MARSHAL.

William D. Fossett, of Oklahoma, to be United States marshal for the Territory of Oklahoma.

#### APPOINTMENTS IN THE ARMY.

##### TO BE SECOND LIEUTENANTS.

##### Infantry Arm.

Archibald G. Hutchinson, of Missouri, to be second lieutenant, February 2, 1901.

*Artillery Corps.*

Lawrence Carter Crawford, at large, to be second lieutenant, March 18, 1902.

George H. Terrell, of Texas, to be second lieutenant, March 18, 1902.

William Scott Wood, of Virginia, to be second lieutenant, March 18, 1902.

## TO BE FIRST LIEUTENANT.

William W. Chance, of the District of Columbia, late captain and signal officer, United States Volunteers, to be first lieutenant, September 23, 1901.

## INDIAN AGENT.

George D. Corson, of San Carlos, Ariz., to be agent for the Indians of the San Carlos Agency, in Arizona.

## SURVEYORS OF CUSTOMS.

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania.

Mahlon M. Garland, of Pennsylvania, to be surveyor of customs for the port of Pittsburg, in the State of Pennsylvania.

## COLLECTOR OF CUSTOMS.

Nevada N. Stranahan, of New York, to be collector of customs for the district of New York, in the State of New York.

## POSTMASTERS.

Annie H. Leaf, to be postmaster at Fort Washington, in the county of Montgomery and State of Pennsylvania.

William S. Linton, to be postmaster at Saginaw, in the county of Saginaw and State of Michigan.

William E. Ward, to be postmaster at Ridgeville, in the county of Randolph and State of Indiana.

James F. Brenaman, to be postmaster at Alexandria, in the county of Madison and State of Indiana.

I. Warner Arthur, to be postmaster at Bryn Mawr, in the county of Montgomery and State of Pennsylvania.

William E. Brown, to be postmaster at Linesville, in the county of Crawford and State of Pennsylvania.

James M. Hundley, to be postmaster at Summitville, in the county of Madison and State of Indiana.

Addison Eppehimer, to be postmaster at Royersford, in the county of Montgomery and State of Pennsylvania.

James W. Bartlett, to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania.

Solomon S. Ketcham, to be postmaster at Overbrook, in the county of Montgomery and State of Pennsylvania.

## HOUSE OF REPRESENTATIVES.

MONDAY, *March 31, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

## LEAVE OF ABSENCE.

Mr. LANHAM, by unanimous consent, obtained leave of absence indefinitely, on account of important business.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil appropriation bill; and pending that motion I ask the gentleman from Missouri [Mr. BENTON] whether he is prepared now to suggest a time for closing general debate?

Mr. BENTON. Not exactly. About two hours and a half have been asked for on this side, so far as I know. I do not know what arrangements the gentleman from Arkansas [Mr. McRAE], the leading member of the minority of the committee, made before he left the city. I suggest that the gentleman from Illinois allow the debate to run along for a while without any arrangement, and it may be that before night we can agree to close the debate this afternoon.

Mr. CANNON. I have not had any application for time for general debate on this side. I think I can get through myself in thirty minutes. What does the gentleman say to closing the general debate with the end of to-day's session? If the debate gives out we can, of course, commence the consideration of the bill under the five-minute rule earlier.

Mr. BENTON. I would not like to agree to that until I see whether other members, that I do not now know about, have been promised time by the gentleman from Arkansas. So far as I am personally concerned, I will say that I would be willing to close the general debate at the close of to-day's session. I suggest, however, that for the present the debate run along without any arrangement.

Mr. CANNON. Mr. Speaker, I am desirous of passing this bill, not with lightning speed, but as rapidly as may be practicable from a business standpoint. I have no desire to prevent reasonable debate, but I trust that later we may agree that the debate close to-day.

Mr. BENTON. I prefer to ask the gentleman to let the debate run along without limitation until the close of the day.

Mr. CANNON. I have accepted the suggestion of the gentleman upon that point.

The SPEAKER. The question is now the motion of the gentleman from Illinois, that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 13123) known as the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. LAWRENCE in the chair, and proceeded to the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The CHAIRMAN. The Clerk will report the bill.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I do not propose in presenting this bill to the committee to take much time. So far as I am concerned, I am content with saying that the bill has been carefully prepared by the Committee on Appropriations, is believed to provide liberally for the public service, and I should be glad to have it considered at this stage of the session in good faith directly upon the merits of the bill. With the large latitude that has been given to general debate and under the five-minute rule heretofore, I suggest that we have come to a time in the session when we could well devote ourselves to the matter in hand.

The bill is pretty thoroughly analyzed by the report, being report No. 1260. If gentlemen now or hereafter desire to have the bill in a nutshell, the report thoroughly gives it. The estimates, original and supplemental, for this bill amount in round numbers to \$61,779,000. The bill recommends \$49,323,000, or, in other words, below the estimates the bill recommends \$12,455,000. The bill for the current year, for purposes of comparison, carried nearly \$62,000,000. The present bill is a reduction over the bill for the current year of twelve million and a half of dollars. Your committee in the consideration and reporting of this bill, while it has striven to and I believe has recommended liberally for the public service, has made its recommendations from the standpoint of the new conditions that surround the Treasury, in light of the tax-reduction bill of last year covering, as is estimated, \$41,000,000, and in light of the bill now pending in conference to remove the remainder of the war taxation, estimated at \$70,000,000, the two together, if this legislation is enacted, and I will assume that it is to be enacted, because it is morally certain that it will be, making a reduction of revenues of \$111,000,000.

I am heartily glad of it, because it leaves sufficient revenue, in my judgment, under the law when thus amended to carry on liberally the public service. I am not here to talk to any considerable extent about the undesirability of too much revenue. There is only one thing worse than too much revenue, and that is too little revenue. I think when the law is amended, as it is soon to be, that we will strike the happy medium, gathering great blocks of revenue for great blocks of service, and that we will be armed when the law is thus amended with weapons of defense against those who would exploit the Treasury of the United States for too much of appropriation. The report explains in detail the various reductions.

One matter that explains considerable of the reduction is that last year one very large item—three millions and a half—was carried by this bill for the public debt that the United States was bound to pay of the Hawaiian Islands, and so on, with other various matters, some of that kind and others representing real economies in the public service. There are many things that we considered, that were estimated for, that are not in this bill. One that I will call attention to was a small estimate of \$5,000 for the purpose of making plans for a National Museum building. Gentlemen understand the necessity for that building. That something ought to be done in the early future is patent. Your Committee on Appropriations tried to place a limitation on the plans. We called in the Secretary of the Smithsonian Institute, and we examined various public officials to see if we could not make that limitation.

After consideration they did not believe that a building could be constructed for less than \$4,000,000. Your committee is of opinion that we ought not to commence plans upon a \$4,000,000



basis. In our judgment we can build for one million and a half to two millions of dollars a building that will answer the National Museum for the next quarter of a century, and when those who have such matters in charge come to the ideas that your committee has touching this matter it will be time enough to grant an appropriation to begin the plans. There was much of pressure, as there is before many committees, to take into consideration extensive erections of public buildings and plans for the same in the District of Columbia; much of pressure for the improvement of parks in the District of Columbia. Your committee went quite fully into this whole subject. That some additional buildings are required in the city of Washington is patent; that something of improvement is required for the public parks in the city of Washington is evident, but after a full investigation substantially your committee have not recommended that action be taken at this time.

There is a great industry here in the city of Washington, and there is but one industry here, and that is to exploit the public treasury for improvements in the city of Washington without cost to the local population. I do not say this unkindly. It is but natural, and history repeating itself as to all capitals of great nations. Mr. Chairman, I do not propose to talk a great while about this bill, but I am inclined to accept the conditions of the Committee of the Whole, as noted, that it would, perhaps, be best to discuss this bill under the five-minute rule. We have made one recommendation, however, for an improvement to one of the parks of the city—that is, to begin an improvement at Potomac Park, \$70,000. Gentlemen, understand that some years ago, by law, the Potomac Flats, which have been reclaimed in large part, were dedicated as a public park, and are now a part of the system. It will cost a great deal of money to properly improve this great park, and we ought to go at it slowly, but we ought to make progress. After full investigation, your committee recommends \$70,000 for the purpose of continuing a road along the river bank in the vicinity of the national monument, for the purpose of building a wall about where the public bathing beach is now situated, and for the removal of that bathing site to barges or elsewhere other than it is now.

Mr. BENTON. Mr. Chairman, I should like to ask the gentleman from Illinois if he has yet discussed the recommendation of the committee as to the Yellowstone Park?

Mr. CANNON. No.

Mr. BENTON. At the proper time I should like a statement about that.

Mr. CANNON. If my friend will remind me a little later on, I will come to that.

Your committee might perhaps well have made additional recommendations, but in the present condition we thought best to rest with this one recommendation.

Great plans have been made for the extension of the park system in the District of Columbia. We already have a great park system, many hundreds of little parks scattered all through the city, and then we have the Zoo. We have Rock Creek Park, and have had it for many years. The future is well cared for and well assured from the standpoint of the Government service in the District of Columbia and for the convenience of its inhabitants and for the welfare and pleasure of all the people. But this system of parks being reserved, we can go slowly. The Almighty did much in the Rock Creek Park. If you just let it alone, making a few roads, which are gradually being constructed, you can not improve much upon nature, and it will not be necessary for a decade to make much of an expenditure in that splendid park.

There is a park commission proposition that has never been adopted by Congress, and, so far as I am concerned, I am inclined to say never will be adopted by my vote. It was not a self-appointed commission, but a commission appointed by the coordinate branch of Congress under a resolution. That commission made their plans, splendid and magnificent. When the improvement is complete, it is to cost \$200,000,000. As I understand it, it involves the condemning of all the territory between the Mall and Pennsylvania avenue, and the payment of the damages from the public Treasury, and a great many other matters that in my judgment ought not to be enacted.

Mr. BENTON. Is it not a matter of fact that this property was once the property of the Government and that they are proposing to buy it back?

Mr. CANNON. I am not advised as to that. That may be true; but it is now the property of individuals. I will not enter upon a discussion of its merits. It may come later in connection with this bill or some other bill. My position and that of your committee, I think without dissent, as I understand it, is about as follows: That for construction of public buildings to carry on the public business in the city of Washington we stand quite ready to cooperate, and recommend all apt appropriation as speedily as the public service requires and the public revenues will allow, with due regard for the public service elsewhere in the United States.

The second proposition is to beautify the city without regard to the public service and to make it a beauty spot in the United States. As to that great project the position of your committee is that we shall go just so fast in beautifying the city of Washington as the people of the city of Washington are willing to go and no faster, paying half the expenses thereof by taxation. That is a very good check upon that kind of improvements. Therefore, in the improvement of this park, \$70,000, which but commences it, we provide that one-half of that sum shall be paid from the revenues of the District. And so as to all the great park systems of the District of Columbia, your committee are thoroughly of opinion that they ought to be and must be improved, one-half from the Treasury of the United States and the other half by local taxation.

There is one other matter that I want to call to the attention of the committee. There is a great cry for a hall of records in the District. There is a great cry for the erection of a palace of justice, a new State Department, and so on, and so on. Some of these works might well be commenced, but they ought to be commenced with care to make them fairly agree with the improvements that have been made in the District on the one hand and to shut off extravagance upon the other.

Much that is said about a hall of records might well be unsaid if the Government of the United States paid enough attention to the records of the United States to preserve the records that ought to be preserved and to destroy those that are of no account.

I will illustrate what I mean. Your committee made an investigation touching the records in the Census Office, and we found there in a rented building substantially fireproof the population schedules from the First Census down to the present. They came asking an appropriation of \$15,000 to bind the population schedules of the census of 1890. They have done it for several years. We have turned it down for several years, and on this investigation we find now of those old, useless population schedules, commencing with the year 1790, 400 tons, kept in a rented building, heated and lighted, with watchmen and laborers and a force of clerks. They are of no manner of use on earth in my judgment except to furnish a reason for paying rent to somebody to house them and to afford employment to the employees who have charge of them. You know what a population schedule is. That is the schedule that the enumerator makes out when he visits you all over the country: How many in the family? Married? How many children? Ages, residence, where born, and so forth, and so forth. Well, now, those schedules come in and are tabulated, and the tabulation is published, and after that, in my judgment, they are of no account.

When the question of destroying them was presented, those having them in charge threw up their hands in holy horror. "Oh," you say, "but what use are they?" "Oh, somebody may want to know who lived at Winsted, in Connecticut, in 1790, and what was his name and whether he was married." "Well, but it is not evidence." "Well, but sometimes we get inquiries." They are not evidence. Now, then, I undertake to say that 400 tons of population schedules, some of which has been taken care of for a century and all of which are being cared for now by a force of clerks, laborer, watchman, light, heat, and rent ought to be destroyed. And there are lots of records of no more account than these. If we had the departments intelligently cleared of useless records, in my judgment there is plenty of space to accommodate the public service of the United States in the city of Washington.

Another matter that your committee investigated. On the sundry civil law for the current year the following provision is found:

To enable the Architect of the Capitol to prepare and submit to Congress at its next session plans, specifications, and estimates of cost for reconstructing and extending in a fireproof manner the central portion of the Capitol building; the renovation and decoration of the Rotunda; also for the construction of a fireproof building adjacent to the grounds of the Capitol building, to be used for offices, storage and power plant purposes connected with the Capitol building, \$1,500, to be immediately available.

The Architect of the Capitol took this question up. Gentlemen may be aware that the Capitol never was completed; that on the east part the original plans, specifications, and drawings were all made long ago. There was to be a wing east corresponding with the wing west. The Dome itself extends over the wall on the east. It would add to the architectural effect, would give more room, that is needed, in the Capitol. It would permanently house the Supreme Court, with consultation rooms, ample quarters for attorneys, ample quarters for a library, and would almost, in addition, double for committee rooms space that was added in the western extension of the Capitol. Now, the investigation shows that to complete the Capitol would cost \$2,500,000; to renovate the rotunda \$275,000.

In addition to that, under this provision of the law the Architect of the Capitol has ascertained that to construct a tunnel from the Capitol somewhere to land that is south of us, or southeast or southwest, near by the Capitol grounds, and to complete a building with 400 rooms in it, in a style of architecture that would



comport fairly well with the surroundings of the Capitol and Library of Congress, and construct a tunnel from the Capitol to such building, constructing such a building with a great basement that would hold all the documents and that would hold in addition the heating apparatus of the Capitol, move it all out and your lighting apparatus into such a building, giving additional room in the Capitol for committee rooms, removing the condition that we have from musty documents, that the construction of such a building would cost, in round numbers, \$4,000,000, and that, with the completion of the Capitol, would cost \$6,775,000.

In the judgment of your committee this is one of the earliest improvements that ought to be made in the public buildings. On the Senate side Senators have their office rooms in the Maltby Building or the Capitol. On the House side there is a very general complaint upon the part of members that if they have places in which to transact their business that they have either to utilize quarters at their houses and hotels or that they have got to go and lease them. This scheme, if adopted, would enable each Representative to have a comfortable room near by the Capitol for office purposes. [Applause.]

Now, I call attention to this fact because I want the House to bear in mind that after investigation for a hall of records, a new State Department, a new Department of Justice, and various other schemes that are talked about ought to wait until this improvement is authorized and begun before these are authorized. This, in my judgment, is the first thing to do. Now, then, I want to say further, that your committee did not see proper to report this provision, but have suggested that I call attention of the House to it for the reason that in the present condition, with this reduction of a great block of the revenue, that probably it would be well enough to wait until we could reasonably forecast what the revenues will be before we authorize or recommend the construction—until the next session of Congress.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes.

Mr. SHAFROTH. Was there any investigation by the committee as to whether it was feasible or not to add more stories to the Capitol building, and thereby provide rooms for members for work?

Mr. CANNON. Your committee was thoroughly satisfied, from taking counsel with the architects in part—and you know they do not entirely agree—but the best opinions seems to be that it would not be practicable to do more than to expend \$2,000,000 in continuing to complete the Capitol, for the eastern extension, according to the original plan. We therefore consider that it would be much better to get rid of the heating and lighting apparatus and construct a building just across from the public grounds here.

Mr. SHAFROTH. Did the committee make any inquiry as to the feasibility of erecting stories on top of this building?

Mr. CANNON. The consensus of opinion seemed to be against it.

Mr. RICHARDSON of Alabama. The gentleman's suggestion as to the construction of a building to accommodate members of Congress has been postponed, has it?

Mr. CANNON. We did not report any provision for the same for the reason that with the universal hunger for promotion of the public service—and I speak of it respectfully, because I am one of the hungry ones, along with other gentlemen—that under all the conditions, with what is in front of us at this session of Congress, we thought best to call the attention of the House to the various propositions that would probably be pressed upon us in connection with public buildings in the District, and to express our opinion that, everything considered, in our judgment, that matter had better go over until the succeeding sessions of Congress.

Mr. RICHARDSON of Alabama. I trust the gentleman from Illinois will pardon me for the interruption, but I feel a great interest in the question. If members of Congress would express their wishes about it now, does the gentleman believe that the committee would recommend it?

Mr. CANNON. It would be in the power of the House, if they want to commence it at once, to do so.

Mr. RICHARDSON of Alabama. It seems to me it is more important to preserve the health of members of Congress than it is to preserve the old, dusty records.

Mr. CANNON. I think so, and I am calling it to the attention of the House, so that if we do not commence it now—whether we commence it now or at the next session this is the first great improvement along the line of public buildings that ought to be undertaken in Washington, because, in the judgment of the committee, it is the most needed.

Mr. RICHARDSON of Alabama. It seems to me that the suggestion that the committee makes will meet with the hearty concurrence of all the members, not only as to the mere suggestion, but that they would be in favor of taking it up and going on with it.

Mr. CANNON. Well, that is the object of my calling the attention of the House to the matter.

Mr. ROBINSON of Indiana. I desire to supplement what the gentleman from Alabama has just said, and I think it will meet with the unanimous approval of the members of the House. This is the first construction that we ought to begin. I hope the gentleman's committee, under his able and economical administration, will see to it that the much-needed building is started early in its progress.

Mr. CANNON. Mr. Chairman, there is one other matter, answering my colleague from Missouri [Mr. BENTON], that I want to call attention to, and that is the improvement of Yellowstone Park. Gentlemen understand about it. For twenty-five years, substantially, we have been appropriating money for the improvement of Yellowstone Park. We have been paying current expenses and adding a little improvement year by year, until there is a condition of that park that satisfies your committee, after very thorough inquiry, ought to be met. All necessary roads can be constructed, all necessary bridges can be constructed, all the roads can be surfaced so as to get rid of the dust and get a permanent, firm road, including the making of the necessary roads across the forest reservation to the south of the park and bridges across the forest reservation east of the park, open a road from Great Falls to Yanceys, and otherwise finish these improvements for about \$750,000. It will require three years to do it. If done, it will be under the charge of the engineers of the Army; in fact, these improvements for a number of years have been under their charge, and the park has been policed for a number of years by a troop of cavalry.

Your committee was of opinion, after a thorough investigation, that this work ought to be completed, and then it can be maintained annually thereafter for about \$30,000. So we appropriated \$250,000 and authorized contracts for the two succeeding years of \$250,000 each, with a view of completion of this work.

Now, I will not multiply words, but it seems to me I have fairly covered the ground in connection with the recommendations in this bill, and when we come to consider it under the five-minute rule I will stand quite ready to answer any suggestion that can be urged or answer any questions to the best of my ability.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Thirty-eight minutes.

Mr. LLOYD. I would like to ask the gentleman from Illinois a question. I notice the statement that the committee has reduced the expenditure of the Geological Survey \$80,000. What is the purpose of that reduction?

Mr. CANNON. That is apparent and not actual. On page 2 of the report the gentleman will see that it says:

This reduction is apparent, not actual, \$60,000 having already been appropriated for investigation of the mining resources of Alaska and \$11,200 for rent of building being transferred to the legislative act, leaving, in fact, a net increase of \$1,000 in the total appropriations for the Survey, which amount is given as an increase in the appropriation from \$3,000 to \$4,000 for expenses of transmitting documents through the Smithsonian exchange.

Mr. LLOYD. I notice the remarks in the report. I note in the estimate made by the Department amounts to \$1,024,207, while the committee have appropriated \$880,000. What was it that they applied for and what is it that the committee have not included in the appropriation?

Mr. CANNON. They wanted an increase all along the line. There was a provision on the bill for the current year that directed the Secretary to make specific estimates for his whole force; and in the making of those estimates there was somewhat of an increase. On fuller investigation we concluded it was not practicable for the Secretary to estimate or the committee to recommend specifically for the scientific corps, because, in our judgment, it is a live service, and the Bureau had better be left to this administration employing scientists from time to time for necessary work, and then letting them go out of employment when not required. That explains part of the matter. Another part is the publication of maps. My recollection is that for this they wanted \$100,000; we gave them \$70,000.

I want to say, touching this service, that it is a great service, a growing service. It has got about legs enough to crawl itself. [Laughter.] It has a wonderfully bright head and a wonderfully meritorious one I will frankly say, in my judgment.

Mr. LLOYD. I concur in what the gentleman says on that point.

Mr. CANNON. It grows, you know, like a green bay tree. I think we have fairly well cared for it. I trust it may always remain as efficient as it is now and may always keep out of the rut in which much of the public service is apt, and to contract the disease of dry rot.

Mr. LLOYD. Is it not true that a considerable sum was asked as an additional appropriation for topographical survey?

Mr. CANNON. Fifty thousand dollars more was asked for that purpose.



Mr. LLOYD. Was any necessity shown for that \$50,000 additional?

Mr. CANNON. That was for additional work, as we understood. The truth is there would be a demand for \$1,000,000, if we would give it. They would take the amount and would do the work. But this service has grown quite rapidly; and after investigation your committee is of opinion that the amount recommended is sufficient. My friend knows that we must leave something for future generations to do.

Mr. LLOYD. Was there anything else for extension of the service? The gentleman sees the point I am trying to reach. What was it which the committee appropriated that would extend the service? The gentleman says that \$50,000 was for additional expenditure in topography. I want to get at the amount they desired to expend which would expand the service.

Mr. CANNON. Well, I think there was an estimate for an additional party to go to Alaska.

Mr. LLOYD. You have already provided for that?

Mr. CANNON. We have already three parties—

Mr. LLOYD. You have already provided for that, have you not?

Mr. CANNON. Yes; but they want another one.

Mr. LLOYD. How much more money?

Mr. CANNON. I do not recollect; I think \$20,000. It seemed to us that this matter might wait. This whole question can come up, however, under the five-minute rule.

Mr. LLOYD. All right.

Mr. RUCKER. Mr. Chairman, I was not able to hear the whole statement of the gentleman from Illinois, because I was called out of the Hall. Therefore he will allow me to ask, Does this bill carry an appropriation for improvements in this District—for what is termed "beautifying Washington?"

Mr. CANNON. It carries the usual appropriation for the park system.

Mr. RUCKER. No extension—no increased amount?

Mr. CANNON. There is an increase of \$70,000 for improvements on the Potomac Flats—the making of a roadway along the bank of the river adjacent to the Monument and extending of the wall where the bathing establishment is now.

Mr. RUCKER. This bill does not carry any appropriation for making these extensive improvements that we have been reading about in the papers?

Mr. CANNON. The parking system?

Mr. RUCKER. Yes, sir.

Mr. CANNON. Nay, nay.

Mr. RUCKER. The gentleman spoke about the construction of a building for offices. That is practically useful, I suppose—needed?

Mr. CANNON. I believe the committee is of that opinion. I most certainly am.

Mr. RUCKER. The gentleman considers that much more necessary than the appropriation of large sums of money for the purpose of beautifying the city of Washington?

Mr. CANNON. Oh, I am satisfied that the first thing that ought to be done toward extending the public buildings in the city of Washington is to complete this Capitol according to the original design and make the improvements indicated.

Mr. RUCKER. Let me ask the gentleman another question. I believe the appropriations made for the improvement of this city must be borne one-half by the General Government and one-half by the city of Washington?

Mr. CANNON. Well, that is not entirely so. We are trying to extend that principle—the principle of half and half.

Mr. RUCKER. Are there any appropriations here for public improvements—I do not mean Government improvements, but improvements of the city or District—of which the District does not pay half?

Mr. CANNON. We have upon this bill in many instances, especially in extending and improving the parks, succeeded in getting the appropriations made on the half-and-half principle. In regard to this improvement on the Potomac Flats we provide for payment half and half.

Mr. RUCKER. Does the gentleman believe that every improvement of that nature ought to be borne by the District?

Mr. CANNON. I do.

Mr. RUCKER. And none of them paid for in whole by the Government? Now, if the gentleman will kindly answer me, if he can. This half which is paid by the city or the District, of course, is raised by local taxation?

Mr. CANNON. Yes.

Mr. RUCKER. There has been a good deal of discussion in the newspapers about the taxation of personal property here. Will the gentleman advise me as to whether personal property is taxed here?

Mr. CANNON. Practically, I understand not.

Mr. RUCKER. Then, does not the gentleman believe that before we appropriate another dollar for expenses, one-half of which

the city ought to pay, that the city ought to be required to tax personal property?

Mr. CANNON. I will say to my friend that the newspapers say that the District Committees that have charge of legislation are considering that subject, and it has been announced that provisions to be recommended are about ready. Your Committee on Appropriations has delayed the preparation of its appropriation bill for the purpose of seeing whether or not such legislation would be enacted, and as one member of that committee I am not willing to provide for expenditures for improvements of the District proper except as the District contributes its quota.

Mr. RUCKER. Its half.

Mr. CANNON. And I trust before this bill is enacted—I mean the District bill that is to come later—that legislation under the lead of the District Committee of the House and of the District Committee of the Senate will provide for an increase of revenue. I trust that will be the case.

Mr. RUCKER. There is a proposition pending to make a loan of ten or fifteen millions of dollars to the District. Does that come before the Committee on Appropriations?

Mr. CANNON. No, that would not. That would involve legislation of which the District Committee of the House would have jurisdiction.

Mr. RUCKER. And not yours.

Mr. CANNON. In my judgment it is not necessary to make a loan. In my judgment if there was a fair assessment of the real estate of the District of Columbia that the revenues would be increased a million of dollars, say, or more, by reason of that fair assessment. Then if there was a fair assessment of the personal property of the District, of the capital stock of the various corporations, and the choses in action, substantially like such property is taxed in the States, in my judgment it would yield at least a million and a half of dollars of revenue. That would make two millions and a half, and two millions and a half increase, with a like amount added from the national Treasury, will do all the work that is desirable to be done in the District of Columbia, in my judgment, and as fast as it ought to be done without the borrowing of one cent.

Mr. RUCKER. Then it is the best policy of the Government to impose taxes on all the personalty and money, stock, bond, choses in action and force the District in that way to raise a part and the Government pay its part, rather than to loan.

Mr. CANNON. I have no doubt that the property of the District ought to be taxed for the benefit of the District revenues as it is taxed elsewhere.

Mr. RUCKER. The gentleman doubtless has seen in the papers that taxation of personal property might compel some rich gentlemen to leave the District.

Mr. CANNON. Well, I do not know. It seems to me that if they should insist on going on that account I would fracture the Constitution for the purpose of hoisting a flag and hiring a band as they depart. [Laughter.]

Mr. RUCKER. I am very glad to hear the gentleman say that. I agree with him. One other proposition. If they do not go, the newspapers say they might be forced to commit perjury in order to hide their property. The newspapers here in Washington say that.

Mr. CANNON. Well, I hardly think that is correct.

Mr. RUCKER. The gentleman understands me—

Mr. CANNON. I do not believe that any great block of people would commit perjury. Once in a while, for a great many centuries, individuals have lied, and I think where a man would tell a lie for gain he would probably swear to it, but I do not think that is the rule.

Mr. RUCKER. The gentleman understands me. I do not charge it, I merely say I saw it in the newspapers. I see that argument advanced that gentlemen here would commit perjury rather than pay taxes.

Mr. CANNON. Well, we want to be lenient in our minds with our friends in the District. I do not mean that we want to fail to enact legislation, but they have just the same kind of people here that they have in every other capital, namely, people who desire to get the most they can at the expense of all of the people and bear as little burden at their own expense as possible.

Mr. RUCKER. I fully agree with what the gentleman has said about leniency to the people of the District of Columbia, but I think, also, that we ought to be fair with our people at home, and if in doing that we force some rich men to leave the city of Washington I would join the gentleman in hoisting the flag and hiring the band, and if they stay and violate the law let them be dealt with like any other man who violates the law.

Mr. CANNON. I do not believe that many gentlemen of wealth—I do not believe that any gentleman of wealth—would leave the District of Columbia under just taxation; and now, to be candid, for fear I may have been misunderstood, I am very glad that any American citizen who sees proper to come to Washington to live should come. And it is no crime, in my eyes, for a

man to be rich. I would stop just when I made him contribute his share, according to his property, for the public service.

Mr. GROSVENOR. Is there any law authorizing the taxation of personal assets now in the District of Columbia?

Mr. CANNON. None that is enforced, as I understand it.

Mr. GROSVENOR. Why is it not enforced? What is the trouble?

Mr. CANNON. Well, I think probably that the machinery, as I understand it, is not provided for its enforcement, as is claimed.

Mr. GROSVENOR. There was a cog left out of the machinery.

Mr. CANNON. Probably a cog left out.

Mr. MOODY of Massachusetts. A cog removed; not left out.

Mr. CANNON. A cog removed, says my colleague from Massachusetts, and I accept that statement, because he knows more about it than I do.

Mr. GROSVENOR. They have just ceased to collect.

Mr. CANNON. But it is our business to put the cog back.

Mr. GROSVENOR. Yes; I agree with you. They took that cog out, and then kept entirely quiet and did not appeal to Congress to put the cog back; just went quietly along, and then finally said there was not any law authorizing the assessment of personal property, and asking us to tax our constituents the full half of all the expense, while they kept, perhaps, a full half off from the tax duplicate. That is about the way of it, as I understand.

Mr. CANNON. Well, it is so alleged, and I think very likely that is correct.

Mr. GROSVENOR. And in the meantime the District of Columbia has become a haven of rest for those who dislike to pay taxes elsewhere; and they drift here and obtain a nominal residence, without paying any taxes here, and reporting themselves as nonresidents of the State from which they came.

Mr. CANNON. I fear that is the case; I do not know, but I suspect that is the case in many instances.

Mr. GROSVENOR. Do not you think it would be a good cure for that to refuse to appropriate money until some system of taxation is enforced here that will equalize those assessed upon our own people?

Mr. CANNON. Oh, as Congress is the common council for the District, a better cure is that, knowing the evil, we apply the remedy.

Mr. GROSVENOR. Very well.

Mr. ROBINSON of Indiana. I have endeavored as best I could to hear the colloquy between the gentleman from Missouri [Mr. BENTON] and the gentleman from Illinois a few moments ago, and I assume that the chairman of the committee [Mr. CANNON] stated that it was his desire as a member of the committee to see that the District of Columbia paid one-half of the expenses for the beautifying of the parks of the District, and that that was the principle involved in the appropriation contemplated for the improvement of the Potomac Flats beyond the Monument. I should like to ask the gentleman whether there is any improvement, of the general scope of the improvement of the Potomac Flats embodied in this bill, wherein that principle of having one-half of the expense paid by the District of Columbia is omitted?

Mr. CANNON. No; I think it is not omitted.

Mr. ROBINSON of Indiana. May I ask the gentleman the amount of the appropriation beyond the Monument?

Mr. CANNON. Seventy thousand dollars.

Now, I will yield ten minutes of my time to the gentleman from Indiana [Mr. HEMENWAY], who wishes to leave the House.

The CHAIRMAN. The Chair will state that the gentleman from Illinois has but four minutes remaining.

Mr. HEMENWAY. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Indiana ask to be recognized?

Mr. HEMENWAY. I ask to be recognized in my own time. I intend to use about ten minutes.

The CHAIRMAN. If no one desires to address the committee in opposition, the Chair will recognize the gentleman from Indiana. If anyone desires to address the committee in opposition, he will be recognized.

Mr. BENTON. The gentleman from Indiana [Mr. HEMENWAY] is a member of the committee and of the subcommittee. I am in charge of this side, and I have no objection to the gentleman from Indiana using such time as he desires. I intended to make a short statement myself, but I can do it afterwards. I think the gentleman is entitled to some time in his own right.

The CHAIRMAN. The Chair always endeavors to alternate in recognizing gentlemen.

Mr. HEMENWAY. I will state to the Chairman that if there is anyone who desires to be heard now, I will wait. I only want to use ten minutes.

The CHAIRMAN. The gentleman from Indiana.

Mr. HEMENWAY. Mr. Chairman, I do not often consume the time of this House by speaking, but I am so deeply interested

in one item in this bill and in the legislation that I hope will speedily follow, that I feel it is my duty to urge upon Congress that we act and act promptly. I refer to the item of \$200,000 to enforce the Chinese-exclusion law.

You ask why appropriate this money when this law expires by limitation May 5.

My answer is that the bill reported to this House from the Committee on Foreign Affairs or the one now pending in the Senate must be passed and become law before May 5 or this Congress will go into history as committing the greatest crime that has been committed by lack of legislation in many years. I urge that there be no longer delay, but that this legislation be enacted at once. Then the Department will find waiting the money now on hand from our last appropriation and \$200,000 more that we appropriate by this bill, so that the safeguards that have been heretofore adopted and such other safeguards as are necessary to enforce the law and prevent Chinamen getting into this country may be carried into effect.

When the gentleman with smooth tongue, who wants cheap labor in order that his profits may be increased, urges that Chinese labor will do no harm, do not listen to him for a moment, but push him aside and tell him you stand for that great mass of American citizens who are earnestly striving to uphold the standard for the American wage-earner, and for his cottage home, for good clothing and food for his wife and children, and you have no use for the man who wants to degrade him and ruin his home and family by placing him in competition with Chinese labor. I believe in protection of American industries, but, my countryman, how much more important it is to protect our American wage-earner who has had so much to do with making this the greatest nation on earth. Then let us delay no longer. We have before us the bill reported from the committee of our own body.

No one can fail to see how well drawn it is, or how intelligently and conscientiously the original author of the bill and the committee have labored over it, and they deserve and will receive for their splendid work the thanks of their colleagues in both Houses of Congress, and not less the hearty thanks of the great public which has such a vital interest in the success of this all-important measure. If it is not perfect it can be amended.

I shall vote for this bill with the greatest pleasure, and I wish to do all that I can to promote its passage, believing as I do that it is not only for the interests of the American public—that is far too cold and colorless a phrase—but that it is absolutely essential for the continuance of our American institutions and civilization.

The original bill, as it came from the hands of the distinguished member from California, was strong and praiseworthy. The amendments have merely made it still stronger and more praiseworthy. I especially welcome the amendment which provides for keeping Chinese immigrants out of our insular possessions as well as out of our mainland. It has been repeatedly thrown in the teeth of the dominant party that it was proposing to allow Chinese labor to be made use of extensively in the Philippine and Hawaiian islands, so as to enable American manufacturers and capitalists to go to those islands and produce goods there by Chinese labor cheaper than we can produce them at home with American labor, and thus allow some of our own employers and producers to cut under our own prices and undermine the precious structure of American industry. This amendment fully meets and disproves all such allegations, and its necessity, on general principles, is evident. I am very glad it has been incorporated in the bill.

The bill is carefully drawn so as to do no injustice to anybody. No true American wishes to do injustice to any foreigner, be he European, African, or Asiatic. The bill amply provides for the rights and conveniences of Chinese entitled to enter or reside in this country—the Chinese laborers registered as residents, or the Chinese teachers, students, merchants, and travelers who may wish to enter and remain temporarily in the United States. There can be no complaint against the bill on this score. The gentlemen who have appeared before the committee in opposition to the bill, the gentlemen who are so desirous of increasing their profits in trading with China, say that they are not pleading the cause of coolie labor, that they do not object to the prohibition of Chinese labor in this country. Then why do they object to this bill?

They say all they care about is to make sure that Chinese teachers and merchants are not interfered with. Wherein does this bill interfere? But they say it will make China angry and so injure their trade with China. Why should it make China angry? The Chinese Government and the higher classes of the Chinese people can not blame us for not wanting to have millions of coolies dumped into our country to vitiate our civilization and to swamp our labor market. There is no objection on our part to the coming here of Chinese teachers, students, merchants, and travelers on legitimate business and in a legitimate manner, and the only reason why their entrance is hedged about with the formalities and restrictions enumerated in the bill is in order that we may



guard our country against the entrance of laborers under false pretenses in the guise of students, merchants, etc., which has been so great and so frequent an abuse in the past.

Why, then, should the Chinese Government or the Chinese privileged classes complain of the bill? And how can the bill injure our Chinese trade? There is nothing in this objection of the opposition. It is a mere scarecrow.

But I hasten to say that even if the passage of the bill should offend China seriously, and even if it should cost us every dollar of our Chinese trade, that would be infinitely better than for the bill to fail and not to become a law. What is the favor of China and what is the value of our Chinese trade compared with the degradation and ruin of our American labor? At all hazards, Mr. Chairman, and whatever else may or may not happen, Chinese cheap labor must and shall be kept out of this country. It is a terrible misfortune that so much of it has already been admitted. Not another single solitary Chinese laborer should be permitted ever to set foot on American soil. The Chinese may consider it a signal evidence of mercy and forbearance on our part that we have conceded so much to them already.

They come over here as foreigners, to remain foreigners, and living in holes and hovels and swarming like vermin, underbidding and crowding out our laborers, getting all the money they can from us and spending none of it, incurring none of our civic obligations, keeping aloof from our civilization, adopting none of our ways, introducing their own filthy ways, and contaminating the moral and physical atmosphere with their rotten and pestiferous practices. They are unlike all other immigrants. They are not wanted here, and must stay away.

This is a most serious question, Mr. Chairman, from the standpoint of American labor. No more serious question has ever come up for settlement, and none more serious ever could come up. Our American laboring men and women are subjected to a quite severe enough competition among themselves at best. The rewards and returns of labor are scanty enough at best and under natural conditions. But what rewards and returns can Anglo-Saxon labor hope for if subjected to competition with Asiatics who can and do live on 2 cents' worth of rice a day? This is the practical question connected with this bill.

It is a question whether we shall keep up the standards of life in the ranks of American labor, and strive to continue to elevate those standards or deliberately degrade them to the Chinese level. How can any true-hearted American contemplate the latter alternative without horror? But this would infallibly and inevitably be the result, unless the rigid exclusion of Chinese laborers decreed by this bill is maintained.

The injury already done to American labor on the Pacific coast, and to a considerable extent all over the country, by Chinese labor has been very great. There is no telling how many Chinese there are in our far West. The census is entirely unreliable on that point, simply because the Chinese hide and skulk and evade enumeration and identification as much as possible. There are over 50,000 of them in San Francisco alone, and they swarm all over the Pacific and Mountain States. They have practically monopolized the labor field in the Alaska fisheries, and in the Pacific States they have driven to the wall our American working men and women in the lines of household service, cigar making, boot and shoe making, bag making, tailoring, laundering, farming, brick making, mine working, and railroad working, not to speak of many other industries.

But I need not tell over again this old familiar tale of how our honest, brave American working men and women on the frontier have been wounded thus in the house of their friends. The workingmen of the United States—the backbone of this country—stand as a unit, shoulder to shoulder, on this question. They may differ as to other questions, but they are unanimous in their appreciation of this one great overshadowing peril and menace.

At the last convention of the American Federation of Labor, held at Scranton, Pa., in a report of the executive officers, the plea was made for the extension of law for exclusion of Chinese, and they said, in part:

Apart from the fact that we are workingmen, we are also American citizens, fully imbued with the grand principles underlying our form of government and our present system of civilization. The introduction or continuance of an element so entirely at variance with our economic, political, social, and moral conceptions, and so utterly incapable of adaptation to the Caucasian ideas of civilization, is not only dangerous to us as a class but is destructive of the various institutions we are so earnestly striving to uphold, maintain, or attain. Whatever may be the opinion of others, to us this matter does not permit a compromise.

Chinese exclusion is an issue upon which all organized labor is a unit.

The hearthstone of the American citizen is in danger.

Every incoming coolie means the displacement of an American and the lowering of the American standard of living.

It represents so much money sent out of the country.

So much more vice and immorality injected into our social life in its place. We can not afford to trifle with a race of people so utterly unassimilative, so ruinous to our general prosperity, and so blighting to our every prospect.

Comparison with immigration of other peoples is only possible by contrast. While we object to an indiscriminate influx of other foreign laborers, we maintain that discrimination in the case of Chinese immigrants is impossible.

We insist upon an exclusion act which will effectively exclude. Provision must be made for proper enforcement of the law when enacted, and the jurisdiction and execution of the law so conferred as to remove it from the legal juggling to which former laws have been subject.

In this plea all organized labor of this country join and urge us to act. You ask that proper provision be made for the enforcement of the law when enacted. I am glad, Mr. Chairman, that I have the honor to serve as a member of the committee that today reports an appropriation of \$200,000 to be used in addition to the amount now on hand for that purpose.

This is not a matter affecting the Pacific States alone. Even if it were, that would be a sufficient reason for enacting this measure. But unless the bars are put up strongly and permanently against this Chinese invasion they will overwhelm not only our West, but also our whole country. There are 400,000,000 of them, one-third of the population of the whole earth. What, with their enormous numbers, their capacity for hard work, and their ability to live on almost nothing, they constitute in sober earnest the most deadly peril of Western and Christian civilization to-day. Our only safety, Mr. Chairman, consists in shutting them out and keeping them out. This is what this bill proposes to do, and that is why I am in favor of it. I trust sincerely that the bill will be passed and become law at the earliest possible date, and before the 1st day of May. [Applause.]

Mr. BENTON. Mr. Chairman, I will not take up much time on this bill. Before I say anything about the provisions of this bill I desire, in answer to some inquiries of my colleague from Missouri, to discuss now for a moment and to make an explanation on District matters. The Subcommittee on Appropriations having in charge the District bill convened ten weeks ago with the intention of having hearings and reporting the bill for the District to Congress; and if the Commissioners of the District of Columbia had asked for the ordinary amount of money the bill perhaps would have been out of the Senate before this time. The Commissioners came in, and their recommendations covered something like ten and a half millions of dollars.

On investigating the amount of revenue which the District could raise by taxation on the subjects of taxation which had heretofore been used, we found that three and a half million dollars was about all they raised in the District by taxation, and under a former statute, the Government appropriating the same amount, that it aggregated about \$7,000,000, and more than that would be outside of our authority to appropriate. The subcommittee of the Committee on Appropriations called the Commissioners together and insisted to them that while their recommendations for the interests of the District were probably correct, yet in view of the fact that we were only authorized to appropriate so much as they raised by taxation, that we preferred to defer the taking up and passing the appropriation bill for the District until they had made some efforts through the proper committees of this House and at the other end of the Capitol, to wit, the Committees on the District of Columbia, to raise by taxation a sufficient amount of money that would authorize us to appropriate more money than we had appropriated in bills heretofore.

So that the Committee on Appropriations or its subcommittee on the District of Columbia appropriation bill have waited to see what would be done, because it is our determination—and I believe the full committee will indorse the feeling of the subcommittee—not to appropriate any more money than double the amount the District raises by taxation. The question was raised in the District subcommittee two years ago as to why personal property was not taxed in the District of Columbia. It was intimated to us very broadly that it was the desire of the citizenship of the District to invite gentlemen of wealth to come here and make homes, indicating to them that if they would build a fine home here they would be taxed reasonably on their real property and that their personal property would escape taxation.

In other words, it was an apparent bid to bring wealth here on the suggestion, if not the promise, that it would not be taxed. We know something of the necessities of the District when we know what sort of water we have been drinking, and we know that a filtration plant ought to be made for the District, costing about a million of dollars. We were just as anxious to meet the requirements of the District as the Commissioners were, but we were just as determined, so far as our committee was concerned, that something ought to be done looking toward the taxation of personality and real property in the District in some manner that would be nearer its worth than in the past, and it is because we desire those things done that the District bill has not been reported.

Mr. RUCKER. Can the gentleman inform us when the District appropriation bill will be reported?

Mr. BENTON. We have no information at all to give, because we would rather await the action of Congress as to whether they would authorize taxation of personal property. The Committee on Appropriations, all of them, and I know distinctly that I would not want to agree to issue bonds or a loan. We would rather they would raise the money by taxation.

Mr. RUCKER. You say that you would rather that the District raise the money than issue bonds?

Mr. BENTON. I will not vote for the issuance of bonds at all.

Mr. RUCKER. Has a bill been introduced in the Senate taxing personal property in this District?

Mr. BENTON. I think so.

Mr. RUCKER. As I learn through the papers, everything that relates to District legislation is referred to the Commissioners of the District for their revision and modification.

Mr. BENTON. That is not true so far as the appropriations are concerned. We revise and often modify their estimates.

Mr. RUCKER. I only make that statement based on newspaper reports.

Mr. BENTON. It may be that the District Commissioners are advised with by the Committee on the District of Columbia. They are advised with by us. They make their estimates and we revise them afterwards.

Mr. HEPBURN. I would like to ask the gentleman a question, if he will yield.

Mr. BENTON. Yes.

Mr. HEPBURN. And that is, during the investigation upon this subject that you have referred to, was there any information furnished your committee as to the probable number of millions of property that escaped taxation in the District because of the failure to tax personal property?

Mr. BENTON. Not that I might put in the RECORD as certain, though I have a very fair idea.

Mr. HEPBURN. Would the gentleman object to stating it?

Mr. BENTON. I think from the best estimate I could make it would reach \$250,000,000.

Mr. HEPBURN. That is not now taxed?

Mr. BENTON. That is the best estimate that I can make.

Mr. RUCKER. Is that \$250,000,000 personal or real estate?

Mr. BENTON. Both.

Mr. RUCKER. What part of it is personal?

Mr. BENTON. More than one-half; probably two-thirds.

Mr. ROBINSON of Indiana. I would like to make a suggestion to the gentleman. Appropriate to the matter now occupying the gentleman's attention and which he has discussed, I only want to call to his attention one case. This is a matter not only interesting to the people of the District of Columbia, but to the people throughout the whole country. An instance came to my attention within a year and a half or two years prior to this time where a resident of the District had his hundred and some odd thousand dollars loaned out in a single county in the State of Indiana, but he pays no taxes in the District and he pays no taxes in Indiana. I hope if the gentleman has the power he will have the disposition to correct that evil in providing for taxation of personal property in the District.

Mr. KLUTTZ. Will the gentleman yield to me for a question?

Mr. ROBINSON of Indiana. I have no time to yield. The gentleman from Missouri yielded to me.

Mr. BENTON. I will yield to the gentleman.

Mr. KLUTTZ. Does not the gentleman know as a matter of common report that a great many millionaires have moved to Washington to dodge taxation of personal property?

Mr. BENTON. I do not know it. It would be a mere matter of opinion if I said yes. Mr. Chairman, I had intended to defer any discussion of this matter until the District bill came before us.

Mr. HEMENWAY. Mr. Chairman, if the gentleman from Missouri will allow me, is it not true that the Committee on Appropriations has nothing to do with enacting the law under which taxes are assessed?

Mr. BENTON. Nothing whatever.

Mr. HEMENWAY. That matter belongs to the Committee on the District of Columbia.

Mr. BENTON. It belongs to the committee that has legislation in charge. We only appropriate what we have got in sight; and I believe the Committee on Appropriations is of one mind on that subject, and that is that the property in the District of Columbia ought to be assessed at a fair valuation, whether it is real or personal, as it is in the States.

Mr. KEHOE. Will the gentleman from Missouri yield to me for a question?

Mr. BENTON. Certainly.

Mr. KEHOE. According to the fair value of property, which is of the greater value, the property of the Government or the property of the individuals in the District?

Mr. BENTON. The property of the individuals, clearly. Now, Mr. Chairman, I want to say just a word to members on this side of the House about this bill that is before us. The subcommittee of appropriations on the sundry civil bill had the benefit of the long experience of the chairman of the committee in its investigation. We were about this bill three weeks, and I believe we made as good a bill as we could under the circumstances.

I have been asked the question sometimes by members of Congress, privately, why certain appropriations are larger than would

appear to be necessary from the day-to-day expenditures. My answer to that is this: Whenever we appropriate money it is to be in accordance with established law. If we appropriate at any time what seems to be large sums or unnecessary sums, it is not the fault of the Committee on Appropriations. It comes from legislation which Congress has already enacted, which makes continuing appropriations necessary.

Now, this is a very representative and a very fair bill. It appropriates nearly \$13,000,000 less than the last bill. Of course, we do not think for a moment that we are going to get it through Congress in any such condition. This bill as presented here appropriates \$12,500,000 less than the current fiscal year, and is, in the opinion of the Committee on Appropriations, what is necessary, and at least fairly liberal; but when the bill is made up and is settled in conference my opinion is that it will be as large as the current law.

But the bill as presented by the Committee on Appropriations is in their opinion amply sufficient for the purposes for which the appropriations are made. Just one other point. There appears to be a considerable increase in one item to which I called the chairman's attention, and that is for the finishing up of the work in the Yellowstone Park. Your committee were of the opinion that one of two things ought to be done: Either we ought to quit the park entirely, or finish up the public work and make the roads through it, put them in good state of preservation—and we decided to do it. It is not in the opinion of the committee extravagant, but if we are going to hold the park, it is a work of necessity. One word about the proposed building for use of members. I think that it should be the first of the proposed buildings in this city. I stand ready to vote for the appropriation when it is offered in the House. Mr. Chairman, I now yield an hour to the gentleman from Colorado [Mr. BELL].

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On March 31, 1902:

- H. R. 2123. An act granting a pension to Elizabeth M. Folds;
- H. R. 2669. An act granting a pension to Isabella Compton;
- H. R. 3769. An act granting a pension to Susan Terry;
- H. R. 3873. An act granting an increase of pension to William C. Flowers;
- H. R. 5073. An act granting a pension to Christina Daniels;
- H. R. 6487. An act granting a pension to Kazier Washburn;
- H. R. 7846. An act granting a pension to Michael Tynan;
- H. R. 7968. An act granting a pension to Norris L. Lungren;
- H. R. 8292. An act granting a pension to Hester Thomas;
- H. R. 9296. An act granting a pension to Mary E. Chapman;
- H. R. 4456. An act granting a pension to Ruth B. Osborne;
- H. R. 5289. An act granting a pension to Malvina C. Stith;
- H. R. 6018. An act granting a pension to Lue Emma McJunkin;
- H. R. 7074. An act granting a pension to Benjamin F. Draper;
- H. R. 8293. An act granting a pension to Amanda Jacko;
- H. R. 9397. An act granting a pension to John S. Lewis;
- H. R. 1325. An act granting an increase of pension to William J. Wallace;
- H. R. 2547. An act granting an increase of pension to William M. Guy;
- H. R. 2786. An act granting an increase of pension to William K. Koffman;
- H. R. 4468. An act granting an increase of pension to John B. Kurth;
- H. R. 5109. An act granting an increase of pension to Frederick M. Hahn;
- H. R. 6864. An act granting an increase of pension to Milton A. Embick;
- H. R. 7320. An act granting an increase of pension to James Mantach;
- H. R. 7424. An act granting an increase of pension to John Craig;
- H. R. 7771. An act granting an increase of pension to Frank Seaman;
- H. R. 10132. An act granting an increase of pension to John Garner;
- H. R. 10956. An act granting an increase of pension to Frances K. Morrison;
- H. R. 1529. An act granting an increase of pension to John G. Brower;
- H. R. 2673. An act granting an increase of pension to John Vale;
- H. R. 3272. An act granting an increase of pension to Israel P. Covey;
- H. R. 4488. An act granting an increase of pension to Selden E. Whitcher;



H. R. 5543. An act granting an increase of pension to Samuel W. Skinner;

H. R. 7823. An act granting an increase of pension to Jacob D. Caldwell;

H. R. 9227. An act granting an increase of pension to Frederick Shafer;

H. R. 11145. An act granting an increase of pension to Mary F. Key; and

H. R. 3278. An act to correct the military record of C. R. Dickson. On March 29, 1902:

S. 4260. An act to correct the military record of James A. Somerville; and

H. J. Res. 171. Joint resolution for appointment of members of board of managers of the National Home for Disabled Volunteer Soldiers.

On March 31, 1902:

H. R. 3136. An act for a public building for a marine-hospital at Pittsburgh, Pa.

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. BELL. Mr. Chairman, I am in the unfortunate condition of being compelled to talk about measures that are not before this House. I have rarely, if ever, done such a thing before, and I very much regret it now; but, from the condition of the House itself and its peculiar workings, if any member of this House desires to discuss any great question that comes before it he must do it either prior to the hearing or after the bill has actually passed this body.

Mr. Chairman, in my judgment one of the most, if not the most, important questions that is before the American people to-day, or should be before the American people, is to recover the House of Representatives from the low condition in which it has fallen.

Sir, we may shut our eyes as much as we will, but it is in everybody's mouth to-day, whether Democrat, Republican, Prohibitionist, or whoever he may be, that the House of Representatives signifies nothing in the American régime of government. A few days ago I was very much impressed by finding a Republican newspaper from the great State of Pennsylvania, one from the great State of California, and one from the District of Columbia sounding this warning at one and the same time. I want to read a little of these opinions, and I will begin with the Washington Post of this city:

One reason, doubtless, why Representatives are so anxious to be Senators is that the House has ceased to be a deliberative body, but is controlled by a junta that dictates what shall and what shall not be done, while the Senate is preeminently a deliberative body of 90 ambassadors from half as many sovereign Commonwealths. As far as deliberation is concerned, the House that was presided over by GALUSHA A. GROW was as different from the House that is presided over by DAVID B. HENDERSON as the Roman senate that offered for public sale the ground on which was encamped Hannibal's victorious army differed from the Roman senate that confirmed the purchase of the imperial purple. It will not always be so. The mutterings and murmurings presage the coming of a storm that none can resist.

That is from a paper published in our midst, that watches you and watches me and watches these proceedings every day. About the same day from San Francisco comes this editorial:

The leaders of the House of Representatives appear in the curious attitude of persons bent upon the destruction of their own importance. Absolute power over the presentation, discussion, and amendment of measures has been given to the Speaker and the Committee on Rules; and this coterie of less than half a dozen men entirely dominates all proceedings in the House of Representatives. It decides what shall be considered, for how long, and by whom; and the precise force of any measure is determined in advance.

Deliberation under this method of procedure comes out of the question, and discussion sinks to the level of mere mechanical utterance, so far as it affects the House of Representatives. Such a deliberate self-abasement of a great legislative body is without a parallel in the history of the world. It is the Senate—sometimes called "the Millionaires' Club"—which now deliberates and legislates, and the country recognizes the fact, whilst the House itself concedes it. It has become the one branch of Congress which now regularly determines the course and character of deliberation. No issue is now ever joined with it and no fight ever made against it. The fate that has now well-nigh overtaken the House is a singular one in so great a Republic and well worthy of the study of the political philosopher.

A few days ago in a bunch of the bright newspaper men gathered at this capital, one who had been here over twenty years advocating Republicanism stood in his place and said: "A few years ago every principal newspaper man in Washington crowded into the House of Representatives; the inferior ones stayed in the Senate. But," said he, "to-day no experienced newspaper man ever cares anything about the House of Representatives. It is no longer considered a deliberative body." And a Republican of national reputation, whose position is in the other Chamber, said: "Yes; you may talk about the deleterious effects of the steel trust; you may talk about the injuries of the railroad trusts; you may talk about the injuries of the sugar trust; but I will tell you the most dangerous trust in America to-day is the legislative trust that is placed in a few hands in the House of Representatives and is breaking down all of the powers and the principles upon which it was built."

Now, Mr. Chairman, I want this morning to talk about the three financial bills that have been reported to this House or ap-

proved by the Republican members. And why do I bring this question before the House at this hour? It is because you know and because I know that there has not been a question upon which parties differed in principle for years that has been debated or that has been permitted to be debated on this floor. We are begged to debate when some matter of no importance is up. We are deprived of debate, we are deprived of the opportunity of amendment, we are deprived of discussion when a great question comes up in this forum for final consideration.

When the bill to strike down the sugar industry of this country, which will come before us in a few days, you will see it put through with whip and spur; and no man who is interested in that great question will be permitted to amend that bill or discuss it. Therefore we are forced prematurely to come here and say what we wish to say about these questions before the proper time, or after it, or not at all. But, thank God, we can ask the sugar growers of twenty States what they think of a party that takes the tariff off the things they produce at the dictation of a gigantic sugar trust and leaves it on everything they buy. We can hang out the insignia of the astute General Dick: "Here is our free trade for the farmer and here is the protection for the sugar trust." We shall also try to find some way to inform them that we were gagged and could not debate or offer an amendment. In my judgment we have now pending before this body three of the most dangerous bills, taking them together, that ever were presented before this body in the history of this Government.

Mr. ROBINSON of Indiana. May I remind the gentleman that he has failed to call the attention of the House and the country to the responsibility of the Republican party for the condition that prevails here with reference to the rules and the Committee on Rules?

Mr. BELL. The country knows who is responsible for that.

Now, Mr. Chairman, the Democratic party for a number of years past has been charged as being currency "tinkerers." We had a great campaign on what the politicians on the stump called the silver question. I never discussed it from that standpoint in this body or upon the stump. Nobody that ever understood our side of the question ever discussed it in this body or on the stump as the silver question. We all realized that the point at issue was not whether you should have silver, or gold, or paper. The issue was shall we have an abundance of Government money issued and controlled by the Government for all the people or bank paper controlled by the banks for the banks.

The historian Hume says:

In every kingdom into which money begins to flow in greater abundance than formerly everything takes on a new face for greater prosperity.

Henri Cernuschi, the eminent French financier, says:

The value of money depends upon its quantity. The purchasing power is always in relation to its quantity.

The political economist Ricardo says:

That commodities would rise and fall in price in proportion to the increase or diminution of money, I assume as a fact that is incontrovertible.

The whole philosophy of the silver question is that gold, silver, and paper issued by the Government is safer than mere bank promises to pay, of which we now have \$300,000,000 in our circulation, and an effort is now being made to double it.

The following bill is put forth as the Republican idea of a financial panacea, with a unanimous report of Republican members, viz:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to coin the silver bullion in the Treasury purchased under the act of July 14, 1890, into such denominations of subsidiary silver coin as he may deem necessary to meet public requirements, and thereafter, as public necessities may demand, to recoin silver dollars into subsidiary coin; and so much of any act as fixes a limit to the aggregate of subsidiary silver coin outstanding, and so much of any act as directs the coinage of any portion of the bullion purchased under the act of July 14, 1890, into standard silver dollars, is hereby repealed.

The Secretary of the Treasury is hereby directed to maintain at all times at parity with gold the legal-tender silver dollars remaining outstanding; and to that end he is hereby directed to exchange gold for legal-tender silver dollars when presented to the Treasury in the sum of \$5 or any multiple thereof; and all provisions of law for the use or maintenance of the reserve fund in the Treasury relating to United States notes are, in the discretion of the Secretary of the Treasury, hereby made applicable to the exchange of legal-tender silver dollars.

The question at issue still is whether you should have money issued by the Government in full and necessary quantity or whether you should leave it to the banks of the country to issue the money and contract or expand it at will. Now, our contention and the pith of the contention of all of the so-called silver men has ever been based upon the quantitative theory of money. We have always contended and now contend, and the Republican party now agrees with us, that we must keep up an equilibrium between the amount of property to be exchanged and the amount of money with which to make those exchanges, and therefore we, in common with all the economists who have gone before us, including our Secretaries of the Treasury from time to time, have said that all these panics have been occasioned by the scarcity and not by the abundance of money; and I lay down another proposition, that in no case has there been a question raised as to the form of the money in times of panic, but in every case the clamor has been for money of any kind or any quality whatever.



You will generally find in one of these measures a small amount of good, a mere crumb for the people, and it climaxes with the colossal lion's share shuffled into the already bursting coffers of the money changers.

This bill provides for the very proper raise of the limit of subsidiary coin from \$100,000,000 to \$120,000,000. This subsidiary coin does not invade the domain of the national-bank notes or bonds, hence this comforting crumb is cheerfully extended to the masses of the people.

In 1900 the limit of subsidiary coin in the United States was \$80,000,000. Owing to the great increase of our bank currency and gold coinage, together with the new trade coming from our own consumption and also the new trade from England for her Boer war, we were required to raise the limit on our divisional or minor coins from \$80,000,000 to \$100,000,000 to accommodate our greatly increased domestic trade. Our great and increasing coining of gold and our increased trade continues, and the Director of the Mint has requested an additional raise of the limit of our subsidiary coins of \$20,000,000 more, to \$120,000,000—equaling the astonishing increase of 50 per cent in our necessity for small change in the space of two years.

It is commendable that this requirement is supplied in the bill. The very fact that we now require 50 per cent more small change than we did before these wars, before our marvelous crops at home and the great droughts abroad, and before the mighty stimulus given to trade by the enormous increase in our gold coinage and the great increase in our per capita circulation, establishes the pressing necessity for a like increase in our general currency. Does this bill provide for such an increase or permit the natural increase now going on? Nay, verily; but, on the contrary, it seeks to shrink the volume of real money in the enormous sum of over \$500,000,000, or to the extent of our present amount of coined silver dollars. But, say the authors of this ungenerous shuffle of the wealth of the people into the pockets of the bankers and bondholders, "We do not destroy the silver dollar; we simply enable the people to take it to the Treasury and convert it into gold." My dear sirs, the people do not want to convert it into gold, and you know it. That means that you purpose to convert a silver dollar into a mere order to pay it in gold, or reduce our real money to the amount of your gold stock. Under the law a holder may now take gold to the Treasury, deposit it, and receive gold certificates for it. At any future time he can return the gold certificates and get back the gold coin. All of this time, however, the Treasury must keep the gold in the vaults for the payment of the certificate.

This act, if passed, would not only leave the outstanding certificate above described against the gold dollar, but every one of the 500,000,000 and odd silver dollars would be converted into gold certificates, redeemable in the exact manner as gold certificates are redeemable, and would put \$2 in certificates for each gold dollar for its redemption.

We now hold in the Treasury continually \$150,000,000 in gold to secure the redemption of probably \$335,000,000 greenbacks (nominally \$346,000,000, but with destruction and loss there is nothing approaching \$346,000,000) and Treasury notes. This great sum of unused money in the hands of the people at the low rate of 3 per cent would be worth \$9,000,000 per annum.

If this bill should pass what would be the result? At the very next session of Congress the "currency tinkers" would be here backed by the great banking interests of the world and a subservient press demanding that the gold reserve be raised to \$300,000,000 to secure the payment of the silver dollars in gold. They will get it, as they have everything else they have demanded in modern times, and there will be piled up in the Treasury, or more probably in the national banks, idle money to the amount of \$300,000,000, worth, at 3 per cent, \$9,000,000.

The "currency tinkers" for the past forty years have worked in and out of season for the banking and bondholding interests alone, and these especially favored ones have made untold millions out of these machinations, and in every instance in the inverse ratio the laborers and general producers have been plundered.

Many times during the existence of this Government we have had financial panics, every one of which is attributable to the shrinkage or limitation of the power of the currency, or to the "tinkers" with the currency. No panic has ever passed away without a pathetic trail of devastation among debtors, ordinary producers, and laborers which was heartrending. But few panics, if any, have ever visited any country that the great bond and mortgage holding and the great banking portion of the people were not financially benefited. The small banks and the small financial institutions have always been caught in the wreckage. The great panic of 1837 occurred during Van Buren's Administration, and is rightly attributed to a tinkering with the currency. Daniel Webster ascribed the panic to the interference of the Government with the currency, and to what was known as the "specie circular," requiring all public lands to be paid for in specie.

On May 10, 1837, all of the banks of New York suspended payment, and devastation and wreckage of values were rife everywhere except among the powerful money-owning and money-lending institutions of the country that defied the public and the people by suspending payment.

Prof. W. G. Sumner, of Yale, in his History of American Currency, states that nearly all of the banks made money out of the suspension and paid big dividends during the year.

The panic of 1857 was brought on largely by the "tinkers" with currency in Congress. Prior to 1857 all of the gold coins and most of the silver coins of foreign nations were full legal tender in the United States. Gold had been overvalued by an act of Congress, and in consequence great quantities of foreign gold accumulated in the United States, and much of it was held as bank reserves, was of light weight, and was depreciated in bullion value. In February, 1857, Congress demonetized all foreign coins without supplying anything to fill the vacuum. The coins were usually of such light weight that they could not be profitably converted into American coins, were exported never to return, which brought on the panic and spread ruin again to all classes except the owners of bonds, mortgages, and ready money. The shrinkage in the volume of the currency greatly enhanced the value of ready money and gilt-edged bonds and securities, and in an inverse ratio depreciated the value of labor and of all other property, to the ruin of producers and laborers.

The awful panic of 1873 was brought on by the currency "tinkers," who persistently demanded the unnecessary retirement of the great volume of greenbacks without providing anything to fill their places. In a speech in the Senate, January 27, 1869, when the currency "tinkers" were strenuously demanding a more rapid retirement of the greenback, Hon. John Sherman, before he became a great bank-stock investor and when he was known throughout the country as plain, honest John Sherman, said:

It is not possible to take this voyage without the sorest distress. To every person except a capitalist out of debt or a salaried officer or annuitant it is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprise, bankruptcy, and disaster, and it means the ruin of dealers whose debts are twice their business capital, though one-third less than their actual property. It means the fall of all agricultural productions without any great reduction of taxes. When that day comes all enterprise will be suspended, every bank will have contracted its currency to the lowest limit, and the debtor, compelled to meet in coin a debt contracted in currency, will find the coin hoarded in the Treasury, no representative of coin in circulation, his property shrunk, not only to the extent of the depreciation of the currency, but still more by the artificial scarcity made by the holders of gold.

He declared that the proposed retirement of the greenback to the extent proposed "would be an act of folly without an example in evil in modern times." (Cong. Globe, 1869, p. 629.)

Notwithstanding all of the timely warning, the currency "tinkers" never ceased until they brought on that awful panic of 1873, that reduced labor to idleness and want and pauperized the debtors all over this land, and enriched those solvent money, bond, and mortgage holders by a forced conveyance of the property of the debtors into the hands of the capitalistic classes at from 25 per cent to 50 per cent of its true value.

When the financial skies began to clear in 1874 and honest men with sad hearts began to view the spectacle and to right the true causes of the lamentable disaster, ruin, and misery which it had left in its trail, Hon. John A. Logan, March 17, 1874, graphically, and with a sad heart, said upon the floor of the United States Senate:

But, sir, that the panic (1873) was not due to the character of the currency is proved by the history of the panic itself. \* \* \* No, sir, the panic was not attributable to the character of the currency, but to a money famine, and to nothing else. In the very midst of the panic we saw the leading bankers and business men of New York pressing and urging the President and the Secretary of the Treasury to let loose twenty or twenty-five millions more of the same paper for their relief. \* \* \* Why is it that Representatives forget the interests of their own section and stand up here as the advocates of the gold brokers and money lenders and sharks, the same class of men whose tables Christ turned over and whom He lashed out of the temple at Jerusalem. Sir, turn this matter as we will and look at it from any side whatever, and it does present the appearance of being a stupendous scheme of the money holders to seize the opportunity of placing under their control the vast industries of the nation. Therefore, I warn Senators against pushing too far the great conflict now going on between capital and labor.

The diabolical panic of 1893, properly designated as the "bankers' panic," was the most unnecessary and cruel thing that was ever precipitated upon an innocent and confiding people. This, too, was brought on by the pestiferous currency "tinkers." Senator Sherman and others had sounded the alarm by stating in the Senate that the present national banking system would soon go out of existence, because the Government bonds would be paid off, leaving no basis for a national-bank circulation. The national bankers got together, concluded to have the purchasing clause of the Sherman act repealed and thereby stop the issue of Treasury notes monthly for silver purchasers; stop the coinage of silver and force a bank-note currency and an issue of long-time interest-bearing bonds upon the people, for banking purposes.

The National Bankers' Association issued a confidential circular letter to the bankers throughout the United States, telling them that Senator Sherman would introduce a bill to repeal the



purchasing clause of the Sherman act, for them to see their member of Congress immediately curtail loans and circulation of bank notes for a time, and they could secure the passage of the bill. A crusade of intimidation and currency squeeze was begun that drove the people to hoarding, the banks and business men to withdrawing credits, culminating in the most disastrous panic that ever cursed this nation.

Robert Ingersoll, the great campaigner of the Republican party, immediately christened it the "bankers' panic." He said:

This is a bankers' panic. They have been predicting a panic for years, and have done all they could to fulfill the prediction.

Senator David B. Hill, of New York, from their very midst, and contemporaneous with the panic, declared it the bankers' legitimate offspring. From the floor of the United States Senate he said:

With ghoulish glee they welcomed every bank failure, especially in the silver States, little dreaming that such failures would soon occur at their own doors. They encouraged the hoarding of money; they inaugurated the policy of refusing loans to the people, even upon the best security; they circulated false propositions; passed absurd and alarming resolutions; predicted the direst disaster; attacked the credit of the Government; sought to exact a premium on currency, and attempted in every way to spread distrust broadcast throughout the land. The best organized financial system in the world could not stand such an organized and vicious attack upon it. These disturbers, these promoters of the public peril, represent largely the creditor class.

This panic was not caused by any objection among the people to any form of money. The Secretary of the Treasury showed at the time that the people generally had lost confidence in the banks and were drawing out and hoarding their money, but without complaint accepted silver, silver certificates, Treasury notes, greenbacks, or bank notes. The very silver dollars that the bankers feigned to fear went to a premium in New York of \$2.50 per thousand during the panic.

If the customs of some members of this House do not cease, in the early morning of this bright, new century the deadly upas of another blighting panic will lie at the doors of the pestiferous "currency tinkers," done in the interests of the cormorants that have already confiscated the wealth of the nation through cunningly throwing the people into inextricable complications. Whether these alert gentlemen bring this about unwittingly or premeditatedly, the direful effects will be equally excruciating.

Mr. SIBLEY. What was the date of that circular?

Mr. BELL. It was in August, 1893.

Now, sir, the Secretary of the Treasury in his last report speaks of this awful panic. He says practically the same thing about the instability of banks in panicky times. Secretary Gage, on page 76, in speaking of the panic of 1893, says:

We have not far to look to see this well illustrated. The panic of 1893 is a marked example. Within a period of less than twelve months bank credits (deposits) were contracted to a total of more than \$400,000,000—

Think of it—

while the actual cash holdings of the banks were increased by nearly \$50,000,000.

Think of it. The banks increased their own money in their vaults \$50,000,000 within twelve months and withdrew \$400,000,000 in credits during the panic of 1893.

That is to say a volume of bank credits before available for transfer in the ordinary channels of trade was suddenly diverted to the payment of pre-existing indebtedness from the public to the banks. This is shown by the fact that "loans and discounts" were reduced during the period to an amount substantially corresponding to the fall in deposits.

These bills, if passed, mean the destruction of over \$500,000,000 of silver in the United States. It not only means that, but it means the contraction of the currency when the population of this country is growing more rapidly than ever before during its history, increasing the population, doubling the wealth, and cutting down the money supply. The Secretary of the Treasury calls attention to the fact that there must be an increase in the currency, for the purpose of expanding, for the benefit of this new population, and he suggests that there should be at least an expansion of \$300,000,000, but he suggests bank paper.

Now they have introduced and reported a second bill as bad as the first. It takes in all the propositions of the first except the exchange of gold for silver. Now, then, I come to the third bill, known as the banking bill, the most infamous and dangerous bill ever introduced in this House or in the other Chamber, and I will not forego or except any other bills in their radical tendency that were ever introduced anywhere. This so-called banking bill means the absolute slavery of every industry in this country. Have you thought of it; have you looked at it? But let us see what this bill is and what it proposes to do. The first object is to create a division of banking and currency—three good, fat offices with salaries of \$7,500 per annum. Very good so far as it goes. They are to hold office for twelve years. A nice berth!

What else does it provide? It provides that these men will assume the redemption of one hundred and thirty million of these outstanding notes, although so much deprecated; that they shall issue banking currency on their capital stock to their full value finally. They start in by gradations of 10 per cent one year, 10

per cent another year, and 10 per cent another year, and they finally get up to the point where they set aside all the paper currency issued by the Government, as good as the Government that issues it, and then it must be followed with banking paper issued by these gentlemen, not on United States bonds, but it must be issued on the capital stock, and not only be issued on the capital stock, but the Secretary of the Treasury asks the Government to refuse further to guarantee these notes. Let the people go.

Now, my friends, we are going very rapidly. Since this banking system was organized, in 1865, there has been 404 failures of national banks. But these national banks could not issue circulation except up to 90 per cent of the bonds underlying them, and yet the people of the United States have had 404 of these banks fail, and up to the end of last year people have been deprived of over \$40,000,000 of their hard-earned money by the failure of these banks, when they had only the right of issuing circulation up to 90 per cent of their United States bonds.

In 1900, according to the report of the Secretary of the Treasury, there were over 100 national banks in the hands of receivers, and yet in March, 1900, we gave them the right to issue circulation up to the full par value of their bonds. We allowed them to issue 10 per cent more currency than before, notwithstanding 404 of these institutions had gone under since 1865.

They cleaned up last year and put, I think it was, 26 out of business, with a loss to the people of over \$1,000,000. I want to show you the danger. As I have contended often before, this Government never intended that a professional banker should be at the head of the Treasury Department. The national-bank law requires now that certain officers of the Government who deal with imports and exports shall not be an importer or exporter, and neither shall they have stock in any concern while holding one of the lower positions—I believe it is one of the officers represented under and appointed by the Secretary of the Treasury—and it created great comment when Secretary McCulloch was put in at the head of the Treasury in war times.

Bankers are as good as other men. The banker looks at finance from one standpoint, he studies it from one standpoint, and the political economist studies it from another. What do we have? Prior to the present Secretary of the Treasury, we had a man who was at the time of his appointment, as I remember, the president of the National Bankers' Association of the United States, and he asks in his report that we turn this Government soul and body over to the bankers of the United States.

Now, there is no guessing about that, and yet he shows the utter inefficiency of the banks. At page 74 of his recent report he says:

The function and office of a bank is to give its money obligations in exchange for the money obligations of its customers and dealers. This is the business the bank chiefly prosecutes.

He shows that there is but little money handled by banks; that they sell their credit and they lend their credit, and he demonstrates it here, and he goes on to say:

This is made plain by a glance at the reports furnished by the banks to the office of the Comptroller of the Currency. At the period of their last report the national banks, as a whole, held obligations against the public to an amount in excess of \$3,018,000,000.

Think of it! now, \$3,018,000,000, while the public enjoyed a total of credits upon the books of the banks to an amount in excess of \$3,044,000,000.

That was \$800,000,000 more than all the money there is in the United States. They had credits on their books, supposed to be on deposit, of \$3,018,000,000, or \$800,000,000 more than all the money in the United States. The Secretary logically says that they do not deal in money, but they simply lend their credit to the individual. Now, what does he want us to do? He says the banking laws are not made for storm; they are made only for fair weather, and he tells us that the banking facilities will not take care of the public in a storm, but it will in fair weather.

Now, what does he want done? He wants you to give over to the banks full power to issue and control all paper money.

I want to show you where the Secretary of the Treasury himself admits and warns us that the banks will not take care of us whenever we have trouble. It is all right in clear weather. Says the Secretary of the Treasury:

No sooner do the symptoms of financial and business trouble appear than the banks, under the rule of self-preservation, suspend to the farthest limit possible their operations of loaning and discounting. They cease to give credit on their books in exchange for debt obligations from their dealers. The daily creation of the necessary medium of exchange—banking credits—ceases or becomes entirely inadequate to the commercial requirements.

The daily natural liquidation of credits continues, resulting in contraction. Business men carrying goods and securities, by aid of the bank credit, are obliged to sell with little regard to cost. Contemplated enterprises are abandoned; orders for future delivery of goods are rescinded. And as these successive steps mark the downward movement, the banker becomes the more reluctant to perform his important function of loaning his credits for commercial and industrial uses.

We thus perceive that the bracing support which had prompted and sustained business progress, without which indeed such progress would have been impossible, is withdrawn at the very moment when the supply is the most needed.

That is the position we take. Your banks are all right in fair weather; in storm they help the crisis.

Mr. MADDOX. Will the gentleman yield for a question?

Mr. BELL. Certainly.

Mr. MADDOX. I do not want to interrupt the line of the gentleman's argument, but I do want to ask some questions in regard to one matter which I find in this bill.

Mr. BELL. I do not want to discuss the bill now. For the present I want to consume my time on other questions. I hope the gentleman will excuse me.

Now, the Secretary of the Treasury contends that we have not money enough, notwithstanding that the bank bill that I have been reading provides that the silver coinage shall be stopped. It provides that all the paper money of the Government shall be canceled. It provides that the bullion in the Treasury shall be held only for subsidiary coin. Yet the Secretary of the Treasury says that we have not the necessary currency; and he suggests the way in which we shall get it; that is, through the banks.

I read further from the language of the Secretary:

It is safe, I think, to estimate that in three years the total capital of national banks, if allowed to issue currency on their capital stock, would increase from the present amount of \$663,000,000 to \$1,000,000,000. With the right to issue circulating notes to par of their capital there would be the possibility of increasing the paper-money supply as population increased by the difference in amount between the present supply (greenbacks and bank notes both included) of, say, \$706,000,000 and \$1,000,000,000, or, in round numbers, \$300,000,000.

The Secretary says that our increased population requires this increase of the circulation, and he suggests an increase of \$300,000,000 in bank paper, and at the same time these banks are trying to contract the currency quite as much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. I ask that I may be permitted to conclude my remarks. The gentleman from Missouri [Mr. BENTON] suggested that I should have all the time that I wanted.

Mr. SHAFROTH. I ask unanimous consent that the gentleman be permitted to finish his remarks.

There was no objection.

Mr. BELL. Now, Mr. Chairman, this banking bill which I propose to put into the RECORD provides for destroying the greenbacks issued by the Government and issuing a greenback by the banks themselves. In fact, they offer a piece of paper that is a copy of the old greenback itself. Again, they propose to pay interest at 1 per cent on the deposits of this Government in the banks and to force the money of the Government into their vaults. But they very adroitly provide that the interest on this currency shall be for the benefit of the banks themselves—shall be used to relieve them from the redemption of their currency and other matters of like importance.

I want to say just a word about the condition that is now going on and is proposed to be intensified by this bill. The proposition is to turn the industries of this Government, soul and body, over to the banks, they controlling the entire currency, and they are to do it simply on the capital stock of the banks themselves.

This being Monday, we have this morning, I believe, no Treasury report, but I believe I have the figures as given a day or so ago, and they show in the banks of the United States \$118,688,003.32.

What is that money worth on the market as shown by the rates that the States get for their money on deposit? Take, for instance, the State of Massachusetts as exhibiting about a fair average. According to the amount paid for the use of that money, the money the Government has now in the banks drawing no interest is worth over \$8,000 a day. That money on deposit has a market value as well established as the market value of corn or cotton or wheat.

The gentleman from Connecticut [Mr. HILL] and I a couple of years ago got into a dispute. I said this money had as well established a value as any other commodity. He denied it. He said that the banks did not want it; that it was not profitable to them. I sat down that night and wrote to every State treasurer of the United States to ascertain what the funds of the various States were worth as a deposit, and I found by a return from the gentleman's own State of Connecticut that it had just drawn \$32,000 from the banks of Connecticut as 2 per cent interest on money upon deposit. I found that my friends from the State of Kansas, received from New York, are paying them 2 per cent on their deposits; found the great State of Massachusetts, the great State of New York, and everywhere else, drawing from 2 to 3½ per cent, and some States were paying as high as 4.

Mr. MANN. What do you mean by States paying?

Mr. BELL. I mean that the States let out their money to the banks just the same as they sell any other commodity.

Mr. MANN. Well, the banks were paying.

Mr. BELL. The banks were paying for the deposits. It generally run from 2 to 3½ per cent if it remained any length of time, and from 1½ to 2½ per cent on money subject to daily checks.

Mr. MANN. Has the gentleman made investigation as to how far the payment of interest on deposits of public moneys goes to the public owning the funds?

Mr. BELL. All except in a few States. There were a few States that did not pay their State treasurers anything of consequence, and the treasurers were supposed to get their salaries out of it. Some of the Southern States, I think, did not pay over \$800 or \$900.

Mr. MANN. It is an interesting question. In my own State we pay pretty good salaries to treasurers, and they keep the 2 per cent on bank deposits in addition.

Mr. BELL. The treasurers do?

Mr. MANN. I regret to say that the treasurers do. I understand the gentleman to say that generally the municipality or State owning the fund collects the interest.

Mr. BELL. The majority of the States draw the interest, and it runs from 4 per cent down.

Mr. MANN. Has the gentleman found whether there is any place where money of the National Government is deposited and where the banks receiving public funds do so without the payment of interest to somebody?

Mr. BELL. Nowhere; and that is where I say we are menial to the banks themselves.

Mr. MANN. I suppose the gentleman has no information that is definite as to whether anybody receives any interest on account of the deposit of national funds?

Mr. BELL. Oh, I do not know about that. During the great cry, when there were some \$20,000,000 in this bank over in New York and the bankers were making a row over it, they insisted, and the president of one of the great banking associations said, that money was worth 4 per cent to the banks; it was actually worth 4 per cent to the banks because it was permanent, and at that very minute New York on its canal funds, because they were somewhat permanent, received 3 per cent. I have all of the original letters yet. Pennsylvania draws interest, New York draws interest, Massachusetts draws interest, and every State, with a few rare exceptions, draws interest from deposits.

Mr. MANN. You mean the banks in those States—

Mr. BELL. I mean they make this money earn something.

Mr. SCOTT. Will the gentleman state what security these banks give before receiving the national deposit?

Mr. BELL. Just whatever they and the State powers agree upon.

Mr. SCOTT. I did not refer to the State deposits. I referred to the deposits of the National Government.

Mr. BELL. The National Treasury requires United States bonds, but there is no reason why they should not take any good security, as the States do. In this very bill that now has the approval of the banking association they are insisting on doing away with the bonds and issuing the money for this Government on their capital stock alone.

Mr. HENRY of Connecticut. Is there not this difference between State deposits and national deposits? It is true, I think, that most of the States receive interest on deposits. I know in my State the State treasurer receives at the present time 2½ per cent on all deposits that he makes in national banks scattered over the State. The deposits are more or less permanent, so regarded; but with the United States deposits the United States Government requires the equivalent of United States bonds as additional security.

Mr. BELL. That simply means that a few shall have all the money.

Mr. HENRY of Connecticut. And the State has no security but the credit of the bank. The United States are secured by their own bonds.

Mr. COCHRAN. I think it is absolutely true that the States require security the same as the National Government does. I know mine does.

Mr. HENRY of Connecticut. I do not know how it is with your State.

Mr. COCHRAN. They require security.

Mr. HENRY of Connecticut. Not usually. In New England the State treasurers have a right to deposit in any State or national institution.

Mr. BELL. During President Cleveland's Administration, President McKinley from this floor severely criticised President Cleveland's Administration, because he said at that minute there were lying in the banks of the country \$69,000,000 of the people's money, and that the people had a right to interest upon that money, and that President Cleveland's Administration allowed the banks to have it for nothing and to toll it back to the people at a high price. That was his view of it. But instead of there now being \$69,000,000 there are \$118,000,000 of this money in these banks that have the Government bonds. They get it for nothing and they lease it out to the people. In this banking bill they propose to let this money go into the banks, but it is only on bond securities, and therefore these big banks would get it.

Now, there is another thing about this banking bill that I want to speak of, and that is this: An effort has been made for many



years to get two provisions in the banking laws. One is to have a foreign provision, a provision for foreign banking, so that a combination may take a charter from this Government to go abroad with, an official prestige as it were, and exploit those countries, and probably have a war ship hanging around now and then at your expense and mine to protect their capital and their investments there. That is in this bill. It has been defeated by this House I do not know how many times. Since I have been here I know of one time. That is one provision.

Another provision for which they have been yearning for years has been the branch-bank system. The great central banks in New York and elsewhere have been clamoring for years that they may be allowed to have a great central bank in New York with branches all over the United States. When that system is established, then good-bye to the small banks everywhere. They become mere agents of these big banks, handling their money, hiring their currency from them, or go out of existence. It means death to the little banks. That is the object.

The little bank has got to serve the big one or go out of existence, and the fact is, it will go out of existence. That is provided for in this bill. They are to have the right both to take the prestige of this Government and go to Germany or England or anywhere

in foreign countries, with a quasi official title, to do banking, and I suppose our warships will hover around every time they get into a little trouble to protect United States investments. We are getting now too many men who are trying to go abroad. The idea now is entertained that this country is not good enough to live in, and day after day you find men are moving their families abroad, buying houses there, while ostensibly living here, or they themselves are going abroad.

It is pretty hard now to pass many days without seeing somebody who is just going abroad to remain. I notice this morning a very important gentleman has just sold out to go to the mother country—going to become a British citizen and live there because he likes it better than this country. Many are going, and when they do not become citizens of a foreign country, they will in fact move abroad and be only nominal American citizens. I think we should not encourage that in any particular. I here exhibit the increased circulation of gold and silver which accounts in a large measure for our phenomenal prosperity.

## DEPOSITS OF GOLD SINCE 1873.

The value of the deposits of gold bullion, coin, and jewelers' bars at the mints and assay offices of the United States, by fiscal years, since 1873 is exhibited in the following table:

Deposits of gold at United States mints and assay offices since 1873.

Fiscal year ended June 30—	Character of gold deposited.					Total.
	Domestic bullion.	Domestic coin (coining value).	Foreign bullion.	Foreign coin (United States coining value).	Jewelers' bars, old plate, etc.	
1873	\$28,868,569.78	\$27,116,948.27	\$426,107.44	\$518,542.14	\$774,218.25	\$57,704,385.88
1874	29,736,387.82	6,275,367.29	3,162,519.92	9,313,882.47	654,353.56	49,142,511.06
1875	34,266,124.52	1,714,311.50	739,439.66	1,111,792.26	724,625.96	38,556,293.90
1876	37,590,529.39	417,947.15	1,141,905.76	2,111,083.80	681,819.32	41,943,285.42
1877	43,478,103.93	447,339.68	1,931,163.12	2,068,260.73	837,911.25	48,787,778.71
1878	48,075,123.76	301,021.79	2,068,679.05	1,316,461.09	907,932.20	52,609,217.89
1879	38,549,705.89	198,063.17	1,069,796.89	1,498,819.71	937,751.14	42,254,156.80
1880	35,821,705.40	206,328.82	21,200,997.23	40,426,559.63	1,176,505.77	98,835,096.85
1881	35,815,036.55	440,776.97	37,771,472.26	55,462,885.74	1,943,430.93	130,833,102.45
1882	31,288,511.97	569,356.80	12,783,807.04	20,304,810.78	1,770,166.36	66,756,652.95
1883	32,481,642.38	374,129.23	4,727,143.22	6,906,083.80	1,858,107.42	46,347,106.05
1884	29,079,596.33	263,117.17	6,023,734.45	9,095,461.45	1,864,769.26	46,326,678.66
1885	31,584,436.64	325,210.97	11,221,846.45	7,893,217.77	1,869,363.26	52,894,075.09
1886	32,456,493.64	393,545.28	4,317,068.27	5,673,565.04	2,069,077.00	44,909,749.23
1887	32,973,027.41	516,984.63	22,571,328.70	9,896,512.28	2,265,219.85	68,223,072.87
1888	32,406,306.59	492,512.60	21,741,042.44	14,596,885.03	2,988,750.90	72,225,497.56
1889	31,440,778.93	585,066.87	2,136,516.66	4,447,475.99	3,526,597.31	42,136,435.76
1890	30,474,900.25	655,474.96	2,691,932.29	5,298,773.93	3,542,013.83	42,663,065.26
1891	31,555,116.85	583,847.16	4,054,822.86	8,256,303.80	4,035,710.15	48,485,800.82
1892	31,961,545.11	557,967.86	10,935,154.69	14,040,187.70	3,636,603.68	61,131,400.04
1893	33,286,167.94	792,470.43	2,247,730.78	6,293,296.33	3,830,176.02	46,443,841.50
1894	38,696,951.40	2,063,615.46	15,614,118.19	12,386,406.81	3,118,421.45	71,809,513.31
1895	44,371,949.83	1,188,258.21	14,108,438.74	2,278,614.07	3,213,809.43	65,161,067.28
1896	53,910,937.02	1,670,005.53	6,572,390.14	3,227,409.06	3,588,622.06	68,769,883.81
1897	60,618,239.77	1,015,314.39	9,371,521.03	13,188,013.86	2,810,248.66	87,003,337.71
1898	69,881,120.57	1,187,682.99	26,477,370.06	47,210,077.84	2,936,943.37	147,693,194.83
1899	76,252,487.23	1,158,307.57	30,336,559.47	32,785,152.48	2,964,683.90	143,497,190.65
1900	87,458,836.23	1,389,066.68	22,720,150.22	18,834,495.53	3,517,540.93	133,920,119.59
1901	92,829,685.86	1,116,179.86	27,189,659.12	27,906,489.13	3,959,656.64	153,101,680.61
Total	1,237,330,049.99	54,079,269.29	327,354,413.15	384,372,020.25	67,205,029.86	2,070,330,782.54

Abundance of currency makes good times and a scarcity of money makes hard times, and every contention that we have made heretofore or are now making for the quantitative the one of money is now admitted, not only by the Secretary of the Treasury, but by all the conditions. Our friends always misunderstood us, and I suppose they did it because they did not get at our real meaning. None of us ever insisted that silver was sacred or that gold was sacred. What we contended was that we did not have enough national money owned and controlled by the Government of the United States itself, and therefore when we coined all the gold and all the silver that could be gotten at our mints that we would still be short. That was our contention.

At the time there was a great scarcity of money. Following that came the greatest gold production that the earth has ever known. As that gold increased in volume business increased, and the year just passed we put more gold into the Treasury than ever went in before since this Government has been in existence. We have to-day \$2.72 per capita more money in circulation than we had even two years ago. We have the largest circulation now that we have ever had since we have been a people. Therefore we have had the best times that we have ever had during the history of the Government.

Mr. HILL. May I ask the gentleman a question?

Mr. BELL. Yes.

Mr. HILL. Do you think that the effect on the prosperity of this country is due solely to the increase of money in this country or to the general increase of money in the world?

Mr. BELL. It has had a greater influence on the general prosperity in this country, and this was supplemented by the fact that we have had such phenomenal crops and such a phenomenal

production of things that foreigners wanted during this special time.

Mr. HILL. Then you think that the prosperity is due to the phenomenal crops rather than to the increase in the circulating medium?

Mr. BELL. The phenomenal crops brought a great deal of this money to our shores.

Mr. HILL. If the increase in money during the last five years in this country has brought such a phenomenal prosperity to the United States, why has not the increase in Germany brought about a like prosperity to Germany?

Mr. BELL. The conditions are entirely different in Germany from a money and from an industrial standpoint.

Mr. HILL. That is what I think.

Mr. BELL. Germany has not had any such increase of money.

Mr. HILL. Oh, yes.

Mr. BELL. No; she has not. Germany has not had mines pouring out money in every conceivable portion of the country. Germany has not had the great productions that we have had in the diversified crops or the exports in other lines; not by any means.

Mr. HILL. After all, is it not the phenomenal crops that we have had that has given us the increase of prosperity, rather than the increase in the circulating medium?

Mr. BELL. The phenomenal crops that we have had have brought us great sums of money, and it has been the money condition and our industrial advantages combined. No one thing ever accounts for a prosperity like ours. I say the war in South Africa has done a great deal for our farmers in this country and for our producers, and all these war conditions—our own war in

the Philippines has done a great deal. But there is no doubt that our great money supply has done much.

Mr. HILL. Will the gentleman please explain to me, when the per capita circulation in the United States is \$28, and in Austria \$7, and in Belgium \$21, and the British Empire and in Australasia, \$25, and varying from \$2, and \$3, and \$4 in the different countries, where they are immediately adjoining each other in Europe, where the means of getting from one country to the other is so easy, how is it that this prosperity is not going from one to the other under your theory of circulation?

Mr. BELL. Per capita circulation has never been regarded by any economist as any test whatever. The original test, I think was by Calhoun, when the great discussion took place here, and all hands agreed that the per capita circulation did not signify anything except as a test of the quantity of the money of the country, and that you must have your money based upon worth of property to be exchanged. The equilibrium between money and property to be exchanged. A poor, nonprogressive people can absorb but little money.

Mr. HILL. I hope the gentleman will follow that line of argument right up in the next two or three weeks, when we bring in the bill for a set currency, which provides distinctly that there should be a volume of currency in the country to meet the demands of the business required to be done.

Mr. BELL. I would agree with your theory of exchange if you did not put the money in the hands of the banker, but let the Government issue it and control it, so that the bankers could not have the people buy of them and make the bankers prosperous, and leave the people to their misery, at the pleasure of the national-bank associations.

Mr. HILL. I will make a square proposition to the gentleman now: If he will show me any possible way by which the Government can issue any money having any relation to the business of the country I will vote for his proposition.

Mr. BELL. I have just given you Calhoun's views in the matter. There was a means suggested in his day, that the Government could very easily make the equilibrium of, say, \$1 in money to each \$30 in property to be exchanged.

Mr. HILL. How are they going to get it in circulation?

Mr. BELL. There is no trouble about getting money into circulation. This Government pays out millions daily, sells bonds from time to time, and buys money. Money will get in circulation—do not be uneasy—while we run this expensive machine.

Mr. HILL. Except in the payment of debt, how can the Government get money in circulation?

Mr. BELL. There need be no trouble about that. The Government has debts enough to put money in circulation for many years to come, and will always be making them.

Mr. HILL. But the Government of the United States, nor no other government in the world, has any power to put a dollar of money into circulation except by the payment of debts already incurred.

Mr. BELL. I notice that there was no difficulty about getting the greenbacks into circulation and none whatever in getting the Treasury notes into circulation. The banks of this country are trying to destroy every dollar that the Government has now in circulation and are trying to replace it with their own currency, and they may eventually force this Government to pay its debts.

Mr. HILL. With the gentleman's permission, I will ask him to tell me of some way that the United States Government can put one dollar into circulation except paying it on a debt which is already incurred.

Mr. BELL. Why, there is no question but what there are millions of debts annually incurred, and are enough now outstanding to absorb a billion dollars' worth of currency.

Mr. HILL. I am talking about debts already incurred.

Mr. BELL. The Government is making debts all the time. There is no trouble about getting money into circulation with an enterprising Government, but you want to take the money out of circulation.

Mr. COCHRAN. Let me ask the gentleman from Connecticut: Does the Government put money into circulation when it issues, for instance, a large amount of interest-bearing bonds, when they can be exchanged for currency and the currency can be exchanged for bonds? Was it not able to put money into circulation that way?

Mr. HILL. It may if they were to go on issuing bonds.

Mr. COCHRAN. They have done it once; can not they do it now.

Mr. BELL. The coinage of this country is the greatest that this country has ever seen; we have more money than we have ever had before; and I find now, if the newspapers are to be believed, that the same power which is trying to destroy every dollar of Government paper and silver money is going to make its assault on gold. That question was raised twenty years ago. That was the contention in Europe twenty years ago—that they should destroy both gold and silver and have only bank paper.

I say that, in my judgment, the most dangerous thing that ever has come into this House is this banking bill that is before this Chamber at this time. You have here a Secretary of the Treasury, one of the greatest bankers of the land, insisting that the Government stop guaranteeing even the payment of the bank currency. You find him insisting that the banks may issue to the extent of their capital stock, put it upon the market, and it shall be made full legal tender as between citizens.

Mr. HILL. There is no such proposition.

Mr. BELL. It is in the bill itself.

Mr. HILL. There is no such proposition in the bill.

Mr. BELL. I am afraid the gentleman has not read the bill.

Mr. HILL. The gentlemen from Colorado can not have read the bill understandingly and maintain such a proposition.

Mr. BELL. Let us see whether I am right or not. It is idle for our friend or anybody else to insist that this is a dernier ressort.

Mr. HILL. Will the gentleman show me the proposition where the banking currency is made in this country legal tender between citizens?

Mr. BELL. I make the direct statement that it is provided that these notes they issue for the purpose of redeeming these outstanding obligations shall be a legal tender for all debts, public and private, except the interest on the public debt and import duties.

Mr. HILL. That is not a note issued by the bank at all. That is a United States greenback, and no change is made in the provision of the law. The gentleman himself has not read the bill.

Mr. BELL. Yes, I have read it; and I say there is not a provision in it that is for the people. It is essentially a bankers' bill from beginning to end, and the provisions all show that. Now, here is the provision:

The manner and form of the assumption of the current redemption of the United States notes, as aforesaid, shall be as follows: Each note shall bear the indorsement:

"For value received, the ——— national bank of [city], [State], will currently redeem this note in gold coin until the same has been paid and canceled in accordance with the provisions of law."

Mr. HILL. Is that a bank note?

Mr. BELL. It is.

Mr. HILL. Not at all; it is a United States greenback. If the gentleman will pardon me, I think he has read the bill cursorily. The note to which he refers is the United States note, precisely the same as it is now, in no form or manner changed.

Mr. BELL. You assume these obligations, and you are going to force the people to take them with your indorsement upon them and they become your notes.

Mr. HILL. It is the same greenback that it is now.

Mr. BELL. You agree to assume 130,000,000 of this as your paper, and instead of issuing new obligations you indorse the greenback and send it out, and from that time it becomes your obligation, and it is just the same as though you issued new obligations.

Mr. HILL. Will the gentleman pardon me? The United States Treasury carries its reserve fund precisely the same as it does now, and the final payment is by the United States the same as it is now. In no way, shape, or manner is it changed in character, quality, or obligation. The only feature of it is that the burden is thrown upon the banks to redeem the obligations instead of compelling the United States Government to do it, but the final obligation is canceled by the Government and the legal obligation rests precisely where it does now without change. As I said before, either the gentleman has not read the bill or else he has read it so hastily that he does not comprehend its purpose.

Mr. BELL. The bill provides that you shall get these obligations on condition that you assume them, what will amount to one hundred and thirty millions of these outstanding obligations. Now, you assume and take from the Government one hundred and thirty millions, and instead of your issuing new obligations you simply provide that you shall assume these old greenbacks and put your indorsement on them, and from that time on you provide that they shall be yours. Why did you put the indorsement on?

Mr. HILL. The taxes go into the Treasury of the United States and then they come out again in payment of these obligations.

That does not change the proposition at all. You are talking about an entirely different subject. What I say is that these greenbacks are now obligations of the Government.

Mr. HILL. They continue so.

Mr. BELL. These greenbacks are now to be redeemed by the Government.

Mr. HILL. Certainly; you are right.

Mr. BELL. They are now legal tender for all debts, public and private, except customs dues and interest on the public debt.

Mr. HILL. And they continue just that way.

Mr. BELL. Yes; this bill provides that you shall assume this obligation, and from that time it shall be your obligation.

Mr. HILL. Not at all.

Mr. BELL. The writer of this bill did not understand that



they would continue to be a legal tender as before, for in the next section it provides that you assume them by your indorsement and they become your obligation as a legal tender. I do not know why you did not leave out that section. Now, let us see how this is:

The manner and form of the assumption of the redemption of the United States note, as aforesaid, shall be as follows: The assumption for value received, the national banks, city or State, will currently redeem until the same has been paid and canceled in accordance with the provisions of law. Any note so indorsed shall be a legal tender "except for import duties and interest on the public debt."

Mr. HILL. The bill does not change the obligation at all.

Mr. BELL. Then why did you put that in?

Mr. HILL. Because there was no change made in the character of the obligation whatever.

Mr. BELL. Why did you make it again a legal tender?

Mr. HILL. We do not. We leave it just as it is.

Mr. BELL. You say it shall be a legal tender.

Mr. HILL. It is now.

Mr. BELL. Why did you put that section in? It stands for nothing if your position is right. My position is that you say to the Government, "You do these things for us, and we will take this burden off of you. Instead of issuing your own paper, we will put this obligation in a certain form." Then you provide that that shall be a legal tender.

A MEMBER. Do you suggest leaving out that clause?

Mr. BELL. No. But I say they made it a legal tender. And I want to say here and now that if the banks of this country are to issue and control the currency, it ought to be absolute legal tender. There ought not to be any of this partial legal-tender money. If the banks are to issue money for this Government, it ought to be full legal tender; it ought to pay all debts, both public and private. I do not know why the bondholders should not take this obligation the same as anybody else. There may be some reason why the import duties might be required to be paid in something else; but I do not see why a man who holds a Government bond should be a favored creditor of this nation except as regards bonds already outstanding.

We have given hundreds of millions already to these bondholders. They are pets of this Government. Since I have been a member of this House I have seen a message come here from the President of the United States saying to you and to me that if we would put into one sale of these bonds a provision that they should be paid in gold he could save over \$16,000,000 in the issuing of such bonds. I saw that and you saw it. The Republicans on this floor and the Democrats, too, stood up and said, "We can not afford to make our bonds all payable in gold, and if we make one class payable in gold absolutely the obligation will be extended to all the others."

Mr. Cleveland insisted that the insertion of such a clause would make a difference in the value of these bonds payable in gold as compared with those simply payable in coin—a difference of a little more than \$16,000,000. We said we would pay the \$16,000,000. Immediately the bondholder purchased them as silver bonds at a reduced price of \$16,000,000, and now the Treasury Department is treating those bonds as gold obligations. This is a gift of \$16,000,000, and if it was some one that was having a little transaction with the Government, why they would chase him by the month for a little wash bill. Those fellows walk off with over \$16,000,000 of the Government money.

Now, I am not prejudiced against banks and bankers, but I want to say they have got this Government by the throat, and they are trying to get a new hold on it, and the great banks of this country are getting now Government money worth nearly \$8,000 a day for nothing. No ordinary citizen can get it. If this bill is passed I want to say good-bye to American industrial independence. Anybody that wants good investments must get in a big bank; he must not get in a little one, because the little banks will be crushed and go out of existence as these mighty institutions spread.

I have detained you longer than I expected or should have done, and I want to say in regard to these three bills, when these gentlemen bring them up for hearing, I will not get a chance to discuss them, you will not get a chance to discuss them; they will be whipped through here without discussion and without amendment, and while I often hear it said that there is never a time when the House can not overrule the Speaker, I say that that may be technically so, but it is not really so.

Mr. HILL. You do not object, do you, to the Government putting upon the banks the burden of paying one hundred and thirty millions of greenbacks, do you, and so relieving the Government from so much indebtedness?

Mr. BELL. I do, at the price the banks demand.

Mr. HILL. I do not know what that price is.

Mr. BELL. The price is that you shall turn over the destiny of this great country to the banks of the country.

Mr. HILL. That is a feature of the bill that I have not seen yet.

Mr. BELL. Well, I think you will find the opinion of the people. I want to be a banker if this bill ever passes.

Mr. HILL. There is not any earthly reason, if you have the capital to put up, why you should not be a banker now.

Mr. BELL. But I would not get in a little bank, because your object is to destroy the little banks. It will be the gigantic institutions that will spread their tentacles into every village in this country and wipe out the little banks or make them mere servants of the great central institutions, and these other banks will not have the assets upon which to issue the capital. The great institutions will be the ones to issue the capital and hire it out to the little banks. God forbid that such a nefarious act may be fastened upon this people.

Mr. SPIGHT. Mr. Chairman, it is not my purpose to address myself to the pending bill, but to submit some remarks in connection with the resolution which it is understood is soon to be reported by the Committee on Rules providing for the appointment of a committee, nominally to investigate and report upon the question of the abridgment of the right of suffrage under the constitution and laws of any State in the Union, but really to be confined in its operations to certain Southern States in which the intelligent, virtuous, and property-holding classes have sought by peaceable and lawful methods to minimize the danger resulting from conferring political power upon ignorance, vice, and worthlessness.

I take advantage of this opportunity in general debate to submit some remarks on this resolution, because it is understood that when it is reported to the House the time for debate will be limited perhaps to twenty minutes on a side, which would amount practically to no time at all.

The purpose of this resolution is ostensibly to reduce the representation of these proscribed States on the floor of this House and in the electoral college on the specious pretense of love for and obedience to the Constitution of the United States. And yet the political party which is pushing this scheme is the party which has so often in recent years, and during the present session of Congress, shown its utter disregard for the Constitution, and has ruthlessly trampled under foot some of the most sacred provisions of that instrument, which underlie the very foundations of our free institutions. Therefore I fear that it is not love and reverence for the Constitution which prompts this movement, but an unholy desire to win political advantage. [Applause on Democratic side.]

I am glad that many of the more conservative and thoughtful members of the Republican party have deprecated this effort to stir up the fast-dying embers of sectional strife and ill-will. I am glad that the spirit of the lamented McKinley still lives in the breasts of some of the men in the party of which he was so conspicuous a leader. From that great, loving, kindly, Christian heart of his there went out a note which was akin to the song of the heavenly choir announcing to the wondering shepherds in the hills of Judea the greatest event of all the ages, "Unto you is born this day in the city of David a Saviour, which is Christ the Lord." \* \* \*. On earth peace, good will toward men." McKinley said, "Let the South alone," and not only held out an olive branch, but he had nothing but kind words for our people. I shall always be glad that in his long ride across the continent in the year of his death he passed through our country and gave to our people an opportunity to show their appreciation of his noble efforts to eradicate sectional bitterness, allay sectional strife, and bring about a complete reconciliation between all the people of this glorious country, reunited not in name alone but in spirit also.

Much as we differed from him on some great questions of governmental policy, we believed *then* and we know *now* that during his four years at the head of the National Administration McKinley did more to accomplish these beneficent purposes than any man who has lived since the close of the great war. [Applause.] Then it is not strange that his tragic death came to us as a personal bereavement. He was our friend and he had the manliness to tell us so, notwithstanding we had never voted for him, and he had the tact to do it in a manner not to offend, and to convince us of his sincerity. Nowhere in all this broad land of ours were found more sincere mourners than in the South when the news flashed over the wires and was telegraphed from heart to heart that his gentle spirit had taken its flight from earth forever. I wish that more of his love of fairness and grandeur of purpose might find lodgment in the breasts of the leaders of the Republican party of to-day.

I am glad we have reached a point in our history when we hear less of "rebels and Yankees" and more of America and Americans, and I hope soon to see the glad day when the Northern leaders of public sentiment are enabled to understand that Southern men of equally high character with themselves know more of the vexing problems which endanger the social and business interests of their section, and know better how to deal with them



than their brethren of other parts of the country who have not had the same opportunities for reaching correct conclusions with reference to these peculiar matters. There is no "negro problem" in the South if we can only be let alone in the management of our domestic affairs. The negro is happier, more content, and more generally prosperous than he has ever been since, by the proclamation by President Lincoln, he was declared to be a free man. That the conferring upon him of the elective franchise in his then condition was a great mistake has been long since conceded by many of the greatest and most patriotic thinkers of the Republican party.

But let us look further into the ultimate purposes of the advocates of this proscriptive legislation. I have no fears that the party in power will at this session of Congress reduce the representation of any State. In Congressional districts and in States where the negroes hold the balance of power the Republican candidates in the elections next fall may hope to win victories for themselves by singing a siren song of love to their black allies, but where there are few negroes and their votes unimportant the Republican candidates will not want to be handicapped by the accomplished fact of having reduced, for purely partisan reasons, the representation of any State and with the ghost of a force bill looming up on the horizon of the near future. This is especially true in such States as Delaware, Maryland, West Virginia, Kentucky, and Tennessee.

If it were not that there still is truth in the heathen adage, "whom the gods would destroy they first make mad," I would not believe that this contemplated legislation would ever be enacted, and it may yet be that cooler and more conservative counsels will prevail, and there will be nothing but the miserable farce of a pretended investigation without any results except injury to the material interests of a people who are striving grandly to rebuild their waste places, advance along the lines of industrial and commercial progress, and preserve their magnificent civilization. But if the advocates of this repression should triumph over conservatism and should conclude that the people will endure it, their next step will be something in the nature of a force bill, with United States marshals around the polling places at Federal elections, and then that which is said to have broken loose in Georgia will be to pay.

In discussing this proposition to reduce representation in certain Southern States I shall undertake to do so under four subdivisions:

- First. The impracticability of the scheme.
- Second. The want of constitutional power on the part of Congress to deal with the question.
- Third. The effect of such action upon the business interests of the whole country, and
- Fourth. The effect upon the States subjected to such punitive legislation.

Under the first head I wish to call attention to the fact that there is no sufficient data upon which to base the contemplated action. Before there can be any intelligent and honest effort to reduce representation because of the denial or abridgment of the right of suffrage in any State there must be not only an ascertainment of the number of males over 21 years of age who are disfranchised, but the causes of such disfranchisement must also be shown.

Denial of the right to vote, which might result in reduction of representation under the provisions of section 2 of Article XIV of the Federal Constitution, can not be applied where the denial is a part of the punishment inflicted for the commission of crime. Every State is the sole judge as to what should constitute crime within its own jurisdiction, with the single limitation that such State laws shall not conflict with any provision of the Constitution of the United States. In Mississippi there are thousands who are denied the right to vote on account of the commission of crime, independent of other disqualifying causes, and yet there is no information available to Congress or reasonably to an investigating committee as to the number thus disfranchised.

A committee could ascertain the number now in the State penitentiary, and by examining the records of all the courts in every county could find the number in the jails and undergoing punishment in the hands of contractors for convict labor. This would be a long and expensive undertaking, and yet it would not furnish half the necessary information. There are thousands of others who have suffered their penalties, been discharged from custody, and are scattered all over the country, and who are still and forever disqualified from voting.

Again, it will be practically impossible to ascertain how many who have not registered as voters are disqualified for any reason and how many are not. Some whites and many negroes who could qualify fail to do so because of want of interest in political affairs.

Not half the white men in Mississippi whose names appear on the registration books vote in general elections, because, under

our system of nomination by primary election, when a Democratic candidate is indorsed by his party the contest is ended, and only a fractional part of the Democratic and practically none of the Republican vote is polled at the general election. The advocates of this punitive legislation realize the insurmountable difficulties in the way of obtaining information necessary for intelligent action and propose to take as a basis of their calculations the vote actually polled in Congressional elections. One of the zealous supporters of this scheme, in a communication to the Washington Post a few days ago, takes the Congressional Directory as his guide, and compares the vote of Mississippi, by districts, with the vote of New York. Either ignorantly or corruptly he ignores the fact that in Mississippi there was no contest, and not one-third of the registered vote was polled, while in New York there was a hot fight, and practically all the votes on both sides were brought out.

No man on this floor who has any regard for truth and fairness will say that because all the qualified electors do not exercise their right to vote the State shall be punished by reducing its representation to that extent. There is no power under any constitution or statute that can compel a man to vote. The privilege is conferred under certain conditions, but its exercise is a purely voluntary act and can not be made compulsory. To reduce a State's representation because some of her citizens who are eligible as electors do not see proper to register and vote would be a monstrous and inexcusable crime against the sovereignty of the State and a flagrant and willful violation of the very clause of the Constitution which the friends of this measure profess to be so anxious to uphold. As I said in a speech delivered in the Fifty-sixth Congress on this subject, there must be another census, with specially prepared questions, before any such information can be obtained that would justify Congress to undertake the enforcement of this resolution.

Mr. PALMER. Suppose the facts can be ascertained, are you willing then to have your representation reduced?

Mr. SPIGHT. We are not willing, I will say in answer to that question, to surrender the rights the surrender of which has not been demanded from other States. I will say to the gentleman before I get through that as a last resort we would not only concede the right to reduce our representation, or the power to reduce our representation, but we would rather give it all up, and without any representation at all in this House, than to return again to the state of affairs existing in the reconstruction period, from 1869 to 1876.

Under my second subdivision I deny that Congress has the Constitutional power to deal with this question as now presented, but it is one for the Supreme Court first to determine. If any State, by its constitutional or statutory enactments, has violated any section or clause of the Federal Constitution this is not the forum in which that violation shall be declared; but it is a question which must be heard, tried, and determined in the judicial tribunal constituted for that purpose; and whenever that great court shall declare that the organic or statute law of a State is in conflict with any provision of the Constitution of the United States, then such State must modify its own enactments to conform to the decision of the court or suffer the penalties imposed.

The first section of the fourteenth amendment declares that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside;" but mere citizenship does not confer the right to vote. One must be a citizen before the privilege of the elective franchise can be bestowed, but this is not enough. Every woman and child born or naturalized in the United States is a citizen, but not a voter. The United States can make citizens but it can not make qualified voters. This latter power belongs only to the States, without any Federal limitations except that prescribed in the fifteenth amendment that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Subject to this restriction alone, the States have complete jurisdiction of the whole question of suffrage.

In the case of the United States v. Cruikshanks (92 U. S., 542), the Supreme Court says:

The Constitution has not conferred the right of suffrage upon anyone, and the United States have no voters of their own creation in the States. The fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. The right of suffrage is not a necessary attribute of national citizenship. The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States; but the last has been.

In *Barbier v. Connolly* (113 U. S., 237), in speaking of the fourteenth amendment, it is said:

Class legislation, discrimination against some and favoring others, is prohibited; but legislation which, in carrying out a public purpose, if within



the sphere of its operation it affects alike all persons similarly situated, is not within the amendment.

In *McPherson v. Blacker* (146 U. S., 1) it is declared that—

Neither the Constitution nor the fourteenth amendment made all citizens voters.

In *Williams v. Mississippi* (170 U. S., 213), which was an appeal from a decision of the supreme court of Mississippi holding that the constitution of 1890 was not in conflict with any clause of the Federal Constitution, one of the assignments of error was that the State constitution denied or abridged the right to vote, and that the representation in Congress had not been reduced in consequence thereof, thus presenting the very question sought to be raised by this resolution, and the Supreme Court of the United States, in a unanimous opinion, said: "The constitution and statutes of Mississippi do not on their face discriminate between the races," and the decision of the Mississippi court was affirmed. Thus it is shown that the constitution of Mississippi has been tested and sustained in the supreme courts of both the State and the United States. I will read the two sections of the present constitution of Mississippi upon which assaults have been made and which were considered by the court in the *Williams* case, from which I have just quoted:

SEC. 241. Every male inhabitant of this State except idiots, etc., \* \* \* 21 years old and upwards, who has resided in this State two years, and one year in the election district \* \* \* and who is duly registered \* \* \* and who has not been convicted of bribery, burglary, theft, arson, obtaining money by false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid, on or before the 1st day of February in the year in which he shall offer to vote, all taxes which may have been required of him \* \* \* is declared to be a qualified elector.

Section 244 contains the "understanding clause" about which so much has been heard, and reads as follows:

On and after the 1st day of January, 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State, or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

These sections do not deny the right of suffrage to anyone, but merely prescribe qualifications, which when summed up stand for good citizenship and some degree of intelligence. They shut out the ignorant, the vicious, the criminals, and those who, from worthlessness or disinclination, contribute nothing toward the support of the Government which protects them in their persons and property and furnishes the money to educate their children. For this the State is threatened with punishment by reducing our representation in Congress.

Mr. PALMER. Will the gentleman allow an interruption?

Mr. SPIGHT. Certainly.

Mr. PALMER. If you have in fact excluded any portion of your population from exercising the right of suffrage, do you think they ought to be represented?

Mr. SPIGHT. The policy of the Government has been to base representation on population, and all ought to be represented. The Government is for the protection of all the people and for their benefit and not merely for those who vote, and I believe it is right that the representation should be based upon population rather than upon the number of those who should see proper to exercise the elective franchise.

Mr. PALMER. Then you ought to repeal the fourteenth amendment to the Constitution of the United States.

Mr. SPIGHT. Well, sir, the party to which I belong is not responsible for the grafting of that amendment upon the Constitution; and whenever your party see proper to propose to repeal it, then we would be willing to vote with you on that.

Mr. PALMER. Is not the fourteenth amendment just as much a part of the Constitution as any other section? And ought it not to be enforced as much as any other section, as long as it is a part of the Constitution?

Mr. SPIGHT. Yes. And we are not violating it either, and do not intend to; and if we do, whenever it is shown to us by competent authority that we have violated it we are willing to bow to the decision of the court.

Mr. PALMER. As I understand it, that is exactly the purpose of this committee—to find out whether you have violated it or whether you are violating it—and you gentlemen object to a fair investigation.

Mr. SPIGHT. The Supreme Court of the United States has said that the Mississippi constitution is not in conflict with any clause of the Federal Constitution, and whenever they say that we are violating the Constitution of the United States we will bow to that decision, but we do not in advance propose to concede that we are doing that thing.

A number of Northern States have provisions very much like these and have had for years, but no effort has been made to reduce their representation.

While the Supreme Court of the United States has never directly decided the question, it is held by many of the ablest lawyers and most profound thinkers of this country that the adoption of the fifteenth amendment had the effect of abrogating the puni-

tive clause of the second section of the fourteenth amendment, and among this number was James G. Blaine, one of the most brilliant men of his generation, a great leader of the Republican party, and with an intense anti-Southern feeling.

In his book, *Twenty Years in Congress*, speaking of the fourteenth and fifteenth amendments and the effect of the one upon the other, he uses this language:

When the nation, by subsequent change in its Constitution, declared that the State shall not exclude the negro from the right of suffrage, it neutralized and surrendered the contingent right as heretofore held to exclude him from the basis of apportionment. Congress is thus plainly deprived by the fifteenth amendment of certain powers over representation in the South which it previously possessed under the fourteenth amendment. Before the adoption of the fifteenth amendment if a State should exclude the negro from suffrage, the next step would be for Congress to exclude the negro from the basis of apportionment. After the adoption of the fifteenth amendment if a State should exclude the negro from suffrage, the next step would be for the Supreme Court to declare that the act was unconstitutional and therefore null and void.

But Mr. Blaine expressed the opinion that the first, third, and fourth sections of the fourteenth amendment were not affected by the adoption of the fifteenth amendment. So that, in the estimation of this eminent authority, this question is not one for a partisan Congress to determine, but is one for the Supreme Court of the United States.

Mr. WILLIAMS of Mississippi. In further answer to the gentleman's question I wish to suggest that as eminent an authority as Judge Cooley has said, in his *Principles of Constitutional Law*, that an educational qualification is not an abridgment of the suffrage; that a tax qualification is not an abridgment of the suffrage; that a thing in order to be an abridgment of the suffrage must cut it entirely off, but that a qualification such that a man may equip himself for suffrage is not an abridgment, and he refers to several Supreme Court decisions in support of that proposition.

Mr. SPIGHT. Mr. Chairman, I had intended to refer to that authority also, but I shall adopt the language of my colleague from Mississippi [Mr. WILLIAMS] and will leave that branch of the subject.

Whatever may be said as to the validity of what is known as "the grandfather clause" in some of the recently adopted State constitutions, the discussion of which I shall leave to gentlemen whose States are affected thereby, the constitution of Mississippi has stood the test, and there is no longer any question as to its validity. The third proposition which I propose to discuss briefly is the effect of the agitation of this question upon the business interests of the country.

The CHAIRMAN. The Chair will say that the time of the gentleman from Mississippi [Mr. SPIGHT] has expired.

Mr. PALMER. Mr. Chairman, I ask unanimous consent that the gentleman have leave to conclude his remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Mississippi be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. SPIGHT. I am much obliged to the gentleman for his kindness.

With the freedom from political disturbances which has prevailed for several years, the South is advancing more rapidly along industrial lines than any other part of this country. Labor is becoming more settled. The negro, instead of looking to politics as his chief end, is devoting himself to raising corn and cotton and providing the necessities of life for his family, and striving for a home of his own. The enormous value of our agricultural products, our coal and iron fields, our gushing oil wells, our forests of valuable timber, and our rapidly growing manufacturing interests of various kinds, together with our salubrious and semitropical climate, and with fuel and water for the motive power of machinery in sight of the raw products for feeding the factories, have attracted Northern and Eastern capitalists, and they have invested millions of dollars in Southern enterprises; and under wise and beneficent policies there is no limit to the possibilities of the South in progress and development. It would be superfluous for me to say that the greater the prosperity of the South the more abundant the wealth of the whole country.

It is also a self-evident fact that when disturbing causes contribute to retarding the growth and development of the South the great centers of trade are injuriously affected. It is of almost, if not quite, as much moment to the business interests of the North and East as to the South to avoid every disturbing element which would tend toward checking our development and the unsettling of property values. Everything which has a tendency to stir up strife, alienate labor, and create distrust in the minds of capitalists is a menace to the business interests of the country which every patriotic citizen desires to prevent. Gentlemen who favor this repressive legislation for partisan purposes and political advantage will find, when it may be too late, that the sober business sense in every section of the country will condemn it as unwise, unpatriotic, and hurtful.



The last proposition to which I shall address myself is the effect which the contemplated action would have upon the States to which it is intended to apply. Nobody on either side of this question believes that it is the purpose to interfere with any but Southern States, and in considering this last branch of the subject I shall speak of it as it will affect Mississippi, and I believe that the same conditions will be found to exist in a large measure in all the other proscribed States.

While the language of our constitution is so carefully guarded as to prevent its conflict with the fifteenth amendment, I will not deny that the leading purpose was to eliminate the negro from the political equation, and no honest man who has any conception of the horrors of the reconstruction period can blame us. None but those who suffered as we did can understand what we had to endure in the fateful years from 1869 to 1876. Our homes were desolated, our fields were only waste places, our property was gone, and our magnificent civilization was threatened. The hungry carpetbagger, without conscience or decency, the synonym of rapine and plunder, had invaded our land and desecrated the high stations once occupied by our fathers. Attila, the Hun, was called the "scourge of God;" the carpetbagger was, in fact, the scourge of the devil.

A black horde, whose dense ignorance was only equalled by their credulity, were the willing tools of their unscrupulous leaders and rejoiced in the power to oppress and humiliate the white people of the State. Imagine, if you can, what the intelligent and virtuous people of any Northern State would feel if they should be compelled to look into the office of their chief executive and see a man posing as governor, an alien and a stranger, without a dollar's worth of property in the State, and without a spark of sympathy for the people over whom he was called to rule. Then turn to the legislative halls and find them filled with the most ignorant and depraved class in the Commonwealth, reveling in a saturnalia of plunder, and assuming to make laws of which they have no conception save that they are intended to put "black heels on white necks," and then tell me, if you dare, that the people would stand it.

All this and more we have seen, and the only wonder is that we bore it so long. At last when "forbearance had ceased to be a virtue" delivery from these hateful and ruinous conditions could only be accomplished in one of two ways. Either there must be open violence and bloodshed, or the more peaceful method of the tissue ballot must be resorted to. Driven to desperation as were our people, I do not deny that, for a time, election frauds were practiced, and the only apology, if any I should make, which I have to offer is, that it was that or worse, and I am not ashamed to say that under the same conditions we would do it again. But for many years elections in Mississippi have been as free from fraud as in any State in this Union.

Notwithstanding two disastrous crop seasons in succession our people are forging ahead, and though our farmers are much depressed by their failures in the last two years, with the courage which has always characterized Mississippians they enter upon this new year with renewed hope and confidence. As I have said before, the negro is more contented than he has ever been since his emancipation, and his pretended white friends can do him no greater harm than to hold out to him again the tempting bauble of political activity. It will demoralize him as laborer, wage-earner, and wealth producer and will strike a deadly blow at all prosperity. No better advice can be given than to say "let the negro alone." The white people are paying for the education of his children, and he knows it. He is on terms of friendship with the dominant classes and his rights are as well protected as in any State in the Union, and all he has to do is to be a law-abiding and industrious citizen and he will command the respect and good will of the white people, who are his best friends. Nothing but harm can come from filling his mind again with political ideas. He is emotional in the highest degree and is easily carried away by blind, unreasoning enthusiasm, and it would be an easy task for a shrewd, designing, and unscrupulous white man to make him believe that he is an important political factor and so poison his mind as to unfit him for the ordinary and profitable duties of life.

If it is imagined by the advocates of this resolution that the threat which it conveys, or the actual reduction of our representation, will compel our people to change our suffrage laws, they are laboring under a gross delusion. It will never be done. We would rather have no representation in Congress than to have ignorance, vice, and corruption restored to political power in our State government.

We still have in the South the truest and noblest type of Anglo-Saxon civilization to be found in the world, and we intend to preserve it at all hazards. We received it in a halo of glory from our fathers, and we intend to transmit it untarnished to our children. We love honor and true manhood. We admire courage and patriotic devotion to duty wherever found. We despise

hypocrisy and condemn a coward. We love our State and all her interests and are proud of her achievements in field and forum.

The sanctity of our homes and the purity of our beauteous womanhood are far dearer to us than life itself, and these can be cherished, fostered, and protected only under a white man's government; and this we will maintain with "our lives, our fortunes, and our sacred honor." You may shear us of our political power, if you will, but we will still have left the proud consciousness of knowing that we are right; that our homes and our loved ones are protected, and our local governments remain in our own hands; and trusting to Him who rules nations and peoples, and waiting for the returning sense of justice, and believing that the American people will yet do right, we will "run with patience the race that is set before us," and in the light of our Christian civilization solve every problem as it arises. [Loud applause.]

Mr. CANNON. Just one word. Is the gentleman from Missouri in his seat?

Mr. BENTON. Yes, sir.

Mr. CANNON. We have had one hour and you have had the balance of the day. How much additional time does my friend require?

Mr. BENTON. Well, so far as I know fifty minutes covers all the time I have promised; and if there is no other gentleman on that side to speak, why we can get through by 5 o'clock.

Mr. CANNON. Then I will ask unanimous consent that we close general debate when we adjourn to-day.

Mr. BENTON. I see no objection to that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate upon this bill close with to-day's session. Is there objection?

Mr. ROBINSON of Indiana. I suggest if the gentleman can take care of me in the morning, if I have no time between now and 5 o'clock, I shall have no objection.

Mr. BENTON. You can protect yourself under the five-minute rule by obtaining an extension.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. Mr. Chairman, I make the usual apology in submitting these remarks. I apologize because I shall not discuss the bill under consideration; but it would seem that an apology is hardly necessary, inasmuch as it appears to be the custom of this House to discuss the merits of one measure while some other measure is being considered. It is not deemed improper to discuss, for instance, the tariff when the Indian appropriation bill is under consideration. Bills about which there is an honest difference of opinion are rushed through almost without debate, while ample time for discussion is permitted when bills about which there is no contest are considered. Fortunately there is, I am told, no rule of the House requiring gentlemen to confine their remarks to the subject under consideration. This strikes the new member as being a little peculiar, but we are told that this is one of the great liberties permitted by the Reed rules.

Now, in the exercise of my right as an American Representative, I saw fit the other day to introduce certain resolutions requiring the Speaker to appoint a select committee of 13, whose duty it shall be to investigate the corrupt use of money in elections by all the great political parties. These resolutions have been misrepresented to such an extent by the Republican press of the country that I feel constrained to submit some remarks.

The reply of the Republican press is threefold. They say, first, that I am proposing to investigate the use of money by the Republican party only, and that the resolutions are therefore unfair. Those who charge this certainly did not read the resolutions.

The word "Republican" is not used. They would inaugurate an investigation of the use of money by the national committees of all the great political parties offering candidates for President in the years 1896 and 1900. Why the Republican press should distort the resolutions I can not imagine, unless it is prompted to do so by a consciousness of the guilt of its own party. Secondly, this partisan press has attempted a little ridicule which is indeed crushing. It suggests that I am a new member. My reply is that I came here just as soon as I could get here. [Laughter.] Thirdly, it suggests that I am a member of unimportant committees. I deny this; but if it be true, a Republican Speaker is responsible, and not myself. [Laughter.] All this, Mr. President, will not prevent honest men, thinking men, from giving the resolutions some consideration.

How is it that this House is about to enter into an investigation of the affairs of the States? What has provoked the resolutions of the gentleman from Indiana? I can only speak for my own State. It is not necessary to go further back than the year 1894. During that year two parties, professedly opposite in principles, united to carry our State. One favored the free coinage of silver, while the other was committed to the gold standard. One favored the subtreasury project, while the other favored the national banks.



One favored the Government ownership of railroads, while the other favored the railroad ownership of government. And there were other radical differences between these two parties, but all that made no difference. Offices they wanted and offices they intended to have. So they divided out all the offices, except the electors for President. Their leaders even went so far as to calculate the emoluments of the numerous offices parceled out in order that the division might be just and fair. This is not a jest, Mr. Chairman, but a melancholy truth. On election day, in compliance with their programme, 50,000 white men walked to the ballot box by the side of more than 100,000 negroes, and decent government was overthrown in the State.

It gives me pleasure to admit that some men in both these parties repudiated this unnatural alliance, and that most of those who did repudiate it helped us to redeem the State in 1898. What was the result? What offspring was born to this union? As I love my State, I hesitate to make this admission. As I am proud of her history, I am ashamed for the world to hear it. The result of this fusion enabled more than 900 incompetent negroes—some of them vicious, very many of them venal—to occupy positions of trust or profit in our good old State from 1894 to 1898.

There was incompetency almost everywhere. Public virtue was ridiculed. There were many rumors of scandal in high places. Bills were put upon the statute books which never passed either house of the general assembly. The negro, by nature kind, became insolent. Our wives and our daughters walked the streets of some of our largest towns in the broad day time in constant fear of negro insults. During these few moments I can give you but a faint idea of the humiliation of our good old State.

In 1898 the white men of North Carolina united and swept these people from power. In 1900 they boldly, openly adopted an amendment to their constitution which renders a repetition of this condition forever impossible. I have not the time to-day, Mr. Chairman, to discuss the constitutionality of that amendment. We believe it will be sustained by the courts. We do not believe that by law the Republican majority in the House has any right to reduce our representation here. But we have done what we have done.

If the law of the land requires a reduction in our representation in this House we will submit to it. I undertake to say there is not a Democratic member from our State who would not willingly give up his seat if it were necessary to save our State from the curse of negro rule. If you wish to punish us for protecting our homes, do your worst. We defy you. We shall appeal from the blind partisan here to our patriotic and sympathetic white brother in all the States of the Union. Think you this appeal will be in vain?

But, Mr. Chairman, while they are proposing to investigate, I thought it would be a good idea to propose an additional investigation. Let us ascertain, if we can, something about the corrupt use of money in our national elections. While you are investigating the legal suppression of the negro vote in the South, suppose you investigate the purchase of white votes in other sections. It is a matter of common knowledge that large funds are raised and distributed in every campaign by the Republican party. It is charged, and not denied, that this corruption fund (for it can have no other correct name) in 1896 amounted to millions. It has been charged that the Republican national chairman raised \$600,000 in one city, and more than a million in another. Of course this can not be proven without the aid of the law.

I do not undertake to say the statement is true, but it is believed to be true by many an honest man in this country. One of the editorials in a Republican paper, which misrepresented my resolutions (as the editor has since admitted), uses these words: "It is the common belief that far too much money is spent in our political campaigns. It is a growing evil, and many men deplore it." When a Republican paper makes this admission, Mr. Chairman, you may rest assured that a very grave evil exists. Whether true or false, there is a belief entertained by many a good man that the Presidency of this great Republic goes to the party who can raise the greatest corruption fund. Let us illustrate.

Suppose, in 1904, the Republican party shall name its candidate, supply its national chairman with unlimited means, as was said to be the case in 1896, and suppose the Democratic party shall name its candidate, and its national chairman shall only be supplied with enough money to defray the legitimate expenses of the campaign, which candidate do you suppose will win? Now, reverse the proposition. Give the Democratic national chairman plenty of money and the Republican chairman little or none. How do you think doubtful States will go?

Do you think, Mr. Chairman, that there would be very much Republican money put up on their candidate? The parties are so equally divided that a few doubtful States generally decide the election. How utterly abominable the practice of pouring money like water into these doubtful States to corrupt their votes! How utterly horrible this quadrennial contest between campaign

funds! If my party is guilty, let us turn on the lights. Let us investigate, and if these rumors be true which we constantly hear, let us do something to put an end to the practice forever.

We sometimes hear men suggest that the Republic is in danger. Most of this is idle talk. But, Mr. Chairman, there is one real danger; there is one ever-present menace to liberty. It overhangs our beloved country like a black cloud. It is the corruption of the American electorate by the use of money. Neither party can justify the practice by charging that the other party is guilty. It never has been right to "fight the devil with fire." Gentlemen can not evade the responsibility. No man should be willing for his party to do that which he would not do himself.

For one, Mr. Chairman, I prefer a repression of partisan strife. Rancor and partisan bitterness are to be deplored at all times. Let us look beyond our own State, our own section, and embrace within our loyalty and our love every inch of this Republic. Let the gentleman from Indiana be warned that no good can come of his investigation, but much harm. Let him be warned that it will open up strife in a land now prosperous and peaceful. It might be well for him to ask himself whether there is any demand for the passage of his resolutions. But if his party shall insist upon an investigation let it proceed to correct, if possible, the very greatest of all our national evils.

Mr. Chairman, it remains to be seen what will be done with the resolutions I have seen fit to introduce. They have been referred to the Committee on Rules. That committee is all-powerful, but the resolutions will not be reported. They will sleep, because, if adopted, they will expose such practices as will render a continuance of the power of the Republican party hereafter impossible. [Loud applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, on page 58 of this bill I find a provision which I intend to take as a text for a few remarks, which I will make as broad and philosophical as I can, concerning its general significance and concerning the general significance of conditions of the sort sought to be met by it throughout the world. This provision is for the enforcement of the Chinese-exclusion act.

Enforcement of the Chinese exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, \$200,000, of which sum \$1,000 per annum shall be paid to the collector of customs at Port Townsend as additional compensation and \$1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation.

As an American citizen, as a Democrat, as a student of ethnology, I am emphatically in favor of that provision. I am emphatically in favor of every provision and every law which attempts at any hazard to secure to the Republic a homogeneity of population. I am in favor of every provision that would keep a white man's country his in its civilization, in its code of ethics, and in its government, and conversely of every law and policy that would restrain the white man in his own country and keep him from superimposing himself upon the black man, the yellow man, or the brown man in his country.

I will show you before I am through that in what I say I am expressing no narrow prejudice, no sectional view, but a conclusion at which white men have always arrived—men of our race—when they are confronted by a situation which demands any race conclusion at all.

Mr. Chairman, the feeling of the white race which leads it to try to guard itself from the infringement of other races, and which leads it to regard the amassing of any considerable number of any other race in its midst as a menace to its civilization and to its very life, is a feeling which has caused much argument concerning its source. Some people contend that it is an instinct; other people argue that it is a prejudice. I care not which it is; it is a fact, which has existed always under circumstances calling for its assertion, and which always will exist.

I do not myself think that it is an instinct, because I find little children not sharing it. I do not think it is a prejudice, because prejudice is a conclusion founded unreasonably and without cause. I would rather define it to be a common-sense, historical, induction and just conclusion, arrived at from being confronted with an actual condition. It has existed everywhere.

Early in the history of this country it existed in the anti-red man form in Massachusetts. All the early epistolary literature of New England is full of the idea, of white people, being the Israel of God, contending against red men, as Gentiles and Philistines, and Hittites and Amalekites. It exists in Arizona and New Mexico in the anti-Digger form. It exists on the Pacific slope in the anti-Chinese form. It exists in South Africa in the anti-Kaffir form. It exists down South, though not as strongly as elsewhere, in the anti-negro form.

It has gone down South only to the point of resenting any effort to bring the negroes to a social and political equality. It does not exist there industrially. It is everywhere else on the surface of



the globe a resentment against collaborating with the white man even. There have been some few exceptions upon limited areas in the Tropics, but wherever the exceptions have existed they have been followed by hybridizations, by loss of self-respect among men and women—the latter chiefly—by race deterioration, and by loss of manhood.

Now, gentlemen, I said that I would promise to show you that this feeling is not a feeling of mere prejudice, but is the common-sense conclusion of wise men when confronted with a situation. I want to read you a few lines from Abraham Lincoln, whom my people at one time hated perhaps as they hated no other man—a man whom the student of history learns to respect more and more from day to day as a man of broad charity and a very considerable degree of philosophy; marvelous, indeed, considering his preparation and education. Here is what he said in the general debate with Mr. Douglass in 1858:

Now, gentlemen, I do not want to read at any greater length, but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it, and anything that argues me into his idea of perfect social and political equality with the negro is but a specious and fantastic arrangement of words, by which a man can prove a horse-chestnut to be a chestnut horse. I will say here, while upon this subject, that I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality, and, inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. \* \* \*

Judge Douglas has said to you that he has not been able to get from me an answer to the question whether I am in favor of negro citizenship. So far as I know, the judge never asked me such a question before. He shall have no occasion to ever ask it again, for I tell him very frankly that I am not in favor of negro citizenship. This furnishes me an occasion for saying a few words upon the subject. I mentioned, in a certain speech of mine which has been printed, that the Supreme Court had decided that a negro could not possibly be made a citizen, and, without saying what was my ground of complaint in regard to that or whether I had any grounds of complaint, Judge Douglas has from that thing manufactured nearly everything that he ever says about my disposition to produce an equality between the negroes and white people.

If anyone will read my speech he will find I mentioned that as one of the points decided in the course of the Supreme Court opinions, but I did not state what objection I had to it. But Judge Douglas tells the people what my objection was, when I did not tell them myself. Now, my opinion is that the different States have the power to make a negro a citizen under the Constitution of the United States, if they choose. The Dred Scott decision decides that they have not that power. If the State of Illinois had that power I should be opposed to the exercise of it. That is all I have to say about it.

Before proceeding let me say I think I have no prejudice against the Southern people. They are just what we would be in their situation. If slavery did not exist among them they would not introduce it. If it did now exist among us, we should not instantly give it up. This I believe of the masses North and South. Doubtless there are individuals on both sides who would not hold slaves under any circumstances and others who would gladly introduce slavery anew if it were out of existence. We know that some Southern men do free their slaves, go North, and become tip-top Abolitionists; while some Northern men go South and become most cruel slave masters. When Southern people tell us they are no more responsible for the origin of slavery than we, I acknowledge the fact.

When it is said that the institution exists, and that it is very difficult to get rid of it, in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. If all earthly power were given me, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves and send them to Liberia, to their own native land. But a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible. If they were all landed there in a day they would all perish in the next ten days; and there are not surplus shipping and surplus money enough in the world to carry them there in many times ten days. What then? Free them all and keep them among us as underlings?

Is it quite certain that this betters their condition? I think I would not hold one in slavery at any rate. Yet the point is not clear enough to me to denounce people upon. What next? Free them and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment is not the sole question, if, indeed, it is any part of it. A universal feeling, whether well or ill founded, can not be safely disregarded. We can not, then, make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for their tardiness in this I will not undertake to judge our brethren of the South.

While I was at the hotel to-day an elderly gentleman called upon me to know whether I was really in favor of producing a perfect equality between the negroes and white people. While I had not proposed to myself on this occasion to say much on that subject, yet as the question was asked me, I thought I would occupy perhaps five minutes in saying something in regard to it. I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they can not so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.

I want, furthermore, to call your attention to this important fact: That after four years of war had embittered men's feelings, after four years of war had got men on both sides at the blood-boiling point, where they sought more to destroy and punish than they sought conclusions of calm reason, Abraham Lincoln, up to a week before the time he was assassinated, had gone no further

than the Mississippi constitution goes to-day. He said, in a letter to Judge Hunt, of Louisiana:

Can it not be possible that you can make some provision for even admitting to suffrage such of these people as are amongst their best educated men and most intelligent classes?

I quote from memory. But this is not all, Mr. Chairman. Some of you remember the late Senator Fessenden, of Maine, who, when discussing the Chinese-exclusion bill in the Senate, said this:

I by no means assent to the doctrine that the negroes are required by the Constitution of the United States to be placed on an equal footing in the States with white citizens.

GREAT REPUBLICAN LEADERS DECLARE THEIR CONVICTIONS.

Preston King, a Republican Senator from New York, a man of great ability, thought the provision in the Oregon constitution against permitting free negroes to settle in the State was harsh, but declared:

I certainly would not be in favor of encouraging the immigration of any considerable number of black men to settle and live among a white population. I think it is the interest of both races that they should live apart.

He favored, so Senator George, of Mississippi, said, the settlement of the free blacks in Central and South America, and he was, he said, perfectly willing that the people of the new free States should exercise their discretion, and exclude negroes if they saw proper.

Remember, Senator King was not discussing whether he would be willing to give negroes suffrage in New York, but whether they ought to be permitted to immigrate thither.

So do I, wherever it is possible, favor keeping them apart, but wherever it is no longer possible for them to live apart—if condemned by historical consequence to live together—I think they should live together upon a working plan whereby civilization itself shall be saved. I think it is brave and noble to meet with a bold and honest front the race problems with which we are confronted. I think it is absolutely foolish to go, like knights-errant, into places all around the world hunting up race problems for the pure fun of solving them.

While I would like to keep the Chinaman and other inferior races away from the white man's country for the purpose of securing as much homogeneity of race, and therefore of aspiration, social and political experience, and tradition as possible, I would also, if I had my way, keep the white man away from the black man's, and the yellow man's, and the brown man's country, and I would not have him superimpose himself upon them. So much for Fessenden and King. Now, I will ask you to listen to this from Judge Edmunds, of Vermont. He says:

This feeling against the Chinaman and this race feeling generally is based upon the belief that nations and races as they have been constituted by the God of nature—

Thank heaven for the word! God made these races, gentlemen. "He fixed their boundaries." Why, I frequently hear people talking on this line, say: "Why should either rule the other? Why should they not live together in perfect fraternity and perfect peace, governing together a common country?" Simply because "God made them." And until God changes them, with their instincts, with their prejudices, their evolution, their aspirations, with their separate characters—theirself, indeed—they are for all purposes of government like water and oil; they will not mix one with the other; one or the other must float; you may have your choice as to which one of the two shall float, but no other choice under God do you have. But to read on further from Senator Edmunds:

This feeling against the Chinaman and this race feeling generally is based upon the belief that nations and races, as they have been constituted by the God of nature and by political and geographical divisions and arrangements, get on better as separate families with their separate independence and their separate institutions than they do amalgamated together, unless their origin, their race, their tendency, their nature is such that being put together they can assimilate and become one perfect, homogeneous, and prosperous mass.

I do not need to call the attention of Senators to that fundamental principle of domestic government, that in order to success—that just success which produces happiness to its people—no republic can succeed that is not a homogeneous population.

All this, Mr. President, is fundamental in the long reaches of historic observation everywhere.

My learned friends from Massachusetts may begin with Aristotle and come down to Webster, and they will find everywhere over that long reach of human experience that the fundamental idea of a prosperous republic must be the homogeneity of its people.

Ah! "those long reaches of historical observation everywhere!" They are the only unfailing sources of wisdom.

Now, if the House will indulge me for a moment, I intend to read something else. I intend to read something which, I will say, was intended by me as a grand hailing sign of the white people of the South to their brethren upon this continent and especially upon the Pacific slope. My friends upon the Pacific slope, you have never asked us for bread when dealing with your race problem, which is absolutely insignificant in comparison with ours, without getting what you wanted.

Time and time again we have plead with you for bread and you have given us a stone, and not because you believe any more than



I believe that there is any inborn, inherent, and natural equality among all "featherless bipeds" on the surface of this globe, but for other reasons which I do not intend to go into now. God knows this question is not a question for harsh language nor for crimination nor for recrimination. Moreover, it is not a question of boasting because of what we have done to save ourselves. We have done the best we could do. We propose to do the best we hereafter can do.

Some of our methods have perhaps been crude and some of them perhaps wrong, but we have at any rate done one thing; we have come out after a long and unsuccessful war, and then after a longer and still more unsuccessful and humiliating reconstruction period, with the white ribbon, as the symbol of the white man's civilization, still fluttering upon the tips of our lances, and with God's blessing we will try to make it float forever there. Soon after I came to the Congress of the United States, in talking upon a Chinese-exclusion bill, I used the language which I said I would quote, some of which I will read. I said:

I have found that human nature, all over the world, from the mouth of the Mississippi to the mouth of the Danube, is just about the same thing, within the same broad racial limits. Within the great limits which God has fixed (and it happens accidentally that that is Senator Edmunds's language too), guarded by certain instincts, impulses, tendencies, traditions—within those lines—human nature is the same everywhere. I am willing to trust the motives, the manhood, the generosity, the capacity for self-government, and the capacity for governing, if need be, inferior races, inherent in the white people of the Pacific slope, just as I have appealed to them and as those who have stood here before me have appealed to them and others to trust the capacity for self-government of the people of the South.

I added the following:

I shall support this bill, believing as I do that the white race in the West, as at the South, standing upon the higher round of the ladder of civilization, is willing to put its hands down to the inferior race standing upon the lower level and bring that race up, not to the same level, because, God willing, as the inferior race comes up to our old position, we shall go up by our own development to a new one, bringing the inferior up behind us as we go. But if in response to our invitation to come up higher he shall say to us, "Come thou down lower to me," we answer him in the language of Tennyson, indignant and astonished—

"What! I to herd with narrow foreheads,  
Vacant of our glorious gains?"

I tell you it is not only the highest law, but it is the highest duty, of every life to secure self-preservation and self-perpetuation. I care not whether the life be the life of an individual, a family, a race, a nation, or of a civilization. God has given to everything worthy of life in this world the instinct and has made it a duty to resist attacks from whatsoever quarter, and although your problem out on the Pacific coast is not as serious a one as that with which we are struggling in the South, it may in time become so.

There will come a time, if the influx of Chinamen goes on upon the Pacific slope, when the demagogue will, in order to bolster up party purposes, demand that the Mongolian be equipped with the suffrage "in order that he may defend himself."

I do not remember a single effort of any great man that is so indelibly impressed upon my mind as that of Thomas Jefferson, made early in the history of this country, when he tried to prevail upon our forefathers in Virginia, not only to stop the importation of negroes, but to emancipate and deport them. He failed. He acknowledged that the failure of the effort was because the people were not prepared for it. He went further and said that they would be less and less prepared for it as the numbers of the race increased and antagonisms grew, "yet the day is not distant," he said, "when they must bear and adopt it or worse will follow." Then he added, "For there is nothing more certainly written in the Book of Fate than these two things—first, that these people are to be free, and, secondly, that no two unequal races can long live on the same soil equally free."

And I have frequently thought that there were few men who ever existed, not only in this country, but anywhere else, who equaled Thomas Jefferson in his magnificent foresight. On the occasion referred to I said further:

Had there been prescience enough—that sort of prescience with which intellect is endowed by unselfish love of country—to have followed this greatest of Americans in his leadership then, we would have been rid of a constant threat to our civilization and to our race.

We would not have been standing as we are now upon the very verge of a volcano, ready at almost any time to break forth. We may possess little of the sympathy of some of you gentlemen whom I am trying to help to-day; we may at times possess but little hope except the assurance given us by the fact that we have hitherto proven equal to every emergency, and shall, in the providence of God, prove equal to every emergency in the future; still we trust that we may always conjoin law and order with liberty; that we may, while preserving our own civilization, have the manhood to be just to those to whom we must be schoolmasters.

I am willing, then, Mr. Speaker, as long as the men of the Pacific slope do not ask anything inhuman, do not ask of me anything cruel or anything unkind or immoral, to leave the settlement of this question entirely to them. And I am glad to see that early in the history of this Chinese problem they have been wiser than we were in the early history of the negro problem in the South, when the small number of Africans on this continent constituted a condition other than that with which we are now confronted, and that they are willing to take the question up frankly and deal with it boldly and resolutely.

Now, Mr. Speaker, there is another thing to which I wish to call your attention. "An ounce of prevention is better worth than a pound of cure;" and the right of self-preservation carries along with it, for the nation, or the race, or the civilization, just as the right of self-defense for the individual

does, the right to anticipate deadly attack. So that all these arguments of gentlemen on the floor that there are only 106,000 or 160,000 Chinese in this country do not appeal to my mind at all. When I see a gentleman over there rising in his place, with anger in his eyes, throwing his hand behind him, and I know he is armed, and I know that there is about him the deadly weapon from whose throat may soon come a deadly missile for me, I have a right to anticipate the deadly attack; and, sir, on the same principle nations have the right, and races above all others have the right, to anticipate.

And I tell you, my friends, that no feelings of philanthropy or of justice have ever called on a race which had through the centuries accumulated the fruits of civilization to surrender any part of that accumulation. No race which through heredity and evolution of capacities has received a training sufficient to make of its members men worthy to command almost every emergency has ever been justly called on to surrender one single bit of the fruits which have come to it through the centuries in that way.

"For I doubt not through the ages one increasing purpose runs,  
And the thoughts of men are widen'd with the process of the suns."

The idea of Tennyson in that couplet is that through the fruits of labor and progress races and nations, like individuals, grow to become wiser and more capable of governing themselves, and the "God in History" uses, as an instrument through which to govern the world, the developed common sense and common conscience of the people.

And so the world goes on and attains true democracy in the course of time, but not immediately. It does not come all at once. It must come gradually through processes of evolution, through the ages and through the centuries. For a race which has through this process of evolution equipped itself for mastery, as well as self-government, tamely to sit down and permit itself to be inundated by Mongolians, or by any other inferior race, not thus equipped and trained, is, in my opinion, not only self-stultification but race suicide; and I, for one, shall not stand here to prevent the people of the Pacific coast from taking, with reference to this matter, a proper course which their own judgment inspires to bring about a solution of the troubles which surround them and to work out their own safety. I shall not do it unless at some time they shall demand something of me which I, in my turn, would not ask of them—something inhuman, something cruel, something wrong.

I tell you, my friends on the Pacific slope, we alone can understand you; we alone on this American continent can understand you; and you, I hope, some day, will try to understand us better; and I think we can not cultivate the acquaintance and knowledge of one another any better than by uniting frankly and fearlessly whenever these questions are presented to do the right thing, trusting our white brethren elsewhere also to do the right, until we have proof positive that they are doing wrong or until they demand something of us that is palpably wrong.

Now, my friends, I have the utmost confidence in this: I have indeed no doubt, that the white race on the Pacific coast will remember two things which William Shakespeare has said, which I am sure that we of the South will also keep in mind. One is that—

\*\*\* it is excellent  
To have a giant's strength; but it is tyrannous  
To use it like a giant.

And the second is as true of a race as it is of an individual:

\*\*\* to thine own self be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.

I say that is true of a race. The race that is true to its better instincts, to its own self-preservation, to the perpetuation of its own civilization and its higher ideals, although somebody may resent the mastership which it takes of others for the time being, can not be false to any race, but must necessarily, as a part of its own advancing civilization, drag the other, no less volens, along with it to a higher state than it now occupies.

Mr. Chairman, in conclusion I wish to say that I shall vote for the amendments offered to the bill by these gentlemen who understand the problem with which they are confronted, who understand the race that has given them this trouble; because I believe that the Chinese race, as far as I have seen it, is but little superior to the race which I know so well, and which has given us so much trouble, with the aid and assistance very frequently of gentlemen on the other side of this House.

When a race has not been developed up to the point where it has a trained common sense and common conscience, right governmental aspirations, and right purposes—the true self-governing instinct—all law, all statute books, all mere abstractions sink like waste paper to the bottom, saturated in the water, and vanish without anything being left.

I once said upon the floor of this House, and I repeat it now, that Mississippi has not, because she could not, of course, put into her constitution one word that is at variance with the fifteenth or the fourteenth amendments to the Constitution of the United States. In the opinion of Mississippians, in the opinion of the Supreme Court of the United States, in the opinion of Judge Cooley, she has not done this. I do not deny that the only reason why she did not do it was because it would have been unconstitutional. Whenever you want to be honest and right about this matter of cutting off our representation, leave us free, then, of the



shackles of the amendments, both the fourteenth and fifteenth. We will meet you there; but as long as they are in the Constitution we are going to try to obey them.

We have disqualified illiteracy. But in that connection I want to say this—that there is a difference between ignorance and illiteracy. We have disqualified illiteracy, but sometimes an illiterate man is tolerably well educated and sometimes a literate man is very ignorant. If you take 10,000 Scotch, English, Welsh, or Americans who can not read a letter in a book and shipwreck them to-morrow upon some island where they can find physical sustenance and support, you would find in a year or so when you went back there that they had a government—crude and imperfect, perhaps, but protecting property, conserving and safeguarding the virtue of females, defending the sanctity of home life; and you could take 10,000 Indians educated at Carlisle or at Hampton and shipwreck them in the same place and go back there in two or three years and they would have their old tribal relations.

You may take 10,000 negroes, graduates of Harvard College, if you could find them, and leave them by themselves without white guidance and without touch of the white man's current of thought and civilization. Go back in a generation and half of the men would be killed and the other half would have at least two wives each and have something very near to tribal relations themselves. But Mississippi could validly and constitutionally not make race distinctions, and she did not. She was sorry to disfranchise some good white men capable of self-government, but she had to do it to be fair with the Constitution.

The only way in which the white people of the South can be made to fail to be true to themselves and just to their inferiors would be to stir up once more, if you will, the smoldering fires of race hatred, which had died out because of lack of provocation developed under political excitement of campaigns occurring annually, biennially, and quadrennially. Then in moments of great provocation, in moments of great excitement, they might perhaps forget that, while they had "a giant's strength," they ought not "to use it as giants." But if you will let us alone—let us work out our own problems—we will try to solve them upon the theories which I have indicated.

Now, a few words just from a legal standpoint, and I shall have done with this discussion. The ostensible object of these resolutions, which go by the name of my friend from Indiana [Mr. CRUMPACKER], is to investigate certain "legal conditions." Will any man in the world tell me that that is the only object of these resolutions? Why, if that were so the constitutions and the books of laws would explain that for themselves. Is it this—to investigate the methods of carrying on the elections in the South, to see if there is intimidation and fraud? If that is the intention, then let them investigate election methods and corruptions all over the country. If it is to investigate the legal question alone, there are the books and you can investigate them.

Now, so far as Mississippi is concerned, she disfranchises nobody except for crime, which is permitted by the fourteenth amendment, and on an educational condition, which Judge Cooley says is not an "abridgment or denial of suffrage," because it is not cutting off entirely suffrage, but merely submitting the voter to conditions precedent, which he can comply with if he will take the trouble to learn how to read. And then again on the tax qualification.

The poll taxes and all other taxes must be paid. The rich man, who is generally white, has to pay taxes on every dollar he owns plus a poll tax, while the poor man has to pay the poll tax only and is not required with us, by any power of legal enforcement, to pay that sum, unless he wants to vote. Judge Cooley says that that is not an abridgment of the suffrage because it merely requires a condition precedent to be complied with which each man of ordinary thrift and worth could comply with and which is for the betterment of society. I am not quoting the language exactly, but will do so. It is from Judge Cooley on the Principles of Constitutional Law, which is an elementary book, comprehensible by everybody, and which I will insert at this place:

The second clause of the fourteenth article was intended to influence the States to bring about by their voluntary action the same result that is now accomplished by this amendment. It provided that when the right to vote was denied to any of the male inhabitants of a State, being 21 years of age and citizens of the United States, or any way abridged except for participation in crime, the basis of representation in Congress should be reduced in the proportion which the number of such male citizens should bear to the whole number of male citizens 21 years of age in such State. By this the purpose was to induce the States to admit colored freemen to the privilege of suffrage by reducing the representation and influence of the States in the Federal Government in case they refused.

No opportunity occurred for testing the efficacy of this plan previous to the adoption of the fifteenth article, and it can not therefore be affirmed whether it would or would not have been successful. Important questions, however, may still arise under it. The provision is general; it is not limited to freedmen, but it applies to wherever the right to vote is denied to make citizens of the proper age, or is abridged for other causes than for participation in crime. The State of Connecticut denies the right of suffrage to all who can not read, and Massachusetts and Missouri to all who can not both read and write, and many of the States admit no one to the privilege of suffrage unless he is a taxpayer.

So in the majority of the States a citizen absent therefrom, though in the public service, can not vote, because the State requires as a condition the personal presence of the voter at the polls of his municipality. Possibly it may be said in respect to such cases that the representation of the State should be reduced in proportion to the number of those who are excluded because they can not read or write or do not pay taxes or are absent. It is not likely, however, that any such position would be sustained. To require the payment of a capitation tax is no denial of suffrage; it is demanding only the preliminary performance of public duty, and may be classed, as may also presence at the polls, with registration or the observance of any other preliminary to insure fairness and protect against fraud.

Nor can it be said to require ability to read is any denial of suffrage. To refuse to receive one's vote because he was born in some particular country rather than elsewhere, or because of his color, or because of any natural quality or peculiarity which it would be impossible for him to overcome, is plainly a denial of suffrage. But ability to read is something within the power of any man. It is not difficult to attain it, and it is no hardship to require it. On the contrary, the requirement only by indirection compels one to appropriate a personal benefit he might otherwise neglect. It denies to no man the suffrage, but the privilege is freely tendered to all, subject only to a condition that is beneficial in its performance, and light in its burden. If a property qualification, or the payment of taxes upon property when one has none to be taxed, is made a condition to suffrage, there may be room for more question.

A clause in the Mississippi constitution requires that the voter shall be able to read and write before he shall have the privilege of suffrage, and we have a clause that is called the "understanding clause." The general impression seems to be that we do not allow a man to vote in Mississippi unless he goes to a registrar and the registrar sees if he can understand the constitution. This is an error, like that other impression that there is no appeal from the decision of the registrar. Any man who can read can vote in Mississippi, and we ascertain that fact just as it is ascertained elsewhere where the qualification exists. Why, any man that can read is not required by our constitution to understand anything, upon the schoolmaster's theory that the man who reads is necessarily not ignorant. Sometimes he is very ignorant, while on the other hand sometimes an illiterate man is very knowing. That is, the so-called "understanding clause" is an extension of the franchise, not an abridgment.

I want to say right now that there is not a single clause of the Mississippi constitution that operates against the black man that does not operate against the white man subject to the same conditions precedent, whether in theory, in law, upon the statute book, or in principle or practice at the polls. I want to say right now that there are more negroes—black people, colored people—who get admitted to the suffrage in Mississippi upon the "understanding clause" than there are white people; and it grows out of race instinct. The white man who can not read or write feels that it is a humiliation for him to say so, and to ask for an understanding examination. The negro does not feel that humiliation, and goes and asks for it. There are very few who ever vote under it, either black or white; but absolutely more colored people than there are white people vote under that provision.

Now, gentlemen, if, upon the other hand, a demand that the voter shall be registered is an abridgment of the Constitution in Mississippi, it is an abridgment in every other State in the Union which requires previous registration and previous residence in the precinct or in the State or in the county. If an educational qualification is legally an abridgment, it is an abridgment in Connecticut, it is an abridgment in Massachusetts, it is an abridgment in Vermont, and if the understanding qualification mentioned in the law books, so little resorted to in practice, be an abridgment, what must the requirement be in the State of Vermont—the requirement to be "of good moral character?"

Mr. PALMER. Did the gentleman ever hear of anybody denying that proposition?

Mr. WILLIAMS of Mississippi. What proposition?

Mr. PALMER. That these abridgments are abridgments in every State in the North as well as in the South?

Mr. WILLIAMS of Mississippi. I am pretty well convinced that gentlemen in their hearts, some way or other, are expecting to make some sort of a difference, or else this resolution would never have been introduced into the House, and if my friend is candid, so is he, is he not?

Mr. PALMER. No; it covers every State in the Union.

Mr. WILLIAMS of Mississippi. Verbally, yes; intentionally, no. I believe, as surely as I am standing here, that this resolution was introduced to strike at North Carolina, South Carolina, Louisiana, Mississippi, and Alabama, and at them alone.

Mr. CRUMPACKER. Will the gentleman yield to me for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. CRUMPACKER. I understood the gentleman to say that in his judgment the State of Mississippi had not denied or abridged the right of any male inhabitant, 21 years of age, a citizen of the United States, to vote, within the meaning of the Constitution. Is that correct?

Mr. WILLIAMS of Mississippi. Yes.

Mr. CRUMPACKER. I understood the gentleman to say also that the method of the administration of the election laws in the State of Mississippi was altogether fair and impartial.



Mr. WILLIAMS of Mississippi. Undoubtedly; but your resolution does not go to the method at all. Your question is irrelevant. Still I answer in the affirmative.

Mr. CRUMPACKER. Then what objection can the gentleman have, speaking from the standpoint of his own State, to any kind of an investigation of this question?

Mr. WILLIAMS of Mississippi. Because it inaugurates once more the interference by a partisan legislative body with the suffrage question in the South instead of leaving the question to be determined by the people of the States or by the courts; it will inaugurate once more the going at each session of Congress a step further in centralization and interference with local self-government, and it will inaugurate a partisan majority report, a partisan minority report, and a disturbance of business enterprise and budding progress all over the South.

I will say to my friend that I do not frankly believe, as a Democrat, speaking from a party standpoint, that these resolutions are going to do the Republican party any good, or that they are going to do the Democratic party any harm; but they are going to do the South a great deal of harm. I love the South better than I do the Democratic party, much as I love it and am grateful to it. When the people see the sword of Damocles hanging over them, and what they regard as an effort being made in any part of the Union to disrupt the social and political conditions again by trying to bring them into a position where it may be remotely possible that we may have another carnival of vice, crime, ignorance, and Africanization, it will disturb the business of the South, producing business anarchy and threatening social chaos.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. WILLIAMS of Mississippi. Yes.

Mr. CRUMPACKER. The gentleman knows that there is quite a general belief throughout the country that some States have denied or abridged the right of citizens of the United States to vote, and that they are enjoying a representation that has no constitutional basis. Now, would it not be worth much to the South and the whole country to have an investigation and to demonstrate to the country the truth of the gentleman's conclusion that these States have not disfranchised citizens and that they are administering the election laws of the State with the utmost fairness?

Mr. WILLIAMS of Mississippi. Surely my friend and I want to be candid and honest on this question. I certainly would not object to any fair and impartial investigation by a nonpolitical authority. But surely the gentleman does not mean to tell me that he considers a committee of the House of Representatives, appointed upon a resolution of this sort, as anything more than a bipartisan committee at best, a tribunal which will bring back two reports—a majority report and a minority report—and both of them framed solidly, every Republican for one and every Democrat for the other, along party lines.

Mr. JACKSON of Kansas. Will the gentleman allow me?

Mr. WILLIAMS of Mississippi. Let me finish my statement and then I will yield to the gentleman.

Now, if you want to investigate, why not do it properly? The jury system in North Carolina is founded on the grandfather clause. The whole constitution hangs together. Why not make a case and carry it to the Supreme Court and let it decide the question?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask leave for just long enough to answer a question.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his time may be extended for two minutes. Is there objection?

There was no objection.

Mr. CRUMPACKER. I should like to ask the gentleman from Mississippi a question. He knows, of course, that it is one of the important duties of the House of Representatives to apportion representation. Does he not know that the House must base its action upon its own information, and that it can only acquire information through its own agencies or organs?

Mr. WILLIAMS of Mississippi. No; I do not know that. First, because Congress has exhausted its power of apportionment until 1910; second, because I think it would be much fairer for the House to base its action on evidence collected and conclusion obtained through the courts or in some other nonpartisan way.

Mr. CRUMPACKER. Well, that is a new proposition.

Mr. JACKSON of Kansas. In view of the proposed investigation as to the validity of the election laws of certain States, I would like to ask the gentleman from Indiana [Mr. CRUMPACKER] whether he is willing to consent at the proper time to an amendment that we may investigate as to the validity of the law of any State which in any way prohibits a candidate from accepting a nomination from more than one party?

Mr. CRUMPACKER. That is a proposition I do not know anything about.

Mr. JACKSON of Kansas. Well, I will take pleasure in giving the gentleman some information on that subject, if he will permit me.

Mr. CRUMPACKER. I have not heard any complaint—certainly not in my part of the country—with reference to that matter, and have not heard any restriction proposed upon the action of candidates in that respect.

Mr. JACKSON of Kansas. Well, it is, I may say, with sadness and sorrow that I inform the gentleman that that question has been raised in the great State of Kansas.

Mr. CRUMPACKER. I understood that the Democratic candidate for the Presidency in 1896 and in 1900 was nominated by several different political parties. But I have not understood that any constitutional objection was raised, and as a Federal question it occurs to me it is one with which this body has nothing to do.

Mr. JACKSON of Kansas. I want to inform the gentleman that since that time the Republican party in the State of Kansas has said that it was a crime to accept nominations from several political parties and that it should not be repeated.

Mr. CRUMPACKER. Let me ask the gentleman whether he does not believe that that particular question is a local one—local to the State of Kansas?

Mr. JACKSON of Kansas. No more local to the State of Kansas than the other question to Mississippi, Alabama, Louisiana, or any other Southern State whose election provisions you propose to investigate.

Mr. CRUMPACKER. I would ask whether that—

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. CRUMPACKER. I shall be glad to discuss the question with the gentleman some other time.

Mr. WILLIAMS of Mississippi. I ask consent to insert in the RECORD the language of Cooley's Principles of Constitutional Law, to which I have referred, together with the references given by the author. [Applause.]

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. CANNON. If this concludes the general debate—

Mr. ROBINSON of Indiana. I would like an opportunity to speak for about seven minutes in the morning. If I can be recognized now, I will yield the floor for a motion to adjourn.

Mr. CANNON. I think the gentleman from Indiana has ingenuity enough, if anybody should undertake to oppose his request, to get ten minutes to-morrow.

Mr. BENTON. I think we can give him ten minutes.

Mr. CANNON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE reported that the Committee of the Whole on the state of the Union had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

#### RECIPROCAL TRADE RELATIONS WITH CUBA.

Mr. PAYNE. By direction of the Committee on Ways and Means, I report back, with a recommendation that it pass, the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

The SPEAKER. The bill will be referred to the Committee of the Whole on the state of the Union and, with the accompanying report, ordered to be printed.

Mr. PAYNE. I desire to give notice that I shall ask the House to consider this bill on Tuesday of next week—the 8th of April, I believe. I now ask unanimous consent that any member or members of the committee may file his or their dissenting views at any time during the present week.

The SPEAKER. Is there objection to the request of the gentleman from New York that any member of the Committee on Ways and Means may have leave to file minority views in respect to the bill just reported at any time during the present week? The Chair hears no objection.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12315. An act granting an increase of pension to James Todd;

H. R. 2273. An act granting a pension to Martha A. De Lamater;

H. R. 10486. An act granting a pension to Alida Payne; and

H. R. 11418. An act granting an increase of pension to Hannah T. Knowles.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. TAYLOR of Alabama, for two weeks, on account of important business.

To Mr. MORRELL, for four days, on account of sickness in his family.

To Mr. DE GRAFFENREID, indefinitely, on account of important business.

Mr. CANNON. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed in the court in the case of Dorcas, Elizabeth, and Samuel McCammon, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting an estimate of appropriation for mint at San Francisco—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 12705) to amend section 3536, Revised Statutes, reported the same without amendment, accompanied by a report (No. 1262); which said bill and report were referred to the House Calendar.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 257) to establish a light-house and fog-signal station at Mukilteo Point, near the city of Everett, State of Washington, reported the same without amendment, accompanied by a report (No. 1263); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 258) providing additional funds for the establishment of a light-house and fog-signal station at Browns Point, on Commencement Bay, State of Washington, reported the same without amendment, accompanied by a report (No. 1264); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 260) to establish a fog-signal at Battery Point, State of Washington, reported the same without amendment, accompanied by a report (No. 1265); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington, reported the same without amendment, accompanied by a report (No. 1266); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12796) providing for free homesteads in the Ute Indian Reservation in Colorado, reported the same with amendment, accompanied by a report (No. 1275); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3513) authorizing the construction of a bridge across the Missouri River, at or near Parkville, Mo., reported the same without amendment, accompanied by a report (No. 1267); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 12765) to provide for reciprocal trade relations with Cuba, reported the same with amendments, accompanied by a report (No. 1276); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 957) for the relief of J. J. L. Peel, reported the same without amendment, accompanied by a

report (No. 1268); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the Senate (S. 2216) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported the same without amendment, accompanied by a report (No. 1269); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 4233) for the relief of David V. Howell, reported the same without amendment, accompanied by a report (No. 1270); which said bill and report were referred to the Private Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12710) for the relief of Elizabeth McKinney, a citizen Pottawatomie Indian, reported the same without amendment, accompanied by a report (No. 1271); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the Senate (S. 2393) for the relief of Joseph B. Sargent, reported the same without amendment, accompanied by a report (No. 1274); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6458) for the relief of Thomas F. Tobey, reported the same adversely, accompanied by a report (No. 1272); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8544) to place Elias H. Parsons on the retired list of the Army, reported the same adversely, accompanied by a report (No. 1273); which said bill and report were laid on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 13205) to provide for the erection of a monument for Joseph Anthony Mower—to the Committee on the Library.

By Mr. WHEELER: A bill (H. R. 13206) providing for the appointment of civil engineers in the United States Navy—to the Committee on Naval Affairs.

By Mr. SCHIRM (by request): A bill (H. R. 13207) to incorporate the Washington Cooling Company—to the Committee on the District of Columbia.

By Mr. SPARKMAN: A bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of New Jersey: A resolution (H. Res. 185) that the Speaker of the House appoint some person specially qualified to have the care and charge of House bathing rooms—to the Committee on Accounts.

By Mr. SULZER: A resolution (H. Res. 186) concerning the Boer war going on in South Africa—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Memorial of the legislature of Minnesota, in favor of allowing the State of Minnesota 5 per cent of the proceeds of public lands appropriated for military services to the United States—to the Committee on the Public Lands.

Also, memorial of the legislature of Minnesota, in favor of Senate bill 3575—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS: Memorial by the legislature of Minnesota, relating to Senate bill 3575—to the Committee on Interstate and Foreign Commerce.

Also, memorial to Congress by the legislature of Minnesota, respecting the 5 per cent of the minimum price of the public lands that have been appropriated as compensation for military services rendered the United States since the admission of Minnesota into the Union—to the Committee on the Public Lands.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 13209) to correct the military record of Henry Fitzgerald—to the Committee on Military Affairs.



By Mr. BROMWELL: A bill (H. R. 13210) granting an increase of pension to Gustav Tafel—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 13211) granting a pension to Melissa Burton, widow of William Burton—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 13212) to correct the military record of Henry N. Penfield—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 13213) granting a pension to John A. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13214) granting an increase of pension to William W. Rollins—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 13215) to correct the military record of Bernard Corrigan—to the Committee on Military Affairs.

Also, a bill (H. R. 13216) to correct the military record of Simon W. Larkin—to the Committee on Military Affairs.

By Mr. JETT: A bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13218) granting an increase of pension to Henry L. Karns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13219) granting a pension to Alcinda Notestine—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 13220) granting an increase of pension to William Sendelbach—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13221) granting a pension to Benjamin W. Keith—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13222) for the relief of Charles Candy—to the Committee on War Claims.

Also, a bill (H. R. 13223) for the relief of Mary E. O. Dashiell—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 13224) granting an increase of pension to John Williams—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 13225) granting an increase of pension to George Hallick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13226) granting a pension to William Warner—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13227) granting a pension to Elizabeth J. Emry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13228) granting an increase of pension to George Russell—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 13229) granting a pension to Rensalaer W. Zindle—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 13230) granting an increase of pension to Luther Towne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13231) for the relief of the estate of Preston Bond—to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13232) granting an increase of pension to Alanson A. Austin—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 13233) granting a pension to William A. Nelson—to the Committee on Pensions.

By Mr. WARNER: A bill (H. R. 13234) granting an increase of pension to Lewis Johnson, jr.—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13235) granting an increase of pension to Anna Bennett—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 13236) granting a pension to James Long—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 13237) granting an increase of pension to John V. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13238) granting an increase of pension to Carlos M. Niles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13239) granting an increase of pension to Ervin Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13240) granting an increase of pension to Nimrod F. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13241) for the relief of John S. Friend, of Eldorado, State of Kansas—to the Committee on Claims.

By Mr. HEMENWAY: A bill (H. R. 13242) granting a pension to Melissa and Lavinia Pendock—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13243) granting a pension to Leah Smith—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of George E. Hedges and other citizens of Philadelphia, Pa., for the passage of a bill to prevent the desecration of the national flag—to the Committee on Military Affairs.

By Mr. ALEXANDER: Protest of the Merchants' Exchange, Buffalo, N. Y., against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. BALL of Delaware: Petition of citizens of Kent County, Del., favoring the passage of Senate bill 1891, for a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Operative Plasterers' International Association No. 38; of Wilmington Typographical Union, No. 123; of Amalgamated Wood Workers' Union No. 108, and of Wilmington Lodge, No. 184, International Association of Machinists, of Wilmington, Del., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Papers to accompany House bill 13210, granting an increase of pension to Gustav Tafel—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10403, granting a pension to Emma Plumb—to the Committee on Invalid Pensions.

By Mr. BROWN: Resolutions of the Wisconsin Game Protective Association, urging the passage of the Lacey bills, H. R. 10306 and H. R. 11535, with reference to the preservation of game—to the Committee on the Territories.

By Mr. BULL: Resolutions of Granite Cutters' Union No. 2, of Newport, R. I., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Amasa M. Eaton and other citizens of Providence, R. I., for the collection of statistics relating to marriage and divorce—to the Select Committee on the Census.

Also, resolutions of Iron Molders' Union No. 41, of Providence, R. I., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. DOUGHERTY: Resolution of Stanberry Lodge, Locomotive Firemen, Stanberry, Mo., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the same lodge, favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. DOVENER: Resolutions of Bricklayers' Union No. 1, of Wheeling, W. Va., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Stone Cutters' Association, Flint Glass Workers' Union No. 59, Potters' Union No. 28, and Potters' Union No. 6, all of Wheeling, W. Va.; Stone Cutters' Association of New Martinsville, and Potters' Union of New Cumberland, W. Va., favoring educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ELLIOTT: Petition of Pee Division, No. 265, Brotherhood of Locomotive Engineers, Florence, S. C., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. ESCH: Resolution of Wisconsin Game Protective Association, Milwaukee, Wis., in favor of the enactment of the Lacey bill for the protection of game animals—to the Committee on the Territories.

By Mr. GRAHAM: Resolutions of Captain Charles W. Chapman Circle, No. 60, Ladies of Grand Army of the Republic, of Allegheny, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Pensions.

Also, petition of the National Hay Association, Winchester, Ind., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolutions of Division No. 73, Order of Railway Conductors, Ashtabula, Ohio, and Brotherhood of Locomotive Engineers No. 368, Atlanta, Ga., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of Martha Washington Council, No. 3, Daughters of Liberty, East Burke, Vt., favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. HITT: Resolutions of Atlantic Coast Seamen's Union in regard to employment of Chinese stokers on Pacific vessels—to the Committee on Foreign Affairs.

By Mr. HOWELL: Resolutions of Trenton Division, Order of Railway Telegraphers, Trenton, N. J., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LACEY: Resolution of Wisconsin Game Protective Association, favoring the passage of House bill No. 10306, for the preservation of wild animals and game birds—to the Committee on the Territories.

Also, resolutions of Union No. 162, of Ottumwa, Iowa, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of Building Trades Council, of

Yonkers, N. Y., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Signal Mount Lodge, No. 372, Brotherhood of Locomotive Firemen, favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of the same lodge, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. MANN: Resolutions of Maine Lodge, No. 545, of East St. Louis, Ill.; Beauoup Lodge, No. 549, of Carbondale, Ill., and J. L. Burlingame Lodge, No. 320, of Flora, Ill., favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts: Petition of J. Riley Rogers and other residents of Byfield, Mass., in favor of the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MORRIS: Petition of Plumbers' Union No. 11, of Duluth, Minn., for the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Stone Cutters' Association and Carpenters' Union of Buffalo, N. Y., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. NAPHEN: Petition of the Iroquois Club, of San Francisco, Cal., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. OLMSTED: Resolutions of Patriotic Branch, No. 391, Polish National Society, of Lykens, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Seneca G. Simmons Circle, No. 17, Ladies of Grand Army of the Republic, Harrisburg, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

Also, petition of Typographical Union No. 14, of Harrisburg, Pa., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Harrisburg Lodge, No. 333, and Herculean Lodge, No. 574, Brotherhood of Railroad Trainmen, and Union No. 278, of Lebanon, Pa., and petition of 51 citizens of Shiremans-town, Pa., favoring more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Resolutions of Wisconsin Game Protective Association, favoring the passage of House bill 10306, for the preservation of wild animals and game birds—to the Committee on the Territories.

By Mr. PARKER: Resolutions of Essex Lodge, No. 72, Railroad Trainmen, and Iron Molders' Union No. 91, of Newark, N. J., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Steam Fitters' Union No. 40, of Newark, N. J., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. ROBB: Paper in support of House bill 12644, authorizing the Secretary of War to furnish an artificial leg to Allen P. Dace—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Sundry petitions of and letters from citizens of Massachusetts, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. RUCKER: Protest of merchants of Jacksonville, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petitions of branches Nos. 164, 380, and Synowie Wolnosci, Polish societies of Buffalo, N. Y., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolutions of Building Trades Council of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAFROTH: Resolutions of Beet Sugar Factory Company, of Fort Collins, Colo., in opposition to reductions in the tariff on raw sugars—to the Committee on Ways and Means.

By Mr. SKILES: Resolutions of Bricklayers and Masons' Union No. 29, Lorain, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of C. P. Ogden Post, No. 569, Nova, Ohio, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Bricklayers and Masons' Union No. 29, Lorain, Ohio, and Deer Lick Division, No. 292, Railway Conductors, Chicago, Ill., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of Polish Society of Wallingford, Conn., favoring the erection of a statue to the late Brigadier-

General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SAMUEL W. SMITH: Resolutions of Park Lodge, No. 555, Brotherhood of Railroad Trainmen, and Detroit River Lodge, No. 2, of Detroit, Mich., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Polish Society No. 53, of Detroit, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Charles T. Foster Post, No. 42, of Lansing, Mich., regarding employees at the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: Papers to accompany House bill 13230, granting a pension to Luther Town—to the Committee on Invalid Pensions.

By Mr. STARK: Petition of Thomas H. Dry and 22 other citizens of Diller, Nebr., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, petition of M. W. Dinneen and 88 other citizens of Fillmore County, Nebr., asking that the United States tender its good offices for intervention between the Boer Republic and Great Britain to the end that hostilities may cease—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of the National Association of Clothiers, of New York, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of Building Trades Council of New York, favoring increase of compensation to letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Iowa: Resolution of Esther Lodge, No. 352, Brotherhood of Railroad Trainmen, Estherville, Iowa, favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill, granting a pension to Nancy V. J. Ferrell, Elizabethtown, Ill.—to the Committee on Invalid Pensions.

By Mr. WOODS: Petitions of officers of the California National Guard, favoring House bill 11654, increasing the efficiency of the militia—to the Committee on Militia.

## SENATE.

TUESDAY, April 1, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

### PERSONS IN CLASSIFIED SERVICE FROM SOUTH CAROLINA.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commissioners, transmitting, in response to a resolution of the 24th ultimo, a list of persons now holding places in the classified service charged to the State of South Carolina, their names, present addresses, etc.; which, with the accompanying paper, was ordered to lie on the table, and to be printed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2273) granting a pension to Martha A. De Lamater;  
A bill (H. R. 10486) granting a pension to Alida Payne;  
A bill (H. R. 11418) granting an increase of pension to Hannah T. Knowles; and  
A bill (H. R. 12315) granting an increase of pension to James Todd.

### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of sundry citizens of Eden, Wayne, and Akron, all in the State of New York, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of the Building Trades Council, American Federation of Labor, of Yonkers, N. Y., praying for the enactment of legislation to increase the salary of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Manufacturers' Association of New York City and Brooklyn, N. Y., and a petition of the Granite Cutters' Local Union, American Federation of Labor, of Putnam County, N. Y., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of



the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Amalgamated Society of Engineers of New York; of the Painters, Decorators, and Paper Hangers' Local Union, of Hornellsville; of Local Union No. 367, of Seneca Falls; of Bakers' Local Union No. 196, of Dunkirk, and of Local Union No. 154, of New York City, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of sundry citizens of York, Linwood, Peoria, Maspeth, and New York City; of Local Division No. 225, Order of Railway Conductors, of Hornellsville; of Local Division No. 104, Order of Railway Conductors, of Middletown; of Bakers' Local Union No. 15, of Geneva; of Bakers' Local Union No. 196, of Dunkirk; of Bricklayers and Masons' Local Union No. 20, of Sing Sing; of Local Union No. 8, of Buffalo, and of the Granite Cutters' Local Union, of Garrison, all of the American Federation of Labor, in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of sundry citizens of the State of Washington, praying that an appropriation be made for the improvement of the mouth of the Okanogan River and the grand rapids near Kettle Falls, in that State; which was referred to the Committee on Commerce.

He also presented petitions of Nipsic Lodge, No. 282, International Association of Machinists, of Bremerton, and of Bricklayers' International Union No. 3, in the State of Washington, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a memorial of the Grays Harbor Trades and Labor Council, of Aberdeen, Wash., remonstrating against the adoption of certain amendments to chapter 7 of the Revised Statutes, relative to the employment of seamen in the merchant marine of the country; which was referred to the Committee on Commerce.

Mr. PROCTOR presented a petition of Martha Washington Council, No. 3, Daughters of Liberty, of East Burke, Vt., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. NELSON presented a petition of the legislature of Minnesota, praying for the passage of the bill (S. 3575) to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the legislature of Minnesota, praying that an appropriation be made to pay to that State 5 per cent of the minimum price of public lands that have been appropriated as compensation for military services rendered the United States since the admission of that State into the Union; which was referred to the Committee on Public Lands.

Mr. KEAN presented memorials of sundry citizens of Jersey City, Hoboken, Newark, Passaic, Trenton, Bayonne, Weehawken, Camden, Asbury Park, Paterson, Gloucester, Palmyra, Elizabeth, New Brunswick, Hillsdale, Atlantic City, Harrison, Union Hill, Plainsboro, and East Orange, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. CLAPP presented a petition of the legislature of the State of Minnesota, praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the legislature of the State of Minnesota, praying for the enactment of legislation providing for the payment of 5 per cent of the minimum price of the public lands that have been appropriated as compensation for military services rendered the United States since the admission of that State into the Union; which was referred to the Committee on Public Lands.

Mr. RAWLINS presented petitions of Tailors' Local Union No. 111, of Ogden, and of Typographical Union No. 115, of Salt Lake City, in the State of Utah, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Iron Molders' Local Union No. 231, of Salt Lake City; of Express Drivers' Local Union No. 108, of Salt Lake City; of Brewery Workmen's Local Union No. 64, of Salt Lake City; of Teamsters' Local Union No. 131, of Salt Lake City; of Plasterers' Local Union No. 68, of Salt Lake City, and of Typographical Union No. 115, of Salt Lake City, all in the State of Utah, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of sundry citizens of the United States, praying for the adoption of an amendment to the Consti-

tution providing for the election of United States Senators by direct vote of the people; which were referred to the Committee on Privileges and Elections.

Mr. DRYDEN presented memorials of Dr. J. M. Rand, of Newark, of Dr. P. C. Krichbaum, of Montclair; of Theodore Krichbaum, of Montclair; of Dr. S. M. Snyder, of Greenwich; of Dr. A. Marry, of Riverton; of Dr. E. M. Baker, of Jersey City; of Dr. C. W. Ford, of Morristown; of Dr. Edwin B. Read, of Asbury Park; of Dr. Irving A. Meeker, of Upper Montclair; of Dr. William J. Chandler, of South Orange; of Dr. C. F. Adams, of Trenton; of Dr. G. M. Ockford, of Ridgewood; of Dr. Edgar Clement, of Haddonfield; of Dr. L. Cook Osmun, of Hackettstown; of Dr. Lillian A. Willis, of Jersey City; of Dr. H. S. Willard, of Paterson; of Dr. William F. Beggs, of Newark; of Dr. Edward E. Worl, of Newark; of John Graham, of Jersey City; of J. Lehman, of Newark; of Abram Hannock, of Newark; of Mrs. G. A. Ovens, of Jersey City; of Mrs. Thomas Williams, of Jersey City; of Wyck-off & Shields, of Washington; of Ammon & Person, of Jersey City; of E. W. Johnson, of Jersey City; of sundry citizens of Jersey City, Hoboken, Longbranch, Newark, North Bergen, Union, Glenridge, Bloomfield, Ridgewood, Dumont, Orange, Allendale, Elizabeth, Sussex, Oldbridge, Matawan, and Asbury Park, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of R. B. Harrison, of Chesterfield; of Arthur B. Lewis, of Rosenhayn; of Jacob W. Edwards, of Long Branch City; of C. L. Beach, of Newark; of E. Ervin, of Cranbury; of A. M. Davison, of Cranbury, and of the county board of agriculture of Sussex, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. MONEY. I present a memorial of the Oklahoma Live Stock Association, representing the live stock industry of Oklahoma, southern Kansas, and a portion of the eastern Panhandle, Texas, remonstrating against the passage of the pending oleomargarine bill. I move that the memorial lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. MONEY presented memorials of sundry editors of publications in the United States, remonstrating against the passage of the so-called Henry oleomargarine bill, and praying for the passage of the so-called Wadsworth substitute; which were ordered to lie on the table.

Mr. BURNHAM presented a petition of Concord Division, No. 335, Order of Railway Conductors, of Concord, N. H., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented the memorial of William McLellan and 27 other citizens of Conway, N. H., remonstrating against the appointment of Hon. John W. Griggs to the Supreme Court of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Carpenters' Local Union No. 579, American Federation of Labor, of Nashua, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Farmington, Charlestown, and Swiftwater, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of Olivet Grange No. 359, Patrons of Husbandry, of Eaton County, Mich., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of Local Union No. 2, of Detroit; of Painters and Paper Hangers' Local Union No. 312, of Kalamazoo; of Bricklayers and Masons' Local Union No. 20, of Benton Harbor; of Local Union No. 535, of Port Huron; of Painters' Local Union No. 233, of Flint; of Coopers' Local Union No. 4, of Bay City; of Local Union No. 143, of Albion; of Iron Molders' Local Union No. 321, of Saginaw; of Typographical Union No. 429, of Battle Creek; of Typographical Union No. 300, of Port Huron; of the Glass Workers' International Association of Grand Rapids; of Team Drivers' Local Union No. 9, of Bay City; of Team Drivers' Local Union No. 298, of Flint; of Plasterers' Local Union No. 184, of Flint; of the Plasterers' Local Union of Detroit; of the Cigar Makers' Local Union of Lansing; of Local Union No. 19, of Sault Ste. Marie; of Cigar Makers' Local Union No. 46, of Grand Rapids; of Cigar Makers' Local Union No. 208, of Kalamazoo; of Cigar Makers' Local Union No. 268, of Escanaba; of Cigar Makers' Local Union No. 330, of Alpena; of Cigar Makers' Local Union No. 333, of Hillsdale; of Cigar Makers' Local Union



No. 366, of Chelsea; of Cigar Makers' Local Union No. 303, of Cadillac; of Beer Bottlers and Drivers' Local Union No. 254, of Grand Rapids; of Brewery Workmen's Local Union No. 3, of Flint; of Local Union No. 10, of Grand Rapids, and of Brewery Workers' Local Union No. 212, of Saginaw, all of the American Federation of Labor, in the State of Michigan, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

Mr. SCOTT presented the memorials of J. W. Brookfield, of Pine Grove; of Mead Brothers, of Parkersburg, and of E. C. Martin, of Mannington, all in the State of West Virginia, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. HANNA presented petitions of the Painters' District Council of Cincinnati; of the Printing Pressmen's Union of Columbus; of Lewis Avon Lodge, No. 4, of Martins Ferry; of Lodge No. 30, of Youngstown; of Irene Lodge, No. 60, of Local Division No. 14, Order of Railway Conductors; of Empire Lodge, No. 6, of Cleveland; of Stereotypers and Electrotypers' Union No. 14, of Eagle Lodge, No. 15, of Ironton; of Columbus Lodge, No. 204, of Columbus; of Local Union No. 268, of Lorain; of Local Union No. 263, of Sandusky; of Operative Potters' Union No. 53, of East Liverpool; of Local Union No. 329, of Canton; of Barbers' Local Union No. 329, of Canton; of Barbers' Local Union No. 287, of Urbana; of National Brotherhood of Operative Potters No. 38, of Cincinnati; of Stove Mounters' Union No. 8, of Hamilton; of Tobacco Workers' Union No. 25, of Cincinnati; of Stereotypers' Union No. 5, of Cincinnati; of Local Union No. 41, of Columbus; of Coremakers' Union No. 9, of Cleveland; of Coremakers' Union No. 87, of Salem; of Local Union No. 57, of East Liverpool; of Piano and Organ Workers' Union No. 7, of Cincinnati; of Piano and Organ Workers' Union No. 24, of Van Wert; of Carriage and Wagon Workers' Union No. 23, of Cincinnati; of Carriage and Wagon Wood Workers' Union No. 16, of Columbus; of Brewery Engineers and Firemen's Local Union No. 251, of Cleveland; of United Brewery Workers' Union No. 255, of Dayton; of United Brewery Workers' Union No. 162, of Newark; of Brewers' Union No. 57, of Zanesville; of Brewery Workers' Union No. 179, of Akron; of Brewery Drivers, Helpers, and Stablemen's Local Union No. 192, of Dayton; of Beer Drivers and Stablemen's Union No. 204, of Youngstown; of Cigar Makers' Local Union No. 254, of Wapakoneta; of Cigar Makers' Union No. 173, of Zanesville; of Cigar Makers' Union No. 166, of Defiance; of Cigar Makers' Union No. 96, of Akron; of the Cigar Makers' Union of Mansfield; of Local Union No. 43, of Urbana; of Cigar Makers' Union No. 416, of Norwalk; of the Plasterers' Union of Mansfield; of Plasterers' Union No. 131, of Dayton; of Journeymen Plasterers' Association, of Youngstown; of Local Union No. 49, of Columbus; of the Journeymen Plasterers' Association, of Cincinnati; of Plasterers' Union No. 80, of Cambridge; of the Team Drivers' Union, of Ashtabula; of Team Drivers' Union No. 152, of Akron; of Carriage Drivers' Union No. 270, of Cincinnati; of the Drivers and Helpers' Union, of Toledo; of Team Drivers' Union No. 207, of New Philadelphia; of Typographical Union No. 69, of Newark; of Type Founders' Union No. 4, of Cincinnati; of Photo Engravers' Union No. 24, of Cleveland; of Electrotypers' Union No. 35, of Cleveland; of Photo-Engravers' Union No. 13, of Cincinnati; of Typographical Union No. 63, of Toledo; of Typographical Union No. 219, of Canton; of Electrotypers' Union No. 31, of Cincinnati; of the Photo-Engravers' Union, of Columbus; of Cambridge Typographical Union, No. 208, of Cambridge; of Decorators and Paper Hangers' Union No. 189, of Zanesville; of Painters and Decorators' Union No. 50, of Cincinnati; of Local Union No. 62, of Bellaire; of the Mountain City Lodge, of Martins Ferry; of the Board of Associated Charities of Springfield, Ohio; of Iron Workers' Union No. 31, of Cleveland, and of Boot and Shoe Cutters' Union No. 210, of Cincinnati, all in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Oak Harbor, Vienna, Columbus, West Mansfield, Eaton, Cedarville, Deerfield, Muskegon, and Orangeville; of W. M. Mitchell and 26 other citizens of Chesterland; of Bryon Merrill and 20 other citizens of Jersey; of James Phillips and 46 other citizens of Dustin Station; of S. G. Johnson and 44 other citizens of Germans; of W. J. Hayes and 43 other citizens of Ravenna; of Joseph Fields and 25 other citizens of Fields; of E. F. Beardsley and 14 other citizens of Huntsburg; of B. M. Boswell and 46 other citizens of Fullertown; of Charles F. Cooks and 46 other citizens of Wildare; of N. B. Griggs and 46 other citizens of Huntington; of George H. Schodle and 16 other citizens of Amanda; of George Wilson and 45 other citizens of Amanda; of J. M. Babb and 47 other citizens of Curton; of Joseph Swartzmiller and 47 other citizens of Angus; of M. A. Mishey and 45 other citizens of Bellville; of J. T. Bur-

rows and 13 other citizens of Brighton; of S. M. Mason and 43 other citizens of Brighton; of George Depenbrock and 25 other citizens of Snyder; of A. F. Allaman and 66 other citizens of Trotwood; of F. J. Peters and 31 other citizens of Ashville; of S. M. Tompkins and 22 other citizens of Circleville; of Wilson Ett and 24 other citizens of East Ringold; of A. Butterbaugh and 88 other citizens of Kingston; of E. A. Patrick and 45 other citizens of Mount Hope; of Ora Brady and 46 other citizens of Reiley; of Roy B. Wyatt and 46 other citizens of North Royalton; of Henry Boerhr and 48 other citizens of Mesopotamia; of T. D. Smith and 22 other citizens of Independence; of S. W. Brockway and 20 other citizens of Orangeville; of Joseph Hasson and 46 other citizens of Richfield; of J. H. Argo and 23 other citizens of West Mansfield; of C. R. Wetmore and 34 other citizens of Canfield; of W. C. Hull and 45 other citizens of Orangeville; of G. Sadler and 34 other citizens of Olmsted Falls; of L. L. Murray and 24 other citizens of Clarke; of F. Bush and 42 other citizens of Kinsman; of C. H. Sweet and 68 other citizens of Spencer; of George C. Smith and 45 other citizens of Alpha; of J. H. Geddes and 20 other citizens of Chester Hill; of Will Garrison and 35 other citizens of Yellow Springs; of Buckeye Grange, No. 1343; of Montville Grange, No. 666, of Montville; of Pomona Grange, Patrons of Husbandry, of Garrettsville; of the Northern Ohio Milk Producers' Association; of the Miami County Pomona Grange, of Tippecanoe City; of the Jackson County Grange, of Camba; of the Ohio Jersey Cattle Club; of Riverside Grange, No. 1526, of Birmingham, all in the State of Ohio, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of Local Union No. 55, United Brotherhood of Leather Workers on Horse Goods, American Federation of Labor, of Marietta, Ohio, praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ohio Woman's Christian Temperance Union, of Oberlin, Ohio, praying for the enactment of legislation providing for the printing of 10,000 copies of Senate document entitled "Protection of Native Races;" which was referred to the Committee on Printing.

He also presented a memorial of the Woman's Christian Temperance Union of North Fairfield, Ohio, and a memorial of the Society of Christian Endeavor of Hunts Corners, Ohio, remonstrating against the regulation and control of vice by the board of health of Manila, P. I.; which were referred to the Committee on the Philippines.

He also presented a petition of the officers of the Ohio National Guard, of Zanesville, Ohio, praying for the enactment of legislation to promote the efficiency of the militia; which was referred to the Committee on Military Affairs.

He also presented a memorial of Typographical Union No. 182, of Akron, Ohio, remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented a memorial of Cigar Makers' Local Union No. 249, American Federation of Labor, of Findlay, Ohio, and a memorial of Local Union No. 48, American Federation of Labor, of Toledo, Ohio, remonstrating against any reduction of the import duty on cigars; which were referred to the Committee on Finance.

He also presented a memorial of the Woman's Christian Temperance Union of Oberlin, Ohio, remonstrating against the repeal of the present divorce laws of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Shiloh Baptist Church, of Cleveland, Ohio, praying for the enactment of such legislation as will make effective the provisions of the Constitution cutting down the Congressional representation of States disfranchising its citizens; which was referred to the Committee on the Judiciary.

He also presented the petition of C. B. Buschmann and 4 other citizens of Columbus, Ohio, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Retail Grocers' Association of East Liverpool, Ohio, praying for the passage of the so-called pure-food bill; which was referred to the Committee on Manufactures.

He also presented memorials of the Boiler Manufacturers' Association of Cleveland and of the Manufacturers' Club of Cincinnati, in the State of Ohio, remonstrating against the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented a memorial of the Metal Trades' Association of Cincinnati, Ohio, remonstrating against the passage of the



so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of Cleveland Harbor, No. 42, American Association of Masters and Pilots of Steam Vessels, of Cleveland, Ohio, remonstrating against the enactment of legislation to remove discriminations against American sailing vessels in the coasting trade; which was referred to the Committee on Commerce.

He also presented petitions of Hod Carriers' Local Union No. 8773, American Federation of Labor, of Akron; of International Association of Machinists' Lodge No. 238, of Cleveland; of the Grand Army of the Republic Posts, No. 443, of Felicity; No. 197, of New Straitsville; No. 742, of Broachville; No. 235, of Shadeville; No. 455, of Racine; No. 658, of Hannibal, and No. 569, of Nova; of Stereotypers and Electrotypers' Union No. 14, of Columbus; of Electro Workers' Union No. 32, of Lima; of United Brewery Workers' Union No. 147, of Columbus; of Lewis Avon Lodge, No. 34, of Martins Ferry; of Wilson Post, No. 602, Grand Army of the Republic, of Venna Crossroads, all in the State of Ohio, praying for the enactment of legislation providing for the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Bricklayers' Local Union No. 7, of Akron; of Machine Coopers' Union No. 109, of Cincinnati; of Bricklayers' Union No. 21, of Columbus; of Beer Drivers and Stabblers' Union No. 202, of Columbus; of Carpenters' Local Union No. 61, of Columbus; of Dennison Lodge, No. 421, of Dennison; of Sign Writers' Union No. 224, of Cincinnati; of Bricklayers' Union No. 3, of Toledo; of Iron Workers' Union No. 117, of Chillicothe; of Bricklayers' Union No. 5, of Cleveland; of Sole Fasteners' Union No. 218, of Cincinnati; of Stereo and Electro Union No. 14, of Columbus; of Typographical Union No. 182, of Akron; of Workers' Union No. 57, of East Liverpool; of W. A. Rang Union, No. 425, of Chicago; of Bakers and Confectioners' Union No. 41, of Columbus; of Order of Railway Conductors' No. 14, of Cleveland; of Cigar Makers' Union No. 249, of Findlay; of the Trades and Labor Council of Chillicothe; of Magic City Union No. 41, of Barberton; of Bricklayers' Union No. 25, of Springfield; of Bricklayers' Union No. 10, of East Liverpool; of Core Makers' Union No. 7, of Cleveland; of Wood Workers' Union No. 89, of Cincinnati; of Masons' Union No. 29, of Lorain; of Bricklayers' Union No. 6, of Canton; of Local Union No. 44, of Conneaut; of the Granite Cutters' Local Union of Clyde; of Brewery Workers' Union No. 147, of Columbus; of Bellevue Union, No. 134, of Bellevue; of Carpenters and Joiners' Union No. 725, of Glennville; of Brewery Workers' Union No. 12, of Steubenville; of Buckeye Union, No. 228, of Galion; of Brotherhood of Electrical Workers' Union No. 143, of Ashtabula; of Bohemian Bakers' Union No. 39, of Cleveland; of Plumbers, Steam Fitters and Gas Fitters' Union No. 94, of Canton; of Bucyrus Division, No. 193, of Bucyrus; of Dennison Division, No. 2780, of Dennison; of W. E. Puile and 71 other citizens of Tippecanoe City; of H. J. Deyfus and 6 other citizens of Bloomdale; of Lewis J. Moore and 27 other citizens of Dayton; of Alvie Myers and 32 other citizens of Melmore; of C. C. Mahoney and 47 other citizens of Senecaville; of S. O. Rush and 47 other citizens of Springfield; of Daniel Ehrherdt and 47 other citizens of Cincinnati; of A. L. Sarbuch and 47 other citizens of Sparta; of J. W. Winkleman and 47 other citizens of Canton; of L. E. Shuey and 47 other citizens of Canton; of Emmet C. Gibson and 20 other citizens of Middlebranch; of George W. Cunningham and 59 other citizens of Fostoria; of W. P. Hoffman and 46 other citizens of Cleveland; of Walter S. Roberts and 49 other citizens of Cleveland; of Herman Koper and 35 other citizens of Cincinnati; of W. S. Lebold and 59 other citizens of Sandyville; of J. H. Culver and 47 other citizens of Mansfield; of Order of Railway Conductors' Local Division No. 26, of Toledo; of J. M. Ferris Lodge No. 132, Brotherhood of Railroad Trainmen, of Cleveland; of Local Union No. 371, of Byesville; of Victor Council, No. 29, of Byesville; of Youngstown Typographical Union, No. 200, of Youngstown; of Stereotypers' Union No. 5, of Cincinnati; of Stove Mounters' Union No. 8, of Hamilton; of Red Prince Lodge, No. 250, of Byesville; of Byesville Lodge, No. 765, of Byesville; of Cigar Makers' Union No. 360, of Delaware; of Retail Clerks' Union No. 94, of Canton; of Bricklayers' Union No. 16, of Xenia; of Carpenters' Union No. 589, of Chillicothe, and of Iron Molders' Union No. 4, of Cincinnati, all in the State of Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Choctaw and Chickasaw Indians of the Indian Territory, praying that the so-called Atoka agreement be carried out, and for the enactment of certain remedial legislation, and remonstrating against the adoption of certain proposed amendments to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

He also presented the petition of Arthur A. Nichols, of Augusta, Me., and the petition of Wilbur D. Nichols, of Augusta,

Me., praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

#### ANTI-CONSPIRACY BILL.

Mr. BLACKBURN. I present and ask to have printed as a document a communication from the legal representatives of the Brotherhood of Locomotive Engineers and Railway Conductors and Railway Trainmen, bearing upon the bill known as the anti-conspiracy bill, which is already before the Senate, reported from the Committee on the Judiciary. The communication embraces the legal opinion submitted by these several organizations. I present it with the request that it may be printed as a document, as I take it it may be of value when the bill comes before the Senate for consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none. The communication will lie on the table and be printed.

#### REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 61) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE. I am directed by the Committee to Establish the University of the United States, to whom was referred the bill (S. 3943) to establish a university of the United States, to report it without amendment and to submit a report thereon. I move that the hearings before the committee be printed, and also that certain letters from prominent educators throughout the United States indorsing the university proposition be printed as an appendix.

The motion was agreed to.

Mr. BARD, from the Committee on Fisheries, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4069) to establish a fish hatchery and fish station in the State of South Carolina;

A bill (S. 148) to establish a fish-hatching and fish station in the State of Utah; and

A bill (S. 1908) to authorize the establishment of a biological station on the Great Lakes, under the control of the United States Commission of Fish and Fisheries.

Mr. BARD, from the Committee on Fisheries, to whom was referred the bill (S. 2826) for the establishment of a fish-cultural station in the State of Florida, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington, reported it with an amendment, and submitted a report thereon.

Mr. STEWART. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, to report it with amendments, and to submit a report thereon. I desire to give notice that I shall call it up as soon as practicable, at an early day.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

#### DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom the subject was referred, to report a bill to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895, and I ask for its immediate consideration.

The bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895, was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.,* That section 73 of the act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895, page 316, in paragraph relating to the printing and distribution of the Nautical Almanac and Ephemeris, be amended by inserting the word "third" before the word "calendar" in line 6 of said paragraph, and by striking out the word "next" where it appears after the word "year" in the said line 6, so that the paragraph will read: "The 500 copies printed for Congress and the usual number shall be for the third calendar year following," etc.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. Let it be read again; it is a short bill.

The bill was again read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THE ISTHMIAN CANAL.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. HARRIS (for Mr. MORGAN) on the 26th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring). That there be printed 3,000 copies of Senate Document No. 253, first session Fifty-seventh Congress, being the hearings before the Committee on Inter-oceanic Canals, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.*

#### BILLS INTRODUCED.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4856) granting a pension to Sarah M. Dowthitt;

A bill (S. 4857) granting a pension to Celia E. Hampton; and

A bill (S. 4858) granting a pension to Mary E. Haren.

Mr. PRITCHARD introduced a bill (S. 4859) for the relief of G. M. Woodruff; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4860) for the relief of George H. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURNHAM introduced a bill (S. 4862) granting an increase of pension to James Welch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 4863) granting a pension to James H. Crawley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4864) for the relief of Lemuel Stokes; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 4865) granting an increase of pension to Joseph D. Hazzard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 4866) granting an increase of pension to Sara D. Bereman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4867) to provide for an increase in the Pay Corps of the Navy; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. CARMACK introduced a bill (S. 4868) granting an increase of pension to James J. Walker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4869) granting an increase of pension to Elias A. Calkins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 4870) to appropriate funds for investigations and tests of American timber; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER introduced a bill (S. 4871) granting an increase of pension to Helen M. Worthen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 4873) to remove the charge of desertion from the military record of Milton A. Romig;

A bill (S. 4874) to remove the charge of desertion from the military record of John Porcella;

A bill (S. 4875) to remove the charge of desertion from the military record of George W. Bush;

A bill (S. 4876) to remove the charge of desertion from the military record of William P. Taylor, deceased;

A bill (S. 4877) to remove the charge of desertion from the military record of Hiram G. Anderson;

A bill (S. 4878) to remove the charge of desertion from the military record of Quimby Hays, deceased;

A bill (S. 4879) for the relief of William F. Denmuer;

A bill (S. 4880) for the relief of Lorenzo D. Anderson;

A bill (S. 4881) for the relief of Sarah A. Norris;

A bill (S. 4882) to correct the military record of Hugo Messig;

A bill (S. 4883) to remove the charge of desertion from the military record of John B. Henry;

A bill (S. 4884) to correct the military record of Thomas M. Elliott;

A bill (S. 4885) to remove the charge of desertion from the military record of Silas N. Steel; and

A bill (S. 4886) for the relief of George F. Owen.

Mr. FORAKER introduced the following bills; which were each read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4887) to remove the charge of desertion from the military record of Simon Rupert; and

A bill (S. 4888) for the relief of the heirs at law of Charles K. Smith, jr.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4889) for the relief of Elizabeth F. Irvin;

A bill (S. 4890) for the relief of Henry Hutchinson; and

A bill (S. 4891) for the relief of Albert C. Magoffin.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4892) granting an increase of pension to John Doberber;

A bill (S. 4893) granting an increase of pension to Erastus W. Harman; and

A bill (S. 4894) granting an increase of pension to Thomas B. Tucker.

Mr. COCKRELL (by request) introduced a bill (S. 4895) to establish a commission of public health and fix the salaries of the commissioned officers of the Marine-Hospital Service; which was read twice by its title and referred to the Committee on Public Health and National Quarantine.

He also introduced a bill (S. 4896) granting a pension to George C. Conover; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present the petition for pension of George C. Conover, with affidavits of Dr. Samuel R. Stofer, John Keenan, and William A. Frost. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BACON introduced a bill (S. 4897) to authorize the construction of a bridge across the Chattahoochee River at some point between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

#### DISTRIBUTION OF COURT REPORTS.

Mr. BURROWS submitted an amendment intended to be proposed by him to the bill (S. 3646) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and of district courts; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the Judiciary.

#### GOVERNMENT OF THE PHILIPPINES.

Mr. LODGE. I ask that 200 additional copies of Senate bill 2295, the Philippine bill, reported yesterday, and the substitute may be printed for the use of the Senate document room.

Mr. COCKRELL. I think the number ought to be increased to at least 500 or 800. Evidently there will be a greater demand than 200 copies could supply.

Mr. LODGE. Very well; I ask that 500 copies may be printed.

Mr. COCKRELL. I suggest that 600 copies be printed for the use of the Senate document room, and not for distribution all around.

Mr. LODGE. Let 600 copies of the bill and substitute be printed for the use of the Senate document room.

Mr. COCKRELL. And the report.

Mr. LODGE. Certainly; and the report.

Mr. COCKRELL. The report of the majority and the views of the minority.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts as modified? The Chair hears no objection, and the order is made.

The order was reduced to writing as follows:

*Ordered*, That 600 additional copies of the bill (S. 2295) "temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," as reported, together with the amendment submitted by the minority as a substitute, and Report No. 915, with the views of the minority, be printed for the use of the Senate document room.

Mr. LODGE. Mr. President, I wish to make a correction. On page 3 of the majority report on the Philippine bill there is a misprint of a rather serious character, to which I wish to call attention so that it may be corrected in the future print. It says "a bullion dollar of 410 grains." It ought to be, of course, "416 grains."



## ANATOMICAL BOARD OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2201) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.*

## IMITATION DAIRY PRODUCTS.

Mr. PROCTOR. I move that House bill 9206 be taken up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. HEITFELD. Mr. President, the pending bill provides for a tax of 10 cents per pound on oleomargarine instead of a tax of the 2 cents now imposed. Ostensibly it is a revenue measure, but if Senators will carefully study the testimony given before the House and Senate committees by the friends and advocates of the measure, they will have to admit that it is intended to be repressive legislation, the real purpose of which is to destroy the oleomargarine industry.

It is true that the bill provides a 10-cent tax only on so much of this product as is colored in imitation of butter, while for the uncolored article it provides a tax of one-quarter of a cent. The supporters of the bill argue from this fact that this legislation would be in the interest of the consumer by cheapening the product, approximately, 2 cents a pound.

Mr. President, this whole question has been carefully considered by the Committee on Agriculture of both the House and Senate, both during the last Congress and the present one. The hearings before the committees of the last Congress covered some 875 pages, while the hearings of the present session cover some 500 pages. As a member of the Senate Committee on Agriculture I have had the opportunity of following closely everything that has been said in favor of and in opposition to this measure. I am frank to say that at no time have I noticed any anxiety on the part of the friends regarding the revenue features of the bill. Not a man argued before the committee that this enormous tax was needed by the Government, nor did one of them feel sufficiently interested in the revenue feature to even approximately state how much revenue would be derived from this source. Their sole purpose was plainly to get a law upon the statute books that will destroy this industry.

I am as desirous as are any of the friends of this measure to compel the manufacturers of oleomargarine to sell their product to the consumer for just what it is. I will go as far as anyone in supporting legislation to bring about such a result, providing such legislation is not clearly for the purpose of destroying a legitimate industry in order to build up another. The pending measure, to my mind, has such a purpose, and I am opposed to it because of that purpose.

The friends of the bill argue that the manufacturer of oleomargarine ought to be denied the right to color his product yellow, or, as they put it, in imitation of butter. They want to deny these people the right of coloring their product, but at the same time hold that they themselves have a right to color their product (butter) to suit the fancy of the consumer. Mr. W. D. Hoard, ex-governor of Wisconsin and now president of the National Dairy Union, while testifying before the House committee, stated that he regarded the coloring of oleomargarine as an infraction of the buttermen's trade-mark; when asked if butter had a particular color why coloring matter was added, he replied, "Because, as I have said, the demand for the market article may be one shade or another of this particular yellow. For instance, in New Orleans the taste of the market is for a very deep color. In Boston they call for a very light color, a straw color." Right here, the chief advocate of this measure admits that color is a matter of fancy or taste, and that butter is colored to suit such a fancy. Still he denies the manufacturer of oleomargarine the right to cater to the fancy of the consumer of his product, and he demands that the oleomargarine consumer pay a penalty of 10 cents a pound, if he prefers it colored in "any shade of yellow." He may eat it in its natural color by paying one-quarter of a cent, but if he fancies it in any shade of yellow he must pay a tax of forty times as much.

Other friends of the bill contend that the consumer will soon accustom himself to white oleomargarine, and when once accustomed to it will relish it fully as well. Thus butter must be colored to suit the fancy of the consumer and in order to find a more ready sale, but as to oleomargarine the consumer must adapt

himself to its natural color or pay 10 cents additional. Is this justice? Why should Congress permit one industry the right to cater to the fancy of the consumer of its product and deny the same right to another? Because, say the friends of the bill, if you allow the oleomargarine people to color their product in any shade of yellow they will sell it as butter, and this is what we want to prevent them from doing.

According to the testimony given before the Senate Committee, average quality oleomargarine can be produced for about 8 cents a pound. Add to this the present tax of 2 cents, and its first cost will be 10 cents. The cost of certain grades will be somewhat less, while the best grades will come somewhat higher. This product is sold to the consumer from about 13 to 20 cents a pound. Now, under the proposed law we must add 8 cents a pound and the ordinary percentage to the aforesaid price, which, roughly estimated, would make the price to the consumer from 22 to 28 cents a pound, a price equal to that of ordinary butter.

Mr. President, if there is an incentive for the manufacturers of oleomargarine to violate the present law, will not an additional tax add to the temptation? Under the present law this product is put upon the market so cheap that it can be afforded by almost the poorest of our citizens. Add 10 cents a pound to its cost and it is beyond the poor man's reach and enters into competition directly with the butter product sold to that class of our citizens that can afford to pay 25 to 30 cents a pound for this sort of luxury.

The advocates of the measure now before us are indirectly doing more harm to the dairy interests than all the oleomargarine manufacturers could under ordinary circumstances do in a score of years. For years past there has been in the minds of the people a violent prejudice against oleomargarine. Nothing the manufacturer could say in favor of his product would have, for a long time to come, removed this aversion. But when the advocates of this measure began to attack this product it was necessary for the manufacturers to defend themselves, and the most natural way for them to do this successfully was by asking that their product be subjected to the most severe analytical tests, and when such tests were had it was plainly demonstrated that this product was a wholesome and nutritious article of diet.

According to a report from the Commissioner of Internal Revenue, May 14, 1900, the following are the percentages of ingredients used in the production of oleomargarine in the United States for the fiscal year ending June 30, 1899:

	Per cent.		Per cent.
Neutral lard.....	34.37	Stearin .....	0.07
Oleo oil .....	26.82	Glucose .....	.03
Cotton-seed oil .....	4.77	Milk .....	15.55
Sesame .....	.53	Salt .....	7.42
Coloring matter.....	.16	Butter oil.....	1.76
Sugar .....	.12	Butter .....	1.72
Glycerin.....	.01	Cream .....	3.86

Experiments as to the relative digestibility of butter and oleomargarine were made by Adolph Mayer, a German chemist, as early as 1883; another German chemist, N. Kienzel, made further experiments in this line in 1898; a third experiment was made by Dr. H. Lühring in 1897, and their findings are as follows:

	Mayer, 1883.	Kienzel, 1898.	Lühring, 1897.	Average of all.
Digestibility of—	Per cent.	Per cent.	Per cent.	Per cent.
Butter.....	98.40-97.10	96.65	95.69	96.96
Oleomargarine.....	96.40-95.80	95.64-95.72	96.68-96.70-96.93	96.27

Mr. President, I believe this phase of the question was discussed yesterday, and various statements were made as regards the relative digestibility of butter and oleomargarine. From this table it appears that as far back as 1883, when oleo was considered to be an unhealthful article, it was found that the digestibility of butter was 98.40, and on another test 97.10. Oleomargarine at that time was 96.40 and 95.80 per cent. In 1898 the butter test showed that the digestibility of butter was 96.65, and on two tests of oleomargarine 95.72 and 95.64. In 1899 Lühring found that the per cent of digestibility for butter was 95.69, while three tests made of oleomargarine showed that the percentage was 96.68, 96.70, and 96.93, in every instance more than 1 per cent above the digestibility of butter.

We find from this report of the Commissioner of Internal Revenue that oleomargarine is made almost wholly from the products of the farm. Neutral lard, oleo oil made from the caul fat of the beef, cotton-seed oil, milk, butter oil, butter, and cream enter into the manufacture of this article to the amount of about 90 per cent. I am aware that for years the dairy interests have systematically manufactured sentiment in favor of this sort of a measure among the farmers of this country. They have urged them through a system of postal-card petition to ask their representatives in Congress to support this measure. These petitions



state in round numbers the total output of oleomargarine. They also contain a remonstrance against the passage of what is called the "Wadsworth substitute," which is denounced as a "step backward in dairy legislation." They give the farmer to understand that something terrible is going to happen to the dairy cow if Congress fails to pass the so-called Grout or Grout-Tawney bill. They are careful not to tell all. The argument is wholly one-sided. The dairy papers one and all harp on the same string, and the consumers, who have no organ to defend their interests, are unheard.

Mr. President, being a farmer myself, my sympathies are largely with this class of our citizens. However, in a matter of this kind I do not forget that all my constituents are not farmers, neither do I forget that I am not commissioned here to legislate solely for any particular section or class, but under my oath must do justice to all. Furthermore, I do not see where the farmer will derive any great benefit from the enactment of such a law. If the ingredients of oleomargarine were substances wholly foreign to the farm such a claim might be sustained. Nearly 25 per cent of the ingredients of this product are milk and cream, and all of 90 per cent are products of the farm. Yet the dairy interests say this bill is framed in the interests of the farmer and designed to protect him.

I will state again, the proponents of the bill use large figures in stating their case to the country; they do not go into particulars, but leave the story half told. They inform the dairy farmer that the output of oleomargarine for the past year was more than 100,000,000 pounds, but they are silent on the output of butter.

Mr. C. Y. Knight, secretary of the Dairy Union, stated before the Senate committee a year ago that the total annual production of butter in the United States was approximately fifteen hundred million pounds, fifteen times greater than the amount of oleomargarine manufactured. Thus, by giving to the public the output of oleomargarine only, the figures appear enormous, but placed beside the butter figures they do not appear anywhere near so startling. The friends of the bill also state in a general way to the dairyman that oleomargarine is gradually cheapening butter. Before the Senate committee a year ago, in support of this contention, Mr. Knight filed a diagram to be printed with his remarks. This diagram shows the production of oleomargarine in the United States for the years 1890 to 1900, and the average wholesale price of butter, by months, in the New York market for that period. I have studied this diagram carefully, and must confess I do not find it bears out what the gentleman tried to show.

According to this diagram, in 1890 the output of oleomargarine was 32,000,000 pounds. The butter prices for that year ranged from 15 to 27 cents a pound. The output of oleomargarine for 1891 was 48,000,000 pounds, and butter ranged that year from 18 to 31 cents. In 1892, 52,000,000 pounds of oleomargarine were produced, and butter brought from 19 to 32 cents. In 1893 the output of oleomargarine was 72,000,000 pounds, and butter prices ranged from 21 to 33 cents. Thus in four years, although the annual output of oleomargarine had more than doubled, during the same period the butter prices had gradually risen something like 6 cents a pound. In 1894 the production of oleomargarine was 65,000,000 pounds, and butter prices ranged from 17 to 27 cents a pound. In 1895 the output of oleomargarine was 54,000,000 pounds, and butter ranged from 20 to 25 cents.

In 1896, 48,000,000 pounds of oleomargarine were manufactured, and butter was worth from 15 to 24 cents. Right here it will be noticed that although the output of oleomargarine was 24,000,000 pounds less than in 1893 butter prices also ranged from 6 to 9 cents lower. In 1897, 48,000,000 pounds of oleomargarine were produced, and butter ranged from 15 to 23 cents a pound. In 1898 we find the output of oleomargarine amounting to 60,000,000 pounds and butter prices ranging from 17 to 23 cents. In 1899 the output of oleomargarine was nearly 100,000,000 pounds, and butter ranged from 18 to 27 cents a pound—the highest price reached since 1893—and that, too, despite the fact that the output of oleomargarine was greater during this year than in any preceding year.

Mr. President, from these figures, furnished us by the most ardent advocate of this measure, in the shape of a diagram, it would appear that the dairy interests have little to fear from this much maligned product.

Butter makers are from year to year learning to improve the quality of their product. Exporters testified before the Senate committee that some ten years ago we were not able to compete with other butter countries in foreign markets. They claim that to-day we successfully compete with any country in the world. As the butter makers are striving to make a better article of butter, so is the owner of the dairy herd continually improving his cows and his method of feeding, and, like every other American industry, the dairyman and the maker of butter will keep ahead of the procession.

Mr. H. C. Adams, who appeared before the committee in the

interest of the dairy people, was asked, "Is not your industry more prosperous now than it ever was before?" He replied, "Yes, sir." Oleomargarine will never displace butter. The latter will always be preferred by the people who can afford to purchase it, and oleomargarine will only supply the table of the man who is so unfortunate as not to be able to afford butter.

Mr. President, the honorable chairman of the Committee on Agriculture [Mr. PROCTOR] stated that this bill cheapened oleomargarine approximately 2 cents a pound, and thus benefited the consumer. Many other champions of this measure make the same claim for it. They all contend that the people will accustom themselves to the natural color of the product, and it will therefore not in any way bring about the results predicted by the opponents of this measure. If these gentlemen are correct in their surmises, I will warrant that the principal advocates of this measure will be here at the opening of the Fifty-eighth Congress asking further protection. Not one of these men will rest until the last oleomargarine factory in this country is closed, unless, perchance, the dairy farmers should refuse further to contribute to keep up this sort of propaganda.

If Senators will study the testimony of the advocates of the measure they can not fail to see that their sole interest and object is to destroy the oleomargarine industry. They will not be satisfied with legislation that restricts the sale of it as oleomargarine only, or legislation that compels it to stand on its own merit. They are confident that this bill will destroy the industry, and if it fails to accomplish what they desire they will return here and clamor for legislation more stringent than the measure now under consideration. A member of the House committee asked Mr. Hoard "whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold." Mr. Hoard replied, "In that case, sir, I would come before Congress and demand a still higher tax." Mr. Knight in a letter to a Virginia dairyman wrote as follows:

Now is the time for you to clip the fangs of the mighty octopus of the oleomargarine manufacturers who are ruining the dairy interests of this country by manufacturing and selling, in defiance of law, a spurious article in imitation of pure butter. We have a remedy almost at hand which will eliminate the manufacture of this article from the food-product list.

Mr. Adames, pure-food commissioner of the State of Wisconsin, in his testimony before the committee on March 7, 1900, said:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

Mr. Hoard, before the House committee, stated:

In plain words, this is repressive taxation.

Mr. Knight, secretary of the Dairy Union, before the last Congressional election, went so far in his fanaticism as to take an active part in antagonizing the reelection of some members of the House who did not favor a measure of this kind. The following letter was written by him to a constituent of the chairman of the Committee on Agriculture of the House of Representatives:

THE NATIONAL DAIRY UNION,  
OFFICE OF THE SECRETARY, 188 SOUTH WATER STREET,  
Chicago, Ill., October 18, 1900.

Mr. P. P. HUBBARD, Perry, N. Y.

DEAR SIR: You ask me to what extent Congressman WADSWORTH opposed the Grout bill. Well, if you have ever been in court and observed a lawyer defending a criminal you can understand how he fought for the oleomargarine makers. He was the most active opponent we had in Congress. He spent more time lobbying against our bill than even the acknowledged agent of the oleomargarine makers—Lorimer, of Chicago—to whose tender mercies WADSWORTH consigned the Grout bill when it was referred to his committee, that it might be smothered.

As to WADSWORTH's bill, offered as a substitute for the Grout bill, it is nothing more nor less than a deep-laid plan to break down completely all anticolor laws, including New York. His bill makes 1-pound packages original packages so they can be sold under protection of the interstate-commerce laws by the retailer with a \$48 license. Only wholesalers paying \$480 can sell an original package now, and they can not sell less than 10 pounds. While no oleomargarine is made in his State, he has conceived a great affection for the kind of oleomargarine that is an exact counterfeit of butter, forbidden by New York, and which defrauds the public everywhere, and the only kind we are seeking to suppress.

WADSWORTH's friends in Congress were amazed at his attitude in this matter. His conduct was unprecedented. No Congressman representing a Northern agricultural district has ever been known to take such an aggressive stand against the farmers of his district in face of such floods of petitions and no support whatever from his own people in his position.

WADSWORTH, with his bill, is the most dangerous enemy the dairymen have in the world. As chairman of the Agricultural Committee he has certain prestige. If he is returned to Congress by the votes of the farmers of his district, thereby winning their approval of his course, it will be bad for us. His reelection, unless with a greatly reduced majority, will be a victory for the stock yards and oleomargarine fraud of Chicago, and a death knell to the farmer's influence in Congress.

The National Dairy Union, however, is not in politics, and its officers happen to be of the same political faith as WADSWORTH. Our organization is merely for the purpose of urging measures in protection of the farmer who keeps cows, and furnishing information to them regarding the records of Congressmen upon such measures.

Respectfully, yours,

CHAS. Y. KNIGHT,  
Secretary National Dairy Union.

This Mr. Knight is amazed at the attitude of a distinguished member of Congress! He calls his conduct unprecedented. He does not understand that anyone might have honest convictions



on a question of this sort. It is inconceivable to him that any Representative should have the courage to stand out against a made-to-order flood of manufactured petitions. Unless a man is willing to surrender his honest convictions and bow to the will of the interests represented by this Mr. Knight, he must be defeated. This Mr. Knight wants men in Congress who have no convictions unless they are in line with those he has so long been hired for holding. He has earned his living for so many years as a paid promoter that he is now firmly convinced that Senators and Members who may differ with him are acknowledged agents of the oleomargarine makers. He even accuses the chairman of the House Committee on Agriculture of lobbying against "our bill."

Mr. President, as a member of the Senate Committee on Agriculture I can say that there has been no evidence or indication of any undue interest on the part of any member of the House of Representatives either for or against the proposed measure. As for the distinguished chairman, whom the impeccable Mr. Knight discovers to be a "lobbyist," I will say that he appeared before the Senate committee, but only for the purpose of replying to Mr. Adams, food commissioner of Wisconsin, who had stated before the Senate committee that he had not used the language attributed to him in the House minority report; also to reply to this Mr. Knight's statement that he, Knight, had not written to the Virginia dairymen a letter quoted in the same report. I will quote the chairman's statement on this occasion:

Mr. Chairman, I saw a statement in the paper yesterday which puts the report of the minority of the Committee on Agriculture of the House in a rather dubious odor; that is, the contradiction of Mr. Adams that he ever stated to that committee that there was no need of beating around the bush; that the object of this second section of the bill was to drive the oleomargarine manufacturers out of business. Mr. Adams is right in the statement that there was no stenographer present at that time, owing to an oversight. The remark was taken down, however, by a member of that committee at the time, because its very boldness attracted the attention of the whole committee to it.

Another contradiction made yesterday was by Mr. Knight, secretary of the National Dairymen's Union, that he never wrote that letter to the Virginia farmers. That letter, or a copy of it, is in the hands of a member of the committee, who has not returned from the West as yet. If it is considered of enough importance, the copy of the letter or the original will be produced. I say this simply to place the minority report of the committee in the proper light.

Another matter, which is personal to myself, and I only call attention to it because this man Knight has used it simply for purposes of intimidation. He says that my majority in my district was cut down over 2,000. That is a falsehood. My majority is the largest I have ever had there, except in 1896.

The chairman of the House committee needs no defense at my hands. The large majority with which he was returned at the last election is ample proof of the highest esteem in which he is held by his constituents. Coming from an agricultural district, his reelection by an increased majority seems to me to be conclusive proof that the New York farmer is not scared out of his wits by Mr. Knight's cry of "wolf."

Mr. President, I am not here to defend the oleomargarine manufacturer nor the dealers who sell this article to the consumer. It is possible that a considerable quantity of this product is sold as butter. From the evidence it appears that the city of Chicago is the place where the greatest amount of deception is practiced. Noticeable instances are also cited from the larger Ohio cities and the principal cities in the State of Pennsylvania. From the testimony it also appears that these three States consume about 38 per cent of the total output of oleomargarine. The advocates of the bill claim that in these particular States the State laws are openly violated and that the sentiment is such that no convictions can be had; hence they say that it is necessary to enact a Federal law that will make it possible for the Federal Government to keep these people in the path of righteousness.

Now it seems to me if these three great States are so indifferent to the enforcement of their own laws on this subject, it must be that laws of this kind are not sufficiently popular to arouse the public demand for their enforcement, or if the existing laws are defective, to demand that their legislature enact such laws as can be enforced. At any rate it does not appear to me that the failure of these States to enforce their laws warrants interference by the Federal Government.

Thirty of the 45 States have anti-color laws. These are Alabama, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, and Wisconsin. The States of Vermont and West Virginia have so-called "pink laws." The States of Rhode Island, Nevada, and Idaho have branding laws, and the States of Arkansas, Indiana, Louisiana, and Mississippi have label laws. The States of Kansas and Wyoming have no laws governing the manufacture and sale of this product.

If State grand juries will not indict nor State trial juries convict, what assurance have we that Federal juries will do otherwise?

According to a table furnished by the Treasury Department the State of New York consumes about a quarter of 1 per cent of

the oleomargarine produced in the United States. Still it does not appear that New York has laws any more stringent than Illinois, Ohio, or Pennsylvania, all of which have so-called "anti-color" laws. Thus it seems that New York does not need the assistance of the Federal Government in dealing with this evil. This State enforces its own laws and works out its own salvation.

A study of this table shows that a number of other States are equally successful in controlling this so-called "octopus." This table gives the quantity of oleomargarine shipped into each State for the fiscal year ended 1899, the number of dealers in each State, and the percentage of the whole product consumed in each State. I ask leave to insert the table in my remarks without reading.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Chair hears no objection to the request of the Senator, and the table will be inserted in the RECORD without reading.

The table referred to is as follows:

Quantity of oleomargarine shipped into each State for fiscal year ended June 30, 1899.

State or Territory.	Number of dealers.	Pounds.	Per cent of total.
Alabama	21	226,053	0.28+
Alaska	5	18,080	.02+
Arkansas	35	380,389	.48+
Arizona	5	78,767	.10+
California	55	74,923	.09+
Colorado	55	1,123,537	1.41+
Connecticut	5	134,255	.17+
Delaware	48	40,475	.05+
District of Columbia	61	816,848	1.02+
Florida	82	590,225	.74+
Georgia	61	495,004	.62+
Illinois	2,020	18,638,921	23.39+
Idaho	3	58,224	.07+
Indiana	306	3,923,228	4.92+
Indian Territory	21	152,278	.19+
Iowa	3	79,922	.10+
Kansas	188	1,658,544	2.08+
Kentucky	217	1,490,577	1.87+
Louisiana	140	1,043,502	1.31+
Maine	17	102,274	.13+
Maryland	58	1,791,950	2.25+
Massachusetts	108	2,083,889	2.61+
Michigan	109	2,092,521	2.63+
Minnesota	30	1,343,865	1.69+
Missouri	231	3,133,313	3.93+
Mississippi	17	104,622	.13+
Montana	7	446,022	.56+
Nebraska	73	1,024,985	1.29+
New Hampshire	19	455,583	.57+
New Jersey	296	5,875,975	7.37+
New Mexico	12	115,850	.15+
New York	14	222,788	.28+
Nevada	9	625	.00+
North Carolina	9	110,244	.14+
North Dakota	18	7,710	.01+
Ohio	1,005	8,830,969	11.08+
Oklahoma	10	117,398	.15+
Oregon	3	41,250	.05+
Pennsylvania	717	11,433,341	14.35+
Rhode Island	333	3,594,984	4.51+
South Carolina	24	258,159	.32+
South Dakota	4	55,432	.07+
Tennessee	83	714,640	.90+
Texas	162	1,518,264	1.91+
Utah	1	8,450	.01+
Vermont	1	2,990	.00+
Virginia	121	1,159,400	1.45+
Washington	5	63,345	.08+
West Virginia	172	1,206,865	1.51+
Wisconsin	23	714,742	.90+
Wyoming	5	39,547	.05+
Total		79,685,744	100

Mr. HEITFELD. I also have a table for the first quarter of the present fiscal year, which I ask leave to insert in my remarks without reading.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The table referred to is as follows:

Number of pounds of oleomargarine shipped and sold by manufacturers to purchasers in the several States and Territories in the United States for the months of July, August, and September, 1901.

State or Territory.	July.	August.	September.
	Pounds.	Pounds.	Pounds.
Alabama	28,154	35,054	34,908
Alaska	960		
Arizona	3,322	7,218	13,723
Arkansas	30,839	36,354	35,151
California	2,855	7,404	1,042
Colorado	120,218	232,691	242,320
Connecticut	20,940	18,700	32,030
Delaware	10,450	19,771	13,410
District of Columbia	61,958	75,905	53,147
Florida	21,027	38,206	42,655
Georgia	33,205	55,899	69,619
Hawaii	20,000	20,000	

Number of pounds of oleomargarine shipped and sold, etc.—Continued.

State or Territory.	July.	August.	September.
	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>
Idaho.....	260	3,212	4,214
Illinois.....	1,580,044	1,985,296	1,912,845
Indiana.....	407,884	485,890	596,722
Indian Territory.....	4,706	16,104	17,372
Iowa.....		5,715	6,827
Kansas.....	88,759	147,779	192,100
Kentucky.....	153,590	197,687	186,015
Louisiana.....	79,590	101,672	117,632
Maine.....	20,750	43,928	37,820
Maryland.....	136,773	181,547	171,402
Massachusetts.....	214,648	261,205	230,769
Michigan.....	168,047	257,715	278,940
Minnesota.....	20,883	35,836	20,676
Mississippi.....	8,176	25,577	13,616
Missouri.....	301,826	384,387	379,079
Montana.....	32,182	44,876	48,225
Nebraska.....	25,847	82,795	89,576
Nevada.....			320
New Hampshire.....	27,770	14,500	33,700
New Jersey.....	808,396	960,143	833,854
New Mexico.....	5,526	11,179	42,304
New York.....	10,896	16,342	14,735
North Carolina.....	10,483	21,266	12,290
North Dakota.....			40
Ohio.....	811,917	1,100,141	1,180,864
Oklahoma.....	21,461	40,939	82,507
Oregon.....		600	870
Pennsylvania.....	628,562	701,631	830,478
Porto Rico.....	800	540	540
Rhode Island.....	284,981	314,785	310,512
South Carolina.....	13,705	35,585	21,933
South Dakota.....	1,100	1,554	2,460
Tennessee.....	40,253	62,973	69,758
Texas.....	42,445	102,223	178,139
Utah.....	200	1,100	
Vermont.....	370	582	1,077
Virginia.....	144,643	160,419	140,864
Washington.....	1,500	3,800	6,100
West Virginia.....	159,400	170,713	258,894
Wisconsin.....	61,697	79,436	147,292
Wyoming.....	1,346	4,946	5,993
Total.....	6,675,314	8,593,700	8,967,619

Mr. HEITFELD. Mr. President, this latter table shows that the amount shipped into and consumed in the different States is much the same as in the first table; some States consuming a very large amount while in others the consumption is merely nominal.

A study of these tables shows that New York is not the only State that successfully controls this article. Iowa seems to be able to enforce its "anticolor" law, the consumption in this State being one-tenth of 1 per cent.

My own State, which has only a "branding" law, consumed during the fiscal year 1899 but seven one-hundredths of 1 per cent, and, according to the quarterly statement inserted, its consumption for the present fiscal year will be fully one-third less.

The State of Washington, with its 500,000 people, consumed during the fiscal year 1899 but eight one-hundredths of 1 per cent, which is about 2 ounces per capita for the year, and, according to the reports for the first quarter of the present fiscal year, the consumption in this State will be fully one-third less than for the year ending June 30, 1899. Washington, like New York, appears to be able to enforce its own laws.

The Genesee News, a paper published near my home in Idaho, gives an account of a case just decided by the supreme court of the State of Washington, which shows that this State is fully capable of looking after the enforcement of its own laws. The article is as follows:

Renovated butter, unless plainly branded as such, can not be sold in the State of Washington and ought not to be in any other State. Three hundred pounds of the renovated article, consigned by Hathaway & Co., of Sioux City, Iowa, to R. Brown, a wholesaler of Spokane, were seized by Food Commissioner McDonald October 14, 1900, because the butter was not plainly marked "Renovated butter," in accordance with the Washington pure-food law. Hathaway & Co. sued in replevin to recover the butter, or its value, and the lower court gave them a judgment. Upon appeal of the case the supreme court has just handed down a decision reversing the decision of the lower court and upholds the commissioner for his action in every particular.

It is true the proposed legislation is of the same sumptuary character as the law it proposes to amend. Still there is a vast difference between the present law and the proposed measure. The tax imposed by the present law, without being a serious burden, gives the Federal authorities all the powers necessary to carry out its provisions. The proposed measure can do no more in that particular direction; but the additional tax provided for in this measure can, and the advocates of the measure fondly hope will, practically annihilate the oleomargarine industry and deprive the people of a cheap and healthful article of food.

The tax imposed by the present law perhaps produces some little revenue, but the most of the income from that source is needed to carry out its provisions. The 10-cent tax proposed by the bill under consideration is said to be prohibitive, while the tax imposed on the uncolored article, if such an article ever finds a market,

will in all probability not be sufficient to pay the cost of supervising the manufacture and sale of these goods.

Secretary Gage, when asked in the Committee on Agriculture about the revenue features of this bill, said:

Of course I only feel at liberty to state my views as the Secretary of the Treasury, and only upon that part of the bill which involves the question of revenue. I might have personal views which go far beyond those, but you would probably not care much about them.

There is, in my opinion, an objection to the bill on either theory. If it is a revenue producer, it is superfluous; we do not need it. If it is not a revenue producer, then the title of the bill is a misnomer, and it is inoperative in the name of revenue. It seems to me that on either theory there are serious objections to it. I think that covers all I care to say directly on the subject.

The senior Senator from Kansas stated the other day that the Senate Committee on Manufactures in its investigation had divided food products into two classes. I will quote the Senator's language: "One where the adulteration is deleterious to health and injurious, and we wish to abolish that class wholly and altogether. Another class is where it is merely a sophistication and a fraud upon the pocketbook."

Now, if the Senator does not consider oleomargarine as belonging to the first class, and hence not being deleterious to health, why should it be put in the class that is to be destroyed? It is because of my belief that this measure will accomplish its destruction that I can not give it my support. I believe that the substitute offered by the Senator from Mississippi on behalf of the minority of the committee will accomplish all that is necessary and all that the real friends of the dairy interests hope to accomplish. The provisions of the substitute are such as to guard against any possible fraud. Section 2 of the substitute reads as follows:

SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of one and two pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word "Oleomargarine" in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word "Oleomargarine" printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word "Oleomargarine" printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each one and two pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word "Oleomargarine," with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

The Secretary of the Treasury, Mr. Gage, gave it as his opinion that the substitute would be an efficient safeguard against fraud; that the probability of anyone selling this product as butter would be reduced to a minimum.

The substitute provides a penalty more severe than the bill itself. In the bill the fine for each offense is not less than fifty nor more than five hundred dollars, and the imprisonment not to be less than thirty days nor more than six months. The substitute provides for a minimum fine of \$100, the maximum being the same as provided in the bill; the imprisonment is the same as in the committee measure. The substitute, however, provides in addition to these fines and penalties that for a second and every subsequent offense the offender shall be fined not less than two hundred nor more than one thousand dollars, and that he shall be imprisoned not less than sixty days nor more than two years.

Mr. President, one of the peculiarities of the majority bill under consideration is its section 2, which provides as follows:

SEC. 2. That the first clause of section 3 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended by adding thereto after the word "oleomargarine," at the end of said clause, the following words:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof."

A serious objection to this section of the bill is the provision that no ingredient shall be added that causes it to look like butter of any shade of yellow. Since in the manufacture of this product a number of articles are used that are yellow, it would appear that this provision was inserted for the express purpose of prohibiting the use of these particular ingredients. Neutral lard is the only ingredient that enters into the manufacture of this product that is pure white. Oleo oil, made from the caul fat of the beef, is of a very decided yellow color. Cotton-seed oil, butter oil, milk, cream, and butter are used in the manufacture of this product. All of them are more or less yellow, and it is a question whether the makers of oleomargarine would be allowed to use them. Certainly more than 50 per cent of the materials that go



to make up the component parts of this product may be eliminated by this provision.

I doubt whether there is to-day upon our statute books a law that contains provisions more objectionable than some of those in this bill. Certainly no existing revenue measure is so drastic. Even the laws governing the manufacture and sale of liquors are less severe.

There is one provision of the pending bill which at first glance appears to be mild. Under it every man, for the use of his own family and guests without compensation, may color his own oleomargarine to suit his own fancy. It is evident that this provision is intended as a sop to the poor man who does not think he ought to be denied the right to have his oleomargarine look as he likes it and to eat it as he relishes it. If this bill becomes a law there will probably be given to every purchaser of oleomargarine a bottle of coloring matter and directions for using it. Every good housewife will then at once proceed to educate herself in the line of dyeing her little old pound of white oleomargarine to make it look as she fancies it.

But the serious feature of this provision is that it subjects the house of almost every man to the espionage of the revenue officer. Wherever a family takes in one or two boarders we will find a revenue officer eyeing the premises with suspicion. It would not only affect the hotels and regular boarding houses, but every house in which there is a temporary boarder might be subjected to odious domiciliary visits.

The number of officers necessary to carry out the provisions of the bill is a matter of speculation. There is little doubt but that this particular provision will be frequently violated. The class of houses that take in boarders at from \$3 to \$5 a week can not very well afford butter when it costs from 28 to 35 cents a pound. Neither can they afford to serve colored oleomargarine at the price it will sell for when subjected to a 10-cent tax.

Mr. President, I am opposed to the proposed bill because it would injure and hamper a legitimate industry; because I believe it is designed to make impossible the manufacture of a wholesome article of food—a food necessary to the comforts of that class of our citizens who can not afford the luxury of dairy butter. I consider the substitute offered by the senior Senator from Mississippi the better measure in every respect. No law that we can frame will meet the approbation of all, nor will any law entirely prevent fraud and deception. I believe that this substitute would accomplish all that is necessary, and all that the dairy interests ought to ask.

Mr. GALLINGER. Mr. President, this bill is a protest against fraud and a vindication of the simplest principles of common integrity.

It aims to protect an honest and legitimate industry from the encroachments of a dishonest business—a business that is masquerading under false colors and depending for success upon misrepresentation and duplicity.

It asks no special favors for the dairy products of the country, but demands that the mixture known as oleomargarine shall be sold for what it is, and not under the false pretense that it is genuine butter.

That is all the bill aims to accomplish, and no special pleading will prove to the contrary.

Thirty States of the forty-five have anticolor laws, and the proposition is to incorporate the same principle into a Federal statute the better to regulate the manufacture and sale of the product known as oleomargarine. To avoid all question as to the constitutionality of the proposed legislation it is made a revenue law by the imposition of a tax on the manufactured article.

#### THE CONSTITUTIONAL ARGUMENT.

Mr. President, as might have been expected, the constitutional argument has been brought into this discussion. Indeed, whoever knew of attempted legislation in the interest of the farmers that was not met by constitutional objections? The poorer the cause the more strenuously is the Constitution relied on to help its advocates out of their difficulties.

According to those who always invoke the Constitution, it is constitutional to dig out shallow streams for the benefit of prospective commerce, but it is unconstitutional to make a subvention in behalf of steamship lines to build up our merchant marine and extend commerce already established.

It is constitutional to expend millions upon millions of dollars on certain rivers, largely to protect private property from inundation and destruction, but it is unconstitutional to appropriate a single dollar for the protection of private property differently situated.

It is constitutional to enact pure-food laws to protect the people from adulterated and harmful articles of food, but it is unconstitutional to require oleomargarine to be sold for what it really is, thus protecting the consumer from palpable imposition and fraud.

As I have listened to learned and elaborate disquisitions on the Constitution and noticed that that instrument is invoked in behalf of the most inconsistent propositions, it has occurred to me

that a certain distinguished Presidential candidate who declared that the tariff was a local question might well have included the Constitution in his characterization.

Justice Harlan, in delivering the opinion of the Supreme Court of the United States in the *Plumley* case, swept away this sophistry in a single sentence when he said, "The Constitution of the United States does not secure to anyone the privilege of defrauding the public." And he further declared that the deception which this bill aims to prevent is "an offense against society."

The Senator from Mississippi [Mr. MONEY] in the able speech he delivered a few days ago denounced this bill as "unconstitutional, unjust, immoral, and dishonest," and I wondered that he did not add "wicked, cowardly, cruel, and abominable." It seemed to me at the time that his adjectives did not do justice to his feelings and that he stopped far short of his opportunities. As the learned and distinguished Senator pictured the wickedness of the proposed legislation I was reminded of the good old woman who said that her boy was totally depraved and growing worse every day. [Laughter.]

The Senator from Mississippi declared the bill to be unconstitutional, yet in reply to an interrogatory of the Senator from Wisconsin [Mr. SPOONER] he admitted that the courts would probably not agree with him on that point, so the advocates of this measure need have no serious fears that the courts will declare the law to be in violation of the Federal Constitution.

#### SOME VETOES.

I recall the fact, Mr. President, that nearly half a century ago New Hampshire gave the United States a President. He was a very able man and a Democrat of Democrats. Like the Senator from Mississippi, he was a strict constructionist, and never lost an opportunity to summon the Constitution to his aid. On May 3, 1854, President Pierce, in the exercise of his constitutional prerogative, vetoed a bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons," declaring the legislation to be clearly unconstitutional. If I mistake not, at this very session of Congress we have passed bills making appropriations of a similar kind, and no one ventured to suggest that they were unconstitutional.

In August of the same year President Pierce vetoed a bill "making appropriations for the repair, preservation, and completion of certain public works." In this veto message he took occasion to say that he was opposed to a general system of internal improvements. Not content with that message, which was written near the close of the session, he sent in a supplemental message during the early days of the next session, which was an elaborate exposition of his reasons for vetoing the bill. That message covers 14 printed pages, from which I will read three brief extracts. President Pierce said:

It is quite obvious that if there be any constitutional power which authorizes the construction of "railroads and canals" by Congress, the same power must comprehend turnpikes and ordinary carriage roads; nay, it must extend to the construction of bridges, to the draining of marshes, to the erection of levees, to the construction of canals of irrigation; in a word, to all the possible means of the material improvement of the earth, by developing its natural resources anywhere and everywhere, even within the proper jurisdiction of the several States. But if there be any constitutional power thus comprehensive in its nature, must not the same power embrace within its scope other kinds of improvements of equal utility in themselves and equally important to the whole country? President Jefferson, while intimating the expediency of so amending the Constitution as to comprise objects of physical progress and well being, does not fail to perceive that "other objects of public improvement," including "public education" by name, belong to the same class of powers. In fact, not only public instruction, but hospitals, establishments of science and art, libraries, and, indeed, everything appertaining to the internal welfare of the country, are just as much objects of internal improvement, or, in other words, of internal utility, as canals and railways.

#### Again President Pierce declared:

From whatever point of view, therefore, the subject is regarded, whether as a question of express or implied power, the conclusion is the same, that Congress has no constitutional authority to carry on a system of internal improvements; and in this conviction the system has been steadily opposed by the soundest expositors of the functions of the Government.

#### And then he emphasized his views in these words:

If an appropriation for improving the navigability of a river or deepening or protecting a harbor have reference to military or naval purposes, then its rightfulness, whether in amount or in the objects to which it is applied, depends, manifestly, on the military or naval exigency, and the subject-matter affords its own measure of legislative discretion. But if the appropriation for such an object have no distinct relation to the military or naval wants of the country, and is wholly, or even mainly, intended to promote the revenue from commerce, then the very vagueness of the proposed purpose of the expenditure constitutes a perpetual admonition of reserve and caution. Through disregard of this it is undeniable that in many cases appropriations of this nature have been made unwisely, without accomplishing beneficial results commensurate with the cost, and sometimes for evil rather than good, independently of their dubious relation to the Constitution.

These were the views of a Democratic President forty-eight years ago, but how widely they differ from the views of Democrats of the present day. The Senator from Mississippi does not accept them, for he will vote for the river and harbor bill, as I shall, which will soon be presented to this body, and which will appropriate many millions of the people's money for the very purposes that President Pierce declared to be unconstitutional.



And it is interesting to note the fact that two years later President Pierce vetoed a bill which proposed "the removal of obstructions to navigation in the mouth of the Mississippi River at the Southwest Pass and Pass à l'Ouvre," saying:

These objections apply to the whole system of internal improvements, whether such improvements consist of works on land or in navigable waters, either of the seacoast or of the interior lakes or rivers.

Shortly after that he vetoed bills "for continuing the improvement of the Des Moines Rapids in the Mississippi River," "for the improvement of the navigation of the Patapsco River and to render the port of Baltimore accessible to the war steamers of the United States," for "an appropriation for deepening the channel over the St. Clair Flats in the State of Michigan," and for "an appropriation for deepening the channel over the flats of the St. Marys River in the State of Michigan."

I cite these historical incidents simply for the purpose of emphasizing the fact that it is no new thing for the Constitution to be invoked in opposition to measures that the people approve. The constitutional arguments of Franklin Pierce long since ceased to have any potency, and the constitutional arguments of my genial and able friend the Senator from Mississippi and others against this bill will in due time be relegated to the limbo of forgotten things.

It does not seem necessary to waste time in refuting the charge of the Senator from Mississippi that the bill is unjust, immoral, and dishonest. As I understand the bill, it is precisely the opposite of that, its chief aim and purpose being to compel the manufacturers of and dealers in oleomargarine to be just, moral, and honest; to discontinue the perpetration of fraud, and conduct their business squarely and legitimately. That seems to be the underlying principle of the bill, and surely that is commendable.

#### INTERESTING STATISTICS.

The Senator from Vermont [Mr. PROCTOR], the chairman of the Committee on Agriculture and Forestry, gave the statistics of the manufacture of oleomargarine in detail in his opening speech on this bill, and it is therefore unnecessary that I should repeat them. It is sufficient on that point for me to say that this is becoming a great industry, which if honestly conducted has a right to demand from the Government fair and impartial treatment, but which if dishonestly conducted should be treated as an outlaw and a fraud on society.

It appears from the reports of the Twelfth Census that the production of oleomargarine increased from 32,324,032 pounds in 1890 to 107,045,028 pounds in 1900, the value of the product in 1900 being \$12,499,812. The taxes under existing law are a general tax of 2 cents per pound, a manufacturer's tax of \$600, a wholesaler's tax of \$480, and a retailer's tax of \$48. The aggregate tax on the product paid to the Government in the year 1900 was \$2,543,785. The present bill does not interfere with the schedule of taxes imposed on the manufacturer, the wholesaler, or the retailer, the proposed changes in the law being that on oleomargarine colored in imitation of butter the tax shall be increased to 10 cents per pound, while if sold in its natural color, so that it can be easily distinguished from butter, the tax shall be reduced from 2 cents to one-fourth of a cent per pound. That is all there is to the bill, and I find in it nothing that I can not indorse and approve.

#### RENOVATED BUTTER.

I am pleased to see that the Senator from Kansas [Mr. HARRIS], a member of the committee, has offered an amendment in reference to so-called "renovated" or "process" butter, imposing taxes on the product, and providing adequate penalties for a violation of the statute. The proposed amendment seems to be better adapted for the purpose than the provision in the House bill. It strikes me that this "renovated" butter, made out of the odds and ends of various substances, to which are added chemical agents, is even a greater evil than the fraudulent features of the oleomargarine business; and I venture to express the earnest hope that whatever provision goes in this bill concerning it will be fully adequate to remedy the existing evil. The purpose of this legislation being to protect pure dairy products from imposition and fraud, it becomes our manifest duty to strictly regulate the manufacture and sale of butter compounded from rancid and unhealthy substances and made palatable by the aid of the laboratory and the addition of poisonous chemicals.

#### THE DAIRY INTERESTS.

The junior Senator from Iowa [Mr. DOLLIVER], in his entertaining, instructive, and eloquent speech on this bill, left little for any of us to say regarding the dairy interests of the country. I believe, however, that he did not give the statistics of the dairy products of American farms, as shown by figures recently promulgated by the Director of the Census. They are as follows:

The complete census statistics of dairy products show that of the 5,739,657 farms in the country, 4,514,210 report dairy cows and dairy products, and that in 1899 the total dairy product had a valuation of \$472,309,255. Of the farms reporting dairy cows and product, 357,578 were classed as dairy farms, having derived at least 40 per cent of their gross income from dairy products. The number of dairy cows was 17,139,674.

The receipts from dairy products sold aggregated \$281,629,958, and products consumed on the farm were valued at \$190,730,297. There were produced from the dairy cows reported a total of 7,266,392,674 gallons of milk, an average of 424 gallons per cow. Of this milk, 2,134,915,542 gallons were sold for which the farmers received \$184,842,232. The farmers also report the sale of 20,768,662 gallons of cream, for which they received \$8,838,776. Farms numbering 3,617,440 report the manufacture of butter, and 15,670 report the manufacture of cheese.

The farms reporting butter manufactured 1,071,745,127 pounds, of which 518,139,026 pounds were sold, for which the farmers received \$86,606,446. Farms reporting cheese manufactured 16,372,330 pounds, of which 14,692,542 pounds were sold, for which the farmers received \$1,342,444.

New York reports the largest number of dairy cows, 1,501,608; the largest value of dairy products, \$55,474,155, and the largest number of gallons of milk produced, milk sold, cream sold, and butter, as well as cheese, made. Pennsylvania comes second in the value of dairy products.

This is certainly an interesting exhibit, and calls attention to the vast importance of the industry that this bill is designed to protect from imposition and unfair competition.

New Hampshire has strict laws relating to adulterated butter, oleomargarine, and imitation cheese. The coloring of oleomargarine in imitation of butter is prohibited precisely as this bill provides, but notwithstanding the laws of the State the people of New Hampshire are substantially a unit in favor of the legislation embodied in this bill. The recent census shows that there are 115,036 dairy cows in the State, which is a gain of 22 per cent since 1850, and a gain of 6 per cent in the last decade. New Hampshire has, in proportion to her population, almost 50 per cent more dairy cows than the State of New York.

Mr. President, the Patrons of Husbandry in this country number 500,000, and they are entitled to be heard on a subject that vitally concerns their welfare. They are banded together for mutual instruction and help. Naturally they are jealous of their rights, and are properly alarmed over the dangers that threaten a leading industry in which they are engaged, because of competition with an inferior and cheaper article colored in imitation of genuine butter. They have voiced their opposition before committees of Congress and in the agricultural press of the country, and they are now looking to the Senate to do them justice. Their contention was never better stated than by Hon. Aaron Jones, master of the National Grange, when he said to the Committee on Agriculture of the House of Representatives:

The time has come when the American people want to get back to the good old system of doing business that is square and honest between man and man. So, whatever we undertake, we insist that the man who sells us the article must make his representations true and right. This is the principle upon which this Republic has prospered in the past; it is the principle upon which it will prosper and must prosper in the future.

#### THE GRANGE SUPPORTS THE BILL.

Mr. President, in behalf of the State Grange and 258 subordinate granges in New Hampshire, composed of intelligent, industrious, and thrifty men and women, as well as in behalf of the State Dairy-men's Association and the State Board of Agriculture—in behalf of manufacturer, laborer, and farmer alike—I support this bill, believing that it embodies the cardinal principles of common honesty and represents the moral convictions of an enlightened and progressive people. It proposes to legislate against a palpable and brazen fraud, to the end that the honest farmer and dairyman may have protection from the wicked ingenuity and dishonest devices of a class of men whose highest ambition seems to be to rob the unsuspecting, and gain profit by unscrupulous and unworthy transactions.

#### A DANGEROUS SUBSTITUTE.

The minority of the committee propose a substitute which gives colored oleomargarine the protection of the interstate-commerce laws to come into a State and be sold in 1 and 2 pound packages in absolute violation of the laws and will of the States. It furnishes no protection whatever to the guest at the hotel, restaurant, or boarding house, and also protects the retailer in the possession of an article which he can upon convenient occasion palm off as butter to unwary customers whom he knows not to be detectives or officers. Instead of settling this question once and for all, as Congress should at this session, and thus quiet the conflict that has been raging for years throughout the country, the passage of the substitute would simply place upon the shelves of the grocers, beyond the reach of State laws, counterfeit butter, and reveal Congress in the light of protecting makers and sellers of oleomargarine instead of affording relief to the millions of producers of butter. Instead of settling the question, it would simply aggravate the situation; it would be giving a stone where bread is asked. Surely the Senate will not lend itself to such a dangerous and dishonest proposition.

#### A GOOD BILL.

The bill under consideration threatens no harm to the oleomargarine industry if honestly conducted, but it does lay the strong hand of the law on the business if carried on along the lines of deceit, misrepresentation, and false pretense. It does not propose to restrict or prevent the sale of oleomargarine as such. On the contrary, it reduces the tax on the product from 2 cents to one-fourth of 1 cent per pound when it is sold in its natural color and not in imitation of dairy butter.



Mr. President, I can conceive of no higher function of government than to protect and shield those of its citizens who are engaged in legitimate enterprises from the insidious and destructive attacks of men who place personal gain above truth, honor, and integrity. Thus believing, I shall unreservedly and gladly give my vote in favor of this wise and beneficent measure.

Mr. SPOONER. Mr. President, it is my desire to address the Senate as briefly as I may upon this bill. The speeches which have been made in advocacy of it have been exceptionally strong, and I think it is only a fair concession to the Senators who have spoken against it to say that they have left little, if anything, to be said in opposition to it. As I have listened to the arguments in opposition, for they have been arguments, I have been reminded of the debate upon the bill now and since 1886 a law upon the statute book. My friend the Senator from Colorado [Mr. TELLER] and many other Senators who are here now and were here then will remember it.

Its constitutionality was attacked upon the same ground precisely as is the constitutionality of the pending bill, and it was hysterically urged that it was a tax intended to destroy one industry for the benefit of another; that it was, as the Senator from North Carolina [Mr. SIMMONS] who from his standpoint made a very strong speech, called it, class legislation. The manufacturers have not challenged in the courts successfully the constitutionality of the existing law, levying upon this product an excise tax of 2 cents a pound, with provisions regulatory and punitive in their character; and I think everyone will admit that the operation of the law, from the oleomargarine standpoint, has been largely beneficial to the manufacturers of that article.

In the debates of that day it was made very apparent that in some portions of the country this product as manufactured was extremely deleterious. The evidence in support of that was quite overwhelming. The number of manufacturing establishments, under the operation of Government regulation provided by the existing law, has diminished, but the output of oleomargarine and butterine has very greatly increased. So while at that day it was a product entitled to be regarded with suspicion, so far as its healthfulness was concerned, to-day it seems to be generally admitted that it is a healthful product. I do not say as healthful as good butter, but a relatively healthful product and therefore a legitimate article of commerce.

I believe, notwithstanding the vehement attack upon this bill, that, if enacted into law and if under its provisions oleomargarine and butterine shall be brought into the open, to be sold for what they are instead of for something which they are not, their production in legitimate competition and under the flag of fair play will not be diminished, but will increase.

I say now that if this were a proposition to tax a legitimate article of commerce for purposes of repression, in order to eliminate fair competition with another legitimate article of commerce, I should not vote for it; but to my apprehension it is not that at all.

My friend the Senator from Mississippi [Mr. MONEY] made an argument against this measure from a constitutional standpoint, and he always speaks intelligently and ably upon any subject with which he is concerned. But it is a long way from impeaching the constitutionality of this bill to cite the Topeka case and Mr. Justice Miller's opinion in it. That case was without question correctly decided, and it enunciated a principle which no lawyer at this day will attempt to controvert, but it is far away from any principle involved in this bill.

In that case the municipality under legislative authority issued bonds to be paid, principal and interest, by moneys raised from taxation upon all the taxable property in the municipality. For what? To be turned over to private individuals who were engaged in the construction of iron works in that city, confessedly not from the standpoint of the law a public purpose. No lawyer will pretend that it stood upon the basis of a railroad, because the railroad company is permitted to exercise, the use being a public use, the ultimate power which the State has over the property of the citizen—the power of eminent domain, to take it whether you will or not, at a price to be agreed upon if possible; if not, to be fixed by others.

No iron company, no manufacturing company, could be given the power to condemn land, to take private property for its use, because under all the decisions that is a private and not a public use. And so Mr. Justice Miller held—and he was one of the greatest judges who ever sat upon any bench, in my judgment—that the act was unconstitutional for the reason that it was an attempt, through the power of taxation, to take money from the owners of taxable property in that municipality and transfer it to individuals for a purely private purpose. That is not this case.

Nor does the oft-quoted sentence—and it is dangerous to quote sentences from opinions—from Judge Cooley have the slightest reference to any principle involved in this proposed legislation. He defines a tax to be what we all know it to be, and he says a

tax not for a public purpose is tyrannical. That is true. But that, when you come to the application of it, does not tend even to show that the tax proposed here is not for a public purpose.

There have been and are two schools of constitutional construction in this country. It is unnecessary to subdivide them. There is the one school—and I do not refer to it without due deference—which has been for the strictest possible construction of the Constitution, moved thereto primarily by the desire to exaggerate the jurisdiction and power of the State as against the power of the Federal Government, so strict that it was necessary that it should eliminate some words from the taxing clause of the Constitution or, what is the same thing, give them no effect whatever. On the other hand, there is the other, which has taken a broader and, I think, a more correct view of the Constitution. Perhaps education and environment have something to do with my view upon that question just as education and environment have had something to do with the narrower view upon it.

The language of the Constitution to me has always seemed quite plain. Section 8 provides:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

I shall not contend, although a Republican and bred in what is called the liberal school, that the general-welfare clause is a substantive power without limit. It is not necessary to sustain this bill that one should so contend. I am willing, and have been accustomed, to adopt the theory of Judge Story about it. He inserted the words "in order," so that it would read:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and general welfare of the United States, etc.

From the foundation of the Government the broad construction has been put legislatively, and I think legally, upon the taxing clause of the Constitution. On the one theory a protective tariff is unconstitutional, the Congress being authorized only to tax for revenue purposes and nothing more, primarily. With these constructionists whatever protection comes from such taxation must be purely incidental. From the beginning of the Government, as stated by the distinguished Senator from Massachusetts [Mr. HOAR] the other day, Congress has, in the exercise of this power conferred by section 8, levied protective duties, discriminating duties, and the power to collect from duties and imposts is precisely the same power and subject to the same restriction as the power to collect from excises. I think almost the first bill passed by the Congress, approved by George Washington, was a protective tariff bill.

Mr. ALLISON. The first one.

Mr. SPOONER. The very first one; approved, I think, on the 4th of July, contemporaneous almost with the adoption of the Constitution. It levied duties, and its known purpose in levying those duties and its declared purpose was inconsistent with the narrower construction which has later by strict constructionists been placed upon that clause. So from that day to this we have in the exercise of this power, so far as it relates to duties and imposts, exercised it with reference to subserving the interest of our people as it might seem best to Congress, sometimes with little regard to the income or revenue which it would bring into the Treasury.

It will not do to say at this late day, either from the standpoint of legislation or from the standpoint of the decisions, that it is not constitutional for Congress to levy duties except for revenue only. Congress once—and that question was involved in the license-tax cases—levied an excise, a special tax, upon the sale of lottery tickets and upon the sale of liquor, one at least being prohibited by the laws of the State of New York and the laws of many other of the States. We have in our law to-day, and we have had for many years a tax of \$10 a pound on opium manufactured for smoking purposes in the United States.

Does anyone pretend that that tax was imposed for revenue purposes? Of course if any were manufactured and it was discovered, it would bring into the Treasury revenue; but that was not the primary object of the tax. It was to make, by reason of the tax, opium for smoking purposes a luxury too expensive to be indulged in by our people. It was a repressive tax and was levied not so much with reference to revenue as it was levied with reference to the general welfare of the people of the United States. It was imposed because it is known to be a drug fascinating in the extreme, quickly entralling those who use it, sure as death to wreck the body and the brain of man or woman, and because of that and to guard our people against its baleful influence, as far as law can guard a people against a habit, and thereby to promote the general welfare of the United States that tax was levied.

All through our tariff laws we find duties levied upon champagne and other wines not containing more than a certain percentage of alcohol. The same thing is true as to brandy. A much



higher rate is imposed if the quantity of alcohol exceeds the statutory limit. We find in our tariff laws provisions against imitations, whether composed of the thing upon which the tax in the genuine article is levied or not, with a high rate of taxation. That has been so from the beginning, and whatever party has control of the Government it will be so to the end. That is not for the purpose of obtaining revenue from the imitation, but it is for the purpose of securing the collection of the tax imposed upon the genuine article.

Take the tax upon the circulation of State-bank notes. Does anyone pretend that that tax was levied for revenue purposes? It has been conceded by the Supreme Court of the United States in more than one decision that that was not its object. It was a tax intended to destroy the circulation of State-bank currency. I will not spend much time on this matter.

Mr. MONEY. Mr. President, if the Senator will allow me, I do not think he need spend any. Nobody disputes that proposition.

Mr. SPOONER. What proposition?

Mr. MONEY. The one that the Government had a right to tax out of existence State-bank currency. I do not think there is a man in the Chamber who disputes that proposition.

Mr. SPOONER. But the Senator puts it on the ground that it was in aid of the power conferred by Congress to furnish a currency for the country.

Mr. MONEY. I said the Government had a right to make use of any instrument it thought necessary to take care of itself. In war money is a most necessary and primary thing, but I do not think any Senator will dispute the right of the Government to tax State-bank currency in competition with national-bank currency.

Mr. SPOONER. It was not done in the exercise of a war power at all. Under its power to regulate the currency Congress has clear authority to prohibit the issue of State-bank circulation. Congress could have directly done, under the power conferred specifically relating to that subject, what it did by taxation indirectly. But not because it was required in aid of another power, but because under the plain language of section 8 it had the power to do it, Congress saw fit to resort to the taxing power and exercised the taxing power in order to deprive the States of a function which, from the foundation of the Government, they had been in undisputed exercise of, not for revenue, although some revenue might be derived from it, and the construction by Chief Justice Chase in that case of this section 8 and the unlimited character almost of the taxing power is as broad as any man ever could suggest.

Now, Mr. President, what is this tax? In the first place, it is a reduction of the tax on oleomargarine. The tax under the existing law is 2 cents a pound. We have been reducing taxes, perhaps too rapidly. That I do not know. That I think nobody can know to-day. But dealing with oleomargarine, as Congress has dealt with other subjects of taxation, it is proposed here to reduce the tax on oleomargarine from 2 cents a pound to one-quarter of 1 cent per pound.

Does anyone contend that the Congress may not levy a tax constitutionally upon oleomargarine? I know of no limit myself to the taxing power under section 8, outside of the specific limitations which we find in the Constitution, so far as concerns objects of taxation, except that we must not exercise the power of taxation to weaken in any way the administration of the States or the instrumentalities employed by the States in government.

I have heard no one contend that Congress may not properly, if it so chooses, levy a tax upon this product. The present tax has brought revenue, I think, altogether perhaps \$11,000,000—it may be more. This tax of one-quarter of 1 cent a pound will bring revenue. The object of the tax is revenue. No one will pretend that the bill could originate under the Constitution in this Chamber. It is not a tax like the tax involved in the head-money cases, which the court sustained as a regulation of commerce and declared was not imposed in the exercise of the taxing power conferred by section 8. This tax is imposed under the taxing power contained in section 8. There might be other objects upon which the tax should be levied.

Mr. BAILEY. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Certainly.

Mr. BAILEY. Do I understand the Senator from Wisconsin, then, to concede that he does not defend this bill as an attempt to exercise the authority of Congress under the commerce clause of the Constitution?

Mr. SPOONER. No—

Mr. BAILEY. The Senator may defend that position, but he differs with all who have spoken on the other side.

Mr. SPOONER. I am not proceeding on that line at this time. I am claiming that Congress has under the Constitution the power to levy this tax on oleomargarine as it has the power, I suppose, to levy a tax on butter; as it has the power to levy a tax on cotton-seed oil and any other of the objects of commerce which may

be taxed by Congress. The limit is hard to find. But in selecting objects of taxation we are not limited at all to objects which will produce the largest amount of revenue. In selecting objects of taxation we have a right to keep in mind, as every Congress has kept in mind, the general welfare of the people of the United States. The object of taxation is revenue. The motive with which, for one, I vote to select this particular article for taxation is the interest, as I understand it, of the people.

But this bill provides that if oleomargarine (and I do not use the language of the bill) is colored in imitation of butter the tax upon it shall be 10 cents a pound. That brings to my mind no difficulty whatever. To me that is a regulatory tax legitimately imposed in aid of the collection of the tax levied upon the genuine article, as is done in many, many instances, as my friend from Iowa [Mr. ALLISON] knows better than I do, for he knows everything about tariff laws and our financial or fiscal legislation. There is no tax on butter, and if this article is so made as not to be easily distinguishable from butter it might evade the tax imposed upon oleomargarine. When an article taxed is made to counterfeit an article not subject to tax it may have upon it and ought to have upon it, a higher tax—in order to secure identification of the genuine article as against the fraud or counterfeit which, if successful, evades the tax intended to be imposed by Congress upon the genuine article. It is on precisely the same principle that Congress has the power to put a higher duty upon counterfeit brandy which, if successful, might evade the tax on genuine brandy than it puts upon the genuine brandy.

We have provided in our laws a tax upon cigarettes made of tobacco, and we have provided the same tax upon cigarettes made of a substitute for tobacco, although nothing in that substitute might be subject to a tax at all. We tax it because it is a counterfeit, and because if it were not taxed it would tend to defeat the Government in collecting the tax imposed and intended to be imposed upon the tobacco cigarette.

And so all producers of wine know that wine with a certain percentage of alcohol, champagne or still wine, is taxed at a certain rate, but if at their peril they, as an imposition upon our laws, include more, however little, than the statutory limit of spirits, a very much higher tax is imposed upon it. The degree of the regulatory tax upon the counterfeit or imitation is for Congress, having regard for the welfare of the people, to determine. The difference in tax upon the article intended to be taxed and the same article made to counterfeit an article not taxed finds justification in principle and abundant illustrations in our laws.

Another thing, Mr. President. This bill imposes license fees upon manufacturers and retail dealers. In aid of the collection of those fees or taxes Congress has the power, and may properly exercise it, to impose this added tax upon the counterfeit, because everyone knows that if no oleomargarine goes from the hands of the manufacturer into the hands of the retail dealer except that which speaks for itself, it will be easy, comparatively, to identify the person, manufacturer or retailer, who sells without the license, whereas if it is colored and made in the similitude of butter, so that one can not without the most careful and sometimes a scientific test distinguish between the two, it goes without saying that it would be easy for both the manufacturer and the retail dealer to escape the license fees or taxes.

If a man sells it for what it is, the Government officials know that they are justified in exacting from him the license fee imposed by law. If he sells it for butter, so that you can not tell the difference between butter and this counterfeit of butter, the difficulty of identification for purposes of taxation is infinitely increased.

Now, Mr. President, a business which confesses that in the present condition of the public taste and the public prejudice it can only exist by a method which cheats the ultimate purchaser into the belief that he is buying butter instead of oleomargarine—

Mr. MONEY. That will not do.

Mr. SPOONER. What will not do?

Mr. MONEY. That statement.

Mr. SPOONER. Why will it not?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. MONEY. I beg pardon. I did not intend to interrupt the Senator, and only shook my head by way of dissent. I do not think the oleomargarine manufacturer has colored oleomargarine with the intention of making the retail purchaser believe it was butter, but only that he might cater to the well-known public taste, just exactly as the manufacturer of butter uses the same substance to color the butter he makes. The Senator will excuse me.

Mr. SPOONER. Certainly.

Mr. MONEY. I did not intend to interrupt him.

Mr. SPOONER. I do not expect my friend to agree with me at all about anything this afternoon.

Mr. MONEY. Oh, yes; I did agree with you a while ago when



you stated the law, but when you come to a statement of fact I do not.

Mr. SPOONER. We are told by Senators, including my friend from Mississippi, that if the oleomargarine manufacturers are not permitted to continue to sell oleomargarine colored in the similitude of butter, they will be driven out of business.

Mr. MONEY. Now, will you allow me to correct that statement?

Mr. SPOONER. Certainly.

Mr. MONEY. Of course the Senator is ingenuous and does not intend to misstate anything.

Mr. SPOONER. Certainly I do not.

Mr. MONEY. I did not intend to be understood that way. What I distinctly said was that both articles were colored, one just as well as the other, not that one might imitate the other, but to cater to the well-known public taste.

Mr. SPOONER. That is different?

Mr. MONEY. I said that if the butter men would make their butter white, I thought it was quite likely that for the same reason which actuated them the butterine men would make their product white, not to imitate butter, but to meet the public taste. I did not admit at any time that it was the intention to defraud the ultimate purchaser or to deceive anybody.

I will say, also, that I am honestly of the opinion that the bill I have presented here as a substitute, representing the minority of the committee, will go further to prevent any sort of deception or imposition than the one brought in by the majority of the committee.

Mr. SPOONER. What effect does the Senator think it will have on the oleomargarine business if they manufacture oleomargarine and put it upon the market solely in its natural color?

Mr. MONEY. I think, with the permission of the butter men to color their butter and thereby maintain the public taste that way, the effect would be very disastrous upon the manufacturers of oleomargarine. In other words, it would carry out the purpose of the men who are behind the bill. It would eliminate their industry, the product of butterine, from the market. That is the object they have declared from time to time, as I said the other day. I am very candid about that. I think it would destroy it. I think it would perhaps hurt the butter men if we would prevent them from coloring the article in order to deceive anybody, and I will refer to the well-known fact that every creamery in the United States uses the very same coloring matter that is used by the butterine people, and it is done for the same reason.

Mr. SPOONER. Then the Senator does not really dispute what I said. What I was saying was that if the oleomargarine—

Mr. MONEY. I only corrected a statement; that is all.

Mr. SPOONER. What I was saying was that it is claimed that if the oleomargarine people are not permitted to manufacture and color their oleomargarine in the similitude of butter, but are required to manufacture it and put it upon the market in its natural color, that will destroy the business. Does the Senator dispute that?

Mr. MONEY. That was not the way I put it.

Mr. SPOONER. But it is the way I put it. Does the Senator dispute that?

Mr. MONEY. Yes; I dispute a part of it.

Mr. SPOONER. In what respect?

Mr. MONEY. The part in which I said a while ago that it is not done in imitation of butter.

Mr. SPOONER. I did not say that.

Mr. MONEY. Yes; you said colored in imitation of butter. You laid stress on it.

Mr. SPOONER. I will say colored so that it imitates butter.

Mr. MONEY. But it does not imitate butter.

Mr. SPOONER. Colored so that it looks like butter.

Mr. MONEY. No; it does not look like butter. It does not look like butter now. If you take oleomargarine and then take plain butter, they do not look alike, because the butter is not the color when it comes from the churn that it is when it is presented to the buyer in the market.

Mr. SPOONER. Oh, that is the old question—

Mr. MONEY. It is the solemn truth, nevertheless.

Mr. SPOONER. Oh, no.

Mr. MONEY. All the facts prove it.

Mr. SPOONER. That is the old question of color. The most impudent proposition I ever listened to in my life is the attempt by the manufacturers of hog and steer butter to claim the butter color to be their own.

Mr. MONEY. They invented it.

Mr. SPOONER. Invented the color?

Mr. MONEY. They discovered it, I mean. I did not mean that they invented it.

Mr. SPOONER. They discovered the color? Did they discover the color of June butter? If so, when?

Mr. MONEY. I am not speaking of June butter. I am speaking now of the article which is actually used by butterine, oleomargarine, and butter manufacturers in coloring their several products. It is all the same, and it was discovered first by the chemist who used it in the making of oleomargarine. It was adopted by the butter people, however. There is no objection to it when sold. It is perfectly innocent as far as I know. I have heard chemists say so, at least.

Mr. SPOONER. There is a natural color of butter, is there not?

Mr. MONEY. There are many colors of butter.

Mr. SPOONER. There is a natural color of June butter?

Mr. MONEY. No; there is no natural color of winter butter or August butter or January butter. Butter is butter.

Mr. SPOONER. Yes, Mr. President, that is it: Butter is butter.

Mr. MONEY. Yes; and it is not June butter, either.

Mr. SPOONER. And colored oleomargarine is a fraud upon butter. You may color butter as you please; it is still butter. You may color oleomargarine as you please, and it is still *not* butter. To say, Mr. President, that the manufacturers of oleomargarine discovered the butter color, that it is their trade-mark, and they have a right to use it in coloring their product to look like butter—

Mr. MONEY. No.

Mr. SPOONER. Yes; they do—to look like butter, is a piece of unparalleled impudence upon the part of those manufacturers. I am getting along in years; I am pretty near 60. I never lived on a farm; but I remember in my boyhood many, many times being a guest on a farm and seeing the farm wife make butter, yellow butter, June butter, and she attended to it with just as much care as she would her baby, and when it was finished with all the skill and art which she could command, ready for the market, pure, clean, sweet, yellow butter—proud of it as a queen would be of her crown. There was no oleomargarine then.

What do you say to this circular and the color card of Mr. Moxley, which was read by my colleague [Mr. QUARLES] the other day, which he sent out—a color card with different colors of butter marked upon it, calling attention to the different colors. I think one was white, was it not?

Mr. QUARLES. Yes.

Mr. SPOONER. And instructing his customers to ascertain the color which was "suitable to your trade" in that community, and he would send butterine of the required color.

Mr. MONEY. As the Senator's remarks appear to be directed to me, am I to regard that as a question?

Mr. SPOONER. The Senator may take it as a question.

Mr. MONEY. Then, I am willing to answer it, but I do not know anything about the fact which the Senator now states, except what was said the other day. I presume it to be correct, and I presume that the manufacturers of coloring matter for oleomargarine were trying to please the taste of their customers, and that there must be a different color for oleomargarine of different grades, as there is for butter of different grades.

I wish to say right here and now that these oleomargarine people have to suit the tastes of their customers, and, as I said the other day in my remarks in the Senate, they color oleomargarine crimson in the West Indies because the colored people there want that color.

Mr. SPOONER. Suppose all the butter makers in the United States by concert should arrange that on the first day of the second month from now butter should all be colored white, would not oleomargarine on that day be colored white?

Mr. MONEY. I do not know that it would.

Mr. SPOONER. I know that it would.

Mr. MONEY. But the public would first have to have shown a disposition to take white butter.

Mr. SPOONER. The Senator told me the other day, in answer to a question of mine, while he was speaking, that if butter were colored white, oleomargarine would be colored white.

Mr. MONEY. I said I thought so, but I did not know.

Mr. SPOONER. I think I know that it would.

Mr. President, it is so plain, taking the history of this product, that it is colored with sole reference to enable the manufacturers and retail dealers to sell it for butter that I am amazed that any man, here or elsewhere, can be found to question it.

Mr. RAWLINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Certainly.

Mr. RAWLINS. Mr. President, as I read this bill the tax is 10 cents a pound upon oleomargarine containing any coloring, a yellow color or a tint of it corresponding to the ordinary butter color. If the tax is paid the article may be disposed of without restriction.

Mr. SPOONER. That is without restriction so far as the United States is concerned.



Mr. RAWLINS. Without restriction so far as the United States is concerned. Then the deception could be continued, I understand. Will not the effect of this bill be to lend encouragement to the manufacturer to produce an inferior and more deleterious and cheaper product than oleomargarine in order that he may save himself the amount which he is compelled to contribute to the Government and thus impose to a greater extent upon consumers? Would not the effect of this legislation be that, instead of preventing deception, it would aggravate it?

Mr. SPOONER. I think not.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. SPOONER. Certainly.

Mr. HARRIS. The Senator will allow me suggest to him that adding the 10 cents a pound tax by no means relieves this commodity from the other restrictions which the law puts upon it, requiring it to be sold under its true name, in the original package, and everything of that kind.

Mr. RAWLINS. If I may be permitted in that connection, these restrictions which are to suppress fraud are ineffective, as I understand, and this bill is not ostensibly to suppress fraud, but to raise revenue. If it is a revenue measure, that feature is dependent for success upon the extent of the consumption and sale of the article, which can only be sold at a profit or without loss after the imposition of the tax by the degradation of its quality, thus imposing a detrimental article upon the public for consumption. It seems to me, while I was inclined to entirely favor the objects of this bill, that it fails to accomplish the purpose which seems to be in the minds of many who advocate its passage.

Mr. SPOONER. It is impossible to say to what extent in the way of fraud these people will go. So far as the past is any foundation for prophecy, they will certainly go to any extent which they regard as safe and profitable.

The Senator's proposition is practically this, that if we impose upon oleomargarine and butterine colored as butter this tax of 10 cents a pound, which about equalizes the difference in cost between oleomargarine at perhaps a fair profit and butter at its average price from year to year, to prevent a continuance of the vending of this counterfeit or the perpetration of this fraud, they will, inspired by avarice, perpetrate a worse fraud; not only a fraud so far as the counterfeit is concerned, but a fraud upon the health of the people of the United States; that they will, instead of selling, as now, a healthful article colored as butter, sell an unhealthful article, a deleterious article, to the people of the country. If that should turn out to be the fact, Mr. President—which I think it will not, for I think this bill as it is drawn, and as the Senate will doubtless amend it, will compel oleomargarine to seek an open market for what it is—if the avarice of these people, if their continued defiance of law leads them to deteriorate oleomargarine so as to make it unhealthful, so far as the commerce between the States is concerned, future Congresses will find a remedy for that much more stringent than this.

This bill brings the legislation of Congress into harmony with the legislation of 32 of the States of this Union, containing, I believe, over 57,000,000 of the people of this country. It is perfectly idle to say that oleomargarine and butterine are not manufactured and put upon the market to be sold as butter. The evidence to the contrary from a dozen different States, from men who have had official opportunity to know the truth, is the other way—overwhelmingly the other way—and the very fact that these people are here fighting with all their power and with all the lobby that they can command a proposed law which simply asks of them to sell their product for what it is so it can deceive no one is of itself almost irrefutable evidence that counterfeit and fraud is essential to their success as their business is now conducted.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I wish the Senator would be kind enough to take this bill and show me how it is to cure the evil which he has just now been discussing—how it is to prevent the fraud which he says exists, and which I do not dispute.

Mr. SPOONER. Does the Senator think these people would not rather sell this "nutritious and healthful article" for what it is at a quarter of a cent a pound than to sell it for what it is not subject to the penalties of the law at a tax of 10 cents a pound? Avarice thus far has driven them not only to the danger line, but away beyond it. The strongest appeal ordinarily you can make to such people is to their pockets. And, Mr. President, if the difference between one-quarter of a cent a pound between the article in its natural color or colored so as not to resemble butter or imitate butter and the 10 cents a pound imposed upon the article colored

in imitation of butter is not sufficient to deter them in the future, then Congress will have to find another remedy.

Mr. TELLER. I should like to ask the Senator if he is of the opinion now that this tax of 10 cents will compel these people to produce white oleomargarine? Does the Senator believe they will cease to color oleomargarine?

Mr. SPOONER. I think they will cease to color it. That is what I think. I think if it would not make any difference with them they would not be here fighting this bill so strenuously and proclaiming everywhere that if this bill is passed their business will be killed, and I think Senators would not stand here constantly iterating and reiterating the statement that this is a tax to destroy one industry in order to build up another. Of course no one can tell precisely what will be the effect of legislation. I hope and believe that if this bill shall be enacted, the difference between the quarter of a cent a pound and 10 cents a pound will lead these gentlemen to manufacture and put on the market their product for what it really is.

Mr. President, I hold in my hand the laws of these 32 States. The Senator from North Carolina [Mr. SIMMONS] spoke of these laws yesterday, as I understood him—and he will correct me if I am wrong—as having been passed at a time when there was prejudice against oleomargarine and doubt as to the healthfulness of the product.

Mr. SIMMONS. I did not say that as to all of them.

Mr. SPOONER. No, but very many of them.

Mr. SIMMONS. That is my understanding.

Mr. SPOONER. Most of these laws, Mr. President, were passed some years after the passage of the oleomargarine act now upon the statute book, which was passed in 1886. Most of those laws permit the sale of oleomargarine, I think every one of them, with perhaps a single exception, permits the sale of oleomargarine for what it is, identified by brand or other notification. So that it can not be contended successfully that those laws were passed because of hostility to the product and the unwillingness upon the part of those States that it should be sold and used. Some of those laws were passed in 1891, some in 1895, some in 1897, and some in 1898. They are all laws prohibiting the sale of oleomargarine colored to resemble butter.

Were the legislatures of 32 of these States—some of the greatest States in this Union—acting upon misrepresentation? Did they act without knowledge? Was there no evil, Mr. President, which these legislatures sought to remedy? Will any man so far impeach the intelligence and the integrity of the legislatures of 32 sovereign States of this Union, which have passed these laws to prevent a cheat, as to say that they did not know what they were doing; that they took a leap in the dark; that they sought a remedy against a wrong which did not exist?

I put the voice of these States, as uttered through their legislatures, against the opinion of my learned friend from Mississippi [Mr. MONEY]. If there ever could be afforded stronger evidence of fraud upon the people of the States by the sale of a product for butter which was not butter, and of a public necessity that the people be protected against it, than this legislation, I should like to have some Senator indicate it in our history. I know of none. The Federal law now upon the statute book facilitated and facilitates this fraud. It does not make the coloring of oleomargarine in the similitude of butter unlawful. It imposes a small tax upon it—2 cents a pound. But, Mr. President, it is the assertion of the Federal jurisdiction, and it may be carried from every State into every other State as interstate commerce and sold there in the unbroken package, because the Congress did not enact as to oleomargarine, and has not done so—it is proposed to do it by this bill—a provision similar to the Wilson act, which applied only to liquor; and so, under the operation of this law, manufacturers of oleomargarine would manufacture it colored to suit the taste of the vicinity—colored in the similitude of butter.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Yes, sir.

Mr. BAILEY. I desire to ask the Senator from Wisconsin if it is his judgment that when the question is fairly presented in the Supreme Court of the United States that court will hold that Congress can abdicate its power to regulate commerce among the several States as to a perfectly wholesome article of food or clothing?

Mr. SPOONER. Well, Mr. President, I had doubt about the correctness of the intimation in the case of *Leisy v. Hardin*, which led to the Wilson bill. It looked to me at the time that the passage of the Wilson bill was rather an abdication upon the part of Congress of a power committed to Congress.

Mr. BAILEY. If the Senator will excuse me, I had not thought of drawing him into a criticism of a case that has been decided.



Mr. SPOONER. I do not object to that.

Mr. BAILEY. That was not my purpose, but I take it that there is a distinction between a question like liquor, that concerns the morals of the people and therefore falls within the clear definition of the police power, and another article, which concerns neither morals nor health; and my judgment is that the court, which divided in the original-package decision, will never hold that Congress can abdicate to the States of this Union its power over perfectly wholesome articles of food.

Mr. SPOONER. Mr. President, I have no idea that the court will ever hold that a fraud has no relation to morals. The court held in the Plumley case that the State had a right to protect its people against fraud and imposition, and it reiterated that decision in the Schollenberger case.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. I do not want to appear persistent, but that is not my question. I concede that. I myself contend that it needs no Congressional action to enable the States to suppress a deceit and deceitful practices in the sale of a food product. That was the plain decision in the Plumley case. But, leaving the question of deceitfulness out and coming plainly and flatly to the proposition that Congress shall attempt to abdicate its power to regulate commerce among the several States as to an article of food that involves neither the question of morals nor health, does the Senator from Wisconsin believe that the Supreme Court would ever sustain such a law?

Mr. SPOONER. I think the Senator leaves out the only question there was in it.

Mr. BAILEY. Well, the question as to whether this is fraud or not, of course, is a question of fact—

Mr. SPOONER. Oh, no; but in the Schollenberger case there was a statute which prohibited the sale of oleomargarine, healthful or unhealthful, colored or in its natural state—

Mr. BAILEY. And they held that law invalid—

Mr. SPOONER. And they held that law invalid.

Mr. BAILEY. Because they held that under the facts in that case oleomargarine was a healthful food product and a legitimate article of commerce.

Mr. SPOONER. Yes.

Mr. BAILEY. Now, the question is, if Congress were to take the Schollenberger case and attempt to cover it, have we the power to do it?

Mr. SPOONER. I think so.

Mr. BAILEY. I think not.

Mr. SPOONER. Well, that makes me afraid I am wrong, but I think so. In saying that I have the utmost respect for my friend's ability and admiration for his lawyer-like method.

To me the Schollenberger case involved a pretty plain proposition. It could not, of course, be left to a State to decide what should be an article of interstate commerce. If that were left to the States, Mr. President, the whole power of Congress over interstate commerce might be emasculated, and the country might be relegated to that condition which preceded the adoption of the Constitution, and out of which grew in large part the necessity for the Constitution. The court held that oleomargarine was a legitimate product; the court did not hold that oleomargarine colored so as to imitate butter might not be excluded by a State. The court did not overrule either in language or by implication, as I understand it, the Plumley case.

Mr. BAILEY. If the Senator will excuse me, they expressly affirmed it.

Mr. President, with the Senator's permission, I am going to take my question away from oleomargarine, because I really desire an expression of the Senator's opinion. Let us broaden it until, we will say, Congress should pass a law declaring that every article, when passing from one State into another, should immediately, upon the arrival of that article, or of all articles, into the State, become subject to its laws, does the Senator from Wisconsin believe that such a law would be constitutional?

Mr. SPOONER. Subject to the police laws of the State?

Mr. BAILEY. Subject to all laws.

Mr. SPOONER. Well, it is an impossible question. Congress would never think of passing any such law.

Mr. BAILEY. I hope not. But it is a question of power, not of inclination.

Mr. SPOONER. I do not see what relation it has to the question which I am endeavoring to discuss.

Mr. BAILEY. Well, Mr. President, with the Senator's permission, I will say that I had not myself intended to debate this question, and I have not entirely changed my purpose; but the Senator's discussion rather tempts me to change it. I wanted, however, to avoid that, if possible, so that if we could agree as

to the matter of law—and I have agreed with the Senator on almost every proposition of law he has submitted, and my only difference with him is when he comes to apply the law to the facts of the case—I wanted to eliminate the facts, and thus eliminate what I believe is the only difference between us.

Now, if the Senator from Wisconsin believes that Congress possesses the power to abdicate to the States of this Union its control over interstate and foreign commerce, then we differ, and very widely, as a matter of law, and we would present the remarkable anomaly of a Democrat and a strict constructionist standing for Federal power against the State, while a Republican and a liberal constructionist would be standing for State power against the Federal Government.

Mr. SPOONER. Well, Mr. President, if the Senator and I differ on that proposition, as he states it, there would be only two of us, and one of us would be sane and he would be the man, and the other would be insane, and I would be the other man. [Laughter.] That is all there is of that. I could not contend for any such proposition as that Congress has the power to disable itself by surrender of the functions committed to it by the Constitution—not at all. Nor do I see that that is involved in this question. All that I have occasion to claim is this: That the Congress has the power as to oleomargarine colored in the similitude of butter, imitation butter, to adopt the same provisions that it has adopted as to liquor, only upon the theory that it is counterfeit and an imposition. Beyond that I could not be induced to go, nor is it necessary that anyone shall go.

Now, Mr. President, when the Senator interrupted me I was calling attention to the laws of these States. Here are Alabama, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. All those States prohibit absolutely the sale of this article colored as butter. There is one odd law among them to which I will refer for only a moment, and that is the Missouri statute:

Imitation butter is defined as every article not produced wholly from pure milk or cream made in semblance of and designed to be used as a substitute for pure butter. It shall not be sold as butter; shall not be colored to resemble butter, unless it is to be sold outside the State.

They are almost all alike, with perhaps that exception. Now, what effect did these laws have in the 32 States? If anything ever showed the absolutely irresistible power of avarice, this situation did. The report of the Commissioner of Internal Revenue for the year ending June 30, 1902, shows that in those 32 States, there were sold in that year in violation of these statutes 62,825,582 pounds of oleomargarine and butterine, colored in imitation of butter. A subtle and successful fraud! In the other States, where there was no law as to color, 16,860,142 pounds were sold. It is almost impossible to detect it. No law, however it may provide for brands and stamps, will be efficacious without the tax. Men who violate the statutes of a State, men who run the chances of the penalty on conviction, men who sell to the public oleomargarine for butter at the price of butter, will pay no attention to brands under the substitute bill any more than they do to brands under the existing law. A man who will omit to put a stamp on when the law requires it would not hesitate to rip the stamp which is put around the package.

I have no objection to men buying it who want it. I do not happen to want it. I do not want to put it on my table. I would be ashamed to give it to you for butter if you were my guest, and every man has a right to know when he pays for butter whether it is butter or whether it is oleomargarine, and there is no way under existing law by which that right can be secured to him. I repeat, it is a subtle fraud.

Senators know how almost impossible it is for the average man to detect the difference between the two, and I have evidence here, some of which I intended to call attention to, which I can not stop to refer to even, which is absolutely overwhelming in support of the proposition that it is sold as butter almost universally. It is sold in hotels, it is sold in restaurants, it is sold in boarding houses, it is sold everywhere—I believe, over 90 per cent of it, so far as retailers are concerned—as butter and at the price of butter.

Do Senators remember that seven of the States of this Union have in memorials to Congress confessed their inability to protect the people of those States against this fraud? The article is carried from one State to another or others. It is so insidious, so difficult of detection, and the profit in the fraud so great, the inducement so irresistible that the States have been utterly unable to protect the people against it. When a State, through its legislature, speaks it has my attention—any State. The State in which I have the honor to live memorialized Congress for the passage of the bill which was pending in the last Congress. Pennsylvania did, one of the empire States of this Union. Vermont

did. Maryland did. Minnesota did. California did. Is this simply a demand by a "class" that a legitimate business be taxed out of existence in order that another legitimate business may have greater prosperity? Not at all.

They have had the same experience abroad on this subject that we have had in this country. Canada is beating us now in dairy products for export—butter and cheese. Canada has absolutely prohibited the manufacture of imitation cheese or butter. It has given a better reputation to her products and swollen vastly her exports.

July 10, 1899, the British Parliament passed a resolution creating a commission, and Hon. Henry Chaplin, president of the local board, appointed it. I will not stop to read the names. It was—

To be a committee to inquire into the use of preservatives and coloring matters in the preservation of food and to report:

(1) Whether the use of such materials or any of them for the preservation and coloring of food, in certain quantities, is injurious to health; and if so, in what proportions does their use become injurious.

(2) To what extents and in what amounts are they so used at the present time.

They were limited to the effect of adulteration upon health. They say in their report:

In the butter trade, and still more so in the cheese trade, artificial coloring has long been established. Highly colored goods find favor in some markets, uncolored or faintly colored goods in others. We have not found that in the interest of the consumer any interference is necessary with the customs of the trade in this respect.

That is, because of health.

In regard to margarine, we have to deal with a cheap and relatively inferior article invariably colored to resemble a more costly and superior article, and probably the only means of protecting the public from imposition would be to prohibit the introduction of any coloring matter into margarine which shall cause it to resemble butter.

This is the report, and Senators know how careful those commissions are in England:

Be the regulations as to the sale of margarine under declaration what they may, they can not protect the customer who calls for bread and butter at a hotel or restaurant from being served with bread and margarine, and paying for it at the rate charged for the superior article.

That is so in Chicago; it is so in Milwaukee; it is so in every city of the United States, and it is just as true in London and in Birmingham as it is in the cities of this country.

But as the margarine may be assumed to be a perfectly wholesome article of diet, it does not fall within the terms of our reference to make any recommendation upon a practice which is not attended with risk to the public health.

But they found it to be a fraud and an imposition, and they found that the only protection which could be afforded by law against the imposition was to prevent the coloration of margarine in similitude of butter.

On page 283, as to their investigation of the laws of Denmark, the report says:

Butter fat to the extent of 10 per cent only is allowed in margarine.

They limit the proportion, and that makes a great difference. It will not do to say that the ingredients in butter and the ingredients in margarine are the same. That means nothing. Everything depends upon the proportion.

Mr. MONEY. It is not contended that they are the same.

Mr. SPOONER. I have seen it stated that they were the same.

Mr. MONEY. I have never heard that.

Mr. SPOONER. Substantially the same.

The public can tell the difference between butter and margarine by the color laid down by law—

There they have a different system of government from ours, and they prescribe just what the color of margarine shall be so that anyone can tell by the color whether it is oleomargarine or butter, and thereby protect himself—

and the margarine can be sold only when made up in special shape and labeled. Its sale as butter renders the vender liable to penalty.

On pages 78 and 79 appears the evidence of Mr. Alfred Hill, M. D., medical officer of health of the city of Birmingham, and also of the incorporated society of Medical Officers of Health. In speaking of his investigations of preservatives in oleomargarine and butter, on page 79, paragraph 2351, he says:

"With regard to the quantity of boric acid present, I have lumped together the samples of margarine and butter because the samples of margarine sold as margarine and bought as margarine were so few that it was hardly worth while separating them. Margarine is generally sold in the place of butter as a deception."

The laws of Italy also provide against this fraud, and the laws of France, where this thing was born, provide against this fraud.

Mr. TELLER. I should like to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. What provisions do some of those countries make to prevent it?

Mr. SPOONER. Denmark prescribes the color.

Mr. TELLER. That is what you have done in this bill?

Mr. SPOONER. It is not what is done in this bill.

Mr. TELLER. You allow it to be done.

Mr. SPOONER. What?

Mr. TELLER. You allow them to color it under this bill.

Mr. SPOONER. So that it shall not resemble butter. Denmark prescribes the color.

Mr. TELLER. There is nothing in this bill which prevents them from coloring oleomargarine like butter. On the contrary, you give them that permission if they are willing to pay 10 cents a pound for it.

Mr. SPOONER. Oh, well, of course that is true. We expect that the States, if the manufacturers are willing to pay that tax, will be able by this legislation—

Mr. TELLER. I should like to tell the Senator the difficulty I have about this bill. It seems to me that it supplies no way to decrease the fraud, but merely provides that when the fraud is perpetrated the party shall pay 10 cents a pound more.

Mr. SPOONER. They have to brand it as oleomargarine. They have the license fees to pay. They have the Government inspection that they had before and they have in addition the difference between one-quarter of a cent a pound and 10 cents a pound.

Mr. TELLER. The Senator's argument depends entirely upon the ground that it is to prevent fraud, and yet he has not told us, or at least I have not been able to understand, how this bill will prevent any fraud.

Mr. SPOONER. I can not tell the Senator whether this extra tax of 9½ cents will prevent fraud or not. I think it will. I hope it will.

Mr. TELLER. I do not believe it will.

Mr. SPOONER. Let us try it.

Mr. TELLER. It seems to me that if the promoters of this bill had been so anxious to prevent fraud as they profess to be, not wishing to impugn their motives, however, they could have got at it by saying that no oleomargarine should be colored at all; that it should all be white.

Mr. SPOONER. Does the Senator think an act of Congress providing that oleomargarine should not be colored at all would be valid?

Mr. TELLER. Possibly there might be some objection to it; but if you can put on 10 cents you can put on 50 cents, which would certainly shut them off.

Mr. SPOONER. That only shows that it is not the purpose here to tax it out of existence. Nobody here wants to destroy the industry.

Mr. TELLER. I do not want to interrupt the Senator, but this discussion has gone on part of the time upon the theory that it would annihilate the business and part of the time upon the theory that it would make oleomargarine more respectable and better. I asked the Senator some time ago to detail if he could just what the purpose of this bill is, but I have not got very clearly through my mind what his purpose is.

Mr. SPOONER. Then I have been very unhappy and unfortunate in expression.

Mr. TELLER. Perhaps I have been dull.

Mr. SPOONER. No; that could hardly be possible. I have stated over and over again my own view—I am not expressing anyone else's—that the proposition of this bill, and that is the theory on which I support it, is not to destroy oleomargarine, not to drive it out of existence, but to reduce the tax upon it when manufactured in its natural color and not colored as butter, and to impose this additional tax of 9½ cents a pound upon it if colored as butter. I am not using the language of the bill. I suppose, as I have repeatedly stated, that the tax with the other provisions, the punitive provisions of the bill and the regulatory provisions of the bill, will lead the manufacturers of oleomargarine to put it upon the market for what it is. The Senator can not ask me to demonstrate that it will have that effect.

Mr. TELLER. No.

Mr. SPOONER. I think it will. He thinks it will not. If it does not, then we must seek some other remedy, because if 32 States of this Union are not able, with the help of the Federal Government, in the exercise of its constitutional taxing power, to keep this manufacture within lawful limits it is a bad case. I think it will be adequate.

Now, who is opposed to it? Some of the Senators from the Southern States oppose it because it will interfere with the market for cotton-seed oil. Are Senators really serious about that? One and three-quarters per cent, not more than 2 at the uttermost, of cotton-seed oil goes into oleomargarine, a mere bagatelle. There are a great many uses to which cotton-seed oil is put. There are several avenues of commerce in which it finds itself a factor.

Senators are asking too much for cotton-seed oil when on that ground they oppose this bill to prevent a fraud upon the people of the United States, and I have said thus far nothing about the fraud



upon the dairymen, the people who make butter and sell it. I have confined myself solely to the fraud upon the consumer, and it is a fraud upon the rich as well as upon the poor, upon the young as well as upon the old. You may call it healthful; you may say it is not detrimental; I admit it as a general proposition, but to say that it is as nutritious, and to say that it is as digestible as butter, is not true, in my opinion.

Mr. MONEY. Will the Senator permit me to ask him if he heard the tables of analyses submitted by the Senator from Idaho [Mr. HEITFELD] this morning, made in different years by different chemists, that it is as digestible as butter? It is not the analysis of one man at one time that he quoted the other day, but that same man and others continued for years, and the general average was that it was as digestible as butter. That is scientific.

Mr. SPOONER. There is only one really accurate laboratory in which it can be determined whether a given thing is digestible for humanity or not, and that is the human stomach. You can not work out in a laboratory—

Mr. MONEY. I will ask the Senator, if he will permit me still further to trespass, if he supposes that scientists and chemists go to work and talk about digestibility for anything but the human stomach?

Mr. SPOONER. Oh, yes.

Mr. MONEY. I do not think they do.

Mr. SPOONER. Yes, they do.

Mr. MONEY. That is the question—whether it is digestible for the human stomach.

Mr. SPOONER. They make investigations to determine what classes of food are most digestible for cows and other animals.

Mr. MONEY. They were not talking about cows, because they do not feed cows on oleomargarine.

Mr. SPOONER. No; the cow has nothing whatever to do with oleomargarine. That is true.

Mr. MONEY. I understand that, but we are talking about the question of digestibility, and that means the human stomach and not the cow's.

Mr. SPOONER. That is why I say the chemists can not determine it.

Mr. MONEY. I do not know any other test.

Mr. SPOONER. Yes; the way to determine it is to try it.

Mr. MONEY. They have tried it.

Mr. SPOONER. You might stand it, and others can not.

The PRESIDING OFFICER. Senators must address their remarks to the Chair.

Mr. SPOONER. Mr. President, you might stand it, and other people might not.

Mr. MONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. MONEY. The Senator's good nature is so great that I rely confidently upon his permission to interrupt him. If the only test of the human stomach is as each one of us suffers the throes of indigestion from butter or oleomargarine, and if you can not tell one from the other you do not know what you have eaten, and when you get the colic it may be from genuine June butter or it may be a case of vitiated oleomargarine. The man can not tell. The Senator prefers the June butter with its June color, and some other people will prefer the oleomargarine with its June color, which would be white, I suppose.

Mr. SPOONER. What I meant was this: The average man who is active, who works in the open air, who exercises, probably finds it easily digestible. Such men can digest it, but even with them, I do not believe it is so digestible as butter, because there is very much more stearin in it than there is in butter. There is 12 per cent more. Dr. Wiley so testified; and it does not need a chemist to say that is not so easily digested—16 per cent as against 4 in butter. There is a vast number of people, and they are entitled to be considered, the sick, the enfeebled, those whose digestion is impaired for one reason or another, to be found unhappily almost in every man's home at one time or another, to whom he would be willing to give good butter, but to whom he would not be willing to give oleomargarine or butterine. They are a class that need protection more than the strong and the hardy.

This is a growing product. It will continue to grow. People will continue to use it. What is the harm in having it sold for what it is? What is the harm in protecting, as far as we constitutionally can, the people against this fraud? It is not a new question. The law passed sixteen years ago was passed for that purpose, and it is inefficacious. What is the harm as far as we can constitutionally do it, having that law already upon our statute books, in protecting every man and woman and child in the United States against this fraud and not against the genuine article if he wants to buy it? I mean protecting not simply his stomach, but protecting the pocket. Why fight against it?

Mr. RAWLINS. Mr. President—

Mr. SPOONER. I beg the Senator to allow me to go on. I have taken very much more time than I intended. I am anxious to be through.

Take cotton-seed oil. It is used in making caramels. It takes the place of cream. It 1889 one-third to one-half of all edible lard entering American commercial channels was made in part of cotton-seed oil. The season of 1889 turned out, this article says, 225,000,000 pounds of compound lard. By the use of it they have raised the lard of the hog, I am told, from 18 pounds to 35. You can not go to a retail store in the United States, so far as I have ever known, and buy a bottle of cotton-seed oil under that name. It is a wholesome product. It is not deleterious, so far as I know, in any respect. It goes abroad in vast quantities and comes back to us as olive oil, and we get an unlimited supply of fish, sardines and the like, too dead to swim in water any more, but live enough to swim in cotton-seed oil—embalmed in it.

Mr. BACON. Will the Senator pardon an inquiry?

Mr. SPOONER. Yes.

Mr. BACON. Does the Senator suppose that cotton-seed oil which goes to Europe and comes back labeled as olive oil comes back in the same condition in which it went to Europe?

Mr. SPOONER. Oh, I do not know what they do to it over there.

Mr. BACON. The point of my inquiry is this: The Senator wanted to know if anyone had ever seen a bottle of cotton-seed oil sold as such. The oil which goes to Europe is crude cotton-seed oil, and it is there manipulated and refined and made to become very much like olive oil.

Mr. SPOONER. Yes.

Mr. BACON. But there could be no possible reason or sense in exposing cotton-seed oil which is made in this country for sale in a bottle, because it would be unfit for use as such, it not having had the refining process which is necessary to make it palatable. Cotton-seed oil, to the extent of its production in this country, is sold under the denomination of cotton-seed oil. It is not sold in bottles, because it is not in a condition to be sold in bottles.

Mr. SPOONER. Certainly not.

Mr. BACON. There is no factory or establishment in this country which undertakes that manipulation and refinement which are necessary to put it in a condition where it can be sold in bottles.

Mr. SPOONER. Well.

Mr. BACON. I only state this, Mr. President, because the Senator evidently by the inquiry assumed that the cotton-seed oil which comes back from Europe was the same cotton-seed oil which was sent there.

Mr. SPOONER. Oh, no.

Mr. BACON. It is very different.

Mr. SPOONER. What I meant was this: It goes over to Europe as cotton-seed oil and comes back as olive oil.

Mr. BACON. Undoubtedly.

Mr. SPOONER. Of course it is refined.

Mr. BACON. But it is not in the same condition at all.

Mr. SPOONER. Certainly not. I have cast no imputation on cotton-seed oil in any way. It is refined into olive oil.

Mr. BACON. If the Senator will pardon me, as he is making a special criticism on cotton-seed oil, it is a very great boon to such part of the human race as uses oil under whatever name, considering it to be olive oil, because before the use of cotton-seed oil for that purpose we did not get pure olive oil in this country, but we got vicious animal oils in place of the pure, nutritious, healthful vegetable oil which cotton-seed oil is.

Mr. SPOONER. Oh, yes. Now, I have not said anything to the contrary of that statement. I say it is an excellent product, but I say it is sold as a fraudulent one at times. It enters into the manufacture of caramels, as I said. It is used as olive oil, as I said.

Mr. BACON. Then, Mr. President—

Mr. SPOONER. Wait a minute. It is used in preserving sardines and fish of that sort. People suppose it is olive oil. It is used in cottolene, a good product, but it is not the real thing. It is used in oleomargarine. For heaven's sake, how many different masquerades do you insist upon this gay deceiver being permitted to indulge in?

Mr. BACON. Mr. President—

Mr. SPOONER. I am not complaining—

Mr. BACON. Will the Senator pardon me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Certainly.

Mr. BACON. According to the Senator's argument, for the protection of pure cotton-seed oil there ought to be a tax of about a dollar a bottle on all the oil that comes back here and masquerades as olive oil when, in fact, it is cotton-seed oil. The purpose

of this bill, as suggested by the Senator to-day, and previously stated by the Senator from Massachusetts, is the novel proposition that this tax of 10 cents a pound is really for the purpose of protecting oleomargarine against the counterfeit article of oleomargarine, and not for the purpose of protecting pure butter. That is the proposition.

Mr. SPOONER. I did not say it was for the purpose of protecting oleomargarine against the counterfeit article. I said it was for the purpose of protecting the United States Government against a counterfeit article. Does not the Senator discover the difference?

Mr. BACON. Mr. President—

Mr. SPOONER. But I do not care to take time, if the Senator will pardon me.

Mr. BACON. The Senator may draw that distinction, but I understood the original proposition to be the other way, that it was for the purpose of protecting the genuine article of oleomargarine against what you denominate to be a fraud in the fact that it is but an imitation of butter.

Mr. SPOONER. Oh, not at all. That was not my statement.

Now, Mr. President, there is another thing that surprises me. I am amazed that any Senator on the other side of the Chamber should oppose this bill for the reason that it would diminish the market for cotton-seed oil, because that is in a trust. It is in two trusts, one that has been in existence for a long time and which has a great number of mills, and another now being organized with a capital of \$30,000,000. It is too bad to lose one chance "to clip the fangs of an octopus." That phrase has been used here many times. I have some letters here from Southern farmers, cotton producers, and dairymen also, intelligent letters from Georgia, Mississippi, and other States, in which they inveigh very bitterly against the strong and wicked grip in which, as to this product, they are held in those States.

Mr. MONEY. Will the Senator permit me?

Mr. SPOONER. I always permit everybody, and that is what keeps me so long. Go ahead.

Mr. MONEY. Oh, no.

Mr. SPOONER. Yes; go on.

Mr. MONEY. I just want to say that when the Senator spoke about cotton-seed oil he did me the honor to look very closely at me.

Mr. SPOONER. Oh, no.

Mr. MONEY. I want to call the Senator's attention to the fact that I said the other day, in opening the debate on this side, that I was not here representing the cotton-seed-oil men, and I did not speak for that industry or for any other one industry; that I spoke for the masses of the people of the United States who could not buy butter and who could buy oleomargarine. That was my declaration. So I am absolved from the Senator's criticism.

Mr. SPOONER. I beg the Senator's pardon for looking at him. I had no reference to the Senator.

Now, Mr. President, there is a great talk here about the laboring men being opposed to this bill because they can not buy butter. How has this movement been worked up among the laboring men? It has been worked up as a good many other phases of this opposition have been worked up.

Mr. MONEY. In the same way that the bill was worked up by the dairymen.

Mr. SPOONER. If the farmers of the United States, 5,000,000 of them, engaged in the business of producing butter have in this one instance succeeded in organizing in imitation of other classes and other interests, I am glad of it. But I see no evidence of it. Petitions have been sent out here to the laboring men throughout the country—I can prove it if anyone doubts it—by gentlemen who are here in their professional capacity fighting this bill.

Printed petitions have been sent out to be circulated and signed representing that this product is to be taxed out of existence. That is the form in which we have received some of them here. Everyone knows how easy it is to secure such petitions. Not one of those petitions has informed those laboring people of the fact that under this bill they would be permitted to buy oleomargarine if they want to buy it at 1½ cents a pound less than they pay for it to-day, if they ever get it as oleomargarine; that at the oleomargarine price they can buy it for what it is and then color it in their homes to suit their own taste. There is an abundance of evidence here that men representing the food authorities in the great cities have gone to these establishments advertising butter and tried to buy oleomargarine and could not get it, and that when laboring men went in to buy butter—stevedores, clad in the habiliments of labor—they obtained oleomargarine, not butter.

Senators talk about subverting the interests of labor. This bill will do it. The laboring man is like every other man—he hates a cheat. He hates fraud. He knows what he wants, and pays his money for something that he wants. But he does not want to pay a portion of his day's earnings for butter and receive oleomargarine or butterine. He wants the real thing he pays for at the price of butter. That has been done in every State and every

city of this Union. It is habitually done. The business is carried on with the utmost skill. This bill will prevent it, in my judgment. The testimony before the House committee is, and they saw it demonstrated, that one can take oleomargarine and, without heating it, color as he chooses at a very trifling expense, without machinery and in a very few moments. This bill authorizes that to be done. If any man wants to buy it and color it and put it upon his table for his family or his guests, he can do it.

Mr. MONEY. That is entirely superfluous. We could not prevent it. We would have no right to do it.

Mr. SPOONER. Who could not prevent it?

Mr. MONEY. Neither Congress nor anybody else.

Mr. SPOONER. They could prevent it by saying that anybody who colored it shall be considered a manufacturer.

Mr. MONEY. Not when for his own use.

Mr. SPOONER. No matter; it is here.

Mr. MONEY. It is useless.

Mr. SPOONER. It is not so useless. It may save a vast deal of trouble, and it puts every man on notice that he may color it for use in his own home, but if he sells it he is deemed a manufacturer and subject to the provisions of this bill as to its manufacture.

The laboring man has his full share of pride. He will not consider this an unjust law to him. It is a bill to protect him, in common with the rest of his fellow-citizens, against imposition. The laboring man will not any more feed it to his sick child, or to a sick wife, or a sick father, or a sick mother, or any one dear to him in his home than you would or than I would. He would work all day and all night to buy fresh, sweet butter for an invalid. He ought to be protected against having put upon him, for those who are dear to him and whom it is his duty to protect, a fraudulent imitation of butter.

Mr. President, I have not said a word about the farmer or the dairyman. I said when I began that if the object of this bill, to me, was simply to protect one industry, through taxation, from legitimate competition with another honest industry it would not meet my favor.

Mr. MONEY. Illegitimate?

Mr. SPOONER. No; legitimate. I would not ask it, nor would the farmer ask it. But, Mr. President, I find no objection to this tax and to these regulations and to the protection of the consumers of the country against imposition, and to obtaining this revenue for the Government, in the fact that it will also eliminate an unjust competition with the dairy product of the country. Do Senators?

Mr. BACON. Does the Senator ask me?

Mr. SPOONER. No.

Mr. RAWLINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Yes.

Mr. RAWLINS. I do not want to make a speech upon this question, but—

Mr. SPOONER. I hope the Senator will not. I am nearly through, and I am anxious to be through.

Mr. RAWLINS. I want to invite the attention of the Senator to two or three things.

Mr. SPOONER. How many?

Mr. RAWLINS. Two or three. Will the Senator permit me? If not, I shall not interrupt him.

Mr. SPOONER. Yes.

Mr. RAWLINS. The object of this bill is to suppress imposition and fraud upon the people of the United States. There are three primary colors. The bill seems to me to allow the owner of the cow to register a trade-mark under the protection of national authority on one of those, namely, yellow, or any shade of yellow. There remain but two other colors. The Senator says that is to protect the public against fraud and imposition. Now, when the given article is offered upon the market in the nature of oleomargarine or butter, there is the color—

Mr. SPOONER. I do not think the Senator ought to argue this matter now.

Mr. RAWLINS. I am pretty nearly through. There is the color, there is the taste, there is the smell, and there is the feeling, the texture. If you suppress the color, why not suppress the taste? If it tastes like butter, why not tax that? If it feels like butter, why not tax that? Is not the mischief here? Does not the fraud consist in selling any article as an offered article of one character or quality for another article or character of article, without disclosing the nature of the thing which is disposed of?

What I should like to ask the Senator is, Why, instead of striking at the color, which is a harmless thing, and taxing that, the bill does not tax the fraud? If oleomargarine colored in imitation of butter is offered upon the market and the market is informed that it is oleomargarine, there is no wrong in the color, is there, and why tax the color?



Mr. SPOONER. Well, Mr. President, that is a pretty long question, but it is easily answered. Oleomargarine and butterine have the odor of butter; they have the butter taste; but notwithstanding they have the odor of butter and the butter taste, without the color of butter nobody would mistake oleomargarine and butterine for butter.

Mr. RAWLINS. If it had the color, but not the taste or smell, how would people be imposed on?

Mr. SPOONER. I am talking of the case as it is and the Senator is talking of it as it is not. They have stolen the livery of butter to serve a fraud and to accomplish a fraud. People might buy it as a substitute for butter because it has the odor of butter and because it has the taste of butter, but they would not buy it for butter. But, having the odor of butter and the taste of butter, if you add to it the color of butter, then you have a counterfeit that to the eye, to the sense of smell, and to the taste is complete, and that is the fraud. If you take away the color of butter, leaving the taste and the odor of butter, there is no possibility of imposition. That is all that is asked here. If this bill is efficient, as I hope it will, they can put on the market, made as finely as possible, as much like butter as possible in taste and in odor, and, in fact, for what it is, oleomargarine, but not as butter. As I said a while ago, they may do what they please in giving odor to oleomargarine, in giving taste to oleomargarine, in giving color to oleomargarine, it is still *oleomargarine*.

Butter has always been colored some at times. In certain seasons of the year fifty years ago the farm wife used, I have heard, carrots once in a while to color butter.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. When the Senator makes the assertion that butter has always been colored he will allow me to say that perhaps somewhere in the world it has been done, but I myself was brought up on a farm where butter was made, and from my earliest recollection I never saw any butter colored on the farm.

Mr. SPOONER. I am not so old—

Mr. TELLER. I venture to say now that the coloring of butter has come within the last thirty-five or forty years. It was unknown before that time.

Mr. SPOONER. Well, forty years would make it older than oleomargarine for butter color.

Mr. TELLER. If the Senator will allow me to add one word more, in my early youth as a clerk in a country store in the butter country of New York, I bought thousands and thousands of pounds of butter that we shipped to New York City. I never saw during my service in that capacity a pound of butter that was colored, and nobody else saw it.

Mr. SPOONER. I saw butter colored when I was a lad, 13 or 14 years old, and it was good butter.

Mr. TELLER. The Senator does not realize that I am considerably older than he is.

Mr. SPOONER. I remember it very well. It was colored by as honest a woman as ever lived, and was good, pure, fresh butter. I think she used carrots in some way.

Mr. President, it surely can not be to any man an objection to this bill that it also will protect the dairy products of the United States against a counterfeit. By the preliminary report of the Twelfth Census it appears that 1,050,000,000 pounds of butter are produced on the farms of the country; 420,131,343 pounds are produced in creameries; an aggregate butter production of 1,470,131,343 pounds; 71 per cent produced upon the farms and 29 per cent the product of creameries. Oleomargarine colored and sold for butter is not justly to be called a competitor. It is a fraud.

I do not stop to deal with the relation of the cattle industry to this subject. That has been admirably and completely dealt with by the Senator from Kansas [Mr. HARRIS]. It is shown that upon any theory the loss per head of cattle would be less than 25 cents, and I am quite certain that the cattle raiser, whether on the ranch or on the farm, would not lose that. He sells on the hoof, and I do not believe that a profit from any by-product of the animal goes to him.

I have been little given, I think I may safely say, to talk which from any standpoint could be deemed demagogic. I was not raised on a farm, and regret to say I know as little as any man about the practical operations of the farm. I can not speak, therefore, of happy memories of farm life; but I have a right to remind Senators of the fact that it will hardly do to call this "class" legislation because it benefits the agriculture of the United States. It is only a truism to say that agriculture in its relation to our well-being and prosperity is basic. The world could not get on without the farmer. The railroads would be quite idle without crops, and if some terrible blight should come upon the agriculture of the country what would become of our people, our manufactures, our labor, our general business?

The farmers produce what we need to wear and what we need to eat. Their operations excite universal interest. The news of frost in the corn belt, or of some menace to the cotton crop or the wheat crop, excites every market of the world and affects instantly values on all exchanges.

Those who engage in agriculture in the United States, and upon whom we thus depend, are hardly to be considered a "class" in the sense in which that word has been used in connection with this bill. We deal sometimes with class legislation, however. We have measures pending in this Congress primarily for the benefit of classes.

But I can not look upon this from any standpoint as class legislation, and the incidental benefit which would come from it to agriculture is not in any wise to be deplored nor successfully to be employed against the constitutionality or wisdom of this proposed legislation. The farmers have very little direct and especial benefit from our laws. If this shall be an exception, it need afford no one ground for regret.

Mr. President, I have been much interrupted. I intended to take not over an hour; and so as not to detain the Senate longer I ask leave to incorporate in my remarks some extracts which I have here, and which I shall not attempt to read.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Wisconsin, and it is agreed to.

Mr. BAILEY. Mr. President, I have been suffering with a very troublesome irritation of my throat for several days, and I had, on that account, abandoned my intention of addressing the Senate, because I felt that it would be impossible for me to speak in the manner and at the length which I desired. But the speech of the Senator from Wisconsin [Mr. SPOONER], so interesting in all of its parts, and commanding my unqualified assent on almost every legal proposition which he submitted to the Senate, differs so widely from what I understand to be the facts, both as asserted by scientific experts, and as accepted by practical men, that I have been prompted to reconsider my determination, and I shall detain the Senate for at least a brief time. If the condition of my throat renders it impossible for me to conclude this afternoon, I shall crave the indulgence of the Senate at to-morrow's session.

For the sake of clearness, as well as for the sake of brevity, I shall attempt to consider this bill first in its legal aspects, and next upon its merit, or rather upon its lack of merit as an economic measure. Of course I perfectly understand how impossible it is in a discussion of this kind to prevent these two questions from blending at certain points; but I believe it is possible, and I know it is desirable, to keep them reasonably well separated. The Senator from Wisconsin, who is not only one of the most skillful debaters, but is also one of the most accomplished lawyers in this body, has stated his propositions of law so clearly and so forcibly that I shall adopt them substantially as he laid them down. Only at one point in the course of his entire speech did I think he evaded a question of law, and that was as to the power of Congress to abdicate its control over perfectly wholesome articles of interstate and foreign commerce. It is very true, as asserted by the Senator from Wisconsin, that the Supreme Court of the United States in the *Rahrer* case has affirmed the power of Congress to subject interstate commerce in certain articles to the law of the several States.

But, Mr. President, that court did not say, even in the *Rahrer* case, and I sincerely hope it will never say in any case, that as to articles not involving the question of police power Congress can abdicate its function of regulating commerce among the several States and with foreign nations. The Senator from Wisconsin must agree with me in this opinion, because when I broadened the question so as to leave out the particular subject now under consideration and asked him if he believed that Congress could enact a general law submitting all articles of interstate and foreign commerce to the jurisdiction of the several States, he answered with a most emphatic negative. He said that no sane man—I do not repeat his exact words, but I do represent his literal meaning—would contend for such a proposition. I agree with him, and if we are both right in the opinion that Congress could not by a single enactment subject all articles of interstate and foreign commerce to the jurisdiction of the several States, then certainly it has no power to subject one article after another until it has subjected them all and completely divested itself of that very power for the exercise of which, as has so often been said, the present Government was originally established. This difference of opinion, if it really be a difference, between the Senator from Wisconsin and myself is, however, of no practical importance in this discussion, in view of other questions of law on which we are at agreement.

#### PURPOSE OF THE BILL.

Mr. President, let us first consider the purpose of this bill, and inquire whether Congress can find any warrant in the Constitution for serving such a purpose. I am thoroughly convinced that its sole and only purpose is to destroy the oleomargarine industry



in order to relieve the butter industry of its competition; but as its advocates disclaim this purpose I shall not ask the Senate to accept my view, and I will allow those who have framed and who support the measure to state its object. The Senator from Vermont [Mr. PROCTOR], who is chairman of the committee which reported it to the Senate, and who opened the debate in favor of it, declares in the very first paragraph of his speech that—

This bill proposes to put a tax of 10 cents a pound on oleomargarine when it is colored so as to make it pass for an entirely different and more valuable product, and to reduce the present tax of 2 cents per pound to one-fourth of 1 cent per pound when it is not colored so as to deceive purchaser and consumer. It also subjects it to the laws of any State into which it may come, although it may have been introduced therein in original packages. It may be claimed that this is a measure to tax a legitimate industry out of existence. We claim that it only affects the fraud; that it may and should prevent this product from masking under false colors, and that the legitimate industry will be benefited rather than injured as the present tax is reduced.

The Senator from Iowa, whose brilliant oration is easily the feature of the debate, and who is himself a member of the committee which reported the bill, as well as one of its most earnest advocates, declared:

I will say to the Senator from Mississippi that the object of this bill, if I have understood it correctly, is to put a stop to an abuse which has long existed in the American market place—an abuse which has worked a very special hardship upon a great agricultural industry of the country, and in a lesser degree upon the whole community.

The Senator from Wisconsin [Mr. QUARLES], who is also a member of the committee having charge of the bill, and therefore qualified to speak of its purpose, used these words:

As is well known, Congress has jurisdiction to punish fraud in its public service, but has no authority within one of the sovereign States, as an original matter of jurisdiction, to entertain a complaint of that kind. But what have we done? For the purpose of throwing the influence of this great Government against fraud, we have enacted penalties for the use of our mails by fraudulent enterprises. A rigid enforcement of that enactment, which has penalties adequate to punish the fraud, has rid many a State of fraudulent nuisances that might otherwise have escaped the State jurisdiction. So that it may almost be said that this Government has been ingenious in its efforts to acquire jurisdiction to rebuke fraudulent practices.

The Senator from New Hampshire [Mr. GALLINGER] said:

As I understand the bill, it is precisely the opposite of that, its chief aim and purpose being to compel the manufacturers of and dealers in oleomargarine to be just, moral, and honest; to discontinue the perpetration of fraud, and conduct their business squarely and legitimately. That seems to be the underlying principle of the bill, and surely that is commendable.

In addition to these explicit and repeated declarations, made by these distinguished Senators in the presence of the Senate, I could produce many as strong, or even stronger, declarations to the same effect coming from gentlemen outside of Congress, who are the real originators and promoters of this legislation; but I prefer to try this phase of the question, at least, upon the statement of Senators, and I will reserve these other instances for another place. In the face of what these distinguished Senators have said when speaking to that very point, can any man entertain an honest doubt that the purpose of this bill is to suppress and punish fraudulent practices in the sale of oleomargarine? If there be any here who doubt that purpose, it can only be those of us who believe that there is a deeper and more unlawful purpose still in the minds of those who support this measure. I shall feel compelled further on in what I have to say to speak of that deeper and more unlawful purpose and to impeach the candor of the Senators, or the candor of those outsiders who are behind this legislation and who have either imposed upon the Senators or else have induced these Senators to impose upon the Senate.

But leaving all of that for its proper time in this discussion, and coming to the point which is now at issue, the question is: Has Congress any constitutional power to define and punish fraudulent practices in the sale of oleomargarine? What will the lawyers of this body say on that question? We all remember the pointed manner in which the Senator from Massachusetts denied the existence of such a power. I well recall that just after the brilliant Senator from Iowa had concluded his magnificent oration, the eloquence of which delighted us all, but the logic of which some of us could not follow, the Senator from Massachusetts arose in his place and declared that if the arguments advanced with so much eloquence by the Senator from Iowa were all that could be offered in behalf of this bill, he could not support it. The Senator from Massachusetts does not happen at this time to be in his seat, and in order to avoid all possibility of anyone supposing that I have misstated his position, I will take the liberty of reading his exact words from the RECORD. They were these:

So if all the arguments which have been stated with so much eloquence and force against the abuses of the manufacture of this spurious article were all that existed I not only could not give it my support, but I should be bound to resist the measure as one carrying with it an extreme danger.

Although I deemed this of itself sufficient, I was delighted this afternoon to hear the Senator from Wisconsin [Mr. SPOONER] add his authority—I will not say to the greater authority of the Senator from Massachusetts, because no authority is greater on a question of the law than that of the Senator from Wisconsin; but I

will say that I was delighted to hear him add his equal authority in denying the right of the Federal Government to assume jurisdiction and control over fraudulent sales of food products in the States.

Not only did the Senator from Massachusetts explicitly declare that Congress has no such power as the advocates of this bill assert, but he declared that the assertion of such a power was fraught with the greatest possible danger. Here are his words, and I earnestly commend them to the thoughtful members of this body, and still more earnestly to thoughtful men throughout the country:

I think one of the greatest dangers to the country now is the danger that the principle will be established that we may use the taxing power of the Government as a means either of punishing or suppressing vice and all crime or any form of wrongdoing. We have, in my judgment, no right under the Constitution to use the taxing power for that purpose. If we have, we can usurp into the hands of Congress the entire power of criminal and penal legislation in this country. We can punish polygamy or murder or burglary or any form of offense against the safety of business like stockjobbing and attempt to reach it in a way by which the measure, on the part of the State, can be defeated, and so get all the powers which belong to the States indirectly into our hands.

It seems, Mr. President, that I could rest my contention against the power of Congress to punish fraudulent sales within a State upon the practically unanimous judgment of this side of the Chamber, reinforced by the judgment of the Senator from Wisconsin [Mr. SPOONER] and the Senator from Massachusetts [Mr. HOAR], of whom I can say, without any invidious comparison, there are not two greater lawyers in this body.

But, sir, there is a stronger and a more conclusive argument than all of this to be found in the decisions of the Supreme Court of the United States. In the very first paragraph of the *Rahrer* case that court, speaking through Chief Justice Fuller, declares:

The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

Again, in the case of *Plumley v. Massachusetts* the court met this precise question, and laid down the following doctrine:

If there be any subject over which it would seem the States ought to have plenary control and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

Could anything be clearer or more exactly in point? It is here expressly declared that the power to deal with the question of fraudulent sales is a power reserved to the States and not surrendered to the Federal Government, and Senators who support this bill must not only answer the argument of the Senator from Massachusetts and the Senator from Wisconsin, but they must also ignore the plain decision of the Supreme Court. It is true enough that three justices dissented in the *Plumley* case; but their dissenting opinion gives no comfort to the advocates of this bill, because it was based upon the explicit declaration that oleomargarine is a perfectly healthful product. The language of the court is this:

Upon this record oleomargarine is conceded to be a wholesome, palatable, and nutritious article of food in no way deleterious to the public health or welfare. It is of the natural color of butter, and looks like butter, and is often colored, as butter is, by harmless ingredients, a deeper yellow, to render it more attractive to consumers.

I do not countenance the sale of oleomargarine for butter, and these decisions do not sanction it; but I contend, and they decide, that under our form of government such frauds must be prohibited and punished by the States, and are not within the reach of Federal jurisdiction.

#### THE RIGHT TO REGULATE COMMERCE.

But, while the Senator from Wisconsin and the Senator from Massachusetts join us in completely repudiating the right of Congress to deal with fraudulent sales, they both declare that Congress has the right to pass this bill upon two other grounds. The first one is that under the power to regulate commerce among the several States and with foreign nations the Federal Government has a right to control the sale of oleomargarine as a deleterious food product. Here are the words of the Senator from Massachusetts, and I read them rather than the words of the Senator from Wisconsin simply because the speech of the Senator from Massachusetts has already been printed while the speech of the Senator from Wisconsin, having only just been delivered, is not, of course, yet before us. All of us, however, who heard both speeches know that they agree, and therefore the contention of one is substantially the contention of the other. The Senator from Massachusetts said:

We have undoubtedly under our right to regulate interstate commerce the right to suppress commerce in deleterious articles.

I need not controvert that proposition of law, and indeed, under



the recent decisions, it probably can not be successfully controverted. If the original doctrine that all articles affecting the health and morals of the people are completely within the police powers of the States still prevailed, there would be no necessity for asserting Federal power over such articles; but since the decision in what is known as the original-package case the States would in many instances be powerless to enforce their police regulations without some action on the part of Congress.

I shall not ask the Senate to hear me complain at the decision in *Leisy v. Harden*, but I will be permitted to say that, in common with many other lawyers, I have always felt that the dissenting opinion in that case is the sounder and better view of the law. I have always deeply regretted that the court felt compelled to overrule its former decisions, and thus produce some confusion as to the relations between the States and the Federal Government upon matters of purely police regulations. My judgment is that it would have been much better for the country, much safer for the States, and much less perplexing for Congress if the court, following the earlier cases, had held that, in all matters affecting the health, morals, and good order of the people, the police power of the States is supreme.

Accepting that decision, and considering the consequences which might grow out of it, I freely concede that if oleomargarine is a deleterious product, then Congress has the power to regulate it as an article of interstate commerce, and that if Congress fails to supplement the legislation of the States with some suitable provision, it would fail to perform a most important duty. By conceding this much I reduce the whole contention as to this point between the Senator from Massachusetts and the Senator from Wisconsin on the one hand and myself on the other hand to a mere difference of opinion upon a question of fact.

Is oleomargarine deleterious? The Senator from Massachusetts professes no knowledge upon that subject, while the Senator from Wisconsin, conscious that the overwhelming weight of testimony is against him, declares that no amount of scientific evidence can satisfy him that oleomargarine is a wholesome product, and yet, Mr. President, in almost the next sentence he quoted an eminent chemist in support of his view on another phase of the question. If we can not accept the testimony of scientific experts upon matters like this, then we might as well have lived in the Middle Ages, and Congress must legislate blindfold and in the dark. As for my part, I believe in the progress of science, as I believe in the progress of art and invention, and I readily accept the testimony of eminent and educated scientists when they all concur. If driven to choose amongst their varying and conflicting opinions I might hesitate, and, indeed, in an important matter I would hesitate, but when they all agree in expressing the same opinion it is not creditable to the intelligence of a Senator to say that he utterly rejects their evidence.

The chief proponent of this bill, the president of the American Dairymen's Association, says they do not press the question of the wholesomeness of oleomargarine because it is immaterial. His language was this:

In pressing Congress for protection against the fraudulent sale of oleomargarine, the dairymen have refrained from discussing to any extent the wholesomeness of the article, for the simple reason that we regarded that immaterial.

I can not refrain in passing from calling attention to the fact that Governor Hoard confesses this to be a question of fraudulent sales, and considers the health of the consumers as entirely immaterial.

In the cases reported from the Supreme Court of the United States the defendant in every instance, I believe, offered to prove that oleomargarine is a wholesome and palatable food product; and in the *Schollenberger* case, to which the Senator from Wisconsin referred, the decision was based upon the ground that it is a merchantable and wholesome article of food. With the experts both in this and in other countries testifying to its purity, its palatability, and its healthfulness, with the courts of the country basing their decisions upon that as a truth, will Senators blindly persist in rejecting the testimony of the men who must be presumed to understand the question in order to find a justification before their conscience for a vote like this?

I believed for years that oleomargarine was unclean and unwholesome, because I accepted the statement made so recklessly and by so many people. But there can be no good excuse for any man whose duty it is to legislate with reference to this article to be ignorant about it now.

The learned professor of chemistry at Columbia College, Prof. C. F. Chandler, says:

I have studied the question of its use as food in comparison with the ordinary butter made from cream, and have satisfied myself that it is quite as valuable as the butter from the cow. The product is palatable and wholesome, and I regard it as a most valuable article of food.

Professor Alvord, formerly of the Massachusetts College of Agriculture, says practically the same thing. Doubtless Professor Alvord would accept, without hesitation, the legal opinion of the Senator from Massachusetts, and will not the Senator from Massa-

chusetts accept the scientific opinion of Professor Alvord? Professor Alvord says:

The great bulk of butterine and its kindred products is as wholesome, cleaner, and in many respects better than the low grades of butter of which so much reaches the market.

Professor Schweitzer, professor of chemistry at the University of the State of Missouri, says:

As a result of my examination, made both with the microscope and the delicate chemical tests applicable to such cases, I pronounce butterine to be wholly and unequivocally free from any deleterious or in the least objectionable substances. Carefully made physiological experiments reveal no difference whatever in the palatability and digestibility between butterine and butter.

Mr. President, I could multiply these evidences until I had exhausted my own strength and the patience of the Senate, and I could not then recite all of the testimony to the same effect. There is, however, one other expert opinion which I desire to quote at some greater length, and as I also desire to call the attention of the Senate to an extract from a decision of the Supreme Court of the United States, if it is agreeable to the Senate I would prefer to yield the floor now and resume my remarks at to-morrow's session.

I discover that my throat begins to give me a little trouble. I desire to analyze the decision in the *Plumley* case more closely than I will be able to do this afternoon. I hesitate, however, to ask that this matter shall go over until to-morrow for my convenience, because I said to the chairman of the Committee on Agriculture that I thought we could reach a vote this afternoon.

Mr. PROCTOR. I shall be very glad, Mr. President, to accommodate the Senator from Texas.

Mr. BAILEY. Then I believe I will, with the permission of the Senate, resume the floor when this bill is taken up to-morrow.

Mr. PROCTOR. I presume the Senator from Texas and those on the other side would be willing, for the general convenience, to fix some time when a vote might be taken. It would be a great convenience, as many Senators are asking me that question.

Mr. BAILEY. That is entirely agreeable to me if it is to the Senator from Mississippi, who has charge of this matter on our side.

THE PRESIDING OFFICER. What is the request of the Senator from Vermont?

Mr. PROCTOR. That some hour may be fixed to-morrow, or I will say Thursday afternoon, to be entirely certain that there will be time enough for all, for a vote on this measure.

Mr. BAILEY. I will say to the Senator from Vermont that so far as I am informed there is no one else on this side who desires to speak.

Mr. PROCTOR. I do not know of any one.

Mr. BATE. I do not know but that the Senator from Alabama [Mr. PETTUS] wishes to speak. He is not now in his seat.

Mr. PROCTOR. I will say, in answer to the Senator from Tennessee, that the Senator from Alabama told me to-day that he does not wish to speak.

Mr. BAILEY. I believe the bill can be voted on to-morrow and probably at an earlier hour than the Senator from Vermont expects.

Mr. PROCTOR. It would be a personal convenience to me if we could have an hour fixed, as I expect to go away. I would quite as soon have it Thursday afternoon, if the hour can be fixed.

Mr. BAILEY. It would suit me a good deal better to continue what I have to say—

Mr. COCKRELL. Any hour on Thursday. Let us agree to that.

Mr. PROCTOR. Any hour on Thursday.

Mr. BATE. What hour is most agreeable?

Mr. TELLER. Before we adjourn.

Mr. PROCTOR. I beg pardon.

Mr. TELLER. Some hour on Thursday before we adjourn.

Mr. PROCTOR. Say at 4 o'clock.

Mr. TELLER. Just say before adjournment.

Mr. BAILEY. The Senator from Vermont can easily discern the trouble with my throat. I have some expectation that it might improve more over a day, and I would be glad if the bill could be laid aside until Thursday, and that we resume its consideration then. Possibly I can finish what I have to say then better than to-morrow.

Mr. PROCTOR. That would be entirely agreeable if there are no others who wish to speak. I know of none on this side.

Mr. TELLER. I suggest that it be understood that the Senator from Texas will go on Thursday, and if anybody wants to speak to-morrow he will not be prevented. If no one wishes to speak, the bill can be laid aside. I think there may be some others who wish to speak.

Mr. WELLINGTON. It may be possible that I may have some remarks to inflict on the Senate upon the pending bill. I should not like to have an arrangement made by which I should be shut off.

Mr. COCKRELL. Can the Senator go on to-morrow?

Mr. WELLINGTON. Yes; I will be ready to-morrow.

Mr. COCKRELL. Then the arrangement proposed will not interfere with him at all.

Mr. PROCTOR. The Senator from Maryland can have the time to-morrow.

Mr. COCKRELL. Yes.

Mr. WELLINGTON. Very well. I have no objection to offer under those circumstances.

The PRESIDING OFFICER. Will the Senator from Vermont state the request he makes for unanimous consent?

Mr. PROCTOR. I ask a unanimous-consent agreement that a vote be taken on this bill and the amendments then pending at some hour on Thursday afternoon.

Mr. BACON. Or amendments which may be offered.

Mr. PROCTOR. I beg pardon.

Mr. BACON. Or which may be offered.

Mr. FORAKER. I should like to make a suggestion to be incorporated in that agreement, and that is that upon any amendment at that time offered there may be allowed a five-minute debate.

Mr. BATE. That is right.

Mr. FORAKER. An amendment might be offered and we would not understand it, and under the unanimous-consent agreements heretofore made there would be no opportunity given to explain it.

Mr. PROCTOR. I accept that, and suggest, in view of that amendment, that we fix the hour at 3 o'clock Thursday afternoon.

Mr. CULLOM. For a vote?

Mr. PROCTOR. For the consideration of any amendment under the five-minute rule.

Mr. FORAKER. The understanding would be that as to amendments already pending there would not be allowed five minutes' debate, but that such debate should be allowed only as to amendments then offered of which the Senate had no previous notice.

Mr. BACON. I think it would be better not to put upon it the limitation now suggested by the Senator.

Mr. FORAKER. Very well.

Mr. BACON. Let us agree that as to all amendments now pending or that may hereafter be offered there may be debate under the five-minute rule.

Mr. PROCTOR. Very well; I will accept that suggestion, that upon all amendments then pending, at 3 o'clock, or that may be then offered—

Mr. BACON. Thereafter offered.

Mr. PROCTOR. Debate for five minutes shall be allowed.

Mr. CULLOM. Beginning at 3 o'clock.

Mr. PROCTOR. Beginning at 3 o'clock.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that on Thursday next at 3 o'clock the Senate shall proceed to vote upon all amendments then pending or that may be offered to the bill now under consideration, debate to be had on such amendments under the five-minute rule, and that the final vote on the bill shall be taken before adjournment on that day. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. CULLOM obtained the floor.

Mr. PROCTOR. Will the Senator from Illinois yield to me a moment?

Mr. CULLOM. I will.

Mr. PROCTOR. The Senator from Kansas [Mr. HARRIS] offered an amendment, quite a lengthy one, and I know many Senators take a good deal of interest in it. I am not aware of any opposition to it. I believe he wishes to offer a small amendment to it. Inasmuch as it necessitates some verbal amendments in the bill, if the amendment could be adopted this afternoon I would ask for a reprint of the whole bill.

Mr. MONEY. There has been no argument on the amendment. The disposition is to accept it on all hands, but we must have an analysis of it. We have not got it from hearing it read at the desk, and I do not suppose anybody has particularly studied it, because it was not expected that it would be voted on until the others came up. So I think the Senator had better let all the amendments go together.

Mr. HARRIS. Mr. President—

Mr. MONEY. One moment. In the meanwhile, if amendments are proposed to the amendment, the framer of the amendment can amend it and have a reprint of it.

Mr. HARRIS. That is what I desire, and I ask that now. I desire to offer an amendment on page 6 of the amendment which I offered before, and I ask to have it read and inserted, and then that there be a reprint of the entire amendment.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment to the amendment hitherto submitted by himself. The Secretary will state the amendment.

The SECRETARY. On page 6, of the substitute, line 14, after the word "pound" it is proposed to insert the following:

And that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound.

The PRESIDING OFFICER. The Senator from Kansas asks that the amendment as now proposed to be amended be reprinted. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. PENROSE. I should like to interrogate the Senator from Vermont having this bill in charge as to whether he expects to go on with the bill to-morrow. I have just come into the Chamber and am not familiar with the status of business in that connection.

Mr. PROCTOR. I myself am obliged to be away to-morrow. I know of no one who wishes to speak to-morrow, except the Senator from Maryland. There may be others. I doubt it, however. I do not expect that the time will be occupied very much to-morrow. So far as I know it will not.

Mr. PENROSE. I would ask unanimous consent—

Mr. PROCTOR. Perhaps I ought not to say that without the presence of the Senator from Texas. The Senator from Texas may wish to go on to-morrow, and he may not until the day after.

Mr. PENROSE. I would ask unanimous consent of the Senate that the measure known as the Chinese-exclusion bill be the order of business, if no one is prepared between now and Thursday to speak upon the oleomargarine bill.

Mr. CULLOM (to Mr. PENROSE). You can get in to-morrow.

Mr. PENROSE. I should like to have that understanding.

Mr. ALLISON. As I understand the order of business, the Chinese-exclusion bill is to be taken up immediately after this measure is concluded. Has not that been the understanding?

Mr. PENROSE. That has been my understanding. I do not know how far it has been the understanding of the Senate.

Mr. ALLISON. There has been no agreement.

Mr. COCKRELL. Let us not act upon it now.

Mr. ALLISON. I would suggest, inasmuch as there is to be a vote on the pending bill on Thursday at 3 o'clock, that it might not be well to make any arrangement which would interfere with its discussion in the meantime.

Mr. CULLOM (to Mr. PENROSE). Let it go over.

Mr. ALLISON. I hope the Senator from Pennsylvania will not press his request.

Mr. PENROSE. I will give notice, then, that if there is a break in the discussion upon the oleomargarine bill, I shall ask the Senate to take up the Chinese-exclusion bill, the necessity for prompt action upon which is evident to everyone, in view of the fact that the Geary law expires early next month.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 2, 1902, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 1, 1902.*

##### ASSISTANT COLLECTOR OF CUSTOMS.

Edward Fry, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York.

##### POSTMASTERS.

Dora Clow, to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas.

Everett F. Pilkington, to be postmaster at Searcy, in the county of White and State of Arkansas.

Margaret Miller, to be postmaster at Tuscaloosa, in the county Tuscaloosa and State of Alabama.

Joseph W. Becker, to be postmaster at Jerseyville, in the county of Jersey and State of Illinois.

Arthur C. Cogswell, to be postmaster at Burke, in the county of Shoshone and State of Idaho.

Lewis F. Babcock, to be postmaster at Billings, in the county of Yellowstone and State of Montana.

Charles B. Collingwood, to be postmaster at Agricultural College, in the county of Ingham and State of Michigan.

Nathan H. Sears, to be postmaster at Millbury, in the county of Worcester and State of Massachusetts.

Elijah Needham, to be postmaster at Virginia, in the county of Cass and State of Illinois.



Fred A. Wright, to be postmaster at Glen Cove, in the county of Nassau and State of New York.

Henry S. Williams, to be postmaster at Aberdeen, in the county of Brown and State of South Dakota.

John E. Crawford, to be postmaster at Milford, in the county of Oakland and State of Michigan.

J. W. Huntsberger, to be postmaster at Pender, in the county of Thurston and State of Nebraska.

Dozier Anderson, to be postmaster at Tupelo, in the county of Lee and State of Mississippi.

Joseph Ogle, to be postmaster at Greenport, in the county of Suffolk and State of New York.

#### DANISH TREATY.

On April 1 the injunction of secrecy was ordered to be removed from the unanimous vote on the ratification of the treaty for the cession to the United States of the Danish islands in the West Indies.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, April 1, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### LEAVE OF ABSENCE.

Mr. TALBERT, by unanimous consent, obtained leave of absence for two weeks, on account of sickness in family.

#### CHANGE OF REFERENCE.

Reference of the bill (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt, was changed from the Committee on Military Affairs to the Committee on Naval Affairs.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13123, being the sundry civil appropriation bill, and pending that motion, I desire to state that unanimous consent was given to close the debate with the adjournment of yesterday. I desire to modify that, as two gentlemen desire a little time, and when we reach the five-minute rule I want the debate, if I can get it that way, to proceed on the bill proper. I therefore ask unanimous consent that general debate be extended for thirty-five minutes, twenty minutes of which time to be given to the gentleman from Indiana [Mr. ROBINSON] and fifteen minutes to the gentleman from Pennsylvania [Mr. GROW].

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13123, the sundry civil appropriation bill, and pending that, asks unanimous consent for an extension of time from that fixed in the Committee of the Whole by unanimous consent yesterday to thirty-five minutes, twenty minutes of which to be yielded to the gentleman from Indiana [Mr. ROBINSON] and fifteen minutes to the gentleman from Pennsylvania [Mr. GROW]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from Illinois to go into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13123, the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. LAWRENCE in the chair, and proceeded to the further consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. ROBINSON of Indiana. Mr. Chairman, the gentleman from Colorado [Mr. BELL] on yesterday forcibly called attention to the departure from self-government that has been the characteristic policy of the House of Representatives in the last few Congresses.

I interrupted long enough to suggest that the Republican party alone was responsible for this lamentable condition.

He supplemented his remarks with well-chosen newspaper articles, a few among the thousands that have teemed with denunciation because we have permitted ourselves to be tyrannized over in a manner that destroys our representative character.

Time will not permit me to enumerate the resolutions and measures held up, the measures passed without opportunity for debate and amendment, the measures forced through without

committee consideration, and the many unusual proceedings sanctioned by the present rules of the House.

Nor shall I depart long enough to refer to the great measures of legislation that have gone from the House to the Senate imperfect in substance and effect, with the hope, on the part of the Republican leaders, felt, if not expressed, that the Senate would perfect the legislation.

Mr. OLMSTED. Do you expect to find perfection in the Senate? Mr. ROBINSON of Indiana. The form of the gentleman's question shows that he shares in an opinion that has often been expressed, that the Senate is not as representative as the House. A little later on I will have occasion to refer to the greatness and power of the State of Pennsylvania, which in part he so ably represents, and the reason that exists why no portion of our power should be surrendered or delegated to the Senate.

I need not support these statements by the evidence of instances, like the Philippine revenue bill, where a substantial reduction amendment was accepted by the Republican House leaders without serious opposition. Suffice to say, that the whole record is known to the country.

A great portion of yesterday was devoted to the question of representation that intimately and vitally affects the South, and, as well, vitally and intimately affects the North commercially, sectionally, and in every way.

But, sir, the representation that I shall discuss affects every member in his individual independence, and every section in equal degree. I refer to the passing of the House of Representatives as a representative body and the elevation of the Senate to that great distinction.

I want to advert to the effect of this transition. A few men, the Rules Committee, dominate the business of the House.

They have a power, an unwonted power, over our legislation. They are able men and patriotic, but no more so than they are loyal to their own districts, their own States.

In this country of diversified interests, where a State or a district or a group of States may stand for a special interest, to a large exclusion of others, no such power can be lodged in the hands of a small group of Representatives upon the floor without enhancing, unduly and unjustly, those States, those districts, and those sections at the expense of power that belongs equally and justly to all.

I make no complaint of the Speaker's exercise of power, nor of that exercise by the Rules Committee of which he is a member, nor of its exercise by his associates on the committee. Any member, I assume, would do likewise if he had the mandate of the House. But, sir, it gives to the district represented on that committee, and to the State within which that district lies, a power and influence in the direction and control of legislation that was never contemplated by the framers of the Constitution. And, sir, no set of men were bold enough to exercise such a power till the last few Congresses.

The modes of procedure by which the last three Congresses were tyrannized over and their inception were not dissimilar.

Each time, at the very beginning of the session, after organization, a member of the former Rules Committee—and in each case it has so happened that he became his own successor—would rise and urge the adoption of the rules of the former Congress as the rules of the then Congress, giving as the only reason that they had been the rules of the former Congress, and supplement this by moving the previous question, to cut off debate and right to amend.

Then, without opportunity to debate or propose amendments and without committee consideration, the successive motions were carried; and the new members of the House aided in the inflection on themselves of rules that made them cringing sycophants to the one-man power in the House.

Sir, what is the effect of transferring representative government from the House of Representatives to the Senate?

I make no complaint of the constitutional provision that gives each of the smaller States an equal representation in the Senate. I complain of the drastic rules of the House, and of the Rules Committee, which is their progeny. I complain of the peculiar and tyrannical procedure that destroys independence; destroys the individual representation of their districts by members on the floor. Were it otherwise, the people, and we, as their representatives, could offset the constitutional advantage enjoyed by the smaller States in equal representation in the Senate.

The people, knowing of the bondage that exists in the House under the Reed rules, are demanding, with almost a unanimous voice, and not without cause, that the Constitution be amended, that the Senators may be closer in responsibility to the people.

I compliment the Republicans of the House for their recent unanimous vote in favor of that proposition, but censure is upon them for creating, in great measure, the necessity for it.

I find in the vote of the Republicans, joining with us in favor of the election of Senators by a direct vote of the people, a confession that this House, under the rules and the domination of the



Rules Committee, has ceased to be a representative body. This confession is privately made by nearly all of you. It is unfortunate, for you have the power of correction.

Do you realize the situation in which you place yourselves and the districts you represent when you abdicate any portion of your full and independent representation and send measures to the Senate for due and orderly procedure, for consideration, and for legislation?

I have prepared a chart of the States, giving their power on the House floor, giving their voting population of 1900, and giving their power in the Senate of the United States. The number of the States—45—have favored me. I have taken the first 9 of the largest States, one-fifth of the whole number of States, and the last 15 of the smallest States, one-third of the whole number. I desire now to make a comparison which will show the misfortune to the people that comes from sending legislation to the Senate for enactment, by which you of New York and Pennsylvania, proud of your States, the first and second in the Union, with 34 and 30 members, respectively, of Congress, that gives you a power of one out of six on this floor, and you of other States, abdicate your powers on the floor of the House.

The first State to which I shall allude and make comparison is the State of Nevada, with less than 10,000 voters in the election of 1900, the smallest State, yet Nevada has her two Senators, equal to the great States of New York, Pennsylvania, Illinois, Ohio, Missouri, Massachusetts, Indiana, Texas, Michigan, each being within the 9 largest States and having 12 or more Representatives. Seven of the States are grouped in relation to their having a single Representative upon the floor. Eight of the States are grouped with reference to their having two Representatives upon the floor. The small States of Idaho, Delaware, Montana, Nevada, North Dakota, Utah, and Wyoming, 7 States with 7 members on this floor out of 357, have 14 Senators in the Senate, to which body you send matters for legislation, without a proper assertion of your own independence and the right of individual representation due to your constituencies.

The population of these seven States is 313,000. The voting population of New York, which holds one-tenth of the power in this body, is 1,547,000 voters. She has 2 Senators, and so has the little State of Nevada. Aye, with the 7 States having a population of 313,000, New York, with its million and a half of voting population, is short 12 votes in the Senate on matters of legislation; her strength in the House is 1 out of 10, in the Senate 1 out of 45. New York, so large, so powerful, stands as a pigmy in the Senate in the presence of these 7 small States.

Now, I come to the State of Pennsylvania, represented on this floor by 30 members. And I will suggest to my distinguished colleague from Pennsylvania [Mr. OLMSTED] that when you add to the 7 smallest States those States having on this floor 2 members of Congress—Colorado, Florida, New Hampshire, Oregon, Rhode Island, South Dakota, Washington, and Vermont—you get 15 States of the Union that have in the Senate as many Senators as you of Pennsylvania have Representatives on this floor.

Therefore, Pennsylvania, with its 1,373,000 voters, as against the 313,000 of the 7 States having but 1 Representative each here, is placing the legislation of this country in the hands of the Senate. The smallest States, 15 in all, have on this floor 23 members of Congress and 30 Senators; the 15 smaller States of this Union have 7 more Senators than they have members of the House. One-third the membership of the Senate is made up from the 15 smallest States of the Union, and we find that the total population of the 15 States of the Union having the smallest population is 1,064,000 voters. Remember that they have one-third of the membership in the Senate. The great State of New York, as against that 1,064,000 of voting population in those 15 smallest States, has on this floor 34 Representatives; but, as against the population of those States that have 30 Senators, she has 1,547,000 voters. The great State of Pennsylvania has 1,173,000 voters. And what have these 15 States that dominate the Senate? They have a total of 1,064,000. Therefore, the power of these 15 States in the Senate is one-third, but the power of those same States in this House only 1 out of 15.

The State of Illinois, with a voting population of 1,100,000, is greater than the little States that send 30 Senators to the United States Senate. The State of Ohio, with a voting population of 1,040,000, is equal to them. The State of Missouri, with 683,000, and Indiana, with 664,000, nearly approach them, and with Massachusetts, 414,000, Texas, 412,000, running down to the ninth State, the State of Michigan, with 544,000 voters and 12 members of Congress, which includes all those with 12 Representatives and more on this floor—those nine largest States have a total power on this floor of one-half, and yet they are offset in the Senate of the United States by 9 of the 15 smallest States, the 15 States having 30 members, or one-third of that body. Nine States, representing on this floor one-half of the membership here, only have the power of one-fifth in the United States Senate. The States I have mentioned, the smaller States, have 7 more Senators than

they have Representatives, and yet the Representatives in this body will, by reason of the peculiar and tyrannical operation of its rules and its Rules Committee, turn over to the Senate for legislation and for conservation the great legislative interests of their people. How can you of New York, Pennsylvania, Illinois, Ohio, Missouri, Massachusetts, or any other State justify such action?

Mr. Chairman, we have a condition prevailing that should appeal to every member of the House who stands for independent representation of constituency and for individualism. You are all interested—for or against—in the subject of irrigation. Who knows when it will come up? I know very many hope that it will never come up. It may be that the Rules Committee will refuse consideration for it; it will never come up except by their special favor; but let the responsibility rest where it belongs. Many insist that it shall not come up; many insist that it shall come up; but if it ever comes up, note you, Representatives from the great States of New York, Pennsylvania, Illinois, Ohio, Missouri, Massachusetts, Indiana, Texas, and Michigan, note you the power you are giving to the Senate in this matter by the peculiar and singular enforcement of your rules.

The ship-subsidy bill is another great question upon which many of you Republicans desire to vote. Will you vote upon it? I do not know, you do not know; only the Rules Committee know. In their peculiar method of reaching a conclusion, will it ever be voted upon? Will you of Indiana ever have a chance to vote against it, or you of Minnesota or Wisconsin or Vermont, or the other members on that side who will oppose it? Yet you who desire to vote upon this ship-subsidy bill, and to vote in favor of it or against it, will have to take your chances. Why? Because, under the peculiar system of the Reed rules, you can not have your individual way—you have delegated away your power.

Another great question is Cuban reciprocity. Will you get that as you want it? Will you take your medicine in allopathic or homeopathic doses? You are subject to the extreme power, the drastic power, of the great Rules Committee, to which you my friend from New York, and you my friend from Pennsylvania, and you Republicans all have surrendered the right to represent your constituents individually upon this floor. It is true that Pennsylvania has an able, an alert, a powerful member upon the floor who is a member of that committee, but he has more power than he should have. It is true that New York has a most efficient, patriotic, and powerful member upon the floor as leader of the majority, but he has more power than he should have by reason of the Rules Committee. Are the other members from Pennsylvania, are the other members from New York ready to surrender to the power of the Rules Committee because they have these distinguished members?

Mr. OLMSTED. Will the gentleman allow me to ask him a question?

Mr. ROBINSON of Indiana. I will, gladly.

Mr. OLMSTED. I would like to ask the gentleman in what particular the present rules and the Reed rules differ from the rules in force in the last Democratic Congress under Mr. Speaker Crisp?

Mr. ROBINSON of Indiana. The gentleman asks me a pertinent question. I came here with him in the Fifty-fifth Congress. Here are rules to which your party have given repeated sanction. If you want to claim a sanction of these rules by the precedent of the rules of the Fifty-third Congress, your party will also find a sanction for them at St. Petersburg, in Russia. [Loud applause on the Democratic side.]

I say to the gentleman from Pennsylvania that his party should take the beam out of its own eye before it sees the mote in the eye of my party. Why should he ask me to sanction one set of rules similar to another when, on account of their similarity, I am opposed to both? Why should he justify Republican Congresses since and including the Fifty-fifth Congress when the rules are vicious on the ground that my party in a Congress where neither of us held a seat had rules equally objectionable?

The Rules Committee is ever alert to justify its course of disfranchisement by a reference to the rules of the Fifty-third Congress. They can see the mote in the Democratic eye, but can not see the beam in their own as big as a ship timber. [Laughter.] It is the rules of to-day with which we are concerned and under which we are discussing the questions of and legislating for to-day; and, Mr. Chairman, these rules, adopted first in one manner and then in another, but substantially the same always, have taken advantage of the new members of Congress, and should be wiped out as the powers of the Rules Committee should be destroyed and their powers wiped from the pages of the rules of the House. [Applause on the Democratic side.]

Mr. GROW. Mr. Chairman, the legislature of the State of Pennsylvania at its last session passed the following concurrent resolution, approved by the governor April 24, 1901:

Whereas a large number of State legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and



Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States Senators, which was not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Pennsylvania that the United States Senators should be elected by a direct vote of the people; Therefore,

*Be it resolved (if the house of representatives concur).* That the legislature of the State of Pennsylvania favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

This proposed change in the mode of electing United States Senators is in line of the changes that have been made at different times in the mode of selecting officials for the government of the Union. For almost half a century the electors for President and Vice-President were appointed by the legislatures of the States. South Carolina, about 1845, was the last State to change from appointment by the legislature to appointment by the vote of the people in the State.

Up to that time the Representatives in Congress were elected in each State on a general ticket, all the voters in the State voting for all the Representatives assigned to the State by act of Congress. For a long period the judges of all the courts in the several States were appointed by the governor or the legislature of the respective States.

The Government established in 1777 by the original 13 States for their common defense and general welfare under articles of confederation and perpetual union was a government of independent sovereign States, styled "The United States of America," but the enacting clause of all resolutions or acts was in a "Committee of the States in Congress assembled." Delegates to meet in Congress were appointed by each State in such manner as the legislature thereof should direct—not less than two from each State and not more than seven, each State to have one vote on all questions. The State was to maintain its own delegates in a meeting of the States and while they were acting as members of the Committee of the States.

All acts of importance passed by the committee of the States in Congress assembled were submitted to the States, and they must have the approval of the legislatures of nine of the thirteen States before they could become binding laws. In this kind of government the delegates appointed by the legislatures of the States were in fact ambassadors from sovereign, independent States. The salaries and other expenses of these delegates were paid by the State, and any of them could be recalled at any time by the respective State and other persons appointed in their stead.

But in the more perfect union formed in 1787, which superseded the old Confederacy, all legislative powers were vested in a Congress of the United States, which should consist of a Senate and a House of Representatives. The Senate to be composed of two Senators from each State, to be chosen by the legislature thereof, and each Senator to have one vote. This was the beginning of United States Senators. The House of Representatives was composed of members chosen by the people of the several States.

The enacting clause of all legislation was "by the Senate and the House of Representatives in Congress assembled." The salaries and other expenses of both Senators and Representatives have been paid out of the common Treasury of the Government of the Union. The Senators thus created were not ambassadors from the States, any more than were the Representatives in the House, elected by the people of the same State.

The States, in ratifying the Constitution of 1787, ceded all their powers of sovereignty as independent States to the Government of the Union. The United States Senators then first created were representatives of the people of the United States of America, with a special constituency composed of the people in their respective States.

The Senators and the Members of the House were both alike representatives of the people of the United States of America, differing only in the mode of their election. The Representatives being chosen by the direct vote of the people, while the Senators were chosen second hand by the vote of the peoples' chosen agents. Madison in the First Congress, referring to the duties of members of Congress, said: "We must consider the general interest of the Union, for it is as much every gentleman's duty as is the local or State interest."

The election of a Senator by the voters of the State instead of its legislature can not in any possible way change his relation to the State or his duty or responsibility to either the State or the nation.

The apprehension that the election of Senators by a direct vote of the people of a State might lead to the election of Senators in

proportion to the population of the several States would seem to be without the least foundation. It would be impossible for that to be done by any amendment of the Constitution that might be submitted by Congress. What a constitutional convention duly called for a revision of the Constitution might do it is not necessary now to consider. But there is an express prohibition in the Constitution against any such amendment being submitted by Congress. There can be no question that the Supreme Court would hold an act of Congress submitting such an amendment as unconstitutional, for it would be in direct violation of the express prohibition in the Constitution providing for its amendment.

In the provision of the Constitution providing for its amendment there is the declaration that "no State without its consent shall be deprived of its equal suffrage in the Senate." Therefore such a change could not be made by any proposed amendment submitted by Congress, for the Supreme Court must hold that such a submission would be unconstitutional. What reason can there be for changing the method of choosing United States Senators from the legislature of the State to a direct vote of the people in the State? First, the election by the people would effectually prevent vacancies in the membership of the Senate for any considerable length of time, while the present method permits vacancies, as we have seen, for long, indefinite periods. Second, election by the people instead of by the legislature would afford less opportunity for corrupt or improper methods to be employed.

The delegates to a State convention for making nominations, many, if not a majority of them, arrive at the place for holding the convention on the morning of the day for the convention. Who are to be the delegates is in most cases unknown until a short time before the meeting of the convention. And should a nomination be secured by improper influences in any case it can be reviewed by the people before they are called upon to vote. And the candidates themselves must have qualifications for the office greater than being the mere possessors of large wealth. This of itself would be a restraining influence on all who might be inclined to use improper influences to secure an election. Third, it is consistent with the principles of free elective government that all officials, where it is feasible to do so, should be elected by a direct vote of the people. [Loud applause.]

MR. RUCKER. Will the gentleman from Pennsylvania allow me to ask him a question?

MR. GROW. Certainly.

MR. RUCKER. Has the legislature of Pennsylvania ever passed a resolution requesting an amendment of the Constitution providing that each State shall have two Senators and one additional for every 500,000 inhabitants?

MR. GROW. No, sir; it has passed no such resolution.

MR. RUCKER. I thought possibly from some things which I have read in the CONGRESSIONAL RECORD—

MR. GROW. Will the gentleman suspend? I can hardly hear what the gentleman says for the talk that is occurring between himself and me.

MR. RUCKER. I thought perhaps, not very seriously though, from what I had seen in the CONGRESSIONAL RECORD, that possibly your legislature had taken some such action.

MR. GROW. The legislature has never passed any such resolution.

MR. RUCKER. May I ask the gentleman another question? I heartily agree with all that the gentleman has said and indorse it all. Has the gentleman any information as to whether the resolutions read at the Clerk's desk have ever been delivered to the Senators from Pennsylvania?

MR. GROW. I can not answer that.

MR. RUCKER. It might be well that they should be supplied with a copy of them.

MR. GROW. The legislature of Pennsylvania has passed resolutions two or three times in favor of the submission of an amendment to the States for electing Senators by a direct vote. The last legislature coupled with that an invitation to the other States to join them in a constitutional convention to revise the Constitution so as to accomplish that.

MR. RUCKER. The gentleman has doubtless seen in the RECORD where a resolution has been introduced providing that each State shall have two Senators and an additional one for every 500,000 additional inhabitants.

MR. GROW. Mr. Chairman, I know that the RECORD contains such a proceeding. I am not here, however, to comment upon that proceeding in the Senate; but I have this to say: In a constitutional convention duly called, under their inherent power to change or alter their form of government, they would be able to put that provision in the Constitution if there was a majority for it; but the submission by Congress of an amendment to do that, the courts must hold to be unconstitutional, for the Constitution itself, in the clause providing for amendments, declares no change shall be made that will deprive a State of its equal suffrage.



Mr. RUCKER. One other statement. I trust that hereafter no gentleman in Congress will ever say that the proposition to elect Senators by the people, in a direct vote of the people, passed the House as a great joke, and that no one had discussed it.

Mr. GROW. This House at this session has passed a joint resolution for an amendment to be submitted to the States to elect Senators by direct vote of the people. It has not been acted on yet in the Senate. Four other such amendments that the House passed heretofore were never acted on by the Senate.

Mr. SHAFROTH. May I ask the gentleman a question?

Mr. GROW. If my time has not expired.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For post-office and court-house at Chicago, Ill.: For continuation of building under present limit, \$1,000,000. The Secretary of the Treasury is hereby authorized to use out of this appropriation the sum of \$40,000 for the employment of a special architect, assistants, experts, superintendents, and other skilled and clerical service to continue the plans, specifications, and superintendence of the building. This work being essentially of a temporary and special nature, the Secretary of the Treasury may employ such assistance as he sees fit, with or without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883: *Provided*, That the whole amount expended for the services mentioned herein shall not, including the sums heretofore authorized, exceed 5 per cent of the total limit of cost of said building.

Mr. MANN. I move to strike out the last word.

I would very much like to make an inquiry of my colleague, the chairman of the Committee on Appropriations. It was stated in the public press of Chicago last summer, several days, that the work on the post-office building there was delayed because Congress had not made a sufficient appropriation. The intimation was made—in fact, the direct charge was made—that it was the fault of Congress; and although that post-office building, which has been delayed, much to the disadvantage of commercial business generally—the charge was made that this building, now approaching completion as to the outer portion of the building, can not be proceeded with because Congress had not made sufficient appropriation. I would like to ask the chairman of the committee if it has any information in regard to that, and as to whether the present appropriation will be sufficient for the ensuing fiscal year?

Mr. CANNON. In reply to the gentleman's question, I will state that I noticed the same newspaper report. I would suggest, further, that I have never noticed any contradiction of it by the architect in charge or by the Supervising Architect. I called the attention of Mr. Cobb in the hearings before the subcommittee to this matter, and I will insert my question and his answer in the RECORD from page 12 of the hearings of last year:

The CHAIRMAN. And it will cost \$200,000 here. There has been no delay in the appropriations in this work?

Mr. COBB. Not a bit.

I think I have put in enough to show that Mr. Cobb came before the committee, and the estimates were submitted, and the subcommittee having the matter in charge put in all that was asked by Mr. Cobb and the Department.

And as proof of that fact, the money is not yet expended. The truth is that there never has been a delay of a minute on account of appropriations. From the commencement there has been a large sum appropriated not used, and from the commencement there was full power to contract for this whole building from foundation to cupola, including the inside finish; and the delay that we all know about in Chicago is to be attributed to matters outside of the action of Congress—matters of administration. In my own opinion, perhaps Mr. Cobb is not to blame in the matter more than any other architect is to blame, but the history of administration of Government architects, whether in the Supervising Architect's office or a private architect, is that when once they get their heads into the manger they stay there as long as there is any fodder to eat. [Laughter.]

Mr. MANN. May I ask my colleague a further question as to whether he has any information concerning the enforcement of the penalties upon the contractor by reason of the noncompletion of this post-office building in Chicago within the contract time?

Mr. CANNON. There was a delay about the excavation of the foundation. The hearing shows there is litigation about that matter. The penalties the gentleman refers to, it is contended, are not regarded by the courts as liquidated damages. The committee has it in contemplation, not having legislative powers, however, to provide that penalties under contract for Government work shall be considered and held by the court as liquidated damages. That is legislation, however, that ought to come from the Committee on Public Buildings and Grounds, and would be subject to a point of order upon a general appropriation bill. I believe, however, that such legislation ought to be had.

Mr. MANN. Mr. Chairman, I have no disposition to find fault with the Committee on Appropriations in this matter. The Chi-

cago post-office building has been delayed until the commencement of it is now ancient history. Last summer it was charged by the press of Chicago that the occasion for the delay in future work was because the appropriation was not sufficient. I do not know from whence these charges emanated, for it was impossible to trace the matter. Apparently they came from the office of the special architect and the Government in charge of the building. I believe he denies their authenticity as far as he is concerned. The statements were absolutely false; there was not a word of truth in them. There was an appropriation sufficient, available at all times for the work, and yet the delay was stated to be caused by Congress not having made a sufficient appropriation. But, in the face of this, they are, as I am informed, waiving the penalties, having let the contract to one contractor for the entire building, contrary to all ethics of building, waiving the penalties, and then charging the delay to the Committee on Appropriations. We have the right to resent it in behalf of that committee.

The Clerk, proceeding with the reading of the bill, read as follows:

Marine hospitals: For marine hospital at Cleveland, Ohio: For boiler plant and expense incident thereto, \$6,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment authorized by the committee.

The Clerk read as follows:

On page 2, after line 19, insert:

"For marine hospital at Savannah, Ga.: For commencing construction of hospital under present limit, \$50,000.

"For marine hospital at Pittsburg, Pa.: For purchase of site and commencing construction of hospital under present limit, \$60,000.

"For marine hospital at Buffalo, N. Y.: For purchase of site and commencing construction of hospital under present limit, \$60,000.

"The Secretary of the Treasury is hereby authorized to enter into contracts for the construction of the marine hospitals at Savannah, Ga., Pittsburg, Pa., and Buffalo, N. Y., within their respective authorized limits of cost."

Mr. ALEXANDER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question. It is very desirable that the marine hospital at Buffalo be completed at the earliest possible moment. I desire to ask him if the appropriation of less than the entire sum will delay the completion of the public building for any length of time?

Mr. CANNON. No, it will not. This appropriation is available on the 1st of July. Then the first thing under the law that is to be done is to acquire a site. When the site is purchased, the next thing to do under the law is to make the plans within the limit, after deducting the cost of the site.

Now, after inquiry we find that with the acquisition of the site and the making of the plans, with power to contract for the completion of the work, that it is not possible to expend more than \$60,000 the coming fiscal year. And I will say to the gentleman that that work will be just as speedy in every respect as if the amendment carried the full appropriation to the limit. This is the usual provision that is carried touching public works adopting the contract system.

Mr. ALEXANDER. May I ask the gentleman a further question?

Mr. CANNON. Yes.

Mr. ALEXANDER. I understand the gentleman from Illinois has been in correspondence with the Secretary of the Treasury, and that it is his belief that \$60,000 is all that can possibly be used the coming fiscal year.

Mr. CANNON. The Secretary of the Treasury, I dare say, has not given it any personal consideration; but I have made inquiry of the Supervising Architect's Office, and I have no doubt, as a result of that inquiry, from the statement of the party in charge, the Assistant Supervising Architect, that this appropriation is ample.

Mr. ALEXANDER. Mr. Chairman, I withdraw my formal amendment.

The amendment offered by Mr. CANNON was considered and agreed to.

The Clerk read as follows:

For quarantine station, San Diego, Cal.: For steam launch, \$7,500.

Mr. CANNON. Mr. Chairman, by the direction of the Committee on Appropriations, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 11, at the end of line 11, insert:

"And all that land lying north and west of the Treasury Department quarantine station, bounded on the south by the land owned by the United States and used as a quarantine station and by First street; on the west by San Antonio avenue; on the north by Colorado street; and on the east by San Diego Bay and the said Treasury Department quarantine station, containing 6½ acres, more or less, is hereby transferred to the Treasury Department for the use of a quarantine station."

The amendment was agreed to.

The Clerk read as follows:

LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.

Castle Island light-house depot, Massachusetts: For establishing a light-house depot for the Second light-house district at Castle Island, \$25,000.



Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 11, after line 15, insert:

"Broad Sound Channel light station, Boston Harbor, Massachusetts: For constructing a first-order light and fog signal at the Northeast Grave, on a granite tower, to mark the entrance to the new Broad Sound Channel, in Boston Harbor, \$75,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station, at a total cost not exceeding \$188,000.

"Lovells Island range lights, Boston Harbor, Massachusetts: For the establishment of two range lights on Lovells Island, at the mouth of Boston Harbor, \$10,000.

"Spectacle Island range lights, Boston Harbor, Massachusetts: For the establishment of two range lights on Spectacle Island, at the mouth of Boston Harbor, \$13,000."

The amendment was agreed to.

The Clerk read as follows:

Staten Island light-house depot, New York: For the erection of a new oil house, \$40,000; for the erection of a new coal shed, \$20,000; in all \$60,000.

Mr. SULZER. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 11, after line 19, add:

"For the proper care and suitable lighting of the Liberty Light, in New York Harbor, \$50,000, or so much thereof as may be necessary."

Mr. SULZER. Mr. Chairman, on the 1st day of March this year, by order of the Light-House Board, Liberty light, on Bedloe's Island, in the harbor of New York, was extinguished. Just why the Light-House Board issued that order I know not, and no one whom I have talked to about it has been able to give to me a satisfactory explanation. In my opinion there is no good reason for that order. The light from Liberty's torch should not be put out. It is essential to commerce, but more than that, it represents a patriotic sentiment that should never be extinguished.

The great statue of Liberty Enlightening the World was unveiled on the 28th day of October, 1886. It was a splendid gift from the Republic of France to the Republic of the United States. It was intended to be a bond of sympathy, of fraternal feeling, of undying memories, of lasting friendship, of eternal good will between the two great Republics. It meant sympathy for republics and republican institutions all over the world. It glorified liberty, fortified freedom, and emphasized the rights of man. It was to be and it ever should be a great beacon light of democracy, dispelling the darkness of tyranny and welcoming to our hospitable shores the oppressed of every land. It was Bartholdi's apotheosis of liberty; a gift from the greatest Republic in Europe to the greatest Republic in all the world.

Its light should shine for all the ages. It should never go out while liberty lives in the breast of man. It links the past with the present, and should be prophetic of the future.

At the unveiling of that magnificent monument to liberty, the President of the United States, the Cabinet officers, distinguished members of Congress, members of the legislatures of States, mayors of cities, judges, governors, and leading citizens from all parts of the country were present. It was a "red-letter day" in the history of this Republic. There was music, and eloquence, and ceremony. It commemorated one of the great civic events in our annals. It was an imposing celebration, and the hand on the dial plate of time marked the hour of liberty and the freedom of man.

As such a beacon it has stood by day and shone by night.

It has meant much to us in many ways. It has stood for all the ideals of the Republic, and a bright harbinger to the weary immigrant after a tedious voyage. It has shone resplendent from the day it was unveiled until the 1st of last March, and then for some hidden reason this Administration, or the Light-House Board acting under this Administration, put out the light. What a commentary! In the face of what is now going on here, in the Orient, and elsewhere, how the eloquent words of the orators on that occasion mock us. What a difference between then and now! Things have changed.

Mr. Chairman, the amendment I offered should be adopted by the House. It should be incorporated into this bill without a dissenting vote. Patriotism prompts it, and we should see to it that the light of Liberty should burn as brightly as ever. I do not know how much money is necessary to clean the statue, fittingly care for it, and properly light it, but my amendment appropriates \$50,000, or so much thereof as may be necessary, gives the proper authorities discretion, and they will spend no more than is absolutely required. However, if the amount is objectionable, I will make it less. All I ask is to keep the light burning. That request should meet with no opposition from liberty-loving members of Congress.

It is a sad commentary, sir, on the Republic of to-day, a sad reflection on our professions and our glorious past, that the great light of Liberty has been put out. What does it mean? Will some one rise up and tell me? In this connection, Mr. Chairman, I send to the Clerk's desk and ask to have read at this time as a

part of my remarks a poem regarding this matter, written by one of our popular poets and a well-known citizen of Washington, D. C.

Mr. MONDELL. This is not an original poem; the gentleman from New York did not write it himself?

Mr. SULZER. It is an original poem. I did not write it, and what is more, I know the gentleman from Wyoming could not write it. [Laughter.]

The Clerk read as follows:

LIBERTY'S TORCH—OFFICIAL ANNOUNCEMENT.

LIGHT-HOUSE BOARD, TREASURY DEPARTMENT.

Washington, D. C., February 12, 1902.

Liberty Enlightening the World light station. Notice is hereby given that on or about March 1, 1902, the fixed white electric light shown from the torch of the bronze statue on Bedloe's Island, New York Bay, will be discontinued. By order of the Light-House Board.

N. H. FARQUHAR,

Rear-Admiral, United States Navy

Put out the torch whose lustrous beams  
Were lit at Freedom's council fires;  
For in its flame no longer gleams  
The lofty purpose of our sires.  
When mouthing hypocrites efface  
The noble charter of our rights  
And set brute forces in its place,  
Put out the signal lights!

Till our great armies cease to slay  
And call the roll of Tagal dead,  
Oh, let us shrink from light of day  
And torch of night, and hang our head  
Put out the lamp, lest it illumine  
The path of our perfidious fame.  
Put out the lamp, for in the gloom  
We hide our scarlet shame!

Ah, when our tyrants quench in night  
The freedom of the Orient sea,  
Why should our goddess keep alight  
The beacon flame of Liberty?  
Silence the eagle on his crag!  
Hush holy Freedom's vaunting hymn!  
Drop down the mast the starry flag,  
And douse the harbor glim!

When patriots welter in their gore  
And perish where our squadrons press,  
Why set this flambeau on the shore  
To shine upon our wickedness?  
Ah, goddess! lift no trembling hand  
To light the bloody path of hate,  
But let grim darkness scowling stand  
And beckon at the gate!

W. A. CROFFUT.

[Loud applause.]

Mr. SULZER. Now, Mr. Chairman—

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that my colleague's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SULZER. Now, Mr. Chairman, as I said, from the day this magnificent statue to liberty was unveiled down to March 1, this year, no Congress has failed to pass an appropriation for this light and to properly care for it.

Since 1886 it has been a light-house essential to commerce and safe navigation in the harbor of New York. It is on all the charts. It aids to mark the channel, and every mariner, every seafaring man, has looked for it and recognized it, going in or coming out of the magnificent harbor of New York. Why is it that after all this time this light must now go out? Is liberty dead? I hope not. I am a friend of liberty here and elsewhere. As a citizen of this Republic, I take a just pride in the grandeur of Liberty Enlightening the World and for all it typifies here and symbolizes to people in other lands. I would not darken its effulgent light, but I would make it burn brighter and brighter as the years come and go. It stands at the gates of America, a magnificent altar of man's faith in liberty, whose light should penetrate the darkness of tyranny throughout the world and guide men from oppression to the hospitable shores of freedom. [Applause.]

Mr. Chairman, I feel deeply on this subject. The responsibility of putting out Liberty's torch must rest on the Republican party. This Administration, it seems to me, will be derelict to duty, false to all the Republic stands for, and recreant to the memories of a century and the sacred friendship of France, which has existed since our Revolutionary struggle, if we now permit that great statue of Liberty to stand in the darkness. What a flood of sentiment appeals to us in this matter. Can we so soon forget the past?

Is recollection dead and gratitude a dream? Are the words of the fathers a hollow mockery? Is our past a lie, or shall liberty truly enlighten the world? Let the gentleman from Illinois and the members of this House answer. I trust the response will be for liberty and in favor of continuing the light on Bedloe's Island, in favor of keeping that great statue of Liberty Enlightening the World illumined from sundown to sunrise, so that it will be not only a guide to mariners, but a great beacon of this Republic, and in truth for all liberty enlightening the world, beckoning

to our shores the downtrodden from every land and every clime. [Applause.]

Yes, my friends, this bill should carry an appropriation to keep that torch of liberty burning. The people—the liberty-loving people—expect it. We must be true to ourselves—we must not disappoint them. The light must not go out. If it goes out now, it may go out forever.

But once put out thy light,  
I know not where is that Promethean heat  
That can thy light relume.

Now, sir, just a word more. I have offered this amendment in good faith, and in the name of liberty, in the name of this great Republic and all it stands for, by the memories of all the past, I trust, I hope, I pray, that it will be adopted, and that Liberty Enlightening the World will continue to shine for all mankind and be a beacon for freedom so long as this Republic shall endure. [Loud applause.]

Mr. CANNON. Does the gentleman withdraw his amendment? [Laughter.]

Mr. SULZER. The gentleman is trying to be facetious, but I sincerely trust he will not raise a point of order. If he stands for liberty, if he believes in republican institutions, if he glories in the greatness and the honor of this Republic, he surely will not object to the amendment. Of course I will not withdraw it.

Mr. CANNON. Well, I have enjoyed the gentleman's speech very greatly. I am quite sure the Committee of the Whole House has, and having had the opportunity to make a speech and having made it so well, it was in the greatest good faith that I asked him if he withdrew his amendment, but he says not. It seems to me that having made the speech he ought to withdraw it. If he will not, however, I want to again express my admiration of his speech, including the peroration.

Mr. MANN. And the poetry.

Mr. CANNON. And the poetry, too; but if we must get down to cold facts about it, I must state there are \$1,900,000 in the bill in connection with the Light-House Service for lights, and the Light-House Board has complete discretion in maintaining the service to light this particular light, as well as all others, and we made some inquiry about it. Somebody suggested, Why do not you keep that light burning in that great work that was given to us? Well, the reply come in that commerce does not need it; commerce is not benefited by it.

Mr. SULZER. And the Republican party does not need it.

Mr. CANNON. You know, we spend some money; we believe, of course, at times in the old flag and in an appropriation. We are spending some money at New York Harbor. We are making another channel there—40 or 45 feet, which is it to be, when complete?

Mr. BOWIE. Forty.

Mr. CANNON. The one we have now is 35 feet. You have to shift your defenses, your forts all about, you have got to build on Coney Island, you have got to mount your high-power guns, you have got to make your barracks and quarters, and from the peculiar formation of the harbor at New York the Long Island entrance and the other entrance, an almost untold amount of money is necessary for commerce, and you can hardly keep up with these appropriations. We have ten or fifteen thousand miles of coast—nearer 15,000 than 10,000—to light, and it is a hard matter to light it. We have, however, the best light system on earth on this great extended coast. Now, the United States has that statue—I believe that is the proper designation for it—and there it stands on public ground. I do not know that there is any disposition to move it to some place where it could be utilized, but if the gentleman can find a place where it can be utilized for light, why, then, let us move it and have the light burning.

Mr. FITZGERALD. I would suggest to the gentleman from Illinois that the present form of administration in New York needs a little light. [Laughter.]

Mr. CANNON. Oh, yes; and after all, that is a little thin, good naturedly coming from my friend. Anybody representing the city of New York who grows virtuous and suggests that anybody needs light had better look at home. [Applause and laughter.]

Mr. LESSLER. May I correct the gentleman's statement?

Mr. CANNON. Yes.

Mr. LESSLER. I was informed that the light had been taken away from the Light-House Department and put under the War Department, and while I do not make speeches here the way my colleagues from New York do, I have been to the Secretary of War, and they are trying to find a place where they can find money enough to light it, because it is now under the authority of the War Department and not under the Light-House Department.

Mr. CANNON. Let that be as it may. As it now stands it is wholly useless continuing a light for commercial purposes—only \$50,000 and a poem. New York Harbor and the great city of

New York have enough to ask from the Treasury of the United States for absolutely necessary items, instead of \$50,000 for this light, which would not aid commerce a particle. So, my dear friends, stick to the old flag. It is a good chance to make a speech. Stick to the poetry; but when you get down to cold business, let us keep the \$50,000 to give to some work that needs it. Now, I ask for a vote.

Mr. SULZER. Mr. Chairman, just a few words in reply to the gentleman from Illinois. He says that there is in this bill a large appropriation for light-houses. It is true the bill carries a general appropriation for light-houses. And, sir, I am willing to take the gentleman at his word. I trust he is sincere and is not begging the question. I am willing now to withdraw this amendment if the gentleman will agree to insert in this bill what I believe has always been in it before—that is, since 1886—a provision that the Light-House Board, or the War Department, whichever has authority in the matter, shall see to it that this statue of Liberty Enlightening the World is properly cared for and lighted, as has been done heretofore. That is all I want. That is all the people, who take a pride in this matter, desire. Will the gentleman consent to it?

Mr. CANNON. Now, let me say to my friend right there, there never has been a specific appropriation to keep this light burning in this statue.

Mr. SULZER. Well, then, that is all the more reason why it should be in now. Why should an irresponsible board have the right to say arbitrarily the torch of Liberty must be put out?

Mr. CANNON. Let me complete my statement. If it is necessary or proper for commerce, then there are nearly \$2,000,000 available for that and other purposes. I do not want to assent to a legislative direction to keep that light burning. On the contrary, if the Secretary of the Treasury or the Secretary of War exercised a discretion to spend \$50,000 for keeping this light burning when it did not aid commerce one iota, I should be in favor of passing a resolution of censure upon such Secretary, because it would be an unwarranted waste of public money.

Mr. SULZER. Mr. Chairman, just a moment. The gentleman says this amendment carries \$50,000. It is true the amendment says \$50,000, but the gentleman fails to state what the amendment also says—"\$50,000, or so much thereof as may be necessary"—and I am willing to reduce it to meet the views of the gentleman.

Mr. CANNON. Well, that is so in all matters of appropriation.

Mr. SULZER. If \$50,000 is too much, the Secretary of War or the Secretary of the Treasury can see to it that only enough is expended to light the statue properly, or I will make it five thousand or ten thousand dollars now. The gentleman from Illinois says commerce does not need this light. I differ from him. For the last fifteen years it has been a beacon and an aid to commerce. It is marked on every chart of New York Harbor. It is for commerce a light-house. It is looked for by every ship coming in or going out of the harbor, and it is just as essential to commerce as any other light-house in New York Bay. No shipping concern, no commercial body has asked to have the light extinguished. On the contrary, commerce demands that this light shall continue to shine.

Mr. LESSLER. May I ask the gentleman a question?

Mr. SULZER. Certainly.

Mr. LESSLER. I should like to know where you get your information about that.

Mr. SULZER. I get my information from the same source that you can if you look for it—the newspapers.

Mr. LESSLER. Well, I have looked it up—

Mr. SULZER. I get it from the daily newspapers of New York City. I get it from mariners who reside in New York. I get it from commercial bodies—

Mr. LESSLER. In your district?

Mr. SULZER. I get it from the pilot associations in New York City; consult these sources of information. This light, aside from any patriotic sentiment, is just as necessary as a light-house as any other light-house. There are half a dozen light-houses in New York Bay, and this is one of them, and it is just as important as the others. This appropriation, consequently, should be made, or there should be some provision in the bill directing the proper authority, whether it is the Light-House Board or the Secretary of War, to see to it that Liberty Enlightening the World is properly illuminated. That is all I wish to say in reply to the gentleman from Illinois, and I trust the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SULZER].

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 43, noes

Mr. CANNON. I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. SULZER.



The committee again divided; and the tellers reported—ayes 61, noes 67.

Accordingly the amendment was rejected.

The Clerk read as follows:

Hillsboro Inlet light station, Florida: For constructing a first-order light station at or near Hillsboro Inlet, east coast of Florida, \$45,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station at a total cost not exceeding \$90,000.

Mr. CANNON. Mr. Chairman, by direction of the committee I offer the following amendment.

The Clerk read as follows:

On page 12, line 12, insert:

"Oyster Bayou light station, Louisiana: For establishing a light-house at the mouth of Oyster Bayou, near the Louisiana coast on the Gulf of Mexico, \$5,000.

"Kewaunee light station, Wisconsin: For the erection of a building for the keeper of the light-house, Kewaunee, Wis., \$5,000."

Mr. CANNON. That provision carries out the law lately passed.

The amendment was agreed to.

The Clerk read as follows:

#### REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay of captains, lieutenants, captain of engineers, chief engineers and assistant engineers, for pay of a constructor, Revenue-Cutter Service, cadets, and pilots employed, and for rations for the same; for pay of petty officers, buglers, seamen, oilers, firemen, coal heavers, stewards, cooks, and boys, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; commutation of quarters; for protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the interest of the Government on the seal islands and the sea-otter hunting grounds, and the enforcement of the provisions of law in Alaska; for enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, approved May 16, 1888, February 6, 1893, and March 3, 1899; and an act relating to the anchorage and movement of vessels in St. Marys River, approved March 6, 1896; for temporary leases and improvement of property for revenue-cutter purposes; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, \$1,240,000.

Mr. MANN. Mr. Chairman, I see this appropriation for the Revenue-Cutter Service is a lump sum, \$1,240,000, without being segregated in any way whatever. I call the attention of the chairman of the Committee on Appropriations to the act of 1888, the sundry civil act, making appropriations for the year 1889, where it provides that the Secretary of the Treasury shall annually submit to Congress a detailed statement of expenditures under said appropriation relating to the Revenue-Cutter Service at the beginning of each regular session thereof.

Now, this appropriation is not made for different portions of the service. There is no division in the appropriation as to the amount which may be expended for officers or men, or for supplies or for any other expense. I would like to inquire from the chairman of the Committee on Appropriations whether he can refer the House to the annual report which has been submitted in compliance with the sundry civil act of 1888.

Mr. CANNON. So far as I know or have been able to ascertain, there has been no report made which complies with the provisions of the act the gentleman refers to. My recollection is that the subcommittee in the preparation of the bill asked the gentleman that appeared to be heard upon the estimates if such a report had been made, and my recollection is that he said that his predecessor had concluded that the report that had been made in the Book of Estimates, covering the appropriations for the last year and the estimates in detail for the coming year, complied with the law. In my judgment, I will say to the gentleman, it seems to me that it does not comply with the law; and that is all I can say about it. This appropriation is made in a lump sum, it is true, but it would be used for fuel, for crews, for pay of officers, etc., and all like provisions the necessities of the service require.

Mr. MANN. Well, I notice that in the appropriation bill, in a number of pages, we make appropriations for the Light-House Service and that there are specifications as to the various things in connection with that service; in other words, that the appropriation is segregated. Here are the expenses of the "keepers of the light-houses" under one head, "Expense of light vessels," "Repair of light-houses," "Expenses of buoys," "Expenses of fog signals," "Lights on rivers," and various other heads of that sort—segregated appropriations. Now, there is nothing of the sort in the Revenue-Cutter Service appropriation. Is there any way of ascertaining, so far as the gentleman knows, how this amount of money is actually expended?

Mr. CANNON. Well, I will say that the total estimate for this service is covered in Appendix S of the Book of Estimates. I can give the gentleman no further information than that. It is true that the appropriations for the light-houses and the Life-Saving Service are set out somewhat more fully than this appropriation; but it is also true, when you come to the pay of the Army and pay of the Navy and in many other branches of the service, large

amounts are made in lump sums, and then their distribution is determined by the law as to the various officers and seamen, etc., and various officers, privates, etc., in the Army.

Mr. MANN. Well, will my colleague state whether the Army appropriation bill, like the one which passed through this House a few days ago, simply appropriates the total amount, making no segregation of the items; for instance, as to pay, the amount appropriated for the officers' branch of the service?

Mr. CANNON. I do not recollect. I think the item is quite a short one for pay of the Army. It certainly does not undertake to say so many generals, so many colonels, and so many majors. The truth is that much that is contained, I will say to the gentleman, in general appropriation bills touching the public service, where we are undertaking to give the details, that it amounts to nothing, except it gives more knowledge to the membership of the House as to how the money is expended. Our system at best, I was going to say, is a makeshift. That is hardly a proper term to apply to it. But while we undertake to follow out the statutes on matters of detail, it does not tell the one-hundredth—I was going to say the one-thousandth—part of the story as to the expenditures in detail.

I am not quite sure but that if we could enter upon a reform touching the appropriations we might adopt the English system. Many scores of volumes, if I recollect aright, cover their estimates, and the enacting clause that vitalizes the expenditures is very short. We have no such system of detail in estimating our expenditures as they have. I have no great pride in the manner in which we make our appropriations. The details are not uniform as to various branches of the service; and I apprehend that this appropriation appears as it is, without further detail, very largely because the precedents have been that way.

Mr. MANN. Now, if my colleague will permit me, he refers to Appendix S; but that only gives an estimate of something over \$800,000, and considerably less than \$900,000, while this appropriation is \$1,240,000. I call my colleague's attention to this as a matter of information that I am seeking. In the sundry civil act of 1888 the same item in the same form relates to the Revenue-Cutter Service and to the Smithsonian Institution. The Smithsonian Institution makes a detailed report of expenditures, giving in detail in a large number of pages the number of the voucher, the amount, the purpose, and the person to whom the expenditure is made. Here is this Service that gets a lump sum for an appropriation and makes no report of the expenditures, gives no details or estimate covering the whole sum.

Mr. CANNON. I will state that Appendix S simply covers pay and does not cover repairs. It does not cover fuel and various other miscellaneous items to a great number, I have no doubt. I agree with the gentleman that under the law of 1888, in my judgment, it is the duty of those at the head of that service to submit a statement of expenditures in detail. I trust that, with this discussion, in the future it will cause a compliance with the law in making such statements.

Mr. MANN. I call the attention of the gentleman to another point in connection with the detailed statement with reference to Appendix S. The statute of 1889 provided that this estimate should be presented in detail, showing the number of officers and cadets. I would like to inquire of my colleague if he is able to find in Appendix S, or anywhere else in the Book of Estimates, any report in regard to the number of cadets.

Mr. CANNON. The only information I have is contained in this appendix. I believe on a hasty examination that the cadets are not mentioned. As a matter of fact, I will say that I do not know how many there are.

Mr. MANN. There are undoubtedly a number of cadets, and the statute provides that they shall submit in this report the number of cadets. Here is a detailed estimate purporting to set forth the amount required for the pay of the officers, but it does not mention cadets at all, although the statute requires it. There is no estimate for cadets, although they are paid out of this lump-sum appropriation.

The Clerk read as follows:

Expenses of local appraisers' meetings: For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, \$1,200.

Mr. MOODY of Massachusetts. Mr. Chairman, by direction of the committee I offer the following amendment.

The Clerk read as follows:

On page 57, after line 10, insert:

"On and after July 1, 1903, section 3637 of the Revised Statutes of the United States is hereby repealed. And it shall be the duty of the Secretary of the Treasury to include in the annual Book of Estimates for the fiscal year 1904 and annually thereafter estimates specifying in detail the number and class of officers and employees of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue from customs at each port of entry in the United States, together with an estimate of the amount required for contingent expenses at each of said ports and for such additional expenses



of the service as can not be otherwise specifically provided for. In submitting the estimates herein required for the fiscal year 1904, it shall be clearly indicated in the case of all officers and employees whether any of them are additional to those authorized and employed during the fiscal year 1902, and whether in any case the salary proposed is an increase over or reduction under the compensation actually paid during the said fiscal year."

Mr. GROSVENOR. Mr. Chairman, I reserve the point of order, and would like to hear what that is intended to accomplish.

Mr. MOODY of Massachusetts. Mr. Chairman, this is a matter that has received considerable thought by the Committee on Appropriations for some years. As the gentleman from Ohio knows, the expenditures in the custom-houses are now met in two ways: First, by a permanent law that appropriates for that service five and one-half million dollars annually, and appropriates also, for the same service, the income from fines and forfeitures resulting from infractions of the customs law. That permanent appropriation is not sufficient to meet the expenditures of the administration of the custom-houses, and it becomes necessary each year to appropriate in the deficiency bill a lump sum of two and one-half million dollars. The administration of the custom-houses is without any responsibility to Congress.

Salaries are fixed in accordance with the wish of the Secretary of the Treasury or his subordinates, and are not equal, or are claimed not to be equal and just, as between the different custom-houses in the service. How this is I do not know. This amendment looks toward the correction of that method. It looks toward the requirement of an annual recurring responsibility to Congress. It places the customs service upon the same basis as all other services of the Government, as, for instance, the internal-revenue service. It requires the Secretary of the Treasury, before the beginning of the next fiscal year, to estimate in detail for the whole customs service, and requires him to show whether the estimate is an increase or a decrease of existing salary. At the present time Congress is utterly ignorant of the administrative details of the customs service. As the gentleman from Ohio well knows, we are appropriating now under permanent laws something over \$100,000,000 a year.

There is no annually recurring responsibility to Congress. Congress loses sight of the appropriations, and there is not that care and supervision which, in my own personal judgment and in that of all the members of the Committee on Appropriations, ought to be exercised every year. Congress ought to know exactly where the public money goes, and this amendment is for the purpose of increasing the control of Congress over those expenditures. I am quite sure that the gentleman from Ohio [Mr. GROSVENOR] will sympathize with the general purpose of this amendment, and while I suppose some part of the amendment may be subject to a point of order, I trust the gentleman will not make it.

Mr. GROSVENOR. Mr. Chairman, the amendment struck me as a complete revolution in the mode of the transaction of this business. But if it has been studied and investigated by the Committee on Appropriations I have, of course, no disposition to put up offhand opinion against theirs. I did not make any point of order; I simply gave notice that I reserved the point and held it under advisement. I will make no point of order.

Mr. MOODY of Massachusetts. I will say to the gentleman that this matter has been studied. There has been a special committee appointed upon the whole subject of annual appropriations, with the purpose of repealing as many as possible of the laws which make permanent annual appropriations and bringing back to the annual supervision of Congress the expenditures in all branches of the Government. Mr. Chairman, I ask for a vote.

The question being taken, the amendment of Mr. MOODY of Massachusetts was agreed to.

The Clerk read as follows:

For the protection of the salmon fisheries of Alaska, under the direction of the Secretary of the Treasury, \$7,000.

Mr. SULZER. Mr. Chairman, in regard to the provision on page 57 of the bill for the protection of salmon in Alaska I wish to address the House briefly. I am somewhat familiar with the subject. One of the great industries of Alaska is the salmon fisheries. There are more salmon canneries in Alaska than perhaps in all the rest of this country, or, for that matter, in the world. These canneries catch and can great numbers of salmon every season, and are rapidly exterminating them. The waters of Alaska at present teem with salmon of different varieties, but if the canning goes on and nothing is done to protect the fish they will be exterminated in a few years. There are, all told, I believe, five or six different varieties of salmon in Alaska, but the market, especially in the East and in Europe, demands the red salmon, and these are becoming scarce, because the red salmon will not go up a river to spawn, save a river having a lake at its head.

The other varieties will go up any stream. The salmon of Alaska are different in their lives and habits from the salmon in other parts of the world. They spawn but once, and no salmon that goes up a stream to spawn ever comes back again. Just so soon as the salmon spawns it dies. In other parts of the world

this is not so. It is a characteristic only of the Alaskan salmon. After a young salmon is 8 or 9 months old it goes to sea, and returns to the place of its birth in seven, eight, or nine years to spawn. Then it dies.

The coast of Alaska is indented with innumerable bays, streams, and rivers, and on nearly all these streams cannery sites have been taken up by the salmon canneries. These canneries have recently gone into a great cannery trust, with a capital of \$25,000,000. They are rapidly exterminating the salmon, especially the red salmon, and in twenty years from now, if this continues, I believe the red salmon of Alaska will be just as scarce as they are to-day in California or Oregon. In Alaska the salmon are sold to the canneries by the Indians for from 1 to 5 cents apiece. The same salmon in California bring 35 cents apiece, and in Oregon, Washington, and British Columbia from 15 to 25 cents apiece.

Mr. Chairman, something must be done by this Government to protect the salmon of Alaska. This is a question that sooner or later must be met and determined by Congress. I have twice visited Alaska, and I have made a careful study of this question, so that I know whereof I speak. If any gentleman here will take the trouble to read the reports which have been made to the Government, and which can be secured from the Fish Commission, he will find in them a verification of all that I say, and he will find furthermore that the Fish Commissioners have recommended over and over again stringent protection.

To-day I desire to call attention to this matter in an informal way, and to direct the notice of the House to a bill I introduced on the 23d day of last January for the protection and the culture of salmon in Alaska. At the present time there are a few canneries in Alaska that own hatcheries and propagate salmon. The Government also has established there about half a dozen hatcheries. But there is no protection unless you paid a fish warden to guard every stream. My bill provides that where a cannery, or an individual, shall establish at its or his own expense a hatchery for the purpose of propagating salmon, such cannery or individual shall have the exclusive right to fish within 1 mile of the mouth of that stream, with the exception that there is reserved to the Indians the right to fish for food.

I ask the Clerk to read the bill.

The Clerk read as follows:

A bill (H. R. 9976) to encourage salmon culture in Alaska and for the protection of persons engaged in the production thereof.

*Be it enacted, etc.,* That any person or persons who heretofore or hereafter may establish and maintain a hatchery for the artificial production of salmon in the district of Alaska shall be entitled to the exclusive right of all fish that such hatchery may produce in excess of the normal product of such stream for a distance of 1 mile in all directions in tide water from the mouth of the stream upon which such hatchery may be located.

SEC. 2. That when the average normal product of any stream on which a hatchery may be maintained shall have been taken within 1 mile of the mouth of said stream in any one year by any party or parties, then the remaining fish produced by said hatchery shall be the property of the owner or owners of said hatchery for a distance of 1 mile in all directions in tide water from the mouth of said hatchery stream, and for a further distance of 4 miles in all directions in tide water it shall be unlawful for any party or parties to take fish of the kind propagated by the hatchery for whose protection this law is enacted.

SEC. 3. That in case other streams producing salmon of the same kind as those produced by the hatchery so protected shall intervene within a distance of 5 miles, then the normal product of such intervening stream shall be included in and added to the normal product of such hatchery stream, subject to the same conditions as are provided in section 2 of this act.

SEC. 4. That the provisions and immunities of this act shall apply to barren streams and lakes that shall have been stocked with fish from artificial hatcheries.

SEC. 5. That in case two or more persons shall maintain hatcheries on the same stream or stock barren lakes or streams, such persons shall be entitled to their proportionate number of adult fish so produced, and each party shall file a sworn statement of his or their output of young fry with the nearest United States commissioner each year.

SEC. 6. That native Indians may at all times take sufficient fish for food or for drying for winter use as food for themselves or families, and fishing with the rod shall be open and free for all persons.

SEC. 7. That the Secretary of the Treasury is hereby authorized to grant leases in accordance with the foregoing sections of this act, for a period not to exceed twenty years from the time the product of their hatcheries shall return, to all persons producing satisfactory proof of having maintained hatcheries on any of the streams of Alaska not producing, in a normal state, more than 10,000 salmon of the kind propagated by said hatchery; such lease subject to renewal at the discretion of the Secretary of the Treasury: *Provided*, That before any such lease shall be granted the party or parties making application therefor shall accompany such application with proof sufficient to establish the normal product of such stream; and no person shall be entitled to more than one hatchery lease or the privilege of stocking more than three barren lakes or streams and being protected in the product thereof: Corporations owning and operating canneries shall be entitled to one hatchery franchise for each cannery so operated, and no more. All hatcheries that may have been started and maintained on streams producing more than 10,000 salmon of the kind propagated prior to the passage of this act shall be entitled to all immunities of hatcheries established on streams producing not more than 10,000, as provided in this section.

Mr. SULZER. In brief, the bill provides that the people who raise the fish shall have the right to catch the fish. In this way the fish will be protected and never exterminated. Now, if that were done it would not cost this Government one dollar for the protection of the salmon. At present it costs the Government a



great deal of money, and the law is not enforced, and cannot be. Men in Alaska thoroughly familiar with this question say that the money now spent is wasted.

The distances in Alaska are so great that it is absolutely impossible for one of the fish wardens, or a dozen of them, for that matter, to get around to all these streams in order to prevent the cannery people and the Indians from fishing within the limitations fixed by law.

The destruction and extermination of the fish and the game in Alaska is a crying shame. It must be stopped, and something ought to be done at once to stop it. My bill, I believe, will protect the salmon without expense to the Government, and it provides for the propagation of salmon for all time to come, and this great industry—one of the greatest industries to-day in Alaska, yielding every year a revenue of millions of dollars—would go on indefinitely, and the fish, instead of being exterminated, would continue to increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOX rose.

Mr. MOODY of Massachusetts. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. KNOX. Certainly.

Mr. MOODY of Massachusetts. I was just about to state that the matter to which the gentleman from New York has referred is not one within the jurisdiction of the Committee on Appropriations.

Mr. SULZER. Of course I understand that. All I wanted to do at this time, while considering this appropriation for fish wardens to protect the salmon, was to call the attention of the House to what is going on in Alaska, and also to the fact that I had introduced a bill which meets with the approval of the people of Alaska and of the canneries in Alaska, by which the salmon can be propagated and protected.

Mr. MOODY of Massachusetts. I was only about to say that this particular provision, which has suggested the discussion to the gentleman from New York is an appropriation for the payment of salaries and expenses of two officials who are appointed by virtue of the terms of a general law. The Committee on Appropriations had nothing to do with the subject, except to carry out the provisions of that law. Now, I yield to my colleague.

Mr. KNOX. Mr. Chairman, I did not intend to say a word upon this bill or any of its provisions, but I was very much interested in the position taken by the gentleman from New York [Mr. SULZER]. It certainly is a very serious matter, the way that the waters and streams of Alaska are being denuded of salmon. There is no question as to the loss to the Government and the loss to the future food supply of this country in the manner in which the streams and inlets of Alaska are being denuded of the fine food fish of the salmon, but I do not agree at all with the position of the gentleman from New York that any new legislation, as far as preventive or remedial legislation is concerned, is necessary. I wish to call the fact to his attention that in the Fifty-fourth Congress there was a law passed which, in my judgment, was entirely adequate, if it was enforced, to protect the salmon fishery of Alaska. That law was passed upon the recommendation of one of the ablest experts upon the subject that had ever visited Alaska. It was full and complete in its provisions, and I wish to say that, in my judgment, the trouble with the fisheries of Alaska to-day and the reasons for the streams being denuded is the non-enforcement of the law. I read in report after report of the Secretary of the Interior that new legislation is required.

Mr. SULZER. Mr. Chairman, will the gentleman yield?

Mr. KNOX. Certainly.

Mr. SULZER. Mr. Chairman, I concur in the conclusion that if the law was properly enforced in Alaska the salmon would be protected; at least to some extent, but it would cost this Government, in my judgment, a great deal of money each year to pay fish wardens to enforce the law in that vast Territory. The best way to protect the salmon fisheries is to give the men who establish hatcheries on the streams and propagate fish the exclusive right to catch those fish when they return after seven, or eight, or nine years. If that is done, they will enforce the law; they will enforce the law—they will guard their rights, protect the fish, and keep poachers and trespassers off with a shotgun if necessary. Now, sir, I believe if such a law were enacted by Congress it would solve this problem without putting the Government to a dollar's expense. That is the object of my bill.

Mr. KNOX. Upon that position I do not agree with the gentleman from New York. I wish to say, in my judgment, there is not a man who would have this privilege of establishing a hatchery in Alaska who would stand for a moment against the money that the great corporations that are to-day stripping that Territory of fish would give him. He would be bought off; he would be controlled. The matter would be entirely in the hands where it now rests—the hands of the great corporations now operating in Alaska. There is no remedy in this matter of the preservation

of that great source of food supply for this country in that district in the future except the enforcement of the law. The salmon with which Alaska abounds are sufficient to afford a food supply to the United States through all future years if they are only preserved and guarded as they are in Scotland, England, and other countries, and as they should be in this country. If the salmon fisheries of Maine, of the Connecticut River, of the rivers upon the east coast of this country had been guarded and wisely preserved, we should have had salmon in those rivers to-day where they have entirely disappeared.

Now, what is the trouble? I read year after year in the report of the Secretary of the Interior of what is being done and the requests for more legislation. I undertake to say no more legislation is necessary, but to enforce the law. The governor of Alaska says he can have but one boat furnished him for the year. It is impossible that he should make his way into all the inlets and all the places where this fish-canning industry is carried on. A few more men properly authorized, a few more boats properly equipped to sail into the inlets, a few more men appointed by the United States upon whom the Government can rely and who would act upon their oaths and responsibility to the Government would be the remedy for what is now going on in the Territory of Alaska.

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, I should like to have the pending amendment reported.

Mr. SULZER. No amendment is pending.

Mr. LACEY. Then I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Add to line 2, page 58, the following:  
"And the further sum of \$10,000, to be used for such purpose in the discretion of the Secretary of the Treasury."

Mr. CANNON. I reserve the point of order.

Mr. LACEY. Mr. Chairman, we have adequate law in Alaska for the protection of the fishing industry. The salmon fishery of Alaska is one of the most valuable things that this country now possesses. Those fisheries are what the Kennebec and Connecticut rivers were to the early settlers of the United States. It is due to posterity that we should not have repeated the history of the Kennebec and the Connecticut in the waters of Alaska. There is only one way to prevent the repetition of that dark chapter, and that is to move in time. And, remarkable as it may seem, unless the reports are all in error, the men who are more interested than any other people on earth in the preservation of this great industry, the men interested in the canneries, are the men who are most assiduously engaged in the destruction of these fish and in the annihilation of their industry.

Under the law there are two men appointed with one superintendent, and this appropriation of \$7,000 furnishes two men to patrol a coast as extensive as that from Nova Scotia to Cuba. Along that enormous coast the fisheries and canneries are established, and they are carried on upon the principle that it is important to get the last fish this year, that if any of them escape they will reduce the dividends to the cannery company. Under the law it is provided that an ample supply of fish shall go upstream for spawning purposes. To prevent these fish from going up assures the destruction of the fisheries in the future. Weirs have been built across many of the streams. The law forbids the construction of these weirs. The law requires that the streams be kept open and no fishing done from Friday night until Sunday every week, giving an opportunity for a sufficient number of the spawning fish to pass up the stream. I am told that this law is disregarded. It takes agents to look after the enforcement of such a law.

Mr. LLOYD. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. LACEY. I yield.

Mr. LLOYD. Are there not six persons employed to look out for the enforcement of the law?

Mr. LACEY. I understand there are but two.

Mr. LLOYD. This appropriation of \$7,000 provides for two, but there is an appropriation for four others, and I understand it is a part of their duty to see that this law is enforced; so that there are six persons instead of two; but notwithstanding that I most fully concur in what the gentleman says—that there are not enough persons for the purpose of enforcing that law.

I suppose the people of the United States have as little idea of the real value of the salmon fisheries of Alaska as about anything we possess in this country. I fully concur in the gentleman's idea that the country's attention ought to be called to the importance of enforcing the law and protecting the interests of our people in Alaska.

Another serious matter is the destruction of seal in Alaskan

waters. The special agent of the Treasury Department, Mr. Adams, between September 23, 1895, and October 10, 1895, actually counted 22,054 dead seal pups, cows, and bulls found upon the rookeries of St. Paul Island alone, which had been wantonly killed or destroyed. In addition to this a large number of starving pups were found which could not survive. The gentleman from Iowa will please excuse me for taking his time.

Mr. LACEY. Mr. Chairman, we want to do something more than call the attention of the country to it. We want to send some men there who will enforce the law. If you send but a few men without any boats, they have to apply to the cannery companies for transportation. When they get to the rivers they have to board with the packing companies. The tendency to become "color blind" is very great when a man is charged with the investigation of the man at whose table he is sitting. Special agents will not very earnestly enforce the law against the only men who give them the comforts and conveniences in their life along the coast.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. LACEY. Certainly.

Mr. MANN. One of the duties prescribed by the law for the Revenue-Cutter Service is to enforce the law of Alaska. They are provided with boats there and have four or five of them up there.

Mr. LACEY. It is proposed to render the Revenue-Cutter Service eligible to the retired list and put them upon a similar standing as the Navy.

Mr. MANN. Do they look after this?

Mr. LACEY. I think that that is about the most useful work done by the Revenue-Cutter Service.

Mr. MANN. I have not been able to find where they have done anything on this line.

Mr. LACEY. They have been very useful in Alaska.

Mr. MANN. In the seal fisheries they may have, but not as to the salmon fisheries.

Mr. LACEY. They have as to the seal fisheries, and also as to the salmon fisheries. They have proved useful in that direction. I will say that for the Revenue-Cutter Service.

Mr. LLOYD. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. LLOYD. Is it not a fact that the Government officers themselves who have charge of this duty, with whom you have come in contact, have expressed the opinion that a great many persons, and those who are charged with the duty, are "color blind," as you suggest?

Mr. LACEY. If any members of the House seek light and will get the work issued by the Harriman expedition and read the chapters of that book as to the condition of the salmon fisheries in Alaska in the year 1899, they will be surprised and shocked at the worse than neglect this great industry has met with upon the part of those who are the proper ones to take care of it. The fishermen, instead of taking care of the fish and allowing enough of them to go up the rivers to furnish spawn for another year, try to catch them all in a single season, and when you make complaint to one of them he says that "the other cannery, at some other river, is catching all the fish, and if we do not catch all in sight our pack will be reduced in amount, and that company will be prosperous and we will fall behind."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Iowa be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Now, in Oregon, they have salmon wheels, and they have been fishing furiously at the mouth of the Columbia River until the Chinook salmon, which was formerly never known in the Frazer River, has been compelled to seek other streams to go up, and now the Chinook salmon is occasionally found on the Frazer River, driven away by the fierce fishing at the mouth of the Columbia.

That noble river lies between two States, and it is controlled by each State to the middle of the stream. The fishermen, of course, all want to make a successful packing season. They are more interested in this year than next. Posterity has done nothing for them, and they say why should they be worrying about posterity. But dividends to-day are something that they can appreciate; and so they set wheels out in the stream, and the wheel catches the fish and kills the smaller ones as well as the large. This system, of course, is really a crime against nature as well as a crime against unborn generations. The California streams were once as full of fish as the Alaska streams are to-day; and as my friend from New York [Mr. SULZER] has said, the fish in California are practically exterminated, because they are prevented from going to the headwaters of the streams to spawn.

They deposit their eggs and the little fish come back to the sea and they stay there from five to seven years, we do not know how long. Experiments are being made to find out the length of their stay in the deep sea by tagging the young and turning them loose.

Mr. Chairman, you can send your two men to Alaska, armed with all the public authority of the law, and they will not find these things that are so constantly reported by private individuals. There is no use to go duck hunting with a brass band. You must send somebody there without the public indicia of authority—somebody that can go right into these camps, who do not have their names sent ahead, who will be able to see, and who will not have each stream prepared for them by the time they arrive there.

The Secretary of the Treasury ought to have a fund by which he can select trusty men who can go there secretly, who can visit these streams, apparently on their own account, and they will then see what the balance of mankind sees, and what the Government officials seem so unable to find when they get there. In short, it seems to me, Mr. Chairman, that there should be some arrangement made by which the Secretary of the Treasury, in his discretion, would be able to send men to ferret out these offenses committed against the laws of Alaska, and bring justice home to those who commit them. Self-interest ought to be sufficient, but that is not found to be so.

The cannery ship their workmen there in the spring of the year; the season is short, and they fish as fast as they can. They take the last fish they can catch in every stream and send the pack down in the fall, and they have no time or thought of the next season. Perhaps next year some one else will go in in the same locality and interfere with their fishing, and what is the use of saving fish for some one else? So it goes on from year to year. I was told the other day by a Government official that he thought that the salmon were not being destroyed in Alaska because the industry had shown the largest pack in the year 1901 ever known in the history of Alaska. I said to this gentleman that the year the buffalo were exterminated showed the largest killing of any year in their history. And so in Alaska, the enormous yield is only an evidence of the size of the business and of the tremendous efforts that that industry is making toward its own extermination.

Mr. CANNON. Mr. Chairman, I would like to have the amendment again reported.

The Clerk again reported the amendment.

Mr. CANNON. Now, Mr. Chairman, to that amendment I have reserved the point of order. This paragraph is to carry out existing law. By existing law two of these agents are authorized and this is to utilize them, and the amount of \$7,000 is appropriated. This amendment seeks to appropriate \$10,000 more to the same end not authorized by existing law.

Now, I do not think the \$7,000 that we appropriate does any good. We only recommend it because the law authorizes it. I do not think this \$10,000 will do any good either. It is a long way off, and, as the gentleman from Iowa I have no doubt well says, these two agents, or a half a dozen, get up there as the guests and associates of these fishermen. There is nobody there to watch them.

I do not think the special-agent service in Alaska, anywhere along the line of the public service, has ever done any good. Without speaking against any individual, I am under the impression that the proprietors have succeeded in swallowing without much greasing all the agents that are sent up there. [Laughter.] Now, I think it would be better, if the condition up there is as my friend from Iowa says, that the appropriate committee should report legislation to this House making it the duty of the Revenue-Cutter Service to patrol these fishing grounds. I suppose there are not more than four or five places where fishing is going on.

Mr. LACEY. There are over 100 places.

Mr. CANNON. Very well; the season is short, and if the Revenue-Cutter Service was utilized in patrolling this industry up there something might be accomplished; but it is just like throwing the money into the fire to appropriate it in this way, in my judgment. It does harm instead of good to send these men up there under the conditions the gentleman refers to. Therefore I am constrained, as this expenditure is not authorized by existing law, and the recommendation in the bill covers existing law, to make the point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois if he understands that the amendment is exactly for the same purpose as that specified in the pending paragraph?

Mr. LACEY. One is under the direction of the Secretary of the Treasury, to meet a certain purpose—namely, to pay two officials—and the amendment is in the discretion of the Secretary. In one the word "direction" is used and in the other the word "discretion."

The CHAIRMAN. Is that the point of the gentleman from



Illinois, that the use of the word "discretion" makes the amendment contrary to existing law?

Mr. CANNON. My point is that the paragraph in the bill carries out existing law. I believe there is no dispute about that. I will ask the gentleman from Iowa [Mr. LACEY] whether that is not so?

Mr. LACEY. Undoubtedly; and I think the general provision of the act to which I have already referred, requiring the protection of these fisheries, is existing law. The Secretary of the Treasury is charged with the duty of attending to this protection. The present proposition is simply to furnish him money to carry out existing law.

Mr. CANNON. Oh, no; the existing law describes how it shall be enforced, namely, by the appointment of two agents; and this appropriation provides for the salaries and expenses of the agents authorized by law. Now, then, there is no law anywhere that supports the amendment offered by the gentleman. The law on the statute book is fully satisfied by the appropriation in the bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. LACEY. Only to this extent. I have not before me the Alaska code, but it contains the provision to which I have referred the Chair; and I suggest that perhaps it would be well to let this matter go over, and not to press it at this time.

Mr. CANNON. I have no objection to this being passed over.

Mr. LACEY. It will not delay the bill. I think that perhaps when the Chair comes to examine the Alaska code he will come to the conclusion that this amendment is authorized by existing law.

The CHAIRMAN. The Chair would be glad to have an opportunity to examine the existing law, and therefore puts the request of the gentleman from Iowa that the pending paragraph with the amendment be passed over for the present.

Mr. LACEY. Until the Chair can have time to examine the Alaska code.

The CHAIRMAN. The Chair has no objection. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Protection and administration of forest reserves: To meet the expenses of executing the provisions of the sundry civil act approved June 4, 1897, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations: *Provided*, That forest agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, \$300,000: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Mr. NEEDHAM. I move to amend by inserting after the word "affiliations," in line 4, on page 64, the words "and must be actual bona fide residents of the State or Territory in which the service is to be performed."

Mr. CANNON. I make a point of order on this amendment.

The CHAIRMAN. Does the gentleman from California [Mr. NEEDHAM] wish to be heard on the point of order?

Mr. NEEDHAM. Yes, sir.

Mr. CANNON. I will reserve the point of order.

Mr. NEEDHAM. The provision originating this forestry service was inserted in the sundry civil bill of 1897, and the same bill has been amended from year to year by inserting such provisions without objection, so far as I know. Now, the result of the present law has been that there have been sent out to the West a large number of nonresidents to administer the forestry service. Now, it is a reflection upon the people of the States and Territories of the West that officials of this character should be sent out there. We have abundant material in the Western States and Territories to care for this service, and it of right belongs to the people there. I hope the gentleman from Illinois [Mr. CANNON] will permit this amendment, which is in the line of local self-government, to be voted on. Our people think it is an imposition that persons from the East should be sent out there to administer this service.

Mr. CANNON. Mr. Chairman, I must insist on the point of order for this reason if for no other: I can imagine that a condition might arise where it would be very important that somebody not living in the State or Territory should act for the preservation of the forests. Sometimes, I can conceive, it might be better to get away from the influence and local feeling. Such a provision as that offered now by way of amendment would put it out of the power of the Secretary of the Interior, even in a necessary case (if they are not all necessary), to appoint anyone

an official for this service who did not reside in the State or Territory where the forests are situated.

Mr. NEEDHAM. Will the gentleman answer a question?

Mr. CANNON. I will if I can.

Mr. NEEDHAM. Has not all the legislation that we have had on this subject been contained from time to time in the sundry civil appropriation bills?

Mr. CANNON. For the protection of the forest reservations these appropriations are made. The establishment of forest reserves is under the law.

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair the proposed amendment limits the discretion which the Secretary of the Interior now has, and is therefore a change of existing law. The Chair sustains the point of order.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 71. Joint resolution directing the Secretary of the Interior to restate the accounts of certain registers and receivers of the United States land offices in the State of Kansas, and for other purposes;

S. 4306. An act for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased;

S. 3220. An act providing for an additional circuit judge in the seventh judicial district;

S. 1594. An act for the relief of the legal representatives of A. G. Boone;

S. 1305. An act for the relief of Mrs. Arivella D. Meeker; and

S. 255. An act for the improvement of the Mount Ranier National Park, in the State of Washington.

The message also announced that the Senate had passed with amendments a bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories."

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2371) granting a pension to Andrew J. Felt, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3743. An act granting an increase of pension to Frances Gurley Elderkin; and

S. 2976. An act granting an increase of pension to Edward Thompson.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 35.

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.*

#### Senate concurrent resolution 34.

*Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 253, first session Fifty-seventh Congress, being the hearings before the Committee on Inter-oceanic Canals, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.*

#### SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For topographic surveys in various portions of the United States, \$250,000, to be immediately available.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Amend page 71 by striking out in line 9 the words "two hundred and fifty" and insert the words "three hundred;" so as to read "\$300,000."

Mr. SMALL. The effect of this amendment is to increase the appropriation for topographical surveys from \$250,000 to \$300,000. The work of the Geological Survey in making these topographic surveys and maps is perhaps more nearly related to the material progress of the country than any other work of the Government. The exploitation of our mineral resources, the development of our water power, and the examination of soils are dependent on it. The topographical surveys must necessarily precede all hydrographic work, all geological investigations, and the important

work of the soil surveys, so necessary to the agricultural interests of the country. This service has grown from insignificant proportions until now it covers a very large section of the country. The policy originally adopted by the Geological Survey was to contribute an equal amount to such States as appropriated a similar amount for this important work. There appears from a letter by Director of the Geological Survey in the hearings before the Committee on Appropriations a statement to the effect that the following States have contributed these sums as an equal contribution for the purpose of this work:

New York .....	\$22,500
Pennsylvania .....	25,000
Ohio .....	25,000
West Virginia .....	15,000
North Carolina .....	10,000
Maine .....	2,500
Alabama .....	1,000

Making a total of \$101,000; so that of this appropriation of \$250,000, \$101,000 will be expended in order to meet the amount appropriated by these several seven States. Now, this additional appropriation is absolutely necessary in order to do the work in those States which have not heretofore cooperated with the United States Geological Survey, and unless it is provided it is estimated by the Director that there will be a diminution of the work to be done in these several cooperating States of at least 25 per cent, and the work will be curtailed in the other States of the Union which have not heretofore cooperated with the Geological Survey.

This amendment is offered in all seriousness, and we are of opinion that various members from different sections of the country have sufficient interest in the appropriation to induce them to vote for it. Perhaps the Committee on Appropriations would have given the increased amount if it had been discussed before them; but, relying simply upon the estimates which had been made, the committee in their wisdom thought proper not to increase the amount. We hope, Mr. Chairman, that this amendment, being of such great importance to the industrial development, the exploitation of our mineral resources, the hydrographic work, and the agricultural interests of the country, will receive the approval of the committee.

Mr. DAYTON. Mr. Chairman, I do not think I can be accused of asking that the work of the Committee on Appropriations, or that of any other committee having in charge one of the large appropriation bills, should ordinarily be changed by the House. That has not been my practice. But I do hope the members of this committee will consider this amendment and give it their support. If the Geological Survey's work is worth anything, it is worth doing well and according to the requirements and necessities of the country. I want to call the attention of members to the fact that this work is being done in the State of West Virginia in cooperation with the national survey. Our legislature has appropriated \$30,000 for the work in that State alone, and, under the arrangement made with the national survey, one half of the expense of the work is paid by the State and the other half by the national survey.

The advantage of this arrangement can be very well seen and understood. Vast development is going on in that State. Thousands and millions of dollars are being invested in its coal fields every year. I am informed by Prof. I. C. White, State geologist of our State—a man who stands as high, possibly, as any other in this country in his profession—that it is almost a necessity that this work be done, and that this appropriation be made in order that it may be done. I admit that this survey is a continuing work, but I am sure that the common sense, sound, clear judgment of the chairman of the Committee on Appropriations will dictate to him that it ought to be done in such way as to expedite and advance the development and progress in those States where development in the mining industries is so conspicuous, and where it is so important. There is no other item in this bill save and except one other, that is relative to it, that of the publication of the maps, to which I desire to make any amendment.

I would not make this objection, I would not ask this change. I would not support this amendment if I did not believe it meant a great deal to the development of my State, and that it is very important that it should be made. I want to call the attention of the committee to the fact that this estimate was approved for \$300,000 by the Secretary of the Interior. I want further to call attention to the fact that there was a deficiency of \$15,000 in this branch of the work last year, and I want to say further to my friends that if this amendment is not incorporated and this sum is not increased, the estimate is that there will be \$50,000 deficiency next year. Under these circumstances I appeal to my friend, the chairman of the committee [Mr. CANNON], to allow this amendment to be made, and if he will not, then good naturedly, recognizing that sometimes the distinguished chairman of the Committee on Appropriations cuts too deep, I ask the House to vote it, but I am sure, or at least I feel certain, that he will be

willing to concede this much to those States that are so vitally interested in this survey.

Mr. SHAFROTH. Mr. Chairman, the very fact that there are eight States in the Union that are willing to appropriate money out of their own treasuries for the purpose of expediting the work of topographic surveys is of itself conclusive that these surveys are most urgently needed, and there is perhaps no branch of the Government work which needs to be extended so much as this. The fact is that geological surveys can not properly be made without topographic surveys. Almost all geological work is guess-work without topographic surveys.

The uses to which these topographic surveys can be put are enormous, not only in the studying of the geological formations of the ground, but also as indicating where railroads can be built; where, in my country, canals and ditches for irrigation purposes can be built, and how much territory can be covered by the same; and the uses to which these surveys can be put are most remarkable compared to what is ordinarily understood. It seems to me, Mr. Chairman, that this is a meritorious amendment, and that it should be adopted.

Mr. LLOYD. Mr. Chairman, it has been stated that \$101,000 has been appropriated by States to assist in this enterprise of securing a topographical survey of the country and assisting the geological department of the Government in doing this work. Now, if \$101,000 is appropriated by the States, and the Government of the United States under its custom appropriates a like sum of \$101,000 to be used in those States, that takes \$101,000 from the general fund, so that the amount left to be expended in the States where no State appropriations have been made becomes very small; and if the appropriation remains as it now is the effect will be that the principal part of the work must be done in those States which have cooperated with the National Government. The greater number of States in the Union where topographic work is now being done are not cooperating with the National Government, and the result of that will be that the work in those States must cease, or the greater portion of it must cease, unless the appropriation is increased.

I believe it is the duty of this Congress to look into this matter and to advance this enterprise by making a greater appropriation so that we can extend these surveys not only in those States which are cooperating with the National Government, but in all the States of the country. There ought to be topographical surveys not only in the States where the work is being carried on, but the work ought to be extended to every State in the Union; and in order that that extension may be made and that these surveys may go on it is necessary that the appropriations be increased. If no States in the Union cooperated with the National Government, then the work would be diffused just as it has been; but as I have explained in the beginning of these remarks, there are eight States which cooperate, and the policy of the Government is to expend an amount equal to that appropriated by the States. I appreciate the fact that those States which are sufficiently concerned in the matter to appropriate their own money ought to have favor over those States that have not sufficient concern to make the appropriation; but it is also true that the National Government has the same interest in one part of its domain that it has in every other. If this service is good for the State of Ohio, it is good for every other State in this Union, and ought to be extended to all parts of the country. I am concerned, therefore, that this amendment be enacted into law.

Mr. CANNON. Mr. Chairman, just a word. The appropriation for this service for the current year is \$950,000 in round numbers. This bill carries \$1,000 more for the service than the appropriation for the current year; a large appropriation for geology, if you stop to think a minute. This is a growing service. That is true. It is a live service—no doubt about it. It is a hustling service—no doubt about that. It is true, now, that a portion of this money for topography is spent in States that make appropriations from the State treasuries, and my observation is that this Bureau is quite lively in suggesting to States that that is a wise thing to do. An employee of the Bureau goes out to the State legislature, and the beauties of topography are pictured in many colors. Sometimes the State legislature appropriates and sometimes it does not. In my State of Illinois the State did not catch on. I am not saying that you do not need topography in West Virginia and North Carolina and Colorado. You have had a good deal of it in Colorado. Now, we recommend the same amount for the coming year as there is for this year—\$250,000 for topography—and between nine hundred and ten hundred thousand dollars for the whole service. Your committee thought that we had better leave something for posterity in topography.

Mr. SHAFROTH. Is it not a fact that by reason of this policy indicated by the gentleman, that these States appropriate money for geological surveys, which requires that the Government should pay a certain part of the survey, that it leaves for the other States a very small amount, and thus it makes those States which make



the appropriation get more of the work done, while those States which do not make the appropriation get less than should be made?

Mr. CANNON. A great many have been made in Colorado.

Mr. SHAFROTH. But Colorado has not made any appropriation corresponding to that which has been made by the Government.

Mr. CANNON. Well, I will say to the gentleman that great large blocks of this money have been spent within her borders.

Mr. SHAFROTH. I do not think any greater proportion than in other parts of the country.

Mr. CANNON. The truth is, in the few States which contribute the hustling surveyor from Washington met the hustling surveyor of the State, and they pooled their issues, and the legislature came down. That is about all.

Mr. DAYTON. Is this survey of no importance?

Mr. CANNON. Oh, yes.

Mr. DAYTON. Is it not important that they should be had in those States where they are absolutely needed and called for?

Mr. CANNON. Topography is ascertaining the lay of the country; how high the hills are, and all that kind of thing. It is map-making work. That is topography.

Mr. DAYTON. About these maps; the gentleman will certainly understand the point when I say that upon these maps depend the investment, in my State, of thousands and hundreds of thousands of dollars, because the lay of the coal can be estimated, the policy of running a branch line of railroad to get that coal can be estimated from them. And these maps, I want to say to the gentleman, in my judgment, are of greater value than all other Government publications put together, and it has been impossible for me to meet the demand for them.

Mr. CANNON. Well, after all, the coal ledge, as it grew and developed, is still in West Virginia, and has been there for many centuries, and it will still be there for many centuries. So far as saying that these maps are necessary or useful in building railroads, I would say they are not. Whenever a railroad company wants to build a railroad it puts on its own surveyors and locates its lines. It was the opinion of your committee that the great appropriation of this year, amounting to nearly a million dollars, was enough for this service, and therefore we make the recommendation that we do. Now, having said that much, I am willing to leave it to the Committee of the Whole House.

Mr. DAYTON. Will the gentleman answer me one other question?

Mr. CANNON. If I can.

Mr. DAYTON. In your estimate you cut down the estimate of the Secretary of the Interior, did you not, \$50,000?

Mr. CANNON. Oh, we have cut off \$12,000,000 of estimates in making up this bill.

Mr. DAYTON. There was a deficiency for this work of \$15,000 last year, was there not?

Mr. CANNON. Oh, my friend is mistaken there.

Mr. DAYTON. That is the statement made to me under authority by one who claims to know.

Mr. CANNON. I have got the memorandum, and I have confirmed it. There was no deficiency for topography, and we have no right to make one.

Mr. DAYTON. The work was delayed.

Mr. CANNON. I will say to my friend you can spend five millions in West Virginia the coming year in making maps.

Mr. DAYTON. Oh, that is too extreme a statement.

Mr. CANNON. If you should have men enough, one or two millions. So you could in all the States. I think that really we are making very good speed. Your committee came to the same opinion, and I am quite content that the Committee of the Whole House should dispose of the amendment.

Mr. SHAFROTH. I would like to make a suggestion right there, if the gentleman will permit me?

Mr. CANNON. Certainly.

Mr. SHAFROTH. That by reason of these eight States appropriating \$101,000, the result is that the United States Treasury has got to spend a like amount in them, and that leaves only \$150,000 to the other States, and does not put them in as good a position as they were in before.

Mr. CANNON. I would say to the gentleman that there is no law which requires the United States to spend dollar for dollar.

Mr. SHAFROTH. Well, that has been the policy of the Bureau.

Mr. CANNON. That is a matter of administration.

Mr. SHAFROTH. There is no question but what that will be the policy.

Mr. CANNON. That is a matter of administration. It may be wise and it may be unwise. I did not shed any tears when the Illinois legislature did not make any appropriation for topography—not one. Yet they were urged very strongly to do so; but corn still grows in Illinois, and we still mine more coal than any State in the Union, except Pennsylvania.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. NEWLANDS. What is the amount originally estimated for this work?

Mr. CANNON. Three hundred thousand dollars.

Mr. NEWLANDS. To what amount has the committee cut the appropriation?

Mr. CANNON. We recommend \$250,000, the same as the current year.

Mr. NEWLANDS. And what work does that cover, may I ask?

Mr. CANNON. It covers everything that the Government will spend on topography. They can only have it spent as we recommend. If the committee adopt the amendment it will be increased by \$50,000, to \$300,000.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CANNON. Well, we may as well have a stand-up vote.

The CHAIRMAN. The gentleman from Illinois demands a division.

The committee divided; and there were—ayes 58, noes 24.

So the amendment was agreed to.

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from Illinois to the amendment offered by the gentleman from Iowa. The paragraph occurs on pages 57 and 58 for the protection of the salmon fisheries in Alaska under the direction of the Secretary of the Treasury. To this paragraph the gentleman from Iowa [Mr. LACEY] offers the following amendment:

Add to line 2, page 58, the following:

"And the further sum of \$10,000 to be used for such purpose, in the discretion of the Secretary of the Treasury."

The Chair, on examining the existing law on the subject, finds it in section 4, chapter 387, which reads as follows:

SEC. 4. That to enforce the provisions of law herein, and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint 1 inspector of fisheries, at a salary \$1,800 per annum, and 2 assistant inspectors, at a salary of \$1,600 each per annum, and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

The Chair is inclined to the opinion that where the Secretary of the Treasury submits estimates for such other expenditures as may be necessary to carry out the provisions of the law herein, then Congress should appropriate for such purposes. But, under existing law, Congress is not authorized to appropriate money to be expended within the discretion of the Secretary of the Treasury. The Chair therefore sustains the point of order.

Mr. LACEY. Mr. Chairman, I move to amend, in line 1, page 58, by striking out the word "seven" and inserting "seventeen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 58, line 1, strike out the word "seven" and insert the word "seventeen."

Mr. CANNON. Mr. Chairman, I make the point of order that there is no estimate for that. This is all that the Secretary of the Treasury asks and all he is entitled to under the law.

The CHAIRMAN. The Chair does not understand that the law limits the amount to be appropriated.

Mr. CANNON. Well, Mr. Chairman, I want to say this, and then I am ready for a vote. Here is the law, and the Secretary of the Treasury makes his estimate and says he wants \$7,000. This amendment seeks to give him \$17,000. Under the law, in my judgment, he can not spend it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 7, noes 24.

So the amendment was lost.

The Clerk read as follows:

For engraving and printing the geological maps of the United States, \$70,000.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 72, line 12, by striking out the word "seventy" and inserting the words "one hundred."

Mr. CANNON. Now, Mr. Chairman, I think I can save the gentleman some time. It seems to have been the sense of the House to increase by \$50,000 the appropriation for topography. It would look as if it would follow as a logical sequence that we should increase the appropriation for making maps and outlines of survey. Otherwise, I guess the first appropriation would not be apt. In view of the action of the committee, I think this would follow.

Mr. SMALL. I think the gentleman from Illinois has stated the situation correctly—one would necessarily follow the other.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, for the United States Geological Survey, \$880,570.

Mr. CANNON. Mr. Chairman, for the purpose of correcting the totals I offer the following amendment:

The Clerk read as follows:

On page 72, line 25, strike out "eight hundred and eighty" and insert "nine hundred and sixty;" so that it will read "\$960,570."

The CHAIRMAN. Without objection the correction will be made.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Census Office: The unexpended balance of the appropriation made by the sundry civil appropriation act approved March 3, 1901, for salaries and necessary expenses for taking and compiling results of the Twelfth Census is hereby reappropriated and made available for continuing the work of taking the Twelfth Census, and for all expenses arising under and authorized by the act to provide for a permanent Census Office, approved March 6, 1902, including the purchase of necessary law books, books of reference and periodicals, and manuscripts: *Provided*, That estimates in detail for the expenses of the permanent Census Office for the fiscal year 1904 and annually thereafter shall be submitted in the regular Book of Estimates.

Mr. CANNON. Mr. Chairman, by direction of the committee I offer the following amendment.

The Clerk read as follows:

On page 73, after line 15, insert "The Secretary of the Interior is hereby directed to cause to be sold as waste paper or destroyed the population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth Census and all subsequent censuses shall likewise be sold or destroyed as soon as the results therein shall be tabulated and published."

The amendment was agreed to.

The Clerk read as follows:

Improvement of the General Grant National Park: For protection and improvement of the park, construction of fences and trails, and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, \$2,500.

Mr. CUSHMAN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Improvement of Mount Rainier National Park: For protection and improvement of the park, construction of fences and trails, and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, \$10,000.

Mr. CANNON. I reserve a point of order on this amendment, if the gentleman desires to be heard.

Mr. CUSHMAN. The amendment which I have just offered seeks simply to make an appropriation for the only national park within the limits of the State of Washington. This national park was created by act of Congress in 1889. There is contained within the limits of this park some of the most beautiful natural scenery to be seen anywhere on the American continent. It is said by many who have visited it to far exceed some of the wonders of the Yellowstone National Park.

Since the time this national park was created there never has been a dollar expended by the Government for its improvement or protection. It seems to me that in a time when we are passing legislation of this kind to improve and beautify the other national parks of the United States it is perfectly fair and proper that we should make a small appropriation for the improvement and preservation of one of the most beautiful of all the national parks. It is situated in a climate far more salubrious than the Yellowstone National Park, and is far more easy of access. It contains one of the most beautiful single mountain peaks in the world, besides many other beauties too numerous to mention.

I have before me a copy of the act of Congress which created this park and set aside the land within its limits for the purpose of a park. It must be very manifest to everyone here that unless a reasonable amount of money be expended for the improvement of this park—for the creation of roads and trails, for such improvements as will make it possible for the pleasure seeker to find his way through this park—unless this is done the legislation which created the park will practically fail of the end that was in view when it was adopted.

I call the attention of the members of the committee to the fact that we ask in this connection only the modest sum of \$10,000. Year after year I have sat in this House and witnessed appropriation after appropriation go through for the further improvement of the Yellowstone National Park, for the improvement of the national park in California, and for the improvement of other national parks in the United States. I now simply appeal to that spirit of fairness which exists in this House to grant that some portion of that money which to-day is being expended for the improvement of the national parks of the United States elsewhere may be expended in and upon the only national park within the boundaries of the State of Washington.

Mr. CANNON. Mr. Chairman, I have here in the volume be-

fore me the act making the Mount Rainier district a national park. I do not raise any point of order, because it seems to me the proposed amendment is not subject to a point of order. But I do submit that it is not wise at this time, if ever (and I do not enter the domain of prophecy to say whether it will ever be wise), to commence improving this national park. I have never been in this park. I have seen it from afar. I understand that it is as much as a man's life is worth to undertake to go into it for any considerable distance.

I recollect that some little while ago I was greatly interested in reading a report of the escape of some good citizens who went upon a picnic excursion into that park. Mount Rainier is a great mountain. Many of you have seen it. But on looking at the act now before me making this a national park, I find that the Northern Pacific Railroad Company seems to own half of it.

Mr. CUSHMAN. They have released much of their lands there, and taken other lands in lieu thereof since the passage of the act creating the park.

Mr. CANNON. Entirely?

Mr. CUSHMAN. Very nearly.

Mr. CANNON. Well, I would like to know how "nearly," because "very nearly" might mean that a good many thousand acres are not yet released. And I would be glad to know how much the Northern Pacific Railroad sold before it took the new lands for the balance. And then I find another peculiar provision:

SEC. 5. That the mineral land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

I do not know whether any mining is going on there.

Mr. CUSHMAN. Is the gentleman aware of the attitude of the Department of Interior in reference to this matter?

Mr. CANNON. I have just discovered this law extending the mineral land laws to that park. They are not extended to the Yellowstone Park or the Yosemite or the Sequoia. How much mining is there in this park?

Mr. CUSHMAN. There is not any mining going on within the limits of this park—that is, there is none to speak of. I think one or two little mineral prospects have been made within the limits of the park.

Now, as the gentleman seems to manifest such an interest in this subject, I may be pardoned for interrupting him for the purpose of adding somewhat to his stock of information. The gentleman says he has never been in the park; that he has seen it from afar. Well, I have been in the park and through it from circumference to center, from the lower valleys to the snowy summit of Mount Tacoma—and, by the way, this reminds me that the gentleman from Illinois has become confused regarding the name of the mountain and the name of the park. Mount Tacoma is the mountain situated in the Mount Rainier National Park! [Laughter.]

Now, then, the statement that it is as much as a man's life is worth to go for any considerable distance into this park is simply foolishness, and I do not conceive that the gentleman made that objection in any earnest sense. Man, woman, or child would be a great deal safer in that park day or night than they would be in some of the streets and alleys of the city of Chicago in the gentleman's own State of Illinois.

Now, then, referring to the gentleman's objection that the Northern Pacific Railway owns lands in the park. This is an error as far as the practical facts are concerned. The land grant of the Northern Pacific Railway, which was made years ago, gave them a large amount of land throughout that whole region. They originally owned, I believe, every alternate section within the limits of what is now the national park.

To the best of my recollection, the railroad company have released all or nearly all their holdings within this park and, under the law, selected other lands in lieu thereof. Had I had the faintest idea that any such objection as this would be made, I should have had a map or plat here showing the exact amount of land within the limits of the park now controlled by the railway company. But, as I said before, the company have released practically all their lands therein, and they are releasing the balance as rapidly as possible.

What earthly difference could such an objection make? The railway company had certain lands within these limits before the law was passed creating this park. If the ownership of these lands was any serious obstacle to the creation or improvement of this park, how did the act come to pass creating the park in the first place? It seems that the gentleman from Illinois has conjured up a fear that was not possessed by House at the time it passed the law creating this park. Do not make any mistake. I am not urging this appropriation for the Northern Pacific or any other railroad company. I am not standing on this floor as the representative of the railway company. And the fact is well known to all the people of my home that on this floor I represent the people of the State of Washington and not the corporate interests of any railway company.



The railroad feature that has crept into this case is nothing more than a "ghost." The only possible interest, near or remote, that the Northern Pacific Railroad Company could have in seeing this appropriation made to improve this park is that it would increase the tourist travel and thereby increase their business—and that is the very same interest they have in the Yellowstone National Park, for the improvement of which this committee has just voted an appropriation!

I have offered this amendment in response to the widespread and universal sentiment of all the people of the State of Washington, who desire to have the national park of their State improved and beautified, guarded and preserved as are the national parks of other States. There is not anything strange or supernatural about the fact that they should have a desire similar to the desires possessed by other people on a similar subject, is there?

Further than this, I am utterly unable to conceive why the mere fact that the mineral-land laws of the United States still exist within the limits of this park should be made the basis of an objection to the improvement of that park. Ever since the white man has lived in that region, ever since Lewis and Clarke explored that vast region, ever since Marcus Whitman dedicated that region to Christian civilization, those same lands have been subject to mining exploration and mineral location—but there has not anybody been mining therein. The mining laws being in force in that region simply gave all men the privilege of mining therein, but nobody has taken advantage of that opportunity, because there was no great mineral belt or mineral deposits within the limits of the park. Therefore it seems to me that the worthy chairman of the Appropriation Committee is conjuring up a matter for an excuse which, upon examination, seems to me to have no real merit in it.

I have neglected to state that a bill has already passed the Senate a day or two ago making an appropriation of \$25,000 for the improvement of this same park. Now, then, I have by some sad experience in this line heretofore arrived at a realizing sense of how difficult it is to secure an amendment upon an appropriation bill which was not favored by the Appropriation Committee. Now, then, it seems to me that I am unusually modest in asking for the sum of \$10,000, when the United States Senate has already, this very session of Congress, passed a bill making a specific appropriation of \$25,000 for this very purpose.

A word more on this objection to making this appropriation because the mining laws are still in existence in this park. The Public Land Department in the United States, and the Department having cognizance of all mining matters in the United States, is the Department of the Interior. Therefore, this same Department has supervision of this land as a park and jurisdiction over any mining operations that might be carried on in the park under existing law. Therefore, if there was any impropriety in making an appropriation for a public or national park because the mining laws were in force in that park, the Secretary of the Interior would have been the very person who would have objected.

Now, as a matter of fact, the Secretary of the Interior not only has not objected to this appropriation being made, but he recommends that it be made. I read briefly from what the Secretary of the Interior said upon this subject in an official communication:

I have to state that the legislation contemplated—an appropriation for this park—is in line with the recommendations relative to the Mount Ranier National Park contained in my last annual report to the President of the operations of this Department, pages 132 and 133. I have the honor, therefore, to recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate and that it may receive the favorable consideration of Congress.

Now, if there had been any objection to the making of an appropriation of this kind by reason of the fact that the mineral laws of the United States extended to this domain, certainly the Secretary of the Interior, the man under whose jurisdiction the Land Department is conducted and mining locations are made, would have had knowledge of that fact and would have made it the basis of his objection; but he did not.

I certainly hope that the committee will grant us this most modest request.

Mr. CANNON. Now, Mr. Chairman, I want to call the attention of the committee to this fact: First, that no estimate or suggestion came from the Secretary of the Interior or any other official asking this appropriation. So far as I know, it makes its appearance for the first time in the Committee of the Whole. We have had no opportunity to examine it. The Secretary of the Interior did not think enough of it at this time to even go through the poor form of submitting an official estimate on this suggestion. The gentleman reads a communication from the Secretary, I suppose, in reply to the request of a Senator. What it may be worth I do not know. Who wrote the letter I do not know. Whether the Secretary of the Interior investigated it or not I do not know; but I do know that, in the present knowledge that we have of this park, how much of it is owned by the Northern Pa-

cific Railway, how much of it has been taken up under the mineral-land law, without any investigation whatever or any estimate whatever, I do not believe it wise at this time to make this appropriation. I am ready for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken; and on a division called for by Mr. CUSHMAN there were—ayes 19, noes 28.

So the amendment was rejected.

The Clerk read as follows:

Antietam battlefield: For repair and preservation of monuments, tablets, observation tower, roads, and fences, etc., made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Md., \$1,500.

Mr. PEARRE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 6, page 93, add the following:

"For the purpose of constructing a macadamized road from the town of Sharpsburg, Washington County, Md., over the battlefield of Antietam, and over Burnside's Bridge to the Connecticut Monument on said battlefield, upon and along the present county road between said points, \$10,000: *Provided, however,* That the county commissioners of said Washington County, in the State of Maryland, shall first convey and confirm said roadway to the United States by a good and sufficient title, approved by the Attorney-General of the United States. The expenditure of said sum, or so much thereof as may be necessary, shall be made under the direction and supervision of the Quartermaster-General in conformity to the general plan of improvement of the national cemetery and battlefield of Antietam."

Mr. MOODY of Massachusetts. Mr. Chairman, I reserve the point of order.

Mr. PEARRE. I do not understand the gentleman makes the point of order now.

Mr. MOODY of Massachusetts. I reserve it.

Mr. PEARRE. Mr. Chairman, this amendment simply embodies an appropriation of \$10,000 for the purpose of constructing a road on the battlefield of Antietam between the town of Sharpsburg, in Washington County, Md., and the Connecticut monument, or the monument erected to the courage and valor of the Eleventh Connecticut Regiment in the battle of Antietam, which is just beyond the Burnside Bridge, at which point this regiment and other regiments of the Federal Army showed great gallantry.

The general plan of improving the battlefield of Antietam is not a new one, and it has been the unbroken practice of the Congress of the United States to make appropriations not only for the purpose of marking distinct and distinguished points on that battlefield, but for the purpose of building roadways, not only roadways to the adjoining national cemetery of Antietam, but also for the purpose of building roadways along the battle lines of the various regiments which participated in that battle. If need be, Mr. Chairman, I can go back for several years and show the legislation on this subject. At the first session of the Fifty-second Congress an appropriation was made

For the purpose of surveying, locating, and preserving the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and for marking the same, and for locating and marking the positions of each of the 43 different commands of the Regular Army engaged in the battle of Antietam, and for the purchase of sites for tablets for the marking of such positions as follows.

Later on, in the Fifty-third Congress, at its third session, there was an appropriation in these words:

Battlefield of Antietam: For completing the work of locating, preserving, and marking the lines of battle at Antietam, and for properly marking with tablets, each bearing a brief historical legend, compiled without praise and without censure, the positions occupied by the several commands of the armies of the Potomac and of Northern Virginia on that field.

And I will direct the attention of the gentleman from Massachusetts to the following language:

And for opening and improving avenues along the positions occupied by troops upon those lines, and for fencing the same, \$9,421, to be immediately available, and to be expended under the direction of the Secretary of War.

Going on later we find in the Fifty-fourth Congress, at its first session, in the sundry civil bill, the following:

Battlefield of Antietam: For completing the work of locating, preserving, and marking the positions of troops and lines of battle of the Union and Confederate armies at Antietam and the closely related battles at Harpers Ferry, South Mountain, Crampton's Gap, and Shepherdstown, the said lines and positions to be marked with cast-iron tablets, each bearing a brief historical legend compiled without praise and without censure; for improvement of roads owned by the United States at Antietam; for monuments of cannon balls and bases therefor to mark the localities where six general officers were killed; for completing the observatory towers; for guideposts; for preparing and publishing maps indicating the movements and positions of troops engaged in the battles and in the Antietam campaign; and for services and materials incidental to the foregoing, \$17,000, to be expended under the direction of the Secretary of War.

But even prior to that time, Mr. Chairman, in the sundry civil bill approved March 3, 1893, under the head of "Battle lines and sites for tablets at Antietam," the following language occurs:

For continuing the work of surveying, locating, and preserving lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and for locating and marking the positions of the 43 different commands of the Regular Army engaged in the battle of Antietam, and for



purchase of sites for tablets for marking the same, and for the purchase of roadway to tablets, as follows:

For the purchase of 50 additional tablets, and transporting and setting up same; purchase of 50 additional sites for tablets; salaries of board, including office rent, hire of vehicles, and mileage, and for the condemnation of the land and acquiring title of the same, and for the purchase of land for roadway from a point on the Sharpsburg and Hagerstown turnpike to a point on the Sharpsburg and Boonsboro turnpike (said land is known as the Bloody Lane or Sunken Road), and for repairing and fencing in said roadway, \$15,000: *Provided*, That the Secretary of War is authorized to supply at Antietam such number of cannon and cannon balls as his judgment may approve and which can be spared for the purpose of marking the positions of the different commands engaged in the battle of Antietam.

It therefore appears very clearly to my mind, Mr. Chairman, and I respectfully submit that it will appear to the mind of the chairman, that this is a public work or object now in progress, and that it can not with reason be held that the point of order against this appropriation can be sustained. It is the purpose of the Government of the United States not only to maintain its national cemetery at Antietam, but it is the clearly defined and distinctly declared purpose and object of the Government of the United States to maintain that battlefield of Antietam, to establish the points of interest by tablets, and to lead to those tablets and other points of interest by roadways over land which has been purchased by the Government of the United States and improved by appropriations voted by the Congress of the United States.

Mr. BUTLER. It is a part of the general system.

Mr. PEARRE. It is a part of the general system, and it is only in carrying out the object of this general system that this amendment is offered. It is, therefore, entirely germane to the purpose of the section to which it is offered and in line with the general policy of the Government in carrying out this public work or object now in progress.

Why, sir, I have here a map, if the gentleman from Illinois desires to see it, showing a number of roads through this battlefield, not leading directly and distinctly to the gates of the cemetery itself, which is a national cemetery, but a number of roads purchased by the Government, improved by the Government, maintained by the Government, and for the maintenance of which this appropriation bill itself in this section and under this head contains appropriations, as will be seen on page 93, under the head of "Antietam battlefield."

For repair and preservation of monuments, tablets, observation tower, roads, etc.

Now, here is a plat furnished by the War Department, showing the improvements on the battlefield of Antietam, and showing not only the Bloody Lane, running from the Sharpsburg and Boonsboro pike to the Sharpsburg and Hagerstown pike, which has been purchased and improved by the Government and still continues to be maintained by the Government, but that a whole system of roads here in no way directly connected with the cemetery improvement or maintenance has been purchased and maintained and is now maintained by the Government of the United States.

Now, with reference to this particular improvement, Mr. Chairman, this bill covers an appropriation for the improvement between what points? Between the town of Sharpsburg and the Connecticut monument, which is just on the opposite side of Antietam, and which was erected to the valor of the Eleventh Connecticut Regiment, at the Burnside bridge, where perhaps the hottest fight on this battlefield took place. At the Burnside bridge the valor of American soldiery perhaps reached the pinnacle of greatest achievement in the history of the armies of the United States.

There, sir, arrayed against a hostile and well-disciplined foe, manning the approach to that bridge by artillery and infantry, raking with musketry fire from the rising ground beyond, and with field pieces loaded to the muzzle with grape and canister that made the entrance to this bridge an almost impregnable position, the Eleventh Connecticut, shoulder to shoulder with the brave and magnificent Second Maryland Regiment, made an unsuccessful and futile effort to carry that bridge under orders of superior officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOODY of Massachusetts. I hope the gentleman may have five minutes more, if he desires it.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Maryland may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PEARRE. These two devoted regiments, sir, following the flag of their country and inspired by patriotic determination, went eight abreast into that perfect cul-de-sac of death. The passage was so narrow, the means of approach so constricted, that only eight men could reach the bridge abreast. Baring their breasts to the leaden blast of battle, these dashing regiments filled that bridge to the very top of its parapets with the dead heroes and patriots of the Union.

With that effort failed as magnificent a military charge as was ever made in the annals of military history, equaling in every respect, aye, sir, excelling in many respects, the daring and futile dash of the six hundred at Balaklava. This charge and its gallantry was seconded by the call for two other regiments, the Fifty-first Pennsylvania and the Fifty-first New York. These regiments went into that action and with one magnificent shouting sweep they carried what appeared from a military strategic point of view to be an absolutely impregnable position and planted the colors of their country on the hills beyond in the wake of the retreat of Toombs and Longstreet's steady and well-disciplined troops.

Now, sir, the Sixth district of Maryland, a State which, although a border State in that great struggle, furnished 62,000 loyal troops for the defense of the Government, its contention and its flag, asks the mere miserable pittance at the hands of this committee of this \$10,000 to mark the spot of this unequalled and unexampled valor of these patriots of the land. It seems to me, sir, if I may be permitted to say so, that this is no place to interpose a point of order upon whose sharp point every objectionable or what is considered unnecessary suggestion of legislation is thrown out.

Why, sir, what do we ask to-day compared with what has been done for the other great national cemeteries and battlefields? Eighty-four thousand seven hundred and thirty-one dollars have been expended at Antietam in the exploitation of the national park and the battlefield. Chickamauga, without the provision of \$100,000 carried in this bill, has already received from the largesse of the Government \$1,138,000. Gettysburg National Park has already received, without the appropriation of \$75,000 carried in this bill, \$457,922. Shiloh National Park has already received \$300,000, without the \$50,000 in this bill. And Vicksburg has received \$130,000, without the appropriation for it which is covered in this bill. Seventy-eight thousand as compared with a million or more; seventy-eight thousand compared with a hundred and thirty thousand, which is the smallest amount which has been expended upon any other battlefield or national park.

I confidently, sir, submit that this appropriation will be a monument not only to the generosity but to the patriotism of the House. This battlefield was more pregnant, perhaps, of great results, or the objects achieved by this battle were perhaps more pregnant with great results, than any other battle of the war of the rebellion. In that fight McClellan hurled Lee back in disaster across the Potomac, and kept him within the Southland, kept him away from an attack on the North. And more than that, sir, it enabled Abraham Lincoln to carry out that great purpose and broad-hearted humanity with which his heart and mind had been inspired—namely, the declaration of emancipation—which depended upon that victory, and by that victory was consummated by Lincoln the next day, to the glory of the Republican party, of Abraham Lincoln, and the lasting and unending benefit of the human race.

I respectfully submit, sir, that this appropriation should pass. [Loud applause.]

Mr. MOODY of Massachusetts. Mr. Chairman, the question here is a mere question of parliamentary law. If I were called upon to vote for the further improvement of the battlefield of Antietam, I certainly would vote for such an improvement. I believe the Government can well afford to spend more money on that beautiful field, where one of the most signal battles of the war was fought. But no such question arises. It happened for the time being, in the momentary absence of the chairman of the committee, that the duty fell upon me to reserve the point of order against the amendment offered by the gentleman from Maryland, a point of order which I now make.

The Government unquestionably has established a memorial battlefield by the banks of Antietam River. The citations submitted to the Chair by the gentleman from Maryland show that that work is completed. The appropriations are for the completion of the park at Antietam. In two of the acts which the gentleman read the appropriation is phrased to be for the completion of the battlefield.

The proposition here is not to repair and preserve the completed park, but the proposition is to acquire a road outside of the park from the county commissioners of the county in which the village of Sharpsburg is situated, and to improve that as a road leading to the battlefield itself. Now, that is not a project that is either in progress or that is authorized by any existing law.

The proposition is too plain to admit of any argument. If my memory serves me correctly, it is the same proposition, if not in the same words, in substance that has been submitted by the gentleman from Maryland before, and has been ruled to be out of order by the chairman presiding over the committee. I think there is no essential distinction, if there is any distinction at all, between the cases where the Chair has ruled adversely and the case now presented to the Chair for decision. I submit that very clearly,



by the plainest principles of parliamentary law, this amendment is not in order.

MR. PEARRE. Mr. Chairman, if the gentleman will permit me, and I will not trench upon the time of the committee very far, there is one matter I neglected to call to the attention of the committee, and that is that I have here an agreement from the county commissioners of Washington County, in Maryland, and also from the town council of Sharpsburg, agreeing to convey to the Government the necessary land, so that there would be no cost to the Government outside of the mere improvement.

I should also say that in January, 1901, I secured from the depot quartermaster's office the following indorsement:

[Second indorsement.]

DEPOT QUARTERMASTER'S OFFICE,  
Washington, D. C., January 23, 1901.

Respectfully returned to the Quartermaster-General of the Army.  
The construction of a road on or near the present highway, from the intersection of Mill street and the Antietam National Cemetery roadway in the town of Sharpsburg, Md., to and beyond the Burnside bridge to the monument of the Eleventh Connecticut Infantry on the Antietam battlefield, would be of great utility, the only approach to this bridge being by a very rough, badly kept road, very dusty in summer and almost impassable over portions of it in winter. The cost of the construction of a road similar to the avenues which have been built by the United States on the battlefield will be between \$8,000 and \$10,000.

I therefore recommend that the road be built, and if an appropriation be made for the purpose the amount should be \$10,000, or so much thereof as may be necessary.

T. E. TRUE,

Major and Quartermaster, U. S. A., Depot Quartermaster.

I should also add to that that in a report accompanying the submission of a bill introduced by Senator McCOMAS in the Senate of the United States, General Ludington, Quartermaster-General, sent to the committee of the Senate the following communication:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, March 4, 1902.

SIR: I have the honor to return herewith Senate bill 4099, Fifty-seventh Congress, first session, "To provide for a macadamized roadway from the town of Sharpsburg, Md., to the Connecticut monument on the battlefield of Antietam," and to respectfully report that the existing road, the improvement of which is contemplated by this bill, is not one of those selected for improvement by the "Antietam battlefield commissioners," but is practically a street or county road from the town of Sharpsburg, Md., intersecting the Government roadway to the Antietam National Cemetery, about a quarter of a mile west of that cemetery, and extending in a southeasterly direction about a mile to the Burnside Bridge and Connecticut monument. So far as the interests of the Antietam National Cemetery are concerned the improvement of the road in question is not deemed necessary; it is, however, very rough, hilly, and in places too narrow to permit the passage of teams with safety. Its improvement would undoubtedly be of advantage in affording a shorter and more direct approach to the Burnside Bridge and Connecticut monument, two of the principal points of interest to visitors, than by the usual route via Rodman avenue. Its construction as an addition to the roadways heretofore constructed under the direction of the "Antietam battlefield commissioners" is recommended, provided a good and sufficient title thereto be first secured to the United States.

Respectfully,

M. I. LUDINGTON,  
Quartermaster-General, U. S. A.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, March 5, 1902.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the accompanying report of the Quartermaster-General of the Army, dated March 4 instant.

WM. CAREY SANGER,  
Assistant Secretary of War.

MR. MOODY of Massachusetts. Has that bill passed the Senate?  
MR. PEARRE. No, sir.

MR. MOODY of Massachusetts. If it passes the Senate it will go to the Committee on Military Affairs, and when it is reported from the committee I should vote in favor of it, but that is not the proposition before the Chair.

THE CHAIRMAN. The Chair is ready to rule. During the second session of the Fifty-fifth Congress a similar amendment to this was offered, and the Chair made the following ruling: "The building of a road on land not owned by the Government is not in continuation of Government work on a battlefield."

The Chair, following that precedent, will sustain the point of order.

MR. CANNON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, MR. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 18123, the sundry civil appropriation bill, and had come to no resolution thereon.

THOMAS F. TOBY AND ELIAS H. PARSONS.

MR. PARKER. Mr. Speaker, on behalf of the Committee on Military Affairs, I ask unanimous consent for the return to the committee for further consideration of the bill (H. R. 8544) to place Elias H. Parsons on the retired list of the United States Army; also House bill 6458, for the relief of Thomas F. Toby.

MR. SULZER. Mr. Speaker, I would like to inquire of the gentleman from New Jersey the object of returning these bills.

MR. PARKER. The reports were premature and the committee ask that they be returned.

MR. SULZER. What does the gentleman mean by premature?

MR. PARKER. There is a mistake in them.

THE SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### MINORITY REPORT—CHINESE-EXCLUSION BILL.

MR. CLARK. Mr. Speaker, on behalf of the minority of the Committee on Foreign Affairs, I ask unanimous consent to file a substitute for House bill 15031, the Chinese-exclusion bill, with a report.

THE SPEAKER. The gentleman from Missouri asks unanimous consent to file on behalf of the minority of the Committee on Foreign Affairs a substitute for House bill 15031, being the Chinese-exclusion bill, with a report. Is there objection? [After a pause.] The Chair hears none.

#### OKLAHOMA, ARIZONA, AND NEW MEXICO.

MR. KNOX. Mr. Speaker, I desire to offer a privileged report to accompany House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

THE SPEAKER. The gentleman from Massachusetts, chairman of the Committee on Territories, reports a bill for the admission of certain Territories, which will be ordered printed, and referred to the Calendar of the Committee of the Whole House on the state of the Union.

#### ENROLLED BILLS SIGNED.

MR. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- S. 3216. An act granting an increase of pension to Henry M. Taylor;
- S. 3213. An act granting a pension to Anna J. Thomas;
- S. 3187. An act granting an increase of pension to Leroy S. Smith;
- S. 3072. An act granting a pension to Oliver Gisborne;
- S. 2976. An act granting an increase of pension to Edward Thompson;
- S. 2938. An act granting an increase of pension to Margaret Dunn;
- S. 2768. An act granting an increase of pension to John G. Hutchinson;
- S. 4214. An act granting an increase of pension to John McDonald;
- S. 4021. An act granting a pension to Sarah Frances Taft;
- S. 3910. An act granting an increase of pension to Robert S. Woodbury;
- S. 1982. An act granting an increase of pension to Eugene J. Oulman;
- S. 1967. An act granting an increase of pension to Andrew J. Freeman;
- S. 1979. An act granting an increase of pension to Samuel M. Howard;
- S. 1942. An act granting an increase of pension to Kate A. Clements;
- S. 1924. An act granting an increase of pension to Thomas Feneran;
- S. 4095. An act granting an increase of pension to Charles C. Dudley;
- S. 1872. An act granting an increase of pension to Abbie George;
- S. 1681. An act granting an increase of pension to Maria Louisa Michie;
- S. 1630. An act granting an increase of pension to Ella R. Graham;
- S. 1289. An act granting an increase of pension to Julius W. Clark;
- S. 1264. An act granting an increase of pension to Torgus Haraldson;
- S. 3743. An act granting an increase of pension to Frances Gurvey Elderkin;
- S. 3696. An act granting an increase of pension to Edward H. Armstrong;
- S. 3660. An act granting a pension to Mary Sweeney;
- S. 3650. An act granting a pension to Sarah A. Carter;
- S. 3577. An act granting an increase of pension to Mary V. Walker;
- S. 3518. An act granting a pension to Nadine A. Turchin;
- S. 3481. An act granting an increase of pension to James E. Dexter;
- S. 3514. An act granting an increase of pension to Leander Parmelee;

- S. 3299. An act granting an increase of pension to Isaiah Tufford;  
 S. 1095. An act granting an increase of pension to Mary Morgan;  
 S. 4086. An act granting an increase of pension to Charles W. Foster;  
 S. 1039. An act granting an increase of pension to Nathaniel C. Goodwin;  
 S. 965. An act granting a pension to Eliza B. Gamble;  
 S. 880. An act granting an increase of pension to Emory S. Foster;  
 S. 13. An act granting an increase of pension to George Daniels;  
 S. 6. An act granting an increase of pension to Charles H. Stone;  
 S. 2398. An act granting an increase of pension to George W. Myers;  
 S. 2625. An act granting an increase of pension to Carlin Hamlin;  
 S. 2505. An act granting an increase of pension to John Barnard;  
 S. 2379. An act granting an increase of pension to George H. Evans;  
 S. 2287. An act granting an increase of pension to Georgie Josephine Walcott;  
 S. 2262. An act granting an increase of pension to George Farne;  
 S. 2046. An act granting an increase of pension to Thomas E. Sauls;  
 S. 2006. An act granting an increase of pension to James Lehev;  
 S. 4486. An act granting an increase of pension to Myra W. Robinson;  
 S. 4413. An act granting an increase of pension to Martha A. Greenleaf;  
 S. 4363. An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve;  
 S. 4346. An act granting a pension to Augusta Turner; and  
 S. 4304. An act granting a pension to John S. Nelson.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 71. Joint resolution directing the Secretary of the Interior to restate the accounts of certain registers and receivers of the United States land offices in the State of Kansas, and for other purposes—to the Committee on Indian Affairs.

S. 4306. An act for the relief of Edward Haines, John Hangland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased—to the Committee on Claims.

S. 3220. An act providing for an additional circuit judge in the seventh judicial district—to the Committee on the Judiciary.

S. 1594. An act for the relief of the legal representatives of A. G. Boone—to the Committee on Claims.

S. 1305. An act for the relief of Mrs. Arivella D. Meeker—to the Committee on Indian Affairs.

S. 255. An act for the improvement of the Mount Rainier National Park, in the State of Washington—to the Committee on the Public Lands.

## Senate concurrent resolution 34:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 253, first session Fifty-seventh Congress, being the hearings before the Committee on Inter-oceanic Canals, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives—to the Committee on Printing.*

## DESECRATION OF GRAVES IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following concurrent resolution of the Senate; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.*

## LEAVE OF ABSENCE.

By unanimous consent, Mr. RANDELL obtained leave of absence for fifteen days, on account of important business.

And then, on motion of Mr. CANNON (at 5 o'clock and 5 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with accompanying papers, the claim of Daniel Lewis—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the

results of an investigation of a system of taxation to provide schools in the Indian Territory—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an increase in the estimate for defense of suits before the Spanish Treaty Claims Commission—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1141) for the establishment of a light-ship on Southeast Shoal, Point au Pelee Passage, Lake Erie, reported the same without amendment, accompanied by a report (No. 1277); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9901) for the relief of the State of Virginia, reported the same without amendment, accompanied by a report (No. 1287); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4409) extending the time for presenting claims for additional bounties, reported the same without amendment, accompanied by a report (No. 1292); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12905) to provide for the improvement of the old military cemetery on the Fort Crawford Reservation, Prairie du Chien, reported the same without amendment, accompanied by a report (No. 1297); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9905) for the relief of George Ivers, administrator of William Ivers, deceased, late of Sante Fe, N. Mex., reported the same without amendment, accompanied by a report (No. 1278); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2237) for the relief of John W. Gummo, reported the same without amendment, accompanied by a report (No. 1279); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 1764, reported in lieu thereof a resolution (H. Res. 187) referring to the Court of Claims the papers in the case of John J. Vincent, accompanied by a report (No. 1280); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2211, reported in lieu thereof a resolution (H. Res. 188) referring to the Court of Claims the papers in the case of the trustees of Washington College, in the State of Tennessee, accompanied by a report (No. 1281); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9728) for the relief of Sarah A. Clapp, reported the same without amendment, accompanied by a report (No. 1282); which said bill and report were referred to the Private Calendar.

Mr. THOMPSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 8377, reported in lieu thereof a resolution (H. Res. 189) referring to the Court of Claims the papers in the case of Amos L. Griffith, accompanied by a report (No. 1283); which said resolution and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House H. R. 3276, reported in lieu thereof a resolution (H. Res. 190) referring to the



Court of Claims the papers in the case of Sophie Gustin and Helen G. Logan, accompanied by a report (No. 1284); which said resolution and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2328) for the relief of Edwin F. Mathews, reported the same without amendment, accompanied by a report (No. 1285); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 10123, reported in lieu thereof a resolution (H. Res. 191) referring to the Court of Claims the papers in the case of Bettie Linder, administratrix of B. Franks, deceased, accompanied by a report (No. 1286); which said resolution and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 906) for the relief of Myron Powers, reported the same with amendments, accompanied by a report (No. 1288); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 10867, reported in lieu thereof a resolution (H. Res. 192) referring to the Court of Claims the papers in the case of Louis Levy, accompanied by a report (No. 1289); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12646) for the relief of John W. Williams, reported the same with amendment, accompanied by a report (No. 1290); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House H. R. 5564, reported in lieu thereof a resolution (H. Res. 193) referring to the Court of Claims the papers in the case of Henry Judge, accompanied by a report (No. 1291); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3634) for the relief of James E. Wilson, reported the same with amendments, accompanied by a report (No. 1293); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the joint resolution of the House (H. J. Res. 38) for the relief of Thomas Hoyne, reported the same without amendment, accompanied by a report (No. 1294); which said joint resolution and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo., reported the same with amendment, accompanied by a report (No. 1295); which said bill and report were referred to the Private Calendar.

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 2422) for the relief of Edward S. Crill, reported the same without amendment, accompanied by a report (No. 1296); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5207) for the relief of the Cumberland Presbyterian Church at Clifton, Wayne County, Tenn., reported the same without amendment, accompanied by a report (No. 1302); which said bill and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1725) for the relief of Merritt and Chapman Derrick and Wrecking Company, reported the same without amendment, accompanied by a report (No. 1303); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 8830, reported in lieu thereof a resolution (H. Res. 194) referring to the Court of Claims the papers in the case of St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Carthage, Ky., accompanied by a report (No. 1304); which said resolution and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 12030, reported in lieu thereof a resolution (H. Res. 195) referring to the Court of Claims the papers in the case of Lucy C. Lee, E. S. Lee, John G. Lee, Fannie Lee, Maria C. Frazee, and the heirs of Mary Acsah Colburn, heirs of Edward P. and Jane T. Lee, accompanied by a report (No. 1305); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4193) for the relief of the vestry of Christ Episcopal Church, of Holly Springs, Miss.,

reported the same with amendments, accompanied by a report (No. 1306); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11563) for the relief of Ann Stewart, administratrix of William Stewart, deceased, reported the same without amendment, accompanied by a report (No. 1307); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn, reported the same without amendment, accompanied by a report (No. 1308); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1250) for the relief of Samuel McJunkin, reported the same adversely, accompanied by a report (No. 1298); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9283) to correct the military record of George Frey, reported the same adversely, accompanied by a report (No. 1299); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7914) to remove the charge of desertion from the record of Robert Pratt, reported the same adversely, accompanied by a report (No. 1300); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 2904) to remove the charge of desertion from the record of Simeon Van Akin, reported the same adversely, accompanied by a report (No. 1301); which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 12794) to refer to the Court of Claims the claim of Benjamin A. Pillsbury, owner of the schooner *A. B. Sherman*, for damages caused by collision with United States war ships, and the same was referred to the Committee on Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 13244) to provide relief for personal injuries sustained by the destruction of the United States battle ship *Maine*—to the Committee on War Claims.

By Mr. WARNOCK: A bill (H. R. 13245) to amend an act entitled "An act granting pensions to Army nurses"—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. LATIMER (by request): A bill (H. R. 13247) to establish a commission of public health and fix the salaries of the commissioned officers of the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KEHOE: A bill (H. R. 13248) changing the time of meeting of the Congress of the United States—to the Committee on the Judiciary.

By Mr. BULL: A resolution (H. Res. 196) for the appointment of two temporary custodians of the documents in the old library space—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWIE: A bill (H. R. 13249) granting an increase of pension to Ada Trowbridge—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13250) granting a pension to James Gillen—to the Committee on Invalid Pensions.

By Mr. BURLEIGH (by request): A bill (H. R. 13251) granting

a pension to Pembroke G. Staples—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 13252) granting a pension to Laton G. Williams—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 13253) for the relief of Emmert, Dunbar & Co.—to the Committee on Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 13254) for the relief of Samuel L. Landers—to the Committee on Military Affairs.

By Mr. JETT: A bill (H. R. 13255) granting an increase of pension to John H. Hastings—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 13256) authorizing the promotion of Russell T. Hazzard, Harry W. Newton, Burton J. Mitchell, and Oliver P. M. Hazzard in the United States Army—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa—to the Committee on Claims.

By Mr. LANDIS: A bill (H. R. 13258) granting a pension to Elias Propst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13259) granting an increase of pension to John N. Doss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13260) granting an increase of pension to Nathan I. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13261) granting an increase of pension to Philip L. Burtch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13262) granting an increase of pension to James M. Spencer—to the Committee on Pensions.

Also, a bill (H. R. 13263) to correct the military record of Ezekiel N. Cohee—to the Committee on Military Affairs.

Also, a bill (H. R. 13264) to remove the charge of desertion against the name of James Riley—to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 13265) granting an increase of pension to John Whalen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13266) granting an increase of pension to Elbert N. Remson—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 13267) granting an increase of pension to Margaret G. Halpine—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 13268) granting a pension to Teresa Jane Hoyt—to the Committee on Pensions.

By Mr. NORTON: A bill (H. R. 13269) granting a pension to John Richardson—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13270) for the relief of Mrs. Sallie Ball—to the Committee on Claims.

Also, a bill (H. R. 13271) granting an increase of pension to Alfred Locker—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 13272) granting an increase of pension to Joseph Raffensperger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13273) granting an increase of pension to Thomas Ewan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13274) granting an increase of pension to Mary E. Sinclair—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13275) for the relief of William O'Donnell, late of Company B, Sixty-seventh Regiment Illinois Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 13276) for the relief of George W. Lindley, alias George W. La Pratte, of Company A, Ninety-seventh New York Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 13277) granting a pension to Ann Lynch—to the Committee on Pensions.

By Mr. WEEKS: A bill (H. R. 13278) granting an increase of pension to Levi H. Collins—to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 13279) granting an increase of pension to Robert Taylor—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13280) granting a pension to Jane E. Eveleigh—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 13281) granting an increase of pension to Morgan L. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13282) granting an increase of pension to Lieut. Thomas Roden—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 13283) granting an increase of pension to Thaddeus Wheelock—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13284) granting an increase of pension to Samuel E. Wilson—to the Committee on Invalid Pensions.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 187, in lieu of the bill H. R. 1764) referring to the Court of Claims the claim of John J. Vincent—to the Private Calendar.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 188, in lieu of the bill H. R. 2211) referring to the Court of Claims the claim of the trustees of Washington College, in the State of Tennessee—to the Private Calendar.

By Mr. THOMPSON, from the Committee on War Claims: A resolution (H. Res. 189, in lieu of the bill H. R. 8377) referring to the Court of Claims the claim of Amos L. Griffith—to the Private Calendar.

By Mr. HENRY C. SMITH, from the Committee on War Claims: A resolution (H. Res. 190, in lieu of the bill H. R. 3276) referring to the Court of Claims the claim of Sophie Gustin and Helen G. Logan, heirs of Samuel I. Gustin, deceased—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 191, in lieu of the bill H. R. 10123) referring to the Court of Claims the claim of Bettie Linder, administratrix of B. Franks, deceased—to the Private Calendar.

By Mr. KEHOE, from the Committee on War Claims: A resolution (H. Res. 192, in lieu of the bill H. R. 10867) referring to the Court of Claims the claim of Louis Levy—to the Private Calendar.

By Mr. HENRY C. SMITH, from the Committee on War Claims: A resolution (H. Res. 193, in lieu of the bill H. R. 5564) referring to the Court of Claims the claim of Henry Judge, of Ashland, Oreg.—to the Private Calendar.

By Mr. KYLE, from the Committee on War Claims: A resolution (H. Res. 194, in lieu of the bill H. R. 8830) referring to the Court of Claims the claim of St. Andrews Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky.—to the Private Calendar.

By Mr. KEHOE, from the Committee on War Claims: A resolution (H. Res. 195, in lieu of the bill H. R. 12030) referring to the Court of Claims the claim of Lucy C. Lee, E. S. Lee, John G. Lee, Fannie Lee, Maria C. Frazee, and the heirs of Mary Acsah Colburn, heirs of Edward P. and Jane T. Lee—to the Private Calendar.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of Cigar Makers' Union No. 2, of Buffalo, N. Y., in opposition to the reduction of the duty on cigars from the Philippines—to the Committee on Ways and Means.

By Mr. APLIN: Resolutions of Barbers' Union No. 13, and Coopers' Union No. 34, of Bay City, Mich., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Merchants and Manufacturers' Exchange of Detroit, Mich., favoring the present tariff on sugar—to the Committee on Ways and Means.

Also, petitions of citizens of Bay City, Mich., asking for an amendment to the Constitution defining legal marriage—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Egbert A. Troy and others, for a pension—to the Committee on Invalid Pensions.

Also, resolutions of Bricklayers' Union No. 9, of Augusta, Me., and H. E. Arris and others, favoring legislation to exclude Chinese laborers from the United States and insular possessions—to the Committee on Foreign Affairs.

By Mr. BULL: Resolution of Manufacturers' Association of New York, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. COOPER of Texas: Resolution of Timbermen's Benevolent Association of Port Arthur, Tex., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Carpenters and Joiners' Union No. 873, of Palestine, Tex., in favor of a further exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CORLISS: Resolutions of Iron Molders' Union of Detroit, Mich., favoring a restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CURTIS: Resolutions of the military board of Kansas, favoring House bill 11654, increasing the efficiency of the militia—to the Committee on Militia.

Also, petition of the Covenant Young People's Union of the Reformed Presbyterian Church, of Winchester, Kans., favoring the passage of the Gillett-Lodge bill, to protect native races in the Pacific Islands—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of the Indian Territory, asking for the enactment of a law to punish anarchy—to the Committee on the Judiciary.

Also, resolution of Brotherhood of Locomotive Engineers of



Horton, Kans., and State Society of Labor and Industry of Leavenworth, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DE ARMOND (by request): Affidavit of Samuel L. Landers, in support of bill for his relief—to the Committee on Military Affairs.

By Mr. EMERSON: Letter of John Lucas & Co., of Philadelphia, Pa., protesting against House bill 3076—to the Committee on Labor.

By Mr. FITZGERALD: Resolutions of Building Trades Councils of Yonkers, N. Y., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

By Mr. GRIFFITH: Medical testimony to accompany House bill 13041, granting an increase of pension to William Wheeler—to the Committee on Invalid Pensions.

Also, petition of Mrs. Hallie H. Smith and 27 other citizens of Jefferson County, Ind., asking for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. KERN: Petition of sundry citizens of Belleville, Ill., favoring legislation requiring oleomargarine or butterine to be sold on its merits and not as butter—to the Committee on Agriculture.

Also, protest of business men of New Athens, Ill., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Bremen Creamery Company, Bremen, Ill., favoring the Grout bill—to the Committee on Agriculture.

Also, resolutions of East St. Louis (Ill.) Retail Grocers' Association, favoring pure-food laws—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Journeymen Tailors' Union No. 294, Belleville, Ill., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Zealous Lodge, No. 217, Brotherhood of Locomotive Firemen, East St. Louis, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Sundry petitions of citizens of Chester, Glasgow, Havre, and Bear Paw Mountains, Montana, for the establishment of a land office at Havre, Mont.—to the Committee on the Public Lands.

By Mr. LANHAM: Resolutions of Signal Mount Lodge, No. 372, Locomotive Firemen, Big Springs, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the same lodge, in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. LASSITER (by request): Resolutions of the Chamber of Commerce of Elizabeth City, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

Also (by request), resolutions of the Central Labor Union of Norfolk, Va., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LITTAUER: Resolutions of Maple City Division, No. 25, Order of Railroad Conductors, of Ogdensburg, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, paper to accompany House bill 13281, granting an increase of pension to Morgan L. Snyder—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 13282, granting an increase of pension to Thomas Roden—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Resolutions of Trenton (N. J.) Division, No. 85, Order of Railroad Telegraphers, urging the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, protest of Cigar Makers' Union No. 230, of Millville, N. J., against 20 per cent reduction of import duty on cigars from Cuba or Philippine Islands—to the Committee on Ways and Means.

By Mr. McCLELLAN: Petition of 58 citizens of the Twelfth Congressional district of New York, in favor of House bills 170 and 179—to the Committee on Ways and Means.

By Mr. McDERMOTT: Resolutions of Carpenters' Union of Jersey City, and Bricklayers' Union No. 29, of West Hoboken, N. J., favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Boot and Shoe Workers' Union No. 56, of Beverly, Mass., favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the same body, favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the Massachusetts State Board of Trade, favoring a commission to study the commercial conditions of China—to the Committee on Foreign Affairs.

By Mr. MORRELL: Resolutions of Bricklayers' Union No. 33, of Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Papers to accompany House bill No. 10902, to amend the military record of George N. Brownlee, or George N. Brownlay—to the Committee on Military Affairs.

By Mr. NORTON: Resolution of Galion Division, No. 16, Brotherhood of Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, papers to accompany House bill 13269, granting a pension to John Richardson—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of Hoosier Lodge, No. 261, of Indianapolis, Ind., Brotherhood of Railway Trainmen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Duryea Branch of Polish National Alliance, at Duryea, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Silk Workers' Union No. 246, Plymouth, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of 190 citizens of Davenport, Iowa, asking the President to proffer to the British Government the assistance of the United States in the settlement of the differences between Great Britain and the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

By Mr. RUPPERT: Resolutions of the Building Trades Council of Yonkers, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by Utah volunteers, regarding mileage from the Philippine Islands—to the Committee on Military Affairs.

Also, petition of certain citizens of New York, and resolution of Carpenters' Union No. 707, of New York City, favoring more restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of Lighting Fixture Association of New York, urging that the reciprocity treaty with France be not ratified—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of Polish National Alliances of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of American Division No. 544, Buffalo, N. Y., Brotherhood of Locomotive Engineers, favoring House bill 9053, to enforce the law of domicile—to the Committee on Labor.

By Mr. SHERMAN: Papers to accompany House bill 12248, granting an increase of pension to Edward M. Curtis—to the Committee on Invalid Pensions.

By Mr. STEELE: Resolutions of Stone Masons' Union No. 27, Wabash, Ind., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the same body, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 13250, granting a pension to James Gillen—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 13284, granting a pension to Samuel E. Wilson—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill 13017, granting an increase of pension to James Austin—to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, April 2, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

### FREE SCHOOLS IN THE INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to a provision in the Indian appropriation act of March 2,

1901, the report of Mr. Frank C. Churchill relative to the practicability of providing a system of taxation of personal property, occupations, franchises, etc., in the Indian Territory sufficient to maintain a system of free schools to all of the children of that Territory; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

#### CUBAN CONSTITUTION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting to the Senate, in response to a resolution of February 26, 1901, an English translation of the proceedings of the constitutional convention of the island of Cuba. There is a very large number of documents accompanying the communication, and unless there be objection the Chair will refer the communication and accompanying papers to the Committee on Relations with Cuba, without an order as to printing, and let the committee determine whether the accompanying papers should be printed. The Chair hears no objection.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3231) to legalize and maintain a new steel bridge, erected in place of the old wooden structure, across the Little Tennessee River at Niles Ferry, Tennessee, by the Atlanta, Knoxville and Northern Railroad.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

- A bill (S. 6) granting an increase of pension to Charles H. Stone;
- A bill (S. 18) granting an increase of pension to George Daniels;
- A bill (S. 880) granting an increase of pension to Emory S. Foster;
- A bill (S. 965) granting a pension to Eliza B. Gamble;
- A bill (S. 1039) granting an increase of pension to Nathaniel C. Goodwin;
- A bill (S. 1095) granting an increase of pension to Mary Morgan;
- A bill (S. 1264) granting an increase of pension to Torgus Haraldson;
- A bill (S. 1289) granting an increase of pension to Julius W. Clark;
- A bill (S. 1630) granting an increase of pension to Ella R. Graham;
- A bill (S. 1681) granting an increase of pension to Maria Louisa Michie;
- A bill (S. 1872) granting an increase of pension to Abbie George;
- A bill (S. 1924) granting an increase of pension to Thomas Feneran;
- A bill (S. 1942) granting an increase of pension to Kate A. Clements;
- A bill (S. 1967) granting an increase of pension to Andrew J. Freeman;
- A bill (S. 1979) granting an increase of pension to Samuel M. Howard;
- A bill (S. 1982) granting an increase of pension to Eugene J. Oulman;
- A bill (S. 2006) granting an increase of pension to James Lebew;
- A bill (S. 2046) granting an increase of pension to Thomas E. Sauls;
- A bill (S. 2262) granting an increase of pension to George Farne;
- A bill (S. 2287) granting an increase of pension to Georgie Josephine Walcott;
- A bill (S. 2379) granting an increase of pension to George H. Evans;
- A bill (S. 2398) granting an increase of pension to George W. Myers;
- A bill (S. 2505) granting an increase of pension to John Barnard;
- A bill (S. 2625) granting an increase of pension to Carlin Hamlin;
- A bill (S. 2768) granting an increase of pension to John G. Hutchinson;
- A bill (S. 2938) granting an increase of pension to Margaret Dunn;
- A bill (S. 2976) granting an increase of pension to Edward Thompson;
- A bill (S. 3072) granting a pension to Oliver Gisborne;

A bill (S. 3187) granting an increase of pension to Leroy S. Smith;

- A bill (S. 3213) granting a pension to Arma J. Thomas;
- A bill (S. 3216) granting an increase of pension to Henry M. Taylor;
- A bill (S. 3299) granting an increase of pension to Isaiah Tufford;
- A bill (S. 3481) granting an increase of pension to James E. Dexter;
- A bill (S. 3514) granting an increase of pension to Leander Parmelle;
- A bill (S. 3518) granting a pension to Nadine A. Turchine;
- A bill (S. 3577) granting an increase of pension to Mary V. Walker;
- A bill (S. 3650) granting a pension to Sarah A. Carter;
- A bill (S. 3660) granting a pension to Mary Sweeney;
- A bill (S. 3696) granting an increase of pension to Edward H. Armstrong;
- A bill (S. 3743) granting an increase of pension to Frances Gurlley Elderkin;
- A bill (S. 3910) granting an increase of pension to Robert S. Woodbury;
- A bill (S. 4021) granting a pension to Sarah Frances Taft;
- A bill (S. 4086) granting an increase of pension to Charles W. Foster;
- A bill (S. 4095) granting an increase of pension to Charles C. Dudley;
- A bill (S. 4214) granting an increase of pension to John McDonald;
- A bill (S. 4304) granting a pension to John S. Nelson;
- A bill (S. 4346) granting a pension to Augusta Turner;
- A bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve;
- A bill (S. 4413) granting an increase of pension to Martha A. Greenleaf; and
- A bill (S. 4486) granting an increase of pension to Myra W. Robinson.

#### PETITIONS AND MEMORIALS.

Mr. KEAN presented a memorial of Cigar Makers' Local Union No. 230, of Millville, N. J., remonstrating against a reduction of 20 per cent of the duty on cigars imported from Cuba and the Philippine Islands; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Sussex, N. J., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Jersey City, Elizabeth, Newark, Hoboken, Englewood, Sussex, Arlington, Bridgeton, Fairton, Plainfield, and Bayonne, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. TALIAFERRO presented petitions of Marine Engineers' Beneficial Association No. 81, of Pensacola; of Cigar Makers' Local Union No. 440, of Tampa; of Cigar Box Makers' Local Union No. 10, of Tampa; of Marine Engineers' Beneficial Association No. 42, of Jacksonville; of Cigar Makers' Local Union No. 556, of Palatka, and of Team Drivers' Local Union No. 213, of Tampa, all of the American Federation of Labor, in the State of Florida, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance Unions of Swiftwater, Farmington, and Exeter, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Como, Windhurst, Oak Hill, Navarre, Ladysmith, Parsons, Walnut, Peabody, Moonlight, Centropolis, Soldier, Woodston, and Frederick, all in the State of Kansas, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. PENROSE presented memorials of 69 citizens of Grove City, and of 279 citizens of Blairville, in the State of Pennsylvania, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of 16 citizens of Somo Mills, of 36 citizens of Platt, of 31 citizens of Lancaster, and of 37 citizens of Christiana, all in the State of Pennsylvania, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.



He also presented a petition of Quoko Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of the J. Lelewels Beneficial Society, of Scranton, Pa., remonstrating against the proposed change in the immigration laws of the United States, and praying for the enactment of legislation authorizing the supplying of farms and agricultural implements to immigrants, etc.; which was referred to the Committee on Immigration.

He also presented a memorial of 231 citizens of Pennsylvania, remonstrating against the establishment of an inspection system in the immigration laws of the United States; which was referred to the Committee on Immigration.

He also presented memorials of 10 citizens of Allentown, of 14 citizens of Yardley, and of 19 citizens of Mertztown, all in the State of Pennsylvania, remonstrating against the ratification of pending reciprocity treaties with foreign countries; which were referred to the Committee on Foreign Relations.

He also presented petitions of Eli Hemphill Circle, No. 40, Ladies of the Grand Army of the Republic, of Tarentum; of Post No. 58, Department of Pennsylvania, Grand Army of the Republic, of Harrisburg, in the State of Pennsylvania, praying for the enactment of legislation providing pensions for certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented petitions of Painters, Decorators, and Paperhangers' Local Union No. 208, of Washington; of Retail Clerks' Local Union No. 204, of Ashland; of Boiler Makers' Local Union No. 41, of Elwood; of Typographical Union No. 321, of Connellsville; of Local Division No. 3, Order of Railroad Telegraphers, of Harrisburg; of Mine Workers' Local Union No. 1824, of Leechburg; of Railway Conductors' Local Union No. 187, of Sunbury; of 130 citizens of Donora, and of Silk Mill Workers' Local Union No. 246, of Plymouth, all in the State of Pennsylvania, and of Steam Fitters' Local Union No. 82, of Omaha, Nebr., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. MILLARD presented a petition of 20 citizens of Diller, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Journeymen Barbers' Local Union No. 64, of South Omaha, Nebr., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Coopers' Local Union No. 10, of South Omaha; of Coopers' Local Union No. 21, of Omaha; of the Stationary Firemen's Local Union No. 9, of South Omaha; of Bakers' Local Union No. 215, of Omaha, and of Switchmen's Local Union No. 5, of Omaha, all of the American Federation of Labor, in the State of Nebraska, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented the petition of Henry F. Dill, of Augusta, Me., and the petition of Homer R. Dill, of Augusta, Me., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Bricklayers and Masons' International Union No. 8, of Waterville, Me., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of the Pittsburg Wholesale Lumber Dealers' Association, of Pittsburg, Pa., praying for the enactment of legislation providing for the abolishment of the London landing charge imposed by steamship companies upon lumber and other products exported from North Atlantic ports; which was referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3992) granting an increase of pension to David M. McKnight;

A bill (S. 2738) granting an increase of pension to James W. Hankins;

A bill (S. 694) granting a pension to Jane Caton;

A bill (S. 4042) granting an increase of pension to William H. Norton; and

A bill (S. 2975) granting an increase of pension to Levi Hatchett.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 899) granting an increase of pension to George F. Bowers; and

A bill (S. 4535) granting an increase of pension to Lydia M. Granger.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10117) granting a pension to Sarah H. H. Lowe;

A bill (H. R. 4176) granting an increase of pension to Nathan W. Snee;

A bill (H. R. 4116) granting an increase of pension to William Berry;

A bill (H. R. 7613) granting an increase of pension to Evaline Wilson;

A bill (H. R. 3352) granting an increase of pension to Margaret M. Boyd;

A bill (H. R. 3260) granting a pension to Jacob Golden;

A bill (H. R. 4172) granting an increase of pension to George R. Chaney;

A bill (H. R. 1485) granting an increase of pension to Thompson B. Moore;

A bill (H. R. 291) granting a pension to Christina Heitz;

A bill (H. R. 11025) granting a pension to Mary A. Carlile;

A bill (H. R. 3427) granting an increase of pension to Sarah E. Allen;

A bill (H. R. 1476) granting an increase of pension to Henry F. Benson; and

A bill (H. R. 3354) granting an increase of pension to Thomas Young.

Mr. McCUMBER, from the Committee on Manufactures, to whom was referred the bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 12275) granting a pension to Amelia A. Russell, reported it without amendment, and submitted a report thereon.

#### INDIAN SCHOOLS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Nevada [Mr. STEWART] on March 27, to report it with amendments, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

*Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 12,000 copies of the Revised Course of Study for Indian Schools; 3,000 for the use of the Senate, 6,000 for the use of the House of Representatives, and 3,000 for the use of the superintendent of Indian schools.*

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The SECRETARY. At the end of line 2, before "thousand," strike out "twelve" and insert "six;" in line 4 strike out "three thousand" and insert "one thousand five hundred;" in the same line, before "thousand," strike out "six" and insert "three;" and in lines 5 and 6 strike out "three thousand" and insert "one thousand five hundred;" so as to make the resolution read:

*Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 6,000 copies of the Revised Course of Study for Indian Schools; 1,500 for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,500 for the use of the superintendent of Indian schools.*

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

#### BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4898) granting a pension to Ida A. Douglass (with an accompanying paper);

A bill (S. 4899) granting an increase of pension to Mary Scott;

A bill (S. 4900) granting an increase of pension to Elizabeth P. Sigfried; and

A bill (S. 4901) granting an increase of pension to Christian Romain.

Mr. BURTON introduced a bill (S. 4902) for the relief of John H. Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HANNA introduced a bill (S. 4903) for the relief of Emma Morris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4904) for the relief of William T. Alexander, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4905) authorizing the President to nominate Lieut. Commander Arthur P. Osborn to be a commander on the retired list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4906) to correct the naval record of Alfred Burgess; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4907) to correct the military record of Charles F. Deisch (with accompanying papers);

A bill (S. 4908) for the relief of Charles H. Buttner (with accompanying papers);

A bill (S. 4909) to correct the military record of John N. Wood; and

A bill (S. 4910) to correct the military record of Augustus Crowell.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4911) granting an increase of pension to David Cooperider (with accompanying papers);

A bill (S. 4912) granting an increase of pension to Maggie L. Reaver;

A bill (S. 4913) granting an increase of pension to Franklin Moore;

A bill (S. 4914) granting an increase of pension to James Hayden;

A bill (S. 4915) granting an increase of pension to Joseph Wilson (with an accompanying paper);

A bill (S. 4916) granting an increase of pension to Friend S. Esmond;

A bill (S. 4917) granting a pension to Emeline Allison (with an accompanying paper);

A bill (S. 4918) granting an increase of pension to Christian Miller;

A bill (S. 4919) granting an increase of pension to James M. White (with an accompanying paper);

A bill (S. 4920) granting an increase of pension to Joseph C. Hale;

A bill (S. 4921) granting an increase of pension to Sarah E. Losee (with an accompanying paper); and

A bill (S. 4922) granting an increase of pension to Andrew C. Smith (with accompanying papers).

Mr. QUARLES introduced a bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 4924) for the relief of Jackson Briscoe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4925) for the relief of the estate of Jesse M. Brent, deceased; which was read twice by its title, and referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate \$10,000 for the maintenance of the improvement of the St. Jones River, Delaware; providing for a survey of the harbor at Wilmington, Del., and Christiana River with a view of providing bulkheads for said harbor and river and widening and maintaining a channel 21 feet deep, and providing for the completion of the work and a survey on Smyrna River, Delaware, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the maintenance of the improvement of the harbor at Pittsburg, Pa., from \$10,000 to \$22,000, to include cost of surveys for harbor-line extension, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment directing the Secretary of War to enter into a contract with Lewis Muhlenberg Haupt, of Philadelphia, Pa., for completing the improvement of Aransas Pass, Tex., and appropriating \$500,000 therefor, intended to be proposed by him to the river and harbor appropriation bill; which

was referred to the Committee on Commerce, and ordered to be printed.

Mr. DRYDEN submitted an amendment providing for the expenditure of \$25,000 of the appropriation of \$100,000 for improving Arthur Kill or Staten Island Sound, from Kill von Kull to Raritan Bay, New York and New Jersey, for dredging between the mouth of Raritan River and tail of Great Beds, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for a preliminary examination or survey of Raritan Bay, New Jersey, with a view of obtaining a depth of 22 feet and a channel 400 feet wide from South Amboy to tail of Great Beds, New Jersey, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. QUARLES submitted an amendment providing that \$5,000 of the \$40,000 appropriated for contingencies of the Indian Service be used for the introduction of the willow industry among certain tribes and on Indian reservations where it may be found feasible, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$3,000 for making a further survey of Otter Tail Lake and Otter Tail River, Minnesota, with a view to the construction of a dam at the outlet of the lake, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for making a further survey of Big Stone Lake and Lake Traverse, Minnesota and South Dakota, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for continuing the survey of Red Lake and Red Lake River, Minnesota, with a view to the construction of a dam with locks at the outlet of the lake, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$500,000, or so much thereof as may be necessary, for the transmission of mail by pneumatic tubes or other similar devices, etc., intended to be proposed by him to the Post-Office appropriation bill; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### HOT SPRINGS RESERVATION, ARK.

Mr. BERRY submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to forward to the Senate the reports, prepared under his direction, of analysis of the waters of the hot springs on the Hot Springs Reservation, Ark., by Prof. J. K. Haywood, of the Division of Chemistry, Department of Agriculture, and geological sketch of Hot Springs Reservation by Prof. Walter H. Wood, of the United States Geological Survey.

#### HEARINGS ON PURE-FOOD BILLS.

Mr. McCUMBER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That 5,000 copies of the hearings before the Committee on Manufactures upon the pure-food bills, together with the report of the committee thereon, be printed, 2,000 copies for the use of the Senate and 3,000 for the use of the House.

The PRESIDENT pro tempore. Does the Senator from North Dakota know what the cost will be?

Mr. McCUMBER. Less than \$400.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### HEARING ON WOMAN SUFFRAGE.

Mr. BACON. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

*Resolved*, That 10,000 copies of the hearing before the United States Senate Committee on Woman Suffrage, held in the Marble Room of the United States Senate on the 18th day of February, 1902, be printed for the use of the Senate.

The PRESIDENT pro tempore. Has the Senator from Georgia any idea of the cost?

Mr. BACON. I have not. I did not make the inquiry for the reason that I inquired of a Senator who is familiar with this subject, the senior Senator from Maine [Mr. HALE], whether the rule



applies to this class of printing, and it is his opinion that it does not.

Mr. HALE. It has always been held, I think, Mr. President, that the rule does not apply to hearings.

The PRESIDENT pro tempore. The Chair is of opinion that it does not apply to hearings.

Mr. BACON. I will state that this number of copies is desired by those who are most interested in the matter.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### ASSAY OFFICE AT PROVO CITY, UTAH.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. RAWLINS. The bill (S. 150) for the establishment of an assay office at Provo City, Utah, is on the Calendar and was passed over on a former day. I ask the Senator from Maine [Mr. HALE] whether he has any objection to the bill being considered at this time?

Mr. HALE. I wish to confer with some members of the Committee on Finance, who have the general jurisdiction of the subject. Let the bill stand over for a day or two, and then I will confer with the Senator about it.

Mr. RAWLINS. All right.

#### JOHN L. SMITHMEYER AND PAUL J. PELZ.

The bill (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz was considered as in Committee of the Whole. It gives jurisdiction to the United States Court of Claims to rehear and render judgment in the claim of John L. Smithmeyer and Paul J. Pelz for compensation for their services in preparing plans for the building for the Library of Congress, and provides that no prior settlement or adjudication thereunder of their claim for compensation for the services shall be a bar; but the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States. The measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was announced as next in order on the Calendar.

Mr. GAMBLE. I suggest that the bill be passed over without prejudice, retaining its place on the Calendar.

The PRESIDENT pro tempore. It will be passed over, retaining its place.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property" was next in order on the Calendar.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was next in order on the Calendar.

Mr. GALLINGER. That will likewise go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent was next in order on the Calendar.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming was next in order on the Calendar.

Mr. SPOONER. I ask that the bill may go over without losing its place on the Calendar.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy departments was next in order on the Calendar.

Mr. HALE. Let that go over.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 4074) for the relief of Thierman and Frost was announced as next in order.

The PRESIDENT pro tempore. The bill was read as in Committee of the Whole on March 24.

Mr. PLATT of Connecticut. Let it be read again.

The PRESIDENT pro tempore. The Committee on Claims report a substitute, which will be read.

The Secretary read the proposed substitute.

Mr. ALLISON. Let the bill go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. ALLISON. Retaining its place.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 3421) for the relief of Elton G. Goldsborough was next in order on the Calendar.

Mr. BURNHAM. I ask that that bill may go over, retaining its place.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, was next in order on the Calendar.

Mr. TELLER. My colleague [Mr. PATTERSON] wants to be present when the bill is considered. Let it stand over, keeping its place.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

#### COURTS IN NORTH CAROLINA.

The bill (S. 3437) to amend chapter 4, Title XIII, of the Revised Statutes of the United States, was considered as in Committee of the Whole. It proposes to amend chapter 4, Title XIII, of the Revised Statutes of the United States, second edition, 1878, by inserting the words "and at Winston, N. C., on the second Monday in July and January," so that the paragraph in section 572 relating to the regular terms of the district courts for the western district of the State of North Carolina shall read as follows: "In the western district of North Carolina, at Greensboro, on the first Monday of April and October; at Statesville, on the third Monday of April and October; at Asheville, on the first Monday of May and November, and at Winston, N. C., on the second Monday in July and January."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LAND IN MONROE COUNTY, ARK.

The bill (S. 1154) for the relief of certain owners and occupants of land in Monroe County, Ark., was next in order on the Calendar.

The PRESIDENT pro tempore. This bill was reported adversely.

Mr. HALE. Let it be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

#### WHITE RIVER BRIDGE, ARKANSAS.

The bill (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River, in Arkansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 5, on page 4, line 25, after the word "war," to strike out the remainder of the section in the following words:

and said structure shall be changed at the cost and expense of the owners thereof from time to time as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation on rivers or to exempt said bridge from the operation of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN RUSSELL BARTLETT.

The bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, was considered as in Committee of the Whole.

Mr. LODGE. I ask for the reading of the report.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. HANNA March 25, 1902, and read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following letter:

NAVY DEPARTMENT, Washington, March 12, 1902.

SIR: Referring to the bill (S. 4222) "authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy," and to the committee's request, in its letter of the 3d instant, for the Department's views upon the same, I have the honor to state that Captain Bartlett was, in July, 1897, then being 53 years and 9 months of age, found by a retiring board to be incapacitated for active service by reason of neurasthenia. Without questioning the correctness at that time of this finding, it appears to be a fact that ever since a few months after his retirement he has been an unusually good specimen of health and of physical and mental activity. During the recent war he was, under the statute authorizing active service by retired officers, put on active duty and did valuable and efficient work. Under the recent statute authorizing the employment of retired officers on active duty he is rendering efficient service and has been a member of several important boards; and it is believed that he is capable of performing active duty, as other officers of the same age.

As will be seen from the official transcript of Captain Bartlett's record of service, together with a more detailed supplementary statement, transmitted herewith, he has served with credit throughout his career in the Navy. The Bureau of Navigation, having been called upon by the Department for report and recommendation in the premises, submits the following, among other things, in his behalf:

"Captain Bartlett's services during the war with Spain were of great value to the Government. In addition to acting as Chief Intelligence Officer, he was assigned to the conduct of the coast signal service and the auxiliary naval force, which systems he completely reorganized upon an efficient working basis. He was also placed in control of the fund appropriated for the maintenance of secret agents in Spain.

"In view of his arduous and capable services during the period of the Spanish war and his previous excellent record, the Bureau approves of the legislation proposed by Senate bill 4222 and recommends its enactment."

The Department would have preferred a measure providing for the restoration of this officer to the active list after examination as to his physical and other qualifications to perform active duty, such as was introduced in the House of Representatives during the second session of the Fifty-sixth Congress (H. R. 13889), the grade and place to which he should be restored to be determined, after recommendation with regard thereto, by the examining board. Inasmuch, however, as the present measure has been introduced instead of the one above referred to, the Department approves the favorable recommendation of the Bureau of Navigation.

Very respectfully,

JOHN D. LONG, Secretary.

HON. EUGENE HALE,  
Chairman Committee on Naval Affairs, United States Senate.

Mr. LODGE. That is enough; I do not care for any further reading of the report. I should like to ask whether it would not be proper to put in this bill, what is, I think, usually put in bills of this character, a proviso that there shall be no claim for back pay.

Mr. GALLINGER. It gives a little back pay.

Mr. HALE. Let the Secretary read the last clause of the bill.

The Secretary read as follows:

The appointment to date from March 3, 1899.

Mr. HALE. It gives pay from March 3, 1899.

Mr. COCKRELL. Let the words "the appointment to date from March 3, 1899," be stricken out.

Mr. LODGE. That clause had better be stricken out.

I think it is usual (the Senator from Missouri can inform me) to put in bills of this character a provision that the beneficiary shall have no claim for back pay.

Mr. COCKRELL. That is right.

Mr. LODGE. It was put in a bill of a similar character in which I was interested.

Mr. ALLISON. Then let us put it in this bill.

Mr. COCKRELL. In line 7, after the word "office," I move to strike out the words:

The appointment to date from March 3, 1899.

And in lieu thereof to insert:

Provided, That no pay, bounty, or other emoluments shall accrue by reason of the passage of this act.

Mr. LODGE. I ask that the bill may be amended in the way suggested by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOWN OF BASIN CITY, WYO.

The bill (H. R. 11053) providing for the issuance of patent to the town of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL L. LEFFINGWELL.

The bill (S. 3633) granting a pension to Samuel L. Leffingwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Leffingwell, late of Com-

pany L, Second Regiment Ohio Volunteer Infantry, war with Mexico, and major Thirty-first and Eighty-seventh Regiments Ohio Volunteer Infantry, and private, Company M, First Regiment Ohio Volunteer Cavalry, war of the rebellion, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the amendment by striking out, in line 7, page 2, the words "war of the rebellion."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel L. Leffingwell."

ANNA E. LUKE.

The bill (S. 1814) granting an increase of pension to Anna E. Luke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain," and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Luke, widow of Andrew M. Luke, late captain Company B, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTTO H. HASSELMAN.

The bill (S. 4404) granting an increase of pension to Otto H. Hasselman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otto H. Hasselman, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move that the amendment be further amended by striking out "twenty-four" and inserting "thirty." That was the intention of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BLISS.

The bill (H. R. 6918) granting an increase of pension to Thomas Bliss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Bliss, late of Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. ARBAUGH.

The bill (H. R. 725) granting an increase of pension to Joseph B. Arbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Arbaugh, late of Company K, Fortieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH COWGILL.

The bill (H. R. 9848) granting an increase of pension to Joseph Cowgill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Cowgill, late of the First Independent Battery Indiana Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. OVERMAN.

The bill (H. R. 6016) granting an increase of pension to William J. Overman was considered as in Committee of the Whole.



It proposes to place on the pension roll the name of William J. Overman, late of Company A, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. THOMAS.

The bill (H. R. 1275) granting an increase of pension to Charles W. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Thomas, late of Company G, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BONDS OF OFFICERS OF THE NAVY.

The bill (S. 1107) limiting the liability of sureties on bonds of officers of the Navy was considered as in Committee of the Whole. Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BLACKBURN March 25, 1902, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1107) limiting the liability of sureties on bonds of officers of the Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following report of the Paymaster-General:

[Report of the Paymaster-General, pp. 12, 13.]

#### TERMINATION ON LIABILITY FOR PAY OFFICERS' BONDS.

Under existing laws no provision is made for the termination of liability of a surety on a public bond. As pay officers of the Navy are required to give new bonds from time to time during terms of office, there is pressing need of legislation to relieve them of unusual hardship with regard to the payment of annual premiums, as it frequently happens that these officers are compelled or prefer to take out their bonds with corporate surety companies.

The act of March 2, 1895 (28 Stat., 800), has been construed by the Comptroller of the Treasury, in his decision on liability of sureties on bonds of officers, rendered June 17, 1899 (Comp. Dec., vol. 91)—

"To cover the entire term of office, and if the officer is not appointed for any fixed term specified in the statute creating the office or in the commission appointing the officer, the liability continues during the whole period of service of the officer under said commission, whether short or long."

The law as now interpreted is thus manifestly unfair, not only to the sureties who serve on such bonds—for the reason that they are never released from the liability originally incurred—but also to the officers who are required to qualify under such bonds.

Furthermore, the proviso of the same act—which reads: "Hereafter every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deems such action necessary"—has been also construed by the Comptroller of the Treasury in the same decision as follows:

"Under these provisions the Comptroller has held that such renewal bonds are cumulative and do not release from continuing liability the sureties on the original bond, notwithstanding the fact that new satisfactory bonds are forwarded as required by the provisions of this act, where the renewal bond is given during the same term of office."

Hence it appears that, as the new bonds do not operate to release the sureties on the first bonds, pay officers may be required to pay annual premiums on all the bonds furnished by corporate surety companies filed by them during their continuance in any one grade.

In the case of the Fidelity and Deposit Company of Maryland v. George W. Simpson, paymaster, United States Navy, for the recovery of premium on bond filed prior to the acceptance of a new bond by the Secretary of the Navy, upon which premium had also been paid, the supreme court of the District of Columbia rendered a decision in favor of the plaintiff. Paymaster Simpson is required, therefore, to pay annual premium on two bonds, each for the full amount required by law.

In view of the foregoing, I recommend that Congress be asked to pass a measure providing for the execution of new bonds and release of sureties similar to the bills H. R. 8500 and S. 3209, introduced during the last session of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### VOID ENTRIES OF PUBLIC LANDS.

The bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. This seems to be a rather far-reaching bill. According to the Calendar there has been a report made to accompany the bill, but I do not find such a report on my file.

The PRESIDENT pro tempore. There is a report.

Mr. PLATT of Connecticut. I should like to have the report read, and then I think I shall ask to have the bill go over.

Mr. CULLOM and Mr. HALE. Let the bill go over.

Mr. PLATT of Connecticut. Very well. Then I ask that the bill go over and that the report of the committee be printed in the RECORD.

The PRESIDENT pro tempore. The report will be printed in the RECORD, in the absence of objection, and the bill will go over, retaining its place on the Calendar.

The report submitted by Mr. NELSON on March 25, 1902, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," having had the same under consideration, beg leave to report as follows:

Your committee recommend the following amendments:

After the word "office," line 11, page 2, insert the words "or adjudged invalid by the final decision of a court."

After the word "made," line 18, same page, add the word "and," and between the words "which" and "is," same page and same line, insert the word "portion."

In line 23, same page, strike out the words "money under this act" and insert in lieu thereof the words "such excess payment."

Strike out the whole of the second proviso on page 3 and insert in lieu thereof the following:

"That the provisions of this act as to said excess payment shall not apply to any land within the primary or granted limits of any railroad land grant or part thereof, where the railroad for which said grant was made has actually been constructed adjacent to and coterminous with such land."

The proposed amendments, while they do not change the purport of the bill, render the object thereof more plain.

A bill of similar intent was introduced in the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. A favorable report was made upon it on each occasion, and certain amendments were suggested in the Fifty-fourth and Fifty-fifth Congresses. These amendments have been incorporated in the measure now under discussion. In the Fifty-sixth Congress it passed the Senate. The report made upon the measure in the Fifty-sixth Congress reproduced the reports made in the prior Congresses, and as this report prints at length the recommendations of the Secretaries of the Interior, made when the bill was submitted to the Department during the Fifty-fourth and Fifty-fifth Congresses, it is herewith reprinted.

[Senate Report No. 6, Fifty-sixth Congress, first session.]

Mr. McBRIDE, from the Committee on Public Lands, submitted the following report (to accompany S. 386):

The Committee on Public Lands, having had Senate bill 386 under consideration, beg leave to report it back with the recommendation that it do pass.

A bill similar to this was introduced in the Fifty-fifth Congress, and was reported favorably from the Committee on Public Lands, with certain amendments. These amendments have been incorporated in this bill.

The following is the report made upon the measure at the last Congress, which is hereby adopted as the report of your committee on the pending bill:

[Senate Report No. 1493, Fifty-fifth Congress, third session.]

In lines 31 and 32, page 2, printed bill, strike out the words, "original entryman thereof, or to his legal representatives," and insert the following in lieu thereof: "Entryman who made the excess payment or to his executor or administrator for the benefit of the estate."

In line 35, page 2, printed bill, strike out the word "two" and insert the word "three" in lieu thereof.

In line 37, page 2, printed bill, after the word "act," strike out the period and insert a semicolon; also insert the following words: "And provided further, That nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railroad land grant where the road to which said grant was made has been constructed."

The bill as amended reads as follows:

"A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

"Be it enacted, etc., That section 2 of an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled or relinquished on account of conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his legal representatives, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties, as preemptors or homestead claimants, have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the entryman who made the excess payment or to his executor or administrator for the benefit of the estate: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of three years from the date when such claim shall accrue, or from the date of the approval of this act: *And provided further*, That nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railroad land grant where the road to which said grant was made has been constructed."

This bill amends section 2 of the act of June 16, 1880, in several particulars, but the most important amendment herein proposed is that extending to homestead and preemption settlers who paid double-minimum price for lands within the limits of railroad land grants that have been forfeited since such payment the relief hitherto granted by said section 2 of the act of June 16, 1880, to purchasers who paid such double-minimum price for land afterwards found not to be within the limits of railroad land grants.

The relief proposed by this amendment is limited to homestead and preemption settlers, while the present law affords relief to all purchasers who paid double-minimum price for lands not within railroad limits.

The proposed amendment is clearly in accord with the principle upon which the act of 1880 is based, namely, that it is unjust for the Government to retain double-minimum price for lands not benefited by the construction of a railroad within the prescribed distance of the lands for which such enhanced price was required and paid. If the act of 1880 (the present law) is just and equitable, the pending bill is equally so, and the Government should not further delay repayment of money for which the consideration contemplated by all parties at the time of purchase has not been given.

The enhanced price, \$2.50 per acre, was charged for lands in railroad grant

limits, partly to compensate the Government for land granted to the railroad, and because of the expected enhancement of the value of the lands by reason of the construction of a railroad near such lands. No other reason existed for requiring settlers to pay the advanced price; but the Government, by withdrawing the land grants from the railroad companies through acts declaring forfeiture, prevented construction of the roads and thereby deprived settlers of the benefits for which they paid such increased price. This fact has received legislative recognition in the laws reducing the price of unsold lands in such forfeited grants to the former price of \$1.25 per acre. A like reduction should be made in behalf of those who settled on lands within such limits prior to the declaration of forfeiture. This can only be done by repayment of the excess paid by such settlers, for which repayment provision is made in the pending bill.

It should be noted that this bill provides a limitation upon all claims arising under section 2 of the act of 1880, requiring all claims under said section as amended to be presented within three years from the time the same shall have accrued, or within three years after the passage of the bill herewith reported.

We submit herewith letters from the honorable Secretary of the Interior and from the honorable Commissioner of the General Land Office commending the bill as an equitable and just measure:

DEPARTMENT OF THE INTERIOR,  
Washington, May 6, 1898.

SIR: I have the honor to acknowledge the receipt, by reference of your committee, on March 11, 1898, for views, of a copy of S. 747, entitled 'A bill to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands."'

In response to the reference, I inclose herewith a copy of the report on the bill by the Commissioner of the General Land Office, under date of the 5th instant.

The object of the bill is to return the double minimum excess paid by settlers under the preemption and homestead laws on lands in limits of railroad grants where the grants were forfeited for failure to construct the roads, and the Commissioner has expressed the opinion that, while its enactment into law would involve the expenditure of a considerable amount of money, the contemplated action is equitable and just.

The Commissioner is also of the opinion that the bill should be amended so as to allow repayment to the heirs and assigns of the entryman, and has suggested an amendment so that the bill shall not affect lands in the primary limits of any railroad land grant where such land-grant railroad has been constructed.

I concur in the views and suggestions of the Commissioner.  
Very respectfully,

C. N. BLISS, Secretary.

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS, Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., May 5, 1898.

SIR: I have the honor to acknowledge receipt, by reference from the Department for early report in duplicate, of Senate bill 747, 'To amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands."'

The act sought to be amended is the act of June 16, 1880, second section (21 Stats., 287).

The proposed amendment is as follows, the amended portions being placed in brackets and the portions stricken out being underscored:

SEC. 2. That in all cases where homestead or timber culture or desert land entries or other entries of public lands have heretofore or shall hereafter be canceled for [or relinquished on account of] conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns [legal representatives], the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment to all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties [as preemptors or homestead claimants] have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant [or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands], the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof or to his heirs or assigns [but only to the original entryman thereof, or to his legal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act].

This act proposes to reimburse settlers under the preemption and homestead laws who have paid double minimum price for their lands for the reason that the same were within the limits of a railway land grant, in cases where the land grant was forfeited by reason of failure to construct that portion of the road in aid of which such grant was made, and which is adjacent to and coterminous with said lands.

The policy of charging double minimum for lands within the limits of a railway land grant was undoubtedly entered upon and carried out on the theory that the building of the road would enhance the value of the adjacent lands above that of lands not so situated, and that the purchaser and entryman, by reason of proximity to a line of railway, would derive benefits therefrom such as would justify the Government in charging him the increased price for the land. The advance from minimum to double minimum also reimbursed the Government for the land donated to the railroad company so far as the sections reserved from the donation were disposed of for cash.

By act of Congress approved September 29, 1890, the forfeiture to the United States of all lands theretofore granted to any State or corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such road not completed was declared; and such lands were declared to be a part of the public domain, except the right of way and station grounds theretofore granted.

Prior to such forfeiture, however, the lands within the limits of those grants adjacent and coterminous to the portions not constructed were disposed of at the double minimum price.

There seems to be no good reason why entrymen who paid the double minimum price under such conditions should not be reimbursed for the excess of payment and commissions. They entered and purchased these lands with the expectation that the railway would be constructed, and that therefore the lands would be worth the enhanced price paid, and the Government de-

manded the enhanced price on the theory that the lands would be more valuable by reason of railway construction, and that the Government would be to that extent reimbursed for the lands granted to the railways.

The roads were not constructed, therefore the entryman received no benefit by reason of his settlement within land-grant limits, and a forfeiture having been declared of the lands granted to the railway, the Government received back the granted lands, and therefore could not reasonably demand the enhanced price on the theory of reimbursement for the granting of the alternate sections.

It is true that these entries are in the nature of completed contracts, but they are contracts which the entryman entered into with the understanding that there was to be a railway constructed, and that he was to be benefited thereby.

Attention is called to the amendment in lines 15 and 16, page 2, of the printed bill, in striking out the words "heirs or assigns" and inserting in lieu thereof "legal representatives." It is not clear on what theory the change in phraseology was made.

The cases affected by this provision are those in which all claim and title to the land in the entryman or grantees under him are extinguished. Transfers in such cases are often made before the cancellation of the entry.

I am of opinion that the right to repayment should follow whatever claim or title there may be to the land under the entry for the protection of grantees under the entryman. When repayment is made it should be made to the party having whatever claim or title to the land vested in the entryman.

I am of opinion, therefore, that the bill should be so amended as to allow repayment to the assigns of the entryman, and I see no good reason why it should not be paid to the heirs if the heirs are the owners under the entryman of his claim and title to the land.

I would also call attention to the fact that in some cases where forfeitures have been declared because of the failure of the grantee to construct its road the limits of the unconstructed road overlap the primary limits of other grants over which roads have been constructed, and where such is the case the reason for the increase in price still exists and no repayment should be made.

I would therefore suggest that the bill be amended as follows:

"Nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railway land grant where the road to which such grant was made has been constructed."

While the enactment of the proposed law would involve the expenditure of a considerable amount of money, I believe that the action contemplated is equitable and just.

Very respectfully,

BINGER HERMANN,  
Commissioner.

Hon. C. N. BLISS,  
Secretary of the Interior.

During the first session of the Fifty-fourth Congress a similar bill was before this committee and was favorably reported in Report No. 114, which is herewith submitted as a part of this report.

It is noteworthy that similar bills have been approved by Secretaries of the Interior of the last three Administrations.

[Senate Report No. 99, Fifty-fourth Congress, first session.]

Mr. McBRIDE, from the Committee on Public Lands, submitted the following report (to accompany S. 36):

The Committee on Public Lands, having had Senate bill 36 under consideration, and having duly considered the same, report it back with amendments and recommend its passage. The bill as amended reads as follows:

"A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber culture or desert land entries or other entries of public lands have heretofore or shall hereafter be canceled or relinquished on account of conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his legal representatives, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties, as preemptors or homestead claimants, have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the original entryman thereof, or to his legal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act."

During the second session of the Fifty-third Congress a similar bill was before this committee and was favorably reported in Report No. 171, which is herewith submitted as a part of this report:

"The Committee on Public Lands having had the bill (S. 67) under consideration, and duly considered the same, report it back with amendments and recommend its passage. The bill as amended reads as follows:

"A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber culture or desert land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses



paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties as preemptors or homestead claimants have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the original entryman thereof, or to his heirs or personal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act.

"Section 2 of the act of June 16, 1880, is as follows:

"SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns."

"It will be seen that by the bill reported by the committee it is proposed to amend the act so as to limit the repayment of \$1.25 an acre to parties who have paid double-minimum price to homestead and preemption claimants, and also to provide a limitation as to all claims arising under the act. These provisions are restrictions and limitations of the original act.

"The retention of the act is provided for in the following words: 'Or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made which is adjacent to and coterminous with such lands,' which, taken in connection with the contract, will entitle homestead and preemption claimants who have paid \$2.50 per acre for lands within the limits of forfeited railroad grants to have \$1.25 per acre refunded to them.

"It requires but few words to show that the principles of common honesty require the passage of this bill.

"The Government made grants of alternate sections of the public lands to aid in the construction of railroads. In order that there should be no loss to the Treasury and the purchasers of the lands not granted within the limits of the several grants should pay for the benefits to be derived by them from the construction of the railroads to be aided by the several grants, the price of the sections not granted was increased to \$2.50 an acre.

"The Government afterwards forfeited the grants, reduced the price of the forfeited lands and of the even sections within the limits of the grants to \$1.25. The railroads were not built. The consideration for the increased price of the lands failed. Purchasers within the limits of railroad grants were required to pay double the price that purchasers are now required to pay for adjacent lands where the grants have been forfeited.

"The Government retains the additional \$1.25 an acre notwithstanding it has taken back its grants and prevented the construction of the roads. There is not a court of equity in a civilized country which would not grant relief under similar circumstances between private parties.

"Annexed hereto will be found letters from Secretaries of the Interior and Commissioners of the General Land Office concerning the measure."

DEPARTMENT OF THE INTERIOR,  
Washington, September 14, 1893.

SIR: I transmit herewith a report from the Commissioner of the General Land Office on Senate bill No. 67, entitled "A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,'" which was referred to this Department with request that the committee be furnished with its views thereon.

The effect of the amendment is to allow repayments in all cases where double minimum price was charged for lands within the limits of a railroad grant which has been or shall be forfeited by reason of the failure of the grantee to construct that portion of the railroad adjacent to and coterminous with such land.

The amendment is, in my opinion, just and proper.  
Very respectfully,

Hon. JAMES H. BERRY,  
Chairman Committee on Public Lands, United States Senate.

HOKE SMITH, Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., August 28, 1893.

SIR: I have the honor to acknowledge the receipt by reference of 22d instant from Hon. John M. Reynolds, Assistant Secretary, of Senate bill No. 67, entitled "A bill to amend an act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, submitted by Hon. JAMES H. BERRY, chairman of the Senate Committee on Public Lands, and referred to me as above for report in duplicate.

The second section of the act of June 16, 1880 (25 Stat. L., 287), provides for repayment of the excess paid on lands that have been sold as double-minimum land at \$2.50 per acre, and are afterwards found to have been outside of any railroad grant, and therefore subject to sale at \$1.25 per acre.

This bill proposes to extend the right of repayment of excess over \$1.25 per acre to entrymen whose entries are found to be "within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands." A limitation clause not contained in the original act of June 16, 1880, is added, providing, "That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior \* \* \* within \* \* \* two years from the date when such claim shall accrue, or from the date of the approval of this act."

As the law now stands, entrymen who paid double-minimum rate for land within granted railroad limits which were afterwards declared forfeited are held to be not entitled to repayment of double-minimum excess, while those

who made such entries subsequent to the passage of the forfeiture act are entitled to such repayment.

This bill will place the earlier entryman on an equal footing with the later in respect to repayment of double minimum excess. I see no objection to its passage.

The bill is herewith returned.  
Very respectfully,

S. W. LAMOREUX,  
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
Washington, December 15, 1893.

SIR: I transmit herewith a report from the Commissioner of the General Land Office, giving a statement of the amount of appropriation likely to become necessary in the event of the passage of Senate bill No. 67, as requested by your letter of October 16, 1893.

Very respectfully,

HOKE SMITH,  
Secretary.

Hon. J. H. BERRY,  
Chairman of Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., December 16, 1893.

SIR: In response to your inquiry, I have to advise you that on February 25, 1892, this office, in reporting on a bill (H. R. 346) which proposed to repay to those persons who had paid the double minimum price for lands within the limits of grants for railroads which had thereafter been forfeited, made an estimate of the amount that would probably be required to satisfy claims opposite the portion of the Northern Pacific road which was declared forfeited by the act of September 29, 1890, and, taking that as a basis, estimated, roughly, the whole cost to the Government, in the event the bill became a law, at \$1,500,000.

The estimated cost given for claimants opposite the Northern Pacific forfeited line was given as \$200,000. A hurried examination of the records has now been made and it is found that \$265,200 will probably be required.

This, in my opinion, does not change the general estimate given at \$1,500,000.

Very respectfully,

S. W. LAMOREUX,  
Commissioner.

Hon. J. N. DOLPH,  
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., October 30, 1893.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of a letter from the Hon. J. H. BERRY, chairman of the Senate Committee on Public Lands, referring to Senate bill No. 67, a report on which was submitted on August 28, 1893, and asking the amount of appropriation likely to become necessary in the event of the passage of said bill.

In reply, I have to advise you that to determine accurately the amount which would be required to satisfy claims under said bill, should it become a law, would require an examination of the lands lying opposite the forfeited portions of all land-grant railroads, and in the present condition of the clerical force of this office would require several months' time. The amount of the cost, however, has been estimated, and was given in my report of September 22, 1893, on Senate bill 617, "for the relief of purchasers from the United States of lands in the even-numbered sections within the forfeited portions of railroad grants," as \$1,500,000, if said bill 617 should be amended as suggested, which would have made the amount of appropriation necessary practically the same as would be required should bill 67 become a law.

It is proper to say, in this connection, that while this office recommended the passage of Senate bill 67, and had on two previous occasions recommended the passage of similar bills, Senate bill 622, report of January 30, 1892, and House bill 340, report of February 25, 1892, after further and more careful consideration it reached a different conclusion, and recommended that Senate bill 617, aforesaid, be not passed.

Mr. Berry's letter is herewith returned.

Very respectfully,

S. W. LAMOREUX,  
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., June 17, 1890.

SIR: I am in receipt, by reference, of Senate bill 3797, providing that in all cases where parties have paid double-minimum price for land on account of any grant of land to aid in the construction of railroads, and such grant has been forfeited because of failure to construct such railroad, the excess of \$1.25 per acre shall be repaid to the purchaser thereof, or to the heirs or assigns.

I approve of the provisions of the bill.

Very respectfully,

JOHN W. NOBLE,  
Secretary.

Hon. P. B. PLUMB,  
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., June 12, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of Senate bill No. 3797, from the Hon. P. B. Plumb, chairman of the Committee on Public Lands, United States Senate, for report thereon in duplicate.

After a careful examination of the bill, I approve of its provisions, and it should become a law.

This bill is herewith returned.

Very respectfully,

LEWIS A. GROFF,  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
Washington, February 19, 1892.

SIR: I am in receipt, by reference from you, of Senate bill No. 622, entitled "A bill to amend 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

I transmit the report of the Commissioner of the General Land Office on said bill.

The effect of the amendment is to place upon an equal footing a class of

persons, a portion of whom have paid double-minimum price and a portion of whom have paid single-minimum price for the same class of lands.

In my opinion, the provision in the bill limiting the time in which a claim may be presented is wise and proper.

Very respectfully,

JOHN W. NOBLE,  
Secretary.

Hon. J. N. DOLPH,  
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., January 30, 1892.

SIR: I have the honor to acknowledge receipt, by reference of the 19th instant, from Hon. George Chandler, First Assistant Secretary, of Senate bill No. 622, entitled "A bill to amend 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,'" approved June 16, 1880, submitted by Hon. J. N. Dolph, chairman of the Senate Committee on Public Lands, and referred to me as above for report in duplicate.

The second section of the act of June 16, 1880, provides for repayment of the excess paid on lands that have been sold as double-minimum lands at \$2.50 per acre and are afterwards found to have been outside of any railroad grant, and therefore salable at \$1.25 per acre.

This bill proposes to extend the right of repayment of excess over \$1.25 per acre to entrymen whose entries are found to be "within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad, in aid of which such grant was made, which is adjacent to and coterminous with such lands."

A limitation clause, not contained in the original act of June 16, 1880, is added, providing "that no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior \* \* \* within \* \* \* two years from the date when such claim shall accrue or from the date of the approval of this act."

As the law now stands, entrymen who paid double-minimum rates for lands within granted railroad limits, which were afterwards declared forfeited, are held to be not entitled to repayment of double-minimum excess, while those who made such entries subsequent to the passage of the forfeiture act are entitled to such repayment.

This bill will place the early entryman on an equal footing with the later in respect to repayment of double-minimum excess. I see no objection to its passage.

The bill is herewith returned.

Very respectfully,

THOS. H. CARTER,  
Commissioner.

The SECRETARY OF THE INTERIOR.

ELLEN J. CLARK.

The bill (S. 1643) granting an increase of pension to Ellen J. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 9, after the word "receiving," to insert "and \$2 per month additional on account of the minor child of the said Henry W. Clark until he reaches the age of 16 years;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen J. Clark, widow of Henry W. Clark, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Henry W. Clark until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY KING.

The bill (H. R. 7811) granting a pension to Mary King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary King, dependent mother of Michael King, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONA FIDE SETTLERS IN FOREST RESERVES.

The bill (H. R. 3084) for the relief of bona fide settlers in forest reserves was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 8, after the word "period," to insert:

The benefits of this act shall extend to bona fide claims already received by the local land offices after the statutory period, and for which patents have not issued, provided the settlers have complied with the provisions of the law except as to the time of filing their claims.

So as to make the bill read:

*Be it enacted, etc.,* That where a claimant under the settlement laws of the United States within the limits of a forest reserve created under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," has failed, by reason of ignorance of the proclamation of the President, or of the filing of the township plat of survey, or from unavoidable accident or conditions, or from misunderstanding of the law, to place his claim of record within the statutory period, such claimant may be permitted within a period of two years from and after the passage of this act to file his claim in the proper United States land office and receive patent therefor upon showing due compliance with the law under which the claim is asserted, notwithstanding the reservation, provided that he made bona fide settlement upon the land claimed prior to the date of the proclamation establishing the forest reserve and maintained continuous residence thereon for the requisite period. The benefits of this act shall extend to bona fide claims already received by the local land offices after the

statutory period, and for which patents have not issued, provided the settlers have complied with the provisions of the law except as to the time of filing their claims.

The amendment was agreed to.

Mr. KEAN. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GAMBLE March 26, 1902, as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. 3084) for the relief of bona fide settlers in forest reserves, having had the same under consideration, agree to report it back with the recommendation that the same do pass with the following amendment:

After the word "period," line —, on page 2, add the following:

"The benefits of this act shall extend to bona fide claims already received by the local land offices after the statutory period, and for which patents have not issued, provided the settlers have complied with the provisions of the law, except as to the time of filing their claims."

The passage of this bill is recommended by the Commissioner of the General Land Office. A bill identical in its provisions, being Senate bill 2306, passed the Senate on the 30th day of January, 1902, except only as to amendments hereinafter referred to, by which it was sought to make the provisions of the bill more plain and to place a limitation of two years upon the right granted by the bill. Your committee is informed, since the introduction and passage of the measure, that a number of settlers upon the Black Hills Forest Reserve had placed their claims of record with the local land office and proof in support thereof had been submitted and received. It was held subsequently by the General Land Office that under the operation of the act of March 3, 1891, these filings should not have been received by the local land office, and their further adjudication has been suspended and they are now held awaiting the action of the pending measure. It is thought by your committee that the original bill did not cover these cases and that it should be made applicable to them as well as to those who have not yet placed their claims of record with the local land office. Your committee submits and adopts as a part of its report the report of the Committee on the Public Lands of the House, accompanying this bill.

"This bill was introduced upon recommendation of the honorable Commissioner of the General Land Office to afford relief to a class of worthy settlers who had established their homes upon various forest reserves in advance of the date of the establishment of such reservations, but who, from different causes, have been prevented from perfecting their titles. This subject is considered by the Commissioner in his last annual report to the Secretary of the Interior for the fiscal year ending June 30, 1901, at pages 137, 138, and 139. The present bill in the form in which it was introduced is set forth on page 139 of the Commissioner's report and recommended by the Commissioner for the consideration of Congress.

"Various forest reserves have been created throughout the Western States by Presidential proclamations pursuant to the act of March 3, 1891. That act protected the right of actual bona fide settlers upon territory that might be set aside for forest reserves, provided settlement in such cases should have been made prior to the date of the creation of the reserve; but permitted no settlements to be made after the proclamation of the President.

"The territory appropriated for these various forest reserves had been in many instances open to settlement for several years. The timber in such reservations is found uniformly growing upon the mountains, while the gulches and narrow valleys are generally devoid of timber. These valleys are commonly fertile and present desirable opportunities to settlers. In these valleys hundreds of settlers had established their homes prior to the dates of the creation of forest reserves.

"In many localities the lands were unsurveyed at the time of the creation of the forest reservations so that settlers had had no opportunity to make their entries at the land office. Later the Government surveys were had and the usual plats filed in the various land offices.

"The general law provides that settlers upon the public lands shall make their homestead entries at the district land office within three months after the filing of the plats of the official survey in the land office of the district in which the lands are situated. The uniform interpretation of this provision of the law by the Department has been that the failure upon the part of the settler to make his entry at the land office during the period of three months after the filing of the official plat did not work a forfeiture of his claim; that the only effect of such failure was to subject the settler to a possible adverse claim of some other settler who might seek to appropriate the same land, and that as against the Government the original settler could make his entry at any time subsequent to the three months' period with the same effect as though his entry had been offered within that period.

"There appears to have been a general impression among the settlers within the boundaries of forest reservations that these same rules would apply to their settlements, and that they could make their entries at the land offices as well after the expiration of the three months' period from the date of the filing of the official plats, provided that no adverse settlement should be made upon their lands. For this reason many bona fide settlers did not offer their filings until after the period of three months had expired. Many other settlers received no notice of the filing of the official plats, and had no knowledge of such filing until after the three months' period had expired. Others were prevented from making their entries within the three months' period by other unavoidable accidents.

"As a rule these are old-time settlers, many of them having made their homes upon their claims for from fifteen to twenty years, having made valuable improvements upon them. And these improvements are, practically, all that they possess, representing the labor and accumulation of years. They were not able to make their entries during the years referred to from the fact that the Government surveys had not yet been extended over their lands. When the surveys were in fact completed they failed to offer their entries within the period of three months thereafter by reason of the conditions herein referred to.

"After the three months' period had expired such settlers in large numbers presented their entries at the local land offices. The honorable Commissioner of the General Land Office, when such cases were presented, held that the filings could not be made, upon the ground that the Presidential proclamation establishing the forest reserves amounted to an appropriation of the lands adverse to the settlers, and that, as a matter of legal interpretation, the settlers would be left in the same position as though another settler had subsequently appropriated his lands. Upon appeal, the honorable Secretary of the Interior has placed the same interpretation upon the existing law. The officials of the Interior Department have, therefore, considered that the relief can be given to these settlers only by act of Congress. They, however, consider that relief should be given these settlers and cordially recommend this legislation.

"This bill is designed to relieve a most worthy class of settlers, whose cases come entirely within the spirit of our settlement laws. By reason of conditions for which they are not justly responsible, they have been deprived of an opportunity to enter their lands. In many instances these are the pioneer settlers who have braved the dangers and hardships of life upon



our frontiers to establish a home for themselves and their families. It would be in the nature of a public as well as a private calamity to deprive them of their homes.

"The committee recommends two slight amendments for the purpose of more clearly expressing the purposes of the act and in order to place a limitation upon the time in which the settlers referred to must complete their entries:

"After the word 'accident,' in line 10, page 1 of the bill, insert 'or conditions, or from misunderstanding of the law;' and after the word 'permitted,' in line 11, page 1, insert 'within a period of two years from and after the passage of this act.'

"The committee recommends that the bill as amended be passed."

[Extract from the report of the honorable Commissioner of the General Land Office, 1901, pp. 137, 138, and 139.]

#### BONA FIDE SETTLERS ON FOREST RESERVES.

In the creation of forest reserves under section 24 of the act of March 3, 1891, the lands within the boundaries described are all reserved, subject to any claim existing adverse to the United States. In each proclamation is placed the following excepting clause:

"Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made.

"Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation."

Where settlers within the limits of the reserves make their filings of record within three months after the date of settlement, in the case of surveyed lands, and within three months after the date of filing the township plat in the local land office, in the case of unsurveyed lands, there is no difficulty in the matter of the completion of their claims, for the reason that they have complied with the provisions of the act of May 14, 1890, enacted to protect settlers from adverse claimants. But there is a class of claimants who, from ignorance, carelessness, and one reason or another, have failed to observe the requirements of the act of 1890, and their claims are, therefore, rejected because of the existence of the forest reserve, which has intervened to cut off their undisputed claim to lands upon which they may have settled. In many of these cases it is a real hardship upon the claimants, for the reason that they have in good faith settled upon lands which were vacant and open to settlement at the time of their location, and upon which they have spent years of labor, improvement, and cultivation, and for which they could obtain title but for the existence of the forest reservation.

These cases coming up on appeal for adjudication, the Department has uniformly decided that the parties having failed to observe due diligence in getting their claims of record within the statutory period, as required by the excepting clause of the proclamation, they must fail for the reason that the forest reserve is to be considered as an adverse claim within the meaning of the act of May 14, 1890.

In the recent case of Joshua Smith, decided August 5, 1901, the Department, in passing upon this subject, stated:

In this case there is no individual adverse claimant, but the Government, by its Chief Executive, has claimed all the land within the boundaries of said reservation for a specific purpose, excepting only the lands coming within the above category; and the Executive order, reserving the land for a specific public purpose, must be held to be at least as effective upon the claim of the settlers as would be the adverse claim of one who wished the land for his own use.

It has also been held that, in view of the plain terms of the proclamation creating a reservation, a claimant who fails to assert his claim within the statutory period can get no relief through the Executive authority.

While it is doubtless true that many fraudulent claims are intentionally initiated in forest reserves, particularly with the prospect in view of obtaining the valuable right of the selection of other lands in lieu of lands relinquished in forest reserves, it is also true that there are honest settlers who have devoted years of toil and hardship to the establishment of homes, whose claims have been embraced in forest reserves unknown to them, and who, through ignorance or a misunderstanding of the requirements of the law, or of inability to obtain information promptly in remote localities, have failed to get their claims of record within the required period. These people ought not to be allowed to suffer because of the necessarily strict construction of the proclamations creating the reserves, and some relief should be afforded them.

In view of the fact that all claims within forest reserves can be carefully investigated under such regulations as the Department sees fit to require, prior to the final adjudication of the same, all cases where there is any attempt at fraud, either in the assertion of a settlement subsequent to the creation of the reservation or in evading other requirements of the settlement law, can readily be detected and the claims rejected; and likewise it can be ascertained to the satisfaction of the Department what claims are, in fact, bona fide and just.

With this view of the matter, and for the purpose of relieving deserving bona fide settlers within forest reserves, whose claims are barred by reason of the creation of the reservation, as above set forth, I respectfully suggest the following proposed legislation for their relief, and recommend that it be presented to Congress for consideration, viz:

#### A bill for the relief of bona fide settlers in forest reserves.

*Be it enacted, etc.*, That where a claimant under the settlement laws of the United States, within the limits of a forest reserve created under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws and for other purposes," has failed by reason of ignorance of the proclamation of the President, or of the filing of the township plat of surveys, or from unavoidable accident, to place his claim of record within the statutory period, such claimant may be permitted to file his claim in the proper United States land office and receive patent therefor upon showing due compliance with the law under which the claim is asserted, notwithstanding the reservation, provided that he made bona fide settlement upon the land claimed prior to the date of the proclamation establishing the forest reserve and maintained continuous residence thereon for the requisite period.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### TITLE OF SOUTH DAKOTA IN CERTAIN LANDS.

The bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State was considered as in Committee of the Whole. It proposes that the title of the State of South Dakota to the section of land described in section 3 of chapter 1257 of the act of Congress approved October 1, 1890, be confirmed and made absolute in that State freed from the conditions therein imposed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SAVANNAH RIVER BRIDGE.

The bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island in the county of Chatham, State of Georgia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add the following as a new section:

SEC. 3. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge; and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### HORATIO N. WARREN.

The bill (H. R. 2120) granting an increase of pension to Horatio N. Warren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Warren, late Lieutenant-colonel One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### JOHN W. MOORE.

The bill (H. R. 9821) granting a pension to John W. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Moore, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$8 per month and such higher rate or rates of pension as he may hereafter show himself to be entitled to under existing pension laws, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. DEBOE March 26, 1902, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9821) granting a pension to John W. Moore, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

"The records of the War Department show that the beneficiary named in this bill, now 68 years of age, served as a private in Company K, Eightieth Ohio Infantry, from January 3, 1862, to January 11, 1865, when honorably discharged, and that he again served as second lieutenant in Company A, One hundred and ninety-seventh Ohio Infantry, from April 12, 1865, to July 31, 1865, when honorably mustered out; that these records further show that while a member of the Eightieth Ohio he was on sick leave in Ohio in September and October, 1863.

"He first applied for pension in March, 1887, alleging that he contracted chronic diarrhea and resulting piles while a second lieutenant in the One hundred and ninety-seventh Ohio Volunteers in May, 1865, and upon due proof he was pensioned for said disabilities as a second lieutenant in the One hundred and ninety-seventh Ohio Infantry at one-half of total of his rank, namely, \$8, from March 9, 1887, and this rating was increased to \$12 from April 15, 1891.

"In 1892 he filed a claim on account of additional disabilities, namely, catarrh of the head and throat, and deafness. During the special examination of that claim it appeared from evidence adduced on said examination,

including the pensioner's own sworn statement, that he incurred the chronic diarrhea for which he was pensioned while serving as a private in the Eightieth Ohio in 1863 and not while serving as second lieutenant in 1865 in the One hundred and ninety-seventh Ohio, and consequently the Pension Office held that the allowance of his pension based upon rank of second lieutenant had been erroneous and contrary to law and made a reissue of his pension certificate, allowing him, instead of the pension of \$8 per month which he had received from March 9, 1887, a pension of \$4 per month from that date, and instead of \$12 per month from April 15, 1891, a rating of \$6 from the last-named date, and the Government has withheld this pension until a sum accrues sufficient to reimburse the Government for the amount erroneously paid and based upon the rank of second lieutenant.

"On October 17, 1900, the Pension Bureau again increased his pension to \$8 per month from August 1, 1900, on account of the pensioned causes.

"It will thus be seen that the soldier has not been drawing any pension since September, 1899, and that it will still take about seven years before he will have reimbursed the Government in the amount held to have been erroneously drawn.

"The soldier testified in 1899 that he believed his statement that his disability arose while he was a private was strictly true, and that it was also true that he remained in the service until 1865, and that it seemed to him that the mere fact that his disability which arose in the former part of his service, and which was greatly exaggerated by the latter part of his service, should not deprive him from the lieutenant's pension, inasmuch as it made his recovery to health impossible.

"The claim on account of the new disabilities named above—namely, catarrh of the head and throat and deafness—was rejected by the Pension Bureau in March, 1899, upon the ground of no record evidence of the existence of the alleged disabilities in the service, no medical evidence in the service or at discharge, and the best obtainable testimony, aided by a special examination, having failed to establish origin in the service of said disabilities.

"An examination of the testimony obtained by the special examiner as to the new disabilities shows that the action of the Pension Bureau rejecting said claim was proper, some of the witnesses who testified *ex parte* having repudiated their affidavits as to the existence of these new disabilities in the service, and others testified merely from hearsay.

"As stated above, the Pension Bureau held, October 17, 1900, that this soldier was entitled to a pension of \$8 per month for chronic diarrhea, piles, and resulting disease of the rectum, and this action was based upon the certificate of medical examination made August 1, 1900, which examination, aside from the disability arising from diarrhea and disease of the rectum, rated him \$8 for rheumatism, \$6 for catarrh, \$6 for disease of the heart, and \$6 for severe deafness of the right ear.

"Under the law the action of the Pension Bureau in reducing this soldier's pension and pensioning him according to the rank he held at the time of the incurrance of the disability for which he is on the rolls was undoubtedly correct, but the soldier committed no fraud, believing, and perhaps correctly so, that his subsequent services as a commissioned officer aggravated the disabilities which he contracted as an enlisted man.

"Under these circumstances your committee believes that the Government should not hereafter reimburse itself out of the pension to which this soldier is now entitled, or to which he may hereafter show himself to be entitled, for the money erroneously drawn as of the rank of lieutenant, and that hence relief by Congress is warranted to that extent, and the bill is reported back with the recommendation that it pass."

Your committee adopt the foregoing report and recommend the passage of the bill when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Moore, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$8 per month and such higher rate or rates of pension as he may hereafter show himself to be entitled to under existing pension laws, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### SCHOOLS OF MINING AND METALLURGY.

The bill (S. 634) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over and that it be placed under Rule IX, if that be the proper motion to make regarding it. The bill is one that will require some debate.

The PRESIDENT pro tempore. On the objection of the Senator from North Dakota, the bill goes over under Rule IX.

#### CHIPPEWA INDIANS OF MINNESOTA.

The bill (S. 4284) to amend an act entitled "An act for the relief and the civilization of the Chippewa Indians, in the State of Minnesota," approved January 14, 1889, was announced as next in order, and the Secretary proceeded to read the bill.

Mr. CULLOM. This seems to be a very long bill. I understand the author of the bill is not present. I think we may as well pass it over without losing its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

#### A. W., ALIAS WASHINGTON, HUNTLEY.

The bill (S. 1451) to correct the military record of A. W., alias Washington, Huntley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military

Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized to review and revoke the order of February 15, 1865, dismissing First Lieut. Washington A. Huntley, Ninth United States Colored Troops, from the service for absence without leave, and to cause to be issued to him a certificate of discharge as of January 23, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TRANSFER OF LAND TO QUINCY, ILL.

The bill (H. R. 6196) transferring a lot in Woodland Cemetery to city of Quincy, Ill., was considered as in Committee of the Whole. It authorizes the Secretary of War to convey to the city of Quincy, Ill., all the right, title, and interest of the United States in lot No. 33, block 1, in Woodland Cemetery, in the county of Adams and State of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN F. ANTLITZ.

The bill (H. R. 610) to correct the military record of John F. Antlitz was considered as in Committee of the Whole. It proposes to correct the military record of John F. Antlitz, of Company H, First Regiment South Dakota Volunteer Infantry, so that it will show that he was discharged in consequence of physical disability contracted subsequent to his enlistment, and to grant him an honorable discharge of date June 22, 1898, and to allow him travel pay and allowances.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LABELING OF WINE AND FOOD PRODUCTS.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill and the succeeding one, being the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced may go over.

The PRESIDENT pro tempore. Retaining their places?

Mr. McCUMBER. Yes; sir.

The PRESIDENT pro tempore. Objection being made, the bills will go over, retaining their places on the Calendar.

#### UTAH INDIAN WAR VETERANS.

The bill (S. 3797) authorizing the Secretary of War to deliver old pieces of ordnance to the Indian War Veterans was considered as in Committee of the Whole. It authorizes the Secretary of War to deliver to the Utah Indian War Veterans three pieces of old field ordnance, with gun carriages, caissons, and harness, complete.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### STATUE OF THE LATE MAJ. GEN. ALEXANDER MACOMB.

The joint resolution (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with an amendment, after the word "proper" at the end of line 6, to insert "not to exceed 7,000 pounds in weight;" so as to make the joint resolution read:

*Resolved, etc.* That the Secretary of War be, and is hereby, authorized to deliver to mayor of the city of Detroit, Mich., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 7,000 pounds in weight, to be used in the erection of a monument to the memory of the late Maj. Gen. Alexander Macomb, United States Army.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### SIGNING OF LETTERS PATENT FOR INVENTIONS.

The bill (H. R. 12095) to amend section 4883 of the Revised Statutes, relating to the signing of letters patent for inventions, was considered as in Committee of the Whole. It proposes to amend the section so as to read as follows:

Sec. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose.



The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ORGANIZATION OF VOLUNTEER ARMY OF THE UNITED STATES.

The bill (S. 3821) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof, was considered as in Committee of the Whole. It proposes that the time within which all claims for reimbursement under the act referred to, and under acts amendatory thereof, are to be presented shall be extended to January 1, 1903.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHARLES H. HAWLEY.

The bill (S. 4572) to grant an honorable discharge from the military service to Charles H. Hawley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 9, to strike out the word "hereafter" and insert "thereafter;" so as to read:

That the Secretary of War be, and he is hereby, authorized to review and to revoke the order dismissing Charles H. Hawley from the service as a second lieutenant of the Sixteenth Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 25th day of January, 1863, and that said Hawley shall thereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MINERS' HOME.

The bill (S. 3984) granting land for a miners' home was considered as in Committee of the Whole. It proposes to grant the following-described tract of land to Larence Scanlon, trustee of the Miners' Home of Salt Lake City, Utah: Beginning at the southwest corner of the Fort Douglas Military Reservation, in Salt Lake County, State of Utah, running thence along the south boundary line of said reservation 80 rods; thence north 40 rods; thence west to the west boundary line of said reservation, 80 rods; thence south along the said west boundary line 40 rods to the place of beginning, containing an area of 20 acres, to be used as a site for the construction and maintenance of a home for miners.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF THE RULES.

The resolution (S. R. 179), "Resolved, That Rule XIX be amended by inserting at the beginning of clause 2 thereof the following: 'No Senator in debate shall directly or indirectly by any form of words impute to another Senator, or to other Senators, any conduct or motive unworthy or unbecoming a Senator; no Senator in debate shall refer offensively to any State of the Union,'" was announced as the next business on the Calendar.

Mr. GALLINGER. Let the resolution go over, Mr. President. The PRESIDENT pro tempore. It will go over.

#### LEVI H. WINSLOW.

The bill (H. R. 1714) granting an increase of pension to Levi H. Winslow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi H. Winslow, late of Company A, Twelfth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELIZA STEWART.

The bill (H. R. 10289) granting a pension to Eliza Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "living," to strike out "still;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Stewart, widow of Hugh Stewart, late of the U. S. S. *Great Western*, United States Navy, and pay her a pension at the rate of \$8 per month, such pension, however, to cease upon proof that the said Hugh Stewart is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ALBERT S. WHITTIER.

The bill (H. R. 1190) granting an increase of pension to Albert S. Whittier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert S. Whittier, late of Company L, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MATTHEW C. MEDBURY.

The bill (H. R. 6438) granting an increase of pension to Matthew C. Medbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew C. Medbury, late of Company E, Twelfth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN E. WHITE.

The bill (H. R. 1706) granting an increase of pension to John E. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. White, late of Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MICHAEL FARRELL.

The bill (H. R. 1503) granting an increase of pension to Michael Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Farrell, late of Company K, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN HOLLISTER.

The bill (H. R. 10193) granting an increase of pension to John Hollister was considered as in the Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "fifteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hollister, late of Company C, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

Mr. GALLINGER. Let that be "twenty" instead of "fifteen." Amend it by striking out "twenty-four" and inserting "twenty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MARIA L. GODFREY.

The bill (S. 4740) granting an increase of pension to Maria L. Godfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria L. Godfrey, widow of Alfred C. Godfrey, late chaplain Twentieth Regiment Maine Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EUNICE A. SMITH.

The bill (S. 4749) granting an increase of pension to Eunice A. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to insert "and \$2 per month additional on account of the minor child of the said Frederick R. Smith until he reaches the age of 16 years;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Eunice A. Smith, widow of Frederick R. Smith, late commander, United States Navy, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving and \$2 per month additional on account of the minor child of the said Frederick R. Smith until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IDA M. WARREN.

The bill (S. 319) granting a pension to Ida Warren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Warren, widow of Charles Warren, late second lieutenant Company H, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ida M. Warren."

MATILDA R. SCHOONMAKER.

The bill (S. 3091) granting an increase of pension of Matilda R. Schoonmaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda R. Schoonmaker, widow of Cornelius M. Schoonmaker, late captain, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN S. HARROWER.

The bill (S. 2289) granting an increase of pension to Benjamin S. Harrower was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Harrower, late captain Battery G, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED H. VAN VLIET.

The bill (H. R. 5413) granting an increase of pension to Alfred H. Van Vliet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "first lieutenant and;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Van Vliet, late first lieutenant and adjutant, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving, such pension to be paid to his duly constituted guardian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LORENZO BLACKMAN.

The bill (H. R. 6687) granting an increase of pension to Lorenzo Blackman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Blackman,

late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD S. DICKINSON.

The bill (H. R. 3180) granting an increase of pension to Edward S. Dickinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. Dickinson, late first lieutenant Company B, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM G. JOHNSON.

The bill (H. R. 3275) granting an increase of pension to William G. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Johnson, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTILLIA M. SMOOT.

The bill (H. R. 2770) granting an increase of pension to Otillia M. Smoot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otillia M. Smoot, widow of George W. Smoot, late acting master's mate, United States Navy, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. ROWE.

The bill (H. R. 8696) granting an increase of pension to William B. Rowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Rowe, late of Company A, Ninth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MISNER.

The bill (H. R. 918) granting an increase of pension to Charles Misner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Misner, late of Company A, Sixth Regiment Michigan Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MACKEY.

The bill (H. R. 5327) granting an increase of pension to William H. Mackey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Mackey, late of Company D, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. ARMSTRONG.

The bill (H. R. 10141) granting an increase of pension to William R. Armstrong, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Armstrong, late of Company F, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH REAMS.

The bill (H. R. 7990) granting an increase of pension to Uriah Reams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Reams, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.



The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ABRAHAM N. BRADFELD.

The bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham N. Bradfield, late of Company I, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY BEALS.

The bill (S. 4514) granting an increase of pension to Mary Beals was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "the late;" in the same line, before the word "second," to insert "late," and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Beals, widow of Jerome Beals, late second lieutenant Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INEZ E. PERRINE.

The bill (S. 3108) granting an increase of pension to Inez E. Perrine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve," and in line 10, after the word "receiving," to insert "and \$2 per month additional on account of the minor child of said Thomas A. Perrine until he reaches the age of 16 years;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez E. Perrine, widow of Thomas A. Perrine, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving and \$2 per month additional on account of the minor child of said Thomas A. Perrine until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. ROBINSON.

The bill (S. 4381) granting an increase of pension to John S. Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. COCKRELL. Let the report in the case be read.

The Secretary read the report submitted by Mr. PATTERSON March 31, as follows:

The Committee on Pensions, to whom was referred the bill (S. 4381) granting an increase of pension to John S. Robinson, have examined the same and report:

This bill as amended proposes to increase from \$12 to \$30 per month the pension of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry.

Mr. Robinson served from September 25, 1861, to March 17, 1863. He was discharged for disability due to chronic rheumatism and scurvy. He is 74 years of age, and is now resident at East Livermore, Me.

Mr. Robinson is receiving a pension of \$12 per month under the act of June 27, 1890, for disease of mouth, injury to left hand, and debility. He made claim under the general law August 31, 1891, alleging that he contracted scurvy at Fort Craig, N. Mex., in August, 1862, and that the same had resulted in disease of stomach. This claim was allowed June 11, 1898, for disease of

mouth, result of scurvy, at the rate of \$6 per month, but no certificate for this pension was issued for the reason that the claimant was already in receipt of \$12 per month under the act of June 27, 1890.

Mr. Robinson is a complete mental and physical wreck. He is suffering from senile dementia and requires constant care and attention. He has not been out of the house for a year. He has been of unsound mind for the last ten years. While his wife was alive she cared for him as if he were a child, but she died about four years ago, and since then he has become completely broken down, both mentally and physically. For a while he was confined in an insane asylum at Pueblo, Colo., for his better protection, and remained there until some relatives took him under their charge. He has no income except his pension and is entirely dependent.

These facts are all substantiated by evidence filed with the bill. Considering his great age, his faithful service, his poverty, and his almost helpless condition, your committee are of the opinion that an increase of his pension would be eminently just and proper.

The bill is reported back favorably with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. ROWAN.

The bill (S. 2943) granting a pension to Thomas S. Rowan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Rowan, late of Company I, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas S. Rowan."

WILLIAM C. DAVID.

The bill (S. 181) granting an increase of pension to William C. David was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. David, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES SCANNELL.

The bill (S. 3672) granting an increase of pension to James Scannell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Scannell, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN REEP.

The bill (H. R. 9791) granting an increase of pension to John Reep was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Reep, late of Company B, One hundred and fifty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. BRAMBLE.

The bill (H. R. 8048) granting an increase of pension to James A. Bramble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Bramble, late of Company B, Eightieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BARBARA M'DONALD.

The bill (H. R. 9301) granting an increase of pension to Barbara McDonald, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "however," to strike out:

That in the case of the death of the helpless child, Robert McDonald, on whose account the pension of Barbara McDonald is increased, the pension of said Barbara McDonald shall continue only at the rate of \$12 per month from and after the date of death of said helpless child;

And insert:

That in the event of the death of Robert McDonald, helpless and dependent son of said soldier, Robert McDonald, the additional pension herein granted shall cease and determine;

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barbara McDonald, widow of Robert McDonald, late of Company D, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided, however,* That in the event of the death of Robert McDonald, helpless and dependent son of said soldier, Robert McDonald, the additional pension herein granted shall cease and determine.

Mr. GALLINGER. I move that the words "Robert McDonald," after the words "said soldier," in line 3, page 2, be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## ISAAC H. CRIM.

The bill (H. R. 2545) granting an increase of pension to Isaac H. Crim was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac H. Crim, late of Company C, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. KELLY.

The bill (H. R. 6029) granting a pension to Mary E. Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Kelly, widow of Isaac P. Kelly, late of Company H, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Kelly."

## MARGARET HENDRY.

The bill (H. R. 7250) granting an increase of pension to Margaret Hendry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Hendry, widow of James Hendry, late of Company F, First Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LA MYRA V. KENDIG.

The bill (H. R. 1278) granting an increase of pension to La Myra V. Kendig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of La Myra V. Kendig, widow of Harry S. Kendig, late of Company A, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. DEBOE March 31, 1902:

The Committee on Pensions, to whom was referred the bill (H. R. 1278) granting an increase of pension to La Myra V. Kendig, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

"Harry S. Kendig, the soldier named in this bill, served as a private and corporal in Company A, One hundred and sixty-fourth Ohio Infantry, from May 2 to August 27, 1864, when mustered out with his company.

He never applied for pension under the general law, but was pensioned in 1894 under the act of June 27, 1890, at \$6 per month from December 13, 1893, and at \$8 from April 30, 1894, for partial inability to earn a support by manual labor by reason of senile debility and disease of heart. This rating was subsequently increased to \$12 per month from September 18, 1895.

"He died October 30, 1896.

"The beneficiary named in the bill, now 68 years of age, who married the soldier on May 13, 1866, is now and has been since December 14, 1896, pensioned under the act of June 27, 1890, at \$8 per month, and such pension was allowed upon proof of her marriage to the soldier, his death, that she was his legal widow, and that she was dependent upon her own labor, etc.

"The beneficiary never applied for pension under the general law.

"There has been filed with your committee the affidavit of the beneficiary to the effect that while single, her father having been a man of considerable means, she was supplied with all the comforts and many of the luxuries of life; that after her marriage to the soldier she was supported by him in the manner to which she had been accustomed; that later on she inherited from her father a considerable sum of money, which her husband invested in what seemed to be a good paying mercantile business, which, however, proved to be a failure, and that thereby she lost all her inheritance with all of her husband's capital; that at his death she was left absolutely without any means except the pension of \$8 per month, which she is now receiving; that during the last three years of his life he was a helpless invalid, and such health as she possessed was completely destroyed in nursing and caring for him, she having no means with which to employ assistance; that she is now without help and unable to help herself and has no one upon whom she can depend for assistance.

"A statement from the auditor for Seneca County, Ohio, has also been filed, showing that the name of the beneficiary does not appear on the records for assessments of real and personal property lists for taxation in said county.

"Your committee are of the opinion that the beneficiary, who is now helpless herself and in destitute circumstances, and who destroyed her health in nursing and caring for her invalid husband during many years prior to his death, should receive at the hands of the Government the pension provided under the general law for widows of enlisted men, namely, \$12 per month, in order that she may be enabled to procure for herself the necessities of life; hence the bill is reported back with the recommendation that it pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GOVERNMENT OF THE PHILIPPINES.

The bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, was announced as next in order.

Mr. COCKRELL. We can hardly pass that bill under the five-minute rule.

The PRESIDING OFFICER. The bill will be passed over.

## ROBERT M. M'CULLOUGH.

The bill (H. R. 283) granting an increase of pension to Robert M. McCullough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. McCullough, late of Company B, Third Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH TUSINSKI.

The bill (H. R. 8553) granting a pension to Joseph Tusinski was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Tusinski, late a private in Company E, Fourteenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER subsequently said: A few minutes ago the bill (H. R. 8553) granting a pension to Joseph Tusinski was passed. I move that the several votes whereby that bill was ordered to a third reading and passed be reconsidered, and that the bill be re-committed to the Committee on Pensions.

The motion was agreed to.

## JAMES P. BURCHFIELD.

The bill (H. R. 809) granting an increase of pension to James P. Burchfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Burchfield, late surgeon Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANDREW Y. TRANSUE.

The bill (H. R. 9621) granting an increase of pension to Andrew Y. Transue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Y.



Transue, late of Company G, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN V. RORER.

The bill (H. R. 1938) granting an increase of pension to Helen V. Rorer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen V. Rorer, widow of Jonathan T. Rorer, late captain Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS F. WALTER.

The bill (H. R. 5761) granting a pension to Thomas F. Walter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAGGIE HELMBOLD.

The bill (H. R. 8651) granting a pension to Maggie Helmbold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maggie Helmbold, widow of John W. Helmbold, late of Company E, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$8 per month, and \$2 per month additional on account of her minor child until it shall reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA F. SHILLING.

The bill (S. 3041) granting an increase of pension to Emma F. Shilling was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "captain of" and insert "first lieutenant;" in line 7, after the word "Company," to strike out the letter "F" and insert the letter "H;" and in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma F. Shilling, widow of John Shilling, late first lieutenant Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN E. COLLIER.

The bill (S. 4506) granting an increase of pension to Ann E. Collier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "United States," to strike out "of the," and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Collier, widow of George W. Collier, late lieutenant-colonel, United States Marine Corps, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONTROL OF DOGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4792) relative to the control of dogs in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE M. DUSTIN.

The bill (H. R. 6466) granting a pension to Josephine M. Dustin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine M. Dustin, widow of Miles G. Dustin, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DEWIT C. MCCOY.

The bill (H. R. 2124) granting an increase of pension to Dewit C. McCoy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewit C. McCoy, late lieutenant-colonel Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PHEOBE L. PEYTON.

The bill (S. 4643) granting an increase of pension to Phoebe L. Peyton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe L. Peyton, widow of Jacob M. Peyton, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and captain Company I, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phoebe L. Peyton."

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 9206.

Mr. GALLINGER. It will take about five minutes, perhaps, to complete the Pension Calendar. I ask unanimous consent that it may be completed.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the pending bill be temporarily laid aside and that the remaining pension bills on the Calendar may be considered.

Mr. COCKRELL. Let the consideration of the Calendar only go to bills reported before April 1. We have not the reports and bills on our desks of those reported yesterday.

Mr. GALLINGER. Very well.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from New Hampshire. The Calendar will be proceeded with.

ELIZABETH A. CAPEHART.

The bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Capehart, widow of Henry Capehart, late colonel First Regiment West Virginia Volunteer Cavalry and brevet major-general United States Volunteers, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINERVA MELTON.

The bill (S. 4056) granting an increase of pension to Minerva Melton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 7, before the word "Provisional," to insert the words "Fourth Regiment;" in the same line, after the word "Enrolled," to strike out "Regiment;" in line 8, before the word "Militia," to strike out "State," and in line 11, before the word "Melton," to strike out "DeCosta" and insert "Decota;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva Melton, widow of Newton Melton, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving. *Provided,* That in the event of the death of Decota Melton, helpless and dependent daughter of said Newton Melton, the additional pension herein granted shall cease and determine.

The amendments were agreed to.

Mr. GALLINGER. Let a comma be inserted after "Melton," in line 11.

The PRESIDING OFFICER. A comma will be inserted at that point.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA A. WRIGHT.

The bill (H. R. 8471) granting a pension to Eliza A. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Wright, widow of James H. Wright, late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS DYER.

The bill (H. R. 3418) granting a pension to Dennis Dyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Dyer, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES F. MERRILL.

The bill (H. R. 11375) granting a pension to Charles F. Merrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Merrill, late an unassigned private, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JETHRO M. GETMAN.

The bill (S. 1625) granting an increase of pension to Jethro M. Getman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jethro M. Getman, alias James M. Getman, late first lieutenant Company G, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jethro M. Getman, alias James M. Getman."

JOHN BROWN.

The bill (S. 4335) granting an increase of pension to John Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 7, before the word "Volunteer," to insert "Maryland," and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Company I, Thirtieth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE BOZEMAN.

The bill (H. R. 5712) granting a pension to Alice Bozeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Bozeman, the helpless and dependent daughter of Phineas L. Bozeman, late of Captain Lawler's company, Illinois Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M'DANIEL.

The bill (H. R. 2287) granting an increase of pension to George McDaniel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George McDaniel, late of Company H, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. MAPLES.

The bill (H. R. 10692) granting an increase of pension to David C. Maples was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Maples, late of Company H, Ninth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREEMAN R. E. CHANABERRY.

The bill (H. R. 6713) granting an increase of pension to Freeman R. E. Chanaberry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "First," to strike out "Tennessee Volunteers, Mexican war;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeman R. E. Chanaberry, late of Company K, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CLARA W. McNAIR.

The bill (S. 1225) granting a pension to Clara W. McNair was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara W. McNair, widow of Frederick V. McNair, late rear-admiral, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Clara W. McNair."

SARAH M. SMITH.

The bill (H. R. 10415) granting a pension to Sarah M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah M. Smith, widow of Andrew J. Smith, late of Captain Smith's company, Hays' regi-



ment, Texas Volunteer Infantry, war with Mexico, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### IMITATION DAIRY PRODUCTS.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9602) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. HALE. What has become of the Calendar?

The PRESIDING OFFICER. The hour of 2 o'clock arrived and the unfinished business was laid before the Senate. Agreement was asked that that might be temporarily laid aside for the consideration of pension bills, which has been concluded so far as the agreement extended, and the unfinished business was again laid before the Senate.

Mr. HALE. It will take only a few moments to go on and complete the consideration of the Calendar.

Mr. MONEY. If the Senator will allow me one moment, the Senator from Texas [Mr. BAILEY], who was to continue his remarks, is not here. I have sent for him. In the meanwhile we might go on with the Calendar until he comes in.

Mr. HALE. We might go on with the Calendar.

Mr. COCKRELL. I would have no objection to that course except that the cases now reached were reported only yesterday, and we have not the reports and the bills on our desks.

Mr. BAILEY entered the Chamber.

The PRESIDING OFFICER. The Senator from Texas [Mr. BAILEY] is now here.

Mr. COCKRELL. We have disposed of all the cases reported on March 31, except one.

Mr. HALE. If the Senator from Texas is ready to proceed—

Mr. BAILEY. I am not anxious, however, and if the Senate has any other matter it desires to complete, I will yield for it.

Mr. HALE. It is just as well for the Senator to go on.

Mr. MONEY. I submit an amendment intended to be proposed by me to the pending bill. I ask that it be printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. FORAKER. I wish to offer an amendment to the bill now under consideration in order that it may be printed.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. BAILEY. Mr. President, when I yielded the floor yesterday afternoon I had reached that point in the argument where, after admitting as a matter of law the contention of the Senator from Massachusetts [Mr. HOAR] that if oleomargarine is a deleterious food product, it falls within the power of Congress to control it as an article of interstate and foreign commerce, I was considering whether as a matter of fact oleomargarine is deleterious. I had read to the Senate the opinions of three distinguished scientific experts, all asserting that oleomargarine is a wholesome, palatable, and a digestible article of food; and I now desire to supplement those statements by one somewhat more extended and, if possible, more convincing than those which I read on yesterday.

Prof. Charles Harrington, who is the assistant professor of hygiene in the medical school of Harvard University, has published an excellent work entitled "Practical Hygiene," in which he discusses this very question of oleomargarine, and as a matter of saving my voice I will ask the Secretary to read that part which I have indicated by pencil marks, beginning on page 112.

The PRESIDING OFFICER. No objection being made, the Secretary will read as requested.

The Secretary read as follows:

Oleomargarine has been misrepresented to the public to a greater extent probably than any other article of food. From the time of its first appearance in the market as a competitor of butter, there has been a constant attempt to create and foster a prejudice against it as an unwholesome article, made from unclean refuse of various kinds, a vehicle for diseased germs, and a disseminator of tapeworms and other unwelcome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture.

The most absurd statement which the author has seen appeared in the annual report of the board of health of a community large enough and rich enough to be enabled to afford better service; this was that a large part of the annual output was made from the grease of dogs shot while suffering from rabies by the police in the streets of large cities.

The publication of a great mass of untruth can not fail to have its desired effect, not solely on the minds of the ignorant, but even of some of those of over average intelligence. So it is that a prejudice was created against this valuable food product, but it is gradually becoming less and less pronounced.

The truth concerning oleomargarine is that it is made only from the clean-

est materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material, however slightly tainted.

It is not and can not be made from fats having a marked or distinctive taste, and its flavor is derived wholly from the milk or genuine butter employed in its manufacture. It contains, as a rule, less water than does genuine butter, and consequently any difference in food value is in its favor. It undergoes decomposition much more slowly, and, indeed, may be kept many months without becoming rancid. Much has been said concerning its digestibility, and alarmists have gone so far as to claim that it is quite indigestible and likely to prove a prolific cause of dyspepsia, quite forgetting that the materials from which it is made have held a place in the dietaries of all civilized peoples since long before butter was promoted from its position as an ointment to that of an article of food. Many comparative studies have been made on this point, and results in general have shown that there is little if any difference. H. Lührig has proved by careful experiment that the two are to all intents and purposes exactly alike in point of digestibility.

Mr. BAILEY. Now, Mr. President, I will add to these scientific opinions an extract from a case decided by the Supreme Court of the United States. Quoting from a New York case this highest judicial tribunal of the land says:

It appears from the opinion that on the trial of that action "it was proved on the part of the defendant by distinguished chemists that oleomargarine was composed of the same elements as dairy butter. That the only difference between them was that it contained a smaller proportion of fatty substance known as butterine. That this butterine exists in dairy butter only in a small proportion, from 3 to 6 per cent.

"That it exists in no other substance than butter made from milk, and it is introduced to oleomargarine butter by adding to oleomargarine stock some milk, cream, or butter, and churning, and when this is done it has all the elements of natural butter; but there must always be a smaller percentage of butterine in the manufactured product than in the butter made from milk. The only effect of the butterine is to give flavor to the butter, having nothing to do with its wholesomeness. That the oleaginous substances in the oleomargarine are substantially identical with those produced from milk or cream. Professor Chandler testified that the only difference between the two articles was that dairy butter had more butterine; that oleomargarine contained not over 1 per cent of that substance, while dairy butter might contain 4 or 5 per cent, and that if 4 or 5 per cent of butterine were added to the oleomargarine there would be no difference. It would be butter, irrespective of the sources; they would be the same substances."

And so, Mr. President, the almost unbroken authority of every disinterested witness who has considered the question is that oleomargarine is a wholesome, palatable, and a digestible food product, and they fully dispose of so much of the argument of both the Senator from Massachusetts and the Senator from Wisconsin as predicated the power of Congress over this article upon the theory that it is deleterious to health.

#### THE TAXING POWER.

Besides the right based upon the deleterious character of the article, the only other ground, according to both the Senator from Wisconsin and the Senator from Massachusetts, upon which this bill can be defended as a constitutional exercise of power on the part of Congress is that we have a right to tax uncolored oleomargarine for the purpose of raising revenue, and, resulting from that, we have a right to tax colored oleomargarine as a means of preventing the evasion of the tax upon the uncolored article. I prefer, however, that the Senator from Massachusetts should state his own position, and consequently I shall read his words from the printed RECORD. After maintaining, as I have stated above, the right of Congress over oleomargarine upon the theory that it is deleterious, he then proceeds:

We have another right which is well settled, and that is in selecting objects upon which we shall put the tax in raising revenue. We have the right to select objects the burdening of which is not a public injury, and to omit or pass by objects which are a clear benefit, and every burden, or load, or condition placed upon which is a public disadvantage.

We might, I suppose, for the mere purpose of raising a revenue, tax the production of wheat, or of milk, or of honest and wholesome butter as an excise, but we do not do that because we do not want to put any burden upon such products, which are absolutely and unquestionably beneficial. So we take brandy, whisky, tobacco, beer, and articles which, while they yield us a revenue, we do not mean to prohibit their sale if we could. Still nobody claims that if the sale or use of beer, or tobacco, or brandy, or whisky be burdened the public has suffered any disadvantage.

Now, that being true, and it being a sound Constitutional principle and a sound principle in the exercise of legislative discretion, we have undertaken to tax oleomargarine under the use of our taxing power on the same principles and for a like reason, and moderately, just as we have undertaken to tax beer and whisky and brandy.

This fraudulent and spurious butter is not only, if what the gentlemen who have spoken are right, as I suppose they are, an injury to the farmers' butter, but it is an escape by fraud or forgery from exhibiting and laying open for purposes of taxation a genuine product of oleomargarine which we have a right to tax. Just as we had the right to tax out of existence the State-bank currency because it interfered with our national currency, which we had a right to provide, to establish, and to regulate, we have a right to tax out of existence spurious oleomargarine, because it interferes with the genuine oleomargarine, which is a genuine and legitimate object of taxation.

To all of this I readily assent as a matter of law. Nobody doubts the power of Congress to select such articles as its wisdom may dictate from which to raise the money necessary to support the Government; nor do I doubt that in the selection of the articles upon which to levy a tax Congress may be governed by considerations of expediency, and may levy the impost upon oleomargarine rather than upon butter, because it may believe that the oleomargarine manufacturers can better afford to pay it



than the butter makers. I also assent to what appears to be the subordinate, but what, here, is really the principal statement, that when Congress lays a tax on a given article it has the perfect right to lay a tax upon another article for the purpose of more effectively collecting the tax first levied. In other words, and applying the rule to the case at bar, if the tax on uncolored oleomargarine is intended to raise revenue for the Government, and if the greater tax on colored oleomargarine is intended to better insure the collection of the tax on uncolored oleomargarine, then that ends the argument with me, and must end it with every sensible man.

But, Mr. President, does any Senator here believe that this bill lays a tax of one-fourth of 1 cent per pound on uncolored oleomargarine for the sake of the revenue it will bring into the Treasury? Or, if there be one so blind as to believe in that, is there one who is blinder still and believes that the tax of 10 cents per pound on colored oleomargarine is levied in order to more effectively collect the tax of one-fourth of 1 cent per pound upon the uncolored article? I will not hazard giving offense to my associates by declaring that no man can believe either statement to be true, and as two distinguished Senators have advanced these legal propositions in justification of the bill I shall assume that, as to them, at least, there must appear some facts to which they can apply their law. Granting that they must believe that the bill carries such a purpose, I desire to show them, as well as all other members of this body, that such a purpose is not even pretended by the originators and promoters of this legislation. I will go further, and from the lips of the most eminent and influential advocates of this measure, I will show that they have admitted that the taxation is a subterfuge and a false pretense.

Ex-Governor Hoard, in a hearing before a committee of the House of Representatives, declared in answer to a question:

The Government taxed State banks out of existence. Federal legislation can proceed only along that line. We unfortunately have not a form of government in that respect like Canada. In Canada they can put a fraud or a cheat out of existence; but we have to proceed along the lines we can.

In another place, and in reply to practically the same question in a different form, ex-Governor Hoard again replied:

I have to do business with the things I have, with the machinery I have. I can not approach it from the Federal standpoint except through taxation.

Governor Hoard was not talking about raising revenue to support the Government when he says he "can not approach it from a Federal standpoint except through taxation," but he is talking about discouraging the sale of colored oleomargarine. If anything could make his meaning plainer than his testimony before the House committee this year, it would only be necessary to refer to his testimony before the House committee in 1901, when he unequivocally and unhesitatingly stated why a tax was levied by this bill. He was not then under cross-examination; but in his direct and voluntary statement he says:

To give added force to the first section of the bill it is also provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation.

Mr. Hoard's friends and associates in all of this agitation have been more candid than some of the Senators in this discussion, and have not hesitated to declare that the tax was levied not for revenue, but, as they describe it, to destroy a fraud. In his testimony before a committee of the Senate at its last session, Mr. George L. Flanders, the assistant commissioner of agriculture of the State of New York, speaking of this bill, declared:

I hope it will tax fraud out of oleomargarine. That is all I want.

Mr. Flanders made no pretense that he expected or desired the tax to raise revenue, but only that it should tax the fraud out of oleomargarine. Before the same committee and during the same year Mr. H. G. Adams, who is, I believe, the food and dairy commissioner of Wisconsin, declared:

We are here, as Mr. Flanders said, to, if possible, legislate fraud out of oleomargarine.

Mr. Adams, with a candor which some of his Senatorial friends would do well to imitate, declares that the tax is not intended to raise revenue, but purely and only to legislate fraud out of oleomargarine.

We know perfectly well that though the original act of 1886 has contributed to the support of the Government, it was not intended to do so, and in that respect it has proved a great disappointment to its authors. Governor Hoard, who has been more prominent in this whole agitation than any other one man, and who is perfectly familiar with the plans of those who are urging this legislation, made this statement before a committee of the Senate:

This law of 1886 was enacted as the only remedy the General Government could afford to check the enormous frauds being practiced in the sale of oleomargarine at that time. The tax was placed at 2 cents per pound, this being regarded as about the figure needed to raise sufficient revenue to enable the Government to enforce the other provisions of the bill.

In plain words, Governor Hoard avowed before a committee of the Senate that the original act of 1886 was intended to suppress

commercial frauds, and that a tax was levied because only in that way could Federal jurisdiction be sustained, and that the rate was fixed not with a view of helping to support the Government, but merely with the view of raising money enough to execute the provisions of a law which Congress confessedly had no power to pass except upon the false pretense that it was a revenue measure. The Senator from North Dakota [Mr. McCUMBER] declared in his speech:

Everyone knows that this bill is intended to tax oleomargarine out of existence, although it is under the guise of a revenue bill.

I might here again repeat those passages from the speeches of Senators which I have already quoted in discussing another branch of the question; but it will be sufficient for me to remark that in quoting those Senators to show that they, like Governor Hoard, were supporting this bill in order to correct certain trade abuses, they in effect, of course, admitted that they were not supporting it for the purpose of raising revenue. It is, however, Mr. President, a waste of time for me to pursue this line any further. It is an affront to the intelligence of the Senate for me to stand in its presence and argue that this bill is not a revenue measure. Everybody knows that it is not; and nobody supports it because it is believed to be.

Does any Senator here believe that this tax of one-fourth of 1 cent per pound on uncolored oleomargarine is levied for the sake of revenue? Does any Senator further believe that the tax of 10 cents per pound on colored oleomargarine is levied for the purpose of better insuring the collection of the tax of one-fourth of 1 cent per pound on uncolored oleomargarine? And yet, sir, the Senator who does not believe both propositions can not conscientiously vote for this bill under the taxing clause of the Constitution. The courts will not, I grant you, declare it unconstitutional, because our theory of government wisely forbids the judiciary to examine the motives of the legislative department, and though the judge might be convinced as a man that our object was different from what the law professes, he dare not as a judge declare it so. But while the court can not look into our hearts and minds and determine the motive which controlled our votes, the rule is different with the Senator himself. He knows the motive which controls him, and he ought not to be governed by one which he dares not avow before the world. Mr. President, it is extremely disagreeable to question the candor of men, but I will venture to say that if you will put the question not in the usual form of "Shall this bill pass?" but state it, "As many Senators as believe this bill is intended to raise revenue vote 'aye,'" it would not receive a single vote in the Senate.

But, Mr. President, turning from these questions as to the power of Congress to regulate interstate commerce and to levy taxes, we find in section 3 a more palpable and, if possible, a grosser violation of the Constitution than the others to which I have already called attention. One of the few questions concerning the law or the Constitution of this country upon which men of every shade of political opinion have agreed is that the Federal Government is entirely powerless to regulate the manufacture and sale of articles within a State. Indeed, the Supreme Court in the case of *The United States v. Knight* has expressly decided that manufacture is not commerce, and that the Federal Government can pass no law regulating it. There was in that case one dissenting opinion, based upon reasons which it is not necessary to consider in this connection; but there has never been, either in the courts or in the Senate, any lawyer of respectable attainments who has asserted the power of Congress over the domestic commerce of any State in this Union. Keeping that universally recognized rule of law in our minds, let us examine this third section for a moment, and see how utterly indefensible it is.

The friends of this bill, of course, do not pretend that it makes any exception in favor of an article that may be sold and consumed entirely within the State where it was manufactured. Indeed, sir, they boldly declare that it is their purpose to subject colored oleomargarine to the prohibitory laws of States which prohibit its manufacture and sale, and to burden it with onerous taxation with the intention of suppressing its manufacture where its manufacture and sale are permitted. That a law purely regulatory in its provisions would be unconstitutional and void no Senator in this body will deny; and it was because this is true that these gentlemen have summoned to their aid the subterfuge of taxation. I subscribe to the doctrine of the Senator from Massachusetts [Mr. HOAR] that when the Federal Government has a right to regulate or prohibit any given thing it may do so by means of a tax as well as by a direct and specific regulation or prohibition. But, sir, the converse of this proposition must be just as correct as the proposition itself; and I am sure that the Senator from Massachusetts will agree with me that when the Government has no right to regulate or prohibit a given thing it can not constitutionally levy a tax for the purpose of regulating or prohibiting it.

And so, Mr. President, we are again brought back to our old question of fact: Is this tax on oleomargarine laid for revenue?



That it is not must be apparent to all who have heard this debate; and if any doubt remains in the mind of any Senator it must be dispelled when he recalls the statement of ex-Governor Hoard, who declared before a committee of the House of Representatives that if colored oleomargarine continues to be sold after the passage of this bill the same as now, he will "come before Congress and demand a still higher tax." Here, Mr. President, the atmosphere is somewhat clearer than it was in dealing with this question from the standpoint of interstate commerce, and a Senator who votes for this bill, knowing that its purpose is to regulate the manufacture and sale of an article wholly within a State, can not acquit himself to his conscience by allowing his mind to be confused by the somewhat contradictory decisions in respect to the regulation of interstate and foreign commerce.

#### ECONOMIC FALLACY OF THE BILL.

Mr. President, I have not by any means presented all that can be said against this bill from a constitutional point of view; and I have condensed what I have said as much as possible, because I do not desire to detain the Senate too long, and I do desire to consider the bill in another aspect. I therefore dismiss its ill-concealed and dangerous violation of sound legal principles to consider briefly the economic fallacies which it embodies; and I maintain, sir, that if the founders of this Government had been so unwise as to permit such a perversion of its powers, and even if we had a perfect and constitutional right to pass this bill, it would neither be just nor wise for us to do so. It is not necessary, in looking at this bill as a practical or economic measure, to misrepresent or to ignore its real purpose. Here Senators are not embarrassed by their oath to support the Constitution, for having laid that question aside for the time to consider this other question, or rather having conceded for the purpose of this particular branch of the argument that Congress has the power to pass such a law as this, and the only question being as to its justice and its wisdom, surely there will be no further attempt either to conceal the object or to deny the effect of this legislation.

I have stated it as my opinion that the purpose of this bill is to destroy the oleomargarine industry in order to relieve butter of its competition; and I call as my witness for this statement Mr. H. G. Adams, the food and dairy commissioner of Wisconsin. Before a committee of the House which was considering this very bill Mr. Adams declared in the usual, but rather inelegant, phrase:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

It is true that this bold and candid avowal as to the real purpose of this legislation alarmed its advocates, and Mr. Adams afterwards declared that his testimony had been misunderstood; but the chairman of the House committee declares unequivocally that Mr. Adams did make the statement just as I have quoted it, and other members of the committee are equally as positive that he did. I do not desire to be understood as saying that this law will accomplish what its authors and promoters desire and expect; because my judgment is that it will not, and that it will result somewhat the same as the act of 1886. Those financially interested in this legislation have calculated that the difference in the cost of producing oleomargarine and butter is about 10 cents per pound, and they think that by taxing the substitute—I prefer to call it a substitute rather than an imitation, because it was devised originally as a substitute and not as an imitation—until they bring its price to a level with the price of the principal article, everybody will purchase butter, and oleomargarine will be driven out of the market.

Undoubtedly it is true that if by legislation you force the price of the substitute up to the price of the principal article, consumers will all take the principal article, although it may not be one whit better than the substitute. But the vice in the calculation of these gentlemen is that under this bill the price of butter will advance somewhat when relieved from the competition of oleomargarine, and as the price of butter advances oleomargarine will still be cheaper with the tax of 10 cents per pound than creamery butter. Or, if that does not happen, then, sir, the oleomargarine and butterine manufacturers by taking something from the price which they now pay for their raw material and by adding something to the price which they charge for the finished product will be able to preserve their trade. But, sir, if this bill fails to accomplish its object of suppression, we will be confronted in the next Congress by another which will not fail.

Perhaps, Mr. President, in considering the morality in this proposition, we ought to treat it as if it will accomplish the object of its promoters, and consequently we ought to deal with it upon the supposition that it will destroy every oleomargarine factory in this country. For whose benefit shall this be done? The Senator from Iowa [Mr. DOLLIVER] and all others who have followed him in this discussion on that side would lead us to believe that it is for the benefit of the farmer; but, sir, any man who has given the slightest attention to this subject knows that it will be the creameries, and not the farmers, of this country

who will enjoy the benefit of this legislation. These gentlemen have spoken as if the farmers and the creameries are one and the same; but the proprietor of a creamery is no more a farmer because he manufactures butter out of the farmer's milk than a pork packer is a farmer because he makes pork out of a farmer's hog. He is no more a farmer than the manufacturer of cotton goods because he manufactures goods out of the farmer's cotton. Conducting a creamery is as separate and distinct from the farmer's vocation as is the manufacture of any other article out of the raw produce of the farm.

The creamery business has been one of the most profitable in the United States during the last ten years. I have here an advance bulletin from the Census Office, and it shows that in the year 1900 upon an investment of \$36,000,000 the creameries and cheese factories of the United States, after paying their wages and paying for their raw material, netted a profit of over \$16,000,000. And still they are not satisfied. With a profit of 40 per cent, as now operated, they are organizing a trust for more, and still not satisfied with a combination among themselves to protect each from the competition of the other they seek to destroy their oleomargarine competitors with a law of Congress.

For the benefit of the farmer? Gentlemen, you forget that the ingredients of oleomargarine and butterine come from the farm just as well as the ingredients of creamery butter. And they come from farmers who do not realize a profit of 40 per cent on their investment. Senators appeal to the dairymen; but the dairymen will not be benefited by this law. Listen to what Consul Roosevelt says about the effect of oleomargarine factories upon dairy interest and upon cattle raising:

Some time since France sent a delegation to Holland for the purpose of studying the methods employed there for the suppression of frauds in butter making, and also to ascertain if the manufacture of margarin has been favorable to agricultural interests. The report contains the attestation of seven mayors of communes in southern Holland, showing that since the introduction of the margarin industry in that country not only has the price of milk increased, but also the number of cattle, which plainly shows that the industry in question has become a source of profit to the farmers.

That is the disinterested report of an American consul; and it is entirely reasonable to suppose that, as the oleomargarine manufacturers are purchasers of milk for the purpose of making their product, their demand will increase the price of milk. The oleomargarine manufacturers become competitors against the creameries for the dairymen's milk, and it is small wonder that this American consul should report that the establishment and extension of an enterprise which consumes milk to the extent of 25 per cent of its entire product should enlarge the demand and therefore increase the price of milk.

If you drive the oleomargarine industry out of existence and then organize the creameries into a trust, the dairyman who sells his milk to be manufactured into butter has but one customer where otherwise he would have many.

But, Mr. President, I beg the Senate's pardon for descending in the discussion of a question like this to the mere consideration of private interests. It would signify nothing to me whether this bill was for or against the material interests of the people who have honored me with a seat in this Chamber. The question is, Is it right or wrong? If it is right it ought to pass no matter who suffers or who profits by it. If it is wrong it ought not to pass, and no appeal of a special class ought to influence the Senate in its favor. My constituents can have my seat in this body, but they can not drive me to vote for a measure as pernicious as this.

I have been somewhat amused at the helpless bewilderment of our friends on the other side. They complain that oleomargarine is sold for butter, and insist that the purchaser can not distinguish it from butter either by looking at it or by eating it. If this be true—and undoubtedly it is true, as it is also true that its effect upon the human system is precisely the same as butter—then they bring the case within that class which the law would call an innocent fraud, or a damage without an injury. I believe that every man is entitled to get exactly what he buys, and I do not believe that a trader has any right to give his customer an article different from that for which he pays, even though the different article might be equally as good as the other. But surely, Mr. President, the evil to be remedied here is not so great as to justify what even the moderate and conservative Senator from Wisconsin admits to be a kind of pious fraud upon the taxing power of Congress.

If we are to believe the advocates of this bill, they entertain no very great prejudice against oleomargarine; but they pour out the vials of their wrath upon the practice of coloring it. If uncolored oleomargarine is pure and wholesome, and the ingredients used to color it are entirely harmless, then certainly the men who color oleomargarine perpetrate no greater fraud than that committed by the butter makers when they color their product. Why is butter colored? The chairman of the Committee on Agriculture in the House of Representatives, an upright and honorable



man of great ability, has a large experience in this business, and I will first let him answer that question. He says:

I am a manufacturer of butter. I color every pound of butter because I get from 5 to 10 cents more for the butter by reason of its being colored.

Immediately following this statement by the chairman, which was made at a meeting of his committee, ex-Governor Hoard said:

I am a manufacturer of butter myself. I do this because, as I have said, I have to do all of the things necessary to make the butter attractive to the customer, make it palatable and healthful, and sweet and wholesome—all of the things that belong to it in the technique of the business.

Thus, according to Governor Hoard, they color butter to make it attractive to the buyer, and he calls it the "technique of the business." But when the oleomargarine manufacturer colors his product with precisely the same ingredients we must understand that this is done with a fraudulent design. If it requires coloring to make creamery butter attractive to the customer, palatable and wholesome, then what violence to logic is there in concluding that the oleomargarine manufacturers color their product for the same reason? I confess, Mr. President, that I have no prejudice against making anything attractive as long as it is not made harmful. I do not believe that because our wives and daughters array themselves in the most attractive dress that they are practicing a fraud upon us, or that because they sometimes touch their cheeks with a deeper glow than nature gave that they are trying to deceive us to our harm.

Mr. President, is it not a matter of common knowledge that there is nothing upon our tables more prolific of disease than butter? It sometimes communicates tuberculosis, and it has been demonstrated by more than one experiment that it conveys typhoid fever.

Mr. STEWART. I have the report here.

Mr. BAILEY. Certainly; that fact is uncontested. But while the advocates of this bill acknowledge that the least desirable quality of butter can be colored until it is attractive to the customer, still they exclaim with indignant vehemence because the cleaner and more wholesome oleomargarine is colored.

Mr. President, not only do these special advocates of the creamery greatly misrepresent the character of oleomargarine as a food product, but they also greatly misrepresent the extent to which it is sold and consumed. If we were to believe what they say, the retail butter dealers of this country are the most consummate set of rascals unhung, for we are told that almost every man who tries to purchase butter is cheated by being given oleomargarine. According to their exaggerated statements, genuine butter has practically disappeared from our market places and a spurious imitation has taken its place.

As an American citizen somewhat acquainted with the retail merchants of my country I was not prepared to believe them as a rule dishonest. I, therefore, set myself at work to ascertain as nearly as possible how extensive are the frauds of which they stand accused; and I was amazed to find that while the overzealous friends on the other side have talked as if everybody who wanted butter was deceived into taking oleomargarine, the truth is that the butter sold and consumed in the United States is more than eighteen times greater than the entire output of the oleomargarine factories; and, consequently, there can be no good foundation for this wholesale charge of fraud against the retail merchants of this land.

The present Secretary of Agriculture, who is an ardent advocate of this legislation, and whose large experience with this and kindred subjects has been so strongly vouched for by the Senator from Iowa, has testified before a committee of the Senate that the consumption of butter in the United States amounts to 18½ pounds per capita, while only a pound per capita of oleomargarine is consumed. This testimony will be found on page 424 of the hearings before the committee in 1901. Testifying as to the consumption of butter, he said:

Secretary WILSON. \* \* \* My statement was 18½ pounds per capita.

That is the consumption of butter.

Mr. SPRINGER. You stated, however, that the consumption of oleomargarine amounted to but a little over 1 pound per capita.

Secretary WILSON. A little over 1 pound per capita in the United States; yes.

Mr. BATE. Was that before the House or the Senate committee?

Mr. BAILEY. Before the Senate committee. Governor Hoard in his testimony, when trying to minimize the importance of the oleomargarine industry to our cattle growers and cotton-seed producers, declared that during 1899 there were but 83,000,000 pounds of oleomargarine manufactured in the United States. Our people then numbered 75,000,000, and if every ounce of it was consumed here and not a pound exported, it would have been but a fraction more than a pound per capita. But as a matter of fact we know that for years the United States has been largely engaged in exporting this article. Mr. Roosevelt, the American consul to Belgium, in a special report on butter and oleomargarine, states:

Very little oleomargarine is manufactured in this country—

#### Meaning Belgium—

Large quantities are produced in Austria and France, but nearly the entire continent of Europe receives its supply from New York and Chicago. Importation is almost exclusively via the port of Rotterdam, which received, in 1893, 72,651,800 pounds.

And as is suggested by my distinguished friend, the Senator from Kentucky [Mr. BLACKBURN], Mr. Roosevelt has been our consul there for sixteen years.

Mr. HARRIS. Was that oleo oil or oleomargarine?

Mr. BAILEY. Oleomargarine. But I think what it means is not that the 72,000,000 pounds came from this country alone, but that 72,000,000 pounds were received at the port of Rotterdam from all countries.

Mr. HARRIS. We exported in 1900, 140,720,000 pounds of oleo oil.

Mr. BAILEY. But this says:

Very little oleomargarine is manufactured in this country. Large quantities are produced in Austria and France, but nearly the entire continent of Europe receives its supply from New York and Chicago.

He is not talking about oleo oil. He is talking about oleomargarine, and he adds:

Importation is almost exclusively via the port of Rotterdam, which received—

Not necessarily from the United States—in 1893, 72,651,800 pounds.

And if it is true, as Consul Roosevelt says, that New York and Chicago enjoyed a profitable export trade in oleomargarine, then we had much less than 1 pound per capita for home consumption.

Mr. HANSBROUGH. Mr. President—

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Texas yield to the Senator from North Dakota?

Mr. BAILEY. With great pleasure.

Mr. HANSBROUGH. I desire to call the attention of the Senator to the fact that according to his statement the butter men and creamery men have made a tremendous profit on their business. Statistics show that the production of butter in the United States last year amounted to about fifteen hundred million pounds. The Senator states that their profits amounted to about \$16,000,000. The statistics also show that the amount of oleomargarine manufactured last year was 104,000,000 pounds; that the cost of production was about 9 cents a pound and it was sold at an average price of 22 cents a pound—sold as butter. These figures would give the oleomargarine men a profit of about \$13,000,000 on a total product of 104,000,000 pounds as against \$16,000,000 profit for the butter men on a total product of fifteen hundred million pounds. I simply desire to call the attention of the Senator to the fact that there is a wide disparity between the two profits.

Mr. BAILEY. And the purpose of this 10-cent tax per pound is to diminish the profits of the oleomargarine manufacturers?

Mr. HANSBROUGH. Oh, not at all.

Mr. BAILEY. Governor Hoard says it is intended to take the enormous profit of the oleomargarine business and put it into the Treasury, and that is practically what the Senator from Wisconsin [Mr. QUARLES] argued in his speech which I hold in my hand.

Mr. HANSBROUGH. The question of profits and the constitutional question which the Senator so ably discusses are two different propositions altogether.

Mr. BAILEY. I had left one, and the Senator from North Dakota was not attending closely to what I was saying or else he would remember that I called attention to the enormous profit of the creameries merely to show that these were not the farmers; or at least not that ideal farmer of whom the Senator from Iowa [Mr. DOLLIVER] drew such an entrancing picture. Nor did I call attention to the fact that the creameries in the country are making such profits in the way of complaining about their prosperity. I rather like to see them as I like to see everybody else prosper, and I never try to lay a tax simply to subtract from anybody's proper prosperity. I think that all men and every enterprise ought to be compelled to contribute out of what they make their fair proportion toward supporting the Government, but not one penny more.

#### NEW AND DANGEROUS DOCTRINE.

I can understand the Republican theory that in order to build up great and useful industries among us everybody shall be compelled by the necessities of the case to pay a little more for a particular article when they buy it, by reason of a law which keeps the foreign article out of our markets and leaving the domestic one free from outside competition allows it to command a higher price. I can understand how great and wise men have believed that to be a proper policy, but I can not understand this new departure, alike undemocratic and unrepugnant, that asks us to lay a tax intended to destroy an industry that produces a clean and wholesome article of food for the toiling millions. When this bill goes upon the statute book it will invite a train of other and similar ones; and if some of us are spared, as I hope we will be, to serve as long as my distinguished friend from Nevada [Mr. STEWART] has served, we will see a hundred measures akin to this coming here for recognition and indorsement.



Oleomargarine is not the only thing that is pressing established industries by competition; others are pressing, and pressing hard, and they are entitled to their day in Congress the same as the creameries have. Now is the time to shut the door in the face of all this impudent class who in order to successfully compete with their competitors are crying out for help from Congress. Deny these people this, and there will be no more trouble; grant this, and next year, and the next, and in all the years to come, others will demand like treatment at your hands.

I have heard it proclaimed in this debate that the people of all classes demand the enactment of this bill into a law. I do not believe it; but even if it were true the bill ought not to pass. I do not mean to say that a Senator ought to ignore the public sentiment of his State; far from it. Indeed, I am one of those old-fashioned Democrats who believe in the doctrine of obedience or resignation. But all the people of my State could not instruct me to vote for a bill that I believed against the Constitution of my country. All the people of every State have no right to make such a demand upon a single Senator in this body. Even if this demand came from an enlightened public opinion, you have no right to heed it, because, when you pass this bill upon the theory that you intend it to raise revenue, you incorporate a falsehood in the records of this Congress.

#### FARMERS ASK NO SPECIAL FAVORS.

Those of us who can not support this bill have been assailed with the reproach that we are unfriendly to the American farm, and the Senator from Iowa portrayed, with exquisite pathos, the early scenes of rural life; but, sir, he profanes the memories of those earlier and better days when he invokes them in a cause like this. I know the farmers of this country, and in my association with them I have found them our equal in everything except, perhaps, in opportunity. They love their country, they cherish its institutions, they pay its taxes in times of peace, and fight its battles in times of war. But they ask for no laws except just, equal ones, and they will resent the demand made in their name for unjust and repressive legislation.

I am myself as enthusiastic in my love of agricultural pursuits as the Senator from Iowa can possibly be. I spend all of my spare time and money in raising horses and cattle, and it is one of my peculiar ideas that every American citizen with money enough to buy it ought to own a farm and ought to live on it a part of every year. A contact with the soil renews our strength, confirms our purposes if they be high, and elevates them if they be low. Among its fields and meadows lofty ideals and noble thoughts find entertainment, and the virtues which make statesmen as well as heroes are developed and cultivated.

From the strife and the tumult of our great cities, where the violence of anarchy and the avarice of corporate power are holding high carnival, we must turn to the rural homesteads of this land for the simple faith and habits that shall yet enable this Republic to fulfill the high and sacred mission to which our fathers dedicated it; and, sir, I repel the suggestion that these sturdy and unselfish patriots are clamoring for a law that shall destroy an industry which consumes the products of their farms in providing a cheap and wholesome article of food for the millions who earn subsistence in workshops and in factories.

Will Senators follow the logic of this legislation? If in the providence of God the drought should come, and with failing crops in this country, there should still be abundant crops in other lands to depress the price of agricultural products again below the cost of production, will you tell the farmers that, as Congress has already made the precedent, they should come here and clamor at our doors until we pass a law to abolish these electrical vehicles that have so greatly curtailed the demand for horses. To abolish the use of electricity in operating the street-car systems of our great cities and return again to the horse, would almost double the demand for as well as the price of horses; and in this way you can not only increase the demand for horses, but you will vastly increase the demand for the farmers' hay and grain to feed them. When that proposition comes before us, as come it may if this character of legislation is to be encouraged, will the Senator from Iowa draw glowing pictures of the horse and plead for him against the use of electricity? It will be so easy to describe these new motor carriages as fit only for millionaires and dudes to ride in.

The farmers and their friends would have a stronger argument considered only with reference to its selfishness in that case than they have in this, because electrical appliances not only first destroy the demand for the horses the farmers raise, but subsequently destroy the demand for the grain and hay to feed those horses. Tell him it is wrong, he will point you to the law of Congress. Tell him two wrongs never made one right, he will tell you that it is not a question of right or wrong that controls you, but a question of votes and influence.

If this kind of legislation is safe, prudent, and wise, then no man in this country will dare to invest his capital in a new enterprise, because in doing so he takes the chance that an old and

established one will come to Congress for a law taxing his new enterprise to death.

#### PROGRESS V. REPRESSION.

Mr. President, I believe that the material progress of the world finds its highest and most beneficent achievement in bringing to the toiling millions, whose hard lot is work and want, better food and better raiment; but if we are to accept the new philosophy, which finds expression in this bill, then it is a crime, to be punished by imprisonment, for any man to devise a cheaper but healthful substitute for an article now in use. If men shall not have oleomargarine because it looks like butter, then we may extend the principle, and next week declare they shall not wear cloth that looks like wool, and that every manufacturer in this country who strives by improved processes to make better cloth from cotton until it is almost as good as wool, shall be a criminal; and then follow that with another statute, every man who makes from the farmer's fleece a higher quality of woolen goods until it almost resembles silk, shall likewise be sent to jail to keep company with the man who is said to have counterfeited the product of his woolen mill.

Once enter upon this kind of legislation and where will it end? It will end only after the Congress of the United States has become a kind of board to settle the rivalries between competing manufacturers, and it will settle them, not according to their justice, but according to the power and influence of the rivals. The weak, though they have the better product, must fall, and the strong, though their product be higher in its price and lower in its quality, will survive.

I believe in the philosophy of my childhood, when I was taught that competition is the life of trade. I believe in leaving every man—merchant, manufacturer, or trader—out in the open market with his wares, and if he have more sagacity or better merchandise than his competitor, let him prosper and with his profits he will establish new industries to employ more men and bring new blessings to mankind. Let us not drive him from his pursuits with penal statutes; let us not stifle genius and deny enterprise its just reward; but rather let us offer premiums for it, until every heart and brain in all the land shall be quickened with an impulse to do something for his kind and country.

But, Mr. President, I waste my time and I waste the time of the Senate in prolonging this discussion. I did not hope in the beginning that anything I could say would change a single vote, for I fear very much that we have reached that lamentable condition which was described by a Scotch member of the British Parliament, who declared that he had heard many speeches that had changed his mind, but never a single speech that had changed his vote. [Laughter.] The vote, when it shall be taken to-morrow, will probably be the same as it would have been if it had been taken the day the bill was first reported. Nor have I detained the Senate in any hope that I could contribute anything to its knowledge on this subject any more than I have detained it in the hope that I could change its vote. I simply desired to record my protest against a species of legislation that is without warrant in the Constitution and without justification in the natural laws of trade.

Mr. DEPEW. Mr. President, I desire to say that I shall be compelled to be absent to-morrow, and therefore shall not have an opportunity to record my vote on this measure. If here, however, I should vote for the bill of the committee with the amendments which they have proposed.

I say this notwithstanding the very eloquent and entrancing speech which has just been made by the Senator from Texas [Mr. BAILEY]. In my brief experience as a Senator I certainly never have heard any effort in this Chamber which has so affected my imagination, has so fired my fancy, and has had so little influence upon my judgment. [Laughter.] Unlike the Scotch member of Parliament, whom the Senator mentioned, in stating how I should vote if present here to-morrow, I am stating both how I would talk, think, and act if called upon to answer the roll call.

I have been a student and somewhat of a practitioner all my life of that kind of oratory, which appeals to my imagination as much as it does to anyone, of the progress of our country and the opportunities of its citizens; but the speech of the Senator from Texas was the finest tribute to which I have listened in many a day to the opportunities which will exist if this bill does not pass, but which will be forever destroyed if it becomes a law. If I understand aright the Senator from Texas, this bill will defeat the opportunities for progress of the young man of the future, because the growth of our country is built upon oleomargarine [laughter]; the growth of our country is built upon some kind of a misrepresentation, and all success is due to fraud.

I am a thorough believer in the doctrine, which the Senator advanced, that competition is the life of trade and that the growth of business, the perfection of our machinery, and the creation of communities which have become the happy homes of artisans and the places where prosperity dwells, have been due to that principle that competition is the life of trade, but I have been



taught, also, that competition must be honest. Where an honest merchant is selling honest flour and the man on the next block is saying that his flour is just as good when it is half plaster of paris, that is not honest competition; and if the man who sells flour which is half plaster of paris or ground earth, or what not, is to be commended because he drives the honest merchant out of business, then I say that the honest merchant should be protected by law and that the dishonest merchant should be punished for fraud.

A friend of mine, who knows the secret test by which oleomargarine can be detected, was in a fashionable restaurant recently, and when a beautiful pat of butter was placed before him, he subjected it to his test, and then he said to the waiter, "How do you pronounce, sir, o-l-e-o-m-a-r-g-a-r-i-n-e?" And that intelligent servitor of that magnificent place of pleasure responded, "I pronounce it, sir, butter; else I lose my job." [Laughter.] This legislation is to protect the conscience of that waiter; it is to prevent his being driven out of employment, reduced to poverty, and his family reduced to great distress unless he lies.

This waiter probably came to us from a foreign land. He probably never learned our language until he arrived upon our shores, and then, in order to earn an honest living, he applied himself diligently, as all our adopted citizens do, to learn the only language in the world in which God's truth can be clearly and perfectly expressed, and then he discovers that in this great and glorious country, where he has come for the enjoyment of every privilege and every liberty, upon the principle which my eloquent friend from Texas advocates, he has got to pronounce a word in the English language entirely different from anything that he has been taught in the books or learned in his family, or what it means, in order to retain a position where he is earning an honest living.

My friend from Texas says that he has talked with the farmer, and that the farmer never has expressed a desire for this measure. The farmer says, "Let me alone; I want to let everybody else alone." My impression is that my eloquent friend has been talking with the agriculturist, and not with the farmer. The agriculturist does not raise butter, unless it be the bull butter which my friend is so anxious to have presented to the public. I have received thousands of appeals for this measure from the farmers of New York.

We have no objection to oleomargarine sold as such; we have no objection to filled cheese sold as such; we have no objection to flour which has in it a substance that will never digest, if people want to put in their stomachs things which will constitute monuments over their graves after they are dead. But what we do object to is that the citizen who pays a dollar for a good article, an honest and reputable article, to take home to his wife and children, should be deluded by getting something else.

The cow does not complain of oleomargarine. The cow complains that oleomargarine, which she does not produce and can not produce unless she is killed and carved and then put into a pot and boiled, should be called that delightful substance which comes out of the wonderful chemistry which God has given the cow for the delight of the world and for the sustenance of children.

Mr. President, it seems to me that the line comes very clear on this class of legislation, not only on this article, but on all others. There is no legislature in the United States which has not had before it at one time or another, and which has not passed at one time or another, bills which have been enacted into law for the purpose of protecting the public against these chemical horrors which the ordinary household has not the means of detecting.

Nobody objects to competition when it is free from fraud. Nobody objects to competition when it is free from deceit. On the contrary, under such circumstances and conditions, let the best brain, the best energy, the best industry, the best grasp of the situation win. But there is no ability, no capacity for business, no energy, and no industry which can successfully compete with a good article against a fraudulent article where the public and the customers are deceived and where they can not detect the fraud.

I believe that if this legislation becomes a law there will be no diminution in the sales of oleomargarine or in the profits of its manufacture. I believe that it has been so long before the public that it can be sold upon its merits and that there will be a growing constituency who would prefer it to a poor article of butter, if their circumstances are such that they can buy nothing but a poor article of butter.

It is a strong point which my eloquent friend made that butter is colored, and therefore why not color oleomargarine? But colored butter is still butter, and colored oleomargarine is not still oleomargarine, according to what its seller says. To color butter does not destroy its taste, does not destroy its chemical properties, does not destroy its wholesomeness. It is still butter, with that particular color given to it which the customer wants in his butter. But when the oleomargarine is colored, it is col-

ored not to sell it as oleomargarine, but in order to follow butter as butter through all the grades of the article.

There was one part of my eloquent friend's speech which shocked me—absolutely shocked me. It would not seem possible that a gentleman who has such a command of the English language, who is so chivalrous, who talks and thinks and acts upon such a high plane as does my eloquent friend, the Senator from Texas, could shock me. But he did. When he compared the color of oleomargarine to the art by which a young lady wins the heart of her lover, I felt that the American girl had been put in a wrong position before the American people. [Laughter.]

Mr. BAILEY. I forgot for the moment a recent occurrence in the life of the Senator from New York or I should not have said it. [Laughter and applause.]

Mr. DEPEW. And but for that occurrence I should have left it for a younger man to come to the defense of the American girl. It was the Senator's youth and beauty which astonished me when he made that remark. [Laughter.] If he had been sour and acrid, if he had been disappointed in love, if the sex had treated him in any way which would lead him to speak of them in that way and remark about them in that way, then I could understand it. But no one can meet the Senator, no one can meet him socially or in his grave and dignified position as a Senator in this Chamber, no one can see his photograph on Pennsylvania avenue, no one can come in that contact with him which is always a pleasure without knowing that his geniality, his happiness, his eloquence have come because the American girl has loved and has admired him. [Laughter.] And he never ought, so soon after she appeared so entrancing in her Easter hat and gown in the churches and on the avenues of Washington, to have gone back on her to-day by saying that she is a fraudulent specimen of living oleomargarine. [Laughter.] With all her finery, flowers, and ribbons and colors, she was still the incomparable American girl.

Mr. President, I did not rise to make a speech, but I have been betrayed into it because of the peculiar, as well as eloquent way in which my distinguished friend, the Senator from Texas, presented in most attractive form the proposition that fraud and misrepresentation stand on the same plane with truth, and honesty, and open-mindedness; that fraud and misrepresentation are the honest competitors of truth and virtue. Up in Peekskill, where I was born, that was not taught in the old-school Presbyterian Church in which I was reared. It may be that in the wilds of Texas that is the way the people think, but along the Hudson River we people of Dutch ancestry learned to call a spade a spade.

We learned to call butter butter and milk milk, and we do not learn to call anything else, made in some other way, by the wonders of chemistry, whether it is better or worse, by an honest name; but we learned to call an article just what it is, and then we take it or reject it upon a full understanding of what we are buying. We are not brought up in the belief that one of the enterprising citizens of the metropolis who discovers an honest yeoman from Texas—not an agriculturist, but a farmer—in New York, and then, appealing to his cupidity, sells him a gold brick, is an honest competitor with the jeweler across the way. On the contrary, in the State of New York we have laws by which this active, energetic, and enterprising business man of our State, who, accepting the Senator's views of competition, captures this innocent agriculturist from Texas and sells him a gold brick, is seized and punished, not for selling the gold brick, but because he sold it as gold. If he had sold it as a gold brick, as amounting to nothing but brass outside and sand in, and got a gold price for it from a farmer from Texas, then the laws of New York say that that is honest competition. It is the deceit which we punish; not the art.

Mr. President, this debate has gone into many fields, and especially this evening. It is fortunate for modern eloquence that it has led on the one side and the other to two of the most attractive speeches I have ever heard in a legislative body—the Senator from Iowa [Mr. DOLLIVER] on the cow, and the Senator from Texas [Mr. BAILEY] on competition. The cow and competition will live in the annals of American oratory as presented under the forms of rhetoric, of eloquence, of fancy, and of flights of imagination which place these two Senators along with the Miltons and the Byrons of the English language. [Laughter.]

Mr. BAILEY. Mr. President, the Senator from New York [Mr. DEPEW] did not happen to honor me with his attention in the early part of what I had to say, or else he would have known that I reprobated the fraudulent practice of selling oleomargarine for butter as much as he can possibly do.

Mr. SPOONER. Intellectually.

Mr. BAILEY. My distinguished and brilliant friend the Senator from Wisconsin interposes the suggestion that I reprobate it intellectually.

The Senator from New York would have learned, had he then attended to what I said, that my contention is that the mere fraudulent practice in the sale of this article is not within the



power of Congress to correct, but is a matter entirely for the States; and in that opinion I am supported by so profound a lawyer as the Senator from Massachusetts [Mr. HOAR].

I did not rise, however, merely to call the Senator's attention to that fact, because I believe I should have left that simply to the RECORD. But after the Senator has talked about this fraud and about this fraudulent competition I simply wish to call his attention to the fact that section 3 of this bill practically legalizes the fraud at the rate of 10 cents a pound. According to section 3, if a man will pay 10 cents a pound, he can sell oleomargarine exactly as the State allows it to be sold, and it is a curious kind—

Mr. SPOONER. Which 32 States do not allow to be sold at all.

Mr. BAILEY. There are not 32 States which do not allow it to be sold at all.

Mr. SPOONER. Colored as butter.

Mr. BAILEY. Some of them went so far as to say that it must be colored pink. The State of New Hampshire went that far, and Vermont went quite as far. Of course, those laws were held unconstitutional. The State of Pennsylvania said that it should not be sold, colored or uncolored.

Mr. SPOONER. That will not do.

Mr. BAILEY. That will not do. The Senator and I agree. But my contention is this, and this is the whole of it, that if any State in this Union desires to compel this or any other product to be sold for what it is, not only do I approve that legislation, but as a member of a State legislature I should cordially support it. But when any State in this Union determines that it is immaterial whether substances exactly alike are sold either in one way or the other, then Congress, I contend, has no power to interfere, and I am sure that upon that question the Senator from Wisconsin and I agree.

Mr. SPOONER. No. If the Senator will permit me—

Mr. BAILEY. Certainly.

Mr. SPOONER. If the Congress should levy a tax of one-quarter of 1 cent a pound on oleomargarine in its natural color and 10 cents a pound upon oleomargarine colored in the similitude of butter, and should permit, as the provision placed in this bill by the House is construed by the oleomargarine manufacturers to permit, a State to authorize the sale of oleomargarine colored in the similitude of butter without tax, that would invalidate, from my standpoint, the Federal legislation altogether, because it would break the rule of uniformity. It would tax the colored oleomargarine in all the States except where some States otherwise provide, and that provision, which came in this bill from the House and which the committee of the Senate excluded from it by amendment, would render unconstitutional the Federal legislation, if there should be a State which would permit it to be sold in the similitude of butter; and if that would exempt it from the Federal tax, I say now, and I think I can prove it before this debate is ended if it is denied, that that was the object of the provision.

Mr. BAILEY. Let me ask the Senator from Wisconsin this question. Assuming that the State of Texas, we will say, would permit the manufacture and sale of oleomargarine, colored or uncolored, will the Senator from Wisconsin assert that Congress has any power to regulate, either by tax or otherwise, the manufacture and sale of any article manufactured and sold entirely within a State?

Mr. SPOONER. The Senator asks me a question?

Mr. BAILEY. Certainly.

Mr. SPOONER. I deny that the State of Texas, the State of Wisconsin, or any other State has the right to say what shall be taxed.

Mr. BAILEY. Oh!

Mr. SPOONER. Wait a minute.

Mr. BAILEY. The Senator does not understand me.

Mr. SPOONER. Wait a minute. I do understand you. I hope in a moment I shall be able to satisfy myself that the Senator understands me, which I think now he does not. Neither the State of Texas nor any other State can be permitted to say what Congress shall tax.

Mr. BAILEY. I consent to that.

Mr. SPOONER. The Senator agrees to that?

Mr. BAILEY. Yes.

Mr. SPOONER. Now, if the Congress passes a law—

Mr. BAILEY. I will agree with this modification, that Congress can not tax the facilities of a State.

Mr. SPOONER. I agree to that.

Mr. BAILEY. With that exception, I agree.

Mr. SPOONER. The instrumentalities necessary to carry on the State government.

Mr. BAILEY. Yes, sir.

Mr. SPOONER. Now, if Congress passes a law that oleomargarine in its natural color shall be taxed one-quarter of a cent a

pound, and that oleomargarine colored in the similitude of butter—I am not following the language of this bill—shall be taxed 10 cents a pound, I do deny that the State of Texas can pass a valid law authorizing oleomargarine colored in the similitude of butter to be sold without any tax. Does the Senator deny that?

Mr. BAILEY. The Senator from Wisconsin is so good a lawyer that he knows when he is coming up against a hard proposition, and he goes around it.

Mr. SPOONER. No; I did not go around it.

Mr. BAILEY. I will show—

Mr. SPOONER. I may have gone around the Senator, but I did not go around the proposition. [Laughter.]

Mr. BAILEY. I am ready to concede that the Senator from Wisconsin can easily get around me, small as he is.

Mr. SPOONER. No; I did not mean that.

Mr. BAILEY. Very well; but I will show the Senator that he did go around my proposition.

Mr. SPOONER. The man who can go around the Senator can go around anything. [Laughter.]

Mr. BAILEY. The Senator continually places me under new obligations to him for his kindness and his compliments. But to make it plain that he did, the Senator overlooks my qualification in my question—if it can lay a tax for the purpose of regulation. Therefore I will pretermitt the question of tax, and I will put the question in this way to the Senator from Wisconsin: Can the Federal Government regulate the manufacture and sale of an article which is manufactured and sold entirely within a State of the Union?

Mr. SPOONER. That begs the whole question.

Mr. BAILEY. Let me see if I can make it applicable. Will the Senator—

Mr. SPOONER. I will not put it in that way, but I will put it in this way.

Mr. BAILEY. Very well.

Mr. SPOONER. That the Congress of the United States can tax an article—

Mr. BAILEY. Oh, I am not talking about the question of taxation.

Mr. SPOONER. That is where the little joker is.

Mr. BAILEY. Exactly, and the Senator sees it.

Mr. SPOONER. Yes, of course I see it.

Mr. BAILEY. If the Senator admits that Congress has no power to regulate or prohibit the manufacture or sale of an article in a State which is manufactured and sold there, then I ask him next if it has a right to lay a tax purely intended to regulate the manufacture and the sale?

Mr. SPOONER. I say yes.

Mr. BAILEY. In other words, the Senator will contend that Congress can do by a tax not intended to raise revenue what it can not do directly?

Mr. SPOONER. No; I do not say that. I do not have to.

Mr. BAILEY. You do have to say it to meet that proposition.

Mr. SPOONER. I do not.

Mr. BAILEY. The Senator from Massachusetts did meet the question boldly in the case of the State bank tax. He said frankly "we have the power to exclude State bank circulation because it competes with our national currency, and having the right to exclude it by direct prohibition, we have a right to exclude it by taxation."

Mr. SPOONER. I met it in the same way, did I not?

Mr. BAILEY. No; because the purpose here is not to collect revenue; the purpose here is not to exclude something within the Federal jurisdiction; but the purpose here is boldly to say that Congress can regulate, by a direct prohibition, the manufacture and sale of an article entirely within a State. The Senator from Wisconsin will agree with me that the Supreme Court has distinctly held that Congress can not regulate manufacture in a State, has it not?

Mr. SPOONER. Yes.

Mr. BAILEY. It has distinctly held it?

Mr. SPOONER. Yes; in the Knight case.

Mr. BAILEY. Certainly. Then has it not distinctly held that over purely domestic commerce, articles bought and sold entirely within a State, the Federal Government is without jurisdiction?

Mr. SPOONER. I will grant that for the sake of the argument.

Mr. BAILEY. Then it follows that the Federal Government is absolutely without power to regulate either manufacture or commerce that is entirely within a State. Now, I will ask the Senator from Wisconsin if it is not true that the third section of this bill does tax the manufacture and sale of oleomargarine, though manufactured in a State and sold within the same State?

Mr. SPOONER. Yes; but does the Senator—

Mr. BAILEY. Therefore—

Mr. SPOONER. Wait.

Mr. BAILEY. Therefore—

Mr. SPOONER. Oh, no—

Mr. BAILEY. All right; I will yield.

Mr. SPOONER. Oh, no. Congress has the power to regulate interstate commerce, has it not?

Mr. BAILEY. Undoubtedly.

Mr. SPOONER. But, of course, under the power to regulate commerce among the States, Congress has not the power to regulate, or rather interfere with, commerce in the States. But does the Senator infer from that that Congress has no power to tax—

Mr. BAILEY. Not at all.

Mr. SPOONER. Oh!

Mr. BAILEY. I insist that Congress when it lays a tax for the purpose of revenue can go into the State and tax any object it pleases, provided it taxes the same object at the same rate all over the country; but I say it has no right to go into a State with a tax intended to be purely regulatory—

Mr. SPOONER. Well?

Mr. BAILEY. And the Senator agrees to that.

Mr. SPOONER. No.

Mr. BAILEY. Then why does the Senator say that Congress has not the power to regulate directly, but can regulate with a tax that is intended only to regulate it?

Mr. SPOONER. Congress has power to tax oleomargarine, has it not?

Mr. BAILEY. Undoubtedly, for the purpose of revenue.

Mr. SPOONER. For the purpose of revenue? This bill taxes it for the purpose of revenue.

Mr. BAILEY. If the Senator believes that, then this bill is a perfectly constitutional one to him.

Mr. SPOONER. I believe it.

Mr. BAILEY. Then, of course, the Senator will vote for it. The Senator says that as a lawyer, but as an economist the bill is going to prove a great failure, in my judgment.

Mr. SPOONER. I am not now in the economist business. If my friend, who is a very able lawyer and for whom I have great admiration, will permit me, does he challenge the constitutionality of the tax of one-quarter of a cent a pound upon oleomargarine?

Mr. BAILEY. I do upon one condition—that it is intended to be regulatory and not for revenue.

Mr. SPOONER. That hardly answers my question. Does the Senator think he could successfully impeach the validity of this tax in court?

Mr. BAILEY. Oh, I know I could not, because the court, as I said in the course of my speech, can not assume to look into my heart and my mind to say whether I voted for it as a regulatory or as a revenue measure. But when a Senator comes to cast his vote he knows the motive with which he casts it. Undoubtedly a Senator who votes for it upon the idea that it is a revenue measure is giving an entirely constitutional vote. My whole contention is that a Senator who votes for it as a regulatory measure, taxing manufacture and sale entirely within a State, gives an unconstitutional vote.

Mr. SPOONER. Then it follows from that that my friend will vote against it.

Mr. BAILEY. Because I believe it regulatory.

Mr. SPOONER. No; I will put it better than my friend does. He will vote against it because he thinks it is not a tax for revenue. I will vote for it because I know it is a tax which will produce revenue. [Laughter.] And it originated in that branch of Congress in which alone can a revenue bill originate. I would not for one moment impeach the integrity of the House of Representatives. Would the Senator? He came from there.

Mr. BAILEY. But I am not wanting to go back there.

Mr. SPOONER. I do not want the Senator to go back there. I think he is an acquisition to the Senate. I am glad he is here.

Mr. BAILEY. Let me make a suggestion to the Senator from Wisconsin, whose language was very guarded—

Mr. SPOONER. No.

Mr. BAILEY. That it will raise revenue, I have no doubt. How much revenue above the expense of executing it could be told by the distinguished chairman of the Committee on Finance, whose committee was never allowed to consider this revenue bill. It came neither from the revenue committee of the House nor of the Senate, but from that committee of distinguished agriculturists like the Senator from Iowa.

Mr. SPOONER. There is a clause in the Constitution which my friend knows about—for no one knows the Constitution better—which provides that bills for raising revenue shall originate in the House of Representatives, where this bill originated. I do not know myself, and perhaps that is because I come from the interior, any provision in the Constitution which requires a revenue bill sent to us by the House of Representatives in order to its validity to be referred to the Committee on Finance. Does the Senator?

Mr. BAILEY. No; there is none.

Mr. SPOONER. I thought not. So the question whether this is or is not a revenue bill does not depend upon its reference. What does my friend the Senator from Colorado say?

Mr. TELLER. I was saying—not intending it for the Senator—that there is a rule of the Senate which requires revenue bills to go to the Committee on Finance.

Mr. SPOONER. Yes; but we may disregard it, of course. We did disregard it.

Mr. TELLER. We did in this case.

Mr. SPOONER. Yes; and we have done so in other cases. My friend the Senator from Nevada [Mr. STEWART], one of the best men I know of anywhere, makes a suggestion which I think is not borne out absolutely by the record. When the present law, which imposes a tax of 2 cents a pound on oleomargarine, a revenue measure, came from the House of Representatives it was not referred to the Committee on Finance. That was sixteen years ago. It was referred to the Committee on Agriculture. It never has been contended since then that it was an invalid law because it had not been referred to the Committee on Finance, although I am disposed to doubt the validity of almost any law which relates to revenue which has not the imprimatur of my distinguished friend from Rhode Island [Mr. ALDRICH].

Mr. TELLER. Having been referred to another committee makes it none the less a revenue measure.

Mr. SPOONER. That is true, and that is the whole matter. That is an answer to the suggestion. It comes from the House as a revenue bill. It originates where under the Constitution it is required to originate, and, no matter what committee it is referred to in this body, if it produces revenue it is a revenue bill.

Mr. GALLINGER. It may be passed without a reference.

Mr. SPOONER. Yes; if it is passed without a reference, as my friend from New Hampshire suggests, it is a valid law; and does my friend from Texas challenge that?

Mr. BAILEY. No; I would not challenge it, if the Senator from Wisconsin will say that this bill is intended to raise revenue.

Mr. SPOONER. Mr. President, that is a challenge, and while I suppose that according to the modern code no man, especially if he comes from the South, has any right to challenge another, I accept good-humoredly the challenge.

Mr. BAILEY. And the Senator from Wisconsin does assert that the object of this bill is to raise revenue?

Mr. SPOONER. Yes; I say the object of this bill is to raise revenue.

Mr. BAILEY. Then I would say—

Mr. SPOONER. In other words, if my friend will pardon me, I say that we, in the exercise of the discretion which the Constitution gives us in selecting the objects of taxation, propose to select this as an object of taxation, and that it will raise and is intended to raise revenue, which will go into the Treasury of the United States to pay the debts of the United States and to provide for the common defense and promote the general welfare.

Mr. STEWART. May I ask a question? Is that the paramount object?

Mr. SPOONER. Yes; that is the primary object?

Mr. STEWART. Is it the paramount object, not the primary?

Mr. SPOONER. What is the difference between primary and paramount?

Mr. STEWART. Primary is first and paramount is above others. The paramount object, the main object, has been stated here forty times. It is to destroy a fraud.

Mr. SPOONER. You have stated it?

Mr. STEWART. I have not stated it. You destroy only a part of the fraud. The principal fraud is the coloring of butter.

Mr. SPOONER. We are going to try and destroy most of the fraud. I do not fully understand the distinction which my friend suggests between primary and paramount in this connection.

Mr. STEWART. You first want to get revenue and next you want to destroy a million industries, and the striking down of industries is much bigger than the raising of a little revenue.

Mr. SPOONER. The Senator is running away.

Mr. STEWART. I never run away.

Mr. SPOONER. I am talking about the difference between the primary object and the paramount object.

Mr. BAILEY. Mr. President—

Mr. SPOONER. I beg the Senator to allow me to continue this discussion with the Senator from Nevada.

Mr. STEWART. I can understand very well how the Senator from Wisconsin can not distinguish between paramount and primary. The first thing is to raise revenue. It is not very much revenue, and I do not think we would be engaged in this business if revenue was the principal object. But the paramount object, the great object, and every argument made for it, has reference to the destruction of an industry.

Mr. SPOONER. Will the Senator from Nevada allow me to interrupt him?

Mr. STEWART. For a question. [Laughter.]



Mr. SPOONER. I should like to ask what is the distinction between the primary object and the paramount object.

Mr. STEWART. The primary object is first, but the paramount object is the main consideration. The main consideration is to destroy an industry. That is the big object. The other is the little object.

Mr. SPOONER. I supposed, until otherwise informed by the Senator from Nevada, that the first consideration was the paramount consideration.

Mr. STEWART. Not always. You do not get the principal object first. You have covered that up.

Mr. SPOONER. They may not in Nevada, but they do everywhere else. [Laughter.] The paramount object of the bill is the fundamental and primary object of the bill.

Mr. STEWART. The primary object is a different thing altogether. [Laughter.] The primary object of this bill is to pretend to raise revenue. The paramount object is to destroy an industry. One is great big and the other is very small.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Chair takes this opportunity to say that there should be less of disturbance.

Mr. CULLOM. Mr. President—

Mr. SPOONER. I yield to the Senator from Illinois, holding the floor on this bill.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. Is the Senator from Illinois going to move an executive session?

Mr. CULLOM. I am.

Mr. BAILEY. I wanted to continue the discussion with the Senator from Wisconsin for a moment.

Mr. SPOONER. I hope the Senator from Illinois will withdraw the motion.

Mr. CULLOM. I will withdraw it for a moment.

Mr. BAILEY. Mr. President, I freely conceded in the beginning that as to any Senator who believed this bill was intended to raise revenue it was a perfectly constitutional measure. I contended that as to any Senator who did not believe that it was a clearly unconstitutional measure.

My distinguished friend from Wisconsin [Mr. SPOONER] practically agrees with me in both propositions, because when pressed to the point he declared that the purpose of the bill is to raise revenue. The Senate will readily understand how the Senator from Wisconsin, adroit as he is, was trying to waive that question off.

Now, I want to read the Senator from Wisconsin, in reply to his statement, what one of the principal advocates of this bill said was the object of it, whether primary or not, aye, even if it were the object without any qualification or any adjective, it is no concern to me. The Senator from North Dakota [Mr. McCUMBER] said:

Everyone knows that this bill is intended to tax colored oleomargarine out of existence, although it is under the guise of a revenue bill which has never been referred to the Committee on Ways and Means.

Now, without intending to ask the Senator from Wisconsin to pass upon the constitutional opinion of another Senator, I will ask the Senator from Wisconsin if he believes that the primary object of this bill was to tax colored oleomargarine out of existence and they had merely used the taxing power as a disguise for their object, would he regard it as constitutional?

Mr. SPOONER. The Senator is asking me to pass upon the opinion of the Senator from North Dakota.

Mr. BAILEY. I expressly disclaimed any intention—

Mr. SPOONER. And also upon his own.

Mr. BAILEY. To ask for an expression of opinion on the statement of the Senator from North Dakota, who, of course, would settle that question for himself, because he has his view of the Constitution. The fact of it is, Mr. President—

Mr. SPOONER. I will answer the Senator's question. The question whether this tax is a revenue tax or a tax levied for the purpose of eliminating from commerce an industry is really here an abstract question. I think the tax of one-fourth of 1 cent, a reduction of 1½ cents on oleomargarine as a natural product, or as it is, is a legitimate exercise for revenue purposes of the constitutional power of taxation. Does the Senator deny that?

Mr. BAILEY. As a matter of fact I deny that that is the purpose. As a matter of law I concede that if that is the purpose the bill is entirely constitutional.

Mr. SPOONER. Mr. President, does the Senator conceive it possible that the constitutionality of such a bill can depend upon a question of fact?

Mr. BAILEY. Indeed, it would depend on that in this kind of a case entirely. In other words—

Mr. SPOONER. Does the Senator think that in a court he could overturn an act of Congress taxing oleomargarine colored in the similitude of butter 10 cents a pound, or 25 cents a pound,

upon proof that it was not intended or needed for revenue purposes, but was intended to tax an industry out of existence?

Mr. BAILEY. When you say 25 cents a pound you raise a question. The Supreme Court—

Mr. SPOONER. Call it 10 cents a pound.

Mr. BAILEY. As long as it is not absolutely prohibitory undoubtedly I could not assail the validity of the law successfully.

Mr. SPOONER. Mr. President—

Mr. BAILEY. One moment, if you please. In the New Hampshire case, where it required oleomargarine to be colored pink, the court held that that State regulation was tantamount to a prohibition, and that the law was therefore invalid. Now, if the court would follow that up—

Mr. SPOONER. I think that was right.

Mr. BAILEY. I think so. If the court were to follow that analogy and Congress were to levy a tax equal to what was clearly a prohibition, then it is a question open in that court yet whether they would sustain that tax.

In the old case of the tax upon the notes of State banks the dissenting judges, the Senator from Wisconsin will recall, laid great stress upon the fact that the tax of 10 per cent was prohibitory, but the majority of the court asserted that Congress possessed the power to destroy the State banks absolutely and by a direct prohibition upon the ground that they were an interference with the currency which the Federal Government might establish and regulate. Therefore, they held that a prohibitory tax could be sustained when a direct prohibition could be sustained, and that, in my opinion, is about as far as they have gone. I would hesitate, however, to say that positively without examining the cases. I do say undoubtedly that you could not attack successfully any bill that purported to raise revenue in a court of the country upon the ground that that was not its object, for the reason the court has so often stated that it can not inquire into the motives of the political department of the Government.

Mr. CULLOM. Now, if the discussion between the Senators is over, I should like to renew my motion.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 3, 1902, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 2, 1902.*

### SECRETARY OF LEGATION.

Edward Winslow Ames, of Massachusetts, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic, vice Clarence L. Thurston, resigned.

### ASSISTANT SURGEON IN THE NAVY.

Dr. Francis M. Munson, a citizen of Delaware, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), to fill a vacancy existing in that corps.

### ASSISTANT PAYMASTER IN THE NAVY.

Walter A. Greer, a citizen of Missouri, to be an assistant paymaster in the Navy, with the rank of ensign, to fill a vacancy existing in that corps.

### APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

#### *To be major-general.*

Brig. Gen. Robert P. Hughes, United States Army, April 1, 1902, vice Otis, retired from active service.

#### *To be brigadier-generals.*

Col. Isaac D. De Russy, Eleventh Infantry, April 1, 1902, vice Hall, retired from active service.

Col. Andrew S. Burt, Twenty-fifth Infantry, April 1, 1902, vice Guenther, retired from active service.

Col. Michael V. Sheridan, assistant adjutant-general, to rank from the date of acceptance as major-general of Brigadier-General Hughes, vice whom he is to be appointed.

### POSTMASTERS.

Nelson B. Stanton, to be postmaster at Avalon, in the county of Los Angeles and State of California. Office became Presidential April 1, 1902.

Roy B. Stephens, to be postmaster at South Pasadena, in the county of Los Angeles and State of California. Office became Presidential April 1, 1902.

Arthur M. Hughes, to be postmaster at Louisa, in the county of Lawrence and State of Kentucky. Office became Presidential July 1, 1901.

George E. Swanson, to be postmaster at Woodhull, in the county of Henry and State of Illinois. Office became Presidential April 1, 1903.

George M. Francis, to be postmaster at Napa, in the county of Napa and State of California, in place of George M. Francis. Incumbent's commission expired March 9, 1902.

Wilfred W. Montague, to be postmaster at San Francisco, in the county of San Francisco and State of California, in place of Wilfred W. Montague. Incumbent's commission expired June 23, 1901.

Carroll M. Heard, to be postmaster at Elberton, in the county of Elbert and State of Georgia, in place of Ella M. Henry. Incumbent's commission expired January 12, 1902.

Marshall F. Aspy, to be postmaster at Geneva, in the county of Adams and State of Indiana, in place of Nathan Shepherd. Incumbent's commission expired January 31, 1902.

Charles H. Anderson, to be postmaster at Anamosa, in the county of Jones and State of Iowa, in place of Charles H. Anderson. Incumbent's commission expired March 22, 1902.

John L. Waite, to be postmaster at Burlington, in the county of Des Moines and State of Iowa, in place of John L. Waite. Incumbent's commission expired March 30, 1902.

James C. Harwood, to be postmaster at Clarion, in the county of Wright and State of Iowa, in place of James C. Harwood. Incumbent's commission expired March 22, 1902.

Isaac Stauffer, to be postmaster at Gladbrook, in the county of Tama and State of Iowa, in place of Isaac Stauffer. Incumbent's commission expired March 9, 1902.

Daniel J. Adlum, to be postmaster at Missouri Valley, in the county of Harrison and State of Iowa, in place of Daniel J. Adlum. Incumbent's commission expired March 22, 1902.

Cornelius Van Zandt, to be postmaster at Wilton Junction, in the county of Muscatine and State of Iowa, in place of Cornelius Van Zandt. Incumbent's commission expired March 22, 1902.

Thomas A. Sawhill, to be postmaster at Concordia, in the county of Cloud and State of Kansas, in place of Thomas A. Sawhill. Incumbent's commission expired March 22, 1902.

Samuel L. Gatrell, to be postmaster at Midway, in the county of Woodford and State of Kentucky, in place of Henry P. Waits. Incumbent's commission expired January 10, 1902.

William J. Wallace, to be postmaster at Norwood, in the county of Norfolk and State of Massachusetts, in place of William J. Wallace. Incumbent's commission expired March 31, 1902.

Davis P. Gray, to be postmaster at Whitinsville, in the county of Worcester and State of Massachusetts, in place of Davis P. Gray. Incumbent's commission expired March 16, 1902.

William S. Ostrander, to be postmaster at Schuylersville, in the county of Saratoga and State of New York, in place of William S. Ostrander. Incumbent's commission expired March 22, 1902.

Julius O. Converse, to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Julius O. Converse. Incumbent's commission expired March 9, 1902.

Sherman H. Eagle, to be postmaster at Gallipolis, in the county of Gallia and State of Ohio, in place of Sherman H. Eagle. Incumbent's commission expired March 30, 1902.

Cassius M. Crane, to be postmaster at Garrettsville, in the county of Portage and State of Ohio, in place of Cassius M. Crane. Incumbent's commission expired March 16, 1902.

Frank Fortune, to be postmaster at Jefferson, in the county of Ashtabula and State of Ohio, in place of Frank Fortune. Incumbent's commission expired March 16, 1902.

Clyde A. L. Purmort, to be postmaster at Van Wert, in the county of Van Wert and State of Ohio, in place of Clyde A. L. Purmort. Incumbent's commission expired March 9, 1902.

E. C. Burns, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania, in place of Allen M. Woodward. Incumbent's commission expired March 16, 1902.

Hugo E. Smith, to be postmaster at McKinney, in the county of Collin and State of Texas, in place of Hugo E. Smith. Incumbent's commission expired March 31, 1902.

Edwin Fore, to be postmaster at Pittsburg, in the county of Camp and State of Texas, in place of Edwin Fore. Incumbent's commission expired March 31, 1902.

Ira D. Hurlbut, to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin, in place of Ira D. Hurlbut. Incumbent's commission expired March 31, 1902.

Charles E. Cragin, to be postmaster at Ada, in the county of Norman and State of Minnesota, in place of James V. Campbell, resigned.

James R. White, to be postmaster at Kalispell, in the county of Flathead and State of Montana, in place of Perley N. Bernard, resigned.

Ralph S. Tompkins, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York, in place of James E. Munger, deceased.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 2, 1902.*

### REGISTERS OF THE LAND OFFICE.

James C. Pettijohn, of Nebraska, to be register of the land office at Valentine, Nebr.

Charles H. Titus, of Topeka, Kans., to be register of the land office at Topeka, Kans.

### RECEIVERS OF PUBLIC MONEYS.

De Witt C. Tufts, of North Dakota, to be receiver of public moneys at Fargo, N. Dak.

Albert L. Towle, of Nebraska, to be receiver of public moneys at Valentine, Nebr.

J. G. Wood, of Topeka, Kans., to be receiver of public moneys at Topeka, Kans.

### APPOINTMENTS IN THE NAVY.

Edward Kershner, to be a medical inspector in the Navy, on the retired list, in accordance with the provisions of an act of Congress (Private—No. 184) approved March 20, 1902.

Christopher C. Wolcott, to be a civil engineer in the Navy with the rank of captain, from the 28th day of February, 1901.

Frank O. Maxon, to be a civil engineer in the Navy with the rank of commander, from the 28th day of February, 1901.

Robert E. Peary, to be a civil engineer in the Navy with the rank of lieutenant-commander, from the 5th day of January, 1901.

George Mackay, to be a civil engineer in the Navy with the rank of lieutenant-commander, from the 28th day of February, 1901.

Frank T. Chambers, to be a civil engineer in the Navy with the rank of lieutenant, from the 5th day of January, 1901.

Charles W. Parks, to be a civil engineer in the Navy with the rank of lieutenant, from the 28th day of February, 1901.

John F. Hanscom, to be a naval constructor in the Navy with the rank of captain, from the 3d day of March, 1899.

Joseph H. Linnard, to be a naval constructor in the Navy with the rank of captain, from the 5th day of August, 1899.

Joseph J. Woodward, to be a naval constructor in the Navy with the rank of captain, from the 19th day of April, 1900.

David W. Taylor, to be a naval constructor in the Navy with the rank of captain, from the 4th day of March, 1901.

Albert W. Stahl and William J. Baxter, to be naval constructors in the Navy with the rank of commander, from the 3d day of March, 1899.

Washington L. Capps, to be a naval constructor in the Navy with the rank of commander, from the 5th day of August, 1899.

Lloyd Bankson, to be a naval constructor in the Navy with the rank of commander, from the 19th day of April, 1900.

John G. Tawressey, to be a naval constructor in the Navy with the rank of commander, from the 4th day of March, 1901.

John D. Beuret, Joseph E. McDonald, and Homer L. Ferguson, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 1st day of July, 1900.

Daniel C. Nutting, jr., and Holden A. Evans, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 29th day of January, 1901.

William P. Robert and Daniel H. Cox, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 12th day of July, 1901.

Thomas G. Roberts and Lawrence S. Adams, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 20th day of July, 1901.

Thomas A. Gill, to be a chaplain in the Navy with the rank of captain, from the 9th day of June, 1901.

Walter G. Isaacs, to be a chaplain in the Navy with the rank of commander, from the 9th day of June, 1901.

The following-named chaplains to have the rank of lieutenant from the 3d day of March, 1899:

William G. Cassard.

Arthur O. Sykes.

William T. Helms.

Frederic C. Brown.

Curtis H. Dickins.

Omenzo G. Dodge, to be a professor of mathematics in the Navy with the rank of commander, from the 17th day of December, 1899.

Stimson J. Brown, to be a professor of mathematics in the Navy with the rank of captain, from the 25th day of August, 1900.

Henry M. Paul, to be a professor of mathematics in the Navy with the rank of commander, from the 25th day of August, 1900.

Edward K. Rawson, to be a professor of mathematics in the Navy with the rank of captain, from the 25th day of November, 1900.

Aaron N. Skinner, to be a professor of mathematics in the Navy with the rank of commander, from the 25th day of November, 1900.

Philip R. Alger, to be a professor of mathematics in the Navy with the rank of commander, from the 22d day of May, 1899.



The following-named pay officers to be paymasters in the Navy with the rank of lieutenant-commander, from the 3d day of March, 1899:

Charles W. Littlefield.  
Arthur Peterson.  
William W. Galt.

John R. Martin, to be a paymaster in the Navy with the rank of lieutenant-commander, from the 22d day of November, 1899.

The following-named pay officers to be paymasters in the Navy, with the rank of lieutenant-commander, from the 8th day of December, 1899:

Charles M. Ray.  
Mitchell C. McDonald.  
Eustace B. Rogers.

The following-named pay officers to be paymasters in the Navy with the rank of lieutenant-commander, from the 22d day of September, 1901:

Leeds C. Kerr.  
Richard T. M. Ball.  
Charles S. Williams.  
Thomas J. Cowie.

The following-named pay officers to be assistant paymasters in the Navy with the rank of lieutenant (junior grade), from the 20th day of May, 1901:

Hugh R. Insley.  
George M. Stackhouse.  
Grey Skipwith.  
Trevor W. Lentze.  
McGill R. Goldsborough.  
David V. Chadwick.  
Eugene C. Tobey.  
Arthur H. Cathcart.

I nominate the following-named medical officers to be surgeons in the Navy with the rank of lieutenant-commander, from the 3d day of March, 1899, viz:

David O. Lewis.  
Howard E. Ames.  
Frank Anderson.  
Phillips A. Lovering.  
William R. Du Bose.  
Charles T. Hibbett.  
Nelson H. Drake.  
Henry G. Beyer.  
John M. Steele.  
James E. Gardner.  
Millard H. Crawford.  
George P. Lumsden.  
Emlyn H. Marsteller.  
James C. Byrnes.  
Samuel H. Griffith.

To be surgeons in the Navy with the rank of lieutenant-commander, from the 8th day of December, 1899:

Averley C. H. Russell.  
Clement Biddle.

Henry T. Percy, to be a surgeon in the Navy with the rank of lieutenant-commander, from the 30th day of August, 1900.

To be surgeons in the Navy with the rank of lieutenant-commander, from the 22d day of September, 1901:

James D. Gatewood.  
Oliver Diehl.

The following-named medical officers to be passed assistant surgeons in the Navy with the rank of lieutenant, from the 3d day of March, 1899, viz:

William C. Braisted.  
Sheldon G. Evans.  
Adrian R. Alfred.  
John E. Page.  
Middleton S. Guest.  
Joseph A. Guthrie.  
Charles M. De Valin.  
Charles P. Bagg.  
Carl D. Brownell.  
Henry D. Wilson.

The following-named medical officers to be passed assistant surgeons in the Navy with the rank of lieutenant, from the 1st day of July, 1899, viz:

Lewis Morris.  
John M. Moore.  
Brownlee R. Ward.  
Edward M. Shipp.  
Charles E. Riggs.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 1st day of July, 1900:

James F. Leys.  
Frank C. Cook.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 26th day of December, 1900:

Ammen Farenholt.  
Charles P. Kindleberger.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 29th day of January, 1901:

Arthur W. Dunbar.  
Theodore W. Richards.  
Reginald K. Smith.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 1st day of July, 1901:

Jacob C. Rosenbleuth.  
Moulton K. Johnson.

The following-named medical officers to be assistant surgeons in the Navy with the rank of lieutenant (junior grade), from the 7th day of June, 1901, viz:

Thomas McC. Lippitt.  
Barton L. Wright.  
Ralph W. Plummer.  
Henry E. Odell.  
James S. Taylor.  
Joseph A. Murphy.  
John T. Kennedy.  
Karl Ohnesorg.  
Charles N. Fiske.

#### PROMOTIONS IN THE NAVY.

Commander Frederick M. Symonds, to be a captain in the Navy from the 16th day of March, 1902.

Lieut. (Junior Grade) Hutch I. Cone, to be a lieutenant in the Navy from the 9th day of February, 1902.

Civil Engineer Mordecai T. Endicott, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear-admiral, from the 4th day of April, 1902.

#### POSTMASTERS.

Sarah K. Travis, to be postmaster at Magnolia, in the county of Pike and State of Mississippi.

Charles W. Adams, to be postmaster at Gillett, in the county of Teller and State of Colorado.

John H. Tripp, to be postmaster at Carrollton, in the county of Carroll and State of Ohio.

Ada Hunter, to be postmaster at Kinston, in the county of Lenoir and State of North Carolina.

William I. Madeira, to be postmaster at Hilo, in the county of Hawaii and Territory of Hawaii.

Joseph A. Shriver, to be postmaster at Manchester, in the county of Adams and State of Ohio.

Martin L. Miller, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio.

Edwin R. Smith, to be postmaster at Mound City, in the county of Linn and State of Kansas.

John McL. Dorchester, to be postmaster at Pauls Valley, in the Chickasaw Nation, Ind. T.

William M. Stolz, to be postmaster at Marlow, in the Chickasaw Nation, Ind. T.

William F. Jobes, to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi.

Bruce Dennis, to be postmaster at La Cygne, in the county of Linn and State of Kansas.

William F. Elgin, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi.

Charles W. Searls, to be postmaster at Madison, in the county of Lake and State of Ohio.

William L. Buford, to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky.

Ellsworth D. Scheble, to be postmaster at Wenatchee, in the county of Chelan and State of Washington.

Seth W. Collins, to be postmaster at McComb, in the county of Pike and State of Mississippi.

Annette Simpson, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi.

David M. Graham, to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania.

Robert Z. Bennett, to be postmaster at Beresford, in the county of Union and State of South Dakota.

Thomas B. Leland, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi.

Lizzie Baldwin, to be postmaster at Canton, in the county of Madison and State of Mississippi.

Charles H. Jones, to be postmaster at Arlington, in the county of Snohomish and State of Washington.

John C. Stoughton, to be postmaster at Geddes, in the county of Charles Mix and State of South Dakota.

Ida McKeand, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 2, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## BRIDGE ACROSS LITTLE TENNESSEE RIVER.

The SPEAKER. The Chair lays before the House the bill S. 3231, there having been a House bill of similar purport reported favorably to the House.

The bill (S. 3231) to legalize and maintain a new steel bridge erected in place of the old wooden structure across the Little Tennessee River at Niles Ferry, Tenn., by the Atlanta, Knoxville and Northern Railroad, was read.

Mr. DAVIS of Florida. Mr. Speaker, I ask that the Senate bill just read be put on its passage. A House bill similar in its provisions has been favorably reported by the Committee on Interstate and Foreign Commerce. I made that report by direction of the chairman of the committee. The only difference between the two bills is that in this Senate bill there are certain amendments which seem to make it more satisfactory to such members of the Tennessee delegation as are interested in the subject. They all assent to it. This bill passed the Senate unanimously, and the corresponding bill of the House has been unanimously reported by the committee. I ask, therefore, that this Senate bill may be put on its passage.

The SPEAKER. Are the bills now substantially the same?

Mr. DAVIS of Florida. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. DAVIS of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. In the absence of objection, the corresponding House bill, No. 9964, will be laid on the table.

There was no objection.

## SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. LAWRENCE in the chair), and resumed the consideration of the sundry civil appropriation bill.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, in accordance with the approved project, including the maintenance of existing improvements, to be expended by and under the direction of the Secretary of War, \$250,000, to be immediately available: *Provided*, That the Secretary of War may enter into a contract or contracts for such labor and materials as may be necessary for the completion of the project, including annual maintenance and repairs, or the work may be done and the materials purchased otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in any one year \$250,000, and not to exceed in the aggregate \$500,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That of the amounts so appropriated not to exceed \$50,000 may, in the discretion of the Secretary of War, be expended in the Yellowstone Forest Reserve east of the park, and not to exceed \$25,000 may be expended in the Yellowstone and Teton Forest Reserves south of the park.

Mr. SULZER. Mr. Chairman, it is a matter of much personal gratification to me to find in this sundry civil bill a liberal appropriation for the proper care and the immediate and continued improvement of our great national park. The people familiar with this subject will approve this provision now, and posterity, which will realize more fully its benefits, will commend us for our foresight and judgment in a spirit of eternal gratitude. This money will be well and wisely spent, and its expenditure will create lasting results that will please, instruct, and benefit humanity for ages yet to come.

Mr. Chairman, Yellowstone Park is the world's wonderland. It beggars description. The most eloquent tongue fails to describe its surpassing wonders, and the gifted pen of the most imaginative poet can not adequately picture the infinite variety of its sublime realities. After you have read and heard all that mortal man can say, you must see it yourself to fully appreciate all its glories and startling revelations. It never palls; the eye never tires. From the time you leave Livingston until you return, the scenery is an inspiration and simply indescribable. It is one grand panorama of loveliness beyond comparison, a symphony of colors, a combination of architectural miracles.

Take it all in all, Yellowstone Park is the greatest, the grandest, the most picturesque, and the most marvelous picture in nature's art gallery—painted in all the radiant colors of the rainbow by the unerring, heroic hand of the Infinite—sculptured by the Supreme Creator of the universe—a testifying demonstration that the Great Jehovah liveth.

The establishment of this magnificent park, to be forever safe from the destroying vandal, and sacred for all time from the devastating hand of greedy commercialism, does great credit to the farseeing statesmanship of the men who conceived it, and to those

who are now faithfully executing a great trust for the benefit of millions yet unborn.

This national park was dedicated to humanity. It belongs to the people. It is sacred to nature. No vandal must ever be permitted to desecrate it. Every citizen of the Republic should behold its glories and witness the beauties of nature's most perfect picture. I hope more people every year will visit this inspiring park, and I know they will go away benefited in mind and body. As the years come and go it will become more and more a sanitarium for the afflicted, an art gallery for the lovers of the beautiful, a Bohemia for the lotus-eating dreamers of the Better Day, and a great national playground, the recreation place of millions of the citizens of the Republic, where the rich and the poor, the great and the small shall have an equal right to enjoy and commune with nature in her primeval wonders and in all her pristine glories.

The provisions in this bill for Yellowstone Park are made, I am informed, in accordance with the recommendations of Capt. Hiram N. Chittenden, a distinguished officer in the Engineer Corps of the Army, now detailed to the park and in charge of the improvements. He is beyond all question the right man in the right place. He has done and is doing a great work, not sufficiently appreciated, perhaps, by the unthinking and the casual observer, but the work itself will be his lasting monument, and the consciousness of duty well done for duty's sake will be his greatest reward.

I visited the park last summer, saw for myself, and speak from personal knowledge. Every member of Congress should uphold the hands of Captain Chittenden, and all his commendable efforts should be encouragingly sustained by the Government. I am and ever will be a friendly advocate of Yellowstone Park, and in or out of Congress I will always do all in my power for its best interests; and I am glad in this connection to pay a just and merited tribute to the genius of gallant Captain Chittenden.

Now, Mr. Chairman, just a few words more. In my opinion the western boundary of the park should be extended to include Jackson Lake, the Teton Mountains, and the domain sometimes called the Hole in the Wall. Every disinterested person with whom I have talked concerning this matter has concurred in this conclusion. Aside from the beauties of the natural scenery of this adjoining land to the park, it is of great importance that it should be incorporated into the park for the reason that the wild animals, especially the deer, the elk, and the buffalo, roam there from the park during certain seasons of the year, and hunters lying in wait slaughter them remorselessly.

This is a shame and should be stopped, and the best way to do it is by an extension of the park's boundary. It will cost little to do this now, and in my judgment Yellowstone Park will ere long become the last place in this country where the wild game—the big game—can live out their natural lives unmolested by the barbarian pot-hunter and the semicivilized sportsman. Every loyal friend of the national park and every true friend of our wild animals should favor this extension of the boundary of Yellowstone Park. It should be acted on now. No time should be lost.

This additional territory can be obtained to-day by the United States Government very cheaply, and it ought to be taken in before its value increases.

Now, Mr. Chairman, I trust the provision in this bill for Yellowstone Park will be passed without modification. It is truly in the interest of the people, and the distinguished chairman of the Committee on Appropriations, in my judgment, is entitled to much commendation and the thanks of the American people for his broadminded statesmanship in the matter. [Applause.]

Mr. GRAHAM. Mr. Chairman, I simply desire to corroborate all that has been said by the gentleman from New York [Mr. SULZER], and I think the committee in increasing this appropriation has met a want which has been felt for many years, and that is the improvement along broad and generous lines so necessary in this park. The extension of the boundaries of the park is also an important matter which should be looked after by Congress. The committee, however, in its judgment, has seen fit to increase the appropriation for the improvement of the roads upon a basis which will inure to the benefit of the traveling public in particular, and to the country at large. I hope sincerely that the appropriation will be passed as proposed by the committee, and that no objection will be presented.

Mr. ADAMS. Mr. Chairman, the gentleman from New York [Mr. SULZER], in speaking in favor of this appropriation, has said he visited this park recently. It was my good fortune to be on the first expedition of 1871 under the auspices of the United States Geological Survey and under the immediate charge of Prof. F. V. Hayden, the first party which ever explored the Yellowstone Park. Never shall I forget, as the wonders of that region burst upon our view in almost every mile that we covered



after we entered the Fire Hole Basin and the region surrounding the Yellowstone Park, the impression it made upon me. It seemed almost as if we had entered into a combination of fairylands and infernal regions. The first impression on one hearing the rumbling and the thunder of the land before the eruption of Old Faithful, as we first viewed it, is an impression made upon a man in his youth, which can never be obliterated. It will be an everlasting monument to the memory of Professor Hayden and his able assistant, James Stevenson, that they at once conceived the idea that this region should be preserved forever as a public park for the uses and the pleasure of the American people.

One must visit that region to realize its great attraction. One must be there from year to year over a long course of time to have seen how the large game has gradually been obliterated from our country, until now there are but a few specimens left, and those mainly in the zoological parks of our country. The only hope for the preservation of the bison, commonly known as the buffalo, will be in the regions of this park. It is essential that this appropriation be made, and I wish to assure my colleagues that money expended in the preservation of this region is money well spent for the benefit of the entire American people. It is now under the Government control. It is thrown open to all the American people. The rates of travel and the rates of board are regulated by the Government. There is no imposition on the people. This great natural preserve is kept for their benefit, and I trust that this appropriation which tends to preserve that interesting and wonderful region will not be altered, amended, or changed in any respect. [Applause.]

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; and model in relief of the Nashville and of the Atlanta battlefields; for roads and their maintenance, and for the purchase of land already authorized by law; in all, \$50,000.

Mr. MADDOX. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations a few questions in regard to this matter. I would like to know what are the fixed charges in this sum appropriated for the park; that is, how much is paid out for salaries, etc.

Mr. CANNON. They are as follows:

Amount estimated for.....	\$50,000
<b>ESTABLISHMENT.</b>	
Salaries.....	\$22,140
Mileage, contingencies, etc.....	1,000
Lodges.....	3,000
New York monument foundation.....	3,000
Monument foundations other than New York.....	1,000
Gun carriages.....	1,920
Wall or iron fence, Point Park, 900 feet.....	2,800
Road and paths in Point Park.....	1,000
Guttering and betterment of roads.....	2,000
	38,400
<b>MAINTENANCE.</b>	
Maintenance and repair.....	9,540
Regular supplies.....	2,000
	11,540
Total.....	50,000

Mr. MADDOX. So that of this sum of \$50,000 appropriated for Chickamauga Park there is practically half, or \$25,000, for salaries and mileage.

Mr. CANNON. Almost.

Mr. MADDOX. One dollar, in other words, is paid for the expense of some salaried official or mileage for every dollar that is put upon the park. Now, there is one thing I am glad to see that the Appropriation Committee has incorporated in this bill, and I desire to call the attention of the House to it in the few minutes that I have. I refer to the section beginning at the bottom of page 98, that the Secretary of War is authorized and directed to prepare and submit in the annual estimate at the next session of Congress a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, etc. Now, we have these parks scattered all over the country, and we have, I think, about three park commissioners appointed for every park, paying them probably \$3,500 a year salary. It is my judgment, and I am satisfied that the committee will agree with me on this subject, that all we need of these park commissioners are three, and those three should be located in the city of Washington, and then have a superintendent for each one of these parks. In that way when we appropriate \$50,000 for the improvement of these battlefields we can get some benefit of this money; but as it is now here is an appropriation of \$50,000 for Chickamauga, and yet absolutely \$25,000 of it is paid as mere sinecures—that is, for salaries—for somebody.

Why, if you go back to the beginning, there has been money enough spent here for the survey of Chickamauga Park, from the start to the finish, to have surveyed the greatest railroad in

the United States. There is not a doubt about that. These positions are mere sinecures, and I am glad to see that the Committee on Appropriations have started out to call the attention of the country to the matter, as I wish to do now. You see there is an appropriation of \$50,000 here in this bill, and \$25,000 of it goes merely for salaries to somebody to do nothing.

Mr. PARKER. Mr. Chairman, the remarks of the gentleman who has preceded me have made it necessary that I should say what I have to say a little earlier than I expected to. The Committee on Military Affairs and their subcommittee on parks have already taken up this question. One of the members of that committee on the 4th of March introduced a bill (H. R. 12092) relating to that matter and providing for the appointment either of certain officers in the War Department or else a single central commission to work with the aid of such officers, in order to have a central scheme for the management of these military parks. How soon that can be put into full operation we do not know; but the matter is already before the War Department for a report to the Military Committee, with whom the subject properly resides. We expect that report in a day or two, and this very morning we have had a hearing and have had before us a prominent general in that Department, who was formerly in charge of the rebellion records of the Union and Confederate armies. At this hearing the committee went over the possibilities with reference to this matter, in order that it may be put on a proper basis.

Mr. MADDOX rose.

Mr. PARKER. I prefer that the gentleman should wait a moment, but I will yield for an interruption.

Mr. MADDOX. I was simply going to remark that I did not know that bill was pending before your committee or the House, and I wanted to indorse what the other committee had done in this direction.

Mr. PARKER. We do not wish to postpone until the next session of Congress the report of the Secretary of War on this subject, and therefore I shall make the point of order against the proviso contained in this bill, not because it is not right that such a system should be adopted, but because we want it to be investigated now. Propositions are pressing upon our committee for military parks at Stone River, at Perryville, at Appomattox, at Petersburg, at Fredericksburg, and at Atlanta, and in each case the acquisition of land and the appointment of an expensive commission are urged.

In one or two of these places the parks can not be established unless options now before us are taken advantage of, and at the same time we feel that the country will not endure the establishment of one commission after another, involving the appointment of a new commission in each case, with positions which have been referred to here as sinecures. We have before us, however, an example of one park which has not been carried on in this way. As will be seen by this bill, Antietam carries an expense of but \$1,500 a year, while the others involve an expenditure of \$45,000, \$50,000, and \$75,000 a year. The reason for this is that at Antietam, in order to preserve the appearance of the ground as the battle was fought, in order to make it a real place of patriotic memories instead of an artificial picnic ground, the War Department followed the plan not of purchasing the ground, but of obtaining narrow lanes along the battle lines of the various armies and the intrenchments and of putting upon these lanes simple and expensive monuments, showing the directions in which the lanes were crossed by the lines of battle and indicating the points of vantage from which a survey of the field could be obtained.

The whole expense of laying out that field, including an observation tower and all those routes to which I have referred and the wire fences along them, involve an expenditure of only a few tens of thousands of dollars. Now the work is complete and the annual expense is but \$1,500 a year for the maintenance and repair of those roads, and yet everything is indicated just as it was. On some of the other famous battlefields the disposition of every commission to enlarge its own work and the loving enthusiasm of the people who want monuments there have resulted in the employment of landscape gardeners and artists, who in some cases, I dare say, have so improved these fields that they do not look like the old battle grounds in any respect whatever.

In conclusion, this question is now before our committee, and without repeating what I have just said to the House, I shall make the point of order to the clause on page 99, when it is reached, that it is new legislation and not within the purview of an appropriation bill.

Mr. MAHON. I should like to ask the gentleman a question.

Mr. PARKER. Certainly.

Mr. MAHON. Have you visited the battlefield of Antietam?

Mr. PARKER. Yes.

Mr. MAHON. Do you think the roads are in good condition?

Mr. PARKER. They were when I was there a few years ago.

Mr. MAHON. You had better go and look at them now, and then you will revise your speech.



Mr. CANNON. If the gentleman makes his point of order, I will try and meet it as best I can. Touching the query of my friend, this legislation for Chickamauga Park, Gettysburg, Shiloh, Vicksburg, was legislation that was enacted under the lead of the Committee on Military Affairs. I trust I have the gentleman's attention. It authorizes commissioners' salaries, as I recollect, of about \$3,500 a year. They have a regular full outfit. The Antietam improvement was not made by virtue of any general legislation. It was picked up on a general appropriation bill when the present junior Senator from Maryland [Mr. McCOMAS] was a member of the Committee on Appropriations. It was in his district, and I suppose was subject to a point of order. But it was entered upon. The improvement was made, and I think quite deserves the approval of my friend. Now, for this improvement there is \$1,500 a year for a superintendent that looks after it. That is all that is needed. In other words, it is a battlefield that is marked.

Now, I want to say to my friend from New Jersey, that of all these Commissions, so far as I know and believe, the Chickamauga Commission has done its work most promptly; and I was gratified when General Boynton, one of these commissioners, in the examination hearings before the subcommittee, stated that after this year there was no further use for that commission; that he was satisfied that one commissioner could do the work, or it could be done without a commission. That is a little extraordinary, when somebody that belongs to a commission should suggest that at some time it may be dispensed with.

I have no doubt that some time ago most of these commissions might have been profitably dispensed with. Here was a general law. The Committee on Appropriations is restricted under the rules to appropriate in pursuance of existing law. The Committee on Military Affairs, having legislative jurisdiction, did not move last year, the year before last, and the year before that. I do not see any signs of its moving. On our examination we thought something ought to be done, and without attempting to usurp jurisdiction of any other committee, we put a provision in a little further on that, in my opinion, is not subject to the point of order; but I will meet that when the point of order comes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of 3 civilian commissioners and the secretary, clerical, and other services, labor, land, iron gun carriages and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, \$400,000.

Mr. CANDLER. Mr. Chairman, I want to ask the chairman of the Committee on Appropriations if he can inform us how much has been expended up to date on the Shiloh National Park?

Mr. CANNON. In a moment. The appropriations—and I take it that the appropriations fairly measure the expenditures—for 1896 were \$75,000; for 1898, \$60,000; for 1899, \$55,000; for 1900, \$55,000; for 1901, \$55,000; for 1902, \$50,000, and this bill recommends \$400,000, making altogether about \$375,000 or \$380,000, and this \$400,000 makes over \$400,000.

Mr. CANDLER. Over \$400,000?

Now, why I asked this question was simply to say this: This Shiloh National Park is situated, as all very well remember, upon the banks of the Tennessee River, some 21 miles from the city of Corinth, in which I reside. There has been expended, in accordance with the statement made by the chairman of the Committee on Appropriations, including the appropriation in this bill, something over \$400,000 for the establishment and beautifying of this park. There is no way by which this park is accessible. By actual measurement from the park to the center of the city of Corinth it is 21 miles. The park commissioners have constructed, in the direction of the city of Corinth, a macadamized avenue or road 5 miles in length. At the city of Corinth there is a national cemetery, and also one located at Pittsburg Landing, where this park is also located.

There is a Government macadamized road extending from the national cemetery at Corinth to the center of the town. It has been taken up by the city at its terminus and extended a mile in the direction of this park by the construction of a macadamized street. The park commissioners have constructed 5 miles of road, the city of Corinth has constructed 1 mile of road, which leaves a gap of 15 miles, which, if covered by the construction thereon of a macadamized road, would make a complete roadway from the railroad point, at Corinth, to the national park at Shiloh. Every year people gather at Corinth from one end of the country to the other who desire to visit this battlefield. During every week almost in the year there are people who come to Corinth for the purpose of going to the battlefield; but, during the winter months especially, the roads are bad, and the consequence is that they have great difficulty in getting to this park, and a great many

who would otherwise go do not go at all, because of the inaccessibility of the park.

Early in this session of Congress I introduced a bill providing for the construction of a road to fill this gap between the city of Corinth and Shiloh National Park. I introduced this bill at the request of the Gray and the Blue, indorsed at one of their annual reunions by a formal resolution in a meeting which they held upon the battlefield. In this month there will be another meeting of the Blue and the Gray there, as occurs each and every year. They are greatly interested in the construction of this road; and while some members here contend that it is not good policy for the Government of the United States to go into the business of constructing roads over the country, I say that this is an exceptional situation, and, in my judgment, upon proper investigation this road will commend itself not only to the people at large, but, in my judgment, it will recommend itself to the Congress of the United States, especially in view of the fact that it is desired by both the Blue and the Gray in order to make this park accessible to people who desire from time to time to go there and inspect it and look over the battlefield.

The bill I introduced has not yet been reported. I trust later we may have a report on it and a favorable report. I believe if a favorable report is made on this bill, it will commend itself to every member of the House, because of the fact that if the bill should pass and become law the road would be built along a way where every single inch of the ground is historic territory. From the city of Corinth to the Shiloh Park this road would pass all the way through a battlefield, and to anyone who desires to see that battlefield, which is one of the most historic, it would be of great benefit, and especially so in view of the construction of this park on the Shiloh battlefield, which has cost already about \$400,000.

I also desire to say that in the battlefield at the city of Corinth the breastworks can still be seen in a reasonable state of preservation just as they were when the two contending foes met upon that "field of carnage." These breastworks still stand as silent but glorious monuments of the bravery and dash of the Blue, and the chivalry and undaunted courage of the Gray, now a "common heritage" of the greatest, the bravest, the noblest, and most chivalrous people on earth. It was upon this battlefield that Col. W. P. Rodgers, one of the bravest of the brave Confederates, fell leading a Texas brigade and carrying the colors, and his great courage and soldierly bearing so attracted the admiration of the contending foe that he was buried by the order of the Federal general commanding with the honors of war [applause], the second instance of the kind, as I recollect, in all the history of the world. On this battlefield he was laid to sleep wrapped in the colors of the South by the hands of the North, and in that glorious grave he rests to-day awaiting the great resurrection morn, covered with the halo and glory of both armies. Though dead, he will ever live in the hearts of his countrymen.

I am proud of the fact that he was a native Mississippian, and in one of the principal streets of my home city there is an imposing monument erected to his memory, and around his grave there is a beautiful little park, established by the city and cared for by loving hands and warm hearts of sweet women and noble men from their own free contributions. [Applause.] Now, it is these two great battlefields of Corinth and Shiloh which my proposed road will connect and make accessible to the people of the United States who desire to visit these historic spots which commemorate American manhood and this Republic's glory. [Applause.] People traveling from one of these points to the other over this road, in case it should be constructed, would have an opportunity to view every part of the historic ground intervening between the two great battlefields—one at Shiloh and the other at Corinth.

I call attention to the matter at this time in order that you may consider it and in order that it may receive at least proper and full investigation. The bill which I introduced—I wish to impress this fact upon the attention of the House—was introduced by the direct request of "the Blue and the Gray," expressed in a formal resolution passed at a meeting held by them at this battlefield, at which time they appointed a committee, by which this bill was drafted and sent to me with the request that I introduce it. I have done so in pursuance of that request. I ask that the question may be considered and investigated. What practical benefit is there in the Government expending these hundreds of thousands of dollars on this park—and I am not opposing the park—when it is inaccessible? That is the question I want you to consider, and which I desire to leave with you. Consider it and help me to get this bill favorably reported and then passed, and let us construct this road and thereby connect these two great battlefields, these two national cemeteries, and make this park accessible. [Great applause.]

[Here the hammer fell.]

Mr. CANNON. No amendment has been offered, I believe, to the paragraph last read; and I shall be content with a single



sentence. I have nothing but the best feeling toward the gentleman and his constituents; but I hope if there should come up any legislative provision that the United States should acquire from the State of Tennessee a public road for the purpose of improving it, the measure will not meet with favorable consideration in this House.

Mr. CANDLER. Suppose the people should donate the ground on which the road is to be constructed?

Mr. CANNON. That would not make any difference. I would not want the Government to take it as a gift. I have no doubt that the people there would be glad to donate it; and I have no doubt that all my people in Illinois would be glad to donate all the public roads there to the General Government. Such would no doubt be the disposition in many other localities throughout the United States, for the Government when it takes charge of a road makes very good road improvements.

But, Mr. Chairman, the best way to secure the improvement of those 15 miles of road down there in Tennessee, so that travelers will not suffer inconvenience in the muddy season, is for our good friends there to come up shoulder to shoulder, as the people do in similar cases in Illinois and elsewhere, and make such improvements on that road as will make it what it ought to be.

The subject is not here for consideration, and that is all I have to say about it. I ask that the Clerk read.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, \$100,000.

Mr. CANNON. I move to amend by inserting before the word "tablets," in line 20, the word "historical."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of War is authorized and directed to prepare and submit, in the annual estimates, at the next session of Congress a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, or substituting therefor a commission consisting of one or more members to have charge and direction, under the War Department, of the future improvement, care, and maintenance of all of said military parks. The Secretary of War shall also submit estimates for each of said parks in accordance with the proposition herein required to be submitted.

Mr. PARKER. Mr. Chairman, on the paragraph just read I desire to make a point of order, for two reasons. This paragraph authorizes and directs the Secretary of War to submit estimates and a proposition for new legislation—

Mr. CANNON. If the gentleman will yield a moment, I wish to ask the Chair whether points of order were reserved on this bill.

The CHAIRMAN. The Chair understands that when the bill was reported all points of order were reserved.

Mr. CANNON. All right.

Mr. PARKER. Mr. Chairman, this section authorizes and directs a Government officer to do a certain thing. That, in my judgment, is legislation. That is the first point that I make against the paragraph. The second is that legislation with reference to military parks—and I do not speak of appropriations for them, but of legislation as to the constitution of the commissions having charge of such parks and for the abolition of such commissions—that whole subject belongs to another committee, the Committee on Military Affairs.

The responsibility for initiating such legislation is upon that committee, who have now before them at least 10 bills for the establishment of new parks and new commissions. They have also under consideration the question whether the management and control of the older parks can be more efficient and economical. The question of national cemeteries is also before that committee. It has the responsibility of these matters, and it is not in accordance with the rules of the House that an appropriation bill, reported by the Appropriations Committee, should trench upon the rights of the Military Committee. I think the gentleman in charge of this bill will recognize the desire for the public service which prompts my objection.

This appropriation bill was reported on the 28th day of March, and the bill to which I have just referred, introduced by the gentleman from Minnesota [Mr. STEVENS], providing for a single commission, was introduced on the 4th of March, so that we are already in charge of this subject, investigating it, and expect to have a report from the Secretary long before the next session.

I submit to the Chair my point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] wish to be heard on the point of order?

Mr. CANNON. It seems to me, Mr. Chairman, that this paragraph is not subject to a point of order. I do not think this is new legislation within the meaning of the rules. It directs the Secre-

tary of War to submit an estimate covering a proposition for the consolidation of the commissions having charge of these parks, etc. That is all. It does not change the law. It is in the form of a resolution of inquiry—

Mr. STEVENS of Minnesota. Will the gentleman allow me to ask whether the paragraph does not propose a change of law by providing that with the estimates the Secretary of War shall submit proposed legislation? Is not that a change of law?

Mr. CANNON. Well, it seems to me that within the meaning of the rules it is not. In other words, it does not affect the expenditure of a dollar; it does not change the law touching these parks. It is in the nature of a resolution of inquiry. And the gentleman who makes the point must admit it is apt and appropriate. That is all I care to say.

I yield to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, it seems to me that it would help to clear thinking upon this point of order which the gentleman from New Jersey [Mr. PARKER] interposes by recurring to the language of the rule. That rule, which is the second paragraph of Rule 21, provides as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

That part of the rule clearly has no relevancy to the pending point of order, because the paragraph under consideration makes no appropriation whatever, and if that paragraph is not in order it is because it is obnoxious to the part of the rule which I will now read:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

I submit, respectfully, that there is nothing in this paragraph which changes any existing law. If this act becomes a law there will be no change in any existing statute law of the United States. There has been no law pointed out which this would change, and it is simply—as the gentleman from Illinois [Mr. CANNON] has said, and exhausted the question in so saying—a resolution of inquiry. Now, what is the subject-matter? The subject-matter is national parks. They are established by various statutes which have been enacted by Congress, not one line of which is disturbed by this paragraph. After those parks are established it becomes the duty, not of the Committee on Military Affairs, but of the Committee on Appropriations, to provide the funds for their maintenance. The Committee on Appropriations has the right to obtain information upon the subject. The Committee on Appropriations, although authorized to appropriate for every official that is named and prescribed in those several acts, is not obliged to do so if in the judgment of that committee those officials are unnecessary.

It is therefore entirely within the right of the Committee on Appropriations to acquire information upon which they can intelligently exercise that judgment and discussion which under the rules of the House is vested in them, and all that it is proposed to do by this paragraph is to acquire that information. It is quite true that if this paragraph proposed to amend the various park acts by abolishing the commissions attached to them, then it would be subject to a point of order. It would be subject to a point of order in the first place, because the committee has no jurisdiction over this subject; and in the second place, because it would be a change of existing law; but the Committee on Appropriations, having jurisdiction to give or withhold the support to the various commissions that are behind these various parks, has the right to have the information upon which that discretion can be intelligently exercised, and as this paragraph proposes nothing further than the acquisition of information for that purpose, I respectfully submit that it is in order in this bill.

Mr. STEVENS of Minnesota. Mr. Chairman, the construction of the paragraph seems to me hardly to bear out the contention of the gentleman from Massachusetts [Mr. MOODY]. I will read the paragraph submitted:

The Secretary of War is authorized and directed to prepare and submit, in the annual estimates, at the next session of Congress, a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, etc.

He is directed to prepare and submit a proposition providing for the consolidation of existing commissions in his next Book of Estimates. Now, as I have read the existing law providing for the submission of estimates, it provides for the submission of certain amounts for certain specified objects. If those amounts be changed, the Secretary is directed to note what the changes shall be, and note the reasons for those changes.

Now, that is the existing law, as I understand. Now, in addition to that this paragraph provides that in addition to the changes, in addition to the appropriations, he shall submit, further, a proposition for legislation for the consolidation of existing commissions. That is not an inquiry. It is not a change of amount,



nor is it a notation for a change. He is directed to submit proposed legislation. Now, it is true that the Committee on Appropriations has full authority any time they see fit to withhold appropriations from any one of these commissions. They have authority to cut down the expenditures for any of these commissions; they have authority to practically abolish them; but they have no authority to provide that one commission shall have jurisdiction over the territory of any other of the commissions. They have no authority and can get no authority within the rules to provide that the Gettysburg commission shall have authority over Shiloh or Vicksburg or Chickamauga, but that is what this proposed legislation for consolidation would do. It seems to me clear, therefore, that the proposed legislation would be an addition to the work now prescribed for the submission of estimates to Congress by the Secretary of War and that the proposed consolidation would be additional legislation contrary to the rule.

Mr. LOUD. Mr. Chairman, I would like to be heard for just a few moments, perhaps not strictly to the point of order. I would say that if I were in the chair I should hesitate a long time before I should overrule a point of order. But here are some gentlemen on the Military Affairs Committee and on the Committee on Appropriations who admit legislation of this character is absolutely necessary. Now, if it be allowed to remain upon this bill it will become a law. If we are to depend upon the Military Affairs Committee to satisfy, if you please, a jealousy that they may have, it is a command to one that it can not become a law at this session of Congress.

Now, I ask the gentleman here representing the Military Affairs Committee to waive the point of order. Enact your legislation if you desire and if you can. It can do no harm to have it here and in your bill, too, but when you consider the danger of the defeat of legislation of this kind I hope the gentleman will look at the good of the service and withdraw the point of order and permit this legislation to remain in the bill.

Mr. PARKER. Will the gentleman allow me to answer the implied question that he has put to me?

Mr. LOUD. Why, certainly; if it was an implied question.

Mr. PARKER. You asked me to waive the point of order, or to wait.

Mr. LOUD. I did, yes; in the interest of the public service, which you yourself admit this to be.

Mr. PARKER. It is in the interest of the public service that I ought not to waive or to wait. If this bill passes, what is the Secretary of War to say to the inquiry we have already addressed to him relative to this very subject?

Mr. CANNON. It does not affect it in the slightest.

Mr. PARKER. I beg your pardon, I will answer.

Mr. CANNON. All right.

Mr. PARKER. He will say he is "authorized and directed" to give this information at the next session, and that he is not asked for an immediate answer.

Mr. LOUD. That would not prevent him from sending the information to you upon your demand at once.

Mr. PARKER. It is a direction of Congress that he shall take the time to wait and investigate the subject until the next session before he furnishes the information. Meanwhile we are inquiring, and if the gentleman knew the position of affairs in the Military Committee he would feel my responsibility. I will say to him frankly that he will find a minority report in the files of this House with reference to one of these parks, the very best proposition possibly that was before the committee, which was reported in spite of the protest of the minority, establishing a new commission. Yet we have the greatest sympathy with the marking of battlefields and with the preservation for the people of the country of the memory of these battle grounds. But we have no sympathy with expenses which are wastefully incurred. At the same time we can not stop these propositions, we can not say to the gentleman from Mississippi, or the gentleman from Virginia, or the gentlemen from other States where there are battlefields, that they must wait, and that their propositions are all wrong.

Mr. LOUD. What has that got to do with this question?

Mr. PARKER. Why, in order to justify our stand, we must provide a system which will enable the marking of these battlefields to go on in an economical and proper way, instead of going on as it goes on now; we must have a system to propose to these gentlemen, and we must have it now.

Mr. LOUD. This will not prevent you.

Mr. PARKER. It prevents our getting an answer from the Secretary of War.

Mr. LOUD. Why, no. The gentleman says the request is already before the Secretary of War.

Mr. PARKER. And the Secretary of War—

Mr. LOUD. One moment. This bill can not become legislation for at least a month or six weeks, and perhaps two months.

Mr. PARKER. Is not this a revocation of our request?

Mr. CANNON. Oh, no.

Mr. LOUD. Not at all.

Mr. PARKER. Does it not direct the Secretary to prepare and submit the information in his next annual estimate at the next session of Congress?

Mr. LOUD. That is just what he will do if you prepare legislation along the line you suggest. But if I can not touch the gentleman's heart, then I have talked in vain, and I will quit.

Mr. MOODY of Massachusetts. Mr. Chairman, just a word more in reply to the gentleman from Minnesota [Mr. STEVENS]. I agree with him entirely that it would not be in order for the Committee on Appropriations to report a bill, or a section or paragraph of a bill, withholding any authority from the existing commissions in charge of the several battlefield parks, but I say again that the proposition is simply for the acquisition of information. It is the constant practice of the various committees of the House to report specific resolutions of inquiry which are in substance the same as this paragraph. This paragraph simply provides that the Committee on Appropriations, having the responsibility for the expenditure of the public moneys in respect to this service, ask the Secretary of War what it would cost to do this in some other way. There is nothing more to it. It in no way interferes with the Committee on Military Affairs, which has complete charge of this subject-matter. The question is, simply, tell us at the next session of Congress what it would cost to do this work, which is now extravagantly done—what it would cost to do it in another way, and I submit that it is within the authority of any committee in the House to make that inquiry. Now, this is constantly done, and inquiries are constantly answered by the various heads of the departments.

Mr. PARKER. Mr. Chairman, I have nothing to say, but simply want to submit a reference to that part of the rules which refers to change of existing law. On page 344 of the Manual I find the following:

A provision for compiling the record of tests of dairy cows at the Columbian Exposition was held to be legislation and subject to the point of order, although the law gives the Secretary of Agriculture certain general authority to acquire and diffuse information.

It is precisely in point. A provision specially authorizing the acquiring of certain information was held improper, although there was general authority already to acquire that information.

The CHAIRMAN. Does the Chair understand the gentleman from New Jersey to insist upon his point of order?

Mr. PARKER. Yes, sir.

The CHAIRMAN. The pending paragraph authorizes and directs the Secretary of War to do certain things which in the opinion of the Chair he is not now authorized and directed to do by existing law. In other words, it is an effort to enact law where no law now exists, and is thus a change of existing law and obnoxious to the rules, that—

no provision changing existing law shall be in order on any general appropriation bill or in any amendment thereto.

While the Chair has a great deal of sympathy with the spirit and purpose of the paragraph, he feels constrained to sustain the point of order.

Mr. CANNON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 98, after line 24, insert:

"No part of the foregoing sums for national military parks shall be used during the fiscal year 1903 for the payment of more than one commissioner for service in connection with each of said parks under the direction of the Secretary of War, nor shall more than 10 per centum of the sums for either of said parks be expended for salaries of clerks or other employees."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, \$19,000, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. CANNON. I offer the following amendment:

The Clerk read as follows:

On page 100, line 20, after the word "therefor," insert "under contract to be made with the Board of Charities of the District of Columbia."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City. For pay of inspectors and deputy inspectors, office force, and expenses of office, \$10,200.

Mr. PALMER. I would like to inquire of the chairman of the committee if the Government of the United States is paying \$70,260 every year to keep the people of New York from throwing ashes into their own harbor?

Mr. CANNON. I will say, in answer to that, there is a general law that establishes this service, and this appropriation is in pursuance of that general law; and my understanding is that it has been upon the theory that an ounce of prevention is worth a



pound of cure, and that it is practically a service for dealing with deposits of offal which accumulate in the city of New York, to see that it goes out to deep water. The act was passed in 1888.

Mr. PALMER. Would it not be a better plan to enforce the penal laws on the subject, that make it an offense to throw anything into the harbor of New York, and put a few of these people in the penitentiary, and save this \$70,000 that is spent by the Government?

Mr. CANNON. Still answering, that, I suppose, would cover some, but the fact is that nevertheless the law provides for this service; and I will call the gentleman's attention to the fact that New York Harbor is quite an extended harbor; that New Jersey has jurisdiction in part and New York in part, and that there is a large aggregation of people in Brooklyn, New York, Jersey City, and there is a very large commerce. I recollect when the legislation was enacted that it was urged, and I think truly, that the harbor of New York was very seriously impaired from filling up, because the police authorities were not able to enforce the carrying out of this refuse to deep water to be unloaded. Of course, the penal laws might meet it in part, if they could be enforced, and I am inclined to think that Congress did wisely in enacting the legislation; but let that be as it may, the legislation is upon the statute books.

Mr. PALMER. So that you can not do anything but appropriate the money?

Mr. CANNON. Oh, yes; it is in our power to withhold the appropriation for this service; but it is the duty of the Committee on Appropriations to report the appropriations with or without recommendations. We report it with a favorable recommendation. It is in the power of the Committee of the Whole to decrease it or to practically nullify it all so far as this service is concerned for next year by absolutely striking out all of the appropriation.

Mr. PALMER. Do not you think it would be a good plan to put the burden on the people of the city of New York of keeping that harbor clear, and not taxing the people of the United States for this purpose?

Mr. CANNON. The State of New Jersey is near by and you would put it on both of them. I have long been of the opinion that mankind ought to perform their duties, individually and collectively; but unfortunately they do not. The truth is, here is a great harbor, necessary to the commerce in which my friend is as much interested for his constituency as I am, further west; and all of us, perhaps, as much interested as the average citizen of New York. We spend a great many millions of dollars in deepening the channels and in improving the harbors and in having them policed.

Mr. PALMER. And you let them do it; you do not enforce the penal laws, but make us poor taxpayers pay \$75,000 a year to keep those pirates from throwing ashes into their own harbor.

Mr. CANNON. I have long believed that if I had supreme power I could go over to New York and straighten things out. [Laughter.] It would be a pretty big job, I know, with Tammany right in front of me; but I think if I had supreme power I could "turn the rascals out," and if necessary hire others in their places.

A MEMBER. At cheaper wages.

Mr. ROBINSON of Indiana. Mr. Chairman, I have never, I never shall, oppose an appropriation for the establishment or beautifying national military parks to commemorate the deeds of our heroic dead.

A pressing necessity compels us now to provide for the unfortunate and insane soldiers who come from the Philippines. In our memory of the dead let us not forget the unfortunate living.

Harrowing tales have been told by tongue and by press of the unfortunates who, coming to San Francisco by boat from the Philippine Islands, have been transported thence, diseased in mind and body, over the long, tortuous, and tiresome journey across the continent to the Government hospital for the insane, across the Potomac River from Washington.

We should be most merciful to these soldiers who enlisted and fought and went insane in the service of their country. Already 280 have come to St. Elizabeth Asylum. At least 100 a year will continue to come, according to the estimate of an expert authority. No human heart, no patriotic man desires that these insane soldiers, who voluntarily, for country, faced the dangers and vicissitudes that drove them mad, should have their malady enhanced by the exposures, perils, and troubles incident to a railroad transportation from California to Washington. Troubled minds need rest. Within a week or two a large body of soldiers—unfortunate, insane soldiers—landed at San Francisco and were hurried on their week's travel to the District of Columbia. The newspapers, the chroniclers of events, tell the story of these travels as each new group of insane are hurried away from the most salubrious climate in the world 3,000 miles to the hospital here.

It is not pleasant to see one bereft of reason in the garb of a

soldier, and every reason exists why this Government should take the earliest and best means in its power to cure the ills from which they suffer, and especially when this may have come from the unhealthy conditions that prevail in the tropical climate in which they served.

The Government asylum in Washington is crowded. A personal inquiry this morning brought me the information that there are 2,200 insane patients there, many of them huddled together in cramped and temporary quarters awaiting the building and completion of the addition to the present asylum which Congress so generously provided for in its appropriation of a million dollars two years ago. I am informed that the work is progressing satisfactorily, but that, when completed, it will only accommodate comfortably 2,600 inmates.

According to the annual report of the Secretary of the Interior for the fiscal year ending June 30, 1901, it is shown that at the beginning of the year there were 2,076 inmates, and that there were admitted during the year in addition 655, making a total of 2,731 under treatment.

During the year there were 226 deaths, 235 were discharged recovered, 77 improved, 17 unimproved, leaving on the records at the close of the year 2,177, divided as follows: Army, 847; Navy, 123; Marine-Hospital Service, 31; from civil life, 1,175.

As this institution cares for the District insane and transient insane at Washington, which constitute more than one-half of the total number, and as the population of the institution is constantly increasing, it seems apparent that there is not sufficient room for the Philippine soldiers there at the present time nor will there be on its completion.

The natural increment will, by the time the improvements are completed, tax its full capacity.

Unfortunately this asylum is near the Potomac Flats. The death rate at the institution is about 10 per cent per annum.

The vital statistics of the census of 1900 show the following mortality in the respective localities per thousand of population: District of Columbia, 23.65; Baltimore, 23; Cincinnati, 21; Chicago, 19; Buffalo, 18; Allegheny, 18; Los Angeles, 20; Oakland, 18.80; Stockton, 10.12. The last three points in California are those to which invalids go to recuperate and prolong their lives, and in consequence a higher mortality is shown. In point of climate and salubrity no argument is needed for California. The per capita cost of maintenance of a patient per annum in the asylum here is \$220; in California it is about \$150. It costs \$70 in railroad fare to bring an insane soldier from California to the asylum here, not counting the cost of the guard accompanying. Fifty-three per cent recover their faculties in four months. In such a case it will be seen that the cost of railroad fare is \$70 and the cost of cure \$72. This of course leaves out of consideration the cost of the guard who brings the patient to Washington. My information is that 75 per cent or thereabouts get permanently well.

Public duty, it seems to me, calls upon us to care for and cure these soldiers in California, not at the per capita cost at Washington of \$220, but at the per capita of \$150.

Every consideration that appeals to heart and mind calls upon us to do it.

In the last Congress the junior Senator from Maine, Senator HALE, introduced a bill, which was favorably reported by the senior Senator from California, Senator PERKINS, for the Naval Committee, and which passed that body, authorizing the Secretary of the Navy to care for the insane of the Navy and the Marine Corps in the asylums of California. Why has it not been done? It is right.

Every consideration, every reason, patriotic, financial, economic, appeals to the hearts and the minds of the American people not to permit a poor, unfortunate, insane soldier to be dragged across the continent 3,000 miles, from our most salubrious climate, and that man wearing the uniform of an American soldier.

I hope the chairman of the committee, I hope the members of his committee, I hope Congress, will see that those 100 insane from the Philippine Islands each year are cared for in that beautiful and salubrious climate of California. That great State stands ready with her institutions to care for the insane and unfortunate of our Army. [Applause.]

Mr. CANNON. Mr. Chairman, as I understand, there was a law enacted at the last session of Congress—I am so informed, though I have no recollection of it—permitting the treatment of insane soldiers at any State or other institution. Is that correct?

Mr. ROBINSON of Indiana. The bill to which the gentleman refers was Senate bill 5238. It gave the Secretary of the Navy authority to contract for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast at any asylum in the State of California. That bill passed the Senate, but did not pass this House.

Mr. CANNON. I was under the impression that such legislation had been enacted.

Mr. ROBINSON of Indiana. I am sorry that the bill did not

become a law. I think there would be no objection to it if it were brought up here. I simply rose to call the attention of the gentleman and his committee to the condition that prevails, and if the gentleman will allow me to trespass a moment further on his courtesy I will say that I believe it will be ascertained on inquiry at the insane asylum here that there is no objection to that measure whatever.

Mr. CANNON. In my judgment, whether the law passed or not, it is quite in the power of the Secretary of the Navy and the Secretary of War to have the soldiers or sailors treated by contract. If that is not the law, it ought to be, and I am informed by one who is much more familiar with the legislation that has been enacted than I am that such a provision passed, probably on the Army and Navy bill. If it is not the law, the Committee on Appropriations has no jurisdiction. If it is the law, then the Army and Navy appropriation bill would carry the appropriation.

Mr. ROBINSON of Indiana. I simply wanted to emphasize the condition that prevailed where these soldiers are brought clear across our country, with all their misfortunes, adding to their ailments as it must, and that the asylum people here and the authorities say they are so crowded that they would gladly welcome that kind of legislation.

Mr. CANNON. Well, I have no objection to my friend's emphasizing what he desires to say in the premises. I quite sympathize with him, but, after all, a little bit of action, if any is needed, is worth a good deal of emphasis.

Mr. ROBINSON of Indiana. I withdraw the pro forma amendment.

The Clerk read as follows:

For pumping station, pipe, etc., \$11,000.

Mr. CANNON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 104 strike out the lines 7 and 8, and insert in lieu thereof the following: "For increase and betterment of the water supply, \$6,000."

Mr. CANNON. I offer this at the request of the board of managers.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

In all, \$584,500.

Mr. CANNON. I desire to correct the total, and I offer the following amendment:

The Clerk read as follows:

On page 104, in line 19, strike out "eighty-four" and insert "seventy-nine."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

For new boilers, \$3,500.

Mr. STEELE. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 105, after line 15, insert "for guard barrack, \$7,000."

Mr. CANNON. I will state that the Board of Managers desire the appropriation.

Mr. STEELE. It was estimated for, and the Board earnestly urged it. It was overlooked in the printing of the bill, I suppose. It is very desirable that in that climate we should have this barrack, because they have no convenience of the kind whatever, and it is very hard for as old soldiers as they are to get from their barracks at all times to a headquarters where the guard must be distributed or assigned to stations.

Mr. CANNON. The committee left it out. It is estimated for, it is true. The committee left out an additional barrack that was estimated for at Leavenworth, for the reason that your committee was satisfied with the construction of the Home in Tennessee, that all parties that are entitled to be cared for would in the future be properly cared for; but I will not antagonize the amendment as the Board of Managers are of the opinion that the service at this point requires the barrack.

Mr. STEELE. Mr. Chairman, I would state about the barrack that it is believed that the Home now building at Johnson City, Tenn., and additional barracks at Togus, Me., and one at Leavenworth, they really ought to have, we will be able to take care for the next two years, provided the increase does not largely exceed what it has been in the last two years, of all soldiers coming to us, but this is more in reply to propositions for the building of new Homes than it is in reply to the chairman of the Committee on Appropriations; but the barracks suggested are really needed.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

For extension of electric-light plant, \$7,500.

Mr. CURTIS. I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Strike out, in line 16, page 108, the word "seven" and insert in lieu thereof the word "eleven."

Mr. CURTIS. This is recommended by the Board of Managers. They say they can not erect a plant for \$7,500.

Mr. STEELE. We have attempted to make contracts within the amount, but could not do it. It is absolutely necessary.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The Clerk read as follows:

Page 108, line 17, after the word "dollars," insert "for extension of boiler house, to be immediately available, \$7,500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CURTIS. I also offer the following amendment.

The Clerk read as follows:

Page 108, after the last amendment, insert "for additional boiler, \$6,500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The Clerk read as follows:

For one combined barrack, \$40,000.

Mr. CANNON. Mr. Chairman, I understand the Board of Managers are of opinion that this barrack ought to be constructed.

Mr. STEELE. The Leavenworth Home is in the center of a very large soldier population—taking them from New Mexico and Colorado and other points in the far West and Southwest—and I think it is in all respects desirable that we should have additional accommodations there. It is on about the same footing with Togus, Me.

Mr. CURTIS. I want to state further that the Home has been overcrowded for the last five or six years. The officers of the Home all claim that this additional barrack is needed.

Mr. STEELE. I will say to the chairman of the Committee on Appropriations that there is an additional reason why this kind of a barrack should be constructed. It is for the purpose of caring for the older men, who are unable to go to the dining room. It is practically an addition to the hospital, but at the same time it will make room in the barracks for newcomers to the Home.

Mr. CANNON. Now, Mr. Chairman, I want to just say a single word touching this appropriation, recommended, as it is, by the Board and also by the gentleman from Kansas. I shall not antagonize by my vote the appropriation for the construction of this additional barrack at Leavenworth. I want to say, however, that after much inquiry I am thoroughly satisfied that with the construction of this barrack and the completion of the Home in Tennessee, that the accommodations will be ample for all the soldier population in the future. I was of opinion, and your committee were of opinion, that this barrack should not be constructed at the Leavenworth Home. I will not go into the condition at other places, but I do say that to my knowledge there is ample room for many hundreds of soldiers in quarters already constructed and not occupied; but I defer in my judgment about it to the judgment of the Board and the gentleman from Indiana, a member of it, and withdraw any opposition to the construction of this additional barrack, expressing again the belief, that amounts to a conviction, that all who are entitled to relief under the law are and will be fully provided for in the construction of the Home in Tennessee.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Kansas [Mr. CURTIS].

The amendment was agreed to.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, \$25,000.

Mr. STEELE. I move to insert after the word "gas," in line 18, the words "oil, and water."

Under the present law we may procure natural gas by purchase, or drill gas wells, but we are also digging artesian wells in our country from which artesian water is sometimes obtained, and in some of the wells which are drilling for gas the gas is followed by oil, and we want this proviso in order to take care of those commodities as we find them in our own wells in desirable qualities and quantities.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Indiana [Mr. STEELE].

The amendment was agreed to.



The Clerk read as follows:

For repairs, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, \$25,000: *Provided*, That no part of the appropriations for repairs for any of the Branch Homes shall be used for the construction of any new building.

Mr. STEELE. Mr. Chairman, after the word "gas," at the end of line 2, I desire to offer the same amendment that I offered a moment ago, to insert the words "oil, and water."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, after the word "gas," in line 2, insert "oil, and water."

The amendment was agreed to.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, \$10,000.

Mr. STEELE. Mr. Chairman, I desire to add, after the words "Central Branch," in line 9, an amendment, which I ask the Clerk to report.

The amendment was read, as follows:

On page 111, after the words "Central Branch," in line 9, insert: "And for necessary expenses for the procurement, piping, and preservation of natural gas, oil, and water."

Mr. STEELE. I offer that for the same reason that I offered the other.

The amendment was agreed to.

The Clerk read as follows:

At the Danville Branch, Danville, Ill.: For current expenses, including the same objects specified under this head for the Central Branch, \$31,750.

Mr. STEELE. Mr. Chairman, I offer an amendment to that section.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, lines 14 and 15, strike out "thirty-one thousand seven hundred and fifty" and insert "thirty-three thousand three hundred and fifty."

Mr. STEELE. That is in order to increase the appropriation \$1,600 to provide for a commissary who has not been appointed at that post yet, where one is needed.

The amendment was agreed to.

The Clerk read as follows:

For hospital, including the same objects specified under this head for the Central Branch, \$33,100.

Mr. STEELE. I move to strike out the word "one," the last word in line 23, and to insert the word "eight."

The amendment was read, as follows:

Page 111, line 23, strike out the word "one" and insert "eight," so that it will read, "\$33,800."

The amendment was agreed to.

The Clerk read as follows:

For clothing for all of the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed, and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, \$300,000.

Mr. STEELE. Mr. Chairman, I did not get to speak to the chairman of the committee, but there is a call for \$310,000 for clothing, instead of what is provided in the bill.

Mr. CANNON. We gave the estimates.

Mr. STEELE. You are \$10,000 less than their estimates.

Mr. CANNON. It may be that you did not submit their estimates. If this estimate is submitted—

Mr. STEELE. The treasurer of the Home called my attention to it a very short time ago, and said an additional amount would be necessary, because provision had not been made for the probable number of men taken into the Danville Home during the next fiscal year.

Mr. CANNON. Well, I will see. Three hundred thousand was estimated; but if the gentleman says that for clothing, etc., \$300,000 is not sufficient and that the board desires an additional \$10,000—

Mr. STEELE. Suppose you make it \$305,000?

Mr. CANNON. It is a question of what is needed.

Mr. STEELE. I am told that they would absolutely need \$310,000.

Mr. CANNON. Are you satisfied that \$310,000 would be required?

Mr. STEELE. That would be my judgment, on his estimates.

Mr. CANNON. Offer your amendment.

The CHAIRMAN. The gentleman from Indiana offers the following amendment, which the Clerk will read.

The Clerk read as follows:

On page 113, line 3, after the word "hundred," insert the words "and ten."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; general treasurer, who shall not be a member of the Board of Managers, \$4,000; inspector-general, \$2,500; assistant general treasurer and assistant inspector-general, \$2,000; two assistant inspectors-general, at \$2,000 each; clerical services for the offices of the president and general treasurer, \$10,000; messenger service for president's office, \$144; clerical services for managers, \$3,400; agents, \$1,800; for traveling expenses of the Board of Managers, their officers and employees, \$15,000; for outdoor relief, \$1,000; for rent, medical examinations, stationery, telegrams, and other incidental expenses, \$6,000; in all, \$55,844.

Mr. STEELE. Mr. Chairman, I want to call the attention of the committee to a few changes that have been requested and recommended by the Board of Managers. I talked with the subcommittee about it, but for some reason or other the matter was overlooked. I am in hopes it was an oversight on the part of the Board. It is desired to increase the salaries of the inspector-general and the assistant treasurer by \$500. They asked for \$1,000. This would be just the same as the other officers are paid. They do not only inspect the National Homes and keep the accounts of the National Homes, but they inspect and keep account of the various State Homes, some 26 in number, and this involves a great deal of work. Living as they must at headquarters, it is very expensive. So that I do not believe that they have enough pay. I think they ought to have more, and I have asked for this amendment, and I hope there will be no objection to increasing the pay of these gentlemen to the extent suggested.

Mr. VANDIVER. How many are there?

Mr. STEELE. There is the inspector-general. His pay is \$2,500, and it is proposed to make it \$3,000. There are the assistant general treasurer and two assistant inspectors-general. Their salaries are each \$2,000, and it is proposed to make them \$2,500. I move that amendment.

Mr. BARTLETT. I would like to ask the gentleman if these salaries are now fixed by law?

Mr. STEELE. The salaries are fixed, or may be fixed, by the board of managers. The appropriations are made by Congress.

Mr. BARTLETT. I ask if the law does not prescribe the amount of the salary.

Mr. CANNON. It only dwells in appropriation bills, as I understand.

Mr. STEELE. That is all.

Mr. BARTLETT. You say the law does not fix the salary of these officers?

Mr. STEELE. Congress only makes the appropriation.

Mr. CANNON. Only as they are appropriated for. The gentleman from Indiana, I understand, now proposes to increase the salary of the inspector-general from \$2,500 to \$3,000.

Mr. STEELE. Yes, sir.

Mr. CANNON. And the assistant general's treasurer and assistant inspector-general from \$2,000 to \$2,500?

Mr. STEELE. Yes, sir.

Mr. CANNON. Two assistant inspectors-general from \$2,000 to \$2,500?

Mr. STEELE. Yes, sir.

Mr. CANNON. Do you offer this amendment?

Mr. STEELE. Yes, sir; I will offer this amendment. This was presented to the committee by the board.

Mr. CANNON. The matter was presented to the Committee on Appropriations and heard, and your committee did not follow your recommendation to increase the salaries, although I will confess that the recommendations made by the Board of Managers touching the administration of this fund have very great influence with me. We have not followed the policy in this bill of increasing salaries. In fact, it is not a salary bill. We did not report the recommendation; and still I want to be entirely fair with the Committee of the Whole, and if the gentleman for the board insists on this increase with the statement of fact I have said all I desire to say about it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 113, line 11, strike out "two" and insert the word "three;" and, after the word "thousand," strike out the words "five hundred," so that it will read "\$3,000." In line 12, after the word "thousand," insert the words "five hundred;" and, in line 13, after the word "thousand," insert "five hundred."

Mr. STEELE. And, in line 15, after the word "thousand," insert "five hundred."

The Clerk read as follows:

And, in line 15, after the word "thousand," insert the words "five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and of the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would

render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred from time to time, as the interests of the institution may require, by the Board of Managers.

Mr. PARKER. Mr. Chairman, I desire to reserve a point of order on this paragraph so that the matter may be explained. I do not quite understand it.

Mr. STEELE. We now admit to the National Home soldiers of the Mexican war, volunteer soldiers of the civil war, soldiers of the Regular Army who were disabled during the war or who became disabled after the war, and lately, by the action of Congress, we admit soldiers of the Spanish war. Now the object of this legislation is to enable the board, if it so desires, to make officers out of soldiers of the Spanish war as we now do out of soldiers of the other wars. On account of the age of some of the present incumbents, the necessity for this legislation must become more apparent every day.

Mr. PARKER. May I ask whether this matter was brought up by the board at the meeting of the Appropriations Committee. I can not find any proceedings on the subject in the report of the hearing.

Mr. STEELE. It certainly was.

Mr. CANNON. I do not recollect whether the hearings were reported or not, but this subject was certainly considered. We had an extended hearing on the subject.

Mr. PARKER. Then, as I understand, the object of this provision is to enable the board of managers to appoint as officers veterans of the Spanish war.

Mr. STEELE. If so desired.

Mr. PARKER. To enable the board of managers to appoint, if so desired, veterans of the Spanish war as officers, instead of being confined, as now, to veterans of the civil war?

Mr. STEELE. Yes, sir.

Mr. PARKER. May I ask also whether the provision for transfer from one Home to another is not entirely new?

Mr. STEELE. No; it is not new.

Mr. PARKER. I have not found that word in the old statute.

Mr. STEELE. For instance, we may now send soldiers to the asylum here—

Mr. PARKER. I am speaking of officers. The language of the bill is that—

Hereafter officers may be appointed, removed, and transferred, from time to time.

Mr. STEELE. That is to provide for a case of this kind: Suppose we have an officer who is well qualified and is doing duty in a certain Home and we establish a new Home, we may wish to transfer him to that new Home.

Mr. PARKER. But this word "transfer" is new in the statute?

Mr. STEELE. Yes, sir.

Mr. PARKER. I am only endeavoring to bring out an explanation for the benefit of the House. Although this matter may not have been brought up before the Committee on Military Affairs as it should strictly have been as a general provision with reference to Soldiers' Homes, I have no desire to obstruct by a point of order any legislation that may be desired by the Board of Managers of the Soldiers' Homes. Therefore, in view of the explanation which has been made, I withdraw the point of order.

The clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission as are in conflict herewith notwithstanding, \$80,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 3, on page 117, strike out "60" and insert "112," so as to read \$112,000.

Mr. CANNON. Mr. Chairman, the necessity for this amendment is fully set out in a letter from the Attorney-General, which I will ask to have inserted in my remarks, not taking time to have it read, unless some member desires that it should be.

The letter referred to by Mr. CANNON is as follows:

DEPARTMENT OF JUSTICE, Washington, D. C., March, 29, 1902.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,  
House of Representatives.

SIR: I send you a copy of a letter I wrote to-day to the Secretary of the Treasury, submitting an estimate for an increase in the amount originally estimated as necessary for the defense of suits before the Spanish Treaty Claims Commission for the fiscal year 1903 from \$80,000 to \$112,000, and have the honor to request that the sundry civil bill, in which this appropriation of \$80,000 is included as reported to the House, be amended so as to appropriate \$112,000. I will be glad to give you additional information as to the reasons for this increase in the appropriation if you think it necessary.

Respectfully,

P. C. KNOX, Attorney-General.

DEPARTMENT OF JUSTICE, Washington, D. C., March 29, 1902.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to request that a proper estimate be submitted to Congress for an increase in the amount to be provided for the defense of suits before the Spanish Treaty Claims Commission for the fiscal year 1903 from \$30,000, as requested by my letter to you of December 9, 1901, and as now provided in the sundry civil bill as reported to the House of Representatives, to \$112,000.

When the original estimate of December 9, 1901, was made the matter of the defense of suits had not progressed far enough, nor had work enough been done, nor the character of that work sufficiently developed to give the Department proper data upon which to base a correct estimate, that of \$80,000 being tentative.

To enable the Department to do the work anticipated during the coming year will probably require several additional assistant attorneys in Cuba and possibly one in Spain. The amount needed for obtaining testimony, paying witnesses, traveling expenses, and commissioners' fees in the United States, Spain, and Cuba can not be estimated with accuracy, but it is evident that the taking of testimony in Spain and in Cuba, with 400 cases on the docket for trial, will be large. I think it preferable to have a proper appropriation made at the outset rather than to have to call for a deficiency early in the session.

Respectfully,

Attorney-General.

The amendment was agreed to.

Mr. CANNON. I ask that the Clerk may correct the totals in accordance with the amendments that have been made.

There was no objection.

Mr. PEARRE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 4, page 117, after the word "dollars," add the following new paragraph:

"To enable the Secretary of War to reimburse George W. Dant for such expenses incurred by him in legal proceedings growing out of the Ford's Theater disaster on the 9th day of June, 1893, as the Secretary of War may decide to have been necessary, proper, and reasonable, \$3,000, or so much thereof as may be necessary."

Mr. CANNON. I will reserve a point of order on that proposition.

Mr. PEARRE. Mr. Chairman, I am not distinctly clear whether this is the proper place in the bill at which this amendment should be offered, except on the general theory that the Government of the United States is presumed to be continually pursuing the general public work or object of doing justice to its citizens. If, however, this appears not to be the appropriate place, I will, after the bill has been read, ask unanimous consent to turn back to the items under the head of the War Department, in order that—

Mr. CANNON. I make no point of order as to the place at which it is proposed to insert the proposition. If the Committee of the Whole should adopt the amendment, it can be inserted in the appropriate place. The point I make has reference to the merits.

Mr. PEARRE. Now, Mr. Chairman, as is well known, this whole community was shocked on the 9th of June, 1893, by a singularly fatal accident in connection with the collapse of Ford's old theater in this city, located on Tenth street between E and F streets NW. It had become necessary, it appears, in order to improve the electric lighting apparatus of that building, which was at that time used by the Government of the United States for the office of the Record and Pension Division of the War Department, to make certain excavations under or near the outer cellar wall, in order that the new electric lighting apparatus might be accommodated.

The Government asked for proposals for bids, bids were offered, and the successful bidder was George W. Dant, of the District of Columbia. The work to be done was a work of excavation, and he then became the general contractor to do the work. He, however, let out by subcontracts a great deal of this work and different portions of this work to other parties, each one of these contractors, under the proposals for the bids, being not under the control of Mr. Dant, the original contractor, but under the absolute control of officers who had charge of the building, namely, General Ainsworth, M. R. Thorp, chief of the supply division, and Mr. Sasse.

General Ainsworth had general charge of the building and of the work as Chief of the Record and Pension Division of the War Department. Mr. Thorp had charge of the building and was in the building itself, being a subordinate officer to General Ainsworth. Mr. Sasse was another subordinate officer to General Ainsworth, and was connected with the personal supervision of the excavations made by the subcontractors under their subcontracts with Mr. Dant, the general contractor. A clause in the proposals reads as follows:

All earth excavated must be removed at once and no accumulation of dirt allowed in or about the building. All excavation must be done at such times and in such manner as the officer in charge of the building may direct, in order that the work of underpinning and building walls may be safely and properly done.

It will appear from that section of the proposal for bids (which of course became a part of the contract and was written into the contract between the Government and George W. Dant, general



contractor) that the supervision and control of the whole work was placed in the hands of the officer having charge of the building and took it out of the hands of Mr. Dant, the general contractor, for the reason, as given in this section of the proposal, that the work might be "safely and properly done." Now, sir, in this excavation, which was made by a gentleman named Pullman, who was the subcontractor to do the excavating, the walls, it seems, were improperly taken out and the building collapsed and fell. There were 500 Government clerks in the building at the time and the loss of life and injury to limb was very great. The disaster was appalling. That the blame rested upon the Government was absolutely palpable and provable beyond question, and Congress very shortly began to make provision for the injured and the dead.

By the sundry civil bill of March 2, 1895, a commission was appointed to investigate the injuries and deaths caused by the collapse of this building, the Government thereby recognizing its liability, which of course was beyond contradiction. On the 11th day of May, 1896, a Senate committee, with Senator Faulkner as chairman of that committee, reported and recommended the payment of sums of money ranging from small amounts of \$500, in case of injury, up to \$5,000, in cases of death, the total recommendation of appropriations being over \$75,000. Indictments were prepared, in response to what appeared to be a general public demand, against General Ainsworth, Mr. Thorp, Mr. Sasse, and Mr. Dant. Those indictments were demurred to by the attorneys for General Ainsworth and Mr. Dant, and the demurrers were overruled by the supreme bench of the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARRE. I would like to ask the gentleman [Mr. CANNON] to give me time to complete this short statement. I will confine myself to the facts.

Mr. CANNON. I have no objection. It is quite within the discretion of the Chair. It is on a point of order. How much time does the gentleman want?

Mr. PEARRE. Five or six minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. PEARRE. Those demurrers, as I said, were overruled by the supreme bench of the District of Columbia. They were then taken upon appeal to the court of appeals of the District of Columbia, where the ruling of the supreme bench was sustained. New indictments were prepared, from which, however, the names of Mr. Thorp and Mr. Sasse were omitted, charging Colonel Ainsworth and Mr. Dant with manslaughter. These indictments were again demurred to and the demurrer sustained by the supreme bench of the District of Columbia, under the ruling of the court of appeals in the previous case, and an appeal was again taken by the district attorney to the court of appeals, and the court of appeals sustained their original ruling and held the demurrers good, thus determining, under correct legal process, that there was no criminal liability upon either Colonel Ainsworth, Mr. Sasse, Mr. Thorp, or Mr. Dant, the beneficiary of this proposed appropriation. The sundry civil bill, which was approved by the President of the United States on March 2, 1895, contains an appropriation for General Ainsworth, as follows:

To enable the Secretary of War to reimburse Col. F. C. Ainsworth, Chief of the Record and Pension Division of the War Department, for such expense incurred by him in legal proceedings growing out of the Ford Theater disaster on the 9th of June, 1893, as the Secretary of War may decide to have been necessary, proper, and reasonable, \$4,000, or so much thereof as may be necessary.

This clause is contained in the sundry civil bill appropriating \$4,000 to reimburse Colonel Ainsworth for all expenses to which he had been subjected on account of these prosecutions, which had been improvidently and incorrectly instituted against Colonel Ainsworth, as the courts decided. Mr. Dant stood upon exactly the same ground, or upon a better ground, than Colonel Ainsworth, because under the very proposal for bids the work of the subcontractor, Pullman, was placed under the supervision, not of Mr. Dant, the general contractor, but under the supervision of Colonel Ainsworth himself, in order that the Government might provide against the very calamity that subsequently happened.

General Ainsworth having been provided for by the appropriation of \$4,000, and each one of the victims of this awful disaster or their families having been reimbursed, certainly in part, this amendment proposes nothing but a simple proposition of elementary justice—that the same measure of compensation and reimbursement as has been measured out to others injured either directly or indirectly by the collapse of this building—for which the Government was responsible—should be measured out also to George W. Dant; and I respectfully submit, sir, that the Congress of the United States can not well afford to place itself in the position of making flesh of one and fish of the other and authoriz-

ing an appropriation of \$4,000 to an official of the United States Army connected with one of the departments of the Government who had absolute control and charge of this work under the very contracts under which it was done and yet fail to reimburse George W. Dant, equally injured, much less responsible, and much less liable in every sense than Colonel Ainsworth.

I submit that the Government of the United States, through its Congress, can not well afford to place itself in the position of sustaining such an injustice, and I confidently submit the matter to the House, believing that this appropriation ought to be and will be made.

Mr. CANNON. I think it is necessary for me only to say that by the gentleman's statement this claim has no legal status and is therefore subject to the point of order. I might go further and say I am inclined to think it has no moral status, but that is a matter that might come up if it should ever be reported from the Committee on Claims for the consideration of the House.

The CHAIRMAN. The Chair will rule on the point of order. At the second session of the Fifty-sixth Congress it was held that it is not in order to appropriate on an appropriation bill for an unadjudicated claim, even though it be transmitted to the House by an Executive message.

There are several rulings which hold that propositions to pay private claims against the Government are not in order on general appropriation bills. There seems to be a long line of decisions covering the point, and the Chair sustains the point of order.

The Clerk read as follows:

Prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of United States prisoners and prisons; to be expended under the direction of the Attorney-General, and to include salaries of all necessary agents in Washington, D. C., \$45,000.

Mr. ROBINSON of Indiana. Mr. Chairman, a short time ago I called to the attention of the committee the bringing across the country of the insane soldiers from the Philippine Islands. The chairman of the Committee on Appropriations has since called my attention to the fact that an appropriation had been made and warrant given in appropriation bills in the last Congress authorizing the Secretaries of War and the Navy to provide for the care of these insane soldiers on the Pacific coast.

Those who have read the sorrowful tales that were told of these travels of the insane, 100 a year from the Philippine Islands, would scarcely have thought that a law of that kind was already upon the statute books. I did not know it until reminded of it after the former debate. I believe it was placed on the appropriation bills in the Senate, only evidencing again that we sometimes look to the Senate for the wisest legislation.

I gave the gentleman from Illinois [Mr. CANNON] credit, as I always do, for his generosity of heart, and I knew the Committee on Appropriations would do its duty. I had no information that this had been done a year ago. But what I said with reference to the soldiers a few moments ago should appeal with equal force to the Secretary of the Navy and the Secretary of War, who now have the authority to do this and who may save the expense of \$70 for each insane soldier who comes here, that being the amount which the railroads get for transporting him to Washington, and do a grace to not only the soldiers, but to the American people.

I see that the next Secretary of the Navy [Mr. MOODY of Massachusetts] is in the room, participating in this debate, managing in part this bill, one who is esteemed by both sides of the House as but few men have been esteemed, and I know that it will enter his heart to carry out the provisions of the law that I shall have read from the Clerk's desk if it be within his power, if it be compatible with the public interests. I hope that my statement here, calling this matter to his attention, will result in these soldiers being cared for 3,000 miles closer to the scene of their misfortune, and where they will have that treatment, that climate, and that care that they so richly deserve of a generous Government, because of the misfortune that has come to them while fighting under the American flag.

I ask the Clerk to read from the law upon the subject, first from the United States Statutes at Large, volume 31, page 1163, the sundry civil appropriation bill of 1901, approved March 3, 1901.

The Clerk read as follows:

The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

Mr. ROBINSON of Indiana. And from the Navy appropriation bill, the same volume 31, page 1123, the Navy appropriation bill approved March 3, 1901.

The Clerk read as follows:

For the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses, \$35,000.

Mr. CANNON. Mr. Chairman, a single word. How many, under the provisions referred to, insane sailors and soldiers have been cared for at the Soldiers' Home at Santa Monica and the State asylum of California I do not know; nor do I know whether other State insane asylums have the capacity to treat the insane referred to; nor do I know whether it would in all cases be humane to have them treated upon the Pacific coast. Take a soldier of the gentleman's own district, to illustrate, returned from the Philippine Islands insane, treated on the Pacific coast, and, if he recovers, discharged.

I am not sure but what the soldier's relatives would much prefer that he be removed to St. Elizabeth's and treated there. I only refer to this. I think it was wise to grant discretion; but I am not at all prepared to say that that discretion has not been exercised with wisdom. I do not know what the facts are, but I could conceive of many cases where humanity would dictate that they should be brought to St. Elizabeth's rather than treated on the Pacific coast.

Mr. ROBINSON of Indiana. If I may interrupt the gentleman, I cordially agree with what the gentleman has stated all along on that subject at this time. I had inquired into this important subject at St. Elizabeth's Insane Asylum in the city of Washington, and I was not aware, and the authorities did not seem to know, that any arrangements had been made or law passed with reference to the Army insane, but on the contrary it was stated that they would have been entirely satisfied with arrangements in line with the suggestion that I made.

In addition to that, since speaking on the floor this morning I have seen the senior Senator from California, who had requested that this law be put in operation, and that the same had been promised, so that I rather think that it was an oversight on the part of the departments, for surely their patriotic hearts would do the best, and if in their opinion it is better to have it provided that the soldiers be cared for in California they will do it cheerfully and promptly.

Mr. CANNON. Read.

The Clerk read as follows:

Insular and territorial affairs: For defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, \$25,000.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word.

Here is another reminder of the fact that this country has gone into the colonial business. Twenty-five thousand dollars to be expended in the colonies, nobody knows what for, so nothing is said about it. Our possessions abroad bob up in this fashion whenever we have under consideration a general appropriation bill. First came the urgent deficiency bill with an appropriation of \$500,000. As one by one the general appropriation bills appear each carries an appropriation of money to be expended in this new venture, and so the total is amounting to many millions. A peculiarity of all these appropriations is that they are vague and indefinite as to what the money is to be expended for. The Committee on Appropriations has no difficulty whatever in prescribing, item by item, the sums to be expended in the various departments of the Government at home. Not so in the colonies.

As showing the impossibility of systematic, decent, orderly administration in our colonial possessions, these appropriations speak volumes. What is to be done with the money nobody knows, so in comes an omnibus provision vesting in somebody power somehow to spend so much money for indefinite purposes. This is only one of the peculiarities of these appropriations. Another is that nobody has told us definitely what the taxpayers may expect in return. I have never heard an answer to the question propounded on this floor repeatedly, How is the country to be compensated for this great outlay? How are we to receive a return upon the investment? Who is being benefited by the outlay of so much cash? We are not benefiting the Filipinos. We are killing them by hundreds. We are not benefiting the commerce of the United States.

Every country that trades with the Philippine Islands has made gains greater than the United States since the war began there. Early in the discussion, nearly two years ago, the distinguished gentleman from Ohio [Mr. GROSVENOR], in an outburst of adulation and praise of his party for the great conquests in the Orient, declared that it was our purpose to hold to these outlying possessions, and that incidentally we were going to make what money could be made out of them—a shock to the intelligence of the country, doubtless, for I believe that no considerable

number of our people are willing to go to war for plunder and profit.

But waiving all this, the profits have not been forthcoming and are not in sight. We have been told that the islands are enormously rich. That is true, doubtless. But what does rich mean? The riches of a country consist of its resources, its productiveness; and the Philippines are very productive, but what good does that do us? We refuse to avail ourselves of their productiveness. The Republicans on the Committee on Ways and Means have been wrangling for two months in an effort to shut out of our markets Cuban sugar and tobacco. It is because the Philippines produce these commodities that they are called rich. What of it? You will not allow them to exchange these commodities for American goods. Thus, when the products of our insular possessions are offered to us, we shut the door in the face of our vassal races. If we would trade with them, possibly our vassals might be of some advantage to the country. But we will not allow them access to our markets.

When the little island of Porto Rico came under our dominion, which I was heartily in favor of, it was said that it was the most prolific island in the West Indies; but instantly the Republican party declared that we could not afford to permit the little island to send its products here. So they say concerning Cuba. As to the Philippine Islands, we are told that enough sugar could be grown over there to glut the markets of the world. If that is true, then the Philippine Islands are rich. All we have to do is to open our markets to them, and our people would receive this sugar and give them commodities in exchange for it. But we put up a Chinese wall and avoid this exchange. Tell me, then, how are we to avail ourselves of the riches of which you have boasted?

Is it not a little remarkable that we should possess ourselves of islands of great natural wealth and resources and then put prohibitive tariffs on their productions? What is commerce but reciprocal trade? If we say to the Filipinos, "Thus far and no farther shall you develop your trade with us," we say to the American producer, "Thus far and no farther may you go in developing your trade with the Filipinos."

I can not conceive of anything more ridiculous and absurd than such a position. Send armies abroad to conquer countries because they are productive, violate the Constitution of our country in the manner of their government, trample its provisions under foot, all in the name of expanding commerce, and then, when commerce would expand, manacle the limbs of our traders, build up a wall about the subject peoples we have conquered by violence, and declare that no trade expansion shall take place. Having done this, the Republican majority brings in appropriation bill after appropriation bill, vague and indefinite in their terms, and, in the aggregate, amounting to many millions, and ask the American taxpayers to go down into their pockets and foot the bills—all for the purpose of building up a great trade in the Philippines! [Applause.]

The Clerk read as follows:

For payment of regular assistants to United States district attorneys who are appointed by the Attorney-General, at a fixed compensation, \$185,000.

Mr. MANN. I move to strike out the last word. I wish to make an inquiry of my colleague [Mr. CANNON] about these items in reference to the pay of assistant district attorneys. I see here is an item of \$435,000 for "district attorneys and their regular assistants." Then there is another item "for payment of regular assistants to United States district attorneys" \$185,000. What is the difference between the salaries of the regular assistants?

Mr. CANNON. The gentleman has not read the language of the bill closely. The first clause is:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, \$435,000.

That is, the expenses of those two classes of officers—district attorneys and their assistants. The other paragraph is:

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, \$185,000.

The gentleman notices the difference in the language?

Mr. MANN. I notice that the language is susceptible of two constructions. That is the reason I asked the question.

Mr. CANNON. I hardly think that the language admits of two constructions.

Mr. MANN. What I wished to inquire was what the two items were for—whether the first item included salaries of district attorneys.

Mr. CANNON. No, the language is: "Expenses of United States district attorneys and their regular assistants." Now the next item is "for payment of regular assistants to United States district attorneys who are appointed by the Attorney-General at a fixed annual compensation."

Mr. MANN. Are they all appointed by the Attorney-General?



Mr. CANNON. I think all the assistants are so appointed, but the district attorneys are appointed by the President and confirmed by the Senate.

Mr. MANN. Of course. While I am on the floor may I ask the gentleman in reference to the item beginning on line 16—"for fees of clerks, \$340,000?" Is the gentleman able to inform us exactly in reference to the compensation of these clerks?

Mr. CANNON. Under an amendment made to the law two or three years ago the fees go into the Treasury and appropriations are made for the payment of the salaries, which, according to my recollections, do not exceed \$2,500. It is my recollection—I may be mistaken; perhaps I am not as familiar with this matter as I ought to be—that the law was revised under the lead of the chairman of the Judiciary Committee, the gentleman from New York [Mr. RAY].

Mr. LACEY. Mr. Updegraff.

Mr. CANNON. Yes, it was Mr. Updegraff, then a member from Iowa.

The Clerk read as follows:

The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same.

Mr. PALMER. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the Committee on Appropriations what has happened since 1895 to raise this appropriation for public printing and binding \$2,504,000 to \$5,297,000, nearly doubling it in five years?

Mr. CANNON. The expenditure for public printing and binding depends purely upon legislation by Congress and the amount of work that is ordered by Congress and the growth of the public service as registered in the Executive Departments. Take the Post-Office Department, for instance. The growth is wonderful. So it is all along the line of the public service. When you come to Congress proper, the growth of printing for the use of the House and all its members individually and collectively and of the Senate has been very extraordinary, and this registers, I will say again, the growth of the country, and, I was going to say, the extravagance of Congress, but I will not say that.

Mr. PALMER. That is what I want you to say.

Mr. CANNON. Then there is something of growth in the increase of wages of Government employees—20 per cent increase, as I recollect, in the Government Printing Office alone, in wages. There has been something of an advance probably in five years in material. Consideration is given, I have no doubt, for all these expenditures, and the only way to cut it down is by the economy of the House and the Senate.

Mr. PALMER. I would like to ask the gentleman if he does not think it is pretty near time to call a halt?

Mr. CANNON. Well, I have been trying to call a halt, as one member of this committee, in these expenditures for many, many years, but the committee will not halt. I would welcome any effort on the part of my friends. [Laughter.]

Mr. PALMER. I am simply inquiring for the purpose of seeking information. I want to inquire if the gentleman does not think that about three-fourths of all the stuff that is printed is practically unnecessary and useless?

Mr. CANNON. Well, I should hardly say that. I believe there is much of printing of documents that is unnecessary. You have got to print all that are ordered, of course. I think many documents are printed under the law where a less number might well be printed, much of printing that from my standpoint is useless, and if I had my way about it there would not be much of printing I think in connection with the House except that what my friend says and what I say. [Laughter.] But there are about 360 others.

Mr. PALMER. You do not think you and I monopolize all the sense there is here, do you?

Mr. CANNON. Well, I don't know that it would be modest for me to answer that question.

Mr. PALMER. Well, whenever you want to call a halt, you have one recruit, I will say that.

Mr. SCOTT. Mr. Chairman, if I might offer a suggestion, I have been advised by men who are familiar with the workings of the Printing Office that a very large part of the unnecessary expense of that department grows out of inefficient editorial work in the departments, due partly to lack of training on the part of those who prepare the copy, and partly to dilatoriness on their part. Proofs will be sent out and will not be returned for weeks, and there are at times tons of type tied up on the imposing stones of the Printing Office waiting the return of proofs, and if there could be any reform brought about in the matter of the editorial force of the various departments it would save one of the largest leaks in the Printing Office.

Mr. CANNON. Well, there is something of well-founded complaint along that line. There has been a constant contest and always will be, no doubt. I recollect that some years ago that one of the bureaus of the War Department made quite a report on the subject of botany, and we tried to cut that out by the roots, and, I think, succeeded, but every once in a while it crops out. Then, once in a while, we have some zealous Representative or Senator—and I will not speak of a Senator as such—that is wonderfully industrious, and sometimes fills more pages of the RECORD than my friend or I would think wise; but after all it may be wise to remember that the growth of this appropriation in large part shows the growth of the country and the growth of the public service. Let me give the gentleman one instance upon these monographs of the Agricultural Department. I recollect in the name of our good farmer friends—and I am a farmer myself—we doubled, if not trebled, that appropriation, and there you are. We have to act here. The House and the Senate have control of the whole shooting match, so that we can not shift the responsibility onto the shoulders of somebody else touching this expenditure.

Mr. PALMER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN. Without objection the Clerk will be given permission to correct the totals of the bill.

There was no objection.

Mr. CANNON. I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not the Chair will submit them to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

#### REVENUE-CUTTER SERVICE.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate bill 1025, to promote the efficiency of the Revenue-Cutter Service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, with Mr. OLMSTED in the chair.

Mr. SHERMAN. I will yield to the gentleman from Georgia [Mr. ADAMSON] for five minutes. Will that be as much time as the gentleman cares for?

Mr. ADAMSON. Yes.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] yields to the gentleman from Georgia five minutes.

Mr. ADAMSON. Mr. Chairman, I regret that, owing to a deep-seated and very severe cold, I shall be unable to speak with comfort or satisfaction for any considerable length of time. After making one or two observations I shall yield back the remainder of the time which has been so courteously allotted to me.

I have heard very few objections to this bill. It is well known to everyone that before the Navy was created the Revenue-Cutter Service did our fighting in time of war, and that is the only time when the Army and Navy fight now, or ever fought.

In answer to our proposition that the officers of this service should be placed on an equal footing with the officers of the Navy we hear two objections. One is that it is not a fighting body, but a civil establishment, and the other is that the enactment of this legislation would be an entering wedge for a civil pension list. I believe that states the whole case of the opposition.

Now, in the first place, the Revenue-Cutter Service fights, and fights valiantly and gloriously when there is occasion, and has done so in every war. The fact that in times of peace it works in patrolling the coast and attending to the enforcement of our revenue laws is that much to its credit. The officers of the Revenue-Cutter Service do not frolic on land in time of peace, and in time of war they fight as much as anybody else, and more.

Now as to the other point, Is this an entering wedge to a civil pension list? I say no; the line of distinction is clear and marked. Those who bare their breasts to the storm of battle and wage their country's wars are entitled to pensions, and I stop here and now at that.

I yield back the balance of my time, and hope that the gentleman from North Carolina [Mr. BELLAMY] will be afforded as much time as possible. [Applause.]

Mr. SHERMAN. I yield thirty minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Let me say, Mr. Chairman, that I am sincerely in favor of this bill to promote the efficiency of the Revenue-Cutter Service, because, in my judgment, it is a just, a patriotic, and a meritorious measure. No fair-minded man who will take the trouble to carefully examine the history of the Revenue-Cutter Service of this Government will seriously oppose this bill on its merits. There is no brighter, no grander, no more self-sacrificing page in American history than that written by the heroic achievements and the commendable acts of the men in the Revenue-Cutter Service. They are entitled to all they ask for in this bill, which is nothing more or less than simple justice, and Congress will be false to every sentiment of gratitude if it denies their just demands.

The Revenue-Cutter Service was created by law at the very inception of the Government. It was established before the Department of the Navy, and for that reason it was made a part of the Treasury Department. But it is and always has been more military than civil. Investigation proves beyond question that in its organization, general features, military character, naval discipline, and duties the Revenue-Cutter Service is now and always has been constantly regarded as a part of the military service of the Government for both offensive and defensive operations; that it has taken an active and brilliant part in every war of this nation.

To go no further back than the war of 1898 with Spain, this Service was in that war from Manila to Cuba. To illustrate the conditions under which the Revenue-Cutter Service fought in that war, take the action off Cardenas, fought on May 11, 1898. The active forces engaged on that date on the American side against the shore batteries and gunboats at Cardenas were the gunboat *Wilmington*, the torpedo boat *Winslow*, and the revenue cutter *Hudson*, the latter serving by Executive order in cooperation with the Navy. What happened is best told in the following letter:

NAVY DEPARTMENT, Washington, D. C., June 15, 1898.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant and to forward herewith a copy of the report requested. I regret that inadvertently a copy of this letter was not forwarded to you immediately after it was received.

The rescue of the *Winslow* by the *Hudson* was so gallantly done, in the face of a most galling fire, that First Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, his officers and men, deserve the warmest commendation.

The *Winslow* was riddled with shell, disabled, helplessly drifting onto the beach into the hands of the enemy, her captain wounded, her only other officer and half her crew killed, but the *Hudson* courageously remained by her in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally a line was made fast to the *Winslow* and that vessel towed out of range of the enemy's guns.

Very respectfully,

JOHN D. LONG,  
Secretary.

THE SECRETARY OF THE TREASURY.

The object of this illustration is to prove, if any such proof be necessary, that one service is subject to the same conditions and exposure in war as the other, while the provisions of law thrown around the one are studiously denied the other, and it is the object and purpose of this bill to correct these conditions. Who will say that the commander of the *Hudson* was not worthy of the emoluments received by the commander of the *Winslow*, by whose side he steadily fought throughout, and whose life and vessel he saved from destruction?

The history of the service from its organization in 1790, through all the wars of the nation, is replete with instances of heroism both in peace and in war. The first gun of the civil war on the Union side was fired from the deck of a revenue cutter (the *Harriet Lane*) and the first gun of the war with Spain at Manila Bay was fired from another (the *McCulloch*).

It is only necessary to read the history of the country to ascertain that the brave and gallant men of the Revenue-Cutter Service did heroic work in the Revolutionary war, in the war of 1812, in the Mexican war, in the Seminole war, in the civil war, and in the war with Spain. How can anyone successfully contend, in the face of these facts, that the Revenue-Cutter Service is more civic than military? The record answers. The Revenue-Cutter Service is as much a part of the military arm of the Government in time of war as the Marine Corps.

And, sir, if the officers of the Army, the Navy, and the Marine Corps are entitled to rank, to longevity pay, and to retirement

after long and faithful service, then, in the name of justice and consistency, why should not the officers in the Revenue-Cutter Service be entitled to the same rights and to similar privileges?

Now, Mr. Chairman, what does this bill do? Very briefly, all that this bill does is to give to the men in the Revenue-Cutter Service rank. And how high rank? Only to the degree of a captain. By the terms of this bill no officer in the Revenue-Cutter Service can rise above the rank of captain or get a higher title than that of captain. The largest pay the highest officer in this service can receive is the same pay a lieutenant-commander in the Navy receives. Then this bill gives the Revenue-Cutter officers the right to be retired when they are old and physically incapacitated by wounds, exposure, and long service in all kinds of weather, in stress and in storm, in trial and in triumph, in sunshine and in rain, in peace and in war.

That is all that this bill does. What honest opposition can there be to it? The officers in the Marine Corps have now all these rights. Why make flesh of one set of officers and fowl of the other? Why discriminate against these brave and honorable men of the Revenue-Cutter Service? They ask for nothing in this bill that is not fair and just and right and proper.

There is not a member in this House who can arise in his place and say one derogatory word against the valor of these faithful men and the justice of their demands and claims as embodied in this bill.

There does not appear to be any valid reason why a body of officers who in every other respect serve upon a level with those of the Army and Navy should be denied equal compensation. The following table will show the wide difference which exists in this particular, while it also shows an unjustifiable discrimination against the officers of the Revenue-Cutter Service:

Difference in pay of officers, rank for rank, in the Army, Navy, and Revenue-Cutter Service after twenty years of service.

Army.		Navy.		Revenue-Cutter Service.	
Rank.	Pay.	Rank.	Pay.	Rank.	Pay.
Majors.....	\$3,500	Lieutenant-commanders.....	\$3,500	Captains.....	\$2,500
Captains.....	2,530	Lieutenants.....	2,520	First lieutenants and chief engineers.....	1,800
First lieutenants.....	2,140	Lieutenants (junior).....	2,140	Second lieutenants and first assistant engineers.....	1,500
Second lieutenants.....	2,000	Ensigns.....	2,000	Third lieutenants and second assistant engineers.....	1,200

It is essential to the morale and efficiency of any service such as this that there should be some reward for length of service. In the Army, Navy, and Marine Corps this is given in the shape of an increase of compensation at the rate of 10 per cent for each five years of service up to twenty years, or 40 per cent. Why should these officers, who are upon the same level in all things else, in life tenure of office, in general duties in peace and war, be denied this consideration?

It must be obvious that an officer who has served a given number of years in a particular grade should be entitled to better compensation than another who has just been promoted to that grade. Under existing conditions an officer who has served twenty years in one grade gets exactly the same compensation as another who has just been promoted to that grade.

But to illustrate further: Suppose that there are 30 officers in a given grade; that the annual salary of each officer of that grade is \$1,800, that the first 10 of these have served fifteen years, the next 10 have served ten years, and the remaining 10 five years, then—

The first 10 would receive \$1,800 plus 30 per cent.....	\$2,340
The next 10 would receive \$1,800 plus 20 per cent.....	2,160
The remaining 10 would receive \$1,800 plus 10 per cent.....	1,980

But without the percentage of increase the man who has served fifteen years would receive no more than he who has served but five years.

Under date of March 31, 1884, the Hon. Charles J. Folger, then Secretary of the Treasury, in a letter addressed to the chairman of the Committee on Commerce, House of Representatives, when recommending the enactment of a bill covering the features of this one (S. 1025), used the following language on the subject of an increase of compensation for length of service:

A third provision, to wit, that providing increase of pay for length of service, commends itself to my judgment as just and advantageous in a public sense. It seems to me based upon correct business principles, it being generally recognized that experience gives value to labor in proportion to the intelligence of the laborer and the importance of the work performed. In a technical service this is peculiarly the case, every year adding to the skill, trustworthiness, and ability of the officers.

There should not be, and there can not be, to my mind, any reason why, if officers of the Army, Navy, and Marine Corps are



thus provided for, the officers of the Revenue-Cutter Service should not be. The latter perform every duty in peace and war that officers of the Navy do. The Revenue-Cutter Service is not a volunteer service, but is an organized regular service, just as much as the Army, Navy, or Marine Corps, and is subject to the orders of the President just as they are.

The necessity for this legislation has been urged upon Congress by every Secretary of the Treasury from 1872 to 1901.

President McKinley, in his message to the Fifty-sixth Congress in December, 1900, used the following language:

Attention is invited to the recommendations of the Secretary of the Treasury for legislation in behalf of the Revenue-Cutter Service, and favorable action is urged.

It should not be forgotten that the officers of the Revenue-Cutter Service who will be retired under the age clause of this bill must serve until they reach the evening of life, or 64 years, while the naval officer must retire at 62, and that an officer may be retired in the Army, Navy, and Marine Corps after thirty years of service. The Revenue-Cutter Service asks that when old age sets in, after a lifetime spent in service, or when they become incapacitated from disability contracted in the performance of duty, that they may retire from active work and peacefully end their days upon the same terms that are accorded to officers of the other technical services of this Government.

The fact must not be lost sight of that of the 37 captains now upon the active list of the Revenue-Cutter Service, 16 have served from thirty-two to forty years, while the remaining 21 have served thirty years, each as commanding officers, while there is not an officer in the Navy of the grade of lieutenant-commander who has served as a commissioned officer over thirty years.

Now, sir, in regard to the objection of some that this bill will tend to create a civil pension list, I wish to say that it will not create a civil pension list any more than the Navy or the Marine Corps has created a civil pension list. There is no difference. There is not and there can not be any valid distinction. The Revenue-Cutter Service is and always has been essentially military.

Its military character was officially stated by the Treasury Department in the report of the service in 1881, as follows:

The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of small arms.

Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

By act of March 2, 1799, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy. It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for specific purposes and when less hazard is involved to the two services than pertains to the discharge of a revenue vessel of its ordinary duties.

But if in legal theory they are civil employees, are they so in fact? Are they less positively a part of the military force in time of war than the Army or Navy? It is true that revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so directs; but neither are the vessels of the Navy.

The status of the Revenue-Cutter Service is therefore that of a coast-guard navy, as the Navy proper is an ocean navy. The one polices the coast and the other the ocean.

There is no duty performed by naval vessels in time of peace that can not be and has not been performed by vessels of the Revenue-Cutter Service, while in time of war they have taken part with the sister service.

The seizure of smugglers and the prevention of illicit trade—the only duty of the service that has direct relation with the collection of customs—is precisely similar to the duty of naval officers in seizing vessels engaged in contraband trade in time of war. Other duties of the Revenue-Cutter Service—such as the enforcement of the neutrality laws, the suppression of piracy and of mutinies in merchant vessels—are now actually imposed on and performed by the Navy in common with the Cutter Service.

The Revenue-Cutter Service manages to keep busy year in and year out. Like the Army and the Navy it is on duty all the year round; but unlike them, it has no winter season when its duties are less than at other times. In fact, the winter is the chief season for the revenue cutters, for then its vessels must be on the lookout for wrecks more carefully than ever. The report of the

Secretary of the Treasury shows briefly the operations of the service during the year ending last June, as follows:

Distance covered (nautical miles).....	312,091
Lives saved (actually rescued).....	55
Vessels boarded.....	20,089
Vessels seized and reported for violations.....	309
Fines of vessels so reported.....	\$54,800
Vessels assisted.....	77
Value of vessels assisted with cargoes.....	\$4,923,095
Persons on board assisted.....	3,520
Persons in distress cared for.....	201

This indicates considerable activity during the year on the part of our oldest military branch of the Government. Splendid record for one year, but it has been the same to a greater or a lesser degree year in and year out for more than a century.

Yes, Mr. Chairman, as an American citizen I take a great pride in the Revenue-Cutter Service, and as a member of Congress I am glad to say I favor this bill because I believe it is just, because these brave fellows have earned this reward and this recognition, and because I know the service the men on the revenue cutters of the United States do. From the icy waters of Alaska to the coral strands of Florida these men are always on deck, always on duty, always earning their pay, always in the service of their country. These men in time of peace do a great work saving lives, enforcing the law, and looking after wrecks and derelicts on the high seas. Their work is never done.

The duties of revenue cutters in times of peace appeal to the public more forcibly than in times of war. At the present time a cordon of cutters is cruising along our Atlantic coast, not to suppress smuggling, as that has been almost entirely stamped out, but in the interest of humanity, to rescue the shipwrecked mariners, to lend aid to vessels in distress, and to destroy those menaces to life and property on the seas, the numerous derelicts, whose specter-like forms are almost daily encountered along the ocean highways.

These are the men who are asking us for relief—who are asking us to pass this bill—men who share equal danger with their more favored brothers in the Army and Navy in times of war, and who, in times of peace, having no sinecure to drop into on shore, are daily performing the most hazardous duties at sea in the interest of humanity. Will you not give to these brave officers the same consideration you give to the Army and the Navy? The Revenue-Cutter Service, coeval with the foundation of our Government, a part of all of our history in war and in peace, is now knocking at the door of the American Congress, asking for just treatment. In every war it has been true to the flag. The record it has made is the priceless heritage and the proud boast of every patriotic American. There is no day in the week, no month of the year, that these men in the Revenue-Cutter employ of the Government do not practically take their lives in their hands when they go to sea.

The Revenue-Cutter Service is not under the civil service, except for the fact that, as a matter of convenience, it is so classified in making the appropriation for its maintenance. No civil employee is compelled to fight for his country except he volunteers; yet every Revenue-Cutter officer is, simply by direction of the President, required to cooperate with the Navy in any duty whatsoever.

Never has a war been fought upon the seas by this country that the Revenue-Cutter Service has not taken an active part, whether it wanted to or not. Can this be said of any other branch of the civil service? When Congress, as a reward to volunteers on sea and land, voted two months' extra pay to each, did the Revenue-Cutter Service receive such extra compensation? The Auditor for the Navy and the Comptroller of the Treasury promptly decided that this service is a part of the regular establishment for the defense of the Government, and as such could in no way come under the classification of volunteers.

This bill passed the Senate without a dissenting vote. It ought to pass this House without division. It is as just a measure for as brave and as gallant a band of men as ever was submitted for consideration to a legislative body, and I hope, I believe, it will soon be a law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. BELLAMY] for fifteen minutes.

Mr. BELLAMY. Mr. Chairman, I can not expect to add much to the arguments that have already been presented in favor of this measure in the short time allotted to me, but I desire simply to reenforce what has been already said, and to give some additional reasons for the passage of the pending measure. This bill has very unjustly and improperly been stigmatized as a bill to create another civil pension list.

Mr. Chairman, as an original proposition, if a bill was proposed before this body to-day to retire the officers of the Army and Navy, I myself would not give it my sanction. In fact, in this country of ours, I do not as a general rule believe in having a retired list; but it has grown up in our system for the Army and



Navy, and in a part of the service—the Revenue-Cutter Department—which is just as effective and which, both in war and in peace, is the equal of the Navy in every respect, if not its superior in some, I think it is an injustice to the men in the Revenue-Marine Service to withhold from them the compensation and emoluments that are extended to the Navy.

Now, Mr. Chairman, let me say that I was much impressed by the arguments of the gentleman from New York [Mr. SHERMAN] and the gentleman from Wisconsin [Mr. MINOR] in support of this measure. The gentleman from New York [Mr. SHERMAN] gave to this body the course of study that the cadets on a training ship of the Revenue-Marine Service, after being admitted to the service, had to pass, and compared it with that of the Navy, showing conclusively to my mind it was an equally efficient education and made men just as cultured, just as patriotic, just as competent to man the Navy of our Government as does the course at Annapolis. I do not believe that an education at West Point or Annapolis makes an aristocracy of its graduates.

Mr. Chairman, there must be in a man to make him a gentleman something more than a college can give him. There must be moral instincts which come not alone from training, but must be there by nature.

Here and there my lord is lower than his oxen and his swine;  
Here and there a cotter's babe is royal born by right divine.

But, sir, let me say that if the members of this body will consult the manual of examinations of the classified civil service they will see there the requisites of admission to the training ship in the Revenue-Marine Service, and will also see the examination required of cadets who apply for admission to the Naval Academy. During the last year the officers in charge of the Naval Academy applied to the Civil Service Commission to have the examination of cadets take place in various parts of the country for the convenience of the applicants; and let me show you how much superior the requisites for admission to the Marine Service are to those for admission to Annapolis.

On the first day of the examination for admission to the Revenue-Cutter Service there are exercises in spelling, geography, history, the Constitution of the United States, and grammar. On the first day of the examination for admission to Annapolis they have punctuation, grammar, geography, history, world's history, reading, and spelling.

On the second day to be admitted to the Revenue-Cutter Service the examination comprises algebra, including quadratics and binomial theorem, geometry, plane and the elements of solid, and trigonometry, plane. What is prescribed for admission to the Naval Academy? Simple arithmetic and algebra.

On the third day for admission to the Naval Academy it is geometry, and in no instance are they examined upon simple trigonometry, or spherical trigonometry, or the higher branches of mathematics.

On the third day of the Revenue-Cutter Service examination they are examined on physics, chemistry, inorganic, and general information. These subjects are not examined on at all for admission to Annapolis. Now, I say, sir, there are very superior and higher requisites for admission to the Revenue-Marine Service over that for admission to Annapolis.

Now, Mr. Chairman, let me submit another reason to my brethren here to-day. The remarks of the opponents of this measure have impressed me very much, that the gentlemen who have been antagonizing this bill are thoroughly unacquainted with the methods, practices, and requirements of the Revenue-Marine Service. I believe I am safe in venturing the assertion that there is not a man who has raised his voice against this bill upon this floor who has ever in his life been on the deck of a revenue cutter, not one.

It takes some familiarity with the sea, it takes some acquaintance with the cutter service and the naval service to compare them justly, and no man with equal knowledge of them both can fail to come to the conclusion that the service of the revenue marines is equally effective in time of war and more effective in time of peace than is the naval service of our Government. I do not deny the importance of the naval branch of our Government; they are chivalrous in peace and valorous in war, but not more so than the splendid set of officers who honor the Revenue-Cutter Service. I wish to send to the desk to have read the instructions that were given in November last to Captain Willey, commanding the U. S. S. *Algonquin*, at the port in which I reside. I desire to show by this what the duties of the Revenue-Cutter Service are from the 1st day of December to the 1st day of April, during the four months of winter. I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
DIVISION OF REVENUE-CUTTER SERVICE,  
Washington, November 26, 1901.

Capt. O. S. WILLEY, R. C. S.,  
Commanding U. S. S. *Algonquin*, Wilmington, N. C.

SIR: The President having designated the revenue steamer *Algonquin* to cruise under the provisions of section 1536, Revised Statutes, to afford such

aid to distressed navigators as the circumstances may require and as may be in your power to render, you are directed to have your command in readiness to enter upon this important duty by the 1st proximo.

In order that you may be able to extend the necessary relief to the crews of such vessels in distress as you may discover or fall in with, the *Algonquin* should be provided with provisions, water, and fuel, in such quantities as can be stowed conveniently.

Having in all respects prepared your command for the work contemplated by these orders, you are directed to cruise your ship actively from the date named until April 1, 1902, from Wilmington north to Cape Hatteras and south to Charleston, S. C., making a harbor when stress of weather, want of fuel, provisions, or other good reasons may make it necessary, keeping at all times a vigilant lookout for vessels in need of assistance.

You will govern your movements so that as little time as possible shall be spent at Wilmington or at any other port upon the cruising grounds herein assigned you, the purpose being that constant and vigilant activity shall govern the movements of your command.

You are directed to confer with all chief officers of the customs at such ports as you may visit, with a view to obtaining information concerning infractions of law to enable you, as far as may be, to correct the same.

You will make it a point, whenever practicable, to keep within communication by telegraph, advising all collectors of customs at ports visited, before sailing on a cruise, of your next port, in order that they may communicate to you intelligence of disability or distress on the coast or other matters requiring your attention to enable you to proceed without loss of time to execute such duty as may be indicated to you.

Upon your arrival at any port or anchorage having mail communication, you will announce the fact by letter to the Department, giving date of arrival, date of probable departure, and destination, adding reasons for stay in port or anchorage of more than twenty-four hours' duration. As soon as possible after entering a port you will send an officer on shore for the purpose of getting information of vessels stranded or otherwise in distress, and upon gaining such intelligence, if the circumstances of the case require it, you will get under way at once and proceed to the scene, rendering such service as may be possible.

From the first port entered after having rendered assistance of any kind you will submit a report to the Department upon the usual form (No. 2015), giving such particulars as will show fully the services performed.

In all cases of assistance rendered you will elaborate all details, in order that a clear comprehension of the duty performed may be conveyed.

You are to understand that the successful accomplishment of the objects of the duty herein assigned will require constant and energetic direction, and no excuse short of disablement of your ship will be accepted for a lax or perfunctory performance of the winter work.

In carrying out the instructions contained in these orders you will not only attend to such duties as come under your observation in the course of cruising, but you are charged with the duty of seeking work for your command.

You are not restricted in any way, but, on the contrary, are given full latitude to respond in all cases where the duty of aiding distressed vessels, and in the performance of work, you may be useful. There must be no idleness of your command upon any pretense whatever. In short, you are expected to be active and energetic in looking for work for your command, and will not wait for it to "turn up."

You are further informed that you will be held responsible for the lack of strict compliance with the provisions of the Regulations of the Revenue-Cutter Service embodied in paragraphs 133-142, inclusive, and you will therefore carefully inform yourself of the purport of the regulations cited and govern yourself accordingly.

Should you gain information of the presence within your cruising limits of derelicts or strands in the path of commerce, you will not wait for orders in the premises, but will do all in your power to remove or destroy such, and immediately report your action to the Department.

If you find a derelict that can not be removed without "blowing it up," you will at once report the fact by wire to the Department for its action.

The interests of the public service, no less than those of the Revenue-Cutter Service, demand that, as a commander of a public vessel, you should give your time and best energies to the discharge of the onerous trusts imposed by law and regulations in the duty herein assigned to your command, and it is hoped that you will leave no effort untried to make for your command an enviable record of work done and duty performed.

Groping about the coast in fog and thick weather, making runs at night, or cruising in gales of wind (unless caught out), practices heretofore followed for the sole purpose of covering distances, will not be approved. In the cruising of your command you must have in view the performance of effective work only.

Your attention is called to the necessity of boarding and examining vessels fallen in with while under way or in harbor for the enforcement of the customs and navigation laws, and ample boarding lists will furnish one evidence of the energetic performance of duty.

You will inform the officers of your command that no leaves of absence will be granted by the Department from the beginning until the end of winter cruising.

Respectfully,

H. A. TAYLOR, Assistant Secretary.

Mr. MANN. May I interrupt the gentleman?

Mr. BELLAMY. Yes.

Mr. MANN. May I inquire of the gentleman if this is a copy of printed instructions, or was this a letter of instructions to this particular captain?

Mr. BELLAMY. These are instructions to that particular captain, but they are similar to those sent to every other captain on the coast whose vessel is engaged in work similar to the *Algonquin*.

Mr. MANN. May I inquire what was the necessity of giving the particular instructions of this character in reference to regulations of law to a captain who has been in the service for a great many years?

Mr. BELLAMY. The reason is that during eight months of the year these gentlemen in the Revenue-Cutter Service are not required to cruise along the coast so constantly, but during the months of December, January, February, and March, when gales prevail, when we have much loss of life and property, during the freezing weather, when there is rain, sleet, and snow, and when there is generally great peril to life and property at sea, it is made incumbent upon the chief officer of this service to divide the coast into districts, and direct the cutters to watch certain portions of the coast. The *Algonquin* is given as her sphere of



duty the seaboard from Hatteras to Charleston, another steamer from Charleston down, another steamer from Hatteras up to Delaware Bay, and so on up to the coast of Maine.

Mr. MANN. What I wished to get at was whether this instruction was something new to captains, or whether during Captain Willey's thirty years of service he had ever acted in the same capacity before.

Mr. BELLAMY. Oh, yes; they are annual instructions, but are given at the beginning of every winter season; and I have simply had these instructions read as a part of their duties to show you the nature and character of the service of these men. During the four months I have designated—December, January, February, and March—when it is sleeting and raining and freezing, these people are not even permitted to go into port, except when necessary to make a report or to supply the ship with exhausted provisions or coal. Yet in the meantime, during the corresponding period, where are the officers of the Navy, as a rule, may I ask? They are at Hampton Roads, or at other ports of the country, lying on their easy couches, or socially chatting, smoking fine cigars, and probably some on shore dancing the german or the cotillions.

Mr. MANN. Will the gentleman submit to another interruption?

Mr. BELLAMY. Certainly.

Mr. MANN. This same steamer, the *Algonquin*, was at Wilmington last winter a year ago as well as this last winter, was it not?

Mr. BELLAMY. Yes, sir.

Mr. MANN. I suppose engaged in the performance of the same duties.

Mr. BELLAMY. Only after it is ordered by the Secretary to proceed.

Mr. MANN. Is the gentleman able to inform us whether during the winter of 1890 and 1891 this steamer that you have mentioned, the *Algonquin*, was engaged in cruising up the coast, as the gentleman says, "during the sleet and rain," and not permitted to go into port?

Mr. BELLAMY. This is a general regulation that is issued each year, as I understand it, and the *Algonquin* was likewise engaged in the season before, and each antecedent season since her construction.

Mr. MANN. Will the gentleman permit me—

Mr. BELLAMY. You are consuming my time.

Again, Mr. Chairman, let me show another fallacy in the arguments of the opponents of this bill. The gentleman from Alabama [Mr. RICHARDSON] consumed two columns of the RECORD of yesterday to show that this bill, if it becomes a law, will give the Revenue-Cutter officers greater compensation than the officers of a similar rank in the Navy now get. He based his whole argument upon section 1556 of the Revised Statutes, and quotes it, or a part of it, in the RECORD.

The gentleman from Alabama attempted to show that a captain of the Revenue-Cutter Service would get more pay than a lieutenant-commander of the Navy, with whom, under this bill, he would hold equal rank. The gentleman, unintentionally of course, quoted that section of the Revised Statutes for the amount of pay the naval officer now receives. This statute, as he should know, was repealed by the personnel bill, approved March 3, 1899, so that it has no existence now whatever. Lieutenant-commanders now, according to law, receive the same pay as a major in the Army and the same pay which it is proposed to give captains of the Revenue-Cutter Service; the pay is \$2,500 a year. A lieutenant-commander in the Navy or a captain in the Revenue-Cutter Service will, by force of circumstances, both have served at least twenty years before reaching either grade. This will entitle them to four increases of 10 per cent each, so that they will both actually receive the same salary—that is, \$3,500 per year.

It must be borne in mind that the rank of lieutenant-commander in the Navy is only an intermediate step in promotion, as anyone in that grade is eligible for promotion to a commander, then to captain, and, finally, to the grade of rear-admiral, when he would receive as high as \$7,500 a year.

On the other hand, when a Revenue-Cutter officer reaches the grade of captain that is as high as he can ever go. His salary can never be higher than \$3,500 a year, or less than one-half the amount the naval officer can reach.

Revenue-Cutter officers very seldom reach the highest grade before they are 52 years old, and some not until they are 60.

Navy officers, on the average, reach the grade of lieutenant-commander and begin to draw \$3,500 a year when they are between 40 and 45 years old.

The gentleman from Alabama also says the cutter officers are civil officers. They are not civil officers; they are the coast guard of our nation. In England her navy are assigned to this duty, and they are no more civil officers than are Britain's navy when performing these functions. They are in their very nature essen-

tially both naval and military. The revenue cutters of our country have participated in every war our country has waged. They were prominent and efficient in the war of 1812, the Seminole war, the Mexican war, the unfortunate civil war, and also in the Spanish war.

The men of this service are commissioned and dismissed the same as they are in the Navy. The seamen are enlisted, uniformed, and drilled as in the Navy. The ships are armed as similar ships in the Navy, and in the Spanish war they carried 61 large guns. They have ever cooperated with the Navy in peace as in war. They were prominent in the Bering Sea patrol, and were likewise prominent in preventing filibustering expeditions from being fitted out and sailing from our coast before the war with Spain. Their officers are invited and detailed to lecture before the Naval War College at Newport, and are eagerly sought to become associate members of the Naval Institute at Annapolis. Then why should they be dubbed civilians? To set this matter at rest, I can but quote from some very excellent remarks made by Mr. Scudder, of New York, at the last session of Congress, wherein is shown a potent decision of the Department on this subject:

It seems to have escaped general notice that the officers and men of the regular Revenue-Cutter Service can not volunteer, and therefore they are not volunteers. Second Lieut. Walker W. Joynes, Revenue-Cutter Service, has demonstrated this beyond a question of a doubt, having, in order to make a test case, applied for the two months' extra pay given to volunteers, he having served on the cutter *McCulloch* at the battle of Manila. His application was denied, and the Auditor for the Treasury Department and the Solicitor of the Treasury decided that—

"A regular officer or a regularly enlisted man of the regular Revenue-Cutter Service is not competent to volunteer in time of war, because it is just as much a part of his duty to serve as it is the duty of a regular officer or regularly enlisted man of the Army or Navy to serve in time of war."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELLAMY. I am willing to answer any question of the gentleman, because I am of the belief that he is one who was never on the deck of a revenue cutter and knows nothing whatever of the true character of the Cutter Service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I hope the gentleman from New York will give the gentleman from North Carolina some more time.

Mr. SHERMAN. I can not yield any more time, as the time is all parceled out, so that I can not yield any gentleman any more.

Mr. BELLAMY. I wish the gentleman would yield me five minutes, so that I may complete one other argument I desire to make.

Mr. SHERMAN. I can not. I have made promises so that I can not yield any more time at present, and I am very sorry.

Mr. BELLAMY. Then I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I yield twenty minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Chairman, it seems almost a waste of time for a person to attempt to discuss a measure when there are probably not two men on the floor of the House who have not thoroughly made up their minds as to how they are going to vote on this question. But since I have been a member of this House, on all occasions when measures have been before this body looking either to a civil-pension list or putting gentlemen on the retired list, I have announced my views; and only for that purpose do I rise now.

The gentleman from North Carolina took occasion to criticize those who opposed this bill as being wholly unfamiliar with the Revenue-Cutter Service. I supposed he referred to the gentleman from Iowa [Mr. HEPBURN], the gentleman from New York [Mr. SHERMAN], and such other gentlemen as advocate this measure as gentlemen who have seen many years of hard and arduous service on the plains of their resident country. The gentleman before he took his seat said that he had never been on the deck of a revenue cutter—

Mr. BELLAMY. Oh, no. May I interrupt the gentleman?

Mr. LOUD. Certainly.

Mr. BELLAMY. I did not say that I had never been on the deck of a revenue cutter. I said that of the gentleman from Illinois [Mr. MANN].

Mr. LOUD. Well, then, I misunderstood the gentleman. But, however that may be, Mr. Chairman, I will venture to assert that there are as many barnacles on the backs of the gentlemen who oppose this measure as there are on those who advocate it. I am opposed to this measure, and should have opposed the retirement provision for the Army and should have opposed the retirement provision for the Navy if I had been a member of this body at the time such legislation was up. A pension provision or a retirement provision for those who work for the United States Government is absolutely wrong in principle. If a retirement law have any equity whatever, then that law must first be made



to apply to those who are poor and unfortunate in their old age. A man who perchance through influence has been upon the Government pay roll all of his life at a higher salary than he could ever obtain anywhere else should have no more privileges, and is entitled to no more privileges than the men who have never received these large salaries.

I am opposed to a retirement or a civil pension list on principle. But if it be equitable then the same system of retirement should be inaugurated in this country that is inaugurated in New Zealand—that is, when a man becomes old, when he is worn out, and has accumulated nothing during his life, the Government shall take care of him until he goes into his grave. But the difficulty with a civil pension list and a retirement list of any kind is that it is socialism run mad. If you provide a pension for a man when he shall have reached a certain age and retire him on three-fourths or half pay, you hold out to him the temptation to spend every dollar that he may earn; you hold out hope to him that there is a Government, of which he is a part, that will support him just so long as he may live. That stifles human incentive, hence is socialism.

Mr. Chairman, I believe that a man should be taught to look out for himself. A large majority of the men of this country do not make \$600 a year. They struggle and toil. They are subjected to the blasts of winter and the heat of summer; they bring up a large family; yet as every day goes by these provident men lay up a small amount of money, and by that very effort they are compelled to depend upon themselves. Take that away and you have a man useless to civilization.

I know a little something about the Revenue-Cutter Service, perhaps as much as the gentleman from North Carolina. My younger days were spent upon the sea; I spent more than a year, off and on, upon a revenue cutter. I have some familiarity in a general way with the Revenue-Cutter Service, and I know that a Revenue-Cutter officer is simply a civil employee of the Government. The gentleman says these officers may be called into active service in defense of their country. That is true. So is every male citizen between the ages of 18 and 45 liable to be called into the active service of his country.

Mr. BELLAMY. May I ask the gentleman a question?

Mr. LOUD. Yes, sir.

Mr. BELLAMY. Is the gentleman familiar with the fact that after the Spanish war a certain Revenue-Cutter officer, in order to make a test case, applied for extra pay for his services during the war with Spain on a revenue cutter; and that the decision upon that case was that the Revenue-Cutter Service is a part of the military and naval department of the Government, and therefore the officers of that service are not entitled to any pay under such circumstances?

Mr. LOUD. Well, I do not care to argue that question. I will withdraw the statement, if it will please the gentleman, as my time is very limited. I have not had the time to investigate this subject thoroughly enough to make a technical speech upon it.

Mr. BELLAMY again rose.

Mr. LOUD. The point raised by the gentleman is wholly immaterial, and as I have only twenty minutes I do not care to argue the legal status of this case. I am willing to admit, if it will satisfy the gentleman, that these officers are in the military service. That question is really immaterial for the purposes of the argument that I have in view.

The gentleman says there are but 215 of these officers. Now, if it is just to retire the officer, who becomes a lieutenant in two years, why should we not retire the men? To this point a gentleman replied the other day that the men remain in the service only three years. I will venture to say that if you pay the men of the Revenue-Cutter Service a sufficient amount of money they will stay there until they die; and I am sure that the man on deck is entitled to the charity, or liberality at least, of his Government as much as the officer.

A young man enters the service as a cadet, and in two years becomes a lieutenant. I believe I am correct about that. Another young man enters the merchant service, and if he becomes a second officer in ten years, he is one out of five thousand, and when he gets to be second mate of a ship of 1,000 or 1,500 tons, how much salary would he get after possibly ten or fifteen years' service before the mast? As second mate of a ship of 1,000 or 1,500 tons he would get \$40 or \$50 a month when he could catch a job.

The motive power behind this bill is the motive that ultimately will force a civil pension list upon this Government. We have in effect a civil pension in every department already. Why, sir, there are men in those departments who have become incapacitated for performing service; and the head of the division, seeming to suppose that he is running the division and paying the salaries out of his own pocket, says: "I have not the heart to perform my duty to the people of this country; that is, I have a man here that can not earn a dollar a year. I will not dismiss him." Why, sir, under such circumstances the head of a bureau

or division has no discretion. He is put in his place simply to execute his duty to this Government, and he must see that every man performs his duty faithfully and well, and he has no discretion to keep an incompetent employee there drawing a salary and doing nothing.

Now, there are a number of officers in this Revenue-Cutter Service, I understand, who have been on waiting orders for a number of years. Why? Because the Secretary of the Treasury, in the goodness of his heart, has not the "mean" disposition, is not "cruel" enough, to dismiss them. He is perfectly willing that the man who is supporting his family on \$600 a year shall be taxed to keep this other man in idleness, but he has not the courage to perform his duty and dismiss that man from the service.

I am surrounded with these revenue officers, as I am surrounded by post-office clerks, letter carriers, and other Government officials. Probably I have as many of these people surrounding me as any other man here. San Francisco is the great commercial city of the Pacific coast. Revenue officers abound there.

They have been after me, as they have been after you, a number of years. They are connected by marriage or blood with some of my constituents, just as the officers of the Navy are connected by ties of marriage or blood with many of our constituents. As a result, we passed the naval personnel bill; and as a result, in order to get these old fellows out of the way who can not go to sea and perform duty—in order that they may be retired, and thus promotion be given to a lot of young men who are waiting—I suppose we shall pass this legislation. However, I hope not.

I say again—and I will not discuss this question from a legal standpoint—this is a civil service. An officer or man in the Revenue-Cutter Service is in the civil service of the Government. I venture the assertion that there were more men killed and wounded in the Railway Mail Service during the years 1900 and 1901 than have ever been killed in the Revenue-Cutter Service since more than one hundred years ago. Why not pension them? Why not retire them? It is a more dangerous service than the Revenue-Cutter Service. Then take the men who are in the Life-Saving Service, a service a thousand times more dangerous than the Revenue-Cutter Service. Why not pension them?

But gentlemen say, "These men sometimes perform naval duty." Well, perhaps they do. But after you shall have provided for the retirement of Revenue-Cutter officers—officers in the civil service of the Government—you have approached so near to the retirement of any and every civil Government employee that you can not longer rise in your place and oppose the retirement of other men in the civil service.

And that is where the danger is, and I want to point out to the House, and the only object I sought to obtain was for a moment to call attention to the danger of passing legislation of this kind, because after you once embark you are on the broad sea of retirement or civil pensions for all time to come; and if you are going to embark in civil pensions, then I say those most entitled are not those in the Government service, but those outside of the Government service who receive a much less salary than the average man who works for the Government.

Mr. Chairman, I yield back the balance of my time.

Mr. MANN. Mr. Chairman, how much time has the gentleman from California consumed?

The CHAIRMAN. Sixteen minutes.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4872. An act to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

Senate concurrent resolution 33.

*Resolved by the Senate (the House of Representatives concurring).* That there be printed and bound in cloth 6,000 copies of the revised course of study for Indian schools; 1,500 for the use of the House of Representatives and 1,500 for the use of the superintendent of Indian schools.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11053. An act providing for issuance of patent to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes;

H. R. 12095. An act to amend section 4883 of the Revised Statutes relating to the signing of letters patent for inventions;

H. R. 283. An act granting an increase of pension to Robert M. McCullough;

H. R. 610. An act to correct the military record of John F. Antlitz;

H. R. 725. An act granting an increase of pension to Joseph B. Arbaugh;



H. R. 809. An act granting an increase of pension to James P. Burchfield;  
 H. R. 918. An act granting an increase of pension to Charles Misner;  
 H. R. 1190. An act granting an increase of pension to Albert S. Whittier;  
 H. R. 1275. An act granting an increase of pension to Charles W. Thomas;  
 H. R. 1278. An act granting an increase of pension to La Myra V. Kendig;  
 H. R. 1503. An act granting an increase of pension to Michael Farrell;  
 H. R. 1714. An act granting an increase of pension to Levi H. Winslow;  
 H. R. 1938. An act granting an increase of pension to Helen V. Rorer;  
 H. R. 2287. An act granting an increase of pension to George McDaniel;  
 H. R. 2545. An act granting an increase of pension to Isaac H. Crim;  
 H. R. 2770. An act granting an increase of pension to Otilia M. Smoot;  
 H. R. 3275. An act granting an increase of pension to William G. Johnson;  
 H. R. 5327. An act granting an increase of pension to William H. Mackey;  
 H. R. 5712. An act granting a pension to Alice Bozeman;  
 H. R. 5761. An act granting a pension to Thomas F. Walter;  
 H. R. 6016. An act granting an increase of pension to William J. Overman;  
 H. R. 6196. An act transferring a lot in Woodland Cemetery to city of Quincy, Ill.;  
 H. R. 6438. An act granting an increase of pension to Matthew C. Medbury;  
 H. R. 6687. An act granting an increase of pension to Lorenzo Blackman;  
 H. R. 6918. An act granting an increase of pension to Thomas Bliss;  
 H. R. 7250. An act granting an increase of pension to Margaret Hendry;  
 H. R. 7811. An act granting a pension to Mary King;  
 H. R. 8048. An act granting an increase of pension to James A. Bramble;  
 H. R. 8471. An act granting a pension to Eliza A. Wright;  
 H. R. 8651. An act granting a pension to Maggie Helmbold;  
 H. R. 8696. An act granting an increase of pension to William B. Rowe;  
 H. R. 9621. An act granting an increase of pension to Andrew Y. Transue;  
 H. R. 9791. An act granting an increase of pension to John Reep;  
 H. R. 9848. An act granting an increase of pension to Joseph Cowgill;  
 H. R. 10141. An act granting an increase of pension to William R. Armstrong;  
 H. R. 10415. An act granting a pension to Sarah M. Smith; and  
 H. R. 10692. An act granting an increase of pension to David C. Maples.

## REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. MANN. I yield to the gentleman from Indiana [Mr. CRUMPACKER] for twenty minutes.

Mr. CRUMPACKER. Mr. Chairman, the Revenue-Cutter Service is a necessary and an honorable branch of the public service and I have no doubt it performs its functions most creditably. I have no disposition to disparage the efficiency or the merits of this branch of the service. As a matter of fact I know personally but little about it in detail. When a bill similar to this was up for consideration last year I made a few remarks in opposition to the measure, and the gentleman from Iowa [Mr. HEPBURN] followed me and said that, judging from the character of the speech I made, he inferred that I believed a revenue cutter to be very similar to the cutter that Santa Claus drives over the country with his reindeers in distributing benefactions to the good little boys and girls at yuletide. Gentlemen have asserted repeatedly, in discussion of this bill, that it is a meritorious measure; that no just grounds have been advanced why it should be defeated.

The burden, Mr. Chairman, is upon the advocates of the measure. I have listened patiently to most of the discussion, and it seems to me that no adequate reasons have been advanced by a single advocate of the measure why it should become a law. The bill, I admit, is somewhat of an improvement over the one reported a year ago, but the vicious principle is still retained. The question of the character of the Revenue-Cutter Service, whether civil or military, is hardly open to discussion. It is not a debatable question. The Revenue-Cutter Service is ancient and honor-

able—it was organized in 1790, for the purpose of assisting in the collection of the customs. It is under the control of the Secretary of the Treasury. The revenue cutters of course carry an armament; that is necessary. It is just as necessary for revenue cutters to be armed for the enforcement of the law as it is for police officers in the municipalities to carry guns and clubs; just as necessary as it is for deputy marshals in the moonshine districts of the country to go armed.

Its military character is only incidental. Its military functions are altogether subordinate. When you come to consider the question of justice to this branch of the public service, let me ask, gentlemen, by what standard they undertake to measure that intangible essence. There are two sides to the question, and in dealing with it we not only owe a duty to the men engaged in the service, but at the same time we must keep in mind the interests of the people of the country. There is only one principle by which we can determine the question of justice in the public service. When any branch of the public service offers sufficient inducements to attract men away from the activities of individual life—to attract a sufficient number of competent men—and they are paid their fixed salaries, full justice has been done to all.

It is not denied that men in this service are paid better, more munificently, than men in the civil operations of life are paid for similar kinds of service, but gentlemen say they are not as well paid as the Army and Navy. That may be. I know they are not as a matter of fact. But we are told that they are not relatively as well paid as the Army and Navy, and that the Revenue-Cutter Service is substantially upon the same basis as the others. Why, gentlemen in their enthusiasm in support of this bill have placed the Revenue-Cutter Service upon a pedestal and glorified it here. We know, Mr. Chairman, that it is simply the great ocean patrol, that it is a coast guard of the United States, and I believe it bears about the same relation to the United States Navy that the great forces of municipal police bear to the Army. In the great cities of this country, so well and efficiently policed, the salaries are lower than the salaries paid to the officers of the Revenue-Cutter Service to-day, and in few of them is there leave of absence or sick leave. Some of the States have established not a retired list, but a police pension list. That may be very proper, but it is a local matter altogether. The only purpose of this bill is to increase the rank and the pay of the officers of the Revenue-Cutter Service. It is entitled "A bill to promote the efficiency of the service." How does it promote the efficiency of the service? Has any gentleman, any advocate of the measure, explained in what particular a single provision of the bill has promoted or is calculated to promote the efficiency of the service?

Mr. GRAHAM. If the gentleman will allow me, I call attention to the fact that this bill provides for the removal of some of the barnacles that have been overhead in this service, that are filling the higher positions, that will be retired under this act, if it passes.

Mr. MAHON. Some of them 88 years old.

Mr. GRAHAM. Will not that improve the efficiency of the service? I have in mind one man in particular who is over 90 years of age, who is in this service, who is not doing a particle of work, and yet he and others like him are depriving younger men of promotion and of positions.

Mr. CRUMPACKER. Mr. Chairman, it is a sad commentary upon the public service and upon the character of its organization if it has no method of disposing of incapacitated public officers. I do not believe the public service is any such condition as that. The Government is not called upon to retain on the pay roll at high salaries men who are unable to earn a single dollar.

Mr. GRAHAM. This service has such men.

Mr. CRUMPACKER. Then the fault is in the administration and not in the law. It ought to be more wisely administered.

I understand that under this bill the barnacles to whom the gentleman refers are to be put upon the retired list with probably \$125 a year more pay than the most efficient men of the same grade in the active list are getting to-day. They are to be put upon the retired list at about five times as much as the great army of toilers and home builders to whom the gentleman from California [Mr. LOUD] referred, five times as much as they get for active service, that great army who have no sick leave, no annual leave, and no retirement list.

Mr. GRAHAM. Does the gentleman consider \$2,500 a year an outrageous sum to pay an efficient officer who has given his life to the service?

Mr. CRUMPACKER. I consider \$2,500 a year too much to pay to any man for doing nothing. I am willing to pay \$2,500 or \$25,000 for an adequate return.

Mr. GRAHAM. Then why did you vote for the retirement provision for the Army and Navy?

Mr. CRUMPACKER. My recollection is that I was not in public life when that grave and important question was up for consideration.

Mr. GRAHAM. How would the gentleman have voted in that case?

Mr. CRUMPACKER. That is a different proposition. I do not know.

Mr. GRAHAM. The last Army bill was March 3, 1899. It contained that provision. Did the gentleman vote for it?

Mr. CRUMPACKER. I do not remember.

Mr. LANDIS. I should like to ask the gentleman from Pennsylvania how he would vote on a proposition to retire the railway mail clerks?

Mr. GRAHAM. That is not a parallel case, because that is purely civil service and this is not.

Mr. MOODY of Massachusetts. A great deal stronger case can be made in favor of the railway mail clerks.

Mr. LANDIS. Certainly it can. The case of the railway mail clerks is a great deal stronger.

Mr. GRAHAM. That is a branch of the civil service and this is not.

Mr. SHAFROTH. May I ask the gentleman how he would vote on a similar proposition for the officers of the transport service?

Mr. MANN. I should like to ask the gentleman how he would vote on a proposition for a retired list for the Life-Saving Service?

Mr. GRAHAM. I believe that would be quite proper, and if such a proposition comes up I will vote for it.

Mr. MANN. And the Light-House Service?

Mr. GRAHAM. No; not the Light-House Service. That is different.

Mr. MANN. And the deputy-marshal service?

Mr. GRAHAM. There is no similarity whatever between the cases.

Mr. MANN. That is the most dangerous service under the Government.

Mr. LANDIS. The Internal-Revenue Service.

Mr. MANN. Yes; it is the most dangerous service under the Government.

Mr. LESSLER. How about Congressmen?

Mr. GROSVENOR. The gentleman from Illinois certainly does not mean to say that we are living in a country where, with very few exceptions, in possibly half a dozen districts in the United States, a deputy marshal is in danger in the discharge of his duty under the laws of the country?

Mr. MANN. There are more deputy marshals killed in two years than there are killed in the Revenue-Cutter Service in a hundred years.

Mr. CRUMPACKER. I think there is no doubt about it. Here is the deputy-marshal service, the municipal police, the municipal fire-department service; here is the Life-Saving Service and the Railway Mail Service, where the percentage of casualties is much greater according to the records than in the Revenue-Cutter Service.

Mr. GROSVENOR. And the same may be said of the Army and the Navy, both.

Mr. CRUMPACKER. That is true. But in this country there is a great deal of sentiment and patriotism about the Army and Navy. They are supposed to be the embodiment of the power and the chivalry of the country, and they have a certain social standing to maintain, whatever may be thought of that aspect of the question.

Mr. GROSVENOR. And we have just astonished the world with our Navy, and astonished all mankind, and lost but one man in doing it.

Mr. CRUMPACKER. That is much to the credit of the Navy, I think.

Mr. GROSVENOR. The imbecility of the enemy.

Mr. ROBERTS. I will ask the gentleman, if he believes that the Army and the Navy should have retirement and pensions on the ground of patriotism and chivalry, how can he refuse it to the men in the Revenue-Cutter Service, when the first gun in the civil war and the first gun at Manila were fired from revenue cutters?

Mr. CRUMPACKER. I do not know that that is at all significant in determining this question. As much and as splendid fighting was done on the part of the State militia during the civil war as was done on the part of any organization of equal force in the Army.

Mr. ROBERTS. They are getting their pensions.

Mr. CRUMPACKER. They are getting their pensions, and I will add that under the law officers and petty officers and seamen included in the Revenue Service get the same pensions that are given to the naval service where disability occurs in the performance of duty in time of war.

Now, I said a moment ago that this bill is entitled "A bill to promote the efficiency of the Revenue-Cutter Service." Let me ask a single man upon the floor in what respect it promotes the efficiency of the Revenue-Cutter Service except to dispose of a

few "barnacles," as they were designated by my friend from Pennsylvania [Mr. GRAHAM]. If longevity pay is necessary to promote the efficiency of the Revenue-Cutter Service, it is likewise necessary to promote the efficiency of the public service in all branches of the Administration. If it is necessary, and the argument is that it is necessary, to promote the efficiency, then it should be applied to promote the efficiency of the service in all the departments at Washington. What is there in the argument? Nothing at all. It is said that there ought to be some inducement to better service. Is not the hope of promotion inducement enough? I assume that with all the Revenue-Cutter officers the hope of promotion induces them to grow in efficiency.

Now, when a young man is appointed as a cadet in the Revenue-Cutter Service, and is commissioned after two years, he gets \$900 a year during his cadetship. Then he gets his commission, and at least \$1,200 a year, and he is quickly promoted. I think promotions come more quickly in the Revenue-Cutter Service than in the Army or Navy. The ways of life are open to the young man. A great many young men in the country—more than is required by the needs of this service—are willing to avoid the conflicts of civil life and forego its opportunities for achievement in order that they may provide a sure and comfortable support for themselves and families during life. When a man gets a commission in the Revenue-Cutter Service he is beyond want. His needs are provided for. His pay may not be as great as in some lines of service, but he gets a certainty. He gladly yields the broader opportunities and better privileges that civil life offers, with its chances of failure, for the certainty in this service. Does anybody claim that this service is not able to get all the efficient men that it requires under present conditions?

When was there a time in this country, except possibly under abnormal conditions, when there was not an abundance of cadets and an abundance of men in the country who were willing to go into the service and accept commissions and to perform all the arduous labors that gentlemen say belong to it. The pay that these men get is twice the pay that is given people for similar service in private life. When the bill is analyzed and looked into from all standpoints it does not possess sufficient merit to entitle it to a place in the permanent statutes of the country. There is some reason, I confess, in the argument of inequality; but I am not ready to admit that the Revenue-Cutter Service in dignity and responsibility occupies anything like the position that the Navy of the United States does. In addition to that, Mr. Chairman, this is an attempt to establish an independent naval establishment.

Mr. Long, the Secretary of the Navy, two years ago addressed a letter upon a similar bill to Senator HALE, in which he condemned the measure because he said it practically established an independent naval establishment, with its corps of officers and with its board of examination and all that sort of thing. He said the question is, Do we need any additional naval establishment; and if so, how many? The Army transport service of the United States is independent of the Navy to-day, operating a considerable line of ships officered by men who hold the commissions of the United States Army. The argument of Mr. Long against the passage of that bill is cogent, and applies with equal force to this. Let the Revenue-Cutter Service continue to be a branch of the civil service; let it continue to be under the control of the Secretary of the Treasury, to assist in enforcing the customs laws, to prevent the smuggling of goods into this country, and to continue to patrol the coast.

Occupying this subordinate position, it may continue to be liable to be detailed into the military service in time of war, and when called into that service its character is military. As a rule, its vessels are small. They do not engage in actual fighting. They perform the messenger service of the Navy during the war. The Revenue-Cutter boats are principally dispatch boats. Of course, in the execution of their work they must occasionally come into positions of danger; they must fight, and they do. Revenue cutters are officered and manned by American citizens, with American versatility and power to meet any emergency, to do anything that may confront them. Nevertheless this is a branch of the civil service.

To pass a measure of this kind is a dangerous step in the wrong direction. The fact that such a measure is proposed is one of the best illustrations I have seen of the grasping tendency of all branches of the public service to get more power, more pay, and more rank. I would like to know, in the name of justice and of the people, where this movement is going to stop. When this bill shall become a law, if it does pass, and when the Life-Saving Service comes knocking at the door of Congress, asking for more pay, asking for a retired list, asking for rank and position, how can we deny it? I think as much of the Life-Saving Service as of any other branch of the public service, and I consider it the poorest paid, in consideration of the hazards of the service, of any branch of the public service. The Light-House Service, with its boats



that may be detailed for public service in time of war, has performed efficient service in connection with the Navy. That branch of the service may next come asking Congress to organize it upon the same basis, upon the same plane, as the Revenue-Marine Service. And what answer will the gentlemen make to that request? How will they respond to a demand for the equality of that service with the Revenue-Marine?

[Here the hammer fell.]

Mr. SHERMAN. I yield five minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, this bill to promote the efficiency of the Revenue-Cutter Service provides in section 1 the grades in the service.

Section 2 provides for the rank of officers of the Revenue-Cutter Service with corresponding grades in the Army and Navy.

Section 3 provides for the compensation of the officers of the Revenue-Cutter Service, placing them on exactly the same level with officers of the Army and Navy, including the percentage of increase for length of service up to twenty years, or what is familiarly known as "longevity pay."

The remaining section provides for the retirement from active service of commissioned officers of the Revenue-Cutter Service who have or may become physically, mentally, or morally disqualified.

The following table will show the wide difference which exists in pay, while it also shows an unjustifiable discrimination against the officers of the Revenue-Cutter Service:

*Difference in pay of officers, rank for rank, in the Army, Navy, and Revenue Cutter Service after twenty years of service.*

Army.		Navy.		Revenue-Cutter Service.	
Rank.	Pay.	Rank.	Pay.	Rank.	Pay.
Majors.....	\$3,500	Lieutenant-commanders.	\$3,500	Captains.....	\$2,500
Captains.....	2,520	Lieutenants...	2,520	First lieutenants and chief engineers.	1,800
First lieutenants.	2,140	Lieutenants (junior).	2,140	Second lieutenants and first assistant engineers.	1,500
Second lieutenants.	2,000	Ensigns.....	2,000	Third lieutenants and second assistant engineers.	1,200

It is essential to the morale and efficiency of any service such as this that there should be some reward for length of service. In the Army, Navy, and Marine Corps this is given in the shape of an increase of compensation at the rate of 10 per cent for each five years of service up to twenty years, or 40 per cent. Why should not these officers, who are upon the same level in all things else, in life tenure of office, in general duties in peace and war times, etc., be denied this consideration?

There does not appear to be any valid reason why a body of officers who in every other respect serve upon a level with those of the Army and Navy should be denied equal compensation.

The Revenue-Cutter Service was organized in 1790, eight years prior to the organization of the Navy. It took an active part in the war of 1812, in the Mexican war, in the civil war, and in the war with Spain.

The service now consists of about 200 officers and 1,000 men with about 40 vessels armed with 70 guns. The vessels in the service have increased from sailing vessels of 100 tons to steamships of 1,000 tons burden. The duties of the service in time of peace consist in the enforcement of all laws of the United States affecting the maritime interest of the nation; the arrest and prevention of illicit traffic by sea; the navigation laws, compelling all kinds of craft navigating the waters of the United States to comply with legal requirements in regard to documents, lights, steamboat inspection, and passenger laws; the quarantine laws; the rescue and succor of distressed vessels and crews; the drill and discipline of the life-saving crews; the supervision of construction of life-saving stations, and the entire inspection work of that service, the supervision of anchorage grounds established by law, etc.

The duty performed in this service when rescuing crews of distressed vessels has been most important. It has been the saving of innumerable lives and of vast values in property. In the minority report upon this bill attention is called to the fact that these reports are not submitted in detail to Congress. They are submitted to the Secretary of the Treasury, and are on file in the Bureau subject to the inspection at any time of anybody who desires to see them.

Now, sir, in regard to the objection of some that this bill will tend to create a civil pension list, I wish to say that it will not create a civil pension list any more than the Navy or the Marine Corps has created a civil pension list.

Mr. Chairman, the military character of this was service offi-

cially stated by the Treasury Department in the report of the service in 1881, as follows:

The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of small arms.

Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

By act of March 2, 1799, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy.

The men of this service are commissioned and dismissed the same as they are in the Navy. The seamen are enlisted, uniformed, and drilled as in the Navy. The ships are armed as similar ships in the Navy, and in the Spanish war they carried 61 large guns. They are not civilians. The following quotation from the speech of Mr. Scudder, of New York, in the Fifty-sixth Congress, bears directly on this question, as follows:

It seems to have escaped general notice that the officers and men of the regular Revenue-Cutter Service can not volunteer, and therefore they are not volunteers. Second Lieut. Walker W. Joynes, Revenue-Cutter Service, has demonstrated this beyond a question of a doubt, having, in order to make a test case, applied for the two months' extra pay given to volunteers, he having served on the cutter *McCulloch* at the battle of Manila. His application was denied, and the Auditor for the Treasury Department and the Solicitor of the Treasury decided that—

"A regular officer or a regularly enlisted man of the regular Revenue-Cutter Service is not competent to volunteer in time of war, because it is just as much a part of his duty to serve as it is the duty of a regular officer or regularly enlisted man of the Army or Navy to serve in time of war."

Candidates for appointment as cadets must pass a very rigid examination and take a two years' training on board of the training ship *Chase*. They are instructed in seamanship, navigation, ordnance and gunnery, international law, and many other necessary subjects. This, Mr. Chairman, shows that the requirements and duties place this service upon the same plane as the Navy, and the pay and prospects should be the same. The passage of this bill, that has passed the Senate, will give to the men in this service the relief to which they are entitled.

Mr. Chairman, another matter that I wish to refer to at this time is in relation to the erection of a monument to the memory of Brig. Gen. Count Casimir Pulaski, as provided for in House bill 16, introduced by the gentleman from Indiana [Mr. BRICK].

Congress has caused to be erected in this city monuments to many of the heroes of the war of the Revolution, but up to the present time it has neglected to perpetuate the memory of Brig. Gen. Count Casimir Pulaski in like manner—a champion of liberty whose high-minded patriotism and distinguished services should be immortalized by the erection of such a memorial. The passage of this bill will also redeem the resolution of the Continental Congress, which body on November 29, 1779, upon receiving information of the death of General Pulaski, passed the following resolution:

*Resolved*, That a monument be erected to the memory of Brigadier-General Count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose.

The members chosen were Mr. Gerry, Mr. Livingston, and Mr. Harnett.

Count Casimir Pulaski was born in Poland in the year 1747 and enlisted at the age of 21 years, under the leadership of his father, to fight for the continuance of independence of Poland, but history tells us that they were unsuccessful, and when the American Congress adopted the Declaration of Independence he resolved to again enter the fight for freedom, though for a new nation, a new world. Our envoy to the court of France, Dr. Franklin, when writing of him to General Washington, said:

Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country, will have the honor of delivering this into your hands. The court here have encouraged and promoted his voyage from an opinion that he may be highly useful in our service.

With this recommendation he was cordially received upon his arrival in Philadelphia in the summer of 1777.

His first blow for the freedom of the colonies was struck at the battle of Brandywine, being the first contest in which that other gallant patriot, Lafayette, took part. General Pulaski was, on the recommendation of Washington, commissioned brigadier-general and chief of dragoons in the United States Army September 15, 1777, being the first general of cavalry in the Army of the United States.

In a letter recently discovered by Col. Joseph Smolinski, dated Charleston, August 19, 1779, appears his declaration to become an American citizen. It is as follows:

I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America, and desirous of passing the rest of my life in a country truly free and before settling as a citizen to fight for liberty.



In the leading events of the campaign following Pulaski occupied a distinguished position. For me to recite his services in detail would cause me to give a minute account of various battles, leading up to the time he received his death wound, while gallantly leading his cavalry at the siege of Savannah, October 9, 1779.

Of the character of Count Pulaski and the great events in his life, especially his invaluable service to America, that entitle him to be numbered among the heroes of America and to be perpetuated in the memory of the people for whom he sacrificed his life, and of the appreciation and high esteem in which his memory is cherished by those sons of Poland who have taken up their homes in this land, I give some of the statements made by Col. Joseph Smolinski, of Washington, D. C., before the Committee on the Library. Colonel Smolinski is the representative of the combined Polish-American societies, specially commissioned by them to assist in consummating the plan to erect this statue to the memory of Count Pulaski:

WASHINGTON, D. C., February 22, 1901.

Memorial of Gen. Count Casimir Pulaski, by Col. Joseph Smolinski, of Washington, D. C., representative of the Polish-American organizations in the United States in the Pulaski monument movement, etc.

No page of American history is so full of interest as the one which relates to the Revolutionary period. It gave birth to the highest ideals of patriotism, to the loftiest spirit of devotion to country, immortalized in a thousand glorious actions which constitute a common patrimony of the nation's proud inheritance.

When from the belfry of old Independence Hall Liberty Bell tolled the glad news which announced to the struggling colonists and proclaimed to the world the birth of a new republic with its civilization, democratic institutions, true liberty, and individuality of citizenship, there appeared on the political horizon, among the galaxy of heroes who left their impress upon time, three names which take high rank on the pages of contemporaneous history.

They stand out in bold relief in the Temple of Fame, and the glory which enshrines their memories will grow brighter and brighter as the years roll on. We refer with patriotic pride to the illustrious George Washington, the epitome of whose life is written in the significant and familiar legend: "Father of his country; first in war, first in peace, and first in the hearts of his countrymen." Next is the last general of the Polish Republic, Thaddeus Kosciuszko, whose life, indeed, was "poetry put into action," of whom the poet wrote at the sad hour of his death:

"Hope for a season bade the world farewell,  
And Freedom shrieked as Kosciuszko fell."

And last, but not least, is the Phil Sheridan of the American cavalry, the brave Casimir Pulaski, who lost his life at the siege of Savannah. The last two warriors were the tried and trusted friends of the immortal Washington, their illustrious commander in chief. They were men of military genius, noble sons of the fair land of Poland, conspicuous exemplars of unswerving fidelity to principle, bright symbols of patriotism and patriotic endeavor, champions of universal freedom.

What greater gift can a people bequeath to a nation than monuments of art which not only symbolize heroic deeds and virtuous actions of great and good men and women, but as object lessons immortalize the achievements of true greatness, so that the generations as they come and go may draw inspiration from the glories of art which so eloquently tell the story of the lives of those whose heroism and virtues stimulate action and excite admiration?

If the assertion is true, who is more deserving of this degree of immortalization than Brig. Gen. Count Casimir Pulaski? The sentiment of appreciation of his worth and meritorious services was emphasized by the representatives of the Continental Congress, who were first to conceive the idea of erecting a monument to his memory. It originated during the stirring period of the war of the Revolution, of which he was one of the heroes and a martyr.

On the 29th of November, 1779, a letter, dated October 31 of that year, from Major-General Lincoln, was read in the Continental Congress. It inclosed a communication of the 5th, same month, from Lieutenant-Colonel Bedaux, of Pulaski's Legion, announcing the death of the last-named officer, whereupon Congress

*Resolved*, That a monument be erected to the memory of Brigadier Count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose.

"The members chosen: Mr. Gerry, Mr. Livingston, and Mr. Harnett." After a most careful research among the archives of the Continental Congress, I found no record whatever showing that the resolution was carried out, and consequently the stone of the then proposed monument remains in the quarry.

After the lapse of more than a century, with the record of a vote still standing on the pages of the Journals of the Continental Congress as a public recognition of the eminent services of our hero, as well as an indication of a Republic's forgetfulness, I will not say ingratitude, the Polish-American citizens of our land, who number nearly 3,000,000 of souls, desire and pray that this Congress, the first of the twentieth century, redeem the pledge promised by the Continental Congress, and thus give evidence of the nation's gratitude in appreciation of the meritorious services and noble character of Pulaski, who shed his blood in order that the infant Republic might live.

From out that galaxy of heroes who gave our nation an historic beginning at a momentous period of the world's history not excelled even by the Olympian memories of Pericles, who pictured in thundering eloquence Athenian patriotism, there is one among the many far-shining men, whose renown in valor and deeds is the record of a golden page of our national history, to which it has imparted dignity. This one man I single out was a foreigner by birth, a noble son of that most ancient nation—Poland; a stranger, if you please, but a dear brother by adoption, a veritable Bayard, "without fear and without reproach," a champion in the cause of the oppressed in the cause of freedom, a hero of liberty, nay, an American citizen, baptised in his own blood on the plains of Savannah while defending our beloved land against the enemy.

This proud warrior and hero of liberty gives us in his imperfect English the keynote of his lofty character. I quote from one of his unpublished letters to the Continental Congress, dated Charleston, August 19, 1779, read before that body October 1, 1779, in which also appears his declaration to become an American citizen:

"I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America, desirous of passing the rest of my life in a country truly free, and before settling as a citizen to fight for liberty."

Then in an outburst of indignation at the intrigues and injustice operating in those days as well as our day, he continues:

"But perceiving that endeavors are used to disgust me against such a motive and to regard it as phantom, I am inclined to believe that enthusiasm for liberty is not the predominant virtue in America at this time."

And concludes thus:

"The campaign is at hand. Perhaps I may still have an occasion of showing that I am a friend to the cause without being happy enough to please some individuals." (Papers Continental Congress, No. 164, p. 108.)

It is in the revival of the recollections of what Pulaski did in the cause of freedom on two continents that we are stirred by a sense of deep gratitude and a loyal, patriotic appreciation, willing as lovers of liberty to give evidence of that inspiration born of his example, made holy by his death, in erecting to his memory a monument worthy of his name and fame; one that shall remain on our sacred soil in the nation's great capital, an object lesson, an educator, silent though it be, that shall cause his compatriots to love and cherish more and more as the generations go and come their obligations to this our beloved country, and by thus making them good citizens they will be better fortified and imbued with a proper spirit and a higher ideal of American citizenship against the demoralizing tendencies and pernicious influences of the present day.

Gentlemen, around this monument we pray you to erect, inspired by the fond memories that shall cluster around it like the ivy, there shall grow up that magnificent, ideal citizenship, second to none in the sum of national greatness, that shall insure the safety of the Republic and its perpetuity.

What claim has Pulaski to this recognition?

If, indeed, time lends importance to high station and emphasizes its consecration of heroes and heroic actions in the glories of art, surely the principles of right and justice which they upheld in former times will lose none of their force in the triumphant present.

Few names of the stirring period of the eighteenth century have come down to us with more dignity or clothed in greater attractive romance than the intrepid Lithuanian, Pulaski, who, like his illustrious compatriot and companion in arms, Kosciuszko, touches the tender chords of our sympathy.

Born in 1747, while yet a youth he pledged his life and fortune to liberate his country, both from the invader and the disturbing elements within, under the famous compact of the confederation of Barr, organized by his patriotic father, Count Pulaski, in 1768, who, together with another son, were lost in the great fight for Polish independence.

In the struggles which preceded the first partition of Poland, in 1772, he commanded in many actions and military operations against the flower of the Russian army. His wonderful endowments, skill, and intrepidity excited the admiration of Europe, and drew forth from the writers of the day such estimate of his worth as a soldier as is given in a letter to Washington dated Paris, June 13, 1777, which reads:

"Count Pulaski, who was a general of the Confederates in Poland, and who is gone to join you, is esteemed one of the greatest officers in Europe." (Diplomatic Correspondence of the Revolution, Wharton, vol. 2, p. 339.)

We all know the sad story of the downfall of ill-fated Poland, and we know, too, what herculean efforts Pulaski, Kosciuszko, and other brave companions in arms made to prevent the enactment of the saddest picture of time, that horrid scene, the crucifixion of Poland, the foulest blot on the world's civilization.

Noble Spartan, hopeful to the last that his country will again rise triumphant from the grave of oppression, he saw, like a bright vision from afar, the beautiful temple of liberty building on the Western Hemisphere. There, beneath the furls of our starry banner, his compatriots would find a home in a land of the free.

His generous impulse to serve the struggling colonists, his martial enthusiasm and love of liberty, are forcibly expressed in the following letter of Franklin, the accredited representative of the colonies to France, which resulted in Pulaski's admission to Washington's war councils in the days which tried men's souls:

"Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in the defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands. The court here have encouraged and promoted this voyage, from an opinion that he may be highly useful in our service."

Briefly, in the summer of 1777 he arrived in Philadelphia, entered the service as a volunteer, served successively under Washington, Greene, Wayne, Sullivan, Lafayette, Lincoln, etc. At Brandywine, where the first blows for American independence were struck, his skill, endurance, and bravery were so marked that Washington intrusted him with the command of his bodyguard during the close of that memorable action. A few days after the battle "the Father of his Country," in recommending our hero to Congress for appointment and commission as a brigadier-general, says:

"This gentleman has been, like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit."

The record shows that Congress confirmed this recommendation, and on September 15, 1778, he was commissioned a brigadier-general and chief of dragoons in the United States Army, though but 30 years of age, having previously been designated as commander of an independent corps, known as the Pulaski Legion, March 28, 1778.

Furthermore, it was left to Pulaski, the father of American cavalry, to demonstrate the value of this arm of the military service, aptly called "the eye of the Army," which up to his coming the Lees, Sumters, Marions, and William Washington failed to show. None of the officers named held higher rank than that of colonel. Pulaski was the first general of cavalry in the American military establishment.

To follow this fearless cavalryman in his rides through the storms of battle from the Atlantic to the Gulf would occupy too much time.

American history, written by numerous versatile pens, contains graphic accounts of his brilliant services.

In conclusion, gentlemen, permit me to invite your attention to the last sad drama in his short but eventful life. It was while gallantly leading the combined American and French cavalry forces against the enemy he received his death wound at the siege of Savannah, Ga., October 9, 1779, and as he was borne from that memorable field moistened with his precious blood, turning to Light Horse Harry Lee, as that officer was familiarly called, he gave him, in feeble accents, this last command, "Follow my lancers, to whom I have given my order of attack," and on October 11, 1779, his spirit took its flight heavenward—called off duty forever.

His memorable charge is thus described by one of his staff officers, Major Rogowski:

For half an hour the guns roared and blood flowed abundantly. Seeing an opening between the enemy's works, Pulaski resolved, with his legion and a small detachment of Georgia cavalry, to charge through, enter the city, confuse the enemy, and cheer the inhabitants with good tidings. General Lincoln approved the daring plan. Imploring the help of the Almighty, Pulaski shouted to his men "Forward!" and we, 200 strong, rode at full speed after him, the earth resounding under the hoofs of our chargers.

For the first two moments all went well. We sped like knights into the peril. Just, however, as we passed the gap between the two batteries a cross fire, like a pouring shower, confused our ranks. I looked around. Oh! sad moment, ever to be remembered, Pulaski lies prostrate on the ground. I leaped toward him, thinking possibly his wound was not dangerous, but a



canister shot had pierced his thigh and the blood was also flowing from his breast, probably from a second wound. Falling on my knees I tried to raise him. He said, in a faint voice, "Jesus! Maria! Joseph!" Further I knew not, for at that moment a musket ball, grazing my scalp, blinded me with blood, and I fell to the ground in a state of insensibility.

He was borne from the bloody field, and, after the conflict was over, was conveyed on board the U. S. brig *Wasp*, to go round to Charleston. The ship, delayed by head winds, remained several days in Savannah River, and during this period he was attended by the most skillful surgeons in the French fleet. It was found impossible to establish suppuration, and gangrene supervened. As the *Wasp* was leaving the river, Pulaski breathed his last. His corpse became so offensive that Colonel Bentalou, his officer in attendance, "was compelled, though reluctantly, to consign to a watery grave all that was now left upon earth of his beloved and honored commander."

Gentlemen, it is to the memory of this great and good man—a fearless soldier, a hero of the war of the Revolution, entitled to the proud distinction of being numbered among the founders of our Republic, an exemplar of patriotism, a champion of liberty, of whom Washington said, "His valor and active zeal on all occasions have done him great honor"—that we Polish-American citizens—I should say American citizens—pray you to immortalize by erecting to his memory a monument of American art which shall stand out in bold relief as the noblest expression of a people's heartfelt gratitude. Thus, too, will this monument, like all others, serve the office of history by endearing in the hearts and minds of generations yet unborn the memories which cluster around the great Revolutionary struggle for liberty, and instill a better appreciation of the sacrifices made by the patriots of 1776, whose heroism we must admire if we can not imitate.

It is designed that this statue, as a work of art, shall emanate from this country. We are treating General Pulaski as an American citizen, which he was, while honoring a hero of liberty who fought on two continents for human freedom.

We believe that this great desire expressed by organized effort to erect a monument to the memory of Pulaski will have a very beneficial effect upon the Poles of this country; we believe it will attach them more dearly to our flag, and as they seem to have an almost idolatrous love for heroism and heroes, and as Pulaski was one of our great Revolutionary characters, we think this monument will have that great tendency.

It will do more than this by emphasizing our appreciation of the inestimable blessings we as a people enjoy as a result of sacrifices made and victories won by the patriots of 1776. To keep alive the memory of heroes through whose sacrifices deliverance came and freedom was made possible, we must not forget the debt of gratitude we owe to the foreigners who so generously aided the immortal Washington in establishing our great Republic.

Let us, then, erect a monument of granite and bronze that shall perpetuate the memory of the heroic dead, Pulaski, who—

"In the thickest fight triumphantly he fell,  
While into victory's arms he led us on;  
A death so glorious our grief should quell;  
We mourn him, yet his battle crown is won."

Liberty was the goal, the price of which was his precious life, and our gratitude should be commensurate with the share of glory that attaches to his noble sacrifice.

It is to perpetuate the memory of this great soldier and hero of the Revolution, of this champion of liberty, by erecting to his memory a monument that I urge the passage of this bill. He fought and died for American independence, he knew the value of freedom. All that was near and dear to him was sacrificed in the struggle against the partition of his native land, his father killed, his country's political existence taken from her, his countrymen coerced or driven into exile; but while a ray of hope remained he fought for Poland, but the combined power of three mighty nations overcame and crushed a patriotic people, and Poland fell. Banished from his native land to seek a home among strangers, it is not to be wondered at that while in France in 1777, his sympathy was at once enlisted with the American colonists, who had declared their independence. He beheld in this effort to throw off the yoke of oppression a struggle like that his country had recently been engaged in. The spirit of liberty for which he had lost everything prompted him to join the forces of those who in the New World had pledged to each other their life and honor to maintain. He came here to prepare a place for the liberty-loving people of his country and to lay the foundation of a country whose people are not only free, but who allow naturalization to all who desire to be.

He laid down his life to secure for the United States the end he had hoped to attain for his own country.

In several instances Washington commended his distinguished services, and always relied on his judgment, bravery, and fidelity to the cause of American independence.

Pulaski was true to his native land, true to the land of his adoption, true to the cause of liberty and freedom, and the people of this country should pay, without further delay, the debt they owe this hero of the American Revolution.

This legislation is urged by over 2,000,000 sons and daughters of Poland who in this country cherish the name of Pulaski. I have received petitions urgently requesting the passage of this bill from over 30 organizations of the Polish National Alliance and several other organizations of citizens of Polish birth or descent, who represent upward of 60,000 of the population of Buffalo, N. Y., the city I have the honor, in part, to represent.

The Committee on the Library of this House, through its chairman, Mr. McCLEARY, favorably reported a similar bill to appropriate \$50,000 for the erection of an equestrian statue to the memory of Brig. Gen. Count Casimir Pulaski in the Fifty-sixth Congress.

I hope that now the pledge of the Continental Congress will be redeemed and that the nation will pass this bill and erect a statue to the honor of this great soldier.

Mr. SHERMAN. I yield five minutes to the gentleman from New York [Mr. LESSLER].

Mr. LESSLER. Mr. Chairman, when on the 15th of January last I was sworn in as a member of this House, I was asked, almost on that very day, to appear before the committee having this bill in charge, to say a few words in its favor. I demurred because, to be very frank, I had imagined that what is commonly known as the Revenue-Cutter Service was a matter relating mainly to the steamboats or ships plying up and down New York Bay. I soon found that there was in other quarters the same general ignorance of what this service is. It was then impressed upon me that in all probability, in my Congressional district, there were more ships and more men connected with this service than I had had any conception of; and hence I felt that if, after examining the matter, I should find this to be a meritorious proposition, it was almost my duty to appear before the committee in its support.

I looked up the subject. I found that this service had a history extending away back. I found that it had a complete set of regulations extending away back. I found that it had a school-ship, requiring a corps of highly qualified officers for its direction and management. I found that it had seamen receiving salaries commensurate with those paid to seamen in the Navy. I found that it had officers whom the Government required to be men of education, to wear clothes of a certain stamp, to support themselves as gentlemen in a way befitting officers of such a branch of the Government.

The day I appeared before that committee there was taken up a bill which was to give to some of the officers of the Revenue-Cutter Service the thanks of Congress for heroic work performed by them. The men representing the service before the committee had traveled a considerable distance to appear there and tell of the heroism of an officer, a physician, a private, and a seaman of that service in rescuing some men who were serving in the Arctic Zone. It seemed to me that was a pleasant prelude to the plea I had to make before that committee; and it seems to me now, without going into the technicalities of the bill, that any measure which promotes a morale among men, which gives them the idea that this Government does look after them in their old age, that this Government has an eye to their future, that this Government has a proper sense of the eternal fitness of good work and good deeds—that such a measure is calculated to promote the efficiency of any service; and when the day shall come that we have to meet the question of a civil-service pension for the railway mail clerk or any other clerk we shall meet it on the floor of this House with no fear for the future.

These gentlemen who are so startled for the to-morrow of legislation should leave that to-morrow to the men who may be their successors in this House. The distinguished gentleman—and I use that term in return for the courtesy of the term extended to me—referred to me in his minority report and to a statement which I made. I made the statement before the committee that I was informed that this Government printed a book, and that that book had the pictures of uniforms; that it laid down regulations; that it said how many bars and buttons and stripes and everything else a revenue officer should wear, and, further, that I had been informed that one of these men, out of his salary, had to pay \$600 because this Government required him to wear a certain uniform. The gentleman, with that insouciance of temperament which so aptly fits him, refers to me as one of the distinguished gentlemen who brought this business to his attention, and declares that that is his idea of the flunkysm—and, by the way, that is a new phrase, as I understand—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I yield two more minutes to the gentleman from New York.

Mr. LESSLER. He declares that that is his idea of the flunkysm that attaches to the service. He admits that the Revenue-Cutter officer has to pay for the uniform, but he did not get up and howl in his minority report about the Government requiring him to do it. It would be a very great delight to me at least to have time enough to analyze the speech that was made opposing this bill.

It wanders off into everything that appertains to this bill—not. [Laughter.] It goes to every other line of service to draw a parallel; but I want to put before this House its main feature, and that is that here is a body of men who work three hundred and sixty-five days in the year, who, because of the very fact of the small boats that the gentleman refers to, take their lives in their hands, when the men of the Navy are over on the other side and all over the rest of the world on good decks, in good ships, and they are not required to brave in times of peace, of hard weather and good weather, day in and day out, the dangers of the sea, trying to earn their money and doing men's duty in men's positions. If these positions in the Revenue-Cutter Service are not for men, then let the Government so declare. Being for men, let us put them where we have put other men and increase by this bill the efficiency of the Revenue-Cutter Service. [Applause.]

Mr. SHERMAN. Will the gentleman from Illinois use some time now?



Mr. MANN. If the gentleman desires me to, I will.

Mr. SHERMAN. I have no one else to yield to this minute.

Mr. RYAN. I will say to my colleague on the committee [Mr. SHERMAN] that my colleague from New York [Mr. GOLDFOGLE] is ready to go on for five minutes.

Mr. SHERMAN. Very well; I will yield five minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Chairman, this is a meritorious measure, and deserves the favorable consideration of this House. By their fidelity to service, their loyal and patriotic devotion to duty, their valiant service in times of war, their heroic conduct in the battles which were fought on sea in defense of our country and our flag, their efficient work in times of peace, the Revenue-Cutter Service has merited the commendation of the Government, and deserves the recognition which this bill proposes to give it. It deserves to be placed, so far as rank and retirement are concerned, on a parity with the Navy of the United States.

The Revenue-Cutter Service has a magnificent history. It antedates that of the regular Navy. It was organized in 1790, and in every war our country fought since that time its men have rendered brave and heroic service. They helped to fight the battles of 1812, the Mexican war, the war of the rebellion, and the recent war with Spain. They have in times of war been an efficient aid to the Navy, and in many instances their heroism was surprising and commands our admiration. Examine the record of this service and you will find that in whatever naval combat its men were called into requisition, or in whatever conflict they took a part, the gallantry of the officers and the men, the daring and the courage of the Revenue-Cutter Service were equal to and unexcelled by the Navy itself.

In the war with Spain the Revenue-Cutter Service took an active and distinguished part. Thirteen revenue cutters, carrying 61 guns, 98 officers, and 562 men, rendered efficient aid to our Navy. In the famous battle of Manila the *McCulloch* was assigned to duty by Admiral Dewey, and when the victory was won, which sent a thrill of joy through every American heart and gladdened the soul of every American freeman, it was the *McCulloch* that carried to Hongkong the dispatches announcing to the world our national triumph, and Admiral Dewey in his dispatch to the Secretary of the Navy commends the *McCulloch* as a valuable auxiliary to the naval squadron.

Side by side with the naval torpedo boat *Winslow* the revenue cutter *Hudson* fought the battle of Cardenas, and the *Windom*, of the Revenue-Cutter Service, demolished the light-house and destroyed the rendezvous of the Spanish troops at Cienfuegos. Nor must it be overlooked that the *Manning* rendered such splendid aid in many engagements with the foe that the officers of the Navy officially commended the zeal and meritorious service of these revenue-cutter men.

But it is needless to multiply the instances in which the Revenue-Cutter Service helped to win the battles or attain the achievements which now has made this country a world power. The report of the committee contains the facts which show what admirable and efficient work was done by this service during the war, how this service received the praise of the officers of the Navy and of the Navy Department itself, how much is due to this Revenue-Cutter Service for aiding the naval vessels and the naval forces in accomplishing the victories which have contributed so much to make this country the greatest and most glorious on earth. [Applause.]

In time of peace the men of this service are constantly at work. When the officers of the Navy are either in foreign or domestic ports enjoying their ease and comfort, and enjoying their social life, and engaging in their social functions, the Revenue-Cutter Service are daily performing active work in the interest of the Government. Class them as you will, after all they are the coast-wise navy. It is the coast which in times of peace, as well as in war, the Revenue-Cutter Service must protect and guard and police. The Senate Committee on Commerce have well stated the status of the Revenue-Cutter Service in these words:

The military character of the Revenue-Cutter Service was officially stated by the Treasury Department in the report of the service in 1881, as follows: "The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms.

"Its crews are required to be instructed from day to day at the great guns and in the use of small arms. Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

"By act of March 2, 1790, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy. It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous

conditions. On the contrary, it may take place in time of peace, and for specific purposes and when less hazard is involved to the two services than pertains to the discharge of a revenue vessel of its ordinary duties.

"But if in legal theory they are civil employees, are they so in fact? Are they less positively a part of the military force in time of war than the Army or Navy? It is true that revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so directs; neither are the vessels of the Navy."

It is not my purpose to dwell on the many and varied duties which the law requires of the revenue service. It aids in the protection of the revenue; it assists in the enforcement of the revenue and the maritime laws; it helps in the enforcement of quarantine regulations; it is called into requisition to see to the enforcement of the neutrality laws; it assists in carrying out the navigation laws of the Government.

For the men of this service there is no vacation, no ease, no comfort, no special social distinction, no such distinction as seems to have been accorded to the American Navy. But they are men of nautical skill, of excellent discipline, of fine intelligence, and ought to take rank with the naval service. It is unfair that they should be discriminated against. By their conduct in times of peace as well as in war they have earned the right to be placed on an equality with the Navy so far as to give them rank and the right to be placed on retired lists.

Whatever opinion I may hold as to whether there ever should have been such a thing as a retired list for either Army or Navy, the fact remains that such a list exists. So long as it does, give to the men whose bravery, and courage, and heroism is as great as that of any man who ever trod the deck of man-of-war the same rights as to rank and retirement as the law accords to the Navy now. To do less is an injustice to this splendid service. Give them the recognition which is their due, for they deserve the benefits this bill would confer.

I believe this will promote the efficiency of the Revenue-Cutter Service. I am not one of those who fear that this bill is but the entering wedge to a place on the civil-pension list. Whenever the time comes that a demand is made to pension the men of the Revenue-Cutter Service, it will be time enough to discuss that proposition.

It is not before us now. When it comes, if it ever shall, there will be enough courage displayed by this House to meet that question properly and in the interest of the people. I shall vote for this bill as it is now framed because, in my judgment, it is just and right to the men and, above all, because I believe it will raise the standard of the service and promote its efficiency.

For what this Revenue-Cutter Service has done in times of war; for what, judging by its brilliant record, it is ready to do again should the safety of our country require or our national honor or our flag be again assailed; for what the service is doing in times of peace in effectively aiding, amid frequent danger and discomfort, in the execution and enforcement of the maritime and revenue laws; because I believe that while the Cutter Service is, after all, in a practical, though not in a legal, sense a part of the military force of this country; because I am opposed to unjust discrimination against the men of this service, whose discipline, whose training, whose proficiency in the practical use of arms entitles them to take a place side by side with the men of our American Navy, I earnestly trust that the bill will pass. [Applause.]

Mr. SHERMAN. I should like to know what time is now remaining to the two sides?

The CHAIRMAN. One hour and thirteen minutes remain to the gentleman from New York, and one hour and twenty-one minutes to the gentleman from Illinois [Mr. MANN].

Mr. SHERMAN. I understand that the gentleman from Illinois [Mr. MANN] does not care to occupy any more time this evening.

Mr. MANN. I should prefer not to.

Mr. SHERMAN. Then I move that the committee rise, Mr. Chairman.

The motion was agreed to.

The committee accordingly rose; and Mr. MOODY of Massachusetts having taken the chair as Speaker pro tempore, Mr. OLSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 11418. An act granting an increase of pension to Hannah T. Knowles;

H. R. 12315. An act granting an increase of pension to James Todd;

H. R. 10486. An act granting a pension to Alida Payne; and

H. R. 2273. An act granting a pension to Martha A. De Lamater.



## SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and the following Senate concurrent resolution were taken from Speaker's table and referred to their appropriate committees, as indicated below:

S. 4872. An act to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on Printing.

Senate concurrent resolution 33:

*Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the revised course of study for Indian schools, 1,500 for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,500 for the use of the Superintendent of Indian Schools—*

to the Committee on Printing.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WARNOCK for one week, on account of important business.

And then, on motion of Mr. SHERMAN (at 4 o'clock and 50 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 84) to increase the efficiency of the foreign service of the United States and to provide for the reorganization of the consular service, reported the same with amendments, accompanied by a report (No. 1313); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1314); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands, reported the same without amendment, accompanied by a report (No. 1315); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 306) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, reported the same with amendment, accompanied by a report (No. 1316); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1892) to provide for the construction of a revenue cutter for services at the port of Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 1317); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on Education, to which was referred the bill of the House (H. R. 18) to provide for the education of the blind, etc., reported the same with amendments, accompanied by a report (No. 1318); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOMPKINS of Ohio, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported the same with amendment, accompanied by a report (No. 1319); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 8265, reported in lieu thereof a resolution (H. Res. 197) referring to the Court of Claims the papers in the case of Mrs. E. Taylor, accompanied by a report (No. 1310); which said resolution and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1726) for the relief of the Merritt & Chapman Derrick and Wrecking Company, reported the same without amendment, accompanied by a report (No. 1311); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13223) for the relief of Mary E. O. Dashiell, reported the same without amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 8246) for the relief of George H. Mellen, deceased, and the same was referred to the Committee on Claims.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PATTERSON of Tennessee: A bill (H. R. 13285) to abolish slavery in the Philippine Archipelago, and for other purposes—to the Committee on Insular Affairs.

By Mr. WOODS: A bill (H. R. 13286) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1888—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 13287) to incorporate the Columbia Heat and Power Company of the District of Columbia, and to manufacture gas for heat and power purposes, to construct, maintain, and operate gas-manufacturing plants, and to lay necessary street mains and connections for the distribution of gas for heat and power purposes throughout the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON: A bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: A resolution (H. Res. 198) to provide a rule for the consideration of H. R. 84—to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 13289) granting a pension to Henry D. Smith—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 13290) granting an increase of pension to Daniel W. Ellis, Company B, Thirteenth Tennessee Cavalry—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 13291) granting an increase of pension to Thomas McDonald—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13292) for the relief of Samuel Robbins—to the Committee on Claims.

By Mr. COONEY: A bill (H. R. 13293) granting a pension to George W. Chapman—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 13294) to correct the military record of name, and so forth, of John Dorsey—to the Committee on Military Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 13295) for the relief of John McGovern—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 13296) granting an increase of pension to Francis Scott—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13297) granting a pension to Martin Greeley—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 13298) granting a pension to James L. Swann—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13299) for the relief of John S. Williford—to the Committee on Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 13300) granting an increase of pension to Martin Boyer—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 13301) for the relief of Benjamin T. Hooper and Marcellus Aaron—to the Committee on War Claims.

Also, a bill (H. R. 13302) granting a pension to John W. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13303) construing discharges of members of Company A, First Maryland Eastern Shore Volunteers, as honorable—to the Committee on Military Affairs.

By Mr. KYLE: A bill (H. R. 13304) for the relief of John P. Hilliard—to the Committee on War Claims.

Also, a bill (H. R. 13305) for the relief of Charles B. Fletcher—to the Committee on War Claims.

Also, a bill (H. R. 13306) for the relief of James O. Minton—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 13307) for the relief of Valdemar Poulsen—to the Committee on Patents.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13308) granting an increase of pension to John T. Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13309) granting an increase of pension to Charles H. Hazzard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13310) granting a pension to Anna McGowan—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13311) for the relief of Jane Brewer, widow of Jacob H. Brewer, of Washington County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 13312) for the relief of George W. Dant—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13313) for the relief of the trustees of the Methodist Episcopal Church South, at Bellefonte, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13314) for the relief of the trustees of the Cumberland Presbyterian Church, at Bellefonte, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13315) for the relief of M. H. Carr—to the Committee on War Claims.

By Mr. SHALLENBERGER: A bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13317) granting an increase of pension to Albert G. Dole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13318) granting an increase of pension to Fergus P. McMillan—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13319) for the relief of W. M. Quinn and George L. Long—to the Committee on Claims.

By Mr. STARK: A bill (H. R. 13320) granting an increase of pension to Charles E. Simmons—to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 13321) granting an increase of pension to John S. Bonham—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13322) granting a pension to George W. Sutton—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 13323) granting an increase of pension to Mary E. Barger—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13324) granting an increase of pension to John J. Cross—to the Committee on Invalid Pensions.

By Mr. KEHOE, from the Committee on War Claims: A resolution (H. Res. 197, in lieu of H. R. 8265) referring to the Court of Claims the claim of Mrs. E. Taylor—to the Private Calendar.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Shirt Waist and Laundry Workers' Union No. 10, Philadelphia, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BALL of Delaware: Petition of Bower Glaziers' Union of Wilmington, Del., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BELL: Petition of congregation of East Second Street Methodist Episcopal Church South, of Denver, Colo., favoring an amendment to the Constitution to prevent polygamy, and in favor of all antisaloon and antvice legislation for the Philippines—to the Committee on the Judiciary.

Also, petition of Stanton Post, No. 37, Grand Army of the Republic, of Colorado and Wyoming, for investigation of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Delta State Bank, of Delta, Colo., favoring

a reduction of letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mill and Smeltermen's Union No. 92, of Gillett, Colo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BROWNLOW: Petition of citizens of Elizabethton, Tenn., on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURK of Pennsylvania: Petition of Naval Command No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, Pa., favoring the passage of Senate bill 1220—to the Committee on Military Affairs.

By Mr. CORLISS: Paper to accompany House bill to amend the military record of John Dorsey—to the Committee on Military Affairs.

By Mr. DARRAGH: Papers to accompany House bill 10869, granting an increase of pension to Michael K. Strayer—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the National Hay Association, Winchester, Ind., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of Bricklayers and Plasterers' Union No. 39, of New Bedford, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of same organization, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Resolutions of Pomona Grange, No. 9, Fairfield County, Conn., favoring House bill 6578, to improve postal facilities—to the Committee on the Post-Office and Post-Roads.

By Mr. JACKSON of Maryland: Petition of Marcellus Aaron and Benjamin T. Hooper, heirs at law of Abram Mister, concerning loss of schooner *Chesapeake*—to the Committee on War Claims.

By Mr. KERN: Resolutions of Green Hide Workers' Union No. 147; Division No. 49, Locomotive Engineers; Lodge No. 545, Railroad Trainmen; Division No. 386, Railway Conductors, and Painters and Paper Hangers' Union No. 215, all of East St. Louis, Ill.; Bakers and Confectioners' Union No. 69; Bricklayers' Union No. 21; Iron Molders' Union No. 182; Glass Bottle Blowers' Union No. 23, and Team Drivers' Union No. 50, all of Belleville, Ill.; Coopers' Union No. 53, of New Athens, Ill.; Bricklayers' Union No. 35, of Centralia, Ill.; Federation of Labor of Lebanon, and Carpenters and Joiners' Union of Percy, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Resolutions of the Central Labor Union of Norfolk, Va., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LESSLER: Resolutions of the Lighting Fixture Association of New York, protesting against the ratification of the French reciprocity treaty—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of American Council, No. 67, Junior Order United American Mechanics, Brooklyn, N. Y., in favor of Senate bill 1891 and the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MUTCHLER: Petition of Onoko Division, No. 257, Locomotive Engineers, Mauchunk, Pa., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Nathaniel Lyon Circle, No. 106, Ladies of Grand Army of the Republic, South Bethlehem, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Evidence in support of House bill 12519, granting a pension to Hugh McFadden—to the Committee on Invalid Pensions.

By Mr. PALMER: Petition of Salem Grange, No. 291, Patrons of Husbandry, Beach Haven, Pa., protesting against the irrigation of arid lands of the West—to the Committee on Irrigation of Arid Lands.

By Mr. PATTERSON of Pennsylvania: Papers to accompany House bill 11937 for the relief of Mrs. George Dalton—to the Committee on War Claims.

Also, papers to accompany House bill 12970, granting a pension to Frederick Dutrer—to the Committee on Invalid Pensions.

Also, resolution of General Doubleday Post, No. 189, Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Resolution of Independent Division, No. 374, Railway Conductors, Elmira, N. Y., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.



Also, resolutions of the same body, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 13315, for the relief of M. H. Carr—to the Committee on War Claims.

Also, paper to accompany House bill 13313, for the relief of the trustees of the Methodist Episcopal Church South at Bellefonte, Ala.—to the Committee on War Claims.

Also, paper to accompany House bill 13314, for the relief of the trustees of the Cumberland Presbyterian Church at Bellefonte, Ala.—to the Committee on War Claims.

By Mr. RUCKER: Resolutions of Brotherhood of Locomotive Firemen No. 54, Moberly, Mo., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of Retail Clerks' Union No. 212, and Brewery Engineers and Firemen's Union No. 80, Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Pattern Makers' Association, Buffalo, N. Y., favoring House bill 9053, to enforce the law of domicile—to the Committee on Labor.

By Mr. SPERRY: Resolution of Polish Society of Meriden, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Unions of Charlestown, Swiftwater, Farmington, and Exeter, N. H., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. YOUNG: Resolution of Carpenters' Union No. 463, Flint Glass Workers' Union No. 19, and Chartered Society of Lace Curtain Operatives, Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, April 3, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will be approved.

### PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Muncie Lodge, No. 20, Amalgamated Association of Iron, Steel, and Tin Workers, of Muncie, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of the Dairymen's Mutual Association of Evansville, and of Burnell Smith and sundry other citizens of Mongu, in the State of Indiana, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of Cigar Makers' Local Union No. 204, of New Albany; of Cigar Makers' Local Union No. 335, of Hammond, and of Cigar Makers' Local Union No. 382, of Rushville, all in the State of Indiana, remonstrating against the reduction of the present duty on cigars imported from Cuba; which were referred to the Committee on Finance.

He also presented a petition of Jones-Darling Camp, No. 186, National Association of Spanish-American War Veterans, of Elkhart, Ind., praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on Military Affairs.

He also presented a petition of the Flint & Walling Manufacturing Company, of Kendallville, Ind., praying for the enactment of legislation providing for a reorganization of the consular service of the United States; which was ordered to lie on the table.

He also presented a memorial of the Chandler & Taylor Company, of Indianapolis, Ind., remonstrating against the enactment of legislation providing for the adoption of the so-called metric system of weights and measures to the exclusion of the present standard; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented petitions of General Lawton Herd, No. 5, Noble Order of Buffaloes, of Fairmount; of Frank L. Littleton and 750 members of the League of American Sportsmen, of Indianapolis, and of Z. T. Sweeny, of Columbus, all in the State of Indiana, praying for the enactment of legislation providing for

the protection of the birds and wild animals of the country; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petitions of S. M. Keltner, of Anderson; of Bert A. Beidler, of Auburn; of H. N. Spaan, of Indianapolis, and of A. A. Tripp, of North Vernon, all in the State of Indiana, praying for the enactment of legislation providing for the protection of game in Alaska; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Bricklayers' Local Union No. 12, of Marion; of Typographical Union No. 1, of Indianapolis; of Retail Clerks' Local Union No. 291, of Dunkirk; of Carpenters and Joiners' Local Union No. 431, of Brazil; of Carpenters and Joiners' Local Union No. 533, of Jeffersonville; of Bakers and Confectioners' Local Union No. 195, of Anderson; of Stone Masons' Local Union No. 21, of Marion; of Veedersburg Local Union, No. 71, of Veedersburg; of Bricklayers' Local Union No. 8, of Anderson; of Typographical Union No. 332, of Muncie; of Stone Masons' Local Union No. 27, of Wabash; of Typographical Union No. 287, of Frankfort; of Hoosier Lodge, No. 582, Brotherhood of Locomotive Firemen, of Richmond; of Cigar Makers' Local Union No. 382, of Rushville; of Typographical Union No. 76, of Terre Haute, and of Local Union No. 159, of Marion, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. CLAPP presented a petition of M. Clancy Division, No. 360, Order of Railway Conductors, of Two Harbors, Minn., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. DRYDEN presented memorials of sundry citizens of Paterson, Jersey City, Trenton, Harrison, Camden, Newark, and Hoboken, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine, and praying for the passage of the so-called Wadsworth substitute; which were ordered to lie on the table.

He also presented the petition of William Fitz Randolph, of Newmarket, N. J., and the petition of C. L. Beach, of Newark, N. J., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of S. Scheurer & Co., of Paterson; of Dr. W. Thum, of Newark; of Benjamin D. Van Beusen, of Hoboken; of Dr. Francis H. Munroe, of Newark; of G. H. White, of Jersey City; of Ammon & Person, of Jersey City; of the Melting and Churning Company, of Hoboken; of F. Gunther, of Hoboken; of J. M. Jurgansen, of Hoboken; of L. Schuchmen, of Jersey City; of Dr. Ferdinand Sanes, of Jersey City; of J. G. Patton, of Paterson; of Dr. A. R. Judson, of Newport; of Dr. W. J. Burd, of Belvidere; of Dr. D. F. Cartell, of Jersey City; of Mrs. P. J. Klahr, of Jersey City; of M. W. Hull, of Jersey City; of Dr. J. J. Bauman, of Jersey City; of John Thompson, of Jersey City; of Dr. L. B. Parsell, of Closter; of Dr. A. Topfer, of Jersey City; of Edgar Williams, of Orange; of G. W. Ross, of Jersey City; of John R. Hennessey & Co., of Jersey City; of Beach Bros., of Jersey City; of Harry S. Ford, of Pensauken; of J. F. Hussey, of Paterson; of E. W. L. Dowling, of Jersey City, and of Thomas E. Smith, of Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. GAMBLE presented a petition of Lead City Miners' Union, of Lead City, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented petitions of W. J. Henshaw, of Chicago, Ill.; of R. B. Harrison, of Chesterfield; of Jacob W. Edwards, of Long Branch; of Dr. Edgar Roberts, of Keyport; of Macy Carhart, of Keyport; of E. G. Gill, of Haddonfield; of the Hildebrand Company, of Elizabeth; of William Howard, of Rahway; of Herman J. Lohmann, of Jersey City, and of Friesburg Grange, Patrons of Husbandry, of Cohansey, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of the S. B. Ellis Company, of Jersey City; of Dr. Norton L. Wilson, of Elizabeth; of Dr. E. B. Silvers, of Rahway; of George Froggott, of Elizabeth; of E. S. E. Newbury, of Elizabeth; of William Meyer, of Elizabeth; of S. A. Poppenga, of Elizabeth; of J. W. Orr, of Elizabethport; of William Killy, of Elizabethport; of M. E. Connor, of Elizabethport; of Walsh & Redhead, of Elizabethport; of M. Lange & Sons, of Elizabethport; of Charles G. Dow, of Elizabeth; of Moses Mendel, jr., of Elizabeth; of F. Gunther, of Hoboken; of William O'Connor, of Hoboken; of H. O. Wittpenn, of Jersey City; of Albert E. Roy, of Jersey City; of T. C. Kinkead, of Jersey City; of J. R.



Callahan, of Millville; of L. Kramer, of Jersey City; of Dr. F. H. McKenzie, of S. Schuer & Co., of Paterson; of Harry S. Ford, of Pensauken; of L. Lehman & Co., of Trenton; of Benjamin D. Van Buren, of Jersey City; of L. Margardt, of Hoboken; of De Mott & Ryerson and sundry other citizens of Wayne; of E. W. Johnson, of Jersey City; of Dr. R. C. Newton, of Montclair; of Dr. James Crooks, of Paterson; of Dr. Fred W. Thum, of Newark; of George H. White, of Jersey City; of John A. Thompson, of Jersey City; of Mark W. Hull, of Jersey City; of Dr. D. F. Corbell, of Jersey City; of John Mulligan, of Jersey City; of Mrs. P. J. Klahn, of Jersey City; of Dr. John E. West, of Jersey City; of Dr. E. W. Crater, of Oceanport; of Edgar Williams, of Orange; of J. Kann, of Jersey City; of Abram Hancock, of Newark; of John W. Jorgensen, of Hoboken; of Dr. J. L. Whitaker, of Cranbury; of Dr. Jephtha C. Clark, of Andover; of Dr. G. G. Hoagland, of Keyport; of Dr. Henry Cravane, of Salem; of Dr. H. W. Ferguson, of Beemerville; of E. J. Newton, of Whippany; of Dr. C. W. Ford, of Morristown; of J. G. Patton, of Paterson; of Dr. Frederick N. Sauer, of Jersey City; of John Seaman, of Perth Amboy; of Ammon & Person, of Jersey City; of sundry citizens of Boonton, Morristown, Ionia, Stanhope, Oxford, Washington, Phillipsburg, Newton, Hackensack, Stanhope, Paterson, Jersey City, Wayne, Bayonne, Perth Amboy, and Red Bank, and of the Medical Society of New Jersey, all in the State of New Jersey, and of Lestrade Brothers, of New York City, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of Typographical Union No. 40, American Federation of Labor, of St. Joseph, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Bricklayers and Masons' Local Union No. 10, American Federation of Labor, of Springfield, Mo., and a petition of Typographical Union No. 40, of St. Joseph, Mo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. BLACKBURN presented a petition of Typographical Union No. 10, American Federation of Labor, of Louisville, Ky., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Typographical Union No. 10, of Louisville, Ky., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of sundry business firms of Saginaw, Mich., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of Hersey Grange, No. 518, Patrons of Husbandry, of Hersey, and of sundry citizens of Cresco, in the State of Michigan, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a memorial of the Business Men's Association, of Marine City, Mich., remonstrating against a reduction of the tariff on raw sugar imported from Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of the Trades and Labor Council, of Lansing; of the Central Labor Union, of Saginaw, and of Twin City Clerks' Local Union, No. 356, of Hancock, all in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of Plumbers and Steam and Gas Fitters' Local Union No. 190, American Federation of Labor, of Ann Arbor, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. QUARLES. I present 182 petitions in favor of the pending oleomargarine bill. These petitions are signed by 6,327 citizens residing in various cities in the United States, and were sent direct to the Committee on Agriculture and Forestry. I move that the petitions lie on the table.

The motion was agreed to.

Mr. HANNA presented memorials of the Woman's Christian Temperance Union, of Columbus; of the Retail Grocers' Association, of Uhrichsville and Dennison; of John C. Hoffman and 36 other citizens of Portland Station; of C. M. McConnell and 57 other citizens of Woodstock, and of Cone Howard and 102 other citizens of Milford Center, all in the State of Ohio, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented the petition of L. M. Greenwood and 19 other

citizens of Chaelwick, Ohio, and the petition of C. M. Poor and 21 other citizens of Glendale, Ohio, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a memorial of the German Central Bund of Toledo, Ohio, remonstrating against the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 43, American Federation of Labor, of Urbana, Ohio, remonstrating against any reduction of the import duty on cigars; which was referred to the Committee on Finance.

He also presented the petition of William Berton and 5 other citizens of Wilmington, Ohio, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Painters, Decorators, and Paper Hangers' Union of Bowling Green, of Boiler Makers and Iron Shipbuilders' Union No. 105 of Cincinnati, of Boot and Shoe Workers' Local Union No. 68 of Cincinnati, of the Lithographers' Association of Akron, of Local Union No. 206 of Canton, of Retail Clerks' Local Union No. 239 of Bowling Green, of Boot and Shoe Workers' Local Union No. 241 of Columbus, and of Pressbinders' Local Union No. 10 of Zanesville, all of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Harry Kelly and 45 other citizens of Springfield; of Bricklayers' Local Union No. 9, of Bellaire; of Local Union No. 416, of Norwalk; of Federal Union No. 7503, of Byesville; of Boiler Makers and Iron Shipbuilders' Union of Cincinnati; of Painters, Decorators, and Paper Hangers' Local Union No. 315, of Bowling Green; of Stereo-Electrotypers' Local Union No. 14, of Columbus, and of Local Union No. 43, of Urbana, all of the American Federation of Labor, in the State of Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. PENROSE presented petitions of 64 citizens of Pittsburg; of Fall City Council, No. 385, Order of United American Mechanics, of Fall City; of Mount Moriah Lodge, No. 319, of Philadelphia, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. SIMMONS presented petitions of the Chamber of Commerce of Washington, the Chamber of Commerce of Newbern, and of the Chamber of Commerce of Elizabeth City, all in the State of North Carolina, praying for the construction of an inland waterway from Chesapeake Bay to Beaufort, N. C.; which were referred to the Committee on Commerce.

He also presented a petition of the Textile Union of Concord, N. C., and a petition of Textile Workers' Local Union No. 216, of Salisbury, N. C., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented the petition of F. M. Jewett, of Augusta, Me., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

#### CHINESE EXCLUSION.

Mr. TURNER. Mr. President, I have had sent to me a memorandum in reference to certain phases of the Chinese question, prepared by Mr. Edward J. Livernash, of the California Chinese exclusion commission, for that commission and other bodies which are interested in the subject here. It is a very valuable and important contribution to that question, and I ask that it be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the papers which he presents, relating to the Chinese question, may be printed as a document. Is there objection?

Mr. HALE. What is the request?

The PRESIDENT pro tempore. That there be printed certain papers relating to the Chinese-exclusion act, a compilation prepared by —

Mr. TURNER. By Mr. Livernash, of the California Chinese exclusion commission. It is a very valuable paper.

Mr. HALE. I have no objection.

The PRESIDENT pro tempore. Without objection, the printing is ordered.

#### TRADE RELATIONS WITH CANADA.

Mr. NELSON. I present a petition signed by over 600 of the most prominent firms and business men of St. Paul, Minn., together with resolutions adopted by the board of trade of that city, in favor of a reciprocal trade agreement with the Dominion of Canada. I ask that the petition, together with the resolutions,



be printed in the RECORD without the names, and that they be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota?

There being no objection, the petition and resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

ST. PAUL, MINN., March 29, 1902.

Hon. KNUTE NELSON,  
United States Senator, Washington, D. C.

DEAR SIR: We herewith present you with a petition to Congress favoring a reciprocal agreement with Canada.

This petition, you will notice, has been signed by over 600 of our most representative firms and business men.

We inclose with the petition a duplicate copy of resolutions unanimously adopted by our board of directors December 16; also other communications and clipping bearing on the subject.

We beg your careful consideration and earnest support in securing favorable action on the part of Congress.

Yours very truly,

BENJAMIN F. BEARDSLEY,  
Secretary.

[St. Paul Pioneer Press, March 29, 1902.]

#### RECIPROCITY WITH CANADA.

The petition which was recently sent to Congress, signed by all the leading business men of St. Paul, for commercial reciprocity with Canada, was simply a local expression of a general sentiment which prevails throughout all the States on the Canadian border from Maine to Oregon and Washington, and of a general movement to give it effect in appropriate national legislation. Much as Minnesota is interested in opening to the trade of her merchants the prosperous and progressive territory embraced in the northwestern Provinces of Canada, the New England States and northern New York are still more interested in closer commercial relations with the far more populous Provinces of Ontario and Quebec. All attempts on the part of Canada to bring about a commercial treaty with this country on a basis of mutual and equivalent tariff concessions have been frustrated by the influence of the protected interests which have been arrayed against it. And since this country, which forms the natural market for her products, has refused these opportunities to extend its Canadian markets by opening its own on terms of reciprocal concession to the Canadian producers, the Dominion government is seriously considering a policy of retaliation. There is a tariff bill now pending in the Dominion Parliament providing for discriminating duties against the manufactured products of the United States as a further step in the direction already taken by discriminating in favor of English imports.

Mr. John Charlton, who has been a leading representative of the Canadian movement for reciprocity, plainly indicates that this bill may receive the support of the Canadian government. He declares that if the United States, while possessing 63 per cent of the total import trade of Canada, continues to shut its market against Canadian products, Canada is ready to declare a war of duties. We are now selling to Canada \$110,000,000, while buying from her only \$45,000,000 a year. New England is already alarmed at the threatened contraction of its large business with Canada, while it is anxious to obtain the cheap raw material—the lumber, ore, and coal—which Canada is ready to furnish to its industries. A close commercial union with Great Britain would largely compensate Canada for the loss of her now restricted American trade, but the United States can find nowhere on the globe any market to replace that which she already has in Canada, and can make no reciprocity treaties with other countries which would so widen the market for her wares as in Canada.

It is for these reasons that the Boston Chamber of Commerce has asked the cooperation of all the business interests in the northern belt of American States in urging that the United States Government take the initiative in arranging a reciprocity treaty with Canada on the basis of equivalent tariff concessions on both sides. As a matter of fact, such a reciprocity treaty would be of far greater advantage to the United States than it would be to Canada. The bulk of her farm products now go to Great Britain, and will continue to go there. But she would consume a far greater amount of our manufactured goods if she were allowed to do so. Congress is pottering over treaties with France and Italy and other countries. Right on our northern border lies a country stretching from the eastern to the western ocean, divided from it by no natural barriers, inhabited by people of the same race and language, with whom reciprocal trade on terms that would facilitate the exchange of their products would be worth more to the United States than that of any other country in the world except Great Britain, whose trade is free to all the world.

OFFICE OF THE CHAMBER OF COMMERCE,  
St. Paul, Minn., —, —.

Hon. KNUTE NELSON and Hon. MOSES E. CLAPP,  
United States Senate, Washington, D. C.:

The undersigned, merchants and manufacturers of St. Paul, Minn., represent that a reciprocal trade agreement with the Dominion of Canada, prepared on the basis of equivalent concessions, would be of great benefit to the business interests of the United States, and they respectfully solicit your active influence to the end that such a treaty may be negotiated and ratified. [756 signatures.]

Resolutions St. Paul Chamber of Commerce. Reciprocal trade with Canada, unanimously adopted December 16, 1901.

Whereas it is essential for the maintenance and future extension of our export trade that the United States should make favorable commercial agreements with foreign countries; and

Whereas it is peculiarly desirable that the United States should cultivate the most intimate trade relations with the countries of the American continent; and

Whereas the Canadian people are relatively the best foreign customers that we have, and an impairment in our trade intercourse with them would be seriously detrimental to a great variety of our business interests: Therefore, be it

Resolved, That the St. Paul Chamber of Commerce earnestly requests the authorities at Washington, and trust that the merchants and manufacturers of this city will associate themselves in this petition to endeavor to make, on the basis of mutual concessions, a reciprocal trade treaty with the Dominion of Canada.

Resolved, That copies of this resolution be sent to the President of the United States and to the two Senators representing the State of Minnesota in the United States Senate.

These resolutions were also indorsed by the St. Paul Jobbers' Union, St. Paul Chamber of Commerce, and Northwestern Manufacturers' Association.

[The Pioneer Press, J. A. Wheelock, editor.]

ST. PAUL, MINN., March 6, 1902.

Mr. C. J. WHELLAMS,  
Secretary Northwest Manufacturers' Association, City.

DEAR SIR: I desire to congratulate you upon the high character of the signers of the petition to Congress for a reciprocal agreement with Canada, to which you have been instrumental in securing their signatures. They represent the body of the business men of high standing in this community who are the most progressive and influential representatives of the commercial interests of the city and the State. It ought to carry great weight with Congress.

Very truly, yours,

J. A. WHEELOCK.

ST. PAUL FOUNDRY COMPANY,  
St. Paul, Minn., March 6, 1902.

Mr. C. J. WHELLAMS,  
Secretary of the Northwest Manufacturers' Association,  
St. Paul, Minn.

DEAR SIR: It is with considerable surprise that I find on investigation of the list of names that you have succeeded in securing on the reciprocity question with Canada. On careful examination I find you have the leading and most substantial business houses of the city, and I believe it is the strongest list of any petition that was ever signed in this city. I congratulate you on securing this large list, and I think that the influence and weight will have considerable bearing toward securing the reciprocal agreement with Canada.

Yours, truly,

JOHN B. JOHNSTON,  
President Northwest Manufacturers' Association.

ST. PAUL ROOFING, CORNICE, AND ORNAMENT COMPANY,  
St. Paul, March 6, 1902.

Mr. C. J. WHELLAMS,  
Secretary Northwest Manufacturers' Association, City.

DEAR SIR: Having before us the results of your canvassing for names in support of the petition, reciprocity with Canada, we have to say that this is one of the most, if not the most, weighty and important list of signatures ever signed to any petition in this city, and is notable on account of the lack of individual names to increase number, and for the great weight carried by the firm signatures, of practically all of the financial, commercial, and industrial interests of this city, with the single exception of the lumber manufacturers. We congratulate you on making so clear a preponderance of signatures, so clearly and forcibly demanding the enactment of legislation toward the end of reciprocal trade with our immediate neighbors on the north.

Respectfully, yours,

A. K. PRUDEN,  
Chairman Mercantile and Manufacturing Company,  
St. Paul Chamber of Commerce.

NORTHWESTERN INVESTMENT COMPANY (INCORPORATED),  
St. Paul, Minn., March 6, 1902.

Mr. C. J. WHELLAMS,  
Secretary Northwestern Manufacturers' Association,  
St. Paul, Minn.

DEAR SIR: I have looked over with interest and with a good deal of care the names which you have succeeded in having subscribed to the petition for "a reciprocal agreement with the Dominion of Canada." As you know, I have lived here long enough to be very generally acquainted with the names and standing of the leading business men of St. Paul. I am very much impressed at the high character of the signatures to this petition and doubt whether any petition ever went out of this city with an equal number of really influential names.

You are to be most heartily congratulated upon the success which has attended your effort in having our business interests of all sorts express themselves in favor of this movement.

Very truly, yours,

THOS. COCHRAN,  
President Northwestern Investment Company.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3334) granting an increase of pension to Thomas E. James, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2409) granting a pension to John A. Rotan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7847) granting an increase of pension to Charles S. Wilson;

A bill (H. R. 12490) granting an increase of pension to Joseph Culbreath; and

A bill (H. R. 2613) granting an increase of pension to Thomas H. H. Gibbs.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 7290) granting an increase of pension to Lizzie B. Green, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 10363) to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other

purposes, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the bill (S. 1812) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business, reported it without amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4926) granting an increase of pension to Charles A. Rubin; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Charles A. Rubin, asking for an increase of pension, together with certificate of Dr. J. B. Nichols and affidavits of Robert L. Tolson and Augustus Williams. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CLAPP introduced a bill (S. 4927) granting a pension to Hattie M. Whitney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD (by request) introduced a bill (S. 4928) for the relief of the estate of Esau Berry, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 4929) for the relief of the estate of J. E. Stafford, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4930) for the relief of W. O. Rodney; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 4931) granting an increase of pension to Augustin M. Adams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4933) for the relief of Mrs. Inez Shorb White; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4934) granting an increase of pension to Francis McAdams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4935) granting an increase of pension to Mary J. Irwin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4936) granting an increase of pension to Robert L. Griffin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEITFELD introduced a bill (S. 4937) to incorporate the Columbia Heat and Power Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$25,000 for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park, the construction and repair of bridges, fences, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP submitted an amendment conferring jurisdiction on the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and Mississippi for sums of money claimed under certain treaties; of the Pillager bands of Chippewa Indians of Minnesota; of the Delaware Indians residing in the Cherokee Nation; of the White River Utes, Southern Utes, Uncompahgre Utes, Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, known also as the Confederated bands of Ute Indians of Colorado; and of the Peoria, Kaskaskia, Wea, and Piankashaw Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. PENROSE submitted an amendment proposing to increase the appropriation for completing the improvement of Aransas Pass, Texas, from \$250,000 to \$500,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment directing the Secretary of War to prepare a list of the bridges in the harbor of Pittsburgh which are an impediment to safe and convenient navigation, the nature and extent of the modifications required in each of them,

etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate \$3,200 for the purchase of a tract of land adjoining the Cherokee Training School property in North Carolina, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment proposing to appropriate \$5,157.90 to pay Henry W. Spray for care, education, and support of Indian children at the Indian school at Cherokee, N. C., from July 1 to December 31, 1892, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$4,000 for the purpose of settling certain litigations between the Eastern Band of Cherokee Indians and W. H. Thomas, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

#### EMPLOYMENT OF MESSENGER.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Pacific Islands and Porto Rico be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided by law.

#### THE HAY-PAUNCEFOTE TREATY.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That Senate Document No. 85, Fifty-seventh Congress, first session, together with the proceedings had on the treaty known as the Hay-Pauncefote treaty of February 5, 1900, be reprinted.

#### WILLIAM C. CARSON AND NATHANIEL R. CARSON.

Mr. McCOMAS. I ask unanimous consent to have a resolution adopted referring a case to the Court of Claims.

The resolution was read, as follows:

*Resolved*, That the bill (S. 4008) entitled "A bill for the relief of William C. Carson and Nathaniel R. Carson," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent for the present consideration of the resolution which has just been read.

Mr. COCKRELL. Does that resolution come from a committee?

Mr. McCOMAS. It is a resolution in respect of a war claim, and it merely proposes to refer the claim to the Court of Claims.

Mr. COCKRELL. Has it been before the Committee on Claims?

Mr. McCOMAS. I understand there is such a bill in the Committee on Claims.

Mr. COCKRELL. Then let the resolution be referred to that committee.

Mr. McCOMAS. Very well.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Claims.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; in which it requested the concurrence of the Senate.

#### IMITATION DAIRY PRODUCTS.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. HALE. Let the Secretary proceed—

The PRESIDENT pro tempore. Was there unanimous consent to take up the oleomargarine bill immediately after the routine morning business?

Mr. PROCTOR. Yes, sir.

The PRESIDENT pro tempore. There was. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and



regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. RAWLINS. Mr. President, I had not intended to make any remarks upon this bill, but as the discussion has proceeded and we are requested by numerous telegrams to vote one way or the other upon the measure, I have concluded to submit as briefly as I can the reasons which will impel me to vote against the bill.

Mr. President, what is the bill? What is the purpose which it is designed to accomplish? Is it a tax bill, a commerce bill, or an attempted exercise of the police power to suppress fraud? As to the last purpose, it is admitted on all sides, I believe, that Congress has no authority to exercise the police power as a primary object to suppress fraud within the States.

The bill can not be maintained as a bill to regulate commerce, because the power of Congress is confined to the regulation of commerce between the States and with foreign countries, and the bill in its operation is designed to extend beyond the limits of that jurisdiction. It applies not merely to commerce within the States, but also, as pointed out by the Senator from Texas [Mr. BAILEY] yesterday, it is to operate upon commerce confined wholly within the limits of a State.

The bill, therefore, can only be sustained, and that is conceded, I think, by those who advocate its passage, as an exercise of the taxing power, and ostensibly upon the face of the bill it is a bill for the purpose of raising revenue. Yet, Mr. President, there is not a Senator, I take it, who will cast his vote in favor of the bill solely upon the ground that it will furnish revenue needed for the support of the Government. Those votes will not be cast for the replenishment of the Treasury. Those who vote for the bill, I take it, will justify themselves in so doing upon the ground that while the measure upon its face and ostensibly purports to be an exercise of the taxing power, incidentally it will have the effect of suppressing what is claimed to be a dangerous and all-pervading fraud.

If I believed that this measure would in some degree contribute to the National Treasury and would at the same time accomplish the purpose which it is claimed it will accomplish, namely, the suppression of fraud as an incidental effect of its operation as a revenue measure, I should be inclined to cast my vote in favor of its passage. Will it have that effect?

What is the mischief which is aimed at in the provisions of the bill? It is claimed that its object is to purge and purify the American market. It is not contended that oleomargarine in and of itself is deleterious or fraudulent. Oleomargarine is admitted to be a fairly good substitute for butter. Yet most people prefer the original to the substitute. Anyone having his choice would take the genuine article of butter rather than oleomargarine.

Oleomargarine resembles butter, and butter resembles ordinarily oleomargarine. Out of this situation grows the duty of the manufacturer or dealer in oleomargarine to disclose to the purchaser the fact that it is not butter, and if he fails to make such disclosure fraud may justly be attributed to him, and it may be provided that he shall be punished by reason of the deception which he undertakes to practice.

But, as I stated, Mr. President, the fraud is not in the article of oleomargarine itself. Whether colored or uncolored it is a wholesome article of food. It serves a useful purpose. Anyone who can not obtain butter would take oleomargarine as a desirable lubricant or article of food. But if he disposes of it, concealing or misrepresenting its real character, he is properly chargeable with the commission of fraud and deception. That is the mischief which it is claimed by the advocates of the passage of this bill will be incidentally suppressed in the imposition and collection of the tax which is provided for.

Will this bill in its operation have any such effect? If I believed it would, I should be inclined to vote for the passage of the bill; but I fail to find anything in the provisions of the bill which will either approximately or remotely, directly or indirectly, tend to the suppression of the fraud, to the destruction of the mischief at which it is asserted by the advocates of the measure it is aimed.

And why will it not and can it not have that effect? The bill simply imposes a tax at the rate of 10 cents per pound upon oleomargarine colored in any shade of yellow in imitation of butter. When the manufacturer or dealer in this article has paid his tax at the rate of 10 cents per pound the bill turns him loose, so to speak, to prey upon a suffering community with absolute immunity. He can color his oleomargarine in imitation of butter. He can put it in such packages as may subserve his purpose. He can dress his agent in the guise of a countryman and send him out upon the market with a basket upon his arm containing this spurious article; and the bill turns him loose to practice his deception without limit or the fear or danger of punishment upon the unsuspecting housewife or upon the suffering community who, it is claimed, are to be protected under the provisions of the bill.

Mr. President, the fact that the payment of the tax leaves the dealer, or the manufacturer, free to practice in any manner he chooses the deception which is so decried here conclusively establishing that this measure does not intend to prevent the mischief which has been so eloquently denounced in this Chamber.

But, Mr. President, while this measure will not tend to prevent fraud, in my judgment it tends to the encouragement of a fraud and to the extension and enlargement of the very mischief which has been so denounced. Let us see. It is said that avarice is the inspiration of the fraud. The avarice is augmented to the extent in this case of 10 cents a pound for every pound of this article which is put upon the market.

If the manufacturers or dealers in this article are disposed to practice fraud at all, more than ever will they have an inducement to go out to the people who desire to purchase good butter and obtain by the practice of deception and false pretenses the highest price for this article which could be obtained for the best grades of butter put upon the market; and if they do this there is no penalty denounced. There is nothing in this bill which inhibits that fraudulent practice, but the party having paid the tax to the Government is immune to practice fraud without limit and without restriction.

Thus, Mr. President, not only does this bill fail in any degree to suppress the mischief at which it is claimed it is aimed, but it is an encouragement to such fraudulent practice, and it becomes itself a party to that crime.

Mr. PROCTOR. Will the Senator from Utah allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. RAWLINS. Yes, sir.

Mr. PROCTOR. I should like to ask the Senator if he does not think that the increase of this tax to 10 cents a pound where it is colored and the reduction to a quarter of a cent a pound when it is uncolored will tend to stimulate production of the genuine uncolored article and to restrict the production of the colored article?

Mr. RAWLINS. I am glad the Senator has propounded that query, because I had it in mind to deal with that very question in the course of the few remarks which I wish to make. I will reach it in a moment.

There is no provision of this bill prohibitive of the fraud. It can not upon its face be made prohibitive of a fraud, because it is not competent for the Federal arm to extend its jurisdiction and exercise a police power, which belongs exclusively to the States. Therefore, not only does the bill not tend to the suppression of the mischief which it is claimed ought to be suppressed, but it is impossible for Congress to undertake, as a primary object, to deal with that mischief, because under our structure of Government it belongs to the States and not to Congress.

But, Mr. President, this bill tends to another result more mischievous than any evil which has been pointed out and decried in this Chamber. When the manufacturer is called upon to contribute to the National Treasury at the rate of 10 cents per pound for each pound of colored oleomargarine put upon the market, he is bound to meet in competition those who are his competitors now, and he is put at a disadvantage in that competition to the extent of the amount of the tax which he is thus compelled to pay and to recoup his losses. If he is inspired with the avarice which it is claimed is the inspiration to the fraud, he will not only have an inducement to practice the fraud and impose the article upon the unsuspecting public as the best grade of butter, when in reality it is not, but he will have the further inducement to degrade the quality of the article and to make that which is now wholesome unwholesome; that which is not deleterious injurious; and in that sense the tendency of this bill and its operations, if passed and put into effect, will be injurious to the public health.

Mr. PROCTOR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. RAWLINS. Certainly.

Mr. PROCTOR. Then I understand the Senator to admit that there is great opportunity to use deleterious ingredients in the manufacture of this article?

Mr. RAWLINS. I have no doubt that in respect to this article, as in every article of similar character, to anyone so evil-minded there is an opportunity to practice a vile fraud, which ought in some way to be suppressed, and I am desirous of going as far as any Senator legitimately in the exercise of proper power to the suppression of such fraud and such practice, which tend to the injury of the public health.

Mr. President, the manufacturers and dealers in this article contribute the taxes and are then turned loose with an increased inducement, if their practice is the result of avarice, to the extent of 10 cents per pound for each pound they manufacture, to practice to a greater extent the fraud which is complained of, and still another, which is detrimental to the public health.



Now, I come to the very question which the Senator from Vermont propounded to me, and it is a pertinent one in this discussion. It is whether this legislation will tax out of existence colored oleomargarine, or this article, whatever it may be, whether it have color or not. Mr. President, the evil here is not in the article itself. Oleomargarine is not per se fraudulent. The fraud consists in the concealment or misrepresentation of him who undertakes to sell it, and his situation in the market is such that there is devolved upon that person the duty, in good morals, to disclose the character of the article which he sells, because being like butter, and people generally preferring butter, it is a fraud if when he tenders oleomargarine he does not disclose to the purchaser the fact that it is not butter.

If this legislation is designed to destroy and will have the effect of destroying oleomargarine and preventing its manufacture in the future and doing away with it, there will no longer be any subject in relation to which such fraud can be practiced. If that is the effect of this bill, I concede that it will be the suppression of fraud as an incidental effect of a measure, which, upon its face, purports to be for the purpose of replenishing the Treasury.

But, Mr. President, let us examine that question. Are we by the exercise of the taxing power of the Federal Government to destroy any article of property which, in itself, is not deleterious and is wholesome, which serves a useful purpose, which tends to the welfare of the people, because under some circumstances some evil or pernicious person may be guilty of fraud in connection with its disposal or sale? For time out of mind the suppressio veri and the expressio falsi have clustered about that useful and noble animal known as the horse. The fraud, the misrepresentation, or the concealment of the horse dealer have been well understood at all times and everywhere. But will anybody claim that the horse ought to be taxed out of existence because the horse dealer may lie? I think not.

Are we going by the passage of this legislation to establish the principle that the Federal Government will tax out of existence any useful article because there may be somebody who will commit a fraud in relation to it? That is the important question in this case, Mr. President. That is a Pandora's box. Are we to encourage—

Mr. PROCTOR. Mr. President, will the Senator allow me?

Mr. RAWLINS. I yield.

Mr. PROCTOR. I believe we have a law against selling horse flesh for beef, have we not?

Mr. TELLER. A national law?

Mr. RAWLINS. I do not know of any such law. Perhaps the Senator does. But that is just in line with the suggestion I was about to make, that one vicious precedent has a train of evil consequences, the limit of which no man can foresee. If we are to tax oleomargarine, destroy its existence as a useful and wholesome article of food, a desirable lubricant, and a good substitute for butter when we can not get butter, because some person in the market place will commit a fraud in relation to it in disposing of it to the person who desires to obtain butter, we can build up the same argument for the suppression of any other article which is put upon the market. No article of apparel, no machine which serves a useful purpose, nothing which tends to promote civilization and advance the welfare in this mechanical age would be free from the interference.

Mr. President, that brings us back to the vital question in this case. Shall Congress pass laws purporting to be in the exercise of the taxing power, but which are not at all designed for the replenishment of the Treasury, which have no purpose to provide revenue needed for the support of the Government? Shall Congress pervert such power conferred for those specific ends for the purpose of destroying one useful article in order that another article may have freedom from competition in the open market? Are we to so purge and purify the market place according to the eloquent argument of the Senator from Iowa [Mr. DOLLIVER]? If so, where is the limit and what is the restriction upon our power?

Time out of mind sugar has made palatable various articles of food upon our tables, entering largely into the consumption of the people. The original source was the cane, and we looked to the cane fields of the sunny South for the saccharine which should provide for the happiness of our people. By the skill of the chemist, by the ingenuity of those desiring to produce other things new in their nature, but still serving a useful and desirable purpose, this article is now extracted from the beet. Some powerful political influence, taking this statute as an example, may next appeal to us to pass a law in order that it may have the market for the product of the cane field to the exclusion of the product of the beet field.

Next, there are a good many farmers who are engaged in the production of corn. They, perhaps, constitute a majority, and they may come here with a cloud of telegrams and petitions urging Senators and Congressmen to vote in favor of some tax which will give to the producer of corn the market for food to the exclusion of all other cereal products.

Take those things which constitute the apparel of the people. There are various sources of supply for those things which protect us in that way from the inclement weather. The influence of one becomes more potent than another, and it appeals to Congress to exercise the taxing power to encourage the industry which it is engaged in to the exclusion of every competing industry.

Mr. President, this bill confessedly is a bill to destroy a wholesome article which is a good substitute for butter, which anybody would use if he could not get butter, in order to give the market exclusively to the product of the dairy. I can not vote for such legislation.

If the bill proposed a reasonable tax upon oleomargarine, 1 or 2 cents per pound, and in such form that it would make some contribution to the national Treasury, in such a manner as to provide some revenue to supply the needs of the Government, so as to be legitimately sustained as a proper exercise of the taxing power conferred upon Congress under the Constitution, and if in arranging the details for the collection of that tax, and to prevent frauds upon this means of obtaining revenue, devices can be obtained which will enable people buying the article in the open market to identify and know whether it is butter or not butter, if you provide for a stamp tax the stamps to be in such form and to be put upon the article in such small packages that in every case when a package is put upon the market the revenue stamp will disclose that it is oleomargarine and not butter, I would readily vote for such a measure, because it would be a measure which in its primary purpose would be the raising of revenue, and it would have the incidental effect in its administration of supplementing the laws of the States and enabling them to detect any fraud if any person should attempt to commit it in the disposal of the article upon the market.

There is an amendment in the nature of a substitute for this bill which is precisely of that character, and for that substitute I shall cast my vote. That substitute will tend to suppress fraud—I mean the real fraud which is aimed at. The bill aims at an innocent and wholesome article and destroys it. The substitute aims at the fraud committed in respect to the sale of the article and will tend to suppress that fraud. Those who vote for the original measure vote to pervert the taxing power. The bill itself in that sense instead of accomplishing or tending to accomplish the suppression of fraud is itself a fraud, because under the pretense of a tax law it is in reality a discriminating law tending to destroy one industry and to build up another, and is utterly revolutionary and a perversion of the powers which were conferred upon Congress. The substitute is a legitimate exercise of the taxing power, and in its administration has the incidental effect of tending to the suppression of fraud.

How can any man desiring to accomplish the real object which in eloquent terms was depicted here, namely, the suppression of the practice of fraud in the disposal of oleomargarine, cast his ballot for the bill which tends to spread, to extend, and to make all pervading that fraud and in no sense to suppress it, and to add to it another fraud detrimental to the public health, and not vote for a measure which is legitimate in its primary purpose and in its incidental effect intending to prevent the very mischief which is so decried in this Chamber?

Mr. President, the bill is not a tax bill. It is an attempt by a false pretense to exercise power reserved to the States and belonging to them exclusively, a part of the police power, for the suppression of fraud. The bill is a fraud per se, therefore, and not a bill for the suppression of fraud. The substitute is justified for the reasons which I have pointed out.

Mr. President, no wonder Senators upon the other side are evasive and elusive when their intention in regard to this measure is inquired into. The motive of every Senator is inviolable; the motive of his action is inviolable; no one can impugn his motives. Every Senator justifies himself in what he does. But when we scrutinize the purpose in a way in which the courts will not scrutinize it we, each one for himself, have the right to determine the purpose which each has in view in proposing to vote for given legislation. We ask ourselves this question: What answer must each one for himself give?

Here is a dangerous and all-pervading fraud, which ought to be suppressed. Legislation in the States so far has been ineffective for its suppression; legislation by Congress has failed so far to accomplish that desired result. True, a legitimate exercise of the power to regulate commerce will not do it; true, we can not appeal to the exercise of the police power, which belongs exclusively to the States; true, we can not, and we do not in the nature of things, impose this tax for the replenishment of the Treasury as its primary and paramount object. We come to the question, and we, by indirection and by false pretense, do something which will meet the public clamor throughout the country to suppress fraud. Then we have got to meet that question. Our constituents smother us with telegrams and petitions to come to their relief. We justify our consciences by saying, "Yes; we have no right to



do this, but we will do it." But there is one justification for that—

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. RAWLINS. Yes.

Mr. SPOONER. I suppose that means that Senators who oppose this bill obey their consciences, and those of us who are in favor of it palter with ours. Is that what the Senator means?

Mr. RAWLINS. Not for the life of me would I make such an imputation. I would not do it because I am as liable to be affected by such a charge as is the Senator. I do not impute that; but I say to the Senator that in arguing the law of the case we have a right to follow out every premise to its logical conclusion. That does not imply inquisition into any motive of any Senator. I disclaim any such purpose.

I say we are confronted to-day with that very question in the form in which I have put it, the logic of which is as inexorable as fate. So good a lawyer as the Senator from Wisconsin, and other Senators preeminent in that line, will not be questioned about it. They are scarce able to endure the catechism of those who see in this measure not a legitimate exercise of the taxing power.

I have confessed, so far as I am concerned, that if this bill stood upon the basis that it could be legitimately sustained as a revenue measure my vote could be induced for it, though it might not otherwise be given if the bill would have the incidental effect in its administration of suppressing fraud. That, I suppose, is the ground upon which every Senator who votes for this bill will put his vote. I can not see that it can, either remotely or approximately, directly or indirectly, tend to the accomplishment of that purpose in its present form. What is its object? This bill will probably pass; I do not know; but it ought not to pass, in my judgment. If it does pass, it will pass to the tune of the rural ditty:

"Where are you going, my pretty maid?"  
"I am going a-milking, sir," she said.

It may accomplish the object so eloquently described by the Senator from Iowa [Mr. DOLLIVER]; it may restore to us the God-given privilege of enabling us to warm our feet in the morning where the cow had lain over night, and it may take some of us back to the halcyon days of frozen toes and the comforting cow pens. Whatever may be its effect in these extraneous matters, whatever else it may do, how it may affect the political destiny of any—and that ought not to be a part of our consideration—I do not know. We are always glad to gratify wishes and respond to the petitions and requests of our constituents. If our constituents were able to give this question thorough consideration and listen to the arguments pro and con, which we are able to listen to here, then they could pass a judgment upon it which would be entitled to far more respect than it is under existing circumstances. I do not see in this a revenue measure; it has no tendency to accomplish the object which these people who importune us desire to see accomplished.

I am impelled from the necessities of the case to cast my vote against the bill, and shall vote in favor of the substitute, as I have outlined.

Mr. TELLER. Mr. President, I understand the Senator from Wisconsin [Mr. SPOONER] has the floor by right. If he desires to take it, I will not proceed now. I only want to occupy a few moments, but I do not wish to interfere with the right of the Senator or that of anyone else.

Mr. SPOONER. I hope the Senator will proceed.

Mr. TELLER. I am not going to spend any considerable time on this bill. I regard this as a revenue bill, because it comes from the House of Representatives with the marks of a revenue bill. While I know that I may discuss the question in my own mind whether it is a proper revenue bill or not, I can not deny but that it will stand the test, if the question is raised in the courts, as to its being a revenue bill. So I do not care about discussing the constitutionality of this measure. I have no doubt the court will hold that this tax is legally and properly laid. The court will not inquire, and can not inquire, and it would not be possible to allow that to be done, as to what particular motive induced the Senate and the House of Representatives to enact this measure.

The avowed declaration outside of the Senate has been uniform, I think, that this is a bill repressive in its purpose. In other words, it is a bill to destroy an industry. Undoubtedly and unquestionably we may do that thing. We may put so heavy a tax upon any article as to prevent its production, and as Congress and nobody else must be the judge of that, it behoves us to consider whether or not it is a proper thing for us to do.

If oleomargarine were a deleterious article, unhealthy and pernicious, we might reach it in two ways—by putting such a tax upon it as would destroy it, or we might reach it under the general interstate-commerce power of the General Government and prohibit its use in commerce, I suppose.

One Senator tells us that this bill will destroy the colored article of oleomargarine, and another Senator tells us that it will actually increase the product. I do not see any influence in this bill to meet the great complaint which has been made so far by every Senator who supports the bill, and that is the complaint that the manufacturers and sellers of this article commit fraud by putting it upon the public as butter when it is not butter.

I sympathize with every attempt to compel the men who manufacture this article to sell it for what it is; but I know, Mr. President, and so does every other Senator here, that the power exists to compel that to be done. We all know it does not exist in the General Government. We have not any power to do it. We have the power to prevent its manufacture, or, if we so choose, to double or treble or quadruple the tax on this colored article of oleomargarine, so that none will be manufactured. The State of Colorado can compel every ounce of it that comes into that State, if the State so desires, to be sold not as butter, but for what it is—oleomargarine.

The Senator from Wisconsin told us that seven States in this Union have declared that it was impossible for them to enforce a provision of their law which compels the people who make this article to sell it for what it is. Why, Mr. President, if that is so, that is a lamentable fact; it is a disgraceful fact; but I want to challenge that statement. It is not the fact. The State may not do it, but there is ample power in the State to do it; and if the provision of law that it shall be sold for what it is is not capable of execution, it is the fault of the State.

While oleomargarine is an article that may deceive the eye, it can not at all deceive the chemist. There are tests that can be applied by every man in his own house to determine whether a given article is butter or whether it is oleomargarine. The test may be applied in every grocery store. Every man who knowingly sells oleomargarine as butter commits a fraud in the States where the law prohibits the article being sold.

Will this bill, when it becomes a law, remove the fraud that has been the subject of continual condemnation in every speech which has been made on this question? I do not believe it will. I do not believe what the Senator from Wisconsin believes that it will compel all the oleomargarine in the country to be manufactured without color. I believe it will practically add 10 cents a pound to all the oleomargarine that is manufactured; and I believe that the men who buy oleomargarine in this country will pay that 10 cents a pound additional. In other words, Mr. President, it is a tax upon consumption. If that has any virtue it is that it reduces the competition between butter and oleomargarine; and that is all there is of it. You have added to a perfectly healthy and useful article of food 10 cents a pound. The men who find themselves unable to buy high-priced butter will find that butter will go up still higher, and they will still buy higher-priced oleomargarine to put upon their tables.

Mr. President, if this vice is so great as to justify legislation of this character, the proper thing for us to do would be to put a tax of 50 cents a pound on oleomargarine, and then there would not be any of it manufactured at all.

It has been very earnestly contended that the fraud is to be destroyed. I want to repeat, Mr. President, that that is a subject as to which this Congress has no control whatever, and which it is under no obligation to consider. That is a thing of which the States in their capacity have absolute and exclusive control.

While under the Constitution this may be a perfectly legitimate law when we shall have enacted it, and the courts may sustain it, because they have no right to consider our motives; yet if oleomargarine is a fraud when it is sold as butter, this bill will be a fraud when it stands upon the statute books, because it is meant for one thing when legally it stands for another.

Mr. President, I am willing to vote at the request of the citizens of my State for the passage of any proper law that will compel the producers of this article to sell it for what it is; and I understand that we have such a law in Colorado. So far as I know, there are no complaints there. I have not received and have not heard of any complaints regarding this matter. The manufacturers may sell elsewhere large quantities of oleomargarine for butter, but I very much doubt whether they do so in my State, where we have proper police laws and where they are properly enforced.

The principle of this bill is vicious. You can, as has been said here—and I shall not elaborate upon it—destroy any industry in this country on the same pretense. In this case I do not believe you will destroy the industry.

I believe there will be just as much oleomargarine manufactured under this law as has been manufactured heretofore, but you will compel every man who buys a pound of it to pay 10 cents a pound additional to the Government when the Government does not need it, and when you have now pending between the two Houses a bill to reduce the excise taxes of this country \$77,000,000 this year, and last year we took off \$40,000,000. Under these circumstances nobody can contend for a single moment



that we need any additional revenue. We now have more revenue standing to our credit to-day than any other nation under the sun, and no nation in the world has as much ready cash on hand as we have got. For the nine months of the present fiscal year we have got a surplus of nearly \$62,000,000. Therefore we do not need this additional revenue, Mr. President. It is an attempt on our part to do by indirection what we can not do directly; to do for the people of the States what the States ought to do for themselves; and if this is half the fraud that it is claimed to be, the States will take care of it, and we need not bother ourselves with it.

Mr. President, I have on my table here to-day the second appeal that has been made to me from Colorado. I have had one appeal from the people who want to buy oleomargarine, who say it is a useful article, and who ask me not to allow this legislation to pass. This morning I got an appeal from the people who make butter. I am always glad to hear from my constituents upon these subjects, but, after all, I shall exercise my judgment upon this matter, and that is, that I ought not to vote for this bill, and I do not intend to vote for it.

Mr. SPOONER and Mr. FORAKER addressed the Chair.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). The Senator from Wisconsin [Mr. SPOONER] is entitled to the floor. Does the Senator from Wisconsin yield to the Senator from Ohio [Mr. FORAKER]?

Mr. FORAKER. Mr. President, I would not take the floor as against the Senator from Wisconsin if it were not entirely agreeable to him—

Mr. SPOONER. I am not holding the floor.

Mr. FORAKER. And if it were not for the fact that I want to speak only briefly.

I have given notice that I shall propose two amendments to this bill; and I wanted at this time, for fear I might not have time enough after the debate has passed under the five-minute rule, to explain why I have offered these amendments, the object of them, and the necessity for their adoption to make this bill satisfactory to myself.

I desire to say, however, before I come to speak of the amendments in the way I have indicated, that I have learned a great deal about oleomargarine since this debate commenced. As other Senators have announced in the progress of the debate, I was originally impressed with the idea that oleomargarine was an unwholesome product; that it was not an acceptable article of food; and, never having had occasion until now to give special attention to the subject, that impression has very largely remained with me. During the progress of this debate, however, I have learned from the investigation that has been made by the committee, the report of which is before us and which I have read, as well as from other sources, that that impression is not well founded. It must be conceded, and it is conceded by all, I believe, or at least practically by all who have participated in this debate, that oleomargarine is a wholesome article of food; that it is a good substitute for butter, and that it is now widely used in all sections of our country. This being the case, I think two provisions in this bill should be changed, or at least modified.

Mr. SIMMONS. May I interrupt the Senator from Ohio?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. FORAKER. Certainly.

Mr. SIMMONS. I should like to ask the Senator from Ohio if, at the time of the passage of the first oleomargarine act in 1886, the sole and only argument used in favor of the enactment of that law was not that oleomargarine was an unhealthy product and injurious to the human system?

Mr. FORAKER. I am not sufficiently familiar with the discussion in connection with that legislation to be able to answer without qualification the question which the Senator from North Carolina has put to me. It is my impression, however, that he is substantially correct in making that statement.

Mr. GALLINGER. If the Senator will permit me, it was my privilege to participate in that debate and cast a vote on that question in another body in 1886. I will say to the Senator from Ohio that that was largely the contention, and to a very considerable extent it was conceded, I think, that the article known as oleomargarine was differently made at that time from what it is at the present time.

Mr. FORAKER. I am very much obliged to the Senator from New Hampshire for giving me the benefit of that information. What he has said, however, is in accordance with the impression I already had about it, that the article was at that time legislated against for the reason suggested by the Senator from North Carolina, in a very large part, at least. But, however that may be—

Mr. HARRIS. If the Senator will permit me, I will suggest that owing to the restrictions and regulations required by that very law the materials used in the manufacture of oleomargarine

have been very much brought up and benefited and improved since that time.

Mr. GALLINGER. That is right.

Mr. FORAKER. I have no doubt that also is true, for certainly it is the fact that oleomargarine, as it is now manufactured and sold in the market is a widely different and much better article of food than it was supposed to be at that time.

Mr. COCKRELL. And just as good as butter so far as purity is concerned.

Mr. FORAKER. The Senator from Missouri says just as good as butter so far as purity is concerned. I am inclined to agree with him about that, and I am inclined to agree with him, not alone because of what has been testified to before the committee, but because of what has been put before us officially. I have before me the table that is furnished by the Director of the Census in Bulletin No. 138, in which he gives us the formulas according to which the different grades of oleomargarine—three in all that he discusses—are manufactured and put upon the market. These formulas certainly sustain all that the Senator from Missouri has stated.

The objection that I have, therefore, to what is here sought to be legislated against is what has been termed the putting of this article upon the market not as oleomargarine, but so much in the similitude of butter as to practice an imposition upon those who want to buy butter. I do not know to what extent that is true. I have no doubt whatever but that it is true to some extent; and I have not any doubt whatever but that to whatever extent it may be true, we ought to correct it if we possibly can.

I ought to say further, before speaking of these amendments, having stated that much as to the general purpose of the bill, that I have not taken the floor for the purpose of discussing the legal questions involved in this legislation or that it gives rise to. There is abundant excuse for that in the fact that the Senator from Wisconsin [Mr. SPOONER] on the one side, and the Senator from Texas [Mr. BAILEY] on the other—not to mention the other Senators who have so ably discussed the legal aspects of the case—have completely covered every legal proposition that has been raised by this proposed legislation. I do not think anyhow, Mr. President, that there is any serious difference of opinion between the lawyers of this Chamber, certainly not judging from that which they have spoken in our presence, as to what is the correct legal view as to each of the propositions involved. But, as I have said, as to that I do not propose to speak. I deem that unnecessary.

What I want to do, desiring to vote for this bill if I can, is to correct its provisions, first, the one found at the bottom of page 2, in the last clause of section 2 of the bill. It has been contended here that under this provision anyone is at liberty to buy oleomargarine, and, after having bought it in its natural condition, color it to suit his own fancy, provided he uses it only in his family, and only allows it to be used in connection with his family by such guests as he may have without compensation in his family. My objection to that has already been stated by others. I think they have correctly pointed out that the effect of that provision will be to subject every family table in this country to a system of espionage, to a visitation from a Government inspector to ascertain, in the first place, whether or not oleomargarine is used; in the second place, whether or not, if used, it is colored to any shade of yellow; and, in the third place, if they find that oleomargarine so colored is being used in that family, whether or not there is any guest there; and, if there be a guest there, whether or not he is a guest "without compensation" or a boarder paying for his board.

I think we ought to so amend the bill as to avoid that very disagreeable result of such legislation. I do not think anybody here wants to have, as a result of this measure, every family table in the land subjected to the visitation of a Government representative or put under the scrutiny of officials of the Government. Therefore I have given notice that I shall move, when the proper time comes for the consideration of amendments, to strike out from line 24, on page 2, the words "and guests thereof" and substitute in lieu thereof the word "table;" so that the clause will read in such a way as to allow a man who has purchased oleomargarine to put it on his family table and have it used there without regard to whether he happens to have a boarder or not, and without liability in any event to inspection and examination by a Government official. I retain the word "family," so that the clause may not be taken advantage of by hotel keepers or by cafés or others where there is a public house or where the table is a place for the public entertainment of guests. I trust that that amendment will be accepted.

The other amendment which I propose to offer is to strike out the words "ingredient or," found at the end of line 25 on page 2, and to strike out the same words where they occur on page 3. The language that I wish to amend is the following:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any



ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

By striking out the words "ingredient or" and inserting the word "artificial," as I should have stated that my amendment provides, the language would read as follows:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

The necessity for that is in this: From the bulletin furnished us by the Director of the Census, to which I referred a moment ago, it is shown that in each of the formulas according to which oleomargarine is made there are ingredients used that must of necessity give to it some slight shade of yellow, and I may remark in this connection that in all the cases which have gone to the Supreme Court of the United States the testimony reviewed, or the testimony that was offered and rejected, has been testimony showing, according to the finding of the Supreme Court of the United States, that the natural color of oleomargarine shows some slight shade of yellow. That has been shown, I believe, in every one of the decisions. It must of necessity occur if oleomargarine be made according to these formulas. I will not take the time to read from all of them, but only from the last one:

*Formula 3.—High grade.*

	Pounds.
Oleo oil.....	100
Neutral oil.....	130
Butter.....	95
Salt.....	32
Color.....	1
Total.....	357½

In other words, 95 pounds out of a total of 357½ pounds of the product is butter itself.

According to the other formulas no butter is used, but cream and milk are used in one and milk in the other, and other ingredients which of necessity would give some slight shade of yellow. That being the case, for us to provide that no ingredient shall be used that will lend any shade of yellow whatever to the color of oleomargarine would be for us to make it impossible for oleomargarine to be made according to any acceptable or known formula now in use, and certainly would make it impossible for it to be manufactured in accordance with the most acceptable formula, that numbered 3, as given in this bulletin by the Director of the Census.

Now, unless we intend absolutely to prohibit the manufacture of oleomargarine we ought not so to provide in our bill as to bring about that result. I understand it is not claimed that the purpose of the bill is to prohibit. If that were the claim, many of us could not support it at all. But it is only to impose a tax on the doing of that thing which may lead to fraud, imposition, and deception. If that be true, if our purpose is to allow it to be made according to these acceptable formulas and sold according to its merit, then we ought not to prohibit the putting in of ingredients which are absolutely necessary to make an acceptable and wholesome product.

For that reason I shall move to amend, as I have already indicated, by striking out the words "ingredient or" and inserting the word "artificial," so that the only thing prohibited by the bill with respect to the matter of color will be the putting into oleomargarine of any artificial coloration. That, I think, ought to be prohibited. I think the manufacturers of the product ought to be allowed to use the other ingredients just as they are using them.

What answer there may be to this I do not know, but from what has been said informally I apprehend it will be urged that some oil will be found that has color in it which would impart more yellow than is now imparted by the ingredients to which I have referred. I do not know whether that is true or not, but whether it is true or not I think we ought to deal with this subject according to the nature of the product as it is disclosed to us by the testimony taken before the committee and by the formulas that have been submitted to us officially as those in accordance with which the product about which we are legislating is manufactured and put upon the market. When we deal with what we have and are acquainted with, we know what we are legislating about.

Mr. COCKRELL. What was the proportion of butter?

Mr. FORAKER. Ninety-five pounds out of a total of 357½ pounds—more than 25 per cent.

Mr. PROCTOR. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. PROCTOR. I think that is added as a substitute for cream or milk. I think actually butter is not used to that extent, but the ingredients that make butter are used. It is correct in that respect.

Mr. FORAKER. I am very much obliged to the Senator from Vermont for interrupting me to make the remark he did. He doubtless overlooked the fact that I made the statement that there were three formulas given. I read only the third one, which provided for the use of butter, remarking that butter was not used in the other formulas, but that cream and milk were used in the second and milk only used in the first. I did not read all of them. I did not want to take up so much time, because I begged the indulgence of the Senator from Wisconsin that I might occupy a few moments, and I want to hurry through.

Mr. SPOONER. I want to say to the Senator from Ohio that I do not understand he is speaking by my courtesy.

Mr. FORAKER. I think, perhaps, it is due to all that these formulas, now that so much has been said about them, should be put in the RECORD in their entirety, and I will read them in order that they may be.

Formula No. 1 is known as the cheap grade. It consists of—

	Pounds.
Oleo oil.....	455
Neutral lard.....	255
Cotton-seed oil.....	315
Milk.....	255
Salt.....	120
Color.....	1½

Total..... 1,451½

Out of the total of 1,451½ pounds the Senator will observe that there are 255 pounds of milk. The Senator from New Jersey [Mr. KEAN] suggests that it does not state whether the milk was skimmed or not. I think, it being for the cheap grade, we might safely assume that it had been skimmed. It does not say anything about cream.

Formula No. 2 is denominated "medium high grade," and I desire to call the Senator's attention to this particularly, for I think there is more cream and milk in this formula than would be an offset to the butter in the other.

	Pounds.
Oleo oil.....	315
Neutral lard.....	500
Cream.....	280
Milk.....	280
Salt.....	120
Color.....	1½

Total..... 1,496½

Five hundred and sixty pounds out of the 1,496½ were milk and cream. So it is, as I said a while ago, that to anyone who reads these formulas it must be manifest that necessarily there must be some flavor of butter and some color of yellow. You can not escape it; and if every shade of yellow is to be inhibited and is to make the person producing it a manufacturer within the meaning of this statute and subject his product to a tax of 10 cents a pound, it simply wipes out, without any possibility of escape, the whole manufacture. I do not think anybody wants to do that. I do not. I think it is a wholesome product. I know it is largely used in our State. I know it is kept in most of our groceries. I know it is kept and sold as oleomargarine or butterine, under the various names given to the product, and I know that in most instances it is properly labeled. I know people buy it because they want that product, and use it because, the price being considered, they prefer it to butter. But with these amendments, for the reasons already given, I shall support the measure.

Mr. PENROSE. Mr. President, I desire briefly to place myself on record in favor of this bill. The measure before us for consideration is one that deeply affects the agricultural interests of the entire country, and no section, perhaps, will be more benefited by its passage than my own, Pennsylvania.

The returns of the census of June 1, 1900, show that the livestock industry of Pennsylvania has a value of \$109,590,426. Of this the dairy industry, counting simply cows kept for milk of the age of 2 years and over, represents a sum of \$29,141,561, and the value of neat cattle, outside of cows kept for milk, amounts to \$13,921,630, making a total for cows and neat cattle in Pennsylvania of \$43,063,191. The value of the production of these animals per year has not yet been computed by the Census Department; but by comparing the number of dairy cows, as given by the census of 1890, with the present census there has been a gain of 16,519 head, an increase of 1.7 per cent. The amount of butter manufactured from these animals amounts to about 90,000,000 pounds per year, and the amount of milk produced to about 440,000,000 gallons. There are at present in Pennsylvania 856 creameries manufacturing butter. In the plant of each of these there is invested an average of \$3,000, which would represent an invested capital of \$2,568,000.

A large number of private dairies, ranging in size from 12 to as many as 75 cows, have also been established, involving a large fixed investment of capital for stables, silos, dairy buildings, and equipment.

The income to the people of my State in a single year from butter alone amounts to between sixteen and eighteen million



dollars, and the milk product, estimated at 8 cents per gallon, represents about \$35,000,000 additional. This immense sum of money is a new product each year, adding this much to the actual wealth of the State annually, and has the advantage of being distributed throughout all of the farm homes of the Commonwealth, going to the support of more than 1,000,000 people who are engaged in agriculture, enabling them to maintain themselves in comparative comfort. If this industry were to be destroyed the loss to the agricultural people of the State would be a calamity, particularly because much of the material that is used in the feeding of these dairy cattle would, if the industry were destroyed, be left on the farmers' hands valueless; and if the butter output were to be supplanted by some other substance, the depreciation in the value of milch cows throughout Pennsylvania would amount to many million dollars, and would involve as well the partial or total loss of the stabling and creamery buildings that are now in use in the prosecution of this industry. A large number of our people also would be thrown out of employment.

This occupation is suited to the strength and attainments of men, women, and children, and, unlike most of the other departments of farm operations, it is continuous throughout the entire year, giving employment to the occupants of farm homes through the winter months, at a time when other farm duties are suspended. The cutting off of this industry would leave a large part of our population in comparative idleness during a considerable portion of the year. Every farmer, therefore, or owner of a cow is directly interested in whatever will affect the dairy industry injuriously, or, in other words, that will make the conditions such that the cost of producing a pound of butter will be greater than the article can be sold for in the market.

Oleomargarine can be manufactured at from 7 to 9 cents per pound, depending upon the quality and fluctuations in the price of the materials that compose it. With the present Government tax of 2 cents added, the total cost of the manufacture is from 10 to 11 cents per pound. This makes it possible for the oleomargarine manufacturer to place his product upon the market at a price below the cost price of butter. The inevitable consequence will be to drive out the butter-making industry from the country, because of its unprofitable character, which, as I have shown, would be a great annual loss to the State, and would result in the still further depopulation of the country districts by destroying an industry which is doing more to sustain agriculture in the Eastern States than any other single line of farm production.

The addition of 10 cents per pound, as proposed in this bill, will raise the cost price of oleomargarine to from 17 to 19 cents per pound, which is about the cost price of manufacturing a good article of butter. This allows these two substances to go upon the market at about the same cost of production, and the effect will be to protect the farming industry against being undersold, and consequently driven out of business by this new product.

If the oleomargarine manufacture gave employment to persons equal in number to those now engaged in the production of butter, and if the profits of the business were distributed amongst this large number of our population, there would not be the same objection to its unrestrained sale that there is under present conditions, in which a single manufacturing establishment, employing from fifteen to twenty persons, is capable of an output greater than that of a hundred thousand farmers, and the profits of their business, instead of being distributed among all of these families, would go into the pockets of one or two already rich individuals or corporations.

The protection of American industry is a well-accepted principle, at least by the political organization to which I belong, and I would be doing violence to my political convictions, as well as injury to the great farming constituency which I represent, if I did not use my utmost endeavors to secure the passage of this bill, which protects farming people in their occupation and at the same time does no injustice to any other person or business.

We have been legislating for the protection of manufacturers for many years, and this is right. It is equally proper that the General Government should protect the farming industry upon the same principle and for the same purpose, namely, the benefiting of American labor and the establishment of comfortable homes for all of our people.

There is also another reason why the oleomargarine manufacturer should be taxed by the General Government. The experience of the dairy and food commissioners of the several States, who have been endeavoring to enforce State laws for the protection of the farming interests in their States, is to the effect that instead of oleomargarine being sold for what it is, and marked so that the purchaser may have knowledge of the substance which he is buying, it is manufactured to resemble butter and is sold as and for butter. It is a fraud upon the consuming public, as well as a menace to a very important branch of agricultural industry. The imposition of a 10-cent tax, to be collected before the article

is permitted to be exposed for sale, will remove in a great degree the temptation to commit this fraud, and will be to that extent in the interest of public morals.

We are not ready to substitute the oleomargarine factory for the butter industry in the State of Pennsylvania.

We are not willing that the profits of our domestic animals shall be taken away from their legitimate sources and given to a select syndicate of capitalists, in order that they may become inordinately rich.

The time has come for Congress to pay attention to the voice of the agricultural people of this country, that has come up here in unmistakable tones calling upon us to protect them against this menace to their existence.

The legislatures of 32 States, representing over 60,000,000 of the people of the United States, have legislated against this oleomargarine fraud, and we are therefore but carrying out the desire of this great constituency when we vote to place a tax of 10 cents per pound upon oleomargarine colored to resemble yellow butter.

Requests have come to me from all of the representative agricultural organizations of my State asking me to support this bill. I also have numerous letters from individual farmers of reputation and influence from all parts of the Commonwealth of Pennsylvania requesting me to support this measure and to use my best efforts to secure its passage. To these requests I have given but one reply, and that is that I shall do all I possibly can to have the bill promptly considered, and that when the proper time would come I would cast my vote in its behalf. I hope, therefore, Mr. President, that the bill will pass without amendment and that it may accomplish all that the great farming interests of this country expect from its enactment into law.

Legislation along the line of the present bill provides protection for the farmer and is therefore in harmony with the principles of the Republican party.

The agriculture of the Eastern States has suffered depression for a number of years, resulting from the liberal policy our Government adopted soon after the close of the civil war in making large grants of public lands to secure the construction of our transcontinental railroads.

The farmers believed at the time that the construction of these roads was necessary to enable the Government to protect her citizens who had at that early date settled along the Pacific coast in case of war with any foreign power. The establishment of the Maximilian Government in Mexico, and the refusal of England to satisfy the Alabama claims for a time threatened trouble with both Great Britain and France, and under these circumstances the loyal farmers of the East were ready to acquiesce in these land grants, although they could but know that it would prove more or less destructive to their own interests.

Immediately upon the completion of these roads agents of the companies engaged in their construction were sent into northwestern Europe, a section inhabited by the most thrifty farmers of the world, and shiploads of emigrants from Scandinavia, northern Germany, and Denmark were brought here and were settled upon these lands, which were sold to them at from \$1.25 to \$2.50 per acre. The result was that within a few years the acreage devoted to the growth of cereals was so greatly increased, followed by a corresponding increase in their product, that the price went down to a point which made it impossible for the Eastern farmer to continue his production upon his high-priced lands, upon which heavy taxes had to be paid.

While this increase in the production of cereals was going on these elements were at work along other lines. The building of these railroads opened up many millions of acres of Government lands for the occupancy of capitalists, who established large stock ranches, the product of which had the same effect upon the prices of sheep, wool, and cattle that the cereal product had upon the price of grain.

In these trying circumstances the Eastern farmer was obliged to turn his attention in other directions and so in many sections the dairy was resorted to as the chief industry of the farm. But even here the Eastern farmer finds no security unless the Government will extend to him the same helping hand that is extended to other industries needing help. A by-product of the immense packing business that has been built up in the West as the result of cheap lands in some instances and Government lands being occupied by individuals in others is brought into our Eastern market, and the dairy farmer again finds himself subject to a competition that he can not successfully meet. He does not object to the competition if the article with which he must compete is sold for what it is. If it is placed upon the market without being colored so as to deceive the consumer the dairyman is content to take his chances. Hence he insists that in addition to the tax "for revenue only" of one-fourth of a cent per pound there shall be a protective tax sufficiently large to enable him to compete with the colored article when it finds its way into the market.

Products of the dairy and those of the poultry yard are the only



two sources from which the farmer is able to realize cash quickly. Butter, milk, poultry, and eggs can be sold daily if desired in the markets. Crops, on the other hand, require much time before they can be marketed.

The history of all nations shows that as the agricultural people prosper so prospers the nation. No nation, however rich or powerful, can afford to neglect the tillers of the soil. Owing to our nation's rapid progress in science and industrial development conditions are constantly changing. The farmers of to-day have to meet many contingencies undreamed of by their forefathers. The vast network of railways brings them into direct competition with distant lands. New inventions lessen the demands for many things and change the current of trade. To protect the people against violent changes which would prove disastrous to our industries should be the object of our Government. Not only the mechanic, the merchant, and the manufacturer but the farmer should be protected. But how can this be done? The manufacturer can be protected by tariffs against disastrous competition of foreign pauper labor; the merchant by laws prohibiting discrimination in freight rates, giving to each an equal chance in the markets of trade and commerce, but these remedies affect the farmer only in a remote degree. But the farmer can be protected in his right to sell the products of the soil as such.

We do not deny the right of anyone to manufacture or sell healthful food products as such, but stringent laws should be enacted and the enforcement thereof placed in the representatives of the farmers themselves against all food adulterations. Perhaps the most conspicuous article in food adulteration, certainly the one of most interest to the farmers of Pennsylvania, is oleomargarine. The Commissioner of Internal Revenue reports for the fiscal year ending June 30, 1899, that there were, in round numbers, 91,000,000 pounds of oleo manufactured in the United States, of which eleven and one-half million pounds were sold in Pennsylvania. In the manufacture of this immense amount only 1.72 per cent of the material used was butter. The rest was composed of different materials—principally animal fat and cottonseed oil—colored, and sold as butter.

Against this imposition the honest farmer and dairyman should be protected, not only by suitable laws but by the appointment of suitable officials who will without fear or favor enforce existing laws.

It may be well to remember that the farmers of the country are among our very best citizens, and there is no class that is more deserving of the considerate care of our lawmaking bodies, both State and national. Their chief organization in this country embraces about 30,000 local granges, with a membership of 1,500,000, embracing the heads of families.

For a number of years their legislative committees have been in Washington during the sessions of Congress. These committees have always been composed of intelligent, conservative gentlemen, showing that the organizations they represent are composed of men who take part in molding the sentiment of the communities to which they belong. They have always favored Government protection where protection is needed, and now that they need protection themselves it is only just that it should be given them. In the State of Pennsylvania the local granges number about 500, with a membership of fully 55,000, principally heads of families. The farmers of Pennsylvania are among the most intelligent and conservative of all the many elements of our population, and in a general way they may be said to constitute the best bulwark of our institutions.

For these reasons, representing as I do one of the greatest agricultural States in all the Union, I heartily favor this bill as it is reported from the Senate committee, and I shall cast my vote for it when it comes up for final passage.

Mr. SPOONER. Mr. President, if any other Senator desires to speak on this bill, in view of the time I have already taken, I will yield the floor.

Mr. CARMACK. I wish to speak about three minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CARMACK. Mr. President, I do not desire to debate this bill, but simply to state my position with respect to it. Some of the Senators supporting the bill have suggested that those of us who oppose it are influenced by our desire to take care of the cottonseed oil industry. I wish to say that in the entire eastern part of my State there is not grown one single stalk of cotton; in the middle section, which is a blue-grass region, the culture of cotton is a very small and rapidly diminishing industry; in many counties of the west there is little or no cotton grown, and the dairy interest in Tennessee largely preponderates over the cottonseed industry.

There are many large dairies and large Jersey cattle farms throughout the whole length of the State of Tennessee, and in the amount of capital invested and the number of people employed, I say the dairy interests are largely more important than the cottonseed oil interest.

It is not for any reason, therefore, of that sort that I oppose

this bill. If I were governed by such considerations I should vote for the bill. I am opposed to it simply because I believe that it is essentially a vicious piece of legislation, that it involves a vicious principle. I believe that this bill is really what oleomargarine is alleged to be, a penal statute colored in imitation of a revenue law. I can not conscientiously vote for any such legislation, and because, and only because, I believe it involves a very bad principle; because I believe it is seeking to use the taxing power not for the purpose of raising revenue, but for the purpose of destroying one industry to help another industry, I am compelled to vote against the bill.

Mr. SPOONER. Mr. President, I spoke unexpectedly and upon a sudden call the other day upon this bill, and I said, as to its constitutionality, about all that I care to say. I do not rise now for the purpose of entering upon any elaborate argument upon it.

I want (and that is one reason I have for asking the indulgence of the Senate) to call attention to two statements, perhaps three, which are made in the minority report, and which have been very much relied upon and very often quoted in all the speeches which have been made in opposition to the bill. One is a statement imputed to Hon. H. C. Adams, dairy and food commissioner of Wisconsin, as follows: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business."

It is not a matter of much consequence to us, I suppose, when we come as Senators to deal with matters of legislation, what may be said or may not be said before committees in advocacy or in opposition to proposed measures. Those of us who vote against them do so because we, for reasons which are satisfactory to us, are opposed to their passage, and those of us who favor them do so because we think they ought to pass, and not because some person who desires their passage has an ulterior purpose to accomplish by them.

Mr. Adams is a neighbor of mine. He lives in the same city in which I reside. I have known him for a great many years. He is a man of education, of fine ability and of broad views, and all the years I have known him I have not known him under any circumstances to make a statement in regard to which anyone would question his good faith or his word. This statement imputed to him he says he never made. He has stated repeatedly before the committee that he never made it, and I believe him. It is confessed that there was no stenographer present, and I believe the statement that he made this observation rests entirely upon the recollection of the chairman of the House committee.

Mr. MONEY. Will the Senator allow me there?

Mr. SPOONER. Certainly.

Mr. MONEY. Is not the Senator mistaken when he says that no stenographer had taken down that hearing?

Mr. SPOONER. He wrote me a letter which I have at my house in which he says, and he had so stated to me before, that at the time he submitted to the committee the observations of which it is alleged this sentence was a part there was no stenographer present.

Mr. MONEY. Of course I would not contradict a statement made by the Senator nor by his friend, in whom he reposes such confidence, but how does this matter come here reported? It was not reported from a member of the committee.

Mr. SPOONER. I do not know that the matter ever was reported.

Mr. MONEY. As a matter of fact it was reported by a stenographer, and when Mr. Adams returned to the committee and said he did not say it a member said he did say it and the stenographer's notes showed that he did. Now, there may have been a mistake on the part of the stenographer, but, if the Senator will indulge me a moment, it is usual when stenographers take down these hearings that the witnesses themselves revise the stenographer's notes. That has always been the custom. There may have been an exception in this case.

Mr. SPOONER. I am only stating what Mr. Adams says to me, and I have no doubt whatever of the accuracy of his statement as to his utterance of this language. He wrote a letter to Hon. S. S. BARNEY, a member of the House from my State, under date of December 8, 1900, written at the Raleigh, in which he says:

THE RALEIGH,  
Washington, D. C., December 8, 1900.

DEAR SIR: In the report of the minority of the Committee on Agriculture upon the Grout bill I am quoted as having said in my testimony before the committee, March 7, 1900: "There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

The statement is absolutely incorrect. I made no such declaration. I did say that the purpose of the Grout bill was to stop the coloring of oleomargarine in imitation of butter and to destroy that portion of the oleomargarine business which depended for its success upon the deception of the public.

I have never, at any time or place, thought or said that the manufacture and sale of oleomargarine, when not a counterfeit of butter, should be prohibited.

Respectfully, yours,

Hon. S. S. BARNEY,  
House of Representatives, Washington, D. C.

H. C. ADAMS.



Mr. President, I have had a great many conversations with Mr. Adams upon the subject of oleomargarine, and the position stated in his letter to Congressman BARNEY is the position which in conversations with me he has always taken upon the subject.

It is said also that Mr. Knight, secretary of the National Dairy Union, wrote a letter to the Virginia Dairyman, dated May 18, 1900, from which an alleged extract is set forth in the minority report. I think Mr. Knight has asked for the production of that letter. I believe he has repeatedly denied before the committee that he ever wrote any such letter, and the letter has never been produced. If I am wrong about that, the Senator from Mississippi, who is more familiar with the details than I am, can correct me.

Mr. MONEY. I can only say about it that the report of the House committee contains a quotation; and if the word of Mr. Knight is good against the honor of the minority who drew up that report and who inserted a falsehood, then it can stand that way. But I certainly must believe that an honorable committee of the other House or of this House would not insert in a report a quotation from a letter with its signature when it was an utter forgery, to the detriment of a gentleman who is here interested in business for his employers.

Mr. SPOONER. I do not impute any such purpose to any member of the committee.

Mr. MONEY. It is either one or the other. There is a conflict.

Mr. SPOONER. But the letter was not given in evidence. No letter has ever been produced, as I understand it, and printed, of this kind signed by Mr. Knight. He demanded the production of the letter, stating that he had never written any such letter. That demand is in several of the hearings, and he tells me that the letter never has been produced.

Mr. MONEY. I for one never heard it contradicted. I heard him ask for the production of the letter.

Mr. SPOONER. So far as the statement imputed here to Governor Hoard is concerned, I take this as fairly representing his position. He is a man of great ability. He has been governor of Wisconsin. He has devoted a great many years to the interests of the dairymen and thoroughly understands this subject. He is fair-minded about this legislation. He has done as much in one way and another to improve the methods of dairying among the farmers of the United States as any man in it. His statement was as follows:

The hoped-for effect of the legislation asked of Congress is not to destroy the oleomargarine industry, but to force it over onto its own ground; to compel it to be made in its own guise and color. Is there anything unjust or unreasonable about this?

With a tax of 10 cents a pound on the counterfeit substitute, we believe the temptation for unjust profits, deceptive sale, dishonorable and dangerous conspiring against law, and fraudulent competition with an honest industry will be greatly modified.

I have had many conversations with Governor Hoard as to his attitude upon this subject. I have never heard him express any opinion different from that which he gave in this statement before the committee.

I only call attention to these things because it is fair to these two gentlemen who live in my State that their version should be presented to the Senate.

Mr. MONEY. Right on the point just passed, if the Senator will allow me, he seeks the truth of this business. The statement was printed in the hearings of 1901. In the hearings of 1902 before the House committee January 13, on page 33, you will find that Mr. SCOTT asked this question of Governor Hoard:

I object just as much as you do to the sale of one product for another product. I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold.

That is, if the bill was passed making it white.

Mr. HOARD. In that case, sir, I would come before Congress and demand a still higher rate.

That is just what Mr. Hoard said in one place. Then it goes on:

Mr. HAUGEN. I understood you to say that as a representative of the dairy union you do not advocate this bill for the purpose of stamping out one industry for the benefit of another.

Mr. HOARD. We come here for the purpose of asking that fraud be legislated out of existence.

He had just said if they made as much of it white he would come to Congress and ask for a higher tax.

The CHAIRMAN. When Mr. Adams made the statement that he did make, did he represent the agricultural interests of the State of Wisconsin?

Mr. HOARD. He is the dairy and food commissioner of the State.

The CHAIRMAN. Does he represent the State of Wisconsin when he says he wishes the oleomargarine manufacturers stamped out of business by this law?

This is the stenographer's report. Here is the chairman quoting him:

His language is this: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business."

That is the end of the quotation.

Whom did he speak for?

Mr. HOARD. I do not think it is fair to ask me in regard to that when Mr. Adams arose in the committee and said that was not the phraseology or meaning of his utterance.

That was in the hearing before the House committee.

The CHAIRMAN. He made the statement.

Mr. WILLIAMS. Undoubtedly he made it.

Now, that was inserted here by the minority of the committee. It was a question, it seems, between the memory of the witness and the memory of the committee, and they were so well satisfied that they put it in the report, and as Mr. Adams had discovered a certain interest, I will say, because he found it was hurting this bill to make any such declaration, I am inclined to take the word of the committee. I have not any personal acquaintance with him and I do not intend to reflect upon anybody.

Mr. SPOONER. It would be very easy for Mr. Adams to be right and very easy for the gentlemen to whom the Senator refers to be entirely sincere. He undoubtedly did speak about taxing the business out of existence. He says as to that, he did not refer to the manufacture and sale of oleomargarine as such, but did refer to taxing out of existence the counterfeit. But I leave that to be determined upon the probabilities and upon the statements.

Mr. MONEY. Mr. President, if the Senator will allow me, there was no question of fraud in the statement of Mr. Adams. He said nothing about fraud or stamping out fraud. I will read it again as printed from the stenographer's notes, which the witness was permitted to correct:

There is no beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business.

Not the fraud, but the manufacturers. When Mr. Hoard says that Mr. Adams had denied that statement, said it was misunderstood, immediately the chairman and Mr. WILLIAMS, the senior Democratic member of the committee, said he did make it, and they were so confirmed in their opinion that they published it in their report. I do not believe they would have published it in their report if they had believed that it ought not to be there. It is a matter of veracity, at least.

Mr. SPOONER. I have not charged that. Mr. Adams does not charge that.

Mr. MONEY. Of course he makes no charge against anybody. He tries to exculpate himself, and he was not in the attitude of charging people.

Mr. SPOONER. I have heard him make a great many statements on the subject, and he states in the letter his attitude, which he has occupied in conversation with me on the subject. When the Senator says there was no question of fraud, he is certainly mistaken, because there has been a question of fraud all the time. The whole foundation and substance of the agitation for this bill has been the fraud put upon the consumers and upon the dairymen through the sale of oleomargarine colored in the similitude of butter. There have been two phases of this business, as there are now. One is to deal with the product appearing to be what it is, and the other is to deal with the product appearing to be something other than it really is.

Mr. MONEY. Mr. President, if the Senator will permit me, we are not talking about the general question of fraud. I understood the Senator to make a speech upon the ground that he wanted to protect the public from a fraud.

Mr. SPOONER. That is one ground.

Mr. MONEY. That is the way I understood him all the way through, and so I understood others. We are not speaking of that; we are talking about the utterance of this witness, and I am speaking now about the particular part of it which he denied, and that is down here stated and affirmed by the chairman and another member of the committee. There is no mention of fraud in it. I am only speaking now about the correctness of the report, and not upon the question as to whether there is fraud or not.

Mr. SPOONER. Does the Senator say there is no question of fraud in it?

Mr. MONEY. In this remark. We are not talking about fraud.

Mr. SPOONER. In that remark we have to take all he said about fraud in order to get at the matter.

But I leave that, Mr. President. Now, this is not a new departure. There has been, as I said the other day, and as everyone knows, on the statute books since 1886 a tax of 2 cents a pound on oleomargarine with a considerable number of penal and regulatory provisions. The proposition here is to reduce the tax on oleomargarine proper, but to increase the tax on oleomargarine colored as butter. It is idle to spend time in discussing the question upon the evidence whether the present law has been effective to protect the consumers from fraud. It can not be denied that it has been ineffective for that purpose, and the evidence of it is absolutely overwhelming. I referred to one item of evidence the other day. I do not intend to repeat what I then said, but I venture to call again attention to the fact that 32 States of this Union with over 50,000,000 of people have passed laws prohibiting the sale of oleomargarine colored yellow in the similitude of butter, and yet within a single year in violation of the statute there were sold in those States, as shown by the reports of the Commissioner of Internal Revenue, 62,000,000 pounds of oleomargarine colored in the similitude of butter.



The present law has been, I think, although it has brought very considerable revenue to the Government, really an aid in the perpetration of this fraud upon the consumer, because, under the decision in the Leisy case and the case of *Bowman v. The Chicago and Northwestern Railway Company*, it has been generally understood in the States that the police laws were powerless to reach this product imported into the State from another State until the original package had been broken, and when the original package had been broken obviously it has been almost impossible to prevent retail dealers from selling this thing as butter, and for the price of butter, which they knew was not butter.

There has not been as much fraud on the part of the manufacturers, although there has been some. A year or so ago a man was arrested in Chicago—I have his name in the papers here somewhere—who for two years or over had been engaged in manufacturing oleomargarine without paying any license and without paying 2 cents a pound and selling it colored in the similitude of butter. He was arrested, convicted, and fined \$10,000, based upon the number of pounds of oleomargarine which in an illicit way he had manufactured and sold, as nearly as they could get at it.

The evidence shows—almost every health officer, almost every detective, every food commissioner, from Ohio, from Wisconsin, from Pennsylvania, from New York (and some of those men dealt with a thousand cases in which prosecutions were made)—that in almost every instance it was found that the oleomargarine was sold for butter and at the price of butter. I do not intend, Mr. President, to spend any time in going over the evidence except to say that it is absolutely overwhelming and irresistible.

Now, what shall we do? It is proposed to reduce the tax on oleomargarine by this bill, when manufactured and put upon the market for what it is, from 2 cents a pound to one-quarter of a cent a pound. That is a considerable reduction. It is a large concession to the legitimate product. It is proposed alternatively to levy upon the product, when colored in the similitude of butter, a tax of 10 cents a pound.

Does any Senator really seriously mean to contend that the levy of 2 cents a pound upon oleomargarine in the existing law was unconstitutional? The same argument was made as I have stated against its constitutionality in 1886 in this Chamber that is made against it now. It was argued then, as it is argued now, that it is a prostitution of the taxing power of the Government; that we have no power under the Constitution to levy taxes except with the object of obtaining revenue. The Senator from Missouri [Mr. VEST] made as fine a presentation of the argument from that standpoint as I think it possible to do, and a distinguished Senator from Texas, an honorable and able predecessor of the Senator who so ably and brilliantly represents that State in this Chamber now, who spoke yesterday [Mr. BAILEY], made a lawyer-like and, from that standpoint, an exhaustive argument against the constitutionality of that tax.

If there had been no question of fraud in that product, I venture to say that there would have been no proposition to levy a tax upon the product. Some very able lawyers and very good men—men who have a conscience for the law; men who are not willing, at the behest of constituents or yielding to the clamor of any class of people, to forget their obligations to the Constitution—advocated the passage of the existing law and discussed fully the arguments which to-day are made here and which then were made here against the constitutionality of the tax. One of them was Senator Edmunds, concededly a great lawyer as he was a great Senator. I sat where I am standing now and listened to his argument. I have it here and intended to read some sentences from it, but will not.

Another Senator who made an elaborate argument in favor of the constitutionality of the law from the standpoint not simply of the Constitution, but also from the standpoint of conscience, was the great Senator from New York (Mr. EVARTS) whose reputation as a constitutional lawyer was not confined to the United States, but was international. Those Senators found no difficulty whatever, not paltering with conscience, either—none of us do that—in finding justification in the Constitution for this tax of 2 cents a pound. We really do not disagree much on propositions, except that our friends on the other side—and they are sincere about it—practically contend that there is no power to levy a tax under the taxing clause of the Constitution unless the chief or main object is revenue, and that where revenue is not needed to pay the debts of the United States, to provide for the common defense and promote the general welfare, such a tax, while binding in the forum of law, is dishonored in the forum of conscience.

As I said the other day, Mr. President, and I repeat it now, I have never been willing to concede that the power of taxation by the Government is limited solely, or mainly, to the raising of revenue.

Mr. BACON. Will the Senator permit me to ask him a question, solely that I may get his view of it, not for the purpose of entering into the discussion at all?

Mr. SPOONER. Yes, sir.

Mr. BACON. Suppose at the time the bill which is the law now on the statute book was under discussion in this Chamber, when it was discussed by the very learned Senators then as it is now being discussed by the very learned Senator from Wisconsin, had specified in its title and in its body that the purpose of the bill was to prevent fraud in the manufacture of oleomargarine and to regulate it for that purpose—suppose it specified that as the purpose—I want to ask the Senator whether he thinks that in the forum of law that would have been upheld by any court?

Mr. SPOONER. I am not prepared to say that it would not have been.

Mr. BACON. I wanted to get the Senator's view of it, if I could.

Mr. SPOONER. I am not prepared to say it would not have been. The courts could see that one object of it was to raise revenue.

Mr. BACON. But, if the Senator will pardon me, I am speaking of a case where the bill itself specified that that was the only purpose.

Mr. SPOONER. Oh, well, no Congress would pass any such bill as that.

Mr. BACON. If it only specified—

Mr. SPOONER. That would be nonsense.

Mr. BACON. If it only specified that purpose, with due respect to the Senator, it would not be nonsense to say that that was the exclusive purpose. It might be that the Senator would differ from me, but it would scarcely be nonsense.

Mr. SPOONER. No legislature, no Congress would pass a bill imposing a tax and declare on the face of it that it did not expect to raise any tax from it.

Mr. BACON. It might.

Mr. SPOONER. It might?

Mr. BACON. It might put the tax sufficiently high to be prohibitory. Now, I will put it that way, in order to relieve it from the disagreeable position of being nonsensical.

Mr. SPOONER. I did not say the Senator was nonsensical. I said—

Mr. BACON. No; but that the proposition would be nonsensical.

Mr. SPOONER. Yes; if put in a law.

Mr. BACON. I will put it this way to the Senator: Suppose that, instead of imposing a tax of 2 cents, the bill had provided for a tax of 100 cents, and had specified in the title and in the body of the bill that the purpose was to prevent fraud in the manufacture and sale of oleomargarine and to regulate its manufacture for that purpose. That is the proposition, because in that case there would have been no possibility of revenue. It would have been so recognized necessarily that the purpose avowed was the exclusive purpose, to wit, to prevent fraud and to regulate the sale for that purpose. I want to ask the Senator, as I said, not for the purpose of entering into the discussion, because it is getting late, but in such a bill as that, specifying the rate of tax and that purpose, does the Senator think there would have been in the forum of law any court which would have declared that a constitutional act?

Mr. SPOONER. Well, Mr. President, that is an abstract question. I think a very strong argument could be made in favor of it. But I can not conceive of the possibility of any Congress passing such a bill or of any such proposition being brought before a court. If it were, I am not at all certain that a court would declare it unconstitutional.

Mr. BACON. The Senator can very readily see that a bill of that kind might be introduced and become a law for the purpose of destroying an industry in the same way that the 10 per cent tax was levied upon the circulation of State bank bills for the avowed purpose—and the purpose recognized and vindicated by the judgment of the Supreme Court of the United States—so that it is possible that for the purpose of destroying the manufacture of any article Congress might undertake to impose a tax which would effect that end.

Mr. SPOONER. Does the Senator from Georgia think that if the act of Congress imposing a tax—was it 10 or 8 per cent?

Mr. BACON. On State bank bills?

Mr. SPOONER. Yes.

Mr. BACON. Ten per cent and—

Mr. SPOONER. Ten per cent. Does the Senator from Georgia think that if it had been declared in that act that it was the sole purpose of Congress thereby to extinguish State-bank circulation the Supreme Court of the United States would decide it unconstitutional?

Mr. BACON. Most decidedly not; because the Supreme Court decided that that was the purpose, and it could not have decided that any more certainly if it had been avowed than they did decide it as a conclusion drawn from its terms. But the reason why it would not have been unconstitutional, Mr. President, if it had been so avowed, is that the purpose to extinguish was not unconstitutional; but in this case that is the very point of the question



which I am submitting to the learned and honorable Senator. In this case the question is, If that is the purpose, and the sole purpose, to extinguish this manufacture, would it be unconstitutional? That is the very point that I want to bring the Senator to. In the case of the tax on the State-bank bills it was not an unconstitutional purpose, because the purpose was to maintain the national circulation.

Mr. SPOONER. Yes; but Congress had the power to do that directly.

Mr. BACON. Of course; or indirectly, either.

Mr. SPOONER. By prohibition; but, instead of that, Congress did it indirectly, through employing the power of taxation—

Mr. BACON. What it had a right to do directly.

Mr. SPOONER. What it had a right to do directly.

Mr. BACON. That brings us to the very point to which I want to direct the attention of the Senator.

Mr. SPOONER. It will take all my time—

Mr. BACON. I beg pardon. The only thing I wanted to say was that this could not be done constitutionally directly, and consequently it can not be done constitutionally indirectly.

Mr. SPOONER. That begs the question. I think Congress has the power to select, subject only to the limitations in the Constitution, the objects of taxation. I think Congress has the power to select those objects with reference not alone to revenue, but to the general welfare. I think Congress has the power under the Constitution, and has exercised it often, to choose an object of taxation from which it desires that little revenue shall be raised, solely because in the general public interest, in the opinion of Congress, the manufacture or business taxed ought to be discouraged. Congress is free, and the Senator will not deny that, to choose for taxation such objects as it pleases.

Mr. BACON. I can not interrupt the Senator, and so he must not challenge me.

Mr. SPOONER. That statement can not be challenged. The Supreme Court has said that very distinctly in the License Cases (5 Wallace). The court said:

It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion. But it reaches only existing subjects. Congress can not authorize a trade or a business within a State in order to tax it.

Where Congress has the power to levy a tax upon an article it has the discretion to fix the amount of the tax. No one can dispute that. If it may levy a tax of 2 cents a pound on an article, it may levy a tax of 20 cents a pound on it, and nowhere will anyone be heard to say, in challenge of its constitutionality in a court, either that its object was not revenue, that revenue was not needed, or that the tax was destructive.

Congress may levy one tax upon a product in one form and a different rate of tax upon the same product in another form, guided in that discrimination by the judgment of Congress as to "the general welfare." Those words can not be stricken out of the taxing clause of the Constitution, Mr. President, as practically it is sought to do. Congress may impose a tax or an excise upon opium to be used in the preparation of medicine or to be used as a medicine, and Congress may impose an entirely different tax, and has done it, upon opium manufactured in the United States for smoking purposes. The tax on opium used for a legitimate purpose was comparatively light and, I think, imposed not for revenue, but to give Congress the power to regulate it in order to prevent harm in its use.

But, Mr. President, when Congress came to levy a tax upon opium manufactured in the United States, not imported—if manufactured in Georgia or manufactured in Wisconsin for smoking purposes—it levied a tax of \$10 a pound. Does anyone suppose that was for revenue? Of course it would bring revenue into the Treasury if any opium were manufactured for smoking purposes and discovered; but that was not its object. Its object was to subvert the general interest; the purpose was—and many such taxes can be found, inexplicable upon any other theory, some of which have been in operation for fifty years, and some of which will continue in operation doubtless so long as the Government continues—to levy a tax not for revenue, but to promote the general welfare.

What power had Congress to protect the health of the people of Georgia or of Wisconsin against destruction by this awful habit of opium smoking? Why not have left that entirely to the States? The States undoubtedly have that power; but it was thought wise to have some uniform rule, searching in its character, extending into every State, which would bring under the supervision of the Federal officials this injurious manufacture. So we have a tax at one rate for a legitimate purpose, and for another purpose, harmful, we have a tax at another rate.

Consider again the license tax cases. Does the Senator suppose that Congress had simply revenue in mind when they levied a tax on lottery tickets, first, declaring that there should be a

license fee; and, afterwards, that that might operate to permit, against the laws of the States, the sale of lottery tickets in the States, changing it to a special tax? Was it for revenue?

The State of New York prohibited the sale of lottery tickets. It was a crime there to sell them. There was also a special tax on liquor dealers. Both laws came to the Supreme Court of the United States, and Mr. Evarts, representing the defendants, argued that the object was not revenue, but that it was an attempt upon the part of the Congress of the United States to reap some profit from crime in the States. The court held that it left the States entirely free to prohibit the trade in lottery tickets; that it left the States entirely free to regulate the sale of intoxicating liquors, or to prohibit them; that all the statute meant was that if sales were made in the States of liquor or lottery tickets, the Government of the United States would not prosecute or take account of it so long as the tax was paid. Arguing that question, the court seems to intimate that the effect of such a tax, whether that was its purpose or not, might legitimately be the extinguishment of the traffic, for they say here:

There is nothing hostile or contradictory, therefore, in the acts of Congress to the legislation of the States. What the latter prohibits, the former—if the business is found existing notwithstanding the prohibition—discourages by taxation. The two lines of legislation proceed in the same direction, and tend to the same result. It would be a judicial anomaly, as singular as indefensible, if we should hold a violation of the laws of the State to be a justification for the violation of the laws of the Union.

Mr. BACON. Mr. President—

Mr. SPOONER. I hope the Senator will not interrupt me now.

Mr. BACON. I do not wish to interrupt the Senator, but I was just going to say—

Mr. SPOONER. Well, I yield.

Mr. BACON. Of course we all recognize that law as being applicable to articles which are vicious or unwholesome or unhealthy, or to practices where the agencies of the Government, like the mails, are being used for immoral purposes.

Mr. SPOONER. Mr. President, I am too old foggyish to be able to see that there is no vice in fraud; that it is only a man's stomach which is to be protected; and the Supreme Court of the United States, if you will take the *Plumley* case and put alongside of it the *Schollenberger* case, has held as to this very manufacture two things: one as to it if it is offered for what it is—in its relation to commerce between the States—and another if it is offered for what it is not.

In the *Plumley* case the statute of Massachusetts prohibited the sale, not of oleomargarine which disclosed its own nature, not of oleomargarine which could be identified as such—that was excepted—but of oleomargarine, or the custody of it for sale, wherever it came from, if manufactured in imitation of yellow butter produced from pure unadulterated milk or cream. The court held that the act of Massachusetts was a valid act. Later the Pennsylvania statute, which prohibited the possession for sale of oleomargarine, colored or uncolored, came before the Supreme Court of the United States. The oleomargarine had been brought in, I think, from the State of Rhode Island. What did the court hold about it? The court held that a statute which attempted to prevent the transportation of oleomargarine from State to State in any form was beyond the power of the State. Why? Because they took judicial notice of the fact that oleomargarine was a healthful product, and they said no State can be permitted, in the exercise of its police power, to say that a healthful product shall not enter into commerce between the States.

That was a necessary decision; nobody could question it, because, as I said the other day, if the States were permitted to say what should or should not be transported from State to State the regulatory power of Congress over interstate commerce would be gone. Did that decision conflict in any way with the decision in the *Plumley* case? Not at all. The court held that while a State could not prevent, in the exercise of its police power, the transportation from another State into its boundaries of oleomargarine in its natural color so that it could be identified for what it was, where it was colored in the *similitude of butter* a State had the power, as protecting the consumers from fraud, to prevent its sale within that State, even though it came from another State. So that in this very case, as to this very product, the Supreme Court of the United States, by these two decisions—and in the *Schollenberger* case, in order to emphasize the distinction, they italicize the words "manufactured in imitation of yellow butter," etc.—decided that one, the article sold for what it is, is a legitimate article of commerce; that no State can prevent its transportation from another State into its boundaries, or its sale after transportation, because the police power of the State can not be used in order to destroy interstate commerce in a healthful article.

On the other hand, they held that where the same article is colored to cheat the eye as well as the sense of smell and taste, to be an easy imposition upon those who want butter, it is in the power—not being a legitimate article of interstate commerce—of the State,



exercising its police jurisdiction, to arrest it and absolutely prohibit it. And so upon that alternative basis, dealing first with the product that is a genuine product, and alternatively with it as a fraud, Mr. President, as Mr. Justice Harlan says it is; and he says it is colored to be a fraud, and I believe it to be—dealing with it in the alternative way, this bill says, substantially, "If you manufacture it so that those who buy it will know what they are buying, a tax of one-quarter of 1 cent a pound is put upon it. If you choose to attempt to evade this tax by making a counterfeit of it, so that it resembles an article which is not taxed by law, and therefore may be sold simply because of its color, without paying the one-fourth of 1 cent a pound, or if you color it—for it comes to that also—so as to be able to perpetrate a fraud upon the consumers, you shall pay 10 cents a pound upon it."

If there is anything unconstitutional about that, Mr. President, I do not see it. I repeat to-day what I said the other day, that a business which comes before Congress with the statement that its life depends upon being permitted to violate the laws of 32 States with comparative impunity, and to unrestrainedly put upon the market an article which looks and tastes and smells like something which it is not, is not much entitled to consideration.

Does the bill interfere or invade in any way the rights of the States? Of course, a State must not be permitted to say what article subject to Federal taxation can be taxed in a State. Does this invade in any way the sovereignty of a State? Does it do so any more than in the case of the Federal liquor tax? The Congress taxes liquor made in Wisconsin. The State of Wisconsin has the power, the Supreme Court say, to prohibit its manufacture within its boundaries. Of course, in that event there would be no tax to be collected from it. So as to oleomargarine. The States, under this law, may prohibit its manufacture colored in the similitude of butter; but if they permit its manufacture colored in the similitude of butter they can not exempt it from the tax imposed by Congress.

The provision in the House bill which the committee have struck out, was intended—I will not say by the man who introduced it, for I do not know who introduced it—to interject into this bill, if it should become a law, a constitutional question upon the basis that it left the States free to authorize or permit its manufacture and sale without tax when colored in the similitude of butter. Of course, if that were its object—and I have some very strong evidence that it was so regarded by those who are fighting this bill—the whole tax here would become invalid the moment a State exercised that power and permitted oleomargarine to be manufactured exempt from the tax imposed by Congress, for the rule of uniformity would thereby be broken; and evidently Congress can not levy a tax and permit any State to make that State an exception to its operation.

I want further to say, Mr. President, that this bill does not in any way shackle a State. It is a concession to the States, as has been generally understood, because up to this time, I believe, it has been generally regarded, that the original-package doctrine has been held to be applicable to this product when it is imported into the States, and that the States have no power, therefore, to regulate it or to interfere with it until the original package is broken. I am not at all certain that that is good law, but it has been so regarded. But under the provisions of this bill that can not be again contended, because, whether necessarily or unnecessarily, this bill applies to oleomargarine the provisions similar to the Wilson law.

I do not know how Senators propose to get away from these two decisions of the Supreme Court of the United States, differentiating from the standpoint of legitimacy and fraud the uncolored oleomargarine and the butter-colored oleomargarine, holding that one, the genuine article, no State can exclude; holding that the other, the illegitimate article, because easily put upon the market for butter, a State has the power to exclude altogether as a fraud.

Mr. President, one word about the substitute bills. I think either substitute—the one proposed by my friend the Senator from Texas [Mr. CULBERSON] or the bill proposed by the minority of the committee—if adopted would perpetuate the very evil which, in part, this bill is intended to remedy, and one thing that makes me suspicious about it is that it is entirely satisfactory to the manufacturers of oleomargarine. Timeo Danaos et dona ferentes. One thing is certain. No man can successfully contend, in my judgment, that it would protect the consumer, the people who patronize the hotels, the boarding houses, the restaurants, and similar places.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. In one moment I will yield the floor.

Mr. CULBERSON. I merely wish to ask a question of the Senator from Wisconsin, and it is this: He says the substitutes, the one introduced by the Senator from Mississippi [Mr. MONEY]

and the one introduced by myself, are entirely satisfactory to the oleomargarine people. I call his attention to the fact that the law officers of the Government, disinterested and impartial, express satisfaction with the same bill, and say that it will reduce the so-called fraud to a minimum and that all the revenue of the Government will be faithfully collected.

Mr. SPOONER. They have been very efficient in collecting revenue for the Government, but remarkably inefficient in enforcing the penal provisions of the law.

Mr. TELLER. I should like to ask the Senator if he thinks it is the business of these Federal officers to enforce any penal provisions?

Mr. SPOONER. Yes. If there are sales in violation of the act of Congress I should suppose it was their duty.

Mr. TELLER. How were they violating the act of Congress if they paid the tax?

Mr. SPOONER. Suppose a man sold without a license or sold without putting on the stamps?

Mr. TELLER. I never before heard of any complaint of that.

Mr. SPOONER. All I have seen from any officer of the Government is the opinion of Mr. Gage. Mr. Gage is a great financier, a man of great ability, and I think he made a magnificent record as Secretary of the Treasury; a credit to the country and an honor to his State. I would accept his opinion upon almost any other subject in the world more quickly than I would upon the proposition which did not come in detail to his knowledge as to whether the substitute would or would not protect the consumer. You provide that it shall be put up in 1 and 2 pound bricks and thereby by law you make it look more like butter; by law you put it in the form of butter, and this scheme of branding in the article itself "oleomargarine" as a protection to the consumer against fraud is to me, with all respect to those who advocate it, simply laughable. Such a brand is easily taken off, and the fact that it had ever been there never could be suspected or detected. This is all I care to say.

Mr. MONEY. Mr. President, the Senator from Wisconsin [Mr. SPOONER] stated that the oleomargarine people are satisfied with the substitute. I wish to say to him that they have not had the privilege of writing it, nor have they been consulted about it. I myself have refused to talk with any of them. I stated at the beginning that I cared nothing for the interest of these people who are trying to make money by taxing others, or for any interest that is trying to make money out of this or any other bill. I am talking for the consumer.

In the few minutes left I wish to settle the question of veracity between Mr. Adams and the minority of the Committee on Agriculture. I sent for Mr. WADSWORTH, the distinguished chairman of the committee, and he says that Mr. Adams made the statement that is reported by them, that it happened that the stenographer was not there that day, and therefore each member of the committee took it down because it was a very bold assertion. Ex-Governor Hoard, in his testimony, says Mr. Adams rose in the committee and said he did not say it. Mr. Adams never reappeared before the committee at all at any time either to contradict that or anything else; but he did say in the Senate committee some time afterwards that they misunderstood him. When Governor Hoard was going over this statement of Mr. Adams, he said that Mr. Adams meant to be understood as saying "fraudulent," and he was reminded by the chairman and Mr. WILLIAMS that he had not said anything about the word "fraudulent."

Mr. President, I acquit Senators of any intention in their motives to vote differently from what they think; I accredit them with designs to protect the country from fraud; but I do not believe there would be any effort here to protect anybody from fraud unless there was an interest behind it which expected to make money out of it. If the men who are lobbying for this bill and who are its original proponents did not expect to make money out of it by destroying a competitor, there would be no intense anxiety here to protect anybody from any fraud.

The Senator alluded to a lobby being here. I have seen only one man about this Capitol opposed to the pending bill, and he is the attorney of the Live Stock Association, who has a right to be here in the interest of his clients. Mr. President, the people who want this legislation are those who expect to make money by suppressing an industry; and, whatever intention may be declared here, we have the declaration of the interested parties, and they tell us, in every instance quoted by myself and by other speakers on this side of the Chamber, that that intention, to use the language of one, is to eliminate this industry from the list of industries.

The Senator from Wisconsin says that Mr. Knight defied anybody to produce the letter he wrote, and he said he did not write the letter. That letter is to-day in the possession of Mr. Bailey, of Kansas, lately a member of Congress, and it could have been produced at any moment if any gentleman felt desirous of seeing it. But in the very last hour of the debate, when my distinguished



friend the Senator from Wisconsin is on the floor, he enters this general denial for Mr. Knight, with no time to produce the letter. The letter is in the possession of Mr. Bailey and can be seen by Mr. Knight or the Senator or any friend, if they desire.

Mr. SPOONER. Did not Mr. Knight enter a denial before the committee?

Mr. MONEY. Yes; but nobody believed him, because the statement was made that the letter could be produced at any time. Mr. Knight was not permitted to enter the room of the Committee on Agriculture of the House at all, because of the attack he made upon the chairman in an attempt to defeat him for reelection by letters written to his constituents; and what was the result? I have just received this dispatch:

Representative WADSWORTH opposed additional taxation, but advocated honest legislation on oleomargarine. His agricultural constituents indorsed him by a larger vote of confidence than before.

That shows how Mr. Knight's letters were accredited in the district of the gentleman from New York, chairman of the committee in the House, a man whose interest in cows and in butter and in land and in farming is larger than that of any other member of Congress in either House. And his honest position is in opposition to this bill, for he is just as much in favor of protecting the country from fraud as is the Senator from Wisconsin or the majority of the committee, or any other man.

We have here a substitute bill offered by the minority which will more effectually prevent fraud than the bill offered by the majority of the committee, and I decline, with my associates, to be put in the category of those who are attempting to protect fraud or impose deceit upon the public. We are just as earnest in our efforts to prevent fraud as any men in the Senate, and we claim the right to do it by our own bill, which will do it without crushing an industry that is lawful and suppressing an article of commerce, declared so by the courts, an article which chemists and scientists say is digestible and nourishing.

The Senator from Wisconsin continually referred to the analysis of one doctor made one year, and that several years ago, and declined to take the table in which the estimate of that scientist appeared, the average of which proves that oleomargarine is more digestible than butter. The table shows it not for one year, but for many years, as the result of experiments made by that scientist through several years as against that one time, and all the others are for several years, low at first, and gradually increasing in digestibility.

There is nothing in this bill to command the support of a man who has convictions that one industry should not be taxed for the benefit of another. So far as the opponents of this bill are concerned, we feel that we have done our duty to the country. We have interposed with all the energy we have, by every means possible to defeat this bill. The country has been showered with printed petitions sent from the Dairymen's Union all over the country, and Senators have been bombarded with telegrams by the thousand. A sort of bullragging has gone on to press men to vote for the bill. I say this because some have told me that they were against the bill, but they have been overwhelmed by telegrams sent by some one here to be repeated to the Senator, and he is compelled to vote for it, and there are others in the same fix, I know.

Mr. HARRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. MONEY. Certainly.

Mr. HARRIS. I hope the Senator will have the fairness to say that we have also been deluged by stereotyped postal cards, telegrams, and petitions on the other side of the question.

Mr. MONEY. I would have said it if I had known it, but I did not know it to be so.

Mr. HARRIS. I state it.

Mr. MONEY. If the Senator states it, I accept his statement; and then we are both and all in the condition that we have been bullragged or threatened with the votes of constituents. I have received such, I know, and I have replied to them that I was not trying to serve the interest of any one class, but that I was for the people and for all, against any class, and as far as my personal political fortunes went that I did not ask their votes, if they did not want to give them to me; that I did not want any conscript or hired men in my camp; that they must be volunteers or none.

Now, of course each Senator must settle it with his conscience; but I know there are going to be a good many wry faces on the other side of the Chamber when they swallow this dose; there is a distaste for this measure. It is very little consolation, however, to the people who are interested, not in asking for a tax for their benefit, but in asking to be let alone, that they may pursue their industry uninterfered with and untaxed for the benefit of other people.

In the case which has been so often quoted, and I am sorry I

can not find it, the court says it is unconstitutional to levy a tax for any but a public purpose, and the courts in hundreds of cases have decided that a public purpose is not the newspaper or common acceptance of the word "public," but governmental, and no man can say this bill was introduced for a governmental purpose. It was introduced simply as the friends and originators of it have declared, that a competitor might be extinguished; that butter might be protected, in addition to the 6 cents protection it enjoys under the tariff law, from a home competition of a lawful industry. As has been said by the chief of all the friends of this bill, if this measure shall not prove to be sufficient as repressive taxation, to use his own language, he will be here next winter with something that will do it.

The PRESIDENT pro tempore. The hour of 3 o'clock has arrived. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. HARRIS. I believe I have the consent of the committee to ask that the amendment which I suggested be first acted upon.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

Mr. HARRIS. I will ask that action first be taken on the amendment to the amendment.

Mr. MONEY. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state his parliamentary inquiry.

Mr. MONEY. Is a motion to recommit in order now?

The PRESIDENT pro tempore. A motion to recommit is in order at any time.

Mr. SCOTT. Will the Senator from Mississippi yield to me?

Mr. MONEY. Certainly.

Mr. SCOTT. Mr. President, I move that this bill be recommitted to the committee. In making this motion, I do it for the purpose of having the bill perfected. It is evident that there are many gentlemen upon the floor of the Senate who are undetermined in their own minds as to the proper course to be taken in voting upon this bill, especially when it is not perfected.

The PRESIDENT pro tempore. Debate is not in order—

Mr. SCOTT. I move that the bill be recommitted.

The PRESIDENT pro tempore. The Senator from West Virginia moves that the bill be recommitted to the committee.

Mr. HANSBROUGH and Mr. MONEY called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Oregon [Mr. SIMON]. If he were present, he would vote "nay" on this motion and I should vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], who is absent to-day; but by arrangement the pair has been transferred to the Senator from Indiana [Mr. BEVERIDGE], which, I understand, relieves me and allows me to vote as well as the Senator from Montana [Mr. CLARK], who is paired with the Senator from Indiana. I make this announcement as covering all votes. I vote "nay."

Mr. ALLISON (when Mr. DOLLIVER's name was called). My colleague is necessarily absent from the Chamber to-day. On this question he is paired with the senior Senator from Mississippi [Mr. MONEY]. If my colleague were present, he would vote "nay."

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague is absent on account of business. If he were here, he would vote to recommit the bill.

Mr. HALE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. JONES]. The pair has been transferred to the Senator from Massachusetts [Mr. HOAR], which permits the Senator from Alabama [Mr. PETTUS] and me to vote.

Mr. HANSBROUGH (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. An arrangement has been made whereby that Senator will stand paired on all votes on this measure with the senior Senator from New York [Mr. PLATT], thus allowing the Senator from Idaho and me to vote. I vote "nay."

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). If my colleague were present, he would vote "yea." He is paired with the Senator from Massachusetts [Mr. HOAR] on the motion to recommit.

Mr. MCENERY (when his name was called). I transfer my pair with the junior Senator from New York [Mr. DEFEW] to the senior Senator from West Virginia [Mr. ELKINS] and will vote. I vote "yea."

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were here, he would vote "nay" and I should vote "yea" on the motion to recommit.

Mr. PETTUS (when his name was called). I have a general



pair with the senior Senator from Massachusetts [Mr. HOAR], but by an arrangement the pair has been transferred to the Senator from Arkansas [Mr. JONES]. The Senator from Maine [Mr. HALE] and I have exchanged pairs, and the senior Senator from Massachusetts [Mr. HOAR] will stand paired with the senior Senator from Arkansas [Mr. JONES]. I will vote. I vote "yea."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague is unavoidably absent. Were he present, he would vote "nay," and upon all other questions concerning this bill he would vote with the friends of the bill.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I am informed that if he were present he would vote "yea" on this motion, which leaves me at liberty to vote because I will vote the same way. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unavoidably absent on account of an affliction in his family. If he were present he would vote "yea" upon this motion, and would vote "nay" on the passage of this bill.

Mr. CLAY. I will transfer my pair with the senior Senator from Oregon [Mr. SIMON] to the senior Senator from Wyoming [Mr. WARREN], and will vote. I vote "yea."

Mr. CLARK of Wyoming. I wish to ask what was the statement made by the Senator from Georgia in relation to my colleague?

Mr. CLAY. I desire to state that I was informed by the Senator from Washington that the senior Senator from Wyoming would vote "yea" if he were present, and therefore I made the transfer.

The result was announced—yeas 35, nays 37; as follows:

## YEAS—35.

Aldrich,	Clay,	McLaurin, Miss.	Simmons,
Bacon,	Culberson,	McLaurin, S. C.	Stewart,
Bailey,	Dryden,	Mallory,	Taliaferro,
Bate,	Dubois,	Martin,	Teller,
Berry,	Foster, La.	Millard,	Turner,
Blackburn,	Gibson,	Patterson,	Vest,
Carmack,	Heitfeld,	Pettus,	Wellington,
Clark, Mont.	Jones, Nev.	Rawlins,	Wetmore,
Clark, Wyo.	McEnery,	Scott,	

## NAYS—37.

Allison,	Foraker,	Kean,	Penrose,
Burnham,	Foster, Wash.	Kearns,	Perkins,
Burrows,	Frye,	Kittredge,	Platt, Conn.
Burton,	Gallinger,	Lodge,	Pritchard,
Clapp,	Gamble,	McComas,	Proctor,
Culom,	Hale,	McCumber,	Quarles,
Deboe,	Hanna,	McMillan,	Spooner,
Dietrich,	Hansbrough,	Mason,	
Dillingham,	Harris,	Mitchell,	
Fairbanks,	Hawley,	Nelson,	

## NOT VOTING—16.

Bard,	Depew,	Jones, Ark.	Quay,
Beveridge,	Dolliver,	Money,	Simon,
Cockrell,	Elkins,	Morgan,	Tillman,
Daniel,	Hoar,	Platt, N. Y.	Warren,

So the motion to recommit was not agreed to.

Mr. HARRIS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be read.

Mr. HARRIS. I ask that the amendment to the amendment shall be first considered. I think that would be the proper course.

The PRESIDENT pro tempore. The Senator has a right to modify his amendment without any vote upon it.

Mr. HARRIS. Very well; then I ask that the amendment as proposed to be amended by me be read.

Mr. COCKRELL. Let the modified amendment of April 1 be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following in lieu of section 4:

SEC. 4. That for the purpose of this act "butter" shall be understood to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; that "adulterated butter" shall be understood to mean a grade of butter produced by mixing, reworking, reurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, and any butter with which there is mixed any substance foreign to butter as herein recognized or understood, with intent or effect of cheapening in cost the product in any way, either through cheaper or inferior ingredients, or with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream: *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886.

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, reurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter and of adulterated butter shall pay \$900 per year, the payment of which shall cover the tax upon the manufacture of both articles. Every person who engages in the production of process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

Dealers in adulterated butter shall pay \$48 per year. Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand nor more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than \$500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined \$50 for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

All parts of an act providing for an inspection of meats for exportation, approved August 30, 1890, and of an act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March 3, 1891, and of amendment thereto approved March 2, 1895, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and the products thereof and materials going into the manufacture of the same for exportation or transmission from one State to another. All process butter and the packages containing the same shall be marked with the words "Process butter" by marks, label, or brands, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section.

The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made; and he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

Mr. PROCTOR. Mr. President, the committee agree to this amendment.

Mr. BAILEY. I desire to know if, under the rules of the Senate, it is not necessary first to dispose of the amendments reported by the committee?

The PRESIDENT pro tempore. Not necessarily.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. The Senator from Kansas said that by an arrangement with the committee he offered this amendment.

Mr. COCKRELL. It will now be subject to amendment?

Mr. HARRIS. Yes; it may be amended.

Mr. MONEY. I offer an amendment as a substitute for the amendment of the Senator from Kansas.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment to the amendment, which will be read.

Mr. BAILEY. I do not desire to appear persistent, but I submit it as a parliamentary inquiry if, under the rules of the Senate, the committee amendments were not to be first disposed of? I understood the Chair to reply that the Senator from Kansas stated that he offered it under an arrangement with the committee. Of course no arrangement between the committee and the Senator from Kansas could supersede the rules of the Senate, and I am free to say that if, under the rules of the Senate, the committee amendments must first be disposed of, I should like to have that course pursued.

The PRESIDENT pro tempore. There is no such rule.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. Ordinarily unanimous consent is asked that the committee amendments shall first receive consideration, and that is generally granted. It was not done in this case, and the bill is open to amendment from the floor by any Senator.

Mr. BAILEY. I remember that on one occasion I submitted an amendment and I was told to wait until the committee amendments had been disposed of. I am simply trying to learn the rules.

The PRESIDENT pro tempore. In that case the committee amendments were considered by unanimous consent obtained in the first place when the bill was brought before the Senate. The Senator from Mississippi offers an amendment to the amendment.

Mr. PROCTOR. Mr. President, the amendment offered by the Senator from Kansas being the most important one, it is thought advisable that it should be first considered, and it is necessary to pursue this course in order to complete the bill in logical order.

The PRESIDENT pro tempore. Does the Senator from Mississippi intend to offer his amendment as a substitute for the amendment just read?

Mr. MONEY. That is what I said—an amendment in the nature of a substitute for the amendment of the Senator from Kansas.

The PRESIDENT pro tempore. The amendment offered by the Senator from Mississippi to the amendment will be read.

The SECRETARY. It is proposed to insert as an additional section, to be known as section 4, the following:

SEC. 4. That for the purpose of this act certain substances, fats, oils, fluids, extracts, mixtures, compounds, and products, including such mixtures and compounds with butter and made in imitation or semblance of butter, shall be designated as "renovated butter," namely, butter which has been melted and its rancidity removed or masked, and which has been regranulated, colored, and prepared in imitation or semblance of genuine butter; or any article or compound produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, and then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk products, and rechurning or reworking the said mixture; or in any article or compound produced by mixing or compounding with or adding to natural milk or cream, packing stock or other butter and animal fats, or animal or vegetable oil, or any oleaginous substance not produced from milk or cream; and any article or compound produced by any similar or other process than commonly known as "boiled," or "process," or "ladled," or "tub," or "renovated" butter, with or without common salt, with or without coloring matter, and made to resemble genuine butter. And that all the provisions of this act and the act to which this is an amendment shall apply to the manufacturers and wholesale and retail dealers in renovated butter as defined in this section, and the tax on renovated butter shall be one-fourth of 1 cent a pound, and it shall be subject to all the provisions of existing law applicable to oleomargarine.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. MONEY] to the amendment of the Senator from Kansas [Mr. HARRIS].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. BACON. Mr. President, I desire to say a word, as I am quite sure one feature of this amendment can not be understood by Senators unless they have examined it carefully, and I think it possibly may have escaped the notice of the author himself.

While the amendment is designed to reach factories engaged in the business of producing the butter which is denominated here either adulterated or renovated butter, under its terms it will reach every farmhouse and will subject every farmhouse in the United States to the espionage of Federal officers to see whether

or not the provisions of the act containing this amendment are being violated. I will call the attention of the Senate to the features of it which will demonstrate that fact very clearly. The time being limited I only call attention very briefly to the second paragraph on page 2 of the proposed amendment, in which process or renovated butter is defined.

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which—

There is no other substance. That is the sole thing. Any housewife—

Mr. SPOONER. That is not all of it.

Mr. BACON. That is all that is necessary to be done. The balance of it is simply exclusive, containing nothing else. If the Senator will examine it he will see that it says—

and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

That is exclusive.

Mr. SPOONER rose.

Mr. BACON. The Senator will allow me? I have only five minutes.

Mr. SPOONER. Will the Senator refer me to the place where he reads?

Mr. BACON. Page 2, second paragraph.

Mr. COCKRELL. Beginning at line 14.

Mr. BACON. I say that all that part to which the Senator alluded, and which I have just read, is exclusive and not necessary to making it renovated butter. If a housewife shall take two different pats of butter and churn them in milk in order to make it uniform, that will violate the law. I say it would subject every farmhouse in the United States to espionage, to see whether or not the law is being violated, and the penalty is this: If a housewife takes two pats of butter and churns them in milk in order to make them uniform, and that is all that is necessary to be done, she has to pay a license of \$600 a year, and is subject to a fine of not less than \$1,000 or more than \$5,000 if she does it without paying that license of \$600.

I presume that is not the purpose of the Senator from Kansas, but that is what this amendment does, and there is no possibility of escape from the proposition.

Senators will remark the fact that the language is alternative. It is not that she shall do it for the purpose of producing a uniform and purified and improved product; but if she does it for the purpose simply of producing a uniform product, a butter in which there is no suggestion of imperfection or rancidity, if she does it for the purpose of making it a uniform product and improving it, under the provisions of this bill she will be liable to a tax of \$600 a year and a penalty of not less than \$1,000 or more than \$5,000 in case she should do that simple act without having taken out a license.

There are many other things that will follow, but I have not the time to call the attention of the Senate to them and I do not think it is necessary, but certainly this proposed amendment unless amended will work great hardship and subject people to very great penalties without any possible justification.

Mr. HARRIS. Mr. President, I am willing to admit that the objection which the Senator from Georgia suggests might possibly by a somewhat strained construction apply, but I think the matter can be met by the addition of a couple of words on page 3, line 3, where it says:

Every person who engages in the production of process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

By inserting the word "for sale," I think it would then meet the objection.

Mr. BACON. Does the Senator mean to say that a housewife can not make butter for sale?

Mr. HARRIS. I say she ought not to make butter in the manner indicated here for sale.

Mr. BACON. That she ought not to take two parts of butter and churn them in milk and sell them, although perfectly sound butter, and that every farmhouse must be subjected to espionage, must be subject to the visits of Federal officers, to see whether or not a proceeding so simple and innocent is being engaged in?

Mr. FORAKER. If the Senator from Kansas will allow me, I suggest that it can be cured in another way, by inserting in line 3, page 3, before the word "production" the words "business of" and changing "production" to "producing," so as to read:

Every person who engages in the business of producing process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

Mr. BACON. That would not perfect it. It is a part of the business of the farm.



Mr. FORAKER. What is the suggestion of the Senator from Georgia?

Mr. BACON. I say that would be a part of the business of the housewife who makes 2 pounds of butter. It is just as much her business as the business of the factory that makes a million pounds of the butter.

Mr. FORAKER. I submit there would not be that indefiniteness about the effect of this language if it were put in the way I propose. I think under every fair construction, at least, it would apply only to those people who engage in it as a business in some degree or other. I will suggest that it be made to read:

Every person who engages in the business of producing process or renovated butter, or adulterated butter.

Mr. HARRIS. By adding the words "for sale" after the word "producing" would make it absolutely certain. It would then read:

Every person who engages in the business of producing for sale process or renovated butter, etc.

Mr. BATE. Mr. President, I do not agree with amendments to this bill just offered, either the one by the Senator from Kansas or the Senator from Ohio. They do not relieve the objections to the bill, but make it the more repellent to me. These amendments just offered, if carried out, would bring trouble and mortification to the housewives of our country. If carried into effect, under the operations of this bill, there would be a horde of inspectors hanging around farmhouses, village boarding houses, as well as homes in cities, seeking to implicate and punish good women for making butter and cheese as they had been taught, and as they preferred to make it. Because it concerns the women of our country and their domestic business we should be the more circumspect and deal with it more delicately.

Mr. President, this bill, as stated by the chairman of the Agricultural and Forestry Committee and who has it in charge, is *sui generis*. There is none like it, in this—it proposes to tax a necessary food product, not luxury, for purposes of revenue—not whisky or tobacco or beer, but that which is of daily use and which is a prime necessity and found every day on every breakfast table in the land. Hence it may well be said that such a tax is *sui generis*, for there are none like it. But why this novel, unequal, and unjust tax of products purely local within the State and unknown to interstate-commerce law?

We are told it is for revenue. Have we not an overflowing Treasury, and have we not just repealed the war tax and stopped the collection of millions of dollars because we do not need it? So, to say it is done for revenue is false pretense, and under the circumstances makes it farcical.

It is regarded by the best legal authorities as an unconstitutional tax unless it is levied and collected as revenue. Hence we claim it to be an unconstitutional tax, as the revenue is not wanted, and would be so declared if the real facts could be reached by the courts. To say the least, as it is, it strains the timbers of the Constitution.

It is as unjust as it is unequal. It not only takes the money out of one man's pocket and puts it in the pocket of another man who did not earn it, but in practical operation will destroy one business to build up another. Is this democratic? Does not our political faith favor equal rights to all and special privileges to none? Mr. President, is not this one of the baldest propositions ever made in the Congress of the United States, of "class legislation"? Such as will protect one man at the expense of another, and that man not a foreign importer, but the sufferer a native-born citizen of the United States. Has it not been the creed and faith for more than half a century of the Democratic party to oppose such class legislation, as is shown by the practical operation of a protective tariff?

I can understand why a Republican who voted for the high protective tariff bills which have found place on our statutes and have been preying like vampires on the consumers in this country for more than half a century can vote for this bill with its invidious distinctions, but I fail to see the *political consistency* in an antiprotection Democrat who votes for this bill. I try to be governed by principle in such matters, and I can not go back on a lifetime of antitariff protection and vote to build up the interest of one man by destroying that of his neighbor. This proposes to live on what it destroys.

This, I believe, is the first time in the history of national legislation that a serious effort has been made to virtually tax out of its business relations, aye, out of existence, any useful products of our soil, thus operating not only to destroy one business but to build up another out of its ruins.

It has been the political faith in which I have been reared, and one that I have observed as a Democrat all along the line of my political life, to oppose a high protective tariff, and I beg to say in my judgment there has never been in our national legislation so bold and direct an attempt to build up or destroy domestic interests by high protective tariff, or tax—for tax and tariff are syn-

onymous—as is shown in this bill, for it is unequal, giving an advantage to one citizen over another, its tendency and practical result being to enrich one and impoverish the other. This is an inequality the Government ought not to approve.

One of the curses in these distempered times is the encroachment, as in this instance, of the General Government on the local governments, by Congress overriding State legislation, enlarging the powers of the one and minimizing the powers of the other.

The interstate-commerce clause in the Constitution seems to have opened up with a broader view of late years than ever before, growing out of railroad transportation and extended commercial interest. For this reason we should throw double guards around local rights and keep them as the Constitution intended they should be kept. This encroachment by the general on local government is restless and aggressive.

We see it in the vast and varied increase in internal-revenue laws; we see it in the unity of the currency of the country, making a single standard; we see it in the banking laws, being one vast financial system exclusively under Federal laws, and in touch with each other; we see it in our enlarged and still expanding pension roll. It is recognized in thousands of pension cases, where the pensioner is amply able to take care of himself, but prefers relying on the Government as a means of support—thus losing sight of local interests, and looking alone to the General Government as the nourishing and protecting power of the citizen; we see it by the large increase of our Army, and in substituting regulars for volunteers, and seeking to make it a "standing army."

Farm productions, Mr. President, enter largely into the make-up of this wholesome, healthful, and cheap diet known as oleomargarine. But my time, as I have only five minutes under the present arrangement, forbids my entering that open field of discussion. Money should be raised by taxation only for public purposes. If levied and collected for any other purpose, the tax is, and in law ought to be, void.

This bill is a kind of "Paul Pry." It will have inspectors—in other words detectives—appointed by Federal authority to pry into the household matters of every housekeeper in the land who happens to have a boarder. Thus these detectives or Paul Pry's will keep an eye on the table, and the housekeeper can not exercise her ideas of propriety and economy.

It will increase the number of that most pestiferous class of so-called officeholders, known as inspectors, but really *detectives*, to the annoyance of the domestic household. And pray where will it stop? This opens the gate to a general "food law" by the General Government, with its regulations and penalties, destroying the independence and privacy and sanctity of homes. The States, counties, cities, and towns can and ought to manage such matters and keep the long, meddlesome, and greedy fingers of the United States Government out of the lard cans and butter dishes of the domestic housewife. Such matters should be left to local self-government.

Mr. President, of all the people in the world that I would love to gratify by complying with their requests, and gratify myself by so doing, are those who cultivate the soil, raise their own cattle, make their own butter, and use it on their hospitable boards, as well as sell the surplus as a source of income. It is among such in the blue-grass country of Tennessee that I was born, reared, and educated, and one of the chief pleasures of my now advanced life is the identification of my social relations, my political and personal affiliations, as well as whatever of pecuniary interest I have, with that noble people.

It would please me beyond measure to respond favorably to petitions from them requesting me to vote for this bill; but I shall stand by the faith that has thus far guided my politics, because I believe it right to do so. I will follow the old landmarks of Democracy that favor equal rights to all, and special privileges to none—and favor no tax upon the citizen, save for public purposes.

Mr. President, this patriotic agricultural people of Tennessee, when they know the facts, will have no censure for the exercise of an honest judgment by their Representatives, although they may differ with them. The agriculturists—

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. PROCTOR. I think the best answer to the suggestion of the Senator from Georgia [Mr. BACON] is that the housewife does not re churn and refine her butter. After she has worked the dasher or the rocker for an hour, and the butter has come, she will not touch it again until the cream is ripe and ready to sour. But to remove any possible objection I move, on page 3, line 4, of the amendment of the Senator from Kansas [Mr. HARRIS] to insert after the word "butter," the amendment suggested by the Senator from Ohio [Mr. FORAKER], namely, the words "as a business."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.



The SECRETARY. On page 3, line 4, of the amendment submitted by Mr. HARRIS, after the word "butter," it is proposed to insert "as a business."

Mr. BAILEY. Mr. President, it seems to me that after a bill has been carefully considered by another branch of Congress and sent here containing a provision upon the subject of renovated or process butter the committee of the Senate might well have allowed it to stand. Of course I know they had some good lawyer who advised them to take out that provision, and I suspect I know who advised them to do it, because if this bill had passed with section 4 as it came from the House of Representatives, it would not be worth the paper on which it is written before any court in the land. The only possible way that any court could have sustained the law would have been to say that Congress would have passed the balance of the bill with that fourth section left out. But the Senate is now giving evidence that Congress would not have passed the bill without some provision on the subject of renovated or process butter.

The fourth section is a pure and simple regulation without your usual subterfuge of a tax. I believe the purpose of the bill makes it all unconstitutional, and I wanted to see it passed with a provision in it that would make it unconstitutional on its face. I am free to say that it was for that reason that I did not mention it in the speech which I had the honor to make to the Senate. I wanted to see if, when the vote was taken, the Senate would not vote down the Committee on Agriculture and Forestry and, by defeating its amendment, thus retain this provision. It is now apparent, however, that somebody has advised them that this provision would not stand judicial scrutiny, and in order to escape the Constitution they have assailed the housewives who make butter for sale.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Vermont [Mr. PROCTOR] to the amendment of the Senator from Kansas [Mr. HARRIS].

Mr. BACON. Let the amendment be again stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 4, of the amendment, after the word "butter," it is proposed to insert "as a business."

Mr. HARRIS. The insertion should be after the word "butter" where it last occurs in the line. The word is used twice.

The PRESIDENT pro tempore. The amendment to the amendment will be again stated.

The SECRETARY. In line 4 on page 3 of the amendment of Mr. HARRIS, after the word "butter" where it occurs the second time, it is proposed to insert "as a business;" so as to read:

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Mr. BACON. Upon the amendment of the Senator from Vermont [Mr. PROCTOR] I desire to say simply a word. That amendment does not in any manner cure the difficulty. The housewife who makes 2 pounds of butter a day, and with it provides her little household necessities, is just as much in the business of making that butter as is the renovated or process butter factory that makes several million pounds of it a year; and if the making of 2 pounds of butter a day, carried on regularly, constitutes a business, it will still be subject to the same trouble that I suggested in the beginning, that it will not only subject that particular farmhouse to espionage to see whether or not as a business 2 pounds of butter are being made a day, but it will justify the visit of these officials to every farmhouse in the United States to see whether or not its occupants are engaged in that business.

Mr. President, if Senators, with that proposition before them, are willing to vote for the amendment, I desire that they shall go upon record, and I therefore call for the yeas and nays.

The PRESIDENT pro tempore. On the amendment to the amendment?

Mr. BACON. No, sir; on the amendment itself.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont [Mr. PROCTOR] to the amendment of the Senator from Kansas [Mr. HARRIS].

The amendment to the amendment was agreed to.

Mr. CULBERSON. I offer an amendment in the nature of a substitute for the amendment offered by the Senator from Kansas [Mr. HARRIS]. I desire to say by way of explanation merely—

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be read.

Mr. CULBERSON. It is quite a lengthy amendment, and it has been read. I think I can explain it in a few words.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CULBERSON. Mr. President, I desire to say that this amendment, in the first place, is an exact copy of what is known as the Wadsworth substitute offered in the House of Representatives. In the next place, it defines renovated butter; and, in order to give Congress jurisdiction of the subject, it levies a tax upon renovated butter of one-fourth of 1 cent per pound. In the third

place, it is an exact copy of that part of the House bill which came to us on the subject of renovated butter. I move it, as I have stated, as an amendment in the nature of a substitute for the amendment offered by the Senator from Kansas.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Texas [Mr. CULBERSON].

The SECRETARY. It is proposed to insert as a substitute for the amendment of Mr. HARRIS the following:

That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay \$600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be \$500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2 pound prints, bricks, rolls, or lumps.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years.

"SEC. 6a. Renovated butter is butter produced from inferior, cheap, old, sour, unmerchantable, or rancid butters by washing, mixing with milk, cream, or other milk product, rechurning, recoloring, reworking, melting, chilling, or by any or all of such processes combined, or by any other process. That upon renovated butter which shall be manufactured, made, and sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer or maker thereof, and any fractional part of a pound shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

"The Secretary of the Treasury is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words 'Renovated butter' shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500 and imprisoned not less than one month nor more than six months.

"The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section."

Mr. CULBERSON. Mr. President, with a view of offering this as a substitute to the bill as it may be perfected, I withdraw it for the present.

The PRESIDENT pro tempore. The amendment is withdrawn. The question is on the amendment offered by the Senator from Kansas [Mr. HARRIS] as amended.



Mr. BACON. On that amendment I ask for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BARD (when his name was called). I am paired with the senior Senator from Nevada [Mr. JONES]; but on this amendment I am informed that if he were present he would vote as I do. I therefore desire to record my vote. I vote "yea."

Mr. CLARK of Montana (when his name was called). I am paired with the junior Senator from Indiana [Mr. BEVERIDGE]; but, as explained by the Senator from Vermont [Mr. DILLINGHAM], it has been arranged that my pair should be transferred to the Senator from South Carolina [Mr. TILLMAN], so that I am at liberty to vote. I vote "nay."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Oregon [Mr. SIMON]. If he were present, I should vote "nay."

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. I have just received a telegram from him saying that he would vote "yea" on this amendment. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. Under the arrangement that has been made, however, my pair with the Senator from Massachusetts has been transferred to the Senator from Arkansas [Mr. JONES], who was paired with the Senator from Maine [Mr. HALE]. In the absence of the Senator from Maine, however, I withhold my vote.

Mr. PENROSE (when Mr. QUAY'S name was called). My colleague [Mr. QUAY] is unavoidably absent. If he were present, he would vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], which I shall observe, and refrain from voting.

The roll call was concluded.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent. He has a general pair with the Senator from Maine [Mr. HALE]. I understand, however, that a transfer of pairs has been arranged, so that my colleague stands paired with the Senator from Massachusetts [Mr. HOAR]. If my colleague were present, he would vote "nay."

The result was announced—yeas 44, nays 26; as follows:

#### YEAS—44.

Aldrich,	Dillingham,	Harris,	Mitchell,
Allison,	Dryden,	Hawley,	Nelson,
Bard,	Fairbanks,	Kean,	Penrose,
Burnham,	Foraker,	Kearns,	Perkins,
Burrows,	Foster, Wash.	Kittredge,	Platt, Conn.
Burton,	Frye,	Lodge,	Pritchard,
Clapp,	Gallinger,	McComas,	Proctor,
Cockrell,	Gamble,	McCumber,	Quarles,
Cullom,	Hale,	McMillan,	Scott,
Deboe,	Hanna,	Mason,	Spooner,
Dietrich,	Hansbrough,	Millard,	Wetmore.

#### NAYS—26.

Bacon,	Clark, Wyo.	McLaurin, Miss.	Stewart,
Bailey,	Culberson,	McLaurin, S. C.	Taliaferro,
Bate,	Dubois,	Mallory,	Teller,
Berry,	Foster, La.	Martin,	Vest,
Blackburn,	Gibson,	Patterson,	Wellington.
Carmack,	Heitfeld,	Rawlins,	
Clark, Mont.	McEnery,	Simmons,	

#### NOT VOTING—18.

Beveridge,	Elkins,	Morgan,	Tillman,
Clay,	Hoar,	Pettus,	Turner,
Daniel,	Jones, Ark.	Platt, N. Y.	Warren.
Depew,	Jones, Nev.	Quay,	
Dolliver,	Money,	Simon,	

So the amendment of Mr. HARRIS was agreed to.

Mr. PROCTOR. Mr. President, the adoption of that amendment makes a slight verbal amendment necessary. On page 1 of the bill, at the end of line 3, after the word "imitation," the words "process, renovated, or adulterated" should be added, as the amendment just adopted covers all those different varieties of butter.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Vermont will be stated.

The SECRETARY. On page 1, after the word "imitation," at the end of line 3, it is proposed to insert "process, renovated, or adulterated."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

Mr. PROCTOR. The same amendment is necessary on page 4, line 21, after the word "oleomargarine," to insert "process, renovated, or adulterated butter."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 4, line 21, after the word "oleomargarine," it is proposed to insert "process, renovated, or adulterated butter."

The amendment was agreed to.

Mr. PROCTOR. There is another slight amendment reported by the committee. In line 12, page 3, strike out the word "and" and insert the word "or." The reason for that is this: The section there recapitulates section 8 of the act of 1886, and it quotes it incorrectly. It is "or" in the statute, and by a mistake in another body the word "and" was put in.

The PRESIDENT pro tempore. If there be no objection, the amendment will be agreed to.

Mr. MONEY. One moment before that is done. Is it intended, I should like to ask the Senator from Vermont, that oleomargarine shall be taxed before it is sold?

Mr. PROCTOR. I do not understand the question of the Senator from Mississippi.

Mr. CULLOM. We can not hear the Senator from Mississippi.

Mr. MONEY. As it is now, the bill provides:

That upon oleomargarine which shall be manufactured and sold, or removed for consumption and use, there shall be assessed and collected a tax.

Does the Senator by putting in the disjunctive mean to say that the oleomargarine shall be taxed when manufactured and before it is sold?

Mr. PROCTOR. It should be "for consumption or use."

Mr. MONEY. No; I am speaking of the amendment which the Senator offered, which was to strike out "and" and insert "or."

Mr. PROCTOR. I tried to explain it. It is not an amendment to the law. It is merely leaving the law as it now is in the act of 1886. That is a recapitulation of section 8 of the act.

Mr. MONEY. I beg pardon of the Senator. I was looking at the wrong "and." That is all right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. COCKRELL. In the amendment of the Senator from Kansas, in line 5, page 3, I move to insert:

Wholesale dealers in adulterated butter shall pay a tax of \$480.

The PRESIDENT pro tempore. Is that an amendment to the amendment which has been agreed to?

Mr. COCKRELL. It is.

The PRESIDENT pro tempore. An amendment to the amendment offered by the Senator from Kansas?

Mr. COCKRELL. To the amendment offered by the Senator from Kansas.

The PRESIDENT pro tempore. Is there objection to the amendment being now made by the Senator from Missouri? The Chair hears none. The Senator from Missouri offers an amendment, which will be stated.

Mr. COCKRELL. "And retail dealers in adulterated butter shall pay \$48 per annum." That is what they pay there now.

The PRESIDENT pro tempore. The Senator from Missouri, by consent, offers an amendment which will be stated.

The SECRETARY. On page 3, after line 5, it is proposed to insert:

Wholesale dealers in adulterated butter shall pay a tax of \$480, and retail dealers in adulterated butter shall pay a tax of \$48 per annum.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. PRITCHARD. I ask unanimous consent to offer an amendment to be inserted at the end of the amendment of the Senator from Kansas.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent to offer at the present time an amendment to the amendment adopted, which was offered by the Senator from Kansas. Is there objection? The Chair hears none. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

Provided, That the provisions of this section shall not apply to butter produced in the home of a private family.

Mr. VEST. I should like to understand the effect of the amendment. Does that apply to adulterated butter?

Mr. PETTUS. I ask that the amendment be read in connection with the text.

The PRESIDENT pro tempore. Undoubtedly it does apply to the whole amendment offered by the Senator from Kansas.

Mr. BATE. I ask that it be read again.

Mr. PRITCHARD. I wish to amend the amendment by inserting the words "for use."

The PRESIDENT pro tempore. The Senator from North Carolina modifies his amendment as will be stated.

Mr. PRITCHARD. There is some objection to those words going in. Leave them out.

The PRESIDENT pro tempore. Does the Senator withdraw it?

Mr. PRITCHARD. Yes, sir; I withdraw it.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws his amendment.

Mr. BAILEY. I should like to ask the Senator from North

Carolina if he believes the tax would be uniform when the law taxes everybody except those who make the product at home for sale?

The PRESIDENT pro tempore. The Senator from North Carolina has withdrawn his amendment.

Mr. BAILEY. I know. He attempted to evade it by providing that the tax should not apply to butter made in this way for home consumption. Now, he leaves the amendment to stand, that it shall not apply to the sale of butter at the farm home, we will say, for that is the purport.

Mr. SPOONER. He has withdrawn the amendment.

Mr. BAILEY. No; he only withdraws the suggested amendment to the amendment.

The PRESIDENT pro tempore. The entire amendment has been withdrawn.

Mr. BAILEY. The entire amendment?

The PRESIDENT pro tempore. There is nothing before the Senate.

Mr. PRITCHARD. It is not my purpose to withdraw the entire amendment.

Mr. BAILEY. That is what I understood.

The PRESIDENT pro tempore. The Chair was mistaken, then.

Mr. PRITCHARD. I simply desire to have the amendment voted upon as was originally submitted.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the amendment offered by the Senator from Kansas the following:

*Provided, That the provisions of this section shall not apply to butter produced in the home of a private family.*

Mr. BAILEY. If this were State legislation, clearly under the recent decision of the Supreme Court on the Illinois anti-trust law this exemption would render it invalid. While we have no prohibition against Congress denying to any class of citizens the equal protection of its laws, we have another valuable provision which is that in matters of taxation the tax shall be uniform. And just exactly how Congress can tax butter when made by one man and exempt the same kind of butter when made by somebody else passes, as do many other things about this bill, my comprehension.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. FORAKER. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment which will be stated.

The SECRETARY. On page 2, section 2, line 24, after the word "family," strike out "and guests thereof" and insert "table;" so as to read:

And any person who sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 2, section 2, line 25, after the word "any," strike out "ingredient or" and insert "artificial."

Mr. GALLINGER. Let the clause be read as it will read if amended.

The SECRETARY. On page 2, line 25, strike out the words "ingredient or" and insert "artificial;" so that the paragraph will read:

Who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 3, section 3, line 16, after the word "from," insert "artificial;" and in the same line strike out "or ingredient;" so as to read:

When oleomargarine is free from artificial coloration.

Mr. VEST. Mr. President, I did not intend to say a word on this bill. I am utterly opposed to the principle upon which this bill is based and the amendments that have been offered, and when I say "the amendments," I mean upon both sides of the Chamber, because amendments have been offered by my Democratic colleagues which seem to me to ignore the fundamental principle upon which I am opposed to this sort of legislation.

Under the Constitution of the United States the State has the right to regulate all questions of health and morals and the criminal laws that govern. We have been told here that 32 States have attempted to get rid of colored oleomargarine, and ineffectually, and now we are appealed to by certain persons interested in an adverse industry to legislate without regard to the Constitution and without regard to the interstate-commerce clause in order

that colored oleomargarine, which is said to be a fraudulent product, may be prohibited from sale in the open market.

Mr. President, I am not able to see the difference between putting into my stomach colored oleomargarine and butter colored by aniline, made out of coal tar. I am, in my old-fashioned way, utterly unable to comprehend the difference. If any manufacturer of butter who sees proper to color it in order to make it acceptable to the public taste and in order to sell it can, without my knowledge or consent, inject into my stomach a preparation of coal tar, I can not see for the life of me why an oleomargarine manufacturer can not do the same thing.

No Senator pretends to say that this is a revenue bill. The bill itself on its face reduces the tax from 2 cents to one-fourth of 1 cent per pound upon uncolored oleomargarine and imposes a tax of 10 cents upon colored oleomargarine, which is absolutely destructive of all revenue whatever. If any Senator has the hardihood, I should like to hear one of them stand here now and contradict what I say. If anyone will declare that this is a revenue measure, I call his attention to the simple record, open to every man in the United States who can read and chooses to do so. We have just passed a bill almost unanimously in both Houses of Congress taking off \$74,000,000 of taxes, the war taxes; and that bill is now in conference. We have a hundred and fifty million dollars of gold reserve. We have a hundred and seventy-five million dollars of surplus revenue, and during the last fiscal year we had \$59,700,000 more receipts than we had expenditures. I want some Senator to stand here and say to the people of the United States that this is a revenue bill in the face of these facts.

I am opposed to the bill, and I am opposed to the amendment. This is nothing but parliamentary assassination. It is one interest making war upon another. The Senators who advocate this bill know very well that it is parliamentary assassination. They know that when the act comes before the Supreme Court of the United States that tribunal will say, as it did about the act of 1886, "This court must assume that Congressmen have obeyed their oaths to support the Constitution, and that this is a revenue measure." We know it is not, and I leave it to every Senator to consult his conscience and say whether he is observing the Constitution in voting for such a bill. For myself I would not vote for it if every man, woman, and child in this country would ask me to do it. I would not do it if the legislature of Missouri should ask me and demand that I should do it, because it has no right to make me violate the Constitution which I have sworn to support.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio, which has been stated.

The amendment was agreed to.

Mr. HARRIS. I desire to offer an amendment intended to reduce the license fees to be paid by wholesale and retail dealers in uncolored oleomargarine.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 3, after line 4, insert the following:

Section 3 of said act is hereby amended by adding thereto the following: "Provided further, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of 1 cent per pound is imposed by this act as amended shall pay \$200, and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this act as amended a tax of one-fourth of 1 cent per pound shall pay \$5."

Mr. PROCTOR. There is no objection to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The committee amendments have not yet been acted upon.

Mr. PROCTOR. There is a committee amendment on page 2.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2 it is proposed to strike out, beginning in line 10, the following:

*Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State provided that it is manufactured and sold entirely within the State.*

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. There is another committee amendment at the bottom of page 3.

Mr. PROCTOR. The amendment of the Senator from Kansas [Mr. HARRIS] has taken the place of section 4.

Mr. BAILEY. I did not understand that the amendment of the Senator from Kansas was offered as a substitute for that section, because the amendment of the committee was to strike that out, and it will take a separate vote, as I understand it, to dispose of that.

Mr. PROCTOR. I understood that it was offered as a substitute for section 4.

Mr. BAILEY. I venture to say that the stenographer's notes will not sustain that contention.



Mr. MONEY. It was not understood—

Mr. HARRIS. I understood it was accepted by the committee in lieu of section 4, which had been stricken out.

Mr. BAILEY. The committee can not accept it in that way. I distinctly made the point of order in the beginning that the committee's amendments must first be disposed of. I was very courteously informed by the Chair that no such point of order could be made in the Senate; that the bill was open to amendment offered by any Senator; that the committee amendments were pending the same as amendments offered by Senators.

I am a little curious to know why the Committee on Agriculture struck section 4 out of the bill without themselves proposing some amendment on the same subject.

Mr. PROCTOR. The committee struck it out because they considered it entirely inadequate and insufficient, and they were in doubt whether they could prepare in time an amendment that would answer the purpose. They did, however—the bill not coming up—give attention to the matter, and the amendment of the Senator from Kansas was largely prepared by the committee. I polled, I think, nearly all the committee—I remember speaking to the Senator from Mississippi about it—and the committee accepted it in lieu of section 4.

Mr. BAILEY. The Committee on Agriculture, then, reported the amendment striking out section 4, with the understanding that some member of the Senate would offer an amendment on the same subject. Am I to so understand?

Mr. PROCTOR. There was no such understanding at the time the bill was reported, but it was a matter outside of the oleomargarine portion of the bill, and the committee was sure that this provision would not accomplish what it sought to. It would have been inoperative and of very little account.

Mr. BAILEY. The committee had no doubt, however, about the perfect constitutionality of that section?

Mr. PROCTOR. That is a question which the committee did not discuss. It would have been practically inoperative.

Mr. GALLINGER. Will the Senator from Texas permit me for a moment?

Mr. BAILEY. Certainly.

Mr. GALLINGER. If the Senator will turn to the printed amendment proposed by the Senator from Kansas he will find that it reads:

Insert the following in lieu of section 4.

That is the form in which it was sent to the desk and acted upon.

Mr. BAILEY. That may have been the amendment proposed, but it was not the motion voted on. Still, it is a matter of no practical or material importance. I was just curious to know what kind of motive operated upon the mind of the Committee on Agriculture. I regret to know that they happened to do right by mere guess.

Mr. GALLINGER. I would make the point that a motion to insert by way of perfecting the bill takes precedence over a motion to strike out.

Mr. NELSON. The adoption of this amendment in lieu of section 4, as we adopted it, was equivalent to a motion to strike out and insert.

Mr. GALLINGER. Certainly.

Mr. NELSON. And as such, when we adopted it in that form, it was equivalent to a motion to strike out and insert. The first clause in the proposed amendment for section 4 states as follows:

Insert the following in lieu of section 4.

Adopting that was striking out section 4 and inserting this.

The PRESIDENT pro tempore. Is there any further amendment to the original text?

Mr. CULBERSON. I move to amend the bill by striking out, in line 13, page 3, the word "ten" and inserting "five."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 3, line 13, it is proposed to strike out the word "ten" and insert "five;" so as to read:

That upon oleomargarine which shall be manufactured and sold or removed for consumption and use there shall be assessed and collected a tax of 5 cents per pound, to be paid by the manufacturer thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was rejected.

Mr. MONEY. On behalf of the minority, I submit an amendment as a substitute for the whole bill.

The PRESIDENT pro tempore. The Senator from Mississippi offers a substitute, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert the following:

That sections 3 and 6 of an act entitled, "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 1. That special tax on the manufacture and sale of oleomargarine

shall be imposed as follows: Manufacturers of oleomargarine shall pay \$800 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years."

Amend the title so as to read: "A bill to amend sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, and also to define manufacturers and dealers and to provide for the payment of special taxes by them."

Mr. MONEY. Mr. President, the minority have submitted this substitute for the bill of the majority with the belief that it is a more effective preventive of fraud and deceit in the sale of oleomargarine as a substitute for butter than the bill of the majority. I do not see how anybody can view it otherwise. It is devoid of repressive taxation, of any discrimination, of injury to any industry in the world. It is simply a preventive measure intended to regulate the manufacture and sale of this article of daily food familiar to the people in order to protect the consumer from any imposition on the part of the retail or wholesale dealer or manufacturer.

In our opinion it will meet the demand of the people who honestly want to prevent fraud and who do not wish to tax one industry for the benefit of another. In the opinion of the minority there are millions of people in this country who knowingly ask for oleomargarine and who use it understanding exactly what it is. I have now before me scores of letters and telegrams from working people all over this country, from almost every State in it, especially from the large cities, from labor organizations, saying that they know what they are doing, and they do not want protection except from the bill; that they want something that will prevent fraud if it is necessary, but for themselves they ask for oleomargarine, and they want it.

This, in my opinion, will be a test of the sincerity of those gentlemen who profess to see in this bill only a preventive measure, and of those, on the contrary, who, instead of trying to prevent fraud, are trying to repress an industry, in fact, to extinguish it, not that we care so much for the interest of the manufacturers of oleomargarine as we do for the interest of thousands of consumers who are able to buy oleomargarine and are not able to buy butter.

On agreeing to this amendment I shall ask for the yeas and nays.

Mr. TELLER. Mr. President, I shall vote for this amendment, but before I do so I want to say that I vote for it only because it is less vicious than the one it is intended to displace. If it stood as an independent proposition there are things in it that I should not approve of and should not vote for.

Mr. MONEY. I will say, if the Senator will allow me, that I am exactly in his position. I stated that in the speech I had the honor to submit to the Senate in opening the debate.

Mr. BATE. Although I have signed the minority report I want to say the same thing. I do not agree with it entirely. I did it as the best I could get.

Mr. BAILEY. Mr. President, I simply rise to say that I shall

very cheerfully vote for this substitute as against the pending bill, but of course I would vote against the enactment of any measure by the Federal Congress intended to deal with deceitful practices in trade.

Mr. BACON. Mr. President, I desire to say, not only as to this amendment, but as to all others, that while I shall vote for such of them as I think would be less objectionable than the pending bill, if either of them was the bill upon its passage I would vote against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. MONEY].

Mr. BACON. Let us have the yeas and nays.

Mr. MONEY. I asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BARD (when his name was called). I am paired with the senior Senator from Nevada [Mr. JONES]. If he were present, I should vote "nay."

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. SIMON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. ALLISON (when Mr. DOLLIVER's name was called). I desire to again state that my colleague [Mr. DOLLIVER] is absent necessarily to-day from the Senate. If he were here, he would vote "nay."

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES]. My pair has been transferred to the Senator from Massachusetts [Mr. HOAR]. The Senator from Arkansas would vote "yea;" I vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is unavoidably absent. Were he present, he would vote "nay."

Mr. TURNER (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN] and refrain from voting.

The roll call was concluded.

Mr. MONEY. I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, he would vote "nay" and I should vote "yea."

The result was announced—yeas 29, nays 39; as follows:

## YEAS—29.

Aldrich,	Clark, Wyo.	McLaurin, S. C.	Stewart,
Bacon,	Culberson,	Mallory,	Taliaferro,
Bailey,	Dubois,	Martin,	Teller,
Bate,	Foster, La.	Patterson,	Wellington,
Berry,	Gibson,	Pettus,	Wetmore.
Blackburn,	Heitfeld,	Rawlins,	
Carmack,	McEnery,	Scott,	
Clark, Mont.	McLaurin, Miss.	Simmons,	

## NAYS—39.

Allison,	Fairbanks,	Hawley,	Nelson,
Burnham,	Foraker,	Kean,	Penrose,
Burrows,	Foster, Wash.	Kearns,	Perkins,
Burton,	Frye,	Kittredge,	Platt, Conn.
Clapp,	Gallinger,	Lodge,	Pritchard,
Cullom,	Gamble,	McComas,	Proctor,
Deboe,	Hale,	McCumber,	Quarles,
Dietrich,	Hanna,	McMillan,	Spooner,
Dillingham,	Hansbrough,	Mason,	Vest.
Dryden,	Harris,	Mitchell,	

## NOT VOTING—20.

Bard,	Depew,	Jones, Nev.	Quay,
Beveridge,	Dolliver,	Millard,	Simon,
Clay,	Elkins,	Money,	Tillman,
Cockrell,	Hoar,	Morgan,	Turner,
Daniel,	Jones, Ark.	Platt, N. Y.	Warren.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the question on concurring in the amendments be taken on them in gross? The Chair hears no objection. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. PETTUS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BARD (when his name was called). I am paired with the senior Senator from Nevada [Mr. JONES]. If he were present, I should vote "yea."

Mr. CLAY (when his name was called). I announce my pair with the senior Senator from Oregon [Mr. SIMON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. MARTIN (when Mr. DANIEL's name was called). My colleague [Mr. DANIEL] is unavoidably absent from his seat. If he

were present, he would vote "nay." He is paired on this vote, and has been paired on all the amendments voted on to-day, with the senior Senator from New York [Mr. PLATT].

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is unavoidably absent from the city. If he were here, he would vote "nay." A pair has been arranged with the junior Senator from New York [Mr. DEPEW], who, I understand, would vote "yea" if present.

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES]. That is transferred to the Senator from Massachusetts [Mr. HOAR]. I vote "yea." The Senator from Arkansas would vote "nay" if present.

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is unavoidably absent. Were he present, he would vote in favor of the bill on its final passage.

Mr. TURNER (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN] and refrain from voting.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent. If he were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 39, nays 31; as follows:

## YEAS—39.

Allison,	Fairbanks,	Hawley,	Mitchell,
Burnham,	Foraker,	Kean,	Nelson,
Burrows,	Foster, Wash.	Kearns,	Penrose,
Burton,	Frye,	Kittredge,	Perkins,
Clapp,	Gallinger,	Lodge,	Platt, Conn.
Cockrell,	Gamble,	McComas,	Pritchard,
Cullom,	Hale,	McCumber,	Proctor,
Deboe,	Hanna,	McMillan,	Quarles,
Dietrich,	Hansbrough,	Mason,	Spooner.
Dillingham,	Harris,	Millard,	

## NAYS—31.

Aldrich,	Clark, Wyo.	McLaurin, Miss.	Simmons,
Bacon,	Culberson,	McLaurin, S. C.	Stewart,
Bailey,	Dryden,	Mallory,	Taliaferro,
Bate,	Dubois,	Martin,	Teller,
Berry,	Foster, La.	Patterson,	Vest,
Blackburn,	Gibson,	Pettus,	Wellington,
Carmack,	Heitfeld,	Rawlins,	Wetmore.
Clark, Mont.	McEnery,	Scott,	

## NOT VOTING—18.

Bard,	Dolliver,	Money,	Tillman,
Beveridge,	Elkins,	Morgan,	Turner,
Clay,	Hoar,	Platt, N. Y.	Warren.
Daniel,	Jones, Ark.	Quay,	
Depew,	Jones, Nev.	Simon,	

So the bill was passed.

On motion of Mr. PROCTOR, the title was amended so as to read:

A bill to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

## ANATOMICAL BOARD OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 1st instant (the House of Representatives concurring), I return herewith Senate bill No. 2291, entitled "An act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia."

THEODORE ROOSEVELT.

WHITE HOUSE, April 3, 1903.

Mr. GALLINGER. Mr. President, I am somewhat in doubt what motion to make in reference to the bill.

The PRESIDENT pro tempore. The proper course to pursue is to refer the bill to the Committee.

Mr. GALLINGER. I will state that the purpose was to have the bill returned so as to have it amended. I will make the motion to refer it to the Committee on the District of Columbia.

The motion was agreed to.

## HOUSE BILL REFERRED.

The bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

## CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (S. 2960) to prohibit the coming into and to



regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I rise to take the floor with the intention of discussing the Chinese-exclusion bill at 2 o'clock to-morrow, at which time, as I understand, it will come up as the unfinished business.

#### INDIAN APPROPRIATION BILL.

Mr. STEWART. Mr. President, I desire to give notice that to-morrow morning, immediately after the routine business, I shall call up the Indian appropriation bill.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 4, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 3, 1902.*

##### APPOINTMENT IN THE ARMY.

###### Infantry Arm.

Edward J. Bloom, at large, to be second lieutenant, February 2, 1901.

##### PROMOTION IN THE ARMY.

###### Infantry Arm.

Capt. Edward H. Browne, First Infantry, to be major, March 28, 1902, vice Clagett, Second Infantry, deceased.

##### RECEIVER OF PUBLIC MONEYS.

William R. Akers, of Nebraska, to be receiver of public moneys at Alliance, Nebr., his term having expired. (Reappointment.)

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 3, 1902.*

##### PENSION AGENT.

Augustus J. Hoitt, of Massachusetts, to be pension agent at Boston, Mass.

##### POSTMASTERS.

Burd R. Linder, to be postmaster at Orwigsburg, in the county of Schuylkill and State of Pennsylvania.

Daniel W. Bedea, to be postmaster at Shenandoah, in the county of Schuylkill and State of Pennsylvania.

Jesse N. Watson, to be postmaster at Hatboro, in the county of Montgomery and State of Pennsylvania.

Robert B. Clayton, to be postmaster at Ashland, in the county of Schuylkill and State of Pennsylvania.

Louis Biltz, to be postmaster at Girardville, in the county of Schuylkill and State of Pennsylvania.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, April 3, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

##### REVENUE-CUTTER SERVICE.

On motion of Mr. SHERMAN, the House resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, with Mr. OLMSTED in the chair.

The CHAIRMAN. Will the gentleman from Illinois [Mr. MANN] occupy some of his time?

Mr. MANN. I yield fifteen minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, a few evenings ago an employee in one of the departments of the Government came to see me, it being his fourth or fifth visit, to request that I should use whatever influence I might have to retain him in the Government service; a laudable ambition, to remain in the employ of the Government.

That same evening another employee spoke to me relative to supporting the pending bill. I suggested that the passage of this

bill meant the commencement of a civil pension list, and that I thought the results of it would open up an immense drain upon the Treasury. The reply to my suggestions was that when a clerk in the employ of the Government gives to the Government many years of his service that the Government ought to place him upon a civil pension list.

In these two incidents we have brought forth fully to our attention the condition in which the Government is placed. A strenuous effort at all times is being made to get into the Government service, and when once in office a strenuous effort is made to increase the salary and to establish an opening into the public Treasury. The title of the pending bill is "To promote the efficiency of the Revenue-Cutter Service." I dare say that that is misleading. I have listened very attentively during the past few days to the speeches in advocacy of this measure, and I have heard no intimation or suggestion that the Revenue-Cutter Service was inefficient. I have heard no argument protesting that it needed improvement. Every suggestion that has been made and every argument that has been offered has been that the service is very efficient and that the service is rendering a perfect service.

Why, then, should this bill be styled a bill to promote the efficiency of the Revenue-Cutter Service. When we turn to the bill itself we find in it no provision whatever, no suggestion whatever, to increase the efficiency of the service. No new duty is prescribed; no irregularity in the service is sought to be remedied. The only purpose of the bill is to open a way to higher salaries and to establish a pension list. The bill divides itself into three branches. First, to increase the rank of the officers in the Revenue-Cutter Service. To this I have no objection. If there should be any comfort in having a provision to place upon themselves more tinsel and to make a more gorgeous display, I have no objection whatever to offer to that.

The next provision is to increase the pay of all the officers in the service; but no suggestion is made to increase the pay of the common laborers engaged in the service. The next suggestion is to place these officers upon a retired list at an increased pay. Under the law as it now exists they are subject to retirement at one-half pay. This is to be increased to three-fourths pay; so that under the operation of the present law a captain who was retired at \$1,250 a year under the proposed law will be retired at \$2,625 a year; in other words, an increased pension from more than \$100 to more than \$200 a month. In addition to this there are commutations allowed to the different officers under existing law ranging from \$40 down to \$20 per month. This is increased in the pending bill to \$48 down to \$24 per month.

Now, Mr. Chairman, if we increase the pay of the Revenue-Cutter Service by the passage of this bill, I wish to call attention to the fact that the Life-Saving Service, a service which is just as commendable, that can present itself as forcefully and with just as many reasons and arguments in its behalf, stands knocking at the door of the Congress demanding an increase in its pay and that it shall be placed upon a retired pension list. Then there is the Marine-Hospital Service, that is just as commendable, making like demands. There is the United States Fish Commission, marine service, and that is entitled to as much consideration. Then there is the Railway Mail Service, that is entitled and possesses as much merit as this Revenue-Cutter Service. Where will this policy end? It means, Mr. Chairman, but one thing. It means the establishment of a civil-pension list in this Government; and when we ever open that door, I venture the prophecy that but a few years will elapse until we have a pension list requiring \$500,000,000 of appropriation every year.

I wish to call attention, Mr. Chairman, to the fact that at the present session the House has passed one law that has created the establishment of a permanent Census Bureau. This has added to the departments of the Government a large pay roll, amounting to a million dollars and more a year and an addition to the clerk hire of 1,000 or 1,200 clerks. There is pending in this body a ship-subsidy bill, another measure that is seeking to find an entrance into the Federal Treasury in order to donate unlimited millions of the money of the people, raised by taxation, to the classes in this country who are already in the wealthy class and have no need of the donation. Already we hear the demands upon the Congress for the establishment of a new department of commerce and labor that will necessitate the enlargement very much in the employment of clerks and will constitute an additional drain upon the Treasury. Many of these things, I wish to emphasize, are extravagances. We are in the era of extravagant and reckless expenditure of the public money. We are forgetting the fundamental principles of economy in Government. We are hoisting the anchor; we are letting the old ship of state drift away from economy into every extravagance conceivable to meet every demand made upon the Federal Treasury.

In this Revenue-Cutter Service we propose to increase the salaries of 221 officials, and we propose to increase the salary on the

retired list of 29 persons; and while this in the aggregate amounts to about \$156,000 per annum—comparatively a very small sum—yet it stands as an indication of what may be expected in the near future. It is the thin edge of the wedge entering the public Treasury toward the consummation of a plan to inaugurate in this country a permanent civil-pension list. I have here and shall print with my remarks the appropriations for the Army for the fiscal years from 1893 to 1902, inclusive, and the like appropriations for the Navy. I wish to call attention to the fact that the appropriations for the Navy for the fiscal years of 1893, 1894, 1895, 1896 were \$100,390,818.41. For 1899, 1900, 1901, and 1902, \$247,441,460.93. The appropriations for the same years—1893 to 1896—in the Army were \$95,379,632.37. For the years 1899, 1900, 1901, 1902 they amounted to \$678,380,001.18.

So that we have the total appropriations for the Army and Navy from 1893 to 1896, inclusive, of \$195,770,450, and for the years 1899 to 1902, inclusive, of \$925,821,000. The amount carried in the appropriation bill for the Army which has passed the House at the present session is \$90,880,000, and the estimates for the Navy are \$98,910,984, an increase in the estimates of more than \$11,000,000 over the year 1902 for the Navy alone.

I say, Mr. Chairman, that these facts ought to demand our serious attention and our earnest consideration, and they should impress upon us the necessity of calling a halt in the extravagance of the Federal Government.

Mr. Chairman, I shall also ask to print with my remarks the report which accompanies the pension appropriation bill setting forth the increase in the pensions. In 1879 the appropriations for pensions were \$33,000,000. In 1901 it was \$138,531,483, and added to that was \$3,787,693 for naval pensions, making more than \$142,000,000 disbursed in one year for our pension list. Is there no lesson for us in these figures? Have we forgotten that every dollar of money in the public Treasury comes through the exactions of taxation? Have we forgotten that in the establishment of this Government our fathers rested and grounded this Government upon the great fundamental principles of simplicity of government and economy of administration? But we have lost sight of this. We have forgotten the simplicity of our fathers; we have forgotten the economy of our fathers. We have cut loose from the spirit and genius of our institutions, and we are drifting away from them into every extravagance that could characterize a Federal administration.

Opposed to this the Democratic party stands forever pledged, and I wish to call to the attention of this House and to the attention of the country and to the attention of the Administration and the responsible authorities in this House that the time has come when we should begin to practice some measure of economy, and to have in view the fact that the money we are lavishly expending is derived from taxation of the people who earn their money by the sweat of their brow, and every dollar in the Federal Treasury is an exaction from labor and toil and the products of the masses of our citizenship. To-day, like in the olden time, as every road led to Rome, it seems that in the Congress of the United States under the present Administration, every road leads into the public Treasury. Let us return to the simplicity and the economy of our fathers, and turn away from this lavishness and extravagance that would constitute every Federal officeholder a pensioner upon the public Treasury and a burden upon the labor and toil and production of the American citizens. [Applause.]

The tables above alluded to are appended, as follows:

Appropriations for the Navy for the fiscal years—	
1893	\$23,543,385.00
1894	22,104,061.38
1895	25,327,126.72
1896	29,416,245.31
1897	30,562,690.95
1898	33,003,294.19
1899	54,068,793.68
1900	48,069,969.58
1901	65,140,916.67
1902	78,101,791.00
Total for the years 1893, 1894, 1895, 1896	100,390,818.41
Total for the years 1899, 1900, 1901, 1902	247,441,460.93
Appropriations for the Army for the fiscal years—	
1893	\$24,308,499.82
1894	24,225,639.78
1895	23,592,884.68
1896	23,252,608.09
1897	23,278,402.73
1898	23,129,344.30
1899	23,193,392.00
1899 (in the deficiency bill)	329,661,795.77
1900	80,430,204.06
1900 (in the deficiency bill)	15,140,464.70
1901	114,220,065.55
1902	115,734,049.10
Total for years 1893, 1894, 1895, 1896	95,379,632.37
Total for years 1899, 1900, 1901, 1902	678,380,001.18
Total appropriations for years 1893 to 1896 for Army and Navy	195,770,450.78
Total appropriations for years 1899 to 1902	925,821,402.11
Fiscal year 1903:	
Amount carried in appropriation bill for the Army	90,880,000.00
Estimates for the Navy	98,910,984.63
Increase of naval estimates over year 1902	11,738,553.87

#### Revenue-Cutter Service under existing law.

	Per annum.
37 captains, each at	\$2,500
37 first lieutenants, each at	1,800
37 second lieutenants, each at	1,500
37 third lieutenants, each at	1,200
1 captain engineers, at	2,500
35 chief engineers, each at	1,800
17 first assistant engineers, each at	1,500
18 second assistant engineers, each at	1,200
1 constructor, at	1,800

#### Retired list under existing law.

	Per year.
1 captain, at	\$2,500
4 captains, each at	1,250
4 first lieutenants, each at	900
1 second lieutenant, at	750
1 third lieutenant, at	600
9 chief engineers, each at	900
6 first assistant engineers, each at	750
3 second assistant engineers, each at	600

Under the pending bill the effect is to increase the salaries of the officers about 40 per cent, and it raises the salary of the retiring officer from one-half of the existing salary to three-fourths of the increased salary.

The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1903, submit the following in explanation thereof:

The estimates on which the bill is based will be found on page 197 of the Book of Estimates for 1903, and amount to \$139,846,480.

The accompanying bill appropriates \$139,842,230.

The following statement gives, by appropriate title of expenditure, the amounts appropriated for 1902, the estimates for 1903, and the amounts recommended in the accompanying bill for 1903:

Title of expenditure.	Appropriations for 1902.	Estimates for 1903.	Recommended for 1903.
Payment of pensions	\$144,000,000	\$138,500,000	\$138,500,000
Fees of examining surgeons	700,000	800,000	800,000
Salaries of agents	72,000	72,000	72,000
Clerk hire at agencies	430,000	430,000	430,000
Stationery and other necessary expenses	30,750	35,000	30,750
Rent	12,480	9,480	9,480
Total	145,245,230	139,846,480	139,842,230

The following table, compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of applications filed, and the number of claims allowed each year from 1879 to 1901, inclusive:

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed.	Total number of claims allowed.
1879	242,755	\$25,493,742.15	\$23,664,428.92	57,118	31,946
1880	250,802	25,917,906.60	24,689,229.08	141,466	19,545
1881	268,830	28,769,967.46	26,583,405.35	31,116	27,394
1882	285,697	29,341,101.62	27,313,172.05	40,939	27,064
1883	303,658	32,245,192.43	30,427,573.81	48,776	38,162
1884	322,756	34,456,600.35	32,912,387.47	41,785	34,192
1885	345,125	38,960,985.28	36,171,937.12	40,918	35,767
1886	365,788	44,708,027.44	43,091,142.90	49,885	40,857
1887	406,007	52,824,641.22	50,752,997.08	72,465	55,194
1888	452,557	56,707,220.92	54,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	62,842,720.58	81,220	51,921
1890	537,944	72,052,143.49	70,094,250.39	105,044	66,637
1891	676,160	89,247,200.20	87,312,690.50	166,941	156,486
1892	876,068	116,879,867.24	113,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	126,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	126,986,726.17	57,141	39,085
1895	970,524	130,048,365.00	126,807,788.78	45,361	39,185
1896	970,678	129,485,587.00	126,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	126,949,717.35	50,585	50,101
1898	963,714	130,968,465.00	124,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	128,355,652.95	53,881	37,077
1900	963,529	131,534,544.00	128,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	128,531,483.84	58,373	44,868

The payments on account of Navy pensions during the fiscal year 1901 aggregated \$3,787,693.03, making total pensions paid in 1901 \$142,219,176.57.

Mr. JOHNSON. Mr. Chairman, since I have been a member of this House I have given a patient and courteous hearing to almost every speech that has been made upon this floor. In return for that patience and courtesy I beg the indulgence of the committee for a brief while on the pending measure. I would content myself with recording my vote against the bill were it not for the fact that requests have come to me from my State urging me to support it. I believe that a Representative should give patient and respectful consideration to any request from his constituents. There is no man, though never so poor and humble, whose wishes, even though of only one sentence contained upon a postal card, I would not receive respectfully and consider carefully. In the end, however, a Representative, having examined the subject, must follow his own conscience and judgment.

The friends of the Revenue-Cutter Service have certainly been active in this matter, for, so far as I know and have heard, the



only letters, petitions, and resolutions coming up to this House have been in favor of the bill. We have heard nothing from the great masses of the American people. They have been going about their business, and have not had time to analyze this bill and make known their views. They expect us to analyze the bill and to do our duty.

When it was brought to my attention that this bill, which professes to be a bill "to promote the efficiency of the Revenue-Cutter Service," would come before Congress for consideration, I supposed it meritorious. I know that I am in favor of promoting efficiency in all the departments of the Government service. Who is not? But what do I find in this bill, with its inviting, captivating, and misleading title? In my innocence I believe that language was made to reveal and not to conceal thoughts, and this is particularly true in regard to the titles of bills in legislative bodies. There is not one line or provision in the pending bill to improve the Revenue-Cutter Service. Indeed, Mr. Chairman, according to the advocates of this measure the Revenue-Cutter Service is the most efficient and worthy service in any department of the Government. The assertion here is that the service is practically perfect, or as nearly perfect as poor human nature can make anything. The most earnest and eloquent pleas are poured into our ears, and we are told that because of the efficiency and worth of the Revenue-Cutter Service this bill should be passed as an act of simple justice. I do not doubt that the officers in the Revenue-Cutter Service are courteous, efficient, and worthy gentlemen. I have nothing to say against them. They brave dangers and do their duty. So do thousands of other men, whether in or out of the public service.

Let us analyze this bill. Mr. Chairman, if the bill had no title and I were called upon to read it and to frame a title in one sentence that would convey a clear, definite idea of its provisions, in innocence and simple honesty, I would write this sentence: "A bill to increase the salary of the officers of the Revenue-Cutter Service, and to provide for their retirement on pay." This is the plain, simple English of this proposition. If the measure stopped at increasing the pay of these officers, we could debate it along the line as to whether we should increase the pay of Government employees. But, sir, beyond that, and of supreme importance in this discussion, is the principle involved in retiring men who are civil employees of the Government. Juggle with words as you may, justify it on what plea you will, the fact remains that by passing this bill you are creating a civil pension list. A civil pension list is obnoxious to every principle of republican government, and I pray that we may never see the day when one class of our people shall live in luxury and ease out of the public Treasury at the expense of the masses of the people, and that, too, without even the pretense that they are engaged in Government work.

Whether the civil pension list you shall create by the passage of this bill will be long or short will be immaterial. Whether the sum necessary to pay the salaries of the retired officers shall be large or small will make no difference. Whether that list shall contain 10, 500, or 5,000 men who never served their Government except as civilians, you will have a civil pension list. You will have a precedent. There are enough lawyers in this body to know the force and the power of precedent. When we go into court with a clearly established precedent, a like decision is forthcoming. Having passed this measure upon the plea of doing justice to this class of Government employees, I ask you what will be your answer when the Life-Saving Service come for similar treatment? They can say, and truthfully, too, that their lives are lives of hardship, peril, and danger. There is no smooth sailing for them. When the seas are angry and the waves are furious, and great ships laden with human souls are dashed like toys upon the rocks, the Life-Saving Service, unconscious of self, risk their lives to save others. Listen to the strong language contained in a Senate report setting forth the merits of the Life-Saving Service. The report says:

When the severe toils, bitter privations, and appalling dangers incident to their calling are considered, and when it is remembered that the spirit with which these hardships have been met has resulted in the saving of thousands of lives and an amount of property many times exceeding in value the cost of maintaining the service, while the history of their achievements has added luster to the national honor, it would seem that the higher rates would not be too great a reward to bestow on these faithful and heroic men. At all events, a substantial increase should be made.

As a consequence of their exposure many men have fallen victims to chronic ailments, some have been maimed for life by accidents, and others have perished on their beats. It is probably safe to say that there is no other class of men engaged in duties at once so tedious and perilous as those which these faithful guardians of the coast perform in maintaining the unremitting night patrol throughout the rigorous season of the year. But their labors are not confined to this routine of watch patrol and daily drill. Summoned in the dead of night, or by day in the midst of their ordinary toil to a duty higher than these, by an alarm that a vessel is ashore, they take their places at the boat wagon or apparatus cart for a supreme effort, with a courage and determination that has never yet quailed before any hazard, and executed

prodigies of valor and endurance that have made them celebrated throughout the land and added to the nation's glory.

In addition to the foregoing regular routine must be added their terrible and daring labors at shipwreck. This, of course, is their crowning duty, and involves efforts almost superhuman, heroism carried to the very brink of deadly peril, and often death itself.

The soldier in this age is known and is only justified as one who professionally stakes his life in defense of his fellow-citizens. It is because he does this that, grown veteran or infirm or falling on the battlefield, we recognize his right and the right of his family to support at the expense of the public he guards. These life-saving crews—these storm soldiers—render a similar service, and no less dangerous and noble, and they deserve the same substantial recognition.

In another Senate report, made at this session of Congress, it is said that—

these officers in their official routine are exposed to hardships and dangers which do not fall to the lot of the ordinary officeholder.

Measured by their merits or by the danger of their calling, the Life-Saving Service is as much entitled to a civil pension list as the Revenue-Cutter Service.

The Weather Bureau men will come asking for like treatment, and they will be able to present arguments which no man who votes for the pending measure can answer. The Revenue-Cutter men are at anchor in some smooth harbor on an average of more than three hundred days in the year; but the Weather Bureau men will be able to tell you that they work every day in the year; that their labors begin before the dawn and continue until midnight; that they must endure all climates, from Alaska to the equator. I need not stop to repeat the arguments that they will be able to make, for I find that a committee of the Fifty-sixth Congress summarized the reasons why there should be a retired or civil pension list for the Weather Bureau employees, and I can not do better than to repeat what they have said:

(1) They work three hundred and sixty-five days in a year. Their hours of duty are long. On the Pacific coast the first observation is made between 4.30 and 5.30 a. m., while on the Atlantic coast the offices can not be closed before 11 p. m., and often later. They must be on the alert at all times to detect the first premonitions of storm development, and remain constantly on duty in order to distribute warnings that may be received at any moment.

(2) They are subject to great vicissitudes of climate, being required to serve, as the exigencies of the service may require, in almost any degree of latitude, from Alaska to the West Indies.

(3) By reason of the peculiar organization of the service its employees are, like officers of the Army, in a great measure deterred from obtaining a fixed habitation or enjoying the privileges that accrue to long residence in a community. Changes of station generally operate to their financial disadvantage.

There you have it. They are not soldiers, but they serve the Government under great hardship, are always on duty, and, like soldiers, are constantly moving from place to place, are denied the social privileges and advantages accruing to long and fixed residence, and are subject to financial loss by constant change of residence. Being like soldiers, the argument is that they should be accorded like treatment.

So, Mr. Chairman, it is easy to see the drift and the tendency. Unfortunately, and, as I think, unwisely, we have a retired list of Army and Navy officers. To-day we are called upon to give the Revenue-Cutter Service a retired list because, forsooth, they perform duty like soldiers. The extracts from which I have read characterize the Life-Saving Service as "storm soldiers" and the Weather Bureau men as "like soldiers." All this is but laying the foundation to provide for them a retired list because there is an Army retired list.

The gentleman from Iowa [Mr. HEPBURN] is paving the way for the Marine-Hospital Service to be pensioned. He has introduced the bill (H. R. 7189) which I hold in my hand, and, while it provides for an increase in pay, it is entitled "An act to increase the efficiency," etc. I tell you, gentlemen, we must watch these titles. Judging by the title of the bill now under consideration, as well as by the title of the one which I hold in my hand, I am sure I can say without offense that if some gentlemen here were to draw up a bill to increase the salaries of judges of the United States courts, they are so thoroughly imbued with the idea of promoting or increasing the efficiency of the service that it would never occur to them to entitle their bill as a bill to increase the salary of judges of the United States courts, but I should expect a bill "to promote the efficiency of the courts."

This bill relating to the Hospital Service provides that the President may, in time of war, transfer this service to the Army. Having provided by law that this service may be pressed into the Army in time of war, you have laid the foundation to create for it a retired or civil pension list. Then, Mr. Chairman, what are you going to do about the railway postal clerks? They constitute one of the most worthy and efficient classes in the Government service. They work hard and they work constantly, and what is more, they are in infinitely more danger than the officers of either the Navy or the Army. It is a fearful thought and an appalling fact that when the railway postal clerk kisses his wife or his sweetheart good-bye he goes out from her presence with some doubt as to whether he will ever return. I have great respect for



this great army of employees. I believe that of all the bills here providing for an increase of salary of Government employees—and there are bills providing for increase in salary for nearly everyone in the Government service—the bill providing for an increase in the pay of postal clerks is about the only one of merit. When you get fairly launched into your civil pension business you will find yourselves in no position to refuse to heed the arguments that will be poured into your ears in behalf of other Government employees.

The Life-Saving Service, the Weather Bureau service, and the railway postal clerks can all show that their work is as arduous as the work of the Revenue-Cutter Service. They can show you that more men lose their lives each year in the Life-Saving Service, in the Weather Bureau service, and in the railway postal service than have lost their lives in forty years in the Revenue-Cutter Service. And when you shall have yielded to the pressure that will be brought to bear from all these sources, and placed the old and the infirm and the maimed upon the retired or civil pension list, then your lives will be made miserable by the clamor of the department employees here in Washington. Why, gentlemen, do you know that an association has been formed in this city for the purpose of securing legislation providing that all Government employees, here or elsewhere, incapacitated for labor, shall be placed on a civil pension list, or a retired list, if you prefer to call it by that name? Let me tell you, if you pass this bill all the other employees of the Government will some day get similar legislation. All they want is a precedent and one class in the Government service retired on pay. Then they will come, telling you that they worked for the Government during the best years of their lives, and ask that justice be done them by according them the same treatment accorded other Government employees.

There are only two arguments in favor of this bill, namely, (1) that the employees demanding this legislation are worthy, and (2) that this legislation is necessary to equalize them with Army and Navy officers; and such will be the arguments when like bills come before this body for consideration for other Government employees—that they are worthy and that such legislation is necessary to equalize them with other favored employees.

Mr. Chairman, there is one other thing I was about to forget. The friends of this bill say that the Revenue-Cutter Service employees are subject to the call of their country in times of grim-visaged war. That is so; but so is every other man. The lawyer in his office, the plowman in his field, the operative at his loom, the merchant in his store, the miner in the earth, the fisherman by the sea, and all men everywhere are subject to their country's call in the hour of danger, and that call will be obeyed.

All this talk about justice to these overworked and underpaid employees of the Government sounds very well. These employees were not conscripted into the service. They are not in involuntary servitude. They can resign. With all the world before them, they, of their own free will and accord, with full knowledge of the work and of the pay, sought these positions and hold on to them tenaciously. There is another class to whom we should do justice, and that is those who pay the taxes. It is time to call a halt in these wild and extravagant expenditures of public money. In 1860 the entire expenses of the Federal Government were in round numbers \$82,000,000. The expenses of the present fiscal year will reach \$730,000,000. The total appropriations for the Navy for the years 1893, 1894, 1895, and 1896 amounted to \$100,000,000. The total appropriations for the Navy for the years 1899, 1900, 1901, and 1902 amounted to \$247,000,000. The total appropriations for the Army for the years 1893, 1894, 1895, and 1896 amounted to \$95,000,000. The total appropriations for the Army for the years 1899, 1900, 1901, and 1902 amounted to \$678,000,000.

Every dollar in the Treasury is exacted in the way of taxation from the American people, and these dollars represent the toil and the sweat of those who eat bread in the sweat of their faces. I wish to be parliamentary, but I must confess that I have little patience over the tears that are shed in behalf of the overworked and underpaid employees of the Government. These employees went into the Government service voluntarily, and in most instances worried their Representatives and Senators to death to get the places. I undertake to say that most of your constituents and mine work longer hours, receive less pay, and have fewer of the luxuries than the Government employees. A captain in the Revenue-Cutter Service gets \$2,500 a year. This bill raises his salary to \$3,500 a year, and provides for his retirement in certain emergencies on a salary of \$2,625 a year for life. Compare these wages with what your people and mine back home are making, and answer your own conscience if you think it is right to tax the people to pay such salaries, and then to pay men on a retired list who do not render nor pretend to render any service to the Government more than \$200 per month for life out of the public Treasury.

I have heretofore referred to the fact that there were bills

pending in this Congress to provide for increase of pay for almost all the employees of the Government. I take the liberty of quoting from the speech of the gentleman from Illinois [Mr. MANN], who has carefully compiled the bills of this character. Bills for increase of salaries pending March 1, 1902, in the Senate and House of Representatives of the Fifty-seventh Congress:

- S. 943. To reclassify railway postal clerks and to increase their salaries.
- H. R. 27. To reclassify railway postal clerks and divide them into ten classes and to increase their salaries.
- S. 1345. To classify post-office clerks and to grant them an annual increase in salary of \$100 per annum.
- H. R. 5286. To provide for the classification of salaries of clerks employed in first and second class post-offices and to increase the salaries of such clerks.
- H. R. 5597. To increase the compensation of fourth-class postmasters.
- S. 237. To increase the pay of letter carriers.
- H. R. 2575. To increase the pay of letter carriers.
- H. R. 6279. To increase the pay of letter carriers.
- H. R. 6548. To increase the pay of letter carriers in cities to \$1,200 per annum and to increase the pay of rural carriers to \$1,000 per annum.
- H. R. 7213. To increase the pay of letter carriers.
- S. 3267. To increase the pay of judges of the Supreme Court and other courts of the United States.
- H. R. 205. To increase the salaries of judges of the Supreme Court and other courts of the United States.
- H. R. 5816. To increase the salaries of the Vice-President, judges of the Supreme Court, and members of Congress.
- H. R. 6284. To increase the salary of the Vice-President to \$25,000 and Cabinet officers to \$15,000 per annum.
- S. 1026. To increase the compensation of district superintendents in the Life-Saving Service.
- H. R. 76. To increase the compensation of district superintendents in the Life-Saving Service.
- H. R. 197. To increase the compensation of district superintendents in the Life-Saving Service.
- H. R. —. To grant an increase of 10 per cent for each five years' service to all persons in the classified service.

Let us not forget that the fathers who founded this Government based it upon the idea of simplicity and economical administration. In many things the tendency and the drift are away from the simple democracy of the fathers. Let us retrace our steps. Let us understand, and endeavor to make all other men understand, that men temporarily in the public service are but public servants and are no better than the men in private life. There is no place here for classes. The genius and the spirit of our institutions stand out against such legislation. If this Government is simple in its manner, economical in its expenditures, and fair and impartial in its administration, it will be strong in the affections of the people. [Loud applause.]

Mr. LITTLEFIELD. Mr. Chairman, inasmuch as I think I have some knowledge of a practical nature of the service affected by this bill and know its value and efficiency, the character and quality of the men engaged therein, I rather feel bound to make some suggestions relating thereto. The gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. RICHARDSON], who join in the minority views against the report of the committee on this bill, apparently have given some time in investigation for the purpose of ascertaining the merits of this measure. The gentleman from Illinois informs us that he has spent about a year and a half in the investigation of this question. The gentleman from Alabama informs us in his speech that he has spent about all of his time since he has been on the Committee on Interstate and Foreign Commerce in investigation of this measure.

Now, we know that to be practically true, with this exception: We do know that he has not spent the time on this measure that he has employed in conjunction with the gentleman from Michigan [Mr. CORLISS], who sits at my right, in alternately swatting the octopus concealed in the Pacific cable proposition [laughter]; but with this exception the gentleman from Alabama has spent his time in investigating this measure. I was very much surprised to hear the gentleman from Illinois, in his second speech on this proposition, express regret because the gentleman from Michigan [Mr. HENRY C. SMITH] had seen fit to make some reference to the Navy not altogether of a complimentary character. I was surprised, because of the fact that the minority views signed by the gentleman from Illinois and the gentleman from Alabama, and the two speeches made by the gentleman from Illinois, to say nothing of the speech made by the gentleman from Alabama on four months' investigation, are simply seething and saturated with unfounded attacks and assaults upon the Revenue-Cutter Service.

Now, notwithstanding the fact that the gentleman from Illinois sees fit once in a while to say that they are courageous men, his speeches are, I say, saturated with villification of this service; and I say further, and I will reach it if I have time in the course of these remarks, that his speeches themselves show that many of his charges are absolutely without foundation. Moreover, they show further that he has distorted what he claims to be the facts for the purpose of making out what he claims as derogatory to this service. Now, what is this pending measure, and what does it do? It accomplishes, as I understand, simply four things. First, it simply makes the grades in the Revenue-Cutter Service



regular and consistent with the existing grades in the Navy. Second, it makes the Revenue-Cutter officers rank next with and next after the officers in the naval service in times of peace as well as in times of war. Now, upon that proposition the minority views, the result of a year and a half investigation and four months of study, say what? Why, they say that is unnecessary and useless in time of peace, and that it would be very injurious—I want to quote them exactly—it would be “exceedingly mischievous in time of war.”

I want to call the attention of this House to the fact that the provisions of this bill, so far as they relate to this service in time of war, are simply a reenactment of existing law which had been in existence long before the civil war, and instead of that provision operating with great mischievousness during the time of the civil war and the time of the Spanish war, it operated manifestly to the advantage of both the naval and the Revenue-Cutter services. Now, I do not say that the gentleman from Illinois, after eighteen months of investigation knows that fact; but if he had spent his time to any good purpose, he would have learned that that assertion of his was entirely without foundation. [Applause.]

Mr. MANN. Will the gentleman yield for a moment?

Mr. LITTLEFIELD. Oh, yes; I am glad to yield.

Mr. MANN. The gentleman states that that provision of this bill is simply a reenactment of existing law?

Mr. LITTLEFIELD. That is what I say.

Mr. MANN. Then, what is the purpose of having it in the bill?

Mr. LITTLEFIELD. For the purpose of making this consistent with the existing law.

Mr. MANN. What is the use of putting a provision in the bill to reenact existing law?

Mr. LITTLEFIELD. Do you deny that it is a reenactment of existing law?

Mr. MANN. Why, certainly, it is not a reenactment.

Mr. LITTLEFIELD. I make the absolute assertion and will stand by the record.

Mr. MANN. The gentleman himself has an amendment prepared for the very purpose of taking the provision out of the section that he is now talking about.

Mr. LITTLEFIELD. The gentleman has not any such amendment prepared.

Mr. MANN. Well, he had.

Mr. LITTLEFIELD. He has not any such amendment prepared. Now, you notice what I talk about. Do not get unduly excited, because if you get excited at this stage, you will get annoyed later. Notice what I am talking about. I say that the law now provides that these revenue officers in time of war rank with and next after the officers that are described in this bill. I say that is a provision of the law, and it has been a provision, and I will read it:

The officers of the Revenue Service, when serving—

And this was the law prior to 1861—

in accordance with law as a part of the Navy, shall be entitled to relative rank as follows: Captains, with and next after lieutenants commanding the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy;

And the only change is to eliminate masters, and put in junior lieutenants, if I remember correctly—

third lieutenants, with and next after ensigns of the Navy.

And that has been the law, I say, since long prior to 1861.

Mr. MANN. Will the gentleman permit me to call his attention to the section of the bill itself?

Mr. LITTLEFIELD. Yes.

Mr. MANN. Instead of saying “captains with and next after lieutenants commanding,” it says “captains with and next after lieutenant-commanders in the Navy,” which is an entirely different proposition.

Mr. LITTLEFIELD. What is that—with and next after lieutenants commanding?

Mr. MANN. With and next after lieutenant-commanders.

Mr. LITTLEFIELD. That is simply a technical title that you call attention to.

Mr. MANN. That shows the gentleman is not informed about the law.

Mr. LITTLEFIELD. No; it does not. It shows nothing of the kind.

Mr. HEPBURN. There is no such officer as a “lieutenant commanding.”

Mr. LITTLEFIELD. I will say to the gentleman from Illinois that it shows nothing of the kind. Now, if the gentleman will just wait, as I go on I will call his attention to some other things that will interest him vastly more. I say that in substance this provision was in existence prior to 1861. I say that in substance this provision applied in 1861 and 1898, and I say that under it the officers of the Revenue-Cutter Service and their vessels fired the first shot in each war, and there was not the slightest con-

dict, difficulty, or trouble. They operated together without any difficulty or trouble.

Mr. MANN. I do not wish to take the gentleman's time.

Mr. LITTLEFIELD. Well, then, I hope you will not take it; but go ahead.

Mr. MANN. I suppose you hope I will not.

Mr. LITTLEFIELD. No; go right along.

Mr. MANN. The term “lieutenant-commander” is a term of rank. The term “lieutenant commanding” refers to the command of a vessel.

Mr. LITTLEFIELD. Yes.

Mr. MANN. And in the recent war, according to the report of the Navy, there were a great many vessels commanded by officers below the rank of lieutenant-commanders.

Mr. LITTLEFIELD. Yes.

Mr. MANN. But commanded by lieutenants commanding.

Mr. LITTLEFIELD. Yes.

Mr. MANN. Now you propose to eliminate that and make these captains subject only to lieutenant-commanders.

Mr. LITTLEFIELD. Yes.

Mr. MANN. But superior to lieutenants commanding.

Mr. LITTLEFIELD. Yes. Was there any friction about that in the time of the war?

Mr. MANN. There was no friction, because the lieutenants commanding were always in command; but you propose to let revenue officers command lieutenants.

Mr. LITTLEFIELD. Did a captain rank with and next after a lieutenant-commander in the Navy in the time of the war?

Mr. MANN. He did not.

Mr. LITTLEFIELD. Did a first lieutenant rank with and next after lieutenants in the Navy?

Mr. MANN. He did not.

Mr. LITTLEFIELD. Did a second lieutenant rank with and next after a master in the Navy?

Mr. MANN. He did not, so far as command of a vessel is concerned.

Mr. LITTLEFIELD. I have just read from the statute that says he did. That simply shows that the gentleman from Illinois is a trifle off his base.

Mr. MANN. Well, the gentleman will take care of himself on that proposition.

Mr. LITTLEFIELD. I have no doubt he will. I am very glad to see him do it. He has endeavored to take care of himself in these minority views on this bill and in these speeches he has made on this bill, and I will show the House, if I have time, how well he has succeeded in accomplishing that little job.

Now, there are two other things this bill accomplishes. And what are they, which these gentlemen are so violently opposed to? The bill gives to the officers of the Revenue-Cutter Service longevity pay and the same privileges, in substance, as to retirement that are now given to officers in the Navy and in the Army.

I am not going to stop here to discuss the question of a civil pension list or the propriety of the retirement proposition in connection with the Army and the Navy. I shall assume for the purposes of what I may say here that it is the settled policy of this Government to promote and continue its policy in connection with the retiring of officers in the Navy and in the Army. The only question here pending in this bill is whether or not the officers of the Revenue-Cutter Service as to services are in every substantial respect identical with those of similar officers in the Navy. If they are, they are entitled to the same treatment.

Mr. RICHARDSON of Alabama. Will the gentleman kindly yield to me?

Mr. LITTLEFIELD. Yes; I yield to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Will the gentleman kindly explain what the difference is between the compensation under this bill of a captain—

Mr. LITTLEFIELD. Now, I hope the gentleman will wait until I get to that.

Mr. RICHARDSON of Alabama. What is the difference between the pay of a captain corresponding in rank to a lieutenant-commander? Will the gentleman explain that difference?

Mr. LITTLEFIELD. I will not stop now. If I have time I will do so later. First, I will discuss something that will interest the gentleman a great deal more than these trivial suggestions about rank.

Mr. RICHARDSON of Alabama. This bill is to give equality in rank and pay.

Mr. LITTLEFIELD. Yes.

Mr. RICHARDSON of Alabama. Now, I want you to explain the difference between the pay of the officer in the Revenue-Cutter Service corresponding in rank to lieutenant-commander?

Mr. LITTLEFIELD. I decline to yield to the gentleman from Alabama at this time for that purpose. If I have time before I finish I will explain what the gentleman thinks is a mare's nest,

what he said in his speech was the "cloven foot," the result, I have no doubt, of four months' reflection upon the service. I will refer to that a little later, if I have time; but I am now discussing another point in this bill, and I decline to be drawn from it.

I say if these officers stand on equal footing, are substantially identical in service with the officers in the Navy, they are entitled to the same treatment and ought to receive longevity pay and retirement that the officers of the Navy have; and I say that it now being a part of the policy of this country to give the officers of the Navy that retirement on account of their naval services, it properly withdraws and distinguishes them from the class of civil employees of the Government. I am opposed to enlarging the civil pension list. I do not believe in giving civil pensions.

The gentleman from South Carolina says that he discovered that this bill was constructed and was originated mainly for the purpose of increasing the civil pensions and the civil list, and then the gentleman from Tennessee said this morning that he saw the thin edge of a civil-pension list. It had a tendency, so he said, to in some way affect the ship-subsidy bill. In what way it was done he did not say. I do not know. It had a tendency, he said, to send the great ship of state very near the rocks and breakers. That is the thin edge that the gentleman from California is opposed to in this bill, because he did not like to open a civil-pension list; and for that reason, in his remarks, the gentleman from Indiana, whom I see near me, and whose remarks I have not seen, because he has not extended them in the RECORD, I understand is opposed to this bill, because it is a thin edge and opening up a civil-pension list. Now, I think I am opposed as much—I do not know, of course, how a man really feels from his speech—but I am, I think, as much opposed to a civil-pension list as either of these distinguished gentlemen.

I do not think there is any danger of the ship of state going on the breakers if this bill passes, because I do not believe on any fair and proper analysis, by any inspection of the provisions of the bill by ordinary human reasoning, without misrepresentation or misapprehension, that the officers of the Revenue-Cutter Service can be said to be in any proper sense civil employees. I have great respect and admiration for the Navy; I think no man has more—and if there was any line or syllable in this bill that tended in any way to derogate from the honor of the officers of the American Navy, or that tended to impair their efficiency in the discharge of their duties either in time of peace or of war, I would vote against the bill. But there is nothing of the kind.

If I can demonstrate, as I think I can, that these officers stand upon a par with the officers of the Navy, they are entitled to the same treatment. I grant you that it does not answer the suggestions made by the gentleman from California or the suggestions made on the floor the other day by gentlemen who said that they were opposed to the whole retirement proposition—that they do not believe there ought to be any retired list. I do not stop to answer that proposition. That question I submit now to the consideration and judgment of the gentleman from Illinois and the gentleman from Alabama, who, as it was asserted yesterday by the gentleman from North Carolina, had never even been on the deck of a revenue cutter, and I do not know that they ever saw a revenue cutter. But as to the judgment of these distinguished gentlemen, and I make no reflection upon their intelligence, their honesty, or their judgment, I propose to submit that the great weight of authority on this question as to identity of service is against them.

I say that the great preponderance of authority does not sustain my distinguished friends in their opposition to this bill, and I propose to read from the report of Secretary Chandler, a report which I think perhaps my friends, although they spent this time and exercised their great abilities, did not succeed in unearthing. Now, what does Secretary Chandler say? I will pause right here to say that there is no officer in the Navy, small or great, renowned or otherwise, that stands to-day, either directly or indirectly, challenging the propriety of this measure or opposed to its passage. They all full well understand the relation of this Revenue-Cutter Service to the United States and the absolute parallel that exists between the two services, and there is no man in the Navy so provincial, so selfish, or so narrow as to be opposed to this measure when he knows that it is founded on the same measure of justice and the same proposition of logic that applies to the retirement and longevity pay of the officers in the Navy.

There is Secretary Chandler, and what does he say? I shall not stop here to argue that it may be that Secretary Chandler knows as much about this service and the naval service as my friend from Illinois or my friend from Alabama, or my other friend from Alabama, who the other day was so awfully impregnated with the idea of a civil pension list, that tremendous ignis fatuus that seems to climb up over the footboard during the silent midnight watches and frighten them when they think of this bill.

Here is what Secretary Chandler said in 1883:

Of the rest—

Speaking of the duties of these officers of the Revenue-Cutter Service—

there is not one that is foreign to the general purpose and scope of the naval officer's profession.

Going on further, he says:

The duties of both services are identical in their general nature, only they operate in different localities. Both cruise to protect the maritime interests of the Government and to render assistance to American vessels—the one on the coast, the other, in addition, at sea and in foreign waters. One polices the shore, the other the ocean. In war both engage in naval operations.

The practical identity in the character of the naval and the Revenue-Marine Service lies in the fact that they are both nautical and both military.

Here is where they differ from civil employees.

That the Revenue Marine is a nautical service requires no proof. It is nothing if not nautical. That it is a military service was officially asserted by the Treasury Department in the report on the service for 1881, in these words:

The Revenue Marine, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of the carbine, pistol, and cutlass. Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of the failure or refusal of any such vessel, on being hailed, to come to and submit to the proper inspection by an officer of the service, to fire, first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and be subjected to the same dangers in time of peace as the force employed on naval vessels.

By the act of March 2, 1799, it is provided that "the revenue cutters shall, whenever the President so directs, cooperate with the Navy." It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for pacific purposes, and when less hazard is involved in the two services than pertains to the discharge by a revenue vessel of its ordinary duties. \* \* \* It is difficult to conceive that discrimination could be made by the law between services subjected to equally hazardous and equally important military duties, both in time of peace and in time of war. \* \* \* Objection to granting pensions for the Revenue-Marine officers and seamen has been made on the ground that such action would be extending this bounty to civil employees of the Government, a policy to which our legislative traditions, so to speak, are opposed. But, if in legal theory they are civil employees, are they so in fact? Are they less positively a part of our military force in time of war than the Army or Navy? It is true revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so direct; neither are vessels of the Navy.

That Secretary Chandler is a man of intelligence and uses the English language with a full appreciation of its import and with great accuracy will not be denied, and here is what he says in comment:

The above clear and concise statement showing that the so-called revenue marine is simply a coast navy is without doubt correct and just, etc.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. Will the gentleman from New York extend my time for a few minutes?

Mr. SHERMAN. Will five minutes be enough?

Mr. LITTLEFIELD. Perhaps I can crowd what I wish to say into that time.

Mr. SHERMAN. I do not see how I can give the gentleman more.

Mr. LITTLEFIELD. Very well.

Now, let me quote from the language of another Secretary of the Navy, also a man of ability and capacity, and who knows something of these services, Hon. Benjamin F. Tracy. He says in a letter dated February 29, 1892:

It seems hardly necessary here to point out the practical identity of the two services.

He then quotes with approval the extract which I have just read from the report of the Secretary of the Treasury. In commenting upon the extract he says:

The similarity in the two employments amounts almost to identity.

Let me go a little further and quote something a little nearer to the present date. I wish to refer to the language of a Secretary of the Navy on whom gentlemen who oppose this bill have undertaken to rely. In the pursuit of information on this subject I have taken occasion to write a letter of inquiry to Hon. John D. Long, the present Secretary of the Navy, who most worthily maintains the dignity of that office, so that it is no reflection upon men who have preceded him to say that with his distinguished ability and high and exemplary character he has reflected great credit and honor on the administration of the Navy during the time he has had it in charge. [Applause.] I wrote to Secretary Long this letter:

HOUSE OF REPRESENTATIVES, Washington, D. C., March 29, 1902.

HON. JOHN D. LONG,  
Secretary of the Navy.

DEAR SIR: I desire to call your attention to the bill S. 1025, to promote the efficiency of the Revenue-Cutter Service, which is practically identical



with the bill H. R. 5796. The following amendment is proposed to be added to section 2 of the bill, viz:

"Provided further, That such assimilated rank shall not be construed to vest any officer of the Revenue-Cutter Service with the right to command any officer of the Navy or any naval vessel, nor shall any naval officer have the right to command any officer or vessel of the Revenue-Cutter Service, except by order of the President."

Will you be kind enough to examine the bill with the proposed amendment and advise me whether or not the Navy Department would have any objection thereto, assuming the amendment was adopted, and, if you feel at liberty to do so, make such suggestions as you desire with reference to the propriety of the measure?

Very respectfully,

C. E. LITTLEFIELD.

To this letter I received the following reply:

NAVY DEPARTMENT, Washington, March 31, 1902.

MY DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 29th instant with reference to the bill S. 1025, "To promote the efficiency of the Revenue-Cutter Service," which is practically identical with H. R. 5796, and requesting an examination of the bill with an amendment proposed in your communication, and advice whether or not the Navy Department would object thereto in case the amendment should be adopted.

In reply you are advised that while this measure is a matter concerning the Treasury rather than the Navy Department, the special objection to it on the part of the latter is met if, either in the form suggested by you or otherwise, it be so amended as to provide that when officers of the Navy and officers of the Revenue-Cutter Service are serving together the whole shall be under the command of the senior naval officer present, and that in no case shall officers of the said service exercise command over vessels of the Navy.

Which is precisely what the amendment accomplishes.

With regard to your further request that I make such suggestions as I may desire to submit with reference to the general propriety of this measure, I beg to add that on account of the similarity of the two services—

Mark that language—the language of John D. Long—

on account of the similarity of the two services, their cooperation in time of war, and the possible future utility of the Revenue-Cutter vessels for naval purposes in time of peace in connection with the protection of American interests in foreign waters, it is clear that the Revenue-Cutter Service ought to be a branch of the naval establishment, as has frequently heretofore been proposed, and as, in the interests of a common range of service afloat, it certainly should be. Indeed, every argument in favor of the bill in question is an argument in favor of such a combination. It may be added that the bill seems to have a tendency toward that end, and if so the Navy Department would gladly approve it if amended as above suggested.

I have no doubt as to that question.

Such an arrangement, it is believed would be for the interests of the officers and enlisted of the Revenue-Cutter Service who have given many instances of skillful seamanship and great gallantry, and thus shown their aptitude for naval service; would put cognate branches under one head and thus promote harmony rather than friction and give both the same benefits; and would certainly tend to prevent the maintenance and possible gradual divergence of what has been called two navies with their separate costly organizations. I have no doubt that there may be some line of service in the Navy Department that could be properly turned over to some other department. I certainly believe that there are branches in other departments involving vessels afloat and closely allied to the naval service which on the other hand would be better if attached to the Navy Department, and that the Revenue-Cutter Service is one of them.

Very truly, yours,

JOHN D. LONG,  
Secretary.

HON. CHARLES E. LITTLEFIELD, House of Representatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I wish I could have about three minutes longer.

Mr. SHERMAN. I yield the gentleman three minutes more.

Mr. LITTLEFIELD. Now, Mr. Chairman, without any disrespect to the gentleman from Illinois [Mr. MANN] or the gentleman from Alabama [Mr. RICHARDSON], I submit that the great weight of authority sustains the proposition that these two services are identical.

A word in reply to my friend from South Carolina and other gentlemen who say that the passage of this bill would be opening the way to a civil-pension list. There is no department of the Government to which such a remark could have had less pertinence than to this service. There is no clerk who could be drawn from his regular service and detailed to go upon the firing line by order of the President of the United States; no man can be taken from the Marine-Hospital Service; no man can be taken from the Fish Commission; no man can be taken from the Post-Office Department, railway-mail clerk though he may be, and very much in love with that proposition though my friend from South Carolina may be. There is no department, there is no other service that stands on a parallel with this Department in that fundamental distinction of essential military character that exists between them.

Mr. MANN. Will the gentleman pardon me a moment?

Mr. LITTLEFIELD. I can not stop here. I have not the time. There is no department, I say, that can stand on a parallel with this in that respect. If I had the time, I would be glad to stop and discuss the Life-Saving Service, because in the line of hazardous and dangerous encounter the Life-Saving Service does stand on a parallel with that of the Revenue-Cutter Service. One of the great duties discharged by both services is to save life at the peril of their own lives. I have time only for just one suggestion that I want to make in connection with the two speeches of

my friend from Illinois. I said that the gentleman's speeches showed that he had no foundation for some of the assertions he made. I will call attention to this, and then I will leave this bill for the consideration of the members of the House. I call attention now to the assertion made by the gentleman from Illinois in his speech on Thursday last, in which he said this:

If the report of the Revenue-Cutter Service were published, it would show that no boat—

Now mark this—

no boat in the control of the Revenue-Cutter Service had its anchor weighed so much as eight days every month.

There is his record in his speech of Thursday last. I take up now and hold in my hand his speech of Tuesday last, in which he spreads himself over the RECORD to the tune of eighteen to twenty pages, and what do I find there? I find there are six boats that have a record of eight days' and more service in the month, so that there are six instances in his speech of Tuesday that show that the assertion that he, inadvertently no doubt, made in his speech of Thursday was entirely without foundation.

Now, let me go a little further. He has selected in these six instances only 21 of the 40 vessels engaged in the Revenue-Cutter Service. What of the other 19? What would they show with reference to having their anchors weighed more than eight days in any one month? I do not know, but I have no doubt the gentleman from Illinois does know. At any rate, he has spent eighteen months in investigation of this question. Now, time does not permit me, Mr. Chairman and gentlemen of the committee, to indulge in longer debate upon this proposition. I simply refer to this for the purpose of sustaining the assertion with which I started out. I most certainly hope, Mr. Chairman, that this measure will have practically a unanimous passage at the hands of this House and a most worthy service receive its just, honorable, rightful, and equal reward in comparison with other like service rendered the Government. [Loud applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 167. An act for the relief of John L. Smithmeyer and Paul J. Pelz;

S. 3437. An act to amend chapter 4, Title XIII, of the Revised Statutes of the United States;

S. 4339. An act authorizing the White River Railway Company to construct a bridge across the White River, in Arkansas;

S. 4222. An act authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy;

S. 3638. An act granting an increase of pension to Samuel L. Leffingwell;

S. 1814. An act granting an increase of pension to Anna E. Luke;

S. 4404. An act granting an increase of pension to Otto H. Hasselman;

S. 1107. An act limiting the liability of sureties on bonds of officers of the Navy;

S. 642. An act to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands;"

S. 1643. An act granting an increase of pension to Ellen J. Clark;

S. 4450. An act confirming in the State of South Dakota title to a section of land heretofore granted to said State;

S. 1451. An act to correct the military record of A. W., alias Washington, Huntley;

S. 3797. An act authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans;

S. R. 23. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army;

S. 3821. An act to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof;

S. 4572. An act to grant an honorable discharge from the military service to Charles H. Hawley;

S. 3984. An act granting land for a miners' home;

S. 4740. An act granting an increase of pension to Maria L. Godfrey;

S. 4749. An act granting an increase of pension to Eunice A. Smith;

S. 319. An act granting an increase of pension to Ida Warren;  
 S. 3091. An act granting an increase of pension to Matilda R. Schoonmaker;  
 S. 2289. An act granting an increase of pension to Benjamin S. Harrower;  
 S. 4514. An act granting an increase of pension to Mary Beals;  
 S. 3108. An act granting an increase of pension to Inez E. Perrine;  
 S. 4381. An act granting an increase of pension to John S. Robinson;  
 S. 2943. An act granting a pension to Thomas S. Rowan;  
 S. 181. An act granting an increase of pension to William C. David;  
 S. 3672. An act granting an increase of pension to James Scannell;  
 S. 3041. An act granting an increase of pension to Emma F. Shilling;  
 S. 4506. An act granting an increase of pension to Ann E. Collier;  
 S. 4792. An act relative to the control of dogs in the District of Columbia;  
 S. 4643. An act granting an increase of pension to Phoebe L. Peyton;  
 S. 3634. An act granting an increase of pension to Elizabeth A. Capehart;  
 S. 4056. An act granting an increase of pension to Minerva Melton;  
 S. 1625. An act granting an increase of pension to Jethro M. Getman, alias James M. Getman;  
 S. 4335. An act granting an increase of pension to John Brown; and  
 S. 1225. An act granting a pension to Clara W. McNair.  
 The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:  
 H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry;  
 H. R. 3418. An act granting a pension to Dennis Dyer;  
 H. R. 11375. An act granting a pension to Charles F. Merrill;  
 H. R. 2124. An act granting an increase of pension to Dewitt C. McCoy;  
 H. R. 6466. An act granting a pension to Josephine M. Dustin;  
 H. R. 6029. An act granting a pension to Mary E. Kelly;  
 H. R. 9301. An act granting an increase of pension to Barbara McDonald;  
 H. R. 11331. An act granting an increase of pension to Abraham N. Bradfield;  
 H. R. 7990. An act granting an increase of pension to Uriah Reams;  
 H. R. 3180. An act granting an increase of pension to Edward S. Dickinson;  
 H. R. 5413. An act granting an increase of pension to Alfred H. Van Vliet;  
 H. R. 10193. An act granting an increase of pension to John Hollister;  
 H. R. 1706. An act granting an increase of pension to John E. White;  
 H. R. 10289. An act granting a pension to Eliza Stewart;  
 H. R. 9821. An act granting a pension to John W. Moore;  
 H. R. 2120. An act granting an increase of pension to Horatio N. Warren;  
 H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia; and  
 H. R. 9084. An act for the relief of bona fide settlers in forest reserves.

## REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. SHERMAN. I will be obliged if the gentleman from Illinois will now consume the balance of his time, so that the gentleman from Iowa [Mr. HEPBURN] may have what is remaining on this side to close the debate.

Mr. MANN. I would ask the Chair how much time remains on each side?

The CHAIRMAN. Forty-eight minutes on the side of the gentleman from Illinois and forty-five minutes on the side of the gentleman from New York.

Mr. MANN. Then I yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Chairman, there may be some similarity in service between the Revenue-Cutter Service and that of the Navy of the United States. So there is between other services that are not regarded as either part of the Navy or part of the Army. There is a transport service of the United States. It is not even in a civil department; it is under the authority of the Secretary of War, and yet I presume that the next move that

will be made in this House will be to attempt to place the officers of the transport service upon the retired list with longevity pay. In fact, I can not see why these officers in the Revenue-Cutter Service should be entitled to those privileges unless you extend it to the transport service. The transport service is conducted by men of experience, and the ships therein are enormous in size compared to those that are in the Revenue-Cutter Service.

Why, Mr. Chairman, when the size of the vessels that are in the Revenue-Cutter Service is known I am astonished that anybody should compare the responsibility of the officers in charge of the same with the responsibility of the naval officers. Upon examination of the list of revenue cutters of the United States I find that the very largest is one of 869 tons capacity and the smallest one of 23 tons capacity. Now, is it possible that gentlemen can seriously compare the responsibility of captains of these vessels with the corresponding officers in charge of the great cruisers and the other great vessels in the Navy of the United States? When we propose to fix the compensation of officers should we not do it with relation to the responsibilities thereof?

Why, Mr. Chairman, to compare this service to the Navy service is simply to compare something that is exceedingly small with something that is very large. The transport service contains vessels that are four, five, and six times as large as those of the Revenue-Cutter Service. I can not see why anyone who would vote for this bill would not also vote for the retirement of the transport captains, and also for the retirement of officers in other services of the Government. This measure is not like one for an appropriation of a certain sum for a completed improvement which, when once made, entails no further obligation upon the Government, but it provides for an appropriation from year to year forever, whether the revenues of the Government are excessive or deficient.

Mr. Chairman, I want to call the attention of the members of this House and of the country to the enormous increase in the expenditures of this Government within the last forty years. It is appalling to think that such a difference exists between the expenditures of 1860 and those of to-day. I find, upon examination of the statements of the Appropriation Committee, that the total amount of appropriations for the year 1860 was \$82,301,207. Think of it! The appropriations for this entire Government forty years ago—a time within the recollection of a majority of the members of this House—amounted to only \$82,000,000 a year; and yet we find that the appropriations for this fiscal year, ending June 30, 1902, amount to \$730,338,575—almost a ten-fold increase in the expenses of the Government.

The great increase in expenditures has been made only in the past few years, as the appropriations for the fiscal year 1897 was \$469,499,010, while for the year 1900 they were \$674,981,022, and for the year 1901 they were \$710,150,862, an increase of \$250,000,000 a year over what they were prior to the Spanish war.

It is true that population has increased, but not in proportion to the expenditures. I do not say this, Mr. Chairman, to charge that one party or the other is responsible for it. It seems we have some members on this side of the Chamber who are willing to vote for an appropriation whenever the opportunity occurs as well as members upon the other side; but the appalling fact exists that in the last forty years there has been an increase in the expenditures of this Government of nearly 1,000 per cent, while the increase in population has been only 150 per cent. The population of the United States in 1860 was 31,443,321, while in 1900 it was 76,303,387. The tax upon the people in 1860 was only \$2.61 per capita, while now it is \$9.57 for each inhabitant. These figures show that we are going at a breakneck speed in the expenditure of money, and it is time we should call a halt on a bill of this kind, where the parties in the service are better paid than in the corresponding service of private companies.

Mr. Chairman, the very fact that resignations are not frequent in this service shows that these officers appreciate that they are getting as much if not more than they could possibly get in private life. It seems to me that this question ought to be considered by members of this House as if this were a private service of our own. I should like to know how many votes this measure would get in this House if it were a private service of our own. I warrant that not 10 per cent of our votes would be in favor of giving to men over the age of 64 years a pension of \$200 per month while they were rendering no service whatever.

Mr. LESSLER. Would the gentleman mind answering a question?

Mr. SHAFROTH. I yield to the gentleman.

Mr. LESSLER. How many members of this House have servants in their employ who go to Alaska and rescue men and devote themselves to trips of that sort?

Mr. SHAFROTH. They may not be in this House, but there are companies that have such men, who venture into all parts of the world, and there is hardly a fraction of 1 per cent that give annuities or life pensions to such employees.



Mr. LESSLER. Do you not know, for instance, that the big railroad companies, whose employees occupy dangerous positions, are establishing pension systems?

Mr. SHAFROTH. I think there are only two in the United States, the Illinois Central and the Pennsylvania Railroad. They are the only two that I know of.

Mr. LESSLER. It has got to start somewhere.

Mr. SHAFROTH. That may be, but it seems to me we are starting on a very high scale—three-fourths pay. If you examine the amounts paid by these companies as pensions they are insignificant. They are simply to keep people from going to the poorhouse. I understand the First National Bank of Chicago has established a similar system; but it makes every man in its service pay 3 per cent a year of his salary to create a fund. Then the fund goes to people who are retired after they reach a certain age. But the very fact that 99 per cent of the people in the commercial world do not carry out this principle shows that we would not do it under like circumstances in our private affairs.

Now, Mr. Chairman, remembering that we are here intrusted with the duty of voting other people's money away, is it possible that we should lavishly give money in every direction? We are acting in the capacity of trustees, and it is our duty to guard the Treasury and the money committed to our hands more zealously than if the money were our own. We all admire a man who becomes liberal and munificent in his gifts to people, because he is spending his own money, but we condemn him when the gifts are from the moneys of his ward. We also know that in cases of trust funds, even if our sympathy is extended, it is our duty absolutely to protect the funds, and in equity if we do not we are chargeable before a court to reimburse the fund out of our own money.

Mr. Chairman, this bill proposes to extend longevity pay to the officers of the Revenue-Cutter Service, increasing their salaries 10, 20, 30, and 40 per cent, dependent upon their service of five, ten, fifteen, or twenty years, and to place them on the retired list after they reach the age of 64 years at a salary of \$200 per month.

The pay of a captain who has been in the service twenty years will be \$3,500 per annum and \$576 for commutation of quarters. His compensation now is \$2,500 and \$480 for commutation of quarters, making a total of \$2,980 per annum.

This bill does not provide for an increase of salary or pension for the sailors in the Revenue-Cutter Service, who receive an insignificant sum, but applies only to the officers, who are already receiving more compensation than they could earn in other or like pursuits.

Why should we, after giving men life positions at large salaries, then give them large pensions to retire upon? It seems that it is still true that "To them that have shall be given."

What is the service of these officers? I have not a word of complaint against them. They are probably doing what was given them to do, and doing it well, but when it is pretended that this is a "terrible service," that they are required to work "day and night" month after month, as was stated by the gentleman from New York, it is claiming too much. Ah, Mr. Chairman, that claim is not in accordance with the facts. There happens to be a little record sent by these very officers into the Treasury Department every year of the exact number of days and hours each one of these vessels is at work, and I happen to have the record of these vessels and want to call your attention to it.

I find, Mr. Chairman, that there is one boat—the *Calumet*, at New York—which was at anchor three hundred and twenty-five days, thirteen hours and twenty minutes in the year, and it was sailing, under way, thirty-nine days, ten hours, and forty minutes, and that is "the day and night business for month after month" that gentlemen of this House are trying to make out as such a burden to these men in this service.

Mr. LESSLER. I should like to say to the gentleman that the *Calumet* was up at Chicago and was removed February, 1900. The collector of the port of Chicago, with a petition from the leading merchants of Chicago, asked the Secretary of the Treasury to send her back.

Mr. SHAFROTH. Well, I can not help that.

Mr. MANN. She was at New York when this report was made.

Mr. SHAFROTH. Now, we come to take another boat, the *Gresham*, at New York. The *Gresham* was 328 days in the year at anchor—328 days 9 hours and 10 minutes—and she was sailing 36 days 14 hours and 50 minutes. These are the gentlemen working day and night at all times. Take another New York boat, the *Hudson*. I find that the *Hudson* was at anchor 320 days 17 hours and 45 minutes during the year, and she was under way only 44 days 6 hours and 15 minutes. We will take the *Manhattan*, that is also stationed at New York.

Mr. LESSLER. Mr. Chairman, will the gentleman allow me to ask him—

Mr. SHAFROTH. I can not yield, my time is so limited.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHAFROTH. The *Manhattan* was at anchor 309 days 9 hours and 25 minutes, and she was under way 55 days 15 hours and 35 minutes.

These, Mr. Chairman, are the New York boats; but it is not only at New York. You take the boat at Wilmington, for instance. There is a boat that was at anchor 312 days out of the year. You take the boat at Boston, the *Chandler*. It was at anchor 339 days and 3 hours out of the year; and out of the list which is here collected there is not a single boat, not a single one of these vessels, but was at anchor 300 days in the year, and the number of sailing days was less than 65.

Now, Mr. Chairman, these gentlemen, perhaps, did not have any orders that required them to do more work, and it was all right. I do not pretend to say but what they performed their duty well, and I do not mean to say that the officers are not good officers; but when men get up in this House and say that their service is exceedingly hard, and that they work day and night, month after month, that they go out at all hours, and that this service ought to be remunerated even more than the Navy, as one gentleman has said, it seems to me that these facts will not warrant such assertions.

This service of course is needed. It is a service that properly has been classed in the United States as a civil service. Since the foundation of the Government it has not been in the War Department nor in the Navy Department, but has been connected with the Treasury Department, and its very name—the Revenue-Cutter Service—indicates where it properly belongs. It is in the civil list at the present time, and there is no provision in this bill which transfers it to the Navy Department.

Now, when we extend the longevity pay, make a pension of \$200 a month for this retired list, and justify it by claiming the service is something like that of the Navy, are we not putting ourselves in a condition that when this bill is passed nearly every other service of the Government will say, "Why, the Revenue-Cutter Service is surely a civil service; it is not in the Navy Department. You have already broken over the line in the one case, why can you not do it in ours?" The Life-Saving Service will then present their claims. It is a service that is a great deal more in need of an increase pay and of retirement pension than this service. Therefore I hope, Mr. Chairman, that this bill will be defeated. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I fully appreciate the feebleness of anything I may say in reference to this bill, especially as I know that I will be followed on the floor by the ablest orator and debater in the House, for whose judgment I have great respect and for whose ability I acknowledge that I am unworthy even to unloosen the latches of his shoes.

I warn the House against being carried away by the eloquence of appeal to be made by the gentleman from Iowa [Mr. HEPBURN].

It has been with diffidence that I have even advanced any views which I had upon this bill. Indeed, Mr. Chairman, I may say that had I known a few days ago that I would meet the displeasure of the distinguished "constitutional expounder" of the law, I should have acknowledged my defeat and not made any speech or argument on the proposition at all. I am perfectly well aware that after the House has listened to the exposition by the gentleman from Maine [Mr. LITTLEFIELD] there remains nothing in the way of argument or facts to be submitted to the House. It is true that he has not devoted a year and a half of time, as he said I had, to the bill, but it is also true that with that wonderful eloquence and commanding brain of his, he only needs over night to glance at a subject to be familiar with its utmost details. [Laughter.]

A few days ago the gentleman was running from desk to desk in the House submitting an amendment to the bill which this morning he declares the bill was perfect without. The attitude of the gentleman from Maine, and my own attitude upon this bill reminds me of a story which my boy sometimes repeats: When the ark was landed on Mount Ararat and the animals under the supervision of Noah were leaving the ark, with all kinds of animals moving out of that vessel, the ant and the elephant happened to be passing out at the same time. And the great elephant from Maine said to the ant from Illinois, "Who are you a shoving off?" I am sorry that I have caused any disturbance in the masterful mind of the brilliant and eloquent gentleman who has expounded all constitutional questions upon this subject, as he has before upon the subject of the Porto Rico tariff and upon the seating of a Mormon from Utah. [Laughter.]

Mr. Chairman, there are practically two propositions in the bill pending, and the whole solution of this question depends upon, I believe, in the opinion of the House, whether this bill shall be considered as commencing a civil pension list or whether it shall be considered as giving a pension list to men now in the military service of the Government. I have heard it stated three or four



times by the advocates of this bill upon the floor of the House that the Revenue-Cutter Service was the first to fire a gun in the recent Spanish war. This statement, like many others upon the subject, is misleading and an error. The Revenue-Cutter Service did not fire the first gun at Manila. The first gun fired at Manila was fired through the negligence of the Revenue-Cutter Service.

When Dewey and his fleet were passing up the inlet to get into Manila Bay, with lights all concealed and the effort made to steal up without giving notice to the enemy of the approach, it was the revenue cutter there, the *McCulloch*, which gave notice to the enemy by permitting her smokestack to burn out. The revenue cutter *McCulloch* was in line, but the revenue cutter did not fire the first gun in the battle, if the revenue cutter's captain himself can be believed, whose report is printed in a report favoring this bill.

But I would not detract from the gallantry of these officers there. I have no doubt that the officers of the revenue cutter *McCulloch* at Manila were anxious to get into the fight. But they were not permitted to go into the fight; they were not in the battle at Manila Bay. They were kept on the outside as a dispatch boat, or an auxiliary boat.

Now, Mr. Chairman, the effort is made to show that in time of peace the Revenue-Cutter Service is one of great danger. This belief was exploited yesterday by the gentleman from North Carolina [Mr. BELLAMY], who said:

During the four months I have designated—December, January, February, and March—when it is sleeting and raining and freezing, these people are not even permitted to go into port except when necessary to make a report or to supply the ship with exhausted provisions or coal.

The gentleman from North Carolina stated that I had not been on a Revenue-Cutter vessel. He probably did not know whether I had or not. But whether I had or not has nothing to do with the question. The gentleman from North Carolina pretends to have great information concerning the doings of the Revenue-Cutter vessel located at his city, the city of Wilmington, N. C.; and he stated on the floor that this vessel was not permitted to go into port except when necessary to make a report or obtain supplies.

Now, I have here the report of the revenue cutter *Algonquin*, which is situated at Wilmington, N. C., and which is the vessel about which the gentleman was talking. This vessel, which, as the gentleman from North Carolina says, is not permitted to go into port except for the purpose of making a report or for supplies, has a record as to what it was doing during the months of December, January, February, and March. That record is on file in the office in the Treasury building, and I have here a compilation of what it shows. It seems that during December, 1900, this revenue cutter, which, according to the gentleman, is not permitted to go into port, had its anchor weighed three days and twenty hours; during January, 1901, it had its anchor weighed for a total of three days seventeen hours and twenty-five minutes; during the month of February, 1901, it had its anchor weighed for a total of four days five hours and five minutes; during the month of March it had its anchor weighed three days fifteen hours and twenty minutes. During the four months of which the gentleman speaks it had its anchor weighed not exceeding sixteen days.

Mr. BELLAMY. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BELLAMY. If the gentleman had referred to the RECORD of this morning, he would have seen that the instruction of which I spoke was issued November 26, 1901, so that the period of four months of which I spoke was December, 1901, and January, February, and March, 1902. If the gentleman has the record there, I ask him to read it.

Mr. MANN. Well, Mr. Chairman, I have not the record for the last month or for this winter. But the gentleman stated that from his knowledge the *Algonquin* was performing the same duties a year ago that it has been performing this last winter. I asked him the question, and he said he knew it was so. During the winter before last this vessel during a term of four months was in service on the seas for a total of time expressed in days of sixteen days. That was the time when, according to the distinguished gentleman, this vessel was not permitted to go into port except to report or to obtain supplies.

And that is not all. There is no vessel of the Revenue-Cutter Service which is occupied more than one-fourth of her time, if that much, in sailing on the seas or elsewhere. More than three-fourths of the time all of these vessels are at anchor. But, more than that, the whole claim made here in behalf of the Revenue-Cutter Service is that it is doing arduous duty and dangerous duty, succoring vessels or shipwrecked sailors upon the seas. Yet the very letter of instructions, which the gentleman from North Carolina has put in the RECORD, directs the Revenue-Cutter officers not to remain at sea in a gale or in a fog. The direction to the Revenue-Cutter officer is to go into port when the weather is foggy or when there is a gale.

But we have a record of all the vessels which this service has assisted. When this bill was before the House a year ago, I inserted in the RECORD a copy of the reports of the assistance rendered by the revenue cutters in 1897, which was the last report issued by this Department and printed.

Mr. McDERMOTT. Has the gentleman any statistics showing the length of time during the last year that the battle ships of the United States were at anchor?

Mr. MANN. I have not. But I take it, Mr. Chairman, that the solution of this question is not dependent upon the Navy. If there are abuses in the Navy they can be corrected in the proper way. The proper way is not by passing a bill to increase the abuses in another branch of the service.

Mr. LITTLEFIELD. Did I understand the gentleman to say that he had put in the RECORD a list giving the service of all these cutters?

Mr. MANN. I did not so state.

Mr. LITTLEFIELD. Excuse me; I did not quite get your statement. Will you please repeat it?

Mr. MANN. The gentleman has examined what I put in the RECORD, and his question is futile and idle.

Mr. LITTLEFIELD. The gentleman will excuse me—

Mr. MANN. The gentleman is taking up my time excusing himself.

Mr. LITTLEFIELD. I understood you to say that you were going to place in the RECORD some additional reports.

Mr. MANN. I would be glad to place in the RECORD everything which the Revenue-Cutter Service has done, and I dare the gentleman to put in the RECORD, as a representative of the Revenue-Cutter Service interests, what duty it has performed during the past year. Although this bill was before Congress a year ago, although the same opposition was then made, they have not dared to publish the report of their doings. Now, it is manifestly impossible for one member of the House to obtain all this information, but I have obtained some information in reference to this, which I inserted in the RECORD a few days ago.

Mr. LITTLEFIELD. Will the gentleman excuse me?

Mr. MANN. I hope the gentleman will not detain me too much.

Mr. LITTLEFIELD. I will hand you the report of the *Woodbury* for last year if you would like it. Do you care for it?

Mr. MANN. If the gentleman will leave it here, if I have time to examine it I will. The gentleman is endeavoring to take a very unfair advantage.

Mr. LITTLEFIELD. Excuse me; I am not.

Mr. MANN. With that eminent fairness which always characterizes him of trying to get a gentleman on the floor with his time limited to read something which he holds in his hand! Why did not the gentleman, if he wanted to show fairness, submit the paper to me before, and I would have examined it when I had time?

Mr. LITTLEFIELD. Well, I shall not bother you with it now.

Mr. MANN. Oh, you will not bother me with it at all. [Laughter.] It is impossible for the gentleman to bother me with it, notwithstanding his elephantine intellect. Now, Mr. Chairman, the report of the committee in favor of this bill states that this Revenue-Cutter Service assisted vessels last year which, with their cargoes—I do not want the gentleman from Maine to think that I am personal in any way—

Mr. LITTLEFIELD. Oh, that is all right. I am perfectly willing to have you personal, if you desire to be. I have not the slightest objection.

Mr. MANN. The report of the committee on this bill states that the Revenue-Cutter Service assisted vessels last year which, with their cargoes, amounted to a total of \$5,125,000, and it is the intention of this report to show that the Revenue-Cutter Service was valuable, because it saved property to the value of \$5,125,000. Now, the gentleman from North Carolina [Mr. BELLAMY] says that his vessel, the *Algonquin*, is out cruising all the time, in sleet and rain and freezing weather, for the purpose of rescuing distressed vessels. I have in the RECORD a compilation, not selected because they were favorable to my side of the question, but I selected all cases where the value of the vessel and cargo amounted to as much as \$75,000, and I have shown in the RECORD out of the \$5,000,000, which they claim was saved, the entire circumstances relating to about four and a half million dollars.

The only case where the vessel from Wilmington, the *Algonquin*, represented by the gentleman from North Carolina [Mr. BELLAMY] appears is in the rescue or assistance rendered to the vessel *Star Cross* on June 29 and 30, 1901. The captain reports: "Light-house in plain sight; sea smooth." There was no difficulty, no sleet, no rain, no freezing weather. The only case occurred in June, with a smooth sea, and then the vessel helped some tugs or wrecking vessels to pull a vessel off where it had struck the shore or struck bottom. I wish to call the attention of the House and I ask the gentlemen, if they wish to take the



trouble to examine each one of these cases—I call attention to the fact that there is not a single one where the Revenue-Cutter Service incurred any danger; not one. There are but few cases. The first case they report on the condition of the weather and tide: "State of tide and sea: Smooth sea; gentle, southerly swell."

What danger they were undergoing! The next case they report, "Smooth sea." The next case occurred in a harbor, where the sea could not be other than smooth. The next case occurred within a harbor, and consisted only in sending some men on shore to arrest a man whom they claimed had mutinied. The next case, "State of tide and sea: Flood tide, smooth sea." The next case occurred in San Francisco Harbor, where the sea was smooth. The next case occurred in the Yukon River, where the sea was smooth, and this case that I have referred to now is but a sample of the assistance rendered by the Revenue-Cutter Service, so far as assisting vessels is concerned, and I propose—it is very short—to read to the House the detailed statement of the casualty, showing the nature and extent of service rendered by the revenue cutter in that instance:

Vessel assisting, *Nunivak*.  
Vessel assisted, steamer *Leon*.  
Date, June 22, 1901.  
Value of vessel with cargo, \$2,600,000.

Here is one-half of the property that was saved in the year, and you would suppose from the report that this was saved by arduous labor and at the risk of life on the part of the Revenue Cutter officers and men.

Detailed report: Arriving at Aphoon, mouth of Yukon River, June 22, 1901, found steamer *Leon* short of provisions for passengers and crew, she having been detained here a week by ice and her supplies exhausted. No prospect of ice clearing up for several days. None of the other vessels could assist her, as they, too, were running short, and no supplies within reach on the river. Loaned her from ship's rations 800 pounds flour, 50 pounds coffee, 72 pounds butter, to be replaced in kind at St. Michael.

Now, I grant that it was a desirable thing that the revenue cutter there should loan these provisions to this vessel *Leon*. I do not criticize them for what they did, but I insist that there was no arduous duty, no danger, no risk of life in loaning 800 pounds of flour to a vessel, and when they claim that they saved valuable property or assisted a vessel, the value of which amounted to \$2,600,000, it is utterly misleading.

The next report was in the Yukon River also, where they loaned in that case 200 pounds of flour, and take credit for saving property to the value of \$75,000. There is not a single case in these reports, which are taken from the head of the list, embracing \$4,500,000 out of the \$5,000,000—there is not a single case where a rowboat could have been turned over by the waves of the sea.

Oh, yes; valuable service! I do not believe that anybody can find out what the Revenue-Cutter Service actually does, outside of boarding vessels and examining their papers. It seems to me that they do not show any arduous labor in time of peace which entitles them to be placed on the pension roll.

As many men have been killed in a year—during the last fiscal year—in the Railway Mail Service in the discharge of their duties as have been killed in the Revenue-Cutter Service during forty years of time. More men are killed in the Life-Saving Service in a year than have been killed in the Revenue-Cutter Service in forty years' time. As many men lost their lives in the Life-Saving Service a few days ago as have been killed in the Revenue-Cutter Service in forty years of time. More men lost their lives in the Railway Mail Service in a wreck down here a few days ago than have lost their lives in the Revenue-Cutter Service in forty years' time. I do not say that that is any reflection upon the Revenue-Cutter Service. Far from it. They have no occasion to come into great danger.

But, oh, they say, in time of war! Mr. Chairman, the Revenue-Cutter Service is not a fighting force in time of war. It is simply a dispatch service. It is not on the firing line in time of war.

Mr. MAHON. They can be sent there at any time.

Mr. MANN. Oh, yes; they could be sent there, but they are not sent there. They do not receive injury. Why, here is a case, probably, of great gallantry at Cardenas, when Ensign Bagley and those on his naval vessel were being shot to pieces, when half of the men on the naval vessel were killed; it is true that a revenue cutter, the *Hudson*, pulled the naval vessel away. It is true also that half the men on the naval vessel were killed, and that no man had his skin scratched on the revenue cutter.

Mr. MAHON. They must have been pretty close when they pulled the boat off.

Mr. MANN. Oh, yes; and the gentleman from Pennsylvania would suggest that it may have been an accident. It is a peculiar accident that not an officer has been injured in the Revenue-Cutter Service in time of war for many years.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. MANN. Yes.

Mr. MAHON. How many men were killed in the naval battle at Santiago?

Mr. MANN. I believe one only, but a number were injured, and no revenue cutter was in the fight.

Mr. MAHON. How many at Manila?

Mr. MANN. There were several injured there, I think, and I believe there was one killed. One died of apoplexy. But no revenue cutter was in the fight at Manila.

Mr. MAHON. The first boat that went in was a revenue cutter.

Mr. MANN. That shows that the gentleman is not informed as to history. I have not time to argue about facts of history.

Mr. MAHON. A revenue cutter went in to look for the torpedoes.

Mr. MANN. The first boat that went into Manila was not a revenue cutter.

Mr. MAHON. The *McCulloch*.

Mr. MANN. It was not the *McCulloch*. The Revenue-Cutter Service is not a fighting force in time of war. But, Mr. Chairman, if it were, its officers would be no more than the volunteers. The State which I represent in part had more than 800 men in the Navy as volunteers during the Spanish war. They are not put upon the retired list. They went into the Navy, losing their positions and salaries at home. They are not asking to be placed upon the retired list. They were in the fighting ships; they were not on dispatch boats; and I think the gentleman from Pennsylvania and others have constituents who were in the Navy, fighting in the Spanish war, and they are not asking to be put upon the retired list, and if they were the request would not be granted.

Mr. MAHON. Some of them have been put on the pension roll.

Mr. MANN. Yes; but nobody has been put on the pension roll on account of being injured in the Revenue-Cutter Service. There was no officer injured during this Spanish war, injured in the service. There were two who died from apoplexy, but none were injured, and if injured they would have been entitled to pension.

Now, Congress has since recognized anything which the Revenue-Cutter Service did during the war with Spain. They retired the captain of the *McCulloch* at full captain's pay. They gave a gold medal for the gallantry displayed by Lieutenant Newcomb at Cardenas. And now the other officers of that service are here endeavoring unjustly and unfairly to fatten on the deeds of those two men. A letter has been read by this distinguished son of Maine from the Secretary of the Navy.

This letter says that this service ought to be put under the Navy. I agree with that. I believe it ought to be a part of the Navy. It absolutely has nothing to do at present. I would be willing to transfer this service—men, officers, and vessels—to the Navy, where it might be made a part of a system. But here is a bureau intended to be a new navy of itself; and when Secretary Long says in the letter read that this is the first step toward putting it in the Navy I beg to disagree with him. If this bill passes, the Revenue-Cutter Service will for all time remain by itself, enlarging its force, increasing its number of vessels and its officers, but it will never go to the Navy. It will, on the other hand, be a handle for the passage of a civil pension list for every branch of the service.

Why, gentlemen, we have to meet that question soon. There is a committee in Washington engaged here for some time preparing a bill for introduction in this Congress to put a retired list into every branch of the public service. It claims that they have responses from more than 20,000 Government employees. Now, I put it to you fairly. You know very well that if this bill passes it passes because of the insistence here of the men and officers of the Revenue-Cutter Service itself. If Congress can not resist 215 Revenue-Cutter officers, what chance is there to resist 20,000 or more employees of the Government? There is no man in this House but has Government employees in his district. I do not say that a retired list is improper. I have been inclined to the opinion that a proper retired list or a civil pension list might be a good thing. I think that every man who loses his life or is injured in the Life-Saving Service or in the Railway Mail Service ought to be covered by the pension list.

I am not sure but what the old men in the Treasury ought to be put on the retired list. But I would never propose a civil pension list that begins with \$200 a month, as this does. Here is a proposition commencing a civil-service pension list at \$200 a month. If we can not draw the line between the Navy and the Revenue-Cutter Service, how will it be possible to draw the line between the Revenue-Cutter Service and the Life-Saving Service? How will it be possible to draw the line between the Revenue-Cutter Service and the Railway Mail Service? There is such small gradation or degrees of gradation between the different services of the Government that once you place one branch of the service on a pension list you will have commenced that which must end with all branches of the service. I appeal to this House to be careful before it commences a civil pension list. There is no end; when you open the door it is open for all the employees of the Government for all time. [Loud applause.]



Mr. HEPBURN. Mr. Chairman, I would like to inquire if the time of the opponents of the bill has been entirely exhausted?

The CHAIRMAN. It has.

Mr. HEPBURN. How much remains?

The CHAIRMAN. Forty-five minutes remains to the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I am not prepared to congratulate the gentleman from Illinois upon the condition of mind when he is prepared to express disapprobation because a larger number of American citizens have not been slaughtered in war. It is an unhappy frame of mind, I would suggest to the gentleman, if I was permitted; and I am glad to believe that there are but few of his colleagues that sympathize with him in the expressions that he has made in that part of his speech.

We have wandered a long way, Mr. Chairman, from the real questions presented in this bill. We have a service known as the Revenue-Cutter Service. It consists of a little more than 200 officers, and something more than 1,100 enlisted men, of about 40 vessels armed with seventy-odd guns. These vessels with their armament, modern in character, fully up to date, presents an infinitely more formidable naval force than the Government of the United States had at the date of 1835. There never was a time up to that date—in war or peace—when the naval power of the United States was so formidable as is this much contemned and sneered service—the Revenue-Cutter Service.

The propositions of this bill are mainly to place the officers of the Revenue-Cutter Service more nearly upon a par with the other branch of the maritime naval service. It proposes to do so by the reviving of an old law relating to the relative rank of the officers of the two services, made necessary in part because of a change in the name of certain of the naval officers, and with the addition of one grade to the Revenue-Cutter Service since that enactment was made.

It next provides for the retirement of these officers on a par with the officers of the Army, not with the officers of the Navy. There is a distinction and a broad one, and the Revenue-Cutter officers and their friends have not asked that the more valuable retirement provision of the Navy should be made applicable to them. These officers, if retired, will be retired in the grade in which they served at the time of retirement. Not so with the naval officer. He is retired in a grade above that that he holds at the date of his retirement, and he has the pay and emoluments of that higher grade.

Again, officers of the Navy may be retired at least four grades—captains, commanders, lieutenant-commanders, and certain lieutenants may be at any time retired, not after thirty years of service, not after forty years of service, not after they have arrived at the age of 64, but at any time. Under the provisions of an act that the gentleman from Illinois [Mr. MANN] voted for only a little while ago they may be retired. Again, an officer of the Navy may be retired although the cause of disability has had no relation whatever to his service, and although it may be the result of his own vicious habits. Not so with the Army or with the retirement that is proposed to be given to these officers.

Now, Mr. Chairman, what are some of the objections made to this bill? The first fifteen minutes occupied by the opponents of it—by the gentleman from Illinois—were devoted to this complaint: The bill ought not even to be considered, because the Revenue-Cutter Service have not made that character of report that the act of 1898 required them to make. The act of 1898 requires no report from any officer of the Revenue-Cutter Service. It requires a report of expenditures from the Secretary of the Treasury. The gentleman knew why that was not made. He had the information why its failure had occurred. He had it at the time that he made that complaint and this charge of criminality against the Revenue-Cutter Service. He said that it was because they dared not make that report; because they were afraid to make it. He had, from the Secretary of the Treasury, a letter stating why it was not made and explaining why the error occurred—a true statement, that evinced no dereliction of duty, a mere mistake, and yet it was such a one as passed the scrutiny of the chairman of the Committee on Appropriations, not friendly to this bill, who went on making the appropriations just as though it had been made, with all the information that was needed.

The gentleman from Illinois was unwilling to support this bill because he had not information. Your attention has been called to the year and a half that he expended in this vain search for knowledge, and yet he knows, and I know, because he was compelled by his own sense of fairness ultimately to acknowledge it, that all the information possessed by anyone was laid before him and that he was furnished by an intelligent clerk with the books of the Department, with every facility for acquiring all of the knowledge that he could want with regard to an intelligent understanding of the relation of this body of men to the Government of the United States. The Secretary says that he was misled by a marginal note on the page opposite the section requiring this report; that he understood that it was a detailed statement of estimates that was to be made. That is all there is in that.

The gentleman then found fault, and seriously insisted that this bill ought not to pass, because there was not a list of the employees of the Revenue-Cutter Service on the Blue Book. He regarded that as an offense that they had omitted to put their names there, notwithstanding that most American citizens are glad to have their names there, and rather, I am informed, seek the opportunity. But when we come to investigate we find that the names are there. Everyone connected with the Revenue-Cutter Service is found where it should be, under its appropriate head, on that Blue Book. That ought to remove the gentleman's second objection.

The third one that was urged is, and that one was more strenuously urged by the gentleman from Tennessee, that this is to establish a civil pension list. That depends, Mr. Chairman, upon the relation that this service bears to the General Government. Is it civil in its character or is it military? The gentleman from Pikes Peak, perched pleasantly upon the summit of that vast mountain, taking in that comprehensive view that from that point he may survey the military and naval establishment of the United States, does not hesitate to say that it is civil. [Laughter.] Then my friend from Tennessee, from his home by the side of that magnificent spring in Huntsville, so wonderfully adapted to nautical pursuits [laughter]—

Mr. RICHARDSON of Alabama. Mr. Chairman, I do not want to lose my identity entirely. The gentleman ought to know that I am from Alabama.

Mr. HEPBURN. I intended to compliment the gentleman first, but now since my attention is called to it I will compliment the State of Alabama by making the correction. [Applause.] The gentleman from that beautiful spring so adapted to nautical pursuits has determined that this is a civil service, that there is nothing military about it; and both of the gentlemen in furtherance of their arguments have said that one of the reasons why they came to that conclusion was that the Revenue-Cutter Service never fought except in time of war. [Laughter.] Why, my God, my friends, when would you have them fight? [Laughter.] Do you want them so organized as is my friend from Illinois, who is ready to fight all the time and everything? [Laughter.] When I have observed that peculiarity upon the part of my friend from Illinois I have thought that if the theory of transmigration of souls is true and he hereafter appeared as a later incarnation, he would have the semblance of a mule with four hind legs all in active operation. [Great laughter.]

Mr. Chairman, these gentlemen fight only when the other soldiery of the United States fight. And in time of peace they are put to other duties.

Mr. RICHARDSON of Alabama. Will my friend—

Mr. HEPBURN. I would rather the gentleman from Tennessee would not interrupt me.

Several MEMBERS. Alabama! [Laughter.]

Mr. HEPBURN. My apologies all around are duplicated. Without disparagement of our naval establishment, in which we all take pride and for which we are all willing to do all that may be necessary to make it reach up to the highest standard of completeness, what do they do in times of peace? The objection which these hypercritical gentlemen make with regard to the Revenue-Cutter Service being pacific in times of peace can be made against the naval establishment much more forcibly. After hearing these authorities, the gentleman from Colorado, and the gentleman from Alabama, and the gentleman from Illinois, who know nothing about the subject, vociferating so earnestly that these Revenue-Cutter officers are a civic body, I would like to call attention for a moment to the opinion of a man who knows something about the subject. I read from a report of a Secretary of the Navy—not of the Treasury, but of the Navy:

The service of the cruising cutters is strictly naval.

Will the gentleman from Colorado listen to that?

The duties of the officers are not distinguishable in kind from those of the naval officers.

Will the gentleman from Alabama note that?

The discipline is naval, as far as naval discipline can be carried on outside of the Naval Department. The cruising cutters carry armaments of from one to four guns. The crews are armed with small arms. Broadside guns are furnished by the Navy Department. In time of war these vessels have always been pressed into the naval service.

Will the gentleman from Illinois note that? This is from one of the most distinguished of all the naval secretaries, in my judgment, that we have ever had; a man to whose efforts we owe largely the Navy we have to-day; a man whose influence, more than that of any other living man, has made our naval establishment the splendid feature that it is of our civilization.

A MEMBER. Who was he?

Mr. HEPBURN. That was Secretary Chandler. I now read from the report of another Secretary of the Navy:

Now, as I understand, the objections of officers of the Navy to this bill—

A bill largely similar to this—

they have come to be practically merely sentimental. In the first place, they



say it is not a military service. My answer to that is that whether it is a military service or not depends entirely or very largely on the officer who commands the ship. It is certainly a military force. It has commanding officers, inferior officers, and men—privates who are subordinate. It is organized; its organization is a military organization.

Why, sir, at the very beginning of the career of the cadets they take a military examination. So far as the studies are concerned, before they enter the service they must have those attainments that will entitle them to the prospects of success. Throughout their whole two years at school the studies are of that character. The higher mathematics—all that pertains to drill—everything that they study is in its nature fit for military training and military service.

Every one of these vessels of later construction is armed. Every day there is a military drill of the crews. They are drilled in the use of the cutlass, the use of the revolver, the use of the carbine, the use of the broadside. It is all military, and they have been able to show with what alacrity they can assume the sterner duties of war.

I was sorry to hear my friend from Illinois attempt to belittle the service of these men. It is not so comprehensive, it has not been so broad a school, as are the performances of the Army or the Navy. Why? Because of the limitations of the number of men and of ships. But everywhere where they have had opportunity they have reached up to the full measure of valor that is expected of American soldiery.

Reference has been made to the affair at Cardenas, and sneeringly to the part performed by the Revenue-Cutter Service on that occasion. What was that? Three vessels were sent in shoreward for a purpose. They came within the range of powerful masked batteries. One of the vessels was disabled. Her commander was either wounded or killed. The next officer in command was disabled. More than half of her crew were weltering on her decks in their own blood. She was in the extremest peril, drifting inward toward the battery and on to the shoals.

There was another naval vessel with her. The little flotilla consisted of two naval vessels and one revenue cutter. I have no criticism to make upon the conduct of one of those naval vessels, yet when the time of trial came, when the time of rescue came it was the *Hudson*, the revenue cutter, that responded, while the others sought safety at sea. [Applause.] And there, as the Secretary of the Navy tells the story, for more than an hour, in the very vortex of that terrible fire, this vessel labored to secure a hawser to the naval vessel, in order to carry her out, and after securing it the hawser parted, and again the labor had to be undergone, and for an hour this condemned revenue cutter stood there at her post, every man doing his duty, and finally she brought to safety the naval officers and men. [Loud applause.]

I say that in all the records of the last war, in all the naval stories that I have ever read, there is not one to be found where more of heroism was exhibited than by these officers of the Revenue-Cutter Service; and, Mr. Chairman, on all occasions wherever they have been called upon, they have met the full measure of duty.

Now, the studies of all the officers are military. Military tactics are taught them and they have a daily military drill. They wear the uniform of the Navy. Their ships are armed as are naval vessels. They have all the skill that the naval vessels have, and on all occasions when the Navy is engaged in war, they are engaged in war, and yet gentlemen set up the pretense that this is a civil employment, and that these men are civil officers.

Mr. Chairman, it stands to reason that these officers, man for man, are more valuable than are the naval officers. I do not hesitate to make that assertion. They spring from the same source; they are our American boys; they have the same culture, except in perhaps some of those things that many of us would say were not necessary to fit them for purely military duty. They have the same drill, the same instruction as soldiers; they are familiar with the same kind of weapons. They have all of the experience that the others have in times of war, and then they are kept upon the sea, the gentleman from Illinois to the contrary notwithstanding. The naval officer has his tour of sea duty and then a like period on shore. These men are always upon the sea, they are always upon the sea when seamanship is most needed, and when opportunities are ripest for seamanship to be acquired.

It is when the storm comes, I say; when there is danger along the coast, I say; when the naval vessel seeks the security of the port if she can, that these men go out to rescue life and to render assistance. It is in the storm that they are bred and that they study their seamanship; and so I say that, man for man, in my judgment, when the officer has reached the age of 40 or 45, all of the probabilities are in favor of the Revenue-Cutter officer being the better, the more experienced, the wiser, and the safer navigator and commander of his ship. I do not think that it ought to be contended that this is a civil service. Gentlemen have said that the title of this bill is deceptive; that it is said to promote the efficiency of the Revenue-Cutter Service, while there was

nothing to be found in its provisions except provisions promoting the interests of certain of the membership of that service.

Mr. Chairman, there are to-day 14 officers who have served long and faithfully in this service who have reached the age that brings incapacity, or who are suffering now from the vicissitudes of service to that degree that they can not perform their duties. They can not be retired. We are in the condition that twice before has confronted the Congress. Some eight or ten years ago, or perhaps a little longer, it was found that there were nearly 20 of these officers, all filling the highest ranks, that were incapable of service. One of them, I remember, was then 84 years of age. Several of them had passed the age of 70. Yet there was no method by which they could be replaced, and so an act was passed limited to them, however, that authorized their retirement. Four, five, or six years ago the same condition was found to exist, and again an act was passed so that perhaps 15 more were retired, and now there are 23 men, I think, on this retired list.

There are fourteen or sixteen who are to-day in the condition that their comrades were at the period of this legislation. Will it not promote the efficiency of the Revenue-Cutter Service to relieve it of those incapacitated men? Will it not promote the service to give promotion to those that remain, to let them see that there is some hope of advancement in the service of their choice? Does not the doing of justice to one stimulate a little more, a good deal, perhaps, to more efficient service, to more of zeal. We are apt to take deeper interest in those who have an interest in us and manifest it by good deeds than those who do not, and these men would only be human if some such thought sometimes crossed their minds, so I can see that there is in this bill provision for promoting the efficiency of the Revenue-Cutter Service, and that the bill is not deceptive and that it ought to pass.

I have taken the liberty of reading the opinions of some gentlemen whose opinions were worth while. As early as 1872 Mr. Boutwell, then the Secretary of the Treasury, advocated the passage of a somewhat similar bill to this. In 1873 Secretary Richardson recommended the same. In 1876 Secretary Morrill made a somewhat lengthy report and argument in favor of the passage of a relief measure of this kind. In 1881 Mr. Folger made the same recommendation; and right here I would like to put the opinion of a Secretary of the Treasury whose duty it was to know against the opinion of the gentleman from Illinois on this subject:

In view of the constant activity required of them in time of peace as well as war and of the hazard involved in their service—

Will the gentleman please note the words I have taken the liberty to emphasize?—

activity and hazard involved in their service, their cruising being mostly upon the shallow waters and dangerous courses near the coast, subjecting them during the inclement winter season to extreme hardship and danger, their claim to pensions seems to be well founded.

Ah, how these adroit and cunning fellows of the service have pulled the wool over the eyes of the Secretaries, and how grateful some benighted Secretary will be to the gentleman from Illinois [Mr. MANN] for having devoted his eighteen months to unearthing all these frauds and bringing these reptiles of the sea into full view!

But again, Mr. Folger, not content with his argument in 1881, repeated what he had to say in 1882, and then in 1894 Mr. Carlisle had something to say on the subject. I do not know whether that distinguished gentleman is an authority upon the other side of the House now or not, but he discussed this subject. He devoted considerable time to it, occupying more than a page in his report, in which he used this language:

There is no branch of the public service which in time of peace requires such continuous, laborious, and hazardous service as this, nor is there any other branch in which the compensation is so inadequate. The duties imposed upon the officers engaged in this service often subject them to great exposure and hardship, and require the exercise of a high order of skill and discretion, and it is therefore of the first importance that the mental and physical qualifications of the force should not be impaired by the retention of old, infirm, or otherwise disabled officers.

Well, my Democratic brethren, listen to that! This ought to be good authority.

Mr. Chairman, if I can not succeed in attracting the attention of members on the other side to the utterances of John G. Carlisle, I wish you would try and keep order. [Laughter.]

The CHAIRMAN. The committee will be in order. Gentlemen standing in the aisles will kindly take their seats.

Mr. HEPBURN. Again, in 1896, Mr. Carlisle called attention to this branch of the public service.

Mr. Gage, in 1897, called the attention of Congress to a bill substantially similar to this in his report, occupying more than a page of that report. Again, in 1898, and again, in 1899, he devotes two pages to the subject. Again, in the report of 1900, he devotes a page and a half to it, and again, in 1901, most earnestly calls the attention of Congress to the subject.

Two Presidents of the United States have urged upon Congress the performance of this duty. President McKinley especially challenged the attention of this body and the other to the report of the Secretary, and indorsed the arguments that he made,

reiterating his recommendation and doing all that he could to challenge attention to the subject.

Gentlemen, it is and has been a vexed question. It is a justice that has been long delayed. Yet I take it it is none the less just because we have failed to respond to this demand of duty. I have no hesitation in affirming that these men are entitled to this tardy justice, that they are entitled to it now, and that the measure of justice we propose to mete out to them is that which this House has meted out to others situated as they are with no more of demand, with no more of the pleadings of justice in their behalf. I think that we owe it to our old comrades. There are to-day in the naval service of the United States, I am told, ten veterans who served in naval warfare during the war of the rebellion. All ten of those men are to-day rear-admirals in the Navy of the United States.

There are 30 men or more now in the Revenue-Cutter Service of the United States, no one of them ranking higher than a captain, and not more than four or five drawing half the pay of the admirals. The one survivor of that most memorable of naval battles that took place in Hampton Roads in 1862 between the *Monitor* and the *Merrimac* is now in the Revenue-Cutter Service of the United States. His comrade died only a little while ago, and was one of those survivors who stood by the side of Worden, directing the movements of his ship when he received his disabling wound, the one for all these years a rear-admiral, the other simply a lieutenant and captain in the Cutter Service.

Gentlemen, it is unworthy of the American Congress, and I ask you now to right the wrong so long permitted, to bring about that justice so long delayed, by passing this most meritorious and just bill. [Applause.]

The CHAIRMAN. The time fixed by the order of the House for general debate having expired, the Clerk will proceed with the reading of the bill by paragraphs for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That on and after the passage of this act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant.

Mr. MANN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 1, after the word "lieutenant," in line 11, by adding the following: "Provided, however, That there shall be no increase in the number of officers upon the active list over the present number in each class or grade."

Mr. MANN. Mr. Chairman—

Mr. HEPBURN. I think there is no objection to that.

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. MANN. I do not care to discuss it.

Mr. HEPBURN. I will vote with you for it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

Mr. MANN. Now, Mr. Chairman, I move to strike out all of section 1 after the enacting clause.

Mr. HEPBURN. I raise the point of order against that motion, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEPBURN. That would leave the bill in an entirely incomplete form. The motion to strike out all after the enacting clause must be an entirety—the bill—and not a single section of the bill. That is one of the methods of terminating the consideration of a bill, one of the parliamentary methods, to strike out all after the enacting clause. That ends the measure; and the motion is used only for that purpose.

Mr. MANN. My motion was to strike out all after the enacting clause.

Mr. HEPBURN. I know; and that does not subserve that parliamentary purpose.

Mr. MANN. That does not subserve that parliamentary purpose and is not intended to subserve that parliamentary purpose. Does the Chairman wish to hear me further on the point of order?

The CHAIRMAN. The Chair is ready to rule. A motion to strike out the enacting clause under the rules and practice of the House is, if adopted, fatal to the bill. It is expressly declared in Rule XXIII, section 7, that such a motion, if carried, shall be considered equivalent to the rejection of the bill. The proposed amendment, however, is to strike out not the enacting clause, but that portion of the section or paragraph following the enacting clause. What effect the striking out of that part of the paragraph will have upon the bill is for the committee, and not for the Chair, to determine. The Chair therefore overrules the point of order.

Mr. MANN. Mr. Chairman, I do not see why this section is

put in the bill. There is no change, as I understand, made as to the number of Revenue-Cutter officers in section 1. It does not destroy the harmony of the bill at all if it is stricken out. It simply, so far as I can see, reenacts the existing law, which now provides who Revenue-Cutter officers shall be. Now, here is a section, and I invite the attention of gentlemen to the fact, the only change and the only purpose of any change in this section is to enact the present law, is to take the engineers out of the engineer force and make them line officers.

Now, I have no objection to that in one respect. I voted for the naval personnel bill in the House, supposing that that was the only thing in the bill. My information is, and whether it is correct or not I do not know, that that bill has not been a good thing for the Navy; and if this section is enacted into law as to the Revenue-Cutter Service of the country it simply means that the warrant machinists and the machinists do all the engineer work and the engineer officers on a line with the other officers attend to the duties of the other officers. If there is any need of engineer officers in the Revenue-Cutter Service, and I take it there is, then we ought to leave these engineer officers.

There is no use, unless it is a purely social distinction, in saying that the chief engineer shall have a certain rank with the other officers, that the chief engineer shall have rank as first lieutenant. What is the meaning of that part of the bill? The engineer officer would not be placed in command of a vessel. What is the object? In the bill there is no other change of existing law. This simply defines who the officers shall be in the Revenue-Cutter Service. The law now provides for that. The amendment which has already been adopted to the bill, if the section remains, provides that there shall be no increased number of officers. That section as read would have granted an unlimited increased number of officers. I can see no reason for keeping this section in the bill at all. It does not destroy or affect the harmony of the bill in any other respect whatever.

Mr. SHERMAN. Mr. Chairman, the section of the Revised Statutes which provides for Revenue-Cutter officers provides that each boat shall have one captain, one first lieutenant, etc. This does not change that law, so far as that is concerned, but this will preserve in some degree the symmetry in the law. It provides in one single statute all there is in the Revised Statutes in reference to the officers of the Revenue-Cutter Service, and I hope the amendment will not prevail.

Mr. MANN. How does it affect the symmetry of the bill? I do not know.

Mr. SHERMAN. It puts into this one statute all the law relating to the officers which is contained in sections 2749, 2950, and 3059 of the Revised Statutes. It puts them altogether into this one act. It consolidates the law.

Mr. MANN. You mean it simply takes two consecutive sections of the Revised Statutes and puts them in one?

Mr. SHERMAN. It does that, and does more.

Mr. MANN. I would like to understand, if I may, what more it does, if the gentleman can inform the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to strike out all the first section after the enacting clause.

The question was taken and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That the said commissioned officers shall rank as follows: Captains with majors in the Army and lieutenant-commanders in the Navy; first lieutenants with captains in the Army and lieutenants in the Navy; second lieutenants with first lieutenants in the Army and lieutenants (junior grade) in the Navy; third lieutenants with second lieutenants in the Army and ensigns in the Navy; *Provided*, That whenever forces of the Navy and Revenue-Cutter Service shall be serving in cooperation pursuant to law (section 2757, Revised Statutes), the officers of the Revenue-Cutter Service shall rank as follows: Captains with and next after lieutenant-commanders in the Navy; first lieutenants with and next after lieutenants in the Navy; second lieutenants with and next after lieutenants (junior grade) in the Navy; third lieutenants with and next after ensigns in the Navy.

Mr. LITTLEFIELD. Mr. Chairman, I am advised by the committee that they withdraw the amendment they suggested, and I now offer in lieu of that an amendment that is drawn to accomplish the same purpose, but in different language. It was drawn by Admiral Evans, of the Navy, and therefore is more satisfactory to the objections of the Navy from a technical point of view.

The CHAIRMAN. The Chair will state that the bill does not show any committee amendment.

Mr. LITTLEFIELD. Then there is no necessity of withdrawing any amendment.

The CHAIRMAN. The gentleman from Maine offers the following amendment which the Clerk will report.

The Clerk read as follows:

Add at the end of section 2 the following:

"*Provided further*, That no provision of this act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service, nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by the direction of the President."



Mr. MANN. Mr. Chairman, the gentleman from Maine showed me the amendment which has been offered, but since he showed it to me I would like to call his attention and the attention of the gentleman in charge of the bill to a fact. This amendment is a concession, as I understand it, and provides that a Revenue-Cutter officer shall not have command of a naval vessel where the naval vessel and the Revenue-Cutter vessel cooperate. Would not it, on the same line, be advisable to insert after the word "Navy" the word "Army," because this bill would place the military force of the Government under the control of the Revenue-Cutter officer if they happen to be serving in cooperation, as might be the case?

Mr. LITTLEFIELD. I will say that, so far as I am concerned, I am not thoroughly advised as to the relations that may exist between the two services. Admiral Evans suggested that this would be entirely sufficient for the Navy.

Mr. MANN. Yes, as to the Navy; but the gentleman understands the reason of making the relative ranks of the Army and Navy is to determine who shall have command when they cooperate. Here is a proposition that will leave the Revenue-Cutter officer in command if he cooperates with the captain of the Army.

Mr. LITTLEFIELD. So far as I am advised, I do not know that anyone interested in or representing the Army establishment has made any complaint or raised any objection to this. I do not undertake to say that there may not be something in the gentleman's point.

Mr. MANN. Nobody has spoken to me from the Navy on the subject.

Mr. LACEY. I would like to ask the gentleman from Maine a question.

Mr. LITTLEFIELD. Very well.

Mr. LACEY. As I read the amendment, it prevents any officer of the Navy taking command over a revenue cutter unless directed to do so by the President.

Mr. LITTLEFIELD. That is correct.

Mr. LACEY. So if the revenue cutter came into line, he would have to wait and telegraph the President of the United States before the Navy could use that ship in evolutions about to be performed.

Mr. LITTLEFIELD. The Revenue-Cutter Service does not cooperate with the Navy except under the direction of the President of the United States in the first instance. So the condition suggested by the gentleman from Iowa is not likely to occur.

Mr. LACEY. We already have a law for that. Here is a provision where if a Revenue-Cutter vessel comes to the aid of a naval officer you make the proposition that the naval officer shall not take command over the revenue cutter unless you get the direct action of the President of the United States upon that proposition. Now, it seems to me that this is an unnecessary limitation. If we are going to put the cutters upon the open water with the Navy because they are needed in war, why should they not be commanded by officers of the Navy with whom they are to cooperate?

The CHAIRMAN. The time of the gentleman from Illinois has expired. [Laughter.]

Mr. LITTLEFIELD. I move to strike out the last word in order to answer the gentleman from Iowa. I will say that this amendment, not in the precise language that this is drawn, was submitted to the Secretary of the Navy, and was approved of by the Secretary of the Navy, also by Judge-Advocate-General Lemly, and takes care of the conditions referred to by the gentleman from Iowa.

Mr. MANN. Will the gentleman yield to me?

Mr. LITTLEFIELD. Certainly.

Mr. MANN. Is there any desire on the part of the friends of the bill to place the captain of the Army under the direction of the captain of the Revenue-Cutter Service?

Mr. LITTLEFIELD. Not at all.

Mr. MANN. What harm would there be in inserting after the word "Navy" the word "Army."

Mr. HEPBURN. Why should that be done? Can the gentleman point to an instance where the Revenue-Cutter Service and the Army ever served together, so as to bring about the possible collision that is spoken of? In point of fact, this is simply a matter of sentiment. There has never been, I am told, a conflict of any character with regard to who should command when revenue cutters and naval vessels were serving together. During a hundred years that occasion has never happened. Yet for the purpose of yielding to a sentiment we have consented to this provision. As appeared from an extract which I read, and which gentlemen will remember, there was some sentiment on the part of certain naval officers on this subject; but there never has been a contention of any kind with reference to the Army. The gentleman from Illinois is simply encumbering the bill by undertaking to provide for a condition that never has been heard of and probably in the nature of things can not be heard of until our Army becomes webfooted. [Laughter.]

Mr. MANN. Now, I think the gentleman, if I can have his at-

tention, will acknowledge his mistake. There has never been, up to the present time, any condition of existing law which could possibly place a Revenue-Cutter officer in command over an Army officer. But here we have a bill which, if enacted into law, will say that a Revenue-Cutter officer shall rank with certain Army officers. That provision might place the Revenue-Cutter officer in command. Such a condition never has occurred before, because it could not under the law as it has heretofore existed.

The CHAIRMAN. The time of the gentleman from Maine [Mr. LITTLEFIELD] has expired.

Mr. GROSVENOR. Mr. Chairman, I move to amend by striking out the last word. I do not believe that the careful attention of the gentleman from Illinois to the wording and force of this bill ought to be accepted by the friends of the bill. I take it that he will not vote for the bill, and that his care and attention and zeal as to the precise meaning of the language is not exactly in the direction of a fatherly interest for the outcome of this legislation. I presume that if we confirm all his suggestions he will yet vote against the bill upon the great question that he has been fighting about here for three or four days. I think the friends of the bill had better amend it as they see fit, if they have sufficient numbers to pass the bill, and take the responsibility for its passage as they want it, and not as some of its enemies want it.

Mr. MANN. I do not expect the friends of this bill to insert anything in it because I want it; but if I could appeal to the reason of some gentlemen here, except the gentleman from Ohio [Mr. GROSVENOR], who probably will not be reasoned with, it might not hurt them. The question is as to the merit of any proposition which may be offered. I do not expect to vote for the bill, but I believe that if it passes it ought to be made as good as possible, and that we ought to remove as many of the objections as we can.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The question is on the adoption of the amendment of the gentleman from Maine.

The question being taken, the amendment of Mr. LITTLEFIELD was agreed to.

The Clerk read as follows:

SEC. 3. That the commissioned officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay.

Mr. RICHARDSON of Alabama. I move to amend by striking out the last word. Mr. Chairman, I have listened with a great deal of interest and, I frankly admit, with a great deal of instruction to the discussion upon this very important bill. I have heard the distinguished gentleman from Maine, in a matchless manner, style, and spirit, not unusual to him, speaking of those who have given but little time or thought, according to their opportunity, to an investigation of the merits or demerits of this bill. I have learned, Mr. Chairman, in the affairs and controversies of life, intellectual or otherwise, that it takes something more than the earnest declaration of "the pronoun I" to make an argument. Some gentlemen may vainly believe that such is argument, but common-sense, plain people do not accept it exactly that way.

Now, Mr. Chairman, the question involved in this bill, and it is one on which I base my opposition principally, is, first (and there has been no explanation on this point made even by the distinguished gentleman from Iowa, for whose opinion I have so high a regard on all subjects), Why is it that this Congress should be called upon to take an officer upon waiting orders or on the retired list who is getting \$1,250—an officer unable to render any service—and give him under the provisions of this bill \$2,500? That is a question that has not been explained or answered in any way whatsoever during this entire discussion.

The gentleman from North Carolina [Mr. BELLAMY] made the statement in his remarks that I was entirely mistaken about the section of the Revised Statutes which I had read applying to the pay of commanders, lieutenant-commanders, etc., in the Navy. Just such mistakes as the gentleman from North Carolina made have occurred, I think, throughout this discussion. I examined the personnel bill passed by Congress on March 3, 1899, and found that the gentleman from North Carolina omitted to read the latter part of it, which says:

And provided, That no provision of this act shall operate to reduce the present pay of any commissioned officer now in the Navy.

Hence it was the gentleman from North Carolina [Mr. BELLAMY] that was mistaken, as clearly appears from the proviso just read to the act of Congress of March 3, 1899.

And yet he says that I was mistaken about the statute. It seems to me, Mr. Chairman, that some of the gentlemen who made such broad declarations about it and engaged "in pyrotechnics," as did the distinguished gentleman from Maine [Mr. LITTLEFIELD], ought probably to have given more time and attention to the bill and examination of it than they did. Now, Mr. Chairman, I

have objected to this bill on another ground. Why is it that in section 3, when the bill proposes to make revenue-cutter officers equal in rank to the naval officers and claim that they should be a part and parcel and belong to the Navy—why do they take the Army as a basis of compensation? It is plain and unmistakable what is meant by it, and the revenue officer to-day, without conditions or qualifications, under this bill will receive a greater compensation than the lieutenant-commander in the Navy, and there is no denial of it and there can not be. That is the plain provision of the bill.

I object to it again, Mr. Chairman, because I have read and seen that every Secretary of the Treasury, as has been alleged, and as is true, I presume, has favored this legislation. Why is it, I ask, that the gentlemen in favor of the bill have not been able to find Secretaries of the Navy that have favored it? I read to the committee that ex-Secretary Tracy, of the Navy, indicated that he would have agreed to a bill on this line only on condition that it transferred the Revenue-Cutter Service to the Navy absolutely. That was substantially the condition that Secretary Long made. Why, Mr. Chairman, if we are to take the opinions of Secretaries of the Treasury on a subject of this kind, why would not the opinion of a lawyer be just as well upon the question of whether or not a man had the yellow fever? Why would not his opinion be just as valuable upon a question of sickness on feeling the patient's pulse?

Let us go to the Navy, of which they propose to make this service a part, and let them answer the question as to whether this Revenue-Cutter Service shall be made an independent branch of the Navy—yea, whether the revenue officers shall receive more pay than officers of the Navy of corresponding rank receive. That is the unjust and unfair discrimination that this bill makes. Ah, Mr. Chairman, we ought to pause and consider this reckless increase of the tax burdens of the people. Is it right to take a man who has retired on a waiting list at \$1,250 per year, and without an additional act on his part retire him for life on a salary of \$2,500 per year? The people will not fail to scan carefully and critically the drift of such a bill as this, and will demand of the gentlemen who support it a clear, convincing, and satisfactory explanation as to why we should create a civil pension retirement list. The clamor will be long and loud from other Government employees, if this bill becomes law, "Give!" "Give!" "Give!"

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. Mr. Chairman, I desire to offer the following amendment which I will ask the Clerk to read:

The Clerk read as follows:

Strike out the word "Army" in line 18, on page 2, and insert in lieu thereof the word "Navy."

Mr. SHAFROTH. Mr. Chairman, it is peculiar that this service should be continually referred to as similar to the naval service, and then when it comes to a question of pay that it should be put upon the same footing as the Army service. I say it is peculiar, and there must be some reason why instead of following the line of the Navy pay, which would be natural, the bill should fix the Army pay, when the service of the revenue cutter is entirely different from that of the Army.

I shall attempt to show, Mr. Chairman, why this discrimination is made and why it is in favor of the Revenue-Cutter Service. If this service is so similar to the naval service, why should they not have the pay of officers of corresponding rank in the naval service? But we find that there is a provision in the law of the United States which says that when a naval officer is performing shore duty his salary shall be subjected to a discount of 15 per cent as long as he remains on shore duty. Now, evidently the friends of this bill must have wanted to give the Revenue-Cutter Service officer that amount of money, which would be 15 per cent more than the naval officer gets. Let us see how this works in the case of a captain.

According to this bill a captain who has served twenty years will get a salary of \$3,500. Now, in case he does shore duty he still gets that \$3,500, but the naval officer does not get it. He is subjected to a discount of \$525 upon his salary, and consequently it is placing the Revenue-Cutter officer in a position which makes him \$525 better off in his year's salary than the naval officer. Not only that, but we find that the members of this Revenue-Cutter Service are stationed on shore just like the officers in the naval service; and if the salary of the naval officer should be discounted 15 per cent, why should not that of the Revenue-Cutter Service officer be also discounted a like amount?

Mr. LITTLEFIELD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Maine?

Mr. SHAFROTH. Yes, sir.

Mr. LITTLEFIELD. Do you understand that the Revenue-Cutter officers alternate in shore and sea duty like the naval officers?

Mr. SHAFROTH. I understand that right now there are 40 officers of the Revenue-Cutter Service that are assigned to shore duty.

Mr. LITTLEFIELD. That, I beg leave to suggest, I do not think is true.

Mr. SHAFROTH. I was so informed.

Mr. LITTLEFIELD. I have got a list that I will read to you, which shows there are but eighteen.

Mr. SHAFROTH. Very well, eighteen.

Mr. LITTLEFIELD. My question is this, whether you understand the Revenue-Cutter officers alternate between shore and sea duty; that is, say, three years on sea and three years on shore.

Mr. SHAFROTH. I do not know whether there is any length of time designated, but no matter what the length of time may be you are going to have the naval officer come in here and say, "We are discriminated against; you give an officer of the Revenue-Cutter Service \$525 a year more for the corresponding work than you give us." You will then find that this House will increase the salary of the naval officers to that amount. Now, it seems to me that when we take that into consideration we ought to fix the same salaries for the corresponding officers of the two services. The reason the word "army" has been inserted in this bill instead of the word "navy" is because the Army is always on shore duty and consequently there is no discount on their salaries by reason of the fact that they serve in one particular place or another.

But in the case of the Navy you can readily see that it is important that there should be a difference. All of the Navy would be seeking shore duty and all of these officers will be seeking shore duty if you adopt this measure by which they get the same salary when they are doing shore service as when they are doing duty at sea. Consequently, it seems to me that it is eminently proper that if this service is the same as the naval service the pay should be the same as the naval pay. I therefore contend that this amendment should be adopted.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Colorado.

Mr. MANN. Mr. Chairman, I understood the gentleman from Maine [Mr. LITTLEFIELD] to say that there were only 18 Revenue-Cutter officers on shore.

Mr. LITTLEFIELD. I gave the list that was given to me. That is all I know about it.

Mr. MANN. I have a statement here from the Chief of the Revenue-Cutter Service, which statement is only a few days old, and according to this there are 9 officers on special duty on shore; 12 officers on construction and repair duty on shore; 12 officers on live-saving service duty on shore, and 8 officers on waiting-order duty on shore, sick, which makes a total of 41, I believe, if I can count correctly.

Mr. HEPBURN. But the gentleman ought in all fairness to remember that twelve of those, those on construction and repair duty, are officers who are expected to be on shore. Their place is on shore. They are engaged in construction, in the building of ships.

Mr. MANN. I am not complaining about these gentlemen being on shore. It is eminently proper that all of them should be on shore. They are all engaged on shore except the eight on waiting orders, and there are undoubtedly good reasons for them, in that they are sick; but all of these officers are engaged in duty on shore, and why should they not be paid Navy wages on shore?

Mr. HEPBURN. Eight of those you speak of are the old and infirm that are on shore because they can not serve.

Mr. MANN. That is what the gentleman says—the old and infirm. I notice that two of them are second assistant engineers. They can not be very old. I do not know how infirm they are.

Mr. LITTLEFIELD. I will give the gentleman from Illinois the benefit of the authority on which I made the statement:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
DIVISION OF REVENUE-CUTTER SERVICE,  
Washington, March 31, 1902.

HON. CHARLES E. LITTLEFIELD, M. C.,  
The Hamilton, Washington, D. C.

Mr. MANN. I hope the gentleman will remember that this comes out of my time, and the gentleman can just omit the names.

Mr. LITTLEFIELD. Certainly; the second or two that it took to read the names will be taken out of my time.

MY DEAR MR. LITTLEFIELD: I hand you herewith the names of officers on shore duty at this time, 18 in all.

Seven of the officers, employed in the construction and repair of vessels, will go to duty on board ship as soon as the vessels building are finished.

There would be under ordinary conditions, with no vessels under construction, including the chief and engineer in chief of the service, on shore duty in the Revenue-Cutter Service, about 12 officers.

If you desire any other data I will be glad to respond in person or by letter, as you wish.

Very truly, yours,

C. F. SHOEMAKER.

Now I will put into the RECORD, if the gentleman pleases, the names of the officers:

OFFICERS ON SHORE DUTY CONNECTED WITH REVENUE-CUTTER SERVICE.

Capt. Charles F. Shoemaker, chief Division Revenue-Cutter Service.

Capt. of Engineers John W. Collins, engineer in chief.

Capt. L. N. Stodder, supervisor of anchorages, New York.



Capt. R. M. Clark, inspector of clothing.  
First Lieut. D. P. Foley, in charge general store, Pacific coast.  
Second Lieut. P. H. Brereton, temporarily at Department.

#### IN THE CONSTRUCTION AND REPAIR OF VESSELS.

[Assignments in these cases are all temporary.]

Capt. Russell Glover, Capt. O. C. Hamlet, Capt. Geo. E. McConnell, Second Lieut. G. C. Carmine, Chief Engineer James A. Doyle, Chief Engineer D. McC. French, Chief Engineer James H. Chalker, Chief Engineer E. G. Schwartz, First Asst. Engineer C. A. McAllister, First Asst. Engineer John Q. Walton, First Asst. Engineer Carl M. Green, Second Asst. Engineer C. A. Wheeler.

That is the authority on which I made the statement. I know nothing about it personally.

Mr. MANN. Well, I have the authority of the Chief of the Cutter Service, Mr. Shoemaker also, giving 41 in a schedule which I will put in the RECORD.

The schedule is as follows:

Table showing the distribution of officers of the Revenue-Cutter Service March, 1902.

Grades.	In command.	Attached to vessels other than commanding.	On special duty.	Construction and repair.	On duty Life-Saving Service.	Lieutenants in command.	On waiting orders.	Sick.	Total.
Captains	23		3	3	5	3			37
First lieutenants	18	3	3		5	11			37
Second lieutenants	31	2	1		2				36
Third lieutenants	23								24
Cadets	12								12
Captain of engineers		1							1
Chief engineers	29		4						35
First assistant engineers	14		2				1		17
Second assistant engineers	16		1				2		19
Constructor			1						1
Total	23	143	9	12	12	11	8		219

Mr. MANN. Now, I am not criticising these gentlemen for being on shore at all; but if the naval officers of the same grade on shore have 15 per cent less pay, why should these gentlemen have higher pay? You know that it will mean that the Navy officers will insist that their pay be increased. Perhaps that is true. If so, increase them both at once.

Mr. MAHON. You give these men less pay when they are retired than naval officers receive, and you want to cut down their pay on shore.

Mr. MANN. No, sir; this bill proposes to give them the same pay on the water as the naval officers and 15 per cent more pay on shore than the naval officers.

Mr. HEPBURN. Let me ask the gentleman if he understands this matter as I do. You propose by this amendment to place them on retirement on the same ground as the naval officers.

Mr. MANN. No; this is their pay for active service.

Mr. HEPBURN. But that fixes the retirement pay.

Mr. MANN. No, sir.

Mr. HEPBURN. Yes; that fixes the retirement pay, and your proposition would retire each one of them with a grade higher. Of course that would not affect captains, because there is no grade higher, but it would affect all lieutenants. Is that what you want to do?

Mr. MANN. The gentleman is now endeavoring to discuss the retirement feature of this bill. We are endeavoring to discuss the pay in active service under the bill.

Mr. HEPBURN. The retirement pay is based on the active pay.

Mr. MANN. The gentleman wants to pay revenue-cutter officers in active service 15 per cent more than the naval officers of the corresponding grade receive. There is no question about it, and the gentleman admits it. [Cries of "Vote!" "Vote!"]

Mr. LACEY. Mr. Chairman, let us not vote until we know what we are voting about. I would like to ask my colleague, who is fully acquainted with all the facts, if the same corresponding rank in the Army and Navy have the same pay. Is that correct?

Mr. HEPBURN. What does the gentleman mean by corresponding rank?

Mr. LACEY. That is, a man who has corresponding rank with a captain of the Army, would his pay be the equivalent of the pay of a captain in the Army? Is that correct? I mean, a man who had the corresponding rank with a captain in the Army would draw pay equivalent to the pay of a captain in the Army; but if he was in the Navy, with the same identical rank, he would draw 15 per cent less when on shore duty.

Mr. HEPBURN. Where do you find that?

Mr. LACEY. I am trying to find out the facts.

Mr. HEPBURN. The pay of the Navy is based on the pay of the Army. When the pay of the Army was fixed, there was no Navy; but when the naval establishment came into existence their pay was based on the pay of the Army, and that is the condition to-day, as I understand it.

Mr. LACEY. And if that is so, the naval officer on shore draws 15 per cent less than when he is at sea, but the revenue officer will draw precisely the same as he would when at sea. If that is true, it ought not to be, and we ought not to vote upon it until we find out the facts. If that is correct, we ought to adopt the amendment; and when we come to give them retirement simply say that they shall not be retired one grade higher, as in the Navy. From the statement made by my colleague, this amendment ought be adopted.

When an officer of the Navy is on shore he gets 15 per cent less, and this bill would give the revenue men the full pay. That would be the legal effect of it if this amendment is not adopted. I was simply trying to get the facts. I have thus far been listening to this debate without taking any part in it. If these be the facts, we ought to adopt the amendment proposed by the gentleman from Colorado.

Mr. LITTLEFIELD. Does the gentleman understand that a captain of the Revenue-Cutter Service ranks with a captain in the Navy?

Mr. LACEY. I am talking about the assimilated rank, as in the Navy.

Mr. LITTLEFIELD. This does not say "assimilated" rank, but corresponding rank.

Mr. LACEY. Corresponding rank has practically the same meaning. So that the rank being the same, the Revenue-Cutter officer will get 15 per cent more pay than the naval officer does when he is on shore.

Mr. LITTLEFIELD. When the naval officer is on shore?

Mr. LACEY. The most of them are on shore.

Mr. LITTLEFIELD. What, the Navy?

Mr. LACEY. The Revenue-Cutter Service officers.

Mr. LOUDENSLAGER. They are always at sea.

Mr. LACEY. Over 40 of them are now on shore, and those 40 would draw 15 per cent more than Navy officers do when they are on shore duty.

Mr. LITTLEFIELD. But that 40 includes those on the retired list, does it not?

Mr. LACEY. If there was only one of these instead of 40, it is wrong. The proposition is unworthy. We ought to be just to the Navy. In trying to make the Revenue-Cutter men equal to the Navy we should not put them on a better plane.

Mr. HEPBURN. I think my friend does not understand what he is talking about.

Mr. LACEY. I am endeavoring to get the facts.

Mr. HEPBURN. You have been opposing the bill?

Mr. LACEY. I have never spoken against the bill.

Mr. HEPBURN (continuing). And therefore I doubt very much your sincerity in this matter.

Mr. LACEY. I do not question the gentleman's sincerity.

Mr. HEPBURN (continuing). Especially in view of the section—

The CHAIRMAN. Gentlemen will not impugn the motives of fellow-members.

Mr. HEPBURN. I was not impugning the motive; I was stating a historical fact.

Mr. LACEY. Well, then, it will become history that my friend has put into the RECORD what I expected to put there a little later when I shall record my vote against the bill.

Mr. HEPBURN. The act of March 3, 1899, provides, in section 12, that—

After June 30, 1899, commissioned officers of the line of the Navy and of the Medical and Pay Corps shall receive the same pay and allowances except for forage as are or may be provided for by or in pursuance of law for officers of corresponding rank in the Navy.

Mr. LACEY. For officers of the corresponding rank of the Army.

Mr. HEPBURN. Very well.

Mr. LACEY. Now, how about the other provision about 15 per cent less on shore?

Mr. HEPBURN. The pay of the Navy has always been based on the pay of the Army, and we have based this in pursuance of all precedents.

Mr. SHAFROTH. But there is the 15 per cent difference in the pay when the naval officer is on shore.

Mr. HEPBURN. We will consent to it if the House says so.

Mr. SHAFROTH. But that says that the pay shall be 15 per cent less on shore.

Mr. HEPBURN. We do not agree to have the enemies of the bill fix it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LACEY. I would like to have two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. We have at last got at the fact, as I understand it, and that is this: While the rate of the pay is the same, a man that has the corresponding rank in the Revenue-Cutter Service

has the same pay as a like officer in the Navy. We have got at last the fact that is important for us all to know. If that is true, why should we make a provision that these Revenue-Cutter officers shall not have their pay discounted while on shore the same as a naval officer? The amendment of the gentleman from Colorado simply puts the Revenue-Cutter officer on the same footing as the naval officer instead of upon a better footing. I am surprised that my colleague in his zeal should insist on giving 15 per cent more to the officers of the Revenue-Cutter Service than to the officers of the Navy.

Mr. SHAFROTH. Mr. Chairman, I want to call the attention of the gentleman from Iowa to a letter from the Paymaster-General of the United States Navy, in which he answers the question, What would be the pay of a lieutenant-commander of the Navy, both on shore and on sea service? And here is his answer:

WASHINGTON, D. C., February 26, 1903.

SIR: The Bureau is in receipt of your letter of the 24th instant, requesting the rate of pay of a lieutenant-commander in the Navy who has a service of twenty years, both for sea duty and shore duty; and in reply thereto begs to inform you that an officer of this rank and service receives, while at sea, \$3,500, without any allowances, and on shore, in the United States, \$2,975 and quarters. If quarters are not furnished in kind, he is entitled to commutation thereof at the rate of \$48 per month.

Respectfully,

A. S. KENNY,

Paymaster-General United States Navy.

HON. JAMES R. MANN,  
House of Representatives, Washington, D. C.

There is a statement of the Paymaster-General of the Navy made on the 26th of February of this year, in which he says that the difference between the pay of an officer of the Navy holding the rank of lieutenant-commander at sea and on shore is 15 per cent more at sea than the corresponding officer would receive on shore, and that ought to settle it.

Now, Mr. Chairman, it seems to me in view of that fact there ought to be no objection whatever to the passage of this amendment which substitutes the pay of the Navy as applied to this service instead of the pay of the Army. It would be a discrimination against the Navy to say that these officers of the Revenue-Cutter Service for the same identical shore duty should receive 15 per cent more salary than the corresponding officers of the Navy.

Mr. Chairman, it will result without the peradventure of a doubt in a bill coming into this House, and result in the passage of a bill increasing the pay of the naval officers on shore duty to correspond to the pay of the officers of the Revenue-Cutter Service on shore duty. Not only that, Mr. Chairman, but from the standpoint of the best service there ought to be a distinction between shore duty and sea duty. If a Revenue-Cutter officer gets the same pay on shore that he gets for sea duty, unquestionably he will always be seeking shore duty, and the result will be that men will not voluntarily go to sea when they can get the same pay by staying in port. Therefore it seems to me in the best interests of the service, in the interest of having uniformity in the Revenue-Cutter Service and in the naval service, that the amendment I have offered striking out the word "Army" and inserting the word "Navy" should be adopted.

Mr. SHERMAN. Mr. Chairman, I do not controvert the statement of the gentleman from Colorado as to what the statute is; but when you apply it to practice you come to a very different condition of facts. The highest grade in the Revenue-Cutter Service is that of captain, and that officer corresponds to lieutenant-commander in the Navy. The pay of such officer (lieutenant-commander) is \$3,500, and yet when the naval officer is assigned to shore duty, when he is brought here into the Department, when he is placed at the head of a bureau, I think the gentleman will find that there is not an exception that that officer is made a rear-admiral.

He takes the rank of a rear-admiral when he is placed in the Navy Department at the head of a bureau. His pay is thus increased \$1,000 a year. So, in fact and in practice, Mr. Chairman, although the law is as the gentleman from Colorado states it, in practice the naval officer when assigned to shore duty has increased pay rather than decreased pay.

Mr. MANN. I understood the gentleman from Iowa to say that one-half of the naval officers were on shore duty all the time. I know there are a great many rear-admirals, but I did not suppose one-half of the officers of the Navy were rear-admirals. [Laughter.]

Mr. NORTON. Mr. Chairman, I move to strike out the last two words. My purpose was to vote for this measure. I do not presume there is any man on the floor of this House that has a deeper interest in the Navy than I have myself, for all I have on earth is in the Navy. Yet I am willing to vote for this measure if the measure can be treated fairly and honestly.

I do not believe those who are opposing the measure are dishonest, neither do I believe those who are in favor of it intentionally intend to mislead the House; but I say to you it is a fact, and it is a fact that can not be controverted by the gentleman

from New York, that when a naval officer leaves the sea and comes upon shore duty he loses 15 per cent of his pay. Now, that distinction is absolutely in the statutes; and if the gentleman from Iowa [Mr. HEPBURN] had only read one line further he would have exposed the truth of that fact.

The pay of the Navy is based upon that of the Army, and when the naval officer is on shore his pay is 15 per cent less. And now you propose to step in here and do this for the Revenue Service: You propose to give these officers 15 per cent extra above that of the Navy, while you make no reduction upon the pay of the Army.

The gentleman says that when naval officers come ashore they are always assigned to service in the Navy Department. I beg leave to differ with the gentleman decidedly; and I want to tell him that naval officers have no allowance for quarters. If there are quarters for them at the navy-yard or elsewhere they get them; but otherwise they go into the city and rent their quarters and pay for them. That is the naked truth about the matter.

Let gentlemen treat this question fairly and honestly before the House. With the amendment now proposed, I will cheerfully vote for this bill. I have been lobbied, it is true, by both sides on this question, but I will say that I will vote for the bill cheerfully if you give us the amendment asked for by the gentleman from Colorado, which I believe is right and just; otherwise I will not.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The question is on the amendment of the gentleman from Colorado, which is to strike out the word "Army," and to insert in place thereof the word "Navy."

Mr. ROBERTS. I move to amend by striking out the last word.

Mr. Chairman, before the vote is taken on this proposition, it seems to me there is another phase of the question which should be fairly understood by this committee. It is said here that in supporting the section as proposed by the committee we are discriminating in favor of the officers of the Revenue-Cutter Service; and instances of officers of the Navy having their pay reduced on account of shore service are cited in proof of that statement.

Now, let me say right here, Mr. Chairman, that the benefit of this sea pay will only accrue permanently to two officers of the Revenue-Cutter Service. One is the chief of the service; the other the chief engineer of the service. Under the law those two officers are detailed to shore duty for a certain specific purpose; that is, to manage the affairs of that Bureau and to undertake or supervise the designing and construction of all the vessels built for the use of that Department.

Now, Mr. Chairman, when the Secretary of the Navy assigns men to shore duty at the head of similar bureaus, those men are advanced in grade, which means an increase of pay. If you adopt the amendment proposed here by the gentleman from Colorado, you in effect impose a penalty upon the officers of the Revenue-Cutter Service who are detailed ashore for this construction duty.

The statement of the chief of the service is that under normal conditions there may be in all 12 officers of this service on shore duty at one time; but 10 of these, being those outside of the two I have mentioned, are on shore merely for a day, a week, or a month or two; they are not stationed on shore for three years at a time, as are officers of the Navy. They are brought on shore for a very short time, at the expiration of which they go back to their ships. They do not get a permanent location on shore where they can locate their families, where they can hire a house and settle down. It seems to me that when we take this view of the matter, it is proper that these officers should get the full sea pay.

Mr. NORTON. Will the gentleman allow an interruption?

Mr. ROBERTS. Certainly; I yield.

Mr. NORTON. Does not the gentleman make a mistake when he undertakes to advise the House that naval officers are three years at sea and three years on shore? There is no such law as that at all.

Mr. ROBERTS. I have not stated that such is the law; I have stated that it is the practice of the Navy Department—a naval regulation which has the force and effect of law. And it must be within the observation of the gentleman from Ohio that when a naval officer is assigned as the head of a bureau he stays there at least during the continuance of the political administration that puts him there, and in many instances he stays there much longer, and being promoted he receives an increase of pay. Let me give you a concrete case. Take, for instance, the case of the recent Chief of the Bureau of Construction in the Navy Department. Prior to his advancement to the position of Chief of that Bureau he was a naval constructor. When he went up from the position of naval constructor, where, I believe, he ranked as a lieutenant in the Navy, he at once became a rear-admiral, drawing a rear-admiral's pay, this being compensation to him for the extra duty imposed on him by reason of this assignment.



Mr. NORTON. What about the thirty or forty or fifty men under him, that are out in the other departments, that are not at the Department—where do they get their rank?

Mr. ROBERTS. Those men are getting an equivalent.

Mr. NORTON. What is it?

Mr. ROBERTS. In almost every instance they are getting commutation in cold, hard cash for their quarters aboard ship.

Mr. LESSLER. I understand the naval constructor has no sea duty.

Mr. NORTON. Certainly not; we do not claim he has.

Mr. LESSLER. That is what you ask.

Mr. NORTON. No; I do not claim the naval constructor has any sea duty.

Mr. ROBERTS. Then will the gentleman kindly tell me what officers of the Navy are under the jurisdiction of the Chief of Bureau of Construction? I mean by that sailors, men who are supposed to be out on ships, and who are on shore—seamen. What officers of the Navy come under the Chief of Construction?

Mr. NORTON. I do not think there are any.

Mr. ROBERTS. Then there is no relevancy to the question of the gentleman from Ohio.

Mr. HEPBURN. Will the gentleman from Massachusetts yield a moment?

Mr. ROBERTS. Certainly.

Mr. HEPBURN. The gentleman from Ohio, who I think is on the Naval Committee—

Mr. NORTON. No; I am not. I wish I were.

Mr. HEPBURN. He is akin to the Navy.

Mr. ROBERTS. He has a kin in the Navy.

Mr. NORTON. So I have, and I am proud of it, too.

Mr. ROBERTS. So am I, and I wish there were more of them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. There is one provision of the law the gentleman from Ohio did not read. My statement was absolutely correct. A further proviso reads that no provision of this act shall operate to reduce the present pay of any commissioned officer now in the Navy, and in any case in which the pay of such an officer would otherwise be reduced he shall continue to receive pay according to existing law.

Mr. NORTON. Yes.

Mr. HEPBURN. What becomes, then, of your 15 per cent?

Mr. NORTON. Read the second provision.

Mr. HEPBURN. I have; and I say that there is no reduction, no 15 per cent reduction, of the pay of any officer in the Navy at the time of the passage of this bill.

Mr. NORTON. I do not know as to the time of the passage of this bill. I know this bill gives him 15 per cent reduction.

Mr. MANN. Mr. Chairman—

Several MEMBERS. Vote! Vote!

Mr. MANN. The friends of the bill will not help it in that way. There can be no possible question as to the reduction of pay on shore duty from sea pay. The personnel bill which the gentleman from Iowa referred to, as I understand it, provided that that bill should not operate to reduce pay. There is no possible question about there being a number of officers on shore. Now, the gentleman from Massachusetts [Mr. ROBERTS] made a suggestion which, it seems to me, the friends of this bill ought to adopt. I should be glad, although not intending to vote for the bill itself, to vote for an amendment to the bill which would give to the chief of the Revenue-Cutter Service and to the captain of engineers higher salaries. I am frank to admit that I do not believe that Captain Shoemaker and Captain Collins receive salaries fairly proportionate to the responsibilities which are placed upon them. As chiefs practically of a bureau, even under this bill they would receive only \$3,500 a year and commutation for quarters. I believe their salaries ought to be higher, but I can see no reason for giving higher salaries to other officials on shore than naval officers would receive in like positions.

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa [Mr. HEPBURN] just allow me to take his attention a moment? You say that there is no law in existence now that deducts 15 per cent from the pay of a naval officer.

Mr. HEPBURN. Two officers of the Navy who were officers on the 3d of March, 1899—

Mr. RICHARDSON of Alabama. How do you construe, then, section 1556 of the present statutes of the United States, which says that lieutenant-commanders—

Mr. HEPBURN. What is the date of that?

Mr. MANN. It is prior to 1899.

Mr. RICHARDSON of Alabama. Yet it is in existence under the personnel act which you have just read—under the proviso. This is the law that is in existence.

Mr. HEPBURN. Oh, no; I read the statute—the proviso exempting all officers in the Navy at the date of the passage of that act from the operation of that 15 per cent discount.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, the whole question is about this personnel act, and I undertook to read the proviso in the first few remarks that I made this afternoon, which was that it should not apply to the pay of naval officers as the law now exists. Now, what is that law that exists to-day? The personnel act did not repeal the question of compensation, and here is the law as I understand it:

Lieutenant-commanders during the first four years after date of commission, when at sea, \$2,800; on shore duty, \$2,400; on leave or waiting orders, \$2,000; after four years from such date, when at sea, \$3,000; on shore duty, \$2,600; on leave or waiting orders, \$2,200.

And, Mr. Chairman, that is the law to-day, and there has not been any contradiction or denial of the fact that a captain to-day in the Revenue Service, under this bill, who has corresponding rank and pay with the officer in the Navy, as I have just read, does get larger pay than a lieutenant-commander in the Navy. That is the statute as it exists, just as I have read it, and it applies to officers all down the line, and when they are on shore duty 15 per cent is deducted from their pay. Is that deduction in any way made in the case of a captain in the Revenue Service, corresponding with the rank of a lieutenant-commander in the Navy? No man can say that it is.

Mr. SHERMAN. I move that all debate on this paragraph and amendment be closed in one minute.

Mr. SHAFROTH. Mr. Chairman—

Mr. NORTON. I ask the gentleman to yield that one minute to me.

The CHAIRMAN. Does the gentleman from New York insist on his motion?

Mr. SHERMAN. Certainly.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendment close in one minute.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. LACEY. Division.

Mr. SHAFROTH. Mr. Chairman—

The CHAIRMAN. The gentleman from Colorado.

Mr. LACEY. Division.

The CHAIRMAN. A division is demanded. Those in favor of the motion will rise.

Mr. ROBERTS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROBERTS. I understood the Chair to recognize the gentleman from Colorado [Mr. SHAFROTH] before recognizing the call for a division.

The CHAIRMAN. The Chair will state that the gentleman from Iowa [Mr. LACEY] was on his feet demanding a division, but the Chair did not distinctly hear him until he spoke the second time.

The committee divided; and there were—ayes 70, nays 36.

Accordingly the motion was agreed to.

Mr. SHAFROTH. Mr. Chairman, no matter what the gentleman from Iowa [Mr. HEPBURN] may say, we have a letter from the Paymaster-General of the Navy which says that in the month of February he was paying officers of the Navy on shore 15 per cent less than he was paying Navy officers on sea duty. It seems to me that ought to settle the question whether we can now turn to the particular statute that authorizes it or not.

Mr. Chairman, the gentleman from Massachusetts [Mr. ROBERTS] says that we are discriminating against the Revenue-Cutter Service by the adoption of this amendment. Why, Mr. Chairman, we are increasing the pay of a captain who has had twenty years' service 40 per cent, giving him \$3,500 a year and a commutation of quarters of \$576 per annum, when he has had heretofore a salary of \$2,500 a year and commutation of quarters of \$480 per annum. We are increasing his compensation for quarters by giving him \$48 per month instead of \$40 per month. That is not discriminating against the Revenue-Cutter Service. It is giving them a large and liberal increase of compensation. If we make a difference between the compensation of the Navy and Revenue-Cutter officers there will continually be a quarrel as to their salaries.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Colorado [Mr. SHAFROTH] to strike out the word "Army" and insert in lieu thereof the word "Navy."

The question being taken on a division (demanded by Mr. SHERMAN), there were—ayes 75, nays 76.

Mr. SHAFROTH. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. SHAFROTH and Mr. SHERMAN.

The committee again divided; and there were—ayes 76, nays 89. Accordingly the amendment was rejected.

Mr. LACEY. I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which will be read by the Clerk.

Mr. LACEY. It is to be added to the section as a proviso.

The Clerk read as follows:

Add at the end of section 3 the following:

"Provided, That the same reduction of pay shall be made for shore duty as in corresponding grades in the Navy."

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Iowa.

Mr. SHERMAN. I raise the point of order that precisely the same amendment, only in different phraseology, has just been voted down.

Mr. LACEY. I should like to be heard on the point of order.

Mr. SHERMAN. We have voted what the pay should be. We have voted that it should be Army pay. This amendment provides that it shall be Navy pay. That is precisely the same question upon which we have just this moment taken a vote by tellers.

Mr. LACEY. And we voted it down on the mistaken statement of gentlemen that there was no shore reduction. Now, here is a proviso that if there is shore reduction in the Navy there shall also be shore reduction in this service. If there is no shore reduction, then, of course, the proviso will not hurt them. It is an entirely different provision, even if the legal effect should be the same.

Mr. SHERMAN. Why, Mr. Chairman, it does not make any difference whether the gentleman voted under a misapprehension or not; this is precisely the question that was voted down. It is the very same amendment, simply changing the phraseology, and nothing else.

The CHAIRMAN. The motion just voted down was the motion of the gentleman from Colorado to strike out the word "Army," and insert in lieu thereof the word "Navy." The amendment offered by the gentleman from Iowa is to add at the end of the section the following words:

Provided, That the same reduction of pay shall be made for shore duty as in corresponding grades of the Navy.

The language of the pending amendment is certainly very different from that of the amendment already rejected. The Chair can not say, from anything appearing in the bill or anything that has been submitted, that it is the same amendment. In terms it is a very different amendment. What the effect may be of adopting the amendment is for the committee to consider and not for the Chair to decide. The point of order is therefore overruled. The question is on the adoption of the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LACEY. Division.

The committee divided; and there were—ayes 68, noes 89.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That when any officer in the Revenue-Cutter Service has reached the age of 64 years he shall be retired by the President from active service; and when any officer has become incapable of performing the duties of his office he shall be either placed upon the retired waiting-orders list or dropped from the service by the President, as hereinafter provided.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out section 4 of the bill.

Now, Mr. Chairman, this section provides for these officers being put upon a civil-pension list. That is all that it amounts to. You may call it a retirement list or you may call this list anything that you want to, but in the end it puts civil employees on a retirement list, where they will receive three-fourths pay for the balance of their lives after they have ceased to work for the Government. Now, since the beginning of this Government this Revenue-Cutter Service has been in existence. There is no man on this floor that denies that it has been an efficient service; there is no man on this floor who denies that under existing law we have been able to obtain the services of competent and efficient men to serve the Government.

We hear gentlemen on this floor quote in this debate from Secretary this and Secretary that, what the Secretary of the Navy has to say, and what the Secretary of the Treasury has to say, and what a retired Secretary has to say, and what an active Secretary has to say; we hear from Admiral this and Admiral that, and Paymaster this and Paymaster that, and what he thinks we should do in this matter. I say, Mr. Chairman, that the time has come when the American Congress ought to be able to legislate on its own judgment, and not have to run like messenger boys to a department to ascertain how they shall vote. There is no man here that can deny the present efficiency of this service or seeks to deny it. There is no man in this House who has asserted that the efficiency of this service is going to be increased one jot or one tittle by giving this civil-retirement list to these officers. Not a man in the debate that has taken place, not one man, has asserted that you are going to improve the service by putting this provision in this bill.

Every gentleman who favors the bill has lauded the service;

has told us what an efficient service it was. Well, now, instead of asking rear-admirals, vice-admirals, and retired admirals and active admirals how we shall vote in this matter, suppose we in our consciences ask our constituents as to whether they want to adopt and put on the statute books a civil-retirement pension list for service that admittedly does not need it. Shall we pay these men this money after they have retired, when every man admits that the service is efficient now? What can you say to your constituents as the reason for giving to officers of this service this bonus if the service is as efficient to-day as you say it is? And if you can not, why then you are going to open the public treasury and give a lot of pleasant gentlemen, because they lobby with you, and ask you to do it—you are going to give them this increase of pay without any return to the National Government.

Mr. LITTLEFIELD. Mr. Chairman, just a few moments. I more than agree, after listening to the gentleman from Alabama and hearing the reasons that he gives for the conclusions at which he arrives, that he cares but little about the language of this bill.

He says that it does not make any difference how this bill reads, and I am rather inclined to think that is a fact. It does not make any difference what anybody says about it or what anybody thinks about it; it means exactly "what I know" and "what I say" and "what the gentleman from Alabama says it means."

Mr. UNDERWOOD. Does the gentleman deny that it makes a retired list?

Mr. LITTLEFIELD. No; the gentleman does not.

Mr. UNDERWOOD. Does the gentleman deny the efficiency of the service now?

Mr. LITTLEFIELD. Not at all. I say it makes a retirement list. Does the gentleman know, and does the gentleman suppose that just because he says he does not want to inquire of the Secretary of the Treasury, nor does he want to inquire of the Secretary of the Navy, nor does he want to have this admiral or that advise us that no one else cares to do so. His hypothesis is that the less a man knows the better he is qualified to exercise his judgment as a representative of the American people. That is his proposition. Do not investigate a question, do not, in God's name, ask anybody who knows anything about it—

Mr. UNDERWOOD. If the gentleman from Maine assumes—

Mr. LITTLEFIELD. Do not trouble yourself about the gentleman from Maine; the gentleman from Maine will look out for himself. The gentleman from Alabama said he would not bother about admirals or about Secretaries of the Navy; he would look out for himself. I do not suppose he would even read or let himself be informed, because the less information a man has the more intelligent he is. Undoubtedly when he undertakes to act on a question he would consult his constituents. That is what he would do. It would be very unfortunate if hereafter a question arose in this House that required immediate action if the gentleman from Alabama did not have time to consult his constituents [laughter], because if he does not have the time he would not know how to vote. It would not do to ask the head of a department; it would not do to ask any representative of a department, because he may know what he is talking about; and if he did ask him he might get some information, and then he might act intelligently upon the information. [Laughter.] It is a mighty sight better to act upon misinformation or absolutely no information.

The gentleman asked me if the section does not provide for retirement. Of course it does; that is how it reads. No matter how it reads or what anybody says about it, he says, but I think it means what it says, and it reads that way.

Then the gentleman says that this is the first time that any attempt has been made to put these men on the retired list. Oh, this awful bugbear of a civil pension list; this terrible picture that they have conjured up, this "cloven foot," as my other friend from Alabama called it—the cat under the meal, and with no meal hardly over the cat. [Laughter.] What is the effect of it? The gentleman knows, or he would have known if he had listened to my friend from Iowa, that on two several occasions it has been necessary for the American Congress in the exercise of its wisdom to pass a retirement bill without consulting its constituents. Now, I do not know but there may be a constituent of the gentleman from Alabama that has consulted more than was necessary for the welfare of this bill from his point of view.

But on two occasions the American Congress, in its wisdom, has found it necessary to retire by special act men in this Revenue-Cutter Service. Why? Because they were considered not civil employees, but a part of the naval establishment of this Government, distinctly naval in their character, and that by reason of their service, its peculiar character, and the fact that men once enlisted and trained in that service are in a sense unfitted for other services, on two occasions it has been necessary to relieve the congestion by a special act of Congress and place these men on the retired list because they were incapacitated for further service.

No crack of doom, so far as I know, has opened itself wide to



ingulf either the American Congress or destroy the American people by reason of those two special acts, and the ship of state has not drifted anywhere near the rocks by reason of those two special acts of Congress. Nor was there, so far as I have been informed, any upheaval on the part of the constituents. This simply provides by general law for the retirement of these men under precisely the same circumstances, and would make it unnecessary hereafter for the Congress to pass this special legislation to relieve this congestion in this service.

Now, I think, Mr. Chairman, that the suggestion of the gentleman should hardly be adopted by the members of the House, because the bill places these men not on a par even with the Navy, as is well suggested by the gentleman from Iowa [Mr. HEPBURN]; because in many important particulars and respects the law now relating to retirement is vastly more favorable to the naval officer, with which I make no complaint and with which I find no fault, than is this bill to the revenue-cutter officer, but it provides a way of placing them upon this list. If it did constitute a thin entering wedge, if it was a civil-pension list, I would agree with the gentleman from Alabama [Mr. RICHARDSON] and be glad to follow his lead on this proposition, but I respectfully disagree with his conclusions, and I submit, under a fair analysis of the situation, it seems to me that no proper consideration of facts can justify the suggestion that the Revenue-Cutter Service is in any fair, proper sense a civil employment and is not entitled to the same treatment that the Navy receives in this respect.

Mr. UNDERWOOD rose.

Mr. LITTLEFIELD. Does the gentleman rise to a question?

Mr. SHERMAN. Mr. Chairman, I move that debate on this section and amendment be closed in two minutes.

Mr. UNDERWOOD. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves that all debate upon the pending section and amendment be closed—

Mr. SHERMAN. I will make it two minutes.

The CHAIRMAN. In two minutes.

The question was taken; and on a division (called for by Mr. UNDERWOOD) there were—ayes 77, noes 66.

Mr. UNDERWOOD. I ask for tellers.

Tellers were ordered; and Mr. UNDERWOOD and Mr. SHERMAN were appointed.

The committee divided; and the tellers reported—ayes 70, noes 65. So the motion to close the debate in two minutes was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I am sorry the committee has seen fit to cut off debate on this proposition. After what the gentleman from Maine [Mr. LITTLEFIELD] has seen fit to say in his exceedingly humorous and funny speech, I have little to say. The gentleman from Maine has played many parts in this House. I think it is the first time that I have ever seen him assume to play the rôle of the cap and bells; but he performs his part well, there is no doubt about that. [Laughter.] On the other hand, my friend from Maine states that I assume to know it all. Well, now, I do assume to know something, and probably I did assume to know it all until the gentleman from Maine came to this House [laughter]; but ever since the gentleman from Maine has been a member of this House I have found that he was not only capable of knowing it all, but of telling it and giving advice not only to his own party, whether they agreed with him or not, but to this side of the House as well. [Laughter.]

As the gentleman from Maine has never seen fit or necessary to go to anybody else for advice, except himself, I was therefore rather surprised when the gentleman objected to some few of us on this side consulting our constituencies rather than high admirals in authority. Now, as to the real merits in the case, the reason I say we should not go to admirals or Revenue-Cutter officers or persons of that kind for advice as to how we should vote, is simply from the fact that every one of those men are interested in some degree in the decision of the House in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Whereas we and our constituencies are only interested in good service to the Government and the revenues in the Treasury.

The CHAIRMAN. The question is on the adoption of the motion of the gentleman from Alabama to strike out the fourth section of the bill.

The question was taken; on a division called for by Mr. UNDERWOOD, there were—ayes 44 and noes 97.

Mr. UNDERWOOD. Tellers, Mr. Chairman.

The question being taken, and the demand for tellers, they were refused, 19 members, not one-fifth of a quorum, rising in support of the demand.

So the motion was not agreed to.

The Clerk read as follows:

SEC. 5. That the Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Revenue-Cutter Service retiring board, composed of officers of the Revenue-Cutter Service and medical officers of the Marine-Hospital Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers

of the Marine-Hospital Service, for the purpose of examining and reporting on such officers of the Revenue-Cutter Service as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds an officer incapacitated for active service it shall also find and report the cause which, in its judgment, has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

Mr. MANN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 5, line 4, page 3, by striking out the words "revenue cutter" and inserting the word "navy."

Mr. MANN. Mr. Chairman, I recognize the futility of endeavoring to amend this bill against the objection of the gentlemen who have it in charge. This is an amendment which would, under ordinary circumstances, be accepted as proper, but I have no hope that they will accept it now when it is offered to them in this way.

Mr. Chairman, I was not able to hear the entire argument of the gentleman from Iowa [Mr. HEPBURN] this afternoon, because I felt the need of inner refreshment. During my absence from the Hall the gentleman, in a facetious tone, referred to me, saying that if there were anything in the theory of the transmigration of souls, "the gentleman from Illinois," referring to myself, "would at some future day be reincarnated and appear as a mule with four hind legs, all in vigorous operation." [Laughter.]

My remembrance is that the theory of the transmigration of souls is one which is held in the far East, in India, among the Hindoos. I do not pretend to have great knowledge in reference to that theory or great knowledge, indeed, in reference to any other subject; but the gentleman having compared me to a Hindoo, I may say that I feel very much like the Hindoo described in a rhyme which some of us have heard:

The poor benighted Hindoo,  
He does the best he kindo.  
He sticks to caste from first to last;  
And for clothes he makes his skindo.

[Laughter.]

The question being taken on the amendment of Mr. MANN, it was rejected.

Mr. McDERMOTT. Mr. Chairman, while I intend to vote for this bill, I shall not do so under any misapprehension of its true relation to the Government of the United States. The Revenue-Cutter Service is not a part of the War Department of the United States, neither is it a part of the Navy. Its incidental connection with the Spanish-American war no more justifies the crediting of the Revenue-Cutter Service to either of those departments than does the fact that bakers, butchers, printers, merchants, and lawyers fought in that war justify the placing of those engaged in those employments under the care of those departments. The regular duty of the revenue cutters is not in the line of war, and the employees of that service render aid in time of war for reasons but slightly different from those which summon all citizens to bear arms.

The attempt to pass this bill under the guise of legislation for the War or Navy Department is one that disposes me against it; but I believe that the measure has merits which justify it as legislation for our civil service.

My vote is for this bill on the same grounds that it would be for the pensioning of a policeman, a fireman, or a school-teacher who had grown old in the public service, and I do not propose to resort to the subterfuge of saying that the Revenue-Cutter crews are in the Navy. They are employed in most dangerous service, and will, of course, be serviceable in times of war. But they are not in the employ of the War or Navy Department. Their pay rolls are in the Treasury Department, and they are under the control of that Department. The trend of the age includes protection and support for those who grow old and incapacitated in service, and this whether the service is public or private. The great corporations of the country are moving in this direction, and it will make for the betterment of their relations with their employees. The dangers of a "retirement list" have been very much exaggerated, and if the civil service of this country could be so reformed as to abolish sinecures: if the Government could be placed in a position that it was called upon to pay only for work rendered, higher, better service would be promoted by a "retirement list," properly started and properly guarded. The trouble now is that the civil pay rolls of the National Government are, to an alarming extent, "retirement lists," upon which are found the names of those who render little or no service. Purge the civil lists of these names and the people will be willing to see a civil-service "retirement list" passed by any Congress. To those

who are advocating this bill, but declaring that they would not do so if it could be shown to open the way to a civil-service "retirement list," I beg to say that they are not deceiving even themselves. A good measure does not need the support of unsound pleading, and in casting my vote for the bill I desire to utterly reject the proposition that it is a measure connected with the Army or Navy Department.

The CHAIRMAN. Without objection, the pro forma amendment will be regarded as withdrawn. The Clerk will read the next section.

The Clerk read as follows:

SEC. 6. That when a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

Mr. MANN. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend section 6 by adding at the end thereof the following:

"Provided, That no officer shall be placed on the retired waiting-orders list because of infirmity of age who has not served in the Revenue-Cutter Service at least forty years, and no officer shall be placed on said waiting-orders list by reason of physical or mental disability who has not served in the Revenue-Cutter Service at least twenty years, unless said physical or mental disability is the result of injury incurred in the line of active duty in the service."

Mr. MANN. Mr. Chairman, the present provision is that a Revenue-Cutter officer must enlist in the service or enter the service as a cadet in the line before he is 23 years old. That is the regulation. The law, I believe, is 25 years. This amendment would prevent his retirement for age unless he had been in the service forty years, either in the Revenue-Cutter Service or in the Navy and the Revenue-Cutter Service combined. It seems to me that in addition to that it is a fair proposition that no officer in the Revenue-Cutter Service shall be retired for disability which is not incurred in the service unless he has been in the service for twenty years.

We know very well, every member of the House knows perfectly well, that the moment you permit a board of Revenue-Cutter officers to retire Revenue-Cutter officers we shall have the conditions in the Revenue-Cutter Service which Secretary Root says now exist in the Army service, and which Congress has been endeavoring to remedy in the Army service.

A retiring board of Revenue-Cutter officers has the incentive at once to retire officers in order to make places for the junior officers below them, and unless there is a limitation of some kind placed in the bill there will shortly be more Revenue-Cutter officers on the retired list than there are upon the active list.

The Secretary of War is now recommending that some provision be inserted covering the present trouble in reference to the Army retired list, and it occurs to me that it will not harm anybody to say that they shall not be retired for age short of forty years' service or for incapacity caused other than by injury in the service short of twenty years. I do not see how the gentleman can make any objection to that provision.

Mr. GROSVENOR. Mr. Chairman, this is a discrimination that applies to no other branch of the service, and is manifestly an attempt to fasten an unfriendly amendment upon the bill. I hope it will be voted down.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement: *Provided*, That all promotions shall be subject to examination to determine the professional qualifications of the candidates, and such examination shall be wholly written before a board of officers of the Revenue-Cutter Service, and their physical qualifications shall be reported upon by a board of medical officers of the Marine-Hospital Service; and such board shall be convened by the Secretary of the Treasury whenever the exigencies of the service require.

Mr. MANN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment which will be reported by the Clerk.

Mr. MANN. I do this even at the risk of incurring the displeasure of the distinguished gentleman from Ohio [Mr. GROSVENOR].

The CHAIRMAN. One moment. Let the amendment be read.

The Clerk read as follows:

Amend section 8, line 19, page 4, by striking out the words "according to the established rules of the service."

Mr. MANN. Mr. Chairman, if anybody can tell me what the "established rules of the service" are, I shall be very much delighted to hear him. Here is a proposition absolutely taking out of the control of the President or of Congress, or out of the control of

the law, any question in regard to the promotion of officers. They shall be promoted according to the "established rules of the service"—rules which may be established now or rules which may be established hereafter. It is a queer provision to put in the law, notwithstanding the opinion of the gentleman from Ohio [Mr. GROSVENOR], who, with that versatility which he has, stands pat upon a proposition without regard to its reasoning.

I suppose the gentleman from Ohio is getting himself in preparation for forcing this side of the House to vote exactly as he demands that they shall vote upon the proposition for reciprocity with Cuba. It looks dangerous to see anybody offer an amendment to a bill, and I suggest his attitude as a fine example for the humorist from Maine, who, to his title of "expounder of the Constitution," has now added that of the "funny man from the Northeast." [Laughter.]

Mr. LACEY. I move to amend the amendment by striking out, after the word "service," the remainder of line 18.

The CHAIRMAN. The gentleman from Iowa moves to amend the amendment by striking out, after the word "service," the remainder of line 18.

Mr. LACEY. Mr. Chairman, this is clearly an unconstitutional law that we are passing. I am not surprised to see gentlemen laugh at the suggestion of the Constitution. "What is the Constitution, anyhow, between friends?" as has been suggested by a statesman.

A MEMBER. That suggestion originally came from the other side of the House.

The CHAIRMAN. Will the gentleman from Iowa kindly send up his amendment?

Mr. LACEY. It is simply to strike out all after the word "service" in line 18.

The CHAIRMAN. The Chair is of opinion that that should be offered as an independent amendment, rather than as an amendment to the amendment.

Mr. LACEY. It is a part of the same proposition. I ask the gentleman from Illinois [Mr. MANN] if he will accept the amendment?

Mr. MANN. I do not know what the provision is.

Mr. LACEY. The amendment is to strike out the provision which requires the President to always promote the next man in rank.

The CHAIRMAN. Without objection the amendment will be considered, but otherwise the Chair would have to rule it out of order at this time.

Mr. LACEY. No one has made the point of order.

The CHAIRMAN. As there is no objection, the amendment will be considered.

Mr. MANN. I understood the gentleman to say that he was endeavoring to explain the point of the Constitution, and this was unconstitutional. I would like to ask the gentleman if he has the opinion of the gentleman from Maine upon the Constitution? [Laughter.]

Mr. LACEY. I think we can get at that by leaving out the constitutional question.

Mr. MANN. If you leave out the Constitution, there is no use of our considering the constitutional question.

Mr. LACEY. Mr. Chairman, I may not get the attention of the gentleman from Maine, but the Chair is a constitutional lawyer, and I will address him, and over his head the members of the committee. Here is a proposition that the next officer in rank shall in all cases be promoted, so that the next man is entitled to his promotion, without any reference to the fact that the Constitution of the United States, which creates so much amusement among some gentlemen here now, gives the appointing power to the President of the United States. I do not believe that we can constitutionally enact a law compelling the President of the United States in all cases to select the next man in rank for any office.

Mr. GROSVENOR. Mr. Chairman, this is the law of the country in regard to promotions in the Army and Navy, and has been for more than a hundred years; and the idea that the gentleman has fallen upon is a law of Congress attempting to compel an appointment by the President where no provision of law is made to appoint a certain man or a man of a certain rank. But the army organization to-day provides, and always has, that up to the rank of brigadier-general the next in seniority of service shall be promoted. "Shall be" is the language and always has been. That constitutional question that the gentleman presents does not come into this question in any way whatever.

Mr. MANN. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. Yes; certainly.

Mr. MANN. Not in reference to that point, but in reference to another point in the same connection, which says that the promotion shall be subject to examination. That is in section 8. Now, I call the gentleman's attention to this point. Undoubtedly it is the design that the examination, both mental and physical,



shall be reported upon favorably. The bill does not so state, and I do not know whether that section as it stands is in conformity with the law relating to the Army and the Navy or not, though it may have a construction that way. It says it shall be subject to examination.

Mr. GROSVENOR. All promotions in the Army and Navy are made after examination.

Mr. MANN. I understand they are. "Subject to examination" is put in here. The law requires that the board shall report favorably both upon the mental and physical qualifications. Here it only says he shall be examined, but does not require that the examination shall be favorable.

Mr. GROSVENOR. The gentleman is not serious in that.

Mr. MANN. I am serious.

Mr. GROSVENOR. I am sorry if the gentleman is. That is always implied.

Mr. MANN. If the gentleman can not answer—

Mr. GROSVENOR. It is implied, as a matter of course, that the examination for promotion shall result favorably. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Iowa to the amendment proposed by the gentleman from Illinois.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 9. That all officers borne upon the retired or permanent waiting-orders list at the date of the passage of this act, or hereafter, shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add to section 9 the following:

"Provided, That no such longevity increase of pay shall be allowed for any length of service after retirement."

Mr. LACEY. Mr. Chairman, this matter was discussed the other day on the Army appropriation bill, and the attempt was made to embody this provision in that bill, but a point of order was made that it changed existing law. It was conceded by everybody—

Mr. SHERMAN. The committee will accept the amendment.

Mr. LACEY. Very well.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 9 by striking out, after the word "officers," in line 5, the following: "Borne upon the retired or permanent waiting-orders list at the date of the passage of this act, or hereafter," and insert in place thereof the following: "hereafter placed upon the retired or permanent retired or waiting-orders list."

Mr. RICHARDSON of Alabama. Mr. Chairman, the amendment I have just offered is aimed at one of the worst features of this bill—a bill, Mr. Chairman, whose supporters seem recklessly determined to pass it just as it is, regardless of consequences. Section 9 is in the nature of an ex post facto law. It is retroactive. It seems to me that it is a very rare emergency that makes it necessary for a law to be retroactive. Now, what occasion, what justice and fairness is there in framing this section as it reads and making it relate back to those on the "retired and waiting orders list" who now receive the handsome annuity of \$1,250?

These officers are simply incapable of rendering the Government any service. This law, retroactive as it is, goes back to those who are now on the retired list—the halt, the maimed—those whose health is gone, and takes men by the hand and brings them up and gives them the full benefit of the proposed law regardless of any service whatsoever. These men on the retired list are not complaining. Their compensation is ample. They are content with their labors and their pay, but to satisfy a vain and empty pride and ambition the Congress is asked to thrust its hand into the pockets of the taxpayers of this country and grant this unjust and unreasonable demand for increased pay on a civil pension list.

This section of the bill is offensive, Mr. Chairman, in every respect and in defiance of those great principles and dictates of common justice and common sense prevailing in the minds of the people of this country that a law or statute ought not to be retroactive; it ought not to go back and put a man in a far better position pecuniarily to-day than he was when he accepted retirement of his own volition and on his own application. That is what this section means. It reads "upon which they have been or may be retired."

Why, Mr. Chairman, what justification can we give for that? Have these men on this retired or waiting-orders list given any additional reason since their voluntary retirement why they should be made the recipients of this generous bounty? They are not capable of rendering any service. Is this any reason for paying them a higher salary than when they were on the active list? Is it for services that they have rendered in the past? If so, then the law has already paid them. They are now on the "retired list on waiting orders." This section is really one of the most objectionable features in the whole bill. I know, Mr. Chairman, that some of the supporters of this bill apparently are careless and indifferent as to its real purport. This is a Senate bill that we are considering, and when this House passes it, as it seems determined to do, the chances are that it will become a law of the land. It will not be the last of it. It will come back to us in the shape of numberless demands to place other just as worthy, just as courageous and efficient servants and employees of the Government on a retired civil-pension list for life. I can see them now in the future coming in troops to this Capitol.

Mr. MANN. Mr. Chairman, when the naval personnel bill was passed, this identical question was presented which the gentleman from Alabama presents by his amendment. We have heard all this talk about placing the officers of the Revenue-Cutter Service on a par with the Navy. The personnel bill excepted the officers of the retired list of the Navy so that under that bill the officers of the Navy who had been retired prior to that time received no benefit from the passage of that bill. But here is a proposition to increase the pay of the captains of the Revenue-Cutter Service now under permanent waiting orders, placed there at their own request, to increase the pay from \$1,250 to \$2,625 each year.

Now, when this House refuses to pass a pension bill above \$72 a month—and I think there has been only one of that kind—they propose to increase by more than \$100 a month the retired officers in the Revenue-Cutter Service, who are already there at their own request. What is the justice of that? These men are retired; they are placed on the permanent waiting-orders list under an act of Congress which they petitioned for themselves. We refused to do it for the Navy. We ought not to do it now for the Revenue-Cutter Service.

It is easy for the gentleman from Ohio to say that those of us who are opposed to the passage of the bill ought not to have anything to say about the amendments; that is within the power of the majority of the House. It is within their power to prevent us, but it is not within their power to prevent our expressing reasons which, if they overcome by votes, they will find will come back to plague them in the future.

Mr. UNDERWOOD. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to speak in opposition to the amendment?

Mr. UNDERWOOD. No; I desire to favor the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa in opposition to the amendment.

Mr. HEPBURN. Mr. Chairman, I am afraid my friend has not read this section. It reads:

That all officers borne upon the retired waiting-orders list at the date of the passage of this act, or hereafter, shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

I do not understand that that increases the pay of the man that has been retired.

Mr. MANN. Will the gentleman permit me?

Mr. HEPBURN. For what purpose?

Mr. MANN. To ask a question.

Mr. HEPBURN. Yes.

Mr. MANN. I want to ask him whether the word "rank" is not the word referred to by the words "have been?"

Mr. HEPBURN (reading):

Shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

I think that must refer to the pay. You can not get 75 per cent increase of rank, and therefore you have to take 75 per cent increase of pay that they receive at the time they were retired.

Besides, Mr. Chairman, this is rather a small matter. There are only a few of these old men. They are very old men. All of them were retired a good many years ago. They were not retired upon their own request, but they were retired because for a long time they had been incapacitated for service. They were retired upon a bill passed upon the recommendation of the Secretary of the Treasury, in order that these incapacitated men, incapacitated at that time largely from age, give place to younger men. I doubt if there are any of these men under 70 years of age. I think there are but 23 in all, and they have served more than forty years, the greater number of them. I think the gentleman, with his zeal, might at least take his rough hand off from these old men and let them get into their graves with something of comfort. [Laughter.]

Mr. MANN. I have just as much sympathy for the "old men" as has the gentleman from Iowa. In fact, I believe I am somewhat older, at least in spirit, than the gentleman, and therefore ought to have more sympathy for the "old men." I cheerfully concede that I can not equal the gentleman from Iowa in enthusiasm, while I am inclined always to lean upon his elder judgment.

But let me say that many of these men on the permanent waiting-orders list are not old men. I have before me the record of one who was born September 17, 1862—not an old man—retired upon the application of Revenue-Cutter officers who asked Congress to pass an act retiring him on a fair salary. He was retired before he had ever performed much service. Why should he be paid any better than the veterans of the civil war whose cases we now quibble about when it comes to paying them a pension of any size?

Mr. HEPBURN. That man was retired because he was insane, was he not? And he receives, I believe, \$900 a year.

Mr. MANN. I do not know for what he was retired. He was a second assistant engineer. There are three second assistant engineers on this list, and a number of other officers below the rank of captain and chief engineer, who are not retired on account of old age at all.

Mr. UNDERWOOD. Mr. Chairman, as I understood the argument of the chairman of the committee, the closing part of his statement was that these men who are on the retired list will receive the increased pay under this bill, as originally stated by the gentleman from Illinois. In other words, if we pass this bill there are a number of men now retired from this service and receiving \$1,250 a year to whom, without rhyme or reason or excuse, we are going to pay for the balance of their lives, without requiring any service from them, \$2,500 a year from the Treasury of the United States. This is something that has never been known before, I warrant, in the history of the legislation of this country. Under the guise of a bill "to promote the efficiency of the Revenue-Cutter Service," we are to take a number of men who have been retired from that service, upon whom the Government has no claim, and upon whom it never expects to have any claim in the future—men who have been retired under former law by former Secretaries, and who have been receiving \$1,250 a year—we are to take those men, and, simply because they have friends in this court, to pay them \$2,500 a year out of the public Treasury. That is a fair sample of this bill. It is about all there is in it.

While this is denominated "a bill to increase the efficiency of the Revenue-Cutter Service," it carries a fraud in its title, because that is not its object. There is not a man on this floor who has risen in advocacy of the bill who has not contended that this is now the most efficient service in the United States. But along the same line, we propose to give these retired gentlemen, who are now out of this service, earning their living, perhaps, in some other way and having control of their own time, \$1,250 a year as a bonus out of the Federal Treasury, that belongs to your constituents and mine. We propose to treat these gentlemen thus munificently because they have some good friends here who want them to get this increase. That is about all the merit there is in the bill, so far as I can see, from beginning to end, because, as I have said, not a man who has advocated the bill, so far as I have heard, has contended for one moment that "the efficiency of the service" is going to be increased by the measure. The friends of the bill have spent their time on this floor telling us how efficient this service has been under the law in the past.

Mr. SHERMAN. Mr. Chairman, I move that all debate on this section and amendments thereto be now closed.

Mr. MANN. I hope the gentleman will give me a moment or two.

Mr. SHERMAN. Very well; I make it one minute.

Mr. MANN. Let me have two or three minutes.

Mr. SHERMAN. I move to close debate in two minutes.

The motion of Mr. SHERMAN was agreed to.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of this bill the meaning of this language used in the pending section: "Duty pay, salary." What is the difference between "duty pay" and "salary?" What is the reason for putting this language in the bill? There must be some reason for it. What does the language mean? Does it mean that "duty pay" is one thing and "salary" another thing—something additional?

Mr. SHERMAN. The language is precisely the same as that used in the Navy bill.

Mr. MANN. I beg the gentleman's pardon; I understand not.

Mr. SHERMAN. I understand it is. I am so advised by a member of the Naval Committee, a member who was very much interested in the drafting and passage of the naval personnel bill.

Mr. MANN. I was informed by an officer in the office of the paymaster of the Navy and the Army both that there was no such thing in either the Army or the Navy.

Mr. SHERMAN. I am differently informed.

Mr. MANN. Well, what does it mean? The gentleman must know whether "duty pay" means so much money, and "salary" means so much more, and "increase" so much more. We know what increase means; it means 10 per cent additional for each five years' service. But I would like to know if the gentleman is willing to acquaint us as to whether "duty pay" and "salary" are two different things, and what they are. If the gentleman does not understand this bill, why he might give some of the rest of us an opportunity to explain, without cutting off debate. I yield to the gentleman the balance of my time.

Mr. SHERMAN. Mr. Chairman, I—

The CHAIRMAN. The time for debate has expired. The question is on the adoption of the amendment offered by the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] offers an amendment to the amendment, which the Clerk will read.

Mr. RICHARDSON of Alabama. I withdraw that for the moment, Mr. Chairman. I want to offer it after the vote on the pending amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Alabama, to strike out certain words and insert certain other words.

The question was taken, and the amendment was rejected.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Section 9, after the word "retired," in line 9, insert the words: "Provided further, That officers on the waiting list shall be retired at 75 per cent of the rate of pay and allowance to which they were entitled when placed on the waiting list."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Amend section 9 by adding at the end thereof the following:

"Provided, That no person by reason of the provisions of this section shall be paid at the rate of more than \$100 per calendar month."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. SHAFROTH. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHAFROTH. The hour of 5 o'clock having arrived, Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were ayes 36, noes 92.

So the motion was lost.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Amend section 9, line 8, by striking out the words "duty and salary."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk then continued and concluded the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill—

Mr. MANN. Mr. Chairman, I offer the following amendment.

Mr. SHERMAN. I withdraw the motion temporarily, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the bill by striking out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the enacting clause in the bill.

The question was taken; and on a division, called for by Mr. MANN, there were—ayes 44, noes 104.

So the amendment was rejected.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1025) and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.



Mr. SHERMAN. Mr. Speaker, I ask the previous question on the bill and amendments to passage.

The SPEAKER. The gentleman from New York demands the previous question on the bill and amendments to passage.

Mr. MANN. The hour of 5 o'clock having been reached, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The committee divided; and there were—ayes 34, noes 115.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count.

After counting the House, the Speaker announced 189 members (a quorum) present.

Accordingly the motion to adjourn was rejected.

The SPEAKER. The question now is on the motion of the gentleman from New York [Mr. SHERMAN] to order the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, they will be submitted to the House in gross.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question now is on the passage of the bill. Mr. MANN. I move that the bill be recommitted to the Committee on Interstate and Foreign Commerce.

The motion was rejected.

The SPEAKER. The question is now on the passage of the bill. The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN demanded a division.

Mr. GLENN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 134, nays 49, answered "present" 19, not voting 153, as follows:

## YEAS—134.

Adams,	Darragh,	Hill,	Payne,
Adamson,	Davey, La.	Howell,	Pearre,
Alexander,	Davidson,	Jack,	Perkins,
Allen, Me.	Davis, Fla.	Jenkins,	Prince,
Aplin,	Decmer,	Jones, Wash.	Pugsley,
Beidler,	Dick,	Kahn,	Ray, N. Y.
Bell,	Draper,	Knapp,	Roberts,
Bellamy,	Edwards,	Kyle,	Russell,
Belmont,	Elliott,	Landis,	Ryan,
Bowie,	Emerson,	Lessler,	Salmon,
Brantley,	Esch,	Lever,	Scarborough,
Breazeale,	Evans,	Lindsay,	Schirm,
Brick,	Finley,	Littauer,	Shallenberger,
Bristow,	Fitzgerald,	Littlefield,	Sherman,
Broussard,	Fletcher,	McDermott,	Smith, Ill.
Brown,	Fordney,	McLachlan,	Smith, H. C.
Bull,	Foster, Vt.	Mahon,	Smith, Wm. Alden
Burke, S. Dak.	Gardner, N. J.	Marshall,	Southwick,
Burleigh,	Gibson,	Martin,	Sperry,
Butler, Pa.	Gillet, N. Y.	Metcalf,	Stewart, N. Y.
Calderhead,	Goldfogle,	Meyer, La.	Sulzer,
Cassel,	Graff,	Minor,	Sutherland,
Conner,	Graham,	Moody, N. C.	Tawney,
Coombs,	Green, Pa.	Moody, Oreg.	Taylor, Ohio
Cooper, Wis.	Greene, Mass.	Morgan,	Thomas, N. C.
Corliss,	Griffith,	Morris,	Tompkins, Ohio
Cousins,	Grosvenor,	Moss,	Vreeland,
Cromer,	Grow,	Mudd,	Wachter,
Crowley,	Hall,	Mutchler,	Wanger,
Currier,	Hamilton,	Napfen,	Weeks,
Curtis,	Haskins,	Nevin,	Wilson,
Cushman,	Hedge,	Olmsted,	Woods,
Dahle,	Hemenway,	Otjen,	
Dalzell,	Hepburn,	Patterson, Pa.	

## NAYS—49.

Allen, Ky.	Gillett, Mass.	Mondell,	Shafroth,
Ball, Tex.	Glenn,	Moody, Mass.	Sims,
Burkett,	Henry, Miss.	Moon,	Smith, Ky.
Burleson,	Johnson,	Needham,	Stark,
Candler,	Jones, Va.	Neville,	Underwood,
Cannon,	Kleberg,	Padgett,	Warner,
Cochran,	Lacey,	Palmer,	Wheeler,
De Armond,	Lawrence,	Reeder,	White,
Dinsmore,	Little,	Reid,	Williams, Ill.
Driscoll,	Lloyd,	Richardson, Tenn.	Zenor.
Fleming,	Long,	Robb,	
Fox,	Loud,	Robinson, Nebr.	
Gardner, Mich.	Mann,	Selby,	
Bartlett,	Hooker,	Lewis, Pa.	Smith, S. W.
Clark,	Irwin,	Miers, Ind.	Snodgrass,
Clayton,	Jett,	Miller,	Tirrell,
Crumpacker,	Kitchin, Wm. W.	Pierce,	Vandiver.
Hitt,	Kluttz,	Richardson, Ala.	

## ANSWERED "PRESENT"—19.

## NOT VOTING—153.

Acheson,	Feely,	Livingston,	Sheppara,
Babcock,	Flood,	Loudenslager,	Showalter
Ball, Del.	Foerderer,	Lovering,	Sibley,
Bankhead,	Foss,	McAndrews,	Skiles,
Barney,	Foster, Ill.	McCall,	Slayden,
Bartholdt,	Fowler,	McCleary,	Small,
Bates,	Gaines, Tenn.	McClellan,	Smith, Iowa
Benton,	Gaines, W. Va.	McCulloch,	Snook,
Bingham,	Gilbert,	McLain,	Southard,
Bishop,	Gill,	McRae,	Sparkman,
Blackburn,	Gooch,	Maddox,	Spight,
Blakeney,	Gordon,	Mahoney,	Steele,
Boreing,	Griggs,	Maynard,	Stephens, Tex.
Boutell,	Hanbury,	Mercer,	Stevens, Minn.
Bowersock,	Haugen,	Mickey,	Stewart, N. J.
Brownlow,	Hay,	Morrell,	Storm,
Brundidge,	Heatwole,	Newlands,	Sulloway,
Burgess,	Henry, Conn.	Norton,	Swanson,
Burk, Pa.	Henry, Tex.	Otey,	Talbert,
Burnett,	Hildebrandt,	Overstreet,	Tate,
Burton,	Holliday,	Parker,	Taylor, Ala.
Butler, Mo.	Hopkins,	Patterson, Tenn.	Thayer,
Caldwell,	Howard,	Pou,	Thomas, Iowa
Capron,	Hughes,	Powers, Me.	Thompson,
Cassingham,	Hull,	Powers, Mass.	Tompkins, N. Y.
Connell,	Jackson, Kans.	Randell, Tex.	Tongue,
Conry,	Jackson, Md.	Ransdell, La.	Trimble,
Cooney,	Joy,	Reeves,	Van Voorhis,
Cooper, Tex.	Kehoe,	Rhea, Va.	Wadsworth,
Cowherd,	Kern,	Rixey,	Warnock,
Creamer,	Ketcham,	Robertson, La.	Watson,
Cummings,	Kitchin, Claude	Robinson, Ind.	Wiley,
Dayton,	Knox,	Rucker,	Williams, Miss.
De Graffenreid,	Lamb,	Rumple,	Wooten,
Dougherty,	Lanham,	Ruppert,	Wright,
Douglas,	Lassiter,	Scott,	Young,
Dovener,	Latimer,	Shackelford,	
Eddy,	Lester,	Shattuc,	
	Lewis, Ga.	Shelden,	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. HOLLIDAY with Mr. BURGESS.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. IRWIN with Mr. GOOCH.

Mr. CAPRON with Mr. JETT.

Mr. OVERSTREET with Mr. COWHERD.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. BARNEY with Mr. MCRAE.

Mr. BROWNLOW with Mr. PIERCE.

Mr. SKILES with Mr. TALBERT.

Mr. RUMPLE with Mr. THOMPSON.

Mr. MERCER with Mr. BANKHEAD.

Mr. STEWART of New Jersey with Mr. WOOTEN.

Mr. SHELLEN with Mr. FEELY.

Mr. REEVES with Mr. HENRY of Texas.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. EDDY with Mr. SHEPPARD.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. HULL with Mr. WILLIAM W. KITCHIN.

Mr. MCCALL with Mr. STEPHENS of Texas.

For this session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. HEATWOLE with Mr. TATE.

Mr. YOUNG with Mr. BENTON.

Mr. BOREING with Mr. TRIMBLE.

Mr. WATSON with Mr. MIERS of Indiana, until Saturday.

Mr. BARTHOLDT with Mr. RUCKER, one week.

For this day:

Mr. BOUTELL with Mr. BRUNDIDGE.

Mr. FOERDERER with Mr. GILBERT.

Mr. BOWERSOCK with Mr. CALDWELL.

Mr. CONNELL with Mr. COONEY.

Mr. GILL with Mr. HOWARD.

Mr. HAUGEN with Mr. SWANSON.

Mr. BALL of Delaware with Mr. RICHARDSON of Alabama.

Mr. FOSS with Mr. BUTLER of Missouri.

Mr. ACHESON with Mr. NORTON.

Mr. BABCOCK with Mr. WILLIAMS of Mississippi.

Mr. DOVENER with Mr. MCCLELLAN.

Mr. KNOX with Mr. RIXEY.

Mr. STEELE with Mr. ROBINSON of Indiana.

Mr. BURTON with Mr. KEHOE.

Mr. FOWLER with Mr. BARTLETT.

Mr. MORRELL with Mr. DOUGHERTY.

Mr. WARNOCK with Mr. SNOOK.

On this vote:

Mr. WADSWORTH with Mr. WILEY.

Mr. STEVENS of Minnesota with Mr. POU.

Mr. SOUTHARD with Mr. MICKEY.

Mr. SIBLEY with Mr. NEWLANDS.

Mr. SCOTT with Mr. McLAIN.

Mr. STORM with Mr. RANDELL of Texas.

Mr. PARKER with Mr. MCCULLOCH.

Mr. McCLEARY with Mr. LIVINGSTON.  
 Mr. JACKSON of Maryland with Mr. KERN.  
 Mr. HILDEBRANT with Mr. JACKSON of Kansas.  
 Mr. DAYTON with Mr. PATTERSON of Tennessee.  
 Mr. SHATTUC with Mr. RHEA of Virginia.  
 Mr. LOVERING with Mr. LEWIS of Georgia.  
 Mr. BATES with Mr. MADDOX.  
 Mr. DOUGLAS with Mr. SPIGHT.  
 Mr. WRIGHT with Mr. SHACKLEFORD.  
 Mr. JOY with Mr. CLAUDE KITCHIN.  
 Mr. SULLOWAY with Mr. COOPER of Texas.  
 Mr. BLAKENEY with Mr. LANHAM.  
 Mr. POWERS of Maine with Mr. POWERS of Massachusetts.  
 Mr. RUPPERT with Mr. SPARKMAN.  
 Mr. LEWIS of Pennsylvania with Mr. HUGHES.  
 Mr. SAMUEL W. SMITH with Mr. TONGUE.  
 Mr. TAYLOR of Alabama with Mr. GAINES of Tennessee.  
 Mr. LASSITER with Mr. MAHONEY.  
 Mr. BURK of Pennsylvania with Mr. GAINES of West Virginia.  
 Mr. CONRY with Mr. THAYER.  
 Mr. TOMPKINS of New York with Mr. TIRRELL.  
 Mr. CUMMINGS with Mr. HENRY of Connecticut.  
 Mr. BINGHAM with Mr. CLAYTON of Alabama.  
 Mr. HANBURY with Mr. GRIGGS.  
 Mr. LATIMER with Mr. VANDIVER.  
 Mr. SMALL with Mr. BURNETT.  
 Mr. BLACKBURN with Mr. KLUTTZ.  
 Mr. RANSEDELL of Louisiana with Mr. MILLER.  
 Mr. ROBERTSON of Louisiana with Mr. MCANDREWS.  
 Mr. CREAMER with Mr. FOSTER of Illinois.  
 Mr. HOPKINS with Mr. HITT.  
 Mr. MAYNARD with Mr. CLARK.  
 Mr. CRUMPACKER with Mr. LAMB.  
 Mr. SMITH of Iowa with Mr. THOMAS of Iowa.  
 Mr. OTEY with Mr. HAY.  
 Mr. LESTER with Mr. BISHOP.  
 Mr. COOPER of Texas. Mr. Speaker, I am paired with the gentleman from New Hampshire, Mr. SULLOWAY. If he were present, I would vote "nay."

The SPEAKER. That is not in order. Does the gentleman desire to change his vote to "present?"

Mr. COOPER of Texas. I have not voted.

The result of the vote was then announced as above recorded.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. PUGSLEY obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John Percival, Twenty-second Congress, no adverse report having been made thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12095. An act to amend section 4883 of the Revised Statutes, relating to the signing of letters patent for inventions;

H. R. 1278. An act granting an increase of pension to La Myra V. Kendig;

H. R. 1503. An act granting an increase of pension to Michael Farrell;

H. R. 2287. An act granting an increase of pension to George McDaniel;

H. R. 6918. An act granting an increase of pension to Thomas Bliss;

H. R. 6016. An act granting an increase of pension to William J. Overman;

H. R. 610. An act to correct the military record of John F. Antlitz;

H. R. 9848. An act granting an increase of pension to Joseph Cowgill;

H. R. 6498. An act granting an increase of pension to Matthew C. Medbury;

H. R. 2545. An act granting an increase of pension to Isaac H. Crim;

H. R. 7811. An act granting a pension to Mary King;

H. R. 7250. An act granting an increase of pension to Margaret Henry;

H. R. 5712. An act granting a pension to Alice Bozeman;

H. R. 1275. An act granting an increase of pension to Charles W. Thomas;

H. R. 5327. An act granting an increase of pension to William H. Mackey;

H. R. 1190. An act granting an increase of pension to Albert S. Whittier;

H. R. 5761. An act granting a pension to Thomas F. Walter;

H. R. 3275. An act granting an increase of pension to William G. Johnson;

H. R. 6687. An act granting an increase of pension to Lorenzo Blackman;

H. R. 809. An act granting an increase of pension to James P. Burchfield;

H. R. 1714. An act granting an increase of pension to Levi H. Winslow;

H. R. 725. An act granting an increase of pension to Joseph B. Arbaugh;

H. R. 1938. An act granting an increase of pension to Helen V. Rorer;

H. R. 8048. An act granting an increase of pension to James A. Bramble;

H. R. 10141. An act granting an increase of pension to William R. Armstrong;

H. R. 10415. An act granting a pension to Sarah M. Smith;

H. R. 8651. An act granting a pension to Maggie Helmbold;

H. R. 918. An act granting an increase of pension to Charles Misner;

H. R. 283. An act granting an increase of pension to Robert M. McCullough;

H. R. 8471. An act granting a pension to Eliza A. Wright;

H. R. 10692. An act granting an increase of pension to David C. Maples;

H. R. 11053. An act providing for the issuance of patents to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes;

H. R. 6196. An act transferring a lot in Woodland Cemetery to city of Quincy, Ill.;

H. R. 9621. An act granting an increase of pension to Andrew Y. Transue; and

H. R. 9791. An act granting an increase of pension to John Reep.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 3231. An act to legalize and maintain a new steel bridge erected in the place of the old wooden structure, across the Little Tennessee River at Niles Ferry, Tennessee, by the Atlanta, Knoxville, and Northern Railroad.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 167. An act for the relief of John L. Smithmeyer and Paul J. Pelz—to the Committee on Claims.

S. 3437. An act to amend chapter 4, Title XIII, of the Revised Statutes of the United States—to the Committee on the Judiciary.

S. 4339. An act authorizing the White River Railway Company to construct a bridge across the White River in Arkansas—to the Committee on Interstate and Foreign Commerce.

S. 4232. An act authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy—to the Committee on Naval Affairs.

S. 3633. An act granting an increase of pension to Samuel L. Leffingwell—to the Committee on Invalid Pensions.

S. 1814. An act granting an increase of pension to Anna E. Luke—to the Committee on Invalid Pensions.

S. 4404. An act granting an increase of pension to Otto H. Haselman—to the Committee on Invalid Pensions.

S. 1107. An act limiting the liability of sureties on bonds of officers of the Navy—to the Committee on Naval Affairs.

S. 1643. An act granting an increase of pension to Ellen J. Clark—to the Committee on Invalid Pensions.

S. 4450. An act confirming in the State of South Dakota title to a section of land heretofore granted to said State—to the Committee on Public Lands.

S. 1451. An act to correct the military record of A. W., alias Washington, Huntley—to the Committee on Military Affairs.

S. 3797. An act authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans—to the Committee on Military Affairs.

S. R. 23. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, U. S. A.—to the Committee on Military Affairs.

S. 3821. An act to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof—to the Committee on War Claims.

S. 4572. An act to grant an honorable discharge from the



military service to Charles H. Hawley—to the Committee on Military Affairs.

S. 4740. An act granting an increase of pension to Maria L. Godfrey—to the Committee on Invalid Pensions.

S. 319. An act granting an increase of pension to Ida Warren—to the Committee on Invalid Pensions.

S. 2289. An act granting an increase of pension to Benjamin S. Harrower—to the Committee on Invalid Pensions.

S. 4514. An act granting an increase of pension to Mary Beals—to the Committee on Invalid Pensions.

S. 3108. An act granting an increase of pension to Inez E. Perrine—to the Committee on Invalid Pensions.

S. 438. An act granting an increase of pension to John S. Robinson—to the Committee on Invalid Pensions.

S. 2943. An act granting a pension to Thomas S. Rowan—to the Committee on Invalid Pensions.

S. 181. An act granting an increase of pension to William C. David—to the Committee on Invalid Pensions.

S. 3672. An act granting an increase of pension to James Scannell—to the Committee on Invalid Pensions.

S. 3041. An act granting an increase of pension to Emma F. Shilling—to the Committee on Invalid Pensions.

S. 4792. An act relative to the control of dogs in the District of Columbia—to the Committee on the District of Columbia.

S. 4643. An act granting an increase of pension to Phoebe L. Peyton—to the Committee on Invalid Pensions.

S. 3634. An act granting an increase of pension to Elizabeth A. Capehart—to the Committee on Invalid Pensions.

S. 4056. An act granting an increase of pension to Minerva Melton—to the Committee on Invalid Pensions.

S. 1625. An act granting an increase of pension to Jethro M. Getman—to the Committee on Invalid Pensions.

S. 4335. An act granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURK of Pennsylvania for three days, on account of important business.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I am directed by the Committee on Appropriations to report the bill (H. R. 13359) making appropriations for fortifications and other works defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes. I desire to serve notice that immediately after the Chinese-exclusion bill is disposed of I will call it up.

The SPEAKER. The gentleman from Indiana reports from the Committee on Appropriations the fortification appropriation bill, which will be referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order on the bill.

#### URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations I present the following report on an urgent deficiency bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

The SPEAKER. The gentleman from Illinois, by direction of the Committee on Appropriations, reports an urgent deficiency bill. Does the gentleman desire to call it up to-night?

Mr. CANNON. Well, I think I will let it be printed, and ask unanimous consent.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SHAFROTH. I reserve all points of order on the bill.

#### CHINESE-EXCLUSION ACT.

Mr. HITT. Mr. Speaker, I desire to give notice that I will endeavor to get the House to take up the Chinese-exclusion bill to-morrow.

#### LEAVE TO PRINT.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that members who have spoken on the Revenue-Cutter bill be permitted to extend their remarks in the RECORD within five days.

The SPEAKER. The gentleman from New York asks unanimous consent that members who have spoken on the Revenue-Cutter bill have leave to extend their remarks, for five days, in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. I move that the House adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William S. Tildon against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from Brig. Gen. Leonard Wood, military governor of Cuba, in relation to resolution of inquiry passed by the House—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for improvements and repairs—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 6714) for the relief of Alexander S. Rosenthal, reported the same without amendment, accompanied by a report (No. 1320); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1512) granting an increase of pension to Mary Jane Faulkner, reported the same with amendment, accompanied by a report (No. 1321); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2082) granting an increase of pension to Louise Ward, reported the same with amendment, accompanied by a report (No. 1322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1678) granting an increase of pension to Charles B. Wingfield, reported the same without amendment, accompanied by a report (No. 1323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3103) granting an increase of pension to Susan Hays, reported the same with amendment, accompanied by a report (No. 1324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4072) granting an increase of pension to Samuel J. Lambden, reported the same with amendment, accompanied by a report (No. 1325); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5877) granting a pension to Robert Watts, reported the same with amendments, accompanied by a report (No. 1326); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6434) granting a pension to Mary Fitch, reported the same with amendments, accompanied by a report (No. 1327); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3277) granting a pension to Mrs. Frances J. Abercrombie, reported the same with amendments, accompanied by a report (No. 1328); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12576) granting an increase of pension to Thomas Wells, reported the same with amendments, accompanied by a report (No. 1329); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7922) granting an increase of pension to R. G. Watkins, reported the same with amendments, accompanied by a report (No. 1330); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11181) granting a pension to Alice D. H. Krause, reported the same with amendment, accompanied by a report (No. 1331); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11787) granting a pension to

John J. Manner, reported the same with amendments, accompanied by a report (No. 1332); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5186) granting a pension to John Canter, reported the same with amendments, accompanied by a report (No. 1333); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6454) for the relief of Thomas F. Tobey, reported the same adversely, accompanied by a report (No. 1334); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8544) to place Elias H. Parsons on the retired list of the United States Army, reported the same adversely, accompanied by a report (No. 1335); which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 2794) granting an increase of pension to Bethany Simmons—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13218) granting an increase of pension to Henry L. Karns—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13275) granting an increase of pension to George F. White—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 13325) to amend section 6 of "An act making further provision for a civil government for Alaska, and for other purposes"—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: A bill (H. R. 13326) to provide for a national park commission—to the Committee on Military Affairs.

By Mr. FOWLER (by instruction of the majority members of the Committee on Banking and Currency): A bill (H. R. 13327) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws—to the Committee on Banking and Currency.

By Mr. MORRIS: A bill (H. R. 13328) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 13354) to continue the publication of the Supplement to the Revised Statutes—to the Committee on the Judiciary.

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes—to the Union Calendar.

By Mr. CORLISS: A resolution (H. Res. 199) concerning rule for the consideration of H. R. 5—to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 13329) granting an increase of pension to Leonard Fisher—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 13330) granting an increase of pension to Emil Schincke—to the Committee on Invalid Pensions.

By Mr. BRISTOW: A bill (H. R. 13331) granting an increase of pension to Timothy Donohoe—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 13332) granting an increase of pension to W. G. Cantley—to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 13333) for the relief of Walter F. Suiter—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 13334) to remove the charge of desertion from the military record of William C. Goodman—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 13335) to provide an American register for the bark *Homeward Bound*—to the Committee on the Merchant Marine and Fisheries.

By Mr. MUTCHLER: A bill (H. R. 13336) for the relief of Samuel Snyder—to the Committee on Military Affairs.

Also, a bill (H. R. 13337) for the relief of Charles Mohn—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 13338) granting an increase of pension to Jacob Wittenbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13339) to remove charge of desertion from record of Daniel L. Tate—to the Committee on Military Affairs.

Also, a bill (H. R. 13340) to remove charge of desertion from record of John B. Henry—to the Committee on Military Affairs.

Also, a bill (H. R. 13341) to remove charge of desertion from record of James Kane—to the Committee on Military Affairs.

Also, a bill (H. R. 13342) to remove charge of desertion from record of Albert W. Keller—to the Committee on Military Affairs.

Also, a bill (H. R. 13343) to remove charge of desertion from record of Anton Smith, alias Charles Roehmer—to the Committee on Military Affairs.

By Mr. NEWLANDS: A bill (H. R. 13344) for the relief of Anna Eliza Isabella von Hemert—to the Committee on the District of Columbia.

By Mr. POWERS of Maine: A bill (H. R. 13345) granting a pension to Celestia A. Whitney—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 13346) for the relief of Isaac Fry—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13347) granting an increase of pension to Alice E. Mayhew—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 13348) granting an increase of pension to Simon McCalla—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13349) granting a pension Malissa Thomas—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13350) granting a pension to Presley P. Medlin—to the Committee on Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 13351) granting an increase of pension to Clara J. King—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13352) granting an increase of pension to Charles E. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13353) granting an increase of pension to George Thompson—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13355) granting an increase of pension to William H. Snyder—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 13356) for the relief of the legal representatives of Edward Lupton, deceased—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 13357) granting an increase of pension to Joseph Huff—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Levi W. Bissett and others of Deep Valley, Pa., relating to pending reciprocity treaties and concessions—to the Committee on Foreign Affairs.

Also, resolution of Polish Society of Oliver, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ADAMS: Petition of Marine Engineers' Beneficial Association, relating to licensing marine engineers—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERSOCK: Petition of the Grand Army of the Republic, Department of Kansas, favoring House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Osawatimie Division, No. 137, Order of Railway Conductors, of Kansas, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. BRICK: Resolutions of Branch No. 83, Polish National



Society, of South Bend, Ind., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Clerks' Union of Elkhart, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Matthias A. Cullnan, of Belfast, Me., for a pension—to the Committee on Invalid Pensions.

Also, resolution of Libby Post, No. 93, Litchfield, Me., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. BURNETT: Resolutions of Retail Clerks' Union of Gadsden, Ala., in favor of Senate bill 1891 and the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CANNON: Papers to accompany House bill 13355, granting an increase of pension to William H. Snyder—to the Committee on Invalid Pensions.

By Mr. CROMER: Resolution of Muncie Lodge, No. 20, of Muncie, Ind., in favor of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

By Mr. CUMMINGS: Papers to accompany House bill 12359, granting a pension to George F. Flinn—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petitions of the Woman's Christian Temperance Union of Farmington, Exeter, and Swiftwater, N. H., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of Brotherhood of Locomotive Firemen of West Philadelphia, Pa., on the subject of immigration—to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Pittsburg, Pa., favoring a Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Pittsburg, Pa., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, resolutions of Brotherhood of Locomotive Firemen of Pittston and Connellsville, Pa.; Order of Railway Conductors of Renova and Meadville, Pa., and Memphis, Tenn., and Brotherhood of Railroad Trainmen of Braddock, Dubois, Clearfield, Harrisburg, Meadville, and Philadelphia, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DEEMER: Petitions of citizens of Salona, Flemington, and Williamsport, Pa., to abolish saloons and legalized vice in the Philippines—to the Committee on Insular Affairs.

By Mr. DOUGLAS: Petition of Rev. G. F. Hall and others, of the Fifth Avenue Presbyterian Church, New York City, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. EDWARDS: Petitions of Miners' Union No. 103, of Marysville, and Cooper City Lodge, No. 500, Locomotive Firemen, Anaconda, Mont., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of board of aldermen of New York City, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. FOSS: Memorial of the First Reformed Presbyterian Church of Chicago, Ill., for the amendment or radical modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers and Masons' Union No. 20, Waukegan, Ill., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Second Branch Society of Engineers, Chicago, Ill., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Resolution of the United Retail Grocers' Association of Brooklyn, N. Y., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Building Trades Council of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

Also, resolutions of Farragut Post, No. 4, Vallejo, Cal., Grand Army of the Republic, and Manufacturers' Association of New York, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, petitions of National Association of Clothiers, and Standard Varnish Works, New York City, in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Manufacturers' Association of New York, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, petition of the American Chamber of Commerce, of

Manila, urging certain legislation for the Philippines—to the Committee on Insular Affairs.

By Mr. GRAHAM: Resolution of the League of American Sportsmen, favoring the passage of House bill 10306, for the preservation of wild animals and game birds—to the Committee on the Territories.

Also, resolutions of Carpenters' Union No. 699, of Sewickley, Pa., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania: Resolutions of the New Century Club, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolutions of Stone Masons' Union No. 38, of Reading, Pa., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, petition of citizens of Reading, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. HANBURY: Resolutions of board of aldermen of New York City, urging appropriation for the deepening and dredging of Buttermilk Channel, New York Bay—to the Committee on Rivers and Harbors.

By Mr. HENRY of Connecticut: Resolutions of Polish Societies of New Britain and Collinsville, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Bakers' Union No. 8, of Hartford, Conn., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Labor Union No. 8, of Hartford; Plasterers' Union No. 20, of South Manchester; Bricklayers and Masons' Union No. 20, of Manchester, Conn., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Resolutions of Coopers' Union No. 2, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Resolutions of Young Men's Polish Society No. 39, of Lowell, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Painters' Union No. 39, of Lowell, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LASSITER: Resolutions of the Chamber of Commerce of Washington, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Resolutions of the board of aldermen of New York City, in favor of the construction of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. MANN: Resolutions of Boot and Shoe Workers' Union No. 151, of West Pullman, Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of E. B. Carr Lodge, No. 115, of Freeport, Ill., Brotherhood of Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNARD: Resolutions of the Board of Trade and Business Men's Association of Norfolk, Va.; also, resolutions of the Chamber of Commerce of Elizabeth City, N. C., for the improvement of inland navigation between the port of Norfolk and Portsmouth, Va., and Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

Also, resolutions of Painters and Decorators' Union No. 519, of Newport News, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Central Labor Union of Norfolk, Va., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. McCLELLAN: Resolutions of the board of aldermen of New York City, in favor of the construction of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. MIERS of Indiana: Resolutions of Journeymen Barbers' Union No. 170, Vincennes, Ind., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Petition of Greenhorn Mount Miners' Union, No. 132, of Geiser, Oreg., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Cornucopia Union, No. 91, W. F. of M., of Cornucopia, Oreg., and of Cigar Makers' Union No. 202, of Portland, Oreg., for further restriction of Chinese and Asiatic immigration—to the Committee on Foreign Affairs.

Also, petition of Polish Society of Portland, Oreg., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolution of Cigar Makers' Union No. 202, of Portland, Oreg., in regard to the reduction of duty on cigars—to the Committee on Ways and Means.

Also, resolutions of Roseburg Division, No. 1, Brotherhood of Railway Employees, Roseburg, Oreg., for the establishment of a postal savings department—to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: Petition of Grand Army of the Republic, Department of Pennsylvania, Westchester, Pa., in favor of the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petitions of Polish Young Men's Alliance, Plymouth, Pa., and Polish Society No. IX, of Duryea, Pa., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. PATTERSON of Pennsylvania: Resolutions of Polish Societies of Middleport, Mahoney City, New Philadelphia, and Shenandoah, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Resolutions of Brotherhood of Railroad Trainmen, of Binghamton, N. Y., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. RUCKER: Protest of merchants of Madison, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolutions of board of aldermen of New York City, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. RYAN: Resolutions of board of aldermen of New York City, favoring dredging and deepening of Buttermilk Channel, in bay of New York—to the Committee on Rivers and Harbors.

By Mr. SCHIRM: Resolutions of Granite Cutters' Union of Baltimore, Md., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petition of J. E. Pulver and other citizens of Kearney County, Nebr., for the passage of House bills 178 and 179—to the Committee on Ways and Means.

Also, papers to accompany House bill 13318, granting an increase of pension to Fergus P. McMillan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13316, granting an increase of pension to Benjamin F. Olcott—to the Committee on Invalid Pensions.

By Mr. SNOOK: Paper to accompany House bill 13349, granting a pension to Malissa Thomas, of Antwerp, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13348, granting an increase of pension to Simon McCalla, of Hicksville, Ohio—to the Committee on Invalid Pensions.

By Mr. STARK: Resolution of John W. McConiff Division, No. 246, Railway Conductors, Wymore, Nebr., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Morton Post, No. 17, Hebron, Nebr., Grand Army of the Republic, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Resolutions of Cigar Makers' Union, and Boot and Shoe Cutters' Union No. 281, of St. Paul, Minn., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Resolutions of board of aldermen of the city of New York, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. WANGER: Petition of Joseph P. Dillin and other citizens of Ardmore, Pa., for a game preserve in Alaska and the passage of House bill 11535—to the Committee on the Public Lands.

Also, protest of A. S. Cadwallader and other citizens of Yardley, Pa., against any action which will injure any American industry—to the Committee on Ways and Means.

Also, resolutions of Caroline L. Harrison Circle, No. 78, Ladies of Grand Army of the Republic, Pottstown, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Petition of Rose Hill Post, No. 158, Grand Army of the Republic, Department of Illinois, favoring an investigation of the administration of the Commissioner of Pensions—to the Committee on Rules.

Also, resolution of Macedonia Post, No. 469, Grand Army of the Republic, Department of Illinois, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. WILSON: Resolutions of board of aldermen of New York City, asking for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

Also, petition of citizens of Brooklyn, N. Y., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODS: Papers to accompany House bill 13321 granting an increase of pension to John S. Bonham—to the Committee on Invalid Pensions.

Also, resolutions of Iron Trades Council of San Francisco, Cal., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Resolution of Shirt, Waist, and Laundry Workers' Union No. 10, Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Naval Command No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, Pa., favoring the passage of Senate bill 1220—to the Committee on Military Affairs.

Also, petition of Marine Engineers' Beneficial Association No. 13, of Philadelphia, Pa., relating to licensing marine engineers—to the Committee on the Merchant Marine and Fisheries.

## SENATE.

FRIDAY, April 4, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

JOHN W. DANIEL, a Senator from the State of Virginia, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### HOT SPRINGS RESERVATION, ARK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 2d instant, a report by Prof. J. K. Haywood of analysis of the water of the Hot Springs Reservation, Ark., and a geological sketch of the Hot Springs Reservation, by Prof. Walter H. Weed; which, on motion of Mr. BERRY, were, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed.

### RAILROADS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th ultimo, a statement of the legal and traffic relations between the railroads in the Philippine Islands as to the charters and ownership thereof; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

### CHIPPEWA INDIANS IN MINNESOTA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs and accompanying copy of an agreement with the Red Lake and Pembina bands of Chippewa Indians in Minnesota for the cession and relinquishment to the United States of the western portion of the Red Lake Reservation, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3231) to legalize and maintain a new steel bridge erected in place of the old wooden structure across the Little Tennessee River at Niles Ferry, Tenn., by the Atlanta, Knoxville and Northern Railroad;

A bill (H. R. 283) granting an increase of pension to Robert M. McCullough;

A bill (H. R. 610) to correct the military record of John F. Antlitz;

A bill (H. R. 725) granting an increase of pension to Joseph B. Arbaugh;

A bill (H. R. 809) granting an increase of pension to James P. Burchfield;

A bill (H. R. 918) granting an increase of pension to Charles Misner;

A bill (H. R. 1190) granting an increase of pension to Albert S. Whittier;



A bill (H. R. 1275) granting an increase of pension to Charles W. Thomas;  
 A bill (H. R. 1278) granting an increase of pension to La Myra V. Kendig;  
 A bill (H. R. 1503) granting an increase of pension to Michael Farrell;  
 A bill (H. R. 1714) granting an increase of pension to Levi H. Winslow;  
 A bill (H. R. 1938) granting an increase of pension to Helen V. Rorer;  
 A bill (H. R. 2287) granting an increase of pension to George McDaniel;  
 A bill (H. R. 2545) granting an increase of pension to Isaac H. Crim;  
 A bill (H. R. 3275) granting an increase of pension to Willis G. Johnson;  
 A bill (H. R. 5327) granting an increase of pension to William H. Mackey;  
 A bill (H. R. 5712) granting a pension to Alice Bozeman;  
 A bill (H. R. 5761) granting a pension to Thomas F. Walter;  
 A bill (H. R. 6016) granting an increase of pension to William J. Overman;  
 A bill (H. R. 6196) transferring a lot in Woodland Cemetery to city of Quincy, Ill.;  
 A bill (H. R. 6438) granting an increase of pension to Matthew C. Medbury;  
 A bill (H. R. 6687) granting an increase of pension to Lorenzo Blackman;  
 A bill (H. R. 6918) granting an increase of pension to Thomas Bliss;  
 A bill (H. R. 7250) granting an increase of pension to Margaret Henry;  
 A bill (H. R. 7811) granting a pension to Mary King;  
 A bill (H. R. 8048) granting an increase of pension to James A. Bramble;  
 A bill (H. R. 8471) granting a pension to Eliza A. Wright;  
 A bill (H. R. 8651) granting a pension to Maggie Helmbold;  
 A bill (H. R. 9621) granting an increase of pension to Andrew Y. Transue;  
 A bill (H. R. 9791) granting an increase of pension to John Reep;  
 A bill (H. R. 9848) granting an increase of pension to Joseph Cowgill;  
 A bill (H. R. 10141) granting an increase of pension to William R. Armstrong;  
 A bill (H. R. 10415) granting a pension to Sarah M. Smith;  
 A bill (H. R. 10692) granting an increase of pension to David C. Maples;  
 A bill (H. R. 11053) providing for the issuance of patents to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes; and  
 A bill (H. R. 12095) to amend section 4883 of the Revised Statutes relating to the signing of letters patent for inventions.

#### PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented memorials of the James & Mayer Buggy Company, of Lawrenceburg; of the Manufacturers' Club of Indianapolis, and of the M. S. Huey Company, of Indianapolis, all in the State of Indiana, remonstrating against the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of the National Hay Association, of Winchester; of the Hydraulic Roller Mills, of Milton; of W. H. Small & Co., of Evansville, and of the City Roller Mills, of Jeffersonville, all in the State of Indiana, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented the petition of W. H. Elvin and 7 other citizens of Indianapolis, Ind., praying for the establishment of reciprocal trade relations with Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of Company D, Third Infantry, Indiana National Guard, of Fort Wayne, Ind., praying for the enactment of legislation to increase the efficiency of the militia of the country; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Madison, Bellevue, Jay, and Waldinger, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of William Smith Post, No. 103, Department of Indiana, Grand Army of the Republic, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Painters, Decorators, and

Paperhangers' Local Union of Terre Haute; of Painters' Local Union No. 156, of Evansville; of Bakers' Local Union No. 17, of Kokomo; of Painters, Decorators, and Paperhangers' Local Union No. 444, of Princeton; of Painters, Decorators, and Paperhangers' Local Union No. 95, of South Bend; of Iron Molders' Local Union No. 187, of New Albany; of Hoosier Lodge, No. 582, Brotherhood of Locomotive Firemen, of Richmond, and of the Fort Wayne International Printing Pressmen's Local Union No. 19, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. McMILLAN presented a memorial of the Brightwood Citizens' Association, of Brightwood, D. C., relative to the compensation of the military assistants of the Engineer Commissioner of the District of Columbia; which was referred to the Committee on Appropriations.

Mr. DILLINGHAM presented a petition of Martha Washington Council, No. 3, Daughters of Liberty, of East Burke, Vt., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 264, Cigar Makers' International Union, of Rutland, Vt., remonstrating against the proposed reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented petitions of Painters, Decorators, and Paper Hangers' Local Union No. 311, of Montpelier, and of Painters, Decorators, and Paper Hangers' Local Union No. 28, of Rutland, in the State of Vermont, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CLAPP presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of reciprocal trade relations with the Dominion of Canada; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Massachusetts State Board of Trade, praying for the appointment of a commission to study and report upon the commercial and industrial conditions in China; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of the Merchants' Association of Aurora, Ill., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of Lodge No. 298, Brotherhood of Railroad Trainmen, of St. Louis, Mo., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Lexington, Mo., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. MITCHELL presented a petition of the Federated Trades Council, of Portland, Oreg., praying for the adoption of an amendment to the Constitution providing for the election of Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Green Horn Mountain Miners' Local Union No. 132, of Geiser, Oreg., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. QUAY presented petitions of sundry citizens of Pittsburg; of Typographical Union No. 321, of Connellsville; of Railroad Telegraphers' Division No. 3, of Harrisburg, and of Falls City Council, No. 385, Order United American Mechanics, of Falls City, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of 101 citizens of Elora and of 41 citizens of Allegheny, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. HALE presented a petition of the Maine State Board of Trade, praying for the passage of the so-called Ray bill to establish a uniform system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Team Drivers' Local Union No. 282, American Federation of Labor, of Portland, Me., and a petition of Moosehead Lodge, No. 443, Brotherhood of Railroad Trainmen, of Bangor, Me., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. FRYE presented a petition of Local Union No. 237, Brotherhood of Painters, Decorators, and Paperhangers, of Portland, Me., praying for the enactment of legislation providing an educational test for immigrants; which was referred to the Committee on Immigration.

## REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 18) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city, reported adversely thereon; and the joint resolution was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by himself February 24, 1902, authorizing the Secretary of the Treasury to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 30300 and 49003 during the period between July 1, 1878, and February 21, 1892, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 234) granting a pension to James Frey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6023) granting an increase of pension to Robert L. Ackridge;

A bill (H. R. 12395) granting a pension to Ruth Bartlett;

A bill (H. R. 1709) granting an increase of pension to Edwin J. Godfrey;

A bill (H. R. 1685) granting an increase of pension to Augustus E. Hodges;

A bill (H. R. 11916) granting an increase of pension to Andrew B. Spurling;

A bill (H. R. 9654) granting a pension to John S. James;

A bill (H. R. 10710) granting an increase of pension to Frances E. Scott; and

A bill (H. R. 9378) granting a pension to Clara B. Townsend.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 3884) granting an increase of pension to Erastus C. Moderswell, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 4879) for the relief of William F. Denmuer, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

## BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4938) granting a pension to Rhoda Burnham; which was read twice by its title.

Mr. COCKRELL. I present the petition of Rhoda Burnham, mother of James H. Burnham, Company A, Sixty-eighth Regiment United States Colored Troops, for pension, together with the affidavits of Sandy Taylor and James Hill and the military and medical records of James H. Burnham, Sandy Taylor, and James Hill. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PRITCHARD introduced a bill (S. 4939) granting a pension to W. J. Sadler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4940) for the relief of Mary E. Hughes; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 4941) granting an increase of pension to William Nichol; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 4942) for the relief of the estate of Mary S. Porter; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4943) granting an increase of pension to Abraham Park.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Abraham Park, Company H, One hundred and twenty-third Ohio Infantry, together with affidavits of Dr. J. M. W. Cannon, A. B. Ford, G. H. Phillips, Adam Ream, and Jonas Leaper. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McMILLAN introduced a bill (S. 4944) to establish a chaplaincy in connection with the United States jail, Washington Asylum, Reform School, Georgetown Almshouse, and Industrial

Home School, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 4945) for the relief of George T. Larkin; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 4946) granting a pension to Sarah Martin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4947) granting a pension to Anna L. Gifford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 4948) for the relief of Edward Lautenschlaeger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4950) for the relief of Maria McMurdie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4951) for the relief of occupants and owners of property at Camp Tyler, in Cook County, Ill.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4952) granting an increase of pension to William Stone (with accompanying papers);

A bill (S. 4953) granting an increase of pension to James J. Briggs;

A bill (S. 4954) granting an increase of pension to Marian A. Mulligan; and

A bill (S. 4955) granting an increase of pension to David R. Adams (with an accompanying paper).

Mr. MONEY introduced a bill (S. 4956) for the relief of the estate of W. R. Butler, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4957) granting an increase of pension to Stiles L. Acee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 4958) granting a pension to George W. Capps; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4959) granting a pension to John Tucker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4960) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAPP introduced a bill (S. 4961) to provide for the distribution of the Federal Cases to the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect; which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PATTERSON introduced a bill (S. 4963) granting an increase of pension to Isabella Chivington; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4964) granting a pension to Walter N. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4965) providing for free homesteads in the Ute Indian Reservation in Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BACON introduced a bill (S. 4966) for the relief of Sophie Gustin and Helen G. Logan; which was read twice by its title, and referred to the Committee on Claims.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment relating to the compensation of regular assistants to the United States district attorney for the northern district of Illinois, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill;



which were referred to the Committee on Appropriations, and ordered to be printed:

An amendment proposing to appropriate \$50,000 for constructing a light and fog signal at a point on Karquines Strait, California;

An amendment proposing to appropriate \$19,000 for constructing a light-house and fog signal at the entrance of Oakland Harbor, California;

An amendment proposing to appropriate \$7,000 for constructing a fog signal at Fort Winfield Scott, Fort Point, California;

An amendment proposing to appropriate \$90,000 for constructing a light-ship for Blunts Reef, Pacific Ocean, off Cape Mendocino, California; and

An amendment proposing to appropriate \$100,000 for constructing a light and fog-signal station on one of the Mile Rocks, San Francisco Bay, California.

Mr. PRITCHARD submitted an amendment proposing to appropriate \$1,500 to enable the Secretary of the Interior to employ a special attorney for the Eastern Band of North Carolina Cherokees for the remainder of the fiscal year ending June 30, 1902, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. BATE submitted an amendment authorizing the Secretary of the Interior to issue patents in fee to Mary Keith and Benny Keith, Cheyenne and Arapaho Indians, not to exceed 80 acres of the 160 acres of the lands heretofore allotted to them in the Territory of Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. COCKRELL submitted an amendment proposing to appropriate \$50,000 for the completion of the revetment of the bank of the river at South St. Joseph, Mo., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FORAKER submitted an amendment providing that any person or persons claiming to have sustained injury or damage to person or property on account of any improvement made or work done under the provisions of the river and harbor act may, on petition therefor against the officer in charge in any United States district or circuit court having jurisdiction of the parties, have an assessment of such damages, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE submitted an amendment relative to the retirement with the rank of lieutenant-colonel of the ordnance storekeeper, with the rank of major, now on duty as disbursing officer and assistant to the Chief of Ordnance, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### CHINESE EXCLUSION.

Mr. PLATT of Connecticut. I present a proposed amendment to the bill known as the Chinese-exclusion bill; and that it may go into the RECORD I ask to have it read.

The amendment was read and ordered to lie on the table and to be printed, as follows:

Amendment intended to be proposed by Mr. PLATT of Connecticut to the bill S. 2930, "To prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent."

Strike out all after the enacting clause and insert:

"That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, be, and the same are hereby, extended and continued in full force and effect until the 7th day of December, 1904, and so long as the treaty between China and the United States, concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894, may be continued in force by virtue of the extension thereof in accordance with the provisions for such extension therein contained."

#### DANISH TREATY.

Mr. LODGE. I ask that an order be made to reprint as a Senate document the message of the President and the report of the committee relating to the cession of the Danish islands in the West Indies. The number of copies heretofore printed has been exhausted.

The PRESIDENT pro tempore. Without objection, the order asked for by the Senator from Massachusetts will be granted.

#### STATUTES RELATING TO PATENTS, ETC.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That 600 copies of the report of the commissioners to revise the statutes relating to patents, trade-marks, etc., as revised, with index, be printed for the use of the said commissioners.

#### ROBERT S. WOODBURY.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the bill (S. 3910) granting an increase of pension to Robert S. Woodbury.

#### ABBIE GEORGE.

Mr. GALLINGER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the bill (S. 1872) granting an increase of pension to Abbie George.

#### INDIAN APPROPRIATION BILL.

Mr. STEWART. I move that the Senate proceed to the consideration of House bill 11353, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. STEWART. I ask that the amendments of the committee may be considered as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Indian Affairs was, under the head of "Current and contingent expenses," on page 2, line 2, to increase the number of agents of Indian affairs from 41 to 44.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

At the Jicarilla Agency, N. Mex., \$1,500.

The amendment was agreed to.

The next amendment was, on page 3, line 21, before the word "Agency," to strike out "Mission Tule" and insert "Mission-Tule;" so as to make the clause read:

At the Mission-Tule Agency, Cal., \$1,600.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert:

At the Yakima Agency, Wash., \$1,600.

The amendment was agreed to.

The next amendment was, on page 5, line 18, to increase the total appropriation for pay of 44 agents of Indian affairs from \$67,300 to \$70,400.

The amendment was agreed to.

The next amendment was, on page 6, line 12, before the word "Indian," to strike out "eight" and insert "seven;" in line 15, before the word "thousand," to strike out "twenty" and insert "seventeen;" in line 16, before the word "dollars," to insert "five hundred," and in the same line, after the word "dollars," to insert:

For pay of 1 Indian inspector to be assigned to duty in the Indian Territory, \$3,500 per annum; in all, \$21,000: *Provided*, That the Indian inspector who shall be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1902, and so long as he shall remain on duty in said Territory.

So as to make the clause read:

For pay of 7 Indian inspectors, 1 of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at \$2,500 per annum each, \$17,500; for pay of 1 Indian inspector to be assigned to duty in the Indian Territory, etc.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after the word "dollars," to insert:

Of which sum an amount not to exceed \$300 may be paid for the rent of an office for said commission:

so as to make the clause read:

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the act of April 10, 1899, \$4,000, of which sum an amount not to exceed \$300 may be paid for the rent of an office for said commission.

The amendment was agreed to.

The next amendment was, on page 9, in line 6, before the word "dollars," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding \$5 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Chippewas of Minnesota, reimbursable," on page 13, line 1, after the words "Chippewa Indians," to insert "when authorized by the Secretary of the Interior;" and in line 4, after the word "employee," to strike out "; for pay of commissioner and his expenses;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief

and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians, when authorized by the Secretary of the Interior, to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, \$150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Creeks," on page 14, line 3, before the word "twenty-fourth," to strike out "June" and insert "January;" so as to read:

Permanent annuities guaranteed them by the treaties of August 7, 1790, June 16, 1802, January 24, 1826, etc.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

For payment per capita, under the direction of the Secretary of the Interior, to certain Creek Indians, or their heirs, who removed themselves from east of the Mississippi River to the Creek Nation, in the Indian Territory, and subsisted themselves for one year, in accordance with the twelfth article of the treaty with the Creek tribe, proclaimed April 4, 1832, \$12,230, or so much thereof as may be necessary: *Provided*, That the Secretary of the Treasury shall, before payment is made, require satisfactory proof that each of said Indians is entitled to the same under the provisions of said treaty.

The amendment was agreed to.

The next amendment was, under the subhead "Indians at Blackfeet Agency," on page 15, line 13, before the word "Reservation," to strike out "Blackfoot" and insert "Blackfeet."

The amendment was agreed to.

The next amendment was, under the subhead "Iowas," on page 15, line 19, after the word "first," to strike out "eighteen hundred and ninety-eight" and insert "nineteen hundred and two," so as to make the clause read:

For interest in lieu of investment on \$57,500, balance of \$157,500, to July 1, 1902, at 5 per cent per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, \$2,875.

The amendment was agreed to.

The next amendment was, under the subhead "Spokanes," on page 25, line 4, after the word "of," to strike out "said agreement" and insert:

Agreement with said Indians, dated March 18, 1887, ratified by act of Congress approved July 13, 1892.

So as to make the clause read:

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, \$1,000 each, per sixth article of agreement with said Indians, dated March 18, 1887, ratified by act of Congress approved July 13, 1892, \$2,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports and gratuities," on page 27, line 2, after the word "For," to strike out "subsistence" and insert "support;" so as to make the clause read:

For support and civilization of the Wichitas and affiliated bands who have been collected in the reservations set apart for their use and occupation, \$25,000.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "For," to strike out "subsistence" and insert "support;" so as to make the clause read:

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, \$50,000.

The amendment was agreed to.

The next amendment was, on page 28, line 16, before the word "support," to strike out "the;" and in line 17, after the word "Agency," to insert "North Dakota;" so as to make the clause read:

For support and civilization of Indians at Fort Berthold Agency, N. Dak., including pay of employees, \$50,000.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the word "support," to strike out "the;" so as to make the clause read:

For support and civilization of Kaibabs in Utah, if, in the opinion of the Secretary of the Interior, the same is necessary, \$2,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 18, to insert:

For the purchase of heifers and bulls for the Indians on the Northern Cheyenne Indian Reservation, \$28,000; for the construction of wire fence around a portion of said reservation, \$7,150; in all, \$35,150: *Provided*, That the expenditure of this money shall be under the direction of the Secretary of the Interior, who shall purchase the cattle, regulate their distribution, and construct the fence, according to such rules and regulations as in his discretion he may deem best.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the word "Dakota," to insert "South;" so as to make the clause read:

For support and civilization of the Ponca Indians, including pay of employees, \$15,000: *Provided*, That this amount shall be divided pro rata among all the members of said tribe in Oklahoma Territory and in Nebraska and South Dakota.

The amendment was agreed to.

The next amendment was, on page 31, line 7, before the word "in," to strike out "Hualpais" and insert "Hualapais;" so as to make the clause read:

For the purchase of subsistence and other necessities for the support of the Hualapais in Arizona, \$5,000.

The amendment was agreed to.

The next amendment was, on page 31, line 13, after the word "agency," to insert "in the State of Washington;" so as to make the clause read:

For support and civilization of the Yakimas, and other Indians at said agency, in the State of Washington, including the pay of employees, \$8,000.

The amendment was agreed to.

The next amendment was, on page 31, line 23, before the word "lands," to insert "suitable;" in line 25, after the word "Interior," to strike out "may at any time, in his discretion," and insert "shall as soon as practicable;" in line 8, on page 32, after the date "1887," to insert "Provided, That such allotments shall be made;" and in line 12, after the word "Interior" to insert:

For the payment of the expenses of a commission of 3 citizens of the State of California, to be appointed by the President, to aid in the selection of said tract of land, which expenses shall not exceed the sum of \$1,000, and;

So as to make the clause read:

For the support and civilization of the Mission Indians in California, \$100,000, to be immediately available: *Provided*, That out of said sum the Secretary of the Interior be, and he is hereby, authorized to purchase a suitable tract of land in southern California and to locate thereon such Mission Indians heretofore residing or belonging on the Rancho San Jose del Valle, or Warners Ranch, in San Diego County, Cal., and such other Mission Indians as may not be provided with suitable lands elsewhere as the Secretary of the Interior may see fit to locate thereon. And the Secretary of the Interior shall as soon as practicable cause the land so purchased to be allotted in severalty to the Indians located thereon, under the provisions of the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887: *Provided*, That such allotments shall be made in such quantities and to such classes as he may deem expedient: *Provided further*, That of said amount a sum not exceeding \$30,000 may be expended, under the direction of the Secretary of the Interior, for the payment of the expenses of a commission of three citizens of the State of California, to be appointed by the President, to aid in the selection of said tract of land, which expenses shall not exceed the sum of \$1,000, and in the removal of said Indians to the said tract, and in the purchase of such building materials, agricultural implements, harness, subsistence supplies, and other necessities, as may be required to properly establish the Indians at their new location.

The amendment was agreed to.

The next amendment was, on page 33, line 5, after the word "agencies," to strike out "\$8,000; in all, \$15,000," and insert:

Including 1 clerk for Mission Tule Agency, Cal., at \$720 per annum, \$8,720; in all, \$15,720.

So as to make the clause read:

California: For general incidental expenses of the Indian service in California, including traveling expenses of agents and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, \$7,000; and pay of employees at same agencies, including 1 clerk for Mission Tule Agency, Cal., at \$720 per annum, \$8,720; in all, \$15,720.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 35, line 12, before the word "commissioners," to insert "four;" in line 16, before the word "thousand," to strike out "fifteen" and insert "twenty," and in the same line, after the word "dollars," to strike out:

*Provided further*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress.

So as to make the clause read:

For salaries of four commissioners appointed under acts of Congress approved March 3, 1898, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, \$20,000.

Mr. STEWART. In the printing of the bill as it came from the House there is an omission of a proviso on page 35, line 16, which should appear in the print of the bill with a line drawn through it, so as to show that the committee have reported in favor of striking it out.

The PRESIDENT pro tempore. The words which have been omitted in the printing will be stated.

The SECRETARY. The words omitted from the print of the bill are:

*Provided*, That the number of said commissioners shall hereafter be three.

Mr. STEWART. The insertion of those words puts the bill in the correct form in which it came from the House. They should appear, as I have stated, with a line drawn through them, to show that the committee recommend that they be stricken out.

Mr. PLATT of Connecticut. It is a mistake in the printing of the House bill, as I understand.

Mr. STEWART. Yes; in printing the House bill, after it came to the Senate, the words which have been read at the desk were left out.

Mr. PLATT of Connecticut. But, all the same, we want to strike out those words.

Mr. STEWART. Yes; we want to strike out those words, but we do not want to leave them out of the print of the bill as it is reported to the Senate, so that when the bill goes back to the



House the House can see exactly what portion of its bill has been stricken out.

Mr. PLATT of Connecticut. Then the words referred to are to appear in the print crossed out of the House bill, and then the entire provision is to be stricken out?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. I think it will be entirely sufficient, Mr. President, if the Secretary be instructed to correct the print of the bill so as to make it correspond with the House bill, and then let the entire provision be stricken out.

Mr. STEWART. All I want is to correct the printing of the bill as it came from the House.

The PRESIDENT pro tempore. Does the committee desire the adoption of the amendment?

Mr. STEWART. Yes; let the amendment be stated as it should properly appear by putting in the words which were omitted.

The SECRETARY. On page 35, line 16, after the word "dollars," it is proposed to strike out:

*Provided*, That the number of said commissioners shall hereafter be three: *Provided further*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 35, after line 18, to insert:

That the decisions of the commissioners of the Five Civilized Tribes heretofore rendered shall be final as to all matters of appraisement and allotment of lands unless disapproved by the Secretary of the Interior within sixty days from the passage of this act or within thirty days from the date of decisions hereafter rendered; and the decisions of said commissioners determining the right of citizenship in any of the Five Civilized Tribes heretofore rendered shall be final: *Provided*, That the Secretary of the Interior shall have power at any time within sixty days from the passage of this act to review any such cases which in his opinion have not been correctly decided; and all decisions hereafter rendered by said commissioners determining the right of citizenship in any of said tribes shall be final, unless an appeal therefrom to the Secretary of the Interior shall be taken within thirty days from the rendition thereof.

The amendment was agreed to.

The next amendment was, on page 36, line 10, before the word "of," to strike out "Expenses" and insert "For expenses;" and in line 17, before the word "thousand," to strike out "seventy-eight" and insert "ninety-three;" so as to read:

For expenses of commissioners and necessary expenses of employees, and \$3 per diem for expenses of a clerk detailed as special disbursing agent by the Interior Department while on duty with the Commission, shall be paid therefrom; for clerical help, including secretary of the Commission and interpreters (act of March 3, 1901, vol. 31, p. 1074, sec. 1), \$93,000; contingent expenses of the Commission (same act), \$2,000.

The amendment was agreed to.

The next amendment was, on page 38, line 6, after the word "defined," to strike out "not later than July 1, 1902," and insert "as early as practicable;" and in line 17, after the word "sites," to insert the following proviso:

"*Provided further*, That hereafter it shall be unlawful for any person to lay out, survey, or plat any tract of land into town lots for a town site in either the Choctaw, Chickasaw, Creek, or Cherokee Nation, in the Indian Territory, except with the permission of the Secretary of the Interior, prior to the delivery of the deed or patent conveying full title to said tract from the tribe to the Indian allottee; and any person violating the foregoing provision shall, upon conviction, be fined not more than \$500 and may be imprisoned for not exceeding three months: *Provided further*, That after the passage of this act, where tracts of land are set aside for town sites on lines of railroads now in construction or to be constructed, all lands embraced in such tracts shall be sold at public auction, and parties entering upon such tracts prior to such sale shall acquire no rights by reason of such occupancy: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisement of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe or tribes entitled thereto."

So as to make the clause read:

To pay all expenses incident to the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections 15 and 29 of an act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, and all acts amendatory thereof or supplemental thereto, \$50,000: *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw nations fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw nations to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created: *Provided further*, That the limits of such towns in the Cherokee, Choctaw, and Chickasaw nations, having a population of less than 200 people, as, in the judgment of the Secretary of the Interior, should be established, shall be defined as early as practicable by the Secretary of the Interior in the same manner as provided for towns having over 200 people under existing law, and the same shall not be subject to allotment.

That the land so segregated and reserved from allotment shall be disposed of, in such manner as the Secretary of the Interior may direct, by a town-site commission, one member to be appointed by the Secretary of the Interior and one by the executive of the nation in which such land is located; proceeds arising from the disposition of such lands to be applied in like manner as the proceeds of other lands in town sites: *Provided further*, That hereafter it shall be unlawful for any person to lay out, survey, or plat any tract of land into town lots for a town site in either the Choctaw, Chickasaw, Creek, or Cherokee Nation, in the Indian Territory, except with the permission of the Secretary of the Interior, prior to the delivery of the deed or patent convey-

ing full title to said tract from the tribe to the Indian allottee; and any person violating the foregoing provision shall, upon conviction, be fined not more than \$500 and may be imprisoned for not exceeding three months: *Provided further*, That after the passage of this act, where tracts of land are set aside for town sites on lines of railroads now in construction or to be constructed, all lands embraced in such tracts shall be sold at public auction, and parties entering upon such tracts prior to such sale shall acquire no rights by reason of such occupancy: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisement of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe or tribes entitled thereto.

The amendment was agreed to.

Mr. QUARLES. I wish to direct the attention of the chairman of the committee to line 25 on page 39. It occurs to me that after the word "any" and before the word "person," in that line, there should be inserted the word "such." I wish the chairman would look at it.

Mr. STEWART. I think that that word "such" should be inserted. I accept that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 25, on page 39, after the word "any," it is proposed to insert the word "such;" so as to read:

And no part of this appropriation shall be used for the deportation or removal of any such person from Indian Territory.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 40, line 2, before the word "Creek," to strike out "Chickasaw, Choctaw;" in the same line, after the word "Creek," to strike out the comma; in line 8, after the word "be," to strike out "three hundred and twenty acres for each member of the Chickasaw Nation, three hundred and twenty acres for each member of the Choctaw Nation;" and in line 12, before the word "acres," to strike out "one hundred," and insert "eighty;" so as to make the clause read:

For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, to be expended under the direction of the Secretary of the Interior and to be immediately available, \$15,000; in all, \$100,000: *Provided, however*, That it shall hereafter be unlawful to remove or deport any person from the Indian Territory who is in lawful possession of any lots or parcels of land in any town or city in the Indian Territory which has been designated as a town site under existing laws and treaties, and no part of this appropriation shall be used for the deportation or removal of any person from Indian Territory: *Provided*, That the just and reasonable share of each member of the Creek and Cherokee nations of Indians, in the lands belonging to the said tribes, which each member is entitled to hold in his possession until allotments are made, as provided in the act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, be, and the same is hereby, declared to be 160 acres for each member of the Creek Nation, and 80 acres for each member of the Cherokee Nation.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert:

The Secretary of the Interior is hereby authorized and directed, through some official or employee designated by him for that purpose, to pay from the funds in the Treasury belonging to the Cherokee Nation of Indians outstanding warrants not exceeding in amount the sum of \$80,000: *Provided*, That before any of said warrants are paid the Secretary of the Interior shall satisfy himself that such warrants are a valid and subsisting obligation of said nation.

The amendment was agreed to.

The next amendment was, on page 41, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be allotted, under the provisions of the act of Congress approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," as amended by the act approved February 28, 1891, to each and every child born of a recognized member of any of the tribes of Indians located on the Klamath Reservation in Oregon since the completion of allotments to said tribes, 80 acres of agricultural or 160 acres of grazing land within the reservation of said tribes.

The amendment was agreed to.

The next amendment was, on page 42, line 15, to insert:

That the Secretary of the Interior be, and he is hereby, directed to allot from the land on the Walker River Reservation in Nevada susceptible of irrigation by the present ditches or extensions thereof 20 acres to each head of a family residing on said reservation, and when a majority of the heads of families on said reservation shall have accepted such allotments and consented to the relinquishment of the right of occupancy to land on said reservation which can not be irrigated from existing ditches and extensions thereof and land, which is not necessary for dwelling, school buildings, or habitations, such allottees shall receive the sum of \$300 each to enable them to commence the business of agriculture. And when such allotments shall have been made, and the consent of the Indians obtained as aforesaid, the President shall, by proclamation, open the land so relinquished to settlement, to be disposed of under existing laws. And the money necessary to pay said Indians is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 43, after line 9, to insert:

To enable the President to cause the agricultural and grazing lands of the Wind River Reservation, Wyo., to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and the act of February 28, 1891, amendatory thereof, including the necessary surveys and resurveys, \$10,000 (reimbursable).

The amendment was agreed to.



The next amendment was, on page 43, after line 17, to insert:

That the Secretary of the Interior is hereby authorized to allot Nay may puck, Ka ka keese, and Ka kee ka kee sick lands in severalty on the ceded portion of the Red Lake Reservation, Minn., not to exceed 100 acres each, such allotments to conform to the public surveys and to be subject to the provisions of the act of Congress of February 8, 1887 (24 Stats., p. 388).

Mr. PLATT of Connecticut. I do not think that the allotment act described in lines 14 and 15 on page 43, in the amendment which has just been stated, is correctly quoted. I think there is more in the title of the act than is there included. The full title of the act is "An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes." The last part of the title is left out in the citation of the title of the act referred to in the amendment. It ought to be added. The Secretary can do it.

Mr. STEWART. Let the title of the act be corrected.

The SECRETARY. It is proposed to amend the amendment on page 43, line 25, after the word "Indians," by inserting "on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;" so as to read:

An act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. There seems to be a similar mistake in quoting the title of the act for the allotment of lands in severalty to Indians in lines 7 and 8 on page 42.

Mr. PLATT of Connecticut. I think I am not mistaken about the correct title of the act.

Mr. ALLISON. I suggest that if the change should be made in one place it ought also to be made in the other.

Mr. STEWART. There is no objection to putting in the full title wherever the act is referred to. It might as well be done.

Mr. PLATT of Connecticut. I will look it up.

Mr. ALLISON. It seems to be the same statute referred to in both cases.

The PRESIDENT pro tempore. The Secretary will insert the proper title, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, at the top of page 44, to insert:

That the Secretary of the Interior is hereby authorized to allot Onab Ogamaybeck, a Red Lake Chippewa Indian woman, an allotment of unappropriated lands on the ceded portion of the Red Lake Reservation, Minn., not to exceed 100 acres, such allotment to conform to the public surveys and to be subject to the provisions of the act of Congress of February 8, 1887 (24 Stats., p. 388).

The amendment was agreed to.

The next amendment was, on page 44, after line 9, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Nora G. Hazlett, a Caddo Indian, for not to exceed 80 acres of the 160 acres of land heretofore allotted to her in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed: *Provided*, That it shall appear that such tract of land has been duly allotted to said Nora G. Hazlett.

The amendment was agreed to.

The next amendment was, on page 45, after line 2, to insert:

For temporary employment and support of the Indians of Pima Agency, Ariz., \$40,000, to be expended for their benefit in such manner as the Secretary of the Interior in his discretion may deem best.

The amendment was agreed to.

The next amendment was, on page 46, after line 10, to strike out:

That the following sums, placed upon the books of the Treasury by the Indian appropriation act of March 3, 1901 (31 Stats., 1062, 1068), to the credit of the tribes named, being in full for permanent annuities guaranteed by treaties to said tribes, shall draw interest at the rate of 5 per cent per annum from July 1, 1902, viz: Seneca fund, \$73,800; Eastern Shawnee fund, \$20,600; and a sum sufficient to pay the interest on the same for the fiscal year 1903 is hereby appropriated. And the Secretary of the Interior is hereby authorized in his discretion to pay per capita to the members of the Eastern Shawnee and Seneca tribes of Indians in the Indian Territory the principal of these sums placed to the credit of said tribes on the books of the Treasury.

And insert:

That the following sums, placed upon the books of the Treasury by the Indian appropriation act of March 3, 1901 (31 Stat. L., pp. 1062 and 1068), to the credit of the tribes named, being in full for permanent annuities guaranteed by treaties to said tribes, shall draw interest at the rate of 5 per cent per annum from July 1, 1902, namely: Chickasaw national fund, \$90,000; Seneca fund, \$73,800; Eastern Shawnee fund, \$20,600: *Provided*, That the Secretary of the Interior be, and he is hereby, directed to pay, per capita, immediately upon the passage of this act, to the members of the Eastern Shawnee and Seneca tribes of Indians entitled thereto, all moneys placed to the credit of said tribes upon the books of the Treasury and all trust funds held for said tribes by the Government in lieu of investments.

The amendment was agreed to.

The next amendment was, on page 48, after line 2, to strike out:

That the following sums placed upon the books of the Treasury by the Indian appropriation act of March 3, 1901 (31 Stats., 1062 and 1068), to the credit of the Chickasaw tribe, being in full for permanent annuities guar-

anteed by treaties to said tribe, shall draw interest at the rate of 4 per cent per annum from July 1, 1902, namely, Chickasaw national fund, \$90,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 11, to strike out:

That the surplus or unallotted lands of the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribe of Indians, and of the Western Miami tribe of Indians, in the northeastern part of the Indian Territory may be sold on such terms and conditions as the president and the adult members of said tribe may mutually agree upon, the proceeds thereof to be paid per capita according to ownership, as set forth in the act approved March 2, 1889, entitled "An act to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes."

And insert:

That so much of the act approved March 2, 1889, entitled "An act to provide for the allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes," which inhibits the sale of their surplus lands for twenty-five years from said date, be, and the same is hereby, repealed: *Provided*, That before any distribution per capita shall be made of the proceeds of any sale thereof among said Western Miami Indians there shall first be paid such sum or sums as the Secretary of the Interior may determine to be due for services rendered or expenses incurred by any of the delegates or officers of said Western Miami tribe since the 31st day of March, 1890.

The amendment was agreed to.

The next amendment was, on page 49, line 14, to reduce the appropriation to maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, from \$10,000 to \$8,000.

The amendment was agreed to.

Mr. COCKRELL. After line 22, page 49, I move to insert what I send to the desk.

The SECRETARY. On page 49, after line 22, it is proposed to insert:

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$8,000.

Mr. STEWART. I should like to inquire if that is recommended by the Department?

Mr. COCKRELL. It has been. I saw the Commissioner of Indian Affairs, and he said it was absolutely necessary.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, after the amendment just adopted, to insert:

That the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of the disbursing officers in charge of the warehouses for Indian supplies, such sums as may have been disbursed by them during the fiscal years 1901 and 1902 in payment of clerks appointed to clerkships in such warehouses and detailed for duty in the office of the Commissioner of Indian Affairs, in Washington, D. C.

Mr. KITTREDGE. Let the amendment be passed by temporarily.

The PRESIDENT pro tempore. The amendment will be passed over, at the request of the Senator from South Dakota.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was on page 50, line 13, before the word "be," to insert "when necessary;" so as to make the clause read:

That the \$10,000, or so much thereof as may be available, reserved by act of March 3, 1901, out of the amount appropriated for payment of the judgment in favor of the New York Indians, to pay expenses necessary to ascertain the beneficiaries of said judgment, may when necessary be used for the employment of the clerical force necessary therefor in the Office of Indian Affairs.

The amendment was agreed to.

The next amendment was, on page 50, after line 15, to strike out:

For the resurvey and marking of the southern and western boundaries of the Utah Indian Reservation from the initial point on Green River to the intersection of said boundary line with the range line between ranges 6 and 7, east of Sac and Lake meridian, Utah, an estimated distance of 135 miles, at \$40 per mile, and for the field examination of said resurvey, \$6,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 22, to insert:

That the Secretary of the Interior, with the consent thereto of the majority of the adult male Indians of the Utah and the White River tribes of Ute Indians, to be ascertained as soon as practicable by an inspector, shall cause to be allotted to each head of a family 80 acres of agricultural land which can be irrigated and 40 acres of such land to each other member of said tribes, said allotments to be made prior to October 1, 1903, on which date all the unallotted lands within said reservation shall be restored to the public domain: *Provided*, That persons entering any of said land under the homestead law shall pay therefor at the rate of \$1.25 per acre: *And provided further*, That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or a permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate 100 mining claims of the character of mineral mentioned in its lease; and the proceeds of the sale of the lands so restored to the public domain shall be applied, first, to the reimbursement of the United States for any



moneys advanced to said Indians to carry into effect the foregoing provisions, and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians. And the sum of \$70,064.48 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Uintah and the White River tribes of Ute Indians, under the direction of the Secretary of the Interior.

Mr. STEWART. In line 16, page 51, after the word "or" I move to strike out the article "a" and insert "such."

The SECRETARY. On page 51, line 16, it is proposed to strike out the article "a" where it occurs before the word "permit" and insert in lieu thereof the word "such."

The amendment to the amendment was agreed to:

Mr. STEWART. After the word "Interior" in the tenth line, page 52, I move to insert "to be immediately available."

Mr. PLATT of Connecticut. Ought there not also to be a clause like this: "in fulfillment of treaty obligations;" for that is what the money is paid for as I understand? I do not care anything about it. It can be fixed in conference. But I understand it is to pay the Indians what they claim we have not paid them under our treaty obligations.

Mr. STEWART. I do not think those words need be in there. Although the Indians did not consent to the treaty, the Government took the land and allotted it. The treaty was not ratified. It was a treaty on one side, but the Government availed itself of it. It amounts to a treaty obligation as we have considered it.

Mr. PLATT of Connecticut. I do not ask to have it go in.

Mr. ALLISON. Before this amendment is finally disposed of I hope the Senator from Nevada will give some explanation as respects the details. On its face it looks like a very important amendment, although it may not be.

Mr. CLAPP. I desire to call the chairman's attention to the fact that the agent who has gone out to negotiate the treaty told me it was quite important that the bill should separate the two items—\$10,000 under the agreement of May 24, 1888, and \$60,064.48 under the treaty of January 8, 1898. I have not been able to see the chairman since.

Mr. STEWART. Has the Senator prepared an amendment making that separation?

Mr. CLAPP. I have not one prepared. I can prepare one.

Mr. QUARLES. This is a very important matter, and I ask that the amendment be temporarily passed over.

Mr. CLAPP. That will do.

Mr. STEWART. I think that is the best way.

The PRESIDING OFFICER (Mr. LODGE in the chair). The amendment will be passed over temporarily.

Mr. RAWLINS subsequently said: I ask that we may be permitted to return to the amendment just passed over. I would suggest an amendment which I think would be satisfactory, and we may then dispose of the matter.

The PRESIDING OFFICER. The Chair understood the amendment had been passed over until the conclusion of the reading of the bill; but, of course—

Mr. STEWART. It has been passed by temporarily and will be called up again. Some of the Senators who wanted to hear an explanation of the amendment have left the Chamber. So we had better not act on it now.

Mr. RAWLINS. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 52, after line 16, to strike out:

To enable the President to cause to be allotted, under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," the lands in said separate reservations, as provided in said act, including the necessary resurveys, \$10,000.

The amendment was agreed to.

The next amendment was, on page 53, line 6, to increase the appropriation for the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for the proper conduct and management of that asylum, etc., from \$12,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 53, line 9, before the word "the," to strike out "\$48,000, to be used and expended under the direction and within the discretion of the Secretary of the Interior, in" and insert "For;" in line 15, after the word "hundred," to insert "\$48,000, to be used and expended under the direction and within the discretion of the Secretary of the Interior;" so as to make the clause read:

For the purchase of the right, title, and improvements of certain settlers within the external boundaries of the Navajo Indian Reservation in Arizona, as set out in the communication of the Secretary of the Interior to the President, dated January 5, 1900, and printed in Senate Document No. 68, of date of January 10, 1900, \$48,000, to be used and expended under the direction and within the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 54, line 13, before the word

"special," to strike out "one" and insert "such;" so as to make the clause read:

For pay of 1 special attorney for the Pueblo Indians of New Mexico, \$1,500, and for necessary traveling and incidental expenses of such special attorney for the Pueblo Indians of New Mexico, \$500.

The amendment was agreed to.

The next amendment was, on page 55, after line 2, to insert:

For the construction and repair of bridges and approaches thereto on the Omaha and Winnebago Agency, in the State of Nebraska, \$10,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 5, to strike out:

For the construction of 2 bridges, 1 over Big Soldier Creek and one over Little Soldier Creek, on the Pottowatomie Indian Reservation, in Jackson County, Kans., \$3,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 9, to insert:

To enable the Secretary of the Interior to purchase additional land from an Oneida Indian allottee or allottees of Wisconsin for the use of the Oneida Indian school, \$1,000, or so much thereof as may be necessary, to be paid to said allottee or allottees; and the allottee or allottees from whom said land may be purchased are hereby authorized and empowered to sell and convey the same to the United States for said purpose.

The amendment was agreed to.

The next amendment was, on page 55, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claims of the members of the Lower Brule band of Sioux Indians for loss of property resulting from their forcible removal from their homes south of White River, in South Dakota, in the year 1893, and to determine what amounts they may be justly and equitably entitled to for the loss of such property, and to certify the same to the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and directed to pay such sums so certified to him by the Secretary of the Interior to members of the Lower Brule band of Indians as aforesaid. And the sum of \$1,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for this purpose.

The amendment was agreed to.

The next amendment was, on page 57, after line 5, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the allotted lands of the Southern Ute Indians in Colorado for irrigating ditches to the extent of the ground occupied by the water in said ditches and such number of feet on each side of the marginal limits thereof as may be necessary in maintaining and operating the ditches: *Provided*, That no application for such right of way shall be granted unless accompanied by the consent, in writing, of the allottee or allottees whose land may be affected thereby.

The amendment was agreed to.

The next amendment was, on page 57, after line 16, to insert:

That the Secretary of the Interior shall make investigation as to the practicability of providing a water supply for irrigation purposes to be used on a portion of the reservation of the Southern Utes in Colorado, and he is authorized, in his discretion, to contract for and to expend from the funds of said Southern Utes in the purchase of perpetual water rights sufficient to irrigate not exceeding 10,000 acres on the western part of the Southern Ute Reservation and for annual charges for maintenance of such water thereon such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding \$150,000 for the purchase of such perpetual water rights and not exceeding a maximum of 50 cents per acre per annum for the maintenance of water upon the land to be irrigated: *Provided*, That after such an investigation he shall find all the essential conditions relative to the water supply and to the perpetuity of its availability for use upon said lands such as in his judgment will justify a contract for its perpetual use: *Provided*, That the Secretary of the Interior, upon making all such contracts, shall require from the person or persons entering upon such contract a bond of indemnity, to be approved by him, for the faithful and continuous execution of such contract as provided therein.

The PRESIDING OFFICER. The Chair desires to call the attention of the chairman of the committee to page 58. In view of the fact that there is a preceding proviso, the amendment ought to read, in line 12, "*Provided further*." That is the usual form.

Mr. STEWART. That is right. Let it be inserted.

The SECRETARY. On page 58, line 12, after the word "*Provided*" it is proposed to insert the word "*further*."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 59, to insert:

That the Secretary of the Interior be, and is hereby, authorized to pay per capita to the Omaha Indians entitled thereto the sum of \$100,000 from their principal now to their credit in the Treasury of the United States and derived from the sale of their lands in Nebraska under section 3 of the act of Congress approved August 7, 1882 (22 Stats., p. 341), under such regulations as may be prescribed by him.

The amendment was agreed to.

The next amendment was, on page 59, after line 9, to insert:

That of the principal sum of \$168,335.10 now in the Treasury of the United States to the credit of the Sioux Indians of the Crow Creek Reservation in South Dakota, drawing interest at 4 per cent per annum, \$20,000 may be used for the purchase of stock cattle, \$25,000 may be paid pro rata in cash, and \$83,335.10 may be used in the purchase of cattle fence wire, in the construction of storage reservoirs, in the improvement of their allotments, and in any other manner that will best promote their welfare and civilization, all in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 59, after line 22, to insert:

For payment to the attorneys who, under a contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, represented the Wichita and affiliated bands of Indians in the Court of Claims and



the Supreme Court of the United States in the litigation provided for by act of Congress to determine the title of the said Indians to the lands of the former Wichita reservation, in the Territory of Oklahoma, 6 per cent of the value of said land as decreed by the Court of Claims, the sum of \$43,332.93, or so much thereof as may be necessary, to be immediately available: *Provided*, That the said sum shall be reimbursed to the United States out of the proceeds of the sale of the said lands.

The amendment was agreed to.

The next amendment was, on page 60, after line 11, to insert:

For payment to James R. Goss, of Billings, Mont., in full settlement of his claim for legal services rendered by him during 1898 in defending two Indian policemen and the interpreter of the Crow Agency, Mont., charged with assault in the local courts of said State, \$150, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 60, after line 17, to insert:

For payment to Robert F. Thompson, for compiling laws relating to Indian affairs and digesting correspondence of the land division of the Indian Office, under provisions of the Indian appropriation act approved March 17, 1882, \$3,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 60, after line 23, to insert:

To reimburse Emmet Cox for the value of the improvements made by him and surrendered to the United States on the Kiowa, Comanche, and Apache Indian Reservation, as per the award of the board of appraisers appointed under direction of the Secretary of the Interior, the sum of \$3,875.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

For payment to the several persons and firms herein named, their heirs, executors, administrators, or assigns, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, their several claims for private improvements on the Round Valley Indian Reservation, in Mendocino County, Cal., on March 3, 1873, when said lands were reserved for Indian purposes; and being the several amounts as appropriated and allowed by the Hons. Jed Lake, Arthur A. Smith, and Arthur Twineham, commissioners appointed by the President of the United States on December 13, 1892, to appraise the value of Round Valley Indian Reservation lands and the private improvements made thereon and existing on March 3, 1873, under the provisions of an act entitled "An act to provide for the reduction of the Round Valley Indian Reservation in the State of California, and for other purposes," approved October 1, 1890, as follows:

To J. N. Rea and D. T. Johnson, \$800; to estate of Fred Bourne and estate of D. T. Johnson, \$150; to estate of D. T. Johnson, Fred C. Handy, and Percy W. Handy, \$500; to Martin Corbitt and Whitcomb Henley, \$225; to Charles H. Hurt, \$1,625; to Henry Marks, \$4,750.

The amendment was agreed to.

The next amendment was, on page 62, after line 7, to insert:

For payment to Huff Jones, of Oconto, Wis., his heirs or legal representatives, the sum of \$1,226.39, in full for money expended under an agreement with William T. Richardson, United States Indian agent at Green Bay, Wis., in November, 1872, by which agreement Huff Jones was to cut pine on the Menominee Indian Reservation, in Wisconsin, and build shanties, stables, and roads, and a supply road 5 miles in length, when he was ordered to stop work by Indian Agent Boardman, who succeeded Agent Richardson; and said buildings and roads were subsequently used by Agent Boardman in cutting and hauling lumber on the reservation for a number of winters, and the said Jones has never been reimbursed any part of the amount he so expended under the said agreement.

The amendment was agreed to.

The next amendment was, on page 62, after line 23, to insert:

For payment to the Chippewa Indians of Minnesota entitled thereto, under such regulations as he may prescribe, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on ceded Indian lands under the act of June 7, 1897 (30 Stat., p. 90).

Mr. STEWART. After the word "payment," in the first line of the amendment, I move to insert "per capita;" and after the word "as," in the next line, to strike out "he" and insert "the Secretary of the Interior;" so as to read:

For payment per capita to the Chippewa Indians of Minnesota entitled thereto, under such regulations as the Secretary of the Interior may prescribe, etc.

Mr. CLAPP. Of course the latter amendment is correct, but why insert that this payment shall be per capita? It may be that some of it should be used by the Secretary of the Interior collectively.

Mr. STEWART. The Senator from Minnesota is familiar with the situation there. What does he suggest?

Mr. CLAPP. I suggest omitting the first amendment to the amendment.

Mr. STEWART. Very well; let it be omitted.

The PRESIDING OFFICER. Without objection, the first amendment to the amendment proposed by the Senator from Nevada will be withdrawn.

Mr. CLAPP. And the second amendment to the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the second amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. PLATT of Connecticut. I suggest whether there should not be a specific appropriation of money here. I do not know whether the phrase "the money now to their credit" would be sufficient to pay it out.

Mr. STEWART. The Senator from Minnesota [Mr. CLAPP] is familiar with this particular item. I will ask him if there ought to be a specific appropriation of money.

Mr. CLAPP. This is an amendment which my colleague pre-

pared. I do not think a specific appropriation would be necessary. The money is tied up there. However, there is no objection to passing over the amendment for the present.

Mr. STEWART. I think we had better pass it over.

The PRESIDING OFFICER. The amendment as amended will be passed over temporarily.

The next amendment of the Committee on Indian Affairs was, on page 63, after line 5, to insert:

For payment to the trustee or executor or administrator of the estate of Eli Ayres, deceased, the sum of \$155,200, the same being the amount of the purchase money paid by the said Eli Ayres in his lifetime for 194 sections of land situate in the State of Mississippi, at \$1.25 per acre, the price agreed upon, to the Chickasaw reservees, the owners in fee of said lands, under and by virtue of the treaty made by the United States with the Chickasaw Indians in 1834, upon the sale and conveyance to said Eli Ayres by said reservees of said lands in conformity with the requirements of said treaty, and which said lands were subsequently appropriated, sold, and disposed of by the Government of the United States without authority of law and without regard to the rights acquired by said Eli Ayres by virtue of said purchase in and to said lands, and with knowledge of the fact that said Indian grantors of said Ayres had already sold and deeded said lands to him under the terms of said treaty: *Provided*, That such payment, when made, shall operate as a settlement in full between the said representatives of the estate of said Eli Ayres and the United States, and shall further operate to forever quiet all such land titles in the State of Mississippi conveyed to the said Ayres affected by reason of the premises. (Reimbursable.)

Mr. STEWART. I suggest that this amendment be passed over until the Senator from Colorado [Mr. TELLER] is present.

Mr. PLATT of Connecticut. As I may not be present I wish now to say that I desire to make a point of order on the amendment. It may be passed over, but I wish to give notice of a point of order.

The PRESIDING OFFICER. The amendment will be passed over temporarily and the next amendment will be stated.

The SECRETARY. On page 64, line 7—

Mr. MONEY. I did not understand whether any action was taken on the amendment last read.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the amendment was laid aside. The Senator from Connecticut made a point of order against it, and, of course, it goes over with the amendment.

The next amendment of the Committee on Indian Affairs was on page 64, after line 6, to insert:

Whereas, on the second day of July, 1861, it was agreed by treaty that the United States should receive from the sale of lands belonging to the Delaware Indians the sum of \$286,742.15, and which by said treaty the United States agreed to pay to the Indians in gold coin; and

Whereas said money was received by the Government of the United States on account of said Delaware Indians on July 18, 1862; and

Whereas the payments to said Indians arising from this fund from 1862 to 1878, both inclusive, were made in currency which was of less value than gold;

Therefore the Secretary of the Treasury is hereby directed to ascertain the difference between the currency value of each payment made from said fund to said Indians from 1862 to 1878, both inclusive, and the value of a like amount of coin with which the United States was chargeable under said treaty for said Delaware Indians, and if found impracticable to ascertain the gold value of each payment he shall ascertain the average yearly difference between gold coin and the currency paid to said Indians during the period in which payments were made to them from the said fund, and calculate the amount of money necessary to make such payments for each year equal to payments in gold coin, and he shall pay to said Delaware tribe of Indians, residing in said Cherokee Nation, in the Indian Territory, as said tribe in council shall direct, the amount so ascertained and found to be due; and the sum of \$130,000, or so much thereof as may be necessary, is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated. And the Secretary of the Interior is hereby directed to furnish to the Secretary of the Treasury such information from his Department as may be required to enable the Secretary of the Treasury to make said computation.

The amendment was agreed to.

The next amendment was, on page 65, after line 19, to insert:

And the Secretary of the Treasury shall also pay to the Chippewa Indians of the Mississippi and Lake Superior the sum of \$18,670.89, heretofore found to be the difference in value between coin and the currency paid to said Indians during the years from 1863 to 1876, inclusive, said payments having been made under treaty stipulations which provided for payment in coin.

Mr. ALLISON. This seems to be one long amendment here. These separate paragraphs are agreed to, are they not, as the paragraphs are reached?

The PRESIDING OFFICER. The Chair has treated them as separate amendments.

Mr. ALLISON. Going back to page 64—

The PRESIDING OFFICER. The Chair treated the amendment in regard to the Delawares as one amendment and the amendment for payment to the Chippewas as another amendment.

Mr. ALLISON. I would be very glad to have that part of the treaty read which requires us to pay in gold coin, if the Senator has the treaty at hand.

Mr. STEWART. Article 3, treaty of 1860, 12 Statutes at Large, on page 1130, provides for the sale of the Delaware lands and payment therefor in gold and silver, as follows:

ARTICLE 3. The Delaware tribe of Indians, entertaining the belief that the value of their lands will be enhanced by having a railroad passing through their present reservation, and being of the opinion that the Leavenworth, Pawnee and Western Railroad Company, incorporated by an act of the legislative assembly of Kansas Territory, will have the advantage of travel and general transportation over every other company proposed to be formed



which will run through their lands, have expressed a desire that the said Leavenworth, Pawnee and Western Railroad Company shall have the preference of purchasing the remainder of their lands after the tracts in severalty and those for the special objects herein named shall have been selected and set apart, upon the payment into the United States Treasury, which payment shall be made within six months after the quantity shall have been ascertained, in gold or silver coin, of such a sum as three commissioners, to be appointed by the Secretary of the Interior, shall appraise to be the value of said land.

Treaty of 1861, 12 Statutes at Large, page 1181, referring to the same subject-matter, contains the following:

Whereas by the treaty of Sarcoxville, amended by the United States Senate, and finally ratified by the President of the United States on the 22d day of August, 1860, a principal object of both parties was the construction of a certain contemplated railroad therein named; and to that end the Leavenworth, Pawnee and Western Railroad Company were to pay into the United States Treasury in gold or silver coin a sum of money, afterwards ascertained to be \$286,742.15, as the appraised value of the certain lands in Kansas belonging to the Delaware tribe of Indians.

This \$286,742.15, which was received in gold coin by the Government, was paid to the Indians, contrary to the terms of the treaty, in currency, as shown by the reports of the Commissioner of Indian Affairs, as follows:

Year.	Annual payments.	Page of Commissioner's report.
1862.....	*\$17,204.53	367
1863.....	*17,204.53	480
1864.....	*17,204.53	471
1865.....	*17,204.53	558
1866.....	*17,204.53	327
1867 (July 1).....	*6,742.15	350
1867.....	*15,000.00	353
1867.....	*1,800.00	353
1868.....	*16,800.00	323
1869 (May 13).....	*250,716.10	485-84
1869.....	*2,957.03	497
1870.....	*2,957.03	172
1871.....	*2,957.03	165
1872.....	*2,957.03	418
1873.....	*2,957.03	355
1874.....	*2,957.03	153
1875.....	*2,957.03	148
1876.....	*2,957.03	200
1877.....	*2,957.03	271
1878.....	*2,957.03	207

\*Interest.

†Principal.

Mr. ALLISON. That money was paid into the Treasury by this railroad company?

Mr. STEWART. Yes.

Mr. ALLISON. And probably paid in currency?

Mr. STEWART. No, it was paid in coin.

Mr. ALLISON. By the company?

Mr. STEWART. By the railroad company.

Mr. ALLISON. And it is now standing to the credit of these Indians. What has become of the principal fund?

Mr. STEWART. Some of it has been paid out. There has always been some confusion about this matter because when this fund was put in the Treasury it was sent from the Interior Department and consolidated with other funds and paid out as the funds were payable. It was not payable in any specific currency, but the Interior Department took from this fund as the items were sent in by the Commissioner of Indian Affairs to be paid. There have been two payments made. The obligation was recognized that the Government should pay in gold, but the fund was not ascertained. However, by taking the records of the Interior Department, the Comptroller says there is no difficulty, from the reports of the Commissioners sent in, in ascertaining and figuring up the money to be paid out.

Mr. ALLISON. My attention was called to the amendment from the fact that I see that there is in the midst of it a long whereas. Of course, the Secretary of the Treasury in undertaking to adjust these accounts will be obliged to assume that these whereas are true. I suppose they are true.

Mr. STEWART. They are copied from the treaty. However, they might be stricken out.

Mr. QUAY. Will the Senator from Iowa permit me?

Mr. ALLISON. Certainly.

Mr. QUAY. Is not the case in a nutshell simply that the United States received gold to be paid to these Indians and paid them in depreciated currency?

Mr. STEWART. Yes.

Mr. QUAY. Is not this exactly the case which was met in the urgent deficiency bill passed some six weeks ago where the State of Pennsylvania and some other States claimed from the United States the difference between the gold advanced for the use of the Government and the currency received in return for it, the justice of which claim was admitted by the Senate?

Mr. COCKRELL. I should like just to ask to what extent the rule applied here is to be extended?

Mr. STEWART. It is not to be extended at all. There were

four cases where the Government received gold and was to pay out gold. There are a great many cases, many involving many millions, where they were paid right along out of their funds in currency. In the absence of a special contract the Government can pay in legal tender, and it incurs no legal obligation. A good many claims have come in before the committee where it was said there was an implied obligation to pay in gold because the currency was depreciated, but the courts have decided that the Government can pay its debts in its own legal tender, and the Government is supreme in that respect; there is no appeal from it. But where the Government contracts to pay in gold, of course the Government is bound the same as private individuals would be bound in such a case.

Mr. COCKRELL. Has this case been tested in court?

Mr. STEWART. A similar case between private individuals, but not this case. It was conceded in the other cases, but there was difficulty in this case growing out of the fact that the fund was consolidated in the Treasury Department with other funds, and there was no way of separating it until the Commissioner of Indian Affairs said that they had a record of the amounts at the times they were sent to the Treasury right along from this fund, and the Comptroller says with that information he can compute the amount.

Mr. ALLISON. The fact is that these funds were sent to the Treasury and mingled with others?

Mr. STEWART. They were mingled after they were sent in.

Mr. ALLISON. They were not all for the same purpose?

Mr. STEWART. No; they were sent in to be paid to different Indians.

Mr. ALLISON. The Senator from Pennsylvania [Mr. QUAY] likens this case to the case of Pennsylvania. I wish to say that there was a very substantial difference in the case of Pennsylvania. The United States Government, as I remember it, agreed to pay all the expenses incurred by the States in the prosecution of the war of the rebellion, or the civil war, whatever it may be called at this time, and the State of Pennsylvania issued bonds, payable, principal and interest, in gold, for the purposes of troops of Pennsylvania, and paid the interest on it for fifteen or twenty years, and in the payment of that interest claimed that they had paid out an additional sum; in other words, that paying the interest in gold made the interest cost the State of Pennsylvania more than 6 per cent.

Mr. TELLER. Buying gold with currency?

Mr. ALLISON. Buying gold with currency. The Court of Claims, I believe, in that case decided that whatever sums were paid out by the State should be reimbursed by the Government of the United States. I am not criticising this matter. I suppose that the committee have very carefully considered it.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. STEWART. I ask that the unfinished business be temporarily laid aside in order to dispose of the amendment now under consideration.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the unfinished business may be temporarily laid aside pending the disposition of the amendment on pages 64 and 65 of the Indian appropriation bill now under consideration. Is there objection?

Mr. PENROSE. I should like to ask whether the consideration of that is expected to take any great length of time?

Mr. STEWART. It will not, if the Senator from Iowa does not desire to occupy the floor any longer.

Mr. ALLISON. I have nothing further to say on the subject.

Mr. PENROSE. All right.

Mr. ALLISON. If the treaty requires these sums to be paid in gold coin, I think the United States ought to meet the obligation.

The PRESIDING OFFICER. Then the amendment will be considered as agreed to, and the following amendment, on page 65, which has been read by the Secretary, providing for payment to the Chippewa Indians, will, without objection, be considered as agreed to.

Mr. RAWLINS. Mr. President—

Mr. CLAPP. Owing to some confusion when the bill on page 35 was read, I ask unanimous consent that the Secretary may read after the word "commissioners"—

The PRESIDING OFFICER. The Chair will call the Senator's attention to the fact that the Chinese-exclusion bill was temporarily laid aside to complete the pending amendment. The unfinished business was laid aside only for that purpose.

Mr. CLAPP. There was no amendment pending there.  
The PRESIDING OFFICER. The unfinished business is now before the Senate.

Mr. CLAPP. But I ask unanimous consent—

The PRESIDING OFFICER. The unfinished business was laid aside temporarily by unanimous consent to complete the amendment on pages 64 and 65. The amendment having been completed, the unfinished business, which is the Chinese-exclusion bill, is again before the Senate.

Mr. CLAPP. I still submit that the Senate might by unanimous consent permit this to be done.

The PRESIDING OFFICER. Of course, if the Senator desires to make that request.

Mr. CLAPP. No; I do not care to press it, Mr. President.

Mr. RAWLINS. The Senator from Iowa is here, and I ask unanimous consent that we may go back to the amendment which was temporarily passed over.

The PRESIDING OFFICER. The Chair is again obliged to call the attention of the Senator from Utah to the fact that the Chinese-exclusion bill is before the Senate. The Indian appropriation bill has been temporarily laid aside, and the Chair is about to recognize the Senator from Oregon [Mr. MITCHELL], who gave notice of his desire to address the Senate at this time.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1011) granting an increase of pension to John S. Raulett;

A bill (H. R. 1706) granting an increase of pension to John E. White;

A bill (H. R. 2120) granting an increase of pension to Horatio N. Warren;

A bill (H. R. 2124) granting an increase of pension to De Witt C. McCoy;

A bill (H. R. 3084) for the relief of bona fide settlers in forest reserves;

A bill (H. R. 3180) granting an increase of pension to Edward S. Dickinson;

A bill (H. R. 3418) granting a pension to Dennis Dyer;

A bill (H. R. 5413) granting an increase of pension to Alfred H. Van Vliet;

A bill (H. R. 6029) granting a pension to Mary E. Kelly;

A bill (H. R. 6466) granting a pension to Josephine M. Dustin;

A bill (H. R. 6713) granting an increase of pension to Freeman R. E. Chanaberry;

A bill (H. R. 7990) granting an increase of pension to Uriah Reams;

A bill (H. R. 9301) granting an increase of pension to Barbara McDonald;

A bill (H. R. 9821) granting a pension to John W. Moore;

A bill (H. R. 10044) granting an increase of pension to William Larzalere;

A bill (H. R. 10193) granting an increase of pension to John Hollister;

A bill (H. R. 11375) granting a pension to Charles F. Merrill;

A bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield; and

A bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOODY of Oregon, Mr. SCOTT, and Mr. HALL managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 2371) granting a pension to Andrew J. Felt, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDERHEAD, Mr. GIBSON, and Mr. NORTON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution authorizing the appointment of a committee to attend the ceremonies incident to the transfer of the remains of Gen. William S. Rosecrans from California to the cemetery at Arlington, Va.; in which it requested the concurrence of the Senate.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to

regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent, which had been reported from the Committee on Immigration with amendments.

Mr. PENROSE. Before the Senator from Oregon proceeds, I ask that the formal reading of the bill be dispensed with and that it be read by paragraphs for consideration of the committee amendments.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the formal reading of the bill may be dispensed with, and that the bill may be read by paragraphs for amendment, the committee amendments to be considered first. Without objection the request of the Senator from Pennsylvania is agreed to.

Mr. MITCHELL. Mr. President, I assume at the outset the time is past when argument is longer needed in support of the policy of the exclusion of Chinese laborers from this country. It has become one of the great policies of the country, as firmly supported and almost as thoroughly acquiesced in by all political parties, as the Monroe doctrine. It is a policy based on the doctrine of the general welfare; on the principle, not only of protection to the American laborer and American labor, but upon the still broader doctrine of protection against noxious infection of those institutions of our country, which in the grand aggregate go to make up American civilization. I shall not, therefore, detain the Senate with any very extended remarks, recounting reasons and submitting arguments in favor of the exclusion from this country of Chinese laborers. This I have done heretofore on many different occasions since I have been a member of this body. I shall therefore confine myself, in the main, at this time to some remarks explanatory of the provisions of the pending bill.

This bill has for its basic principles those embodied in the existing legislation of the country, with such additions and elaborations as experience in the administration of existing law by the Treasury Department, the Department of Justice, and the courts has suggested, not only as being wise, but of manifest importance and necessity; and also such necessary additions as the changed conditions in our country have made necessary in order to include within its provisions our insular territory. It has been the aim of the framers of this bill to so construct it as to make it as perfect and effective as possible as a restrictive measure in its application to Chinese laborers and laborers of Chinese descent, and at the same time, while keeping steadily in view all necessary means of protection against fraud, to liberalize, so far as possible, those provisions relating to the exempted classes, namely, officials, teachers, students, merchants, and travelers for curiosity and pleasure.

Experience in the administration of the existing law has led to numerous decisions, not only of the Treasury Department, but of the Federal courts, and opinions of the Attorney-General, which have fully demonstrated the necessity of incorporating into the statutes the more important of the principles thus definitely settled. This, it is believed, is necessary, in order the better to prevent frauds and make the legislation efficient and effective for the purpose intended.

It may therefore be said at the outset there is no real departure in the provisions of this bill, in the principles enunciated, or in its administrative machinery from those of the statutes now in operation, as defined and construed by the Treasury Department, by the Department of Justice, and by the Federal courts.

The bill is, in a word, as so well stated by Mr. Edward J. Livernash, one of the California commissioners, in his able argument before the Committee on Immigration—  
virtually a codification of the existing law on the subject-matter to which it relates, except in so far as it liberalizes present law and regulations concerning Chinese persons who are not laborers, and in so far as it is intended to prohibit movements of Chinese persons and persons of Chinese descent from the Philippine Islands to Hawaii and the American-mainland territory of the United States.

There is included in this bill all that is believed to be applicable and best and which may with propriety be embodied in a statute of the provisions found in the acts of Congress of 1882, 1884, 1888, 1892, and 1893, and of our treaty with China of December 8, 1894. Also numerous provisions, embodying settled principles and adjudications in existing Treasury rules and regulations, opinions of the Attorney-General, and decisions of the courts.

It may be further stated it has been the aim of those concerned in the preparation of the pending bill, and of the various amendments proposed by the committee, while seeking to present a measure which will be effective in the exclusion from this country of Chinese laborers and laborers of Chinese descent, to carefully avoid doing anything which may give just cause for offense to the Chinese Empire, with which it is hoped we may continue on the most friendly relations, and which good relations it is believed will tend to the enlargement and extension of our mutual interests to the continued and ultimate benefit of both countries. It will



therefore be seen, on a critical examination of the provisions of this bill, that so far from restricting and imposing impediments, its provisions having reference to the exempted classes—officials, teachers, students, merchants, and travelers for curiosity or pleasure—have been liberalized.

It may be said further that this proposed legislation does not in any respect invade any of our treaty obligations with China, and by no rule of international law or of the comity of nations are we under any obligation whatever, either legally or morally, constitutionally or otherwise, to await the consent of China to the enactment of this legislation. The right to determine what persons or class of persons, either from China or from any other foreign country on the face of the globe, shall come here and participate in the grand upbuilding of our nationality and in the advancement and perpetuity of American institutions, is one of those inalienable rights that attach to us as a sovereign and independent people.

And if, in the judgment of the lawmaking power of this Republic, it is not for the best interests of our institutions, or of our Republic, or of our people that a certain class or certain classes of the people of any foreign country shall be permitted to come and reside here, then the same in alienable right attaches to us to exclude them, as does the right and duty upon our part as a nation to exclude anarchists, criminals, paupers, insane persons, and other similarly objectionable classes.

By the first section of this bill it is provided that from and after its passage the coming, except under certain specified conditions, of Chinese laborers from any foreign country to the United States, or to its territory, or to any territory under its jurisdiction shall be absolutely prohibited; and as to this there is no limit as to time. This provision, it will be observed, is only different from the existing law in these two particulars, that it prohibits the coming of Chinese laborers to the territory of the United States, and to any territory under its jurisdiction, and there is no limit as to time.

By section 2 of the bill it is provided that from and after its passage the entry into the American-mainland territory of the United States of Chinese laborers coming from any insular territory of the United States shall be absolutely prohibited, and it is provided that this prohibition shall apply to all Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since, and also to those who may be born there hereafter. By this section the same prohibition of entry is made to apply to Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member.

And it is also provided in this section that the privileges of transit provided by another section of the bill in favor of other Chinese persons are given to Chinese laborers in all territory of the United States, subject to certain provisions relating to transit provided in other portions of the bill. This, of course, is new legislation, the effect of which is to make the exclusion as to Chinese laborers applicable to our insular territory and to inhibit Chinese laborers from going to one island of the United States from any other insular territory, except as I have just stated, to the island of a group whereof such island is a member. This, it will be observed, is in line with the policy adopted by Congress in dealing with the Hawaiian Islands.

By joint resolution of July 7, 1898, United States Statutes 1897-98, page 751, it is provided as follows:

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States, and no Chinese by reason of anything herein contained shall be allowed to enter the United States from the Hawaiian Islands.

While by section 101 of the act approved April 30, 1900, it is provided as follows:

That Chinese in the Hawaiian Islands when this act takes effect may, within one year thereafter, obtain a certificate of residence, as required by "An act to prohibit the coming of Chinese into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificate: *Provided, however*, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or district of the United States from the Hawaiian Islands.

The great purpose of the legislation excluding Chinese laborers and laborers of Chinese descent from this country being to protect the laborer of this country from ruinous competition with the cheap labor of Asia, it would be a rather strange commentary upon both the prescience and the consistency of our nation if, while striving strenuously to close the door against Chinese laborers from China, we at the same time left the door wide open to the hundreds of thousands—if, indeed, not millions—of Chinese laborers and laborers of Chinese descent in the Philippine Archipelago. It is said there are at present in the Philippine Archi-

pelago about 1,750,000 Chinese persons and persons of Chinese descent—the greater portion of them, it is true, being half-breeds, or persons of Chinese descent.

The proposed legislation does not prohibit a Chinese laborer from going from one island of the Philippine Archipelago to another island of that archipelago, nor from one of the Hawaiian Islands to another island of that group of islands, but it does interdict the coming of a Chinese laborer from one of the Philippine Islands to one of the Hawaiian Islands, or to Porto Rico, or to one of our Danish West India Isles—when they shall become ours and they doubtless will at a very early date—as well as to the United States. As to the constitutionality of an act restricting the privilege of locomotion in this respect, as applicable to this class of persons, I have no serious doubt, although that may possibly be questioned by some. In any event Congress has, as I have already shown, committed itself fully to this doctrine in its legislation in regard to Hawaii.

This restriction, it will be observed, is also made applicable not only to persons born in our insular territory, but to those who may hereafter be born in such territory. This has led to the query from certain sources, believed to be hostile generally to the policy of exclusion, whether these persons, especially those born in our insular territory hereafter, are not citizens of the United States, and that, therefore, this provision would be unconstitutional, as coming in conflict with the fourteenth amendment.

This legislation, however, proceeds upon the theory which, it is believed, has been announced by the highest judicial tribunal of this country, that our insular territory is not a *part* of the United States, but, on the contrary, is territory *belonging* to the United States. It is believed, therefore, that the fourteenth amendment to the Constitution of the United States is not applicable to this class of persons born in this portion of our insular territory. That amendment provides as follows:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Hence, to bring a person within the protection of this amendment two of three things must concur. He must be either born or naturalized in the United States and be subject to the jurisdiction thereof. By section 3 of the bill a definition is given to the term "laborer" as used in this bill. It is the same definition in substance and effect and in almost the identical language given by the existing law as construed by the decisions of the Department, and it is construed to mean both skilled and unskilled manual laborers, Chinese persons employed in mining, fishing, huckstering, peddling, or laundry work, and those engaged in taking, drying, or otherwise preserving shellfish or other fish for home consumption or exportation. And it is provided in this section that every Chinese person shall be deemed a laborer, within the meaning of this bill, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure.

This, I concede, is a provision not in specific terms in the existing legislation, but fully justified, both by the terms of the treaty and by the language of the law. This is clearly manifest, as will be seen from a critical examination of the various provisions of the treaty with China of December 8, 1894; and such, also, is the construction placed by the courts on the term "Chinese laborer," as used in this treaty and as employed in the Geary acts. It is in no sense, therefore, in antagonism either to the letter or the spirit of either treaty or existing legislation. In this connection it is well to inquire what is meant by the term "Chinese laborer" as used in our treaty with China of 1894 and as used in existing legislation prior to that treaty, and which was assented to and recognized by the treaty.

The recognized theory of the legislation upon the subject and of the treaty stipulation is not that all Chinese persons who are not prohibited may enter this country. Upon the contrary, the legislation proceeds upon the theory that only those are allowed to enter who are especially allowed. This rule is clearly laid down by Attorney-General Griggs in his opinion of July 15, 1898, in which he says:

The true theory of the Federal law is not that all Chinese persons may enter this country who are not forbidden, but that only those may enter who are expressly allowed.

Moreover, in the case of *Ah Fawn* (57 Fed. Rep., 591) United States District Judge Ross, of the southern district of California, entered into an elaborate discussion of the meaning of the terms "Chinese laborer" as used in our treaty with China. In that case, in holding that a Chinese person who was a gambler and also a highbinder, was within the treaty meaning of the term, Judge Ross said:

The question to be determined is, what is the true construction of the words "Chinese laborers," as here used by Congress. Etymologically a laborer is one who labors. In that broad sense a practicing physician is a laborer, and a hard one, too. So, also, is a practicing lawyer. In that sense the professional journalist is a laborer; as is also every minister of the Gospel.

In the same sense every merchant is a laborer, but in neither sense nor



writing is that a common or ordinary acceptance of the term "laborer." Worcester thus defines it: "One who labors; one regularly employed at some hard work; a workman; an operative; often used of one who gets a livelihood at coarse, manual labor, as distinguished from an artisan or professional man." And the definition given by Webster is to the same effect. Neither of these considerations furnishes, in my opinion, a true solution of the question. Undoubtedly a gambler is not a "laborer," in the ordinary and popular meaning of that term; nor is a "highbinder," whose avocation is understood to be the commission of every species of crime.

In the act in question (act of Congress of May 5, 1882) Congress did not define the term "Chinese laborers" employed by it. To ascertain the true meaning of the words so used, the purpose of the act must be considered. As its sixth section, providing as it does for expulsion from this country of all Chinese laborers within it at the time of the passage of the act who should fail to comply with its provisions, whether they came here at the invitation of our Government or otherwise, in its stringency went far beyond the provisions of the existing treaties between the two countries, it would be altogether unreasonable to hold that the words "Chinese laborer" in that very section of the act were used in any narrower sense than were the same words in the treaty under which Congress was legislating. It is pertinent and important, therefore, to inquire what is the scope of those words in that treaty.

\* \* \* As finally drafted and agreed upon, the words "Chinese laborers" were not defined; and so their true meaning in the treaty, as in the statutes, is a matter for construction.

The history of the negotiations, as already detailed, leading up to the making of the treaty, merely shows that throughout them the United States commissioners insisted that the words "Chinese laborers" should include all immigration other than that for teaching, trade, travel, study, and curiosity. The first proposal on the part of the United States commissioners so to define them in the treaty itself, met on the part of the Chinese commissioners, not a refusal, but with this response: "The separation of this class from the mass of the subjects of China in this manner is not in strict accord with the spirit of our treaty, and in practical operation would meet with many difficulties. But, bearing in mind the deep friendship between the two nations, in the event of embarrassments on either part a solution must be sought in a spirit of mutual concession."

This was followed by a proposal on the part of the Chinese commissioners of articles in which the word "actual" was inserted immediately before the words "Chinese laborers" and inserting the word "artisan" among the privileged classes. These suggestions met with distinct refusals on the part of the United States commissioners, and both of those words were omitted from the treaty as finally agreed upon, signed, and ratified. Their insertion would have given the words "Chinese laborers" the ordinary and popular meaning of laborers as defined by lexicographers, to wit, those engaged in hard manual work. Their omission under the circumstances stated clearly shows that it was intended that they should have a broader meaning.

Moreover, had the intention been to confine the words "Chinese laborers" to those engaged in hard, manual work, the inhibition would have applied to none other, and there would have been no occasion to make a specific provision, as was done by Article II, for the coming to this country of teachers, students, merchants, or those for curiosity, together with their body and household servants. There was, therefore, good ground for the claim reported by the United States commissioners to have been made by the Chinese commissioners to the effect that Article II of the treaty, as agreed upon, "did by exclusion provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who went to the United States for purposes of teaching, studying, mercantile transactions, travel, or curiosity;" and that such was also the understanding of the United States commissioners is distinctly declared in their report to the Secretary of State already quoted.

Read, therefore, in the light of the accompanying proceedings, it is clear that the words "Chinese laborers" in the treaty of 1880 are not limited to those who do hard, manual work, but that they are broad enough in their true meaning and intent to include Chinese gamblers and highbinders; and for the reasons already given, it is manifest that Congress in passing the act of May 5, 1882, did not use the words "Chinese laborers" in any narrower sense than were the same words in the treaty under which it was legislating.

It is clear, therefore, the latter part of section 3 of the pending bill in providing as it does that every Chinese person shall be deemed a laborer within the meaning of the bill who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure is clearly within the spirit and proper construction, not only of the treaty with China, but of the Chinese legislation now on the statute book of the country.

This construction of the legislation and especially of the term "Chinese laborers" as used in both our treaties, that of 1880 and that of 1894, and also in the several acts of Congress, is strengthened by a reference to the diplomatic correspondence which took place between the commissioners of the two Governments, and between the Department of State and our own commissioners, or rather in the final report of our commissioners to the Secretary of State, when the treaty of 1880 was under consideration. On the 22d day of October, 1888, the Chinese commissioners wrote to our commissioners, Messrs. Angell, Swift, and Trescott, as follows:

Some days since your excellencies handed to us a project, in two sections, for the modification of existing treaties, which has received our careful consideration. \* \* \* Section 2 declares that there are difficulties growing out of the emigration of Chinese laborers to the United States, and explains that the words "Chinese laborers" are used to include all persons except such as go thither for the purpose of teaching, study, trade, travel, and curiosity. The separation of this class from the mass of the subjects of China in this manner is not in strict accord with the spirit of our treaties, and in practical operation would meet with many difficulties. But, bearing in mind the deep friendship between the two Governments, in the event of embarrassment on either part a solution must be sought in a spirit of mutual concession.

To this communication our commissioners on the 2d day of November, 1880, replied as follows:

The United States commissioners feel it their duty to insist upon their definition of Chinese laborers, viz: "The words Chinese laborers are herein used to signify all immigration, other than that for teaching, trade, travel, study, and curiosity hereinbefore referred to and provided for in existing treaties."

Thus it will be seen, while the Chinese commissioners mildly

protested in the first instance, pending the negotiations, they in their closing paragraph of their communication virtually concede the claim of the American commissioners; while the reply of the American commissioners, it will be seen, was in the most positive terms of adherence to the construction they insisted should be placed upon the term Chinese laborers; that is to say, that they were to be construed to signify all Chinese immigration other than those of the exempted classes.

But still further, in confirmation of this, attention is called to the communication of the United States commissioners, their final report of date November 6, 1880, addressed to Mr. Evarts, then Secretary of State, and which can be found in "Foreign Relations of the United States, 1881," pages 178-189. In that communication they said:

We desired, as you will see by the précis of the negotiation, to define with more precision exactly what all the negotiators on both sides understood by "Chinese laborers." But the Chinese Government was very unwilling to be more precise than the absolute necessity called for, and they claimed that in Article II they did by exclusion provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who went to the United States for purposes of teaching, study, mercantile transactions, travel, or curiosity.

We have no doubt that an act of Congress, excluding all but these classes, using the words of the treaty, would be fully warranted by its provisions, and as this was a clear and sufficient modification of the sixth article of the Burlingame treaty we did not feel authorized to risk such a concession by insisting upon language which would really mean no more, and which was entirely unacceptable to the Chinese commissioners. There is not in the treaty any language which modifies that concession, and there was not, as we think, the slightest intention on the part of the Chinese commissioners to diminish the full force of the discretion given to the United States.

Section 4 provides that from and after the passage of the bill the privilege of Chinese persons other than Chinese laborers to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as these several classes are defined later on in this bill. This provision is the equivalent of the latter part of section 3, and it has been seen to whom this provision is applicable, and further support is given to this contention by Article III of the treaty with China of December 8, 1894, which reads as follows:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

It is also fully justified by section 2 of the act of Congress of September 13, 1888, which provides as follows:

That Chinese officials, teachers, students, merchants, or travelers for curiosity or pleasure shall be permitted to enter the United States, but in order to entitle themselves to do so they shall first obtain permission of the Chinese Government or other government under which they may at the time be citizens or subjects.

Here the maxim "*Expressio unius exclusio alterius*" applies.

Bearing upon this phase of the question, attention is attracted to the opinion of the Attorney-General of the United States of October 14, 1896, in which he said:

The policy of the Government being against the admission of Chinese laborers, treaty provisions making exceptions should not be extended to those not falling within the plain scope of the language used.

And also the opinion of the Attorney-General of July 15, 1898, in which he stated:

The true theory of the Federal law is not that all Chinese persons may enter this country who are not forbidden, but only those may enter who are expressly allowed.

Section 5 of the pending measure defines the term "official," as used in section 4 of the bill, to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents; or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be similarly privileged to enter, on being identified as such attendants or servants in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury. This is in accordance with existing legislation; there is no change.

Section 6 of the bill defines the term "teacher," as used in this bill, to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States. This provision is in substantial conformity with the practice enforced for many years—in fact, since our first legislation on that subject—and no protest has ever been entered, so far as I am advised, by the Chinese Government.

The practice of existing legislation is evidenced by the following condensation of the present Treasury practice, prepared by a



Treasury official thoroughly familiar with his subject, and who was largely consulted in the preparation of this bill:

Chinese person not entitled to admission as a teacher, if, in addition to presenting proper certificate, etc., the facts claimed in his certificate are disproved; or if any of the contents thereof are controverted; or if evidence does not show that he has actually been following the avocation of teacher in China; or if upon examination in various branches of education it is found that he is not qualified to become a teacher; or if it is not shown to the satisfaction of the collector that plans and arrangements have been effected for him to conduct a school in the United States.

Surely no one can successfully question the right upon the part of Congress to establish and enforce all necessary and reasonable rules and regulations which will operate as statutory safeguards against fraud, and which will truly and properly test the good faith and sincerity of all Chinese persons making claim to belong to one or the other of the exempted classes. If a Chinese person claims the right to enter this country on the ground that he is a teacher, he can not under the terms of the treaty be heard to object to the tests which this bill applies as a means of determining whether his claim is good or bad.

The term "student" is defined by the seventh section of the bill to mean only one who intends to pursue some of the higher branches of study or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on completion of his studies. This definition follows that heretofore placed on the term "student" as used in our treaty with China and in the Geary Act by the departments of Treasury and Justice.

The Solicitor of the Treasury, in an opinion dated June 15, 1900, in construing the existing treaties and laws, and in defining the term "student" as used therein, said:

A Chinese student is a person who intends to pursue some of the higher branches of study, or one who seeks to be fitted for some particular profession or occupation for which facilities for study are not afforded in his own country, one for whose support and maintenance in this country as a student provision has been made, and who, on the completion of his studies, expects to return to China.

While the Secretary of the Treasury, by decision No. 23107, held as follows:

A Chinese person coming to the United States, applying for admission upon the ground that he intends to study the English language, is not a student within the meaning of the Chinese-exclusion laws, which have been decided to exempt as students only those who intend to pursue some of the higher branches of study, or who seek to be fitted for some particular profession or occupation, facilities for the study of which are not afforded in their own country.

No different definition, therefore, is sought to be placed by the provisions of this bill on the term student from that which has been recognized for many years past in the administration by the departments of the Treasury and Justice of the exclusion treaties and laws. It was clearly the intent of those engaged in formulating our treaties with China to provide for a limited number of educated Chinese youths who might come to this country to advance themselves in the higher branches of education, and not to open the doors to millions of Chinese children to come here to acquire a primary education.

Section 8 of this bill defines the term "merchant" to mean only one who is engaged in buying and selling merchandise at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant. And it is provided that where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed arrangements for forthwith becoming, the owner, in whole or in part, in good faith, of a mercantile business in the United States, or some portion of the territory thereof, a business strictly within the meaning given by this bill to the business of a merchant.

This section further provides that where an application is made by a Chinese person for entry into the United States as one formerly engaged in the United States as a merchant he shall, unless he produce the return certificate provided for in another section of this bill, establish to the satisfaction of the appropriate Treasury officer, by the testimony of two credible witnesses other than Chinese, that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during said year he was not engaged in the performance of

any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof it provides he is not a merchant within the meaning of the bill. This section is less restrictive and more liberal as to merchants than is the existing legislation as understood by Treasury officials, and as it has been enforced for years by the administrative officers of the Government. This is apparent from regulations of the Treasury Department of date May 19, 1893, as follows:

In the enforcement of the provisions of section 2 of the act of November 3, 1893, relating to the application for admission of alleged returning Chinese merchants, it will not be enough to have witnesses testify that an applicant for at least one year before his departure from the United States was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as such merchant, but the testimony should show specifically the kind of work the Chinaman has done during the entire year, and, after detailing the character of such work, should say that he has not performed any other labor than that specifically set forth.

A further Treasury regulation in compilation issued October 1, 1900, page 37, and which is, if anything, less liberal than the provisions of the pending bill, reads as follows:

When an application is made by a Chinese person for entrance into the United States as a returning merchant, section 2 of the act of November 3, 1893, requires that he shall establish by the testimony of two credible witnesses, other than Chinese, the fact that he conducted business as a merchant for at least one year before his departure from this country, and that during such year he was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as a merchant. This requirement of law is not complied with when the persons who certify to an acquaintance with the applicant for admission do not state that he conducted business here as a merchant for one year prior to his departure, and the statements made by said persons are not sworn to. (Treasury regulation; compilation issued October 1, 1900, pp. 36, 37.)

Some protest was made, I believe, before the committee in opposition to this section on the ground, as it was claimed, that it was violative of Article IV of the treaty of December 8, 1894, in reference to the most-favored-nation clause. But surely a mere reference to this treaty clause is a sufficient answer to this objection. The clause in the treaty referring to the most-favored-nation clause reads as follows:

It is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most-favored nation, excepting the right to become naturalized citizens.

It will be seen that this clause has no reference whatever to the entry of Chinese into this country, but relates solely to Chinese laborers, or Chinese of any other class, who may be temporarily or permanently residing in the United States. This provision does not attach or in any manner relate to or affect Chinese in their coming to the United States. No right whatever is conferred upon any Chinese person of any class whatever by virtue of this clause until after such Chinese person has entered the United States, and not even then until he has become a resident therein, either temporarily or permanently.

It is preposterous to suppose for one moment that this Government would ever by any treaty stipulation barter away its inalienable right to inhibit the coming to this country of any class of people whatever from any country on the earth if, in the judgment of Congress, such class of persons are objectionable and it is deemed wise to exclude them. In section 9 the term "traveler" is defined to mean only one who shall establish to the satisfaction of the appropriate Treasury officer that he is in present possession of adequate funds for paying the costs of the intended travel within the territory of the United States and he proposes in good faith solely to travel for curiosity or pleasure and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of his itinerary.

This is substantially in accordance with existing law and is believed to be fully justified also by the terms of the treaty, inasmuch as the treaty provides as follows:

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privileges of transit from being abused.

By section 10 of the bill it is provided that the prohibition of section 1 shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts therein of like amount due him and pending settlement. But by provision of this section this exception is subject to certain conditions, as follows:

First. A registered Chinese laborer is: (a) One who, being lawfully a resident of Hawaii or the American mainland territory of the United States at the time of the passage of this bill, is the rightful holder of a certificate of residence issued to him under the acts of Congress in effect at the time of the passage of this bill affecting the exclusion of Chinese persons from the United States, such certificate being valid and operative at the time of the passage of this bill; and every such certificate of residence, valid and operative at the time of the passage of this bill, is by the provisions of this section continued valid and operative, but



in accordance with the provisions of this bill; and (b) one who, being lawfully a resident of any insular territory of the United States (Hawaii excepted) at the time of the passage of this bill, shall rightfully obtain and retain a certificate of residence therein under the subsequent provisions of this bill; and

Second. The marriage to the wife referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return and must have been followed by cohabitation of the parties as husband and wife, and it must further be made to appear that the applicant has no other wife, under Chinese or other laws or customs, living at the time of such marriage; and

Third. If the right to return be claimed on the ground of property or debts, it must appear: 1st, in the case of property, that the ownership is of property other than money and is in good faith; that the requisite minimum value is over all encumbrances, liens, and offsets; and that the title was not colorably acquired for the purpose of evading the provisions of this bill, and 2d, in the case of debts, that the debtor is solvent, that the amount due is not less than the required sum, clear of offsets and discounts; that the debts do not consist of promissory notes or similar acknowledgments of ascertained or settled liability; and that the indebtedness was not created with a view of evasion of the provisions of this bill; and

Fourth. It must appear, where family, property, or debt qualifications are relied on, that the applicant possesses them at the time of his return to the United States as well as at the time of departure therefrom.

The provisions of this section, except as they are made applicable to our insular territory, are in substance and effect in conformity with article 2 of our treaty with China, December 8, 1894, and the act of September 17, 1888 (25 Stat., 476). Article 2 in our convention with China, December 8, 1894, is as follows:

The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty, and should the written description aforesaid be proved to be false, the right of return thereunder or of continued residence after return shall in each case be forfeited.

And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

While it is provided by article 5 of our treaty of December 8, 1894, as follows:

The Government of the United States, having by an act of Congress, approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts.

Again, by a reference to the act of September 13, 1888 (25 Stats., p. 476), it will be seen that so long as nearly fourteen years ago Congress enacted, in reference to this phase of the subject, what was subsequently incorporated in our treaty with China December 8, 1894, and which is now proposed to be incorporated and reenacted in this bill.

Sections 5 and 6 of the act of September 13, 1888, reads as follows:

Sec. 5. That from and after the passage of this act no Chinese laborer in the United States shall be permitted, after having left, to return thereto except under the conditions stated in the following sections.

Sec. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

By section 11 of the bill it is provided that any Chinese laborer claiming the right to return to the United States on any of the grounds stated in section 10 shall apply to the appropriate treasury officer of the district in which he resides at least one month prior to the time of his departure, such application to be accompanied by his certificate of residence; and it is provided that he shall make, under oath before such officer, a full statement in

triplicate descriptive of his family, or property, or debts, as the case may be, and shall furnish to such officer such proof of facts entitling him to return as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto it is provided he shall incur the penalties imposed by law for perjury.

It is also provided that he shall permit such officer to take a full description of his person, which description the officer shall retain and mark with a number. The original and each copy of such statement shall contain a photograph of the applicant, made at the time and in the manner prescribed by the rules and regulations as prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. The bill further providing that the original of such statement shall be retained by the Treasury officer before whom it is made, and the duplicate and triplicate copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

This section further provides that in case the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate sign and give to the applicant a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return. And it is further provided that in the event such certificate shall be transferred it shall become void, and the person to whom it was originally issued shall by that act forfeit his right to return to the United States. And it is further provided that the right to return under such certificate shall be limited to two years from the date of leaving the United States.

This section further provides that no Chinese laborer shall be permitted to reenter the United States without producing to the appropriate Treasury officer at the place of such entry such return certificate, and that a laborer presenting a certificate of return, required by this section, shall be admitted to the United States only at the port from which he departed.

This section also fixes the ports at which Chinese persons, whether laborers or of any classes, other than Chinese diplomatic and consular officers, shall be permitted to enter the United States. These ports, as fixed in the bill as originally introduced by me, were San Francisco, Portland (Oreg.), Astoria (Oreg.), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, and San Juan, in Porto Rico. While in the bill as reported the committee has amended this portion of this section by striking out Astoria, Oreg.

This committee amendment I am opposed to. Astoria, at the mouth of the Columbia River, should be a port of entry. Many vessels come to Astoria, Oreg., with Chinese on board which do not proceed up the river to Portland, and a failure to make Astoria a port of entry would lead to great inconvenience. Under the old law, giving the Secretary of the Treasury power to designate ports other than those specified in the act, Astoria was designated for the reasons I have suggested. I trust, therefore, this committee amendment will not be agreed to.

This section also provides that the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may designate such other ports as he may deem necessary, subject to the restrictions imposed by section 26 of the bill, which section is to the effect that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States, in the course of their journey to or from other countries, subject to certain provisions therein provided for relating to the privilege of transit.

This section is a substantial reenactment of the act of September 13, 1888, and is fully warranted by Article II of the treaty of December 8, 1894. It is also a virtual enactment of a Treasury regulation in force and enforced by the Department for many years. This section is also sustained by the opinion of the Attorney-General of October 11, 1896, in which he said:

Registered Chinese laborers who depart from the United States, but who fail to obtain the certificate prescribed by Article II of the treaty with China for use in such cases, should not be allowed to return to this country.

For the information of the Senate, and as conclusive evidence that this section of the pending bill is not in any sense a departure in principle, and indeed but little in phrase, from existing law and existing regulations of the Treasury Department, made in pursuance of the treaty and statute, and having all the force of law, I ask unanimous consent to incorporate as a part of my remarks a copy of the Treasury regulations bearing on this branch of the subject:

There is no authority of law for the return to this country of Chinese laborers after the expiration of the period named in the treaty with China for the return of such laborers. (Treasury Regulation; Compilation of October 1, 1900, p. 43.)

A Chinese person claiming the right to be permitted to leave the United States and return thereto as a duly registered laborer shall apply in person to the collector of customs for the district in which he resides at least a month



prior to the time of his departure; shall deposit with said collector a certificate of registration from the Internal-Revenue collector for the district in which he resided at the time of registration; and shall make an oath before the said collector, in writing, a full statement descriptive of his family, or property, or debts, as the case may be, and fully describing himself, giving his name, age, height, local residence, occupation, color of eyes and complexion, and distinguishing marks, if any, and naming the port from which he expects to depart from the United States, which shall be one of those designated in paragraph 42. Such written description shall be filed in duplicate, and to each shall be permanently attached a photograph of the Chinese person referred to therein.

The collector of customs, or his deputy, with whom such certificate of registration and written description are filed will make a thorough examination to ascertain whether the applicant is registered and as to the accuracy of the descriptive statement; that the photograph accompanying the latter for the purpose of identification is that of the person described in such certificate and statement, and that his height, weight, and descriptive physical marks are accurately given, and will then write his official signature in part across such photograph and in part upon the adjoining portion of the written descriptive statement to prevent substitution. The collector referred to will then transmit the certificate of registration to the internal-revenue collector by whom the same purports to have been issued for comparison with the record thereof in his office, in respect not only to name and date therein, but in all other particulars.

At the same time the collector of customs will in person or through the special agent for the district make thorough investigation as to the facts stated therein. As soon as practicable thereafter the collector of customs referred to will transmit such registration certificate, one copy of the sworn statement, and the reports of investigation to the collector of customs for the district from which such Chinese laborer intends to depart from the United States, and at the same time will transmit to said Chinese laborer the duplicate copy of such sworn statement, with instructions to present the same in person to the collector of customs or his deputy at the port of departure.

Upon the receipt of such certificate of registration, the duplicate copies of said sworn statement, and the reports of investigation, the collector of customs or his deputy at said port of departure, after one month from the date of the filing of the original application in the office of the collector for the district in which such Chinese laborer resides, if he finds that the person presenting such duplicate statement is the Chinese person therein described, and is entitled thereto, may sign and give to such person on his departure from said port a certificate containing the number of the description referred to, in the following form:

[No. —.]

UNITED STATES OF AMERICA.

Certificate issued to Chinese laborer departing from the United States with the intention of returning thereto under the treaty between the United States of America and the Empire of China signed March 17, 1894, and proclaimed by the President of the United States December 8, 1894.

This is to certify that —, a Chinese laborer, described in identification paper numbered —, port of —, departed from this port for —, on this — day of —, 19—, with the intention of returning to the United States via this port within twelve months from said date.

Given under my hand and seal this — day of —, 19—, at —, State of —

COLLECTOR'S  
SEAL.

Collector of Customs,  
Port of —, District of —.

If the last-named certificate be transferred, it shall become void, and the person to whom it was given by the collector shall forfeit his right to return to the United States.

The certified description should be carefully preserved by the collector at the port of exit as a means of identification of the Chinese person therein mentioned, and who, in order to avail himself of the privilege conferred by said article 2 of the treaty, must return via the port of departure within one year from the date of his leaving the United States, unless prevented by sickness or other disability beyond his control, in which event the facts shall be officially certified by the Chinese consul at said port of departure to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. (Verbatim Treasury regulations; compilation of October 1, 1900, pp. 39, 40, 41.)

There is no authority for issuance of return certificate to Chinese laborers who have not registered as such. (Treasury Decision 21578.)

The twelfth section of the bill makes it the duty of every Chinese laborer, rightfully within and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time when this bill shall become a law, to obtain within six months after that date a certificate of residence in the mainland territory or the insular territory wherein he resides.

The balance of this section provides the machinery under which he shall obtain this certificate, and it also provides that no person shall be given a certificate of residence under this bill or be entitled to a reissue of any lost certificate of residence who, prior to the application therefor, shall have been convicted of any crime within the jurisdiction of the United States, or of any State or Territory, or insular territory thereof, and all such persons being without such certificate shall be deported.

While it is provided in section 13 that if it shall be made to appear to the proper authorities that any laborer, to whom was lawfully issued a certificate of residence, has lost such certificate, or that it has been destroyed, he shall be given a new certificate on establishing to the satisfaction of the United States judge, or commissioner, before whom he is brought for deportation, that the loss or destruction was not in bad faith.

Section 14 provides that nothing contained in this bill shall be construed to prevent the readmission of any Chinese laborer, who departed from the United States prior to the passage of this bill, possessing a return certificate valid under the acts by this bill repealed, provided, that on his return, he comply with the requirements of such acts.

By section 15 of the bill it is provided that in order to entitle such Chinese persons as are mentioned in section 4 of the bill to admission into the United States they shall produce a certificate

from their Government, or the government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart; and if such persons are residents of the American mainland territory of the United States and seek to enter into any insular territory of the United States, or are residents of any insular territory of the United States and seek to enter into other insular territory of the United States, or into the American mainland territory of the United States, then such certificate shall be issued by the appropriate Treasury officer of the United States. This and the following three sections providing for these certificates are a substantial reenactment of existing legislation on this subject.

Section 13 follows substantially the provisions of the act of November 3, 1893 (28 Stat., p. 7), and of the act of May 5, 1892 (27 Stat., p. 25). As bearing upon this feature of the bill, it is well to bear in mind the fact that the Supreme Court of the United States, in the case of *Fong Yue Ting v. The United States* (reported in 149 U. S., 698), held that the provision of the Geary Act requiring Chinese laborers to register is constitutional.

Section 15 of this bill is a duplicate in principle, and substantially in statutory structure, of the provision in Article III of the treaty of December 8, 1894, and of section 6 of the act of July 5, 1884.

Section 16 also corresponds with like provisions in section 6 of the act of July 5, 1884 (23 Stat., p. 115). This also is true as to section 17, while section 18 is a substantial reenactment of section 2 of the act of September 13, 1888, which act, by the way, in most part never became operative, and it is so held by the Treasury Department, as it depended on the terms of a treaty which never materialized; but it shows not only the disposition of Congress upon this subject, but its deliberate expression nearly fourteen years ago.

Section 19 provides that the certificate mentioned in the preceding sections, when duly viséed by the proper diplomatic or consular representative of the United States, or when issued regularly by the appropriate Treasury officer of the United States, shall be prima facie evidence of the facts set forth. But said certificate may be controverted and the recitals thereof disproved by the authorities of the United States. And if any such recitals be disproved, or if any certificate be fraudulently used or in any manner forged or altered, then such certificate shall be null and shall be forthwith canceled. This is in substance and effect the act of July 5, 1884; also of Treasury regulations.

Section 20 of the bill provides for a certificate of registration to a Chinese person who, being a member of any of the classes mentioned in section 4 of the bill, who is lawfully in the United States at the time of the passage of the bill, and any person entitled to such certificate who fails to obtain it shall be, in any proceeding inquiring into their status under this bill, presumed to be laborers not entitled to remain within the territory of the United States, but such presumption may be rebutted.

Provision is also made in this section for anyone of any of the classes mentioned in section 4 of the bill who desires to depart from the United States, or any portion of the territory thereof, intending to return thereto, in which case he must apply to the appropriate Treasury officer in the district wherein he resides at least one month prior to his departure, such application to be accompanied by his certificate of registration, which he shall accompany with his statement under oath in triplicate, descriptive of his profession, business, or other position or status, and shall furnish said officer such proof of his status as shall be required by the rules and regulations prescribed by the Commissioner-General, with the approval of the Secretary of the Treasury; and it is further provided that any false swearing in relation thereto shall subject such person to all of the penalties imposed by law for perjury.

It is also provided that in such application he shall permit the officers to retain a full description of his person, which description the officer shall retain and mark with the number. The original and each copy of such statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. And it is further stipulated in this section of the bill that the original of said statement shall be retained by the Treasury officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if the Treasury officer, after hearing the proofs and investigating the circumstances of the case, shall decide that the representations of status are true, he shall at such time and place as he may designate sign and give to the said applicant a certificate containing a number of the description before provided for, and this shall be the sole evidence given to such person of his right to return. And it is provided that if this certificate be transferred it shall become void, and the person to whom it was originally



issued shall forfeit his right to reside in or return to the United States.

While it is further provided that to entitle any such Chinese person to readmission to the United States or any portion of the territory thereof he shall produce to the appropriate Treasury officer at the port of entry the return certificate in this section provided for, and he shall be permitted to reenter only at the port from whence he departed.

It is further provided in this section that it shall be the right of such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof, which section relates to excepted classes.

This section of the bill liberalizes, it will be observed, the provisions of existing laws in reference to the exempted classes, making it much more convenient and less burdensome in entering the United States. The system which has been in vogue in reference to the return of laborers is by this section extended to those of the exempted classes. By this provision the exempted classes, students, teachers, merchants, and travelers for curiosity or pleasure, are given the option of the old system or that proposed by this bill. The provision is therefore a loosening of the restrictions and a liberalization of the existing laws in favor of the exempted classes. This section of the bill should be read and studied in the light reflected from Treasury Circular No. 28, of date March 3, 1900, a copy of which I hold in my hand, and I ask unanimous consent to incorporate it in my remarks, without reading. It is as follows:

In view of the many cases of hardship due to delays in the investigation and consideration of cases of Chinese persons seeking admission to the United States as alleged returning merchants, and on account of the many fraudulent cases of this character, any Chinese person who may hereafter leave this country with the intention of seeking readmission as an alleged returning merchant under the provisions of section 2 of the act of November 3, 1893, should transmit to the collector of customs at the port from which such Chinese person intends to depart from the United States, at least thirty days before his departure from this country, duplicates of the affidavits of witnesses other than Chinese, setting forth the facts prescribed by the statute referred to, upon which he intends to base his application for readmission.

Upon the receipt of such duplicates, the collector at such port of departure will promptly transmit them to the collector of customs, special agent, or other officer of this Department at or nearest to the place in which such Chinese person claims to have been engaged as merchant, for investigation and report. After the receipt of such report, and upon the personal application and proper identification of such Chinese person, the collector at the port of departure may indorse upon the original papers presented by such Chinese person a statement, over his official signature, to the effect that the right of such Chinese person to return to the United States has been prima facie determined, subject to his proper identification by him and the presentation of such original papers to said collector upon his return to this country; and upon the return of such Chinese person to said port of departure, the collector may, in his discretion, admit him to this country without further delay.

While Chinese persons seeking admission as returning merchants can not be excluded upon the ground that they have failed to comply with the foregoing regulations, such failure on the part of those leaving this country after this date would be a fact exciting suspicion and discrediting to the application for readmission, and the regulations heretofore issued will govern the procedure in such cases. (Treasury Circular No. 28, March 3, 1900.)

Section 21 of the bill provides that nothing in the bill shall be construed to prevent the entry into the United States, or any portion of the territory thereof, of the lawful wife or the minor children of any Chinese person of any of the classes mentioned in section 4 actually domiciled in the United States at the time of such proposed entry; but no such wife nor any such children shall be permitted to enter who shall fail to establish to the satisfaction of the appropriate Treasury officer at the port of entry that the required relationship exists, and a certificate must be forthcoming, as follows:

First, if the wife or child come from a foreign country the certificate must have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and must show that after investigation said representative believes it to be true that the relationship asserted genuinely exists; and

Second, if the wife or child come from any insular territory of the United States and seeks entry into American mainland territory of the United States, or come from American mainland territory of the United States and seeks entry into insular territory of the United States, or come from any insular territory of the United States and seek entry into other insular territory of the United States, the certificate must have been issued by the appropriate Treasury officer of the United States at the port whence such person departed, and shall show that after investigation said officer believes it to be true that the relationship asserted genuinely exists; and by a further provision in this section it is made the duty of the diplomatic and consular representatives of the United States and of the appropriate Treasury officers of the United States to make rigid investigation of all applications for such certificates and to issue them when the relationship required and claimed is clearly established, but not otherwise.

It is provided further that each of the certificates shall be issued in triplicate, and shall contain the photograph of the person

named therein, and in addition such certificate shall contain whatever may be required by the rules and regulations prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury. The original certificate shall be, by the representative or officer issuing it, delivered open to the person named in it, or, if such person be an infant, then to the person in charge of such infant; while the duplicate shall be, by said representative or officer, delivered in a sealed envelope, duly addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person for whom the original is available, whose duty it shall be to deliver it promptly to the appropriate Treasury officer of the United States at the port where entry is sought by said Chinese person.

And it is provided that any willful neglect or failure to perform this duty is made punishable under section 53, which provides that any violation of any provision of this bill for which punishment is not otherwise provided shall be deemed a felony, and shall be punishable by fine not less than \$1,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

It is further provided that the triplicate of the certificate I have referred to shall be, by the representative or officer issuing the same, immediately sent by mail to the appropriate Treasury officer at the port where said Chinese person seeks entry, while by the latter clause, in section 21, it is provided that no woman shall be entitled to enter under this section unless she shall establish by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the lawful wife of a member of one of the classes enumerated in section 5 of the bill, under a marriage contracted in such manner as to be legal and binding in the United States.

And here again, it will be observed, it is in the interest of humanity proposed by this bill to liberalize existing legislation. Under the law, by its letter, as it now stands, neither the wife nor child of a Chinese person of the exempted classes, that is, of an official, teacher, student, merchant, or traveler for curiosity or pleasure has any right of entry into the United States. The Supreme Court of the United States, however, has by construction—a construction scarcely warranted by the existing law, but upheld, supported, and sustained by the highest considerations of humanity—held that the wives and children of these exempted classes may, under certain rules and regulations, necessary to guard against and to prevent fraud, be permitted to enter this country. And this section of the pending bill incorporates into positive law this humane principle. But at the same time, this provision is properly guarded so as to prevent the country being flooded with dissolute women, under the pretense of being wives of the exempted classes, and to prevent also an influx of foreign laborers under the pretense of being children of the exempted classes.

Section 22 excepts from the operation of the act Chinese diplomatic and consular officers and their attendants and servants, who shall be admitted to the United States under special instructions of the Secretary of the Treasury, without production of other evidence than that of personal identity; while other Chinese officers of China or any other foreign government must establish their identity as such, and the identity of their attendants and servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

By section 23 of the bill it is provided that before any Chinese person is landed from any vessel on territory of the United States, or, in case of inland immigration, before any Chinese person brought to any inland border port of the United States shall be permitted to leave the car or other conveyance in which he was brought thither the appropriate Treasury officer shall examine such person, comparing his certificate with such lists given under succeeding provisions of this bill, and also with such Chinese person, and no Chinese person shall be allowed to land in violation of law. Such examinations or comparisons must be made immediately after arrival at port or border. This is a reenactment substantially of section 9 of the act of May 6, 1882 (22 Stats., p. 58), and of the decision of the Secretary of the Treasury of date December 10, 1891.

Section 24 of the bill requires that the master of any vessel arriving in the United States from any foreign port or place shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate Treasury officer of the customs district in which such vessel shall have arrived a separate list of all Chinese persons taken on board his vessel at any port or place, and all such persons on board the vessel at that time. Such list shall show the names of such persons, and in the case of accredited officers of the Chinese or other foreign Government traveling on the business of such government, or their servants or attendants, a note setting forth these facts, also the port or place at which each was taken on board, and such particulars



as to each as are shown by their respective certificates, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, and such list shall be sworn to by the master of the vessel in the manner required by law in cases of manifests of cargo.

These same requirements are by this section made to apply to the masters of all vessels arriving in the American mainland territory of the United States from any of the insular territory of the United States; and to the masters of all vessels arriving at any port in any such insular territory from the American mainland territory of the United States; and to the masters of all vessels arriving in the Philippine Islands, Hawaii, Porto Rico, or any other insular territory of the United States. And it is provided that any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture provided for a refusal to report and deliver a manifest of cargo. This is substantially the existing law, except in so far as it is made to apply to our insular territories. It corresponds to section 8 of the act of July 5, 1884.

Section 25 of the bill provides that in the case of a Chinese person brought to an inland border port of the United States the railway conductor or other person so bringing them shall, immediately on arriving there and before enabling or permitting any such Chinese person to cross the border into territory of the United States, deliver to the appropriate Treasury officer a list of all Chinese persons so brought, which list shall conform substantially in all respects to the list to be furnished by the masters of vessels, and all such conductors or other persons bound to deliver such list under the provisions of this bill who willfully neglect or refuse to comply with these requirements shall be deemed guilty of a felony and shall, on conviction, be punishable under section 53 of the bill to which I have heretofore called attention.

It is provided in this section that should the offender not be subject to punishment in the United States, that then any rule or regulation which may be made by the Secretary of the Treasury for cases of that class shall be enforced, as well against his employer as against himself. The privilege of transit across territory of the United States accorded to Chinese laborers in the course of their journey to or from other countries is made applicable to our insular territory as well as to the mainland.

It is provided, however, that the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States. The provisions of this bill for the purpose of guarding against fraud are more elaborate and restrictive than under the existing law, as may be seen by a careful examination of this section of the bill. Experience has shown that these provisions are necessary.

Section 26 of this bill relates to the privilege of transit on the part of Chinese across territory of the United States in the course of their journey to or from other countries. This is a treaty privilege granted by Article III of the latest treaty with China. It is believed there has been great abuse of this privilege, and very strict rules and regulations are necessary in order to guard against this abuse. The right upon the part of the United States to make and enforce such reasonable regulations is also granted by said treaty, which, in Article III, in granting the right of transit, says:

Subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

It is believed the provisions of the pending bill are warranted by the treaty and are absolutely essential in order to prevent frauds in the future.

By section 27 it is provided that every Chinese person brought by vessel to any port of the United States shall be detained aboard such vessel until a final decision shall have been rendered as to the right of such Chinese person to enter the United States or any portion of the territory thereof for any purpose, and every Chinese person brought to an inland border port of the United States shall be detained at such port until a final decision shall have been rendered as to the right of such Chinese person to enter the United States or any portion of the territory thereof for any purpose.

And the bill provides that in the first class of cases the duty of such detention shall rest on the master, owner, agent, or consignee of the vessel concerned, collectively and singly, and in the second class of cases such duty shall rest on the persons, corporation, or agent, collectively and singly, by whom said Chinese person was transported or aided to the inland border port. This is subject, however, to the provision that Chinese persons may be otherwise and elsewhere detained pending such final decisions, in accordance with such rules and regulations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe.

It also being a provision of this bill that no right of entry or residence and no privilege of transit shall result to any such Chinese persons by reason of temporary detention and landing authorized under such rules and regulations, and that no release from liability or obligation under this bill shall be worked by such temporary detention and landing in favor of any vessel, or the master, owner, consignee, or agent of any vessel, or any other person or corporation whatever.

And this section further provides that every person bound under this section to detain a Chinese person who shall refuse or willfully neglect to perform such duty shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

This section is not a departure, but a substantial compliance with existing law, rules, and regulations, especially that of the ninth section of the act of May 6, 1882 (22 Stats., p. 58), which provides as follows:

That before any Chinese passengers are landed from any such vessel, the collector or his deputy shall proceed to examine such passengers, comparing the certificates with the list of the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

While the letter of the Acting Secretary of the Treasury of December 10, 1891, provides as follows:

Inspection of persons and papers must be made at the border of contiguous foreign territory, so as to prevent the entrance of Chinese persons excluded by law.

Section 28 of the bill provides that every Chinese person finally refused admission to the United States must be returned to the country of which he is a citizen or subject immediately after such refusal, and it is made the duty of the master, owner, consignee, or agent of the vessel, and of the railway corporation, its general officers and agents, and of the owners and general officers and agents of other transportation lines or modes of conveyance, collectively and severally, bringing him to the port at which entry is denied him, or aiding him thither, to return same Chinese person, providing, however, that the Commissioner-General of Immigration with the approval of the Secretary of the Treasury may elect to effect such return in some other way than as above prescribed, and at the expense of the United States, in which case the vessel, persons, or corporation that would have otherwise been bound to effect such return shall be jointly and severally liable to the United States for the costs thereof, and in every case such vessel, persons, or corporations shall be jointly and severally liable to the United States for all costs connected with the inquiry concerning the right of such Chinese person to enter or pass through the United States or any portion of the territory thereof.

Provisions are also made to apply in every case where a Chinese person is brought from any insular territory of the United States to the American-mainland territory of the United States, and in every case where a Chinese person is brought to any insular territory of the United States from said mainland territory. But in any case where a Chinese person is brought to any insular territory of the United States from any other insular territory thereof, he shall, when refused admission or transit, be deported to China.

It is also provided in this section that every person bound under the provisions of this section to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not returned as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

It is further provided that any subordinate officer, agent, or employee of any such vessel, railway corporation, or other transportation line or other mode of conveyance who is charged with the duty as such subordinate officer, agent, or employee, of returning any Chinese person, and who shall refuse or willfully neglect promptly to perform such duty, shall be subject to all the pains and penalties imposed by this section upon persons bound to return a Chinese person who refuses or willfully neglects to do so.

These provisions find their substantial counterpart in section 13 of the act of 1888 and section 2 of the act of May 5, 1892. In the case of *Ah Kee* (21 Fed. Rep., 701) the court held departure of vessel or change of its management does not excuse company from the duty to return laborer, and if vessel has departed the Government may return Chinese laborer and recover expenses from the steamship company.

Section 29 of the bill provides that it shall be declared a felony upon the part of any owner, officer, agent, or employee of any transportation line, railway corporation line, vessel, vehicle, or other mode of conveyance by land or sea, who shall aid or abet, or willfully or through neglect permit, or connive at the escape of any Chinese person held in detention pending final adjudication of his claims; and, on conviction thereof, such persons shall be



punished by a fine of not less than \$1,000 and not more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment. This corresponds substantially with section 16 of the act of July 5, 1884.

Section 30 of the bill provides for the forfeiture of any vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this bill. This corresponds in substance to section 10 of the act of July 5, 1884.

Section 31 makes it a felony upon the part of anyone who, as principal or accessory, shall knowingly bring into the United States any Chinese person otherwise than as provided by this bill, or who, pending the final decision as to the right of any Chinese person to enter or pass through the territory of the United States, shall knowingly bring into or attempt to bring into or conspire to bring into the territory of the United States such Chinese person, or who shall knowingly harbor or retain within or conspire to retain within the United States, or any territory thereof, any Chinese person unlawfully therein and subject to deportation therefrom.

And, upon conviction, such persons shall be punished by a fine of not less than \$2,000, or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment. This is substantially the same provision as section 11 of the existing law of July 5, 1884 (23 Stats., p. 115), and also of the Treasury regulations, which provide that officers of railroads by which Chinese persons are illegally brought to places in the United States are liable to the penalties imposed by section 11 of the act of July 5, 1884, and should be reported to the United States attorney for prosecution.

Provision is made by section 32 of the bill to the effect that any Chinese person found within any portion of the United States in violation of any provision of this bill shall be arrested by any United States officer, and shall be taken before a United States judge in the district where arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case, and unless upon the hearing the person so arrested shall establish by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be or to remain in the United States, or in the portion of the territory of the United States wherein found, it shall be the duty of the said judge or commissioner to order that he be deported.

It shall also be the duty of the United States attorney of the said district to attend the hearing, and the testimony of at least two credible witnesses other than Chinese shall be required to establish the right claimed. And it is further provided by the succeeding sections that if any Chinese person shall enter the United States or any portion of the territory thereof without having first obtained from the appropriate Treasury officer the required permission to enter, he shall be deported, notwithstanding that had he properly applied he would have been entitled to enter.

The bill in the next section defines what is meant by deportation, and it is stated that in case of a person coming from a foreign country, he shall be forthwith returned thither or to the country of which he is a subject or citizen, but if in any case a country of which such person shall claim to be a subject or citizen shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China; and further, in the case of a person who came without right from one portion of the territory of the United States to another portion of the territory of the United States, he shall be forthwith sent to the country of which he is a citizen or subject.

All orders of deportation are to be executed by the United States marshal of the district wherein the said orders are made, and he shall execute the same with all convenient dispatch, and pending such execution shall detain in his custody the person ordered to be deported, who shall not be admitted to bail save in cases of appeal, as set forth in the proviso of section 50 of this bill.

These provisions in reference to deportation, and the manner in which it shall be executed, are an almost literal enactment of the provisions upon that subject contained in the act of May 5, 1892 (27 Stat., 25), and of the act of November 3, 1893 (28 Stat., 7), and is in conformity with the opinion of the Attorney-General of the United States of June 30, 1891, in which it is stated that:

Chinese persons found unlawfully in the United States must be moved directly to China, unless they show they are subjects of any other foreign power, and the burden of proof is upon them to show this.

In any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions vested by this bill in the United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions vested in the United States attorneys and marshals by this bill are declared to be vested in the corresponding local officers in such territory.

It is further provided by section 36 of the bill that any Chinese

person who violates any of the provisions of this bill shall be deported after an accusation and hearing and a finding of guilty of such violation.

By provision of section 37 of the bill it is provided that any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate provided for in this bill or by Treasury rules thereunder, or who shall knowingly utter any such certificate if forged or fraudulent, or who shall forge any such certificate; or who shall, whether an officer of the United States or not, issue to any person a certificate as to the status or right of entry, or right of residence, or privilege of transit, or right of return of any Chinese person other than a certificate authorized by law to be by him issued, with intent to defeat any provision of this bill, or any Treasury rule thereunder, or with intent to deceive the person to whom or the Chinese person for whom issued, or any other person; or who shall falsely personate any person named in any certificate authorized by this bill or Treasury rules or regulations thereunder, shall be deemed guilty of a felony, and on conviction thereof shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned for a term not less than one year nor exceeding five years, or shall be both so fined and imprisoned.

These several provisions as set out in section 37 of the bill are virtually, and in substance and effect, a reenactment of section 8 of the act of May 5, 1892 (27 Stats., p. 25), and of the decision of the Secretary of the Treasury in construing said act of date February 18, 1895.

It is further provided in this bill that the requirements and penalties imposed by it on masters, owners, agents, and consignees of vessels shall not apply in the case of any vessel bound to a port not within the United States, which shall come within the jurisdiction of the United States by reason of being in distress or because of stress of weather.

But if any Chinese person brought on any such vessel shall be permitted to land in the United States in violation of law, or if every Chinese person so brought, who is bound to do so under this bill, does not depart with the vessel when it leaves port, then the penalties of this bill shall be imposed on said vessel, and the master, owner, agent, and consignee thereof, jointly and severally.

It is further provided in this bill that the master of any foreign vessel which shall bring to the United States in the crew of such vessel, or otherwise in its service, any Chinese persons not entitled to entry, shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$2,000, the condition of said bond being that none of such Chinese persons shall be permitted to land from said vessel for any purpose whatever, with or without the permission of said master, while said vessel remains within the United States, this bond to be canceled upon the certificate of the appropriate Treasury officer that all Chinese persons covered by it have departed from the United States on the said vessel. It is also a provision of the bill that it shall be unlawful for any vessel holding an American register to have or employ in its crew any Chinese person not entitled to admission to the United States or into the portion of the territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

There is, however, attached to this provision a proviso to the effect that such penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men, but to relieve from said penalty in such case it must be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seaman other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

The first part of this provision is in substantial compliance with the provisions of existing laws; the latter part, however, or the second paragraph of this section, is new legislation, and has for its purpose the protection of the American seaman on the one hand, and the encouragement of the American merchant marine on the other. The deck of an American registered steamer is, in international law, a part of the terra firma, so to speak, of the United States, and this provision is simply an extension of the principle of exclusion of Chinese laborers to the decks and fore-castles of American vessels. Such a provision will give encouragement to the American seaman and to others who enter that service.



By section 40 of the bill it is provided that any Chinese person who, having been admitted into the United States or from one portion thereof into another portion thereof as a teacher, student, merchant, or traveler for curiosity or pleasure, ceases to be of the special class and becomes a laborer within the meaning of this bill, shall forfeit the privilege of remaining in the United States or the territory thereof, and shall be deported, and in every case where a Chinese person, having been given admission into the United States by virtue of being a servant or attendant of a Chinese officer, ceases to be such servant or attendant, he shall be deported.

This is in accordance with existing law as defined by the Federal courts. In the case of *The United States v. Yong Yew* (82 Fed. Rep., 832) the court said:

If a Chinese person secures admission into this country as a merchant and soon ceases to be one and becomes a laborer, such fact ought to have bearing on the intent with which he came here; and if from all the facts of the case it can be determined that he used the form of a mercantile occupation as a pretext to come here, with the real intent and purpose of laboring only when here, such former occupation would not shield him, even if his certificate of entry be accurate in form and substance, and he is not lawfully entitled to be and remain in the United States.

While by Treasury decision 18575 it is held that persons entering as merchants on consular certificates and taking up the occupation of laborers are liable to deportation; while in the case of *The United States v. Chu Chee*, 87 Fed. Rep., 312, it was held that Chinese who were admitted as students, but without the certificate prescribed by section 6 of the act of July 5, 1884, and on their arrival in this country become laborers, are not entitled to remain in the United States and should be deported.

By another provision of this bill the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce rules and regulations whereby the Treasury Department shall have a complete record of the date, place, and circumstances of the birth of every Chinese person hereafter born within the jurisdiction of the United States, together with data as to the parentage, and a certified copy of the record as to any person whose birth is recorded shall be given as evidence in all inquiries under the provisions of this bill.

This provision is in substantial conformity with existing law and the rules and regulations of the Treasury Department made in pursuance thereof. For instance, by Treasury Regulations (compilation issued October 1, 1900, p. 47) it is provided as follows:

In the cases of Chinese persons seeking admission on the ground that they were born in this country, great pains should be taken to ascertain whether or not the claim of the applicant is well founded, and officers at other ports should, when practicable, be called upon to investigate and report upon such cases. In no case should the applicant be admitted on the ground that he is of American birth unless the collector is fully satisfied that the evidence presented is reliable and justifies such admission.

While by Treasury decision of September 9, 1894, it is held that children born of Chinese parents in the United States have a right to return to this country after a temporary absence, provided the fact of their birth here can be established.

It is further provided in this bill that no certificate issued under the same shall be pawned, sold, or transferred, and any violation of this provision of the bill shall be followed by cancellation of the particular certificate, and, if the offender be a Chinese person not a citizen of the American mainland territory, by deportation of such person; and if the offender be of any other class, then he shall be punished under section 53 of this bill, to which I have already called attention.

This is in accordance with the existing rulings, regulations, and decisions of the Treasury Department. For instance, Treasury Decision 23993 is to the following effect:

Certificates of residence issued to Chinese laborers if found elsewhere than in the possession of the person to whom issued should be taken up and deposited with the collector of customs, subject to the order of the Department.

And it is further provided by section 43 of the bill that when two years have expired after the departure from the United States of a Chinese laborer to whom a return certificate has been issued the Treasury Department shall cancel all official papers and entries concerning him, provided he shall not within said period have exercised his right to return.

It is further provided by section 44 of the bill that hereafter no State court or court of the United States shall admit any Chinese person to citizenship. This is a reenactment of the existing law; but it was deemed best to incorporate it in this legislation. Section 14 of the act of May 6, 1882 (22 Stats., p. 58), is as follows:

That hereafter no State court or court of the United States shall admit Chinese to citizenship, and all laws in conflict with this act are hereby repealed.

While the Attorney-General, in his opinion of date August 4, 1897, said:

Since May 6, 1882, neither State nor Federal courts have had jurisdiction to admit Chinese to citizenship.

It is further provided by the succeeding section that the administration of this bill shall be in charge of the Commissioner-General

of Immigration under the direction of the Secretary of the Treasury; and the Commissioner-General, with the approval of the Secretary of the Treasury, is authorized to make and to enforce any and all rules and regulations by him deemed needful to the efficient execution of the provisions of this bill, or of any other law of the United States, or of any treaty relating to Chinese persons or persons of Chinese descent, provided that all such rules and regulations be consistent with the provisions of this bill.

This is in conformity with existing law. In the sundry civil act of June 6, 1900, the following provision is found:

\* \* \* And hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts relating to immigration into the United States and its Territories and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

It is further provided in the pending measure that whenever in this bill the term "appropriate Treasury officer" or its equivalent is used that officer of the United States is meant who is appointed by the Secretary of the Treasury and is designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to perform the duty or to exercise the authority mentioned. And it is made the duty of the Secretary of the Treasury to make all needful appointments, and of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to make all needful designations forthwith on the passage of this bill; and the duty of inspecting and investigating all immigrants under this law, or under the general immigration laws of the United States, shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration.

This is virtually a reenactment of section 7 of the act of May 5, 1892 (27 Stats., p. 25), which provides as follows:

That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act.

It is further provided in this bill that when the appropriate Treasury officer at the port of arrival of any Chinese person shall have passed upon the application of such person for a right of entry into the United States, or any of the territory thereof, or for the privilege of transit through the United States or any of the territory thereof, whether such right or privilege be sought for the first time or under return certificate, or under claim of former residence, or as a merchant, or otherwise, then the decision so given shall be final and not subject to review by the judicial branch of the Government of the United States. This is the existing law; giving, however, to such person so debarred the right of an appeal from said decision through the Commissioner-General of Immigration to the Secretary of the Treasury. And it is provided that any appeal taken to the Secretary must be filed with the officer making the decision appealed from within five days after the making of such decision.

But where the applicant for entry bases his claim or right of entry or his claim to privilege to pass through the United States or any of the territory thereof on alleged citizenship of the United States or any of the territory thereof, and upon that solely, then no administrative officer of the Government of the United States shall pass upon his case, but he shall forthwith be taken before the United States district judge for the district wherein he shall have applied for entry or for transit or before the United States commissioner designated by the United States attorney, and the appropriate United States attorney attending, a judicial hearing shall be had as on writ of habeas corpus, and pending the final decision on his application he shall be detained in the custody of the United States marshal of said district the same as in case of deportation. And in the event that said decision is adverse to said claimant he shall then be returned as provided in other portions of this bill.

And whenever any Chinese person bases his claim or right to enter or reside within, or his claim or privilege of passing through, the United States or any portion of the territory thereof, on any claim recognized by this bill or any law of the United States, and such claim is under inquiry or has been decided adversely to him, he is not permitted to assert alternatively another claim of right to enter, or to reside within, or any claim of privilege to pass through the United States or any portion of the territory thereof. In other words, he must stand upon the claim he first makes. If he fail in this, it is the end of the law as to him.

It will be observed from these provisions to which attention has just been called, that in all the cases where the claim is based on citizenship, the question as to his right to enter is not to be passed upon by the administrative officers, but by the judiciary. And it is further provided that when any commissioner of the United States shall have given a decision in any case, an appeal therefrom may be taken to the United States district court, within five days from the rendering thereof, by the Chinese person concerned or by the United States.



And when any United States district court shall have given a decision on appeal or otherwise in any case arising under the provisions of this bill or any law or any treaty of the United States relating to Chinese persons or persons of Chinese descent, an appeal therefrom may be taken to the circuit court of appeals of the United States within five days from the rendering thereof, by the Chinese person concerned or by the United States. And in case of an appeal under this section by the United States, a certified copy of the testimony taken on the hearing before the district court shall, within ten days after said hearing, be transmitted to the Attorney-General of the United States, who may direct the appropriate district attorney to move for a dismissal of the appeal.

In all appeals under the provisions of this bill the circuit court of appeals is empowered to review all facts, as well as all questions of law, with power to make all necessary orders, either for discharge of the Chinese person or for deportation thereof.

And on appeal to the district court of the United States or to the circuit court of appeals of the United States under the provisions of this bill a transcript of the record and copies of all testimony taken on the hearing before the commissioner or court whose decision is appealed from shall be transmitted to the district court or the circuit court of appeals, as the case may be; and either court may order sent to it in addition, or in lieu, any original documents or other evidence used or considered in the lower court or tribunal. But no new evidence shall be received in the circuit court of appeals except by order of the court, on motion duly made for such purpose.

This provision as to the finality of the decisions of the customs officers is in strict accordance with existing laws. It is provided in the sundry civil act of August 18, 1894 (28 Stats., p. 390), as follows:

In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

And such has been the rulings of the Federal courts.

In the case of *Lem Moon Sing v. The United States* (158 U. S., 539) the Supreme Court of the United States held that, upon the refusal of the collector of customs at San Francisco to permit the landing at that port of one Lem Moon Sing, a returning merchant, and in reference to whom an application for the writ of habeas corpus was made to the Supreme Court, the application for the writ of habeas corpus should be denied, upon the ground that the act of August 18, 1894, sundry civil act just quoted, makes final the decision of the appropriate customs or immigration officer, if adverse to the admission of the alien, unless reversed on appeal to the Secretary of the Treasury; the court holding that under this law the right to review the action of collectors of customs, in refusing the application of Chinese persons for permission to land, is taken from the courts and is vested in the Secretary of the Treasury. This also is in accordance with Treasury decision 20478, as follows:

Decisions of collectors of customs on applications of Chinese for admission to the United States are final unless reversed by the Secretary of the Treasury on appeal.

This bill gives to the United States the right of appeal. Under existing laws the right of appeal herein provided for is given to the Chinese, but not to the United States.

It is believed by the framers of this bill that the right of appeal should attach to the United States as well as to the Chinese.

It is also provided in the bill that in every case of appeal under the provisions of this bill the Chinese person who is the subject of such proceedings shall remain in the custody of the appropriate United States marshal pending the final decision of such proceedings, and without bail; provided, however, that if the appeal be prosecuted from a decision discharging him from custody he may be admitted to bail pending the decision on appeal, but in a sum not less than \$2,000; and this provision shall apply also in every case arising under the bill where the Chinese person sues out a writ of habeas corpus; and as well to the time before the first hearing on habeas corpus as to appeals from the first or any later decision in the proceeding.

It is a further provision of this measure that the term "United States" whenever used in this bill as a geographical designation is meant to include all the lands and waters in any way subject to the jurisdiction of the United States, both continental and insular, while the term "insular territory," as used in this bill, is meant to include all island territory of the United States not forming a part of any State or of Alaska.

The terms "Chinese" and "Chinese persons," as used in this bill, are meant to include all male and female persons who are Chinese either by birth or descent, as well those of the mixed blood as those of the full blood.

And it is further provided that whenever personal pronouns are used the masculine includes the feminine.

And it is further provided by this bill that whenever by this bill or any appropriate rule or regulation thereunder a certificate or other paper is required to be issued in duplicate or triplicate the original shall be marked "Original," while the duplicate shall be marked "Duplicate," and the triplicate shall be marked "Triplicate." And a further provision is to the effect that the provisions of this bill shall not be suspended at any time, nor shall any exemption be made in order to permit the admission of Chinese persons to the United States or any of its territory for the purposes of participating in any fair or exposition.

I am frank to say I am opposed to this committee amendment in so far as it relates to expositions. I presume the committee was influenced by the fact developed in the hearings before the committee that quite a number of Chinese women who came to this country to attend the Omaha and other expositions soon after coming here became identified with the dissolute classes. As invitations are being extended to China to visit the St. Louis and other expositions, it would seem to be improper and unwise to bar the door against them, but they should be permitted to come under such rules and regulations as may be established by the Commissioner-General of Immigration, and approved by the Secretary of the Treasury. Such a provision, it occurs to me, should be inserted in the bill.

Mr. PENROSE. I do not know whether the Senator from Oregon cares to be interrupted.

Mr. MITCHELL. Certainly; I yield to the Senator from Pennsylvania.

Mr. PENROSE. I will state that the amendment was inserted by the request of the Treasury Department; but I understand that an amendment is to be offered removing the objectionable features.

Mr. MITCHELL. I am glad to hear it.

Mr. PENROSE. As a matter of fact, under resolutions of Congress extending such invitation, Chinamen have entered this country and remained here. The object was merely to place on record a protest against abuses which have heretofore existed by reason of Chinese taking advantage of permission to come into the country and remaining here.

Mr. MITCHELL. I so understood.

The last section of the act provides for the repeal of all acts and parts of acts inconsistent with any provision of this bill, with a proviso, that nothing contained in the present bill shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under laws in effect prior to the passage of this bill, but all such prosecutions and proceedings shall proceed as if this bill had not been passed.

I have now given a hurried but I think an accurate statement of the several provisions of the bill, without stopping to present any extended arguments in their favor. Any criticisms or objections, legal, constitutional, politic, or otherwise, that may be advanced to any of its parts will be met later. It is believed nothing can be successfully urged against its constitutionality. It is in line with the overwhelming public sentiment, as it seems to me, of this country. It is not, as I have stated, when viewed from the proper standpoint, in conflict with any existing treaty stipulations between the United States and China.

Even if it were, this could only be urged as a policy objection, and not one that would for one moment go to any lack of power in Congress under the Constitution to enact the law. It is legislation not only in line with public sentiment of this country, but with the established policy of this Government. And not only so, but in accordance with the concessions heretofore made by the Chinese Government itself. So long ago as November 7, 1892, his excellency Tsui Kwo Yin, then Chinese minister at Washington, in a letter written to the then Secretary of State of the United States as of that date, said:

It is conceded that the Imperial Government has not encouraged immigration of its people from China to the United States, but on the contrary, in the negotiations between the countries on the subject, it has in the most friendly manner yielded to a suspension of immigration.

Not only in this but in many other ways China has assented to the policy of exclusion, and has not regarded such policy upon the part of the United States as one of hostility toward the Empire of China.

This bill in its entirety, as well as in its several provisions, can not be regarded as the embodiment either of the ideas or the workmanship, in its legal composition and construction, of any one man. It is a bill which has come to us through the processes of evolution, in which many minds familiar with the subject have contributed by way of suggestion as to principles, as to phrase, as to structural strength, and as to legal and constitutional construction. It is a bill the ultimate product, the composite result, of the very best and combined efforts of the following representative men:

First. The five Pacific coast commissioners of the State of California, men of the highest ability and integrity, selected and commissioned not only by a great popular convention, composed of



over 1,000 delegates, representing 3,000 civic, political, industrial, and agricultural organizations of the Pacific coast, but also by the governor of the great State of California;

Second. The entire Pacific coast delegation in the present Congress;

Third. The American Federation of Labor; and

Fourth. The representatives learned in the law and familiar with the workings of existing Chinese-restriction laws from both the departments of the Treasury and of Justice.

In addition to all this, the Senate Committee on Immigration, of which the distinguished Senator from Pennsylvania [Mr. PENROSE] is chairman and of which committee the following-named Senators are members: FAIRBANKS, LODGE, MASON, DILLINGHAM, RAWLINS, TURNER, CLAY, McLAURIN of Mississippi, and PATTERSON, after a most patient, exhaustive, and thorough investigation, running through several weeks, during which time they took 580 closely printed pages of testimony, have reported this bill to the Senate with sundry amendments, none of which affects the fundamental principles involved or the general purpose and character of the legislation, but all of which relate to legal structure, phraseology, and minor conditions of like character; and if I may be permitted, without violating the rules, a substantially similar bill has been reported favorably from the Committee on Foreign Relations in the House at this session.

No dissenting views, I believe, have been filed, although I am not prepared to say, of course, that the bill as reported has in all of its provisions received the unqualified approval of every one of the members of that distinguished committee. It is to be assumed, however, from the report that has been made, that a majority of the committee favor the passage of the bill as reported.

In this connection, for the purpose of showing how thoroughly and carefully this measure has been considered by all classes of those who believe in the policy of Chinese exclusion, I beg to attract attention to the following statement of Samuel Gompers, president of the American Federation of Labor. Mr. Gompers in his statement before the Committee on Immigration while this bill was under consideration, among other things said:

We hold that the situation can be met by the enactment of the bill we have respectfully submitted for your consideration, Senator MITCHELL's bill, Senate bill 2900, a bill upon which every interest involved is agreed. No bill, perhaps, that has ever come before the Congress of the United States has more fully represented the true views and the earnest effort of its advocates than Senate bill 2900, and upon which there is absolute unanimity. I should say to you, gentlemen, that the California commissioners and the representatives of the American Federation of Labor have been in constant consultation; we have gone over the several features of the bill to which our attention was called, and we deemed it wise to submit to your consideration a few amendments which we believe will strengthen the bill and make it effective, and yet liberalize it in several essential features. \* \* \*

The bill before you, Mr. Chairman and gentlemen, contains practically no additional features, imposes no additional hardships to those in the present law, if any of the provisions of the present law may be considered hardships. The only additional features of the bill, which consistently run through it are the features which provide that the Chinese shall be excluded from the Philippines, and that they, too, shall be excluded from coming from one insular possession of the United States to another.

Mr. Gompers, proceeding further and referring to the bill introduced by Senator PROCTOR, said:

Mr. Chairman and gentlemen, we view with genuine alarm the suggestion which has been made to this committee and the bill which has been introduced into the Senate to reenact the present Geary law, setting a time when the life of this new act should terminate, coincident with what is generally believed will be the termination of the life of the treaty with China; that is, December 7, 1904. We believe that if the bill generally known as the Proctor bill be enacted by Congress it would be tantamount to serving notice on China that it is our desire to terminate the treaty on December 8, 1904.

This, Mr. President, is Mr. Gompers's view of the bill now under consideration, and it is the view in the main, as I have reason to believe, of every member of Congress, both in the Senate and House, from the Pacific coast States and Territories.

It will be borne in mind that Article VI of our treaty with China of date December 8, 1894, is as follows:

This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and if six months before the expiration of said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

It will be seen, therefore, that unless either the United States or the Empire of China gives six months' notice to the contrary before December 8, 1904, that the treaty of December 8, 1894, will remain in full force and effect by virtue of its own provisions until December 8, 1914. It must be apparent, therefore, to all that the enactment of what is known as the Proctor bill would be tantamount to a notice that we desired to terminate the treaty December 8, 1904. But in any event, should the Proctor bill be enacted, there is nothing to prevent the Empire of China from giving the notice provided for in the sixth article of the treaty, and in that event we would have neither treaty nor exclusion law in existence, nothing whatever to prevent an unlimited influx of Chinese laborers into this country after December 8, 1904.

Mr. President, the evolutionary processes which have resulted in the present policy of Chinese prohibition have been plainly marked by separate and distinct periods in the history of this

country, wherein our country, through the evolution of public sentiment, has passed from the policy of inviting Chinese immigration to this country, first to restriction, then to exclusion, and finally to absolute inhibition.

The public sentiment which in 1868 heralded with hosannas and beckoning salutations the consummation of the Burlingame treaty has, through the enlightenment brought about by the evils following in the wake of unrestricted Chinese immigration, undergone a most decided change, and the public sentiment which then unwisely, but with an emphasis worthy of a better cause, demanded unrestricted Chinese immigration, now prompted by the dictates of national conservatism and national protection, in equally emphatic terms demands absolute Chinese inhibition except as to the five exempted classes, namely, officials, teachers, students, merchants, and travelers for curiosity or pleasure.

This, Mr. President, is but another grand step forward by this Republic in the majestic and progressive march of true Americanism, which looks to protection of American labor and the American laborer, and to the preservation, purity, and perpetuity of American institutions. It is a grand step in the direction of freeing our people and our institutions from the corrupting and corroding influences of pauper labor and those virulent and destructive vices so inseparably connected with the lower classes of Asiatic serfdom, and whose poisonous virus, if permitted to permeate our body politic, will inevitably lead to lamentable blight, pitiable decay, and ultimate destruction.

No higher duty rests upon the National Congress than to guard with scrupulous care and untiring vigilance the doors which stand between us and foreign nations, to the end that no classes of people of any nation whatever be permitted to enter whose presence would, in the judgment of the American Congress, be a menace to the virile growth and preservation of these institutions which go to make our Republic what it is to-day, the most healthy and vigorous, morally, intellectually, and otherwise, of any nation that has ever lived since the beginning of time.

"Every sovereignty," says Vattel, "has the right to exclude foreigners entirely, or to admit them on such terms as it shall deem proper," and so has said every intelligent writer on international law since the days of Vattel; so say the Supreme Court of the United States; so say the leading statesmen in every enlightened nation in Christendom; so has said the Congress of the United States in every act it has ever passed on the subject of Chinese restriction, and so has this Government, as well as the Empire of China, said in every treaty they have ever entered into with each other relating to Chinese restriction.

The right to do this is one of the highest attributes which attaches to American sovereignty. Indeed, so all-controlling is this right, so absolute is this indisputable power upon the part of the American Republic, acting through the Congress, that no treaty stipulation to the contrary, however solemnly entered into between the treaty-making power of this and that of any foreign power, or however solemnly ratified by the ratifying power of each, can stand for one moment against it.

And while in such a case good faith might and, except in a most extraordinary case and one of great emergency, seriously and imminently threatening and dangerously affecting our country or our people, would cause Congress to hesitate and desist, yet the power to proceed must forever remain unquestioned and undisputed. That a subsequent act of Congress in direct conflict with a treaty provision repeals and abrogates such treaty provision is a doctrine which no lawyer will, in the face of repeated decisions of the Supreme Court of the United States, deny.

The doctrine that a subsequent act of Congress abrogates a prior treaty in so far as it conflicts with its provisions is one that has been recognized by this Government since the matter was first discussed or the question raised, nearly one hundred and four years ago, and it has received the sanction of every department of Government—legislative, executive, administrative, and judicial—commencing with its exercise by Congress when, on July 7, 1798, an act was passed abrogating our treaty with France. That act declared, among other things, as follows:

That the United States was freed and exonerated from the stipulations of the treaty and of the consular convention heretofore concluded between the United States and France, and the same shall not be regarded as legally obligatory on the Government of the United States or citizens of the United States.

The Department of Justice, through its Attorneys-General, has at various times proclaimed this doctrine in unqualified terms. Attorney-General Crittenden (see Opinions Attorneys-General, vol. 5, p. 345), in discussing the question of conflict between a prior treaty and a subsequent act of Congress with reference to the Florida claims, used the following language:

An act of Congress is as much a supreme law of the land as a treaty. It is placed on the same footing, and no superiority is given to one or the other. The last expression of the law-giving power must prevail; and just for the same reason and on the same principle that a subsequent act must prevail and have effect, though inconsistent with a prior act, so must an act of Congress have effect though inconsistent with a prior treaty.



Again, Attorney-General Ackerman, in the case of the Choctaw Indians (see Opinions Attorneys-General, vol. 3, p. 357), said:

There is nothing in the Constitution which assigns different reasons to treaties and to statutes. Both the one and the other, when not inconsistent with the Constitution, aim to stand upon the same level and to be of equal validity; and, as in the case of laws emanating from an equal authority, the earlier in date yields to the latter.

Not only so, repeatedly has the Supreme Court of the United States held that the power to abrogate a treaty with a foreign power, as well as with the Indian tribes, does not rest exclusively with the Executive and the Senate, but does reside in the Congress. Notably did the Supreme Court of the United States finally and forever settle this doctrine in a controversy known as the "Cherokee Tobacco Case," reported in 11 Wallace, page 616. The court in that case, by Justice Swayne, uses the following language:

The effect of a treaty and an act of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in doubt as to the proper solution. The treaty may supersede a prior act of Congress (2 Peters, 314), and an act of Congress may supersede a prior treaty (2 Curtis, 454; 1 Woolworth, 155).

The same principle has been repeatedly affirmed by the Supreme Court of the United States, and the question is not open to contention.

But, happily, Mr. President, the legislation proposed by this bill does not involve, as I have attempted to show, any question of Punic faith. The bill under consideration is but an attempt to crystallize into one intelligent, harmonious statute the laws upon this subject as they exist to-day in virtue of the various existing treaty and legislative provisions, as defined and construed by the departments and the Federal courts, with such elaboration and extension as are necessary to extend the policy of exclusion to our insular possessions.

It is legislation which in forceful form seeks to throw the ample folds of protection not only around the laborer of this country to guard him against the ruinous competition of the cheap serf labor of the Asiatic, but which also protects the morality of the Republic and of the people from the pollution which otherwise must inevitably result from an admixture with our people of unlimited numbers of a race wholly incapable of assimilation, who never can become citizens, and whose vices are a deadly and dangerous menace to our people and our Government.

I would attract the attention of those who mock at the suggestions that there is danger unless a check is interposed of a great Chinese invasion into this country, to past history in connection with Chinese invasions into foreign countries. Fourteen years ago, on January 12, 1888, I had the honor of addressing this Senate upon the general subject of Chinese exclusion. I then, in discussing this phase of the subject, among other things, said:

If the Chinese pagans, led on by the great Mongolian leader Timur or Tamerlane, over five long centuries ago, overwhelmed the principalities and peoples along the Tigris, the Euphrates, the Volga, the Ganges, and the Nile, and left a track of desolation through Russia, and Turkey, and Egypt, and India which required centuries to efface; if the Chinese five hundred years ago proved themselves, under great leaders like Tamerlane, to be conquerors in vast, extensive territory, and victorious over innumerable strong and intelligent principalities from the Tigris to Moscow and from Moscow to the shores of the Ganges, what may not be feared from them and their countless millions in the future? Russia has felt the terrible shock of Chinese invasion, and to rally and recover from which it required the vigorous exercise of all her energies for centuries after.

The present Czar of all the Russias is not unmindful of the great danger to surrounding nations from vast numbers of Chinese invaders. It is stated he recently declared that "the greatest danger to the western world existed in the Chinese Empire. It only needed," said he, "another Tamerlane to set in motion another invasion, comprising perhaps 20,000,000 of the hardier races of northern China, to overwhelm Europe, not by their military strength or skill, but by mere force of numbers. If 20,000,000," said he, "were not enough to do the work, then 20,000,000 more might follow, drawn from a population that is to all intents and purposes numberless."

If the means of travel between nations and empires are improved, if the cost of travel is materially diminished, just in the same ratio is the danger which threatens this country through an overabundance of undesirable immigration increased. If it is true, and history affirms the fact, that long prior to the invention of steam engines, centuries before steamships and railways had an existence, nations were invaded, peoples overrun, principalities destroyed, not by any superior intelligence or military skill, but solely by reason of the force of numbers, how much more likely are such things to occur in the present life of nations, when, through the instrumentality of steam and electricity and all the allied powers of scientific achievements oceans are bridged with palatial homes, distances between the empires, kingdoms, and republics of earth—Christian and pagan, free and despotic, enlightened and barbarous—are annihilated, and all these are brought into immediate physical union, and when the continents of the earth and the islands of the seas, the different hemispheres and various zone belts of the earth, with their strange, complex, diverse, and nonhomogeneous and nonassimilating millions, are brought into immediate and dangerous contact.

To the suggestion that has been made in certain quarters, that

by reason of our Chinese-exclusion policy our trade has fallen off with the Empire of China, I can not make better answer than to quote what was said by Hon. JULIUS KAHN, Representative in Congress from the State of California, in the recent statement made by him before the Senate Committee on Immigration while this bill was under consideration. Mr. KAHN said:

Much has been said here about the treatment England has accorded to China and the manner in which she has held her trade.

It has also been asserted that our trade fell from \$3,701,008 in 1891 to \$5,663,497 in 1892 (the year in which the Geary law passed), and then to \$3,900,457 in 1893 (the year in which the Supreme Court declared the Geary law constitutional), and rose to \$5,862,426 in 1894, after our latest treaty with China was ratified. An attempt has been made to draw from these facts and figures the inference that our trade relations with China were influenced by our attitude in the matter of our exclusion policy. But let us examine China's trade with other countries. In 1891 the United Kingdom did a trade with the Celestial Empire, exclusive of Hongkong (British) and Macao (Portugal), of \$3,525,662. In 1892 this fell to \$2,836,597, in 1893 to \$4,699,336, and in 1894 to \$4,363,536. And yet England passed no Geary law or any other kind of an exclusion law.

Again, France, which has never passed an exclusion law, did a trade with the Chinese Empire of 10,344,940 francs in 1891. This fell to 7,244,486 francs in 1892, and to 5,686,600 francs in 1893. In 1894 the trade jumped to 19,971,563 francs. So that the experience of the French merchants, who lived in a country where the matter of an exclusion law had never even been suggested, found their trade fall and rise again just as our trade had fallen and risen.

And so with Germany. In 1891 her trade with China was \$3,280,000 marks; in 1892 it fell to \$3,115,000 marks; in 1893 it rose to \$3,443,000 marks, but in 1894 it fell back to \$3,446,000 marks. And Germany has no exclusion laws. I am satisfied, however, from my intimate knowledge of German character, that if the interests of German mechanics and laborers were jeopardized by the threatened invasion of thousands of the pauper laborers from the Chinese Empire, it would not be long before the German Parliament would pass all needed legislation to afford the necessary protection to her own working classes.

Statistics all show that England within the past few years has been losing her Chinese trade. Mr. Evarts says she has maintained it, but she has been losing it. We have been getting some of it, in spite of our exclusion laws.

Japan, which went in after England and whipped China, has increased its Chinese trade from 9,135,000 yen in 1895 to 40,257,034 yen in 1899. The figures I have quoted are from the Bureau of Statistics of our Treasury Department.

But no better answer to the objections that our Chinese-exclusion legislation has injured our trade with China, or that our commerce with that country is in the decadence, than the testimony of China herself. That Empire, speaking through her present very able, genial, and lovable minister, Wu Ting-Fang, in an address delivered by him less than two years ago before the International Commercial Congress in Philadelphia, used these words:

It is a well-known fact that China's trade and commerce with foreign nations has been and is increasing every year. This is especially the case with the United States. Since the opening of my country to foreign commerce fifty years ago her trade with the United States has been steadily increasing. To go no further back than the year 1891, I find in the trade returns of the imperial maritime customs for that year the exports of the United States to China amounted in round numbers to 7,700,000 taels and the imports from China 9,000,000 taels.

The volume of trade has increased rapidly every year, and it reached the following figures last year: Exports from the United States to China, 17,163,312 taels, and imports from China, 11,986,771 taels, a total of 29,150,083 taels. It is a significant fact that for many years the value of your exports to China was less than your imports, but last year it was the other way. Your exports exceeded your imports by over 5,000,000 taels. Thus it indicates clearly that your export trade has been and is increasing immensely.

I have taken these figures, as I say, from the customs returns; but according to the United States consul at Chefoo, Mr. Fowler, who seems to have taken great pains in going over the figures, the United States trade with China is underestimated by one-third, because the customs method of reckoning is to credit the ship with the merchandise she carries; so a steamer, say, flying the British flag and carrying a large quantity of American goods, the goods so imported will be put down as British and not American. Thus, according to Mr. Fowler, your trade with China last year was 40,000,000 taels. Gratifying as these figures are, they will not stop there, but will continue to advance every year. (Commercial China in 1900, issued by United States Bureau of Statistics, p. 2870.)

But not only so. I will place Great Britain on the witness stand. According to the British Foreign Statistical Abstract, imports into China from the United States amounted in value in 1899 to over 350 per cent more than when the Chinese-exclusion act of 1892 was passed. In 1892 our imports into China, according to this Abstract, were of the value of but 6,062,000 haikwan taels, while in 1899 they were of the value of 22,289,000 taels. I present herewith, and ask that it be inserted as a part of my remarks, the following table from the testimony taken before the Senate committee reporting this bill:

Imports into China from the United States, according to the British Foreign Statistical Abstract.

Haikwan taels.		Haikwan taels.	
1870.....	374,000	1886.....	4,647,000
1871.....	440,000	1887.....	3,338,000
1872.....	339,000	1888.....	3,146,000
1873.....	244,000	1889.....	3,806,000
1874.....	266,000	1890.....	3,676,000
1875.....	1,016,000	1891.....	7,732,000
1876.....	739,000	1892.....	6,062,000
1877.....	1,138,000	1893.....	5,444,000
1878.....	2,253,000	1894.....	9,233,000
1879.....	2,541,000	1895.....	5,063,000
1880.....	1,205,000	1896.....	11,930,000
1881.....	3,300,000	1897.....	12,440,000
1882.....	3,277,000	1898.....	17,163,000
1883.....	2,708,000	1899.....	22,289,000
1884.....	2,418,000	1900 (Boxer year).....	16,724,000
1885.....	3,315,000		

NOTE.—These figures do not include American merchandise passing through Hongkong or carried in foreign bottoms.



I have recently received from a lady of the Pacific coast, distinguished for her literary attainments and knowledge of public affairs, Mrs. John B. Allen, a copy of a most interesting and ably written address, delivered by her January 31 last before the "Century Club," of Seattle, Wash., on the general subject of "Immigration," and upon the query, "Shall it be restricted? If so, upon what basis?" I find in that able address much which commands my cordial indorsement. But in that address this most worthy lady, with an ingenuity and ability that can not but compel admiration, vigorously attacks the whole policy of Chinese exclusion and, after declaring that the test of exclusion of immigrants generally should be illiteracy, immorality, indigence, and viciousness, concludes her remarkable and, in most respects, admirable address in these words:

Can our statesmen not stand on this broad and liberal platform and enact restriction laws that will eliminate the illiterate and immoral, the vicious and helplessly indigent, and not discriminate against any country, but let the hand of welcome be extended to the Occident as to the Orient? Let the Pacific bear the immigrant as well as the Atlantic. Let the only requisites be intelligence, sobriety, morality, and industry, obedience to our laws, and loyalty to our Government. And if they can not, do not lay aside bias and prejudice and listen to reason and argument, and do reenact this one-country exclusion act, then may God give President Roosevelt the courage of his convictions and nerve his hand to veto the measure.

With these sentiments I can not agree, and in response and as an answer to the general argument of this estimable lady in favor of Chinese immigration, I attract attention to the views of another distinguished and able lady, Mrs. Charlotte Smith, president of the Woman's National Industrial League of America. She is a most estimable woman, whose life is devoted to the industrial and moral elevation of the women of America. The result of her untiring efforts in behalf of women has given her a most enviable place in the legislative and industrial history of our country. Her name is to-day embalmed in the affections of untold hundreds whom she has rescued from industrial and moral degradation. In her statement before the Committee on Immigration, when this bill was under consideration in that committee, Mrs. Charlotte Smith, in referring to the curse of the presence of Chinese laborers in this country, said:

Now, in my further discussion of this question, I will confine myself to Chinese coolie labor as competitive with women as wage-earners, and Chinese as moral factors in the United States. First, the industrial women of this country have more to fear from Chinese than men wage-earners have, because men are better organized, and women have no voice in the enacting of laws for the betterment of women as industrial factors.

The Chinese have taken the bread out of the mouths of the 50,000 women in the city of New York alone. They absorb \$3,500,000 annually in that city in one industry, namely, the laundry business. Formerly women could help maintain their dependent families by procuring employment two or three days in the week at \$1 per day. This is all of the past, except in isolated cases. The Chinese have the monopoly on the laundry business, this with steam laundries and improved machinery, most of the steam laundries are managed and run by men, and but few women are employed. Therefore they have taken the employment away from 500,000 women in the United States.

The Chinese control the slipper and woman's wrapper and underclothes trade on the Pacific coast; also largely the fruit and fish canning industries, that women and children were formerly employed in many months during the canning season. The Chinese are like the sponge; they absorb and give nothing in return but bad odors and worse morals. They are a standing menace to the women of this country. Their very presence is contaminating. They have sown the seed of vice in every city, town, and hamlet in this country. They encourage, aid, and abet the youths of the land to become opium fiends, for in the sale of opium is where their greatest revenues are derived. Through the introduction of importing and experimenting in cheap labor of the Chinese the result is our insane asylums are full to overflowing, and Americans are fast becoming addicted to the use of opium, largely through the Chinese, who have for centuries been addicted to the use of opium.

I said before the Silver Jubilee Total Abstinence Convention of America, in 1865, in New York: "In my investigations as president of the Woman's Rescue League, which is a branch of the Woman's National Industrial League, I found 175 women who had been baptized in the Christian faith living with Chinamen in New York in 1862. These women bring young pagans into the world, who, with their so-called husbands, worship in joss-house temples and become disciples of Confucius as well as opium fiends."

Furthermore, 99 out of every 100 Chinese are gamblers. This undesirable class come in direct competition with women who are breadwinners. The beastly and immoral lives that these Mongolians lead is only too well known in the police courts in all our large cities, where patrol wagons filled with Chinese gamblers and Sunday school scholars every Monday morning goes to prove as an object lesson that they never can be "Christianized."

In February, 1898, 700 Hebrews and Italians were discharged. They had been employed in two steam laundries on the east side, New York, and 400 Chinese took their places. A delegation waited upon me at 24 Union Square, the headquarters of the Rescue League, and asked me to address a mass meeting called to protest against these Chinese substitutes. The Rescue League engaged in a crusade against the Chinese, and within ten days the Italians and Hebrews were reinstated in their former positions.

I say most emphatically that the Chinese laundries could not exist six months in the large cities of the East if it were not for the patronage of the so-called industrial class. I regret to say that they are supported in the East largely by organized labor. Men who want union prices for their labor patronize and sustain Chinese laundries in all our large cities and towns.

I will give an illustration: On the east side, New York, four years ago the present month, I walked 108 squares in a section of the city that might properly be termed Hebrew City, where every man, woman, and child I met was conversing in the Hebrew language. Also daily newspapers were published in that language. I counted 49 Chinese laundries and but 1 white laundry, run by a Hebrew, and a poor, dirty looking place it was. The proprietor and his young wife told me they had not been long married, and had formerly worked together in a steam laundry. Their prospects of making a meager living was doubtful, because of the Chinese competition.

This is one of the most densely populated districts of New York. The ten-

ants were nearly all Hebrews and Italians who could not speak English, and yet the Chinese, who could neither speak their languages nor the English language, controlled the laundry trade. The rich and well-to-do middle class do not patronize Chinese laundries. It is the poor laboring class who maintain and keep up the Chinese laundries in this country. I attribute this to the filthy clothes that the Chinese will accept. This, with the unsanitary condition of these laundries and the Chinese mode of living, makes them a menace to society.

During the year 1880, in Washington, D. C., 564 Chinese were arrested. The majority were members of the Metropolitan Church Sunday school. Men and women, pipes and opium-joint paraphernalia were brought into the police court. Furthermore, the worst gamblers and most immoral opium-joint keepers were so-called Sunday school Chinese pupils.

Gentlemen, I was interested in having these Chinese "Christians" raided, because of their contaminating young children, and the result was published in the newspapers at the time. I have here a copy of the Working Woman, which I published, giving the full report.

In Boston, June 23, 1894, 15,000 unfortunate girls were turned loose to forage upon the community because of a moral crusade inaugurated against vice. What was the result? American born, educated girls became the mistresses of the Chinese of Boston. The Tenderloin floating population was soon after transferred to Chinatown, and the Chinese were permitted to go into the business of keeping houses of ill-repute, and engaged extensively in this illicit traffic. This in puritanical Boston, where educated, American-born white slaves were bought and sold for as low as \$2 per head, while Chinese women were prized at \$1,500 to \$3,000 each. This was the market price at that time in New York and Boston. The Chinese, with few exceptions, do not bring their wives and children to this country, therefore they prey upon American girls because they can be procured so much cheaper.

If some decided steps are not taken by this Government to exclude and keep out this undesirable class, it will not be long until legislators will be asking that there be leper hospitals established in every township in this country.

Mr. Chairman and gentlemen of the committee, this is a serious question, with 300,000 Chinese in the United States and 1,000,000 in the Philippine Islands who are entitled to the protection of our flag. In conclusion, the wage women, who are helpless, and society should be protected from coming in contact with these imported Asiatic heathens as competitive breadwinners. Therefore, I ask in the name of 25,000 organized industrial women and in the interest of morality, health, and industry that the Chinese be excluded from our shores; furthermore, that amendments, as suggested by the Pacific Coast Chinese Commission, be incorporated in the Chinese-exclusion bill and passed.

But not only so. It appeared on the investigation of this subject before the Senate Committee on Immigration having this bill under consideration, from statistics vouched for as reliable in the statement of Mr. Livernash, one of the California commissioners, and long a citizen of the city of San Francisco, made before that committee, that since the year 1880 there had been 1,311 arrests of Chinese persons in the city of San Francisco alone on charges of felony, the list of crimes including more than 100 cases of murder, and also including numerous cases of assault to murder, assault to rob, arson, abduction, assault with deadly weapons, bribery, attempt to bribe, burglary, grand larceny, kidnapping, libel, mayhem, passing counterfeit money, perjury, rape, robbery, receiving stolen goods, and smuggling.

But still further, that there were, since the year 1880, 31,161 arrests of Chinese persons in the city of San Francisco alone charged with misdemeanors, and this in a population, according to the last census, of considerably less than 20,000 Chinese, although it is claimed by Treasury officials familiar with the facts that the present population of that city is much larger than shown by the census returns, as it is claimed that a very large number of the real Chinese residents of San Francisco are migratory in their habits; that from ten to fifteen thousand leave San Francisco annually each spring for the northern fisheries in Oregon, Washington, and Alaska, and an equally large number leave the city for the orchards, vineyards, and mines, and consequently are not in the city when the census is taken.

But suppose the average number of Chinese in San Francisco each year since 1880 is twice the number shown by the recent census, or say 50,000, and this is probably a low estimate, the fact that in the past twenty-one years there have been in that city 1,311 arrests of Chinese persons for felonies and 31,161 arrests on charges of misdemeanor is an astounding commentary on the immorality and criminal disposition and tendencies of this class of persons.

In no part of this country among any other classes, either native or foreign born, can there be found such a large percentage of infractions, or alleged violations of criminal laws of the country as is presented by these statistics. Bearing upon this phase of the case I also attract attention to the statement of Mr. Livernash, made before the committee (see pp. 87-88 in testimony taken before the Senate Committee on Immigration) in which he said:

Returning to the matter I was discussing I shall read from a letter addressed by the chief of police of Sacramento, a place of about 30,000 inhabitants, to Mr. Woods, now a Representative in Congress from California. The chief of police says:

"The total number of Chinese arrested in this city (not including Sacramento County) from January 1, 1891, to January 1, 1901, was 852, as follows:

"Seventy-three for felonies. Of this number 57 were held to answer; 16 were discharged. These 73 arrests were for murder, murderous assaults, burglary, and grand larceny.

"Seven hundred and seventy-nine for misdemeanors—petit larceny, opium smoking, gaming, and violating city ordinances; 624 were convicted; 155 were discharged.

"In this community, as well as in every other place where Chinese abound, the ruin of a great many of our American youths is traceable to a habit peculiarly common among the Chinese, namely, opium smoking. This habit was almost unknown in this State until the Chinese came. A review of the 1,370



convicts at San Quentin prison and of the 771 quartered at Folsom will, I think, bear out my assertion that 40 per cent of the convicts are now such through the opium habit, contracted directly or indirectly through associating with the Chinese."

Before closing I beg to attract the attention of the Senate to the important fact of the imperative necessity for speedy consideration of and action upon this bill. On the 4th day of May next, now only about four weeks distant, the present Chinese-exclusion act expires by its own terms of limitation, and unless this or some other measure of exclusion is enacted and signed by the President before that date the doors of this country will be swung wide open to millions of Chinese laborers who desire to come here.

Several bills have been introduced—two known as the Lodge and Proctor bills, one or the other of which it is insisted by some should take the place of the pending bill. But it is a noticeable fact that those who take this position—and I do not now speak of Senators but of others who have appeared in the capacity of attorneys in the hearings before the Immigration Committee—are those who have appeared before the Committee on Immigration in opposition to Chinese exclusion.

While it is to be assumed in all candor that the authors of these bills, respectively, are earnestly desirous with us of securing the passage of a proper measure of restriction, I desire to place on record at this time my solemn conviction, as well as my prediction, that neither of these measures will meet the necessities of the hour; and the passage of either at this time would result in such a tremendous earthquake of public sentiment and indignation upon the part of the people of the Pacific coast, irrespective of party, such as has not been witnessed in this country in regard to any question for many years.

While we accord to all representatives of States and of people intelligent judgment of this most important problem, whether they reside in one section of the country or the other, we of the Pacific coast States, by reason of our immediate contact with the evil we seek to repress, insist that our deliberate, unified opinion on this subject is entitled to the highest consideration and the profoundest respect of every Senator and Representative in Congress.

One word for the Republicans of the Senate. While this is not nor should it be in any sense a party question, it should not be forgotten that the Republican party is in control of this Government at present. It has a large majority in and controls both Houses of Congress, and we have a Republican Executive. Let me, fellow-Republicans, whisper in your ears if you fail to pass the bill on the subject of Chinese exclusion which the Senators and Representatives of the Pacific coast States, irrespective of party, have presented to you for your consideration, and insist on forcing the passage of a statute which is inadequate and inefficient, then, at the coming elections, look out for such a vote of condemnation of the Republican party on the Pacific coast as you have not heard since the overthrow of the party in 1884.

In conclusion I ask unanimous consent to have printed for the convenience and inspection of the Senate, as a part of my remarks and as an appendix thereto, two papers which I hold in my hand. One is the report of Senator PENROSE, chairman of the Senate Committee on Immigration, made on behalf of the committee reporting this bill. It is brief, but a most admirable condensation and statement of reasons in support of the passage of the pending bill. The other is the concluding note in the statement of Mr. Edward J. Livernash, one of the California commissioners, made before the Senate Committee on Immigration when this bill was under consideration in that committee, and which accompanied a mass of most valuable data bearing upon the subject of Chinese restriction.

The PRESIDING OFFICER (Mr. SIMMONS in the chair). The papers referred to by the Senator from Oregon will be printed in the RECORD in the absence of objection.

These papers referred to are as follows:

Mr. PENROSE, from the Committee on Immigration, submitted the following report (to accompany S. 2960):

The Committee on Immigration herewith report Senate bill No. 2960, with sundry amendments, as indicated, and respectfully recommend its passage.

The sentiment of the American people with regard to the admission of Chinese has been crystallized during the past twenty years into a definite and progressive policy, which has resulted in equally progressive legislation for the exclusion of all classes save those who, in recognition of international comity, should be admitted as official representatives of the Chinese Government, as teachers coming to instruct the Chinese youth or to enlighten American collegians, as students seeking the benefits of the higher educational facilities of this country, as merchants engaging in legitimate commerce, both local and international, and as travelers for curiosity or pleasure.

These classes are excepted from the operation of the present exclusion laws by virtue of the treaty with China, and such exemptions, which were made at the request of the representatives of the Imperial Chinese Government, include all of the classes to whom admission was conceded by the United States in the negotiations leading up to said treaty.

Upon the other hand, the absolute prohibition of the admission of Chinese laborers was agreed upon by China, and the treaty runs for a period of twenty years ending December 8, 1914, subject to possible abrogation, however, at the end of ten years, in 1904.

The act approved May 5, 1892, known as the Geary law, continued in force all laws then existing for a period of ten years, or until May 5, 1902, or less than two months hence.

Under the administration of the existing laws many of the evil results of the previous unrestricted immigration of Chinese have been nullified, and under their protection American labor has regained much that was lost by former competition of Chinese cheap labor.

It is obvious, however, that the former evils are not forgotten by the workingmen of this country, and that the demand for the continuance of our established policy is well-nigh universal and voiced with an earnestness and insistence that merits and compels our favorable action.

The protection of the American workingmen from the competition of Asiatic labor is no longer a question of transcontinental limitations, but its mantle must now be thrown over the shoulders of the native toilers in the insular territory of recent acquisition, and this is but one of many reasons for the enactment of a broad and comprehensive measure at this time. Other reasons are—

The extreme difficulty in securing a just and equitable administration of the present laws, of which there are no less than eight operative in whole or in part, besides innumerable judicial, legal, and executive decisions, many of them contradictory and inconsistent—all parts of a fabric woven by many men of many minds.

The unavoidable inequality in the interpretation and execution of these contrarious provisions by officers stationed at the coast and border ports of entry far distant from the seat of government.

The necessity of bringing the general features of the law into harmony with the enactment of the Fifty-sixth Congress, which placed the administration of the Chinese-exclusion laws under the Bureau of Immigration, while their execution remained in the hands of collectors of customs, who are subordinates of another division of the Treasury Department.

The urgent need of defining by legislation the meaning and intent of all disputed provisions of existing laws, of reenacting all those measures which have been attacked as invalid or obsolete, and of providing a virtual codification of all laws, decisions, and regulations which have proven effective in the established practice.

The necessity for prescribing and defining the duties and powers of Chinese and immigrant inspectors, United States attorneys and marshals, and of methods of procedure in the investigation and trial of all causes involving the rights and privileges of Chinese.

The imperative need of unquestioned authority vested in the Treasury Department for the formulation of rules and regulations to govern the enforcement of the laws.

The need of stronger measures for the prevention, detection, and punishment of frauds.

The increasing difficulty of dealing with abuses of the privilege of transit across our territory accorded to Chinese passing from one foreign country to another.

The advisability of affording greater protection to Chinese of the exempt classes and to resident and domiciled laborers by a system of registration and certification and by requiring a consular investigation of the rights claimed by intending visitors prior to their departure from China.

The plain and unmistakable duty of Congress to afford to the American seaman the same protection against the competition of Chinese labor in the recognized American territory comprised by the American vessel as is accorded to laborers on land territory.

And the effort now being made in certain cases pending before the Supreme Court to emasculate the existing laws upon the assumption that the treaty of 1894 superseded all of their important provisions.

Consideration of the foregoing reasons inspires belief in the wisdom of the Congress in promptly enacting further legislation, and because of the changed conditions arising from the acquisition of additional territory and the difficulties experienced in the enforcement of all exclusion laws in the past, it is imperative that such new legislation shall be so comprehensive in scope and effect that the Government may find therein the means for protecting all of its ports, its people, and its officers from the flagrant abuses of the past.

The committee has listened to the arguments of advocates of all phases of this subject, carefully considering the great mass of testimony presented and weighing the evidence in the light of actual experience, and as a result it is found to be essential to enact into law all of the provisions of the pending bill as now amended. That any legislation of this character is subject to abuse is not to be questioned, but the committee finds that the best means of preventing such abuse lies in the plan of incorporating into the law those strict measures of practice which have heretofore been left to Executive regulation.

It is believed also that the greatest degree of fairness and justice to the exempt classes will be insured by the provisions of the bill, which prescribes better means for the investigation and disposition of their claims.

We find that despite the diligence of the officers very great abuses have existed, and that the most despicable frauds have been perpetrated by rings and associations organized for the purpose of importing Chinese laborers in the guise of merchants, students, and teachers, and that the privilege of transit across our territory has been exercised mainly by those who thus make use of the courtesy of this Government to reach foreign contiguous territory solely for the purpose of seeking unlawful entry into the United States across its unprotected borders.

The features of the bill providing for investigation and certification prior to departure from China will tend to protect the worthy immigrant in his treaty rights and privileges and give the United States the greatest measure of relief and safety.

There can be no doubt that under a wise, humane, and fearless enforcement of this act the importation of Chinese laborers will be prevented and the ingress of Chinese merchants and others of the exempt classes facilitated, and that the present friendly relations between the United States and China will be strengthened thereby.

#### STATEMENT OF MR. EDWARD J. LIVERNASH.

In submitting the foregoing matter, the commissioner for California by whom it has been prepared represents on behalf of the commission of which he is a member, of the State and people the commission represents, and of the American Federation of Labor with whose 1,500,000 citizen-toilers the commission is cooperating in the matter of legislation affecting immigration of Chinese to the United States, that gentlemen who grant the propriety of continuing the present laws concerning immigration of the Chinese can not, if they reflect, withhold their approval of the proposition that it will not suffice for the Congress to adopt a bill of four or five lines providing, say, as does the Rawlins bill (Senate bill 152), thus:

"That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent, or in anywise relating to Chinese immigration and exclusion, are hereby continued in force without limitation as to time."

Or as does the Stewart bill (Senate bill 153), thus:

"That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force until Congress shall otherwise provide."

Or as does the Lodge bill (Senate bill 221), thus:

"That so much of section 1 of the act of Congress approved May 5, 1892, as amended by the act of Congress approved November 3, 1893, 'to prohibit the coming of Chinese persons into the United States,' limiting the exclusion of



said Chinese persons to ten years from the passage of said act approved May 5, 1882, is hereby repealed."

Or as does the Proctor bill (Senate bill 1450), thus:

"That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force in accordance with the terms and until the expiration of the existing treaty between the Government of the United States and that of China."

Or as does the Fairbanks bill (Senate bill 185), thus:

"That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States be, and the same are hereby, extended and continued in full force and effect for twenty years from and after the 5th day of May, 1902."

To adopt any bill of the sort quoted might be to give the nation only a portion of the present laws and regulations under which we are operating; and gentlemen who do not wish to kill or to cripple the exclusion policy the United States has been for years pursuing will, of course, desire to avoid doing anything of doubtful value when certainty can readily be obtained.

Now, in order to accomplish what we are accomplishing in excluding undesirable Chinese immigrants, we are (as the foregoing citations show) relying upon a part of the act of Congress of 1882, a part of the act of Congress of 1884, practically all of the act of Congress of September, 1888 (the Scott Act), a part of the act of Congress of 1892 (the Geary Act), all of the act of Congress of 1893, the convention of 1894, and numerous Treasury rules and regulations.

In order to continue to do that which we have been doing, we must hold the laws and regulations we are now treating as valid.

But the validity of a large part of those laws and regulations is questioned in five important test cases pending in the Supreme Court of the United States.

As the citations abundantly prove, if the Scott Act, the act of September, 1888, is not valid, then a considerable and vital part of our exclusion system must fall unless the Congress shall come to the rescue by express reenactment avoiding the danger points.

And it is to-day being claimed before the Federal Supreme Court that no part of the Scott Act ever took effect, and that such act must be stricken from the living body of exclusion laws.

In the case of *Fok Yung Yv. The United States of America*, on appeal from the district court of the United States of the northern district of California, this claim of invalidity of the Scott Act is made; and it is also made in the case of *Lee Gon Yung v. The United States*, on appeal from the circuit court of the United States for the northern district of California.

Mr. Maxwell Evarts is counsel for the appellant in each of these cases, and as such counsel is seeking to tear down that large portion of our present bulwark against the Chinese which is known as the Scott Act, notwithstanding that before committees of the Congress he is representing that the present bulwark should be maintained.

In these two cases the following claim is made, the quotation being verbatim from the brief filed by Mr. Evarts in the *Fok Yung Yv. The United States* case:

"This act of Congress of 1888 was passed subject to the ratification of the then pending treaty between the United States and China. This treaty was never ratified. The act, therefore, never took effect."

It would not be surprising to find that in this claim Mr. Evarts is right.

The opening section of the Scott Act is: "That from and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the 12th day of March, A. D. 1888, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided."

The treaty referred to in this opening section of the Scott Act was never ratified by China, and has never gone into effect. The treaty of 1880 ran along until the signing of the treaty of 1894.

In a letter written by the present Attorney-General of the United States to the Secretary of the Treasury, under date October 10, 1901, this opinion is expressed: "The act of September 13, 1888, was passed with reference to the treaty between the United States and China then pending, and it has always been doubtful whether any part of this act took effect. Section 1 made it unlawful, after the ratification of that treaty, for any Chinese person to enter the United States 'except as hereinafter provided.' That would seem to make the entire act dependent upon the treaty."

If the Scott Act is not valid, is in truth dead, then adoption of any bill whose general terms renew the living law can not avail to give us the benefit of that dead law which we are now treating as valid.

An incidental view of the danger is afforded by the attack Mr. Evarts is making upon the entire body of Treasury rules regulating the transit of Chinese persons across territory of the United States.

The convention of 1894 contains this provision: "It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused."

Mr. Evarts is saying in the two pending cases cited that under this language the Congress can regulate the exercise of the privilege of transit, but is representing that since the ratification of the treaty the Congress has not done so. Undoubtedly the Congress has not since the ratification of the treaty authorized the Secretary of the Treasury to frame any regulations affecting the transit of Chinese persons. The body of regulations now relied upon as our safeguard rests upon Congressional authorization of date preceding the treaty of 1894. But Mr. Evarts claims that this basis is of no avail. On this point he says in the brief from which matter has already been quoted:

"There is no regulation by the United States Government enacted in pursuance of the provisions of Article III of the treaty of December 8, 1894, between the United States and China."

"Since the ratification of this treaty, there has been no act of Congress directing or authorizing the Secretary of the Treasury to make any regulation in regard to the transit of Chinese laborers across the territory of the United States, in the course of their journey to or from other countries."

"There are, it is true, certain regulations covering this matter issued by the Secretary of the Treasury, and the last of these was issued on the 8th day of December, 1900. \* \* \*

"We insist that these regulations are not governmental regulations, or regulations by the Government of the United States, in the sense in which those words are used in the treaty. A governmental regulation is a regulation authorized by Congress, and the mere rule of an executive officer of the Government, which he is not authorized by Congress to make, does not come within the meaning of the term. In other words, before the regulation of the Secretary of the Treasury, in regard to the transit of Chinese laborers across the territory of the United States, can become a governmental regulation, the Secretary of the Treasury must be authorized and directed to make it by an act of Congress."

If Mr. Evarts be upheld in this contention, and the Congress shall adjourn without having expressly authorized the Secretary of the Treasury to frame transit regulations, in what sorrowful plight will we be?

Just as Mr. Evarts is assailing the exclusion laws from one quarter, so those

laws are assailed from another quarter. In three pending cases the whole fabric of our present exclusion system is attacked in the Supreme Court of the United States. These cases are entitled as follows: *The United States v. Lee Yen Tai*; *Chin Bak Yan v. The United States*; *Chin Ying v. The United States*. The first of these three cases is upon certificate of the United States circuit court of appeals for the second circuit; the others are on appeal from the district court of the United States for the northern district of New York. A suggestion of their importance is contained in these paragraphs taken from a motion to advance, made in January of this year, in the Supreme Court, by the Solicitor-General of the United States:

"The Solicitor-General respectfully moves that this cause be advanced and assigned for argument at an early day, for the following reasons:

"1. The question is fundamental and goes to the validity of most of the existing Chinese-exclusion laws. To deny their validity is a startling proposition. The Government believes it to be manifestly untenable. Whether or not well-founded, the doubt should be resolved promptly, in order that the laws may be rightly understood and enforced. \* \* \*

What appears to be essential, in order to defeat the litigants now seeking to destroy the efficacy of our exclusion system, is that the Congress codify all of the present statutory and Treasury provisions which are worth preserving, and give to such codification the sanction of direct legislative approval. If in truth they are (as it is believed they are not) in some minor respects at variance with the convention of 1894, such sanctioned codification would cause them rather than the treaty to control, in that they would be the latest expression of the legislative will; if in truth some of the present statutory and departmental rules are dead, though in order to keep back the yellow tide we are necessarily treating them as living, the sanctioned codification would reanimate them."

Aside from being a codification of the present law and practice, the bill extends over the Philippines the protecting provisions of our exclusion policy, and does for the American-mainland territory in the case of the Philippines what the Congress long ago deemed it prudent and proper to do in the immensely less dangerous case of the Hawaiian Islands.

Respectfully submitted.

EDWARD J. LIVERNASH.

Mr. PENROSE. Mr. President, if there is no other Senator present who is prepared or desirous to address the Senate upon the pending bill, I shall ask that the Secretary proceed with the reading of it. I have a number of amendments, to which I do not think there will be any objection, which I shall ask to have inserted in the bill, and I understand other Senators have likewise amendments to offer at the proper time.

Mr. ALLISON. Does the Senator ask that the amendments may be now considered?

Mr. PENROSE. I ask that the bill may be now read, and, when the proper places are reached in the reading, I shall offer amendments of a verbal and technical character, so that they may be printed for the information of the Senate.

Mr. LODGE. Unanimous consent was given that the bill might be read and the amendments of the committee first considered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Immigration was, on page 1, section 1, line 5, after the words "United States," to insert "its Territories, or any territory under its jurisdiction," so as to make the section read:

"That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States, its Territories, or any territory under its jurisdiction shall be absolutely prohibited."

The amendment was agreed to.

The next amendment was, on page 1, section 2, line 11, before the word "of," to strike out "possessions" and insert "territory"; on page 2, line 1, before the word "prohibition," to strike out "the" and insert "this;" in line 2, after the word "well," to insert "to;" in the same line, after the word "insular," to strike out "possessions at the time or times of acquisition thereof, respectively" and insert "territory when the same was acquired;" in line 4, before the word "as," to strike out the comma; in line 5, after the word "and," to insert "it shall also apply to;" in line 6, before the word "those," to insert "to;" in line 8, after the word "one," to strike out the words "of the insular possessions" and insert "island;" in line 9, after the word "any," to strike out "of the;" in line 10, before the word "territory," to insert "insular;" in the same line, after the words "United States," to insert "except territory of a group whereof such island is a member;" in line 11, after the word "the," to strike out "transit," and in line 12, before the word "hereinafter," to insert "of transit;" so as to make the section read:

SEC. 2. That from and after the passage of this act the entry into the American mainland territory of the United States of Chinese laborers coming from any of the insular territory of the United States shall be absolutely prohibited; and this prohibition shall apply to all Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since, and to those who may be born there hereafter. And the same prohibition of entry shall apply to Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member. But the privileges of transit hereinafter given to other Chinese persons are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 15, before the word "used," to strike out "as;" so as to read:

SEC. 3. That the term "laborer," used in this act, shall be construed to mean both skilled and unskilled manual laborers, Chinese persons employed in mining, etc.



The amendment was agreed to.

The next amendment was, on page 3, section 4, line 1, after the word "of," to strike out "entering or remaining" and insert "Chinese persons other than laborers, to enter or remain;" in line 2, after the word "in," to strike out the comma; in the same line, after the words "United States," to strike out "shall be, in the case of Chinese persons other than laborers, as hereinafter set forth; but the only persons to whom such privilege shall extend," and in line 5, after the word "be," to insert "restricted to;" so as to make the section read:

SEC. 4. That from and after the passage of this act the privilege of Chinese persons, other than laborers, to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as hereinafter defined.

The amendment was agreed to.

The next amendment was, on page 3, section 5, line 8, before the word "used," to strike out "as;" in line 11, after the word "home," to strike out "foreign;" in line 12, after the word "represents," to insert "or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government;" in line 17, after the word "rules," to insert "and regulations;" and in line 18, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the section read:

SEC. 5. That the term "official," used in the foregoing section, shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be similarly privileged to enter, on being identified as such attendants or servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 3, section 6, line 20, before the word "used," to strike out "as;" so as to read:

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, etc.

The amendment was agreed to.

The next amendment was, on page 4, section 7, line 6, before the word "used," to strike out "as;" in line 9, after the word "which," to insert "adequate;" in line 10, before the word "study," to strike out "of" and insert "for;" in line 12, before the word "provision," to strike out "adequate" and insert "sufficient," and in line 14, before the word "immediately," to strike out "return from whence he came" and insert "depart from the territory of the United States;" so as to make the section read:

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

Mr. PENROSE. On the part of the committee, I desire to amend the amendment by withdrawing that part of it in line 9 which proposes to insert the word "adequate."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, section 8, line 16, before the word "used," to strike out "as;" so as to read:

SEC. 8. That the term "merchant," used in this act, shall be construed to mean only one who is engaged in buying and selling merchandise, at a fixed place of business, etc.

The amendment was agreed to.

The next amendment was, on page 5, section 8, line 3, after the word "then," to insert "as a prerequisite to entry;" in line 7, before the word "of," to strike out "or place;" in line 12, after the word "or," to strike out "the particular" and insert "any portion of the," and in line 13, after the word "thereof," to strike out "as the case may be;" so as to read:

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States, or any portion of the territory thereof, a business strictly within the meaning given by this act to the business of a "merchant."

Mr. PENROSE. I desire to move, on page 5, line 13, to strike out all of the paragraph after the word "thereof" as being unnecessary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, line 18, after the word "shall," to strike out "in addition to producing" and insert "unless he produce;" so as to read:

And where an application is made by a Chinese person for entry into the United States as one formerly engaged in the United States as a merchant, he shall, unless he produce the return certificate hereinafter provided for, establish to the satisfaction of the appropriate Treasury officer, etc.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 4, before the word "used," to strike out "as;" in line 5, after the word "who," to strike out "has arranged for an itinerary in the United States, and on the conclusion thereof will immediately depart from the territory into which as such traveler he has been permitted to pass. But any Chinese person who;" in line 9, after the word "shall," to strike out "fail to;" in line 11, after the word "travel," to strike out the word "or" and insert "within the territory of the United States and;" in line 13, before the word "travel," to insert "to," and in line 14, after the word "curiosity," to strike out "shall be held not to come within the meaning of the term 'traveler' as used in this act" and insert "and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of his itinerary;" so as to make the section read:

SEC. 9. That the term "traveler," used in this act, shall be construed to mean only one who shall establish to the satisfaction of the appropriate Treasury officer that he is in present possession of adequate funds for paying the costs of the intended travel within the territory of the United States, and that his purpose in seeking entry is in good faith solely to travel for pleasure or curiosity, and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of his itinerary.

Mr. PENROSE. In line 17, I desire to change the words "his itinerary" to the words "such travel."

The SECRETARY. It is proposed to strike out the words "his itinerary" and insert "such travel."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 10, page 6, line 23, after the word "settlement," to strike out "These exceptions are" and insert "This exception is," and after line 24, to strike out the following:

First. A "registered" Chinese laborer is a laborer who, being lawfully a resident of the United States at the time of the passage of this act, rightfully obtains and retains a certificate of residence therein under subsequent provisions hereof.

And insert:

First. A "registered Chinese laborer" is: (a) One who, being lawfully a resident of Hawaii or the American mainland territory of the United States at the time of the passage of this act, is the rightful holder of a certificate of residence issued to him under the acts of Congress in effect at the time of the passage of this act affecting exclusion of Chinese persons from the United States, such certificate being valid and operative at the time of the passage of this act. And every such certificate of residence valid and operative at the time of the passage of this act is hereby continued valid and operative, but in accordance with the provisions of this act. (b) One who, being lawfully a resident of any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, rightfully obtains and retains a certificate of residence therein under subsequent provisions of this act.

So as to read:

SEC. 10. That the prohibition of section 1 shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts therein of like amount due him and pending settlement. This exception is subject to the following provisions:

First. A "registered Chinese laborer" is, etc.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2 on page 8.

Mr. PENROSE. On page 7, line 23, I move to strike out the word "continuous."

The SECRETARY. On page 7, section 10, line 23, it is proposed to strike out the word "continuous;" so as to read:

The marriage to the wife referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return, and must have been followed by cohabitation of the parties as husband and wife. And it must appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 14 on page 8.

Mr. PENROSE. On page 8, line 5, I move to insert the words "absolute and" after the word "is," and in line 7, after the word "offsets," to strike out the words "and that the title was not colorably acquired for the purpose of evading this act."

The SECRETARY. On page 8, line 5, after the words "and is" it is proposed to insert "absolute and," and in line 7, after the word "offsets," it is proposed to strike out "and that the title was not colorably acquired for the purpose of evading this act;" so that, if amended, the paragraph will read:

Third. If the right to return be claimed on the ground of property or debts, it must appear: (a) In the case of property, that the ownership is of property other than money, and is absolute and in good faith; that the requisite minimum value is over all incumbrances, liens, and offsets.



Mr. ALLISON. I observe that words are read by the Secretary which are not included in the bill as it is printed.

Mr. PENROSE. I have just offered an amendment, I will explain to the Senator, and the Secretary is now reading the clause as it will read if amended.

Mr. ALLISON. He is reading the clause as amended?

Mr. PENROSE. Yes, sir.

Mr. ALLISON. Very well. I ask that it be read again.

This PRESIDENT pro tempore. It will be again read.

The Secretary read as follows:

If the right to return be claimed on the ground of property or debts, it must appear: (a) In the case of property, that the ownership is of property other than money and is absolute and in good faith; that the requisite minimum value is over all incumbrances, liens, and offsets.

Mr. PENROSE. In other words, the clause "and that the title was not colorably acquired for the purpose of evading this act" is stricken out.

Mr. ALLISON. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 8, section 10, line 17, after the word "return," to insert "to the United States;" and in line 18, after the word "departure," to insert "therefrom;" so as to make the clause read:

Fourth. It must appear, where family, property, or debt qualifications are relied on, that the applicant possesses them at the time of return to the United States as well as at the time of departure therefrom.

The amendment was agreed to.

The next amendment was, in section 11, page 8, line 19, before the word "claiming," to strike out "person" and insert "laborer;" in line 20, after the word "right," to strike out "to be permitted to leave the United States and return thereto" and insert "to return to the United States;" in line 23, after the word "district," to strike out "from" and insert "in;" in the same line, after the word "he," to strike out "wishes to depart" and insert "resides;" in line 25, after the word "departure," to strike out "and" and insert "said application to be accompanied by his certificate of residence, and said Chinese laborer;" in line 1, page 9, after the word "make," to strike out "on" and insert "under;" in line 5, after the word "regulations," to strike out "from time to time;" in line 7, before the word "of," to strike out "under direction" and insert "with the approval," and in line 9, after the word "penalties," to strike out "of" and insert "imposed by law for;" so as to make the paragraph read:

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate Treasury officer of the district in which he resides at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

The amendment was agreed to.

The next amendment was, on page 9, line 15, section 11, after the word "applicant," to strike out "made at his expense and;" in line 17, after the word "rules," to strike out "in that regard" and insert "and regulations," and in line 18, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 9, section 11, after line 19, to insert:

The original of said statement shall be retained by the Treasury officer before whom it is made, and the duplicate and triplicate copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

The amendment was agreed to.

The next amendment was, on page 10, section 11, line 1, before the word "officer," to strike out "said" and insert "the last-named;" so as to read:

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time, etc.

The amendment was agreed to.

The next amendment was, on page 10, section 11, line 9, after the word "was," to strike out "given" and insert "originally issued;" so as to make the paragraph read:

If the last-named certificate be transferred, it shall become void, and the person to whom it was originally issued shall forfeit his right to return to the United States.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the word

("Oregon)," to strike out "Astoria;" in line 24, after the words "San Juan," to insert "(Porto Rico)," and on page 11, line 1, before the words "of the," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

But no Chinese person, whether laborer or of another class, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States except at the ports of San Francisco, Portland (Oreg.), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, San Juan (Porto Rico), or such other ports as may be designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, subject to the restrictions imposed by section 26.

Mr. LODGE. After "New Orleans," in line 23, I move to insert the words "Richford, Vt."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MITCHELL. Was the committee amendment in line 23 agreed to?

The PRESIDENT pro tempore. It was.

Mr. MITCHELL. I ask that it be reconsidered and disagreed to.

The PRESIDENT pro tempore. It will be regarded as an open question.

Mr. MITCHELL. I move that the committee amendment be disagreed to, striking out "Astoria," in line 23, page 10.

The PRESIDENT pro tempore. The Senator from Oregon asks that the amendment striking out "Astoria" be disagreed to. Is there objection? The Chair hears none, and it is so ordered.

The next amendment was, in section 12, page 11, line 5, after the word "in," to insert "any of the insular territory of;" in line 6, after the words "United States," to insert "(Hawaii excepted)," and in line 9, after the word "insular," to strike out "possession" and insert "territory;" so as to make the paragraph read:

That it shall be the duty of every Chinese laborer rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within six months after the passage of this act a certificate of residence, in the mainland territory or the insular territory wherein he resides.

The amendment was agreed to.

The next amendment was, on page 11, line 14, before the word "territory," to strike out "particular" and insert "portion of the;" in line 15, before the word "he," to strike out "wherein" and insert "where;" in line 18, after the word "his," to insert "personal;" in line 19, before the word "rules," to insert "the;" in line 20, after the word "immigration," to strike out "under direction" and insert "with the approval;" in line 22, after the word "applicant," to strike out "made at his expense, and;" and on page 12, line 2, after the words "of the," to strike out "other" and insert "original;" so as to make the paragraph read:

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States, and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Mr. ALLISON. I wish to call the attention of the chairman of the committee to the phraseology of the paragraph. It states that the persons to obtain such certificate "shall apply to the appropriate Treasury officer," etc. We have no Treasury officer in the Philippine Islands. I think there should be some special provision made, if it is to apply to the Philippine Islands as some other portions of the bill do apply. I merely call attention to it.

Mr. LODGE. I will say to the Senator that the committee have an amendment of a general character which they intend to propose later, which covers the insular territory as being under the jurisdiction of the Secretary of War, and provides that officers under his jurisdiction shall take care of it.

Mr. ALLISON. I observed the difficulty and wanted to call attention to it at the moment.

The amendment was agreed to.

The next amendment was, on page 12, line 11, after the word "by," to strike out "the" and insert "a;" in line 12, after the word "attorney," to strike out "whose duty it shall be" and insert "and it shall be the duty of said judge or said commissioner;" in line 15, before the word "that," to insert "or commissioner," and in line 20, after the word "him," to strike out "on payment of costs;" so as to make the paragraph read:

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or



commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that, the six-months time limit aside, he is rightfully entitled to such certificate; and if upon such showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

The amendment was agreed to.

The next amendment was, on page 13, line 2, before the word "thereof," to insert "or Territory or insular territory;" and in line 3, after the word "deported," to strike out "from the United States;" so as to make the paragraph read:

No person shall be given a certificate of residence under any section of this act or be entitled to a reissue of any lost certificate of residence who, prior to his application therefor, shall have been convicted of any crime within the jurisdiction of the United States or any State or Territory or insular territory thereof. Any such person, being thus without such certificate, shall be deported.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "Immigration," to strike out "under direction" and insert "with the approval;" and in line 7, after the word "needful," to insert "rules and;" so as to read:

Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce all needful rules and regulations for the registration and certifications by this section required, and the Secretary of the Treasury shall appoint the officers for effecting such registration and certifications, authorizing the payment to them of such compensation in the nature of fees, in addition to their salaries as now allowed by law, as he shall deem necessary, not exceeding \$1 for every certificate issued.

The amendment was agreed to.

The reading of the bill was continued to the end of section 14.

Mr. ALLISON. May I make a suggestion to the Senator from Pennsylvania in charge of the bill? This is a Senate bill introduced by the junior Senator from Oregon [Mr. MITCHELL], and it is largely amended by the committee. The committee could, it seems to me, very easily report back the bill as amended in the committee without the Senate going through with all these verbal amendments in detail. If it was a House bill I could see how necessary it would be of course to pass upon the amendments. Unless the Senator from Pennsylvania or the Senator from Oregon has some special view about it, I think we can save this labor.

Mr. MITCHELL. I have no wish about the matter, one way or the other. It might have been reported back as a substitute and in that way we would have saved some time.

Mr. PENROSE. I understand that the House bill is nearly identical with this bill.

Mr. MITCHELL. It is.

Mr. ALLISON. The House bill is not here.

Mr. PENROSE. No.

Mr. MITCHELL. I suggest to the Senator from Iowa that we are nearly half through the bill now, and we are getting along pretty rapidly.

Mr. ALLISON. I observe that we have reached the fourteenth page and there are 53 pages. That is the reason why I made the suggestion. We do not seem to be quite half through.

Mr. HALE. This is what it does. It obliges the Senate to go over every little amendment of phraseology that the committee has gone over, all of which would be avoided by reporting the bill as a substitute for the original measure. The Senate can not understand these little amendments; they are not material, and they take up our time. I think the Senator from Iowa is entirely right in his suggestion. As we have got only so far along, the bill might be recommitted and reported to-morrow morning with the verbal amendments that the committee propose embodied in it, and then we will go right through with the bill and deal only with the important amendments.

Mr. PENROSE. I hardly like to consent to have the bill recommitted. It would mean further delay, and the bill would lose the position which it now occupies in the business of the Senate. There are only two other amendments which I have to offer as far as committee amendments are concerned. I am perfectly willing to consent to any suggestion that will facilitate the progress of the bill.

Mr. ALLISON. I only made the suggestion with a view of saving time. If this was in the form of an original bill from the House, I could see how important it would be to go through with these amendments; but here is a bill reported from a committee with amendments to the original bill offered in the Senate. If the Senator prefers to go on, I do not insist.

Mr. HALE. If there are only two more amendments—

Mr. LODGE. There are only one or two amendments additional to those included in the bill. If the Senate wants to adopt the committee amendments en bloc, of course it can do so.

Mr. COCKRELL. No.

Mr. LODGE. But it seems to me that it is well to go through with the bill in the ordinary way. There are a great many verbal amendments, of course.

Mr. HALE. The Senator sees that it is much better on verbal

amendment for the committee to cure those and report them in the bill instead of bringing them before the Senate.

Mr. LODGE. That would amount to making only one substitution of the whole bill.

Mr. HALE. Yes, and that is the customary way, and a much better way.

Mr. LODGE. This course was pursued with the bill because a House bill was introduced precisely identical, and it is being considered in the House of Representatives at this moment. It was thought it would be more convenient to deal with the bill in this way, as it is the same as the House bill in origin, and thus have all the changes noted.

Mr. MITCHELL. It has to be read, anyway.

Mr. LODGE. The bill has to be read in any event.

Mr. TELLER. I wish to inquire of the members of the committee if they intend to try to make this bill fit the House bill?

Mr. LODGE. No, but to show the difference between the House bill and this measure.

Mr. TELLER. When these amendments are made, will the bill then conform to the House bill?

Mr. LODGE. It will not.

Mr. PENROSE. I understand that these amendments have been suggested by some of the departments since the bill was printed. I do not think that they are very important. There are not more than half a dozen of them altogether of importance.

Mr. TELLER. I should like to suggest that we go on with the amendments, and then when we get through with the amendments let the bill be printed so as to have it in that shape to-morrow morning.

Mr. PENROSE. That was my thought.

Mr. ALLISON. Let it be printed as an original bill then, without the amendments italicized. It will then be the bill of the committee.

Mr. HALE. Yes; let the bill be printed as amended to-day for consideration to-morrow morning.

Mr. LODGE. It seems to me the only way to do that is to substitute the whole bill for the original Mitchell bill as introduced by the Senator from Oregon. We could have done that, but it seemed to the committee much more important to show to the Senate what changes had been made in the bill as originally introduced. Unfortunately, in addition to the substantial amendments, there were a great number of verbal amendments, and the committee did not see how it was possible to avoid making them all apparent. It seemed to the committee very important, in view of the fact that there was a similar bill in the House, to show the precise changes made where they were substantial.

Mr. ALLISON. That seems to me to be a very good reason for the action of the committee.

Mr. HALE. On important amendments?

Mr. ALLISON. Yes; on important amendments. Of course we do not know what may occur elsewhere, but I anticipate that another bill will appear before us in a very short time and I suppose the committee will then want to take up that bill in lieu of this measure. I do not know what their view may be about that.

Mr. LODGE. I suppose we could substitute this bill for the House bill if the House bill came over. That would put them both into conference.

Mr. ALLISON. In the end.

Mr. LODGE. In the end.

Mr. TELLER. Or vice versa.

Mr. HALE. Does the Senator desire to go on further to-night?

Mr. PENROSE. I do not care to push the bill any further to-night if the Senate does not care to stay. I thought we were getting along pretty well, but if the Senate wants to adjourn I will not insist on staying longer.

Mr. HALE. I am very desirous of expediting the public business, and if the Senator wants to go on I am entirely willing to stay.

Mr. PENROSE. I am perfectly willing to go on if the Senate is willing.

Mr. HALE. We shall undoubtedly have a session to-morrow, and perhaps complete the bill and complete the appropriation bill. Everybody is desirous of doing as much as we can now in order to save time later, when it is hot weather. I do not wish to suggest anything.

Mr. LODGE. Let us go on for half an hour.

Mr. PENROSE. I suggest that we go on for half an hour, and then if it is the pleasure of the Senate we can adjourn and finish action upon the amendments to-morrow.

Mr. HALE. That is right.

Mr. QUAY. Mr. President, may I, while this transformation scene is pending on the bill of my colleague, possibly induce him to accept a very harmless and righteous amendment which I sent before his committee? With this intention, I send it to the desk to be read. It is in relation to excepting those Chinese who took part in the defense of the legation pending the massacres in Peking



and who defended the Petang Cathedral. It seems to me that since we are inserting more important amendments that that might be accepted.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to have the amendment read?

Mr. QUAY. Yes.

The PRESIDENT pro tempore. Under the unanimous consent agreement the amendment is not in order at this time. It will be read.

Mr. PENROSE. I suggest to my colleague that it will come up after the consideration of the committee amendments.

Mr. QUAY. I merely asked whether my colleague would accept the amendment, and for the information of my colleague and the Senate I ask the unanimous consent of the Senate that the amendment may be read.

Mr. PENROSE. I will state to my colleague that I would not feel justified in accepting it, as I hardly think that any member of the Committee on Immigration is in favor of it.

Mr. QUAY. The Senate at present does not know exactly the terms of the proposed amendment, and I ask that it be read.

The PRESIDENT pro tempore. If there be no objection, the amendment will be read.

The SECRETARY. It is proposed to insert at the end of the bill the following:

*Provided, That nothing herein contained shall be construed to exclude Chinese Christians or Chinese who assisted in the defense or relief of the foreign legations or the Petang Cathedral, in the city of Peking, in the year 1900.*

Mr. HALE. Let the amendment be printed.

Mr. PENROSE. It has been printed.

The PRESIDENT pro tempore. It has not been printed as an amendment to the pending bill, but as an amendment to Senate bill 612. It will be printed.

Mr. BATE. I ask that it be read again.

Mr. MITCHELL. I should like to ask the Senator from Pennsylvania about how many Chinamen he thinks that amendment would let in?

Mr. QUAY. I hope it would have the effect of Christianizing the entire Empire.

Mr. MITCHELL. I think it would let in at least 1,000,000.

Mr. HALE. About 350,000,000.

Mr. MITCHELL. Probably.

Mr. BATE. I called for the reading of the amendment.

The amendment was again read, as follows:

*Provided, That nothing herein contained shall be construed to exclude Chinese Christians or Chinese who assisted in the defense or relief of the foreign legations or the Petang Cathedral, in the city of Peking, in the year 1900.*

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Immigration was, in section 15, page 14, line 5, before the word "territory," to strike out "some particular" and insert "any portion of the;" in line 6, before the word "they," to strike out "as the case may be;" in line 12, before the word "insular," to strike out "an" and insert "any;" in the same line, before the word "of," to strike out "possession" and insert "territory;" in line 13, before the word "insular," to strike out "an" and insert "any;" in the same line, before the words "of the," to strike out "possession" and insert "territory;" in line 14, after the word "into," to strike out "another" and insert "other;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" and in line 16, after the word "shall," to strike out "be" and insert "have been;" so as to make the section read:

That to entitle such Chinese persons as are mentioned in section 4 to admission into the United States, or into any portion of the territory of the United States, they shall produce a certificate from their Government, or the Government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart; or if such persons are residents of the American-mainland territory of the United States and seek entry into any insular territory of the United States, or are residents of any insular territory of the United States and seek entry into other insular territory or into the American-mainland territory of the United States, then such certificate shall have been issued by the appropriate Treasury officer of the United States.

The PRESIDENT pro tempore. The amendment will be agreed to in the absence of objection.

Mr. PLATT of Connecticut. Mr. President, I should like to inquire what is the effect of the amendments which are suggested in this section? How do they change the section as it was originally drawn? Why are these amendments suggested and thus hurriedly rushed over without an opportunity of knowing anything about them?

Mr. PENROSE. The changes are purely verbal. The committee preferred as the more elegant expression and perhaps more accurate and technical the word "territory" instead of the word "possession" and thought that the phrase "some particular" was rather inelegant and unnecessary and therefore struck out those words and inserted instead thereof the words "any portion

of the." There is not a serious alteration and not one that is not absolutely verbal.

Mr. FAIRBANKS. The amendment does not change the substance of the section.

Mr. PENROSE. It does not change either the substance or the purpose of the section.

The amendment was agreed to.

The next amendment was, in section 16, page 14, line 20, after the word "personal," to strike out "and proper;" in line 21, after the word "person," to strike out "for" and insert "to;" in the same line, after the word "issued," to strike out the period and the word "And" and insert "; and;" in line 22, after the word "full," to strike out the semicolon and insert a comma; in line 23, after the word "any," to strike out the semicolon and insert a comma; in line 24, before the word "his," to strike out the semicolon and insert a comma; in line 25, after the word "residence," to insert "and such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury;" so as to read:

That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the personal signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and (in detail) when, where, and for how long pursued, and his residence and such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 15, line 13, after the word "or" to strike out "possession" and insert "insular territory;" and in line 14, after the word "he," to strike out the word "hails" and insert "comes;" so as to read:

If the certificate be sought for the purpose of travel for pleasure or curiosity, it shall state, in addition to the matter first aforesaid, whether the applicant intends to pass through, or travel within, the territory of the United States, and shall show his financial and class standing in the country or insular territory whence he comes.

The amendment was agreed to.

The next amendment was, on page 15, line 16, after the word "person," to strike out "for" and insert "to;" in line 17, after the word "made," to strike out "at his expense and;" in line 18, after the word "rules," to insert "and regulations;" and in line 19, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

In every case the original and each copy shall contain the photograph of the person to whom the certificate is issued, made in the manner and at the time required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 17, page 16, line 4, after the word "issue," to strike out "as the case may be" and insert "such certificate;" so as to make the section read:

SEC. 17. That before any representative of the United States shall visé any certificate of the kind mentioned in the preceding two sections, and before any Treasury officer of the United States shall issue any such certificate, he shall carefully examine into the facts of the particular case; and if he shall find, after inquiry, that any of the statements of the certificate are false, or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visé or to issue such certificate.

The amendment was agreed to.

The next amendment was, in section 18, page 16, line 7, after the words "by the," to strike out "person" and insert "said diplomatic or consular representative of the United States viséing, or the said Treasury officer;" and in line 10, after the word "named," to strike out "in it" and insert "therein;" so as to make the paragraph read:

That the original certificate issued under the last three sections shall be, by the said diplomatic or consular representative of the United States viséing, or the said Treasury officer issuing, the same, delivered open to the Chinese person named therein.

The amendment was agreed to.

The next amendment was, on page 16, line 11, after the words "by the," to strike out "person issuing the certificate" and insert "said representative or the said Treasury officer;" and in line 20, after the word "section," to strike out "52" and insert "53;" so as to make the paragraph read:

The duplicate thereof shall be, by the said representative or the said Treasury officer, delivered, in a sealed envelope, suitably addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate Treasury officer of the United States at the place where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The amendment was agreed to.

The next amendment was, on page 16, line 21, after the words "by the," to strike out "person issuing the certificate" and insert "said representative or the said Treasury officer;" and in line 24,



after the word "port," to strike out "or place" and insert "at which;" so as to make the paragraph read:

The triplicate thereof shall be, by the said representative or the said Treasury officer, immediately sent by mail to the appropriate Treasury officer of the United States at the port at which said Chinese person seeks entry.

The amendment was agreed to.

The next amendment was, in section 19, on page 17, line 8, after the word "tort," to strike out "or place;" in line 9, after the word "and," to strike out "it shall be" and insert "if such entry is permitted, said certificate, properly indorsed by the appropriate Treasury officer, shall be returned to and;" in line 13, after the word "of," to strike out "identifying" and insert "indicating;" and in the same line, after the word "his," to insert "original;" so as to read:

SEC. 19. That the certificate mentioned in the four sections next preceding this section shall be, when duly viséed by the proper diplomatic or consular representative of the United States, or when issued regularly by the appropriate Treasury officer of the United States, as the case may be, prima facie evidence of the facts therein set forth, and shall be produced to the appropriate Treasury officer of the United States in the port in the United States at which the person named therein seeks entry; and if such entry is permitted, said certificate, properly indorsed by the appropriate Treasury officer, shall be returned to and retained by the person named therein while he desires to remain in territory of the United States, as a means of indicating his original status, etc.

The amendment was agreed to.

The next amendment was, in the same section, in line 14, after the word "and," to strike out "an aid to the United States in preserving him from annoyance; and to this end;" so as to read:

And it shall afterwards be produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing it to establish a right of entry into the United States.

Mr. PLATT of Connecticut. What is the object of striking that language out? Having been put in the bill, and one object being to aid the United States in preserving the Chinaman from annoyance, why should those words be stricken out, unless the object of it is that he may be annoyed?

Mr. PENROSE. The committee reported to strike out those words because, in their opinion, it was clearly surplusage and not proper statutory language. It is not generally customary in framing a statute to put in explanatory language of that character. It is purely a matter of grammar and construction.

Mr. PLATT of Connecticut. I do not know, but it seems to me it is something more than a matter of grammar and construction, for I think we may as well all acknowledge that there has been a great deal of annoyance, and unnecessary annoyance, of Chinese subjects who are in the United States and entitled to be here.

Mr. PENROSE. I do not think there will be a particle of objection to putting the words back if the Senator from Connecticut so desires.

Mr. PLATT of Connecticut. I think those words had better stay in the bill. They may relieve these people from some of the annoyances to which they have been subjected.

Mr. PENROSE. That language was in the original bill as presented by the Pacific coast Senators and Representatives, but I ask that the committee amendment be not agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the committee, which has been read.

The amendment was rejected.

Mr. HALE. Is the language which has just been read, providing that this certification, which is evidential, "shall be the sole evidence permissible on the part of the person so producing it to establish a right of entry into the United States," taken from the existing statute? Supposing the certification is lost?

Mr. PENROSE. As I understand it, Mr. President, this is a copy of the present Treasury regulations. There are no acts of Congress upon these matters. They are Treasury regulations. In the hearings held by the committee, as printed, there are in parallel columns the present bill before the Senate—not exactly as it has been amended—and the Treasury regulations and the portions of the acts of Congress from which these provisions of the bill were copied.

Mr. HALE. And the Senator is now proposing to embody the regulations as statute law?

Mr. PENROSE. That is it.

Mr. HALE. So as to make the statute the same as the Treasury regulations?

Mr. PENROSE. That is the purpose of this bill.

Mr. HALE. Supposing it should happen that the certificate should be lost, and that the party to whom it had been issued had the complete proof of how it had been lost and what it comprehended, ought he to be shut out from showing that by providing here that he must have the original certificate? That is so evident that the Senator must see the point.

Mr. PENROSE. I see the point. That matter was very care-

fully considered by the committee, and some testimony was produced upon that question by Treasury agents appearing before the committee. It was declared, as the unanimous opinion of the Treasury agents, that this means of identification was absolutely necessary; that in no case does a Chinaman lose his certificate; he hangs on to it as tightly as he does to his pigtail or any one of his possessions.

Mr. LODGE. If the Senator will allow me to interrupt him, I find, on making a comparison, that this language "shall be the sole evidence permissible" is an exact reproduction of the act of July 5, 1884, and is now the law of the land.

Mr. HALE. That is the question I asked. If it is now the law, all right.

Mr. LODGE. I read from the language of the act:

Such certificate viséed as aforesaid \* \* \* shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities.

That is part of section 6 of the act of July 5, 1884.

Mr. HALE. Then the burden of proof is all on one side.

Mr. LODGE. It is the same as in the existing law.

Mr. GALLINGER. Mr. President, when this bill was first reported to the Senate I read it somewhat hurriedly, and was impressed with the feeling that it went quite too far in many of its provisions.

We have had an important bill under consideration during the past week, and, in addition to that, many of us have been in the committee room considering the river and harbor bill, which will probably be reported before long to the Senate. I have not had time to carefully examine the provisions of this bill or to acquaint myself with many matters connected with it that I think I ought to be better informed of than I am to-day. But I rise more particularly to say that I trust the Senator from Pennsylvania having charge of the bill will permit us now, at this late hour in the afternoon, to either take an adjournment or to go into executive session, so that some of us may have a better opportunity of examining the bill before it comes up again.

Mr. PENROSE. Of course, Mr. President, I yield to any motion which the Senator wishes to make, whether for an executive session or an adjournment.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Will the Senator withhold the motion for a moment that the Chair may lay before the Senate a concurrent resolution from the House of Representatives?

Mr. GALLINGER. Certainly.

#### TRANSFER OF REMAINS OF GEN. WILLIAM S. ROSECRANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Secretary read as follows:

*Resolved by the House of Representatives (the Senate concurring).* That there be appointed a committee by the President pro tempore of the Senate and the Speaker of the House to attend the ceremonies incident to the transfer of the remains of Gen. William S. Rosecrans from California to the cemetery at Arlington, Va., said committee to be a joint committee of the two Houses.

Mr. FORAKER. I ask unanimous consent that the resolution may be now considered.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of the concurrent resolution of the House of Representatives. Is there objection? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. FORAKER. I now move that the Senate concur in the resolution.

The motion was agreed to.

The PRESIDENT pro tempore. The resolution does not fix the number of the committee to be appointed.

Mr. FORAKER. The resolution provides for a committee, but not for the number. I move that the number be five.

The PRESIDENT pro tempore. The Senator from Ohio moves that the committee on the part of the Senate consist of five members.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the committee on the part of the Senate, and Mr. FORAKER, Mr. SPOONER, Mr. PROCTOR, Mr. BATE, and Mr. PETTUS were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal



year ending June 30, 1902, and for other purposes; in which it requested the concurrence of the Senate.

#### HOUSE BILL REFERRED.

The bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

#### EXECUTIVE SESSION.

Mr. GALLINGER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 5, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 4, 1902.*

##### APPOINTMENTS IN THE ARMY.

###### Artillery Corps.

Louis E. Bennett, of Illinois, late major, Fourth Illinois Volunteers, now captain in the Porto Rico Provisional Regiment of Infantry, to be first lieutenant, September 23, 1901, to fill an original vacancy.

George L. Hicks, jr., of Maryland, late major and surgeon, Thirty-eighth Infantry, United States Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

Guy E. Manning, of Ohio, late second lieutenant, Third Ohio Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

Charles O. Zollars, of Colorado, late second lieutenant, First Colorado Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

###### Cavalry Arm.

Ralph E. McDowell, of Kansas, late private, Twentieth Kansas Volunteers, and Troop F, Eleventh Cavalry, United States Volunteers, now sergeant Troop F, Thirteenth Cavalry, United States Army, to be second lieutenant, February 2, 1901, to fill an original vacancy.

##### PROMOTIONS IN THE ARMY.

###### Cavalry Arm.

First Lieut. George W. Moses, Fourth Cavalry, to be captain, March 31, 1902, vice Horne, Ninth Cavalry, retired from active service.

###### Artillery Corps.

Lieut. Col. James B. Burbank, Artillery Corps, to be colonel, April 1, 1902, vice Andruss, retired from active service.

Maj. Richard P. Strong, Artillery Corps (detailed as assistant adjutant-general), to be lieutenant-colonel, April 1, 1902, vice Burbank, promoted.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 4, 1902.*

##### POSTMASTERS.

Charles H. Boody, to be postmaster at Hart, in the county of Oceana and State of Michigan.

Carroll M. Heard, to be postmaster at Elberton, in the county of Elbert and State of Georgia.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, April 4, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

##### TRANSFER OF REMAINS OF MAJOR-GENERAL ROSECRANS.

The SPEAKER. Without objection, the Chair will lay before the House a statement from the Society of the Army of the Cumberland.

The Clerk read as follows:

SOCIETY OF THE ARMY OF THE CUMBERLAND,  
Washington, D. C., March 31, 1902.

SIR: The Society of the Army of the Cumberland at its last annual meeting resolved to transfer the remains of the late Maj. Gen. William S. Rosecrans, long the commander of the Army of the Cumberland, and subsequently a member of the House of Representatives, from the receiving vault in Los Angeles, Cal., where they were deposited, to Arlington Cemetery. The burial will take place about the middle of May, the exact day to be hereafter announced.

The officers of the society respectfully ask that the House of Representatives may be represented at the burial by committee or otherwise.

Very respectfully, your obedient servant,

H. V. BOYNTON,  
Corresponding Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,  
Washington.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution No. 46.

*Resolved by the House of Representatives of the United States (the Senate concurring). That there be appointed a committee by the President pro tempore of the Senate and the Speaker of the House to attend the ceremonies incident to the transfer of the remains of Gen. William S. Rosecrans from California to the cemetery at Arlington, Va., said committee to be a joint committee of the two Houses.*

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered, and agreed to.

ANDREW J. FELT.

The SPEAKER laid before the House the bill (S. 2371) granting a pension to Andrew J. Felt.

Mr. SULLOWAY. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CALDERHEAD, Mr. GIBSON, and Mr. NORTON.

##### HOUSE PENSION BILLS WITH SENATE AMENDMENTS.

The following House bills with Senate amendments were severally considered, the Senate amendments read, and, on motion of Mr. SULLOWAY, the House concurred in the Senate amendments:

A bill (H. R. 1706) granting an increase of pension to John E. White;

A bill (H. R. 2120) granting an increase of pension to Horatio N. Warren;

A bill (H. R. 2124) granting an increase of pension to Dewitt C. McCoy;

A bill (H. R. 3418) granting a pension to Dennis Dyer;

A bill (H. R. 3180) granting an increase of pension to Edward S. Dickinson;

A bill (H. R. 5413) granting an increase of pension to Alfred H. Van Vliet;

A bill (H. R. 6029) granting a pension to Mary E. Kelly;

A bill (H. R. 6466) granting a pension to Josephine M. Dustin;

A bill (H. R. 7990) granting an increase of pension to Uriah Reams;

A bill (H. R. 9301) granting an increase of pension to Barbara McDonald;

A bill (H. R. 9821) granting a pension to John W. Moore;

A bill (H. R. 10193) granting an increase of pension to John Hollister;

A bill (H. R. 10289) granting a pension to Eliza Stewart;

A bill (H. R. 11375) granting a pension to Charles F. Merrill;

A bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield;

A bill (H. R. 10044) granting an increase of pension to William Larzalere;

A bill (H. R. 10111) granting an increase of pension to John S. Raulett; and

A bill (H. R. 6713) granting an increase of pension to Freeman R. E. Chanaberry.

##### BRIDGE ACROSS SAVANNAH RIVER.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland, within the corporate limits of the city of Savannah, to Hutchinsons Island, in the county of Chatham, State of Georgia.

The amendments of the Senate were read.

Mr. ADAMSON. I move that the House concur in the amendments just read.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

##### SETTLERS IN FOREST RESERVES.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 3084) for the relief of bona fide settlers in forest reserves.

The amendment was read, and, on motion of Mr. MARTIN, concurred in.

##### PROTECTION OF LIVES OF MINERS.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 8327) to amend an act entitled

"An act for the protection of the lives of miners in the Territories."

The amendment was read.

Mr. MOODY of Oregon. I move that the House nonconcur in this amendment and ask a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. MOODY of Oregon, Mr. SCOTT, and Mr. HALL as conferees on the part of the House.

#### LEAVE OF ABSENCE.

Mr. COWHERD, by unanimous consent, obtained leave of absence for five days, on account of important business.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. CANNON. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 13360) to make certain urgent deficiency appropriations, and that the same be considered in the House as in Committee of the Whole.

Mr. RICHARDSON of Tennessee. Pending the request for unanimous consent, and reserving the right to object, I think that the gentleman from Illinois [Mr. CANNON] ought to tell us what the items of this urgent deficiency bill are. I have not been able to look at the bill.

Mr. CANNON. The bill appropriates for the District of Columbia \$36,000 in round numbers—\$10,000 for fuel for the public schools, the supply being now exhausted; \$20,000 for cleaning the streets, the funds for which will soon be exhausted, and other smaller items called urgent. It also appropriates for repair of hospitals at the Hot Springs, Ark., and elsewhere—an urgent matter, the appropriations being exhausted—\$10,000; for the naval establishment (expenses of Marine Corps), \$3,000 in round numbers; for furniture in the Interior Department, \$7,830; for printing and binding in the Post-Office Department, the Agricultural Department, the War Department, and the Library of Congress, an aggregate of \$143,000. The appropriations being exhausted or about to be exhausted, this urgent deficiency bill covers items which ought to be appropriated for at once.

Mr. RICHARDSON of Tennessee. I presume that of course the minority members of the committee have agreed to the bill?

Mr. CANNON. Oh, this has been reported by the direction of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.,* That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1902, and for other objects hereinafter stated, namely:

#### DISTRICT OF COLUMBIA.

To enable the collector of taxes to prepare tax-sale certificates, with authority to employ clerks of the collector's and other District offices after office hours, \$300.

Fire department: For forage, \$5,000.

Public schools: For fuel, \$10,000.

Health department: For the enforcement of the laws relating to the manufacture and sale of drugs and foods, including candy and milk, and for the necessary expenses of the chemical laboratory incident thereto, under the direction of the health department, for the service of the fiscal year 1902, \$500.

Sprinkling, sweeping, and cleaning streets: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including necessary incidental expenses, \$20,248.

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

#### MILITARY ESTABLISHMENT.

For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, \$10,000.

#### NAVAL ESTABLISHMENT.

To pay expenses incurred for articles purchased, and transportation of the same; for the special detachment of marines ordered to duty with the North Atlantic fleet, \$3,189.39.

#### DEPARTMENT OF THE INTERIOR.

Office of Geological Survey: For furnishing additional office rooms, including carpets, linoleum rugs, desks, chairs, tables, book, map, letter specimen, file, and catalogue cases, awnings, window shades, washstands, wardrobe, cabinets, water coolers, and lumber for shelving, and all other absolutely necessary articles, \$7,830.

#### PRINTING AND BINDING.

For printing and binding for the Post-Office Department, exclusive of the Money-Order Office, \$30,000.

For printing and binding for the Department of Agriculture, \$20,000.

For printing and binding for the War Department, \$75,000.

For printing and binding for the Library of Congress, \$18,000.

NOTE.—Total amount appropriated by this bill, \$192,737.39.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McDERMOTT. Mr. Speaker, I would like to ask a question of the chairman of the committee, before the bill is passed.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New Jersey?

Mr. CANNON. Certainly.

Mr. McDERMOTT. There is an additional appropriation here for sweeping the streets of the city of Washington of \$22,000. What was the amount appropriated originally?

Mr. CANNON. I have not the memorandum before me. I will ascertain in a moment. I will say to the gentleman that this appropriation is to be exhausted early in May. The exact amount appropriated I do not recollect, nor have I the memorandum before me, but I will ascertain in a moment.

Mr. McDERMOTT. There can be such a great amount of sweeping done for \$22,000—that is, sweeping as it is done within the city here—

Mr. CANNON. It is sprinkling and cleaning the streets. Just the amount of streets there are or the number of miles I do not know at this moment, but the gentleman is aware there are several hundred miles. Somebody suggests to me 320 miles, but I am not sure as to the exact amount. In my judgment this deficiency ought not to have been made, but it is alleged by the District authorities that it was necessary. I trust that the proper committee, in the coming year, when they come to appropriate for this purpose, will put a monthly limitation upon it; but as the appropriation is substantially exhausted, and because of the fact that during the spring of the year, from early in May until the 1st of July, the streets will be filthy, it seemed to your committee that there was no alternative except to recommend the deficiency. I will state that \$155,000 was the appropriation.

Mr. McDERMOTT. My recollection is this: That the amount appropriated for cleaning the streets of the city of Washington per mile was greater than any appropriation made in any city in this country. I do not say that an excess of \$22,000 was not necessary, but anybody who recalls the condition of Pennsylvania avenue during the last three months will recollect that during the hours of the day, because of the fact that the avenue had not been cleaned, it led to such a condition that you could not enter into any stores or hotels without tramping over street rubbish that should have been removed every day, and certainly that does not indicate that the \$22,000 of excess of appropriation was properly used. The amount of \$200,000 for sweeping and cleaning the streets of the city of Washington is very, very large, and the amount per mile accordingly very high, and I wanted a little information upon the subject if it was within the possession of the gentleman.

Mr. CANNON. The total amount appropriated in the regular bill for this year for this purpose was \$155,000. The amount of streets in mileage, as I understand, according to my information, is something over 300 miles. The judgment of the committee was when the original appropriation was made of \$155,000 that it ought to do the work, but it has not done the work. Now, I apprehend when the next annual bill is reported there ought to be and will be reported for the consideration of the House a direction to apportion the appropriation in such a way that one-twelfth part of it will not be exceeded in any one month.

Mr. McDERMOTT. And in the line of economy I would like to suggest to the gentleman from Illinois that you could obtain a bond for a million dollars guaranteeing to sweep the streets and keep them in better condition than they have been or will be under that appropriation for 60 per cent of the amount mentioned. The work should be done better.

Mr. CANNON. I do not care to go into that question. My observation has been that when the streets are cleaned under contract that at times there is severe criticism, and when they are cleaned as they are now, by the hiring of labor—day's work—there are grounds at times, no doubt, for criticism; but, upon the whole, I am inclined to think that the city of Washington and its streets is best cared for, and its streets are perhaps the cleanest, month in and month out, of any city in the country.

Mr. McDERMOTT. They are very easy to take care of, and my objection is not to the manner in which they are cleaned, but to the fact that they are not cleaned at all in a good many instances.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask a question.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. What is the purpose of the amount expended for public printing? What is that item?

Mr. CANNON. It is in the various departments. There is an absolute exhaustion of the appropriation. In the Post-Office Department the increase of business, and in the Agricultural Department the same thing, and this is the cause. The Agricultural Department does large quantities of printing, the public



service requiring it to be done, also in the War Department and in the Post-Office Department, and Congress requiring it to be done in the Agricultural Department.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman how many deficiencies he has asked for the public printing during this session?

Mr. CANNON. I do not recollect.

Mr. RICHARDSON of Tennessee. It strikes me this is about the third deficiency appropriation bill in which appropriations are made for the Government Printing Office.

Mr. CANNON. I will have the figures in a moment that will give the exact amount. I did not anticipate that there would be any question about it and therefore have not the memoranda before me, but I will have in a short time.

Mr. RICHARDSON of Tennessee. I am not objecting to the amount, because it may be absolutely necessary, nor do I criticize the action of the gentleman nor of his committee further than to say that it seems to me that the best legislation would be had by putting these amounts in the regular appropriation bill and thus not require so many deficiency appropriation bills.

Mr. CANNON. I will say to my friend that we absolutely gave the estimate for the current fiscal year.

Mr. RICHARDSON of Tennessee. Then the Public Printer must have been pretty far off in making his estimate, if that is true.

Mr. CANNON. I will give the gentleman the definite information in a moment. The estimate for the current fiscal year for the Post-Office Department was \$250,000. The appropriation was \$250,000. Now, this is the first deficiency for the Post-Office Department, a pretty large one, as the gentleman will notice, \$30,000, and the explanation of it is the absolute growth of that Department—increase in offices, increase in work, increase in printing, rural free delivery, and, in addition, the action of Congress in increasing the wages of printers and others.

Mr. RICHARDSON of Tennessee. If I am mistaken the gentleman from Illinois can correct me, but if I am not mistaken the last Congress in all their appropriation bills except one increased the amount of appropriations over the former Congress.

Mr. CANNON. I can give the exact figures to the gentleman in a moment.

Mr. RICHARDSON of Tennessee. Now, these deficiency appropriations are to be added to the excessive or the very large appropriations in the annual bills of the last Congress.

Mr. CANNON. For the year 1901 in the Post-Office Department the appropriation in the regular annual bill was \$215,000 and the deficiency was \$35,000, making a total of \$250,000. Now, the appropriation for the current year was \$250,000, which equals the total appropriation for the previous year, and this deficiency bill carries \$30,000 for the Post-Office Department, which measures the increase in printing for that Department.

Mr. RICHARDSON of Tennessee. That makes \$280,000.

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. Now, I am quite sure the gentleman reported a deficiency appropriation in December last for the benefit of the Government Printing Office.

Mr. CANNON. Not for any of the departments. That appropriation in December was to meet a deficiency that need not have been met if Congress had not ordered so much printing for its own use.

Mr. RICHARDSON of Tennessee. I was only speaking from recollection, but I remembered that there was a deficiency in December for the Government Printing Office.

Mr. CANNON. Yes; and it came from the excessive orders for printing by the House and Senate.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

#### OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the House nonconcur in all the Senate amendments to the bill H. R. 8587, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on War Claims, asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to nonconcur in all the amendments of the Senate to the bill, and ask for a conference. Is there objection?

Mr. MADDOX. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. MAHON. Will the gentleman withhold that for a moment?

The SPEAKER. Does the gentleman suspend his objection on the request of the gentleman from Pennsylvania?

Mr. MADDOX. Yes.

Mr. MAHON. Just for a moment.

Mr. HITT. Will this exclude the consideration of the Chinese bill?

The SPEAKER. The gentleman withholds his objection for a moment.

Mr. MAHON. Mr. Speaker, this is a House bill that has come back from the Senate with a great many amendments put on it by that body. The bill took its usual course, went to the Committee on Claims, and the committee, after consideration which has taken almost a week, have recommended a report that the House nonconcur in all the Senate amendments.

Mr. MADDOX. Mr. Speaker, I can not hear what the gentleman says.

Mr. MAHON. I will speak a little louder. I want to state to the gentleman from Georgia that this is a House bill to which the Senate added a good many amendments. It went to the Committee on War Claims in its usual course, and that committee, after looking over these amendments for a week, have recommended to this House by a unanimous vote of the committee that the House nonconcur in all the Senate amendments and allow it to go to conference, for this reason: There are some six hundred items in this bill, and I will frankly say to the gentleman that a good many of them will go out. This bill will have to remain in conference at least a month or six weeks before the differences can be adjusted, and I want to say further that there will be no disposition on the part of the chairman of the Committee on War Claims when that report comes in to move the previous question and to choke off debate.

I am perfectly willing to take the matter up on Friday and give the whole day for the consideration of the conference report. Mr. Speaker, it will take at least three, four, or five days. It will take a day to read the amendments, and the discussion of the paragraphs might take a couple of weeks in Committee of the Whole. Now, the gentleman from Georgia knows since he has been in Congress that the conferees of this committee have always stood with the House. They have examined these matters carefully, and if the gentleman wants to kill the bill, he will simply insist on his objection. Now, there is another reason. This day belongs to the Committee on War Claims, and an important bill is pressing for consideration in the House—the Chinese-exclusion bill—which we are all interested in, and I would like for this bill to be sent to conference and got out of the way of the chairman of the Committee on Foreign Affairs; and I hope the gentleman will not make any objection, but let it go to conference.

Mr. MADDOX. Mr. Speaker, this bill, as I understand it, carried about \$125,000 when we sent it from the House. It is called the "omnibus bill." Since it has gone over to the Senate they have added about \$3,000,000 of all sorts of claims, scraped up from the time the Government was formed up to the present time. Now, all I want to know and all I want to demand is simply this: That when this House comes to consider these claims they will have an opportunity to vote on these paragraphs when these claims come up. Now, I am perfectly aware that if there is no objection made and this bill is allowed to go into conference, unless the gentleman stands up to what he says now, when he comes to the House it will have no opportunity to weed out these claims that ought not to be allowed.

Mr. MAHON. I will say to the gentleman from Georgia that when the conference report comes here I am willing that he shall have an hour.

Mr. SHAFROTH. Will the gentleman allow me?

Mr. MADDOX. That is a matter for the House when it comes back.

Mr. SHAFROTH. This is the only way in which they can be weeded out.

Mr. UNDERWOOD. If my friend from Georgia will allow me, we sent the bill over to the Senate with about \$200,000, and it comes here with amendments added making it in the neighborhood of three millions.

Mr. MADDOX. That is what I understand.

Mr. UNDERWOOD. There are a great many items in that bill that ought to be considered in Committee of the Whole, and there is only one certain course that will give us an opportunity to consider these claims, and therefore I hope the gentleman will insist on his objection; that is, for the bill to take its regular course and that the claims be considered in the regular way.

The SPEAKER. Objection is made.

Mr. MAHON. There are claims amounting to three millions in this that have never been discussed at all. It belongs to you gentlemen upon the other side to take the responsibility. There are 23 States concerned in these claims, and if you want to kill the claims of those people, that is for you to determine. I have no personal interest in the bill.



## ORDER OF BUSINESS.

Mr. HITT. Mr. Speaker, I call up, under the special order, the bill H. R. 13031 and move that the House resolve itself into Committee of the Whole for the consideration of the Chinese-exclusion bill.

Mr. MAHON. Mr. Speaker, one moment. Under the rules of the House this day belongs to the Committee on War Claims; but I am willing to yield to the gentleman from Illinois if, by unanimous consent, the committee may have another day. We have been in session since the 4th day of December, and this committee has had but three hours. I do not want to get in the way of this important bill. I believe that next Monday is not District of Columbia day. We did think so, but it is not. Now, I will ask unanimous consent that that day be given to the Committee on War Claims.

Mr. HITT. I do not know that it is certain that this bill will be disposed of by that time. There will be considerable general debate.

Mr. MAHON. Then I will ask the next day.

Mr. HITT. There will be no opposition probably, but a good many voices for it.

Mr. MAHON. Then I will ask that it be next Tuesday, or the next day after the completion of the consideration of that bill.

Mr. DALZELL. It is the purpose to call up the Cuban reciprocity bill on Tuesday.

Mr. MAHON. It is not privileged.

Mr. DALZELL. Oh, yes; it is.

Mr. MAHON. Oh, yes; it is a revenue bill. Will not the gentleman from Illinois get through the bill by Monday?

Mr. HITT. I can not say that, as there is much demand for time.

Mr. MAHON. Then, Mr. Speaker, I ask unanimous consent that the War Claims Committee be given the day following the passage of the Chinese-exclusion act.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the day following the disposition of the Chinese-exclusion act be assigned to the Committee on War Claims. Is there objection?

Mr. DALZELL. I do not like to object to my colleague's request, but arrangements have been made and notice given to go on with the Cuban reciprocity bill on Tuesday, and I would suggest to him to make his request to follow that bill.

Mr. MAHON. Oh, that might make it two or three weeks from now. How long will that bill take?

Mr. DALZELL. I suppose it will take three days. I would think it would.

Mr. MAHON. I will take next Tuesday week.

The SPEAKER. The gentleman from Pennsylvania modifies his request that a week from next Tuesday be assigned to the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13031, the Chinese-exclusion bill.

The motion was agreed to.

## CHINESE-EXCLUSION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Moody of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill H. R. 13031, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. HITT. Mr. Chairman, I move to dispense with the first and formal reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill may be omitted. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HITT. Mr. Chairman, the bill now before the committee is one that has been very carefully prepared in all its parts, with the unanimity of the Committee on Foreign Affairs upon nearly every line, its purpose being to provide efficiently for the exclusion of Chinese laborers from the United States. In that purpose we were all agreed. The country, we believe, universally desires that there should be efficient prohibition. The existing law will expire on the 5th of May, and there is no time to lose if Congress intends to act.

The bill is based upon a measure which was drawn up with care by the combined wisdom and experience of the members of this House and of the Senate who represent the Pacific coast, where most of the Chinese in the United States are found, and

where the people and their representatives are most familiar with the practical side of the problem. Taking that bill, which is known in this House as the Kahn bill, because the honorable gentleman from California introduced it, representing his associates, our committee have carefully prepared the measure which lies before you, and which is substantially the Kahn bill.

While we desire to effectively exclude Chinese laborers, we do not forget that our country has considerable commerce with China, and all are desirous of promoting American interests and commerce everywhere. In this bill the privileged classes are designated who are entitled by the treaty and by the laws heretofore to come into the country—merchants, travelers from curiosity or pleasure, officials, teachers, and students. We have endeavored to make the provisions effective and prevent fraud, but to avoid harassing or tormenting merchants, officials, and teachers, whom we desire to come and for whose presence we are all of us very anxious. The commerce of a country is in the hands of the merchants. We have a large and growing commerce with China.

The representatives of labor who presented and framed the objections to having Chinese labor here we heard at great length, and also representatives of commerce and of manufacturers. They stated with great force how important it was that we should avoid harassing and driving away merchants from our country who could promote our interests so rapidly. The representatives of the manufacturers of South Carolina, where the cotton industry has become so vast, and is the largest in the country, second to Massachusetts, and now is growing, informed us that they sent the largest part of their product to China. The cotton product alone last year was a million dollars a month sold to that country. It fell off during the war, but it has revived.

Now, the Chinese merchant, if he is harassed here and imprisoned or insulted, can exercise a powerful influence at home to our detriment, and an official can do the same. True, we are liable to frauds of pretended merchants, and that is the problem that this bill tries to meet.

It would seem that much legislation was not necessary in the case of officials, a class so potent and few in number; for, if every one of the officials that came into the country could smuggle somewhere about him a Chinese laborer, it would amount to something considerable in our vast population. But vexatious provisions to humiliate and disgust public officials might result to our great disadvantage by the influence of this powerful class.

These are the problems we have conscientiously and laboriously tried to solve, and this bill is the answer.

I will not take up the time of the committee in explaining it further. It will be debated very fully by my colleagues. I believe everybody is in favor of the bill. I merely wish to state the motive impulse of the committee, all working together for one end.

I now yield to the gentleman from New York [Mr. PERKINS], because he has given the most patient labor to the details, reconciling contradictions and smoothing the asperities of the bill.

Mr. PERKINS. Mr. Chairman, if the committee will be in order it will, I think, take but a very few minutes of the time of those here to explain briefly the purport of this bill. I shall not, Mr. Chairman, take the time of this committee in discussing the general question of Chinese exclusion, because I imagine that every member of this House is agreed that the admission of Chinese laborers on any large scale would be injurious to the laboring interests of this country; but, Mr. Chairman, as was said by the chairman of the committee, the problem is in what way should that exclusion best be carried out; and it is, perhaps, due to the committee in presenting to it a bill 30 pages in length that we should state briefly what has been covered by this bill.

Now, Mr. Chairman, in the first place we were met by this new question, and that was, what should be done in reference to the Chinese who are now living in the colonial possessions of the United States. It was testified before the committee that there were in the Philippine Islands at least 250,000 Chinese, and perhaps very many more, and Governor Taft testified before our committee that, in his judgment, the great majority of the Chinese in the Philippine Islands would gladly come to the United States if they could have the opportunity. What should be done with them? It was the unanimous opinion of the committee that the exclusion of the Chinese against those living in China should be extended to the Chinese who live in the colonial possessions of the United States, and the act provides that Chinese laborers, Chinese coolies, can not come from the colonial possessions to the mainland any more than they can come from China to the United States. That provision, Mr. Chairman, I think will meet the approval of the members of the House.

Then came the next question, Mr. Chairman: Should the exclusion of the Chinese be extended to the colonial possessions? Now, the committee can see in one moment that the conditions existing in, for instance, the Philippine Islands are totally different



from the conditions existing in the United States. Here we have a large body of intelligent, educated, industrious laborers, and we owe it to them that they are not subjected to any unfair competition from men brought here who live on a different scale, who are willing to work for less price, who are content to live on a lower degree of comfort and civilization; but the members of the committee can see that those conditions do not exist in our colonial possessions.

There is in the Philippine Islands, for instance, no body of educated, industrious, intelligent laborers, and the question was, What is the best thing for the interests of the Philippine Islands? And, Mr. Chairman, that question is by no means as free from doubt as is the question of the introduction of Chinese laborers into this country. But we felt bound, Mr. Chairman, and it is the doctrine, it is the principle, of the Republican party—of, I think, all members of Congress, regardless of party—to do for the Filipinos what within reasonable limits they themselves ask should be done. The committee was convinced that the desire of the Filipinos themselves was that they should not be subjected to the further competition of Chinese labor; that they were not ready to compete with them, and certainly they are not, and for that reason the committee has reported, by the bill before this Committee of the Whole, that Chinese laborers be excluded from the colonial possessions of the United States upon the same terms and in the same manner that they are excluded from the mainland of the United States.

Now, Mr. Chairman, a word or two more about some provisions of detail in this bill that I wish to explain very briefly to the committee. The chairman of the Committee on Foreign Affairs said that we have taken in its general outline the Kahn bill, which was introduced in behalf of the members from California. The question of Chinese exclusion is more important in California than in any other part of the country, and it was our endeavor in every way to carry out the desire of the California delegation to make this law a law which should not only say that Chinese laborers should be excluded, but should furnish the means and the appliances and the requirements for making that exclusion effectual, which should check the fraudulent introduction of Chinese into this country.

There were, however, two or three questions of detail in which the committee differed from some provisions of the Kahn bill, which I desire to submit to the judgment of the Committee of the Whole. By your judgment we will be guided. The Committee on Foreign Affairs had but one desire, namely, to have a bill which would be most effective, most judicious, most wise, to carry out the principle of Chinese exclusion, but on questions of detail we all have our judgment. Now, there are substantially three questions which I shall state very briefly to the members of the committee. The first was this: The bill provides that the Chinese shall be excluded from the Philippine Islands.

Then the bill as it was introduced—not the committee bill—provided that the Treasury Department should appoint officials who should go to the Philippine Islands, who should there make a registration of all Chinese in the Philippine Islands or any other foreign possession, who should carry out the enforcement of this law in reference to Chinese landing and the preventing of their landing. In reference to the removal of Chinese from one possession to another, Mr. Chairman, we did not regard that provision as judicious, and I feel confident that the committee will agree with us. What would be the necessary result? Why, Mr. Chairman, it would take 10,000 employees of the Treasury Department. Ten thousand employees would have to be shipped from San Francisco to the colonial possessions, to the foreign possessions of this country, to take charge of making that registration, to take charge of that detail.

It was with surprise, Mr. Chairman, that I saw that my friend from Missouri [Mr. CLARK] in presenting the minority report and the substitute bill advocated a different method of treating this problem, because I have heard him and others associated with him say so often that the Filipinos should have every possible right of self-management and self-government; that this country should not exercise in every detail of their life a power which the British Empire, for instance, exercises—that the administration of the Philippine Islands so far as possible should be by the Filipinos. It is therefore with surprise, Mr. Chairman, that I see the gentleman recommends a substitute bill providing that the management of the Chinese in the Philippine Islands should be turned over to 10,000 officials appointed by the Secretary of the Treasury and sent out there. Ten thousand! The largest vessel that carries the American flag on the Pacific Ocean could not carry the officials that would be required to execute this bill if it should be done in that manner.

I think, Mr. Chairman, that provision was injudiciously introduced. I believe my friend from Missouri, when he contemplates the subject more maturely, will see that while the end is right the proposed means are wrong.

Mr. CLARK. Does the gentleman refer to the section in regard to ships?

Mr. PERKINS. No, sir; I am referring to the provision in regard to sending Treasury employees to the Philippine Islands to take care of the Chinese there. I will come to the provision about the ships in a moment.

Now, what has the Committee on Foreign Affairs done? The Government has appointed a Philippine Commission, thoroughly familiar with all local questions. Governor Taft, the head of that Commission, appeared before the Committee on Foreign Affairs and gave his evidence. He is in thorough sympathy with the exclusion of the Chinese. What he said before the committee had, I think, more effect than what was said by anyone else in leading the committee to the conclusion that the exclusion of the Chinese from the Philippine Islands was judicious. We have reported in our bill a brief provision, embracing half a dozen lines, in which we propose to authorize and direct the Philippine Commission to take such measures as may be necessary to carry out the provisions of this bill as to the exclusion of the Chinese from the islands and to attend to registration or whatever else may be requisite with reference to the regulation of this subject.

I submit that gentlemen of the House will say, on consideration, that that is, above any other measure that can be proposed, the proper and right way to do. We authorize the local authorities to use their own local means, their own Philippine officials, to carry out the provisions of this proposed law.

I ought to say one word more, Mr. Chairman, on this point, because this bill was submitted to the War Department, and that great Department entirely concurs with the members of the committee in saying that the provisions of the original bill proposing that the exclusion of the Chinese from the Philippine Islands should be carried out by the Treasury Department are entirely wrong. They said, and they said rightly, that those provisions could not be carried into effect. But, naturally enough, the War Department suggested to us that not the Treasury Department, but the War Department, should take charge of this subject.

Now, Mr. Chairman, if there is anything that is desired or should be desired by this Congress it is that, so far as possible, the administration of the Philippine Islands should be in the hands not of the War Department, but of the civil authorities. A large number of those islands are no longer under the control of the Army. We trust the day will soon come when not one of them will be under such control. And therefore the committee would not take any branch of the domestic administration there and put it into the hands of the Army, where it ought not to be, but would place the matter in the hands of the civil authorities, where it ought to be. That is the bill.

Now, Mr. Chairman, there are two other points on which I wish to say a word. This bill, if I may pass any criticism upon it, largely owed its inception, I imagine, in some of its details, to some official in the Treasury Department. I find no fault with that; but every man in every department who sets to work to frame legislation thinks that everything that is to be done can be done and ought to be done by his department. That is human nature. The bill as drafted provided that a census should be taken, or rather, not a census, but that a record should be made of every Chinese born in this country from now on for all time, and that this record should be made under the direction of the Treasury Department; that the Treasury Department should have officials charged with this duty who would necessarily be scattered from the Atlantic to the Pacific, from Mexico to Canada, in every town where a Chinese might be born; and I suppose that a Chinaman is as likely to be born in one town as another. Therefore, under this provision it would be the duty of the Treasury officials to watch if by any chance in any part of the United States a Chinese should be born and to make record of it.

Now, we have just authorized a permanent Census Bureau, with much tribulation, as all members of the House know. Some of us have thought that the duties of that Bureau would be light for a long time to come. Whether that is true or not, certainly, Mr. Chairman, if it be necessary to secure a register of every Chinese baby that comes into the world in the United States, why should not the Census Bureau at least attend to this? Why should there be a branch of the Treasury Department charged with this duty? If officials of the Treasury Department were to be spread over the country everywhere, their number growing and their pay growing, as we know full well would be the case, from year to year, the cost, I venture to say, would be a quarter of a million dollars every year. The duty of this vast body of officials would be to keep a record of the Chinese babies that might be born, and there are not 250 born in this country during a year. Now, is it worth while to spend a thousand dollars to keep a record of every Chinese baby that may be born? The question is whether such an expenditure will pay.

A MEMBER. They are not worth that much.

Mr. PERKINS. My friend near me remarks that they are not



worth that much. So we have cut out that provision. We think that the Census Bureau will be amply competent to keep all records that may be required of Chinese growth and Chinese birth. One other provision, Mr. Chairman, and then I shall weary the members of the committee no longer—that provision I should say, in my judgment, by far the most important provision omitted from the bill as it was drawn. These other provisions, as the committee will see, where we have differed from the bill, are matters of administration, matters of detail. But in one provision we have differed on what may be called a question of principle, and the committee regard it as a question of very great importance.

What is the object of this bill, Mr. Chairman? It is, as stated in its heading, to exclude Chinese coolies from the United States. Let us remember what we are legislating about—to exclude Chinese coolies from the United States. And every member of that committee is glad, and certainly I as much as any other member, am glad to do anything that will exclude Chinese laborers, Chinese coolies, from the United States. Of course, the merchant classes, the exempt classes, come in. Why are we in favor of that? Because, as we all know, the Chinese coolies coming into this country would be a dangerous element by reason of their competition with our own American labor. Well and good. But there is a provision in this bill, Mr. Chairman, which no more excludes Chinese coolies from the United States than it excludes them from Great Britain; not one bit. We struck it out because we thought it was a provision that would do no good, and that would do much harm. And though my friend from Missouri [Mr. CLARK] differs with me in that, I confess I am still very strongly in accord with the views of the majority of the committee.

First, I should say, gentlemen, that among the restrictions against the unlawful landing of Chinese we have in this bill a provision that when a ship comes alongside any wharf or dock of the United States on which are Chinese coolies who are not to be landed, the steamer must give bond in the penal sum of \$2,000 for every Chinaman on board, to see to it that the Chinamen whom they have on board do not get on land—that the ship that brings them carries them away. So, certainly the provision is stringent enough to keep these ships having Chinamen on board—men employed on the ships—from allowing them to land. If a ship has Chinamen on board who are to be landed, then there must be the certificates and the necessary papers to show that they are Chinamen who are entitled to land; but this proposition refers to ships having Chinamen on board who are not to land. There must be a bond signed by the steamship company, with the penalty of \$2,000 for every Chinaman on board who is not to land, that he shall not be permitted to land.

Mr. UNDERWOOD. Does that provision apply to foreign ships as well as to American ships?

Mr. PERKINS. All ships, when they come to our harbors, must submit to this law. So as you see, gentlemen, these Chinamen employed on the ships that sail on the great seas are not going to get into this country. We have made stringent provisions that they shall not come in. But the bill as drawn, as submitted to the committee, contains this provision, that no ship carrying the American flag, no ship admitted to American registry shall employ on it any Chinese. We struck out this provision, because, as the committee can see, it was no more needed for the protection of American laboring men living in America, and it has no more to do with them than it has with British laboring men living in England, not one bit.

These Chinamen employed on American ships can not land; they can not get into the United States; they can not come into competition with United States labor. That is out of the question. But what is the result of this provision if passed? There are on the Pacific Ocean 60 steamers sailing from San Francisco to the East. Of these, I regret to say, there are only 3 steamers that float the Stars and Stripes. It has been the endeavor of the Republican party and of the Democratic party, and it is the endeavor of every American, to do anything we can to increase the American marine, to see that more ships on the ocean carry the American flag, because where they carry the American flag they carry American commerce, American trade, and American civilization. We will all agree in that.

Now, when that is our object we are met with this provision, and what will be the result? Mr. Chairman and gentlemen of the committee, when a ship goes out on the high seas it must meet all the world in absolutely free competition. There are no protective tariff laws or registry laws or any other laws that can help a ship when it sails on the Atlantic or the Pacific. It must meet the whole world in absolutely free competition. How many Chinese do you think are employed on these three steamers, which, I am sorry to say, are the only steamships we have on the Pacific? As I am informed, there are a little over 300 of these Chinese—only 300 Chinamen. If they were dismissed from these ships, would American

laborers take their places? Not one bit of it, gentlemen. If these 300 men were sent off, I make the prophecy that not one man who now breathes the air of the United States of America would take their places. If these steamers were kept under American registry, the places of these 300 Chinese would be taken by Japanese and by Malays.

Now, what is the work done by these Chinese. These ships sail through the hottest parts of the world; they sail through the Tropics. The Chinese they employ work about the furnaces. They work about cleaning the ship, and they do work, Mr. Chairman, that no American laborer would do or could do or ought to do. It would be a sad thing, Mr. Chairman, if any American laborer was driven to do the dog's work that is done by the Chinese in these boats. What would be the result of this provision? We could not make place for any American laborers. We know that beyond any possible doubt, from what the agents of the steamers say, and common sense makes us believe it, that the only result of this law would be that the three ships that now carry the United States flag on the Pacific would no longer do so.

One word more, because this is the only provision which I care to discuss, and I have but little further to say about it. If that provision forbidding the use of Chinese laborers on the ships carrying the American flag is restored to the bill, you will have just one result. You will not keep one Chinaman out of the United States; you will not find work for one more American laborer; but the Stars and Stripes of the American flag will no longer float over a boat that sails from San Francisco over the Pacific. The American Steamship Company will take a British register for each of their ships. Believing that to adopt the bill with that provision in it would do no good and would do much harm, I hope this committee will join with the Committee on Foreign Affairs in agreeing that it was a judicious act to strike this provision from the bill.

Mr. FITZGERALD. Will my colleague allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. FITZGERALD. Section 11 of the bill enumerates the ports at which Chinese may enter. I will ask if there is any change from the ports enumerated in the present law?

Mr. PERKINS. I understand there is not.

Mr. FITZGERALD. I understand that they are now permitted to enter at Ogdensburg alone in the State of New York.

Mr. PERKINS. I understand that is by permission. The gentleman from New York will see it in the bill.

Mr. FITZGERALD. Under a provision that that might be done by Commissioner-General of Immigration.

Mr. PERKINS. The Commissioner-General, I understand so; and the same power is in the Commissioner-General of Immigration to designate additional ports besides those given in the bill.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOVERING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 9206. An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution 37.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 1872) granting an increase of pension to Abbie George.

#### Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 3910) granting an increase of pension to Robert S. Woodbury.

#### CHINESE EXCLUSION.

The committee resumed its session.

Mr. HITT. I will ask the gentleman from Missouri to take his time.

Mr. CLARK. Mr. Chairman, since this House has ceased to be a deliberative assembly, and become a "business body," it desires facts rather than rhetoric, elucidation of the subject under discussion more than eloquence.

The question of Chinese exclusion has for more than a quarter of a century been one of extreme difficulty, taxing to the utmost the ingenuity of the Congress and the thought of the country to



devise a solution which will exclude the Chinese from competition with our laborers and at the same time retain and increase our trade with China.

It would be easy to pull down the bars and let the Chinese in ad libitum—a thing not to be thought of for one moment by any lover of his country. It would be a simple performance to shut out, rigorously and ruthlessly, Chinese of all classes—a proposition to which there are objections in various quarters. But the task which the Congress seems to have set for itself, of excluding as many Chinese as possible without giving such offense as will destroy our trade with the Chinese Empire, is one of the most vexatious problems that the legislative mind has ever considered.

Within the last five years both the difficulties and the dangers of the situation have been multiplied; first, by a decision of the Supreme Court of the United States, in the case of Wong Kim Ark against the United States, in the 169th United States Report, declaring that a Chinese born in this country of parents subject to our jurisdiction is a citizen; secondly, by the annexation of Hawaii, the Philippines, Porto Rico, Guam, and other islands, as the sale bill says, "too tedious to mention." That decision of the Supreme Court sounded like a fire bell at midnight. In the wild orgy of annexation in which we have been recently indulging, we took to our palpitating bosoms hundreds of thousands of Chinese, of all classes and conditions, ranging from savants and merchant princes to coolies, who are a little above the beasts that perish.

When we annexed the Sandwich Islands we took twenty-odd thousand Chinese. When we acquired the Philippines we took in a number of Chinese variously stated at from two hundred thousand to a million and three quarters. Consequently, for the first time, the Congress is confronted with the exceedingly difficult proposition of holding our newly acquired provinces, colonies, or insular possessions—whichever or whatever you please to call them—and at the same time excluding from our mainland the denizens of those same provinces, colonies, or insular possessions.

Verily, verily, we have troubles of our own—lots of them. Not having enough on hand prior to the Spanish war to suit our taste, like the Knight of La Mancha, we went forth in quest of ventures to the uttermost ends of the earth, even to far Cathay, and we accumulated troubles enough, not only to last us during our natural lives, but to harass our posterity to the remotest generation, unless we possess the courage, the resolution, the wisdom, and the patriotism to unload them and thereby end them. Without being a prophet, or the son of a prophet, I make bold to predict that should the Supreme Court of the United States decide—as many think it will decide—that the citizens or subjects of Spain, resident in the islands we annexed, became when annexed ipso facto citizens of the United States, the people of this country will speedily find a way to rid themselves of that huge incubus; because it can not be that in their sober senses Americans will deliberately determine to subject American laborers to death-dealing competition with the cheap labor of the Orient.

The truth is that it is high time the laborers of this country were waking up to the fact that their one escape, not only from competition with European cheap labor, but from unrestricted competition with the cheaper labor of Asia, is for us to at once and forever cut loose from the Philippine Islands. [Applause on the Democratic side.] It is their only salvation. Suppose the Supreme Court of the United States decides that the subjects of Spain residing in the islands we annexed became American citizens by the act of annexation, then what? The probabilities in the case are that the Supreme Court will decide that Congress has no power to restrict the free locomotion of an American citizen into any part of the territory over which the Stars and Stripes float, and the laborers of the country, for whose benefit this bill is made, might just as well wake up now as later on to the realization of the fact that the whole tendency of this latter-day annexation is to bring them into ruinous competition with the cheap labor of Europe and the cheaper labor of Asia. There is no sense in locking the barn after the horse is gone. The quicker we get rid of the Philippines the better off the laborers will be; the better off we will all be.

If we do not speedily unload these accursed islands, the day is not far distant when all of us, especially the laborers of the land, will in agony of soul exclaim: "Who will deliver us from the body of this death?" Should it be decided that the free locomotion of the inhabitants of the Philippines can not be restrained, the yellow flood will pour in and utterly submerge the laborers of America. Our retention of the Philippines means a reduction of wages to the Asiatic level. That is one of the main reasons why I was opposed to acquiring them and why I am dead against keeping them.

That the longer we keep them the harder it will be to get rid of them is a proposition too plain to be argued.

Let no man hug to his breast the delusion that Asiatics can work only as unskilled laborers, for the evidence in the case flatly

contradicts that theory. They have the imitative faculty largely developed and soon learn to do anything they see done. Consequently they will not only compete with unskilled laborers but also with those of all degrees of skill, even unto the highest.

The cry once rang along the Pacific coast, "The Chinese must go!" Some day the laborers of America in self-defense will raise the cry, "The Philippines must go!"

The Committee on Foreign Affairs has been wrestling with these brain-racking problems for two months.

We have listened patiently to a vast array of witnesses—ex-Cabinet ministers, ex-ambassadors, ex-governors, ex-Senators, great lawyers, great editors, Congressmen, the head of the Federation of Labor and the heads of other labor organizations, representatives of our sailors, the commissioners of the State of California, representatives of great commercial bodies and of great lines of transportation, ministers of the gospel, the Commissioner-General of Immigration and other Treasury officials—male and female, great and small—until their evidence constitutes a large, instructive, and decidedly interesting volume.

To no question was there ever given a more patient, a more thorough, or a more conscientious investigation. I say this gladly as to the entire committee.

We agree that Chinese laborers on land should be excluded; we differ somewhat as to how best to accomplish that end.

The majority refuse to apply the exclusion principle to Chinese seamen, while the Democratic minority desire to make the exclusion apply both by land and sea.

Upon these differences we ask the judgment of the House.

The report of the minority, among other things, says:

The question of Chinese exclusion is largely a racial question and largely a labor question.

Because our Pacific coast is the chief place of entrance of Chinese into our country, because a vast majority of Chinese immigrants settle on the Pacific coast, and because American citizens resident on the Pacific coast having had more experience with Chinese than the rest of our people, they understand the Chinese character better and are better fitted to know what legislation is necessary to solve the numerous and difficult problems connected with Chinese immigration.

Individually, I go further and say that the Chinese question is the race question of the Pacific coast. There is no use dodging it. The Chinese problem is to the Pacific coast what the negro problem is to the Southern States, except that the race question of the South is entirely a domestic question, while the race question on the Pacific is complicated with international questions. I believe, moreover, that the white people of the South are the most capable of dealing with their race question, just as the white people of the Pacific coast are most competent to deal with their Chinese race question. [Applause.]

Upon these race questions I unhesitatingly take my position with the white people of the South and the white people of the Pacific coast.

The substitute reported by the Democratic minority is substantially the bill desired by our Pacific coast citizens and by the laborers of the whole country, which is a very persuasive reason why it should be adopted by the House.

Another strong argument in its favor is the fact that it is identical with Senate bill 2960, as reported to the Senate unanimously by the Committee on Immigration, and which will, most probably, be passed by the Senate. Time presses. The Geary Act expires by limitation on the 5th of May, and whatever legislation we intend to place upon the statute books should be enacted as soon as is consistent with a thorough understanding of the subject. In order to win the fight against time the Democratic minority concluded it better to report the Senate bill, though some of us would prefer a different phraseology for some portions of it; but we did not propose that any hair-splitting about the verbiage should delay this most important legislation.

On the whole, the Democratic minority substitute is more drastic than the majority bill. Wherever the Democratic substitute differs from the majority bill it is for the purpose of strengthening the bill and making Chinese exclusion more effective and to more thoroughly protect our laborers from a competition which would prove absolutely ruinous to them and consequently to the whole American people.

The first great question on which the minority and majority differ is this: Whether a ship flying the American flag shall carry Chinese seamen. The section is as follows:

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

The Pacific coast delegation wrote that section into the bill. The majority of the committee struck it out. The minority propose to put that section back. The majority of the committee say, first, that if we put that section in the bill every one of these steamships doing business on the Pacific coast will go under the British flag. I do not believe a word of it, and I will give you my reasons. Ships sailing under the American flag have the



benefit of the coastwise trade, which includes the trade of Hawaii and the trade of the Philippines.

I repeat this statement, because I "am fighting for blood" on that section, and if I can not get the substitute adopted in its entirety I intend to offer detailed amendments to the majority bill. Not a single American steamship on the Pacific will ever go under the British flag, because the American ships have the benefit of the coastwise trade, which is enormous in quantity and profit, including the trade of the Hawaiian Islands and the trade of the Philippines.

Mr. GILLET of Massachusetts. The gentleman does not mean, does he, that only American citizens can carry on the trade with the Philippines? I do not understand that that is included in the coastwise trade.

Mr. CLARK. If not, it soon will be. If we keep on, the Philippines will be included in that trade.

Mr. WACHTER. Suppose a ship is in a port where it can not obtain any other than Chinese seamen?

Mr. CLARK. Wait a moment and I will answer that point. I will only say now that a ship will never get into such a port.

The gentleman from Massachusetts [Mr. GILLET] does not deny that the trade with Hawaii is a part of the coastwise trade?

Mr. GILLET of Massachusetts. Oh, no; but I do not understand that it includes the Philippines.

Mr. KAHN. I believe that under the Philippine tariff act the trade with the Philippines will become a part of the coastwise trade in 1904.

Mr. CLARK. Yes; I think that is true.

There is another reason; under the American flag there are two lines of steamers plying between our Pacific ports and the Orient—the Pacific Mail Steamship Company, which is nothing except a continuation on water of the Southern Pacific Railroad and the Union Pacific Railroad, making a through line by land and water from New York to Hongkong, and the Northern Pacific Steamship Company, which is nothing except a continuation of the Northern Pacific Railroad upon water, making a through line from New York to Hongkong. Is there anyone in this House simple enough to believe that the steamships of those lines are going to switch off from an American registry to a British registry and forego the coastwise trade, which is growing like Jonah's gourd, and at the same time break up their lines of communication from New York to Hongkong? I do not believe a word of it; and the proposition that Mr. Evarts made in the committee—he is one of the greatest lawyers in the country—was a "bluff" pure and simple.

Another thing. The majority say in their report that we can not run our ships in a hot country without Chinese in the stokeholds, etc. Let us see if that is true. Of course the gentlemen on the committee would not state a thing they did not believe to be true; it is merely a question of information. Listen to the facts. The ships plying between our Pacific ports and Australia and New Zealand carry only white sailors on board. Why? In the first place, the stevedores and longshoremen in Australia and New Zealand refuse absolutely to handle the freight carried on a ship that employs Chinese sailors. That is one good reason. The second is that the Australian and the New Zealand governments will not give any part of the mail subsidy to a ship that carries Chinese sailors. The two reasons suffice.

It is going into a hotter country to Australia and New Zealand than that through which our trade between the Pacific and China passes. That is fact number one about the heat. In the second place, our ships and transports plying between our Pacific ports and Manila do not carry a single Chinese, although they run 20 degrees closer to the equator and therefore get into a good deal hotter climate than the ships that ply between our Pacific ports and China. That is not all. I will give you a more convincing proof than that that there is not any sense in carrying Chinese on board ship at all. The ships that ply between our Atlantic ports and Central and South America, and which cross the equator going and coming, carry nobody but white men. Surely you can not find a hotter place than the equator—in this world, at least. [Laughter.] Another thing: In our coastwise trade between our Pacific ports that goes down to Panama the ships cross the hottest tract of ocean on the face of the earth, and nobody but white sailors are on board those ships.

One other fact: The Atlantic ships that go through the Suez Canal and the Red Sea carry nobody on board but white people. One other fact and then I will finish that branch of the subject: The Firemen's and Seamen's Union sent to me, and I suppose to every member of the committee and perhaps to every member of the House, resolutions asking that this section be put into this bill, asserting absolutely that they can find white sailors and white men to work in the stokeholds, contradicting any theory that heat will prevent it. Here are their resolutions:

Whereas during the subsidy debate, and also during the hearings on the Chinese-exclusion bill, it has been stated in Congress that white firemen, for

reasons of health, can not be employed in the fire rooms of steamers trading in the Tropics; and

Whereas this statement is being used to deprive us of the protection against Chinese competition: Therefore,

Resolved, That we, the Firemen's Union of Philadelphia, call attention to the fact that we sail in vessels on the Gulf coast to Central and South America and in any vessels anywhere as long as we are wanted and paid; and

Resolved, That in our opinion it is not a friendly act to deprive us of work and give it to the Chinese; and further

Resolved, That it would be more frank and friendly to state the reason why Chinese are carried, it being known of all seafaring men that the wages of Chinese are \$3, while we as American firemen insist upon about four times that amount; and further

Resolved, That, being good enough to fight under the flag for its honor, we ought to be good enough to make a living under it.

Approved by regular meeting March 25, 1902.

WILLIAM ROBERTSON, Chairman.  
HORACE ATKINSON, Secretary.

Whereas Senator HANNA and Senator FRYE stated that the heat in the stokeholds of steamers trading to the Orient is such that no white stokers can endure the same; and

Whereas this statement appears to have been the cause of the Senate voting down the anti-Chinese amendment to the ship-subsidy bill; and

Whereas this statement is without any foundation in fact, the truth being that white stokers go in the transports from this coast through the Suez, the Red Sea, and the Indian Ocean to the Philippines, and that white stokers go to the West Indies, Central and South America: Therefore, be it

Resolved, By the Marine Firemen's Union, of New York, in regular meeting assembled, that we repudiate the heat argument and the idea that it had any justification in any humanitarian concern for the health of the stokers or marine firemen; and further

Resolved, That we have been and are now willing to serve as stokers in those vessels, and will gladly do the work now done by the Chinese; and further

Resolved, That we hereby urge upon Congress to give to us, who go to sea, the same protection from Chinese competition that it shall be willing to give to workers on land.

WILLIAM MACQUEEN, Chairman.  
JAMES W. BIRD, Secretary.

MARCH 25, 1902.

My next objection to the proposals of our associates of the majority is to the striking out of the seventeenth section of H. R. 9330. The section provides that before certificates of status shall be viséed by diplomatic or consular representatives of the United States or shall be issued by other officers of the United States, in the case of the "exempt" classes of Chinese persons, there shall be careful investigation of status. We heartily indorse the opinion of the Bureau of Immigration experts that the section is one which, if made law, will be productive of much good and of no harm.

Experience has clearly proved that there would be a great deal less friction and much more expedition in dealing with Chinese immigrants on their arrival at our ports if careful inquiry were made on the other side of the Pacific. There should be a weeding out of the impostors before vessels sail from the Orient, and then there would be a minimum of fraud and scandal here. We have not heard any sound reasons for denying the Treasury experts' suggestion that section 17 ought to be retained as a valuable aid to early discovery of masqueraders and consequent safeguarding of immigrants having a right to enter our territory.

Now, your question [to Mr. WACHTER].

Mr. WACHTER. I would like to know when a ship strikes a port, and where they can not get anything but Chinese sailors, or at least the bulk of them Chinese, what are you going to do in that case?

Mr. CLARK. My judgment about it would be that when a ship struck a port it would have the crew that it started out with and could get back with that same crew, and if it leaves the Pacific ports with white men on board, it would bring them back again.

Mr. WACHTER. I am not speaking of the mail steamers, the regular liners, but I mean the tramps and sailing vessels.

Mr. CLARK. If they sail under our flag, if they leave the Pacific ports, and this section is put back into the bill, they have to have a white crew, and they can go out with a white crew and come back with it. I would not ruin American trade. There is nobody in this House who is constituted the special guardian of American trade, but here is my conclusion: That if all this talk and worry and propositions for expenditures of millions of dollars to have an American merchant marine means nothing more than that the profits of that business shall go to a job lot of Chinese, I say that all the talk about a merchant marine is tommyrot; but if white men are to profit by it, I am in favor of a merchant marine.

Mr. WM. ALDEN SMITH. Does the gentleman from Missouri mean, when he says white men, Americans or aliens?

Mr. CLARK. The best white men that you can get are American white citizens—either native or naturalized.

Mr. WM. ALDEN SMITH. I agree with that.

Mr. CLARK. And I would not have sailing on an American ship any white man who is not either native born or naturalized, or who had not given notice of taking out naturalization papers as quick as the law will allow him to. [Applause.] The American merchant marine is the nursery of the Navy, and a Chinese having no patriotic impulse toward his own country will not have any toward ours [applause], and I would rather a good deal, if I



had to fight at sea, be aboard a ship whose sailors, clear down to the lowest, were American citizens, than to have a lot of foreigners on board who were not American citizens, and who had never declared their intention to become American citizens, and who had no intention of becoming American citizens.

There testified before the Senate committee a man, Captain Seabury, who was very friendly to the Chinese, but they twisted it out of him on cross-examination—and it was a corkscrew performance, too—that the Chinese, if given a chance, would drive any other set of sailors off their own ships; that they have driven the Japs off theirs where they are permitted to compete; that they have driven the Lascars off the English ships, and the Americans off the American ships. There is one other thing about this business which is not true: That the difference in running a ship manned by Americans or white men and Chinamen would be as great as it is made to appear. Captain Seabury admitted that 20 white men were equal to 32 Chinese sailors. So that makes a good big difference of itself.

Mr. WACHTER. In what way?

Mr. CLARK. Why, in capacity to work; in disposition to work.

Mr. WACHTER. And in the amount of money, too.

Mr. CLARK. The American sailor gets \$30 a month and the Chinese sailor \$7.50.

Mr. RICHARDSON of Alabama. Now, what does the Chinese sailor live on?

Mr. CLARK. On rice and fish, chiefly. I will tell you who will profit by having Chinese sailors. The owners of the ships, and nobody else. Now, if our stevedores and longshoremen will form a league, offensive and defensive, like those New Zealanders and Australians, not to handle cargoes carried by ships that have Chinese sailors on board, and if our legislators will act with as much sense in the preservation of the integrity of the white race as Australia and New Zealand have, and declare that under no conditions shall any ship carrying Chinese on board have any subsidy for carrying the mail or anything else, then you will never hear another howl as long as you live about this Chinese sailor business.

It is of no use to be deceptive about things, and I will confess that at one time I took the identical view of this section defining the Chinese that the majority do. I thought the rest of it was tautology; but I read this book of evidence, and put in about three weeks doing it. Our friends of the majority say:

That the term "Chinese" and the term "Chinese person" as used in this act are meant to include all persons who are Chinese either by birth or by descent.

That is where they stop, and at first blush it looks as though it is enough; but our minority put back the old section:

SEC. 52. That the term "Chinese" and the term "Chinese person" used in this act are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood.

Now, why do we want added these words:

As well those of mixed blood as those of full blood, and males as well as females.

I will tell you why. If you cut that section off at the word "descent," there is not a Chinese in Hawaii or in the Philippines who will not be able to prove that he has a strain of some other sort of blood in him. Every one of them will turn out to be a mulatto.

I have an argument that I can address to Southern men with the hope of intelligent appreciation, but not with much hope of belief to Northern men, simply because they do not understand the situation. That is that by common consent down South anybody who has one drop of negro blood in him is classed as a negro. If that applies to the negroes, it certainly ought to apply to the Chinese.

You know there are certain excepted classes. The fellows who are excluded are the laborers. If there was some way to pick out a laborer just by looking at him, there would be no difficulty about it at all. Teachers, merchants, officials, and persons traveling for curiosity or pleasure are exempted, and then any sort of a Chinese under certain conditions is permitted to pass through this country under what are called transit privileges. When it comes to defining these exempted classes it is an extremely difficult matter. The original bill and this substitute that we offer define teachers more elaborately than the majority bill does. Here is the way the Pacific coast people wrote it:

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

The majority of the committee changed that to those who "have been engaged in teaching." The minority reported it as the Pacific coast people wrote it: "And has completed arrange-

ments to teach in a recognized institution of learning in the United States and intends to pursue no other occupation while teaching in the United States." You want to know, in order to vote intelligently, what object we have in not leaving it simply "teaching" and making it "teaching in the higher branches."

Well, I confess that I learned a vast amount while the committee has been making its investigations. To my utter amazement, and I actually believe to the amazement of every man on that committee except the chairman, who has had large experience, but to my amazement, at any rate, I found out that primary education is well-nigh universal in China; that they have compulsory education, and they have a provision that if a Chinese child does not go to school they thrash his daddy for not sending him to school, instead of thrashing the child. [Laughter.]

If I had been called on two months ago to give an off-hand opinion as to what proportion of Chinese could read or write, I would have been willing to risk my head on the fact that not more than one in ten thousand could do so. I have increased my stock of knowledge on this subject at least. Now, you leave it at "teaching" and do not put in "higher education," and every coolie will apply to enter as a teacher. I am informed by credible men that before we had that restriction in there for higher education, primary Chinese schools sprang up in San Francisco and on the Pacific coast like mushrooms in a damp cellar, and that coolies who came to work as laborers really, by the score and by the hundreds, came into this country under the cloak of being "teachers."

Mr. ADAMS. Mr. Chairman, will the gentleman permit a question?

Mr. CLARK. With pleasure.

Mr. ADAMS. They are to have a contract with an American institution of learning, are they not?

Mr. CLARK. Yes.

Mr. ADAMS. Therefore there would have to be collusion between an American institution of learning and the Chinaman?

Mr. CLARK. That is just it exactly, and there was collusion.

Mr. ADAMS. I have a better opinion of American institutions of learning than to believe that they would enter into collusion for the evasion of the law.

Mr. CLARK. What is an institution of learning? Why, a primary school is as much an institution of learning as Johns Hopkins, Yale, Harvard, Princeton, or the universities of Michigan, Virginia, and Missouri. Of course it is a different sort of institution of learning. The bill says, "a recognized institution of learning." It does not say an American institution of learning. Now, my friend from Pennsylvania, these are the schools, and this is just exactly the way the collusion was performed. I am opposed to it, and I want to say, gentlemen, that the whole difficulty of the situation grows out of the utter duplicity of Chinese character, and I am going to show you an instance.

Among other things which are provided in this bill, in the majority and minority report, is this: A Chinese merchant who is here and who has the right to be here, who goes back to China on a visit, and who claims entrance again by right of previous residence here, is required to show that he has at least \$1,000 worth of property. Now, I want to show you how he gets around that. Here is a case. Mr. Dunn, of the Treasury Department, stated it. There was a boy who wanted to get in as a merchant. He had to make it appear that he had \$1,000 worth of property and that he had been a merchant. Now, listen to this astonishing evidence:

I will not stop to read this testimony at length. This boy was asked about his history as shown in the certificate.

And as to his mercantile status. He claimed that in a certain year, which would have been at about the age of 18, he had invested \$2,000 in a store in China.

And two years later he had invested \$4,000 in still another store, and had disposed of his interests there.

I said, "You say that when you were a mere boy of 16 you were a merchant with an interest of \$2,000 in a store?"

(That would be a small fortune to a man in China, you know.) He said, "Yes," very blandly. I asked, "Where did you get the \$2,000?" He answered, "God gave it to me."

[Laughter.]

It was the first time I had ever known of a Chinaman claiming any direct assistance from the Almighty, and I was mystified. I said, "Do you mean to say that God gave you that \$2,000?" He said, "Well, God gave me \$1,500 and my father gave me \$500."

[Laughter.]

"How did God give you the \$1,500?" "Why, he sent it to me." "How? Right from heaven?" "Yes." Then he went on to describe how God sent the \$1,500 to him, and that when he saw it fall from heaven he picked it up.

[Laughter.]

How are you going to get around witnesses like that? Questioning him a little more closely, I said, "You are sure it was exactly \$1,500 that God sent you from the sky; you saw it fall and picked it up?" "Well," said the Chinaman, "God sent me the winning lottery ticket that won \$1,500." [Laughter.] That is surely a remarkable bit of history. Now, that is the trouble; that illustrates it. There used to be a police judge in St. Louis



who was death on tramps, but he had a very tender heart for laborers who got into trouble; and when a fellow would come into the police court, yanked up for loitering around, and claimed that he was a laborer, the police judge would make him stick out his hand and he would examine it, and if he did not have the proper marks on it he would send him to the workhouse. So at last the poor tramps would go out and rub their hands industriously on the brickbats and make corns on them and come in and undertake to deceive the judge that way. [Laughter.]

There is a provision in here that the Chinese shall be allowed to bring with him his minor children; and it is absolutely true that one Chinaman 40 years old tried to get into San Francisco as the minor child of another Chinaman. I heard a distinguished member of the committee tell this tale: The Canadian Pacific Railway has always tried to sneak these coolies over our border, and they let them get off the train about three miles and a half the other side of the border, and then they would send them through the bushes, and then they would take them on just this side of the border. They would haul them sometimes in wagons, and one night they undertook to haul five of them through concealed in a great big music box. Generally they went through like Old Nick was after them and never stopped anywhere; but that night the driver got thirsty and he stopped at a town to get him a drink, and the Chinese in the music box, thinking he had arrived at the destination, and as the consul was watching, out popped five Chinese ghosts from the music box. [Laughter.]

The second section of this bill is bothersome. Section 2 says:

That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited; and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States as to those who have come there since, and those who have been born there since, and those who may be born there hereafter.

I will tell you very frankly why I wanted to put that section in, and especially the last clause of it. The minority say they have grave doubts about the constitutionality of that section. Gentlemen, I do not believe—and I am not setting up to be a Solomon, either—I do not believe that the decision of the United States Supreme Court in *Wong Kim Ark* against the United States, declaring that the Chinese born in this country of Chinese parents are American citizens, is a sound and just decision. I want to see them compelled to decide that case over again, and the only way that you can compel them to decide that question again is to put that language in this bill.

Mr. LESSLER. What was the decision in that case?

Mr. CLARK. It decides that Chinese born in the United States of Chinese parents, subject to our jurisdiction—and that means everybody except diplomats—are American citizens, clothed with all the immunities, privileges, and duties of American citizens. I do not believe a syllable of it. They decided it under the first clause of the fourteenth amendment, which says that anybody born in the United States or naturalized here is a citizen. That is the strict letter of that amendment, but in construing a law it has always been held that you must consider the history of the times in which the law is written, and it was said in the celebrated *Slaughterhouse Cases* by Mr. Justice Miller that the thirteenth, fourteenth, and fifteenth amendments were passed for the sole benefit of the negroes.

I do not believe that the Congress that passed the fourteenth amendment was thinking any more about making citizens out of Chinese than they were of making a citizen of the man in the moon. [Laughter.] If the Supreme Court never had changed its opinion, I would hesitate a long time before I would say anything in the way of dissent from it; but I recollect, that it first declared the legal-tender act unconstitutional, and then the Supreme Court was enlarged and packed in order to get a majority that would hold the legal-tender act constitutional. It is within the recollection of persons who are yet children—that the income-tax portion of the Wilson-Gorman bill was declared unconstitutional because one supreme judge changed his mind over night. And if the court can change its ruling so quickly as that on a question like the income tax or a question like the legal-tender act, it certainly can change it on a question involving the momentous proposition of making American citizens out of Chinese.

A strange fact in this connection was stated by the gentleman from New York [Mr. PERKINS] that there could not have been more than 200 Chinese born in the United States. And he was right, because the Chinese women who are brought over here for nameless purposes have a certain surgical operation performed upon them before they are brought here, so that they can not conceive or give birth to children. But notwithstanding the fact that there could not be more than two or three hundred born here, 5,000 Chinamen have claimed under that decision since 1897 that they were born here.

Mr. KAHN. Five thousand in the States of New York and Vermont alone.

Mr. CLARK. I am glad to have the gentleman make the correction; it makes the case that much stronger. The matter, it appears, is worse than I stated it. It is said to be an absolute fact that the records of the California courts show that one Chinese woman out there is the mother of 500 children. If she had been a short-horned cow she would have been worth more than a Cripple Creek gold mine. [Laughter.]

While the birth of Chinese in the United States proper—God save the mark—could not amount to much, because the women coming here are incapacitated for conception; the fact is not the same in the Philippine Islands. Governor Taft has reported that there are some 200,000 to 400,000 Chinese over there, and the representatives of the Federation of Labor say that there are a million and a quarter to a million and three-quarters of Chinese—full blood and mixed blood. With a million and three-quarters of them breeding over there, this becomes a very serious question.

I am willing to take the chances on this question of the constitutionality of section 2. I am willing to take the chances rather than have the Philippine Islands used as a breeding ground for Chinese that may become American citizens and may come here and compete with American labor. I thank God fervently and reverently this day that whatever calamities may accrue to this country in general, and the laboring people in particular, from the mania for universal annexation, that in the day of judgment nobody can say to me "Thou didst it." I fought the annexation of the Sandwich Islands on this very proposition. I fought the annexation of the Philippines on this proposition, and I want it written on my tombstone that I was one of the 35 men in this House, out of 357, who had the courage, the patriotism, the nerve, and the good sense to vote against paying Spain \$20,000,000 for the Philippines.

My friend from New York [Mr. PERKINS] says that it would be an unnecessary expense to register these Chinese babies. It would not cost near as much as he says, anyhow. It will cost us only a dollar a head, and if there are only 300 babies born the expense will be only \$300 instead of a million—a very considerable difference. In the original bill it was provided that in the Philippine Islands the Chinese themselves could pay for this registration, and I am in favor of that.

But I will state why I prefer that the Treasury officials should attend to this matter. They already know how. They have the machinery. They know the ways and the manners of these people. They can do this work more cheaply and more effectively than anybody else. But I will not particularly object to that part of the bill providing that the Philippine Commission shall arrange this business over there. I would not object very much to the Army doing it. But I want to ask my friend from New York, How can the Philippine Commission register the Chinese in Porto Rico? They have no jurisdiction there.

For these reasons I am in favor of these provisions going into this bill. I intend to offer them or somebody else will as amendments to the majority bill. If these and some 20 or 30 other amendments that have been prepared are inserted in the majority bill, I have no objection to that bill passing. But if we do not secure these changes by way of individual amendments, I intend to secure, if I can, a square vote on this substitute that the Democratic minority of the committee have reported that embraces all of these changes.

Now, some of us do not like some of the phraseology of this bill and do not want to stand for it. The truth is, that nearly all of this stuff that seems to be tautology and redundancy is either a part of the old statute on the subject or is a part of the decisions of the Treasury officials of the United States. There is not a lawyer in the House that does not know that finally somehow or other every word of a statute has to be construed; and where the statutes have been construed it is better to retain the old language even if it does not exactly suit us in its phraseology.

I do not believe that this bill will lose us the trade with China. The Chinese do not trade with us because they love us. They follow the rule of nature and of common sense, buying where they can buy the cheapest and selling where they can sell the highest. Senator BEVERIDGE has been writing some exceedingly interesting letters about China in the *Saturday Evening Post*. In one of them he thus discourses on force and kindness as applied to the Chinese:

Germany, too, is ingenious and insistent in creating an impression on the Oriental mind that she is the world's superior power. Wherever there is an excuse for the display of military force, German soldiery is seen. The writer never visited, on two extended trips to China, a single Chinese port in which one or more German war ships were not found.

The German military element was so predominant in Shanghai in the summer of 1901 that a casual and uneducated traveler might have been excused for thinking it a German colony. No one who knows the peculiar practical quality of the German mind will believe for an instant that all of this is for mere show. It is the working out of a carefully evolved theory about China and its inhabitants, and Orientals in general. With the same patience with which their scientists have evolved working theories, the stolid patience with which they have developed and put into practice theories of navigation,



the German has developed his theories of the oriental mind and character, and bases his treatment upon it.

In a word, that theory is that the only two things which the oriental mind understands are a plain demand and overwhelming force. The German does not believe that the Chinaman is grateful for special favors shown him. The German theory is that the strong hand is the only thing an Asiatic respects. Therefore, everywhere the German bayonet, everywhere the German uniform, and everywhere German ships of war; and now there is the beginning of another "everywhere," and that "everywhere" is German barracks.

How does all this affect German trade? Alongside of the military phenomenon just noticed is a growth of German trade in the East quite unequaled in its rapidity. In Hongkong the most active and with one exception the largest commercial houses are German. In Shanghai there are 31 German firms, some of which, like Arnhold, Karberg & Co. and Carlowitz & Co., are immense establishments with branches at every treaty port.

Though the report and returns of trade issued by the China imperial maritime customs show the great bulk of trade at this central port to be still English, there is nevertheless a falling off of English and a rapid advance of German importation.

"But does not this constant military menace of Germany interfere with her trade? Does it not anger the Chinaman? Is it not natural that this people should buy of those they like rather than of those they hate?" were questions asked of the leading American merchant in China and one of the best-informed men in the Empire. "Naturally one would think so," he replied, "but it is not true. Chinamen come to us and abuse the German with words, but go to him and buy his goods. So far from decreasing German trade, this military reputation which they are working so hard for is the best advertisement they could have with Chinese customers."

There is a proposition pending here to this effect—not in this bill, for there have been 27 bills introduced in here—to make a four or five line bill just simply extending the present law. I will give you as good a reason as you ever heard why that should not be done and why it will not accomplish anything.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. I believe I will take ten or fifteen minutes more, Mr. Chairman, and I will get through.

Mr. HITT. I will ask unanimous consent that the gentleman be allowed to proceed until he has concluded. After he is done I trust we can make an arrangement as to time and not take the rules of the House, but some agreement to divide the time and have it allotted.

Mr. CLARK. Yes, we will do that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri have the opportunity to conclude his remarks. Is there objection?

There was no objection.

Mr. CLARK. In order that you may understand that proposition I will state the facts as briefly as possible. The first treaty we had with China was in 1844, negotiated by Caleb Cushing, a great man. That simply provided for commercial relations. Then in 1858 there was another treaty extending that. Then in 1868 Anson Burlingame turned up here at the head of the Chinese embassy, as the first ever sent here—having resigned his position as United States minister there to accept that curious position—and negotiated the Seward treaty of 1868, in which we guaranteed unlimited Chinese immigration into this country. They came, and they came in such numbers that they scared the people of the Pacific coast to death, or nearly so, and they commenced a great clamor, and in 1888 another treaty was negotiated with the Chinese excluding the Chinese, bless your heart, and the Chinese dilly-dallied around about ratifying the treaty, and Congress went to work, thinking they were going to ratify the treaty, and passed the bill of 1888—in fact, there were two or three of them—that was extremely severe in its provisions.

Now, remember that, and lo and behold, the Chinese refused to ratify that treaty. Then in 1892 Congress passed another severe law and in 1893 amended it, and the Geary Act simply continues the act of 1888. That is, most of the Geary Act is simply the old act of 1888 continued. Then, in 1894, the present treaty was made, in which the Chinese say that they are anxious to keep the cooly from coming to the United States; they are anxious, so they have got no right to kick.

The treaty of 1894 continues until 1914, on the 8th of December, unless one country or the other gives the other six months' notice prior to the 8th of December, 1904, that it is coming to an end; so the longest that treaty is certain to run is the 8th of December, 1914, and the law expires on the 5th of May, 1902. Now, the representatives of these great trading concerns say, "We want to keep these coolies out; we are just as anxious to as you are."

Their attorneys declared before the Senate committee that they stand on identically the same platform as Mr. Gompers, the president of the American Federation of Labor, who really wants to keep the coolies out; but they simply want to keep them out by a five-line law, extending the law as it now is. That would seem fair on its face, would it not? At the very same time, however, they have three suits pending in the Supreme Court of the United States attacking the validity of the law of 1888, and it is the supposition of most people that it will go by the board, and here is the predicament you will be in if you do not pass the majority bill or the minority substitute. That is, you will go through the performance of continuing the laws that are in existence, and the

Supreme Court will declare them all bad, and in three weeks they will import 100,000 Chinese coolies, and there you are.

Now, one of two things will happen. If they ever get here in large numbers they will drive the American laborers out, or the American laborers will kill them, mob them—one or the other. I believe that is all I want to say about the bill, except this: I asked Governor Taft how the Chinese in the Philippine Islands felt about this country. He said that they regarded it as heaven. What will be the effect? Why, if the Supreme Court ever decides those people can come over here, every Chinaman over there will head for the United States. They want to go to heaven, of course. [Laughter.] Nobody wants to go to hell.

I have named the principal things. I have not named all of them; I could not in an hour or five hours. This bill is no longer than all of the statutes on the Chinese subject that are supposed to be enforced now would be if they were all put together. Now, I know there are some people who want them in here. For instance, the Hawaiian sugar kings say, yes, they want them in Hawaii. They say that the white men can not work out there; that the negroes will not work and they must have the Chinese. That is what they say.

The Manila Board of Trade has sent a memorial here. They want the coolies let in over there. Of course they do. I have not a particle of doubt that a company that had a hundred thousand dollars or a million dollars or more that would operate in the Philippines and exploit the Philippines could make more money with Chinese coolies than with anybody else. But the Filipinos do not want them in the Philippine Islands. Why? Because they go to the wall in this Chinese competition.

I am teetotally opposed to anybody coming here that you can not make an American citizen out of, and the Chinese will not assimilate with white people—that is, it is a very poor assimilation and a very rare one. The evidence in the case shows, strange as it may seem, that the cross between the Chinese and the white race or the Chinese and the negro is inferior either to the white man, the Chinaman, or the negro. Why, they never had any law in California even against Chinamen marrying white persons until within the last few years. It was a recent enactment.

Mr. KAHN. The last legislature.

Mr. CLARK. And notwithstanding that they very rarely married. Now, there is a distinguished Senator who has a proposition pending that Christian Chinese shall be admitted into this country free. Why, Mr. Chairman and gentlemen, I undertake to say that that is the most marvelous wholesale proposition for conversion to Christianity that has been made in this world since St. Paul started out on his great missionary tour. [Laughter.] If that proposition was to be accepted, every Chinese cooly who appeared at our ports would be a full-fledged Christian. Why, the Philippine Commission said that the Spaniards got tired of the Chinese once in the Philippine Islands, ran amuck on them and killed about 30,000 of them. Then they softened down the regulation and declared that Christian Chinese should be permitted to stay in the Philippine Islands. The result of it was, as the veracious chronicler says, that when the day of deportation came a very large majority of them had already embraced Christianity, and nearly all the rest were seriously considering the mysteries of the faith. [Laughter.]

I know that the provisions of this bill seem cruel. I understand perfectly well that they seem to run counter to everything that we have ever advocated or ever offered to the world; but, in my judgment, they are absolutely necessary to secure the desired end.

#### THE AMERICAN LABORER.

The policy of Chinese exclusion is bottomed on the instinct of self-preservation—the supreme law of nature. It is not a mere demagogical scheme to win votes for any party or for any man. It is a philosophical and patriotic movement, growing out of facts which can be neither denied, blinked, obscured, or shunted out of the way. It not only goes to the root of our institutions, but it lays hold of the foundations of Caucasian civilization on this continent.

It is largely a racial question, and it raises the paramount issue, "Shall the white man continue to dominate the Western Hemisphere, or shall he be placed in the process of ultimate extinction and be supplanted by the yellow man?" It is utterly futile to vaunt our superiority and vaingloriously assert that in free competition with the Chinese in any field of physical endeavor we shall triumph, for it is not true. Governor Taft, our great pro-consul in the Philippines, testified that a Chinese can live on 2 cents a day—not only live, but flourish like a tree planted by the rivers of water. A cloud of witnesses support the governor-general in that mystifying statement—so mystifying and so variant from our experience in living that I endeavored to ascertain how that seeming miracle can be wrought. The only answer I elicited was that a Chinese can live on 2 cents per diem because



of centuries of enforced practice in the difficult art of curtailing his diet to the minimum.

By reason of both constitutional characteristics and of ancient habit an American can not compete with a Chinese in cheapness of living, even if he so desired; and in the fierce fight in the arena of labor, constantly growing fiercer as our population multiplies, for the right to live, the infinitesimal cost at which a Chinese can exist will inevitably give him the victory over the white man. The starvation test would end in a survival of the unfittest. It is written: "The laborer is worthy of his hire." The American laborer is the foundation of the Republic and of our civilization—the highest civilization the world has known since the primal curse was placed upon man: "In the sweat of thy face shalt thou eat bread."

The American laborer produces the wealth of this country, a wealth that is too vast to be comprehended by the mathematical powers of the human mind, a wealth so stupendous that it eclipses the wondrous tale of Alroy or any story out of the Arabian Nights. We all take pride in the fact that American laborers are the most intelligent, the most skillful, the best clothed, the best fed, the best housed, the most public-spirited, and the most ambitious laborers on the whole face of the earth. For one I am unalterably opposed to anything that will deprive them of a single comfort or that will in any manner reduce their standard of living or that will lower them in the scale of civilization even in the estimation of a hair. So far as in us lies, it is our duty to prevent Chinese competition with American laborers either by land or sea. [Loud applause.]

Mr. HITT. I will defer conferring with my friend for a moment, and ask the Chair to recognize the gentleman from Pennsylvania [Mr. ADAMS], and we will arrange the matter of time.

Mr. ADAMS. Mr. Chairman, a most important and far-reaching question has been submitted to the Fifty-seventh Congress for its consideration, Shall immigration be entirely excluded, or to what extent shall it be restricted? Two bills have been introduced, one of which was referred to the Committee on Immigration and the other to the Committee on Foreign Affairs. The Shattuc bill, which was referred to the Committee on Immigration, referred more particularly to migration from the countries in Europe to the Atlantic seaboard, while the bill that bears the name of the distinguished gentleman from California [Mr. KAHN] had to do with the restriction or entire prohibition of immigration from the Orient.

It has been my good fortune to sit for many weeks with both of these committees and to hear the testimony which has been presented for their consideration by what may be held, I suppose, to be the conflicting interests in this question. Before the Committee on Immigration, on the one side, appeared the representatives of labor, many of whom, extreme in their views, would carry to the point of exclusion immigration on the Atlantic seaboard; others desired an educational test. On the other hand, we had those who employ labor and the steamship lines contending that it would be cutting off an absolute necessity for the development of our country to inaugurate any restriction in regard to free immigration. After a great deal of consideration the bill has been reported to the House and will come before it in the future for its action. I can state that the committee, irrespective of its political affiliations, have exercised their patience and best judgment in reporting a bill which they believed to be for the best interests of the country.

I come now, sir, to the bill which has been reported by the Committee on Foreign Affairs, relating to immigration from the Orient. During the hearings on this subject we have heard some extreme views—those who wish to exclude entirely immigration from China and other countries in the East, and those who say the necessity for increased labor exists in California and in the rest of the country and have entered their protest thereto. On the one hand we have the representatives of the labor organizations, and those, of course, from the Pacific coast are more urgent in their protests than those in more remote sections, for they claim that they understand the evil better. On the other hand we have had resolutions from the boards of trade in California and Oregon, representing the business interests, and claiming that the demands of labor are excessive and too restrictive. We had representatives of the agricultural interests who entered their protest, claiming that at certain seasons of the year it was impossible to gather the crops, and they were allowed to perish because of the want of labor.

We have had the women in their various organizations protesting against exclusion, saying that the domestic problem was a serious one, and that they needed the immigration of Chinese in order to supply the necessary wants of the household in the way of service. This will give some idea of the difficult problems which appeared before the Committee on Foreign Affairs for solution. On one point, Mr. Chairman, we were united, and that was that the immigration of the lower class of Chinese laborers,

commonly known as coolies, must be prohibited in the interest of the purity of the morals of our country and in the interest of American labor. The one difficulty that might have arisen before the Committee on Foreign Affairs would naturally be our relation to a foreign government. It would strike anyone at the first blush that to have our country pick out a single nation on the face of the earth and say to that particular nation that the inhabitants of your country shall not enter ours with the same freedom as is extended to the balance of the powers of the world would cause a feeling between the two countries that in some instances might be the cause of war.

But China, with a liberality which, I must say, reflects great credit on the intelligence of that people and its rulers, recognized the difficulty which our country labored under owing to the protests of our laboring class, and with a liberality that I may say is extraordinary under the circumstances, for it almost implied an inference in our mind against the character and morals of her people, negotiated a treaty with the United States in 1894, and in that instrument inserted and agreed to the following clause in article 1:

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

Mr. Chairman, I can dismiss the consideration of the main feature of this bill by saying that the committee was unanimous on that point, and the existing conditions were continued that Chinese laborers as such should absolutely be prohibited from coming to our shores. This left us to deal with the remaining classes in China, and here came a somewhat more difficult problem. Under the existing treaties the classes who were to have free access to our country had been classed as officials, teachers, students, merchants, and travelers for curiosity or pleasure.

This may seem very large in its scope, yet there were many classes that were not covered by it. Mr. Chairman, in the last few years of our country a great change has taken place in its geographical and economic conditions. With the acquisition of the Philippine Islands, Hawaii, and Guam, with the events that have taken place in the Empire of China, a new status has arisen. The entire civilized commercial world is now struggling to obtain the trade of China, whose doors have been opened under the different treaties for the trade and commerce of the world. It is essential with the economic conditions developed in this country that America should have its full share of this trade.

The whole effort of our State Department, which deals with our foreign affairs, has been directed in this direction, and I am glad to say, in spite of some of the caustic remarks recently made on the floor of this House attacking our Secretary of State, that his policy has been most eminently successful; that America has almost brought the world to her own terms in regard to China. Our status has developed so strongly by the recent events that America is more potent than ever in laying down the rules that shall exist in negotiations about to take place between the powers of the world.

Now, Mr. Chairman, the proposition presented itself to our committee that if we wish to preserve this good feeling with China, if we wish to secure our share of the vast trade with 400,000,000 of her people, we must be careful not to go too far in this bill and not to affront China in its provisions.

We have, therefore, in this bill guarded with every possible restriction that the laborer as such should be excluded. We have left open the door, so that the intelligent and educated people of China, whether they come here as teachers or merchants or the traveler for pleasure, shall have free access to our country, to learn its resources and investigate its inventions and carry back to their own people the reports of what we have to sell and what they should want to buy, for all the advertising and all the drummers and all the agents of commerce that we could send to China would not have one-fiftieth of the influence that a native going back would be able to spread in his own tongue, and inform those people of the state of advanced civilization here and of our products; and it is for that reason your committee felt it incumbent on them to allow free access to the intelligent commercial people of China, and at the same time throw such safeguards around their entry that our officials would be enabled to discriminate between the laboring class and those to which I have referred.

I will refer to one other general feature in this bill. Under the new conditions the further question had to be met than the one which faced us in the treaties of 1880 or 1894. The acquisition of our new possessions of the Philippines and Hawaii and Porto Rico raised what was to be the course of conduct of this Government toward our new possessions. The status of the Chinese in Hawaii had already been settled by the legislation which was enacted in regard to that island, but the Philippine question still confronted us. We took much testimony on the question, and it was finally



determined that we would refuse migration of Chinese from that Empire to the Philippines, and, furthermore, we would restrict the migration of Chinese already in the Philippines to the mainland of the United States. These provisions have been carefully guarded, so their evasion would be most difficult.

Having considered some of the general features of the bill and the reasons which actuated your committee in framing it in the form in which it is, I will endeavor to answer some of the objections advanced by the gentleman from Missouri [Mr. CLARK]. The gentleman made an unfortunate comparison, in my judgment, and it seems almost impossible for those who come from the section which he has the honor to represent to avoid dragging in the social evil which they claim surrounds them on all hands, the negro question. And he proceeded to argue to this House that there was some relation or some comparison between the Chinese question as it stands to-day and the negro question as it exists in the South. Why, Mr. Chairman, there is no relation between these two questions. One is a domestic question. The negro was brought here against his will. How to deal with him is an economic question, and it must be met and settled among ourselves. It does not concern an evil which can be prevented, as does the measure involving the Chinese question. In the one case the evil is an accomplished fact; the other, I am thankful to say, involves an evil which it is in our power to avert. The negro question will have to be settled at home, here among ourselves, as best we can, amicably, consulting all interests, as fellow-countrymen who have the best interests of the whole country at heart. And, sir, the Chinese question must be settled on similar grounds in its relation to the future.

The gentleman from Missouri committed himself to the ultra view maintained here by the gentlemen from California and other Representatives of that section, because, as he held, the persons locally concerned are the best judges as to how an evil shall be dealt with. Mr. Chairman, in my view that is not a sound proposition. If there is an evil, the people locally suffering from it are not necessarily the best judges of the evil as affecting the whole country. There are sections where this evil does not reach at all. But in undertaking to restrict it in an undue degree to benefit persons locally interested we may do some great wrong to other sections of the country, wrong which would not be compensated by advantages which might be gained by certain localities.

I can illustrate this by an incident that happened to come under my personal observation. During the pendency of this bill it has been stated that the Chinese are bad sailors; that they are cowardly; that when there was a collision between the steamship *Oceanic* and the *City of Chester* there was great loss of life; that the Chinese sailors became utterly uncontrollable and refused to launch the boats; that discipline disappeared on board the *Oceanic*, and that from this fact resulted the loss of life, because the Chinese sailors on board the *Oceanic* would not launch the boats necessary to give help. Now, sir, it is a curious fact that within two or three days after that testimony was given before our committee I met, while traveling from my home in Philadelphia to this capital, a gentleman who in the course of conversation stated that he was himself a passenger on the *Oceanic*, that the Chinese sailors behaved with the greatest courage, and that discipline was maintained. As the best proof of this fact that gentleman stated that the boats were so promptly launched that when the *City of Chester* sank, which she did very quickly, her spars as she went down struck a boat that had already been launched from the *Oceanic*, and in that way all on board the boat were lost because it had been launched so quickly.

This incident shows that persons locally interested are not the best witnesses on questions of national importance. They are carried away by their views of the evil pressing upon them and they do not take into consideration the interests of the entire country.

The gentleman from Missouri, in referring to the clause of the bill which our committee has with great unanimity struck out—the clause prohibiting the employment of Chinese sailors on ships—made the argument that as the Philippine Islands belong to this country, the trade with those islands would be a part of our coastwise trade, and therefore it would not be necessary for vessels to take down the American flag to secure it. But as the gentleman gained more information he found that the benefits from the Philippine trade, under the act, as coastwise trade, could not be thus enjoyed till 1904.

But I can not refrain from calling attention to the inconsistency of the gentleman's position. If another bill were presented here relating to the Philippine Islands he would be the first to rise here and maintain the doctrine of his party that we must let go these islands and not allow them to become a part of the United States. In that case his arguments in reference to coastwise steamers would certainly disappear.

But the gentleman does not reach out far enough when he limits his arguments to the trade of the Philippines. We do wish to

develop that trade; but there is a larger and greater trade beyond—the trade of China, the trade of Australia, the trade of the East Indies—that our country desires to secure. The steamers engaged in this trade will not be coastwise steamers; they will be steamers plying with foreign ports. They will be thrown into all the competition as to the wages of seamen and every other species of competition entering into the running of steamship lines.

Why, Mr. Chairman, the remarks of the gentleman from Missouri were most potent arguments in favor of a measure that has passed the Senate, and is, I hope, soon to come before this House for consideration—the ship-subsidy bill—for he has shown conclusively by his argument that it is impossible for American ships on the Pacific Ocean, as it has been proved impossible for American steamships on the Atlantic, to ply in competition with foreign vessels, because we do not want to crush our seamen down to taking the wages that it would be necessary for them to take in order to compete with the vessels that fly foreign flags. How can they compete, Mr. Chairman, in view of the testimony given by the representative of the sailors' association before our committee in regard to the rates of wages paid on the Pacific Ocean? I read from the testimony of Mr. Andrew Furuseth, who represents the association of sailors on the Pacific coast:

Sailors of Chinese blood may be had in Hongkong in practically unlimited numbers at \$15 Mexican per month, and firemen or stokers at \$18 Mexican. This means, respectively, \$7.50 and \$9 in gold. The wages which would be paid to sailors if they were hired on the Pacific coast would be at least \$25 gold—more likely \$30 gold—and to firemen \$40 gold, being four times the amount paid to Chinese in Hongkong.

He further testified that they had swept the Japanese sailors off the seas, and the Malays and the others, and yet he comes to the American Congress and wants us to forbid the employment of these people for merchant marines, and says that we can compete, when they have driven all other sailors off. How can we do that, Mr. Chairman? We had testimony and information before our committee that it would drive every American flag off the ocean. We had information that four large steamers, which are proposed to be put upon the Pacific Ocean to ply in the trade with China, would never so be placed and would be run under a foreign flag. On the eastern coast we had testimony that a large six-masted schooner that had been built for trade in the Orient would never be sent around Cape Horn if this provision was left in the bill.

Furthermore, Mr. Chairman, your committee took into consideration that that question was beyond the scope of present legislation. Heartily in sympathy with the protection of our operatives on land, we determined to put into this measure the restrictions we have on the immigration of the Chinese. I will now come to the other point, which was the only class that the gentleman attacked in regard to the provision that has been laid down in restricting them from coming into this country, and that was the term "teacher." He showed the high state of general education in China, that everyone was compelled to go to school, and therefore it was likely that these people would come into this country in the form of teachers. Why, sir, in the interrogatory I put to him he involved the institutions of our country in bad faith, if they would enter into collusion for the migration of these people. He did not read the entire paragraph. His argument was specious. I will read it for the information of the House:

SEC. 6. That the term "teacher," as used in this act, shall be construed to mean one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in teaching and who proves to the satisfaction of the appropriate officer that he has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation while in the United States.

The two conditions that the gentleman from Missouri omitted were, one, that he should prove to the satisfaction of the United States officer his intent, and the other, that he must prove that he was going to continue in the occupation of a teacher in this country. Why, Mr. Chairman, the compliance with the requirements of this act would make it simply impossible for anybody to evade it, and the Chinese who come here with honest intentions to teach in this country and to learn, if necessary, and to understand our institutions and to carry the information back should be admitted, in my judgment, as freely as possible. The gentleman from Missouri is much more expansive in his statements than he is in his ideas of expanding our country. With the greatest solemnity he announced that there were a million and a quarter of Chinese in the Philippine Islands, when if he were present the day that Governor Taft appeared before our committee, he would have heard his reply to that question put to him that there were about 150,000 Chinese in the Philippine Islands and 250,000 at the outside.

Mr. CLARK. If the gentleman will permit me, here is what I said: That the number of Chinese of the whole blood and of the mixed blood, according to the evidence before the committee, ranged from about 200,000 to a million and three-quarters. Mr. Livernash said there were about a million and a half in the whole gang.



Mr. ADAMS. I will take the statement of Governor Taft as against that of Mr. Livernash; for, if anybody heard his argument, he knows he is an extremist, and, representing the local people I have already referred to, he would be extreme in his statements.

Mr. CLARK. The statements of those two gentlemen do not conflict much. Governor Taft evidently was confining himself to the full blood and Mr. Livernash to the mixed blood.

Mr. ADAMS. I will say to the gentleman from Missouri that we did not carry our definition of Chinese down to the same fine point that he does his of the negro. He will trace it down to the thirty-third generation.

Mr. CLARK. That is what Booker Washington says.

Mr. ADAMS. That is all right. I am not quoting him; I am quoting you.

Mr. CLARK. Well, I am quoting him.

Mr. ADAMS. Well, you are quoting a very good man; but I am only saying that that does not hold good, for in this country where would you place the men who have mixtures of blood in their veins, men who make our people what they are. Take the fourth generation of the German and the fifth generation of the Irish, and where are you going to put them?

Mr. CLARK. They are all white and they all become Americans.

Mr. ADAMS. Where are you going to put them?

Mr. CLARK. Right along with us.

Mr. ADAMS. Is he of German descent or Irish?

Mr. CLARK. Why, no; they are Americans.

Mr. ADAMS. Now, Mr. Chairman, in further reply to the section of this bill which prohibits the employment of Chinese on the Pacific Ocean, I have given the facts that appeared before our committee, that it would practically drive our commerce off the Pacific. I can not help stating here—my interest is so deep in the subject—that the provisions of the ship subsidy bill as it now stands would cover this, for it insists on an employment of a certain proportion—one-third at the beginning—of native or naturalized Americans, and increasing as time goes on; but the great question involved in this bill, and why our committee have made it as stringent as in our judgment it is safe to go, is to refer once again to the conditions under which we must develop our trade in the Orient.

It is absolutely essential that we keep the good will of China in that respect. It is absolutely essential that we have their merchants coming to our country to report on what we have to deliver to them for sale, and in the exchange of commodities. The bill is framed in the broad, liberal spirit which should dominate our country. We have already discriminated against China, keeping out the coolies, which I admit is necessary, and we are all together in that; but I protest against any over-strict regulations which would stop all intercourse between the educated of both countries. It is not in keeping with our American civilization, it is not in keeping with the views of the American people. We believe in the exchange of ideas.

China was civilized for centuries while we were wandering Huns and Goths in the forests of Europe and wild men on the heather of Scotland and Ireland. I believe China can teach us much out of her past history and much of her great sciences that were known to her before we were ever heard of. I want intercourse between the two countries. I want that development between the Orient and the rapidly growing West which will tend to the advancement of the world and to the benefit of mankind at large; and I believe, Mr. Chairman, that this bill as it has been framed by our committee is liberal in that direction, and I believe it will meet the consensus of opinion and the best judgment of this House. [Applause.]

Mr. KAHN. Mr. Chairman, it may be assumed that the committee, in stating that they were all agreed that Chinese laborers should be excluded from the United States, voiced the sentiment of almost all the people of the United States. The members from the Pacific coast, Senators and Representatives, met frequently after this Congress was convened and agreed upon the provisions of an exclusion bill.

It has been said that that measure was extremely stringent. Mr. Chairman, the people of the Pacific coast have had a large experience with this question. They did not always ask for stringent laws. Indeed, the early legislation upon this question was exceedingly mild, was exceedingly moderate; but the duplicity and the trickery of the Chinese themselves made it necessary from time to time to add new restrictions, to make new regulations in order that the cool laborer whom we were trying to keep out of the country should not be allowed to land upon our shores.

It may not be amiss at this time to state briefly the history of Chinese-exclusion legislation. The first act upon the subject passed Congress in 1879. Its purport was to limit the number of Chinese that each vessel could bring to any port of the United States.

At that period in the history of California, the cool class was

arriving through the Golden Gate by the thousands every month. They had driven out the white skilled mechanic in the manufacture of shoes, cigars, brooms, underclothing, and overalls. They were making steady inroads in the field, the farm, the factory, and the workshop, and alarmed at the unrestricted immigration of this people, who, as a result of forty centuries of privation, had learned to support life upon the smallest quantity of food, whose creature comforts were few, who knew none of the blessings of home life, and who had a reserve population of 400,000,000 of equally undesirable elements to draw upon, caused the people of the Pacific coast to raise a cry of alarm which Congress did not fail to hear. The President, however, believing that the proposed legislation was in violation of treaty obligations, vetoed the bill, but forthwith appointed a commission to negotiate a new treaty that would give our Government the power to regulate Chinese immigration.

The Commission negotiated two treaties—one to regulate commerce, the other to regulate the immigration of laborers. These treaties were ratified on November 17, 1880, and in consonance with the provisions of the latter treaty Congress passed an act to suspend for the period of twenty years the further immigration of Chinese laborers. President Arthur vetoed this bill on account of the twenty-year limitation, but on May 6, 1882, an act was approved that for a period of ten years suspended the coming of Chinese laborers into the United States. The people of the Pacific coast States hailed this legislation with delight and believed that the flood of Chinese immigration had been effectually stopped.

Within a year it was discovered that the act of May 6, 1882, was seriously defective, and so Congress enacted a law amendatory thereof on July 5, 1884. By the provisions of these laws any Chinese laborer who had been in the United States prior to the enactment of the law of 1882 was permitted to return to this country. This provision gave rise to no end of fraud. By a decision of our courts it was held that parol evidence was sufficient to establish the prior residence of a Chinese laborer in this country.

With a supreme contempt for our judicial system and with a duplicity that is almost unparalleled among the nations of the earth, hordes of Chinese laborers did not hesitate to swear themselves into the country as former residents, and the acts of Congress, which the people of the Pacific coast had hailed with joy and expectancy, were soon found to have turned out "Dead Sea fruit." The invasion of the cool laborer was not arrested. He migrated to our shores in practically undiminished numbers. The suspension of immigration was found to be no remedy for the evil, and so the Administration at that time negotiated a new treaty with China, which was intended to give our Government the right to absolutely prohibit the coming of Chinese laborers into the United States for a limited period.

Believing that this treaty would be ratified by China, Congress passed an act, approved September 13, 1888, which was to go into effect upon the ratification of the said treaty, and shortly after, on October 1, 1888, the so-called Scott Act, which was intended to cure many of the defects of earlier legislation and which was supplementary thereto, became the law of the land.

But the treaty upon which the law of September 13, 1888, was predicated was never ratified by China, and there has always been a contention among able lawyers as to whether that act went into effect, notwithstanding the nonratification of the treaty. This act of September 13 is one of the great bulwarks of the existing exclusion laws. It is given force, however, simply by the decision of the Solicitor of the Treasury, who has held that all of the act, from section 5 to section 14, inclusive, with the exception of section 12, went into effect, notwithstanding that the treaty upon which it was based failed of ratification. At the present time, as my friend from Missouri has said, there is a case pending in the Supreme Court of the United States which tests the validity of this act of September 13, 1888, and should the Supreme Court decide adversely to the Government we would be left with practically no exclusion laws, except the totally ineffective suspension laws of 1882 and 1884, for the Attorney-General has held that the Scott Act, of October 1, 1888, was repealed by the treaty of 1894.

In 1892, the period of the first suspension law being about to expire, Congress enacted the so-called Geary law. Its first paragraph continued all the laws then in force prohibiting and regulating the coming into this country of Chinese persons or persons of Chinese descent for a further period of ten years. The rest of the Geary law provides for the registration of all Chinese in the United States and the issuing to them of certificates of residence. In case they failed to register, they were to be deported to the country of which they were subjects or citizens.

The Chinese in this country fought the registration provisions of the Geary law in the courts, but finally the Supreme Court sustained its constitutionality. In the meantime, the Chinese, with few exceptions, had refused to register, and the limitations fixed by the Geary law upon the period within which they were



allowed to register had expired. In order that there should be no hardship imposed upon the Chinese who were then in the country, and who had failed to comply with our laws—and I do not doubt but that they were acting under legal advice that had been given them in all good faith—Congress passed the act of November 3, 1893, which was intended to give all Chinese laborers who were in the United States at that time six months further time within which to register.

It also defined the words "laborer or laborers" and the term "merchant." There had been a great deal of litigation in our courts to secure a judicial determination of what was meant by laborer and what constituted a merchant under the provisions of our exclusion laws. It also provided that the certificate of registration should contain the photograph of the applicant, and this provision has certainly done much to break up the fraud that had been practiced under the provisions of the earlier enactments.

After the Supreme Court had sustained our right to register Chinese laborers in this country, the Chinese Government negotiated a new treaty with our Government in March, 1894, acknowledging our right to absolutely prohibit the coming of Chinese laborers into the United States except under the conditions specified in that treaty. It was promulgated December 8, 1894. Under Article III thereof, Chinese subjects being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, were continued in their right of coming to the United States and residing therein. In recent years the frauds that have been attempted and that have been committed in the matter of bringing Chinese laborers into this country have been practiced principally under the exemptions of these privileged classes.

At the beginning of my address I stated that the Chinese, as a race, are known for their duplicity, and that this duplicity has compelled us to safeguard, as far as possible, every possible loophole in our exclusion laws. This characteristic permeates every grade of society. The Emperor is no more exempt from it than the cooly. Indeed, there are numerous instances in Chinese history where the Emperor deliberately tricked the representatives of foreign governments and practiced deceit upon his own people without hesitation or compunction. As early as 1796 the British Government sent an embassy, under Lord Macartney, to the Emperor Chien Lung. This potentate, with a great deal of flourish and ostentation, graciously condescended to receive the English lord. But in order that the Chinese people might be deceived as to the true intent of the embassy Chien Lung had a flag raised upon Lord Macartney's vessel which bore upon it the inscription, "Tribute bearer from the country of England."

Again, in June, 1873, the world was cheered with the intelligence that the Emperor Tung Chih had finally consented to receive the foreign ministers at Peking in audience. The whole civilized world regarded this act as a great triumph for occidental firmness and diplomacy. But after the audience was over the joy turned to chagrin, for it was discovered that the ministers of the great powers of the world, including the American minister, Hon. Frederick F. Low (I believe he came from California), had been received by the Emperor in the "Pavilion of Purple Light," where his majesty invariably gave audience to the envoys of "tributary states." This was doubtless done to deceive the common people of the Celestial Empire.

The same thing occurred under the present Emperor, Kwong Sui, in 1891, but after this second audience the diplomatic corps firmly denounced this act of duplicity by passing resolutions that they would forego the ceremony rather than again submit to the indignity. I could give many similar cases of official duplicity, but I merely cite these instances to show that even the highest in authority are guilty of the same trickery that we find among the common people.

It has been maintained that the attitude of our Government is exceedingly severe in the matter of Chinese exclusion; that our laws have been becoming more and more stringent and drastic; but I submit that if the Chinese people themselves would deal honestly with us, and if they resorted less to trickery and duplicity to circumvent our laws, there would be no need of closing up all possible loopholes in the law with the seemingly severely restrictive measures that the Chinese themselves make necessary.

I have already stated how they perjured themselves under the acts of 1882 and 1894 by swearing that they were laborers in the United States prior to the passage of the former act, and that therefore they had the right to return. Thousands of them who had never been in the United States before managed to gain ingress into the country by this system of perjury. They have invented all kinds of "coaching papers," which are sent to China from this country in the form of questions and answers so as to enable the prospective Chinese immigrant to evade the questioning and cross-examining of the inspectors at our various ports of entry. And in a few instances they have been caught smuggling

written information and instructions in shrimp patés and other articles of food to some tricky cooly on board of a newly arrived ship, so as to permit him to baffle the efforts of our inspectors in his desperate endeavor to effect an entrance into the United States.

Thousands of alleged natives have crossed our borders in New York and Vermont alone, and I desire to quote from the report of Ralph Izard, a Chinese inspector in the Bureau of Immigration, made to the Commissioner General of Immigration on November 26, 1901, in which he shows a condition of affairs that speaks more eloquently than words of the thorough recklessness with which Chinese perjure themselves.

Mr. Izard says:

Since the decision of the United States Supreme Court in the Wong Kim Ark case, in which it was held that all Chinese persons born within the United States of Chinese parents, regardless of the status of these parents, were entitled to full citizenship in this country, it is safe to say that at least 5,000 Chinese have been admitted through the United States courts in the States of New York and Vermont as native-born citizens of this country, upon the perjured testimony of pretended fathers and other relatives.

While it is well known that during the period of their alleged birth in San Francisco, namely, from 1875 to, say, 1882, there were no more than a few hundred Chinese women in San Francisco; that at this time they were being admitted with more and more freedom; that practically none returned to China during the period above named; that there is little question but that at least 80 per cent of such as were admitted were brought from China and sold for the purpose of prostitution; yet the invariable testimony of the witnesses for the defendants is to the effect that at the age of 5 to 8 years the defendant returned to China with his mother and both remained there.

The records of the commissioners' courts in northern New York and Vermont alone, according to sworn testimony of witnesses for alleged native-born Chinese, would require the annual departure from San Francisco, extending over a period of seven years, of twice as many Chinese women, including prostitutes, as ever dwelt in that city, and each one accompanied by from one to two healthy boys.

Now, that was in the matter of natives alone. But they have tried to bring into the country, under the guise of merchants, students, teachers, persons traveling for curiosity or pleasure, a great many cooly laborers.

Mr. WM. ALDEN SMITH. Does the gentleman refer to the Chinese Government?

Mr. KAHN. No; I exonerate the Chinese Government. I do not think they have any knowledge of this business. But our Immigration Bureau, by a system of rigorous investigations and examinations, eventually broke up the scheme of evasion by the so-called natives, and consequently new schemes were resorted to in order to circumvent the laws. The loopholes offered through the channels of existing law and regulations, so far as officials, teachers, students, and persons traveling for curiosity or pleasure are concerned, were soon closed up, but not before an effort had been made by interested parties to smuggle laborers into the country under the guise of each one of these privileged classes. The result of these efforts to circumvent the law was the promulgation by the Treasury Department of regulations defining in clear and unmistakable terms the status of these privileged classes. These definitions have had the desired effect, and to-day a bona fide Chinese official, teacher, student, or person traveling for curiosity or pleasure has little difficulty in establishing his right of admission into our country. The present bill undertakes to give the Treasury regulations defining the status of the privileged classes the full force and effect of enacted law. These are some of the sections of the bill which are denominated "drastic." Yes; they may be "drastic" to the unscrupulous evader of the law. They may be "drastic" to the men who desire to see our exclusion laws abrogated, but they have not been found "drastic" by the good-faith Chinese, who has endeavored to come into this country by reason of his bona fide status as one of the privileged classes.

But perhaps the most prolific source of fraud has been in the matter of Chinese laborers who endeavor to masquerade as merchants. Under existing law a Chinese merchant can come to this country, provided that he can produce a certificate from his Government or the government where he last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence he departs. I think I can safely say that 90 per cent of the cases that are refused admission into this country are those of so-called merchants.

The term "merchant" as applied to Chinese has an entirely different meaning from what we consider the term to mean, and it is this ignorance of the so-called Chinese merchant class that makes many of our countrymen believe that our exclusion policy should be liberalized so far as this particular class is concerned. Many of the merchants of that race in this country came here as coolies. After having saved a little money they open a little shop and thereafter are classed as merchants. A number of such laborers will frequently put their joint earnings into a common fund and then each man becomes a partner in the concern, his interest being equivalent to the amount that his investment bears to the capital of the partnership. We of the Pacific coast, who know the Chinese better, perhaps, than our Eastern brethren, do not regard all of this class with the same reverence that they do.

It is this so-called merchant class that is largely responsible for



the commission of most of the crimes committed by the Chinese in this country. It is they who import Chinese girls into this country for immoral purposes. It is they who hire highbinders and murderers to assassinate their business and personal enemies. It is they who own the gambling houses and the lottery joints. It is they who are the owners of opium dens and whose money is invested in houses of ill fame. Of course I do not intend to say that all Chinese merchants are of this class, but I do say, and I challenge contradiction, that a large number of Chinese merchants in this country are guilty of the things that I have mentioned.

The Rev. Ira M. Condit, D. D., who has been engaged in Chinese mission work for many years, in his recent work entitled "The Chinaman as We See Him," says of the traffic in Chinese women:

In Canton, Hongkong, and Macao are houses used for the sole purpose of training up young, innocent girls for a life of shame. None are too young to be secured, as they can be kept in these nurseries of hell until they are old enough to be sent out to their vile life.

There are different ways of procuring young victims. Many agents make this their sole business. They find parents who are so poor as to be willing to sell their daughters for a trifle; or who, to secure money for the vice of gambling or opium smoking, are willing to sell their girls to these traffickers in the flesh of innocent little girls. When the supply is scarce there are gangs of kidnappers who steal or inveigle young girls from their homes. In these ways a large supply is kept constantly on hand across the waters.

On this side there are agents whose only business is negotiating with parties in Hongkong to import these victims to our country. They are made willing to come by the promise that in this land of gold are wealthy merchants who want them for wives. Written statements are sent over for these girls to commit to memory and repeat, when questioned by officials on this side, such as they are coming to join their father or brother or relative of some sort. Since the passage of the exclusion law the only plea on which they can land is that of being American born. Hence fathers, brothers, uncles, and cousins are trained to play their part in testifying that the girl was born here and sent back when small. Highbinders generally act this part for a certain percentage on each one successfully landed. \* \* \*

\* \* \* It is known that a girl costing from \$100 to \$200 in China is worth here from \$1,000 to \$3,000. Since the enforcement of the restriction law, and the consequent greater difficulty in landing them, the market value of these girls has greatly increased. When they are safely landed, if not previously disposed of, they are decked out in gorgeous silk clothing, with gaudy jewels and highly-painted faces, and placed on exhibition for purchasers to see. When sold they are passed over to their reputed "husbands" to find themselves only brothel slaves. \* \* \*

There is a class of little girls brought over who are held in families as servants. Few Chinese homes are to be found without having in them one of these bond slaves. They are compelled to do the drudgery of the household. Often they are well treated, as it is the intention of the owners to sell them as wives when they become older; and they are in this way a valuable piece of property. But oftener they are intended for a disreputable life, and are treated in a most cruel manner. Some of them who have escaped to the home have shown marks of the most brutal treatment. They are beaten, dragged by the hair, burned with hot irons, and scalded with boiling water. \* \* \*

"The slaveholders do not easily give up their prey. Writs of habeas corpus are generally resorted to, and our American laws used to permit the return of escaped slaves into the dens of Chinatown. The arrest of girls and the attempt to get them out of the hands of those who are seeking to save them is done by villainous highbinders." \* \* \*

The Chinese laborers are not identified with these transactions. They have not the means at their command. They can not afford to hire highbinders. They have no families. It is only the merchants who are so situated. The bond slaves that the reverend gentleman speaks of are servants of the merchant class; but if this were not sufficient evidence to prove that it is this merchant class that is guilty of these outrages, I submit the translation of a circular which was posted throughout the walls of Chinatown on the 4th of February, 1901. The translation was made by John Endicott Gardner, United States Chinese inspector and interpreter at San Francisco.

[Circular.]

#### NOTICE OF SALE.

The stock in trade and good will of a house of prostitution for sale. Madame Law Wong Tsut, of this city, secretly escaped and returned to China on the 14th day of the present month, leaving behind the business, stock in trade of the house of prostitution on Sullivan Alley. Madame Law Wong Tsut owed a lot of money on goods advanced to her by people of wealth. The creditors have agreed to take the whole business and sell it to pay her debts. Any countryman wishing the business, let him go to the house of prostitution and talk to the creditors. As to the amounts owed by Madame Law Wong Tsut, they will be reported by the 20th of the month. Bills will be presented up to that time and not after. This notice is given so that there may be no after talk.

Dated Kwong Sui, 26th year, 14th day, last month (February 4, 1901).  
 "The expression 'stock in trade' means the slave girls kept as prostitutes. The idea the Chinese would take out of that expression is that these girls would be auctioned off and nothing else. Note by translator."

I have in my possession here a solar-print copy of the original document in the Chinese language.

This, if you please, is the merchant class of whom we hear so much. These are the people whom it is desired to let in with a greater ease.

Referring to the highbinders of San Francisco the Rev. Dr. Condit has this to say:

On this coast there are many highbinder societies. Some are branches of the Chee Kung Tong, and are organized for special kinds of work; but many of them are rival tongs. Some are especially connected with the gambling interests, some are organized to protect the brothels, and some for the importation and traffic in women.

In case a woman seeks to escape from her life of slavery, as often occurs, the most common way of dealing with her is for a highbinder to swear out a charge of grand larceny against her, and she is cast into prison by the officers of the law. This puts her into the power of her owner, and if she returns, as she often finds it best to do, he lets the case of larceny go by default. But if she can get to the Refuge Home the missionaries can generally protect her from those who would drag her back to infamy. Woe, however, be to the Chinaman who helped her to escape if he is found out! \* \* \*

If a man is to be gotten rid of, the hatchet men stand ready, for a consid-

eration, to undertake the task. In secret conclave they deliberate over the case of one who has offended them, and select the agent who is to make away with him. He gets a round sum for the job. If arrested, they agree to clear him in the courts; if he is imprisoned or killed, a goodly amount is given to his family. Few Chinamen have the courage to stand against the fiat of this dark tribunal, and they all fear its power much more than they do our own courts of justice. They have different ways of dealing with those who have incurred their enmity. If it is not deemed prudent to assassinate them, charges are made out against them in our courts by means of false witnesses. A complete chain of evidence is forged by which many an innocent man is condemned. It is not only difficult to clear one against whom the highbinders have laid charges, but it is equally difficult to convict one whom they have undertaken to defend.

Many are laid under tribute to their blackmailing schemes. Their victims generally find it wiser to submit to their demands than to offer resistance and be ruined in their business, or lose their employment, if not their lives. The revenue of these hatchet societies is very large, hence they never lack for money to carry on their nefarious work. Money and cunning seldom fail to thwart the ends of justice and accomplish what they undertake.

The highbinders have their regular band of paid fighters, who wear chained armor, carry revolvers, knives, and other kinds of concealed weapons. Nearly all the shooting affairs in the Chinese quarters of San Francisco and other towns may be laid to their charge. The street battles which so often occur are brought about by a contest between rival tongs. Perhaps there has been some slave girl stolen, who was under the protection of some other society, or blackmail is levied by a rival tong, or in some way the rights of others are encroached on and a deadly contest arises, which nothing but blood can wipe out.

These hired assassins are not employed by laborers. The poor laborer, working for a pittance, has no need for these scoundrels. It is the well-to-do merchant class, if you please, that alone can afford the luxury of hiring an assassin to put a rival to death.

Mr. WM. ALDEN SMITH. Are the laws of California powerless in such cases?

Mr. KAHN. The laws of California are not powerless; and I am glad the gentleman has referred to the matter. The laws of California are ample; but I stated at the very inception of my argument that these people go into the courts and swear to almost anything. It is very difficult to get a conviction on the charge of perjury. So cleverly do they plot and execute their crimes that during the year 1901 there were committed in Chinatown, San Francisco, a part of my Congressional district, 17 murders, and not in a single instance was the assassin apprehended.

Let me tell you just what that would mean if that same ratio of capital crime were committed in other parts of the United States. I will give it to you in the exact figures. The urban population of the United States in 1900 was 35,849,516 persons. If that same ratio of murder had existed in the various urban settlements of the United States it would have aggregated the startling total of 23,664 homicides. You ask me if the laws of California are not able to reach these people. Yes, they are; they are adequate, but the Chinese works in the dark in many ways.

For ways that are dark  
 And for tricks that are vain  
 The heathen Chinese is peculiar,  
 Which the same I shall always maintain.

[Laughter and applause.]

It is this merchant class also that has been most indefatigable in its efforts to break down our exclusion laws. To the average Chinaman a Government official is the embodiment of venality and corruption. All travelers in China admit that the Chinese official class are corrupt and dishonest. Reinsch, in his World Politics, says:

It is accepted calmly and as a matter of fact that those in office should provide for themselves and their relatives, while every group of relatives hopes in time to be made happy by the preferment of one or more of its members.

The inspectors at San Francisco have repeatedly told me of efforts made to bribe officials, and when the corrupt offers are spurned the wily Chinese begins to prefer charges against the inspector and does everything in his power to make his position a burden and a discomfort. I think I can safely say that nearly every inspector at San Francisco has been at various times under charges simply because he has endeavored to perform his duty faithfully and honestly.

But the most recent method employed to evade our exclusion laws was in the matter of Chinese laborers who desired the privilege of transit across the territory of the United States in the course of their journeys to or from other countries. Under the treaty of 1894 this privilege was to be continued to Chinese laborers, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused. It was recently discovered by the Treasury officials that large numbers of Chinese were being given this privilege of transit, and that subsequently they would leave the steamer upon which they had departed from the United States at the first Mexican port, and so would return overland across our border. It was only within the past year or two that this practice was unearthed. Since then our Treasury officials have made a strict investigation of every case, with the result that several hundred of these transit passengers have been returned to China.

The bill now under consideration seeks to enact into law necessary provisions for regulating these transit passengers. Under the existing treaty the Government of the United States may



make such regulations as may be necessary to prevent the privilege of transit from being abused. Acting upon this provision of the treaty, the Treasury Department formulated and issued the necessary regulations; but it has been contended that the Treasury Department is not the "Government of the United States," and a case is now pending in the Supreme Court of this country to determine whether the Treasury Department has exceeded its authority in making the regulations that are now in force. If the contention that the Treasury Department had no such authority be correct, then all our existing regulations upon this subject will fall to the ground and this great loophole for fraud will be left unguarded. But I firmly believe that it is the desire of Congress to safeguard the interests of the laborers and mechanics of the United States, and I am satisfied that the sections incorporated in this bill to regulate the transit of Chinese laborers going to or coming from other countries will meet the hearty approval of the membership of this House.

Mr. Chairman, I am not unmindful of the sentiment that prevails in this country regarding the upbuilding of our trade with the Orient, and with China in particular. There is no disposition on my part to do anything to decrease or in any way hinder the development of our commerce with China, but I am free to admit that I think the possibilities of that trade have been greatly exaggerated.

It is true that for the time being and probably for some time to come our trade will increase with that country. It has constantly increased heretofore, notwithstanding the policy pursued by our Government in the matter of the exclusion of Chinese laborers. It has risen and fallen just as the trade with China of the other great commercial nations of the world has risen and fallen, the increase or decrease being invariably due to local conditions in China.

An effort has been made to lead the American people to believe that our exclusion legislation has at various times materially affected our commerce with the Celestial Empire, but an investigation of the facts will readily disclose that such statements are not based upon truth. For instance, in the year 1891 our trade was \$8,701,008. In 1892, at which time the Geary law was enacted, it fell to \$5,663,497, and then to \$3,900,457 in 1893 (the year in which the Supreme Court declared the Geary law constitutional), and rose to \$5,862,426 in 1894, after our latest treaty with China was ratified. An attempt has been made to draw from these facts and figures the inference that our trade relations with that country were influenced by our attitude in the matter of our exclusion policy. But let us examine China's trade with other countries:

In 1891 the United Kingdom did a trade with the Chinese Empire, exclusive of Hongkong (British) and Macao (Portugal) of £6,525,662. In 1892 this fell to £5,836,597; in 1893 to £4,699,336, and in 1894 to £4,363,536. And yet England passed no Geary law nor any other kind of an exclusion bill.

Again, France, which never passed an exclusion law, did a trade with China of 10,344,940 francs in 1891. This fell to 7,244,486 francs in 1892, and to 5,696,600 francs in 1893. In 1894 the trade suddenly rose to 19,971,563 francs. So that the experience of the French merchants, who lived in a country where the matter of an exclusion law had never even been suggested, found their trade fall and rise again, just as our trade has fallen and risen. All of these figures that I am quoting are from the Bureau of Statistics of our Treasury Department.

And so with Germany. In 1891 her trade with China was 33,280,000 marks. In 1892 it fell to 30,115,000 marks. In 1893 it rose to 33,443,000 marks, but in 1894 it fell back to 28,446,000 marks. And Germany has no exclusion laws. I am satisfied, however, from my intimate knowledge of German character, that if the interests of German mechanics and laborers were jeopardized by the threatened invasion of thousands of the pauper laborers from the Chinese Empire, it would not be long before the German Parliament would pass all needed legislation to afford the necessary protection to her own working classes.

Mr. WM. ALDEN SMITH. Do the Chinese go to those countries?

Mr. KAHN. They do not go to those countries. Those countries are not as accessible as the United States to the inhabitants of China.

It is universally conceded that commerce is not influenced by sentiment, and that commercial peoples purchase where they can buy to the best advantage. It has been admitted in the hearings on the exclusion bill before the Senate Committee on Immigration that China is no exception to this rule. Her trade with us at present is principally in the purchase of drills, jeans, sheetings, flour, raw cotton, machinery, and kerosene oil. Since the Japanese war China has made a remarkable progress in the development of her mines and the construction of railways. We have had a considerable portion of the trade developed by reason of the activity in those directions. We have succeeded also, for the time

being, in supplanting, to a large extent, English manufactured cottons, especially in the northern provinces of China, by reason of the fact that we manufacture a heavier grade of goods, which are preferable in the cold climate of the north provinces.

The British consul at Nanchang reported to his Government in 1899:

That the Chinese prefer to go on buying the original brand of which they have had actual experience. The Chinese dealer will not change his usual purchases for new classes of goods, but as soon as equally good or even superior and cheaper goods are brought to his notice he will not hesitate to change his custom. It is perfectly immaterial to him whether the goods he deals in are manufactured in Great Britain or in the United States of America, and as a matter of fact I have asked native wholesale merchants here if they could tell me where the favorite sheetings and drills consumed in Manchuria are manufactured, and they have confessed their entire ignorance of the country of origin, stating at the same time that they merely indent for their purchases by the special brand or "chop." I am told that the proof of the superiority of the American goods is in the washing. When the English goods are washed and the heavy sizing removed, they are inferior to the American article when similarly treated.

But China herself is now manufacturing the cheaper grades of cotton goods, and no reasonable being can doubt that she is ultimately destined to retain her own market for the better qualities. Cotton mills have already been established at Shanghai, Ningpo, Wochung, Soochow, Hangchow, and several other ports. Consul-General Jernigan, in a report to our State Department, in discussing this question of Chinese competition in the great manufacturing industries of the world, says:

The influence of the cheap labor of Asia and its products upon future prices has become a subject of international importance, but the products of this labor in China in its competitive bearing upon the products of American labor is of more interest to us. The American laborer is very properly protected against the competition of the Chinese laborer on American soil, and such protection in no sense discredits the industry of the former; but whether the products of the Chinese laborer will seriously compete in American markets with the products of the American laborer is more the question of the hour. In this report I have indicated the belief that competition is not so much to be apprehended in our home markets as it is in the markets of China for our home products, and the plain facts would seem to justify the belief. There has been, and is now, a valuable demand in the markets of China for the products of British and American looms, but when the desired quality of cotton goods at present imported from Great Britain and the United States can be manufactured in China from the products of her soil, it is unreasonable to expect the importation from foreign countries to continue in such large quantities.

I recommend that to some of my friends from the New England manufacturing States and the Southern States—

and when the products can be produced in necessary quantity on the soil of China and at a far cheaper price, as well as manufactured in China, also at a far cheaper price, it is no longer a question that cotton made and manufactured in China will supply the demand of Chinese for cotton goods. It will, and it therefore follows that the competition will first begin in the markets of China. The prices \* \* \* paid a Chinese laborer are starvation prices to the American laborer, but the price of Chinese food is in proportion to the price of Chinese labor, and the money is received and the food eaten with contentment. Another consideration tending to cause this competition to be more energetic is that the machinery in the cotton mills of China is of the most improved pattern, and that quality as well as the quantity of the cotton goods will enter into the competition. It is certain that there can be produced in China a much superior grade of cotton to that now produced, and with improved machinery Chinese cotton mills will be able to supply the demand for a finer quality of cotton goods, as they are now supplying the demand for the more inferior quality.

Mr. WM. ALDEN SMITH. The writer of that document does not say, does he, where that machinery is made?

Mr. KAHN. Much of it is now made in this country; but I want to call my friend's attention to this fact, that to-day in China, if you want a concession for anything there—for a railroad, for a mine, for a machine shop, for anything of that kind—there is invariably a provision inserted in the franchise that you must also open a school for the education of Chinese youth in the particular industry for which the concession is granted.

All writers agree that China has unlimited mineral resources. Her coal fields and her iron deposits will vie with those of the United States. I do not blame the Chinese for adopting this policy. I think it is farsighted; I think it is shrewd. But, sir, does any man who knows the character of that people—who, as Kipling says, "work and spread, pack close, and eat everything, and who can live on nothing"—that people "with a devil-born capacity for doing more work than they ought"—who will deny that when they have become proficient in the industries and professions which they are studying they will do their own developing without the aid or assistance of "foreign devils?"

Mr. WM. ALDEN SMITH. Is the gentleman able to fix any time when that will be realized?

Mr. KAHN. I am free to admit that for the present we shall have our share of the market. I think our trade will continue to grow—I feel certain that it will grow—even if we pass the most drastic kind of a law. But I simply submit that in the near future—and we talk a great deal these days about "the awakening of China"—I submit that the very market toward which we are looking with so much pleasant anticipation will drop away from us; we shall awake some morning to find that it has gone; that the Chinaman has shrewdly secured it for himself; and as I have said I do not blame him for doing so.

Perhaps there is no people under the sun with the imitative



ability and adaptability for all kinds of work and every condition of climate and environment of the Chinese race. They adapt themselves alike to the tropical heat of the Philippines and the icy cold of the Alaskan fisheries. They swarm in their own country by the millions. As I stated before, they have been injured to all kinds of privation for forty centuries. I again quote from the report of the consul-general at Shanghai as to the question of wages and prices in China:

\* \* \* Human hands are all too plentiful and human life is cheap, so that it comes to pass that many skilled mechanics receive but 15 cents Mexican a day, while master workmen get 20 to 25 cents, and the common laborer saves himself from starving on 2 Mexican dollars a month. These wages must be cut almost in half for expression in United States money. Frequently there are wives and children to be supported, too; but in the poorest families these members frequently find employment in some of the minor industries, the women, perhaps, in the manufacture of shoe soles, the children in making paper money for offerings to the dead or, as in Shanghai, in the manufacture of match boxes, and so the slender earnings of the husband and father are eked out.

A gradual introduction of some Western industries—the building of railways and other improvements in communication, the opening of mines, and the development of the other resources of the Empire—will no doubt improve matters to some extent by giving a better market to the productions of China, by diverting labor from overcrowded channels to new enterprises, and by creating a greater demand for labor, which will somewhat improve the wages; but as things are at present we can not view with indifference the prospect of bringing the products of our own wage-earners into competition with these cheap toilers.

How the masses of China can live on the wages paid will appear from the following table, in which the present retail prices of some of the commoner articles are given in Mexican silver:

	Cents.		Cents.
Beef .....	per pound.. 8	Marrows .....	per pound.. 2
Pork .....	do..... 14	Onions .....	do..... 6
Fish .....	do..... 10	Rice .....	per picul.. 4
Eggs .....	per dozen.. 12	Bean oil .....	per catty.. 9
Cabbage .....	per pound.. 3	Peanut oil .....	do..... 10
Carrots .....	do..... 2	Flaxseed oil .....	do..... 14
Celery .....	per dozen.. 12	Bean curd .....	per cake.. 12

\* Dollars.

♢ Mills.

NOTE.—One picul equals 33½ pounds; 1 catty equals 1½ pounds.

These are the published prices, but natives do not ordinarily pay as much as is here represented. These prices are somewhat higher than prevail outside of treaty ports, as the wages paid in Shanghai are also better than those received in the interior. The poorer families can not, of course, afford to eat meat often. Some will eat it twice a week; these are fortunate. Others count it a luxury to have meat once or twice a month. The vegetables are cooked in vegetable oil, so that even when there is no meat the food is savory and a certain amount of fat is obtained. Beans, too, are in a measure a substitute for meat. They are eaten in the form of bean curd, costing about 2 cash, or one-ninth of a cent in our currency, for a small cake that will suffice for one person at a meal. The poorest of families will live on 50 cash a piece per diem, which, at the present rate of exchange, is about 8 cents.

Under the guidance of Caucasian foremen these people can readily acquire the art of manufacturing fabrics by the most modern and improved machinery; and working as they do from sunrise to sunset practically the entire year for wages that would not support a 10-year boy in this country is there any doubt but that the fears expressed by our representatives in China, that the natives will ultimately absorb the greater part of the trade of the home market, are based upon substantial and logical conclusions?

But I am not content to rest my assertion upon this statement of an American consular officer alone. What do the representatives of other countries say in regard to this matter? Mr. F. S. A. Bourne, the head of a British commercial mission which traveled through central and southern China, observing and studying commercial conditions, in his report to the British Parliament, in May, 1898, said in part as follows:

The Chinese masses have always worn homespun cotton cloth for the most part, supplemented with imported drills and sheetings in the north and northwest, where it is cold and where domestic weaving is not common. The finer imported cottons, like sheetings, have been for the well-to-do only. About twenty-five years ago the import of foreign yarn—English and later Indian—led to the weaving of a cheaper cloth, which is displacing more and more native homespun. Before the war with Japan the Chinese were beginning to erect spinning mills, the enterprise being conducted in the half-hearted and incompetent way usual with them in large undertakings, and when, by the treaty of Shimonoseki (1895), foreigners obtained the long-coveted right to manufacture in China, four foreign-owned mills were put up in Shanghai, and others will follow. By the end of 1898 there should be about 500,000 spindles running in China. Mills here run in day and night shifts of twenty-one to twenty-two hours out of twenty-four in a year of three hundred to three hundred and twenty days, allowing for holidays. Taking the production per spindle at 10 ounces per day of twenty-four hours in a year of three hundred working days we arrive at an output of about 700,000 piculs of yarn. But considering that the operatives will nearly all themselves have to be first made out of raw hands that have never seen a power machine, it can scarcely be expected that even this result will be reached for a year or two. The import of cotton yarn into China during 1896 was 1,461,365 piculs.

It might be expected that the native yarn would reduce this foreign import, and some day this will no doubt happen, but I believe not yet. \* \* \*

In regard to wages, employers in China are at a great advantage. The wages of an adult man on the Lower Yangtze for a day of twelve hours for, say, three hundred and twenty days in the year in such industries as native hand weaving and dyeing, average, at the present gold price of silver, 10s. to 12s. a month, all included. Wages may be expected to rise somewhat in the future for the more skilled classes of labor, as the number actually efficient must be limited, at least until the system of apprenticeship, which is universal in China, has had time to take root in regard to the new industry, but any great change in the level of wages among the plain workers must be very slow, as the operatives will have pressing upon them the mass of millions of cheap workers with just as good capacity as themselves, unless, indeed, manufac-

ture is congested in one place and labor allowed to get into the power of Chinese middlemen. The truth is that a man of good physical and intellectual qualities, regarded merely as an economical factor, is turned out cheaper by the Chinese than by any other race. He is deficient in the higher moral qualities, individual trustworthiness, public spirit, sense of duty, and active courage, a group of qualities perhaps best represented in our language by the word manliness, but in the humbler moral qualities of patience, mental and physical, and perseverance in labor he is unrivalled. \* \* \*

In regard to capital, the third agent besides land and labor in production, the Chinese have not sufficient to develop their country, even with the present backward methods of industry, and interest is accordingly very high. The country does not produce the precious metals to any extent, and the Chinese have, it is believed, no more of silver and copper than is required for the ordinary circulation; but they are likely to get ample capital for enterprises under foreign management from abroad, and there is no more promising field for the investment of English capital. \* \* \*

From this report is there any doubt but that when foreign capital is introduced into the Chinese Empire, with the low rate of wages and the low cost of living, the inhabitants will be able to manufacture at home everything that they will require in the way of cotton goods?

In October, 1897, a French commission that had been sent to China to investigate commercial conditions reported that "the exceedingly rich soil is capable of producing incalculable quantities of cotton." So that it will be seen that she will not be lacking in the production of raw materials either. True, at present she does not grow the finer grades of cotton, but nearly all writers upon the subject agree that in time she will be able to materially improve the standard of the crop produced.

Mr. Chairman, since the enactment of the law of November 3, 1893, which is the latest general statute on Chinese exclusion, new conditions have arisen, new questions confront us. We have acquired the islands of Porto Rico, Guam, Tutuila, the Hawaiian Islands, and the Philippines. In the latter group the Chinese have already secured a firm foothold. But Congress in extending our exclusion laws over the Hawaiian Islands was also determined that the Chinese in Hawaii should not be allowed to enter our mainland territory, and in the joint resolution of July 7, 1898, whereby the Hawaiian Islands were annexed to the United States, this provision was inserted:

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may be hereafter allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

Subsequently, on April 30, 1900, when Congress passed the law organizing the Territory of Hawaii, the following provision was inserted:

That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates. *Provided, however,* That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

The bill under consideration will exclude Chinese from all our insular possessions and will prevent those who are in those possessions from entering the American mainland. There are probably 200,000 Chinese of the full blood in the Philippine Islands. Those of mixed blood are many times more numerous, and it has invariably been asserted that these latter are a much more dangerous element, because they combine in themselves nearly all the vices of the Chinese and the Malays, with practically none of the virtues of either race.

It has been suggested that we allow a limited number of Chinese laborers to enter the Philippine Islands for the purpose of rapidly developing the resources of our new possessions; but experience has demonstrated the fact that there, as here, the Chinaman does not remain a laborer long. He has a remarkable aptitude for trade. He is a born trader and is always ready for a bargain. He soon becomes a small tradesman, and the hatred of this class in the Philippines by the native Filipinos is much more intense and is of a different character than is the dislike of the Caucasian mechanic for the Chinese laborer.

During the past summer I had the pleasure of visiting the Philippines, China, and Japan. Even in the cockpits, which are patronized by all elements in the community, and which one finds in every populous settlement, the Chinaman is not allowed to mingle with the natives. He is compelled to accept accommodations in a part of the arena especially set apart for him. Men of affairs in Manila informed me that the life of a Chinaman in the interior and away from the seaports is not safe. Members of the Philippine Commission state that an effort to let them enter the islands promiscuously would probably precipitate serious race difficulties, and I am firmly convinced that if we do not crowd his islands with Chinese the Filipino will ultimately be able to take good care of himself.

Mr. WM. ALDEN SMITH. Are they competitors to-day?



Mr. KAHN. In some lines.

Mr. SCOTT. Will the gentleman permit, just there, a question. Were there any restrictive laws in force under Spanish rule of the islands?

Mr. KAHN. I understand there was a head tax at that time. I am not sure. Governor Taft himself, who made the statement, said he was not positive, but he was under that impression.

Mr. SCOTT. Is it likely that many more Chinese would seek admission to the islands under American administration than under Spanish?

Mr. KAHN. No doubt of it; because the development of the islands will grow very much more rapidly.

But is it not the duty of the United States to preserve the islands for the natives thereof? Is it not better to retard exploitation, if need be, and thus enable the natives ultimately to participate in the development of their own land, rather than by opening the gates, allow a limited number of capitalists to aggrandize themselves at the expense of the population, whose future well-being should be our first and paramount consideration?

Governor Taft, Commander Harwood, who had several hundred Filipinos employed at the Cavite Navy-Yard, Brig. Gen. A. W. Greely, who was in the islands superintending the work connected with the operations of the Signal Corps of the Army, and who had quite a number of Filipinos in his employ, all informed me that they were quick to learn and were good mechanics. Let us give them a chance. Let us extend our exclusion policy to those new possessions. I firmly believe that the future will amply justify our decision in this matter.

Mr. WM. ALDEN SMITH. As a matter of fact, we propose to prohibit them from coming there.

Mr. KAHN. Exactly; and they ought to be prohibited. The same restrictive measures that we have for the mainland of the United States should be enforced there, and I shall at the proper time offer some amendments to this bill, so as to extend all the safeguards which we have for our mainland to our island possessions.

Mr. Chairman, I have referred to the fact that I visited China last summer. I saw the Chinaman on his native heath. I had opportunities for observing him when he is "at home." A distinguished Chinese diplomat stated that:

All Chinese in this country come from two or three districts in the Canton Province; that we never find here any Chinese from the northern part of China or from the central part of China; that we never hear of a Chinese from Shanghai coming here.

It was my good fortune to visit both Canton and Shanghai, and to my mind the Chinamen who dwell in the native city in both these places are very much alike. They know absolutely nothing of sanitation. They wear little clothing. Even in many of the most pretentious shops the salesmen are naked to the waist and do not even wear shoes, stockings, or slippers. The only garment many of them had on was a pair of very loose cotton trousers. They seemed to have no private dwellings and "no good equivalent for home or comfort." The poet Coleridge in describing the city of Cologne said:

I counted two and seventy stench,  
All well defined, and several stinks.

But Coleridge never traveled through the streets of Canton. Had he visited that city, or Shanghai either, he would have simply been compelled to stop the count. [Laughter.] And Bayard Taylor says that Shanghai, in its horrid foulness, would be flattered by such a description. [Laughter.] All travelers in the Orient admit that Canton is even worse; and Canton, according to the Chinese officials here, furnishes and will continue to furnish most of the Chinese that come to our shores.

Many antiexclusionists tell us of the honesty of these people, their sobriety, their peaceability. I do not question the motives of these well-meaning but ill-informed persons, but the fact is that brigandage and piracy in the Canton Province are of the most commonplace occurrence. In traveling between Hongkong and Canton and Macao and Hongkong last summer the steamers in which I took passage compelled the Chinese passengers to go under the hatches, and as soon as we started on our journey these hatches were bolted down, while guards armed with rifles paraded up and down the deck so as to prevent possible pirates among the passengers from taking possession of the vessels and looting them.

Rev. George Cockburn, M. A., who has lived among them for many years, and who is anything but unfriendly to the race, in his entertaining work entitled *John Chinaman*, speaking of their business dealings, says:

Proverbial wisdom cautions the intending purchaser to ask the price at three shops, if he does not want to be cheated. The shopman is generally content with half he asks. The following maxim is to be observed: "When the merchant asks up to Heaven in his price, bid him down to earth in your offer." Buyers are careful to guard against mistakes by taking their own scales and measures along with them. A Chinese shopkeeper would be as much surprised at a customer who did not check the quantity as one who did not count the change. \* \* \* There is but one way of avoiding being cheated at times—never buy.

So much for their business honesty and integrity!

As for their sobriety, it is probably true that they do not get drunk on whisky or spirituous liquors, but they are frequently besotted with opium. The latter vice is much worse than the liquor habit, and "the 'opium ghost' is as bad as the alcoholic wreck, despite a hundred blue books to the contrary."

I desire to say but a few words as to their peaceableness. It is true that gambling and sensuality are the great vices of the Chinese, the latter taking unnatural forms with terrible frequency. And no doubt many of the 31,162 arrests for misdemeanors during the past twenty years, from 1880 to 1900, among the Chinese in the city and county of San Francisco were made on account of infractions of the laws against such crimes. But they do not confine themselves to petty offenses exclusively. As I have already shown, murder is not an uncommon thing among them, while murderous assaults, robberies, kidnapping, and blackmail are of frequent occurrence. It costs the city of San Francisco more to properly police Chinatown than three times its area in any other part of that city—and still they baffle the police constantly. That gives you a fair idea of their peaceableness.

Mr. Chairman, that distinguished American statesman, traveler, and author, Bayard Taylor, visited China as early as 1853. At that period we did not know much about the Chinese. Mr. Taylor was a New Englander, and could not be accused of the so-called "California anti-Chinese prejudice." In his *India, China, Japan*, speaking of this people, he says:

It is my deliberate opinion that the Chinese are morally the most debased people on the face of the earth. Forms of vice which in other countries are barely named are in China so common that they excite no comment among the natives. They constitute the surface level, and below them there are depths of depravity so shocking and horrible that their character can not even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing—which are brought almost daily to the notice of every foreign resident—to inspire me with a powerful aversion to the Chinese race. Their touch is pollution, and, harsh as the opinion may seem, justice to our own race demands that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained by the exclusive policy which has governed China during the past century.

For nearly fifty years the Chinese have lived in this country. Their daily intercourse with the Caucasian has not materially changed their customs or habits. Mr. Taylor's description of the conditions in China is undoubtedly equally applicable to any Chinese community in our country.

We of the Pacific coast are perhaps more deeply concerned in this question than any of our fellow-citizens. We feel their presence among us more than any other section of the country. Under the census of 1900 there are 4,091,349 inhabitants west of the Rocky Mountains. Included in this population are 67,729 Chinese, while but 23,134 Chinese are distributed among the 71,994,445 inhabitants throughout the other States of the Union, and two-thirds of those in the Western States are found in California.

We have probably learned to know him better than our fellow-citizens elsewhere. He is a present, living, vital problem with us, and we feel that our cause is also the cause of the laborer and the wage worker in the Eastern States. It is only the sordid and the selfish, who prefer a low standard of wages and a low grade of morality—men who want cheap labor because it will increase their individual profits—who would open loopholes in the barriers we have erected after many years of hard, bitter, practical experience.

Mr. Chairman, I had hoped that the committee would see fit to allow the section giving to American seamen that same measure of protection against Chinese competition that we accord the shoemaker, the tailor, and all other skilled and unskilled mechanics to remain the bill. I do not desire at present to take up the time of the House in discussing this phase of the question; but when the bill comes up for discussion under the five-minute rule, I shall again offer the section as an amendment and shall have something to say in favor of that provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. I ask that the time of the gentleman be extended for five minutes.

Mr. KAHN. I shall not take up the time of the House. Mr. Chairman, I ask that I may extend my remarks in the RECORD.

In conclusion, however, let me say that our exclusion laws have been a great boon to the laborers of this country. They now ask us to continue extending our shelteringegis over them, and I feel that there is not a patriotic, loyal, liberty-loving American who does not desire the workingmen of his country, its "hewers of wood and drawers of water," protected against this unequal competition. The American laborer and mechanic, in his neat and comfortable home, seated at his fireside, surrounded by his wife and little ones, is the peer of any wage worker in any part of the world. Let us keep him so. [Loud applause.]



## APPENDIX.

[From the Washington Post, March 2, 1902.]

## CHINATOWN—ITS LIGHTS AND SHADOWS—ITS LESSONS ON THE CHINESE PROBLEM.

[By Hon. Julius Kahn, Member of Congress, Representative of the district including Chinatown, and introducer of the Chinese-exclusion bill.]

Kipling it was who said that "the Chinese quarter of San Francisco is a ward of the city of Canton set down in the most eligible quarter of the place." Having visited Canton last summer, I am ready to bear witness to the truth of the distinguished author's observation.

Chinatown in San Francisco comprises about fifteen squares. It is located in the older part of the city, where the streets are narrow and where numerous cul-de-sacs abound. It is after nightfall that the place assumes its most picturesque appearance. The houses are lighted with lanterns of every shape and size, the streets and alleys are crowded with a dense mass of gesticulating Chinamen, the shrill notes of Chinese orchestras and the strident shouts of vendors of various Chinese wares fill the air and make one feel that perhaps he is at the portals of pandemonium.

## SQUALOR AND FILTH.

To get an idea of how John Chinaman lives, one should visit the "Palace Hotel" of Chinatown. Just why this ramshackle old establishment should be named after our famous hostelry is not clear, unless it be that each has its courtyard, one of magnificence, the other of vileness and stench. It is about this place that the Chinaman is found at home. Within the rookery live several hundred Chinese, huddled together in quarters that would hardly house 50 whites. All the rooms look out upon the central court, which is common property to all the occupants. In the center of the court stand innumerable kerosene cans which serve as stoves, on which the life-supporting rice of the Celestial is cooked. The foul smells from the reeking stoves, together with the noisome odors arising from the accumulated filth, cause the white visitor to hold his nostrils and to heave a great sigh of relief as he emerges into the outer air. It is not an infrequent sight to see in this court some wretched white victim of the opium or morphine habit, offering for a dime to "take a shot" to show how the deed is done. There are said to be quite a number of men who eke out a miserable existence in this fashion.

## PRINCE AND PAUPER.

There are a number of fairly well-to-do merchants in the Chinese quarter. But by far the greater proportion of the people are exceedingly poor. Many of the latter class live in basements and sub-basements, and their homes might be likened to rabbit warrens. They have none of the ordinary conveniences to which white men are accustomed. The occupant sleeps upon a shelf, with a piece of matting stretched over it, 10 and 12 men occupying a room that would be considered small for two Caucasians. There are no adornments, no pictures, no chairs, no conveniences of any kind; but at the entrance of every room there is a small table upon which stands a teapot and cup, and the visitor may partake of that which cheers but not inebriates. Even the wealthy class occupy quarters that the average American mechanic or clerk would not consider comfortable. True, there are not so many people huddled together in the well-to-do quarters, but there are the same smells as in the hovels of the paupers.

## "LAST CHANCE" HOSPITAL.

At one time there was a so-called hospital in Chinatown known as the "Last Chance." It was here that those suffering with incurable maladies were brought to die. The very presence of this place spoke more eloquently than words of the utter heartlessness of the people. I remember visiting the spot one evening. There was a man in the last stages of consumption. As we entered he appealed piteously to us for money with which to buy opium. He said that his last penny had been taken from him by those in charge. The police authorities finally insisted upon having the place closed up.

The Chinatown of to-day is much cleaner than that of a few years ago. During the past summer a determined effort was made by the combined forces of the Federal, State, and municipal governments to give the quarter a thorough cleansing. Surgeon White, of the Marine-Hospital Corps, was in charge. He informed me that Chinatown was the greatest accumulation of utter filth that he had ever seen. Ten tons of dirt and rubbish were removed from every square.

## THE SIX COMPANIES.

Practically all the Chinese in this country are allied with one of the so-called Six Companies. In reality there are now eight companies. Indeed, it may safely be said that practically all the Chinese in the United States have been brought to this country by these companies. They have numerous societies among themselves, and many of their feuds arise as a result of membership in these organizations. Each one of these societies has its highbinders or hatchet-men. When for some reason or other it is determined to avenge a fancied injury to a member of the tong or society by blood atonement, the hatchet-men are called into action, and it is not long before the selected victim is put out of the way. Then the vendetta begins. The tong of the murdered man makes reprisals, and so the fight goes on until both sides are weary of the slaughter, or by paying a money indemnity one side or the other purchases peace.

For many years the two leading tongs were the Sam Yup and the See Yup. Little Pete, a Chinese who had established an unsavory record, but who had been able to amass a fortune of about \$100,000, was president of the Sam Yups. Big Sam, another notorious character, who was at the head of many gambling institutions in Chinatown, was the president of the See Yups. These two tongs became involved in a dispute and a price was put upon Little Pete's head. For upward of two years he never ventured from his home or his business without a bodyguard. One evening, about three years ago, he drifted into a barber shop and thoughtlessly sent his bodyguard on an errand consuming four or five minutes. During that short space of time the highbinders of the See Yups entered the shop, and quick as a flash Little Pete fell riddled with bullets. The Sam Yups went wild in their indignation. They at once placed a price upon Big Sam's head and the latter has not been seen in Chinatown since.

## PLAYING FAN TAN.

The Chinaman is an inveterate gambler. His favorite game is fan tan. It is a simple diversion, but the Chinese player frequently loses every cent he has during a night's sport in Chinatown. Fan tan is played after this fashion: The players range around a large table, in the center of which a small square is marked off. The dealer takes from a bag a cupful of buttons, and then inverts the cup in the center of the square. Betting now begins, and after everybody has laid his wager the cup is withdrawn, and with great deftness the dealer begins to count the buttons. He removes them from the table with a closed fan, four at a time. As he draws near the end of the pile the excitement increases in intensity. The result is determined by the number of buttons remaining in the last count. If there are four, those who bet on that number win; if there are one, two, or three, then the supporters of these numbers are the winners in the game. A percentage of all the bets goes to the keeper of the gambling house, while the rest is divided proportionately among the lucky players.

There is an ordinance against gambling in San Francisco, and the police frequently raid the gambling houses; but from past experiences John has become very wary, and the authorities are obliged to adopt many ruses in order to make a successful raid on the joints. Sometimes a policeman will disguise himself as a Chinaman and thus gain admission into the forbidden game. But this device has been resorted to so often that it is not likely to prove successful at the present time.

## GAMBLING HOUSES.

There is scarcely a gambling house in the Chinese quarter that has not innumerable secret panels, sliding and trap doors, and all kinds of odd receptacles into which all tell-tale evidence can be secreted upon the first signal from the lookout. The outer doors of these establishments are generally shielded with half-inch steel plates, and it requires the energy of three or four sturdy policemen, armed with sledge hammers, to batter them down. One of the most successful raids ever made was from the roof of one of the buildings. A policeman lowered himself by a rope to the window of the gambling den and caught some thirty-five of the occupants flagrante delicto. The Chinese gamblers are afraid of the officers and readily submit when caught committing an offense. But the gambling instinct is so strong that I doubt whether any law will entirely eradicate the evil.

In order to obtain the means to gratify their taste in this direction many Chinese pawn anything of value they have. Pawn shops in Chinatown are numerous, and one sees upon their shelves everything from the murderous double knives of the highbinders to the padded winter blouse that is almost a necessity in the San Francisco climate at all seasons of the year. Just before the Chinese new year, however, every Chinaman manages to get his belongings out of pawn. He may start in again the day afterwards, but he is scrupulously careful to settle up his accounts before the last day of the old year.

## OPIUM SMOKING.

Opium smoking is the recreation of the entire race. Whether you visit the rooms of the wealthy or the hovel of the pauper you find the inevitable opium outfit. I have seen men who can smoke twenty-five or thirty pills before the drug begins to have any effect upon them. Every Chinese home also has a clock and a cat, and I have frequently seen one of these feline pets perched upon the shoulder of the owner inhaling the smoke of the opium after it leaves his nostrils. A Chinaman told me that his pet cat took as much enjoyment in his smoking as he did himself. I regret to say that the pernicious habit has grown among white boys and girls, and many an aspiring youth has broken down as the result of opium smoking contracted in the Chinese quarter.

The opium outfit is unique. It consists of a long pipe of bamboo or reed, about an inch in diameter. Near the lower end is inserted a hollow bowl about 3 inches in diameter, with the top entirely covered over and a hole in the center about the size of a pin head. The drug itself looks like and has the consistency of molasses. A lamp, in which burns nut oil and dried seaweed, completes the outfit. The smoker inserts a long pin into a little jar of opium and withdraws an amount about the size of a pea. He cooks this in the flame of the lamp, rolling it on the bowl of the pipe until it has acquired the necessary consistency. During the cooking process the opium smells like roasting peanuts. After the smoker has baked it sufficiently he thrusts the pin through the little hole in the bowl and fastens the opium securely thereto. He then places the bowl alongside the flame and begins to draw on his pipe. Two or three puffs serve to exhaust the little pill of opium and then the process is renewed. It requires only a few operations to send a novice into the realm of dreams, but the veteran can smoke twenty-five or thirty of these pellets before the effect is felt.

## JOSS HOUSES.

There are some four or five joss houses in Chinatown, maintained by the various tongs, or societies. During the year the members of the organizations make whatever offerings they can afford to the joss, and forthwith a little piece of red paper is posted on the walls of the temple announcing that Ah Sam, or whatever his name may be, has contributed for the benefit of the joss. The walls of many of the temples are practically papered with these little slips. At the end of the year they are all removed, and the process begins again, and every member of the tong can see just what his neighbor is giving in the cause of religion.

The josses or idols are never beautiful to look upon. They are at once grotesque and hideous. They are supposed to exercise a great influence over a man's daily avocation. They are appealed to on all occasions and for all purposes. For example, when a Chinese is sick, he goes to the god of medicine, carrying a little bamboo vase filled with slips upon which strange characters are printed. These characters designate the various commodities of the Chinese pharmacopoeia. After having told the joss his ailment, he begins to shake this vase vigorously until one of the slips rises from the vessel and falls to the ground. He picks it up and notes what medicine the god has told him to get for his ailment. If a cure is not effected, he concludes he has not propitiated the joss sufficiently, and contributes a little more money to the temple. He tries it over again until he finally gets some kind of drug that gives him some measure of relief.

## THE CHINESE DEVIL.

The Chinaman's principal fight, however, is with the devil, and if he has been unfortunate during the day he buys a bundle of firecrackers, repairs to the joss house, and begins to explode the crackers in order to drive off his satanic majesty. It is a part of his creed to endeavor to fool the devil. The latter is particularly watched at all funerals. On these occasions a friend of the deceased, seated on the hearse, usually scatters pieces of paper, which are supposed to represent money, as the funeral cortege drives to the cemetery. The Chinese devil is known for his cupidity, and by stopping to pick up all the money which the friend of the deceased scatters along the roadside he loses so much time that the corpse gets a good start on his satanic majesty. When the body is duly interred roast pigs, bowls of rice, condiments of various kinds, and pots of tea are placed upon the grave in order that the spirit may not go hungry as it wends its way to the Celestial heaven. The Chinese color of mourning is white. Professional mourners are frequently hired to lament the demise of the departed, and for a trifling fee the surviving relations manage to purchase a sufficient display of grief to gratify the vanity of the most exacting corpse.

The queue, which is a distinguishing characteristic of the Chinese, was really thrust upon them by their Tartar conquerors. It is erroneously believed that the queue is a part of the Chinese religion. I am told that this is not so, but that it is the custom for rebels in China to cut their queues. By so doing they show their contempt for the Tartar dynasty, which at present occupies the throne of the Chinese Empire. There is little foot binding in Chinatown. There are only three or four girls in the Chinese quarter, so far as my knowledge goes, who are being brought up as small-footed women. The Chinese are exceedingly tenacious of the customs and ceremonies of their people. They do not adopt even the clothing of Americans, except, perhaps, in the matter of hats. The Chinese skullcap, with its little red button in the center, is worn only on state occasions. The soft, low-crowned hat of American make has supplanted the oriental headgear among the men, but they cling to the blouse and felt shoes and the big linen trousers, even though they may have been in this country for an entire generation.



## YELLOW v. WHITE.

It is generally believed that the so-called Chinese laborer works in fields that no white man would enter; in other words, that he simply performs manual toil. This is not the fact. There are few races that have the imitative faculty more strongly developed than the Chinese. They may come to this country without the knowledge of any trade, but they are quick to learn, and very soon they enter the ranks of skilled labor. They will work from sunrise to sunset without complaint, and having no high ideals or high aspirations, they are like so many machines. Indeed, I have been told by men familiar with their method of working that a Chinaman can and does toil sixteen hours a day seven days a week and requires only a little rice and a piece of fish to nourish his body. He is absolutely without nerves. He does not seem to be possessed of ambition or desire to better his condition in life. The idea of a home, which is such a characteristic of the American mechanic, never enters the Chinese laborer's mind.

There are few women in Chinatown, but as woman is much lower than man in the social scale, she does not exert any refining influence upon the male population. It would be impossible for white men to live as these people do. They can exist on 10 cents a day, including room rent and incidental expenses. I think I may safely say that scarcely a single laborer in Chinatown is married. True, some of the merchant class have their wives, but the laborers have only themselves to support.

## THE EVIL OF IT ALL.

The average number of mouths an American mechanic feeds from the result of his toil is five. How can a man who desires to bring up a family decently, honestly, and respectably compete with a being who knows nothing of home life, and who, machine-like, day after day, toils from twelve to sixteen hours for wages which probably do not exceed \$1 a day? This is the practical aspect of the Chinese-exclusion question, and after a trip through Chinatown I think no one will doubt the wisdom of making the barriers so strong and so high against Chinese laborers and the vicious and depraved of the race in general that the end will be in sight of Chinese quarters on this side of the Pacific.

Mr. NAPHEN. Mr. Chairman, we are charged with disloyalty to our grand traditions, and our high ideals of hospitality, by legislating against the Chinese. A serious study of the question shows that we are justified in restricting the immigration of this race, and that there is nothing unnatural in what we have done, and are doing. The natives of all lands have made this Republic, and are to-day numbered in the elements of its population. Not a people, even to the remote Iclander, but has its representatives among us now, at the opening of this twentieth century.

They differ from one another in language and in tradition. As the fusion of the metals, in the temples of Corinth, produced a metal more precious than gold, the blending of all races here promises to produce a race that will excel any other individual race. Nevertheless, a fear exists in many quarters, that the limits of our capacity to absorb the surplus population of other nations are in sight. I do not join in this alarm. No such danger exists. I admit that we are not exempt from the ordinary laws of nature. Self-preservation is a duty, in the fulfillment of which, humanity will be the gainer as well as ourselves. Prudence has prompted us to serve notice on the other nations of the world, that we are in danger of becoming industrially congested.

This may seem strange in so young a land, with so sparse a population in proportion to its area. With one exception, the tests imposed or suggested against those seeking the hospitality of our shores, have been standards of character, education, and property, not racial. We have drawn the race line only against one nationality. In other cases we admit the people and exclude the individuals. In the Chinese case we admit the individuals and exclude the people. Obviously, there must exist special reasons for the exception made in this particular class. The characteristics of this race justify our action with overwhelming force. They are the most completely alien of all who knock at our doors for admission. The others who come, are for the most part members of one family—Europeans—the family of the earlier settlers, the family of the men who freed it from the yoke of oppression; but the subjects of this law, are separated from us by a wide gulf of distinction.

Everywhere the white race has recognized this distinction, and acting on a deep and trustworthy feeling, has imposed checks on the encroachment of this people. We are not singular in our policy of Chinese exclusion.

Our British neighbors in the north impose a capitation tax of \$50 upon Chinese immigrants, and they propose to increase this tax to \$500.

British Australasia began legislating against them in 1855. Regulations of ever-increasing severity were enacted, the capitation tax in New Zealand was raised to \$100, and the number of immigrants restricted, to one to every 200 tons of shipping; but all these measures failed to effect the desired result, and Tasmania, South Australia, and the other colonies of the new federation have adopted the policy of exclusion.

Peru, where 80,000 coolies were landed between 1850 and 1894; Venezuela, and Ecuador, and Uruguay have also adopted this policy. The Spaniards in the Philippines three times expelled the Celestials at intervals of a century—in 1605, in 1709, and in 1804. In Cochin China the foreigners of this race are registered and taxed, and the same is true of Dutch Java. Be the motive what it may—fear, antipathy, or contempt—there is a striking unanimity on this yellow peril among the peoples to whom it has been presented.

Industrially considered, the Chinese are a menace to the wage earner. They are unique in the combination of small wages and great labor. He who in Canton earns \$5 a month and lives on 6 cents a day, easily underbids the white laborer and reduces wages to the lowest possible plane. Persevering, imitative, tireless, needing no holidays or recreation—a mere human machine—he supplants his rivals in trade after trade.

We find him the cigar maker, the shoemaker, the garment maker of San Francisco; the orchard and vineyard worker and the fruit canner of California, and the laundryman of Eastern cities and will drive the bone of our population from every occupation if permitted. He adapts himself to the work of women and becomes the house servant, and will, if necessary, perform the work heretofore done by children. With the white wage-earner skill and competence mean a higher standard of living, and the distribution of his earnings through the community, but the Oriental seems to obey another law. That which is parsimony to us, is prodigality to him. The copper coinage of his native land subdivides itself into fractions, which we have not yet learned to reckon.

The instinct of self-preservation compels the white laborer to oppose this immigration. You can no more condemn him for it, than you could condemn the father who divides the bread he earns among his own children, instead of sending it to starving little ones, perhaps equally deserving, on the banks of the Ganges or the Hoangho. It is no answer to the protest of white wage-earners against throwing open the door closed against Chinese labor, to say that the cheap labor of the Chinaman will develop the land and that he will give full return for what he receives.

Economically, there is no advantage to the country from a body of laborers who remain as strangers, consume few of our products, in fact, barely sufficient to maintain life, and export a large proportion of their earnings. True, there may be a financial benefit to certain landed properties and manufacturers who profit by cheap labor; but the consideration which shapes our governmental policy can not regard individuals alone, or be wholly material. We aim to develop men as well as to exploit lands, and increase our industries. Of what avail is it to us, to multiply production, so as to undersell all the nations of the world, if this will depress the wage-earning classes and lead to the destruction of the peace and purity of the home—which is beyond anything that money can secure? I am not overstating it, when I say that if Chinese labor be permitted to compete with white labor, it will destroy domestic life.

The Chinese do not assimilate with us, perhaps owing to the fact that they realize that they are not bone of our bone or flesh of our flesh.

They live apart in quarters which have no parallel for secrecy. They maintain their foreign dress and speech. They administer justice among themselves, according to laws which are not ours. They persistently violate the sanitary laws. Chinatown in our cities is a plague spot, not a land of romance, to be seen by proxy through the eyes of entertaining magazine writers.

Their language is separated from ours by thousands of years of structural development. Their social system is one which suppresses individuality, and inclines the whole race to a conventional type. If they have an emotional life akin to a European, it is screened behind a mask of passiveness. No part of their industry is dedicated to the common weal. They are indifferent to our welfare, seeking only to secure our money, and dream of the day when they shall leave us. Even their lifeless bodies spurn the embrace of our soil. Of no other race in this country can these statements or any parallel statements be made.

In a letter to Mr. G. T. Seward, dated August 31, 1876, Mr. Fish, Secretary of State, said:

The application of the settled principles of international law to the Chinese in the United States, is to be modified by the fact that the Chinese decline to accept these principles, leading an isolated life in the communities in which they are settled, always expecting to return to China and never, therefore, becoming domiciled among us, and that they maintain the same system of isolation toward Americans in China, regarding them always as strangers more or less outside the protection of law.

In June, 1896, many merchants and manufacturers in the Philippines sent an anti-Chinese report to the government of Spain in which they said:

There is no room to doubt that the Chinese merchant corrodes and sterilizes the most valuable germs of the national wealth everywhere, being the personification of the ignorant man in the fable who killed the goose that laid the golden egg; \* \* \* a race which corrupts and dries up every place through which it passes, whose enumeration has always been a fraud to the Administration, for by fraud only about 25 or 30 per cent of them are calculated; a race which is excessively stubborn in persisting in maintaining their own peculiar customs and manner of life, which is stubborn in resisting everything pertaining to good government, public hygiene, and the police, \* \* \* which altogether is a permanent menace to all the principles of the economic vitality of the country. (Report of the Philippine Commission, p. 153.)

The Philippine Commission, in their report to the President, say: There was testimony before us to the point that the Chinese take out of the country everything they can; that they spend little in the country



because they live on little; that they intermarry with the Filipino women, and that they produce a race which does not furnish good citizens; that many of the great troubles on the islands are caused by Chinese and their descendants.

Some years ago nearly all the artisans such as carpenters, stonemasons, builders, and bricklayers were natives; now they are nearly all Chinese; you can hardly find a native carpenter or bricklayer.

The idea of the Chinese immigrating to a foreign country is simply to gain a livelihood. They only seek their own advantage, and do not consider that they should even indirectly advance the commerce and the industries of the country which is their second home. \* \* \* They have a great love for their native land, where they hope to live when they obtain a fortune, that they may not be separated from the remains of their ancestors. \* \* \* All of the Chinese who have obtained importance in the Philippines have been Christians. Their baptism was their initiation into power. It can not be said, however, that they have really abandoned their own religion, but they tolerate Christianity in their families.

Mr. R. Mayo Smith, in his work on Emigration and Immigration, in speaking of this race, says:

They come here with the single object of making money and then returning to China. They have no intention of becoming permanent residents and no desire to adopt our customs and habits of life. The most earnest defenders of the Chinese could not prove that during thirty years of contact our civilization had made any impression upon them.

Our efforts to Christianize them has, with few exceptions, been an entire failure. They have shown no desire to become acquainted with our political institutions or to take part in our political life. It may be contended that we refuse to admit them to political life and that the treatment they receive at our hands has not been such as to excite the admiration of civilization. But the very tenacity with which, notwithstanding all this persecution, they have clung to peculiarities of costume and living, causing them to be singled out for abuse, shows that they are singularly conservative in their ideas.

The whole history of intercourse between China and the western powers has exemplified the fact that with their four thousand years of civilization behind them they are imbued with a thorough contempt for the mushroom growth of European life. \* \* \* The question of receiving them, therefore, assumes an entirely different aspect from that of receiving immigrants from Europe. The latter blend with the native stock, and all become one people.

Mr. Bayard, Secretary of State, in his letter to Mr. Cheng Tsao Ju, on February 18, 1886, says:

Causes growing out of the peculiar characteristics and habits of the Chinese immigrants have induced them to segregate themselves from the rest of the residents and citizens of the United States and to refuse to mingle with the masses of population, as do the members of other nationalities. As a consequence, race prejudice has been more excited against them.

It can not be said with any semblance of truth that those statements and conclusions are concessions to practical politics. They come from men who have made the Chinese subject a special study. Secretary Seward, the "zealous" defender of this race, admitted that it would be well to protect ourselves if there were danger of their coming here in great numbers.

Do we desire immigrants of this character? Are these bland Orientals, stealing in and out, tireless as automata, seemingly impervious to impressions, the material for American citizenship? Mr. Chairman, a Chinese can no more become an American citizen, than an American, proud of his ancestors and proud of the institutions and traditions of his country, can become a citizen of China. Can it be wondered, then, that this race should act as an irritant upon the populations amidst which it intrudes, and be made the object of special legislation?

Other considerations strengthen the position we have taken on this question. The presence of Chinese has given rise to serious disorder on many occasions. It is the part of justice, I admit, to punish the perpetrators of such wrongs, but it is the part of prudence to remove the inciting cause. We are dealing with human nature as it is, and must take account of its weakness. These people are a large portion of the human race. They are estimated at 400,000,000 by some; 750,000,000 by others.

Without sensible diminution of their numbers they could displace the entire population of America, and set in motion such a tide that no obstruction could be reared which would save us. Already, in spite of prohibition acts, through loopholes in the law and crevices in its execution, they have insinuated themselves among us. If less than 100,000 disturb industrial conditions, what would be the effect if the barriers were thrown down? It would be fatal to the interest of the wage-earner and would intensify the social problem, which is already acute. It is the duty of the wise legislators, acting upon this problem, to make laws for the future even more than for the present.

The forces which favor the admission of the Chinese are easily defined. The most formidable advocates are the Six Companies, the Canadian and Pacific Railroad, and the steamship lines which carry these immigrants as passengers. All our Chinese immigration is regulated at San Francisco and at Hongkong, a British island seized from China during the infamous opium war. We have the testimony of Sir John Pope Hennessey, five years governor-general at Hongkong, that the loudest protests in his time against Chinese exclusion came from the managers of steamship lines. Five lines, according to Mr. Scharf, late Chinese inspector at the port of New York, connect Hongkong with our Pacific slope, two running to San Francisco and one each to Vancouver, Tacoma, and Seattle. The Canadian and Pacific Railroad transports hundreds of Chinese each year along our northern frontier, giving a bond to the Canadian government to carry them out of that country, which means into ours.

The keenest opponents of this bill urge the reenactment of the

present law. They do not seem to be aware that the validity of a large part of the laws and regulations governing Chinese exclusion is assailed in cases now pending in the Supreme Court of the United States. The question involved goes to the vital part of the existing law. An examination of the various Chinese-exclusion laws disclose the fact that section 8 of the acts of September, 1888, is the law upon which the Secretary of the Treasury bases his right to make regulations governing the transit of Chinese laborers across our territory to another country. The act was passed to secure governmental regulations, to prevent the abuse of the transit right referred to in article 3 of the treaty between the United States and the Emperor of China then under consideration, and as the treaty was not ratified, it is claimed that section 8 of the act did not take effect.

Article III of said treaty was the same as Article III of the present treaty, which is as follows:

[Article III of the treaty of December 8, 1894.]

The provisions of this convention shall not affect the right at present enjoyed by Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

This contemplated the passage of a law by Congress, authorizing the Secretary of the Treasury to make regulations necessary to prevent the privilege of transit, referred to in said article, from being abused. Congress has not passed any law giving this authority to the Secretary of the Treasury. Regulations made by an official are not regulations made by the Government of the United States, as provided for in the treaty. The power to regulate transit does not include the power to prohibit it. It is therefore claimed that a Chinese laborer coming to any of our ports of entry, with a passport and a ticket for his passage across our territory, can not be refused admission, though his purpose be to go just across our border and return to us within a few hours.

It is said that if Congress extends the exclusion act beyond the expiration of our treaty with China it will seriously affect our commercial relations with that nation. Have no fear; this prediction is unfounded. This objection was urged at the time the Geary Act was before Congress. We were told the passage of the Geary Act would cause China to cease purchasing our goods. We have not suffered through our exclusion of these people, and China is more indebted to us now than she was at that time. The memorable circular note of Secretary Hay to the powers on July 3, 1900, as Mr. Dunnell, in his article on the settlement with China, in the Forum of February, 1902, well says was "the chief cause that prevented a declaration of war against China, and it brought the other nations to quick agreement as to the steps to be taken."

This made possible the treaty between England and Japan; and recently, when Germany made a demand upon China for an additional indemnity of 10,000,000 taels, our Government again came to the aid of China, and in a circular note to the powers suggested that the demands of all be cut down, so as to allow the latest claim of Germany to come within the 450,000,000 taels originally agreed upon as the amount of indemnity to be paid by China. We have otherwise manifested our friendship for China on many occasions.

The fear of retaliation by China should not affect us. If the passage of this bill cost us the entire trade with China, and it were all profit, we must not hesitate. It is by far better to have a commercial war, if it must come in consequence of our exclusion law, than have a labor earthquake in the near future.

The following table is taken from the Summary of Commerce and Finance for June, 1901, by O. P. Austin, Chief of the Bureau of Statistics, Treasury Department:

Trade of the United States with China.

Year ended June 30—	Imports, free.	Imports, dutiable.	Total imports.	Exports (from United States to China).	Excess of imports.
1889 .....	\$11,583,611	\$5,444,801	\$17,028,412	\$2,791,123	\$14,237,284
1890 .....	11,382,805	4,927,666	16,290,471	2,946,209	13,344,262
1891 .....	14,577,887	4,743,963	19,321,850	8,701,008	10,620,842
1892 .....	15,938,431	4,551,800	20,488,231	5,663,497	14,824,734
1893 .....	15,469,945	5,166,590	20,636,535	3,900,457	16,736,078
1894 .....	13,348,796	3,786,242	17,135,038	5,863,426	11,272,612
1895 .....	16,958,428	3,557,401	20,515,829	3,035,840	16,941,989
1896 .....	18,195,233	3,827,771	22,023,004	6,921,933	15,101,071
1897 .....	17,288,264	3,115,598	20,403,862	11,924,433	8,479,429
1898 .....	15,120,790	5,235,646	20,356,436	9,982,894	10,373,542
1899 .....	8,230,760	10,388,508	18,619,268	14,493,440	4,125,828
1900 .....	14,496,283	12,400,643	26,896,926	15,250,167	11,646,759



According to the above report, we have imported from China for ten years, beginning with 1890 and ending with 1900, almost \$134,000,000 worth of merchandise more than we have sent to that country. Almost two-thirds of our imports have been free of duty. Four articles comprise the principal part of our imports. In 1900 our imports amounted to \$26,896,926, \$20,000,000 of which were silk, tea, opium, and goatskins, and about \$14,000,000 of the entire imports were free of duty. In the consideration of this bill I do not deem any comments necessary on the above. [Applause.]

There is no evidence of bad faith on our part in the passage of this bill. The treaty of 1894 contemplates the continuation of an exclusion act and a change in the law from time to time. The treaty states that it is the desire of the Government of China to absolutely prohibit the emigration of laborers from China to the United States, and article 2 of the treaty recites that a Chinese laborer shall be furnished by the collector of the port from which he departs with such certificate as the laws of the United States may now or hereafter prescribe. Assuming that we pass a law to expire with the treaty, what guarantee have we that China will ratify a treaty to take effect on the death of the present one?

We had enough revealed to us of Chinese policy and Western diplomacy in our attempt to secure the ratification of the treaty submitted to China by the United States in May, 1888, which failed, and on the failure of which is based the attack on our present law to which I have referred. President Cleveland, in his message accompanying the approval of the act of October, 1888, which absolutely prohibited the coming of Chinese laborers to the United States, declared:

That the Chinese Government in delaying the ratification of the treaty had violated its pledges, and that its demands for further consideration meant an indefinite postponement of the objects we had in view.

The recent Russia-Chinese bank negotiations demonstrate Chinese duplicity. They were only devised to deceive the powers. The agreement granting Russia exclusive mining and other concessions in Manchuria were given with imperial consent and ratified long ago by Li Hung Chang.

Sir Frederick Bruce, one of the ablest ministers England ever had at Peking, wrote to his Government in 1862, declaring that—

In a country like China, where the principles of administration differ entirely from those practiced by us, the conclusion of a treaty is the commencement, not the termination of difficulties.

The passage of an exclusion law to expire with the treaty would mean much trouble. The Chinese Government would undoubtedly refuse to enter into a new treaty until first assured of a satisfactory exclusion law. But one of two courses would then be open to us—either concede to its wishes or enact a law to protect ourselves regardless of the protests of China, and thereby lead to strained relations, and if perchance a treaty were secured by compromise and a law passed subsequently, it might be open to China to claim that we disregarded the terms upon which the treaty was secured and be open to the charge of obtaining a treaty under false pretenses, which would place us in a very unenviable position before other nations.

Mr. PALMER. If the gentleman will allow me, was not the charge made against the United States in the passage of the act of 1888 that the United States violated the treaty obligations?

Mr. NAPHEN. Yes, it was contrary to the terms of the treaty of 1880. China had violated its pledges before the passage of the act of October, 1888. We assumed that China would ratify the treaty then under consideration. She was playing false. The first information we had that the treaty was to be rejected was by way of England. After waiting a long time Congress grew impatient. An answer was forced from China. She refused to ratify the treaty; then we passed the act. We felt that she had deceived us.

Mr. PALMER. Did not that violate the treaty regulations we had with China, including the treaty of 1880, which gave the Chinese the unrestricted right to come to this country and the rights of the most favored nation?

Mr. NAPHEN. The most-favored-nation clause is in all the treaties of China with other nations. It creates no peculiar rights. If you deem the passage of the act of October, 1888, a violation under the circumstances—there was a violation.

Mr. PALMER. Did not the Supreme Court decide, under the act of 1888, that the treaty had been violated and that the United States had a right to violate it?

Mr. NAPHEN. Yes; we had a right to ignore it.

Mr. PALMER. Then what is the use of finding fault with China, when we did the same thing?

Mr. NAPHEN. I find fault with her by her deception at the time she refused to ratify the treaty. We were acting in good faith with her at the time, and expected a ratification of the treaty.

Mr. PALMER. I do not think the United States is in a position to fling rocks at China about violating treaties. I am in favor

of this bill, but I do not think we are in a better position in that regard than China.

Much reference is made to the treaties with China. It is claimed that they are of great benefit to us.

Mr. Fish, Secretary of State, in his letter to Mr. Bancroft, dated August 31, 1869, said:

The treaty negotiated by Mr. Burlingame and his colleagues \* \* \* came voluntarily from China and placed that power in theory on the same diplomatic footing with the nations of the Western World. It recognizes the Imperial Government as the power to withhold or grant further commercial privileges. \* \* \* While it confers the international jurisdiction conferred by former treaties upon European and American functionaries over the properties and persons of their countrymen, it recognizes at the same time the territorial integrity of China and prevents such a jurisdiction from being stretched beyond its original purpose.

Mr. Bayard, Secretary of State, placed a true estimate on them. In his letter to Mr. Cheng Tsao, February 18, 1886, he said:

To sum up, as the treaties stand, American citizens not of diplomatic or consular office may resort to China for trade, for curiosity, or as teachers, and then only to certain carefully limited localities, having due regard to the feelings of the people in the location thereof. If the citizens or subjects of any other power should be granted other or greater privileges, then the citizens of the United States will have equal treatment.

Secretary Bayard placed a correct estimate on the then existing treaties.

No extra rights were granted to us by China under the treaty of 1894. Under Article V of that treaty China was given a right to enforce regulations for the registration of skilled and unskilled laborers who are citizens of the United States residing in China, and the United States was obliged to furnish the Government of China annual reports showing the full name, age, occupation, and residence of all other citizens of the United States, including missionaries residing within and without the treaty ports of China.

Article V reads as follows:

#### ARTICLE V.

The Government of the United States, having by an act of the Congress approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or traveling in China upon official business, together with their body and household servants.

Mr. PALMER. Since 1844, when the first treaty was negotiated with China, it has been altered four times, and every time at the request of the United States, and every time China has reluctantly granted consent. In 1888 China refused consent to ratify that treaty.

Mr. NAPHEN. China did not send answer of refusal. The answer was that the treaty needed further consideration.

Mr. PALMER. The point I want to make is this: That in the beginning of our treaty relations every time the treaty has been altered it has been at the request of the United States and the reluctant consent has been wrung from China. Under the treaty of 1880 we granted free and unlimited immigration to Chinese subjects, and agreed to respect the Chinese and not interfere with her internal affairs.

Mr. NAPHEN. We had no right to absolutely prohibit, but if the coming to the United States or residence of Chinese laborers here affected, or threatened to affect, the interests of our country or endanger the good order of any locality, we had a right to limit or suspend such coming or residence in a reasonable manner.

Mr. PALMER. And every time the treaty has been changed it has been changed at the request of the United States against the wish of China. Is not that true?

Mr. NAPHEN. We were justified. Self-protection demanded it each time. And self-protection calls for the passage of the bill now before us.

Mr. PALMER. I agree with the gentleman as to that.

Mr. NAPHEN. I desire to call the attention of those who oppose this bill on the ground that they anticipate much from our trade with China to a communication of Consul-General Jernigan, from Shanghai, to the State Department on the question of Asiatic competition in the great manufacturing industries of the world. He informs us that—

Goods manufactured in India, Japan, and China are now in the Asiatic markets. \* \* \* China and Japan can now manufacture goods that will seriously compete in foreign markets with our manufactured goods. The energy and skill of the American laborer fear no rival in the home markets, but a new civilization is lighting up China and competition in Chinese markets for our manufactures will be one of the consequences. I have not failed

to consider that civilization will increase the wants of the Chinese, but their progress may enable them to supply their wants. It is, therefore, Chinese competition in Chinese markets that is first to be feared, and not so much in our home markets. The success which has attended cotton mills at Shanghai within a few years past has stimulated the formation of companies for similar enterprises elsewhere in China. \* \* \*

The American laborer is very properly protected against competition with Chinese labor on American soil, and such protection in no sense discredits the industry of the former, but when the products of Chinese labor will seriously compete in American markets with the products of American labor is more the question of the hour. In this report I have indicated the belief that competition is not to be so much apprehended in our home markets as it is in the markets of China for home products, and the facts would seem to justify the belief. \* \* \*

The quality of cotton goods at present imported from Great Britain and the United States can be manufactured in China from the products of her soil, and it is unanswerable to expect the importation from foreign countries to continue in such large quantities, and when the products can be produced in necessary quantity on the soil of China at a far cheaper price it is no longer a question that cotton made and manufactured in China will supply the demand of the Chinese for cotton goods.

It will, and it therefore follows that the competition will first begin in the markets of China. \* \* \* The prices paid a Chinese laborer are starvation prices to the American laborer, but the price of Chinese food is in proportion to the price of Chinese labor, and the money is received and the food eaten with contentment. \* \* \*

It is certain that there can be produced in China a much superior grade of cotton to that now produced, and with improved machinery Chinese cotton mills will be able to supply the demand for a finer quality of cotton goods, as they are now supplying the demand for the more inferior quality.

In another report he informs us that "the poorest families will live on 50 cash apiece per diem, which at the present rate of exchange is about 3 cents."

In this report of the commerce of China we are informed "that the cotton industry and cotton demand in China are an especially important subject in considering that country from the standpoint of American commerce. Cotton and cotton goods form the largest item of our exports to China."

Much as I am in favor of an exclusion act, I desire to place on record my opposition to section 2 in its present form, which provides that the prohibition of Chinese immigration shall apply to those born in our insular possessions since their acquisition, and those who may be born there hereafter.

We have no right to prevent the free transit of any person born in the insular possessions whose parents have a permanent residence and domicile therein, be they Mestizos or Chinese. It should seem unnecessary for me to argue that our insular possessions are not foreign territory.

Mr. Chief Justice Marshall and Mr. Justice Story define a foreign territory to be one exclusively without the authority of the United States (see the cases of the boat *Eliza*, 2 Gall., 4; *Faber v. United States*, 1 Story, 1; the ship *Adventure*, 1 Brook, 235-241), and this decision is sustained by a long line of decisions and by numerous authorities on constitutional law.

In the recent case of *De Lima v. Bidwell* (182 United States, 1), Mr. Justice Brown, who delivered the opinion of the court, says:

From a résumé of the decisions of this court, the instructions of the Executive Departments, and the above acts of Congress, section 2 of the Foraker Act, it is evident from 1803, the date of Mr. Gallatin's letter, to the present time there is no shred of authority, except the dictum in *Fleming v. Page* (practically overruled in *Cross v. Hansen*), that a district ceded to and in the possession of the United States remains for any purpose a foreign country.

Mr. CLARK. Will my colleague on the committee answer one question?

Mr. NAPHEN. Certainly.

Mr. CLARK. If the Philippine Islands are a part of the United States, does it not necessarily follow that Congress has no power to restrict the free locomotion of citizens of the Philippine Islands, just as it has no right or power to restrict the free locomotion of any other citizens of the United States?

Mr. NAPHEN. May I ask my colleague a question? When he speaks of "citizens," does he mean those born there since or those who were subjects of Spain at the time of the acquisition? There is an important distinction to be drawn.

Mr. CLARK. I mean those who were subjects of Spain at the time of the acquisition and those who have been born in those islands since—the whole gang of them. [Laughter.]

Mr. NAPHEN. Those who were citizens of Spain at the time of the acquisition and did not preserve their allegiance to Spain must be protected in their natural rights under the Constitution. Those who were born there since we acquired the possessions, whose parents have a permanent residence therein, are citizens of the United States. Does that answer the gentleman's question?

Mr. CLARK. Yes, sir.

Mr. BARTLETT. If the proposition of the gentleman from Massachusetts be true, that they became citizens of the United States, then how do we get any authority from the Constitution of the United States to prohibit those people who by the terms of the cession became citizens of the United States from coming to this country—in other words, from going from one part of the United States to another?

Mr. NAPHEN. The rights I refer to are given to them by the Constitution. In the case of *De Lima v. Bidwell* (182 U. S., 1) the court said:

Whatever may be finally decided by the Americans as to the status of the islands and their inhabitants, it does not follow in the meantime, awaiting that decision, that people are in the matter of personal rights unprotected by the provisions of our Constitution and subject to merely arbitrary control of Congress.

Mr. BARTLETT. I want to keep them out, but I want to know how to do it.

Mr. NAPHEN. Permit me to call your attention to the latter part of Article IX of the Treaty of Paris, and perhaps you will see the distinction.

Mr. KLEBERG. Well, they could still come here under the Constitution if they are citizens of the United States.

Mr. NAPHEN. Under the latter part of article 9 the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress. A man has three rights. He has his natural right, he has his civil right, and he has his political right. This exclusion is contained within his natural rights, and I have not touched the civil or political rights yet, even should it be said under this section that we had a right to define what the civil rights and political status of the native inhabitants were. I say they can not apply to those that were born there since or who may be born there hereafter. That contemplated those who were then native residents of the insular possessions.

Mr. BARTLETT. May I ask the gentleman if he does not consider it a natural, inalienable right of every American citizen to go where he pleases and to have equal protection of law and Constitution of the United States.

Mr. NAPHEN. Certainly, sir; and I am coming to that, and that is just the reason I am not in favor of section 2 in its present form.

Mr. BARTLETT. Then I think you and I agree.

Mr. KLEBERG. That is all right.

Mr. NAPHEN. I do not agree with my colleague on part of section 2.

Mr. BARTLETT. I misunderstood your position. Of course the gentleman has read the decision of Justice Brown in the celebrated *Downes and Bidwell* case, which discusses somewhat the same propositions.

Mr. NAPHEN. It is discussed in all of the cases.

Mr. BARTLETT. In which he says, enumerating the natural right of people in these islands:

That the inhabitants of these territories are subject to an unrestrained power on the part of Congress to deal with them upon the theory that they have no rights which Congress is bound to respect.

Mr. NAPHEN. That is what I say. It is claimed by some that Congress brought the Constitution there. It went there of its own force.

These possessions are a part of the domain of the United States and our dominion extends over them. Our Constitution has been stretched under the implied-powers doctrine. Instead of a power confining and restricting the power of the Government, it has come to be regarded as a document in which the Government can find a warrant for the exercise of any power, but the most strenuous advocates of this doctrine will not claim that a person born in our insular possessions since our acquisition of same, he being subject to our jurisdiction, can be denied his personal rights except he forfeit them for a crime.

Those rights are life, liberty, and property. His right of liberty permits him to go to any part of our Republic and work there. This can not be denied him, and it rests on the same principle as his right to free speech and his right to worship God according to the dictates of his conscience. If we claim the right to arbitrarily deprive him of one of those, then we can deprive him of all. Judge Day, who was one of the peace commissioners, and who knows well the spirit as well as the letter of the treaty, in an address before the Michigan Bar Association, since the signing of the treaty, said:

Whatever the power of the American Government under the Constitution, the American people through their Executive and Representatives in Congress may be trusted to see that there goes with American sovereignty the underlying principles of freedom and liberty for which our fathers fought and for which they set up a government of and by and for the people. A party which should ignore or forget these principles would be relegated by the people from power to obscurity.

It may be urged that under the treaty Congress has a right to determine the civil rights and political status of the native inhabitants of the territory ceded. That referred to the native inhabitants then there, and not to those who have been born there since or may be born there hereafter. The Constitution takes care of their status.

Usually when territory comes by cession or annexation to a country the terms of the treaty determine the status of the people under their new master. But when we apply this proposition



to the United States the terms of the treaty must not run contrary to the Constitution, the fountain head of our Government. Mr. Justice Cooley, in his work on Constitutional Law, says:

The Constitution never yields to treaty or enactment. It neither changes with time nor does it in theory bend to the force of circumstances.

Therefore, we hold our insular possessions under authority from the Constitution and must be governed according to its terms. You can not violate or set aside a single sentence or clause under any circumstances. If we admit that Congress can do this, then the whole instrument falls to the ground and there would be no Constitution and no Congress. The Constitution creates Congress, and to say that Congress is greater than its creator and can act outside and beyond the power which the Constitution gave it is a proposition repugnant to law and to common sense. Mr. Justice Cooley says:

It is believed, however, that the securities for personal liberty which are incorporated in the Constitution were intended as limitations of its power over any and all persons who might be within its jurisdiction anywhere, and that citizens of the Territories, as well as citizens of the States, may claim the benefit of their protection.

The same Constitution which governs us here must, of course, govern the people in the insular possessions. Every prohibition which binds Congress here binds it there. Liberty can not mean one thing here and something else there. As I have shown, these possessions are as much a part of the domain of the United States as the Territory of Alaska. Congress may extend political privileges according as in its judgment the people shall be found to be capable of exercising them, but at all times the Constitution is there, every clause of it. By virtue of the first clause of the fourteenth amendment of the Constitution, a child born in the United States of the parents of Chinese descent, who have a permanent domicile and residence in the United States, becomes at the time of his birth a citizen of the United States.

In the case of *Cross v. Harrison* (16 Howard, 201) it is said California by ratification became a part of the United States, and if a part of the United States, then Congress did not need an enactment to bring it there, for in the very preamble it is declared to be a Constitution for the United States of America. If Congress could extend the Constitution to-day, it could take it away to-morrow, for the power to repeal is incident to the power to enact. In holding and governing our insular possessions no clause of the Constitution which has thrown its protecting mantle over them can be violated, ignored, or set aside, no matter what the emergency or what the motive which prompted the act. The same right which it guarantees us is theirs also. We can not by legislative action discriminate against persons born in our insular possessions, after the ratification of the treaty, so as to exclude them from their natural, civil, or political rights. [Loud applause].

Mr. HITT. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Chairman, the question for decision is, Shall the policy of excluding Chinese laborers from the United States be continued and made perpetual?

How and why this policy originated may be learned from a brief review of the relations of the United States and China.

Our first treaty with China was negotiated in 1844.

In 1857 Great Britain and France invited the United States to join in an armed demonstration against China in order to compel that nation to grant additional commercial privileges. Following the long-established policy of avoiding all entanglements with foreign countries, which Washington recommended, the invitation was declined.

In 1858, by friendly negotiations, the United States secured from China all the advantages that Great Britain and France obtained by an armed occupation of Peking.

In 1868 additional articles were agreed upon, securing greater privileges to citizens of the United States in China, recognizing the autonomy of the Empire, disavowing any intention of interfering in its internal affairs, prohibiting the coolie contract system, guaranteeing the free and unlimited immigration of Chinese subjects into the United States, and extending to them the treatment accorded to the most-favored nations.

The opportunity to find work, accorded by the construction of the Pacific railroads, brought some hundreds of thousands of Chinese laborers to this country. They were brought under contracts made by Chinese companies, which included a provision for their return in a given number of years, if living, and a removal of their remains to China for burial, if dead.

Difficulties arose between native and Chinese laborers, riots occurred in which many of the Chinese immigrants were killed, and the Government felt obliged to pay China large sums of money as damages.

In 1880 a commission was dispatched to China for the purpose of negotiating a modification of the treaty of 1868 with respect to restricting the immigration of Chinese laborers, which was successful. China reluctantly consenting.

In 1888 another effort was made to obtain further concessions, which was unsuccessful, when Congress passed an act which violated the treaty of 1880. Nevertheless the Supreme Court held the act to be within the power of the Government.

In 1894, for the fourth time, the Chinese consented to negotiate a new treaty of immigration, which took the place of the treaty of 1880, modified the act of 1888, and allowed Chinese laborers lawfully in the United States to visit China and return, under certain restrictions. That treaty, which was limited by its terms to ten years, with the act of 1892, which expires by limitation in May of this year (which regulates the coming and going of resident Chinese), are the laws now in force upon the subject of Chinese immigration.

The policy of the Government from 1868 to 1894 has been modified from free immigration in 1868 to prohibition in 1894. From 1868 to 1880 there was free immigration; from 1880 to 1888, restriction; from 1888 to 1892, exclusion, and from 1892 to this time, prohibition.

The question is, "Shall this policy be definitely and finally adopted and laws passed declaring it free from any time limit?"

The reasons urged for the exclusion of the Chinese are that they are an undesirable class, not assimilative into the body of our people; that they can work and live under the most unfavorable conditions; subsist on an astonishingly small allowance of food; that they are not burdened with families to support, and are therefore able to underbid others who have wives and children; that they are immoral in character and fatalists in religion; that their only purpose is to earn as speedily as possible a sum of money with which to return to China; that they have no interest in building up society, supporting schools or churches, or in the success of free institutions; that no free-born and self-respecting laboring man can maintain himself and his family in competition with Chinese laborers. They are "aliens from the commonwealth of Israel and strangers from the covenants of promise."

The political economist urges that the laborer who can produce value to the extent of \$2 per diem and who can subsist on 20 cents is not as valuable to the community as one who consumes a dollar in living, especially if the first takes his earnings out of the country to be expended elsewhere.

The statesman contends that the perpetuity of the Republic depends upon the virtue and intelligence of the people, and that whatever impairs virtue or decreases intelligence must be forbidden; that the standard of American citizenship is high because the citizen is able not only to obtain the necessities but some of the comforts of life, and occasionally get within hailing distance of the luxuries. He is able to buy books and educate his children and support the church of his choice.

The mechanic who has a commodious six-room house, with modern improvements, and who can earn an average of \$2.50 a day the year round, lives better and more cleanly and has more of the comforts of life than did the English nobility in the days of Elizabeth. This condition results from his ability to buy and his disposition to consume. Whatever diminishes his ability to buy will decrease his opportunity to consume. The competition of Chinese labor will inevitably tend to lower the wages of labor, and therefore degrade the standard of citizenship.

The moralist points with horror and dread to the unblushing vice of the Chinese quarters in all cities where considerable numbers are congregated; to their contaminating influences on the youth of other races; to their utter disregard of all laws of health, cleanliness, or morality, and fears, not without reason, that all possible benefits to be derived from Chinese labor would be far overbalanced by the importation and dissemination among our youth of vice and disease.

The strength and glory of the Republic is in her matchless army of laboring men. Her true and only aristocracy is to be found among those who work with brain or hand. Merchant, miner, mechanic, unskilled laborer, lawyer, doctor, preacher, teacher—it matters nothing—all who honestly and earnestly toil belong in the ranks ennobled by labor. The idle rich, who toil not, are only camp followers of the grand army of laborers.

Says Thomas Carlyle: "Labor is discovered to be the grand conqueror, erecting and building up nations more surely than the proudest battle."

Little by little, but more and more, the rights of labor are conceded. Little by little, but more and more, the share of the laborer in the fruits of his toil is increased. In fifty years the average of wages of the laborer in this country has increased 40 per cent, while the hours of daily toil have steadily decreased. Our laboring people are better clothed, housed, and fed than any other on the earth. Capital has not lost by labor's gain. The wealth of the country has increased by leaps and bounds. Perhaps the share of labor in the great enterprises in which capital and labor are jointly engaged is not yet fairly rendered. Neither can prosper without the other; therefore the division of profits should be fair and just.

Whatever tends to cheapen, degrade, or debase labor should be forbidden in the interest of capital, labor, and the state.

Across the sea, but within a few days journey, lies a land in which 400,000,000 human beings, nearly a third of the population of the globe, struggle for the bare necessities of life. Forty centuries of toil, privation, and starvation have bred a race with a power to work with little food or rest, with a perseverance that no Caucasian men can equal; a race without morals or sensibility; calm, secretive, persistent, and servile; with quickened intellectual power enabling them to copy, imitate, and become proficient in any work; subsisting on a few handfuls of rice, taking no account of heat, cold, times, or seasons; having no recreations that are not vicious; stoics in practice and fatalists in belief. Of them millions die of starvation annually; being unable by the severest toil to earn even the few mouthfuls of food upon which they could subsist.

Shall the United States open her ports and let them in? Shall the workers of this land be put into hopeless competition with the swarming millions of China?

Shall the standards of citizenship be lowered, the wages of labor decreased, the opportunity for educating children diminished, our army of workers reduced to the necessity of adapting themselves to the starved condition of a servile oriental race, and the body politic be infected with the leprosy of Eastern vice?

To those who fly from the persecution of tyrants, if they are industrious, law-abiding, and God-fearing, and if they seek homes and citizenship in this fair land of opportunity and freedom; if they come to cast in their lot with us, renouncing all allegiance to foreign princes and potentates, to help in building up the great Republic, the gates should not be closed. For the anarchist, who would destroy all government; the pauper, who would become a burden to the industrious; for the criminal, fleeing from punishment for crimes committed, and for the Chinese, whose coming in large numbers would tend to lower the standard of citizenship, lessen intelligence and impair virtue, and therefore weaken the support upon which the perpetuity of the Republic depends, we have no room.

O Liberty, white goddess! Is it well  
To leave the gate unguarded? On thy breast  
Fold sorrow's children, soothe the hurts of fate,  
Lift the downtrodden; but with hand of steel  
Stay those who to thy sacred portals come  
To waste the gifts of freedom. Have a care  
Lest from thy brow the clustered stars be torn  
And trampled in the dust. For so of old  
The thronging Goth and Vandal trampled Rome,  
And where the temples of the Cæsars stood  
The lean wolf unmolested made her lair.

[Loud applause.]

Mr. CLARK. Mr. Chairman, I ask unanimous consent to extend my remarks somewhat by inserting certain matters that I just referred to.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HITT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL, the Speaker pro tempore, having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031 (the Chinese-exclusion bill), and had come to no resolution thereon.

#### CUSTODIANS OF DOCUMENTS.

Mr. BULL. Mr. Speaker, I am instructed by the Committee on Accounts to report the following privileged report.

The Clerk read as follows:

*Resolved*, That there shall be appointed by the Speaker of the House of Representatives two persons whose duty it shall be, under the direction and supervision of the Superintendent of the Capitol Buildings and Grounds, to properly arrange and temporarily be the custodians of the documents formerly stored in the gallery of Statuary Hall and now in the old library space, said persons to be paid out of the contingent fund of the House at the rate of \$100 per month.

The following amendment recommended by the committee was read:

At the end of the resolution insert the word "each."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the resolution as amended.

The resolution was agreed to.

#### CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. BULL. Mr. Speaker, I am instructed by the Committee on Accounts to report the following resolution.

The Clerk read the resolution, as follows:

*Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$0 per day during the remainder of the present session.

Mr. BARTLETT. Mr. Speaker, I desire to say that this is the usual resolution passed usually a month before this time by the Committee on Enrolled Bills. It is the same thing that has been done not only in this Congress, but in every preceding Congress of which I have been a member, and those before. It is nothing new; it is the usual thing, except that it comes a month later than before.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

CHARLES E. GLYNN.

Mr. BULL. Mr. Speaker, I also submit the following resolution to the Committee on Accounts.

The Clerk read as follows:

*Resolved*, That there be paid out of the contingent fund of the House to Charles E. Glynn, for services for ten days as secretary to Albert D. Shaw, late member of Congress from the Twenty-fourth district, New York, the sum of \$35.70, said service being rendered from February 1 to February 10, 1901, inclusive.

Mr. BULL. There is a substitute for that.

The Clerk read the substitute, as follows:

*Resolved*, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House, miscellaneous items, 1901, to Charles E. Glynn the sum of \$35.70, being the amount due said Glynn for services rendered as clerk to the Hon. Albert D. Shaw, Representative-elect to the Fifty-seventh Congress, who died while a member of the Fifty-sixth Congress, said services having been performed from February 1 to February 10, 1901, inclusive.

The SPEAKER pro tempore. The question is on agreeing to the substitute in lieu of the original resolution.

The substitute was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 46.

*Resolved by the House of Representatives (the Senate concurring)*, That there be appointed a committee by the President pro tempore of the Senate and the Speaker of the House to attend the ceremonies incident to transfer of the remains of Gen. William S. Rosecrans from California to the cemetery at Arlington, Va., said committee to be a joint committee of the two Houses.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

- H. R. 1503. An act granting an increase of pension to Michael Farrell;
- H. R. 1278. An act granting an increase of pension to La Myra V. Kendig;
- H. R. 6016. An act granting an increase of pension to William J. Overman;
- H. R. 6918. An act granting an increase of pension to Thomas Bliss;
- H. R. 2287. An act granting an increase of pension to George McDaniel;
- H. R. 2545. An act granting an increase of pension to Isaac H. Crim;
- H. R. 6438. An act granting an increase of pension to Matthew C. Medbury;
- H. R. 9848. An act granting an increase of pension to Joseph Cowgill;
- H. R. 5327. An act granting an increase of pension to William H. Mackey;
- H. R. 1275. An act granting an increase of pension to Charles W. Thomas;
- H. R. 7250. An act granting an increase of pension to Margaret Hendry;
- H. R. 6687. An act granting an increase of pension to Lorenzo Blackman;
- H. R. 3275. An act granting an increase of pension to William G. Johnson;
- H. R. 1190. An act granting an increase of pension to Albert S. Whittier;
- H. R. 1988. An act granting an increase of pension to Helen V. Rorer;
- H. R. 725. An act granting an increase of pension to Joseph B. Arbaugh;
- H. R. 809. An act granting an increase of pension to James P. Burchfield;
- H. R. 1714. An act granting an increase of pension to Levi H. Winslow;
- H. R. 10141. An act granting an increase of pension to William R. Armstrong;



H. R. 8048. An act granting an increase of pension to James A. Bramble;  
 H. R. 10692. An act granting an increase of pension to David C. Maples;  
 H. R. 283. An act granting an increase of pension to Robert M. McCullough;  
 H. R. 918. An act granting an increase of pension to Charles Misner;  
 H. R. 9791. An act granting an increase of pension to John Reep;  
 H. R. 9621. An act granting an increase of pension to Andrew Y. Transue;  
 H. R. 7811. An act granting a pension to Mary King;  
 H. R. 5712. An act granting an increase of pension to Alice Bozeman;  
 H. R. 5761. An act granting a pension to Thomas F. Walter;  
 H. R. 8651. An act granting a pension to Maggie Helmbold;  
 H. R. 10415. An act granting a pension to Sarah M. Smith;  
 H. R. 8471. An act granting a pension to Eliza A. Wright;  
 H. R. 610. An act to correct the military record of John F. Antlitz;  
 H. R. 12095. An act to amend section 4883 of the Revised Statutes relating to the signing of letters patent for inventions;  
 H. R. 6196. An act transferring a lot in Woodland Cemetery to city of Quincy, Ill.; and  
 H. R. 11053. An act providing for issuance of patent to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:  
 H. R. 8696. An act granting an increase of pension to William B. Rowe; and  
 H. R. 2770. An act granting an increase of pension to Otilia M. Smoot.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3984. An act granting land for a miners' home—to the Committee on Military Affairs.  
 S. 3091. An act granting an increase of pension to Matilda R. Schoomaker—to the Committee on Invalid Pensions.  
 S. 4506. An act granting an increase of pension to Ann E. Collier—to the Committee on Invalid Pensions.  
 S. 4749. An act granting an increase of pension to Eunice A. Smith—to the Committee on Invalid Pensions.  
 S. 1225. An act granting an increase of pension to Clara W. McNair—to the Committee on Invalid Pensions.

#### CHARLES T. PARKER.

Mr. BULL. Mr. Speaker, I also submit the following resolution from the Committee on Accounts:

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives is hereby authorized to pay to the widow of the late Charles T. Parker, late printing clerk of the House of Representatives, a sum equal to six months' salary, and funeral expenses not exceeding \$250, the same to be immediately available.

The resolution was agreed to.

#### ABBIE GEORGE.

The SPEAKER pro tempore laid before the House the following resolution:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the bill (S. 1872) granting an increase of pension to Abbie George.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was concurred in.

#### ROBERT S. WOODBURY.

The SPEAKER pro tempore also laid before the House the following resolution:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the bill (S. 3910) granting an increase of pension to Robert S. Woodbury.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
 To Mr. MOODY of North Carolina, for one day, on account of important business.

To Mr. BLACKBURN, for six days, on account of important business.

And then, on motion of Mr. HITT (at 5 o'clock and 15 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with a communication from the Commissioner of Indian Affairs and accompanying papers, a draft of a bill for the ratification of an agreement with the Red Lake and Pembina bands of Chippewa Indians of Minnesota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of a bill relating to the sale of timber on the Jicarilla Apache Indian Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting a recommendation for increase of salary of the United States consul at Odessa, Russia—to the Committee on Foreign Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 793), applicable to the State of Utah, reported the same with amendment, accompanied by a report (No. 1415); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12865) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 1420); which said bill and report were referred to the House Calendar.

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3653) for the protection of the President of the United States, and for other purposes, reported the same with amendments, accompanied by a report (No. 1422); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11623) granting an increase of pension to John Blackler, reported the same with amendment, accompanied by a report (No. 1338); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12932) granting a pension to Elizabeth D. Harding, reported the same without amendment, accompanied by a report (No. 1339); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3995) granting a pension to Susan E. Clark, reported the same without amendment, accompanied by a report (No. 1340); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9156) granting an increase of pension to Uriah Garber, reported the same with amendments, accompanied by a report (No. 1341); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11436) granting an increase of pension to James H. McKnight, reported the same with amendment, accompanied by a report (No. 1342); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3378) granting a pension to Sarah Anne Harris, reported the same without amendment, accompanied by a report (No. 1343); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11695) granting an increase of pension to George W. Hatton, reported the same with amendments, accompanied by a report (No. 1344); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11545) granting an increase of pension to Caroline R. Boyd, reported the same with amendments, accompanied by a report (No. 1345); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8026) granting an increase of pension to Joseph D. McClure, reported the same with amendments, accompanied by a report (No. 1346); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7878) granting an increase of pension to William J. Remington, reported the same with amendments, accompanied by a report (No. 1347); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 952) granting an increase of pension to George H. Smith, reported the same without amendment, accompanied by a report (No. 1348); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7229) granting an increase of pension to Edwin M. Dunning, reported the same with amendment, accompanied by a report (No. 1349); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7085) granting a pension to Hannah H. Graham, reported the same with amendment, accompanied by a report (No. 1350); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4008) granting a pension to C. C. Sheets, reported the same with amendments, accompanied by a report (No. 1351); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2079) granting an increase of pension to William Wheeler, reported the same without amendment, accompanied by a report (No. 1352); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2615) to place on the pension roll the name of Charles E. Miller, reported the same with amendments, accompanied by a report (No. 1353); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1047) to increase the pension of Charles Alfred De Arnaud, reported the same with amendment, accompanied by a report (No. 1354); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 292) granting a pension to Henrietta Gottweis, reported the same with amendment, accompanied by a report (No. 1355); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1678) granting a pension to Mary E. F. Gilman, reported the same with amendment, accompanied by a report (No. 1356); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2224) to pension David T. Nuttle, reported the same with amendments, accompanied by a report (No. 1357); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7901) granting a pension to De Witt Clinton Letts, reported the same with amendments, accompanied by a report (No. 1358); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4414) granting an increase of pension to Albertine Schoenecker, reported the same without amendment, accompanied by a report (No. 1359); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12899) granting an increase of pension to William H. Rightmire, reported the same with amendment, accompanied by a report (No. 1360); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2470) granting an increase of pension to Charles P. Maxwell, reported the same with amendment, accompanied by a report (No. 1361); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence, reported the same with amendments, accompanied by a report (No. 1362); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2329) granting an increase of pension to Peter Bittman, reported the same without amendment, accompanied by a report (No. 1363); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5984) granting an increase of pension to William H. Van Riper, reported the same with amendments, accompanied by a report (No. 1364); which said bill and report were referred to the Private Calendar.

Mr. LATIMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6402) granting a pension to Mary J. Adams, reported the same with amendment, accompanied by a report (No. 1365); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7312) granting an increase of pension to James Curley, reported the same with amendments, accompanied by a report (No. 1366); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10908) granting an increase of pension to Aaron S. Post, reported the same without amendment, accompanied by a report (No. 1367); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11325) granting an increase of pension to James Merrick, sergeant, Company I, One hundred and thirty-third Regiment, reported the same with amendments, accompanied by a report (No. 1368); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3849) granting an increase of pension to Benjamin F. H. Luce, reported the same without amendment, accompanied by a report (No. 1369); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6750) granting a pension to William H. Hoxie, reported the same with amendments, accompanied by a report (No. 1370); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11644) granting a pension to Edgar A. Hamilton, reported the same with amendments, accompanied by a report (No. 1371); which said bill and report were referred to the Private Calendar.

Mr. LATIMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11977) granting a pension to Sidney Cable, widow of Coonrod Cable, reported the same with amendments, accompanied by a report (No. 1372); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10831) granting a pension to Abbie J. Daniels, reported the same with amendments, accompanied by a report (No. 1373); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7903) granting an increase of pension to Ernest Wagner, reported the same with amendment, accompanied by a report (No. 1374); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7228) granting an increase of pension to Christian Christianson, reported the same with amendments, accompanied by a report (No. 1375); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12165) granting an increase of pension to Caroline M. Stone, reported the same with amendment, accompanied by a report (No. 1376); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5911) granting an increase of pension to Gilbert G. Gabrion, reported the same with amendment, accompanied by a report (No. 1377); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3390) granting an increase of pension to Charles Allen, reported the same without amendment, accompanied by a report (No. 1378); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12420) granting



a pension to Wesley Brummett, reported the same with amendment, accompanied by a report (No. 1879); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12855) granting an increase of pension to Milton Brown, reported the same with amendments, accompanied by a report (No. 1380); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11133) granting an increase of pension to James D. Lafferty, reported the same with amendments, accompanied by a report (No. 1381); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8409) granting an increase of pension to Cyrenus Larrabee, reported the same with amendment, accompanied by a report (No. 1382); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8237) granting an increase of pension to John Robinson, reported the same with amendment, accompanied by a report (No. 1383); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6003) granting a pension to Mary C. Stone, reported the same with amendments, accompanied by a report (No. 1384); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12976) granting an increase of pension to Jacob Smith, reported the same with amendment, accompanied by a report (No. 1385); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 951) granting an increase of pension to Charles Ambrook, reported the same without amendment, accompanied by a report (No. 1386); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11920) granting an increase of pension to George W. Wertz, reported the same with amendment, accompanied by a report (No. 1387); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11091) granting an increase of pension to James Cooley, Company F, Thirty-first Ohio Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1388); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10449) granting an increase of pension to Sarah H. Lake, reported the same without amendment, accompanied by a report (No. 1389); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1285) granting an increase of pension to Elizabeth Steele, reported the same without amendment, accompanied by a report (No. 1390); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5460) granting an increase of pension to Thomas Sherry, reported the same with amendment, accompanied by a report (No. 1391); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5273) granting an increase of pension to James Van Zant, reported the same with amendments, accompanied by a report (No. 1392); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5146) granting an increase of pension to Florian V. Sims, reported the same with amendment, accompanied by a report (No. 1393); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2327) granting an increase of pension to William Hoag, reported the same without amendment, accompanied by a report (No. 1394); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1257) for the relief of James F. Campbell, of Charleston, Bradley County, Tenn., reported the same with amendments, accompanied by a report (No. 1395); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 884)

granting a pension to Ellen W. Rice, reported the same with amendments, accompanied by a report (No. 1396); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1605) granting a pension to J. S. Whitlege, reported the same with amendments, accompanied by a report (No. 1397); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1466) granting a pension to Alfred Hatfield, reported the same with amendment, accompanied by a report (No. 1398); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3388) granting an increase of pension to John Peterson, reported the same without amendment, accompanied by a report (No. 1399); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3756) granting a pension to James C. G. Smith, reported the same with amendments, accompanied by a report (No. 1400); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1346) granting a pension to Adelbert L. Orr, reported the same with amendment, accompanied by a report (No. 1401); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12422) granting an increase of pension to David Topper, reported the same with amendments, accompanied by a report (No. 1402); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11686) granting a pension to Elenore F. Adams, reported the same with amendments, accompanied by a report (No. 1403); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10954) granting a pension to Mary J. Gillam, reported the same with amendments, accompanied by a report (No. 1404); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10222) granting a pension to Benjamin E. Morgan, reported the same with amendments, accompanied by a report (No. 1405); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley, reported the same without amendment, accompanied by a report (No. 1406); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8698) granting an increase of pension to Nelson Churchill, reported the same with amendment, accompanied by a report (No. 1407); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4022) granting an increase of pension to Annie E. Brown, reported the same without amendment, accompanied by a report (No. 1408); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8457) granting an increase of pension to G. F. Hoop, reported the same with amendments, accompanied by a report (No. 1409); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7882) granting an increase of pension to John H. Smith, reported the same with amendments, accompanied by a report (No. 1410); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7541) granting a pension to Mrs. Annie Shinn, reported the same with amendments, accompanied by a report (No. 1411); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5554) granting a pension to Egbert A. Stricksma, reported the same with amendment, accompanied by a report (No. 1412); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3330) granting a pension to Calvin Duckworth, reported the same with



amendment, accompanied by a report (No. 1413); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1478) granting an increase of pension to Henry Runnells, reported the same with amendments, accompanied by a report (No. 1414); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11621) to correct the military record of H. J. Rowell, reported the same with amendment, accompanied by a report (No. 1419); which said bill and report were referred to the Private Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9723) granting an honorable discharge to Levi Wells, reported the same with amendment, accompanied by a report (No. 1421); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8901) granting an honorable discharge to Eli Norris, reported the same adversely, accompanied by a report (No. 1416); which said bill and report were laid on the table.

Mr. BRICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9268) granting an honorable discharge to William H. Sutliff, reported the same adversely, accompanied by a report (No. 1417); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6198) to grant an honorable discharge to Frederick A. Noeller, reported the same adversely, accompanied by a report (No. 1418); which said bill and report were laid on the table.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURLESON: A bill (H. R. 13361) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico—to the Committee on Foreign Affairs.

By Mr. MUDD: A bill (H. R. 13362) making appropriation for the widening and improvement of Morris road, Anacostia, D. C.—to the Committee on Appropriations.

By Mr. FOWLER: A bill (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws—to the Committee on Banking and Currency.

By Mr. SULZER: A resolution (H. Res. 200) requesting the Secretary of State to transmit to the House of Representatives the report of the governor of Louisiana—to the Committee on Foreign Affairs.

By Mr. COCHRAN: A resolution (H. Res. 201) requesting the Secretary of State to send to the House of Representatives certain information—to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 13364) to correct the military record of Francis A. Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 13365) granting an increase of pension to Nathaniel J. Smith—to the Committee on Pensions.

Also, a bill (H. R. 13366) granting a pension to Adonijah D. Cox—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 13367) granting an increase of pension to Jonathan A. Walbert—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 13368) granting a pension to Joseph H. Shute—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 13369) granting a pension to Eliza W. Buckland—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13370) authorizing the Court of Claims to hear and pass upon the claim of Thomas P. Gray for property taken and used by the troops of the United States during the war of the rebellion—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13372) for the relief of Mrs. Mary Lowe and Mrs. Angelina L. Thorpe, daughters of the late Isaac Murphy—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: A bill (H. R. 13373) granting an increase of pension to Amos W. Marsh—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13374) for the relief of Henry C. Martin and Robert D. Martin, surviving partners of the firm of James Martin & Sons, of Florence, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13375) to refer the claim of Mahala H. Portlock against the United States to the Court of Claims—to the Committee on War Claims.

By Mr. SHALLENBERGER: A bill (H. R. 13376) granting an increase of pension to Samuel L. Brass—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 13377) to restore David B. Jeffers to the United States Army with the rank of first lieutenant and place him on the retired list—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 13378) granting an increase of pension to Edwin Beckwith—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13379) removing charge of desertion against George W. Jones—to the Committee on Military Affairs.

By Mr. DALZELL (by request): A bill (H. R. 13380) to extend certain patent for the benefit of the heirs and legal representatives of Joseph A. McConnell, deceased—to the Committee on Patents.

By Mr. BRISTOW: A bill (H. R. 13381) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 13382) granting an increase of pension to David F. Ilgenfritz—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 13383) granting an increase of pension to Levy L. Dysert—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13384) for the relief of the American Match Company, of Cleveland, Ohio, and others—to the Committee on Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 13385) granting a pension to Linsey McKee—to the Committee on Pensions.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 13386) granting a pension to Wallace Zeigler, late private, Company G, One hundred and first Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Admiration Lodge, No. 101, Buffalo, N. Y., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of board of aldermen of the city of New York, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on River and Harbors.

By Mr. APLIN: Resolutions of board of supervisors of Mobane County, Ariz., against exempting Santa Fe Pacific Railway from taxation—to the Committee on Pacific Railroads.

Also, resolutions of Elmira Grange, No. 762, Patrons of Husbandry, Elmira, Mich., against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Polish National Alliances of Alpena, Bay City, and Posen, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. BELL: Petition of citizens of Denver, Colo., and resolution of Mine and Smeltermen's Union, Durango, Colo., favoring a restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENTON: Protest of business men of Sheldon, Mo., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Thomas J. Collins and other citizens of Buffalo, N. Y., in favor of House bills 170 and 179—to the Committee on Ways and Means.

Also, petition of Kauty Polish Union, No. 206, Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Buffalo Branch Stonecutters' Association, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Coopers' International Union No. 2, of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: Petition of members of the Miami tribe of Indians, Indian Territory, in relation to the payment of the appropriation for the surplus lands of the Miami and Peoria Indians—to the Committee on Indian Affairs.



Also, resolutions of Laredo, Tex., Order of Railway Conductors, No. 899, asking for the recall of Ambassador Powell Clayton to Mexico—to the Committee on Foreign Affairs.

Also, resolution of Cattle Raisers' Association of Texas, favoring the passage of the bill to extend the limit of cattle from twenty-eight to forty hours; also, for the passage of a measure to secure a complete census of live stock every five years—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of same body, favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of the same, in favor of Senate bill 3311, relating to the leasing of public lands—to the Committee on the Public Lands.

Also, resolutions of the same, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Company G, Third Infantry, Texas Volunteers, favoring the passage of House bill 9972, in behalf of the National Guard—to the Committee on the Militia.

Also, resolutions of Sunset Lodge, No. 177, Brotherhood of Locomotive Firemen, of Marshall, Tex., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of the same lodge, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 13368, granting a pension to Joseph H. Shute—to the Committee on Invalid Pensions.

By Mr. CORLISS: Papers to accompany House bill 13369, granting a pension to Eliza W. Buckland—to the Committee on Invalid Pensions.

By Mr. COUSINS: Resolutions of Federation of Labor at Cedar Rapids and Connecting Link Lodge, No. 212, Brotherhood of Railway Trainmen, Belle Plain, Iowa, favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Resolutions of Brotherhood of Locomotive Firemen of McKees Rocks and Brotherhood of Railroad Trainmen of Altoona, Bradford, and Philadelphia, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DEEMER: Petitions of the Methodist Episcopal Church and the First Baptist Church of Williamsport, Pa., to abolish the sale of liquor at Soldiers' Homes—to the Committee on Military Affairs.

By Mr. DRAPER: Resolutions of Coopers' Union No. 2, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of R. J. George and 45 other citizens of Allegheny, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. LANHAM: Resolutions of Ivanhoe Lodge, No. 490, Brotherhood of Locomotive Firemen, Smithville, Tex., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of same lodge, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Resolutions of the East Side Republican Club, and Coopers' International Union No. 2, of the city of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Resolutions of Coopers' International Union No. 2, of New York City, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Resolutions of the Chamber of Commerce of Washington, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Petition of Sarah A. Palmer, of Madison County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Henry C. Martin and Robert Martin, surviving partners of the firm of James Martin & Sons, Florence, Ala.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Beer Drivers' Union No. 116, against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of the Second Congressional district of Iowa, asking the President to proffer to the British Government the assistance of the United States in the settlement of the differences between Great Britain and the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Petition of citizens of Brooklyn, Conn., favoring a bill providing for the manner of payment of postage on books, catalogues, and other printed matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the chamber of commerce, concerning river and harbor improvement—to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: Resolutions of Carpenters' Union No. 957, Stillwater, Minn., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of John A. Rawlins Post, No. 126, Grand Army of the Republic, of Minneapolis, Minn., for a national military park at Fredericksburg, Va.—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of Coopers' International Union No. 2, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 13378, granting a pension to Edwin Beckwith—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Papers to accompany House bill granting an increase of pension to Peter Johnson—to the Committee on Invalid Pensions.

By Mr. WACHTER: Papers to accompany House bill to remove the charge of desertion against the record of George W. Jones—to the Committee on Military Affairs.

By Mr. YOUNG: Resolution of Mount Moriah Lodge, No. 319, Brotherhood of Locomotive Firemen, and Anna M. Ross Council, No. 553, Junior Order United American Mechanics, of Philadelphia, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

## SENATE.

SATURDAY, April 5, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### CIVIL-SERVICE EXAMINATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commissioners, transmitting, in response to a resolution of the 18th ultimo, a statement showing the number of persons examined during each fiscal year from 1884 to 1901, inclusive, etc.; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

### JICARILLA RIVER APACHE RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, relative to a clause in the Indian appropriation act approved August 15, 1894, a draft of a bill authorizing the sale of timber on the Jicarilla River Apache Reservation for the benefit of the Indians belonging thereto; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

### ALLEGED ORDER FOR MASSACRE AT MANILA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 2, 1901, certain information concerning the alleged order for the massacre of the foreign residents of Manila on February 15, 1899, together with a photographic reproduction of the alleged massacre order bearing date of February 7, 1899; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

### SHIPMENTS IN GOVERNMENT TRANSPORTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 12th ultimo, certain information relative to the free shipment or transportation of goods for private firms or individuals to or from the Philippine Islands in Government transports; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

### REVENUE-CUTTER SERVICE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

The amendments of the House were, on page 1, line 11, after "Lieutenant," to insert:

: Provided, however, There shall be no increase in the number of officers upon the active list over the present number in each class or grade.

On page 2, after line 12, to insert:

: *Provided further*, That no provision of this act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service. Nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President.

And on page 5, after line 7, to insert:

: *Provided*, That no longevity increase of pay shall be allowed for any length of service accruing after retirement.

Mr. GALLINGER. Mr. President, I move that the Senate concur in the amendments made by the House of Representatives. The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1872) granting an increase of pension to Abbie George.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 3910) granting an increase of pension to Robert S. Woodbury.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2270) granting an increase of pension to Otilia M. Smoot; and

A bill (H. R. 8696) granting an increase of pension to William B. Rowe.

#### PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented a petition of Local Union No. 16, Lithographers' International Protective and Beneficial Association, of Louisville, Ky., and a petition of the Charity Organization Society of Louisville, Ky., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bedford, Ky., and a petition of sundry citizens of Meade County, Ky., praying for the adoption of certain amendments to the internal-revenue laws; which were referred to the Committee on Finance.

Mr. HETTFELD presented a petition of Gibbonsville Miners' Union, No. 37, Western Federation of Miners, of Gibbonsville, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. BERRY presented the memorial of I. W. Duncan, of Fayetteville, Ark., remonstrating against the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. TELLER presented a memorial of the legislature of Colorado, favoring the pursuit of a policy in the Philippine Islands which will ultimately insure the independence of the Philippine people and for the establishment of a protectorate in the meanwhile; which was referred to the Committee on the Philippines, and ordered to be printed in the RECORD, as follows:

House joint memorial No. 5. By Mr. H. L. Lubers.

To the honorable the Senate and the House of Representatives of the United States:

Your memorialists, the legislature of the State of Colorado, in extra session assembled, respectfully petition as follows: That

Whereas the questions now pending before our nation in relation to the Philippines are of vast moment, involving the future history, not only of the Philippines, but of our own country as well, and also requiring new and unlooked-for interpretation of our fundamental laws and principles; and

Whereas, in addition to the question of the contested political sovereignty, there are other subjects and results, accrued and accruing, to wit: The loss of thousands of American lives and tens of thousands of Filipinos, uncounted numbers of widows and orphans, country devastated, a whole people changed from friends to enemies, and hundreds of millions of expense incurred, and the end not yet; and

Whereas it would seem not only meet and proper, but urgently incumbent on all American citizens to consider these great questions and to express their sentiments thereon, to the end that, if possible, further bloodshed and devastation shall cease, that errors may be corrected or avoided, and that right principles be discerned and adopted; and

Whereas the burden of the cry of these people is for their independence, to which, in our opinion, they are as justly entitled as are we to our own, and upon the granting or promising of which we firmly believe all their resistance would cease: Now, therefore,

*Resolved*, That we deplore that interpretation of religion and protest against the idea of national honor which seeks to compel, by shot or shell, our flag to float over an alien and unwilling people; that while we are expansionists yet we desire our flag to float, not over those who hate, but over those who love it;

*Resolved*, That our highest national honor and duty, not only to the Filipinos, but also to ourselves, require that we should without delay clearly outline and declare our national policy toward the Filipinos, and that said policy should be along the lines of assisting them to form a stable govern-

ment, which said government when thus formed should be their government, not ours, and that we should exercise protection over them as we are now doing over Cuba and the South American Republics until such time as they become reasonably established;

*Resolved*, That a copy of these resolutions, duly signed by the governor and attested by the secretary of state, shall be forwarded to the President of the United States and to our Senators and Representatives in Congress.

B. F. MONTGOMERY,

Speaker of the House of Representatives.

WILLIAM J. HAMILTON,

Clerk of the House of Representatives.

D. C. COATES,

President of the Senate.

W. H. KELLEY,

Secretary of the Senate.

JAMES B. ORMAN,

Governor of the State of Colorado.

DAVID A. MILLS,

Secretary of State.

Attest:

[SEAL.]

Mr. TELLER presented a memorial of the legislature of Colorado, remonstrating against all national legislation calculated to transfer the control of the volume of money from Congress to any other authority; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

House joint resolution No. 4. By Mr. Ballinger.

Whereas since the panic of 1893 the people of Colorado and the great West have earnestly labored to adjust their affairs so as to meet the changed conditions forced upon them by the almost complete destruction of their then leading industry, pay their debts, preserve their homes, build new ones, and keep the peace within their own borders; and

Whereas through the interposition of Providence in their behalf, in their unprecedented economic struggle, new and unexpected discoveries of gold, of oil, and other natural resources essential to a permanent restoration of a beneficent prosperity have been multiplied until the State of Colorado is now upon the threshold of an unequalled development in every one of her industries; and

Whereas it is reported that a fresh attempt is about to be made in the National Congress to deprive the people of this State and of the nation of a just recompense for their sagacity, enterprise, and thrift, through a process of financial legerdemain by which the volume of our national currency is to be reduced and its control made to pass from the people to an international banking syndicate, by which reduction and transfer the surplus earnings of our people will be filched from them and turned over to a greedy and unpatriotic syndicate of home and foreign manipulators of money and of values, calling itself the world power; and

Whereas the people of Colorado have never shirked any of their obligations as citizens of the Republic, but have faithfully discharged every one of them to the utmost of the spirit as well as the letter of every demand made upon them, in war as in peace: Therefore, be it

*Resolved by the house of representatives of the general assembly of the State of Colorado (the senate concurring)*,

First, That the bills now pending in the Congress of the United States which propose to transfer the power to regulate the volume of the circulating medium from the Congress of the United States, or the people, where the people's Constitution has placed it, ought not to be enacted into laws, because to do so would be a betrayal of the rights of the people of the United States, and could possibly have no other effect than their ultimate subjugation to the will of a foreign or international or domestic money trust.

Second, *Resolved*, That our Senators in Congress be instructed and our Representatives requested to cast their votes and to do everything that they may legally and rightfully do as representatives of the State and of the people to prevent such legislation and to increase rather than diminish the present volume of the circulating medium.

Third, *Resolved*, That the legislative bodies of our sister States now in session and their representatives in the National Congress be invited to give this impending national calamity their immediate and most earnest consideration, to the exclusion of any and all other business, to the end that, by our united action, most disastrous consequences to our country may be averted.

Fourth, *Resolved*, That a duly engrossed copy of these resolutions be at once forwarded to each of our Senators and Members in Congress, to the Speaker of the House, and the President of the Senate, in Congress, and to the President of the United States; also that a duly engrossed copy be sent to the presiding officers of each house of the legislature of the several States now in session, and one to the Associated Press, without any delay, with a request for its immediate and widespread publication throughout the United States.

B. F. MONTGOMERY,

Speaker of House of Representatives.

WM. J. HAMILTON,

Chief Clerk.

D. C. COATES,

President of the Senate.

W. H. KELLEY,

Secretary of Senate.

JAMES B. ORMAN,

Governor of State of Colorado.

DAVID A. MILLS,

Secretary of State.

Attest:

[SEAL.]

Mr. TELLER presented a petition of the First National Bank of Delta, Colo., praying for the enactment of legislation reducing letter postage from 2 cents to 1 cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Reno Post, No. 39, Department of Colorado, Grand Army of the Republic, of Denver, Colo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented the petition of Henry Gilbert and sundry other citizens of Oakes, Colo., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of Locomotive Engineers' Local Union No. 430, of Trinidad; of the Durango Mine and Smeltermen's Local Union No. 58, of Durango, and of the Gillett Mill



and Smeltermen's Local Union No. 92, all in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Colorado, of Typographical Union No. 82, of Colorado Springs, and of sundry citizens of Teller County, Colo., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. PLATT of Connecticut presented resolutions adopted by the Chamber of Commerce of New Haven, Conn., favoring the enactment of legislation for improving and developing the waterways and harbors of the country; which were referred to the Committee on Commerce.

Mr. QUAY presented a petition of Martin R. Delaney Circle, No. 122, Department of Pennsylvania, Ladies of the Grand Army of the Republic, of Allegheny, Pa., and a petition of Colonel John B. Clark Circle, No. 11, Department of Pennsylvania, Ladies of the Grand Army of the Republic, of Allegheny, Pa., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows to \$12 per month; which were referred to the Committee on Pensions.

He also presented a petition of 56 citizens of Reamstown, Pa., praying for the enactment of legislation providing for the purchase of 1,100 acres of the Valley Forge encampment ground, to be used as a national park; which was referred to the Committee on Military Affairs.

Mr. MITCHELL presented a petition of The Dalles Division, No. 58, United Brotherhood of Railway Employees, of The Dalles, Oreg., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Robert Colored, of the parish of St. Landry, La., praying that he be granted an honorable discharge; which was referred to the Committee on Military Affairs.

He also presented a petition of Sunset Lodge, No. 130, Brotherhood of Railway Trainmen, of Portland, Oreg., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the Portland Association of Credit Men, of Portland, Me., praying for the adoption of certain amendments to the bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of Mrs. Jessie S. Copeley, of Portland, Oreg., praying that she be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of Iron Molders' Union No. 248, of Portland, Me., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

#### ADDITIONAL HOMESTEADS.

Mr. COCKRELL. I present a letter from Hon. Binger Hermann, Commissioner of the General Land Office, relative to the right for additional homestead. It consists of only one page, and there are a good many applications for information on the subject. I move that it be printed as a document for the Senate document room.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3876) granting an increase of pension to Theophile A. Dauphin; and

A bill (H. R. 7525) granting a pension to Marion Barnes.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3898) providing for the erection of a public building at Flint, Mich., reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, submitted a report to accompany the bill (S. 3421) for the relief of Eleonora G. Goldsborough, to take the place of the report submitted by him upon the same bill March 20, 1902.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2204) to provide for the erection of a public building at Findlay, Ohio, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 177) for the erection of a public building at Providence, R. I., reported it with amendments, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco, reported it with an amendment.

Mr. MASON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4909) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4948) for the relief of Edward Lautenschlaeger, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

#### URGENT DEFICIENCIES.

Mr. HALE. From the Committee on Appropriations I report back without amendment the bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes. The bill contains a few small items of needed deficiencies, and I ask that it be put on its passage.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 4967) for the relief of E. W. and A. Cross; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4968) granting an increase of pension to Charles G. Sweet; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 4969) granting an increase of pension to Abbie George; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 4970) to extend certain patent for the benefit of the heirs and legal representatives of Joseph A. McConnell, deceased; which was read twice by its title, and referred to the Committee on Patents.

Mr. PROCTOR introduced a bill (S. 4971) for the relief of Robert D. Benedict; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4972) for the relief of the estate of F. Z. Tucker; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4973) to place Lient. Col. and Brevet Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CULBERSON introduced a bill (S. 4974) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. NELSON introduced a bill (S. 4975) for the erection of a public building at Crookston, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4976) granting a pension to Jennette Baldwin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4977) granting an increase of pension to R. F. Catterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4978) for the relief of the widow of R. D. Hay; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4979) granting an increase of pension to Paul Fuchs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4980) to incorporate the American Academy in Rome; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4981) to provide for the erection of a public building and acquire a site therefor at Mount Clemens, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4982) granting an increase of pension to John Fler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 4983) granting a pension to John W. Smoot; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 4984) for the relief of Peyton Atkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4985) to incorporate the Society of the American Cross of Honor; which was read twice by its title,

and referred to the Committee on Corporations Organized in the District of Columbia.

Mr. CULLOM introduced a bill (S. 4986) to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs," approved February 15, 1902; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 4987) granting an increase of pension to Junius T. Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 4988) to divide the Indian Territory into counties and to establish the county seats thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4989) for the relief of Magnus Lewin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4990) to renew certain letters patent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced a bill (S. 4991) allowing two months' extra pay to enlisted men of the United States Navy during the war with Spain who served outside the United States, and one month's extra pay to such as served within the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BARD introduced a bill (S. 4992) to provide an American register for the bark *Homeward Bound*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 4993) granting an increase of pension to Jessie S. Copeley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4994) granting an honorable discharge to Robert Colored; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. QUAY submitted an amendment authorizing the President to appoint, by and with the advice and consent of the Senate, the present senior major-general of the Army to the rank of lieutenant-general, and place him on the retired list with that grade, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate a sum of money sufficient to pay the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of said State, or may hereafter be made in said State, to aid in the support of the public or common schools of said State, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. McMILLAN submitted an amendment, proposing to appropriate \$45,000 for constructing a modern steel light-ship for Southeast Shoal, Point au Pelee Passage, Lake Erie, and an amendment proposing to appropriate \$4,000 to maintain such light-ship, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$225,000, or so much thereof as may be necessary, for the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and for buildings for the troops, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment, proposing to appropriate \$225,000, or so much thereof as may be necessary, for the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and for buildings for the troops, etc., intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment proposing to appropriate \$50,000 to authorize the Secretary of War to cause to be examined the materials furnished and the work and labor done since May 22, 1901, in accordance with the method and system and under the plans of the United States engineer officer in charge, to prevent the erosion of the banks at or near Sawyers Bend in the harbor of St. Louis, so as to improve the channel, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate

\$175,000 for the repairs of the jetties at the mouth of the Brazos River, Texas, and also \$150,000 for the completion of the existing project at the mouth of that river, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### CHINESE EXCLUSION.

Mr. DILLINGHAM submitted 12 amendments intended to be proposed by him to the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent; which were ordered to lie on the table, and to be printed.

#### UNIVERSITY OF THE UNITED STATES.

Mr. JONES of Arkansas. I move that the bill (S. 3943) to establish a university of the United States be recommitted to the Committee to Establish a University of the United States. I was not present when the bill was considered by the committee, and yesterday I notified the chairman, the Senator from Kentucky [Mr. DEBOE], that I should to-day make a motion to recommit. The motion was agreed to.

#### IMITATION DAIRY PRODUCTS.

On motion of Mr. PROCTOR, it was

Ordered, That H. R. 8306, to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory of the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be reprinted with the Senate amendments numbered.

#### THE ISTHMIAN CANAL.

Mr. KITTREDGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That pages 33 to 47, inclusive, of Senate Report No. 783, Fifty-seventh Congress, first session, being the views of the minority of the Committee on Inter-oceanic Canals, be printed as a document.

#### LIFE-SAVING STATION ON OCRACOE ISLAND, NORTH CAROLINA.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (H. R. 10363) to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina. It is a very short bill.

Mr. STEWART. I will give way for that, but for nothing else. I desire to call up the Indian appropriation bill and continue it this morning. I gave notice yesterday that I should do so.

Mr. SIMMONS. I do not desire to displace the Indian appropriation bill. This bill will take only a minute.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the Indian appropriation bill.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The next amendment of the Committee on Indian Affairs will be read.

The next amendment was, on page 66, after line 4, to insert:

For payment to the Indians occupying the Mille Lac Indian Reservation, in the State of Minnesota, the sum of \$50,000, or so much thereof as may be necessary, to pay said Indians for improvements made by them, or any of them, upon lands occupied by them on said Mille Lac Indian Reservation, said payment to be made upon investigation, examination, and appraisal by the Secretary of the Interior, upon condition of said Indians removing from said Mille Lac Reservation: *Provided*, That any Indian who has leased or purchased any Government subdivision of land within said Mille Lac Reservation from or through a person having title to said land from the Government of the United States shall not be required to move from said reservation, but shall be entitled to the benefits of said appropriation to all intents and purposes as though they had removed from said reservation: *And provided further*, That this appropriation shall be paid only after said Indians shall, by proper council proceedings, have accepted the provisions hereof and declared the manner in which they wish the money disbursed; and said Indians upon removing from said Mille Lac Reservation shall be permitted to take up their residence and obtain allotments in severalty either on the White Earth Reservation or on any of the ceded Indian reservations in the State of Minnesota on which allotments are made to Indians.

The amendment was agreed to.

The next amendment was, on page 67, after line 5, to insert:

For paying the expenses of surveying and locating allotments heretofore made upon Net Lake Reservation, in the State of Minnesota, the sum of \$1,000, or so much thereof as may be necessary.

The amendment was agreed to.



The next amendment was, on page 67, after line 9, to insert:

For payment of the balance due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians for supplies furnished said Indians at the request of the Indian farmer, as ascertained by the Secretary of the Interior, under the provisions of the Indian appropriation act approved June 10, 1898, as follows: H. B. Allen, \$24.14; Charles Gasper, \$1,049.46; J. A. Rene, \$44.91; James A. Wallace, \$252.68; Kelly & Moses, \$40.49; Mrs. James Peacha, \$116.85; James Peacha, \$186.12; Frank P. Thompson, \$964.51; A. H. Simmons, \$178.85; in all, \$2,856.11; said sums to be payable out of funds belonging to said Indians.

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to insert:

For payment to Jean Louis Legare, of the Dominion of Canada, in full compensation for services rendered and money expended in bringing into the United States and procuring the surrender of Sitting Bull and his followers, under the direction of the Secretary of War, \$8,000.

The amendment was agreed to.

Mr. CLARK of Wyoming. I ask if it is proper at this time to offer an amendment? I have one to offer which I wish to come in at this point.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the committee amendments were first to receive consideration.

Mr. CLARK of Wyoming. Very well.

The reading of the bill was resumed. The next amendment was, under the head of "Support of schools," on page 69, line 5, after the word "dollars," to strike out:

Superintendent's cottage, \$2,000; new laundry, \$3,000; extension of sewer, \$3,500; steam pumping plant, \$3,000; in all, \$40,050.

And insert:

Extension of sewer, \$3,500, to be immediately available; for enlarging the capacity of the school to 200 pupils by the erection of additional buildings and other improvements, \$20,000, to be immediately available; in all, \$52,050.

So as to make the clause read:

For the support and education of 150 Indian pupils at Chamberlain, S. Dak., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; extension of sewer, \$3,500, to be immediately available; for enlarging the capacity of the school to 200 pupils by the erection of additional buildings and other improvements, \$20,000, to be immediately available; in all, \$52,050.

The amendment was agreed to.

The next amendment was on page 70, after line 4, to strike out:

For support and education of 250 Indian pupils at the Indian school at Carson City, Nev., \$41,700; for pay of superintendent at said school, \$1,600; for general repairs and improvements, \$2,000; for hospital, \$3,000; for employees' building, \$4,000; in all, \$52,300.

And in lieu thereof to insert:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., \$50,100; for pay of superintendent at said school, \$1,700; for general repairs and improvements, \$3,000; for bath house and furnishings, \$1,500; for hospital, \$5,000; for employees' building, \$4,000; for a new school building, \$15,000; in all, \$80,300.

The amendment was agreed to.

The next amendment was, on page 71, line 2, after the word "additional," to strike out "building" and insert "buildings;" so as to make the clause read:

For support of 600 Indian pupils at the Indian school at Chillicothe, Okla., \$100,200; for pay of superintendent at said school, \$2,200; for general repairs and improvements, \$3,000; for addition to boys' dormitory, \$4,500; for additional buildings, \$40,000; improving steam plant, \$7,500; machine shop, \$2,000; in all, \$159,400.

The amendment was agreed to.

The next amendment was, on page 71, after line 6, to insert:

For the establishment of an Indian school in the county of Elko, State of Nevada, provided that a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a school plant upon the new site, \$60,000.

The amendment was agreed to.

The next amendment was, on page 71, line 18, after the word "dollars," to insert "to be immediately available;" and in line 22, after the word "boilers," to insert "and their installation;" so as to make the clause read:

For support and education of 375 Indian pupils at The Riggs Institute, Flandreau, S. Dak., \$62,625; for general repairs and improvements, \$3,500, to be immediately available; for pay of superintendent of said school, \$1,800; barn, \$5,000; for addition to workshops, \$1,000, to be immediately available; for new boilers and their installation, \$2,000; for dairy building and equipments, \$2,000; in all, \$77,925.

The amendment was agreed to.

The next amendment was, on page 71, after line 24, to insert:

For new buildings and other improvements at the Indian school at Fort Lewis, Colo., to be expended under the direction of the Secretary of the Interior, \$25,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 10, to insert:

For the improvement of the Indian school at Fort Shaw, in the State of Montana, by the erection and equipment of necessary buildings, improvements, water, and sewer systems, to be expended under the direction of the Secretary of the Interior, \$80,000.

The amendment was agreed to.

The next amendment was, on page 73, line 5, after the word "boilers," to insert "and so forth;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., \$50,100; for general repairs and improvements, \$5,000; for pay of su-

perintendent of said school, \$1,700; for boiler house and boilers, etc., \$10,000; in all, \$66,800.

The amendment was agreed to.

The next amendment was, on page 73, line 8, before the word "Indian," to strike out "one hundred and seventy-five" and insert "two hundred;" in line 11, before the word "dollars," to strike out "twenty-nine thousand two hundred and twenty-five" and insert "thirty-three thousand four hundred;" in line 12, before the word "hundred," to strike out "five" and insert "six," and in line 23, before the word "dollars," to strike out "fifty-four thousand seven hundred and twenty-five" and insert "fifty-nine thousand;" so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., \$33,400; for pay of superintendent at said school, \$1,000; for general repairs and improvements, \$3,500; for laundry, \$2,500; for improvement of water system, \$3,000; for improving the sewerage system, including purchase of land or rights of way, if necessary, \$10,000, or so much thereof as may be required: *Provided*, That the Secretary of the Interior shall thoroughly investigate sewer conditions at this school, and if deemed advisable maintain the present arrangements with such improvements as may be deemed essential; in all, \$59,000.

The amendment was agreed to.

The next amendment was, on page 74, line 18, after the word "Kansas," to strike out "for transportation of pupils to and from said school;" in line 19, before the word "thousand," to strike out "thirty" and insert "twenty-five;" in line 23, before the word "dollars," to strike out "five thousand" and insert "two thousand five hundred;" in line 23, before the word "thousand," to strike out "three" and insert "two;" and on page 75, line 5, before the word "hundred," to strike out "eighty-three thousand two" and insert "seventy-four thousand seven;" so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., \$125,250; for pay of superintendent at said school, \$2,000; for tile draining farm, \$2,500; for construction of cisterns, \$2,000; for boring deep wells, \$3,000; for general repairs and improvements, \$10,000; for the purchase of 328 acres of improved land, more or less, adjoining land now belonging to the United States, \$30,000, to be immediately available; in all, \$174,750.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to strike out:

For the support and education of 100 Indian pupils at the Indian school, Mandan, N. Dak., \$16,700; for pay of superintendent, \$1,200; for general repairs and minor improvements, \$500; in all, \$18,400.

The amendment was agreed to.

The next amendment was, on page 75, line 13, before the word "Morris," to insert "the Indian school at;" in the same line, after the word "Minnesota," to strike out "Indian School;" and in line 17, after the word "room," to insert "and so forth;" so as to make the clause read:

For the support and education of 150 Indian pupils at the Indian school at Morris, Minn., \$25,050; pay of superintendent, \$1,500; erection of barn, \$3,000; for remodeling building for dining room, etc., \$2,500; for general repairs and improvements, \$1,000, and for the purchase of 6 acres of land, more or less, for use of said school, \$550, to replace 6 acres of land, more or less, belonging to the United States and used for said school which the Secretary of the Interior is hereby authorized to sell; in all, \$33,600.

The amendment was agreed to.

The next amendment was, on page 77, line 8, before the word "thousand," to strike out "fifteen" and insert "ten;" and in line 9, before the word "thousand," to strike out "forty-two" and insert "thirty-seven;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Pipestone, Minn., \$25,050; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; for enlargement of boys' dormitory, \$10,000; in all, \$37,550.

The amendment was agreed to.

The next amendment was, on page 77, after line 9, to insert:

For support and education of 900 Indian pupils at the Puyallup Indian School, Puyallup Consolidated Agency, on the Puyallup Indian Reservation, Wash., \$50,100; for pay of superintendent of said school, \$1,500; for addition to the present school buildings and improvements in connection therewith so as to increase the capacity of the plant from 200 to 300 pupils, \$20,000, or so much thereof as may be necessary; in all, \$71,600.

The amendment was agreed to.

The next amendment was, on page 77, line 21, after the word "pupils," to insert "at the Indian school;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Rapid City, S. Dak., \$25,050, etc.

The amendment was agreed to.

The next amendment was, on page 78, line 19, after the word "sewerage," to insert "and drainage;" in line 20, after the word "dollars," to insert "to be immediately available;" in line 21, after the word "dollars," to insert "for the construction of a new brick dormitory suitable for the accommodation of 250 boys, \$30,000;" and in line 24, before the word "thousand," to strike out "four" and insert "thirty-four;" so as to make the clause read:

For support and education of 550 pupils at the Indian school, Salem, Oreg., \$91,850; for pay of superintendent at said school, \$1,800; for improvements to sewerage and drainage, \$6,000, to be immediately available; for general repairs and improvements, \$5,000; for the construction of a new brick dormitory suitable for the accommodation of 250 boys, \$30,000; in all, \$134,650.

The amendment was agreed to.

The next amendment was, on page 79, after line 20, to insert:

For enlargement and improvement of Hope Indian School at Springfield, S. Dak., and for enlargement of grounds for the use of the same, \$15,000.

The amendment was agreed to.

The next amendment was, on page 80, line 18, after the word "general," to insert "repairs and;" so as to make the clause read:

For support and education of 150 pupils at the Indian school at Truxton Canyon, Ariz., \$25,050; pay of superintendent, \$1,500; general repairs and improvements, \$4,000; in all, \$30,550.

The amendment was agreed to.

The next amendment was, on page 80, after line 20, to insert:

For the erection of an Indian training school on the Tulalip Reservation, Wash., \$30,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 82, line 2, before the word "exceeded," to strike out the following proviso:

*Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

The amendment was agreed to.

Mr. JONES of Arkansas. Was it the understanding that individual amendments were to be offered to the bill after the reading was completed? I have an amendment that I desire to offer on page 82, and I want to reserve the right to do so.

Mr. STEWART. That will be in order after the committee amendments shall have been disposed of.

Mr. JONES of Arkansas. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 7, on page 85, line 12, after the word "decendent," to strike out "and if there be both adult and minor heirs, then the minor heirs may join in such sale and conveyance," and insert "but in case of minor heirs their interests shall be sold only;" in line 21, after the word "allottee," to insert:

And when, pursuant to any treaty or agreement with an Indian tribe, or pursuant to any act of Congress relating to Indian allotments, land has been or shall be allotted to a white person without Indian blood who is a citizen of the United States, final patent shall be issued to such white allottee without awaiting the expiration of the usual trust period, and he shall thereupon be authorized to sell or dispose of the land so allotted without restriction.

And on page 86, after the word "children," to insert:

*Provided further*, That any Indian over the age of 21 years to whom an allotment of land has been or shall hereafter be made may dispose of such land by will, subject to the conditions and limitations of such allotment and in accordance with the laws of the State or Territory in which such land is situate.

So as to make the section read:

SEC. 7. That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. And when, pursuant to any treaty or agreement with an Indian tribe, or pursuant to any act of Congress relating to Indian allotments, land has been or shall be allotted to a white person without Indian blood who is a citizen of the United States, final patent shall be issued to such white allottee without awaiting the expiration of the usual trust period, and he shall thereupon be authorized to sell or dispose of the land so allotted without restriction. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: *Provided*, That the sale herein provided for shall not apply to the homestead during the life of the father, mother, or the minority of any child or children: *Provided further*, That any Indian over the age of 21 years to whom an allotment of land has been or shall hereafter be made may dispose of such land by will, subject to the conditions and limitations of such allotment and in accordance with the laws of the State or Territory in which such land is situate.

The amendment was agreed to.

The next amendment was, on page 86, line 16, to strike out section 8, in the following words:

That the judge for the Indian Territory, appointed under the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," shall reside at Muskogee; and hold terms of court at all places of holding court within the boundaries of the Creek country and the Seminole country, and court shall be held at the places now provided by law in the northern district of the Indian Territory and at the towns of Okmulgee, in the Creek country, and the town of Sallisaw, in the Cherokee country.

And in lieu thereof to insert:

That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and that part of the Cherokee country lying west of the Arkansas River be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muskogee, Wagoner, Sepulpa, Wewoka, Eufaula, and Okmulgee. The judge appointed under the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," approved June 7, 1897, shall be the judge of said western district, and he is hereby authorized to appoint a clerk, who shall reside and keep his office at one of the places of holding court in said western district. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of

the Senate, a district attorney for said western district, and a United States marshal for the northern district. The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the town of Sallisaw, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern district, courts in that district shall also be held at Tishomingo and Ada.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. A committee amendment was passed over on page 49, which will now be stated.

Mr. STEWART. I think that amendment ought to be adopted. On further consultation with the Commissioner of Indian Affairs, I find that it is necessary to enable him to pay the clerks who were detailed to do this work in the Indian Office in this city.

The PRESIDENT pro tempore. The amendment which was passed over on page 49 will be stated.

The SECRETARY. On page 49, after line 22, the Committee on Indian Affairs reported to insert the following:

That the accounting officers of the Treasury Department are hereby authorized and directed to allow in the settlement of the accounts of the disbursing officers in charge of the warehouses for Indian supplies such sums as may have been disbursed by them during the fiscal years 1901 and 1902 in payments of clerks appointed to clerkships in such warehouses and detailed for duty in the office of the Commissioner of Indian Affairs in Washington, D. C.

Mr. GALLINGER. I should like to ask the Senator from Nevada to make a brief explanation of that amendment. I confess I do not understand it.

Mr. STEWART. The clerks referred to were detailed to duty in the office of the Commissioner of Indian Affairs in this city from the warehouses, and the Commissioner of Indian Affairs tells me there is some difficulty in passing the accounts for their payment in the Comptroller's office. This amendment does not amount to anything, as it is a mere matter of accounts, as I understand.

Mr. GALLINGER. If the Senator will excuse an interruption, I should like to ask if these clerks are in the classified service or simply detailed?

Mr. STEWART. They are in the classified service, I understand.

Mr. ALLISON. I understand that this amendment proposes to cure a difficulty that arises from the fact that these clerks were employed under the warehouse fund and were detailed to duty in the office of the Commissioner of Indian Affairs, whereas the fund contemplates that they should be employed elsewhere. The statute, which I have before me, authorizes the Commissioner of Indian Affairs to temporarily detail clerks from his office to the warehouses, and this amendment implies that the clerks were detailed from the warehouses to the Indian Office.

Mr. GALLINGER. A reversal.

Mr. ALLISON. Yes, a reversal, and so I do not quite understand it. It seems to me that those clerks should not be paid from this fund unless they are employed in the warehouses where the fund should be expended.

Mr. STEWART. It has been suggested that the clerks had to be brought here to close up the accounts. The Commissioner of Indian Affairs was compelled to bring those clerks here in order to have that work done.

Mr. ALLISON. The Commissioner of Indian Affairs could probably do that temporarily.

Mr. STEWART. Yes, sir.

Mr. ALLISON. But this appears to be a permanent purpose, outside of this fund.

Mr. STEWART. It was necessary that the clerks should be brought here in order to close up the accounts.

Mr. ALLISON. It seems to me that if this has been done, and it is necessary to cure it by this provision, we ought to provide that it shall not be done in the future. So I would suggest the insertion of a provision to the effect that "hereafter such details to the Indian Office are hereby prohibited."

Mr. STEWART. Very well.

Mr. PLATT of Connecticut. Will the Senator from Iowa read the provision of the law to which he has referred?

Mr. ALLISON. This is a general statute as to appropriations. It reads:

That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall, after the 1st day of October next, be employed in any of the Executive Departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee



shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the 1st day of October next section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draftsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited.

If these clerks were here temporarily to perform their special duties, they would be paid under this statute; but if they are here permanently, I take it they could not be so paid, and this provision is intended to cure the difficulty which would be encountered from that statute.

Mr. STEWART. If the Senator from Iowa thinks an amendment is necessary to prevent difficulty in this case, I will accept it; but I understand the object of the employment of the clerks to be a temporary one merely, to close up the accounts; and if that be so, I think they can be paid under the existing law. I do not care about the matter particularly.

Mr. ALLISON. I should think they could, but I am not quite sure of it.

Mr. STEWART. But the Commissioner thinks that the clerks can not be paid without the adoption of the provision in the amendment reported by the committee.

Mr. PLATT of Connecticut. I was not present at the committee meeting when this amendment was inserted in the bill. I know nothing about the matter or the reason why it was inserted, but on looking at it I should suppose that the facts were these: That at the warehouses the clerks were appointed under some authority of law—

Mr. ALLISON. And to be paid out of an appropriation for that purpose.

Mr. PLATT of Connecticut. And to be paid out of an appropriation; and that those clerks, in order to close up their accounts, had to come to Washington—

Mr. STEWART. That is the way of it.

Mr. PLATT of Connecticut. And that some controversy has arisen between the Commissioner of Indian Affairs and the accounting officers of the Treasury, as questions very often do arise there, in which the accounting officers object to accounts. I do not suppose that those clerks have been detailed for permanent service in the Department here. The accounting officers may have thought that they stayed longer than was necessary, or something of that kind. I know nothing about the facts of the case, but I feel very sure—

Mr. ALLISON. I should say, if the Senator will allow me—

Mr. PLATT of Connecticut. I will after I finish this sentence. I feel very sure that the Commissioner of Indian Affairs would not attempt to get the permanent services of clerks in the Indian Office here in Washington by an improper detail, and I should not like to believe that he had done so.

Mr. ALLISON. I quite agree with the Senator.

Mr. PLATT of Connecticut. If the Senator from Iowa will permit me a moment, he knows how technical the accounting officers of the Treasury are at times. It is very possible that the detail of these clerks for temporary work in the Department has not been sufficiently stated to satisfy the proper accounting officer. I do not know what the facts are, but I suppose that is the case.

Mr. STEWART. The Senator from Iowa [Mr. ALLISON] has prepared an amendment which covers the case.

Mr. ALLISON. I suggest to the Senator from Nevada and the Senator from Connecticut that in line 6, on page 50, in the amendment of the committee, before the word "detailed," there should be inserted the word "temporarily;" so as to read:

In payment of clerks appointed to clerkships in such warehouses and temporarily detailed for duty in the office of the Commissioner of Indian Affairs in Washington, D. C.

Mr. STEWART. That is right.

Mr. PLATT of Connecticut. That, I think, will cover the difficulty.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

The SECRETARY. On page 50, after line 22, the committee propose to insert:

That the Secretary of the Interior, with the consent thereto of the majority of the adult male Indians of the Uintah and the White River tribes of Ute

Indians, to be ascertained as soon as practicable by an inspector, shall cause to be allotted to each head of a family 80 acres of agricultural land which can be irrigated and 40 acres of such land to each other member of said tribes, said allotments to be made prior to October 1, 1903, on which date all the unallotted lands within said reservation shall be restored to the public domain: *Provided*, That persons entering any of said land under the homestead law shall pay therefor at the rate of \$1.25 per acre: *And provided further*, That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate 100 mining claims of the character of mineral mentioned in its lease; and the proceeds of the sale of the lands so restored to the public domain shall be applied, first, to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions, and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians. And the sum of \$70,064.48 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Uintah and the White River tribes of Ute Indians, under the direction of the Secretary of the Interior, to be immediately available.

Mr. STEWART. The Senator from Utah [Mr. RAWLINS] has an amendment to that amendment, which he desires to offer in pursuance of suggestions made here.

Mr. RAWLINS. I offer the amendment which I send to the Secretary's desk, to come in after line 10 of the amendment of the committee, on page 52.

The PRESIDENT pro tempore. The amendment of the Senator from Utah [Mr. RAWLINS] to the amendment of the committee will be stated.

The SECRETARY. At the end of the committee amendment on page 52, line 10, it is proposed to insert:

Said item of \$7,064.48 to be paid to the Uintah and White River Utes to cover claims which these Indians have made on account of the allotment of lands on the Uintah Reservation to Uncompahgre Indians and for which the Government has received from said Uncompahgre Indians money aggregating \$90,064.48, and the remaining \$10,000 claimed by the Indians under an act of Congress detaching a small part of the reservation on the east and under which act the proceeds of the sale of the lands were to be applied for the benefit of the Indians. This amount to be advanced as a compromise in settlement of these claims and to remove all objection of the Indians to taking allotments and the opening of said reservation.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Utah [Mr. RAWLINS] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. HANSBROUGH. I offer an amendment—

Mr. STEWART. I hope the Senator will wait until the committee amendments have been disposed of.

Mr. HANSBROUGH. I supposed the committee amendments had been disposed of.

Mr. STEWART. No; and we have not disposed of the pending amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

The SECRETARY. On page 63, after line 23, the Committee on Indian Affairs reported an amendment to insert the following:

For payment to the Chippewa Indians of Minnesota entitled thereto, under such regulations as the Secretary of the Interior may prescribe, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on ceded Indian lands under the act of June 7, 1897 (30 Stats., p. 90).

Mr. CLAPP. In regard to that clause I would suggest, after the word "as," in line 25, to strike out the word "he" and insert "the Secretary of the Interior;" and then, at the end of the provision in line 5 on page 63, to avoid any question, I would suggest adding these words: "and which money is hereby appropriated for said purpose." Then there can be no question about it.

The PRESIDENT pro tempore. The first amendment stated by the Senator from Minnesota has already been agreed to.

Mr. CLAPP. I did not know that.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 63, line 5, of the amendment of the committee, after the word "ninety," it is proposed to insert "and which money is hereby appropriated for said purpose."

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

Mr. LODGE. Is that the amendment on page 63?

The PRESIDENT pro tempore. It is the amendment on page 63, commencing in line 6, which will be stated.

The SECRETARY. The Committee on Indian Affairs propose to insert on page 63, after line 5, the following:

For payment to the trustee or executor or administrator of the estate of Eli Ayres, deceased, the sum of \$155,200, the same being the amount of the purchase money paid by the said Eli Ayres in his lifetime, for 134 sections of land situate in the State of Mississippi, at \$1.25 per acre, the price agreed upon, to the Chickasaw reservees, the owners in fee of said lands, under and by virtue of the treaty made by the United States with the Chickasaw Indians in 1834, upon the sale and conveyance to the said Eli Ayres by said reservees of said lands in conformity with the requirements of said treaty, and which said lands were subsequently appropriated, sold, and disposed of by the Government of the United States without authority of law and without regard to the rights acquired by said Eli Ayres by virtue of said purchase in and to said lands, and with knowledge of the fact that said Indian grantors of said Ayres had already sold and deeded said lands to him under the terms of said treaty: *Provided*, That such payment, when made, shall operate as a settlement in full between the said representatives of the estate of said Eli Ayres and the United States, and shall further operate to forever quiet all such land titles in the State of Mississippi conveyed to the said Ayres affected by reason of the premises. (Reimbursable.)

Mr. LODGE. The Senator from Connecticut [Mr. PLATT] made a point of order on that amendment under clause 4 of Rule XVI, that it was an amendment carrying a private claim, and not called for by the provisions of any existing law or the stipulations of any treaty.

The PRESIDENT pro tempore. The point of order has already been made?

Mr. LODGE. Yes; the point of order was made by the Senator from Connecticut yesterday when I had the honor of occupying the chair.

Mr. STEWART. I doubt whether that point of order is well taken. The amendment is for the disposition of Indian funds that are in the Treasury—putting them where they properly ought to be.

The PRESIDENT pro tempore. Is the payment provided for by law or is it contained in any treaty stipulation?

Mr. STEWART. It grows out of a treaty stipulation.

Mr. LODGE. Mr. President, if I may say a word on that point, I will say that I took occasion to examine the treaty yesterday, and there is absolutely no treaty stipulation for the payment of a claim of this character. The treaty referred to in the amendment is a treaty with the Chickasaw Indians for the regulation of certain land claims bought as lands of the Indians, which claims the United States subsequently sold and received the money therefor. It is a question between the claimant and the United States. There is no stipulation in that treaty to pay this claimant or any other claimant.

Mr. MONEY. Mr. President, has any Senator got the floor?

The PRESIDENT pro tempore. On the point of order?

Mr. MONEY. Yes, sir.

The PRESIDENT pro tempore. The Chair will hear the Senator from Mississippi.

Mr. MONEY. Has the Chair decided the point of order?

The PRESIDENT pro tempore. The Chair has not.

Mr. MONEY. Mr. President, this is an amendment which was taken from a bill to quiet title to certain lands in Mississippi, and in that point of view I think it is not amenable to the objection made to it on the point of order. With all due deference to the Senator from Massachusetts [Mr. LODGE], the provision does arise out of treaty stipulations with the Chickasaw Indians, made in 1832 and 1834, under which those Indians were permitted to retain their residence in Mississippi and to have a reservation of 640 acres of land and to dispose of that. In the treaty of 1834 there was made a deed in fee to those Indians. This purchase was made in 1829 under this power granted by the treaty.

I will say that the supreme court of Mississippi and the Supreme Court of the United States have decided this point. It was in a case in which the claimant for the money paid out got a power of attorney from the Indians concerned. It is reported in the Mississippi reports, and I believe in 18 Wallace, United States Reports, and this very point was decided, that these Indians had a right in fee to these lands; that their right to grant and convey was perfect; that the Chickasaw Indians in the tribe had no right to the land, and that the United States had no right to the land; that it was the property in fee of these Indians, and that they had a right to dispose of it.

Now, the deed was not perfected by the signature of the President, because under a misconception of the law the officers of the Interior Department did not present it, but refused to present the deed to him.

I do not care to argue at this time the merits of the case, but upon the point of order it seems to me clear that this is a matter which can be carried on the pending bill, because it is to settle a tax title to a large quantity of land, amounting to 150 sections of land in the State of Mississippi.

Mr. PLATT of Connecticut. Mr. President, I do not wish to discuss this claim on its merits, because if it is to be discussed on its merits it will take a good deal of time; but on the point of order the facts are just these: Under the treaty mentioned there, made with the Chickasaw Indians, they had a right to select

some lands in the State of Mississippi; that they did go forward and make the selections, and that certain of the Indians, after having made the selections, sold, as it is claimed, lands to Eli Ayres; that the Government afterwards, not recognizing the rights of the Indians, sold the lands as belonging to the Government, and what this claim is for is to have the United States pay to the representatives of Eli Ayres the money which it got for these lands. It is a private claim on the part of Eli Ayres and his descendants against the United States for having sold lands which they claim belonged to Eli Ayres. It has nothing to do with a treaty at all.

Mr. STEWART. It is a little different from that. When the lands were sold the money was covered into the Treasury and kept as a distinct fund, and interest has been paid on it for the benefit of the Indians—\$58,000. It has paid interest on it up to date. The Indians have received their pay for the land, as they acknowledge. They are not entitled to it. Still the interest has been paid to them all this time. It seems to me it is not quite an ordinary claim.

Mr. TELLER. Mr. President, this case rests upon the failure of the Government of the United States to carry out a treaty which it made with the Indians. The Government of the United States agreed that certain Indians might select land, and it made a grant to those Indians, so the Supreme Court said; not a contract to make a deed, but made a grant. These Indians selected the land, and sold the land to Mr. Ayres. He complied with every provision of the law that had been laid down and was thereupon entitled to a deed from the Indians, to be approved by the President of the United States, which the treaty required to make it valid.

The authorities declined afterwards to approve, and so the title did not pass out of the Indians into their grantee, Mr. Ayres, but remained in the Indians, and not as the Senator from Connecticut says, that it was supposed to remain in the United States. The Government of the United States insisted that it did not belong to the individual Indians, but belonged to the tribe, and thereupon sold the greater portion of it at auction for sums of all sorts, amounting to less than a third of what Mr. Ayres had paid for the property, and turned the money into the Treasury, not as its property, but into the Treasury as the property of the Indians, and proceeded to invest it at 5 per cent interest.

Mr. Ayres, unable to get a deed carrying to him the title, prosecuted two cases in the name of his grantors (Indians) in the State of Mississippi, and the supreme court of Mississippi sustained Ayres's title. Another case came to the United States Supreme Court—*Best v. Polk*, 18 Wallace—which Judge Davis decided, and he decided first that the treaty created, when it was approved, a grant to the Indians, not a contract for a title, but absolute title in the Indians, and that they had a right to sell. He decided also that Mr. Ayres had complied with every requirement of the treaty and that Mr. Ayres was entitled to the approval of the deed by the President of the United States, which would have conveyed all of the Indian title to Mr. Ayres.

Mr. PLATT of Connecticut. I do not see how the court could have decided that Mr. Ayres complied with any provision of the treaty. He simply bought from the Indians. He had nothing to do in order to complete his title.

Mr. TELLER. The Senator does not know as much about this case as I do.

Mr. PLATT of Connecticut. Perhaps not. I think I do, however.

Mr. TELLER. The Senator is very ignorant of the facts, judging from his statement, at least.

Mr. PLATT of Connecticut. Or the Senator from Colorado is if he differs with me.

Mr. TELLER. The treaty provided certain steps to be taken before the Indians could part with the title. The court held that the Indians and Mr. Ayres had taken every step required, and that all that remained to be done was that the President should approve the deed, which was necessary to make it a valid deed. So in equity Mr. Ayres was the owner of the property, but not in law.

Mr. PLATT of Connecticut. But, Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I want this little difference between the Senator from Colorado and myself understood. I do not think we shall disagree. The Senator said that Mr. Ayres had complied with the provisions of the treaty which were necessary to perfect the title.

Mr. TELLER. He did. I say so now.

Mr. PLATT of Connecticut. He had nothing to do with perfecting the title. He purchased of the Indians. The Senator now says that the Indians of whom Mr. Ayres purchased did everything that was necessary to complete the title.



Mr. TELLER. The Senator is sticking in the bark.

Mr. PLATT of Connecticut. Not at all.

Mr. TELLER. That is all it is. Mr. Ayres had certain things to do. He had to pay for the land. He had to pay an amount that two men, who were designated out of a certain number, would agree was a proper payment. Then the Indians had to sign and do certain things, and Judge Davis held that everything had been done, that there was nothing further to be done, except for the President to approve the deed, and that it was obligatory on the President to approve the deed. The President never did approve the deed. He has not approved it yet.

Thereupon in one of the cases the Government having sold the land, Congress provided by an appropriation for the payment to the man who got the land under a patent of the United States for the loss of the land, leaving the land of course in the Indians, where it is still subsisting, so far as I know, although I believe in point of fact the white man who had the invalid patent stayed on there and still holds it. I have been told so. I do not know whether that is a fact or not.

Here is a case where a citizen of the United States invested \$155,200. That is in proof. There is nothing to the contrary unless somebody will get up here and say that he did not, and he can not back it up by a single particle of proof, because the testimony is ample that he did pay it; that the Indians made the deed; that they were the owners in fee, but incapable under their condition of making a title except with the approval of the President, which they could not get; and Mr. Ayres, now dead, and his heirs have been kept out of this property since 1839, and they have been here ever since trying to get some relief. Of course during the war there was a time when this proceeding was suspended. But every report ever made declares that this man has been guilty of no laches, and there have been four reports made in the other branch of Congress in his favor and four in this. The Commissioner of Indian Affairs in 1882 or 1883 reported in his favor. The Secretary of the Interior at that time approved also of the finding.

The controversy between the Senator from Connecticut and the committee is this: The Senator says Mr. Ayres ought to have fifty-eight thousand and some odd dollars which the Government received for the sale of a portion of his land.

Mr. PLATT of Connecticut. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I do not admit that he ought to have that, but I did at one time agree that if the amount were limited to that sum, I would consent to it to settle and get the claim out of the way; to compose it.

Mr. TELLER. The Government repudiated the purchase, not upon the ground that it was not made in good faith, for every branch of the Government which has dealt with the question has declared that it was made in good faith. There are two reports from the Commissioner of Indian Affairs that it was made in good faith. But it was upon the ground that these reservees were not entitled to take the land. The Supreme Court, absolutely without any qualification, held that they were entitled to take it. They settled that question, and the property was theirs.

Mr. JONES of Arkansas. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. JONES of Arkansas. Did the Supreme Court hold that these reservees were entitled to it?

Mr. TELLER. They did.

Mr. JONES of Arkansas. In the case of *Best v. Polk*?

Mr. TELLER. Yes; and the other case escapes me for the moment.

Mr. JONES of Arkansas. That was not this particular case, but a different case altogether, was it not?

Mr. TELLER. Not at all. It was these two Indians who made their title good, and the Commission which was authorized to determine who was entitled to this land held that these two who made good their title were, and that all the others, in fact, stood on the same ground.

Mr. PLATT of Connecticut. I do not think that appears from the decision of the Supreme Court in the case of *Best v. Polk*.

Mr. TELLER. I say positively that it does.

Mr. PLATT of Connecticut. I have just had it here and read it, and if the Senator will read it, he will see that the evidence was excluded. There is nothing in that case to show whether they were the parties who had been found by the Chickasaws to be entitled or whether they were not, as I read the case.

Mr. TELLER. But they determined that the Commission had a right to settle that question, and that that finding had never been set aside, and that they had not any right to set it aside. Thereupon the Government assumed to sell a hundred and forty-odd pieces of this land, and it received at public sale \$38,000. I could give the exact amount, and will if we debate the question on its merits. It received the money into the Treasury, selling

the property, as I say, for a third of what Mr. Ayres had paid for it, according to the evidence, and probably selling it for very, very much less than it was worth, even if they had sold it for what he had paid for it, for it was worth even more.

Mr. BURTON. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. BURTON. Can the Senator tell us why the money was paid before the purchaser obtained the deed?

Mr. TELLER. The Supreme Court said he had to pay the money before he could get the deed. The President would not approve the deed until the money had been paid. You will find that in the case if you will look it over.

Mr. BURTON. Then, after it was paid, he refused to approve it?

Mr. TELLER. Then, after it was paid, the President refused. I say the President. Of course, it was then in the War Department, and the War Department refused. That is the truth about it.

Mr. MONEY. I will ask the Senator if the President ever had an opportunity to sign the deed—whether he was ever afforded by the Department an opportunity?

Mr. TELLER. No; I suppose the War Department never presented it. The Secretary of War in those days acted as Secretary of the Interior. Perhaps it never was presented to the President, but he never did approve it, and it was his duty to do it, the court said. The Commissioner of Indian Affairs, Mr. Price, who was a careful man, reported in favor of the whole claim. I approved of his finding as Secretary of the Interior. So I have had some acquaintance with this claim, and as a member of the Committee on Claims I have reported it at this session of the Senate for \$155,200. The \$58,000 was reported, I suppose, upon the theory that the Government had got that money, and therefore the Government could not lose anything if it paid it back, but totally ignoring what the Secretary of the Interior and the Commissioner of Indian Affairs found in 1882 or 1883. But if he is entitled to that money, he is entitled also to the interest on it which the Government has been getting, which would make the claim \$60,000 more than the present report makes it.

I merely desired to debate this matter far enough to show whether this is not one of those cases that fall within the rule of carrying out a treaty; whether it does not arise out of a treaty stipulation, and so is outside of the Senate rule. It seems to me it does. While it has been before the Committee on Claims, it is a proper case for the committee, if it sees fit, to take jurisdiction of, which it has done. It seems to me it is close enough to that principle that it is entitled to remain upon this bill, and that it is not amenable to the objection made by the Senator from Connecticut or the Senator from Massachusetts, whichever it may be, that it is a purely private claim. It is a claim arising as clearly out of a treaty as any claim can possibly arise, it seems to me.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. The Chair is ready to rule. He will hear the Senator from North Dakota, however.

Mr. McCUMBER. I wish to understand what is the objection. I did not hear the point of order that was raised.

Mr. STEWART. That it is a private claim.

Mr. McCUMBER. I simply wish to know what is the point of order raised by the Senator from Massachusetts.

Mr. LODGE. The point of order I made was that, under clause 4 of Rule XVI, this is an amendment the object of which is to provide for a private claim. The rule provides:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

This does neither.

Mr. McCUMBER. Mr. President, if the statement made by the Senator from Connecticut [Mr. PLATT] is correct, that the Government sold land belonging to Eli Ayres and this claim is based upon that, I can see the connection of the objection to the matter. But that is not a correct statement. Eli Ayres had no title to those lands. All he had was an inchoate right, one which might be prosecuted for the purpose of securing specific performance and nothing more. Now, to whom did the land belong? To the Indians, as already held by the Supreme Court of the United States. How did they get it? They got it under a treaty. So the title of the Indians is a treaty title. The Government turned around and sold the property, belonging to the Indians, which they obtained under a specific treaty.

Mr. LODGE. This is not an Indian claim.

Mr. McCUMBER. The claim may not be an Indian claim, but the person who has the right to receive the money, a mere equitable right, is Mr. Ayres, simply because the Indians had been paid, and the Government has so ruled.

Mr. QUARLES. Mr. President, I wish to call the attention of

the Chair for a moment to a view which perhaps has not been discussed. The question raised by the point of order, as it seems to me, is whether this provision of the appropriation bill is to carry out the provisions of an existing law. That is all there is of it. What was the law? In 1834 Congress passed an act in behalf of the Chickasaw Indians. There were just two propositions in that act—first, that those Chickasaws should have a title; second, that they should have the right to alienate that title just as a white man might. Those are the two propositions.

Suppose, sir, that instead of the claim being in favor of Eli Ayres, it were in favor of a Chickasaw Indian who had title by virtue of that act, and the Government of the United States had taken that land, contrary to its engagement, and converted it into money, and this were an appropriation to that Chickasaw Indian for the proceeds of the land. Would the point of order lie, Mr. President? Would not the claim of the Chickasaw Indian here rest down upon that act, and would it not be in accordance with existing law to pay him the proceeds of that land? Can there be any doubt about it? His right is bottomed on that statute, an existing law, and could you raise a point of order against the Chickasaw? Manifestly not. Let us see.

That statute not only conferred title on the Chickasaw, but it conferred upon him the right of alienation, just as sacred a right as the other, and we are just as much bound to preserve it. He did alienate, pursuant to that statute, to Eli Ayres, and therefore, if you admit the second proposition I make, namely, the right of the Chickasaw to alienate, Eli Ayres stands here, by virtue of existing law, precisely where the Indian would stand by virtue of existing law, by virtue of the enactment which says that the Chickasaw may alienate to Eli Ayres, and when you interrupt or interfere with that right you are in contravention of existing law.

Now, Mr. President, the principle of equity everywhere recognized is that wherever land is sold and a fund is created the parties who have an equity to the land have the same equity to the fund. In equity the fund takes the place of the land, and the same rights and the same equities exist to the fund that would exist to the land. Here is this fund, which represents that land. Eli Ayres's claim to it is just as good as if it still remained in the form of land. Therefore it seems to me there is a construction of the fourth proposition of Rule XVI which will well enable the presiding officer to rule that this amendment to the appropriation bill is a recognition of the original Chickasaw's right, of his right to alienate, and that Eli Ayres, standing here as the representative of the Chickasaw, is clothed with the same right under existing law that the original Chickasaw would have, and that when you pay Eli Ayres you are carrying out and effectuating an existing law.

Mr. ALDRICH. Mr. President, I think the Senator from Wisconsin misapprehends the rule. He may be correct in his statement of what the law provides, but he misapprehends evidently the purpose of the rule. When the rule says that appropriations must be to carry out existing law, it means an existing law which provides for an appropriation and not as to the rights of parties at all. Certainly that act could not be construed to authorize an appropriation to be made to pay somebody who may have bought lands either from Indians or anybody else or to repay any man. The existing law must provide for the payment which is to be carried out by an appropriation. It has no reference whatever to the suggestion made by the Senator from Wisconsin.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. TURNER. Are amendments now in order?

The PRESIDENT pro tempore. Under the unanimous-consent agreement the amendments of the committee were first to be disposed of. Are there any other committee amendments that were passed over?

Mr. STEWART. There are not.

The PRESIDENT pro tempore. The Senator from Washington is in order with his amendment. The amendment will be read.

The SECRETARY. Insert on page 58, at the end of line 16:

That the mineral lands only in the Spokane Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose, or by any school, shall not be subject to entry under this provision.

Mr. STEWART. The committee have examined that amendment and are in favor of it.

The amendment was agreed to.

Mr. TURNER. I submit the following letter from the Commissioner of Indian Affairs, in explanation of the amendment just agreed to:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., April 5, 1902.

SIR: Referring to the proposed amendment to the Indian appropriation bill opening for mineral entry Spokane Indian Reservation, in the State of Washington, under the laws of the United States, provided that lands allotted

to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under such provision, I will state that the office has no objection whatever to this amendment.

Respectfully,

W. A. JONES, Commissioner.

HON. GEORGE TURNER,  
United States Senate.

Mr. CLARK of Wyoming. On page 68, at the end of line 9, I move to insert:

That the proviso to the act of August 15, 1894 (28 Stat., 295), permitting the sale of allotted lands by members of the Citizens' Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma, as enlarged by the act of May 31, 1900 (31 Stat., 247), is hereby extended to the Wyandotte Indians of Indian Territory who were given allotments under the act of February 8, 1887 (24 Stat., 388), and to their heirs; and all conveyances under this act shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

Mr. JONES of Arkansas. After the word "exceeded," in line 2, page 82, I move to insert the following proviso:

That rations shall not be withheld from any Indians by reason only of attendance at any other than a Government school.

Mr. LODGE. Mr. President, I make a point of order on that amendment. It is general legislation.

Mr. JONES of Arkansas. Mr. President, the paragraph under consideration is one providing for the support of Indian schools. The Government in acquiring the territory from Indians on more than half of these reservations stipulated as one of the conditions on which the land was to be transferred to the United States and given up by the Indians that the Indian children should be educated and that rations should be issued to the members of the tribe. There were other provisions. I will not take the time to read them. I could read a dozen of them, but there is no question about that being the case. This amendment is to carry out treaty stipulations making provision that rations shall be issued to these children.

Some time last year the Commissioner of Indian Affairs reversed the action of the Department in this matter. Up to that time the ruling had been that whenever under the treaty agreements any Indians on a reservation were entitled to rations, by reason of the fact of their being in a contract school or a private school, they were not deprived of their right to those rations; that they were entitled to the rations under the treaty, and their going to a school on the reservation did not deprive them of any rights they had, if they were outside of a Government school and on the reservation. The Commissioner made a ruling last summer in which he held that while the Indians might be entitled, under the treaty, to rations, and draw their rations as members of the tribe on the reservation, if they attended a contract school by reason of that fact they should not be entitled to rations.

It seems to me that it is an arbitrary ruling directly in violation of the law. If there is an obligation on the part of the Government to supply these people with rations, the fact that they prefer to go to a private school instead of going to a Government school should not deprive them of the right to have rations. That is the whole case in a nutshell.

Mr. LODGE. Mr. President, this is a revival in a modified form of the appropriation to the contract schools. It is proposed to be delivered in the form of rations. That whole subject has been debated here at great length and Congress arrived at a decision. The whole system of appropriating for contract schools was abolished after elaborate discussion, and abolished gradually during a period extending over five or six years. If we do this, we return to the old general legislation, and we change the existing law in regard to the schools. It is not estimated for, not provided for, and not reported by any committee. It seems to me that it is clearly obnoxious to the point of order.

Mr. JONES of Arkansas. The Senator from Massachusetts does not seem to get the point. I read a paragraph from the agreement with the Sioux of North Dakota and the Northern Cheyenne of Montana:

In consideration of the foregoing cession of territory \* \* \* the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; \* \* \* to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef, etc., \* \* \* such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall in all cases be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians no rations shall be issued for children between the ages of 6 and 14 years \* \* \* unless said children shall regularly attend school.

The effect of the amendment as I offer it is to allow children who are attending private schools to draw the rations that they would be entitled to receive if they were not attending the schools; that is all. The Commissioner of Indian Affairs has no right to visit a punishment upon an Indian because he chooses to attend a private school instead of going to a Government school. He has no moral right or any other right to do it.

I do not think the point made by the Senator from Massachusetts is good at all. This is not an appropriation for the support of contract schools. It is simply a proposition to carry out the



Government obligation to furnish rations to these Indians where the treaties require that rations shall be supplied.

Mr. STEWART. This matter is very fully set forth in the opinion of the Attorney-General, and as it will take only a few minutes, I send it to the desk and ask that it be read, so that the Senate may understand exactly what is involved in the amendment.

Mr. GALLINGER. The Attorney-General does not discuss the point of order, I suppose.

Mr. PLATT of Connecticut. He states what the law is.

Mr. STEWART. I can wait until the point of order has been passed upon before it is read.

The PRESIDENT pro tempore. The Chair believes that the amendment is general legislation and subject to the point of order.

Mr. STEWART. Then that is the end of it.

Mr. PLATT of Connecticut. Let the opinion of the Attorney-General go into the RECORD.

Mr. STEWART. Very well, let it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection it will be printed in the RECORD.

The opinion referred to is as follows:

FEBRUARY 10, 1902.

The PRESIDENT.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo inclosing communications addressed to the honorable the Secretary of the Interior by the Commissioner of Indian Affairs, with reference to an application by the Rt. Rev. William H. Hare, missionary bishop of the Episcopal Church, in which Bishop Hare requests that the Interior Department distribute the rations and annuities for Indian children of the Sioux tribe through the mission schools of his church, when the children are in the care of these schools. The Commissioner of Indian Affairs, for reasons which are fully set forth in his communication of January 6, 1902, has declined to grant this application, and you request my opinion as to whether "the position of the Interior Department in this matter is correct."

These annuities and rations are, at the present time, paid to Indians of the Sioux tribe under the appropriation bill of March 3, 1901 (31 Stat. L., 1069), by which it is provided as follows:

"For subsistence of the Sioux and for purposes of their civilization, as per agreement, ratified by act of Congress approved February 28, 1877, \$900,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed when practicable. *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account."

It thus appears that the appropriation in question is made in execution of an agreement with the Sioux Indians which was ratified by act of Congress approved February 28, 1877 (19 Stat. L., 254).

A reference to the agreement which was thus ratified discloses the following obligation on the part of the Government in the matter:

"ARTICLE 5. In consideration of the foregoing cession of territory and rights and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868; also to provide the said Indians with subsistence consisting of a ration: *r* each individual of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour, and one-half pound of corn; and for every 100 rations, 4 pounds of coffee, 8 pounds of sugar, and 3 pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs. Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of 6 and 14 years (the sick and infirm excepted) unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick, and infirm excepted); and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such supplies, as far as may be required, for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservation."

It is apparent, therefore, that the character of the rations to be distributed is left to the discretion of the Commissioner of Indian Affairs, with the qualification that no rations shall be issued for children between certain ages unless they regularly attend a Government school, where such is provided, and further, that the family shall be treated as a unit for the purposes of distribution, and the rations or the equivalent thereof shall be issued to the head of such families. Congress has furthermore provided in the act of June 7, 1897 (30 Stat. L., 79) that it is "the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school," and by the act of March 1, 1899 (30 Stat. L., 942), contracts were authorized with sectarian schools at places where nonsectarian schools can not be provided for Indian children, and after providing for an equitable division of such appropriations between schools of the different denominations, Congress adds: "This being the final appropriation for sectarian schools." While these provisions may only refer to direct appropriations to sectarian schools, yet the issuance of rations to them for the benefit of Indian children in their care would certainly offend the spirit of the acts of Congress last cited, for in saving the necessary expense of maintenance it would have the beneficial effect of a direct appropriation. I am therefore of opinion that the Commissioner of Indian Affairs, who must respect the settled policy of the Government as thus declared by Congress, has no authority to grant Bishop Hare's application.

I have the honor to remain, very respectfully,

P. C. KNOX, Attorney-General.

Mr. HANSBROUGH. On page 72, line 23, after the word "necessary," I move to insert:

For heating system, \$10,000, in addition to the \$5,000 and \$10,000 heretofore appropriated, which are reappropriated, and all made immediately available;

for electric-light plant, \$200, in addition to the \$1,800 and \$1,200 heretofore appropriated, and now reappropriated, all of the amounts hereby appropriated for steam-heating system and electric-light plant to be immediately available.

Mr. STEWART. I have no objection to that amendment.

Mr. HANSBROUGH. It is a mere reappropriation of the amount.

Mr. STEWART. So I understand.

The PRESIDENT pro tempore. What did the Senator from Nevada say?

Mr. STEWART. I say I have no objection to this amendment.

The PRESIDENT pro tempore. The total amount will have to be changed.

Mr. HANSBROUGH. I will move an amendment changing the total.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

Mr. HANSBROUGH. On page 72, line 23, it will be necessary to change the total amount to \$89,000 instead of \$60,800, so as to include the money reappropriated.

The SECRETARY. In line 23, before the word "dollars," strike out "sixty thousand eight hundred" and insert "eighty-nine thousand."

The amendment was agreed to.

Mr. HANSBROUGH. In connection with this amendment I desire to have inserted in the RECORD a communication from the Commissioner of Indian Affairs covering the argument in favor of the amendment.

The PRESIDENT pro tempore. Without objection, leave is granted.

The communication referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, February 3, 1902.

SIR: In the Indian appropriation act for the fiscal year 1900 there were appropriated for the Fort Totten Indian School, North Dakota, for steam-heating system \$5,000, for electric-light plant \$1,800, and in the appropriation act for the fiscal year 1901 there were appropriated for steam heating \$10,000, this to be in addition to the sum of \$5,000 heretofore appropriated for the purpose, which sum was reappropriated, and for a lighting plant \$1,200, this being in addition to the sum of \$1,800 heretofore appropriated for such purpose, which sum was reappropriated, making total amount for steam heating \$15,000 and for electric-light plant \$3,000. There has been great difficulty, as you are aware, in getting the necessary plans and specifications drawn for the utilization of these two amounts, and bids were opened, after proper advertisement, in this office on January 24, 1902.

The lowest bid for the electric-light plant was \$3,175, and for the steam-heating system \$24,208. The same party bidding on steam heating bid \$3,840 for electric light, but if awarded both contracts would do the entire job for \$30,700. As will be noticed, the combined bid includes the electric light at \$3,840, which is out of all reason as compared with the lowest bid—\$3,175. As you are aware, Fort Totten School is an abandoned military post consisting of a number of brick buildings erected around a quadrangle. To successfully heat this plant is a most difficult undertaking. However, in view of the cheapness of coal in that section of the country, after being once installed the cost of maintenance would be practically much lighter than it is at present, with the numberless stoves and danger from fire. From the investigations of this office it has developed that a heating plant for the Fort Totten School can not be successfully installed for the amount of the appropriation—\$15,000—and if the original ideas in reference to this matter are to be carried out it seems necessary to secure an additional appropriation for this purpose. It is believed that if the appropriation could be made to read:

"Ten thousand dollars for a heating system, in addition to the \$5,000 and \$10,000 heretofore appropriated, which are reappropriated and all made immediately available; and also \$200 for electric-light plant, in addition to the \$1,800 and \$1,200 heretofore appropriated, and now reappropriated, all of which to be immediately available"

the proper systems of heating and lighting could be secured for this school.

I desire to say that the prospects of success for the Fort Totten School were never brighter than at present. This school is filled beyond the limit of its capacity. Under the present superintendent, who has had the hearty cooperation of the agent, there has been no difficulty in securing a full attendance of the Indians of Devils Lake and Turtle Mountain for this Fort Totten School. It is the only school in North Dakota.

All bids for electric light and steam heating have been rejected, and therefore nothing further can be done, and the appropriations must lapse into the Treasury unless you deem it advisable to secure the additional appropriations as above set out.

Very respectfully,

W. A. JONES,  
Commissioner.

Hon. H. C. HANSBROUGH,  
United States Senate.

Mr. PLATT of Connecticut. I suggest that it is not necessary to include the amount reappropriated in the total amount.

Mr. HANSBROUGH. It, however, would be covered into the Treasury if it is not used.

Mr. PLATT of Connecticut. But my point is that it does not seem to be necessary or proper to put the amount reappropriated into the total which is appropriated.

Mr. HANSBROUGH. I do not insist upon it at all.

The PRESIDENT pro tempore. What would be the total, then, without the amount reappropriated?

Mr. HANSBROUGH. It would be \$71,000.

The PRESIDENT pro tempore. The amendment as modified will be agreed to in the absence of objection.

Mr. HANSBROUGH. Now, Mr. President, I have another amendment here, which carries no appropriation and simply provides for the construction of a bridge.

The PRESIDENT pro tempore. The amendment will be read.  
The SECRETARY. Insert the following at the end of the bill:

The Secretary of the Interior is hereby authorized, in his discretion, to permit the construction of a free bridge to span the narrows of Devils Lake, in the State of North Dakota, at the point on the south shore of Devils Lake 63 chains and 70 links due north and 33 chains and 30 links due west of the southeast corner of section 23 in township 132 north, of range 63 west, of the fifth principal meridian. If said bridge shall abut on an Indian allotment, the consent of the allottee shall first be obtained. The Secretary may also authorize the taking of stone from the shores of the lake on the reservation side in the construction of the said bridge.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JONES of Arkansas. What is the purpose of the amendment? It seems to me that if a bridge ought to be provided for it should be done in a separate bill. Certainly there ought to be some explanation, showing the necessity for it.

Mr. HANSBROUGH. The amendment simply authorizes the Secretary to allow a bridge to be constructed which abuts on an Indian reservation. It is in the precise language of an amendment on the same subject which I had put in the last Indian appropriation bill.

Mr. JONES of Arkansas. It is not the intention that the Secretary of the Interior shall construct the bridge?

Mr. HANSBROUGH. Not at all; it is to be constructed by private parties.

Mr. PLATT of Connecticut. For whose benefit is the bridge to be constructed?

Mr. HANSBROUGH. The public.

Mr. PLATT of Connecticut. It is on an Indian reservation?

Mr. HANSBROUGH. Not wholly; one end of it abuts on an Indian reservation and the other on private land.

The amendment was agreed to.

Mr. STEWART. I suggest that the amendment should come in on page 55, line 5, after the word "dollars."

The PRESIDENT pro tempore. Is there any objection to changing the place of the last amendment? The Chair hears none.

Mr. McCUMBER. I offer an amendment to be inserted after line 17, page 44. It has been reported favorably by the Committee on Indian Affairs.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 44, after line 17, insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to Elizabeth McKinny, a citizen of Pottawatomie, for the land purchased by the said Elizabeth McKinny from the United States under the act of May 23, 1872, and located in Cleveland County, Okla. T., and described as follows, to wit: Lot numbered 4, and the southwest quarter of the northwest quarter of section 1, and the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section 2, all in township 5 north, of range 1 east, Indian meridian, containing 157.41 acres.

Mr. STEWART. I have no objection to the amendment.

The amendment was agreed to.

Mr. McCUMBER. I offer another amendment, to be inserted after the amendment which has just been adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 44, after the amendment which has just been adopted, insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Mary Keith and Benny Keith, Cheyenne and Arapaho Indians, for the lands heretofore allotted to them in the Territory of Oklahoma, to wit: The northeast quarter of section 11, township 12 north, range 6 west, and the east half of the northwest quarter and lots 5 and 6 of section 8, township 12 north, range 7 west of the Indian meridian; and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the vote on concurring in the amendments made as in Committee of the Whole be taken in gross?

Mr. COCKRELL. The committee amendment on page 49, striking out "ten" and inserting "eight," before "thousand," and the amendment to it, should be reserved. Let the others be concurred in.

The PRESIDENT pro tempore. The Senator from Missouri asks that an amendment may be reserved, which will be stated.

The SECRETARY. On page 49, line 14, the amendment striking out "ten" and inserting "eight," before "thousand," and the amendment following that at the bottom of the page.

The PRESIDENT pro tempore. Is there any objection to taking the vote on the rest in gross? The Chair hears none.

The amendments were concurred in.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction,

and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. HALE. Let the unfinished business be laid aside for a few minutes.

Mr. STEWART. I ask that the unfinished business be temporarily laid aside until we can finish the Indian appropriation bill. It will not take more than five minutes to dispose of the appropriation bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the Indian appropriation bill. Is there objection? The Chair hears none. The question is on concurring in the reserved amendment which has been stated.

Mr. MILLARD. I ask that the Senate do not concur in the amendment on page 49, line 14, where the word "ten" was stricken out before "thousand" and "eight" inserted; so as to make the clause read:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$8,000.

The PRESIDENT pro tempore. The question is on concurring in the amendment striking out "ten" and inserting "eight" in line 14, page 49.

Mr. STEWART. Let it be nonconcurrent in.

The amendment was nonconcurrent in.

Mr. COCKRELL. Now I ask that in the St. Louis amendment the amount be made the same as in the amendment in regard to the Omaha warehouse. The Commissioner recommends \$10,000 as the amount. The clause will then read:

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$10,000.

Mr. STEWART. I have no objection to that.

Mr. PLATT of Connecticut. What is the proposition of the Senator from Missouri?

Mr. COCKRELL. To add \$2,000 more for the Indian warehouse at St. Louis, so as to make the amount \$10,000.

Mr. HALE. It is only \$2,000 more for St. Louis.

Mr. COCKRELL. It is the same as the amendment which has been allowed at Omaha, Nebr.

The PRESIDENT pro tempore. Is there objection to changing the amount to \$10,000? The Chair hears none, and the amendment is made.

Mr. QUARLES. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of line 20, page 8, insert:

Provided, That \$5,000 of this sum, or so much thereof as in the discretion of the Secretary of the Interior may be deemed necessary, shall be used for the introduction of the willow industry among Indian tribes and on Indian reservations where it may be deemed feasible.

Mr. QUARLES. I will modify the amendment by changing the word "shall" to "may."

Mr. PLATT of Connecticut. If the phrase is changed to "may be used," I will not object to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin as modified.

The amendment as modified was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE A. K. MORRIS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States: which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, with copies of the correspondence called for by the Senate resolution of March 26, 1902, in regard to the claim of George A. K. Morris against the Government of Nicaragua for injuries done to his property by Nicaraguan troops in 1863.

THEODORE ROOSEVELT.

WHITE HOUSE, April 5, 1902.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. FAIRBANKS. Mr. President, the pending measure is to prohibit the coming of Chinese laborers to the United States and to any territory under its jurisdiction. The prohibition, however, does not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent therein, or property of the value of \$1,000, or debts of a like amount due him therein and pending settlement.



The bill does not prohibit the admission of Chinese officials, teachers, students, merchants, and travelers for curiosity or pleasure.

Since the comprehensive, luminous, and able argument of the distinguished Senator from Oregon [Mr. MITCHELL], with respect to the numerous specific provisions of the bill, I shall not dwell at length upon them, but shall deal with the subject in a somewhat general way, and as briefly as I may.

It can not be doubted that we have an absolute right to enact such laws as will safeguard our citizenship against contaminating influences from any quarter of the globe. More than this, the duty to preserve the purity of the currents which vitally affect the standard of our citizenship is plain and imperative. Our national policy has always been a broad and generous one. We have been hospitable to all of those born beneath alien skies who desire to come and make their homes with us, and for many years we imposed upon those seeking admission no conditions or restrictions whatsoever. Millions from abroad have been added to our citizenship and have participated in the development and upbuilding of our nation. In comparatively recent years Congress has deemed it a wise policy to discriminate and to exclude from all quarters those vicious, immoral, and undesirable elements which would not add to the well-being of our society. The restricted classes have been few, indeed. We have denied admission to idiots, insane persons, paupers, or persons liable to become a public charge, persons with a loathsome or dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, assisted immigrants, contract, and Chinese laborers.

There were no restrictive laws prior to 1875. In that year Chinese Coolie trade was interdicted.

No one who gives serious thought to the question will insist that our present immigration laws are unduly restrictive. The exclusion of the elements indicated would seem to be dictated only by a wholesome regard for our own welfare.

During the last decade the total immigration to the United States was 3,615,163. During the year 1901, 487,918 were added to our population from abroad, or enough to found a city nearly two and a half times larger than the city of Indianapolis. Enough are annually coming to our shores to make a city larger than the city of Cincinnati, and nearly as large as the combined cities of San Francisco, Portland, and Seattle.

At the rate of our immigration for last year there will be added to our population in six years enough to found a State as large and populous as the State of Indiana.

This immigration does not include any appreciable number of Chinese, and the query naturally arises, What would be the total annual immigration with no restrictive laws safeguarding the Pacific coast against the admission of the Chinese?

For the most part the immigrants who have come to us have been intelligent, well-disposed people, desirous of building homes among us, and of uniting their fortunes with ours in the fullest degree. They come mainly of their own volition. No others are desirable.

For some years it has been the policy of the Government to exclude Chinese laborers from admission. This policy has found its expression in treaties and in the statutes of the United States.

Our treaty relations with the Chinese Empire cover a period of less than sixty years. The first treaty was in 1844. This was superseded by the treaty of 1858. Later came the treaty of 1868, known as the Burlingame treaty, by which was recognized the mutual right of citizens and subjects of the two powers to migrate from one country to the other for purposes of curiosity, trade, or permanent residence. It was agreed that each Government should by law make it a penal offense for anyone to take the subjects or citizens of either into the country of the other without their free and voluntary consent, respectively.

President Hayes on March 1, 1879, in a message to the Congress, called attention to the desirability of some modification of the Burlingame treaty:

The lapse of ten years—

Said he—

since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese Government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject as dealt with by the Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition in renewed negotiations of the difficulties surrounding this political and social problem. It may well be that to the apprehension of the Chinese Government no less than our own, the simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety.

It became obvious in 1880 that the Pacific coast was in dan-

ger of invasion from the densely populated Empire of China, and our Government was obliged to deal with the subject of exclusion, and the treaty of 1880 was agreed to, restricting the admission of Chinese laborers. This change in policy was dictated purely in the interest of American labor and American citizenship. The Chinese were so unlike our own people in tradition, in religion, in habits and customs, that they would not assimilate with us, and their admission in such vast and increasing numbers became a great menace, and was deemed unwise.

It was perfectly evident that the unrestricted admission of Chinese labor would inevitably result in a serious inundation of the labor markets, and the inevitable tendency would be to depress unduly the wages of American labor.

The necessity for the treaty of 1880 was declared in the preamble:

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit.

The first article of the treaty was as follows:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

On April 4, 1882, President Arthur, in returning to Congress a bill with respect to Chinese exclusion with his veto, because he believed the measure to be violative of the national faith, among other things said:

Our intercourse with China is of recent date. Our first treaty with that power is not yet forty years old. It is only since we acquired California and established a great seat of commerce on the Pacific that we may be said to have broken down the barriers which fenced in that ancient monarchy. The Burlingame treaty naturally followed.

This treaty, it will be remembered, was concluded July 28, 1868, and proclaimed February 5, 1870.

Under the spirit which inspired it many thousand Chinese laborers came to the United States. No one can say that the country has not profited by their work. They were largely instrumental in constructing the railways which connect the Atlantic with the Pacific. The States of the Pacific slope are full of evidences of their industry. Enterprises profitable alike to the capitalist and to the laborer of Caucasian origin would have lain dormant but for them. A time has now come when it is supposed that they are not needed, and when it is thought by Congress and by those most acquainted with the subject that it is best to try and get along without them. There may, however, be other sections of the country where this species of labor may be advantageously employed without interfering with the laborers of our own race. In making the proposed experiment it may be the part of wisdom as well as of good faith to fix the length of the experimental period with reference to this fact.

In 1894 the friction between our own citizens and Chinese laborers became so acute that a further modification of our treaty relations was deemed essential. The Chinese Government expressed a desire, in view of the "antagonism and much deprecated disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, \* \* \* to prohibit the emigration of such laborers from China to the United States."

The provisions of the treaty for the exclusion of Chinese laborers are as follows:

ARTICLE I. The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ARTICLE II. The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

It was further provided that—

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

The pending measure is in effect a codification of existing laws and the rules and regulations which have been promulgated by the Treasury Department to carry such laws into effect. The



rules and regulations have been suggested by experience in the enforcement of the exclusion laws. They have been found necessary to give the laws effect, and to prevent the success of the ingenious and systematic efforts which have been made continually to evade them. The executive department has experienced great difficulty in circumventing the earnest efforts which have been made to secure the admission of prohibited classes. Organizations have been and are now maintained in China and the United States for the purpose of securing the admission of Chinese through our ports contrary to the letter and spirit of the law. Fraud and bribery have been employed in every conceivable form to evade the law and the rules and regulations issued by the Treasury Department, and the vigilance of our officials have failed to exclude all that should have been debarred. The vast extent of our boundary line along the Canadian and Mexican borders, and the large profit to be made by the successful admission of the excluded classes, make it exceedingly difficult for our officers to exclude all who should be denied admission.

It was made apparent to the committee that agencies are now established which undertake for a consideration of from \$50 to \$400 per capita to secure entrance into the United States of Chinese who are within the prohibitions of the law. These rich inducements make it necessary, in order that the policy of the United States with respect to Chinese exclusion may be made effective, that the laws should be carefully framed and made to meet the requirements of the department charged with their enforcement.

Some of the provisions of the bill may seem to be unduly drastic, yet they are such only as experience has suggested. They are such in the main as are now found necessary to enforce existing law and to prevent its evasion. To those who respect and obey the law they will not seem burdensome; they will seem severe only to those who wish to nullify it and to secure the wrongful admission of Chinese for the large profit which the nefarious traffic offers.

It may seem to some that existing rules and regulations were adequate and that it was unnecessary to enact them into the form of a statute. But experience has shown that they are not regarded by some officials with that respect which they have for the written law, and that they are too readily and easily set aside by those who are appointed to administer them.

The bill before us is not a departure from the well-settled and well-known policy of the Government. It is a policy the full purpose and scope of which is as well known in the Chinese Empire as it is known in the United States.

It is with especial pride that we point to the fact that our labor is better paid than the labor of any other country. Our effort has been to maintain a high wage scale, upon the generally accepted theory and belief that well-paid labor means better citizens and a better country than we could possibly enjoy if wages were forced to a low standard. A low wage market is most undesirable. It is not in the interest of either capital or labor, and we shall fail in our duty if we shall open the way to the free admission of oriental cheap labor, which will inevitably result in lower wages to our laborers.

The Chinese Empire is teeming with a population of some four hundred millions of human beings. With many it is a struggle for the bare necessities of life. It is a notorious fact that many of the people there live upon that which no decent American would wish one of his own countrymen to be obliged to subsist upon.

The great Chinese ports are but twenty days from San Francisco, Portland, and Puget Sound. Transportation facilities are ample, and the cost is moderate.

The opportunities in this country are so much greater and more inviting than in China, that countless thousands would seek our shores were restrictions removed.

The opportunities which this country affords are very well known in China, and the agencies which are now so fruitful in devising means to evade existing laws would soon send here vast numbers to invade our labor markets.

There is nothing immoral in our exclusion of those who do not tend to elevate our civilization. On the contrary, we would be recreant to the high trust committed to us if we should enter upon a policy of admission of vast numbers who must surely tend to bear it down. Our course is not dictated by any ill will toward the Chinese Empire. We have but to recur to the events of the past few years to find the amplest assurance of American friendship for that great and venerable Empire. When other nations sought her dismemberment and the distribution of her provinces among the powers of the earth, the United States stood first and foremost in favor of the preservation of her solidarity. We wish for China the most enlightened progress and prosperity, but our first duty is to our own country. We wish to see our country grow in strength and power; not in numbers only, for we do not find in mere numbers our greatest national strength and chief glory. We find our chief pride in the character and quality of those who constitute the 80,000,000 of American citizens.

If numbers alone constituted the real strength of a nation, China

would, indeed, be one of the strongest, one of the most puissant upon the face of the globe.

We value our broad fields, our great cities. They stimulate our pride, but above and beyond all that, as great and splendid as they are, we value our citizenship. It is, indeed, our chief glory. It means more to us, more to our children and to their children, more to the future strength and majesty of the Republic than all of the myriad material things which surround us.

A high order of citizenship is the chief end and aim of the Republic. We establish schools and found universities that they may elevate our people to a higher and broader and better plane. We have a care for the humblest among us. We want men and women who are in love with our institutions, and who will support and defend them, and transmit them unimpaired to posterity. It has been a part of our national policy to greet at our ports those from every land who are assimilable with us. We have been actuated by no nativistic spirit. We have made them joint sharers with us in the blessings and opportunities with which a beneficent Providence has favored us; but we should not invite those who will pull down and degrade our high standard.

We have heard much recently of the necessity for more land and for more territory. The vast plains of a few years ago have been largely occupied. Homes have been built and cities have been founded there. We read in the decennial census of our tremendous progress, and the eye of prophecy can already see how soon the unoccupied places, comparatively small, will be required to accommodate our rapidly increasing numbers.

We must not be too prodigal of our opportunities, or of our resources. We may well husband them for the future. Not for those of us who stand here to-day, but for those who shall follow us, and to whom we owe a surperme duty.

Our first care is to our own country and its citizenship, native born and foreign born alike. Our policy toward those of foreign birth, as I have hitherto said, is a broad and generous one. So soon as an alien sets foot upon our soil, every avenue, save one, is open to him, as it is open to the native born. The ways of trade and commerce, the professions and politics, are as free and open to him as to those who are born beneath our own benignant skies.

Being thus liberal, have we no rightful concern as to who is admitted? Is it of no concern to us whether or not he shall have in him the elements of good citizenship? What were our country without its citizenship? Destroy it or corrupt it and our chief glory is gone.

The admission of cheap labor may for the time being stimulate enterprise upon the Pacific coast and elsewhere. It may quicken the wheels of commerce, already turning with greater rapidity than at any period in our history. It may for the time being promote the interests of capital, but I do not believe that in the long run it will do so. I do not believe that there is a right-minded and intelligent citizen of the Republic who views the multiplied agencies for cheap production—production with decreased labor—who does not put the query to himself, "What will be the result when we shall have a surplus of labor?" A surplus of labor is in the nature of a calamity. We can conceive of no worse misfortune than a great country with labor unemployed. A surplus in the labor market is one of the serious probabilities that often faces us.

That American labor is displaced by the admission of Chinese labor, and that the opportunity of American labor is curtailed to the extent that Chinese labor is introduced, is obvious. It may be said that the same is true with respect to the admission of European labor, but in the latter case we admit those from whose ancestors we are descended, and who, speaking largely, are readily and fully incorporated into our American citizenship, while in the other case we have no racial elements in common. They do not harmonize with us. Upon their admission they become an undigested and undigestible mass.

The pending bill is intended to carry into the public law as the policy of the United States, recognized in the Gresham treaty and sanctioned by the almost universal judgment of the people, the absolute exclusion of Chinese laborers. It recognizes as entitled to admission Chinese officials, teachers, students, merchants, and travelers for curiosity or pleasure, excepted by the terms of the Gresham treaty. It has been found in the administration of the law that Chinese laborers have been smuggled into the country as belonging to the excepted classes, and it has become necessary to carefully define in the law such classes so as to prevent a gross abuse of the privilege.

A most serious objection to the admission of Chinese laborers is the general disregard of the home relation, with all of its humanizing and ennobling influences. The American home is indeed the unit of the Republic. In the final analysis, great issues which engage our attention from time to time, in fact the destiny of the Republic, are determined at the American fireside. Abolish the American home, and the days of the Republic are numbered.



Immigration which ignores this great potential fact is a serious menace, and is not to be desired.

The immigrants who have so materially added to our national strength have come mainly from those countries where the home and family relations are sacred, and they have built among us frugal and virtuous homes whence wholesome influences have permeated the entire community. The home is, indeed, the nation's supreme defense. Can you conceive that the Chinese who are excluded by the terms of the bill before the Senate would erect homes throughout the country, as has been done by the immigrants from the United Kingdom, France, Germany, Scandinavia, and other European countries?

Competition between American labor and Chinese labor is unequal. The two start in the contest upon an entirely different plane. The American laborer must have better clothes, better houses, better food. His wants are more—thank God for that!—and they must be supplied. He is to live and labor, educate his children, and his ashes are to repose here among his kindred. What he earns is to be spent here among his own countrymen and not in some foreign land. The Chinese laborers are not without points of merit. They are docile, patient, and have remarkable power of endurance, but their necessities are few and easily satisfied. They are but human machines of the lowest order. They may, if need be, subsist upon what the American laborer throws away—upon what we would be ashamed to see him obliged to live upon.

The Republican party adheres to the wholesome doctrine of protection against unfair competition with alien cheap labor, and the country itself is the amplest testimony as to the wisdom of this policy. The admission of Chinese laborers whose condition is so far below ours is in flagrant violation of the very principle and purpose of protection. If the Chinese would speedily rise to our standard the case would be different. But experience unfortunately demonstrates that they continue upon a lower plane, and the inevitable tendency is to bring American labor to their undesirable level. Can it be possible that American labor and Chinese labor can work side by side, the one receiving less than the other in wages and subsisting upon much less than the other? It follows as night the day that the lower paid and lower fed will cause his higher paid and better fed competitor to come down to his unfortunate condition. Against this we enter our protest. We do it from no ungenerous motive toward the Chinese Empire; we do it out of national self-respect and in our national self-interest, and no one can justly challenge the wisdom of our policy.

We enter upon no denunciation of the Chinese Empire or upon any wholesale arraignment of her subjects. There are Chinese scholars of renown, statesmen of ability, merchants of honor and sagacity, but they are not of the classes which are so unattractive to us.

We exclude contract laborers from all countries. No contract laborer, whether from the United Kingdom or any country in continental Europe or elsewhere, is permitted to enter the gates at Ellis Island. The exclusion of Chinese laborers, whether under contract or not, is dictated solely by the same motives and in the interest of American labor and of American civilization.

Some question has arisen as to whether the law should operate beyond the term of the Gresham treaty of 1894, it being suggested that the proposed act should terminate with the expiration of that treaty.

The sixth article of the treaty provides that—

This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and if, six months before the expiration of said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

It thus will be seen that unless one or the other of the high contracting parties shall elect to terminate the treaty and notify the other to that effect six months before the expiration of the period of ten years, the treaty will continue in full virtue and effect an additional decade.

So, whether the treaty shall terminate in 1904 will depend upon the fact as to whether either of the powers parties thereto shall denounce it at the end of the first ten years.

The pending measure is not in contravention of the terms of the treaty, and it is not necessary that a time limit should now be fixed. If enacted into law it will be in force so long as Congress wills and no longer. The Congress may repeal it whenever it deems that the public welfare shall so require. It may allow it to stand upon the statute books until December 7, 1904 (when the treaty may be terminated in the discretion of either power), or for an additional period of ten years, the extreme limit of the treaty, or longer as it shall deem best in the national interest. During the continuance of the Gresham treaty it can not be said to contravene any of our international obligations for it but gives force and effect to the provisions of the treaty.

Our policy of the exclusion of Chinese laborers has been main-

tained so long, and the reasons for its maintenance are so well known to the Chinese Empire, and are as cogent now as ever, that it is entirely probable that that great power will desire that the treaty shall continue for the maximum term of twenty years. If it shall be thought that after the expiration of the treaty our exclusion policy should not rest alone upon an act of the Congress, then, in advance of the expiration of the treaty, a supplemental or additional treaty may be negotiated by the two Governments, which shall fully acknowledge the right of the United States to maintain in full force the policy embodied in existing treaties and laws.

If there be any just apprehension that the Gresham treaty will be denounced by the Chinese Empire in 1904, and that in consequence the measure before the Senate thereafter may be in derogation of any treaty obligations, we may assume that the Executive Department, upon which the duty of negotiating treaties devolves under the Constitution, will take all necessary and timely steps to negotiate a treaty which shall sanction the right of the Congress of the United States, without breach of the national faith, to deal in its wisdom with the subject of the exclusion of Chinese laborers from the United States and all territory within its jurisdiction.

The necessity of an early enactment of the pending measure is urgent. On May 5 next the act approved May 5, 1892, known as the Geary law, and which continued in force the then existing laws prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent, will expire, and the Executive Department will be without the requisite authority and power to debar from admission the Chinese whose exclusion is so essential in the interest of the laborers of the United States upon the Pacific coast and elsewhere.

Mr. President, that the Congress has the most plenary power to enact into law the bill before us there can be no doubt, for the power to exclude undesirable aliens is an inherent attribute of national sovereignty. Our laws with respect to the exclusion of Chinese laborers should be stringent, and they should be so administered that they will be effective. This is in the mutual interest of the United States and the Chinese Empire, for it will avoid inevitable friction and discontent and the disturbance of those friendly relations which always have subsisted and which now happily exist between the two great powers.

Mr. GALLINGER. Before the Senator from Indiana takes his seat, I wish to ask him a question on one point which he has discussed interestingly, and that is the contention on his part that the proposed statute does not in any way violate the provisions of the so-called Gresham treaty.

I recently read a very interesting article from the pen of Hon. John W. Foster, ex-Secretary of State, I think a citizen of the Senator's own State, a very distinguished statesman and diplomatist, who takes the ground that the proposed legislation is in contravention of many of the terms of that treaty. I of course speak modestly about it myself, but I should like the Senator perhaps to restate the ground upon which he holds that it is in conformity to the terms of the so-called Gresham treaty.

Mr. FAIRBANKS. That is a pretty broad question. It would be necessary, in fully and satisfactorily answering it, to again consider the details of the bill as they relate to the excepted classes, and which were referred to at length by my distinguished friend the Senator from Oregon [Mr. MITCHELL] yesterday.

The article to which the Senator alludes, from the pen of General Foster, an able statesman and accomplished diplomat of the State of Indiana, but restates, I presume, the arguments he submitted to the committee during the hearings upon this bill. The Senator will observe by a study of the existing laws and the rules and regulations promulgated by the Treasury Department from time to time that the definitions to which General Foster takes exception are in terms and effect embodied in existing laws and regulations and have been recognized for some years.

The definitions have been found absolutely necessary to give force and practical effect to existing treaty provisions and to prevent their absolute annulment by fraud and evasion.

Answering the Senator somewhat generally and without pausing to analyze the bill critically or at length, I think he will find that the provisions of the proposed law said to be in contravention of our treaty obligations with China neither enlarge nor restrict the rights, the powers, and the duties of the United States under existing treaties with respect to Chinese exclusion, nor will they serve to exclude the bona fide excepted classes.

The definitions which the executive department has so long given the classes entitled to admission would seem to be the reasonable definitions to be placed upon the statute books. The Chinese Empire seems to have fully acquiesced in them for many years. The executive department has at all times had plenary power to modify its interpretation of the meaning of the words "teachers," "students," "merchants," etc., if its construction of them was in contravention of the Gresham treaty and unacceptable to the Chinese Empire, but this has not been done.



Mr. MITCHELL. I will say to the Senator from New Hampshire that I have read the article to which he refers from General Foster. I have also read his statement before the committee. One of the objections that he urged strongly before the committee was that the ninth section of the bill, in reference to merchants, is a violation of the most-favored-nation clause. I think the Senator from Indiana will bear me out that he urged that perhaps more strongly than any other suggestion he made, as being in violation of the treaty or in violation of the principles of international law.

Mr. GALLINGER. Now, if the Senator—

Mr. MITCHELL. One moment. I will read the provision of the treaty which he said this section violates. It reads as follows:

It is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens.

It is only necessary for the Senator from New Hampshire to read that provision to be convinced that it has no reference at all to Chinese coming to this country. It has no reference at all to the entry of Chinese laborers into this country. It applies solely and exclusively to Chinese, whether laborers or belonging to the other class, who have come into this country, who have really entered this country under the provisions of law, and even then it does not apply to them until they have actually become residents of this country, either temporarily or permanently.

It is perfectly obvious that Mr. Foster is absolutely wrong in insisting that the ninth section of this bill, relating to the merchants, is a violation of that provision of our treaty with China; and I think if the Senator from New Hampshire will point out any other single provision in the pending measure which Mr. Foster says is in violation of any provision of the treaty of 1894 with China, an equally good answer can be made to it.

Mr. GALLINGER. The Senator will permit me just here. It has been a long time since I have read the Gresham treaty, and I am not at this moment familiar with its terms. I think General Foster made a point in the article to which I alluded, and which is not now before me, that in the treaty certain excepted classes were to be admitted—if I mistake not, teachers belong to that class—and that in contravention of that clause in the treaty we have hedged those classes around with so many conditions that they are practically excluded; that is, so many conditions which are found in the old statute possibly and reenacted in a still more offensive form, if I may use that term, in the proposed statute.

Mr. PENROSE. If the Senator from New Hampshire will permit me to interrupt him, if there is one feature of this bill which is identical with existing law and regulations, it is in reference to the excepted classes. There is little or no new matter introduced on that subject.

Mr. GALLINGER. I think General Foster may have suggested that very thing, that the Geary law was equally faulty in that regard and at least gave a false interpretation, if I may use the term, to the treaty rights that were guaranteed to the Chinese Empire.

Mr. MITCHELL. I will say in answer to the Senator from New Hampshire in reference to that point that he must bear in mind that China herself in entering into the treaty of December 8, 1894, adopted not only one, but a great many of the provisions of the act of 1892 and 1893.

Mr. PENROSE. I should like to state here, and it is nothing in derogation of General Foster, for whom I have the highest esteem, that it must be borne in mind that in these statements and in these articles he is writing and acting as the representative of the Chinese Empire and not as a disinterested witness or writer upon a general topic of international law.

Mr. GALLINGER. I confess that it is news to me that General Foster is an attorney merely in this matter.

I will say, furthermore, that what I am seeking is light. I am not a lawyer. I do not undertake to interpret constitutional or other law, but I shall cast a vote on this bill when it comes to a vote, and I desire to cast an intelligent vote. If I could be persuaded that the proposed law is in contravention of a solemn treaty made with the Empire of China, I never would vote for it, no matter what the people of my State, labor people, or other people might say as to my conduct, and for that reason I made the interrogatory, understanding that these distinguished lawyers could give me valuable information on that point. That was the only purpose I had in view.

Mr. LODGE. Mr. President, I did not intend to discuss this part of the bill in relation to our existing treaties with China until the bill had been read and the committee amendments disposed of, but as the subject has come up I should like to say a few words now in regard to it. I think no one can have a greater respect for treaty provisions or the solemnity and importance of

treaty engagements than I. I should be very unwilling to support anything which could be shown to be a violation of a treaty entered into by the United States. I do not believe it can be shown that the provisions of this bill violate the existing treaty with China.

Now, in the first place, it must be remembered—the Senator from Oregon [Mr. MITCHELL] has already called attention to this point—that the treaty of 1894, which is the treaty superseding all others and the treaty under which we are now living and acting, is two years later than any of the existing Chinese legislation. It was conditioned upon that legislation. It was made with that legislation in view. Nothing in the existing law can be said to be in violation of the treaty, because the treaty was made subsequent to all those acts, and therefore recognized those acts, except of course if there should be any case where it distinctly overrode them.

I wish to call attention to the statement of its intention, found in the beginning of the treaty of 1894:

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to cooperate in prohibiting such emigration.

In other words, the Chinese Government binds itself as the intent of that treaty to prohibit and to cooperate with us in prohibiting the entrance of Chinese laborers into this country. They express that intention and desire in view of the legislation of the United States then existing on the statute book.

Mr. President, that is a clear recognition not only of our right but of the intention of the two Governments to prohibit the coming of Chinese laborers into this country, and of course it contemplates that we shall make such regulations as may be necessary and proper to attain that end. It does not bind us to the laws in existence. It gives us the right to adopt proper and suitable measures to carry out the purposes of the treaty.

There are certain excepted classes—classes mentioned as entitled to come into this country—the merchants, the travelers, the teachers, and the students. There is no intention in this bill or in any part of it to interfere with the coming of any member of those classes who is genuinely such. But it is obvious that in order to carry out the main purpose of the treaty—in order to carry out the purpose of the legislation which was in existence when that treaty was made—it is necessary to distinguish the excepted classes from the class against whom the treaty as well as the laws were aimed. In other words, it is absolutely necessary, as anyone can see, to determine whether a person purporting to belong to one of the excepted classes is really of that class. That is the entire object and purpose of these clauses. It is not to interfere with the coming of a genuine merchant, or a genuine traveler, or a genuine teacher, or a genuine student. The purpose is to enable us to distinguish those persons from the Chinese laborers, whose coming it is designed to prohibit.

Anyone who has followed the testimony as the committee has followed it, anyone who has looked into this subject with the aid of the officers of the Treasury who have been called upon to enforce the laws, must have become convinced, as I have become convinced, that there is a constant and unceasing attempt to bring into this country as merchants or teachers or students or travelers members of the prohibited class of laborers or coolies. It is to prevent that fraud that the clauses in the bill exist. If it can be shown that those clauses in any way violate the treaty, in any way tend to keep out a genuine merchant, traveler, teacher, or student, then they ought to be modified, and I should be the first to vote for such modification.

Mr. MITCHELL. So would I.

Mr. LODGE. But it is perfectly clear under that treaty, whereby China proposes to cooperate with us in prohibiting the introduction of laborers, that the only way in which we can carry out the intent of the treaty, to go no further, is to be enabled by proper tests to distinguish between those who are entitled to come in and those who are not. I say here on the strength of the testimony which I have heard and read that there is no difficulty in any genuine member of those classes coming in here, but when our officers are met by frauds constructed with all the ingenuity of the Oriental mind to bring coolies and laborers in here under the guise of the excepted classes, it is necessary to have stringent provisions for reaching the distinction which it is our duty to make.

There is no desire certainly on the part of anyone to subject members of the excepted classes to any undue or any improper restrictions or difficulties, but there is absolute necessity that we should have the means of distinguishing the classes entitled to enter from the class which it is intended to prohibit.

On the point of frauds I do not propose, Mr. President, to speak at this time with any elaboration, but I wish to say for myself



that, coming as I did to this subject with a belief that the existing law was entirely sufficient, my mind was changed by the testimony of the frauds that were in process to bring in the cool laborer. These cool laborers are brought into this country by the Consolidated Six Companies. They are trying all the time to force them into this country in large numbers or in small. They are entirely familiar with the law; they know exactly what it is necessary to do, and these men come here with forged certificates. We had two before the committee, brought in simply as an illustration, who were here, who had gotten into the country on forged certificates as merchants; certificates which they admitted were forged. That is going on at different points all the time. There is apparently a great deal of profit to the Six Companies in the introduction of cool labor into this country, and they spare no effort to get that cool labor in.

Mr. CULLOM. Will it interrupt the Senator if I should inquire who the Six Companies are? I really do not know.

Mr. GALLINGER. It is one company, really.

Mr. LODGE. They are really consolidated. It is practically one great company known as the Consolidated Six Companies.

Mr. CULLOM. American companies?

Mr. LODGE. Chinese companies, I think of considerable antiquity, and they are nominally trading companies, I understand. They have a very powerful organization, great resources, and, if I am not misinformed, all the laborers who are brought here are brought here through the Six Companies. They agree to pay a certain amount of their earnings to the company and reserve a certain amount to themselves. Therefore with this important organized body, the Six Companies, engaged in pushing these men into the country through various pretenses or disguises, it is absolutely necessary that we should be able to distinguish the true from the false; and when it is remembered—

Mr. PETTUS. Will the Senator from Massachusetts allow me to ask him a question? It is strictly for information.

Mr. LODGE. With great pleasure.

Mr. PETTUS. What use do the Six Companies make of the persons whom they import into the United States? How do they make their money, or what disposition do the companies make of the individuals?

Mr. LODGE. They take a certain amount of the earnings of the individual cool brought in here. They pay his expenses, as I understand it, and they bring him here, and he pays them a certain amount of his earnings and the balance he keeps for himself or he spends on himself. They keep most of it. He is continually under their hands.

Mr. PENROSE. If I may make the matter a little more definite, it was distinctly testified to before the committee that the Chinese coolies paid from four to five hundred dollars for admission into this country, for their coaching papers, for the various fees to corrupt the administrative officers of the Government, to the lawyers who had charge of their case at the various ports of entry, and finally to the Six Companies who advanced the capital and superintended the whole business. These coaching papers are to be found in the testimony, and evidence was produced to show how they were smuggled into the detention houses, concealed in soups and pies and other forms of food, reciting at length how a Chinaman could be induced to commit perjury. There is supposed to be a profit of some \$200 on every male Chinaman smuggled into the country, and two or three thousand dollars upon every female Chinese smuggled into the United States.

Mr. MITCHELL. Whom they sell for immoral purposes.

Mr. PENROSE. Whom they sell for immoral purposes. Therefore, if the Six Companies can during the year smuggle into the United States three or four thousand Chinamen, at a profit of two or three hundred dollars per head, it is easy to see what a very large and profitable business it is to them.

Mr. LODGE. In this connection (I was looking for it while the Senator from Pennsylvania was making the explanation, which I am very glad to have had made at this point), to show the power of the Six Companies, I wish to call the attention of the Senate to the circular which they sent out, which is printed on page 441 of the hearings. It was translated by Dr. Gardner, of the Chinese Bureau:

To whom it may concern:

In the matter of amending the treaty and repealing the law funds are urgently needed.

It has been publicly decided at a meeting of the officers and representatives of the merchants that all Chinese residing in the United States shall each contribute the sum of \$1, and that well-to-do merchants and wealthy people shall contribute extra in order to lead off and set an example, and that the matter shall be proceeded with this very day.

We trust that all will respond promptly. The time for taking up these contributions is limited within the year, and receipts will be given as evidence.

In the event of anyone failing to pay one month after the time set, \$2 additional will be collected from him, and \$4 after two months.

If on the day of departure for China anyone fails to produce a receipt, an additional sum of \$10 will be collected from him. Certainty of execution is what constitutes a rule. On the twenty-fourth day the steamer *Gaelic* will

leave for China. On the present trip each person will contribute the regulation amount of \$1, just as if people had not appeared to pay the amount. Those passengers going home as old men and holding exempt tickets will, out of pity, be exempted from the payment of this fund.

This is a special notice, and that all will comply is our earnest desire.

Issued by the Chinese Consolidated Companies (Six Companies) Kwang Suey 27th year, 10th month, 21st day (November 29, 1901).

That was to make a levy of money for the purpose of opposing this legislation, and I read it in order to illustrate the power of the Six Companies. They touch every one of these Chinamen all over the country, all the cool laborers.

Mr. GALLINGER. Will the Senator permit me?

Mr. LODGE. Certainly.

Mr. GALLINGER. It does not seem to be very different from what the postal clerks are doing in reference to legislation. They assess each one of their members and they put up money to promote legislation here. I believe the President has recently issued an order against it, but it has been going on during the entire term of my incumbency in this body.

Mr. PLATT of Connecticut. The same thing is done by what is called "organized labor."

Mr. GALLINGER. Organized labor does the same thing. They have their walking delegates here.

Mr. LODGE. I did not introduce this in order to find fault with the Six Companies because they levied any tax on the people they brought here. I introduced it to show that the Six Companies have control of the cool laborers, and that it is this great organized body that is engaged in putting it into this country. They are not individual immigrants coming here in the hope of getting in and making money, but they come here under a systematic conduct. That is the point I desire to make.

Mr. GALLINGER. If the Senator will permit me, I do not think they exercise any greater power than the leaders of the labor organizations in this country exercise in getting funds and in controlling legislation. They command their men to do certain things, and they do those things.

Mr. LODGE. Mr. President, I am not finding fault with the Six Companies because they command the Chinese. That is not my criticism on them at all. I was trying to state how these coolies came here and who was responsible for their coming, and I endeavored to show that the Six Companies were responsible. Whether they have a power like the power of our labor organizations is to my mind nothing to the purpose. The fact is that it is through them these Chinese come; that it is an organized movement, under the control of extremely clever, able men, to induce them to come, and they are engaged in a systematic attempt to introduce this prohibited labor, labor that China has agreed to prohibit just as much as the United States; and if the Chinese Government lives up to that treaty which we are asked to live up to it is the business of the Chinese Government to prevent the Six Companies from forcing cool labor into this country. I have not heard that they have attempted to do anything of the kind.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER (Mr. FOSTER of Washington in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. TELLER. The Chinese Six Companies is an organization which has absolute control of all the Chinamen in this country.

Mr. LODGE. That is it.

Mr. TELLER. That is an undeniable fact. It is a government of the Chinese, absolute in its control. Undoubtedly they order at times (they have done it at least in the past) the assassination of certain Chinamen who are in their way. It is an arbitrary, absolute government. It is a money-making government, of course. It is here to make money. They bring them all here and they keep their hand on them all the time they are here, and when they go away they protect them to the last.

I have had some little experience in this matter in the last forty years. If I wanted to hire some Chinamen I would go to the Six Companies at once, and so would everybody else if they wanted to hire more than one or two, and even in that case a person would go to some prominent Chinaman in the town; he would not go to the mass there. They are under the control, absolutely, of the Six Companies; and there is nothing like it in the labor system of this country.

Mr. LODGE. I did not bring the point out with a view of criticising the system of the Six Companies, but with a view of showing what the nature of the effort was that is being made to introduce this cool labor, and why it is necessary to take reasonable and proper precautions to distinguish the excepted classes from the prohibited class.

Mr. President, I think it is plain to demonstration that we have under the treaty an absolute right to take any reasonable and proper measures that we choose to exclude the classes whose coming the two Governments agreed to prohibit.



Now, one other point, Mr. President. I have heard it said that, as the treaty expires in two years, we ought to limit this legislation. That arises from carelessness, I think, in looking at the provision of the treaty. The treaty provides that it shall expire at the end of ten years—that is, in 1904—on the denunciation of either of the parties; and if neither party withdraws, then it is to extend for another period of ten years. Therefore we have no right to assume that the treaty will expire in two years. It may last twelve years longer. There is nothing in it to necessitate a limit.

I do not think that is an important point, but the important point is our living within the provisions of the treaty. The particular points I desire to insist on are that the treaty was made and conditioned on the legislation then in existence. Almost all the provisions of this bill are repetitions of existing law or of existing Treasury regulations, which were all made before the treaty of 1894 was entered into. That treaty was entered into by both Governments, with an entire knowledge not only of the policy of the United States, but of the means which had been adopted to carry that policy into effect. If in any clause in the bill it can be shown that we have violated treaty rights, after the points that I have made have been considered, then that ought to be modified, and I have no doubt it will be; but I doubt very much indeed if it can be shown that we have violated the treaty of 1894 in any single particular.

Mr. FAIRBANKS. Mr. President, a brief examination into the history of smuggling Chinese into the United States will convince anyone that the proposed law is not unduly restrictive. As I have said, there are no laws of the United States that are evaded so ingeniously, systematically, and persistently as the Chinese-exclusion laws.

I wish to call attention to some testimony before the committee bearing upon this subject. It shows the necessity of defining in the most careful way what was intended by the two powers when they wrote into the Gresham treaty the excepted classes. If the definitions in the bill before the Senate seem to be unduly restrictive, that appearance will be dispelled when you go into the history to which I have adverted.

I read from the statement of Mr. Dunn before the Committee on Immigration.

Mr. PLATT of Connecticut. On what page?

Mr. FAIRBANKS. Page 316. Mr. Dunn said:

I am informed upon absolutely credible authority (here I will state that I will give to the chairman of this committee, if desired, the name of my informant, which, however, I will not divulge in this public meeting) that a prominent San Franciscan, personally favorable to the admission of Chinese, called the attention of the general manager of the Pacific Mail Steamship Company to the possibility of "bringing over" large numbers of Chinese laborers—

As laborers? No. How?—

in the guise of merchants, students, teachers, and travelers. It appears that until then this generous provision of the law had been virtually ignored by the promoters of Chinese immigration. After very careful consideration by the representatives of the steamship company the scheme was put in operation and agents were sent to China for the purpose of working up the business.

What business, Mr. President? The business of evading the law, of evading the treaty entered into solemnly by the Chinese Government and the Government of the United States.

Chinese laborers were provided with certificates as merchants, students, etc., and the Chinese passenger traffic grew to immense proportions. For some two or three years the business thrived.

This illegitimate business; this evasion and circumvention of the Gresham treaty.

Mr. GALLINGER. Has the Senator information as to what years those were Mr. Dunn alludes to in which this traffic grew to such an extent?

Mr. FAIRBANKS. I could ascertain by going through his testimony. He was located at San Francisco. He has been there some three years, so that it could not have been many years ago. The fact can be easily determined by the testimony. If the Senator wishes, I will stop and refer to it, otherwise I will leave it to him to investigate.

Mr. GALLINGER. The reason why I inquired is that the census reports show that in 1890 there were 107,488 Chinese in this country, and in 1900, 89,863, or about 18,000 less in 1900 than in 1890, notwithstanding this business thrived to such an extent as Mr. Dunn represents. It puzzles me.

Mr. FAIRBANKS. A great many of them have returned to China. A great many of those who secured admission surreptitiously in violation of the law have been apprehended by the authority of the Government and deported to China.

Mr. PLATT of Connecticut. But, on the whole, the number is decreasing.

Mr. GALLINGER. It is nearly 18,000 less. I wish just at this point, inasmuch as this is a Pacific-coast measure, to say that the census reports show that in 1890 there were 72,472 Chinese in

California, and the census reports in 1900 show that there were then 45,753, or a decrease of over 27,000 in the State of California.

Mr. FAIRBANKS. Mr. President, my good friend will not allow those statistics to override the positive testimony of a sworn officer of the Government, I suppose.

Mr. GALLINGER. Well, Mr. President—

Mr. FAIRBANKS. Does he understand that this—

Mr. PLATT of Connecticut. The census reports were made by sworn officers of the Government.

Mr. FAIRBANKS. Yes; but they have nothing to do with Mr. Dunn's statement. Do statistics show the number who have left the country voluntarily? Do they show the number who have been apprehended and deported to China?

Mr. GALLINGER. It simply shows, Mr. President, that there was a decrease of about 40 per cent in the Chinese population in the State of California in 1900, as compared with 1890. Now, I have no comment to make upon that beyond stating the fact.

Mr. FAIRBANKS. I understand, but I take it that Mr. Dunn is stating nothing but the truth. Of course if he is not, he should be summarily discharged.

Mr. PLATT of Connecticut. No statements have been prepared by him to show how many have been intercepted or how many have come in or how many have gone back.

Mr. FAIRBANKS. No; not at all. I suppose his general statement may be believed. The Senator does not know that it is untrue except as he infers it from the statistics read by my honorable friend from New Hampshire.

Mr. GALLINGER. That is all I know about it.

Mr. PLATT of Connecticut. If the Senator from Indiana will permit me, I should like to say right here that it seems to be impossible to conclude that any considerable number of laborers from China are being smuggled into this country. There may be some, but that there are any great number of them must be proved not to be so, I think, from the fact that the number in this country is constantly diminishing.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. FAIRBANKS. Certainly.

Mr. TELLER. I should like to ask the Senator from Connecticut if he has an idea there would not be a vast horde of Chinese laborers here in a short time if we had no prohibition?

Mr. PLATT of Connecticut. I have no doubt if we had no law on the subject, no Treasury regulations, there would be an increase; but I think that under the law as it exists to-day and under the Treasury regulations it is practically impossible that there should be any considerable increase of Chinese laborers in this country.

Mr. FAIRBANKS. I read further from Mr. Dunn, that we may be as accurately advised about this matter as possible. It should be borne in mind that Mr. Dunn is chief of the Chinese bureau in San Francisco.

The collectors of customs looked upon these certificates as absolute evidence of the right of the applicants to admission, and they were admitted after little or no investigation.

This was one of the most flagrant of the frauds which I was instructed to prevent, and after many months of study and research, investigation, and inquiry we were able to secure the rejection by collectors of customs of those whose certificates were fraudulent.

This has been done by strict investigation of the applicants and such inquiry as is possible on this side of the water. But in a majority of cases the poor deluded coolies, who have frequently mortgaged their possessions as well as their future earnings for the costs of the certificate and travel, admit that the statements contained in their certificates are untrue, that they have never been anything but laborers, and that they are not entitled to the status claimed.

The representatives of the steamship and railroad companies engaged in carrying the Chinese frankly declare that they are "selling transportation," and that it is not their duty to inquire whether or not their passengers may land upon arrival. Their agents work up the Chinese passenger traffic in China as a matter of business. Prominent Chinese firms, recognized as mercantile establishments in the United States, are heavily engaged in the business of supplying these certificates and bringing the coolies here upon these fraudulent papers.

And further:

These Chinese coolies, masquerading as merchants, students, et al., are very carefully coached, being furnished with verbal, printed, or written instructions, copies of which I shall be pleased to lay before you, if desired. Vast profits have been made by the alleged Chinese merchants located in this country in the promotion of this illicit traffic, and the so-called Chinese merchants, students, etc., imported in this manner are said to be held in virtual bondage for some years, until they have, by their earnings, repaid the sums agreed upon, with interest and extra charges.

Mr. DILLINGHAM. Mr. President, may I ask the Senator a question?

Mr. FAIRBANKS. Of course; with pleasure.

Mr. DILLINGHAM. Did it appear before the committee who the gentleman was Mr. Dunn referred to as giving him that information about the arrangement with the Pacific Mail Steamship Company? If so, I should like to have the name stated.

Mr. FAIRBANKS. I will read again what he said about that:

I am informed upon absolutely credible authority (here I will state that I will give to the chairman of this committee, if desired, the name of my informant, which, however, I will not divulge in this public meeting).



Whether his name was given or not I am not able to advise the honorable Senator.

Mr. DILLINGHAM. I think the name should be given. I have just been called from the Chamber by the vice-president of that company, who denounces the statement as an absolute falsehood, and he demands to know who Mr. Dunn's informant was.

Mr. FAIRBANKS. I think my distinguished friend the Senator sat with me at the hearing of Mr. Dunn's testimony.

Mr. DILLINGHAM. I did, and I never heard the name.

Mr. FAIRBANKS. Nor did I. Did the Senator ask for it then?

Mr. DILLINGHAM. I did not, because it was said that it would be given to the chairman, and I supposed that the committee would be placed in the possession of the name when it was so given.

Mr. FAIRBANKS. I think it ought to have been. I can not advise the Senator on that point. I read further from the statement of Mr. Dunn:

Reverting to the class of Chinese bearing certificates from foreign countries, I desire to make this declaration:

In an experience of nearly three years, during which I have prepared reports of thousands of these cases, I have never known of an applicant seeking admission as an agent or buyer for any mercantile house in China or elsewhere, and never has a bona fide merchant been denied admission.

No applicant for admission as a student has ever been denied if he possessed proper papers and could prove that he was not a laborer. Every applicant who possessed the status of a scholar has been admitted.

No applicant certified as a traveler has been denied if possessed of required qualifications. No one certified as a traveler has been rejected if he were other than a cooly.

Mr. Dunn gives this specific case, which is certainly a most flagrant one, and would suggest to the Congress some carefully guarded legislation:

After the work of my bureau at San Francisco had resulted in reducing this line of fraud, efforts were made to land these classes at other ports. In March, 1901, I was ordered by the Secretary of the Treasury to investigate at San Diego a shipload of Chinese "coming with fraudulent certificates."

I will call the attention of the distinguished Senator from New Hampshire [Mr. GALLINGER] to the fact that this was only a little over a year ago.

I found the ship *Belgian King* had arrived with 45 Chinese, bearing certificates as merchants, students, etc., issued at Canton and Hongkong.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will ask him if the law does not require that the United States consuls shall visé all those certificates?

Mr. FAIRBANKS. That is correct.

Mr. GALLINGER. So that they have passed the scrutiny of the consuls of the United States.

Mr. FAIRBANKS. And it was shown before the committee that the consuls almost uniformly were indifferent or negligent in the performance of that duty imposed by law.

Mr. DILLINGHAM. May I ask the Senator a question?

Mr. FAIRBANKS. Yes, sir; with pleasure.

Mr. DILLINGHAM. If that be so, would it not be better for this Government to look after its officials abroad than to make these very stringent regulations for the admission of Chinese, so that they may have a hearing at the port of departure and not take the risk of coming a long distance and then be turned back?

Mr. FAIRBANKS. I agree with the Senator that it would be well for the Government to deal with the matter there, but not exclusively so. I would deal with it both here and there.

Mr. MITCHELL. I will say to the Senator, in addition, that the Chinese impose on our consular officers in China in just the same way they impose on the customs officers here. Hundreds of Chinese, I have no doubt, come in wrongfully where the consular officers have acted in perfect good faith. They are very ready with means of deceit and deception.

Mr. DILLINGHAM. I did not understand from the statement of the Senator from Indiana [Mr. FAIRBANKS] that the difficulty was with the deceit practiced by the Chinese emigrants, but that the fault was in the inattention of the consular officers.

Mr. FAIRBANKS. From the testimony before the committee, which the Senator heard as well as myself, I drew the conclusion that those officers were not as careful in the discharge of their duty as they should have been. I was endeavoring just as the Senator rose to find some testimony in the record before us, which I read this morning, to the effect that the consuls were confused and misled, and that they finally gave up undertaking to ascertain and certify to the facts, which they are required to do under the law. The Senator from Oregon [Mr. MITCHELL] is quite correct. Deception is practiced upon our consular officers there as well as our customs officers here.

Mr. DILLINGHAM. Then I will inquire of the Senator whether, in his judgment, our Government ought to ignore the inefficiency of our officials, and whether, in his judgment, it is fair for us in doing so to allow these men to come this long distance for another examination, for instance, in San Francisco, and then be sent back across the Pacific?

Mr. FAIRBANKS. Well, Mr. President, I have more sympathy for the people of this country than I have for the Chinese seeking admission to the United States unlawfully. They know what the laws are when they go to the consuls of the United States to perpetrate fraud upon them; they have no equity which justifies us in abandoning here all effort to exclude them when they reach our shores. What equity have they, coming here with a fraudulent certificate viséed by the officials of the United States in China? A certificate, when it is presented to our officers in San Francisco, if found to have been fraudulently secured, should be torn to pieces, and the fraudulent bearer of it sent back to China, no matter what the cost or the annoyance to him might be.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. FAIRBANKS. With pleasure.

Mr. GALLINGER. I have here a San Francisco newspaper—the *News Letter*—the entire front page of which is devoted to a discussion of the examinations that are made of these men on this side, and this newspaper from the Pacific coast claims that the examination is exceedingly unfair and unjust to the Chinese, and that they are deported without proper authority.

I think I shall take occasion to read that article on Monday, when I may ask the attention of the Senate for a few minutes in the discussion of this question.

Mr. FAIRBANKS. What is the paper?

Mr. GALLINGER. The *News Letter*.

Mr. FAIRBANKS. Mr. President, there may be cases of harsh administration of the law. I do not say that there are not. I regret the fact if it is so. We have got to enforce these laws through human agencies. There can not be an absolutely just and perfect administration of any law.

I am not going to absolutely condemn our officers, Mr. President, if sometimes they become a little impatient because of the continual effort to circumvent them, because of the persistent effort of the Chinese to evade the law. If I have read aright the testimony taken by the committee, there has been found nowhere more subtle and ingenious attempts to evade the distinct and clearly written law of the United States than there has been in connection with this entire Chinese business.

I do not know what is the statement contained in the letter to which the distinguished Senator from New Hampshire adverts.

Mr. GALLINGER. It is an editorial.

Mr. FAIRBANKS. I have no doubt, as I have said, that there may be cases in which there has been wrong done, injustice done, but, on the whole, largely speaking, I believe the law has been faithfully and humanely and wisely administered.

Mr. TELLER. Mr. President, I want to say a word to the Senator from New Hampshire [Mr. GALLINGER]. There is a very strong party in the extreme West who are in favor of admitting all the Chinese into this country who may wish to come. There are people who think it is to their interest to secure the cheapest possible labor, and they do not care whether those laborers be white men or black men or yellow men, provided they will work very cheaply, and especially if they will be obedient to all the demands that are put upon them. That is the case, probably, with all Chinamen. I have no doubt that there are newspapers over there that will decry every effort that may be made on the part of the Government to keep this immigration within the lines of the treaty and the statutes, because they will be glad to see them both wiped off the statute book and to see the ports of the United States open to all the Chinamen who may wish to come.

Mr. PLATT of Connecticut. Mr. President, of course I can not detain the Senate at this hour of the afternoon, but before this discussion closes I wish to call attention to a matter which we seem to be continually drifting away from—the matter alluded to by the Senator from Massachusetts [Mr. LODGE].

We have treaties with China, and we ought to keep those treaties not only in their letter, but in their spirit. This country can not afford to disregard its treaties with any foreign country, and least of all can it afford to disregard its treaties with a power that is not able to defend itself if those treaties are disregarded. We not only must not disregard our treaties, but we must keep them scrupulously; we must not "keep the word of promise to the ear and break it to the hope."

All this is outside the question of whether Chinese laborers are desirable in this country. The suggestion which I wish to make is whether this bill in its definitions of the exempted classes is keeping the treaty with China either in its letter or its spirit, and the question I want to ask is this: Whether the Senators who have reported this bill believe that China thinks that these definitions of teachers, scholars, and students are within the fair meaning, scope, and interpretation of that treaty? That is a pretty significant question, and it ought to be answered here.

We do not consult China as to these definitions; we fix them in this bill arbitrarily, and, in my judgment, in a way that entitles China to seriously complain that we are not attempting in a fair spirit to observe the provisions of that treaty.

Now, let us turn to the treaty for a moment, and I am not going to detain the Senate long. Article III of the treaty in force says:

The provisions of this convention shall not affect the rights at present enjoyed—

Which was in 1894—

of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

Observe the language—  
residing therein.

The rights which they at present enjoy were those stated in Article II of the treaty of 1880:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Here we have, then, the treaty of 1880, which specifically recognized the right of teachers and students—I am speaking now only of those two classes—not only to “come of their own free will and accord,” but to “be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.”

The treaty of 1894 said that they should have “the right at present enjoyed \* \* \* of coming to the United States and residing therein.” Now, let us see what this bill says:

SEC. 6. That the term “teacher” used in this act shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

Does the Senator who reported this bill suppose that that is the definition which the Chinese Government had in its mind when it obtained from us the privilege that teachers should be permitted to come to the United States and “to enjoy all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation”—to reside here? Is there anything in that treaty which limits it to teachers who have been two years engaged in teaching “the higher branches of education”?

Mr. MITCHELL. Will the Senator permit me there?

Mr. PLATT of Connecticut. Not just at this moment—and have completed arrangements to teach in a recognized institution of learning in the United States?

I can not think so. Now, I will yield to the Senator from Oregon.

Mr. MITCHELL. The Senator from Connecticut will agree, I presume, that the United States has, under the provisions of that treaty, a right to provide some kind of test as to whether a person is a teacher or not. I suppose the Senator will agree to that.

Mr. PLATT of Connecticut. Yes; I think they ought to do it.

Mr. MITCHELL. And I will agree with the Senator further, that the test should be a reasonable one.

Mr. PLATT of Connecticut. Yes.

Mr. MITCHELL. Now, is it an unreasonable test to provide that a man should be able to show that he had been engaged for some time in teaching? How else will you arrive at the conclusion that he is a teacher?

Mr. PLATT of Connecticut. Are there no teachers except teachers of the “higher branches of education” for two years?

Mr. MITCHELL. In answer to that I call the attention of the Senator to the fact that when the treaty of December 8, 1894, was promulgated the rule of which he complains had already been announced by the Treasury Department, and the construction which this bill places on the terms “students” and “teachers” had been placed on those terms by the Treasury Department; and yet China proceeded to enter into the treaty of 1894 without one word of complaint in regard to the construction which had been placed upon the terms “teachers” and “students.”

Mr. PLATT of Connecticut. I do not, of course, for a moment dispute the accuracy of the Senator’s statement that the precise definition incorporated in this bill of a teacher had been established by Treasury regulations prior to 1894, but I hope the Senator will point it out to me before this discussion is concluded.

What is the teacher to do? He must not only have been teaching “the higher branches of education” in China or elsewhere, but he must have “completed arrangements to teach in a recognized institution of learning in the United States.” That is something more than a primary school, or a common school, or a high school in this country. Why, Mr. President, can the Senator not see that that is an absolute exclusion of all teachers?

Mr. GALLINGER. If the Senator will permit me, I will read precisely what the Treasury regulations were at the time this treaty was ratified:

Chinese person not entitled to admission as a teacher, if, in addition to presenting proper certificate, etc., the facts claimed in his certificate are disproved; or if any of the contents thereof are controverted; or if evidence does not show that he has actually been following the avocation of teacher in China—

A teacher in China of the higher branches—

or if upon examination in various branches of education it is found that he is not qualified to become a teacher; or if it is not shown to the satisfaction of the collector that plans and arrangements have been effected for him to conduct a school in the United States.

Mr. PLATT of Connecticut. This proposed statute has been made very much more drastic than that Treasury ruling, which the Senator from New Hampshire has read, so much so that I want to repeat here that under it it is practically impossible that any of the exempted class known as teachers can be admitted into the United States. There is no call for them, perhaps, in the higher institutions of learning in the United States, or, if there is a call for them, they will not have made their arrangements for teaching. Suppose that possibly there is one scholarship in Yale or in Harvard, not more than three or four Chinese teachers could possibly be admitted into the United States under this statute. Now, will Senators tell me what China understood when it said that its teachers should be admitted into the United States with their household goods and their servants, and accorded all the rights, privileges, and immunities of the citizens or subjects of the most favored nation, and might reside here?

Mr. LODGE. Do I understand the Senator to lay down the proposition that the United States has not the right to protect itself against an undesirable class of immigrants?

Mr. PLATT of Connecticut. It has exercised the right.

Mr. LODGE. But as a general proposition—

Mr. PLATT of Connecticut. I think, Mr. President, that in the spirit of comity, which we desire to have prevail between this country and China, the United States should at least ask China what she understood by the treaty. We can abrogate the treaty, so far as the right to do so is concerned.

Mr. FAIRBANKS. Mr. President, may I ask the Senator, in order to get at a fair meaning of it, whether or not he is advised that the Chinese Government ever complained of this definition?

Mr. PLATT of Connecticut. I do not know. I am complaining of it right here and now.

Mr. FAIRBANKS. I understand. But is it not fair to assume that if the Chinese Government had acquiesced in our definition for a number of years she waives the right to complain?

Mr. PLATT of Connecticut. It was not this definition, Mr. President.

Mr. LODGE. I think that is a matter of opinion. I think it is this definition.

Mr. PLATT of Connecticut. Not as read by the Senator from New Hampshire [Mr. GALLINGER].

Mr. FAIRBANKS. Yes; as read by the Senator from New Hampshire.

Mr. GALLINGER. Perhaps we had better refer to Webster or Worcester or the Standard Dictionary to see what the definition of “teacher” is. It certainly is not the people engaged in the higher branches of education, and who, under this bill, must teach continuously for two years.

Mr. LODGE. That Treasury regulation demands in so many words that there must be a test of the higher branches.

Mr. GALLINGER. It does not say so.

Mr. PLATT of Connecticut. It does not say so as read by the Senator from New Hampshire.

Mr. President, I hope that I may be permitted to conclude the few remarks which I was about to make.

Mr. MITCHELL. If the Senator will permit me to ask him just one question, I ask if he does not think that is the meaning of that treaty, and does he think that it was the intention either on the part of China or of this country that persons should come here under that designation to teach in the ordinary common schools?

Mr. PLATT of Connecticut. I do not know. I have been taught that the common school was the foundation of all the education and the glory of this country.

Mr. LODGE. Does the Senator anticipate that we are going to have Chinamen teach in our common schools?

Mr. PLATT of Connecticut. Mr. President, I can scarcely understand the state of mind which prompts that question.

Mr. LODGE. I understood the Senator to object that we were shutting out persons eligible to teach in our common schools, and I asked him as a practical matter if we were going to import Chinamen to teach in our common schools. That does not seem to me to be an unreasonable question.

Mr. PLATT of Connecticut. We have some Chinese children in this country. I go to the term “student,” which is even worse, and I venture to say that this definition of this section



entirely changes the understanding of the parties when this treaty was made, and fixes a definition for the word "student" that nobody ever heard of or thought of until it was defined either by Treasury regulation or by this bill, a definition which, if notice were taken of it, would make us, as it seems to me, absolutely ridiculous.

I want to say right here that I do not know what could better preserve or increase the friendly relations, which we hope to have with China as a foreign power, or be better adapted to carry the ideas of our civilization into China, which we are all hoping for and which we are all praying may enter that dark country, than to have boys brought here and educated here in the American language and with American ideas, as has been done in the case of Japan, and as we are doing now in the case of Porto Rico. How else can we so well disseminate the ideas of our institutions as by that process? Something of that sort was done here a few years ago—perhaps thirty or forty years ago; I do not remember just how long ago—but some of the brightest of the young Chinese boys were brought here and put into families for education and received an education in American ideas. Some of them went through our colleges, and then went back to China, and, if I am not mistaken, the symptoms of a new civilization in China, based in some respects upon what they call Western civilization, are attributable to the influence which those boys, educated in our families here in the United States, exerted when they went back to China. I know the history of some of them and the influence they have exerted there.

Now, just look at what this bill says "a student" is in the meaning of this treaty:

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

The treaty says that he shall have the privilege of residing here.

Mr. MITCHELL. If the Senator will allow me, he certainly does not mean to tell the Senate it is his judgment that if a man ceases to be a teacher—

Mr. PLATT of Connecticut. I am talking about students.

Mr. MITCHELL. Well, if a man ceases to be a student, that he has any right under that treaty to reside in this country?

Mr. PLATT of Connecticut. Let us see.

Mr. MITCHELL. Clearly he has not.

Mr. PLATT of Connecticut. The convention with China reads:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

Mr. MITCHELL. Certainly; students.

Mr. FAIRBANKS. That means residing here during the period he is a student.

Mr. TELLER. And not after he ceases to be a student.

Mr. PLATT of Connecticut. He becomes a teacher then.

Mr. TELLER. Then he resides here.

Mr. PLATT of Connecticut. He might get an opportunity to teach.

Mr. TELLER. Then he resides here.

Mr. PLATT of Connecticut. No; then he has got to depart. The student who comes here, who is instructed in the American language, in American ideas and ideals, and who seeks to become a teacher in a common school, a high school, a college, or any of the higher institutions of learning, can not stay as a teacher, but has got to depart.

Mr. MITCHELL. The Senator is aware, I presume, that the Federal courts have decided in more than one instance that where one belonging to an exempted class comes here and ceases to belong to that class, then he has no right to remain here.

Mr. PLATT of Connecticut. Very likely. I am not familiar with all the decisions, but I want to know how a student, or how any person claiming to be a student—and students under the treaty are permitted to come and reside here—I want to know how any such person is going to get into the United States? A person will never come to the United States as a student—

Mr. TELLER. I hope not.

Mr. PLATT of Connecticut. And the Senator from Colorado says he hopes not. That is very significant.

Mr. GALLINGER. And yet we are talking about Christianizing China and the Philippines.

Mr. PLATT of Connecticut. Mr. President, no person will ever come, or can ever come, to the United States as a student.

Mr. LODGE. Mr. President—

Mr. PLATT of Connecticut. Just one moment, if you please.

The term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes.

They have at Tientsin a university where the facilities for higher education are afforded. That will shut them out, if nothing else. It is not necessary, in my judgment, Mr. President, to so strain the provisions of this treaty and to so arbitrarily force them in order to prevent the coming of Chinese laborers into the United States.

I will not speak of the travelers and the merchants, because this matter relating to the education of the Chinamen touches me very much more closely than the question of their engaging in trade here or traveling about here. It seems to me we ought not only not to shut up all the doors against the coming of persons as teachers and students into this country, but that we might construe the treaty even to open a little wider the doors for Chinamen to come here to teach or to be taught in our institutions of learning, and not absolutely to exclude every teacher and every student, practically, from coming among us. That was not the way the treaty was understood, Mr. President. I do not believe that there is any ruling of the Treasury Department, it not having been called to my attention, which proposes to exclude every child, boy, or young man from coming to this country and honestly desiring to be taught our language, our institutions, and our laws. I shall not believe that the Treasury Department has made any such regulation until it is shown to me.

Mr. LODGE. Will the Senator kindly look at the bill and then compare it with what I am about to read? I wish him to look at the bill from which he has been reading—the clause about students.

Mr. PLATT of Connecticut. I have read it.

Mr. LODGE. That is what I want the Senator to read. I am going to read the opinion of the Solicitor of the Treasury, and I want the Senator to compare it with the terms of the bill. I am going to give the Senator an opinion, because the Senator said he did not believe the Treasury Department had ever made such a ruling.

Mr. GALLINGER. I said nothing of the kind.

Mr. TELLER. He refers to the Senator from Connecticut.

Mr. LODGE. I did not say the Senator from New Hampshire. I refer to the Senator from Connecticut. He said he does not believe the Treasury has ever given such an opinion. Now, I am going to read the opinion.

Mr. GALLINGER. If the Senator will permit me, I ask his pardon for misinterpreting what he said. The Senator approached in a very threatening manner, and I thought he must have meant me. [Laughter.]

Mr. LODGE. I beg the Senator's pardon. Nothing was further from my thoughts:

A Chinese student is "a person who intends to pursue some of the higher branches of study, or one who seeks to be fitted for some particular profession or occupation for which facilities of study are not afforded in his own country; one for whose support and maintenance in this country, as a student, provision has been made, and who, upon completion of his studies, expects to return to China."

That is the opinion of the Solicitor of the Treasury of June 15, 1900, in interpretation of the treaty and the present laws. Then this follows:

A Chinese person coming to the United States, applying for admission upon the ground that he intends to study the English language, is not a student within the meaning of the Chinese-exclusion laws—

Those are the old laws under which we have been living, not the proposed law—

which have been decided to exempt as students only those who intend to pursue some of the higher branches of study, or who seek to be fitted for some particular profession or occupation, facilities for the study of which are not afforded in their own country. (Treasury decision 23107.)

The language of the act which the Senator has been criticising so severely is taken, word for word, from the interpretations of the Treasury on the existing law, except that the present bill does not make the restriction in regard to the English language. We do not narrow it as much as the existing Treasury decisions. Now, whether it is right or wrong I am not concerned to argue at this late hour on Saturday afternoon, but I do desire to point out that this bill has not been made hastily out of some one's casual thought. It is based on Treasury decisions, and in that clause we have followed the interpretation of the law officers of the Government and the Treasury Department of the United States as to what the existing laws and treaties mean.

Mr. PLATT of Connecticut. Mr. President, I think the Senator from Massachusetts fairly shows that the proposed statute does not very much extend the rulings of the Treasury Department and the Treasury officials, and that being so, I want every word I have said about this proposed statute to apply to those decisions and those rulings.

Mr. GALLINGER. Mr. President, a single word before the week's work is done. I was interested in the discussion of what could fairly be meant by "teacher." The Senator from Massachusetts, a graduate of one of the distinguished universities of the country, gave an interpretation to it, and I, as a graduate of a little log schoolhouse at a four-corners that is very vivid in my mind, thought I knew something of what the term "teacher"

meant. I wish now to refer to the Standard Dictionary, which is supposed to be a pretty accurate authority in this country, and read what it says about "teacher:"

Teacher. One who teaches or instructs; especially, one whose business or occupation is to teach others; an instructor; preceptor; in an eminent sense, one who has special aptitude for arousing in the minds of pupils those intellectual activities by which knowledge is acquired, and special skill in imparting that knowledge in a clear, thorough, and systematic manner, etc.

That is what "teacher" means, and no man is adroit enough to contort it into meaning what the proposed law says it shall mean.

A single other word. Men in public life are very apt to be misrepresented when they make statements, and especially in a debate such as this. I took exception to what the Senator from Massachusetts said in regard to the Six Companies, but not on the point that I think he particularly meant to emphasize, and that was that they were engaged in fraudulent practices. I do not know whether that is true or not; very likely it is; but what I wanted to take exception to was that the Senator read a circular that the Six Companies, or the consolidated company—because, as a matter of fact, I understand it is but one company—sent out intending to collect money from the Chinese to defend their rights in the matter of legislation in the Congress of the United States.

I said it was not different from what the post-office clerks and the postal clerks and labor organizations were doing, and I simply rose to say that in the observation I made I did not mean to impute any wrong to either the labor organizations or the organizations of postal clerks or post-office clerks. They have a right, as I interpret the matter, to do that very thing, and they would be negligent of their duty if they did not take care of their rights before even the Senate of the United States. I simply wish to make this explanation so as to show that I did not intend by any observation I made to reflect upon anybody. I think the Chinese Six Companies have a right to protect themselves by raising money from the Chinamen in this country, because they have no other means of securing a fund for this purpose.

Mr. President, in the discussion this afternoon the stereotyped suggestion has been made that Chinese women are imported and sold for immoral purposes in the city of San Francisco. That may be true. I venture to say that diligent search will reveal quite as bad a condition in the city of San Francisco among other peoples than the Chinese. It certainly can be revealed in darker New York, according to the statement of Ballington Booth. It can be revealed in the Puritan city of Boston; and we need not go very far from the Dome of this Capitol to discover it in the city of Washington. I do not think that that ought to influence any vote on this very important question.

But I want further to add that I am not opposed to the restriction of Chinese immigration, but I believe that the present statute is drastic enough, thorough enough, comprehensive enough, and that during the pendency of the existing treaty with China, when we are talking about Christianizing that people and extending our trade to the Orient, we ought not by any additional legislation to slap that great Empire in the face. If the advocates of Chinese restriction will agree to allow the stringent law which is on the statute book to-day, known as the Geary law, I believe, to remain there, there will be no protracted discussion on the part of those who take an exception to the proposed law; but if that is not admitted, we shall have something further to say on this question.

Mr. CULLOM. Mr. President, I have not risen to make a speech. I merely desire to say that on Monday morning, after the morning business, if agreeable to the Senate, I will submit some remarks on the pending bill.

In addition, if no other Senator desires to proceed further at this time, I wish to move that the Senate proceed to the consideration of executive business.

Mr. LODGE. I wish to say a word on one single point before the motion is made to go into executive session.

Mr. CULLOM. Very well.

Mr. LODGE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] referred to the case of the importation of women for immoral purposes. We all know that what he refers to is quite true; that that unfortunate class exists everywhere. But the way the Chinese women are brought in is illustrated by the testimony, and it is by relaxation of the law. The law was relaxed to allow the introduction of some Chinese for the Omaha Exposition, and it illustrates the manner in which a relaxation of the law is taken advantage of by certain Chinamen. I read from page 484 of the testimony:

[Translation of intercepted letter to Kam Tong, referring to importation of two prostitutes and sale of one for \$1,850.]

TO KAM TONG.

DEAR NEPHEW: All your highly esteemed favors have come duly to hand. The two prostitutes imported by Tsuey Ng as fair [Omaha Exposition] people have arrived at San Francisco and one already sold for \$1,850. A deposit has already been received; but why is it you have not sent on men for a little time now, such as you get hold of? Tell them they must act immediately.

There is an illustration; and I wish to say to the Senator that the committee is not acting or speaking or intending to act or speak without some knowledge and some testimony as to the evils of a relaxation of the law.

Mr. CULLOM. May I inquire whether the Chinese were invited to that exposition?

Mr. LODGE. There was a relaxation of the law to allow them to come in in connection with Chinese exhibits.

Mr. CULLOM. That is what I supposed.

Mr. LODGE. That was it.

Mr. GALLINGER. Mr. President, I do not for a moment controvert the statement that these two Chinese women were brought here for improper purposes. No Chinese women can get into this country without running a gantlet of sworn Government officials in this country, and it is very probable that occasionally one is smuggled in under some pretense, but that that should be made the foundation of an assault upon the Chinese nation and the Chinese character I do not for a moment admit ought to be allowed. We have some serious problems in that direction confronting us as a nation. We have a serious problem in that connection confronting us to-day in the Philippine Islands, and we would better make clean our own house before we in wholesale manner assault the people of another nation in reference to this regrettable condition.

Mr. CULLOM. I understand the Senator from Indiana [Mr. FAIRBANKS] desires to submit some remarks, and I will yield to him.

Mr. FAIRBANKS. Mr. President, I do not intend to protract the debate at this late hour, but before adjournment I desire to direct attention to Mr. Dunn's statement with respect to the difficulty experienced in having proper certificates viséed by consuls in China. I would invite the attention of my friend, the junior Senator from Vermont, to this:

I have personal knowledge—

Says Mr. Dunn—

I have personal knowledge that, until the past year at least, American consuls would visé any certificate presented to them for that purpose, and that they repeatedly stated that it was impossible for them to know the facts and circumstances which they attested. Minister Conger, when in San Francisco, urgently requested me to visit, assist, and advise his consular force, and the new American consul at Hongkong has made similar requests.

All, however, urge that the Government will assign to them a sufficient number of Chinese inspectors and interpreters to investigate in a more thorough manner the certificates presented for their visé, and it is only by this means that their authentication can be made more than perfunctory.

I have always urged that it was a manifest injustice to Chinese—

In this he agrees with the junior Senator from Vermont and myself—

whether or not entitled to admission, that they should be provided with these certificates without adequate preinvestigation and pay the additional expense of passage to the United States, there to be rejected, in many cases, upon the discovery of the fraudulent character of their claims.

The foregoing was the foundation of my observation a moment ago—that certificates of consuls in China were not, under the circumstances under which they were issued, worthy of the most absolute confidence.

SARAH H. H. LOWE.

Mr. MILLARD. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. Certainly.

Mr. MILLARD. I ask unanimous consent for the present consideration of the bill (H. R. 10117) granting a pension to Sarah H. H. Lowe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Sarah H. H. Lowe, widow of William W. Lowe, late colonel Fifth Regiment Iowa Volunteer Cavalry, and to pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, April 7, 1902, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 5, 1902.*

#### PROMOTIONS IN THE ARMY.

#### JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

*To be judge-advocate-general with the rank of brigadier-general.*

Col. Thomas F. Barr, judge-advocate (since retired from active service), May 21, 1901.



Col. John W. Clous, judge-advocate (since retired from active service), May 22, 1901.

Col. George B. Davis, judge-advocate, May 24, 1901.

*To be judge-advocates-general with the rank of colonel.*

Lieut. Col. Edward Hunter, judge-advocate, to be judge-advocate with the rank of colonel, May 21, 1901.

Lieut. Col. George B. Davis, judge-advocate, to be judge-advocate with the rank of colonel, May 22, 1901.

Lieut. Col. Stephen W. Groesbeck, judge-advocate, to be judge-advocate with the rank of colonel, May 24, 1901.

Maj. Enoch H. Crowder, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, May 21, 1901.

Maj. Jasper Newton Morrison, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, May 22, 1901.

Maj. Edgar S. Dudley, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, May 24, 1901.

#### CORPS OF ENGINEERS.

Lieut. Col. Garrett J. Lydecker, Corps of Engineers, to be colonel, April 30, 1901.

Lieut. Col. Amos Stickney, Corps of Engineers, to be colonel, May 2, 1901.

Lieut. Col. Alexander Mackenzie, Corps of Engineers, to be colonel, May 3, 1901.

Maj. Thomas H. Handbury, Corps of Engineers, to be lieutenant-colonel, April 30, 1901.

Maj. Henry M. Adams, Corps of Engineers, to be lieutenant-colonel, May 2, 1901.

Maj. Charles E. L. B. Davis, Corps of Engineers, to be lieutenant-colonel, May 3, 1901.

Capt. John Biddle, Corps of Engineers, to be major, April 30, 1901.

Capt. Harry F. Hodges, Corps of Engineers, to be major, May 2, 1901.

Capt. James G. Warren, Corps of Engineers, to be major, May 3, 1901.

First Lieut. James B. Cavanaugh, Corps of Engineers, to be captain, April 30, 1901.

First Lieut. James P. Jervey, Corps of Engineers, to be captain, May 2, 1901.

First Lieut. George P. Howell, Corps of Engineers, to be captain, May 3, 1901.

#### ORDNANCE DEPARTMENT.

Maj. Almon L. Varney, Ordnance Department, to be lieutenant-colonel, October 15, 1901.

Capt. Ira MacNutt, Ordnance Department, to be major, October 15, 1901.

First Lieut. John W. Joyes, Ordnance Department, to be captain, October 15, 1901.

*To be judge-advocates with the rank of major.*

John A. Hull, of Iowa, late major and judge-advocate, United States Volunteers, February 2, 1901.

George M. Dunn, of Colorado, late major and judge-advocate, United States Volunteers, February 2, 1901.

John Biddle Porter, of Pennsylvania, late major, Twenty-eighth Infantry, United States Volunteers, May 27, 1901.

Lewis E. Goodier, of New York, late major, Thirty-eighth Infantry, United States Volunteers, June 18, 1901.

Capt. Harvey C. Carbaugh, Artillery Corps, late major and judge-advocate, United States Volunteers, February 2, 1901.

Capt. Frank L. Dodds, Ninth Infantry, United States Army, May 22, 1901.

#### APPOINTMENTS IN THE ARMY.

##### CORPS OF ENGINEERS.

*To be Chief of Engineers with the rank of brigadier-general.*

Col. Henry M. Robert, Corps of Engineers (since retired from active service), April 30, 1901.

Col. John W. Barlow, Corps of Engineers (since retired from active service), May 2, 1901.

Col. Geo. L. Gillespie, Corps of Engineers, May 3, 1901.

##### ARTILLERY CORPS.

Jacob M. Coward, of New Jersey, late captain, Fourth New Jersey Volunteers, to be first lieutenant, September 23, 1901.

Edward L. Glasgow, of Kansas, late captain, Eleventh Cavalry, United States Volunteers, to be first lieutenant, September 23, 1901.

Robert B. McBride, of Georgia, late captain, Third United States Volunteer Infantry, to be first lieutenant, September 23, 1901.

#### APPOINTMENTS IN THE NAVY.

Dr. Francis M. Munson, a citizen of Delaware, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade).

Walter A. Greer, a citizen of Missouri, to be an assistant paymaster in the Navy, with the rank of ensign.

#### POSTMASTERS.

George M. Francis, to be postmaster at Napa, in the county of Napa and State of California.

Roy B. Stephens, to be postmaster at South Pasadena, in the county of Los Angeles and State of California.

Nelson B. Stanton, to be postmaster at Avalon, in the county of Los Angeles and State of California.

Kennedy B. Summerfield, to be postmaster at Santa Monica, in the county of Los Angeles and State of California.

Arthur M. Hughes, to be postmaster at Louisa, in the county of Lawrence and State of Kentucky.

John B. Leffingwell, to be postmaster at Braidentown, in the county of Manatee and State of Florida.

Wilfred W. Montague, to be postmaster at San Francisco, in the county of San Francisco and State of California.

Elwyn J. Barrow, to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana.

Byrnes M. Young, to be postmaster at Morgan City, in the parish of St. Mary and State of Louisiana.

Alexander Salomon, to be postmaster at Plaquemine, in the parish of Iberville and State of Louisiana.

E. C. Burns, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania.

Davis P. Gray, to be postmaster at Whitinsville, in the county of Worcester and State of Massachusetts.

William J. Wallace, to be postmaster at Norwood, in the county of Norfolk and State of Massachusetts.

John T. Hammar, to be postmaster at Madison, in the county of Lac qui Parle and State of Minnesota.

John A. Henry, to be postmaster at Janesville, in the county of Waseca and State of Minnesota.

A. E. King, to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota.

Eugene M. Harkins, to be postmaster at Sherburn, late Sherburne, in the county of Martin and State of Minnesota.

Harriet E. Morcom, to be postmaster at Tower, in the county of St. Louis and State of Minnesota.

Edgar B. Shanks, to be postmaster at Fairmont, in the county of Martin and State of Minnesota.

Lewis B. Krook, to be postmaster at New Ulm, in the county of Brown and State of Minnesota.

Eva Demgen, to be postmaster at Virginia, in the county of St. Louis and State of Minnesota.

Harvey G. Wire, to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota.

Lemmon G. Beebe, to be postmaster at Winnebago City, in the county of Faribault and State of Minnesota.

Samuel Y. Gordon, jr., to be postmaster at Brown Valley, in the county of Traverse and State of Minnesota.

George W. Buswell, to be postmaster at Blue Earth, late Blue Earth City, in the county of Faribault and State of Minnesota.

Cassius M. Crane, to be postmaster at Garrettsville, in the county of Portage and State of Ohio.

Julius O. Converse, to be postmaster at Chardon, in the county of Geauga and State of Ohio.

Charles E. Cragin, to be postmaster at Ada, in the county of Norman and State of Minnesota.

Delazon P. Higgins, to be postmaster at Lewisburg, in the county of Union and State of Pennsylvania.

Clyde A. L. Purmort, to be postmaster at Van Wert, in the county of Van Wert and State of Ohio.

Frank Fortune, to be postmaster at Jefferson, in the county of Ashtabula and State of Ohio.

Thomas J. Darling, to be postmaster at Temple, in the county of Bell and State of Texas.

Charles J. Hostrasser, to be postmaster at Hearne, in the county of Robertson and State of Texas.

George W. Schoch, to be postmaster at Mifflinburg, in the county of Union and State of Pennsylvania.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, April 5, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

##### BRIDGE ACROSS THE OHIO RIVER.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read. It provides that the Western Bridge Company, a corporation existing under the laws of the State of Pennsylvania, be, and the same is hereby, authorized to construct, maintain, and operate a bridge across the Ohio River from a point on Preble avenue, in the city of Allegheny, to a point on Shingiss street, in the borough of McKees Rocks, Allegheny County, Pa.; provided, that such location is suitable to the interests of navigation and receives the approval of the Secretary of War and the Chief of Engineers.

The amendments recommended by the committee were read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the last vote was laid on the table.

#### MANUAL OF SURVEYING.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States.

The bill was read, as follows:

*Be it enacted, etc.,* That section 2399 of the Revised Statutes of the United States, as amended by act of Congress of October 1, 1890 (Statutes at Large, volume 23, page 650), and act of Congress of August 15, 1894 (Stat. L., vol. 28, p. 285), be further amended so as to read as follows, namely:

"Sec. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date January 1, 1902, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DALZELL. Mr. Speaker, reserving the right to object, I should like to have the gentleman state what committee of the House has considered this.

Mr. KLEBERG. It is a unanimous report of the Committee on Public Lands. It simply legalizes the manual of surveying instructions to the surveyors-general. It is the usual act that passes from time to time when a new manual is made.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE MISSOURI RIVER AT PARKVILLE, MO.

Mr. BOWERSOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BOWERSOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CORPORATIONS AS SURETY ON BONDS, ETC.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10517.

The bill was read, as follows:

A bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon."

*Be it enacted, etc.,* That section 3 of an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894, be amended so as to read as follows:

"Sec. 3. That every company before transacting any business under this act shall deposit with the Attorney-General of the United States a copy of its charter or articles of incorporation, and a statement signed and sworn to by its president and secretary showing its assets and liabilities. If the said Attorney-General shall be satisfied that such company has authority under its charter to do the business provided for in this act, and that it has a paid-up capital of not less than \$100,000, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### CONFIRMING TITLE OF CERTAIN LAND TO NEBRASKA.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

The bill was read, as follows:

A bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

*Be it enacted, etc.,* That title be, and is hereby, confirmed to the State of Nebraska to all those certain tracts of land in the O'Neill (Nebr.) land district, aggregating 2,228.09 acres, heretofore selected by the State as indemnity for granted school lands, which selections were approved by the Secretary of the Interior May 22, 1897, in list No. 1, and duly certified to the State of Nebraska by the Commissioner of the General Land Office, but which certification was on May 5, 1899, declared by the Secretary of the Interior to be null and void and ineffectual to convey to the State any right or title: *Provided,* That the State of Nebraska shall not hereafter be entitled to further indemnity for the specific losses accruing to said State in lieu of which said selections were made.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I should like to have an understanding of what this bill does. I could not gather from the expressions of the bill on its face what it does, and I would be glad if the gentleman would explain to us the object and purposes of the bill.

Mr. BURKETT. This bill is to straighten out the title—

Mr. RICHARDSON of Tennessee. Will the gentleman please state what committee has reported the bill?

Mr. BURKETT. The Committee on Public Lands, in a unanimous report.

Mr. RICHARDSON of Tennessee. Has the bill been passed upon by the Land Office?

Mr. BURKETT. The Secretary of the Interior has recommended it.

Mr. RICHARDSON of Tennessee. I would like to have a full explanation of what it does.

Mr. BURKETT. The bill is to confirm title to the State of Nebraska in certain lands indemnifying the State for sections 16 and 36 that the State did not get in accordance with the law admitting the State into the Union. According to a former decision, made several years ago by the Secretary of the Interior—

Mr. RICHARDSON of Tennessee. Will the gentleman tell why it was that the State did not get the lands?

Mr. BURKETT. I can briefly go over it. In 1882 the boundary in the State of Nebraska was pushed north to the forty-third parallel of latitude, between the Missouri River and the Keyapaha River, which included a portion of an Indian reservation. Afterwards this Indian reservation was opened up for distribution and settlement and entry by the act of March 2, 1889. This law contained the following provision:

And when the Indian title to the lands thus described shall be extinguished the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska and subject to all the conditions and limitations provided for in the act of Congress admitting Nebraska into the Union, and the northern boundary of the State shall be extended to said forty-third parallel as fully and effectually as if said land had been included in the boundaries of said State at the time of its admission into the Union?

By the law the State of Nebraska was to have these sections, 16 and 36, just the same as they did in the other territory that originally constituted Nebraska. Section 24 of the 1889 act provided that sections 16 and 36 should be reserved for school purposes. But there was a provision made putting the proceeds of the sale of this land into a trust fund for the Ponca Indians. It was construed in that way, or rather that there was no grant of these lands to the State until the Indian title had been extinguished. A few years later it was held otherwise, that by virtue of the law itself and its acceptance by the Indians they had surrendered it to the United States. Some of these sections 16 and 36 were lost to the State on account of allotment to Indians and other deficiencies. On August 21, 1891, the State of Nebraska filed a list of indemnity lands for these sections thus otherwise taken. On August 29, 1892, the selection was denied by the Commissioner of Public Lands, and the lands were held for cancellation.

The State appealed. On February 24, 1894, the Attorney-General overruled that decision of the Land Department, and held that the State of Nebraska under the law was entitled to the school-land grant subject to the right of occupancy by the Indians, and also held that she had a right to indemnity lands. The list was approved, and on June 7, 1897, the approval was certified to the State. Nebraska took these indemnity sections and afterwards leased and sold them and disposed of them as they did the other public lands.

In 1897, as I have said, this matter was all certified out to the State in the regular way, but in 1899 there were found to be some land inadvertently omitted in list No. 1, formerly filed, and a second list of indemnity land was sent in to the Department. Different Department officers being there, I presume, at the time of the second list being submitted, the Department ruled that Nebraska was not entitled to indemnity land. But all but 101.32 acres had been sold out and leased and was in the hands of innocent purchasers, under the decision of the former ruling that Nebraska had a right to indemnity lands.

Therefore, Nebraska at this time a year ago, or June 5, 1901,



when she made her showing, only had 101.32 acres of the 2,200 acres, and the rest was in the hands of innocent holders. When the Department made the last ruling they said that "in view of the fact that the State may have disposed of some of the tracts since certification an opportunity should be afforded the State or its grantees to obtain relief by legislation, \* \* \* and to this end you will withhold from entry all lands so certified." On the 20th day of January, 1902, the Secretary of the Interior wrote to the Senate committee, setting out the whole matter and recommending that this bill be passed.

Mr. RICHARDSON of Tennessee. I have in my hand the letter from the Secretary, and if the gentleman will have it published with his remarks I will make no objection.

Mr. BURKETT. Well, Mr. Speaker, I ask that the letter from the Secretary of the Interior, and also that of the Land Commissioner, be published with my remarks.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The following are the letters referred to:

DEPARTMENT OF THE INTERIOR, Washington, January 20, 1902.

SIR: I have the honor to acknowledge the receipt, by recent reference from your committee, with a request for views thereon, of a copy of S. 2442, entitled "A bill confirming title to the State of Nebraska of certain selected indemnity school lands."

In answer to the reference I inclose a copy of the report on the bill by the Commissioner of the General Land Office under date of the 18th instant.

He has stated therein that the bill strongly commends itself to favorable consideration, and he has recommended its enactment.

I concur in this recommendation.

Very respectfully,

E. A. HITCHCOCK,

Secretary.

The CHAIRMAN OF THE SENATE COMMITTEE ON PUBLIC LANDS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., January 18, 1902.

SIR: I am in receipt, by departmental reference for report in duplicate and return of papers, of Senate bill 2442, confirming title to the State of Nebraska of certain selected indemnity school lands.

The lands are described as aggregating 2,228.09 acres in the O'Neill, Nebr., land district, the selection of which was approved May 22, 1897, but the certification thereof declared void May 5, 1899.

I have the honor to report that on August 21, 1891, the State of Nebraska filed its list No. 1 of indemnity school land selections in the O'Neill land district. Said list, so far as it related to selections in that part of the Great Sioux Indian Reservation, added to the State of Nebraska by act of March 28, 1882 (22 Stats., 35), was held for cancellation by this office August 29, 1892, "K," for the reason that the act of March 2, 1889 (25 Stats., 888), providing for the disposition of said lands created a trust fund for the benefit of the Ponca Indians derived from the proceeds of the sale of said lands.

Upon appeal, the Department, February 12, 1894, after mature deliberation, held that the grant of school lands to the State of Nebraska included those lands within the Great Sioux Reservation added to the State by act of March 2, 1882, subject to the Indian right of occupancy, and such right having been extinguished under the provisions of the act of March 2, 1889, the State was entitled to select indemnity within the limits of such reservation in said State for losses sustained therein, and this office was instructed to take such steps as were necessary to carry into effect the views expressed in the adjustment of losses to the State under its school grant (18 L. D., 124).

Accordingly there was submitted to the Department clear list No. 1 of selections aggregating 2,228.09 acres of lands in said reservation, based upon losses occurring in said reservation by reason of allotments to Indians of granted school lands in place or of the appropriation of such lands for military purposes, and for deficiencies occasioned by reason of fractional townships for natural causes.

This list was approved May 22, 1897, and was duly certified to the State under section 2449, United States Revised Statutes, June 7, 1897. July 5, 1898, this office submitted to the Department for approval list No. 2, embracing selections in said list of August 21, 1891, but called attention to the case of South Dakota, reported in volume 26 of Land Decisions, page 347, wherein it was held that lands in the Great Sioux Reservation were subject to disposal under the homestead law only, and that there was no authority vested in the Department to dispose of them except in the manner and for the purpose contemplated by the act of March 2, 1889.

May 5, 1899, the said list No. 2 was returned without approval, the decision of February 12, 1894, was overruled, and it was held that the certification of list No. 1, being contrary to the terms of the statute, and the agreement with the Indians was null and void and ineffectual to convey to the State any right or title; but it was directed that, in view of the fact that the State may have disposed of some of the lands since certification, an opportunity should be afforded the State or its grantees to obtain legislative relief, and directed that said lands be withheld from entry (23 L. D., 358).

From a statement filed by the State authorities June 5, 1901, it appears that with the exception of 101.32 acres all of the lands certified to the State have been sold or leased by the State and that no lease expires before 1919; that said lands have been sold or leased in many instances to persons who have exhausted their homestead rights; that homes have been established on said lands and valuable and lasting improvements placed thereon in the belief that the State had acquired title.

Section 21 of the act of March 2, 1899, supra, provides:

"That each settler under and in accordance with the provisions of said homestead acts shall pay the United States, for the lands so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of: \* \* \* Provided, That all lands herein opened to settlement under this act remaining undisposed of at the end of ten years from the taking effect of this act shall be taken and accepted by the United States and paid for by said United States at 50 cents per acre, which amount shall be added to and credited to said Indians as part of their permanent fund, and said lands shall thereafter be part of the public domain of the United

States, to be disposed of under the homestead laws of the United States and the provisions of this act."

The ten-year period expired February 10, 1900, and an account stated of the disposition of lands at the prices of \$1.25, 75 and 50 cents. There is, therefore, now no question affecting the Indian fund, and as the rights of innocent third parties are affected by the failure of the State's title growing out of the erroneous approval and certification of the State's selection the bill strongly recommends itself to favorable consideration as an equitable adjustment, and I recommend its enactment.

The said bill is returned herewith.

Very respectfully,

BINGER HERMANN,

Commissioner.

The SECRETARY OF THE INTERIOR.

The bill was read the third time, and passed.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I present the privileged report from the Committee on Elections No. 1 in the contested-election case of Horton against Butler. I will call up the resolution at a later day, and I desire now to make some arrangement with the minority for filing their views. How long does the other side want?

Mr. FOX. I think three weeks would be satisfactory.

Mr. TAYLER of Ohio. I have no objection to that. Mr. Speaker, I ask that the other side have three weeks in which to present the views of the minority.

The SPEAKER. The gentleman from Ohio, chairman of the Elections Committee No. 1, presents the privileged report in the contested-election case of Horton against Butler, which will be printed and referred to the House Calendar; and he asks unanimous consent that the minority may have three weeks in which to file their views. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHINESE EXCLUSION.

Mr. HITT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13031, the Chinese-exclusion bill, and pending that motion, I ask unanimous consent that leave to print be given for five days.

Mr. MANN. Make it ten days.

Mr. HITT. Ten days, it is suggested.

The SPEAKER. The gentleman from Illinois asks unanimous consent for general leave to print upon this bill for ten days. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HITT was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair, for the further consideration of the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. HITT. Mr. Chairman, before resuming general debate, I would like to make some arrangement with the gentleman from Missouri [Mr. CLARK] in regard to the time requisite for general debate. How much time is desired on the other side?

Mr. CLARK. We would like to have two hours and a quarter on this side.

Mr. HITT. Then I propose that we close debate with two hours to a side.

Mr. CLARK. All right; let it go at that.

Mr. HITT. Two hours on a side, to be divided equally, the time to be controlled on this side by myself and on the other side by the gentleman from Missouri [Mr. CLARK].

The CHAIRMAN. The gentleman from Illinois asks unanimous consent of the committee that general debate cease at the end of four hours, two hours of which is to be controlled by himself and two hours by the gentleman from Missouri [Mr. CLARK]. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, intimately connected with the subject-matter of this bill is the consideration of the proposition involved in a pending amendment to compel the ships of our merchant marine trading to the ports of the United States and with foreign countries to employ none but American seamen, or, in other words, to keep out of employment all Chinese. For my own part, with some knowledge of the situation of our shipping interests upon the Pacific Ocean side of the country, I shall oppose that amendment, if present when it shall be offered, and upon a cognate question I shall at once extend my remarks, under the order of the House, so that members will have the opportunity to see the direction in which my remarks are pointing.

[London Daily Mail, January 23, 1902.]

SHIPPING SUBSIDIES.

In British commercial circles interest in trans-Atlantic development is centered for the moment in the question whether the shipping subsidies bill will pass into law or not. Americans frankly recognize that, unaided, their shipping has little chance against our own. The American sailor is more expensive, and American ships cost more to build. Up to now all the strenuous efforts to galvanize American shipping into new life have had but little result. But with the passage of the shipping bill all this will be changed.



Leading shippers in the port of London say that with the passing of the American subsidies bill much trade will pass from under the British flag unless special legislation is framed to meet the new situation. The only legislation that could do this would be the imposition of a special tax on subsidized steamers using our ports; and there is no prospect of such a law being even seriously discussed. Yet we may before long find the story of our bounty-killed sugar trade repeated with our shipping.

[London Daily Mail, February 26, 1902.]

#### SHIPPING SUBSIDIES.

The question of shipping subsidies, now brought to the front by the American bill, continues to excite much interest. Some of the best-known shipowners, whose views were requested, have submitted them, although withholding their names. The head of a prominent house in the North writes: "The effects of the United States bill will be (1) to stimulate American shipowners engaged in the liner trades of the North Atlantic, and thereby to hit hard the British lines in that trade; (2) British lines in other trades will feel its effects remotely; (3) British tramps are not likely to suffer to any appreciable extent. Their existence as payable property under our flag depends on such economic building and working as is at present impossible in the States. It has been estimated (with some degree of care) that three-quarters of British tonnage are tramps."

A London house of shipowners is frankly pessimistic. "In our opinion," it writes, "if this bill passes into law as it stands at present, there will be an end to our freight trade. The one thing, then, left for us to do will be to sell our ships to the triumphant Yankees as soon as possible. The action of some who sold out to Mr. Pierpont Morgan and others some time ago was severely criticised. They certainly knew what they were about and made an excellent bargain."

"It is too late to talk vaguely of remedies," the shippers continue. "If our Government had the slightest perception of the supreme importance of commercial matters, there might still be some hope of some thorough and immediate action to meet the threatening state of affairs. But no real man of business would now look in that direction for any help whatever. A bounty to English ships, subsidizing them as much as their rivals are now subsidized, is the only rational answer to America's move."

Any endeavor to learn from British shippers the result the American bill will have on us meets with most contradictory opinions. All are agreed that our trade will suffer, but it is by no means clear if the loss will come on our passenger or cargo boats. Yet it may be remembered that when the French and German subsidies were enacted men then prophesied that the fleets of other nations would sweep the seas. This has not come to pass; and in our coastwise trade at least we are impregnable.

[London Daily Mail, February 19, 1902.]

#### IS BRITISH SHIPPING IN DANGER?

Will the new American shipping subsidy bill seriously affect British commerce? Our steamship trade is one great national industry which American competition has not up to now been able seriously to injure. The strenuous endeavors of the Americans to build a great mercantile marine have so far failed. The figures on this point are conclusive. The latest American statistics, giving full returns for last year, show that during that time more than one-half of the imports to the United States brought there on steamships came under the British flag, and two-thirds of the exports were taken out by British ships. Of 1,255,000,000 tons of exports, 846,000,000 were conveyed out on British vessels, as against 65,000,000 on American. Of 794,000,000 tons of imports, 82,000,000 were carried in American steamships as against 428,000,000 in British ships.

The reason England has held the shipping trade is because this country can build ships cheaper and better than any other, and our shipping is cheap to manage. The figures given by Mr. B. J. Baker, of the Atlantic Transport Company, some little time ago settled all controversy about the cheapness of British shipbuilders, the British vessels being about 25 per cent below American in price. The cost of operation is also less, and the difference based on the wages of the crews alone leaves an average of about 6 shillings a ton per ship per annum in favor of English. Taking the capitalized cost of the vessels and the price of running, the lessened expense in favor of English ships works out at about a sovereign a ton per year.

#### THE AMERICAN SUBSIDIES.

Senator FRYE, who is responsible for the new American shipping subsidy bill, proposes a rate which will largely counteract this difference. He proposes to give a bounty of a halfpenny per gross ton per 100 nautical miles sailed to American-built and American-run ships. In the case of first-class vessels, this will completely counterbalance the present British advantage.

Senator FRYE himself expects certain definite and immediate results from his bill if, as seems likely, it passes into law. He believes it will lead to the construction of vessels of large carrying capacity. By this means it is hoped the Americans will be enabled to undersell the British. He expects that the chief triumphs at first will be in the Pacific rather than in the Atlantic Ocean, and calculates that there the Americans will be able to appropriate the long sea markets. Mail steamers will receive special consideration.

#### BRITISH HOPES AND FEARS.

Some of our great English shipowners express confident anticipation that the bill will not pass through Congress in its present form, but the mass of our shipping trade appears indifferent to the matter. Yet it is plain, on the face of it, that this bill, if it passes through Congress, will affect not only the direct American trade, but many others. Our shipping to-day is nearing its hour of crisis. The only remedy shipowners at the present moment have to propose is that American ships should be fined the amount of their subsidy when entering the British ports. This remedy is impracticable, and even if it could be carried out would not meet the situation.

British shipowners are by no means united in considering subsidies a blessing. This country has had its experience of subsidies. All the mail steamers receive special grants from the Government, but in consequence they are bound down by very strict rules. A vessel must sail on a certain date and must arrive on a certain date, no allowance being made for storms. No delay through drunken stokers can excuse delays in sailing. If only 3 or 4 hundredweight of cargo arrives in the period the ship has to spare, the owner dare not wait, though tons may be coming a day or two later. This has led to the evolution of fast boats, carrying only a picked cargo, at much higher rates, and this may be taken as indicating what subsidies will do for our rivals. All the British shipowners as a body ask for is fair play, equal treatment, and freedom from governmental restrictions, whether British or foreign.

#### THE BOARD OF TRADE AND SHIPPING.

One large British shipowner writes that the one thing necessary to be done is to remove from our ships what he calls the "hampering ineptness of the

board of trade." He gives several instances. He complains of the system of sending surveyors down to report for licenses to carry passengers. He says that these surveyors are ex-trade-union men, unfavorable to shipowners, and the fees are very high in the case of a ship of moderate size, running from 15 to 20.

The shipowner complains, secondly, of the Plimsoll line, which he describes as an anomaly. "Plimsoll's sole experience was a voyage from London to Dundee. Every practical shipowner knows how far he can load his ship with safety. In many cases this is far deeper than the Plimsoll line allows. In other cases the line gives him more than is consistent with security. Obeying the law, the owner has to make up his loss in the one case by loading the other ships lower than he otherwise would. The line takes only the depth of hold into consideration, while there are several other things more important, such as the shape of the ship and her sea-going capacity."

Then come hampering regulations about provisions and stores. "Their effect is to tempt owners to send out ships with a minimum load by law. This does not apply to large ships with the refrigerator appliances, where men are fed on fresh meat all through the voyage. The board of trade requirements as to ventilation have, as all shippers have agreed, caused the loss of many vessels. The ventilators are easily snapped off by heavy seas, leaving holes in the deck which, when further seas are shipped, make the vessel less able to recover. On the grain-trade ship these ventilators do much harm, and the necessity of having them has lost a great portion of the American grain trade to English vessels."

[Mr. JETT addressed the committee. See Appendix.]

Mr. GILLET of Massachusetts. Mr. Chairman, there was a unanimous opinion in the Committee on Foreign Affairs in favor of a law which shall effectively exclude all Chinese laborers from entrance to the United States, and I think the same opinion is held almost as unanimously by this Congress and is general throughout the country. So the only question before us is how to best express in law this opinion. The majority of the committee has reported a bill which represents long labor and much investigation, and which had as its basis the bill which the minority now presents as a substitute. If the opinion of the minority is correct, then all the labor expended in perfecting and improving and amending their bill has been wasted.

The minority report states as the main reason for preferring their bill that it is the one presented and desired by the people on the Pacific coast and the labor organizations. But that argument proves too much, for if it is valid the minority ought to have reported the original bill which those organizations presented instead of the form amended and corrected in committee which they present. The truth is the bill first presented was so crude and had so many uncounted expressions and contradictions and uncertainties that it was necessary to introduce many changes, and the only question is whether the few changes which the minority allow make as perfect a bill as the many changes recommended by the majority.

I do not mean to reflect on the original framers of the bill, for I suppose the fact is, as the bill itself indicates, that it was not framed by any one person, but was a composite production in which the suggestions of many minds were mingled and combined, with the result that it lacked uniformity and exactness. This the committee has endeavored to remedy, and while it has very much improved the bill in language and legal exactness, I do not think it has at all lessened its stringency in excluding Chinese laborers. I do not think, however, that the history of our past legislation confirms the statement of the minority that those who had most experience with Chinese are the best fitted to frame legislation, for I think the chapter of Chinese-exclusion laws passed under the compulsion of Pacific politics is one which is not creditable to the American nation. The purpose to be accomplished, which was to exclude laborers, I believe, was wise and necessary, but the methods pursued were injudicious and improper. It is curious, in looking back over the last thirty years, to see what changes in public opinion time has made on this question.

It was only in 1868 that the United States took great pride in seeing a Chinese embassy come here under the leadership of an American citizen, Anson Burlingame, and take its place among the other great nations of the world with a treaty of mutual concessions. It was felt then that this young Republic was acting as the sponsor of this oldest empire in the commencement of a new era which should bring to it the civilization and progress of the century, and we felt that we should be their teachers in the path of honor and progress. In that treaty it was stated that both the United States and China—

Cordially recognize the inherent and inalienable right of man to change his home and religion, and also the mutual advantage of the free migration and immigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

That was in 1868. In a few years, however, the threatened swarm of cheap Chinese labor frightened us, and we were anxious to avoid this mutual privilege of migration agreed upon in the treaty, and asked China to frame another treaty limiting this right, which she reluctantly agreed to, and in 1880 a treaty was framed yielding to us the right to regulate, limit, or suspend the immigration of Chinese laborers, but forbidding us to prohibit it.



As years went on, however, this was found to be inadequate for our protection, and we endeavored to secure a treaty from China allowing us absolutely to prohibit the immigration, which, however, she refused, whereupon Congress passed an act in open and flagrant violation of the treaty with this power to whom we expected to be a teacher in ethics and morality, and although our treaty with them expressly said that we should not prohibit Chinese laborers, a statute was passed whose title used the very forbidden word, and stated its object "to prohibit the immigration of Chinese laborers."

It has always seemed to me that such an act, framed in intentional violation of the treaty, was unworthy of Congress, and especially so when dealing with a nation which we had undertaken to lead into the path of a higher civilization. I do not think that when treaties become unendurable they must forever be observed, but I think the manly and honorable way is to abrogate them with due notice and not insultingly disregard them; and I think China has ever since had a just grievance against the United States. She yielded, however, and in 1894 agreed upon a treaty which gives us the right to prohibit the entrance of Chinese laborers; and it is by virtue of that treaty that the present act is drawn.

It is intended to absolutely prohibit the entrance of Chinese laborers. To effect that would seem easy, but experience has shown that there are organizations which find it worth while to pay hundreds of dollars for the successful smuggling in of a single laborer, and devices have been resorted to and frauds invented to circumvent the law which make elaborate precautions necessary. This causes difficulty in framing an effective law and explains many provisions which seem unreasonable and hard. I think in the minority bill there still remains some unreasonable provisions. While we wish to keep out all laborers, it is not only a wise policy for us to allow Chinese merchants free access to this country, but that right is specially guaranteed by treaty, so it would be both unwise and illegal for us to interfere with it, and I think that the provisions for admitting the exempt classes are too severe in both bills and ought to be moderated.

I think we can safely detect the fraudulent merchant without frightening away the genuine merchant. We are all looking to the East as a profitable market. We hope in the coming years to find there a large outlet for our surplus products, and also a field for our inventions, and that we may take a large part in the development there of the materials of the new civilization. To do this our mutual intercourse, particularly mercantile, should be as free and unhampered as possible; and yet under either bill, as it is now framed, no agent of a China commercial house could enter the United States at all for the purpose of either buying or selling goods. Such an exclusion seems to me not only of doubtful validity under the treaty, but also clearly unwise and impolitic, and tending to restrict at the outset our trade with China, to excite against us unfriendly feelings which will throw trade to our competitors, and to make it difficult for even those who wish to trade with us to do so.

I think that all classes except laborers ought to be admitted here freely, and with only such regulations as will insure against a laborer fraudulently personating them. It seems to me we should be abundantly protected by simply extending the provisions of the existing laws, including the law of 1888, whose present validity is doubtful, until the expiration of the treaty. At present the Chinese here are steadily diminishing in number. Their immigration under the present law is not a menace, and its extension would create no new antagonism in China, would not interfere with our trade relations there, and would satisfactorily accomplish all that anyone openly aims at—the thorough exclusion of Chinese laborers. To-day, under existing laws, the Chinese problem is not the one most dangerous to our labor or to our population.

There is a vast immigration to our Atlantic ports much more dangerous to us, in my opinion, than the small number of Chinamen who are smuggled in. The vicious and degraded and ignorant immigration from Southern Europe, which has been increasing recently so largely, seems to me much more deserving of attention and legislation than the handful of Chinese. Under our recent prosperity it has largely increased, and although we are now so large that it is absorbed without attracting immediate attention, yet it is surely lowering the average of our citizenship, lowering the value of our labor, and lowering the standard of our living and of our intelligence. A stricter immigration law, which will apply not only to Chinese, but to all other peoples whose coming degenerates us, is to my mind one of the most urgent and imperative duties of this Congress. [Loud applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARKER having taken the chair as Speaker pro tempore, a message from the Senate, by

Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10363. An act to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina; and

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

#### CHINESE EXCLUSION.

The committee resumed its session.

Mr. OTJEN. Mr. Chairman, this bill now under consideration by the House, and which has been favorably reported by the Committee on Foreign Affairs, is intended to continue in force the laws excluding Chinese laborers from coming to this country and also to apply those laws to our insular possessions. It has been the aim of the Committee on Foreign Affairs not alone to reenact the present exclusion laws, but also to strengthen them in all essential provisions for the purpose of securing a more certain and efficient enforcement of the same.

This bill should be so framed that it will absolutely prohibit the coming to our shores of Chinese laborers, yet we should not place unnecessary burdens or humiliating conditions upon those classes desiring admission, who, by the treaty made between this country and China, are expressly permitted to come here. China is entitled to the same fair deal and honorable treatment as is accorded to any other nation. We should endeavor to establish friendly relations and encourage the growth of trade and commerce with that country. Such growth in trade and commerce will be mutually beneficial to both nations. China in the near future, it seems to me, presents great commercial possibilities, at least until she has developed her home resources. Not only should a due regard for our growing trade and commerce with this great nation inspire friendly relations and fair dealing, but national honor requires it. Any other course would be a violation of that comity which exists between all nations and should exist between this country and China, and it would be a violation of our solemn treaty obligations.

Labor leaders and all other persons who appeared before the Committee on Foreign Affairs in behalf of this bill agree that unnecessary restrictions should not be placed upon the exempted classes desiring admission to the United States. No one advocates the placing of annoying or harsh conditions upon the exempted classes seeking admission to our shores, but such provisions and safeguards must be placed around their admission as experience has shown to be necessary to prevent Chinese laborers from gaining admission under the pretense of belonging to the exempted classes. Our right to absolutely prohibit the coming here of Chinese laborers can not be questioned. By treaty made between the United States and China, proclaimed by the President of the United States on December 8, 1894, China expresses a "desire to prohibit the emigration of such laborers from China to the United States."

Article I of said treaty reads:

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratification of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

This treaty therefore gives us a clear right to exclude this class of Chinese. The immigration of Chinese to this country commenced about fifty years ago. A book entitled "Chinese in California" states:

On the 1st of January, 1850, having been attracted by the gold, there were in California of Chinese 789 men and 2 women. In January, 1851, there were 4,018 men and 7 women; in May, 1852, 11,780 men and 7 women. At this time the State tried to stay the current of immigration by imposing a tax as a license to mine. In 1868, when the Burlingame treaty was ratified, there had arrived in California about 80,000 Chinese.

In 1880 the United States census gives the number of Chinese within our borders as 105,465. The census of 1890 gives the number in the United States proper, Alaska, and Hawaii at 126,778; 31,663 of these were in Alaska and Hawaii, and 12,360 of this number were Japanese in Hawaii.

According to the census of 1900 there were 119,050 Chinese in the United States proper, Alaska, and Hawaii.

Of the 119,050 Chinese returned at the Twelfth Census, 25,767 were enumerated in Hawaii, 3,116 in Alaska, 304 at military and naval stations abroad, and 89,863 in the United States proper. As to the number of Chinese in the Philippine Islands, Governor Taft states in his testimony before the Committee on Immigration of the Senate that—

There are 50,000 in the city of Manila. That would be one-sixth of the population of Manila. That proportion to the population is not maintained through the islands. Indeed, I should be very much surprised if any proper census showed more than 250,000 Chinese in the whole archipelago, and my judgment is there are not more than 150,000.

The landing upon the Pacific coast of an ever-increasing number of Chinese laborers, the great bulk of whom located in California, and who by their cheap methods of living supplanted our own laboring people, creating a hatred against them, finally resulted in disorder and riots. The ever-increasing stream of Asiatic hordes landing upon the Pacific coast seriously alarmed the people of California, they believing that unless this tide was checked they were threatened with a serious menace, and in response to their earnest appeal Congress enacted the first Chinese-exclusion law, dated May 6, 1882, suspending the coming to the United States of Chinese laborers for a period of ten years.

This character of legislation is unusual; it is not directed against any nation in the world excepting China. It is, therefore, proper that this House should offer some reasons for this unusual action, some reasons for its justification.

To permit the coming here of an alien race, and to place them side by side with our own people, a race whose social plane is so radically different, whose standard of living is so much lower than our own, a race which can never be assimilated, can not but bring deplorable and disastrous results.

Along this line it may be interesting to note the statement of the imperial Chinese consul-general in San Francisco. He says:

They work more cheaply than whites; they live more cheaply; they send their money out of the country to China; they have no intention of remaining in the United States, and they do not adopt American manners, but live in colonies and not after the American fashion.

I doubt if anyone will seriously contend that this alien race can be assimilated with our own. That they can not, it seems to me, may reasonably be taken as a conceded fact. The great Chinese Empire, with its 400,000,000 of people, can pour into our country 10,000,000 of her laboring people, and not know that a single person has left its shores. If we permit the vast hordes of China to come here we will, by their cheap living and low standard of wages, supplant our laboring people; yes, will do worse than that, will reduce them to degradation and want. Will anyone doubt this?

Let me read you a few extracts from opinions by experts and students of this Chinese question. England's expert agent, Mr. Bourne, after a careful and extensive inquiry in China, says the truth is:

That a man of good physical and intellectual qualities, regarded merely as an economic, is turned out cheaper by the Chinese than by any other race. He is deficient in the higher moral qualities, individual trustworthiness, public spirit, sense of duty, and active courage—a group of qualities, perhaps, best represented in our language by the word "manliness"—but in the humble moral qualities of patience, mental and physical, and perseverance in labor he is unrivaled.

Mr. Wildman, our late consul-general at Hongkong, says:

No occidental can comprehend the full measure of Chinese economy. It is an art and a science that has been perfected through the centuries. \* \* \* Two cents a day is a fair estimate per head of what it costs to feed 300,000,000 of China's 400,000,000. \* \* \* Absence of nerves and ability to suffer is a God-given gift, and makes the Chinese equal to an existence that would blot out European civilization in two generations. One can not but wonder if in the struggle for the possession of the earth that is now taking place, the white man of "nerves" may not in the end go down before the yellow man without "nerves."

Mr. Kipling, after a close study of the Chinese people, says that they are "a people without nerves as without digestion, and, if reports speak truly, without morals."

He further says:

There are three races who can work, but there is only one that can swarm.

These people work and spread. They pack close and eat everything, and they can live on nothing.

And again he says:

They will overwhelm the world.

He also says that when they come in competition with the Hindoo and the Japanese, even these people with their low standard of living are compelled to give way and can not compete with the Chinese, who stand upon a still lower social plane.

Similar views are entertained by innumerable other experts on this question. The two races can not live side by side; one or the other must go under. Can anyone fail to see that there would spring up strife and hatred between the two races, resulting in disorders, riots, and bloodshed? This being so, are we not justified in preventing such a state of affairs, not alone for the best interests of our people but also for the best interests of the Chinese people?

There is, however, a greater reason why Chinese laborers should be absolutely prohibited from coming here, and that is that by their low social standard and cheap living they become a serious menace to the welfare of our laboring people, supplanting them in their employment, and unless their admission is prohibited will reduce them to degradation and want. I hope the day will never come when our laboring people will be reduced to a social plane that will compel them to compete with the degraded hordes of China. It has been the principal glory of our country that the masses of our people—the laboring people—have been reasonably prosperous and have enjoyed some of the comforts of life common to our times and country, and have also been enabled to educate their children and to properly fit them for American citizenship. The moment that you reduce the laboring people of this country to poverty and want by the policy of permitting the degraded hordes of China to come here and to supplant them, or by any other policy, then, when that day comes, the chief glory of our country will have gone.

I am aware that there are some people who have no sympathy for these exclusion laws, who condemn all labor organizations and labor leaders. We hear them apply to labor representatives epithets such as "agitator" and "demagogue." It may be true that some labor leaders have not been wise in the discharge of the sacred trust committed to them by their fellow-men; but, Mr. Chairman, the labor leader who works honestly and faithfully for the best interests of the people he represents is not an agitator, is not a demagogue, but is a public benefactor.

It is not enmity toward the Chinese race as such that induces the enactment of these laws; these restrictive laws spring from the highest motives of self-preservation, a God-given law. They are necessary for the preservation of the masses of the American people; for our civilization itself. The moment you reduce the high and intelligent standard of the laboring people of our country that moment you reduce the standard of our nation as a whole.

The working people of this country unanimously demand this legislation. Their representatives have appeared before the Committee on Foreign Affairs, and have earnestly pleaded for the enactment of these laws. Thousands of petitions have been received by this House from labor organizations located in all parts of the country praying for the passage of this bill, and that Congress express in unmistakable terms its determination to protect them from this threatened and most serious menace to their welfare.

Mr. Chairman, I ask this legislation in the name of the laboring people of this country, that class of our people whose welfare in the past has made us one of the greatest and most progressive nations in the world. [Loud applause.]

#### APPENDIX.

*Merchandise imported into and exported from the United States to China, 1892 to 1901.*

	Year ending June 30—									
	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.
<b>Imports:</b>										
Free .....	\$15,936,431	\$15,469,945	\$13,348,786	\$16,958,428	\$18,195,233	\$17,288,264	\$15,120,790	\$8,230,760	\$14,496,283	\$7,764,244
Dutiable .....	4,551,800	5,166,590	3,786,242	3,587,401	3,827,771	3,115,598	5,205,646	10,388,508	12,400,643	10,539,462
Total .....	20,488,291	20,636,535	17,135,028	20,545,829	22,023,004	20,403,862	20,326,436	18,619,268	26,896,926	18,303,706
<b>Exports:</b>										
Domestic .....	5,663,471	3,900,457	5,858,488	3,602,741	6,021,136	11,916,888	9,962,070	14,437,422	15,213,285	10,287,312
Foreign .....	26	.....	3,938	1,099	797	7,545	824	56,018	45,882	118,522
Total .....	5,663,497	3,900,457	5,862,426	3,603,840	6,021,933	11,924,433	9,962,894	14,493,440	15,259,167	10,405,834



Total value of imports (merchandise only) into China, distinguishing principal countries whence imported, 1890-1900.

Countries.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>
United Kingdom.....	24,608,000	29,628,000	28,870,000	28,156,000	29,944,000	33,960,000	44,571,000	40,016,000	34,962,000	40,161,000	45,467,000
Hongkong.....	72,057,000	68,156,000	69,817,000	80,891,000	82,424,000	88,191,000	91,357,000	90,126,000	97,214,000	113,096,000	98,847,000
India.....	10,300,000	12,473,000	13,861,000	16,740,000	19,429,000	16,944,000	23,027,000	20,088,000	19,136,000	31,911,000	16,816,000
Straits Settlements.....	1,772,000	1,769,000	1,920,000	2,448,000	2,333,000	2,536,000	3,240,000	2,555,000	2,620,000	3,646,000	2,625,000
Australia and New Zealand.....	226,000	110,000	320,000	108,000	362,000	409,000	585,000	81,000	221,000	273,000	518,000
South Africa and Mauritius.....				2,000	1,000						
British North America.....	612,000	935,000	695,000	1,311,000	1,073,000	1,561,000	2,148,000	6,504,000	1,965,000	1,209,000	654,000
Total British Empire.....	109,575,000	113,071,000	115,483,000	129,656,000	136,066,000	143,601,000	164,928,000	159,651,000	156,118,000	195,206,000	159,927,000
United States.....	3,676,000	7,732,000	6,062,000	5,444,000	9,263,000	5,093,000	11,390,000	12,440,000	17,163,000	22,289,000	16,724,000
Continent of Europe.....	3,158,000	5,265,000	5,519,000	5,920,000	6,629,000	9,394,000	11,464,000	11,800,000	10,853,000	13,407,000	14,510,000
Russian Manchuria.....	211,000	181,000	160,000	179,000	200,000	110,000	196,000	207,000	290,000	289,000	137,000
Japan.....	7,389,000	5,705,000	6,702,000	7,852,000	9,130,000	17,195,000	17,390,000	22,564,000	27,376,000	35,897,000	25,733,000
Macao.....	4,271,000	3,656,000	3,179,000	2,864,000	3,093,000	3,076,000	3,985,000	3,515,000	3,348,000	3,409,000	2,238,000
Philippine Islands.....	38,000	48,000	44,000	26,000	82,000	17,000	17,000	76,000	14,000	22,000	13,000
Cochin China, Tonquin, etc.....	342,000	250,000	200,000	1,213,000	1,091,000	1,406,000	1,000,000	503,000	923,000	1,611,000	986,000
Siam.....	95,000	30,000	37,000	159,000	81,000	43,000	194,000	42,000	206,000	67,000	6,000
Java and Sumatra.....		37,000	21,000	4,000	7,000		5,000	679,000	1,445,000	629,000	600,000
Other countries.....	5,000	36,000	16,000	10,000	4,000	62,000	517,000	757,000	1,000,000	842,000	1,237,000
Total..... (haikwan taels)	128,758,000	136,011,000	137,423,000	153,327,000	165,646,000	179,947,000	211,623,000	202,829,000	209,579,000	264,748,000	211,070,000
Total..... (dollars)	162,517,501	162,716,294	145,595,947	146,900,169	128,894,119	143,216,229	171,641,455	158,207,000	146,077,000	191,148,000	148,383,000

\*Items by countries are gross or general imports. The totals represent net imports or imports for consumption. The items therefore exceed the totals given.

Total value of exports of domestic produce (merchandise only) from China, distinguishing principal countries to which exported, 1890-1900.

Countries.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>
United Kingdom.....	13,095,000	13,772,000	10,476,000	11,668,000	11,500,000	10,571,000	11,282,000	12,945,000	10,716,000	13,933,000	9,356,000
Hongkong.....	32,931,000	37,708,000	40,701,000	48,290,000	50,794,000	54,775,000	54,063,000	60,402,000	62,084,000	71,846,000	63,962,000
India.....	1,056,000	1,563,000	1,403,000	2,735,000	2,543,000	2,764,000	2,176,000	1,046,000	1,324,000	1,731,000	2,865,000
Straits Settlements.....	1,465,000	1,379,000	1,404,000	1,792,000	1,923,000	1,887,000	1,739,000	1,858,000	2,152,000	2,232,000	2,435,000
Australia and New Zealand.....	1,265,000	1,197,000	1,626,000	1,048,000	938,000	1,212,000	688,000	537,000	914,000	670,000	861,000
South Africa and Mauritius.....	215,000	190,000	215,000	222,000	198,000	273,000	336,000	202,000	286,000	237,000	224,000
British North America.....	455,000	519,000	159,000	298,000	154,000	233,000	427,000	299,000	368,000	280,000	458,000
Total British Empire.....	50,512,000	56,328,000	55,984,000	66,053,000	68,050,000	71,715,000	70,701,000	77,289,000	77,844,000	90,939,000	80,161,000
United States.....	8,165,000	9,094,000	10,785,000	11,726,000	16,443,000	15,383,000	11,124,000	17,828,000	11,987,000	21,686,000	14,752,000
Continent of Europe (except Russia).....	11,630,000	14,899,000	17,167,000	15,855,000	10,119,000	21,172,000	18,077,000	25,878,000	25,929,000	36,764,000	24,977,000
Russia in Europe.....	3,712,000	5,777,000	1,955,000	3,088,000	3,370,000	4,472,000	4,226,000	3,927,000	5,005,000	5,343,000	6,300,000
Russia in Asia.....	4,528,000	4,494,000	4,063,000	5,096,000	6,297,000	8,370,000	8,316,000	9,470,000	9,796,000	9,988,000	832,000
Russian Manchuria.....	616,000	918,000	1,025,000	1,251,000	1,356,000	2,761,000	2,325,000	3,014,000	2,997,000	3,226,000	5,151,000
Japan.....	4,832,000	5,801,000	8,054,000	9,338,000	9,256,000	14,822,000	11,379,000	16,627,000	16,093,000	17,251,000	16,938,000
Macao.....	1,846,000	1,919,000	1,685,000	2,046,000	1,684,000	1,739,000	2,223,000	5,894,000	5,382,000	5,824,000	4,710,000
Philippine Islands.....	221,000	233,000	161,000	178,000	205,000	161,000	128,000	132,000	86,000	62,000	114,000
Cochin China, Tonquin, etc.....	153,000	209,000	197,000	256,000	526,000	500,000	412,000	532,000	781,000	946,000	1,303,000
Siam.....	332,000	358,000	345,000	362,000	500,000	569,000	536,000	641,000	699,000	904,000	715,000
Java and Sumatra.....	230,000	370,000	433,000	542,000	563,000	532,000	370,000	420,000	347,000	355,000	333,000
Turkey in Asia, Persia, Egypt, Algeria, Aden, etc.....	366,000	668,000	730,000	891,000	736,000	459,000	746,000	1,847,000	2,092,000	2,497,000	2,605,000
Other countries.....	1,000					638,000	478,000	2,000			16,000
Total..... (haikwan taels)	87,144,000	100,948,000	102,584,000	116,632,000	128,105,000	143,293,000	131,081,000	163,501,000	159,037,000	195,785,000	158,997,000
Total..... (dollars)	109,997,500	120,767,064	108,863,554	111,744,573	99,680,520	114,041,561	106,318,426	127,531,000	110,849,000	141,357,000	111,775,000

#### CONVENTION OF DECEMBER 8, 1894.

[Signed at Washington March 17, 1894. Ratification advised by the Senate August 13, 1894. Ratified by the President August 22, 1894. Ratified by the Emperor of China in due form. Ratifications exchanged at Washington December 7, 1894. Proclaimed December 8, 1894.]

Whereas on the 17th day of November, A. D. 1880, and of Kwanghsü, the sixth year, tenth moon, fifteenth day, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to cooperate in prohibiting such emigration and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Yang Yü, officer of the second rank, subdirector of the court of sacrificial worship, and envoy extraordinary and minister plenipotentiary to the United States of America, as his plenipotentiary; and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles:

#### ARTICLE I.

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

#### ARTICLE II.

The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

#### ARTICLE III.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

#### ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880 (the 15th day of the tenth month of Kwanghsü, sixth year), it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

#### ARTICLE V.

The Government of the United States, having by an act of Congress approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered, as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or traveling in China upon official business, together with their body and household servants.

#### ARTICLE VI.

This convention shall remain in force for a period of ten years, beginning with the date of the exchange of ratifications, and if six months before the expiration of the said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A. D. 1894.

WALTER Q. GRESHAM. [SEAL.]  
(Chinese signature.) [SEAL.]

Mr. HOOKER. Mr. Chairman, I desire to say, as a member of the committee, a few words upon the question embodied in the majority report and the minority report.

It is said, Mr. Chairman, that history often repeats itself. In this case, as between the United States and China, we must reverse the adage and declare that history often reverses itself. A brief recital of the treaty formed and the provisions contained therein will show it. I say that history is now reversing itself; and while we are holding out our hands and begging for the trade of the Orient, we are at the same time saying to the people of this great Empire, "We do not want you to come to our country."

That is the English of the position now taken; and that is the reverse of what the position was when we first sent out commissioners to China to beg for a treaty with them. That was in 1868, Mr. Chairman, when we sent Burlingame and Stanton, two distinguished diplomats of our country, to negotiate a treaty with the Chinese. They accomplished it. They broke down the Chinese wall, so that the commerce of this country was permitted to go to China and the commerce of China permitted to come back to this country.

The greatness of the work thus accomplished was recognized throughout the country in general, but especially in California, where these gentlemen received on their return from China probably the greatest ovation that was ever paid to any two men in America. They had accomplished the great feat which had been thought impossible—the breaking down of the Chinese wall and the opening up of commerce between our country and China. They were taken off the cars at Pittsburg, Pa., and given an ovation. They were complimented everywhere for their wonderful feat. They received the same sort of greeting when they landed at the capital—in the city of Washington.

We were the supplicants for the treaty. We asked to have it framed, and China consented. Mr. Chairman, let us look at some of the provisions of this treaty. As I am suffering from a severe cold, I send to the Clerk's desk to be read section 1 of that treaty.

The Clerk read as follows:

SECTION 1. That whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interest of that country or to endanger the good order of said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Mr. HOOKER. Mr. Chairman, that is the first clause of this treaty. I will refer to subsequent clauses and show what the character of the treaty was and what its provisions were. I might as well have read now the fourth and fifth clauses of this same treaty, commonly known as the Burlingame treaty.

The Clerk read as follows:

ART. IV. The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States shall enjoy entire liberty of conscience and shall be exempt from all disability or persecution on account of their religious faith or worship in either country.

ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for the purposes of curiosity, of trade, or as a permanent residence. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

Mr. HOOKER. Those are the provisions of the fourth and fifth sections of this treaty. It will be seen, therefore, Mr. Chairman, that we were the supplicants for the treaty. We applied for the privilege of making this treaty with the Chinese. Subsequently, when it was found by the citizens of the Pacific coast that the Chinese were a nonhomogeneous population that would not and could not mix with ours, that such intermingling was not desired by us nor by China, and when China had said at all times, "We have no desire that our people shall leave our country and go to the United States"—when the people of California found that this Chinese population was not suitable to be assimilated with our own, the objection was made to their further immigration, and what was the result?

When we applied to China to change the treaty so as to exclude her criminals, China, with a liberality and spirit of civilization that we may well envy, said: "All right; we agree to such an amendment to the treaty." And in any instance where application was made to change these treaties have they objected? A gentleman from California stood here as a representative of that region of the country—Mr. Page, an old Representative from California—and introduced a clause in the succeeding treaty which restricted the limitation for twenty years. I chanced to be a member of the House then and I suggested to the gentleman from California, who sat on the other side of the Chamber, "If you put this restriction to twenty years, though you are a Republican and though you have a Republican President—the accomplished President Arthur—he will construe it as defeating the purposes of the treaty and as violating the obligations of the treaty, and he will veto your bill."

Mr. Page would not accept my admonition or my amendment to put it to ten years, but insisted upon having it twenty years. He put in the period of twenty years, and the result was as I had predicted: The President of the United States, then a Republican President, vetoed the treaty. It came back to the House and was amended subsequently so as to put it at ten years, and at ten years was passed, and it received the approbation of the President.

Now, sir, these are the facts with regard to the history of this treaty. The original treaty was made at our instance, and all the amendments have been made at our instance, and when the people of California and the laboring interests of this country insisted upon it that the Chinese cooly should not come, we had another treaty with the Chinese and we limited the restriction for a certain period. We sent a commission, Mr. Chairman, for the purpose of ascertaining whether or not these regulations were unfavorable to the Chinese. At the head of that commission stood Senator Morton, of Indiana, the then leader of the Senate on the Republican side in that Chamber. He was sent there with a commission to investigate that question as to how far the importation of Chinese labor affected the labor of California and the labor of the people of the United States, and he made a report to the Senate; and I shall ask the Clerk to read from the report of this Republican Senator as to what he reported when he came back to the Senate.

The Clerk read as follows:

At a time when those countries have adopted a liberal policy and in that respect have yielded to Western civilization, and have especially recognized the force of the example and policy of the United States, it is proposed that we shall take a step backward by the adoption of their cast-off policy of exclusion. The argument set up here in favor of this is precisely that which was so long used to excuse or justify the same policy in China and Japan, namely, that the admission of foreigners tended to interfere with their trade and the labor of their people and corrupt their morals and degrade their religion.

Mr. HOOKER. Now, that was the report written by Senator Morton and presented by him to the Senate, and it becomes a part of the record history of this country upon that subject. From the earliest days of the Chinese Empire, from the days of Confucius, their great lawgiver, they had lived as an exclusive people, they had built a wall around their country, so to speak, and lived within themselves. It was a country that had existed for a great



many years. It had grown to have, as it now has, over 400,000,000 of people. It is true that they are copper-complexioned and almond-eyed, but the gentlemen who want to exclude all classes in contravention of the treaty certainly do not intend to get up an indictment against the Almighty because He created from the same origin people of different colors.

My honorable friend from Missouri [Mr. CLARK], to whose oratory I always listen with great pleasure, and by whom I am always instructed, seems to think that because there is a Caucasian race to which he belongs, that therefore there are no other races. I am sure my honorable and amiable and Christian friend from Missouri [Mr. CLARK] and the gentleman from Massachusetts [Mr. NAPHEN], who comes from the same State that Burlingame did, would not want to write an indictment against the Almighty because he made people of different color.

I am sure that they have hearts too large, patriotism too great, intelligence too widespread, to wish to do this; for if it were a mere question of color, Mr. Chairman, my honorable friend from Missouri, and my honorable friend from Massachusetts, when they look to their own origin, might have some question as to whether or not they should be embraced in the very category of objectors which they make the Chinese to be [laughter]; for, Mr. Chairman, it is said by the scientific anthropologists of the world, by the men who have studied the history of the human race, that our great progenitor, our great forefounder who, according to the tenets of the Christian religion, is the beginning and author of all the races of the world—Adam himself—was a red man.

I do not know how true it is, but that is what has been reported, that he was a red man. Whether he was like the Indian of America, from whom you have taken all the great possessions which the great Creator gave him, or whether he was another sort of color, I do not know, but that is what the scientists and the experts say, and therefore we can not object to people on account of their color. I remember, Mr. Chairman—and I am old enough to remember—that when there grew up in this country what was known as the Know Nothing party I heard the same tirade against that splendid race, that magnificent people, the Irish.

An appeal of the same sort was made to exclude the Irishman from emigrating to this country, and the same sort of appeal was made against that magnificent race, the German, who in the midst of their great primeval forests uttered the first great sentiments of liberty founded upon community, independence, and home rule. [Applause.] And so we must not set ourselves up as judges against all the balance of the world because we happen to be Caucasian and white. These Chinese have lived in their own country, claiming no relation with the balance of the world, asking no relation with the balance of the world, and their history goes back to the time of Confucius, the great primal lawgiver, and far beyond the time of Confucius the august Empire extends, until its origin is lost in the twilight of fable.

They are probably the oldest race on the globe that we know of. They have sprung into wonderful importance by their great numbers, and while we are seeking their trade we certainly do not want to exclude what are called the favored classes. We do not want to exclude the merchant, the scholar, the teacher, the scientist, the statesman, the diplomat. By the bill which the majority report, and which I shall support, we say that we want these classes admitted. We say by the bill that we want the cool laborer excluded to suit the taste and disposition of the people of California and the laboring people of this country. We ought to do the Chinese at least the justice to say that when, under the Burlingame treaty, they came to this country they rendered a wonderful service to the coast of California.

It was a narrow strip of land stretching along the borders of the Pacific slope. It was isolated from the East. It had what they call their tule or swamp lands, and by this very report of Senator Morton the Chinese are stated to have been greatly instrumental in reclaiming these lands, and they were the actual laborers who built the railroads that connected California with the East. They stand, therefore, in that attitude, that though unsuited for citizens we all agree, and the majority of the committee have reported the bill to exclude the coolies, but we say that all the persons that are embraced in what are called the exempt classes ought to be allowed access to this country whenever and wherever they wish.

Now, my honorable friend from Missouri [Mr. CLARK] said that the Chinese who came to this country soon became teachers; that the Chinese were very thrifty; that they were exceedingly desirous of bettering their condition. In that respect they do not differ from the Anglo-Saxon race.

But China herself has never desired that her subjects should come here, and when they have come they have come against the will of the Chinese Government, and not with its approbation. Every restriction has been thrown around the admission of the

cool laborer. We do not propose to extend these restrictions to the scholar, scientist, the diplomat, or to any other class except the cool laborer.

Now, my honorable friend from Missouri [Mr. CLARK] says they become teachers. Well, what if they do? Do you object to that? I am not at all sure but Massachusetts borrowed her idea of an enforced public-school system from the Chinese. They have that enforced school system there, according to my friend from Missouri, and when the parents do not send the children the parents are chastised instead of the child, to use the elegant phraseology of my friend from Missouri. Now, I say it is not at all certain but Massachusetts, great as she is, wonderful as she is, learned as she is, borrowed from the Chinese the idea of the enforced school system which we have adopted now all over this country so far as public schools are concerned.

Surely we can not object to those people protecting their own interests. We can not object to their having their treaties made as best they may have them made, and having them observed. It is the duty of every government when it makes a treaty such as we have made with the Chinese to observe it. It is one of the first rules applying to the morals of nations that when you make a treaty you must observe it. I will now send to the Clerk's desk and ask to have read Article XXIX of the treaty.

The Clerk read as follows:

Article XXIX of the treaty provides as follows:

"The principles of the Christian religion as professed by the Protestant and Roman Catholic churches are recognized as teaching men to do good and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested."

Mr. HOOKER. Mr. Chairman, that is a pretty liberal treaty so far as religion is concerned. We were sending our missionaries from the Catholic, the Presbyterian, the Episcopalian, the Methodist, and the Baptist churches to teach these people Christianity. They received us and by treaty agreed that our missionaries should be treated with respect, that they should be allowed to be sent there. They are sent there. Recent disturbances have occurred which led to the occupancy of China by numerous countries, our own among the number, but that has passed away.

So far as the treaty stipulations are concerned, the Chinese have always been liberal in making them. They have never sought to enforce the presence of their people here; but now, when the majority of the committee propose that they shall allow their teachers, their professors, their students, their statesmen, their diplomats, and those who travel for pleasure to come to this country, why should we want to exclude them? There is no reason for it. It is unjust, it is harsh, it is violative of the treaty, it is inhuman. I am in favor of excluding those who would make a population that could not mix with our own; but for the purposes for which the exempted classes come here why should we want to exclude them?

Now, there is a provision in the old treaty that even the coolies are entitled to transit through the country, and I am not certain but what there is one clause of the report of the majority of the committee, or of the bill reported by the majority of the committee, that ought to be amended. They are entitled to transportation across the country but not to occupancy.

Now, Mr. Chairman, we ought to observe these treaty stipulations with the Chinese, which stipulations were originally made at our request. We regarded ourselves as effecting a very wonderful revolution in the history of these people, and she may be destined to perform a very important part in the future history of the countries of the world.

My honorable friend from Missouri [Mr. CLARK] and so did my friend from California [Mr. KAHN] say that all the great countries of Europe—England, Germany, France, Italy—and all the other great countries of the world had no exclusion laws. Why? Probably because they were not so contiguous to the Orient as America; but they have none whatever, and if we have an exclusion law which was adopted primarily to meet the wishes of the people of the coast of California, for which I voted and which I intend to vote for now—if that is the case, why should we seek to exclude the intelligent men of the Chinese nation, who come here not to become citizens, but merely as temporary teachers, professors, diplomats, or visitors for pleasure or curiosity?

I can see no reason for it. Now, that portion of the bill which the committee struck out provided that vessels going from San Francisco and sailing to the Orient, in the original bill as introduced by the gentleman from California, provided that they should be sailed by American sailors. That provision of the bill, however, was stricken out, and they, like all other vessels of all other countries which ply on the Pacific coast, can be manned largely by Chinese sailors. They say that the vessel owners make it pay. Very true. They naturally go where they can get labor the



cheapest, if equally efficient, of equal endurance, equally suited to the climate into which the vessels have to go.

Therefore that provision of the bill was stricken out, and I hope it will not be inserted by a substitute or otherwise. We must act in this matter as a nation of people composed of many sovereign States. I probably ought to correct myself in the use of that expression. We are a Government composed, gentlemen, of many representatives of sovereign States; of Senators, each elected by the States, and Representatives by districts. We all admit, both in the Senate and here and throughout the country, that there is one great code of morals which all nations ought to adopt, and that is the code of morals which was preached by the humble Disciple from Galilee, the carpenter's Son, the Great Author of the truths of the religion which have existed from the time He spoke with simplicity and power, because He spoke the truth without any soldier at His back, without any company at His command, without any army to aid Him.

We all admit that, under the Christian religion, we are all descended from one ancestor—all the nations of the earth—and that we ought to be governed by the great cardinal principles of right and justice between governments as we are governed in our conduct in the observance of the laws toward our neighbor. The great cardinal principles embodied in the law written upon the tablets by that great man of the Israelitish nation, and which has existed from that day to this, in all denominations, whether they be Catholic, Methodist, Baptist, or Presbyterian, or whatever they are, all founded upon the great principles of truth taught by the simple Master of Galilee, who taught as man never taught, who spoke as man never spoke.

So that practically our obligation and duty as citizens and as a government is to be governed by these great cardinal principles which should rule the action of nations as it does that of individuals. Give to the people of California the exclusion of the cooly. Give to the laborer of this Government freedom from competition with cooly labor, but do not deny the intelligent classes admission to this country.

I am not aware, Mr. Chairman, that there has ever been an effort, either by representatives of China or by the Chinese Government itself, to send a single citizen of that country to this. I am not aware that in any treaty they have stipulated, or in the original treaty negotiated by Burlingame and Stanton in 1868, that there should be free intercourse between the citizens of China and America. That was the first exclusion of cooly labor, and that, I agree, is right. That is what we expect to see; but when we extend it to other classes, in my opinion, we are acting unwisely with the people, we are acting unjustly to the treaties which we have ourselves formed, and which are equally binding upon us as they are upon the Chinese.

Now, in California, when these Chinese came there, they passed laws requiring, in the city of San Francisco, that the Chinese should live in quarters to themselves. I believe that law is still in existence. They submitted to that. They never objected to it. Some years ago I chanced, Mr. Chairman, to go to our Pacific coast, and I saw at one point 2,000 Chinamen working upon a railroad. They were of large stature, strong, muscular men, very unlike the Chinese that I had been accustomed to see here in the city of Washington or in the State of my home.

I talked with the gentleman who was conducting the work on the railroad, and I said to him, "What is the character of his labor?" He said, "They are the most docile, bidable labor I have ever had control of from any quarter. They are exceedingly efficient; they are exceedingly obedient." But we went further on our way to California. I talked to the people of San Francisco. I talked to the people there who had been in intercourse with these people. They said that as domestic servants they made the finest they had ever seen. They are a remarkably imitative race. They adapt themselves to all conditions.

I recollect very well that the commission to which I belonged—we were looking into Indian matters—were invited to the navy-yard at Mare Island by the officers, whom I have since met in this city, and the lady of the house gave us our tea on the green grass in that beautiful country that nature has so much favored; that she has given them the sunlit valleys covered with the natural products, and she has at the same time given them the lofty mountains, sometimes clad in sunshine and sometimes covered with shade and sometimes the home of the storm king. She has given them the gentle zephyrs that blow the sunny and wondrously soft waves of the Pacific, until they have a climate where you men of Massachusetts have to go who are afflicted with diseases of the lung.

It is a country of wonderful salubrity, and the Chinese who came there, as said by my distinguished friend from Missouri, fell in love with it, and regarded it as heaven. I think they exhibited themselves as good judges when they said so. But his argument does not exactly agree with another one of his friends, who says that the Chinese accumulate a great deal of money be-

cause they can live upon little, and on my friend's own theory they niggardly hold it, and then he subsequently declares that when they die they want to go back to the Celestial Empire.

They may regard it as a hard life here, and they want to get back home to be buried in the Celestial Empire, which has been the name of China from the time it was known to the civilized world. We therefore can not assert that in any instance, at any time, or in any way, the Chinese people violated the treaties we have made with them. The Chinese Government has not violated them. There are coolies who come across the Canadian border and through the Mexican territory, but violations of the law by individuals against the consent of the Chinese Empire or the Chinese Government can not implicate that Government in those violations any more than the violation of law by a citizen of this country can make this Government responsible for his action. I say, therefore, it behooves us to treat these people with justice and deal with them fairly, because the God of nature, the God of power, has placed them there and given them the color they have. We ought not to undertake to violate the treaty because of that.

My honorable friend from Missouri [Mr. CLARK] says that the exclusion of the Chinese cooly labor is very analogous to the condition which exists in the Southern States with reference to the negroes. I differ with my honorable friend. I see no analogy whatever. The slave labor came to us long years ago, and for three hundred years the slaves of the South lived in contact with and under subjugation of the white race of the South. After three hundred years of contact with the white race of the South, though they were brought in sloops by our industrious friends from the East, from the southern shores of Africa, and subsequently transmitted South, at the expiration of three hundred years, when they were manumitted as a result of the war and became free, they showed that the contact with the white race had made of them the most obedient, tractable laborers that ever lived.

They defended the homes and lives and children of the Confederate soldier when not a single man oftentimes was left at home to guard the family. They behaved with wonderful fidelity. They were manumitted as a result of the war. They are in our midst; we have to take care of them; but my honorable friend from Missouri very properly stated that is a local question. It is a local question belonging to each State where the colored man is. The history of the colored man during the Confederate war, and at all times, from the earliest occupancy of the Southern soil, has been that of fidelity to his master. There were some of them educated when they were slaves, and all of them now go to school, and the people of the South are treating them to-day with more justice, with more equity, with more uprightness than any laboring class of people on earth.

They are to-day—and I assert it from my own experience and observation—the best paid laborers on our continent. The general rule of employment in Mississippi, in Louisiana, in Alabama, in Georgia, in all the States where they are numerous, is that the owner of the land, the former master, furnishes the land, pays the taxes on it, furnishes the implements and keeps them in repair, furnishes the animals, the mules and horses, and feeds them, and the negro laborer draws one-half of the product—one-half of the corn, one-half of the cotton, one-half of the potatoes, one-half of every product. I assert to-day that neither in England, nor in France, nor in Germany, nor in any country on earth is there a set of laborers better cared for than the laboring free negroes of the South.

More than that, under our laws made by white men like you, made by men who understand the relations between the white man and the negro, we tax all our property—and in the main it is owned by white people—we tax all of the real estate and a large part of the personal property. We tax our property, real and personal, and raise a school fund for the education of the negro children, and that school fund is divided equally between the children of educable age, whether white or black. That is the condition of affairs in the South.

Now, what would be said if in the South we proposed to treat the negro as you propose to treat the cooly? Suppose we should say that the negro threatened our civilization and we wanted to kill him, to destroy him, to banish him or deprive him of his equal rights under the law? He is tried by a jury. He has the right of testimony in the courts. I recollect on one occasion, in the early practice of my profession, I was employed to go in the State of Louisiana by a friend to defend his nephew, a boy 21 years of age, who had killed a negro. I tried that boy before a jury, every one of whom was a black man. The district attorney and the Government, who had the right to so many challenges, challenged every white man who had not formed or expressed an opinion, and there were only three or four left.

So that the negro in the South bears no analogy to your cooly in California. Now, let us alone and we will settle this question. We will settle it to suit ourselves. Do not interfere with us in



this. When you undertake to appoint a committee in the House of Representatives to go from this country, whether you send them to the grand and magnificent Empire State of New York, as you do not propose to do, or whether you send them alone to the Southern States, as you propose to do, to look into the question of how many colored men are deprived of the right to vote; when you undertake to do that by a committee appointed by a Speaker of this House, under a rule adopted by three men, you will illustrate, Mr. Chairman, the long ago oft repeated aphorism that "Power is always stealing from the many to the few."

You have it strikingly illustrated in the rules under which you sit here. This House of Representatives, where the great men of the past were heard on all great questions—this great debating school of the nation—under the rules which you now have, this body has its lips closed and sealed. You can not get five minutes on any bill or proposition except by permission of the Committee on Rules, the majority of whom consist of the Speaker and two men on the Republican side—a partisan body—and through this partisan body it is proposed by what is called the Crumpacker resolution to appoint this committee to go to the South to look into the condition of the negroes, who, it is claimed, are unconstitutionally denied the privilege of voting.

Mr. Chairman, with reference to the constitution of Mississippi I want to say that the great leader in the convention which framed that constitution, the man who put in the intelligence qualification and the poll-tax qualification, was the late Senator George, from our State. He was the leader in that convention; he was the master mind of that body. He was a great lawyer; he was a debater of tremendous power. He came back to the Senate of the United States after his labors in that convention.

Three of the greatest lawyers in that body—Edmunds, of Vermont, a brilliant, splendid, and well-equipped lawyer; HOAR, I thank God is yet in the prime of life, a magnificent and splendid lawyer, and ALDRICH, the father of the Senate—they all assailed the constitution of Mississippi. They said that it was violative of the Constitution of the United States. They said that it robbed citizens of the United States of their right to vote. They assailed it with gigantic power and strength and argument. In reply to the three speeches of those great lawyers, one from Vermont, one from Massachusetts, and one from Rhode Island, our late Senator, Senator George, spoke for two days. You can all find his speech in the RECORD. And when he had done not a voice was raised to reply to him. Those great lawyers grounded their arms and yielded to the powerful argument of Senator George maintaining the right of Mississippi to create the constitution which she did.

I hope, therefore, Mr. Chairman, that the other side of the House will consider long and ponder well before they commit themselves to the effort to send a partisan committee, directed by a partisan House, to violate the great sovereign power of the States who alone under the Constitution are possessed of the power to determine who shall be electors. They possess it, and they only. When you undertake to rob the States of the South of this power, you are preparing a time to come when under other circumstances the great States of the North and the States of the East may find they have the poisoned chalice presented to their own lips.

I say, therefore, leave us alone; let us be as we are. We were all reduced to poverty by the results of the war. The lambent flames of the incendiary licked our housetops and the crackling rafters crumbled into ashes on our hearthstones. We bore it all; aye, and we bore the terrors of the fancied "reconstruction" that never reconstructed, until you left it to the sovereign States of the South to come back into the Union, into the household of their fathers, under conventions called by the States—to come back again and renew their allegiance to the Government.

Bayonet and sword could not force them. Unjust reconstruction measures could not compel them. But they came of their own accord, by their own volition. They said in the emphatic language of the great leader from the State of Georgia, Benjamin Hill: "We are here in the household of our fathers with as high an allegiance and as devoted an affection for the common flag as any man who comes from the North or the East, and, if you let us alone, we intend to stay here asserting our rights and infringing upon the rights of no one else." [Applause on Democratic side.] And so, I say, with regard to this particular bill relating to the Chinese, let us exclude the coolies, but I ask my honorable friend from Missouri not to say that the case of the Chinese is analogous to that of the negroes, for it is not.

Mr. Chairman, I could say much more on this and kindred subjects. I will ask the committee to pardon me if with my feeble voice I say one word more upon a topic cognate to the subject-matter under consideration, and that is the office and function of the American people.

You say you live in the midst of the blaze of the nineteenth century; you say you are going to carry the commerce of America to the Orient; you say you are going to welcome a new

state of affairs; you say are going to open the gates of the Orient; you are going to hunt for all the people of the world who are distressed or oppressed and give them the message of freedom. Is that your function? Is that your object and purpose? When we closed the Spanish war we did it by a treaty between Spain and the United States, and from that treaty I will ask the Clerk to read just two clauses.

The Clerk read as follows:

The Government of the United States is unable to modify the proposals heretofore made for the cession of the entire archipelago of the Philippines; but the American commissioners are authorized to offer to Spain, in case the cession should be agreed to, the sum of \$20,000,000, to be paid in accordance with the terms fixed in the treaty of peace.

Mr. HOOKER. Mr. Chairman, that proposition was made by the American commissioners, not by the representatives of the Government of Spain. The latter never asked any money for the cession of the Philippines. There is another clause of that treaty, further along in the book, which I have sent to the desk, which I will have read in a few moments.

At this point I simply wish to emphasize the point that it was we who proposed to pay the \$20,000,000. Did we gain that territory by conquest? Was it ours by force of arms? Did it belong to us because we had conquered it in the fighting at Manila and in the West Indies? If that was the fact, then why take \$20,000,000 out of the Treasury of the United States to make good our title? What authority had this Government or its commissioners at Paris to put their hands in the tax box of the people to take out \$20,000,000 for the purpose of making good our title to the Philippines? I say none whatever; that it was an assumed authority by the Government of the United States; that they had no power to do that, but they did it.

The Spanish commissioners, in reply to that proposition from the American commissioners, said: "We do not want to sell the islands of the archipelago." What was the reply of the American commissioners? "Yes; but you must. We want it, and we intend to have it; and we will terminate the treaty consideration right now and go back to a condition of war if we do not get it." The Spanish commissioners replied in an article which is marked in the book before quoted from, and which I will ask the Clerk to read.

The Clerk read as follows:

Spain then having on her part exhausted all diplomatic recourses in the defense of what she considers her rights, and even for an equitable compromise, the Spanish commissioners are now asked to accept the American proposition in its entirety and without further discussion, or to reject it, in which latter case, as the American Commission understands, the peace negotiations will end and the protocol of Washington will consequently be broken.

The Government of Her Majesty, moved by lofty reasons of patriotism and humanity, will not assume the responsibility of again bringing upon Spain all the horrors of war. In order to avoid them it resigns itself to the painful strait of submitting to the law of the victor, however harsh it may be, and as Spain lacks material means to defend the rights she believes are hers, having recorded them, she accepts the only terms the United States offers her for the concluding of the treaty of peace.

Mr. HOOKER. Mr. Chairman, you will see by the paragraphs which I have had read, and which I take from the book published of the proceedings at Paris in the making of the treaty of peace between us and Spain, what our Commissioners did, and what the Government afterwards ratified; and then, in violation, as was well said by Senator HOAR in that magnificent speech which he made some eighteen months ago, and which he did me the honor to send, under his frank, to Mississippi—this is but the substance of what he said:

With Punic faith to your allies, you have armed American citizens and sent them around the globe to the other side for the purpose of making an attack on the allies who helped you to conquer the archipelago.

He said much more. The speech is full of learning on the subject. It has never been answered. Nobody has ever attempted to answer it, either in the Senate nor in the House. It constitutes an array of facts with regard to the conduct of this Philippine war in which we are now month after month and week after week and year after year, long after the treaty of peace, sending around the globe American soldiers to shoot into the little brown Malay—he is not a yellow man, but he is a brown man; God Almighty made them of many colors and we can not change them, Mr. Chairman, he is a brown man—you have sent your American Army at the cost of millions of dollars, equipped with American money and armed with American guns, around the globe to shoot your civilization into the little brown Malay. You are doing it to-day and you do not know when you are going to stop it. I say, therefore, that this is another case somewhat analogous to the one before this committee.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. HOOKER. Well, I want to say, Mr. Chairman, that I beg the pardon of the committee for detaining it so long. It was my purpose to yield to my neighbor and friend here what time I might have left, but I have been betrayed into going further into the

subject than I thought. I have been animated by a desire to do justice to those with whom we have treaties and to see our country keep its bright and unimpaired condition of honor; that is, just and honest and upright toward the weak as well as the strong. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. POWERS of Maine having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 4, 1902:

- H. R. 2417. An act granting a pension to James B. Harris;
- H. R. 7341. An act granting a pension to Elizabeth W. Simmons;
- H. R. 7755. An act granting a pension to Laura G. Weisenburger;
- H. R. 8212. An act granting a pension to Alice Angel;
- H. R. 9659. An act granting a pension to Laura A. Van Wye;
- H. R. 10404. An act granting a pension to John Y. Corey;
- H. R. 10906. An act granting a pension to John W. Meade;
- H. R. 366. An act granting an increase of pension to Edward M. Kanouse;
- H. R. 669. An act granting an increase of pension to Richard C. Smith;
- H. R. 1378. An act granting an increase of pension to Bessie H. Lester;
- H. R. 1694. An act granting an increase of pension to Henry Ball;
- H. R. 2092. An act granting an increase of pension to Anna B. McCurley;
- H. R. 2240. An act granting an increase of pension to Aquila Wiley;
- H. R. 2781. An act granting an increase of pension to Patrick Lee;
- H. R. 5261. An act granting an increase of pension to John H. Coates;
- H. R. 5714. An act granting an increase of pension to Lucy B. Bevis;
- H. R. 5862. An act granting an increase of pension to Rollin Tyler;
- H. R. 6873. An act granting an increase of pension to Sarah Maley;
- H. R. 7683. An act granting an increase of pension to Almond Delamater;
- H. R. 7998. An act granting an increase of pension to William H. Allen;
- H. R. 8269. An act granting an increase of pension to James R. McClellan;
- H. R. 9178. An act granting an increase of pension to John M. Howe;
- H. R. 10411. An act granting an increase of pension to Mary E. Singley;
- H. R. 10924. An act granting an increase of pension to Elias M. Haight;
- H. R. 11011. An act granting an increase of pension to Emily J. Tallman; and
- H. R. 11619. An act granting an increase of pension to David A. Frier.

CHINESE EXCLUSION.

The committee resumed its session.

Mr. HITT. Mr. Chairman, I yield twenty minutes to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Chairman, the importance of this measure and the interest I have in it impels me not only to support it with my vote but also to urge it with my voice. So important is this bill that if its general object should fail I believe it would be the most paralyzing blow ever aimed at American labor or leveled at American civilization.

I do not wish to talk of the proposed law in its infinite detail, but rather to the broad purpose of its inception. No matter what some persons may say within this House or out of it about our country being an eleemosynary institution and the asylum of liberty, the soul of this legislation is thoroughly American. Its basic principle is founded entirely upon self-preservation, unstained by a single ungenerous or ignoble impulse.

The old law relative to Chinese exclusion is about to expire by inherent limitation. Since its enactment material changes have taken place in the evolution of American greatness. Since that time we have seen the flag rise resplendent over Hawaii; and then we saw it sadly fall under Grover Cleveland, leaving those bright, warm isles, the lonely derelict of a summer sea. We saw it rise again under William McKinley, to float there forever in

the sunshine of a happy people. Since that time we have seen the boys of America take that flag of ours away over yonder, beyond the rim of the earth, and raise it high up above the shadows of every setting sun.

To-day we have new and untried problems to solve. They are the problems of American supremacy and of the markets of the world. They are the problems of our ever-marching, ever-conquering civilization. They come to us as the legacy of a war waged for humanity's sake alone. They bring to us sacred duties and responsibilities that can not be basely deserted nor honorably abandoned. They bring burdens to bear, but when did our people ever encounter a burden they did not conquer? All the light-houses of the world have been kindled in the conflict of flint and steel. The splendor of our American manhood always meets its burdens and bears its burdens and turns them into glory.

We will govern all these new and strange peoples—many of them Chinese—with all the kindness and liberty that play around our institutions; but I insist that always and forever it shall be done in a just regard to our people here at home.

I vote for and support this bill because I believe it will effectually conserve the honor and dignity of the American worker from all competition with foreign or insular Chinese cool labor, because I believe it fully meets the new and delicate condition of affairs in Hawaii, Porto Rico, and the Philippines. It prevents Chinese immigration of labor into any of these possessions of ours. It restricts all Chinese migration from one insular possession to the other. But more than this, it says, in emphatic terms, that not a single Chinese laborer shall set his foot upon American soil. It promises the men of America that they are not only protected in their employment here, but also against cheap labor and its every result, directly or indirectly, from our island territory.

It is a matter of pride and satisfaction to me that I have been of some service in fortifying our outlying territories against Chinese invasion since they have come under our control.

Ought we to exclude them? That is the question. Every patriotic sentiment in me answers, yes.

In round numbers we have about 80,000,000 of people. The best estimate I can command puts the Chinese cooly at about 400,000,000. Think of it! Give these countless myriads, these incalculable hordes, free access to the best and most prosperous land in the world and it will need no straining imagination to prophesy that in the years to come the burning question will be, Shall the Anglo-Saxon and kindred races possess this country or shall the Mongolian control it? That proposition will be absolutely settled in the passage of this bill.

This legislation is not directed against these persons because they come from China or from any other country. America has always been the refuge of the oppressed from everywhere. The torch of its liberty has shed a flood of light and life into the dreary homes of all the sons of men of all the world. But it is a political, social, economical, and self-preserving proposition.

They would not only supplant American workmen and degrade American labor, but they would come to us in multiplied thousands, devoid of all racial and political homogeneity, bringing with them social vices and national habits that would surely contaminate the clear stream of Christian civilization and American institutions, that must inevitably lower the standard of citizenship and eventually undermine the Republic.

Dangerous as are their peculiar vices, their very virtues are still more perilous. Intelligent in their own way, pertinacious, crafty, patient, diplomatic, they are painfully industrious, brutally frugal, and fanatically fatalistic; a people to be feared; as changeless and unrelenting as eternity; the immutable progeny of ages gone and civilizations passed away. They never think of what a real man needs, of what he ought to have in this world of smiles and tears, to uplift himself and glorify his race and nation; but to him the sole query is, How can I barely live in the lowest stratum of animal existence and save the excess to carry back to the crumbling home of the ancestral graveyard?

Ought we to exclude them? Why, Mr. Chairman, every sacred tie that binds an American to his home and to his country demands their exclusion.

A country is great, not so much in the extent of its territory nor in the number of its inhabitants, but it is great, and great only, in the character of its people.

A republic must endure, if it live at all, in the intelligence and patriotism of its sons and daughters. That intelligence and patriotism is conceived and born in the university of the American home, the grandest educational institution in the world. In that school is taught the virtue of our daughters, the valor of our sons, and round its hallowed walls cling all the vines and flowers of our country's hope and joy. Within its sacred precincts dwell the sons of liberty, every one of whom holds the scepter of a king.

I want him to look and feel like a king; I want him to know enough to be a king. And I will never consent, by any act of



mine, to have that home degraded, polluted, and impoverished by a people in whose lexicon there is no such word as "home."

The emigrant that comes here from England, Ireland, Germany, Poland, Sweden, Norway, France, Denmark, and other parts of Europe all arrive with that blessed word burning in their breasts and graven on their bones. They have sadly left friends and native soil for the priceless heritage found in a land of the free-born home that has reared the only true Republic that ever existed and which is about all that makes life worth living. They came here to make this their country; to live and fight for the flag, and to die beneath its folds. They are loyal and patriotic citizens. They have enriched our blood, ennobled and perpetuated the stock, and built up the home. They are here to become true Americans and add luster to the Stars and Stripes. They love their home and wife and child and friend.

Mr. Chairman, shall we now, in the full realization of our duties and responsibilities, recklessly forsake and turn over to the coolly laborer the last, best hope of the Republic? Shall we pursue a policy—a Fabian, cowardly, procrastinating policy—that shall usher in the countless hosts of an alien people to degenerate our race and despoil our labor—a people who have no regard for family, whose language holds no name of "home," in whose breast there comes no redeeming rapture even in the consecrated presence of a noble woman, and whose heart yields no responsive, civilizing throb even in the sanctified light of the fires of the hearthstone or the eye of wife and child? Every instinct of God-given self-defense, that law higher than all human statutes, revolts against it.

I would not break a single household god that belongs to the American workman; rather would I augment the joys and comforts of his fireside. It is his home; it is the one bright, glorious spot that nerves his arm and brain to sturdy, self-forgetting toil; it is the home of his wife and child; it is the silken cord that binds him to life and happiness; and I want him to own it without any mortgage upon it. I want it surrounded by health and prosperity, and filled with sunshine and song. I want its windows to gleam and shine with intelligence and its roof to float and flow with the red, white, and blue.

I believe it is better to look after the folks at home, to stand by our own people, than it is to corrode the shrine of free and dignified labor and corrupt the morals of our race in the vain attempt to Christianize a vast throng of orientals that would bring to us nothing but political demoralization and social despair. I believe the time has arrived for charity to begin at home. I believe that no one ever lost anything by building up his own family. I believe in standing by our own people.

I wish it could be. I want our laboring men to have enough to eat and wear; enough for sickness and old age. I want them to have enough to educate their children, and to lay by something for a rainy day and for their loved ones when they are gone. I would like to see them have some leisure and the means to improve it. I want them to have enough to meet the demands of modern civilization. I would like to see the wife with a new dress, wearing a smile on her face and some ribbons in her hair, and the hope of the Republic guaranteed by the flags that glow in the cheeks of the little children.

The only hand that can light the lamp of progress and prosperity is the hand of toil—of intelligent and exultant labor—and I want that hand and arm upheld and protected by this law.

I have always believed in rational protection. We are to-day more prosperous than ever before in the history of this or any other country through the wonderful resources of the soil, the genius and industry of our people, and the protection of our political policies. But the hour has come when we must protect not only industry and those employed in it, we must also protect men and citizenship as such. This is one step in that direction. I am ready for every other reasonable proposition tending to elevate, ennoble, and make happy the labor of my country.

Why, Mr. Chairman, there is a place for every kind of honorable employment, and they all command my fealty and respect. But when you sum it up—when you read the life of every nation in the checkered history of the world—the toilers are about the only men who do anything. Labor enters into and supports everything. Labor, which includes the farmer, is the backbone of the nation. It is the strong arm and stalwart son of America that holds up the ridgepole of our national structure, and spikes, through enduring centuries, the rafters of the home. He supports the Government, he breeds our children, nourishes and rejuvenates the race, he holds aloft the flag; and I repeat again that human toil of heart and brain and hand is the only true manhood, the only real nobility of the Republic—the aristocracy of democracy—and I am for anything that can give him an advantage and make him glad and prosperous. Therefore I am for this bill, to protect the wage-earner in the eminence of his high estate.

They talk of Chinese trade. They say this act may circum-

scribe it. Yes; I would like to have that trade. We are getting more and more of it. It is the great trade of the future to America. I believe we will still increase it. With our new possessions as a stepping stone, I believe we will walk right into the open door of that great market, a market born in the womb of 800,000,000 people. But, whatever happens, nothing can be gained by sacrificing the labor that produces the surplus we sell, by destroying the happiness and prosperity of millions of our best people at home for a commercial dream.

This country is wonderfully interested in markets to-day. The foreign market, in a degree, represents the weal or woe of our future prosperity. We now manufacture more than we can consume. We have an overplus of everything. But this Government of ours has more to think of than markets. It has men and women, flesh and blood, God and morality, our home and country to think of.

I believe in men, in the genius of American manhood. We can not long survive upon cheap and enslaving labor; we can not hope long to endure the ravages of an Asiatic industrial onslaught.

The real heroes of a nation are not alone in the sounding titles of ensanguined war, but they dwell in the silent grandeur of a quiet name. They live in the vine-clad cottage beneath the hill, kissed by all the suns of joy and filled by love and kindness, where all the day is work; and when the shadows fall, the man, but not the master, by the side of her who sits and smiles and sews for him; and on his knee laugh the little children, with their arms about his neck. [Applause.]

Labor is the great conqueror. It enriches and builds up a nation more permanently than the proudest battles, and in its ranks are the real soldiers of the earth. [Applause.]

Then let this bill pass. Let us so act that we may go home in the consciousness of a duty well performed, and be able to continue to say with a prouder boast than did that old Roman, "I thank God that I, too, am an American citizen!"

I thank God that we have protected and preserved the men who have taught "the stars to look our way and honor us." [Loud applause.]

Mr. LLOYD. Mr. Chairman, there are to-day about 100,000 Chinese in the United States proper, 25,000 in Hawaii, and at least 250,000 in the Philippine Islands, with which our Government must deal. The gentleman from Pennsylvania [Mr. ADAMS] in discussing this bill yesterday intimated that Congress should be very cautious in this matter; that it should remember that when this country was a wilderness and our ancestors were building up the civilization of Europe China was possessed of an erudition and achievement about which we would do well to learn. Mr. Chairman, that civilization still exists, hoary with age. It has stood like a statue for over 3,000 years, and he who beholds its attainments sees what might have been seen when the Cæsars were holding sway in Rome.

Gentlemen need not worry themselves about the antiquated lore of China before the Christian era, nor of its history and pagan mythology. They should concern themselves about that new civilization of this country, which means progress and leaps with bounds which astonish the world. The gentleman seems to be impressed with the idea that there is no analogy between the negro and the Chinaman, and that the statement of my colleague [Mr. CLARK] that, like the negro, so long as the Chinaman had a drop of his own racial blood he was one of the race. He said there were Irish, Germans, and French in this country who carried their nationality; but he seems to forget that these are of our race, and so soon as they have become naturalized they are Americans. There is no such thing, in fact, as an Irish-American or German-American. For if a man is an American at all he has no foreign prefix to his nationality. Whether a Chinaman is born here or elsewhere, he is a Chinaman still, and never becomes Americanized nor interested in our Government or its institutions.

It is commendable to see a man proud of his foreign ancestry; but if he does not rejoice that he is an American, and place the Stars and Stripes high over all, he should return to the country whence he came, whether he is English, German, or Chinese. This home of the free is not to be the abiding place of the traitor, or the man whose interest is to degrade American labor, prostrate from Christianity, and debauch the morals of citizens of this country; and this is the effect of Chinese influence in America. But gentlemen say that we must encourage the trade of China; that no provision should be enacted in this bill that would make less trade with the Orient. The gentleman from California [Mr. KAHN] well explained in his instructive address that no such condition results from exclusion of the Chinese, that such has not been the effect either in Europe or in America.

But suppose trade may be injured. Which is nearer to the American heart, the foreign commerce of this country or the well-being of its laborers? Others may pursue such course as they may,



but, sir, I shall cling to the cause of American labor and try to protect it from the cooly labor of China. Gentleman should be more concerned in the homes and firesides of the laborers of this country than in the extension of trade to China, if loss must occur; but I am confident there is no true American that is not in sympathy with the extension of our material interests and will not herald with delight that which builds up her trade with the world, but I am not a disciple of that school of political faith that puts wealth above the man that produced it, nor trade above the security and protection of the individual in the enjoyment of the blessings of this free country. There is not a labor organization in the land that does not demand legislation at the hands of Congress.

Around the table of the humble toiler's home it is discussed; the farmer, concerned for the honor and purity of his household, is alike solicitous for positive and decisive legislation. There are two reports here for our consideration, and two bills to be passed upon. Which shall receive our sanction? In this connection I desire to call attention to a circular sent out by the representatives of the labor organizations of the United States on yesterday, which insists that the minority substitute should be adopted because it will more effectually and certainly bring about the desired end—the exclusion of the objectionable classes of Chinese. It states:

We regard the bill reported by the majority of the House Committee on Foreign Affairs as weak, imprudent, and full of defects, indicating want of information of the difficulties encountered by the Treasury Department in dealing with immigrants from China.

The bill recommended by the minority of the House Committee on Foreign Affairs is quite to our satisfaction.

Both these bills are intended to accomplish the same purpose, but those who are most vitally interested in the relief sought, who are to be the beneficiaries of the trade of China, and cursed with its cheap labor without legislation, ought to have consideration at the hands of Congress, and since all these elements agree that the substitute more effectually accomplishes the true object, I am in favor of adopting its provisions. Who is it that desires less stringent legislation? To whom have the majority made concessions, if anyone? The bills introduced and hearings taken show something of the pressure. It is the commercial demands, or rather the requests of commercial organizations. Yet neither the majority nor the minority have yielded wholly to that demand.

Organized capital asks the reenactment of the present law until 1904, when the commercial treaty between this country and China shall expire, and insists that the whole matter may be adjudicated. Their bill, known as the Proctor bill, simply extends the present law until December, 1904, when the treaty with China may expire. That treaty was made in 1894 and had this provision:

This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and if six months before the expiration of the said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

The treaty, as you observe, will remain in force until 1914 unless one party or the other gives six months' notice of its intention to terminate the treaty. A bill of the kind proposed would have the effect of giving notice to China that in 1904, unless a new arrangement is made, all barriers will be removed and the Chinese may enter at will. It appears from the provisions of the treaty that wisdom would dictate that this country should make its exclusion law permanent, and then, unless notice is given to the contrary, all relations with China would be settled until 1914, and the question of the restriction of Chinese immigration would be settled until such time as the United States, through its lawmaking power, saw proper to change it.

To my mind the most serious proposition that presents itself is the question of exclusion from the Philippines and of keeping from the United States those now in its insular possessions. Many times more Chinese are found in those islands than among the States. Manila alone has more than the State of California. If these can be turned loose upon the States, which may be the case, of course, if they are citizens of the United States, it will have serious effect upon American labor; but I shall not attempt in the few moments at my disposal to argue this question, except to impress the hope that no evil shall come from this source. A serious difference between the majority and minority is on the question of the employment of Chinese sailors upon American vessels. Again I wish to quote from the circular of the American Federation of Labor sent out by Messrs. Gompers, Fuller, Furuseth, Bird, and Livernash:

We unite in asking that the new law for the exclusion of Chinese laborers shall contain a provision that American ships shall not carry as seamen Chinese persons not entitled to enter the United States.

The provision we favor was in the bill introduced by the Senators and Representatives from the Pacific States and approved by the national labor organizations and the California commission. That provision has been favorably reported by the Senate Committee on Immigration.

We are especially devoted to the provision. The American seaman has a

right to protection from competition with Chinese laborers, and the needs of the American Navy in time of war should be considered.

It is erroneous to claim that the prohibition favored would cause American ships in our China trade to change their flags. American registry gives our vessels a monopoly of our carrying and passenger trade with Hawaii and the Philippines, foreign ships being debarred from participation in coastwise trade.

It is not true that white men can not work in the heat of stokeholds of China liners. White men exclusively are employed as stokers on our transports plying to the Philippines from San Francisco and also from the Atlantic coast. White men exclusively are employed as stokers on ships plying between San Francisco and Australia. White men exclusively are employed as stokers on our ships plying between Atlantic ports and the West Indies, Central America, and South America. The marine firemen of Atlantic and Pacific cities have within the last ten days adopted resolutions declaring a willingness to do the work Chinamen are now doing aboard American ships.

The American flag should float over American seamen. Every laborer on the vessels should be in sympathy with the starry emblem which floats at the masthead. Let this be termed sentiment, if you will; it is American spirit, and finds hearty response with the liberty-loving people of our land. Gentlemen need not think that all men are in favor of exclusion because there is such unanimity here. Many an advocate of free locomotion as applied to them can be found, and some appeared before the committee at its hearings. This bill and the substitute both have enemies concerned for their failure.

One of the most beautiful addresses I have read on this subject was that made by Mrs. John B. Allen before the Century Club, of Seattle, Wash., in January last, and she concluded that speech with this attractive statement, in all of which I fully concur, except as it applies to the Chinese:

Can our statesmen not stand on this broad and liberal platform and enact restriction laws that will eliminate the illiterate and immoral, the vicious and helplessly indigent, and not discriminate against any country, but let the hand of welcome be extended to the Occident as to the Orient? Let the Pacific bear the immigrant as well as the Atlantic. Let the only requisites be intelligence, sobriety, morality, and industry, obedience to our laws, and loyalty to our Government. And if they can not, do not lay aside bias and prejudice and listen to reason and argument, and do reenact this one-country exclusion act, then may God give President Roosevelt the courage of his convictions and nerve his hand to veto the measure.

But beside this plea for the Chinese I wish to place the statement of Mrs. Charlotte Smith, president of the Woman's National Industrial League of America, who appeared before the Senate Committee on Immigration and stated what she knew of Chinese influence in this country. Amongst other things she said:

In my investigations as president of the Woman's Rescue League, which is a branch of the Woman's National Industrial League, I found 175 women who had been baptized in the Christian faith living with Chinamen in New York in 1892. These women bring young pagans into the world, who, with their so-called husbands, worship in joss-house temples and become disciples of Confucius as well as opium fiends.

During the year 1889, in Washington, D. C., 564 Chinese were arrested. The majority were members of the Metropolitan Church Sunday school. Men and women, pipes and opium-joint paraphernalia were brought into the police court. Furthermore, the worst gamblers and most immoral opium-joint keepers were so-called Sunday school Chinese pupils.

In Boston, June 23, 1894, 15,000 unfortunate girls were turned loose to forage upon the community because of a moral crusade inaugurated against vice. What was the result? American-born, educated girls became the mistresses of the Chinese of Boston. The Tenderloin floating population was soon after transferred to Chinatown, and the Chinese were permitted to go into the business of keeping houses of ill-repute and engaged extensively in this illicit traffic.

These statements are appalling, but much information of similar kind has been presented. I am therefore constrained to say, in the interests of morality and advanced civilization, exclude the objectionable Chinese. For the protection of the American laborer and his family, prevent the coming of the cooly laborer. In the name of Christianity and its elevating influences leave the disciples of Confucius with their joss houses and opium dens in the land of their nativity, and build up in this country American interests to be conducted by American laborers. [Applause.]

Mr. CLARK. Mr. Chairman, I yield fifteen minutes to the gentleman from Illinois [Mr. KERN].

Mr. KERN. Mr. Chairman, I have had both the honor and the high pleasure of presenting petitions at the desk of the Clerk of this House from about 100 labor organizations in my district demanding of this Congress that the policy of Chinese exclusion now in force under our Government be continued for another fixed period of time. I have received no petitions from any of my constituents demanding that this policy be abandoned and our gates thrown ajar for the unhampered admission of immigrants from China.

Now, Mr. Chairman, petitions of this and other descriptions are sometimes spoken of lightly and in terms of derision and ridicule on this floor. I have with my own ears heard petitions coming from the people referred to with levity and contempt in the Senate of the United States by Senators of the United States. I do not believe that it comes with good grace from a member of this House or from a member of that other distinguished body to speak flippantly about petitions on any subject whatever coming from the people. The use of these petitions affords about the only method available to the people through the medium of which they can speak to their representatives in these respective Halls. Being



an unswerving believer in a government of the people, for the people, and by the people, and in the Jeffersonian doctrine that all just government rests upon the consent of the governed, I am forced to the conclusion that the right of petition should be held sacred, and that it should be treated with the profoundest reverence. The right of petition is guaranteed to the people by our Constitution, which is the fundamental law of our land, and it is indelibly stamped into the Declaration of Independence, which has been fittingly described as the chart and compass of all human rights.

This Government has for many years pursued the policy of establishing around our borders a high-tariff wall for the alleged purpose of protecting the men who toil for a living and earn their daily bread in the sweat of their brows. This high-tariff wall has had the effect of enabling especially favored manufacturers of goods in this country to enhance the price of their commodities. The only laboring men in America who have ever been enabled to secure any benefits from our misnamed protective tariff system are those who are employed in the favored industries. Even these were dependent for any benefit they received on the bounty and generosity of the favored manufacturer, or they were compelled to extort their share of the enhanced prices which the protective tariff made possible through the power of their organizations. On this Chinese question, for the first time in the history of the country, the American workingman comes before Congress and demands protection directly for himself. He demands protection against the unequal and the unfair competition of Chinese cooly labor. He demands it in the only practical way that reason and human judgment has so far been able to contrive.

Why is it that Chinese cooly labor should be employed by any American employer? Is it because it is congenial to hire these coolies, or because it is congenial to superintend them at their work? Is it because it is pleasant to have them around? No; it is not given the preference over other labor for any of these reasons.

Chinese labor is only desirable because it is cheap. A Chinese workingman will work for 75 cents a day where an American workingman demands \$2 a day for the same hours and the same conditions of employment. Relations of cordial friendship between a white employer and his Chinese employee are unnatural, and they are impossible. The language of these people is meaningless to an American. Their ways are distasteful to him. It is not intelligent labor. It is the merest machine labor.

Chinese labor, as we know it, is but little better than slave labor, and he who would successfully and profitably employ it must have in him the essential elements and the requisite attributes of character of the slave master. It is not employed because it is a congenial thing to use it in productive enterprises. Greed alone controls the transaction—cold, selfish, grasping greed.

The most perplexing problem before the American people for solution to-day is the great problem which is in general terms designated the labor problem. That problem simply resolves itself in the final analysis into a problem of wages. In every country on this earth the rise of real wages marks the rise of the progress of that country. I take it that no humane, patriotic, and farsighted man would rejoice to see the wages of labor lessened under our flag.

I now ask why it is that Chinese labor can afford to produce the same results for lower wages than can the labor of our own country. It is perfectly clear that it can afford to do this, because the standard under which the Chinese workingmen are accustomed to living and under which they are content to live is decidedly lower than that which the American workingmen have established for themselves. Semibarbarians that they are, they require only the simplest forms of food to nourish their bodies.

The clothing they require is likewise crude, inexpensive, and scanty. Accustomed to the life of the street herds of their mother country, houseless and roofless and homeless, the shelter these people need is not superior to that, if it is equal to it, deemed necessary in this country, with its advanced civilization, to protect from the attacks of the elements the lower forms of domestic animal life. Chinese labor can live cheap because it is barbarian labor. It does not know and does not have the manifold and complex wants of labor in civilized countries. Its standard of life is in consequence of a low and degrading rate.

Under our existing social arrangement the rate of wages is finally determined by two controlling factors—firstly, by the law of supply and demand as applied to the total numbers of toilers who offer their labor for sale, labor being a marketable commodity, the only thing the laboring man has for sale; and secondly, by the standard of life of the toiler, by that portion of the results of his exertions which he is content to accept as the sum required for him to live on.

It would be a sheer waste of time for anyone to try to show on this floor that this so-called standard of life of the American workingman is immeasurably and infinitely higher than the

standard of life of the Chinese coolies. No one but a hopeless imbecile would contend for a moment that it is not. It would be an absurdity to undertake to make the comparison. No one is so ignorant of these relative conditions but that he knows, as he must know, that the standard of life of the Chinese coolies is as far below the standard of life of the American toiler as the foothills are beneath the summit of the loftiest mountains, snow-capped and sun crowned.

The American toiler demands enough for himself for his honest work, and rightfully demands it, to keep himself and his family in comfort and a little besides for the inevitable rainy day, an extra dollar after all the bills are paid on Saturday night. He is entitled to a good house to live in and to rear his family in. He is entitled to good clothes to wear. He is entitled to books and newspapers to read. He is entitled to some of the pleasures of life, and not merely to the barest and absolutely unavoidable necessities. He is entitled to have his wife spared to him for the performance of his household duties. His children are entitled to the indisputable opportunity for schooling and an education. And, over and above all that, he is entitled to the opportunity to create for himself and to lay up a little surplus for the dark days of helpless old age and decrepitude. That should be, if it is not, the standard of life of the American workingman.

Following this chain of reasoning, I desire to say this: Bring a people having a high standard of life in competition with a people content with a low standard of life, and you drag down that people, you debase that people, you degrade that people, you outrage that people. You make the struggle for existence more bitter and relentless for them than it was before. Do that act, and you have committed the unforgivable, the unpardonable, the cardinal sin. Do that act, and you have committed the crime of crimes, to fit which no punishment can be severe enough and no damnation deep enough.

Understand me correctly. I do not advocate a policy of national isolation. I trust that my views are not of the narrow and contracted kind. I know that the immigrant has rescued this continent from barbarism, transformed the pathless wilderness into a well-ordered and flowery garden; that he and his offspring wrested independence from tyranny and despotism abroad and gave this nation its free and self-governing existence; that he and his descendants saved the Republic when it was in danger and preserved our national Union intact; that he and his children and his children's children furnished the brain and the brawn for the upbuilding of our colossal industries; that it was their enterprise, their skill, and their ingenuity which made this country the wonder and the leader of the industrial, the social, and the political world.

I would pursue a policy that extends the glad hand of welcome to every man of our own race who is willing to adopt our country and make it his own; to familiarize himself with our system of government; to learn the story of the struggles through which our country has passed; to learn to estimate the price in blood and treasure the Republic has cost; to become a free and intelligent and independent voter; to become one of us, willing to be assimilated into our national life; to share our liberty and help us perpetuate it and keep it uncontaminated and pure; to work in an honest and an honorable way for a living, and in the holy radiance of the light of liberty, labor, and love to rear a family of respectable, intelligent, liberty-loving children. But I would shrink from injecting into the body politic in America another race problem, another peril to our political system, another disastrous check to our social progress.

My good and illustrious friend from Missouri [Mr. CLARK] has made mention of the fact that the discussion of this question involved the discussion of the race problem. Say what you will to the contrary, I agree with him entirely in that proposition, and I do not believe that the artful eloquence of any man can disguise that vital fact. The race problem is fundamental and elemental. The bloodiest wars of history have been race wars. You can not convince me that a people so radically different in their habits, in their customs, in their traditions, and in racial demarcation as the Chinese people are from the American people can long live at peace with our people after they have once arrived here in dominant and dominating numbers. You may theorize as you will, the two will persistently refuse to mix. They will refuse to blend. They will refuse to assimilate. They will refuse to become one. They will refuse to unite. They will remain separated by a broad and impassable chasm, living in hostile camps, animated by feelings of most unquenchable and unmitigable hostility toward each other.

We have a race problem in this country now crying aloud for proper adjustment. The evidence is unmistakable. We need only to search the columns of the daily newspapers for it. I refer to the negro problem. It is idle to contend that the civil war solved that problem. The civil war only presented it for the future generations to deal with. It presented it in a most aggravated



form. It is one of the knottiest problems any nation on earth ever wrestled with. It stands before the American people unsolved as one of the most vital questions of the day. American statesmanship faces it, as much as it has the heart to face it, stupefied and appalled.

That race problem was forced upon us. Its introduction into our politics was a mistake of our forefathers. It was brought into our midst through their blind desire for material gain. But it is here and we are compelled to face it. It is a condition and not a theory that confronts us, and we must adapt ourselves to our conditions if we be rational and sensible men. Let us honestly try in an impartial spirit and with patriotic resolve to deal with the race question which the fathers have forced upon us, prompted by considerations of humanity and equal justice and love of our country and of the unfortunate race that is in our midst, but let us in wisdom refrain from taking upon ourselves the burden of bringing into this country another race problem to menace American institutions. The wise man learns and profits from the lessons of history. The fool ignores them. The coward shrinks from them and undertakes to disguise them.

I rejoice over the unanimity of sentiment which prevails in this House on the wisdom of continuing the Chinese-exclusion policy, which has become the fixed policy of this Government. I rejoice at the unanimity of sentiment which exists in favor of this bill in our country. There are only two elements among the people that have come to my attention which are opposed to the bill. The associated capitalists are against it, the men in whose care and keeping are the trusts. The extreme altruists are against it, a large class of well-meaning men who have left the earth as their place of abode and inhabit the ethereal regions above the clouds.

Of the former it is needless to speak. Their motives are plain to everybody. He who runs may, indeed, read them. In their selfishness and their greed and their cupidity they want cheap labor at any cost. They want to earn fat dividends for their concerns. They do not care for the welfare and the happiness and the prosperity of the American people. They would impoverish the American people to pile up wealth for the plutocracy. In my mind they are entitled to no consideration whatever on this floor in their utterly detestable demands connected with this proposed legislation.

The altruists tell us that it is the highest form of our national duty for us to throw wide open the gates and to admit the oppressed, to admit the downtrodden, regardless of race or condition, from every land and every clime into our national household. They contend that in morals we have no right to bar our doors of entrance against any nation. It seems to me that their argument is untenable and unsound. I believe that we have the same right to protect our country against undesirable immigration which every man beyond all dispute has to protect his family circle against an undesirable intruder. The family is the unit of the State. It is the source and origin of our civil law. The country, taken as a whole, is nothing more than an aggregation of families.

It is true that the fact of aggregation gives rise to new duties and new responsibilities and makes the primary duties more complex. But the law of the family is the law of the State. A well-governed family furnishes the model for a well-governed State. The school district is a small number of families which have constituted themselves into a perfect system in our great governmental machinery, fully capable of performing every function required of it. From the school district the system is extended with enlarged obligations and increased powers to the township, from the township to the county, from the county to the State, and from the State finally to the sovereign nation.

It seems to me that the same rights inhere in the State and in the nation which inhere in the family, and if a man has the right to exclude from his family an unwelcome intruder, one who would disturb that family life, contaminate its morals, and threaten its existence, then this Government has the right to draw the line on the kind of immigration which it in its wisdom deems undesirable, disastrous to its social progress, and menacing to its perpetuity.

I am for the bill which the minority recommends for passage because I favor the most drastic legislation in this connection that is obtainable. The laborer of this country demands this legislation under the law of self-preservation, the first and highest law in nature.

It has been charged that this law would exclude from this country, besides the coolies, Chinese merchants, Chinese diplomats, Chinese scholars, Chinese teachers, and Chinese travelers; that it would exclude those Chinamen who in no conceivable way can come in injurious competition with American labor. The charge is false. The measure proposed by the minority, which is the measure which bears the indorsement of the American Federation of Labor and the delegations in Congress from the Pacific coast States, makes ample provision for the admission of Chinese mer-

chants, scholars, teachers, diplomats, and travelers. These classes are protected in all their rights under the minority bill, and this country is made as accessible to them as it can under proper safeguards be made. It is the bogus merchants, the phony diplomats, and the counterfeit teachers and scholars and travelers which the minority bill aims to keep out of the country and will keep out of the country if it is made the law. The minority bill simply aims to protect the country against imposition, against sharp practice and fraud. The objection to it on this ground is unreasonable and devoid of sound foundation.

In no connection is the unwisdom of our present Philippine policy made more apparent than in connection with this prodigious movement. Make the Philippine Islands a permanent part of this Government, and you make it almost impossible to guard against the importation of freight loads of cheap Chinese coolie labor. If the present policy with regard to those islands be continued, the Supreme Court of the United States will sooner or later declare them an integral part of this Government under the flag and the Constitution both. No power on earth can prevent the coolies who are now in the Philippines from coming into any State or Territory in this Union. There are now more than three times as many full-blooded Chinamen in the Philippine Islands than there are in this country, and including the half-breeds there are more than ten times as many. Dump any considerable number of these on our shores, and the effects that will follow will be disastrous in the extreme.

But even that is not the worst source of danger. We have been told in the course of this debate that the practice is in vogue of evading the existing exclusion laws by sneaking hordes of coolies into this country across our northern borders along the Canadian Pacific Railroad. The assertion has not been challenged. The statement has not been contradicted. I do not believe that it can be successfully contradicted. Make the Philippine Islands, with their thousands and thousands of miles of coast line, situated in closer proximity to the Celestial Empire than they are to our own country, an integral part of the United States, and, pray tell me, how then can you successfully enforce our coolie-exclusion laws? The task will simply be a herculean one, impossible of performance, and when that day comes, as truly as the sun shines, the Philippine question will become a phase of the great labor question. I wish I could arouse the workmen of this country to a full and complete sense of the danger which confronts them on this score.

The greatest objection to coolie immigration is that it does not come spontaneously and from its own free will. It is imported into this country as a rule in shiploads by unscrupulous and soulless corporations. Irish immigration, German immigration, and English immigration was an unmixed good to this country, because it came here spontaneously and of its own free will. That kind of immigration was desirable. But the importation of human freight is an unmitigated evil under all circumstances, wherever it comes from, regardless of considerations of race difference, because selfishness and greed will dump it upon us faster than we can digest it.

On the dangers arising to the moral life of our nation from unrestricted Chinese immigration I have but barely touched, yet there is not a thinking man in America who would preserve the purity of American morals who would not justify Chinese exclusion on this score, taken aside from all other considerations. Chinatown, in San Francisco, is the scandal of this nation on account of the low and degrading vice that is practiced there. No youth can enter it without being poisoned by its very atmosphere. Human depravity has invented no form of health-destroying and moral-destroying practice that is not indulged in in this filthy and disgusting den of iniquity.

Of every Chinatown that exists in every city of this country, where it does exist, the same revolting thing is true. Do you want to extend this condition? Do you want to make it general in this country? Do you want to inoculate every community within our borders with the enervating, deadly virus of it? If you do, throw the floodgates open and let the hordes of coolies flock in, and you will surely accomplish this purpose, besides that other object of depriving the workmen of this country of the God-given opportunity of earning a decent and respectable living.

In conclusion, I desire to emphasize this fact: The toilers of this country do not come before Congress often with any demands. They have never come making unjust and unreasonable demands. They do not make their demands on this Chinese question on us blindly. They have deliberated on this question. They have talked it over in their meeting halls. They have reached an entirely practical and just conclusion. They have petitioned you and me to give that conclusion earnest consideration, to permit it to weigh in the scale when we are making up our minds on this question. What they are asking they are asking in a spirit of fairness. They have no desire to oppress anyone. They have no desire to tyrannize over anyone. They simply ask you and they ask of me in God's name not to place them



on a level with barbarians in the struggle for existence. They ask us to do nothing that would debase and degrade them. They ask us to help them in enforcing the law of self-preservation. They ask us to protect them against this great danger. It is only the part of wisdom in us to heed their voice.

On the prosperity of the laboring man depends the prosperity of the country. Opposition to Chinese exclusion means taking away everything from the laboring men of this country except the bare necessities of life. It means the inaugurating of conditions which are intolerable among American toilers. That means poverty, unhappiness, and discontentment, and that in turn means anarchy and hatred and bitterness to threaten the existence of our free institutions and of our Government. A contented and happy people never destroyed a Government.

I take it to be the duty of the lawmakers to create conditions under which people can be happy and contented. Because I love the people, because I want to see them happy and contented, because I want social conditions so arranged that every honest man shall have the opportunity to earn an honest living by honest work, because I love my country, because I love my country's flag so long as that flag represents justice, equality of opportunity for the people, and the integrity and sanctity of the American home, I favor this measure and I consider these reasons ample for giving my hearty support to the most drastic law against Chinese immigration here proposed. [Loud applause.]

Mr. HITT. I yield fifteen minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN addressed the committee. See Appendix.]

Mr. CLARK. I yield thirty minutes to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, I am aware that the die is set, the edict has gone forth, that this bill must pass this House, with all the discriminations, inequalities, preferences, and favors to the few which will follow in its wake. We are to enter upon a scheme for getting rid of the people's money and making a generous contribution to this two-billion Congress. We are to encourage favoritism in a new form under the guise of "regulating commerce" and "providing for the general welfare of the people." We are to begin making presents to a favored few, and very few—perhaps not more than 50 or 100 persons and corporations in the whole nation.

The bounties are to go to one in a million of our people, and this one-millionth part of our people the wealthiest, most independent, and least deserving of assistance of all—to the shipbuilders and navigation companies—among whom are to be found such poor and deserving persons as John P. Morgan, of New York, and C. A. Griscom, of Philadelphia. These are some of the 100 persons and corporations, more or less, who are to receive the Government contributions assessed and collected from the people of the country and handed over to these multimillionaires under the pretext of providing for the welfare of the people. If this bill shall pass, under the whip and spur of the Republican leaders of this House, as it surely will, it will be the first time in the history of this country, so far as I am informed, when a few, a very limited few, people engaged in an industry have been sorted out to be the recipients of donations from the Government to aid them in their enterprise and in their competition with their fellow-men in the industrial race of life.

I am aware that in 1891 a law was enacted by the terms of which special rates were allowed to be made with parties, or under contract, for carrying the mails on fast steamers, and perhaps a very generous allowance was made possible for this service. It was made to improve the mail service and secure the transmission of mails in the least possible time between our ports and those to which the mails were sent. It was in keeping with our general up-to-date service in the Post-Office Department. We wanted the quickest run across the seas, and were willing to pay an extra price for it. That was no subsidy. It was simply paying a good price for a good thing, where each contracting party received an equivalent consideration. And while this bill in some respects resembles the bill of 1891, its chief purpose, as avowed by those who favor it, is to aid in expanding and increasing the merchant marine of this country. One of the big four who have been most conspicuous in advocating this bill in a public speech said that were it simply to facilitate the carrying of mails in American vessels he should oppose it (this bill).

No one objects to a proper extension of the ocean mail service at a proper cost, but ever since 1891 we have been paying our American lines at least twice as much for such service as was proper or necessary; at least twice as much as Great Britain pays for similar service, or as we pay foreign lines for carrying the excess mails which our American lines are not able to handle. A few figures from the official statistics will prove this statement.

In the last fiscal year the International Navigation Company

(American Line) carried 71,000,000 grams of letter mail and 641,000,000 grams of printed matter, and was paid, under the act of 1891, \$528,537.

The Cunard Line (British) carried 137,000,000 grams of letters and 835,000,000 grams of printed matter, and was paid \$213,103.

The White Star Line (British) carried 62,000,000 grams of letters and 326,000,000 grams of printed matter, and was paid \$91,591.

In other words, we paid the American Line more than twice what we paid the Cunard Line for not much more than half the amount of mail carried by the Cunard Line; and we paid the American Line about six times as much as we paid the White Star Line for carrying practically the same amount of mail matter.

On the Pacific the same discrepancy was noticeable. We paid the American Pacific Mail Line \$52,533 for carrying 9,000,000 grams of letters and 118,000,000 grams of printed matter, and the British Occidental and Oriental Line \$19,638 for carrying almost exactly the same amount of mail.

We also paid the New York and Cuban Company (American) about \$200,000 for carrying 1,995 pounds of letters and 30,864 pounds of printed matter, which was at the rate of \$6 a pound, whereas our rate for paying the foreign companies was only 44 cents per pound for letters and 4½ cents a pound for printed matter.

In addition to this, it must be taken into consideration that the foreign steamers were the quickest and most frequent, and also that the pending bill proposes to still further increase the payments to American vessels for mail carriage by at least 30 per cent. These specimen figures are quite sufficient, in my opinion, to show the undesirable and inequitable nature of the mail-subsidy division of the bill.

To whom are we indebted for this new venture, this gift entertainment which is so lavishly provided for in this bill? I answer, to the Hon. Eugene Tyler Chamberlain, present and past Commissioner of Navigation, more than to any other one man. In his last three reports he has come out as the active exponent of the subsidy scheme for enlarging and extending our merchant marine. Time was, and but a few years ago, when his remedy for reviving the merchant marine was to grant free ships. As evidence of this I read from Mr. Chamberlain's report of 1895:

I have the honor respectfully to renew the recommendation made last year in favor of the repeal of that restriction of law which denies the use of the American flag, the privilege of American registry, and the protection of the laws of the United States to vessels owned by American citizens and navigated in foreign trade unless built in the United States. The effect of this law, under existing industrial conditions, is not only to encourage but virtually to compel American capital willing to embark in transoceanic navigation to organize under the laws of other nations and resort to alien flags. Thus in effect an American law forces Americans to enhance the maritime importance of foreign nations at the sacrifice of our own.

At that time Mr. Chamberlain was presumed to be a Democrat, acting as Commissioner of Navigation under a Democratic administration. In his last report he is acting presumably as a Republican under a Republican administration and at the behests of the Republican party run mad on this question of ship subsidies.

The friends of this bill in years gone by have claimed that as we are committed to the protective policy, that policy should be carried out in protecting the shipbuilder and the ship navigator. But, Mr. Chairman, there is a marked contrast and a radical distinction between the principle of protection which affects directly and indirectly the great body of our people and the principle or want of principle which grants a bounty to a few, a very limited few, industries without any pretext of raising revenue and without one cent of revenue accruing therefrom.

It has been claimed that ships could be built in foreign countries cheaper than they could be built here, and in order to induce the builder at home to engage in the building of ocean-going vessels we must make him a donation—a present—every time he builds one of these ships; that this is the only way we can induce him to engage in this enterprise. But the fact is we can build ships in this country as cheaply, on the average, everything considered, as they can be built anywhere in the world. Princes and ship merchants of the Old World are coming to us and contracting for their vessels because they appreciate that we can build better vessels, and, everything considered, as cheaply as they can be built in their home countries. In our consular report of March 3, 1900, George Wenlarsen is quoted as saying:

To-day [that was in 1900] ships may be built at Bath, San Francisco, Philadelphia, Wilmington, Chester, and Newport News as cheaply as anywhere in the world. Mr. Cramp, the largest individual shipbuilder in the United States, two or three years ago, when ships could not be built nearly as cheaply as they can to-day, in answer to a question made this statement: "The proper form to put the question is, 'Can you build a ship to do the work of the City of New York, or the Majestic, or the Columbia in all respects for the same cost?' To that question I would reply, 'Yes; or within as small a margin as would be likely to prevail in a similar case between any two British shipyards.'"

Let me call another witness to the truth of this assertion—a conservative man, and one always speaking guardedly and within



bounds. About one year since, William McKinley, in delivering an address before the Chicago Board of Trade, stated that "the shipbuilding interests of the United States were in a more prosperous condition than they had been since 1854; that their shipyards were full of orders, and that we were fast approaching the time when we could rival Great Britain in building ships for foreign trade." The Commissioner of Navigation informs us in his last report that there are \$68,000,000 invested in 46 shipyards in this country, and that there are now under contract vessels of the United States amounting in cost to \$78,000,000. The Chicago Tribune, one of the leading and ablest Republican newspapers in the country, sent, last October, representatives to every shipyard in the country, and without a single exception every yard was overcrowded with orders and working to their utmost capacity. I have not time to refer to but one, but the reports can be procured in the Tribune issue of October 14, 1901.

At Newport News \$14,000,000 is invested and 7,000 men are employed. At one time this year vessels with an aggregate tonnage of 145,100 were under construction, to cost \$28,350,000. Of course, the vessels in the various yards were of all kinds and descriptions, and intended for lake and coast service as well as for ocean use, but demonstrate pretty conclusively that the shipbuilding interest is not on the decline, but, on the other hand, is one of the most popular and flourishing industries in this country. Mr. B. N. Baker, president of the Atlantic Transportation Company, of Baltimore, is now building and will have finished by the 1st of July next, just after this bill goes into effect, six large ocean steamers in the shipyards of the United States, which he proposes to place under the registry of this Government; and Mr. Griscom, president of the International Company, is building two ocean-going steamers in American shipyards, each with a tonnage of 12,500 tons. What need, then, is there for the purpose of stimulating this industry by granting to it bounties and subsidies?

Mr. Chairman, can you imagine an industry in this country which is in less need of a stimulant than the shipbuilding industry, or one where, if applied, would be less warranted or more ridiculous? But we are told that we should grant these subsidies to strengthen our merchant marine and to make it possible to see the American flag floating at the masthead of the merchant marine in every part of the world and in every harbor, not only of our own country, but that the harbors of the Old World may also glisten with the white sails of the American ships; that in this way, and only in this way, can we hope to compete with foreign countries in the ocean carrying trade; that the merchant vessels of France, Germany, Great Britain, and other countries have gained their proud positions solely by reason of the granting of subsidies.

This is a catchy statement—a great promoter—to use a popular word of the present time. It appeals to the pride, the patriotism, and love of country of the American citizen or the American statesman. We must not be outdone. We play no second part in the world's commercial drama. If subsidies bestowed by these foreign countries are the secret of their success, why do we hesitate to grant them, and that, too, more abundantly? Mr. Chairman, if it was a fact that the granting of subsidies was the secret and the main secret of their success, I grant that there would be much more reason why we should support this bill than there is to-day. But, Mr. Chairman, the trouble about the proposition is that it is not the fact. The fact is that not one-tenth of the merchant vessels of the ocean carrying trade of any foreign country receives any subsidy whatever. Fifty-three per cent of all the ocean carrying trade of the world is done by Great Britain, and only 3 per cent of all her carrying trade receives any subsidy whatever, or at least that was the condition in 1894, and presumably the per cent remains about the same at the present time.

Listen to what Mr. Chamberlain, the present Commissioner of Navigation, said in his report in 1894. Speaking of Great Britain's payment for fast-mail service, termed by the friends of this bill as bounty and subsidy for the British shipping interests, he says:

Encouragement to navigation has only been accidental and secondary to political and commercial considerations, and, as indicated [above], where circumstances permit it is being withdrawn, and arrangements with railroads of France, Italy, Canada, and the United States are in part taking its place.

But the sufficient facts to demonstrate that Great Britain does not subsidize shipping in the sense in which the word is used in the United States are that the profits of the mail lines do not average higher than those of merchant lines; that the stock quotations of one class of securities are not higher than the other; and, finally, that barely 3 per cent of all the British merchant marine receives public funds in any form.

The friends of this bill argue for its justification that Great Britain, Germany, France, and Italy pay or have paid subsidies to their shipping interests, and that they dominate the ocean carrying trade of the world, and that if we would compete for this trade at all successfully it can only be done by following their example and by granting subsidies as provided for in this bill. I challenge the whole proposition. The supremacy which

these countries have attained in the ship carrying trade is due to other causes, and it can not be attributed by any fair-minded person to the subsidy theory. Italy and France are notable examples of the utter futility and failure of the subsidy scheme to rehabilitate their ocean carrying trade.

France expended \$19,000,000 and Italy about \$6,000,000 and then abandoned the experiment, and it was only when these two nations gave up the plan which we, of all the nations of the world foolishly retain, namely, the exclusion of foreign-built vessels from our registry, that they were enabled to place their ships in the carrying trade to any great extent upon the oceans of the world. Commissioner Chamberlain, whose opinions seem to be cited with so much favor by the friends of this bill, in his report as Commissioner of Navigation in 1894, confirms the statement I have already made, and warns us against the prodigal expenditure of the public funds which the provisions of this bill will carry. He says:

The result of nine years' trial of a complete bounty system in France, involving an expenditure of \$19,000,000, and of seven years' trial of a similar system in Italy at an expense of \$5,500,000, are hereinafter stated. The meager results attained in both countries warrant the statement that the nation which enters upon that system (paying subsidies) of building up a merchant marine with the expectation of success must do so with a free hand and no care for the cost. It must be prepared to spend not \$1,000,000 or \$2,000,000 a year but several times that sum annually for a long period. \* \* \* It is not deemed necessary to consider here the propriety of that course as a matter of public policy or its desirability from the economic point of view. Those nations which have made the attempt have not succeeded, confessedly for the reason that their expenditures were not large enough.

And he adds:

The experience of France and Italy demonstrates that the shipowners of both countries find it more to their profit to buy (vessels) in the cheapest markets than to avail themselves of government bounties conditioned upon the purchase of higher-priced domestic shipping.

Again, Mr. Chairman, we are told by the advocates of this bill that the main purpose, the only purpose, of granting these subsidies is to equalize the difference in wages, both in construction and operation, between what is paid in foreign countries and what it costs in the United States. To-day every ounce or foot of material which enters in the construction of a vessel can be landed at any shipyard free of duty, and much of the material which enters into the construction of a vessel is cheaper here than in any foreign shipyard on earth.

With all material entering into a vessel free of duty, with our improved and up-to-date machinery and facilities for the work, with our inventive genius not equaled anywhere, our native and inherent push and our inexhaustible resources, even if our daily wages are nominally higher than in other countries (they are not higher when we take into consideration the amount our workmen produce and accomplish), we need not fear to enter into competition with any and all comers in shipbuilding. And I assert that first-class steamers and vessels can be built as cheaply in our shipyards as anywhere on earth. Charles H. Cramp is authority for the assertion that the difference in the cost of labor per diem would be overcome by the superiority of the labor and of American machinery.

Undeniably there is an extra expense incurred in the charges for seamen to man our vessels over that in some of the foreign countries, but this extra expense is incorrectly and extravagantly stated by the friends of this bill. The actual facts and figures have been ascertained in several instances, and, as relates to two vessels almost identically alike, the one American and the other foreign, are as follows:

The *St. Paul* and the *Campania* have been compared. Every person's salary and wages engaged in operating these two vessels were taken accurately, and it was determined that it cost yearly to run the *St. Paul* \$15,900 more than it did the *Campania*. But, Mr. Chairman, if this bill becomes a law and the *St. Paul* becomes a recipient of the bounty as herein provided for, she will receive \$408,596.54 a year, or twenty-five times as much as her expenses exceed the *Campania* in yearly maintenance.

It is an unwarrantable assertion to claim that this great subsidy is required to put our merchant marine on an equality with that of foreign countries. Rather acknowledge the fact that this bill makes unwarranted and extravagant donations to an industry which, of all the industries, protected and unprotected, least needs and least merits them.

We have been during the last two years building more ships than in any two years in the last fifty years. We read in the report of the Commissioner of Navigation for this year that—

The fiscal year ending June 30, 1901, has been the third successive year of notable prosperity and growth in the shipbuilding and ship-running industries of the United States. The total documented tonnage of the United States on June 30, 1901, has been exceeded but once in all our history. By the end of the current fiscal year possibly half of our tonnage in foreign trade for the first time will be steel steamers, the instrument of commerce which for some years has been chiefly employed by foreign nations.

When these conditions prevail, why should we not be content to let well enough alone? Of all times in the last fifty years this is the most inopportune to launch upon the system of bestowing extravagant bounties upon the shipbuilding and ship-sailing



industries. There is an eternal fitness of things with which this bill seriously conflicts.

Again, I assert that this bill is against the spirit of the Constitution, if not against the letter of that great instrument. I do not believe this statement can be successfully combated. The Constitution is designed to prevent Congress as well as the States from enacting any class legislation. Equal rights and equal opportunities to engage in any business or enterprise and to receive equal or corresponding benefits from public expenditures are among the fundamental principles embodied in that instrument, and this bill anticipates and provides for bounties only for certain classes of vessels, and to only a limited number of each class; otherwise millions upon millions of money would be required in the payment of bounties; and the friends of this bill, in this House and out of it, assure us that only such a small number of vessels will be subsidized that the entire limit of expenditure for at least the next four years will be not more than four or five millions per year.

It is not intended nor provided that all vessels and all owners shall be put on an equality and secure equal and corresponding benefits, but only a favored few receive them, and only those whom the Postmaster-General shall see fit to contract with for carrying the mail. And again, under the general provision, section 1, clause (b), only vessels of certain tonnage and certain speed.

But mark the strategy of these keen promoters of this subsidy scheme and how adroitly they try to provide against an unfavorable decision of the Supreme Court as to the constitutionality of this bill if it should become a law.

The Constitution provides that Congress may raise and support armies and navies and do what is fairly incidental to those ends. And while it is rather farfetched and scarcely noticeable by a casual reading of this bill that it provides incidentally for the support of the Navy, still a careful inspection of the bill will reveal the fact that there is a provision which looks to this end, and it is to this provision that the promoters of the bill look for the salvation of it when it gets to the Supreme Court for decision as to its constitutionality. The provision is contained in section 15 of the bill, on the twenty-fourth page. It is a short, unassuming, and inoffensive-appearing section, and one which would seldom if ever be taken advantage of by our Government. But it is the provision which is intended to save the bill from utter destruction if it ever gets to the Supreme Court for decision. I quote the essential part of this salvation section, as follows:

SEC. 15. That any vessel under contract, pursuant to this bill, may be taken or employed and used by the United States as a cruiser or transport at any time, and in every such case the owner or owners of any such vessel so taken or employed shall be paid the fair value thereof, if taken, at the time of the taking, and if employed shall be paid the fair value of such use, etc.

Mark the language, "may be taken." Is there a member of this House so charitable as to believe that all or any considerable number of these subsidized vessels will ever be taken by the Government as cruisers or transports? Is there a member of this House who really believes the time will ever come when the Government will take a single one of these vessels? And even if under any conceivable conditions we should take or hire one or more of them, what particular benefit would it be to the Government? For we must pay what the value or rent is "fairly worth."

We can do that already without any subsidizing of vessels. But this is the provision which responds to the title of the bill which is "to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary." Is this bill intended to provide "auxiliary cruisers and transports for the Government?" Or is this purpose only remote and incidental to the main purpose of the bill and intended to be and inserted only for the purpose of guarding and protecting it against its other unconstitutional provisions, which plainly establish inequalities, discriminations, and special privileges among those engaged in a common enterprise—a condition which the National Constitution and every State constitution absolutely prohibits and denies?

Providing for the Navy, are we? What a delusion, what mockery, what insincerity! Will the Supreme Court confirm or expose the sham pretext? Is there a member of this House so simple-minded as to believe that a barrel of flour or a barrel of meat, a roll of carpet or a case of cloth, will be carried to any foreign port one cent cheaper if this bill becomes a law than it will if it does not? Who, then, is to be benefited and enriched by this vast expenditure of the public money? It is easily to be determined. The shipbuilder and navigation companies who are now using and hereafter will use on the highways of the seas vessels carrying passengers and the least bulky merchandise—the ocean greyhounds. The products of the farms, the factories, mines, and forests will continue to be exported in the same slow-going vessels as heretofore and at no reduced rates. Are the

American people prepared to accept or to repudiate this bill? We need wait but a little while for their emphatic response. [Loud applause.]

Mr. HITT. Mr. Chairman, I yield thirty minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, on May 5 next, the present so-called Chinese-exclusion law will expire and unless new legislation is enacted into law by that time the Chinese will be at liberty to enter our country, subject only to the restrictions imposed upon immigrants from other foreign nations.

#### ORGANIZED LABOR LEADS THE MOVEMENT.

As the time fixed for the expiration began to approach, the subject of a renewal or reenactment of the present law has been freely and generally discussed. In this discussion and in the agitation of the character of the legislation considered necessary to meet the situation, organized labor has taken the lead, and through its direction the wage earners of the whole country have been united in their efforts to obtain an extension of the American policy of the absolute exclusion of Chinese cooly labor.

There is not a Senator or Representative in Congress who has not from the beginning of the session been the recipient of petitions, resolutions, and letters from not only individual constituents, but organizations of all kinds, including boards of trade, commercial societies, patriotic and social, secret and open societies, and labor organizations of every kind and description, all asking for the passage of a law which will not only take the place of existing laws on this subject, but will be more stringent in its provisions and secure a practical exclusion of the Chinese laborer as well as the laborer of other Oriental nations whose competition in the labor market may be detrimental to the interests of American workmen.

#### RESULTS OF COOLY COMPETITION.

With the invasion of the United States by the Chinaman in large numbers, organized labor saw its doom and the utter defeat of all its plans for the betterment of the condition of the wage-earners of the Republic. It was fully alive to the fact that, being forced into competition with this competitor from the greatest of the oriental people, less work and lower wages would be the inevitable result, and that meant not only longer hours of work, but fewer comforts, cheaper living, more crowded dwellings, less opportunities for the education of himself and family, and his reduction to a generally lower plane of living. The work, labor, and achievement of the last half century would in a few short years be undone, and the future, now bright and promising, would be enveloped in clouds of uncertainty and despair.

#### DEMOCRATIC PLEDGE AND POSITION.

So strong has been the conviction of all classes of our citizens of the danger to this country and its people and so great has been their pressure upon the lawmakers and political leaders that in the national platforms of both the great political parties of this country promises have been made to avert the pending evil.

The pledge given by the Democratic party, to which I owe a proud allegiance, was frank, explicit, and unequivocal in these words:

We favor the continuance and strict enforcement of the Chinese-exclusion law and its application to all classes of all Asiatic races.

By this pledge the popular party of this land, although the minority party in Congress, stands bound and will redeem its pledge by casting its every vote for the act presented by the minority of the Foreign Affairs Committee of this House, which is admitted to be more sweeping and further reaching than the proposition presented by the majority members, and only in the event of not being able to carry this, in our opinion, more complete and drastic measure will we support the measure now before us for action.

#### HISTORY, LAWS, AND TREATIES.

The history of Chinese immigration into the United States and the laws and treaties bearing upon the subject are, briefly, as follows:

With the reports of the first discoveries of gold in large quantity in California in 1849, the Chinaman turned his footsteps toward this country. Within less than a year 800 had found their way to our shores; by the close of the second year their numbers had grown to 4,000, and by the middle of 1852 they numbered 12,000. In 1868 they had reached the estimated number of 80,000. The exact number has always been disputed, but the census of 1870 counted 62,736 of them, and as they were scattered all over the country in the mining towns and over the mountains and valleys of the sparsely settled sections the estimate of 80,000 was, in all probability, near the mark. By 1876, at a low estimate—I take the figures of George F. Seward, author of the book entitled "Chinese Immigration"—they were at least 105,000.

By the exclusion laws and their rigid enforcement this number has diminished, but by the last census, that of 1900, nearly



90,000 are still in our midst. Every conceivable trick and device is practiced to evade the laws and bring them into this country, and so great is their anxiety to enter the field of American labor that \$500 a head is paid to those who may be able to successfully smuggle in a single cooly.

#### SLAVE TRADE.

People unacquainted with the facts will naturally wonder how this great number of poor Chinese laboring men were enabled to pay the heavy expense attending a journey across the Pacific and the cost of making a start in a new country. But this is not at all surprising when it is known that the expenses of these cooly immigrants were paid by wealthy Chinese trading companies. The chief among them were called the "Six Companies." These companies carried on a traffic very closely akin to the slave trade between this country and Africa by which the negro was introduced in large quantities into the United States—the difference being that they were not sold outright, but were bound to work for their masters for a period of years or pay back with heavy interest the original outlay. This condition of affairs led to national legislation being passed as early as 1862, and from that time until 1875 laws were enacted by Congress to prevent this form of slave trade. All of these acts provided that they should not apply to voluntary immigration.

The treaty concluded between the United States of America and the Ta Tsing Empire (China) June 18, 1858, the ratifications of which were exchanged August 16, 1859, contained the Favored-Nation clause, as follows:

Should at any time the Ta Tsing Empire grant to any nation or the merchants or citizens of any nation any right, privilege, or favor connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens.

The next treaty with China was what is known as the Burlingame treaty, of which the ratifications were exchanged at Peking November 23, 1869, and dealt directly with Chinese immigration, and its provisions were supplementary to the treaty ratified August 16, 1859.

Articles V and VI of this last treaty secured free immigration to both the people of China and the United States into the respective countries. The following words declare the status of a Chinese citizen when in the United States:

Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may be enjoyed by the citizens and subjects of the most-favored nations. But nothing herein contained shall be held to confer nationality upon citizens of the United States in China nor upon subjects of China in the United States.

The acts of Congress above referred to were made under the above treaties, which threw the doors of this country wide open to Chinese immigration and gave them every right it gave to immigrants from Europe except that of citizenship by naturalization.

Upon this latter clause the treaty rights and security of the Chinese who have come into this country and remained under its provisions depend.

At the time of the making of this treaty there was considerable discontent evinced by the citizens of the Pacific States, chiefly of California, at the increased and increasing immigration from China. This discontent and apprehension of its dangerous results increased until it provoked open violence, and in 1879 both branches of Congress passed a bill entitled "An act to restrict the immigration of the Chinese to the United States," which was vetoed March 1, 1879, by President Hayes, on the ground that it was a violation of the existing treaty rights.

In his veto message he suggested the advisability of amending the existing treaties. This led to changes in the existing treaties and to what on this subject amounted to a new treaty, ratified July 19, 1881. After much discussion and explanation by the commissioners representing the United States, who sought to obtain the consent of China to "regulate, limit, suspend, or prohibit the immigration of Chinese laborers," which term was to include all other immigration than that for teaching, trade, travel, study, and curiosity—which was objected to, as it included artisans—the following amendment was obtained:

The Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body or household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exceptions which are accorded to the citizens and subjects of the most favored nations.

This treaty did not abrogate either the treaty ratified in 1859 or the Burlingame treaty, ratified in 1869, but was simply amendatory of some of their provisions.

It was one-sided, and was a concession by China of some of the rights she enjoyed under the previous treaties.

The first bill passed by both branches of Congress after this new treaty stipulation had been agreed to was vetoed by President Arthur, chiefly on the ground that it excluded the Chinese laborer for twenty years, which he held to be too long to be within the meaning of the treaty provisions.

The act of May 6, 1882, was then passed and became a law. By this such immigration was suspended for ten years. It was amended in 1884 by reason of the frauds resorted to to evade it. In 1888 another treaty on this subject of exclusion of Chinese laborers was agreed to but never ratified by China. The act of September 13, 1888, was passed in anticipation of its ratification and a portion of it only became operative. This act was again amended October 1, 1888, and this act was declared repealed by the treaty of 1894. The act of 1888, September 13, is considered subject to the same objection.

Then followed the Geary Act, of May 5, 1892, which provided for another period of suspension for an additional ten years, which second term expires May 5, 1902.

The convention or treaty signed March 17, 1894, and ratified December 8, 1894, was finally concluded. This absolutely prohibited the coming of Chinese laborers into the United States for ten years from ratification, and if neither government object to its continuance within six months from the time of its expiration it shall continue for another period of ten years.

Among other provisions it contained the following:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming into the United States and residing therein.

And further provided that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries.

It is hard for the citizen who has not studied law, and even many that have, to understand why it should have taken so many acts of Congress and treaties and rules of the Treasury Department of the United States to keep out Chinese cooly laborers. I can only answer that the Chinese are the shrewdest of the people of the earth, and have found some loophole in all the legislation passed or some means of evading laws and regulations, and new laws, treaties, and rules must constantly be made to keep these evasions under control. From the very beginning it has been a game of chess, and they have often been the more skillful players.

#### TOTAL EXCLUSION.

To those who contend that we would settle the matter if we were to take the bull by the horns and prohibit Chinese immigration of all kinds in this new proposed act, I answer that as long as there is in our treaties the excepted classes of officials, teachers, students, merchants, travelers for curiosity or pleasure, we can not pass laws in contravention of the provisions of these treaties. That would be a breach of national faith unworthy of any nation, much more of a nation which stands in the front ranks, if it is not the foremost nation of the world.

The bill now before us—with a few amendments which will in all probability be inserted—is the most complete that has ever been proposed on this subject. While there may be and will be evasions of it, the practical result of its passage will be to stem the tide of Chinese immigration effectually. The few that can steal their way in will not be of any great detriment to us, and if they become so they will be expelled as having come in in violation of our laws.

In answer to those who charge this country with bad faith in dealing with the Chinese, I can only say that their arguments and contentions have no practical merit, and are purely technical.

During the conferences which led to the treaty stipulations of 1880 the Chinese commissioners said that by "limitation" in number they took it to mean that no more Chinese should be allowed to come into the United States in any one year in the future than the greatest number that had gone in in a year in the past, or "that the total number should never be allowed to exceed the number now there;" as to limitation of time, they understood that to mean "that they should not be allowed to go for two, three, or five years." Surely if this suspension under their own construction could be for five years, why could it not be made for a longer time? The Geary Act for ten years was held constitutional and not in contravention of treaty rights, and it took up the second suspension period, making practically a twenty-year period. This third extension may be fairly said to be contemplated and approved of under the provisions of the treaty of 1874.

I will admit that dealing with any other nation than China none of the concessions made on this subject would likely have been made, for it can not be denied that we have been and are in the position of the boy who wanted to keep his penny and the cake at the same time. We want to exercise the right to exclude



the Chinese and still ask for as large a share of her trade as possible, and we do not hesitate to urge that our merchants and other citizens shall have all rights to enter her country for the purpose of extending our trade relations.

#### CHINA OPPOSED TO HER SUBJECTS EMIGRATING.

China's action and position is easily understood when we know that the ruling power of China, the Dowager Empress Tzi-hsi, is an ultra conservative. She worships the past and her ancestors, and "would keep China for the Chinese" and preserve its historic civilization forever. With perfect consistency she has ever pursued this policy, and looks with disfavor upon the emigration of her subjects, especially to occidental countries, where they will be infused with new ideas and customs antagonistic to those of her Empire.

This, in my humble opinion, lies at the bottom of the want of vigorous protest on her part to our policy of exclusion legislation.

#### UNITED STATES CHINA'S FRIEND.

Another reason no doubt is the fact that outside of our exclusion policy, which is well understood and practically assented to by China, we have always been her friend. Whether this position and course of action has been dictated by policy and self-interest or by friendship and fair play can make little difference. It is sufficient that we have shown it in a practical manner on more than one important occasion. While we have asked an open-door policy for the trade of the world, we have always opposed a dismemberment of her broad empire.

By offers of our good offices, often attended with some show of determined insistence, we have obtained favorable conditions of peace and the lowering of indemnities imposed upon her. Besides all this, we are her nearest and cheapest market, and she knows we have a deserved reputation for fair dealing with her subjects. So on the whole I am satisfied that of all the foreign nations operating in the Orient China is most kindly disposed to the United States, exclusion or no exclusion laws. And I do not believe it is at all reasonable to suppose that the passage of the measure before us will in any way materially interfere with our rapidly growing trade and commerce with her.

#### CHINESE TRADE.

A word about this trade, which furnishes but another example of the absolute fallacy of the doctrine that trade follows the flag. This country is the only one of the commercial nations who has not grabbed and does not own outright or control by lease or agreement a piece of the Chinese land, and yet to-day it ranks as third in the value and volume of its trade relations, Great Britain and near-by Japan alone exceeding us. The most recent statistics at hand are those of 1899, which are as follows, and show by comparison that in four years the United States has doubled its sales to China while Great Britain's have perceptibly decreased:

	Imports.	Exports.
United States.....	\$16,059,041	\$15,624,558
Great Britain.....	28,936,083	10,060,014
Japan.....	22,634,048	11,804,867

China sells us chiefly silk and tea, as well as large quantities of hemp, hides, leather, matings, and oils.

China is our most important customer in cotton cloths, and buys over one-half of what we export. Cotton cloths and petroleum are her chief imports from the United States at the present time. As the years go by and China improves her manufacturing abilities we may lose a part of the cotton market, but we stand ready—in fact, are the only nation in the world—to furnish her with the finished material for the building of railroads and bridges and the equipment for her transportation lines, as well as the machinery for her prospective manufactories, all of which must give us a steady increase of trade with her development. She has learned to buy in, the quantity and quality considered, the cheapest market, and her people are too shrewd and bright to leave sentimental considerations stand in the way.

In view of these facts the threatened loss of trade is a bugaboo not worthy to be considered when issues of such paramount importance to the American people are at stake.

#### ARE EXCLUSION LAWS NECESSARY?

I am well aware that there are many people in the United States who believe our citizens who so strenuously demand the passage of this legislation are needlessly alarmed and greatly overestimate the baneful effect of opening this country to free Asiatic immigration or to subjecting it to any more than such restrictions as are now imposed upon citizens from other countries.

These men contend that the Chinese will never come to our shores in sufficient numbers to be any considerable factor in labor competition. That those who do come will be of great benefit, as they will furnish us much needed labor in the lowest grades in

which they claim the present labor market is greatly deficient; and will furnish house servants of a superior kind which can not now be obtained except at wages beyond the ability of the average citizen to pay. As to the number that would likely take advantage of a termination of the exclusion act, that is, of course, problematical, but that it will be very considerable, from all the information I have gathered from statistics, books, and personal observation, is certain. We must not forget that China has a population over 400,000,000 souls. Her country is overpopulated and the struggle for existence is desperate. She would not miss, and could with benefit lose 10,000,000 of her coolly population, who would be only too glad to seize the opportunity of bettering their condition should a good chance present itself.

I have no doubt that the flow of immigration without exclusion laws would be steady, and if they received no ill-treatment would rapidly reach the million mark. That in itself would create a most effective and disastrous competition, for those immigrants are almost entirely able-bodied men. In our population of 80,000,000 we can not have more than from ten to twelve million able-bodied wage-earners. The addition of a million would create an immediate impression on the labor market. You ask me upon what I base my estimate. Well, take the present conditions which surround us; every trick and device is used to obtain entry. As much as \$500 is paid per capita for successful smuggling. Over the Mexican border comes a constant stream of yellow men, great care being used to scatter them and not attract attention by their numbers; still the stream is steady. So it has been from the British possessions of the north; the drift is steady, but necessarily in a stream not large enough to be generally noticeable. At our ports every contrivance—false swearing, impersonations, claims of belonging to privileged and nonexcluded classes, are constantly made, and only by the greatest watchfulness of our officials are these numbers limited who enter by evasions of the law.

When this is done, in spite of the fact that heavy penalties await offenders, and they are sure they are not wanted or welcomed by our people, we must necessarily believe that there is great anxiety among the Chinese of the port towns at least to make the United States the theater of their operations, recognizing it as a most desirable field. Another reason confirms me in my opinion; that is the fact that throughout the East, wherever he has been welcomed or even allowed entrance, he has overrun the country. A few examples are Singapore and the Malacca Peninsula, the Philippine Islands, the Sandwich Islands, Porto Rico, Cuba, and even densely settled Japan. So you will find him over all the isles of the Pacific, wherever he can find profitable lodgment. Such a source of annoyance has he become to the nations of many countries of the Orient that he is barred out, both by fear of violence and by the most stringent laws; and I instance Ceylon, Australia, New Zealand, Tasmania, and most of the islands of Polynesia.

#### THE CHINAMAN'S TRAITS.

I particularly desire to-day to discuss in connection with the above tendency of John Chinaman to make any available place of profit his temporary home his general traits as they have appeared to me wherever I have seen him at his home or in the countries whither he has immigrated. I will try to clearly state the facts as they have been presented to my personal observation, and you may judge for yourselves whether he will ever make a desirable American citizen or whether it will be good sense for us to allow him to introduce himself and mingle with our people in any great numbers, and come into active competition, not only in the lines of unskilled labor, but in those of skilled labor, mercantile pursuits, and clerical work.

And here it must be remembered that John Chinaman may come into a country as a cooly and begin upon the lowest grade of unskilled work, but he will not remain there long. He is capable of much higher work and is constantly on the lookout for it, and he will make every sacrifice to obtain it. He will not work for the lowest wages any longer than he must, but he will take as little or get as much as he can, and he prefers light work at all times to hard manual labor. So whether he gets paid ill or well, has hard manual labor or light, easy employment depends upon his natural capacity, which I will discuss with other of his important traits before I close.

#### PERSONAL OBSERVATIONS.

When our party of travelers last summer landed at Colombo, the principal city and most important seaport of the island of Ceylon, we first came into direct contact with that picturesque and most comfortable means of conveyance propelled by man power, so common throughout the Orient, but entirely unknown in the Occident—the jinrikisha. From reading books on China and Japan and seeing the illustrations in them we had become acquainted with the fact of its existence, and I marveled that they were not pulled by Chinese coolies as these books and illustrations indicated. Upon inquiry I found that the Chinaman was



unknown in Ceylon; that the few that had come there were driven out by the native Tamil and Singalese. He was so dreaded and feared by the natives as a competitor that by general consent it was agreed that his presence could not be tolerated. This being well known, they had never been troubled with him, and the jinrikishas were manned and all labor done by the natives. By way of remark let me say that the African negro was also persona non grata there, and has never made his appearance on the island.

When we reached Singapore, the opposite was the case—the Chinaman was ubiquitous, on the bay his sampan floated everywhere. On the streets and roads thousands were pulling jinrikishas. The occupants of many of them were Chinese, and it was of most common occurrence to see one Chinaman pulling another Chinaman or two about the streets.

Let us pause to examine the island or port of Singapore for the purpose of acquainting ourselves with its commercial importance. Equally distant between Ceylon and Hongkong, commanding the entrance from the west of the China Sea by way of the Straits of Malacca, and having the Malay Peninsula as the hinterland, it is ideally located. Its geographical position and fine harbor, extensive go-downs, with unrivaled docking facilities, enormous coal supplies, and Chinese labor make it the great central market and transshipment port of the Orient. It receives the merchandise from Siam, Borneo, the Philippines, the French possessions of Cochin China, from Java, Sumatra, the Malay Archipelago, as well as the commerce coming north from Australia and from the west through the Suez Canal. This makes it the great distributing center. Ten millions of tons of merchandise entered and left in 1898 and much more since then, for its growth has been rapid and steady.

It is one of the Straits Settlements and a British Crown colony. Some years ago the English owned practically all of the real estate on the island. How is it now? Outside of the government property, the far larger part is owned by Chinese merchants. The settlement is practically owned and controlled by the Chinese. It is called the "Chinaman's heaven." In all branches of trade, industry, and labor he exercises a dominating and controlling influence. Silently and patiently he has set to work to root out foreigner and native alike, and he will be successful if he is not so already. I was informed by an American living there and representing a great American industry that one could not buy or sell a thousand dollars' worth of goods coming or going without it passing through the hands of the Chinese merchant, such monopolists of the trade of the country have they become. Among the merchants they number not only many rich men but many millionaires.

They have strong merchant guilds and are great organizers of trade and commerce. He further assured me of their absolute honesty in commercial dealings, saying that they not only paid their debts, but a verbal promise to pay money was at all times as reliable as a written one. The payment was always made promptly, punctually on the hour, without any dispute or question whether the commodity bought or sold had decreased or advanced in price. When one Chinese merchant became involved and could not pay, which was a rare case, he was backed by his whole guild or commercial society, and they invariably made his engagements good. They are known to be the most careful and keenest business men in the world, and as a trading race they are said to be far superior to the Hebrews.

In the matter of the acquisition of real estate, they gradually, after making a start by a purchase in one section, extend their purchases on all sides. Silently, patiently, remorselessly, this goes on. Every trick is resorted to to make the location unprofitable and unpleasant to the owner and his tenant, and when he becomes tired of losses and embarrassments and annoyances of all kinds and is not only willing, but anxious, to get away, a Chinese purchaser steps up and buys him out at as great a bargain as he can obtain. No one can withstand this silent but irresistible attack. He has money and craft, nerve and bulldog tenacity of purpose which overcomes every ordinary barrier.

Just as he has spread himself over Singapore he has, by the same steady, silent, patient, aggressive tactics, monopolized Hongkong and Shanghai, and is at the present time by far the largest owner of the real estate of these two great marts.

The truth of the quotation from Senate Document No. 137 of first session of the Fifty-seventh Congress impressed me. The words used are, "None can withstand their silent and irresistible flow, and their millions already populate and command the labor and trade of the islands and nations of the Pacific."

#### MALACCA PENINSULA.

Now, let us take up the condition as it existed and developed in the Malacca peninsula. Here the Chinaman had been attracted by the discoveries of tin in large quantities, and flocked into the mining districts to take hold of the work. They have by their numbers and persistence and industry driven out the native labor

and monopolized it. They became so numerous and powerful that the Malay races became unable to administer their own governments and control the Chinese who had overrun the country, and the result was first discontent and then riots, and these turbulent conditions extended to such an extent that the Chinese had frequent conflicts between themselves.

They fought each other with a fury and carnage unknown in Malay warfare. The system of piracy which existed in and around Perak and that part of the Malay peninsula arose from these conflicts, and these pirates were notoriously almost exclusively Chinese. Driven to the coast by their fellows, and deprived of food and supplies, they preyed upon every passing vessel with impartiality. This went so far that the Chinese leaders, directed by the heads of their secret societies, attacked British posts beyond the border of Perak. This freed the hand of that nation, ever on the lookout for an excuse to extend its dominion, and the result was England's final occupation and control of the whole peninsula. The value and importance of this acquisition may be easily understood when it is known that nine-tenths of the tin entering the commerce of the world is mined there.

#### PHILIPPINE ISLANDS.

Journeying from there you strike the Chinaman again in the Philippine Islands. Much has been said of him here, and perhaps little need be added; but you will find him there not as the cooly, not as the man engaged in unskilled labor. He is the best workman there to-day, and he was almost the only merchant until the time of the American invasion, that existed in the Philippine Islands. In examining the workshop of the only railroad on the island I was astonished to find that the superintendent of repairs and construction was a Chinaman. I was assured that all the machinists of any great value and importance employed by that company were Chinese.

Mr. HILL. And did you not find in the navy-yard at Cavite that the best mechanics and a large portion of the labor force employed by the American Government were Chinese rather than Filipinos?

Mr. GREEN of Pennsylvania. I was coming to that. In the boiler shops and places where machinery is made and repaired, throughout the whole city of Manila, the best artisans are the Chinese; and, as has been stated by my colleague, at Cavite and wherever skilled labor is required the head managing man in all departments of skilled labor is a Chinaman. Wherever you go throughout that island and hunt the stores out of which the natives purchase, you will find that but few, and they are of the smallest character, are controlled by the natives. The Chinaman has a practical monopoly of all the retail, if not a considerable part of the wholesale, business.

One remarkable fact I learned. In the lower part of the archipelago, the only place where pearls are found, although it was under the control of the Sultan of Sulu, a Mohammedan, still I found that the entire product of the pearl fisheries went into the hands of the Chinese merchant, is taken by him from there to Singapore and Chinese ports of the East and exchanged. These Chinamen of the Philippines often, I found, married the native women and raised Chinese-Mestizos; but they do not do that with any intention of remaining there the rest of their lives and of settling and being buried there. When a Chinaman reaches a time that he becomes independent, his universal rule seems to be to give something to his wife and something to his children, and, after dividing his property, to take the bulk of it and go home to the land of his ancestors without further thought of wife or children.

When we came to Hongkong we found there the Chinaman almost as ubiquitous as he was at Singapore. There he ran the jinrikishas and all the great mercantile establishments; there he was at the head of all the guilds which furnish the export trade to the world. His numbers here are placed at 250,000 while British and Europeans, including the garrison, number only 7,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. Does the gentleman desire further time?

Mr. GREEN of Pennsylvania. In a few minutes more I can conclude.

Mr. HITT. I yield to the gentleman time to conclude his remarks.

#### CANTON.

Mr. GREEN of Pennsylvania. A short distance away lies, to my mind, the most unique city in the world, that of Canton, which has two and a half millions of inhabitants; and not a single wheel moves there, not even a wheelbarrow, with no beast of burden except man. More than that, we were unable to get through the streets in this city except in a sedan chair, carried by from three to four coolies. The streets of the city are between 6 and 8 feet in width; they rarely go beyond that. There is an immense amount of property in the shape of merchandise in that town. The people are most industrious workmen. Every



kind of hand work that requires a skilled artisan is made in that place. I saw embroidery there that must have taken skilled women at least from three to six months to make, and it was sold for the sum of from two and a half to four dollars in gold, and that, of course, took in the value of the materials which entered into it, which were of the finest. Skilled artisans live here on \$2 per month.

I have not time to go into the details, but wherever you turned the fact that labor did not count forced itself upon your attention. Everything was cheap, but labor was the cheapest. I asked at Hongkong how much the British Government paid a day to work on the roads in the heat of the summer, and I received the reply that men were paid 25 cents Mexican, which is equal to 12½ cents, and women half as much.

If we want to bring the American people down to the plane of life that that exemplifies, all we have to do is to open our doors to the hordes who know too much of the wealth and the large wages that can be earned in this country.

The Chinaman has many points by which he will drive out even the American workmen should he come here. People make a great mistake who think he has no virtues. As a workman I know of none who has greater or more. I will mention just a few. In the first place he is temperate.

Mr. HILL. Absolutely.

Mr. GREEN of Pennsylvania. You will never find a drunken Chinaman at work. The drunken Chinaman is where the Chinaman uses opium, and that to no great extent, I will say, irrespective of what we may see of it in San Francisco and perhaps other towns. But throughout the Chinese Empire the Chinaman is temperate in the extreme. His temperance goes beyond that; he is really abstemious, not only in drink and in smoke, but in food alike.

At Shanghai I visited the opium joints, dancing halls, and places where the natives gather for amusement and entertainment. The hour was not later than about 10 o'clock when I left, and by that time all the opium joints had shut up and their patrons departed, for they were empty. Few, comparatively, of the Chinese in China use opium to excess.

Mr. KAHN. Will the gentleman from Pennsylvania allow a suggestion?

The CHAIRMAN. Does the gentleman yield to the gentleman from California?

Mr. GREEN of Pennsylvania. Certainly.

Mr. KAHN. Almost all the writers on China hold the contrary view. The men who have traveled there very extensively say that one of the besetting sins of the Chinese is their great love for opium and that it has had a very degrading effect on the people.

Mr. GREEN of Pennsylvania. That may be the fact as to some Chinamen, but the men, as I understand it, who have written of China have taken the people of the seaport towns of China for their statements. They have not gone into the interior; and I do not blame them for that, because every traveler that has gone there has said that he is followed by a swarm of Chinamen as sheep follow the bell wether. He can not eat or rest in peace, and they simply follow him out of mere idle curiosity until they have driven him out in utter disgust if not in fear. You have heard that they are not cleanly. The Chinaman is clean. Now, that may be controverted, but wherever you find a Chinaman—of course, as you find other people, some are dirty, but the rule of the race is that he is clean. I never saw a dirty Chinese servant and I saw many of them.

He bathes frequently. Why, a great many of these people absolutely live, raise their families, and have lived for generations on the water. There are millions of them that have been born and bred and worked and died within a compass of the size of a boat about 16 feet in length and 5 or 6 feet in width. In Hongkong I saw a remarkable instance, where a man who owns a boat had his aged grandmother, 83 years of age, his mother, somewhat younger—he had his wife and three or four children and one grandchild on the boat that took my baggage to the hotel. He told me that he had lived there and his father and grandfather had lived before him on this small boat or one like it. He expected to die there. In these port towns and in the rivers millions of people are born, live, and die on boats.

I believe there has not been a writer or traveler that has not agreed upon the fact that the Chinaman is the most industrious mortal in the world. We do not have to go far to see that. Go into the towns where there is a Chinese laundry, and the last light put out at night is that in that laundry. The first man astir in the morning is the Chinaman. It is so throughout the Celestial Empire. He is industrious in the extreme, and being temperate and industrious that is the reason that wherever he goes throughout the places where the oriental races live he can always maintain his position there. He can always fight his way with any native people of these countries.

Everybody admits that he is economical, for how could he live

and raise a family when he receives only 7 to 25 cents a day? Certainly we could not live on that in this country. There may be some truth in the story that his stomach is not large enough to hold a great amount of food. Probably the fact is not that his stomach is not large enough, but the conditions that surround him are such that he does not get enough to put into the stomach, and by being constantly obliged to control his appetite has by this habit become able to subsist on less and maintain his strength on less than any people of the other nations of the world.

The honesty, I have no doubt, of a Chinaman is disputed; but, gentlemen, when you go to Japan you will find in every bank in that great Empire every man that is employed in the bank except a few of the head men, from messenger up to cashier, is a Chinaman, and it was that way through the whole China-Japanese war. Not only is the Chinaman in the banks, but you will often find him as the trusted and confidential employee as well as the superintendent of departments in many of the large manufacturing there. In the greatest of the manufacturing cities of Japan, Osaka, with its 800,000 of population, you find John Chinaman often bossing the job.

Almost everywhere in the East in the English hotels, which are in all the important cities, the servants are Chinese, and the universal answer to inquiries made of their employers was that they were scrupulously honest, capable, clean, and faithful. In fact, this so impressed itself upon a member of the party with whom I traveled that he would have liked to take one along home to act as his body servant, exclusion or no exclusion laws.

Go to the Sandwich Islands, which is the next place, and he has absolutely run out the natives. I remember of going to the beach to bathe, and I made a remark, "Where are the native people?" I expected to see them disporting themselves in the waters, and to find them in their pleasure boats sailing and paddling along the shores. The guide said: "Times ain't as they used to were. In those days the native had plenty of leisure, and much of his time was spent in the water. He has now reached the time in the progress of American civilization when he has all he can do to scratch together a bare living, and instead of spending his time in the water he has to hustle to get enough to eat." This, by the way, is the usual result of the introduction of civilizing influences among native populations and allowing their lands to be overrun by the exploiter and speculator, assisted by the cheap labor of China and Japan.

In these islands I found that the men who supplied the markets were Chinamen. The men who grow the plantains and the bananas, the pineapple; the men who grow every bit of the market produce consumed in the city of Honolulu; the men who raise the ducks and the chickens, who raise the beef and catch the fish are almost invariably Chinamen. I suppose there may be from 25,000 to 30,000 Chinese there now.

Mr. KAHN. There are about 25,000.

Mr. GREEN of Pennsylvania. I know the number is large compared with the amount of territory under cultivation there. I don't know whether the Japanese exceed him in number—

Mr. KAHN. The Japanese number about 60,000.

Mr. GREEN of Pennsylvania. If he does exceed him, he is the only race. There has been a great effort made to get the Japanese there and keep the Chinamen out, for the reason that the Chinaman will not patiently remain a coolly laborer on the sugar plantations, but is always seeking for some more remunerative and less arduous work, and therefore can not be depended upon for a series of years, as can the Japanese.

I have given a short account of the Chinaman as he appears to the American traveler in Hongkong, Canton, and Shanghai—three typical commercial cities of his home land. I have also given a sketch of him as he appears in those places outside of his country into which he has introduced himself, attracted by the opportunities for earning profit, some of which he has overrun and practically monopolized the trade and labor market, and sometimes the very land, viz, Singapore, the Malacca Peninsula, the Philippine Islands, the Sandwich Islands. I have made mention of him in Japan. My colleague from California [Mr. KAHN] in his excellent speech on this bill has given quite a detailed sketch of John Chinaman as he will be found in California and the Pacific States, where he has in the largest numbers located and established his home for the time being at least.

Wherever you find him he maintains all the peculiarities of his race, its manners, customs, mode of life, religious observances, and beliefs; he practices the very vices of his fatherland when possible; he herds together in habitations separated from those of the natives of the community in which he has settled. He takes no interest in the government or the institutions of the country; he does not even enjoy their amusements, except it be that of cockfighting in the Philippine Islands. In no way during the fifty years he has resided in the United States has he ever shown a desire to be incorporated into our national life. He has maintained himself during all this time as a stranger in a strange



land, whose one desire is to work for the accumulation of sufficient money to carry back to China, with which to maintain himself in ease and comfort there among the people of his own race, and, dying, to have his body buried with those of his ancestors whom he worships. So great is his anxiety to be buried in Chinese soil that they tell me every contract made with those who advance money for his passage to this country contains the agreement that in case of death his body shall be deported to his home. The same contract is made with the steamship companies when he purchases a ticket for his return home. The reason that many die returning to China is because when they feel the approach of death they invariably take passage home, knowing that should they die on the way they will be buried there.

One incident showing their utter unfitness for association with and permanent residence in our midst comes to mind. In my home town a Chinaman had been indicted for the rape of a little white girl about 14 years old. He was put under bail promptly in a large amount, owing to the danger of his taking French leave. In the trial all the witnesses for the defense were Chinese laundrymen, and everyone swore to practically the same facts and could not be made to depart from that story, although it was impossible for all of them to have had any knowledge of the facts sworn to had they been true. The very interpreter could not be relied on. It was apparent that they had no regard for the sanctity of an oath nor did they indicate that they knew what that meant. This condition, they say, is universal in court proceedings where they are interested, and it is hard to understand how the courts could maintain their proper functions were they numerous in our midst.

America needs exclusion laws because her shores are so accessible. They do not go to the countries of continental Europe because their labor market is not nearly as desirable as that of the United States. When they once immigrate there in any numbers we will hear of the passage of exclusion acts of the kind passed by this country and Australia and New Zealand.

#### THE YELLOW PERIL.

I believe that it will be the worst of policies for us to stir up the Chinese country and its people and even urge them to adopt our ideas of civilization and progress. She is a sleeping giant who, when once aroused, may do us great harm. It may seem very smart for some of our American exploiters to laugh and sneer whenever the yellow peril is mentioned; but, gentlemen, that yellow peril will be a practical peril to us when it breaks its bonds of conservatism.

The more one studies it the more he fears it, and the way to meet it to-day is to pass this exclusion bill and take our chances in obtaining what trade we can with China. It will not do to extend our trade at the expense and to the detriment of the people of this country.

I do not fear their vices so much as their virtues, but nevertheless I sincerely fear both. As sure as the sun rises in the east and sets in the west, if the cheap labor of Asiatic countries is allowed in great numbers to settle in our midst a social revolution will be the result. Nothing we can do will so soon precipitate a condition of anarchy or institute a reign of violence the very contemplation of which makes me shudder. It is far better for the citizen of the United States and the citizen of China that steps be taken now such as are contemplated. With stringent exclusion acts in force we will remain better neighbors and truer and more lasting friends. The time will come when in the march of our civilization and progress westward the bonds of China will be broken. I believe it to be near at hand. Let us not forget the truth of the saying, "Westward the star of empire takes its way." It has reached our country now; how long will it remain?

Will it not shine on the land of the Celestial Kingdom next? We have seen in the last few decades the absolute transformation of the people of Japan. But a few short years ago they were exactly like the Chinese of to-day. A few progressive reform spirits with the education of the United States and Europe have wrought the change. To the careful observer the seeds of a new dispensation have already been sown in China. Let her people, among whom primary education is universal and learning in its higher branches widespread, turn themselves to the development of a military spirit. They are physically and mentally strong and have the important elements which go into the making of good soldiers and sailors. They will soon be able to handle the weapons of war with the soldiers of the military powers of the world. The step is not a great one and the time will soon come, aye, sooner than most men expect it. Nor is her commercial growth and development far away. We who live to-day may see the time when she, with her great natural resources and cheap labor, will be an active and irresistible competitor in the markets of the world. Let us keep an eye on China and not allow our greed for gain arouse this sleeping five-toed dragon.

Mr. HITT. Mr. Chairman, the time arranged for general debate has expired. I move that the committee now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031 (the Chinese-exclusion bill) and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. SPIGHT, by unanimous consent, obtained leave of absence for one week, on account of important business.

And then, on motion of Mr. HITT (at 4 o'clock and 30 minutes p. m.), the House adjourned until Monday next.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLER of Ohio, from the Committee on Elections No. 1, to which was referred the contested-election case of William M. Horton v. James J. Butler, Twelfth Congressional district, State of Missouri, reported a resolution (H. Res. 203) that no valid election was held in said district on the 6th day of November, 1900, and that the seat now held by the contestee be declared vacant, accompanied by a report (No. 1423); which said resolution and report were referred to the House Calendar.

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13076) to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1424); which said bill and report were referred to the House Calendar.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, reported the same without amendment, accompanied by a report (No. 1425); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 12889) granting an increase of pension to Lucy Good Bigbie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12933) granting an increase of pension to George W. McConkey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12986) granting a pension to S. A. Routh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12961) for the relief of James L. Carpenter—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes"—to the Committee on Ways and Means.

By Mr. McLACHLAN: A bill (H. R. 13388) amending section 13 of Title I, chapter 1, of the Political Code of Alaska—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 13389) for making a grant of alternate sections of the public lands in the district of Alaska, to aid in the construction of a certain railroad in said district, and for other purposes—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 13390) to protect Indian allottees in the control of their allotments—to the Committee on Indian Affairs.

By Mr. MUDD (by request): A bill (H. R. 13391) to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs," approved February 15, 1902—to the Committee on the District of Columbia.

By Mr. RUSSELL: A bill (H. R. 13392) to regulate the sale of viruses, serums, toxins, and analogous products in the District of



Columbia, to regulate interstate traffic in said articles, and for other purposes—to the Committee on the District of Columbia.

By Mr. NEVILLE: A bill (H. R. 13393) to amend section 2289 of the Revised Statutes of the United States of 1878, relative to homesteads—to the Committee on the Public Lands.

By Mr. BOREING: A bill (H. R. 13402) to provide for the improvement of the Upper Cumberland River—to the Committee on Rivers and Harbors.

By Mr. TAYLER of Ohio, from the Committee on Elections No. 1: A resolution (H. Res. 202) declaring that no valid election for Representative in Congress was held in the Twelfth Congressional district of the State of Missouri on November 6, 1900, and that the seat now held by the contestee be declared vacant—to the House Calendar.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 13394) granting a pension to William H. Polhamus—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 13395) granting a pension to Arthur J. Bushnell—to the Committee on Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 13396) granting an increase of pension to Jennie Wagner—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 13397) granting an increase of pension to William H. Robinson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13398) granting an increase of pension to George G. Sabin—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 13399) granting a pension to Annie E. Wallace—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 13400) for the relief of the heirs and legal representatives of Samuel Svenson—to the Committee on Claims.

By Mr. SHAFROTH: A bill (H. R. 13401) granting a pension to John White—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13403) granting an increase of pension to Elisha Disney—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Grand Army of the Republic, Westchester, Pa., favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of David Acheson Circle, No. 39, Ladies of Grand Army of the Republic, Pennsylvania, favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Petition of Division No. 15, Brotherhood of Locomotive Engineers, Buffalo, N. Y., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BARTLETT: Resolution of Lodge No. 12, of Macon, Ga., Boiler Makers and Iron-ship Builders' Union, favoring more restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BEIDLER: Papers to accompany House bill 13394, granting a pension to W. H. Polhamus, of Cleveland, Ohio—to the Committee on Invalid Pensions.

By Mr. BELLAMY: Resolutions of the Chamber of Commerce of Washington, N. C., and Elizabeth City, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. BIEDLER: Resolutions of a mass meeting of the Utah volunteers, favoring bill to allow travel pay from Manila, P. I., to San Francisco to those who enlisted on call for volunteers—to the Committee on Military Affairs.

Also, resolutions of Empire Lodge, No. 6, and St. Clair Lodge, No. 44, Iron, Steel, and Tin Workers, favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Machinists' Union No. 238, and Ferris Lodge, No. 132, Railroad Trainmen, Cleveland, Ohio, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Carpenters and Joiners' Union, of Cleveland, Ohio, asking that the Government building at Cleveland be built of native sandstone instead of granite—to the Committee on Public Buildings and Grounds.

Also, resolutions of St. John's African Methodist Episcopal Church and Zion Congregational Church (colored), Cleveland, Ohio, urging legislation cutting down representation of States disfranchising citizens—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of Polish Society of Pittsburgh, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Railroad Trainmen of Jackson, Mich., favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Brotherhood of Railroad Trainmen of Huntingdon, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. GRAHAM: Resolutions of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, Allegheny, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the State board of health, Philadelphia, Pa., indorsing House bill 7189, known as the Hepburn bill, in relation to the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of American Federation of Labor, Order of Railway Conductors, and certain other organizations, in relation to the exclusion of Chinese laborers—to the Committee on the Judiciary.

By Mr. GRIFFITH: Paper to accompany House bill 13040, granting an increase of pension to Hensley H. Kirk—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13214, granting an increase of pension to William W. Rollins—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Resolutions of Federal Labor Union No. 8065, of Gleezen, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of V. D. Hendrickson and others, of the Third Congressional district of New Jersey, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. McLACHLAN: Paper to accompany House bill for the relief of Annie E. Wallace—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of Journeymen Barbers' Union of South Omaha, Nebr., and Printing Pressmen's Union, Omaha, Nebr., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

Also, resolutions of State Conference of Charities and Correction of Nebraska, favoring the establishment of a laboratory in the Interior Department, etc.—to the Committee on the Judiciary.

Also, petition of certain citizens of Nebraska, favoring the Sulzer resolution relating to the war in the Orange Free State—to the Committee on Foreign Affairs.

Also, resolutions of Machinists' Union No. 13, of Omaha, Nebr., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Barbers' Union, No. 64, South Omaha, Nebr., asking that some of the new war ships shall be constructed in the navy-yards of our country—to the Committee on Naval Affairs.

Also, resolutions of Omaha Branch of Polish National Association, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of J. C. Mitchell, of Fort Wayne, Ind., in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. RODEY: Resolutions of Magdalena Lodge, No. 261, Locomotive Firemen, San Marcial, N. Mex., favoring Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. RYAN: Petitions of Kauty Polish Union, No. 206; John Sobieski III Society, and Branch No. 38, Polish National Alliance, all of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Buffalo Branch Stonecutters' Association, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Coopers' International Union No. 2, of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Journeymen Barbers' Union No. 144, of Buffalo, N. Y., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Resolutions of various labor organizations of Denver, Ward, Kokomo, and Leadville, Colo., for the

further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Bricklayers and Plasterers' Union No. 6, of New Haven, Conn., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of New Haven, Conn., concerning river and harbor improvements—to the Committee on Rivers and Harbors.

By Mr. THAYER: Protest of the Worcester (Mass.) Board of Trade, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. WARNER: Resolutions of Central Lodge, No. 22, Brotherhood of Locomotive Firemen, Urbana, Ill., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 11704, for the relief of Lafayette B. Jacobs—to the Committee on Invalid Pensions.

## SENATE.

MONDAY, April 7, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### PROTECTION OF MINERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Montana. I move that the Senate insist on its amendment and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CLARK of Montana, Mr. CLARK of Wyoming, and Mr. KEARNS were appointed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

A bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" and

A bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes; and it was thereupon signed by the President pro tempore.

### PETITIONS AND MEMORIALS.

Mr. BERRY presented a petition of sundry citizens of Jacksonport, Ark., praying that an appropriation of \$10,000 be made for the purpose of dredging the bar of the White River at that place; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of Bill Posters and Billers' Union No. 9517, American Federation of Labor, of Denver, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 77, Order of Railroad Telegraphers, of Denver, Colo., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Colorado, praying for the enactment of legislation to amend the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a petition of Federal Labor Union, No. 7390, American Federation of Labor, of Central City, Ky.,

praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of Lodge No. 38, Brotherhood of Railroad Trainmen, of Trenton, N. J., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Essex Trades Council, of Newark; of Feeders and Assistant Pressmen's Union No. 19, of Newark, and of Local Union No. 169, of Jersey City, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Local Division No. 85, Order of Railroad Telegraphers, of Trenton, N. J., and a petition of Local Division No. 74, Order of Railroad Telegraphers, of Elizabeth, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Belvidere, Columbia, Hazen, Cornish, Oxford, and New Village, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Kosciuszko Benefit Society, of Perth Amboy; of the Sobieski Society, of Perth Amboy, and of the Sigismont Society, of Perth Amboy, all in the State of New Jersey, praying that an appropriation be made for the erection of a bronze statue in the city of Washington, D. C., to the memory of Brig. Gen. Count Casimir Pulaski; which were referred to the Committee on the Library.

Mr. PLATT of New York presented a petition of the Levi P. Morton Club, of Brooklyn, N. Y., praying that David Parker, a veteran of the civil war, be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of Typographical Union No. 6, of New York City, remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of H. G. Brooks Lodge, No. 169, Brotherhood of Locomotive Firemen, of Hornellsville; of Brewery Engineers and Firemen's Local Union No. 80, of Buffalo, and of the Branch Stone Cutters' Association of Buffalo, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Coopers' International Union No. 2, of New York City; of the East Side Republican Club of the Twentieth assembly district, of New York City, and of the Levi P. Morton Club, of Brooklyn, all in the State of New York, praying for the enactment of legislation increasing the salary of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation amending the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Italian Typographical Union, No. 261, of New York City, and of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Greenport and Brooklyn, in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented memorials of sundry citizens of New York City, Brooklyn, Fordham, Yonkers, and Melrose, all in the State of New York, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of the board of aldermen of New York City, N. Y., praying that an appropriation be made to deepen Buttermilk Channel, in the Bay of New York, in the interest of the commerce of that port and the safety of shipping; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of the Retail Grocers' Association of Michigan City, Ind., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 8065, American Federation of Labor, of Glezen, and of Painters and Decorators' Local Union No. 227, American Federation of Labor, of Hartford, in the State of Indiana, praying for the enactment of



legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Retail Clerks' Local Union No. 286, American Federation of Labor, of Brazil, Ind., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Allied Printing Trades' Council, American Federation of Labor, of Philadelphia, Pa., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Finley Patch Post, No. 137, Department of Pennsylvania, Grand Army of the Republic, of Blairsville; of the Mrs. Sarah Rice Circle, No. 104, of Factoryville; of the Lieutenant James M. Lysle Circle, No. 6, of Allegheny; of the Ladies of the Grand Army of the Republic, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions for certain officers and enlisted men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to \$12 per month; which were referred to the Committee on Pensions.

Mr. CLAY presented a petition of Local Division No. 368, Brotherhood of Locomotive Engineers, of Atlanta, Ga., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Colebrook, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of the Switchmen's Local Union No. 127, of Memphis, Tenn., and a petition of Trunk and Bag Workers' Local Union No. 10, of Nashville, Tenn., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. McMILLAN presented a petition of Ship Carpenters' Local Union No. 8511, American Federation of Labor, of West Bay City, Mich., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. HOAR presented petitions of Boot and Shoe Workers' Local Union No. 252, of Brookfield; of Boot and Shoe Workers' Local Union No. 48, of Rockland, and of Boot and Shoe Workers' Local Union No. 56, of Beverly, all in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented the memorial of A. C. Stoddard and 55 other citizens of North Brookfield, Mass., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Boot and Shoe Workers' Local Union No. 56, of Beverly, Mass., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. DEPEW presented a petition of Auxiliary No. 24, Ladies of the Union Veterans' League, of Jamestown, N. Y., praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows of soldiers to \$12 per month; which was referred to the Committee on Pensions.

He also presented a petition of the Eight-Hour League of America, of Brooklyn, N. Y., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the internal-revenue laws, relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Building Trades Council, American Federation of Labor, of Yonkers, N. Y., and a petition of the East Side Republican Club, of New York, N. Y., praying for the enactment of legislation to increase the salary of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Confectioners' Local Union No. 7, of New York; of the Painters, Decorators, and Paperhangers' Union of Hornellsville, and of Local Union No. 367, of Seneca Falls, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Samuel J. Hood Post, No. 91, Department of New York, Grand Army of the Republic, of Medina; of Local Union No. 212, of Newark; of the Granite Cutters' National Union of Garrison on Hudson, and of Milkmen's Protective Union No. 8744, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Coremakers' Local Union No. 24, of Depew; of Bakers' Local Union No. 105, of Geneva; of Confectioners' Local Union No. 7, of New York; of Bricklayers and Masons' Local Union No. 81, of Auburn; of Local Union No. 212, of Newark; of Typographical Union No. 261, of New York; of Granite Cutters' National Union of Garrison, all of the American Federation of Labor; of Local Division No. 104, Order of Railway Conductors, of Middletown; of Local Division No. 54, Order of Railway Conductors, of New York; of Lodge No. 316, International Association of Machinists, of Niagara Falls, and of sundry citizens of Greenport, New York City, and Brooklyn, all in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. BURROWS presented a petition of Local Division No. 182, Order of Railway Conductors, of Jackson, Mich., praying for the enactment of legislation to promote the safety of employees and travelers upon railroads; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Bricklayers' Local Union No. 15, of Jackson; of the Central Labor Union of Saginaw; of Local Union No. 356, of Hancock, and of the Trades and Labor Council of Lansing, all of the American Federation of Labor, in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the executive committee of the Michigan State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Plumbers, Steam and Gas Fitters' Local Union No. 190, American Federation of Labor, of Ann Arbor, Mich., and a petition of Charles T. Foster Post, No. 42, Department of Michigan, Grand Army of the Republic, of Lansing, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Fuller & Rice Lumber and Manufacturing Company, of Grand Rapids; of John L. Dexter & Co., of Detroit; of the Holly Milling Company, of Holly; of E. Middleton & Sons, of Greenville; of the Huron Milling Company, of Harbor Beach; of the Voigt Milling Company, of Grand Rapids; of the Alma Roller Mills, of Alma; of the Farmers' Club, of Albion; of the White Pigeon Roller Mills, of White Pigeon, and of the Merchants and Manufacturers' Exchange, of Detroit, all in the State of Michigan, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented the petitions of Alfonso Pullen, of Augusta; of Philias Gorant, of Augusta; of Ziba H. Keene, of Augusta; of S. B. Chapin, of Augusta; of Louis Aequil, of Augusta, and of Ira H. Foster, of Augusta, all in the State of Maine, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 280) to provide for enlarging the public building at Kalamazoo, Mich., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 653) for the erection of a public building at Meriden, Conn., reported it with amendments, and submitted a report thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1934) to provide for the purchase of a site and the erection of a public building, thereon at Biloxi, in the State of Mississippi, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4053) granting an increase of pension to Henry E. De Marse; and

A bill (H. R. 10957) granting an increase of pension to Mary E. Stockings.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 11096) to confer



jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900, reported it with an amendment, and submitted a report thereon.

#### NATIONAL GALLERIES OF HISTORY AND ART.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That there be printed and bound in paper 2,500 copies of part 1, Senate Document 209, first session Fifty-sixth Congress, being a petition of Franklin Webster Smith for the site of the old Naval Observatory for the National Galleries of History and Art, which shall be for the free distribution to visitors at large to the establishment known as the Halls of the Ancients, in the city of Washington, D. C.

#### PUBLICATIONS OF THE GEOLOGICAL SURVEY.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 74) relating to publications of the Geological Survey was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter the publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to one volume, of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; Mineral Resources, of ordinary octavo size; Water-Supply and Irrigation Papers, of ordinary octavo size, and such maps, folios, and atlases as may be required by existing law.

That hereafter the reports of the Geological Survey, except the annual report of the Director, shall be published in editions as recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed 10,000 copies.

That whenever the edition of any of the reports of the Survey shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey shall state will, in his judgment, be necessary to meet the demand.

That the Bulletins and Professional Papers shall be distributed gratuitously and not sold; and that, of the number published, 1,000 copies shall be delivered to the Senate and 2,000 copies shall be delivered to the House of Representatives for distribution.

That the provision of law approved June 11, 1896, restricting the Water-Supply Papers to 100 pages and to editions of 5,000 copies shall be, and hereby is, rescinded.

That the Director of the Survey shall transmit to the Library of Congress two copies of every report of the Bureau as soon as the first delivery to the Survey is made, such copies to be additional to those received by the Library of Congress under existing law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. TELLER. From what committee does it come?

The PRESIDENT pro tempore. The Committee on Printing.

Mr. TELLER. I think it had better be printed. It seems to me to be a pretty important measure.

Mr. PLATT of New York. It is indorsed by the Secretary of the Interior.

Mr. TELLER. No one can know anything about it from hearing it read at the desk. I do not see any necessity for pressing it this morning. I myself should like to look at it.

Mr. PLATT of New York. All right.

The PRESIDENT pro tempore. Objection being made to the present consideration of the joint resolution, it will be placed on the Calendar.

#### COURTS IN NORTH CAROLINA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 184) to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C., to report it back favorably without amendment, and I ask for its present consideration. It is very short.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ANATOMICAL BOARD OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. On the 13th day of March the Senate passed a bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia. The bill likewise passed the House of Representatives and was recalled from the President for amendment. I now report an original bill embodying certain amendments, and I ask consent that it be considered at the present time.

The bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That there shall be, and is hereby, created, in and for the District of Columbia, a board for the control of the dead human bodies

hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine or doctor of dental surgery, or both; the Post Graduate School of Medicine, incorporated by an act of Congress approved February 7, 1896, entitled "An act to incorporate the Post Graduate School of Medicine of the District of Columbia;" the medical schools of the United States Army and Navy; the medical examining boards of the United States Army, Navy, and Marine-Hospital Service; and the board of medical supervisors of the District of Columbia. Said board shall be known as the anatomical board of the District of Columbia, and shall consist of the health officer of said District and two representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the by-laws of such faculty, except in the case of the medical schools of the United States Army and Navy, the representatives from which shall be selected and detailed by the Surgeon-General of the Army and the Surgeon-General of the Navy. Said health officer shall call a meeting of said anatomical board for organization at a time and place to be fixed by said health officer as soon as practicable after the passage of this act. Said anatomical board shall have full power to establish by-laws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said anatomical board and by the United States attorney for the District of Columbia.

SEC. 2. That every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said anatomical board, or such person as may be designated by the said board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said anatomical board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said board and permit said board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said anatomical board within twenty-four hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

SEC. 3. That the said anatomical board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this act. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such school and board shall report to said anatomical board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said board may direct. All bodies shall be delivered among such schools and boards in regular order, so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than twenty-four hours prior to such delivery notice of the death has been given by said anatomical board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said anatomical board at least once in a daily newspaper published in the city of Washington, in the District of Columbia. The notice required by this section shall be deemed to have been given if served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said board shall be properly filed by it.

SEC. 4. That no school except the medical schools of the United States Army and Navy shall receive any body under the provisions of this act until said school has given bond to the District of Columbia, and the Board of Commissioners of said District has approved such bond, which said bond shall be in the penal sum of \$200 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the science and art of medicine and of dentistry.

SEC. 5. That it shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this act to see that such bodies are used in the District of Columbia and for the promotion of the science and art of medicine and of dentistry, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

SEC. 6. That any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be so transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than \$200 or imprisoned in the workhouse of said District for not more than one year.

SEC. 7. That neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical schools of the Army and Navy, the medical examining boards of the Army, the Navy, and the Marine-Hospital Service, and the board of medical supervisors of the District of Columbia; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said anatomical board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion



of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

SEC. 8. That any person having any duty enjoined upon him by the provisions of this act who willfully neglects, refuses, or fails to perform the same, shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment in the workhouse of the District of Columbia for not more than one year.

SEC. 9. That all prosecutions under this act shall be in the police court of the District of Columbia, on information brought in the name of said District on its behalf.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. GALLINGER. I ask the Secretary to read the changes made by this bill in Senate bill 2291, which was recalled after its passage by the two Houses.

The Secretary read as follows:

In section 1, page 2, line 1, after "medical," strike out "school" and insert "schools;" in the same line, after "Army," insert "and Navy;" in line 10, after "medical," strike out "school" and insert "schools;" in line 11, after "Army," insert "and Navy;" and in line 12, after "Army," insert "and the Surgeon-General of the Navy."

In section 3, page 4, line 23, after "such," strike out "school" and insert "schools."

In section 4, page 5, line 23, after "medical," strike out "school" and insert "schools;" and in line 24, after "Army," insert "and Navy."

In section 7, page 7, line 3, after "medical," strike out "school" and insert "schools;" and in line 4, after "Army," insert "and Navy."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT STERLING, ILL.

Mr. SIMMONS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1556) for the erection of a post-office building at Sterling, Ill., to report it favorably, with an amendment in the nature of a substitute.

Mr. MASON. I ask unanimous consent that the bill be placed on its passage.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information. The committee amendment, which proposes to strike out all after the enacting clause, will be read.

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Sterling and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$55,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported from the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the

purchase of a site and the erection of public building thereon at Sterling, in the State of Illinois."

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. LODGE introduced a bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4996) authorizing the President of the United States to nominate Lieut. Commander W. P. Randall, now on the retired list, to be a commander on the retired list; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4997) for the relief of the estate of Bradford Hambrick, deceased;

A bill (S. 4998) for the relief of the estate of Peter S. Baker, deceased;

A bill (S. 4999) for the relief of William C. Bragg; and

A bill (S. 5000) for the relief of the estate of Hamilton G. Bradford, deceased.

Mr. MCENERY introduced a bill (S. 5001) for the relief of Maurice Stearn, executor of the estate of Isaac Bloom, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 5002) creating a commission to inquire into the condition of the colored people of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. TELLER introduced a bill (S. 5003) granting an increase of pension to Franklin Fulton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 5004) granting an increase of pension to James Locke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5005) granting an increase of pension to Adele Paré; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5006) granting a pension to Annie P. Pinney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5007) granting an increase of pension to James Irvine; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5008) for the relief of the legal representatives of Edward Lupton, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 5009) for the relief of Theodore R. Timby; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5010) granting an increase of pension to John W. Dashiell;

A bill (S. 5011) granting an increase of pension to Mary S. Mattingly; and

A bill (S. 5012) granting an increase of pension to Albert H. Dutton.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5013) granting a pension to John J. Mefford (with accompanying papers);

A bill (S. 5014) granting an increase of pension to Isaiah Garretson (with accompanying papers);

A bill (S. 5015) granting an increase of pension to Dexter McMaster (with an accompanying paper);

A bill (S. 5016) granting an increase of pension to Robert A. Heaney (with an accompanying paper);

A bill (S. 5017) granting an increase of pension to Isaac Rhoe (with an accompanying paper);

A bill (S. 5018) granting a pension to Frances D. Richison (with accompanying papers);

A bill (S. 5019) granting an increase of pension to Hannah E. James (with accompanying papers);

A bill (S. 5020) granting a pension to Emma D. Goslin (with an accompanying paper);

A bill (S. 5021) granting a pension to Michael Aurand;

A bill (S. 5022) granting a pension to Jonathan Budd;

A bill (S. 5023) granting an increase of pension to William E. Rhyon;

A bill (S. 5024) granting a pension to Andrew F. Shields;

A bill (S. 5025) granting a pension to John W. Hurd;

A bill (S. 5026) granting an increase of pension to W. H. Neal;

A bill (S. 5027) granting an increase of pension to Liantha T. Grumley;

A bill (S. 5028) granting an increase of pension to Samuel D. Willard;

A bill (S. 5029) granting an increase of pension to Benjamin Jelloff, jr.;

A bill (S. 5030) granting a pension to Thomas W. Mathews;

A bill (S. 5031) granting an increase of pension to J. W. Shepard;

A bill (S. 5032) granting a pension to Eliza Page;

A bill (S. 5033) granting an increase of pension to Price W. Harvey;

A bill (S. 5034) granting a pension to Margaret Robison; and

A bill (S. 5035) granting an increase of pension to Henry Strouse.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5036) granting a pension to Charles A. Wheeler (with an accompanying paper);

A bill (S. 5037) granting an increase of pension to Edmond Likes; and

A bill (S. 5038) granting an increase of pension to Adam Hart (with an accompanying paper).

Mr. MASON introduced the following bills; which were severally read twice by their titles, and, with the accompany papers, referred to the Committee on Pensions:

A bill (S. 5039) granting a pension to Emma R. Wallace;

A bill (S. 5040) granting an increase of pension to Stephen G. Cole;

A bill (S. 5041) granting an increase of pension to William O. Gould;

A bill (S. 5042) granting an increase of pension to Joseph P. Maulden; and

A bill (S. 5043) granting a pension to John Hester.

Mr. MASON introduced a bill (S. 5044) for the relief of Dr. Henry Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 5047) granting a pension to E. C. Curtis; which was read twice by its title.

Mr. COCKRELL. I present the petition of E. C. Curtis, Company B, Fourth Regiment United States Artillery, for pension, verified by affidavits of Dr. S. F. Arthur, W. H. Black, S. G. Tankersley, and J. G. Dawson. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLACKBURN introduced a joint resolution (S. R. 75) providing for the purchase of marble busts of Hon. Justin S. Morrill and Hon. D. W. Voorhees, late United States Senators from the States of Vermont and Indiana, respectively, to be placed in the Congressional Library; which was read twice by its title, and referred to the Committee on the Library.

MARY A. MOORE.

Mr. COCKRELL. On December 5 I introduced a bill (S. 898) granting an increase of pension to Mary A. Moore, which was referred to the Committee on Pensions. I move that the committee be discharged from the further consideration of the bill and that it be postponed indefinitely.

The motion was agreed to.

Mr. COCKRELL. I now introduce a new bill granting an increase of pension to Mary A. Moore, and to accompany it I present the petition of Mary A. Moore, with affidavits of Dr. John P. Bryson, L. W. Hagerman, and J. O. Churchill, and letter of L. W. Hagerman and others.

The bill (S. 5045) granting an increase of pension to Mary A. Moore was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate \$3,420 to pay Sandy Wallace, a laborer on the rolls of the Senate, for extra labor performed by him for the six years and three months from December 1, 1893, to March 1, 1900, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing for the appointment by the Spanish Claims Commission of not exceeding two commissioners to take testimony in the island of Cuba, and providing for their compensation; and also authorizing the said commission, in place of the two clerks now in service, to employ an assistant clerk at the rate of \$2,400 and one clerk at the rate of

\$1,600 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment proposing to appropriate \$500 to pay for compiling certain papers and documents for the Committee on Interoceanic Canals, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$77.40 to pay for preparing a table of contents for reports of the Isthmian Canal Commission, being Senate Document No. 54, parts 1 and 2, and Senate Document No. 123, Fifty-seventh Congress, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$250,000 for the erection of a building to be known as "The American National Institute" on grounds donated by the municipal council of the city of Paris, France, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### PENSIONS OF MAIMED EX-SOLDIERS.

Mr. GALLINGER. Mr. President, on the 25th day of March last the Committee on Pensions gave a hearing to the representatives of the United States Maimed Soldiers' League in support of the bill (S. 1887) to adjust the pensions of those who have lost limbs or are totally disabled in them or have additional disabilities. There is quite a call for the statements. The committee had 50 copies printed for its own use. I now ask that 500 additional copies be printed for the use of the Committee on Pensions. It will cost but a few dollars.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire, and the order is made.

#### HOUSE BILLS REFERRED.

The bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Public Lands.

#### ASSAY OFFICE AT PROVO CITY, UTAH.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the bill (S. 150) for the establishment of an assay office at Provo City, Utah.

Mr. HALE. If the debate on the Chinese-exclusion bill is not to go on and occupy the time, I shall insist upon the Calendar being proceeded with in its regular order. As the Senator from Utah has called up this bill, I will not interfere with it, but after that is disposed of, unless the Senator from Pennsylvania goes on with the bill in his charge, I must ask that the Calendar be considered in its regular order. In that way everyone gets in instead of a few Senators having bills considered in which they are interested.

The PRESIDENT pro tempore. This bill would be in order when the Calendar is taken up, being first on the Calendar.

Mr. HALE. Then I have no objection, if the Senator from Pennsylvania does not want to go on with the Chinese-exclusion bill.

Mr. PLATT of Connecticut. What is this bill?

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of a bill which will be read.

The Secretary read the bill (S. 150) for the establishment of an assay office at Provo City, Utah; and, by unanimous consent, the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

Mr. HALE. Now, let us go on with the Calendar.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order. The first case on the Calendar will be announced.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was announced as next in order on the Calendar.

Mr. HALE. I object to the bill. Let it go to the Calendar under Rule IX.



The PRESIDENT pro tempore. The bill goes over and takes its place on the Calendar under Rule IX.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property" was announced as next in order on the Calendar.

Mr. HALE. Let the bill go over under Rule IX.

Mr. NELSON. I object to that course. I do not want to have the bill lose its place on the Calendar. I am willing that it shall go over, but I do not want to have it lose its place. It has gone over a number of times.

Mr. HALE. I will not make any objection to that course; but the Senator understands that there is a great deal of opposition to the bill, and it can not be discussed under the five-minute rule. It will have ultimately to go to the Calendar under Rule IX, where it will have a general discussion, and it can not be discussed under the five-minute rule. If the Senator wants it to-day to go over, retaining its place, I do not object.

Mr. NELSON. I want to have it retain its place on the Calendar.

The PRESIDENT pro tempore. What request was made as to Senate bill 2992?

Mr. GALLINGER. It went to the Calendar under Rule IX.

Mr. HALE. Senate bill 2992 goes to the Calendar under Rule IX.

Mr. GAMBLE. I would much prefer that Senate bill 2992 should retain its place on the Calendar. I think perhaps some understanding can be had in regard to it, and I ask that it be passed over without prejudice, retaining its place on the Calendar.

Mr. PLATT of Connecticut. I have no objection to that course, except that we do not know when the Calendar is going to be called, and those of us who wish to discuss bills may not be here when they are called. If a bill which has been objected to is on the Calendar to be called every morning, it may be taken up some time when those who desire to discuss such bills at length are not here, and it would be passed as a matter of course. I have no objection to the bill retaining its place, but I wish it understood that when the bill is to be considered it is to be discussed more than it can be discussed under the five-minute rule.

Mr. HALE. Now, that is precisely what I had in mind. It hinders our progress with bills that Senators desire to pass which are not objected to, when every morning we meet these bills and have them put over for a day. In the end, each of these cases will have to go to the Calendar under Rule IX, because Senators who are interested for or against them want to debate them longer than the five-minute rule permits. It is in the interest of good business to have them out of the way on this Calendar and go to the Calendar under Rule IX, and then they can be taken up regularly, on motion, and considered.

If the Senators in charge want to have these bills go over one day more I shall not, for one, object, but I will state to those Senators that in the end the bills will have to go to the Calendar under Rule IX, because they can not be discussed under the five-minute rule. Now, the Senators may take their choice and have them stay on the Calendar to-day or not, just as they please.

Mr. NELSON. I want to have Senate bill 1792 stay on the Calendar.

The PRESIDENT pro tempore. Both bills will be passed over without prejudice, retaining their places on the Calendar.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was next in order on the Calendar.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming was next in order.

Mr. HALE. The Senator from Wisconsin [Mr. SPOONER] has been objecting to the consideration of the bill, and he is not here at present.

Mr. GALLINGER. Let it go over.

Mr. HALE. Let it go over.

The PRESIDENT pro tempore. Without prejudice?

Mr. HALE. No; I do not know that it is to go over without prejudice. There is a list on the Calendar which I never heard of before, of cases "passed over without prejudice under Rule VIII." I do not know where they belong. We only know of two Calendars, the five-minute Calendar, under Rule VIII, and the other Calendar, under Rule IX. I do not know what intermediate status a bill has that is passed over without prejudice. It retains its place on the Calendar, I can understand that, and comes up every day. But I want to have the next bill go over under Rule IX. I object to it.

The PRESIDENT pro tempore. This first list was made for the convenience of Senators. It is still a part of the Calendar under Rule VIII, passed over, the cases retaining their places without prejudice. That is only for the convenience of Senators. It is practically a part of the Calendar under Rule VIII.

Mr. HALE. I suggest that in making up the Calendar for tomorrow morning the clerks make up the two Calendars, the Calendar under Rule IX and the Calendar under Rule VIII, and then we will know what is before us.

The PRESIDENT pro tempore. The Senator understands that if objection is made to the consideration of a bill under Rule VIII a motion is in order to proceed to its consideration notwithstanding the objection. But if an objection is made and nothing more occurs than the objection, it goes to Rule IX.

Mr. HALE. And if it goes over on objection, retaining its place, it is to be considered under the five-minute rule when it comes up again. I want to have the next item go under Rule IX.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. A bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy Departments.

Mr. HALE. Let that go to the Calendar under Rule IX. I object.

The PRESIDENT pro tempore. Objection being made, it goes to the Calendar under Rule IX.

The bill (S. 4074) for the relief of Thierman & Frost was announced as next in order.

Mr. ALLISON. Let that go to the Calendar under Rule IX.

The PRESIDENT pro tempore. The bill is objected to and goes to the Calendar under Rule IX.

The bill (S. 3421) for the relief of Eleonora G. Goldsborough was announced as next in order.

Mr. BURNHAM. The Senator from Missouri [Mr. COCKRELL] understands the question involved in this bill and may desire to be present when it is considered. I am expecting him in the Chamber at any moment, and I ask that the bill may be passed over for a few minutes.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

ROBERT J. SPOTTSWOOD, ET AL.

The bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, after the word "Colorado," to strike out "ten thousand" and insert "fifteen thousand seven hundred and thirty-one;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert J. Spottswood and the heirs of William C. McClellan, deceased, of Colorado, \$15,731 as additional compensation for transporting the United States mail from Morrison to Fairplay, and from Fairplay to Leadville, in the State of Colorado, by the said Spottswood and McClellan, from the 1st day of September, 1878, to the 10th day of September, 1879.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REFUND OF PUBLIC-LAND FEES.

The bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries on public lands," was considered as in Committee of the Whole.

Mr. ALLISON. I ask the Senator from Minnesota to explain the object of the change of the existing law as proposed by the bill.

Mr. NELSON. Mr. President, this is a bill which was introduced by the Senator from Oregon [Mr. MITCHELL]. It proposes to amend the existing law in two particulars. Under existing law, where homesteaders or entry claimants have made entries which have afterwards been canceled, they are entitled to have the fees which they had paid at the land office refunded. That is now the law, and the only change in that respect is to limit the return of the fees to the entryman or his legal representatives.

The other provision of the bill and the main feature of it relates to homesteaders or preemption claimants who have entered lands within the limits of railroad grants. Under all our various railroad grants within the primary limits land was put at double the minimum price—that is, at \$2.50 per acre—on the ground that the lands were near to a railroad that was to be constructed. A great many settlers have made their final proof and proved up their lands within the primary limits of those railroad grants at \$2.50 an acre; but it turns out in many cases that some of those railroad grants have been forfeited and that no railroad has actually been built.

The object of this bill—and it is strictly limited to that—is in all those cases where any part of a railroad grant has been forfeited and no railroad has actually been built the settlers within those limits shall not be charged more than \$1.25 an acre, as other

settlers are charged, and where they have been so charged they shall have the money returned—that is, the excess over and above \$1.25 an acre. This is simply to put those settlers on a par with all other homestead settlers who, outside of railroad limits, never pay more than \$1.25 an acre for Government land.

Mr. HALE. Let me ask the Senator, under the land laws, what actually happens when a projected railroad forfeits its right to build and to receive Government lands?

Mr. NELSON. The lands are placed back exactly where they had been before the railroad land grant had been made.

Mr. HALE. Have there been many cases where that has been done without legal controversy?

Mr. NELSON. Not many cases—I do not know just how many—but there have been cases where parts of land grants have been forfeited. We passed an act some years ago forfeiting certain portions of the land grants out on the Pacific coast; and there have been cases where no railroad has been actually built.

Mr. HALE. And the grant abandoned?

Mr. NELSON. Yes; the grant abandoned. The refunds under the bill are strictly limited to those cases.

I want to call the attention of the Senator to the fact that the very theory on which the price of land within railroad grants was fixed at \$2.50 an acre, instead of \$1.25, was that, being within railroad limits, the settlers, being within 10 or 20 miles, as the case might be, of a railroad, got the benefit of the proximity of the railroad, and hence they were to pay a double price for the land.

Mr. HALE. The proximity of the railroad enhances the value of the land?

Mr. NELSON. Yes; but when it has turned out that a portion of the railroad land grant has been forfeited, or the railroad has been abandoned and not built, it is not right that settlers on such lands should pay more than settlers elsewhere.

Mr. HALE. Is the Senator very sure that the bill is so limited that it only applies to such cases?

Mr. NELSON. Exactly. The bill was amended purposely to meet such cases, and it is strictly limited and guarded.

The bill was reported from the Committee on Public Lands with amendments, on page 2, line 10, after the words "General Land Office," to insert "or adjudged invalid by the final decision of a court;" in line 18, after the word "made," to insert the word "and;" in the same line, after the word "which" where it occurs the second time, to insert "portion;" in line 23, after the word "any," to strike out "money under this act," and insert "such excess payment;" on page 3, line 4, after the word "That," to strike out:

Nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railroad land grant where the road to which said grant was made has been constructed.

And to insert:

The provisions of this act as to excess payment shall not apply to any land within the primary or granted limits of any railroad land grant, or part thereof, where the railroad for which said grant was made has actually been constructed adjacent to and coterminous with such land.

So as to make the bill read:

*Be it enacted, etc.,* That section 2 of an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled or relinquished on account of conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his legal representatives, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office or adjudged invalid by the final decision of a court; and in all cases where parties, as preemptions or homestead claimants, have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, and which portion is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the entryman who made the excess payment, or to his executor or administrator for the benefit of the estate: *Provided*, That no claim for any such excess payment shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of three years from the date when such claim shall accrue, or from the date of the approval of this act: *And provided further*, That the provisions of this act as to said excess payment shall not apply to any land within the primary or granted limits of any railroad land grant, or part thereof, where the railroad for which said grant was made has actually been constructed adjacent to and coterminous with such land."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CHIPPEWA INDIAN LANDS IN MINNESOTA.

The bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians, in the State of Min-

nesota," approved January 14, 1899, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 2, on page 4, line 21, after the word "best," to strike out "permit" and insert "require;" on page 5, line 12, before the word "prior," to insert "at least six months;" in line 19, after the word "timber," to strike out "at public auction" and insert "on sealed bids;" in line 21, after the word "bids," to insert "A second notice of such sale shall be published in the newspapers above named for four weeks;" and in line 23, before the word "notices," to insert the word "last;" so as to make the section read:

SEC. 2. That section 5 of said act be amended so as to read as follows:

"SEC. 5. That whenever, and as often as the survey, examination, and lists of 100,000 acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places, and in such tracts, parcels, or districts as he may deem proper, upon sealed bids, with the right to reject any and all bids, on stumpage to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of 5 per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That the Secretary of the Interior is hereby authorized to require with each and every bid such deposit in cash as he may deem proper, and said deposit shall be returned to each bidder whose bid is rejected: *Provided further*, That said timber shall not be sold at a price less than \$5 per 1,000 feet board measure: *Provided further*, That the Secretary of the Interior may increase said minimum price on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, require the purchaser of the timber on any tract or district to erect a mill of a capacity of not less than 20,000 feet board measure of lumber per day of ten hours, and to manufacture thereat the timber on said tract or district, said mill to be located on said tract or district, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding 320 acres of land for mill purposes, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be disposed of as herein provided for other timber: *And provided further*, That at least six months prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in Minneapolis, St. Paul, Duluth, and Crookston, Minn.; Chicago, Ill.; Milwaukee, Wis.; Detroit, Mich.; Philadelphia and Williamsport, Pa.; Boston, Mass., and St. Louis, Mo., of the sale of said timber on sealed bids to the highest bidder, with the right to reject any and all bids. A second notice of such sale shall be published in the newspapers above named for four weeks, the last publication of said last notices to be at least thirty days prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description," etc.

The amendment was agreed to.

Mr. CLAPP. I desire to amend the bill. In section 2, on page 7, line 3, after the word "settlement," I move to insert "and from the operation of this act;" in line 8 to strike out the word "and," before the words "in addition," and insert a period; then, after the word "addition," to insert "to the lands heretofore designated as forestry lands there may be selected," and then to strike out the word "thereto" where it occurs in the eighth line after the word "addition."

The PRESIDENT pro tempore. The amendment offered by the Senator from Minnesota [Mr. CLAPP] will be stated.

The SECRETARY. In section 2, on page 7, line 3, after the word "settlement," it is proposed to insert "and from the operation of this act;" in line 8, after the word "acres," to strike out the word "and;" in the same line, after the word "acres," to insert a period, and in the same line, after the word "addition," to strike out "thereto" and insert "to the lands heretofore designated as forestry lands there may be selected."

Mr. COCKRELL. Now, let the language be read as it will stand if the amendment be adopted.

The PRESIDENT pro tempore. The clause will be read as proposed to be amended.

The Secretary read as follows:

*Provided further*, That there shall be reserved from sale or settlement and from the operation of this act the timber and land on the islands in Cass Lake and in Leech Lake and not to exceed 160 acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates 7,000 acres. In addition to the lands heretofore designated as forestry lands, there may be selected not to exceed 10 sections in area on said reservations last aforesaid, to be selected by the forester of the Department of Agriculture, with the approval of the Secretary of the Interior.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Minnesota [Mr. CLAPP].

The amendment was agreed to.

Mr. ALLISON. Mr. President, this is a very important bill, and it seems to have been very carefully drawn. I think, however, in view of its importance, the Senator from Wisconsin [Mr. QUARLES] who reported the bill should give a brief statement of the effect of it when it shall become a law.

Mr. QUARLES. Mr. President, the first feature of this bill which is entitled to attention is the repeal of the so-called "dead-and-down act," under which certain scandals have arisen and under which it is claimed that the Indians have been defrauded



out of many thousands of dollars. That is repealed. In the next place, the effort of this bill is to secure for the last remaining great body of pine east of the Rocky Mountains—in behalf of the Indians, of course—the very best price that can be obtained.

The leading feature of the bill in that regard is the provision which authorizes the Secretary of the Interior—indeed, requires him—before selling any portion of the pine timber to give notice of six months through the leading newspapers of this country of the fact that six months hence he will offer for sale on sealed bids such quantities as he may select of this body of pine.

The bill also provides that within thirty days of the expiration of that period of six months another similar notice through the medium of these newspapers shall again be given. The object, of course, of that provision, as every Senator will see, is, first, to give the lumbermen of other States than the State of Minnesota ample time to come in and examine this pine timber and find out how much timber there is on each section of land; so the lumbermen from the State of my honorable friend the Senator from Iowa [Mr. ALLISON] will have ample time to go and familiarize themselves with the value of the pine in each particular section of this great body of timber. Then before the sale takes place this second notice is given. Therefore, there can be no claim that the lumbermen of all the States have not been apprised of the fact that this sale is to take place.

Now, the committee have changed the bill in one respect. As originally drawn, it provided for an auction sale. We have thought it better to have the sale proceed along the line of sealed bids, so that the Iowa lumbermen, for instance, who have examined the pine may come in intelligently and make their sealed bids, accompanied with so much cash as may be required and with such a bond as the Secretary of the Interior may think fit to exact to carry out the obligations.

Then, to the Secretary is reserved the right to reject any or all bids. So we are protected in that way from any possible combination among the bidders. Whenever the Secretary has determined which of these bids is the most advantageous, he then proceeds to make a contract; and of course I need not follow the process any further than that.

In regard to scaling, the theory of this bill is that not a log shall be taken off from any reservation until it has been paid for. It is scaled by the process known as the bank scale, and the Government employs the scalers, and the bidder must pay the cash before he takes the logs away at all.

Another feature of the bill, which we regard as important, directs the Secretary of the Interior to demand and to require that the purchaser shall saw the logs on the reservation and give the Indians an opportunity to be employed in every process of that work so far as they may. A sawmill is in a sense a civilizer when taken on one of these reservations, and we regard that as one of the important features of the bill.

The Interior Department, I will say, has conferred carefully in regard to the bill and is thoroughly in accord with the scheme of the committee. I need not mention, probably, the forestry feature of the bill, because the casual reading of it would suggest that feature to anyone.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LABELING OF CHAMPAGNE.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### REPEAL OF WAR-REVENUE TAXATION.

Mr. ALDRICH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18, and agree to the same.

NELSON W. ALDRICH,  
W. B. ALLISON,  
G. G. VEST,

Managers on the part of the Senate.

SERENO E. PAYNE,  
JOHN DALZELL,

Managers on the part of the House.

Mr. JONES of Arkansas. Mr. President, I regret very much that the conference committee has agreed to take the action recommended in this report. I believe that the tax ought to remain on bucket shops, and I should be glad to have it extended so as to include all other transactions of the same kind. I have some tele-

grams from people at home urging me to vote for this proposition. One comes from Conway, in my State, and reads:

MARCH 31, 1902.

We respectfully request you to vote to repeal the war tax on all grain and stock trade transactions whenever executed on or off an exchange by any broker. To remove it from board of trade and stock exchanges and not from individual brokers gives them a monopoly of this business. This means that every cotton transaction must be done in New York or New Orleans, and will work a great hardship on the people of this section, as it will drive the nonexchange brokers out of business and deprive the smaller towns of the market reports, which under the present system they have, and which is of great benefit to them. Knowing your antipathy to monopoly, we feel confident you will vote to repeal the war tax in its entirety, to treat all alike.

J. W. James, Lee Swarz, Joe Frauenthal, W. E. Cox, W. M. Harrell, Max Frauenthal, W. B. Stark, H. O. Moore, S. G. Smith, B. L. Horton, B. F. Witt, J. A. King, L. P. Pyle, Geo. A. Pine, W. B. Young, Conway Cotton Oil Company, Henry Frauenthal, B. F. Spencer.

A similar telegram, coming from Morrillton, is as follows:

MARCH 31, 1902.

We respectfully request you to vote to repeal the war tax on all grain and stock transactions whenever executed on or off an exchange by any broker. To remove it from board of trade and stock exchanges and not from individual brokers gives them a monopoly of this business. This means that every cotton transaction must be done in New York or New Orleans—will work a great hardship on the people of this section, as it will drive nonexchange brokers out of business and deprive the smaller towns of the market reports, which under the present system they have, and which is of great benefit to them. Knowing your antipathy to monopoly, we feel confident you will vote to repeal the war tax in its entirety, treating all alike.

H. B. Henly, H. D. Cammack, C. C. Love, B. A. Mayo, Jas. I. Ellis, J. N. Heagan, J. S. Moore, W. P. Wells, O. T. Bentley, Wood Rainwater, A. V. Hembree, Robt. D. Carl, W. M. Riddick, W. J. Stowers, W. N. Owen, J. H. Scroggins, R. E. Echols.

Mr. President, I believe that this business ought to be taxed, and I should like to see a very heavy rate of taxation applied to all alike. In the bill as it is now there is a provision levying taxes on these smaller bucket-shop transactions. I believe that tax ought to be maintained, and I am not willing to vote to repeal taxes of that sort when there are taxes kept on any reputable or fair business anywhere else in the country. It seems to me to be wrong in every respect. I am utterly opposed to it. While these citizens of my State have been sending such telegrams (and they were doubtless suggested to them by telegraph, for they are the same almost from each town, and that fact indicates that there is an organized movement in favor of freeing bucket shops from the burden they now carry in the Government tax), I am utterly and positively opposed to it.

Mr. PETTUS. Mr. President, I am opposed to all these transactions, that are really gambling transactions in disguise. They are said to be gambling transactions in which the elders may engage without losing their church relation. But a government ought to deal with its citizens fairly. If this had been a bill to tax all transactions of this kind, I could have seen no reasonable objection to it—none at all—but we ought not to pick out a part of a class of men, although we may call them all gamblers, and put a tax on them and let all the remainder of the family go free. I understand the Senate conferees have receded from the amendment which they put on the bill as it came from the House. I do not want to be understood as favoring these unlawful institutions that gamble under the form of a contract prescribed by law. That is really what they are doing. The Supreme Court has held, as you all know, that if both parties agree to take the article at the day appointed, at the price named, that is not gambling at all; provided they did not intend it as a mere form in which to bet on the price of the article, and that if a man claims that it is an unlawful transaction, he has to prove, not that he intended, but that both parties intended not to take the article bargained for. If they both intended not to take it, then it was not a lawful transaction.

But in order to avoid it, the man who objects to the contract as being illegal must establish that both parties intended it to be settled on the basis of the price of the article at the time it was contracted to be delivered. That is a sort of proof which under the New York Cotton Exchange regulations can never be adduced, and although every man, woman, and child connected with the whole business knew that it was a gambling transaction, yet you could not prove it, because you could not get into the other fellow's mind and prove what he intended to do. They all settle the contracts at the prevailing price when the time comes; nobody questions that that is what they intend to do, but when you come to prove it you can not do it.

Mr. President, my opinion is that legislators ought not to single out a particular class of a set of men all transacting exactly the same sort of business, and tax one and leave the other untaxed. I should not object to taxing both of them, but I do think it is wrong for legislators to engage in this partiality in making the law.

Mr. BERRY. Mr. President, this is not a proposition to impose a tax, I will say to the Senator from Alabama [Mr. PETTUS]. It is a proposition to remove a tax which is now in existence. The bucket shops were taxed for a legitimate purpose, to raise

revenue during the time when we were raising revenue and legislating to raise money for the Spanish war. It is a tax on them today. If the conference report be agreed to it will remove the tax from the bucket shops.

Now, it seems to me to vote to take off that tax and leave taxes on so many articles far more deserving of consideration than this is would be unjust. The same bill levies a tax on tobacco. I would much rather vote to remove the tax upon tobacco than to remove it from bucket shops; and I will say, in answer to the Senator from Alabama, that I would be opposed to making this discrimination.

He says, however, that the bill proposes to remove the tax from the larger transactions on boards of exchange. I am opposed to removing that also, but the committee will doubtless say that that was in another section and has passed both Houses and is beyond the reach of the conference committee. Then it ought not to have been so. The tax ought to have been taken off of neither. If it had been taken off of one where it should not be taken off, I do not think that is any reason why it should be taken off the rest of it. This tax is a legitimate tax, put there for a legitimate purpose; and if the Senate votes to agree to the conference report it will remove that tax from the bucket shops. The bucket shops, as we all know, in many little towns throughout the country are regular gambling shops, and the worst character of gambling shops in many places. And yet many Senators, not the Senator from Rhode Island [Mr. ALDRICH], who came in but a few days ago and voted to impose a tax on a legitimate industry in order to crush it out, now turn around and propose to remove a tax from this illegitimate business where it now exists. That is the case as it presents itself to my mind, and I hope the Senate will not agree to the report, but will insist on keeping this tax on the bucket shops.

Mr. PETTUS. I wish to ask the Senator from Arkansas a question. Does not the Senator know that this bill repeals all the war taxes of every kind and restores the tax—

Mr. BERRY. Not restores it. I object to the word. It proposed to retain the tax on bucket shops.

Mr. PETTUS. The bill in its present form, as it now comes to the Senate from the conference committee, I understand, repeals every war tax but—

Mr. BERRY. It does not repeal this one.

Mr. PETTUS. Yes; as it now stands.

Mr. BERRY. As I understand it, the bill as it came from the House repealed all war taxes. The Senate agreed to the House bill with the exception that they did not agree to take the tax off of bucket shops. It refused to agree to that provision. The bill went to conference. The House refused to recede from its disagreement. The Senate now comes in, and the proposition of the report is for the Senate to recede from its amendment. The Senate refused, when it passed the bill, to take off the tax which now exists under the law. Now, the conferees come in and ask the Senate to agree to take it off. That is the situation exactly.

Mr. PETTUS. I want to state to the Senator that this bill does repeal all war taxes of every kind—

Mr. BERRY. Except this.

Mr. PETTUS. If you agree to the conference report, it repeals all war taxes of every kind.

Mr. BERRY. That is correct.

Mr. PETTUS. And the objection I am making to the bill is that you ought not to pick out a particular division of a particular class and tax them and leave all the war taxes as they were before on another class. It is class legislation. It is worse than that even. It is legislation with respect to a particular part of a particular class, because our information, whether we know it or not, is that all of these great exchanges, as they call them, are engaged in exactly the same character of business in every respect.

Mr. BERRY. Mr. President, only a word about the class legislation. I think I may say it is class legislation, according to the Senator from Alabama, to take off the tax on bucket shops and leave it on manufactured tobacco. This bill provides a tax on manufactured tobacco.

Mr. PETTUS. It changes it back to what it was before we put on the war tax.

Mr. BERRY. Certainly. I would much rather remove that than to remove the tax from bucket shops. It is not a proposition to tax an illegitimate transaction, because the tax which was put on there was put on for revenue, for a legitimate purpose, and is in the law to-day.

With thousands of other articles taxed all over the country, necessities of life, to come in and take this one off and leave the tax standing on hundreds of others, matters which are legitimate, I think is bad legislation, and why Senators who voted but a few days ago to put a tax on oleomargarine (and they admitted that it was not done for purposes of revenue, but to crush out the industry) should come in now and ask the Senate to take off a tax

which has already been placed and is by law imposed on these illegitimate gambling concerns I can not understand.

Mr. TILLMAN. Mr. President, it seems to me the Senator from Arkansas [Mr. BERRY] is arguing against his position on the oleomargarine bill, because he contended in that case that it was a tax intended to destroy a legitimate industry in the interest of another legitimate industry, and now he contends that you ought to leave the tax on part of these gambling concerns, but not put it on all.

Mr. BERRY. I beg the Senator's pardon. I say it ought to be left on all; and I never said anything to the contrary.

Mr. TILLMAN. But it is not to be left on all of them.

Mr. BERRY. I say so far as my vote goes it should be; and in addition to that, this tax was not put on for the purpose of crushing out anything. This was put on for the purpose of raising revenue. It was put on legitimately, and is a legitimate tax. Now, the proposition is to pick out this peculiarly objectionable business and take the tax off of the bucket shop, while leaving the tax stand on hundreds of other articles from which it ought to be removed. That is my position.

Mr. TILLMAN. If I understand the condition, it is this: The Senator would like to see a tax on all agencies for speculation which sell futures and the like of that? Do I understand him correctly?

Mr. BERRY. If there were a tax on any such proposition I never would vote to remove it.

Mr. TILLMAN. I know the Senator would not, and I believe he would agree with me that it would be a proper thing, because it would tax out of existence, if possible, these gambling concerns which affect the price of cotton and wheat and other commodities by selling millions of bales of cotton on future contracts.

Mr. BERRY. If the Senator so believes, I do not see how he can vote to take off the tax which was put on this peculiarly illegitimate transaction.

Mr. TILLMAN. Does not the cotton exchange in New York sell futures every day?

Mr. BERRY. I guess it does.

Mr. TILLMAN. Is there any tax on that?

Mr. BERRY. There will be a tax until this bill passes.

Mr. TILLMAN. On that?

Mr. BERRY. I understand the tax under the present law applies to all transactions except where the article is actually delivered.

Mr. TILLMAN. Will the chairman of the committee inform us just what the result of this report will be?

Mr. ALDRICH. Mr. President, the contention of the House conferees, if I may be permitted to say what took place in the conference committee, as I believe I am, was that the effect of this measure as it passed the Senate would be to tax transactions which do not take place on boards of trade and exchanges, but would tax all transactions which take place off such boards or exchanges; in other words, that it was a discrimination in favor of the large exchanges and the large dealers and against the small brokers.

Mr. TILLMAN. It would not, then, affect the cotton exchange or the wheat pit?

Mr. ALDRICH. That is the contention of the House conferees, that the bill as it stands—

Mr. TILLMAN. What is the idea of the Senator himself?

Mr. ALDRICH. I prefer that the language should speak for itself. I am willing to admit that the provision as it passed the Senate is unfortunate, it being the original language used in the act of 1901, and does leave the question open to construction by the courts.

Mr. TILLMAN. Have not the exchanges been paying the tax? Have they ever contested it in the courts?

Mr. ALDRICH. They have been paying it under another section of the law, which was repealed by both Houses, and with which it was beyond the province of the conference committee to deal.

Mr. TILLMAN. It is already repealed?

Mr. ALDRICH. It is already repealed in this act by the action of both Houses, and it was not within the purview of the conference committee.

Mr. TILLMAN. So it does not make any difference what we do with this report, the big fish are untaxed; and the question is whether or not we shall retain the tax on the small ones?

Mr. ALDRICH. That is the contention.

Mr. TILLMAN. It seems to me we should treat all alike.

Mr. ALDRICH. Mr. President, the question is not presented by either of the Senators from Arkansas. Both Houses have acted upon this measure, which reduces taxes to the amount of \$73,000,000. They are in accord except on the one item of the retention of this tax. The House conferees refused to agree to it, and the Senate conferees were obliged to submit to the action of the House, the Senate having put this amendment on a bill reducing



taxes, a bill which, under the Constitution, it was within the power of the House to originate. I do not mean to say literally that we could not insist on the amendment, but I believe every member of the Senate will understand that we could not allow this bill to fail on account of the difference between the two Houses upon this question.

On the simple question of the merits of the controversy, there is another question involved, and that is as to the construction which might be put upon the third section as it is now retained, and as the Senate proposed to retain it in the bill. The third section was put into the law as a part of the general scheme of taxation. We are repealing all the other portions of it and leaving this to stand by itself, and the words about which there is contention are these: This provides that every transaction of a certain nature—

Mr. BACON. From what page does the Senator read?

Mr. ALDRICH. From the eighth page of the revenue-reduction act of 1901. The language is not in the conference report. If the Senator will send to the Committee on Finance and get a copy of the revenue-reduction law of 1901, he will find on the eighth page the provisions which I am now discussing.

Mr. BACON. Will the Senator please state again the designation of the document?

Mr. ALDRICH. The war-revenue-reduction act of 1901. That act provides:

3. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in—

And now comes the language in controversy—  
and without a bona fide transaction on such a board of trade or exchange.

Mr. BERRY. Will the Senator permit me right there?

Mr. ALDRICH. Certainly.

Mr. BERRY. The dispute is whether that includes the larger exchanges. Is that the question in contention?

Mr. ALDRICH. The question is whether a transaction which is in the nature of a sale or a purchase of futures without an understanding that the goods themselves were to be delivered might be made on a board of trade or exchange without taxation, but if made other than on a board of trade or exchange or by a member of a board of trade or exchange would be obliged to pay the taxes.

Mr. BERRY. Is the section the Senator is reading now the one the Senate proposed to retain?

Mr. ALDRICH. The very section.

Mr. BERRY. Then I should like to ask the Senator from Rhode Island why the conferees can not frame language to make it mean that the tax goes both on the smaller and the larger transactions. What reason is there why it can not be so framed that there will be no dispute and no contention about it?

Mr. ALDRICH. We offered to do that, but the conferees on the part of the House would not agree to it.

Mr. BERRY. The only reason is that the House conferees have not been willing to do it. Then this pretense here that we can not put it on and keep it on the larger transaction is not borne out by the statement of the Senator from Rhode Island. The only reason is that the House conferees are not willing to agree to it.

Mr. ALDRICH. The Senator is a little forcible in his language about a pretense.

Mr. BERRY. I was not referring to the Senator from Rhode Island in the remark I made. I meant it in no offensive sense. It has been stated by several Senators here that we could not get it on the larger transactions. I did not intend any offense in the remark.

Mr. ALDRICH. The fact is that the second paragraph of Schedule A taxes transactions made on boards of trade and exchanges. That has been repealed in other parts of the bill by the action of both Houses, and it is beyond the power of the conference committee to act upon it.

Mr. BERRY. But it has been done in another part of the bill. It is in the same bill?

Mr. ALDRICH. It has been done in other parts of this bill.

Mr. BERRY. Does the Senator tell me that language could not be framed and put by the conference report into this provision in dispute so as to make it apply to the larger transactions as well as the smaller?

Mr. ALDRICH. With my understanding of the powers and duties of a conference committee, I should not think it would be within the power of the conference committee to put into the law

a provision which had been repealed by the action of both Houses. That is not my understanding of what a conference report should undertake to do.

Mr. BERRY. The Senator has just said, if he will permit me, that the dispute was as to the meaning of those two words, as to whether they would or would not be held to apply to larger transactions, standing in this provision to the repeal of which the Senate had not agreed. Now, then, if that be true, why can it not be made certain in the conference report, in this particular provision, as to whether it does apply or not.

But aside from that, Mr. President, as I said before, I should be glad to have it remain on both. Because Congress has wrongfully taken it off of one where it ought to stay is no reason why it should take it off of another where it ought to stay.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The question is on agreeing to the conference report.

Mr. ALLISON obtained the floor.

Mr. BACON. Mr. President—

Mr. ALLISON. I yield to the Senator from Georgia.

Mr. BACON. I simply wanted the Senator from Rhode Island to point out the words. I am unable to find them.

Mr. ALDRICH. The Senator from South Carolina [Mr. TILLMAN] has the act and will show the words to the Senator.

Mr. BACON. I wish to ask the Senator this question: If I understood him correctly, the statement was that in the controversy between the two Houses it is contended that according to one construction it would be limited in its operation to the smaller establishments, but according to another construction it would embrace all. Now, it does seem to me that it is unnecessary, unless the Senator thinks that the former construction is undoubtedly the correct one, that we should act upon the assumption that it is limited.

Mr. ALDRICH. The conference committee are not presenting this report upon the merits of this particular section. We say that it is impossible to agree upon its insertion in this bill with the House of Representatives, and we therefore ask the Senate to recede from its action. The Senate conferees are for the provision.

Mr. BACON. The Senate conferees, as I understand, are for the provision upon the construction made by them that it would embrace all transactions of the character, whether they were upon the exchange or not.

Mr. ALDRICH. We were for this provision because we thought it was a proper tax to retain.

Mr. BACON. The Senator thought, I presume, it was a tax which would be general in its operation and effect on the larger establishments as well as the smaller.

Mr. ALDRICH. That is our understanding.

Mr. BACON. That is the theory, as I understand it, upon which the Senate has proceeded, that it was not one which would be partial in its operation.

Mr. ALDRICH. I am bound, however, to say to the Senator from Georgia that this view of the question was not presented in the Senate and it was not brought to the attention of members of the committee until the meeting of the conference committee.

Mr. BACON. If it were true as a conclusion beyond doubt that the effect of the provision as included in the amendment of the Senate would be to limit this tax to the smaller establishments and to relieve the larger establishments, there would be great force in the argument against the retention of the clause. But as I understand it there are two constructions to be put upon it, and the construction which is the more proper one for legislators, it seems to me, as to the general operation of the tax, was the one which the Senate considered to be the correct construction.

Mr. ALDRICH. I am bound to say to the Senator from Georgia that the House members of the conference were against it on either construction.

Mr. BACON. I understand that, and the Senate is for it upon the construction we put upon it. The House is against it even conceding our construction. Now, Mr. President, upon that issue I should certainly hope that the Senate would stand by the position which it occupied before, because it is the proper position.

Mr. President, I am not in favor of this tax because it may be in the opinion of some a righteous thing to destroy a certain business. The effect is not to destroy the business. But I am in favor of the tax because it represents a very large part of the business of the United States which, except under the present law, bears no scintilla of the burdens of this Government and ought to bear its share. If there is any business in the world that ought to bear its share, it is a business which draws for its resources so generally upon all parts of the country, although it may be located at a particular place. The vast flood of money which changes hands through the operations of business of this kind is a flood made up of millions of streamlets which flow from every village and hamlet in the country. And, Mr. President, it is a proper and a successful revenue-bearing subject of taxation.

Mr. ALDRICH. Does the Senator from Georgia contend that because it is a proper subject of taxation there can be no agreement between the two Houses?

Mr. BACON. Certainly not.

Mr. ALDRICH. Does the Senator contend that we must have the bill fail rather than submit to other people's judgment, or that this is not a matter of adjustment between the two Houses? The House accepted sixteen out of the eighteen amendments of the Senate to the bill.

Mr. TILLMAN. Will the Senator permit me?

Mr. BACON. Pardon me; I want to reply to the Senator from Rhode Island.

Mr. TILLMAN. I wish to ask—

Mr. BACON. Let me reply and then I will yield to the Senator with great pleasure. The Senator asked me a question, to which, of course, there can be but one reply, as to whether I recognize that there can be no agreement between the two Houses. The Senator certainly does not expect me to answer that in but one way, and I have in mind but one possible answer to that question. But the fact that it is recognized, of course, that there must be an agreement between the two Houses or a bill will otherwise fail is no reason, if we stand upon firm and good ground, why we should abandon our position without a struggle to the utmost to maintain it. That is the only proposition I submit.

Mr. HOAR. I should like to ask the Senator a question, if he will yield.

Mr. BACON. With great pleasure.

Mr. HOAR. Does the Senator think, as a matter of sound constitutional proceeding, taking the relation of the two Houses to the matter of taxation provided by the Constitution, that the Senate ought to insist on retaining any tax which the representatives of the people think ought not to be retained?

Mr. BACON. Well, Mr. President, I certainly can not admit that there is only one answer to that question, or, if I do, it would be the opposite of what the Senator's inquiry would seem to indicate was his opinion.

Mr. HOAR. The Senator will pardon me. I did not indicate an opinion. It is the old "paper-duty" question of England.

Mr. BACON. I understand that.

Mr. HOAR. If I may be pardoned, the Constitution says that the House must originate revenue bills of this kind. A bill of this kind is conceded in our practice to be within that constitutional provision, the idea being that the immediate representatives of the people, voting by numbers, should have a certain preponderating power in the matter of taxation, and that there never should be a tax on this people unless the House of Representatives has proposed to have a tax.

I agree that we can amend such bills as other bills and that there might be a case where we could perfectly, within our constitutional right, insist on retaining a tax which the people of the United States, as a people, want to be rid of, but I think it is a very dangerous ground to tread on, and that, ordinarily, when the people do not want to continue a tax and have said so through the House of Representatives the representatives of the States in the Senate, which may represent in political power here the minority of the people, ought not to insist on keeping that tax on. That is my point.

Mr. BACON. Mr. President, the Senator asked me a question and then presented his views in support of his side of it, which, of course, have the usual force of everything said by that distinguished and honorable Senator. It is with great reluctance that I ever differ from the Senator, and whenever I do upon a question, certainly of this kind, it very much shakes the confidence I would otherwise have in my own judgment.

As I understand the inquiry of the learned Senator, it is whether the Senate can with propriety (the Senator, I think, used the term "constitutional propriety," or words equivalent to that), in view of the constitutional relations of the House to the question of originating revenue, insist upon a retention of a tax which is opposed by the House?

Now, Mr. President, the provision of the Constitution is one which gives to the House of Representatives not the exclusive right to determine what shall be the subject-matter of taxation or what shall be the rate of taxation, but it gives to the House of Representatives simply the right of origination, and when it conferred upon the Senate the right to make amendments it certainly did not mean to limit to the Senate the right to make merely a suggestion, arbitrarily and finally to be accepted or rejected by the House as it in its judgment might think proper. But while the Constitution gives to the House of Representatives the right to originate, when it conferred upon the Senate the right to amend it went further than to confer upon the Senate the right to veto by objection; it went to the extent of conferring upon the Senate the power, after it had been placed within its jurisdiction, to amend not for the purpose of suggestion, as the inquiry of the learned Senator would seem to indicate, but for the purpose of having the

judgment of the Senate enacted into law if in the usual orderly procedure it should be found that the Senate was right in its contention and if the Senate should admit it of sufficient importance to insist upon its contention and to stand its ground, if need be, to the extent of the defeat of a bill rather than to surrender a position which it deemed to be important.

The honorable Senator from Wisconsin [Mr. SPOONER] calls my attention to a section of the Constitution which illustrates the correctness of the position which I have just taken in the very clause to which the learned Senator from Massachusetts pointed.

All bills for raising revenue shall originate in the House of Representatives; and the Senate may propose or concur with amendments—

Is that all?

Mr. HOAR. "As on other bills."

Mr. BACON. If it were all, the suggestion of the honorable Senator might be of more force than it is when we read the concluding clause—  
as on other bills.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. ALDRICH. I ask that the unfinished business may be temporarily laid aside until the conference report can be finished. It can be finished in a very few minutes I suggest.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. BACON. I hope the Senator from Rhode Island will not insist on that course. This is a matter which may be quite familiar to him because he has been upon the conference committee and has had the opportunity, but our attention was not drawn to it until the reading of the conference report this morning. Some of us would like to have an opportunity to look into it a little. I think it a matter of very grave importance. It is a subject-matter of taxation, and it is an important source of revenue. I myself am extremely reluctant to see it surrendered. There will not be any very great injury to the public service in any way in giving us an opportunity to take it up when we can have more time for its proper consideration than we could have now. I am sure the Senator is mistaken in thinking it can be disposed of in a few minutes.

Mr. ALDRICH. I was speaking from the standpoint of personal convenience. I am obliged to leave the city at 4 o'clock and will be absent several days, and it will be a matter of personal convenience to me if it can be disposed of. It seems to me there can be no constitutional question involved in it.

Mr. BACON. I do not think so either.

Mr. ALDRICH. It is a question of procedure between the two Houses.

Mr. BACON. I do not think there is any constitutional question involved.

Mr. ALDRICH. It is a question whether the Senate will insist upon a position in regard to this matter which I think in the end they will have to give up. I see no way out of it except to yield.

Mr. BERRY. Will the Senator from Rhode Island yield to me a moment for a question?

Mr. ALDRICH. Of course.

Mr. BERRY. The House conferees have never taken it to the House for a yea-and-nay vote. If the Senate will insist on its amendment by a yea-and-nay vote here to-day and refuse to agree to the report and thus compel the House conferees to take it to the House, I simply give it as my opinion that if it is brought to the House and fully understood and a yea-and-nay vote is taken, the House will agree and let this tax on bucket shops stand.

Mr. BACON. Only the tax on bucket shops?

Mr. BERRY. Well, the whole business, as we consider it and as the Senator himself considered it. He said that was his understanding, but now he says the House thinks another construction may be put upon it, and therefore they do not agree to it. Now, I believe that the tax is on both; it ought to be on both; and I am in favor of keeping it on both. It having been put there for revenue purposes, it ought to stay there, because it yields a revenue. Let the report go back to the House; let them take a yea-and-nay vote on the question.

Mr. PETTUS. Mr. President, I want to say in reply to the last proposition that I am very anxious to get off all the war taxes now.

The PRESIDING OFFICER. The Senator from Rhode Island



asks unanimous consent that the regular order of business be temporarily laid aside.

Mr. ALDRICH. I ask the Senator from Georgia to allow this discussion to go on for a while, and if it is prolonged indefinitely—

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. HOAR. Does it require unanimous consent? The conference report can instantly be called up after the regular order is laid before the Senate. It displaces it only temporarily, anyway. It does not require unanimous consent.

The PRESIDING OFFICER. The Senator from Rhode Island asked unanimous consent.

Mr. ALDRICH. I thought it the best course to pursue, because I wanted to have the method adopted which would be agreeable to everyone. I did not suppose there would be any objection to it.

Mr. BACON. The Senator puts it to us as a matter of personal convenience to him. If it were a matter in which a delay of a few days would work any very great hardship, certainly there would be every disposition to consider the convenience of the Senator, but it can certainly come up again upon his return in a few days. It is not a matter of such urgency as to require that it shall be disposed of to-day.

I wish to make a suggestion to the Senator. This is not done captiously. This matter comes in to-day when we have had no opportunity for its examination. It is an extremely difficult matter, right in the progress of a debate, to weigh the language that has been read here and to see what its exact relation may be to the proposition which is involved. For instance, this conference report comes in this morning and the various provisions which are agreed to by the conference report are simply indicated by number. Until the senior Senator from Arkansas [Mr. JONES] in what he had to say disclosed the nature of the particular item, I had no idea what it was by number. I think in a matter of such gravity Senators ought to have an opportunity to see this measure in print and understand what it is.

Mr. ALDRICH. The Senator from Georgia is a most diligent member of the Senate, and he naturally inquires into all important subjects that are before the Senate. I think that is correct and right, and every Senator should do the same. But the Senator must recognize the fact that it is impossible always to delay every measure that is before the Senate until he can have a chance to investigate every part of it. That is almost without the limits of possibility.

I am not disposed at all to be unreasonable about this matter. I believe the Senator from Iowa, who sought the floor a few moments ago, can explain it satisfactorily to the Senator if he has an opportunity. There is but one amendment in controversy between the two Houses that is of any consequence whatever, and that is the amendment which is now under consideration.

There has been no other question before the committee, I will say, of importance except this, and the question simply is whether the Senate will recede from its action, the House having declined to yield. The merits of the controversy are, I think, not involved to a very great extent. I should be glad if we could go on with the consideration of the report for a while, with the view of seeing if the matter can not be satisfactorily explained to the Senator from Georgia and to the Senator from Arkansas, who also takes great interest in it.

Mr. BERRY. Mr. President, this matter has been in controversy some two or three weeks, has it not?

Mr. ALDRICH. It has.

Mr. BERRY. It has taken the House conferees three weeks to convince the Senator from Rhode Island and the Senator from Iowa that this tax ought to be repealed. Those Senators have been insisting on what we have been insisting on now constantly in that conference for the last two or three weeks. Now they have come in and yielded. It does seem to me that the Senator from Georgia and others ought to have one day to have the report printed and see what the language means, and whether it includes both the large and the small establishments. It is not an unreasonable request that it shall go over for one day until it can be printed, and then Senators can be ready to vote intelligently upon it. I think the request is a reasonable one, and I hope the Senator from Rhode Island will not insist upon pressing it to a vote. A number of Senators are at work in the Commerce Committee on the river and harbor bill, and they are compelled to be there this afternoon. I hope that the report will go over.

Mr. ALDRICH. If the discussion can go on for a while I think Senators will be convinced that there is no reason for it to go over. I think the Senator from Arkansas himself will be convinced of that.

Mr. BERRY. I did not understand the Senator.

Mr. ALDRICH. I think if the discussion could go on for a little while the Senator himself will be convinced that it need not go over.

Mr. BERRY. No; I have to go to the Committee on Commerce to consider the river and harbor bill, and I have not time to wait to hear the discussion.

Mr. ALDRICH. It is, of course, a matter of great regret to the Senate that the Senator is obliged to be away, but I think if he could stay he would be convinced by the statement of the Senator from Iowa that it is a very simple matter.

Mr. BACON. Mr. President—

Mr. BERRY. Mr. President, I intended to ask for the yeas and nays on agreeing to the report. I may not be present when it is voted on, and I should like to ask now for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arkansas asks that the vote on the report be taken by yeas and nays. Is there a second to the demand for the yeas and nays?

Mr. BACON. I understand the Senator from Arkansas asks that when the vote is taken it be taken by yeas and nays.

Mr. BERRY. Ordering the yeas and nays does not cut off debate under the rules. There is no rule of that kind. We can order the yeas and nays at any time.

The yeas and nays were ordered.

Mr. BACON. I want to say to the Senator from Rhode Island that I desire the time to examine into this question to satisfy my own mind on one point, whether under the proper construction of it, or the construction which I may find to be, in my judgment, the proper construction, it will continue the tax upon all those engaged in this business.

Mr. ALLISON. It will not.

Mr. BACON. I understand the Senator from Iowa and the Senator from Wisconsin are of that opinion. I have the greatest confidence in their judgment, but at the same time I want an opportunity to look into it and I can not do so now. I want to see whether it will be partial in its operation or whether it will be general in its operation. I am opposed to any partial operation of the law. I want to see if it will be partial or general in its operation if the tax is retained.

Of course the fact that the Senator from Iowa and the Senator from Wisconsin both indicate to me the fact that they think it will not be general predisposes me to think that it will not be general, but it is a matter of such importance that I should like to have the opportunity to look into it.

Mr. ALLISON. Mr. President—

Mr. LODGE. Mr. President, may I ask the Senator from Iowa a question before he begins?

Mr. ALLISON. Certainly.

Mr. LODGE. I should like to ask him whether it makes the slightest difference, in his judgment, in the result of this conference, whether we take one construction or the other.

Mr. ALLISON. I do not think it does.

Mr. LODGE. Is not the question simply the plain one whether we are ready to lose the bill or not? Is not that about it?

Mr. ALLISON. Well, I can not quite say that.

Mr. LODGE. Does it not come pretty near to it?

Mr. ALLISON. I wish to say, being a member of the conference on the part of the Senate, that I endeavored, as I believe every one of the conferees on the part of the Senate tried, to secure a concession on the part of the House for this amendment. In order to meet objections that they made from time to time we proposed various suggestions by way of amendment to this proposition if they would agree to it. First, we agreed to reduce this tax to one-half and make it 1 cent instead of 2. Secondly, we proposed to strike out a provision which they said was an unjust provision in view of the status of this amendment.

Now, we must ascertain, in order to construe this amendment, what the condition of legislation was when the provision was originally adopted. In the law of 1898, known as the war-revenue law, we placed a tax of 1 cent upon each \$100 upon all sales or agreements to sell at any exchange or board of trade. The provision is found on page 12 of this pamphlet. It reads as follows:

Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale or agreement to sell, 1 cent—

Mr. BACON. What page is that?

Mr. ALLISON. It is on page 12 of the larger print of the law of 1898.

Mr. ALDRICH. It is the second clause of Schedule A.

Mr. ALLISON (reading)—

or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale, or agreement to sell, 1 cent, and for each additional \$100, or fractional part thereof, in excess of \$100, 1 cent.

That was the provision inserted in the law of 1898. There was another provision, which I do not think is involved in this controversy, which placed a similar tax upon all sales of stocks or bonds upon the stock exchanges. That was the condition of legislation in 1898, and it continued so until the act of 1901 was passed, which repealed a portion of the taxes provided for in the

law of 1898. In 1901 there was inserted in that repeal a provision which is found on page 8 of the pamphlet which the Senator from Georgia has, I think.

Mr. BACON. I have a copy of it.

Mr. ALLISON. By that act we taxed all transactions not on boards of exchange, but outside of boards of exchange, and we provided a tax of 2 cents upon each hundred dollars, thus discriminating in favor—if I may use that term—of transactions on boards of exchange. That tax may be regarded as somewhat punitive. It was intended to reach a class of people who conduct what are denominated in the law as bucket shops. Their business covers transactions which are regarded by some Senators, and especially by my friend from Alabama [Mr. PETTUS], who has spoken upon this subject, as gambling transactions pure and simple, there being no intent or purpose either on the part of the seller to deliver or on the part of the buyer to receive the article sold.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. TILLMAN. Do I understand the Senator to say that by the repeal of the act of 1901, or the modification of the original war-tax act, there was a change made so that the transactions on boards of trade and exchange are relieved from the taxation?

Mr. ALLISON. No, sir.

Mr. TILLMAN. I thought the Senator just said so.

Mr. ALLISON. No; I did not say so. I said that in the repealing act of 1901 there was inserted a new provision.

Mr. TILLMAN. Not repealing the original law, but merely enlarging it?

Mr. ALLISON. Not enlarging the old law, but establishing a new law for a new set of people.

Mr. TILLMAN. Who were not taxed under the original law?

Mr. ALLISON. Who were not taxed under the original law.

Mr. TILLMAN. I am just trying to get at the status of the thing.

Mr. ALLISON. They were not taxed under the law of 1898; in other words, the law of 1898 only taxed people who had transactions on boards of exchange, boards of trade, etc., where articles were bought and sold. This law doubled the tax then as respects buckets shops, which dealt in provisions, wheat, corn, etc., and made stringent provisions with reference to them, but not as to the exchanges.

In dealing with these people, clause No. 3 provided that in transactions where neither party contemplated delivery there should be a tax of 2 cents on each \$100. Then there were certain limitations and exceptions.

I now wish to call the attention of the Senator from Georgia to the phraseology in paragraph 3, on page 8 of the act of 1901. I shall read the whole of it. The clause provides:

Three. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in—

That was the first clause, where the parties contemplated that future contracts should be settled upon the price at some board of trade. That was to be the measure. If corn should go up 2 cents to-morrow on the board of trade in Chicago, that was the measure of settlement if the transaction was to end on to-morrow—and without a bona fide transaction on such board of trade or exchange.

That is to say, if all these contracts were made outside of any board of exchange or board of trade, then they were to be settled in this way. That is one transaction. If they were dealt in on a board of trade or exchange, this clause did not apply, but the other clause applied, to wit—the clause in the law of 1898—because we were taxing people outside of the boards of exchange and taxing people in those boards at a different rate, and as both parties—

Mr. TILLMAN. I want to get this matter straight in my head. It is somewhat tangled, because I have not had the opportunity to read the statute and hear the discussion of the subject.

Mr. ALLISON. It is my misfortune, no doubt, that I have not explained it clearly.

Mr. TILLMAN. The Senator is usually much clearer than almost any man in this Chamber, especially in regard to financial matters. His experience and knowledge of such matters are perfect. I want to know from his explanation whether I have properly caught the point or not. You enlarge or amend the original war-revenue act, which embraced only transactions on boards of trade, by including what are known as bucket shops, or irresponsible dealers, who set up gambling shops, you may call them—they are both

gambling in my view—but the difference in the rate of taxation was, I think, 2 cents on small transactions outside boards of exchange and but 1 cent on boards of exchange or trade.

Mr. ALLISON. I mean to say that this clause, by special exemptions and provisions, does not apply to any transaction on any board of exchange or board of trade. The board of exchange or the board of trade is only resorted to as the public market place.

Mr. TILLMAN. As the yardstick to settle transactions?

Mr. ALLISON. Yes; as the yardstick to settle transactions.

Mr. TILLMAN. But it does not relieve the transactions on boards of trade from the original tax of 1 cent on a hundred dollars as provided in the war-revenue act of 1898?

Mr. ALLISON. Does the Senator mean this clause?

Mr. TILLMAN. Yes.

Mr. ALLISON. This clause does not relieve from that taxation, but the transactions on boards of trade are provided for in another section, which has been repealed by the action of both Houses.

Mr. TILLMAN. If I understand the situation, then, it is this: That we ourselves have agreed to repeal the provision which should make transactions on boards of trade taxable, and we are now only haggling—if that word may be used—as to the provisions of this section.

Mr. ALLISON. That is all.

Mr. TILLMAN. And this section does not include any transactions on a board of trade?

Mr. ALLISON. It does not. It includes no transaction on a board of trade.

Now, I want to come to the contention of the Senator from Georgia. One of the contentions of the House conferees was that we had discriminated against bucket shops, if I may use that phrase, not only by repealing the tax imposed upon transactions on boards of trade, but that we had allowed a certain set of people, if they made their transactions on a board of trade, to be absolutely exempted, whilst if they made their transactions outside of a board of trade they were taxed 2 cents on a hundred dollars.

Mr. TILLMAN. Right there I wish to say—

Mr. ALLISON. I will yield to the Senator in a moment.

In other words, it was contended that we had not only exempted boards of trade from the tax, but that we had given the bucket-shop people a premium whereby they could go to a board of trade and transact their business and thus be relieved from paying any tax at all. That was one of the contentions of the House conferees. There was no pretense outside of either House that on any construction this clause would apply or could be made to apply to boards of exchange or boards of trade.

Another contention was—

Mr. TILLMAN. I should like to say a word, if the Senator will allow me; but of course I will let him finish first, if he desires.

Mr. ALLISON. I will hear the Senator.

Mr. TILLMAN. I want to ask the Senator if that point could not be determined by finding out from an internal-revenue collector whether or not the boards of trade had construed the act as the House conferees contended that it was meant to be construed, and whether they are not paying the tax, notwithstanding the act of 1901? In other words, has there been a cessation of the payment of the tax by boards of trade under this act?

Mr. ALLISON. Certainly not.

Mr. TILLMAN. Then, boards of trade are, by their own action in paying this tax, not availing themselves of the House construction of the law.

Mr. ALLISON. The Senator seems to misapprehend this bill. The bill now before us, and which is in conference, repeals the tax on all transactions on boards of trade and exchange. The House has so passed it, and we have agreed to it. Therefore, that question is not in conference, and by no construction can it be put into conference because nobody anywhere, so far as I know, contends that this third clause has any application whatever to the provisions contained in the law of 1898.

Mr. TILLMAN. Now, will the Senator allow me one more question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. Certainly.

Mr. TILLMAN. This whole section being in controversy, dealing as it does with the taxation of transactions in futures, we will call them, to come down to a general term which we all understand, is it not within the power of the conferees to amend that third section—the one in controversy—so as to put back the excepted boards of trade? As you are quarreling about the little fellows, could you not in conference put back the big ones?

Mr. ALLISON. I see no way by which that can be done by either the conferees or by the Senate.

Mr. TILLMAN. In my limited experience I have seen some conference reports come to this body with entirely extraneous



matter that was never enacted by either House, that was never in controversy, and was absolutely new and strange to everybody.

Mr. ALDRICH. Not from this committee.

Mr. TILLMAN. I do not know from what particular committees they came, but they went through. I am not undertaking to have a conference report brought here contrary to our rules, or encouraging such things, because I stigmatized them at the time as being a swindle on the Senate to bring such conference reports here. I think the conferees ought to abide by the rules and not go outside of their legitimate powers.

Mr. ALLISON. The universal rule is, of course, that a conference only deals with the matters that are in controversy, and not with matters that have been agreed to by both Houses.

What I have stated was the first contention on the part of the House conferees. The next contention was that we had imposed a tax upon transactions in bucket shops, so called, which was prohibitory in its character, and I am sorry that my friend from Arkansas [Mr. BERRY] is not here, in order that I might show him that I did my best to agree with him in respect to this contention, somewhat in accordance with my vote on the oleomargarine bill. Of course, the friends of that measure satisfied the Senate and, I hope, the country, that on that bill we were endeavoring to raise revenue, and incidentally to protect one great industry against a fraud which was being perpetrated upon it.

The House conferees, however, contended that we had inserted and insisted upon retaining a clause in the bill which in effect destroyed a business which was as legitimate as the business transacted by people on boards of trade. They adopted the suggestion of my friend from Alabama, and they either wanted to eliminate from this bill all such transactions, whether on boards of trade or elsewhere, or else they wanted to retain them all, which they had already agreed to do, and which members of the House contended should be retained.

That being the situation, Mr. President, the Senate conferees made almost every possible proposition to the House conferees which we could make without absolutely eliminating this provision. They, however, rejected all of our propositions and stated that the House was opposed to the retention of any portion of what was called the war-revenue taxes. We had some seven or eight meetings upon those matters before we finally agreed to recede from our amendment.

It may be that, if we reject the conference report, the House may recede; but I do not believe it will. If I had so believed I would not have signed this report, because I am in favor, and have been all the time in favor, of the retention of the tax upon bucket shops. That is the whole thing in a nut shell. There is no possible way by which we can deal on this bill with any other question than that which we are now considering.

Mr. BACON. Mr. President, I had the opportunity, while the Senator from Iowa [Mr. ALLISON] was presenting his views to the Senate, of reading the provisions of the law of 1901, and if I may have the attention of the Senator from Iowa on that point, I think I can show that this section, if retained, will not have any other inequality of operation than that which is now in the law.

Mr. President, the act of 1898 imposed a certain tax on all transactions of this character wherever they occurred, whether upon the central board of exchange or in any bucket shop, or anywhere else; or whether they related to transactions in which there was to be a delivery of goods, or whether they related to transactions in which there was to be no delivery of goods, and which were purely gambling in their operations. I am simply stating a case.

Mr. ALDRICH. The Senator is stating the case as he understands it.

Mr. BACON. I have the law before me, which I am going to read to see whether I am right or not.

Mr. ALDRICH. If the construction which the Senator puts upon it had been the construction which the courts put upon the internal-revenue law there would have been no need to enact the act of 1901.

Mr. BACON. I will come to that question and see whether there was.

On page 7 of the act of 1901—I am speaking of the part which relates to transactions upon boards of trade, to be found on page 7 of the act of 1901—and that, I say now, relates to all transactions, whether upon the central board of trade or in any bucket shop, and without discrimination between transactions where the goods were to be delivered and transactions where the goods were not to be delivered. In all transactions of that kind the tax was 1 cent. Here is the language:

Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional \$100 or fractional part thereof in excess of \$100, 1 cent.

The point to which I want to ask the attention of Senators who differ with me about this construction of the law is this: This

bill repeals that provision; both Houses have agreed to that, and the Senator from Iowa [Mr. ALLISON] is eminently correct in his statement that that is beyond our control. We can not take back what we have done, nor can we agree with the House upon any modification of it, because the Houses have come to an agreement upon that, and that is not before the conference committee. I suggest that in order that I may not be misunderstood as to what I will say when I come to the discussion of a subsequent section, which is the one in controversy.

The section on page 8 is the one in controversy. That section is still with us, to insist upon it, to abandon it, or, by agreement of the conference committee, to modify it. I suppose Senators will undoubtedly agree to that, and that is the full extent of my contention. What does this section say?

Mr. ALDRICH. There is a limitation upon that modification. We certainly can not modify that paragraph so as to nullify the action of the Senate and of the House collectively upon other portions of this bill.

Mr. BACON. Of course not; undoubtedly; and I am going to make no such contention. I am going to limit myself exclusively to this particular paragraph and the provisions of it.

Before reading this particular paragraph, in order that what I say may be applied to it as I read it, I will state this particular paragraph is a part of the law as it stands, imposing an altogether different tax upon a certain class of transactions, to wit, transactions where there is to be no delivery of the goods. In other words, it is altogether independent of the section which I read before, which is found on page 2, and which related to legal as well as to illegal transactions.

There is a distinct difference between the two as to those which are denominated in the law illegal transactions; in other words, in transactions where there is to be no delivery of goods there is an imposition of a tax of 2 cents, and not 1 cent, as there was in the former provision.

I repeat, I thoroughly agree with Senators that the 1-cent tax is beyond our jurisdiction now and beyond the jurisdiction of the conference committee; but the question as to this particular provision, which was inserted in the act of 1901 to reach something that the old act did not reach, and that was transactions which were exclusively of this character, which the courts have generally denominated to be illegal transactions, gambling transactions, and in that case the law imposed a tax of 2 cents instead of 1 cent. Having imposed that tax of 2 cents on the two distinct classes of people or organizations which might be engaged in this business, the first was a comprehensive class, which possibly would include the other; but they made the distinction in order that they might certainly reach the other class. Now, what is that distinction? The first class relates to everybody who is engaged in that business, whether it is the board of trade or the stock exchange in New York or elsewhere. The section makes no exceptions. But here it is, on page 8, and I hope Senators, if they have the act before them, will follow the language as I read it:

From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure—

Up to that point there is a complete description of one class of persons who shall be subject to the tax, and it embraces every board of exchange. The next four lines can be omitted without loss of sense to the paragraph, because it then refers to a different class; and after the word "figure," the sense would be completed by adding, beginning with the words "shall pay," in the third line from the bottom of the page—

shall pay a stamp tax of 2 cents on each \$100 in value or fraction thereof—

In other words, all those who are enumerated in the first part of that section up to and including the word "figure," in the sixth line from the bottom, constitute a class who are made liable for the payment of that tax; and then the law further goes on and says this, after the word "figure," enumerating now a distinct and separate class—

and every person, association, copartnership, and corporation who or which shall in his or its own behalf or as agent conduct what is commonly known as a "bucket shop."

In other words, the lawmakers could have made two paragraphs of that. They could have made the first paragraph down



to and including the word "figure," which, I think, is on the sixth line from the bottom of the page, and put after that what tax should be paid. They could then have made another paragraph and said:

Every person, association, etc., who shall conduct what is commonly known as a "bucket shop" shall also do the same thing.

There is one distinction, though. The Senator from Wisconsin asked me the very pertinent and proper question as to whether that is the only distinction. It is not the only distinction in the paragraph. In the case of all persons other than those who may conduct what may be denominated "bucket shops" the tax is 2 cents on simply the illegal transactions, to wit, those which are generally denominated by the courts to be gambling contracts, in which there is no expectation or intention that the goods shall be delivered, but where the parties shall settle according to the prices. As to all except bucket shops the 2 cents only applies to that class of transactions, but when it comes to bucket shops it does not make that exception, and it imposes a tax of 2 cents on every transaction in bucket shops, whether legal or illegal.

I think to that extent the law ought to be amended. It is within the power of the conference committee to amend it, because it only relates to that particular section and has no possible reference to the section above, upon which the two Houses have agreed. I think it ought to be in the case of bucket shops as it is in the case of the regular exchange, that this tax should be imposed only upon the illegal transactions. But I do not think it is possible that there can be any doubt about the construction which I have given to this language and that any court in the world would so construe; that as to all illegal transactions—and that was the object of the amended law—whether they occurred in bucket shops or in the regular boards or exchanges, as to all these transactions which have been designated by the courts illegal or gambling transactions there is the imposition of 2 cents, and there is the additional feature that as to bucket shops, whether legal or illegal, there shall also be imposed a tax of 2 cents.

The Senator from Rhode Island will certainly say that that is within the power of the conference committee, because it relates only to that particular section, and it does not relate to the section agreed upon. It is perfectly within the power of the Senate conferees now to say to the House conferees, "We favor the retention of the entire section. You favor the repeal of the entire section. We propose not that it shall be repealed, but that it shall be amended." That is within the power of the conference committee. The Senator will agree to that, I presume, will he not?

Mr. ALDRICH. We have tried—

Mr. BACON. I am not asking the Senator that. I am asking the Senator this question—and I will be glad for him to correct me if I am wrong: Where it is proposed by one House to repeal an entire section of a law and the other House refuses to repeal that section, and they go into conference upon that issue, is it not competent for the conference committee to say that it shall neither be repealed nor retained in its present shape, but that it shall be amended so and so?

Mr. ALDRICH. By a relevant amendment.

Mr. BACON. Of course; and the relevant amendment which I think ought to be here is this: As I have ventured to show, the section as it now stands imposes a tax of 2 cents on every hundred dollars of illegal transactions which occur upon the regular boards or exchanges, but it imposes a tax of 2 cents when those transactions are in bucket shops, whether they are legal or illegal. Now, the suggestion I make—

Mr. TILLMAN. Mr. President—

Mr. BACON. I will yield in one second. The suggestion I make is that the conferees ought to correct that inequality, and that is the only inequality there is in the law. It is an absolute, unmistakable thing, so far as my mind is capable of coming to a legitimate conclusion, that the law as it now stands in that section, with that single exception, applies equally to transactions on boards of trade, stock exchanges, and bucket shops. As to bucket shops, it makes the distinction that it applies not only to the illegal but to the legal transactions.

Mr. TILLMAN rose.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). To which Senator does the Senator from Georgia yield?

Mr. BACON. I promised to yield to the Senator from South Carolina.

Mr. TILLMAN. The Senator has been using the word "illegal" or "legal" in regard to various classes of transactions. I can not find it in the act. It says bona fide transaction, but I do not see "legal" or "illegal" anywhere here.

Mr. BACON. If the Senator will permit me, I will state in what way that may be identified. The words "illegal" or "gambling transactions" which I have used refer to the class of contracts which have fallen under the condemnation of the courts. The courts generally have decided that where a trans-

action is entered into between two parties for the sale of stocks, for instance, where there is no purpose on the part of the seller to deliver the stock and no purpose or expectation on the part of the buyer to receive the stock, but that the transactions shall be closed between them on the payment, by whichever party may be required under the circumstances, of such difference as shall be shown to exist at the close of the transaction in the quoted market price, it is an illegal contract; and those contracts, if the Senator will turn to page 8, are described—it is true with a great deal of language; I think with some redundancy of language—in paragraph No. 1, where the word "three" appears, down to the word "figure."

Mr. TILLMAN. I have been reading that and following the Senator while he was reading it, and I have followed him since he has been discussing it; and, accepting his own interpretation as to which class of these deals or trades is legal and which is illegal, it would be very difficult from the language itself to discriminate or differentiate.

Mr. BACON. I will read something for the benefit of the Senator. After enumerating the various kinds, in order that none may slip through the meshes of the net which it is intended to be cast over transactions of this character, the act provides as to this distinct class:

Or such person, association, copartnership, or corporation above named shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure.

Mr. TILLMAN. That is a great deal of legal verbiage, intended to describe what we all know as futures.

Mr. BACON. Very well; and that is exactly what the courts say, that when it is not intended that there shall be a delivery by the seller or a receipt of the goods by the purchaser, it is simply one of the classes which are illegal, which constitute gambling contracts; and while the courts refuse to go behind them, the courts will not lend their aid to the enforcement of such contracts.

Mr. TILLMAN. Will the Senator allow me a question? Look at the middle of the paragraph, from "three" down, and he will find:

And without a bona fide transaction on such board of trade or exchange.

Mr. BACON. Yes.

Mr. TILLMAN. If that means anything, it means that boards of trade may sell for future delivery corn or wheat or cotton, with the intention that it must be delivered and paid for at the date, without regard to what it may be worth that day, and that they are not going to settle the difference. Now, a good many cotton mills in my country buy their cotton in that way rather than buy it and store it in the warehouses, running the risk of fire and having the expense of insurance and all that sort of thing. That would be what I would call a bona fide transaction. Is not that the situation? Does not this apply absolutely and solely to futures?

Mr. BACON. I think this language—and that was evidently the intention of the law, because, as suggested by the Senator from Rhode Island, it was to reach a certain class which was not reached properly by the law as it was theretofore—

Mr. TILLMAN. The preceding section—

Mr. BACON. The Senator will not let me answer the question.

Mr. TILLMAN. I beg the Senator's pardon. I had no desire to cut him off.

Mr. BACON. I was trying to answer the Senator's question.

Mr. FORAKER. Will the Senator from Georgia allow me to interrupt him for a moment?

Mr. BACON. Certainly.

Mr. FORAKER. Transactions on boards of trade and chambers of commerce and exchanges are provided for by the act of 1898 specifically. By the amendment of 1901 we have two other classes provided for. One is the bucket shop proper, as it has come to be known, and the other is what you call the curbstone broker, and the curbstone broker is the first class described.

Mr. BACON. To what page does the Senator from Ohio refer?

Mr. FORAKER. Page 8. The provision, which the Senator has said is broad enough to apply to exchanges and boards of trade, because it applies to every kind of illegal transaction, is intended, as I understand, simply to meet such transactions as occur outside of boards of trade and exchanges and not in bucket shops.

There is in every city, as everyone knows, what is called a curbstone business. You may see it at any time in New York, where the curbstone brokers are at work transacting a great business there. Some of their transactions may be legitimate. Those are not intended to be taxed by this act at the rate of 2 cents a hundred; but those which are not legitimate, which are simply gambling in futures, as the Senator from South Carolina has said, which are transactions to be settled according to a figure that



may be reached when the market quotation is received from the board of trade, are the ones to be taxed.

It seems to me if the Senator will bear that in mind there will not be any trouble at all about this. In the first place, we have the boards of trade and the exchanges provided for by the act of 1898, and it was never intended to increase the tax on transactions had in exchanges or boards of trade, but it was intended to reach the bucket shop and to reach this outside transaction by the amendment of 1901.

Mr. BACON. Let us see whether or not the Senator from Ohio is correct in that statement, because if he is it is a very pertinent suggestion. I do not think the language of the law will bear him out at all in his proposition that this particular provision on page 8 was intended to be limited to the curbstone broker and to the bucket shop and was not intended to reach any organization or association other than those. Here is the language:

From and after the 1st day of April, 1901, every person, association, copartnership—

That might be limited to curbstone brokers, because the curbstone broker might be a person or an association of persons or a copartnership; but it goes on to say—

or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, etc.

Are not all these boards of trade corporations?

Mr. FORAKER. They may all be doing business on boards of trade, but they may still do business outside. They may transact business as curbstone brokers.

Mr. ALDRICH. They are associations.

Mr. BACON. This uses the word "association." So if they are not corporations, but are associations, they are still within the net; and it seems to me the lawmakers intended to use not only comprehensive language, but to use language that should be so varied as to prevent escape, which there might be from general language. It does seem to me that the Senator from Ohio is mistaken, and that the purpose was this. The purpose was to draw a distinction between legal contracts and illegal contracts. I am speaking about those which are denominated by the courts to be illegal contracts.

The purpose of the law was to draw a distinction between the cases where the contract for future delivery was made in good faith, for the purpose of securing the property, in which case the tax was only 1 cent, and the other class, where there was no purpose to get the property, where there was no desire on the part of the man who bought to acquire property and no desire on the part of the man who sold to dispose of the property, but where it was a Simon-pure gambling transaction, in which men were practically betting whether certain stock would go up or go down; and as to them, regardless of who made them, whether made by an individual on the curbstone or an association, or whether they were made on a board of trade, which must be either an association or a corporation—that as to all those transactions, essentially differing from the legal transactions which were upheld by the courts, there should be not simply the tax of 1 cent, but there should be the tax of 2 cents.

Therefore I submit that this particular provision of the law which is in contention between the two Houses is not one which has been disposed of by the agreement of the two Houses for its repeal. It is one now in issue between the two Houses. It is one which, being in issue, can either be adopted by the conference committee in whole or can be amended as suggested and agreed to by the Senator from Rhode Island. Having had the opportunity to examine it, having come to a conclusion satisfactory to my mind, I have no disposition to delay it.

But I want to say this: I think, as I have said before, that it is an extremely important matter. I think this is an immense business concern—if I may use the term as applying to the whole of them; for of course there are a great many concerns—involving an immense amount of capital and drawing its resources from every nook and corner of this country. It is a business as to which the tax which now remains on the illegal part of it (by an agreement of the two Houses the tax has been removed from the legal part of it) is the only possible tax that this vast business can pay.

If the Senate maintains its position before the country it is simply this: So far as the legal transactions upon stock exchanges are concerned—bona fide transactions, in the language of this law—there shall be no tax, but when it comes to the illegal business, when it comes to the business upon which every court in the United States has put the seal of its condemnation, but which can not be broken up, and which, as it continues as a business, ought to pay a revenue to the Government, we will retain the tax. That is all. As to all transactions which are in the view of the courts legal transactions we remove the tax, but as to all transactions which the courts have condemned as illegal, which can not be enforced in the courts, but still which involve no

offense against the moral law, if you please, the tax shall be continued, and not that new taxes shall be put on.

The suggestion which I should be glad to see followed by the conference committee is that the single discrimination in this section against legal transactions in bucket shops should be relieved. If that is done it is inconceivable to my mind—

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. Certainly.

Mr. FORAKER. The Senator's contention is that illegal transactions on boards of trade are subject to the tax of 2 cents.

Mr. BACON. When I say "illegal" I mean contracts which the courts will not enforce. The Senator understands what I mean.

Mr. FORAKER. That means any kind of transaction where it is not intended to make a delivery of the property.

Mr. BACON. Yes; those are the cases the courts have condemned.

Mr. FORAKER. The Senator is aware that almost all of the transactions on the boards of trade in the country are illegal within that meaning?

Mr. BACON. Very well.

Mr. FORAKER. That being true, and it having been established by the court, does it not have any weight with the Senator that although this law has been in force since April, 1901, nobody has ever sought to make a practical application of that construction? No such transaction, no transaction of that kind, on any board of trade in the country has ever been subjected to the 2-cent tax, but only to the 1-cent tax. Everybody being in harmony in the opinion that because boards of trade were provided for by the act of 1898 they were not included or intended to be included within the provisions of the amendatory act of 1901, but that that act was intended to apply just as it has been construed ever since the day when it was enacted—to apply only to bucket shops, which are named, and to illegitimate transactions outside of boards of trade and outside of bucket shops, namely, the curbstone brokers, transactions that were illegal—does it not have any weight with the Senator that nobody has ever sought to give any such construction as that for which he has contended? If you undertake to give it such construction, practically every transaction on every board of trade and every exchange in this country would be subject to the 2-cent tax.

Mr. BACON. I do not know why such a construction should not be sought to be made. I think it is the plain letter of it, and the framers of the act of 1901—

Mr. FORAKER. If the Senator will allow me, the question is whether or not it is the plain letter. The Senator seems to think it is the plain letter, but others of us think the plain letter of it is the other way, because boards of trade and exchanges are provided for specifically in the act of 1898, and it was not intended in this general provision to have any reference to them. It seems to me the plain letter of it is according to our contention, and it does seem to me it ought to have controlling weight with the Senator from Georgia, when others think the plain letter is that way, that the courts and everybody else seem to have agreed with us; at least, it does not seem ever to have occurred to anybody that the law of 1901 was applicable to illegal transactions on chambers of commerce and boards of trade.

Mr. BACON. If it be true that all of them are illegal transactions, and when I say that I do not use the word offensively—

Mr. FORAKER. I do not mean that. I do not say that.

Mr. BACON. Well, nine-tenths of them.

Mr. FORAKER. Yes; I expect so.

Mr. BACON. Nine-tenths. If that be true, there is more reason why the tax should be retained. There certainly has never been any decision of any court that I have ever seen, although it may be that it has escaped me, which holds—

Mr. FORAKER. That raises a question of policy. We have been talking about a question of construction—

Mr. BACON. I understand that.

Mr. FORAKER. And the question as to what is meant by this language I call the Senator's attention to how it has been construed in the practical application that has been made of it, and if we are to raise the question of policy the Senator will agree that the provision found in the act of 1898 is beyond consideration, both Houses having agreed to its repeal.

Mr. BACON. There is no doubt about that, none whatever. The Senator takes that position and he used the word "court." No court has ever decided, so far as I have known, that this does not apply to boards of trade, and why should it be that these transactions, which are condemned by the courts as illegal to the extent that the process of the court can not be used for their enforcement, should escape taxation on boards of trade and stock exchanges and not escape taxation when in bucket shops or on the curbstone?

I do not desire to continue this discussion, but I wish to say one word more. Senators say the question is whether or not this bill shall fail. Of course, I am very free to say that if it were a question as to whether the bill should fail, I would rather see this tax removed than to see the whole bill fail. While I think there are some other subjects of taxation in the war-revenue act which should have been retained, still the proposition for their repeal is one which meets with my approbation.

Now, I understand the House conferees have never taken this matter to the House, and there never has been any demonstration as to what the position of the House would be upon this subject. There never has been invoked the judgment of the House on the question whether or not, in view of the contention of the Senate—

Mr. ALDRICH arose.

Mr. BACON. Of course there was the original passage of the bill.

Mr. ALDRICH. The judgment of the House was invoked and it decided it by unanimous vote, on a roll call, of every Democrat and every Republican.

Mr. BACON. I understand that, and we all know how it was done, when the measure was brought in under a cast-iron rule by which it admitted of no amendment. That is what it was.

Mr. ALDRICH. There never was a suggestion of any amendment in the House to retain this provision. That was entirely initiated by the Finance Committee of the Senate.

Mr. BACON. That is all true; but being initiated by the Finance Committee of the Senate, and the Senate having passed the bill and said that in its judgment that provision should be there, I submit that before we retreat from that we should at least give the House the opportunity to say whether or not it agrees with the Senate, and it ought not to be limited simply to a conference of a few Senators and a few Representatives, constituting the conference committee, to say whether or not the decision which they reach shall be final, and that, without opportunity on the part of the House to pass upon it, the House must either accept the judgment of the conference committee or agree to the loss of the bill.

The proposition I wish to present—and it is all I have to say—is this: I can not conceive that the House of Representatives, if the proposition is presented to them that the Senate urges and insists upon this amendment, should return as an answer: "We will let this bill fail which repeals all of these war taxes rather than retain in the bill any tax upon this business condemned by the courts, the greatest of all drafts upon the resources of the country, a business of immense proportions and stupendous profits on the one side and corresponding losses on the other; rather than to see that taxed we will permit this bill to fail." I can not conceive that that should be the position of the House of Representatives. Therefore, Mr. President, I shall myself vote against the conference report, simply with the hope that the Senate will give to the House of Representatives—not merely to their conferees, but in their own Hall—the opportunity to say whether they agree to the retention of the tax upon this business.

Mr. TILLMAN. Before the Senator from Georgia and the Senator from Ohio leave this subject entirely, I wish a little light, and these two headlights, I think, can illuminate a little the dark places in my mind. One used the word "illegal" and the other used the word "illegitimate," presumably meaning the same thing. To my mind they mean entirely different things. But I presume the construction they intend to put on them was—

Mr. BACON. Which did I use?

Mr. TILLMAN. "Illegal." I think you are right in that. "Illegitimate" is right, possibly, but a weaker word for this occasion.

Mr. FORAKER. I mean to say contracts contrary to public opinion, which the courts would not enforce.

Mr. TILLMAN. The point I want to ask about is this: This illegality resting on decisions of the courts that such contracts are not enforceable because of their illegality or from the fact that they are contrary to sound public policy or something—I do not know what the decision of the court was as to the reason—I want to know whether, if you tax these illegitimate or illegal transactions, you have not legalized them. Do you pretend to say you can come in here and tax a business, and thereby recognize it; that if you do not take steps to extirpate it, but simply recognize it and gather money from it, it is not legalized? That is a question for some of you lawyers to elucidate.

Mr. BACON. The Senator will pardon me. The transaction is termed illegal—

Mr. TILLMAN. By whom?

Mr. BACON. The Senator will pardon me until I make my statement, if he pleases.

Mr. TILLMAN. By the court.

Mr. BACON. I will start over. The transaction of this character is denominated "illegal," not because it is prohibited by

law—of course under such circumstances the criticism of the Senator would be eminently proper—but they are transactions of a class where, while not prohibited by law, the court will not lend its aid to enforce them. There is no law by which a man is punished by reason of having engaged in such a transaction, but the courts say they will leave the parties just where they find them. There is no prohibition on them. If there were, to tax them would be subject to very grave criticism, but it has always been recognized that transactions of this class have been illegal in that sense simply that the courts will not enforce them. Nevertheless they are legitimate subjects of taxation, and in taxing them we do not legalize them in a sense that we legalize the sale of liquor when it is taxed.

Mr. TILLMAN. Can the Senator give us an illustration of some other illegal or illegitimate business subject to taxation?

Mr. BACON. That one is so great and general and so widely known that it is sufficient without going to any other.

Mr. SPOONER. Mr. President, I have been in favor and am in favor of retaining the tax imposed by the act of 1901 on transactions defined in subdivision 3, and the provisions in relation to bucket shops. I am not able to see, with great deference to my friend from Georgia [Mr. BACON], that as the act of 1901 was drawn there is any connection or relation between the provisions applied to the sales on boards of trade and exchanges and the provisions intended to apply in what is called the "bucket-shop section."

Upon each sale, agreement of sale, or agreement to sell, any products or merchandise at any exchange or board of trade or other similar place—

The Senator said when he first arose "any other place." It does not say that nor does it mean that—

or other similar place, either for present or future delivery, for each \$100 in value, of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional \$100 or fractional part thereof in excess of \$100, 1 cent, etc.

With a proviso requiring that there shall be a memorandum and certain detailed information and also with some punitive provisions. This applies to actual transactions.

Mr. BACON. Every kind?

Mr. SPOONER. Every kind, for present or future delivery. A man may sell through a broker at an exchange a million bushels of wheat. He may sell it for present delivery or he may sell it for future delivery. It is a transaction on a board of trade, an exchange, or a similar place—an actual transaction. It may be that between the customer and the broker it is understood that there shall be no actual delivery, but a settlement upon the basis of differences, and such a contract the court may not lend its aid to enforce, because it possesses the element of gambling; but just the same there has been an actual transaction on a board of trade or exchange.

The provision of section 3, which the Senator has read, applies only to bets. It applies only to transactions, as I understand it, between individuals where there has been no actual transaction on a board of trade or exchange. Whatever the contract may be between the broker and the customer, the actual sale or the actual purchase, on the exchange or the board of trade, fixes the price for the transaction. It is not so as to the transactions described here in the bucket-shop provisions.

Every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according to or with reference to the public market quotations of prices—

Not on those sales or purchases, but by the record made of other sales and other purchases, with which they have nothing whatever to do—

made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange—

Mr. TILLMAN. How do you get around the word "such" if it does not apply to all?

Mr. SPOONER. The word "such" refers to the board of trade or exchange used in the two or three lines above—

or settled according to or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in.

By anybody and everybody except the parties to this particular transaction which the statute is intended to reach. But it excludes all cases where there has been an actual transaction on the board of trade and only applies to those cases where the settlement is made between the customer and the broker on the basis of quotations as shown by actual transactions on boards of trade.

This is really not much if any more than what the courts have held to be the definition of bucket-shop transactions—purely gambling transactions—a bet that at the end of a certain day the



price of corn or the price of cotton on a certain exchange will be so much or so much. The parties to the transaction denounced here, or rather taxed, are not having any actual transactions themselves on any board of trade or exchange.

It is a pure bet, a pure gamble, and nothing else, as I look at it, and it does not apply at all to the same class of transactions which are taxed in the preceding section. When Congress repeals the preceding section and declares its purpose not any longer to impose the tax upon sales or agreements to sell actually made for present or future delivery on exchanges or boards of trade it can not be argued from any language which remains in subdivision 3 that a portion of the repealed section remains in force. If this section were left in the statute and the other section repealed, as it has been repealed, it would still for the purposes of construction be in the statute.

The court in ascertaining the true meaning or the intent of Congress in the language used in this subdivision 3 would not exclude from consideration the section that had existed and that had been repealed, applying to actual transactions for present and future delivery on boards of trade and exchanges.

Mr. President, answering the question of the Senator from South Carolina [Mr. TILLMAN], this act excluded the notion that so far as the States were concerned this tax was to validate the business as against the power of the State; to declare, as some States have done, bucket shops illegal, as they declared the selling of pools to be illegal, because the following language was inserted:

That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The elaboration the Senator has just read there, that the act does not undertake to legalize or to interfere with the punitive statutes of a State, does not itself answer my question.

Mr. SPOONER. The Supreme Court decided on just such a case—that is, in the license-tax cases—that all that such a statute means is to impose the Federal tax upon the business or upon the object of taxation, not thereby licensing it as a business within a State, but as indicative that even if the business were carried on and paid the tax, the United States did not intend to put itself in the position of criminally prosecuting it as an unlawful business from the Federal standpoint.

Mr. TILLMAN. We have a much more flagrant lack of comity between the United States and the States in the matter of whisky. Some States prohibited the sale of whisky, and yet the United States grants licenses in those States to sell whisky—not a license, but it collects a tax and expressly says that it does not carry with it the legalizing of the traffic.

Mr. SPOONER. Certainly. That was involved in the license-tax cases. But, while Congress imposes a tax upon liquor and a license tax upon the dealers in liquor, it is within the constitutional capacity of the State to entirely prohibit either the manufacture or sale of liquor within that State.

Mr. TILLMAN. Yet here you have—

Mr. SPOONER. If it is not manufactured or sold it can not be taxed. It is entirely competent for the State to take charge of the business itself, as it is done in the State of the Senator from South Carolina. But, Mr. President—

Mr. TILLMAN. I was just calling the Senator's attention to the fact, however, that the United States encourages the illicit sale in South Carolina, for instance, by issuing its receipts for the tax to whoever offers to pay, knowing that the State prohibits the sale except in a certain way by State officers. The National Government for the pittance of a few thousand dollars received in that way from this tax on retailers lends its assistance and encouragement to the illegal or the illegitimate dealers in whisky.

Mr. SPOONER. That is very interesting, but I suppose my friend will admit it has nothing whatever to do with the question which I am now discussing.

Now, Mr. President, one word further. The exchanges of the country, the chambers of commerce, boards of trade, are well established and thoroughly organized. The men who deal with those exchanges are admitted to membership. They have committees. They have rules which I think are mostly uniform throughout the country. They have the strongest inquisitorial power. They have the power to expel men who perpetrate frauds in violation of the rules upon customers.

The bucket shops and the curb brokers, as a rule, are not members of the exchanges. This has been the difficulty, being a mere bet on prices, unaccompanied by any actual transaction upon the exchanges, they are established with little capital, and they need little in carrying on such a business all over the United States. They are in the smaller places as well as in the large cities, and it has been the most insidious and the most destructive form of gambling. It has ruined, I venture to say, more clerks, caused them to become embezzlers, involved them in imprisonment and crime, than almost any other one thing.

I voted to put this tax upon the bucket shop. It requires every person engaged in that business to make it known to the authorities of the United States that they are engaged in the business, so that the person who is invited into their office knows whether he is going into the office of a person or a firm connected with one of the established boards of trade, or whether he is going into a mere pool shop or gambling house.

Mr. BACON. Does not the Senator think, in view of that, it is extremely important that the Senate should stand by the proposition to continue to tax them?

Mr. SPOONER. Mr. President, I have desired, as I said at the beginning, that we should retain this tax. I believe it is a wholesome tax. I believe it is a well-justified tax, and I dislike extremely that the Congress shall repeal it.

Mr. BACON. Does not the Senator think it would be a good idea to let the House have an opportunity to say whether or not they will refuse to agree to the repeal of this tax? It has never had the opportunity so far.

Mr. SPOONER. I have the profoundest confidence in the Senators who are on this conference committee. They were in favor of retaining the tax in committee, if I may properly say that; and I have no doubt whatever that they have labored long and by every means in their power to secure its retention.

Mr. BACON. I do not doubt that at all.

Mr. SPOONER. I want it retained, but, Mr. President, when they state to the Senate that the House is irrevocably opposed to it—

Mr. TILLMAN. The House committee?

Mr. SPOONER. Yes; the House committee. When they state to the Senate that it is useless to continue the fight in conference for it, I am not willing myself to jeopardize this bill, which vastly reduces taxation. I hate to vote for this report in the first instance, but the Senators say it will be unavailing to contend longer in the conference, and I shall vote for it.

Mr. HOAR. Mr. President, I wish to state in one or two sentences only the proposition which I stated a little while ago, which the Senator from Georgia did not seem to apprehend.

The Constitution says that all revenue bills shall be first proposed in the House—in other words, that there shall not be a tax put upon the people unless the House think there should be a tax. It provides that such bills may be amended in the Senate, and also in order to avoid the construction of the British Parliament that you can only amend such bills by matters which relate to the same subject of taxation and not put in a new one, it adds for greater caution the phrase that the Senate may make amendments as in other bills. So the power of the Senate is absolute, unqualified, and unlimited over amendments to such bills.

But it was not intended that there should be a tax unless the representatives of the people wanted it and think that there should be one. If there should be one, we may concern ourselves about what may be the object.

The House proposed and we agreed to a war tax for a particular special occasion, which has passed; and now the House say they do not want that war tax any longer and it is time it should end. My proposition is that the question whether a tax under those circumstances should be continued ought to be settled by the House.

Mr. TILLMAN. Mr. President—

Mr. HOAR. I wish to make my statement before I am interrupted, and then I will listen to the Senator. I do not mean that we have not the constitutional power as a matter of mere blind power to hold on to a tax which the House want to abolish, but I do mean to say that the principle of the Constitution which requires the opinion of the House to favor such a tax requires us to pay the very greatest deference indeed to the opinion of the House that it should not continue.

Now, if you continue this war tax or any part of it you have an imposition which the representatives of the people submitted to for a special exigency put upon the people as a permanent method of raising money for ordinary public expenditures, and whenever a war tax is proposed hereafter under the exigency and danger of a great war the House of Representatives have to be told that they put their necks in a noose, and that they can not get rid of that tax for a thousand years unless the Senate consents, although the war has long gone by and the money is going to be appropriated for ordinary purposes.

Now, what is the result of that? This body, for whose rightful constitutional prerogative no man will stand longer than I do, as it was constituted by the Constitution, is so constituted that a majority may cast a vote at any particular time of less than a quarter of the American people, if I am not mistaken, certainly less than a third. Therefore, a quarter of the American people may hold on to a tax which three quarters, speaking by their representative body, the House, think ought not to continue any longer.

I say that is not only violative of the principle of the Constitution, of the theory on which the taxing power was committed in the Constitution, but it is an enormous danger to the Senate, already enough in danger from wild and foolish attempts to overthrow it. I say it is not sound constitutional policy, if the House of Representatives tell us that they made a war tax for three or four years, to have us stand up and say we do not care whether you want to repeal it or not it shall continue a century and you can not help yourselves. Is that a sound constitutional proposition or not? If it is, I am just justified in voting for this repeal.

Mr. BACON. Mr. President, the argument of the learned Senator would be an excellent one why it should be provided in the Constitution that a revenue bill should be determined at the other end of the Capitol, without coming here at all; but I can not, in deference to my friend from Rhode Island, pursue the subject in reply to the learned Senator or the equally learned Senator from Wisconsin, and therefore I shall not occupy the time of the Senate in attempting to do so.

The PRESIDING OFFICER. Will the Senate agree to the conference report?

Mr. ALDRICH. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote if here, and so I refrain from voting.

Mr. CULBERSON (when his name was called). I am paired with the Senator from Wisconsin [Mr. QUARLES], and therefore withhold my vote.

Mr. DEPEW (when his name was called). I am paired with the Senator from Louisiana [Mr. MCENERY].

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not see him present, and therefore I withhold my vote.

Mr. MITCHELL (when his name was called). I wish to inquire whether the Senator from Idaho [Mr. DUBOIS], with whom I am paired, has voted?

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Chair is informed that the Senator from Idaho has not voted.

Mr. MITCHELL. Then I withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. As he is necessarily absent, I withhold my vote.

The roll call was concluded.

Mr. MALLORY (after having voted in the negative). I desire to inquire if the senior Senator from Vermont [Mr. PROCTOR] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. MALLORY. I have a general pair with the Senator from Vermont, and I voted under the misapprehension that he was present. I therefore withdraw my vote.

Mr. DOLLIVER (after having voted in the affirmative). I desire to inquire whether the senior Senator from Mississippi [Mr. MONEY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. DOLLIVER. Being informed by the chairman of the Finance Committee [Mr. ALDRICH] that the Senator from Mississippi [Mr. MONEY] is in favor of the adoption of the conference report, although I am paired with him generally, I will allow my vote to stand.

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from Nevada [Mr. JONES] and vote. I vote "yea."

Mr. McLAURIN of Mississippi (after having voted in the negative). I desire to inquire whether the junior Senator from Washington [Mr. FOSTER] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. McLAURIN of Mississippi. Then I withdraw my vote, as I have a general pair with the junior Senator from Washington.

Mr. McMILLAN. As I announced a while ago, I have a general pair with the Senator from Kentucky [Mr. BLACKBURN]. The Senator from Mississippi [Mr. McLAURIN] is paired with the Senator from Washington [Mr. FOSTER]. I suggest to the Senator from Mississippi that we transfer our pairs, so that we shall both be at liberty to vote.

Mr. McLAURIN of Mississippi. That is agreeable to me, and under that arrangement I will allow my vote in the negative to stand.

Mr. McMILLAN. Under that arrangement I am at liberty to vote, and I vote "yea."

The result was announced—yeas 36, nays 20; as follows:

## YEAS—36.

Aldrich,	Dolliver,	Lodge,	Platt, N. Y.
Allison,	Dryden,	McMillan,	Quay,
Bard,	Fairbanks,	Millard,	Scott,
Beveridge,	Foraker,	Nelson,	Simon,
Burrows,	Frye,	Patterson,	Spooner,
Clapp,	Gallinger,	Penrose,	Stewart,
Deboe,	Hansbrough,	Perkins,	Teller,
Depew,	Hoar,	Pettus,	Vest,
Dillingham,	Kean,	Platt, Conn.	Westmore.

## NAYS—20.

Bacon,	Clay,	Hawley,	McLaurin, S. C.
Bate,	Cullom,	Heitfeld,	Martin,
Berry,	Daniel,	Jones, Ark.	Simmons,
Carmack,	Gamble,	Kittredge,	Taliaferro,
Clark, Mont.	Gibson,	McLaurin, Miss.	Tillman.

## NOT VOTING—32.

Bailey,	Dubois,	Kearns,	Morgan,
Blackburn,	Elkins,	McComas,	Pritchard,
Burnham,	Foster, La.	McCumber,	Proctor,
Burton,	Foster, Wash.	McEnery,	Quarles,
Clark, Wyo.	Hale,	Mallory,	Rawlins,
Cockrell,	Hanna,	Mason,	Turner,
Culbertson,	Harris,	Mitchell,	Warren,
Dietrich,	Jones, Nev.	Money,	Wellington.

So the report of the committee of conference was agreed to.

## CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. HANSBROUGH. I desire to offer an amendment intended to be proposed to the pending bill, which I ask may be printed and lie upon the table.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from North Dakota will be received, printed, and ordered to lie upon the table.

Mr. DEPEW. Mr. President, as I shall have to be absent from the Senate, I ask unanimous consent to submit an amendment on page 10, line 25, before the word "Manila," by inserting the words "Malone, N. Y.; Rouses Point, N. Y." I understand the chairman of the committee agrees that I may offer the amendment at this time.

The PRESIDING OFFICER. The Senator from New York asks leave to submit an amendment at this time to the pending bill. Is there objection? The Chair hears none.

Mr. KEAN. What is the amendment?

Mr. COCKRELL. Let the amendment be read at the place where it is to be inserted in the bill.

The PRESIDING OFFICER. The amendment submitted by the Senator from New York will be stated.

The SECRETARY. On page 10, line 25, before the word "Manila," it is proposed to insert "Malone, N. Y.; Rouses Point, N. Y."

The amendment was agreed to.

Mr. LODGE. I want to make a suggestion. I think it is not generally understood that only about one-third of the pending bill has been read; and it seems to me, for the better dispatch of business, the bill should be regularly read, the committee amendments disposed of as they are reached, and then the bill will be open to further amendment.

Mr. PENROSE. I would suggest, as the Senator from North Carolina [Mr. SIMMONS] is prepared to address the Senate on this bill, that he proceed with his remarks, and then we can have the reading of the bill completed at the conclusion of his remarks, which, I understand, will be brief.

Mr. CULLOM. I stated on Saturday last that I desired to address the Senate this morning upon the pending bill. I should proceed now were it not that I should be compelled to leave the Senate before I had an opportunity to conclude my remarks. I



therefore desire to say that I shall speak upon the bill to-morrow, if I can then get the opportunity, instead of to-day.

Mr. SIMMONS. Mr. President, I do not rise for the purpose of making a speech upon the pending bill, but to make a statement in explanation of the vote which I shall cast.

I shall vote for this bill, but I shall vote for it reluctantly. I shall vote for it reluctantly because I am not at all satisfied that the best interests of the country, considered as a whole, requires its passage. I shall vote for it reluctantly also because the cotton manufacturers of my State are appealing to Congress in protest against its enactment. Cotton manufacturing has grown to great proportions in my State. The men who are engaged in this work are among its best citizenship, and they are doing a great work in upbuilding that State, and I want by my votes here, as far as I can consistently and conscientiously, to encourage and promote this great industry.

Now, the cotton manufacturers of my State and the South have in recent years built up a valuable trade, which is rapidly increasing, with China, in the coarser grades of their products, and they believe, or at least fear, that if this bill is passed it will lead to retaliatory action on the part of China which will check, if it does not destroy, this trade. I do not believe the passage of the bill will lead to the retaliatory action which these manufacturers apprehend, although I must concede it may possibly have this effect. On account of this I shall vote for this measure, reluctantly, as I said before, because I dislike to cast a vote which may expose this trade to even possible danger.

But there is another appeal which has come to us which, for one, I find myself unable to resist. It is the appeal of the people of the Pacific coast. It is the people of that section of our country who have to deal with this Chinese question. For years they have been face to face with it, and they understand it in all of its phases. Those people come to us and they say that Chinese immigration and Chinese settlement upon the Pacific coast involves not only a political but a social question, and that the presence in any great numbers of Chinamen there threatens not only the peace and order and tranquillity of society but threatens their very civilization.

I can not understand, and the people of the South can not understand, the prejudice of the people of the Pacific coast toward the Chinaman both as a man and as a laborer. We do not share in it. There is no prejudice of that sort in my section. On the contrary, there are many in my State who would be glad to see the Chinese laborer come among them and supplement at least the very inefficient and unreliable farm labor that we have. While we do not understand the prejudice of the people of the Pacific coast toward the Chinaman, we know the fact that it exists and we believe there is foundation for it, and because we do so believe, and because the people of the Pacific coast are chiefly concerned in this matter, we are ready to join with them in any determination of this question which their long experience in dealing with it may suggest as being in the interest of the people of that section and as just and right.

Mr. President, we have a problem in the South also—a great social and political problem—with which we are struggling, and with which we have been struggling for the past thirty years. The people of the remainder of the country can not understand the attitude and feeling and the inexorable purpose of the South with reference to the negro question. They think that our attitude toward the negro is inspired by prejudice and hostility. That is a mistake. We have no prejudice and we have no hostility to the negro. Our attitude toward him is actuated solely by the desire to preserve our civilization and to promote the welfare of both races. If we are permitted in the South to deal with and to settle the negro question in our own way, without unnecessary interference from the balance of the country, we will settle it not only in the interest of the white man, but we will settle it in the interest of the negro, and we will settle it in the interest of the social, the intellectual, and the material progress, not only of the South, but of the whole country. If the North and the West and the East are determined to saddle and fix upon us obnoxious social conditions we will not in a spirit of retaliation seek to enforce against other sections similar and equally objectionable social conditions.

It has been said that the Southern people are a hot-headed people, a hard-headed people, and a stubborn people. We are a stubborn people in maintaining what we believe to be right; and we are a stubborn people in opposing what we believe to be wrong, but vindictiveness has no place in Southern character, and though smarting under a sense of injustice to ourselves, we are strong enough and broad enough to rise above the spirit of the vendetta and do what we believe to be right and just toward every other section of the country, though the same measure should not be meted out to us.

The reading of the bill was resumed. The next amendment of

the Committee on Immigration was, in section 20, on page 18, line 4, after the word "act," to strike out "or thereafter," the provisions of sections 15, 16, 17, 18, and 19 shall not apply (except as to retention of certificate as an evidence of status, by a person obtaining one thereunder), but in lieu thereof these," and insert the words "the following;" and in line 8, after the word "provisions," to strike out "designed to give him all freedom of movement compatible with the prevention of abuse of the privilege given to his class;" so as to make the paragraph read:

Sec. 20. That in the case of a Chinese person who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act, the following provisions shall govern:

The amendment was agreed to.

The next amendment was, on page 18, line 11, after the word "him," to strike out "readily, that he may be spared the annoyance of being confused with imposters seeking to abuse the privilege the United States reserves for good-faith members of certain classes;" in line 16, after the word "certificate," to insert "of registration;" in line 19, after the word "as," to insert "may be required by rules and regulations prescribed by;" in line 21, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 22, after the word "Treasury," to strike out "may by rule prescribe;" on page 19, line 1, after the word "made," to strike out "at his expense and;" in the same line, after the word "by," to strike out "rules of" and insert "the rules and regulations prescribed by;" in line 3, after the word "Immigration," to strike out "acting under direction" and insert "with the approval;" and in line 4, after the word "Treasury," to strike out "which expense shall be the only charge to him in connection with such certificate;" so as to make the paragraph read:

First. To enable the United States to identify him he shall be entitled to have issued to him by the appropriate Treasury officer a certificate of registration setting forth his personal signature, his name, his personal description, his residence, his occupation and place of pursuing it, together with such details concerning it and such other matter as may be required by rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. This certificate shall be made in duplicate, and the copy shall be retained by the officer issuing the certificate. The original and the copy shall each contain the photograph of the applicant, made as required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 19, line 8, before the word "presumed," to strike out "rebuttably;" and in line 9, after the words "United States," to strike out the period and insert a comma and the words "but such presumption may be rebutted;" so as to make the paragraph read:

Persons entitled to such certificates who fail to obtain them shall be, in any proceeding inquiring into their status under this act, presumed to be laborers not entitled to remain within territory of the United States, but such presumption may be rebutted.

The amendment was agreed to.

The next amendment was, on page 19, line 13, after the word "or," to strike out "a particular," and insert "any portion of the;" in line 14, after the word "he," to strike out "shall," and insert "may, if he so desire;" in line 16, after the word "district," to strike out "from which he wishes to depart, and," and insert "wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration, and in that event;" in line 19, after the word "make," to strike out "on oath," and insert "under oath;" in line 23, after the word "regulations," to strike out "from time to time;" in line 24, after the word "Immigration," to strike out "under direction," and insert "with the approval;" on page 20, line 1, after the word "penalties," to strike out "of" and insert "imposed by law for;" in line 2 after the word "perjury," to strike out the period and insert a semicolon and the word "and;" and in the same line, before the word "shall," to strike out "He," and insert "he;" so as to make the paragraph read:

Second. When any Chinese person who, being a member of any of the classes mentioned in section 4, desires to depart from the United States or any portion of the territory thereof, intending to return thereto, he may, if he so desire, apply to the appropriate Treasury officer in the district wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration, and in that event shall make under oath before said officer a full statement, in triplicate, descriptive of his professional, business, or other position or status, and shall furnish to said officer such proof of his status as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury; and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The amendment was agreed to.

The next amendment was, on page 20, line 6, after the word "applicant," to strike out "made at his expense and;" in line 8, before the word "prescribed," to strike out "in that regard" and insert "and regulations," and line 9, after the word "immigra-

tion," to strike out "under direction" and insert "with the approval," so as to make the paragraph read:

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert:

The original of said statement shall be retained by the Treasury officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

The amendment was agreed to.

The next amendment was, on page 20, line 16, before the word "officer," to insert "last-named;" so as to read:

And if said last-named officer, after hearing the proofs and investigating all the circumstances of the case, etc.

The amendment was agreed to.

The next amendment was, on page 20, line 24, after the word "was," to strike out "given" and insert "originally issued;" so as to make the paragraph read:

If the last-named certificate be transferred, it shall become void, and the person to whom it was originally issued shall forfeit his right to reside in, or return to, the United States.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "or," to strike out "some particular" and insert "any portion of the;" in line 5, after the word "thereof," to strike out "as the case may be;" in line 7, after the word "port," to strike out "or place;" in line 8, after the word "for," to strike out "and this in addition to the showing called for by preceding provisions of this act;" in line 10, after the word "port," to strike out "or place;" and in line 11, after the word "departed," to insert:

But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

So as to make the paragraph read:

Third. To entitle any such Chinese person as is mentioned in this section to readmission to the United States or any portion of the territory thereof, he shall produce to the appropriate Treasury officer at the port of entry the return certificate in this section provided for, and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

Mr. PLATT of Connecticut. I should like to have this amendment explained. I do not catch its meaning. Indeed, it is very difficult to get the meaning of a good many of these amendments, but, as I understand, this applies—

Mr. MITCHELL. What page?

The PRESIDING OFFICER (Mr. KEAN in the chair). Page 21.

Mr. PLATT of Connecticut. I think I see that the provision applies to persons named in section 4, who are the exempt persons. It says if he chooses he may waive the provisions of the second and third sections of the act and depend upon the provisions of section 8. I do not understand it very well, and I wish that some one would explain it. I do not wish to delay the reading of the bill and action on these amendments, but certainly we ought to have the right, after the amendments are perfected, to propose amendments to them without being cut off by the rule that an amendment has once been adopted. I suppose a Senator would have a right to do that when the bill gets into the Senate. I do not wish to delay the Senate now, but sometime, certainly, I should like an explanation to be made of this amendment.

The PRESIDING OFFICER. What is the request of the Senator from Connecticut—that this section be passed over?

Mr. PLATT of Connecticut. No; I did request that the reason for the amendment be explained, but as no one seems ready to do so at the present time the reading may proceed.

Mr. TELLER. I wish to suggest that nobody knows what this bill is, and nobody will know until the amendments are either adopted or rejected. It seems to me the best thing to do is to go on with the bill, have the bill amended as the committee wants it, unless somebody raises a question, and then let us have the bill reprinted and we can take it up and see what it is.

Mr. PLATT of Connecticut. Unless we shall be cut off by the rule that amendments have been adopted that will satisfy me precisely, because I should like to have all of the amendments suggested by the committee adopted, if they wish them to be, and then have the bill printed, so as to enable us to see what it is, and have it all open to amendment.

Mr. TELLER. That is what we ought to do.

Mr. COCKRELL. I suggest to the chairman of the committee that he ask unanimous consent to consider any amendments which may be reported and adopted by the committee still subject to amendment.

Mr. PENROSE. Of course. That is my understanding.

Mr. COCKRELL. That will hasten the consideration of the bill.

Mr. TELLER. They would be open to amendment when the bill got into the Senate anyway.

Mr. COCKRELL. I know.

Mr. TELLER. So Senators would not be cut off. However, it is better to have it in this way.

Mr. PENROSE. I think it is better to proceed with the reading of the bill. There are few Senators present, and any discussion as to the details of the bill would be unproductive. Everything will be explained.

Mr. TELLER. Then let us have a reprint of the bill.

Mr. PLATT of Connecticut. That will be perfectly satisfactory to me, provided we can then move amendments to the bill as it has been perfected.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered. The question is on agreeing to the amendment reported by the Committee on Immigration.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Immigration was, in section 21, page 21, line 18, after the word "any," to strike out "particular" and insert "portion of the;" in line 19, after the word "thereof," to strike out "as the case may be;" in line 20, after the word "children," to strike out "not more than 12 years of age;" in line 22, after the word "four," to insert "actually domiciled in the United States at the time of such proposed entry;" in line 25, after the word "to," to strike out "produce to" and insert "establish to the satisfaction of;" on page 22, line 1, after the word "port," to strike out "or place;" and in line 2, after the word "entry," to insert "that the required relationship exists and to produce to him;" so as to make the paragraph read:

SEC. 21. That nothing in this act shall be construed to prevent the entry into the United States, or any portion of the territory thereof, of the lawful wife or the minor children of any Chinese person of any of the classes mentioned in section 4 actually domiciled in the United States at the time of such proposed entry: *Provided*, That no such wife nor any of such children shall be permitted to enter who shall fail to establish to the satisfaction of the appropriate Treasury officer at the port of entry that the required relationship exists and to produce to him a certificate as follows:

The amendment was agreed to.

The next amendment was, on page 22, line 6, section 21, after the word "consular," to strike out "officer" and insert "representative;" so as to make the paragraph read:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and shall show that after investigation said representative believes it to be true that the relationship asserted genuinely exists.

The amendment was agreed to.

The next amendment was, on page 22, line 10, section 21, after the word "from," to strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 15, after the word "from," to strike out "one" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 16, after the word "into," to strike out "another" and insert "other;" in line 17, after the word "insular," to strike out "possession" and insert "territory;" in line 19, before the word "the," where it occurs the second time, to strike out "in" and insert "at," and in the same line, after the word "port," to strike out "or place;" so as to make the paragraph read:

Second. If the wife or child come from any insular territory of the United States and seek entry into American-mainland territory of the United States, or come from American-mainland territory of the United States and seek entry into insular territory of the United States, or come from any insular territory of the United States and seek entry into other insular territory of the United States, the certificate shall have been issued by the appropriate Treasury officer of the United States at the port whence such person departed, and shall show that after investigation said officer believes it to be true that the relationship asserted genuinely exists.

The amendment was agreed to.

The next amendment was, on page 23, line 1, section 21, after the word "required," to insert "and claimed," and in line 2, after the word "otherwise," to strike out:

The purpose of these provisions being to indulge humane consideration for the welfare and domestic happiness of good-faith Chinese families, but strictly to prohibit entry, under cover of this policy, of prostitutes, slaves, orphans, and persons who are not the persons and have not the relationship asserted.

So as to make the paragraph read:

Third. It is hereby made the duty of diplomatic and consular representatives of the United States, and of the appropriate Treasury officers, to make rigid investigations of all applications for such certificates, and to issue them when the relationship required and claimed is clearly established, but not otherwise.

The amendment was agreed to.

The next amendment was, on page 23, line 9, section 21, after the word "named," to strike out "in it" and insert "therein;" in line 11, before the word "rules," to insert "the;" in line 12,



before the word "prescribed," to insert "and regulations;" in line 13, before the word "of," to strike out "under direction" and insert "with the approval;" in line 15, before the word "at," to strike out "at the expense of the applicant, and," and in line 16, after the word "rules," to insert "and regulations;" so as to make the paragraph read:

Fourth. Each of said certificates shall be issued in triplicate, and shall contain the photograph of the person named therein, and in addition to the matter already mentioned shall contain whatever may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. The photographs shall be made at the time and in the manner required by said rules and regulations.

The amendment was agreed to.

The next amendment was, on page 23, line 18, section 21, before the word "issuing," to strike out "person" and insert "representative or officer;" so as to make the paragraph read:

The original certificate shall be, by the representative or officer issuing it, delivered open to the person named in it, or, if such person be an infant, to the person in charge of such infant.

The amendment was agreed to.

The next amendment was, on page 23, line 22, section 21, before the word "officer," to insert "representative or;" on page 24, line 2, before the word "where," to strike out "or place;" and in line 4, after the word "section," to strike out "fifty-two" and insert "fifty-three;" so as to make the paragraph read:

The duplicate thereof shall be, by said representative or officer, delivered in a sealed envelope, duly addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person for whom the original is available, whose duty it shall be to deliver it promptly to the appropriate Treasury officer of the United States at the port where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The amendment was agreed to.

The next amendment was, on page 24, line 6, section 21, before the word "officer," to insert "representative or;" in line 7, before the word "said," to strike out "or place" and insert "where;" and in line 8, after the word "entry," to strike out:

*Provided*, That no wife or child shall be privileged to enter unless accompanied by the husband or father on relationship to whom such privilege depends: *And provided further*, That the privilege of a wife or child to remain in the United States, or particular territory thereof, as the case may be, shall cease when the right of the husband or father so to remain ceases for any reason. And no woman shall be deemed a wife within the meaning of this section or any other provision of this act unless she be a wife as distinguished from a concubine, the intent of this requirement being to have regard to polygamous and allied practices and customs among the Chinese, and to restrict right of entry to one wife of any Chinese man entitled to bring his wife with him into the United States or particular territory thereof, and she the woman who, under the general custom obtaining among his nation, is best entitled to be deemed his wife if he have more than one woman holding to him relationship of wifely character.

And insert:

*Provided*, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

So as to make the paragraph read:

The triplicate thereof shall be, by the representative or officer issuing the certificate, immediately sent by mail to the appropriate Treasury officer at the port where said Chinese person seeks entry: *Provided*, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

The amendment was agreed to.

The next amendment was, in section 22, on page 25, line 13, before the word "Secretary," to strike out "Commissioner-General of Immigration, under direction of the;" so as to make the paragraph read:

SEC. 22. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants or servants, who shall be admitted to the United States under special instructions of the Secretary of the Treasury, without production of other evidence than that of personal identity.

The amendment was agreed to.

The next amendment was, in section 22, on page 25, line 18, before the word "rules," to insert "the;" in the same line, before the word "prescribed," to insert "and regulations;" and in line 20, before the word "of," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 23, page 25, line 22, before the word "landed," to strike out "persons are" and insert "person is;" in line 24, before the word "brought," to strike out "persons" and insert "person;" in the same line, after the word

"border," to strike out "point" and insert "port;" on page 26, line 2, before the word "brought," to strike out "they were" and insert "he was;" in line 3, after the word "Chinese," to strike out "persons" and insert "person;" in line 4, after the word "comparing," to strike out "their certificates" and insert "his certificate;" and in line 5, after the word "Chinese," to strike out "persons" and insert "person;" so as to make the paragraph read:

SEC. 23. That before any Chinese person is landed from any vessel on territory of the United States, or, in case of inland immigration, before any Chinese person brought to any inland border port of the United States shall be permitted to leave the car or other conveyance in which he was brought thither, the appropriate Treasury officer shall examine such Chinese person, comparing his certificate with the lists given under succeeding provisions hereof, and also with such Chinese person; and no Chinese person shall be allowed to land or to enter in violation of law. The examination and comparisons herein required shall be made immediately after the arrival at port or border.

The amendment was agreed to.

The next amendment was, in section 24, page 26, line 13, after the word "Chinese," to strike out "passengers" and insert "passenger;" in line 22, after the word "and," to strike out "the names and other" and insert "such;" in the same line, after the word "particulars," to strike out the comma; in line 23, before the word "shown," to insert "to each as are;" and in line 24, after the word "required," to insert:

And such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

So as to make the paragraph read:

SEC. 24. That the master of any vessel arriving in the United States from any foreign port or place shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate Treasury officer of the customs district in which such vessel shall have arrived a separate list of all Chinese persons taken on board his vessel at any port or place, and all such persons on board the vessel at that time. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign Government traveling on the business of such Government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the master in the manner required by law in cases of manifests of cargo.

The amendment was agreed to.

The next amendment was, in section 24, on page 27, line 7, after the word "territory," to strike out "or possessions;" in line 9, after the word "insular," to strike out "possessions" and insert "territory;" in line 13, after the word "insular," to strike out "possession" and insert "territory;" and in line 14, after the word "insular," to strike out "possession" and insert "territory;" so as to make the paragraph read:

The foregoing requirements shall apply also to the masters of all vessels arriving in the American-mainland territory of the United States from any of the insular territory of the United States; and to masters of all vessels arriving at any point in any such insular territory from the American-mainland territory of the United States; and to the masters of all vessels arriving in the Philippine Islands, Hawaii, Porto Rico, or any other insular territory of the United States from any other insular territory of the United States.

The amendment was agreed to.

The next amendment was, in section 25, page 27, line 20, after the word "border," to strike out "point" and insert "port;" in line 22, after the word "any," to strike out "of;" in line 23, after the word "Chinese," to strike out "persons" and insert "person;" on page 28, line 6, before the word "particulars," to strike out "the names and other" and insert "such;" in the same line, before the word "shown," to insert "to each as are;" and in line 7, after the word "required," to insert "and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury;" so as to make the paragraph read:

SEC. 25. That in the case of Chinese persons brought to an inland border port of the United States, the railway conductor or other person so bringing them shall, immediately on arriving there and before enabling or permitting any such Chinese person to cross the border into territory of the United States, deliver to the appropriate Treasury officer a list of all Chinese persons so brought. Such list shall show the names of all such Chinese persons (and in the case of accredited officers of the Chinese or other foreign government traveling on the business of such government, or their servants and attendants, a note setting forth such facts), the port or place at which each was taken in charge, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the person bound to deliver it, the oath to be administered by the said Treasury officer.

The amendment was agreed to.

The next amendment was, in section 25, on page 28, line 16, after the word "section," to strike out "fifty-two" and insert "fifty-three;" and in line 21, before the word "employer," to strike out "the" and insert "his;" so as to make the paragraph read:

Any refusal or willful neglect of any such conductor or other person bound to deliver such list to comply with the provisions of this section shall be



deemed a felony and shall be punishable under section 53. Should the offender not be subject to punishment in the United States, then any rule or regulation which may be made by the Secretary of the Treasury for cases of that class shall be enforced; and as well against his employer as against himself, if his employer be a person or corporation interested in the transportation of the Chinese person as to whom the offense was committed.

The amendment was agreed to.

The next amendment was, in section 26, page 29, line 2, after the word "provisions," to strike out "designed to prevent said privilege of transit from being abused;" so as to make the paragraph read:

SEC. 26. That Chinese laborers shall continue to enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions.

The amendment was agreed to.

The next amendment was, in section 26, on page 29, line 4, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" in line 6, after the word "the," to strike out "place" and insert "port;" and in line 7, after the word "such," to strike out "place" and insert "port;" in line 19, after the word "the," to strike out "transit;" in the same line, after the word "privilege," to insert "of transit;" in line 20, after the word "from," to strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 21, after the word "seek," to strike out "transit" and insert "the;" in the same line, after the word "privilege," to insert "of transit;" in line 24, after the word "seek," to strike out "transit" and insert "the;" in the same line, after the word "privilege," to insert "of transit;" in line 25, after the word "from," to strike out "one" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" on page 30, line 1, after the word "seek," to insert "the privilege of;" in the same line, after the word "transit," to strike out "privilege;" in line 2, after the word "across," to strike out "another" and insert "other;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 9, after the word "the," to insert "privilege of;" in the same line, after the word "transit," to strike out "privilege;" in line 16, after the word "be," to insert "required;" in the same line, after the word "by," to insert "the;" in the same line, after the word "rules," to insert "and regulations prescribed by the Commissioner-General of Immigration, with the approval;" and in line 18, after the word "Treasury" to strike out "prescribed;" so as to make the paragraph read:

First. Privilege of transit shall be denied if the applicant fail to produce to the appropriate Treasury officer at the port where entry is sought a through ticket entitling said applicant to transportation from such port to the point of ultimate destination in the foreign country whither he claims to be bound, such ticket in good faith requiring transit across territory of the United States and having been fully paid for; or if he fail to produce, additionally, to the said officer a certificate as follows: (a) If the applicant come from a foreign country, the certificate shall have been issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, and shall show that after investigation said representative believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for; (b) if the applicant come from any insular territory of the United States and seek the privilege of transit across American-mainland territory of the United States, or come from American-mainland territory of the United States and seek the privilege of transit across insular territory of the United States, or come from any insular territory of the United States and seek the privilege of transit across other insular territory of the United States, then the certificate shall have been issued to him by the appropriate Treasury officer of the United States at the port or place whence said applicant departed, and shall show that after investigation said officer believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for. And it is hereby made the duty of the diplomatic and consular representatives of the United States and of the appropriate Treasury officers of the United States to investigate all applications for the said certificates, and to issue such certificates where the applications are shown to be in good faith, but not otherwise, and in such form and carrying such additional information as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 26, on page 30, line 19, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 21, after the word "suspend," to strike out "transit privilege" and insert "the privilege of transit;" in line 23, after the word "from," to strike out "and" and insert "any;" and in the same line, after the word "insular," to strike out "possession" and insert "territory;" so as to make the paragraph read:

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States.

The amendment was agreed to.

The next amendment was, in section 26, on page 30, line 25, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" on page 31, line 1, after the word "refuse," to strike out "and" and insert "or;" in line 4, after the word "the," to strike out "place" and insert "port;" in the

same line, after the word "entry," to insert "for the exercise of such privilege;" in line 7, before the word "ultimate," to strike out "an" and insert "the;" in the same line, after the word "destination," to strike out "not in the United States" and insert "which is named in this certificate;" in line 8, after the word "the," to strike out "transit" and insert "said;" and in line 9, after the word "privilege," to strike out "applied for;" so as to make the paragraph read:

Second. Privilege of transit shall be denied if the applicant refuse or fail to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate Treasury officer at the port where entry for the exercise of such privilege is sought, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly and immediately to the ultimate destination which is named in his certificate, and is not seeking to abuse the said privilege.

The amendment was agreed to.

The next amendment was, in section 26, on page 31, line 10, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" in line 11, before the word "have," to insert "first;" in line 12, after the word "than," to strike out "in" and insert "for the purpose of;" and in line 13, after the word "have," to strike out "failed in that regard, the intent of this provision being to prevent user of transit privilege as an alternative" and insert "being refused such admission;" so as to make the paragraph read:

Third. Privilege of transit shall be denied if the applicant shall first have sought admission into the United States or some territory thereof otherwise than for the purpose of transit and shall have been refused such admission.

The amendment was agreed to.

The next amendment was, in section 26, on page 31, line 16, before the word "shall," to strike out "Transit privilege" and insert "Privilege of transit;" in line 18, after the word "Immigration," to strike out "under direction" and insert "with the approval;" and in line 21, before the word "privilege," to strike out "transit" and insert "such;" so as to make the paragraph read:

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevention of abuse of such privilege.

The amendment was agreed to.

The next amendment was, in section 26, on page 31, line 24, after the word "port," to strike out "or place;" in line 25, after the word "for," to insert "the privilege of;" on page 32, line 1, after the word "transit," to strike out "privilege;" in line 7, after the word "and," to strike out "whatever else" and insert "such other matter as;" and in line 9, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

Fifth. The master of any vessel, the conductor of any railway train, or the manager or director of any other conveyance, bringing to any port in the United States, or on the border thereof, any applicant for the privilege of transit shall, immediately after arrival there and before landing or permitting to land, or enabling or permitting to cross the border, as the case may be, any such applicant, deliver to the appropriate Treasury officer of the United States a separate list of all such applicants so brought, which list shall show the name of each applicant, the matter contained in the certificate he bears, and such other matter as may be required by the rules and regulations from time to time prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be sworn to by the person bound to deliver it, the oath to be administered by the said officer to whom it is delivered. Failure to comply with any of the requirements of this subdivision shall be punishable in the case of masters of vessels as in violations of section 21, and in the case of others as in violations of section 22.

The amendment was agreed to.

The next amendment was, in section 26, on page 32, line 17, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 19, after the word "ports," to strike out "or places;" in line 20, after the word "thereof," to insert "for the purpose of exercising the privilege of transit;" in line 21, after the word "be," to strike out "gained by" and insert "granted to;" in line 22, after the word "said," to strike out "transit;" on page 33, line 2, before the word "designation," to strike out "the" and insert "said;" in line 4, after the word "any," to strike out "place" and insert "port;" in line 8, after the word "Immigration," to insert "with the approval of the Secretary of the Treasury;" in line 10, after the word "such," to strike out "place" and insert "port;" in line 12, after the word "laws," to insert "and regulations;" in line 14, after the word "as," to strike out "being proposed by said Commissioner-General of Immigration;" in line 16, after the word "such," to strike out "place" and insert "port;" in line 19, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 20, after the word "such," to strike out "place" and insert "port;" and in line 21, after the word "privilege," to strike out "on concluding that" and insert "if in his judgment;" so as to make the paragraph read:

Sixth. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall designate the ports at which entry into the United States or particular territory thereof for the purpose of exercising the privilege of transit may be granted to persons entitled to exercise



said privilege; and said privilege shall be exercisable at no other ports or places. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada said designation shall be subject to this restriction: No place along either of said boundaries shall be so designated, nor shall any port along either of said boundaries be designated as a place of entry for any Chinese person whatever, whether in transit or otherwise, until there shall have been executed between the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations purposing to bring Chinese to such port contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese persons, under such money penalties as shall be set forth in said contracts; and no such port shall remain open to entry of Chinese persons, in transit or otherwise, beyond the life of such contracts in unviolated state. But the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such port to transit privilege if in his judgment such privilege is being abused there.

The amendment was agreed to.

The next amendment was, in section 27, page 34, line 4, after the word "until," to strike out "the United States shall have given;" in line 2, before the word "as," to insert "shall have been rendered;" in line 3, after the word "or," to strike out "particular" and insert "any portion of the;" in line 4, after the word "thereof," to insert "for any purpose;" in line 5, after the word "border," to strike out "point" and insert "port;" in line 6, after the word "detained," to strike out "without the territory of the United States" and insert "at such port;" in line 7, after the word "until," to strike out "the United States shall have given;" in line 8, after the word "decision," to insert "shall have been rendered;" in line 9, after the word "or," to strike out "particular" and insert "any portion of the;" in line 10, after the word "thereof," to insert "for any purpose;" in line 16, after the word "border," to strike out "point" and insert "port;" in line 19, after the word "rules," to insert "and regulations;" in the same line, after the word "Immigration," to strike out "under direction" and insert "with the approval;" in line 22, after the word "entry," to strike out "transit;" in the same line, after the word "residence," to insert "and no privilege of transit;" in line 24, after the word "temporary," to insert "detention and;" in the same line, after the word "landing," to strike out "or entry" and insert "authorized;" in line 25, after the word "such," to strike out "Treasury rules" and insert "rules and regulations;" on page 35, line 2, after the word "temporary," to insert "detention and;" and in the same line, after the word "landing," to strike out "or entry;" so as to make the paragraph read:

SEC. 27. That every Chinese person brought by vessel to any port of the United States shall be detained aboard such vessel until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and every Chinese person brought to an inland border port of the United States shall be detained at such port until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and in the first class of cases the duty of such detention shall rest on the master, owner, agent, and consignee of the vessel concerned, collectively and singly, and in the second class of cases said duty shall rest on the person, persons, corporation, or agent, collectively and singly, by whom said Chinese person was transported or aided to the inland border port: *Provided*, That Chinese persons may be otherwise and elsewhere detained pending such final decisions, in accordance with such rules and regulations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe: *And provided*, That no right of entry or residence and no privilege of transit shall result to any such Chinese persons by reason of temporary detention and landing authorized under such rules and regulations, and that no release from liability or obligation under this act shall be worked by such temporary detention and landing in favor of any vessel, or the master, owner, consignee, or agent of any vessel, or any other person or corporation whatsoever.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to insert:

Every person bound under this section to detain a Chinese person who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 28, page 35, line 13, after the word "person," to strike out "not entitled to enter" and insert "finally refused admission to;" in line 15, before the word "country," to strike out "foreign;" and in line 16, after the word "after," to strike out "the United States shall have denied him the privilege of entry or transit" and insert "such refusal;" so as to make the paragraph read:

SEC. 28. That every Chinese person finally refused admission to the United States must be returned to the country of which he is a citizen or subject immediately after such refusal.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

The duty of returning said Chinese person is hereby imposed on the master, owner, consignee, or agent of the vessel, and on the railway corporation, its general officers and agents, and on the owners or general officers and agents of other transportation lines or modes of conveyance, collectively and severally, bringing him to the port at which entry is denied him or aiding him thither.

The amendment was agreed to.

The next amendment was, on page 35, after line 24, to strike out:

The duty of returning him is hereby imposed on the vessel, shipmaster, shipowner, consignee, railway corporation, or other person or agent, collectively and severally, bringing him to the port or place at which entry is denied him or aiding him thither.

The amendment was agreed to.

The next amendment was, on page 36, line 5, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the paragraph read:

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may elect to effect such return in some other way than as above prescribed, and at the expense of the United States, in which case the vessel, persons, or corporation that would otherwise have been bound to effect such return shall be jointly and severally liable to the United States for the costs thereof.

The amendment was agreed to.

The next amendment was, on page 36, line 12, after the word "case," to strike out "the" and insert "such," and in line 16, before the word "territory," to strike out "particular" and insert "any portion of the;" so as to make the paragraph read:

And in every case such vessel, persons, or corporation shall be jointly and severally liable to the United States for all costs connected with the inquiry concerning the right of such Chinese person to enter or pass through the United States or any portion of the territory thereof.

The amendment was agreed to.

The next amendment was, on page 36, line 17, after the word "in," to strike out "all cases" and insert "every case;" in line 18, after the word "where," to insert the letter "a;" in the same line, after the word "Chinese," to strike out "persons are" and insert "person is;" in line 19, after the word "from," strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 21, after the words "United States," to strike out "and in cases where Chinese persons are" and insert "and in every case where a Chinese person is;" in line 23, after the word "to," to strike out "an" and insert "any;" in the same line, after the word "insular," to strike out "possession" and insert "territory;" in line 24, after the word "territory," to strike out "and in cases" and to insert "But in any case;" in line 25, after the word "where," to insert the letter "a;" in the same line, after the word "Chinese," to strike out "persons are" and insert "person is;" in the same line, after the word "to," to strike out "an" and insert "any;" on page 37, line 1, after the word "insular," to strike out "possession" and insert "territory;" in the same line, after the word "from," to strike out "another" and insert "other;" in line 2, after the word "insular," to strike out "possession" and to insert "territory;" and in the same line, after the word "thereof," to strike out "the return to be" and insert "he shall, when refused admission or transit, be deported;" so as to make the paragraph read:

The provisions of this section shall apply likewise in every case where a Chinese person is brought from any insular territory of the United States to the American mainland territory of the United States, and in every case where a Chinese person is brought to any insular territory of the United States from said mainland territory, but in any case where a Chinese person is brought to any insular territory of the United States from other insular territory thereof, he shall, when refused admission or transit, be deported to China.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Every person bound under this section to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not returned as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment: *Provided*, That any subordinate officer, agent, or employee of any such vessel, railway corporation, other transportation line, or other mode of conveyance, who is charged with the duty as such subordinate officer, agent, or employee of returning any Chinese person, and shall refuse or willfully neglect promptly to perform such duty, shall be subject to all the pains and penalties imposed by this section upon persons bound to return a Chinese person who refuses or willfully neglects to do so.

The amendment was agreed to.

The next amendment was, on page 37, after line 21, to strike out:

SEC. 29. That every person bound under section 27 to detain a Chinese person, or under section 28 to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

And insert:

SEC. 29. That every owner, officer, agent, or employee of any transportation line, railway corporation line, vessel, vehicle, or other mode of conveyance by sea or land, who shall aid or abet or willfully or through neglect permit or connive at the escape of any Chinese person held in detention pending final adjudication of his claims, or as provided by sections 27 and 28 of this act, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

The amendment was agreed to.



The next amendment was, in section 31, page 39, line 13, after the word "not," to strike out "exceeding" and insert "less than;" in line 14, after the word "or," to insert "by;" in line 15, after the word "than," to strike out "two years" and insert "six months;" and in the same line, after the word "exceeding," to strike out "ten" and insert "five;" so as to make the section read:

SEC. 31. That any person who, as principal or accessory, shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese person otherwise than as prescribed by this act, or who, pending a final decision as to the right of any Chinese person to enter or pass through territory of the United States, shall knowingly bring into or attempt to bring into or conspire to bring into territory of the United States such Chinese person, or who shall knowingly harbor or attempt to retain within or conspire to retain within the United States or any territory thereof any Chinese person unlawfully therein and subject to deportation therefrom, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not less than \$2,000, or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 32, page 40, line 2, after the words "in the," to strike out "particular" and insert "portion of the;" and in line 6, before the word "district," to strike out "the" and insert "said;" so as to make the section read:

SEC. 32. That any Chinese person found within any portion of the United States in violation of any provision of this act shall be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless upon the hearing the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be or to remain in the United States, or in the portion of the territory of the United States wherein found, it shall be the duty of said judge or commissioner to order that he be deported. It shall be the duty of the United States attorney of said district to attend the hearing, and the testimony of at least two credible witnesses other than Chinese shall be required to establish the right claimed.

The amendment was agreed to.

The next amendment was, in section 33, page 40, line 10, after the word "any," to strike out "particular" and insert "portion of the;" so as to make the section read:

SEC. 33. That if any Chinese person shall enter the United States or any portion of the territory thereof without having first obtained from the appropriate Treasury officer the required permission to enter, he shall be deported, notwithstanding that had he properly applied he would have been entitled to enter.

The amendment was agreed to.

The next amendment was, in section 34, page 40, line 17, after the word "person," to strike out "coming" and insert "who came;" so as to read:

SEC. 34. That wherever herein it is provided that a Chinese person shall be deported it is meant:

First. In the case of a person who came from a foreign country, that he shall be forthwith returned thither or to the country of which he is a subject or citizen.

The amendment was agreed to.

The next amendment was, on page 40, line 24, after the word "person," to strike out "coming" and insert "who came;" on page 41, line 1, after the words "United States," to strike out "as from the Philippine Islands to the American-mainland territory of the United States, for example;" and in line 4, after the word "to," to strike out "China" and insert "the country of which he is a citizen or subject;" so as to make the paragraph read:

Second. In the case of a person who came without right from one portion of the territory of the United States to another portion of the territory of the United States that he shall be forthwith sent to the country of which he is a citizen or subject.

The amendment was agreed to.

The next amendment was, in section 35, page 41, line 12, after the word "insular," to strike out "possession" and insert "territory;" in line 13, before the word "not," to strike out "have" and insert "has;" in line 14, after the word "and," to strike out "have" and insert "has;" in line 17, after the word "such," to strike out "possession" and insert "territory;" in line 18, before the word "marshals," to insert "attorneys and;" in line 19, after the word "such," to strike out "possession" and insert "territory;" and in line 20, after the word "territory," to strike out "But whenever the letter of the foregoing sections can apply in such insular possession, said local officers shall cease to exercise these temporarily given functions;" so as to make the section read:

SEC. 35. That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions herein vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions herein vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

The amendment was agreed to.

Mr. FAIRBANKS. On behalf of the committee, I offer an amendment to come in following the word "territory," in line 20, at the end of section 35.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 41, line 20, after the word "territory," insert:

In any insular territory of the United States wherein the government of civil affairs is subject to the jurisdiction of the War Department, the authority conferred upon the Secretary of the Treasury of the United States and the Commissioner-General of Immigration by this act is suspended for the period of time such territory remains subject to the jurisdiction of the War Department and a like authority conferred upon the Secretary of War, who shall do and perform for said territory the several duties and functions required of and from the Secretary of the Treasury and the Commissioner-General of Immigration by the provisions of this act.

In any insular territory of the United States wherein the government of civil affairs is subject to the jurisdiction of the War Department, the several duties, acts, and functions required by this act to be performed by the officers of the Treasury of the United States other than the Secretary of the Treasury and the Commissioner-General of Immigration shall be done and performed by the collector of customs at the port of said insular territory wherein the duty, action, or function is to be performed.

Mr. GALLINGER. In reference to this amendment I wish to inquire of the Senator from Indiana what territory we now have that is under the authority of the War Department?

Mr. PENROSE. The Philippine Islands.

Mr. FAIRBANKS. The Philippine Islands. This was addressed to the Philippine Archipelago.

Mr. LODGE. It is simply to make effective the administration of the law.

Mr. GALLINGER. I supposed that the Philippine Archipelago was being governed by a Commission appointed by the President of the United States.

Mr. FAIRBANKS. And under the civil authority.

Mr. LODGE. All their reports come through the War Department.

Mr. GALLINGER. They may make their reports through the War Department, but I am quite unwilling to admit that the War Department is governing the Philippine Islands at the present time. We gave the President authority to do that.

Mr. LODGE. That is not the statement in the amendment.

Mr. FAIRBANKS. If that is the case this would not apply.

Mr. LODGE. It could not apply.

Mr. PENROSE. It only applies temporarily.

Mr. GALLINGER. My judgment is that it does not apply and that is the reason why I asked the question, but I may be wrong.

Mr. PENROSE. Then the amendment would not be operative if it does not apply.

Mr. GALLINGER. On that theory we might put in the Ten Commandments. I do not think that is a satisfactory answer.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana on behalf of the committee.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, in section 36, page 42, line 4, after the word "by," to strike out "the" and insert "a," and in line 5, after the word "attorney," to strike out "of said district;" so as to make the section read:

SEC. 36. That any Chinese person who violates any of the provisions of this act shall be deported. Accusation and hearing in such case shall be before a United States judge in the district wherein said Chinese person is found, or before a United States commissioner designated by a United States attorney.

The amendment was agreed to.

The next amendment was, in section 37, page 42, line 13, before the words "of transit," to strike out "right" and insert "privilege;" in line 18, after the word "issued," to insert "or any other person;" in line 20, after the word "rules," to insert "or regulations;" in line 22, after the word "not," to strike out "exceeding two" and insert "less than one;" and in the same line, after the word "dollars," to insert "nor more than \$5,000;" so as to make the section read:

SEC. 37. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate provided for in this act or by the Treasury rules thereunder, or who shall knowingly utter any such certificate, if forged or fraudulent, or who shall forge any such certificate; or who shall, whether an officer of the United States or not, issue to any person a certificate as to the status or right of entry, or right of residence, or privilege of transit, or right of return of any Chinese person (other than a certificate authorized by law to be by him issued), with intent to defeat any provision of this act, or any Treasury rule thereunder, or with intent to deceive the person to whom or the Chinese person for whom issued, or any other person; or who shall falsely personate any person named in any certificate authorized by this act or Treasury rules or regulations thereunder, shall be deemed guilty of a felony, and on conviction thereof shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned for a term not less than one year nor exceeding five years, or shall be both so fined and imprisoned.

The amendment was agreed to.

The next amendment was, in section 38, page 43, line 9, after the word "brought," to insert "who is bound to do so under this act;" and in line 10, after the word "port," to strike out "who is bound so to do under this act;" so as to make the section read:

SEC. 38. That the requirements and penalties imposed by this act on masters, owners, agents, and consignees of vessels shall not apply in the case of any vessel bound to a port not within the United States which shall come within the jurisdiction of the United States by reason of being in distress or because of stress of weather. But if any Chinese person brought on any such vessel shall be permitted to land in the United States in violation of law, or



if every Chinese person so brought, who is bound to do so under this act, does not depart with the vessel when it leaves port, then the penalties of this act shall be imposed on said vessel, and the master, owner, agent, and consignee thereof, jointly and severally.

The amendment was agreed to.

Mr. LODGE. I ask that section 39 with the amendments of the committee may be passed over.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the whole of section 39 may be passed over for the present. Is there objection? The Chair hears none.

The next amendment was, in section 40, page 45, line 8, after the word "admission," to insert "and becomes a laborer within the meaning of this act;" in line 10, before the word "territory," to strike out "particular;" in the same line, after the word "thereof," to strike out "as the case may be;" in line 12, before the word "in," to strike out "the same result shall follow;" and in line 14, after the word "attendant," to strike out "of that officer" and insert "he shall be deported;" so as to make the section read:

SEC. 40. That any Chinese person who, having been admitted into the United States, or from one portion thereof into another portion thereof, as a teacher, student, merchant, or traveler for curiosity or pleasure, ceases to be of the status gaining him such admission and becomes a laborer within the meaning of this act shall forfeit the privilege of remaining in the United States, or the territory thereof, and shall be deported. And in every case where a Chinese person, having gained admission by virtue of being a servant or an attendant of a Chinese officer, ceases to be such servant or attendant he shall be deported.

The amendment was agreed to.

The next amendment was, in section 41, page 45, line 16, after the word "Immigration," to strike out "under direction" and insert "with the approval;" so as to make the section read:

SEC. 41. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce rules and regulations whereby the Treasury Department shall have a complete record of the date, place, and circumstances of birth of every Chinese person hereafter born within the jurisdiction of the United States, together with data as to parentage. And a certified copy of the record as to any person whose birth is recorded hereunder shall be admissible as evidence in all inquiries under this act.

The amendment was agreed to.

The next amendment was, in section 43, page 46, line 12, after the word "his," to insert "right to;" and in line 13, after the word "return," to strike out "privilege;" so as to make the section read:

SEC. 43. That two years after the departure from the United States of a Chinese laborer to whom has been issued a return certificate hereunder the Treasury Department shall cancel all official papers and entries concerning him: *Provided*, That he shall not within said period have exercised his right to return.

The amendment was agreed to.

The next amendment was, in section 45, page 46, line 20, before the words "of the," to strike out "under direction" and insert "with the approval;" and in line 23, after the word "act," to insert "or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent;" so as to make the paragraph read:

The said Commissioner-General, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any and all rules and regulations by him deemed needful to an efficient execution of this act or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent: *Provided*, That he shall make no rule or regulation inconsistent with this act.

The amendment was agreed to.

The next amendment was, on page 47, line 4, before the word "or," to strike out "is used;" in the same line, after the word "equivalent," to insert "is used;" in line 6, after the word "and," to insert "is designated;" in line 7, after the word "Immigration," to strike out "is designated" and insert "with the approval of the Secretary of the Treasury;" in line 11, after the word "Immigration," to insert "with the approval of the Secretary of the Treasury;" in line 13, after the word "designations," to strike out "in that regard;" and in line 14, after the word "act," to insert "and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration;" so as to make the paragraph read:

Wherever in this act the term "appropriate Treasury officer" or its equivalent is used, that officer of the United States is meant who is appointed by the Secretary of the Treasury and is designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to perform the duty or to exercise the authority mentioned. And it is hereby made the duty of the Secretary of the Treasury to make all needful appointments and of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to make all needful designations forthwith on the passage of this act; and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration.

The amendment was agreed to.

The next amendment was, on page 47, line 21, after the word "enter," to strike out "to pass through;" and in line 23, after the

word "thereof," to insert "or touching the privilege of transit through any part thereof;" so as to make the paragraph read:

All officers appointed or designated to enforce the provisions of this act are hereby empowered to administer oaths touching the right of any Chinese person to enter or to remain in the United States or any territory thereof, or touching the privilege of transit through any part thereof.

The amendment was agreed to.

The next amendment was, in section 46, page 48, line 1, after the word "port," to strike out "or place;" in line 2, after the words "for the," to strike out "privilege" and insert "right;" in line 5, after the word "whether," to strike out "the" and insert "such right or;" in line 10, after the words "United States," to strike out "with the proviso;" in line 11, after the word "person," to strike out "and also any United States attorney;" in line 13, after the word "decision," to strike out "to" and insert "through;" and in line 14, after the word "Immigration," to strike out "and from any decision of said Commissioner-General;" so as to make the paragraph read:

SEC. 46. That when the appropriate Treasury officer at the port of arrival of any Chinese person shall have passed upon the application of such person for the right of entry into the United States or any of the territory thereof, or for the privilege of transit through the United States or any of the territory thereof, whether such right or privilege be sought for the first time, or under a return certificate, or under claim of former residence as a merchant, or otherwise, then the decision so given shall be final and not subject to review by the judicial branch of the Government of the United States: *Provided*, That said Chinese person and also any officer of the Treasury Department of the United States, may appeal from said decision through the Commissioner-General of Immigration to the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "or," to insert "his claim to privilege;" in line 23, after the word "any," to strike out "possession" and insert "of the territory;" on page 49, line 4, after the word "by," to strike out "the" and insert "a;" in the same line, after the word "attorney," to strike out "of said district;" in line 5, before the words "United States," to strike out "said" and insert "the appropriate;" in line 9, after the word "cases," to insert "and if such decision is adverse to such claimant he shall be returned as provided in section 28;" in line 12, after the word "enter," to strike out "or to pass through;" in line 13, after the word "within," to insert "or his claim to the privilege of passing through;" in line 14, after the word "any," to strike out "particular" and insert "portion of the;" in line 15, after the word "on," to strike out "alleged citizenship of the United States or any particular possession thereof" and insert "any claim recognized by this act or any law of the United States;" in line 20, after the word "enter," to strike out "or to pass through;" in the same line, after the word "within," to insert "or any claim of privilege to pass through;" and in line 22, before the word "territory," to strike out "particular" and insert "portion of the;" so as to make the paragraph read:

But where the applicant for entry or transit shall base his claim of right to enter or his claim to privilege to pass through the United States or any of the territory thereof on alleged citizenship of the United States or any of the territory thereof, and upon that solely, no administrative officer of the Government of the United States shall pass upon his case, but he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and, the appropriate United States attorney attending, a judicial hearing shall be had, as on writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district, as in deportation cases. And if such decision is adverse to such claimant he shall be returned as provided by section 28. And whenever any Chinese person bases his claim of right to enter or to reside within, or his claim to the privilege of passing through, the United States, or any portion of the territory thereof, on any claim recognized by this act or any law of the United States, and such claim is under inquiry or such claim has been decided adversely to him, he can not assert alternatively another claim of right to enter or to reside within, or any claim of privilege to pass through, the United States or any portion of the territory thereof.

The amendment was agreed to.

The next amendment was, in section 48, page 50, line 6, after the word "act," to insert "or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent;" and in line 9, before the word "of," to strike out "Supreme Court" and insert "circuit court of appeals;" so as to make the paragraph read:

SEC. 48. That when any United States district court shall have given a decision, on appeal or otherwise, in any case under this act or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent, an appeal therefrom may be taken to the circuit court of appeals of the United States, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

The amendment was agreed to.

Mr. FAIRBANKS. I offer, on behalf of the committee, an amendment to be inserted at the end of line 11 on page 50.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. In section 48, page 50, at the end of line 11, it is proposed to insert:

*Provided, however*, That in any case which involves the consideration or construction of the Constitution of the United States, or the status of the

inhabitants of the insular territory of the United States at the time of its acquisition by the United States, an appeal may be taken direct from the United States district court to the Supreme Court.

Mr. MITCHELL. Does that amendment include a case where the construction of a United States statute is involved?

Mr. FAIRBANKS. No; the construction of constitutional questions or the status of the inhabitants of the insular territory.

Mr. MITCHELL. Did the committee consider the propriety or impropriety of providing that in cases involving the construction of United States statutes they should go to the Supreme Court of the United States?

Mr. FAIRBANKS. It did not. The committee thought that it would be sufficient that such cases should go to the circuit court of appeals, and not to the Supreme Court.

Mr. MITCHELL. What struck me at the moment was this: That if this bill becomes a law and questions are raised in regard to the constitutionality of any statute, or as to whether it is in conflict with some other statute, that question ought to be passed upon by the Supreme Court of the United States. I shall not, however, insist on pressing the matter at this time.

Mr. FAIRBANKS. It was thought by the committee that we should not burden the Supreme Court with the consideration of appeals, except in the mere particulars of the construction of the Constitution of the United States and the status of the inhabitants of the insular territory.

Mr. PATTERSON. I suggest to the Senator from Indiana that he let the amendment be printed and go over.

Mr. PENROSE. It was thought it would be much more convenient for litigants to allow them to go before the circuit court of appeals than to put them to the trouble and expense of coming all the way to Washington.

Mr. MITCHELL. I entirely agree with the provision as far as it goes. The only question with me was whether it might not be proper, in case a question arose involving a United States statute, that it should go to the Supreme Court of the United States.

Mr. FAIRBANKS. The circuit court of appeals now has jurisdiction in cases involving the construction of all United States statutes, and this does not change the law.

Mr. PATTERSON. I suggest that the amendment go over.

Mr. FAIRBANKS. I hope the Senator will not insist upon that, for, if he so desires, a separate vote may be had upon the amendment when the bill shall have been reported to the Senate.

Mr. PATTERSON. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, in section 48, on page 50, line 17, after the word "appeal," to strike out "to said Supreme Court;" so as to make the paragraph read:

But in case of appeal under this section by the United States, a certified copy of the testimony taken on the hearing before the district court shall, within ten days after said hearing, be transmitted to the Attorney-General of the United States, who may direct the appropriate district attorney to move for a dismissal of the appeal.

The amendment was agreed to.

The next amendment was, on page 50, line 18, after the word "the," to strike out "Supreme Court" and insert "circuit court of appeals;" so as to make the paragraph read:

In appeals under this section the circuit court of appeals may review all facts as well as all questions of law, and shall have power to make all necessary orders, either for discharge of the Chinese persons or for deportation thereof.

The amendment was agreed to.

The next amendment was, in section 49, page 50, line 23, after the words "to the," to strike out "Supreme Court" and insert "circuit court of appeals;" on page 51, line 2, after the words "or the," to strike out "Supreme Court" and insert "circuit court of appeals;" and in line 7, after the word "the," to strike out "Supreme Court" and insert "circuit court of appeals;" so as to make the section read:

SEC. 49. That on appeal to a district court of the United States or to the circuit court of appeals of the United States, under this act, a transcript of the record and copies of all testimony taken on the hearing before the commissioner or court whose decision is appealed from shall be transmitted to the district court or the circuit court of appeals, as the case may be; and either court may order sent to it, in addition, or in lieu, any original document or other evidence used or considered in the lower court or tribunal. But no new evidence shall be received in the circuit court of appeals, except by order of said court upon motion duly made for that purpose.

The amendment was agreed to.

Mr. FAIRBANKS. In section 49, on page 50, line 24, after the words "United States," I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 49, page 50, line 24, after the words "United States," it is proposed to insert "or to the Supreme Court of the United States."

The amendment was agreed to.

Mr. FAIRBANKS. I wish to offer an amendment following the words "court of appeals," in line 3, on page 51, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "appeals," in the amendment just adopted, in section 49, page 51, line 3, it is proposed to insert "or the Supreme Court."

The amendment was agreed to.

Mr. FAIRBANKS. On behalf of the committee, I move an amendment to follow the word "appeals," in line 7, on page 51.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "appeals," in the amendment just adopted, in section 49, on page 51, line 7, it is proposed to insert "or the Supreme Court."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, in section 50, page 51, line 9, after the word "in," to strike out "cases" and insert "every case;" and in line 10, after the word "person," to insert "who is the subject of such proceedings;" so as to make the section read:

SEC. 50. That in every case of appeal under the foregoing sections the Chinese person who is the subject of such proceedings shall remain in the custody of the appropriate United States marshal pending final decision, and without bail: *Provided*, That if the appeal be prosecuted from a decision discharging him from custody, he may be admitted to bail pending decision on appeal, but in a sum not less than \$2,000. And this section shall apply likewise in every case arising under this act where a Chinese person sues out a writ of habeas corpus; and as well to the time before the first hearing on habeas corpus as to appeals from the first or any later decision in the proceeding.

The amendment was agreed to.

The next amendment was, in section 51, page 51, line 25, after the word "insular," to strike out "possession" and insert "territory;" in the same line, before the word "used," to strike out "as;" on page 52, line 1, after the word "all," to insert "island;" and in the same line, after the words "United States," to strike out "and in any way subject to the jurisdiction thereof, not in North America; and as well that which may hereafter be acquired as that which is now possessed" and insert "not forming a part of any State or of Alaska;" so as to make the section read:

SEC. 51. That the term "United States," when used in this act as a geographical designation, is meant to include all the lands and waters in any way subject to the jurisdiction of the United States, both continental and insular. And the term "insular territory" used in this act is meant to include all island territory of the United States not forming a part of any State or of Alaska.

The amendment was agreed to.

The next amendment was, in section 52, page 52, line 7, before the word "used," to strike out "as;" in line 8, before the word "persons," to insert "male and female;" in line 9, after the word "descent," to strike out "and;" and in line 10, after the word "blood," to strike out "and as well females as males;" so as to make the section read:

SEC. 52. That the term "Chinese" and the term "Chinese person," used in this act, are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood. And wherever herein personal pronouns are used the masculine includes the feminine.

The amendment was agreed to.

The next amendment was, in section 53, page 52, line 15, after the word "not," to strike out "exceeding" and insert "less than;" and in line 17, after the word "not," to strike out "exceeding" and insert "less than;" so as to make the section read:

SEC. 53. That any violation of any provision of this act whereof punishment is not otherwise provided shall be deemed a felony, and shall be punishable by fine not less than \$1,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to strike out section 54, as follows:

SEC. 54. That no certificate of status required to be procured from a foreign government as a condition precedent to the entry or transit of any member of a class mentioned in section 4 shall have any force, effect, or value under this act if the foreign government by which it is issued is at the date thereof imposing no restrictions on the free immigration into its dominions of Chinese persons and persons of Chinese descent.

The amendment was agreed to.

The next amendment was, at the top of page 53, line 1, to change the number of the section from 55 to 54.

The amendment was agreed to.

The next amendment was, on page 53, after line 3, to insert the following as a new section:

SEC. 55. That wherever by this act or any Treasury rule or regulation thereunder a certificate or other paper is required to be issued in duplicate or triplicate, the original shall be marked "Original," the duplicate shall be marked "Duplicate," and the triplicate shall be marked "Triplicate."

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert the following as a new section:

SEC. 56. That the provisions of this act shall not be suspended at any time, nor shall any exemption be made in order to permit the admission of Chinese persons to the United States, or any of its territory, for the purpose of participating in any fair or exposition.

Mr. COCKRELL. Let that section be passed over.

The PRESIDING OFFICER. The Senator from Missouri



asks that the section which has just been read be passed over. Is there objection? The Chair hears none, and that order will be made.

The next amendment was, on page 53; line 14, to change the number of the section from "56" to "57."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FAIRBANKS. In section 20, on page 21, I ask that the vote by which the amendment from line 11 to line 16 was adopted be reconsidered.

The PRESIDING OFFICER. Without objection it will be so ordered.

Mr. FAIRBANKS. After the word "of," in line 15, I move that the word "section" be changed to "sections," and to insert, after the word "section" the words "six, seven, and," and after the word "eight," in the same line, to insert "under which he may be entitled to admission;" so that if amended the clause will read:

But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of sections 6, 7, and 8, under which he may be entitled to admission, and provisions in pursuance thereof.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I ask that there may be a reprint made of the pending bill as it has been amended by the Senate, so that it will all be printed in roman characters, except those sections which have been passed over, which will remain with the amendments printed as now in italics.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. PETTUS. Mr. President, the Senator was specifying as to how he desires to have the bill printed; but I do not think he went far enough. The reprint ought to show the bill as it was and as it has been amended.

Mr. LODGE. The present print of the bill shows, of course, the amendments of the committee. I want to get a print which will show the bill as it has been amended by the Senate. There are some amendments which have not been agreed to, and of course those will remain in italics.

Mr. PETTUS. Ought not the amendments to be so designated as that we should be able to see what amendments have been made since that bill was reported to the Senate?

Mr. LODGE. That of course is shown by the present print of the bill.

Mr. PETTUS. Ought not that to be continued in the reprint?

Mr. LODGE. Then there is no object in reprinting the bill. We have plenty of copies of the present bill in print. There are a great many verbal amendments in this bill, and I want to get a print made showing it all in roman characters as agreed to, so that it will read smoothly, and we can see what the condition of the bill is. Of course the existing bill will show every amendment. I thought it would be more convenient to adopt the suggestion I have made, and it is a mere matter of convenience.

Mr. PETTUS. Very well; I shall make no objection.

Mr. COCKRELL. I will suggest that the order for the reprint of the bill be made special, so that we shall have it upon our tables to-morrow morning.

Mr. LODGE. Of course that will be done.

Mr. ALLISON. I should like to ask the Senator from Massachusetts or the Senator from Pennsylvania if this proposed reprint is to appear as the original text of the bill without italics?

Mr. LODGE. What I want to get is a print of the bill that will get rid of all these small verbal changes and get rid of the confusion which now exists on the face of the bill. I want to get a smooth print. It is perfectly easy, if it is desired, to put in brackets the adopted amendments, so as to show what amendments have been adopted.

Mr. GALLINGER. That is what ought to be done, because, while some of us have raised no objection to these amendments being perfunctorily adopted, we think some of them are very important, and they ought to be designated in the print of the bill.

Mr. LODGE. I think that is wise. Let the bill be printed in roman characters as it has been agreed to, with the amendments agreed to placed in brackets, and of course the passed-over sections will be printed as proposed amendments in italics, as now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. ALLISON. I think there will be some difficulty in printing within brackets the amendments agreed to. As I understand, though I have not been here very regularly during the consideration of the bill, in making amendments a great many words have been stricken out and others inserted.

Mr. FAIRBANKS. In the bill as reported to the Senate?

Mr. ALLISON. In the bill as thus far agreed to in the Senate.

Mr. FAIRBANKS. Some portions have been stricken out, but not very considerable portions.

Mr. ALLISON. I should like to see the bill in the form the committee and the Senate thus far has agreed to it, and then have the entire bill open to amendment.

Mr. LODGE. That is my precise object, to get a print of the bill in convenient form for future treatment and amendment. Now, we have the print of the bill as reported from the committee with the original amendments—

Mr. ALLISON. Has all of the bill been read?

Mr. LODGE. The bill has all been read. I thought if we could have one print that would get rid of this multiplicity of verbal amendments, which simply confuse the eye in following the bill, it would be a great advantage to have such a reprint as I have suggested.

Mr. ALLISON. I do not precisely see how we can get all of the amendments inserted in brackets, where we have stricken out one provision and inserted another.

Mr. PLATT of Connecticut. I think it would be better to print the bill now as if it were an original bill.

Mr. ALLISON. I think so.

Mr. PLATT of Connecticut. That is what I supposed was going to be done.

Mr. LODGE. That is what I wanted to have done.

Mr. PLATT of Connecticut. There was some talk about it in the Senate, and that then the whole bill should be open to amendment.

Mr. COCKRELL. That is the better way by far.

Mr. MITCHELL. The old bill shows where the amendments are.

Mr. PLATT of Connecticut. The old bill shows where the amendments are.

Mr. LODGE. That was my first proposition.

Mr. PLATT of Connecticut. I think that is the better way.

Mr. LODGE. What I thought was wanted was to have a clean print of the bill, with all the Senate amendments adopted in it, printed in roman characters, and that the passed-over sections should be printed as they stand in the bill as reported from the committee.

Mr. ALLISON. I suggest that the old bill and the new one be stitched together. Then we will have them to refer to.

Mr. LODGE. Yes.

Mr. GALLINGER. That will answer the purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts, coupled with the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. PATTERSON. What sections have been passed over?

Mr. LODGE. Section 39.

Mr. PENROSE. And 56.

Mr. LODGE. And I think 56.

Mr. COCKRELL. I ask unanimous consent to offer an amendment to the pending bill which I ask may be printed and lie on the table.

Mr. PLATT of Connecticut. Perhaps it had better be read.

Mr. COCKRELL. I have no objection to its being read. It is not very long.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation or the holder—who is a citizen of any foreign nation—of any concession or privilege from any fair or exposition, authorized by act of Congress, from bringing into the United States under contract such mechanics, artisans, agents, or other employees—natives of their respective foreign countries—as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition, in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to admission and return of such person or persons.

Mr. MITCHELL. I suggest that the amendment be printed.

Mr. COCKRELL. Yes; it is to be printed.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

GEORGE C. TILLMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4071) granting an increase of pension to George C. Tillman; which was, in line 8, before the word "dollars," to strike out "twenty-five" and insert "sixteen."

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. CARMACK were appointed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 8, 1902, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 7, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

### CHINESE EXCLUSION.

Mr. HITT. I call up the special order for this day, the Chinese-exclusion bill, and move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MOODY of Massachusetts in the chair) and resumed the consideration of the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. HITT. Mr. Chairman, when the committee rose on Saturday the general debate on the bill had been concluded, and it remained to proceed with the consideration of the bill by paragraphs. I ask that the Clerk now proceed to read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States or its possessions shall be prohibited.

Mr. HITT. Mr. Chairman, I move pro forma to amend by striking out the last word. I wish to say that after consultation between the members of the committee and the gentlemen of the California delegation, who are deeply interested in this bill, the changes that are desired by the membership from the Pacific coast and by members of the committee have been substantially agreed upon; and as we proceed with the reading of the paragraphs gentlemen having amendments to offer will present them, and we will give notice to the House where they are agreed upon, so as to abbreviate as far as possible the discussion. There is one clause, that in regard to the shipping, which we will reserve. I withdraw the formal amendment.

Mr. KLEBERG. Mr. Chairman, I renew the motion to strike out the last word. Much as I would like to vote for this bill and to exclude the objectionable Chinese from our territory, I can not see my way clear to vote for the bill so long as it contains section 2, which I will read:

SEC. 2. That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited, and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States as to those who have come there since, and those who have been born there since, and those who may be born there hereafter. And the same prohibition shall apply to Chinese laborers coming to one of the insular possessions of the United States from any other insular possession of the United States, except from one island to another of the same group. But the privileges of transit hereinafter given to other Chinese are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Mr. PERKINS. The gentleman will allow me to say that section 2 has not yet been read by the Clerk.

Mr. KLEBERG. I am aware of that; but I may as well state my objection now, and for that purpose I have moved a merely formal amendment. I realize that possibly there will be no record vote on this bill, and I may have no opportunity of stating my objections to this provision except right here.

I think that this clause is clearly unconstitutional. I believe that our insular possessions are a part of the United States. There can be no question of that kind as to the case of Hawaii and Porto Rico. And the Supreme Court having held in the case here cited—of *Wong Kim Ark v. The United States* (169 U. S. Reports)—that a person born of alien Chinese parentage in the State of California is a citizen of the United States, I can not see how hereafter that court can hold a Chinese born in Hawaii, in Porto Rico, or in the

Philippines since their acquisition or hereafter is not a citizen of the United States. I can not, therefore, see my way clear of voting for this bill, much as I would like to do so. I acquiesce and agree with everything that has been said as to the necessity of excluding the Chinese from our ports by a reasonable exclusion act, but we have also taken an oath to support the Constitution, and I can not in the face of the facts and the face of the decisions of the highest court of the land, and in the face of my own conscience, bring myself to support this bill, and when it comes up I shall vote no, unless this section is stricken out.

I withdraw my pro forma amendment, Mr. Chairman.

The Clerk read as follows:

SEC. 2. That from and after the passage of this act the entry into the mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be prohibited; and the prohibition shall apply to all Chinese laborers, as well those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States, as to those who have come there since, and those who have been born there since, and those who may be born there hereafter. And the same prohibition shall apply to Chinese laborers coming to one of the insular possessions of the United States from any other insular possession of the United States, except from one island to another of the same group. But the privileges of transit hereinafter given to other Chinese are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Mr. NAPHEN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

On page 2, line 3, after the word "since," strike out the words "and those who have been born there since, and those who may be born there hereafter."

Mr. NAPHEN. Mr. Chairman, I propose to vote for this bill, though the majority insists upon retaining this portion of it. This part is clearly unconstitutional. Mr. Chairman, I can not as a member of this House vote for any measure that will deprive any man of his constitutional rights, no matter whom he may be, or where he comes from. The question involved in this section has been decided by the Supreme Court.

I am sworn here to support the Constitution as I understand it, to support the Constitution as it has been interpreted by the Supreme Court of the United States, and this question has been decided by the Supreme Court of the United States in the case of the *United States v. Wong Kim Ark*, 169 U. S., 649. The court decided that under the fourteenth amendment of the Constitution every person born in the United States and subject to the jurisdiction thereof becomes at once a citizen of the United States. The court said "in the United States and subject to the jurisdiction thereof." The first sentence of the fourteenth amendment of the Constitution must be presumed to have been understood and intended by Congress, which proposed the amendment, and by the legislatures, which adopted it, in the same sense as the like words had been used by Chief Justice Marshall in the well-known case of the *Exchange* and as equivalent of the words "within the limits and under the jurisdiction of the United States" and the converse of the words "out of the jurisdiction of the United States." It has been urged that the fourteenth amendment was not intended to confer rights of citizenship upon the children of Chinese parents. An examination of the debate in the Senate and House when the fourteenth amendment was under consideration proves that it was understood that children born of Chinese parents in the United States would come under the terms of the amendment.

Mr. Chairman, it has been decided in the recent case of *De Lins v. Bidwell* (182 United States, 1) that our insular possessions are domestic territory. They are as much our territory—our domestic territory—as our inland Territories are. The question then comes as to what right we have to deprive persons who have been born there since our acquisition of those possessions of their constitutional rights. It may be said that we have a right to define their civil and their political status; but that referred to those who resided in the possessions at the time of the acquisition. It could not refer to those who were born there since or who will be born there hereafter.

The Constitution takes care of their rights. Though we may suspend their political rights and define what their civil status may be, we can not take away their natural right to go to any part of the United States. They have the freedom of the Republic. This personal right is secured to them by the principles of constitutional liberty. Therefore I say, Mr. Chairman, that it is clearly unconstitutional to deprive those people of those rights, and I hope the majority will consent to have that part of section 2 of the bill stricken out.

Mr. HITT. Mr. Chairman, I will only say that the points that the gentleman makes, which are in my view to a considerable extent well taken, are answered by the gentleman from Missouri, who made the points and then swallowed them. This is the way to get the case to the Supreme Court.

Mr. PERKINS. Mr. Chairman, the amendment offered by the



gentleman from Massachusetts is based upon the principle for which he contends, that the Philippine Islands are to such an extent a portion of the United States that persons thereafter born become necessarily of the United States, and as such entitled to the rights held by those who were born in this country.

Mr. NAPHEN. Will the gentleman explain what he means by our "insular possessions"—what it includes?

Mr. PERKINS. I should say it included the Philippine Islands, Porto Rico, and Hawaii.

Mr. NAPHEN. Very well; then this prohibition applies to those three possessions, and we have already legislated for Porto Rico, and we have reserved the right to have all laws enacted by the legislature of Porto Rico "reported to the Congress of the United States, which has power and authority, if deemed advisable, to annul the same." The people born within those possessions we say they are not citizens of the United States; that their "personal rights are unprotected by the provisions of the Constitution," and "that they are subject to the arbitrary control of Congress." This is repugnant to justice and common sense.

Mr. PERKINS. If the gentleman is right in saying that Porto Rico and Hawaii will not be held by the Supreme Court to be included within the term "insular possessions," then of course this law does not apply to them. Certainly it applies to the Philippine Islands. I trust that the day will never come when the Supreme Court will decide that the Philippine Islands are so much portions of this country that every man there residing or to be born there hereafter will be entitled to the rights held by the citizens of this land. Certainly, Mr. Chairman, the Congress of the United States, I am confident, does not wish to anticipate any such decision. The result of the amendment offered by the gentleman from Massachusetts would be that by this act, as a necessary result, every man born in the Philippine Islands, every Chinese, every Filipino, would be entitled to all the rights held by a citizen of Massachusetts or a citizen of New York or of any other State. Certainly, Mr. Chairman, I feel sure it can not be the desire of this committee or of this Congress that by act of Congress, in anticipation of a decision which I believe will never be made, such a construction should be put upon the situation of those islands.

Mr. LACEY. Mr. Chairman, when the Porto Rico bill was before the House, one of the strongest of the reasons for passing that was to make a test case as to the rights of Congress to legislate law in regard to those possessions that have fallen to us as a part of the fruit of the Spanish war. If by annexing the Philippine Islands we simply remove the barrier we had drawn against Chinese immigration 9,000 miles farther west so as to include the Philippine Islands and make them the ports from which the Chinese emigration could start to the United States of America, the damage to this country would be incalculable. It becomes necessary to draw a line in the very start, and the result of the enactment of the Porto Rican law was that we obtained at least in part an authoritative construction by the Supreme Court of the United States as to our power in this possession. I believe the legitimate and logical result of the Porto Rican decision is that the Congress has the power that it is now proposed to exercise in section 2. We should not permit those islands to become merely the means of peopling this country with the Mongolian race.

Mr. KLEBERG. Does the gentleman think that the island of Hawaii is a part of the United States, by virtue of the resolution which admitted it?

Mr. LACEY. So far as the islands of Hawaii are concerned, the number of Chinese there is comparatively small. It is not an unknown quantity.

Mr. HITT. That resolution excluded them.

Mr. LACEY. And the resolution in terms excluded them; but in the Philippine Islands, adjacent as they are to the shores of China, they would become points from which the Chinese could be smuggled into this country almost without limit.

Mr. ROBINSON of Indiana. I would like to state that the gentleman from Iowa [Mr. LACEY] is clearly incorrect in saying that the number of Chinese is infinitesimally or comparatively small. There are about 10,000 white people in the Hawaiian Islands, 26,000 Chinese, and 61,000 Japanese, who are equally a menace to American labor, and this is out of a total population in the islands of Hawaii of 154,000.

Mr. LACEY. Very well, then; I will amend my statement and say that the entire population, Chinese, white, and everything else in Hawaii, is infinitesimally small, hardly worthy of consideration in connection with a proposition of this kind, for if every man, woman, and child in the Hawaiian Islands should get up to-morrow and move into the United States of America, we could put them in one small city and hardly notice them; but the problem as to the Philippines is a great one—and it is a point of wisdom in the very outset of this bill to meet that question and

to meet it squarely, as has been done by the committee in this report.

Now, Mr. Chairman, as to the general law, my impression would have been that, in view of the fact that almost every line and sentence of the existing statutes have been construed by the courts of the country, it would have been wiser to have reenacted those laws, with such amendments as would apply to the situation, growing out of our recent acquisitions from the Spanish war; but the committee in their wisdom have gone over this question and I am prepared to yield my judgment to theirs as to the necessity of enacting an entirely new law in place of reenacting the old ones. At first thought it would have seemed to me perfectly plain that laws that have been construed, however imperfect they may be, are safer than laws which have yet to be construed, and we know the force of the opposition that every feature of this bill will meet in the courts, and it might have been safer not to reopen the question along the old lines, as we will of necessity do when we enact an entirely new law.

I know when we framed the Alaskan code we left out many matters of the utmost importance; I know when we framed a code for the District of Columbia we made inadequate provision for the grand jury, and the courts of the District of Columbia, after the laws had been passed, found themselves in a state of chaos; and we run that same danger as to this law. I shall vote, however, for the bill, in the hope that this committee have carefully endeavored, and I hope succeeded, in avoiding all of those various difficulties.

The propriety of Chinese exclusion can not be regarded as subject to much question at this time. The various laws relating to the subject have been upon the statute books for many years, and the amendments made have always been in the direction of greater stringency.

The Geary Act will expire in a few weeks, and it is important that prompt action should be taken so that we may not have even a short period in which the bars may remain down. The laws now in force, with the various amendments made from time to time, appear to have operated to accomplish the desired result. Chinese immigration had been practically suppressed, and under the Census of 1900, there are only 93,280 Chinese in the United States, exclusive of Hawaii, as against 105,465 in 1880 and 107,475 in 1890. In Hawaii there are 25,767, who were there when we annexed those islands.

The law having been found effective as it now exists, the most natural and easy course, as I have said, would have been to extend these laws for another term or indefinitely. To enact an entirely new statute, however stringent and drastic, may again reopen all disputed questions to new construction by the courts, and the Chinese companies in the past have shown how determined they are to contest every inch of the ground.

I feel some apprehension that, while attempting to close the controversy, we may in fact reopen it and leave some unexpected loophole for further controversy.

This, however, is a question not of ultimate ends to be accomplished, but of the means by which they may be attained.

Confronted as we are with the danger of renewing active immigration from the most populous country on the globe, we may well apprehend the danger of a radical change in our population if we take no steps to stay the flood. Our country is the most desirable in the world in climate, soil, and natural advantages. It will be fully populated and in time contain as many inhabitants as it can well support.

The Damascus steel was the product of a combination of the various mines, but all the ore in the combination was the best of metal.

So the mingling of the blood of the different nations of the same race from Europe has produced and is producing a new people in our country.

The European nations furnish an ample supply from which to people this continent, and it is for us to choose whether the future progress of this young nation shall be clouded by adding the perils of a new Asiatic invasion.

Four hundred million Mongolians are within less than two weeks' distance from our Pacific shores, and the low price of transportation and high rate of wages in this country would induce an overwhelming tide of cool labor, which would reverse the course of our progress toward the general improvement of industrial conditions in the United States.

Our country is still in a great measure unoccupied and we are in a position to choose its future inhabitants. We declared some years ago that the Mongolian race was not a desirable addition to our population, and, with the world to choose from, we should select the best instead of the least desirable of the world's races.

We have racial problems enough without increasing their complexity.

In peopling this Republic labor is a prime necessity. But it is of the first importance that our working people should not only be citizens by birth or adoption, but worthy in all respects to

exercise the duties as well as to enjoy the privileges of such citizenship.

A country whose natural attractions annually draw a half a million of immigrants may well select its adopted children and carefully choose only those who will in the next generation be Americans in the full sense of the word.

Near my home in Iowa is a colony of sturdy Hollanders from the shores of the North Sea. They are of that rugged stock who were the admiration of the world in their struggle for independence against the Spanish rule in the sixteenth century.

Fifty years ago that little colony at Pella bought its land, and so exclusive were they that the only two American-born settlers living in the township were bought out regardless of expense, so that none but those of Holland blood should occupy the land.

I visited that town two years ago at the reunion of a regiment partly recruited there, and 600 little school children, all carrying American flags, came out, singing, to meet us, and they were all American born and speaking what they fondly insist upon calling the "American language." They were as thoroughly American as if their ancestors had landed at Plymouth Rock or at Jamestown.

With stock of this sort you can not keep the Americans out, for in one generation, from being all foreigners, they become all Americans.

From nations like these we can draw our immigrants freely and safely. Their descendants are to the manor born.

When Prince Henry was with us I think the best thing attributed to him was his saying that he did not know any such thing as a "German-American." Americans were Americans to him, whether by birth or adoption. It has been to the honor of the German, the English, the Scotch, the Welsh, the Scandinavian, the Irish, and many other nationalities of Europe that, on arrival in America, they at once have set about the acquisition in the fullest and completest term the rights of American citizenship. The people who assimilate with us and who, in the next generation, are welded into the common mass of the great composite American race have always been and will ever be a welcome addition to our progressive country.

But the Mongolian comes to America for no such purpose, and could not adapt himself to our institutions if he were to try—and he has never tried. He comes as a bachelor, houseless and homeless. No family ties grow up around him to attach him to the soil. When he acquires enough to live upon in China he eagerly returns to his native land in that ancient civilization which was old when Moses led the children of Israel out of Egypt. Should the Chinaman die in America his bones are not permitted to fertilize our soil, but are carefully carried back to the home of his forefathers. When he is among us he is not of us. No man should eat anything that he can not digest. No immigrants should be taken into the body politic who can not be assimilated.

So by common consent, and regardless of party politics, we to-day are discussing the most effective method of preserving America for the Americans by admitting into our country only those who may be fitted to become an integral part of the citizenship of the American people. To continue our past policy in this regard is necessary for self-preservation. Enacting a protective law upon this question is a statutory recognition of the law of nature.

Mr. ROBINSON of Indiana. Mr. Chairman, it is interesting and gratifying to note that the Republican party, which was responsible for the annexation of Hawaii, and which is responsible for the present conditions in the Philippine Islands, even at this late day, are now engaged with us in an effort to protect labor against the scourge of the Asiatics. They sowed the winds, they will reap the whirlwinds.

In the Hawaiian Islands to-day, out of 154,000 population, there are only about 10,000 whites. Among the population there are 26,000 Chinese and 61,000 Japanese, who are an equal menace to American labor with the Chinese in the islands. The American Chamber of Commerce, of Manila, in the Philippine Islands, is petitioning members of Congress, is petitioning the President, to permit the admission of Chinese, and say in their petition that it is absolutely necessary in order to secure the promotion and advancement of the interests of the Philippines.

The petition sent us reads:

The American Chamber of Commerce, of Manila. An appeal to Congress for the enactment of laws allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

To the Congress of the United States of America:

The American Chamber of Commerce, of Manila, P. I., respectfully represent to your honorable body that by authority and under instruction of resolution adopted at a full meeting of this chamber, held on the 3d day of January this chamber does petition and earnestly request the enactment of laws by Congress allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

The present restrictive law does not benefit the Filipinos, nor is it of ben-

efit to anyone. This labor will not enter into competition with American labor, and its entry into the Philippine Islands is imperatively needed.

Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations, and to cultivate them upon lines in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed.

Building in the city of Manila has been retarded for months, and only since the quarantine has been raised and those Chinese entitled to land have returned to these islands has building actively revived.

For the development of these islands, the urgent necessity for the immediate enactment of such laws can not be placed too strongly before Congress. For which relief this chamber, composed of American citizens, representing the commercial interests of the Philippines, does most respectfully pray.

F. E. GREEN, President.

ROGER AP C. JONES, Secretary.

The Hawaiian sugar planters are saying that white labor can not work in the Hawaiian Islands, and that the rice industry and other industries will be injured, if not entirely destroyed, unless Chinese labor is admitted to the islands. This opinion was rather forecast by the distinguished Commission that visited the islands before the organic law was passed.

This petition comes to us from Hawaii:

To the Senate and House of Representatives  
of the United States of America, greeting:

We, the undersigned citizens of the United States, do hereby represent—First. That the present and future prosperity of this nation depends in a great measure on the maintenance of the present high standard of living of its inhabitants.

Second. That this standard can not be maintained if the sphere of the American mechanic is invaded by the hordes of Asia, whose mode of life enables them to live comfortably on a sum which to an American would be a mere pittance.

Third. That at present fully 75 per cent of all the labor of the Hawaiian Islands, both skilled and unskilled, is being performed entirely by Orientals.

Fourth. That practically all the labor, both skilled and unskilled, which has been performed on buildings and grounds in this Territory for the Federal Government has been and is still being performed entirely by Japanese and Chinese, to the entire exclusion of competent American mechanics, who, by reason of these conditions, are at present forced into almost complete idleness.

Fifth. That the population of the Hawaiian Territory is 150,000, of whom the Chinese and Japanese number nearly 87,000, the Americans about 5,000, and the natives 37,000.

Sixth. That by rigidly excluding all Orientals from this Territory and from the United States conditions would soon become such that American citizens would be enabled to earn a living for themselves and families, which they are now practically unable to do on account of the deplorable and entirely un-American conditions now existing here.

Seventh. That, for the reasons above set forth, your petitioners earnestly ask that suitable legislation be framed the results of which would be—

First. The complete exclusion of both Japanese and Chinese or their descendants from American territory.

Second. The requirement that all labor of every description whatsoever which is performed for the Federal Government shall be done by, and only by, citizens of the United States.

And your petitioners will ever pray.

The Manila Critic editorially appeals to Congress in an article headed "Cooly labor necessary," saying that it is necessary for the exploitation of this noncontinental part of the country—that the Republicans admitted within our domains—that it is absolutely necessary to have cooly labor to exploit all the enterprises there. This is what it says in its issue of March 3, 1902:

The Chinese-exclusion bill which the Pacific coast representatives have agreed to support is a direct menace to the very best interests of the Philippine Islands, and if it should pass would render well-nigh impossible the exploitation of these islands by the Americans, and would cause an irretrievable loss of much capital now in the archipelago. The bill denies the right of entry to the Chinese not only into the mainland ports of the United States but also into any of the insular possessions, including the Philippines.

The cumulative evidence of many years proves that the native labor here is not to be depended upon. If the business of the archipelago be developed as it can be and ought to be, the services of the Chino are absolutely necessary. It is to be hoped that the memorial of the American Chamber of Commerce and the recommendation of the Commission will raise up some friends for the Philippines in Congress. It is late to contemplate the idea, probably, but an authorized delegation of business men in Washington would be very valuable just now.

And again in like manner and in the same issue it says:

#### THE SLOPE AND THE CHINOS.

At a meeting of the Senators and Representatives of the Pacific slope held in Washington the following paragraph was adopted, to be made a part of the Chinese-exclusion bill now pending in Congress:

"That from and after the passage of this act the entry into the American mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be absolutely prohibited, and the prohibition shall apply to all Chinese laborers, as well as to such as were in insular possessions at the time or times of acquisition thereof respectively by the United States, or to those who have come there since and those who have been born there since, and those who may come there hereafter and those who may hereafter be born there."

It will be noticed that the paragraph contains nothing that will prevent the importation of cooly contract labor in the archipelago, and Congress will doubtless be governed by the recommendations of the Commission in that regard; therefore the recent communications to the American Chamber of Commerce becomes of additional importance.

This Manila newspaper was sent to the members of Congress, evidently with the intention of giving us the real conditions in reference to labor that prevails there.

It is clear that an article signed "Observer," which bears the



earmarks of one having authority and knowing whereof he speaks, in the same issue had a like purpose. It reads:

**COOLY LABOR NECESSARY.**

With the several requests already made on the Philippines for a labor supply for other countries, the question as to what this country will do for a stable and assured labor in the future is brought very distinctly to mind. Regarding the new territory of the United States, Hawaii, it must be borne in mind that the country now asking for labor is practically without a labor supply of its own, and is dependent on other lands for men to till its fields and carry on the necessary work of its different business and plantations.

The conditions are quite similar in many ways to the state of affairs here, notwithstanding the fact that in these islands there is an ample supply of men perfectly able physically to work, but apparently without the disposition to exert themselves any more or for a longer time than is necessary to accumulate a few pesos for food, fiesta, or cockfight. In the one instance the money investor and producer is unable to secure a home labor for the reason that it is very limited and not nearly sufficient for the needs, and in the other case, while the supply is ample the quality does not seem, from general appearance and experience, to be trustworthy enough to be depended on in time of real necessity.

In all agricultural pursuits there are certain seasons of the year in which the entire success of the twelve months' work and expense is dependent on the time in which harvesting must be accomplished, else the complete loss of the crop will follow. Especially at this time is it required that the employer should be assured of such labor as can be depended on for the work in hand, and in order to do this he is necessarily compelled to keep a greater number of men under pay through part of the year, in which he derives little benefit from their names on his pay roll.

Now, with ignorant labor under the control of a gang or labor boss, and subject to his will and dictation, the boss will possess absolute control of the plantation owner's interest and be able to dictate the price of his men at the time when it is absolutely required that the employer shall have men or suffer the loss of his entire investment for the year. If large capital is expected to seek this country as a field for investment in tropical agricultural pursuits, it must be borne in mind that the success of a plantation is dependent on labor for its welfare, and until this matter is settled beyond a reasonable doubt capital will not be overanxious to locate in a place where it is not assured of a reasonable amount of protection by the law.

Ignorant labor can not be controlled by honeyed phrases or fair treatment at all times. The cooly class is not gifted with any unusual amount of judgment in matters beyond the present, and if left to its own way in work which would be better done at once in place of the future, no place dependent on it would ever see a successful year. The only way of settling the question for the general welfare of the country in general would seem to be the enactment of a just and fair contract law, under which the laborer would be given every protection of the laws of the country, yet at the same time would be bound in such a way that he could be compelled to work in times of necessity, provided of course that his health and general condition were not affected.

This country is naturally an agricultural country, and its wealth in that line is equal, at least, to any other country in the world. Its development depends entirely on the question of labor, and it is not a question to be passed over without the most serious of thought and consideration.

OBSERVER.

It is gratifying, Mr. Chairman, to find, even after this one step of misfortune, that the Republican party are closing the door after the steed is stolen, and are seeking to avoid the evils of their former action, and are trying under the whip and spur of the minority to protect the great American laboring interests from the scourge of the Chinese. But with all these islands admitted, with the coasts that need defense and patrol to keep them out, with the cupidity of the navigation corporations that have brought so many to our shores, how are you going to defend American labor in Hawaii, in the Philippine Islands, in Porto Rico, or in the Danish West Indies when you admit such territories as these into the domain of the United States?

Rapid transit on land and sea, the swiftness and ease of telegraphic and other communication, and the facilities for combinations of enterprises have of themselves produced in recent years an evolution, if not a revolution, in labor. Economic changes that come as the result of improvement in human agencies and affairs, and are not the outgrowth of selfishness, should be heralded as benefactions; and though they affect in a measure established conditions, ultimately they will show results of universal good. It is not to such changes that I shall address myself, but to the process now going on which seems to be bringing the labor of different classes and different climes to a common level.

If any benefit arises to American labor from the acquisition of the insular possession, it must be in profit from labor performed on American soil outside of the islands acquired. The distance of the islands, the climate, and the labor conditions bring no hope for the profitable employment of American labor either in Hawaii, in Porto Rico, or in the Philippine Islands.

The Hawaiian Islands, lying 2,100 miles southwest of San Francisco, were the first acquisition under the recent policy of expansion. They were annexed by a resolution of Congress passed July 7, 1898. The area of the eight islands of the group is 6,740 square miles, equaling in extent the State of New Jersey, one fifth the area of Indiana. Although these islands had treaty relations with the United States from the year 1826 and with England and France from almost the same period and frequent communication with these and other European countries, yet at the time of annexation in 1898, out of a total population of 110,000, we find the following distribution in races and countries: Americans, 3,086; British, 2,250; Germans, 1,432, and French, 101. At that time there were 21,600 Chinese, 24,400 Japanese, 15,200 Portuguese,

and 39,500 native Hawaiians and mixed Hawaiians. Of the total population two-thirds were males.

The principal industries of the islands in the order of their importance are sugar, rice, and coffee, the latter but slightly developed. The Chinese and the Japanese work in the sugar mills and on the plantations. Americans and Europeans can not work in the marshy land required for the cultivation of rice, and as the Japanese decline to do so, this work is performed almost entirely by the Chinese.

After the islands were annexed in 1898 something like 40,000 Japanese laborers were brought in under a labor contract similar in terms to that under which nearly all the Chinese and Japanese theretofore had been bound. The obligation of these contracts was dissolved by the act of Congress providing a government for Hawaii, passed April 13, 1900; but the laborers remain and work at wages ranging from \$15 to \$17 a month and furnish their own board and clothes.

The resolution of annexation provided that a commission of five should investigate and report legislation deemed necessary and proper. In its report on the labor conditions we find this statement: "The question whether white labor can be profitably utilized in the sugar plantations is yet a problem." This report was made by Senator CULLOM as chairman of the commission. With these labor conditions prevailing, and with the large proportion of cheap oriental laborers already there, the problem of labor seems to be solved in favor of the oriental elements of the population.

The Japanese show an adaptability and quickness, an alertness and ambition that are menacing labor, not only in Hawaii, but in the States along the Pacific coast as well. By the annexation resolution it was provided that nothing therein contained should be construed to permit the Chinese in the islands to enter the United States, and by the subsequent organic law for the government of the islands they were expressly prohibited from doing so.

As the islands were annexed without any restrictions in the act, like those imposed on Porto Rico, it is doubtful whether the Chinese in Hawaii can be excluded from the United States. Be that as it may with reference to the Chinese already there, yet there is a real menace to American labor in the Japanese immigration to the United States.

The Chinese are prohibited from coming to our country by the Chinese-exclusion act; but, stringent as the act is, they hover along the northwestern and northeastern boundaries and break across; and in this way and through Mexico thousands come into the United States every year. This system, encouraged by navigation and transportation companies engaged in the traffic and in collusion with agents, greatly harasses the United States authorities, who so far have been unable successfully to cope with it.

Japan, with its 40,000,000 of population, is a greater menace to this country than is China with her 400,000,000. This is due to the difference in the characteristics of the people.

The Chinese are conservative and religiously attached to their country, and always expect to return to it. The Japanese are bold, adept, and alert, and when they secure a favorable location they hope always to remain. The Japanese are quick to learn and adapt themselves to surroundings with great facility.

The Commissioner-General of Immigration in his last report referred to the increase of Japanese immigration and expressed the opinion that unless checked it would produce serious trouble where aliens are used as cheap laborers to take the place of American workmen.

It may be inquired why legislation similar to the Chinese-exclusion act is not enacted against the Japanese. In some sense at least the answer can be traced to the policy of expansion. We have in the Japanese treaty of 1894 a saving clause which reserves to the United States a right to legislate as it will with reference to the immigration of laborers from Japan; but in the late Chinese troubles the favors shown by Japan in quickly responding with troops, and the aid she gave to the allies, gives her a prestige that seems to cause our Government to hesitate in taking any drastic measures against Japanese immigration. It should be restricted by a law similar to the Chinese-exclusion act.

The difficulties now encountered in the enactment of laws and their enforcement will only be augmented by the increase of interests in the opposite direction, by the increase of lines and borders to be guarded, and by the acquisition of islands which must perforce furnish bases from which cheap labor can more readily enter into the United States.

The observations I have suggested on the exclusion from profitable employment of the American in the Hawaiian Islands obtain also with reference to the Philippines, where he must come into competition with the Chinese, the Japanese, and the Filipinos. The Filipino has many of the characteristics of the Japanese, and if the same free ingress to this country is accorded them as is given to the Japanese the like evil will result. The conditions in Porto Rico with reference to labor are not dissimilar to those prevailing



in the two other insular possessions, save that there are no Chinese and Japanese; and the native Porto Ricans are not a class with which Americans can compete in price of wage.

In addition to this comparison of the Philippines with Hawaii, we find in the report of the Philippine Commission, under the head of public health, a condition, climatic and otherwise, that would make it impossible for American labor to find a field for occupation. It says:

There is a custom prevailing in Manila of keeping within doors from 12 to 3, which is universally commended. It is doubtful whether the white race could work in the sun.

It is clear from the facts and conditions I have mentioned that American laborers have not profited in expansion by securing a field for their labor outside of their own country, nor are they secure against the influx into the United States of those against whom they can not compete abroad.

It is well known, also, and recognized that American labor is not, and will not be, preferred in manning vessels on the sea, if profit alone is looked to; for the American can not work for the wages on board ship that people of many foreign countries are willing to take.

Therefore the conclusion must be drawn that the American laboring man must expect to profit, under the present policy of expansion, from labor performed in this country, and not from that in fields to which he might go. It is equally clear that he must be protected against the incoming flood of labor, cheaper than his own, or he will suffer.

Mr. Chairman, the pathway for the Republican party and for its representatives in this House—knowing, as they do, of these evils; knowing that these evils are here—is to face the problem and stand against the labor conditions in the Philippine Islands and in the insular possessions—stand against the Chinese and Japanese and the cheap labor scourge in the Philippine Islands—by declaring upon this floor and in this Congress that it is the purpose of the United States to establish a stable form of government in the Philippines, and then let that government and its people take care of the million or two millions of Chinese and Japanese there themselves. The Democracy in Congress in the meantime is performing its duty and promoting the cause of the laboring man of this country, who will hold the party in power responsible for the condition that exists to-day as to the Chinese and the Japanese in our insular possessions.

It is a cause of congratulation that the Democratic minority of this House has presented a substitute for the bill recommended by the Republican majority of the committee.

The gentleman from Missouri [Mr. CLARK] has rendered his party and his country a signal and valuable service in presenting for the Democratic minority its substitute, and in so vigorously presenting the principles embodied in it, and such as should inspire every American.

With the courtesy of the House, I present with my remarks the substitute bill of the minority of the Committee on Foreign Affairs and the report of the gentleman from Missouri [Mr. CLARK] thereon. It reads:

#### APPENDIX.

The question of Chinese exclusion is largely a racial question and largely a labor question.

Because our Pacific coast is the chief place of entrance of Chinese into our country, because a vast majority of Chinese immigrants settle on the Pacific coast, and because American citizens resident on the Pacific coast have had more experience with Chinese than the rest of our people, they understand the Chinese character better and are better fitted to know what legislation is necessary to solve the numerous and difficult problems connected with Chinese immigration.

The substitute proposed is substantially the bill desired by our Pacific coast citizens and by the laborers of the whole country.

The substitute is identical with Senate bill 2960, as reported to the Senate unanimously by the Committee on Immigration, except section 56 of said Senate bill, for which the minority recommended the following:

"Sec. 56. That nothing in the provisions of this act shall be construed to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress: *Provided*, That such admission be in accordance with rules and regulations of the Commissioner-General of Immigration, prescribed with the approval of the Secretary of the Treasury."

The minority entertain some doubt as to the constitutionality of the following words of section 2 of the substitute: "And it shall also apply to those who have been born there since and to those who may be born there hereafter;" but because it is claimed that under the treaty of Paris Congress is charged with the duty of fixing the status of the people of the Philippine Islands, because our citizens of our Pacific coast and the laborers of the land are insistent on retaining the aforesaid words in the bill, and because their retention in the bill will compel a speedy judicial determination of the questions involved, the minority recommend that they be retained in the bill.

For the foregoing reasons the minority report the substitute and recommend that it be enacted into law.

Substitute for H. R. 19031.

A bill to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

*Be it enacted, etc.*, That from and after the passage of this act the coming, except under the conditions hereinafter specified, of Chinese laborers from any foreign country to the United States, its Territories, or any territory under its jurisdiction, shall be absolutely prohibited.

SEC. 2. That from and after the passage of this act the entry into the American-mainland territory of the United States of Chinese laborers coming from any of the insular territory of the United States shall be absolutely prohibited; and this prohibition shall apply to all Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since and to those who may be born there hereafter. And the same prohibition of entry shall apply to Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member. But the privileges of transit hereinafter given to other Chinese persons are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

SEC. 3. That the term "laborer," used in this act, shall be construed to mean both skilled and unskilled manual laborers, Chinese persons employed in mining, fishing, huckstering, peddling, or laundry work, and those engaged in taking, drying, or otherwise preserving shellfish or other fish for home consumption or exportation; and every Chinese person shall be deemed a laborer, within the meaning of this act, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure, as hereinafter defined.

SEC. 4. That from and after the passage of this act the privilege of Chinese persons other than laborers to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as hereinafter defined.

SEC. 5. That the term "official," used in the foregoing section, shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be similarly privileged to enter, on being identified as such attendants or servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

SEC. 8. That the term "merchant," used in this act, shall be construed to mean only one who is engaged in buying and selling merchandise, at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States or any portion of the territory thereof, a business strictly within the meaning given by this act to the business of a "merchant."

And where an application is made by a Chinese person for entry into the United States as one formerly engaged in the United States as a merchant, he shall, unless he produce the return certificate hereinafter provided for, establish to the satisfaction of the appropriate Treasury officer, by the testimony of two credible witnesses other than Chinese, that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during said year he was not engaged in the performance of any manual labor except such as was necessary in the conduct of his business as such merchant; and in default of such proof it shall be held that he is not a merchant within the meaning of this act.

SEC. 9. That the term "traveler" used in this act shall be construed to mean only one who shall establish to the satisfaction of the appropriate Treasury officer that he is in present possession of adequate funds for paying the costs of the intended travel within the territory of the United States and that his purpose in seeking entry is in good faith solely to travel for pleasure or curiosity, and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of his itinerary.

SEC. 10. That the prohibition of section one shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts therein of like amount due him and pending settlement. This exception is subject to the following provisions:

First. A "registered Chinese laborer" is: (a) One who, being lawfully a resident of Hawaii or the American-mainland territory of the United States at the time of the passage of this act, is the rightful holder of a certificate of residence issued to him under the acts of Congress in effect at the time of the passage of this act affecting exclusion of Chinese persons from the United States, such certificate being valid and operative at the time of the passage of this act. And every such certificate of residence valid and operative at the time of the passage of this act is hereby continued valid and operative, but in accordance with the provisions of this act. (b) One who, being lawfully a resident of any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, rightfully obtains and retains a certificate of residence therein under subsequent provisions of this act.

Second. The marriage to the wife referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return, and must have been followed by continuous cohabitation of the parties as husband and wife. And it must appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

Third. If the right to return be claimed on the ground of property or debts, it must appear: (a) In the case of property, that the ownership is of property other than money and is in good faith; that the requisite minimum value is over all incumbrances, liens, and offsets, and that the title was not colorably acquired for the purpose of evading this act. (b) In the case of



debts, that the debtor is solvent; that the amount due is not less than the required sum, clear of offsets and discounts; that the debts do not consist of promissory notes or similar acknowledgments of ascertained or settled liability, and that the indebtedness was not created with a view to evasion of this act.

Fourth. It must appear, where family, property, or debt qualifications are relied on, that the applicant possesses them at the time of return to the United States as well as at the time of departure therefrom.

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate Treasury officer of the district in which he resides, at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

He shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the Treasury officer before whom it is made, and the duplicate and triplicate copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time and place as he may designate, sign and give to the said applicant a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If the last-named certificate be transferred it shall become void, and the person to whom it was originally issued shall forfeit his right to return to the United States.

The right to return under said certificate shall be limited to two years from the date of leaving the United States.

And no Chinese laborer shall be permitted to reenter the United States without producing to the appropriate Treasury officer at the place of such entry the return certificate herein required. A laborer presenting a certificate of return required by this section shall be admitted to the United States only at the port from which he departed.

But no Chinese person, whether laborer or of another class, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States except at the ports of San Francisco, Portland (Oregon), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, San Juan (Porto Rico), or such other ports as may be designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, subject to the restrictions imposed by section 26.

SEC. 12. That it shall be the duty of every Chinese laborer rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted), at the time of the passage of this act, to obtain within six months after the passage of this act a certificate of residence in the mainland territory or the insular territory wherein he resides.

To obtain such certificate he shall apply to the appropriate Treasury officer, who, if satisfied on inquiry that the applicant is rightfully within the United States and rightfully within the portion of the territory of the United States where he applies, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall further contain the photograph of the applicant, made at the time and in the manner required by said rules and regulations. A duplicate of the certificate shall be retained by the officer issuing the original, and the duplicate shall contain a duplicate photograph, provided as in the case of the original.

Any person bound under this section to obtain a certificate of residence who shall neglect, fail, or refuse to comply with the provisions hereof, or who, after the expiration of the said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any officer of the United States and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney; and it shall be the duty of said judge or said commissioner to order that he be deported from the United States unless he shall clearly establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and that the six months time limit aside, he is rightfully entitled to such certificate; and if upon showing it shall appear that he is thus circumstanced, a certificate of residence shall be granted him.

No person shall be given a certificate of residence under any section of this act or be entitled to a reissue of any lost certificate of residence who, prior to his application therefor, shall have been convicted of any crime within the jurisdiction of the United States or any State or Territory or insular territory thereof. Any such person, being thus without such certificate, shall be deported.

Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce all needful rules and regulations for the registration and certifications by this section required, and the Secretary of the Treasury shall appoint the officers for effecting such registration and certifications, authorizing the payment to them of such compensation in the nature of fees, in addition to their salaries as now allowed by law, as he shall deem necessary, not exceeding \$1 for every certificate issued.

SEC. 13. That should it appear that any laborer to whom was lawfully issued a certificate of residence under this act has lost such certificate, or that it has been destroyed, he shall be given a new certificate by the appropriate Treasury officer, on establishing to the satisfaction of the United States judge or commissioner before whom he is brought for deportation that the loss or destruction was not in bad faith.

SEC. 14. That nothing contained in this act shall be construed to prevent the readmission of any Chinese laborer who departed from the United States prior to the passage of this act, possessing a return certificate valid under the acts repealed hereby: *Provided*, That on his return he comply with the requirements of the said acts hereby repealed.

SEC. 15. That to entitle such Chinese persons as are mentioned in section 4 to admission into the United States, or into any portion of the territory of the United States, they shall produce a certificate from their Government, or the government where they last resided, viséed by the diplomatic or con-

sular representative of the United States in the country or port whence they depart; or if such persons are residents of the American-mainland territory of the United States and seek entry into any insular territory of the United States, or are residents of any insular territory of the United States and seek entry into other insular territory or into the American-mainland territory of the United States, then such certificate shall have been issued by the appropriate Treasury officer of the United States.

SEC. 16. That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the personal signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and (in detail) when, where, and for how long pursued, and his residence and such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. If the said person be a merchant, the certificate shall state, in addition to the aforesaid matter, the nature and estimated value of the business carried on by him prior to and at the time of his application therefor, and the duration of his continuance in such business. If the certificate be sought for the purpose of travel for pleasure or curiosity, it shall state, in addition to the matter first aforesaid, whether the applicant intends to pass through, or travel within, the territory of the United States, and shall show his financial and class standing in the country or insular territory whence he comes.

In every case the original and each copy shall contain the photograph of the person to whom the certificate is issued, made in the manner and at the time required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 17. That before any representative of the United States shall visé any certificate of the kind mentioned in the preceding two sections, and before any Treasury officer of the United States shall issue any such certificate, he shall carefully examine into the facts of the particular case; and if he shall find, after inquiry that any of the statements of the certificate are false, or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visé or to issue such certificate.

SEC. 18. That the original certificate issued under the last three sections shall be, by the said diplomatic or consular representative of the United States viséed, or the said Treasury officer issuing the same, delivered open to the Chinese person named therein.

The duplicate thereof shall be, by the said representative or the said Treasury officer, delivered, in a sealed envelope, suitably addressed, to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate Treasury officer of the United States at the place where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The triplicate thereof shall be, by the said representative or the said Treasury officer, immediately sent by mail to the appropriate Treasury officer of the United States at the port at which said Chinese person seeks entry.

SEC. 19. That the certificate mentioned in the four sections next preceding this section shall be, when duly viséed by the proper diplomatic or consular representative of the United States, or when issued regularly by the appropriate Treasury officer of the United States, as the case may be, prima facie evidence of the facts therein set forth, and shall be produced to the appropriate Treasury officer of the United States in the port in the United States at which the person named therein seeks entry; and if such entry is permitted, said certificate, properly indorsed by the appropriate Treasury officer, shall be returned to and retained by the person named therein, while he desires to remain in territory of the United States, as a means of indicating his original status, and it shall afterwards be produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing it to establish a right of entry into the United States. But said certificate may be controverted, and the recitals thereof disproved, by the authorities of the United States. And if any of such recitals be disproved, or if any certificate be fraudulently used or in any manner forged or altered, then such certificate shall be null and shall be forthwith canceled.

SEC. 20. That in the case of a Chinese person who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act, the following provisions shall govern:

First. To enable the United States to identify him he shall be entitled to have issued to him by the appropriate Treasury officer a certificate of registration setting forth his personal signature, his name, his personal description, his residence, his occupation and place of pursuing it, together with such details concerning it and such other matter as may be required by rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. This certificate shall be made in duplicate, and the copy shall be retained by the officer issuing the certificate. The original and the copy shall each contain the photograph of the applicant, made as required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

Persons entitled to such certificates who fail to obtain them shall be, in any proceeding inquiring into their status under this act, presumed to be laborers not entitled to remain within territory of the United States, but such presumption may be rebutted.

Second. When any Chinese person who, being a member of any of the classes mentioned in section 4, desires to depart from the United States or any portion of the territory thereof, intending to return thereto, he may, if he so desire, apply to the appropriate Treasury officer in the district wherein he resides, at least one month prior to the time of his departure, such application to be accompanied by his certificate of his registration, and in that event shall make under oath before said officer a full statement, in triplicate, descriptive of his professional, business, or other position or status, and shall furnish to said officer such proof of his status as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury, and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at the time and in the manner required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the Treasury officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate Treasury officer at the port whence the applicant intends to depart from the United States.

And if said last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide that the representations of status are true, he shall, at such time and place as he may designate, sign and give to the said applicant a certificate containing the number of the



description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If the last-named certificate be transferred, it shall become void, and the person to whom it was originally issued shall forfeit his right to reside in, or return to, the United States.

Third. To entitle any such Chinese person as is mentioned in this section to readmission to the United States or any portion of the territory thereof, he shall produce to the appropriate Treasury officer at the port of entry the return certificate in this section provided for; and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to elect to waive all of the provisions of the second and third subdivisions of this section, and for readmission into the United States or any portion of the territory thereof to depend upon the provisions of section 8 and provisions in pursuance thereof.

SEC. 21. That nothing in this act shall be construed to prevent the entry into the United States, or any portion of the territory thereof, of the lawful wife or the minor children of any Chinese person of any of the classes mentioned in section 4 actually domiciled in the United States at the time of such proposed entry: *Provided*, That no such wife nor any of such children shall be permitted to enter who shall fail to establish to the satisfaction of the appropriate Treasury officer at the port of entry that the required relationship exists and to produce to him a certificate as follows:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person departed, and shall show that after investigation said representative believes it to be true that the relationship asserted genuinely exists.

Second. If the wife or child come from any insular territory of the United States and seek entry into American mainland territory of the United States, or come from American mainland territory of the United States and seek entry into insular territory of the United States, or come from any insular territory of the United States and seek entry into other insular territory of the United States, the certificate shall have been issued by the appropriate Treasury officer of the United States at the port whence such person departed, and shall show that after investigation said officer believes it to be true that the relationship asserted genuinely exists.

Third. It is hereby made the duty of diplomatic and consular representatives of the United States, and of the appropriate Treasury officers, to make rigid investigations of all applications for such certificates, and to issue them when the relationship required and claimed is clearly established, but not otherwise.

Fourth. Each of said certificates shall be issued in triplicate and shall contain the photograph of the person named therein, and in addition to the matter already mentioned shall contain whatever may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. The photographs shall be made at the time and in the manner required by said rules and regulations.

The original certificate shall be, by the representative or officer issuing it, delivered open to the person named in it, or, if such person be an infant, to the person in charge of such infant.

The duplicate thereof shall be, by said representative or officer, delivered in a sealed envelope, duly addressed to the shipmaster, railway conductor, or other person in charge of the transportation of the person for whom the original is available, whose duty it shall be to deliver it promptly to the appropriate Treasury officer of the United States at the port where entry is sought by said Chinese person. Willful neglect or failure to perform this last-mentioned duty is hereby made punishable under section 53.

The triplicate thereof shall be, by the representative or officer issuing the certificate, immediately sent by mail to the appropriate Treasury officer at the port where said Chinese person seeks entry.

*Provided*, That no woman shall be entitled to enter under this section unless she shall establish, by such proof as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, that she is the primary and lawful wife of a member of one of the classes enumerated in section 5, under a marriage contracted in such manner as to be legal and binding in the United States.

SEC. 22. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants or servants, who shall be admitted to the United States under special instructions of the Secretary of the Treasury, without production of other evidence than that of personal identity.

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

SEC. 23. That before any Chinese person is landed from any vessel on territory of the United States, or, in case of inland immigration, before any Chinese brought to any inland border port of the United States shall be permitted to leave the car or other conveyance in which he was brought thither, the appropriate Treasury officer shall examine such Chinese person, comparing his certificate with the lists given under succeeding provisions hereof, and also with such Chinese person; and no Chinese person shall be allowed to land or to enter in violation of law. The examination and comparisons herein required shall be made immediately after the arrival at port or border.

SEC. 24. That the master of any vessel arriving in the United States from any foreign port or place shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate Treasury officer of the customs districts in which such vessel shall have arrived a separate list of all Chinese persons taken on board his vessel at any port or place, and all such persons on board the vessel at that time. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign Government traveling on the business of such Government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the master in the manner required by law in cases of manifests of cargo.

The foregoing requirements shall apply also to the masters of all vessels arriving in the American-mainland territory of the United States from any of the insular territory of the United States; and to the masters of all vessels arriving at any point in any such insular territory from the American-mainland territory of the United States, and to the masters of all vessels arriving in the Philippine Islands, Hawaii, Porto Rico, or any other insular territory of the United States from any other insular territory of the United States.

Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture provided for a refusal to report and deliver a manifest of cargo.

SEC. 25. That in the case of Chinese persons brought to an inland border

port of the United States, the railway conductor or other person so bringing them shall, immediately on arriving there and before enabling or permitting any such Chinese person to cross the border into territory of the United States, deliver to the appropriate Treasury officer a list of all Chinese persons so brought. Such list shall show the names of all such Chinese persons (and in the case of accredited officers of the Chinese or other foreign Government, traveling on the business of such Government, or their servants and attendants, a note setting forth such facts), the port or place at which each was taken in charge, and such particulars as to each as are shown by their respective certificates hereinbefore required, and such other information as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and such list shall be sworn to by the person bound to deliver it, the oath to be administered by the said Treasury officer.

Any refusal or willful neglect of any such conductor or other person bound to deliver such list to comply with the provisions of this section shall be deemed a felony and shall be punishable under section 53. Should the offender not be subject to punishment in the United States, then any rule or regulation which may be made by the Secretary of the Treasury for cases of that class shall be enforced; and as well against his employer as against himself, if his employer be a person or corporation interested in the transportation of the Chinese person as to whom the offense was committed.

SEC. 26. That Chinese laborers shall continue to enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions:

First. Privilege of transit shall be denied if the applicant fail to produce to the appropriate Treasury officer at the port where entry is sought a through ticket entitling said applicant to transportation from such port to the point of ultimate destination in the foreign country whither he claims to be bound, such ticket in good faith requiring transit across territory of the United States and having been fully paid for; or if he fail to produce, additionally, to the said officer a certificate as follows: (a) If the applicant come from a foreign country, the certificate shall have been issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, and shall show that after investigation said representative believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for; (b) if the applicant come from any insular territory of the United States and seek the privilege of transit across American-mainland territory of the United States, or come from American-mainland territory of the United States and seek the privilege of transit across insular territory of the United States, or come from any insular territory of the United States and seek the privilege of transit across other insular territory of the United States, then the certificate shall have been issued to him by the appropriate Treasury officer of the United States at the port or place whence said applicant departed, and shall show that after investigation said officer believed it to be true that said applicant intended to go directly to, and to reside in, the foreign country designated, and did not seek to abuse the privilege of transit applied for.

And it is hereby made the duty of the diplomatic and consular representatives of the United States and of the appropriate Treasury officers of the United States to investigate all applications for the said certificates, and to issue such certificates where the applications are shown to be in good faith, but not otherwise, and in such form and carrying such additional information as shall be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States.

Second. Privilege of transit shall be denied if the applicant refuse or fail to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate Treasury officer at the port where entry for the exercise of such privilege is sought, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly and immediately to the ultimate destination which is named in his certificate, and is not seeking to abuse the said privilege.

Third. Privilege of transit shall be denied if the applicant shall first have sought admission into the United States or some Territory thereof otherwise than for the purpose of transit and shall have been refused such admission.

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevention of abuse of such privilege.

Fifth. The master of any vessel, the conductor of any railway train, or the manager or director of any other conveyance bringing to any port in the United States, or on the border thereof, any applicant for the privilege of transit shall, immediately after arrival there and before landing or permitting to land, or enabling or permitting to cross the border, as the case may be, any such applicant, deliver to the appropriate Treasury officer of the United States a separate list of all such applicants so brought, which list shall show the name of each applicant, the matter contained in the certificate he bears, and such other matter as may be required by the rules and regulations from time to time prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be sworn to by the person bound to deliver it, the oath to be administered by the said officer to whom it is delivered. Failure to comply with any of the requirements of this subdivision shall be punishable in the case of masters of vessels as in violations of section 21, and in the case of others as in violations of section 22.

Sixth. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall designate the ports at which entry into the United States or particular territory thereof for the purpose of exercising the privilege of transit may be granted to persons entitled to exercise said privilege; and said privilege shall be exercisable at no other ports or places. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada said designation shall be subject to this restriction: No place along either of said boundaries shall be so designated, nor shall any port along either of said boundaries be designated as a place of entry for any Chinese person whatever, whether in transit or otherwise, until there shall have been executed between the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations purposing to bring Chinese to such port contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese persons, under such money penalties as shall be set forth in said contracts; and no such port shall remain open to entry of Chinese persons, in transit or otherwise, beyond the life of such contracts in unviolated state. But the said Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such port to transit privilege if in his judgment such privilege is being abused there.



SEC. 27. That every Chinese person brought by vessel to any port of the United States shall be detained aboard such vessel until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and every Chinese person brought to an inland border port of the United States shall be detained at such port until a final decision shall have been rendered as to the right of such Chinese person to enter the United States, or any portion of the territory thereof, for any purpose; and in the first class of cases the duty of such detention shall rest on the master, owner, agent, and consignee of the vessel concerned, collectively and singly, and in the second class of cases said duty shall rest on the person, persons, corporation, or agent, collectively and singly, by whom said Chinese person was transported or aided to the inland border port: *Provided*, That Chinese persons may be otherwise and elsewhere detained pending such final decisions, in accordance with such rules and regulations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe: *And provided*, That no right of entry or residence and no privilege of transit shall result to any such Chinese persons by reason of temporary detention and landing authorized under such rules and regulations, and that no release from liability or obligation under this act shall be worked by such temporary detention and landing in favor of any vessel, or the master, owner, consignee, or agent of any vessel, or any other person or corporation whatsoever.

Every person bound under this section to detain a Chinese person who shall refuse or willfully neglect promptly to perform such duty shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 28. That every Chinese person finally refused admission to the United States must be returned to the country of which he is a citizen or subject immediately after such refusal.

The duty of returning said Chinese person is hereby imposed on the master, owner, consignee, or agent of the vessel, and on the railway corporation, its general officers and agents, and on the owners or general officers and agents of other transportation lines or modes of conveyance, collectively and severally, bringing him to the port at which entry is denied him or aiding him thither.

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may elect to effect such return in some other way than as above prescribed, and at the expense of the United States, in which case the vessel, persons, or corporations that would otherwise have been bound to effect such return shall be jointly and severally liable to the United States for the costs thereof.

And in every case such vessel, persons, or corporation shall be jointly and severally liable to the United States for all costs connected with the inquiry concerning the right of such Chinese person to enter or pass through the United States or any portion of the territory thereof.

The provisions of this section shall apply likewise in every case where a Chinese person is brought from any insular territory of the United States to the American-mainland territory of the United States, and in every case where a Chinese person is brought to any insular territory of the United States from said mainland territory. But in any case where a Chinese person is brought to any insular territory of the United States from other insular territory thereof, he shall, when refused admission or transit, be deported to China.

Every person bound under this section to return a Chinese person, who shall refuse or willfully neglect promptly to perform such duty, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not returned as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment: *Provided*, That any subordinate officer, agent, or employee of any such vessel, railway corporation, other transportation line, or other mode of conveyance, who is charged with the duty as such subordinate officer, agent, or employee of returning any Chinese person, and shall refuse or willfully neglect promptly to perform such duty, shall be subject to all the pains and penalties imposed by this section upon persons bound to return a Chinese person who refuses or willfully neglects to do so.

SEC. 29. That every owner, officer, agent, or employee of any transportation line, railway corporation line, vessel, vehicle, or other mode of conveyance by sea or land who shall aid or abet or willfully or through neglect permit or connive at the escape of any Chinese person held in detention pending final adjudication of his claims, or as provided by sections 27 and 28 of this act, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not less than \$1,000 nor more than \$5,000 for every Chinese person not detained as required, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 30. That every vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any customs district of the United States wherein found. Violations of section 27 or section 28 are among the offenses to which this provision applies.

SEC. 31. That any person who, as principal or accessory, shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese person otherwise than as prescribed by this act, or who, pending a final decision as to the right of any Chinese person to enter or pass through territory of the United States, shall knowingly bring into or attempt to bring into or conspire to bring into territory of the United States such Chinese person, or who shall knowingly harbor or attempt to retain within or conspire to retain within the United States or any territory thereof any Chinese person unlawfully therein and subject to deportation therefrom, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not less than \$2,000 or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

SEC. 32. That any Chinese person found within any portion of the United States in violation of any provision of this act shall be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless upon the hearing the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be, or to remain in, the United States, or in the portion of the territory of the United States wherein found, it shall be the duty of said judge or commissioner to order that he be deported. It shall be the duty of the United States attorney of said district to attend the hearing, and the testimony of at least two credible witnesses other than Chinese shall be required to establish the right claimed.

SEC. 33. That if any Chinese person shall enter the United States or any portion of the territory thereof without having first obtained from the appropriate Treasury officer the required permission to enter, he shall be deported, notwithstanding that had he properly applied he would have been entitled to enter.

SEC. 34. That wherever herein it is provided that a Chinese person shall be deported it is meant:

First. In the case of a person who came from a foreign country, that he

shall be forthwith returned thither or to the country of which he is a subject or citizen: *Provided*, That in any case where a country of which such person shall claim to be a subject or citizen shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China.

Second. In the case of a person who came without right from one portion of the territory of the United States to another portion of the territory of the United States, that he shall be forthwith sent to the country of which he is a citizen or subject.

And orders of deportation in the foregoing and all other cases shall be executed by the United States marshal of the district wherein the said orders are made; and he shall execute the same with all convenient dispatch, and pending such execution shall detain in his custody the person ordered to be deported, who shall not be admitted to bail, save in cases of appeal as set forth in the proviso of section 50.

SEC. 35. That in any insular territory of the United States where the United States has not established Federal courts and has not provided Federal marshals the judicial functions herein vested in United States judges shall be vested in judges of the highest local courts in such territory, and the executive functions herein vested in United States attorneys and marshals shall be vested in the corresponding local officers in such territory.

SEC. 36. That any Chinese person who violates any of the provisions of this act shall be deported. Accusation and hearing in such case shall be before a United States judge in the district wherein said Chinese person is found, or before a United States commissioner designated by a United States attorney.

SEC. 37. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate provided for in this act or by Treasury rules thereunder, or who shall knowingly utter any such certificate, if forged or fraudulent, or who shall forge any such certificate; or who shall, whether an officer of the United States or not, issue to any person a certificate as to the status or right of entry, or right of residence, or privilege of transit, or right of return of any Chinese person (other than a certificate authorized by law to be by him issued), with intent to defeat any provision of this act, or any Treasury rule thereunder, or with intent to deceive the person to whom or the Chinese person for whom issued, or any other person; or who shall falsely personate any person named in any certificate authorized by this act or Treasury rules or regulations thereunder, shall be deemed guilty of a felony, and on conviction thereof shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned for a term not less than one year nor exceeding five years, or shall be both so fined and imprisoned.

SEC. 38. That the requirements and penalties imposed by this act on masters, owners, agents, and consignees of vessels shall not apply in the case of any vessel bound to a port not within the United States which shall come within the jurisdiction of the United States by reason of being in distress or because of stress of weather. But if any Chinese person brought on any such vessel shall be permitted to land in the United States in violation of law, or if every Chinese person so brought, who is bound to do so under this act, does not depart with the vessel when it leaves port, then the penalties of this act shall be imposed on said vessel, and the master, owner, agent, and consignee thereof, jointly and severally.

SEC. 39. That the master of any foreign vessel which shall bring to the United States in the crew of such vessel, or otherwise in its service, any Chinese persons not entitled to entry, shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$2,000 for each of said Chinese persons, the condition of said bond being that none of such Chinese persons shall be permitted to land from said vessel for any purpose whatever, with or without the permission of said master, while said vessel remains within the United States. The bond shall be canceled upon the certificate of the appropriate Treasury officer that all Chinese persons covered by it have departed from the United States on said vessel.

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

SEC. 40. That any Chinese person who, having been admitted into the United States, or from one portion thereof into another portion thereof, as a teacher, student, merchant, or traveler for curiosity or pleasure, ceases to be of the status gaining him such admission and becomes a laborer within the meaning of this act, shall forfeit the privilege of remaining in the United States or the territory thereof, and shall be deported. And in every case where a Chinese person, having gained admission by virtue of being a servant or an attendant of a Chinese officer, ceases to be such servant or attendant he shall be deported.

SEC. 41. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe and enforce rules and regulations whereby the Treasury Department shall have a complete record of the date, place, and circumstances of birth of every Chinese person hereafter born within the jurisdiction of the United States, together with data as to parentage. And a certified copy of the record as to any person whose birth is recorded hereunder shall be admissible as evidence in all inquiries under this act.

SEC. 42. That no certificate issued under this act shall be pawned, sold, or transferred. Violation of this provision shall be followed by cancellation of the particular certificate, and, if the offender be a Chinese person not a citizen in mainland territory of the United States, by deportation of such person. If the offender be of any other class, then he shall be punished under section 53.

SEC. 43. That two years after the departure from the United States of a Chinese laborer to whom has been issued a return certificate hereunder the Treasury Department shall cancel all official papers and entries concerning him: *Provided*, That he shall not within said period have exercised his right to return.

SEC. 44. That hereafter no State court, or court of the United States, shall admit any Chinese person to citizenship.

SEC. 45. That the administration of this act shall be in charge of the Commissioner-General of Immigration, under direction of the Secretary of the Treasury.

The said Commissioner-General, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any and all rules and



regulations by him deemed needful to an efficient execution of this act or of any other law of the United States or of any treaty relating to Chinese persons or persons of Chinese descent: *Provided*, That he shall make no rule or regulation inconsistent with this act.

Wherever in this act the term "appropriate Treasury officer" or its equivalent is used, that officer of the United States is meant who is appointed by the Secretary of the Treasury and is designated by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to perform the duty or to exercise the authority mentioned. And it is hereby made the duty of the Secretary of the Treasury to make all needful appointments and of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, to make all needful designations forthwith on the passage of this act; and the duty of inspecting and investigating all immigrants under this law or under the general immigration laws of the United States shall be performed whenever practicable by Chinese or immigrant inspectors under the Bureau of Immigration.

All officers appointed or designated to enforce the provisions of this act are hereby empowered to administer oaths touching the right of any Chinese person to enter or to remain in the United States or any territory thereof, or touching the privilege of transit through any part thereof.

SEC. 46. That when the appropriate Treasury officer at the port of arrival of any Chinese person shall have passed upon the application of such person for the right of entry into the United States or any of the territory thereof, or for the privilege of transit through the United States or any of the territory thereof, whether such right or privilege be sought for the first time, or under a return certificate, or under claim of former residence as a merchant, or otherwise, then the decision so given shall be final and not subject to review by the judicial branch of the Government of the United States: *Provided*, That said Chinese person, and also any officer of the Treasury Department of the United States, may appeal from said decision through the Commissioner-General of Immigration to the Secretary of the Treasury.

Any appeal hereunder to the said Secretary of the Treasury must be filed with the officer making the decision appealed from within five days after the making of such decision.

But where the applicant for entry or transit shall base his claim of right to enter or his claim to privilege to pass through the United States or any of the territory thereof on alleged citizenship of the United States or any of the territory thereof, and upon that solely, no administrative officer of the Government of the United States shall pass upon his case, but he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and, the appropriate United States attorney attending, a judicial hearing shall be had, as on writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district, as in deportation cases. And if such decision is adverse to such claimant he shall be returned as provided by section 23. And whenever any Chinese person bases his claim of right to enter or to reside within, or his claim to the privilege of passing through, the United States, or any portion of the territory thereof, on any claim recognized by this act or any law of the United States, and such claim is under inquiry or such claim has been decided adversely to him, he can not assert alternatively another claim of right to enter or to reside within, or any claim of privilege to pass through, the United States or any portion of the territory thereof.

SEC. 47. That when any commissioner of the United States shall have given a decision in any case under this act an appeal therefrom may be taken to the United States district court, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

SEC. 48. That when any United States district court shall have given a decision, on appeal or otherwise, in any case under this act, or any other law or any treaty of the United States relating to Chinese persons, or persons of Chinese descent, an appeal therefrom may be taken to the circuit court of appeals of the United States, within five days from the rendering thereof, by the Chinese person concerned or by the United States.

But in case of appeal under this section by the United States a certified copy of the testimony taken on the hearing before the district court shall, within ten days after said hearing, be transmitted to the Attorney-General of the United States, who may direct the appropriate district attorney to move for a dismissal of the appeal.

In appeals under this section the circuit court of appeals may review all facts as well as all questions of law, and shall have power to make all necessary orders, either for discharge of the Chinese persons or for deportation thereof.

SEC. 49. That on appeal to a district court of the United States or to the circuit court of appeals of the United States, under this act, a transcript of the record and copies of all testimony taken on the hearing before the commissioner or court whose decision is appealed from shall be transmitted to the district court or the circuit court of appeals, as the case may be; and either court may order sent to it, in addition, or in lieu, any original document or other evidence used or considered in the lower court or tribunal. But no new evidence shall be received in the circuit court of appeals, except by order of said court upon motion duly made for that purpose.

SEC. 50. That in every case of appeal under the foregoing sections the Chinese person who is the subject of such proceedings shall remain in the custody of the appropriate United States marshal pending final decision, and without bail: *Provided*, That if the appeal be prosecuted from a decision discharging him from custody he may be admitted to bail pending decision on appeal, but in a sum not less than \$2,000. And this section shall apply likewise in every case arising under this act where a Chinese person sues out a writ of habeas corpus; and as well to the time before the first hearing on habeas corpus as to appeals from the first or any later decision in the proceeding.

SEC. 51. That the term "United States," when used in this act as a geographical designation, is meant to include all the lands and waters in any way subject to the jurisdiction of the United States, both continental and insular. And the term "insular territory" used in this act is meant to include all island territory of the United States not forming a part of any State or of Alaska.

SEC. 52. That the term "Chinese" and the term "Chinese person" used in this act are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood. And wherever herein personal pronouns are used the masculine includes the feminine.

SEC. 53. That any violation of any provision of this act whereof punishment is not otherwise provided shall be deemed a felony, and shall be punishable by fine not less than \$1,000, or by imprisonment for a term not less than one year, or by both such fine and imprisonment.

SEC. 54. That for every case passed upon by him under this act \$5 shall be paid to the commissioner of the United States duly bound to act therein.

SEC. 55. That wherever by this act or any Treasury rule or regulation thereunder a certificate or other paper is required to be issued in duplicate or triplicate, the original shall be marked "Original," the duplicate shall be marked "Duplicate," and the triplicate shall be marked "Triplicate."

SEC. 56. That the provisions of this act shall not be construed to prevent the admission of Chinese into the United States for the purpose of participat-

ing in any fair or exposition authorized by act of Congress: *Provided*, That such admission shall be in accordance with rules and regulations of the Commissioner-General of Immigration prescribed with the approval of the Secretary of the Treasury.

SEC. 57. That all acts and parts of acts inconsistent with any provision of this act are hereby repealed: *Provided*, That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under laws in effect prior to the passage hereof, but all such prosecutions and proceedings shall proceed as if this act had not been passed.

Mr. CLARK. Mr. Chairman, I want to restate some remarks I made last Friday, because there may be some here now who were not here then. I am in favor of the retention of this second section of the bill. I have a great deal of respect for the legal information and perfect integrity of my friend from Massachusetts [Mr. NAPHEN]. I never have deceived this House and never will.

Mr. HITT. That is true.

Mr. CLARK. This second section flies in the face of a decision of the Supreme Court of the United States, providing the Philippines are a part of the United States and providing that the citizens of the Philippine Islands are citizens of the United States.

Mr. KLEBERG. Will the gentleman from Missouri permit me to ask him a question?

Mr. CLARK. Yes; certainly.

Mr. KLEBERG. Does not this include Hawaii and Porto Rico?

Mr. CLARK. No; it has nothing to do with Hawaii.

Mr. KLEBERG. That is excluded from the bill?

Mr. CLARK. That is excluded, because it has a special provision of its own in the act of annexation.

Mr. KLEBERG. What does the gentlemen comprehend in the term "insular possessions?"

Mr. CLARK. That includes all the insular possessions except Hawaii.

Mr. KLEBERG. Why do you not say that in the bill?

Mr. CLARK. We do say so in the bill.

Now, Mr. Chairman, I want to say something else, and it is this: I do not believe that the decision of the Supreme Court of the United States in one hundred and sixty-ninth, in the case of Wong Kim Ark against the United States, declaring that Chinese born in this country of Chinese parents are subject to our jurisdiction, is good law. That decision was rendered by a divided court; six judges decided in favor of it, two judges dissented from it, and one judge did not sit.

I say, under the circumstances, it will be something appalling if by our act we make the Philippines a breeding ground for Chinese laborers to come into the United States. Now, gentlemen, I will tell you what I believe is another thing that you will find. If the United States Supreme Court ever decides that the residents of the Philippine Islands are American citizens, and that we have no right to keep out of this country Filipino Chinese, then the American people will rise in their might and drive Congress into getting rid of the Philippine Islands, and that is just exactly what I want to see done—precisely.

You might as well understand what the issue is and be through with it. They must pass upon that question sooner or later, and the way to make them pass upon it at once and have done with it is to put this section in the bill and then they must pass upon it speedily. Then the American people will be fully informed, and can act intelligently, and do as they please. To use a familiar phrase, we will then know "where we are at." Because, as I said on Friday, I do not believe the American people, in their sober senses, are ever going to agree that the Philippine Islands shall be made a breeding ground for hundreds of thousands of Chinese to be brought in here to compete with American labor. For these reasons I want this section to stay in the bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken and the amendment was lost.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 5. That the term "official," as used in the foregoing section, shall be construed to mean one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or if he be a consular officer of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; and the attendants and servants of any such official shall be similarly privileged to enter.

Mr. COOMBS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all of section 5 and insert a new section 5, to read as follows:

"SEC. 5. That the term 'official' used in the foregoing section shall be construed to mean only one who, being in the service of a foreign government, is regularly accredited as such by the home government he represents, or, if he be a consul of China, is regularly accredited as such under the usual practice of the Imperial Chinese Government; but the attendants and servants of any such official shall be privileged to enter, on being identified as such attendants and servants, in accordance with the rules and regulations subscribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury."



Mr. HITT. Had not the gentleman better make that "consular officers?"

Mr. COOMBS. The idea is to eliminate consular officers and insert in place consul of China, and confine it to the consul and not to the officers that might be appointed.

Mr. HITT. Mr. Chairman, that amendment is assented to by all the members of the committee.

The question was taken and the amendment was agreed to.

Mr. HOOKER. Mr. Chairman, I offer an amendment in place of section 5 of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read.

Mr. HOOKER. Mr. Chairman, I see that my amendment applies to a subsequent section of the bill, and I will withdraw it and offer it at the proper time.

The CHAIRMAN. Without objection, the gentleman's amendment will be withdrawn.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 6. That the term "teacher," as used in this act, shall be construed to mean one who, for not less than two years next preceding his application for entry into the United States has been continuously engaged in teaching and who proves to the satisfaction of the appropriate officer that he has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation while in the United States.

Mr. CLARK. Mr. Chairman, to that section I offer two amendments.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

On page 3, line 9, section 6, after the word "teaching" insert the words "the higher branches of education."

The amendment was considered and agreed to.

The Clerk read the second amendment, as follows:

On page 3, line 10, section 6, after the word "he" insert "is qualified to teach such higher branches and."

The amendment was considered and agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That the term "student," as used in this act, shall be construed to mean one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation, and for whose support while studying sufficient provision has been made.

Mr. COOMBS. Mr. Chairman, to that section I offer the following amendment.

The Clerk read as follows:

Insert in line 18, after the word "made," the following: "and who intend to depart from the territory of the United States, to which he comes for such study, immediately on the completion of said studies."

Mr. PERKINS. I would suggest to the gentleman that he strike out the words "to which he comes for such study."

Mr. COOMBS. Has the gentleman an amendment drawn to cover this provision?

Mr. PERKINS. I have the amendment which the gentleman from California drew himself.

Mr. COOMBS. Very well, I will offer that. Mr. Chairman, I withdraw my amendment and offer the amendment which I send to the desk.

The Clerk read as follows:

On page 3, line 18, after the word "made," insert "and who intends to depart from the territory of the United States immediately on the completion of said studies."

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That the term "merchant," as used in this act, shall be construed to mean one who is engaged in buying and selling merchandise at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs a question with relation to the term "merchant." If I correctly understand the section which has been read, in order to gain an entry as a merchant a Chinaman must not only establish the fact that he is conducting a place of business in his own country, but also that he comes here to establish a mercantile business in a fixed place in this country, and that he has the means with which to carry it on.

Now, I learned from the chairman, while he was explaining this bill, that we are selling about a million dollars' worth of cotton in China a month, and it occurs to me that some merchant or some manufacturing corporation may desire to come here, or the officer of a corporation or member of the firm be sent, for the purchase of raw material in this country. I want to ask whether it would be possible under this provision for such merchant or manufacturing company to come here, either by its officers or a member of the firm or agent having the necessary funds to pur-

chase our raw materials or manufactured products? Is it possible under this provision of the bill for him to enter this country for that purpose? We certainly should not exclude persons who desire to come here with money in their pockets to purchase the products of American labor, and thus provide additional work for the American laborer. The question in my mind was whether some provision should not be inserted to cover that matter.

Mr. PERKINS. Mr. Chairman, in answer to the question of the gentleman from Pennsylvania [Mr. OLMSTED], let me say that I do not think there is any provision of this bill under which a purchasing agent could come into this country unless he should have the ingenuity to come in under either clause 4 or clause 9, which allow travelers to come in. Under those clauses he would have to show that he was coming to this country for purposes of pleasure or curiosity, and I think a reasonable Treasury official would say that a Chinese desiring to enter the country to investigate the question of cotton goods was coming in on a matter of legitimate curiosity which should be gratified. Otherwise, Mr. Chairman, he could not come.

The reason for the provision is this: The evasions of the Chinese-exclusion laws have been almost entirely under two heads, either under the head of transit or under the "merchant clause," under which persons claiming to be merchants, but who really were not merchants in any legitimate sense, have entered this country as such and have employed themselves in this country as cool laborers.

There was some talk in the committee of inserting in the bill a clause by which purchasing agents, as such, should be allowed to come into the country; but it was the opinion of the gentleman from California, in which the committee finally agreed, that such a provision inserted in the law would afford very great opportunities for evasion, and that the provision now in the bill would provide sufficiently for cases where it might be desirable to admit persons intending to purchase.

Let me say in further reply to the question of the gentlemen from Pennsylvania that we have endeavored to deal with this question from a practical standpoint. The committee recognizes the desirability of facilitating the sale of American goods in China; and it also recognizes, on the other hand, the practical phases of this question. The American goods that are sold in China are sold by the representatives of American houses there. The amount of American goods bought by agents sent from China to this country is, in my belief, utterly insignificant.

Mr. KAHN. Will the gentleman permit me a moment?

Mr. PERKINS. Certainly.

Mr. KAHN. The invariable custom in doing business in China is that the merchants there make purchases from agents sent from the foreign country; and, indeed, our consuls in China now advocate that a museum of American products be established in Shanghai, so as to stimulate trade. Agents of the Chinese do not go into foreign countries to make their purchases.

Mr. OLMSTED. Is not one reason that they do not come into this country the fact that our laws have prohibited them from coming?

Mr. KAHN. That is not the reason. The English consul at Niu-chwang in reporting to his Government said that he consulted merchants of China as to the place of manufacture of goods they were selling, and they did not know whether they were made in the United States or England.

[Here the hammer fell.]

Mr. OLMSTED. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Such consent has already been given.

Mr. CANNON. If I may be allowed, I should like to ask a question. This legislation, as I understand, cuts out the purchasing agent or the commercial traveler who may desire to come to the United States for the purpose of making purchases—cuts him out unless the Treasury official elects to say that he comes on a mission of curiosity.

Mr. PERKINS. I would answer the gentleman from Illinois by saying that so far as this provision is concerned the bill here presented leaves the law exactly where it finds it. Ever since the passage of the Geary law there has been no provision which allowed a purchasing agent as such to come to this country from China.

Mr. CANNON. Very well; then such a purchasing agent can not come in now.

Mr. PERKINS. Not unless in the manner I have suggested.

Mr. CANNON. For curiosity?

Mr. PERKINS. Yes, sir.

Mr. CANNON. But that provision, as I understand the gentleman to state, does not work any hardship, because, as I gather from his remarks, our selling agents may go into China.

Mr. PERKINS. Yes, sir.

Mr. CANNON. In other words, China has not legislated to keep out our selling agents.

Mr. PERKINS. No, sir.

Mr. CANNON. And they go over there and get along comfortably well—

Mr. PERKINS. Yes, sir.

Mr. CANNON. While we shut out their purchasing and selling agents?

Mr. PERKINS. Yes, sir.

Mr. KAHN. The gentleman will permit me to say that the treaty between the United States and China also specifies the exempt classes, and it mentions simply merchants, students, teachers, officials, and persons traveling for curiosity or pleasure. The minds of the two Governments met upon that point.

Mr. CANNON. I am not criticising that matter. The gentleman says that the treaty regulates this question and that this provision cares for the matter. But the state of facts with reference to this question is interesting, and I wanted to know it. I did not know that in fact a purchasing agent can not come from China to our country for the purpose of buying our goods. The only way in which the minds of the two Governments have met in this bargain seems to be that we may send our selling agents abroad and they are permitted to enter China, so that trade goes on.

Mr. COOMBS. Well, Mr. Chairman, if you will permit me, I think if the gentleman from Illinois [Mr. CANNON] gives a more careful perusal to this section he will ascertain that it is not intended in any sense—

Mr. CANNON. I am not criticising you at all. I just want to get at the facts.

Mr. COOMBS. I think you misapprehend the meaning of this particular section.

Mr. CANNON. Possibly so.

Mr. COOMBS. This section permits merchants to come over here and engage in mercantile business. All it intends to do is to draw a line between merchants who come here honestly representing mercantile business in China and those who would come here under the pretense of being merchants, but really to engage in laboring pursuits in this country. Now, if you will read this section—it is as follows:

Where an application is made by a Chinese for entry into the United States as one formerly or at the time engaged in China, or in some other foreign country, or in the insular possessions of the United States, as a merchant, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application.

Mr. HILL. Read the whole of it:

It must also appear to the satisfaction of the appropriate officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means or has completed arrangements for forthwith becoming the owner, in whole or in part, of a mercantile business in the United States.

Now, the question I would like to ask is whether if we are permitted to send a commercial drummer into China, can an honest Chinese merchant, who is established in business in China, send a commercial drummer here, under the provisions of this bill—not to establish a place of business, but to do precisely what we want to do there? That is what I would like to know.

Mr. COOMBS. Now, I apprehend that the essential idea of this bill is to prevent laborers from coming to this country and competing with our labor. If the merchant goes to China, or if the representative of the merchant goes to China, it is not possible, not expected in the very nature of affairs, that he will go there to engage in labor or in any occupation outside of his calling, and there is a distinction which must forever be made in order for the proper enforcement of the laws of exclusion—a distinction between motives and intents of people going from here to China and of people coming from China here. That is a distinction made in the treaty, a distinction upon which the treaties are founded, a distinction upon which all of the laws with reference to their enforcement must rely.

Now, if you will notice, he must come here intending to pursue a mercantile business. Can it possibly be anticipated that a man comes here to pursue a mercantile business, whether to engage in the purchase of cotton or any other goods, who is not equipped at that time with funds sufficient to launch him forth into his business, or that he is unable at that time to establish in this country a mercantile business, is there any possible requirement in that which would throw around his endeavors the embarrassments which are anticipated by the gentlemen? I can see none, and if he does come here honestly engaged in mercantile pursuits, in order to confine him to them it seems to me necessary that he should be connected with some established mercantile business in this country, and that, as I understand it, is the idea of this section.

Mr. PERKINS. Mr. Chairman, just a word more to explain to the committee the practical situation of this amendment. We endeavored to draw a bill that should be practical, and that should not, so far as it could be avoided, do any injury to the legitimate development of American commerce. Now, Mr. Chairman, these

are the facts: The Chinese can send their purchasing agents into England, and the Chinese can send purchasing agents into Germany or into France or Russia, the four countries that with the United States do the volume of business with the Empire of China. Now, Mr. Chairman, it is a fact that in those four great commercial countries where the Chinese have a perfect right to send purchasing agents, if they see fit, not one dollar out of \$1,000,000 that is bought by the Chinese from England or Germany or France or Russia is bought by Chinese purchasing agents. It is sold practically without exception by the agents which those countries send into China.

That is the way and the only way in which the United States merchants can sell their goods in China. If we made an amendment allowing the purchasing agents to come here it would be a mere matter of form. We should sell no more American goods through the medium of Chinese purchasing agents than England or France or Germany or Russia sell through that medium—in other words, none at all. In other words, Mr. Chairman, allowing the entry of these agents—purchasing agents, so called—into this country, in my judgment, would not increase the sale of American products a thousand dollars a year. It would be a provision that could be used as a means of fraud and that would be utterly unproductive in increasing the volume of American commerce with China. You have got to do business in China as other nations do business in China—by sending our men there to sell the goods; and unless we send our agents there, if we wait here until Chinese agents come to purchase our goods, I say we will wait forever without entering the Chinese markets.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I only want to say a word. I am not proposing an amendment to this bill. I have had my own matters of legislation, with which I am charged to look after, and I have not given much of attention to the provisions of this bill because I have not had time to do it, and even if I had had the time, I am not so well equipped as the gentlemen who have made a study of this question. I am quite in harmony, let me say, so that I may not be misunderstood, with the proposition to continue to prohibit Chinese laborers from coming into our territory, and for the simple reason that with their customs and habits and with our customs and habits we can not compete. That is, stated in a sentence, why I have heretofore supported this kind of legislation and why I support it now.

But I was led to ask a question a moment ago on the statement that my friend on my left [Mr. COOMBS] made that there was no provision here by which a Chinese purchasing agent could come into the United States to make a purchase of goods unless he could come in in fraud of the law, and that it is now, and as I understand, deemed necessary to prevent frauds being perpetrated upon the law that even purchasing agents should be shut out. I am not here to put up my opinion against that of the gentleman. Of course there is no law that can be made touching the Chinese or anybody else but what here and there it will be violated. For that reason you have the courts, for that reason they are always open, for that reason you have your inspectors and officers. Whether it was necessary to have it made so severe I am not here to express an opinion about, but as long as we are to have trade with China, and we are blowing a good deal about our proposed trade with China, I must be permitted to express the opinion that it is exceedingly fortunate that our commercial agents can go into China along with the Russian and the British and German commercial agent. I am not prepared to say whether there is any legislation that might be enacted by China that would throw our purchasing agents out or not.

Mr. KAHN. She has the power.

Mr. CANNON. She has the power.

Mr. KAHN. She has the power under our existing treaty.

Mr. PERKINS. She has never exercised it.

Mr. CANNON. My friend says she has never exercised it.

Mr. PERKINS. And never will.

Mr. CANNON. And he says she never will. Why?

Mr. PERKINS. Because it is not to her interest.

Mr. CANNON. It is not to her interest? Very well. Well, the trade goes on. They can not come from there here to buy, but we can go from here there to sell. That seems to be the situation, but I am not here to put my opinion up against that of the experts you know touching this matter.

Mr. GILLET of Massachusetts. Mr. Chairman, the gentleman from New York having stated that the committee favored this provision, I want to state that as a member of the committee I in the committee opposed the exclusion of all except laborers, and I am opposed to it now. The gentleman from California did not answer the gentleman from Connecticut [Mr. HILL]; there is no question that this law will prevent a purchasing agent from China coming into this country. I think it is a shame that we should not allow purchasing agents of China to come in here, that we should not allow lawyers, ministers, doctors, bankers of



China to come into this country, and the statement of the gentleman that up to to-day no Chinese goods are sold by purchasing agents does not prove that it is not going to be done.

We are hoping we will have a great trade in the future, and China is likely, it seems to me, to imitate us in methods as trade increases, and a proposition was made in the committee that five agents of every mercantile house should be admitted, and it was discussed, and I am sorry to say it was lost, and if it were lost in committee I have no doubt it will be in the House, and I do not wish to make any ineffectual aim at something I know can not be accomplished; but I do wish to state for myself I think we are wrong in limiting the people of China who come into this country to merchants, teachers, and travelers. My friend from California says the treaty so provides.

I differ from him. I think he will find other lawyers differ from him. I admit one Attorney-General has given that opinion, but it seems to me that anybody who will inquire and impartially compare our treaties and the history of that clause will say that the only persons under the treaty we have the right to exclude are Chinese laborers. Now, we all want to exclude them. To that there is no opposition. I think, under the treaty, everybody else has a right to come in; and I think it is good policy for this country to allow everybody else to come in. I will agree that it shall be limited, so that no one should be able to come in under the guise of either class as a laborer. I understand that is all anybody wants; and I do not see why it is not as easy to prevent the laborer coming in as a purchasing agent as to prevent him coming in as a merchant; and I believe we ought to allow the purchasing agents to come in. The treaties and justice and self-interest all demand that we should exclude no one except laborers.

Mr. CLARK. Mr. Chairman, I would like to say a word about this provision. The whole intent of this law is to shut out Chinese laborers. If there was some way of branding the Chinaman right across his forehead that he is a laborer, there would be no trouble about it. You can not do that. You can define the merchant in a fairly accurate way. You have hedged him around with conditions so that you can find out who a merchant is. You have defined a teacher so that with some certainty you know who he is. You have defined a student so that you know who he is.

There is a sort of hazy provision which applies to people traveling for pleasure, etc. But as to the commercial travelers or purchasing agents who are to come over here; if you simply use those terms and say nothing else, then every Chinese coolie that wants to get into the United States will instantly become a purchasing agent.

Mr. GILLET of Massachusetts. I would not say simply that.

Mr. CLARK. If you are going to have a provision in there at all, you should place a definition in it that is comprehensive and clear.

Mr. GILLET of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. CLARK. Yes; with pleasure.

Mr. GILLET of Massachusetts. Why can not the Treasury Department draw a regulation defining a purchasing agent as they have defined a merchant and teacher?

Mr. CLARK. It may be that the Treasury officials can do it. But if you put that provision in the bill at all that they shall come in, then you surely ought to draft your definition yourself or empower the Treasury officials to do it, because if you do not you may as well take the whole bill and stick it in the stove and be done with it. Now I will yield to the gentleman from Connecticut.

Mr. HILL. Is there a provision in this bill by which a Chinese merchant having sold goods in Shanghai to a merchant of New York, and a failure on the part of the New York merchant to pay his bill, that it would be possible for the Chinese merchant to come here and attend to the collection of this debt, or is he shut out?

Mr. CLARK. I think he is shut out.

Mr. HILL. I think it is an infernal injustice, if that is the case.

Mr. CLARK. That is all right. You have just as much right to your opinion as I have to mine. The men that drew this bill, and the proponents of this bill, are simply trying to keep Chinese coolies out of here, and the reason that they have not succeeded in doing so before is, as I have explained in my main speech, on account of the duplicity of the Chinese character.

Mr. GILLET of Massachusetts. Has there been any definition of merchant or traveler under the law?

Mr. CLARK. I do not know.

Mr. GILLET of Massachusetts. I can tell the gentleman that there has not; and as the Treasury Department has made such a regulation as to effectually define the merchant and traveler, why can not exactly the same thing be done as to purchasing agents?

Mr. CLARK. Perhaps it can. If so, all right.

Mr. OLMSTED. I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend by inserting on page 4, line 12, by adding at the end of said line the words "or that he intends purchasing American products for the purpose of manufacture or sale in China or elsewhere, and has the means to make such purchases."

Mr. CLARK. I should like to hear that amendment read over again.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, I have not before me a copy of the treaty between the United States and China, but I have no doubt that the gentleman from California [Mr. KAHN] correctly states the wording of that treaty, which permits the entry of "merchants, students, teachers, officials, and persons traveling for curiosity or pleasure." There is no doubt that, as he states, "the minds of the two Governments met upon that point." But we have in this section made a definition of the term "merchants" which is not within any fair construction of that term as used in the treaty, and which it is not, in my judgment, for the best interests of our country to enforce. As the section now stands, it requires that in order to be considered a merchant a Chinaman must not only have a place of business in China, but must come here for the purpose and have the means of establishing a mercantile house in this country. The bill as it now stands permits Chinamen to come here to sell their own goods, but does not permit them to come here to buy our products. It seems to me more important that we sell goods to the Chinese and obtain their money than that they sell goods to us and obtain our money. What we want is, not to extend our opportunities for buying from the Chinese, but to extend the markets for the products of American farms and American labor. As I learn from Mr. Austin, the very efficient Chief of the Bureau of Statistics in the Treasury Department, there were during the calendar year 1901 exported from the United States into China various American products of value as follows:

Wheat flour .....	\$271,643	Mineral oil, refined .....	\$4,689,179
Cars .....	9,302	Canned beef .....	15,383
Clocks and watches .....	15,842	Bacon .....	14,395
Cotton cloth .....	10,224,215	Hams .....	20,963
Cotton manufactures, other .....	125,164	Butter .....	6,563
Fruits and nuts .....	59,208	Cheese .....	16,771
Scientific instruments .....	24,151	Tobacco manufactures .....	752,606
Builders' hardware .....	53,349	Lumber .....	163,125
Sewing machines .....	13,547	Furniture .....	25,678
Typewriters .....	17,626	Other articles .....	2,290,195
Naval stores .....	5,922		
Turpentine spirits .....	71,648	Total exports .....	18,886,475

There were also exported by way of Hongkong articles of the value of \$8,058,473, making a total of \$26,945,348 of American goods sold to China in one year.

Now, every pound of American wheat flour, of canned beef, bacon, hams, butter, cheese, tobacco, or fruits sold to China, means just that much money brought into the United States for the American farmer. It means just that much of an extension of the foreign market for the products of the American farm. Every yard of cotton cloth, every car, sewing machine, typewriter, or other article of American manufacture sold to China, means just that much money coming into the United States for the help of American labor. It means that much more money in circulation in the United States. Twenty-six millions added to our circulation each year is of much importance, but we ought to have ten times as much from the same source. China affords a vast field for the exploitation of American goods and wares.

My objection to this section of the bill as it now stands is that it permits a Chinaman to come to this country and establish a place for the sale of Chinese goods, but does not permit a Chinese corporation or firm or individual to come or send an agent here for the purpose of buying our goods. My amendment proposes that Chinese capitalists may come or send their agents here to purchase American goods and American raw material for the purpose of sale or manufacture at their own places of business in China. This bill provides, in section 9, that a Chinaman may come into this country to travel "for pleasure or curiosity," and my friend from New York [Mr. PERKINS] suggests that if he is sufficiently ingenious he can get in under that section, and act as a traveling agent for a Chinese firm desiring to buy our products. Why should he have to come in by subterfuge? Why enact a bill that requires him to cheat? We ought not to put into this bill any provision the terms of which can be evaded by trickery and deception. If we do not wish the Chinese merchants to buy our goods, then let us say so, but if we do wish it, let us give them that privilege squarely and honestly, without requiring them to come in by deception, as intending solely to travel "for pleasure or curiosity."

To my mind it is more important that they purchase our products than it is that they gratify their curiosity and pleasure by traveling among us. Let us provide every safeguard, so that



none but purchasers, or their authorized agents, with means to purchase our goods, shall come in for that purpose. Let us safeguard the provision so that laborers can not come in under the guise of merchants, nor, indeed, as those who travel for pleasure or curiosity, but let us encourage the purchase of our products by China and every other nation. I insist that it is in accordance with the spirit of the treaty which permits Chinese merchants to come here, that they may come to purchase as well as to sell. It is certainly much more to the advantage of the American farmer, the American laborer, and the American people generally, that a Chinese capitalist shall be permitted to spend his money here in the purchase of our products than it is that he shall come here to establish a place of business for the sale of Chinese goods to our people. I should prefer to exclude the seller rather than the purchaser. Let us make the bill as perfect as possible, so that our citizens may derive the greatest good from it.

We are all in favor of the provisions excluding the Chinese coolies from this country. It may seem ungracious to select one nation from among all the nations of the world and say to her "Your citizens shall not be permitted within our borders," but self-preservation demands it. The protection of American labor demands it, and the protection of American labor is one of the most important objects which the Republican party has in view. We desire to continue, and if possible improve, the present prosperous condition of affairs. In order to do that we believe it to be necessary to continue to exclude the Chinese, and, indeed, to so improve the existing exclusion law as to make evasion of its provisions more difficult.

This bill does not present a dividing line politically. Members of all parties favor it. China, with her 400,000,000 inhabitants, is as thickly populated as an ant-hill. Throw down the bars and the lower classes of her people will swarm in upon us, lowering the present high grade of American citizenship, lowering the character and dignity of American labor, and lowering the compensation of labor. Centuries of privation have taught these people to live upon what would starve an American family to death. We believe that labor should receive its just reward, that the families of our laborers may live respectably and comfortably and their children have educational advantages, so that in the race of life the child of the humblest citizen may not be handicapped, but his chances for political or other preferment may be as good as those of the child of the wealthiest parents.

These lower orders of Chinese do not come here for the purpose of becoming American citizens. They come here, frequently under contract, to make what they can to carry back to their own country. They do not assimilate with our people, they are not interested in our institutions, and do not breathe their spirit. We do not deem it wise to permit them to pour into this country to the displacement or disadvantage of intelligent, patriotic American citizens who now occupy the field of honest labor.

Mr. PERKINS. One word, Mr. Chairman, about this amendment, which I hope will not be adopted. As I have already said, the Chinese merchant of whom my friend from Pennsylvania speaks does not go to any country where he is allowed to go to purchase goods. That being so, it must be manifest to members that he will not come here to purchase goods. It is not the custom of the Chinese to go to England, to Russia, or to Germany for the purchase of goods, and therefore they will not come to the United States for the purchase of goods.

Mr. LANDIS. Neither will they come here for the purpose of selling their goods.

Mr. PERKINS. They do not come here or go to other countries for either purpose; so that the committee, by adopting this clause, for which my friend from Pennsylvania has made a plausible argument, would not furnish facilities to purchasing agents, because there is no such class. They would furnish an opening, not for trade, but for fraud.

Mr. DOUGLAS. Mr. Chairman, I would like to reply by saying that while the gentleman's premises are undoubtedly correct, that because up to the present time the Chinese do not come here largely or send his emissaries here, that is not a good argument, for there is a good reason why they do not come. They can not come. In trying to keep them out I think you are making a mistake.

Mr. PERKINS. What I said was that they did not go to certain countries, where they could go. Of course they could not come here. But they do not send their agents to England, to Russia, or to Germany, where they can go if they desire, and if it was the custom of their trade so to do.

Mr. DOUGLAS. They are now sending them to France and to Germany very largely, and there is no reason why they should not send them here. It will do us far more good in the way of trade to have them come here and see the industries of the country than it will benefit us to force the American merchant to send samples there. There is no good reason why these merchants should not come in, as they have plenty of money to spend and

buy our goods. I think we ought to put a liberal construction on this clause. I hope the committee, in giving this due consideration, will let one of these amendments go through; I do not care which amendment it is. If the idea is to keep out pretty much everything, all aliens and their goods, and put discriminating laws on our statute books covering those possessions we now possess, and shut out nations that have been trading with them heretofore, it is going to react upon us. We will find that we are doing ourselves a great amount of injury in the next few years if we keep up this procedure.

To-day the English colonies are agitating the question of putting on discriminating duties against us simply because we propose to exclude English goods from markets where they have been trading before this country was known in the world's trade. China is a smart nation, and there is no reason why we should not have an enormous amount of trade with them, and I am in favor of securing it. I am in favor of a liberal law which will allow the representatives of the Chinese merchants to come here and have every access to this country.

Now, Mr. Chairman, I wish to offer the following amendment, which I send to the Clerk's desk.

Mr. CLARK. I would like to inquire what became of the amendment offered by the gentleman from Pennsylvania?

The CHAIRMAN. It is pending.

Mr. PERKINS. I will suggest that the amendment of the gentleman from New York [Mr. DOUGLAS] is not in order.

The CHAIRMAN. Let the Clerk report the amendment.

The Clerk read as follows:

On page 4, after the words "United States," line 12, insert "commercial travelers or purchasing agents sent by any established importing house and exporting house in China shall be authorized to free entry into the United States or possessions on giving a bond that residence will be for not over one year and they will engage in no labor whatever during their stay here. Said bond must be signed by two responsible Chinese residing in the United States or possessions, or by two citizens of the United States, and the penalty to be \$500 for infringement."

The CHAIRMAN. The Chair will inquire of the gentleman from New York [Mr. DOUGLAS] whether his amendment is proposed as a substitute for that of the gentleman from Pennsylvania [Mr. OLMSTED] or as an amendment to that amendment?

Mr. DOUGLAS. If the gentleman from Pennsylvania cares to accept my amendment as a substitute for his, I shall be very glad. I am simply seeking to secure some provision which will give proper rights to these men to come in under suitable restrictions.

Mr. OLMSTED. As the amendment of the gentleman from New York seems to have been pretty carefully drawn, I am willing to accept it in lieu of my own, which I will withdraw.

The SPEAKER. Without objection, the amendment of the gentleman from Pennsylvania will be withdrawn, and the amendment of the gentleman from New York will be regarded as pending. The Chair hears no objection.

Mr. HILL. Mr. Chairman, it seems to me that very careful consideration ought to be given to the amendment of the gentleman from New York, in view of the fact that the business which he carries on is coextensive with the world, and that his familiarity with this whole matter is such as to entitle his opinion to be carefully weighed by this House.

It strikes me that while we in the United States can get along without any intercourse whatever with the Chinese merchants, and indeed without any commercial relations whatever with that country, this bill as it now stands is going to put the people of the Philippine Islands in a very embarrassing situation. They are absolutely dependent upon the mainland for food to live upon, it being a well-known fact that the Philippine Islands are not capable of producing, especially under present conditions, the food required for the people there. The potatoes, corn, and other vegetables eaten at the hotels in Manila come almost entirely from the Chinese mainland.

Mr. KAHN. From Australia.

Mr. HILL. No; from Hongkong, not Australia. I myself saw a contract for three and a half millions rubles' worth of live cattle to be delivered in one year from China into Vladivostok. The Orient is dependent on China for food.

Now, we are proposing to say to those people in the Philippine Islands, "You may go over there and trade with those people, but they shall not come into the islands under any conditions whatever and trade with you even temporarily." It seems to me this Committee of the Whole ought to give fair consideration to a proposition of this kind.

Mr. OVERSTREET. Is it not true that under the so-called merchant clause of the present law a great many Chinese laborers have come into this country in the guise of merchants?

Mr. HILL. I have not a doubt of that, and no man can be more opposed to anything of that kind than I am.

Mr. OVERSTREET. Then would it not be highly objectionable and dangerous to allow so-called Chinese "drummers" to



come in here as purchasing agents, when in reality they would be coming in for the purpose of taking employment as laborers?

Mr. HILL. I believe it would be wise to safeguard the provisions of this bill to the utmost, but I do not believe we have a right in international honor to brand a whole nation as sneaks and cowards and thieves—as men who will violate their honor. As I understand the situation, the commercial honor of Chinese merchants is irreproachable, whatever may be the character or actions of the cooly. You can not find a bank in the Orient, whether English or Japanese or American, that has not as its cashier, handling its funds, a Chinese. That is the universal rule. Yet we propose to say to these people, "Not only your coolies, but your merchants—men whose ancestors dressed in silks when ours were wearing skins and living in the caves of the bears—shall all be placed under one category and shall all be treated alike." I do not think it fair thus to demand from them what we are unwilling to grant them in return.

I say, let the Chinese stay there; we do not want them, but let us be honest and say, "This is a matter of self-protection." But let us not brand these people in a body as rascals and thieves and cowards; let us not say that their word—even the word of their honored merchants—is not to be trusted.

There is another reason why I think we should be fair to them. Our State Department is spending every energy to have the Chinese ports opened to us. That nation is allowed to send its drummers and commercial agents to England, Germany, and France. Now, it strikes me that if we are going to enact any law so stringent as this bill as it stands in regard to commercial relations, we had better withdraw the hands of the State Department from bringing Russia and this country into antagonism for the sake of Great Britain, Germany, and France, who will have the exclusive control of the Chinese ports after the passage of this bill.

Mr. CRUMPACKER. The gentleman is familiar, is he not, with the condition of affairs in the Philippine Islands?

Mr. HILL. Not much.

Mr. CRUMPACKER. Somewhat?

Mr. HILL. Yes, somewhat.

Mr. CRUMPACKER. Now, does the gentleman know whether the Chinese have been in the habit of sending their commercial agents into those islands for purposes of trade?

Mr. HILL. Well, I do not know as to that. I saw that pretty much all the trade of Manila was monopolized by the Chinese. I do not know whether they were there temporarily or not. I regretted to see that condition of things. I am in hearty sympathy with the gentlemen from California on the general proposition of this bill.

Mr. CRUMPACKER. I understand this bill is drawn for the purpose of restricting Chinese commercial agents from going into the Philippine Islands as well as coming here.

Mr. HILL. I understand so; and that is where I see one of the embarrassing features of this legislation.

Mr. CRUMPACKER. I was about to inquire whether any embarrassment would be created on account of the proximity of the Philippine Islands to China.

Mr. HILL. Not only would there be embarrassments from a commercial point of view on account of the Chinese that might desire to go into the Philippine Islands—within twenty-four hours of their own shores—but the people in the Philippines are, as I have said, absolutely dependent upon the Chinese mainland for even the food that they eat. This legislation would prevent the Chinese merchant who in good faith has sold his goods in the Philippine Islands or in the United States—no matter how long he may have been established in business in his own country or how clearly he has proved his honesty and good faith—from going into the Philippine Islands or coming here to collect his debts.

It strikes me, gentlemen, it is not fair; and we can not afford to be unfair in our international relations. Let us say to these people that for the protection of American labor we have no room here for your 400,000,000 people, but in our commercial transactions we have as much respect for our honor as you have in the Orient, and the honor of the Chinese merchant in the Orient is unimpeachable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, it has taken twenty years to bring the exclusion laws to their present conditions. The early enactments upon this question were exceedingly mild, so far as the merchant class was concerned, and what was the result? They streamed here in violation of the law, and year by year our Government, in order to do that very thing that the gentleman from Connecticut [Mr. HILL] says we should do, in order to protect the American laborer, year by year has been compelled to formulate new regulations, so as to shut out this class who were endeavoring to come in here in the disguise of merchants. Even while the hearings were pending before the Senate committee common laborers were arrested here in Washington. They had gained ingress into this country as merchants, and they were brought be-

fore the committee and they were questioned and it was shown they had purchased certificates as merchants in Hongkong and come here on them.

Now, I have here a "coaching paper," which was sent from San Francisco to China in order to teach some laborers in China how to answer questions and show that they are bona fide merchants or bona fide students or bona fide travelers. That is the trickery we have to confront all the time, and it is on that account that it has been found necessary to make these provisions as drastic as they are, if they are drastic.

Mr. LANDIS. I would like to ask the gentleman from California a question. Is it not true there has been an organization for years in San Francisco for the purpose of giving instructions to coolies desiring to come into this country, to come in under this so-called merchant clause?

Mr. KAHN. There is no doubt but that the greatest trouble we have is on account of the merchant clause. That is the one clause they are trying to violate constantly, and if you give them any additional loopholes to crawl through you may rest assured they will take advantage of every opportunity.

Mr. HILL. Is it not far easier to draw a provision in this law by which an honest commercial agent may be identified than it is to provide here that a man may come who is traveling for pleasure or curiosity? I would rather admit the honest merchant than the man who is simply traveling for pleasure and curiosity. He may spend his money, what he brings with him to the United States, but the honest merchant who comes here to sell goods or to buy goods or to buy raw material helps the whole industry of the land. You have drawn such a provision in regard to Chinese gentlemen who will travel for curiosity and pleasure. Why do you not strike that out and let in the legitimate merchants? I am with you on the exclusion, but it seems to me you have excluded the wrong class.

Mr. KAHN. Because, Mr. Chairman, before that regulation was adopted they were coming as persons traveling for pleasure and curiosity, and we had to hem around that provision in existing law with these restrictions.

Mr. HILL. Well, keep them out.

Mr. KAHN. That would be in direct violation of the treaty that the gentleman has said so much about.

Mr. HILL. I have not said a word about the treaty.

Mr. LANDIS. I would like to ask the gentleman a question. Is it true that there is such a thing as a traveling salesman for a Chinese concern?

Mr. KAHN. No, sir.

Mr. LANDIS. Is not the representative of a Chinese concern who comes to the other nations of the earth to find markets for his wares a fiction?

Mr. KAHN. It is, absolutely. I was in China this summer—

Mr. GILLET of Massachusetts. The gentleman from New York [Mr. PERKINS] says he knows there are such people who go to France and Germany. And I would like to have that question settled.

Mr. KAHN. If you will take the monographs published by our Treasury Department, you will see that the German does business in this way. It is set out in full in the monograph on "China," and I call it to the attention of the gentleman because it is very instructive and shows how the business is done. Germany has been building up a trade—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KAHN. I simply want to say, Mr. Chairman, that that monograph points out how business is done there. Before the goods arrive the German calls upon his Chinese customer and asks him whether he can not sell him another order of goods, and he assures him that if the goods are not right he will make them right. Finally, when the goods come, on the very day that they arrive, the German is there, and he watches their unpacking; and then he tells his Chinese customer that he need not be in a hurry about paying for them. He gives a long credit.

The thing is stated in full in an article published by our Treasury Department, and it is held that by reason of these long credits, and by reason of the care with which the German in China nurses his trade, he has been able to build up his commerce.

The English consuls, as I stated before, say that the Chinese do not care where the goods are manufactured. All that they want is a certain class of goods, with a certain brand or "chop," as they call it; something to which they have become accustomed, and they will buy the goods they want from any country in the world. They can be offered to them by any country in the world.

Mr. DOUGLAS. May I interrupt the gentleman for a second?

Mr. KAHN. Yes.

Mr. DOUGLAS. That shows one of the iniquities of the law. Although the House may not know it, it is a singular fact that, leaving out the tea trade, there is almost as much trade done through English merchants with American goods going to China as through American merchants. That is because the American merchants do not have the opportunity and the Chinamen do not have the opportunity of doing that trade themselves. Therefore the orders go to London to-day; and the trade of Manila is similarly situated. We are doing more trade with Manila to-day through English merchants than we are through American merchants. I say that ought to be changed, and there ought to be a condition of the law which would enable us to change it.

Mr. OLMSTED. Will the gentleman allow me to ask him a question?

Mr. KAHN. Certainly.

Mr. OLMSTED. Under this bill all that is necessary for a Chinaman coming in as a merchant is to make it appear to the satisfaction of the appropriate officer at the port of entry that he comes as a merchant.

Mr. KAHN. Oh, no; he must have his certificate viséed by a consular officer in the country from which he departs.

Mr. OLMSTED. I want to ask you if the provision which my friend from New York has inserted in the amendment is not just as carefully guarded against fraud as this can possibly be?

Mr. KAHN. I do not think so.

Mr. OLMSTED. Requiring a bond with two sureties in the United States?

Mr. KAHN. I do not think so. After my twenty years of experience I would say that it is a loophole through which they will certainly crawl, and I hope the amendment will not pass.

Mr. PERKINS. I move that debate on this paragraph and all amendments thereto be closed.

Mr. KAHN. I have an amendment which I desire to offer.

The CHAIRMAN. That will be in order if this motion is agreed to.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The question being taken; on a division (demanded by Mr. DOUGLAS), there were—ayes 15, noes 67.

Accordingly the amendment was rejected.

Mr. KAHN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk reports.

The Clerk read as follows:

On page 4, line 10, after the word "means," strike out the word "or" and insert "under his immediate control for forthwith becoming."

On page 4, in line 11, after the word "a" insert the word "recognized."

Mr. PERKINS. I only wish to offer a suggestion which I think will be concurred in by the gentleman from California. In the amendment offered by the gentleman from California, after the word "becoming" add the word "or."

Mr. KAHN. That is correct. I will accept that.

The CHAIRMAN. The question is on the adoption of the amendments offered by the gentleman from California, of which there are two.

Mr. PERKINS. Let them be reported.

The CHAIRMAN. Without objection, the amendments will be again reported.

The amendments were again read.

The CHAIRMAN. Without objection, the question will be put on the two amendments together.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

SEC. 9. That the term "traveler," as used in this act, shall be construed to mean one who shall establish to the satisfaction of the appropriate officer that he has funds to pay the cost of the intended journey within territory of the United States and that his purpose in seeking entry is solely travel for pleasure or curiosity, and who intends to depart upon the conclusion of his travels.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 1, page 5, the word "has" and insert in place thereof the following, "is in personal possession of adequate."

The amendment was agreed to.

Mr. SULZER. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Chairman, in my opinion the highest considerations of the public welfare require and the urgent necessities of labor demand that this Congress pass without further delay as stringent a law as can be drawn to restrict Chinese immigration. The question affects the very foundation of our civilization. It is a duty we owe to posterity and to every citizen in our land. If the immigration bars are ever let down in this matter, the

Chinese will come into this country in droves, overrun the land, menace our domestic institutions, threaten our tranquillity, imperil the Republic, and destroy American labor.

This bill is for self-preservation. It is largely a racial question of supremacy and essentially for the protection of labor. We offer no apologies to the Chinese for this legislation, but we declare it to be the first duty of Congress to legislate for the rights of the American workmen. We are going to pass this bill, not for the Mongolian, but for the American—for those who toil, who have created all our wealth and have made us great and prosperous. I am a friend of the American workman, and his interests demand the enactment of this bill into law. My sympathy is now, always has been, and always will be in favor of the toilers of this country. I am opposed to increasing their burdens or making their lot harder by the competition of the yellow man from the Orient.

This bill, it is said, goes much further than the present law. So it does, and I am glad of it. I have recently been on the Pacific coast and have looked into this Chinese question to some extent. To my personal knowledge the present Chinese-exclusion law is violated nearly every day. That law was loosely drawn and is full of loopholes. This bill remedies those mistakes. The people on the Pacific coast understand the methods and the habits of the Chinamen. They have come in contact with them for years and know all about them. They favor this bill. The Chinaman is very cunning, very clever, and very shrewd. As Bret Harte, one of our own poets, has most truly said:

For ways that are dark  
And for tricks that are vain,  
The heathen Chinese is peculiar.

Nothing about John was ever said truer than that. The American workman can not compete with the Chinaman, and if he could I would not want him to. I have too much respect for the dignity of the American. In this matter we should not quibble, we should not split hairs to favor the Chinaman. We should take broad ground in behalf of the American. I care not what others may do or say, but for myself I will never consent by my vote to place Chinese cheap labor in competition with honest, intelligent, progressive American labor. All that we are and all that we hope to be we owe to the American workman. I will never vote to lower his standard.

The toilers of the country demand the passage of this bill; and in their behalf, for their benefit, and in the best interest of the public weal I hope it will speedily pass and become a law. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

SEC. 10. That the prohibition of section 1 shall not apply to the return of any registered Chinese laborer who has, at the time of his departure and at the time of his return, in the United States a lawful wife, child, or parent, or property of the value of \$1,000, or debts of like amount due him and pending settlement. These exceptions are subject to the following provisions:

First. A "registered" Chinese laborer is: One who, being lawfully a resident of the mainland territory of the United States at the time of the passage of this act, is the rightful holder of a valid certificate of residence issued to him under the acts of Congress in force at the time of the passage of this act. Every such certificate is hereby continued in force in accordance with the provisions of this act.

Second. The marriage referred to by this section must have taken place at least one year prior to the application of the laborer for permission to return. It must also appear that the applicant had no other wife (under Chinese or other laws or customs) living at the time of such marriage.

Third. If the right to return be claimed on the ground of property or debts, it must appear: (a) That the ownership is of property other than money; that the requisite minimum value is over all incumbrances, liens, and offsets; and that the title was not acquired for the purpose of evading this act. (b) That the debtor is solvent; that the amount due is not less than the required sum, above offsets and discounts; that the debts do not consist of promissory notes and were not created with a view to evade this act.

Mr. COOMBS. Mr. Chairman, I have three amendments.

The Clerk read as follows:

In line 20, page 5, after the word "married," insert the following: "to the wife."

Insert in line 22, page 5, after the word "return," the following: "And the parties must have lived together as husband and wife continuously until the departure of said laborer." Also insert in line 7, page 6, after the word "notes," the following: "or similar acknowledgments of ascertained or settled liability."

The CHAIRMAN. Without objection, the amendments will be considered together.

There was no objection.

The CHAIRMAN. The question is upon agreeing to the amendments offered by the gentleman from California.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 11. That a Chinese laborer claiming the right to return to the United States on any of the grounds stated in the foregoing section shall apply to the appropriate officer of the district in which he resides at least one month prior to the time of his departure, said application to be accompanied by his certificate of residence, and said Chinese laborer shall make under oath before the said officer a full statement, in triplicate, descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proof of the facts entitling him to return as shall be required by the



rules and regulations from time to time prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury.

He shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number.

The original and each copy of said statement shall contain the photograph of the applicant, made at his expense and made as required by the rules in that regard prescribed by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate officer at the port whence the applicant intends to depart from the United States.

And if the last-named officer, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall sign and give to the said applicant a certificate containing the number of the description last aforesaid.

If the last-named certificate be transferred, it shall become void, and the person to whom it was issued shall forfeit his right to return to the United States.

The right to return under said certificate shall be limited to two years from the date of leaving the United States.

No Chinese laborer shall be permitted to reenter the United States without producing to the appropriate officer at the place of such entry the return certificate herein required. A laborer presenting a certificate of return required by this section shall be admitted to the United States only at the port from which he departed.

No Chinese, other than Chinese diplomatic or consular officers and their suites, shall be permitted to enter the United States or any of its insular possessions except at the ports of San Francisco, Portland (Oreg.), Port Townsend, Boston, New York, New Orleans, Manila, Honolulu, or such other ports as may be designated by the Commissioner-General of Immigration with the approval of the Secretary of the Treasury.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "New Orleans," in line 7, page 8, the following: "Malone, Ogdensburg, and Rouses Point, N. Y.; Richford and Alburg, Vt.; Portal, N. Dak., and Sumas, Wash."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. HITT. Mr. Chairman, the gentleman proposes this amendment, and I take it for granted he is animated by care for local traffic and its profits. But that traffic is really, in chief part, unlawful. It is smuggling in Chinese laborers, and is a violation of the existing law. The evidence we have is that there are runways along the northern borders to bring in these laborers. There are not many Chinese travelers coming that way; there are no considerable number of the exempt classes of Chinese—merchants, teachers, etc.—who come to the British Pacific coast and take the Canadian Pacific Railway, going thousands of miles through that country, in order to enter the United States on the northern border.

The men who really come through by that way are Chinese laborers whose admission into British Columbia is paid for, and is a source of revenue to the British dominions. They come to British Columbia, and then are brought by this railway through Canada along the borders of the United States. At some convenient runway they are smuggled into this country along bypaths or through the woods across the border line. They come here to work in competition with American labor. Our consuls at some of these border places say that 500 Chinamen have been smuggled by a single post in this criminal fashion, in violation of the law, and unknown to the officers of the Treasury of the United States, and unknown to our Government except by indirect evidence that great numbers have been brought here not in a legitimate way.

Mr. KAHN. Will the gentleman allow me an interruption?

Mr. HITT. Certainly.

Mr. KAHN. The last part of that section allows the Treasury officials to designate any additional port to those mentioned in the bill. If there is any necessity for additional ports, the Commissioner-General of Immigration can designate them.

Mr. SHERMAN. Mr. Chairman, the gentleman from Illinois, I think, does not mean to make his statement quite as broad as I understood him to make it—that the intention of the amendment, or its effect, was to encourage smuggling.

Mr. HITT. Oh, no, I disclaim that; I impute nothing of the kind. I knew the honorable gentleman from New York would not introduce an amendment for any such purpose. I was trying to point out that while he might be trying to promote the business interests of these localities, a very proper thing for a member to do, the committee had investigated the subject and found from the evidence, especially of our consuls, that the effect of making these ports of entry would be to promote the smuggling of Chinese laborers into the country.

Mr. SHERMAN. Mr. Chairman, it is not in my mind, and I thank the Lord it is not in the mind of a majority of the members of this House, to do anything which will promote the smuggling of Chinese into this country. I believe it is the desire of the House to prevent the Chinese from coming in under the terms of this bill, which are proper and very restrictive; but it does seem to me that if we can prevent the Chinese coming in at the different ports named in the bill, it will be possible also to prevent their coming in unlawfully at the ports named in the amendment.

Mr. Chairman, the answer of the gentleman from California that we do not provide in the bill for all the ports, that the Commissioner-General can designate other ports, why not apply that to all ports? What is sauce for the goose is sauce for the gander. If that provision is wide enough, let it apply to all and name no ports; but if you are going to name a part of the ports, name them all.

Mr. KAHN. Mr. Chairman, I desire to say that all the ports named in the bill are seaports. None named are on our borders. I am sorry the gentleman was not here last Saturday, but I read from the testimony of the inspector at Malone, in New York, showing that thousands had been brought over there unlawfully. Now, this is a matter in which any transportation line can go to the Commissioner-General of Immigration and have these ports designated. That is the custom now, and I understand that Plattsburg and Ogdensburg are already designated. If any additional ones are needed, I am satisfied that the Commissioner-General of Immigration will designate them; but I hope that this amendment will not prevail, because, as the chairman of the committee has rightfully said, an investigation will show that an improper use may be made of the privileges.

Mr. FOSTER of Vermont. Mr. Chairman, it seems to me that the chairman of the Committee on Foreign Affairs and the gentleman from California are laboring under a misapprehension in this matter. It seems to me that the gentleman from California was laboring under a misapprehension when he read the other day what he now refers to. It is true, in my judgment, that thousands of Chinese come over the Northern borders who ought not to be admitted into this country; but these gentlemen ought to understand that they do not come through any port. The great majority of them are not smuggled in, but they notify the United States officials that they are coming, and then they come over the line—simply walk over the line into this country—are voluntarily arrested by the United States officials and taken into custody and are then disposed of upon such evidence as is produced on each side.

Now, the entrance of all these people has nothing to do with the entrance of Chinese through established ports. The port of entrance is an entirely different thing from the place where these Chinese persons may walk over. For instance, if Richford were a port of entry, persons who might wish to appear and be examined by the Treasury Department would be taken into custody there by the customs official and would be disposed of. If they had not a right to come in and remain here they would be sent out. But, in point of fact, the Chinese who come in unlawfully do not enter through a port of entry. They simply walk over the border and are not taken into custody by the customs officials, but by the marshal, the officers of the United States courts, who take them into custody and try them in our courts.

We simply say, as has been stated by the gentleman from New York [Mr. SHERMAN], that if it is proper to have a port of entry in one part of the country, why not give us a port of entry in our part of the country, so that if a Chinese person should claim the right to come in he can make application to the Treasury Department through the custom-house at that point and establish his right to do so.

Mr. COOMBS. Does the gentleman desire to invite the entrance of Chinese persons at these ports?

Mr. FOSTER of Vermont. No; and if you want to cut them all out I will help vote down the amendment and leave it with the Treasury Department to name all the ports.

Mr. SHERMAN. If you put San Francisco in, it is an invitation for these people to come in there.

Mr. COOMBS. We would be willing that you should transfer geographically the port of San Francisco if you would take all the Chinese coming in there and take care of them.

Mr. SHERMAN. Then let all the ports named in the bill be struck out.

Mr. COOMBS. In answer to that suggestion I would like to say a word. The law as it stands to-day, and as it must go into operation and be enforced if this bill be passed and approved by the President, provides for certain ports. I do not believe that the scope of the law with reference to that subject has been enlarged; I do not believe it has been confined or curtailed. We are simply reenacting the existing law, but we have gone further for convenience, not for our own convenience, but for the convenience of the Chinese who may desire to be admitted here, those rightfully entitled to come in. We have delegated to the proper officials the authority to determine under certain circumstances and under conditions of justice—

The CHAIRMAN. The time of the gentleman from Vermont [Mr. FOSTER] has expired.

Mr. COOMBS. May I have time simply to add that the Commissioner-General may designate other ports in addition to those enumerated here?

Mr. WM. ALDEN SMITH. Mr. Chairman, the suggestion

of the gentleman from New York [Mr. SHERMAN] that we strike out all the ports named in the bill would, it seems to me, lead to very great confusion. In that case you must vest in the Commissioner-General of Immigration the power to establish ports of entry for Chinese of the accepted classes, for under the bill Chinese laborers are prohibited from coming into the United States.

Mr. SHERMAN. Certainly.

Mr. WM. ALDEN SMITH. Now, if you vest that officer with the power to strike out the name of any port he may choose, then between the time that a diplomatic officer accredited to the United States departs from China and the time of his arrival here the immigration commissioner may, if for any reason he desires, discontinue the port for which the officer is headed. In that way I think great confusion might result.

It appears to me it is well to have certain prominent ports known to the world as the ports at which people of this character may present themselves for admission, where our officers of the law can supervise and regulate the matter, and in drafting this bill we have named these ports, because we believed that in this way proper notice would thus be given to the world. In other words, it would be extremely unbecoming if a diplomatic officer of China accredited to this country should be obliged to scan the whole coast of our country—to travel up one side and down the other in order to find a place—a proper port of entry—where he might appropriately present himself before the examining official. For this reason we have designated the ports named, and the fewer the better, in my opinion.

Now, Mr. Chairman, with reference to the general provisions of the bill: We have undertaken by this bill to impose a very effective prohibition upon the right of Chinese laborers to enter here. We have done this because we believe it to be best for our country. It is in accord with the treaty obligations existing between China and the United States. We have the undoubted right thus to limit immigration calculated to interfere with the rights and welfare of American citizens, and it is our duty to do it. We have done it in a way which, in my judgment, reflects credit upon our own country and no discredit or dishonor upon the Chinese Empire, who, according to treaty, have recognized the peril attendant upon a large influx of Chinese laborers. We owe this protection to our own American labor, whose dignity and welfare has been temporarily placed in our hands in this measure. We would be recreant to that trust if we failed to make this bill strong in every part, and we can well afford to be guided by their wisdom. For this reason I should dislike very much to see this change adopted simply because the local port of entry of some member of Congress is not specially mentioned in the bill. I hope the bill will pass.

Mr. GILLET of Massachusetts. Mr. Chairman, one word upon the suggestion of the gentleman from New York [Mr. SHERMAN] as to striking out all of these ports. The Constitution provides that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Now, the question is whether that provision does not prohibit us from selecting or designating any port or ports in preference to others. Under that provision are we not obliged to allow these people to enter, if they enter at all, at any port of the United States that they may select?

It has been held by the courts that the bringing of passengers into this country is commerce; and therefore if we allow a passenger to come into the country at San Francisco, we must allow him to come in at any other port of entry of the United States. Therefore it seems to me that the legal and proper thing would be for us to cut out the designation of all these ports, and allow these people who may come in here to come in at any port that they desire to enter, without making any exception.

Mr. WM. ALDEN SMITH. The gentleman's suggestion does not meet the position taken by the gentleman from New York.

Mr. GILLET of Massachusetts. No, sir.

Mr. WM. ALDEN SMITH. The gentleman from New York was urging that we allow the Commissioner-General of Immigration to designate the ports or discontinue them at his pleasure. Certainly the provision which the gentleman has cited would not sustain the gentleman from New York in that proposition.

Mr. GILLET of Massachusetts. The law as it stands allows a few designated favorite ports, and therefore, if I am correct, is in conflict with the constitutional provision.

The question being taken on the amendment of Mr. SHERMAN, it was rejected.

Mr. KAHN. I move to amend by inserting, after the word "shall," in line 13, section 11, page 7, the words "at such time and place as he may designate."

The amendment was agreed to.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 5 strike out the words "the ports of" and insert "such," and strike out lines 6 and 7, so that the clause will read, "except at such ports as may be designated by the Commissioner-General," etc.

Mr. PERKINS. Mr. Chairman, I hope this amendment will not be adopted. The ports which have been designated by the bill are the ports which have long been used as the established places of entry for Chinese persons. It is desirable that some ports should be named in the bill; and, Mr. Chairman, in reference to the constitutional question suggested by my friend from Massachusetts [Mr. GILLET] I take the liberty of saying that it is entirely without weight. The provision of the Constitution provides that in reference to general commerce no preference shall be given to one port over another port in any other State; but when it comes to the entry of the Chinese laboring men that is a part of the general police regulations. It can be restricted to certain ports, as much as quarantine regulations or the entry of special articles of commerce subject to quarantine regulations can be placed at certain ports. There is, I assure the gentlemen of the committee, no constitutional trouble with the provision by which we have enumerated for the reception of Chinese persons certain ports and certain ports only, leaving it to the judgment of the Commissioner-General of Immigration under the control of the Secretary of the Treasury to designate such other ports as experience may show are required. I hope the amendment will not be adopted by the committee.

Mr. SHERMAN. Mr. Chairman, I hope the amendment will be adopted. If adopted, it removes any possibility of any constitutional question being raised. The gentleman from Massachusetts [Mr. GILLET] believes that there is a constitutional question involved. The gentleman from New York [Mr. PERKINS] believes that there is not. There you have two distinguished lawyers differing on this question. I do not pretend to say which one is right, Mr. Chairman, but there is a question, and if this amendment is adopted that question is removed. The gentleman from California [Mr. KAHN] suggests that inserting the word "Ogdensburg" is an invitation to the Chinese to enter at that port. Mr. Chairman, if that be true, the insertion of San Francisco or Portland or these other ports is an invitation for them to enter at these ports.

Mr. KAHN. The gentleman misstates what I said, not, of course, with any desire to.

Mr. SHERMAN. I certainly did not so intend.

Mr. KAHN. What I did say was that it would give rise to the fraud the chairman of the committee had spoken of.

Mr. SHERMAN. Neither the gentleman from California nor myself desires to have any Chinamen enter this country except under the provisions of this law. We do not differ as to that, and we deprecate the fact, both of us, I am sure, that heretofore Chinese have unlawfully come into this country, and those that have so come into the country across the border from Canada into the State of New York, which the gentleman from Illinois refers to, have come in unlawfully, and they will not cease to come in unlawfully because the ports are not named in this bill. They can come in unlawfully just the same afterwards. Those ports were open heretofore for the entry of Chinese under the law, yet notwithstanding that the gentleman says hundreds of Chinese were illegally smuggled into this country through that northern border.

Now, what is to prevent their being smuggled in hereafter, and smuggled in in greater numbers, if there are no officers up there to permit them to come in legally? It seems to me, Mr. Chairman, that if we are to permit the Commissioner-General of Immigration to have power to name any ports, we ought to let him have power to name them all.

Mr. COOMBS. Will the gentleman yield to a question?

Mr. SHERMAN. Certainly.

Mr. COOMBS. If it is unconstitutional to designate any port in this bill, particularly as by inclusion of certain ports and exclusion of others, how could it possibly be constitutional to give the Commissioner-General of Immigration that power?

Mr. SHERMAN. I refer my distinguished friend from California to my colleague from New York [Mr. PERKINS] and the gentleman from Massachusetts [Mr. GILLET] on the constitutional question involved. [Laughter.] I distinctly stated I did not care to act as referee on that question.

The CHAIRMAN. The question is on agreeing to an amendment offered by the gentleman from New York [Mr. SHERMAN].

The question was taken; and on a division called for by Mr. SHERMAN, there were—ayes 22, noes 41.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I submit to the gentleman



from New York [Mr. PERKINS] that in line 7 a verbal amendment ought to be made by striking out the word "or" and inserting the word "and."

Mr. PERKINS. Mr. Chairman, the gentleman from Illinois is correct. I will offer that amendment.

The Clerk read the amendment, as follows:

On page 8, in line 7, strike out the word "or" and insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PERKINS]. The amendment was agreed to.

The Clerk read as follows:

SEC. 12. That any Chinese required by law to obtain a certificate of residence who shall be found within the jurisdiction of the United States without such certificate shall be deemed to be unlawfully therein, and may be arrested and taken before a United States judge, or before a commissioner of any United States court to be designated by a United States attorney, who may order that said Chinese be deported from the United States unless he shall establish to the satisfaction of said judge or commissioner that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate and that he is rightfully entitled to the same, and upon such showing a certificate of residence shall be granted him.

Mr. CLARK. Mr. Chairman, I offer a substitute for the section.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 12 and substitute the following:

"SEC. 12. That any Chinese required by law to have or to obtain a certificate of residence in the United States or any of its possessions, who shall be found therein without such certificate, shall be deemed to be unlawfully therein, and may be arrested and taken before a United States judge, or before a commissioner of any United States court, to be designated by the United States attorney of the district, or before the appropriate officer of said possession, who may order that said Chinese be deported from the United States or from said possession. If said case arise in any of said possessions of the United States where a registration is required to be taken hereafter, and said Chinese has not registered within the time required by law, and he shall establish to the satisfaction of said officer that, by reason of accident, sickness, or unavoidable cause, he was unable to procure his certificate and that he is rightfully entitled thereto, a certificate of residence shall be given to him for said insular possession.

"It shall be the duty of every Chinese laborer rightfully within any of the insular possessions of the United States (Hawaii excepted) at the time of the passage of this act to obtain, within twelve months after its passage, a certificate of residence in the insular possession wherein he resides. To obtain such certificate he shall apply to the appropriate officer, who, if satisfied on inquiry that the applicant is rightfully within the territory of the United States where he resides, shall issue to him such certificate without charge. The certificate shall contain the name, age, local residence, and occupation of the applicant, his personal signature, and such other matter as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury. It shall also contain the photograph of the applicant, made at the time and in the manner required by such rules and regulations. A duplicate or the certificate, which shall also contain a duplicate photograph, shall be retained by the officer issuing the original. Said original certificate shall entitle said Chinese laborer in said insular possession to the rights and privileges therein, as are provided for registered Chinese laborers in the mainland territory of the United States under sections 10 and 11 of this act.

"Immediately after the passage of this act the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe all needful rules and regulations for the registration and certifications by this section required other than in the Philippine Islands."

Mr. PERKINS. I move to strike out from the last line of the amendment the words "other than" and to insert the word "except."

Mr. CLARK. That is all right.

The CHAIRMAN. The gentleman from Missouri modifies his amendment in the manner suggested by the gentleman from New York.

Mr. CLARK. Yes; so that the last clause will read: "except in the Philippine Islands."

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That nothing contained in this act shall prevent the readmission of any Chinese laborer who departed from the United States prior to the passage of this act possessing a return certificate valid under the acts repealed hereby: *Provided*, That on his return he comply with the requirements of the said acts.

Mr. COOMBS. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 9 and 10, page 9, strike out the words "under the acts repealed hereby" and insert "at the time of the passage of this act."

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the certificate mentioned in the preceding section shall be in the English language, shall be made in triplicate, and shall contain the signature of the person to whom issued; and it shall state his individual, family, and tribal names in full, his title and official rank, if any, his age, height, and all physical peculiarities, his former and present occupation or profession, and when, where, and for how long pursued, and his residence, and shall be accompanied by his photograph. If the said person be a merchant, the certificate shall also state the nature and estimated value of the business carried on by him prior to and at the time of his application therefor. If the certificate be issued for the purpose of travel it shall also state

whether the applicant intends to pass through, or to travel within, the United States or its possessions, and shall show his financial standing in the country or possession whence he comes.

Mr. COOMBS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 4, page 10, after the word "photograph," the following:

"And shall contain such other particulars as may be required by the rules and regulations prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury."

Mr. ADAMS. Mr. Chairman, I have sat here and listened to these amendments offered one after the other to the bill as reported out of the committee, and I wish now to enter my protest against all of them which tend to make the provisions of this bill more restrictive than they now are. The situation is simply this in a nutshell: This bill came before the committee and was carefully considered, and on one point we were entirely agreed. That was upon the exclusion of Chinese coolies seeking to come into this country as laborers. Then we came to the other question, as to how far the other classes of the Chinese should be excluded or allowed to enter this country. To a certain extent the sentiments of the committee were unanimous on that point that it was for the benefit of our country that free access should be given to the educated and commercial classes of China, in order to develop that trade which we all hope is going to grow out of the changed conditions in China and in the East.

Then came our friends from California, who advanced the extraordinary theory that it was impossible for the officers of the United States Government to draw the limit between an uneducated, unendowed cooly from China and these educated and commercial classes to which we have referred. They insisted upon all these restrictive measures being put into the bill in order, as they said, to safeguard against the wily Chinese getting into this country in spite of the provisions of this bill.

There were some in the committee who did not think that these stringent measures were necessary. The bill was carefully revised. Everything that in the judgment of the committee was necessary to exclude the cool laborers was done, and the bill was reported with every safeguard thrown around it which we deemed necessary. Now they ask that these stringent measures in addition be included in the bill.

I wish to say, in my best judgment, that that will not develop our trade with China and the efforts that have been made in this country as a result of the Spanish war to build up our trade with the 400,000,000 inhabitants of China. The efforts of the State Department, matching those of Europe, to keep the open door for the benefit of our commerce, will be futile if we will still continue to exclude her people from our shores who are entitled, in my judgment, to come in. Why, our extremity of views can be shown in the guards that are thrown around the class of merchants.

The gentleman from California stated that under this provision a cooly had gotten in. Granted that was true, but it came out in the testimony that the man had paid a thousand dollars to evade the law. How many coolies will be able to raise a thousand dollars to evade the law. Why, many merchants of our country have not much more capital than a thousand dollars, and where a man is able to pay that—there will not many coolies come into our country who have to pay a thousand dollars. Why, Mr. Chairman, it is my best judgment—

Mr. KAHN. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. KAHN. Do you not think that the Chinese Six Companies can pay a good many thousand dollars?

Mr. ADAMS. I think the Chinese Six Companies will not pour out many thousand dollars for ordinary, common labor in this country. It has never been paid in any other branch under contract or any other way where laborers have been wanted temporarily, and no business man could pay \$1,000 a head for ordinary labor to be brought into this country.

Mr. Chairman, the great difficulty with our friends from California is that they are treating this as a political question, and not as an economic question. They are dealing with it from a political standpoint. The gentlemen on the other side of the Chamber are doing the same game—for political reasons. I appeal to those gentlemen who want to look to the general welfare of the country, the men who want to reap the benefits of the new conditions that are coming to our country, and I trust that they will rise here and will try to pass a bill that will be for the benefit of the entire country, and not only for the Pacific coast.

This bill is said to be brought in for the interest of the laborers of this country. I have the greatest regard for labor. I try to look a little further. Our laboring men are much interested in

obtaining markets for the products and the commodities of this country. The laboring men want the markets, and we do not want Chinese competition with our labor; but they want to have more markets in which to sell our overproductions in China and other countries.

I consider that it is really in the interest of the laboring man to get the markets of China, and I know, and every man who listens to me knows, that if you will slap a country in the face and say that her people are not proper to come into this country that their educated people will not encourage trade with you. Business may be energetic and reach out, but we know that the buyer will discriminate against those who make such regulations against them, and will buy his goods elsewhere.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Certainly.

Mr. CLARK. Take this bill and make it as stringent as can be made, even by the adoption of the minority substitute, and then I say we will not treat the Chinese half as roughly as the English and Germans treat them.

Mr. KAHN. Or the Japanese.

Mr. CLARK. Or the Japanese.

Mr. KAHN. Or the Russians.

Mr. CLARK. Or the Russians.

Mr. ADAMS. I am not going to legislate for the benefit of other countries. I propose to do so for the benefit of our own, and for one I am going to encourage that better spirit which prevailed in this country to China, and I hope that we will reap the benefit of what we have already done in China in the stimulation that will be given to our trade.

Mr. CLARK. One other question.

Mr. ADAMS. Certainly.

Mr. CLARK. Do you not know that the three nations whose trade has increased with China more than others in recent years are Japan, Russia, and Germany? That Japan gave China a thrashing? Germany has gone over there and has taken a part of her territory, and Russia has taken another slice. Now, this bill, even as the substitute makes it more stringent than the other, would be a great deal more kindly toward China than those three nations that have increased their trade in China.

Mr. ADAMS. The gentleman represents, as his political party has always done, conditions that are past.

Mr. CLARK. I am talking about conditions right now.

Mr. ADAMS. They never can talk about conditions that are coming to meet us in the future. Here is the condition, and it is true it is one that appeals to the common dictates of human nature, whether it is of a Chinaman or an American, he is going to turn to the nation that treats him best. He will not go to the nation that has crushed him, and we have had evidence of that lately. I call the attention of the gentleman from Missouri to the spirit which our country has shown in the fair way which it has treated China during the war, in which we have shown such a light to the English and to Europe.

These things, Mr. Chairman, emphasize the position I am taking on this question, and I wish the House to understand that every one of these amendments offered now are to make this bill more stringent, to make it more difficult for merchants, for travelers, for teachers, and students, and commercial people, and others, who would develop trade between our country and China; every one of these amendments, the most of which were stricken out by the committee, are now gradually being put back into the bill, and I now enter my protest against it, and in doing so I do it in the interest of the whole country.

Mr. CLARK. Mr. Chairman, the contention of my friend from Pennsylvania will not hold. I was not talking about anything in the remote past—the day that is dead. I am talking about the living present, about what is going on in China right now, and what has been going on over there in recent times. The English thrashed the Chinese into trading with them. Japan gave China an awful trouncing in the last four or five years, and Japan's trade with China has increased. Germany went over there and took a good big slice of China and is constantly reaching out for more, and Germany's trade with China has increased. Russia has gone down into Manchuria temporarily, so they say, but there is no man in this House with two ideas about a Hottentot who does not know that Russia deliberately intends never to give up that country she has got hold of.

Now, if England can thrash China into trade, if the Japanese can thrash China into trade, if the Germans can thrash China into trade with them, if the Russians can despoil them and increase their trade, surely we are not going to drive away Chinese trade by the provisions in this bill. It is nonsense to talk about any such thing. The truth is, as I stated in a quotation from Senator BEVERIDGE's speech the other day, there is only one thing that the Chinese have any respect for, and that is a display of

force; and that is exactly what William of Hohenzollern is making over there now.

It is what the Russians are doing and it is what the English always have done. It is what the Japanese have done, and, as compared with these four great powers, we are treating the Chinese with a great deal of consideration, even in the minority substitute of this bill, which is a good deal tougher on them than the majority is. I am not advocating making war on China, but I am arguing that if England, Russia, Germany, and Japan have increased their trade with China by the use of the mailed hand surely we will not lose our trade with her by exclusion legislation, however vigorous.

Mr. ADAMS. Mr. Chairman, I move to strike out the last word. I was entirely right when I said that the gentleman from Missouri [Mr. CLARK] referred to past conditions. Japan did fight China, and did defeat her; but she was not allowed to reap any of the fruits of her victory. Russia, Germany, and England did come in and take away all the advantages which she would have had from that war. And what did they demand? What is known as spheres of influence over certain portions of Chinese territory.

To that extent they developed their trade along the coast in these limited spheres with China is granted. But those conditions have passed. In the war with China that has just taken place, and in which the United States for the first time took a hand and was the first to wipe out the claims of this country and the spheres of influence in China, our department has insisted that we should have an open door in every port of China, no limit of the trade of our country with that Empire.

The conditions are now changed, and I say it behooves us to do nothing to get the ill will of that country. I know whereof I speak, whether I have the brains of a Hottentot or not. I believe if some gentlemen had their brains enlarged so that they could look to the new conditions that are going to pervade, they would have a new light break upon them, and be able to judge these matters, not on the conditions of the past, but out of the conditions that are coming, and look to the future.

It is this country that is always looking to future development, and when we want to trade with another country we want no limited sphere of influence gotten by force. We want an open door of the entire country for equitable trade, for them to buy from us what they want, and for us to purchase from them what they have to sell. That is the breadth our country has gone as against the force referred to by the gentleman from Missouri.

Mr. Chairman, I again reiterate I think this provision tending to make this bill more restrictive and in some cases prohibitive, casting almost a slur on the educated classes of China, is not just, and will hamper this country in its trade with the Chinese Empire.

Mr. PERKINS. Mr. Chairman, I wish to say a word to quiet the fears of my colleague on the Committee on Foreign Affairs. If he was willing to support the bill as reported by the committee, I assure him he can without the least trouble or strain of his conscience vote for the bill with the amendments that have been made. There has not been an amendment made to the bill, nor will there be, with the exception, perhaps, of the amendment in reference to the shipping clause, that was of sufficient importance when offered by the members from California to waste the time of the House to talk about it. We have thought that we could satisfy them and that we could save the time of the House by agreeing to a large number of amendments, almost entirely verbal, that were really not essential. I assure my friend that if he liked the bill when it came from the committee and was willing to vote for it then, there is no reason why he should not vote for it after every amendment has been accepted.

Mr. COOMBS. Mr. Chairman, after consultation with the gentleman from New York I find it is agreeable to those having charge of the bill to accept the general clause to be hereafter introduced, which will cover all these points and avoid, in the meanwhile, several amendments exactly like this. Therefore, under these circumstances, with the permission of the House, I ask to withdraw the pending amendment.

The CHAIRMAN. The gentleman from California asks to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 17. That the original certificate issued under the last two sections shall be, by the said diplomatic or consular representative of the United States visiting the same, delivered to the Chinese named therein.

A sealed duplicate shall be suitably addressed and delivered to the shipmaster, railway conductor, or other person in charge of the transportation of the person to whom the original is given, whose duty it shall be promptly to deliver it to the appropriate officer of the United States at the place where entry is sought by said Chinese.

The triplicate thereof shall be immediately sent by mail to the appropriate officer of the United States at the port at which said Chinese seeks entry.

Mr. COOMBS. I offer the amendment which I send to the desk.



The Clerk read as follows:

After the word "that," in line 12, page 10, insert the following:

"Before any representative of the United States shall visit any certificate of the kind mentioned in the two preceding sections and before any officer of the United States shall issue any such certificate, he shall carefully examine into the facts of the particular case, and if he shall find, after inquiry, that any of the statements of the certificate are false or any of the statements the Chinese applicant seeks to have it contain are false, it shall be his duty to refuse to visit or to issue such certificate."

The amendment was agreed to.

Mr. COOMBS. I offer also the amendment I send to the desk.

The Clerk read as follows:

After the word "visiting," in line 14, page 10, insert "or the appropriate officer issuing."

The amendment was agreed to.

The Clerk read as follows:

SEC. 18. That the certificate mentioned in the preceding section shall be, when duly visited by the proper diplomatic or consular representative of the United States, or other official, prima facie evidence of the facts therein set forth, and shall be exhibited to the appropriate officer of the United States at the port where the person named therein seeks entry; and it shall be retained by him while he desires to remain in the United States or its possessions, and shall be exhibited to the proper authorities of the United States whenever lawfully demanded, and shall be the only evidence of the right of said Chinese to enter or remain in the United States or its possessions. If any of such recitals be disproved, or if any certificate be fraudulently used, forged, or altered, then the same shall be null and shall be forthwith canceled.

Mr. COOMBS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "be," in line 4, page 11, strike out "exhibited" and insert "produced."

After the word "and," in line 6, page 11, strike out "it shall be retained by him" and insert "if such entry is permitted, such certificate, properly indorsed by the appropriate officer, shall be returned to and retained by said Chinese."

After the word "be," in line 7, page 11, strike out "exhibited" and insert "produced."

The amendment was agreed to.

The Clerk read as follows:

SEC. 19. That a Chinese who, being a member of any of the classes mentioned in section 4, is lawfully in the United States at the time of the passage of this act or thereafter, shall be entitled to have issued to him by the appropriate officer a certificate containing his signature, name, personal description, residence, occupation, and place of pursuing it, together with such other matter as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe. This certificate shall be made in duplicate, and a copy shall be retained by the officer issuing the same. The original and copy shall contain the photograph of the applicant, made as required by rules of the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

When any Chinese being a member of any of the classes mentioned in section 4, desires to depart from the United States intending to return thereto, he may apply to the appropriate officer in the district wherein he resides, and make under oath before said officer a full statement, in triplicate, descriptive of his profession, business, or status, and furnish to said officer such proof thereof as shall be required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and for any false swearing in relation thereto he shall incur the penalties imposed by law for perjury; and he shall permit the said officer to take a full description of his person, which description the said officer shall retain and mark with a number. The original and each copy of said statement shall contain the photograph of the applicant, made as required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The original of said statement shall be retained by the officer before whom it is made, and the copies thereof shall be by him transmitted to the appropriate officer at the port whence the applicant intends to depart from the United States.

If said last-mentioned officer, after hearing the proof and investigating all the circumstances of the case, shall decide that the representations of status are true, he shall sign and give to the said applicant a certificate containing the number of the description last aforesaid, which shall be the evidence given to such person of his right to return.

If the last-named certificate be transferred it shall become void, and the person to whom it was given shall forfeit his right to reside in, or return to, the United States.

To entitle any such Chinese to readmission to the United States or its possessions he shall produce to the appropriate officer at the port of entry the return certificate in this section provided for; and he shall be permitted to reenter only at the port whence he departed. But it shall be the right of any such person to waive the provisions of this section, and for his readmission into the United States to depend upon the prior sections of this act.

Mr. KAHN. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 16 and 17, page 11, the words "or thereafter."

After the word "resides," in line 6, page 12, insert "at least one month prior to the time of his departure, such application to be accompanied by his certificate of registration."

After the word "shall," in line 1, page 13, insert "at such time and place as he may designate."

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That the lawful wife or minor children of any Chinese of the classes mentioned in section 4, actually domiciled in the United States, shall be entitled to enter therein upon exhibiting to the appropriate officer at the port of entry a certificate as follows:

First. If the wife or child come from a foreign country, the certificate shall have been issued to such person by the diplomatic or consular representative of the United States in the country or port whence such person de-

parted, and shall state that after investigation said representative believes that the relationship asserted exists.

Second. If the wife or child come from an insular possession of the United States and seek entry into mainland territory thereof, the certificate shall have been issued by the appropriate officer of the United States at the port whence such person departed, and shall state that after investigation said officer believes that the relationship asserted exists.

Third. It is made the duty of diplomatic and consular representatives and other officers of the United States to make strict investigation as to such certificates, and to issue them only when the relationship claimed is clearly established.

Fourth. Said certificates shall be issued in triplicate, and each shall contain the photograph of the person named in it.

The original certificate shall be, by the person issuing it, delivered to the person named in it, or, if such person be an infant, to the person in charge of such infant.

A sealed duplicate shall be duly addressed and delivered to the shipmaster, railway conductor, or other person in charge of the transportation of the person named therein, who shall deliver it promptly to the appropriate officer of the United States at the port where entry is sought by said Chinese.

The triplicate shall be immediately sent by mail to the appropriate officer at the port where said Chinese seeks entry.

No woman shall be deemed a wife within the meaning of this act unless she would be held to be legally married by the courts of the United States.

Mr. COOMBS. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out in line 19, page 13, the words "exhibiting to" and insert "proving to the satisfaction of."

After the word "entry" in line 20, page 13, insert "That the required relationship exists and producing for him."

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That the preceding sections shall not apply to Chinese diplomatic or consular officers duly accredited to the United States or any foreign government, or to their attendants or servants.

Other Chinese officers of China or any other foreign government shall establish their identity as such, and the identity of their attendants and servants, in accordance with rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

Mr. KAHN. I move to amend by inserting after the word "servants," in line 6, page 15, the words, "who shall be admitted under special instructions of the Secretary of the Treasury."

The amendment was agreed to.

The Clerk read as follows:

SEC. 22. That, except as herein provided, before any Chinese is landed from any vessel on territory of the United States, or before any Chinese brought to any inland port shall be permitted to leave the car or other conveyance in which he was brought, the appropriate officer shall examine such Chinese, comparing his certificate with the lists required by this act, and with such Chinese, and no Chinese shall be allowed to land or to enter in violation of law. The examination herein required shall be made immediately after the arrival at port or border.

Mr. KAHN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "inland," line 14, page 15, insert "border."

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. That the master of any vessel arriving in the United States from any foreign port or from any insular possession of the United States shall, immediately on arriving and before landing or permitting to land any Chinese passenger, deliver to the appropriate officer at the port in which such vessel shall have arrived a list of all Chinese taken on board his vessel at any port or place, and of all such persons then on board the vessel. Such list shall show the names of such persons (and in the case of accredited officers of the Chinese or other foreign government traveling on the business of such government, or their servants or attendants, a note setting forth such facts), the port or place at which each was taken on board, and such particulars as to each as are shown by their respective certificates hereinbefore required; and such list shall be verified by the master in the manner required by law in cases of manifest of cargo.

The foregoing provision shall apply to the masters of all vessels arriving at any insular possession of the United States.

The willful neglect of any such master to comply with the provisions of this section shall be punished by the penalties and forfeiture imposed upon a refusal to report and deliver a manifest of cargo.

Mr. KAHN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "a," in line 2, page 15, insert the word "separate," so as to read "a separate list of all Chinese taken on board."

The amendment was agreed to.

The Clerk read as follows:

SEC. 25. That Chinese laborers shall enjoy the privilege of transit across territory of the United States in the course of their journey to or from other countries, subject to the following provisions:

First. The applicant shall exhibit to the appropriate officer at the port where entry is sought a fully paid through ticket entitling said applicant to transportation from such port to his destination in the foreign country, and shall also exhibit to said officer a certificate as follows: (a) If the applicant come from a foreign country, a certificate issued to him by the diplomatic or consular representative of the United States in the country or port whence he departed, which shall state that after investigation said representative believed that said applicant intended to go directly to, and to reside in, the foreign country designated; (b) if the applicant come from an insular possession of the United States and seek the privilege of transit across mainland territory of the United States, or come from the United States or any of its possessions and seek the privilege of transit across any insular possession

thereof, he shall exhibit a certificate of like effect, issued to him by the appropriate officer of the United States at the port or place whence said applicant departed. It is made the duty of diplomatic and consular representatives and other officers of the United States to investigate all applications for such certificates, and to issue them only when the applications are shown to be in good faith, and to furnish such further information as may be prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury.

The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit where the same is sought by laborers coming from an insular possession of the United States.

Second. Privilege of transit shall be denied if the applicant refuse to submit to such examination of his person and baggage and to such investigation as may be deemed necessary by the appropriate officer, or if he fail to establish to the satisfaction of said officer that he intends to proceed directly to the destination named in his certificate and is not seeking to abuse the said privilege.

Third. Privilege of transit shall be denied if the applicant shall have sought admission into the United States or its possessions and shall have been refused.

Fourth. Privilege of transit shall be denied if the applicant fail to comply with any rule or regulation which the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may from time to time prescribe with a view to prevent abuse of such privilege.

Fifth. The master of any vessel, the conductor of any railway train, or the person in charge of any other conveyance, bringing to any port in the United States, or on the border thereof, any applicant for privilege of transit, shall, immediately after arrival and before permitting to land, or to cross the border, any such applicant, deliver to the appropriate officer of the United States a separate list of all applicants so brought, which shall show the name of each applicant, the matter contained in the certificate he bears, and whatever else may be required by the rules prescribed by the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury; and this list shall be verified by the person bound to deliver it, the oath to be administered by the officer to whom it is delivered.

Sixth. In addition to the ports of entry named in section 11 the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may designate other ports or places at which entry into the United States or its possessions for the purpose of transit may be granted. But in the case of entry along the boundary between the United States and the Republic of Mexico and the boundary between the United States and the Dominion of Canada, no place along either of said boundaries shall be designated as a place of entry for any Chinese, whether in transit or otherwise, until there shall have been executed between the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, on the part of the United States, and the persons or corporations proposing to bring Chinese to such place, contracts binding such persons and corporations to observe all the laws and regulations of the United States relating to exclusion, entry, or transit of Chinese under such penalties as shall be set forth in said contracts; and such place shall only remain open to entry of Chinese in transit or otherwise while such contracts remain in force and unbroken. The Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time close any such place to transit privilege if in his judgment such privilege is being abused.

Mr. KAHN. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

In line 20, page 17, strike out "exhibit" and insert in lieu thereof the word "deliver."

In line 7, page 18, strike out "exhibit" and insert "deliver."

The amendment was agreed to.

Mr. HOOKER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out section 25 and insert:

"SEC. 25. That Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, and in pursuance of the provisions of the second paragraph of article 3 of the treaty between the United States and China; and the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend, such rules and regulations as he may deem necessary and proper to prevent said privileges of transit being abused."

Mr. HOOKER. Mr. Chairman, I think that we ought to allow the treaty to be observed as it originally stood, and that the right of transit to Chinamen—not of occupancy, not of residence, but the right of transit through our country from any other civilized country in which he may live—should be granted, according to the terms of the paragraph of the treaty to which I have referred, and to clothe the Secretary of the Treasury with power to adopt all regulations which may be necessary in the estimation of the Commissioner of Immigration and the Secretary of the Treasury, approved by him; to adopt any and every regulation to prevent Chinese from occupying this country in any form whatever, even for temporary residence; but I think we ought to observe the treaty which gives them the right of transit and which proposes to allow our own railways to transport them across the continent instead of compelling them to go to the railways of Canada and to get across in that way.

It is but an act of justice, of equity, of fair dealing to allow them this privilege, and I think therefore that all these minute regulations embodied and embraced in this bill ought to be taken away and that the Secretary of the Treasury and the Commissioner of Immigration ought to be allowed to prescribe these regulations, to give them the right which the treaty does—not of occupancy even temporarily, but of transit across the country, if they wish to, and not encumber the bill with numerous regulations, now embraced in section 25. I am not able to speak much and do not desire to. I expressed my views on this bill at length in my speech

of Saturday last, and on that I stand for this amendment as well as for my general opinions as to the bill.

Mr. PERKINS. Mr. Chairman, I think I ought to say that the committee does not approve of the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 26. That every Chinese brought by vessel to any port of the United States shall be detained on such vessel until a final decision shall have been rendered as to his right to enter the United States, and every Chinese brought to an inland border port of the United States shall be detained without its territory until the final decision as to the right of such Chinese to enter, and the duty of such detention shall rest, jointly and severally respectively, on the master, owner, agent, and consignee of the vessel or on the person, corporation, or agent by whom said Chinese was transported or aided to such port: *Provided*, That Chinese may be elsewhere detained pending such final decisions, in accordance with such rules as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 4, page 21, the words "without its territory" and insert "at such port."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 29. That every vessel whose master, owner, agent, or consignee shall knowingly violate any of the provisions of this act shall be subject to a penalty of \$2,000, and shall be forfeited to the United States unless such penalty be paid.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Insert in section 29, line 25, page 22, after the word "dollars," the following: "for each offense."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 30. That any person who shall knowingly bring into or attempt to bring into or conspire to bring into the United States any Chinese otherwise than as prescribed by this act shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term not less than six months and not exceeding five years, or by both such fine and imprisonment.

Mr. OTJEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 5, after the words "United States," insert the words "or its possessions."

Mr. PERKINS. With great respect to my colleague on the committee, I hardly think it would be proper to adopt that amendment. This is a section imposing a penalty and to make a violation of the act a felony. The amendment offered by the gentleman from Wisconsin would constitute this act a felony in all the insular possessions of the United States. We have not as yet attempted to legislate for those possessions. I do not think we desire at this time to declare these acts shall be felonies within the Philippine Islands. I trust my friend will withdraw his amendment.

Mr. OTJEN. With the consent of the committee, Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection the amendment is withdrawn.

There was no objection.

Mr. MANN. Mr. Chairman, I shall not discuss the details of this bill. I have heretofore presented to the House a number of petitions urging the passage of a suitable Chinese-exclusion act. The present Chinese-exclusion law will soon expire by limitation, and the whole question of Chinese exclusion is once more before us for determination.

Mr. Chairman, the Republican party is committed to the principle of tariff protection. We maintain that our manufacturers and laborers here ought to be protected against the cheaper labor of the old country. I believe in the protective principle of the Republican party, and for the same reasons I believe in a proper Chinese-exclusion act. I am not familiar enough with the civilization or the people of China to express well-formed ideas in regard to either, but it is very evident that the American laborer who has a family can not compete in cheapness of labor with the Chinaman. How many Chinese would come to our country if there were no exclusion law? I do not know. No one knows. Few might come. Many might come. The only safety for our civilization is to exclude the many who might come.

Mr. Chairman, civilization has girdled the globe. The oldest civilization is in China. And as civilization has moved westward from China it has changed in degree, character, and force until



now, having encircled the world, the civilization of Europe and America is forcing its way through the entrances into the Chinese Empire.

We may perhaps find that we are waking a sleeping giant, but it is impossible for us to stop. We would not if we could. We could not if we would. The impelling forces of progress are too great for our resistance. Within a few years Japan has been revived. As the sun of Western civilization has commenced to throw his morning rays on her shores, that little Empire has awakened from its long sleep and has suddenly become one of the most active and progressive nations in the world. Who can doubt that similar results will occur in China? And when China fully awakens with her hundreds of millions of people, more economical, more imitative, and more willing to work than the people of any other nation, it will cause a reawakening of all mankind and possibly a readjustment between nations and peoples. The conflict has not yet become deadly, but the skirmishes have begun. This bill is one of them. The civilization of the West and the civilization of China are in conflict.

I wonder if the hordes of China, when that nation is thoroughly awakened, will not attempt, through mere force of numbers, to overpower American civilization as the Goths and Huns and Vandals overcame the civilization of Rome. The coming conflict with China, however, will be more desperate than the one which caused the fall of Rome. The civilization of China will never amalgamate with the civilization of America. The people of China and the people of America are of two different races, which can never coalesce.

Mr. Chairman, I do not fear for the future, but wise statesmanship requires us to prepare for its possibilities. It is not only our duty to protect the labor of this country from the degrading influence and unmeasured competition which would come through open Chinese immigration, but it is also our duty to prepare for the inevitable conflict, either of commerce or war, or perhaps both, between the mighty Chinese Empire and people on one side and Western civilization on the other. We need not think that such conflict will be easy because of the experience of the past. In our dealings with China the past can be no guide to the future. The activity of a man when he is awake can not be judged by examining him in the stillness of sleep.

Whether such conflict shall be a commercial war or a naval war, it seems to me that it is the duty of this country to hold command of the Pacific Ocean.

With a shortsightedness which looks to me like blind folly, our Democratic friends on the other side of this House insist that we shall not only break down the bars of the protective tariff and thereby let into this country the products of cheap Chinese labor, but that we shall also yield control over the Philippine Islands, and thereby lose command of the Pacific Ocean.

But, Mr. Chairman, they will not succeed. We will maintain the protective tariff. We will keep control of the Philippine Islands and the Pacific Ocean. We will maintain our own home market for our people. We will keep out the cheap and degrading labor of the Chinese coolie, and yet, through the inspiring genius, the commercial acumen, the handiness of labor, through the combination of brains and brawn peculiar to our own race, and stronger in our own country than elsewhere, we will invade the other markets of the world and maintain our supremacy of commerce both at home and abroad. [Loud applause.]

The Clerk read as follows:

SEC. 31. That any Chinese found within the United States in violation of any provision of this act may be arrested by any United States officer and shall be forthwith taken before a United States judge in the district wherein the arrest is made, or before the United States commissioner designated by the United States attorney of said district, who shall proceed to inquire into the case. Unless the person so arrested shall establish, by affirmative proof, to the satisfaction of said judge or commissioner, that he has a lawful right to be in the United States, it shall be the duty of said judge or commissioner to order that he be deported.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 20, page 30, after the words "United States," insert the following: "And by the production of a certificate required by this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 33. Whenever a Chinese shall be deported:

First. If he came from a foreign country, he shall be returned thither or to the country of which he is a subject or citizen.

Second. If he came without right to the United States mainland from its insular possessions he shall be returned thereto.

Orders of deportation shall be executed by the United States marshal of the district wherein the orders are made with all convenient dispatch, and pending such execution he shall detain in his custody the person ordered to be deported, who shall not be admitted to bail, save in cases of appeal, as hereinafter provided.

Mr. KAHN. I offer the following amendment.

The Clerk read as follows:

Insert in section 33, line 3, page 24, after the word "citizen," the following: "Provided, That in any case where a country whence said Chinese came shall demand any tax as a condition of the removal of such person to that country, he shall be sent to China."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 34. That the Philippine Commission are authorized and required to make all regulations and provisions necessary for the enforcement of this act in the Philippine Islands.

Mr. DOUGLAS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 24, line 15, after the word "enforcement," insert "of such sections and clauses as they may deem desirable and necessary."

Mr. DOUGLAS. Mr. Chairman, it does seem that there must be some of the provisions of this act which are not justified in so far as the Philippine Islands are concerned. Those islands are nearly 10,000 miles from our shores. The Chinese have been there in force for hundreds of years, and it does seem almost unnecessary, so far as the Philippine Islands are concerned, to enforce this law as we propose to make it. It seems unnecessary to make it absolutely mandatory on the Philippine Commission to do so in order to protect the United States. I believe that we could with wisdom allow these men to have some say as to the provisions of this act and as to the extent to which it shall be enforced there.

This is a new country so far as we are concerned. The best government for that country by us is as yet unknown, and its requisites and necessities are yet to be studied and considered carefully in so far as we individually as a nation are concerned in its government, and I believe and hope that the gentlemen who are pushing this measure will be sufficiently liberal at least to allow the Philippine Commission to use discretion, and not do an absolute injustice to the Chinese to the extent of excluding them from places where they have been since before this country was practically ever heard of, when Western civilization was unknown and Eastern civilization was at its height.

We are endeavoring absolutely to preclude these people from coming into those islands as much as we are from coming into this country. I am thoroughly in accord with every provision of this act which is not illiberal and illogical; but when it comes down to a simple question of pure persecution, and unnecessary persecution at that, I believe we are putting on the statute books a law which, if extended to the islands that have recently come into our possession, and which many people think should not be in our possession at all, will be doing something that is not worthy of this country, and that will react on us to such an extent that we will be heartily ashamed of ourselves within the next year or two. I therefore hope that the committee in charge of this bill will allow my amendment to become a part of the act.

Mr. KAHN. Mr. Chairman, I hope the amendment will not prevail. The committee that has had this bill in charge has given this matter a great deal of thought and attention. Governor Taft himself appeared before that committee. Our present exclusion laws and regulations are in force in the islands, as I understand it, and this provision of this bill will simply continue existing conditions in the islands, only that it will transfer the enforcement of the law from the War Department, where it now is, to the Philippine Commission.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The amendment was rejected.

The Clerk read as follows:

SEC. 35. That any Chinese who violates any of the provisions of this act shall be deported. The hearing in such cases shall be before a United States judge in the district wherein said Chinese is found, or before a United States commissioner designated by a United States attorney.

Mr. COOMBS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The amendment was read, as follows:

Insert in line 21, page 24, after the word "attorney," the words "of said district."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

SEC. 38. That the master of any foreign vessel which shall bring to the United States any Chinese not entitled to entry shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$2,000 for each of said Chinese, conditioned that none of such Chinese shall land from said vessel while said vessel remains within the United States. The bond shall be

canceled upon the certificate of the appropriate officer that all Chinese covered by it have departed from the United States on said vessel.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Line 5, page 26, after the word "vessel" add the following:

"And it shall be unlawful for any vessel not foreign, that is to say, any vessel under the flag of the United States, to have or to employ in its crew any Chinese person not entitled to admission to the United States or into the particular territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding \$2,000."

Mr. PERKINS. Mr. Chairman, I raise a point of order. I object to this amendment on the ground that it is not germane to the bill, and I will state my views, if the Chairman desires.

The CHAIRMAN (Mr. Moody of Massachusetts). The Chair would be glad to hear the gentleman.

Mr. PERKINS. Mr. Chairman, this bill, as is shown by its title, is a bill—

To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

That is the object as stated in the caption of the bill, and that is the object sought to be secured by all the provisions of the bill which are intended to prevent the coming into the United States and its insular possessions of Chinese persons, except as allowed by law. Now, what is the amendment offered by the gentleman from Missouri? Does it prohibit the coming of a Chinese person into the United States? It no more prohibits the coming of a Chinese person into the United States than it prohibits the coming of a Chinese person into Great Britain. But it says what? It shall be unlawful for any vessel holding an American registry to have or employ in the crew any Chinese person not entitled to admission into the United States.

Now, Mr. Chairman, let me illustrate—

The CHAIRMAN. The Chair desires to state—it may not be material, but the gentleman has misquoted the language. The language is: "And it shall be unlawful on a vessel not foreign;" that is to say, any vessel under the flag of the United States.

Mr. PERKINS. That is the same thing. As it was given to me it was a vessel "holding an American register." As the amendment is submitted, "carrying the American flag," which is, of course, a vessel holding an American register. Let me illustrate here. This is a bill to prohibit the coming of Chinese into the United States. Suppose the gentleman should offer an amendment to it, and, let us say, section 25, "*Be it enacted*, That no American in the city of Paris shall employ a Chinese as his servant." That would not be germane to this bill. It would not be cognate to the idea. This is to prevent Chinese coming into this country.

Here is a provision which would be perfectly proper in a bill in reference to the shipping interests of the United States, and because proper there, because it would be cognate in a bill regulating the shipping of the United States, and regulating the American register of the United States, it necessarily follows that it is not germane to a bill which regulates the coming of Chinese persons into the United States. Now, this provision says what? Every ship entitled to an American register, or every ship carrying the American flag, which is the same thing, shall not employ Chinese. That ship may be sailing anywhere. It may be sailing from Alexandria to Constantinople; it may be sailing from Marseille to Gibraltar. Of course, I recognize the fact, as every man knows, that an American ship is subject to the laws of the United States, the same as an American citizen, wherever he may be, abroad or at home.

But I am confident, Mr. Chairman, that the amendment I have suggested, of an American citizen being in Paris, or anywhere else, who happens to have in his employ a Chinese servant, would not be germane to this bill; and the amendment offered by the gentleman, in the same way, is not germane to this bill, which is to prevent the coming into the United States of Chinese persons. How does that provision apply to this bill? The amendment that is offered says that no ship, whatever it may be, in the Atlantic or the Pacific, if it be making a voyage between two ports not in the United States at all, shall employ a Chinese laborer. That does not prevent, and it does not seek to prevent, and it does not purport to prevent, and it can not prevent one single Chinaman from coming into the United States. It has no more to do with that, as I said before, than it has to do with a Chinaman going into Japan or England. It is as foreign to this bill as it would be if an amendment were offered that ships having American register should be forbidden to employ Japanese or Swedes or any other class of men. It is a subject to be considered in the regulation of the American shipping, if that were before the committee, but it is thoroughly foreign to the bill we have now under consideration.

Mr. CLARK. Unless the Chair is ready to rule my way, I want to be heard.

The CHAIRMAN. The gentleman from Missouri.

Mr. CLARK. Now, my friend's objection divides itself into two parts. The first one is that the amendment is not covered by the title of the bill. By the simplest performance the title could be made to conform to the bill after it is amended. If it is necessary and the title does not cover it now, we could very easily say, "and also to prevent Chinese sailors being employed on board of American ships." That would dispose of objection No. 1.

Secondly, the gentleman says it is not germane to this bill, because the intention of the bill is to exclude Chinese laborers from the United States. The answer to that, and it is very short and very simple, is that the deck of every American ship is American territory, just as much as any foot of ground under the American flag. I want to say this, while I am up, and that is all I have to say about it. In 1812 the United States went to war with Great Britain on the cry of "free trade and sailors' rights." It was really the last half of that cry which created and precipitated the war with Great Britain in 1812—"sailors' rights;" and I say here to-day, without going into any extensive argument about it, because I argued it on Friday for all it was worth, that American laborers on board ship are just as much entitled to this protective legislation for American laborers as American laborers by land. [Applause.]

There is no use dodging what this bill is. I have always believed in being honest because I believe that honesty in the end wins. It is an abnormal condition of affairs that presents itself here, and that is that we know that American laborers can not compete with Chinese laborers, and this bill is entirely for the protection of American laborers. Now, you have protected everybody else, or pretended to, in the United States by the high-tariff system.

A MEMBER. Are you in favor of that?

Mr. CLARK. No; I am opposed to the whole system.

Mr. ADAMS. I thought the gentleman wanted to protect the American laborer.

Mr. CLARK. I do; and here is the chance to protect him without beating around the bush, and nobody else will get the benefit of it. You have protected the merchant, the manufacturers, and protected everybody else under the tariff system except the laborer, and this bill is intended to protect American labor against cheap Chinese labor. There is no sense nor justice in applying it to laborers by land and not by sea, and that is all I have to say about it.

The CHAIRMAN. The Chair would like to ask whether the amendment is confined, or is intended to be confined, to ships plying between American ports?

Mr. CLARK. Certainly.

The CHAIRMAN. And those only?

Mr. CLARK. It is intended to apply to American ships that ply between American ports, and territories, in insular possessions, or provinces, or colonies, or whatever you may call them. [Laughter.]

The CHAIRMAN. Does the gentleman give that construction to the amendment which he offers?

Mr. CLARK. Yes.

The CHAIRMAN. The Chair would like to ask whether, in the opinion of the gentleman from Missouri, an American vessel not plying between American ports—and by American ports the Chair means those not only of the United States, but those belonging to the United States—whether this prohibition would, under the amendment, exist against the employment of Chinese on such vessels—that is, vessels that did not touch at any American port?

Mr. CLARK. I think it applies to all American vessels. If the Chair pleases, the gentleman from California [Mr. KAHN] has a substitute for my amendment.

Mr. KAHN. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Missouri, which I send to the desk.

The CHAIRMAN. That would not be in order now, but for the information of the committee it may be read.

Mr. KAHN. The gentleman from Missouri is willing to accept it as a substitute.

The CHAIRMAN. Does the gentleman from Missouri withdraw his amendment?

Mr. CLARK. Yes, Mr. Chairman, I am willing for this to be accepted as a substitute for my amendment.

The CHAIRMAN. The gentleman from Missouri, without objection, withdraws his amendment, and the Chair hears no objection.

The Clerk read as follows:

Page 26, line 5, after the word "vessel," insert the following:

"And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000."



"But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge."

Mr. PERKINS. Mr. Chairman, I raise the same point of order as on the amendment offered by the gentleman from Missouri. I desire to call the Chairman's attention to the fact, in answer to the questions put to the gentleman from Missouri, that whatever may be the intention of any person offering this amendment, there can be no question as to what it says. It is general, Mr. Chairman; it says it shall be unlawful—that is, unlawful anywhere—for any vessel with an American register to have or employ or in its care any Chinese person not entitled to admission to the United States. It says that and no more, and there is nothing to modify it. It is unlawful for any vessel plying anywhere with an American register.

Mr. GILLET of Massachusetts. In regard to the question asked by the chairman of the gentleman from Missouri, allow me to remark that if he wishes his amendment to apply simply to American vessels in American ports he should modify it, so as to have it apply to vessels in the domestic trade. Possibly that is what he means.

Mr. GARDNER of New Jersey. Is it not presumable that all vessels of American registry touch American ports sooner or later? The voyage may be short or may be long, but they are presumed to touch at the home port.

Mr. GILLET of Massachusetts. That might not be.

Mr. GARDNER of New Jersey. Mr. Chairman, whatever may be the title of this bill, and whatever the nationality to which, as drawn, it may specifically apply, is it not true that it is legislation upon the general immigration system of the country? If the bill now before the House, called "the Chinese-exclusion act," is not a bill essentially to regulate immigration, what is it? There is practically no doubt that the United States has full jurisdiction over the question of immigration. It seems to me there can be no question that anything bearing directly upon the general system of immigration is in order on a bill dealing with the subject of immigration, though only dealing with a branch of it.

Now, for the purposes of legal regulation, criminal and civil, the deck of a vessel carrying a United States license and sailing under a United States flag is as much territory of the United States as is the District of Columbia. Where can she sail, where can she be, that in case of abuse of the crew or the commission of a felony or other similar occurrence the court of the United States will not hold that the vessel is to be regarded as a part of American territory?

Now, if this be a bill for the regulation of immigration, and if a vessel bearing the license and carrying the flag of this country is a part of the United States territory, then a provision regulating immigration—the coming of Chinese or other people on board of a United States vessel anywhere in the world—is germane to this bill; and it is equally germane to regulate the employment of such persons upon that vessel, wherever she may be, as much as though she were a part of the fixed territory of the country.

The illustration given here in regard to the employment of servants in Paris has no application whatever, because that city is not and never will be under the jurisdiction or the flag of the United States.

Mr. GROW. Mr. Chairman, just a word on this question. Admitting that the deck of an American ship is American territory, there is nothing in this bill, if I understand it, regulating the employment of Chinese by Americans. This amendment proposes to say that a Chinese shall not be employed by an American on the deck of a ship. That has nothing to do with the other provisions of the bill. We might just as well undertake to prohibit the employment of Frenchmen on a ship. That seems to me to be the whole question. The proposition is not to exclude people from coming upon an American ship—to exclude them from coming upon the deck of one of our vessels as immigrants; it has nothing to do with the employment by Americans of anybody. Therefore it is entirely foreign to this bill.

The CHAIRMAN. The Chair is ready to rule with considerable hesitation upon this question. There is no question as to the rule which governs the point now raised by the gentleman from New York. The statement of Rule XVI is in these words:

No motion or proposition on a subject different from that under consideration shall be admitted under cover of an amendment.

However simple the rule may be, its application to the varying states of fact which are brought before this body is not easy, because it is not always easy to decide what is the subject under consideration. In this case it is by the title of the bill said to be a proposition "to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under their jurisdiction, and the District of Columbia of Chinese and persons of Chinese descent."

The title of a bill is unimportant, except so far as it correctly describes the bill itself. The Chair has examined this bill with a good deal of care, and has caused it to be examined by another person with a good deal of care. In point of fact, there is no provision in the bill except a provision looking to the exclusion of Chinese from our territory. There is no provision regulating the employment of Chinese within our territory, as the gentleman from Pennsylvania [Mr. GROW] has just now so forcibly pointed out. Whatever the motive may be behind the bill, whatever the reason for its enactment may be, the actual subject under consideration is the exclusion of Chinese from American territory.

It is said that the deck of an American ship is American territory. So it is, while that ship is upon the high seas. When it is in the port of a foreign country it is not American territory unless the ship be a public ship of war. Such, if the Chair understands correctly, is the rule of international law.

But the amendment offered by the gentleman from California is not to prohibit Chinese from coming upon the ships sailing under the American flag, but is to prohibit their employment under the American flag, a subject entirely different from that under consideration by the committee. Could it be in order, for instance, upon an immigration bill excluding certain classes of people from coming to these shores, to provide that our ambassadors abroad should not employ persons of that same description? It would hardly be contended that that would be in order.

The attention of the Chair has been called to a ruling made by Mr. Speaker Reed on the 19th of May, 1896, where a bill to amend the immigration laws of the United States was before the House, and it was proposed by that bill to exclude all male persons between 16 and 60 years of age "who can not both read and write the English language or some other language." Mr. CORLISS, of Michigan, offered an amendment excluding aliens living in another country and while so living there entering into the United States to engage in labor within its borders—what the Chair remembers the gentleman from Michigan termed "birds of passage."

A point of order was made against the amendment, and Mr. Speaker Reed sustained the point of order upon the ground that the amendment was not germane, although both the bill and the amendment had in view the protection of American labor. The Chair will say that if this amendment had proposed to prohibit the presence as employees of Chinese persons upon American ships touching American ports, where there would be an opportunity for escape from the ship from time to time, the Chair would have ruled that to be germane to the general purpose of the bill, which is to prohibit the entering of Chinese persons into American territory; but for the reasons that were so well stated by the gentleman from Pennsylvania [Mr. GROW], that this bill is not engaged in the regulating of the employment of labor, but in excluding persons of Chinese blood and descent from our territories, the Chair sustains the point of order.

Mr. KAHN. May I ask, Mr. Chairman, that the section be passed in order that I may amend my amendment to meet with the views of the Chair.

The CHAIRMAN. The gentleman from California asks unanimous consent that the section be passed. Is there objection?

Mr. HOOKER. In order that he may evade the ruling of the Chair? Mr. Chairman, I object, if that is the purpose.

The CHAIRMAN. Objection is made.

Mr. KAHN. Then I offer the following amendment:

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register, touching at an American port, to have or to employ in its crew any Chinese, etc.

Mr. PERKINS. Mr. Chairman, I raise the point of order to this amendment, and I submit it in no way changes the character of the prior amendment. The gentleman's amendment endeavors to do what? He says it shall be unlawful for any vessel to employ in its crew any Chinese person. That is as already ruled by the Chair and, as was suggested by the gentleman from Pennsylvania, a regulation of the employment of labor. He has merely added in describing this vessel, a vessel touching at an American port. Of course every vessel holding an American registry touches at an American port, but it does not in any way, as I submit, meet the ruling which has already been made by the Chair.

Mr. KAHN. Mr. Chairman, I ask leave to modify the amendment so that it shall read "at a voyage terminating at an American port."



The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register on a voyage terminating at an American port to have or to employ, etc.

Mr. PERKINS. Mr. Chairman, I submit it does not change it at all. It still regulates the employment of Chinese.

Mr. COOMBS. Mr. Chairman, I would like to add a simple suggestion to what has already been said.

The CHAIRMAN. The Chair will be glad to hear the gentleman from California.

Mr. COOMBS. Mr. Chairman, anticipating, of course, that the Chair is ruling now upon a different proposition, this bill provides in section 1 that from and after its passage the coming, except under the conditions hereinafter specified, of Chinese laborers from any country shall be prohibited. It has been suggested in a remark to the chairman that when a vessel once pushes into port she loses that character which in fiction of law is attributed to her and which brings her exclusively within the jurisdiction of the Federal Government by reason of being an American bottom.

When she comes into port she comes within the jurisdiction of the sovereign State. She comes within the jurisdiction of the particular county whose borders describe the waters whereon she sails. Hence, essentially and technically, when she plies from one port to another of the United States, the moment she comes within the waters of a State she is upon American territory. She is within the State, she is within the confines of the United States, and those upon her come within all of the exclusive clauses of this bill.

The only mistake which we have made heretofore in considering this matter is this: Those who have objected to this particular amendment have said it was an attempt on the part of the Government to regulate the conduct of individuals in the employment of individuals. That is too narrow and restricted a construction. It is an attempt rather on the part of the Government of the United States to regulate, as this bill proposes to regulate, those who can come within the confines of the United States and within the confines of the State, and of course within the jurisdiction of the law which we here are proposing to enact.

The CHAIRMAN. As the Chair has stated, this bill is to prohibit the entrance of Chinese laborers into the United States. Seamen are laborers within the distinctions made in this bill, and the amendment now before the committee proposes to prohibit the coming of such laborers into an American port. It is based upon the theory that great safeguards are needed to carry out the purpose of the law. The bill is full of provisions which are intended to guard against evasions of the law. For instance, upon page 10 of the bill it is provided that even the Chinese who are entitled under this bill to enter our ports can only come in at certain named ports of entry. In other words, the regulation of American ships or foreign ships bearing Chinese to our shores is prescribed by this bill. The Chair thinks, therefore, that, with the modifications which have been made in the amendment, it is clearly in order and overrules the point of order. The question is upon agreeing to the amendment.

Mr. HITT. Mr. Chairman, will the Clerk read that part of the amendment which has been modified, which is the question before the committee?

The CHAIRMAN. The Clerk will report the first paragraph of the amendment.

The Clerk read as follows:

And it shall be unlawful for any vessel holding an American register, on a voyage terminating at an American port, to have or to employ in its crew any Chinese person, etc.

Mr. HITT. Go on and read the penalty.

The Clerk read as follows:

Not entitled to admission into the United States or into the portion of the territory of the United States to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

Mr. HITT. Now, Mr. Chairman, that is the essence of the amendment. The gentleman who first offered it said it was for the protection of American labor on ships, or for the protection of American seamen. The Chinese would be employed, if anywhere, upon vessels sailing the Pacific Ocean. We had testimony before our committee, and it is the abundant knowledge of all who are familiar with the subject, that scarce one in twenty of the persons employed upon ships sailing the Pacific Ocean is a native American. There is very little encouragement in any such provision to the noble American boy whom we wish to encourage.

I am a protectionist, but this protection attempted to be enforced upon the high seas, where men must carry on their business in competition with all the world and without any restrictions upon rivals, is protection gone to such an exaggeration and perversion that it almost amounts to insanity. It is not protec-

tion to nourish, but to destroy, American shipping. What would be the result? Ships sailing that sea have to run in competition with others of all nations. I am informed there are three steamers upon that ocean now flying the American flag. There are more than fifty steamers in competition with them flying the other different flags of the world and employing any labor they please or can. They depend for existence upon what they receive for freight and passengers—for the work done.

You propose by this amendment to exclude those who are under the American flag from purchasing labor in the market on the same terms as other ships who are their rivals. Remember, they do not now employ American labor. They can not. There are no American sailors now in the world in surplus above the market demand. There is a minority of American-born sailors upon ships that run right out of those very New England towns which were long the nursery of American seamen. If anyone will read the reports of our consuls at the Mediterranean ports it will be plain, from the names of those relieved, that the men employed on American ships east of the United States are not Americans born, except an inconsiderable part; and when you reach the oriental seas, and that torrid zone, an American-born sailor becomes still rarer.

Now, you propose to compel an American merchant whose money is put into a ship and who is trying to press trade forward, for his own profit, of course, to enlarge American commerce—you compel him in employing labor to pass by Chinese, if that is most advantageous, and to hire Malays, Lascars, Portuguese, Japanese, and all that miscellany found in the ports of the Eastern world. You can get Americans for clerks and engineers and foremen on these boats. You can get them for skilled labor. But you do not find an American in the sweat and heat and suffocation of those parts of the ship where Chinamen are employed. Now, the result would be—

Mr. METCALF. Do you not find them on the transports?

Mr. HITT. There are Americans on board, as I have said.

Mr. METCALF. You find them in the engine room and in the stoke room?

Mr. HITT. The engineers have to be Americans.

Mr. METCALF. You find firemen also who are?

Mr. HITT. They were not on those ships I saw there myself. Those that operated in the great heat were not Americans. Owners or agents and representatives of these ships appeared before the committee, and they told us they had a plain path before them. If they were compelled to hire men at \$30 a month to take the place of Chinese getting from \$7 to \$8 a month, they simply would have to change the flag and sail under a foreign flag. Strangely enough this destructive proposition for our shipping is made to a House that is soon to consider the ship-subsidy bill to encourage shipping. First strike a blow to drive them to a foreign flag, and then propose a subsidy.

Why, it is, Mr. Chairman, simply our duty to at least let them alone. If you do not pass the subsidy bill you should spare them this useless restriction. Do not prevent them from doing what they can; and when they must hire foreign labor to compete with foreign ships in the carrying trade between Yokohama and Hongkong and over to Manila, why force them to forego the cheaper labor of the place when this interference is of no benefit to our people?

Mr. ALEXANDER. Will the gentleman allow me to ask him a question?

Mr. HITT. Certainly.

Mr. ALEXANDER. I would like to ask the gentleman from Illinois if there is any evidence before his committee that the Chinamen now employed upon our vessels escape or give us any trouble, or if it is found that under the regulations and laws that we now have they remain on their vessels when they land until the vessel goes out again?

Mr. HITT. If there was any such danger of escape a provision of this bill would prevent them from coming into our country. All the testimony that we have showed that they were laborious and docile. The only complaints that I have heard was that in times of great and terrible stress that they had not the courage of the Saxon, but they are industrious and obedient.

Mr. ALEXANDER. But my question is: Is there any evidence before your committee that the present law or the present regulations is not entirely satisfactory to all concerned?

Mr. HITT. None at all. We have no evidence of anybody being dissatisfied. Some persons who appeared before the committee advocated this upon the ground that it would be extending protection. This, of course, at first warmed up the heart of a Republican member, who liked to hear of protection to the American boy, who was to be employed on the American ship. But the slightest examination showed that it was not likely to protect American labor, but extinguish American shipping.

Mr. CLARK. Mr. Chairman, I am perfectly aware that these steamship companies, appealing to the American people, say that if this section is put into this bill, they will go under the



British flag. I do not believe there is a word of truth in that, and I will state my reasons. Our ships sailing under the American flag have the benefit of the coastwise trade to Hawaii, Porto Rico, and all our other ports, and it is very profitable—constantly and rapidly growing more so. The American steamship lines are never going to give up that trade by going under the British flag.

One reason that they want Chinese sailors is that when they come to our ports the Chinese sailors are not allowed to land. They are kept on board the ship. None of the Chinese come off and go on a spree. If one of them does get off, the entire police system of the Treasury Department is at the service of the ship to run down their Chinese sailor, collar him, and drag him back on board ship. Now, that is one reason that they give that they will go under the British flag. The other one, that American sailors can not stand the work in the heat and in the hot climate, is proved by all the evidence in this volume of evidence taken before the Senate committee not to be tenable. And I repeat the statement that I made a while ago, that the American sailor is just as much entitled to this protection as the American land laborer.

I want to make another remark, Mr. Chairman, while I am at it. If this legislation is not entirely germane to this bill, there is a bill coming over here before long, if it has not already come, that it will be germane to, and I serve notice now to all concerned that if this section does not go into this bill it will go into the ship-subsidy bill, if that bill comes before this House.

Mr. HITT. That is the proper place.

Mr. CLARK. I know; but "this is the day of salvation, and now is the accepted time." [Laughter and applause.]

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

#### REPEAL OF WAR-REVENUE TAXES.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, and I ask that the statement be read instead of the report.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, calls up the conference report on the war-revenue tax bill, and asks that the statement be read and that the report be not read. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments 12 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18, and agree to the same.

SERENO E. PAYNE,

JOHN DALZELL,

*Managers on the part of the House.*

NELSON W. ALDRICH,

W. B. ALLISON,

G. G. VEST,

*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

Statement of the managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10530, "To repeal war-revenue taxation, and for other purposes."

The managers on the part of the House state for the information of the House that the Senate receded from its amendments numbered 12 and 19. No. 12 was the only substantial amendment made by the Senate, which sought to retain the tax on so-called bucket shops. And the House has receded from its disagreement to the amendments of the Senate which changed the phraseology of the bill, but made no material change in its provisions.

The bill, therefore, as presented by the conference, is substantially in form and is in effect the same bill as it passed the House by a unanimous vote.

SERENO E. PAYNE,

JOHN DALZELL,

*Managers on the part of the House.*

Mr. RICHARDSON of Tennessee. Does the gentleman from New York wish to occupy any time at all?

Mr. PAYNE. No. Does the gentleman from Tennessee want any time?

Mr. RICHARDSON of Tennessee. I want a few minutes.

Mr. PAYNE. I hope the gentleman will be brief, as I promised the gentleman from Illinois, chairman of the Committee on Foreign Affairs, that we would not take up much time.

Mr. RICHARDSON of Tennessee. There is no gentleman on this side of the House that has asked for time in the matter, and I do not propose to occupy but a few moments myself.

Mr. PAYNE. How many minutes does the gentleman want?

Mr. RICHARDSON of Tennessee. Not over five minutes.

Mr. PAYNE. I will yield five minutes to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to say that, representing the minority of the conferees, I declined to sign the conference report. This is a bill which repeals the last vestige of taxes enacted for the purpose of conducting the Spanish-American war, to raise revenue for that purpose. Some weeks ago the bill was reported from the Committee on Ways and Means, a unanimous report, recommending the passage of the bill and the repeal of all of these taxes. In the views of the minority, duly submitted at that time, we took the position that as a whole we would vote for the bill.

We did not think it wise to repeal all of the war taxes that had been enacted when the Spanish war broke out; we did not think it was just to the people to repeal all of the taxes that were provided in that revenue bill, some of which were not burdensome, and leave other taxes upon the necessities of life. In other words, we thought there should be such a revision of the tax laws as would leave the taxes upon some of the articles that were taxed in the war-revenue act and which were not taxed before its passage, and take the tax off some of the necessities of life upon which they are now left by the Republican tariff. But when the bill was presented as a whole we felt constrained to give it our support; and so, upon a yea-and-nay vote, this bill passed the House unanimously and without debate, as will be remembered.

When the bill went to the Senate the Senate amended it in a number of instances, immaterial the most of them, but they did provide that the taxes which the war-revenue act had placed upon transactions which took place in what is called "bucket shops" should still remain taxed. With that material amendment they passed the bill repealing the taxes. The House refused to agree to the Senate amendment, and conferees were appointed. After a full and free conference the Senate has receded from that amendment. If the conference report is adopted the bill passes, and the tax is taken off of bucket shops, as well as all other war taxes.

For myself, I am still of the opinion that there should be such a revision of the tax laws as would leave some of the taxes imposed by the war-revenue act upon the articles taxed in that act and which should be taken off from articles of prime necessity to the people. But it seems that it is impossible to have such legislation in this Congress. It certainly is impossible to do it by defeating this conference report, and thus defeating this bill. Therefore, while I could not bring myself to sign the conference report, and recommend that this tax be taken off of "bucket shops," yet I can not oppose the adoption of the conference report, because to defeat the conference report would mean to leave the war-revenue taxes existing upon the country.

I do not think the members of our party can vote to leave the war-revenue taxes on any longer, and if we vote down the report it defeats the law. With this explanation and my explanation as to why I refused to sign the conference report, I am content that the report should be adopted and that the bill should be passed.

Mr. PAYNE. Mr. Speaker, this provision was agreed upon because we did not believe in taxing the small fellows and letting the larger ones go scot-free, and because we were anxious to wipe out the last vestige of the war-revenue taxes. We promised the people that when the necessity had gone by we would repeal these taxes. That time has come, and by sustaining this report we wipe out every vestige of those taxes, and I ask for a vote.

The question was taken; and the conference report was agreed to. On motion of Mr. PAYNE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

#### CHINESE EXCLUSION.

Mr. HITT. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the Chinese-exclusion bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair.

Mr. HITT. Mr. Chairman, when the committee rose the amendment under consideration was one in relation to the employment of Chinese on ships upon the high seas. The question is so perfectly simple that I will not detain the committee further with remarks upon it. I ask for a vote.

Mr. CANNON. I want to say only a word upon this amendment. There is no man in this House who, from the inception of

Chinese-exclusion legislation, has voted for it more uniformly than I have. I am not going into the reasons for such legislation; they are patent to everybody. There is now no division of sentiment on this question. In the beginning there was a very decided division of sentiment.

I doubt, however, Mr. Chairman, the wisdom of this amendment; and very briefly I will state my reasons. Within the borders of the United States we are supreme. The Republican party, since it came into power, has consistently followed along the line of protection of American labor, the development and diversification of American industries, until we are now, as we are proud to say, the first nation on earth, not only in agriculture but in manufactures as well. Within our borders we are supreme; and within our borders it is safe to say labor receives, as compared with the wages paid elsewhere in the world, 1½ as compared with 1.

Now, when we get outside of our own territory, upon the high seas, and engage in commerce with other nations, we are not supreme. We there come into competition with all the balance of the world. If the English ship, or the German ship, or the Japanese ship will take our products and carry them from our ports to the markets of the world for a less sum than we can hire our own ships to do it, the transportation goes in foreign bottoms.

Now, what is the fact? It costs something more to build ships in the United States than it does elsewhere. But from our extraordinary developments in iron and steel that cost has been largely minimized in the United States; and I am under the impression that in shipbuilding for our coastwise trade and for our foreign trade we can, with our invention and industry, make ships very nearly as cheaply as they can be made elsewhere.

But when one of our vessels hoists the American flag and starts upon its journey to Europe or to Asia—when it ships its crew, labor being compensated in the United States, as I have stated, at a higher rate than labor abroad—the wages of American sailors and officers upon our ships, when we can get those sailors, are 50 to 100 per cent higher than the wages paid upon foreign ships for similar services, the result is that our merchant marine in the foreign trade hardly exists.

Now, what is the remedy? Many people believe the remedy is Government aid—subsidy. I have always doubted whether there is any remedy while the present condition remains, because we can not protect our labor upon the high seas in competition with the labor of other countries that is just as effective, but receives only half as much. And I undertake to say that any grant from the Treasury of the United States to aid American ships will not be efficient unless that grant is permanently enough, first, to equal the subsidy that foreign governments pay, and, second, to make up the difference between the wage that the foreign seaman gets from a foreign ship and the wage that the seaman gets upon the American ship.

Now, gentlemen upon the other side of the House are in the main against Government aid to the domestic shipping. Many of us on this side have doubted the wisdom of that policy. The result is, however, that with this condition it is said our merchant marine is swept from the seas. That is very largely true, so far as the merchant marine is concerned.

We have, however, a few ships on the Atlantic coast and in our European trade. But if I recollect aright, in our commerce from here to Europe there are less than 20 per cent of American-born seamen upon our ships. The balance are foreign born; most of them foreign subjects.

On the Pacific coast, as my colleague [Mr. HITT], who is better informed than I am tells me, the percentage of American seamen on American ships is almost nil. Now, what is the proposition? We have a few—some very large—steamers lately built in American shipyards by American labor; others are under contract. They can live with great difficulty now and are knocking at our door for subsidy grants from the Treasury which, if I should enter the domain of prophecy, I should say are not yet in sight. But we can discuss that question when we come to it.

But even crippled and few in number as those American-built ships are, the proposition is to go further and say by this amendment: "The English ship, the German ship that plies between Asiatic ports and the United States, carrying the products of the respective countries back and forth, may employ Chinese seamen, but the American-built ships shall not employ Chinese seamen." The result is that our ships can not compete in the same trade with the foreign-built and foreign-manned ships, and the American ship goes out of business or hoists a foreign flag and then is upon all fours with the foreign ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Only one word in conclusion. So that if this amendment be enacted the result in my opinion is that even the few ships we now have in the foreign trade on the Pacific go un-

der foreign flags and no more will be built to go under the American flag.

"Ha! ha!" cries the gentleman from Missouri [Mr. CLARK], "I am protecting the American sailor." Are you? No; in the first place, because the American sailor is not there to be protected, and second, while you profess to be protecting the American sailor you say to the American mechanic in our own shipyards, "You never shall build another ship to go into the Pacific foreign trade." [Applause.]

Mr. HOOKER. Mr. Chairman, I desire to say a word on this amendment. Its object was expressed in the original bill introduced by the gentleman from California [Mr. KAHN] excluding the employment of all Chinese sailors on our vessels in the Orient. We considered that matter with great care and with great deliberation. We took the testimony of sailors; we took the testimony of the men who built the ships and who run them now. We took all the evidence that was offered on the subject, and the deliberate judgment of the majority of the committee was to strike out that provision of the bill which is now sought to be reintroduced by the gentleman from California.

They have appealed to the American Congress in former years and now to protect California from the introduction of the Chinese cooly, and we have always done so. We did it in the last treaty. We propose to do it now, completely and entirely. The gentlemen from California [Mr. COOMBS and Mr. KAHN] have introduced into the bill amendment after amendment whose function and object was to make it more stringent or, to use their own emphatic word, more drastic, or, I might say, more inhuman.

They introduced these amendments for that purpose, and they have had them adopted one after another, almost sub silentio, and now they propose to reverse the action of your committee, which, by a large majority, introduced this bill, allowing your ships in the Orient to do what other ships do in carrying on the trade between the Orient and the East—to employ Chinese sailors. Why? Not, as my honorable friend from Missouri [Mr. CLARK] says, to protect American seamen, for there are no American seamen.

Everybody concedes—the gentlemen from California and everywhere else who are familiar with this subject concede—that the Chinese can be employed so much cheaper, that the Germans employ them, that the English, the Japanese, and all the nations of the world employ them; and now you propose to exclude Chinese from American boats, denying to the vessels built by your own capital, constructed by your own mechanics, and put into this great trade, you propose to deny to them the right which the vessels of every other nation have. It is said by my honorable friend from Missouri [Mr. CLARK] that there is no danger that they will adopt the English flag or the German flag or the Italian flag.

But there is, Mr. Chairman, absolutely an unquestioned danger that they will have to go out of the trade, absolutely go out of the trade. Do you want to protect American industry, American seamen, and American labor by driving your own American ships out of the competition? Are the gentlemen from California willing to so far jeopardize American labor and jeopardize American ship-owning interests as to say that in order to exclude the cooly they will deny the right to our vessels to employ the Chinese laborers as all other vessels employ them? This is not right; this is not just. We should allow the vessels engaged in this trade, carrying the American flag and protecting the American deck, to get their sailors as cheap as vessels of other countries, or you will drive them from the enterprise in which they are engaged.

Are you willing to do that? Is that patriotic, is that sensible, is that according to the true idea of protecting the American labor? I am a good deal like my distinguished friend from Illinois. I do not mean the chairman of the Committee on Foreign Affairs [Mr. HITT], distinguished as he is, but I mean his distinguished colleague from Illinois, who is the chairman of the Appropriations Committee [Mr. CANNON]. I want to say to my honorable friend from Illinois [Mr. CANNON] that I agree with him that you can not protect the American sailor, you can not protect the American labor, by subsidies dragged out of the tax box of the people, the Treasury of the United States, and I am in hopes when that other measure comes up that we shall have the gentleman from Illinois with us in opposition to that nefarious bill.

Mr. PERKINS. Mr. Chairman, it is now very late, and it is important that this bill should be disposed of before the adjournment. This question has been fully discussed alike in the general debate and under the five-minute rule. I therefore move that debate on this section and amendments be closed.

The CHAIRMAN. The question is on the motion of the gentleman from New York, that debate upon the pending amendment and section be closed.

The motion was agreed to.

The CHAIRMAN. The motion now is on agreeing to the amendment offered by the gentleman from California.



The question was taken; and on a division (called for by Mr. KAHN) there were—ayes 77, noes 72.

Mr. HITT. I ask for tellers, Mr. Chairman.

Tellers were accordingly ordered; and the Chairman appointed Mr. HITT and Mr. KAHN.

The committee divided; and the tellers reported—ayes 100, noes 74.

Accordingly the amendment was agreed to.

Mr. ADAMS. I give notice that I shall demand the yeas and nays in the House on that amendment.

The CHAIRMAN. That will be in order. Of course the gentleman has the right.

The Clerk read as follows:

SEC. 42. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, is hereby authorized to make and to enforce any rules and regulations by him deemed needful to an efficient execution of this act.

The Secretary of the Treasury shall make all needful appointments and the Commissioner-General of Immigration shall make all needful designations to secure the execution of this act.

All officers appointed or designated to enforce the provisions of this act are empowered to administer oaths touching the right of any Chinese to enter, pass through, or remain in the United States.

Mr. COOMBS. Mr. Chairman I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 22, page 26, after the word "regulations," the following: "providing additional requirements concerning the contents of the several characters of certificates mentioned in this act, and shall otherwise make and enforce all rules and regulations."

Mr. PERKINS. I ask that the Clerk report that amendment again.

The CHAIRMAN. Without objection, the amendment will be again reported, and the committee will be in order.

The amendment was again read.

Mr. PERKINS. We have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 43. That when the appropriate officer at the port of arrival of any Chinese shall pass upon the application of such person for the right of entry or reentry into or of transit through the United States his decision shall be final: *Provided*, That said Chinese, and also any officer of the Treasury Department, may appeal from said decision to the Secretary of the Treasury. Such appeal must be filed with the officer making the decision appealed from within five days after the making of such decision.

Where the applicant for entry or transit shall base his claim solely on alleged citizenship of the United States he shall forthwith be taken before a United States judge in the district wherein he shall have applied for entry or transit, or before the United States commissioner designated by a United States attorney, and a hearing shall be had as on a writ of habeas corpus; and pending a final decision on his application he shall be detained in the custody of the United States marshal of said district as in deportation cases.

Mr. KAHN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out, in section 43, in line 9, page 27, the words "the right of."

Also, in line 25, page 27, after the word "cases," insert the following: "And if the decision be adverse to such claimant, he shall be returned as provided in section 27."

The CHAIRMAN. Without objection, the amendments proposed by the gentleman from California will be considered as agreed to.

There was no objection.

The CHAIRMAN. At this point the Chair desires to call the attention of the committee to the fact that the amendment offered by the gentleman from California [Mr. COOMBS] to line 12, page 10, inadvertently contained the word "after" instead of the word "before" in the designation of the place where the amendment was intended to be made. Without objection, the error will be corrected.

There was no objection.

The Clerk read as follows:

SEC. 48. That the term "Chinese" as used in this act includes all persons who are Chinese either by birth or descent.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "descent," at the end of line 12, page 29, insert the following words:

"And as well those of mixed blood as those of the full blood, as well males as females; and wherever herein personal pronouns are used the masculine includes the feminine."

Mr. PERKINS. I hope that amendment will not prevail. This section was reported out in the shape which it now is by a committee of which my friend from Missouri [Mr. CLARK] was a member, and he found no fault with it then. The addition of the final words is pure surplusage, and the opinion of the committee was, as my friend from Missouri will remember, that the best wording was the general wording, to exclude all those who are Chinese either by birth or by descent, well-known legal terms; whereas the terms used by the gentleman from Missouri, in my judgment, will lead only to confusion. I trust the Committee of the Whole will be of the same opinion as were the committee that revised this section.

Mr. CLARK. Mr. Chairman, I will confess very frankly that at one time I thought the language used by the majority of the committee was sufficient; but when you take into consideration the fact that if you leave out this phrase about the mixed blood every Chinese who wants to get into the United States will claim that he has another strain of blood in him, and you will never be able to find out the truth. I am in favor of fixing it so there can be no doubt about it, and that is what this amendment will do exactly.

The question being taken on the amendment, the Chairman announced that the yeas appeared to have it.

On a division (demanded by Mr. CLARK) there were—ayes 74, noes 70.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 50. That nothing in the provisions of this act shall be construed so as to prevent the admission of Chinese into the United States for the purpose of participating in any fair or exposition authorized by act of Congress, subject to such regulations as may be prescribed by the Secretary of the Treasury.

Mr. MONDELL. Mr. Chairman, at the beginning of this session of Congress I introduced a bill for the extension of the Chinese-exclusion laws. I congratulate the committee on the result of its labors in molding from the various bills presented for its consideration the measure now presented for the consideration of the House.

It has ever been the pride of the Republic that the immigrant seeking here a home and an asylum has found our outer gates swinging inward and a hospitable welcome on his arrival. All that we have or should require of him is that he shall be honest, physically capable of caring for himself, morally and mentally healthy, sincerely desirous of becoming, in spirit as well as in fact, one of us; that he should be intelligent enough to understand and appreciate and be heartily in sympathy with our ideas of government and willing to assume the responsibilities of American citizenship.

It is true that many have come to our shores in the past who have not fully measured up to this standard of fitness, but the major portion of the millions of immigrants who have come to us from Europe have measurably fulfilled these requirements and in the course of time have become of our most valuable citizens—honest, industrious, intelligent, Americans in spirit as well as in name, who have assisted nobly in the upbuilding and development of this great nation.

But, Mr. Chairman, there are races the members of which seem to be utterly lacking in those elements which are essential to citizenship in a country like ours, whose traits and characteristics, fixed by long centuries of isolation and nonintercourse with the outer world, have developed a race of men who, whatever their virtues may be, are certainly lacking in many of those which characterize all of the races which have progressed along the lines of civil and religious liberty and free government.

This is peculiarly and especially true of the Chinese, whose continued and more complete exclusion from our shores we expect to provide for by the measure now before the House. The Chinaman in America is forever and always an alien. For the most part he does not attempt to be or to appear to be anything else, and when he does the veneer of Americanism is so thin as to disclose the Tartar at the slightest touch. It is safe to say that no Chinaman ever landed on our shores who fulfilled the conditions I have suggested as requisite in a useful immigrant. None ever landed, in my opinion, nor would there be likely to any land if allowed so to do, with any other purpose than to accumulate a competency with which to return to his native country to pass the evening of his day. Now, this may be praiseworthy in him from a Chinese standpoint, but from an American standpoint it stamps him as a class highly undesirable.

Not only does the Chinaman land on our shores without the slightest thought or expectation of adopting our views or of conforming to our methods, but he comes with habits fixed and inflexible, with racial characteristics and racial vices which render him unfit for American citizenship even if he desired it. His extreme frugality and untiring industry, his self-denial of many

of those things which we consider necessities, while in the abstract they might not be considered in the nature of serious faults, render him such a dangerous rival of our citizens in the lines of industry which he undertakes as to disturb our entire industrial system where he is present in any considerable numbers, with an inevitable tendency toward breaking down and lowering American standards of living and our ideals of the duties, responsibilities, and possibilities of life outside, beyond, and above the mere drudgery of existence.

So it seems to me, whatever view you take of the Chinese as an immigrant, his presence must be considered undesirable and a menace to our institutions. He does not wish or desire to come here to become an American, to adopt our ideas, to learn of our institutions, and to assist in upholding and developing them, therefore he should be denied admittance; and if by chance he should so desire he should still be excluded, for his racial instincts, tendencies, and disposition are such that he must of necessity be forever a disturbing element in our social and industrial economy.

I congratulate the committee upon the result of its labors, for I believe they have drafted a bill which will more effectually exclude the Chinese than the present law, and this is a consummation greatly to be desired.

Not only should American labor be protected from a general inroad of these people, but no additions whatever should be allowed to their numbers. No American workingman should be compelled to seek employment in competition with them, for he can not successfully compete with them without adopting their methods of life, and God forbid that any American should be brought to the low standards of living of the Chinese cooly.

I am heartily in favor of those provisions of the bill which provide for the exclusion of Chinese coolies from the Philippines and Hawaii. Hawaii already has a most serious problem in her large Asiatic population, and it should not be added to by a single individual by immigration.

In the Philippines the people of those islands should be left to work out their own salvation under our guidance without the competition of hordes of Chinese. It is true that their presence there in large numbers might assist in the rapid development of some classes of projects, but we might better run the risk of less rapid development than invite the danger of further complication by large Chinese immigration.

I am thankful, Mr. Chairman, that our portals are to be still more safely guarded against the coming of the yellow peril. I have no fear that continued exclusion will affect in any way our trade with China; but if it should, it were infinitely better that we never sold China a dollar's worth of merchandise or produce than that we should degrade our people by compelling them to compete with coolie labor or endanger our institutions by an influx of hordes of the heathen Chinese. [Applause.]

Mr. BOREING. Mr. Chairman, in the very few words that I have to speak on the pending measure I can not say that I either desire or expect to change the views or the vote of any member of the House, because I believe for once we are all practically agreed as to the enactment of a very unusual law. The United States has always been and is to-day the habitation of a free people and the home of reform, whose Government desires to establish trade relations with all countries, and whose missionaries seek to convert the heathen in all lands. We must therefore have the best of reasons for excluding any class of people from the advantages afforded by American institutions.

Hence, Mr. Chairman, it may become necessary for the members of this Congress to give to their constituency and to the country their reasons for passing such a bill as is proposed by either the majority or the minority report of the committee. As for myself, I shall support the majority report with such amendments as the Committee of the Whole House may recommend. In so doing I do not, in my opinion, commit an unfriendly act toward the Government of China, because I draw the line, not upon nationality, but upon character.

I do not believe that this country has ever been as strict in the enactment and enforcement of emigration laws as it ought to have been. If I had my way about it we would require of every foreign-born person who seeks either residence or citizenship among us a certificate of character from the country from which he emigrates, disclosing his antecedents. This would not only tend to protect society, but would tend to prevent the assassination of our Presidents.

In my estimation this legislation is in the defense of our homes and our people. I mean the homes of our farmers, mechanics, and wage earners, as well as the homes of our business and professional people. In the American home, the school, and the church are taught and developed virtue, intelligence, courage, and patriotism. These are the elements that make up American character, all of which are totally wanting in that class of Chinese who are excluded by this bill. This evil is intensified by the fact that this undesirable class of people are brought here under contracts both

mercenary and vicious, to compete with our laboring class of people, in whose homes are taught the virtue and courage that make up American manhood and womanhood.

I will never consent, Mr. Chairman, to any legislation in this country that lowers the standard of labor or the laborer. It is the testimony and the experience of the representatives and people of California and other localities that have been made the dumping ground of these harlots and criminals that they as well as the merchant class of Chinamen are not attracted by the forms of our Government, have no sympathy with our institutions, no intelligent appreciation of the American womanhood; that they bring with them to this country a deep-seated moral leprosy (worse than the physical leprosy that they leave behind) which tarnishes American society, undermines American civilization, and is detrimental to the morality and progress of our people. For these and other reasons I favor the proposed legislation and in so doing I am quite sure I reflect the sentiments of my constituents, because we only fix a standard for immigrants that we require of our own people, and cast no reflection upon the better class of the Chinese population and offer no offense to the Chinese Government.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Montana, Mr. CLARK of Wyoming, and Mr. KEARNS as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendment, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 7018. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10117. An act granting a pension to Sarah H. H. Lowe; and

H. R. 184. An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.

#### CHINESE EXCLUSION.

The committee resumed its session.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After the word "Treasury," line 23, page 29, add "which shall provide effectually for the deportation of such Chinese as soon as their participation in such fair or exposition is completed."

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not wish to take the time of the committee in discussing this amendment. I desire only to say that it is to prevent scandals occurring again as have been found when Chinese came to participate in Chinese villages and were sold after the exhibition had closed. There does not seem to be any objection to the measure, as it will only strengthen the section.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. CLARK. I move to strike out the last word. The situation about this bill is this: The majority reported the bill; the Democratic minority reported a substitute, making the provisions more drastic. Every single solitary amendment that has been offered or adopted here to-day was contained in that Democratic substitute. Having got into the bill by way of amendment what we started to get into it, we shall not press the substitute, because we have already accomplished our object of making the bill stronger and more effective. [Applause on the Democratic side.]

Mr. HITT. Mr. Chairman, in further support of the gentleman's motion to strike out the last word, and that I may have the last word, I will add to what he says that I had not heard before that there was such a question—

The CHAIRMAN. The gentleman from Illinois of course means in opposition?

Mr. HITT. I will change the statement. I will oppose his motion to strike out the last word, my purpose being to secure the last word for myself. [Laughter.]

In the preparation of this bill the patient, long-continued, and



sincere labors of all the members of the committee were earnestly given, including those of the gifted and patriotic gentleman from Missouri, not then in the state of mind into which he found himself let down by political needs, nor willing "to party give up what was meant for mankind." We all worked together, and we wrought out a bill with much consultation and conciliatory yielding, without a single dissenting vote, without a single vote against its conclusions.

Afterwards the gentleman who had agreed to this bill, and helped make it, brought into the House and presented here the Senate committee's revision of the Kahn bill, the same original bill on which we had worked, but changed in the committee room of the Senate. We had an impression that the House committee was expected by this House to do some work and report it. We did not suppose a bill was to be reported to this House by the Senate committee. From the first hour we began work on the bill we have considered it with the aid of the members of the House from the Pacific coast, who were invited in, they having no members on our committee.

These gentlemen, and those representing the various interests of labor and industry in all forms, appeared before the committee in the three weeks of hearings given. The result was that we were in a very tolerant frame of mind and endeavored to consult and learn from all who were interested. I heard nothing about Republicans and nothing about Democrats. For myself I must say that I have witnessed the work of your Committee on Foreign Affairs for twenty years, and known it when the country was alternately under the administration of Democrats and Republicans, but this is the first time in considering foreign affairs that I have heard of a Democratic minority of that committee [applause] or have heard it from the committee upon the floor of this House.

Mr. Blount, long our chairman, was a staunch Democrat, a hard pan Democrat, always zealous for his party on party questions, and we honored him for it; but if a stranger had been in these galleries when matters from the Committee on Foreign Affairs were being discussed by Blount in the House, strenuous as he was, no one could have told whether that noble American was a Democrat or a Republican. [Loud applause].

The gentlemen who compose this committee have endeavored in this bill, and will always endeavor, to frame legislation in that same spirit; and I feel sure that hereafter my amiable friend from Missouri will cordially help us.

Mr. MERCER. Does the gentleman know of any objection to this legislation?

Mr. HITT. There is really no objection among the members of the House to this legislation. It has not been possible to find pairs for gentlemen who had to be absent from the expected vote, because all were for the bill.

I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOOPY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031 and instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments?

A separate vote not being demanded, the amendments were submitted to the House in gross, and agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the bill had passed.

Mr. KLEBERG. I call for a division.

Mr. HITT. I make the point of order that the call came too late, that the result had been announced. I move to reconsider the vote by which the bill was passed, and move that that motion be laid on the table.

The SPEAKER. The result was announced, and no gentleman rose in his seat to demand a division.

The motion of Mr. HITT to lay on the table the motion to reconsider the vote by which the bill was passed was then agreed to.

REPRINT.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 12765) relating to reciprocity with Cuba, and also the report and the views of the minority.

The SPEAKER. The gentleman from New York asks unanimous consent for a reprint of the bill H. R. 12765, together with the report and the views of the minority. Is there objection? [After a pause.] The Chair hears none.

#### INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in all the Senate amendments to the Indian appropriation bill and ask for a conference thereon by the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the table the Indian appropriation bill, nonconcur in the amendments of the Senate, and to ask for a conference thereon. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

#### CHARTERS OF NATIONAL BANKS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 176) to provide for the extension of the charters of national banks.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association extended under said act which shall desire to continue its existence after the expiration of its charter.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, I object.

Mr. FOWLER. Mr. Speaker, I move to suspend the rules and pass the bill. It is simply for the extension of the bank charters.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. FOWLER. I ask unanimous consent that the second be considered as ordered.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if he was instructed by the committee to make the motion?

Mr. FOWLER. Yes; I was.

Mr. RICHARDSON of Tennessee. And the Chair holds that this is in order to-day, I understand?

The SPEAKER. This is an individual suspension. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object, Mr. Speaker.

The SPEAKER. The Chair will appoint the gentleman from New Jersey [Mr. FOWLER] and the gentleman from Tennessee [Mr. RICHARDSON] as tellers.

The House divided; and the tellers reported 90 ayes and 47 noes; so a second was ordered.

The SPEAKER. The gentleman from New Jersey has twenty minutes and the gentleman from Tennessee twenty minutes.

Mr. FOWLER. Mr. Speaker, only one object is covered by this bill and that is to extend the charters of national banks. There are, according to the report of the Comptroller of the Currency, a list of 280 banks, with an aggregate capital of \$66,853,300, whose corporate existence will reach their termination for the second time during the years 1902-1903.

The date of the first expiration is July 14, 1902. It is evident that it is a matter of the highest importance that the charters of these banks be extended, because the rights and privileges that have grown up under these present charters are of great value. Another reason is that if they liquidate great expense will be incurred and great loss must be necessarily borne by the stockholders of these corporations. I do not know that I care to say anything further now upon the bill. I will reserve the balance of my time until the gentlemen on the other side consume theirs.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, the only purpose of this bill is to allow national banks now existing and whose charters will expire during this and the early part of next year to extend their charters. Under the law they might liquidate and reincorporate. In order to prevent the necessity of the liquidation of so many banks, and forcing the collection of the paper and disturbing the business conditions, this bill simply allows them to extend their corporate existence for twenty years instead of liquidating and reincorporating.

I see no difficulty in the matter. I voted for the bill in the committee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not care to occupy any time, but I will yield to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Speaker, I only wish to state that as a Democrat who subscribes to the platform of the Democratic party, which embodies also my individual convictions, I can not follow those members of the minority who have signed this report. I do not believe individually, nor does the party with which I stand, approve of national banks as banks of issue.

If we are to extend with each recurring Congress banks of issue for twenty years to come, I am at loss to understand how the

time will ever come when we shall restore to the Government of the United States the power to control the circulation, issue currency, and coin the money of the country, a function that I believe should vest exclusively in the National Government and never be surrendered to private corporations. It is no answer to this objection to say that banks can reorganize and recharter under existing laws. Let the Republican party, which is responsible for national banks of issue, take the responsibility for all legislation looking to their continuance and the enlargement of their privileges. Personally I do not think Democrats should vote for any proposition in line with Republican policies.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 85, noes 40.

Mr. BALL of Texas and Mr. KLEBERG. The yeas and nays, Mr. Speaker.

Mr. PIERCE. No quorum, Mr. Speaker.

The SPEAKER. The demand for the yeas and nays has not been withdrawn and that is the matter before the House. Twenty-three gentlemen rising, not a sufficient number, and the yeas and nays are refused.

Mr. PIERCE. No quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and sixty-one members present, not a quorum.

Mr. BALL. Mr. Speaker, I move that the House do now adjourn.

The question was taken on a division demanded by Mr. SMITH of Kentucky and Mr. BALL of Texas.

The SPEAKER. On this question the ayes are 53 and the noes 103. There not being a quorum present, the Chair orders the doors closed and the yeas and nays will be called, so that members can vote as their names are called or be marked present. The question is on suspending the rules and passing the bill. Those in favor will vote "aye" and those opposed will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 116, nays 48, answered "present" 18, not voting 174; as follows:

## YEAS—116.

Adams,	Evans,	Knapp,	Perkins,
Allen, Me.	Fleming,	Kyle,	Prince,
Aplin,	Lordney,	Lacey,	Pugsley,
Bingham,	Foss,	Lessler,	Ray, N. Y.
Bishop,	Foster, Vt.	Lewis, Pa.	Reeves,
Bowersock,	Fowler,	Littlefield,	Russell,
Burke, S. Dak.	Gaines, W. Va.	Long,	Scott,
Burkett,	Gardner, Mich.	Loud,	Sherman,
Burton,	Gardner, N. J.	McCleary,	Sibley,
Butler, Pa.	Gibson,	McClellan,	Smith, Ill.
Calderhead,	Gillet, N. Y.	McDermott,	Smith, Iowa.
Cannon,	Gillett, Mass.	Martin,	Smith, S. W.
Conner,	Graff,	Mercer,	Smith, Wm. Alden
Coombs,	Graham,	Meyer, La.	Southwick,
Cooper, Wis.	Green, Pa.	Minor,	Sperry,
Corliss,	Greene, Mass.	Mondell,	Stevens, Minn.
Cousins,	Grow,	Moody, Mass.	Stewart, N. Y.
Cromer,	Hall,	Moody, Oreg.	Storm,
Currier,	Hamilton,	Morris,	Sutherland,
Curtis,	Haugen,	Needham,	Tawney,
Cushman,	Hedge,	Nevin,	Taylor, Ohio
Dahle,	Hemenway,	Olmsted,	Thomas, Iowa
Dalzell,	Hepburn,	Otjen,	Tompkins, N. Y.
Darragh,	Hill,	Padgett,	Tongue,
Dayton,	Hitt,	Palmer,	Vreeland,
Douglas,	Hughes,	Parker,	Warner,
Dovener,	Jones, Wash.	Patterson, Pa.	Weeks,
Emerson,	Kahn,	Payne,	Woods,
Esch,	Ketcham,	Pearre,	The Speaker.

## NAYS—48.

Ball, Tex.	Griffith,	Lloyd,	Robinson, Nebr.
Bowie,	Hooker,	McLain,	Selby,
Breazeale,	Howard,	Maddox,	Sims,
Burgess,	Jackson, Kans.	Mickey,	Smith, Ky.
Burleson,	Johnson,	Miers, Ind.	Stark,
Burnett,	Jones, Va.	Moon,	Tate,
Candler,	Kehoe,	Pou,	Underwood,
Clayton,	Kleberg,	Randell, Tex.	Vandiver,
De Armond,	Lassiter,	Rhea, Va.	Wiley,
Flood,	Latimer,	Richardson, Ala.	Williams, Ill.
Fox,	Lindsay,	Richardson, Tenn.	Williams, Miss.
Glenn,	Little,	Robinson, Ind.	Zenor.

## ANSWERED "PRESENT"—18.

Boring,	Irwin,	Overstreet,	Smith, H. C.
Clark,	Lever,	Pierce,	Wanger,
Crowley,	Mahon,	Salmon,	Watson.
Finley,	Mann,	Shafroth,	
Griggs,	Metcalf,	Small,	

## NOT VOTING—174.

Acheson,	Bates,	Brick,	Butler, Mo.
Adamson,	Beidler,	Bristow,	Caldwell,
Alexander,	Bell,	Bromwell,	Capron,
Allen, Ky.	Bellamy,	Broussard,	Cassel,
Babcock,	Belmont,	Brown,	Cassingham,
Ball, Del.	Benton,	Brownlow,	Cochran,
Bankhead,	Blackburn,	Brundidge,	Connell,
Barney,	Blakeney,	Bull,	Conry,
Bartholdt,	Boutell,	Burk, Pa.	Cooney,
Bartlett,	Brantley,	Burleigh,	Cooper, Tex.

Cowherd,	Henry, Miss.	Maynard,	Showalter,
Creamer,	Henry, Tex.	Miller,	Skiles,
Crumpacker,	Hildebrandt,	Moody, N. C.	Slayden,
Cummings,	Holliday,	Morgan,	Snodgrass,
Davey, La.	Hopkins,	Morrell,	Snook,
Davidson,	Howell,	Moss,	Southard,
Davis, Fla.	Hull,	Mudd,	Sparkman,
De Graffenreid	Jack,	Mutchler,	Spight,
Deemer,	Jackson, Md.	Naphen,	Steele,
Dick,	Jenkins,	Neville,	Stephens, Tex.
Dinsmore,	Jett,	Newlands,	Stewart, N. J.
Dougherty,	Joy,	Norton,	Sulloway,
Draper,	Kern,	Otey,	Sulzer,
Driscoll,	Kitchin, Claude	Patterson, Tenn.	Swanson,
Eddy,	Kitchin, Wm. W.	Powers, Me.	Talbert,
Edwards,	Kluttz,	Powers, Mass.	Taylor, Ala.
Elliot,	Knox,	Ransdell, La.	Thayer,
Feely,	Lamb,	Reeder,	Thomas, N. C.
Fitzgerald,	Landis,	Reid,	Thompson,
Fletcher,	Lanham,	Rixey,	Tirrell,
Foerderer,	Lawrence,	Robb,	Tompkins, Ohio
Poster, Ill.	Lester,	Roberts,	Trimble,
Gaines, Tenn.	Lewis, Ga.	Robertson, La.	Van Voorhis,
Gilbert,	Littauer,	Rucker,	Wachter,
Gill,	Livingston,	Rumple,	Wadsworth,
Goldfogle,	Loudenslager,	Ruppert,	Warnock,
Gooch,	Lovering,	Ryan,	Wheeler,
Gordon,	McAndrews,	Scarborough,	White,
Grosvenor,	McCall,	Schirm,	Wilson,
Hanbury,	McCulloch,	Shackelford,	Wooten,
Haskins,	McLachlan,	Shallenberger,	Wright,
Hay,	McRae,	Shattuc,	Young.
Heatwole,	Mahoney,	Shelden,	
Henry, Conn.	Marshall,	Sheppard,	

During the roll call the following proceedings took place:

Mr. RICHARDSON of Tennessee. I rise to a parliamentary inquiry. I wish to ask whether the Chair ordered the call of the roll on the motion to adjourn or upon the motion to suspend the rules and pass the bill?

The SPEAKER. Upon the motion to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. What became of the demand of the gentleman from Texas [Mr. BALL] for the yeas and nays on his motion to adjourn?

The SPEAKER. There was no such demand made.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Texas to call the yeas and nays on his motion to adjourn.

The SPEAKER. He did not. The Clerk will proceed with the call of the roll.

The Clerk resumed the call.

Mr. BALL of Texas (interrupting the roll call). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The roll call can not be interrupted; the gentleman is out of order.

Mr. BALL of Texas. On a question of personal privilege am I not in order?

The SPEAKER. Not while the roll is being called. The Clerk will proceed.

The call of the roll was resumed and concluded.

The SPEAKER (at the close of the roll call) directed that his name be called, and voted "aye."

Mr. OLMSTED. I desire to present an excuse for the absence of my colleague, Mr. CONNELL. He has been called home by illness in his family. If present, he would vote "aye."

Mr. OVERSTREET. I have a general pair with the gentleman from Missouri, Mr. COWHERD. I desire, therefore, to withdraw my vote, which was cast in the affirmative, and to answer "present."

Mr. LEVER. Mr. Speaker, I have voted "no" on this question, but as I am paired with the gentleman from Ohio, Mr. HILDEBRANT, I desire to withdraw my vote and be marked "present."

Mr. CROWLEY. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. BULL. Having voted "no," I desire now to withdraw my vote and be marked "present."

Mr. METCALF. Mr. Speaker, having voted in the affirmative, I desire now to withdraw my vote, as I have a general pair with the gentleman from Kentucky, Mr. WHEELER. I ask to be recorded "present."

Mr. WATSON. Mr. Speaker, I have voted "aye;" but as I am paired with the gentleman from Georgia, Mr. LIVINGSTON, I ask to withdraw my vote and to be recorded "present."

Mr. PIERCE. Mr. Speaker, I have learned that my colleague, Mr. BROWNLOW, with whom I have a general pair, is out of the city. I therefore desire to withdraw my vote and be recorded "present." If my colleague were here, I should vote "no."

The SPEAKER. The last statement of the gentleman is not in order.

Mr. CLARK. I have just ascertained that the gentleman from Indiana, Mr. LANDIS, with whom I am paired, did not vote on this question. I therefore desire to withdraw my vote, which was cast in the negative, and be marked "present."

The Clerk announced the following pairs:



Until further notice:

Mr. STEELE with Mr. COOPER of Texas.  
Mr. GROSVENOR with Mr. SNOOK.  
Mr. BARNEY with Mr. MCRAE.  
Mr. SHATTUC with Mr. RUCKER.  
Mr. IRWIN with Mr. GOOCH.  
Mr. BOUTELL with Mr. GRIGGS.  
Mr. LANDIS with Mr. CLARK.  
Mr. STEWART of New Jersey with Mr. SALMON.  
Mr. SHOWALTER with Mr. SLAYDEN.  
Mr. EDDY with Mr. SHEPPARD.  
Mr. HULL with Mr. WILLIAM W. KITCHIN.  
Mr. MCCALL with Mr. STEPHENS of Texas.  
Mr. POWERS of Maine with Mr. CONRY.  
Mr. SCHIRM with Mr. CLAUDE KITCHIN.  
Mr. SHELDEN with Mr. SPIGHT.  
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.  
Mr. JENKINS with Mr. LANHAM.  
Mr. CAPRON with Mr. JETT.  
Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.  
Mr. OVERSTREET with Mr. COWHERD.  
Mr. BROWNLOW with Mr. PIERCE.  
Mr. VAN VOORHIS with Mr. GORDON.  
Mr. SKILES with Mr. TALBERT.  
Mr. RUMPLE with Mr. THOMPSON.  
Mr. DEEMER with Mr. MUTCHLER.  
Mr. WANGER with Mr. ADAMSON.  
For the day:

Mr. WADSWORTH with Mr. MCANDREWS.  
Mr. HOWELL with Mr. SHACKLEFORD.  
Mr. ACHESON with Mr. DOUGHERTY.  
Mr. BEIDLER with Mr. SHALLENBERGER.  
Mr. BABCOCK with Mr. RUPPERT.  
Mr. BLACKBURN with Mr. KLUTTZ.  
Mr. MCLACHLAN with Mr. GOLDFOGLE.  
Mr. HILDEBRANDT with Mr. LEVER.  
Mr. ALEXANDER with Mr. SHAFROTH.  
Mr. FOERDERER with Mr. SULZER.  
Mr. HEATWOLE with Mr. BRANTLEY.  
Mr. JACK with Mr. FINLEY.  
Mr. FOWLER with Mr. BARTLETT.  
Mr. BURK of Pennsylvania with Mr. ELLIOTT.  
Mr. MUDD with Mr. HENRY of Texas.  
Mr. BARTHOLDT with Mr. KERN.  
Mr. DICK with Mr. BELMONT.  
Mr. SULLOWAY with Mr. SNODGRASS.  
Mr. WRIGHT with Mr. LESTER.  
Mr. WATSON with Mr. LIVINGSTON.  
Mr. LAWRENCE with Mr. BELL.  
Mr. FLETCHER with Mr. BANKHEAD.  
Mr. BATES with Mr. BELLAMY.  
Mr. BALL of Delaware with Mr. ALLEN of Kentucky.  
Mr. WACHTER with Mr. SMALL.  
Mr. BRICK with Mr. BRUNDIDGE.  
Mr. BLAKENY with Mr. BROUSSARD.  
Mr. BRISTOW with Mr. BUTLER of Missouri.  
Mr. BROWN with Mr. CALDWELL.  
Mr. BURLEIGH with Mr. SPARKMAN.  
Mr. CASSEL with Mr. COCHRAN.  
Mr. CONNELL with Mr. COONEY.  
Mr. CRUMPACKER with Mr. LAMB.  
Mr. DAVIDSON with Mr. DINSMORE.  
Mr. DRAPER with Mr. DAVIS of Florida.  
Mr. DRISCOLL with Mr. FITZGERALD.  
Mr. GILL with Mr. FOSTER of Illinois.  
Mr. HENRY of Connecticut with Mr. GAINES of Tennessee.  
Mr. HANBURY with Mr. HAY.  
Mr. HASKINS with Mr. HENRY of Mississippi.  
Mr. HOLLIDAY with Mr. MCCULLOCH.  
Mr. HOPKINS with Mr. MAHONEY.  
Mr. JACKSON of Maryland with Mr. MAYNARD.  
Mr. KNOX with Mr. NAPHEM.  
Mr. LITTAUER with Mr. NORTON.  
Mr. MARSHALL with Mr. PATTERSON of Tennessee.  
Mr. MILLER with Mr. RANDELL of Louisiana.  
Mr. MOODY of North Carolina with Mr. REID.  
Mr. MORRELL with Mr. RIXEY.  
Mr. MORGAN with Mr. ROBB.  
Mr. POWERS of Massachusetts with Mr. ROBERTSON of Louisiana.  
Mr. REEDER with Mr. RYAN.  
Mr. ROBERTS with Mr. SWANSON.  
Mr. TIRRELL with Mr. THAYER.  
Mr. SOUTHARD with Mr. WILSON.  
Mr. MOSS with Mr. NEWLANDS.  
Mr. WARNOCK with Mr. FEELY.  
Mr. TOMPKINS of Ohio with Mr. THOMAS of North Carolina.

For the session:

Mr. COOMBS with Mr. DAVEY of Louisiana.  
Mr. BULL with Mr. CROWLEY.  
Mr. MAHON with Mr. OTEY.  
Mr. METCALF with Mr. WHEELER of Kentucky.  
Mr. BROMWELL with Mr. CASSINGHAM.  
Mr. BOREING with Mr. TRIMBLE.  
Mr. YOUNG with Mr. BENTON.  
For this vote:  
Mr. GRAHAM with Mr. SCARBOROUGH.  
Until Wednesday:  
Mr. JOY with Mr. CUMMINGS.  
Until the 18th:  
Mr. LOVERING with Mr. LEWIS of Georgia.  
The result of the vote was announced as above recorded.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7990. An act granting an increase of pension to Uriah Reams;  
H. R. 10044. An act granting an increase of pension to William Larzalere;  
H. R. 11381. An act granting an increase of pension to Abraham N. Bradfield;  
H. R. 10193. An act granting an increase of pension to John Hollister;  
H. R. 10363. An act to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina;  
H. R. 9821. An act granting a pension to John W. Moore;  
H. R. 1706. An act granting an increase of pension to John E. White;  
H. R. 6466. An act granting a pension to Josephine M. Dustin;  
H. R. 3180. An act granting an increase of pension to Edward S. Dickenson;  
H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry;  
H. R. 5413. An act granting an increase of pension to Alfred H. Van Vliet;  
H. R. 1011. An act granting an increase of pension to John S. Raulett;  
H. R. 3418. An act granting a pension to Dennis Dyer;  
H. R. 6029. An act granting an increase of pension to Mary E. Kelly;  
H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River, etc.;  
H. R. 11375. An act granting a pension to Charles F. Merrill;  
H. R. 10289. An act granting a pension to Eliza Stewart;  
H. R. 9301. An act granting an increase of pension to Barbara McDonald;  
H. R. 3084. An act for the relief of bona fide settlers in forest reserves;  
H. R. 2120. An act granting an increase of pension to Horatio N. Warren; and  
H. R. 2124. An act granting an increase of pension to Dewit C. McCoy.

#### ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FOERDERER, for four days, on account of important business.

Then, on motion of Mr. PAYNE (at 5 o'clock and 48 minutes), the House adjourned until 12 o'clock to-morrow.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of the American National Red Cross, transmitting the annual report for the year ended December 31, 1901—to the Committee on Foreign Affairs, and ordered to be printed, except accompanying pamphlet.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ella Adamson, administratrix of estate of Frederick Read, against the United States—to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURKE of South Dakota, from the Committee on Mines and Mining, to which was referred the bill of the Senate (S. 156) to provide for the payment of unexpended moneys deposited to cover costs of platting and office work in connection with mining claims, reported the same without amendment, accompanied by a report (No. 1467); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the Senate (S. 8057) appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, reported the same with amendments, accompanied by a report (No. 1468); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11173), reported in lieu thereof a substitute (H. R. 13405), authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, accompanied by a report (No. 1469); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13328) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported the same without amendment, accompanied by a report (No. 1473); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8840) granting an increase of pension to J. H. Lauchley, reported the same with amendments, accompanied by a report (No. 1426); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 962) granting a pension to Rodney W. Anderson, reported the same with amendment, accompanied by a report (No. 1427); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8145) granting an increase of pension to Harvey B. Linton, reported the same with amendment, accompanied by a report (No. 1428); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6063) granting an increase of pension to John Brill, reported the same with amendments, accompanied by a report (No. 1429); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9950) granting an increase of pension to Moses Whitcomb, reported the same with amendment, accompanied by a report (No. 1430); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7041) granting an increase of pension to Thomas J. Pleasant, reported the same with amendment, accompanied by a report (No. 1431); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2817) granting a pension to John Beeson, reported the same with amendments, accompanied by a report (No. 1432); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11051) granting an increase of pension to Henry E. Williams, reported the same with amendments, accompanied by a report (No. 1433); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7367) granting a pension to Ellen D. Campbell, reported the same with amendment, accom-

panied by a report (No. 1434); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13146) granting an increase of pension to Charles H. Helmcamp, reported the same with amendment, accompanied by a report (No. 1435); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2486) granting an increase of pension to William Matthews, reported the same with amendment, accompanied by a report (No. 1436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1528) granting an increase of pension to Charles Dalrymple, reported the same without amendment, accompanied by a report (No. 1437); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12148) granting an increase of pension to Frederick O. Clark, reported the same with amendment, accompanied by a report (No. 1438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9544) granting an increase of pension to George W. Barry, reported the same with amendments, accompanied by a report (No. 1439); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2660) granting an increase of pension to Henry Runnebaum, reported the same with amendment, accompanied by a report (No. 1440); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10795) granting an increase of pension to William A. Campbell, reported the same without amendment, accompanied by a report (No. 1441); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13037) granting an increase of pension to Frank W. Anderton, reported the same with amendments, accompanied by a report (No. 1442); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11783) granting an increase of pension to Charles M. Montgomery, reported the same with amendments, accompanied by a report (No. 1443); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9819) granting an increase of pension to Robert A. Pinn, reported the same with amendment, accompanied by a report (No. 1444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10899) granting an increase of pension to William Warner, Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 1445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12995) granting an increase of pension to John Lilley, reported the same with amendments, accompanied by a report (No. 1446); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4451) granting an increase of pension to George K. Thompson, reported the same with amendments, accompanied by a report (No. 1447); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3524) granting an increase of pension to Frederick A. Slocum, reported the same with amendments, accompanied by a report (No. 1448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7110) granting an increase of pension to Mrs. B. F. Power, reported the same with amendments, accompanied by a report (No. 1449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12977) granting an increase of pension to William L. Church, reported the same with amendment, accompanied by a report (No. 1450); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6897) granting an increase of pension to William G. Buchanan, reported



the same with amendments, accompanied by a report (No. 1451); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1238) granting a pension to Margaret A. Stuart, reported the same with amendments, accompanied by a report (No. 1452); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12683) granting a pension to Sarah L. Bates, reported the same with amendment, accompanied by a report (No. 1453); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3262) granting an increase of pension to David T. Bruck, reported the same with amendment, accompanied by a report (No. 1454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11170) granting an increase of pension to William Kunselman, reported the same without amendment, accompanied by a report (No. 1455); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12770) granting a pension to Carrie M. Schofield, reported the same with amendments, accompanied by a report (No. 1456); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3323) to pension Daniel L. Mallicoat, reported the same with amendments, accompanied by a report (No. 1457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 721) granting an increase of pension to Lavalette D. Dickey, reported the same without amendment, accompanied by a report (No. 1458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12239) granting an increase of pension to Agnes Clark, reported the same with amendments, accompanied by a report (No. 1459); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1745) granting an increase of pension to Marvin Chandler, reported the same with amendment, accompanied by a report (No. 1460); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7507) granting an increase of pension to James M. Ashley, reported the same with amendments, accompanied by a report (No. 1461); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12446) granting a pension to Mary Shearer, reported the same with amendments, accompanied by a report (No. 1462); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2849) to increase the pension of Charles S. Ely, reported the same with amendments, accompanied by a report (No. 1463); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3592) for the relief of Henry Lane, reported the same without amendment, accompanied by a report (No. 1464); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 3385) for the relief of George C. Ellison, reported the same without amendment, accompanied by a report (No. 1465); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 8133) to grant authority and jurisdiction to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1466); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 363) for the relief of the University of Kansas, reported the same without amendment, accompanied by a report (No. 1470); which said bill and report were referred to the Private Calendar.

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 7792) for the relief of John L. Young, reported the same with amendment, accompanied by a

report (No. 1471); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 11007) for the relief of Capt. Herman C. Schumm, reported the same without amendment, accompanied by a report (No. 1472); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 10775) for the relief of Charles E. Sapp, reported the same without amendment, accompanied by a report (No. 1478); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2441) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others, reported the same with amendments, accompanied by a report (No. 1479); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2909) for the relief of Rev. George W. C. Smith, and the same was referred to the Committee on Military Affairs.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, as a substitute for H. R. 11173—to the House Calendar.

By Mr. MORRIS: A bill (H. R. 13432) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

By Mr. BULL: A bill (H. R. 13433) providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 13434) to provide for an increase in the Pay Corps of the Navy—to the Committee on Naval Affairs.

By Mr. BATES: A bill (H. R. 13438) to promote the efficiency of the clerical service in the Navy of the United States, to organize a clerical corps of the Navy of the United States, to define its duties, and regulate its pay—to the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 13444) relating to the retirement of officers of the Army who served previous to April 9, 1865—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits—to the Committee on the District of Columbia.

By Mr. THAYER: Resolution (H. Res. 203) that the Attorney-General be requested to inform the House of Representatives what steps have been taken toward investigating the beef trust—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial from the legislature of Colorado, against retirement of greenbacks—to the Committee on Banking and Currency.

By Mr. BELL: Memorial of the Colorado legislature concerning the Philippine Islands—to the Committee on Insular Affairs.

Also, memorial of the Colorado legislature against retirement of greenbacks—to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 13406) granting an increase of pension Edmon H. Short—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13407) to remove the charge of desertion from the military record of Silas Nicholson—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 13408) granting a pension to Andrew Switzer—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13409) to remove the

charge of desertion from the military record of Thomas D. Franklin—to the Committee on Military Affairs.

Also, a bill (H. R. 13410) granting an increase of pension to Philip Hawn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting an increase of pension to Clarence D. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13412) granting an increase of pension to Jacob L. Etnire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) granting an increase of pension to William H. Clark—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13414) granting a pension to Mrs. E. M. Campdoras—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13415) granting an increase of pension to Jacob F. Denneler—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 13416) granting an increase of pension to Mrs. Isabella H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13417) granting an increase of pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13418) granting an increase of pension to Lilian T. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13419) granting a pension to Florence R. Russell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13420) to pay Velvia Tucker arrears of pension due her father, William N. Tucker—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 13421) for the relief of William S. Hoskins—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 13422) for the relief of Henry Newman—to the Committee on Claims.

By Mr. KEHOE: A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 13424) granting an increase of pension to Edward F. Hassett—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13425) granting an increase of pension to William B. Padgett—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 13426) for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Company, and D. L. Boyd—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 13427) granting an increase of pension to Daniel Foley—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13428) for relief of James W. Hardin and to remove charge of desertion—to the Committee on Military Affairs.

By Mr. REID (by request): A bill (H. R. 13429) to remove charge of desertion against James H. Tilley—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 13430) granting an increase of pension to Jacob H. Hege—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13431) granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13435) granting an increase of pension to Ira Waldo—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13436) granting an increase of pension to Charles A. Adams—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13437) granting an increase of pension to Samuel W. Overman—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13439) granting an increase of pension to William Blanchard—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 13440) granting an increase of pension to John W. Roberts—to the Committee on Invalid Pensions.

By Mr. GILLETT of New York: A bill (H. R. 13441) granting an increase of pension to W. W. Winegar—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 13442) granting a pension to John Eskew—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13443) granting a pension to Sarah G. Williams—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Holbrook Lodge No. 378, Brotherhood of Locomotive Firemen, of McKees Rocks, Pa.,

favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. APLIN: Resolutions of Michigan State Grange, Patrons of Husbandry, against the passage of the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Brotherhood of Railroad Trainmen No. 562, Alpena, Mich., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. BABCOCK: Petition of citizens of Hillsboro, Wis., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of the mayor and council of the city of Valdosta, Ga., favoring House bill 12205, to establish a United States circuit and district court at Valdosta—to the Committee on the Judiciary.

By Mr. BELL: Resolutions of the Labor Union of Cripple Creek, Colo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of citizens of Alcester, S. Dak., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURLESON: Resolutions of Retail Clerks' Union No. 458, of Taylor, Tex., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. CURRIER: Petition of the Woman's Christian Temperance Union of Colebrook, N. H., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Petition of Polish Society of Michigan City, Ind., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, petition of Cigar Makers' Union No. 335, of Hammond, Ind., against a reciprocity treaty with Cuba—to the Committee on Ways and Means.

By Mr. CURTIS: Resolution of Department of Kansas, Grand Army of the Republic, favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, protest of business men of Corning and Leona, Kans., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Division No. 28, Order of Railway Conductors, Atchison, Kans., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Retail Clerks' Union of Horton, Kans., and division No. 28, Order of Railway Conductors, of Atchison, Kans., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. DAYTON: Papers to accompany House bill 13417, granting a pension to Zebulon M. Burns—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the National Association of State Dairy and Food departments, for uniform legislation for the conduct of said departments—to the Committee on Agriculture.

By Mr. EDWARDS: Petition of Bricklayers and Masons' Union No. 1, of Butte, Mont., and of Miners' Union No. 45, of Bridger, Mont., favoring a restriction of the immigration of cheap labor from Europe to the United States—to the Committee on Immigration and Naturalization.

Also, resolution of Yellowstone Division, No. 191, Order of Railway Conductors, Glendive, Mont., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Typographical Union No. 255, Anaconda, and Yellowstone Division, No. 191, Order of Railway Conductors, Glendive, Mont., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Martin R. Delaney Circle, No. 122, Ladies of Grand Army of the Republic, of Allegheny, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

Also, petition of the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of said departments—to the Committee on Agriculture.

By Mr. GREEN of Pennsylvania: Resolutions of Bricklayers' Union No. 15, of Allentown, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Protest of Pomona Grange No. 22, Patrons of Husbandry, of Jefferson County, Ind., against the passage of the ship subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolution of United Mine Workers



No. 255, of Dugger, Ind., favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of Brotherhood of Railroad Trainmen No. 297, Toledo, Ohio, and Order of Railway Conductors No. 270, of Youngstown, Ohio, and Trade and Labor Council of Chillicothe, Ohio, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HEPBURN: Resolutions of C. E. Boynton Lodge, No. 13, Brotherhood of Railroad Trainmen, of Eagle Grove, Wright County, Iowa, in support of the bill known as "the Foraker-Corliss safety-appliance bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Petition of R. B. Hayes Post, No. 120, Grand Army of the Republic, Department of Illinois, for investigation of administration of Bureau of Pensions—to the Committee on Rules.

By Mr. KERN: Petition of sundry citizens of Carlyle, Ill., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Central Trades Labor Assembly of Sparta; Federal Labor Union No. 8533, of Marissa, Ill., and Arnold Lodge, No. 44, Locomotive Firemen, East St. Louis, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of citizens of Ottumwa, Iowa, for the appointment of a commission to investigate equal suffrage—to the Committee on Rules.

By Mr. LINDSAY: Resolution of Levi P. Morton Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Federation of Labor, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MAHON: Resolution of Colonel P. D. Housum Post, No. 309, Grand Army of the Republic, Chambersburg, Pa., in relation to the extension of the post-exchange system—to the Committee on Military Affairs.

Also, resolution of Broad Top Division, No. 158, order of Railway Conductors, Huntingdon, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McRAE: Petition of Adams Division, No. 59, Order of Railway Conductors, of Texarkana, Ark., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOODY of Massachusetts: Resolutions of Cigar Makers' Union No. 324, Riggers, Tarers, and Scrapers' Union No. 9599, of Gloucester, Mass., and Local Union No. 247, of Salem, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MOODY of North Carolina: Petition of citizens of the State of North Carolina in relation to the claim of Harvey M. Dickson, William T. Mason, The Dickson-Mason Lumber Company, and David L. Boyd against the United States for damages on account of a certain injunction suit brought against said parties by the United States—to the Committee on Claims.

By Mr. MOODY of Oregon: Petition of citizens of Malheur County, Oreg., relative to the leasing of public lands—to the Committee on the Public Lands.

Also, resolution of Miners' Union No. 42, of Bourne, Oreg., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. MOON: Papers to accompany House bill 1269, in behalf of William D. Humbard—to the Committee on Appropriations.

Also, affidavits of R. H. Howard, H. F. Rogers, H. D. Huffaker, T. E. Abernathy, M. D., S. T. Fowler, Henry R. Jordan, and H. J. Springfield, to accompany House bill 8049, for the relief of H. J. Springfield—to the Committee on Invalid Pensions.

By Mr. MORRELL: Memorial by the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of the said departments—to the Committee on Agriculture.

Also, resolutions of Shirt Waist and Laundry Workers' Union of Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBB: Resolutions of Federal Labor Union No. 9402, of Fredericktown, Mo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolutions of Branches Nos. 16, 61, 208, and 344, and St. Valentine Branch, Societies of the Polish National Alliance, all of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SCHIRM: Resolutions of Patapsco Lodge, No. 432; Baltimore, Md., Brotherhood of Locomotive Firemen, favoring the

passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SHALLENBERGER: Petition of J. C. Den and other citizens of Arapahoe, Nebr., in favor of House bills 170 and 179—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to Samuel L. Brass—to the Committee on Invalid Pensions.

By Mr. STEELE: Resolutions of Martha Washington Circle, No. 21, Ladies of Grand Army of the Republic, Marion, Ind., favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

Also, resolutions of Union No. 227, Painters and Decorators, of Hartford City, Ind., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Alabama: Resolutions of Gulf City Lodge, No. 437, Railroad Trainmen, of Mobile, Ala., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Petitions of citizens of Baltimore, Md., in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, paper to accompany House bill granting a pension to Morris B. Slawson—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolution of Graham Post, No. 106, Grand Army of the Republic, Pottstown, Pa., favoring the passage of House bill 3087—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting an increase of pension to David W. Reed—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Resolutions of Watkins Post, No. 68, and Captain James Ham Circle, No. 76, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, April 8, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

### AMERICAN NATIONAL RED CROSS SOCIETY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the secretary of the American National Red Cross Society, transmitting, pursuant to law, the annual report of that society for the year ended December 31, 1901. The Chair suggests that the communication and accompanying papers be referred to the Committee on Foreign Relations, and that only the typewritten part of the report be printed. Without objection, it will be so ordered.

### COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT pro tempore appointed Mr. McCOMAS a director, on the part of the Senate, of the Columbia Hospital for Women and Lying-in Asylum, under the provisions of the act of June 10, 1872.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 176) to provide for the extension of the charters of national banks.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service;

A bill (H. R. 1011) granting an increase of pension to John S. Raulett;  
 A bill (H. R. 1706) granting an increase of pension to John E. White;  
 A bill (H. R. 2120) granting an increase of pension to Horatio N. Warren;  
 A bill (H. R. 2124) granting an increase of pension to Dewitt C. McCoy;  
 A bill (H. R. 3084) for the relief of bona fide settlers in forest reserves;  
 A bill (H. R. 3180) granting an increase of pension to Edward S. Dickenson;  
 A bill (H. R. 3418) granting a pension to Dennis Dyer;  
 A bill (H. R. 5413) granting an increase of pension to Alfred H. Van Vliet;  
 A bill (H. R. 6029) granting an increase of pension to Mary E. Kelly;  
 A bill (H. R. 6466) granting a pension to Josephine M. Dustin;  
 A bill (H. R. 6713) granting an increase of pension to Freeman R. E. Chanaberry;  
 A bill (H. R. 7990) granting an increase of pension to Uriah Reams;  
 A bill (H. R. 9301) granting an increase of pension to Barbara McDonald;  
 A bill (H. R. 9821) granting a pension to John W. Moore;  
 A bill (H. R. 10044) granting an increase of pension to William Larzalere;  
 A bill (H. R. 10193) granting an increase of pension to John Hollister;  
 A bill (H. R. 10289) granting a pension to Eliza Stewart;  
 A bill (H. R. 10363) to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina;  
 A bill (H. R. 11375) granting a pension to Charles F. Merrill;  
 A bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield; and  
 A bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River, etc.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair presents a remonstrance from business men of San Francisco and the Pacific coast against the passage of the Chinese-exclusion bill in its present form, etc.

Mr. KEAN. I ask that it may be read.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the telegram may be read. Is there objection? The Chair hears none, and it will be read.

The memorial was read, and ordered to lie on the table, as follows:

[Telegram.]

SAN FRANCISCO, CAL., April 8, 1902.

Hon. W. P. FRYE,  
 President of Senate, Washington, D. C.

The exclusion of legitimate Chinese merchants that will result from the passing of the exclusion act now being debated in the Senate is an act of gross injustice to the mercantile and merchant interests of the Pacific coast, and of San Francisco in particular, and we hereby respectfully protest against such injustice and request that the bill be so amended as to freely and legitimately admit merchant class of Chinese. Any special committee insisting upon the exclusion of Chinese merchants does not voice the sentiment or desires of those interested in the mercantile welfare of San Francisco and in the development of the commerce of this port.

Claus Spreckels, Thomas Brown, J. W. Helman, W. H. Crocker, Chas. Webb Howard, A. H. Payson, P. N. Lienthal, J. A. Donohue, Ant. Borel, H. T. Scott, J. D. Grant, Jno. Parrott, G. W. Kline, Levi Strauss, Chas. Holbrook, Warren D. Clark, Percy T. Morgan, Leon Sloss, C. E. Green, C. Deguigne, John F. Merrill, W. C. Ralston, E. W. Hopkins, John L. Howard, A. F. Morrison, W. B. Bowen, H. C. Breedon, Geo. Abbott, S. C. Buckbee, Geo. A. Newhall, Geo. W. McNear, William Babcock, Bernard Faymouville, Geo. A. Pope, Alfred S. Tubbs, F. W. Zeile.

Mr. QUAY presented a memorial of the United Labor League of Western Pennsylvania, remonstrating against the enactment of legislation to license electricians and to regulate electrical wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Wholesale Lumber Dealers' Association, of Pittsburg, Pa., praying for the enactment of legislation providing for the abolition of the foreign landing charge imposed by steamship companies upon lumber and other export products; which was referred to the Committee on Commerce.

He also presented petitions of G. Tucker Post, No. 52, Department of Pennsylvania, Grand Army of the Republic, of Lewisburg; of A. G. Reed Post, No. 105, Department of Pennsylvania, Grand Army of the Republic, of Butler, and of Cavalry Post, No. 35, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of the widows

of soldiers to \$12 per month; which were referred to the Committee on Pensions.

He also presented a petition of American Flint Glass Workers' Union No. 36, American Federation of Labor, of Monaca, Pa., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Peoria, of the Cigar Makers' Local Union of Galesburg, of the Plow Workers' Local Union of Springfield, of the Lathers' Local Union of Springfield, and of sundry citizens of Chicago and Galesburg, all in the State of Illinois, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Amalgamated Societies of Engineers Nos. 594 and 595, of Chicago; of Branch No. 2, Amalgamated Society of Engineers, of Chicago; of Painters' Local Union No. 66, of Quincy; of Brushmakers' Local Union No. 6980, of Chicago; of Metropolis Federal Labor Union No. 9280, of Metropolis; of Federal Labor Union No. 8997, American Federation of Labor, of Salem, and of Lodge No. 499, Brotherhood of Locomotive Firemen, of Chicago, all in the State of Illinois, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PATTERSON. I present a petition signed by 319 American citizens of Honolulu on the subject of Asiatic exclusion. It is short, and I should like to have it read and printed as a document.

There being no objection, the petition was read, as follows:

To the Senate and House of Representatives  
 of the United States of America, greeting:

We, the undersigned citizens of the United States, do hereby represent—  
 First. That the present and future prosperity of this nation depends in a great measure on the maintenance of the present high standard of living of its inhabitants.

Second. That this standard can not be maintained if the sphere of the American mechanic is invaded by the hordes of Asia, whose mode of life enables them to live comfortably on a sum which to an American would be a mere pittance.

Third. That at present fully 75 per cent of all the labor of the Hawaiian Islands, both skilled and unskilled, is being performed entirely by Orientals.

Fourth. That practically all the labor, both skilled and unskilled, which has been performed on buildings and grounds in this Territory for the Federal Government has been and is still being performed entirely by Japanese and Chinese, to the entire exclusion of competent American mechanics, who, by reason of these conditions, are at present forced into almost complete idleness.

Fifth. That the population of the Hawaiian Territory is 150,000, of whom the Chinese and Japanese number nearly 87,000, the Americans about 5,000, and the natives 37,000.

Sixth. That by rigidly excluding all Orientals from this Territory and from the United States conditions would soon become such that American citizens would be enabled to earn a living for themselves and families, which they are now practically unable to do on account of the deplorable and entirely un-American conditions now existing here.

Seventh. That, for the reasons above set forth, your petitioners earnestly ask that suitable legislation be framed the results of which would be—

First. The complete exclusion of both Japanese and Chinese or their descendants from American territory.

Second. The requirement that all labor of every description whatsoever which is performed for the Federal Government shall be done by, and only by, citizens of the United States.

And your petitioners will ever pray.

The PRESIDENT pro tempore. The Senator from Colorado asks that the petition be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. I think it ought to be referred to the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER. I suggest that it be referred to the Committee on Pacific Islands and Porto Rico.

The PRESIDENT pro tempore. It will be so referred.

Mr. HOAR presented a petition of sundry citizens of Byfield, Mass., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented petitions of Riggers, Tarers, and Scrapers' Local Union No. 9599, of Gloucester; of Textile Workers' Local Union No. 188, of Northampton; of Painters, Decorators, and Paperhangers' Local Union No. 247, of Salem; of Switchers' Local Union No. 44, of Brockton, and of Painters' Local Union No. 419, of Spencer, all in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a memorial of the West Newton Woman's Alliance and sundry other citizens of West Newton, Mass., remonstrating against the official regulation of vice in the Philippines and other island possessions of the United States; which was referred to the Committee on the Philippines.

Mr. DEPEW presented a petition of the Central Labor Union of Auburn, N. Y., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Maple City Division, No. 25, Order of Railway Conductors, of Ogdensburg, N. Y., praying for



the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of Shirt Waist and Laundry Workers' Local Union No. 103, American Federation of Labor, of St. Louis, Mo., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Lodge No. 54, Brotherhood of Locomotive Firemen, of Moberly, Mo., and a petition of Federal Labor Union No. 9402, American Federation of Labor, of Fredericktown, Mo., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Humansville, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Camden, Mo., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 233, American Federation of Labor, of Sedalia, Mo., remonstrating against any reduction being made in the import duty on cigars; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of Federal Labor Union No. 9812, American Federation of Labor, of Maine, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented the memorial of B. Lantry Sons, of Los Angeles, Cal., remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented the petition of James Selden Cowdon, of Washington, D. C., praying that an appropriation be made to regild the statue of Freedom on the Dome of the Capitol; which was referred to the Committee on Public Buildings and Grounds.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5695) granting an increase of pension to John M. Seydel;

A bill (H. R. 2981) granting an increase of pension to Thomas Findley;

A bill (H. R. 8782) granting an increase of pension to Myron C. Burnside; and

A bill (H. R. 2600) granting an increase of pension to Richmond L. Booker.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1486) granting an increase of pension to Charles A. Perkins;

A bill (H. R. 5258) granting an increase of pension to William Eastin; and

A bill (H. R. 11578) granting an increase of pension to John Gaston.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 5102) granting an increase of pension to Margaret Baker, formerly Maggie Ralston, reported it with an amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 6081) granting an increase of pension to Frances T. Anderson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6080) granting an increase of pension to Mariah J. Anderson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2113) granting an increase of pension to Mary J. Clark, reported it with amendments, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 4973) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 4148) to grant certain lands to the city of Colorado Springs, Colo., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4938) granting a pension to Rhoda Burn-

ham, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9986) granting an increase of pension to James Moore;

A bill (H. R. 9999) granting an increase of pension to George W. Guinn;

A bill (H. R. 11782) granting an increase of pension to Allen Hockenbury; and

A bill (H. R. 2994) granting an increase of pension to Eliza J. Noble.

Mr. MASON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, reported it with amendments.

#### PUBLICATIONS OF THE GEOLOGICAL SURVEY.

Mr. PLATT of New York. Yesterday I reported from the Committee on Printing a joint resolution (S. R. 74) relating to publications of the Geological Survey, and it was read, but went over on the objection of the Senator from Colorado [Mr. TELLER]. I ask for its consideration now, the objection having been withdrawn.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. It was read to the Senate yesterday in full.

The joint resolution was reported to the Senate without amendment.

Mr. COCKRELL. Let it be again read.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### PRINTING OF PENSION MATTERS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate*, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates 10,000 copies of extract relating to pension matters from report of the Secretary of the Interior for 1901, to be incorporated with copies of report of the Commissioner of Pensions for 1901, the printing of which has already been authorized, and to deliver the same to the Department of the Interior.

#### STATUTES RELATING TO PATENTS, ETC.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PRITCHARD on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That 600 copies of the report of the commissioners to revise the statutes relating to patents, trade-marks, etc., as revised, with index, be printed for the use of the said commissioners.

#### MASONIC FAIR AND EXPOSITION.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to report a joint resolution, and, as it is a matter of some urgency, I ask that it have present consideration.

The joint resolution (S. R. 76) to authorize the Commissioners of the District of Columbia to issue certain temporary permits was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That the Commissioners of the District of Columbia are hereby authorized to permit electric-light wires to be laid in existing conduits, and house connections between such conduits and Convention Hall, for the purpose of supplying additional light for the Masonic Fair and Exposition of 1902: *Provided*, That all such wires shall be removed on or before May 15, 1902.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. JONES of Arkansas introduced a bill (S. 5048) granting a pension to Thomas P. Allmond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 5049) for the relief of Sylvester S. Van Sickle; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 5050) to remove the charge of desertion from the military record of Nathan Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5051) to remove the charge of desertion from the military record of David Tyler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5052) granting an increase of pension to Gilbert Barkalow (with accompanying papers);

A bill (S. 5053) granting a pension to Deborah Edwards (with an accompanying paper);

A bill (S. 5054) granting an increase of pension to C. Judson Craighead (with an accompanying paper);

A bill (S. 5055) granting an increase of pension to Mary E. Phillips (with an accompanying paper);

A bill (S. 5056) granting an increase of pension to Henry Justus (with accompanying papers);

A bill (S. 5057) granting a pension to Joseph Jackson; and

A bill (S. 5058) granting a pension to Mary J. Shannon.

Mr. PROCTOR introduced a bill (S. 5059) granting a pension to May D. Liscum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5060) granting an increase of pension to Charles B. Williams; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MCENERY introduced a bill (S. 5061) granting an increase of pension to Alexander Gall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 5062) to authorize the county commissioners of Crow Wing County, in the State of Minnesota, to construct a bridge across the Mississippi River at a point between Pine River and Dean Brook, subject to the approval of the Secretary of War; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5063) to authorize the appointment of a court crier for the United States circuit and district courts for the district of Minnesota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5064) granting an increase of pension to Willis F. Matthew;

A bill (S. 5065) granting a pension to Jemima McClure;

A bill (S. 5066) granting a pension to Julia A. F. Bassett;

A bill (S. 5067) granting a pension to William F. Bungler;

A bill (S. 5068) granting an increase of pension to Ferdinand May; and

A bill (S. 5069) granting a pension to William H. Ellingwood.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 5070) to correct the military record of James A. Hanger;

A bill (S. 5071) to correct the military record of Joseph H. Johnson;

A bill (S. 5072) to correct the military record of Isaac Thompson; and

A bill (S. 5073) to correct the military record of Jacob Rinehart.

Mr. MONEY introduced a bill (S. 5074) for the relief of the heirs of Thomas Duty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. QUAY submitted an amendment proposing to appropriate \$5,000 for grading around and about the Federal building at New Brighton, Pa., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate \$90,000 for constructing, equipping, and outfitting, complete for service, a steam light vessel with a steam fog signal for use on the Cape Lookout Shoals, North Carolina, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate \$15,000 for the establishment of a light-ship to mark the shoal known as Peshtigo Reef, in Green Bay, Wisconsin, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HALE submitted an amendment relative to sureties on bonds for the performance of contracts for works of river and harbor improvement, intended to be proposed by him to the river and harbor appropriation bill; which, with the accompanying memorandum from the engineer officers, was referred to the Committee on Commerce, and ordered to be printed.

Mr. PLATT of Connecticut submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed:

An amendment proposing to increase the appropriation for the expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, from \$24,000 to \$29,800;

An amendment proposing to increase the appropriation for continuing the preservation, exhibition, and increase of the collections in the National Museum from the surveying and exploring expeditions of the Government from \$180,000 to \$200,000;

An amendment proposing to appropriate \$5,000 for the preparation of preliminary plans for an additional fireproof building to cost not exceeding \$2,500,000 for the United States National Museum;

An amendment proposing to increase the appropriation for the National Zoological Park at Washington, D. C., from \$80,000 to \$110,000, and providing that \$20,000 of this amount shall be expended in the construction of a boundary fence, including entrance gates;

An amendment proposing to appropriate \$20,000 for the construction of an elephant house at the National Zoological Park, Washington, D. C.; and

An amendment proposing to appropriate \$25,000 for the construction of an aquarium building at the National Zoological Park, Washington, D. C.

#### AGREEMENT WITH CREEK INDIANS.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of Senate bill 2960, the Chinese-exclusion bill.

Mr. SIMON. I ask the Senator from Pennsylvania to yield to me for a moment.

Mr. PENROSE. I will yield to the Senator from Oregon after the bill is taken up.

Mr. HOAR. I hope we may have a little while with the Calendar. We make very good progress with the Calendar in these morning hours, and the Chinese-exclusion bill is sure of its right of way.

Mr. PENROSE. There are several Senators prepared to speak on the bill. It was delayed nearly all day yesterday, and the committee is extremely anxious to proceed with its consideration. After the bill is before the Senate it is my intention to yield to several Senators who I understand have bills which they desire to call up.

Mr. HOAR. I should like to have the amendment to the rules adopted which was reported from the Committee on Rules. I do not believe there will be any discussion of it. I think it will meet everyone's approval. I should like to have an opportunity to bring it before the Senate, if the Senator will allow me.

Mr. PENROSE. If the Senator from Massachusetts will permit me to get the bill before the Senate I will then yield.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of Senate bill 2960, the Chinese-exclusion bill.

The motion was agreed to.

#### PROMOTION OF COMMERCE—PERSONAL EXPLANATION.

Mr. SIMON. Mr. President, on the 17th day of March the Senate voted upon the bill known as the ship-subsidy bill, upon a previous agreement that a vote thereon should be taken on that day. At that time I was not in Washington; I was at my home in Oregon. I had intended taking the usual steps and ask that a pair be arranged, as I was not in favor of the passage of that bill. My attitude on the subject, I think, was pretty generally known. I was anticipated, however, in this matter—that is, arranging for a pair, by the receipt of the following telegram, which I will ask the Secretary to read.

The Secretary read as follows:

WASHINGTON, D. C., March 11, 1902.

Hon. JOSEPH SIMON, Portland, Oreg.:

How shall we pair you on shipping bill? Vote to be taken Monday.

M. A. HANNA.

H. C. HANSBROUGH.



Mr. SIMON. To this telegram I made the following reply:  
The Secretary read as follows:

PORTLAND, OREG., March 12, 1902.

HON. M. A. HANNA and HON. H. C. HANSBROUGH,  
United States Senate, Washington, D. C.:

Do not approve the scheme involved in subsidy bill, and if present when vote taken would be compelled to vote against.

JOSEPH SIMON.

Mr. SIMON. The RECORD does not disclose that any pair was arranged for me. I do not criticise or find fault with either of the Senators for not having arranged a pair. Perhaps I was to some extent at fault in not having specifically requested that a pair be arranged, but I supposed from the fact that the question was asked me, "How shall we pair you?" that it would be done.

All I desire is simply to have the RECORD show that if present I would have voted against the bill; and I shall be quite content when this shall have been accomplished. I do not criticise either of the Senators or any action taken or not taken by either of the Senators mentioned in the telegram.

Mr. HANSBROUGH. Mr. President, I desire to make just a remark or two in regard to the statement made by the Senator from Oregon.

When the shipping bill was up for a vote an attempt was made to pair all absent Senators, and, having charge of the pairs on this side of the Chamber, I endeavored to secure a pair for the absent Senator from Oregon. The Senator has not a general pair, and I found it impossible to do so.

I thought this statement ought to be made in connection with what has been said.

Mr. SIMON. The explanation of the Senator from North Dakota is perfectly satisfactory to me. I was not aware of this effort to secure a pair before.

PUBLIC BUILDING AT BILOXI, MISS.

Mr. MONEY. I ask the Senator in charge of the Chinese-exclusion bill to give me an opportunity to call up for present consideration the bill (S. 1934) to provide for the purchase of a site and the erection of a public building thereon at Biloxi, in the State of Mississippi. It will take about a minute to pass it.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MONEY. In line 12, on page 1, before the word "thousand," I move to strike out "seventy-five" and insert "one hundred and fifty." This amendment is accepted by the committee. The bill was reported as I originally presented it, but the Secretary of the Treasury writes that \$170,000 is necessary for the building. We have deducted \$20,000, and the committee accepts the amendment as I have presented it. It was intended, I believe, to so report the bill.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. In line 12, page 1, before the word "thousand," strike out "seventy-five" and insert "one hundred and fifty;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Biloxi and State of Mississippi, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. HOAR. I ask the Senator from Pennsylvania, according to his suggestion, to yield to me that I may ask the Senate to lay aside informally the present order and to take up Senate resolution 179.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of a resolution, which will be read to the Senate.

The Secretary read the resolution reported by Mr. HOAR from the Committee on Rules March 27, 1902, as follows:

Resolved, That Rule XIX be amended by inserting at the beginning of clause 2 thereof the following:

"No Senator in debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator."

"No Senator in debate shall refer offensively to any State of the Union."

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

# CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. CULLOM. Mr. President, I desire to address the Senate in relation to the bill under consideration, and, in doing so, I shall give a brief history of the action of this Government in its treaty relations with China, and also in the enactment of laws by Congress in pursuance of those treaties.

At the conclusion of the war between China and Great Britain, in 1842, Great Britain forced China to give her many important commercial concessions by treaty. The United States being anxious also to obtain closer relations with China, sent a commission to that country, headed by Caleb Cushing, and on July 3, 1844, a treaty was signed between the United States and China, giving to the United States similar concessions to those which she had given England.

This was a general treaty of peace, amity, and commerce. Its purpose, as stated therein, was to declare a firm, lasting, and sincere friendship between the two nations. It gave to the United States the right to frequent five important ports in China, and provided for the protection of American citizens in China; and further provided specific rates of duty at which articles coming from the United States should be admitted into China.

Owing to the treatment of British subjects in China, in 1856 Great Britain and China were again at open warfare, Great Britain being determined to wrest further commercial concessions from China, religious freedom to all foreigners, the suppression of piracy, and many other important concessions. The United States declined to take part in the hostilities against China, but sent an agent to China to look after the interests of this country.

On the 18th of June, 1858, the agent of the United States signed a treaty, on behalf of the United States, which was intended to be a substitute for the treaty of 1844 and reiterated many of the articles of that treaty. This treaty again declared for a firm and universal peace between the two nations and conceded to the United States the right to have a representative in China who should have free access to members of the privy council and the right to visit the capital once a year. It provided for the protection of our citizens residing in China, both in their person, property, and religious faith, and that Chinese converts should be likewise protected; and it gave to the United States the benefit of the most-favored-nation treatment in every respect—commercial, navigation, political, or otherwise.

This treaty is still in force, excepting in so far as it has been modified by subsequent treaties and laws.

On November 8, 1858, two supplemental treaties were signed, one pertaining to claims and the other providing specifically the rates of duty to be imposed on articles imported into China by the United States and containing certain rules pertaining to the importation of articles into China from the United States.

Neither the treaty of 1844 nor the substitute treaty of 1858, with its two supplements, referred to the immigration of Chinese subjects into the United States, although there were quite a number of Chinamen here in 1858, as they commenced to come in considerable numbers shortly after the discovery of gold in California in 1848 and 1849.

But 1868 marked the beginning of a new epoch in our relations with China. In that year a delegation of Chinese officials, headed by Anson Burlingame, a prominent American diplomat, who had resigned his post as minister of the United States to China to accept a mission from China to visit the United States and other countries, came to this country. This delegation was received with great enthusiasm in all parts of the country; and, as I now remember it, they were received on the floor of the House of Representatives here in Washington, of which body I then had the honor of being a member. We were anxious at that time to cultivate a close friendship with China, and we were perfectly willing that the Chinese should immigrate to and settle in the United States.

Shortly after the arrival of the Burlingame commission, on July 4, 1868, a new treaty was signed, in the form of additional articles to the convention of 1858. The Senate ratified the new treaty or additional articles, and after much hesitation and urging on the part of the United States, under the administration of President Grant, China finally signified her adhesion to them and the treaty was proclaimed February 5, 1870.

While in the former convention between the United States and China their provisions had almost entirely related to citizens of the United States in China and their treatment therein, the treaty of 1868 contained a number of important concessions to Chinese subjects residing in the United States.

This treaty gave to China the right to appoint consuls at ports of the United States, and provided for reciprocal religious freedom of Chinese subjects residing in the United States and our citizens residing in China.

Article V and VI, however, are the important articles, and I will quote them:

**ARTICLE V.** The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

**ARTICLE VI.** Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And reciprocally Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

There seems to be nothing else reserved in that treaty except that the citizens or the subjects of either country shall not be naturalized in the other.

The treaty further provided that citizens of the United States in China and Chinese subjects residing in the United States should enjoy all the privileges of the public institutions of each country, respectively, and should have the right to establish schools, respectively, in the United States and China.

By this treaty we invited immigration from China and guaranteed those immigrants the same protection as we guaranteed the people of other nations coming to the United States. No distinction was made between Chinese laborers and other classes of Chinese. We invited them to come, and they accepted our invitation and came in large numbers and settled principally on our Pacific coast. That they assisted greatly in the development of the West and in the construction of railroads can not be doubted. While they built railroads and to a limited extent worked in the mines, they were principally engaged in menial work which it was difficult to procure others to perform. In 1860 there were 34,933 Chinese in the United States, and in 1880 there were 105,465.

We soon discovered, however, that we had made a mistake in the free admission of Chinese into the United States. The Chinese are a wonderful people in many respects. They have great powers of endurance, great industry, great patience, and they can work and live on so much less wages than white men that they become formidable competitors in all lines of work. They continued to come into the Pacific States in such large numbers that our people became alarmed, and the people and officials of the Pacific coast appealed to Congress to save them from what was termed "the yellow invasion." In 1879 Congress passed an act "to restrict the immigration of Chinese to the United States." The means adopted to secure this object was the limitation of the number of Chinese passengers which might be brought to this country by any one vessel to 15. The bill was passed by both Houses and was transmitted to the President for approval. President Hayes vetoed it, stating in his veto message that the bill as amended by the Senate included provisions which aim at and require the abrogation of Articles V and VI of the treaty with China of 1868. President Hayes's message concludes by saying:

I am convinced that whatever urgency might in any quarter or by any interests be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protection. Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject, in the proper course of diplomatic negotiations, will introduce any new feature of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I can not but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country. I have no occasion to insist upon the more general considerations of interest and duty which sacredly guard the faith of the nation, in whatever form of obligation it may have been given. These sentiments animate the deliberations of Congress and pervade the minds of our whole people. Our history gives little occasion for any reproach in this regard; and in asking the renewed attention of Congress to this bill, I am persuaded that their action will maintain the public duty and public honor.

R. B. HAYES.

Finding, therefore, that no action could be taken prohibiting the immigration of Chinese laborers into the United States unless we violated our treaty of 1868, in the consular and diplomatic appropriation bill of 1880 a provision was inserted appropriating \$34,000 for the salary and expenses of commissioners, interpreters, etc., to China in order to obtain modifications of the treaty of 1868, look-

ing to the prohibition of Chinese laborers. William Henry Trescott, of South Carolina; James B. Angell, of Michigan, and John F. Swift, of California, were named as commissioners plenipotentiary; and on November 17, 1880, they signed an immigration treaty with China modifying the treaty of 1868.

It was with great reluctance that China consented to this modification. The commissioners insisted that the unrestricted immigration of Chinese laborers into the United States was causing great embarrassment and dissatisfaction to our Government and among our people. The commissioners first insisted that the United States should be given the right to "limit, suspend, or prohibit" the immigration of Chinese laborers. The Chinese Government declined to so amend the treaty of 1868, but finally it signified its willingness to agree to a clause giving the United States the discretion "to regulate, limit, or suspend" the immigration of Chinese laborers into the United States, but refused to give us the right to absolutely prohibit such immigration. At the same time, as will be found in Foreign Relations of the United States, 1881-82, the commissioners on behalf of the United States made certain representations, which were reduced to writing at the request of China, virtually saying that the discretionary power given to the United States would not be unreasonably or oppressively exercised.

The Chinese commissioners asked the United States commissioners to give them some idea of the laws which would be passed to carry the powers given to the United States on the subject of Chinese immigration into execution. To this the United States commissioners replied that they could hardly say what laws would be passed; but that both nations would act in good faith, and that the United States might never find it necessary to exercise the discretionary powers given to them under the treaty, adding:

If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulation of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States would be adapted to such circumstances. For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate accordingly. In general, the legislation would be in view of and depend upon the circumstances of the situation at the moment such legislation became necessary.

These explanations were accepted by the Chinese Government, and, as has been stated, the treaty was concluded on November 17, 1880.

That treaty provides, first, that it is the desire of the United States to negotiate a modification of the existing treaties "which shall not be in direct contravention of their spirit." It gives to the United States the right to regulate, limit, or suspend the coming or residence of Chinese laborers into the United States, "but may not absolutely prohibit it." It provides that the limitation or suspension will be reasonable, and that legislation taken in regard to Chinese laborers shall be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration. It provides that Chinese subjects proceeding to the United States as teachers, students, merchants, or from curiosity, and Chinese laborers who were in the United States at the time of the making of the treaty shall be allowed to go and come of their own free will, and shall have the same treatment as citizens and subjects of the most-favored nation.

Those are the important provisions of the treaty of 1880. Less than a year after this treaty was proclaimed Congress passed an act designed to execute the provisions of the treaty. Some of the provisions of this act were in violation of the terms of the treaty, and President Arthur declined to approve it on that account and returned it to the Senate April 4, 1882, with a veto message, in which he said:

A nation is justified in repudiating its treaty obligations only when they are in conflict with great paramount interests. Even then all possible reasonable means for modifying or changing these obligations by mutual agreement should be exhausted before resorting to the supreme right of refusal to comply with them.

The message concludes by saying:

Experience has shown that the trade of the East is the key to national wealth and influence. The opening of China to the commerce of the whole world has benefited no section of it more than the States of our own Pacific slope. The State of California, and its great maritime port especially, have reaped enormous advantages from this source. Blessed with an exceptional climate, enjoying an unrivaled harbor, with the riches of a great agricultural and mining State in its rear, and the wealth of the whole Union pouring into it over its lines of railway, San Francisco has before it an incalculable future if its friendly and amicable relations with Asia remain undisturbed. It needs no argument to show that the policy which we now propose to adopt must have a direct tendency to repel oriental nations and to drive their trade and commerce into more friendly hands. It may be that the great and paramount interest of protecting our labor from Asiatic competition may justify us in a permanent adoption of this policy; but it is wiser in the first place to make a shorter experiment, with a view hereafter of maintaining permanently only such features as time and experience may commend.

Mr. President, I make these quotations simply for the purpose of reiterating the fact that we ought to adhere to our treaty obligations under all ordinary conditions at least. When we can not



prevail upon the other nation to make such treaty as we think we ought to have, then it will be time enough to disregard the treaty and abrogate it by act of Congress, but not before.

Congress then passed the act of May 6, 1882, which omitted the objectionable features of the act which was vetoed.

The act of May 6, 1882, provided that the coming of Chinese laborers into the United States should be suspended for ten years; but provided that this section should not apply to Chinese laborers who were in the United States November 17, 1880, and provides for the identification of such laborers by means of certificates. It also provides that no State court or court of the United States shall admit Chinese to citizenship.

The act of 1882 was soon found to be inadequate. It was found, as it is at present, that it is most difficult to obtain truthful testimony from Chinese laborers seeking to enter or claim a residence in the United States because of the utter disregard or perhaps the inability of Chinese witnesses to understand the obligations of an oath. The act of July 5, 1884, was then passed, which was a stronger act than the one passed immediately after the ratification of the treaty. This act declared that the certificate which the laborer must obtain "shall be the only evidence permissible to establish his right of reentry into the United States."

In reference to this act, and also the act of October 1, 1888, Mr. Justice Field, in 130 United States, Chae Chan Ping, stated:

The act was held by this court not to require the certificate from laborers who were in the United States on the 17th of November, 1880, who had departed out of the United States before May 6, 1882, and remained until after July 5, 1884; therefore the same difficulties and embarrassments continued with respect to the truth of their former residence. Parties were able to pass successfully the required examination as to their residence before November 17, 1880, who, it was generally believed, had never visited our shores. To prevent the possibility to exclude Chinese laborers being evaded, the act of October 1, 1888, was passed.

Prior to the passage of the act of October 1, 1888, however, negotiations were undertaken for a new treaty with China, allowing us to place further restrictions on Chinese immigration. A treaty was signed, transmitted to the Senate, and ratified by the Senate, with amendments. China refused to agree to the treaty as amended, and it was never proclaimed. Anticipating, however, that the treaty would go into effect, on September 13, 1888, an act was passed providing, among other things:

That from and after the date of exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the 12th day of March, 1888, it shall be unlawful for any Chinese person, whether a subject of China or any other power, to enter into the United States, except as hereinafter provided.

The ratification of this treaty never having been exchanged, this portion of the act did not become effective, and it is unnecessary for me to comment upon it.

On October 1, 1888, as I have stated, and before China had declined to accept the treaty as amended, Congress passed an act providing that from and after its passage it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident of the United States, and who shall have departed or depart therefrom, and shall have not returned before the passage of this act, to return to or remain in the United States.

Section 2 provided that no certificates of identity provided for in the fourth and fifth sections of the act of 1882 shall hereafter be issued, and that all such certificates heretofore issued shall be void and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

This act was in direct contravention of the stipulations of the treaty of 1868 and the supplemental treaty of 1880, and was so declared in the case of Chae Chan Ping, supra, by the Supreme Court; but the court held that treaties being of no greater obligation than acts of Congress the one last in date would control, and upheld the validity of the act. Of course, that will be so in this case. If this bill should be enacted and should be determined to be in violation of the treaty of 1894, of course the court would have to hold that the law, being last passed, should control.

The act of May 6, 1882, would have expired by its terms in ten years after its passage; but on May 5, 1892, the act now in force was passed and approved. This act provides that all laws in force prohibiting and regulating the coming of Chinese persons into this country are continued in force for ten years from the passage of the act. This act places the burden of proof on the Chinaman when arrested to prove his right to remain in the United States; or it adjudges him guilty until he proves his innocence, which is a reversal of the ordinary rule of procedure. It provides for the removal of Chinese illegally in the United States; and it also provides for the imprisonment of persons adjudged not lawfully to be entitled to remain here at hard labor, not to exceed one year, and thereafter to be removed. In other words, they are to be put in jail, kept there a year, and then sent home. It provides that no bail shall be allowed pending the disposition of the application of a Chinaman for a writ of habeas corpus.

It provides that all Chinese within the United States at the

passage of the act must apply to the collector of internal revenue for a certificate of residence, and that all Chinese laborers found in the United States within one year after the passage of the act without such certificate shall be deemed to be unlawfully in the United States.

This act also gives to the Secretary of the Treasury the right to make all necessary rules and regulations for its execution.

I may remark here that under this provision the Secretary of the Treasury has made some very stringent rules, as will be seen from the report of the Commissioner of Immigration.

The act of 1892, requiring Chinese laborers, etc., to register one year after its passage, it was contended worked a great hardship on hundreds of Chinese laborers in the United States. They employed eminent counsel, Messrs. Carter and Choate, of New York, who declared that the act of 1892 was unconstitutional, and thousands of Chinese laborers thereupon refused to register, as was provided in the act. The case was taken to the Supreme Court of the United States and the constitutionality of the act of 1892 was sustained by a divided court, Justice Field, Justice Brewer, and Chief Justice Fuller dissenting.

The decision of the court was made ten days after the expiration of the time for registration under the act of 1892; and therefore the amendatory act of November 3, 1893, was passed, by the first section of which the time for registration of Chinese laborers was extended for six months. The purpose of this act of 1893 was only to extend the time, as I have stated, but the House, through the influence of Pacific coast members—perhaps I ought not to say that—took occasion to add a number of additional restrictions on Chinese immigration. Senator Gray and others objected to these additional restrictions and stated that they would have preferred to have simply extended the time for registration, but they voted for the act, because if the act were not passed and the time extended several thousand Chinese persons, who had failed to register under advice of their counsel, would be subject to arrest and imprisonment for failing to register, as required by the act of 1892.

The act of 1893 defines "laborers" and "merchants":

SEC. 2. The word "laborer" or "laborers," whenever used in this act, or in the act which is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

It further provides that the Chinaman seeking to enter the United States on the ground that he was formerly engaged as a merchant in this country must establish by the testimony of two credible witnesses, other than Chinese, that he conducted such business for at least a year.

In 1894 a new treaty was negotiated between the United States and China. As stated by the Chinese minister, "to relieve the Executive from embarrassment," China consented to enter into the treaty of March 17, 1894, proclaimed December 8, 1894.

The treaty absolutely prohibits the coming of Chinese laborers into the United States, except under conditions therein specified, for a period of ten years. It provides that this restriction shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife or a parent in the United States, or property therein to the value of \$1,000. The act further provides that this restriction shall not apply to the rights at present enjoyed of Chinese subjects being officials, teachers, students, merchants, or travelers for curiosity, etc., but not laborers, of coming into the United States and residing therein; and that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States to or from other countries, subject to regulation by the United States. The treaty also guarantees to Chinese, of whatever class, the same protection as is given by the laws of the United States to citizens of the most favored nation, except the right to become naturalized citizens. The convention is to remain in force for ten years, and if six months before the expiration of said ten years neither Government shall have formally given notice of its termination to the other, it shall remain in force for another like period of ten years.

This is our last treaty with China.

By the acts of July 7, 1898, and April 30, 1900, the immigration of Chinese into the Hawaiian Islands is prohibited; and it is also now prohibited, although not by act of Congress, in the Philippine Islands.

Mr. PLATT of Connecticut. By the act of the Philippine Commission.

Mr. CULLOM. Yes; by the act of the Commission, and not by act of Congress. Ex-Secretary Foster has gone over the bill

very thoroughly, and has, I think, clearly shown wherein it violates our treaties with China. Whatever may be ex-Secretary Foster's relations with the Chinese Government—I refer to that because I think some Senator stated that he was an employee of the Chinese Government, and therefore what he said ought not to receive so much consideration in this case—I have great faith in his judgment.

Mr. PLATT of Connecticut. I should think, Mr. President, that what ex-Secretary Foster says ought to be the more considered for the reason stated, if it be true.

Mr. CULLOM. Whatever his relation to the Chinese Government by employment or otherwise, I have great faith in Mr. Foster's judgment, and when he makes a statement I am inclined to think he is right, unless I know to the contrary.

It appears plain to me that the bill under consideration is a violation of our treaty with China. It is not only a violation of the spirit and general effect of that treaty, but in some instances it is a violation of the letter of the treaty.

I shall not attempt to go through this long bill of 53 pages in detail, but will call attention to only a few instances wherein, I contend, it comes in conflict with the treaty of 1894. Nor shall I dwell on the fact that we propose to, and are now, under existing laws, treating the Chinese as we treat the subjects of no other nation in the world, and as no other nation in the world treats the Chinese.

The very first section of the bill is in direct conflict with the treaty of 1894, and when the treaty of 1894 shall expire it will be in direct conflict with the treaties of 1868 and 1880. The first section provides that the coming of Chinese laborers from any foreign country to the United States, etc., shall be absolutely prohibited.

Mr. MITCHELL. Will the Senator from Illinois allow me? I will not interrupt him unless he is perfectly willing.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Will the Senator from Illinois yield to the Senator from Oregon?

Mr. CULLOM. Certainly.

Mr. MITCHELL. Suppose Congress took no action whatever until the treaty of December, 1894, actually expired, would it be a violation on our part of any treaty or of the provision of any treaty, does the Senator think, then to enact a prohibitory law?

Mr. CULLOM. My opinion is—and I confess I assert it with some degree of diffidence—that the treaty having been made simply for a period of years and the treaty of 1880 being indeterminate as to time, the treaty would be in force the moment this one died.

Mr. PLATT of Connecticut. The treaty of 1894 was in modification of the treaty of 1880.

Mr. CULLOM. Yes; the two are connected together, and I think the treaty of 1880 would be in force. If it were, and the bill you propose to pass becomes a law, of course it would abrogate that, as well as the treaty of 1894, in whatever respects it might conflict.

The treaty of 1894 provides in Article I thereof that the coming of Chinese laborers shall be prohibited for a period of ten years (with a possible extension of ten years, if the treaty is not terminated on notice). The bill under consideration contains no limit as to time; and of course it is the purpose of that bill to shut them out permanently, regardless of Article I of the treaty of 1894. It does not appear to me to be a sufficient answer to this to say that it is not necessary to fix any limit of time in this bill, because it will only remain in force so long as Congress wills, and may be repealed at any time. We certainly thought, in the passage of the acts of 1882 and 1892, that it was necessary to fix a definite time limit, and we fixed it at ten years. That seems to have been the idea of Congress then, because Congress limited the acts of Congress to the terms of the treaty, showing that they were trying to keep within the purview of the treaty while they were passing laws.

Mr. MITCHELL. There was no question then about the treaty of 1880 being in force?

Mr. CULLOM. No.

Mr. MITCHELL. And of course Congress aimed to keep within the treaty.

Mr. CULLOM. The point I make now is that they are not keeping within either treaty, as a matter of fact.

Mr. MITCHELL. I understand.

Mr. CULLOM. To determine whether this bill is a violation of our treaty with China we must determine what is the intention of Congress in passing the bill. Is it our intention to have it remain in force only so long as the treaty of 1894 shall remain effective, or is it our intention to have it remain in force permanently, regardless of our treaty? If we only intend it to remain in force until the expiration of our treaty, we had better amend the bill by inserting such a provision. If it is our intention to have it remain in force permanently, as a reading of the first section of the bill would indicate, then we have violated the plain letter of our treaty of 1894.

Article III of the treaty provides that the provisions of this convention shall not affect the right, at present enjoyed, of Chinese subjects—being officials, teachers, students, merchants, or travelers—for curiosity or pleasure, but not laborers—coming to the United States and residing therein.

Those terms—namely, officials, teachers, students, merchants, or travelers—are not defined in the treaty and are intended to be used in their ordinary sense. This bill gives to the words “teachers,” “students,” and “laborers” peculiar and unheard of definitions.

Section 6 of the bill gives a definition to the word “teachers” that was never contemplated by the treaty, so far as I can ascertain. It defines “teachers” to mean only those who for not less than two years next preceding their application for entry into the United States have been continuously engaged in giving instruction in the higher branches of education, and who prove to the satisfaction of the appropriate Treasury officer—a very good examination, I should think that would be—that they are qualified to teach such higher branches and have completed arrangements to teach in a recognized institution of learning in the United States, and intend to pursue no other occupation than teaching while in the United States.

Under this definition, the thousands of persons engaged in teaching our graded schools, below the high schools, would not be teachers, and the number of teachers in the United States would be very small indeed. The treaty never contemplated such a definition of the word “teacher.” Under that section it would be necessary to establish boards of competent college professors at every port where Chinese enter the United States in order to pass on their qualifications. How many of our Treasury officials at the different ports of entry are competent to determine whether a Chinese teacher is qualified to give instruction in the higher branches of education? By Article VII of the treaty of 1868 we guaranteed to Chinese residing in the United States the right to establish and maintain schools within the United States. We are now proposing to pass a bill which will make it impossible for teachers, in the ordinary acceptance of that term, to come into the United States at all.

The present Treasury regulations do not authorize any such definition of “teacher,” but merely provide, among other things, that a Chinese person is not entitled to admission as a teacher unless he can show that he has been actually following that avocation in China, or if, upon examination in various branches of education, it is found that he is not qualified to become a teacher, etc. There is nothing there in reference to higher branches of education.

Section 7 gives to the term “student” a definition not at all contemplated or authorized by the treaty. It defines a student to be only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the country whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

If such a definition is to be given to the word student, the number of students in the United States is comparatively small. Under this bill students, even after graduating from our highest institutions of learning, if they remained in the United States, would be subject to arrest and deportation. The treaty of 1894 never intended such to be the case.

The bill, as originally presented, made it necessary for a Chinese traveler to have arranged beforehand his itinerary in the United States; but I am glad to see that the committee has seen fit to strike out that provision.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. CULLOM. Certainly.

Mr. PATTERSON. The Senator from Illinois has criticised the provisions of the bill that define “students.” Would the Senator give the Senate the benefit of his definition of the term and the regulations that should be made for the purpose of carrying out that provision of the treaty. The Senator can well understand that unless some plan is suggested that under any one of these terms, “teachers,” “students,” “merchants,” or otherwise, if they were permitted to remain in this country for an unlimited length of time, it might entirely undo the ends that are and have been sought to be attained through this legislation and through the treaties. For that reason we ought to have the Senator's idea of the limitations, at least, or the regulations by which the ends sought may in a measure be attained.

Mr. CULLOM. I can readily understand that it is somewhat difficult perhaps to make regulations which will not seem to be a little severe, but there seems to be a studied effort on the part of the committee in charge of this bill to make a measure under



which no Chinese can come into this country, even teachers, or merchants, or students, or anybody else.

Mr. PATTERSON. The object of the bill—

Mr. CULLOM. What I desire is that the bill shall be so framed that the plain intent of the law shall be allowed to have its sway. For instance, an honest man wants to come to this country to teach. The treaty does not confine him to the higher branches of study. Let us receive him, if we are going to let in any teachers at all, on some fair, reasonable basis of regulations and rules and laws, so that an honest man can get in here if we intend to allow them to come at all. If it is not a pretense that they shall get in, let us arrange it so that he can get in if he is an honest man and really wants to come here to teach.

Mr. PATTERSON. I wish to say to the Senator from Illinois, on the authority of a Treasury official, Mr. Dunn, a very intelligent and a very conscientious man, I believe, from what I saw of him, that the provisions in this bill relating to students are simply the regulations now in force, not the regulations as contained in the pamphlet, but the regulations that are now and have been for some little time in force. They found it necessary to adopt those regulations in order to prevent very material abuses of the authority to come in under the class of teachers. So the Treasury official, as members of the committee will justify me in saying, declared.

Mr. FORAKER. May I ask the Senator from Colorado a question there? I should like to inquire of the Senator from Colorado by what authority such regulations were made? I mean regulations restricting the natural meaning of the term "teacher" and the term "student." Those are words which have a well-defined meaning, which is given in all dictionaries, and that meaning is well understood by everybody; and certainly that well understood, common understanding as to the meaning of those words has been restricted by these regulations, and I want to know by what authority.

Mr. PATTERSON. I will state to the Senator from Ohio the reasons given by the Treasury officials, those who have had to do with the enforcement of the Chinese-exclusion law ever since any of the provisions have been in force, namely, that in the first place it was not presumable that Chinese were coming here to teach in our common schools, but if they came to teach they would come to teach in some of the colleges or institutions of higher learning in this country; that if it was anything short of that, so far as the term "teacher" is concerned, there would be such an evasion of the law that the law for the exclusion of laborers would be practically valueless.

When it comes to the matter of students, if you simply include under that term any person who wants to receive an education, you can readily understand that they would all want to receive an education, just as they are all willing to be Christians, if they are permitted to come into the United States.

Mr. CULLOM. If the Senator will allow me, suppose a Chinese boy wants to come here to attend the common schools, can he come in under these definitions?

Mr. PATTERSON. No.

Mr. FORAKER. He could come under the treaty, but he could not come under these definitions.

Mr. PATTERSON. He has the facilities for the usual and ordinary education of Chinese in his own land. Presumably there is no—

Mr. SPOONER. Suppose he wants something better than that?

Mr. PATTERSON. Then let him advance until he reaches the point where he desires to be educated in the higher branches of learning.

Mr. CULLOM. Is that the meaning of the treaty, does the Senator insist?

Mr. PATTERSON. That is the meaning of the treaty, and that is the meaning which has been placed upon it by the Treasury officials.

Mr. MITCHELL. The Solicitor of the Treasury has so held.

Mr. PATTERSON. That is the meaning which must be recognized, or else Chinese exclusion is a farce.

Mr. PLATT of Connecticut. I wish to ask the junior Senator from Colorado a question for information. I understood him to say that the definition in this proposed act in regard to "teachers" or "students," and I do not remember which, was copied from a Treasury regulation, not published in the regulations, but which had been made since. Are there any regulations about this matter which have not been furnished to us?

Mr. PATTERSON. The only regulation I have seen is the regulation contained in this yellow-covered book—*Laws, Treaties, and Regulations Relating to the Exclusion of Chinese*.

Mr. PLATT of Connecticut. But I understood the Senator to say that Mr. Dunn had said there were some subsequent regulations.

Mr. PATTERSON. No. In a conversation with Mr. Livernash last night upon this subject he said that the later regula-

tions are not contained in this pamphlet, and that the provisions of this bill were taken from the regulations as they existed when the bill was prepared.

Mr. PLATT of Connecticut. The reason I ask this; I asked the Assistant Secretary of the Treasury who is in charge of this matter if there were any regulations or decisions subsequent to those he had furnished me. I had heard that there were, and he, by telephone, said there were not.

Mr. PATTERSON. Mr. Livernash has been very active and he is very full of accurate information, as I have found. In the light of what the Senator from Connecticut says, of course I will say nothing further than what I have said until further investigation is made upon the subject.

Mr. CULLOM. Mr. President, I believe I was about to touch upon the question of Chinese travelers. A Chinese traveler is compelled to satisfy the Treasury officer that he is in possession of adequate funds for paying the cost of his intended travel. A very wide discretion is given the Treasury officer—one Treasury officer may have an idea of what funds are necessary and another Treasury officer may have a different idea. We will not be bothered with many Chinese travelers in the United States if this bill becomes a law, because the officers will so estimate the sum necessary to go across the country that it will oversize the pile which any of the Chinese will have in their pockets, and they will not get a chance to go across the continent at all. The fault I find with this bill is that it seems to be an effort, without positively saying so, to keep out of this country everybody who wishes to come here from China. I want the Chinese laborers kept out. That is what the treaty requires. But in doing so let us not violate every principle of fairness and right and of the construction of treaties to the extent that we will keep out merchants and students and teachers and everybody else whom we pretend we want to let in.

Mr. CLAY. Will the Senator allow me to ask him a question? Mr. CULLOM. Certainly.

Mr. CLAY. Could a Chinese physician, under this bill which we are now considering, desiring to come to this country, come in?

Mr. CULLOM. He could not at all. He is called a "laborer."

Mr. CLAY. One other question. If a banker or a manufacturer or a broker in China desired to come to this country, could he do so under this bill?

Mr. CULLOM. He could not. He is a laborer.

Mr. PLATT of Connecticut. How about a clergyman?

Mr. CLAY. Suppose a clergyman desired to come, could he get in?

Mr. CULLOM. As I understand it, he could not.

Mr. CLAY. As I understand it, there are four classes entitled to come in.

Mr. CULLOM. Officials, teachers, students, and merchants.

Mr. CLAY. And they are surrounded with certain conditions?

Mr. CULLOM. And they are surrounded with such conditions that they can not get in, either.

Mr. FORAKER. Let me ask the Senator a question. I am not familiar with the hearings before the committee. I have read them only in part. Has anybody ever testified, or has it been established in any way, that any injury has come to this country, or any class of people in this country, or any industry in this country from teachers and students and professional Chinamen coming here to reside?

Mr. TELLER. They do not come.

Mr. FORAKER. If they do not come, then, perhaps, we have had no experience on the subject; but the fact that they do not come, it seems to me, should not lead us to adopt a definition that could not have been within the intent of the framers of the treaty and which is not a fair definition of the language we have employed.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER (Mr. SIMON in the chair). Does the Senator from Illinois yield to the Senator from Colorado?

Mr. CULLOM. I yield to the Senator from Colorado to answer the Senator from Ohio.

Mr. PATTERSON. The Treasury officials testified that there was not a single one of the excepted classes under which any number of flagrant frauds had not been attempted and under which any number had not been successful.

Mr. FORAKER. Will the Senator allow me? That is not an answer to the question I propounded. I understand that these definitions have been adopted with a view to preventing people from coming in by false representation. I assumed that some teachers and some students had been coming into this country under the treaty. I assumed that during all the years it has been in force students and teachers had come here to a greater or less extent. I only wanted to know whether or not any harm has ever come to anybody of which any testimony has been afforded the committee on account of the coming here of any of these educated classes.

I wish to state frankly that while I believe in prohibiting the coming of Chinese laborers, while I approve that as the established policy and want to see it continued, I do not believe any injury will come to us from the visitation to our country of the educated classes of Chinamen.

Mr. PATTERSON. I recollect this statement by the Treasury official who labored with the committee while the bill was being perfected, that there was not a single case in which a ruling by Treasury officials as applicable to any of these excepted classes had been complained of; that the officials had been liberal in their construction of the rules, and they knew of no case in which injustice had ever been done, so far as concerned complaint from any Chinese governmental officer or from anybody else.

And, further, I wish to say to the Senator from Ohio that there is no effort on the part of the committee nor is it the purpose of this bill to exclude from the United States any bona fide members of the excepted classes. The rules and regulations have been adopted as experience has shown the necessity of adopting them for the purpose of preventing frauds, with attempts at which the Treasury officials are constantly confronted.

Mr. FORAKER. If I do not interrupt the Senator from Illinois unduly—

Mr. CULLOM. Oh, no.

Mr. FORAKER. I wish to say just a word in answer to the Senator from Colorado. I understood him to say, or some one to remark—perhaps it was the senior Senator from Colorado [Mr. TELLER]—that no students or teachers have come to this country.

Mr. TELLER. If I may be allowed to say a word, practically very few have come. Large numbers who are not students call themselves students, and large numbers call themselves teachers who are not teachers; but what I mean is, that while occasionally a teacher comes in I have never seen one in forty years' experience.

Mr. FORAKER. It is a great wonder that any teacher at all would come when such definitions have been insisted upon as those given by the regulations of the Treasury Department, for it seems to me if you read those definitions as they have been carried into this bill, they are sufficient to discourage any teacher from coming. We all know that students have come. There is not a prominent educational institution in the country, scarcely, which has not had Chinese students in attendance, and they have made good records.

Mr. TELLER. They have had no trouble to get in.

Mr. FORAKER. The trouble is to get into the country.

Mr. TELLER. No; there is no trouble to get into the country.

Mr. FORAKER. If the Senator will allow me, I do not complain at all of restrictive measures that will prohibit laborers from coming, but I do not want laws to be so restrictive that those whom we intend to allow to come in can not get into the country.

Mr. CULLOM. Now, I hope I may be allowed to proceed.

Mr. FORAKER. I beg the Senator's pardon.

Mr. CULLOM. Section 3, after giving a general and fair definition of the word "laborer," as meaning both skilled and unskilled manual laborers, Chinese persons employed in mining, fishing, huckstering, etc., goes on to provide that "every Chinese person shall be deemed a laborer, within the meaning of this act," who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure, as thereafter defined. That answers the question of the Senator from Georgia. This absolutely closes out physicians, Chinese ministers, lawyers (if any there are), bankers, purchasing agents, and many other classes who are certainly not laborers, as we understand that term.

I wish to say here that the Chinese Government has been accustomed to sending purchasing agents over to this country to buy goods. They can not come under this bill; they are ruled out and are called laborers, and the result is that if we have any trade it is a marvel, and if we have any at all after this bill passes I shall be very much surprised.

Our only purpose in these treaties and our acts of Congress was to shut out Chinese laborers within the ordinary meaning of that term who might come in conflict with our own American labor. That is the purpose of the treaty, and, so far as concerns a law which confines itself to that particular class, it is all right to shut them out, and I believe in it.

There certainly can be no objection to Chinese physicians and other professional men, Chinese bankers, and there are many of that class, coming to the United States. In my own State, in the city of Chicago, we have a number of excellent Chinese physicians, some of whom are patronized by many Americans in preference to our own physicians. I am aware that some of our Western Federal courts (also the executive authorities) have been disposed to hold that Chinese laborers included all Chinamen other than those expressly excepted, namely, officials, merchants, teachers, students, and travelers. Some of these decisions are conflicting. For instance, a United States district court in Cali-

fornia has held an actor to be a laborer and not entitled to remain in the United States, while a United States district court in Illinois, with a full knowledge of the decision of the court in California, held that an actor was not a laborer within the meaning of our present treaties and laws, and was therefore entitled to remain in the United States.

The Senator from Oregon has discussed very ably this provision defining the word "laborer;" but I can not believe that the treaty of 1894 contemplated that Chinese physicians, bankers, purchasing agents, and others high in business and professional life should be included under the word "laborer," and should not be entitled to admission into the United States.

The sections of this bill pertaining to the excepted classes, especially to students, teachers, and travelers, will tend to prevent any of those classes from coming to the United States; and they are therefore violations of the treaty of 1894 and the treaty of 1880, by which we permitted officials, merchants, teachers, students, and travelers to enter and depart freely from the United States.

Article 2 of the treaty of 1894 provides—

Mr. MITCHELL. Will it disturb the Senator if I interrupt him? He has just passed from the point in his argument where he discussed the meaning of the treaty, as to what class of persons were excluded and what class of persons were permitted to come in, and he referred to some remarks I made the other day. I wish to call the attention of the Senator from Illinois to the final report of our commissioners who made the treaty of 1880, submitted to Secretary Evarts November 6, 1880. If it would not disturb the Senator, I should like to read just a few lines.

Mr. CULLOM. Certainly.

Mr. MITCHELL. It is as follows:

We desired, as you will see by the précis of the negotiation, to define with more precision exactly what all the negotiators on both sides understood by "Chinese laborers." But the Chinese Government was very unwilling to be more precise than the absolute necessity called for, and they claimed that in Article II they did, by exclusion, provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who went to the United States for purposes of teaching, study, mercantile transactions, travel, or curiosity.

Thus showing that the identical treaty now being construed by the Senator from Illinois was construed by the commissioners who made it, in their final report to the Secretary of State, to mean precisely what I claim it means, and the correspondence, moreover, between the commissioners of the respective nations shows the same thing. I will not interrupt the Senator too long, however, but will refer to that later.

Mr. FORAKER. On what page?

Mr. MITCHELL. On page 462 is the final report, from which I read. I can not at this moment put my hand on the page which contains the correspondence between the commissioners of the respective nations, in which the United States commissioners presented to the commissioners from China their meaning, the meaning, at least, that they desired to have inserted by proper language in that treaty. The Chinese commissioners at first objected, but mildly, and subsequently acquiesced. The result of the construction placed by the commissioners of the respective nations in the correspondence between the two and in the final report of our commissioners to our Secretary of State was to the effect that the treaty meant that only those were entitled to come to this country under the provisions of the treaty who were named as exempted classes.

Mr. CULLOM. I have not read the report of the commissioners who helped to make the treaty, but I read the treaty. I see nothing in the treaty which justifies such a construction. It can not be possible that those commissioners themselves will admit that they intended to exclude bankers, doctors, preachers, and every class of people under the head of laborers. It does not seem to me that it can be so.

Mr. MITCHELL. I will state to the Senator that that has been the practice of the Department in the execution of the treaty and in the execution of the law. They do not admit lawyers, doctors, and preachers, and they never have done so, because of the construction for which I contend.

Mr. CULLOM. There is nothing in the treaty that keeps them out, as far as I can read it. Article II—

Mr. PENROSE. I will say—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. CULLOM. I should like to get through.

Mr. PENROSE. I merely wanted to ask the Senator whether the treaty did not specifically provide for the classes that were not laborers, the exempted classes?

Mr. CULLOM. The treaty provides that laborers shall not be allowed to come in.

Mr. PENROSE. And it also provides for the classes themselves that may come.



Mr. CULLOM. It provides for teachers, students, and merchants. There is nothing said about the other classes, it is true, but it does seem to me that the ordinary acceptance of the term would not include in the treaty a prohibition of bankers, physicians, and that class of professional men.

Mr. PENROSE. Does not the Senator from Illinois know that the Chinese have no physicians in our sense of the word?

Mr. CULLOM. I do not know what the fact is.

Mr. PENROSE. Their medicines are in the most barbarous and in the crudest condition, and it is ridiculous to talk about admitting physicians when there are none in the whole Empire.

Mr. CULLOM. Article 2 of the treaty of 1894, providing for the prohibition of Chinese laborers entering the United States for ten years, does not apply to a registered laborer returning to the United States, providing he has a wife, child, or parent here, or property in the United States of the value of \$1,000, or debts of like amount due him and pending settlement. That is the provision of the treaty.

Section 10 of the pending bill practically repeats the above provision of the treaty, but provides that it shall be subject to a number of conditions. For instance, the marriage to the wife must have taken place at least one year prior to the application of the laborer for permission to return, and must be followed by continuous cohabitation; and in reference to debts it provides that the requisite minimum value is over all incumbrances, liens, and offsets; the debtor must be solvent; the debts must not consist of promissory notes, and it must appear, where family, property, or debt qualifications are relied on, that the applicant possesses them at the time of return to the United States as well as at the time of departure.

Article II of the treaty contains no authority for the enactment of these conditions. That article provides specifically just what the procedure shall be, and I do not think we would be warranted under the treaty in extending and making additional conditions from those contained in the treaty. Under this bill it would be rather risky for a Chinese laborer to leave the United States at all, if he ever expected to return, by the guaranty given him in the treaty. He might leave a wife or child on his departure from the United States, and if his wife died in the meantime he would not be permitted to enter (unless he also had a parent or child living or debts to the value of \$1,000). It seems that the distinguished committee who considered this bill was determined that no member of the Chinaman's family should die during his absence, that no debt should be paid, but that everything must remain exactly as he left it; otherwise he will not be allowed to return. The treaty does not authorize and never contemplated any such conditions.

Now, Mr. President, I will only refer to one more matter in connection with this bill.

Article II of the treaty of 1880 provides that Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights of citizens of the most favored nation; and Article III of the same treaty provides that all Chinamen, of whatever class, if meeting with ill treatment, that the Government of the United States will exert all its power to devise means for their protection and to secure to them the same rights, privileges, and immunities and exceptions as may be enjoyed by citizens of the most favored nation. Article III of the treaty of 1894 reaffirms the right of officials, teachers, students, merchants, or travelers to come to the United States on a certificate from their Government viséed by the diplomatic or consular representative of the United States in the country from whence they depart.

We have certainly by these treaties guaranteed to Chinese officials, merchants, teachers, students, and travelers the treatment of the subjects of the most favored nation, yet section 20 of the bill provides a system of registration and certificates of registration for those excepted classes, and provides that if they fail to obtain such certificates, in any proceeding inquiring into their status they are presumed to be laborers. There are many other stringent provisions in the bill pertaining to these exempt classes not in harmony with our guaranty to them of the treatment of the subjects of the most favored nation.

Now, Mr. President, I have gone over the different treaties with China since 1844 and the various laws passed on the subject of Chinese immigration. Those treaties and laws speak for themselves. They show very clearly what the general trend of public opinion has been in the last thirty years. Until perhaps 1878 we invited Chinese immigration; since then our policy has been to prohibit it. Many of the laws that we have passed are stringent and harsh. In the enactment of the act of 1888 we directly violated our treaty with China; and in the enactment of most of our laws on the subject we do not seem to have shown much regard

for the spirit of our treaties, even if we have generally adhered to their letter. But the threatened danger of great numbers of these laborers coming into the United States was, in the opinion of Congress, a sufficient excuse for their enactment.

Personally I am in favor of the absolute exclusion of Chinese laborers, in the ordinary meaning of that word, and the proper enforcement of the laws now on our statute books, and it seems to me that those laws are amply sufficient. I do not think that it would be wise for us to pass the bill under consideration, because I consider many provisions of that bill to be violations of our treaty relations with China. I admit, of course, that we have the right under the Constitution to pass laws in contravention of our treaties, and that those laws may supersede or abrogate an existing treaty—at least so far as our own municipal law is concerned—but such a course should be taken only in the most exceptional cases; and there is nothing in the present situation that makes it either expedient or necessary to pass a law in disregard of our treaty with China.

The question involved in our disposition of this bill is a very serious one. It is easy to adopt extreme views and favor extreme measures in dealing with China, but our great nation can afford to deal with the weak and the strong nations alike and do nothing in either case that is not upon a high plane of honor and dignity.

The statistics show that the Chinese population in this country is not increasing, but, on the contrary, is decreasing under the enforcement of the present law. Figures furnished by the Census Bureau show that in 1880 there were, in round numbers, 105,000 Chinese in the United States, in 1890 there were 109,000, while in 1900 there were 93,283. Gentlemen connected with the Bureau of Immigration have denied these figures and claim that there are 300,000 Chinese in the United States to-day. I assume, however, that the figures furnished by the Census Bureau, whose business it is to gather such statistics, should be taken as correct. But even if there were 300,000, is that a good ground for disregarding our treaty obligations when the treaty will expire in two years from now? It seems to me not.

Our trade and commerce with China are worthy of consideration in dealing with this subject. Under present conditions, if we do not close the doors to the commerce of China ourselves, it is as sure to come to the United States, and much of our trade go to it, as the sun shines upon us. The Hawaiian Territory, over 1,000 miles out from our California shores in the direction of Japan and China in the Pacific Ocean, is a part, in the fullest sense, of the United States. The great archipelago—the Philippine Islands—over which the sovereignty of the United States is proclaimed and very soon, I trust, will be recognized by all the people of those fertile islands, is still beyond and comparatively near to China. So we have opened the way, by establishing our outposts upon the sea, to make it easy for the United States to control the commerce of that country. So, Mr. President, from a purely selfish standpoint, it is our interest to keep faith with China in all that we do.

I am aware, Mr. President, that events have transpired in that ancient and weak Government which startled and almost paralyzed the civilized world during the last two years, and the nations yet look back at the condition which for months prevailed in that feeble Government, with its 400,000,000 subjects, with amazement and horror. But the Chinese Government apparently did the best she could to protect foreigners among them, and has agreed to do all that has been demanded of her by the nations in reparation for the outrages committed by her subjects upon the representatives of foreign governments, their families, and the citizens and subjects of the nations in that country.

Mr. President, I do not mean to be misunderstood in my position. My belief is that we ought not to pass any law in disregard of our treaty obligations; that we can continue the present law until the treaty of 1894 shall expire, if notice shall be given that this Government does not desire it to be continued another ten years; and in the meantime a new treaty may be agreed to which will abrogate any possible treaty stipulations against the absolute exclusion of Chinese laborers and which will permit us to enact such legislation as we may deem necessary for the protection of our country from the influx of these Chinese laborers into the United States.

I desire to say right here that if keeping out the Chinese laborers is not sufficient, let us adhere to our treaty obligations until they expire or until we regularly abrogate them and then pass such a law as the American people deem their interest to demand, and I will vote for it if it keeps every possible Chinaman from coming to our shores.

If China should decline to enter into a new treaty of this character, we might then be justified in going ahead and passing any law on the subject of Chinese immigration that we might choose. I recognize, of course, that in the absence of any treaty on the subject every nation possesses the absolute right to restrict immigration in any manner it may desire.

It is better to pass a law in reference to Chinese immigration

before our present laws expire next month. Still, if every law on our statute books prohibiting the immigration of Chinese laborers should expire to-day, the treaty of 1894 would prove a barrier against Chinese laborers coming into the United States. That treaty by its terms prohibits such immigration, and that treaty has all the authority and weight of an act of Congress under our Constitution. It is a part of our supreme municipal law without any additional act of Congress, and it would be the duty of the executive department to see to it, by such measures as they might find it necessary to adopt, that no Chinese laborer should enter the United States except as provided in the treaty.

Mr. PERKINS obtained the floor.

Mr. MITCHELL. Will the Senator yield to me for just one moment?

Mr. PERKINS. I yield first to the Senator from New Hampshire [Mr. BURNHAM].

ELEONORA G. GOLDSBOROUGH.

Mr. BURNHAM. I desire to call up the bill (S. 3421) for the relief of Eleonora G. Goldsborough.

The PRESIDING OFFICER (Mr. SIMON in the chair). The Senator from New Hampshire asks unanimous consent for the consideration of a bill which will be read for the information of the Senate.

Mr. TILLMAN. Will it not be necessary to temporarily lay aside the unfinished business? Can one bill be taken up in this way when another is under consideration?

The PRESIDENT pro tempore. Undoubtedly, by unanimous consent, the unfinished business is temporarily laid aside.

Mr. TILLMAN. It involves that, I suppose. I merely wanted to know what would be the parliamentary status.

Mr. MITCHELL. That was the request of the Senator from New Hampshire.

The PRESIDENT pro tempore. It was practically the request that the unfinished business be temporarily laid aside. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 8, after the word "death" to insert "with allowances for two years;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, instructed to pay to Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine-Hospital Service, out of any moneys not otherwise appropriated, two years' pay at the rate of the salary he was receiving as surgeon at the time of his death, with allowances for two years.

Mr. SPOONER. I should like to inquire of the Senator from New Hampshire, what is the theory upon which this appropriation is supposed to be made?

Mr. BURNHAM. The bill as stated in the report is a peculiar bill. It stands upon an exceptional basis. The surgeon whose family are the claimants here was in the Marine-Hospital Service and was engaged there for some twelve years. He contracted a disease in the performance of an operation in the line of his duty, and died, as it appears by the statement, from the effects of the operation.

In 1898 there was an exact precedent for this bill in the case of Surg. John W. Branham. He contracted a disease, yellow fever, I think, after a service of about five months, which caused his death. Dr. Goldsborough had been in the service some twelve years. The Senator from Missouri [Mr. COCKRELL] objected to the bill and desired that this should be presented as an exceptional case and not form a general precedent, and so we have put it in our report in that way. We think it is exceptional, and the bill has the assent of the Senator from Missouri in its present state.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent; in which it requested the concurrence of the Senate.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. PERKINS. I will yield to the junior Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL. By permission of the Senator from California, I wish to call the attention of the Senator from Illinois to one fact. The Senator has very properly stated the law when he says that a later treaty repeals a former treaty and a later law repeals a former law, or even a former treaty. That we all agree is good law. The Senator has stated that this bill violates, in his judgment, certain provisions of the treaty of 1880. I wish to call the attention of the Senator to a fact which I think is conclusive.

Mr. CULLOM. It violates the treaty of 1894.

Mr. MITCHELL. The treaty of 1880 was abrogated by the treaty of 1894, and the expiration of the treaty of 1894 can not bring back to life the treaty of 1880 or any provision of it. I know there is a rule of law to the effect that the repeal of a repealing act perhaps revives the act repealed, but that is not this case.

Mr. SPOONER. That was the old common law. It is not the rule here.

Mr. MITCHELL. It is not the rule, but even if it were it is not applicable here. This is a case where a solemn treaty has been entered into which absolutely abrogates and repeals a former treaty, and there is a limitation in the later treaty; it expires at the end of a certain time—in ten years. Under no conceivable circumstances can it be successfully contended that at the expiration of the treaty of 1894 life is blown into the treaty of 1880 again.

Mr. SPOONER. Will the Senator from Oregon allow me?

Mr. MITCHELL. Certainly.

Mr. SPOONER. I have not given this subject any examination, but I find here, and was reading it just before the Senator rose, a contention by ex-Secretary Foster, which is very plausibly maintained, that at the expiration of this treaty, Articles V and VI of the Burlingame treaty—

Mr. CULLOM. The treaty of 1868.

Mr. SPOONER. The treaty of 1868 will again come into operation.

Mr. MITCHELL. That is a different proposition. But while I know ex-Secretary Foster is capable of presenting almost any case very plausibly, at the same time I doubt the validity of the argument.

Mr. SPOONER. I have formed no opinion on the question.

Mr. CULLOM. Mr. President—

Mr. MITCHELL. But there can be no question, it seems to me—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MITCHELL. Certainly.

Mr. CULLOM. My view has been that, as the treaty of 1880 was a permanent treaty, and as the treaty of 1894 was a ten years' treaty, a sort of suspending treaty, when that treaty had terminated by the expiration of the time the treaty of 1880 would remain in force. I believe that will be determined to be the law.

Mr. MITCHELL. It is clearly an abrogation of the treaty of 1880.

Mr. PENROSE. It was not maintained for one moment by Mr. Foster before the Committee on Immigration that the treaty of 1880 could ever be revived. I was somewhat astonished at the claim made by the chairman of the Committee on Foreign Relations that such a theory could be entertained. On page 36 of the testimony before the Committee on Immigration Mr. John W. Foster said:

The treaty of 1894 was substituted for that of 1880, and in its Article VI it is provided that "this convention shall remain in force for a period of ten years," with the usual provision for notice of termination.

Mr. Foster went on to explain with considerable elaboration our treaty relations with China, but at no point did he make the slightest claim that the treaty of 1880 could ever be revived. He did endeavor to set up the claim that Articles V and VI of the treaty of 1868 might be revived upon the expiration or abrogation of the treaty of 1894. The Senator from Illinois is the first in this controversy to claim that there is any life left in the treaty of 1880.

Mr. CULLOM. It is my judgment that when the treaty for ten years shall expire some portion of the treaty of 1880 and possibly of the treaty of 1868 will be in force.

Mr. PENROSE. The Senator goes far beyond the most extreme advocates and representatives of the Chinese in this controversy in that contention.

Mr. CULLOM. It is just a question of law with me. I do not care anything about what is claimed by representatives of the Chinese.

Mr. PATTERSON. Mr. President, I think it is well enough to understand the attitude of Mr. Foster upon these several treaties. I suppose upon questions of treaty law and treaty construction he is as safe an authority as we can turn to, and when he states that upon the expiration of the treaty of 1894 the treaty



of 1880 is not revived, but that certain sections or articles of the treaty of 1868 are revived, there is at least some good, solid foundation for the claim. That is the stand taken by Mr. Foster, and upon the theory that he is right (and we may presume that he is right until he is shown to be mistaken) we may very well understand what Articles V and VI of the treaty of 1868 are.

If, as Mr. Foster claims, these articles of the 1868 treaty are to be revived upon the termination of the treaty of 1894, then all the barriers which have been raised against Chinese immigration, which have been raised against Chinese laborers, and the whole horde of Chinese who would seek admission into this country are leveled to the ground.

These are the articles of the treaty which Mr. Foster says will be revived. His claim was that because in 1894 these articles would be revived, we would be guilty of a violation of our solemn treaty with China to continue our exclusive policy in any way; in other words, that since Articles V and VI of the treaty of 1868 are revived, any act of Congress that would exclude laborers, or any other class of Chinese people, that would not leave the entire population of China upon the plane that the population of other countries occupy under the favored-nation clause, would be a violation of our treaty obligations, and for that reason he objected, not to certain clauses and certain provisions in the bill now under discussion, but to the bill in toto, because it would be a violation of treaty obligations. This is what he says:

With this exact parallel before us, I need say no more to convince you that when the treaty with China of 1894 is terminated in 1904, Articles V and VI of the treaty of 1868 will again come into full force. They are as follows:

"ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free immigration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

"ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States."

Clearly breaking down all walls, opening the United States to as overwhelming an invasion of Chinese population as may see fit to come, with the only privilege denied them—and that privilege is denied also to the inhabitants of the United States residing in China—is the right to become American citizens.

Then Mr. Foster continues:

I think I have made it clear that these articles will, in the absence of any other treaty agreement, come into force in 1904, and I have therefore established my first proposition that any law passed by the present Congress, which continues the exclusion of Chinese laborers beyond 1904 will be not only without international authority but will be in violation of treaty stipulations.

That was the claim of Mr. Foster.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. The Senator has examined this question, and he is a member of the committee and an able lawyer. If he will pardon me, I should like to ask him what is his opinion as to the effect of the expiration of the treaty of 1894 as to Articles V and VI of the treaty of 1868?

Mr. PATTERSON. I am frank to say that I have not given it independent investigation. I was not present when ex-Secretary Foster made his statement, but I find it here in the record. I do no more than take his interpretation of the several treaties.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him? The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

Mr. FAIRBANKS. The statement has been made that this treaty will expire in 1904, but I do not think that is quite the case. It is not if we strictly follow its terms. The treaty may be denounced in 1904 by either party; but if it is not so denounced by giving six months' notice prior to the expiration of the first period of ten years, it will continue for another period of ten years; that is, until 1914.

Mr. SPOONER. But if we denounce it do we revive Articles V and VI of the treaty of 1868?

Mr. FAIRBANKS. That was not the point of my observation. I rose simply to say—

Mr. SPOONER. I understand, but the Senator is on the com-

mittee, and I have not examined the matter at all. I only asked for information.

Mr. FAIRBANKS. That is a feature of the subject which I have not examined with care; and I would not undertake to say. It was not at all necessary to determine that matter in the consideration of the bill before the Senate.

Mr. PATTERSON. The Senator from Indiana [Mr. FAIRBANKS] states correctly the provisions of the treaty of 1894; but, as stated by Mr. Foster, I think it may be accepted that, since China is opposed to the exclusion of its subjects by the United States, China will, within the six months fixed by the treaty, denounce the treaty. It is, therefore, of the highest importance that we should have affirmative legislation upon the statute books in anticipation of that event.

There is another reason why this bill as reported by the committee should be enacted into law, and why neither of the other bills reported, which simply propose to continue existing law in effect until 1904, should be permitted to take its place. It is this: Since the treaty of 1894 and the act of 1892 this country has acquired different possessions—Hawaii and the Philippine Islands.

There is a very large Chinese population in the Hawaiian Islands. There are seventy-five or eighty thousand Chinese of the pure blood in the Philippine Islands, and there are in the neighborhood of 750,000 mestizos—that is, Chinese of the half blood. Unless this law is enacted, or a law which covers Hawaii and the Philippine Islands, there will be no law which will interfere with the emigration of Hawaiian Chinese and Filipino Chinese into the United States. I imagine that the doctrine of domestic territory would apply to the population of those islands as well as to the matter of tariff duties, and, until Congress shall act by affirmative legislation, no rule or regulation can be enforceable that prohibits the incoming of Chinese to this country from the Philippine Islands.

Mr. PLATT of Connecticut. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. PATTERSON. Certainly.

Mr. PLATT of Connecticut. Does the Senator know of any instance in which a Chinaman has attempted to come from the Philippine Islands into this country?

Mr. PATTERSON. I have not been watching for instances of that kind.

Mr. PLATT of Connecticut. Does the Senator suppose that under our present law a Chinaman would be admitted if he did attempt to come?

Mr. PATTERSON. I do not see how he could be prohibited under the present law. Under the decision of the Supreme Court of the United States I am inclined to think—and I think it is a safe conclusion—that there can be no interdiction of the communication of the inhabitants of the Philippine Islands and of the United States to and from either the one country or the other, and the fact that Chinese may not have come—or they may have come for aught I know—does not in the slightest degree interfere with the imminent danger that will constantly exist if this Congress should adjourn without prohibitive legislation being placed upon the statute books.

Mr. BACON. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. BACON. Upon what line of argument did Mr. Foster base his opinion that the particular articles of the treaty referred to would be revived rather than any other articles of any prior treaty?

Mr. PATTERSON. As I said in response to the Senator from Wisconsin [Mr. SPOONER], I have not given the subject independent investigation.

Mr. BACON. I asked the Senator for information.

Mr. SPOONER. Mr. Foster based his view upon the ground that the treaty of 1894 suspended the operations of Articles V and VI of the treaty of 1868.

Mr. BACON. But did not abrogate them?

Mr. SPOONER. Did not abrogate them, but suspended them.

Mr. PATTERSON. It simply suspended them. As I have said, I have not given that subject independent investigation, and therefore do not desire to enter upon an independent argument. But, as I have suggested, if the claim that is made by Mr. Foster is true—I have not examined the treaty of 1868, but I suppose his claim must be true—then surely those two articles were simply suspended by the treaty of 1894 and the treaty of 1880, and the revival of those two articles must follow ex necessitate.

I want to call the attention of Senators to the situation in the Philippine Islands. It is of the highest importance that Treasury officials shall be sent to those islands for the purpose of supervising any laws that may exist there with reference to the ingress of Chinese. The only law there now is one that was issued as a



general order by one of the commanding generals, and in general terms was declared to be a law by the Philippine Commission.

But I am inclined to think, Mr. President, that there is not likely to be anything like an honest enforcement of that law in the Philippine Islands. Unless representatives and officials from the Treasury Department are sent to those islands, officials who are imbued with a conviction of duty, who believe that it is their duty to enforce the law honestly and impartially as it is found upon the statute book, we may well expect that with anything like peace in those islands there will be a tremendous trend of Chinese toward them. I have not made a calculation, but there must be at least 3,000 miles of seacoast in the Philippine Islands. They are more than a thousand miles from north to south.

Mr. BACON. Much more than that.

Mr. PATTERSON. Whatever they may be, I aim always to be conservative in my estimates, and that is quite enough.

The opportunity for access to the Zulu group, and then the migration from those islands up to those occupying a more northerly situation in the ocean, is without any impediment whatever, except the ordinary impediments of sea and land that interpose.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. I would remind the Senator from Colorado that the Senator from Indiana [Mr. BEVERIDGE], who, I believe, made a visit to the Philippine Archipelago, in an elaborate, thoroughly prepared, and digested speech, which he made here on the future of that acquisition, declared that the natives were not fit for work or would not work; that they were lazy, and he indicated in express terms that the Chinese were to be the laborers of that country. His contention, if I recall it, was to the effect that in the development of the archipelago—as he pictured in glowing terms the exploitation of which they were capable, the rich mines and forests, and all that kind of thing, lying there waiting the hand of the reaper—the Chinaman was to be the laborer and the American capitalist was to be the person to bring him there. I merely wish to remind the Senator of that phase of this question.

Mr. PATTERSON. Whatever may have been said by the Senator from Indiana upon that subject is probably true.

We know from the testimony which has been given up to this time before the Philippine Committee—and it has been confined to Governor Taft and Army officers—that Filipino labor is not desirable or dependable from an American, Yankee, go-ahead standpoint. We know further that the chamber of commerce of Manila, I think it was, petitioned Congress for the admission of Chinese upon the ground that Chinese labor was necessary. We know that those who make investments over there desire labor that will not fail them on account of the debilitating climate, and for other reasons which have been given with great clearness; and that such labor is necessary to anything like the degree of prosperity which they wish to see in the Philippines.

There is unrelenting hostility between the native Filipino and the Chinese; but upon the part of the Europeans, upon the part of the Chinese mestizos, upon the part of the commercial classes and of those who claim to be there for the purpose of developing the islands there is a concurrence of opinion, as expressed, that the islands can only be properly developed by the use of Chinese labor. Therefore, I think it is safe to say, Mr. President, that the enforcement of any existing law in the Philippines will be lax to commence with. On account of the tremendous line of seacoast, with the utmost vigilance there can not be an effective barring out of the Chinese population. So that the Philippines, unless they are embraced within a Federal exclusion law and unless the coming of Chinese from the Philippine Islands to the mainland is prohibited, will simply be a stepping-stone between China and the United States, by means of which an almost unlimited Chinese population can reach this country.

So, Mr. President, I hope that no Senator who is sincerely in favor of Chinese exclusion, who is impressed with the necessity of protecting the white labor of this country, and especially of the Pacific coast and other sections of the United States which the Chinese may readily reach, from competition with Chinese will commit the grave mistake of resting satisfied with any measure that does not include exclusion from the Philippine Islands and then exclusion from the United States by way of the Philippine Islands. To make that at all effective it is necessary that there shall be a Federal statute, under which Treasury officials will be sent to the Philippine Islands for the purpose of enforcing the law.

I will not occupy any more time now; but, Mr. President, I think that it can be demonstrated, and I believe it will be before this discussion ends, that the provisions of this bill with reference to the excepted classes are in every wise reasonable, in view of the object that is to be attained.

I think we may say that there are a goodly number of Senators

who really do not want Chinese exclusion and who are expressing content with certain weakling measures, because such measures are the best that they can hope to obtain through this body; but, Mr. President, the Senators who favor Chinese exclusion, who are impressed with the enormity of the evil, who know the demoralizing influences of a Chinese group in any community, who comprehend what competition between Chinese wages with the wage that should be paid to the white laborer, and the depth of degradation to which a white laborer must descend whenever the price which he receives is to be fixed by the price that is paid to the Chinese, will have no hesitation in supporting this measure as it is reported from the committee.

The complaint is made, Mr. President, that under this bill a Chinese banker can not be admitted, nor a doctor, nor a lawyer, and, I suppose, neither would a Chinese astrologer come in; but it should be borne in mind that China, as one of the high contracting parties, agreed that all Chinese, except those constituting the five favored classes, should be excluded, not in terms, but so clearly and so logically that there is no escape from it.

In the treaty of 1894 the declaration is made—and let me read it, so that we may all have a fair understanding. Article I of the treaty of 1894 is an exceedingly short one, but it is very comprehensive. It says:

#### ARTICLE I.

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

The conditions that China saw fit to approve are afterwards specified, and let me read to the Senate what classes were made exceptions. I read the second article, and will then come to the one I have in mind now, for the purpose of showing the terms to which China through its plenipotentiary solemnly agreed.

The preceding article—

That is the one that absolutely excludes all Chinese except those that might be in the treaty thereafter specified.

#### ARTICLE II.

The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States—

The exclusion does not apply to them; and this bill makes full, ample, and generous provision for the return of Chinese to the United States who, having been here and gone without, desire to return because they have here lawful wives, children, or parents—or property therein of the value of \$1,000, or debts of like amount due him and pending settlement.

The readmission of those classes is provided for in the present bill. Those with lawful wives, children, or parents; those who own property in the United States to the extent of \$1,000, or to whom is due the sum of \$1,000. The second article then goes on:

Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty.

All of which is recognized and provided for in the bill now before the Senate. Then Article III provides:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

Then, it provides for the transit of Chinese laborers across the United States. If they leave China and happen to be in Canada and desire to go to Mexico, Chinese laborers may traverse the United States for the purpose of going from the one country to the other, or if they desire to go by way of the United States from China to any European country, they have the right of transit, and the right of transit is provided for in this bill.

When a treaty excludes all Chinese except certain excepted classes, and names those that are excepted, then, under every rule of construction, all are excluded except those expressly mentioned; and when it is complained that under this bill a banker or a physician or others can not come in, we have a right to say it is the fault of China, for China consented to a treaty which excludes them.

Now, without occupying more time on that subject and with reference to the regulations found in the bill, they were found necessary by the officers of the United States whose duty it is to enforce this measure. They discovered that there never was a truer statement made about any people than that of Bret Harte referring to the Chinese:

For ways that are dark  
And for tricks that are vain  
The heathen Chinese is peculiar.

The Chinese have certain peculiarities that make them desirable



for certain people. They are obedient. They are servile. They may be used without resentment as slaves and peons have been used. Kicks and cuffs and hard words have no particular terror to them. For some people a class of this character possesses peculiar charms, and the further we get away from the mass of the people the more we see in people of that character to please us.

There is a clamor in various localities and from certain classes for the unrestricted admission of Chinese, because the Chinese possess those traits which make men mean everywhere, but afford peculiar satisfaction to those who delight to dominate over their fellow-man. Since exclusion has been placed upon the statute books China and Chinese and the Six Companies have been found prolific in schemes to evade the law. And why? Because they come here under a peculiar contract system that makes it extremely profitable to those interested in Chinese immigration. And then there are great steamship lines and great railroad lines to and in the United States which see in the breaking down of the barriers incalculable profits in the carrying of Chinese, first across the ocean and then across the land, first in the steamer and then in railway car.

It has been said that capital is without conscience. We know, Mr. President, that when great dividends are in sight for great corporations, railroad, steamship, and other corporations, the moral law and the welfare of the human race get little sympathy from corporations when they can fill their coffers and reap immense gains. So we find in this country the representatives of great steamship lines, the representatives of great railway lines, the representatives of great industrial factories, those who want cheap labor. As the honorable Senator from North Carolina [Mr. SIMMONS] said yesterday, he has received from his State a petition from cotton factories urging him to vote against this measure.

Organizations of this character, wherever they may be found, whether upon the Pacific coast or the interior of the country, or on the Gulf or the Lake shores, are willing to disregard the welfare of the masses of the people—not only their physical, but their moral and their spiritual welfare. They stand ready to override every consideration which should control an American citizen imbued with a proper appreciation of American manhood in order to get the benefit of cheap labor, although in getting it they degrade men of their own race and blood and fill their country with moral lepers, who would contaminate its manhood from ocean to ocean if there were enough of them here.

The honest, genuine, bona fide opposer of Chinese exclusion will find nothing in this bill to offend him. Why this great solicitude for the Chinese? I take it we are doing no injustice to the Chinese when we keep him at home. If you think of his own pleasure and happiness, there is every reason to believe that they will be more enhanced at home among friends, with his own kith and kin and those of his own caste, than here in the United States, in the midst of a hostile population, a population in which he is held as a degraded being and looked upon as an outcast and an interloper. So, if you have in mind the welfare of the Chinaman, there is no reason why you should seek to bring him to the United States.

I am not prepared to say that if we were to open our doors to the Chinese but that we would find a little more favor in the eyes of the Chinese governing masses. Perhaps some people would make more money; perhaps some enterprises might be able to sell more of their products; but is that all there is in life? I take it the Chinese Empire by this time is absolutely reconciled to the policy of exclusion which has been in force in the United States now since 1880, and no law that has for its object the honest enforcement of provisions adopted by a solemn treaty with China is going to offend the Empire more than it has been offended. It is reconciled.

I take it, Mr. President, that the attitude of the United States toward the integrity of the Chinese Empire is of far greater moment to China and to Chinese citizens than is any particular clause or provision that may be placed in our exclusion law, and if the United States continues the policy it has maintained up to this time of standing for the integrity of China, of opposing the schemes of European governments with which they would disrupt the Empire and divide its territory as the garments of the Sainted One of old were divided amongst the crucifiers, there will be no trouble upon the score of trade and commerce between China and the United States.

China, in the language of its treaty, recognizes that there is an ineradicable hostility upon the part of the American population, or at least a very large part of the American population, to the people of its Empire. In solemn treaty it has agreed that such is the case. In solemn treaty it has agreed that they shall be excluded. Therefore there is no danger of offending either the Chinese Government or its commercial classes by adopting a rigid and honest policy of enforcing what has been deliberately agreed upon between it and the United States.

Let the United States continue in the future as it has in the

past to act the part of an honest arbiter, recognizing the right of the Chinese Government to exist and the benefits of the integrity of the Chinese Empire; wherever it may, intervening its strong arm to prevent its disruption and the heaping of odium and indignity upon its ruling classes, and I take it that our commerce will not suffer, our trade will not be diminished, but that, on the contrary, they will advance and expand, while those who are seeking to make a prey of the Empire will suffer by the diminution if not the destruction of their commerce.

Mr. President, there is no violation of treaty rights in this bill. I was glad that in another Chamber it was adopted with such unanimity.

Mr. PERKINS. Mr. President, as I have the honor to represent in part a State on the Pacific slope, and live in a great commercial city, the entrepôt for perhaps 75 per cent of the Chinese who have come into the United States, a city which is the headquarters of the Six Consolidated Chinese Companies, which are virtually those that bring the Chinese to this country, which make the laws for them while they are here, which direct the Chinese throughout our State, and one of which companies is usually the contractor for the Chinese employed in irrigation on railroads, in great mining camps, and in the forests, it seems to me that perhaps it is not improper that I should relate to the Senate in a conversational way my own observations and experience during the forty years or more that I have been brought in contact with this undesirable class of immigrants who have come into the country.

Mr. President, I think there can be no doubt that nine out of every ten men and women in the United States believe that there should be placed restrictions more or less rigorous on Chinese immigration to this country. The better the opportunities for learning what the Chinese are and what effect their presence in large numbers would have in this country the greater is the proportion of Americans who believe in restrictive measures and the more rigorous they believe those restrictions should be. Whereas in the far Eastern States, whose people have been able to see little or nothing of Chinese life, customs, and habits, and where is found a morbid sentiment based on the assertion of the Declaration of Independence that "all men are equal," there may be found a considerable number of Americans who are willing to welcome among them such numbers of Chinese as are willing to come—on the other side of the continent, which has borne the brunt of the Chinese invasion, the voice of the people is practically unanimous in favor of exclusion. The State of California at a general election once voted on this question, and the result was 154,638 against immigration and 883 in favor. And even among the strongest pro-Chinese advocates there will ever be found, I think—as there must be among intelligent Americans who give any consideration to the question—an intimation that what they so earnestly demand might under some circumstances be improper to grant. In fact, there is a weakness in their position of which they are so conscious that they can not help revealing it.

#### SIGNIFICANT ADMISSIONS.

Hon. John W. Foster, who appeared before the Senate Committee on Immigration in opposition to this bill, when pressed for an answer, said that he thought it "a wise thing to have a reasonable exclusion" of Chinese laborers, and Mr. Stephen W. Nickerson, representing the "opinion of a public (pro-Chinese) meeting" in Boston, was, I think, conscious of this weakness when he said that "even while this policy (of impartiality in treatment) does not always seem true in special instances nor in view of some temporary considerations, yet, we believe in the long run it is true." Mr. Nickerson said that while the people of his State have "always been a little theoretical for right" they have "also been practical for trade," yet the Arkwright Club, of Boston, which, representing textile manufacturers of New England, might be expected to be very "practical for trade," in a communication to the committee states that it recognizes the fact that "the laws against the admission into this country of that class of Chinese (laborers) can not be too stringent."

Thus the student of the political bearings of the question, the advocates of the moral obligations of the United States toward Chinese immigrants, and the representatives of those American industries which are most interested in trade with China, give evidence that they realize the fact that unrestricted Chinese immigration would be an evil. And this realization comes to every one, I think, whether, in considering the question, a "little theoretical for right," anxious to extend his trade, or fearful of political complications. The consideration of the problems by those of our Presidents who have had occasion to deal with them, has led to the same conclusions.

#### OPINIONS OF OUR PRESIDENTS.

President Grant, in a message to Congress, said:

I call the attention of Congress to a generally conceded fact that the great proportion of Chinese immigrants who come to our shores do not come voluntarily to make their homes with us, and their labor productive of general prosperity, but come under contracts with headmen, who own them almost



absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled, and to the great demoralization of the youth of those localities.

President Harrison said in a message to Congress:

While our supreme interests demand the exclusion of a laboring element which experience has shown to be incompatible with our social life, all steps to compass this imperative need should be accompanied with a recognition of the claim of those strangers now lawfully among us to humane and just treatment.

President Cleveland, in messages to Congress, said:

That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evidenced in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own.

Chinese merchants have trading operations of magnitude throughout the world. They do not become citizens or subjects of the country where they may temporarily reside and trade; they continue to be subjects of China.

Much of this violence (against Chinese) can be traced to race prejudice and competition in labor. \* \* \* In opening our vast domain to alien elements the purpose of our lawgivers was to invite assimilation and not to provide an arena for endless antagonism. The paramount duty of maintaining public order and defending the interests of our own people may require the adoption of measures of restriction.

The experiment of blending the social habits and mutual race idiosyncrasies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and even since the Burlingame treaty of 1868, to be in every sense unwise, impolitic, and injurious to both nations. \* \* \* The admitted and paramount right and duty of every government to exclude from its borders all elements of foreign population which for any reason retard its prosperity or are detrimental to the moral and physical health of its people must be regarded as a recognized canon of international law and intercourse.

#### PUBLIC OPINION ADVERSE TO CHINESE IMMIGRATION.

It must, I think, be conceded that intelligent public opinion is opposed to Chinese immigration. The reasons are not far to seek. They are fundamental—racial—and are bound to make themselves felt in spite of theories as to moral obligations or the assumed needs of foreign trade. They bring to the front again that pitiless truth of the survival of the fittest. In the question of life or death which is involved the moral theories of the pro-Chinese advocates can scarcely have that weight which would be theirs were the future of our institutions and our race on this continent in no danger. When two races so radically different as Chinese and Americans freely intermingle in large numbers, there must either be assimilation or the subjection of one to the other.

The experience of the United States for fifty years, and of other countries for far longer periods, proves conclusively that the Chinese are not assimilative. Witness the Chinese colonies in San Francisco, Hongkong, Manila, Singapore, Penang, and Malakka. Their racial tendency is more strongly opposed to amalgamation with other races than that of the Hindoo or the Parsee. Far into future history they will be what they now are, in racial tendencies stronger than will or desire, and will remain aloof from all other peoples. If they are not assimilative they can be only a foreign body within our borders, and must, in the nature of things, either suppress or be suppressed. That alternative would surely come with unrestricted influx from China, in isolated communities at first, the struggle extending as the disparity in numbers decreased. Put 500,000 Chinese in and around Boston and there would be no more pro-Chinese mass meetings at which the bill of rights of Massachusetts could be invoked. Rather would their be raised the well-remembered slogan of Denis Kearney; and if the men of Massachusetts were not degenerate from colonial times, Boston Harbor would be filled with other products of the Flowery Kingdom than tea.

#### A STRUGGLE FOR SURVIVAL.

In the contest for survival between the American and the Chinese the latter has an overpowering advantage. Centuries before there was an Anglo-Saxon the Chinese had gained their present characteristics. Thousands of years of exclusion of all other peoples had made them unassimilative. Their country, walled against the external world, which they regarded with contempt, became crowded to the limit of support, and universal poverty was the result. For thousands of years the people of China have been compelled to live on the scantiest of means, and the result is a race—the fittest only surviving—which is probably capable of sustaining more hardships, of living on cheaper food, of needing less clothing and shelter, of having fewer wants, and the lowest estimate of life, as a whole, of any civilized people. They are, therefore, capable of entering into competition with any race on earth with the chances in favor of their ultimate supremacy. To attempt to meet the Chinese on their own ground would mean decimation at once. No other civilized people could endure were it to adopt the Chinese standard, and that standard they would have to adopt were they to compete at all.

Such are the Chinese whom we seek to exclude from our shores—the Chinese belonging to that vast body of China's inhabitants which are ground between the exactions of the few officials and men of wealth and the limitations in the productiveness of the soil. They form the class from which come to us the Chinese

who underbid our own workmen in every calling in which they see fit to engage. They are fitted to successfully enter into competition with labor in all parts of the United States. Here they find conditions which, at their worst, are far better than any they could find in China.

#### CHINESE AS INDUSTRIAL COMPETITORS.

The late Consul-General Wildman, in a report to the State Department December 27, 1900, says:

As long as labor has almost no value and flesh and blood is the cheapest thing on the market, I can not recommend American manufacturers to waste good printing matter and postage stamps on so impossible a field. \* \* \* The majority of the peasantry live at the rate of from 2 to 5 cents a day.

Two salient characteristics of the Chinese which alone would render them unfitted to become residents of this country are pointed out by United States Consul Henry B. Miller, of Chungkiang. He states that—

The main thought in Chinese economy seems to be to find a place for a man to get wages, however small, regardless of whether he earns them or not. The idea that a man should be employed on the basis of his earning power and capacity is unknown.

Williams R. Wheeler, representing the Pacific Coast Jobbers' Association, in his testimony before the Industrial Commission, May 20, 1901, after stating emphatically that the reenactment of the exclusion law is desirable, said:

They (the Chinese) used to enter all lines of employment when immigration was unrestricted. There was scarcely a vocation that they did not take up. \* \* \* The disfavor with which we regard the Chinese is altogether a commercial one, for the reason that the Chinaman is conservative and continues to wear Chinese clothes and eat Chinese food, all of which enables him to live in Chinese fashion, herded together like so many cattle. This mode of life enables him to undersell and accept lower wages than the American workman. Furthermore, his earnings are sent back religiously to China, taking that much money out of the country, and the merchandise of most of his wants and requirements is brought from China to a large extent. He is not commercially a contributor to the upbuilding of this country.

#### HOW CHINESE CROWD OUT AMERICAN WORKMEN.

One of the most significant facts in relation to the effect of Chinese competition was placed before the Industrial Commission by Prof. W. A. Wyckoff, assistant professor of political economy in Princeton University. It will be remembered that Professor Wyckoff has made a study of the condition of labor in the United States at first hand, living as a workingman for two years, traveling from the Atlantic to the Pacific and securing work wherever he could at the wages offered. Those who have read his very interesting articles in one of the popular magazines will recollect that until he reached the Pacific coast he had no difficulty in procuring work. In fact, the demand for labor was greater than the supply outside of the large cities. No man willing to work need go without employment. To the Industrial Commission he said that in his tramp from Los Angeles to San Francisco he came in contact with Chinese labor, "which effectually cut off the possibility of my finding employment on the railways. I could not have got work there as I did in Nebraska, for example." There were no mixed gangs at all. The workmen were Chinese, employed on the contract or padrone system.

#### ACTUAL SLAVERY A FEATURE OF CHINESE CIVILIZATION.

This contract or padrone system is rendered not only possible, but is the rule in the case of Chinese labor in this country, especially among those newly arrived. It can safely be said that not one out of ten coolies entering the United States comes here a free man. They are virtually slaves. As slaves they are shipped to America, and as slaves they labor here for a longer or shorter term. And this slavery is but the extension to this country of the system which is universal in China. There the practice of buying and selling men and women is nearly as common as the buying and selling of cattle among us. There are found slaves—men and women bought for cash—in domestic service, in stores, in manufacturing establishments, and in the fields. It is a system that is recognized by Chinese law, and has been in vogue for thousands of years. It is a feature of the Chinese civilization which is more firmly rooted than the principle of individual liberty is with us. The subject was given special study nearly a quarter of a century ago by Hon. David H. Bailey, United States consul-general at Shanghai, who, in a report to the State Department, described the system under which men and women were bound to service in almost every capacity. Under date of December 2, 1879, he says:

What I have since—

His last letter—

seen and learned only tends to make my convictions stronger that this is real slavery, and that it prevails in every part of the Empire and among Chinese wherever they go. I repeat that Chinese slavery is an outgrowth of the family organization, which, so far as we know, is as old as Chinese society itself. I see no hope for its abolition here but in the remodeling of the whole family organization—a herculean task beyond the vision of the most advanced Chinese statesmen of this generation.

It is significant to note that the colony of Hongkong, where it is now settled by a judicial decision of its supreme court and by admissions in solemn memorial of all the leading native residents that Chinese slavery exists and



ever has existed as an essential feature of the Chinese political and social system, is the entrapment for all Chinese emigration to the United States. And perhaps it is worth while to query whether that emigration is not thus shown to have in its every lineament the taint of human slavery.

#### THE TRAFFIC IN HUMAN BEINGS.

The principal Chinese residents of Hongkong prepared a petition to the Government, in which they protested against the stringent enforcement of the laws against slavery. Among the arguments used were the following:

In consequence of the propinquity of this colony of Hongkong to Canton, the custom of which province is to permit the people of the various places in the province to frequently sell their daughters and barter their sons that they may be preserved from death by starvation, the usage has become engrafted on this colony also. \* \* \* The purchase of boys is because the buyers have no descendants. \* \* \* The purchase of girls is because of the multitudinous duties of a household. \* \* \* Among the Chinese there has hitherto been the custom of drowning their daughters. If a stop is put to the sale of girls the custom spoken of will be yet more observed.

Regarding the custom of buying and selling human beings, Consul-General Bailey states that there are four classes of slaves recognized by law: (1) Slaves of the imperial household; (2) concubines; (3) slaves held for labor; (4) slaves held for the purposes of prostitution. Of the second class, he says that it is a numerous one:

Every man who is able to buy and maintain has one or more concubines. These are invariably the subject of bargain and sale. \* \* \* The buying of young girls of poor people and rearing and educating them to be sold as concubines is an extensive business. \* \* \* A concubine is always a subject for sale or hire. \* \* \* There are no limits to the supply of female children for this purpose.

The third class, general slaves, is also numerous:

Wherever in the Empire there is poverty and wealth these children are bought and sold. \* \* \* Male and female slaves labor in the fields. \* \* \* Others are used in the manufacture of various goods. Large numbers of all ages may be seen in the cities in all trades. Many are expert mechanics. Some bound till certain debts are discharged; others for life.

The penal code of China recognizes specifically these slaves and prescribes the punishment for their offenses. Consul-General Bailey recites these laws, which specifically discriminate between the free and the slave, awarding different punishments for the same offenses according as it is committed by a member of one or the other classes.

#### THE SYSTEM OF SLAVERY FOLLOWS THE CHINESE TO AMERICA.

And this is the system which is imported into the United States with cool labor and which would supplant free labor in field and workshop were the opportunity given. The Industrial Commission made, through a special agent, a careful study of the results of Chinese immigration in California, the only locality where the number of Chinese is large enough to enable such immigration to give sign of its ultimate effect were it unrestricted. The report says—

Mr. HOAR. I should like to ask the Senator at this point in his interesting remarks whether that system of slavery continues after they are here?

Mr. PERKINS. It virtually continues.

Mr. HOAR. Whose slaves are they?

Mr. PERKINS. They come here under a contract to one of the Consolidated Six Chinese Companies. The companies advance the money for their passage here and they virtually control them while they are in this country, agreeing to care for them under certain conditions when they are sick, and when they die, after they have paid a certain amount of money into the fund, their bones are sent back to China.

Mr. HOAR. Do their wages go to them or to the companies?

Mr. PERKINS. A certain percentage of their wages goes to the companies. They pay a tribute, and it is estimated that from 25 to 50 per cent of their wages is paid into one of the Six Companies.

Mr. HOAR. Who pays it?

Mr. PERKINS. The person who is earning it.

Mr. HOAR. So it is paid by the Chinaman when he is here and has an employer. Now, what is the security of the owner of the slave for getting that part of his wage?

Mr. PERKINS. The security is, first, a superstition. Another reason is that their families in China are held as hostages for their safe return. Another reason is that of the highbinder. If they do not pay their debts; if they do not contribute the money that they have agreed to contribute under their contract, they are punished in a manner ranging from severe personal chastisement to the taking of their lives in some cases.

#### WHAT A CHINESE COLONY IS LIKE.

I was about to read from testimony before the Industrial Commission, a Commission with which the Senator is familiar, as he helped to create it. They sent a part of the Commission to San Francisco, who took this testimony:

The Chinese colony in the city of San Francisco is a perfect beehive of busy industry. The problem of cheap living has been solved by this peculiar race. Among the lower and common laboring classes, such as are en-

gaged in agricultural pursuits, the cost of living has been reduced to the minimum and the wages paid are much less than any white laborer can live upon. The Chinese cooly and common laborer seems from instinct to be able to adapt himself to conditions under which no white laborer can live. In many instances, especially in agricultural pursuits, cooly labor has absolutely displaced white labor in the Pacific coast States.

Hundreds of factories and workshops in the city of San Francisco are in full operation, employing thousands of Chinese operatives, who are manufacturing boots and shoes, brooms, men's clothing, shirts, shirt waists, ladies' skirts, and, indeed, garments of all kinds, that find their way not only into Western, but Eastern markets as well, displacing in many instances the products of our Eastern workshops and factories. So that, as stated, this question is not one which interests the Pacific States alone, but which is of vital concern to the laboring interests of the entire nation.

An attempt was made by the special agent of the Commission to secure a census of Chinese manufactures in San Francisco, but it was soon found that complete statistics could not be obtained.

One of the chief characteristics of the Chinese race—

Says the agent—

is secretiveness in all affairs pertaining to their business. All inquiries at their stores, manufactories, and places of business were met with the ever-ready response, "Me no sabee."

#### SOME OF THE TRADES INVADED BY THE CHINESE.

Yet a vigorous effort was made and some data, though very incomplete, were obtained. In Chinatown alone, which embraces only eight or ten city blocks, there were found by actual count, in such places as access could be secured, 2,579 Chinese engaged in six callings, in which they competed directly with white labor, as follows:

Industry.	Number of workmen.	Average hours per day.	Average daily wages.
Boots and shoes.....	251	11 to 12	\$1.00
Shirts.....	135	11 to 12	1.00
Men's clothing.....	335	11 to 12	1.00
Overalls.....	430	11 to 12	1.00
Ladies' underclothing.....	168	11 to 12	1.00
Manufacture of cigars.....	1,200	10 to 14	.....

Yet this is only a very imperfect record of even these industries in Chinatown alone, and does not include the number of workers within the ten blocks in the business of shoemaking, tailoring, jewelry manufacturing, and scores of other callings competing directly with white labor. No effort was made to give data of Chinese industries outside of Chinatown. Regarding cigar making, the report says:

The scale of prices varies, of course, with the different grades of cigars, and averages from 50 per cent to 33 per cent less than the union prices on the different grades of cigars. White labor in the cigar manufacturing industry has been driven from the field, and San Francisco, instead of supporting from 2,000 to 3,000 white cigar makers, as formerly, has to-day less than 200 union cigar makers, who have remained to struggle against this hopeless competition. What has been true of the cigar industry has been and will be true of every industry in which American labor is met with Asiatic competition. It is in every instance a bloodless struggle, in which the white man must surrender and go down in humiliating defeat.

#### THE KEARNEY RIOTS A WARNING.

Yet, were immigration of these yellow competitors of white labor permitted, the Kearney riots in 1877-78 gave warning that the struggle would not be bloodless.

The figures given above relate to a very small part of the city of San Francisco. They would be surprisingly large were an accurate census of the whole city possible. It would then be seen what inroads have been made in the field of white labor. But an accurate enumeration is impossible for it is prevented by the natural secretiveness of the Chinese, rendered more effective by reason of the knowledge that it is for their interest to prevent the extent of their competition from becoming known. In mining, however, there is less chance for concealment, and it is found that in California alone there are 8,000 Chinese miners to 16,000 whites.

And these Chinese come among us not as free men bringing their families, desirous of taking up their residence here and becoming good Americans, as do our immigrants from Europe, but they come in consequence of a bill of sale of their bodies for a term of years, to work for any wage that can be obtained, to live on the poorest and the least food, in the hope that some day they will be able to purchase their freedom and return to their home in China.

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. SCOTT. Can the Senator give me an idea of the proportion of Chinese who are brought before the police courts and other courts for the commission of crime as compared with the number of population in the city of San Francisco?

Mr. PERKINS. I have the data, which I will come to later.

Mr. SCOTT. Oh, excuse me.

Mr. PERKINS. I took it from the State prison statistics, not from those of the halls of justice and the jails. With the Senator's permission, I will wait until I reach that point.

Mr. SCOTT. Certainly.

## CRIMINAL COURTS FILLED WITH CHINESE OFFENDERS.

Mr. PERKINS. I have obtained the percentage of the higher crimes. I may say, however, in passing, that our police courts are filled with Chinese offenders. Perhaps the policemen may be more vigilant in arresting Chinese than others, yet the criminal class of Chinese is very large. I have obtained the data from our prisons. I wrote to the wardens of our different prisons and also to the superintendents of our asylums for the insane and other State institutions. I will give the Senator the percentage later.

Mr. SCOTT. I am much obliged to the Senator. I merely wanted to know what the pro rata was as compared with the entire population.

Mr. PERKINS. It does not interrupt me in the least to have any Senator ask me a question. I have been among the Chinese there. I merchandised for a great many years. I know their virtues if they have any. Their many vicious habits and their many faults are matters of public notoriety.

Mr. President, I wish to say here, and I want to reiterate it again and again, we want in this country men and women who believe in republican institutions, who believe in public schools, and raise their children up to be, if not statesmen, good citizens. Every man is a sovereign in this land, and we want no class of people, I care not from what country they may come, who do not assimilate with our people. We want only those to come here who come because they believe in our institutions and worship at the shrine of freedom. When a foreigner comes with that spirit I am ready to welcome him. The Chinese have no sympathy with and no affection for our people or our institutions. For that reason I am opposed to their coming into this country. They come like locusts to sweep its substance from our land to carry it back to their own native heath.

## CHINA HOLDS THE EMIGRANT'S FAMILY AS HOSTAGES.

Not one of them has a desire or intention to remain here. One reason why his great wish is to return will be found in this extract from the report of Consul-General Bailey, above referred to:

When a Chinese subject goes out to any other country, all the other members of his family remaining in China are so many hostages that he will return and that he will maintain his allegiance to his country. The horrible punishment which may lawfully be inflicted on these hostages is sufficient to account for the rarity of instances of naturalization which have occurred in the history of Chinese emigration to the United States.

But Chinese coolies come to us in spite of exclusion acts, sent over from China in answer to the demand of the Chinese in America who have found a rich field for profit in buying and selling human labor. There is one organization of Chinamen in San Francisco known as the "Bahn Gar," which means "a Chinaman or Chinese who are in the business of importing Chinese coolies or slaves." Regarding the labor thus imported the special agent of the Industrial Commission says:

The hundreds of cool laborers whom they succeed in bringing into the country are hired out in "gangs," under the direction of a "boss," who collects their wages, the principal part of which is paid over to some company of the highbinders. The condition of this class of laborers is little better than that of slaves. They have little or no personal freedom; they are compelled to work on year after year and receive but a small portion of the fruits of their toil. If any one of them revolts against his masters or seeks to assert his personal liberty he is promptly assassinated.

Or he is otherwise harshly dealt with. It may be thought by the pro-Chinese advocates that the agent has drawn on his imagination in regard to this punishment, but he is strictly within the truth. Not only is the cool slave assassinated, but the independent and wealthy merchant who may protest against any of the doings of the slave-dealing organizations is exposed to death, and more than one has been killed for purposes of punishment and intimidation of others, as the criminal records of San Francisco abundantly prove.

## THE TRADE IN CHINESE WOMEN.

But this slavery of mere laborers is not the worst kind that is imported with the Chinese immigrant. The trade in women for the vilest of purposes is as well established in this country as it is in China, where it is so thoroughly rooted that it may be called one of the national institutions. Consul-General Bailey, in the report above referred to, states that the fourth class of Chinese slaves are prostitutes. This class is very large, and is, he says, to be found in every city and village of China. Every member of the class is a slave—is bought and sold for so much money. In his report he says:

The law, or custom older than any existing law, permits such traffic. \* \* \* In the crowded streets of cities and in the more thinly settled country regions fine-looking female children are kidnaped and carried to distant places, and sold to be raised for these vile purposes.

Women are bought or kidnaped in Chinese towns and villages and sent to San Francisco, there to be sold at prices ranging from \$1,500 to \$3,000. The rescue homes established by missionary societies are filled with girls who have escaped from the dens to which they were consigned by their purchasers, running the risk of death at the hands of the slave-dealing organizations rather

than longer endure the life they were compelled to lead. Not all are fortunate enough to avoid the highbinder pistol or knife, as the many murders of the rescued evidence. From the inmates of these mission homes are obtained details of the sale of girls in China by their parents. Some of these accounts will be found in the report of the Industrial Commission.

## THE SYSTEM OF DOMESTIC SLAVERY.

This slave class is to a great extent recruited from the class of domestic slaves which, as before pointed out, is one of the institutions of China. On this point Consul-General Bailey forwarded to the State Department a copy of a declaration by the chief justice of the court at Hongkong, in passing sentence on Chinese guilty of trafficking in children, in which the court says:

It is, I believe, an admitted duty that when the young girl (in domestic service) grows up and becomes marriageable she is married, but then it is the custom that the husband buys her, and her master receives the price always paid for a wife while he has received the girl's services for simple maintenance, so that according to the marriageable excess in the price of the bride over the price he paid for the girl he is a gainer, and the purchase of the child produces a good return. But the picture has another aspect; what—if the master is brutal and the mistress jealous—becomes of the poor girl? Certain recent cases show that she is sold to become a prostitute here or at Singapore or in California, a fate often worse than death to the girl, at a highly remunerative price to the brute, the master.

## THE TRUE FAMILY LIFE IMPOSSIBLE.

Nothing is more distinctive of the Chinese than the way in which they treat their women, of which illustration has been given. Actual or virtual slavery is their lot. The wife only has a semblance of freedom, and she is surrounded by actual slaves—girls bought for so much cash—serving as concubines for her husband or as domestics about the house. But these wives, except in a few isolated instances, do not accompany their husbands abroad. They are left at home as hostages, and it is to see them and to conform to the requirements of their religious belief and superstition as to duty to ancestors that the Chinaman makes his periodical visits home. Such women as are generally found in domestic establishments among our Chinese population may safely be classed among those slaves known to the Chinese law as concubines. The true family life of the Chinaman is not found here; but if it were the conditions would not be changed—they would simply be intensified.

## THE DANGER FROM LEPROSY.

These are not all of the objections which might be offered to immigration from China. There also comes with it the danger of physical contamination. Dr. Albert S. Ashmead, of New York, late foreign medical director of the Tokyo hospital, Japan, gives some interesting facts regarding leprosy among the Chinese, which have an important bearing upon the question of Chinese exclusion. He quotes Dr. Cantlie as saying:

Leprosy in the East centers in southeastern China. The cool emigrants come chiefly from Kwangtung and Fokien. Three-fourths of cool emigrants are from these provinces, and the spread of leprosy in the Malay Peninsula, in the Dutch, Spanish, and Portuguese East Indies and in Oceania has been in all cases coincident and concurrent with the immigration and residence of coolies from those provinces. In no instance over this vast area has any native acquired leprosy except where Chinese coolies have settled. One leprosy Chinaman inoculated Hawaii. Chinese immigrants brought leprosy to Japan.

According to the Jiji Shimpo (Daily News) of Tokyo, the most influential newspaper in the Empire of Japan, the number of known lepers in that country is 23,647. In the opinion of Dr. Ashmead, the actual number is in excess of 100,000. Not one province of the Empire is free from the disease. Such is the result in Japan of the contagion brought from China, yet, as has been pointed out, nearly all our Chinese immigrants come from two leprosy-infected provinces. To what extent the disease exists in the two provinces from which come the Chinese immigrants to this country is apparent from the following from a letter of Dr. Ashmead:

In the province of Fukien it (leprosy) is a veritable epidemic. Kwantung Province (Canton) is called the cradle of leprosy. In one leper asylum there are 800 lepers, and in the other over 1,000. In a leper village just outside of Canton there are 650 lepers. Several hundred lepers live on the boats near Canton. In Swatow, near the mouth of the Han River, which serves as the place of embarkation for the enormous cool trade to America, leprosy prevails extensively. Here there are villages called leper settlements, but there is no segregation, and the lepers are allowed to move about freely. \* \* \*

In Hongkong, too, leprosy is prevalent. In two and one-half years 125 lepers presented themselves at the Alice Memorial Hospital. In seven years, from 1880 to 1886, there developed on the island of Hongkong, unknown to the British Government even, from 600 to 700 lepers.

That leprosy exists among the Chinese in California is well known, for cases have often been found. But how widely spread it is can not be ascertained, for the Chinaman afflicted conceals his disease from others as long as possible, and when discovered it is concealed from the American officials by the victim's friends. There is thus a constant menace to the health of the community in which is gathered a large number of Chinamen. The sources from which the disease may be imported are many and fertile enough to excite alarm even with the most rigorous of exclusion laws.



## THE DANGER FROM CHINESE GUILDS.

Still another danger would be brought among us were the pro-Chinese advocates to have their way. Chinese population which had become entrenched, as it would after a time become, in American productive industry would introduce a trades-union system compared with which the American system is child's play. China is a nation in which the guild principle is a necessary part of the industrial system. It exists among the mercantile class as well as among the members of the handicrafts. John Fowler, United States consul at Ningpo, China, has this to say about working-men's guilds, in a report to the State Department:

They are very similar in functions and institutions to the trade unions of England. \* \* \* In such guilds there is always a sum held in reserve to support members on a strike, for strikes are an institution not wholly belonging to the European or American continents.

In addition to the mercantile and handicraft guilds, there are the guilds which are formed by the people from the same town or province when living in other than the place of their birth. Such guilds follow the Chinaman everywhere, and when a considerable number of Chinese from the same district are gathered together there is founded a guild which binds them in a homogeneous whole for self-protection and aggressive action against those by whom they are surrounded, if such action can in any way promote their own interests. Consul Fowler says that in dealing with such guilds in China "consuls and diplomats have a very grave matter on their hands." So would the United States Government also have a grave matter on its hands were there permitted among us a large Chinese population, which would surely come were the bars of restriction lowered.

## WHY THE CHINESE MENACE OUR INSTITUTIONS.

What has been said will give some idea of the character of the immigrants that we desire to exclude from our shores. It is easy to infer, from the facts given, something of the nature of the communities that would be formed were our pro-Chinese friends' desire complied with. The 25,000 Chinese in San Francisco offer an opportunity for learning how well fitted they are to enter upon the course of life that Americans have laid out for themselves. Bringing with them slavery, concubinage, prostitution, the opium vice, the disease of leprosy, the offensive and defensive organization of clans and guilds, the lowest standard of living known, and a detestation of the people among whom they live and with whom they will not even leave their bones when dead, they form a community within a community, and there live the Chinese life.

They have their terrorists' societies, their laws and customs, enforced with the barbarity which characterizes such enforcement in China, and they yield only outward obedience to the law of the land. They make use of our courts, by means of false witnesses, to reach with punishment some offender against themselves, and by the same means prevent justice from being done in cases in which they are a party. They are rigidly organized to evade all laws bearing hard upon them, and the organization is so perfect that evasion is not difficult. They herd together by thousands in small space, caring nothing for shelter beyond the four walls and roof, and creating a district of dirt and filth where once were cleanliness and beauty. Within the dark and smoky rookeries where they dwell they open dens for the demoralization of the white youths who surround them. They neither build nor repair, beautify nor cleanse, and their quarter reverts to the conditions found in the densely crowded cities of China. In such a sink, is it to be wondered at that nothing American can find a place; that no idea born of our civilization can find a lodgment; that the most prominent result is crime? Although the Chinese are only 3 per cent of the population of the State, they furnish 4 per cent of the criminals under sentence in the prisons of the State.

## CRIME AMONG THE CHINESE.

These figures were furnished me by the wardens of our respective prisons, taken from the records of the prisons, and they can not truthfully be gainsaid. Although the Chinese form only 4 per cent of the inmates of the prisons, those charged with murder form 15 per cent of those under sentence on this charge. Whereas in the prisons there are 781 white prisoners under sentence for crimes, less than burglary, there are only 3 Chinese; all the rest, 84 in number, being under sentence for crimes ranging from murder to attempted burglary. The Chinese criminal, therefore, is seen to be one who commits the greatest of the crimes punishable by law, murder standing at the head of the list, which shows what little regard they have for human life. Attacks on life number 46 out of a total of 87 convictions. Fifty-three per cent of the Chinese in our State prisons are convicted either of murder or of attempts to kill. Robbery and burglary furnish the remainder of the crimes for which Chinese are convicted. From this showing it is easy to judge of the state of society in a Chinese community in this country. Life is held cheap, and is taken without compunction and for the slightest

cause. It is as valueless among the Chinese in America as it is in China.

## CHINESE SHOULD BE EXCLUDED FROM THE PHILIPPINES.

Mr. HOAR. May I ask the honorable Senator a question? The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from California yield to the Senator from Massachusetts?

Mr. PERKINS. Certainly.

Mr. HOAR. I desire to ask the Senator from California whether he is willing to impose the evils which he has so graphically described on the Philippine Islands?

Mr. PERKINS. Most certainly not; and for that reason I shall be glad to join with my honorable and learned friend the distinguished statesman from Massachusetts in urging the Philippine Commission to pass the most stringent laws keeping out this class of Chinese highbinders from the Philippine Islands.

Mr. LODGE. If the Senator will allow me, this bill absolutely excludes the coming of Chinese from the Philippine Islands.

Mr. HOAR. I was asking the Senator from California what he advised.

Mr. PERKINS. I am full of good advice, Mr. President, and certainly we need no such characters as the highbinders. I have not much respect for the Malays as a class—I have been shipmate with them in my younger days—but still I think they are an improvement on the Chinese.

## INSANITY AMONG CHINESE CAUSED BY OPIUM.

The report of the general superintendent of State hospitals in California shows that there are nearly 200 insane Chinamen in the State institutions, and here is to be found one of the results of the Chinaman's predominant vice—opium smoking. I am told the Chinese acquired that habit from the British or Anglo-Saxons, who taught them how to smoke and use opium. As the Good Book tells us that the iniquity of the fathers shall be visited upon the children unto the third and fourth generation, I do not know but the British are receiving some punishment for it now in South Africa.

The superintendent says that the use of opium cuts a considerable figure in these cases. The proportion of Chinese insane is 43 per 10,000 Chinese inhabitants, while white insane patients are at the rate of only 37 per 10,000 of white population. That is a large percentage for the whites; but it will not appear so large when you bear in mind the cosmopolitan character of the people in the city of San Francisco, where 70 different dialects are spoken, and that every country and nation in the world is represented in California—many who have been disappointed elsewhere coming there in pursuit of wealth, and becoming broken down in health have become insane—with that large percentage of insane white people, yet the Chinese outnumber them by some 10 or 15 per cent. The increased proportion of insane among Chinese is due to the use of opium. The Chinese criminals and insane Chinese are supported by the taxpayers of California, as in not a single instance has it been possible to collect from their relatives or friends anything for their maintenance in the State institutions.

## OUR CIVILIZATION AT STAKE.

Such is the character of the communities that are formed in this country by immigrants from China. They are subversive of every idea on which our own civilization is based, and are a menace of which notice must be taken in time and effectual safeguards erected and constantly maintained.

The little Republic of Nicaragua was wise in time, for it early saw the danger impending and took measures to avert it. In October, 1897, the Nicaraguan Government issued a decree which absolutely prohibits Chinese going into Nicaragua. The reasons for this action are set forth by United States Consul Thomas O'Hara, who wrote to the State Department in 1899 on this subject. There were no Chinese on that coast previous to 1886, but those who arrived in the next ten years made it clearly apparent that they would, if their numbers increased, be a serious injury to the country.

It is true—

Wrote Consul O'Hara—

that the working of the mines by the Chinese does not add materially to the wealth and prosperity of the country. They construct neither buildings, highways, nor railways. They are satisfied with bare roofs. They are willing to work years for a few pounds of gold, and they have no use for modern machinery or improvements. Their wants are simple and do not increase when their earnings increase. They patronize Chinese stores exclusively, and the gold found by Chinese miners, whether exchanged for supplies or retained by themselves, eventually goes to China.

## HOW OUR CANADIAN NEIGHBORS DEAL WITH CHINESE.

Canada and British Columbia, our neighbors bordering on the north, several years ago enacted much more stringent laws relating to the immigration of Chinese than our present restriction law. No vessel is permitted to bring into that country more than 1 Chinese for every 100 tons register of the vessel; and, in

addition, the vessel must pay the Government \$100 head tax for every Chinese that is permitted to land. It is now proposed to raise this tax to \$500, as appears from the following telegram from Ottawa:

Mongols menace industrial peace, say the immigration commissioners—Canadian officials report in favor of Chinese exclusion by raising the per capita tax to \$500.—Ottawa, Ontario, February 27.

Mr. PLATT of Connecticut. It has not been done, so far as the Senator knows, has it?

Mr. PERKINS. Well, I will give you the benefit of what a statesman says ought to be done. If for any reason one of the houses of the Canadian parliament has not passed such an act, then they have an opportunity of redeeming themselves. The telegram continues:

The Chinese report presented to parliament to-day covers over 800 pages of typewriting. The conclusion which the commissioners arrive at is that Chinese retard white immigrants, who would make good citizens and settlers. It is said that the presence of Chinese is dangerous to the industrial peace of the community where they reside. They carry away to their own country all their earnings, and spend little or nothing in Canada. In the opinion of the commissioners it is impossible for the province of British Columbia to take its place and part in the Dominion unless its population is free from any taint of servile labor and is imbued with a sense of duties and responsibilities appertaining to citizenship.

I know that is the sentiment of my friend from Connecticut.

Mr. PLATT of Connecticut. Mr. President, I simply asked the Senator a question for the purpose of information. I wanted to know whether or not such an act as that had been passed by the Dominion parliament. I am very anxious to know.

Mr. PERKINS. I am unable to answer that question. I understood the Senator to say that such an act had not been passed. I beg the Senator's pardon.

The telegram further says:

The commissioners approve of the views of the legislature of British Columbia as to the grave injury that would follow an influx of Chinese laborers.

Then follows the findings of the commission. Messrs. Clute and Foley favored an immediate raising of the per capita tax to \$500, and Mr. Munn thought a trial for two years at \$300 at first would be best, then raising it to \$500.

I will say to the Senator from Connecticut that I know the present law providing for a head tax of \$100 on every Chinaman brought into Canada is in force. Whether or not this measure is in force or not, I am unable to say.

#### NO BENEFIT TO THE COUNTRY FROM CHINESE CAPITAL.

That none of the earnings of the Chinese in this country are invested here is well known. All the savings of these shrewd money-makers go eventually to China. No benefit accrues to our own country from the capital amassed by our Chinese residents. That the business to which they give rise is great is made manifest by the records of the port of San Francisco alone. In a communication to the Industrial Commission's special agent, the late Hon. John P. Jackson, collector of customs of San Francisco, stated that of \$603,644 collected in customs duties at that port in October, 1899, Chinese paid \$175,836, considerably more than one-fourth of the whole. In November, out of \$508,560 collected, Chinese paid \$156,787.

These two months—

He said—

are not at all peculiar, but are noted as the latest evidences of the business. I have before me a long list of Chinese merchants who pay annually customs duties running from \$10,000 to \$200,000 each, four of them paying over \$100,000 annually, and two firms contributing yearly between \$150,000 and \$300,000 to the Government coffers.

Mr. QUARLES. Where was that?

Mr. PERKINS. It was in San Francisco, and relates to the duties which are paid by Chinese in that city. Yet you will seek in vain in San Francisco for material evidences in the shape of buildings or improvements of any kind which would be conspicuous were such a large import business carried on by men of our own civilization. San Francisco, the State of California, and no State in the Union gain anything from this very large Chinese trade. Its profits and the other great profits that it represents find their way to China, and by so much is our city the loser.

#### CHINESE MERCHANTS AND THE EXCLUSION LAW.

This brings prominently forward the bearing of the proposed law on the class of Chinese merchants. Objection is made that the definition of merchant, set forth in the bill, is too stringent. But upon consideration I do not think it will be found to be so. It is perfectly clear that the great business transacted by the Chinese firms in San Francisco precludes the possibility of a considerable portion of the Chinese population being engaged in trade. In other words, a very small proportion of our Chinese can be merchants, for their business necessitates customers, who must be earners of wages, and as they do business with Chinese exclusively these wage-earners must be Chinese. It is therefore evident that the bulk of our Chinese population—probably 90 per cent—are wage-earners engaged in industrial pursuits.

When, therefore, we find more than 10 or 15 per cent of those

applying for admission to the United States claiming that they are merchants we may know that something is radically wrong. And that something is radically wrong is evidenced by the returns of the Chinese bureau at San Francisco giving the number of Chinese applying for admission to the United States. These returns show that from July 1, 1897, to July 1, 1898, of 3,806 applying for admission, 1,193 claimed to be merchants or other exemptions, or nearly one-third of the whole number, which includes children and women. This will be found to be about the proportion from year to year. Now, it will be recognized as true that it does not require 1,200 merchants to supply 2,600 laborers. The proportion of 26 merchants to 3,800 laborers would be nearer the true proportion, and the inference is clear that, with very few exceptions, the Chinese applying for admission are not and will not become merchants, but will join that great army of wage-earners on whom the merchants live. The merchants themselves are interested in keeping the ranks of this army full, and there is ground for belief that they assist coolies in entering the United States as business men for the sake of maintaining the demand for the wares in which they deal.

#### HOW THE EXCLUSION LAW IS EVADED.

On this point Mr. J. D. Putnam, Chinese inspector at Los Angeles, in a communication to the Industrial Commission, says:

They usually come as one of two classes. Of the first class, I believe the greater number claim to be native-born Americans. Second, those presenting themselves with merchants' papers (which papers they seem to have no difficulty in procuring white men to certify to as Chinese well known to them as merchants). There is not one white man in ten who has made the exclusion act a special study or who knows what constitutes a Chinese merchant. When they wish to procure a signer, merchants will introduce to such person a Chinese whom they state is a partner and a member of their company and who they claim is the party for whom such signer is to certify. After the signer of a certificate sees his name upon said certificate, upon its being returned for investigation, the result universally is that he is ready to make a statement to the inspector to the effect that the photograph represents some party well known to him. Should he state the contrary a Chinese lawyer will prepare an affidavit and present it to him, which he usually signs. Then the attorney presents the sworn evidence as rebuttal to the inspector's report. The inspector not being authorized to administer an oath (which I believe is an error), he is without power.

There is not one out of ten Chinese styling themselves as merchants, and so registered, who are genuine merchants except in name, as many a store or firm claims to have from \$10,000 to \$15,000 capital, and as having a list filed in the custom-house of from 5 to 15 partners, whose stock could be removed at one time in a single express wagon, and usually one or two men found about the store, the balance cooking or gardening or running gambling rooms until just before they wish to visit China, and still they have no trouble in procuring signers to their papers as being bona fide merchants. An example should be made of signers of such certificates by bringing them before the grand jury.

#### DEFINITION OF MERCHANT CAN NOT BE TOO STRICT.

I think it plain, therefore, that the law should leave no possible loophole through which coolies can enter the United States as merchants. The definition of a merchant can not be too strict or too rigorously applied. Doubtless many will remember the scandal that was occasioned in San Francisco several years ago through the laxity in this respect. It was noticed that there was a very large immigration of Chinese, and investigation showed that they were landed as merchants. As time passed, it was also noticed that the number of merchants coming by each steamer constantly increased. It began to look as though there would soon be as large an immigration of Chinamen as before the passage of the exclusion law. An investigation was made. The landing papers were found to be apparently correct. They were made out according to requirements and vouched for the mercantile character of the bearers. But a visit to the dock where the next steamer from China came in gave evidence of widespread fraud. The so-called merchants were seen, even by the least experienced, to be only coolies. They came herded between decks like cattle, bearing with them their baggage in the well-known basket, with bamboo pole, used by street peddlers and carriers. They came dirty and ill clothed, with faces of the type seen only among the coolies, and were of that class of intelligence found only among them. Yet they were landed as merchants, students, or travelers, and no genuine Chinese merchant protested.

An investigation followed, and corruption of the worst kind was unearthed. By collusion between officials in California and agents in China the needed certificates were procured and issued by thousands to cool laborers, who found easy access to the United States. Money for bribes and to carry out the plans of the conspiracy was found in abundance, and a rich harvest was reaped for a very long time. But the exposure came and the guilty ones were punished, and since then there has not been put in operation such a bold and barefaced attempt to evade the law. But that it is evaded in a similar way, but without collusion on the part of Government officials, is as certain now as it was then, and it is this evasion that the definition of "merchant" in the present bill is designed to prevent.

#### THE TRUE MERCHANT NOT INCONVENIENCED.

No one is more willing than I to discriminate between the true Chinese scholar and merchant and the cool laborer. Between



them is a vast gulf, broad and deep, which the cooly can never pass. But the educated and cultivated Chinamen in America are few in number. When he appears at the gang plank of a China steamer he can be readily recognized. He is a man keen and intelligent, with more or less knowledge of affairs, and, when he can escape somewhat from his habitual distrust of Americans, pleasant to meet. The definition of "merchant" in this bill can not affect him. He can easily fulfill all the requirements of the law. So, too, can the student or traveler. It is not against these classes that the definitions complained of are aimed, but against the cooly who masquerades under those designations and fraudulently enters this country to take his place among the Asiatic competitors of the American workman.

The field for competition which the Chinese find in this country is vast—so vast and so profitable that without restrictions it would be filled to overflowing with Asiatic labor. The profits are so large as not only to tempt voluntary emigration, but has given rise to an immense business in importing cooly or slave labor, through which individuals and organizations make fortunes easily and quickly. The Chinese in America possess numerous well-organized associations, some of the mercantile and some of the criminal classes, which are interested in the importation of cooly labor, and it is the plans laid and executed by them that make the enforcement of an exclusion law a matter of the greatest difficulty. The interests of the organizations, of the merchants, and of all the influential classes lie in the entrance of large numbers of the servile class, for they bargain for their employment, collect the wages, pay the laborer what they choose, and keep the balance for profit.

#### EVEN THE BONES OF DEAD CHINAMEN SENT HOME.

The organizations, like the well-known Six Chinese Companies, have general oversight of the coolies, much after the manner of the owner of slaves, being interested in their health and physical well-being that their utility as wage-earners may not be lessened. And when the cooly dies in this country they see to it, as a part of the agreement entered into, that his bones are sent back to China to be placed beside those of his ancestors. Scarcely a steamer leaves a Pacific port for China that does not have on board hundreds of boxes containing the carefully-cleaned bones of deceased Chinamen. Through the laws and regulations of the Six Chinese Companies, and the terrorism of the highbinder societies, the Chinese in America are under a strict government, but one based on Asiatic and not American ideas. And the coolies, subject to a slavery which is real and not imaginary, are brought over here to compete with American labor, bringing with them standards of life and morals which can only tend to drag the American workman from the high level he has attained.

#### CONTRAST BETWEEN TWO CIVILIZATIONS.

Personal freedom, the home, education, Christian ideals, respect for law and order are found on one side, and on the other the traffic in human flesh, domestic life which renders a home impossible, a desire for only that knowledge which may be at once coined into dollars, a contempt for our religion as new, novel, and without substantial basis, and no idea of the meaning of law other than a regulation to be evaded by cunning or by bribery. The attack of the cooly laborer is not alone on wages, but on the very foundation of the American workman's prosperity and well-being. The contest is between two social systems utterly opposed to each other. Customs and ideas that are the growth of three or four thousand years, which have made the Chinese a people of the strongest vitality, of fewest wants, and least aspiration for improvement, will inevitably conquer, as they have always conquered, in a strife with a civilization of a high plane. A scale of wages like that given by Consul-General Jernigan at Shanghai—blacksmith, 13 cents a day; brass worker, 16 cents; barber, 3 cents; bootmaker, 10 cents; bricklayer, 10 cents; cabinetmaker, 11 cents; tailor, 10 cents; cotton-mill machinist, 11 to 23 cents, and cotton-factory hands, 18 cents—shows the margin which the cooly laborer has in a competition with American labor.

#### CHINA COULD OVERWHELM US.

With such a margin and such a heredity as he has, there can be no doubt as to his ability to overwhelm the laborer of any nation having modern civilization. Unrestricted immigration would open this country to 400,000,000 or 450,000,000 people of the character described. With more extended knowledge of the opportunities offered here, is it to be imagined that thousands would not come to our shores where single individuals now come? Is there a belief that we could prevent them from attaining the commanding position occupied by them in the Philippines, in Singapore, and wherever they exist in large numbers? The Chinaman fully realizes all of his advantages, including that of numbers. A Chinese student during the Boxer troubles, in reply to my assertion that if the members of the legations were murdered we should punish China severely, said:

You can do nothing. Suppose you kill 50,000,000 Chinamen: we will have left more than five times the whole population of the United States.

Mr. FAIRBANKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Indiana?

Mr. PERKINS. Certainly.

Mr. FAIRBANKS. I do not wish to interrupt the Senator.

Mr. PERKINS. It is no interruption at all.

Mr. FAIRBANKS. Something has been said as to the inability to secure American seamen for the trans-Pacific service. I should like to have the Senator, if he can, give us some information upon that subject.

#### CHINESE IN THE MERCANTILE MARINE.

Mr. PERKINS. The best answer I think I can make to the question is that there are a number of steamship companies running vessels out of San Francisco employing a large number of sailors, firemen, and coal passers which do not employ Chinese. I have myself for thirty years been connected with a steamship company employing from 1,500 to 3,000 men most of the time, and we never have employed, to my knowledge, a Chinaman during that period.

As to vessels running into the Tropics, all of the United States transports now engaged in the service, plying between San Francisco and the Orient, the Philippine Islands and Japan, have white coal passers, white stokers, and white firemen. Their whole crews are Caucasian.

The ships plying to Central America from San Francisco and to the coast of Central America and Mexico, and German ships running down the coast of Central America to South America, all employ white firemen and white coal passers and white deckhands (sailors). The ships of the Oceanic Steamship Company, one of which runs every two weeks to New Zealand and Australia, run to Honolulu, across the equator, and go down through the Tropics. They all employ white men. The steamers running from San Francisco to Samoa, to the Fiji Islands, also employ all white men. It is the same way with vessels of our Navy.

#### WHY THERE SHOULD BE NO CHINESE ON OUR MERCHANT VESSELS.

In this connection I will state that when there was under consideration the bill to promote American shipping interests I voted for the amendment proposed by the junior Senator from Colorado [Mr. PATTERSON] prohibiting the employment of Chinese upon those ships. I did it for the reason that I supported the bill, believing it would build up and resuscitate and again give to us the carrying of our own trade under the Stars and Stripes as we formerly had it. I believe the correct way to do that is to encourage and make honorable and elevate the dignity of the life of a sailor, and it requires some courage to be a good sailor man. It requires a good deal of courage to be a fireman or a coal passer, to go down into the hold of one of these ships and there toil for four, six, or eight hours during the twenty-four, or longer.

I have always had quite as much admiration for the stoker who went down into the hold of the *Merrimac* and went into that famous blockade at Santiago as I did for the man who stood upon the bridge, and it was on my motion that Congress kindly recognized their bravery by giving each one of them a medal.

Mr. PENROSE. I should like to interrogate the Senator from California.

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. PERKINS. Certainly.

Mr. PENROSE. I should like to ask the Senator from California whether it is true or not that there is a sufficient supply of white sailors upon the Pacific slope and whether white sailors can stand the Chinese climate in pursuit of their occupation?

Mr. PERKINS. The same question has been asked by the senior Senator from Indiana, and I have been answering it in part.

#### PLENTY OF WHITE MEN TO MAN OUR SHIPS.

Mr. PENROSE. I beg pardon. I was not in the Chamber at the time.

Mr. PERKINS. I have been credibly informed by the Firemen's Union of San Francisco that there are plenty of men to fill those positions. The question is one of wages. I believe it is worth something to be an American citizen. It is worth a great deal. It is worth a great deal to have the right to fly the Stars and Stripes at the peak, and our ships plying out of San Francisco or New York to any foreign port have certain rights and privileges which foreign ships do not have. An American ship sailing from San Francisco may carry freight and passengers to Honolulu, to the Philippine Islands, and then continue on her voyage to Japan and China.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. Certainly.

Mr. GALLINGER. The Senator says it is worth something to be an American citizen. Will the Senator kindly inform the Senator what proportion of the sailors whom he says are of Caucasian

blood on the ships that sail from San Francisco are American citizens?

Mr. PERKINS. In the coasting trade it amounts to about 60 per cent.

Mr. GALLINGER. How about the foreign trade?

Mr. PERKINS. In the foreign trade it is less than 50 per cent—some forty-odd per cent.

Mr. GALLINGER. So that half of these men are not American citizens?

#### CHARACTER OF CAUCASIAN SAILORS.

Mr. PERKINS. They are all capable of becoming American citizens. Many of them come here who are not citizens. They have their families in San Francisco or at Oakland, across the bay. They have their little cottages, many of them building them perhaps on the installment plan, and when they come back after a voyage to Australia or to the Orient they are greeted by their children and their wives. There they see the schoolhouse that they pay their taxes to build, and there they see the little church where their wives and children worship. Those people become good American citizens in time. If they are not American citizens their children surely are, and they have the pride and honor that attach to it.

I took a deep interest when I first came to Congress in ascertaining the percentage of foreigners in our Navy. I found there was some 65 per cent of foreigners in the Navy. I had several interviews with the Secretary of the Navy and the Chief of the Bureau of Navigation, and with their assistance we have established several naval training stations. We now have a number of vessels shipping landsmen, who go off on training voyages. The result is that we have reduced the percentage of foreigners in the Navy from 65 to 41 or 42 per cent. We have been making splendid progress in the last five or ten years, and I hope and expect to live to see the American flag flying on ships as I once saw it, when a sailor boy sailing out of your own native State, Mr. President [Mr. FRYE in the chair], which we all honor and love. Then the boy in the forecabin looked forward to the time when he would walk the deck and command the ship, and was just as sure of reaching it as daylight follows darkness, if competent.

#### THE AMERICAN SAILOR SHOULD BE ENCOURAGED.

So I believe in building up the American merchant marine. I believe the best way is to encourage the American sailor. I would make his an honorable vocation, as it is, and when it is only a question of dollars and cents, I would give the preference all the time to the American citizen, or the one who is capable of becoming an American citizen, sooner than I would to a Chinaman, who would work for a pittance and take that pittance to China. When we employ Americans their wages are left here in our own home, and what is better than all, then you have a man who is protected as an American citizen, and who has a pride in American citizenship, and if he is not an American citizen his children will be citizens after him.

I believe I shall vote for this clause in the pending bill. While there are not the same reasons for it perhaps that existed as to the ship-subsidy bill, yet I would rather err on the side of right than to go off on the side of wrong. Therefore I shall vote that Chinese shall not be employed. Of course if ship owners prefer Lascars and Javanese and Malays and Japs or people from the South Sea Islands and other islands instead of American citizens or those capable of becoming American citizens, they can hire them probably much cheaper.

#### NONE LIKE THE AMERICAN SAILOR.

Mr. PATTERSON. I may suggest in this connection that in a communication from the War Department it is declared that the Filipinos constitute the best sailors of all the Asiatic people.

Mr. PERKINS. I have been shipmates with them. I would rather have one Yankee than seventeen Malays.

Mr. SPOONER. They may have improved.

Mr. PERKINS. Probably, since they have come in under our protection. There is a chance for them to do it. The Japs make pretty good sailors.

Mr. GALLINGER. Just on this point, if the Senator will permit me, if he will examine the testimony of Governor Taft he will observe that Governor Taft says the Chinese as laborers are very much superior to the inhabitants of the Philippine Islands. I know nothing about their qualities as seamen.

Mr. PERKINS. I think there is no doubt about that. All that the Chinese laborers are good for is to work, and they do work and work faithfully. I believe in dignifying and elevating labor in this country. My friend from New Hampshire, as well as I, never had a house to live in, because our ancestors did not leave it to us, until we worked to earn it. I believe in giving everyone in this country an opportunity to work. I believe in dignifying and elevating labor, whether it be by muscle or brain. I want everyone to have that opportunity. I am in-

tensely American, like my friend the Senator from New Hampshire.

Mr. GALLINGER. Of course no utterance of mine would suggest that I am not equally a friend of the laboring man—

Mr. PERKINS. I know.

Mr. GALLINGER. Although we may differ as to the provisions and details of this bill, as I think we do.

Mr. PERKINS. My friend and I are in perfect accord. We belong to that party which struck down slavery, for one reason because it was lowering and pulling down labor. We believed we should honor and dignify and elevate labor in this country.

A few minutes more, and I will not trespass further. I should like to dwell upon the religious phase of this question for a few moments.

Mr. GALLINGER. Before the Senator reaches that point, I should like to propound one inquiry.

Mr. PERKINS. Certainly. If I can not answer it I will do as the judges do sometimes—I will take it under advisement.

#### MR. GALLINGER ASKS A QUESTION.

Mr. GALLINGER. That is right. It will be a wise answer when the Senator gets around to it, if he does that, because he is a wise man.

I have listened with great interest to the Senator's speech. He is a faithful representative of his own people and an able representative of his State. He believes every word he says, and yet some of us in the far East, concerning whom it has been suggested in this debate that we are governed by impulse, benevolence, and that sort of thing, are considerably puzzled to know why this intense desire to make the laws relating to Chinese exclusion so much more stringent than they are now, when the Twelfth Census shows that in the Senator's own State the Chinese inhabitants have decreased about 40 per cent in the last ten years. It does not seem to us, looking at it over the distance that we have to look to discover the Pacific slope, as though there is any real imperative necessity for further exclusive laws when the Chinese population is decreasing in the country at a rapid rate and when it decreased in the Senator's own State 40 per cent during the last ten years. Perhaps the Senator can give me some light on that point.

Mr. PERKINS. I think perhaps I may answer it offhand by stating that many of the Chinese who land in San Francisco, as I stated in my preliminary remarks, find their way to Massachusetts and to some of the other New England States, and I notice that the junior Senator from Massachusetts [Mr. LODGE] is now more earnest and more zealous in his advocacy of this bill than those of us from the Pacific coast. A few years since he said, "It will not do. It is contrary to the spirit of our institutions." And so I think perhaps they are feeling the baleful influence under which we have been suffering for so many years.

Mr. GALLINGER. The Senator does not answer my question at all. If the Chinese have drifted from California to Massachusetts, and if possibly a few of them have managed to creep into New Hampshire, the further fact still remains that the Chinese population in the country, the entire country, including Massachusetts and New Hampshire and California, has decreased—I think somewhere in the vicinity of 28 or 30 per cent in the last decade—according to the census reports.

Mr. PERKINS. They have left leprosy with us, and we are trying to eradicate the evil of that.

Mr. GALLINGER. If the Senator will permit me, when the leprosy question comes up for discussion I shall want to say a few words about it. We have recently had an investigation regarding leprosy in this country which throws a flood of light on that proposition, and I think will not bear out all of the Senator's statements which have been made to-day concerning that matter.

Mr. PERKINS. I referred to the conversation with the Chinese student, who, when it was suggested that we would certainly punish our friends in China if they did harm to our legation, shrugged his shoulders and said, "Ugh! You can do nothing. Suppose you kill 50,000,000 Chinamen. We yet have left five times more than the population of the United States." They have 400,000,000 or 450,000,000 people. They are somewhere, and many of them, we think, have been smuggled into the United States and, like cases of leprosy, have been concealed.

#### HOPELESSNESS OF IMBUING CHINESE WITH CHRISTIAN CIVILIZATION.

The "Boxer" uprising is an evidence of the hopelessness of the effort to Christianize the Chinese. That recent event was undoubtedly, as has been claimed, due in a great measure to the efforts of missionaries to imbue the Chinese with Christian ideas. The ultimate result was murder, violence, and a blow to Christian teaching in China which it will take long to recover from. But what has such teaching accomplished? Christianity has not been taught in China for the comparatively few years of which we have a record. Yet (and I think this item will surprise my honorable friend



the historian from Massachusetts, because I have never heard him speak of it, and I have heard him make many scholarly dissertations) Christianity is known to have been introduced in China as far back as A. D. 781.

Mr. HOAR. Do I understand that the Senator from California disapproves of the attempt to Christianize the Chinese?

Mr. PERKINS. It has not been a success.

Mr. HOAR. That is unquestionable. Does the Senator disapprove of the attempt to introduce Christianity into China or not?

Mr. PERKINS. No, Mr. President; I would carry it to them.

Mr. HOAR. Then I do not think the Senator would want to pursue that line much further.

Mr. PERKINS. But if the Senator will permit me, I am going to give you the authority of a Presbyterian.

Christianity is known to have been introduced as far back as A. D. 781, the date of a monument in Northwestern China commemorating the event. It was taught one thousand three hundred years ago, and there is reason to believe very extensively, yet not a vestige of those teachings remains. It was taught by Roman Catholics in the seventeenth century and since that day, but with what results? Rev. Joseph Edkins, a missionary, and thoroughly familiar with China and the Chinese, published in 1859 a book on the "Religious Condition of the Chinese." My reading is not very extensive, but I incidentally came across this book. He says:

The Protestant converts are still not many more than 1,000. They are the remaining fruits of sixteen years' labor by about 100 missionaries at the five treaty ports.

Mr. QUAY. Will the Senator permit me to interrupt him?

Mr. PERKINS. Certainly.

Mr. QUAY. Looking at the population statistics as to the Protestant Christians in China, I find that the number is something over 100,000.

Mr. PERKINS. There must have been many of them Boxers.

Mr. QUAY. No; they were fighting the Boxers.

Mr. HOAR. I understand from the Senator that the whole attempt to introduce Christianity into China from the eighth century has been a miserable failure, and the effect of the recent attempt has been the Boxer rising. Then what reason has the Senator for saying that he still approves of the attempt to introduce Christianity into China?

Mr. PERKINS. Because all the teachings of Christianity are right; and if Christians would live up to their teachings, if they would only practice what they preach—

Mr. HOAR. My friend says, as I understand him, that it has been an utter failure and has produced the Boxer insurrection. The reason why the Senator approves the attempt to Christianize them is, I understand, because we do not live up to our teachings.

Mr. PERKINS. The Chinese fail to live up to our teachings, and yet they do claim to live up to some of the teachings of Confucius. Confucius was in a measure a second Moses.

Mr. HOAR. I did not ask my friend about the teachings of Confucius.

#### THE FRUITS OF SIXTEEN YEARS' LABOR.

Mr. PERKINS. Dr. Joseph Edkins was a missionary and thoroughly familiar with China and the Chinese. I am giving you the historical view. I am not the historian, but it is Dr. Edkins, the author of the "Religious Conditions of the Chinese," published in 1859, who says:

The Protestant converts are still not many more than 1,000. They are the remaining fruits of sixteen years' labor by about a hundred missionaries at the five treaty ports.

Dr. Edkins believed in missions and had hope of the future, yet that was his estimate of the results of sixteen years' work. These figures would undoubtedly be cut down 99 per cent if he could have read the hearts of his so-called converts. He acknowledges that the Chinese came to the schools for the purpose of picking up scientific and other knowledge that they could make use of, but evidently had faith that they also imbibed Christianity. And this in face of the fact, as he records, that Christianity compels them to give up the strongest of all their strong religious customs—the worship of ancestors. It is safe to say that the idea on which this worship is based is as ineradicable as are the physical characteristics of the race. In the face of that, to suppose that Chinese will accept Christianity and give up the most vital of their ethical ideas is to suppose the impossible.

The Chinese have been in this country for half a century, surrounded on all sides by Christian influences, attending Sabbath schools in shoals, and most earnestly attentive to the teachings of the good-looking young ladies having charge of the classes; but the most ardent pro-Chinese American can not say that Christianity has made much progress.

#### PROFESSING CHRISTIANITY FOR BUSINESS REASONS.

Rev. Dr. Condit, who represents the Presbyterian missions, states that, out of the total Chinese population of the United

States, estimated by those having to do with Chinese at 300,000, there are only 1,600 Christian Chinese of all denominations, and only 4,000 Christianized from the beginning of their immigration, which would represent that number of conversions among two or three millions of individuals. Remembering that of the number given above a very considerable proportion make pretense of being Christians for purely business reasons and that the sincerity of the rest may be questioned on the safe assumption that the Chinaman's hereditary religious convictions can not be discarded with the ease which sanguine Christians seem to think possible, it may be well to quote the remark of Dr. Edkins, who wrote:

It must be long before Christianity can become well understood by them. Missionary efforts must be greatly increased and the agency of the press must be well worked before they will be freed from many wild misconceptions. \* \* \* But we shall have to continue our efforts for many years yet without seeing our religion victorious unless God should interfere in unexpected providential occurrences to answer the prayer of His servants.

This is the language of an eminent divine, who consecrated his life in trying to elevate those people.

Such is the Chinaman whom unrestricted immigration would place side by side with the American laborer in nearly every branch of industry. His cheap labor might at first benefit individual employers or corporations, but to make it a part of our industrial system would be detrimental to the public interests, subversive of our civilization, and stop absolutely the wheels of progress. It is therefore our duty—I look upon it almost as a religious duty—to so legislate that the greatest good to the greatest number will result, and that the institutions of our country, of which we are so boastful and on which our safety is based, may be preserved unchanged for those who come after us.

#### HOUSE BILL REFERRED.

The bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Foreign Relations.

Mr. PENROSE. To the Committee on Immigration. The pending bill came from that committee, and I suppose the same reference should be made of this bill.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania move the same reference? The Chair is of the opinion that both bills should have gone to the Committee on Foreign Relations.

Mr. PENROSE. I move that the bill be referred to the Committee on Immigration.

Mr. FORAKER and Mr. HOAR. What is the motion?

The PRESIDENT pro tempore. The House Chinese-exclusion bill has been laid before the Senate and the motion is that it be referred to the Committee on Immigration. The Chair referred it to the Committee on Foreign Relations.

Mr. PENROSE. It would be a very extraordinary proceeding, after the Committee on Immigration had the bill as it was introduced in the Senate and spent months taking testimony aggregating several hundred pages, then to have the House bill referred to another committee.

The PRESIDENT pro tempore. It is for the Senate to decide. Mr. GALLINGER. It would give the subject a much wider scope of inquiry.

Mr. TELLER. The bill clearly should go to the Committee on Immigration; not to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The question is on the motion to refer the bill to the Committee on Immigration.

The motion was agreed to.

#### COMPILATION ON CHINESE EXCLUSION.

Mr. FORAKER. I have here a compilation entitled "The Laws, Treaty, and Regulations relating to the Exclusion of Chinese." I understand that the print of it is exhausted, and I move that it be printed as a document, so that we may have it to-morrow morning.

The motion was agreed to.

#### CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, the hour is somewhat late. There are a few pension bills on the Calendar. It would take about fifteen minutes to clear the Calendar, and at least ten Senators have been to me in the last few days asking that I request unanimous consent to have those bills considered. I now make that request.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases. Is there objection? The Chair hears none. The first pension bill on the Calendar will be proceeded with.

## DAVID M. M'KNIGHT.

The bill (S. 3992) granting an increase of pension to David M. McKnight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. McKnight, late second lieutenant Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## GEORGE F. BOWERS.

The bill (S. 899) granting an increase of pension to George F. Bowers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the word "lieutenant," to strike out "of;" in line 7, after the word "Regiment," to insert "Provisional;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Bowers, late first lieutenant Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JAMES W. HANKINS.

The bill (S. 2738) granting an increase of pension to James W. Hankins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Hankins, late of Company H, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JANE CATON.

The bill (S. 694) granting a pension to Jane Caton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Caton, widow of Mathew Caton, late of Company F, First Regiment United States Lancers, Michigan Volunteer Cavalry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## WILLIAM H. NORTON.

The bill (S. 4042) granting an increase of pension to William H. Norton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Norton, late of Company K, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LEVI HATCHETT.

The bill (S. 2975) granting an increase of pension to Levi Hatchett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Hatchett, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LYDIA M. GRANGER.

The bill (S. 4535) granting an increase of pension to Lydia M. Granger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, after the words "widow of," to strike out the letter "W" and insert "William;" in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" and in line 9, after the word "receiving," to insert "and two dollars per month additional on account of each of the minor children of the said William M. Granger until they reach the age of 16 years;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia M. Granger, widow of William M. Granger, late of the United States Marine Corps, and grant her a pension at the rate of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of the said William M. Granger until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## NATHAN W. SNEE.

The bill (H. R. 4176) granting an increase of pension to Nathan W. Snee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan W. Snee, late of Company I, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM BERRY.

The bill (H. R. 4116) granting an increase of pension to William Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Berry, late of Company H, Twelfth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EVALINE WILSON.

The bill (H. R. 7613) granting an increase of pension to Evaline Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evaline Wilson, widow of Adam Wilson, late of Company K, First Regiment Indiana Volunteers, war with Mexico, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARGARET M. BOYD.

The bill (H. R. 3352) granting an increase of pension to Margaret M. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret M. Boyd, widow of Sempronius H. Boyd, late colonel Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay her a pension of \$24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JACOB GOLDEN.

The bill (H. R. 3260) granting a pension to Jacob Golden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Golden, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE R. CHANEY.

The bill (H. R. 4172) granting an increase of pension to George R. Chaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George R. Chaney,



late of Company I, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMPSON B. MOORE.

The bill (H. R. 1485) granting an increase of pension to Thompson B. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thompson B. Moore, late private in Captain Barbee's company, Second Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTINA HEITZ.

The bill (H. R. 291) granting a pension to Christina Heitz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christina Heitz, widow of Charles Heitz, late of Company I, Third Regiment United States Reserve Corps Missouri Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. CARLILE.

The bill (H. R. 11025) granting a pension to Mary A. Carlile was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Carlile, widow of Henry C. Carlile, late of Company I, Twenty-fifth Regiment Missouri Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. ALLEN.

The bill (H. R. 3427) granting an increase of pension to Sarah E. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Allen, widow of Silas F. Allen, late captain Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY F. BENSON.

The bill (H. R. 1476) granting an increase of pension to Henry F. Benson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry F. Benson, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS YOUNG.

The bill (H. R. 3354) granting an increase of pension to Thomas Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Young, late of Company B, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA A. RUSSELL.

The bill (H. R. 12275) granting a pension to Amelia A. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amelia A. Russell, widow of Michael Russell, late first lieutenant Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. JAMES.

The bill (S. 3334) granting an increase of pension to Thomas E. James was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. James, late of Company H, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and Company F, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. ROTAN.

The bill (S. 2409) granting a pension to John A. Rotan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Rotan, late of Company H, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John A. Rotan."

THOMAS H. H. GIBBS.

The bill (H. R. 2613) granting an increase of pension to Thomas H. H. Gibbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. H. Gibbs, late of Company I, Second Regiment California Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. WILSON.

The bill (H. R. 7847) granting an increase of pension to Charles S. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Wilson, late of Company K, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE B. GREEN.

The bill (H. R. 7290) granting an increase of pension to Lizzie B. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie B. Green, widow of John E. Green, late captain Company C, Ninety-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH CULBREATH.

The bill (H. R. 12490) granting an increase of pension to Joseph Culbreath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Culbreath, late second lieutenant Company L, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES FREY.

The bill (S. 284) granting a pension to James Frey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Frey, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Frey."

ROBERT L. ACKRIDGE.

The bill (H. R. 6023) granting an increase of pension to Robert L. Ackridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert L. Ackridge, late of Company D, Thirty-third Regiment Kentucky Volunteer Infantry, and Company K, Twenty-sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RUTH BARTLETT.

The bill (H. R. 12395) granting a pension to Ruth Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ruth Bartlett, the dependent and helpless daughter of Sylvanus Bartlett, late first lieutenant Company H, Eighteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EDWIN J. GODFREY.

The bill (H. R. 1709) granting an increase of pension to Edwin J. Godfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin J. Godfrey, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## AUGUSTUS E. HODGES.

The bill (H. R. 1685) granting an increase of pension to Augustus E. Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus E. Hodges, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANDREW B. SPURLING.

The bill (H. R. 11916) granting an increase of pension to Andrew B. Spurling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew B. Spurling, late lieutenant-colonel Second Regiment Maine Volunteer Cavalry and brevet brigadier-general of volunteers, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN S. JAMES.

The bill (H. R. 9654) granting a pension to John S. James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. James, late captain Company D, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRANCES E. SCOTT.

The bill (H. R. 10710) granting an increase of pension to Frances E. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Scott, widow of Charles H. Scott, late of Company H, Thirteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLARA B. TOWNSEND.

The bill (H. R. 9378) granting a pension to Clara B. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara B. Townsend, widow of Justus Townsend, late acting assistant surgeon, United States Army, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ERASTUS C. MODERWELL.

The bill (H. R. 3884) granting an increase of pension to Erastus C. Moderwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erastus C. Moderwell, late major, Twelfth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THEOPHILE A. DAUPHIN.

The bill (H. R. 3876) granting an increase of pension to Theophile A. Dauphin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theophile A. Dauphin, late of Company K, Eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARION BARNES.

The bill (H. R. 7525) granting a pension to Marion Barnes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion Barnes, widow of Warren P. Barnes, late musician, Twenty-second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY E. DE MARSE.

The bill (H. R. 4053) granting an increase of pension to Henry E. De Marse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry E. De Marse, late of Company L, Eighteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. STOCKINGS.

The bill (H. R. 10957) granting an increase of pension to Mary E. Stockings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Stockings, widow of Robert Q. Stockings, late of Company K, Forty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 9, 1902, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 8, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOWELL, indefinitely, on account of illness.

## TEMPORARY ELECTRIC PERMITS, DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I have sent to the desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits was read, as follows:

*Resolved, etc.,* That the Commissioners of the District of Columbia are hereby authorized to permit electric-light wires to be laid in existing conduits and house connections between such conduits and Convention Hall, to be made for the purpose of supplying additional light for the Masonic Fair and Exposition of 1902: *Provided*, That all such wires shall be removed on or before May 10, 1902.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

## PROTECTION OF GAME IN ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.,* That from and after the passage of this act the wanton destruction of wild game animals or wild birds, the destruction of nests and eggs of such birds, or the killing of any wild bird other than a game bird, or wild game animal, for the purposes of shipment from the district of Alaska, is hereby prohibited. The term "game animals" shall include deer, moose, caribou, sheep, mountain goats, bears, sea lions, and walrus. The term "game birds" shall include water fowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan. Nothing in this act shall effect any law now in force in the Territory relating to the fur seal, sea otter, or any fur-bearing animal other than bears and sea lions, or prevent the killing of any game animal or bird for food or clothing by native Indians or Eskimo; but the game animals or birds so killed shall not be shipped or sold.

SEC. 2. That it shall be unlawful for any person in Alaska to kill any wild



game animals or wild birds except during the seasons hereinafter provided: Large brown bears, from April 15 to June 30, both inclusive; moose, caribou, walrus, and sea lions, from September 1 to October 31, both inclusive; deer, sheep, and mountain goats, from September 1 to December 15, both inclusive; grouse, ptarmigan, shore birds, and water fowl, from September 1 to December 15, both inclusive: *Provided*, That the Secretary of Agriculture is hereby authorized whenever he shall deem it necessary for the preservation of game animals or birds to make and publish rules and regulations which shall modify the close seasons hereinbefore established, or place further restrictions and limitations on the killing of such animals or birds in any given locality, or to prohibit killing entirely for a period not exceeding five years in such locality.

SEC. 3. That it shall be unlawful for any person at any time to kill any females or yearlings of moose, caribou, deer, or sheep, or for any one person to kill in any one year more than the number specified of each of the following game animals: Two moose, walrus, or sea lions; four caribou, sheep, goats, or large brown bears; eight deer; or to kill or have in possession in any one day more than 10 grouse or ptarmigan, or 25 shore birds or waterfowl.

That it shall be unlawful for any person at any time to hunt with hounds, to use a shotgun larger than No. 10 gauge, or any gun other than that which can be fired from the shoulder, or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds. And the Secretary of Agriculture is authorized to make and publish such further restrictions as he may deem necessary to prevent undue destruction of wild game animals or wild birds.

SEC. 4. That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals in the Territory of Alaska, or to sell, or offer for sale therein, any game animals or birds, or parts thereof, during the time when the killing of said animals or birds is prohibited: *Provided*, That it shall be lawful for dealers having in possession any game animals or birds legally killed during the open season to dispose of the same within fifteen days after the close of said season.

SEC. 5. That it shall be unlawful for any person, firm, or corporation or their officers or agents to deliver to any common carrier, or for the owner, agent, or master of any vessel, or for any other person to receive for shipment out of the said district, any hides or carcasses of caribou, deer, or parts thereof, or any wild birds or parts thereof: *Provided*, That nothing in this act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition or propagation, or the export from the said district of specimens and trophies, under such restrictions and limitations as the Secretary of Agriculture may prescribe and publish.

SEC. 6. That any person violating any of the provisions of this act or any of the regulations promulgated by the Secretary of Agriculture shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished by a fine of not more than \$200 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That upon conviction for the second or any subsequent offense there may be imposed in addition a fine of \$50 for any violation of sections 1 and 3, and a fine of \$100 for a violation of section 2. It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs appointed for the Territory of Alaska, and all officers of revenue cutters to assist in the enforcement of this act. Any marshal or deputy marshal may arrest without warrant any person found violating any of the provisions of this act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person, and any collector or deputy collector of customs, or any person authorized in writing by a marshal, shall have the power above provided to arrest persons found violating this act or said regulations and seize said property without warrant, to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the Secretary of Agriculture, to aid in carrying out the provisions of this act.

The following amendments, recommended by the Committee on the Territories, were read:

First. Amend the title of the bill by striking out the words "the district of," so that the title of the bill will read as follows: "A bill for the protection of game in Alaska, and for other purposes."

Second. In line 14, page 1, strike out the words "the Territory" and insert in lieu thereof the word "Alaska."

Third. On page 2, line 3, after the word "Eskimo," insert the words "or by miners, explorers, or travelers on a journey when in need of food."

Fourth. On page 2, in line 18, after the word "established," insert the words "or provide different close seasons for different parts of Alaska."

Fifth. On page 3, in line 16, after the word "animals," insert the words "or game birds," and in said line 16 strike out the words "the Territory of," so that the same will read "of any game animals or game birds in Alaska;" also, on page 3, line 17, insert the word "game" before the word "birds;" also, on page 3, in line 20, insert the word "game" before the word "birds."

Sixth. On page 4, in line 1, after the word "shipment," insert the words "or have in possession with intent to ship;" also, on page 4, in lines 1 and 2, strike out the words "the said district" and insert in lieu thereof the word "Alaska;" also, on page 4, in line 2, after the word "deer," insert the words "moose, mountain sheep, or mountain goat," so that that portion of said section will read as follows: "For any other person to receive for shipment, or have in possession with intent to ship out of Alaska, any hides or carcasses of caribou, deer, moose, mountain sheep, or mountain goat;" also, on page 4, line 7, strike out the words "the said district" and insert in lieu thereof the word "Alaska."

Seventh. On page 4, in line 16, after the word "punished," insert the words "for each offense;" also, on page 4, in lines 24 and 25, strike out the words "the Territory of."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. Reserving the right to object, I should like to hear the gentleman's explanation of the bill. I tried to hear it read, but although I did my best I could not hear it, and I have no idea that anybody else heard it. I want to know what is in the bill. If it is all right I shall have no objection to it.

Mr. LACEY. Mr. Speaker, if I can have the attention of the House I think there will be no opposition to this bill. It is a bill that has attracted considerable attention, owing to the peculiar situation in Alaska. When we enacted the code of Alaska in the last session, either by accident or oversight the laws then in existence there, which were the laws of Oregon, extended there by

act of Congress, were all repealed, including the game laws. The game laws of Oregon were up to that time the game laws of Alaska.

The Alaska code contained nothing on the subject, and the result was that last season, after the repeal of the Oregon code, the slaughter of the game, the subsistence of the Indians in Alaska, went on in an unparalleled manner. It has been reported to me that one Englishman upon an island along the coast killed 150 walrus in one day, leaving them to rot, not even carrying off the tusks, killing them simply for the delight of slaughter. It appears that at some points in Alaska 6,000 and 8,000 and even 10,000 deer skins have been shipped from a single port. The Indians have been induced by the offer of 30 or 40 cents a skin to kill the deer merely for the hides, thus destroying their own future subsistence. This situation calls upon Congress for early relief. Legislation earlier in the session would not have been availing, because if the law were enacted it could not, on account of the ice, get to Alaska until about the latter part of May or probably the early part of June, in the Nome region, the uppermost part of Alaska; but it is important that this bill should go through in time to be the law of the land during the coming season.

The bill has been drawn with considerable care. It was gone over by the Territorial Committee and parties interested in the subject from the Department of Agriculture, and it is the unanimous report of the committee with the amendments which have been read to the House.

Mr. ROBINSON of Indiana. May I interrupt the gentleman? The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. LACEY. Yes; I yield to the gentleman from Indiana. Mr. ROBINSON of Indiana. I will say to the gentleman from Georgia [Mr. MADDOX] that I concur in the statements made by the gentleman from Iowa. The Committee on the Territories gave the most careful attention to this bill. We found no objection to it. On the contrary, we found a very great necessity for the enactment of this legislation, which was concurred in unanimously by the members of the Committee on the Territories.

Mr. LACEY. It is a question of the starvation of the Indians, Mr. Speaker, unless some relief is granted there, and the dark chapter of the destruction of our large and small game in other parts of the United States is now being repeated in Alaska. This step, if taken now, will be timely, and it ought to be taken at an early date.

Mr. KLEBERG rose.

Mr. LACEY. I yield to my friend from Texas.

Mr. KLEBERG. I just wish to say that this bill has the full support of the entire committee, Democrats and Republicans. There is no division upon it. I think it is a necessary measure to protect the game of Alaska, and I indorse everything my friend from Iowa has said about it.

The SPEAKER. Is there objection?

Mr. MADDOX. Just one word—

Mr. LACEY. I would like to yield to the gentleman from Washington a moment before I yield to the gentleman from Georgia.

Mr. CUSHMAN. Mr. Speaker, the bill at present before this House for consideration is a bill to provide a game law for Alaska. This bill was introduced by the distinguished gentleman from Iowa [Mr. LACEY], whose name is associated with other legislation on the subject of game which has heretofore passed the American Congress. The name of that gentleman at the masthead of this bill is one of the very best indorsements it could possibly have.

I regard this pending bill as one of the very best bills that have come before this House for its consideration since I have been a member of this body. Within the very short time allotted to us for the presentation of this matter to the House to-day it will be impossible for me to discuss this bill and its provisions at length. I will say to you, however, that this bill has been as carefully prepared as any bill that ever came forth from any committee of this House. The bill when introduced was referred to the Committee on Territories. The bill in its present form has the unanimous indorsement of every member of that committee. The committee having this bill in charge called before them gentlemen who had been in Alaska and who were reasonably familiar with the conditions prevailing there with especial reference to wild game.

Thus we have had before us testimony showing the actual conditions existing in that region, and this bill has not been framed to cover any theoretical condition, but to meet the actual situation that exists in Alaska to-day.

In the first place, as was stated by the gentleman from Iowa, before the Alaska Code (which we enacted two years ago) went into force in Alaska—before that time, the general laws of the State of Oregon were in force in Alaska. That portion of the laws of Oregon relating to game was therefore in force in Alaska.



When we came to prepare the code for Alaska it was stated that the conditions in Alaska were so vastly different from those in Oregon that a game law for Alaska based on the Oregon law would not come anywhere near fitting the situation in Alaska. The committee in charge of the revision therefore omitted these laws altogether, and no provisions for the protection or preservation of game were inserted in the Alaska Code. So that the situation, in a nutshell, is briefly this: Alaska lost the old game law which she formerly had and got nothing in its place.

I state here and now—and I wish to give all the emphasis to it that this occasion will permit—that Alaska constitutes the only strip of land on this continent over which the American flag floats that does not have any law for the protection of game birds and game animals. It is the only bit of territory between the Rio Grande and the North Pole that has been so neglected by the law-making power that they have not even a game law.

This fact in itself shows the necessity for some kind of legislation on this subject.

As is well known to all of you, I live in the State of Washington, the State of this Union that is closest to Alaska, and when I say the State that is closest to Alaska I mean it not only in a geographical sense, but commercially and industrially and financially, and in every other sense there exists a bond of sympathy between Alaska and the State of Washington. They have no representative on this floor, and they expect the representatives of the State of Washington to speak for them and to demand protection for their interests. This I am both proud and happy to do.

Two years and a half ago I took a trip from the State of Washington throughout southeastern Alaska. I found out something of the game conditions there then. At every place our boat stopped—at Wrangell, at Juneau, at Skagway—some one would call my attention to the wanton slaughter of the wild game that was going on in that region. Among other game in that region the deer are found in abundance. The Indians can get 50 or 60 cents for a deer skin, and with the characteristic improvidence of his race he will kill a large number of deer whenever the opportunity occurs, take the skins and sell them, and leave the carcasses rotting on the ground. He is thereby destroying the food supply that in a few years he will need.

Now, this bill, among other provisions, absolutely prohibits the sale or offering for sale at any time the skins of game animals, and also makes it unlawful to ship hides out of Alaska. You will observe that when we take away from the white trader the right to traffic in these skins the Indian will lose his market for them. When the Indian loses his incentive to kill the deer he will cease the slaughter. This is only one of the many points of this game bill. I have not time to discuss them all. I shall put into the RECORD as a part of my remarks the report on this bill, which I assisted in preparing.

I trust we have no opposition to the passage of this much-needed and worthy measure.

The report above referred to is as follows:

[House Report No. 951, Fifty-seventh Congress, first session.]

#### GAME LAW IN ALASKA.

The Committee on the Territories, to whom was referred the bill (H. R. 11535) for the protection of game in the district of Alaska, and for other purposes, having had said bill under consideration, report the same with the following amendments:

First. Amend the title of the bill by striking out the words "the district of," so that the title of the bill will read as follows: "A bill for the protection of game in Alaska, and for other purposes."

Second. In line 14, page 1, strike out the words "the Territory" and insert in lieu thereof the word "Alaska."

Third. On page 2, line 3, after the word "Eskimo," insert the words "or by miners, explorers, or travelers on a journey when in need of food."

Fourth. On page 2, in line 18, after the word "established," insert the words "or provide different close seasons for different parts of Alaska."

Fifth. On page 3, in line 16, after the word "animals," insert the words "or game birds," and in said line 16 strike out the words "the Territory of," so that the same will read "of any game animals or game birds in Alaska;" also, on page 3, line 17, insert the word "game" before the word "birds;" also, on page 3, in line 20, insert the word "game" before the word "birds."

Sixth. On page 4, in line 1, after the word "shipment," insert the words "or have in possession with intent to ship;" also, on page 4, in lines 1 and 2, strike out the words "the said district" and insert in lieu thereof the word "Alaska;" also, on page 4, in line 2, after the word "deer," insert the words "moose, mountain sheep, or mountain goat," so that that portion of said section will read as follows: "For any other person to receive for shipment, or have in possession with intent to ship out of Alaska, any hides or carcasses of caribou, deer, moose, mountain sheep, or mountain goat;" also, on page 4, line 7, strike out the words "the said district" and insert in lieu thereof the word "Alaska."

Seventh. On page 4, in line 16, after the word "punished," insert the words "for each offense;" also, on page 4, in lines 24 and 25, strike out the words "the Territory of."

And as above amended the committee recommend that the bill do pass. Some of the salient features of this bill are as follows:

Prohibits wanton destruction of game animals, game birds, nests, and eggs. Prohibits killing of any game animal or game bird except in specified seasons.

Prohibits the killing of certain of the female game species at any time.

Prohibits the sale or offering for sale at any time of the skins and heads of game animals or birds.

Prohibits the sale of game animals or birds at any time save during the season when it is lawful to kill the same.

Prohibits the shipment out of Alaska of skins or carcasses of game animals or birds.

Provides that miners, campers, or travelers on a journey, in need of food, may at any time kill such game birds or animals as are necessary for food.

Provides that the Indians and Eskimo may at all times kill game animals or birds for their food or clothing.

Provides for punishment for the violation of its provisions by fine or imprisonment or both.

This bill has for its object the protection and preservation of the game birds and animals of Alaska. When the code for Alaska was enacted two years ago it embraced much of the preexisting laws, and also included many new features. Congress had formerly made the laws of the State of Oregon applicable to Alaska. The game laws of Oregon were therefore in force, and though not entirely adapted to the situation in Alaska, were found very useful. The committee in charge of the revision found the subject of game protection quite complicated owing to the great variety of conditions to be met, and therefore omitted these laws altogether, and left Alaska wholly without any statutory protection for the game within her borders.

As Alaska is the greatest wild game region now remaining in America, the misfortune of such a condition strongly appeals to Congress for a prompt remedy.

It is hardly possible that the bill should be perfect in all respects or meet all the requirements in Alaska. It must be remembered that to draw a game bill for so large a country is a vastly different and far more difficult matter than to draw such a bill for any single State or Territory of the Union. In any one of the States of the Union (even the largest of them) the scope of territory embraced is comparatively small, and the game conditions in all parts of the State are substantially similar. The drawing of a game bill for Alaska is equivalent to attempting in a single law to cover the New England, Atlantic, and Middle States, or like trying to make a single game bill broad enough in its provisions to cover all the country west of the Mississippi River to the summit of the Rocky Mountains.

Alaska comprises a vast stretch of territory, and in the different parts thereof are widely different seasons and varying conditions. It is manifestly very difficult, therefore, in the provisions of one bill to meet all these difficulties satisfactorily. We have attempted to meet them by vesting a large amount of power and discretion in the Secretary of Agriculture. The latter part of section 2 of the bill provides:

"That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations which shall modify the close season for different parts of Alaska, or place further restrictions and limitations on the killing of such animals or birds in any given locality, or to prohibit killing entirely for a period not exceeding five years in such locality."

In any new mining country travelers and miners will kill game in season and out of it for the supply of their immediate wants; and they should be so authorized by law, so as not to be forced to violate the law. The amendment suggested by the committee to meet this necessity is substantially the same as that in force in the Northwest Territory of the Dominion of Canada, and which your committee are informed has operated successfully therein.

In this enlightened day, with the experience of the recent past before us, it needs no argument to show that the wanton and indiscriminate slaughter of game birds and fish should be curbed by law. The desolate woods and barren streams in other parts of the United States serve as a solemn warning as to the fate of these creatures in Alaska unless immediately protected by law.

It was indeed unfortunate that at this critical time, when Alaska is becoming settled, that a period of nearly two years should occur in which there should be no law whatever upon this subject, and the necessity of speedy relief is obvious.

The reports from that country are uniform that Congressional action should not be delayed.

The prohibition of game shipments from Alaska and the suppression of commerce in hides will do more to stop the indiscriminate destruction of animal life than any other enactment that can be devised.

Indians will wholly destroy their food supply for the trifling compensation that they receive for the skins of the victims. The slaughter of deer and other animals for the purpose of shipping the hides should be wholly suppressed.

Judge Melville C. Brown, judge of the United States district court of Alaska for the Juneau Division, writes the following letter on this subject:

DEPARTMENT OF JUSTICE, UNITED STATES DISTRICT COURT,

FIRST DIVISION, DISTRICT OF ALASKA,

Juneau, Alaska, January 26, 1902.

MY DEAR BRECKONS: The slaughter of game in this country is becoming monstrous. It is said that no less than 15,000 deer hides were shipped out of southeast Alaska during last season. It is altogether probable that the slaughter of deer will be as great this winter. The result is self-evident; that within two or three years the game supply will be wholly exhausted and the natives left without food supply, and in order to live at all they will have to be subsisted by the Government.

The natives slaughter this game, not for food purposes, but to secure the price they obtain for the hides, which is a very trifling sum—some 40 cents on the average. Of course they use such portions of the animal for food as their immediate necessities demand, but it is safe to say that nine-tenths of the deer slaughtered are left upon the ground to rot. I am not personally cognizant of all these matters, but the whole question was before the grand jury a year ago this winter, and after diligent inquiry the grand jury reported upon the matter.

Some law should be passed by Congress at this session that will put an end to this indiscriminate slaughter of game. A game law not as stringent in terms as ours in Wyoming in many respects will answer every purpose here. And the one thing that will stop the indiscriminate slaughter is the prevention of the hides being shipped from the country or sold, and making it an offense against the law, with a severe penalty, for any vessel or other medium of transportation to receive such hides for shipment or to have them in their possession for such purpose, and punishing any transportation or shipment of hides either from the mainland or any of the islands of Alaska. This will tend to save the game, and eventually to save the Indians from starvation. Of course this law should apply to moose, elk, mountain goat, mountain sheep, etc., as well as to deer.

The mountains in this country rise out of the sea, as it were, from the islands as well as on the shore of the mainland, and run up to great heights. When the snow falls in winter the deer are driven down to the shores of the sea for subsistence, and the Indians are said to gather in a bunch of deer as high as 500 in number, and these are driven into the deep snow in some canyon and then the Indians kill them with clubs and wipe out the bunch of deer gathered in that way. It is easy to understand how rapidly they may be extinguished entirely by such methods.

Very sincerely, yours,

M. C. BROWN,  
Judge United States District Court,  
First Division, District of Alaska.

J. A. BRECKONS, Esq.,  
Washington, D. C.



The grand jury of the United States district court of Alaska, assembled at Juneau, in resolutions adopted by them January 3, 1901, ask for the enactment of a game law for Alaska, and in their resolutions use the following language:

"Whereas it is within the knowledge of the grand jury duly impaneled for the December, 1900, term of the United States district court of Alaska, in and for division No. 1 thereof, and assembled from all parts of said division and being thoroughly conversant with existing conditions, that there has been and is a wanton and willful destruction of game in this district; that it is an acknowledged fact that thousands of deer are killed annually for their hide, which sells for the paltry sum of 40 cents, while their carcasses are left to decompose or be devoured by wild beasts. Congress has sadly neglected to make any provision for the protection of our game, the natural meat supply of the natives and of the miners and prospectors who are hundreds of miles from the markets of the district, prospecting and developing our great mineral resources: Therefore, be it

"Resolved, That Congress be, and it is hereby, petitioned to insert in the Alaska criminal code the following game law:

"That any person or persons, corporation or corporations, offering for sale in, or any person or persons, corporation or corporations, or common carrier receiving for exportation from the district of Alaska the flesh of the deer, moose, caribou, elk, mountain sheep or goat, goose, brant, duck, grouse or ptarmigan, or the hides or horns of the deer, moose, caribou, elk, mountain sheep or goat, shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$500 or imprisonment in the county jail not more than one year, or both.

"Each and every deputy United States marshal within said district shall be ex officio game warden for their respective districts, and shall receive as compensation for said service one-half of all fines collected by due process of law under this act."

"Unanimously adopted by the grand jury January 3, 1901.

"WM. M. EBNER, Foreman.

"C. D. GARFIELD, Secretary."

The following letter from A. S. Dautrick, of Juneau, Alaska, is self-explanatory, not only of the situation, but also as to the feeling of the people of Alaska regarding this much-desired legislation:

JUNEAU, ALASKA, February 18, 1902.

MY DEAR CUSHMAN: You will remember that at various times we have talked about some sort of a game law for Alaska, and the last time you told me that you would look into the matter. I imagine, however, that a multitude of other things have prevented you. The slaughter of deer in the district is so outrageous that unless some law is passed the last territory for the sportsman will be played out. I think that you will agree with me that it should have some protection in the way of a game law. Please let me know whether you care to prepare such a bill or if you would prefer to have some one up here to do it and forward to you to have it introduced.

Yours, truly,

A. S. DAUTRICK.

HON. FRANCIS W. CUSHMAN, M. C.,  
House of Representatives, Washington, D. C.

The following documents from the Department of the Interior, the Attorney-General of the United States, and letter from Mr. Dall De Weese will also throw a great deal of light upon the situation in Alaska:

DEPARTMENT OF THE INTERIOR, Washington, February 1, 1902.

SIR: I have the honor to transmit herewith a copy of a letter from Mr. Dall De Weese, of Canon City, Colo., received by reference from the President, calling attention to the necessity for legislation looking to the protection of large game in Alaska, together with copy of a letter from the honorable the Attorney-General, to whose attention the matter was directed and at whose instance this communication is written.

Copies of Mr. De Weese's letter were transmitted to the Senate and House Committees on Territories, respectively, on the 15th ultimo.

In this connection attention is directed to the recommendation contained in the Report of the Secretary of the Interior for the fiscal year ended June 30, 1899, a copy of which is herewith transmitted, submitting an amendment to the act of March 3, 1899, "To define and punish crimes in the district of Alaska," looking to the protection of deer in that Territory.

Very respectfully,

E. A. HITCHCOCK, Secretary.

HON. JOHN F. LACEY,  
Chairman Committee on Public Lands, House of Representatives.

DEPARTMENT OF JUSTICE,  
Washington, D. C., January 21, 1902.

SIR: I have the honor to acknowledge the receipt of your note of January 16, 1902, inclosing a copy of a letter from Dall De Weese, of Canon City, Colo., to the President, dated December 1, 1901, and a copy of the Annual Report of the Secretary of the Interior for the year ending June 30, 1899, all of which has reference to the protection of game in the Territory of Alaska.

I note with approval the suggestion in your report above referred to of an amendment of the criminal code of Alaska with a view to game preservation there, as also the suggestion of Mr. De Weese in the same direction. But I am not sufficiently familiar with the situation in Alaska to be able to express an opinion whether these are just those best suited to the conditions of that Territory, nor as to how far the natives there, who are to some extent dependent upon game for subsistence, should be included in the prohibition, nor whether other kinds of game than those mentioned in either suggestion should not be included.

At the request of Hon. JOHN F. LACEY, chairman of the House Committee on Public Lands, I recently gave him a statement of my views as to the power of Congress in this matter. And while that referred chiefly to the question of such power as to the public lands within the limits of a State, yet it also referred to the same question in the Territories. Perhaps it would be well to refer the communication of Mr. De Weese with this and a reference to the suggestions in your report to him, as I think he is much interested in the subject. And I suppose that many useful suggestions would be obtained from Governor Brady, of that Territory, not only as to how far the natives should be included in the prohibition, but also as to the kinds of game that should be protected, in what seasons of the year the prohibition should be operative, either as to all or some kinds of game, and whether it should not be operative the year round as to some kinds.

Respectfully,

P. C. KNOX, Attorney-General.

The SECRETARY OF THE INTERIOR.

PROTECT ALASKA GAME.

CANON CITY, COLO., December 1, 1901.

The PRESIDENT:

This is a subject that appeals to every "true-blue sportsman," every lover of animal life, and all those who see beauty in nature, embracing forests, plains, and mountains throughout our entire country, and while the woods, plains, and mountains are naturally beautiful, we all agree that they are much more

grand and lifelike when the wild animals and birds are present. There are now several organizations doing work toward the preservation of wild animal and bird life. There is much yet for us to do. Resolve is to act; let us be up and at it.

For twenty years of my life I have taken my fall outing, embracing the greater part of North America. I have made trips in recent years to various parts of our mountains, where I hunted eighteen to twenty years ago, and it is appalling to note how rapidly the wild animals are disappearing. While I am but 49 years of age, I have seen in this short period the extermination of our buffalo. At the time of my first trip West there were millions. The antelope at that time were thousands—they are now reduced to dozens, here and there. There were also elk yet upon the plains—now there are none. There were bison in our mountains within 25 miles of the place in which I am writing.

I doubt if there are 20 wild bison now in the United States. I have seen thousands of deer in Montana, Idaho, Utah, Mexico, and Colorado, where these numbers are now, comparatively, reduced to one, three, five, and twenties. The "big horn" mountain sheep (*Ovis montana*) that were then hundreds are now reduced with comparative ratio to the rest.

When I was hunting in New Brunswick in 1896, I was told by good authority that these conditions were not quite so bad there and that the enforcement of their laws was the safeguard there as well as in Maine.

During my four seasons' hunting in Alaska, my observations from past experience foreshadowed that without stringent laws and their rigid enforcement the big game of Alaska is doomed to as rapid an extermination as it was upon the plains and mountains of Colorado. I will narrate one instance: When in the Kenai Mountains, Alaska, on the 23d day of August, 1897 (from my diary), Mr. Berg and myself, while sitting together on the mountain side, with the aid of a field glass, counted 500 wild white sheep (*Ovis dalli*), all within a radius of 6 to 8 miles, 10 here, 6 there, then 20 and 30 in another locality.

Can a true hunter or a lover of nature imagine a more beautiful sight? Look! Here and there were grand old towering mountains, all snow-capped, some furrowed with gaping canyons, some separated with a mighty glacier, others with a gradual slope carpeted with nutritious grass, upon which these beautiful denizens of the snowy mountains of the north loitered about in groups, either feeding or resting.

I was in these same mountains again in 1898, my wife accompanying me there in 1899. I wanted her to see what had at that time never before been a woman's pleasure. I was in these same mountains again this season (1901), and there is no question about the *Ovis dalli* decreasing in numbers; it is perceptible.

If mineral should be discovered in these mountains, and with no laws to protect this animal, they would be exterminated in a very short time. In 1899 when passing through a section where a so-called "sportsman" had been hunting, four carcasses were lying on one small hill, nothing having been touched, the heads of horns being too small and the work of skinning and preserving too great to suit his—I was going to say his "sport"-ship, but will make it his "devil"-ship.

In 1899 myself, wife, and party killed four sheep, two of which were killed by my wife. We could have killed a hundred. This season (1901) we killed but one, as we needed it for meat; also one bull caribou.

The natives are very destructive to sheep. I have seen them in parties of their own shoot sheep, and if it ran off wounded or fell over a low cliff they never went after it; "too much work; shoot more." When in my party I never allow a native to carry a gun. The conditions I have mentioned regarding sheep extermination the same will apply to moose and caribou.

Now, then, dear reader, if all I have said about this transformation of game from plenty to almost extermination is so perceptible in one man's short life, we all can see its finish in the course of a very few years, unless we act quick while there is yet time.

Alaska is a new country, and a good portion of it is uninhabitable for man, and in this respect it is thus more suitable for game; and there is less excuse for its being slaughtered on account of the country not being desirable for the use of "home seekers." I am sorry to say it, although it is true, that, where the climatic conditions are favorable for the advancement of civilization and the "tiller" of the soil, just so sure is the doom of game in that land—remote and inaccessible localities and game preserves that extend to the winter feeding grounds excepted.

It is not necessary that big game be slaughtered to furnish the "meat stuff" in Alaska, for where man can go a pack train can go also; then it is made possible for the wagons, then railroads. Neither is it necessary that game be slaughtered for the native food supply, yet let them kill what they will actually use; and if our Government would thoroughly instruct the missionaries and priests of Alaska to intercede with the natives on behalf of the game, much good could be done. Teach them the wrong in killing the female and the young of any and all animals. I have talked this with natives in my camp and noticed that it was hard for them to conceive it, yet by constant teaching it will have its effect. I believe that some such game laws as I hereafter mention would be effective in Alaska if enforced.

My twenty-seven years of experience in hunting has convinced me that the "market-meat hunter" is the most destructive to the big game. Where mining localities are remote from railroads or steamship transportation, "meat stuff" is correspondingly expensive; hence if game about the "meat hunter" finds a profitable business and he is always on hand.

Make the law and enforce it whereby it is a penal offense coupled with a fine of \$100 for each offense where a party or parties offer for sale or barter the flesh of any game animal or bird at any spot or place in Alaskan territory, the same law to apply to any and every company and individual attempting to ship or transport game flesh of any kind out of the Territory.

Make a nonresident license law, requiring every sportsman going to hunt and hunting in Alaska to pay \$99 for that privilege, and that this sum allows him to take out of the Territory only one specimen of each species killed by him. The same law to provide a license fee of \$100, which would give the sportsman or hunter taking out that license the right to kill and transport two specimens of each species of animal killed by him, and that he is not allowed to take out more than this quota. The money thus paid to the district commissioners, who might be the nearest postmaster where the hunting is done, and this money to be used, first, for the prosecution of a person or persons violating this law, and any surplus that might accumulate in one year over \$300, that surplus to go to the native school fund of that district.

Make a law that gives an open season only on game from August 15 to November 1, with a fine of \$100 for its violation. This law should apply to natives also as well as nonresidents except where the animal is shot absolutely for immediate food necessity.

Make a law that prohibits sportsmen or other persons from employing natives or other men for killing big game animals or birds, for in doing so most of the meat is wasted and the heads shipped and sold.

Make a law prohibiting the killing of the big brown bear (*Ursus middendorffi*) on Kadiak Island for a period of five years. This would in no way be an injustice to the natives, as this island now contains so few of these animals that hunting them is no longer profitable, and neither do the natives depend on this for support.

Negotiations should be commenced with Great Britain to implore them to



pass some such laws that would coincide with ours that would govern that part of the Yukon or British territory (Columbia) that joins Alaska.

I know full well what objections will be made to such laws by "fur traders," hide and head hunters, but it is right that the grand old bull moose and bull caribou or the great old ram, "*Ovis dalli*," be shot down by the native, paid for so doing by the so-called sportsmen, and only the head taken from the carcass and that shipped out and sold? Isay, is it right that this should be permitted for the gain of a few individuals at the expense of the lives of all the big game of that country, as well as the lovers of nature and the true-blue sportsmen not yet born, all to whom we are responsible?

Let us all act now and use our influence to have some measures appertaining hereto properly brought before the coming session of Congress with the earnest appeal for their enactment.

I have talked several times with Hon. J. G. Brady, governor of Alaska, regarding this subject, and he urged me to formulate some practical measure and he would give it his support.

Yours, fraternally,

DALL DE WEESE,  
Canon City, Colo.

The following extract is taken from the last annual report of Governor John Brady, of Alaska, to the honorable Secretary of the Interior.

No language could state more clearly or forcibly than the report of the governor, not only that a game law is needed for Alaska, but that said game law should contain the provisions which are contained in this bill.

[Report of Governor Brady, of Alaska, on game.]

#### GAME LAW.

Congress should enact a game law for this district. The large game, like the moose, caribou, and common deer, need protection. The wanton slaughter of deer has been carried on to a great extent in southeast Alaska by the natives. In the winter and spring, when the snow is heavy upon the mountains and even to the beach, these animals seek the shores of the island. They become weak, and when run into a snowdrift can be killed with a club.

A single native has been known to bring in as many as 150 skins of animals which he has killed in this fashion. He makes no attempt to use the meat. All he wants is the skin to sell at the store. This does not bring him very much, for it is a winter skin, and therefore not desirable by the dealer. This all can be corrected by prohibiting the exportation of deer hides from Alaska. The native will have no incentive to kill deer simply for their hides. The hides of those which he kills for himself or to sell he can make use of for his own moccasins and other articles of clothing which he uses.

Mr. LACEY. I yield to the gentleman from New York, and then I will yield to the gentleman from Georgia.

Mr. SULZER. Mr. Speaker, the purpose of this bill is to protect and to some extent preserve the game birds and wild animals in the district of Alaska. It is a most commendable measure, and should pass without opposition. I am enthusiastically in favor of the passage of this bill, and request the indulgence of this House for a few moments to plead its urgent necessity. I have carefully examined the provisions of this proposed game law, and in my opinion they meet the immediate requirements of the case and will prevent the ruthless extermination of wild animals in Alaska. It is high time we acted in this matter. The cruel and unnecessary slaughter of wild game animals in Alaska at the present time, and for the past few years, has been as wanton as it has been enormous; and if the wholesale slaughter is not stopped by a drastic game law the birds and wild animals will soon be exterminated. Nearly all of them are killed for their skins. I hold in my hand and will read a letter just received, dated March 14, 1903, from a gentleman I know well—a shipping agent at Wrangell, Alaska. This letter is as follows:

McKINNON WARE AND FORWARDING COMPANY,  
Wrangell, Alaska, March 14, 1903.

DEAR SIR: As it has been some time since I last wrote you, I will now pen you a few lines pertaining to this part of the country.

Our weather has been very mild this winter and snow very scarce, as it has snowed only three times from November 23, 1901, to the last of the present month, and the snow then being about 2 inches deep. At the present time we have the largest fall of snow of the season, it being 5 inches deep, but it has started to rain and I suppose within the next forty-eight hours it will be a thing of the past.

Now, this last fall of snow on the ground at present brings up the usual slaughter of our deer, and knowing you to be a true sportsman (from hunting with you in the past three seasons) I know you will certainly help to give us Alaskan people a game law that will protect the deer of our district.

You know from being on the ground that there are thousands of deer slaughtered in this district simply for their hides. I myself have shipped about 4,000 deer skins within the last six months, and I honestly think that at least 3,500 of the deer killed were simply killed for the hides, the carcasses being left on the ground to rot or eaten by wolves.

The amount of deer I refer to is simply a few that come to Wrangell for shipment, all killed within a radius of 50 miles of our town. Just think how many there must be slaughtered in the thousands of square miles of our northern country of Alaska.

Now, if you can help get us a game law, you will have the eternal friendship of all good law-abiding citizens of this far-away Alaska.

If you can drop me a line and suggest any way in which I can promote this game law, I wish you would kindly do so, as I would willingly give up any reasonable amount of time and money to get the law that we need so badly in order to protect the deer of our country.

Hoping to hear from you in regard to the law to protect the deer,

I remain, sincerely, yours,

J. F. COLLINS.

Hon. WILLIAM SULZER, Washington, D. C.

Mr. Speaker, that letter is true. It speaks for itself, and the story it tells justifies the immediate passage of this bill. I have spent some time in Alaska, and I know whereof I speak when I say that much additional testimony of a like character could be adduced if necessary. In fact, the citizens generally in Alaska are anxious that the wild game there should be protected by a stringent law immediately enacted by Congress. Judge M. C. Brown, of the United States district court for Alaska, tersely sums up the situation at the present time in a recent letter to a friend, from which I now quote. The learned judge says:

Some law should be passed by Congress at this session that will put an end to this indiscriminate slaughter of game. And the one thing that will stop

the indiscriminate slaughter is the prevention of the hides being shipped from the country or sold, and making it an offense against the law, with a severe penalty, for any vessel or other medium of transportation to receive such hides for shipment or to have them in their possession for such purpose, and punishing any transportation or shipment of hides either from the mainland or any of the islands of Alaska. This will tend to save the game, and eventually to save the Indians from starvation. Of course this law should apply to moose, elk, mountain goat, mountain sheep, etc., as well as to deer.

The mountains in this country rise out of the sea, as it were, from the islands as well as on the shore of the mainland, and run up to great heights. When the snow falls in winter the deer are driven down to the shores of the sea for subsistence, and the Indians are said to gather in a bunch of deer as high as 500 in number, and these are driven into the deep snow in some canyon and then the Indians kill them with clubs and wipe out the bunch of deer gathered in that way. It is easy to understand how rapidly they may be extinguished entirely by such methods.

When the code for Alaska was enacted two years ago, it embraced much of the preexisting laws, and also included many new features. Congress had formerly made the laws of the State of Oregon applicable to Alaska. The game laws of Oregon were therefore in force, and though not entirely adapted to the situation in Alaska were found very useful. The committee in charge of the revision found the subject of game protection quite complicated, owing to the great variety of conditions to be met, and therefore omitted these laws altogether and left Alaska wholly without any statutory protection. As Alaska is the greatest wild-game region now remaining in America the misfortune of such a condition strongly appeals to Congress for prompt action.

The indiscriminate slaughter of wild game birds and animals in Alaska is monstrous and most deplorable. The wanton slaughter of this game by the natives—not for food purposes, but for the small sum they can get for the skins—is a crying shame. Last summer I was told in Alaska that nine-tenths of the large game, like moose, elk, caribou, sheep, goats, and deer, when slaughtered by the vandal natives, are stripped of their skins and the carcasses left on the ground to rot. It is said, and I have no reason to doubt it, that more than 20,000 of these skins were shipped from southeastern Alaska last year. What a cruel shame it all is. If Congress does not stop it now, these animals in Alaska will soon be as scarce as the buffalo. Year in and year out this frightful slaughter goes on, but I believe it has been carried on to a greater extent in southeastern Alaska by the natives than in any other part of the district. In the winter and spring, when the snow is heavy on the mountains and even to the beach, these animals seek the shores of the islands. They become weak, and when run into a snowdrift can be killed with a club. A single native has been known to bring in as many as 150 skins of animals which he has killed in this fashion. He makes no attempt to use the meat. All he wants is the skin to sell at the store. This does not bring him very much, for it is a winter skin and therefore not very desirable by the dealer. This all can be corrected by prohibiting the exportation of deer hides from Alaska. The native will have no incentive then to kill deer simply for their hides. The hides of those which he kills for himself he can make use of for his own moccasins and other articles of clothing.

In this connection, Mr. Speaker, I wish to call the attention of the House to the following, which I deem very important. The grand jury of the United States district court of Alaska, assembled at Juneau January 3, 1901, ask for the enactment of a game law for Alaska, and in their resolutions use the following language:

Whereas it is within the knowledge of the grand jury impaneled for the December, 1900, term of the United States district court of Alaska, in and for division No. 1 thereof, and assembled from all parts of said division and being thoroughly conversant with existing conditions, that there has been and is a wanton and willful destruction of game in this district; that it is an acknowledged fact that thousands of deer are killed annually for their hide, which sells for the paltry sum of 40 cents, while their carcasses are left to decompose or be devoured by wild beasts. Congress has sadly neglected to make any provision for the protection of our game, the natural meat supply of the natives and of the miners and prospectors who are hundreds of miles from the markets of the district, prospecting and developing our great mineral resources. Therefore be it

Resolved, That Congress be, and it is hereby, petitioned to insert in the Alaska criminal code the following game law:

"That any person or persons, corporation or corporations, offering for sale in, or any person or persons, corporation or corporations, or common carrier receiving for exportation from the district of Alaska the flesh of the deer, moose, caribou, elk, mountain sheep or goat, goose, brant, duck, grouse or ptarmigan, or the hides or horns of the deer, moose, caribou, elk, mountain sheep or goat, shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$500 or imprisonment in the county jail not more than one year, or both.

"Each and every deputy United States marshal within said district shall be ex officio game warden for their respective districts, and shall receive as compensation for said service one-half of all fines collected by due process of law under this act."

Unanimously adopted by the grand jury January 3, 1901.

W. M. M. EBNER, Foreman.  
C. D. GARFIELD, Secretary.

Mr. Ebner, the foreman of that grand jury, is a distinguished citizen of Juneau, whom I have had the pleasure of meeting and talking with regarding this subject.

This bill amply protects the Indian natives and allows them at all times to kill wild birds and animals for food and clothing. It also provides that miners, campers, and travelers on a journey in need of food may at any time kill such game birds and animals as may be necessary for food. No true sportsman can take



exception to the provisions of this bill, and every lover of wild animals will, I feel confident, commend its enactment into law. The highest consideration for the natives, whose chief food supply will be exhausted when the game is exterminated, and the imperative duty of each member of this House charged with the responsibility of protecting our wild animals and game birds demand, in my judgment, the immediate and unanimous passage of this wise, farseeing, and commendable measure. [Applause.]

Mr. LACEY. Now I will yield to the gentleman from Georgia.

Mr. MADDOX. I just want to say, Mr. Speaker, that when this bill was being read I discovered that it was a very long bill, and tried my best to hear what was in it, but could not. I noticed that it provided for fines and forfeitures and one thing and another, and so far as I was concerned I was satisfied after the gentleman from Iowa had made his statement, and I have no objection.

Mr. LLOYD. Mr. Speaker, I wish to say in connection with the bill that the committee to which it was referred has carefully investigated the matter. I simply ask the privilege of inserting in my remarks the report of the judge of the district where the game is—

The SPEAKER. Unanimous consent has not yet been given. After that matter is settled, the Chair will recognize the gentleman. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Now the Chair recognizes the gentleman from Missouri.

Mr. LACEY. I ask to be recognized, and I will yield to the gentleman from Missouri.

The SPEAKER. The gentleman from Iowa yields to the gentleman from Missouri.

Mr. LLOYD. I simply want to ask unanimous consent that I may insert as a part of my remarks the statement of the judge of the judicial district in Alaska, and also the report of the grand jury of that district, which took this matter into consideration and reported the fact that there were vast hordes of animals there that were being destroyed, and that it was necessary that Congress take immediate action in order to protect the game of that district.

The SPEAKER. The gentleman from Missouri asks unanimous consent to include in his remarks the matters just referred to by him. Without objection, this privilege will be granted.

There was no objection.

Mr. LLOYD. The statement of the judge was as follows:

DEPARTMENT OF JUSTICE, UNITED STATES DISTRICT COURT,  
FIRST DIVISION, DISTRICT OF ALASKA,  
Juneau, Alaska, January 26, 1902.

MY DEAR BRECKONS: The slaughter of game in this country is becoming monstrous. It is said that no less than 15,000 deer hides were shipped out of southeast Alaska during last season. It is altogether probable that the slaughter of deer will be as great this winter. The result is self-evident—that within two or three years the game supply will be wholly exhausted and the natives left without food supply, and in order to live at all they will have to be subsisted by the Government.

The natives slaughter this game, not for food purposes, but to secure the price they obtain for the hides, which is a very trifling sum—some 40 cents on the average. Of course they use such portions of the animal for food as their immediate necessities demand, but it is safe to say that nine-tenths of the deer slaughtered are left upon the ground to rot. I am not personally cognizant of all these matters, but the whole question was before the grand jury a year ago this winter, and after diligent inquiry the grand jury reported upon the matter.

Some law should be passed by Congress at this session that will put an end to this indiscriminate slaughter of game. A game law not as stringent in terms as ours in Wyoming in many respects will answer every purpose here. And the one thing that will stop the indiscriminate slaughter is the prevention of the hides being shipped from the country or sold, and making it an offense against the law, with a severe penalty, for any vessel or other medium of transportation to receive such hides for shipment or to have them in their possession for such purpose, and punishing any transportation or shipment of hides either from the mainland or any of the islands of Alaska. This will tend to save the game, and eventually to save the Indians from starvation. Of course this law should apply to moose, elk, mountain goat, mountain sheep, etc., as well as to deer.

The mountains in this country rise out of the sea, as it were, from the islands as well as on the shore of the mainland, and run up to great heights. When the snow falls in winter the deer are driven down to the shores of the sea for subsistence, and the Indians are said to gather in a bunch of deer as high as 500 in number, and these are driven into the deep snow in some canyon and then the Indians kill them with clubs and wipe out the bunch of deer gathered in that way. It is easy to understand how rapidly they may be extinguished entirely by such methods.

Very sincerely, yours,

M. C. BROWN,  
Judge United States District Court,  
First Division, District of Alaska.

J. A. BRECKONS, Esq., Washington, D. C.

The grand jury report referred to is as follows:

The grand jury of the United States district court of Alaska, assembled at Juneau, in resolutions adopted by them January 3, 1901, ask for the enactment of a game law for Alaska, and in their resolutions use the following language:

"Whereas it is within the knowledge of the grand jury duly impaneled for the December, 1900, term of the United States district court of Alaska, in and for division No. 1 thereof, and assembled from all parts of said division and being thoroughly conversant with existing conditions, that there has been and is a wanton and willful destruction of game in this district; that it is an acknowledged fact that thousands of deer are killed annually for their hide, which sells for the paltry sum of 40 cents, while their carcasses are left to decompose or be devoured by wild beasts. Congress had sadly neglected to make any provision for the protection of our game, the natural meat supply of the natives and of the miners and prospectors who are hundreds of

miles from the markets of the district, prospecting and developing our great mineral resources: Therefore, be it

"Resolved, That Congress be, and it is hereby, petitioned to insert in the Alaska criminal code the following game law:

"That any person or persons, corporation or corporations, offering for sale in, or any person or persons, corporation or corporations, or common carrier, receiving for exportation from, the district of Alaska the flesh of the deer, moose, caribou, elk, mountain sheep or goat, goose, brant, duck, grouse or ptarmigan, or the hides or horns of the deer, moose, caribou, elk, mountain sheep or goat, shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$500 or imprisonment in the county jail not more than one year, or both.

"Each and every deputy United States marshal within said district shall be ex officio game warden for their respective districts, and shall receive as compensation for said service one-half of all fines collected by due process of law under this act."

"Unanimously adopted by the grand jury January 3, 1901.

"WM. M. EBNER, Foreman.  
"C. D. GARFIELD, Secretary."

Mr. LACEY. I ask to insert with my remarks the report of the committee. The report is exhausted, and this will be better than to have a reprint.

The SPEAKER. The gentleman from Iowa asks unanimous consent to insert in the RECORD the report of the committee upon the bill now before the House. Without objection, this authority will be given.

There was no objection.

The report is as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 11535) for the protection of game in the district of Alaska, and for other purposes, having had said bill under consideration, report the same with the following amendments:

First. Amend the title of the bill by striking out the words "the district of," so that the title of the bill will read as follows: "A bill for the protection of game in Alaska, and for other purposes."

Second. In line 14, page 1, strike out the words "the Territory" and insert in lieu thereof the word "Alaska."

Third. On page 2, line 3, after the word "Eskimo," insert the words "or by miners, explorers, or travelers on a journey when in need of food."

Fourth. On page 2, in line 18, after the word "established," insert the words "or provide different close seasons for different parts of Alaska."

Fifth. On page 3, in line 16, after the word "animals," insert the words "or game birds," and in said line 16 strike out the words "the Territory of," so that the same will read "of any game animals or game birds in Alaska;" also, on page 3, line 17, insert the word "game" before the word "birds;" also, on page 3, in line 20, insert the word "game" before the word "birds."

Sixth. On page 4, in line 1, after the word "shipment," insert the words "or have in possession with intent to ship;" also, on page 4, in lines 1 and 2, strike out the words "the said district" and insert in lieu thereof the word "Alaska;" also, on page 4, in line 2, after the word "deer," insert the words "moose, mountain sheep, or mountain goat," so that that portion of said section will read as follows: "For any other person to receive for shipment, or have in possession with intent to ship out of Alaska, any hides or carcasses of caribou, deer, moose, mountain sheep, or mountain goat;" also, on page 4, line 7, strike out the words "the said district" and insert in lieu thereof the word "Alaska."

Seventh. On page 4, in line 16, after the word "punished," insert the words "for each offense;" also, on page 4, in lines 24 and 25, strike out the words "the Territory of."

And as above amended the committee recommend that the bill do pass.

Some of the salient features of this bill are as follows:

Prohibits wanton destruction of game animals, game birds, nests, and eggs.

Prohibits killing of any game animal or game bird except in specified seasons.

Prohibits the killing of certain of the female game species at any time.

Prohibits the sale or offering for sale at any time of the skins and heads of game animals or birds.

Prohibits the sale of game animals or birds at any time save during the season when it is lawful to kill the same.

Prohibits the shipment out of Alaska of skins or carcasses of game animals or birds.

Provides that miners, campers, or travelers on a journey, in need of food, may at any time kill such game birds or animals as are necessary for food.

Provides that the Indians and Eskimo may at all time kill game animals or birds for their food or clothing.

Provides for punishment for the violation of its provisions by fine or imprisonment, or both.

This bill has for its object the protection and preservation of the game birds and animals of Alaska. When the code for Alaska was enacted two years ago it embraced much of the preexisting laws, and also included many new features. Congress had formerly made the laws of the State of Oregon applicable to Alaska. The game laws of Oregon were therefore in force, and though not entirely adapted to the situation in Alaska, were found very useful. The committee in charge of the revision found the subject of game protection quite complicated owing to the great variety of conditions to be met, and therefore omitted these laws altogether, and left Alaska wholly without any statutory protection for the game within her borders.

As Alaska is the greatest wild-game region now remaining in America, the misfortune of such a condition strongly appeals to Congress for a prompt remedy.

It is hardly possible that the bill should be perfect in all respects or meet all the requirements in Alaska. It must be remembered that to draw a game bill for so large a country is a vastly different and far more difficult matter than to draw such a bill for any single State or Territory of the Union. In any one of the States of the Union (even the largest of them) the scope of territory embraced is comparatively small, and the game conditions in all parts of the State are substantially similar. The drawing of a game bill for Alaska is equivalent to attempting in a single law to cover the New England, Atlantic, and Middle States, or like trying to make a single game bill broad enough in its provisions to cover all the country west of the Mississippi River to the summit of the Rocky Mountains.

Alaska comprises a vast stretch of territory, and in the different parts thereof are widely different seasons and varying conditions. It is manifestly very difficult, therefore, in the provisions of one bill to meet all these difficulties satisfactorily. We have attempted to meet them by vesting a large amount of power and discretion in the Secretary of Agriculture. The latter part of section 2 of the bill provides:

"That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations which shall modify the close season for different parts of Alaska, or place further restrictions and limitations on



the killing of such animals or birds in any given locality, or to prohibit killing entirely for a period not exceeding five years in such locality."

In any new mining country travelers and miners will kill game in season and out of it for the supply of their immediate wants; and they should be so authorized by law, so as not to be forced to violate the law. The amendment suggested by the committee to meet this necessity is substantially the same as that in force in the Northwest Territory of the Dominion of Canada, and which your committee are informed has operated successfully therein.

In this enlightened day, with the experience of the recent past before us, it needs no argument to show that the wanton and indiscriminate slaughter of game birds and fish should be curbed by law. The desolate woods and barren streams in other parts of the United States serve as a solemn warning as to the fate of these creatures in Alaska unless immediately protected by law.

It was indeed unfortunate that at this critical time, when Alaska is becoming settled, that a period of nearly two years should occur in which there should be no law whatever upon this subject, and the necessity of speedy relief is obvious.

The reports from that country are uniform that Congressional action should not be delayed.

The prohibition of game shipments from Alaska and the suppression of commerce in hides will do more to stop the indiscriminate destruction of animal life than any other enactment that can be devised.

Indians will wholly destroy their food supply for the trifling compensation that they receive for the skins of their victims. The slaughter of deer and other animals for the purpose of shipping the hides should be wholly suppressed.

Judge Melville C. Brown, judge of the United States district court of Alaska for the Juneau division, writes the following letter on this subject:

DEPARTMENT OF JUSTICE, UNITED STATES DISTRICT COURT,  
FIRST DIVISION, DISTRICT OF ALASKA,  
Juneau, Alaska, January 26, 1902.

MY DEAR BRECKONS: The slaughter of game in this country is becoming monstrous. It is said that no less than 15,000 deer hides were shipped out of southeast Alaska during last season. It is altogether probable that the slaughter of deer will be as great this winter. The result is self-evident; that within two or three years the game supply will be wholly exhausted and the natives left without food supply, and in order to live at all they will have to be subsisted by the Government.

The natives slaughter this game, not for food purposes, but to secure the price they obtain for the hides, which is a very trifling sum—some 40 cents on the average. Of course they use such portions of the animal for food as their immediate necessities demand, but it is safe to say that nine-tenths of the deer slaughtered are left upon the ground to rot. I am not personally cognizant of all these matters, but the whole question was before the grand jury a year ago this winter, and after diligent inquiry the grand jury reported upon the matter.

Some law should be passed by Congress at this session that will put an end to this indiscriminate slaughter of game. A game law, not as stringent in terms as ours in Wyoming in many respects, will answer every purpose here. And the one thing that will stop the indiscriminate slaughter is the prevention of the hides being shipped from the country or sold, and making it an offense against the law, with a severe penalty, for any vessel or other medium of transportation to receive such hides for shipment or to have them in their possession for such purpose, and punishing any transportation or shipment of hides, either from the mainland or any of the islands of Alaska. This will tend to save the game, and eventually to save the Indians from starvation. Of course this law should apply to moose, elk, mountain goat, mountain sheep, etc., as well as to deer.

The mountains in this country rise out of the sea, as it were, from the islands as well as on the shore of the mainland, and run up to great heights. When the snow falls in winter the deer are driven down to the shores of the sea for subsistence, and the Indians are said to gather in a bunch of deer as high as 500 in number, and these are driven into the deep snow in some canyon and then the Indians kill them with clubs and wipe out the bunch of deer gathered in that way. It is easy to understand how rapidly they may be extinguished entirely by such methods.

Very sincerely, yours,

M. C. BROWN,  
Judge, United States District Court,  
First Division, District of Alaska.

J. A. BRECKONS, Esq., Washington, D. C.

The grand jury of the United States district court of Alaska, assembled at Juneau, in resolutions adopted by them January 3, 1901, ask for the enactment of a game law for Alaska, and in their resolutions use the following language:

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"Resolved, That Congress be, and it is hereby, petitioned to insert in the Alaska criminal code the following game law:

"That any person or persons, corporation or corporations, offering for sale in, or any person or persons, corporation or corporations, or common carrier receiving for exportation from, the district of Alaska the flesh of the deer, moose, caribou, elk, mountain sheep or goat, goose, brant, duck, grouse or ptarmigan, or the hides or horns of the deer, moose, caribou, elk, mountain sheep or goat, shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$500 or imprisonment in the county jail not more than one year, or both.

"Each and every deputy United States marshal within said district shall be ex officio game warden for their respective districts, and shall receive as compensation for said service one-half of all fines collected by due process of law under this act."

"Unanimously adopted by the grand jury January 3, 1901."

"WM. M. EBNER, Foreman.  
"C. D. GARFIELD, Secretary."

The following letter from A. S. Dautrick, of Juneau, Alaska, is self-explanatory, not only of the situation, but also as to the feeling of the people of Alaska regarding this much-desired legislation:

JUNEAU, ALASKA, February 18, 1902.

MY DEAR CUSHMAN: You will remember that at various times we have talked about some sort of a game law for Alaska, and the last time you told me that you would look into the matter. I imagine, however, that a multitude of other things have prevented you. The slaughter of deer in the district is so outrageous that unless some law is passed the last territory for the

sportsman will be played out. I think that you will agree with me that it should have some protection in the way of a game law. Please let me know whether you care to prepare such a bill or if you would prefer to have some one up here do it and forward to you to have it introduced.

Yours, truly,

A. S. DAUTRICK.

HON. FRANCIS W. CUSHMAN, M. C.,  
House of Representatives, Washington, D. C.

The following documents from the Department of the Interior, the Attorney-General of the United States, and letter from Mr. Dall De Weese will also throw a great deal of light upon the situation in Alaska:

DEPARTMENT OF THE INTERIOR,  
Washington, February 1, 1902.

SIR: I have the honor to transmit herewith a copy of a letter from Mr. Dall De Weese, of Canon City, Colo., received by reference from the President, calling attention to the necessity for legislation looking to the protection of large game in Alaska, together with copy of a letter from the honorable the Attorney-General, to whose attention the matter was directed and at whose instance this communication is written.

Copies of Mr. De Weese's letter were transmitted to the Senate and House Committees on Territories, respectively, on the 15th ultimo.

In this connection attention is directed to the recommendation contained in the Report of the Secretary of the Interior for the fiscal year ended June 30, 1899, a copy of which is herewith transmitted, submitting an amendment to the act of March 3, 1899, "To define and punish crimes in the District of Alaska," looking to the protection of deer in that Territory.

Very respectfully,

E. A. HITCHCOCK, Secretary.

HON. JOHN F. LACEY,  
Chairman Committee on Public Lands, House of Representatives.

DEPARTMENT OF JUSTICE,  
Washington, D. C., January 21, 1902.

SIR: I have the honor to acknowledge the receipt of your note of January 16, 1902, inclosing a copy of a letter from Dall De Weese, of Canon City, Colo., to the President, dated December 1, 1901, and a copy of the Annual Report of the Secretary of the Interior for the year ending June 30, 1899, all of which has reference to the protection of game in the Territory of Alaska.

I note with approval the suggestion in your report above referred to of an amendment of the criminal code of Alaska with a view to game preservation there, as also the suggestion of Mr. De Weese in the same direction. But I am not sufficiently familiar with the situation in Alaska to be able to express an opinion whether these are just those best suited to the conditions of that Territory, nor as to how far the natives there, who are to some extent dependent upon game for subsistence, should be included in the prohibition, nor whether other kinds of game than those mentioned in either suggestion should not be included.

At the request of Hon. J. F. LACEY, chairman of the House Committee on Public Lands, I recently gave him a statement of my views as to the power of Congress in this matter. And while that referred chiefly to the question of such power as to the public lands within the limits of a State, yet it also referred to the same question in the Territories. Perhaps it would be well to refer the communication of Mr. De Weese with this and a reference to the suggestions in your report to him, as I think he is much interested in the subject. And I suppose that many useful suggestions would be obtained from Governor Brady, of that Territory, not only as to how far the natives should be included in the prohibition, but also as to the kinds of game that should be protected, in what seasons of the year the prohibition should be operative, either as to all or some kinds of game, and whether it should not be operative the year round as to some kinds.

Respectfully,

P. C. KNOX,  
Attorney-General.

THE SECRETARY OF THE INTERIOR.

PROTECT ALASKA GAME.

CANON CITY, COLO., December 1, 1901.

THE PRESIDENT:

This is a subject that appeals to every "true-blue sportsman," every lover of animal life, and all those who see beauty in nature, embracing forests, plains, and mountains throughout our entire country, and while the woods, plains, and mountains are naturally beautiful, we all agree that they are much more grand and lifelike when the wild animals and birds are present. There are now several organizations doing work toward the preservation of wild animal and bird life. There is much yet for us to do—resolve is to act; let us be up and at it.

For twenty years of my life I have taken my fall outing, embracing the greater part of North America. I have made trips in recent years to various parts of our mountains, where I hunted eighteen to twenty years ago, and it is appalling to note how rapidly the wild animals are disappearing. While I am but 43 years of age, I have seen in this short period the extermination of our buffalo; at the time of my first trip west there were millions. The antelope at that time were thousands—they are now reduced to dozens, here and there. There were also elk yet upon the plains—now there are none. There were bison in our mountains within 25 miles of the place in which I am writing. I doubt if there are 20 wild bison now in the United States. I have seen thousands of deer in Montana, Idaho, Utah, Mexico, and Colorado, where these numbers are now, comparatively, reduced to one, three, five, and twenties. The "big horn" mountain sheep (*Ovis montana*) that were 200,000 are now reduced with comparative ratio to the rest.

When I was hunting in New Brunswick in 1896 I was told by good authority that these conditions were not quite so bad there, and that the enforcement of their laws was the safeguard there as well as in Maine.

During my four seasons' hunting in Alaska, my observations from past experience foreshadow that without stringent laws and their rigid enforcement the big game of Alaska is doomed to as rapid an extermination as it was upon the plains and mountains of Colorado. I will narrate one instance: When in the Kenai Mountains, Alaska, on the 23d day of August, 1897 (from my diary), Mr. Berg and myself, while sitting together on the mountain side, with the aid of a field glass, counted 500 wild white sheep (*Ovis dalli*), all within a radius of 6 to 8 miles, 10 here, 6 there, then 20 and 30 in another locality. Can a true hunter or a lover of nature imagine a more beautiful sight? Look! here and there were grand old towering mountains, all snow capped, some furrowed with gaping canyons, some separated by a mighty glacier, others with a gradual slope, carpeted with nutritious grass, upon which these beautiful denizens of the snowy mountains of the north loitered about in groups, either feeding or resting.

I was in these same mountains again in 1898, my wife accompanying me there in 1899. I wanted her to see what had at that time never before been a woman's pleasure. I was in these same mountains again this season (1901), and there is no question about the *Ovis dalli* decreasing in numbers; it is perceptible. If mineral should be discovered in these mountains, and with no laws to protect this animal, they would be exterminated in a very short



time. In 1899 when passing through a section where a "so-called sportsman" had been hunting, four carcasses were lying on one small hill, nothing having been touched, the heads of horns being too small and the work of skinning and preserving too great to suit his—I was going to say his "sport"-ship, but will make it his "devil"-ship.

In 1899 myself, wife, and party killed four sheep, two of which were killed by my wife. We could have killed a hundred. This season (1901) we killed but one, as we needed it for meat, also one bull caribou.

The natives are very destructive to sheep. I have seen them in parties of their own shoot sheep, and if it ran off wounded or fell over a low cliff they never went after it; "too much work; shoot more." When in my party I never allow a native to carry a gun. The conditions I have mentioned regarding sheep extermination the same will apply to moose and caribou.

Now, then, dear reader, if all I have said about this transformation of game from plenty to almost extermination is so perceptible in one man's short life, we all can see its finish in the course of a very few years unless we act quick while there is yet time.

Alaska is a new country and a good portion of it is uninhabitable for man, and in this respect it is thus more suitable for game; and there is less excuse for its being slaughtered on account of the country not being desirable for the use of "home seekers." I am sorry to say it, although it is true, that where the climatic conditions are favorable for the advancement of civilization and the "tiller" of the soil, just so sure is the doom of game in that land, remote and inaccessible localities and game preserves that extend to the winter feeding grounds excepted.

It is not necessary that big game be slaughtered to furnish the "meat stuff" in Alaska, for where man can go a pack train can go also; then it is made possible for the wagons, then railroads. Neither is it necessary that game be slaughtered for the native food supply, yet let them kill what they will actually use; and if our Government would thoroughly instruct the missionaries and priests of Alaska to intercede with the natives on behalf of the game, much good could be done. Teach them the wrong in killing the female and the young of any and all animals. I have talked this with natives in my camp and noticed that it was hard for them to conceive it, yet by constant teaching it will have its effect. I believe that some such game laws as I hereafter mention would be effective in Alaska if enforced.

My twenty-seven years of experience in hunting has convinced me that the "market meat hunter" is the most destructive to the big game. Where mining localities are remote from railroads or steamship transportation, "meat stuff" is correspondingly expensive; hence if game abound the "meat hunter" finds a profitable business and he is always on hand.

Make the law and enforce it whereby it is a penal offense coupled with a fine of \$100 for each offense where a party or parties offer for sale or barter the flesh of any game animal or bird at any spot or place in Alaskan territory, the same law to apply to any and every company or individual attempting to ship or transport game flesh of any kind out of the Territory.

Make a nonresident license law requiring every sportsman going to hunt and hunting in Alaska to pay \$50 for that privilege, and that this sum allows him to take out of the Territory only one specimen of each species killed by him. The same law to provide a license fee of \$100, which would give the sportsman or hunter taking out that license the right to kill and transport two specimens of each species of animal killed by him, and that he is not allowed to take out more than this quota. The money thus paid to the district commissioners, who might be the nearest postmaster where the hunting is done, and this money to be used, first, for the prosecution of a person or persons violating this law, and any surplus that might accumulate in one year over \$30, that surplus to go to the native school fund of that district.

Make a law that gives an open season only on game from August 15 to November 1, with a fine of \$100 for its violation. This law should apply to natives also, as well as nonresidents, except where the animal is shot absolutely for immediate food necessity.

Make a law that prohibits sportsmen or other persons from employing natives or other men for killing big game animals or birds, for in doing so most of the meat is wasted and the heads shipped and sold.

Make a law prohibiting the killing of the big brown bear (*Ursus middendorffi*) on Kadiak Island for a period of five years. This would in no way be an injustice to the natives, as this island now contains so few of these animals that hunting them is no longer profitable, and neither do the natives depend on this for support.

Negotiations should be commenced with Great Britain to implore them to pass some such laws that would coincide with ours that would govern that part of the Yukon or British territory (Columbia) that joins Alaska.

I know full well what objections will be made to such laws by "fur traders," hide and head hunters, but it is right that the grand old bull moose and bull caribou or the great old ram "Ovis Dalli" be shot down by the native, paid for so doing by the "so-called sportsmen," and only the head taken from the carcass and that shipped out and sold? I say, is it right that this should be permitted for the gain of a few individuals at the expense of the lives of all the big game of that country, as well as the lovers of nature and the "true-blue sportsmen" not yet born, to all whom we are responsible?

Let us all act now and use our influence to have some measures appertaining hereto properly brought before the coming session of Congress with the earnest appeal for their enactment.

I have talked several times with Hon. J. G. Brady, governor of Alaska, regarding this subject, and he urged me to formulate some practical measure and he would give it his support.

Yours, fraternally,

DALL DE WEESE,  
Canon City, Colo.

The following extract is taken from the last annual report of Governor John Brady, of Alaska, to the honorable Secretary of the Interior.

No language could state more clearly or forcibly than the report of the governor, not only that a game law is needed for Alaska, but that said game law should contain the provisions which are contained in this bill.

[Report of Governor Brady, of Alaska, on game.]

#### GAME LAW.

Congress should enact a game law for this district. The large game, like the moose, caribou, and common deer, need protection. The wanton slaughter of deer has been carried on to a great extent in southeast Alaska by the natives. In the winter and spring, when the snow is heavy upon the mountains and even to the beach, these animals seek the shores of the island. They become weak, and when run into a snowdrift can be killed with a club. A single native has been known to bring in as many as 150 skins of animals which he has killed in this fashion. He makes no attempt to use the meat. All he wants is the skin to sell at the store. This does not bring him very much, for it is a winter skin and therefore not very desirable by the dealer. This all can be corrected by prohibiting the exportation of deer hides from Alaska. The native will have no incentive to kill deer simply for their hides. The hides of those which he kills for himself or to sell he can make use of for his own moccasins and other articles of clothing which he uses.

The SPEAKER. The question is on agreeing to the amendments recommended by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title recommended by the committee was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONTESTED-ELECTION CASE—JAMES A. WALKER AGAINST WILLIAM F. RHEA, OF VIRGINIA.

Mr. WEEKS, from Committee on Elections No. 3, made a privileged report of the contested-election case of James A. Walker against William F. Rhea, of Virginia; which was ordered printed, and referred to the Committee of the Whole House.

#### CUBAN RECIPROCITY.

Mr. PAYNE. Mr. Speaker, the Committee on Ways and Means had printed 500 copies of the hearing upon reciprocity. These volumes have all been exhausted, and there is a great demand for additional copies. I therefore ask that 1,000 copies be printed.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, asks unanimous consent that 1,000 copies of the hearings on the Cuban bill be printed for the use of the House. Does the gentleman from New York indicate to what room it shall go—to the document room or the folding room?

Mr. PAYNE. To the document room.

The SPEAKER. The copies to go to the document room. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Under what rule of the House does the chairman of the Ways and Means Committee call up this bill and move that the House resolve itself into Committee of the Whole House on the state of the Union for its consideration?

Mr. PAYNE. It is a bill affecting the revenue.

Mr. TAWNEY. The title of the bill is "to provide for reciprocal trade relations." I simply want to know whether it is considered as a revenue bill—that is, whether it was called up on that ground or some other ground?

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, called it up as a privileged report.

Mr. TAWNEY. On what grounds?

The SPEAKER. The bill has not been read to the House and the Chair can not state its provisions. The chairman of the Ways and Means Committee called it up as a privileged report.

Mr. PAYNE. The ground is that it is a bill affecting the revenue.

The SPEAKER. The Chair will call the attention of the gentleman from Minnesota to Rule XI, clause 59, which provides that the Committee on Ways and Means may report at any time on bills raising revenue; and it has been repeatedly held that that included bills affecting the revenue. So that under the decisions under that rule, the Chair is clearly of the opinion that the gentleman has a right to call up the bill.

Mr. TAWNEY. I only wanted to know under what particular rule or under what provision it is called up, and whether or not it is because it is a revenue bill?

Mr. ROBERTSON of Louisiana. Mr. Speaker, I make the point of order that that bill does not come under the provisions of the rule referred to by the Chair, and in making that statement I desire to know where, and at what time, and by whom this question is to be determined. It seems to me, Mr. Speaker, that—

The SPEAKER. What is the understanding of the Chair? Will the gentleman restate his point of order?

Mr. ROBERTSON of Louisiana. The point of order is that the purpose of the bill is not to raise revenue or reduce revenue.

The SPEAKER. The gentleman's point is that it is not a privileged report?

Mr. ROBERTSON of Louisiana. It is not a privileged question and therefore must be brought in by rule or in some other way got into the House, and not in the manner in which the gentleman is attempting to do it. The bill proposes to provide reciprocal trade relations with Cuba. The main purpose of the bill seems to be, from discussions that have been had heretofore, that the bill can not be amended in any way, shape, or form, and under that ruling, it seems to me, the question of reciprocity would be considered the main question; that it is not a bill to raise revenue, which the rule specifically refers to in matters of that kind.

The SPEAKER. The Chair has already decided this question on the point raised by the gentleman from Minnesota.

Mr. ROBERTSON of Louisiana. I did not understand that the gentleman from Minnesota made the point of order.

The SPEAKER. He made a parliamentary inquiry, and upon that the question was decided. The Chair will call the attention of the gentleman from Louisiana to a line of decisions where it has been held again and again that matters affecting the revenue are privileged under Rule XI.

Mr. NEWLANDS. Mr. Speaker, I would like to ask a question. When this bill was under consideration in the Ways and Means Committee, amendments to the general revenue were offered and declared by the chairman not to be germane to the bill. Now, I ask if this bill is privileged—

The SPEAKER. The Chair will state that the House has nothing to do with what occurred in committee. What is the question the gentleman wishes to ask?

Mr. NEWLANDS. I will ask the Chair whether it will be in order to offer an amendment to this bill affecting the revenue?

The SPEAKER. The Chair can not decide questions until they come before the Chair, and this is a matter that will come before the Committee of the Whole House on the state of the Union. The question is on the motion of the gentleman from New York, that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. ROBERTSON of Louisiana. One more inquiry, Mr. Speaker, in regard to the time of debate and consideration of this question. I would be glad if the Chair would inform me whether this is the time to consider that matter—whether it should be done in the House.

The SPEAKER. It can only be done now by unanimous consent.

Mr. ROBERTSON of Louisiana. It can be done in Committee of the Whole, can it not?

The SPEAKER. By unanimous consent.

Mr. ROBERTSON of Louisiana. And at what time can it be done?

The SPEAKER. It can be done in the House upon motion, and in Committee of the Whole by consent.

Mr. ROBERTSON of Louisiana. Then, Mr. Speaker, I would like to move—

The SPEAKER. It can not be done by motion until after general debate.

Mr. ROBERTSON of Louisiana. Then, if this is the time to consider the question, I ask unanimous consent that the general debate on this bill continue until Wednesday next, to-morrow week; that at that time the House continue its discussion under the five-minute rule until its consideration is finished, and then that the time be fixed for a vote upon the question.

Mr. PAYNE. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The question is on the motion that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ROBERTSON of Louisiana. I asked for unanimous consent—

The SPEAKER. The gentleman from New York [Mr. PAYNE] has demanded the regular order, which cuts off the power of the Chair to submit the request for unanimous consent.

The question was put on the motion to go into Committee of the Whole House on the state of the Union.

The SPEAKER. The yeas appear to have it.

Mr. McCLELLAN. Division.

The House divided; and there were—ayes 107, yeas 102.

Mr. FORDNEY. I call for tellers.

Mr. UNDERWOOD. Let us have the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays. Those in favor of ordering the yeas and nays will rise. [A pause.] Evidently a sufficient number; and the yeas and nays are ordered.

The question was taken; and there were—yeas 177, nays 80, answered "present" 16, not voting 82; as follows:

## YEAS—177.

Acheson,	Burton,	Dovener,	Greene, Mass.
Adams,	Butler, Pa.	Draper,	Grow,
Adamson,	Caldwell,	Driscoll,	Hanbury,
Alexander,	Candler,	Emerson,	Haugen,
Allen, Me.	Cannon,	Evans,	Hay,
Babcock,	Clark,	Finley,	Hedge,
Ball, Del.	Cochran,	Fitzgerald,	Hemenway,
Bartholdt,	Connell,	Fleming,	Henry, Conn.
Bates,	Conner,	Foss,	Henry, Miss.
Bingham,	Cooper, Wis.	Foster, Vt.	Hill,
Boutell,	Cousins,	Fox,	Hitt,
Bowie,	Cramer,	Gardner, N. J.	Howard,
Brantley,	Crowley,	Gibson,	Irwin,
Brick,	Crumpacker,	Gill,	Jack,
Brownlow,	Currier,	Gillet, N. Y.	Johnson,
Bull,	Curtis,	Gillett, Mass.	Jones, Va.
Burk, Pa.	Dalzell,	Goldfogle,	Ketcham,
Burke, S. Dak.	Davidson,	Gooch,	Kluttz,
Burkett,	De Armond,	Graff,	Knapp,
Burleigh,	Dinsmore,	Graham,	Knox,
Burnett,	Douglas,	Green, Pa.	Kyle,

Lacey,	Mondell,	Ray, N. Y.	Stewart, N. Y.
Landis,	Moody, Mass.	Reeder,	Storm,
Lassiter,	Moody, N. C.	Reeves,	Sulloway,
Latimer,	Moody, Oreg.	Reid,	Sulzer,
Lawrence,	Moon,	Rhea, Va.	Swanson,
Lessler,	Morgan,	Richardson, Tenn.	Taylor, Ala.
Lever,	Morrell,	Rixey,	Thayer,
Lewis, Pa.	Moss,	Robb,	Thomas, Iowa
Lindsay,	Mudd,	Roberts,	Tirrell,
Littauer,	Olmsted,	Robinson, Ind.	Tompkins, N. Y.
Little,	Otjen,	Ruppert,	Tongue,
Livingston,	Padgett,	Russell,	Underwood,
Lloyd,	Palmer,	Ryan,	Vandiver,
Long,	Parker,	Salmon,	Vreeland,
Loudenslager,	Patterson, Pa.	Scott,	Wachter,
McCall,	Patterson, Tenn.	Selby,	Wadsworth,
McClellan,	Payne,	Sherman,	Wanger,
McLain,	Pearre,	Sibley,	Watson,
Maddox,	Perkins,	Sims,	Williams, Ill.
Mann,	Pierce,	Small,	Williams, Miss.
Martin,	Pou,	Smith, Iowa.	Wilson.
Mercer,	Powers, Me.	Snodgrass,	
Mickey,	Powers, Mass.	Southwick,	
Miller,	Pugsley,	Sperry,	

## NAYS—80.

Allen, Ky.	Davey, La.	Kehoe,	Richardson, Ala.
Aplin,	Davis, Fla.	Kern,	Robertson, La.
Ball, Tex.	Dayton,	Kleberg,	Shafroth,
Bankhead,	Esch,	Littlefield,	Shallenberger
Bartlett,	Feely,	Loud,	Smith, Ill.
Bell,	Fletcher,	McCleary,	Smith, Ky.
Bishop,	Fordney,	McCulloch,	Smith, H. C.
Bowersock,	Gaines, W. Va.	Marshall,	Smith, S. W.
Breazeale,	Gardner, Mich.	Metcalf,	Smith, Wm. Alden
Broussard,	Gilbert,	Meyer, La.	Sparkman,
Brown,	Glenn,	Miers, Ind.	Stark,
Burgess,	Griffith,	Minor,	Stevens, Minn.
Burleson,	Griggs,	Morris,	Sutherland,
Butler, Mo.	Hamilton,	Napen,	Tawney,
Clayton,	Hepburn,	Needham,	Taylor, Ohio
Conry,	Hooker,	Newlands,	Weeks,
Coombs,	Hughes,	Norton,	Wheeler,
Corliss,	Jenkins,	Otey,	White,
Cushman,	Jones, Wash.	Prince,	Woods,
Darragh,	Kahn,	Randell, Tex.	Zenor.

## ANSWERED "PRESENT"—16.

Benton,	Cooper, Tex.	McRae,	Rucker,
Boreing,	Hull,	Mahon,	Showalter,
Bromwell,	Jackson, Kans.	Mutcher,	Skiles,
Capron,	Lewis, Ga.	Overstreet,	Tate.

## NOT VOTING—82.

Barney,	Edwards,	Kitchin, Wm. W.	Slayden,
Beidler,	Elliott,	Lamb,	Snook,
Bellamy,	Flood,	Lanham,	Southard,
Belmont,	Foerderer,	Lester,	Spight,
Blackburn,	Foster, Ill.	Lovering,	Steele,
Blakeney,	Fowler,	McAndrews,	Stephens, Tex.
Bristow,	Gaines, Tenn.	McDermott,	Stewart, N. J.
Brundidge,	Gordon,	McLachlan,	Talbert,
Calderhead,	Grosvenor,	Mahoney,	Thomas, N. C.
Cassel,	Hall,	Maynard,	Thompson,
Cassingham,	Haskins,	Neville,	Tompkins, Ohio
Cooney,	Heatwole,	Nevin,	Trimble,
Cowherd,	Henry, Tex.	Ransdell, La.	Van Voorhis,
Creamer,	Hildebrandt,	Robinson, Nebr.	Warner,
Cummings,	Holliday,	Rumple,	Warnock,
Dahle,	Hopkins,	Scarborough,	Wiley,
De Graffenreid,	Howell,	Schirm,	Wooten,
Deemer,	Jackson, Md.	Shackleford,	Wright,
Dick,	Jett,	Shattuc,	Young.
Dougherty,	Joy,	Shelden,	
Eddy,	Kitchin, Claude	Sheppard,	

So the motion of Mr. PAYNE to go into Committee of the Whole was adopted.

Mr. DRISCOLL. Mr. Speaker, when the name of the gentleman from New York [Mr. BRISTOW] was called, I, in the confusion, mistook it for my own name and answered "aye." Subsequently, when my own name was called, having discovered my mistake, I voted. I wish now to have the error corrected by which Mr. BRISTOW is recorded as voting. I understand he is not present.

The SPEAKER. Upon the statement of fact just made by the gentleman from New York [Mr. DRISCOLL], it seems clear that the vote of Mr. BRISTOW, as recorded, should be stricken out, as he seems not to have been present, but by mistake his name was answered to by the gentleman from New York [Mr. DRISCOLL]. In the absence of objection, the vote standing in the name of Mr. BRISTOW will be stricken out.

There was no objection.

Mr. COOPER of Texas. Mr. Speaker, as I find I am paired with the gentleman from Indiana [Mr. STEELE], I desire to withdraw my vote, which was cast in the negative, and be recorded "present."

Mr. GREEN of Pennsylvania. Mr. Speaker, at the time I voted I understood that my colleague [Mr. MORRELL], with whom I have been paired, was not here; therefore I answered "present." I understand now that my colleague voted; therefore I desire to have my vote recorded in the affirmative.

The name of Mr. GREEN of Pennsylvania was called, and he voted "aye."



The Clerk announced the following pairs:

For the session:

Mr. YOUNG with Mr. BENTON.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. BOREING with Mr. TRIMBLE.

Mr. WRIGHT with Mr. HALL.

Mr. DEEMER with Mr. MUTCHLER.

Mr. HEATWOLE with Mr. TATE.

Until further notice:

Mr. MAHON with Mr. RANDELL of Louisiana.

Mr. STEELE with Mr. COOPER of Texas.

Mr. HULL with Mr. WILLIAM W. KITCHIN.

Mr. BARNEY with Mr. MCRAE.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. EDDY with Mr. SHEPPARD.

Mr. RUMPLE with Mr. THOMPSON of Alabama.

Mr. SKILES with Mr. TALBERT.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. OVERSTREET with Mr. COWHERD.

Mr. CAPRON with Mr. JETT.

Mr. SHELDEN with Mr. SPIGHT.

Mr. SCHIRM with Mr. CLAUDE KITCHIN.

Mr. SHATTUC with Mr. RUCKER.

Until the 18th:

Mr. LOVERING with Mr. LEWIS of Georgia.

Until otherwise agreed:

Mr. GROSVENOR with Mr. SNOOK.

Until Wednesday:

Mr. JOY with Mr. CUMMINGS.

For the day:

Mr. BRISTOW with Mr. McDERMOTT.

Mr. WARNOCK with Mr. LAMB.

Mr. TOMPKINS of Ohio with Mr. CREAMER.

Mr. NEVIN with Mr. GAINES of Tennessee.

Mr. McLACHLAN with Mr. THOMAS of North Carolina.

Mr. HOLLIDAY with Mr. SHACKLEFORD.

Mr. HOWELL with Mr. SCARBOROUGH.

Mr. HILDEBRANDT with Mr. McANDREWS.

Mr. HASKINS with Mr. FOSTER of Illinois.

Mr. FOWLER with Mr. BRUNDIDGE.

Mr. FOERDERER with Mr. GRAFFSON of Nebraska.

Mr. DAHLE with Mr. DE GRAFFENREID.

Mr. DICK with Mr. BELMONT.

Mr. WARNER with Mr. MAHONEY.

Mr. CALDERHEAD with Mr. HENRY of Texas.

Mr. BEIDLER with Mr. MAYNARD.

Mr. BLAKENEY with Mr. NEVILLE.

Mr. CASSEL with Mr. BELLAMY.

For this vote:

Mr. SOUTHARD with Mr. DOUGHERTY.

Mr. BLACKBURN with Mr. STEPHENS of Texas.

Mr. HOPKINS with Mr. LANHAM.

Mr. STEWART of New Jersey with Mr. FLOOD.

Mr. JACKSON of Maryland with Mr. JACKSON of Kansas.

The result of the vote was announced as above recorded.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12755) to provide for reciprocal trade relations with Cuba, with Mr. SHERMAN in the chair.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ROBERTSON of Louisiana. Mr. Chairman, will the gentleman from New York yield for one moment?

Mr. PAYNE. Yes.

Mr. ROBERTSON of Louisiana. I would like to ask the gentleman if there has been any agreement or determination as to the time or order of debate?

Mr. PAYNE. None whatever.

Mr. ROBERTSON of Louisiana. May I ask the gentleman if we could not now agree and come to some conclusion as to the length of time and the manner of the control of the time in the committee?

Mr. PAYNE. I will state that I endeavored to do so yesterday and was unable to do so. I think after we proceed to debate for a while we may make some arrangement, but we can not do it now.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. PAYNE. Certainly.

Mr. TAWNEY. Do I understand that the time is to be divided as usual and to be in the control of the Chair, in the absence of an agreement?

Mr. PAYNE. Certainly.

Mr. TAWNEY. Alternating one with the other?

Mr. PAYNE. The Chair will control that.

Mr. ROBERTSON of Louisiana. I understand that, but is it not unusual to proceed with a matter of this importance without some sort of determination as to the disposition of the time?

Mr. PAYNE. I will again say to the gentleman that I spent some time yesterday trying to make an arrangement. I was unable to make an arrangement with the various elements opposed to the bill, and I do not think it can be done at this moment.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that the time be controlled by the gentleman from New York—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Colorado?

Mr. PAYNE. I will yield for that.

Mr. SHAFROTH. I ask unanimous consent, Mr. Chairman, that the time be controlled by the gentleman from New York in favor of this bill and against the bill by the gentleman from Louisiana [Mr. ROBERTSON].

Mr. PIERCE and others objected.

The CHAIRMAN. Objection is made. The committee will please be in order, and the gentleman from New York is recognized.

Mr. PAYNE. Mr. Chairman, our relations with the island of Cuba are peculiar. As we all know, they grow out of the Spanish war, a war for which I for one was by no means responsible, and which I opposed to the last moment, and only yielded to what seemed to be the almost unanimous sentiment of the House; but that war is over, and it has left us with these peculiar conditions. We undertook when we engaged in that war, and we have professed on every occasion since, that our main object was to give a stable, independent, and free government to Cuba. During the years that elapsed since Spain evacuated Cuba and surrendered the possession and sovereignty of those islands it has been the endeavor of the Administration, as it has been the constant endeavor of the Congress of the United States, to arrange a free and independent government for Cuba. To that end has been every line of legislation that we have passed upon the subject; to that end were the Platt amendments, which were passed, and which have been incorporated as a part of the constitution of Cuba.

Cuba has had an election; Cuba is about to have her officers inaugurated, and on the 20th of next month the United States is to retire from Cuba with the army that has occupied it, surrendering the civil and military government that we have had there into the hands of the officers chosen by the full and free vote of the people of the island of Cuba. We have spent millions of money and sacrificed thousands of lives to bring about this condition of affairs. We have done as much for Cuba as any nation ever did for those of alien blood. Still, in sight of the world, we are pledged to see to it that Cuba starts out with the best of auspices under the government which she has formed.

I do not say, Mr. Chairman, that we have not up to this present moment done our full duty and more to Cuba. I do not present here any sentimental claims on the part of Cuba for the action of the Congress of the United States. We are in the position of a guardian who has settled with his ward, paid over every dollar of the principal and the interest, and yet every guardian, be he a right-minded man, is interested when that ward goes out into the world to use every endeavor that he consistently can to make the career of that ward successful. And in this experiment, in establishing a new government for Cuba, it is the duty of the United States to do what we can to make the experiment successful.

When the war was over, after years of civil strife, the planters in Cuba had become involved in debt. When Spain left the island they saw their plantations devastated. Fire and sword had swept over the island. Many of the sugarhouses had been destroyed, many plantations had grown wild with weeds, and the production of sugar had dwindled down to some 200,000 tons per annum. The people went to work and tried to recuperate and to restore the old order of things so far as their commercial and industrial prosperity was concerned. They had to borrow money to build new sugarhouses; they had to borrow money to plant new sugar cane; they had to borrow money to care for those crops and bring them on to maturity.

They went to work with a will, and they need not be ashamed of the record they have made in the last three years—300,000 tons of sugar the first year after the war, about 600,000 tons the second year, and nearly 900,000 tons this year, the product of their work, their endeavors, and their struggles. They have done well in doing this, and yet they have not been able to lift the load of indebtedness that they had to incur to bring about this result.

And now, just as we are about to launch them forth in self-government, just as they are about to try this experiment, a new calamity comes to Cuba. It is one that is common to the people of the world. We consume in round numbers 10,000,000 tons of

sugar in the world, and through bounties in European countries and the stimulation and increase of sugar in those countries and in our own we find that there are 11,000,000 tons and over produced this year, a surplus of 1,000,000 tons of sugar.

The consequence is, the supply being so greatly in excess of the demand, the price of sugar has been forced down to a point lower than it has been in years; to a point about a cent lower a pound than it has averaged for the past few years. When it comes to Cuba, the price is down below the point where they can produce sugar at cost, let alone producing it at a profit. According to the evidence before the committee it costs 2 cents a pound to produce sugar in Cuba. I know there were two or three gentlemen who testified that they went there three years ago and examined among the planters and found out that they were producing sugar at from a cent and a half to a cent and three-quarters a pound, and yet it was uncontradicted in the evidence before the committee that wages in Cuba had increased in the last few years from 50 to 75 per cent, and as the cost of sugar is principally the cost of wages, it follows that the cost of producing sugar has increased in the last three years; and this only corroborates the statement of the gentlemen engaged in the production of sugar in the island when they say it can not be produced at less than 2 cents a pound.

On the 1st of January last the price of sugar in Cuba, free on board at Habana—and, by the way, this cost is free on board at Habana—was 1.5 cents per pound. Hence at that rate there was a loss of a half cent a pound on every pound of sugar produced in Cuba. This was what was staring them in the face when the appeal was made by General Wood in December last for aid for Cuba in this emergency. To be sure the price of sugar has somewhat advanced since that time, and it reached a point as high as \$1.81 per hundred free on board in Cuba. That is the highest point it has reached since the 1st of January, fluctuating to a little below that point and back to \$1.81. That meant a net loss of nineteen one-hundredths of a cent per pound on every pound of sugar of the present crop.

These planters in Cuba are obliged to go to the bankers and to the merchants for money and supplies to raise and harvest their crops. There are 196 centrals in the island of Cuba, great grinding establishments where the cane is brought from their plantations and from the smaller plantations called the colonos, and there ground up and boiled into sugar and shipped to the ports for the market. These 196 centrals are surrounded by hundreds of the colonos, nearly 16,000 of them in the island of Cuba, little planters having 5, 10, or 20 acres, who raise their sugar, carry the cane to the railroad or to the central, where it is finally accumulated and, as I say, ground and boiled into sugar. The usual arrangement between the colono and the central is that the colono produces the cane and receives for it half the sugar which the cane produces. To raise this cane costs about 50 per cent of the entire cost of producing the sugar free on board in Habana; so that it is a fair divide for the colono to have half the sugar his cane produces. They commence grinding the crop about the 1st of December, and the grinding season continues until about the 1st of May. They are still grinding cane in Cuba at this time, although they have ground the greater portion of the crop.

Now, the planters, large and small, are forced, in view of what occurred during the war, to borrow the money to care for the crop and to harvest it. This is the almost universal rule. The planter finds that he has invested a larger per cent of money in labor upon the crop than the crop of sugar he is raising will pay. Labor is employed in Cuba; labor is employed to-day, and at fair wages. They are building a railroad there that takes the surplus of labor. It is not a question of what has been done up to the present time for the laborers, although it may be a question as to how much these sugar planters are in debt to their laborers. Having to borrow money for the crop, and not having sufficient value in the crop to pledge for the money they borrow, the question is as to the future of those laborers. When the grinding is done, then comes the planting season. Fortunately in Cuba that is not so great an expense as it is in some other places, like Louisiana, for a planting there will last from five to ten and sometimes fifteen years without replanting, so that not more than 10 per cent, perhaps, of the whole area has to be replanted every year on an average.

The next thing in order is to keep down the weeds which grow with such terrific prolificness in the island of Cuba. They go through the plantations four or five times cutting down the weeds, and after that is done and the cane is high enough it shades the ground and prevents the growth of the weeds, and then they have no further labor until harvest; but so great is the labor in caring for the crop that it is worth one-half of the value of the sugar. And now, when this labor is just about to commence, the farmers and planters and colonos are anxiously looking forward to see where they can get the money to plant and care for the next year's crop. If they are obliged to sell the sugar at less than 2 cents a pound, they can not pay their debts, and where will they get their money for the next year's crop? As a writer

said, who has been through the island of Cuba at a recent date, the 20th of March:

While the masses of Cuba are not actually suffering from lack of food, the planters and business men are on the verge of collapse and bankruptcy, and are anxiously hoping for concessions in the United States tariff in order that they may receive new life and hope. The merchants have large sums of money trusted out and are not paying each other. They are simply holding each other up in the hope of obtaining relief, and if failures once begin they will run like wildfire.

Mr. TAWNEY. Will the gentleman state who the author of that is?

Mr. PAYNE. I can not state now; I will tell the gentleman afterwards.

Mr. TAWNEY. I wanted to know if it was Mr. Pepper, who has been writing articles to the Star, of this city.

Mr. HAMILTON. Was it in the hearings before the committee?

Mr. PAYNE. It was in a letter written by a man, whose name I have not at present, to a member of the House. I would give the gentleman the name, but I have not it with me. I included the statement in my report.

Now, Mr. Chairman, I would not add to the distress of Cuba. I know that some gentlemen are anxious to have Cuba annexed at once. I am not one of those gentlemen. The time will come when Cuba will be annexed to the United States, and when it does come I believe I shall have to do as I had to do in the Cuban war, bow to the inevitable, and Cuba will be annexed. You want it annexed at once—some of you do. The interest in the United States who are opposing this bill want it annexed at once, and free trade in every item of commerce that comes from Cuba to the United States. We have been professing that it was our endeavor and our solemn duty to give Cuba a chance for a free and independent government; and now, when we are about to establish a government, with ruin staring Cuba in the face, shall we sit idly by, supinely by, and do nothing to try to help Cuba in its effort for a government.

Mr. Chairman, I confess for one when I entered into this subject, and since I entered into it down to the present moment, I have looked to another question. That question was whether we could aid Cuba without injuring any industry of our own. I have had that steadily in view. Mr. Chairman, I have been a protectionist since I learned protection at my father's knee and read while a youth in Horace Greeley's Tribune his articles on protection. I studied protection at the committee table by the side of William McKinley and Nelson Dingley, when we together framed the McKinley bill; I studied protection in 1897, sitting at the right of Nelson Dingley, when we framed the Dingley bill, and if there is any principle of political economy that I have ever studied and learned to believe in, it is the principle of protection to American industries. I have seen the wonderful growth of this country under the protection of American industries. I would be the last man to strike down an American industry, fostered and prospering under the protection given it by the Republican party.

Mr. FORDNEY. And you are the first at this time to strike that very thing.

Mr. PAYNE. If the gentleman will ask me a question in an orderly manner, I will listen to him.

Mr. FORDNEY. I beg your pardon. I asked you if you were not the very first now to advocate striking at that very thing?

Mr. PAYNE. Not by any means, sir. I am standing by protection, and you are taking a course that would strike down the industry that you are assuming to protect. [Loud applause on the Republican side.] Why, gentlemen seem to think that there is something so sacred in every line of the Dingley bill that you can not alter a word in it without becoming a free trader.

Mr. BARTLETT. Mr. Chairman—

Mr. PAYNE. I think I will not be interrupted. There are several gentlemen who want to interrupt me, but I do not know how much time I will take. After I get through, if the House wants to ask questions and will listen to me, I will submit myself to cross-examination. [Laughter.] I had something to do, Mr. Chairman, with framing the sugar schedule in the Dingley bill, both in committee and in conference. That sugar schedule as presented to the House did not present exactly the same appearance that it presents now since it has become a law. It was altered in the Senate and changed in the committee of conference. As the bill left the House it provided a duty of 1.63 on 96° sugar, and as it appears to-day it presents a duty of 1.68½. That is not the whole story.

One object in framing the schedule was to produce revenue. Sugar is a good revenue producer. It strikes everybody that uses sugar, and it is a prolific producer. We knew we had got up past the limit of protection of the beet-sugar industry when we framed that schedule. When it left the House there was not a beet-sugar man in the United States that objected to the protection that was given in that schedule, and yet what was it? One and sixty-three hundredths subject to contingency. Why, the Republican



party started out on the idea of reciprocity in 1890, and section 3 was ingrafted into the McKinley bill providing for reciprocal trade relations; and when the committee and Chairman Dingley were making the sugar schedule of the Dingley bill we had a section 3 that provided that the President might make reciprocal trade relations with other nations, and when he did and proclaimed them a good deal after the manner as stated in this present bill, then that certain duties should be decreased, and one of the duties to be decreased was the duty on sugar, a reduction of 8 per cent, bringing the duty of \$1.63 down to \$1.50, providing reciprocal trade relations were made.

Now, every man in the House understood section 3 and understood the sugar duty. Every beet-sugar man in the United States understood section 3 and understood the duty of 1.63.

Mr. WM. ALDEN SMITH. There were mighty few of them then compared with the present time.

Mr. PAYNE. We will come to that later. Mr. Oxnard was one of them. Mr. Oxnard was here and he knew what was in the bill, and he did not protest, and no one protested, because they knew that the protection was ample, and more than ample, and that we made it high only to get revenue as well as protection out of that item. You voted for it.

Mr. WM. ALDEN SMITH. Yes; I voted for it.

Mr. PAYNE. You gentlemen all voted for it. It was a good Republican doctrine then, it was protection doctrine, it was Dingley protection, it was McKinley protection, and I stand for the same kind of protection here to-day.

Mr. WM. ALDEN SMITH. Mr. Chairman—

The CHAIRMAN (Mr. CAPRON). Does the gentleman from New York yield to the gentleman from Michigan?

Mr. PAYNE. I can not yield now.

Mr. WM. ALDEN SMITH. I would like to ask a question right there.

Mr. PAYNE. I shall have to decline. I do not know how much time I may get.

Mr. WM. ALDEN SMITH. There will be no disposition on our part to check it.

Mr. PAYNE. I decline to yield at present. Mr. Chairman, what does this bill propose to do? The tariff on sugar at 96 is 1.63½, and the bill proposes to take off 20 per cent. When we take off 20 per cent, it leaves 1.35—15 points less than the Dingley bill under reciprocal trade relations, fifteen one-hundredths of a cent less than that of the Dingley bill.

Now, they did not complain about the Dingley bill; they had no dread about that. They did not complain, because they knew it was more than sufficient protection. They had had experience under the Wilson bill; even with the 40 per cent ad valorem duty protection the first year under the Wilson bill the beet-sugar production in the United States was 20,000 tons, and the second year it was 30,000 tons, and the third year it was 40,000 tons. They knew something about protection. Of course, the price of sugar was higher, but the equivalent specific duty was not as high as we propose to leave it to-day on this sugar. Under that bill and under the workings of the ad valorem they doubled their production in three years.

Who says it is going to injure any American industry? Why, sir, they said, "You may reduce the duty 20 or 25 or 30 per cent, and it will not make any difference in the price of sugar in the United States until you have fostered the industry in Cuba to the point where the Cuban sugar growers will be able to produce all the sugar we import—2,000,000 tons or more annually—and then, of course, the importation will reduce the price in the United States; and not until then." How are they going to increase the importation next year under this bill to 2,000,000 tons? The labor in Cuba is all employed; they can not get labor enough to produce anything like 2,000,000 tons. It takes all their labor to produce the present crop—900,000 tons.

But the suggestion has been made "if you make this reduction of 20 per cent the sugar growers in Cuba will bring over Asiatic labor, and so increase the production of sugar by a resort to this lower rate of wages." But, gentlemen, we have guarded you on that point. We have been looking out for the protection of American industry all the time. And so we have incorporated in the bill as a condition precedent that the Cubans must pass and enforce contract-labor, exclusion, and immigration laws as exclusive as those of the United States. So that they can not introduce any Asiatic labor, and can not in that way increase the production of sugar. It can be increased in only a very small degree—so small as not to reduce the price of sugar in the United States. But what they may do in that direction can not take off a scintilla of protection which the sugar people now have.

Now, as to tobacco. No one pretends to claim that tobacco will not be amply protected, even if the 20 per cent should go off. So we say we are injuring no American industry if we make this 20 per cent reduction.

Will this aid the Cubans? It means thirty-four hundredths of

a cent per pound on their sugar, added to \$1.81 making a net price of \$2.15, beyond the cost of production, and fifteen hundredths of a cent profit for this year. If sugar should return to the normal price next year and advance a cent a pound, there would be a profit of 1.15 cents on their sugar. Will this help them?

We are told that the sugar trust is going to get the advantage of all that we take off of sugar. When those who make this claim are asked why, they say, "Because they will; because the sugar trust is the only customer for this sugar." Well, this is disputed. There is no doubt that the Arbuckles are running independently of the sugar trust and are buying raw sugar to meet them in the market. As to whether the National is doing the same thing depends upon the word of Mr. Post, who appeared before the committee, and to whose evidence there was very little contradiction.

But, gentlemen, let us go back a little way. How has it been about fixing the price of sugar by the sugar trust or anybody else in the United States in years that are past? The sugar market of the world is in Hamburg. The price of sugar is fixed in Hamburg for the port of New York. When sugar comes from Hamburg to New York the price is adjusted on the cost of transportation and the cost of our duty. Add these to the price of sugar in Hamburg and you have the price of duty-paid sugar in New York. Then the price of sugar coming from the Hawaiian Islands, or from Porto Rico, or from Cuba, or any other place in the world, is fixed according to that standard. Deduct from the price of the duty-paid sugar in New York the duty and the cost of transportation and you have the price of sugar in Habana Harbor.

Gentlemen, we have had experience in respect to this matter. We need not abandon ourselves to speculation or attempted prophecy. We have had experience along this line. We have had Hawaiian sugar free for years; and though the committee hunted diligently for the facts they could not find any proof to show that the Hawaiians had not received the full price for their sugar, duty free, coming into the port of New York, although the sugar trust during a portion of these years was omnipotent and had no rival refiners of any kind in the United States.

Mr. PIERCE. Will the gentleman allow me a simple question?

Mr. PAYNE. I would rather not.

Mr. PIERCE. I simply wanted to ask who pays the duty under the gentleman's statement—the foreigner or the American consumer?

Mr. PAYNE. On sugar? That is a very easy question, my friend. I think the American consumer pays it.

Mr. PIERCE. That is what you have been denying all the time. You have been insisting that the foreigner paid it.

Mr. PAYNE. Every protectionist knows that when we put a tariff duty on an article not produced here in sufficient quantity to satisfy our markets, so as to create competition among ourselves, the duty is added to the price.

Mr. WM. ALDEN SMITH. If the volume is large enough.

Mr. PAYNE. If the volume is large enough to affect the price here in the United States by way of competition. Yet that is not always true. We put a duty of 10 cents a pound upon tea. We did not produce any tea; still, it was proved conclusively that the Japanese paid half of that duty in order to get into our market.

How much of that comes out of the foreigner on sugar, of course, I do not know; but my own opinion is that in the case of sugar the most, if not all, is paid by the consumer in the United States.

Now, to get back to what I was talking about. We made a reduction of 85 per cent in the tariff on sugar produced in Porto Rico. Some of us were afraid that we would have trouble, that the sugar trust would get the benefit of that reduction or a part of it. We passed the bill, and we have now a record of results. What does the record show? Why, sir, the people in Porto Rico are getting the benefit of that reduction. When their sugar comes into the New York market it sells there at the market price of sugar—the world's market price—deducting only the cost of transportation from Porto Rico to New York.

Some gentlemen have raised a quibble as between the price of Porto Rican sugar and Cuban sugar and German sugar, but when examination was made it appeared conclusively that the only difference in price arose from the difference in grades of sugar, one sugar being graded higher than another according to the productions of the different countries.

So in the past the planter has got the benefit of the reduction we have made on the sugar tariff. I would rather go to history than prophecy for facts, especially when the prophet is a zealous man bent on having his own way about a particular proposition. Why, Mr. Chairman, we made this reduction so light that the Cuban planter has got to have it in order to get out even and have a few dollars to spare. We did not put a reduction of 50 per cent on, or 100 per cent, because we did not wish to injure anybody in the first place, and we knew when we made it only 20 per

cent the planter would have a right to demand and receive the full benefit.

Now, such was the testimony before the committee, Mr. Chairman, and still I see that some of these numerous gentlemen, each one of whom publishes a pamphlet and distributes it around to the members for their information on this subject, refers to the testimony of Colonel Bliss, at page 392, and furnishes what Colonel Bliss says at that point, which I will read:

Mr. NEWLANDS. If that entire duty were taken off the Cuban sugar it would sell in our markets just as the Louisiana sugar and beet sugar does, would it not? Would there not be an increase?

Colonel BLISS. I am not an expert on that question and I do not like to answer. It appears to me that the question relates to the price that the Cuban producer would get, and I do not know what proportion of increase would go to him; I believe not more than 30 per cent.

Well, now, Colonel Bliss recurs to that question again at page 395, and I will read it:

Mr. METCALF. Colonel, coming back to an answer given by you a short time ago, if Congress remits the present duty on sugar, will it not tend to continue the large estates?

Colonel BLISS. So far as the question relates to sugar alone, undoubtedly it will. I want to qualify that statement, however. The tendency in Cuba now is, and has been ever since I have been there (how long before that I do not know), to increase largely the number of the colonos, the men with a few acres of land who grow cane, or the men who have land which they devote to other purposes, with here and there a patch of it which grows cane to advantage.

The tendency is more and more toward the establishment of centrals, buying cane at the best price they can get it from the small planter. I think the first effect of any reciprocity that would affect Cuba at all is going to be shown in the improved condition of the colono and the laborer. So soon as the mill owner finds that it is more profitable to make sugar he will immediately reach out and bid for this man's cane and that man's cane, in competition with other mill owners doing the same thing; and they will bid it up to the limit, beyond which they can not go without losing whatever profit the concession gives them.

In the same way, as there is certainly no waste labor in Cuba at this time, and probably will not be for the next season of cultivation, the colono will reach out and bid for this man's labor and that man's labor in order to make as much cane as he can. In short, the mill owner will compete for the cane in order to make all the sugar that he can, and the colono will compete for labor in order to grow all the cane that he can.

I think, and most of the Cubans to whom I have talked agree with me, that if you were to give 50 per cent off, or 33 per cent, or whatever you give, probably not more than 30 per cent at the very most would go to the planter, and the rest of it, whatever did not stay in the United States, would go to the laborer and the colono, the man who cultivates small fields of cane.

Now, that is the opinion of Colonel Bliss, based on his observation in Cuba as to the division that would be made between the planter and the colono in Cuba. He did not know what would be retained in the United States. He was not a prophet. He had not studied the history of what had been done with Porto Rico and Hawaii. He says, "I am not an expert on this subject and I do not like to express an opinion;" and the gentlemen are welcome to what they get out of Colonel Bliss's statement in view of the whole, the unanimous evidence of every other witness upon this subject.

So I say, gentlemen, I have no fear that this money will go to the sugar trust in case we make this reduction. Why, Mr. Chairman, who holds the sugar now? Who holds it to-day, or yesterday, because I have returns up to the 7th day of April? In March I made a request of the Department to find out from Governor Wood where the crop was. One paper, claiming to be respectable, had published a telegram from another paper, generally known as one of the "yellow journal" stripe, saying that the sugar trust had bought up the entire crop in Cuba. It was immediately denied, but I wanted to get at the facts, and Governor Wood sent out letters of inquiry to every planter in Cuba—194 of them, sugar centrals—and he received up to the 2d day of April 126 answers. He also telegraphed to 36 Cuban banking firms, and he has received replies from the 36. He found that up to that date there had been ground 584,259 tons of sugar. He found that there were held at the option of the American Sugar Refining Company 3,285 tons; held at the option of other American purchasers, 2,285 tons; exported to the United States, 25,646 tons. He says:

All sugar above mentioned, except that at the option of the American Sugar Refining Company and other American purchasers, is in the hands of Cuban planters and Cuban and Spanish commission houses doing business in the island of Cuba, and is not at the option of anyone. Where held as security for loans advanced to planters, the planters will get the advantage of any rise in the price under conditions of deposit, as is the custom in the island. This statement shows conclusively the absolute falsity of the declaration that the sugar trust has control of a considerable portion of Cuban sugar. I expect other statements will be sent as soon as possible.

That is signed by Governor Wood.

Mr. SHAFROTH. Will the gentleman yield for a question? Will the gentleman not concede that by the time this bill passes the Senate, if it takes the usual course—

Mr. PAYNE. I will come to that a little later. Do not ask such questions as will lead me off the subject I am discussing. You know one man can make a speech better than half a dozen, even though the half dozen are sharper than the one.

Mr. SHAFROTH. But the question is, in whose hands it would be at the time of the passage of the bill.

Mr. PAYNE. We will get to that by and by.

Now, Mr. Chairman, I have an additional statement, bringing it down to the 7th of April, the reports from 10 more centrals. In this statement it appears that 24,755 tons have been ground in these establishments. General Wood says:

The increase above mentioned is in the hands of planters and Cuban and Spanish commission houses doing business in the island, with the exception of 3,388 long tons exported to the United States; none at option of the American Sugar Refining Company nor other American purchasers. When held as security for loans, planters to get advantage of rise in price, as stated in telegram of 2d instant.

Now, Mr. Chairman, that shows that up to the present date about 30,000 tons of sugar have been shipped to the United States. Last year at the corresponding date there had been shipped 200,000 tons to the United States. The total production of sugar last year sent to the United States was 490,800 tons, so that more than two-fifths of it had been shipped to the United States up to the corresponding date last year, and this year only 30,000 tons. What is the reason of that? Why, simply because these men are looking to Congress for a reduction of the duty, and like men everywhere, seeing a dollar in sight, they are doing their best to be in a position to get hold of it when the time comes.

Now, I am asked, Mr. Chairman, if, when this bill goes through the Senate, that will still be the situation. Now is the time for them to have sent two-fifths of their crop, or 350,000 tons. They have actually sent 30,000 tons. They have held on until now because everybody interested in that sugar is concerned in holding on to it until the last moment. The men who loaned the money are interested in holding on to it. They want these sugar people to go on and have their crop next year. They know they will come to them to borrow money. They want to keep them in condition so they can raise a crop next year. Every interest in the island is concerned in holding on to that sugar.

Now, gentlemen want to know when the Senate will pass this bill. I give it up. I do not know when the Senate will pass this bill. We will get it through the House as soon as we can. If we do not have too many roll calls on the question of going into the Committee of the Whole and delays of that kind, and if we can get along without too much debate, we will get it over to the Senate in ample time. I understand it is the disposition there to take it up at once. There is no reason why it should not be a law before the 20th day of May, when this Cuban government goes into operation. Having held on to all but 30,000 tons of it until now, it does not require a prophet or the son of a prophet to foresee that they will still hold on to that sugar until the time comes that this reciprocal agreement shall go into effect.

Mr. WM. ALDEN SMITH. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. PAYNE. Yes.

Mr. WM. ALDEN SMITH. I desire to ask whether when you make the statement that all the parties interested in Cuban sugar are holding it awaiting the action of Congress you also include their principal customer in this country, the sugar trust?

Mr. PAYNE. Why, Mr. Chairman, I have not any doubt but what the sugar trust is guided by business men as eminent in their profession and business as my friend who interrupts me with this question. I have not any doubt as to their grasping propensities. I shall not institute any comparison with my friend on that point, because that would be impolite and odious.

Mr. WM. ALDEN SMITH. I have examined—

Mr. PAYNE. Oh, I have examined their testimony, too.

Mr. WM. ALDEN SMITH. I have examined their annual report just filed.

Mr. PAYNE. Well, I have examined their annual report. I think I know as much about the sugar trust as the gentleman does.

Mr. WM. ALDEN SMITH. I hope you know a great deal more.

Mr. PAYNE. I think I have fought them as long as the gentleman has, and I shall continue to fight them as long as I am able to fight. I want the gentleman to understand that. But when I see a chance to confer a great benefit without injuring anybody, I am not going to be driven from giving the share on 850,000 tons to the people in Cuba because I fear the sugar trust may get some of it on the 30,000 tons that have come to the United States. I am not such a fool in fighting trusts as to come to any such proposition as that.

Mr. WM. ALDEN SMITH. I do not believe the gentleman would aid the sugar trust intentionally, but their last annual report, if you will permit me to say, discloses strange facts—

Mr. PAYNE. No; I will not permit you to say anything of that kind in my time now.

Mr. WM. ALDEN SMITH. Will you let me finish that sentence?

Mr. PAYNE. I do not care what their annual report does. I know what it is.

Mr. WM. ALDEN SMITH. Perhaps the House wants to know.



Mr. PAYNE. Oh, in your own time you may state all that Mr. Havemeyer has ever said, or talk about something else that is not relevant to this question. You may discuss that as much as you please. I propose to discuss the question before the House.

Mr. WM. ALDEN SMITH. You are avoiding that clearly.

Mr. PAYNE. That question is not here.

Mr. WM. ALDEN SMITH. It ought to be here.

Mr. PAYNE. Well, there is a difference of opinion, and I am making the speech.

The CHAIRMAN. The gentleman from New York refuses to yield.

Mr. PAYNE. Now, Mr. Chairman, how much will this cost the Treasury of the United States. Last year, ending June 30, 1901, we collected \$27,000,000 in duty on goods coming from Cuba, \$18,000,000 on sugar and \$9,000,000 on other products, largely tobacco. This year on the present crop the full duty would be about \$41,000,000. We take off 20 per cent, that would make \$8,200,000 of loss of revenue, and that loss of revenue goes to the people of the island of Cuba, to the people we have been trying to set up in government, a people whom we are trying now to save from certain bankruptcy.

Mr. LITTLEFIELD. You say it is \$8,000,000 on sugar alone?

Mr. PAYNE. The total is \$8,000,000.

Mr. LITTLEFIELD. On sugar \$8,000,000?

Mr. PAYNE. About \$7,000,000 on sugar. The rest was on tobacco and other products; but all coming from the island of Cuba.

Mr. LITTLEFIELD. The whole reduction aggregating about \$8,000,000?

Mr. PAYNE. Yes. The calculation was made on the estimated crop, and this report of General Woods confirms the estimate, but in my judgment it looks more like 900,000 tons instead of an 850,000-ton crop. Of course we may be getting the large-sized centrals, so many have reported and others have not.

Now, Mr. Chairman, I want to show to those gentlemen how much the Republican party have been engaged in changing the sugar schedule. In 1861 we made it 5 cents; in 1862, 4 cents; in 1864, 5 cents; in 1870, 4 cents; in 1874, 5 cents; in 1883, 2½ cents and 3½ on refined, and in 1890 one-half cent on refined and a bounty of 2 cents on raw sugar, so that we have not always regarded it as sacred.

Mr. WM. ALDEN SMITH. We did not have any beet-sugar industry then.

Mr. PAYNE. Oh, we had a beet-sugar industry away back in the eighties, and we had cane sugar after the war was over.

Mr. WM. ALDEN SMITH. Oh, I know that.

Mr. PAYNE. I only wanted to call it to mind. Of course you know it.

So, Mr. Chairman, the committee found a way to help Cuba, injuring no American industry and strictly in the line of Republican doctrine and the Republican platform. We have been preaching reciprocity since 1890. We put the same in the platform of 1896, and we put in these other things written there. Now, I am not so hidebound upon the subject of platforms as some of my friends. I know how they are made. They are written in one night, on the judgment of a half dozen men.

Legislation like the Dingley bill is written out after three, four, or five months of hard labor by men who have investigated every phase of the subject, and when they get through with it they are experts on the subject. That is the difference between a platform and a bill. What is of more significance to me is that the Ways and Means Committee should report a bill here for a reduction almost like the one we are making, to hold out not only to Cuba, but to every country, reducing the whole tariff on sugar to reciprocal countries, that would give us all the sugar that we could consume. It is more to me that a committee, on mature judgment, should put such a clause in the bill, when it is a Republican House, by Republicans, than that some man should put it in a platform. But reciprocity is in the platform.

Reciprocity is a Republican argument, and this is reciprocity on a basis that hurts no American industry. What do some of these gentlemen propose? We do not make reduction enough to suit them. They want a reduction of the duty on refined sugar in the interest of the beet-sugar industry. The beet-sugar product at the factory is refined sugar, and every pound of refined sugar that comes into the United States at a lower rate of duty goes into direct competition with beet sugar in the United States. They want that. We propose reciprocity, on the one hand, without lowering the price of sugar in the United States. They are not satisfied with that. They want to include in the bill a lower rate of duty on refined sugar from all countries on the earth and reduced prices of sugar as much as you lower the duties. That is the answer that is made to this bill.

Mr. Chairman, the bill is limited to the present sugar crop.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the gentleman may continue and conclude his remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from New York may continue and conclude his remarks. Is there objection?

Mr. BALL of Texas. I do not intend to object, but I hope that the gentleman who is at the head of this great committee will answer a question or two before he concludes.

Mr. PAYNE. If my time is to be extended, and if I can get through one sentence without interruption, I shall have no objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Will the gentleman, before he proceeds, permit me an interruption upon the line upon which he has just concluded?

Mr. PAYNE. Yes.

Mr. BARTLETT. The matter I am interested in more than anything else is what effect this bill will have upon the price of sugar to the American consumer.

Mr. PAYNE. The universal testimony before the committee was that it would not reduce the price unless it was continued for such a length of time as to enable Cuba to supply the principal part of the imported sugar.

Mr. BARTLETT. This bill contains a provision that the reduction under it shall cease in December, 1903, and, as I understand the gentleman, that would not reduce the price of sugar to the consumer?

Mr. PAYNE. I think it would not. There is a production in the United States and in the islands of about 900,000 tons and in Cuba of about 900,000 tons, making 1,800,000 tons altogether; and the probable consumption of sugar in the United States will be during the next year 2,500,000 tons, so there will be about 700,000 tons that must be imported under full duties.

Mr. BARTLETT. May I ask the gentleman another question? Referring to the sugar trust, is it not a fact that the evidence before the Ways and Means Committee showed that the American Sugar Refining Company bought and refined and sold 90 per cent of the sugar that is used in this country?

Mr. PAYNE. That was not the evidence before the committee, but it was in evidence that Mr. Havemeyer had claimed before the Industrial Commission that that was the fact. This fact was disputed by Mr. Post before the committee.

Mr. BARTLETT. At the hearings before the Industrial Commission it is stated that Mr. Havemeyer said that his company refined and sold 90 per cent of the sugar.

Mr. PAYNE. I want to say to the gentleman that this is the precise fact: He was examined several years ago before a committee of the New York legislature, and he testified that he distributed and refined 90 per cent of all the sugar. Before the Industrial Commission he was asked that question and admitted that he had said so, but said he did not know how much they did refine, but he thought about 90 per cent now. Mr. Post, who is the president of the National Refinery, said that Mr. Havemeyer did not refine more than five-eighths of it. I leave it to those two gentlemen to determine which was right.

Mr. RANDELL of Texas. Will the gentleman permit an interruption?

Mr. PAYNE. Certainly.

Mr. RANDELL of Texas. The gentleman says that the price of sugar will not be reduced to the consumer. I would like to ask, for information, how much the revenue will be reduced?

Mr. PAYNE. On sugar?

Mr. RANDELL of Texas. How much will be the reduction of the revenue by the reduction in this bill?

Mr. PAYNE. Between six and seven million dollars on sugar.

Mr. RANDELL of Texas. Who gets the benefit of that reduction?

Mr. PAYNE. I have been trying to demonstrate that the people in Cuba get it. [Laughter.]

Mr. RANDELL of Texas. Another question on that line. If there is no competition in this country in reference to the purchase of raw sugar, how does the Cuban hope to get the increase of this price? Why can not the purchaser put it in his pocket?

Mr. PAYNE. The same conditions exist now that existed in reference to Hawaii and Porto Rico, except there is more competition now than there was in relation to Hawaii, as there was none then. There is competition by the Arbuckles and the National. Mr. Post claims that he is a competitor, but that is disputed; whether he is a competitor or not I do not know.

Now, if the gentleman will pay attention he will not have to ask the question again. In these cases the planters did get the full amount of it, and I believe they will in this. The sugar trust has got to have the sugar as much as the planter has got to sell it. If they do not buy it of them they must go to Germany, and if they go to Germany they must pay more for it, or they must take this sugar. Each one is independent of the other.

Now, Mr. Chairman, I was speaking about taking the differential

off from the refined sugar. Yesterday I received a telegram, as follows:

BINGHAMTON, April 7.

Use all honorable means to oppose tariff reduction on refined sugar.

J. E. ROGERS,

President Beet Sugar Company.

There is a man that understands his business, and he is not afraid to say so. I know there are others that have said the same thing, and I know why they have not made more fuss about it. I know the influences that have been at work upon them and the petitions and appeals that have been made to them.

Mr. Chairman, Cubans do not come to us in the attitude of beggars or mendicants. They do not come to us asking concessions without offering concessions in return. They are willing to give us their market and to buy their supplies of us in exchange for this reciprocity. Last year they bought some \$28,000,000 worth of us.

About thirty-eight millions were purchased from foreign countries. It is believed by General Wood, by Colonel Bliss, and other Americans there, and it is believed by leading Cuban merchants, that with a fair reciprocal agreement we can get the first year thirty millions of that balance which we do not get to-day. General Wood believes that their importations will speedily rise from sixty-seven millions to one hundred millions; and that if the thing could run on they could soon buy of us \$200,000,000 worth of goods—a chance for our farmers, for our merchants, for our manufacturers, for our mechanics, because the Cubans are willing to accept these little concessions which do not hurt us, and give us in exchange their trade. They are willing to impose these restrictions on immigration because they see that it is best for them and their country to do so. They are willing to make these reciprocal trade relations because they believe it will be to the mutual advantage of both countries.

Mr. WM. ALDEN SMITH. Whom is the gentleman quoting on this subject?

Mr. PAYNE. Oh, I am quoting a number of people; I can not name them all.

Mr. WM. ALDEN SMITH. You are not quoting the officers of the Government there, are you?

Mr. PAYNE. No, sir.

Mr. BALL of Texas. Is there anyone authorized to speak for the Cubans now?

Mr. PAYNE. I do not think there is.

Mr. BALL of Texas. The gentleman said that the Cubans are offering these things. He has pictured the distress in Cuba in case they refuse to accept this differential rate. Now, I ask, if they should make a tariff and decline to give the steel trust and the beef trust (saying nothing about the trusts in other articles) the benefit of that tariff, then the people there could not get the benefit of "reciprocal trade," and their country would become bankrupt, would it not?

Mr. PAYNE. I do not exactly understand the gentleman's question. Of course, if they do not accept the reciprocity which we offer them they will not get it.

Mr. BALL of Texas. I understood the gentleman to say that this measure was being passed in order to prevent bankruptcy in Cuba.

Mr. PAYNE. I say that if they do not accept it they will have to go their course. We are doing the best we can for them.

Mr. BALL of Texas. Then if they will not let the steel trust and the beef trust in they will have to starve?

Mr. PAYNE. I suppose the gentleman is satisfied now, and will sit down.

Mr. BALL of Texas. The gentleman seems to be satisfied, as head of the Ways and Means Committee, to decline to answer questions that gentlemen are entitled to ask.

Mr. PAYNE. I did answer the gentleman's question. I am sorry I could not address the understanding of the gentleman so that he could understand the answer. I answered the question as I understood it. If I did not understand it, I am the loser.

Now, Mr. Chairman, we have limited the operations of this bill, as I said half an hour ago, to the present crop and the next crop. One of the reasons for this limitation is the action of the recent conference at Brussels. That matter involves the question of the bounty to beet sugar. I shall not go extensively into the bounty question. Gentlemen all understand it—a high tariff and a high price for consumption in Germany, exportation under a direct bounty, and then a concealed or indirect bounty through the cartel system. England has complained of this because it has destroyed her refineries. Finally, a conference of the several governments interested was held at Brussels, and it was agreed that after the 1st day of September, 1903, all bounties on beet sugar should cease. This agreement will have to be ratified by the several governments before it will become binding upon them.

In view of the action of this conference we have limited the operation of this bill to the 1st day of December, 1903, giving an

opportunity to get all of the next year's crop, which is finally ground about the 1st of May, to market under the limitations and provisions of this bill. Whether that provision was a wise one or not, I am not here to say, but the reason for it will be found in that Brussels conference, and I sincerely hope that the agreement reached in that conference may be ratified, because I think it will make a difference in the price of Cuban sugar, as well as other sugar, in the hands of the producer, thus doing away with this government bounty.

As to whether the next year's crop will be sold at the normal price it is difficult to say. That being the last year of the bounty, the producers of beet sugar may be stimulated to get in as large a crop as possible while the bounty is in operation. But for that agreement I have no doubt that sugar would have returned to its normal price in the next year and would have increased nearly a cent a pound over the price of to-day.

Mr. SAMUEL W. SMITH. What per cent of the Cuban planters are among the poor people you speak of who need this 20 per cent help?

Mr. PAYNE. Well, there are 196 centrals, and there are between 16,000 and 17,000 planters, so it would seem that nearly all of them were the small planters. But it is not for the small planters alone; it is for the laborer. Cut off the supply, cut off the money to pay the laborer, and you create discontent, and down there in that hot climate among those people who are passionate always how easy it is to kindle a fire of insurrection and insubordination to overthrow the government set up and to compel us to intervene for good order in Cuba.

Gentlemen, it is a thing that I do not wish to contemplate. I want to do all I can, and I have labored to do what I could to bring relief to the situation in Cuba and relief to these Cubans in this hour of their greatest trial in setting up a government, in this hour of their greatest emergency; and it is a broader question than the question of reciprocity and the question of trade.

We have become so linked to the Cuban people that our destiny can not well be separated from theirs. We have taken Porto Rico; we have given them a good government; we brought prosperity to that island such as was never dreamed of before in all its history. It is a near neighbor of Cuba. The Cubans are looking upon our experiment there. The most intelligent of them are looking toward annexation with the United States. They may come in a year; they may come in five years. When they come I pray God they will be in no worse condition than they are to-day. If we can keep out this horde of immigrants, if we can keep out this cheap labor from the East, if we can keep out undesirable labor as we are keeping it out in our own country, and enable them to build up their industries, diversified industries in that island, finding their principal market in the United States, it is a consummation devoutly to be wished.

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman a question. The gentleman spoke a moment ago of the conditions in Porto Rico being so favorable now that they were more prosperous than ever in the history of the past. I want to know why it would not be well to treat Cuba as you treat them and give them a free-trade relation?

Mr. PAYNE. Well, the gentleman does not seem to know that Porto Rico belongs to us and Cuba does not. That is the only reason.

Mr. LLOYD. I appreciate the fact that Porto Rico is now a part of us, and I see very clearly that the disposition here is not to treat Cuba as if it ought to be a part of us.

Mr. PAYNE. Well, that is a question for the gentleman, of course. Cuba is not a part of us. I am not anxious that she should be a part of us, but I think without question she will be; and, preparing for that day, I want to do the best I can for Cuba, with due regard for our own people.

Why, Mr. Chairman, we hear a great deal about the cost of the sugar beet and the cost of producing beet sugar. I was talking only a few days ago with one of the most intelligent producers of sugar beets in the United States. I said to him: "From what I know of the industry, from what I know of your being able to take care in the near future of the by-products, which ought to bring you three-quarters of a cent a pound on every pound of sugar you produce, I expect you to produce sugar in the United States, granulated sugar ready for the market, at 2 cents a pound."

He replied: "Well, Mr. PAYNE, you are a little more sanguine than I am, but if you had said 2½ cents a pound I would say you were clearly within bounds."

Now, Mr. Chairman, my idea was to give rest and quiet to the beet-sugar industry. It is threatened by what? By the results of the Spanish war—by the threatened annexation of Cuba. It threatens free sugar from Cuba, and if any country on earth can compete with American beet sugar, it is Cuba. It is threatening to come upon you at once. I seek to put it off. I seek to put the question to sleep and at rest for a few years, and with this 20 per cent reduction let the beet-sugar industry march on to its final



triumph. But instead, you say "No, let the agitation go on; put it off till next December; send a commission down there and let the agitation go on." And it is agitation that is threatening your industry. Is it not much better to have the 20 per cent reduction and have it understood, as it would be, that that is the only reduction to Cuba until Cuba comes in? Then the sugar industry would go on in rapid strides, as it has in the last two or three years.

Mr. HENRY C. SMITH. Will the gentleman permit a question?

Mr. PAYNE. Oh, yes.

Mr. HENRY C. SMITH. Was there any disturbance of the beet-sugar interest until this agitation was proposed?

Mr. PAYNE. Oh, certainly; it has been disturbed ever since we had the war with Spain. Why, how they hollered when we proposed to put 15 per cent on Porto Rico instead of the full Dingley rate. The beet-sugar men were frightened to death for fear of their industry, and yet that country only produced 120,000 tons of sugar in a year. Frightened! Yes, ever since the Spanish war closed and those countries were annexed to the United States. I would save your beet-sugar industry. I am a better friend of it than you are, because I dare to say to them as I say to you, and as they admit, that this 20 per cent reduction does not hurt their industry. By that reduction I would save them from the danger of a larger reduction and full free trade with Cuba.

Mr. HENRY C. SMITH. How many more such friends does the gentleman think the beet-sugar industry could endure? [Laughter.]

Mr. PAYNE. Oh, well, the gentleman is new here. I have fought for the beet-sugar industry before I ever heard of the gentleman or knew anything about him.

Mr. HENRY C. SMITH. I will survive if the gentleman does not think of me at all.

Mr. PAYNE. The gentleman woke up about the time that a beet-sugar factory was established in his district, or in an adjoining district, and then he thought everything revolved around beet sugar. I have a beet-sugar factory in my own district. Every ton of beets used in that factory is raised in my district. There is a factory in the adjoining district, where one of the counties in my district sends the beets that it raises. It is a question with my constituents about beet sugar. I know how they feel about it. They are on their second year. Their sugar cost them  $4\frac{1}{2}$  cents a pound, and that is all they got for it the second year. They are hopeful. They know what the people have done in Michigan on the third year. They are looking for 6 and 12 per cent dividends, and they know about this 20 per cent reduction, and they accept that, because they do not want the full free trade that you are trying to force on them.

Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. PAYNE. Yes; certainly.

Mr. GARDNER of Michigan. You stated a few moments ago that your arguments were in line with Republican doctrine and Republican precedent, if I remember rightly. I should like to ask if it has been the practice of the Republican party in this House to reduce the revenue on competing goods when an industry was seeking to establish itself?

Mr. PAYNE. Well, I will refer the gentleman to the Dingley bill as it passed the House, and let him read it through.

Mr. GARDNER of Michigan. Oh, no; I have not time to read that now.

Mr. PAYNE. Well, it was so provided in the Dingley bill. If the gentleman had been here he would have voted for it as every other Republican did.

Mr. GARDNER of Michigan. Did you seek to reduce the duty on tin plate, on steel, on hides, on leather, on wool, on any of the things where we were competing to establish a successful industry?

Mr. PAYNE. If the gentleman will study the Dingley bill he will find that we did reduce the duty on a great many of the items he has mentioned and on a great many others that he did not mention.

Mr. GARDNER of Michigan. But we have had tariff bills before the Dingley bill.

Mr. PAYNE. The gentleman does not seem to appreciate the situation. We are not reducing the duty on sugar 20 per cent to all the world, and thereby reducing the price and starting up competition. We are reducing it on what we receive from Cuba, which your friends say will not reduce the price, and hence will not start competition.

Mr. GARDNER of Michigan. That is not the point I have in mind.

Mr. PAYNE. Well, that is the point I have in mind. [Laughter.]

Mr. GARDNER of Michigan. The gentleman will see my point later.

Mr. WM. ALDEN SMITH. Will the gentleman indulge me another question?

Mr. PAYNE. Oh, yes; but I must wind this thing up.

Mr. WM. ALDEN SMITH. I have known the gentleman longer than my colleague from Michigan [Mr. HENRY C. SMITH]. I was here and helped to pass the Dingley law. I was here when the gentleman helped to frame it. I ask the gentleman from New York if he did not say at that time on this floor that if we would build a beet-sugar factory in every Congressional district of the United States you would not disturb the tariff for a quarter of a century?

Mr. PAYNE. I did not.

Mr. WM. ALDEN SMITH. I quote you, sir.

Mr. PAYNE. Let me take what you have got there, and I will show you what I did say, unless this is also a garbled extract.

Mr. WM. ALDEN SMITH. All right. I heard you make the statement and I have my own recollection about it, as well as the official record.

Mr. PAYNE. Where do you get it from?

Mr. WM. ALDEN SMITH. I get it from the report of your speech in the CONGRESSIONAL RECORD.

Mr. PAYNE. I am not ashamed of this speech.

Mr. WM. ALDEN SMITH. Neither am I; let us hear it.

Mr. PAYNE. I stand by every word of it. It was delivered before the Spanish war:

What shall be done with the sugar trust? Well, I will tell you what, in my opinion, is the best way of dealing with it. Establish a beet-sugar factory in every Congressional district in the United States. [Applause on the Republican side.] Give competition, and lots of it, everywhere. Put the farmers over against the trust by passing this bill, and reduce the price of sugar so that German raw sugar can not be brought in to be refined here. Gentlemen on the other side, come over and help us, while we help the farmers out. [Laughter and applause.]

You Grangers over there, come and help us. You Populists that go up and down the streets day after day proclaiming your devotion to the interests of the farmers, help us out now when we are trying to help the farmers in this industry that we can establish so successfully. In this way you will do something toward demolishing the trust. You will accomplish more in this way than by mere invective—by running windmills and all that. [Laughter and applause.]

Then I go into the next paragraph. I do not say that you will—

Mr. WM. ALDEN SMITH. I leave it to the House what you said.

Mr. PAYNE. "Why should we not produce all of our sugar?"

Mr. WM. ALDEN SMITH. On his word Michigan men put \$10,000,000 into this industry.

Mr. PAYNE (continuing):

Why should we not produce all of our sugar in this country? Why, it costs us, Mr. Speaker, about one hundred millions. We were looking around for proper subjects for taxation. We knew that sugar would produce an enormous revenue; and besides all that, we knew that an adequate protective tariff would build up the industry in this country, and as it was gradually built up the revenue from that source will be reduced; by and by the revenue will come in more largely from other sources—

Mr. WM. ALDEN SMITH. All right.

Mr. PAYNE. Any beet-sugar factory in that?

Mr. WM. ALDEN SMITH. Go right along.

Mr. PAYNE. Oh, I know what is here—

and when this industry is fully established and revenue from sugar ceases, the reduction will keep pace with the increase. The thing will regulate itself; we will not disturb our tariff in the next quarter of a century.

Mr. WM. ALDEN SMITH. How about that?

Mr. PAYNE. We have not disturbed it.

Mr. WM. ALDEN SMITH. We took you at your word.

Mr. PAYNE. Hold on. I decline to have the gentleman shake his fist at me while I am making a speech.

Mr. WM. ALDEN SMITH. I beg your pardon. We took you at your word and our citizens put \$10,000,000 into the beet-sugar industry in Michigan.

Mr. PAYNE. Mr. Chairman, I decline to have the gentleman make a speech. Now, that remark referred to the reduction of the revenue and the replenishing of it from other sources. That is what that remark referred to, that we would have no change in the tariff in that respect for twenty-five years, and the prediction is justified, because the revenue has not only come in and taken care of the country, but it has gone far to pay the expenses of our Spanish war; and the prediction justifies itself.

But I did not think then that gentlemen would be howling—I beg pardon, talking—up and down this Hall, bloodthirsty for war with Spain, or that something would blow up the Maine and force war upon the people of this country. I did not think that we would have Porto Rico and the Philippines and Cuba upon our hands in any degree within the space of five years when I made that speech. I stand by every word of it.

Mr. WM. ALDEN SMITH. So do we.

Mr. PAYNE. And still, in the light of current events, protect the beet-sugar industry. I was for protecting it then, as I am to-day. I bring in this bill, Mr. Chairman, making a reduction of about 20 per cent, leaving that industry fully protected. Let

us pass it and stop this agitation to remove the whole duty by the annexation of Cuba to the United States.

Gentlemen, this question is before us. We ought to meet it as patriots. We ought to meet it with due regard to our own constituents, but in such a way that we may appeal to them, as I do to mine, as reasonable men. We ought to do it to aid Cuba at the present time. We ought to do it to bring prosperity and insure peace to the government we are establishing.

We are held in the eyes of the nations of the earth to use our utmost endeavor to give good government to Cuba; and finally, when she comes in by annexation, let us have Cuba without Asiatic hordes forcing themselves in with her; let us have Cuba prospered with diversified industries; let us have a Cuba that will not misrepresent what our Government has done for them; let us have a Cuba that stands for cleanliness, that stands for health, stands for good order, and stands for the very life, honor, and glory of the people of the United States. [Loud applause on the Republican side.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4284. An act to amend an act entitled "An act for the relief of and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889;

S. 5046. An act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia;

S. 1556. An act to provide for the purchase of a site and the erection of a public building thereon at Sterling, in the State of Illinois;

S. 642. An act to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands;" and

S. 150. An act for the establishment of an assay office at Provo City, Utah.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4071) granting an increase of pension to George C. Tillman, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DEBOE, and Mr. CARMACK as the conferees on the part of the Senate.

#### RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. NEWLANDS. Mr. Chairman, I am opposed to any concessions to Cuba unless they are accompanied by a cordial invitation to Cuba to become a part of the United States; first, as a Territory under the Constitution and laws of the country, including the tariff laws, and later as a sovereign State of the Union. I am against the pending measure, first, because, according to the statement of the gentleman from New York, it inaugurates a policy of reciprocity, that reciprocity which has been termed the handmaiden of protection. I am opposed to this bill because it does not reduce the price of sugar to the domestic consumer. I am opposed to it because it is an extension of the imperialistic legislation inaugurated by the Republican party, for it seeks to add to the restraints already imposed by the Platt amendment upon the autonomy of Cuba or the independence of Cuba. Our own laws relating to immigration and contract labor, which, while good in themselves, are entirely unjustified when applied by pressure by this country to a so-called independent power.

I believe that we should take ground now against this measure, because it is a continuation of the imperialistic legislation, and the opportunity is now offered us of presenting to the American people a policy of the extension of the republic as opposed to an extension of the empire. For there can be no question but that the deliberate purpose of the Republican party, as expressed in the Platt amendment and expressed in the restraints upon the independence of Cuba imposed by this country, is, when Cuba, induced by her desire to secure access without restriction to the markets of this country, applies for annexation to accept her, but to reduce her to the abject position of a colony or military dependency.

Now the question is, What position shall the members of this side of the House assume to this bill? I insist that it violates every principle which should be pursued and maintained by the party to which we belong. In the first place it inaugurates a policy of reciprocity. What does that mean? Does it mean a tariff for revenue? Does it mean reduction to our consumers? Does it mean the withdrawal of protection from the trusts, which now manufacture and sell in a protected market at a high price and outside of our boundary sell at a low price? Oh, no! Reciprocity is an extension of the protective system by enlarging its

area, and no better illustration or exemplification of it can be secured than this bill.

This bill does not make a reduction in the price of sugar to the American consumers. It discriminates against the agricultural interests and promotes the manufacturing interests—these manufacturing interests now largely dominated and controlled by the trusts. It threatens by alarm and fear the sugar production in this country. It promotes the production of the trusts. We thus trade off one interest, the interest less protected, for another interest, the interest most protected. We extend the area of their protection, practically extend our protective laws to Cuba, so far as the trust products are concerned.

Now, I insist upon it that reciprocity is no part of the Democratic doctrine. It is absolutely inconsistent with tariff reform and tariff revision. It does not mean reduction in the price to domestic consumers; it does mean discrimination against one domestic interest and the promotion of other domestic interests, and that will always be the case. Therefore, such a policy is likely to produce and increase envy, jealousy, and distrust within the Republic, and is always likely to secure international enmity outside of the Republic.

How does it operate outside? We seek a single nation and endeavor to make a reciprocal arrangement with her by which certain of her products will come into this country with a less duty. The result is that such a country is favored in the introduction of her products to this country. And how will the less-favored nations regard such favoritism? They will look upon it with envy, suspicion, distrust, and upon us with enmity. They will immediately seek to secure a position where they can negotiate successfully with us. And how will they get the vantage ground except by raising a tariff wall against our products, and thus making it to our advantage or interest to treat with them?

To-day Germany is raising higher and higher her tariff walls against our products in retaliation for the high duties of the Dingley Act and with a view to restraining our exports to that country. The very first country with which it would be for our interest to make a reciprocal arrangement would be Germany, because she has placed the most restraints upon our trade. So, to make a reciprocal arrangement with her, we should have to allow her products to come into this country at a less rate than those of other countries. I ask in what position England, at present imposing no duties on our products, would then be placed? Why, she would be forced to retaliate by raising a tariff wall against our products and entering upon a protective policy. She would then be in a position where she could insist that in consideration of certain concessions made by us in our tariff she would make similar concessions to us.

I insist that the effect of reciprocity will be not only to create ill feeling and distrust, suspicion and a sense of favoritism at home, but it will either drive the nations of the world into the protective system, drive them into raising their tariff walls against our products, or it will secure their enmity as the result of favoritism to some States as against other States.

Now, a great many of my Democratic friends are deceived by the suggestion of reciprocity. They think it means larger trade, freer trade, and they say if they can not get tariff reduction as to the products of all nations, they are inclined to make an arrangement that secures it from each nation singly. I deny it; it enlarges the protective system; it practically extends our protective system to other countries. Our policy should be the revision of the tariff, the reduction of the tariff, now universally unequal, and particularly to reform legislation regarding the trusts which, within the field of their monopoly in this country, charge such exorbitant prices and outside in the field of competition abroad much more moderate prices.

Now, this bill purports to be a reciprocal arrangement, a reciprocal treaty. The agricultural productions of Cuba are to come in with a 20 per cent reduction, and all her products are agricultural. Our manufacturing products are to go in there with reduced duty, so that you can see that it is to the advantage of one interest and the disadvantage to another in this country, and to the disadvantage of that interest which thus far has received the least of the protection of our fiscal policy.

There is another reason why reciprocity is false in principle, and that is it subjects our fiscal system to the changing sentiment and caprice of our treaty-making power.

All our fiscal arrangements should be clear, certain, and stable. Our taxes should not be varied from time to time according to the judgment of the treaty-making power. They should remain certain, the same to all the peoples of the world and to all like products throughout the world; they should not be varied from year to year by the treaty-making power, thus varying our revenue itself, making that a matter of uncertainty and our governmental operations a matter of uncertainty or diminishing our revenue from customs, and thus forcing from time to time reprisals upon the people of this country through our internal



revenue system in order to maintain the revenue essential for the operations of the Government.

The motto of this country should be "one boundary for the Republic, including its possessions, free trade within that boundary, and absolutely impartial trade with all the nations of the world outside of it." That is the only kind of a policy that will promote friendliness at home and will prevent enmity and suspicion and distrust abroad.

Now, this bill is open to another objection, and that is that it is practically an extension of the imperialistic policy inaugurated by the Republican party. We all remember the resolutions by which we promised Cuba her independence. By those resolutions, properly and justly construed, we could have meant but one thing—the independence of sovereignty, the autonomy of sovereignty, the unrestricted power of Cuba to govern itself. How did we restrain that power in the Platt amendment? Why, in the first place we declared that we would turn Cuba over to a government of her own people upon certain conditions. One of those conditions was that she should turn over to us her military posts and her naval stations, that being demanded for the avowed but hypocritical purpose of protecting the independence of Cuba. The right of an independent country is to protect her own independence; and Cuba sacrificed her own autonomy when she surrendered control of those military and naval stations.

We also restrained her debt-contracting power. Now, the right of an independent nation is to contract whatever debts she pleases, and not to submit to another nation the control of her judgment as to the wisdom of such debt making. We also imposed limitations upon her sanitation, practically throwing the sanitary conditions of the island under the control of the United States.

Now, we have gone that far in our imperialistic policy regarding Cuba—almost relegating her to the position of a military dependency. In this bill we go farther, and we impose upon her our immigration laws and our contract-labor laws. Those immigration laws are good laws and those contract-labor laws are good laws. We have all participated in their enactment. But what I protest is that this country, an independent government, has no right to impose upon Cuba, an independent government, our own laws, laws which may ultimately restrain and control the line of growth which she may desire to pursue.

Mr. ROBINSON of Indiana. I should like to ask the gentleman from Nevada whether he thinks the sugar industry of Cuba could be carried on successfully and profitably by American labor?

Mr. NEWLANDS. I think so.

Mr. ROBINSON of Indiana. Does the gentleman think that the rice, tobacco, and sugar industries of the Hawaiian Islands could be carried on with American labor?

Mr. NEWLANDS. I do.

Mr. ROBINSON of Indiana. That is not done now in Hawaii. The gentleman from Nevada was closely connected with the annexation of those islands, the resolution for their annexation that passed having been presented by him. I hope, therefore, that before he gets through he will be able to tell us about the possibility of American labor carrying on the industries of Cuba.

Mr. NEWLANDS. Let me state that the climate of both Cuba and Hawaii is temperate. Col. Tasker Bliss, the military collector of the port of Habana, who has lived in Cuba for three years, says that the climate of Cuba is unsurpassed; that it is warmer in winter and cooler in summer than any part of the United States. And that makes the very perfection of climate.

Now, as to the ability of our people to work there. It is in evidence that men from America have gone down there and established market gardens and are working in them themselves. Colonel Bliss states that it is a climate in which the American race will not degenerate. So, too, with the Hawaiian Islands. It is true that the labor conditions of Hawaii are unfortunate, because before annexation Hawaii had reached out for her labor to the countries nearest to her—had reached out to China and Japan. Because those people were employed there we assumed that they were the only people that could be employed there. But such is not the fact. On the contrary, the climate is admirably adapted to the white man. It is a temperate climate. After annexation our immigration laws and contract-labor laws were, of course, applied to her, and as these restricted the Mongolian supply of labor the price of labor went up, and the Cuban planters have been clamoring for the modification of the Chinese-exclusion act, but as that will not be modified they will gradually seek for white labor, and they will secure it among the Porto Ricans, the Italians, and the Portuguese.

The conditions of the laborer in Hawaii are improving every day. The wealth of the landowner is diminishing every day just as the condition of the laboring man advances, and that is what I claim would be the result of annexation of Cuba by this country. With the application of our immigration and contract-labor laws we will restrict her labor markets, and that increase of production will draw simply upon a fixed population there or upon

our labor population, and every additional acre put under cultivation will create an additional demand for that labor and will increase its value. The very best evidence of it is that the Cuban production of sugar has increased within the past three years from 300,000 tons to 850,000 tons. They have been increasing their production notwithstanding the low price of sugar.

While you speak of the distress of Cuba, it is not an existing distress; it is anticipated distress. During the past year the price of labor in Cuba has gone up 50 per cent, and the evidence was that the wages of the laborers employed upon the sugar plantations of Cuba equaled, if it did not surpass, the average wages paid to the farm laborers of this country during the past year. The very effect of the increase will be to increase the production of Cuba and to increase the demand upon their labor, and that increase of demand under and upon a restricted labor market will increase the value of every unit of that labor in the day's wage.

Mr. ROBINSON of Indiana. The gentleman has admitted there is a similarity between Cuba and the Hawaiian Islands, but he seems to lose sight of the fact that the commission we sent to the Hawaiian Islands said in their report in 1898 that white labor could not successfully be employed there in their judgment. He overlooks that colonies of Americans who have been sent to Hawaii, as is said by the plantation owners, are unable to successfully compete. He seems to lose sight of the fact that in the Philippine Islands a like condition prevails, and in Hawaii and the Philippine Islands the chambers of commerce and the people who are exploiting the islands say they can not work them with white and American labor. Now, would not the same conditions prevail in Cuba?

Mr. NEWLANDS. I have nothing to say regarding the Philippine Islands. My hope and expectation is they will be lopped off and will no longer be a part of us.

Mr. ROBINSON of Indiana. Omitting that, then, does not the gentleman know that the same condition will prevail in Cuba unless these immigration laws are extended at this time?

Mr. NEWLANDS. I am not objecting to immigration and contract-labor law. I am objecting to the imposition of them by one sovereignty upon another.

Mr. ROBINSON of Indiana. In that I agree with the gentleman.

Mr. NEWLANDS. I am opposed to the bill because it is right in the line of imperialism. I believe that the application of our immigration and contract-labor laws to Cuba, when annexed, will be entirely legitimate. She will then be a part of the Union, and we will then be legislating for our own people, and she will be subject to our equal laws; but what I object to in this bill is that we are legislating for another people, a people whom we have declared independent.

Mr. ROBINSON of Indiana. And when she is annexed the gentleman will find the same conditions as prevail in Hawaii to-day.

Mr. NEWLANDS. Ah, not at all.

Mr. HOOKER. Will the gentleman permit a question?

Mr. NEWLANDS. Certainly.

Mr. HOOKER. I want to know and I have often thought why it was that after the result of the Spanish war, in which we spent so much money and lost so many soldiers, we should take hold of Cuba, and our Government should take hold of the archipelago on the other side of the globe, but relinquish the only island belonging to Spain that was worth anything to America?

Mr. NEWLANDS. I quite agree with the gentleman as to the importance of Cuba as a part of the United States. I differ with him as to Hawaii. I think that the proper expansion of this Republic involves not only the expansion over contiguous territory, but the acquisition of islands essential to our coast defense; and I have always regarded Hawaii, halfway as it is toward the Orient, as a most valuable place as a military and naval station, and as also constituting a defense to our coast line from Alaska to San Diego.

Mr. HOOKER. Will the gentleman allow me to ask him another question?

Mr. NEWLANDS. Thus diminishing both our military and naval expense. If the gentleman will hear me, I have always felt that if those islands were in the hands of a hostile power, that if such power had a naval station there, it could be made a point from which a radiating attack could be made upon our entire merchant marine upon the Pacific coast, and you must recollect the coast line of the Pacific is longer than that of the Atlantic. Take a radial line of only 2,500 miles from Hawaii and it would touch every part of our coast from Alaska to San Diego, and if an attack were aimed upon us from the Asiatic coast the ships would be derelicts in the ocean before they would reach our shores unless they could take on coal at Hawaii; and the very possession of the islands has in itself been a matter not only of diminishing the military and naval expense, but a matter of legitimate expansion to the commerce of the Republic.



Mr. HOOKER. In the line of the gentleman's argument, I would like to ask him another question. Why should the Government of the United States pass over Cuba, the most fertile country on earth, which we have always desired to have, and seize upon Porto Rico, beyond Cuba, no less fertile, but a less favorable possession than Cuba?

Mr. NEWLANDS. The reason was that we promised Cuba independence, and there has been a hypocritical effort upon the part of the Republican party to keep that promise. They have been seeking all the time to fasten upon her the control of military power and to reduce her to the position of a military dependency, whilst they have been preaching the doctrine of benevolence and disinterestedness.

Now, I propose, so far as we are concerned, that we should insist upon it that if any concessions as a matter of sentiment are made to Cuba we should accompany those concessions with a cordial invitation to Cuba to become a part of the United States. That is not the application of force. We could make a temporary reduction to those islands, and give Cuba to understand that she was to have abundant time for deliberation and consideration. The force that would bring her into this country would be the force of her own reason and of her own necessity, which ought always to guide and control a people. Now, with reference to this proposed bill, I have already stated that it would not reduce the price to the American consumers. That is very easily demonstrated. The production of sugar in the world is about 10,000,000 tons. The United States consumes about one quarter of that, or about 2,500,000 tons. You can understand, then, how desirable a market the United States is. Now, of this 2,500,000 tons consumed in America about one-third is produced by Porto Rico, Hawaii, Louisiana, and our beet-sugar farms. Another third comes from Cuba. The other third comes from the rest of the world.

With a view to protecting the production of sugar in this country, as well as collecting revenues, a tax of \$34 a ton was imposed by the Dingley Act upon sugar coming to this country, thus practically doubling the world's price of raw sugar as it stands to-day. Now, admit Cuban sugar free, or admit it with a reduced duty, and what is the result? Will the price of our domestic sugar be reduced? Not at all, for the price of our domestic sugar to-day is the world's price of sugar plus our duty, plus the freight to this country, and that will be the case until the United States produces its entire consumption. As long as 100,000 tons are imported from abroad and this duty lasts the domestic price of sugar in this country will be the world's price, plus the duty, which means that in America to-day the American people pay double the world's price for their sugar.

Now, suppose we let in Cuban sugar free or with a reduced duty. It means that only one-third of the two-thirds of foreign production comes in with a reduced duty. We still import 750,000 or 800,000 tons, and the price of that will be the world's price, plus the duty, so that the domestic price to consumers will be maintained at the same rate. The very purpose of the Dingley Act was to accomplish this, and the very purpose of this bill, as alleged by its author, is not to reduce the price to the American consumer, but to transfer \$6,000,000 of the duty now paid on Cuban sugar to the pockets of the Cuban planters. That is the proposition, \$6,000,000—20 per cent.

Now, you say, that is only fair, that the Cubans pay the duty upon the sugar, and we return to them 20 per cent of what they pay. But the Cubans do not pay the duty upon her sugar. The duty upon her sugar is paid by our consumers, by our refiners, and their customers. Our refiners pay the duty and impose it as an additional price upon the consumer. So that we have here a reciprocity arrangement which involves no reduction in price to the American consumer, but a transfer of one-fifth of the tax paid by American producers upon Cuban sugar, and not by the Cubans upon Cuban sugar; a transfer to the Cuban planters of that one-fifth.

What is the reason this is urged? Why, it is urged simply because the Cuban planters are in distress. Well, I am sure that distress always has my sympathy. I sympathize with the Cuban planters if they are in distress. I sympathize with the Cuban laborers if they are in distress. I sympathize with our American farmers and our American laborers if they are in distress. But distress should not be the occasion of national legislation.

When the farmers of this country were in distress in 1893, receiving the world's price for farm products, recollect, just as Cuba is receiving it to-day, we did not seek by legislation to increase the price which they should receive. And yet, with reference to foreigners, we propose to increase the price which the foreign planters shall receive for their product, simply because they are not satisfied with the world's price.

And why is the world's price so low? Simply because Cuba has produced so much. Prior to the Cuban war the production of Cuba was 1,000,000 tons per annum. During the Cuban war that

production fell to 100,000 tons per annum. That was the opportunity of the protected and bounty-fed sugar producers of Europe, and they entered the markets of the world that Cuba had controlled, and monopolized them, and the result was that when the Cuban war was at an end she found the places in which she had been accustomed to sell her crops monopolized by other producers. Notwithstanding that she started in to produce, and she has increased her production from 100,000 tons, the lowest production during the Cuban war, to 850,000 tons, nearly one-tenth of the world's product; and the surplus of 1,000,000 tons in the world to-day consists almost entirely of the Cuban products. The price which Cuban planters receive responds to the law of supply and demand. The supply has been increased beyond the demand, and the price has fallen. She is unwilling to accept the world's price of sugar, which is below 2 cents a pound, and she claims that she can not produce it for less. Therefore, she asks relief.

Judged as a mere reciprocal arrangement, judged by business considerations, there is no reason for this legislation. It is legislation unparalleled in the history of our country. It is a kind of legislation that we have never brought to the relief of our own producers. It is a kind of relief that we ought not, as a matter of business, to extend to the producers of other countries. But sentimental legislation—

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. NEWLANDS. Sentimental considerations have been—yes, I yield to the gentleman.

Mr. SAMUEL W. SMITH. Does the gentleman hold under the Platt amendment that Cuba is not allowed to enter into a commercial treaty with any other power?

Mr. NEWLANDS. Cuba is absolutely free to make a commercial treaty with any other country she sees fit, and this legislation can not be justified on the ground that the Platt amendment limits her treaty-making power. It does not in any way limit her power to make commercial treaties.

Well, my friends, I think we have all indulged in sentimental considerations; but the American people are becoming tired of sentimental legislation. We have spent \$300,000,000 to free Cuba as a matter of sentiment. We have spent over \$500,000,000 in endeavoring to carry civilization to the Philippine Islands. Now it is proposed that we should carry this sentimental legislation further, and that when Cuba is about to inaugurate her own government we make her planters a gift of the taxes imposed, not upon her people, but upon our people; and the only justification for that is that Cuba needs help. The proposition is to transfer these taxes to a foreign producer, because if you admit that Cuba is an independent government her people must be foreigners.

Now, so far as I am concerned, I am willing to extend this sentimental legislation. I realize the fact that Cuba is about to inaugurate her own government. I realize the fact that the low price of sugar is likely to have a depressing effect upon her industries. I will be glad when Cuba becomes a part of the United States. I am willing to add to the generosity which we have already extended to her, but I would add in connection with the extension of this liberality an invitation to become a part of the United States, and I would extend the invitation for this reason: The United States during the past three or four years, for the first time in its history, has entered upon a policy of imperial expansion. It has for the first time in its history asserted its right to hold a country subject to its domination and a people subject to its domination. Cuba may well feel that if she applies for annexation to this country she will be accepted, but will be reduced to a condition of a colonial possession or military dependency.

I would give her heart and courage now and insure her of the enduring sympathy of the Republic. That it is the purpose of this country, at least so far as she is concerned, to recognize that island as a part of the legitimate expansion of the Republic, and not as a part of the expansion of the empire. I would accompany this by a temporary reduction extending over one crop, or, if necessary, two, extending an invitation, giving her the benefit of the proposed arrangement, not as a part of a general reciprocity policy of the country, so that it should not be considered an indorsement of reciprocity, but simply as an extension of sentimental legislation already enacted, and giving her time for deliberation and consideration, without the pressure of economic distress. I would not give anyone the opportunity of saying that we forced Cuba into the Union through her distress, but I would give her to understand that after this temporary reduction for a single crop or two crops, tiding over such distress, reciprocal relations would exist no longer, and that after that commercial union could only be accomplished by political union. I would put an end to sentimental legislation in this way.

I believe that annexation will be a good thing for Cuba. I believe it will be a good thing for the United States. There never



has been a time in the history of the Republic that Cuba has not been regarded as a desirable part of the United States. If we are to annex a country, let us annex a rich country, and Cuba is the richest country upon the globe. If we are to annex a country, let us annex a country with a good climate, and Cuba has one of the best climates in the world, a temperate climate, one that is suitable for exertion, and one that maintains a strong and vigorous race. Cuba is a country that is capable of sustaining a population of 12,000,000 to 15,000,000 people. If she is to be annexed I would rather have her annexed shortly after the withdrawal of military control, when the transfer will be easy, and not after years of strife, civil war, and confusion, such as are sure to be inaugurated, as in every Spanish-American republic.

I believe it would be a good thing for Cuba to give her the free access to our markets; give her this double price of sugar which is now paid by our domestic consumers and the price of her sugar will rise from \$34 per ton, the price in the world's market, to \$68 a ton in our market. Assuming that the present tariff is maintained, it will mean a clean gift annually to Cuba of \$30,000,000. Of course, the result of that annexation will be that immediately the labor values of Cuba will increase. It will mean, with our immigration laws and with our contract-labor laws extended to that island as a part of the Republic, restriction of the labor there and an increase of the production equal to the point of the limited labor supply and would increase the value of every unit of labor, just as it has in the Hawaiian Islands, and thus gradually the labor cost of production in the beet-sugar farms and the cane-sugar plantations of Louisiana, Hawaii, and Cuba would be equalized.

In the Hawaiian Islands, unfortunately, when we took them we had the very worst form of sugar production. The production of sugar was upon great plantations, where the laborers occupied the relation of serfs attached to the soil. We could not change that condition in a day. We could not restore the Chinese and Japanese who were there to their own lands, but the very result of the extension of our immigration laws and contract-labor laws was to so increase the price of labor and the independence of labor that the planters have been clamoring for a relaxation of these laws. The very clamor of the planters indicates that the condition of the laboring classes has been improving. If we had been true to our duty and provided a gradual system of dividing up these great plantations into small farms, there is no reason why the production of sugar could not be made an industry that will sustain as good a class of producers as any other farming industry. The trouble is that capital has monopolized the business and controls great areas of land and obtained the cheapest labor. A wise legislation applied to Cuba will promote small land holdings in that island, will break up these great plantations, and will promote the welfare and the well-being of the individual laborers, and thus tend to advance Cuba's population to a condition of self-respecting citizenship in this great Republic.

Mr. SPARKMAN. Mr. Chairman, will the gentleman allow an interruption?

Mr. NEWLANDS. Yes.

Mr. SPARKMAN. I was quite interested in the reasons the gentleman gave for the annexation of Cuba to the United States. One of the reasons was, of course, that it would be beneficial to Cuba; and I can well understand that. The only reason why the gentleman gave for its being beneficial to the United States was that Cuba is a rich country. Has the gentleman any other reason?

Mr. NEWLANDS. I think our people would settle in that country. I believe we would greatly improve and build up the country and it would be a benefit to us to have our population settle there. I believe that in time Cuba will be as beautiful as the Riviera of Italy and France.

Mr. SPARKMAN. How would that benefit the United States?

Mr. NEWLANDS. You might as well ask me how the extension of the Republic across the Alleghenies or the extension of the Republic to the Pacific coast has been of advantage to the Republic. It has increased the population, it has increased the wealth, it has increased the power, it has increased the prestige of the country. In addition to that, these islands stand right at the mouth of the Gulf. You may regard Cuba almost as a fortress at the mouth of the Mississippi. This island stands in the line of our isthmian canal. There is every reason why we should have this island as a part of the United States. It seems to have been lopped off by a convulsion of nature. I think it quite reasonable to believe that Cuba was at one time a part of Florida, which the gentleman represents.

Mr. SPARKMAN. One question more. I understand the gentleman to say that this concession to Cuba will interfere to some extent with the beet-sugar industry in this country.

Mr. NEWLANDS. It will to this extent. It will not affect the price of sugar in this country, but the prospect of reciprocity, and the prospect of annexation, I admit, will have some unfavorable effect upon the future extension of beet-sugar production.

But I claim that it will rest largely in the imagination. I asked the sugar producers who appeared before the Ways and Means Committee which they preferred, reciprocity or annexation, and they replied annexation, because they knew that our immigration and contract-labor laws would apply. This bill applies to them also, but who is to enforce them? A proper enforcement of the law depends upon annexation.

Mr. SPARKMAN. If the prospect of this bill has that effect, what will the actual realization be?

Mr. NEWLANDS. I think the realization will be less than the anticipation. I believe that sugar is almost altogether a product of labor. Sugar is produced cheaper in Cuba because labor is cheaper there than in the United States. But when our immigration laws and contract-labor laws are applied to that island, when she becomes a part of the United States, when we can enforce them, and not leave them to be enforced by the people there, the immediate effect will be an increase in the price of labor, just as in the case of Hawaii. Hawaiian planters thought they were entering upon an era of unequaled prosperity after annexation, but it has not been realized. Now there is an absolute depression in the sugar stocks there, arising from the fact that the price of labor has advanced as the result of annexation. The laboring classes have been benefited there by annexation more than the planting class.

Mr. ROBINSON of Indiana. Let me ask the gentleman how much the price of labor has advanced in the Hawaiian Islands since annexation?

Mr. NEWLANDS. I can not tell the gentleman mathematically.

Mr. ROBINSON of Indiana. The present price is about \$17 per month, and board and clothe themselves.

Mr. NEWLANDS. What was it before?

Mr. ROBINSON of Indiana. About \$15 or \$16 a month.

Mr. NEWLANDS. It has advanced a great deal more than that.

Mr. ROBINSON of Indiana. Before annexation they had the contract-labor system, under which the large body of laborers were practically slaves, as the gentleman himself has told us. But the present price is about \$17 per month. I mean, of course, Japanese and Chinese labor, practically the only kind utilized there.

Mr. NEWLANDS. The price of labor there has steadily advanced; and so far as Cuba is concerned the advance in wages is best illustrated by the fact that within the last year, as the result of the increased production of sugar in Cuba and the increased demand upon a limited laboring population, the prices of labor have advanced nearly 50 per cent and have equaled the wages of farm laborers in this country.

Mr. BALL of Texas. Is it not the fact also that under the labor laws in operation there before annexation, while the wages were nominally a certain amount, the penalties of one kind or another absorbed half of those wages?

Mr. NEWLANDS. I am not familiar with the facts in regard to that. All I know is that the price of labor has materially advanced.

Now, Mr. Chairman, I have stated my objections to this bill, and I have also stated the concessions which I think can be judiciously made to Cuba as an extension of our sentimental legislation. I believe in the expansion of the Republic over contiguous continental territory and adjacent islands that are essential to our coast defense. I believe that Cuba is a part of that desirable expansion. I believe that it is incumbent upon us to give the invitation to Cuba, rather than wait for her application, simply because she will hesitate to reply, knowing the experience of Porto Rico and the Philippine Islands; simply because it is our duty to express to her in clear and unequivocal terms our purpose in regard to her should she seek annexation—that we intend to make her a part of the Republic, not a part of the empire.

I am against reciprocity treaties in every shape and form as an expansion of the system of high protection, as involving no reduction of price to consumers and involving domestic ill feeling and jealousy from the favoring of certain domestic interests and the discrimination against other domestic interests, and also involving in the end international dislike, envy, and hatred. And so I am against this bill unless it be so amended as to be accompanied by the invitation to which I have referred, and which, if accepted by Cuba, will open to her such a future of freedom, prosperity, and happiness as she can never secure through independence. What greater boon of liberty can she enjoy than that secured by the Constitution and equal laws of the Republic, and what greater future can await her than that of ultimately becoming a sovereign State of this Union? [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the President was communicated to the House of Representatives by Mr.

PRUDEN, one of his secretaries, who announced that the President had approved and signed a bill of the following title:

On April 7, 1902:

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

#### RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. McCLELLAN. Mr. Chairman, after three months of the hardest kind of work—after concessions offered and concessions made—after rebellion sternly repressed—after semiofficial utterances printed in the semiofficial press to the effect that the Administration would die in a certain "last ditch" that has been moved forward and forward and forward until it has disappeared over the horizon—the much desired, the much prayed for bill for the relief of Cuba is at last before the House.

When I look across the center aisle and see the somewhat bedraggled and wearied appearance of the white dove of harmony that perches upon the banners of the Republican party, a little incident recalls itself to my memory—an incident that occurred at the beginning of the present session. There was a matter of importance before the House; and we Democrats were opposing it in the usual united and brotherly way in which we oppose everything [laughter], when suddenly out of the night of the Republican side came my committee colleague, the gentleman from Ohio [Mr. GROSVENOR], walking with stately tread across the well. He leaned upon one of the desks in the front row and recited to us a little poem that has since brought him well-deserved fame as a poet and has unquestionably resulted in his renomination to Congress. [Laughter.] It seems to me that the time is now opportune to return it to him—I only wish that he were here so that he might hear me recite it—to return it to him with the grateful acknowledgment of an appreciative minority:

When birdies in their nests agree,  
It is a rare delight;  
But, oh, it is so sad to see  
Those little birdies fight.

—GROSVENOR.

[Laughter.]

I had feared that the majority party would be hopelessly divided upon this bill. We had heard of insurgents who would never, never die, and seldom surrender; but—

These were the gods of yesterday;  
The wind hath blown them all away.

[Laughter.]

When the grand army began its retreat from Russia, Marshal Ney commanded the rear guard, 30,000 strong. As the remains of that army reached imperial territory, the Emperor sent for Ney. The "Bravest of the brave" rode up, a mere wreck of his former self, and saluted. "Ney," said the Emperor, "where is the rear guard?" "Sire," replied the marshal, "I am the rear guard."

I am no prophet, Mr. Chairman, but I venture to predict that when the roll is called upon the final passage of this bill, if anyone asks where are the "insurgents," the gentleman from Minnesota [Mr. TAWNEY], my colleague on the committee, will rise sorrowfully in his place and, respectfully addressing himself to the Chair, reply, "Mr. Speaker, I am the insurgents." [Applause and laughter.]

Self-examination is sometimes the most excellent self-discipline. For four years we have been trying to deceive ourselves that we fought the war with Spain simply as an incident of chivalrous knight errantry, without any selfish motive. What are the facts? It is true that sentimentality did influence us, and greatly influence us, but there was another cause that brought on the war with Spain.

Cuba lies at our door, the key to the Caribbean Sea; the key to the Nicaraguan Canal, if that is ever constructed. A condition of anarchy had existed in Cuba for nearly thirty years. Cuba, owing to misgovernment, was a breeding spot for pestilence that ravaged the cities of the United States. The conditions became intolerable. Then came the tragedy of the *Maine* and war followed. If we freed Cuba, at least we were repaid for that act of generosity. Cuba was freed and the Cuban people profited, but we profited quite as much. In the resolutions which virtually brought on the war we recognized the independence of Cuba. We proclaimed in the so-called Teller resolution—

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

That was in 1898. We recognized the republic, for that was virtually what it meant—the independence of the Republic of Cuba. In 1901 we restricted that independence by the so-called Platt amendment. It is true the gentlemen on this side of the House, I think without exception, voted against the Platt amendment.

Mr. TAWNEY. Will the gentleman pardon me?

Mr. McCLELLAN. Certainly.

Mr. TAWNEY. You have said that by the adoption of the Platt amendment we have restricted the independence of Cuba.

Mr. McCLELLAN. Most certainly.

Mr. TAWNEY. Will you explain to the committee in what particular we have restricted the independence of the island by the adoption of that amendment?

Mr. McCLELLAN. I am about to do so, if my colleague will bear with me for one moment.

Mr. TAWNEY. I thought the gentleman was about to leave the subject.

Mr. McCLELLAN. I shall not, perhaps, be able to enlighten the gentleman, but I shall at least be able to solve his doubts. By the adoption of the Platt amendment we restricted, I repeat, the independence and sovereignty of Cuba. In paragraph 3 of the amendment we stated "that the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba," and so on, in reference to the treaty of Paris. We further reserved the right to take such coaling stations and naval stations as might be hereafter determined by treaty. Does anyone suppose that if Cuba declined to make such a treaty in the interests of good government we would not interfere and do exactly what we pleased? By the Platt amendment—

Mr. TAWNEY. Will the gentleman yield?

Mr. McCLELLAN. Certainly; I am always glad to hear the gentleman.

Mr. TAWNEY. Is there any evidence of a purpose on the part of our Government, in the event that Cuba refuses to enter into a treaty, such as is provided in the amendment, that we will intervene for the purpose of compelling transfer or anything of that kind?

Mr. McCLELLAN. Mr. Chairman, the only argument on which the Platt amendment stands or can be defended is that it is the ultimate outcome of the Monroe doctrine, and as the ultimate outcome of the Monroe doctrine it is necessary, according to the friends of the amendment, that we shall control the key of the Caribbean Sea. There is nothing specific in this, there was nothing specific in the Teller resolution, to suggest that we would take back part that we had granted. Nothing. In fact, there was everything to lead the average individual to suppose that we would never limit the sovereignty of Cuba, and yet we have done it.

Mr. PALMER. Just ask him how.

Mr. McCLELLAN. It is a mere question of splitting hairs—a mere question of splitting words—go on.

Mr. TAWNEY. A great many gentlemen around me are, together with myself, anxious to know how you interpret or how you conclude that we have limited the sovereignty of Cuba by the Platt amendment, when they are entirely free under that amendment to enter into reciprocal trade agreements with any country in the world, and when we do nothing more than to prevent them from entering into a treaty for the purpose of transferring that sovereignty to some other power.

Mr. McCLELLAN. I have sat at the feet of the gentleman from Minnesota so often and absorbed from him sweetness and light that I am glad he comes to me for information. [Laughter.]

Mr. TAWNEY. Yes; but I am not getting it very rapidly.

Mr. McCLELLAN. If the gentleman will only have patience—he is to have seven hours later [laughter]—if he will only bear with me until I can speak for five minutes I will explain to him.

The gentleman asks how have we limited the independence of Cuba when we have "generously" permitted her to make trade agreements or commercial treaties with any other country—

Mr. TAWNEY. Or any other treaty—

Mr. McCLELLAN. Let me finish my sentence.

Mr. TAWNEY. Or any other treaty, except a transfer of her independence.

Mr. McCLELLAN. Pardon me, the only possible treaty under the terms of the Platt amendment into which Cuba can enter is a treaty of commerce, for the reason that we have guaranteed her independence. She can not agree to reduce that independence; she can not agree, even if she would, to become a part of any other country. She can not permit a foreign garrison to come on the island of Cuba if she wants to. She can not have any foreign relations except with the United States.

Mr. COCHRAN. She can not make an offensive and defensive alliance with any other country.

Mr. McCLELLAN. Certainly she can not; and the permission that we have given her to make a trade agreement amounts to nothing, for what country would make a commercial treaty with Cuba knowing that if Cuba were to violate its terms, like some Latin-American republics, that she would be powerless either directly or indirectly even to request her to live up to the terms of that treaty without having to answer to the United States?



During the pendency of the Cuban constitutional convention the delegates of that convention sent to Washington certain representatives. Those representatives asked the President to make some arrangement of reciprocity for the benefit of Cuba. Congress was not in session and the President could make no pledge. It has been testified before the committee, it is a matter of common rumor, that while the President declined to make any such agreement because he had not the power, that he dismissed the delegates with one of those happy phrases for which he will always be remembered. "Go," said he; "trust the United States." We can not pay his memory a more respectful or a greater tribute than by showing that in his estimate of his countrymen he was not mistaken. [Loud applause.]

All witnesses who appeared before the Committee on Ways and Means, Cuban sugar growers, Government officials, even gentlemen from the central western part of the United States, representing beet sugar, conceded that economic conditions in Cuba were, if not to-day, at least would be in the immediate future, desperate.

Mr. TAWNEY rose.

Mr. McCLELLAN. Does the gentleman desire to ask me a question?

Mr. TAWNEY. I do not wish to interrupt the gentleman.

Mr. McCLELLAN. Excuse me. I have become so accustomed to answering questions from the gentleman that I thought he desired to ask me another.

Mr. TAWNEY. If the gentleman will allow me to suggest, those statements before the Ways and Means Committee were in January last and this is the month of April, and we have not yet seen the evidences of that distress.

Mr. McCLELLAN. A case of Christmas in April. [Laughter.] The census of 1899, as I remember the figures, shows that 58 per cent of the rural real estate in Cuba has been mortgaged and 79 per cent of the urban real estate. Three-fourths of the people of Cuba depend directly or indirectly for a livelihood upon the raising and the manufacture of raw sugar. Upon the success or the failure of the sugar crop depends the very life of Cuba.

The world market for sugar is overstocked. It has been estimated that on October 1, 1901, the world's supply exceeded the world's demand by 1,812,355 tons. The stock on hand waiting a possible rise in price, or waiting an increase of the demand, is growing greater every day. This extraordinary condition of affairs has been brought about by the bounty and cartel systems of Europe.

When the production of beet sugar assumed serious proportions on the Continent, governments at once began to impose excises for revenue purposes, as they had on almost every taxable commodity produced. For the purpose of encouraging the beet-sugar industry both Germany and France, as well as Austria, inaugurated, nearly twenty years ago, a system of export drawbacks. On sugar leaving the country the excise tax was returned; but as the amount of the excise was intentionally computed upon a lower yield of sugar per ton of beets than what was actually produced, the drawback operated as an indirect bounty on exportation.

Under this stimulus the production of beet sugar largely increased and an overproduction soon resulted; that is, more was produced than the world was willing to absorb at a profitable price. Accordingly, in some countries the indirect bounty was abolished and a direct bounty paid on exports, while in other countries a direct bounty was paid in addition to the indirect bounty. Production continued to increase and overproduction again resulted. In Germany and Austria the situation was relieved by the organization of what is called the Zucker-Kartel, which is a combination or trust composed practically of all the beet manufacturers and sugar refiners in Germany and in Austria.

Thanks to a prohibitive tariff, foreign sugar can not be marketed. Taking advantage of this fact, the cartel buys from its members all the beet sugar they can raise. It then apportioned among the refineries a sufficient amount of sugar to meet the home demand, fixing the price at somewhat less than that at which foreign sugar can be sold, plus the prohibitive duty. In this way the sugar manufacturer of Germany and Austria receives not only the direct bounty of the Government for the sugar that he exports, but also an extraordinary and artificial profit from the sale of sugar at home. While it costs 1.8 cents to make a pound of sugar in Germany, it is sold at Hamburg for export at 1.47 cents a pound, one-third of a cent less than the cost of production.

In the United States our beet-sugar growers are protected not only by the countervailing duty against bounty-fed sugars, amounting virtually to the amount of the bounty paid, but also by a direct protective duty amounting to about 94 per cent ad valorem. The United States consumed about 2,400,000 tons of sugar during the year 1901, of which amount she imported 1,600,000. Of this Cuba supplied 580,000 tons, the East Indies 300,000 tons, the British West Indies 110,000 tons, South Africa 100,000 tons, Germany 225,000 tons, and the remaining 285,000

tons were imported from various sources. The United States is therefore not a very wide field for European sugar, owing to the countervailing duty.

England is the market for which all Europe has been competing ever since the existence of the bounty system. Sugar is sold in London at 2 cents a pound, at a profit to the continental producer, while the same grade is sold in Germany for 8 cents and in France for 10 cents.

The result of this artificial condition has been the constant reduction of the price of bounty-fed sugar. This constant fall in price caused by a further overproduction brought continental economists to a realization of the gravity of the situation. Eleven unavailing efforts had been made in international conferences to come to some general understanding upon the subject of bounties.

Conditions last year were so serious that another conference was held at Brussels, which has at last reached an agreement. The only alternative to a still further increase of Government bounties was the entire abolition of the bounty system, and this is the radical step that has been taken in the Brussels convention. After the 1st of September, 1903, the contracting parties, including every European power but Russia, are to abolish all direct and indirect bounties, while the surtax on imported sugar is limited to a maximum of 5.50 francs on a hundred kilograms of raw sugar, being an equivalent of 0.481 cent per pound avoirdupois, and 6 francs per hundred kilograms of refined sugar, being an equivalent of 0.525 cent per pound avoirdupois. This means that the margin between the excise tax levied on domestic sugar and the customs tariff imposed on foreign sugar shall never exceed a maximum of 5.50 francs in the one case and 6 francs in the other per hundred kilograms.

The effect of the abolition of bounties and of a reduction of the surtax to a minimum will immediately result in the disruption of the cartel in Germany and in Austria, for the cartel can only exist because of the bounties and of the enormous margin between the domestic excise and the customs duty. As sugar costs the German producer something like 1.8 cents per pound, and as it is selling for export at the world price of 1.47 cents per pound, the abolition of bounties and the disruption of the cartel must increase the world price of sugar to the cost of manufacture plus a profit. Professor Wiley, of the Agricultural Department, has estimated this increase of price at four-tenths of a cent per pound.

The first effect of the Brussels agreement was the fall in the price of sugar to the equivalent of 3½ cents in New York for raws 96° polarization. It is probable that this price may still further fall during the coming year, because as there are only two crops which will receive the benefit of bounties and the cartel, producers will strain every effort to make those crops as large as possible.

In other words, the supply will more than ever exceed the demand, and consequently the world price will certainly not go above its present figure. When the Brussels agreement goes into effect in 1903, there will be enormous quantities of sugar in storage that have not been consumed, estimated at at least 1,000,000 tons. This surplus sugar must be absorbed and production must be reduced to balance the supply under the new and natural conditions before the price of sugar will advance. When the effects of the artificial stimulation to production have passed away, then the world price of sugar will advance and be controlled by the economic law of supply and demand.

As Germany is the largest producer of sugar in the world, the world price of sugar is fixed at her principal port of export, Hamburg. The price of sugar in New York at any time will, therefore, be the Hamburg price plus freight and shipping charges, duty, and countervailing duty. The following statement will explain my meaning:

<i>Parity of 88° analysis beet sugar and 96° polarization cane sugar, per 100 pounds.</i>	
Beet sugar, at 69 f. o. b. Hamburg, per 112 pounds	\$1.47
Freight, 7.6 per ton	.083
Insurance, bank commission, loss of weight, ¼ per cent	.022
Duty (88° analysis outturns 94° polarization)	1.615
Countervailing duty (German sugar)	.26
Lighterage at New York	.03
Difference in value to refiners between 88° analysis and 96° polarization	.19

Parity of 96° polarization cane centrifugal..... 3.67

The price of sugar at Habana free on board ship at any time will be the price at New York less duty, freight, and shipping charges.

There are two standard grades of raw sugar produced in Cuba—centrifugal, polarizing at 96°, and molasses sugar, polarizing at 89°. The price of centrifugal sugar 96° test in New York yesterday was 3½ cents, while the price of molasses sugar is 2½ cents. These prices will scarcely increase permanently until the Brussels convention is in full force and operation. It is even probable that they will fall.

The Dingley duty on a pound of 96° centrifugal is 1.685 cents, making the bond price at New York 1.815 cents. To ascertain the shipping charges, freight and commission, I have drawn



from the testimony of witnesses appearing before the Committee on Ways and Means. For freight, I have taken the figure given by the witness Leavitt, 0.11 cent per pound, which is below that given by witnesses not appearing in the interest of beet sugar. Insurance is 1 per cent, weighing 0.01 cent, brokerage and charges 0.01, loss in weight and test 0.02, commission 2½ per cent, making the total freight and shipping charges for a pound of sugar at the present price 0.252 cent. This deducted from the New York bond price makes the Habana price, f. o. b., 1.563 cents per pound.

To ascertain the average cost of a pound of sugar f. o. b. at Habana I have averaged the figures submitted by eight witnesses who appeared before the Committee on Ways and Means—namely, Col. Bliss, United States collector of customs at Habana, Messrs. Atkins, Hawley, Machado, and Fowler, for reciprocity, and Messrs. De Castro, Oxnard and Saylor against reciprocity. As those appearing in the interests of the beet-sugar trust made ridiculously low estimates, and some of those appearing in the interests of reciprocity rather higher estimates, the average of their figures would appear to be a fair statement of the cost. It is exactly 2 cents a pound. As the price f. o. b. at Habana is 1.563 cents, and as the average cost of producing and placing on shipboard a pound of sugar is 2 cents, the loss to the Cuban planter is 0.437 cent.

The price of molasses sugar is so low and the cost so comparatively high that very little is now exported to the United States. The amount is so small that it may be left entirely out of consideration, and the total crop exported may be considered as consisting entirely of 96° centrifugal sugar. It has been estimated that the total crop of Cuban sugar that will be ready for the market after May 1 will amount to about 850,000 tons or 1,904,000,000 pounds. As the loss per pound to the Cuban planter at the present market price is 0.437 cent, the total loss on this year's crop will amount to \$8,320,000, or 21.8 per cent of the cost of production. This estimate is more than conservative.

Some authorities have estimated the loss upon the present crop as high as \$23,000,000, but assuming that it will only be \$8,320,000, it is none the less appalling. The average total cost of the government of Cuba under three years of American rule has been about \$17,000,000. In other words, if no relief is given there will be a loss of nearly one-half the total cost of government. The present crop will necessarily be marketed, even at this enormous loss, for the alternative is the sacrifice of the entire crop of 850,000 tons, costing an average of \$44.80 per ton, or a total of \$38,080,000.

Next year, however, with credit gone, with no hope of making a profit, it is perfectly evident that the Cuban planter must close his mills, let his fields go to waste, discharge his workmen, and face bankruptcy. As three-fourths of the people of Cuba are employed directly or indirectly in the production of sugar, and as the entire population depends for prosperity on the prosperity of the leading industry, the bankruptcy of that industry must necessarily mean ruin to Cuba, to be followed by the inevitable consequences—starvation, riot, bloodshed, and revolution.

This loss of eight million and odd dollars is the emergency that confronts Congress to-day. It must be prevented if we are to permit Cuba to become prosperous, if we are to permit Cuba to sell her stock of sugar without loss.

Among the various arguments that have been used against this bill one stands out before all others. It has been urged that no reduction of the Dingley rate on sugar can be made that will not inure solely to the benefit of the American Sugar Refining Company, otherwise known as the sugar trust. The gentlemen who have urged this argument have shifted their ground repeatedly. They first said: "Of course, the sugar trust will derive the sole benefit from any reduction on Cuban sugar, because the sugar trust is the sole purchaser that Cuba has, and can therefore fix the price of sugar."

The sugar trust has a total capacity of 40,000 barrels a day. Independent refiners, of whom there are ten, three being controlled by the same parties, have a total capacity of 20,000 barrels a day. The custom to-day in Cuba is for the planter to sell directly to the agent of the refiner. There is nothing to prevent him selling upon the New York market. Sugar is sold upon the New York market as sugar, according to its saccharine strength. There is no particular brand of sugar as there is of cigars. Sugar is sold as sugar and it is impossible to distinguish as to the origin of the different kinds of cane sugar of the same polarization and color. If it is possible for the American Sugar Refining Company to derive the full benefit of this revenue, or any benefit by fixing the price of Cuban sugar, it must necessarily follow that there can be two prices for the same article at the same place and at the same time, and if the price of sugar is fixed at Hamburg, as it is, this is impossible.

The next contention of these gentlemen who believe that the sugar trust would derive the full benefit of the reduction of the Dingley rate was that, as in the case of Porto Rico, the reduction would be solely for the benefit of the sugar trust, because Porto

Rican sugar failed to reach the price of Cuban sugar by 0.13 of a cent.

My distinguished colleague on the committee, the gentleman from Kansas [Mr. LONG], to whom so much is owing in bringing this bill before the House, never did a better day's work in his life, of the many good day's work that he has done, than when he proved the absurdity of this position. Gentlemen who have maintained it were so ignorant that they compared an inferior grade of Porto Rico sugar with a superior grade of Cuban sugar, but when Mr. LONG brought these two grades to a parity in saccharine strength, the price was practically identical.

The last contention was that the entire crop of Cuban sugar has been sold, or that options on it have been sold, to the American Sugar Refining Company.

Mr. THAYER. Has the gentleman any means of knowing, or can he ascertain to a certainty, what portion of the vast crop of sugar from Cuba has already been pledged or sold to the sugar trust of this country?

Mr. McCLELLAN. You mean the present crop?

Mr. THAYER. The crop now ready for sale.

Mr. McCLELLAN. It is not all ready for sale; but I have seen a statement, made on the 2d of April, which was not reduced to tons, and I did not have time to reduce it—I think my colleague on the committee, the gentleman from New York [Mr. PAYNE], stated it in his speech—I am told that he did—showing the exact amount in tons.

Mr. LACEY. I can give my friend from New York the statement showing the figures.

Mr. McCLELLAN. I thank the gentleman very much.

Mr. THAYER. From what source were the figures derived?

Mr. McCLELLAN. Let me read these letters signed "Wood, military governor."

Copy of cablegram received at War Department April 2, 1902.

HABANA, ———.

EDWARDS, War Department, Washington:

Telegrams sent to 194 sugar centrals, to which 136 answers have been received to date; also telegrams sent to 36 Cuban banking firms, to which 34 replies have been received.

Figures, according to replies received, as follows:

	Long tons.
Output for the year to March 25.....	584,259
Amount actually in hands of planters.....	217,531
Sold and delivered to island firms.....	194,913
Contracted for in the island and not yet delivered.....	43,578
Pledged as security for loans in the island, but not sold.....	255,222
Held at the option of the American Sugar Refining Company.....	3,285
Held at option of other American purchasers.....	2,285
Exported to the United States.....	25,646

All sugar above mentioned, except that at the option of American Sugar Refining Company and other American purchasers, is in the hands of Cuban planters and Cuban and Spanish commission houses doing business in the island of Cuba and is not at the option of anyone. Where held as security for loans advanced to planters, the planters will get the advantage of any raise in price under conditions of deposit, as is the custom in the island. This statement shows conclusively the absolute falsity of the declarations that the sugar trusts have control of considerable portion of Cuban sugar crop. Other statements will be furnished as soon as possible.

WOOD, Military Governor.

Received at War Department April 7, 1902.

HABANA, April 7, 1902.

Captain EDWARDS.

War Department, Washington:

Reference your telegram to-day, telegrams sent to 194 sugar centrals, as previously reported in my telegram 2d instant. Ten additional replies received since, which report as follows:

	Long tons.
Output for the year.....	24,755
Amount in hands of planters.....	13,290
Sold and delivered.....	11,311
Contracted for with island firms, but not delivered.....	3,019
Pledged as security for loans in island, but not sold.....	1,546

All sugar above mentioned is in hands of planters and Cuban and Spanish commission houses doing business in the islands with the exception of 2,385 long tons exported to United States. None at option of American Sugar Refining Company nor other American purchasers. Where held as security for loans, planters will get advantage of rise in price, as stated in telegram 2d instant. Two remaining banking firms replied: "Do not make loans on sugar." Above amounts should be added to my cable of April 3. No change in situation.

WOOD, Military Governor.

In other words, the sugar trust will not benefit from any reduction. The sole beneficiary of any reduction will be the Cuban planter.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. McCLELLAN. Certainly.

Mr. FINLEY. I would like to ask the gentleman from New York whether it is not a fact that as to all the sugar which has been sold or contracted for at a given price the provisions of this bill will not benefit in any wise the planters of Cuba. That is true, is it not?

Mr. McCLELLAN. Certainly; but the amount is infinitesimal.

Mr. FINLEY. One question more. Will the gentleman agree to an amendment to except from the provisions of the bill this class of sugar—sugar which has been sold or contracted for at a given price?

Mr. McCLELLAN. I have no objection to that; as will be



developed in my remarks a little later, I am ready to go still further to join the gentleman in far more radical methods of controlling the sugar trust, if I have the opportunity.

Mr. FINLEY. I am not alluding to the sugar trust; I am alluding to the sugar which has been sold or contracted to be sold at a given price.

Mr. McCLELLAN. You mean for delivery in this country.

Mr. FINLEY. Yes; for delivery in this country.

Mr. McCLELLAN. I think it would scarcely be fair to except sugar contracted for to be delivered in Cuba, because a great many of the Cuban local refiners contract with the small cane growers in advance, not necessarily as to price; but the ordinary custom is that they contract for a certain amount of sugar at what shall be the market price when the sugar has been ground and produced.

Mr. FINLEY. I think I understand the gentleman. I have studied this bill somewhat, and read the various reports connected with it, and listened to the arguments on it. From the information that I have thus far derived I am convinced that the only argument in favor of the bill is that it is calculated to benefit the Cuban people, the sugar producers. Now, when you take away or when you give to others than the Cuban planters the benefit which will accrue under this bill, does not that destroy the argument which has been made up to this time in favor of the bill? In other words, is it not right and consistent to confine the benefits arising out of this bill to the Cuban planters and producers of sugar?

Mr. McCLELLAN. If it can be done practically, I agree with you.

Mr. FINLEY. Does the gentleman not think that this bill can be so shaped and framed?

Mr. McCLELLAN. I should be very glad to join the gentleman in an effort in that direction, but I think it would be only right to apply the same provision to all other Cuban products, although sugar is the great product, and on the same principle it might be wise—

Mr. FINLEY. If the gentleman will permit me, I will say that I am willing to apply the same principle to all other products.

Mr. McCLELLAN. I am willing to join the gentleman in the effort at any time.

Mr. COOPER of Texas. Is there any refined sugar in Cuba sold in the United States?

Mr. McCLELLAN. No.

Mr. COOPER of Texas. Is not all the Cuban sugar, or nearly all of the Cuban sugar, brought here and handled by the sugar-trust refineries?

Mr. McCLELLAN. No; but I should say, roughly, it is handled by the sugar trust in the proportion of about 4 to 2 or 2 to 1.

Mr. COOPER of Texas. It goes through the sugar trusts.

Mr. McCLELLAN. Not all of it.

Mr. COOPER of Texas. They purchase that which they sell to the American consumer.

Mr. McCLELLAN. Certainly, they do not get it free. [Laughter.]

Mr. COOPER of Texas. They do not charge a toll for refining, do they?

Mr. McCLELLAN. Oh, yes, they do; about a cent.

Mr. COOPER of Texas. But the great quantity of Cuban raw sugar comes to the American refineries, and is refined and sold to the American consumer.

Mr. McCLELLAN. I should say that two-thirds was refined by the sugar trust and about one-third by independent refiners.

Mr. SPARKMAN. Will the gentleman yield?

Mr. McCLELLAN. Certainly.

Mr. SPARKMAN. About what proportion of the sugar production of Cuba is used in the United States?

Mr. McCLELLAN. Oh, virtually all, except a small amount. Cuba is poor and hard up, and she can not now afford the luxury of sugar for home consumption.

Mr. SHALLENBERGER. Do I understand that the gentleman agrees that the entire benefit of this reduction is to go to the Cuban planters?

Mr. McCLELLAN. If the gentleman will permit me, I would like at this point to enlarge a little on that subject. The beet-sugar people have made their opposition to this bill on the ground that reduction in the Dingley rates will so stimulate the prosperity of Cuba, and so stimulate the production of cane sugar, that we will become an exporting instead of an importing country in sugar. If the production of sugar in Cuba becomes sufficiently large—were that much desired state of affairs to come about—then our market price will be fixed by the law of supply and demand.

To-day the market price is fixed in Hamburg, and as long as we import any large amount or any appreciable amount of Hamburg sugar, the price in New York will be fixed in Hamburg. Just as soon as we begin to export the price will be fixed in New York by the law of supply and demand, and then must neces-

sarily fall to the consumer. Of course the result of that would be that while the sugar trust might be driven out of business, the excellent Mr. Oxnard would probably be driven out of business at the same time, and that is what the beet-sugar industry fears. [Laughter.]

Mr. SHALLENBERGER. I want to simply ask you if you agree with the gentleman from New York?

Mr. McCLELLAN. I have no doubt that at present a 20 per cent reduction—

Mr. SHALLENBERGER. Would have no effect on the sugar consumed.

Mr. McCLELLAN. No; I am afraid not.

Mr. COOPER of Texas. Has not the Cuban producer of sugar already a protection that no other producer has?

Mr. McCLELLAN. Oh, no. Mr. Oxnard to-day has conceded himself that he has an ad valorem protection of 94 per cent on his product.

Mr. COOPER of Texas. I say no foreign producer of sugar.

Mr. McCLELLAN. Inasmuch as there is no countervailing duty the Cuban producer has; but the gentleman forgets there is no bounty paid on Cuban sugar.

Mr. COOPER of Texas. But there is a countervailing duty charged here against all sugar grown elsewhere.

Mr. McCLELLAN. Certainly, certainly, certainly.

Mr. COOPER of Texas. Then does he not get the advantage of that?

Mr. McCLELLAN. As far as it goes; but the gentleman forgets the fact that the German sugar raiser can sell his sugar at the port of Hamburg for 1.47 cents a pound, which cost him 1.80 cents a pound to raise, thanks to the bounty and the cartel. If the gentleman listened to the hearings, according to Professor Wiley, who takes the same position that the gentleman does, and who made little stump speeches every quarter of an hour against reciprocity—Professor Wiley says that the countervailing duty only countervails direct bounty and does not in any way reach the operation of the cartel. [Applause.] In other words, Cuba is not as well off as any country of Europe.

Mr. ROBERTSON of Louisiana. If the gentleman will allow me—

Mr. McCLELLAN. If the gentleman will excuse me, I should like to have a chance to say something myself.

Mr. WM. ALDEN SMITH. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. McCLELLAN. To my esteemed friend, certainly. [Laughter.]

Mr. WM. ALDEN SMITH. I should like to ask the gentleman if it is not a fact that the Indian Government has countervailed against the cartel?

Mr. McCLELLAN. Yes. We have not; but we ought to.

Mr. WM. ALDEN SMITH. Does not that establish a precedent?

Mr. McCLELLAN. It establishes a precedent which we ought to follow, but we have not followed it.

Mr. WM. ALDEN SMITH. I understood you to say we could not follow it.

Mr. McCLELLAN. Nothing of the kind. The gentleman is entirely mistaken. I said we have not followed it. I have not said that we ought not to follow it. I have said that our countervailing duty is absolutely insufficient to meet the countervailing duty which results from the cartel. The gentleman would have understood that if he had only listened to me, but I can not expect that of him. [Laughter.]

This bill consists of one section divided into four parts: First, a declaration of the purposes of the bill; second, certain conditions precedent upon the accomplishment of which by Cuba a horizontal reduction of 20 per cent on the part of the United States will come into effect, limited to a period of one year and eight months, which is the fourth part of the bill.

If the friends of the bill are accused of trying to make the least possible concession, of trying to save their faces, of trying to protect beet-sugar, and of trying, by refusing to consider the removal of the differential, to protect the American Sugar Refining Company, they have nobody but themselves to blame.

The bill has been attacked by my colleague the gentleman from Nevada [Mr. NEWLANDS] on the ground that it is sentimental legislation. That kindly, gentle soul tries to pose as being filled with the wormwood and the gall of cynicism, wishing to be paid for fulfilling an obligation cent per cent at market value. [Laughter.] The gentleman from Nevada sees fit to insist that Cuba must be annexed before she will be permitted to be prosperous. If the courteous highwayman, placing a revolver at my chest, asks me to give him my watch and pocketbook, I have the option to refuse, of course. The gentleman from Nevada offers Cuba the choice of starvation or annexation. Of course she can decline to be annexed.

For the benefit of the gentleman from Nevada let me suggest to him that there is a business side to this proposition which will even satisfy his dark and piratical soul. [Laughter.] The alleged purpose of the bill is to acquire reciprocal trade relations with Cuba. For the past three years our trade with Cuba has been steadily falling—that is, the imports into Cuba from the United States have been steadily decreasing. In 1899 the total imports from the United States to Cuba, excepting coin, were \$29,580,657, as against \$36,728,028 from other countries. In 1900 the imports from the United States had fallen to \$29,225,123, as against \$37,239,344 from other countries, while in 1901 the imports from the United States had fallen to \$28,017,820 and from other countries had risen to \$38,554,982.

The avowed purpose of this bill is to acquire for the United States the \$38,554,982 of trade now furnished by foreign countries. During the past year there have been bought by Cuba from the United States of beef and meats other than fresh, \$64,732, as against \$1,917,016 from other countries; of rice—and this is a product belonging to the district and the State of my colleague, the gentleman from Louisiana [Mr. ROBERTSON]—of rice, \$3,481, as against \$3,332,019. Oh, what an opportunity for Louisiana! [Laughter.] Of garden vegetables, \$868,223 from the United States, as against \$1,255,902 from other countries; of wine, \$6,493, as against nearly \$1,846,989 from other countries; and so on, and so on.

Mr. NEWLANDS. Will the gentleman permit me?

Mr. McCLELLAN. Certainly, my piratical friend. [Laughter.]

Mr. NEWLANDS. The gentleman proposes to secure trade with Cuba which now goes to other countries?

Mr. McCLELLAN. Yes.

Mr. NEWLANDS. By this reciprocal arrangement?

Mr. McCLELLAN. Yes.

Mr. NEWLANDS. Will the gentleman be good enough to state how it is to be accomplished? Is it to be accomplished by the reduction of 20 per cent upon the present Cuban tariff to American products, or is it to be accomplished by maintaining the present tariff so far as American products are concerned, and increasing the tariff 20 per cent as to all foreign products outside of America?

Mr. McCLELLAN. If the gentleman had not shown something of undue impatience, I was about to make a statement which would have obviated the necessity for the question.

Mr. NEWLANDS. I wished to ask the gentleman whether that is not the way in which they propose to do it.

Mr. McCLELLAN. I was going to answer the gentleman's question with another—[laughter]—a case of teacher and scholar. Is the 20 per cent reduction on the present Cuban tariff, which is, after all, a revenue tariff, of the kind the gentleman approves? Is that 20 per cent reduction sufficient to give us a monopoly of the Cuban market? If it is not, it will be necessary for Cuba to increase her tariff as against the world. My idea is that the simplest way, and there is a way certainly of making a monopoly of the Cuban market, will be for the gentleman to join with me in my efforts later on, when this bill is read under the five-minute rule, to increase the reduction to 50 per cent or 40 per cent or 33½ per cent, which will most certainly give the United States a monopoly of the Cuban market. [Loud applause.]

Mr. NEWLANDS. Will the gentleman answer me this question: Does he not understand that the Cubans propose to make this effective in giving America control of the Cuban markets by letting the present revenue tariff remain, so far as American products are concerned, and increasing the tariff on other foreign products? And I wish to ask the gentleman whether, so far as it is developed, the representatives of Cuba do not in that way propose to turn Cuba from a tariff for a revenue system to a protective-tariff system, and thus secure protection to American interests?

Mr. McCLELLAN. If the gentleman fears that unrighteous result let him join me in reducing it 50 per cent.

Mr. WM. ALDEN SMITH. I desire to ask the gentleman if he limits his ambition to a reduction of 50 per cent?

Mr. McCLELLAN. I have limited my ambition to a reduction of 50 per cent for this reason: In view of the fact that Cuba is a new Latin republic it is probable that she will have to depend upon her customs revenue for the purposes of government until we permit her to become prosperous, and therefore a greater reduction than 50 per cent would probably so far curtail her revenue as to disorganize her financial system. I would cheerfully vote for free trade with Cuba, if that is any satisfaction to the gentleman.

Mr. WM. ALDEN SMITH. I thought that was what the gentleman would come to.

Mr. McCLELLAN. Certainly. But she can not get on without a customs revenue.

Some of the opponents of this bill have professed to see a grave objection in the reciprocal feature of the bill. I know that two of my committee colleagues have in their reports suggested, one directly, the other by implication, that my Democracy is not sound, because I believe in reciprocity.

I know that some gentlemen on this side are inclined to look on reciprocity with grave doubt, fearing lest it will prevent the ultimate triumph of the great and sacred doctrine of free trade. They believe in free trade, and failing in that they do not want any reduction in the tariff. [Laughter.] Now, I may be right, and I may be wrong, and I should like to read to them certain quotations from the fathers, who until recently have never been suspected of being other than Democrats.

I may call to their attention the fact that the first treaty of reciprocity was negotiated by Franklin Pierce, a Democratic President. The Hawaiian treaty of reciprocity was renewed by a Democratic President, Grover Cleveland. The platform of 1892 proclaimed the doctrine, but what I want to call their attention to is the "report on the privileges and restrictions on the commerce of the United States in foreign countries," sent to the House of Representatives (this same House) on December 16, 1793, some years before my two committee colleagues became members. It was submitted by the then Secretary of State, Thomas Jefferson. In it he says:

Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may best be removed, modified, or counteracted?

As to commerce, two methods occur: First, by friendly arrangements with the several nations with whom these restrictions exist, or, second, by the separate act of our own legislatures for countervailing their effects.

There can be no doubt but that of these two, friendly arrangements is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased and their condition bettered.

Would even a single nation begin with the United States this system of free commerce it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue by way of impost on commerce its freedom might be modified in that particular by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessities of life or materials for manufacture or convenient subjects of revenue, and we take in exchange either manufactures—when they have received the last finish of art and industry—or mere luxuries.

Such customers may reasonably expect welcome and friendly treatment at our market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatsoever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLELLAN. I ask unanimous consent that I may conclude my remarks. I have been interrupted so much. I will not take long.

The CHAIRMAN. The gentleman asks unanimous consent that his time may be extended. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLELLAN. Thank you, Mr. Chairman.

I know that some earnest protectionists object to this reciprocal feature of the bill; they brush aside the cheap sophistry that reciprocity is "the handmaiden of protection," and know that this is the first step in the direction of a revision of the tariff and the reduction of the preposterous Dingley rates. This argument may have terrors for Republicans, but it should have no terrors whatever for Democrats.

The bill before us provides for a reduction of all Cuban products—but in considering it we should consider sugar chiefly—of 20 per cent. The present loss to Cuba under the Dingley rates, assuming that the present crop will amount to 850,000 tons, and that Cuba can market it at yesterday's price of 8½ cents per pound, will amount to \$8,320,000. A 20 per cent reduction will still show a loss of \$1,904,000 on this year's crop, or 5 per cent of the total cost.

A reduction of 25 per cent will still show a loss of \$305,000, or eight-tenths of 1 per cent on the cost. It is not until we reach a reduction of 33½ per cent at the present price that we find a profit of \$2,380,000, or 6.2 per cent profit on the cost of the present crop. In other words, this bill in its 20 per cent feature must be defended on the ground not that it permits Cuba to market her crop at a profit, but on the ground that it does partially reduce the loss. It is not a complete fulfillment of our pledge; it is only a step toward that fulfillment.

It has been further said by the distinguished chairman of our committee that the time has been limited to the 1st of December, 1903, because the Brussels convention will be in force then and sugar will go up a cent a pound, and Cuba will make a profit of



50 or 60 per cent on the cost of the crop. Professor Wiley, the most hidebound of all the representatives of the beet-sugar industry who appeared before us, only claimed, when trying to make out the best possible case for beet sugar, that the Brussels conference would increase the price of sugar four-tenths of a cent a pound. Assuming that it does, assuming that it goes up one-half a cent, and that would be 4 cents a pound, under the Dingley rate that would represent a profit of less than a million dollars on the total crop of 850,000 tons, or the magnificent profit of 2½ per cent and not 50 or 60 per cent.

Assuming that the result of the Brussels conference only brings sugar up to 3½ cents per pound, there will be no 50 or 60 per cent profit, but a loss of \$1,871,000, or 3.6 per cent on the cost of production.

Mr. NEWLANDS. Will the gentleman permit an interruption?

Mr. McCLELLAN. Certainly.

Mr. NEWLANDS. Does the gentleman regard it as the duty of the United States from year to year to save Cuba from loss on sugar production?

Mr. McCLELLAN. I regard it as the sacred duty of the United States, having taken willingly and cheerfully an obligation, having contracted a debt, to pay it back in full. [Applause.]

Mr. NEWLANDS. Very well. The gentleman proposes to make a reduction of 50 per cent, which will give the Cuban planter \$15,000,000 more than they would receive under the present rates and at the present price of sugar.

Mr. McCLELLAN. Oh, no.

Mr. NEWLANDS. How much, then?

Mr. McCLELLAN. Twenty per cent shows a loss of \$2,000,000 and over.

Mr. NEWLANDS. What I contend is that the gentleman proposes a reduction of 50 per cent, which will give them \$15,000,000 more than they would receive if they accepted the world's price of sugar to-day.

Mr. McCLELLAN. Hardly that. I grant the gentleman it would give them a profit. It would give them 15 per cent profit on the present crop.

Mr. NEWLANDS. Cuba has 850,000 tons. Our present duty is \$34 a ton, which would make it about \$30,000,000. Now, if the gentleman proposes to reduce that 50 per cent, does it not mean that the Cuban planter will receive \$15,000,000 more than they would receive by accepting the world's price?

Mr. McCLELLAN. No. The gentleman forgets the shipping charges and the costs. The gentleman forgets that the total reduction is not going back to Cuba in a lump sum to the planter; you have got to figure it out from the start down. If the gentleman figures it out that way, I have not the figures showing what it would be at 50 per cent. At 40 per cent it shows a profit of \$4,512,000.

Mr. NEWLANDS. I ask the gentleman from New York if the Cuban planters would not receive under a 50 per cent reduction \$15,000,000?

Mr. McCLELLAN. He would receive the difference of 50 per cent of 1.685.

Mr. NEWLANDS. I would like the gentleman to answer how much they will receive in addition to the world's price of sugar.

Mr. McCLELLAN. The Cuban planter receives to-day the price at Habana, which is the New York price less the duty and the shipping charges. But the gentleman must understand that the cost is greater by 0.315 per cent than the New York price. Now, if we give the Cuban planter 40 per cent reduction—I speak of 40 per cent only because I have the figures on that basis—I am trying to deal fairly and openly with the gentleman, and not to dodge any question that might arise upon a basis of 50 or 60 or 75 per cent reduction—if you give him a 40 per cent reduction on the present price he would receive a profit on every pound of sugar of 0.237 of a cent. Now, under the Dingley rate he will be receiving at Habana a price of less than 2½ cents, while the price at New York would be 3½ cents. He would be getting a cent less than the New York price.

Mr. NEWLANDS. These figures are entirely confusing to me—

Mr. McCLELLAN. Well, I can not guarantee that I will print my speech to-night, but when it is printed, if the gentleman will sit down and study it, or if he will read my report, which is short, I think this question will be perfectly clear to him. I do not want to keep the House here much longer—

Mr. NEWLANDS. I want the gentleman to state in gross the amount which the Cuban planter would receive if this 50 per cent reduction should take place in addition to what he receives to-day.

Mr. McCLELLAN. As I have already tried to explain to the gentleman, he would receive—

Mr. NEWLANDS. Can the gentleman state the specific amount?

Mr. McCLELLAN. If the gentleman would take his very active pen in hand—a pen that never grows weary—and multiply the difference between a loss of 0.315 of a cent and a profit of 0.237

of a cent and multiply that by 1,904,000,000, he will get his answer. [Laughter.]

Mr. SCOTT. Allow me to ask the gentleman one question. The gentleman's colleague [Mr. PAYNE] stated to the House in his opening address that if this reduction were made the Cuban product could be sold at a reasonable profit. The gentleman on the floor now tells us, in contradiction of his colleague, the chairman of the committee, that if this reduction be made the crop will be sold at a loss.

Mr. McCLELLAN. Yes.

Mr. SCOTT. Now, both of these gentlemen being members of the Committee on Ways and Means, and having given this matter thorough study, are entitled to be called experts. It seems to me, then, that this ought to be with them not a matter of conjecture, but of positive demonstration. I should therefore like the gentleman on the floor to tell, if he can, briefly how it happens that he has arrived at one conclusion and his colleague on the committee at another conclusion, while they are presumably figuring upon the same basis of facts.

Mr. McCLELLAN. I may suggest to the gentleman that my colleague on the committee, as well as my colleague in the delegation [Mr. PAYNE], possesses a bright and cheerful nature. He has not exaggerated, but he has taken the rosy view of everything that he has come in contact with. He has assumed, for instance, that the Brussels convention will raise the price of sugar 1 cent a pound, when, to be perfectly frank, there was no evidence before the committee that such would be the case. I do not mean to imply that the gentleman has undertaken to mislead the House; I think he is wrong, that is all.

Now, Mr. Chairman, to continue where I left off—

Mr. NEWLANDS. Will the gentleman permit me to make a little calculation?

Mr. McCLELLAN. Most cheerfully, only I would rather not, because I do not want to detain the House.

Mr. NEWLANDS. I do not wish to interrupt the gentleman—

The CHAIRMAN. The gentleman from New York [Mr. McCLELLAN] declines to yield.

Mr. McCLELLAN. No, I do not decline; the gentleman is always so charming and so persistent that I can not.

Mr. NEWLANDS. As I understand it, the present duty on sugar is about \$1.70 a hundred pounds—

Mr. McCLELLAN. How much?

Mr. NEWLANDS. One dollar and seventy cents.

Mr. McCLELLAN. Oh, no; \$1.68½ per 100 pounds of centrifugal 96° polarization. [Laughter.]

Mr. NEWLANDS. Which is about \$34 a ton. Now, it is proposed that Cuba shall import into this country 850,000 tons. Multiplying that by \$34 a ton—

Mr. McCLELLAN. Yes.

Mr. NEWLANDS. You make very nearly \$30,000,000.

Mr. McCLELLAN. Yes.

Mr. NEWLANDS. Which the Government would receive as a duty on that sugar.

Mr. McCLELLAN. Granted.

Mr. NEWLANDS. If the gentleman proposes to reduce that 50 per cent, it necessarily means that the Treasury of the United States loses \$15,000,000 and that the Cuban planters gain \$15,000,000. Now, I want to ask the gentleman whether he thinks it is the duty of this country to forever save the Cuban planters from loss year after year; if the property remains in the present condition, to give them out of the taxes of the Treasury, imposed upon our people as an additional price for sugar, \$15,000,000?

Mr. McCLELLAN. I will answer that by asking the genial though somewhat cynical gentleman from Nevada another question. The gentleman proposes, as I have suggested, to seize Cuba, to lay violent hands on Cuba and forcibly annex her, giving her the choice of starvation.

Mr. NEWLANDS. Not at all.

Mr. McCLELLAN. That being the case, the Treasury, which the gentleman desires to protect with all the industry and energy that are in him—and both are great—the Treasury will not lose \$15,000,000, but the people of the United States will lose the whole thirty-three millions under annexation.

Mr. NEWLANDS. That is true, and the Cuban planters will get \$30,000,000 more than under existing conditions, but they will then be Americans—not foreigners—and as American citizens will have the benefit of the laws that apply to the entire country.

Mr. McCLELLAN. Yes; and the gentleman wants to do it. I have no objection to the reduction of rates, but I have to the method employed.

Mr. NEWLANDS. Provided the duty remains the same. Let me ask another question. The gentleman says there is a compensating—

Mr. McCLELLAN. Oh, Mr. Chairman, Mr. Chairman!

Mr. NEWLANDS. The gentleman says there is a compensating loss in the imports into Cuba of the manufactured products

of this country, the products manufactured by the trusts. Now, then, does he say that they will get an additional profit of \$15,000,000?

Mr. McCLELLAN. Oh, the trust; no. I settled that question before. Mr. Chairman, I must really go on.

Mr. PAYNE. Will the gentleman yield?

Mr. McCLELLAN. Certainly.

Mr. PAYNE. I would like to ask if the gentleman will yield now to a motion to rise and then take the floor in the morning?

Mr. McCLELLAN. It will take me only a few minutes to finish, and I would rather go on now. There is one other point that has worried the gentlemen on this side of the House, and that is this: Gentlemen who are strict construers of the last party platform have sought in vain in the Kansas City platform for light and leading on this subject. They have sought in vain, for there is a higher principle involved than is contained in any mere iteration of words, and that is, that the good faith of the United States should be as good as the bond of any other nation. [Applause.] The great expounder of the Kansas City platform has expressed himself on this question. Let me read from the Commoner, William Jennings Bryan, editor and proprietor, Lincoln, Neb., March 14, 1902, and I submit this most respectfully to the gentleman from Nevada [Mr. NEWLANDS]:

The beet-sugar business of this country amounts to about \$5,000,000 annually. To protect this, Congress is willing to perpetrate injustice—tax millions of consumers and ignore popular demand. Of course it is a Republican Congress.

In his message to Congress Mr. Roosevelt said:

"I must earnestly ask your attention to the wisdom—indeed, the vital need—of providing for substantial reduction in the tariff duties on Cuban imports into the United States."

The Republicans in the House propose to make a 20 per cent reduction, which, according to General Wood, is by no means sufficient, and there are indications that on this point some Republicans in the House are determined that justice shall be done the Cubans somewhere reasonably in line with the suggestions made by General Wood. This will be another opportunity for President Roosevelt to test himself and for the American people to test Mr. Roosevelt.

The Chicago Record-Herald, a Republican paper, says that on this question "American honor is at stake." The Record-Herald says that the Republican majority "has made a sorry exhibition of itself in its anti-Cuban caucuses." It remains to be seen whether Mr. Roosevelt will compromise upon this "vital need" and accept whatever sop to Cuba the trust magnates are willing for the Republican leaders in the House to bestow.

[April 4, 1902.]

American consumers are taxed on 2,000,000 tons of sugar in order to benefit the producers of 100,000 tons of beet sugar. The beet-sugar syndicate is in the saddle.

Of course the men who arbitrarily fix the price of sugar beets are weeping most copiously at the thought that the beet raiser may be ruined by tariff concessions to Cuba.

Mr. COOPER of Texas. For what purpose does the gentleman read that?

Mr. McCLELLAN. I read it for the purpose of giving light and leading to Democrats upon this side of the House, including the gentleman from Texas.

Mr. FITZGERALD. There is nobody who questions Mr. Bryan, is there?

Mr. PIERCE. Will the gentleman accept him on all propositions?

Mr. McCLELLAN. I think the Democracy preached by William Jennings Bryan is pretty sound Democracy, nine cases out of ten. [Applause on the Democratic side.]

The effect of the enactment of this bill in its present form will be that Cuba will market this year's crop, with good luck, with comparatively small loss; but as no hope is held out for the future, and as planters are not going to continue in business without a reasonable prospect of profit, next year's crop will be reduced to almost nothing, and the threatened bankruptcy of the new Republic will sooner or later occur.

A 33½ per cent reduction, or even a 25 per cent reduction, would give the planters of Cuba a slight profit for the present, a slight profit for next year's crop, and a certainty of considerable dividends as soon as the Brussels convention is in full operation. But we are under obligations to the new Republic, not only as a nation, but as individuals, by our several votes for the Teller resolutions and the Platt amendment, and so if the majority sees fit to limit the payment of that obligation in the interests of a selfish, greedy, beet-sugar trust, we are perforce compelled to follow them in that part payment.

We are under an obligation to Cuba of our own seeking, an obligation that should not be fulfilled in part, but entire. The word of the United States should be as good as the bond of any other nation. This bill does not completely fulfill our obligation; it is not all that it ought to be, but at least it is a step in the right direction. It does not afford sufficient relief to Cuba, but it does minimize the loss on the present crop of sugar. It is possible, but by no means certain, that a 20 per cent reduction of the Cuban rates will be sufficient to give us the monopoly of the Cuban market.

The bill is an enunciation of the Democratic doctrine of reciprocity; it is a breach in the wall of protection, and lowers in part, at least, the preposterous Dingley rates. If I am afforded an op-

portunity I shall try to amend by increasing the rates of reduction so as to make certain not only the control of the Cuban market by us, but also the prosperity of Cuba. I shall also try to amend by striking out the time limit. Failing in these amendments, I shall be constrained to vote for the bill; I can not see how I can do otherwise as a Democrat and as an American. I can not see how the Democratic party can take any other position.

Mr. Chairman, it has been suggested to those of us who take the position that this bill does not accomplish all it should, that it is only a partial fulfillment of our obligation, but that none the less we should vote for it, failing to amend—it has been suggested to us that we are making a mistake, that we are failing to take political advantage of the opportunity afforded to us by our opponents. It has been suggested to us that we ought to let the Republican party shoulder the responsibility of failing to give any concession to Cuba.

It seems to me, Mr. Chairman, that there are questions that rise above petty politics; that there are questions involving the dignity and the honor of the United States, on which there should be no division. If I have erred in my position, if I am mistaken in the way in which I intend to vote, I am willing to take the responsibility, conscious of the fact that I have done my duty to the best of my ability, according to the light God gave me. [Loud applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10117. An act granting a pension to Sarah H. H. Lowe; and

H. R. 10530. An act to repeal war-revenue taxation, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1025. An act to promote the efficiency of the Revenue-Cutter Service;

S. 3513. An act authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.;

S. 2442. An act confirming title to the State of Nebraska of certain selected indemnity school lands.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 150. An act for the establishment of an assay office at Provo City, Utah—to the Committee on Coinage, Weights, and Measures.

S. 642. An act to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands—to the Committee on Public Lands.

S. 1556. An act to provide for the purchase of a site and the erection of a public building thereon at Sterling, in the State of Illinois—to the Committee on Public Buildings and Grounds.

S. 5046. An act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia—to the Committee on the District of Columbia.

S. 4284. An act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON, for one day, on account of important business.

To Mr. ELLIOTT, indefinitely, on account of important business.

LOWELL M. MAXHAM.

By unanimous consent, on motion of Mr. McCALL, leave was granted to withdraw from the files of the House, without leaving copies, papers in the case of Lowell M. Maxham, Fifty-sixth Congress, no adverse report having been made thereon.

And then, on motion of Mr. PAYNE (at 5 o'clock and 6 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy



of a communication from the Secretary of the Navy submitting an estimate of appropriation for quarters for marines at Culebra, P. R.—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with accompanying documents, a response to the inquiry of the House in relation to the transport service between San Francisco and the Philippine Islands—to the Committee on Military Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge, reported the same without amendment, accompanied by a report (No. 1510); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2782) to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company, reported the same with amendment, accompanied by a report (No. 1512); which said bill and report were referred to the House Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, reported the same with amendments, accompanied by a report (No. 1513); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9776) granting an increase of pension to Alice A. Fitch, reported the same with amendment, accompanied by a report (No. 1480); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10321) granting a pension to Susan A. Phelps, reported the same with amendments, accompanied by a report (No. 1481); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11665) granting an increase of pension to Caleb C. Briggs, reported the same with amendment, accompanied by a report (No. 1482); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 181) granting an increase of pension to William C. David, reported the same without amendment, accompanied by a report (No. 1483); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12299) granting a pension to William C. Roberts, reported the same with amendment, accompanied by a report (No. 1484); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13323) granting an increase of pension to Mary E. Barger, reported the same with amendments, accompanied by a report (No. 1485); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13321) granting an increase of pension to John S. Bonham, reported the same with amendments, accompanied by a report (No. 1486); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12724) granting an increase of pension to Richard M. Kellough, reported the same without amendment, accompanied by a report (No. 1487); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1331) granting

an increase of pension to John Ludwig, reported the same with amendment, accompanied by a report (No. 1488); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12458) granting an increase of pension to William M. Barstow, reported the same with amendments, accompanied by a report (No. 1489); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid pensions, to which was referred the bill of the House (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton, reported the same with amendments, accompanied by a report (No. 1490); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13371) granting an increase of pension to Charles D. Palmer, reported the same with amendment, accompanied by a report (No. 1491); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2289) granting an increase of pension to Pistar Ingram, reported the same with amendment, accompanied by a report (No. 1492); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9833) granting an increase of pension to Margaret McCuen, widow of Alexander McCuen, reported the same with amendments, accompanied by a report (No. 1493); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4404) granting an increase of pension to Otto H. Hasselman, reported the same without amendment, accompanied by a report (No. 1494); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8429) granting a pension to Dollie M. Cronkite, reported the same without amendment, accompanied by a report (No. 1495); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8466) granting a pension to Lucinda A. Sirwell, reported the same with amendment, accompanied by a report (No. 1496); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5951) granting an increase of pension to Ole Thompson, reported the same with amendment, accompanied by a report (No. 1497); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5219) granting an increase of pension to Daniel Donne, reported the same with amendments, accompanied by a report (No. 1498); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6006) granting a pension to John Canty, reported the same with amendments, accompanied by a report (No. 1499); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7491) granting an increase of pension to William H. Chapman, reported the same with amendment, accompanied by a report (No. 1500); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7815) granting a pension to Nancy A. Killough, reported the same with amendment, accompanied by a report (No. 1501); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7334) granting an increase of pension to Ira L. Evans, reported the same with amendments, accompanied by a report (No. 1502); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3263) granting an increase of pension to John Revley, reported the same without amendment, accompanied by a report (No. 1503); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 2974) for the relief of J. V. Worley, reported the same without amendment, accompanied by a report (No. 1505); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5020) granting an increase of pension to Courtland C. Matson, reported

the same with amendment, accompanied by a report (No. 1506); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12489) granting an increase of pension to Ebenezer Wilson, reported the same with amendment, accompanied by a report (No. 1507); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11812) granting an increase of pension to Martin Boice, reported the same with amendment, accompanied by a report (No. 1508); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4643) granting an increase of pension to Pheobe L. Peyton, reported the same without amendment, accompanied by a report (No. 1509); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 10457) for the relief of Abram G. Hoyt, reported the same without amendment, accompanied by a report (No. 1511); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 12659) granting an increase of pension to Eveline V. Ferguson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11358) for the relief of Thomas T. Dunn and others—Committee on Private Land Claims discharged, and referred to the Committee on the Public Lands.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 13445) temporarily to provide for the administration of civil affairs in the Philippine Islands, and for other purposes—to the Committee on Insular Affairs.

By Mr. DAYTON (by request): A bill (H. R. 13446) allowing three months' extra pay to United States Navy enlisted men who served outside the United States, and one month's extra pay to such as served within the United States during the Spanish-American war—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 13447) to prohibit the sale or manufacture of distilled spirits, fermented liquors, or wines under the authority of the United States in States where the same is prohibited by the laws of said States—to the Committee on the Judiciary.

Also, a bill (H. R. 13448) to provide for terms of the United States district courts at Greenville, N. C.—to the Committee on the Judiciary.

By Mr. WEEKS, from the Committee on Elections No. 3: A resolution (H. Res. 204) in the contested-election case of James A. Walker v. William F. Rhea, Ninth district of Virginia—to the House Calendar.

By Mr. TAWNEY: Memorial of the legislature of Minnesota favoring the passage of Senate bill 3575, to increase the powers of the Interstate-Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Minnesota, respecting the 5 per cent of the minimum price of the lands that have been appropriated as compensation for military services rendered the United States since the admission of Minnesota into the Union—to the Committee on the Public Lands.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 13450) granting an increase of pension to Henry F. Hunt—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 13451) for the relief of the legal representatives of Abraham Laurence, deceased—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 13452) granting a pension to Rose Murphy—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: A bill (H. R. 13453) for the relief of Charles Mohn—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 13454) for the relief of Caroline H. Goben—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 13455) granting an increase of pension to Delos W. Hare—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 13456) granting an increase of pension to Thomas Louderback—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 13457) granting an increase of pension to John S. Crosser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13458) granting an increase of pension to Enos Paulin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13459) granting a pension to Mary Ellen White—to the Committee on Pensions.

By Mr. LASSITER: A bill (H. R. 13460) for the relief of the estate of Peter McEnery, deceased—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 13461) granting a pension to Walter S. Buchanan—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 13462) authorizing the President of the United States to nominate Lieut. Commander W. P. Randall, now on the retired list, to be a commander on the retired list—to the Committee on Naval Affairs.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13463) granting an increase of pension to Hiram A. Hober—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 13464) granting a pension to Mary Aby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13465) granting an increase of pension to William S. Foster—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 13466) for the relief of Joseph A. Farrow—to the Committee on War Claims.

By Mr. CONNER: A bill (H. R. 13467) granting a pension to Joseph H. Woodniff—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 13468) granting a pension to Joseph S. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13469) granting an increase of pension to Daniel R. Hanwell—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 13470) granting an increase of pension to George W. G. Russell—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13471) for the relief of Sarah E. Cady—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 13473) granting an increase of pension to Mary A. Aldrich—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany House bill 11357, for the relief of W. P. Fryer—to the Committee on Invalid Pensions.

Also, resolution of Typographical Union No. 2, of Philadelphia, Pa., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. ALEXANDER: Resolutions of Tar and Gravel Roofers' Union No. 8450, of Buffalo, N. Y., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. APLIN: Resolutions of Ship Carpenters' Union No. 8511, West Bay City, Mich., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization. Also, petition of St. Stanislaus Benevolent Society, of Alpena, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Merchants and Manufacturers' Exchange of Detroit, Mich., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the same, favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Marine Engineers' Beneficial Association, relating to licensing marine engineers—to the Committee on the Merchant Marine and Fisheries.

By Mr. BULL: Protest of Hugh P. Mulholland, of North Tiverton, R. I., against provision for a representative of the United States at the coronation of the King of England—to the Committee on Foreign Affairs.

By Mr. DALZELL: Petitions of Polish societies of Pittsburg and Braddock, Pa., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of Brotherhood of Railroad Trainmen of



Sharpsville, Pa.; Order of Railway Conductors of Sunbury, Pa.; Brotherhood of Locomotive Engineers of Lebanon and Greensburg, Pa., and Locomotive Firemen of Harrisburg, Pa., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Brotherhood of Railroad Trainmen of Easton, Pa., for the enactment of the Foraker-Corliss bill, amending the law relating to safety appliances—to the Committee on Interstate and Foreign Commerce.

Also, petition of Typographical Union of Philadelphia, Pa., urging the defeat of House bill 5777 and Senate bill 2894, amending the copyright law—to the Committee on Patents.

Also, petition of Bricklayers' Union No. 2, of Pittsburg, Pa., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. DAYTON: Petition of United States Naval Volunteers of the Spanish-American war for two months' extra pay—to the Committee on Naval Affairs.

By Mr. DOVENER: Petition of Burley Clemens and 22 other citizens of Marshall County, W. Va., in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. DRAPER: Memorial of the New York Produce Exchange, favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolutions of the Wisconsin Closing Farmers' Institute, Oconomowoc, Wis., relative to the coloring of oleomargarine—to the Committee on Agriculture.

Also, resolutions of the same institution, in favor of the rural free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring a bill for the establishment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. FITZGERALD: Resolution of Levi P. Morton Club, of Brooklyn, N. Y., and Coopers' Union No. 2, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of State Dairy and Food Departments, for uniform legislation for the conduct of said departments—to the Committee on Interstate and Foreign Commerce.

Also, memorial of New York Produce Exchange, in relation to amendment of the interstate-commerce acts—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of American Federation of Labor, Brotherhood of Locomotive Engineers, and other labor organizations, in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Resolution of Typographical Union No. 2, of Philadelphia, Pa., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. GREENE of Massachusetts: Resolution of Polish Society No. 36, of New Bedford, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. GREEN of Pennsylvania: Resolutions of Honest Workers' Lodge, No. 25, Reading, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Stove Mounters' Union No. 42, Reading, Pa., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Robesonia and vicinity, in the State of Pennsylvania, favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. HEMENWAY: Resolutions of Federal Labor Union No. 9310, of Petersburg, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JONES of Washington: Petition of J. W. Jackson and other citizens of Centerville, Wash., in relation to rebates on pre-emptions on public lands—to the Committee on the Public Lands.

Also, petition of steamboat owners, pilots, and others, in relation to rules and regulations for gasoline launches—to the Committee on the Merchant Marine and Fisheries.

By Mr. LACEY: Papers to accompany House bill 18457, granting a pension to John S. Crosser—to the Committee on Invalid Pensions.

By Mr. LASSITER: Paper to accompany bill for the relief of the estate of Peter McEnery, deceased—to the Committee on War Claims.

By Mr. LAWRENCE: Petitions of 639 lodges and divisions of Brotherhood of Locomotive Engineers, Railroad Trainmen, Order of Railroad Telegraphers, and Railway Conductors from various States, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolution of New York Produce Exchange, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Papers to accompany House bill 9437, granting a pension to Elias A. Calkins—to the Committee on Invalid Pensions.

By Mr. MARTIN: Resolution of Typographical Union No. 218, of Sioux Falls, S. Dak., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. McCALL: Petition of Central Labor Union of Cambridge, Mass., favoring a restriction of the immigration of cheap labor from Europe to the United States—to the Committee on Immigration and Naturalization.

By Mr. MIERS of Indiana: Paper to accompany House bill 6171, for the relief of James L. East—to the Committee on Military Affairs.

By Mr. MORRELL: Resolution of Typographical Union No. 2, of Philadelphia, Pa., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. MUTCHLER: Paper to accompany House bill 13336, to amend the military record of Samuel Snyder—to the Committee on Military Affairs.

Also, paper accompanying House bill 13149, to remove charge of desertion from the military record of James Heiney—to the Committee on Military Affairs.

Also, papers to accompany House bill 13373, granting an increase of pension to A. W. Marsh—to the Committee on Invalid Pensions.

By Mr. PARKER: Resolutions of Masons' Union No. 16, of Newark, N. J., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Essex Trades Council and Feeders and Pressmen's Union No. 19, of Newark, N. J., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Paper to accompany House bill for the relief of Lebanon Union Church, Lincolnia, Fairfax County, Va.—to the Committee on War Claims.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill 13463, granting an increase of pension to Hiram A. Hober—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Memorial by the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of the said departments—to the Committee on Agriculture.

Also, resolutions of Coopers' International Union No. 2, of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the New York Produce Exchange, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolutions of Polish Roman Catholic Union, No. 202, of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of said departments—to the Committee on Interstate and Foreign Commerce.

Also, memorial of New York Produce Exchange, concerning proposed amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. SALMON: Petitions of citizens of Belvidere, N. J., and Warren County, N. J., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, resolutions of Typographical Union No. 433, of Dover, N. J., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SMITH of Illinois: Resolutions of the Labor Union No. 8203, of Duquoin, and No. 9280, of Metropolis, Ill., and Labor Union of Anna, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of Bricklayers' Union No. 215, New Haven, Conn., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. STARK: Resolution of McKinney Post, No. 102, Grand Army of the Republic, of Shelby, Nebr., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. STEELE: Petition of C. Allman and others of Huntington, Ind., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. TIRRELL: Resolutions of Central Labor Union of Fitchburg, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. TOMPKINS: Petition of Painters and Paper Hangers' Union No. 122, of Newburgh, N. Y., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

Also, resolutions of Millard Division, No. 104, Railway Conductors, Middletown, N. Y., favoring a further restriction of Chinese Immigration—to the Committee on Foreign Affairs.

## SENATE.

WEDNESDAY, April 9, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HARRIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

O. H. P. WAYNE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of O. H. P. Wayne v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

JOSIAH J. BRYAN.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John Bryan, administrator of Josiah J. Bryan, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. W. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11535) for the protection of game in Alaska, and for other purposes; and

A joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2442) confirming title to the State of Nebraska;

A bill (H. R. 10117) granting a pension to Sarah H. H. Lowe; and

A bill (H. R. 10530) to repeal war-revenue taxation, and for other purposes.

## PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of Stone Masons' Local Union No. 5, of Seattle, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented petitions of Stonemasons' Local Union No. 5, of Seattle, and of Carpenters' Local Union No. 98, of Spokane, in the State of Washington, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. CLARK of Montana presented a petition of the Montana State Agricultural Association, praying for the enactment of legislation providing for the irrigation of the arid lands of the West; which was ordered to lie on the table.

He also presented a petition of Local Division No. 191, Order of Railway Conductors, of Glendive, Mont., praying for the re-enactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Mill and Smelters' Local Union No. 117, American Federation of Labor, of Anaconda, Mont., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of Typographical Union No. 126, American Federation of Labor, of Butte, Mont., remonstrating against the adoption of certain amendments to the present copyright law; which was referred to the Committee on Patents.

Mr. CARMACK presented petitions of Bricklayers' Local Union No. 1, of Memphis; of Retail Clerks' Local Union No. 151, of Memphis, in the State of Tennessee; of the American Federation of Labor, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railway Trainmen, the Order of Railway Telegraphers, the Sailors' Union of the Pacific, the In-

ternational Seamen's Union of America, and the Chinese-Exclusion Commission of California, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Paper Hangers' Local Union No. 83, of Barbers' Local Union No. 79, of the Nashville Typographical Union, and of Plasterers' Local Union No. 91, of Nashville; of Beer Bottlers' Local Union No. 195, of the Marine Engineers' Beneficial Association No. 20, of Switchmen's Local Union No. 127, and of Bricklayers' Local Union No. 1, of Memphis; of Knoxville Typographical Union, No. 111, and of Paper Hangers' Local Union No. 14, of Knoxville; of Painters, Decorators, and Paper Hangers' Local Union No. 226, and of Iron Molders' Local Union No. 53, of Chattanooga; of Tobacco Workers' Local Union No. 52, and of Iron Molders' Local Union No. 355, of Bristol; of Clarks-ville Typographical Union, No. 436, of Clarks-ville, and of Iron Molders' Local Union No. 165, of South Pittsburg, all in the State of Tennessee, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Antrim, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DOLLIVER presented a petition of the Business Men's Association of Davenport, Iowa, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Bankers' Association of Cedar Rapids, Iowa, praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Business Men's Association of Pella, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 1261) granting a pension to Nathan L. Faulkner; which were referred to the Committee on Pensions.

He also presented petitions of Local Division No. 93, of Fort Dodge; of Lodge No. 130, of Eagle Grove; of Lodge No. 86, of Perry; of Lodge No. 520, of Council Bluffs; of Lodge No. 430, of Lake City; of Lodge No. 133, of Clinton; of Lodge No. 515, of Fort Madison; of Lodge No. 352, of Estherville, and of Lodge No. 56, of Twin City, all of the Brotherhood of Railroad Trainmen, in the State of Iowa, praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Coopers' Union No. 426, of Ottumwa; of Local Union No. 162, of Ottumwa; of Painters' Local Union No. 136, of Ottumwa, and of Local Union No. 313, of Ottumwa, all of the American Federation of Labor; of Local Union No. 869, United Mine Workers of America, of Boonsboro, and of Lodge No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, all in the State of Iowa, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of Painters, Decorators, and Paper Hangers' Local Union No. 548, American Federation of Labor, of Fairfield, and of Lodge No. 29, Brotherhood of Locomotive Firemen, of Mason City, all in the State of Iowa, praying for the re-enactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented petitions of Lodge No. 515, Brotherhood of Railroad Trainmen, of Fort Madison; of Local Union No. 548, American Federation of Labor, of Fairfield, and of the Painters, Decorators, and Paper Hangers' Local Union No. 83, American Federation of Labor, of Keokuk, all in the State of Iowa, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Lodge No. 515, Brotherhood of Railroad Trainmen, of Fort Madison, Iowa, praying for the enactment of legislation providing for the exclusion of all alien labor coming into this country; which was referred to the Committee on Education and Labor.

Mr. FAIRBANKS presented a petition of Federal Labor Union, No. 9370, American Federation of Labor, of Petersburg, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. HOAR presented a petition of the Central Labor Union of Fitchburg, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. QUAY presented a petition of Onoke Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the



enactment of legislation providing for the irrigation of the arid lands of the West; which was ordered to lie on the table.

He also presented a memorial of Typographical Union No. 2, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the present copyright law; which was referred to the Committee on Patents.

He also presented petitions of the Central Labor Union of Meadville, of the Central Labor Union of Lancaster, of the Central Labor Union of Shamokin, and of the Central Labor Union of Ashland, all of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Captain Philip R. Schuyler Post, No. 51, of Philadelphia; of George Cook Post, No. 315, of Wellsboro; of Post No. 408, of Liverpool; of Robert Oldham Post, No. 523, of South Bethlehem; of N. I. Pennington Post, No. 283, of Fairmount Springs; of Lieutenant William H. Childs Post, No. 286, of Marietta; of Post No. 45, of Phoenixville; of Dr. G. L. Potter Post, No. 261, of Milesburg; of George W. Moyer Post, No. 379, of Loganton, all of the Department of Pennsylvania, Grand Army of the Republic; of Colonel Ellsworth Circle, No. 420, Ladies of the Grand Army of the Republic, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation authorizing the granting of pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and increasing the pensions of widows of soldiers to \$12 per month; which were referred to the Committee on Pensions.

Mr. PENROSE presented a petition of 15 citizens of Euclid, and of 67 citizens of West Liberty, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Caroline Scott Harrison Circle, No. 78, Ladies of the Grand Army of the Republic, Department of Pennsylvania, praying for the enactment of legislation authorizing the granting of pensions to certain officers and men in the Army and Navy of the United States when 50 years of age, and to increase pensions of widows of soldiers to \$12 per month; which was referred to the Committee on Pensions.

He also presented petitions of 36 citizens of Meadville, of 102 citizens of Deodate, and of 35 citizens of Corry, all in the State of Pennsylvania, praying for the passage of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Glass Bottle Blowers' Local Union No. 83, of Kane, and of Journeymen Plumbers' Local Union No. 147, of Wilkesbarre, of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of Holbrook Local Union, No. 378, Brotherhood of Locomotive Fireman, of McKees Rocks, Pa., and of the Honolulu Branch of the Sailors' Union, of Honolulu, Hawaiian Islands, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

Mr. KITTREDGE presented a memorial of Typographical Union No. 218, of Sioux Falls, S. Dak., remonstrating against the adoption of certain amendments to the present copyright law; which was referred to the Committee on Patents.

He also presented the petition of Leon Steffle and 94 other citizens of Bowdle, S. Dak., praying for the adoption of the metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. QUARLES presented a petition of the Woman's Christian Temperance Union, of Green County, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Wisconsin Grand Lodge, Independent Order of Good Templars, praying for the enactment of legislation providing for the improvement of the post exchanges; which was referred to the Committee on Military Affairs.

He also presented a petition of the Wisconsin State Game Protective Association, praying for the enactment of legislation providing for the protection of game; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BLACKBURN presented a petition of Wellington Harlan Post, No. 76, Department of Kentucky, Grand Army of the Republic, of Danville, Ky., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a memorial of Jersey Shore Division, No. 98, of the Order of Railroad Telegraphers, of Castanea, Pa., remonstrating against the adoption of the enacting clause in the bill (S. 4553) to limit the meaning of the word "conspiracy" and

the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of the Maine State Board of Trade, of Portland, Me., praying for the adoption of certain amendments to the present bankruptcy law; which was referred to the Committee on the Judiciary.

#### MEDICAL INSPECTION OF PUBLIC SCHOOLS.

Mr. GALLINGER. I have an interesting communication from the Medical Society of the District of Columbia relative to the establishment of a system of medical inspection of the public schools of the District. I move that the communication be printed as a document, and referred to the Committee on the District of Columbia.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment providing for the appointment by the Spanish Claims Commission of not exceeding two commissioners to take testimony in the island of Cuba, and providing for their compensation; and also authorizing the said commission, in place of the two clerks now in service, to employ an assistant clerk at the rate of \$2,400, and one clerk at the rate of \$1,600 per annum, intended to be proposed to the sundry civil appropriation bill; and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State, reported it without amendment.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors; and

A bill (S. 4777) to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.

Mr. FAIRBANKS, from the Committee on Immigration, to whom was referred the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent, reported it without amendment.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 52) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 10091) granting a pension to Blanche Duffy, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6805) granting an increase of pension to Robert E. Stephens;

A bill (H. R. 2241) granting an increase of pension to Dorothy S. White;

A bill (H. R. 1636) granting an increase of pension to James Austin;

A bill (H. R. 7369) granting an increase of pension to Perry H. Alexander; and

A bill (H. R. 9847) granting an increase of pension to Zachariah R. Saunders.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$5,000 for inspection and repair of the monuments marking the boundary line between the United States and Mexico, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. BATE introduced a bill (S. 5075) granting a pension to Eliza A. Brownlow; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5076) granting an increase of pension to Katharine W. Clarke; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5077) to reappoint Warren C. Beach a captain in the Army, and to place him on the retired list, in addition to the number now authorized; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 5078) to remove the charge of desertion from the military record of John Esseltine; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 5079) for the relief of George P. White; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5080) granting a pension to Hester A. Farnsworth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5081) granting an increase of pension to John D. Pickard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5082) granting an increase of pension to John W. Harvey;

A bill (S. 5083) granting a pension to Benjamin F. Fell;

A bill (S. 5084) granting an increase of pension to James Devor;

A bill (S. 5085) granting a pension to Abigail Campbell;

A bill (S. 5086) granting an increase of pension to William M. Cockrum;

A bill (S. 5087) granting an increase of pension to Benjamin F. Carter;

A bill (S. 5088) granting a pension to Maggie E. Knight;

A bill (S. 5089) granting an increase of pension to James H. King; and

A bill (S. 5090) granting an increase of pension to Edwin W. Harleman.

Mr. McCUMBER introduced a bill (S. 5091) to grant land warrants to the Delaware Indians residing in the Cherokee Nation; which was read twice by its title.

Mr. McCUMBER. To accompany the bill, I present a memorial of the Delaware Indians, which I move be printed as a document and referred, together with the bill, to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5092) for the relief of the estate of Henry Sewell, deceased (with accompanying papers);

A bill (S. 5093) for the relief of W. W. Fussell; and

A bill (S. 5094) for the relief of the estate of John Henley, deceased (with accompanying papers).

Mr. CARMACK introduced a bill (S. 5095) for the relief of William M. Henry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 5096) granting an increase of pension to Charles W. May; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5097) granting an increase of pension to Albert E. Osborne; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 5098) for the relief of the county of Flathead, State of Montana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5099) granting a pension to Spencer Woods (with accompanying papers);

A bill (S. 5100) granting an increase of pension to William P. Marshall (with an accompanying paper);

A bill (S. 5101) granting an increase of pension to Thaddeus K. Miller (with an accompanying paper); and

A bill (S. 5102) granting an increase of pension to John B. Glover (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 5103) to promote the efficiency of the clerical service in the Navy of the United States, to organize a clerical corps of the Navy of the United States, to define its duties, and to regulate its pay; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. SIMON introduced a bill (S. 5104) granting a pension to Reuben F. Canterbury; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURNHAM introduced a bill (S. 5106) granting an increase of pension to Horace L. Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5107) for the relief of Maurice Langhorne; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5108) granting an increase of pension to Leonard F. Otey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5109) granting an increase of pension to Lewis M. Gillaspie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5110) for the relief of Stephen Bird, executor of John Bird, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 5111) for the erection of a public building at Richmond, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5112) for the relief of the estate of R. J. H. Hatchett; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 5113) to provide for the purchase of a site and the erection of a public building thereon to be used for a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5114) granting an increase of pension to Joel E. Cox;

A bill (S. 5115) granting a pension to Ann Wilburn; and

A bill (S. 5116) granting an increase of pension to John Clay.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5117) granting an increase of pension to John U. Allen;

A bill (S. 5118) granting an increase of pension to Adam Stuber;

A bill (S. 5119) granting an increase of pension to Samuel S. Walch;

A bill (S. 5120) granting an increase of pension to James W. Evans;

A bill (S. 5121) granting an increase of pension to Winfield S. Maxwell;

A bill (S. 5122) granting an increase of pension to William S. Burch; and

A bill (S. 5123) granting an increase of pension to James McMorro.

He also introduced a bill (S. 5124) for the relief of James A. Carroll; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE introduced a joint resolution (S. R. 77) providing for printing the general index to published volumes of the Diplomatic correspondence and foreign relations of the United States; which was read twice by its title, and referred to the Committee on Printing.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate \$5,000 for the purchase of land belonging to heirs of M. H. Schneider, adjoining the present Garfield Memorial Hospital land on the west, in the District of Columbia, and for leveling and improving the same, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$206.02 for burial expenses of Elmer B. Gavett, late lieutenant, Thirty-ninth Infantry, United States Volunteers, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HANSBROUGH submitted an amendment proposing to increase the appropriation for military posts from \$1,500,000 to



\$1,700,000, and providing for the expenditure of \$200,000 of said amount in the erection of additional buildings at Fort Lincoln, N. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McENERY submitted an amendment proposing to appropriate \$4,785.55 to pay E. A. McIlhenny for rescuing, housing, feeding, clothing, and caring for shipwrecked sailors in the Arctic Ocean in the years 1897 and 1898, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. BACON submitted an amendment proposing to appropriate \$1,000 each to pay the rental for suitable rooms and accommodations for the holding of the circuit and district courts in the northern district of Georgia at Athens, Ga., and at Rome, Ga., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate \$29,000 for continuing the improvement of the Indian River, Florida, between Goat Creek and Jupiter Inlet, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

BENJAMIN FRANKLIN HANDFORTH.

Mr. DEBOE. A few days ago I introduced a bill (S. 4641) for the relief of Benjamin Franklin Handforth, and it was referred to the Committee on Claims by mistake. I move that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

MICHAEL HAYES.

Mr. MARTIN. On the 18th ultimo the bill (H. R. 6847) to correct the military record of Michael Hayes was adversely reported from the Committee on Military Affairs and indefinitely postponed. I was not present when that order was made. I should like to have the bill go on the Calendar with the adverse report. I ask that the order indefinitely postponing the bill may be set aside, and that the bill be placed on the Calendar with the adverse report of the committee.

The PRESIDENT pro tempore. Without objection, the vote by which the bill referred to by the Senator from Virginia was indefinitely postponed will be reconsidered, and the bill will be placed on the Calendar with the adverse report of the committee.

WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted Benjamin F. Hasson to withdraw from the files of the Senate the papers in his case, copies of the same having been left in the files, as provided by clause 2 of Rule XXX.

REGULATIONS FOR EXCLUSION OF CHINESE.

Mr. PATTERSON. I submit a resolution for immediate action. The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to supply the Senate the regulations promulgated December 8, 1900, relating to Chinese exclusion, or regulations of any date subsequent to October 1, 1900.

Mr. PATTERSON. I wish to state that there was some dispute yesterday as to whether the regulations contained in the pamphlet which was issued on the 1st of October were all the regulations concerning Chinese exclusion. I am informed that regulations subsequent to October 1 have been issued and are not contained in the pamphlet which was printed last night under the order of the Senate.

Mr. PLATT of Connecticut. I did not hear the Senator's statement.

Mr. FORAKER. Let the resolution be again read.

The Secretary again read the resolution, and the Senate, by unanimous consent, proceeded to its consideration.

Mr. LODGE. Is not that the pamphlet which is on our tables this morning?

Mr. PLATT of Connecticut. I should like to inquire whether the pamphlet on our tables includes all the regulations or not.

Mr. PATTERSON. No; it does not. The pamphlet contains the regulations up to October 1, but regulations were issued, as I am informed, December 8, after the promulgation of the regulations that are on our tables.

Mr. HOAR. I suggest to the Senator from Colorado to insert the words "send to the Senate" instead of the word "supply." "Supply" is not our usual phrase in such a direction.

Mr. PATTERSON. Very well; let the resolution be so modified.

Mr. FORAKER. Before the resolution is voted upon, I should like to ask the Senator from Colorado, who is more familiar with this publication than I am, whether it contains the dates at which the regulations that are here published were adopted by the Treasury Department?

Mr. PATTERSON. Immediately following the title-page you will find a letter from T. V. Powderly, Commissioner-General, under date of October 1, 1900.

Mr. FORAKER. I understand, but I have not yet been able to find anything in the publication showing at what time the regulations were adopted, whether they were in force, for instance, at the time of the enactment of the law of 1892, or whether they were adopted subsequently thereto. I supposed when I sent the compilation to the desk yesterday, and asked that it might be printed as a Senate document, that it contained all the Treasury regulations which had been adopted and are in force, and that it gave the dates when they had been adopted. I got the publication from the Senator from Colorado, and I supposed from what he told me about it that it had all that information in it. What I call attention to now is the apparent lack of the dates, and I request that the resolution may be so amended as to call for that information also.

Mr. PATTERSON. Any amendment that will make the information we get more definite will be very gratifying to me. The letter of Mr. Powderly shows that the compilation is made up to date, and the date is October 1, 1900. What I desire to have for the information of the Senate are the regulations which, I understand, have been promulgated since that time, and which are not now before the Senate.

Mr. FORAKER. I do not suppose any Senator has an objection to that, but we are furnished with certain regulations of the Treasury Department which the publication shows were at some time in the past adopted, but what I want is the dates when the regulations were adopted.

Mr. PATTERSON. Then I suggest that there be incorporated in the resolution a request that the Secretary of the Treasury will also inform the Senate when the several regulations that are contained in Document No. 291 of the Senate were adopted or promulgated.

The PRESIDENT pro tempore. The Senator from Colorado modifies his resolution. The Secretary will read it as modified.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be directed to send to the Senate the regulations promulgated December 8, 1900, relating to Chinese exclusion, or regulations of any date subsequent to October 1, 1900, and also that—

Mr. BLACKBURN. You use the word "or." It should be "and."

Mr. PATTERSON. Where the word "or" is used insert "and." Now let the Secretary read it entire as modified.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be directed to send to the Senate the regulations promulgated December 8, 1900, relating to Chinese exclusion, and regulations of any date subsequent to October 1, 1900; and also that he will inform the Senate when the several regulations in Document No. 291 of the Senate were adopted or promulgated.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

SALARIES OF POSTMASTERS IN COLORADO.

Mr. TELLER. I send to the desk a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Colorado named on the memorandum schedule hereto attached, or to their heirs, for services as postmasters in each biennial term specified on such memorandum schedule, in order to make effective sections 473, 474, and 475 of the postal regulations of 1896, and the act of June 12, 1896, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, and in a declaration as to the intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A, Senate Executive Document No. 148, Forty-ninth Congress, first session.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. As near as I can ascertain from the reading of the resolution, it has reference to a very old controversy, and I hope the Senator from Colorado will allow it to go to the Committee on Post-Offices and Post-Roads.

Mr. TELLER. It does not have reference to a very old controversy.

Mr. ALLISON. Well, a controversy since 1883.

Mr. TELLER. Yes. That is not very old. I have no objection to the reference of the resolution if the Committee on Post-Offices and Post-Roads will ever report it. If they do not I shall endeavor to have it brought before the Senate in some shape. We have attempted for some time to get from the Government archives a report as to what the books of the Government show. There is a considerable number of claims in Colorado, and the aggregate amounts to about \$15,000. The claims run all the way from \$50 up to \$500 and \$600.

Mr. ALLISON. The amount is not large as applied to Colorado.

Mr. TELLER. The resolution applies only to Colorado.

Mr. ALLISON. It applies only to Colorado, but of course whatever is done with Colorado will be done with other States, and it involves several million dollars in the aggregate.

Mr. TELLER. I do not know about that; but if the money is due from the Government of the United States to these people the Government ought to be able to pay it.

Mr. ALLISON. Yes, they ought. I agree to that.

Mr. TELLER. And the Government ought to be bound by its own books. If the books show that this money is due to these claimants, the Government ought to pay it. If the committee do not report the resolution, I intend to press this matter for action in some shape until we do get the information.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I understood the Senator from Colorado to agree that it shall be referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER. If the Senator from Iowa objects to its consideration, of course I will agree to the reference.

Mr. ALLISON. I do object to its adoption without a reference.

Mr. TELLER. I understood that the Senator objected. I should not myself desire a reference to the committee.

The PRESIDENT pro tempore. The Senator from Iowa moves that the resolution be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

#### CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of Senate bill 2960—the Chinese-exclusion bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. GALLINGER. Mr. President, to my mind this bill is uncalled for, unnecessary, unwise, and un-American. It is harsh in its provisions, unjust in its definitions, and clearly violative of solemn treaty stipulations. It is the kind of legislation that prejudice engenders and unthinking agitation produces. It is a measure aimed at a weak people, and which would never be dreamed of in connection with any nation able to defend itself. It is narrow, bigoted, intolerant, and indefensible legislation. It assumes conditions that do not exist, and aims to correct evils that are purely imaginary. It suggests the want of laws to prevent undesirable Chinese immigration into this country, when the fact is that existing laws are entirely adequate to accomplish that purpose.

The bill comes to the Senate bearing the indorsement of the Pacific coast Senators. It is called a Pacific coast bill, and we are asked to support it because of certain alleged evils that exist on the Pacific coast in connection with Chinese immigration. The authorship of the bill has been somewhat in doubt, and had not the junior Senator from Massachusetts assured the Senate that it is a well-digested measure, one might well have attributed it to the fertile brain of some sand-lot agitator. Fortunately for us all the authorship of the bill has come to light, as will be seen by this extract from the statements made before the Committee on Immigration of the Senate when they had this bill under consideration.

A Mr. Livernash was before the committee, and he was asked by the chairman:

Will you please state whom you represent?

Mr. LIVERNASH. I particularly represent the State of California as a State, under a commission issued by the governor of California, the commission extending to the duty of pleading for California with members of the Congress, with a view to bringing about the enactment of a thoroughly satisfactory law for the exclusion of Chinese immigrants other than those permitted by the convention of 1894 between the United States and China to enter our territory.

I also appear as the commissioned representative of a popular convention held in California in the closing days of November, a convention made up of 1,000 delegates, representing civic, industrial, and other organizations of that State.

I further appear as the friend and associate of the American Federation of Labor, as a result of conferences concerning the bill I purpose, with the indulgence of this committee, to discuss. That bill I feel particularly interested in in that it was drafted by me and has been indorsed and approved first by the California commission, of which I am a member, afterwards by the American Federation of Labor, and subsequently by the Pacific coast Senators and Representatives in Congress.

So this bill was born in the brain of Mr. Livernash, and came into the possession of the Pacific coast Senators after it had been christened and received the blessing of this distinguished advocate of anti-Chinese legislation.

Mr. President, the purpose of the bill is ostensibly the exclusion of Chinese laborers from the United States, but it goes much

further than that. A laborer is understood, according to the definition given in the existing law, to mean both skilled and unskilled laborers, including Chinese employed in mining, fishing, huckstering, peddling, as well as laundrymen and those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. (Act November 3, 1893, section 2.)

There is no serious difference of opinion as to the wisdom of excluding this class of Chinese from the United States. It has become almost an established policy of this country. Both parties are in favor of maintaining it. The healthy growth of American institutions demands it; the protection of American labor demands it. We are nearly all in favor of the exclusion of Chinese laborers, but I wish to point out that the present bill goes very much further than the necessities of the situation demand. This is evident from a cursory examination of the bill. Take the last clause of section 3, for example:

Every Chinese person shall be deemed a laborer, within the meaning of this act, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure, as hereinafter defined.

This is the drag-net provision which will catch every Chinaman who attempts to enter this country. The ostensible openings in this drag net are in the shape of the five exempt classes, and are more illusory than real. Let me first call attention to the definition of "teacher" as given in the bill:

The term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

This provision means, if it means anything, that only such Chinese as may have been invited to become professors in our colleges and universities can come to this country. The only American university that is looking for a Chinese scholar, so far as I know, to fill the professorship of Chinese language and literature is Columbia University. There is a possibility that Yale and Harvard may also be thinking of doing the same thing. In any case the number of Chinese which the bill allows to come to this country under this head is practically restricted to three or four. Let me ask, did the Chinese Government have only three or four persons in mind when it inserted the word "teacher" in the treaties? No reasonable man will think so.

Now, let us take the definition of "student" as given in section 7 of the bill.

The term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which facilities of study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying adequate provision has been made, and who intends to return whence he came immediately on the completion of his studies.

I read the text as it was originally in the bill as reported from the committee. It has not been materially modified. This is a definition not to be found in any dictionary and utterly unwarranted. Surely China did not have it in mind when the treaty was negotiated. One of the conditions for the admission of a student to this country is that adequate facilities for study are not afforded in the foreign country whence he comes. This clause practically excludes all who may wish to come to the United States as students, for there are advanced schools and established colleges in China. There is an imperial university in Peking, another university in Tientsin, and another in Canton. Now, if young men are not allowed to enter this country unless "no adequate facilities for study" are afforded in China, this absolutely restricts the number of admissible students to a very small number. Now, why do American students go to Europe for study? Not because facilities for study in Europe are greater than those afforded in America. We know that students often go to this or that college because of a wish to study under this or that professor. Professor Dwight used to attract students to the Columbia Law School. The same may be said of Professor Dana, of Yale, and Professor Cope, of the University of Pennsylvania. This provision of the bill leaves out entirely the personal element that often governs a student's choice of a college. It is impossible that the Chinese Government should have understood the word "student" in the very narrow and restricted sense of post-graduate study given to it by this bill.

It has been said that the restriction of the exempt classes of Chinese to officials, teachers, students, merchants, and travelers has been acquiesced in by the Chinese Government, but I have documentary evidence to the contrary. In the treaty of 1880 it is expressly provided that only laborers come within its purview, "other classes not being included in the limitations." The treaty of 1894 modifies the treaty of 1880 only so far as to give the United States the right of absolute exclusion of laborers, which it did not have under the treaty of 1880. The rights of other



classes than laborers are not affected in any way by the treaties. They are to enjoy the rights, immunities, and exemptions accorded to the most favored nation. For sixteen years—that is, from 1882 to 1898—the executive branch of the Government recognized only two classes of Chinese in the administration of the Chinese-exclusion laws, namely, Chinese laborers and Chinese other than laborers. This distinction is clearly made in the act of May 5, 1892, and the act of November 3, 1893. In section 6 of the act of May 5, 1892, it is made obligatory upon Chinese laborers to register and take out certificates of residence, while it is optional with Chinese persons other than laborers to do so. And the same distinction appears in the act of November 3, 1893.

In 1898, four years after the ratification of the treaty of 1894, the last treaty made between the United States and China, without a moment's notice, the uniform practice of two Republican and two Democratic Administrations was completely reversed by an opinion of Attorney-General Griggs. He held that only five classes of Chinese, mentioned in the treaty of 1894, could be admitted, and Treasury regulations were issued in pursuance of that opinion refusing admission to capitalists, bankers, physicians, lawyers, bookkeepers, salesmen, traders, clerks, keepers of restaurants, etc. It is idle to say, as has been contended, that it has been the uniform practice of our Government to restrict the right of admission to officials, merchants, teachers, students, and travelers. Now, has the Chinese Government acquiesced in the new interpretation put upon the treaties and laws by Attorney-General Griggs? I refer you to "Foreign Relations of the United States for 1899" for an answer, and I beg to call attention to a note of the Chinese minister at this capital to the Secretary of State upon this subject, dated November 7, 1898 (Foreign Relations, 1899, pages 189 to 194), especially the last part of the note. Also Minister Wu's note to the State Department of December 10, 1901.

These documents show clearly that the Chinese Government did protest at the time against the narrow interpretation of the treaties and statutes by the Attorney-General of the United States. I am informed that the Chinese Government, through its minister at Washington, has continued to protest against this narrow and forced interpretation, as is evidenced by the note addressed by the Chinese minister to Secretary Hay on this subject, bearing date December 10, 1891, which has been transmitted to Congress and printed.

Now, as long as there is a difference in interpretation of a vital point of the treaty, it seems hardly courteous to the Chinese Government to embody the disputed points in legislation in defiance of the views and opinions of that Government. We do not do that in our intercourse with England and France. Take the Clayton-Bulwer treaty, for example. Our Government has held that it is no longer in force, but as there was doubt about it, a treaty was recently concluded with Great Britain with a view to its formal abrogation.

The same may be said with respect to the Alaskan boundary dispute. If we were to act toward Great Britain in the same way as we propose to do toward China, we should occupy all the disputed territory in Alaska without any more ado and abide by the consequences. If we were to act in this way, we would probably have a war on our hands in short order. Then why should we act in this way toward China? This is a matter for diplomatic negotiation and not for Congressional action. There is a difference of opinion in the interpretation of the existing treaty provisions between the two Governments. If we insist that our interpretation is right, and act accordingly, China has good reason to complain of our arbitrary proceedings. She may be too weak to retaliate, but she is sure to cherish ill feeling against us, which will take a long time to remove.

I wish to call attention to the provision in the bill which makes it necessary for all Chinese in the United States, merchants, students, and other members of the exempt classes, to take out a certificate of registration with a photograph attached; and persons who fail to obtain such certificates are presumed to be laborers and not entitled to remain within the territory of the United States, and are liable to arrest at any moment. This will give the Chinese in this country no end of annoyance, and subjects them to arrest at the caprice of the customs and immigration officers. If this bill becomes a law, few if any self-respecting Chinamen will come to this country. I am supported in this assertion by the statement contained in a letter which was printed in the Washington Times of last Sunday, from the pen of a learned and distinguished Chinaman.

Again, the Chinese minister has recently written a letter to the State Department, dated March 22, 1902, drawing attention to the objectionable clauses of the bill, pointing out that if this bill is passed it will prevent all respectable Chinese from coming to the United States, in consequence of which the present friendly relations between the United States and China will be endangered. This letter, at the request of the Chinese minister, has been transmitted by the Secretary of State to the Senate and has been re-

ferred to the Committee on Immigration. I have also read in the papers that the Chinese Government in Peking, through Mr. Conger, our minister, has requested our Government to be reasonable and not violate treaty obligations in our new legislation with respect to the Chinese. Thus great concern is manifested by the Chinese Government and her people, and we should exercise great caution in all legislation which affects the interests of foreigners.

The recent communication from Minister Wu Ting-fang to Hon. John Hay, Secretary of State, is so important that I think I may well beg the indulgence of the Senate to read it. It will be remembered that this letter was written only two or three weeks ago.

No. 240.]

CHINESE LEGATION, Washington, March 22, 1902.

SIR: When the Chinese Government consented in 1880 to a modification of the treaty of 1868, whereby the free immigration of Chinese laborers into the United States was restricted, it was provided in the treaty that where the legislation of Congress authorized by that convention was likely to work hardship on the Chinese subjects the minister in Washington would be permitted to communicate with the Secretary of State, to the end that mutual and unqualified benefit might result.

In making use at this time of the privilege granted in the cited treaty provision, I desire not to be understood as antagonizing the just provisions of pending legislation or influencing Congressional action, but to bring to your attention, and through you to Congress, some of the hardships which will inevitably result to the subjects of China in case some of the proposed legislation should become a law. Should I remain silent until the bills now before Congress be enacted into a law, it will then be too late to remedy the evil. I trust, therefore, that what I say to you may aid the honorable Congress in making a right conclusion on the subject.

I desire especially to direct attention to the bill S. 2060, which has been reported to the Senate from the Committee on Immigration. In the concluding paragraph of the report which accompanies the bill it is said:

"There can be no doubt that under a wise, humane, and fearless enforcement of this act the importation of Chinese laborers will be prevented and the ingress of Chinese merchants and others of the exempt classes facilitated, and that the present relations between the United States and China will be strengthened thereby."

I feel it my duty to say to you, and through you to the Congress which will soon be called to act upon this bill, that if it becomes a law it will have just the contrary effect from that stated by the committee. It can not fail to seriously disturb the friendly relations which have up to the present existed between the two Governments and peoples.

I do not wish to go into the different provisions of the bill in detail, but I should like to call your attention in a general way to its effects. It restricts the privileged Chinese persons, other than laborers, to come to the United States to only five classes, viz, officials, teachers, students, merchants, and travelers, in direct contravention to the treaty of 1880, in Article I, where it states that the limitation or suspension of immigration shall apply only to laborers, "other classes not being included in the limitation." So also the history of the negotiation shows that it was the intention of the two Governments that laborers alone were to be excluded. Under the bill there would be excluded bankers, capitalists, commercial agents or brokers, and even merchants who come only to make purchases; also scholars and professors, of which there are many in China of high attainments; also physicians, clergymen, and many other classes which do not fall under the five classes exempt by the bill. The provisions of the bill as to the five exempt classes are so restrictive as to practically nullify the treaty in regard to them. The definitions as to teachers, students, and merchants are so contrary to the spirit of the treaty as to make them almost impossible of observance.

A woman married according to the Chinese custom to a person of the exempt classes would be prohibited from entering the country, because according to the provision of the bill it is necessary that the marriage shall be legal and binding by the laws of the United States.

The bill requires that all Chinese laborers now in the United States shall undergo a new registration. It will be remembered that my Government remonstrated against the first registration that was proposed under the Geary law, and only consented to it at the earnest request of the Secretary of State at the time. All the Chinese laborers submitted to that requirement and were registered, and now it is proposed to nullify all that and subject them to the annoyance and trouble of a new registration. It is an unnecessary hardship and should not be required.

The bill also contemplates the registration of all merchants and of others of the exempt class. This can not be required under the treaty, but the bill attempts to obviate that obstacle by making the failure to register a serious prejudice of their rights.

I have heretofore complained to you of the great hardships to which laborers, merchants, and others are subjected after they have been admitted to the United States and are lawfully domiciled in this country. Past experience shows that Chinese have been arrested by the wholesale, placed in jeopardy, and subjected to molestation and insult. When found innocent, no redress is obtained for such illegal arrest. Persons charged with being unlawfully in the country and taken before a court are denied the privilege of bail, but must remain in jail until their case is decided. The bill, in place of providing some relief for these hardships, rather adds restrictions thereto.

The provisions with regard to transit across the United States imposed by this bill are almost impossible to be complied with, because people who are passing through the United States en route to other countries do not know the laws of the country, and they can not understand the intricate rules and regulations made by the Commissioner-General of Immigration.

The report of the committee says that "the greatest degree of fairness and justice to the exempt classes will be insured by the provisions of the bill, which provides better means for the investigation and disposition of their claims." And again it says: "The features of the bill \* \* \* will tend to protect the worthy immigrant in his treaty rights and privileges."

I have referred to the fact that the provisions as to the admission of the exempt classes are in direct violation of the treaty; and in addition to this the bill provides that the exempt classes must submit their right to admission to the adjudication of the Immigration Bureau, which, as I showed in my note to you of December 10, last, was a purely ex parte investigation, where the claimant was not permitted to confront the witnesses, was deprived of the privilege of counsel, and was excluded from an appeal to the courts. I can not understand how the committee can style this "the greatest degree of fairness and justice," or how the "worthy immigrant is protected in his treaty rights and privileges." It seems to me, on the contrary, that his treaty rights are taken away from him.

The provisions of the bill above referred to, and others which might be cited, place so many restrictions upon Chinese persons and require them to comply with such strict provisions that no Chinese having the least respect for himself would submit to such indignities and come to this country. I



fear the effect of the bill, if it becomes a law, will be that Chinese merchants will not come here to buy goods nor students come for educational purposes.

Another feature of the bill must be alluded to. The new possessions of the United States, such as Porto Rico, the Hawaiian Islands, the Philippines, and others which may hereafter be acquired, are subjected to its provisions. It can not be claimed that they were considered when the treaty was negotiated, and it is hardly just or in accordance with international comity that the treaty should be extended to them without the consent of China.

I have received repeated instructions from the Imperial Government, in view of the reenactment of the exclusion laws, to exert myself to see that treaty rights are observed and that no unnecessary hardships are placed upon Chinese subjects, and I feel that on account of the pendency of the legislation referred to I could not refrain from asking you to lay before the honorable Congress the views above set forth. You know that in regard to the exclusion of laborers my Government and myself have stood ready to cooperate with your Government in making the treaty prohibition effective. But with regard to the exempt classes who seek to come here for trading, educational, and other legitimate purpose, I must earnestly protest against the unwarranted and unjust provisions of the bill. In place of "insuring the greatest degree of fairness and justice," as stated by the Immigration Committee, it would impose such indignities and hardships upon these classes that few, if any, would come here. And notwithstanding the sincere wish of my Government and myself to maintain and cement closer the friendly relations between the two countries, I greatly fear that those friendly relations would be endangered by the enforcement of the act.

Accept, sir, the renewed assurance of my highest consideration.  
WU TING-FANG.

Hon. JOHN HAY,  
Secretary of State.

Mr. MITCHELL. May I ask to whom that communication was addressed, Mr. President?

Mr. GALLINGER. It was addressed to the Secretary of State.

Mr. MITCHELL. I ask the Senator what he thinks of the propriety of a minister of a foreign government sending a communication here and trying to influence legislation?

Mr. GALLINGER. The Secretary of State evidently thought it was proper. If anybody is to blame, it is not the minister who represents the Imperial Government of China, but it is an officer of the United States Government; and my impression is that the Chinese minister has the undoubted right to do this, and that there is a propriety in his communicating respectfully through the Secretary of State his views on this subject.

Mr. FORAKER. If the Senator from New Hampshire will allow me, I will call his attention to the fact that the letter which he has just read was written by the Chinese minister in accordance with a provision of the treaty—

Mr. GALLINGER. Certainly.

Mr. FORAKER. Which reserved to him the right to communicate to this Government at any time in regard to the operation of our laws enacted under the treaty, with a view to securing exemption from hardships to which the subjects of China might otherwise be subjected.

Mr. GALLINGER. That is precisely as I understand the matter.

Mr. FORAKER. I suggest, therefore, that there was no impropriety in the Chinese minister addressing such a communication to the Secretary of State.

Mr. GALLINGER. I have already called attention to that fact.

Mr. President, a large number of commercial bodies have petitioned the present Congress for the appointment of a commission to study industrial conditions in the Orient, and two bills are now before the Committee on Commerce looking to the appointment of such a commission, which was recommended in two messages by the late lamented President McKinley. In view of that fact, among others, my feeling is that we ought to reject the bill now under consideration and reenact the existing law. There we stand on firm ground, without running the risk of giving offense to the Chinese Government or doing violence to ourselves by abrogating solemn treaty obligations.

Mr. FAIRBANKS. Will the Senator permit me a moment?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. Does the Senator know whether the Chinese Government has protested against the restrictions of the existing law?

Mr. GALLINGER. I know, Mr. President, that the Chinese Government, through its minister, has protested against the interpretations placed upon existing law.

Mr. FAIRBANKS. Then, would the Senator think it advisable to reenact the existing law in the face of those protests?

Mr. GALLINGER. Yes, Mr. President, I would think it advisable. I choose always the lesser of two evils, and as we have got along comfortably well under the existing law I can see no earthly reason why we should now enact a law that is so much harsher in its provisions and that emphasizes to such a degree the very objections which have been raised by the Imperial Government of China.

Mr. MITCHELL. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. Certainly.

Mr. MITCHELL. The Senator from New Hampshire perhaps is not aware that there are cases—more than one—pending in the Supreme Court of the United States, in which a question is raised to the effect that the treaty of December 8, 1894, abrogates and repeals the sixth section of the act of 1882 as amended by the act of 1884 and as extended ten years by the act of 1892? Now, suppose the Supreme Court of the United States should hold that that contention is good, and you pass a bill here simply extending the existing law, in what kind of a position would this country be left under such a decision? We should simply have no law at all on the subject of exclusion, nothing relating to the exclusion of Chinese except the treaty of 1894.

Mr. GALLINGER. Mr. President, I am not going to discuss legal questions with these distinguished lawyers.

Mr. MITCHELL. This is a very important question, bearing right on the subject.

Mr. GALLINGER. I understand that, and I will answer the Senator in my own way.

Mr. MITCHELL. All right.

Mr. GALLINGER. I will answer just as a country doctor would naturally answer a learned member of the legal profession, by saying that I am not aware of any duty that rests upon us to determine in advance what the Supreme Court of the United States is likely to decide in a pending case. I think we had better wait, and not cross the bridge until we come to it.

I will say, furthermore, to the Senator from Oregon that, if I have correctly read the existing treaty with China, we have a good deal of protection under the treaty in the very matters which are in controversy here. I do not know what the Supreme Court may do in the pending cases, but I have no doubt that the Supreme Court will do justice and will decide them according to law. What the decision of the Supreme Court will be of course is at best problematical.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. SPOONER. I merely want to ask the Senator from Oregon [Mr. MITCHELL] what is the precise question involved in the cases now before the Supreme Court?

Mr. MITCHELL. The precise question, as I understand it—I know it is the precise question in one case, because I have just filed my brief in that case this morning and expect to argue it next week—the precise question in that case is whether the third article, I think it is, of the treaty of 1894 abrogates and repeals the sixth section of the act of 1882 as amended by the act of 1884, which was extended by the Geary Act of 1892 for a period of ten years.

Mr. SPOONER. That is the question for the court to decide?

Mr. MITCHELL. That is the question in that case.

Mr. GALLINGER. I have called attention to the fact, Mr. President, that before the Committee on Commerce at the present time are two bills and a mass of memorials from the commercial bodies of this country, praying us to have a commission appointed to study the commercial and industrial conditions in the Orient, and I take it for granted it is the desire of every Senator to cultivate more intimate commercial relations with China, so that we may obtain our proper share of the Chinese trade.

Again, common sense would seem to dictate that we should treat Chinese of the merchant class with special consideration. Are we doing this by enacting this bill? This is the definition of "merchant" given in the bill:

SEC. 8. That the term "merchant," used in this act, shall be construed to mean only one who is engaged in buying and selling merchandise, at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States, or any portion of the territory thereof, a business strictly within the meaning given by this act to the business of a "merchant."

I need not here point out the tedious process that a Chinese merchant who desires to come to this country must go through with to obtain a proper certificate—a certificate, it must be remembered, in the English language, which he does not understand. Now, if I were a merchant and had to comply with all the requirements prescribed in this section in order to be able to land in China, I would think twice before I should take the trip. But after all the certificate is only prima facie evidence.



After obtaining it, a merchant may be refused a landing on the least technicality. Even after landing, his trouble does not end there. While in this country he is liable at any time, if I read this bill correctly, to be arrested and put in jail, just to satisfy the whims of a Treasury or an immigration officer. This is certainly a strange way of liberalizing the existing laws, as is asserted by some Senators this bill proposes.

Suppose the conditions were reversed. Would citizens of this country be willing to submit to the indignities and restrictions heaped upon Chinese merchants by this section? I think not. Such being the case, why should we annoy and molest Chinese merchants in this way? I wish to call particular attention to the provision of the bill which says that a Chinese merchant, in order to be able to come here, must have "completed the arrangements for forthwith becoming the owner in whole or in part of a good-faith mercantile business in the United States or any portion of the territory thereof, a business strictly within the meaning given by this act to the business of a merchant." Now, this will necessarily exclude a large class of persons rightly belonging to the merchant class. How about capitalists, bankers, commercial agents, and others who wish to come to this country to look over the field? All these are excluded.

The animosity of those who drew up this bill against the Chinese and the extreme harshness of many of its provisions are most apparent. As an instance let me refer to section 56, which would not permit any Chinese coming to this country for the purpose of participating in any fair or exposition. Just think of our Government having requested China to take part in the exposition to be held in St. Louis and then telling her she can not send any of her people to this country to participate in it. I am glad to find that even the Senator who is in charge of the bill is willing to have that unreasonable clause stricken out, but it shows the extreme severity and harshness of the bill as it was when reported by the committee.

Mr. President, I will not attempt to trace the connection between the exclusion policy of this country and the increase or decrease of American trade in China. For detailed information I will refer to Minister Wu's note to the State Department of December 10, 1901, pages 15 and 16.

I am of opinion that the exclusion policy of the United States does affect the trade between the two countries, but the connection between the two is such as to be incapable of measurement by exact statistics. It is an economic law that people will buy cheap and sell dear. If there is a difference in the prices of articles of the same quality offered by different parties, the buyer will take the cheapest every time, irrespective of sentiment; but when the prices are the same everywhere, here is where sentiment comes in as a deciding factor. Other things being equal, a man will buy from one who has treated him kindly rather than from one who has given him a kick. This is human nature the world over. I am of opinion that the Chinese are like other people in this respect.

Now, we all want our share of the trade with China. There is no difference of opinion in this regard. All the resources of American diplomacy have been directed to securing an open door in China for American products for the past few years, and every stump in the last campaign resounded with eloquence as Republican orators pictured the great advantages that were coming to this country because of the open door that had been secured in China. Are we now to neutralize the advantages thus gained with so much difficulty by hostile legislation? If we had no competitors in the field, it might not hurt us to treat our prospective customers with discourtesy, not to say insult; but we all know that competition in the Chinese market is keen. The English, the French, the Germans, the Russians, and the Japanese are trying to get all they can. It will not do for us to give our competitors any advantage which they may use against us.

Now, what is our share of the Chinese trade? According to the latest statistics, the total value of exports from the United States to China for 1900 was \$15,213,285, but last year, 1901, this total was reduced to \$10,287,302. Now, what is the proportion of this trade to the whole trade of China? The total value of all the articles imported into China in 1900 was \$148,383,000, and I have not the figures for 1901, but there is no doubt that there is an increase. Judging from those figures, in 1900 our share was less than 10 per cent of the total trade of China, and last year our share was very much less than that, even if we take the same figures of total imports for 1901 as we do for 1900.

Now, are we satisfied with this showing? On the other hand, we find the value of merchandise imported from Germany to China increased from 35,412,000 marks in 1885 to 50,647,000 marks in 1899, and this increase was steady, with the exception of the year 1897. And the increase of trade between Japan and China is even more remarkable. Japan in 1896 sold 13,828,844 yens to China of merchandise; in 1897, 21,325,065 yens; in 1898, 29,193,175 yens; in 1899, 40,257,034 yens, and in 1900, the Boxer year, 31,871,576 yens.

These figures show that the trade between Japan and China is increasing at a tremendous rate. Manifestly, we must be up and doing if we want to have our proportionate share of China's trade. With all the advantages, both natural and geographical, in our favor, we ought to make a better showing. Having now transformed the Pacific Ocean into an American sea, we ought not to impair our chances by unwise action on our part.

The industrial development of our country renders it imperative that we should look to China for a market for our surplus products. Take the cotton industry, for example. China is now our best customer. In 1899 China took \$9,823,253 worth of cotton goods from us. This was just before the Boxer trouble. The total value of exports of cotton by the United States in that year was \$23,566,914. This shows that China consumed that year about 40 per cent of the total exports of cotton goods of the United States. All Europe took only \$1,484,363; British North America took \$2,759,164; all Africa took \$516,193; all South America, \$2,513,957. Now, this shows that the demand of China for our goods is instrumental in building up our cotton industry, especially in the South.

I was surprised the other day to hear a Senator from a Southern State, a State that is having a magnificent development in cotton manufacturing, speak in favor of this bill, although he did say he should support it with great reluctance. I should think he would. On account of the disturbed condition of China at the time of the Boxer trouble the demand for cotton goods suddenly fell to \$4,620,998 in 1901, and many cotton mills in the South had to shut down in consequence. I will let Mr. John Fowler, American consul at Chefoo, tell the story.

Mr. President, I ask unanimous consent to have inserted as a part of my remarks Advance Sheets of Consular Reports, dated March 19, 1901, which discuss this question.

The PRESIDING OFFICER (Mr. LODGE in the chair). Without objection, it will be so ordered.

The reports referred to are as follows:

[Advance Sheets of Consular Reports, March 19, 1901.]

#### EFFECT OF BOXER TROUBLE ON UNITED STATES TRADE.

The uprising in North China broke out, as is well known, in the month of June, 1900; the press of the entire world has since that time been full of accounts of the events that transpired in this section. They have treated nearly every phase of this subject, and, while we know how our countrymen suffered in North China, I have not seen any statistics published showing the loss involved to merchants in the United States; and believing that such statistics, taken from the Chinese customs returns, will prove of interest I submit the following as showing—

#### WHAT THE BOXERS COST THE AMERICAN EXPORTER.

To do this fairly it will be necessary to adhere to the Chinese values, where given, instead of the gold values, which are not the same for the periods under review, and I am compelled to include the months of April and May (which were unusually prosperous), as the returns are published by quarters and do not show the trade by months.

#### CHEFOO.

Imports of merchandise specially termed American for the quarter ended June 30, 1900, and same period of 1899.

Articles.	1899.	1900.	Increase.
Drills .....	30,474	33,098	2,624
Jeans .....	3,440	3,800	360
Sheetings .....	140,305	178,230	37,925
Flour .....	86,650	193,994	107,344
Oil, kerosene .....	994,040	2,214,980	1,220,940

The above shows enormous increases in the classes termed American, and I am aware that all other lines of imports from the United States showed the same prosperity. These figures are all the more remarkable when it is borne in mind that while covering a full quarter they actually represent the imports for two months and ten days—i. e., to June 10. After the 15th of June the imports ceased, all commercial transactions being absolutely nil. For a clearer understanding the returns for the following full quarter are given:

Imports of merchandise specified as American for the quarter ended September 30, 1900, and the same period of 1899.

Articles.	1899.	1900.	Decrease.
Drills .....	46,810	3,714	43,096
Jeans .....	2,760	200	2,560
Sheetings .....	134,530	22,515	112,015
Flour .....	153,275	19,225	139,050
Oil, kerosene .....	857,100	5,000	852,100

Of course, all other lines fell off likewise, and yet Chefoo and the interior saw no armed hordes, no military movements, and, as compared with the immediate northern ports, was peaceful. As a matter of fact, Chefoo was the base for communication with the allies and the world, while Shantung was comparatively quiet, owing entirely to the friendly stand taken by the governor, Yuan Shi Kai; yet there were more riots and tumults in my district than ever known before, and the various American mission losses will probably total \$150,000 gold. But the idea of this summary is not to show what America lost in China, but what Americans lost in America through the Boxers in China.

## TIENTSIN.

Imports of merchandise specified as American for the quarter ended June 30, 1900, and the same period of 1899.

Articles.	1899.	1900.	Increase.	De-crease.
Drills.....pieces..	239,869	73,320	-----	166,549
Jeans.....do.....	22,445	10,470	-----	11,975
Sheetings.....do.....	957,115	475,065	-----	482,050
Oil, kerosene.....gallons..	585,000	713,600	128,600	-----

It will be seen by the above that the effects of the Boxer movement were felt much earlier and more seriously in Tientsin than in Chefoo. During the month of June Tientsin was practically closed to the world; yet it is odd to notice that oil showed a gain, especially when it is known that the Boxers boycotted that commodity first of all things foreign. I know of ships loaded with Oregon lumber that reached Taku and were unable to land their cargoes, thus entailing an enormous loss upon the American lumber trade. One American firm paid through this office over \$5,000 gold on demurrages alone on this account, besides losing the sale of the lumber destined for Tientsin.

Imports of merchandise specified as American for the quarter ended September 30, 1900, and the same period of 1899.

Articles.	1899.	1900.	De-crease.
Drills.....pieces..	176,340	16,875	159,465
Jeans.....do.....	20,170	3,140	17,030
Sheetings.....do.....	398,285	58,655	339,630
Oil, kerosene.....gallons..	588,000	20,000	568,000

This is almost annihilation, and at what is usually the busiest time of the year for our trade. Tientsin is the port for Pekin, all Chihli, etc., and it is not necessary in this summary to remind our people of the strife enacted therein during this period.

## NIUCHWANG.

Imports of merchandise specially termed American for the quarter ended June 30, 1900, and the same period of 1899.

Articles.	1899.	1900.	De-crease.
Drills.....pieces..	234,235	112,980	121,255
Sheetings.....do.....	554,885	399,340	155,045
Oil, kerosene.....gallons..	790,000	616,000	144,000

It is to be noted that Chefoo has five classes specified as American, of which all show gains. Tientsin has four classes, of which only one shows a gain, while Niuchwang has only three, and all show a heavy loss for the June quarter.

Imports specified as American for the quarter ended September 30, 1900, and the same period of 1899.

Articles.	1899.	1900.	De-crease.
Drills.....pieces..	148,022	-----	148,022
Sheetings.....do.....	306,665	620	306,045
Oil, kerosene.....gallons..	653,000	25,000	638,000

This is annihilation pure and simple, and yet Niuchwang saw less fighting than Tientsin; and the only foreign power that interfered there was Russia. That Government seized the port as early as August 4, and on the 12th had control of the custom-house.

## KYAO-CHAU.

The custom-house at Tsintau, German colony in Shantung—or, as the customs term it, Kyao-chau—was opened for business July 1, 1899; therefore, no comparison can be made for the June quarter of 1899, and the imports for 1900 are too insignificant to mention.

## RESUME—NORTH CHINA.

Imports specified as American into the three northern ports of Chefoo, Tientsin, and Niuchwang for the quarter ended June 30, 1900, and same period of 1899.

Articles.	1899.	1900.	Increase.	De-crease.
Drills.....pieces..	504,578	219,398	-----	285,180
Jeans.....do.....	25,885	14,270	-----	11,615
Sheetings.....do.....	1,651,805	1,052,635	-----	599,170
Flour.....haikwan tael..	86,650	193,994	107,344	-----
Oil, kerosene.....gallons..	2,339,040	3,544,530	1,205,490	-----

\* Chefoo only; not specified elsewhere.

<sup>b</sup> Due to gains at Chefoo.

Thus in this quarter, in spite of the large gains credited to Chefoo, the northern imports declined more than half from those of the same period of 1899.

Merchandise specified as American imported into the ports of Chefoo, Tientsin, and Niuchwang during the quarter ended September 30, 1900, and the same period of 1899.

Articles.	1899.	1900.	De-crease.
Drills.....pieces..	871,172	20,589	850,583
Jeans.....do.....	22,930	3,340	19,590
Sheetings.....do.....	839,480	81,780	757,690
Flour.....haikwan tael..	153,275	19,225	139,050
Oil, kerosene.....gallons..	2,053,100	50,000	2,003,100

The above gives a good idea of what a mob in China can do in interfering with trade. The greatest loss is, of course, in cotton piece goods, and this cessation of imports must have been most keenly felt in the Southern States. Probably no country in the world suffered as much as did the United States, for the scene of strife covered practically our field of trade.

These tables do not by any means show our losses. They only serve to show the losses in a few specified lines.

Imports of merchandise into the ports of Chefoo, Tientsin, and Niuchwang during the quarter ended September 30, 1900, and same period of 1899.

Articles.	1899.	1900.	Increase.	De-crease.
Opium.....piculs*	1,000	157	-----	843
Shirtings.....pieces..	630,304	72,697	-----	557,607
T cloths.....do.....	133,178	3,318	-----	129,860
Indian.....do.....	500	-----	-----	500
Japanese.....do.....	21,368	-----	-----	21,368
Drills:				
English.....do.....	5,415	1,080	-----	4,335
Dutch.....do.....	4,320	200	-----	4,120
American.....do.....	371,172	20,589	-----	350,583
Jeans:				
English.....do.....	5,590	1,210	-----	4,380
Dutch.....do.....	5,310	1,000	-----	4,310
American.....do.....	22,930	3,340	-----	19,590
Sheetings:				
English.....do.....	12,466	3,517	-----	11,949
Indian.....do.....	4,950	-----	-----	4,950
American.....do.....	839,480	81,780	-----	757,690
Chintzes.....do.....	62,249	21,340	-----	41,909
Twills.....do.....	1,695	1,162	-----	533
Turkey red.....do.....	30,608	1,804	-----	28,804
Cotton lastings.....do.....	102,749	13,534	-----	89,215
Velvets and velveteens.....do.....	1,296	-----	-----	1,296
Muslin and lawn.....do.....	2,367	238	-----	2,129
Handkerchiefs.....dozen..	26,454	12,279	-----	14,175
Towels.....do.....	148,204	13,652	-----	134,552
Cottonades.....pieces..	2,277	400	-----	1,877
Mahomedans.....do.....	80	-----	-----	80
Cotton:				
Spanish stripes.....do.....	4,738	408	-----	4,330
Flannel.....do.....	5,450	878	-----	4,572
Yarn:				
English.....do.....	2,198	360	-----	1,838
Indian.....do.....	37,142	5,670	-----	31,472
Japanese.....do.....	122,294	5,714	-----	116,580
Shanghai.....do.....	10,323	2,992	-----	7,331
Native cotton goods:				
Drills.....do.....	150	450	300	-----
Sheetings.....do.....	21,800	-----	-----	21,800
Woolen goods:				
Camlets, English.....do.....	980	120	-----	860
Lastings.....do.....	5,260	240	-----	5,020
Long elis.....do.....	2,820	200	-----	2,620
Spanish stripes.....do.....	1,122	108	-----	1,014
Broadcloth.....do.....	246	-----	-----	246
Russian cloth.....do.....	180	-----	-----	180
Italian cloth.....do.....	1,681	-----	-----	1,681
Metals:				
Iron:				
Nail rods.....piculs*	17,334	2,205	-----	15,129
Bar.....do.....	8,108	44	-----	7,667
Wire.....do.....	466	-----	-----	466
Old.....do.....	117,680	9,236	-----	108,450
Tin.....do.....	249	72	-----	177
Lead in pigs.....do.....	7,327	463	-----	6,864
Copper.....do.....	979	1	-----	978
Steel.....do.....	5,801	1,909	-----	3,892
Inkstone.....do.....	34	-----	-----	34
White metal.....do.....	83	-----	-----	83
Sundries:				
Buttons, brass.....gross..	33,145	4,000	-----	29,145
Coal.....tons.....	5,933	13,847	7,914	-----
Cotton, raw.....pieces..	15,718	74	-----	15,644
Dyes, aniline.....haikwan tael..	166,663	6,799	-----	159,864
Flour, American.....do.....	153,275	19,225	-----	139,050
Glass, window.....boxes..	7,021	1,440	-----	5,581
Matches.....gross.....	1,063,999	245,393	-----	818,606
Needles.....mille.....	436,325	18,000	-----	418,325
Oil, kerosene:				
American.....gallons..	2,053,100	50,000	-----	2,003,100
Russian.....do.....	1,581,000	15,000	-----	1,566,000

\* 1 picul=133½ pounds.

<sup>b</sup> All at Chefoo for war ships, transports, etc.

From the above list I have excluded native sundries; for instance, Kaiping coal all comes from Tientsin and rice from Canton and Chinkiang; and, although I have set forth the figures in strict accordance with the customs returns, nevertheless they do not give an accurate idea of the trade.

## SHIPPING.

The number of ships that entered the northern ports for the quarter ended September 30, 1899, was:

Port.	1899.*	1900.	De-crease.
Niuchwang.....	196	75	121
Tientsin.....	(*)	(*)	(*)
Chefoo.....	522	282	440

\* No record.



## REVENUE.

Revenue for September quarter (total collection).

Port.	1899.	1900.	Decrease.
	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>
Niuchwang	278,912	90,259	188,653
Tientsin	345,209	60,081	285,128
Chefoo	185,187	88,166	97,021
Total	809,308	238,506	570,802

The total collection of duties for all China during the quarter ended September 30, 1900, was 5,163,795 haikwan taels, while for the same quarter of 1899 it was 7,623,386 haikwan taels, a loss of 2,459,591 haikwan taels. This loss is for only one quarter.

The foregoing statistics are compiled from the returns for the quarters ended June 30 and September 30, 1900, issued by the foreign customs of China.

## UNITED STATES STATISTICS.

An examination of the returns issued by the United States Treasury Department reveals the following:

Value of exports from United States to Chinese Empire for first ten months of 1899 and 1900.

1899	\$12,628,955
1900	10,442,811
Loss	2,186,144

This does not show what we really lost, for there are immense quantities of merchandise in the ports to be worked off before importations can recommence. The year 1900 began with the greatest increase in our trade ever known and ended with the most serious losses.

The losses to the cotton trade alone I estimate at over \$3,000,000.

For the five months of 1900 before the outbreak our trade had increased (net) \$684,216 over that for the five months of 1899.

For the five months from June to October there was a net loss of \$2,865,043. The Treasury statistics, it should be remembered, do not embrace all of our trade with China, as large quantities of merchandise are sent into China from the United States via Japan, Hongkong, London, etc.

As nearly all the cotton piece goods from the United States are for the northern trade, I extract the following from the Treasury statistics to show how this trade was affected:

Value, by months, of the exports to China of cotton piece goods.

Month.	1899.	1900.	Increase.	Decrease.
January	\$855,528	\$820,217		\$35,311
February	1,047,275	702,406		344,869
March	982,722	1,172,152	\$189,430	
April	564,457	308,262		256,195
May	626,964	418,123		208,841
June	1,568,725	554,188		1,014,537
July	728,721	859,500	130,779	
August	598,880	103,520		495,360
September	609,013			609,013
October	772,834	25,375		747,459
Total	8,414,649	5,053,743		3,360,906

The following statement may also be found of interest:

Deliveries of cotton and woolen piece goods from Shanghai to Ningpo and Vladivostok in 1900 and 1899.

Goods.	Ningpo.		Vladivostok.	
	1900.	1899.	1900.	1899.
Gray shirtings.....pieces..	413,330	477,281	114,755	89,725
T cloths:				
32 inches.....do.....	38,670	52,181		
36 inches.....do.....	24,061	29,180		
32 and 36 inches.....do.....			15,965	26,731
Indian, 32 and 36 inches.....do.....	2,729	1,430	100	80
White shirtings.....do.....	114,829	110,662	92,335	68,553
Drills:				
English and Dutch.....do.....	4,080	6,945	79,656	74,564
American.....do.....	26,500	28,536	19,245	16,840
Sheetings:				
English.....do.....	8,368	9,630	57,787	65,117
Indian.....do.....	60	180		1,000
American.....do.....	49,785	50,960	7,120	22,355
Printed cottons.....do.....	13,663	20,830	7,049	4,783
Cotton yarn:				
Indian.....piculs..	2,684	2,501	15	93
English.....do.....	309	276	9	
Japan.....do.....	3,427	2,448		
Shanghai.....do.....	2,293	1,539		
Spanish stripes, woolen.....pieces..	1,880	2,166		6
Medium and broad cloths.....do.....	690	1,008	170	190
Camlets.....do.....	3,000	2,800	30	140
Long ells.....do.....	780	910	495	790
Lastings.....do.....	1,280	1,440	780	543
Italian cloth.....do.....	3,289	5,011	822	3,153
Cotton lastings and Italians.....do.....	47,842	40,690	19,819	28,859

JOHN FOWLER, Consul.

CHEFOO, February 3, 1901.

## EXPORT TRADE FROM TIENTSIN.

The export returns herewith submitted give striking evidences of how Tientsin and north China have suffered in consequence of the uprising. The enormous discrepancies between the figures for the present and for last year

tell a tale of loss to the producer as well as to the merchant that is startling. In the item of dogskins, it will be noticed that 1,284 were exported this year against 18,837 last year, while in bristles, sheepskin clothing, and many other articles the falling off is equally noticeable. Nor is the outlook for the year 1901 favorable for large shipments. The country north of Tientsin, where the principal articles of export are produced, is now overrun with ex-Boxers and exsoldiers who have turned bandits, and it will be exceedingly difficult for merchants to get goods out of or into the interior.

Principal articles of export for the years 1899 and 1900.

Articles.	1899.		1900.	
	<i>Piculs.</i>	<i>Pounds.</i>	<i>Piculs.</i>	<i>Pounds.</i>
Bristles.....	13,899	1,853,200	8,077	1,076,933
Feathers, duck.....	1,516	202,133	1,006	134,133
Hair, horse.....	8,461	1,128,133	2,504	333,866
Jute.....	19,678	2,623,733	2,290	301,333
Straw braid.....	25,160	3,354,666	20,122	2,682,933
Wool:				
Camel.....	40,923	5,456,400	16,988	2,265,066
Goat.....	4,832	644,266	2,510	334,666
Sheep.....	217,871	29,049,466	108,965	14,528,666
Rugs, dogskin.....	18,837		1,284	
Goatskins.....	741,311		173,111	
Sheepskins.....	129,872		5,121	
Dogskin clothing.....	16,968		6,700	
Kid-skin clothing.....	79,799		22,831	
Lambskin clothing.....	71,614		32,568	
Sheepskin clothing.....	114,613		9,481	
Untanned goatskins.....	2,627,870		932,067	
Untanned lambskins.....	606,247		242,540	

Exports to the United States for the years 1893, 1899, and 1900.

Articles.	1898.		1899.		1900.	
	<i>Taels.*</i>		<i>Taels.*</i>		<i>Taels.*</i>	
Bristles.....	129,090.28	\$85,289	184,503.23	\$126,569	180,082.49	\$123,537
Carpets.....	2,736.77	1,809	4,918.57	3,374	1,255.65	861
Curios, embroideries, porcelains.....	3,555.21	2,550	39,571.95	27,146	869.65	593
Hides, cow.....	5,614.13	3,711	1,472.06	1,010	6,996.48	4,800
Intestines, sheep.....	13,367.95	12,141	9,755.41	6,692	5,140.24	3,526
Miscellaneous.....	6,712.78	4,437	2,046.92	1,404	2,496.66	1,713
Personal effects.....			1,611.36	1,105	881.80	605
Skins:						
Sheep.....	7,226.51	4,777	42,079.69	28,867	4,383.21	3,007
Goat.....						
Untanned.....	35,757.21	23,636	253,497.19	173,899	42,036.63	28,837
Dressed.....	46,882.85	30,990	271,368.16	186,159	7,880.01	5,406
Tiger and leopard.....			2,857.66	1,960		
Straw braid.....	283,782.52	187,580	225,926.20	154,985	189,846.86	130,235
Wool, sheep.....	1,143,565.25	755,916.1	845,623.33	1,268,098	856,441.98	587,519

\*The Tientsin tael in 1898 was valued at 66.1 cents; in 1899, 68.62 cents; in 1900, 68.67 cents.

## IMPORTS.

I am unable to give any reliable import statistics. Outside of supplies imported for the armies (not accounted for in the customs records), the same ratio of loss appears as given in the export returns. The cotton and woolen industries have suffered heavily.

The supplies furnished the United States troops have attracted the notice and envy of all other nationalities, including the merchant as well as the soldier—an advertisement that could not well have been procured in any other manner.

JAMES W. RAGSDALE, Consul.

TIENTSIN, January 3, 1901.

Mr. GALLINGER. Mr. President, on account of the contraction of the foreign market for the products of Southern mills the goods were thrown on the domestic market with disastrous consequence. The cotton mills of New England, which up to that time had supplied the domestic market, also suffered severely. Although we have wrested the cotton market from England, Japan and Germany are ready to take it away from us. Ought we not to do everything in our power to retain it, and refrain from offering a gratuitous insult to our best customer by enacting this hostile legislation? The question of possible retaliation by China and her people should also be remembered. There are already rumors to that effect, the Chinese merchants and others in this country, it is understood, having recently urged the Chinese Government to take measures to retaliate in case of unduly severe and harsh laws in violation of treaty provisions. Although we need not pay undue heed to such rumors, and we should do what we think is our duty to our own people, yet we should not give unnecessary offense to a friendly nation with whom we wish to continue to trade.

As I have before said, the reenactment of the present law answers what is required, and this bill, for the reasons that I have given, ought not to be passed.

Since the Senator from Oregon in his speech on this subject—and it was a very able and exhaustive one—referred to Minister Wu's address, delivered at the International Commercial Congress in Philadelphia in 1899, concerning our trade with China, it is but fair to give the whole address, instead of cutting out two

or three paragraphs in it, and, by the courtesy of the Senate, I will append the minister's address herewith as a part of my speech. It will show that he apprehends that our trade with China may be retarded by unwise methods and hostile legislation.

The address referred to is as follows:

MR. CHAIRMAN, LADIES, AND GENTLEMEN: We are assembled here to-day to discuss matters affecting international commerce—to enter into a general discussion respecting the world's trade—with a view to its development for the benefit of all nations. China gladly takes part in this congress, and she has accordingly sent two delegates to represent her in this body. It is a well-known fact that China's trade and commerce with foreign nations has been and is increasing every year. This is especially the case with the United States. Since the opening of my country to foreign commerce, fifty years ago, her trade with the United States has been steadily increasing. To go no further back than the year 1801, I find in the trade returns of the imperial maritime customs for that year the exports of the United States to China amounted, in round numbers, to 7,700,000 taels, and the imports from China to 9,000,000 taels.

The volume of trade has increased rapidly every year, and it reached the following figures last year: Exports from the United States to China, 17,163,312 taels, and imports from China, 11,936,771 taels, with a total of 29,100,083 taels. It is a significant fact that for many years the value of your exports to China was less than your imports, but last year it was the other way. Your exports exceeded your imports by over 5,000,000 taels. Thus it indicates clearly that your export trade has been and is increasing immensely. I have taken these figures, as I say, from the customs returns; but, according to the United States consul at Chefoo, Mr. Fowler, who seems to have taken great pains in going over the figures, the United States trade with China is underestimated by one-third, because the customs method of reckoning is to credit the ship with the merchandise she carries; so a steamer, say, flying the British flag and carrying a large quantity of American goods, the goods so imported will be put down as British and not American.

Thus, according to Mr. Fowler, your trade with China last year was 40,000,000 taels. Gratifying as these figures are, they will not stop there, but will continue to advance every year. Now that the United States has practically become our neighbor by its recent acquisition of the Philippine Islands, the prospect is brighter than ever, and I should not be surprised if, under favorable conditions and not retarded by unwise methods, the trade will be doubled or trebled in a few years. I say, if not retarded by unwise methods. Let me give you an illustration. Mr. Wildman, the United States consul-general at Hongkong, used these significant sentences in his report of November 22, 1893, after having studied the question thoroughly: "Broadly speaking, there is not an industry in the islands (Philippines) that will not be ruined if Chinese labor is not permitted." And again, in his report of July 1 last, speaking of the establishment of cotton mills in Hongkong, which is looked upon as a remunerative undertaking, he says: "The only thing that the promoters of this English industry fear is that mills will be established in Manila, which would only be possible if Chinese labor were admitted freely."

This opinion of your consul, who has been many years in the East, and whose business is to protect the interests of his countrymen, is universally confirmed by all other competent judges in the matter. It is therefore manifestly to your interest that Chinese immigration to the Philippines should be as free as possible. In settling upon a policy of such vital importance, affecting the welfare and prosperity of your newly-acquired possessions, it is well to study the course pursued by another great power in its colonies adjacent, whose conditions are very much similar. Take the case of Hongkong. It was but a barren rock on the Chinese coast. But since its occupation by Great Britain, every inducement has been given to the Chinese to come and settle there. Now it has become a great center of trade, as fair a city as can be found under the tropical sun, a genuine pearl of great price, and the pride of the British Empire.

It is the Chinese that have contributed so largely to the prosperity of that British colony. Then again, consider the Straits Settlements, which are not so near to China as the Philippines. There the Chinese form a large proportion of the population. Their presence has been deemed desirable, and no restriction is placed upon their admission. The English people are well known to be shrewd and good colonizers, and if Chinese immigration were objectionable, they would have stopped it long ago. But instead of doing that, they have held out every inducement to Chinese to come to their colonies, because they know by experience that Chinese are useful to them. It is not for me to say what policy should be adopted by the American Government for the Philippine Islands, but apart from other considerations, and looking solely to the interests of the archipelago, it would seem to be a suicidal policy, from a statesman's point of view, to prohibit the entrance of Chinese labor into those islands.

While upon this subject I feel compelled to refer to the status of my countrymen in this country. Although from fear of undue competition with American labor, it was thought expedient seventeen years ago to enact a law to prohibit the coming of Chinese laborers to this country, subsequent legislation on this subject has gone so far as to interfere with the coming of other classes of Chinese as well. It has been held by the highest legal authority in this country "that the result of the whole body of these laws and decisions thereon is to determine that the true theory is not that all Chinese persons may enter this country who are not forbidden, but that only those who are entitled to enter are expressly allowed." In consequence of this opinion, all collectors of customs and inspectors in this country and in the Hawaiian Islands have been instructed to refuse admission to persons described as salesmen, clerks, buyers, cashiers, physicians, proprietors of restaurants, etc. My attention was called the other day to the case of three Chinese clergymen who were not allowed to land. The legal functionary stated his decision thus: "I am of the opinion that ministers, preachers, and missionaries, as well as doctors, lawyers, etc., are not of the exempt class."

Therefore should His Excellency Li Hung Chang come to New York as a private individual he would not be allowed to land. Fortunately, I came to this country before this opinion was rendered, otherwise I should have been excluded, and I must abandon any intention I may have of coming to the United States in the future as a Confucian missionary because I shall be turned back. It must not be inferred that in this matter I throw any blame on the officials charged with the carrying out of the Chinese-exclusion laws. They are simply doing their duty. And here I would acknowledge the uniform courtesy and kindly feeling shown me by all the officials, high and low, with whom I have come in contact. I simply point out that under the existing laws and regulations, my countrymen are singled out as the only people who are not permitted (except a very few under certain strict conditions) to come to the United States and its colonial possessions, while the subjects and citizens of all other nations, of whatever color or race, including Japanese, Malays, Siamese, and other Asiatics, and Africans, and even savages, are at liberty to enter freely. Persons are generally disliked on account of their indolence, immorality, and other bad qualities, but I believe this is the first instance in the history of the world that a people are considered as undesirable and excluded from a country because of their industry, perse-

verance, honesty, and other good qualities. China does not make such invidious distinctions.

What is open to one nation is open to all nations. All are equally welcome. So far from taking any retaliatory measure, she is still holding the most friendly and cordial relations with the United States, and I hope and trust these relations will long continue. And referring to the discussions to-day about open door, China is for open door; she opens her doors; her doors are wide open to you all without distinction of race and color and of any nation at all; all are welcome equally. In view of the certain increase of this vast trade and commerce between China and the United States, and in view of the unrivaled opportunities China offers to American capital and enterprise, the question naturally arises whether it is worth while to keep in your statute book a discriminating law against a people with whom it is to your interest to keep and maintain relations of the most friendly nature. This is a question for the merchants, manufacturers, capitalists, and laborers of this country to decide, and I am sure they will decide rightly and fairly when the facts are laid before them. I do not fear that even American laborers will offer any opposition, because being intelligent men and men of commonsense they will understand that increase of trade means, of necessity, increase of employment and work, hence prosperity for them.

With the view of expanding the trade between China and the United States, it has occurred to me that the establishment of an institution on lines somewhat similar to those laid down for the Philadelphia Commercial Museum, at some Chinese seaport, say Shanghai, would be an excellent thing. Manufacturers could then send samples of their goods there on exhibition, so that the natives could see what America has to sell in the way of manufactures and agricultural products. On the other hand, the products of Chinese factory and soil might also be placed on exhibition in the same building. A permanent exposition of this kind would certainly result in lasting benefit to both sides. I notice that a similar scheme has been proposed by the United States consul-general at Shanghai and Hongkong, and I take great pleasure in recommending such a scheme to the favorable consideration of the manufacturers and merchants of this country.

I am exceedingly glad that I have been able to be present at some of the sessions of this congress. This is an era of conferences and international conferences. We have seen the Social Congress, the Medical Congress, the Women's Congress, the Mothers' Congress, the Congress of Demography and Hygiene, the Disarmament Congress, etc., that have been held in different countries. Now we have this International Commercial Congress. Great credit is due to Dr. Wilson and his associates for getting up this congress, and I am sure I am expressing the sentiment of all of us that we are grateful to them for inviting us to take part in it. This congress, in my opinion, can not fail to do good to the world at large. It has brought together the representative men from different countries and afforded them an opportunity to propose and express their views from the standpoint of their respective countries, and at the same time ascertain the views of other nations and States.

Anticipate that the results of this congress will be far-reaching. When the representatives of the different nations report to their respective governments and chambers of commerce the things they have seen, the people they have met and talked with, and the impressions they have formed from personal contact and investigation, a better understanding will naturally be established between nations and peoples, leading to closer friendship and to the increase of trade and commerce. My earnest hope is that in our deliberations here we shall rise to that higher plane which enables us to see our way to contribute as much as possible to the common good of the world, while not giving up the national interests of each. I pray that the efforts of these good men in getting up this congress will be crowned with great success, and its beneficial results will be permanent. [Prolonged applause.]

MR. GALLINGER. Is there any necessity for our arousing the ill feeling of the Chinese in the United States and the Chinese Government? If there were an absolute necessity for it, I should not much care what legislation was passed here, for I am for America against the world. Yet I should then hope that the Congress of the United States would not, even under stress of circumstances so far as our own people are concerned, waive lightly aside obligations that we are under to other nations because of solemn treaties into which we have entered with them.

Admitting, Mr. President, that there are now and then frauds committed by laborers who personate themselves as merchants, students, or others of the exempt classes, as has been charged in this debate, is that a sufficient ground for enacting unduly harsh measures, which not only interfere with the coming to this country of the respectable classes of Chinese, but encroach on the privileges guaranteed to these classes by treaty. Shall we be justified, under the cloak of preventing frauds by a few laborers, in practically stopping all respectable classes of Chinese from coming here? Would we be justified in stopping all people from going out at night because thefts are committed under the cover of darkness? There is as much argument in this as there is for enacting some of the provisions of this bill. The present law seems to be adequate, and has proved effective, as the census reports show.

I find that the Chinese population of the United States, according to the census reports of 1890, were 107,488, and in 1900 the number had been reduced to 89,863.

Mr. President, as I have listened to some of the speeches in this Chamber on the pending bill, I have wondered if it could be possible that the Senators were so frightened because 89,000 Chinese have habitation in a nation of 80,000,000 people. There are 89,863 Chinese in the United States, according to the census reports of 1900. So there has been a decrease of 17,625 in this country during the last decade, which shows that the existing law is effective in keeping out the Chinese from our territory. In 1890 there were 72,472 Chinese in California, while in 1900 there were only 45,753, a decrease of nearly 40 per cent in a single decade.

They are being blotted out rapidly, and if the decrease continues for twenty-five years a Chinaman will be as scarce in California as an angel's visit is, and yet the Senators from the Pacific coast lift up their hands in holy horror and declare that the best



interests of this Government demand that we shall enact this harsh and unnecessarily restrictive legislation.

What necessity is there for it, I will ask, and I ask it with more emphasis than I otherwise would from the fact that I believe it will arouse alarm among the Chinese who are properly in this country and create ill-feeling against us in the Chinese Empire.

Mr. President, while I sympathize with every well-directed effort to protect labor from foreign competition, I do not see that there is any real necessity for this rigid legislation. The danger has been greatly magnified. If we are really sincere in our professions of friendship and good will to China and do not wish to violate our treaty provisions, why should we proceed to enact such drastic measures in defiance of the protest of China? Of course we have a perfect right to legislate as we think proper, but while we are professing sincere friendship for China and want her to keep her doors open to us and give us a share of her trade, is it proper to place obstacles in the way of her merchants, buyers, and other respectable Chinese from coming here for the purpose of trade, or education, or travel? In these days of international intercourse a strong and powerful nation should not do anything, either by legislation or otherwise, to annoy a people of a friendly nation who may be weak and unable to retaliate.

I want now to briefly advert to some of the so-called "testimony" that was taken by the committee, none of which was, properly speaking, testimony, but rather unsworn statements by gentlemen representing both sides of the controversy.

The Senator from Indiana quoted at length from the statement of James R. Dunn, chief of the Chinese bureau in San Francisco. That gentleman made an attack on the Pacific Mail Steamship Company, saying that he had information that that company had systematically violated the Chinese-exclusion law. He did not give the name of his informant, so that Mr. Dunn's unsupported statement is all we have on that point. On the other hand, the officers of the Pacific Mail Steamship Company absolutely and unqualifiedly deny the truth of the charge, and yet Mr. Dunn's statement has been made to do service in this debate as though it were a matter of the greatest possible consequence.

Mr. FAIRBANKS. May I interrupt the Senator from New Hampshire?

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. In order to get accurate information, I will ask the Senator if he will indicate where in the record the denial is to be found, if it is to be found there.

Mr. GALLINGER. What denial?

Mr. FAIRBANKS. The denial of the steamship company.

Mr. GALLINGER. I will say to the Senator that I have it personally from some of the officers of the steamship company, and I give it on my own personal responsibility.

Mr. FAIRBANKS. I did not know but that there was a denial somewhere else.

Mr. GALLINGER. The junior Senator from Vermont [Mr. DILLINGHAM] made the denial very pointedly the other day in this Chamber.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Vermont?

Mr. GALLINGER. Certainly.

Mr. DILLINGHAM. I have in my hand the affidavit of Mr. Schwerin, vice president and general manager of the Pacific Mail Steamship Company, in which he denies the truth of the statement.

Mr. GALLINGER. Is the Senator willing to have it inserted as a part of my remarks?

Mr. DILLINGHAM. Certainly.

Mr. GALLINGER. I ask unanimous consent that it may be inserted as a part of my remarks.

Mr. DILLINGHAM. It was handed to me.

Mr. FAIRBANKS. I wish the Senator would permit me to interrupt him a little further.

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. I simply desire to state that the statement of Mr. Dunn was made some weeks ago, and it was printed and published in the published hearings of the Committee on Immigration, and until the junior Senator from Vermont challenged the statement a day or so ago it has gone unquestioned. The steamship company was represented before the committee by counsel, very able and eminent counsel, and the statement made there by Mr. Dunn was not challenged by him or any officer of the company.

Mr. GALLINGER. That may be so. Mr. Dunn did not swear to what he said. Mr. Schwerin, who is a very reputable man, says, under oath:

CITY OF WASHINGTON, District of Columbia, ss:

R. P. Schwerin, being duly sworn, deposes and says:

I am now and have been for eight years last past vice-president and general manager of the Pacific Mail Steamship Company, and my office has been in San Francisco, Cal. Prior to becoming the vice-president and general

manager of the Pacific Mail Steamship Company I was lieutenant in the Navy of the United States, and had been in the naval service from 1874 until 1892.

I have had called to my attention a statement made by James R. Dunn, on page 316 of the testimony before the Senate Committee on Immigration, as follows:

"I am informed upon absolutely credible authority (here I will state that I will give to the chairman of this committee, if desired, the name of my informant, which, however, I will not divulge in this public meeting), that a prominent San Franciscan, personally favorable to the admission of Chinese, called the attention of the general manager of the Pacific Mail Steamship Company to the possibility of 'bringing over' large numbers of Chinese laborers in the guise of merchants, students, teachers, and travelers. It appears that until then this generous provision of the law had been virtually ignored by the promoters of Chinese immigration. After very careful consideration by the representatives of the steamship company the scheme was put in operation, and agents were sent to China for the purpose of working up the business. Chinese laborers were provided with certificates as merchants, students, etc., and the Chinese passenger traffic grew to immense proportions. For some two or three years the business thrived. The collectors of customs looked upon these certificates as absolute evidence of the right of the applicants to admission, and they were admitted after little or no investigation."

I deny absolutely and without any qualification whatever the foregoing statement of Mr. Dunn as to the whole and each and every part thereof.

I deny that any "prominent San Franciscan," or any one else, ever called to my attention "the possibility of 'bringing over' large numbers of Chinese laborers in the guise of merchants, students, teachers, and travelers."

I further deny that "after very careful consideration by the representatives of the steamship company the scheme was put in operation and agents were sent to China for the purpose of working up the business."

I further deny that "Chinese laborers were provided with certificates as merchants, students, etc., and the Chinese passenger traffic grew to immense proportions."

I further aver that neither I nor any other officer or employee of the Pacific Mail Steamship Company has ever been engaged in any wrongful or improper attempt to increase the Chinese traffic on the ships of the Pacific Mail Steamship Company by any unlawful or improper means, or by the practice of any fraud whatever in the matter of furnishing certificates to Chinese laborers or in any other way since the time that I have been vice-president and general manager of the said company.

R. P. SCHWERIN.

Subscribed and sworn to before me this 7th day of April, 1902.

E. L. CORNELIUS,

Notary Public, District of Columbia.

Mr. FAIRBANKS. May I interrupt my friend?

Mr. GALLINGER. I desire to add just one word; that as against this affidavit we have the unsupported and unsworn statement of Mr. Dunn. In that statement Mr. Dunn said he would give the name of his informant to the chairman of the committee, which I understand he has not yet given, unless the Senator has it in his possession this morning.

Mr. PENROSE. I will state for the information of the Senator from New Hampshire that I asked Mr. Dunn yesterday to furnish me with the name of his informant. He has addressed a letter to me giving all the particulars. I will send for the letter, which I loaned to a Senator to examine, and as soon as it arrives, which will be in a few minutes, I will produce it and have it read.

Mr. GALLINGER. I wish the Senator would get Mr. Dunn to swear to it.

Mr. FAIRBANKS. May I now interrupt the Senator from New Hampshire?

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. It will be for just a moment. By reference to the testimony before the Committee on Immigration, page 285, it will be found that the date of the hearing at which Mr. Dunn made his statement was Monday, February 10, which was practically two months ago. For full two months the positive statement of Mr. Dunn has gone unquestioned, until challenged by this affidavit. I ask the Senator the date of it?

Mr. GALLINGER. This affidavit is dated the 7th day of April, only a day or so ago.

Mr. FAIRBANKS. It is very recent.

Mr. GALLINGER. It is very recent.

Mr. PENROSE. We have a letter, dated April 8, and if it will not interfere with the remarks of the Senator from New Hampshire, and as it is brief and this is the proper place, I will ask the Secretary to read it.

Mr. GALLINGER. I should like very much to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, BUREAU OF IMMIGRATION,

Washington, April 8, 1902.

SIR: In reply to your inquiry as to the name of the person who gave me the information regarding the manner in which the business was developed of importing Chinese laborers in the guise of members of the exempt classes, which was related in my statement before your honorable committee and printed on page 316 of the document entitled "Chinese Exclusion, Testimony taken before the Committee on Immigration," I have the honor to inform you that Mr. Robert H. Swayne, of San Francisco, the senior partner of the firm of Swayne, Hoyt & Co., prominent customs and shipping brokers, informed me about one year ago in the office of the Coronado Hotel, California, that he had personally suggested the plan to the general manager of the Pacific Mail Steamship Company; that said plan was adopted, after careful investigation of the possibilities, and that prior to that time but few, if any, Chinese had ever sought admission to the United States under this right and privilege.

Mr. Swayne described this undertaking with considerable detailed information, which it is unnecessary here to repeat, but which may be made known if there is any challenge of my veracity or of Mr. Swayne's statements. As

Mr. Swayne's prominence and wide knowledge of Chinese matters rendered it impossible to discredit his statements, and as said statements but served to amplify information already possessed by the authorities, I made an official report to the Treasury Department covering the circumstances of our conversation soon after it occurred.

As I stated in my address to your committee, I was prepared to give its chairman the name of my informant, which, however, I would not divulge in the open meeting of the committee. I have never been asked for the name of my informant until now, and it is promptly given you for the information of your committee and others interested, but of course with the understanding that it will not be made use of in such public manner as to injure Mr. Swayne, who, although actively engaged in business with the Chinese, is a frank, honorable, and prominent citizen of San Francisco.

Respectfully, yours,

JAMES R. DUNN.

Hon. BOIES PENROSE.

United States Senate, Washington, D. C.

Mr. GALLINGER. Mr. President, I do not wonder that Mr. Dunn suggested that he hoped this matter would not be made public in a way to injure Mr. Swayne. According to the statement made by Mr. Dunn, this Mr. Swayne is a criminal and nothing else. He is a criminal by his own confession, and his unsworn statement is placed here as against the sworn statement of the vice-president of the Pacific Mail Steamship Company.

Mr. PENROSE. Mr. President—

Mr. GALLINGER. This Mr. Swayne admits that, understanding what the laws of the United States were in regard to this matter, he deliberately and in cold blood went to an officer of the Pacific Mail Steamship Company and suggested to him a way in which he could violate the laws of the United States, and then he comes in here and poses, I suppose, as a modern reformer who wants to save us from the iniquities that are prevalent in this wicked world of ours.

Mr. PENROSE. I desire to state for the information of the Senator from New Hampshire that if he is hunting trouble on this subject I can furnish him with the details and the affidavits necessary in this matter.

Mr. GALLINGER. I have no objection to the details or the affidavits, only I do not want a criminal to be brought in here as a witness against an honorable gentleman, who, under oath, denies the unsupported charge against him. I do not know why the officers of the company allowed this matter to rest a month or so. I have myself rested quietly under slanders and falsehoods for more than two months, and in some instances I never took the trouble to refute them.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. DILLINGHAM. I think perhaps I should make a statement, as I furnished the affidavit of Mr. Schwerin. I was present when this testimony was given in the committee, but the matter passed out of my mind largely until it was brought forward by the Senator from Indiana the other day. I then interrogated him in open Senate as to the person who had furnished this information, and he, like myself, had never been put in possession of that fact. I then interrogated the chairman of the committee, not in the Senate, and found that he had not at that time asked for the name of the gentleman referred to by Mr. Dunn. But while the discussion was on I was called from the Chamber, and there Mr. Schwerin, the vice-president and general manager of this company, denied the truthfulness of it, and since that time he has furnished me this affidavit, which he asked me to use if it became necessary. That is the way it happened to be produced here to-day.

Mr. GALLINGER. Mr. President—

Mr. FAIRBANKS. May I impose upon the Senator's kindness for one moment more?

Mr. GALLINGER. The Senator is always welcome.

Mr. FAIRBANKS. I dislike to interrupt the Senator. He is always courteous and kind. I wish simply to make a suggestion at this point. It seems to me the Senators were entirely justified in accepting Mr. Dunn's unchallenged statement made two months ago as being founded in fact. If that statement was untrue, it was the proper thing for the officers of the steamship company to challenge it before the committee made its report to the Senate, in order that we, having jurisdiction on the subject, might investigate further into its absolute authenticity.

Mr. GALLINGER. Does the Senator doubt the authenticity of this affidavit of the vice-president of the Pacific Mail Steamship Company?

Mr. FAIRBANKS. I doubt the propriety of its being presented to the Senate two months after the charge was made.

Mr. GALLINGER. The matter of propriety does not cut any figure in a question of fact.

Mr. FAIRBANKS. I have simply this to say. We have the conflicting statements of two men, one an officer of the Government and one who is not—

Mr. GALLINGER. No; I beg the Senator's pardon—

Mr. FAIRBANKS. The statement of the officer of the Government was spread upon the public records two months ago, and I

do say, with all regard to my good friend, that it was proper and incumbent upon the challenged officers of the steamship company to make the denial before the committee and not to wait until the report was in the Senate before challenging it. That is what I have to say.

Mr. GALLINGER. I beg the Senator's pardon. The controversy is not between an officer of the Government and Mr. Schwerin, vice-president of the Pacific Mail Steamship Company. It is between Mr. Swayne, a confessed criminal, and Mr. Schwerin, the vice-president of the Pacific Mail Steamship Company. That is where the matter comes now, and waiving aside the question of propriety as to the matter of the time when the denial ought to have been made, I prefer to accept the sworn testimony of a reputable gentleman to the unsworn testimony of a confessed violator of law. With this I pass from that phase of the controversy.

Mr. President, I notice also that Mr. Andrew Furuseth, the walking, talking delegate, who says he represents the seamen of the country, and who sails the briny deep in the city of Washington on a good salary, made the charge that only six of our fighting vessels attached to the Atlantic fleet were fairly well manned; but when asked to give the name of his informant replied, "I would not care about doing that." That is the kind of "testimony" we are invited to accept.

One witness said that the United States consuls neglect their duties and visé almost every certificate presented to them without proper investigation.

I wonder that the committee, some members of whom are very deeply interested in remedying alleged defects in our consular system, did not find out just who these consuls were and report them to the State Department. Possibly it has been done. I hope so.

This witness says that the consular officers in China habitually neglect to take proper precautions to find out whether the Chinamen coming here are entitled to admission or not. But Mr. Dunn, wanting to show his diligence at San Francisco, and the report of it is found on page 320 of the testimony, said:

The vigilance of the officers having discovered and prevented these and other fraudulent practices, the influx of such applicants has been diminished about 75 per cent within the past eighteen months, and the number of applicants for admission of all classes is reduced almost to the legitimate traffic.

So, notwithstanding our consular officers are neglecting their duties, according to the testimony of one witness, Mr. Dunn, this swift witness against the Pacific Mail Steamship Company says that by his diligence and the diligence of other officers of the Government the Chinese traffic has been reduced to its legitimate dimensions. If this be so, and the census reports fully bear out that statement, what earthly need is there of doing anything except to extend the existing law during the life of the treaty with China now in force?

Mr. President, I am satisfied that under existing law the Chinese in this country are subjected to great indignities in this country, and it is proposed to so legislate that the indignities will be multiplied.

I have here a newspaper published in the city of San Francisco. I do not know anything about it. It came to my attention inadvertently. The proprietor is Frederick Marriott. It seems to be a semiliterary paper. It is edited with a good deal of ability, and here is what this San Francisco paper says about the examination of Chinese in San Francisco and their treatment there:

Now that the matter of Chinese exclusion is prominently before Congress it might be well to look into some of the methods employed against the Chinese landing here, and to exploit a few of the abuses that exist in connection with the examinations they must go through before it has been decided whether or not they are to become residents of the United States.

Every Chinaman coming to San Francisco must satisfy the collector of the port that he is qualified to land—that he is a merchant or that he is a bona fide resident of the United States returning from China. If the collector is not satisfied with his representations, the Chinaman is taken before the United States court, there to give reasons why he should not be sent back to China. The manner in which he is deprived of his rights will be a surprise to those unacquainted with the star-chamber methods employed.

When a boat lands on which there are Chinese, it is at once boarded by a deputy of the collector, accompanied by an interpreter. They see the Chinese in advance of anyone else. They proceed to pump each of them, and allow such as they please to land. If a dispute arises over the right of one of them to take up his residence here, he is taken before the United States court. There his evidence either is not taken or if it is receives no attention. The inspector who had the first interview with him on board ship tells, or pretends to tell, just as he pleases, what the Chinaman told him. On this testimony alone the case is decided. The whole executive power of exclusion of Chinese is practically in the hands of a few of those interpreters, for the others do not comprehend the Chinese language.

Suppose a Chinaman says that he is a merchant in Sacramento. That means a junketing trip for the inspector, who goes to Sacramento to satisfy himself that the Chinaman is a merchant there. Perhaps he finds his store, small and in squalid surroundings. His lordship makes up his mind that the Chinaman is not enough of a merchant to count, comes back and makes a report to that effect, and the Mongolian is deported without a chance in the world to make any defense. His fate depends entirely upon what the inspector tells the court. It is easy to see how an inspector might benefit himself, and the chances offered for wholesale fraud and bribery.



Our exclusion law is foolish enough, unjust enough, and injurious enough to the State—

That is California—

without having abuses connected with it. If it will only be let die it will be well for California. The efforts now being made to pass a new law, stronger than the old, seem to be coming to grief. Our representatives have become overzealous, and have made so much noise over their bill as to attract good, healthy opposition. There is a general awakening as to this Chinese-exclusion foolishness—a general realization that we have been laboring under a delusion; and thinking people are laughing at some of the utter absurdities of the exclusion law now in force. By its terms only Chinese merchants are allowed to come to this country. In China are some of the most learned men, some of the most profound scholars in the world. But they are not merchants; consequently we can not receive them.

With all our boasted erudition on the subject we know very little of the real Chinese. Our experience has been with coolies. We have no knowledge of the respectable class, as far removed from the cooly class as a thoroughbred racer is removed from a mule. The law is so absurd that doctors, bookkeepers, proprietors of hotels, clerks, ministers, journalists, authors, and professionals are all excluded as wild beasts.

These classes can be used to advantage, and as they represent the brains and intelligence of a nation they are our best missionaries of religion and trade.

Such Chinese should be welcomed here. They are desirable citizens. The coolies are not welcome as citizens, but as laborers. They do not wish to be citizens. They want to work, and we need their services. They do not cut wages, but they do faithful work and can always be depended upon. If the same could be said of the white men who do unskilled labor, who seek employment on the ranches and in the orchards, there would be no need of the coolies.

In conclusion, an investigation should be made of the star-chamber methods referred to in the matter of examining Chinese. They are at utter variance with the principles of right and justice.

I have another San Francisco paper, Mr. President, in my committee room, which is bitterly outspoken against the anti-Chinese propaganda proposed in the pending bill.

The Senator from California [Mr. PERKINS] yesterday called attention to the small number of Chinese converts to Christianity. He quoted Dr. Edkins as saying that there were not over 1,000 converts as the result of sixteen years' missionary effort. I will just pause to say, as the Senator from California would say, "parenthetically," that I have never yet found anybody who could estimate, either in effort, time, or money, the value of a human soul, and I am not going to take the scales and weigh the advantages or disadvantages of the propaganda in China by American missionaries. But surely the statement just quoted is not so, and the Senator from Pennsylvania [Mr. QUAY] pointed out that statistics show there have been 100,000 Chinese converted to Christianity in that Empire.

Mr. QUAY. Will the Senator from New Hampshire permit me? I referred to the Protestants.

Mr. GALLINGER. Yes; the Protestants.

Mr. QUAY. In addition there are three or four hundred thousand Catholics.

Mr. GALLINGER. So, according to the statement just made by the Senator from Pennsylvania, who is an authority on matters of this kind, as we all know, there are about half a million converts to Christianity in the Chinese Empire, and yet the Senator from California glibly says there are only a thousand of them, and it has cost too much per capita to convert them, or something of that kind.

The Senator from California said there are only 1,600 Christian Chinese in this country, and that only 4,000 had adopted the Christian faith from the beginning of their immigration to our shores, some of whom, he said, had become Christians for business purposes. Well, Mr. President, if that be so we can match the Chinaman on that score with American church members, and possibly some American deacons.

At best it is problematical what the final result of missionary efforts in China will be. Omniscience alone knows that, and we must patiently wait for its fruition. Turkey, Persia, and other nations are equally slow to accept our religious teachings, but so long as the great command remains on the Statute Book of God the Christian church has a duty to perform from which it will not shrink.

A distinguished Senator said to me at my desk a few days ago that he had never met a genuine Chinese Christian. Well, Mr. President, on Sunday last I saw three Chinese youths taken into church fellowship in this city. They looked intelligent and happy, and I have confidence that they have accepted Christianity in good faith, and there are numerous such instances throughout the country.

A good woman in Boston sent me, a few weeks ago, a copy of the American Missionary for February, 1902, which I have on my desk. It must have been sent because of mental telepathy, as I had not the least notion of saying a word on this subject at that time. This magazine contains a remarkable article from the pen of Rev. Jee Gam, entitled "Chinese exclusion, from the standpoint of a Christian Chinese." I will ask permission to insert the entire article as a part of my remarks, but will read the concluding paragraphs:

It seems that Dr. Rader, an American clergyman, had put him-

self pretty strongly in some observations he had made or something he had written against the Chinese. Rev. Jee Gam says:

Mr. Rader says that Chinatown furnishes the best argument against Chinese immigration from the moral standpoint.

I took occasion to make an observation the other day regarding that matter, suggesting that possibly we could match China or Chinatown in the matter of immorality in every city of this country, if we only knew the facts, and I have no doubt that we can.

Why not have courage enough to denounce the wickedness that is found everywhere you turn in San Francisco—its saloons, its dives, its gambling dens, and its houses of prostitution. Look at Tar Flat, its filth, its dives, and its vices!

How about New York City, its Italian town, its filth, its vices, and its morals?

I have seen these places with my own eyes, and they are a hundred times worse than Chinatown in San Francisco. Read "Darkest New York," the author of which is Gen. Ballington Booth; it will verify my statements, and will not only tell you of the Italian town, but of the Polish town, the Irish, the Portuguese, the Hungarian, and the Italian and Jewish town combined. All these settlers came from Europe and other countries, as I have said, at the rate of 1,000 per day. They are pauper laborers. They have lowered your wages, they have lowered your morals, and disgraced your city. Is it not sensible and just that you should exclude them? To simply attack the few poor Chinese is against all reason and against the teachings of Jesus Christ. This unjust exclusion law will greatly injure your commerce. Let me quote what President Jordan says: "As to Chinese exclusion, it is all one sided. I am not in sympathy with the sentiment that would exclude all the Chinese from the country. We should bear in mind that if China is opened to the trade of America, we can not afford to antagonize that great nation by a rigid law of exclusion. We can not expect that the ports of China will be wide open to us if we close all our ports to China."

Again, this unjust exclusion act is against treaty obligations. Dr. John Fryer, professor of oriental languages and literature in the University of California, is pronounced in the declaration that the exclusion act is a gross breach of the treaty obligations to China.

Suppose that in some future day China should become a powerful nation—and I have not the least doubt that she will—and then she should make a law admitting every people under the sun but the Americans. China may be despised now, but I have a steadfast hope that she will soon become one of the great nations on earth; yes, a Christian nation, too. The Land of Sinim will be won for Christ.

China has already begun for progress; Christianity is spreading more rapidly than ever before; the nation is now all astir for reform and progress. The viceroys are overwhelming the throne with repeated memorials advocating the same. They are planning to open institutions of Western learning throughout the length and breadth of the Empire, and they are fast sending students abroad to acquire the best of the great nations. These viceroys also advocate the opening of mines which, according to all indications, are the richest in the world. They will have more commerce, more railways, more telegraph lines, and improvements of every description to make her the equal of her sister nations.

Meanwhile commerce will be most extensively carried on, and if America does not look out and does not keep up the friendly relations she has gained with China since the late war, other nations will undoubtedly take advantage of the exclusion law and use it as the best weapon to prevent America from sharing in the trade with China. So I say that for the sake of commerce alone America ought to be fair with China, for she can not afford to have the present relations hampered and strained by an unjust exclusion law. The Chinese are a great commercial people. They have a great taste for American goods. What a great market she will be for this country!

These are my views upon the subject of Chinese exclusion; and I hope, my friends, that you will agree with me and do all you can as American citizens to sustain the relationship between the peoples of the two countries, and not only to sustain the relationship, but to evangelize China and ultimately bring her to Christ.

The entire article referred to is as follows:

#### CHINESE EXCLUSION, FROM THE STANDPOINT OF A CHRISTIAN CHINESE.

[By Rev. Jee Gam.]

DEAR FRIEND: The subject you have assigned me is a vast and difficult one. However, I will try to do my best. I thank "Aloha" and the other friends most heartily for the Christian spirit which actuated them in writing the excellent articles which have appeared in the Pacific setting forth the other side of this question. I tell you, they rejoice my heart most greatly.

You are aware of the title of my paper, "Chinese exclusion, from the standpoint of a Christian Chinese;" so, in the course of this article, if you should find that my views differ from yours, you will please remember that they are the ideas of one who looks on the subject from a different point of view. During the last three months the subject "Chinese exclusion" has been the chief topic of discussion everywhere. The daily papers of San Francisco were filled with reports and resolutions from anti-Chinese conventions. Every politician, the San Francisco supervisors, the Congressmen, and even a minister of the gospel, were loud against the poor, despised, and helpless Chinese.

As a Christian I can bear all the abuses from any class of people excepting those from the clergy. When a minister of the gospel joined the cry of an anti-Chinese convention and poured out such unwarranted and uncalled-for denunciation, it is sufficient to say that it hurts the Christian Chinese very much; it hurts the Chinese in general more, and it hurts the cause of Christ most. It is one of the greatest stumbling blocks retarding the advance of Christianity. Years ago similar stumbling blocks were used by the Rev. Mr. Kellogg, a Baptist minister of San Francisco, and it hurt the cause of Christ then a great deal, but it hurt Mr. Kellogg more; for the result showed plainly that God did not approve of his seeking the glory of men; and now to have this agitation renewed by another minister of the meek and lowly Jesus is sad beyond measure. Sad, because no man, especially a minister, can afford to impede the progress of Christianity. It is like Christian England forcing opium into China at the cannon's mouth on the one hand and sending missionaries on the other. "Consistency, thou art a jewel!"

Now, as to excluding the Chinese from this country. I say the true Americans, that is, those who are Americans, have a perfect right to make a law of exclusion, i. e., to enact a law that can be applied to every person on God's earth. So I say, America, be fair and impartial. Give equal justice to all men alike. You can not afford to do otherwise.

I admit that some of the Chinese ought to be excluded, namely, the high-binders, keepers of opium and gambling dens, those who run houses of prostitution, and those who commit felony. As to the total exclusion of Chinese laborers, I do not think it is necessary nor a wise thing for America to do. Just stop and consider a moment. The Chinese have been coming to America



during the last fifty years, and how many of them are in the country to-day? Only about 100,000, an average of 2,000 per year. Does America need to be alarmed in the least? Is not this problem easily solved? On the contrary, America needs to be alarmed on the other side of the continent, where pauper laborers enter from Europe and other countries at the rate of 1,000 per day. Now, as to the Chinese. I am sure it would be a great relief and also profitable to hundreds of thousands of people here if a certain limited number were allowed to come, say 5,000 annually. The San Francisco News-Letter says this State alone needs 70,000 more.

But the anti-Chinese agitators would have the people believe that the Chinese are detrimental to the Americans, for they would take the bread out of the mouths of the working people. This is only an excuse. There is plenty of work in California; but the trouble is that thousands of the so-called workmen would not accept work when offered to them. They prefer to be tramps rather than true workmen. And you will find what I say is true by going to the police courts every morning. There the prison dockets are full of this class of men, who cry so loud to have the industrious Chinese excluded from the country. Ask the farmers, the orchardists, the owners of canneries, and the housewives, and they will tell you that they absolutely can not do without the Chinese laborers. And why? Because they are industrious, they are faithful, patient, honest, and steady, and they can be depended upon. When you hire them as cooks, you are not bothered by the nightly visitation of numerous beads, as girl servants have.

I wonder why the employers of Chinese have not met together and prepared a petition to Congress for their relief. Let them use their influence against the passage of the exclusion act.

A lady was asked whether her cook, Jee Lee, was a true Christian. She replied, "If he is not, I know of no other." This is very strong testimony in favor of the Chinese. But let me give another and still stronger example. Jee Lock, one of our Christian young men, has worked more than thirty years in one family. Oftentimes he has been left the sole keeper of the house. At one time his employer and the whole family went off and made a trip around the world. They were gone about a year. When they returned they found everything safe and in perfect order. They said, "It is safe for us to take a trip to Mexico," and they did. They came home and found things all right again. I know of hundreds of such Chinese. Think of their honesty and faithfulness! Think of the mighty and great moral influence they exert!

As farm hands, fruit pickers, and packers the Chinese have proved ten times more profitable to their employers than other hired men. When they are paid off Saturday evening they can be depended upon to be at their posts on Monday morning. On the contrary, the laborers from Europe when paid off speedily go on a spree at the cheap wineries or saloons until every cent they have possessed is spent. Do you find them in their places in the fields where they have worked the Saturday before? No. You usually find them all in jail for drunks. And what then? Why every taxpayer in the country has to pay their board from one to ten days or more. If at any time they should become tramps and be arrested, you and every taxpayer would have to support them from one to six months in your city or county jail.

And so they have filled your jails, your almshouses, your hospitals, and other similar institutions. You would be surprised to find, if you should look into this host of people, how many are indigent and how much you have to give toward their and their families' support. You would cry out: "These people ought to be excluded and not the Chinese."

Then, again, just think of the 1,000 pauper laborers that are being landed at Castle Garden every day in the year from across the Atlantic. And who are they? Are they not the lowest and meanest people from Europe? Are they not of the same class as the socialists, the mafia, the nihilists, and the anarchist who assassinated your beloved President, William McKinley? If you are going to exclude the Chinese, ought not these pauper laborers, the scum from Europe, to be excluded, too? Why should they be allowed to come any more than the Chinese? Why do not your politicians, your Congressmen, your Senators, and your people advocate a law that will exclude them? Even the Japanese, who of late have been coming in in great numbers, work for much cheaper wages than the Chinese; yet not one word against them do we hear. What is the reason? Is it because they have war ships? If so, America ought to go at them all the more; for what is a hero? Not the man who attacks a sickly, disabled, aged person, but one who dares to attack an opponent who is his own equal. That is the kind of a man we love to see and will praise for his bravery. For what is the use of shutting out the Chinese and not the others?

Let me give this illustration: A rich man lives in his mansion. One day he ascends his tower and, happening to look around, discovers a hundred tramps of all nationalities coming toward his magnificent residence. One of those tramps is a Chinese. This rich man hurries down the stairs and closes and bars the door through which the Chinaman intended to enter, and, not content in doing this, he sends out half a dozen guards to drive the Chinese whence he came; but he leaves the other doors open and unguarded and allows the 99 tramps from Europe and Japan to enter and take possession of his home. Will we not say he is a most foolish man; for of what benefit is it to shut out the one and not the other 99? Yet this is just what Americans are doing to-day. Is this the patriotism which they so often talk about? If it is, it must be of a very poor quality.

But we have learned that America is the land of the free and a home for all the oppressed. Furthermore, the people of other nations, including the Chinese, were invited to this country; and the Chinese are here by treaty rights, just as much as any other people, and therefore no rightful discrimination can be put upon them without seriously hurting the good name of America.

Again we have learned, as "Aloha" of the Pacific has said, that "the earth is of the Lord." All people have a right to live upon it. If America is owned by any human beings at all, it is owned by the Indians. If people of all nations are allowed to come to America, why is the Chinese alone denied the same privilege? Some people, especially the politicians, would have you believe that all other immigrants make good citizens except the Chinamen. The following is a list of the charges they invariably use to back their arguments:

1. The Chinese will not become citizens.
2. They do not assimilate with our people.
3. They eat their own food.
4. They do not adopt our dress.
5. They cheapen our wages.
6. They send their money to China.
7. They affect our morals.

In answer to the first charge, viz: "The Chinese will not become citizens." Now, this shows that people simply speak without investigation. Years ago—in the early seventies—a test case was brought in one of the Federal courts in San Francisco, and what do you think the decision was? It was that United States citizenship is only for the white man and the black man, and not for the yellow man. What a ridiculous decision that was! Again, the very exclusion act says that no court is allowed to extend citizenship to the Chinese. In the face of all these prohibitions the Chinese are criticised for not becoming citizens.

In answer to the second charge, viz, "They do not assimilate with our people." At the same time the Chinese are not allowed to assimilate with

the American people. The Chinese children were not allowed to attend the public schools until very recently. The Chinese had to go to law to obtain this privilege; but, after all, legislators of California ordered just one separate school for the Chinese children in the entire State.

The third charge is that the Chinese eat their own food. Suppose they do; but they pay heavy duty on the rice they import.

As to the fourth charge, viz, "They do not adopt our style of dress." Upon the Chinese clothing which they import the Chinese also pay a heavy duty. They buy a great deal of American cloth for the manufacture of clothing, this cloth being made up generally into clothes of Chinese cut, and because they happen to be made in Chinese style the people abuse them for wearing Chinese clothing. It is altogether wrong to blame them for their action in this matter. It amounts to this much: If you and I go into a store and we both purchase a bolt of cloth each, you take yours home and make a coat in American style; I take mine home and make a coat in Chinese style. And where is the ground for argument?

Fifth. The Chinese are charged with cheapening wages. In the first place, who cheapened the wages in New York? Did not the pauper laborers from Europe? Certainly they did.

Sixth. The Chinese are charged with sending their money to China. Have they not the right to do with their money as they please? What right has anyone to dictate as to how and where another man should spend his money? The Rev. R. B. Tobey, of Boston, who has had more than twenty years' acquaintance with the Chinese, says that carefully prepared statistics show that proportionately the Chinese send home less money than immigrants from countries other than China.

Seventh. The Chinese are charged with affecting your morals. Is the character of the American people so weak as all that? Are they really in danger? In my estimation you need not fear the least. On the other hand, I think all can acquire some good characteristics from every kind of people, and you perhaps may be able to learn something from the Chinese.

Commenting on Chinese morals, the Rev. William Rader says that the Chinese have signally failed to become a moral American force. I claim that as regards honesty, filial piety, and giving, the Chinaman may serve as an example to a great many Americans. In speaking of Chinese characteristics, President Jordan, of Stanford University, recently said: "A Chinese merchant is one of the most honorable men in the world in business dealings; if he once gives his word he may be depended upon. A Chinese never fails in carrying out contracts."

The practice of filial duty by the Chinese is also a great moral force to Americans. They honor and take the greatest care of their parents as long as they live. It has often been said by hundreds of people that the Chinese keep the fifth commandment more rigidly than any other people on the face of the globe, and that God is blessing them with the promise of the commandment.

Chinese as Christians have exerted a great moral force upon the Americans in giving. Ask the secretary of the Christian Endeavor Union, and she will tell you that a Chinese Christian Endeavor Society in San Francisco has repeatedly outdone every Christian Endeavor Society in California in giving. Ask Mr. John Willis Baer, the general secretary of the United Society of Christian Endeavor, and he will very quickly tell you that the Chinese Congregational Christian Endeavor Society in San Francisco ranked third in the world in giving to missions in 1897, and the same society ranked second in 1898, ranked fifth in 1899, ranked third in 1900, and ranked second in 1901. Does not this fact itself exert a mighty moral force upon the Americans? If not, why?

"Americans ought to look under the hats of immigrants," says Mr. Rader. You have a perfect right to do so; but are you doing your duty and showing your bravery and patriotism by advocating the examination of one and not the others? As to the number of Chinese in America, Mr. Rader says: "It is estimated that the whole number of Chinese professing the Christian faith is about 1,600." Why, the idea! We have more than that in our own denomination.

Mr. Rader was only a little better informed than Lieutenant Wood, who says that he has yet to see the first Chinese Christian in China. The 40,000 Chinese Christians who gave their lives as martyrs during the Boxer outbreak last year will be the best answer to such an unfounded declaration.

The money spent in converting a Chinaman is less than half of what the average church spends in converting an American. Again, Christianizing the Chinese in America is really Christianizing the Chinese in China. Our Chinese converts have been sending the gospel home for more than twenty-five years. Through their efforts missions have been established in the Kwang Tung Province. Thousands of Chinamen are to-day leaving China with the uplifting truths inculcated by Christian people here in the United States. Said the Rev. Dr. Noyes some years ago, one who was for thirty years a missionary in China: "Nearly all the Chinese in the United States come from the districts in the Canton Province. Twenty-five years ago there was not a Christian chapel or school in all that region. Now there are few places in these districts where there is not a mission chapel within a distance the Chinese can easily walk." Giving the number of chapels in which work was carried on by the denominations with which he was connected, Dr. Noyes said: "Every one of these sites was obtained by the help of Christians who have returned from California. Of the 13 native assistants who have labored at these stations, 6 were converted in California, 1 in Australia, and 1 received his first serious impression from a member of the Congregational Chinese Church in California on the steamer crossing the Pacific."

Mr. Rader says: "It is the opinion of Christian workers among the Chinese that the proper place to Christianize the Chinese is not in America, but in their own country."

I would like to know who these workers are. Why doesn't Mr. Rader give us their names? Does this information come from Dr. Pond, superintendent of the Congregational Chinese Mission, or from Dr. Condit, of the Presbyterian Mission, or from Dr. Hammond, of the Methodist Chinese Mission? I am certain that it does not come from them, for our Congregational missions in California alone have had more than 1,800 reported Christianized. I refer you to Dr. Pond's report for 1901.

Mr. Rader says we have failed to Christianize the Chinese. Did Mr. Rader ever try to Christianize the Chinese? If he has not, he is not speaking from experience. Mr. Rader says that other immigrants have brought hither their wives and children, but that the Chinese immigrants have no homes. Right here Mr. Rader forgets that the exclusion act itself denies such wives and children a right to land. The only women who are allowed to enter the country are the wives of merchants, and only their minor children can come with them. If the privilege given to other immigrants were extended to the Chinese, they would have brought their wives and children long ago. And I can say this much, that the Chinese enjoy, cherish, and love their homes just as much as the Americans; in many respects their love for homes is even greater, because they do not believe in divorces and don't have them.

Again, Mr. Rader argues that the immigrants of other nationalities have become pillars of the Republic. The Scotch have given us conscience, the Italians artistic taste, the Frenchmen wit, the Englishmen piety, and the Scandinavians industry. This may be true, but Mr. Rader only mentioned four classes of people out of a hundred nationalities from Europe. But is it not showing partiality to mention only the good of the four nationalities and



not the bad of the same? But when he comes to the Chinese he rakes up all the bad and omits the good.

Give the Chinese the same rights and privileges which you extend to other foreigners and see if they are not the equals of all those people who come from Europe and other countries. And if our friend Mr. Rader cares to make further inquiries concerning this matter let him take a glance at the records of Yale and other noted colleges, for he will find in them that the Chinese students who have attended these famous institutions ranked among the highest students of those universities and oftentimes they stood at the head of their classes.

Time will not permit us just now to mention more than one noted student. Mr. Yong Wing took several prizes for English composition at Yale, and upon his graduation many people traveled a thousand miles just to see and hear him. Mr. Rader says that a few years ago the board of supervisors of San Francisco made an investigation when it was shown that 30,000 Chinese lived within a space composed of 8 blocks, 57 women and 59 children living as families; 761 women and 576 children herded together with apparent indiscriminate parental relations and no family classification as far as could be ascertained; 576 prostitutes, 87 children—professional prostitutes and children living together. I want to say that this report is entirely untrue. It is of the same character as the fake plague reports given out by the board of health last year.

Mr. Rader says that Chinatown furnishes the best argument against Chinese immigration from the moral standpoint.

Why not have courage enough to denounce the wickedness that is found everywhere you turn in San Francisco—its saloons, its dives, its gambling dens, and its houses of prostitution? Look at Tar Flat, its filth, its dives, and its vices.

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These are my views upon the subject of Chinese exclusion, and I hope, my friends, that you will agree with me and do all you can as American citizens to sustain the relationship between the peoples of the two countries, and not only to sustain the relationship, but to evangelize China and ultimately bring her to Christ. (The American Missionary, February, 1902, Vol. LVI, No. 2, p. 99.)

Mr. GALLINGER. Mr. President, the immigration to this country from 1890 to 1900 was considerably in excess of 3,000,000 people. Last year 487,918 came from foreign countries. They were literally of all classes and conditions. The Senator from Indiana [Mr. FAIRBANKS] said that for the most part they were desirable. Surely the Senator has not visited Ellis Island or witnessed the motley crowd at Castle Garden. Many of them are ignorant, vicious, and undesirable in every respect, but we admit them, and I say that we ought to have infinitely more stringent laws on the subject of immigration.

It was a great regret to me that the bill on the question of immigration, which you, Mr. President [Mr. LODGE in the chair] introduced, and which was passed through the Senate, failed in another body; and it is equally regrettable to me that having refused to enact that bill into law a certain other bill came to the Senate yesterday from the same body on the subject of Chinese exclusion. And while we allow nearly half a million of emigrants to come into our ports in a single year, we hold up our hands in horror at the 89,000 Chinese now in this country, and while we talk of Christianizing them and extending our trade among them it is proposed to pass this harsh, unnecessary, and cruel statute. Well did a distinguished gentleman in another place say a few days ago:

China was civilized for centuries while we were wandering Huns and Goths in the forests of Europe and wild men on the heather of Scotland and Ireland.

China can teach us much out of her past history and much of her great sciences that were known to her before we were ever heard of. I want intercourse between the two countries. I want that development between the Orient and the rapidly growing West which will tend to the advancement of the world and to the benefit of mankind at large.

Some people, Mr. President, look upon China as a nation of barbarians. They would apply to them the little stanza that has done service in other directions:

The poor benighted Hindoo,  
He does the best he kindo;  
He sticks to caste from first to last  
And for clothes he makes his skindo.

[Laughter.]

But they are not barbarians. They are a great people. The Empire is a sleeping giant, that will some time rouse from her slumbers, and it will be well for the United States to then be her friend. Let us be just in this matter. Our present laws are strict and adequate, and it seems to me that equity and wisdom both demand that Congress shall refuse to enact legislation that is clearly unnecessary, if not absolutely pernicious. The laboring men of this country are fully protected by the existing statute, and their interests will be safeguarded without the passage of a law that seems to me to be unwise in the highest degree.

Mr. President, there were some other matters connected with this question that I thought I might touch upon, but I have already trespassed upon the good nature of the Senate, and will content myself with what has already been said. Possibly later in the debate I may address myself to other phases of the question.

Mr. TURNER. Mr. President, there is a disposition abroad in the land which is not without its echo in Congress to object to legislation of the character of that embraced in this bill, on the ground that it is illiberal, uncharitable, and unchristian to deny to the Chinaman the same rights, privileges, and advantages in our land and under our institutions that are freely accorded to men of every other nationality. This disposition springs from a false and mistaken sentimentality founded on ignorance of Asiatic characteristics, and a failure to consider the duty which every Government owes to its own people.

The Chinaman is a man and brother, it is true, but with a physical and mental and moral organization so different from ours that he might have come from another planet. His physical organization is the result of four thousand years of struggle for existence under conditions of toil and starvation without a parallel in the world's history. That struggle has made him an animal without nerves. He is capable of enduring the most tremendous exertion, with a minimum of food and rest, under any climatic condition which the world presents. His mental and moral organization is what might be expected from such an environment. His conceptions all relate to his own wants and necessities. His affections embrace only his own immediate family. He is lacking absolutely in patriotism and in conceptions of civic duty. He observes his contracts fairly well because he has learned that he can not escape them, but in business matters generally his chief characteristic is duplicity and deceit, and this characteristic obtains among all classes from the highest to the lowest. He is absolutely devoid of morals as we understand morals. He is a gambler by instinct; cheats and lies as a matter of education; injures and slays his adversary without compunction and without loss of caste among his fellows, and considers female prostitution a virtue. I speak, of course, of the great mass of the lower class in China, and upon the authority of intelligent observers in that country, confirmed by what I myself have seen of that race on the Pacific coast. His only virtues are temperance and sobriety; his highest intellectual faculty, imitation; and his greatest value to the world, an unexcelled capacity for hard manual labor.

There are 450,000,000 of him in China, crowded and cramped, dragging out a cheerless existence under the same hard conditions that have prevailed there from the beginning. He is being pushed out into the world—those parts of it that are accessible to him—by overpopulation, and as its advantages become known to him he is coming out by choice; but wherever he goes and however long he stays, he never becomes anything but a Chinaman. Where his presence is sporadic, he stands out as a singular and unique but no unpleasing unit in the population, but he is never lost in it. Where he congregates in numbers, he transplants China bodily, its habits and customs, its vices and crimes, its outward signs and symbols, its ineradicable racial tendencies. It is possible for him to assimilate others, but for others he is non-assimilable. He is a Chinaman first, last, and all the time.

The Pacific coast lies opposite that of China on the Pacific Ocean. The demand for labor there and the rewards which it obtains make our country an Eldorado for the Chinaman. In a few years the most humble can by manual labor amass what is considered a competency in his own country. At the time the policy of Chinese exclusion was entered on in this country the immigration from there was so large and steady and continuous that but for



the adoption of that policy the Asiatics would soon have outnumbered the whites on the Pacific coast. Even since the adoption of that policy and the most rigorous enforcement of stringent laws intended to carry it out, our Chinese population has continued to increase. The Treasury Department estimates that there are 300,000 Chinese laborers in the United States to-day, although there are only about 97,000 registered under existing laws.

Such is their craft and deceit that no law except one of absolute exclusion of all classes will prove effective in entirely excluding the prohibited classes. Throw down the bars and permit the Chinese laborers to come in at will and they will come to our country in a steady and in a steadily augmenting stream. It is not necessary to take the extreme view which some careful and philosophic observers have taken and look upon such an irruption as the beginning of the Asiatic march for the dominion of the world. There is much to cause alarm in the thought of what such an enormous horde, so inured to toil and hardship, might do if trained in arms and lead by a new Attila or Tamerlane. The Christian world may at some time, and at no distant day, be compelled to put forth all the energies of which it is capable to preserve its civilization against the yellow hordes of paganism; but the struggle will not be on this continent in the first instance, nor as the result, primarily, of Chinese immigration to our shores. But the result which would certainly follow unrestricted Chinese immigration to our country are baleful enough to make us pause and hesitate without considering the ultimate struggle between paganism and Christianity.

The labor of our land would be reduced by competition to the Chinese level of reward, to the Chinese level of subsistence and existence, to the Chinese level of faith and morals. The only alternative, and it is one that would certainly be adopted, would be that the intelligent, self-respecting labor of this country would rise in its might and drive the Chinaman into the sea, and if any government undertook to prevent, it would go down in the throes of insurrection and revolution. However much capital may need cheap and docile labor, however much it may chafe under conditions which our civilization and our free institutions and our universal education have built up in the matter of our labor supply and the demands which it makes for a fair share of the joint returns of capital and labor, it can not afford to look in the direction of China for relief. The American laborer will not be pauperized and paganized, and those who try the experiment will suffer equally with those upon whom the experiment is tried.

Moreover, the experiment is as needless as it would be heartless and wicked. The American laborer is the best in the world. He gives in increased efficiency a full return for the larger reward which he demands. The results obtained by him are the wonder of the world, and are being studied by the world. It is to be hoped that this will not be interfered with, that it may go on to its full fruition, so that the world may be brought to realize, not only the dignity of labor, but the material advantages which accrue from elevating and uplifting it.

Mr. President, it is this race, as I have described it, with its minimum of virtues and its maximum of vices, and with its virtues of a character to lower and debase to its own level of vice our free, intelligent, self-respecting citizenship, that our sentimentalists insist on inviting to membership in the great American family. We can not afford to do that, and there is no rule of law, human or divine, no principle of comity or charity or benevolence, which requires us to do so.

Nations, like individuals, have their own lives to lead, and since their lives, like those of individuals, are molded by their environment, they have the unquestioned right of seeking and creating the most favorable environment which their situation renders possible. They are not exempt, so far as they are necessarily brought into contact with other peoples, from the binding force of justice, morality, benevolence, and the application of the religious principles which find acceptance among them, but those principles have only a minor and secondary application to foreigners when nations come to regulate their own domestic life and determine the direction which their national development shall take. As to such matters they are still in a state of nature and need but to follow nature's law, and if that be some times cold and harsh, or appears to be so, it is the law given by the Almighty to all animate life for its advancement and perfection.

In regulating its internal economy a nation has the right and it is its unquestioned duty to proceed on the lines of the homely proverb that "charity begins at home." It does not end there, of course, but there is no room for its exercise abroad so long as it is imperatively required at home. The true sentiment, then, that which is not only true to nature, but to educated morality and benevolence and Christian charity, requires us to legislate now, not for the Chinaman, but for the American, and if in the process the former must go to the wall, then the God of nature, as well as the God of the Bible, give us their sanction and approval and say "amen" to our work. The Chinaman is a man and a brother, it

is true, but if his advancement means our retrogression, if in order that he shall rise it be necessary that we shall sink, then let him rise and advance by his own effort and in the environments in which the Almighty left him, and it will be sufficient that we have placed no obstacle in his pathway. No law, either human or divine, natural or revealed, requires us at such a cost to extend to him a helping hand.

This I conceive to be the morality which governs nations in dealing with such questions as this one. It has been applied by us more or less toward the people of all the nations of the earth. The pauper, the cripple, the sick and infirm, even the criminal, are men and brothers, but we do not permit them to land on our shores to become charges on our bounty or to scatter physical and moral infection among our people. Perchance the pauper might prosper, the weak and infirm be healed, the criminal be reformed, but we take no chances in that direction. The American people, in their onward march to a greatness and perfection which no other people has ever attained, are entitled to move forward on a highway as broad and smooth and as free from obstructions as enlightened statesmanship can make it. This is national morality. This is the morality of true and enlightened statesmanship. I hope that it will always be exhibited and followed in the legislation of Congress. I hope and pray especially that it may be followed here to-day in dealing with this Chinese question, which presents a grave peril to the American people. Who is there that would pauperize the intelligent and self-respecting labor of this nation to the Asiatic level? Who is there that would invite the mental, moral, and physical miscegenation which unrestricted Chinese immigration would bring on our people? The degeneracy which would follow is unthinkable to those unfamiliar with the Asiatic races, but is only too apparent to those who have been brought into contact with them.

I remember vividly an excursion which I made through Chinatown in San Francisco a number of years ago. There was gathered there within limits not to exceed a quarter of a mile square, in business buildings given over to the Chinese inhabitants, probably 30,000 Chinamen and a few Chinawomen. They burrowed in the ground like rats. They roosted in the air like crows. They were packed in every available space like sardines. Even at midnight the entire quarter presented a scene of the greatest activity. There was light and noise and confusion everywhere, as if the people never rested. Of course, this was only seeming. I was taken through one five-story building devoted to rest and recuperation. The entry was through an areaway into a cellar. In this areaway and in all the passageways of the cellar, which were never closed against the weather, we stumbled over poor wretches huddled up, sleeping on the ground, while on the sides others were stretched in slumber on bare benches. Each of the five floors of the building was fitted up with tiers of wooden bunks, one on top of the other, reaching from the floor to the ceiling, about 2 feet wide by 6 feet long; and these tiers were packed so close together that there was barely room for locomotion between, and in each one of these bunks was a Chinaman. I should say that there were 500 Chinamen in this one building. The stench was something never to be forgotten.

In the buildings given over to vice, such as gambling, prostitution, opium smoking, and the highbinder societies, there were tunnels in the ground, perforations in the partitions, secret passageways, some leading to the roof, others to the underground tunnels, and others still into adjoining buildings. Entering one of these buildings, after traveling interminable passageways, climbing sometimes up to the roof and then descending down into the cellar, meeting all sorts of obstructions and barriers and overcoming them with cabalistic signs and words, seeing vice and debauchery and immorality in its ugliest and most repulsive forms, all the time accompanied with a powerful and all-prevailing effluvia of dirt and filth and opium smoke, one is turned out into the pure air of heaven with a realization never before experienced of God's goodness in providing that bounty for the use of his creatures.

On looking around, however, to take bearings one is surprised to find everything strange and unfamiliar, and is then informed that he has emerged on another street from that on which he entered and several hundred feet away from the point of entrance. I was told that all the buildings in Chinatown were honeycombed in this way for protection against the officers of the law. I shall not describe all that I saw on this excursion. The sights, sounds, and smells nauseate me to this day when I recall them. The general impression left on one's mind is that of a seething, reeking, heaving mass of vermin, intermixed and intertwined, each striving with all its might to satisfy some animal need or craving, and having nothing in the world in common with anything human except an ugly, debased, and stunted human form.

A similar condition prevails in the city of Portland, Oreg., although, possibly, not so exaggerated, and a similar condition of affairs is growing up in the city of Seattle, in my own State. We



will have these seething, swarming sink holes of iniquity in every city in the Union within twenty years if our present system of Chinese exclusion be broken down or materially weakened. If our good women who, annoyed by the servant-girl question, are petitioning us to break down our present laws and let the Chinamen in could see these dens from which their domestic force is recruited as they actually exist, they would as soon think of taking vipers into their bosoms as to admit these moral lepers into their households to contaminate and destroy their pure atmosphere.

Let me refer, in this connection, to some of the testimony from California presented to the Senate Committee on Immigration while that committee was considering the bill now under consideration. This testimony is found on pages 86, 87, and 88 of Senate Report 776, part 2.

Mr. Livernash said:

I have here a table, compiled from the public records of the city and county of San Francisco, for the twenty-one years beginning with 1880.

It shows 1,311 arrests of Chinese persons within that period in San Francisco on charges of felony, and the list of crimes includes arson, abduction, assault with deadly weapon, assault to murder, assault to rob, attempt to bribe, burglary, attempt at burglary, extortion, embezzlement, forgery, grand larceny, kidnaping, libel, murder (more than 100 cases), mayhem, passing counterfeit money, perjury, rape, robbery, receiving stolen goods, smuggling, and threat to kill.

The table further shows that there were 31,161 arrests in the same period of Chinese persons charged with misdemeanors, including petit larceny.

The CHAIRMAN. Is that in San Francisco?

Mr. LIVERNASH. Yes, sir.

The CHAIRMAN. How many Chinese are there?

Mr. LIVERNASH. We have, according to the last census, under 20,000. According to the estimate of the Treasury Department we have between 50,000 and 60,000.

Returning to the matter I was discussing, I shall read from a letter addressed by the chief of police of Sacramento, a place of about 30,000 inhabitants, to Mr. Woods, now a Representative in Congress from California. The chief of police says:

"The total number of Chinese arrested in this city (not including Sacramento County) from January 1, 1891, to January 1, 1901, was 852, as follows:

"Seventy-three for felonies. Of this number 57 were held to answer; 16 were discharged. These 73 arrests were for murder, murderous assaults, burglary, and grand larceny.

"Seven hundred and seventy-nine for misdemeanors—petit larceny, opium smoking, gaming, and violating city ordinances; 624 were convicted; 155 were discharged.

"In this community, as well as in every other place where Chinese abound, the ruin of a great many of our American youths is traceable to a habit peculiarly common among the Chinese, namely, opium smoking. This habit was almost unknown in this State until the Chinese came. A review of the 1,370 convicts at San Quentin prison and of the 771 quartered at Folsom will, I think, bear out my assertion that 40 per cent of the convicts are now such through the opium habit, contracted directly or indirectly through associating with the Chinese."

I quote as follows from a letter received last October by Congressman Woods from the city marshal of Santa Rosa, a California community of about 8,000 inhabitants, in the heart of an exclusively agricultural and horticultural district:

"The number of Chinese arrested in the last ten years in Santa Rosa is 30, which seems ridiculously small. But the Chinese do not offend in a way that you can locate and arrest. They are rather a festering sore, or a rotten apple in a box of good ones. Two-thirds of the young girls who have gone wrong since I have held office have been led astray by Chinese at an age—viz, 9, 10, 11, 12—when no white man would pay any attention to them. The Chinese start in by giving money and candy to them. I do not mean by this all the girls who have gone wrong, but all who are notorious and publicly recognized as unchaste.

"Then, too, it is impossible to estimate the far-reaching effects of opium smoking. The public does not realize what a curse it is becoming. The very highest have fallen victims."

I quote also in this connection some statements from travelers and sojourners in China, who have observed its people and have spoken concerning their mental and moral characteristics:

Lord George Curzon, in his *Problems of the Far East*: "The board (tsungli yamen) is in reality a board of delay. Its object is to palaver, and glaze, and promise, and do nothing." (P. 253.)

Henry Norman, in his *Peoples and Politics of the Far East*: "Every Chinese official, with the possible exception of one in a thousand, is a liar, a thief, and a tyrant." (P. 282.)

"Dirt, falsehood, corruption, and cruelty are some of the least objectionable of Chinese vices." (P. 287.)

"Chinese literature inculcates all the virtues; Chinese life exhibits all the vices, Chinese professions—and this is the point where foreign diplomats have so often gone astray—are everything that is desirable; Chinese practices are everything that is most convenient. 'The life and state papers of a Chinese statesman,' wrote Mr. George Wingrove Cooke, 'like the Confessions of Rousseau, abound in the finest sentiments and the foulest deeds. He cuts off 10,000 heads, and cites a passage from Mencius about the sanctity of human life. He pockets the money given him to repair an embankment, and thus inundates a province; and he deplores the land loss to the cultivator of the soil. He makes a treaty which he secretly declares to be only a deception for the moment, and he exclaims against the crime of perjury.'" (Pp. 294, 295.)

Professor Robert K. Douglas, in his *Society in China*:

"There is no country in the world where practice and profession are more widely separated than in China. The Empire is preeminently one of make-believe. From the Emperor to the meanest of his subjects a system of high-sounding pretension to lofty principles of morality holds sway; while the life of the nation is in direct contradiction to these assumptions. No imperial edict is complete and no official proclamation finds currency without protections in favor of all the virtues. And yet few courts are more devoid of truth and uprightness, and no magistracy is more corrupt than those of the Celestial Empire." (P. 3.)

Rounseville Wildman, in his *China's Open Door*:

"Perjury is not a crime in China, as it is taken for granted that every man will lie as long as it will benefit him." (P. 264.)

"A Chinaman will lay as clever plans to cheat or fool some particular god as to blind the eyes of a rival firm." (P. 235.)

Dr. Williams, who spent forty-three years in China, in his *Middle Kingdom*, on pages 894, 895, and 896, speaks of the Chinese people thus:

With a general regard for outward decency they are vile and polluted in a shocking degree; their conversation is full of filthy expressions and their lives of impure acts. They are somewhat restrained in the latter by fences put around the family circle, so that seduction and adultery are comparatively infrequent; the former may even be said to be rare; but brothels and their inmates occur everywhere on land and on water. One danger attending young girls going abroad alone is that they will be stolen for incarceration in these gates of hell. By pictures, songs, and aphrodisiacs they excite their sensuality, and, as the apostle says, "receive in themselves that recompense of their error that is meet."

More ineradicable than the sins of flesh is the falsity of the Chinese and its attendant sin of base ingratitude; their disregard for truth has perhaps done more to lower their character than any other fault. They feel no shame at being detected in a lie (though they have not gone quite so far as not to know when they have lied) nor do they fear any punishment from their gods for it.

A Chinese requires but little motive to falsify, and he is constantly sharpening his wits to cozen his customer—wheedle him by promise and cheat him in goods or work. There is nothing which tries one so much when living among them as their disregard of truth, and renders him so indifferent as to what calamities may befall so mendacious a race; an abiding impression of suspicion toward everybody rests upon the mind which chills the warmest wish for their welfare and thwarts many a plan to benefit them. Their better traits diminish in the distance, and patience is exhausted in its daily proximity and friction with this ancestor of all sins.

Thieving is common, and the illegal exaction of the rulers, as has already been sufficiently pointed out, are most burdensome. \* \* \* Female infanticide in some parts openly confessed, and divested of all disgrace and penalties everywhere; the dreadful prevalence of all the vices charged by the Apostle Paul upon the ancient heathen world; the alarming extent of the use of opium—furnished, too, under the patronage and supplied in purity by the power and skill of Great Britain from India—destroying the production and natural resources of the people; the universal practice of lying and dishonest dealing, the unblushing lewdness of old and young; harsh cruelty toward prisoners by officers and tyranny over slaves by masters—all form a full, unchecked torrent of human depravity, and prove the existence of a kind and degree of moral degradation of which an excessive statement can scarcely be made or an adequate conception hardly be formed.

Mr. Livernash, of the California Chinese commission, in his admirable address before the Senate Committee on Immigration, which I wish every Senator would read, has collected from the authorities on the question of the tremendous capabilities of the Chinese, their latent power, and the effect on the occidental industry of their competition. I can not improve on his industry in collating, nor upon the eloquent force with which he drives home his conclusions, and shall content myself on that branch of the discussion with quoting from his address:

There is no people on the earth capable of surviving free competition with the Chinese. His Excellency Wu Ting-fang was not exaggerating when he wrote that his countrymen can outwork other peoples, whether in polar cold or torrid heat, subsisting the while on a rice diet. He but confirmed the observations of all expert inquirers.

"The truth is," says England's agent, Mr. Bourne, after extensive inquiry in China, "that a man of good physical and intellectual qualities, regarded merely as an economic factor, is turned out cheaper by the Chinese than by any other race. He is deficient in the higher moral qualities, individual trustworthiness, public spirit, sense of duty, and active courage, a group of qualities, perhaps, best represented in our language by the word manliness; but in the humbler moral qualities of patience, mental and physical, and perseverance in labor he is unrivaled."

"No occidental," says Wildman, "can comprehend the full measure of Chinese economy. It is an art and a science that has been perfected through the centuries. \* \* \* Two cents a day is a fair estimate per head of what it costs to feed 300,000,000 of China's 400,000,000. \* \* \* Absence of nerves and ability to suffer is a God-given gift, and makes the Chinese equal to an existence that would blot out European civilization in two generations. One can not but wonder if, in the struggle for the possession of the earth that is now taking place, the white man of 'nerves' may not in the end go down before the yellow man without 'nerves.'"

To the same effect is the testimony of Reinsch and Hearn; and as for Kipling, well, in his singularly terse way of summarizing clear observations, he says of the men of China: "A people without nerves as without digestion, and, if report speaks truly, without morals." And again: "There are three races who can work, but there is only one that can swarm. These people work and spread. They pack close and eat everything, and they can live on nothing." And yet again: "They will overwhelm the world."

Not even in the Far East, where standards of life are primitive and heredity has not made strikingly for nervous development and sensitiveness, can the Chinese people be overcome when they determine to hold ground in competition.

"Better artists and stronger workmen, man for man," says Kipling, speaking of the Chinese in comparison with the Hindu and the Japanese.

And, writing of Singapore, he tells us: "India ended so long ago that I can not even talk about the natives of the place. They are all Chinese, except where they are French, or Dutch, or German. England is, by the unformed, supposed to own the island. The rest belongs to China and the Continent, but chiefly China."

Forty centuries of privation, of fierce competition within China for the most wretched subsistence, have left ineffaceable impressions on the yellow race; have given that race a minimum of nerves, power to work hard with little food and with little sleep, and to rest under the most uncomfortable conditions; have given that race qualities of self-control, servility, fatalism, perseverance, which no Caucasian nation can or ever should approximate and which no Caucasian nation can afford to ignore.

I think I can understand Kipling's point of view when he spoke of Canton as reminding him of those "horrible sponges, full of worms, that grow in warm seas," and, again, as "a big blue sink of a city full of tunnels, all dark, and inhabited by yellow devils, a city that Doré ought to have seen;" and I think he was not hysterical in drawing back with fear on contemplating China's 400,000,000 subjects—fear lest the day should dawn when there would creep out of Asia a yellow tide that would overwhelm the Occident.

I tremble myself when I think what possibilities lie in stirring this terrible people—one-third the population of the globe—into industrial effectiveness, into political greatness, into—well, that is the terrifying problem: Into what?



Who shall say? We may be loosing the whirlwind. We may be tearing down a flood gate now holding back a pent torrent irresistible if set free. Out of the land of the dragon may sweep some modern Kublai Khan, some new Tamerlane—not, perhaps, with fire and sword, but with industry and rice—to destroy our Christian civilization.

The Chinese possess the qualities out of which may come great skill in almost every employment of life; and where they lack, just now, in skill, they throw into the equation their terrible numbers, their dreadful perseverance, their amazing endurance; and when the American workman has reached in competition a level below which he can not go without less of sunshine, less of beef, less of care for the generation to follow him, less of concern for the institutions of his race and his country, the Chinaman has reached only the beginning of his capability to sink, for inch by inch he can go down with his white competitor, until that competitor falls fainting and surrenders, leaving him with the employment for his own and his powers of sinking scarcely touched. In struggle for place the yellow man needs only as equipment a little rice and a little opium. He is not encumbered by the refinements of Christian civility, by sense of civic duty, by family ties.

Why, Senators, it stirs the blood in protest—the thought of hesitation among white men when it is proposed that we guard our own from the touch of horrid competition with the tragic product of China's ages of black mistakes!

On the question of the right, power, and duty of every nation to protect itself against such horrid and debasing conditions as those which unrestricted Chinese immigration would bring on our people, I shall content myself with two quotations.

In 1892 Mr. Wharton, then Assistant Secretary of State, responding to numerous complaints made by the Chinese minister on the subject of our exclusion laws, addressed a letter to that functionary in which our policy and the grounds on which that policy is defensible were so clearly and conclusively stated and maintained that it is only necessary to read it to answer every possible criticism that has been made of the general principle of the present bill.

I read from Mr. Wharton's letter:

DEPARTMENT OF STATE, Washington, December 10, 1892.

SIR: I have the honor to acknowledge the reception of your two notes of the respective dates of November 7 and November 11, 1892, concerning the recent legislation of the Congress of the United States "in respect to Chinese subjects" in this country.

In the former of these two notes you refer to certain unanswered notes of your predecessor and of yourself as containing a full discussion of the provision of the act of Congress approved October 1, 1888. That statute was brought about by the regrettable failure to complete the treaty signed at Washington March 12, 1888. It does not seem necessary at this late date to discuss the circumstances under which the treaty of 1888 failed, or to conjecture whether, had it been duly perfected, it would have served to avert the difficulties or meet the issues which have since arisen. That the failure of that treaty, through the withholding of the Imperial ratification, exerted a prejudicial influence upon American sentiment thereafter is hardly open to doubt.

Neither does it seem necessary to the present object to enter into a full historical and analytical review of the variant conditions which have existed in the United States and China since the first treaties were signed in regard to the treatment of aliens. It would not be difficult to show that from the outset the position of the foreigner in China has been one of violation and exclusion, his rights being limited under treaties to certain specified objects within the narrow limits of the treaty ports, and extended only at the will of the Chinese Government to residence and travel in the interior. The foreign States, by their compacts with China, have implicitly recognized the inherent right of that Empire to regulate the domicile and business of aliens within its borders by soliciting and obtaining from China the limited privileges expressed by the formal treaties and the expanded privileges growing out of them. Nor would it be difficult to argue with convincing force that the application of this right by China is governed in its manifestations by the inherent immiscibility of the Mongolian and Caucasian races. As are all Europeans to the native Chinese communities, so are the Chinese to the communities of European blood—a people apart, not willing to be engrafted upon the national life, and dwelling under the special license of an artificially created necessity.

Reserving, therefore, all considerations of these aspects of the general question I confine this communication to the precise points you make touching the recent legislation of Congress renewing the acts passed for the execution of the treaty of 1880. Those acts being limited in their effects to a fixed term of years, which, in the judgment of Congress came to an end in May last, it became necessary to reenact them for a further term, with such safeguards as experience should have shown to be needful. While more precisely providing for the exclusion of new-coming Chinese laborers from our shores, in pursuance of a policy in regard to which the negotiations of immediately preceding years had shown the two Governments to be in substantial accord, the new legislation aimed to meet the case of the Chinese subjects actually residing and laboring in the United States by providing the means whereby their right to remain and enjoy the privileges of residence stipulated in the existing treaties should be confirmed to them by an orderly scheme of individual identification and certification. The statute as completely aims to protect the persons and rights of all Chinese persons entitled to residential privileges as it does to prevent their fraudulent enjoyment by those not entitled thereto.

You are pleased to state that the proceedings which led to this legislation itself were not required by any existing emergency that had arisen between the two nations, but in this you overlook the circumstance that the theretofore existing temporary legislation under the old treaties was about to terminate by its own time limitation, as also the fact that the abrupt failure of the negotiations for a fuller international accord on the general subject had not only devolved upon the Congress of the United States the necessity for dealing with the matter by the municipal resorts pertaining to sovereignty, but had moreover aroused an unfortunate belief that the attitude of China was obstructive and the claims of China unreasonable. That this belief is without solid foundation I am happy to assume; that it did exist, and under the circumstances with good show of reason, must be frankly admitted.

Much of the argument in the preceding notes of your legation, to which you refer and which you incorporate in your present notes, rests upon the assumed claim that the status of Chinese subjects with respect to the body politic of the United States is on the same footing as that of all other aliens of whatever nationality. Neither in the light of international reciprocity nor in that of municipal sovereignty can these assumptions hold good. The restrictions upon foreigners in China are special and onerous as to vocation, residence, and travel, and are based on the natural barriers which seem to forbid the assimilation of the foreign element with the native Chinese race.

This condition of immiscibility is likewise as forcibly present in the case of Chinese in the United States as it is generally absent in regard to aliens of the same race and blood as our own. It is the inherent prerogative of sovereignty to take cognizance of such incompatibilities and to provide special conditions for the toleration of the unassimilable element in the national community. China's treatment of foreigners can only be justified on such grounds. Moreover, this sovereign right is freely exercised by the United States in the adoption of restrictive or discriminatory legislation in regard to any classes of alien immigration whenever the exigencies of the public interests demand and to whatever extent may be requisite.

The Supreme Court of the United States has spoken to the same effect and with equal force. In the Chinese-exclusion case, reported in 130 United States, at page 581, Mr. Justice Field, delivering the opinion of the court, uses this language:

To preserve its independence and give security against foreign aggression and encroachment is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come, whether from the foreign nation acting in its national character or from vast hordes of its people crowding in upon us. The Government, possessing the powers which are to be exercised for protection and security, is clothed with authority to determine the occasion on which the power shall be called forth; and its determination, so far as the subjects affected are concerned, are necessarily conclusive upon all its departments and officers. If, therefore, the Government of the United States, through its legislative department, considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security, their exclusion is not to be stayed because at the time there are no actual hostilities with the nation of which the foreigners are subjects. The existence of war would render the necessity of the proceeding only more obvious and pressing. The same necessity in a less pressing degree may arise when war does not exist, and the same authority which adjudges the necessity in one case must also determine it in the other. \* \* \*

The power of the Government to exclude foreigners from the country whenever, in its judgment, the public interest requires such exclusion has been asserted in repeated instances, and never denied by the executive or legislative departments.

In a communication made in December, 1852, to Mr. A. Dudley Mann, at one time a special agent of the Department of State in Europe, Mr. Everett, then Secretary of State under President Fillmore, writes:

"This Government could never give up the right of excluding foreigners whose presence it might deem a source of danger to the United States. Nor will this Government consider such exclusion of American citizens from Russia necessarily a matter of diplomatic complaint to that country."

In a dispatch to Mr. Fay, our minister to Switzerland, in March, 1856, Mr. Marcy, Secretary of State under President Pierce, writes:

"Every society possesses the undoubted right to determine who shall compose its members, and it is exercised by all nations both in peace and war."

"It may always be questionable whether a resort to this power is warranted by the circumstances, or what department of the Government is empowered to exert it; but there can be no doubt that it is possessed by all nations, and that each may decide for itself when the occasion arises demanding its exercise."

In a communication in September, 1860, to Mr. Washburne, our minister to France, Mr. Fish, Secretary of State under President Grant, uses this language:

"The control of the people within its limits and the right to expel from its territory persons who are dangerous to the peace of the state are too clearly within the essential attributes of sovereignty to be seriously contested. Strangers visiting or sojourning in a foreign country voluntarily submit themselves to the laws and customs, and the municipal laws of France authorizing the expulsion of strangers are not of such recent date, nor has the exercise of the power by the Government of France been so infrequent, that sojourners within her territory can claim surprise when the power is put in force."

Mr. President, I do not think the policy of this bill can be successfully questioned, either from the standpoint of the interests of our own people, or from the standpoint of that comity which we owe to the Government and the people of China. We have a perfect right, without offending against any just demand of China, to enact the bill into law, and we would be recreant to our own people and to the high civilization which has made them what they are if we did not enact it into law. Believing that these facts are generally recognized in both branches of Congress, I pass now to a consideration of some of the features of the bill. Generally speaking, the bill is a compilation and revision of existing laws, and of Treasury regulations made pursuant to law and having the force and effect of law, with some liberalization concerning the excepted classes that may come into our country. In confirmation of this statement I invite Senators to examine the provisions of this bill and the corresponding provisions of existing laws and regulations, printed in parallel columns, and found in Senate Report No. 776, pages 150 to 214, both inclusive.

I have the book here; it is easily accessible to all Senators, and I am satisfied that if they will procure it and examine the parallel columns, showing the present law and the proposed legislation, they will see that there is nothing in the claim that the present bill is any more harsh in its provisions than those under which our country has been proceeding for the last twenty years or ever since the policy of Chinese exclusion was entered upon.

For instance, as the Senator from New Hampshire [Mr. GALLINGER] was proceeding this morning with his several complaints as to the peculiar hardships of the bill, I turned to the part of the report to which I have referred and readily saw in the reprint of the present laws or of the present Treasury regulations therein set forth provisions in every respect identical with the things which he complains of as being in the proposed law.

Mr. CLAY. Will the Senator from Washington allow me to ask him a question?

Mr. TURNER. Certainly.



Mr. CLAY. Has the Senator carefully examined the provisions of the treaty of 1894 and compared them with the present bill, and does he think there is any conflict between the terms of the treaty of 1894 and this bill? That is the only question about which I worry.

Mr. TURNER. I have examined them with some particularity. I do not find that there is any conflict at all. For instance, the Senator from New Hampshire complained that the bill restricted the right to come to our country to five classes other than laborers, to wit: Officials, teachers, students, merchants, travelers for curiosity or pleasure, and said this was contrary to the letter and spirit of the treaty of 1894, and limited the rights of all others to come who would have the right to come under the treaty, to wit: Merchants, bankers, and others of that class. By turning to page 155 of this report it will be seen that by section 4 of the present bill the right of the excepted classes is confined to officials, teachers, students, merchants, and travelers for curiosity or pleasure. Now, in the parallel columns I find printed article 3 of the convention of 1894 with China, from which I read:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure.

Exactly the language of this bill.

There was some controversy between our commissioners and the diplomatic functionaries of China as to the particular wording of this section of the treaty, but it was finally boiled down into this shape, and the express mention in the treaty of those classes who are to be permitted to come here, limiting it to officials, travelers for curiosity or pleasure, merchants, students, and teachers, is a treaty recognition of the fact that those only are the classes who are to be permitted to come here.

The principle of construction, *expressio unius est exclusio alterius*, applies to the construction of treaties as to laws, and when China expressly undertook to provide the particular class of persons who might come here she impliedly acquiesced in the exclusion of all others. And that has been the construction of the courts, the construction of the executive officers of the Government, and the construction which China herself has put upon the treaty.

Mr. CLAY. I should like to ask the Senator a question. I believe the bill provides that a child born of Chinese parents in our insular possessions after the passage of this act shall not come into the United States. I should like to ask the Senator's views in regard to that point.

Mr. TURNER. If the Senator will excuse me at this point, I will get to that a little further on.

Mr. CLAY. Very well.

Mr. TURNER. Here is the language of the act of 1888. The Senator from New Hampshire claims that this is a stringent measure, going much beyond other laws, but the law of 1888 provided:

That Chinese officials, teachers, students, merchants, or travelers for pleasure or curiosity shall be permitted to enter the United States, but in order to entitle themselves to do so they shall first obtain the permission of the Chinese Government or other government of which they may at the time be citizens or subjects.

Here are the opinions of the Attorney-General of the United States on the subject:

The policy of the Government being against the admission of Chinese laborers, treaty provisions making exceptions should not be extended by construction to cases not falling within the plain scope of the language used. (Opinion of Attorney-General, October 14, 1896; 21-424.)

The true theory of the Federal law is not that all Chinese persons may enter this country who are not forbidden, but that only those may enter who are expressly allowed. (Opinion of Attorney-General, July 15, 1893; 22-130.)

So it will be seen that this particular provision, against which the Senator from New Hampshire declaimed as being illiberal, and as going much beyond what was ever provided for by existing law, is identically what was intended by the treaty of 1894, is identically what was provided by the act of 1888; and both the treaty and the former law have been construed by the Treasury Department and by the Attorney-General to mean exactly that which it is made to mean in the present bill.

The same thing may be said as to the criticisms of that Senator as to the definition of "merchants" and "students" and others, and as to the regulations thrown around their entry and their stay in this country. The present bill is nothing but a reenactment of former laws or former regulations relating to said classes, except that it is liberalized as to merchants.

With the exceptions which I shall presently notice, it is a literal fact that this bill is a reenactment of existing law, and the prime necessity for its reenactment is found in the fact that existing law will expire by its own limitation on the 4th day of next May, and it must be reenacted if we are to have Chinese exclusion after that date. The bill is not the work alone of the California Chinese commission, or of the Pacific coast Senators and Representatives, but the officials of the Treasury Department and of the Department of Justice assisted in framing it. Those provisions,

which seem most harsh, are taken from the regulations framed by those officials and administered by them for the last ten years, and their testimony is strong and emphatic that those provisions are necessary if we are to have any efficient exclusion of Chinese laborers.

The craft and guile of the Chinese and their contempt for the treaty obligations of their own country have made the fullest and most minute and specific provisions designed to carry into effect existing treaty obligations indispensably necessary.

No rogue e'er felt the halter draw  
With good opinion of the law.

And probably no Chinaman, in his attempt to evade our exclusion law, ever run up against these full and specific provisions and regulations, or ever will do so, with good opinion of them. But it is a fact that they have all been of force and have been applied for many years without interrupting our friendly relations with China, and there is no good reason to suppose that their continued application and enforcement in the future will have any other or different result. But however that may be, they are essential to the policy of Chinese exclusion, and since that policy is based on consideration relating to our own internal economy, I apprehend that any unfounded views which China might take of our policy and of our just laws designed to enforce it would not be forceful in governing the action of Senators and Members of the House of Representatives.

There is no disposition on the part of the friends of this bill to offend the Chinese by harsh and unnecessary legislation, or to violate any treaty obligation we have with them. Every single provision of the bill is in affirmation of present treaty provisions or designed to secure their faithful observance. It is impossible to read the present existing treaty and say that, either as to the excluded classes or as to the privileged classes or as to the Chinese already in this country, the bill goes beyond the treaty in any single feature prejudicial to the rights of the Chinese. The friends of the bill challenge the most rigid scrutiny in that respect. In this connection it is proper to say that the present treaty with China, which this bill is in aid of, does not expire until the year 1914. It is assumed by many that it expires in 1904, but this is an error. The treaty may be denounced by either China or the United States at the end of ten years from its promulgation, and in that event it will expire in 1904, but in the absence of such action it continues in force for twenty years, or until 1914.

If the present policy of exclusion be continued by the passage of this bill, it is certain that China will not denounce the present treaty, but will permit it to continue in force until it expires by its own limitation. The sure and certain way to invite a denunciation of that treaty in 1904, and thus bring about a condition of affairs which will compel us to choose between a failure to safeguard our own interests or the necessity of violating treaty obligations which would be revived by the denunciation of the present treaty, will be to defeat this measure and adopt a halfway measure indicating to China that we are disposed to conform our exclusion policy to her views and wishes. If this bill be rightly understood, and it is very easy to misconstrue it unless it be carefully studied, I feel assured that only those will vote against it who are, in truth, opposed to any exclusion of the Chinese without the consent of China, and who would a little rather that China would not, than that she would, consent to exclusion.

One of the new features of this bill is found in its second section, which reads as follows:

SEC. 2. That from and after the passage of this act the entry into the American mainland territory of the United States of Chinese laborers coming from any of the insular territory of the United States shall be absolutely prohibited; and this prohibition shall apply to all Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since, and to those who may be born there hereafter. And the same prohibition of entry shall apply to Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member. But the privileges of transit hereinafter given to other Chinese persons are hereby given to Chinese laborers in all territory of the United States, subject to the conditions hereinafter expressed.

Some of the friends of this bill are reluctant to support it, deeming the section just read, or, at least, some parts of it, to be unconstitutional, but the only provision in the section which presents any constitutional difficulties to my mind is the one forbidding Chinese born in any of our insular possessions since their acquisition by us to come into what is called "American mainland territory" or to go from one insular territory to another. Children of Chinese parentage born in the Philippines since the acquisition of the latter by us would be citizens of the United States under the decisions of our Supreme Court, that is, provided we have, in fact, acquired the islands and extended our sovereignty over them in the sense that our sovereignty is extended over our other Territorial possessions.

As to all other classes prohibited by section 2, there is no constitutional difficulty in my judgment. They have none of them



yet become citizens of the United States, and they may never become so, and until they do become citizens, if they ever do, Congress may constitutionally limit their right to be or remain in any part of the Territories of the United States. We have seen this proposition declared and the reasons for it stated in the Chinese-exclusion case reported in 130 U. S., from which I have heretofore read. No person in the Philippine Islands, I apprehend, has become a citizen of the United States by reason of the mere fact of the cession of those islands to us. Under the principles of international law, natives of the islands would have become citizens by the mere cession of the islands but for the fact that the treaty of cession provided a different rule, as it was competent for it to do. That treaty left the status of the inhabitants to be fixed by the Congress of the United States, and citizenship or no citizenship is a part of the political status of that people, and a part of it which yet remains to be fixed and determined. It would be barbarous, however, to hold those islands and deny to the inhabitants of native blood the rights of citizenship, and I do not apprehend that that will ever be done.

But we are under no obligations, either legal or moral, to take in the Chinese who are there, and I do not apprehend that that will ever be done. So that none of the classes prohibited by section 2 of the bill, unless it be children born in the Philippines since the acquisition of the islands by us, are either now citizens or are likely to become such by the action of Congress. It follows, therefore, that we may constitutionally limit their right of locomotion as the interest or safety of our country may seem to require. This does not involve the question, so much discussed, whether the Constitution of the United States extended to the new Territories immediately on their acquisition by us. The positions that I have taken are not affected by that question. They are correct, if correct at all, even with that instrument in full force in the Philippines, because the Constitution does not undertake to define the political status of the inhabitants who come to us along with newly acquired territory. This status is fixed by international law, with the qualification that the treaty of cession may override the international law, and that the action of Congress, after the acquisition, may override both. Some distinguished lawyers, in discussing this question, have assumed that the application of the Constitution to our new possessions depended on the question of the citizenship of the inhabitants. I do not think there is anything in that position. In a speech delivered in this Chamber on March 13-14, 1900, I said, in discussing that question:

But are the principles of constitutional government which were laid down by our fathers dependent on the citizenship of all or any part of the people of territory covered by our flag? If so, how many native or naturalized Americans must go to such territory before it is covered with the protecting mantle of the Constitution? Would not one be as effective for that purpose as a million? I respectfully submit that the Constitution does not depend for its effect on the peripatetic tendencies of the American people. While it was made primarily for the American people and their posterity, it embraces and covers and protects all people without regard to nationality who are residing temporarily or permanently under the shadow of the American flag. This proposition has been determined so lately and so authoritatively that I need not refer to the cases establishing it. The Senator from Kentucky, like everybody else who maintains his side of this question, persistently confuses political rights, which belong to the citizen alone, with those constitutional safeguards for personal right and equal governmental burdens, which belong, under our Constitution, to everybody within the territorial dominion of the United States. What political rights, if any, the inhabitants of Territories shall enjoy, and what the form of government through which they shall be enjoyed, whether it shall be simple and arbitrary, like that devised originally for Louisiana, or complex and liberal, like that lately adopted for Hawaii, is absolutely within the discretion of Congress.

The decisions on the subject are too many and too positive to permit the proposition to be doubted; and it is in this sense that the Supreme Court has been speaking in every case where it has declared the power of Congress over the Territories to be plenary and unlimited. But on the subject of those governmental burdens which the genius of our institutions require to be equal everywhere, and the withholding of which led to the establishment of our Republic, and on the subject of life, liberty, and property and the full and perfect enjoyment thereof, Congress, in legislating for the Territories, is subject to all the limitations of the Constitution. The decisions on this subject are likewise too many and too positive to permit the proposition to be doubted, save by those who, "having eyes, see not, and having ears, hear not."

Mr. President, I have heard nothing in the full and ample discussion of the subject which we have had in Congress and have seen nothing in the opinions of the court rendered in the insular cases which has induced me to modify the views expressed in the speech from which I have quoted. On the other hand, further consideration and reflection has only tended to confirm my conviction that they are sound and correct.

If I am right thus far, then the only provision of section 2 which can be questioned from a constitutional standpoint is that one limiting the rights of children of Chinese parentage born in our insular possessions since we acquired these possessions. But as to such inhabitants, since their parents can not come here, and they are not likely to come of their own accord until they reach the age of puberty, it will be in the neighborhood of twenty years before the question of their rights can ever become practical and concrete. Before any of them can ever have any interest which will be affected by this section the questions upon which their

right will depend will have been determined and settled by our courts, and nothing in this bill will affect them one way or the other. The question to-day is abstract and speculative.

In view of the character of the legislation being put on our statute books every day concerning our insular possessions, to object to this most wholesome and necessary measure because of one abstract feature, small and insignificant in itself, is something like swallowing a camel and straining at a gnat. Besides all this, however clear any of us may be in our views of constitutional law applicable to our new possessions, it must be admitted, in view of the expressions in the decisions of our court of last resort, that the ultimate determination of all these constitutional questions is involved in doubt and obscurity. Let us not, then, foreclose the just interests of our own countrymen in deference to supposed rights of alien blood, which may be found ultimately to have had no existence, and which, if they do exist, will be fully established by our courts long before the rights can ever be asserted. And, finally, I have an abiding faith that no long time is destined to elapse before justice and expediency will be found running in parallel lines in the policy to be pursued by this country toward the Philippine Islands.

When that day comes we will freely accord to the Philippines that liberty and independence which they fairly won from Spain, and which we have thus far so unjustly withheld from them. We will certainly do this if it shall ever be adjudicated by our court of last resort that they are a conduit through which the population of China may filter into the United States; and for this reason I do not think the question of the rights of the Chinese children, of tender years, born in the Philippines, is of any great moment, or at least of sufficient moment to justify legislators in voting against any feature of this most necessary and well-considered bill. In conclusion upon this point I beg leave to read to the Senate from the powerful presentation before the Senate Immigration Committee, made by Mr. Livernash, of the California Chinese commission. I confess that this presentation overcame any scruples I had entertained concerning the features of the bill which I have been discussing, and I hope and believe it will be equally effective with others entertaining the same scruples.

I read from Senate Report No. 776, part 2, pages 80, 81, and 82:

We are not unmindful of the difficulties of the proposal that freedom of locomotion be limited.

We are aware that some gentlemen very sincerely differ with the proponents of the theory that the Congress can constitutionally say to Chinese persons lawfully in the Philippines, "You may remain in the archipelago, but you may not enter the continental dominion of the United States."

We are aware also that some who feel that the Congress can lawfully say this to a Chinese person who has entered the Philippines since the cession of islands to our Government think that the National Legislature can not lawfully say it to a Chinese person who was an inhabitant of the Philippines at the time of the cession, though not a native.

We are yet further aware that some believe the Congress can say this lawfully to Chinese persons who, not being natives of the islands, were therein at the time of the cession or have properly come there since, but can not constitutionally say it to a native of the archipelago.

These difficulties are some of the number arising from the very nature of the attempt to hold the Philippines domestic for some purposes and foreign for others.

However, we are assuming that the majority, at least, in this Congress is proceeding on the theory that the Congress has the full right to fix the status of even the natives of the Philippines, and that, independently of Congressional action, the people of the Philippines have not been incorporated into the body of American citizens; and we are assuming that the minority, while holding that the Constitution in its full vigor follows the flag, and that the Congress, itself a creature of the Constitution, has not the power to withhold from or to legislate into any territory whatsoever under our flag the Federal organic law, or to strain or modify in any particular whatever the basic theory of our Republic as expressed in the Declaration of Independence, nevertheless does not desire to prevent the endangered Pacific States from taking the theory of the majority in its fullness and having it passed upon not by the legislators, but by the judges, of the Republic.

We represent, in pursuant to this line of argument, that it is the duty of Congress—forever pledged, we feel, to a policy of excluding Chinese laborers from competition with our own Caucasians—that it is the duty of the Congress to retain for us all of the debatable ground upon the difficult constitutional questions proposed, questions which are doubtless in the minds of every member of this Congress who has given the subject any thought.

It is not for the Congress of our country to take away from us the chance of having our day in court, and fighting for the protection of the States along the Pacific seaboard. Those States are no more responsible than any other States of this Union for the unhappy conditions out of which came the cession of the Philippine Islands to our country. But those States, more than any other States in all the Union, are entitled, by virtue of their long suffering under Chinese immigration and by their proximity to the Asiatic mainland, to come to the Congress and insistently to demand, with hopefulness, that the Congress shall strain every point within its power in favor of the doing of those things that must be done under the unfortunate conditions in order to give to the people of such States, and in a secondary sense to the people of all the other States, sufficient protection against the evil the exclusion policy was designed to terminate.

Those gentlemen who can dispute with us the constitutional points involved, and who put the subjunctive mood into all their discussion—as, for example, "If the courts hold thus," and "If the courts hold so"—have, as fair Americans, foreclosed themselves from denying to us that which we are here insisting we have a right to be given. Their very subjunctive, proposing that there is doubt as to the constitutional powers of this Government to do the thing needful, is the argument we base ourselves upon when we say to you, "Give us all the doubtful ground and let us hold it forever, if may be, but at least until the judicial arm of the Government deprives us of some or all of it." And if we hear from the judges that we can not, under our



system of government, gain that protection constitutionally which our civilization requires, then we will address ourselves as sovereign States and citizens of sovereign States to the large and momentous business of persuading the American people that when the nation brought a quasi-Chinese colony under our flag, against which the Congress was powerless to protect our mainland and our Caucasians, then that nation did a thing which must be reconsidered, and the relations of our mainland to the endangering Asiatic archipelago must be changed.

It is beyond question the duty of the Congress, and certainly of its Senatorial branch with its vote on the Hawaiian annexation question and its ratification of the treaty of Paris and its adoption of the joint resolution I have read, to hold for us every inch of debatable ground.

Another new feature of this bill is that found in the last two clauses of section 39:

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: *Provided*, That to relieve from said penalty in such case it shall be shown to the satisfaction of the appropriate Treasury officer that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

These provisions of the bill have been severely assailed on the ground that they put our American vessels plying on the Pacific Ocean at a disadvantage with the vessels of other nations. For mercy sake let us preserve a reasonable consistency. This Chamber has hardly ceased to resound with the demands of ship-subsidy advocates for an American merchant marine manned by Americans who could fight the country's battles, and to get such a marine and to stimulate the employment of native Americans therein, at living American wages, the ship-subsidy bill was passed. That bill is pending in the other House, and will most likely be passed there, as it is an Administration measure, and the Administration has a majority in that House.

It does not seem unfair, in view of the enormous bounties we are about to pay, that the steamship companies be deprived of the right to employ cheap Asiatic labor. It does not seem out of place, if the principle of Chinese exclusion be a sound one, to extend it to the decks of our ships, which in law are as much a part of our territory as any part of our soil. To do so serves the twofold purpose of protecting our sailors from cheap Asiatic competition and of building up for the defense of our country in time of need a loyal, patriotic American naval reserve. No one can question the desirability of doing both of these things, nor can anyone question the absolute necessity of doing the last one, if we are to maintain our naval supremacy in time of war. While some of us in this Chamber were opposed to the ship-subsidy bill, it was not on the ground that a merchant marine manned by Americans was not necessary, but on the ground that the object could better be accomplished in another way. But having undertaken to accomplish it by subsidies, it does seem remarkable that the very men who have been clamoring for subsidies in order that they might pay living American wages to American seamen should now come here and clamor for the right to employ Chinese seamen at Chinese wages. They should either give up their subsidy or give up their Chinamen.

Mr. Evarts, speaking for the Pacific Mail Steamship Company before the Senate Committee on Immigration, complained that this provision would cost his company \$200,000 a year. The subsidy which his company will receive under the terms of the subsidy bill that passed this body will amount to double that sum. But if his company did not receive a cent it would have no right to complain. No vessel should be permitted to run under the American flag which is not manned with efficient seamen, and the Chinese are not and never will become efficient and trustworthy in times of stress and peril.

Let me read on this subject from the testimony of Mr. Andrew Furuseth, one of the representatives of the California Chinese Commission, himself a practical sailor and the representative of the Pacific Coast Sailors' Union (Senate Hearing, pp. 247, 248):

As such, we could point to the notorious unreliability of the Chinese and other Asiatics in times of emergency on shipboard.

This characteristic has been demonstrated on numerous occasions—in fact, in every case of wreck or other serious accident. By way of illustration we would cite the case of the collision between the steamers *City of Chester* and *Oceanic* in the Golden Gate some years ago. The former vessel, manned by American seamen, sank with great loss of life. The *Oceanic* (chartered by the Pacific Mail Steamship Company), though little damaged, rendered practically no assistance to the sinking vessel, for the reason that her Chinese crew became terror-stricken and were unable to launch the boats. The American seamen and firemen of the *City of Chester* had actually to make their way to the Chinese-manned vessel and launch the latter's boats, and by so doing managed to save many lives that would otherwise have been lost through the inefficiency and cowardice of the Chinese. The *City of Chester*

belonged to what we called the good old Perkins boats; that is, the Pacific Coast Steamship Company's line coastwise boats.

Coming down to the recent loss of the Pacific Mail Steamship Company's steamer *City of Rio de Janeiro* in the harbor of San Francisco, it will be remembered that that vessel remained above water for fifteen or twenty minutes after striking, thus affording ample time to get the boats overboard and secure the lives of the passengers. In this case, too, a panic occurred among the Chinese crew, with the result that 127 lives were lost, including the greater number of passengers, many of whom were women and children. Only one boat was launched, and that was captured by the Chinese, in utter disregard of the lives entrusted to their care.

As another instance of the inefficiency of the Chinese, we may refer to the experience of the transport *Lenox*, which was disabled off the Pacific coast in the last days of July of last year. She was a United States transport, and yet, with all that she carried a Chinese crew. Her Chinese crew refused to go in the boat to the coast to bring assistance.

A volunteer boat's crew consisting of Caucasian seamen, just discharged from the Navy, and other passengers performed the duty which the Chinese crew refused to perform. As reasons for carrying Chinese and other Asiatics it is claimed that "they are cheaper," "give less trouble," and that "they are more amenable to discipline"—under ordinary conditions.

I conclude, then, Mr. President, that the complaint against this section is without just foundation. Justice to our native sailors demands it. The interests of the Government demand it. The rights of passengers on American vessels, whose lives are dependent on the efficiency of the seamen employed, demand it. And, finally, the bounty of our Government to our American vessels justify us in requiring and compelling it.

Mr. President, I shall not spend much time in discussing the commercial aspect of Chinese exclusion. Representatives from some of the commercial bodies of the country appeared before the Senate committee and urged care and prudence in the framing of this bill, on the ground that our commerce with China was increasing, and that it might be injured by injudicious legislation. The committee was not unmindful of this great interest, and did exercise all the care and prudence possible to avoid unnecessarily harsh measures against which China would have a right to protest. But the committee felt it to be a duty to our own people and to our own civilization to make the bill one which would be effective in carrying out the policy of Chinese exclusion.

Since the substantive features of the bill were all in harmony with existing treaty provisions, and the other features were all in aid of the substantive provisions, and all had been enforced for twenty years without material friction between the two countries, it was felt that their reenactment at this time offered no menace to our good relations with China, or to the continued expansion of our trade there. This was felt all the more strongly because statistics established that from 1882, when the policy of Chinese exclusion was entered on, down to the present time, our exports to China had grown from 3,277,000 haikwan taels in 1882 to 22,289,000 haikwan taels in 1899. The exports fell off to 16,724,000 haikwan taels in 1900, owing to the Boxer disturbance in China that year. The growth of both exports and imports was from 11,697,000 haikwan taels in 1888 to 43,975,000 haikwan taels in 1899.

The tael is not a coin, but is a weight of silver, averaging 1½ ounces, and is worth in American gold the value of 1½ ounces of silver. This was 72 cents in 1897. Transforming the tael into American gold, our exports to China increased from \$2,359,440 in 1882 to \$16,048,080 in 1899. Exports and imports aggregated increased from \$8,421,840 in 1888 to \$31,662,000 in 1899. Results speak more loudly than theories, and judging by these results the apprehensions which our commercial interests have felt and expressed growing out of the present proposed legislation are without substantial foundation. But if it were otherwise, what conscientious, patriotic citizen is there in this land who would have us falter in the prosecution of our national policy at this time? Dollars and cents are well enough in their way, but a citizenship with morals unperverted and hope unimpaired, happy, healthy, content, and patriotic under the provident care of wise, just, and liberal government so far outweighs the dross of gold and silver that the two considerations ought not to be mentioned in the same breath.

It appears to be thought by some that a short bill, providing for the continuance of present restriction laws during the life of the present treaty with China, is all that is required at this time. The bill framed by the Senator from Connecticut [Mr. PLATT] and offered by him as a substitute for the present bill proceeds undoubtedly on that theory. But there are a number of reasons why such legislation is inefficient, and, without regard to its efficiency, impolitic.

First. The present laws are scattered through half a dozen different enactments, are difficult for the ordinary practitioner to find, and when found it is sometimes difficult to reconcile all their provisions. The Treasury regulations are still more difficult to find. They are not contained in any general publication. All the provisions of law, and the Treasury regulations having the force and effect of law, ought to be revised, codified, and combined in a single enactment. That is what the present bill does, and the advantages of it are so obvious that I need not undertake to enforce them on the Senate.



Second. The act of 1888, known as the Scott Act, which contains important and necessary provisions, is now being attacked in the Supreme Court of the United States on the ground that it was enacted in contemplation of the ratification of the Chinese treaty of 1888, and since that treaty failed by reason of the failure of China to ratify and proclaim it, it is claimed that the act of Congress based on it and intended to carry out its provisions must fail and be declared of no force. There is much reason to believe that the contention is well founded. Some of our own officials have so maintained. It is manifest, then, that the provisions of the act of 1888, if that act be declared of no force, would not be continued in operation by a mere declaration continuing in force all the provisions of existing law.

Third. The Treasury regulations are likewise being attacked in the Supreme Court, and the ground urged is that there is no specific provision of existing laws authorizing the making of such regulations. While the treaty of China contemplates the making of such regulations, it is urged that the laws have not reposed the power to make and declare them in any particular officer, and hence, in enforcing Chinese exclusion, we can not look for means and methods beyond the terms of the law and the treaty. This contention, if sustained, would have the effect, practically, to break down Chinese exclusion, and it is being urged in a number of cases by Chinamen at the instance and with the assistance of the steamship companies and the transcontinental railway companies. This offers an additional and most conclusive reason for incorporating these Treasury regulations into the body of our statutes.

Fourth. The present exclusion treaty with China does not expire until 1914, but it may be denounced by either Government in 1904, and it is then and thereby terminated. The passage of any law at this time running with the life of the treaty and terminating when it does is an invitation to the Government of China to denounce and thereby terminate the present treaty.

Fifth. The passage of such a law is equivalent to the adoption of a policy unfavorable to Chinese exclusion except by permission of China. It will be so regarded by China and will be so regarded, and justly so, by our own people. It would give rise to agitation and unrest on the Pacific coast. It would disturb the present harmonious relations between capital and labor under which that coast is making such giant strides of progress. It ought not to be adopted, and unless it be the policy of the dominant political party to break down Chinese exclusion it will not be adopted.

Mr. President, this measure is not in the interest of the Pacific coast alone. It is in the interest of the health and the morals and the civilization of the entire country. I include civilization with health and morals because a high civilization in any country is dependent on a high state of health and morals. I include it, moreover, because our civilization, the most splendid in the world and offering most of hope to the world, is built up and maintained and will be continued on the dignity which attaches to and belongs to human labor.

The yellow hordes of China, pressed from within and dazzled by the unexampled opportunities which the rapid development of our virgin resources offer, will in time invade and take possession of every part of our land if given the opportunity. The first wave will break on the Pacific coast, but wave will succeed wave until the entire continent is inundated and overwhelmed. We have had a sufficient experience of the evil on the Pacific coast to make us keenly alive to the multiplied evil which will certainly follow the breaking down of our present exclusion policy. And since we have suffered, and will be the first to suffer further, we feel that we have a claim now and here in this matter to the broad, generous, and humane consideration of our countrymen throughout the entire land, and to that of their Representatives in Congress.

We appeal confidently, then, to the representatives of all sections of the country and of all political parties to stand with us in the enactment of this wise and just and most necessary legislation. We appeal with especial confidence to our friends from the South, who have in their body politic a growing cancer second only in virulence to that which would be fastened on the Pacific coast by a further propulsion to their shores of the pagan hordes of China. The Caucasian and the Mongolian are as far apart as the Caucasian and the Ethiopian. We have had the race problem with us from the beginning as the result of the presence of the Ethiopian. It kept us in turmoil for half a century and came near destroying the integrity of the Republic. It is with us still and is taking new and added and deplorable forms, bringing misgivings and forebodings to the minds of thoughtful men everywhere. How it will end no man can foresee, but one thing is certain, since the black man is nonassimilable and can not reach up to the standard of the Caucasian, nor pull the latter down to the level of the Ethiopian, he will remain a disturbing factor in our nationality so long as he remains one of its constituent elements.

In the name of American progress and American civilization

let us avoid adding another such plague spot to the body politic. We may feel kindly toward the Government and the people of China, and may manifest our feeling in many ways besides that of absorbing her toiling millions to the hurt and injury of our own Government and our own people. We have lately manifested our friendly disposition toward China in a most substantial manner, and, if reports be true, she entertains a lively sense of gratitude toward us for our conduct. I hope we will always continue to manifest such a disposition, but it must be on broad lines. There must be no lowering of the American standard out of complaisance to that country or any country. Our standard must be raised rather than lowered. It is high now, but it can be raised still higher. With wisdom to see and courage to act, the height to which we may grow as a nation in affluence and power, in culture and refinement, and the influence for good which we may diffuse as the result of our splendid example is beyond anything that the mind of man has ever conceived. Let us have the wisdom to see and the courage to act now, that this glorious consummation be not hindered or impaired.

#### INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11553) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. STEWART, Mr. PLATT of Connecticut, and Mr. RAWLINS were appointed.

#### HOUSE BILL REFERRED.

The bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

#### MASONIC FAIR AND EXPOSITION.

The joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits was read twice by its title.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from North Dakota [Mr. HANSBROUGH] to the joint resolution. The Senate yesterday passed a joint resolution of precisely this nature, which has not yet gone to the House of Representatives.

Mr. HANSBROUGH. I am not familiar with the subject, and I think perhaps the joint resolution had better be referred to the Committee on the District of Columbia.

Mr. SPOONER. I suggest that it had better lie on the table for the present.

Mr. HANSBROUGH. Or, as is suggested by the Senator from Wisconsin, perhaps the joint resolution had better lie upon the table.

Mr. SPOONER. In connection with it, I will suggest that the joint resolution which was passed yesterday, and which has not yet been sent to the other House, be retained by the Senate.

The PRESIDENT pro tempore. It will be withheld from the House of Representatives until some member of the Committee on the District of Columbia is present who is familiar with the subject.

Mr. McMILLAN subsequently said: I ask the Chair to lay before the Senate the joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits, and that it be put upon its passage.

The PRESIDENT pro tempore. The Senate passed a joint resolution yesterday of exactly the same nature, which is now on the table. If there is no objection the joint resolution is before the Senate as in Committee of the Whole.

Mr. HOAR. Let it be read for information.

Mr. McMILLAN. We passed the same joint resolution yesterday.

The PRESIDENT pro tempore. If there be no objection, the joint resolution is in Committee of the Whole, and will be read.

Mr. HOAR. I ask that it be read for information before unanimous consent is given.

The PRESIDENT pro tempore. The joint resolution will be read for information.

The joint resolution was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to permit electric-light wires to be laid in existing con-



duits and house connections between such conduits and Convention Hall, to be made for the purpose of supplying additional light for the Masonic fair and exposition of 1902: *Provided*, That all such wires shall be removed on or before May 10, 1902.

The PRESIDENT pro tempore. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. I move that the votes by which the joint resolution (S. R. 76) to authorize the Commissioners of the District of Columbia to issue certain temporary permits was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. McMILLAN. I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

#### REPORT ON FRAUDULENT ENTRY OF CHINESE LABORERS.

Mr. PATTERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury is hereby directed to transmit to the Senate a copy of an official report made to the Treasury Department by James R. Dunn, covering the development of importing into the United States Chinese laborers in the guise of members of the exempt Chinese classes, the same being a report referred to in the letter of said James R. Dunn to Hon. Boies Penrose, United States Senate, under date of April 8, 1902.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. ELKINS. I wish to offer an amendment to the pending bill. I ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The Senator from West Virginia offers an amendment to the pending bill, which will be printed and lie on the table.

Mr. DILLINGHAM. Mr. President, some days ago, soon after this bill was made the unfinished business, I presented quite a large number of proposed amendments, which were ordered to be printed. I did it at that time for the purpose of bringing to the attention of the Senate sundry provisions of this bill which to me seemed objectionable.

I am heartily in favor of a law which will exclude Chinese laborers as provided in the treaty of 1894 between the United States and China. I shall gladly vote for any substitute bill that may be presented which, in effect, continues in force or reenacts what is known as the Geary law. I shall vote for it because I believe that law has been effective, its purpose has been accomplished, and because it is without objectionable features; and if there have been objectionable features in its administration, they can be easily remedied.

In discussing this bill I propose to do it in a general way, and with the purpose of inquiring why it becomes necessary to adopt a measure 50 pages in length, and to enact into law so many provisions which are now merely the regulations of one of the departments of Government, a department fully able, when a law is declared, to make and remake regulations as circumstances may require.

When the present session of Congress opened, I think it was the general impression among thinking men that the Geary law should simply be reenacted. I notice, in looking over the files, that bills substantially for that purpose were offered by a large number of Senators; for instance, by the Senator from Pennsylvania [Mr. PENROSE], the Senator from Massachusetts [Mr. LODGE], the Senator from Indiana [Mr. FAIRBANKS], the Senator from Nevada [Mr. STEWART], the senior Senator from Vermont [Mr. PROCTOR], the Senator from Oregon [Mr. MITCHELL], and by the Senator from Utah [Mr. RAWLINS]; and, so far as I now remember, all of those bills were in effect to reenact the Geary law.

I do not find, on examination of the record which has been sent in by the Committee on Immigration, that anyone who is now urging the adoption of the present bill urged it at that time. If I may be permitted to refer to the record, I will call attention to the statement made by one of the commissioners from California, Mr. Livernash, who, it has been said in debate to-day, was the author of this bill; indeed, he testified that such is the fact. He said:

When the California commissioners arrived in Washington we were in favor of simple renewal of existing laws in some such way as under the Lodge bill, but with a few amendments shown by experience since 1893 to be desirable, and with provisions giving protection against the Philippine Chinese. But we did not then know of the five pending cases to which I have referred; and knowledge as to those cases has made us advocates of restatement, of codification, rather than of simple renewal, and has made us regard such re-statement or codification as vital.

Therefore it appears that in its operation, ever since its passage down to the time when these commissioners came to Washington, the law had been absolutely satisfactory to them.

I call attention also to the testimony of another—or the statement, rather, because no testimony, in the strict sense of the word, was taken before our committee—the statement of ex-Mayor James D. Phelan, of San Francisco. He says:

I suppose the Chinese of California have not returned to their native land, but they have scattered themselves throughout the United States. However, so far as California is concerned it is satisfied with the operation of the exclusion law. The Chinese population has fallen off materially.

Referring to the convention from which he and Mr. Livernash took their credentials, or under whose action they were appointed, he says:

This convention unanimously, without a dissenting voice, memorialized Congress, requesting not the reenactment of a particular law, but the reenactment of the exclusion laws whose operation had been so beneficent and satisfactory.

Printed on the same page and subsequent pages of the record is the memorial that was sent to Congress by the convention I have already referred to, in which it is said:

Pursuant to a call officially issued by the city of San Francisco, there assembled in that city on the 21st day of November, 1901, for the purpose of expressing the sentiments of the State of California on the reenactment of Chinese-exclusion laws, a convention composed of State officers, representatives of county supervisors, city councils, trade, labor, commercial, and civic organizations to the number of 3,000, and without dissent it was resolved to memorialize the President and the Congress of the United States as follows, etc.

In stating what the operation of those laws had been the memorial uses this language:

The effects of Chinese exclusion have been most advantageous to the State. The 75,000 Chinese residents of California in 1890 have been reduced, according to the last census, to 45,600; and whereas the white settlement of California by Caucasians had been arrested prior to the adoption of these laws, a healthy growth of the State in population has marked the progress of recent years.

It appears, therefore, Mr. President, that when this session opened nobody desired anything better as a law than that then upon our statute book. The only reason that has been given in debate or in evidence that I am aware of for any amendment to the existing law is that mentioned by Mr. Livernash in the record which I have just read, in which he says that when the commissioners came here he did not know of the five cases pending in the Supreme Court.

It seems to me, therefore, that the Geary law, with one or two slight amendments, would answer every purpose desired to be attained by the most ardent advocates of the exclusion of the Chinese. One of those cases in the Supreme Court involves the validity of the regulations governing the privilege of transit of laborers through this country. It has been claimed that such regulations are invalid, because when made by the Secretary of the Treasury they were based upon a section of the statute of 1888, known as the Scott law. The Scott law was adopted when there was a treaty pending which it was supposed China would very soon ratify. That law in its enacting clause reads:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the date of the exchange of ratifications of the pending treaty between the United States of America and His Imperial Majesty the Emperor of China, signed on the 12th day of March, A. D. 1888, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States, except as hereinafter provided.

It is claimed that act has never been in force and that any regulation made under its authority is an invalid regulation; and that is the one question, as I understand it, upon which that case may turn. For myself, I think the law never went into effect. I do not see how any regulation made under it could have the force of law. Admit, for the sake of the argument, that such is the fact; admit, for the sake of the argument, that the decision of the Supreme Court will be to that effect, then the only thing that is necessary to be done by Congress in reenacting the Geary law is to merely add a clause by way of amendment providing that the Secretary of the Treasury shall have power to make proper regulations governing the admission of those who seek transit through our country. With such an amendment the difficulty is solved.

Then there are certain other cases pending in the Supreme Court, in which, as I understand, it is asserted that the treaty of 1894 contains in itself a plan of procedure, providing how and under what circumstances the Chinese may come into this country, and that such provisions of the treaty are superior in authority to any statute adopted before the ratification of the treaty. If that be true, and if the Supreme Court shall hold that the regulations made under acts which were in force before the ratification of the treaty of 1894 are illegal and without binding authority, it will be because the treaty of 1894 was the last expression of national opinion and authority, and for that reason governs any statute preceding it in date. If, therefore, at this time we reenact the Geary law, such reenactment, coming subsequent to the ratification of the treaty, will be the higher authority, being the last



expression of legislative authority. If in any way its provisions differ from those of the treaty, we have taken the responsibility of adopting them, and the law becomes superior in authority to the terms of the treaty.

During the hearing, to which I have already referred, this question arose indirectly. Objection was made by some who appeared before the committee to what was known as the Proctor bill, because it provided for the continuance of the Geary act—I regret that I have not the bill before me, and am unable therefore to give its exact language—in accordance with the existing treaty obligations. One of them, having his attention called to the bill, made this statement:

The Proctor bill would carry forward only so much of the living law and practice as is strictly consistent with the text of the treaty of 1894, whereas as things stand it is assumed that the treaty text may be helped out by the text of the living law and regulations in force at the ratification of the convention.

In other words, it was claimed because we had the law of 1892 upon the statute books when the treaty of 1894 between the United States and China was ratified—and the same was claimed in the debate here the other day—that the provisions of the law of 1892 were in some way read into the treaty of 1894. By what authority I do not know. The objection to the original Proctor bill was that it continued in force the existing laws in accordance with the terms of the treaty, and therefore it would not carry forward the provisions of preexisting law, and for that reason was objectionable.

Therefore, Mr. President, it seems to me that every reason that has been suggested for rewriting the laws has been done away with, because, by a simple amendment, the provision of the Scott law giving the Secretary of the Treasury the right to make regulations concerning those who seek transit through our country can be added as an amendment. If the Geary law is reenacted at this time, in so far as it differs from the provisions of the convention of 1894, it will be paramount in authority to them; and if it becomes necessary to give effect to the Geary law in the Philippines a simple amendment to that effect can also be adopted.

I do not know precisely why a provision should be attached, however, in respect of the Philippines. If a resident of the Philippines is a Chinese subject he clearly can not enter this country under the provisions of existing law. If a Chinaman in the Philippines has become a citizen of the United States, either under the treaty with Spain or under any act of Congress, then, of course, he has the right to enter the country regardless of the law. I do not think I am mistaken about the operation of the Geary law. It is clear that no legislation to prevent Chinese coming from the Philippines to the mainland is necessary.

The real question presented to this body for consideration is this: How can we best protect American labor, a thing we are all anxious to do, and at the same time best protect American commerce? In other words, how can we most successfully protect American citizenship in all of its branches, in all of its conditions, and how best protect American progress and American prosperity?

I have listened with a good deal of interest to what has been said in debate concerning the character of Chinese immigrants. I heard it all in committee. I have no criticism to offer upon anybody who objects to the introduction of that class of people into this nation. Very much of what has been said is true. I do not know but that all of it is true. I know nothing about it. I have not come in contact with this class of people. But admit for the sake of the argument that it is all true. If there is any member of the Senate who opposes either this measure or any other upon the ground that he objects to the policy of Chinese exclusion I do not know who he is. For myself, I stand, as I said before, in favor of excluding the Chinese laborer and making the law strong and effective to that end. Therefore, if a majority of the Senate are of the same opinion, I do not see how the discussion of the moral character of the Chinese can help very much toward the solution of the main question as already stated. If it relates to prostitutes, who have been so much referred to, we have a general law applicable to them, whether they be European or Asiatic.

I do think, however, Mr. President, that the fear which has been expressed of a large influx into this country of Chinese of the prohibited class is greater than the facts warrant. It is but natural that those who have been most troubled by the coming of Chinese laborers should be anxious and should magnify the dangers that confront them. It is perfectly evident that those who have the execution of this law committed to them have become unduly excited, and in the expression of their opinions they oftentimes resort to extravagance of statement in an effort to impress upon their hearers the danger that impends unless the laws are made more stringent than at present.

A fair illustration of this was offered during the proceedings before the Committee on Immigration. The committee room was crowded. A large proportion of the committee were present. The heads of different departments of the Federation of Labor were

sitting along the border of the room. There appeared before us the Commissioner-General of Immigration; the law officer of that Bureau, Mr. Campbell; Mr. Dunn, the inspector of Chinese immigration at San Francisco; a United States deputy marshal; a Government interpreter; and with this body of men there were brought in two miserable, downcast-looking Chinamen. I hardly know how to describe their appearance. They stood modestly at one side of the room with their heads dropped. They were interrogated by pretty much everybody, through the interpreter, and the impression left upon the minds of the committee when we were through with the hearing was that they were fair examples of those who were coming into America on every side. They came into America, as I understood, with certificates as merchants, fraudulently obtained in China through a certain house which has been engaged in obtaining fraudulent certificates for Chinese emigrants.

These two Chinamen were entirely without counsel. They never had been inquired of whether they wished counsel, but they were brought into the Capitol of the nation. They were brought into the committee room. They were put upon the rack. They were inquired of in every possible way, through the interpreter, and it went, as a matter of course, in the minds of all of us that everything stated about them was true.

It now appears that one of those men has been in the city of Washington for four years. How long the other one has been here I do not know. I am informed that one has not yet received his trial. His case is awaiting evidence, but the other was brought before the Commissioner, and, on appeal, before Judge Hagner, and on a full hearing before the latter has been discharged upon the ground that his certificate was valid.

If an American citizen had been picked up in that way and not taken before a magistrate, but hauled through the streets of Washington and into the Capitol of the nation and before a promiscuous crowd, and compelled to answer as those men were compelled to answer, I think somebody would have brought a suit for false imprisonment. But no matter about that. I mention the circumstance simply to show how every incident connected with the administration of this law by those who are appointed to administer it is magnified.

I do not know of any evidence that was brought before the committee which tended to show any organized effort on the part of anyone in power to evade or override this law, except that which was mentioned by Mr. Dunn and which has been the subject of a colloquy between the Senator from New Hampshire and the Senator from Indiana. I had intended to say something about the statement, but it has been so fully gone into that it is not necessary for me to do so.

I wish, however, to say by way of explanation that Mr. Schwerin, the general manager of the Pacific Mail Steamship Company, was not in Washington, and consequently not in attendance before the committee at the time the statement was made by Mr. Dunn. When the statement was quoted in the Senate two or three days ago he called me from the Chamber and, denying its correctness, stated that it was the first time that his attention had been called to the matter. In view of the inquiry by the Senator from Indiana, why he had not sooner made denial of the fact, I think it is only justice to Mr. Schwerin that I make this statement.

Mr. FAIRBANKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. Certainly.

Mr. FAIRBANKS. The Senator agrees with me that the counsel for the steamship company was present during the statement.

Mr. DILLINGHAM. He was.

Mr. FAIRBANKS. I ask the Senator's permission to say one word more.

Mr. DILLINGHAM. Certainly.

Mr. FAIRBANKS. In what I said I do not wish to be understood as casting any criticism whatever upon the general manager of the company or the company itself. I adverted to the statement which is in the record and submitted the statement for what it was worth. I felt that I had a right to accept the statement as true at the time, for up to that time it had stood unchallenged. But as to whether the general manager or Mr. Dunn is right, of course I have no more information or any better opinion than the Senator himself.

Mr. DILLINGHAM. I hope the Senator from Indiana did not think I was offering any criticism of his action.

Mr. FAIRBANKS. Oh, not at all.

Mr. DILLINGHAM. That was farthest from my mind.

But, Mr. President, the question comes back, after this interruption, to the proposition—what is best for the nation in view of the circumstances disclosed at the hearings before the Committee on Immigration? Under the Geary Act the Chinese in California have been reduced in number from 72,472 in 1890 to 45,753 in the year 1900. In other words, under the operation of this act within



ten years the number of Chinese in California has been reduced 40 per cent. What better result can be hoped for under any law that may be enacted? This fact is the basis for the statements made by Mr. Livernash and Mayor Phelan. In it is found the reason of the language used in the memorial from the California Convention to this body, expressing their great satisfaction with the operation of the law. In our effort to exclude Chinese laborers from our country the Chinese Government is in full accord with us. The preamble of the treaty of 1894, as has already been stated, gives expression to China's desire to prohibit the emigration of such laborers.

The operation of existing law has been most satisfactory. I find that during the last seven years there has not only been a decrease in the number of Chinese in California, but there have not been brought into this country such vast numbers of them as the discussion in this case would seem to indicate. Take, for instance, the Chinese laborers in this country holding certificates who have the right to go to China and have the right under the treaty and under the law to return. I find that in the last seven years the number going out from this country has been as follows:

In 1895, 110; in 1896, 936; in 1897, 1,651; in 1898, 2,200; in 1899, 2,554; in 1900, 2,452, and in 1901, 2,735.

During those seven years there have gone out from this country of Chinese laborers, voluntarily, with the right to return, 12,638.

During 1896 only 106 returned; in 1897, 1,039; in 1898, 1,497; in 1899, 1,793; in 1900, 1,977; in 1901, 2,280. In other words, there have returned during the same period only 8,712, or about two-thirds as many as have left our shores.

It has been said in argument that we stand in great danger because of the immense numbers who attempt to go through our country from China to other countries. It is alleged that they pass through into Mexico, and after remaining there a brief period recross the border and come again into the States; that they go into Canada and work their way into the States over the Canadian border. After hearing the statements of the inspectors one would really believe that the Chinese are liable to become as numerous as the frogs were in Egypt at the time of the plague.

I find, however, that the number of those who passed in transit through the United States to other countries in 1894 were 1,169; in 1895, 1,168; in 1896, 1,521; in 1897, 1,819; in 1898, 865; in 1899, 1,012; in 1900, 2,602; in 1901, 1,807. During the eight years the average number coming in and going out of the country annually was only 1,495.

How many of these worked their way back into this country and therefore were here illegally? That can only be shown by the number whom we deported, because if there is an active set of officers in all our nation it is the corps of inspectors who have under their charge the enforcement of these laws. I live on the border, and I know their diligence there, and certainly we can not complain that the officer in San Francisco is not vigilant and thorough. They have raked and scraped this nation of ours in each of these years to find and deport Chinese illegally here; those who did not hold certificates. How many have they found and deported? In 1895 they found 82; in 1896, 120; in 1897, 227; in 1898, 220; in 1899, 192; in 1900, 288, and in 1901, 328, or an average during each year of that time of about 208, who have worked in illegally and were therefore subject to the laws requiring their deportation.

It seems to me, Mr. President, that the figures do not indicate a very great danger to this nation under the operation of the Geary law.

Under the Geary Act, as has been suggested by others, we know what we can do. We know the certainty of its operation. Everybody understands it. Under it justice will be speedy. If we adopt the pending measure, delays will occur, the expense will be great, the whole service will be tied up, and a manifest injustice will be perpetrated upon large numbers of those seeking entrance into this country, perhaps legally. If California is satisfied with the operation of the Geary law, as she certainly is, why should we make any change? California and the Pacific coast States are those more interested in this legislation than any of the others, and every one of the gentlemen representing the Pacific coast before our committee expressed his satisfaction with the operation of the present law.

Mr. PLATT of Connecticut. May I ask the Senator from Vermont a question?

Mr. DILLINGHAM. Certainly.

Mr. PLATT of Connecticut. I suppose that among those deported are all who have lost their certificates or can not produce satisfactory certificates?

Mr. DILLINGHAM. I suppose so. It must be so, because the burden is placed upon the Chinaman to prove that he has the right to stay.

Mr. President, we came here the first of December. The vari-

ous bills that I have mentioned for the extension of the Geary Act were introduced. It was considerably later in the session that the bill we are now considering made its appearance. The Chamber of Commerce of San Francisco subsequently, on the 13th day of February, took action which I will read. I apprehend that the Chamber of Commerce of San Francisco is like the chamber of commerce of other great cities—made up of men who have brains, who have sound judgment, who have great experience in affairs, who have a reasonable judgment of what will be best for the prosperity of our country and of all classes which constitute our nation.

Mr. FAIRBANKS. From what page does the Senator read?

Mr. DILLINGHAM. Page 345. Their action was as follows:

Whereas there are now pending in the National Congress of the United States at Washington certain bills which we believe may be construed to so restrict the entrance of the mercantile class of China into the United States as to be harmful to our mercantile interests; and

Whereas the trade of the port of San Francisco with the Chinese Empire is of great and increasing importance, its value for the year 1890, including Hongkong, being \$15,689,458, and for the year 1900, \$26,685,438; and

Whereas for the proper conserving and promoting of this exchange of commodities we believe it is of the utmost importance that all facilities of commerce and the courtesies due to a friendly nation be extended particularly to that class of the Chinese Empire which operates, controls, and has in itself the means and power of furthering this trade, which, under favorable conditions and by the assistance of a broad Government policy, is destined to assume vast proportions in the future: Therefore

Resolved, That we do hereby most respectfully and earnestly petition the President of the United States and our Representatives in Congress to use their utmost endeavors to induce Congress to enact legislation so as to grant unrestricted entrance into the United States to all merchants and members of the mercantile class of Chinese, such as salesmen, clerks, buyers, bookkeepers, accountants, managers, storekeepers, bankers, and cashiers.

I find also that the Merchants' Exchange of San Francisco held a meeting February 12 and adopted a memorial which is substantially the same, if not in terms. It begins:

Whereas there are now pending in the National Congress of the United States at Washington certain bills which we believe may be construed to so restrict the entrance of the mercantile class of China into the United States as to be harmful to our mercantile interests—

And then it goes on to state the extent of the trade that the Pacific coast is enjoying with the Empire of China and to express the fear that harm may come if this legislation is adopted, and asks Congress to broaden its legislation so as to allow to come in from China those commercial classes which we very much need to come in contact with if we would dispose of the great surplus of our manufactures and secure our share of the foreign trade.

It is claimed that the pending bill is the existing law, but into this measure there has been written as law the regulations which have been adopted from time to time since 1882 by the Treasury Department for the guidance of their officers and inspectors. It seems to me it is pretty poor policy for Congress to doubt either the ability or the purpose of any one of the great Executive Departments of this Government to execute any law that is committed to any such department to be administered.

I understand that to the Treasury Department is committed substantially the whole duty and responsibility of administering the immigration laws and imposing regulations to carry such laws into effect. If we are to take these regulations, which may perhaps need to be amended to-morrow by new conditions as they present themselves, and make them matters of statutory law, we have, as it seems to me, insulted the head of that Department. We certainly have expressed a distrust of the ability of the Treasury Department to make regulations that will effectively carry into operation the provisions of the law which we may adopt.

But over and beyond that is the further objection to an act in which such regulations are adopted as a part of its provisions that every day may present a new condition regarding the incoming or the outgoing of some member of a class governed by this bill which requires the exercise of the discretionary power vested in the Department, thus calling for changes in existing regulations and the adoption of new ones. As a matter of policy it seems to me to be all wrong.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Wisconsin?

Mr. DILLINGHAM. Certainly.

Mr. SPOONER. Does the bill, in addition to adopting the regulations referred to, confer upon the Secretary of the Treasury power to make other regulations?

Mr. DILLINGHAM. It does in several instances.

Mr. SPOONER. A general power?

Mr. DILLINGHAM. I do not recall whether it gives him the general power, but it does in several instances give that power to the Secretary of the Treasury.

Now, there is another fundamental objection to the pending measure, as it seems to me. I may be wrong about it, as the Senator from Wisconsin sometimes says. This bill attempts to take up the Philippine situation and to deal with it in connection with the mainland situation. If that was to have been done, it

seems to me the bill should have gone to the Committee on Foreign Relations instead of the Committee on Immigration. It is a great question with which we have to deal in the Philippines, and yet this bill, presented under the circumstances I have indicated, professes to deal—

Mr. LODGE. May I ask the Senator from Vermont a question?

Mr. DILLINGHAM. Certainly.

Mr. LODGE. Why should it not have gone to the Committee on the Philippines, which is the committee in charge of affairs relating to the Philippine Islands?

Mr. DILLINGHAM. I have shown my ignorance of the different committees here. It should have gone to the Committee on the Philippines. The Senator is entirely right about it.

The Philippines are in close proximity to China. The Chinese have been coming into the Philippines for ages. The commerce between the Philippines and China is very large. I am told that very much of the provisions consumed by the Philippines comes out from China. The conditions in the Philippines are such that it seems to me entirely unwise that we should in this measure attempt to meet them. In this view of this question I am amply sustained by the testimony of Governor Taft given before the Committee on Immigration:

When we went to the Philippines we found in force the exclusion act now in force extended to those islands by a proclamation of General Otis, with the approval of the President. I am not sure whether it was an Executive order or whether it was an order by General Otis.

The chairman inquired:

Is the exclusion there similar to that which applies to the mainland of the United States?

Governor TAFT. Yes, sir. There are some exceptions, I believe, which the military governor allowed, but they are so small that it is practically the same as that applying in the United States. We never have disturbed them.

The CHAIRMAN. How long has that act been in operation?

Governor TAFT. I think it is three years.

The CHAIRMAN. That is the existing law?

Governor TAFT. Yes, sir.

That being the case, the Chinese are not able at the present time to come into the Philippine Islands any more than they are to come into the United States.

The question arose later about the people of mixed bloods, of whom there are large numbers in the islands. By one of the provisions of this bill they are excluded from coming to the United States, because the term Chinese is defined to include persons who are Chinese by birth or descent, also those of mixed blood. The following question was addressed to Governor Taft by the Chairman:

Are there many half-breeds—Filipino and Chinese?

Governor TAFT. Yes, sir; there are a great number of those. If you do not limit it to half-breeds, but extend it to those who have Chinese blood in them, there are a great number.

The CHAIRMAN. That is what I mean.

Governor TAFT. There are provinces, like the province of Pampanga, in which there is a visible admixture of Chinese blood, coming down for hundreds of years.

The CHAIRMAN. Are the people of those mixed races classed as Chinese or Filipinos?

Governor TAFT. They are all classed as Filipinos, except the men with the pigtail, who were born in China.

The CHAIRMAN. Would it be your thought that those people should be kept out of the United States as well as the full-blooded Chinese?

Governor TAFT. No, sir. They are Filipinos, pure and simple. They are just as strong in their prejudices against the Chinese as are the Filipinos.

As bearing upon the question whether there should be any letting down of the bars so as to permit further entry of the Chinese into the Philippines, the chairman asked the following question:

In your opinion will there be a sufficient supply of effective labor for the development of the Philippine Islands without admitting the Chinese?

Governor TAFT. That is rather a hard question to answer. I do not think there will be a sufficient supply of skilled labor, because the extent has been tested already, and the amount of it is so small that development in manufacturing, in construction, and among machinists is almost impossible without allowing skilled labor to come in under restrictions which will enable us to cause their removal from the islands after we have secured a sufficient supply of skilled labor from the Filipinos by manual-training schools and by the very presence of the Chinamen.

The governor introduced a memorial to the Congress of the United States from the Chamber of Commerce of Manila, which I shall not stop to read. It will be found on page 492 of the record. In the memorial the following passage occurs:

The present restrictive law does not benefit the Filipinos, nor is it of benefit to anyone. This labor will not enter into competition with American labor, and its entry into the Philippine Islands is imperatively needed.

The governor also quoted from a letter written to him by his fellow-commissioner, General Wright, in which he says:

I take it for granted that among the important topics of discussion between you and the authorities at Washington will be the insular policy as to the exclusion or admission of Chinese. It is a subject which we have discussed frequently and upon which, I believe, we are agreed. I think it well to say, however, in view of the multiplicity of subjects upon which you have to deal, that you may not overlook it, that in my judgment it is extremely important that should it be the policy of the Executive and Congress to continue the exclusion of Chinese from the United States by treaty and legislation as heretofore, it is very important that these laws should not be enforced in their entirety here. The Filipino laborer as he is can not be relied on at this time for steady work. I think it very probable that under American administration, as his horizon broadens and his wants increase, his disposition to work in order to gratify those wants and better his condi-

tion will increase proportionately. But that is a work of time and education. It is very doubtful if to-day any large public work could be successfully carried to completion without great delay and increased expenses with Filipino laborers alone. The number of Filipino mechanics and other skilled laborers are extremely few and confined to a small number of trades.

I am sorry to take so much time in reading, but the authority from which I read is so good that I can not resist the temptation to make further extracts from General Wright's letter. He says, speaking of the Chinese:

I do mean, however, to assert that our ports here should not be hermetically sealed against them, and that either Congress should itself provide, or, what would be better, give the government established here the authority to provide, for their admission under proper limitations. These limitations may be made stringent enough to require their removal whenever the necessity for their importation ceases to exist. Persons or corporations requiring the use of either skilled or unskilled laborers might be required to give bond and security for their return to China after a specified time or on demand of the government here.

Governor Taft also introduced before the committee a letter addressed to General Wright from Cameron & McLaughlin, manufacturers' agents, in which they complain of their inability to obtain skilled labor and ask for relief. The governor resumes, and this is his recommendation, and because it is his recommendation I bring it before the Senate:

Now, it seems to me, Mr. Chairman, that the best way for Congress to meet this problem is to establish its policy with respect to the United States, and then to treat the Philippine Islands, so far as concerns the introduction of Chinese into the United States, as if it were a foreign country, and that then the Commission or the legislative body of the islands be given some power and authority in its discretion to admit skilled labor, with provision for its return within such time as the Commission may determine.

I should like also to have extended to the Commission the power to allow unskilled labor to come in. Personally, in the Commission, I shall always oppose the admission of unskilled labor until time has elapsed sufficient to enable us to know that the Filipino unskilled labor can not be used for the purposes of labor in those islands. I think it can be. I believe it is a question only of tact and organization.

I want to say here that the Governor seemed extremely anxious to do nothing that would serve to arouse to any greater degree than it now exists the dislike of the Filipinos for the Chinese. He says that dislike does not arise from labor competition. He says it arises from the fact that the Chinese are good traders, and the prejudice against them comes because of that fact. In various ways he advances the thought that we should do nothing to convey to the Filipino mind the idea that the American Government intended to impose upon them great numbers of Chinese.

He says:

Nevertheless, it seems to me that we owe our first duty to the Filipinos to do nothing which shall arouse the enmity of the people and induce a belief that we are exploiting the islands or intend to sacrifice them to exploitation by admitting generally Chinese labor. I think if we are trusted with making exceptions to an exclusion law it will be found that we shall be much more conservative than a good many people in the islands desire us to be.

The testimony of Governor Taft is really a brief upon the subject of this proposed legislation, and the tenor of it is to the effect that the provisions regarding Chinese in the Philippines should not remain in this bill, but that the matter should be determined either by an independent act of Congress relating to the Philippines, or that it should be referred to the Commission, as he had already suggested, with authority to exercise a wise discretion in meeting conditions as they may arise. He says:

I do not think the admission of Chinese skilled labor under proper restrictions, so that it can be taken out of the islands when skilled labor is developed among the Filipinos, is going to produce a political effect, such as certainly would be produced by the unlimited admission of coolie labor there and their development into tradesmen.

I should like very much if we could have the authority to experiment somewhat, if nothing else, in the introduction of skilled labor, for its need in the islands is very great. There is no doubt about that. The truth is that the few Chinamen in the islands now, who are skilled laborers, get two or three times the wages which were paid during Spanish times; I do not know but four or five times. The price is going right up, because the pressure for building and all sorts of work which involves skilled labor is growing greater and greater.

Now, Mr. President, it seems to me that the extracts I have read from an interesting chapter in this book serve to indicate that the objection to having Philippine legislation incorporated into this bill is fundamental in its character and that we ought not to insist upon it, but that a more intelligent administration of the Chinese question in the Philippines can be given under the power of the Commission than it is possible for the American Congress to devise.

Mr. President, I do not know how long the Senate will care to hear me to-night. I am not nearly through.

Mr. HOAR. Would the Senator from Vermont like to yield for a motion to go into executive session?

Mr. DILLINGHAM. If that is the desire, I will stop at this point.

Mr. HOAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. DILLINGHAM. I do.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.



Mr. PENROSE. Mr. President, before the motion is put, I should like to give notice to the Senate that I shall to-morrow ask for unanimous consent to fix some date for a final vote upon the Chinese-exclusion bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 10, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 9, 1902.*

##### CONSUL.

Charles V. Herdliska, of the District of Columbia, to be consul of the United States at Callao, Peru, vice William B. Dickey, removed.

##### RECEIVERS OF PUBLIC MONEYS.

Frank E. Densmore, of California, to be receiver of public moneys at Independence, Cal., his term having expired. (Reappointment.)

Willis H. Cofield, of Alva, Okla., to be receiver of public moneys at Alva, Okla., vice William J. French, removed.

##### REGISTERS OF LAND OFFICES.

Stafford W. Austin, of California, to be register of the land office at Independence, Cal., his term having expired. (Reappointment.)

John D. Maxey, of California, to be register of the land office at Stockton, Cal., his term having expired. (Reappointment.)

##### COLLECTOR OF INTERNAL REVENUE.

Frank D. Roberts, of Missouri, to be collector of internal revenue for the sixth district of Missouri, to succeed F. E. Kellogg, resigned.

##### PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Claude H. Lavinder, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Asst. Surg. Taliaferro Clark, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 9, 1902.*

##### SECRETARY OF LEGATION.

Edward Winslow Ames, of Massachusetts, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic.

##### POSTMASTER.

Edwin Fore, to be postmaster at Pittsburg, in the county of Camp and State of Texas.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 9, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

##### PERSONAL EXPLANATION.

Mr. BARTLETT. Mr. Speaker, I desire to make a personal explanation.

The SPEAKER. Is there objection to a personal explanation by the gentleman from Georgia?

There was no objection.

Mr. BARTLETT. Mr. Speaker, on Monday, the 7th instant, I was necessarily absent from the House. On that day, prior to the calling up of the bill to extend the charters of national banks, and in fact during this Congress, I have been paired with my friend from New Jersey, Mr. FOWLER. I was paired with him on that day, and the RECORD so shows. Upon the call of the roll on the passage of that bill I find by the RECORD that Mr. FOWLER voted "yea." Of course I did not vote. I had been unable to see the gentleman from New Jersey, although I have endeavored to do so, and I desire to make the statement that had I not known that we were paired I should have been present and should have voted against the bill. I am constrained to believe that my friend from New Jersey [Mr. FOWLER] either did not vote or voted by inadvertence, forgetting that he was paired.

#### CONTESTED-ELECTION CASE—FOWLER AGAINST THOMAS, THIRD DISTRICT NORTH CAROLINA.

Mr. OLMSTED, from Committee on Elections No. 2, presented the report of that committee in the contested-election case of John E. Fowler v. Charles R. Thomas, from the Third Congressional district of North Carolina; which was ordered to be printed and referred to the House Calendar.

#### OLEOMARGARINE AND OTHER IMITATION DAIRY PRODUCTS.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9206.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to take from the Speaker's table the following bill, which the Clerk will report by its title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee and Mr. BURLESON. I object.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on Agriculture.

#### CUBAN RECIPROCITY.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union on the bill H. R. 12765.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. VAN VOORHIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; to which the concurrence of the House of Representatives was requested:

S. 1934. An act to provide for the purchase of a site and the erection of a public building thereon at Biloxi, in the State of Mississippi;

S. 3421. An act for the relief of Eleonora G. Goldsborough;

S. 3992. An act granting an increase of pension to David M. McKnight;

S. 899. An act granting an increase of pension to George F. Bowers;

S. 2738. An act granting an increase of pension to James W. Hankins;

S. 694. An act granting a pension to Jane Caton;

S. 4042. An act granting an increase of pension to William H. Norton;

S. 2975. An act granting an increase of pension to Levi Hatchett;

S. 4535. An act granting an increase of pension to Lydia M. Granger;

S. 3334. An act granting an increase of pension to Thomas E. James;

S. 2409. An act granting a pension to John A. Rotan;

S. 234. An act granting a pension to James Frey; and

S. R. 74. Joint resolution relating to publications of the Geological Survey.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, Mr. PLATT of Connecticut, and Mr. RAWLINS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7290. An act granting an increase of pension to Lizzie B. Green;

H. R. 7847. An act granting an increase of pension to Charles S. Wilson;  
 H. R. 2613. An act granting an increase of pension to Thomas H. H. Gibbs;  
 H. R. 12375. An act granting a pension to Amelia A. Russell;  
 H. R. 3354. An act granting an increase of pension to Thomas Young;  
 H. R. 1476. An act granting an increase of pension to Henry F. Benson;  
 H. R. 3427. An act granting an increase of pension to Sarah E. Allen;  
 H. R. 11025. An act granting an increase of pension to Mary A. Carlile;  
 H. R. 291. An act granting an increase of pension to Christina Heitz;  
 H. R. 1485. An act granting an increase of pension to Thompson B. Moore;  
 H. R. 4172. An act granting an increase of pension to George R. Chaney;  
 H. R. 3260. An act granting a pension to Jacob Golden;  
 H. R. 10957. An act granting an increase of pension to Mary E. Stockings;  
 H. R. 4053. An act granting an increase of pension to Henry E. De Marse;  
 H. R. 7525. An act granting a pension to Marion Barnes;  
 H. R. 3876. An act granting an increase of pension to Theophile A. Dauphin;  
 H. R. 3884. An act granting an increase of pension to Erastus C. Moderwell;  
 H. R. 9378. An act granting a pension to Clara B. Townsend;  
 H. R. 10710. An act granting an increase of pension to Frances E. Scott;  
 H. R. 9654. An act granting a pension to John S. James;  
 H. R. 11916. An act granting an increase of pension to Andrew B. Spurling;  
 H. R. 1685. An act granting an increase of pension to Augustus E. Hodges;  
 H. R. 1709. An act granting an increase of pension to Edwin J. Godfrey;  
 H. R. 12395. An act granting a pension to Ruth Bartlett;  
 H. R. 6023. An act granting an increase of pension to Robert L. Ackridge;  
 H. R. 12490. An act granting an increase of pension to Joseph Culbreath;  
 H. R. 3352. An act granting an increase of pension to Margaret M. Boyd;  
 H. R. 7613. An act granting an increase of pension to Evaline Wilson;  
 H. R. 4116. An act granting an increase of pension to William Berry; and  
 H. R. 4176. An act granting an increase of pension to Nathan W. Snee.

#### RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. WM. ALDEN SMITH. Mr. Chairman, at length the discussion of the proposed measure has been precipitated into the House. I listened yesterday with a great deal of interest to the remarks of the distinguished chairman of the Committee on Ways and Means, who opened the debate, and was impressed by his comparison of the present relationship of the island of Cuba to the United States. He characterized it as that of a guardian for a ward. I do not think the illustration very apt. Indeed, I do not think the remedy offered is such as a prudent guardian ought to tender to a ward. I have known guardians to indulge their wards far beyond the rule of appropriate conduct. I have known guardians to do for a ward what they refused to do for their own offspring; and while I honor a guardian for performing his duty, nevertheless I assert that our first duty is to our own child—the offspring of our established policy. The first duty of the American Congress is to the American people.

Much as I dislike to disagree with the Committee on Ways and Means upon the question of our fiscal policy, sharp and pointed and unmistakable as have been the differences between us in this matter, still I desire to record my sincere belief that the committee and its honored chairman have been animated by the highest motives and the utmost sincerity in the course upon which they have finally resolved.

This is the people's forum. Here is constituted the court of public opinion. This is the only place in the national councils where the people may be directly heard without passing through the circuitous pathway prescribed by the Constitution for other governmental agencies.

Every Representative upon this floor bears his commission directly from the people, and he must soon return to give an account of his stewardship.

This is the place where many men of many minds mingle together for the common weal. Those from the East come laden with the responsibility of large and multiplied industrial development. From the West is gathered together the composite energy of all the failures and of all the successes, all the trials and all the hardships of the past, representing the most marvelous development ever seen in any age of the world's progress. From the North we bring rare industrial trophies and illimitable energy which has made for us a proud place in the national economy. From the South you upon the other side bring to us the sweet perfume of peace restored, industry rehabilitated, and happiness returned.

Are we not indeed fortunate in the period and the hour of our public service, and should we not with solemn devotion consecrate ourselves to the public good?

I would not for anything have you believe that we who for two months have been battling for what we believe to be right were animated by any hostility or unfriendliness toward the island of Cuba. Such is far from the truth. We have always aided and sustained her in her struggle for independence. We glory in her approaching sovereignty, and we hope that her Congress may always be loyal to the Cuban people, emphasizing their devotion to the new Republic by stainless private life and honorable public conduct; and while they may bear their share of the world's responsibility for public order and do their part to insure its stability and progress, yet they must not forget that they represent Cuba, and that her future development will be critically watched by all the world.

So, Mr. Chairman, we must not forget that while we may sympathize with Cuba, and are indeed akin to all the world, our first duty is toward our own people, and everything that tends to strengthen and develop our multiplied resources at home and add to the measure of our national strength and independence should be the object of our profoundest solicitude.

I am opposed to this measure because I believe it is calculated to breed strife and dissatisfaction with the other sugar countries of the world, which are thus discriminated against.

I believe it will have a tendency to provoke commercial hostility among the other West India islands and our neighbors in South America.

I am opposed to this measure because, in order to give it effect, it becomes necessary to violate a solemn promise of the Republican party deliberately made in national convention to the American people.

I am opposed to this measure because I believe it will be harmful to the agricultural and industrial classes of the United States, whose great interests have been confided to our care, and because I believe it will be harmful in the extreme to the island of Cuba.

I am opposed to this policy because I believe that the principal beneficiary will be the American Sugar Refining Company, which does not need our sympathy.

I am opposed to this measure because I believe that the people of the island of Cuba will receive no benefit therefrom.

And now that the shackles of servitude have been lifted from this patient island people, after so many years of turmoil and disaster, I wish for her a greater destiny than to become merely the producer of a single product, and that dependent upon the caprice of a single corporation.

The rugged pathway over which our nation has trudged to greatness and power had many natural impediments which were readily overcome by her as the necessities arose; but the flight to industrial supremacy has been made through storm and trial, frequently with pinioned wings, and always and ever with doubt and hesitation carping in our wake.

There was little doubt as to the wisdom of our early tariff policy. Indeed, there was rarely any doubt about it until manufactures were stimulated to such an extent that the South saw in the invasion of skilled and free labor a condition inimical to the permanent institution of slavery. At that time the attitude of the South changed, and they gradually taught themselves to believe that it was better to produce raw material and send it to Europe to be manufactured for the world.

The South never aimed at industrial independence, and has with singular unanimity until within very recent years urged that our tariff laws were both burdensome and unconstitutional. They believed that the duties exacted were added to the cost of the article protected, and it will be strange indeed if it is not reasserted as this debate progresses.

On the other hand, we believe that the tariff operates to enlarge the area of production and ultimately to decrease the cost to the consumer. Who can doubt that the tremendous development of the sugar industry, stimulated as it has been by tariff, bounties, and cartels, multiplying the volume a million fold, has had the effect to give to the consumers of sugar the world over this article of necessity at the minimum of cost?

No development of the world's production of foodstuffs has



been more rapid or striking than that of beet sugar. In 1854 the total crop of the world was 182,000 tons. Ten years later it had reached 536,000 tons, and ten years later, 1,219,000 tons, multiplying each decade until, in 1900, it had reached the enormous amount of 5,510,000 tons.

When my distinguished friend from Pennsylvania, sitting upon my right, first entered the House of Representatives, sugar made from beets grown upon the farm formed but 13 per cent of the world's total sugar crop, whereas last year it constituted 67 per cent of the total world's sugar. While my distinguished friend [Mr. Grow] has been serving the people of his State with great wisdom and constancy, the sugar-producing area of the world has shifted from the Tropics northward until the farmer of the temperate zone is fast growing to be the captain of this industry.

Our friends upon the other side of the Chamber can not argue that the tariff has been added to the cost, for the average price per pound has been lessened from 5.37 cents in 1871 to 2.49 cents in 1900. I can remember distinctly paying 15 cents a pound for sugar; to-day you get 20 pounds for \$1.

Artificially stimulated as it has been, the masses of mankind have reaped the benefit. While the world's population has no more than doubled in sixty years, its consumption of sugar to-day is more than eight times as much as in 1840. And while but a single factory in all the United Kingdom now refines cane sugar, all the others are exclusively occupied in preparing for the market the raw product of the beet farms of Germany, France, Austria, and Russia.

The American Sugar Refining Company refines the cane sugar sold in this market, and controls 90 per cent of the product. The beet-sugar manufacturer takes the beet from the farmer's hands, and when it leaves his factory is refined and ready for the table.

This is a struggle for supremacy between a gigantic and cold-blooded monopoly upon the one hand and the American farmer and sugar manufacturer upon the other. And I make the prediction that the struggle will be long and relentless and costly; and if we will give to the American sugar industry the same measure of protection accorded in all other fields of American enterprise, this sugar trust will lower its haughty head and deal fairly with the people upon whom it must depend.

Withdraw protection from this new and promising industry, discourage and weaken it by encouraging its rival, and when the epitaph is written upon its dismantled ruins, be very sure that your name does not appear among its principal offenders.

We bring you a rebate plan which has in it no threat to American industries. We bring to you a proposition which, if carried to its conclusion, will give a wider and better and far more reaching relief to the Cuban people than the proposition of the Committee on Ways and Means.

Mr. Chairman, the gentleman from New York [Mr. PAYNE] in his speech upon this floor yesterday said he would do nothing that would affect unfavorably any American industry. He said this bill was not calculated to do the beet-sugar industry of our country any harm. But the testimony before his committee, of Mr. Atkins, of Boston, largely interested in the cane-sugar industry in the island of Cuba, is in conflict with the statement of the gentleman from New York.

Indeed, my friend from Pennsylvania [Mr. DALZELL], who sits here on my left, said in one of the conferences—and I violate no secret—that if he thought this would harm an American industry it could not receive his support; and I do him the honor to say that I do not believe he would willingly harm a single American industry. But I ask him to reconcile the testimony of Mr. Atkins with the statement he made in conference.

Mr. Atkins says in answer to a question:

"Do you think it desirable for the Government to do anything to encourage the domestic production of sugar?"

"No; I do not."

Reconcile that with your protection principles, if you can. One of the men whose testimony you are guided by as to the necessity for this legislation does not favor American independence of foreign sugar supply. The gentleman from Pennsylvania and the gentleman from New York say that this concession will do the industry no harm. I ask you, gentlemen, my colleagues upon this floor, whom are we to believe? Are we to believe the man who does not believe in the domestic production of sugar, and therefore favors the pending bill, or are we to believe the members of the committee, who say that this action will do no harm? The situation is complex.

It reminds me of a story of two tramps who went to a house to beg something to eat. As they neared the premises a dog came fiercely out of the back door and up toward the two tramps, and one said to the other: "The dog won't hurt you, Jim; go to the door and ask for something to eat. The dog won't hurt you; don't you see he is wagging his tail." "Yes," said Jim, more discerning than his pal, "I see he is wagging his tail, but I also notice he's showing his teeth and snarling; I do not know which

end to believe." [Laughter.] So, Mr. Chairman, when gentlemen largely interested in the production of cane sugar in Cuba, our rival in the sugar markets of the world, tell us that they do not believe in any protection at all, and when the gentleman from New York yesterday admitted that 50 per cent reduction would not be too much to give to the island as a trade basis, and when I pressed the question upon him, admitted that free trade in raw sugar would be even more satisfactory than the present bill, may I hope to be pardoned if we look upon the whole plan with suspicion?

Mr. PAYNE. I think the gentleman from Michigan ought to distinguish which gentleman from New York.

Mr. WM. ALDEN SMITH. I do not mean the gentleman who is now addressing me, but your colleague, Mr. McCLELLAN.

Mr. PAYNE. Oh, that's it.

Mr. WM. ALDEN SMITH. Now, Mr. Chairman, I said a moment ago that we were not hostile to the island of Cuba. We believe in helping that island. We glory in its approaching independence. Our sympathy for Cuba takes a practical turn. Under your policy you simply afford a reduction of tariff to the few owners and exporters of sugar, while our policy would turn back to the government of the island of Cuba 20 or 25 per cent of the full revenue collected, relieve all the people of that island from the burdens of taxation, and assist it in its initial movement as an independent government. Our confidence in Cuba is greater than yours. The gentleman from New York yesterday in debate, turning upon me, asserted that when he made the speech in 1897 to which I called the attention of the House, he did it before the Spanish-American war. But every time there is a war must our fiscal policy be readjusted? The gentleman again turned upon me seemingly and charged myself and others here with the responsibility for bringing on that war.

Well, now, Mr. Chairman, I do not desire to avoid any responsibility for my action either preceding or during the Spanish war. But I say to the gentleman from New York that you may search my record in the Fifty-fourth and each succeeding Congress up to the present time in vain to find a single suggestion from me which warrants you in making such a statement. I never uttered a sentence upon this floor in favor of war with Spain; I never uttered a sentence upon this floor in the whole Cuban controversy except to advocate according belligerent rights to Cuba and to Spain, as we had the right to do under international law. So that my record upon that subject is as clear as the gentleman's.

I went to the White House as one of a committee of this House, informally chosen, to see the President, and there are men about me to-day who know what I said to President McKinley when he asked how I stood on that matter. I said to the President that while Michigan believed an end should be put to that war, while we believed in carrying out the principles laid down in the St. Louis platform in giving independence to the island of Cuba, yet I was one who wanted him to know that I would not urge him to go one inch farther or one minute faster than he thought it wise and prudent to go. Gentlemen sitting about me will bear out that statement. While others went further, I was conservative.

But, be that as it may, I have no desire to evade the responsibilities of the Spanish-American war. I believe that we have rid this hemisphere of a most disturbing affliction. I have no apology to make for it here or any place else. We believe in the future of the island of Cuba. We believe that it possesses unrivaled possibilities. We are willing and anxious to do something for it, but I ask you, sir, if it is wise for us to change our policy merely to meet a temporary exigency of a foreign state? If you start out on a proposition of that kind, you will instantly involve your country in jealousy with other West India islands and South American republics; you will instantly involve yourself with other great European sugar-producing countries, and possibly violate the most-favored-nation clause of treaties by favoring this one sugar-producing country of the Western Hemisphere. For one, I do not propose to engage in any such undertaking. [Applause.]

Mr. Chairman, much was said yesterday about the utterance of President McKinley at Buffalo. I defy the gentleman from New York or any member of the Ways and Means Committee to point out a single sentence of William McKinley in his Buffalo speech which gives you any warrant whatever for the measure now before the House of Representatives. I will tell you what he said in that memorable and God-inspired utterance, which will live forever as his parting message to the American people.

By sensible trade arrangements which will not interrupt our home production we should take from our customers such of their products as we can use without harm to our industries and labor.

Will this "interrupt our home production?" Every sugar interest in the State of Michigan says it will. Will this interfere with industry and labor here? Ask the farmers and laborers in the sugar fields of Michigan and California.

I contend, sir, that reciprocity treaties should be so framed as

not to interfere with American industry, and I stand on the speech of President McKinley; I stand upon the national platform of the Republican party; and that platform in 1900 said:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce.

We produce sugar; we will produce more sugar if you will but give us the encouragement you promised [turning to Mr. PAYNE].

The Republican party has always kept and redeemed its promises. Our greatest statesmen saw a few years ago that upward of a hundred million dollars was being annually sent out of our country to purchase sugar. They had confidence and faith in American capacity to produce this article. The Agricultural Department of the Government sent experts all over the world to study the secret chemistry of the soil. Seed was distributed to whomsoever would experiment with it. Our national faith was pledged to give it a fair and honest trial. The Republican platform of 1896 boldly said:

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

In the Republican campaign text-book of 1900, issued by the national committee, quoted from by every speaker in the land, there appears the following:

No subject interests the farmers of the United States more than that of the possibility of their being able to supply the hundred million dollars' worth of sugar which our people consume annually, and some facts which have recently been presented show that they are fully justified in their ambition.

The farmers of the country have been encouraged by the Republican party in their ambition to produce the sugar of the country. It was a distinct promise to the farmer that he need not fear that the Republican party would permit the cheap labor and cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production which the farmers of the United States have, under the fostering care of the Republican party, been building up during the last few years.

The lamented Mr. Dingley, with whom we had the honor to serve, said with his unerring wisdom in the discussion of the tariff act which bears his name:

Nothing can be done to so successfully clip the wings of the sugar trust as to develop our beet-sugar industry, and at the same time confer immense benefit on our farmers and all our people.

While the distinguished chairman of the Committee upon Ways and Means in the present Congress, while that bill was under discussion, advocated establishing a beet-sugar factory in every Congressional district in the United States, assuring us in his own well-chosen language:

We will not disturb our tariff in the next quarter of a century.

And the distinguished gentleman from Ohio [Mr. GROSVENOR] in the same debate said:

There is not a rate of duty, not a principle of tariff taxation, that has not been protested against by the sugar trust and fought to the bitter end before the Ways and Means Committee. We propose that instead of sending \$125,000,000 a year to the foreign countries of the world, most of which goes to pay labor in the production of sugar, we will make it possible for every pound of sugar that we want to be produced in the United States of America. The Republican party comes and offers to the agriculturist of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization; and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all these States from the production of corn and oats and wheat and potatoes and cotton to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming lands of this country a better market with less competition than they now have.

Mr. Chairman, the great States of Michigan and Wisconsin, California and New York, Colorado, Utah, Oregon and Montana took these distinguished statesmen at their word; had faith in the promise of our party declaration. Upward of twelve and a half million dollars has been invested in the sugar industries of Michigan. More than 20,000 farmers heard the bugle blast of the gentleman from Ohio, and are to-day under contract cultivating the sugar beet. At the time you spoke, sir, there was not a sugar factory in the whole State of Michigan. Now there are ten in successful operation. And if you will but recall this measure and give the assistance to Cuba which we all desire to give in another and simpler way, not involving a change of the policy of our Government, ten new factories will be completed this year.

I know it is claimed that this cut of 20 per cent will do our present factories no harm; but, Mr. Chairman, when the Dingley law was passed and you invited us to engage in this business you did not say that you would even agitate a change in the tariff, much less reduce it by 20 per cent.

But I do not need to refresh the gentleman's recollection by turning to the utterances of anyone but himself. In the testimony before the Committee on Ways and Means Mr. Carey, an expert sugar man, was asked by General GROSVENOR:

Is it possible, in your judgment, to make a concession to Cuban sugar that will benefit the Cuban people and still not injure the production in the United States of cane and beet sugar?

And the answer of Mr. Carey was:

I do not think anything about it; I know that it is not.

And Mr. GROSVENOR replied:

Nobody could help knowing that who knew enough to put two and two together.

[Applause.]

I ask the gentleman from Ohio whether he has suddenly changed from his attitude of hostility, which that remark disclosed, to one of general approval of the subject under consideration?

The fact that it will do harm must be admitted when you realize that it will benefit our rivals. Men who have engaged in this industry are frightened and alarmed. Banks and financial institutions are disturbed by the agitation of a reduction and by the call for a further and a larger cut. Loans are difficult to obtain, securities have been impaired, danger lurks in the principle you would have us adopt to-day.

Is it not the height of political wisdom to make our country independent of foreign sugar supply? Fifty years ago the consumption of sugar per capita was but 22 pounds. Last year it was 68 pounds per capita. The growth of our country, the increase and multiplied uses to which sugar will be put will some day, and not far distant, equal an annual expenditure of \$200,000,000. What a tremendous drain that will be upon the resources of the country. How absolutely inexcusable if our policy should result in the destruction or the permanent impairment of this industry.

If we were in ignorance of what could be accomplished by a consistent and American course, there might be some excuse for doubt and hesitation and even a change of policy. But within the lifetime of every man upon this floor domestic industry has been stimulated and our country made independent of a European supply.

How recently the late President, then Congressman, McKinley was jeered upon this floor because he dared to advance the theory that a tariff of 2.2 cents a pound upon tin plate would stimulate its manufacture here. At the time he made the statement there was not a pound of tin plate being produced in the United States, although there was and had been for years a revenue tariff on tin plate of a cent a pound. What a din of incomprehensible noises filled the air after the enactment of this measure! Misrepresentation seemed to be the principal avocation in every community. Housewives laid in a supply of tin dishes in order to take advantage of the price before the bill went into effect.

We were expending in Wales \$20,000,000 every year for tin. There are men upon the other side of this Chamber to-day who did not believe that tin plate would ever be manufactured in the United States as the result of the McKinley law.

Prior to its enactment we imported 650,000,000 pounds annually from Europe. The first year of the law we made in America 13,000,000 pounds of tin plate, the third year 139,000,000 pounds, the fifth year 304,000,000 pounds, and in 1900 there was manufactured in the United States 1,000,000,000 pounds of tin plate.

[Applause.]

We no longer send our money abroad for the employment of the laborers of Wales. Twenty-three thousand American citizens now labor daily in the tin mills of our own country, while upwards of \$15,000,000 is annually paid to them in wages.

Are you proud of your prediction? Do you enjoy the distinction which you have attained as a political prophet? This vast army of laborers in the tin mills of America are the patrons of the carpenter and the bricklayer and the mechanic and the farmer of our own country, stimulating every community in which they labor.

My distinguished friend from Maine [Mr. LITTLEFIELD] and myself had the pleasure, in the last campaign, to personally inspect a modern tin-plate mill near my own home, and I can not tell you the joy I felt when I realized for the first time how effective had been the policy of the noble and lamented McKinley.

[Applause.]

You will be as proud, my protectionist friends, over the sugar industry of the United States, and the benefits will be a thousand times more far-reaching if you will but give it the same full measure of protection as was given to the tin industry of our country.

I am opposed to this policy urged by the committee, because I deem it the height of unwisdom to change the economic policy of our country, where a large and growing industry is affected. Cuba does not need our sympathy. She may well profit by our wisdom and our example. She needs to be encouraged in the principles of Government best calculated to her largest development.

I think if we encourage her to become merely the producer of sugar we will do her infinitely more harm than good. You may ask what I would recommend. Possibly there is no wisdom in the suggestion, but, Mr. Chairman, if I had my way I would propose to the first congress of Cuba that she follow the wisdom of the early fathers of the American Republic and put about her rich possessions a protective tariff which would develop the multiplied resources of the territory and stimulate the people into the diversified avenues of commerce and industry. [Applause.]



Let her drink from the fountain of political wisdom, where we found our most cooling and refreshing drafts.

Cuba is rich in resources, specially favored by climate, with harbors unsurpassed. I think too much of her to consign her to the permanent fate of cane-sugar production, which makes her labor semislave, and will keep the standard of her citizenship very low.

She has virgin forests with a rich and rare variety of woods. She has iron and copper undeveloped and unexplored. The mountainous end of eastern Cuba is most highly favored and will produce lemons equal to the Mediterranean shore between Marseilles and Genoa, and is one of the finest regions for coffee culture in the world, particularly between Santiago and Guantanamo and from Cape Maysi to Baracoa, on the northern side.

I long to see Cuba rich and prosperous. I paid my first visit to the island when the reciprocity of Mr. Blaine was at its height. I know the condition of her people then and never shall forget as long as I live the thrill of satisfaction I felt when I saw American flour piled upon the wharves at Habana, Matanzas, and other ports. I thought then that reciprocity with Cuba was most desirable, and I think so now, whenever it can be accomplished without injury to the domestic industry of the United States, but I do not believe that any exigency exists in the affairs of Cuba which warrant this radical departure from the policy of our Government, so long established, and I do not believe that the late President McKinley in his last utterance, so full of wisdom, ever intended that the reciprocity which he approved was to be other than in perfect harmony with our protective policy. He always stood solidly upon the Republican platform, which in 1900 declared:

We favor the associated policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets.

I have said that I did not believe the condition of Cuba was such as to call for this sacrifice of domestic industry. According to the evidence before the Committee upon Ways and Means, all the labor of Cuba is employed at higher wages than are paid the farm hands of Michigan and Minnesota. According to the report of the War Department just made, the export trade of Cuba, which in 1899 amounted to \$37,435,296, in nine months of 1901 amounted to \$52,861,672, an increase of over 40 per cent.

While Cuban exports have increased, her imports have decreased, indicating a very healthy condition of affairs, and in nine months of the last year she shows a net balance of exports over imports of \$4,244,858.

Truly there is no indication of distress in these figures. The agitation must have found its origin away from the island of Cuba. What kind of distress think you would cause the sugar product of Cuba to increase from 300,000 tons in 1899 to 615,000 tons in 1900, and to over 800,000 tons in 1901, without any modification of our tariff laws?

It is said the Cuban people would be benefited by a reduced tariff duty upon sugar. I can not bring myself to believe this is a true statement. Governor Wood says that 450,000 tons of raw sugar are now stored in the warehouses of Cuba. At \$70 a ton the value of this sugar would be \$31,500,000.

Whom do you suppose owns it?

Take 20 per cent off the duty and in my opinion the sugar trust will pocket \$2,916,000 in the twinkling of an eye. Reduce the duty 50 per cent, as some tariff reformers, like the gentleman from New York [Mr. McCLELLAN], urge us to do, and the owners of this sugar would pocket \$7,290,000. Take the duty all off, as the free traders of our country would have us do, and the owners of this stored sugar would pocket \$14,580,000.

Much sympathy has been worked up for what is styled the "poor Cuban," but, Mr. Chairman, the "poor Cuban" is employed at as high wages as he will receive if the tariff is lowered.

Who is it that has the greatest motive for advocating this reduction of duty?

I do not consult the possible prejudices of men for my conclusions, but I turn to the last annual statement of Mr. Havemeyer's benevolent aggregation, known as the sugar trust, and I find on December 31 last they reported their assets at \$123,551,777, an increase of \$12,380,198 over the assets of the preceding year; and turning to the details of the account I find that this increase grows out of the following situation:

"In 1900 the American Sugar Refining Company had on hand \$22,488,790 worth of raw sugar unmanufactured, while on December 1 just passed they had on hand \$12,248,640 worth of raw sugar unmanufactured, a decrease of \$10,240,150. Does this not account for the failure to sell on the part of the Cuban planter described by the gentleman from New York [Mr. PAYNE]?"

The New York Journal of Commerce, eager as it is for Cuban relief, is frank enough to say that the item of sugar which shows the decrease as above stated, would seem to indicate that the sugar trust has been "carrying a smaller amount of raw sugar

than usual at this season—a move that finds explanation in the anticipated reduction of duties on Cuban sugar by Congress."

No wonder that Mr. Pepper, in his letter to the Evening Star, under date of March 13, says the shipments of sugar from the port of Habana amounted in the week then closed to but 6 sacks (1,920 pounds), not enough to keep the sugar refiner busy for one minute.

Are you so blind that you can not see why this gigantic corporation is carrying so little raw sugar and the purpose it has in view? Are you unwilling to believe that the chief beneficiaries of this reduction will be the sugar trust, which the gentleman from Ohio says opposed the sugar tariff to the bitter end when the present schedule of rates was adopted?

Cuba can produce sugar cheaper than any other country in the world. The French Journal of Commerce says the island has a capacity of upward of 5,000,000 tons, more than twice the capacity of the people of the United States to consume.

When competition has been stifled, when the production of beet sugar has received its final deathblow, who, let me ask you, is the master of the trade in this great article of necessary use? The company organized for the purpose of refining the raw cane sugar of the Tropics. Think you they will not recoup the loss which competition and expensive development have made necessary in order to dispose of a promising rival?

The pathway of the sugar trust is strewn with the wrecks of its competitors, and, oh! what a monopoly this company will enjoy when a false public sentiment, based upon a false foundation, enforces further reduction and gives this company the greatest sugar market in all the world for its domination.

I commend to the chairman of the Committee on Ways and Means [Mr. PAYNE], who honors me by his presence, the attitude of Congressman McKenna, now a justice of the Supreme Court of the United States, who took the same view then that Mr. TAWNEY and Mr. METCALF, of the committee, take in the present Congress. Mr. McKenna, then dissenting from the sugar schedule of the McKinley law, said:

Protection as understood politically is the clear right of all industries or none. The bill (McKinley) in its schedule makes an arbitrary and invidious distinction between the sugar industry and other industries. The Republican House of Representatives should not set this example. Who can say where the contagion will stop? The beet-sugar industry is not only suitable to the circumstances of the country, but of all the range of protected industries not one offers such a brilliant prospect for good. Must an industry be able to supply the home consumption before it is entitled to protection? Protection must be universal, it must be national, or not at all.

Justice McKenna, dissenting from the Committee on Ways and Means, thus stated our position, at a time when there was not a single beet-sugar factory in the entire State of Michigan, if indeed there was one in the United States. We have brought this industry into life by republican doctrine. Do you propose to cripple it at the very threshold of its development?

I do not blame the Democratic party for its hostility to the tariff in the past. You then had reasons for being hostile. You valued slavery then more than manufacturing industry with well-paid free labor. From your view that position was necessary before the war, when much of your wealth was in slaves and free white labor would have caused you trouble; therefore you opposed the imposition of a tariff, calculated to diversify the products of the country and make it all that God intended it to be.

But the South is changing somewhat upon that question, to which I am glad to testify. Still, there are not a sufficient number who can get away from the old prejudices to come out squarely for protection, and we are obliged to force prosperity upon them. We always believed that our country should be independent of the world, that the protective principle would diversify our products, and it has succeeded admirably in so doing. Mr. Chairman, we look for little help from the Democracy. For my part, no alliance has ever been made or attempted with the Democratic party to defeat this measure or to help the position of the minority upon this side. We are protectionists. We believe in the doctrine of protection. In that respect you, my friends, are 20 per cent nearer the Democratic party than we are. [Applause.] We believe in the doctrine of protection. I wish you and your associates would help us repel this assault.

This morning while coming to the Capitol with a distinguished hold-over Democrat of the Cleveland Administration, who occupies one of the most prominent positions in the Government service, he said to me, "How are you coming out in your sugar fight?" I said to him, "I hope we will win. Are you with us?" He said, "No, I am not with you." I said, "Why?" He said, "I am a free trader, and this bill tends in my direction."

We are protectionists. We are not reconcentrados; we are not insurgents; we stand for Republican doctrines; we follow the leadership of that arch protectionist, the lamented McKinley. We take this occasion to say that it is a poor time for you to compromise with the tariff reformers of our country. They have been battering at the walls of protection since hard times have disappeared. They ridiculed off the statute books the



great measure of protection advocated by William McKinley. They drove him from his seat in Congress by misrepresentations. Now do not adopt their policy; do not compromise with error. If you do, you will have a public sentiment in the country in favor of tariff revision which you can not stem or stay until agitation has worked havoc with our industries. We would stay it now. We would stay it with your help; but we would stay it, if we can, without your help. [Applause.]

Mr. Chairman, I said a moment ago that you were throttling this industry at the very threshold. I repeat it. Is there a man on this floor to-day who will not admit that a reduction in the tariff will encourage our rival in the sugar industry? Is there a man on this floor who does not know that to pass this law will stimulate Cuba in sugar production? If it will not stimulate that island why are you passing it? And right here I propose to dissent from the statement of the gentleman from New York [Mr. PAYNE] yesterday that the consumer pays the tax. If the consumer pays the tax, why in heaven's name has not the exporter in Cuba sent his product over here to be consumed? He is holding it because he knows he will be obliged to pay more to get through our custom-house than he will have to pay if your proposition goes into effect.

And I deny the general principle that the consumer pays the tax. That is an old Democratic dogma. It has been worn threadbare in the campaigns of the past. Let me ask you if we to-day put a tariff of a thousand dollars a ton upon steel rails, would the price of steel rails to-morrow be a thousand dollars a ton? Nonsense! Such a price would increase production almost without limit until the price of rails would fall far below the tariff. I deny the proposition that the tariff is added to the cost and has to be paid by the consumer. Why, Mr. Chairman, protection is based upon the principle that it will enlarge the area of production. If we enlarge the area of production and multiply the product the price falls and the consumer is benefited.

Take the article of sugar, for instance. When bounties were placed upon sugar in Europe there was very little sugar produced. In 1840 there was only 1,150,000 tons. In 1900, 8,800,000 tons was produced in the world. I ask you whether the price is higher to-day than it was when we began to protect sugar? Gradually the cost has been reduced. We have increased the volume and we have thereby decreased the price, as we did with tin plate. If somebody in the Fifty-sixth Congress had proposed to take the tariff off tin plate, is there a man on this side of the Chamber who would have voted for it? No; because you have stimulated the tin-plate industry of America to a point where to-day we are supplying all that we consume. [Applause.]

But the gentleman from New York [Mr. PAYNE] said yesterday that there was 450,000 tons of raw sugar now stored in the warehouses of Cuba waiting to be exported to this country, and I rose for the purpose of asking him who owned the sugar. He evaded the question. Who does own the sugar? Let me remind him again of the annual report of the American Sugar Refining Company, just made public, which shows the amount of raw sugar on hand to be much less than last year at this time.

Now, tell me, gentlemen of the Ways and Means Committee—I will give you the opportunity if you will rise—tell me whether the American Sugar Refining Company have not purposely avoided buying raw sugar in Cuba to inflame public sentiment in that island and public sentiment in America in favor of a reduction of duty? If that is the case, who will be the beneficiary of their course? Clearly that company. Are you prepared to do this? Are you prepared to thus demonstrate your benevolent interest in the sugar trust, whose principal owner says he knows nothing about ethics, and if it costs money to destroy competition he will make it up later by increasing the price?

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. WM. ALDEN SMITH. Yes, sir.

Mr. UNDERWOOD. The gentleman says that he is opposed to this bill, because the benefit would go to the sugar trust. I will ask the gentleman if he will stand with us and reduce the differential duty that the trust gets?

Mr. WM. ALDEN SMITH. Does the gentleman favor taking the duty off refined sugar of the world?

Mr. UNDERWOOD. I will say that if an amendment is offered that I think is germane—

Mr. WM. ALDEN SMITH. The gentleman is a member of the Committee on Rules and an able parliamentarian. Do you believe that would be germane?

Mr. UNDERWOOD. I believe that one can be prepared that will be germane.

And now I ask the gentleman to answer my question.

Mr. WM. ALDEN SMITH. I will answer the gentleman by asking him this question: Do you believe that an amendment is germane to take the duty off refined sugar of the world?

Mr. UNDERWOOD. I believe that an amendment proposing to take off the duty on refined sugar coming from Cuba, or other parts of the world through Cuba, is germane.

Mr. WM. ALDEN SMITH. There is not an ounce of refined sugar that comes from Cuba. [Applause on the Republican side.]

Mr. UNDERWOOD. If you want to raise the question you can do it in that way.

Mr. WM. ALDEN SMITH. I will cross that bridge when I get to it.

Mr. UNDERWOOD. If the gentleman wants to strike at the differential duty, it could be accomplished in that way.

Mr. WM. ALDEN SMITH. I will not say to the consumer of sugar in America that we are going to do him any good by taking the duty off refined sugar from Cuba when there is no sugar refined on that island. [Applause on the Republican side.]

Mr. UNDERWOOD. Will the gentleman stand on the proposition that he will not strike at the duty that the trust gets, when he pretends here that we are legislating for the trust? I will ask the gentleman to answer that question.

Mr. WM. ALDEN SMITH. Not if I believe it to be germane.

Mr. UNDERWOOD. I have just stated that a motion to strike the differential off the duty on refined sugar that comes from Cuba, no matter where it is imported from into Cuba, coming from Cuban ports, would be in order.

Mr. WM. ALDEN SMITH. I do not know a single agent of the American Sugar Refining Company in the world. I do not know whether there is one in the galleries of this House now or not; but if he were in the gallery and heard the proposition of the gentleman from Alabama, he must have an expansive smile upon his face equal to that of the gentleman from Alabama, in his pleasantest mood [laughter and applause on the Republican side], because the gentleman knows that that would not affect the sugar trust at all, and would not avail us anything.

Mr. UNDERWOOD. I think you can reach the trust in that way.

Mr. WM. ALDEN SMITH. Will you give your indorsement to that proposition?

Mr. UNDERWOOD. If it comes from Cuba I certainly should. Will the gentleman vote for that?

Mr. COOPER of Texas. I will state to the gentleman from Michigan that there are some Democrats who will vote for it.

Mr. WM. ALDEN SMITH. If I believed it parliamentary, I might do so.

Mr. UNDERWOOD. I think you will have that opportunity.

Mr. WM. ALDEN SMITH. I shall watch the gentleman's vote with a great deal of interest.

Mr. UNDERWOOD. And I will do the same by the gentleman from Michigan. [Laughter.]

Mr. WM. ALDEN SMITH. Mr. Chairman, my friends of the Ways and Means Committee are exceedingly solicitous about the conditions of the island of Cuba. I know something about the conditions of the island from personal observation. I was there during reciprocity ten years ago. I was upon the great sugar plantations of Cuba when prosperity was at its height.

When I returned I had the proud pleasure of an hour's interview with Mr. Blaine, the author of our reciprocity treaties. I believe in reciprocity to-day, but I believe in the reciprocity that does not involve the surrender of the principle of protection.

I again visited Cuba just after the *Maine* went down. I know something of the suffering of those people. I saw the reconcentrado in his camp. I saw the farmers herded upon the Los Focos in Habana and fed like animals. I saw in one ward of the city of Habana more than 8,000 orphan children, many with the marks of the machete upon their heads; and I saw people starving to death by the thousands. Fifteen people died in one day in the doorway of the governor of Matanzas. I saw little children in the last stages of starvation, swollen to such proportion that they looked more like animals than human beings. I sympathized with Cuba then, and I am interested in her to-day. I would do for her more than the gentleman from New York offers to do by this bill.

Let us see about her condition. Cuba is in a transition period. She is passing from military rule to independence, and yet she shows an increase in her export trade of 40 per cent this year. Why does she need our sympathy? The balance of trade is in her favor over \$4,000,000. She is in healthful condition; there is no distress in the island. Labor is all employed at wages better than are paid to the farm hands of our own country. Their sugar output is at its highest point. Would they have increased this output had they not been in a prosperous condition? What caused the increase? Why, the American planters who have gone in and made their investments, the Havemeyers, the Atkinses, men of enterprise and intelligence who have gone down there for that purpose.



I ask you whether this is inimical to our sugar producer? I ask you if it does not threaten his existence? Cuba is the richest spot in the world. It can produce more sugar than any similar area. She has a capacity so great that the sugar producer of America must give up the moment you strike down the barrier. Only one-tenth of the land of Cuba is under cultivation.

I know it will be urged that the American sugar manufacturer might better take this small cut, which will not affect the price of sugar one way or the other, rather than run the chances of annexation.

But in answer to that argument I desire to say that the question of the annexation of Cuba has no terror for the American sugar manufacturer. You throw around that island the strong arm of our Government, make it a part of our territory, guarantee to it the same stability that is guaranteed to every State in the Union, and the island of Cuba will soon be populated by ten million people. Industry will be diversified and resources developed, instead of being merely the producers of sugar the island will be a hive of multiplied industry, the land that now produces sugar cane at a small profit will at that time produce garden stuffs, cereals, and fruit to supply the tremendous demand of her increased population.

While Cuba may become a competitor in other fields of industry, the standard of her citizenship would be immediately raised; her ambition, hopes, and expectations would be confined only to the limitations of the National Union. [Applause.]

Her people would go into the forests, virgin and illimitable. The labor that annexation would drive to Cuba would force the owners of land to cut it up into small farms, to be used in the production of cereals, vegetables, and fruits, profitable at their own doors.

So, my friends, we are not terrorized by annexation. But we want responsibility to precede bounty.

If you will but encourage the farmers of the West to go on growing beets for the manufacture of sugar, you will do for future generations incalculable good; you will diversify the products of the farm in such a way as to bring the price of agricultural lands to the maximum value.

Mr. Chairman, in the State of Michigan we have 20,000 farmers raising sugar beets. They are under contract; they are getting a fair price. Curtail sugar production in America, put a premium upon the business of their rivals, and you instantly cast a gloom over the beet producers. Michigan has a great interest in this question. Michigan believes in the policy of the Republican party. Michigan was the birthplace of the Republican party and has never withheld her electoral vote from our candidates, and our delegation refuses to stand by the grave of a single unredeemed promise of that party. [Applause.] We believe in keeping promises inviolate.

There are men in this gallery who put their money into the sugar industry of Michigan pleading for protection. There is not a drop of water in the capitalization of the sugar-beet industry of Michigan. Every dollar invested is bona fide. Do not drive them from this industry by inadequate protection.

We can at least keep our party pledges. We can at least do what we promised the country to do.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BISHOP. I ask unanimous consent that the gentleman have thirty minutes more.

Mr. LANDIS. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Michigan [Mr. BISHOP] asks that his colleague be permitted to proceed for thirty minutes. The gentleman from Indiana amends by asking that the gentleman from Michigan may be permitted to conclude his remarks. Is there objection to the latter request?

There was no objection.

Mr. WM. ALDEN SMITH. Mr. Chairman, if we will keep this protection on, if we will not disturb the sugar industry, it will soon require 3,788,540 acres of farm land to produce the beets which are required for sugar making. It will give to the farmer \$98,000,000 a year for the crop, and the invested capital will aggregate, if it does not exceed, \$745,000,000. The consumer will very soon get the benefit of it.

Give the same measure of protection to the sugar industry of our country that you did to tin, and you will have a product here so large that we can supply the American market for future generations and keep at home the vast sums of money which we have formerly sent abroad.

But I hear people say that the Platt amendment is in the way of Cuban development. I deny it. I have examined the Platt amendment with great care. There is not a line of it which prevents Cuba from making trade arrangements with any country in the world with whom she ever did a dollar's worth of business.

If I am wrong, I ask some member of the Ways and Means Committee to rise and tell me wherein I err. There is not a line of that law which deprives Cuba of a single market she ever enjoyed before the amendment was passed. Indeed, she is privileged to go into the markets of the world. She is there now. Spain is one of her patrons. What we did say in the Platt amendment was that she should make no treaties which should involve her sovereignty—a vastly different proposition.

Cuba will be free soon, as free as the laws of our country and the Monroe doctrine will permit her to be. But, Mr. Chairman, it is false to say that we are depriving her of any great advantage in the world's market. I deny it. I hurl it back as an untruth. It will not stand the test of verity here nor in any legal forum of our country. It is not true. Our Government has done nothing to limit her rights abroad. But the gentleman from Kansas [Mr. LONG] and others will say our national honor is involved. When did we guarantee the prosperity of Cuba? When will our responsibility end? National honor! Read the platform of our party. Read the text-book issued by the Republican campaign committee of 1900 where they distinctly say to the farmer of America that he need not fear that the Republican party would permit the cheap labor and the cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production in the United States which the farmers of the United States have, under the fostering care of the Republican party, protected and brought into life. [Applause.]

Here your national honor is involved. Guard it well.

We are not insurgents; we are the regular protectionists of our party. We stand upon our platform; we stand upon our principles; we are consistent; we are guided by the past, and look forward to the future with bright hopes and anticipations; we adhere to the party policy.

You are departing from it to give her a little boon for sixteen months, chaining her hand and foot while you feed her gruel from a spoon for a brief period of infancy. Why do you not give her better advice? Suppose that advice had been given to our country in its early history. What think you Washington, Jefferson, and Hamilton would have said? They would have said, "Our possibilities are greater than that." They would have said, as they did say, "Protection will develop and multiply the industries and resources of America." Protection would develop and multiply the industries and resources of Cuba. Do you want her independent? Give her a fair policy. Do you want her to prosper? Do not chain her hands. Do you want her to be truly independent, or are you preparing her for statehood in the Union?

Mr. Chairman, the greatest political wisdom that our country has ever received was gathered from the West India Islands, the birthplace of Alexander Hamilton, who first gave effect and form to the policy of protection; whose wisdom should still rule us, and should be ever present in our deliberations. Give them the advice which Hamilton gave to us and you will make Cuba truly great and truly independent.

I long to see Cuba rich and prosperous; I long to see her independent. I want her proud company in the family of nations. But if you make her a carrier of water and a hewer of wood; if you confine her development to a single industry, you make Cuba a dependent people.

But, Mr. Chairman, I can not bring my argument to a close until I emphasize my entire dissent from the growing tendency of the people, now in the very height of their prosperity, to again attempt the reformation of the tariff.

Our factories are now humming with the rattle of busy looms. Our forges glow with furnace fires. The ports of our commerce stir with the pulses of enlarged trade, and improvements in city, town, and hamlet are adding to the beauty and utility of the land.

Is it not strange indeed that so short a time has elapsed between the abject poverty of our people and the unrivaled prosperity of the present? And yet there are people and journals urging that the time is now ripe for a general revision of the tariff. They hold that the organization of trusts is the natural outgrowth of protected industry. There never was a more fallacious and false statement made by men of wisdom and discernment.

Mr. Havemeyer said before the Industrial Commission that the tariff was the mother of trusts. If that be so, tell me how it happens that free-trade England has more trusts within her Empire than America with all its protection. [Applause on Republican side.]

I do not believe that the gigantic corporations now massing their wealth into single industries need protection for their stockholders. Indeed, I am almost of the opinion that they possibly might be better off without it.

I do not stand in this honored place as the representative of any of these corporations. I stand here to plead for the preservation of the American wage scale in the interest of the happy home of the toiling millions of our laborers.

You strike down the tariff upon iron and steel and the international trust, with headquarters in London, will supply the product of steel and iron to the world.

Which scale of wages think you will be the measure of remuneration given to the labor of that trust?—the American scale or the European scale?

For the preservation of the American scale I stand here to defend the tariff against its false friends. The laborer is the principal beneficiary of our policy. He has no capital except the willingness to labor; that he may use his capital to the best possible advantage, that he may patronize his fellows in other walks of life, that he may educate his children, acquire his own home, humble though it may be, that he may enjoy the comforts, and, indeed, some of the luxuries of life, is the only apology I make for holding unflinchingly to our great protection policy. [Applause.]

I have heard it stated that the leaders in this House and in the Senate desire to enter the coming Congressional campaign with a united party. So do I. You can unite your party for Republican principles; you can unite it for a sound currency; you can unite it for a protective tariff; you can strike it in twain by half-hearted devotion to either principle. [Applause.]

I have no patience with the desire upon the part of the false friends of protection who are constantly parading the volume of our foreign commerce. Much as I value it when it comes without the surrender of our domestic market, still it is as a drop of water in the great ocean when compared to the fabulous market at our own door.

The grand total of our industrial output amounts to over \$20,600,000,000 in the year just closed. What proportion of this vast volume of our annual vitalized energy finds expression in the export trade of the United States? Barely \$1,400,000,000 worth of the products of agriculture, mining, and manufactures.

While it is well to have foreign trade, we must never neglect for one moment the cultivation and maintenance of our larger and greater and more important domestic market. [Applause.]

The prosperity of all the people of our own country must be the object of our undivided solicitude. It is for this that our battle in this instance has been waged. It is for this that we temporarily part company upon the wisdom of this measure.

Keep the tariff on in the interest not of capital alone, but of labor. I plead for the interest of the laboring man. His capital is the muscle of his strong right arm. He must use his capital on the instant or never use it at all. The merchant who has no customer for his wares can store them upon his shelves. The manufacturer may carry his products for a month or for a year, but the laborer can not store his wares. He must sell his time upon the instant or never sell it at all. All things else in nature, except time, are yielding to the genius of man. Death can no longer silence the voice, for the living tones may be preserved in the phonograph.

The old saying that "the mill will never grind with the water that has passed" must be dropped from the list of aphorisms, for the wonderful progress of electrical science has enabled us to stand by the side of the cataract, gather the power of the falling water, store that power, send it across the ocean, and a year later turn a wheel with the force thus appropriated and preserved. But neither God nor man can stay the course of time. Time stands by the dial of the universe, and as the minutes are ticked off he gives them to those who grasp them; but left unclaimed they pass unused, unfruitful, unyielding into the night of the unreturning past. Because labor is thus helpless it is the first to feel the effect of a reduction of values and the last to get the benefit of an inflation. Lower tariffs will flood this market with imported goods, and down will go the price of labor as falls the mercury on a winter morning.

Mr. Chairman, I protest against a revision of the tariff. I protest against the demoralization of our present business prosperity. I protest against the return to a period of certain depression. Prosperity is now upon every hand. Labor is happy with his task to perform; capital is unrestrained in its quest for new ventures.

Gentlemen upon this side the chamber, you would unite us; we would gladly join you. But I ask you to go to the sacred archives of the Republican party, take out the banner of protection so often carried to success on fields of political controversy, wave it proudly above your heads as the signal to fall in; lead on; lead on; and we will follow you. [Applause.]

The leaders of the ancients used to be so solicitous about their followers that they carried urns upon their shoulders burning with perpetual fire. By day the smoke could be seen and they knew where the leaders were. By night they could see the flame and were kept in the true course. Gentlemen upon this side; leaders, if you please; light up the urn of political wisdom. Illuminate the principles of Hamilton, of Lincoln, and McKinley, and

we upon this side will follow you. Lead on! Your destiny shall be our destiny, and united we go to certain victory. [Prolonged and long-continued applause.]

Mr. MORRIS. Mr. Chairman, for the first time since I became a member of this body I find myself opposed to a large number of Republican Representatives, and to some of the leading members of that party, on a measure of general public concern. Under these circumstances it is proper that I should give to the House the grounds of that opposition.

I know that our situation in relation to Cuba is difficult and perplexing, and I am ready to admit, and admit freely, that as to the measures by which that situation should be met men may differ widely and differ honestly and honorably.

It is well to review briefly the history of this measure as it has developed and is now presented. All of us know the literary campaign which has been made with great vigor and persistence from the beginning of this session. In the month of December and January there was scarcely a day when members did not find in their mail pamphlets and other forms of printed matter setting forth the conditions of distress which it was claimed existed in Cuba, contending that we were under obligations of duty and honor and also of self-interest to do something to relieve these conditions, and pointing out a method by which those obligations could and should be discharged.

There was such a uniformity in the method proposed, namely, by an agreement between our Government and that of Cuba about to be organized and put into operation, of which the principal factor was a reduction in duties on the products of Cuba, of which sugar and tobacco and cigars are the principal ones, coming into the United States and a corresponding reduction by Cuba on our products going there, as to arouse a suspicion in some that there was something more beside humanity and philanthropy and patriotism behind this literary propaganda, and that perhaps it was being carried on by certain selfish and sordid interests; and we did not have far to go to guess which was the chief and foremost of such interests.

This constant and widespread agitation was arousing in the country a sentiment that something must be done for Cuba. The cry was, Do something for Cuba. And there appeared here in Washington representatives of those interests which might be affected by the proposed legislation, some advocating it, others opposing any action.

Recognizing this growing sentiment, and also prompted by certain suggestions contained in the message of the President, and the report of the Secretary of War, the great committee of the House—the Committee on Ways and Means—very properly, as I think, determined to hear from the various conflicting interests, and to gather, as far as possible, from all available and reliable sources the existing facts, so that they might intelligently deal with the questions presented. The result of those hearings is before us in a printed volume of more than 700 pages, which I hope by this time is more or less familiar to the members of the House.

From the facts developed by that investigation these questions arise: First, are the conditions in Cuba such that any concession from us, or agreement between us and them, if gentlemen prefer to put it that way, is needed; second, if such concession or agreement is needed, shall it be made, and third, how shall it be made?

Those claiming that such concession or agreement should be made do so on the ground, first, that it is absolutely necessary; that unless it is made universal bankruptcy and anarchy will before long prevail in Cuba; second, that we are bound in honor and good faith to make it by reason of the relations between us and Cuba which have grown out of the war, and particularly the Platt amendment, and third, that it should be done because of the advantages which will come to the United States by reason of the increased trade and consequent commercial benefit which will result.

I shall not allude to the tobacco industry in Cuba. It seems to be conceded on all hands that this is in a flourishing and prosperous condition and likely to remain so. I shall speak only of the sugar situation, for I look upon this as a sugar question only.

For my part I am not at all satisfied that such an agreement or concession is necessary for the welfare of Cuba. The evidence shows that there is no distress now in Cuba. Everybody is employed, and at higher wages than are paid in the same industry in Louisiana. Note what Colonel Bliss says:

I have not spoken of distress except to deny that any existed, so far as I know. It is a long time since I have seen anyone begging on the streets or anyone who wanted work who was not at work at good wages.

We were told that relief must come by the 1st of February, and certainly by the end of that month, or else universal ruin and bankruptcy would prevail and anarchy would reign; and yet the 1st of April has come and gone and still Cuba is prosperous and her industries are going on; no distress, no bankruptcy, no ruin,



And all of us have read from the correspondent of the Washington Star, an ardent advocate of concession or agreement, that—

Things have been exaggerated, that nobody is starving in Cuba to-day or need starve, nor need anybody starve next year.

The chief distress from which they seem to be suffering is the exaction by the Spanish usurers of from 10 to 25 per cent interest on the money they borrow upon which to do business, and if any benefit should go to anybody save the sugar trust from this measure it would in all probability be principally to these Spanish shysters. The whole argument of the gentleman from New York [Mr. PAYNE] was based on the assumption that it costs 2 cents a pound to produce sugar in Cuba, and yet the most reliable testimony, as I think—that of Mr. Saylor—was to the effect that it could be produced at a cost of a cent and a half per pound. This gentleman investigated the conditions there in 1898-9, and he is a man in every way qualified to speak, and his conclusion was that it could be produced at that cost. He was asked if the increased cost of labor since then would not make it more now, and he said he thought not; that while their labor had advanced in wages the improved conditions in the country and their better organization and machinery would make up for that, and that he thought one would about offset the other. The gentleman from New York stated that sugar was to-day worth about 1.81 in Cuba and had been for some time. If that is true, and sugar can be produced there for a cent and a half, the Cuban would now make a profit of 31 cents a hundred pounds—a pretty fair profit. I have no doubt any newly organized beet factory one or two years old would be satisfied with that profit.

Nor am I satisfied that we are bound by any moral obligation growing out of the war or the Platt amendment to make this agreement. We have given to Cuba that for which her people made a heroic struggle and endured untold misery and hardship—liberty and freedom from the Spanish yoke. For this we have spent hundreds of millions and have given thousands of noble lives. We have relieved her of millions of dollars annually in taxes to Spain and from a bonded indebtedness of hundreds of millions which Spain would have put upon her. We have restored order where chaos reigned. We have established government and administered it with an honesty and efficiency which will serve as an example and model and guide to the new republic. We found her the home of disease and death. We will leave her the abiding place of health and pleasure and beauty.

But they say we have deprived her of her markets, destroyed her industries, and, by the Platt amendment, tied her hands so that she can not negotiate and establish favorable commercial agreements. We have done no such thing. We have always been Cuba's best market—practically her only market for sugar—and we are to-day her best market, and her only sugar market. There is scarcely to be found a parallel for her industrial, especially her agricultural, revival since the war. Let anyone examine her sugar production—in 1897 something more than 200,000 tons, this year 850,000 tons. Peace and plenty are on every hand. Let anyone examine the Platt amendment. The benefit is theirs, the burden is ours. There is no control whatever over her commercial treaties and agreements. There is no control over her at all, save that she shall not endanger her independence or contract debts she can not discharge.

It is also claimed that we have promised to establish and maintain a stable government, and that without commercial prosperity this can not be done, and that therefore we must establish and maintain commercial prosperity. We undertook to pacify the island and pledged ourselves when that was completed to leave Cuba and its government to the people of Cuba. By the Platt amendment we reserved the right to intervene to preserve her independence. Nowhere have we agreed to guarantee commercial prosperity or a stable government. We do not make any such guaranty to any State in the Union, and ought not to. Surely we could make none such to a foreign country.

It is also claimed that the relationship of guardian and ward has existed between us, and from that has sprung this moral obligation. As guardians we were bound to a faithful, honest, and diligent administration of the estate. This we have given. As I have shown, we found that estate heavily encumbered and in a condition of utter wreck. We have put it in order and cleared off every incumbrance and are ready to turn it over to the ward a magnificent inheritance. With this we are ready to send him on his way rejoicing.

It would seem, then, that we have in the fullest measure discharged every obligation to Cuba, and that when next month we turn the island over to her people we will exhibit to the world an example of faithfulness and generosity which finds no parallel in recorded history.

But be all this as it may, I for one am willing, if there is any question about it, to do more. Let us admit, for the sake of the argument, that we are in honor bound to relieve her from present embarrassments, if any such exist, and let us admit, for the

sake of the argument, that such embarrassments do exist. Let us also admit that we can and will secure advantages in trade which will be of value to the United States. I am not willing to extend that relief and secure these advantages in such a way as to injure or destroy one of our own industries, or to violate the promises we have made to our own people. And this brings me to the proposition now under consideration.

The Republican members of the Ways and Means Committee after the hearings asked for a conference of Republican members of the House and sought advice upon a measure which they had not all agreed upon, but which was the proposition commending itself under all the circumstances to more of the members of the committee than any other proposition. In the fewest words it was this, that we should enter into an agreement with Cuba by which we should grant to Cuba a reduction of 20 per cent in our tariff rates on articles coming from Cuba in consideration of equal concessions to us on articles going from the United States to Cuba, and also upon the condition that they should enact our immigration and exclusion laws. After repeated conferences and long discussion this proposition was found to be unsatisfactory to a majority of the Republicans, and so it has been modified and has taken the shape in which it is now presented. The modification is that the agreement and its operation shall extend only to the 1st of December, 1903.

I was opposed to the original proposition. I am opposed to the modified proposition, and I think I shall be able to show before I conclude that it is worse than the original one.

Let us first consider the original proposition. I was opposed to the proposition. First, because I do not believe it would accomplish the object sought to be accomplished.

If the evidence before the committee on behalf of those favoring tariff reduction is worth anything the amount of reduction proposed is entirely insufficient, and if I understood the gentleman from New York [Mr. McCLELLAN] correctly on yesterday that was the burden of his argument. With one accord the witnesses testified that nothing less than 50 per cent would do at all, and some of them thought that free sugar alone would be satisfactory. In this view, as to the 50 per cent, General Wood, in his letters and interviews, has concurred, and Mr. Palma, the president-elect of Cuba, in an interview, which has probably been sent to every member of this House, used these words:

It is impossible to improve the bad condition of our principal staple—sugar—by reducing the American duty only one-third. In that way the problem will not be solved at all. The clamor for further reduction will continue. \* \* \* Therefore it is absolutely necessary that the concessions should reach 50 per cent of the actual duties, so as to give the producer a reasonable gain.

Now, if this be true, not only will this reduction fail to relieve Cuba, but it will only serve to continue the agitation and will thus, as I shall show further on, discourage and retard, if it does not entirely arrest, the further development of an important American industry.

But a reduction of duties, whether great or small, will fail of its object, because it will not inure to the benefit of the Cuban planter, but will in all reasonable probability be absorbed in whole or in part by the American sugar refiners, or what is commonly known as the "sugar trust."

Whenever any legislation involving the sugar schedule of our tariff laws is proposed, at once the forbidding and overshadowing form of this colossal combination appears. And it is no mere specter or creature of the imagination conjured up by those who know its power and fear its evil influence, but is a real, substantial, and potential presence. And it must be considered and reckoned with. That the American refiners are practically one body crops out everywhere in the testimony. I call attention to the testimony of Mr. Armstrong, a sugar broker of New York, and who is therefore certainly acquainted with the facts as to this. On page 78 of the hearings he testifies as follows:

The CHAIRMAN. Is it not a fact that during the past three years the margin between the raw sugar and refined sugar has been much smaller than during the two or three years preceding? For instance, before 1897 was it not a cent and a quarter, and since 1897 has it not been reduced to fifty-one one-hundredths, say last summer?

Mr. ARMSTRONG. That is owing to conditions, which I will have to explain to you. Before 1897 there were times when it was 1½, and there were times when it was even more, but probably it averaged about a cent. Something over a year or two years ago there were one or two independent refineries built, and war broke out between the sugar trust and the independent refineries and the trust broke down rates to a very low point for the sake of knocking out those one or two refineries, and when that was accomplished prices advanced again, and when you take the average of all that time you get the fifty-one one-hundredths.

The CHAIRMAN. They have knocked out the independent factories in the last two or three years?

Mr. ARMSTRONG. Yes, sir; they bought them out.

The CHAIRMAN. They bought them all out except Arbuckle?

Mr. ARMSTRONG. There is the National Refining Company, which suffered with the others. I believe now they operate together.

The CHAIRMAN. They all operate together now, so the only regulator of the refined sugar is the beet sugar interests?

Mr. ARMSTRONG. Yes, sir.

But if anyone still doubts this, I also invite his attention to the



statement of Mr. Havemeyer before the Industrial Commission in the testimony before the committee.

Again, I call the attention of members to a table on page 578 of the hearings. By this table it is shown that in the year 1901 Cuba sold in the American market 500,409 tons of sugar and in the markets of all other countries but 73 tons. Besides, the testimony shows that by reason of export bounties and the cartels which prevail in the sugar-producing countries of Europe the European sugar producer is able to sell his surplus; that is, what he has left after supplying his own country—and he has his own market preserved to him by absolutely prohibitive duties—below the cost of production, and therefore the Cuban has nowhere to go with his sugar except to America.

Again, I call attention to the testimony of Mr. Atkins at the bottom of page 1 and the top of page 2 of the hearings. He there states that there is in the world to-day more than 1,500,000 tons of sugar over and above the world's consumption. In other words, a supply in excess of the demand of more than 1,500,000 tons.

Now, what do these facts prove? The Cuban has an article to sell of which the world's supply is largely, enormously in excess of the demand. He has but one market—the American market—in which to sell that article. Suppose in that one market there were a dozen buyers, is it necessary to make any argument to show that, within wide limits, those buyers would be able to dictate prices. Could not those buyers say to the Cubans, we will pay so much for your sugar, and if you will not take that, why we can and will go to Germany or France and buy what we need? It surely can need no argument to show that this would be the situation.

But when we go a step further and suppose that in that one market there is practically one buyer, and that one buyer the sugar trust, will members ask themselves the question what the result would be then? Will not this buyer be able to absorb this reduction in duty, and if he can absorb it will he do it? Is this great combination actuated by considerations of benevolence, or morality, or humanity, or philanthropy? If there is any member who is so—I was about to say foolish, but I will say credulous and charitable as to believe that, I again invite his attention to the statement of the head of that combination before the Industrial Commission. And if it is not actuated by these considerations, what consideration is left? There can be but one—its own profit and gain. And how will it reap that profit except by taking to itself the whole or a part of this reduction?

But aside from these general considerations we have the highest authority in this House—none other than the Ways and Means Committee—for stating that the sugar trust will absorb and appropriate to its own profit the reduction in duties. And I have no doubt if the tables were turned and these gentlemen stood with me on this proposition they would be making the same argument I am making. Here is a report made from that committee, a unanimous report of the majority, a Republican majority, composed largely, almost entirely, of the same members who compose it now. This report was made on the 26th of May, 1900, by the distinguished gentleman from Ohio [Mr. GROSVENOR], but he is no more to be held responsible for it than are the other members for whom he spoke. It was made upon a resolution offered by the gentleman from Tennessee [Mr. RICHARDSON], providing for the admission free of duty of sugar from Porto Rico and Cuba. I read from that report:

Following that abortive effort comes this resolution, and if this resolution should pass it would place upon the free list the molasses and sugar hereafter to be imported into the United States from Cuba and Porto Rico. The present product of Porto Rico amounts to something like 60,000 tons for this year, and would not be a very considerable sum of money, but when there is included in this proposed addition to the free list of the country the product of Cuba the item becomes an enormous one.

Following is a table of the imports of molasses and sugar dutiable from those two places, and the entire importations from all countries classified in proper order:

Imports of molasses and sugar, dutiable, year ended June 30, 1899.

Articles.	Total, United States.		Cuba and Porto Rico.	
	Quantities.	Value.	Quantities.	Value.
Molasses..... gallons..	5,806,256	\$789,084	5,077,703	\$390,399
Sugar, not above No 16 Dutch standard:				
Beet..... pounds..	723,336,352	15,269,307		
Cane..... do.....	2,731,868,574	60,714,089	770,346,000	18,907,773
Sugar, above No. 16 Dutch standard..... pounds..	62,745,703	1,692,951	5,427	159
Total..... do.....	3,517,950,689	77,676,437	770,351,427	18,907,932

Cuba and Porto Rico furnished 24.5 per cent of the total importations of cane sugar imported in quantity, and 31.1 per cent in value.

The average rate of duty on cane sugars not above No. 16 Dutch standard was equivalent to 74.31 per cent ad valorem, and the total amount of duties collected on such sugar imported from Cuba and Porto Rico in the year ended June 30, 1899, was \$14,010,366.11. The average rate of duty on sugar

above No. 16 Dutch standard was equivalent to 75.7 per cent ad valorem, and the total amount of duty on such sugar imported from Cuba and Porto Rico in that year was \$120.36. \$14,010,366.11 ÷ \$120.36 = \$116,486.47, the value of Mr. Richardson's proposed yearly gift to the sugar trust, calculated on the importations of 1899, which, of course, will steadily increase from year to year.

By this it will be seen that "Cuba and Porto Rico furnished 24.5 per cent of the total importations of cane sugar imported, and 31.1 per cent in value," and that to now place these commodities upon the free list of the country would, if the same amount of sugar and molasses should be imported during the current year beginning July 1, 1900, and running forward, give to the importers of sugar and molasses something like \$14,000,000. This would be a free gift from the people of the country, and measures the value of the proposed yearly gift to the sugar trust, calculated on the importations of 1899, which, of course, will steadily increase from year to year.

There is probably no commercial organization or trust with a more thoroughly well-organized and self-defending capacity than is the American Sugar Refining Company, and it must be borne in mind that there is no sugar refined in Cuba, or, if any, only the merest trace or small quantity, and that all cane sugar unrefined that comes from that country, or substantially all of it, is received and refined by the American Sugar Refining Company or, perhaps, one of the kindred organizations, which were stated by the great manager of that company to be "under the same umbrella" with the sugar trust.

In other words, if sugar were allowed to come in free from Cuba, the sugar trust would absorb the whole reduction. Now, if with free sugar from Cuba the sugar trust could take to itself the whole benefit, is it possible to escape the conclusion that they could absorb a 20 per cent reduction?

But there is other evidence of absorption by this combination of at least a part of the benefits which were intended for others.

Here is a table on page 578 of the hearings, prepared by the statistician of the Agricultural Department, which gives the average wholesale prices per pound during the year ending June 30, 1901, the last fiscal year, of sugar free on board at the port of shipment in Germany, Porto Rico, Cuba, and the Hawaiian Islands. These prices are as follows:

Sugar not above No. 16 Dutch standard (raw sugar).

	Cents.
From Germany (beet sugar).....	2.2
From Porto Rico (cane sugar).....	3.4
From Cuba (cane sugar).....	2.4
From Hawaii (cane sugar).....	3.9

I have also here a statement from the Treasury Department showing that the raw sugar imported from Germany during that year was practically all 88° rendement, or 94½° by the polariscope. I have also a statement from the same source showing all the sugar imported from Porto Rico during that year, the different degrees, and the number of pounds of each degree, and the prices. A calculation shows that the average was 92½°, and the average price, as above, 3.4 cents per pound. I have not been able to get a similar statement as to Cuba, but I have been able to get statements which go to show that Cuban sugar has a higher average, a little above 95°. The speech of the gentleman from Kansas [Mr. LONG] before the Republican conference shows that it averaged in the month of January, 1902, more than 2½° higher than Porto Rican sugar.

I have also a statement from the same source that the average polariscopic test of the sugar imported from Hawaii to San Francisco was 96.7°. This is perhaps too high a general average for Hawaiian sugar, although I am informed that Hawaiian sugar is of very high grade. It is safe to say that it is 96° and a little over. I have also a statement from the same source of the freight rates per hundred pounds, as follows:

	Cents.
From Hamburg to New York.....	8
From Porto Rico to New York.....	12
From Cuba to New York.....	8
From Hawaii to San Francisco.....	15

The hearings show that cane sugar is more valuable to the refiner than beet sugar, and I have made inquiry of the most reliable expert and scientific source in the Government departments as to the difference in that value, so that I may give it fairly and conservatively in the figures I am about to make. I learn there that cane sugar is worth about 10 cents per hundred pounds more to the refiner than beet sugar, degree for degree.

The hearings show conclusively, and nobody here can or will deny it, that the German or Hamburg price fixes the price the world over and that all comparisons should be made on that basis.

Sugar from Germany had to pay here a countervailing duty to offset the export bounties. Sugars from Porto Rico, Cuba, and the Hawaiian Islands had to pay no countervailing duty. Sugar from Hawaii paid no duty. Sugar from Porto Rico paid in 1901 15 per cent of the Dingley rate. Sugar from Germany and Cuba paid the full Dingley rate.

Now, with these facts before us, let us see what was being done in the year 1901 by the American buyer—the sugar trust—as to sugar coming from these countries. If the trust was paying all it ought to have paid to the sugar producers of Porto Rico, Hawaii, and Cuba to put them on a parity with the Hamburg prices, the equations for the different countries ought to have been as follows:

For Porto Rico.—Price at San Juan + freight to New York + duty + greater value to refiner = price at Hamburg + freight to New York + countervailing duty + duty.



For Hawaii.—Price at Honolulu + freight to San Francisco = price at Hamburg + freight to New York + countervailing duty + duty + greater value to refiner.

For Cuba.—Price at Habana + freight to New York + duty = price at Hamburg + freight to New York + countervailing duty + duty + greater value to refiner.

Putting in the figures per hundred pounds, we have the following:

For Porto Rico.—\$3.40 + \$0.12 + \$0.23 + \$0.05; total, \$3.80 = \$2.20 + \$0.08 + \$0.27 + \$1.63; total, \$4.18.

For Hawaii.—\$3.90 + \$0.15; total, \$4.05 = \$2.20 + \$0.08 + \$0.27 + \$1.63 + \$0.25; total, \$4.43.

For Cuba.—\$2.40 + \$0.08 + \$1.65; total, \$4.13 = \$2.20 + \$0.08 + \$0.27 + \$1.63 + \$0.15; total, \$4.33.

Thus we see that in no case do the two sides of the equation balance as they ought to do when we put in the figures. The difference for Porto Rico is 38 cents per 100 pounds, for Hawaii is 38 cents per 100 pounds, and for Cuba is 20 cents per 100 pounds. In other words, we see that the American buyer, the sugar trust, was paying to the Porto Rican 38 cents per 100 pounds less than he ought to have paid on all of the sugars brought from that island to New York during the fiscal year 1901, to the Hawaiian 38 cents less per 100 pounds on all the sugar brought from those islands to San Francisco during the fiscal year 1901, and to the Cuban 20 cents less per 100 pounds on all the sugar brought from that island to New York during the fiscal year 1901.

Again I call the attention of members to the statement of Mr. Leavitt, on page 250. The German has to pay a countervailing duty to get his sugar in; the Cuban has to pay no countervailing duty. The Cuban sugar should, therefore, have a margin of 27 cents per hundred pounds over German sugar delivered in New York. That statement shows that on that day, January 21, 1902, somebody was taking that margin which ought to have gone to the Cubans and 4 cents besides.

Now, will some member guess who was taking to himself these amounts which ought to have gone to the Porto Rican, the Hawaiian, and the Cuban? Can there be but one answer? If some member will make the calculation he will see that it runs into the millions of dollars.

Thus it will be seen that I have demonstrated, with the exactness of a theorem in Euclid, as far as such a thing is capable of demonstration, that the sugar trust could absorb or take to itself this reduction, and that it has in other cases been doing that very thing, in part at least. I think it entirely probable that the figures do not make it as bad as it actually has been.

But there are other circumstances which it might be well to consider. Why are the representatives of the sugar trust here, and why have they been here from the beginning of the session, if the Cuban is to get the whole benefit of this reduction? In that event, what interest have they in it? And why should they be here? That they are here urging this reduction we are all satisfied. We have the highest authority for believing so, none other than the most distinguished and prominent member of this House. Here is his letter to one of his constituents. He says:

Those contending for Cuba want a reduction of 50 per cent or a clean sweep of duties between us and that country. Contending for this doctrine is, first, the American sugar trust, which is here in the person of its ablest managers.

Again, here is a statement from the last report of the sugar trust, showing that they had on hand on the 31st of December, 1901—last December—more than \$10,000,000 worth of raw sugar less than they had on hand the 31st of December, 1900. Why should they thus run down their stock of raw sugar unless it was that they were waiting for this reduction to go into operation? And why should they wait for this reduction unless they expected to profit by it? Surely the trust knows its business. The New York Journal of Commerce, a paper that is strongly advocating reduction, has this to say about it:

The item of sugar, raw, unmanufactured, etc., is given at \$12,248,640, a decrease of \$10,240,150. From this it would seem that the company has been carrying a smaller amount of raw sugar than usual at this season, a move that finds explanation in the anticipated reduction in duties on Cuban sugar by Congress.

How innocently and strangely they deny their own doctrine, if it is the relief of the Cuban only that they are concerned about.

Let members scan the witnesses who appeared for reduction. Almost without exception the Americans amongst them have some connection, more or less close, with the sugar trust, or some of its members or officers. Is this mere chance? Let any member answer that to himself sincerely and frankly. Ah, gentlemen, the great-hearted, generous American people want to help Cuba, not this combination.

And yet from the foregoing considerations it would seem to be impossible to escape the conclusion that this combination will be the principal beneficiary of reduction. And they know it, whether others do or not.

Now, if this be true, I am ready to state a second ground on which I am opposed to this reduction, and it is a good Republican ground. It is because it will injure and prevent the further development of an American industry—an industry just beginning

to show that growth and development which we all hoped and predicted for it in 1897 when we passed the Dingley tariff law.

I have here a statement from the Agricultural Department showing that up to the year 1897 there had been established and put in operation only 6 beet-sugar factories. Since then the number has increased to 42, and 8 are in process of construction, making 50 in all. The product has increased from about 40,000 tons to 185,000 tons the year just closed, and if a sufficient quantity of beets could have been obtained and the factories could have been operated to their full capacity that product would have been very much greater.

Besides, there were during the last year 83 projects for the establishment of beet-sugar factories in various stages of organization and capitalization.

I will put in here a statement, compiled principally from the hearings, pages 571 to 574, giving the figures in reference to this industry.

Beet-sugar factories established and put in operation up to the year 1897, 6. These, together with those established since, make a total of 42.

As to these factories we have the following statement:

Invested capital in factories, equipment, and grounds.....	\$30,000,000
Annual amount of beets purchased..... tons.....	1,875,000
Annual cash paid for beets purchased.....	\$7,500,000
Annual coal consumed..... tons.....	202,500
Annual cash paid for coal.....	\$787,500
Annual lime rock purchased..... tons.....	150,000
Annual cash paid for lime rock.....	\$300,000
Annual operating capital employed (per annum).....	\$5,000,000

Beet-sugar factories in process of construction, 8. Beet-sugar projects in various stages of organization and capitalization, 83.

#### REQUIREMENTS.

These 83 factories would require:

Investment.....	\$49,000,000
Working capital.....	9,000,000
Beets purchased from farmers.....	14,700,000

#### REQUIREMENTS FOR HOME CONSUMPTION.

It would require 500 factories having a daily capacity of 500 tons of beets to produce by the time they could be put in operation all the sugar we would consume outside of what we get from the State of Louisiana, the Hawaiian Islands, and Porto Rico.

#### REQUIREMENTS OF THESE FACTORIES.

Invested capital.....	\$250,000,000
Annual amount of beets..... tons.....	18,750,000
Annual cash paid farmers for beets.....	\$75,000,000
Annual coal consumed..... tons.....	2,625,000
Annual cash paid for coal.....	\$7,875,000
Annual lime rock purchased..... tons.....	1,500,000
Annual cash paid for lime rock.....	\$3,000,000
Annual operating capital employed.....	\$45,000,000

In addition to this vast sums for coke, mill supplies, labor, transportation, etc.

From all this it can be seen that if the beet-sugar industry should continue to grow and develop as it has done in the past three or four years, since the passage of the Dingley bill, it would in a very few years supply, along with the sugar from Louisiana, Porto Rico, and the Hawaiian Islands, all American territory, the entire demand of the American people.

Now, the product of the American beet-sugar factory is white granulated sugar—that is, sugar of a grade equal to the refined sugar of the trust. It is, therefore, a competitor and rival of the trust, whose business it is to refine raw sugar, and is its only competitor and rival in this country.

If this industry should grow sufficiently to supply the American demand, and the Louisianans, and Porto Ricans, and Hawaiians should refine their own sugar, as they would do but for the overshadowing power of the trust, the sugar trust would have to go out of business. The sugar trust has just begun to realize that the beet-sugar industry, if allowed to continue to progress as it has done in the past two or three years, will put an end to its career of greed and extortion, and is therefore anxious to do, or to see done, anything that will injure it.

The result is that the trust is engaged in an unceasing and relentless warfare against this industry. We can well understand what that warfare means at the present stage of development in the beet-sugar industry when we recollect the almost complete monopoly which the trust has of the American market and the enormous profit it is and has been making. What these profits are anyone can calculate who will remember that we consume about 2,400,000 tons each year and that the trust refines it all with the exception of about 230,000 tons and makes a profit of about one-half a cent a pound. He will find that those profits amount each year to nearly as many million dollars as it would cost to build new the entire plant of the trust. It is these profits which has enabled the trust to water the stock of plants which could all probably be reproduced for \$25,000,000 to \$30,000,000 and pay each year enormous dividends thereon.

It is these profits which have enabled the sugar trust to go into the territory where the beet-sugar producer finds his market and



sell sugar for 3½ cents per pound—that is, at a price which would cause a loss to the trust and also to the beet-sugar man—while at the same time it was selling in other parts of the country for 5½ cents per pound.

It is the unceasing and relentless warfare of the trust that the beet-sugar producer fears and ought to fear. It is in this that his chief danger lies. If, therefore, a reduction in duties on sugar coming from Cuba would add to the already enormous profits of the trust, as I have shown it would, we would by granting that reduction be adding strength to the arm, and placing an additional weapon in the hand, of the trust with which to strike and cripple and crush the beet-sugar factory. Let gentlemen here make a calculation. If the importations from Cuba should be 800,000 tons of 2,000 pounds each, and the evidence seems to indicate that it might reach 850,000, and if the trust should take to itself only one-half of the reduction, we would by this legislation be making them an annual present of \$2,696,000.

From what I have said it is impossible to escape the conclusion that the sugar trust can, if it will, absorb the whole of a 20 per cent reduction made to Cuba, and that it will, as it has done in the cases I have stated before, absorb a part of it at least. If it should take to itself one-half of it, we will be making an annual present to that combination of more than two and a half millions. When we take this out, and also that part which might go to absentee Spanish landlords, and to the Spanish usurer, and to those Americans, most of whom are more or less intimately associated with the sugar trust or its officers, and who, instead of investing their money at home in America, are now exploiting Cuba for their own selfish purposes and crying out to the American people in the name of God and humanity, what will be left for the Cuban planter and laborer proper?

Now, if this legislation shall have the effect to stimulate Cuban production by these American commercial soldiers of fortune, these American syndicates which have gone to Cuba to invest their money instead of investing it at home, or if it shall put additional millions into the already bulging pockets of that commercial buccaneer, Mr. Havemeyer, and his trust, or if it shall have both of these effects, what must be the inevitable result to our domestic sugar industry, especially the beet-sugar industry? There can be but one answer.

Will not the power of the trust to go into the territory of the beet-sugar people, and put prices down to a ruinous figure, while they are entirely maintained elsewhere, which they have done with full duty-paid sugar from Cuba, be augmented by many millions? And if this is true, will not those beet-sugar factories already established, in the face of such tremendous difficulties, have those difficulties greatly increased? And will not the chances of profits to them be greatly diminished? Indeed, would not their profits be put practically at the mercy of the sugar trust? It seems to me there can be but one answer to these questions.

But there is a still more important consideration. What will be the effect on the further development of the beet-sugar industry now so promising? Would another company be organized or another factory built? With this reduction already granted, and agitation for still further reduction, would any prudent man put his money into such an enterprise? Would he not be little less than a madman to do so? Would not any man thinking of so investing his money say to himself, "This is but the beginning; I think I will put my money into something else." It seems to me there can be but one answer to these questions. The further development of the industry would be at an end.

Now, if these things be true, I am opposed, in the third place, to this legislation, because it is a clear violation of Republican platforms and principles and of a specific Republican pledge. I do not believe we as Republicans can, in good faith, in honor, support this legislation. Here is an industry—an infant industry, if we have one—not yet upon its feet, just struggling to its knees, just beginning to show signs of a healthy and vigorous growth, just at the period of its development when it needs all the protection and encouragement we have given it, not only as other industries have needed it, but also because of its life-and-death struggle with this great combination—an absolutely domestic industry from the planting of the seed to the marketing of the product—an industry in which farmers as well as manufacturers are interested, and which will be a great boon to the farmers. Gentlemen on this floor who favor this measure say this is no time for tampering with tariff schedules; that at this time of the most phenomenal and unexampled commercial and industrial prosperity that this or any other nation has ever known we can not afford to do that which may even by any possibility tend to weaken or destroy confidence; that even though some of our industries, like steel and glass and many others, have reached a strong and robust manhood, have come to that point when they defy competition with all the world, we must not touch their tariff schedules at this time.

With these gentlemen I agree, and with them I expect to vote.

But how can they reconcile their position with this legislation? How can they single out this little, weak, struggling, not half, not a quarter developed, just beginning to develop industry at which to strike a blow. I can not believe we can in honor take this step. Here is the platform on which we came back into power. Here are the pledges we gave to the people. I read from the tariff plank of our platform:

The ruling and uncompromising principle is the protection—

But this is not all; not only the protection of that part of an industry already existing. Ah, gentlemen, not that alone, but this—

and development of American labor and industry.

Mark the word "development." And this:

We condemn the present Administration (the Democratic Administration) for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

Must we not in good faith, in common honesty, in honor, keep these pledges? Will we be keeping these pledges if we now strike at this industry—at this time, of all times? Look at the industry—beginning with 6 factories in 1897, and now 50 factories already built or in process of construction; more than 80 more in sight; a development just beginning to give evidence of a successful and enduring and complete establishment. Leaving out the question of those already established, should we arrest this development? Ah, gentlemen, there can be but one answer. How well I remember the great debate on the Dingley bill in the spring of 1897. That was my first session. Let me read from some of the great men:

Mr. THAYER. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. MORRIS. Well, I would prefer not, but I yield to him.

Mr. THAYER. I notice that the gentleman repeats with a good deal of pride the platforms of the party by which he was nominated and elected. I want to ask him if he is now repudiating the doctrine and policy of the great, peerless leader of the Republican party when he recommended to Congress and proposed a policy toward Cuba in these words:

In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed, to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desired, that she should stand in international matters in closer and more friendly relations with us than with any other power; and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being.

Mr. MORRIS. I will come to that, my dear friend, before I get through.

I was about to read what the great debaters in 1897, members of the Ways and Means Committee then and members now, said. I read:

[Mr. PAYNE, July 19, 1897; RECORD, p. 2749, first session Fifty-fifth Congress.]

What shall be done with the sugar trust? Well, I will tell you what, in my opinion, is the best way of dealing with it. Establish a beet-sugar factory in every Congressional district in the United States. [Applause on the Republican side.] Give competition, and lots of it, everywhere. Put the farmers over against the trust by passing this bill, and reduce the price of sugar so that German raw sugar can not be brought in to be refined here. Gentlemen on the other side, come over and help us, while we help the farmers out. [Laughter and applause.] You grangers over there, come and help us. You Populists that go up and down the streets day after day proclaiming your devotion to the interests of the farmers, help us out now when we are trying to help the farmers in this industry that we can establish so successfully. In this way you will do something toward demolishing the trust. You will accomplish more in this way than by mere invective—by running windmills and all that. [Laughter and applause.]

Why should we not produce all of our sugar in this country? Why, it costs us, Mr. Speaker, about one hundred millions. We were looking around for proper subjects for taxation. We knew that sugar would produce an enormous revenue; and besides all that, we knew that an adequate protective tariff would build up the industry in this country, and as it was gradually built up the revenue from that source will be reduced; by and by the revenue will come in more largely from other sources, and when this industry is fully established and revenue from sugar ceases, the reduction will keep pace with the increase. The thing will regulate itself; we will not disturb our tariff in the next quarter of a century. And then—

[Mr. Dingley, March 22, 1897, RECORD, p. 121.]

The duty on sugar has also been increased, both for purposes of revenue and also to encourage the production of sugar in the United States, and thereby give to our farmers a new and much-needed crop. We now pay foreign countries about \$84,000,000 for imported sugar, notwithstanding the abnormally low price, and this sum will soon be increased to \$100,000,000. The success which has attended the growing of sugar beets and the production of beet sugar in California and Nebraska in the past five years, not to mention the progress in the production of cane sugar in Louisiana, has made the problem of producing our own sugar no longer doubtful; and now that we must have the increased revenue from sugar for the present, a favorable opportunity presents itself to give this boon to our agriculture.

[Mr. GROSVENOR, March 24, 1897, RECORD, p. 240.]

We are going to force upon Louisiana that which she dare not ask for herself. Suppliant at the hands of Congress, with people representing not the claims and the clamors of her own people, we will force upon her the beneficence she dares not hope for or ask for herself. We will give to the sugar producer of Louisiana an opportunity to enlarge his products and turn over some of the



splendid lands of that beautiful State to the production of sugar, instead of corn, cotton, and other products of the soil; and so, Mr. Chairman, throughout Nebraska, through Kansas, and all of the States of the Union we propose to offer the same beneficent opportunities.

The Republican party comes and offers to the agriculturists of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization; and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all of these States from the production of corn, oats, wheat, potatoes, and cotton, to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming lands of the country a better market, with less competition than they now have.

[Mr. STEELE, speech on March 25, 1897, Appendix of RECORD, p. 123, first session Fifty-fifth Congress.]

With regard to sugar, I predict that if the tariff fixed by this bill is unchanged for a period of ten years we will at the end of that time be producing not only enough for our home consumption, but as much as we care to export, and at very little additional cost to the consumer. The farmers in the 20 States where the sugar beet can successfully be raised will reap a double benefit from the development of the sugar industry—first, because the sugar beet is a more profitable crop than wheat or corn, and, second, because the land devoted to raising beets will no longer be producing wheat and corn, and the lessened production will increase the price of these products.

This is what these gentlemen said then, and yet five years have not yet gone by, and they propose to begin to make charges. And they propose to begin on the very industry they promised to foster and protect, when relying on their promises and professions it has just got fairly started.

Gentlemen may answer by saying they do not believe these effects will follow. Can you afford, in the light of what I have said, to even take a chance of such effects?

Gentlemen may say this is reciprocity, and to that the Republican party is also pledged.

But this is not Republican reciprocity. Here is the Republican platform:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets.

This is not McKinley reciprocity. Here is what he said:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus.

This is not Roosevelt reciprocity—may his Administration be crowned with success. Here is what he said, and I call the attention of the gentleman from Massachusetts who interrupted me a moment ago to it:

And that reciprocity be sought for so far as it can safely be done without injury to our home industries.

Ah, gentlemen, this is not the kind of reciprocity for which Blaine and McKinley and the Republican party have stood.

The measure as modified is worse than the original one. It will satisfy nobody. It will not satisfy the Cubans, if those who have assumed to appear in their behalf before the Ways and Means Committee are to be believed. They have everywhere in the hearings contended that nothing less than 50 per cent would be sufficient. Already Mr. Palma, the President-elect of the Cuban Republic, has repudiated it. You have all seen his interview; I have it here. General Wood says it is entirely inadequate. Does anybody suppose it will satisfy the sugar trust? Instead of making them an annual present of millions for an indefinite period, as was at first proposed, it only makes that present for one year.

The distinguished gentleman from Kansas [Mr. LONG], in a speech before the Republican conference, to which I allude because it was published in full in the Washington Post of the next morning, based his argument in favor of concessions to Cuba on the ground that reciprocity with that island would be of great and lasting benefit to the United States. He knows, as does everybody here know, that before this agreement can go into effect certain things must be done. The Cuban government does not take charge until after the middle of May. There will be the usual formalities and the necessary delays of organizing the new government and transferring the island.

Then the Cuban congress must act. They must reform and enact their entire system of revenue and tariff laws so as to be able to make any concessions to us. They must enact our immigration, our exclusion laws, and our contract-labor laws. The Government must then proceed to negotiate the agreement provided for in this measure. And there are those who are now contending that they must also, before reciprocity shall take effect, embody the Platt amendment in a formal treaty with the United States. That treaty will have to be ratified by our Senate, and ratifications will have to be exchanged between the two Governments.

The gentleman from Kansas knows, we all know, that all these things will take time. We all know that it will probably be away along into next fall before all these things can be completed, and if the treaty referred to is to be made and ratified, it will be delayed until after the beginning of the next session of Congress, in December. And yet his committee brings in this bill providing that this agreement shall terminate on the 1st of December, 1903.

What kind of reciprocity will this be? Barely a year to run. Before our merchants and manufacturers could learn the trade of Cuba and begin to gain any advantage from the reciprocal concessions the agreement would be at an end. It is evident to those who are most concerned about reciprocal trade that for that purpose this measure will be wholly inadequate and ineffective. Already they are beginning to ridicule it, as well they may. Already those newspapers which have been almost as wild about this as they were about Porto Rico are beginning to say that the reduction must be increased and the time of its operation extended.

All this but goes to show that the agitation for reduction, instead of being put at rest, will only be increased and intensified. And it is this agitation which hurts. It is this agitation which has arrested and will continue to arrest the development of the beet-sugar industry. Already those who were about to let contracts for the construction of factories have called a halt, and it is safe to say that not another enterprise will be inaugurated until it is seen that this question has been satisfactorily and finally settled. I have here a letter from a gentleman in Michigan, Mr. Watts S. Humphrey, from which I will read an extract:

HUMPHREY & GRANT,  
ATTORNEYS AND COUNSELORS AT LAW,  
Eddy Building, Saginaw, Mich., February 17, 1902.

HON. PAGE MORRIS,  
Representative Chamber, Washington, D. C.

I have what I can earn from my business. I have subscribed for \$15,000 worth of stock in a sugar factory that is now being constructed. The contract was let prior to the time of this agitation in Congress. We are compelled to carry out our agreement. We have contracted for over 60,000 tons of beets at the old Michigan prices. We will pay for these beets delivered at the factory 2½ cents per pound for all of the sugar that will come out of them. At 4½ cents for granulated sugar only leaves 2 cents for the cost of production of the sugar by the factory out of the beets and as dividend to the stockholders.

Others who had formed their companies, but were fortunate enough not to have let their contracts when Congress convened, entirely stopped their operations, and before putting their money in will await the actions of Congress on this sugar question. You can see that we are caught, and are compelled to go on. I shall consider that I have been buncoed out of \$15,000 by the Republican party if they destroy this investment, and I know if you were placed in my situation you would feel as I do, that there is no excuse upon the part of the Republicans for any such treatment of the people who have invested their money in reliance upon the pledges and promises of this party.

Ah, gentlemen, would not any of us feel that way? Everybody will feel that this is a mere makeshift, a mere pretense of concession and relief, and that the agitation must go on. But for the assurance of the honorable gentlemen who compose this committee that they will not consent to any greater reduction I would be forced to the conclusion that they expected the reduction would be increased and the time extended at the other end of the Capitol, and that it was their hope and intention that it should be.

Under all these circumstances, is it not evident that this measure is un-Republican, unwise, and unpatriotic? And is not that conclusion strengthened when we consider that there is another method by which all that is sought to be accomplished by this measure can be accomplished, and accomplished much more completely and effectively, and without the danger of the evil consequences to which I have referred?

That method was proposed in the Republican conference. In the fewest possible words it is this: That we shall not reduce duties at all; that we shall continue to collect the full rate, and shall then for such length of time as may be necessary pay over to the Cuban government such portion of the amount collected as may be necessary to accomplish the ends sought; and that in consideration thereof we shall receive from Cuba such reciprocal concessions as she may be able to grant. By the method of the bill now before the House we give up a portion of our revenue by a reduction of duties; by this last method we collect the revenue and pay it over.

By this method we are not limited to 20 per cent. We may give whatever per cent may be necessary. We need not stop at the end of one year, but let it remain in operation for three years. During that period reciprocity can have time for effective operation. At the end of that time its value will have been demonstrated and we will be in position to act wisely for the future.

Let me here read the reasons assigned for that method which were given in the conference and published the following day:

1. It will afford relief both to the government and to the people of Cuba.
2. It makes certain that Cuba and her people, and no one else, will be the beneficiaries of our action.
3. By its adoption we keep faith with the people of this country and with the people of Cuba.
4. It does not violate our national party platforms of 1896 and 1900.
5. It does not disturb existing conditions in this country.
6. It does not alter or modify any schedule of the present tariff law.
7. It does not injure or discourage any domestic industry or prevent its further development.
8. It avoids an inopportune agitation of questions affecting industrial conditions of unparalleled prosperity.
9. It would secure reciprocal trade concessions from Cuba and give time to ascertain the value of such trade relations between the two republics under existing conditions.



10. Its reciprocal feature furnishes a consideration which makes the proposed measure of undoubted constitutionality. It is as competent for Congress to purchase trade concessions from foreign countries as to purchase naval or coaling stations.

11. It is sustained by precedent since the establishment of our Government, and particularly by the legislation refunding duties collected on the products of Porto Rico and the Philippine Islands.

12. It affords the means and opportunity for successfully inaugurating and permanently establishing the new government of Cuba during a time which the experience of all nations has shown will be its most critical period.

13. It affords relief until the present adverse trade conditions affecting the price of sugar shall have been improved by the abolishment of European sugar bounties.

14. It discharges every obligation assumed by us under the provisions of the treaty of Paris, the Platt amendment, and by our intervention to secure the independence of Cuba.

At the proper time I shall propose this method by way of an amendment to this bill.

But if the House is determined that there must be a reduction of duties on Cuban sugar, and nothing else, then surely there is something else that we ought to do. Let gentlemen remember that this means a reduction of duties on more than half the raw sugar we import from abroad, and that amount will probably increase from year to year. If we are going to give this advantage to the refiners, the sugar trust, then why should we not also reduce the duty on refined sugar?

Why should we not reduce the protection they now enjoy under the sugar schedule of our tariff law? Why should we not reduce or entirely abolish their differential? Indeed, why should we not, for the time at least, reform and remodel the whole sugar schedule? It is this differential behind which they operate free from foreign interference or competition. This is their intrenchment. Again I call attention to Mr. Havemeyer's statement before the Industrial Commission. I judge from his hysterics at the suggestion that it might affect his trust to some extent.

It is this differential which enables them to control the American market and put prices up or down between wide limits. It is this differential which enables them to carry on their war of extermination against all rivals. The highest experts assert that they have reached that degree of perfection in their organization and machinery that, if they would be satisfied with a reasonable return on the capital actually invested, they would not need this differential at all. Then why should it not be reduced or abolished?

What would its reduction or abolishment accomplish? It would bring them that much nearer to foreign competition. They are anxious for others to have such competition. Why not let them have a little experience of it themselves? It would curtail their power to control prices and slide them up or down at their will. It would in a measure destroy their power to make war upon their rivals and competitors. This alone would be an incalculable advantage to the beet-sugar industry, an advantage which would more than offset the reduction in price of an eighth of a cent a pound on the product of the beet-sugar factory.

It would, as we all know, diminish the cost of refined sugar to the American consumer, or at least prevent its being made exorbitantly high. Nobody contends that the reduction proposed in this bill on Cuban raw sugar will do any such thing. Surely, gentlemen, while we are so much concerned about the people of Cuba we might at least have some regard for our own people.

I have sat here now for going on six years and listened to lamentations from the other side, which would have put to shame the immortal Jeremiah, about the exactions to which the American people are subjected. I have heard from both sides Philipics against these unholy combinations called trusts. I think gentlemen will bear me out when I say that I have joined in none of these. I have known that great combinations were the result of a natural evolution in business, and that great business meant great capital and great combination. And some of these combinations have certainly not been an injury, but a benefit to our trade and our national greatness and power.

But here is a combination whose avowed purpose has been to throttle and crush. Here is one which has levied the most exorbitant exactions. Here is one which would stop healthy development. Here is one which has grown rich and strong under our protection. Here is one not satisfied with that protection, not willing to live and let live. Here it is unblushingly asking for more, and hypocritically calling for it in the name of humanity and philanthropy. Here it is right before us.

Here is your opportunity to strike it, not in anger or in a mere spirit of hostility and reprisal or in blind and indiscriminating rage, but in justice and equity. What are you going to do? It will not do to offer general and sweeping amendments which you know will have no chance to be adopted and ought not to be adopted. It will not do to talk about removal of duties from all trust-made goods or from all those sold abroad cheaper than they are sold at home. It will not do to attempt a general crusade upon all tariff schedules. That is not involved here and has no place here. Such amendments are only offered for political effect. They are not sincere. They are not meant to be adopted.

Do not scatter. Do not bring in such amendments, but strike for that which can be accomplished. Strike at that which is before you.

Mr. CANDLER. Will the gentleman stand and not scatter?

Mr. MORRIS. I will not vote for any such amendments. I do not believe in tampering with tariff schedules to-day. At this time of unexampled prosperity I would do nothing which might even tend to destroy confidence.

Mr. CANDLER. Will you stand against the differential?

Mr. MORRIS. Indeed I will; I will offer the amendment and don't you bother about that [applause], because they do not need protection. The best experts say that they are now able to compete with all the world if they would be satisfied with a fair return on what their plant is worth. I do not want them to be able to pay interest on ninety millions of capital when they should be satisfied with the interest on \$25,000,000 of capital.

Mr. VANDIVER. Does the gentleman think that the steel trust needs protection?

Mr. MORRIS. I do not know whether it does or not. The proposition here is a sugar proposition, pure and simple. Everybody here knows that, and you may be sure that the people of the United States understand it. You need not think they can be or will be deceived. Here is the sugar trust right before you. Here is your opportunity at least to do justice, to smite what ought to be smitten. Here is a plain and simple proposition that will accomplish that object and benefit our own people. What are you going to do about it? I propose to see, for I shall offer the necessary amendment at the proper time. [Applause.] And I shall call on all those who wish sincerely to accomplish something to show their sincerity now that they have the opportunity.

In conclusion, let me say that I have spoken, as I believe, in the interest of justice to our own people and liberality and good faith to Cuba. I am as willing as any man here to fulfill every obligation to Cuba, and I am willing, as every other American citizen ought to be, to bear my part of the burden. I am not willing by my vote to cast that burden on one interest. The great, generous-hearted American people can not afford to do that, and would not knowingly do it. I have spoken as a Republican, believing in the doctrines of that party, and determined to keep its pledges and preserve its honor. I have spoken as an American, standing for my own country, its labor and its industries, against all the world. [Loud applause.]

Mr. SPARKMAN. Mr. Chairman, this, in my opinion, is one of the most vicious measures that have been considered by Congress since we embarked on the fateful policy of expansion, more than three years ago. Indeed, it is the natural outgrowth of that policy, but for which we would not to-day be confronted with this and other grave problems imperatively demanding solution at our hands.

The forcible annexation of Porto Rico and the compulsory sale of the Philippines to us were followed by enactments of the law-making power which occasioned fierce and bitter controversies among the people and litigation before the courts, resulting in a line of judicial decisions new to the legal profession and unsatisfactory to many laymen throughout the country.

But if those acts provoked controversy and wrought confusion they were as nothing when compared with the dissensions which this bill will breed and the mischief it will do. The avowed purpose of its advocates is to assist the Cubans and benefit the Americans at one and the same time, but I maintain that it will do neither.

In the first place, the Cubans are in need of no such help at our hands, nor are we under any such obligations to give aid if they did need it. Much testimony has been taken by the Ways and Means Committee on the subject since the beginning of this Congress. Men engaged in the sugar, tobacco, and cigar industries, both in Cuba and the United States, were here, and gave their opinions for and against the propositions involved. So that no phase of this question was left untouched or unconsidered, and it was clearly shown that the Cubans were and are in a fairly prosperous condition; much better off, indeed, than people in many sections of this country.

The sugar planters and manufacturers, as well as the tobacco growers, were shown to be making money on their investments; at the same time among the laboring classes all those who desire work can find employment at remunerative wages. From \$24 to \$30 per month are the prices now being paid laborers in the cane fields and the sugar factories on the island of Cuba, while liberal wages are paid to those in other branches of employment. Laborers are scarce, according to the testimony, and the labor problem is one of the greatest, as it is one of the first, with which the Cuban people will have to deal.

So great is the demand for labor and so difficult to procure it there, that the question of the importation of cheaper foreign labor is now being considered by the Cubans, and the fear here is that Chinese labor will be imported into that island to such an



extent as to menace the industrial and labor conditions in our own country.

This fear is recognized by the framers of this bill, for one of its provisions has for its object the exclusion of foreign labor and Chinese immigration, just as the same are excluded from this country, and that, too, in face of the fact that Cuba is just starting where we started more than a century ago, and needs labor to till her soil, to work her factories, and to develop her wonderful resources. I am not criticising the measure, however, on that ground.

I am only calling attention to the fact, as I pass on, for the purpose of showing some of the inconsistencies in the position assumed by the advocates of the bill.

Cuba, since the Spanish war, has marketed at fair prices all her chief productions—sugar, tobacco, and cigars—and is doing so now, with the exception of sugar, the price of which has recently fallen so low that the larger planters are holding for better prices. Overproduction—common, however, in other branches of business—is the cause here. But this will soon be remedied by the law of supply and demand, and the price of sugar will again rise to a paying margin.

Now, Mr. Chairman, if all this is true, if labor is fully employed on the island and at remunerative wages, if the products of this labor are all practically being sold at fair prices, then I submit to the House that there is no need of this gift of more than \$6,000,000 in the shape of lost revenue to our Government, and the many millions more to the sugar, tobacco, and other industries of the country affected by the measure.

Mr. Chairman, what is the complaint? Why, that all the people in the island are not making money; that they have lost heavily by the ravages of war; that all the tobacco of last year's crop has not been sold, and that the price of sugar has recently fallen below the point where it can be profitably marketed.

But suppose all these things are true. Do they furnish a reason for donations on our part such as this bill seeks to give? There has scarcely been an industry in this country, whether of the farm, the factory, or the mine, the prices of whose products have not for one cause or another been at times depressed, and yet not all of these have come here for help. A few years ago the price of cotton dropped even below the cost of production in many places in the South, but no one thought of asking Congress for aid. Overproduction was the chief cause, but it did not last long. The supply soon adjusted itself to the demand, and prices went up again.

Then, too, disasters from fire and frosts, floods and storms have fallen upon the different sections of the country at one time or another, but seldom have the sufferers asked help of the General Government. A few years ago a disaster as blighting as the ravages of war have been to Cuba befell the people of my State. In a single night more than \$25,000,000 of property was destroyed by the frosts of winter, but no aid was asked by the unfortunate sufferers and none was given by the National Government. To themselves alone our people looked for relief; upon their own energies they relied for aid, and from this source alone it came, and to-day Florida is richer than ever before in material wealth and in the self-reliance of her people. So it will be with the Cubans if left to themselves.

But assuming, for the sake of argument, that the Cubans need relief, will this measure secure it to them? I maintain not. The principal benefits, according to the advocates of the bill, are largely to come through the sugar industry. Now, nearly, if not the entire output of that industry in Cuba, is controlled by the sugar trust, which can to a large extent control the prices which the producers will obtain. The production of sugar in that island this year will, it is said, reach about 1,000,000 tons, the surplus of which will be purchased mainly by this trust, and while up to the present time Germany, by reason of being the largest sugar-producing country in the world, has fixed and controlled to a considerable extent the price of that article, the moment this bill becomes a law and the treaty for which it provides has been negotiated conditions will begin to change and the surplus of Cuban sugar will largely regulate prices everywhere.

True, German sugar will continue to exert an influence over prices, but the duty here on European sugar will militate against that article, giving the Cuban sugar a clear field in our markets. The output may and doubtless will increase from year to year, but will never get from under the control of the sugar trust, which will continue to regulate the price there. We know something of the power of these trusts. They are organized for the purpose of securing the greatest profit at the minimum of cost. To that end, of course, all their energies and means are directed, and by the simple means of refraining from purchasing for a time the trust can depress prices, or by buying can raise them. But in any event the sugar trust will become the beneficiary of our generous policy, and not the Cuban people.

Nor is the cigar industry in any better shape. Two large syndi-

cates, one of them English, control 90 per cent of all the cigar manufacturing business in Cuba. This English syndicate, a foreign institution, controls 60 per cent of the entire Cuban output.

And these are the people, Mr. Chairman, for whom we are to legislate, in so far as the main productions of the island are concerned. To trusts and syndicates who are abundantly able to take care of themselves, we reduce our revenues upward of six millions of dollars and impoverish our own people many tens of millions more without lowering the price to the consumers of imported goods a particle.

But, sir, we are told that the Cuban people are demanding these concessions. That I deny. The masses of the Cubans—those who maintained the struggle against Spain from 1895 to 1898, who faced fire and sword that they might be free, and for whom we declared and waged war against their oppressors—care nothing about reciprocity. Indeed, they are scarcely willing to accept anything at the hands of this Government. They did not want us to go to war for them, because they feared the consequences of American domination. They have chafed under our occupation of the island. They believe we have given them a stone instead of bread, only an exchange of masters instead of liberty, and their feeling against us has to some extent become embittered by these considerations.

As tending to prove what I say, I will read an extract from a letter which I received a few months ago from a person residing in Cuba, who speaks and understands thoroughly the Spanish language, is well acquainted with the Cuban people, and in a position to know what he is talking about, together with a clipping from *La Lucha* of December 9 last, a newspaper published in Habana, and one which for a long time maintained a kindly feeling for this Government.

After the address and some other matters not necessary to read, the writer proceeds as follows:

I inclose an editorial translated from *La Lucha* of the 9th instant. The cavalry forces referred to therein are rural guard. This paper last week advised Maso's supporters to string up a few people to lamp-posts if they were not given representation on the electoral board.

This article is a fair sample of the sentiment that is often expressed in the newspapers with respect to our Government. *La Lucha* is the only paper that has ever expressed any gratitude for what the United States has done for this island, except the papers supporting Palma, which, during the last few days, have had words of kindness for us, and it is easily seen that they are prompted by the efforts of the Administration to secure tariff concessions for the island.

Now follows the clipping from the newspaper, which I ask the indulgence of the committee to read:

[Clipped from *La Lucha* of December 9.]

#### QUESTIONS OF THE DAY.

*La Nación* publishes the following under the title, "Revolutionary Judases:"

"The illicit combination between the intervening authorities, the intervened authorities, and the bureaucrats depending on the one and on the other is now beginning to bear its evil fruit among the Cuban people. Indeed, nothing else could have happened, as the insolence of these people united together to bring about the triumph of the candidature of Señor Estrada Palma borders on the most insulting provocation which any country was ever called upon to suffer.

"It seems as if the idea were to cause a protest, born of dignity, to burst forth with implacable ferocity, or that those who have the right on their side and are now the victims of the insults and frauds and other forms of the electoral pillage should bend the knee, like vile cowards, to the will of the Yankee governors and their Cuban lackeys."

The puppets of the American policy are dreaming when they think such things. Sooner will we all play the last card, whatever may be the result which our action may cause to this unhappy land, lowered by the depravity of some of its miserable sons; sooner will we undertake a civil war with all its tremendous consequences; sooner will we renounce the ridiculous republic which is offered to us; sooner will we appeal to the means which despair has to offer than tolerate being delivered, tied hand and foot, at the feet of the foreign despot by a handful of traitors who should have been hanged long ago.

It is time that the comedy ceased. It is necessary to tear the mask from the face of the general of the revolution, who has sold himself to the intervenores. It is necessary that we stand up and resist the storm in which an attempt is being made to involve us. In short, it is necessary that we rebel against the scoundrels who have made their country a storehouse for plunder and its flag an infected rag. Happen what may, anything is preferable to resignedly consenting to the crime which is being carried out in the palace of the Plaza de Armas and in the palaces of the civil governors and in which the Judases are bucking on their swords to plunge the country in an abyss without the least pang of remorse.

And if what is sought is that the battle should commence, we who have not provoked it accept the challenge extended to us, and there will be plenty of time to commence the fight.

The die is cast. Either with the traitors who are supporting Estrada Palma by means of the power they enjoy, or with the loyalists who are around Señor Maso. Enough has been had of miserable farces.

We have had an atmosphere of hate thrust upon us. And we are ready. The intervention was able to hold us back to avoid compromising the destinies of the laughable republic about to be set up, but neither the intervention nor anything else can prevent us from saving the little honor left us.

The shame of Cuba is a small matter to those who live by Cuba, as they put her to public auction; but it matters a great deal to those who will die for Cuba if there is no other way open.

What scene will be beheld shortly in our country? A thousand times cursed are those who contemplate them protected by the arm of the Yankee.

Blessed those who resist them.



I have read these extracts, Mr. Chairman, for no other purpose than to show that the Cuban people are not likely to be asking gifts at our hands. No doubt the sugar and cigar factories there, as well as a few other interests, would like to see this bill passed. But as before stated, the masses of the people in my judgment are not demanding reciprocity between this country and Cuba, and certainly not the brand that is provided for in this measure.

I have said and I repeat that this measure will not benefit the American people nor profit those in Cuba to any great extent; nor is it a desirable piece of legislation looked at from any standpoint from which you may choose to view it. If we look at it from the point of view of the tobacco grower, the cigar manufacturer, the sugar producer, or the grower of citrus and other semitropical fruits, we will see injury to some and ultimate destruction to others of these great industries.

If we examine it from the standpoint of commerce—of business to be done with the Cubans—there is little to commend it to our favorable consideration. While if we observe it from the standpoint of tariff reform, it is a delusion and a snare. It violates Democratic principles; nor is it wholly in accord with Republican doctrines as I have read and heard them expounded. It is unsound in theory, unwise in policy, and will be found pernicious in practice.

Of course I do not suppose that a 20 per cent reduction will destroy all the industries I have just mentioned, but it will injure them all, and if carried further, as is intended by many, will eventually wipe the sugar, cigar, and tobacco industries of this country out of existence. At least that is the opinion and the testimony of those best competent to judge.

But it is said by the advocates of the bill, when they lose sight for the moment, as they do occasionally, of the sentimental side of this matter of Cuban reciprocity, that it will increase our trade with Cuba. But admitting this to be true, the increase will be insignificant as compared with the mischief that will be done to the industries which come within the range of its influence, to say nothing of the loss of six or seven millions of revenue.

The majority report, as well as the so-called minority report made by the gentleman from New York [Mr. McCLELLAN], takes rather a roseate view of the advantages that will accrue to us by the passage of this bill. But many do not share these views with him. I, for one, do not, as it is my opinion that no such results as he predicts will follow, and I shall not be surprised when the first of December of next year rolls around to find that no good has come to trade between this country and Cuba from the measure now under consideration.

Of the \$66,572,802 in value which Cuba imported during the year 1901, the United States furnished her with only \$28,017,820 worth, and it is though, by passing the bill we are now considering that this amount can be increased very largely.

Now, Mr. Chairman, this expectation is based upon the idea that by reducing the Cuban tariff upon certain articles which may go from this country into that these importations will be increased. But the duty on imports into Cuba from our country has not been sufficiently high to prevent these \$28,000,000 worth of our products going into Cuba, embracing nearly every article transported by us to the most favored countries of the world, thus showing that the present tariff stands but little in the way of our trade with the Cuban people.

The truth of the matter is that the inhabitants of tropical countries are not heavy importers of the products of more northerly climes; hence we can not expect to ever do any great amount of business with our colonial possessions situated in the Tropics, or with Cuba, even under the most favorable trade regulations.

I know that some of the advocates of this measure point with sorrow to the supposed decadence of our trade with Cuba, while others more optimistic look with exultant pride at the large shipment of our productions into that island during the past three years, and prophesy great things for the future. But, Mr. Chairman, these importations were not the result of normal conditions, but rather the consequence of necessities created by the ravages of war and the sudden increase of business stimulated by the presence of a large number of our soldiers there, and it is but natural that when the necessities created by these abnormal conditions have been met and the conditions themselves have changed, that our trade with Cuba should fall off and assume its normal state whether the tariff be high or low.

But suppose, sir, that our exports to that island should be doubled, the aggregate then would hardly be a drop in the bucket as compared with the vast amount of our exports to the larger countries of the world. Last year we exported \$1,487,764,991 worth of the products of this country—nearly thirty times more than would be our commerce with Cuba if the wildest dreams of the most radical of the reciprocity advocates are realized, a commerce hardly sufficient to justify us in inflicting the loss upon the sugar and tobacco growers which this bill would entail upon them.

Mr. Chairman, why not try reciprocity with some of the Euro-

pean countries—with France and Germany, for instance? Our exports to Europe for 1901 amounted to \$1,136,504,605, of which \$191,780,427 went to Germany and \$78,714,935 to France. These countries present an opportunity for the exploitation of the reciprocity idea not to be found in Cuba or, as to that matter, in any of the tropical countries.

The combined population of these two countries—France and Germany—is about 90,000,000, as against 1,500,000 in Cuba. The soil is not as productive as that of Cuba and their people consume more per capita of the products we have to sell than the native Cuban population. The soil of Cuba is perhaps the most fertile in the world. Everything produced in tropical countries can be grown there in great abundance, and, as a rule, at a minimum of cost. Whatever is necessary to sustain life can be grown except breadstuffs, and this the Cubans will buy of us whether they have reciprocity with the United States or not.

But, Mr. Chairman, this bill not only provides for a 20 per cent reduction on imports from Cuba into this country, but also a similar reduction upon goods carried by this country into that. Now, the Cuban government when established will depend for its support largely upon import duties; and if we should furnish all the imports, as the majority report suggests we will do, where will the Cubans get sufficient revenue to support their government? They will necessarily be compelled to levy either a direct tax upon property or excise duties of some kind, something no country as weak as Cuba can stand. So it would appear, Mr. Chairman, that while we would give to them with one hand we rob them with the other.

Then, sir, why should there be any need for reciprocal trade arrangements between this country and the island of Cuba? Europe, with her hundreds and millions of population which must be fed and clothed presents, in my opinion, a much more inviting field for reciprocity. Let us try it there, where something may be done for and not against the farmer.

Now, Mr. Chairman, I regret to see some of my friends on this side of the House take the position they are assuming on this question. I, of course, know that their motives are of the best, but I think their judgment is at fault. The gentleman from New York [Mr. McCLELLAN], in his report, which he styles "the views of the minority" (and in this, I think, he is right, because very few, I imagine, share all his views), says, in substance, that the provisions of the bill are in direct line with Democratic doctrine, and seems to think it his duty to strike at the tariff tax wherever and whenever opportunity offers.

This idea, carried to its ultimate result, would overthrow the doctrine of tariff taxation even for revenue. Since when has this proposition been a tenet of Democratic faith? Certainly, no such doctrine has ever found a place in a Democratic national platform. In fact, it has ever been one of the cardinal principles of that party that the raising of revenue should be the prime object of tariff taxation, and that this tax should be so levied as to fall, if possible, more heavily upon the luxuries than upon the necessities of life.

Then, too, the Democratic party has claimed to guard and has sought to guard the interests of the agricultural classes wherever it has been possible to do so. Yet the chief burdens created by this bill fall most heavily upon the agricultural classes. True, the cigar industry bears a part of the burden, and tobacco, sugar, and semitropical fruits are also hurt. All these products, except raw sugar, are luxuries and can well afford the high rate of taxation.

While sugar being a product of the farm should, to say the least, not be discriminated against in favor of the refined sugar—a product of the trust which still retains a part of its differential in spite of efforts to remove this discriminating tax. And now the spectacle is presented of an effort to reduce the taxes on farm products and luxuries, while those of the steel, sugar, and other trusts are left untouched. Certainly this can not be in accord with the principles or teachings of that party which has always boasted, and justly so, too, of its friendliness to labor in all its branches.

Now, Mr. Chairman, we are approaching in this bill the great question of reciprocity from the wrong standpoint. Before we can deal with it properly and so as to do the greatest good to the greatest number, with as little harm as possible, we should have a general revision of the tariff, so that all rates and schedules may be readjusted and reciprocal trade relations arranged with reference to these readjusted schedules. Then, the prime object of raising revenue being attained, the burden of taxes may be regulated so that no discrimination against American farmers and American labor will be created, and so that luxuries and not the necessities shall bear the greatest burden in the support of the Government.

Now, Mr. Chairman, no one would go further than I to help the Cubans if they needed help and desired it at our hands. We have made sacrifices for them in the past, and I would be willing



to do it in the future; but what they desire and need most is to be left alone to govern themselves as they may think best. The strong arm of our Government will ever be over them to protect, if need be, but never, I hope, to govern or oppress. They are, in my judgment, capable of self-government. Let them try the experiment.

We helped them to drive the Spaniard away at the cost of many hundreds of millions of treasure and thousands of precious lives. We have assisted them for the past several years in maintaining order on the island. We have given them a lesson in sanitation which, if utilized, will root out and finally destroy the yellow-fever scourge there. Then, if our occupation of that island has been helpful and we have placed them in a condition to set up a stable form of government, which may in time even be satisfactory to them, and if from now on we carry out our promises to Cuba and her people, we will have done well by them indeed.

But, after all, is it not about time that we were beginning to look after the interests and the necessities of our own people at home and less after those beyond the seas? Let us, then, begin to look more to our own homes, to our own people and their interests, than to those of foreign lands and distant climes. Our continental domain is vast, our people progressive, enterprising, and homogeneous; our resources boundless and varied, the development of which has scarcely yet begun; our Government the best the world has ever seen; our destiny the grandest and our future the brightest of all the nations of the earth if we but curb our greed for territorial aggrandizement. So, let us then, as representatives of the people, withdraw our gaze from across the seas and direct our attention and energies to the upbuilding of our own country, to the end that her people may be prosperous and their condition improved. [Applause.]

Mr. MONDELL. Mr. Chairman, the measure under consideration proposes a reciprocal agreement with Cuba to continue in force until the 1st day of December, 1903, whereby the products of Cuba, principally sugar and tobacco, are to enter our markets upon the payment of 20 per cent less than the duties imposed on like articles from other countries, and our products and manufactures are to enter Cuba with at least a like reduction of duty.

The consideration of this measure involves a recognition of the relations we sustain toward Cuba; as were the question presented simply one of a reciprocal agreement with a foreign country for the purpose of securing trade advantages, the situation would be greatly simplified. We shall stand before the world when the Cuban Government shall have been fully organized as her sponsor and protector, and the Cuban people are justified in maintaining that the Platt amendment, qualifying, as it does, their complete independence, places us under at least a moral obligation to give their interests some consideration.

I do not think there can be any question in the mind of any honest investigator relative to the critical industrial condition impending in Cuba as a result of the present low price of sugar—her principal product. It seems to me that the testimony is conclusive that sugar can not be produced there on the average for less than 2 cents per pound, and one does not need to be much of a mathematician to appreciate the fact that with sugar selling at from two to three tenths of a cent per pound less than that sum, the planter and sugar raiser is suffering a very considerable loss, and that therefore whatever present conditions are it will be but a short time until the planters and producers of sugar are in sore financial straits, and the labor of the islands either out of employment or forced to accept a considerably reduced wage.

Some gentlemen dismiss the consideration of this phase of the situation with the flippant suggestion that we are not responsible for the present depression of the sugar market, nor for the results which may follow in Cuba as the effect of that depression. But I submit that, having assumed the rôle of the liberator, guardian, and godfather to Cuba, we can not within a day or a week or a month after her government is established throw off all responsibility with regard to her, either in fairness to Cuba or in justice to ourselves, particularly in view of the fact that in turning her loose to walk alone among the nations of the earth we are keeping a very substantial leading string upon her in the Platt amendment. But our obligations to Cuba by reason of the peculiar relation we sustain to her is but one and in my mind not the controlling factor in this situation. Free Cuba, to be successful, must be prosperous. Depressed industrial conditions, low wages, lack of employment, means trouble for the new government, possibly serious trouble. Serious trouble means intervention, and intervention, in my opinion, would necessitate annexation.

I have attempted to approach this subject from the broad standpoint of sound public policy as I understand it. Whatever bias I have in the matter comes from a lively interest in the growing beet-sugar industry of the nation—an industry which has made wonderful progress in the last few years, and which, in my opinion, is destined to have a still more remarkable development in

the years to come. As a friend of the beet-sugar industry, as a wellwisher of the cane-sugar industry of the country, as one desirous of putting off as long as possible the inevitable day of Cuban annexation, with its fatal competition under free-trade relations with a number of American industries, I feel it my duty to support any reasonable measure calculated, as I believe the measure now before us is, to aid in maintaining at least a reasonable degree of prosperity in Cuba, in order that the new government may be inaugurated and established without the immediate embarrassment of depressed industrial conditions, which would inevitably create discontent, disorder, and either a demand for annexation on the part of the Cuban people or the necessity of it as the result of an enforced intervention by us.

The necessity or the advisability of some action on our part to relieve the threatened industrial crisis in Cuba, owing to the low price of sugar, being admitted, the question arises, can we provide an adequate remedy without injury to any American industry or hardship to any class of American citizens? If we can not, then whatever our obligation to Cuba may be, our first duty is to our own citizens and their interests are entitled to our first consideration. But, Mr. Chairman, it is fortunate both for the United States and her people, and for Cuba as well, that the proposed legislation, while affording reasonable relief, can by no possibility disastrously affect the industries or the welfare of our own citizens.

Even were the proposed reduction of 20 per cent in favor of Cuba on our sugar tariff to affect the market price of sugar to the American consumer by that amount, and thus to that extent reduce the protection now offered to the beet-sugar producers, I believe the legislation would be justifiable in view of the benefits we would derive from it, and the fact that in my opinion the beet-sugar producer would still have adequate protection. But no one believes that the agreement proposed will in any wise affect the protection afforded the beet-sugar producer by our sugar tariff, for the price of sugar to the consumer will be fixed then as now by the cost of that portion of our imports of sugar which is bought in the open markets of the world and which pays our full tariff duties.

It seems to me that the argument which has been advanced that the reduction of duty on Cuban sugar will not go to the Cuban planter is scarcely worthy of serious consideration. Surely the Cuban planter will not be simple enough to accept a lower price for his product than is paid at the same time and place for a similar article. It is the first time that I ever heard of the possibility of there being two prices for the same article at the same time and in the same market.

The gentleman from Minnesota [Mr. MORRIS] in his remarks a few moments ago quoted from quite a startling array of figures in the attempt to prove that the planters of Hawaii have not been receiving a price for their sugar to which they are entitled by reason of free entry into our markets. I do not pretend to question the accuracy of the gentleman's figures, but I spent a month in Hawaii three years ago, during which time I made some study of the sugar industry there, largely because, being interested in the growth of the beet-sugar industry in this country, I was anxious to learn whether that industry could survive in free competition with cane sugar grown under as favorable conditions as existed in Hawaii.

Among other inquiries I made of the Hawaiian planters was in regard to the price they received for their product. I had heard a good deal of the all-powerful sugar trust, and was anxious to know whether that organization had been able to rob the American planter of any of the benefits derived from free access to our markets.

The planters with whom I talked informed me that they had an agreement whereby they sold their sugar to the agents of the American refineries at a price equivalent to the New York price of sugar on the day their sugar landed in San Francisco, less the difference in freight rates. I ask the attention of my friend from Minnesota [Mr. MORRIS] to this as the testimony of Hawaiian planters themselves three years ago. The gentleman has contended that the Hawaiian planter is not getting the full benefit of the relief from the payment of the American duty, whereas Hawaiian planters said to me—and a number of them made the same statement—that they had an agreement whereby they were paid for their sugar, on the day it landed in San Francisco, the price of the same quality of sugar, duty paid, on the same day in the markets of New York, less an agreed adjustment of freights. So they received absolutely all that their sugar was worth and all of the benefit of the remission of tariff duty.

But, Mr. Chairman, there is another side to this question. This is by no means a one-sided arrangement which we are entering into, but a reciprocal agreement under which, in my opinion, we will eventually be large gainers in the matter of trade. Cuba, even in her present undeveloped condition, just emerging from a long continued and devastating war, with but a small proportion



of her land under cultivation, has a trade of \$38,000,000 per annum which now goes to other countries than ours. We can not hope or expect to get all of this trade under the reciprocity agreement proposed, but I believe we are assured of securing a large portion of it, and as Cuba increases in population, and the purchasing power of her citizens increases, as it will rapidly, there can be no doubt but what our trade with her will very largely increase in consequence of the trade advantages we are to gain under the provisions of this measure.

It is inevitable, in my opinion, that Cuba should some time become a part of the United States. As I have stated before, my hope is that this union will be long delayed. I believe it is best for the people of the United States and for the people of Cuba that it should be. We are neither prepared for free competition with her sugar, tobacco, and other products, nor would it be well to invite at this time the settlement of the numerous political and social questions the annexation of Cuba would bring.

My eloquent friend who addressed the committee a short time ago, the gentleman from Michigan [Mr. WM. ALDEN SMITH], said that from the standpoint of the beet-sugar producer he had no fear of the effect of Cuban annexation. Whatever the probabilities of that event may be, there is no doubt whatever in my mind that the annexation of Cuba, with Cuban sugar free, means the death of the beet-sugar industry of the United States.

It has been said that the cost of the production of sugar in Cuba is 2 cents a pound. I believe that is about the cost in all tropical countries. It has been contended by the gentlemen who say they represent the beet-sugar people on this floor that sugar can be produced in Cuba for less than 2 cents a pound. That may be possible. The testimony before the Committee on Ways and Means was that it cost 4 cents a pound to produce beet sugar. One gentleman alone of all those before the committee, I believe, said that beet sugar might ultimately be produced in the United States for  $3\frac{1}{4}$  cents a pound.

Let us say that in the future, by improved processes—by the reduction of the wages of American labor, if you will, which heaven forbid—the cost of beet sugar in the United States may be brought to 3 cents a pound, or  $\frac{1}{4}$  cent lower than the lowest estimate. Then, supposing the cost of the production of cane sugar shall not go below 2 cents a pound, there is still an advantage to the cane-sugar producers of Cuba of a cent a pound. This would be \$20 a ton, and allowing four tons to the acre, it would be an advantage of \$80 an acre. As the average production in Cuba is considerably above that the advantage is greater. In Hawaii they produce as high as 12 tons of sugar on one acre of land; and if they had the advantage of only 1 cent a pound over the beet-sugar producer, it would be 12 times \$20 an acre or \$240 an acre of clear profit to the Hawaiian sugar planter, above the cost of producing sugar from beets in the United States.

Is there any possibility or probability that an acre will ever be sown to sugar beets anywhere in America after the day when Cuba shall become a part of this Union? In my opinion such a union means inevitably the destruction of the beet-sugar industry in this country and of the cane-sugar industry as well, unless in that day we provide for those industries by high bounty.

Remember that Cuba has never produced sugar under the most improved methods; that Hawaii produces more sugar to the acre and produces it more cheaply, except where she irrigates, than Cuba has ever done; that when they shall give up the slovenly methods of perennial crops in Cuba, which is not a cheap method of raising sugar, but an expensive one; when they shall come to the Hawaiian system of planting every other crop they will produce sugar even more cheaply than they do now, and when that time comes does anyone imagine that the beet-sugar industry of America shall survive unless protected by a bounty?

So, as a friend of the beet-sugar industry, I am anxious to put off as long as possible the day when Cuba shall ask to become part of the Union, or when we shall be compelled to take her in order to prevent continual uprisings there.

I believe the surest way to postpone annexation is to insure Cuba industrial tranquillity, which, I believe, this measure will tend to do. It is best both for us and for the Cubans, in my opinion, that for a time they address themselves as an independent people to the task of working out the problems of self-government.

Inasmuch, however, as Cuban annexation is one of the certainties of the future, it is of vast importance to us that when Cuba shall come into the Union she shall present no more serious social and racial problems than those presented by her present population; that there shall not be added to these the difficulties and complications of dealing with a large population of cooly laborers, and therefore that feature of this legislation which provides for her adoption of our Chinese exclusion and immigration laws is of vast importance—of such importance that, in my opinion, we would be largely justified in this legislation by the promise it holds out of excluding from Cuba undesirable classes of immigrants, if there were no other considerations involved.

The measure before us is in complete harmony with the Republican policy of reciprocity in that it promises us large returns in increased trade without menace or danger to any American industry. It keeps faith with the Cubans, who have reason to expect from us advantageous trade relations in exchange for like benefits in our trade with them. In brief, it might properly be called a bill for the purpose of keeping faith with Cuba; of insuring industrial prosperity and political tranquillity there, with a view of postponing annexation and free trade with her in sugar and tobacco; of adding largely to the trade and commerce of the United States, and for the exclusion from a contiguous territory, which some day will become a part of the United States, of persons who would be harmful and unfair competitors with our people while Cuba remains an independent republic and undesirable citizens when she becomes a part of the American Union.

I believe the legislation is wise, that it will be beneficial to Cuba and her people, and to the Government and people of the United States as well. No class of men should more heartily support it than those especially interested in the beet and cane sugar industries of the United States, for it disposes, in my opinion, for a long time to come, of the most serious menace with which they have or will be threatened—that of Cuban annexation. Above all else, it is in keeping with the high aims and purposes of the American people in all their dealings with Cuba, and completes and rounds out undertakings and legislation in her behalf which will ever reflect credit and glory on the Republic and, in the fullness of time, work to our material advantage as well. [Applause.]

Mr. BALL of Texas. Mr. Chairman, addressing myself to the pending measure, I desire to call the attention of the House to one peculiar fact connected with this bill, and that is that the Ways and Means Committee have reported a bill for our consideration that meets with the unqualified approval of no person in all these United States; a bill that is not the embodiment of the wishes and desires or convictions of any member of the Ways and Means Committee, which is not the embodiment of the views of any Democrat upon this side of the Chamber, of any Republican on the other side, and is not in response to the demands of those who speak for Cuba and ask at the hands of Congress relief for the Cuban people. So that in voting upon this measure upon its final passage, if it be unamended, as I prophesy that it will be, every man will be called upon either to swallow a bill which is not in accordance with his judgment or to reject it because in his judgment it is unwise and indefensible.

Now, it is not for me to say to the Democratic members of this House that no Democrat can vote for this measure. It would ill become any proponent of this bill to say that all Democrats must vote for this bill if they are Democrats. I trust the time will never come in this country when Democrats are bound as Democrats to support a bill as a Democratic proposition which after weeks of deliberation, dissension, and divisions among the Republican members of this House is reported as a Republican measure. To do so, many Republicans had to surrender their judgment, compromise their differences, and yield to party discipline that the bill might be reported to the House without the aid of Democratic votes.

Therefore if it is charged, as it has been unjustly charged, that those of us upon this side of the Chamber who oppose the bill are following the lead of members who are interested in beet sugar or in cane sugar and that we desire protection for those industries, I will not retort by saying that you are trying to protect the protected monopolies of this country, which by this bill obtain 20 per cent protection in Cuba in addition to the protection which they enjoy at home. If I had to make choice, however, between the Democracy of Louisiana and the Republicanism of Pennsylvania, arrayed upon opposite sides on this bill, I would have no cause to hesitate. The Louisiana Democrats simply insist that Cuban competition will destroy the value of Louisiana sugar plantations; that this bill will not benefit Cuban producers or American consumers, but will enrich the "sugar trust."

I am willing, for my part, to cast my vote with the Democrats of Louisiana and members representing the agricultural interests of this country [applause] in the West engaged in raising beets and attempting to compete with the "sugar trust" in refining sugar, and say to my brother Democrats, without reflecting upon them, if you prefer the Democracy of Mr. PAYNE of New York, and of Mr. DALZELL of Pennsylvania, "the high priest of protection" [laughter], and to follow the Republican majority reporting this bill, you are at liberty to make your choice and I will make mine.

Now, let me ask, why is this bill here? In my judgment it is here because the American Sugar Refining Company, commonly called the "sugar trust," has found west of the Mississippi River a competitor in the beet-sugar producers, who are also the beet-sugar refiners.

In the testimony given before the Ways and Means Committee it was shown that Willet and Grey in October, 1901, before the present agitation had begun, said that the cause of the trouble



between the American Sugar Refining Company and the beet refineries was that the American beet-sugar men would not confine themselves alone to the business of raising raw sugar, but insisted upon getting into the business of refining sugar. Willet and Grey are recognized as the sugar trust's organ. Now, in pursuit of the plan to control the sugar markets of the United States the sugar trust went out West and into the Missouri Valley and made a reduction of 2 cents a pound on refined sugar after the beet-sugar men had made contracts for future delivery based upon the market price.

The beet sugar refineries instead of meeting that price and sacrificing their property simply offered to fill their orders with American Sugar Refining sugar at the market price, and the American Sugar Refining Company had to raise the price and leave that field unoccupied, as it could not afford to stand the loss which it had planned to inflict upon the beet-sugar refineries and thus force its only competitor to the wall.

Now, the next thing, Mr. Havemeyer, the head of the great "sugar trust," gave out an interview in which he declared—and I have that also from the testimony before the Ways and Means Committee—"that Congress ought to put raw sugar upon the free list." Notice, he wants raw sugar, not refined, to come in free. Why? Because if the "sugar trust," which is practically the sole buyer of raw sugar in this country and refiner of cane sugar, can get raw sugar upon the free list from Cuba, or raw sugar at a reduced price from Cuba and leave the duty or differential upon refined sugar, it will not be compelled to reduce its exactions upon the American consumer, but it can take the action of Congress as a club to compel the Louisiana cane-sugar producers and the beet-sugar producers of this country to sell their products at a reduced price and force the beet-sugar men to stop refining sugar.

Then the "sugar trust" would be in undisputed control of this market and the Cuban market. Thus began a campaign to manufacture a belief that Cuba urgently needed relief. By enlisting all the newspapers they could, sending out circulars through their agents, Willet and Grey, and other devices, they sought to impose upon the people of this country the idea that there was great distress in Cuba that must be relieved, trusting to our generosity and humanity to go to the rescue at any cost.

Next, the Secretary of War, who is not only a great soldier, ranking the Lieutenant-General of the Army, but is also a great lawyer, submits a very scholarly report to Congress in which he tells us our duty and describes conditions in Cuba. And yet, when the Ways and Means Committee meet to discuss what shall be done, it develops that that gentleman and soldier knows nothing about it himself except such reports as have been given to him ex parte from other sources.

And then comes another gentleman, who is a most admirable soldier and, I understand, a splendid doctor, General Wood, who sends out a circular letter for our consideration about economic conditions in Cuba, attempting to show that it costs at least 2 cents per pound to make raw sugar in Cuba and that at present prices bankruptcy must come. Yet, when confronted by some of General Wood's statements, one of the main witnesses before the Ways and Means Committee, Mr. Atkins, of Boston, merchant, sugar planter, trust refining magnate, and the owner of large plantations in Cuba, said:

While General Wood is a most estimable gentleman, and I would take his opinion on all military matters without question and as pertaining to the government of Cuba, I should prefer my own opinion in regard to the production of cane.

Thus General Wood was repudiated as an expert in such matters by the very gentlemen who appeared here in the interest of this measure. It was shown also that General Wood had made a mistake of nearly \$1 per sack in the price of raw sugar, estimating it that much too low. General Wood did not appear himself, but sent Colonel Bliss, collector of the port of Havana, as his representative before the committee. Colonel Bliss, when asked about the cost of production of sugar, said in substance:

I expected you gentlemen had found that out for yourselves. I am not an expert on that business.

Thus, when you come to the agencies that have created this sentiment, it resolves itself down to the American "sugar trust," to misinformed newspapers, to the Secretary of War, who had no information on the subject except that communicated to him by General Wood; to General Wood, who had no information on the subject as an expert; to the President, who relied upon General Wood, and American speculators owning plantations in Cuba and also closely allied with the "sugar trust."

Now, that was still insufficient to secure favorable action, and the "sugar trust" joined forces with the manufacturing and industrial trusts of this country, with the understanding that Cuba should have forced upon her a preferential duty of 20 per cent in favor of American industries seeking a market there. Then the industrial trusts of this country got behind the move-

ment, and with this combination of philanthropists, with this great aggregation of unselfish talent behind it, we have the remarkable spectacle of the chairman of the Ways and Means Committee presenting this bill, which he himself originally opposed, and—a sight to make angels weep—almost shedding tears over the distresses of the poor Cuban.

Now, Mr. Chairman and fellow-members, you may convince me some day that the moon is made of green cheese, that a black crow can become white, but you will never convince me that a Republican majority in Congress or elsewhere will advocate a bill purely and alone upon the ground of sympathy for some country in which they have no interest other than that of humanity.

If we are going to pass this bill from the standpoint of distress in Cuba, before we give up \$8,000,000 of our revenue without any reduction to the American consumer, there ought to be a sufficient showing, first, that distress exists there and, second, that the measure will relieve it.

Now, as to the question of the distress in Cuba. I admit that they have a condition down there such as confronted the people of the South after the civil war. They have their plantations mortgaged for perhaps twice—that is the testimony—of their value. These plantations are owned not by Cubans but by Spaniards and by American speculators who have gone there since the war with Spain to exploit that country.

I know that there is one gentleman, a Republican, a personal friend of mine, Mr. Hawley, then a member of Congress, who told me when this era of expansion set in that the acquisition of the Philippine Islands and the annexation of Cuba would destroy the value of every plantation in the State of Louisiana, where he then had farms, and destroy the value of every plantation engaged in the business of raising beets. Then he was radically against such a policy. Now, since the war with Spain he has gone down to Cuba and, with Mr. Havemeyer and other American sugar-refining magnates, he is at the head of a syndicate that has a 75,000-acre farm or plantation or hacienda, or whatever you call it, and has either sold out in Louisiana or else his plantations are thrown upon the market.

Now we want to relieve him, and we want to relieve those gentlemen who own plantations; and yet Mr. Hawley stated in his testimony, and he ought to know, that Louisiana sugar can not be produced for less than 3½ cents, and that any price less than that would make the Louisiana plantations of no value, and he was a witness advocating reciprocity.

Now, this reduction of 20 per cent on raw sugar will make the tariff 1.34 cents a pound. If, as the experts from the Agricultural Department say, sugar can be produced in Cuba from 1.25 cents to 1.75 cents or 1.50 cents per pound on an average, or as the Austrian or French experts say, for 1½ cents to 1¼ cents, then, according to Mr. Hawley's own statement, this bill will let in raw sugar at a price that will give relief to Spanish owners of sugar plantations, that will give relief to Mr. Havemeyer and associates, but it will be a tariff that will make every plantation in Louisiana an undesirable investment.

Now, my friends, I am ready to put the Democracy of Louisiana to any Democratic test; I am ready to put the beet-sugar raisers of this country to any Democratic test. When you are ready to take off from the "Dingley tariff" some part or all of its exactions upon the American consumer, I will go to the Democrats in Louisiana, I will go to the Democrats from the West, and say, "You must stand your pro rata of the reduction upon tariff duties until it is reduced to a revenue basis; and if you do not submit to it, you had best join the Republican party;" but I will never go to the Democrats of Louisiana, or the Democrats from the beet-sugar raising States, and say to them, "There is one thing only upon the whole tariff list—sugar—that by reason of the differential in favor of refined sugar, reducing the tariff on raw sugar will give no benefit to the consumer, and yet, not for the purpose of reducing taxation to consumers here, not to relieve Cuba, but to satisfy the rapacity of the 'sugar trust' and the overprotected industries of this country desiring to get a preferential rate of duty in Cuba, without abating any of their exactions upon the American people; you must surrender and submit to such a proposition for fear it might appear we had voted against a reduction of the tariff."

We ought never to make such a demand upon our fellow-Democrats who represent the farmers of Louisiana and the beet sugar raisers of the West. Now, then, as to the distress. Every witness before the committee—if I misstate the proposition I invite correction—every witness stated that there is no distress in Cuba at present. Colonel Bliss, the collector of the port of Habana, who was sent here as the Government representative, testified that there was no suffering in Cuba, and that all labor was employed; that the wages for agricultural labor was from \$21 to \$30 per month.

Every witness testified that every man that wants to work in



Cuba can get work at wages not less than \$21 to \$30 per month. All the witnesses testified that the price for labor in Cuba exceeds the wages paid in the South for agricultural labor, and every gentleman here who comes from that section knows that is true. But they say that it is not the distress now, but it is the distress that will come for which we must provide relief. Why, they are paying from 12 to 18 per cent in Cuba for money, and yet they are holding on to their whole crop of sugar. Down in my country, when cotton got to 4½ cents a pound, and they can not raise it for less than 6 cents, the Federal Government did not come to our aid.

Out in Kansas, when they burned corn for fuel and they were mortgaged up to their eyes, the Federal Government never came to their relief. What did we do? Simply passed a national bankruptcy law, that people who had their property mortgaged for twice what it was worth might liquidate and start out even again. Yet they say we must pass this bill in order to relieve Cuba. It will not help Cuban laborers nor the little farmer that has already sold his crop, because he worked on the shares. It can only help, if anyone, those people who have piled up the sugar down there, able to hold it and pay 12 to 18 per cent to foreign banks and carry on farms that are mortgaged to twice their value—and the gentlemen who have gone down there in Cuba expecting to make more money than the present price of sugar will permit.

Now, it is a significant fact that in almost every instance the men who have bought sugar plantations in Cuba since the Spanish war are also connected directly or indirectly with the American sugar trust. It is also worthy of mention that since this bill has been agitated the price of "sugar trust" stock advances as the prospect brightens for its passage. Now, then, suppose distress does or will exist there because of the very low price of sugar everywhere; are we under any such obligations to the Cubans as requires us to make good to them the loss upon a crop which everybody concedes is over produced in the world to the extent of a million or more tons? The witnesses all tell us that the present low price of sugar is due to the fact that there is a million or more tons on the market more than the world can consume; that all Cuban sugar comes here, and the "sugar trust" is practically the only purchaser for it.

The gentleman from New York [Mr. PAYNE] yesterday, when my colleague from Texas [Mr. RANDELL] asked him:

As you state that the price of sugar will not be reduced to the consumer here, and the reduction in our revenue will be between \$5,000,000 and \$7,000,000 on sugar, if there is no competition in this country in reference to the purchaser of raw sugar, how does the Cuban hope to get an increase in price? Why can not the purchaser put it in his pocket?—

made this answer:

The sugar trust has got to have the sugar as much as the planter has got to sell it. If they do not buy it of them, they must go to Germany—and if they go to Germany they must pay more for it—or they must take this sugar. Each one is independent of the other.

Now, Mr. Chairman, the explanation of the gentleman from New York [Mr. PAYNE] does not explain. The trust can go to Hamburg or to Cuba as it chooses. The Cuban planter can not go to Hamburg, because over there, after paying half his sugar is worth to get it there, he will find a surplus of more than a million tons in excess of the world's demand for sugar. That he can not go there is evidenced by the fact that he can not go there now, but must come here and sell to the trust the entire Cuban product and pay the present tariff rates. On the other hand, if we reduce the tariff on the Cuban sugar coming here 20 per cent, and the trust does not care to give the Cubans the benefit of it, it will simply say, "I do not care to buy your sugar."

The gentleman from New York says that "the trust has got to have it," when the proof shows that the product of sugar in Cuba is about 800,000 tons, while the world's surplus is more than a million tons. The trust can thus refuse to buy from the Cubans and fill from this surplus supply all its demands for American consumption until the Cuban gets ready to sell to the trust at the price the trust is willing to pay. If the Cuban is able to hold out against the trust, he is certainly not in such a distressed condition as to need relief from us. So, Mr. Chairman, while his answer might have been satisfactory to the gentleman from New York, I do not think my colleague was very much enlightened thereby. [Laughter.]

Now, Mr. Chairman, they say there is distress in Cuba and it is our duty to relieve it. I have attempted to show that distress does not exist there, and if it did, I deny that it is our duty to relieve it. It was well said by the gentleman from Minnesota [Mr. MORRIS] that "we have expended \$250,000,000 in giving the Cubans their liberty." We relieved them of about \$300,000,000 indebtedness to Spain. We have also established splendid sanitary conditions in Habana. I know that to be the fact because I have visited that city since General Wood began his splendidly inaugurated system. It occurred to me while I was there that General Wood was putting sanitation, like any other good doctor, ahead

of everything else; he was investigating that and applying his ability thereto as his first consideration. He had the penitentiary there cleaner than this hall. He had all the old Spanish barracks cleaned out and had converted them into schools. He has done a splendid work, and I have no criticism to make of him.

But, say some, we are under obligations to give Cuba trade concessions because we forced the Platt amendment upon her, and she can not thereby make commercial treaties with any country other than this. That claim is not worthy attention. The only provision in regard to treaties in the "Platt amendment" is "that Cuba shall not enter into any treaty with any foreign power which will impair her independence." One need not be a lawyer to understand that this provision has no application to commercial treaties. No Democrat will contend that a commercial treaty, which is always made to further freer trade relations, is in any sense the impairment of the independence of either contracting party.

But, Mr. Chairman, if there was distress in Cuba, and we were under obligations to relieve it, in my judgment the pending bill would not relieve the distress or discharge the obligations. All the witnesses testified before the Committee on Ways and Means that the reduction provided in this bill from the tariff on Cuban sugar would not save the sugar planters. President Roosevelt is on record as saying so; Governor-General Wood says so; Colonel Bliss says so; president-elect of the Cuban Republic, Mr. Palma, says so. They are the friends of reciprocity with Cuba. We who oppose the bill deny that it will benefit the Cuban planters, but claim that the "sugar trust" will pocket the reduction. Colonel Bliss, the friend of reduction, only estimated that 30 per cent of the reduction would go to Cuban planters.

What will become of the other \$5,000,000 of our revenues which we are asked to vote away, even if the trust does not pocket the entire concession, as we claim? There is no gentleman on this side of the Chamber who will deny that it is in the power of the "sugar trust" to put all this concession into their pockets. They say if the trust does so that we will throw the responsibility on the trust; we will go before the American people and denounce the trust. I would like to know whom you would get to trust you if your legislation in Congress is such as to enable the trust to pocket \$6,000,000 to \$8,000,000 unless generously inclined to divide with the Cubans? It is not necessary to do this to convince the American people that the trust is a public enemy—something that everybody who is not in a trust now admits.

Besides, Mr. Chairman, this bill is unfair to Cuba at this time. If we want to be honest with the Cubans, if we think it right to give them some concessions and that concessions are necessary to relieve distress, we should simply reduce the tariff upon Cuban goods coming in here. Their tariff now upon our goods is less than one-third of the rates we charge them. We have a military government down there under General Wood. We had him fix these low rates of duty upon our goods going there. We have a Congress here. Why not simply lower our rates upon her goods coming here, without driving a conscienceless bargain, such as this? There is nobody authorized to represent the Cubans. I asked the gentleman from New York yesterday who was authorized to represent the Cubans or to agree for them. He said no one, so far as he knew. Now, in May the Cubans will have a government of their own choosing; that is, speaking theoretically—

Mr. CLARK. Ironically.

Mr. BALL of Texas. Yes; ironically, as the gentleman from Missouri says, because it so happens that the American authorities in Cuba, no doubt under instructions from the Republican Administration here, forced Cuba to elect a man for president of the new republic that had not set his foot upon her soil for twenty-five years. He is said to be with the trust himself. Still Cuba will have her own government in May. If we were not absolutely hypocritical in our professions, if relief for Cuba was our object, we would at this time lower our duties upon Cuban products temporarily, and wait until authorized representatives of Cuba could treat with us as to future trade relations. But that would not satisfy the "steel trust," the "beef trust," and all the other "trusts."

The "steel trust" and the "beef trust," the latter of which has within the last few days fixed the price of beef at such a figure as will cost the American consumers \$100,000,000 per annum, have said, "Before you shall relieve Cuba you must make them give us the trade that we may be able to get there, not at the 20 per cent reduction, but with a tariff of 20 per cent in our favor as against all the nations of the earth." The tariff in Cuba against them is only 5 per cent now. They want 20 per cent preferential there, and are willing to trade off the sugar interests here to get it, although the gentleman from Pennsylvania [Mr. DALZIEL] is reported to have said "he would die in the last ditch" before he would consent to a reduction of our duty on steel.

I yesterday questioned the gentleman from New York [Mr. PAYNE] as to whether it was not the fact that if the Cubans were



unable to grant or did not grant all the concessions that the bill asks—that if they refused to exempt a single article out of the thousands which we send them from the demanded reduction, or to pass our immigration laws, whether then this bill would not fall to the ground, and relief be refused Cuba. And the gentleman answered, "Yes."

I say, then, that it is unfair and hypocritical for gentlemen to come here and under the guise of humanity make a plea for "distressed Cuba," and at the same time say, "We have put a military government over you; we have elected a president for you who has not been in your country for a quarter of a century; you are on the verge of ruin, yet if you do not consent to this hard bargain, if you do not agree to it, you can starve and go into bankruptcy, or go to a warmer place than Cuba."

Mr. KLEBERG. And it is also proposed to require them to keep out the immigrants that we do not want there.

Mr. BALL of Texas. Yes. As suggested by my colleague [Mr. KLEBERG], we propose to force upon them our immigration laws without regard to whether it is to their interest to have such laws or not. We propose to put into the hands of the President of the United States legislative, judicial, and executive powers that he may present to the Cuban people a bill that is more onerous in its conditions than was the Platt amendment, against which every gentleman on this side of the Chamber voted.

I can not favor such cant and hypocrisy. If the Republican majority in this House desire to pass this bill, let them be honest with themselves and the country. Let them say bluntly and unblushingly that before they turn Cuba loose they will take advantage of her distressed condition to impose upon her a further renunciation of her rights of sovereignty, in order that the trusts of this country that have fattened upon the American people may grow richer and more powerful by devouring the substance of the Cubans, whose friends you pretend to be.

Mr. ROBINSON of Indiana. The gentleman from Texas speaks of our enforcing this obligation upon the Cuban people as if it were in line with the Platt proposition. Is it not true that it is proposed only to authorize an agreement to be made which the Cubans may, if they choose, assent to, in case they deem it beneficial to their interest to do so?

Mr. BALL of Texas. That is true; but I will ask the gentleman from Indiana whether he believes that the condition of distress which has here been spoken of exists to-day in Cuba?

Mr. ROBINSON of Indiana. I think it does not at this time.

Mr. BALL of Texas. All right. Now, if there is no distress down there at this time, if the Cubans are not yet in the possession of the right of self-government, if nobody authorized to speak for them has asked for the passage of this bill, the American Congress has no right, in order that these American trusts may rob those people, to demand at the hands of the Cubans at this time assent to this proposition. On the other hand, if it is true that there is distress in that country at the present time, it is hypocritical and cowardly for us to demand that in their distressed condition they shall make these concessions for the benefit of American industries which need no protection there.

Mr. Chairman, with Republican dissensions and differences I have no concern. I am glad to see gentlemen on the other side showing a lack of harmony upon this matter. I trust that in the providence of an all-wise Creator the result will be the wiping of a sufficient number of them out of the successful lists at the coming elections to give us a chance to look at the books and to put a check upon unrestrained Republican legislation.

It makes no difference to me that the Republican party, in looking over the field of American industry, when they framed their last national platform found only one industry to be made the subject of a specific promise—only one which it thought required special nurture—and that was the beet and cane sugar interests of this country, an industry that admittedly can not compete with the favorable climatic and other conditions in Cuba.

So the Republican convention solemnly promised those people that when they invested their money in this industry the Republican policy would not take any part of their protection away. It matters not to me that the gentleman from New York said that this protection would not be disturbed for twenty-five years. I think it is perfectly consistent for the Republican majority at its own pleasure—I do not criticise them for it—to break any promise on earth that they have made in case a different action will redound to their advantage.

The Republican party would be inconsistent to be consistent. [Laughter.] I care not what Republican protectionists may do in this matter. "Gentlemen upon this side of the Chamber who vote for a Republican Administration measure should not charge the opponents of the bill with protection proclivities. Certainly, my objections to the bill are not from a desire to "protect" anybody. I am against this bill as a Democrat, and shall point out some of the many reasons why, in my judgment, it contravenes Democratic theories, touching the use of the taxing power of the

Government. It is not my purpose to assail Democrats who insist upon voting for this bill.

I know that it does not commend itself to any Democrat here, and yet many Democrats will vote for it. No doubt the objections which are so potent with me are not so vital with them. Perhaps this is due to inability to agree either with my premises or conclusions. If they could see it as I do, they would conclude that there is not a line of Democratic thought in the bill from caption to finish. It is Republican in essence and substance and not in form only. It will bring no reduction in taxation to consumers here. It will result in a loss of revenue of from six to eight millions of dollars.

The "sugar trust" will be the chief if not the only beneficiary of the revenue we surrender. Under it we begin a system by which the taxing power of the Government, under the guise of reciprocity, is converted into an instrument of barter and trade with other countries, which followed up would prevent any such thing as tariff reform and engage us in a war of reprisals and retaliation with other countries. It gives double protection to the great trusts of the country. It forces Cuba to abandon a revenue-tariff system and adopt a protective-tariff system for the benefit of protected industries here.

#### CONSUMERS WILL NOT BE BENEFITED.

Now, as to the first proposition. All the witnesses before the Ways and Means Committee, for and against the bill, as well as the "sugar trust," which is urging it, concedes that this measure will not reduce the price to our consumers, and with this every Democratic member of the Ways and Means Committee and every Republican member of that committee is agreed. As a Democrat, I undertake to say that there can be no reduction of tariff in a Democratic sense that does not take off a part of the tax upon consumers. This proposition is therefore a mere juggling with tariff schedules and not a reduction of taxation.

I have endeavored in the course of my remarks to demonstrate that this condition is brought about by maintaining a differential or higher duty upon refined sugar than upon raw sugar coming here, this differential in favor of the "sugar trust" prohibiting the importation of refined sugar here and giving the trust control of our market.

I object to it, for the second reason, because it takes away, without reducing the price to the consumer, six to eight millions of dollars of revenue from the Federal Treasury and, in my judgment, puts it into the pockets of the sugar trust. I do not think that any Democrat desires to do that.

Now, this is why I say it will go to the sugar trusts: In the first place there is, as I understand it, 10,000,000 tons of sugar raised in the world. We constitute one-fifteenth of the population and we consume about one-quarter of the sugar raised in the world, or about two and a half million tons, I believe. We raise of that, from cane and from beets in this country, not counting Hawaii and Porto Rico, about 300,000 tons. Taking in the production of Hawaii and Porto Rico it makes about a third of our consumption. The balance is derived equally from Cuba and from foreign markets, as I understand it.

Now, there is a million tons of sugar on the market in the world more than there is demand for consumption. When this bill becomes a law it reduces the duty upon raw sugar 20 per cent and retains the differential in favor of the "sugar trust." That differential is also reduced 20 per cent, but it will still be one-tenth of a cent a pound, which means upon the Cuban sugar \$1,600,000 per annum at present rates. Now, no one can refine sugar in Cuba when he can ship the raw material over here at the same price and get \$1,600,000 more for it.

Consequently there can be no reduction to the consumer except by grace of the trust, and if gentlemen on this side of the Chamber are willing to give away \$8,000,000 on a bare chance that it will reach distressed Cubans in case distress should occur, which does not now exist, and trust the American Sugar Refining Company to distribute it, they certainly have faith to beat the band and faith sufficient to warrant them in being very hopeful for the hereafter. [Laughter.] So far as I am concerned, I decline to take \$8,000,000 of revenue out of the Federal Treasury and start it on its way to anticipate distress in Cuba and trust the American sugar trust to distribute it. [Applause.]

Now, as to the policy of reciprocity. Once this so-called reciprocity is entered upon, what becomes of your tariff schedules adjusted from the American standpoint for revenue only? Why, they tell me that Thomas Jefferson believed in reciprocity. There have been more crimes committed in the name of Thomas Jefferson than there have been in the name of liberty. Men who never vote a Democratic ticket quote Thomas Jefferson. Men who do not subscribe to anything that Jefferson ever taught or believed quote Thomas Jefferson in order to sustain their arguments.

I undertake to say that Mr. Jefferson through his whole life believed in and looked forward to and hoped for a happy and prosperous agricultural and pastoral people. Mr. Jefferson taught



that commerce should be the handmaiden of agriculture. He never taught that agriculture should be the slave and handmaiden of commerce. If any gentleman will show me where Thomas Jefferson ever proposed by reciprocal duties to swap off the American agricultural interests at any time in order to give great corporations and trusts that are robbing our people here and want to rob the Cubans abroad entry into foreign markets, then I will agree to resign my seat in Congress, and I have no present desire to do that. [Laughter.]

The distinguished gentleman from New York [Mr. McCLELLAN] quoted Mr. Jefferson to show that he favored reciprocity. The gentleman from New York calls upon Mr. Jefferson when it suits his purpose. If he were called upon to follow Jefferson in advocating the free coinage of gold and silver, even at the commercial ratio, he would say that conditions had changed since Mr. Jefferson's time. Since Mr. Jefferson's time we have utterly changed our tariff system. We had no Dingley tariff then. We sought only to get a market for agricultural products under a policy of free trade, or the freest possible trade. If Mr. Jefferson had views as to reciprocity then, conditions were utterly different from those now existing. They differed certainly as night from day from the reciprocity ideas in this bill.

In Mr. Jefferson's day our tariff duties were not restrictive of free commerce with all nations, while foreign restrictions upon our trade and upon our vessels were numerous and vexatious. His only idea was by friendly arrangements with the nations, where such restriction existed, to secure, by friendly arrangements, their repeal, and as a last resort, in case of failure, by countervailing duties here, which he greatly deprecated, to compel other governments to treat us with the same liberality we treated them. Mr. Jefferson said:

Free commerce and navigation are not to be given in exchange for restrictions and vexations.

In the report from which the gentleman from New York quoted on yesterday, sent to the House of Representatives on December 16, 1793, Mr. Jefferson, then Secretary of State, advocated free trade with all nations or with any nation that would accede thereto. Let me read therefrom:

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all.

Further on, from the same document quoted by the gentleman from New York, I read:

Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessities of life or materials for manufacture or convenient subjects of revenue, and we take in exchange either manufactures, when they have received the last finish of art and industry, or mere luxuries.

How different the application of Mr. Jefferson's views from the views of the gentleman from New York [Mr. McCLELLAN] embodied in this bill. Our tariff laws here were not then restrictive. Mr. Jefferson sought a market for agricultural products going abroad by giving free trade to finished products coming here.

Thus he sought to confer a benefit upon the producers and consumers of this country alike. This bill proposes leaving the high-protective tariff, by which consumers and taxpayers are subjected to monopoly and trust robbery at home, untouched and give these monopolies and trusts additional advantages by bringing the products of Cuba, agricultural and horticultural, in competition here with our agricultural interests in such a way as to inflict a loss upon our producers without reduction of taxation to consumers and to further enrich the "sugar trust." Think of Thomas Jefferson standing for such a policy!

Why, Mr. Jefferson was trying to open a market for the farmers of this country, not for the trusts. No man ought to call upon the name of Thomas Jefferson and intimate that he would have gone down to a helpless country, tied hand and foot, with our military governor still there, and say to them, "You are starving; you are distressed; you have nothing but sugar; we will give you 20 per cent reduction that will not help our consumers, but go to the trusts, but unless you give 20 per cent preferential duty on everything manufactured in this country, which the trusts are selling abroad for less than they are selling at home, you may starve and your distress go unrelieved." Think of Thomas Jefferson proposing a thing like that!

Now, reciprocity treaties, when entered upon, mean the surrender of the constitutional prerogative of this House to originate revenue bills. They mean treaties negotiated by the Senate fixing all tariff schedules. Over in the Senate, at the other end of the Capitol, they have already brought in a report saying that they have authority—and I believe they have—to negotiate tariff treaties without reference to the wishes or convictions of the House of Representatives. Once done, just as in the oleomargarine and the butter fight, upon which my friends from Minnesota and myself are so wide apart, it is a question of the most powerful industry getting the most votes to cripple another.

When we once enter upon this programme and mode of adjusting tariff schedules, the result will be that you will start a competition in this country of the great and powerful interests seeking to gain entree into foreign markets by making a sacrifice of the weaker vessels. What does that mean? Who are always the most powerful? Will organized capital, in the shape of consolidation along modern lines, led by those the President of the United States calls "captains of industry," be the ones that will go to the wall; or will it be the agricultural and horticultural interests of this country that will be sacrificed for trade concession for overprotected monopolies?

What do you think about it? Other countries will have their own peculiar interests to consult. There will be certain classes of goods that they wish to get in here without regard to our interests, and there will be a conflict of interests at home and abroad. Instead of adhering to the true doctrine of Mr. Jefferson, "Peace, amity, and commerce with all nations, entangling alliances with none," making tariffs here that all could afford to come and do business under upon equal terms, treating them fairly and honestly and giving them the same privileges, we will have retaliatory measures, reprisals, conflicts of greedy and selfish interests, that will make it impossible to form a scientific, properly adjusted schedule for revenue for "the support of the Government honestly and economically administered."

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. BALL of Texas. Now, another thing, Mr. Chairman. While I do not believe in the formation of tariff schedules by reciprocity treaties, I am not alone in my opinions. The doctrine of reciprocity was inaugurated once before in this country and failed, and we are not without Democratic declaration upon that point. After Mr. Blaine had negotiated his celebrated reciprocity treaties the Democratic party met in convention, in 1892, and made the best tariff plank, in my judgment, ever written in the history of the Democratic party. It was short, simple, and easily understood. It declared what I believe then and now indorse, "that the Government is without constitutional power to lay and collect taxes except for the support of the Government, honestly and economically administered." That was and is good Democracy; but they did not stop there. The Blaine treaties had then been negotiated, and here is what they said about that kind of treaties:

Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of the Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchange by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while erecting a custom-house barrier of prohibitive tariff taxes against the richest, and the countries of the world that stand ready to take our entire surplus of products, and to exchange therefor commodities which are necessities and comforts of life among our own people.

What does this bill propose? Precisely the same character of treaty that Mr. Blaine negotiated in the behalf of those same interests. That is, the concessions we give are purely to agricultural products, a menace to the agricultural interests here, while the concessions they give us are to the overprotected interests of this country, who, not content with robbing us, desire to go down to Cuba and rob them to the tune of 20 per cent more than they are now robbing them. So that, as was so tersely and well stated by the distinguished gentleman from Ohio, General DICK, whose astuteness as a campaign manager is well known, "If you adopt this policy it means free trade for the farmers and protection for the trusts."

I am sure that no Democrat desires to enter upon such a policy. There is another objection. The bill gives double protection. Can that be Democratic? I can prove this proposition absolutely beyond question. It is not contended that the present prohibitive rates of the Dingley bill, which prevent competition with American industrial interests here, will be affected so far as our producers and consumers are concerned.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. I ask unanimous consent that the gentleman may be allowed to conclude his remarks.

Mr. PAYNE. I would like to know something about that, for it is about time to adjourn.

Mr. BALL of Texas. I do not care to go on to-morrow, and I will conclude my remarks in about fifteen minutes.

Mr. PAYNE. I will not object to fifteen minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Texas may continue for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BALL of Texas. The American consumer will not be benefited by this bill. How about the trusts? I have already shown that the "sugar trust" is protected here by a differential in their favor which gives them the control of our market by naming the price of raw sugar to the producer and refined sugar



to the consumer, and that under this bill the differential is still retained enabling the "sugar trust" to buy its raw sugar cheaper without the necessity of reducing the price of refined sugar to the consumer. It can not be denied also that the present high tariff rates effectually prevent foreign competition from forcing a reduction of the price of articles manufactured by the trusts, which control the industrial interests of this country. They are therefore left unrestrained to garner enormous profits at the expense of our people. That is protection number one.

Now for the double protection. By this bill we do not demand of Cuba that she shall reduce her tariffs upon our goods seeking a market there. We simply exact at her hands that she must charge all other countries with which she deals 20 per cent higher duties than she charges us. Therefore American manufacturers who are now getting into Cuba upon equal terms with all the world will, when this bill becomes a law, be able to tax Cuba 20 per cent more than her consumers are now paying. In other words, we protect them here against foreign competition and force Cuba to protect them there against all competition.

Now, does not this give the "trusts" double protection?

But, Mr. Chairman and fellow-members, there is one proposition, which is the last I shall make, which ought to condemn this measure in Democratic hearts and Democratic minds—a proposition that makes the bill absolutely indefensible from a *Democratic standpoint*. This measure forces Cuba to abandon her system of tariff for revenue only and *adopt a protective-tariff system*. What Democrat will defend such a proposition? Nay, more; it forces Cuba to adopt a protective system against her own interests and not for her protection, but for the protection of our industries seeking a market there. We do not say to Cuba, "Reduce your duties upon our goods and let your consumers get the benefit thereof," but "Make your duties as you will, provided they be 20 per cent greater upon the goods of other countries than upon our goods."

Let me demonstrate that Cuba is now upon a revenue basis. In the first place, her tariffs have been fixed by our own agents, and adjusted for no other purpose than to supply revenues to run our military government there. All concessions that could be made in our favor have already been made. According to Colonel Bliss, our collector at Habana, Cuba's tariff rates now average an *ad valorem* duty of 21½ per cent. We furnish Cuba all her flour, 75 per cent of her mules, 95 per cent of her hogs, 99 per cent of her corn, 89 per cent of her bran and fodder, 98 per cent of her oats, 90 per cent of her hay, all her canned, fresh, salt, and pickled beef, nearly all her bacon, ham, pork, lard, oleo-margarine, condensed milk, wood, lumber, shingles, and furniture.

In addition to these products we also send to Cuba, of her total imports, brick, 90 per cent; railway and street cars, 99½ per cent; coal, 99 per cent; steel and steel rails, 88 per cent; agricultural machinery, 98 per cent; sewing machines, 90 per cent; engines, locomotives, and boilers, 82 per cent; sugar machinery, 93 per cent; all other machinery, 88 per cent. We are therefore not suffering to get the products of our mines, farms, forests, and pastures into Cuba. It is true she takes by far the larger part of her cotton goods from foreign lands, but that is not due to our inability to get into her market. Cuban rates upon cotton goods is but 23½ per cent. We get into China in competition with the world without a discriminating duty in our favor and without the advantage of near-by transportation. The reason we do not get into Cuba our cotton goods is that our patterns and styles are not adapted to their tastes and our merchants do not give long-time accommodations. Other countries have studied their wants; we must do the same.

But I have digressed somewhat from the proposition that Cuba is now upon a revenue basis so far as her tariff rates are concerned. I will say in passing that our agricultural products, sugar machinery, and structural iron are now practically upon the free list, the rate upon the latter being only 5 per cent *ad valorem* duty. It developed before the Ways and Means Committee that the revenues derived from the present tariff were hardly sufficient to support the government, and that the Cubans were disinclined to resort to other forms of taxation. Under the Platt amendment Cuba can not contract debts in excess of her revenues. Therefore, to give us the preferential duty of 20 per cent demanded by this bill, she must do it not by lowering her duty upon our goods, but by raising her duties upon foreign goods, thereby necessarily increasing their cost to Cuban consumers.

In proof of my statement that it would be necessary, in complying with this bill, to have Cuba change her revenue system to a protective system, I quote from the testimony of Colonel Bliss before the Ways and Means Committee:

In order to secure this trade it would be necessary to inaugurate a new system of tariff for Cuba, under which the minimum duty would be equal to the duty charged now, while the maximum would be, perhaps, about 33½ per

cent higher. In some cases it need not be that high, while in others it would have to be higher.

Commenting upon this statement, the chairman of the committee [Mr. PAYNE] said:

Sufficiently advanced, in other words, to give the trade to the United States?

To which Colonel Bliss replied:

Yes, sir.

Some gentlemen insist that Cuba might reduce her tariffs upon our goods and not raise them upon other foreign goods and still have revenues sufficient for her purposes. This upon the theory that a reduction of duty might increase importations and cause a corresponding increase of revenue. While this might be true, and would be true if Cuba had a protective system now, it is not true that you can increase revenues by lowering duties upon importations already admitted upon a revenue basis.

But, Mr. Chairman, even if we concede that the Cubans would reduce their tariff upon our goods going there under this bill and not raise her duties upon importations from other countries, my proposition is still true; because if Cuba can afford to lower her duties upon our products and increase her revenues, it is also true that she could lower her duties upon other foreign importations and increase her revenue thereby and give her consumers the benefit of competition. Gentlemen who contend otherwise are begging the question and standing out against a common-sense proposition. The whole purpose of the bill is to say to Cuba, "You must give American industries protection to the extent of 20 per cent against foreign competition."

Now, where is the Democrat who can consistently say that protection is all wrong for American industries at our expense and all right in Cuba at her expense for the benefit of interests not her own? It is high handed and indefensible for us to go to helpless Cubans, under the pretense of giving them relief and giving them liberty, and say to them, you must make a perpetual treaty that you will at all times give the industrial interests of this country the advantage of 20 per cent, and 20 per cent protection, regardless of what your interests may be and regardless of what the cost to the consumers in Cuba may be.

If there is a Democrat that will get up here and announce that that proposition is not absolutely indefensible, that it is not grossly immoral, outrageously unjust, undemocratic in substance, in form, and in everything that goes to make up Democratic faith and Democratic doctrine, I want to hear him. It makes no difference what gentlemen's views may be as to whether this relief will go to Cuba or whether relief ought to go to Cuba, they ought not to violate Democratic doctrine in order to advance selfish special interests.

Members are here condemning Louisiana sugar men and beet-sugar men for voting in their interest, as they say, regardless of Democracy, and yet they propose to vote for a bill that forces Cubans to protect American industries for all time to come to the extent of 20 per cent against all foreign competition. How dare they criticise Louisiana Democrats and beet-sugar men for saying it is wrong to make an exception against them in a manner that does not inure to the benefit of the American consumer under the pretense of tariff reduction or getting reciprocal trade relations?

Now, Mr. Chairman, it is not my purpose to attempt to influence any Democrat on this floor. I care not how the Republicans vote, but when Democrats tell me that in order to prevent criticism at home, for fear somebody will say that I voted against tariff reduction, and to avoid the necessity of an explanation, I should vote for this un-Republican and un-Democratic measure, this hybrid which comes here under the tongue of disrepute, repudiated by the Cubans themselves (because their absentee President says that less than 33½ per cent will do Cuba no good, and General Wood tells you that 20 per cent reduction will do Cuba no good), I answer that I will not accept such advice.

So far as I am concerned, when I get home they will not ask me for an explanation. The only explanation that was ever asked of a Democrat down in the Democratic stronghold of Texas is, How comes so many Democrats to vote with the Republicans? [Laughter.] We always have to explain that when we do. [Laughter.] No Democrat was ever asked, when the Populist party was about to take Texas away from the Democracy, why Democrats voted against Republican measures. The question was always, Why do so many Democrats vote with Republicans in Congress and help them get through their measures? [Laughter.]

This is an Administration measure; this is a trust measure; this is an un-Democratic measure. I do not care about its violation of Republican-platform pledges—it does not come here under the banner of Democracy. There is no Democratic standpoint from which you can defend it, and if I have to make an explanation when I go home, I am going to cast a vote here that I can explain when I reach there.

I will not cast a vote that the only explanation I could give would be that I was afraid that somebody might think I voted against tariff reduction, when, if any man asked me if it was for tariff reduction, I would be obliged to tell him no.

I expect to vote, as I have in the past, according to my convictions, with sincerity and perfect fidelity to my sense of duty and allegiance to Democracy, conceding to every gentleman here on this side of the Chamber, if he sees fit to differ with me, the right to do so. I intend always to cast my vote regardless of what somebody at home may be thinking, and without keeping my ear to the ground to hear the rumbling of popular opinion.

I intend to so vote that I can go home and say to my people: This bill was not approved by anybody; that it came in here as a compromise Republican Administration measure as the handiwork of Republicans whipped into line by patronage and promises of various kinds and under pressure from improper influences. I do not want to be obliged to admit that we got into the Republican band wagon for fear somebody would think we were all gone wrong on tariff reform.

I will tell them I believed the measure was brought in to help out the Republican Administration, to help out the Republican leaders from an unpleasant dilemma; that it was Democratic in no degree or in any respect; that it gave double protection to the trusts; that it put \$8,000,000 into the pockets of the sugar trust and took it out of the Federal Treasury without any benefit to the American consumer; that it is sham reciprocity; that we were holding up the Cubans while they were helpless and forcing them to accept conditions more onerous than the Platt amendment.

I will tell them these were my honest, conscientious convictions, and they will say to me what they have always said heretofore—that "We want you to vote your convictions, even if you make a mistake sometimes, because we don't want a Representative that is afraid to vote against Republican principles for fear he will incur criticism at home." [Prolonged applause.]

Mr. PAYNE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. SHERMAN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba, and had come to no resolution thereon.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 74. Joint resolution relating to publications of the Geological Survey—to the Committee of Printing.

S. 234. An act granting an increase of pension to James Frey—to the Committee on Invalid Pensions.

S. 694. An act granting a pension to Jane Caton—to the Committee on Invalid Pensions;

S. 899. An act granting an increase of pension to George F. Bowers—to the Committee on Invalid Pensions;

S. 1934. An act to provide for the purchase of a site and the erection of a public building thereon at Biloxi, in the State of Mississippi—to the Committee on Public Buildings and Grounds;

S. 2409. An act granting an increase of pension to John A. Rotan—to the Committee on Invalid Pensions.

S. 2738. An act granting an increase of pension to James W. Hankins—to the Committee on Invalid Pensions.

S. 2975. An act granting an increase of pension to Levi Hatchett—to the Committee on Invalid Pensions.

S. 3334. An act granting an increase of pension to Thomas E. James—to the Committee on Invalid Pensions.

S. 3421. An act for the relief of Eleonora G. Goldsborough—to the Committee on Claims.

S. 3992. An act granting an increase of pension to David M. McKnight—to the Committee on Invalid Pensions.

S. 4042. An act granting an increase of pension to William H. Norton—to the Committee on Invalid Pensions.

And then, on motion of Mr. PAYNE (at 5 o'clock and 12 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Herman Graef against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Surgeon-General of the Army and recommending the retirement of that officer with the rank of major-general—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, in response to the inquiry of the House, a report in relation to improvements in the Missouri River near St. Joseph—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, recommending certain amendments in the fortifications appropriation bill—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2632) to amend an act entitled "An act granting to the Clearwater Valley Railway Company a right of way through the Nez Perces Indian land in Idaho," reported the same without amendment, accompanied by a report (No. 1515); which said bill and report were referred to the House Calendar.

Mr. WM. ALDEN SMITH, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 10299) authorizing the Santa Fe Pacific Railway Company to sell or lease its railroad property and franchises, and for other purposes, reported the same with amendments, accompanied by a report (No. 1518); which said bill and report were referred to the House Calendar.

Mr. GRIFFITH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3800) to grant certain lands to the State of Idaho, reported the same without amendment, accompanied by a report (No. 1519); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the Senate (S. R. 56) providing for a modification in the adopted project for the improvement of Everett Harbor, Washington, reported the same with amendments, accompanied by a report (No. 1520); which said joint resolution and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 945) granting an increase of pension to William W. Richardson, reported the same with amendment, accompanied by a report (No. 1516); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12468) for the relief of Phineas Curran, reported the same with amendments, accompanied by a report (No. 1517); which said bill and report were referred to the Private Calendar.

Mr. SALMON, from the Committee on Claims, to which was referred the bill of the House (H. R. 4969) for the relief of Madison County, Ky., reported the same without amendment, accompanied by a report (No. 1521); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 3243) granting a pension to William Cromie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13148) for the relief of the personal representatives of John McCabe and Patrick McCabe, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUMMINGS: A bill (H. R. 13474) providing for the construction of 30 submarine torpedo boats—to the Committee on Naval Affairs.



By Mr. YOUNG: A bill (H. R. 13475) to provide for the improvement in breeding of horses for general-purpose uses, and to enable the United States to procure better remounts for the cavalry and artillery service—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 13500) for the establishment of a light-house and fog signal at Isle au Haut, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. OLMSTED, from the Committee on Elections No. 2: A resolution (H. Res. 205) on the contested-election case of John E. Fowler v. Charles R. Thomas—to the House Calendar.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13476) granting a pension to James Hawkins—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 13477) granting an increase of pension to Jason Stevens—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 13478) granting an increase of pension to Charles La Forest—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 13479) granting a pension to Ira P. Smith—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 13480) to provide an American register for the steamer *Brooklyn*—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Kansas: A bill (H. R. 13481) to correct the military record of William Martinson—to the Committee on Military Affairs.

By Mr. KEHOE: A bill (H. R. 13482) granting an increase of pension to Benjamin B. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13483) for the relief of Robert Ross—to the Committee on Military Affairs.

By Mr. LESSLER: A bill (H. R. 13484) granting a pension to Hermann Cantor—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 13485) granting a pension to Louisa Josephine Stanwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13486) granting an increase of pension to Elvira P. Gill—to the Committee on Invalid Pensions.

By Mr. METCALF: A bill (H. R. 13487) granting a pension to Cornelia A. Thompson—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 13488) granting a pension to George A. Cooper—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13489) to remove the charge of desertion from the military record of Ephraim W. Reynolds—to the Committee on Military Affairs.

Also, a bill (H. R. 13490) granting a pension to Wilson M. Mayo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13491) granting a pension to Franklin Palmer—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 13492) granting an increase of pension to John W. Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13493) for the relief of Lewis Anderson—to the Committee on War Claims.

By Mr. STORM: A bill (H. R. 13494) to provide for the extension of letters patent for an "Improvement in insulating submarine cables"—to the Committee on Patents.

By Mr. THOMAS of North Carolina: A bill (H. R. 13495) for the relief of R. N. White—to the Committee on War Claims.

Also, a bill (H. R. 13496) for the relief of the heirs of C. H. Foy—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 13497) for the relief of the heirs of Dr. Samuel E. Hall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13498) for the relief of John T. Brewster—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13499) granting a pension to Adam Young—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of Typographical Union No. 2, of Philadelphia, Pa., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

By Mr. BROWN: Resolutions of the Wisconsin Farmers' Institute, Oconomowoc, Wis., relative to the coloring of oleomargarine—to the Committee on Agriculture.

Also, resolutions of the same institution, in favor of the rural free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring a bill for the establish-

ment and maintenance of schools of mines and mining—to the Committee on Mines and Mining.

By Mr. BURK of Pennsylvania: Resolution of Typographical Union No. 2, of Philadelphia, Pa., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, petition of Naval Command No. 1, Camp 91, Spanish-American War Veterans, Philadelphia, Pa., in support of House bill 3097, to reimburse them for money spent in clothing, etc.—to the Committee on Naval Affairs.

By Mr. BURLEIGH: Petitions of mariners and citizens of Gloucester, Me., and vicinity, for a light-house at the southwest entrance of Isle au Haut Thoroughfare, State of Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Papers to accompany House bill 13472, granting an increase of pension to Lewis E. Wilcox—to the Committee on Invalid Pensions.

By Mr. CASSEL: Resolutions of Lieutenant William N. Child Post, No. 226, Marietta, Pa., and John M. Good Post, No. 502, Elizabethtown, Pa., Grand Army of the Republic, approving of House bill 3067—to the Committee on Invalid Pensions.

By Mr. COOMBS: Petition of R. Wylie and others, of Napa, Cal., asking for an amendment to the Constitution defining legal marriage—to the Committee on the Judiciary.

Also, resolutions of Retail Clerks' Union No. 506, of Petaluma, Cal., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of the same, favoring the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

By Mr. CONRY: Petition of Charles McManus and others, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. COONEY: Protest of business men of Humansville, Mo., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CROMER: Petition of A. McCormick and others, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

Also, resolutions of Typographical Union No. 284, of Anderson, Ind., relating to House bill 5777—to the Committee on Patents.

Also, resolution of Bolt and Nut Makers' Union, of Muncie, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. FEELY: Petitions of sundry Polish societies of Chicago, Ill., favoring House bill 16, for the erection of an equestrian statue to the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, petitions of the Chicago Daily Drivers' Journal and the Live Stock World, requesting the enactment of the Wadsworth substitute in lieu of House bill 9206—to the Committee on Agriculture.

By Mr. HANBURY: Papers to accompany House bill 13216, for the relief of Simon W. Larkin—to the Committee on Military Affairs.

Also, papers to accompany House bill 7775, granting an increase of pension to David Parker—to the Committee on Invalid Pensions.

Also, memorial of the New York Produce Exchange, favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Levi P. Morton Club, Ocean Hill Republican Club, of Brooklyn, and Coopers' International Union No. 2, of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, letters of New York and Cuba Mail Steamship Company, of New York, Holland-American Line, of New York, Hamburg-American Line, of New York, and John C. Seager Company, of New York, protesting against the passage of House bill No. 9059, known as the Tawney bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Resolutions of Federal Labor Union of Centerville, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JACK: Petition of J. M. Guffey Division, No. 579, Brotherhood of Locomotive Engineers, of Greensburg, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Transfiguration Society, of Mount Pleasant, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of G. W. M. Henry and others of Latrobe, Pa., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

Also, resolutions of Finley Patch Post, No. 137, Blairsville, Pa.,

and E. R. Brady Post, No. 242, Brookville, Pa., Grand Army of the Republic, favoring a bill providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month—to the Committee on Invalid Pensions.

By Mr. KERN: Resolutions of the Labor Union No. 8060, of New Athens, and Labor Union No. 8997, of Salem, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Lodge No. 545, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., in support of the bill known as "the Foraker-Corliss safety-appliance bill"—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Ellsworth Post, No. 669, Grand Army of the Republic, Columbia, Ill., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. LANHAM: Resolutions of Lodge No. 491, Brotherhood of Locomotive Firemen, Austin, Tex., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the same lodge, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. LITTLEFIELD: Petition of citizens of Thomaston, Me., for an appropriation for a monument to the memory of Maj. Gen. Henry Knox—to the Committee on the Library.

Also, resolutions of Pine Tree Lodge, No. 366, Brotherhood of Railroad Trainmen, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Protest of 54 merchants of Clarence, Mo., against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Canton, Mo., asking for the passage of House bills 178 and 179—to the Committee on Ways and Means.

By Mr. MAHON: Resolutions of Surgeon Charles Bower Post, No. 457, Newton, Pa., and A. G. Tucker Post, No. 52, Lewisburg, Pa., Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Paper to accompany House bill 13451, to correct the military record of Charles Mohn—to the Committee on Military Affairs.

Also, papers to accompany House bill 12382, granting a pension to William Sands—to the Committee on Invalid Pensions.

Also, resolutions of Robert Oldham Post, No. 527, and L. F. Chapman Post, No. 61, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of Street Railway Employees, Division No. 169, of Easton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Typographical Union No. 2, of Philadelphia, Pa., in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolution of Onoka Lodge, No. 211, Brotherhood of Locomotive Firemen, Easton, Pa., asking that the desert-land laws be repealed, etc.—to the Committee on the Public Lands.

Also, resolutions of Onoka Lodge, Brotherhood of Locomotive Firemen, and Electrical Workers' Union No. 91, of Easton, Pa., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of J. E. Rivers and other citizens of Wisconsin in favor of House bills 178 and 179, reducing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PERKINS: Resolution of Milkmen's Protective Union No. 8744, Rochester, N. Y., favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. POWERS of Maine: Paper to accompany House bill for the relief of Franklin Palmer—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: Paper to accompany House bill for the relief of Carter B. Harrison—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of B. C. Knapp—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Federal Labor Union No. 6620, of Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Buffalo Branch of International Musical Union, asking for amendment of section 5 of the immigration law to protect American musicians—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Papers to accompany House bill granting an increase of pension to John W. Simpson—to the Committee on Invalid Pensions.

By Mr. STARK: Papers to accompany House bill 13320, granting an increase of pension to Charles E. Simmons—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Paper to accompany House bill for the relief of the heirs of C. H. Foy—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of R. N. White—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill 13499, granting a pension to Adam Young—to the Committee on Invalid Pensions.

By Mr. WILSON: Resolutions of Levi P. Morton Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Sam Smith Protective Union, No. 9099, of Brooklyn, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Petition of Miriam Hibbs and other citizens of Philadelphia, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, petition of John Kilinski Society, of Philadelphia, Pa., favoring the passage of House bill 16—to the Committee on the Library.

Also, petition of Typographical Union of Philadelphia, Pa., urging the defeat of House bill 5777 and Senate bill 2894, amending the copyright law—to the Committee on Patents.

Also, petition of the Woman Suffrage Society of the county of Philadelphia, Pa., asking for the appointment of a commission to investigate woman suffrage in Western States—to the Committee on the Judiciary.

By Mr. ZENOR: Resolutions of Clark Lodge, No. 297, Brotherhood of Locomotive Firemen, Jeffersonville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, April 10, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection. It is approved.

SURG. GEN. GEORGE M. STERNBERG.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army, giving his reasons why Congress should retire him with the rank of major-general in the Army of the United States on the 8th of June next; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

### THE TRANSPORT SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 21, 1902, a letter from the Commissary-General, inclosing a revised exhibit showing the cost to the Subsistence Department of the United States transports plying between the United States and the Philippine Islands during the year ended December 31, 1901, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

### SPANISH TREATY CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 24th ultimo, a list of the claims which he is now defending before the Spanish Treaty Claims Commission, together with the number, the names and residences of all the claimants, the citizenship, etc.; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a memorial of Typographical Union No. 284, of Anderson, Ind., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of the Puritan Bed Spring Company, of Bass and Woodworth, and of the Western Furniture Company, all of the city of Indianapolis, in the State of Indiana, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.



He also presented a petition of Joseph C. Miller Post, No. 498, Department of Indiana, Grand Army of the Republic, of Avon, Ind., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Textile Workers' Local Union No. 155, of Fort Wayne, and of Machinists' Local Union, of Indianapolis, in the State of Indiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. GAMBLE presented a memorial of Typographical Union No. 218, of Sioux Falls, S. Dak., remonstrating against the adoption of certain amendments to the present copyright law; which was referred to the Committee on Patents.

Mr. MCOMAS presented memorials of sundry citizens of Showell and Berlin, in the State of Maryland, remonstrating against the repeal of the present canteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Twenty-sixth Encampment of the Department of Maryland, Grand Army of the Republic, of Baltimore, Md., praying for the enactment of legislation providing for such military instruction in the public schools as will be largely directed to improvement in marksmanship with the rifle; which was referred to the Committee on Military Affairs.

He also presented a petition of the Twenty-sixth Annual Encampment of the Department of Maryland, Grand Army of the Republic, of Baltimore, Md., praying for the enactment of legislation to remove the objections to and secure a commission in the Army of the United States to George L. Fisher; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Granite Cutters' Union, American Federation of Labor, of Baltimore; of Blacksmiths' Local Union No. 121, American Federation of Labor, of Baltimore, and of Reno Post, No. 4, Department of Maryland, Grand Army of the Republic, of Hagerstown, all in the State of Maryland, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the adoption of the London landing clause to steamship bills of lading; which was referred to the Committee on Commerce.

He also presented petitions of Chesapeake Council, No. 16, Daughters of Liberty, of Havre de Grace; of Independent Trades Council, American Federation of Labor, of Cumberland, and of the Granite Cutters' Union, American Federation of Labor, of Baltimore, all in the State of Maryland, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of sundry members of the Junior Order of United American Mechanics of the State of Maryland, praying for the enactment of legislation to suppress anarchy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Maryland, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Stockton, Cal., praying that an appropriation be made for the construction of a diverting canal to carry the flood waters of Mormon Channel into the Calaveras River; which was referred to the Committee on Commerce.

He also presented memorials of Typographical Union No. 198, American Federation of Labor, of Fort Worth, Tex.; of Typographical Union No. 182, American Federation of Labor, of Akron, Ohio, and of Typographical Union No. 87, American Federation of Labor, of Houston, Tex., remonstrating against the adoption of certain amendments to the copyright law; which were referred to the Committee on Patents.

Mr. HOAR presented a petition of the Boston Fruit and Produce Exchange, of Boston, Mass., praying for the adoption of certain amendments to the interstate-commerce law enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. ELKINS presented a petition of Lodge No. 236, Brotherhood of Locomotive Engineers, of Hinton, W. Va., praying for the enactment of legislation to exclude the Chinese; which was ordered to lie on the table.

He also presented a petition of sundry telegraph operators of the Chesapeake and Ohio Railroad, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and in-

junctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of Lodge No. 236, Brotherhood of Locomotive Engineers, of Hinton, W. Va., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and for the passage of the so-called Foraker-Corliss safety appliance bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of West Virginia, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Lodge No. 1, Knights of Fidelity, of Wheeling, W. Va., praying for a reduction of the internal-revenue tax on whisky; which was referred to the Committee on Finance.

Mr. CULLOM presented the petition of John Buell and 43 other citizens of Geneseo, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of sundry citizens of Unita, Tenn., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River, reported it with an amendment.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment proposing to appropriate, not exceeding \$45,000, for constructing a modern steel auxiliary steamship, with a fog signal, for Southeast Shoal, Point au Pelee Passage, Lake Erie, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate \$4,000 for the maintenance of a lightship on Southeast Shoal, Point au Pelee Passage, Lake Erie, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. WETMORE, from the Committee on the Library, reported an amendment proposing to appropriate \$3,000 for the purchase of marble busts of the late Justin S. Morrill, a Senator from Vermont, and the late Daniel W. Voorhees, a Senator from Indiana, to be placed in the Congressional Library building, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5113) to provide for the purchase of a site and the erection of a public building thereon to be used for a Hall of Records, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. QUARLES on the 8th instant, proposing to appropriate \$15,000 for the establishment of a lightship to mark the shoal known as Peshtigo Reef, in Green Bay, Wisconsin, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6699) granting a pension to Esther A. C. Hardee;  
A bill (H. R. 10090) granting a pension to James F. P. Johnston;

A bill (H. R. 11924) granting an increase of pension to Lewis H. Delony;

A bill (H. R. 12697) granting a pension to M. C. Rogers; and  
A bill (H. R. 12136) granting an increase of pension to Stephen May.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 3321) granting a pension to Patrick J. Murphy, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5910) granting an increase of pension to Reuben Wellman; and  
A bill (H. R. 2919) granting a pension to Christiana Steiger.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MITCHELL February 17, 1902, proposing to appropriate \$20,000 for additions and

improvements to the Columbia River Quarantine Station, near Astoria, Oreg., reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 4992) to provide an American register for the bark *Homeward Bound*, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 9018) granting a pension to Ida D. Greene, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 3264) granting an increase of pension to William B. Matney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2461) granting an increase of pension to George W. McDowell, reported it with amendments, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4238) granting an increase of pension to Philo F. Englesby, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted a report thereon:

A bill (S. 3279) granting a pension to John Coolen;

A bill (H. R. 9290) granting a pension to Frances L. Ackley; and

A bill (H. R. 611) granting an increase of pension to Theodore F. Collins.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4393) granting an increase of pension to William M. Hodge; and

A bill (H. R. 8415) granting a pension to Mary L. Dibert.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6895) granting an increase of pension to Richard P. Nichols; and

A bill (H. R. 9415) granting an increase of pension to James Matthews.

#### PROTECTION OF NATIVE RACES AGAINST INTOXICANTS.

Mr. PLATT of New York. From the Committee on Printing I report a resolution, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved by the Senate.* That there be printed, in pamphlet form, 10,000 additional copies of Senate Document No. 200, entitled "Protection of native races against intoxicants," being a compilation of treaties and laws for the protection of native races against intoxicants, with extracts from messages of Presidents and ex-Presidents and justices of the Supreme Court, for distribution by the Senate.

Mr. HOAR. I should like to inquire what are the native races. Are we foreign races, and are we not to be protected against intoxicants?

Mr. PLATT of New York. We are not included in this publication, and the resolution does not apply to the Philippines, either.

Mr. HOAR. I do not object to the Senator's resolution, of course; but it strikes me that the title is a little curiously worded. I have great respect for the movement for protection against intoxicants. However, as I understand the title, we are not native races, but some classes of foreigners are.

Mr. PLATT of New York. We leave that for the Senator to decide after he reads the document. There are only \$85 involved in the printing.

Mr. HOAR. If we can be protected against intoxicants for \$85, I will not object. [Laughter.]

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### ABBIE GEORGE.

Mr. GALLINGER. Mr. President, about three weeks ago a bill granting an increase of pension to Abbie George passed the Senate and likewise passed the House of Representatives. It seems that there was a mistake in the service of the soldier. It was given as Company F, Twenty-sixth New York Infantry, instead of Company F, Twenty-sixth New York Volunteer Cavalry. It was one of those little mistakes that will occur sometimes. The President was requested by a concurrent resolution to return the bill to the Senate, and it was returned. I now report a new bill, which was introduced on the 5th instant by the Senator from Vermont [Mr. DILLINGHAM], with the soldier's service corrected,

and I ask unanimous consent that it be put upon its passage. It is Senate bill 4969.

There being no objection, the bill (S. 4969) granting an increase of pension to Abbie George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abbie George, widow of Rufus L. George, late of Company F, Twenty-sixth Regiment New York Volunteer Cavalry, and to pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 5125) granting an increase of pension to William H. Cummings; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5126) for the relief of William O. Saville (with an accompanying paper);

A bill (S. 5127) for the relief of William A. Wroe (with an accompanying paper);

A bill (S. 5128) for the relief of Sarah E. Cady;

A bill (S. 5129) for the relief of the heirs of Michael Carling, assignee of Joseph R. Shannon, deceased;

A bill (S. 5130) for the relief of the estate of Richard Lawson (with an accompanying paper); and

A bill (S. 5131) to refund to the city of Annapolis, State of Maryland, money expended in said city in paving College avenue and North West street in front of United States Government property.

Mr. MCCOMAS introduced a bill (S. 5132) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5133) granting an increase of pension to Augusta Neville Leary; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5134) for the relief of R. A. Myrick; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5135) for the relief of the estate of Samuel D. Kelley, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS (by request) introduced a bill (S. 5136) for the relief of Emmert, Dunbar & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5137) for the relief of Elizabeth M. Earle, administratrix of the estate of J. B. Earle, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5138) granting a pension to Eli B. Riggs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5139) granting an increase of pension to Henry C. Hyde;

A bill (S. 5140) granting an increase of pension to Dudley Cary; and

A bill (S. 5141) granting an increase of pension to Charles Barrett.

Mr. SIMON introduced a bill (S. 5142) granting a pension to Daniel J. Cooney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5143) granting an increase of pension to William P. Rhodes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5144) granting an increase of pension to James S. Cox; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 5145) granting an increase of pension to John Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5146) granting an increase of pension to John G. Snook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 5147) granting an increase of pension to Madison Sullivan; which was read twice by its title,



and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5148) granting a pension to John W. Kinney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5149) for the relief of William R. Ballard; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5150) granting an increase of pension to Joseph Taylor; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5151) to extend the benefits of the act of June 27, 1890, to the members of the company of Indian scouts under command of Brig. Gen. Alfred Sully in 1864 and 1865; which was read twice by its title.

Mr. GAMBLE. To accompany the bill, I present a memorandum to it, which I move be printed as a document and referred, together with the bill, to the Committee on Pensions.

The motion was agreed to.

Mr. DUBOIS introduced a bill (S. 5152) granting an increase of pension to Marcellus M. M. Martin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5153) granting an increase of pension to Eri W. Pinkham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 5154) for the relief of William H. Crook; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 5155) granting an increase of pension to John V. Lambertson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5156) granting a pension to Effie Cochnower; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5157) granting an increase of pension to Elizabeth M. Muller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 5158) to provide for the purchase of a site and the erection of a building thereon at Kirksville, in the State of Missouri; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5159) for the relief of the heirs of John H. Rixey, deceased;

A bill (S. 5160) for the relief of the estate of Sina Hughlett, deceased;

A bill (S. 5161) for the relief of James K. Skinker;

A bill (S. 5162) for the relief of the heirs of John B. Almond, deceased;

A bill (S. 5163) for the relief of the estate of W. H. Harrison, deceased;

A bill (S. 5164) for the relief of the estate of John B. Crenshaw, deceased;

A bill (S. 5165) for the relief of Pickrell & Brooks;

A bill (S. 5166) for the relief of William Mason;

A bill (S. 5167) for the relief of John N. Bell;

A bill (S. 5168) for the relief of the estate of Richard M. Harrison, deceased;

A bill (S. 5169) for the relief of the estate of William Fletcher, deceased;

A bill (S. 5170) for the relief of the estate of William A. Bowen, deceased;

A bill (S. 5171) for the relief of Benjamin M. Yancey;

A bill (S. 5172) for the relief of the estate of Henry S. Williams, deceased;

A bill (S. 5173) for the relief of the estate of Robert Barr, deceased;

A bill (S. 5174) for the relief of the estate of William Shreve, deceased;

A bill (S. 5175) for the relief of the estate of W. A. Stringfellow, deceased;

A bill (S. 5176) for the relief of Charles A. Newlon;

A bill (S. 5177) for the relief of the heirs of Henry Simon, deceased;

A bill (S. 5178) for the relief of the estate of Peter Sheets, deceased;

A bill (S. 5179) for the relief of R. A. Young;

A bill (S. 5180) for the relief of Luther and Priscilla Walton;

A bill (S. 5181) for the relief of the estate of David B. Tennant, deceased;

A bill (S. 5182) for the relief of J. A. Shackleton;

A bill (S. 5183) for the relief of the heirs of John Poland, deceased;

A bill (S. 5184) for the relief of Napoleon B. Watkins;

A bill (S. 5185) for the relief of the estate of Robert Brockett, deceased;

A bill (S. 5186) for the relief of Emma C. Franner, George W. Seaton, Hiram K. Seaton, Howard Seaton, Mary Seaton, Blanche Seaton, George W. Taylor, Edward Taylor, and Catharine Pomeroy;

A bill (S. 5187) for the relief of Richard K. Hughlett; and

A bill (S. 5188) for the relief of James W. Nickens.

#### ELECTION OF UNITED STATES SENATORS.

Mr. DEPEW. I submit an amendment to the joint resolution proposing an amendment to the Constitution providing for the election of Senators of the United States by popular vote instead of by the legislatures, and I ask that the amendment be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. DEPEW to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States, namely:

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

Mr. DEPEW. Mr. President, I will briefly state my reasons for proposing this amendment to the pending resolution amending the Constitution of the United States by providing for the election of United States Senators by popular vote instead of by the legislatures of the several States. The adoption of this amendment to the Constitution revolutionizes our scheme of government as it was devised by the framers of the Constitution and as it has existed and worked admirably for one hundred and fifteen years. The idea of the founders of the Republic was a popular assemblage elected by the people and then a Senate in which all the States, large and small, should have equal representation. The Senate was to be a body in which the sovereignty of each State had its representation in the nature of an independent republic, and the sovereignty of the State necessarily must be represented in its corporate capacity. It was not because of distrust of the people that this provision was adopted, but to create a chamber of independence and dignity in which the States, without consideration of size or population, should have an equal voice in their sovereign character.

The amendment under consideration, to which I offer an addition, proposes to make the Senate a popular body and reverse the principle upon which the Government has existed down to the present time. With the adoption of such an amendment to the Constitution, if it is adopted, this addition which I offer to it is the clear and logical sequence.

A number of States have by various devices prevented a third, or a half, or more, of citizens, recognized as such by the Constitution of the United States, from exercising the right of suffrage. The local reasons which have led to the adoption of these measures are not pertinent to this discussion. The adoption of these new constitutions in several States, however, containing "grandfather" and other clauses and devices to take away the privilege of voting from those who are made citizens by the Constitution of the United States, has led to a movement in the House of Representatives and in the legislatures of some of the States to change the representation in the House of Representatives from population to votes. That will reduce very largely the number of Congressmen which those States are entitled to. That measure does not receive the attention it would because, the House of Representatives being elected by the people, the vast majority of populations vote by manhood suffrage, and, therefore, the States in which they so vote have such a large majority in the House over States which restrict the suffrage that they do not feel acutely the discrimination which these measures bring about.

But if in the election of United States Senators a small oligarchy in any State can send here a representation equal to that of great States like New York which have manhood suffrage; if States in which half of the votes are disfranchised are to have an equal voice in this body with States like Pennsylvania, of five or ten times their population and with manhood suffrage; if New York, which casts, because of its manhood suffrage, 1,547,912 votes, is to be neutralized in legislation affecting her vast interests by Mississippi, casting 55,000 votes, because the majority of her citizens are disfranchised—then the situation becomes intolerable.

I am not, under ordinary circumstances and normal conditions, in favor of the proposed reduction of Representatives in the Southern States; I am not in favor of any legislation by the General Government which interferes with the local affairs of those Commonwealths; but if the door is opened by the adoption of this

amendment to the Constitution for the changing of the character and constitution of the Senate of the United States, then that measure must necessarily be accompanied by power to insure a full and honest vote of the citizens of the Republic, and protect this body in the election of those who may be designated here as Senators.

There are nineteen States which have in the aggregate less population and smaller industrial, commercial and financial interests than the State of New York, which are represented here by 38 votes, while New York has only two. Twenty-three States, with a population of thirteen million seven hundred and fifty-five thousand three hundred and sixty-four (13,755,364) and casting two million three hundred and sixty-three thousand two hundred and eighty-five (2,363,285) votes, have a majority in the Senate, while 22 States, with a population of sixty million eight hundred and fifty-one thousand eight hundred and fifty-seven (60,851,857) and casting eleven million six hundred and nine thousand one hundred and seventy (11,609,170) votes, are in the minority.

I have the profoundest reverence for the Constitution. Every scheme of government in every other nation of the world has failed and been changed during the last century. Our Constitution alone has stood the test of time, experiment and expansion, and has proved the most perfect system of government ever devised for a self-governing people. Revolutions never go backward. With the proposed change in the constitution of the Senate the people will and ought to be fairly and equitably represented here. The next and inevitable step will be to have the people and not the States control this body. Now the Senate can not go behind the legislatures of the States and investigate the election of their members, but with election by the people it can go into the regularity and returns of every election precinct and contests of Senatorial seats will be the leading work of every session.

It is a serious question if Congress submitted an amendment like that offered by the Senator from Pennsylvania [Mr. PENROSE] and three-fourths of the larger States should decide to have a representation in the Senate based upon population, the same as in the House of Representatives, whether the Senate, being the sole judge of the qualification of its members, could not admit this enlarged membership and thus end the power of the smaller States. If that did happen, the equality of the States would be destroyed and the revolution which changes the character of our Government would be complete.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Privileges and Elections, and printed.

Mr. BERRY. Mr. President, what is pending before the Senate? The PRESIDENT pro tempore. The introduction of bills and joint resolutions is still in order.

#### CHINESE EXCLUSION.

Mr. ELKINS submitted two amendments intended to be proposed by him to the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent; which were ordered to lie on the table, and be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCOMAS submitted an amendment proposing to increase the salary of the chief clerk of the United States Geological Survey from \$2,250 to \$2,500 and the salary of the chief disbursing clerk in the same office from \$2,400 to \$2,500, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURNER submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations:

An amendment proposing to appropriate \$3,200 for completing light-house and fog signal at Browns Point, State of Washington;

An amendment proposing to appropriate \$6,000 for the construction of a fog signal at Battery Point, Puget Sound, opposite the city of Seattle, State of Washington;

An amendment proposing to appropriate \$22,000 for the constructing of light-house and fog signal at Mukilteo Point, near Everett Harbor, State of Washington; and

An amendment proposing to appropriate \$15,000 for constructing a light-house and fog signal on Burrows Island, Rosario Strait, State of Washington.

Mr. TURNER submitted an amendment proposing to appropriate \$840 to pay the heirs or legal representatives of Charles P. Culver, husband of the late Mrs. Catherine P. Culver, for the translation from German of House Miscellaneous Document No. 8, Forty-fifth Congress, third session, intended to be proposed by

him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MITCHELL submitted an amendment to ratify and confirm an agreement made and entered into on the 17th of June, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians, belonging to the Klamath Agency, in the State of Oregon, and proposing an appropriation of \$537,007.20 to carry the same into effect, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$50,000 for improving the Allegheny River near Natrona, Pa., and also proposing to appropriate \$268,584 to enable the Secretary of War to enter into contracts for such material and work as may be necessary for the completion of said project, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### TESTIMONY BEFORE COMMITTEE ON THE PHILIPPINES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That in addition to the copies of the testimony taken before the Committee on the Philippine Islands, printed for the use of the committee from day to day, 1,682 copies be printed for the use of the Senate.

Mr. LODGE subsequently said: At the instance of my colleague this morning a resolution was passed authorizing the printing of 1,682 copies of the hearings before the Committee on the Philippines for the use of the document room in addition to those which the committee has had printed for itself. The resolution was passed, but it was so worded that the Printing Office construe it as covering only the hearings from the time of its passage. I understand what my colleague desired was that all the hearings from the beginning should be printed, and I therefore send to the desk the hearings from the beginning and ask that a similar number of copies of those may be printed for the use of the document room so as to make a complete file in the document room.

There being no objection, the order was reduced to writing and agreed to, as follows:

*Ordered*, That 1,682 additional copies of the testimony already taken before the Committee on the Philippine Islands, and also the testimony taken from day to day, be printed for the use of the Senate.

#### INTERSTATE COMMERCE COMMITTEE.

Mr. ELKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Interstate Commerce Committee be authorized to print such hearings upon bills and resolutions referred to it as may be necessary.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 176) to provide for the extension of the charters of national banks; and

A bill (H. R. 184) to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.

#### PUBLIC BUILDING AT FLINT, MICH.

Mr. McMILLAN. I ask unanimous consent to call up the bill (S. 3898) providing for the erection of a public building at Flint, Mich. It is a local matter and will take but a moment.

Mr. HALE. Unless the Senator from Illinois, in charge of the Post-Office appropriation bill, is ready to go on—

Mr. MASON. I am ready, I will state to the Senator from Maine, as soon as I can obtain the floor. If the Senator from Michigan will yield to me I will be very much obliged to him, as I should like to go on with the Post-Office appropriation bill.

Mr. HALE. I was going to give notice that after this bill is disposed of I would insist either upon the Calendar in order or the appropriation bill.

Mr. McMILLAN. It will take but a moment to dispose of this bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Flint and State of Michigan, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$50,000.



Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Flint, in the State of Michigan."

#### CHINESE EXCLUSION.

Mr. LODGE. Mr. President, I should like to give notice that on Saturday, immediately after the routine morning business, I shall ask the indulgence of the Senate to speak briefly upon the pending Chinese-exclusion bill.

#### POST-OFFICE APPROPRIATION BILL.

Mr. MASON. I move that the Senate proceed to the consideration of the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. MASON. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered. The bill will be read.

The Secretary proceeded to read the bill. The first amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Postmaster-General," on page 1, after line 10, to insert:

For printing, binding, and wrapping 10,000 copies of the revised edition of the Postal Laws and Regulations, in addition to the 100,000 copies provided for by the act of June 13, 1898, 5,000 of which shall be retained by the Public Printer for sale to individuals at the cost thereof and 10 per cent added, the proceeds of such sales to be deposited in the Treasury, as provided for by law; and for printing, binding, and wrapping 1,000 copies of the digest of decisions prepared in connection therewith; for which entire edition so much of the amounts appropriated therefor by the acts of June 13, 1898, June 2, 1900, and March 3, 1901, as shall be necessary is hereby made available: *Provided,* That the aggregate expenditure for said publications shall not exceed \$55,000.

The amendment was agreed to.

The next amendment was, on page 15, line 4, to increase the number of special agents in charge of divisions of the rural free-delivery service from seven to ten; in line 5, to increase the appropriation for the salary of the agents from \$2,400 to \$2,500 each; and in the same line, to increase the appropriation for compensation of special agents in charge of the divisions of the rural free-delivery service from \$16,800 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 15, line 7, after the word "headquarters," to strike out "Six" and insert "Three clerks, at \$1,400 each; 10;" in line 9, after the word "each," to strike out "6 clerks, at \$1,100 each; 6," and insert "10;" and in line 11, before the word "clerks," to strike "6" and insert "13;" so as to make the clause read:

For compensation to clerks at division headquarters: Three clerks, at \$1,400 each; 10 clerks, at \$1,200 each; 10 clerks, at \$1,000 each; 13 clerks, at \$900; and 3 laborers, at \$700 each, \$27,900.

Mr. MASON. In order to have the total amount of the appropriation in that paragraph correspond with the amendment just adopted, on page 15, in line 12, I move to strike out "\$27,300" and insert "\$40,000."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 15, line 14, before the word "special," to strike out "fifteen" and insert "thirty;" in line 16, before the word "special," to strike out "15 special agents, at \$1,500 each; 15" and insert "thirty," and in line 19, before the word "thousand," to strike out "and 15 special agents, at \$1,300 each, 87," and insert "ninety;" so as to make the clause read:

For compensation to 30 special agents, at \$1,600 each; 30 special agents, at \$1,400 each, \$90,000.

The amendment was agreed to.

The next amendment was, on page 16, line 1, before the word "route," to strike out "seventy-one" and insert "seventy-five;" in line 3, before the word "route," to strike out "four" and insert "ten;" in line 4, before the word "thousand," to strike out "eighty-eight" and insert "ninety-nine," and in the same line, before the word "dollars," to strike out "eight hundred;" so as to make the clause read:

For compensation to 75 route inspectors, at \$1,200 each, and ten route inspectors, at \$900 each, \$99,000.

The amendment was agreed to.

The next amendment was, on page 16, line 5, before the word "route," to strike out "seventy-five" and insert "eighty-five;" and in line 10, before the word "thousand," to strike out "sixty-seven" and insert "seventy-six;" so as to make the clause read:

For per diem allowance for 85 route inspectors of the rural free-delivery service, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed \$3 per day, and for other necessary official expenses, \$76,500.

The amendment was agreed to.

The next amendment was, on page 16, line 19, to increase the total appropriation for rural free-delivery service from \$7,529,400 to \$7,572,500.

The amendment was agreed to.

The next amendment was, on page 17, line 2, before the word "hundred," to strike out "four" and insert "five;" so as to make the clause read:

Special agents in charge of divisions at not exceeding \$2,500 per annum.

The amendment was agreed to.

The next amendment was, on page 17, line 3, before the word "classes," to strike out "four" and insert "two;" in the same line, after the word "graded," to strike out "in even hundreds of dollars" and insert "as follows;" in line 4, after the word "at," to strike out "one thousand three hundred," and in line 5, after the word "hundred," to strike out "one thousand five hundred;" so as to make the clause read:

Special agents, two classes, graded as follows, at \$1,400 and not exceeding \$1,600 per annum.

The amendment was agreed to.

The next amendment was, on page 17, line 11, after the word "graded," to strike out "in even hundreds of dollars," and insert "as follows;" in line 13, before the word "hundred," to strike out "one" and insert "two;" and in the same line, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Clerks, four classes, graded as follows, at \$900, \$1,000, \$1,200, and not exceeding \$1,400 per annum.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

Whoever shall hereafter willfully or maliciously injure, tear down, or destroy any letter box or other receptacle established by order of the Postmaster-General or approved or designated by him for the receipt or delivery of mail matter on any rural free-delivery route, or shall break open the same, or willfully or maliciously injure, deface, or destroy any mail matter deposited therein, or shall willfully take or steal such matter from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not more than three years.

The amendment was agreed to.

The next amendment was, on page 18, after line 15, to insert:

That hereafter special agents, route inspectors, and examining inspectors in the rural free-delivery service shall be authorized and empowered to administer oaths to carriers and other persons employed in said service or in connection with any business relating to the same.

The amendment was agreed to.

The next amendment was, on page 18, after line 20, to insert:

That hereafter, in addition to the officers now authorized to administer oaths in such cases, rural letter carriers of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of pension vouchers with like effect and force as officers having a seal; and such carriers shall affix their respective post or cancellation stamps to their signatures to such vouchers in authentication thereof; and are authorized to charge and receive in compensation for administering such oaths not exceeding 25 cents for each voucher, to be paid by the pensioner.

Mr. PROCTOR. I inquire of the Chair if we are acting on the committee amendments as they are read?

The PRESIDENT pro tempore. Yes, sir.

Mr. PROCTOR. I am a member of the committee, but, unfortunately, was not present when the amendment which has just been stated was considered by the committee, and I should like to hear from the chairman some explanation as to the necessity of authorizing letter carriers to administer oaths in pension cases. Are not the present facilities for that purpose sufficient?

Mr. MASON. The amendment was suggested by the Post-Office Department, as was the amendment to protect the rural free-delivery letter boxes, so as to surround them with the same protection of law that now surrounds other letter boxes. So also the amendment to permit rural free-delivery carriers to administer oaths in pension cases has been recommended by the Department.

The fourth-class postmasters have heretofore taken affidavits and certified to the application papers of soldiers seeking pensions. There has been complaint to the Department that the abolishment of the fourth-class offices destroys the right of the postmaster to take acknowledgments of affidavits, and therefore the Department recommends the adoption of this amendment, which will allow rural free-delivery carriers to have the same powers of administering oaths in pension cases as the fourth-class postmasters formerly had.

We have deprived the rural neighborhoods of fourth-class postmasters, and the pensioner will be obliged, therefore, in many cases to go to the county seat and travel some distance, when heretofore he took his affidavit before the postmaster. The proposition now is to simply allow the carrier to take the place of the postmaster. There can be no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, on page 19, line 25, before the word "service" to insert "and registry;" so as to make the clause read:

For printing facing slips and cutting same, card slide labels, blanks and books of an urgent nature, and manifold books for the postal and registry service, \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

For the payment to James Graham, for carrying daily mail from Altamont to Aspen, on the old line of the Union Pacific Railroad, \$49.60.

The amendment was agreed to.

The next amendment was, on page 21, after line 3, to insert:

For the payment of post-office order No. 11106, issued at Lander, Wyo., drawn upon the post-office at Evanston, Wyo., August 13, 1889, and which has never been paid, and which under ruling of the Auditor, can not be paid through the Post-Office Department, \$9.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 21, after line 24, to insert:

For the transmission of mail by pneumatic tubes or other similar devices, \$500,000, or so much thereof as may be necessary; and the Postmaster-General is hereby authorized to enter into contracts for a period not exceeding four years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. That the contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts, except as herein otherwise provided, and that no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster-General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster-General the needs of the postal service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

That the Postmaster-General shall have the right to reject any and all bids; that no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster-General, of his ability to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

That no contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of 4 per cent of the gross postal revenue of said city for the last preceding fiscal year.

That no contract shall be made in any city providing for 3 miles or more of double lines of tube which shall involve an expenditure in excess of \$17,000 per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

That the Postmaster-General shall not, prior to June 30, 1904, enter into contracts under the provisions of this act involving an annual expenditure in the aggregate in excess of \$800,000; and thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the postal service; and all provisions of law contrary to those herein contained are repealed.

The amendment was agreed to.

The next amendment was, on page 25, line 23, after the word "duty," to insert:

And to enable the Postmaster-General to pay the sum of \$1,000 to the legal representatives of any railway postal clerk who shall be killed while on duty

or who, being injured while on duty, shall die within thirty days thereafter as the result of such injury.

So as to make the clause read:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of \$1,000 to the legal representatives of any railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within thirty days thereafter as the result of such injury, \$45,000.

The amendment was agreed to.

The next amendment was, on page 27, line 8, before the word "New Orleans," to strike out "and;" and in the same line, after the word "New Orleans," to insert "and from Washington to Jacksonville, Fla.;" so as to make the clause read:

For necessary and special facilities on trunk lines from Washington to Atlanta, New Orleans, and from Washington to Jacksonville, Fla., \$142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MASON. On behalf of the committee, I move to amend the amendment which has just been stated, by restoring the word "and," in line 8, after the name "Atlanta;" so as to read:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, and from Washington to Jacksonville, Fla.

Mr. CLAY. I ask that the amendment may be read from the desk as it will stand if amended.

The SECRETARY. As proposed to be amended the clause will read:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, and from Washington to Jacksonville, Fla., \$142,728.75.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Third Assistant Postmaster-General," on page 29, line 5, after the word "dollars," to insert the following proviso:

*Provided*, That hereafter, when in the opinion of the Postmaster-General the interests of the Post-Office Department require it, the manufacturing of special-delivery and adhesive postage stamps may be done by the Treasury Department (Bureau of Engraving and Printing), in conformity with an agreement satisfactory to both the Postmaster-General and the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster-General," on page 31, line 4, before the word "thousand," to insert "and seven;" and in line 15, after the word "criminals," to insert:

And the further sum of \$7,000, or so much thereof as may be necessary, to enable the Postmaster-General to employ two inspectors, to be selected and appointed by himself, for service as expert accountants and actuaries in the office of the Assistant Attorney-General in the investigation and examination of bond-investment, tontine, and other companies of a similar character offering for sale bonds, certificates, or other securities on installment payments, and for the performance of such other duties pertaining to that office as may be assigned them.

So as to make the clause read:

For mail deprecations and post-office inspectors, including salaries of 15 inspectors in charge of divisions at \$2,500 per annum without per diem, and 6 inspectors at \$2,400 without per diem, and 15 inspectors at \$2,250 per annum without per diem, and 15 inspectors at \$2,000 per annum without per diem, and for salaries of post-office inspectors and clerks; and for per diem allowance of inspectors in the field while actually traveling on business for the Department, \$907,000: *Provided*, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on duty away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That of the amount herein appropriated not to exceed \$2,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals; and the further sum of \$7,000, or so much thereof as may be necessary, to enable the Postmaster-General to employ two inspectors, to be selected and appointed by himself, for service as expert accountants and actuaries in the office of the Assistant Attorney-General in the investigation and examination of bond-investment, tontine, and other companies of a similar character offering for sale bonds, certificates, or other securities on installment payments, and for the performance of such other duties pertaining to that office as may be assigned them.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. MASON. I desire, on page 26, line 2, to strike out the words "thirty days" and insert the words "one year." This is an amendment which we have put into the bill allowing the payment of \$1,000 in case a mail messenger is killed, and it provides that it shall be paid if he die within thirty days. I desire to amend it so as to make it read if he die within one year as the result of the injury.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 26, line 2, it is proposed to strike out the words "thirty days" and insert "one year;" so as to read:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of \$1,000 to the legal representatives of any railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, \$45,000.



The amendment was agreed to.

Mr. STEWART. I ask leave to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment which will be stated.

The SECRETARY. On page 21, after line 10, it is proposed to insert:

That the Secretary of the Treasury is hereby authorized and directed to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 30003 and 149003 during the period between July 1, 1878, and February 21, 1892, both inclusive, in which he shall credit said company with nonland-grant rates over that portion of its route between New Orleans and Morgan City, La., in accordance with the decision of the Court of Claims in case No. 15877, and shall pay to said company, out of any money in the Treasury not otherwise appropriated, such sum as shall remain due upon such adjustment.

Mr. STEWART. Mr. President, let me explain the amendment in a word.

The facts are that by the act of June 3, 1856 (11 Stat., 18), certain lands were proposed to be granted to the State for the purpose of aiding in the construction of such a road, provided that the road was built within ten years. The road was not built within the time, and Congress, by the act of July 14, 1870 (16 Stat., 277), forfeited the grant, and no lands were ever received by the company.

The company brought suit in the Court of Claims for the difference, and upon a full hearing the court held that the company was not a land-grant road and was entitled to the statutory rates for transportation of the mail, and rendered judgment in favor of the company for the period within six years prior to bringing the suit, but was without jurisdiction to render judgment for any period prior thereto.

The amendment authorizes the Secretary of the Treasury to audit the account for the period of time that the company was paid land-grant rates that the court decided it was entitled to the full statutory rates, and which was barred from its jurisdiction.

The amendment is in the form recommended by the Second Assistant Postmaster-General under date of February 2, 1899.

Mr. LODGE. I think very probably this is a meritorious claim, but it is an amendment obnoxious to the point of order, and I make the point of order that it is a private claim.

Mr. STEWART. Is there no way to get a claim of this kind paid?

Mr. LODGE. The regular way, I should think, would be through a claim bill. It is certainly not in order on an appropriation bill if the point of order is made against it.

The PRESIDENT pro tempore. Does the Senator from Massachusetts make the point of order?

Mr. LODGE. I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. TILLMAN. I send to the desk an amendment which I wish to have inserted on page 18, between lines 2 and 3, as a separate paragraph.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. After line 2, on page 18, it is proposed to insert: That the Postmaster-General be, and he is hereby, directed to buy, after due advertisement, metal lock boxes of uniform size for the use of the patrons of the rural free-delivery service, at a cost not exceeding 50 cents for each box, and to furnish said boxes to the patrons of the service at cost.

Mr. LODGE. My attention was withdrawn for a moment while the amendment was being read. I would be obliged if it could be read again.

The Secretary again read the amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. TILLMAN. I should like to explain it a little in order to get something in the RECORD that will assist the conferees on the part of the Senate in convincing the House conferees that this matter ought to be left in the bill, because a similar amendment was offered in the other House and voted down, and there certainly will be a fight on it. But if the chairman of the committee, with the material which I have here, will agree to make the best fight he knows how—and he, I know, can put up a good one—and will let the matter come to the Senate for final adjudication before a conference report is rushed in here and pushed through, I will not obtrude myself on the Senate. I have a very strong statement to make; but I do not wish to obtrude myself on the Senate if the Senate is willing to let the amendment go in and the conferees will do the best they can to retain it.

Mr. MASON. Mr. President, the amendment meets my most hearty approval. There is no doubt that under the present plan there is very great complaint among the farmers that they are limited to the purchase of certain boxes. I think the Department has limited the farmers to 14 different boxes. I think there ought to be uniformity, and I think there ought to be a metal box, and I believe the amendment is in the interest of the service, and I make no objection to it.

Mr. TILLMAN. In addition to that, if the Senator will pardon me, I wish to call attention to the fact that in the cities and in every town where rural free delivery obtains, or even where it does not, metal boxes are furnished for the convenience of the patrons of the post-office where the mail is deposited, collected, and carried to certain distributing points, whereas the farmers out in the country under the present regulations are debarred.

Mr. MASON. No; the Senator is wrong about that.

Mr. TILLMAN. I mean the Government pays for the boxes in the cities, whereas this amendment simply asks that the Government shall furnish the boxes to the farmers at cost.

Mr. MASON. The Senator is about 50 per cent right, as usual.

Mr. TILLMAN. I am very glad the Senator from Illinois agrees to that much. I appear to have not been 99 per cent right lately, in the opinion of some Senators.

Mr. MASON. The Senator means to be right always. In the cities the Department does not furnish boxes for the recipients of the mail in which to receive their mail.

Mr. TILLMAN. I am not speaking about the individual. I am speaking about the boxes all over the city, on every lamp-post, so that you can step out and mail a letter anywhere, and the Post-Office Department buys them and furnishes them for the convenience of the patrons.

Mr. MASON. They do not put boxes in front of every man's door.

Mr. TILLMAN. I am not speaking of that. The carrier carries the mail to the door and delivers it into the hand of the recipient.

Mr. MASON. There really is no objection to this amendment.

The PRESIDENT pro tempore. It has been agreed to.

Mr. MASON. I want to say that I do not, however, undertake to guarantee what the conferees will do.

Mr. TILLMAN. I do not ask the Senator to guarantee that he will bulldoze the House. I know he can not do that—

Mr. BACON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Georgia will state his point of order.

Mr. BACON. I think the Senators are each violating the rule of the Senate which requires that the Chair shall be addressed and that the permission of the Chair shall be had before proceeding.

The PRESIDENT pro tempore. The Chair sometimes thinks he ought to call to the presiding officer's place the Senator from Alabama [Mr. PETTUS].

Mr. TILLMAN. If I may be permitted to put in a little observation on the rules of order, if the Chair or the Senator from Georgia or other Senators here will see that the rule is never broken I have no objection to its being applied to me, but I give him and you and every other man notice that I shall have no special Tillman rule here.

Mr. BACON. The Senator has no right to assume that there is any such purpose, but we have rules, and I think they ought to be observed. I would not have made the point of order, but at that particular time there was a very wide departure from the rule. I think we ought to proceed in order, and I do not think the Senator from South Carolina needs any assurance from me, so far as I personally am concerned, that there is no disposition on my part to apply any rule to him that is not applied to every other Senator. But I do think that every Senator will recognize the fact that at the time I made the point of order it was proper to call the attention of the Senate to the fact not simply that there was a slight departure from the rule, but that there was a very wide departure from it; and I think the Senator from South Carolina will recognize the fact.

Mr. TILLMAN. The Senator from South Carolina is ready to make all proper acknowledgment of his shortcoming, and if the Senator from Georgia will constitute himself a censor to call every Senator to order who breaks the rule which was just broken by the Senator from Illinois and myself I shall not object. I shall be glad to have the Senate screw up its rules a little tighter than they are. What I do object to is having the appearance of selecting me to bear the burden of this dereliction alone, and I will not do it.

Mr. BACON. Mr. President, I did not call anybody to order. I made the point of order to the Chair, and I included the Senator from South Carolina and the Senator from Illinois.

Mr. TILLMAN. Did the Senator from Georgia, if I may be permitted to say a word, include the Chair in his point of order, that the Chair himself was not carrying out the rules of the Senate?

Mr. BACON. I think the Senator is now violating the rule. I was addressing the Chair, and I was simply replying to the Senator. I did not call him to order, nor did I call the Senator from Illinois to order. I simply made the point that the Senators were not proceeding in order. I addressed myself to the Chair, as it was proper that I should do, and I did not call anybody to order.

Mr. MASON. I call for the regular order.  
The PRESIDENT pro tempore. Are there further amendments?

Mr. TILLMAN. In order that my friend the chairman of the Post-Office Committee may have the documents I have here, which may be of some assistance in convincing the members of the House of the necessity for this amendment as well as to let Senators see the foundation for this amendment, I ask to have printed in the RECORD certain correspondence which I have had with the Post-Office Department and certain private letters to me from a gentleman in New York, and an extract from a Lockport (N. Y.) paper calling attention to the burdens and wrongs of which a citizen of that State complains in regard to the rural free delivery and the regulations of the Post-Office Department in regard to the rural free-delivery service.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the papers will be inserted in the RECORD.

Mr. TILLMAN. The first is a letter from Mr. James L. Barnes, making complaint against the present system. The second is a letter from the same gentleman, inclosing an official notice, which sets forth the practice of the Department and the cause of his grievance. Then there is a newspaper clipping from the Daily Review, of Lockport, N. Y., setting forth fully the case of Mr. Barnes, which is only one of a type. Then there are three letters to me from the Post-Office Department in regard to this matter in answer to letters I wrote, which are given for the purpose of making everything clearly understood.

The papers referred to are as follows:

RANSOMVILLE, N. Y., January 27, 1902.

Senator TILLMAN.

DEAR SIR: The inclosed card will inform you of my object in addressing you.

Our post-offices have been discontinued and mail is left at the post-office in Lockport, 10 miles distant, although the rural carrier goes by daily and convenient boxes for the reception of said mail have been provided, boxes which comply in every respect with the inclosed order except that they were not bought of the 14 manufacturers who seem to have been taken under the especial patronage of the Post-Office Department. Will you kindly give this matter your attention, and in the meantime please send to me the act of Congress and the so-called postal laws or rulings in relation to the same. My contention is that the Post-Office Department is exercising legislative powers which even the law-making power has no control over under the Constitution. You are at liberty to make this public, and sworn statements in substantiation can be furnished. Please act.

Yours, truly,

JAMES L. BARNES.

(Care of C. Sanger, Ransomville, Niagara County, N. Y.)

RANSOMVILLE, N. Y., January 27, 1902.

Senator TILLMAN:

I wrote you to-day and intended to inclose a copy of a card which has been served on people here by an inspector, so called, of the Post-Office Department. The card, which I omitted to inclose, will be found herewith. Men who had storm-proof boxes erected have been obliged, under threats of withdrawal of their mail service, to put up one of the boxes advertised on the reverse side of this card, which have been at times quite full of snow. You observe the weather-proof clause

Yours, truly,

JAMES L. BARNES.

(Care of C. Sanger, Ransomville, Niagara County, N. Y.)

[Post-Office Department. Official card. Rural free-delivery service.]

Mr.

Route No., \_\_\_\_\_  
\_\_\_\_\_ post-office, \_\_\_\_\_ State.

SIR: Patrons of rural free-delivery routes are required to provide letter boxes approved by the Post-Office Department, so located near the highway that the carrier can reach them to deposit and collect mail without dismounting from his conveyance.

Rural carriers are not required to deliver mail to houses not immediately on their routes, except in case of registered mail, pension letters, and special-delivery letters.

The mail box put up by you is not secure, not weatherproof.

Within thirty days from this date you must supply one of the approved boxes enumerated on the reverse side of this card or your service will be withdrawn.

By order of the First Assistant Postmaster-General:

Date, \_\_\_\_\_

Route Inspector.

Report delinquencies of carriers to General Superintendent Free-Delivery System, Post-Office Department, Washington, D. C.

The commission appointed by the Postmaster-General in February, 1901, for the purpose of examining rural free-delivery boxes, recommended 14, enumerated hereon:

(1) Postal Improvement Company box, of Norristown, Pa. (Enlarged size with side opening.) Delivered at post-offices in bulk, freight paid, \$1.80. Steel post additional, 60 cents.

(2) Bates Hawley postal signal mail box, of Joliet, Ill., and San Jose, Cal. Scale of prices graduated according to size and material, from \$2.25 up to \$3.50 retail; \$1.95 to \$3 wholesale. Posts, extra, 75 cents retail; 60 cents wholesale. (Size enlarged, and with side opening.)

(3) A. L. Henry, American Metal Company, Indianapolis, Ind. Double compartment box with receiving and delivery apparatus complete, \$3. Without receiving and delivery apparatus, \$2.35. Single compartment box with receiving apparatus, \$1.50. Without receiving apparatus, \$1.

(4) Century Post Company, Adrian, Mich. With brackets to fasten to post, \$1.75; with post complete, \$2.50.

(5) Bond Steel Post Company, Adrian, Mich. With lock and without post, \$2.50; with post, \$3.

(6) The Century Rural Mail-Box Company, Detroit, Mich. With quick-operating lock, \$1.75; galvanized-iron post and cap, additional, 25 cents.

(7) Corbin Cabinet Lock Company, New Britain, Conn. To patrons direct, \$2.

(8) C. G. Folsom box, South Bend, Ind. (New style, enlarged to regulation size and with side opening) about \$1; lock extra.

(9) P. B. Englar box, Taneytown, Md. Without lock, \$1; lock extra.

(10) The John H. Forney (Enterprise) box, Burlington, Iowa, \$1.25.

(11) Kelly Foundry Machine Company box, Goshen, Ind., \$1.25.

(12) W. W. Sweigart, Yorkroad, Md. Box without lock, \$1; lock to be added at cost.

(13) Beaver Manufacturing Company, Beaver, Pa. Box, \$2; posts and bolts, additional, 50 cents.

(14) George E. Wirt box, Greensburg, Ind., \$2.50.

#### THE HISTORY OF A CRIME.

Perhaps the writer may be accused of egotism for placing at the head of this article the title which Victor Hugo immortalized in his description of the events which took place during the overthrow of popular government in France, but a careful reading of what is taking place in so-called "Free America," as set forth below, will not only excuse the writer, but justify him, although this writing were entitled the "Crime of a Century."

On the 15th of November, 1901, the so-called "rural free delivery" was, by the aid of 14 inspectors, instituted throughout Niagara County, thereby doing away with three post-offices between Lockport and Ransomville. The North Ridge office, one of those discontinued, was situated nearly 10 miles from Lockport and about 4 miles from Ransomville. This was my office of address.

On the 14th of November, 1901, I erected a box for the reception of mail, and received mail in such box till January 24, 1902. Both carriers, regular and alternate, have stated that the box provided is convenient and satisfactory to them. In the meantime, to determine whether the box which satisfied the parties in interest would be acceptable to the postal authorities, the Department was appealed to, and a curt reply was received, saying that unless some other safe and weatherproof box was erected or contracted for prior to May 1, 1901—the patrons of the rural free delivery were required to erect a box from a list of 14 on an inclosed card—or after thirty days' notice, their mail service would be withdrawn.

Believing such action arbitrary, unlawful, and unjust, I sent an article to the Niagara Sun, of Lockport, asking that the law in relation to the matter be published. The reply to this request (see Niagara Sun of January 7, 1902) was in effect that it was "by direction of the Postmaster-General," and no law on which such "direction" was founded was quoted, although the power to prescribe regulations is distinctly limited by law. (See Postal Laws and Regulations, page 10.)

I received notice December 23, 1901, to purchase one of the 14 boxes, or my service would be withdrawn. Firmly believing that through some mistake the people's rights being invaded, I wrote to the Postmaster-General asking for the act of Congress and the departmental regulations in regard to the subject. The reply contained rules and regulations concerning the institution of rural free-delivery routes, and also a blank petition, to be signed by heads of families who desired the service, by which the signers agree "to erect for the reception of our mail boxes which have been approved by the Department." In the Ohio Farmer of January 13, 1902, may be found a statement of Mr. Machen, the superintendent of free delivery, which says, "Rural delivery is in every case established upon petition of the people." Please remember this point.

On the 24th of January, 1902, I received no mail; on the following day I served a notice on the carrier directing him to receive my mail from the postmaster and deposit it in the box erected by me, and releasing him from all further liability after such deposit, except in regard to registered matter. On the same day I caused a notice to be served on the postmaster in Lockport directing him to deliver mail addressed to me to the proper carrier, and exonerating him from all further liability after such action.

No attention was paid to my request for delivery, and I went to Lockport on February 11, 1902, and after presenting my information to the proper United States authority, was told that time would be required in such a serious case, for consultation with higher authority, but that the postmaster would be seen, and that I should receive a letter in regard to the matter on the following Tuesday. On Monday, February 10, 1902, a letter addressed to me was advertised (see Niagara County Journal of February 14), and on Saturday, February 15, I received a special delivery letter by the mail carrier.

On Tuesday, the day specified, I did not receive the promised letter, and on the following day, February 19, I went to Lockport, and was told that the authorities, on my sworn information, would grant me no redress.

Under the advice of the best legal talent in Lockport I consulted eminent authority in Buffalo, and was informed, practically, that "on the oppressor's side was power," although the ruling under which the Department is acting was made on August 1, 1901, to take effect May 1, 1901, and Congress, which has the lawmaking power, has no right to enact an ex post facto law. The term "anarchist," it would seem from this, does not invariably attach to an ignorant, misguided individual of low foreign birth.

Let me recapitulate and refer the reader to the Postal Laws and Regulations, which before have been considered authority, but which have, alas, no bearing at present, when a new ruling, under no law, is put forth, which holds the people while monopoly plunders them.

First, in regard to discontinued offices, page 223, "Matter addressed to a discontinued office may be delivered from the nearest office thereto."

There are three offices nearer to me than the Lockport office, where my mail is detained, the Ransomville office being nearest.

Directions for delivering, page 233, "The delivery in each case should be to the person addressed, or according to his order." The order for the delivery of my mail was in the postmaster's hands.

What to be advertised, page 232, "All unclaimed matter of the first class." Was my mail matter unclaimed?

Dead matter, page 235, "Unclaimed; that which is not called for and can not be delivered." The carrier is supposed to pass my house every day.

What rights have special-delivery letters over ordinary prepaid letters except that effort must be made to deliver them speedily? In other words, if a letter is nondeliverable, will a special stamp cause its delivery?

If a postmaster sends mail by an unauthorized individual, he may be punished. Should he not be held to a stricter account for refusing mail to a person armed with the proper authority to receive such mail?

The Department, in forcing people to deal with certain manufacturers, is exercising a power never delegated to the General Government by the State of New York or the people.

Diligent inquiry establishes the fact that no petition was ever signed or circulated to establish rural free delivery on route No. 1 in the county of Niagara, and there seems to be an utter lack of system and judgment in the matter. For instance, mail is delivered to one person who has no box and withheld from another in like case. One homemade box erected last fall is "all right," while another equally good is rejected.

The mail of a minister of the gospel, who has a perfectly weather-proof



box, is withheld, and yet mail is delivered at the country hotel, where there is no box, and an interesting question presents itself, if a person who had been forced to buy one of the regulation boxes should have mail destroyed in said box because of the lack of the qualities supposed to be guaranteed, who would be responsible?

The vital principle at stake is this: Had the Department engaged in the manufacture of boxes and sold them at a certain fixed price, the same as postage stamps are sold, the Government receiving the increment, no particular objection could have been made; but when the Department enters into active partnership with private concerns the people can hardly fail to believe that they are being exploited for private benefit. The appearance of evil should be avoided, and a semblance of equal rights be made to appear by compelling the people of the different cities to purchase and erect boxes manufactured by the beloved 14 firms.

There is no doubt that after the peasants have been subdued the conquest of the burghers will be attempted; but perhaps the Department is wise not to create too much discontent even in this monopoly-ridden but long-suffering land. To those who believe in the ultimate triumph of truth and justice, there is hope even in defeat, and there are sometimes victories which end in shame and humiliation. Let us remember that—

"'Tis better to have fought and lost  
Than never to have fought at all."

And also—

"For freedom's battle, once begun,  
Though baffled off, is ever won."

JAMES L. BARNES, *North Ridge.*

UNITED STATES SENATE,  
Washington, D. C., January 29, 1902.

SIR: Complaint has come to me in regard to the action of the postal authorities in requiring farmers and others along rural free-delivery routes to buy a certain type or style of box in which mail will be deposited. This is a very heavy expense, involving millions of dollars, and if the Post-Office Department has authority to make the requirement, I would be glad for you to point me to the section in the law which authorizes it. Also inform me whether there is any such regulation in force, because those who have boxes to sell may be acting of their own volition.

A prompt reply with full information will very much oblige me, as I do not care to do the Department an injustice or to agitate the matter in the Senate without full information.

Please return the card I sent you.

Yours, truly,

Hon. WM. M. JOHNSON,  
First Assistant Postmaster-General, Washington, D. C.

B. R. TILLMAN.

POST-OFFICE DEPARTMENT,  
FIRST ASSISTANT POSTMASTER-GENERAL,  
Washington, February 5, 1902.

MY DEAR SIR: Owing to absence from the city for a few days I have not had an earlier opportunity of answering your letter of January 29 relative to rural free-delivery boxes.

In reply thereto I beg leave to say that the regulation requiring persons who desire to have their mail delivered to use one of the boxes specified by the Department was found to be necessary in order to secure the most efficient service. One of the questions which received serious consideration in the preliminary stages of rural free delivery was the character of the boxes which should be required to be put up by the patrons of the service. Previous to any requirement, all kinds of boxes, some of them of the crudest and most flimsy character, were used for the purpose, in which the mail deposited was utterly insecure and which were subject to wanton or malicious molestation. In order to throw some kind of protection over these boxes, the Department held that rural boxes could be included under the provisions of section 5483, United States Revised Statutes, which provides penalties for "any person who shall willfully or maliciously injure, deface, or destroy any mail matter deposited in any letter box, pillar box, or other receptacle established by authority of the Postmaster-General."

In order to insure this protection the Postmaster-General authorized the use of certain boxes which it was deemed would have the protection of the law. In making this selection notice was published inviting inventors and makers of boxes to submit the same for the consideration of the Department, and a special committee was organized for the purpose of passing on the qualities of the boxes submitted. Some 63 boxes in all were submitted. This committee rejected all such as did not seem to have the requisite qualities of security, stability, and simplicity, and selected 14 boxes, being all of those which had these qualities. These are the boxes specified on the list which you sent me (which is herewith returned), and were approved by order of the Postmaster-General something like a year ago. In order to have a certain degree of uniformity and to secure protection to the mail, it was ruled that those desiring to have the benefit of the rural delivery must secure one of those boxes, which must be placed along the road so that it can be reached by the carrier without dismounting. Of course any person who does not feel that he ought to procure a box may have his mail retained at the post-office and may call for it as heretofore, but to enjoy the benefits of the rural service he is compelled to comply with this requirement.

As to the authority of the Postmaster-General to make the order in question, in addition to the law quoted above, I think it may be fully sustained by the act of Congress appropriating money for the rural service by which the Postmaster-General was entrusted with all the details of building up and managing the system. Congress confided to the discretion of the Department the determination of the means by which this delivery should be inaugurated and carried on. The language in which the appropriation was made was construed to evince the wish of Congress that the Postmaster-General should use the widest discretion in the choice of agents and methods in testing the practicability of rural deliveries. As the conditions were entirely novel, the difficulties unknown, and the methods of administration without precedent, definite legislation was practically impossible. The renewal of the experimental appropriations for this service from year to year, without any limitation upon or direction to the Department, indicated that the Department had correctly interpreted the intent of Congress, which was to afford the widest scope for testing the feasibility and value of the service and develop the best methods for its initiation and management. The actual legislation on the subject is very meager, but through departmental rules and regulations we have built up an administrative system by which the rural-delivery service has been successfully established.

The Department has no wish to impose any undue burden upon the people and is of the opinion that nothing unreasonable has been asked in the way of requiring boxes.

Trusting that this explanation will be satisfactory, I remain, with very great respect,

Yours, sincerely,

W. M. JOHNSON,  
First Assistant Postmaster-General.

Hon. B. R. TILLMAN, *United States Senate.*

UNITED STATES SENATE,  
Washington, D. C., February 6, 1902.

DEAR SIR: I have your letter of February 5. There is one point I beg to suggest for your consideration and answer, to wit: You say in order to have a certain degree of uniformity and to secure protection to the mail it was ruled that those desiring to have the benefit of the rural delivery must secure one of these boxes which must be placed along the road so it can be reached by the carrier without dismounting. Of course any person who does not feel that he ought to procure a box may have his mail retained at the post-office, and may call for it as heretofore, but to enjoy the benefits of the rural service he is compelled to comply with this requirement.

Now, then, where post-offices have been discontinued, as they have in many instances, rural free delivery being considered a sufficient substitute, how can persons unable or unwilling to supply these boxes obtain their mail? Must they go to the office where the rural free-delivery route starts, possibly 10 miles away?

Your answer to this as promptly as you have the other will oblige.

Yours, respectfully,

B. R. TILLMAN.

Hon. WILLIAM M. JOHNSON,  
First Assistant Postmaster-General, Washington, D. C.

POST-OFFICE DEPARTMENT,  
FIRST ASSISTANT POSTMASTER-GENERAL,  
Washington, February 10, 1902.

MY DEAR SIR: I have your letter of February 6; also, in reference to the rural-delivery boxes.

It is true, as you say, that where a local post-office has been discontinued there may be instances where a person not availing himself of the rural free-delivery service would have to go to a more distant post-office than that to which he was accustomed to go before the rural service was established. This would seem to be one of the unavoidable incidents of the service and a case where the general welfare must be considered in preference to individual cases. If, however, you have in mind a specific instance of a person unable to procure one of the designated boxes and you think an exception should be made, I should be glad to consider it and would thank you to give me particulars with a view to having the requirement waived in his case.

Very respectfully,

W. M. JOHNSON,  
First Assistant Postmaster-General.

Hon. B. R. TILLMAN,  
United States Senate, Washington, D. C.

UNITED STATES SENATE,  
Washington, D. C., February 13, 1902.

MY DEAR SIR: Your letter of February 10 received. You seem to misconceive my purpose in beginning this correspondence. Familiar as I am with farm life and with rural conditions, even in the North, and the complaint having come to me from a New York farmer, I have written for the purpose of directing your attention to an abuse, and a very great abuse. That is, the requirement of the Post-Office Department that some one of a selected list of letter boxes must be bought in order for a man to get his mail along a rural free-delivery route.

If an individual sees fit to risk his letters and papers in an ordinary, secure box, whose business is it? Certainly not yours, and under the requirements which you have promulgated hundreds of thousands of poor men are forced to pay tribute to some of the companies who have secured the privilege of the Post-Office Department for their letter boxes. This is a much greater wrong than you at first might deem possible, and I would be glad that such regulation might be promulgated as would make it unnecessary for me to attack the system in the Senate, and secure legislation, if possible, to prevent it.

I am not interested in any individual, but I am opposed to the whole scheme or ruling in regard to the matter.

Yours, etc.,

B. R. TILLMAN.

Hon. WILLIAM M. JOHNSON,  
Washington, D. C.

POST-OFFICE DEPARTMENT,  
FIRST ASSISTANT POSTMASTER-GENERAL,  
Washington, February 21, 1902.

DEAR SIR: I regret that my letter of the 10th instant should not have made clear to you the position of the Department on the question of providing secure and appropriate roadside boxes for the collection and delivery of United States mails by the rural free-delivery system. I regret still more that you should think the Post-Office Department has permitted a great wrong to be inflicted upon the farmers of the country in connection with the rural free-delivery service.

This is not a new question. It has been carefully considered by the Department for several years with a desire to protect the interests of the rural free delivery. The primary question which the Department had to consider was the safe delivery and collection of the United States mails and their protection, while being handled on rural routes, from mischievous or malicious molestation. In the earlier days of the service it was frequently reported to the United States authorities that rural free-delivery boxes were shot into, torn down, and otherwise disturbed, and their contents destroyed, and though the instigators of these outrages could sometimes be traced, the United States district attorneys were unable to bring them to prosecution and punishment.

In the annual report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1899, it was stated that the question of the inviolability of the mail boxes placed upon the rural free-delivery routes was one that had commanded the earnest attention of the Department. It was suggested that it would be good policy for the Government to adopt, after advertising for proposals, some uniform style of box for the rural free-delivery service, to be rented to the patrons of the delivery at some moderate price which would yield the Government reasonable interest on its investment and provide a fund for the proper care and maintenance of the boxes. It was pointed out that the Government now supplied furniture to post-offices in towns and cities and charged rental for the use of boxes, ranging from 15 cents to 50 cents a quarter for call boxes, and from 25 cents to \$4 a quarter for lock boxes, and that a similar plan could well be adopted in the rural service.

In support of this proposition it was urged that grave questions had been raised whether mails placed in the ordinary rural letter boxes for collection or delivery fell within the provisions of sections 1423 and 1424 of Postal Laws and Regulations, providing penalties for malicious injuries to letter boxes or destruction of mail matter deposited therein. It was urged that all uncertainty on these points would be removed if the boxes were provided by the Government. Each would then be a miniature post-office, and persons guilty of malicious molestation or theft would clearly be amenable to the penalties prescribed by the laws of the United States.

No action being taken by the Congress on the recommendation at that session, it was specifically renewed and emphasized in the report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1900. Stress was laid upon the embarrassment which the designation of boxes suitable for rural free delivery imposed upon the officers of the rural free-delivery service in the absence of any distinct and controlling provision of law, and, in view of the rapid development of the rural-delivery system, Congress was again asked to give authority for the selection of a rural box to be purchased and maintained by the United States, and to be leased to the patrons of rural free delivery at a trifling annual charge. This recommendation also failed to receive action.

In the meantime the complaints of the insecurity and unsuitability of rural boxes increased, and with over 4,000 routes in operation and more than 6,000 petitions pending and unacted upon for the extension of the service, the Department felt impelled to take action. On the 12th of January, 1901 (see report of First Assistant Postmaster-General for that fiscal year, p. 44 et seq.), the Postmaster-General appointed a commission composed of five Post-Office officials, selected from the different branches of the service, in whose judgment, discretion, and integrity the Department had full confidence, to examine all designs of rural boxes submitted to them, and to recommend such as seemed best suited for the service. Thirty days' notice of the meeting of this commission was given in the official bulletin and through the public press. All persons having designs for rural free-delivery boxes were asked to submit them for examination on or before February 15, 1901. The commission met in Washington City on the 18th of February, 1901, and remained in open session until the 5th of March, 1901, examining all models of boxes submitted, and giving public hearings to all inventors and promoters who desired to point out the merits of their respective devices.

Although the order of the Postmaster-General named the 15th of February, 1901, as the last day to receive models for examination, the commission rightly determined that it was the purpose of the Department to give the widest possible scope to the investigation, and examined all boxes submitted to them up to the day of their adjournment. Certain requirements as to material of construction, size, shape, and accessibility were determined upon, and 14 of the 63 models submitted were reported upon as being suitable for adoption in the rural free-delivery service. The manufacturers of these boxes resided in different sections of the country, and each submitted written specifications agreeing to furnish boxes of the approved model at stipulated prices, ranging from \$1 up to \$3.50 each, according to quality and workmanship.

On the 28th of March last the report of the commission, with the list of approved boxes, was approved by the Postmaster-General in an official order which declared that before any rural service should be hereafter established it would be necessary for the patrons to make selection from this list of approved boxes and to equip the route with them. To this order was added this significant statement:

"When a rural free-delivery route has been equipped with boxes of the above-named description, the Department will consider these boxes as falling under the protection of section 5406 of the United States Revised Statutes, which provides severe penalties for any person who shall willfully or maliciously injure, deface, or destroy any mail matter deposited in any letter box, pillar box, or other receptacle established by authority of the Postmaster-General."

The Department thus endeavored to meet the difficulty of throwing the protection of the United States statutes round the boxes used in the rural free-delivery service. I am glad to say that this plan has proved successful in operation. Since the 28th of March, when this order went into effect, 4,305 new rural routes have been established, serving, at the lowest computation, 490,500 farmers' families, each of these routes equipped with one or more of the boxes designated by the Department. The complaints received by the Department of hardship or wrong inflicted on the farmers themselves by this order have been exceedingly few in number, and, on investigation, have been generally found lacking in justice. On the other hand, innumerable letters have been received from beneficiaries of the service, stating that they would be willing to pay almost any amount rather than have it discontinued. There has been a marked decrease in reported cases of malicious destruction of mail boxes on rural routes thus equipped, and in some instances, where the perpetrators of such outrages have been discovered, the United States district attorneys have had no difficulty in bringing them to conviction and punishment.

By the vast majority of the patrons of rural free-delivery it has been deemed far less of an abuse and wrong to be compelled to pay one or two dollars for an approved metallic box, which becomes his own property and insures the protection of his mail and its delivery and collection near his doorway, than to be obliged to drive perhaps 5 miles to the country post-office and to pay 15 or 25 cents a quarter for a call box to secure his mail.

Having said this much in regard to the action of the Department in the past, I will add, for your information, that it is the intention of the Postmaster-General to order another commission to take up the rural box question again and fully consider it in all its relations to the public and the Department, with a view of recommending a method of removing all just cause of complaint, if any such exist.

Very respectfully,

W. M. JOHNSON,  
First Assistant Postmaster-General.

Hon. B. R. TILLMAN,  
United States Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIGHT-KEEPER'S DWELLING AT CALUMET HARBOR, MICHIGAN.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7675) "to construct a light-house keeper's dwelling at Calumet Harbor," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

JAMES McMILLAN,  
KNUTE NELSON,  
A. S. CLAY,  
Managers on the part of the Senate.  
WM. P. HEPBURN,  
JAMES R. MANN,  
R. C. DAVEY,  
Managers on the part of the House.

The report was agreed to.

CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (S. 2960) "to prohibit the coming into and to

regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent."

The motion was agreed to.

Mr. FOSTER of Washington. Mr. President—

Mr. PENROSE. I yield to the Senator from Washington.

CLALLAM COUNTY, WASH.

Mr. FOSTER of Washington. I ask unanimous consent for the immediate consideration of the bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, in line 10, after the word "county," to insert "subject to all other valid adverse rights;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall cause a patent to issue conveying to the county of Clallam, in the State of Washington, for county purposes, to be expressed in patent, all the right, title, and interest of the United States in and to a parcel of land 220 feet in width off the east side of suburban block No. 26, as shown on official plats of the town site of Port Angeles, in said county, subject to all other valid adverse rights.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT AT CHARLOTTE, N. C.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. GALLINGER. I submit an amendment intended to be proposed to the pending bill, and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. DILLINGHAM. Mr. President, in addition to the reasons which I have already urged why Congress ought not to legislate in this bill upon the conditions existing in the Philippines, there is a further reason which has been urged before the committee. It is that this bill, in some of its provisions, is unconstitutional. I notice that when the bill was introduced by the Senator from Oregon [Mr. MITCHELL] he reserved the right to offer amendments if he became satisfied that any of the provisions were unconstitutional. I do not know to which particular provision he referred, but it seems to me that that portion of the bill which applies to those who have been born in the Philippines since the treaty of Paris was ratified, and those who may be born there hereafter, is clearly unconstitutional, for the reason that if a child has been born in the Philippines since that time, such child becomes an American citizen.

In support of this proposition, I beg to refer to the case of the United States v. Wong Kim Ark, in which the Supreme Court of the United States held that—

A child born in the United States, of parents of Chinese descent, who, at the time of his birth, are subjects of the Emperor of China, but have a permanent domicile and residence in the United States and are there carrying on business, and are not employed in any diplomatic or official capacity under the Emperor of China, becomes at the time of his birth a citizen of the United States by virtue of the first clause of the fourteenth amendment of the Constitution.

The clause of the fourteenth amendment quoted by the court reads as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The opinion of the court in this case is very long, but after devoting a good many pages to the reasons governing its action, the court says:

Passing by questions once earnestly controverted, but finally put at rest by the fourteenth amendment of the Constitution, it is beyond doubt that before the enactment of the civil-rights act of 1866 or the adoption of the constitutional amendment all white persons at least, born within the sovereignty of the United States, whether children of citizens or of foreigners, excepting only children of ambassadors or public ministers of a foreign government, were native-born citizens of the United States.



Note the strong expression, "born within the sovereignty of the United States." Later on in the opinion the court say:

The foregoing considerations and authorities irresistibly lead us to these conclusions: The fourteenth amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance, and under the protection of the country, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The amendment, in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons, of whatever race or color, domiciled within the United States.

It is evident that the word "territory" was used in its broad sense. I refer also to the case of *Loughborough v. Blake*, in 5 Wheaton, where, in discussing the question as to whether Congress has authority to impose a direct tax on the District of Columbia, etc., the court says:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States.

It then uses this language:

Does this term designate the whole or any portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

If that be so, it seems to follow that the recently acquired territory stands in precisely the same relation to the mainland that any other territory stands which was acquired by the United States by treaty with a foreign nation.

I wish also briefly to refer to the case of *Downs v. Bidwell*, a recent case in which this question has been indirectly discussed, and in which the court, after quoting the fourteenth amendment to the Constitution of the United States, uses the following language:

And this court naturally held, in the slaughterhouse cases (16 Wall., 36), that the United States included the District and the Territories. Mr. Justice Miller observed: "It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided." And he said the question was put at rest by the amendment, and the distinction between citizenship of the United States and citizenship of a State was clearly recognized and established. "Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union."

It seems clear to me, therefore, every child who has been born in the Philippines since the ratification of the treaty of Paris becomes a citizen of the United States, and in so far as this measure attempts to affect his rights it is in conflict with the Constitution.

But there are other classes affected by this proposed legislation who are now residents in the Philippines. The treaty of Paris provides that:

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance. In default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

There can be no difficulty in determining the status of that class of citizens. It is perfectly plain that unless within a year they announce their intention of retaining their Spanish citizenship they become citizens of the United States.

But there are other classes living in the Philippines whose rights have yet to be determined. The treaty, referring to one of them, says:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

I assume that the second class mentioned in the treaty, the native classes, includes all those in whose veins runs Chinese blood. This number, we are told, is very large, and it may become a very important element in determining what shall be done under our policy of exclusion. They are not only large in number, but they are important in their station. Governor Taft in describing them says that among them are found the most highly educated, the wealthiest, the most intelligent citizens of the island, and we know pretty well what he thinks as a matter of policy of the proposition contained in this bill to exclude them from the mainland of the United States. I beg to refer briefly to what he said upon this subject. When he was before the Committee on Immigration, I took the liberty to ask him the following question:

There is a practical question which suggests itself to me about which I should like to inquire. Under the second section of this bill—

Governor TAFT. I have never read the bill.

Senator DILLINGHAM. I will call your attention to the thought I have in mind. The second section provides:

"That from and after the passage of this act the entry into the American mainland territory of the United States of Chinese laborers coming from any of the insular possessions of the United States shall be absolutely prohibited; and this prohibition shall apply to all Chinese laborers, as well to those who were in such insular possessions at the time or times of acquisition thereof, respectively, by the United States as to those who have come there since, and it shall also apply to those who have been born there since and to those who may be born there hereafter."

But going to another section, I think it is section 52, there is this provision: "That the term 'Chinese' and the term 'Chinese person,' as used in this act, are meant to include all persons who are Chinese either by birth or descent, and as well those of mixed blood as those of the full blood, and as well females as males. And wherever herein personal pronouns are used the masculine includes the feminine."

Governor TAFT. I do not think that section ought to be passed in that shape.

The CHAIRMAN. What section is it?

The reply being given, the governor proceeds:

Governor TAFT. It would apply to a great many people in the islands who are just as pure Filipinos in their looks and characteristics as a full-blooded Indian is.

The CHAIRMAN. How would you amend that provision?

Governor TAFT. I would say—

"Provided, That the provision as to mixed bloods shall not apply to the natives of the Philippine Islands."

Further in his testimony, speaking of this class, in answer to a question as to whether many of those who were about Aginaldo were Chinese mestizos, the Governor says:

Yes, sir. Both the Spanish and the Chinese mestizos are among the ablest men in the islands. They are among the wealthiest and best educated.

Therefore, Mr. President, it appears that under this bill that very class of intelligent citizens of the Philippines, those who are doing the business of the islands, because they happen to have a taint of Chinese blood in their veins, can not, under the provisions of this bill, seek entrance to the United States.

Mr. HOAR. They could not be elected commissioners.

Mr. DILLINGHAM. As is very well suggested by the Senator from Massachusetts, they might not be elected delegates or commissioners.

Mr. PENROSE. May I interrogate the Senator from Vermont on that point?

Mr. DILLINGHAM. Certainly.

Mr. PENROSE. I ask the Senator whether that is not the law at present. There is nothing new in this bill on that point. These half-breeds can not come into the United States now, under the Geary law.

Mr. DILLINGHAM. I do not remember what the provision is upon that subject, but if that is true it should be done away with, in my judgment.

Mr. PENROSE. That is the law as it is administered at present under the Treasury regulation.

Mr. DILLINGHAM. I repeat what I said yesterday; I believe this whole subject, as advised by Governor Taft in his testimony, should be relegated to the government existing in those islands, to be by it worked out in the light of the circumstances which they find existing there.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. DILLINGHAM. Certainly.

Mr. TILLMAN. I should like to have the Senator from Vermont tell me, as he is keeping tab on the decisions of the Supreme Court, what is the status of the mixed Chinese now in the Philippines, our fellow-citizens, or subjects, or colonists, or whatever they are.

Mr. DILLINGHAM. I will take that subject up in a few moments, if the Senator will permit me.

Mr. TILLMAN. If the Senator is going to touch upon that point—

Mr. DILLINGHAM. I think I will come to it very soon.

Mr. TILLMAN. I just wanted to know whether they have any rights in regard to coming to this country, to the mother country, or to the conquering country, or to the owning country, or whatever you call it.

Mr. DILLINGHAM. I am frank to say that I not only think they have the right, but I believe they should have it. However, under the pending measure, if it becomes a law, they can not have it.

In this connection, as bearing upon the question of their status, I would refer to the recent case known as the "diamond rings case," where the court, in speaking about the ratification of the treaty of Paris, uses this language:

The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the Executive power, the legislative power concurred in the completion of the transaction.

The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government

could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.

I do not know, Mr. President, of any definition of citizenship that could be made more perfect than the phrase to which I have last called your attention. It is true—

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. DILLINGHAM. Certainly.

Mr. TILLMAN. In this connection, then, I should like to ask the Senator whether the provision in the bill which is pending which would seek to bar out those people would not be set aside by our Supreme Court, if it stands by the decision which he is just quoting?

Mr. DILLINGHAM. I should expect so; I should hope so.

Mr. TILLMAN. Would not the court stultify itself if it did not?

Mr. DILLINGHAM. Well, I do not care to answer that question. I can only give my opinion, and that is a modest one. I do not claim to be a very profound constitutional lawyer.

It is true that after the time when that treaty was ratified there was a joint resolution passed this body and the House of Representatives which provided as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the United States and the inhabitants of said islands. (CONGRESSIONAL RECORD, Fifty-fifth Congress, third session, vol. 32, p. 1847.)*

But in the case from which I have been reading, the "Diamond-Rings case," the court refers to that resolution in this language:

But it is said that the case of the Philippines is to be distinguished from that of Porto Rico because on February 14, 1899, after the ratification of the treaty, the Senate resolved, as given in the margin—

Which I have just read—

that it was not intended to incorporate the inhabitants of the Philippines into citizenship of the United States nor to permanently annex those islands.

We need not consider the force and effect of a resolution of this sort if adopted by Congress, not like that of April 20, 1898, in respect of Cuba, preliminary to the declaration of war, but after title had passed by ratified cession. It is enough that this was a joint resolution; that it was adopted by the Senate by a vote of 26 to 22, not two-thirds of a quorum, and that it is absolutely without legal significance on the question before us. The meaning of the treaty can not be controlled by subsequent explanations of some of those who may have voted to ratify it.

And more, which it is not necessary that I should read.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. DILLINGHAM. Certainly.

Mr. VEST. I understood the Senator to state—and of course if he did so it was done inadvertently—that the McEnergy resolution passed the House of Representatives.

Mr. DILLINGHAM. I understood it so.

Mr. VEST. No; it never passed the House. It only passed the Senate, and it was never heard of afterwards.

Mr. DILLINGHAM. I was led into that error, if the Senator from Missouri will allow me to explain, from the fact that it took the form of a joint resolution. I am very glad to be corrected.

Mr. TILLMAN. I was just looking. I was surprised that the Senator should make the assertion. I recalled the fact the Senator from Missouri mentions. I did not recollect that it had ever passed the House, and I was looking into the statutes to find it.

Mr. DILLINGHAM. I was led into the error in making that statement from the fact it began "Resolved by the Senate and House of Representatives." I am very glad to be corrected.

But in that case, Mr. President, there is a definition of citizenship which has two strong elements in it, that of allegiance on the part of the inhabitants to the United States and the corresponding element of protection on the part of the Government toward the person owing such allegiance. Can a better definition be found? It is not necessary in order to constitute citizenship that there shall be the right to vote. It is not given to women, but they have been held to be citizens; nor to minors, nor to illiterates, to paupers, and certain other classes.

But if it should finally be held that this class of persons are not citizens, even then the same duty rests upon the Government of the United States in respect of them that would rest upon the United States if they were held technically to be citizens, because they are a class of persons, adopting the language of the court, whose allegiance became due to the United States, and what else? They became entitled to the protection of the United States.

What kind of protection does that imply, Mr. President? Does

it not imply the protection that is guaranteed by the Constitution and the laws, that they shall be protected in their liberty, in all of their personal rights, in the right of travel and of entry into this country? And yet, if this bill becomes a law, I do not see how one of that class coming to the port of San Francisco can, under this measure, be admitted. I sincerely hope that if the bill is to be enacted, its friends will take this matter under calm consideration and see to it that it is so amended as to do no wrong to this very important class of citizens.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. DILLINGHAM. Certainly.

Mr. PATTERSON. I would ask the Senator whether it is his contention that the inhabitants of the Philippine Islands are citizens of the United States?

Mr. DILLINGHAM. I am very strongly of the impression that certain classes of them will be so declared. I am aware that the question has not been determined.

Mr. PATTERSON. I was asking the Senator for his individual view. Does he believe that they are citizens of the United States?

Mr. DILLINGHAM. I think some of them are.

Mr. PATTERSON. That is indefinite.

Mr. DILLINGHAM. Well, I have just discussed one class. I will discuss another class, if the Senator will allow me.

Mr. PATTERSON. Let me call your attention to the fact that in the bill reported from the Committee on the Philippines, known as the "government bill," reported by the majority, it is declared that all the inhabitants of the Philippine Islands who were there at a certain time are citizens of the Philippines, and not a word is said about being citizens of the United States.

Mr. DILLINGHAM. I have not examined that bill, Mr. President.

Mr. PLATT of Connecticut. The Senator refers to the bill which has been reported from the committee?

Mr. PATTERSON. Yes, sir; it is the bill which has been reported.

Mr. DILLINGHAM. I have not yet examined that bill. I am discussing this question at the present time in view of what may be held by the court regarding the different classes of inhabitants of the Philippine Islands with the thought that in the enactment of this bill into a law we should do no injury to the rights of any one of those classes, and with the purpose in my mind, if there are others who think as I do, to cause this provision of the bill to be stricken out.

Mr. HOAR. I do not like to interrupt the Senator's very interesting argument, but in connection with the point raised by the Senator from Colorado, may I call his attention to the consideration that however the existing Filipino may be dealt with, persons hereafter born in the Philippine Islands will be likely to become citizens under the operation of the fourteenth amendment?

Mr. PATTERSON. Will the Senator from Vermont permit me to ask the Senator from Massachusetts a question?

Mr. DILLINGHAM. Certainly.

Mr. PATTERSON. Does the Senator from Massachusetts claim that the Philippine Islands are a part of the United States?

Mr. HOAR. I do.

Mr. PATTERSON. I believe that he and I concur in that view, but he is sustained in that view by only four of the judges of the Supreme Court.

Mr. HOAR. The other judges, as I understand it, do not reject that particular view. The declaration which has already been read by the Senator from Vermont of Chief Justice Marshall would seem to be as absolute a declaration on that subject as you can put into words, and the declaration in the "Diamond Rings case" also states, as the Senator from Vermont has very well said, as good a definition of citizenship as could be put into words. But they do not call them citizens. We have the declaration of Chief Justice Marshall that territory of the United States is a part of the United States.

Mr. PATTERSON. I know, but the Supreme Court set aside the decision of Chief Justice Marshall.

Mr. HOAR. I do not think they have done so in that particular. We have the declaration of the present Supreme Court that they have the quality which we usually consider to be a complete and perfect definition of citizenship.

Mr. PATTERSON. I will say this—

Mr. HOAR. Now, then—

Mr. PATTERSON. Just one moment—

Mr. HOAR. Then you have the fourteenth amendment in addition, that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States."

Mr. PATTERSON. If the majority—

Mr. PLATT of Connecticut. "And of the State wherein they reside."



Mr. HOAR. The Senator from Connecticut I dare say may think it does not apply to persons born in the Territories.

Mr. PATTERSON. I wish to suggest that the Senator from Massachusetts stands almost alone among the Senators upon the other side of the Chamber in favor of the proposition that the Constitution of the United States has anything to do with the Philippine Islands. He stands almost alone. If the other side of the Chamber will put itself upon record in favor of the proposition that the Constitution extends to the Philippine Islands, it will remove many a controversy.

Mr. HOAR. The Senator will pardon me. The point is not whether the Constitution of the United States extends to the Philippine Islands. The point is what are the constitutional rights of a particular individual or a thousand individuals when in the United States or when seeking to come in, and whether the person is a citizen or not.

I do not suppose the Constitution of the United States secures me trial by jury in Calcutta, and I might be tried by a United States consul and sentenced to death for an offense, or certainly in Egypt, or until very recently. But when I am here or when I present myself at the door to come home, the question whether I am a citizen of the United States is a United States domestic question. Therefore if he is a man born in the United States, he has a right to have the Constitution over him when he gets here.

The question whether he is born in the United States depends on whether Chief Justice Marshall was right when he said the Constitution includes Territories. If the Constitution does not include Territories, then there is certainly one member of this body who was born in a Territory who is not a citizen now. I do not remember who it is, but there is a Senator here who was born in one of the Territories. I have forgotten which Senator it is.

Mr. PATTERSON. I take it, Mr. President, that when a person is within the United States, and lawfully within the United States, his relation to the United States is wholly different from that of one who is without the United States and seeks to enter the United States. If he is a foreigner, he may be excluded. So far as the Filipinos are concerned, no matter what Chief Justice Marshall may have decided in the past, a judge of the highest court of this land whom all who have knowledge of the law have held in great reverence up to this time, Chief Justice Marshall has not stood in the way of the Supreme Court of the United States in reaching the decision it has reached with reference to the Philippine Islands. No man can tell in the present condition of the Supreme Court decision what the ultimate decision of that court may be with reference to the inhabitants of those islands. The probabilities are that the Supreme Court will hold that they are not citizens of the United States.

Mr. HOAR. I do not see how the Senator can say that. There is nothing to be extracted from the recent opinions of the Supreme Court except the judgment. There is no doctrine or principle to be established except so far as a majority of the court have spoken through the mouth of some judge in his opinion. In the Diamond Rings case that has happened. The majority of the court have spoken through a judge delivering the opinion, and no member of the minority has put in a doubt, if I remember aright, in regard to that doctrine. So we may take that as not only a judgment, but as a statement of the principle on which it proceeds. When you come to the other cases, the Senator is more fortunate than I am if he has discovered anything beyond the judgment as a matter on which the judges have agreed in the way of principle.

Mr. PATTERSON. If the Senator from Vermont will bear with me for one moment, I will not interrupt him further.

Mr. HOAR. They dissented in the Diamond Rings case, I agree, from the judgment; but there was no dissent on the part of any judge from the particular statement of doctrine which they made.

Mr. PATTERSON. I imagine no one will claim the Supreme Court did not distinguish between the Territories of the United States and a simple territory appurtenant to the United States. It was for that reason that a majority of the court held that we could have one set of revenue laws for the United States, including the organized Territories of the United States, and another set of laws for the Philippine Islands; that while the islands constituted domestic territory, they were yet so foreign to the United States that they did not receive the protection of the Constitution of the United States, at least in so far as our Federal tax laws are concerned.

To-day we have in the Philippine Islands an internal-revenue law entirely and wholly distinct from the internal-revenue law we have here. The whole mass of law we are making for the Philippine Islands is upon the theory that those islands are outside the protection of the Constitution, except, as hinted in one of the decisions, that the provisions of the Constitution which relate directly to what may be termed inherent rights of the individual may in the end be held to extend over them; but when you come to the matter of citizenship, they are not citizens of the

United States by any intimation which has been given by the Supreme Court of the United States.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Connecticut?

Mr. DILLINGHAM. Gladly.

Mr. PLATT of Connecticut. It is really not fair to the Senator from Vermont to ask him to yield, and yet I want to say that I do not think the Supreme Court has yet decided that, under the fourteenth amendment to the Constitution, a child born in the Philippine Islands becomes thereby a citizen of the United States. That question was certainly not before the court.

Mr. PATTERSON. No; it was not as a distinct question.

Mr. HOAR. The Senator from Vermont does not claim that it was.

Mr. DILLINGHAM. I do not claim that.

Mr. PATTERSON. If the Senator from Vermont will permit me, I wish to say that the friends of this measure are not going to stickle for that provision in the present bill, which relates to children born in the Philippine Islands since the date mentioned in the bill.

Mr. DILLINGHAM. But there is still another class of residents in the Philippine Islands to whom the provisions of this bill may apply. If a native of China, we will say, who had become a Spanish subject was in the Philippines at the time when the treaty of Paris was ratified, what is his present status? We know that the Spaniards who were born on the Peninsula have the right to retain their citizenship of Spain; we know that those who choose to do otherwise, under the terms of the treaty of Paris, become citizens of the United States; but here is this other class covered by this bill who may have become citizens of Spain under the Spanish law, and the question presents itself for solution at some time whether they have not come to us with the territory that Spain ceded and whether under the general rule of international law they have not become citizens of the United States. I simply throw that out as a suggestion without again referring to the language of the court which I have already cited.

Mr. President, I did not intend to inject a discussion of the question of citizenship into this debate, but simply to call attention to the fact that there are several different classes in the Philippines upon whom one rule might operate differently, or to protect whom different rules might be required, and to suggest a reason why in this particular legislation the Philippine situation should not be disturbed, but that the whole question should be taken up by some other committee and such action taken as will be just to all classes.

It seems to me that it is unfair to the government which will probably be established in the Philippines to inject into this bill provisions governing those questions which it alone should consider, and which may prove an embarrassment in establishing such government and putting it in operation.

It appeared before the committee that the Government is already troubled, as well it may be, by the condition in which we find ourselves there. Representative HITT was present when Governor Taft was testifying, and, after asking some questions, he made this statement:

Representative HITT. The opinion of the Attorney-General is that in granting passports we can describe persons in the Philippines and Porto Rico, if we amend the law, as persons owing allegiance to the United States, and commend them, therefore, to the protection of all our officers, etc., throughout the world. That would be equivalent to the present passport, which under the law must be issued only to citizens of the United States.

It struck me curiously, when I heard that statement, that the Government should contemplate issuing something in the nature of a passport to the people of the archipelago because they owe allegiance to the United States and because the United States owes to them the protection which is their due, to afford them protection in foreign countries, and at the same time enact a law that those same persons, when they approach the port of San Francisco, shall not have the right to enter and come to the capital of their nation. I do not think there should be such a provision in this bill.

There is another suggestion made by Governor Taft which is worthy of consideration; a question which has presented itself to the Philippine Commission, a question they have been obliged to consider, and one that we shall be obliged to consider here in the United States. Governor Taft says:

Governor TAFT. There is one question which I suppose you have taken into consideration. That is the international question of excluding Chinese subjects of European governments from United States soil. That has been presented to us by consuls and others interested for other governments.

Senator DILLINGHAM. Senator Fairbanks, that is the question I suggested the other morning.

Senator LONGE. You mean the French?

Governor TAFT. Take the Chinamen who live in Hongkong, who have their homes there, and are subjects of the British King. They are British subjects. Then I suppose those in Tonquin are Chinamen and are French citizens. We had a question in relation to certain inhabitants of one of those countries over which France has jurisdiction, but who are not Chinamen. They do not wear the pigtail. They were admitted.



The question that has been presented there will undoubtedly be presented here, and this fact should be recognized.

But leaving that subject, I desire to call the attention of the Senate to some of the specific provisions of the bill, and, first, to a provision found at the bottom of page 27. It reads as follows:

But the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may at any time suspend the privilege of transit in any case or in all cases where the transit is sought by laborers coming from any insular territory of the United States.

When we look at another section in this bill for a definition, we find that the term "laborers" covers every person who is not an official, a teacher, a student, a merchant, a traveler for curiosity or pleasure.

The treaty of 1894 contains this clause:

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

It seems to me, therefore, that the provision of the pending measure which gives to the officers of our Government the unqualified right whenever, in their judgment, they see fit to suspend the right of transit is clearly in conflict with the provision of the treaty between the United States and the Empire of China, which only gives our Government the right to adopt regulations, etc.

It can not be said that we have the right to do this because the subjects of China may happen to be residents of territory that belongs to the United States. That makes no difference. It applies, it is true, in terms to those coming from insular territory, but if they are subjects of China, resident there, they are as much entitled to the privilege of transit through this country as though they came from Hongkong or any port of China. If, on the other hand, the man who is Chinese by birth happens to have become a citizen of the United States through residence in the islands, he may come into the United States regardless of any law which we may pass, because it would be his constitutional right to do so.

But, regardless of the question of legal construction, it seems to me that it is entirely against the policy of our Government to adopt legislation of this character. It is not only a wrong which we are perpetrating upon that class of people to whom I have before called attention, who are among the best educated, the wealthiest, and the most influential in the islands, but, as I have said, it is a direct violation of the treaty obligation existing between the respective countries.

Mr. MITCHELL. To what provision of the bill is it that the Senator has referred?

Mr. DILLINGHAM. The provision at the bottom of page 27, which gives the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, full power to suspend the privilege of transit, when, under the treaty, we have only the right to regulate it. Why should we do this?

Earlier in my remarks I called attention to the very small number of those who have been deported from our country because of being here illegally. I find by examining the brief of the Assistant Attorney-General, filed in one of the pending cases in the Supreme Court of the United States, that he makes the statement that between 1883 and 1901, a period of eighteen years, there were only 37,688 applications for the privilege of transit, or an average of about 2,100 annually, and that during that time none of those were refused. In examining the figures for the last eight years I find the number applying for that privilege has decreased so that it has amounted upon an average to only about 1,490 annually.

Mr. MITCHELL. The power of suspension only applies to laborers coming from the insular possessions.

Mr. DILLINGHAM. I understand that; but if the Senator from Oregon will permit me, what difference does it make whether a subject of the Chinese Empire comes from China or from the Philippines?

Mr. MITCHELL. That is a question for argument. I simply wished to call attention to the fact.

Mr. DILLINGHAM. I understood that, if the Senator please, but my argument was that that fact made no difference.

There is another clause of this bill which seems to be against public policy and against national prosperity.

Mr. MITCHELL. I will say to the Senator in relation to the point to which he has just been referring—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Oregon?

Mr. DILLINGHAM. Yes, sir.

Mr. MITCHELL. I can readily see a very wide difference between the power on the part of the Commissioner-General of Immigration to suspend the privilege of transit of persons coming from insular territory and the power to suspend the privilege of transit of persons coming from the Chinese Empire. We have the right under the treaty of Paris to legislate in regard to our

own people, and it seems to me that the treaty with China does not affect this case at all.

Mr. DILLINGHAM. We have the power, I admit, under the treaty of Paris to legislate in relation to natives of the Philippines and to determine their civil and political rights; but I do not see the distinction, which the Senator suggests, if the person coming from the Philippines is a subject of the Chinese Empire.

The provision to which I wish to call attention is that known as the shipping clause, which will be found on page 40 of the reprinted bill. It provides:

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

Other provisions follow which it is not necessary that I should read.

From the facts which have been placed before us it appears that the Pacific Mail Steamship Company, which is the only American line plying between San Francisco and Hongkong, as I now remember, not only operates that foreign line, but also a line between San Francisco and Panama, using in that service seven vessels, and that upon no one of the vessels of that line is a Chinese crew employed. It appears also, both from the testimony and from the statement of the Senator from California [Mr. PERKINS], that Chinese crews are not employed on the line in which he is interested, which by some has been called the "good old Perkins line," operating from San Francisco to ports north of there, if I am correctly informed. That there is another line of steamships from San Francisco to Australia, and that no Chinese are employed upon that line; and I understand the reason for it is that there are no Chinese seamen who can be employed upon those lines. If they obtain them at all it must be in California, and the number of the Chinese in California has become so much reduced that those remaining there at the present time have other employment and are not looking for employment upon ships. Therefore those who employ Chinese crews are the foreign lines of steamships.

If this bill becomes a law it will operate, as the evidence tends to disclose, simply upon the three vessels that are now running between San Francisco and Hongkong, and belonging to the Pacific Mail Steamship Company, and to any other vessels which they may subsequently attach to their lines.

It further appears in evidence that engaged in this foreign trade there are 60 ships between Hongkong and the Pacific coast ports; that 90 per cent of them fly the flag either of Great Britain or of Japan; that this 90 per cent employ Chinese crews in whole or in part; many of them also are benefited by subsidies granted by their governments. Therefore the operation of this bill will be to require the three American vessels which I have mentioned to enter into competition with all of this vast number of ships sailing under foreign flags which are permitted to carry Chinese crews, and the legitimate result of such legislation will be that these vessels will be driven either to go out of business or to sail under a foreign flag.

It appears that of the crews of these three vessels there are 105 white men employed and 311 Chinese; in other words, more than one-third of these crews are white men. If compelled to ship entire white crews the increase in wages alone would be \$144,000 annually. In addition to these ships, there are now building at Newport News for that company two of the largest and finest ships that have been produced in this country, and I am informed that if they go into commission under the provisions of this bill it will increase the annual expense of operating each one of them by the sum of \$75,000. This being so, if this line continues in operation, the bill would result naturally in laying upon this company an increased burden of \$300,000 annually in the operation of these lines. This fact has been recognized very fairly and frankly by some of the advocates of the bill. Mr. Livernash, the author of this bill, had his attention called to this increased cost of operation when he was before the committee, and, referring to representations made to the committee by counsel for the company, he said:

It is because I know that representation to be true that I agree with the suggestion of the Senator from Indiana—that is, that if the provision under discussion were to be made law, it would be advisable, and perhaps necessary, to do something by way of subsidy or otherwise to enable American ships to meet on something like a common basis of expense those foreign competitors not obliged to employ white seamen, but left free to employ the cheaper Chinese labor.

However, the possible, or even probable, need of subsidy does not relieve the Congress of its duty toward the American seamen, nor absolve it from concern lest the progress of the world toward a great commercial expansion in the Far East shall operate to give the Pacific Ocean to yellow sailors rather than to white.

He had before that time used this language:

Speaking tentatively, for again I must remind the Senators that my information on this subject is comparatively vague, I will say that it seems to me probable something would have to be done for shipowners, by subsidization



or otherwise, if the Congress should determine to drive Asiatics from American ships.

So I may say further, in referring to that provision, that the legislation is aimed directly at that company, and unless they do receive a subsidy they will inevitably be compelled to pass out from under the American flag.

It further appeared in evidence that no danger attaches to the United States, because these crews are all shipped in Hongkong. Their contract calls for a voyage to San Francisco and return to Hongkong, and they do not receive their pay until they reach that port. They are not allowed to land in the United States. Again, suppose this provision is adopted, and this steamship company or any other American company sees fit to establish a line between the Philippines and China, where they would be unable to procure other seamen than those of Chinese birth, it would be a double burden upon such a corporation and a direct prohibition, if I may use that word, upon the employment of American capital in the establishment of such an enterprise.

But the promoters of this bill go a step further in this direction and provide—

SEC. 39. That the master of any foreign vessel which shall bring to the United States in the crew of such vessel, or otherwise in its service, any Chinese persons not entitled to entry, shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$2,000 for each of said Chinese persons, the condition of said bond being that none of such Chinese persons shall be permitted to land from said vessel for any purpose whatever, with or without the permission of said master, while said vessel remains within the United States. The bond shall be canceled upon the certificate of the appropriate Treasury officer that all Chinese persons covered by it have departed from the United States on said vessel.

What would be the operation of that section? Ninety per cent of the lines between Hongkong and San Francisco are foreign, largely British and Japanese. They come in and stay just long enough to unload their cargoes and take on others; and yet if a vessel came in bearing a crew of 100 men the master of that vessel must look around and execute a bond in the sum of \$200,000 each and every time he comes into port, a bond to last only so long as his vessel shall remain there discharging her cargo.

I do not know, I am not sufficiently acquainted with the circumstances to know, what the effect of such a provision would be upon lines that are doing business on our Pacific coast; but it looks to me as if it is arbitrary in its character; that it does not bring any corresponding advantage to the United States. Other legislation can be made just as effective without being made burdensome to those companies that are bringing so much business to us.

I want also to say a word in relation to the proposal in this bill which gives to our officer on the dock in San Francisco the right to sit in judgment upon the certificates that are issued to the privileged classes by the Chinese Government and are viséed by American diplomatic and consular agents abroad. Article III of the treaty of 1894 reads as follows:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the government where they last resided viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

That is the provision contained in that treaty. The treaty was adopted subsequent to the enactment of every law bearing upon that question. It is evident that the treaty is superior to any law adopted previous to its ratification when the provisions of the treaty and the law conflict; and yet the practice of our Government has been to subject those coming from China to examination, and the right has been claimed and exercised to reject the certificates which have been granted by the Chinese Government and viséed by our diplomatic or consular representatives as sufficient evidence of the right to land.

I wish to speak a little upon the equities of the case. This conduct on our part has been justified, as the evidence tends to show, by the fact, asserted to be true, that our diplomatic agents abroad are careless in the exercise of their duty and do not make a proper examination of those who receive the Chinese certificates, and that for that reason it is necessary that this should be done.

I stand here to assert that if we have a State Department, that Department should take those officers in hand and see to it that if a person who, under the treaty, has a right to come to America, being one of the privileged classes, receives from his Government a certificate to that effect, such agents of the State Department should give such an examination to the matter as will enable them to speak with authority on that subject, and that when a person belonging to either privileged class steps upon the steamship at Hongkong or any Chinese port bearing such a certificate so viséed he shall do so with the consciousness that he has a document which will give him entrance into the United States. It is a wrong, it is a hardship to a subject of China, entitled under the treaty to come here, to be obliged to go to San Francisco to have his case tried and then have it determined whether he has the

right to come into our country or not. It ought not to be so. It does not accord with our way of dealing with other nations.

In this connection, I may say, I received in my mail this morning a letter from a clergyman of my acquaintance, in which he says:

I know personally, they being my parishioners for six months, a Chinese preacher, who for years has spent himself in the Chinese quarter of New York City, whose wife was kept from him for more than two years under the present laws—

He means under the present administration of the law—and even though, finally, passports from our State Department were gotten into her hands—

He evidently means, by passports, the certificates required by the treaty—

and the husband went to the coast for her, she was confined with the riffraff of the steerage for fully a month before one department of the Administration would recognize the papers of the other.

In other words, the Treasury Department, in the administration of the law, would not recognize papers provided for by the treaty which were issued by the agents of another department of the Government.

I wish to call attention to the merchant class provided for both under the treaty and by the provisions of this bill. The definition of "merchant" has often been quoted in this debate. I do not know that it is necessary that I should quote it again, but I will do so simply to call attention to it:

It must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States, or any portion of the territory thereof.

It is perfectly plain that under such a provision no person of the mercantile class can seek our shores unless he has already completed his arrangements for entering into trade at some definite place within our territory. Now, think of it! In this age of progress, when China is the only unexplored field for our commerce, when we are seeking to thrust our manufactures upon the merchants of China, a person engaged in trade in China can not so much as send to the territory of the United States a purchasing agent! I offered the other day an amendment which provides that in addition to the privileged classes mentioned in section 4 there may be permitted to come to the United States not to exceed five good-faith representatives of each regularly established wholesale commercial house in China.

The history of that amendment is this: The matter was discussed in committee. The draftsman of this bill signified his desire—a generous and fair desire—that such purchasing agents should be permitted to come into this country if it could be done without allowing a misuse of the statute to be made. After some consideration the author of the bill presented to the committee an amendment, of which this paper is an exact copy, or supposed to be an exact copy. It was incorporated in one of the prints of the bill, of which there were several. The discussion relating to the matter, if anybody is interested in reading it, will be found on pages 132 and 133 of the record. If they will refer to page 156 they will find in the parallel column provided by the author of the bill that this very provision was incorporated and explained, and at the bottom of the page they will find a note which gives the reason why the amendment was withdrawn. The second note says:

It is the desire of the California commission and the American Federation of Labor to withdraw their hesitating indorsement of this fifth section. On reflection it is felt that the experiment would result disastrously to American labor without compensating benefit to American commerce. Both the commission and the Federation have become convinced that the section should not be made law, even in an amended form.

The point is right here. Everybody interested with this legislation believes that we should allow China to send purchasing agents into this country; that if we would do so it would favor American commerce. This amendment was taken out of the bill because it was believed that enough might come in fraudulently under its provisions to compete with American labor. That is the only reason which can be urged against it. Mr. Dunn, the very efficient agent of the Government in San Francisco, stated to the committee that he had always been in favor of some provision of this kind; that he had consulted with the merchants of San Francisco regarding it, and that he had advised them that one ought to be adopted. He apparently was in full accord with the amendment when it was offered to the bill in committee, but after it had been withdrawn by its author Mr. Dunn also withdrew his approval of it, giving as his reason that given by the others—that too many laborers might be smuggled in through its provisions, and as a consequence the country might be filled with the yellow hordes. I am not using his language.

Mr. MITCHELL. The Senator would not claim, I presume, that the word "merchant" as used in the treaty would include what he designates as a purchasing agent?

Mr. DILLINGHAM. Had I been called upon to construe the treaty, I should have construed it to mean that any person engaged in the mercantile trade in China should have the right to come to this country whether he made arrangements to go into business here or not. But that is not the question the Senator asked me.

Mr. MITCHELL. Not exactly.

Mr. DILLINGHAM. I do not think under the treaty a purchasing agent would be called a merchant, but I think it is a tremendous mistake for us as a nation not to put into either a treaty or a statute law the right of a Chinese merchant to send a purchasing agent here.

Mr. MITCHELL. The point I wish to accentuate is simply this: The Senator does not claim that by our failure to provide for the admission of purchasing agents we are transgressing any provision of the treaty?

Mr. DILLINGHAM. Oh, no. I do claim, however, that as a matter of national policy it is a tremendous mistake if we do not adopt an amendment, either the one I have offered or something equivalent to it; and as an evidence of that fact I wish to call the attention of the Senate to a telegram that was sent by the business men of San Francisco to the President pro tempore of this body, which appeared in yesterday's RECORD. It escaped my attention when it was read in the morning, but it appears that the people of the Pacific coast have already become alarmed upon this subject. This telegram reads as follows:

[Telegram.]

SAN FRANCISCO, CAL., April 8, 1902.

Hon. W. P. FRYE,

President of Senate, Washington, D. C.:

The exclusion of legitimate Chinese merchants that will result from the passing of the exclusion act now being debated in the Senate is an act of gross injustice to the mercantile and merchant interests of the Pacific coast, and of San Francisco in particular, and we hereby respectfully protest against such injustice and request that the bill be so amended as to freely and legitimately admit merchant class of Chinese. Any special committee insisting upon the exclusion of Chinese merchants does not voice the sentiment or desires of those interested in the mercantile welfare of San Francisco and in the development of the commerce of this port.

Claus Spreckels, Thomas Brown, J. W. Helman, W. H. Crocker, Chas. Webb Howard, A. H. Payson, P. N. Lillenthal, J. A. Donohue, Ant. Borel, H. T. Scott, J. D. Grant, Jno. Parrott, G. W. Kline, Levi Strauss, Chas. Holbrook, Warren D. Clark, Percy T. Morgan, Leon Sloss, C. E. Green, C. Deguigne, John F. Merrill, W. C. Ralston, E. W. Hopkins, John L. Howard, A. F. Morrison, W. B. Bowen, H. C. Breedon, Geo. Abbott, S. C. Buckbee, Geo. A. Newhall, Geo. W. McNear, William Babcock, Bernard Faymouville, Geo. A. Pope, Alfred S. Tubbs, F. W. Zeile.

It seems to me, sir, that the laws enacted by Congress which affect trade, commerce, manufactures, and every branch of industry in our country should be broad, that they should be sane, that they should be equitable; laws that will protect capital in all of its rights, laws that will protect labor in all of its rights, laws that will protect manufactures and protect commerce, and give general prosperity to our nation.

It seems to me there is danger lurking in this bill if it is adopted in the form in which it has been presented. All admit that it is within the power of the Chinese Government to terminate the existing treaty on the 8th day of December, 1904, and if the Chinese Government sees fit to terminate the treaty at that time, in what position are we left?

It is not my purpose to enter into a lengthy discussion of the interpretation of these treaties. The Hon. John W. Foster, formerly Secretary of State, was before the committee, and when he was quoted by somebody upon the floor of the Senate recently the statement was made that he was the attorney of the Chinese Government. I do not know whether that be true or not. Admit, for the sake of the argument, that it be true. I do know that General Foster is a man of honor, a man of rare experience, of rare intelligence, and better fitted, perhaps, to speak with authority upon the interpretation of the various compacts between the United States Government and China than any man who appeared before the committee; and I stand here, sir, to say that I believe he has made a statement based upon honor, whether he be right in his conclusions or not. After examining these treaties, he says:

With this exact parallel before us, I need say no more to convince you that when the treaty with China of 1894 is terminated in 1904, Articles V and VI of the treaty of 1868 will again come into full force. They are as follows:

"ARTICLE V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free immigration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

"ARTICLE VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in

the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States."

The provisions of those sections would in no wise satisfy the demands of the public mind in America to-day. What would be the result? The Government of the United States must either negotiate a new treaty with China or she must exercise the power of adopting legislation which will be without authority of treaty stipulations and opposed to the existing treaty obligations. That the Government has that power I do not doubt. But has it the right? Whether the Government would exercise its power to do it I very much doubt; but whether the Government would do that or not, is it policy to adopt such legislation? With a treaty that may be abolished in two years, do we want to adopt legislation that will anger China, that will impress her as being oppressive, simply because we have the power to override treaty stipulations by legislative enactments? Is it good business policy? Ought we to take that risk? To use a homely phrase, will the game pay for the powder?

There are two methods of thought that have been presented to the committee. One of them is that China is always most friendly with those who approach her with shot and with shell, and the thought has been advanced to the committee that Japan's trade has increased because Japan approached China with shot and shell and because she wrenched one of her island possessions from her. I am free to admit that I have no sympathy with an argument of that kind, because I believe it is beneath the dignity and the character of a great government like the Government of the United States to adopt any such method toward a nation as defenseless as China. Not only that, but because it is manifestly wrong in morals for the nation to adopt such policy as that. Might is not synonymous with right.

There came before the committee Mr. John Foord, who represented the American Asiatic Association, the American Association of China, and the American Asiatic Association of Japan, "three organizations comprising a membership which I presume," he says, "conducts three-fourths of all the commerce between the United States and the Far East." His opinion is as follows:

You are aware that the commercial treaties are now being negotiated. You are also aware, of course, that this immigration treaty is not a commercial treaty, as some have hastily assumed. The commercial clauses of the treaty of Tientsin are now under negotiation, and we assume that we shall have the benefit of the most-favored-nation clause. We certainly ought to have it. We certainly ought to get as good terms as England, Germany, or France.

But, gentlemen, is it fair to assume that we can command these if we treat China in the most insulting and humiliating way in which one nation can treat another; if we are going to deal with China as if she were a nation of barbarians and, generally speaking, a weak people whom we could cuff and kick whenever we desired or cared to? Is it fair to assume that a nation which has entered upon a new phase of progress, with a new sense, I think, of rational dignity, a new sense of national responsibility, will always bend its cheek to the smiter? I think if you assume that, you are assuming altogether too much. As business men we think it would be a most dangerous assumption for the future of our trade.

That man speaks upon the authority of knowledge, of residence, of experience.

I beg to call your attention also to certain other testimony that was brought before the committee. I refer first to the testimony of Mr. Ellison A. Smythe, who says:

I represent a delegation of South Carolina manufacturers, consisting of five, who wish to make a few statements to you. South Carolina, perhaps you know, has over 2,000,000 spindles, and ranks second to Massachusetts in its cotton-mill industry and its importance.

I should like also to speak in behalf of the employers of those Southern cotton mills. In South Carolina, according to the figures of the present census, there are over 48,000 persons employed in the cotton mills. Largely the mill interest in the South is dependent upon the export trade, and this is peculiarly so with the trade to China.

This was very acutely felt during the depression incident to the war in China, and which lasted about twelve months, in its effect on the Southern millers. I doubt if there was one Southern mill or at least there were very few Southern mills that during the fiscal year ending last July were able to show any profit at all on their business during the preceding twelve months, and most of them showed very considerable losses, owing to the stagnation in trade, the piling up of their goods, and their inability to sell their products. And the efforts to get into other trades and to make other goods that were used in this country led to very fierce competition with the mills of the country that were built and that are devoted to the home trade.

It will be noted that in a single experience of a short disturbance in their trade with China the manufacturing State of South Carolina was thrown into a condition of despair. Their goods had been manufactured with reference to the foreign trade, and the moment that was interrupted they came into competition with the older mills in this country and immediately the depression was felt by all.

Mr. MITCHELL. Is it not a fact according to the statistics that the increase of cotton imports into China has gone right along—

Mr. DILLINGHAM. In the last six months very largely.

Mr. MITCHELL. Ever since—

Mr. DILLINGHAM. Ever since peace came.



Mr. MITCHELL. Ever since the Chinese-exclusion acts were put in operation there has been a gradual increase of cotton imports into China.

Mr. DILLINGHAM. Ever since the exclusion acts were put into operation there has been a gradual increase of our trade with China. I am glad to admit it, but it has not been anywhere near so great as it ought to be, as I will show before I complete my remarks.

I wish also to refer briefly to the testimony of Mr. Clarence Cary, and I deem this very important. He is a member of the American China Development Company, and he says:

I merely wish to say that I have the honor to represent the American China Development Company, which is a large American company about to build perhaps 550 miles of railway in China, the main line extending from Hankow, on the Yangtze River, to Canton. I have had the fortune to be in China twice, and to stay there a considerable time, nearly a year the second time, and so I have acquired some little knowledge of the officials and their ways of looking at things and of this business.

Again:

The American China Development Company is about to embark upon the expenditure of a very large sum of money for the building of that railroad, for which all the supplies must practically come from the United States. The pine for the sleepers, the timbers, and so on must come from Oregon and the coast; the rails from everywhere convenient in the United States, and, in short, all the material must come from here. It is of very great consequence, therefore, to American merchants, mechanics, etc., that the way of that railway should be unimpeded by any careless or unkindly legislation.

The people whom I represent desire to be recorded here as being in favor of just what Mr. Foord and these other gentlemen have asked. We wish to be regarded as making no opposition whatever to the exclusion of Chinese labor, but as desiring that all existing treaty rights be carried on unimpeded.

Later on he takes up in his testimony the question of students and the importance of having them come to this country, and he says:

I might mention incidentally, as an illustration of the unnecessary restrictions, as I think, upon students and people of that sort, nonlabor people, a statement made to me the other day by Mr. Ferguson, who is a man in charge of a Chinese college at Shanghai. He said that they had found much difficulty about placing their students over here, and their students, please bear in mind, are picked young men, weeded out by a process of selection from the Chinese attendance upon the college, and sent here or elsewhere for final education. They are the young men, some of whom, at least, are to be the people of light and leading in after life in China, who will regulate their relations with foreign countries. This last year a number had just graduated at the college, and Mr. Ferguson thought of sending them to the United States. He wanted to do so, but concluded that the restrictions threatened and impending and existing were such that he would not encounter them. So they sent them to England, where there is, wisely, no restriction upon students. As a consequence, those young men will grow up full of English prejudices and notions, and at all events they will be entirely lacking in the American predilection which they would have otherwise obtained.

Again, Mr. Silas D. Webb, who speaks as a merchant and as a resident of China for many years, says:

But I have no hesitation in saying that if the merchants and students and travelers are treated as though they were the scum of the earth it will be reversed.

I may say—

And here he speaks about the guilds of China—

I may say that all business in China is done under a system of guilds, based very much on the lines of the Federation of Labor in the United States; and as that order follows the Chinese in that respect, I suppose the Chinese ought to regard it as a great compliment that their system is considered as the system to follow.

No person can go into business in China without being a member of the guild; that is, I mean business of any importance. I do not mean that he must be a member to be a huckster, or anything of that kind. The guild is governed in such a way that if the merchants should take a notion that the Americans were insulting them, they would have a meeting quietly and state that they did not want to do any business with Americans or handle American goods, and it would be utterly impossible for any business to be done. I speak of that in a general way, as far as merchants are concerned.

As to students, I wish to say that we have had an object lesson in that line in Japan. Students have been sent to different countries to be educated, and it has been an almost invariable rule that it is impossible for Americans to do business in those places in Japan where students have been educated either in Germany, England, or France.

In passing, I should say that no one of these gentlemen appearing before the committee expressed any objection to the exclusion policy of the United States, so far as it applies to Chinese laborers, but every one of them came here to protest against the adoption of any stringent provisions which should operate to keep from coming to our shores those of the privileged classes.

In passing also, I may say that you will understand with a moment's thought how important it is to us that the young of China, especially the picked young men coming from the Chinese colleges, who hereafter, in the language of one of these witnesses, are to be the light and leaders of the Chinese people, should be educated in our midst and imbibe our principles, and so be able to carry back with them to China those thoughts and those purposes that will operate for our national good.

Mr. President, we are becoming a great manufacturing nation. Prosperity reigns throughout our borders. Capital is employed. Labor meets a ready demand and good reward. Our home markets have been fully supplied by the manufacturers of this country, but as our mills have increased in number and in their output we have more than supplied these markets, and the whole nation to-day is looking out into the world to see where markets for American products can be found.

The development in China in the last three years has been most remarkable. China to-day is the great unexplored commercial field into which America can enter with her goods. Railroads are in progress of construction. Grants have been made for further railroads. Telegraphs connect China with her provinces and with the world. Steamboats are plying upon all the Chinese rivers as far as they are navigable, and travelers from America and the merchants of America freely enter the Empire both for pleasure and for gain.

I find in a Government publication, in a report upon the trade of China for 1896, that Mr. Grosvenor, of the British legation at Peking, warns his countrymen as follows:

Englishmen should watch carefully the development of events, remembering that the great rewards of enterprise will be to those who are first in the field.

I commend that advice to the statesmen of America in shaping their legislation so that the American manufactures and American commerce shall have the opportunity not inferior to that of other nations. We should have a first entrance into that great Empire if we would obtain and hold our share of its trade.

We have a good illustration of the importance of prompt action in the development of Japan. The railroads in operation there have been built by Englishmen and by Belgians. The result is that the materials for the construction of those railroads are brought from the country from which the builders came. They were equipped from the countries from which the builders came. The result has been that all of the supplies necessary for operating those railroads, from locomotives down to car seats, have been to a very large extent brought from England and from Belgium.

Mr. Cary, whom I have quoted, comes here pleading with this body. He is about to enter upon a great enterprise—the building of that great railroad in China. He asks that there shall be no legislation that shall be injurious to his interests. Suppose that the road is constructed. He comes to America for his locomotives and to buy his steel rails and to secure all of the supplies that enter into the equipment of a road almost a thousand miles in length, and just so long as the road runs and remains under American management naturally all its supplies will be sought in this country. Other nations are already in the field. They have taken advantage of its market. They have built up their trade.

Mr. John Barrett, who has made a study of the Chinese market, says that the present trade of China is about two thousand million dollars annually. Our share of that trade is only one-tenth, and yet Mr. Barrett, after a patient examination, says that we ought by right to have one-third of the whole. Suppose, he says, that China imports one thousand million dollars' worth of goods annually, and America should control one-third of that trade, it would give us a volume of exports amounting to \$300,000,000 annually against the \$12,000,000 that go into the Chinese ports at this time and another \$12,000,000 probably that go into the port of Hongkong. It would increase our trade with the Chinese ports substantially 25 times in amount. Is not this an opportunity which we should consider when we are adopting legislation that so fully affects our relations with China?

The Senator from Oregon asked me the question a few moments ago if it was not true that our trade with China has increased since the exclusion laws were adopted. I answered frankly that it has. In 1880 we had less than a million dollars' worth of trade with China. In 1890 it had increased to \$2,700,000. But we have not increased in ratio with the increase of other nations, and especially that of Great Britain. In 1880 Great Britain in round numbers had a trade with China of \$54,000,000, and in 1890 of \$81,000,000. In other words, at the end of ten years she had increased her annual trade \$27,000,000. The United States in the same ten years had increased her trade only \$1,800,000.

China the last ten years has another comparison. In 1890 Great Britain's trade with China was \$81,000,000. In 1900 it had reached the enormous amount of \$120,000,000. In other words, in those ten years Great Britain had increased her annual trade \$39,000,000. In the same ten years the United States had increased her annual trade in the pitiful amount of \$9,000,000.

Now, that tells the story. The United States of America is great to-day in her manufacturing interests and her commercial power and is fully prepared to compete with Great Britain in this great market. She ought to do it. She ought to have the opportunity to do it.

The sum and substance of this whole question, Mr. President, is that we should pass just and equitable laws for the protection of all classes. I would make the laws just as perfect for the protection of the wage-earner as they can be made. I would make them perfect for the protection of the manufacturer and the merchant. I would have the laws perfect for the nation as a nation.

To this end I suggest that we call upon our State Department



to make every foreign representative of this Government, wherever he may be situated, but particularly in China, alive to a sense of his duty. Let us make the law so perfect that every one of our consular agents will make a thorough examination of every Chinaman who receives a certificate from his Government, so that any person may feel when he steps upon the deck of the vessel with his face toward America that when he reaches this continent he will be received gladly and by a friendly nation. To this end let us get rid of the burdensome features of this bill and, having done that, make it just as strong and just as perfect for the protection of American labor against Chinese labor as human ingenuity can do.

Mr. STEWART. Mr. President, the question of Chinese immigration and their residence in this country is more than fifty years old. Soon after the discovery of gold in California the Six Companies of Chinese were organized. They were merchant companies, and they did business in this country. They imported Chinese as their principal business. The Chinese coolies were brought here under contracts in vast numbers. Those contracts provided for years of labor, and also stipulated that the Chinese at the end of that term should be returned to their native country, whether alive or dead. Every ship that went from the port of San Francisco to China took more or less dead Chinamen home. For the performance of these contracts the coolie was required to deliver his family as a hostage. They would not take him unless he could give some person as a hostage, to be substituted as a coolie in that country if he did not comply with his contract to labor in this country.

The Chinese came and first followed the California miners by gleaning in the sand and following up the worked-out ravines. They gathered large volumes of gold dust by their economical mode of mining.

In 1851 or 1852—I do not remember which—the legislature of California passed a very oppressive foreign-miners' tax, as it was called, taxing a very large sum annually every foreigner who mined. The tax was collected from the Chinese, and from no one else. It was collected in a very cruel manner. The Chinese had no friends. The collectors were boys. They went with their pistols and their bulldogs, and beat and maltreated the Chinese. I felt very much outraged at the inhumanity that was practiced against the Chinese.

In November, 1852, I was appointed district attorney of Nevada County, Cal., a very large and populous mining county. I attempted to stop the cruelty in that county and had some of the perpetrators fined before justices of the peace; but I could do nothing before a jury.

At the time I was appointed district attorney a murder of a Chinaman was committed by one George Hall. There were no witnesses but the Chinese present. We were at a loss how to administer oaths to the Chinese and whether any oaths would bind them. I called a meeting of a board of supervisors and requested them to come and consider what we would do in this murder case. It was suggested that an appropriation be made by the county of \$5,000 to get experts to interpret and inform us how to administer oaths.

I sent to San Francisco and employed Rev. Dr. Spear, an Episcopal minister, who had been in China over twenty years. He was a man of high character, from Philadelphia, and was devoted to the Chinese. He had been all over the Chinese Empire, knew all their secrets, and felt a great interest in them.

I had the Chinamen put in different rooms, because they always told the same story. When they came before the jury, each one told the same story. There was no doubt that they told the truth substantially, but inasmuch as it is impossible for six men to see any transaction in the same light it was evident that they were manufacturing details and making them correspond. I asked Dr. Spear, as he was varying the language a little, if all their testimony was not substantially the same. He said it was.

There was no exception taken to the testimony. Hall was convicted. After his conviction I asked Dr. Spear to explain to me how it was that all those Chinamen told the same story, and whether any oath was binding upon them. With some reluctance he told me that he had been permitted to travel throughout China; that he had visited many of their courts of justice, or injustice; that they did not rely upon a Chinaman's word ordinarily, and that they did not rely upon his oath in the administration of justice; but they had instruments of torture at every one of the courts of justice which the outside world was not allowed to visit, and they would apply those to the witness before asking him any questions.

If he did not testify to suit them, they would torture him in a greater or less degree; and all the people were terrified with regard to the courts and with regard to the administration of justice, so that upon the commission of an offense they would meet together instantly and agree upon a story and all stand by the same story, and no torture could make them differ from it, and

that exempted the majority from the punishment which would be otherwise inflicted.

The case of Hall was appealed to the supreme court of the State of California. I went there and supposed there would be no difficulty in having the judgment affirmed, inasmuch as there were no exceptions taken, and I made but a slight effort, stating the fact, as I would in any case, that, no exceptions having been taken, the judgment would have to be affirmed. Gen. John R. McConnell was on the other side. He made an elaborate argument to show that the Chinese were prohibited from testifying against white men under the statute that prohibited an Indian from testifying against a white man. The supreme court of California decided the case according to his argument. The syllabus of the decision of the court is as follows:

The people, respondent, v. George W. Hall, appellant.

Witness—Person incompetent.—Section 394 of the civil-practice act provides:

"No Indian or negro shall be allowed to testify as a witness in any action in which a white person is a party."

Item.—Section 14 of the criminal act provides:

"No black, or mulatto person, or Indian shall be allowed to give evidence in favor of or against a white man."

Held, that the words Indian, negro, black, and white are generic terms designating race; that, therefore, Chinese and all other peoples not white are included in the prohibition from being witnesses against whites. (See California Reports (Hepburn), vol. 4, p. 399.)

In his opinion Judge Murray goes extensively into the subject of the identity of the Indians and Chinese, and satisfies himself that they are of the same origin and that the statute applies to both alike.

Then the Chinaman was in California without a friend. He could not testify in court and he could not defend himself. I did not like that situation, and I pledged myself, whenever I could do so, to relieve it; so when an enforcement bill was pending in the Senate I secured an amendment, the latter part of which was drawn by me, the first part having been considered by the committee on the Judiciary, and put in. It is section 16 of "An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes," which is found in volume 16, page 144, of the Statutes at Large, and is as follows:

SEC. 16. And be it further enacted, That all persons within the jurisdiction of the United States shall have the same right in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding.

This applies to Chinamen.

No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country; and any law of any State in conflict with this provision is hereby declared null and void.

That did away with this odious tax, which was not so odious as the manner of its collection. This was in May, 1870. It was known at an early day that the Chinese were brought here under labor contracts. The laboring men in California in their first protest were against those contracts, as they are against labor contracts now. They were odious contracts, and there was great feeling against them.

In 1866 Mr. Burlingame went to China and created quite a sensation by his advocacy of more friendly relations with that Empire. He came here as a Chinese ambassador in 1868 with a large delegation of Chinese. The Senate repaired to the hall of the House of Representatives, where both Houses assembled to receive the delegation and to do them honor. There were ceremonies and dinners in Washington, in New York, and in San Francisco to do honor to those Chinese magnates.

A treaty was negotiated for free immigration of Chinese to this country.

Mr. HOAR. What treaty was that?

Mr. STEWART. The treaty of 1868.

Mr. HOAR. The Burlingame treaty?

Mr. STEWART. Yes; the Burlingame treaty.

The immigration rapidly increased. On the 2d of July, 1870, the Senate had under consideration a House bill "to amend the naturalization laws and to punish crimes against the same." An agreement having been entered into to vote on the bill and its amendments at 4 o'clock p. m. on that day, about ten minutes before the vote was taken Senator Sumner, of Massachusetts, offered the following amendment to the amendment proposed by the Judiciary Committee to the House bill:

And be it further enacted, That all acts of Congress relating to naturalization be, and the same are hereby, amended by striking out the word "white" wherever it occurs, so that in naturalization there shall be no distinction of race or color.

I refused to be bound by the agreement if that amendment were voted on to the bill. I contended that it was another subject, and that we had not agreed to vote upon it. In fact, it had



been reported by the Judiciary Committee as a separate bill, and if the two bills were put together, I contended I was not bound by the agreement. My statement created considerable excitement. My friends advised me not to break an agreement of that kind. I told them that they did not understand the magnitude of the question which was presented. There was a struggle for some time over the question whether I should speak, and I yielded, but protested against the bringing in of such a proposition at such a time. Finally a vote was taken on it, and it was beaten by a few votes.

Mr. HOAR. Without debate, or did the debate go on?

Mr. STEWART. There was some irregular debate, but the Congressional Globe shows that there was no regular debate. I protested against the proposed course of procedure, but there was no regular discussion. A vote was taken, and the proposition was rejected as an amendment to the Senate amendment to the House bill. The Senate amendment was offered as a substitute, and was voted down. Mr. Conkling then offered a section of the Senate amendment to be added to the House bill. Then Mr. Sumner again offered his proposition as an amendment to the House bill. The proceedings were as follows:

The PRESIDENT pro tempore. The Senator from Massachusetts moves an amendment, which will be read.

The Chief Clerk read the proposed amendment, as follows:

"And be it further enacted, That all acts of Congress relating to naturalization, be, and the same are hereby, amended by striking out the word 'white' wherever it occurs; so that in naturalization there shall be no distinction of race or color."

Mr. SUMNER. Now, I have to say that that is worth all the rest of the bill put together. That is a section that is pure gold. It will do more for the character, and honor, and good name of this Republic than all the rest of the bill. I am for the rest of the bill, but this is better than all the rest. Now I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEWART. That is a proposition to extend naturalization, not to those who desire to become citizens, but to those who are being imported as slaves. I propose first to abolish slavery. I propose to liberate these persons before they shall be naturalized by their masters for the purpose of carrying elections.

Mr. EDMUNDS. May I appeal to my friend? I appeal to him to let us vote, because if this amendment is adopted I shall certainly absolve him from any agreement, and he may then talk as long as he likes; but, inasmuch as I vote against this amendment solely upon the ground that in honor I can not go for it here when his mouth and the mouths of others are closed, I hope he will let us vote. If we are to have a full debate I shall vote for the amendment.

The vote was taken after that speech, and the provision was incorporated in the bill by a vote of 27 to 22. The yeas and nays were as follows:

Yeas—Messrs. Anthony, Carpenter, Conkling, Fenton, Fowler, Gilbert, Hamlin, Harris, Howe, Kellogg, Lewis, McDonald, Morrill of Vermont, Patterson, Pomeroy, Pratt, Ramsey, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Sprague, Sumner, Thayer, and Trumbull.

Nays—Messrs. Bayard, Boreman, Casserly, Corbett, Cragin, Davis, Drake, Edmunds, Harlan, Howell, Johnston, McCreary, Morton, Stewart, Stockton, Thurman, Tipton, Vickers, Warner, Willey, Williams, and Wilson.

The debate continued very actively until 7 o'clock on Saturday, the 2d of July, when the Senate adjourned, of course being unable to make any arrangement to adjourn over the 4th of July. So on Monday, the 4th of July, the question was again debated with great earnestness during all of that day. As a specimen of the character of that debate, I will insert some extracts in my speech, but I wish now to call attention to the way the matter was treated by the then Senator from Massachusetts, Mr. Sumner, and myself. In the course of his speech Mr. Sumner said:

Why introduce the topic into debate? Is there a Senator on this floor who will say that from anything done or said by Chinese at this moment there is any reason to fear peril to this Republic? Sir, the greatest peril to this Republic is from disloyalty to its great ideas. Only in this way can peril come. Let us surrender ourselves freely and fearlessly to the principles originally declared. Such is the way of safety. How grand, how beautiful, how sublime is that road to travel! How mean, how dark, how muddy is that other road which has found counselors to-day! Listening to the speech of the Senator from Nevada [Mr. STEWART] more than once, nay, thrice over denying the Declaration of Independence, I was reminded of an incident in the Gospels. I have the book from the desk of the Secretary and now read the pertinent passage; it is in Matthew, chapter xxvi:

"Now Peter sat without in the palace: and a damsel came unto him, saying, Thou also wast with Jesus of Galilee."

"But he denied before them all, saying, I know not what thou sayest."

"And when he was gone out into the porch, another maid saw him, and said unto them that were there, This fellow was also with Jesus of Nazareth."

"And again he denied with an oath, I do not know the man."

"And after a while came unto him they that stood by, and said to Peter, Surely thou also art one of them; for thy speech bewrayeth thee."

"Then began he to curse and to swear, saying, I know not the man. And immediately the cock crew."

"And Peter remembered the word of Jesus, which said unto him, Before the cock crow, thou shalt deny me thrice. And he went out, and wept bitterly."

Sir, thrice has a Senator on this floor denied these great principles of the Declaration of Independence. The time may come when he will weep bitterly.

Mr. WILLIAMS. Mr. President—

Mr. STEWART. Will the Senator give way to me for one moment? I want to reply to that.

Mr. WILLIAMS. Very well.

Mr. STEWART. Because I am opposed to pagan imperialists, Chinese who do not understand the obligation of a Christian oath, being incorporated in the body politic, the Senator from Massachusetts reads from a Christian book, from the Bible, to prove that I have denied my faith. He, desiring to place the destinies of the country, as he certainly would those of the Pacific

coast, in the hands of pagan imperialists, will say that my opposition to that policy is denying the faith.

When he wants to place the destinies of the country in their hands, when he proposes to trust to their oaths as to whether they renounce their old allegiance or not when they can not take a Christian oath, he has denied the principles which he professes; he has denied the Declaration of Independence when he would place the guardianship of our institutions in such hands and under the control of such mercenary wretches as deal in coolies who swear to labor for them. That is a denial of the faith. He that would trust our institutions to such hands has verily denied the faith.

When I seek to preserve our institutions in the hands of a Christian people; when I desire to retain those institutions in the hands of those who understand the obligations of an oath when they renounce their allegiance to foreign potentates and powers and join their lot with us; when I refuse to let Koopmanschap and the Chinese merchants to import coolies to be naturalized at their dictation to participate in preserving our free institutions, I have the Christian Bible read to me, and I am compared to him who would deny the faith! I say that any Christian gentleman, any Christian man who will trust our institutions to the hands of pagans has denied the faith of his fathers.

Subsequently I said:

Mr. STEWART. Now, before the vote is taken, I wish to state that if that question, which is another question altogether, is introduced now to be voted upon, without giving a word of explanation, I shall not be bound by any agreement, because this is another proposition; it does not relate to the subject of the original bill. It is a separate proposition. If that is to be put on this bill, then we are not bound by any arrangement, because it is necessary that the Senate shall know what they are voting for and how they are voting before this is voted upon. I desire to be heard, and must be heard, on a proposition of that character, which we of the Pacific coast have more knowledge of than others here. I shall not be bound by any agreement if it is to be acted upon now and put upon this bill. I shall desire to be heard upon it before it is voted on.

The PRESIDENT pro tempore. The Chair has no power to enforce the agreement.

Mr. TRUMBULL. I hope the Senator from Nevada will set no such example as that by insisting that he will not be bound by an understanding. Everybody knows what this means.

Mr. THURMAN. It has been printed on our tables for months.

Mr. STEWART. If the Senator from Massachusetts offers it now, does he not see the effect?

Mr. SUMNER. The proposition has been here four years.

Mr. TRUMBULL. The Senator from Nevada can not afford to set this example.

Mr. STEWART. But this is bringing in another bill. I want to submit this proposition to the Senate: Here are two distinct bills pending, involving altogether different principles; does an agreement to vote a certain time upon one bill bind the Senate to take up another bill and put it upon that bill without a chance to say a word? I undertake to say that it is not germane, and upon that point I have a right to be heard. The proposition was that we should vote on a bill to regulate naturalization as to persons now entitled to receive it.

Mr. PATTERSON. I should like to ask my friend a question. He says that this in principle is different; will he state how?

Mr. STEWART. I say it is not germane. There are two different propositions. The proposition that we agreed to vote upon was simply a proposition to regulate naturalization among the persons now entitled to naturalization. The proposition introduced by the Senator from Massachusetts is to extend naturalization to a different class involving a different subject, and it is well known here that it will be discussed, and discussed thoroughly. It is a separate bill, one that has been kept separate by the Judiciary Committee, and we are not bound by the agreement when that is sought to be attached—

Mr. WILSON. Let us vote.

Mr. STEWART. Do not put it on this bill.

Mr. WILSON. Let us vote.

Mr. WILLIAMS (to Mr. WILSON). This is a matter that you will find of more consequence than you imagine. I want the people of Massachusetts to understand that Massachusetts Senators are here trying to—

Mr. WILSON. I am not going to vote for it.

Mr. DAVIS. I move to lay the whole bill on the table.

Mr. THURMAN. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FOWLER. I am paired with the Senator from North Carolina [Mr. Abbott]. If he were here he would vote "nay" on this proposition, and I should vote "yea."

Mr. VICKERS. My colleague [Mr. Hamilton] and Mr. Osborn have paired off on this question. The latter would vote against and the former for this motion.

The result was announced—yeas 17, nays 30; as follows:

Yeas—Messrs. Bayard, Casserly, Corbett, Davis, Howe, Howell, Johnston, McCreery, McDonald, Morton, Robertson, Ross, Sprague, Stockton, Thurman, Vickers, and Williams—17.

Nays—Messrs. Anthony, Boreman, Carpenter, Chandler, Conkling, Cragin, Drake, Edmunds, Fenton, Gilbert, Hamlin, Harlan, Harris, Kellogg, Lewis, Morrill of Vermont, Patterson, Pomeroy, Ramsey, Revels, Rice, Schurz, Scott, Stewart, Sumner, Thayer, Tipton, Trumbull, Warner, and Wilson—30.

Absent—Messrs. Abbott, Ames, Brownlow, Buckingham, Cameron, Cattell, Cole, Ferry, Flanagan, Fowler, Hamilton of Maryland, Hamilton of Texas, Howard, Morrill of Maine, Norton, Nye, Osborn, Pool, Pratt, Saulsbury, Sawyer, Sherman, Spencer, Willey, and Yates—25.

So the motion to lay on the table was not agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oregon [Mr. Williams] to the amendment of the Senator from Massachusetts [Mr. Sumner].

Mr. MORTON. One word. This amendment involves the whole Chinese problem. Are you prepared to settle it to-night?

Mr. STEWART. Without discussion.

Mr. MORTON. And without discussion? The country has just awakened to the question, and to the enormous magnitude of the question, involving a possible immigration of many millions, involving another civilization, involving labor problems that no intellect can solve without study and without time. Are you now prepared to settle the Chinese problem, thus in advance inviting that immigration? I am not prepared to do it. (Congressional Globe, part 6, second session Forty-first Congress, p. 5122.)

That was the style of the debate that went on here.

Mr. HOAR. Who came out ahead?

Mr. STEWART. I will tell you who came out ahead. We went on with this debate until about 1 or 2 o'clock on the morning of the 5th. By that time I was largely reinforced. We then took a vote, and the amendment of Mr. Sumner, which had been theretofore adopted, was beaten by 14 to 30.

The vote was as follows:

Yeas—Messrs. Fenton, Fowler, Harris, Howe, McDonald, Morrill of Vermont, Pomeroy, Rice, Robertson, Ross, Spencer, Sprague, Sumner, and Trumbull—14.

Nays—Messrs. Bayard, Boreman, Chandler, Conkling, Corbett, Cragin, Davis, Drake, Edmunds, Gilbert, Hamilton of Maryland, Hamlin, Harlan, McCreery, Morton, Nye, Osborn, Ramsey, Saulsbury, Scott, Stewart, Stockton, Thayer, Thurman, Tipton, Vickers, Warner, Willey, Williams, and Wilson—30.

Before the debate the amendment had carried by 27 yeas to 22 nays; but after the debate it was beaten by 14 to 30.

If we had failed in that contest, of course there would have been a great many Chinese citizens, and there would have been no exclusion bills pending now. That would have ended the matter; but knowing the Chinese as I did, and knowing very well that they would be brought here by the millions under the control of these Chinese merchants, I resisted it. Koopmanschap, the great Chinese importer, at that time proposed to take the Chinamen to the South to labor there. They were brought here by the thousand, and most of them were brought under labor contracts.

If no Chinaman had ever come here except those who had come voluntarily and of their own accord, we should never have had any large Chinese immigration. The coolies can not come; they have no money with which to come; the great mass of them are too poor to come, and the laboring people of China could not come unless they were brought here by labor masters, and most of them have been brought here by labor masters. A few who are here have saved up a little by some arrangement with the Chinese merchants who brought them here, and they can go back to China and return, but I do not suppose that 20,000 Chinese have come to this country with their own money and of their own accord.

The contracts made with them are most horrible, and the mode of securing them is most disgusting. They have to pledge their families as hostages, and if they can not get their families to do that, they get some friend to act as a hostage, to be a peon and slave, if those who come to this country fail to comply with their contracts. I have examined those contracts with care, and I spoke of them in the debate to which I have referred at considerable length. I have had them read and exposed them to the Senate a great many times. As I have said, they were horrible contracts, under which the Chinamen were brought here, and if the door were open to their admission that is the way they would be brought here again.

I have assisted in the passage of the various laws relating to the Chinese in 1878, in 1888, and in 1890. I have assisted in the passage of all the laws which have been enacted—the Geary Act and the Scott Act; and those acts have been effective. There has been no inflow of Chinese worth mentioning during the existence of those acts.

There is now, as there was not then, a universal conviction that Chinese laborers are not desirable and must not come here; but the question is now understood in all parts of the country. The Chinamen who have remained in the country have scattered into different portions of it. Many undoubtedly have got into this country improperly; and the object now is to keep more of them from coming here.

We want to preserve our labor against the competition of cooly labor. American labor and Anglo-Saxon labor can not compete with the labor of Chinamen. It never has and never can, for the Chinese can live on less; they can work more hours, and they have economies that look to us as the essence of cruelty, and they endure them; but our people can not do so, and we must not bring them down to the level of the Chinese.

It has now become the settled judgment of the American people that the Chinese must be kept out. Let us do that by effective laws, which will keep them out. Suppose we should reenact the Geary law, which was predicated upon the treaty; suppose we should reenact the Scott law, which was to go into effect at the ratification of a treaty, but which treaty was never ratified; suppose we reenact those laws in positive terms.

The Department would continue the regulations for their enforcement and make additional ones for that purpose when necessary, and we should then have the law expressed in a few words.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him?

Mr. STEWART. Certainly.

Mr. FAIRBANKS. I do not know that I fully caught what the honorable Senator said a moment ago; but, if I heard him aright, it was to the effect that the adoption of a brief law extending existing laws would have the same effect as the proposed law. Did I understand the Senator correctly?

Mr. STEWART. I said that a brief law would have an equally good effect.

Mr. FAIRBANKS. Then, such a law would be as far-reaching as the bill which is now pending, if I understand the Senator correctly?

Mr. STEWART. No; I did not say that.

Mr. FAIRBANKS. I put it in the interrogative.

Mr. STEWART. No; I did not say that. I said the regulations made for the enforcement of existing law could continue until they were changed by competent authority.

Mr. FAIRBANKS. Then, by those regulations, you would have in effect the same restrictive measures that you have in the pending bill, the difference being that the Treasury Department might modify those regulations, while it could not modify the terms of this law.

Mr. STEWART. The Treasury Department always has authority to alter its own regulations if it is found that they are inefficient or working unjustly.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from Nevada yield to the Senator from Colorado?

Mr. STEWART. Certainly.

Mr. PATTERSON. The bill is as voluminous as it is because there are incorporated in it the rules and regulations which have been found to be reasonable and effective. The suggestion made by the Senator from Nevada is met by the proposition that it is not desired that there should be flexibility along a line that would result in the Secretary of the Treasury, who might happen to be favorably inclined to the admission of Chinese, modifying it so as to break down the barriers. The Senator from Nevada will see, when Senators speak about flexibility, that it means power to change, to modify, to suspend, or even to make more severe.

These rules and regulations are those which have been in force and have been found to be effective and are believed by the officers of the Treasury Department to be in accord with the real spirit of the treaties and statutes, and therefore they do not desire to leave them in a position where one who does not live upon the Pacific coast and who has not the same reason for opposition to the Chinese may break down the barriers.

Mr. STEWART. I find that the anxiety to exclude Chinese in the East is now quite as strong as it is in the West.

Sentiment against Chinese immigration is too strong for any Government officer to disregard, and the regulations will be as strict and comprehensive as the people of the United States desire.

While importers of Chinese coolies were free to bring all the labor they desired to this country, the baneful effects of Chinese on the Pacific coast were acknowledged by all. Labor was demoralized. They invaded every point—the household, the kitchen, the factory, on the farm, and everywhere else—with rates of wages with which white men could not compete.

Our Eastern friends could not realize what competition with Asiatic labor meant, but now they understand the question and are as much opposed to the coming of Chinese in Pennsylvania as they are in California. China herself recognized, in the Burlingame treaty, the evil of the importation of Chinese to this country and agreed in that treaty to pass laws to prevent the cooly traffic. But she was unable to accomplish what she promised in that treaty. She undertook to prevent Chinese coming under contract. All her efforts were ineffective in that regard.

After the United States refused naturalization to Chinese, in 1870, the traffic in coolies still continued. Finally, in 1880, Congress was compelled to act to prevent the importation of Chinese, because China was unable to keep them at home. The few that are now here illustrate how difficult it would be for American laborers to live and prosper if the doors were opened to Chinese immigration.

I have no doubt the present bill will be put in such shape as to be agreeable to all. I think that it would be better to reenact the Geary and the Scott laws, make them operative wherever the jurisdiction of the United States extends, and then trust to their enforcement under regulations made by the Department. But when the bill under consideration is so modified as to meet the views of the Senate I shall give it my support. I have no fear that a law will not be passed within a few days which will exclude Chinese. The sentiment of the whole country demands it, the safety of labor demands it, and Congress will comply with such demands. The situation is not now as it was in 1870, when the struggle lasted over the 4th of July to prevent the extension of the right of naturalization to the millions of Asiatic coolies who were being imported into the country. The sentiment is universal, or nearly so, that Chinese laborers shall not be permitted to come here. The earnest discussion of this bill shows too plainly the determination of the people which is behind it.

Mr. HOAR. Mr. President, I do not mean to debate this bill, because I have had other occupations and engagements of a public character, both in the Senate and elsewhere, since it has been pending, which have prevented me from giving the attention to its detail that its importance demands and certainly would require if I were to undertake to say anything which would be of value to the Senate. So I wish merely to state the general principle which will govern my vote.



I am not indifferent and never have been and never shall be indifferent to anything which threatens the lofty quality of American citizenship; and I regard this question, as do the Senator from Nevada [Mr. STEWART] and other Senators who have spoken, while other considerations affect it also, as mainly a question of the quality of American citizenship. That is what warrants all our immigration laws, whether directed to immigration from Europe or immigration from Asia. It was expected by our forefathers, who laid down and declared the great doctrines which they supposed would govern the life of this country, and especially the doctrine of the absolute equality of all human beings in political rights, that the process of becoming American citizens, and therefore exercising a share jointly with others in the regal function—a function loftier than that of any emperor or king, as they regarded it—of governing this country, would be a very serious thing.

In the time of Washington and his immediate successors naturalizations were very rare, and when they took place the judge of the court of the United States in my part of the country, and I suppose elsewhere, used to address the new citizen with a little speech, pointing out to him the great advantage and dignity to which he had acceded, and welcoming him into the lofty brotherhood of American citizenship, and that was preceded by an inquiry, which meant business, into the character and quality of the new citizen.

There was no perfunctory admission. There was no taking a thousand oaths in a thousand seconds. There was no band of political agents hurrying into citizenship men for the purposes of any party. There was no such thing as the same two witnesses swearing to the same facts about a hundred men at once, and there was no such thing, as happened in New York not many years ago, of issuing naturalization papers in blank by the court, so that the inquiry showed that the judge who held that court must, if the papers had been genuine, have naturalized 60,000 persons in a single day.

That is the kind of administration which the men who made and believed in the doctrines of the Declaration of Independence, and who passed our early naturalization laws meant to have practiced in order to insure the dignity and purity of American citizenship.

Now, I was in the other House, and later in this Chamber, when this great change of public opinion took place. When I came to Congress the Burlingame treaty had just been adopted, and we were making our boast that here was a nation, to use Mr. Lowell's famous lines—

Whose free latchstring was never drawn in  
Against the poorest child of Adam's kin.

And the whole American people believed that doctrine. California herself believed it quite as religiously as did Massachusetts.

The great evil came up which the Senator from Nevada has so well stated and without any exaggeration, and the evil in regard to some classes of European immigration which my colleague had occasion to state, in advocating a bill under consideration a year or two ago, with equal force and precision of statement, because, Mr. President, these things are not matters of race. The Senator from California [Mr. PERKINS], who is now out of his seat, described the condition of things in the Chinese quarter in San Francisco. It happened that when this debate came up some time ago I asked a very eminent citizen of that coast, one of the champions of this class of legislation, if he had not gone through the like place in London at a recent visit, as the newspapers said, and he said he had; and I asked him if everything which he described of the vile places in San Francisco was not paralleled and surpassed by similar infamy and squalor and human degradation in places in London, where he found nobody but men of the English race. He admitted that that was true. It is not race. It is degradation that we ought to strike at and keep out if we can.

Mr. President, the objection to the whole theory on which our Chinese legislation proceeds is that you strike at labor, the dignity and glory of humanity, because it is labor, and you strike at men not because of any individual degradation, but solely because of race. You say that the Chinese laborer shall be kept out though he possesses every virtue under heaven, and the Syrian laborer or the laborer from any other Asiatic country shall come in though he possesses every vice under heaven, and then you say that a man shall stay out if he is a laborer, although he may come in if he is a scholar or a gentleman or an artist. So this great Republic puts itself on record that men differ essentially in the matter of human rights because of race and not because of the quality of the individual, and that the laborer is a degraded being in comparison with the scholar or the gentleman or the idler. Now, that is a stab at the essential principle on which this Republic rests, and for one I will not mark the close of my life, as my eyes are about to close, by joining in such an act in consequence of any alleged or fancied necessity.

When this subject first came up, and when the uneasiness under

the Burlingame treaty was just beginning to show itself on the Pacific coast and had not reached the rest of the country, I sought out Mr. Sargent, then an eminent member of the House of Representatives from California (that was, I suppose, about 1871 or 1872; I can not give the date), who was afterwards an eminent member of this body and, as is well known, minister to Germany, and called his attention to it.

I told him I would gladly unite in measures which should be as effective and stringent as human wit could contrive to keep out everything of the evil of which his people were beginning to complain; that I would agree to station at one port or two ports or five ports in Asia public agents—public agents who should examine man by man, witness by witness—agents who could not be imposed upon and who could not be flattered and who could not be bribed, and provide that no immigrant should come to this country from China except such as came from that limited number of ports and such as had passed this scrutiny of our public agencies. If the time for such an examination would not allow examining thoroughly and faithfully every man who wanted to come, that was the misfortune of the situation, and it was necessary for the protection and security and quality of American citizenship. But it was no violation of our principles.

I was willing, then, that no man should come as an immigrant who could not read or write the English language, if that were desirable; that no man should come as an immigrant who did not bring his wife with him, if he were married, and his children with him, if he were a father; that no man should come as an immigrant whose moral qualities and capacity to earn his living in some respectable employment were not ascertained; that no man should come as an immigrant who did not mean to stay here and die here and be buried here and renounce all his allegiance to every other country whatever, and that no man should come as an immigrant who was not permeated with the spirit of American citizenship.

But some of our friends on the Pacific coast did not care much about ideals, though I have no doubt they were as thoroughly attached in principle to the doctrines on which this Republic was founded as I was, but in their anxiety and alarm they could not wait patiently to get at this evil.

So, in the first place, they broke a treaty, and in the next place they contradicted the doctrines which the fathers had declared; and although I suppose my friend the Senator from Nevada, as I do, considers Mr. Sumner's impassioned denunciation of him as rather a jest—I do not mean Mr. Sumner meant it as a jest, for he never jests, but my friend, I have no doubt, took it as a jest, just as I did—

Mr. STEWART. It did not hurt my feelings any.

Mr. HOAR. I do not suppose it did the least in the world. It did not hurt his feelings or stop the growth of his hair.

Mr. STEWART. That is true.

Mr. HOAR. But still, for all that, the thing happened, and so it is that we are going on from step to step. We could not wash out this spot with water, and so we took vinegar; and we could not wash it out with vinegar, and so we tried a solution of cayenne pepper, and now our friends on the Pacific coast are asking us for a preparation of vitriol, which they hope will work.

For one, Mr. President, I am not going into the details of this measure. I will not bow the knee to Baal—either in dealing with the Philippine Islands or with the Chinese. I will not vote that labor as labor shall not stand on an equality with other conditions of men. I will not vote that it is a falsehood that any nation has the right to establish its own government after its own fashion. I will not worship this god that you have set up. My opposition to this policy has nothing to do with the details of the measure.

Mr. TELLER. Mr. President, I desire to submit a very few remarks upon the pending bill. I do not care about doing so to-night.

Mr. STEWART. It is too late to speak to-night.

Mr. PETTUS. If the Senator will allow me, I will move—

Mr. TELLER. I should like to take the floor and go on in the morning.

Mr. PLATT of Connecticut. If it is understood that the Senator from Colorado has the floor—

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from Colorado yield to the Senator from Alabama?

Mr. PLATT of Connecticut. Will the Senator from Alabama allow me to propose an amendment?

Mr. PETTUS. I was going to make a motion.

Mr. PLATT of Connecticut. Is there any amendment pending to the bill?

The PRESIDING OFFICER. Two committee amendments were passed over.

Mr. PENROSE. I have a committee amendment which I desire to offer at the proper time before we adjourn. I merely make the statement so that the Senate may not pass on the motion to adjourn until I have had that opportunity.

Mr. TELLER. Offer it now.

Mr. PENROSE. Very well.

The PRESIDING OFFICER. The amendment will be received.

Mr. PENROSE. I ask the Senate to consider now a committee amendment which I think meets with the approval of everyone, and to which there will be no objection.

Mr. FAIRBANKS. I suggest to the Senator, as section 56 was passed over, that that amendment be disagreed to and this one adopted.

Mr. PENROSE. Very well.

Mr. PETTUS. Mr. President—

Mr. PENROSE. I understand that I have the floor.

The PRESIDING OFFICER. The floor was yielded by the Senator from Colorado to the Senator from Alabama.

Mr. PENROSE. Excuse me, Mr. President; I did not understand that. May I proceed?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Pennsylvania.

Mr. PETTUS. Mr. President, I do not yield for the purpose of bringing up new business, but I thought the Senator from Pennsylvania wanted to offer some formal morning business.

Mr. PENROSE. No; I desire on behalf of the Committee on Immigration, having the bill in charge, to offer an amendment which I think should be placed immediately before the Senate, and to which there will be no objection, so that the bill as recommended by the committee may be printed and considered by the Senate.

Mr. PETTUS. I yield to the Senator for that purpose.

Mr. PENROSE. I desire to offer it now. It will take but a minute. I merely desire to have it read and passed on. There will be no objection to it.

Mr. CULLOM. Let it be read and lie over.

Mr. PENROSE. I ask to have the amendment read, and then I shall ask to have it considered.

On page 53 of the bill there is an amendment of the committee which was passed over when the bill was read, and which I ask be not agreed to. Then I shall offer as a substitute for the section the amendment which the Secretary has in his hand. I ask that section 56 be disagreed to.

Mr. MITCHELL. The committee amendment?

Mr. PENROSE. It is a committee amendment, and I ask that it be disagreed to. It is the section prohibiting the admission of Chinese in connection with expositions.

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the amendment reported by the committee as section 56 be disagreed to. The question is on agreeing to the amendment. The amendment was rejected.

Mr. PENROSE. Now I move as a substitute for section 56 what I ask the Secretary to read.

The PRESIDING OFFICER. The Senator from Pennsylvania proposes an amendment as a substitute, which will be read.

The Secretary read as follows:

SEC. 56. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary, not exceeding such maximum number in each case to be authorized by the Secretary of the Treasury, for the purpose of making preparation for installing, or conducting their exhibits or of preparing for installing or conducting any business authorized, or permitted under or by virtue of, or pertaining to any concession or privilege which may have been or may be, granted by any such fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the number, admission, and return of such person or persons.

Mr. HOAR. May I ask the Senator who has offered that amendment a question? I do not know whether I heard it correctly, but I understand it is an authority to bring in any number of cool laborers for that purpose.

Mr. PENROSE. It only allows a number not exceeding a maximum number to be fixed by the Secretary of the Treasury in each particular case.

Mr. HOAR. They may be cool laborers owned by the man who brings them in, as I understand it.

Mr. PENROSE. It refers to Chinese persons regardless of the fact whether they are laborers or whether they belong to the accepted classes.

Mr. HOAR. As I understood the argument of the Senator from Nevada, and it has been stated also by others, the object is to prevent the bringing into this country of cool laborers, and this policy is justified on the ground that cool laborers were to be brought in by persons who own them.

Mr. PENROSE. All these people are to be returned.

Mr. HOAR. I understand.

Mr. PENROSE. They are all to go back.

Mr. HOAR. Then the Senator and I agree. I understand he does not question it. But he proposes to put in an amendment

that for some particular purpose, for a specially important national exposition, a lot of cool laborers may be brought in by their owners. That is the purpose.

Mr. PENROSE. The purpose is that Chinese persons having a concession for an exposition may bring in such persons as are necessary for the purposes of that particular concession without inquiry on our part as to their relations with the various individuals holding that concession. They are all to be returned when the exposition is over.

Mr. HOAR. So that if the Sultan of Sulu, if there be such a person, has slaves, as it is said by some hot-headed, wrong-minded men in this world, and chooses to bring in a lot of slaves and take them back again, we authorize him to do it.

Mr. STEWART. I do not wish to be understood as saying that the contractors are the owners of these laborers in the literal sense of the term. They enter into a contract providing for their services, and in case they should break the contract their relatives, who are pledged to it, would be their slaves.

Mr. HOAR. The Senator from California [Mr. PERKINS] supplemented that by saying that these persons were in a condition of practical slavery; that they not only pledged their wives and children, body and soul, at home, but their relatives, to carry out their contracts, and if they break them there were contrivances by which the man who breaks them might be punished by assassinating him, and that was done, according to the statement of the Senator from California.

Mr. STEWART. Will the Senator let me add to that statement right here that they have employed what they call highbinders, and if a man breaks a contract the highbinders go to him and he is frequently put out of the way? That is in addition to the pledge of their relatives that they would perform the contract.

Mr. HOAR. I understand that, in a bill proposing to strike at that wickedness, the committee, or the agent of the committee, proposes to insert a clause saying that that precise thing may be done for the purposes of a public exposition.

Mr. MALLORY. Mr. President, I have an amendment which I should like to offer.

Mr. MITCHELL. Was the amendment offered by the chairman of the committee agreed to?

The PRESIDING OFFICER. Does the Senator from Florida propose an amendment to the pending amendment?

Mr. MALLORY. No, sir; to the pending bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. PENROSE] on behalf of the committee.

The amendment was agreed to.

Mr. PENROSE. Now, let the amendment of the Senator from Florida be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 6, page 2, strike out all after the word "since" down to and including the word "hereafter" in line 8.

Mr. MALLORY. The amendment strikes out the following language:

And it shall also apply to those who have been born there since, and to those who may be born there hereafter.

Mr. PENROSE. I desire to state that I am authorized on behalf of the committee to accept the amendment as offered. I ask for the present consideration of it by the Senate.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. HOAR. I should like to have the amendment stated. What is it?

Mr. MITCHELL. It is a motion to strike out.

Mr. MALLORY. The object of it is simply to leave open the question of the right of people born in the Philippine Islands since the acquisition of that territory to come to this country.

Mr. FORAKER. I should like to have the amendment read again. I want to take advantage of this opportunity to give notice that, with the consent of the Senate, I shall make some remarks upon this bill on Monday next immediately after the morning hour.

Mr. HOAR. Let the amendment of the Senator from Florida be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 6, after the word "since," strike out the words "and it shall also apply to those who have been born there since, and to those who may be born there hereafter."

Mr. FORAKER. That is an exceedingly important amendment. It may be that it is exactly right. I assume that it is.

Mr. PENROSE. I ask that it be acted upon.

Mr. FORAKER. It doubtless accomplishes the purpose the Senator from Florida has in view in offering it, and that the committee have in view in accepting it, but I would be glad to have it printed and go over before the Senate acts on it.



Mr. PENROSE. As I understand it, the action will not be final. I ask to have it inserted in the bill—

Mr. FORAKER. Very well; I do not object to that.

Mr. PENROSE. So that the committee bill may be before the Senate in its perfected shape.

Mr. FORAKER. That is all right. I have no objection to that.

The PRESIDING OFFICER. The amendment is agreed to without objection.

Mr. FORAKER. That clause of the bill is one that I should like to have the right to look at more carefully before it is finally disposed of.

Mr. PENROSE. Now I ask for a unanimous-consent agreement that we may vote on this bill on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Fix an hour.

Mr. PENROSE. At 4 o'clock.

Mr. MITCHELL. Commencing at 4 o'clock?

Mr. PENROSE. Commencing at 4 o'clock.

Mr. MITCHELL. To commence voting on amendments at that hour?

Mr. PENROSE. To commence voting on amendments at 4 o'clock, with five-minute debate on the different amendments.

Mr. FRYE. The debate to be under the limitation of Rule VIII?

Mr. PENROSE. Yes.

Mr. LODGE. Then we ought to begin earlier.

Mr. PENROSE. I will make the hour 3 o'clock.

Mr. TELLER. We ought to know, before we agree to this arrangement, whether we will have two more days this week or whether we will have but one.

Mr. LODGE. I hope the Senate is going to sit on Saturday, because I gave notice that I would speak on that day immediately after the routine morning business.

Mr. TELLER. If we are to have a session on Saturday the question is somewhat different from what it would be if we were not going to have a session on that day.

Mr. LODGE. And I should be glad to have the President of the Senate here at that time.

Mr. TELLER. I think the time is rather short.

Mr. PENROSE. Then I will make it Tuesday.

Mr. TELLER. That is better.

Mr. PENROSE. I ask that the bill be voted on Tuesday, subject to the five-minute rule after 3 o'clock.

Mr. CLAY. I desire to ask the Senator from Pennsylvania whether he expects to insist on the passage of the Senate bill that came from the Committee on Immigration, or does he expect to substitute the House bill for the Senate bill?

Mr. PENROSE. I understand that both bills are substantially the same.

Mr. CLAY. They are not exactly the same.

Mr. PENROSE. No; they are not exactly the same.

Mr. CLAY. If we are expected to take the House bill, many of us have not gone through it to ascertain all of its contents, and we ought to have more time than would be given by an agreement to vote on Monday.

Mr. LODGE. If I may be allowed, I take it that the parliamentary situation and manner of dealing with it would be that after the Senate has amended and perfected its bill, whether it passes the bill with amendments as it came from the committee or whether it substitutes the bill of the Senator from Connecticut, it would then strike out all after the enacting clause of the House bill and put in its own bill as an amendment so as to bring both into conference.

Mr. TELLER. Mr. President, I understand that several Senators who expect to take part in this debate are not here. Therefore I suggest that we wait until to-morrow morning and settle this question when there are more Senators present.

Mr. PENROSE. All right, Mr. President.

Mr. TELLER. That will do just as well.

Mr. PENROSE. I notified the Senate yesterday that I would make the request to-day. However, I will wait until to-morrow and renew it then.

Mr. TELLER. There is rather a thin Senate now. I understand that some Senators who are opposed to the bill have expressed a desire to be here when an agreement to vote is made.

Mr. PLATT of Connecticut. I understand that no amendment is pending.

The PRESIDING OFFICER. There is one committee amendment pending.

Mr. PENROSE. I understand that the committee amendments have been adopted.

The PRESIDING OFFICER. There were amendments passed over.

Mr. LODGE. The passed-over amendments are still pending. One of the most important clauses of the bill to be discussed is involved in such an amendment.

Mr. PLATT of Connecticut. I did wish to propose the amend-

ment of which I gave notice, but I will wait until the amendments of the committee are disposed of.

Mr. CULLOM. You had better submit it now.

Mr. LODGE. The amendment of the Senator from Connecticut is in the nature of a substitute?

Mr. PLATT of Connecticut. It is.

Mr. LODGE. It can not be offered until the original bill is perfected.

Mr. PLATT of Connecticut. I was willing to wait until the committee amendments are disposed of.

Mr. LODGE. I beg pardon; there are a great many other amendments to be disposed of. The Senator from Vermont [Mr. DILLINGHAM] has nearly a dozen amendments that he intends to propose to the bill, some of which are very important amendments. I speak with deference to the superior knowledge of the Senator from Connecticut, but we must complete or perfect the bill before the substitute will be in order.

Mr. HOAR. Mr. President, I understand the parliamentary rule to be that a substitute for a bill may be offered whenever a member of the Senate desires, and it may be pending, and that still amendments perfecting the bill or amendments perfecting the substitute are in order. That does not come within the rule that there can be but one amendment pending at once. If the Senator from Connecticut offers his amendment at this moment, all amendments to the pending bill will be considered first or all amendments to his substitute will be considered before the vote is taken on that.

Mr. LODGE. Undoubtedly. That is what I said.

Mr. PLATT of Connecticut. Then I will offer my amendment, if I may have the opportunity to do so, at the present time.

The PRESIDING OFFICER. The Senator from Connecticut offers an amendment, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, be, and the same are hereby, extended and continued in full force and effect until the 7th day of December, 1904, and so long as the treaty between China and the United States concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894, may be continued in force by virtue of the extension thereof in accordance with the provisions for such extension therein contained. That the Secretary of the Treasury shall be, and he hereby is, authorized and empowered to make and prescribe and from time to time to change and amend such rules and regulations as he may deem necessary and proper to execute the provisions contained in the second paragraph of article 3 of said treaty of December 8, 1894.

Mr. HOAR. Mr. President, I should like to suggest to the Senator from Connecticut, if I may, whether it would not be well to have the time a little later than the 7th of December, 1904. That will be the very beginning of a session, so that if anything should happen, as a termination of the treaty, in the summer there might have to be an extra session of Congress called or we might have to deal very hastily with a condition of things. Would it not be as well to say the 7th of January or the 7th of February, 1905?

Mr. PLATT of Connecticut. The idea of my amendment is to continue existing laws just as they are until the expiration of the treaty, whether it shall expire on the 7th day of December by having been denounced or whether it shall continue longer by not having been denounced.

Mr. HOAR. Suppose the denunciation will come just six months before the 7th of December, 1904, which would be the 7th day of June, Congress might not be in session. In that case you would be left with your treaty gone and your statute gone, and there would have to be an extra session of Congress. You would have to do something within a day or two of the beginning of the session. It would seem to me that these laws should at least continue in force long enough to give Congress time to draw its breath by putting it a little later. I do not know whether I make my point clear to the Senator without restating it.

Mr. PLATT of Connecticut. Yes, I think I understand it. I do not wish to provide that our present laws shall be continued beyond the life of that treaty, because those laws have been passed with reference to the treaty.

Mr. HOAR. Suppose China denounces—to use the phrase that is used—this treaty on the 7th day of June, 1904, where are you? You have not got any treaty, which, perhaps, you do not care so much about, but you have not got any law on the 7th of December, 1904. So if this passes you must have an extra session in midsummer to get a law, or you have got to have the Chinese coming in until you get one after Congress assembles in December, 1904. It seems to me that the slight objection to having the law go over for two weeks after that time does not warrant taking that risk.

Mr. MITCHELL. Will the Senator allow me to state that what has taken place in the last five minutes is the best possible illustration that could be presented of the inadvisability of passing any such amendment as is proposed by the Senator from Connecticut?

Mr. HOAR. I am for the Senator's amendment.

Mr. MITCHELL. I understand.

Mr. HOAR. I do not make my criticism in hostility to it, but in aid of it, if I am right; if I am wrong, that is another thing.

Mr. PENROSE. If I may be permitted an inquiry, how could the amendment extend the time beyond the existence of the treaty without grave international complication and a violation of international comity and good faith?

Mr. HOAR. The extension for three or four weeks—

Mr. PENROSE. It seems to me it would be a grave offense.

Mr. HOAR. When we are in doubt whether China will terminate the treaty or not would not be a violation of international comity.

Mr. TELLER. She will terminate it soon enough if the amendment is adopted.

Mr. PLATT of Connecticut. She will terminate it, I think, if the measure which has been proposed by the committee is adopted.

Mr. TELLER. I will venture to say that she does not.

Mr. HOAR. Senators can think of it over night.

Mr. FORAKER. Evidently whether she will denounce it or not is a matter of speculation in view of what the Senator from Connecticut on one hand and the Senator from Colorado on the other says, but whether the one or the other be right it seems to me that the extension of the law ought to be for the life of the treaty. We will know six months before December 7, 1904, whether the treaty has been denounced by either party to it, and we will know, therefore, six months before whether it is to end in December, 1904, or to continue until December, 1914.

Mr. HOAR. The Senator will know that at his home in Ohio, very likely, and nowhere else.

Mr. LODGE. Before that time comes I hope it will also have been found out that not a single law now on the statute book in regard to the Chinese was passed with reference to the treaty. The treaty was made with reference to the law.

Mr. FORAKER. It will be manifest to everybody who examines the laws now on the statute book that the treaty was entirely disregarded when some provisions were incorporated in them.

Mr. LODGE. The Senator misunderstands me. I say that no law on the statute book was passed with reference to the treaty, and it could not have been done, because they were all made before the treaty.

Mr. TELLER. They were made before the treaty.

Mr. MITCHELL. Not a single law on the statute book was passed after the treaty of 1894.

Mr. LODGE. Not a law on the statute book was passed with reference to the treaty of 1894.

Mr. FORAKER. That is what I am quite familiar with and what I make reference to. There has been no legislation by Congress under the treaty that was entered into ten years ago.

Mr. LODGE. Not at all; but the phrase was used that the laws referring to the treaty should remain.

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. Will the Senator withhold that motion for a moment?

Mr. PETTUS. Certainly.

Mr. FORAKER. It should be borne in mind that in the treaty of 1894 reference is made to some legislation that had been enacted; and some legislation, which it is claimed is in force, was enacted with reference to a treaty that was pending which was ratified by the Senate, but with amendments which were not concurred in by the Chinese Government, and the treaty, therefore, failed.

On motion of Mr. PENROSE, it was

Ordered, That 200 copies of the bill (S. 2900) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent, as amended, be printed for the use of the Senate.

#### EXECUTIVE SESSION.

Mr. PETTUS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 11, 1902, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 10, 1902.*

#### APPOINTMENT IN THE ARMY—GENERAL OFFICERS.

##### To be major-general.

Brig. Gen. Robert P. Hughes, United States Army, April 1, 1902.

##### To be brigadier-generals.

Col. Isaac D. De Russy, Eleventh Infantry, April 1, 1902.

Col. Andrew S. Burt, Twenty-fifth Infantry, April 1, 1902.

Col. Michael V. Sheridan, assistant adjutant-general, to rank from the date of acceptance as major-general of Brigadier-General Hughes.

#### RECEIVER OF PUBLIC MONEYS.

William R. Akers, of Nebraska, to be receiver of public moneys at Alliance, Nebr.

#### POSTMASTERS.

Millard F. Campbell, to be postmaster at Wilburton, in the Choctaw Nation, Ind. T.

James R. Young, to be postmaster at Ada, in the Chickasaw Nation, Ind. T.

Thomas A. Sawhill, to be postmaster at Concordia, in the county of Cloud and State of Kansas.

Cornelius Van Zandt, to be postmaster at Wilton Junction, in the county of Muscatine and State of Iowa.

Melville Sheridan, to be postmaster at Osceola, in the county of Clarke and State of Iowa.

Warner S. Carr, to be postmaster at Lake Nebagamon, late Lake Nebagmain, in the county of Douglas and State of Wisconsin.

Harvey G. Lowrance, to be postmaster at Thayer, in the county of Neosho and State of Kansas.

Joseph L. Crupper, to be postmaster at Alexandria, in the county of Alexandria and State of Virginia.

George L. Wilkinson, to be postmaster at Neola, in the county of Pottawattamie and State of Iowa.

Wallace M. Moore, to be postmaster at Mount Vernon, in the county of Linn and State of Iowa.

James C. Harwood, to be postmaster at Clarion, in the county of Wright and State of Iowa.

John L. Waite, to be postmaster at Burlington, in the county of Des Moines and State of Iowa.

Charles H. Anderson, to be postmaster at Anamosa, in the county of Jones and State of Iowa.

Samuel L. Gatrell, to be postmaster at Midway, in the county of Woodford and State of Kentucky.

Daniel J. Adlum, to be postmaster at Missouri Valley, in the county of Harrison and State of Iowa.

Isaac Stauffer, to be postmaster at Gladbrook, in the county of Tama and State of Iowa.

Russel W. Branson, to be postmaster at Cherokee, in the county of Crawford and State of Kansas.

Willis S. Gardner, to be postmaster at Clinton, in the county of Clinton and State of Iowa.

Ira D. Hurlbut, to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin.

John W. Keenan, to be postmaster at Lyndon, in the county of Osage and State of Kansas.

Mathew J. Orr, to be postmaster at Osceola, in the county of St. Clair and State of Missouri.

William T. McElroy, to be postmaster at Humboldt, in the county of Allen and State of Kansas.

R. A. Fulton Lyon, to be postmaster at Greensburg, in the county of Westmoreland and State of Pennsylvania.

Daniel D. Groves, to be postmaster at Brockwayville, in the county of Jefferson and State of Pennsylvania.

Theron E. Sedgwick, to be postmaster at York, in the county of York and State of Nebraska.

Charles B. Mersereau, to be postmaster at Manistique, in the county of Schoolcraft and State of Michigan.

Arthur A. Porter, to be postmaster at Portage, in the county of Columbia and State of Wisconsin.

David M. McQuown, to be postmaster at Punxsutawney, in the county of Jefferson and State of Pennsylvania.

Samuel J. Kleinschmidt, to be postmaster at Higginsville, in the county of Lafayette and State of Missouri.

Oscar J. R. Hanna, to be postmaster at Jackson, in the county of Jackson and State of Michigan.

A. B. Clark, to be postmaster at Hastings, in the county of Cambria and State of Pennsylvania.

Henry Grass, to be postmaster at Hermann, in the county of Gasconade and State of Missouri.

Archibald H. Cashion, to be postmaster at Perryville, in the county of Perry and State of Missouri.

Horace M. Wells, to be postmaster at Crete, in the county of Saline and State of Nebraska.

William F. Hamilton, to be postmaster at Galeton, in the county of Potter and State of Pennsylvania.

Frank E. Baldwin, to be postmaster at Austin, in the county of Potter and State of Pennsylvania.

R. D. Cramer, to be postmaster at Memphis, in the county of Scotland and State of Missouri.

James H. Porter, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania.

Truman C. Manzer, to be postmaster at Forest City, in the county of Susquehanna and State of Pennsylvania.



Charles Sutter, to be postmaster at McKees Rocks, in the county of Allegheny and State of Pennsylvania.

James Bickerton, to be postmaster at Duquesne, in the county of Allegheny and State of Pennsylvania.

William L. Hunter, to be postmaster at Turtle Creek, in the county of Allegheny and State of Pennsylvania.

Reuben J. Mott, to be postmaster at Port Allegany, in the county of McKean and State of Pennsylvania.

George E. Washburn, to be postmaster at Wyncote, in the county of Montgomery and State of Pennsylvania.

Frank R. Cyphers, to be postmaster at East Pittsburg, in the county of Allegheny and State of Pennsylvania.

George H. Moore, to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania.

John Bercher, to be postmaster at Mount Oliver, in the county of Allegheny and State of Pennsylvania.

Jonathan C. Gallup, to be postmaster at Smethport, in the county of McKean and State of Pennsylvania.

John W. Jones, to be postmaster at Bangor, in the county of Northampton and State of Pennsylvania.

Tom C. Hill, to be postmaster at Shickshinny, in the county of Luzerne and State of Pennsylvania.

Thomas A. Hunter, to be postmaster at Oakmont, in the county of Allegheny and State of Pennsylvania.

Rudolph Neiman, to be postmaster at Red Lion, in the county of York and State of Pennsylvania.

Charles Seger, to be postmaster at Emporium, in the county of Cameron and State of Pennsylvania.

William J. Peck, to be postmaster at Pittston, in the county of Luzerne and State of Pennsylvania.

Gilson A. Jackson, to be postmaster at Youngsville, in the county of Warren and State of Pennsylvania.

George W. Schmeltzer, to be postmaster at Pine Grove, in the county of Schuylkill and State of Pennsylvania.

Frederick H. Bartleson, to be postmaster at Sharpville, in the county of Mercer and State of Pennsylvania.

Benjamin F. Davis, to be postmaster at Freeland, in the county of Luzerne and State of Pennsylvania.

## HOUSE OF REPRESENTATIVES.

THURSDAY, April 10, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

### ELECTION CONTEST—LENTZ AGAINST TOMPKINS.

Mr. OLMSTED. Mr. Speaker, I desire to present a privileged report of the Elections Committee No. 2 on the election case of Lentz v. Tompkins, from the Tenth Congressional district of Ohio.

The SPEAKER. The report will be printed and referred to the House Calendar.

### ORDER OF PROCEEDING ON CUBAN RECIPROCITY BILL.

Mr. PAYNE. I ask unanimous consent that Saturday of this week be set aside for pension business, instead of Friday, under the rules, so that the debate on the Cuban reciprocity bill may be continued to-morrow without being broken into by pension business.

Mr. SIMS. Does this refer to the pension business of to-morrow?

Mr. RICHARDSON of Tennessee. As I understand, the request is simply that Saturday be substituted for Friday as the day for pension business under the rule. There is no limitation in the request upon the debate on the pending bill, is there?

Mr. PAYNE. Oh, no; not any.

Mr. UNDERWOOD. If the debate on this bill should run beyond to-morrow, this request will not interfere with its going on on Saturday.

Mr. PAYNE. My request was simply to substitute Saturday for Friday, so that if the debate on this bill should not be ended to-morrow it will go over until next week.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none; and it is so ordered.

### PENSIONS TO CHILDREN UNDER 16 YEARS OF AGE.

Mr. SULLOWAY. I am directed by the Committee on Invalid Pensions to submit a report upon the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9324) construing the provisions of the act approved March 3, 1879, excepting from the limitations named therein the claims to pension by or in behalf of children under 16 years of age.

The SPEAKER. The bill will be referred to the Committee

of the Whole House on the state of the Union, and, with the report, ordered to be printed.

Mr. RICHARDSON of Tennessee. May I ask what this business is?

The SPEAKER. The Clerk will again report the bill by its title.

The title of the bill was again read.

Mr. RICHARDSON of Tennessee. What is the object of bringing the bill before the House? What is the request in connection with it?

The SPEAKER. It is being reported from the Committee on Invalid Pensions. That is the only object.

Mr. RICHARDSON of Tennessee. Can it not be reported under the rule? Why report it in open House?

The SPEAKER. This is done under the rules. The Chair thinks the committee is privileged for this purpose under the rules.

Mr. RICHARDSON of Tennessee. It is unusual, I think, to report bills of this kind in open House. I do not understand why this bill should not have been reported at the desk, through the box.

The SPEAKER. This bill is in the same category as appropriation bills and river and harbor bills. The committee, under the rule, is entitled to report these general bills in open House.

Mr. RICHARDSON of Tennessee. No action upon the bill is asked at this time?

The SPEAKER. Simply reference to the Calendar and printing.

Mr. RICHARDSON of Tennessee. I reserve points of order upon the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order upon the bill just reported.

### PENSIONS TO REMARRIED WIDOWS.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows," approved March 3, 1901; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not know what is in this bill. I desire to reserve all points of order against the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order against the bill.

### ALASKAN BOUNDARY.

Mr. HITT. Mr. Speaker, I submit a privileged report by the direction of the Committee on Foreign Affairs, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to inform the House of Representatives whether the State Department has received from official or other sources information as to the reliability of reports which have recently appeared in public prints to the effect that in American territory, near the border of Alaska, British and Canadian officials (exercising authority by an agreement entered into by the Government of the United States and the British Government) are making surveys and encroachments upon territory not included in said agreement, and are removing and destroying ancient landmarks and monuments long ago erected by the Russian Government to mark the Alaskan boundary, and that the Secretary of State be also requested to inform the House of Representatives what steps, if any, the State Department has taken to ascertain the facts as to the alleged fresh encroachments upon American territory and the alleged removal and destruction of landmarks and monuments, and to prevent the same.

The Clerk read the committee amendment, as follows:

Amend by striking out all after the word "boundary," in line 13.

Mr. DALZELL. Mr. Speaker, I did not hear, and I would like to ask if this is simply a resolution of inquiry?

Mr. HITT. It is a resolution calling upon the Secretary of State to inform the House as to the reliability of a report published in the newspapers about the removal of landmarks on the Alaskan boundary. The committee has stricken from the resolution the latter part, which was a direction to the Secretary of State to advise the House what steps he has taken to prevent this. It was deemed by the committee, with the assent of the gentleman who introduced the resolution, better not to ask such a question of the Secretary, but to let our Government unquestioned pursue those steps that prudence suggested to secure the interests of our country. I move the previous question.

Mr. RICHARDSON of Tennessee. I would like to ask a question, Mr. Speaker. Is this a unanimous report?

Mr. HITT. It is a unanimous report and also has the assent of the gentleman who introduced it.

Mr. FITZGERALD. I understand that my colleague introduced it.

Mr. HITT. It was introduced by Mr. COCHRAN, of Missouri.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

SHIPMENT OF HORSES, MULES, AND OTHER SUPPLIES TO SEAT OF WAR IN SOUTH AFRICA.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs, I herewith submit a resolution which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Whereas the governor of Louisiana has reported to the State Department the existence and operation in the State of Louisiana of a British base of supplies, conducted and controlled by British military officers, whereby horses and mules and other supplies, contraband of war, are shipped on British military and naval transports to the seat of war in South Africa for the augmentation of the British military forces in South Africa operating against the South African Republics of the Orange Free State and the Transvaal; and

Whereas the governor of Louisiana further reports, and sustains his report by affidavits of American citizens, that the said British base of supplies has been and is being used to procure by solicitation, fraudulent representation, and unlawful means the enlistment of said American citizens in the British army operating in South Africa: Therefore be it

Resolved, That the Secretary of State be, and he hereby is, respectfully requested, if not incompatible with public interest, to transmit to the House of Representatives the said report and communication of the governor of Louisiana, together with all accompanying affidavits, documents, and communications.

The Clerk read the following committee amendments:

Strike out the preamble.

In line 3, page 1, strike out the words "the said" and insert in lieu thereof the word "any;" and by adding after the word "communications," in line 3, page 2, the words "concerning shipments of horses, mules, and other supplies from Louisiana to the seat of war in South Africa;" so that it will read:

"Resolved, That the Secretary of State be, and he hereby is, respectfully requested, if not incompatible with public interest, to transmit to the House of Representatives any report and communication of the governor of Louisiana, together with all accompanying affidavits, documents, and communications concerning shipments of horses, mules, and other supplies from Louisiana to the seat of war in South Africa."

Mr. HITT. Mr. Speaker, the resolution is reported by the committee almost exactly as introduced.

The preamble and the recital therein are omitted. The whole purpose is covered by the resolution. The committee were unanimous in directing its recommendation, and the gentleman who introduced it assented to it.

Mr. SULZER. Mr. Speaker, as the introducer of this resolution, I submit—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. HITT. I can not yield. Is it a question?

Mr. SULZER. I just desire to say a word.

Mr. HITT. I will yield to a question.

Mr. SULZER. I only want to say—

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. SULZER. This is a question.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. HITT. I do not, unless it be for a question.

Mr. SULZER. Mr. Speaker, I desire to ask a question. What change does the amendment make—

Mr. HITT. I have stated that. I can not yield further.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

CUBAN RECIPROCITY.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba, and pending that, I would like to see if some arrangement could not be made about the closing of general debate. Of course we have two days more this week for general debate, and I would like to ask the gentlemen who represent the opposition if we can not close general debate on Monday, so as to take up the bill under the five-minute rule on Tuesday of next week, thus leaving three days, including to-day, for general debate. I therefore ask unanimous consent that general debate close on Monday.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate close on Monday. Is there objection?

Mr. TAWNEY. Mr. Speaker, I demand a regular order.

The SPEAKER. The gentleman from Minnesota demands a regular order. The question is on the motion of the gentleman from New York to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

Mr. GROSVENOR. Mr. Chairman, the contribution that I shall make to the debate upon the pending measure will not be published as a campaign document by the Democratic party. [Laughter.] It will not be used to produce a Democratic majority in the next House of Representatives. It will not be available to aid in securing a repetition of the evil results that have grown to the United States by Democratic successes in past Presidential elections. It will not be used in any of the several Congressional districts of the United States to strike at the merits and standing of Republican members of the House. It will not be available to gratify petty jealousies nor the enviousness of small-sized men in their attacks upon their fellows. My speech will be an attempt, at least, to make plainer to the public of this country the real controversy which we have here; and I shall in my present condition of health deal carefully with my physical strength and try to follow a line of argument that will show how it is and by what road we have traveled to get to the anomalous position in which we find ourselves.

We find ourselves, Mr. Chairman, acting in perfect harmony with the President of the United States and his Cabinet, who are acting as a unit in advocating this measure or some measure of much greater liberality to the people of the island of Cuba. The action of the Ways and Means Committee in bringing this measure into the House and supporting it now with voice and vote is acting in party loyalty and party cooperation. The defeat of this measure will be accepted as a defeat of the Administration and a rebuke to the President. Aye, more than that, as it will be shown, such a defeat would react back to the Administration of McKinley and be accepted everywhere as a repudiation of the diplomacy of our Government under the Administration of the dead leader. Later on I shall refer to facts known to all our people, which it will be seen leaves an inevitable inference that this measure is an effort to make good in a small degree the just expectations of the Cuban people.

We find that the President of the United States, the recognized head of the Republican party, after all the appeals that have been made to him and all the discussions which we have had, adheres firmly and pertinaciously to the proposition laid down and guaranteed to the people of Cuba by the authorities of the United States many months ago. And we find the caucus of the Republican party, or a majority at least of the members of the Republican party of this House, upon a question of pure policy, as I shall show—a matter involving no possible political principle whatever—undertaking to follow the leadership of the President and his Cabinet, and yet antagonized, not upon the Democratic side of this House, but upon the Republican side of the House. The hour is pregnant with momentous results to the future of politics and policies, and I shall, while speaking with the utmost frankness, try to deal justly while recognizing the duty I owe to country first and to party second.

I shall have no criticism of gentlemen who find themselves compelled to break from their party organization and organize a hostile force against the Administration. If gentlemen feel they are bound by conscience or impelled by local self-interest to that course, I shall not complain. I shall attack the motives of no member of this House, and I shall make it none the less easy for any member's reelection by reason of anything that I shall say. Men have the right to choose between their party organization and their conscientious obligation as they understand it, and men have the right to sever their connections with the great onward march of the political party to which they belong and join, if they see fit, a party of mere expediency, based upon some local or special interest. It does not lie in my mouth to assail the motives of gentlemen thus actuated. I will attempt to show that the position occupied by the Ways and Means Committee and the vast majority of this House of Representatives, upon the Republican side, is no deviation nor deflection from the beaten pathway over which we have trodden in our advocacy of protective tariff.

I do not yield to any living man in my devotion to the doctrine of protection, both for revenue and for protection; and I will not permit myself to be disturbed when gentlemen of modern introduction into politics, of doubtful record upon the subject as shown by their own State platforms in other years, come and assail me and attempt to make it appear to the constituents of my district, to the people of the State of Ohio, and to the great Republican protective tariff sentiment of the United States, that I have in some way abandoned the faith of the fathers and am following new lights, borne in the "urns" upon the shoulders of modern reformers who are marching through the wilderness, lighted by the "urns" of self-interest and personal obligations, attempting to overthrow the political history of men who were fighting Republican battles when they were young men, scarcely active in the battles of the great past. [Laughter.] They quote from my written documents and written speeches, and they include with me a number of gentlemen whom I think can afford to stand the



criticism—PAYNE, of New York; DALZELL, of Pennsylvania; STEELE, of Indiana; LONG, of Kansas; MCCALL, of Massachusetts; GROSVENOR, of Ohio.

Well, Mr. Chairman, in all kindness, I may say that it would be a great thing if in the flight of years some time shall come when somebody somewhere shall be interested to read what some of these gentlemen have said who have been in public life and who thus criticise their associates. It will be a condition complimentary to these critics if what they say shall be remembered by anybody.

I have some personal record on this tariff issue, Mr. Chairman, and I do not know but what it might be well, in the light of the fact that my district has been flooded with assaults upon me growing out of this unfortunate disagreement in the House of Representatives, that I refer very briefly and modestly to my history so far as the protective system and a generation, in point of time, of earnest support I have given it is concerned.

Immediately following my election to Congress and while some of these gentlemen who now criticise me and my associates were starting out in politics and considering on which side of the protective problem they would align themselves, I found myself under the education of a lifetime arrayed in opposition to the Morrison tariff bill. That was a bill to produce a horizontal cut of the rates of duties upon all articles imported into the United States. Now, it may be well for me to stop here to say that the Republican party has never yet bound itself to stand once, forever, and unalterably in favor of any schedule of any tariff bill. If it had it would certainly be fatal to the consistency of the present position of the gentlemen of the Republican party on the other side of this question.

Let us see what the history of the past upon the tariff question will demonstrate. The Morrill tariff bill was passed before the Republican party came into power as a national organization. It was signed by a Democratic President, and yet in principle it was a Republican measure, Republican in its essence and Republican in its purposes. First, however, to raise revenue, and secondly, to protect the industries of the United States. That bill was changed in 1862 and 1863, and a step forward was made. The Republican party then coming into power when the war was over, the provisions of the Morrill tariff bill were deemed wholly unsatisfactory. First, because some of the schedules were too high, and other schedules were too low. So it was that a tariff commission of Republicans in the majority to revise the tariff was chosen. And out of that came the tariff of 1883, which was a Republican tariff. How would that bill and its schedules look to us to-day?

Would it be very wise to go back along the pathway we have traveled and shoot down as deserters from the Republican party men who voted to revise and reorganize and change the tariff of 1883? We did it under a political commission. We did it because of our own judgment and wisdom, and changed almost every schedule of the then existing tariff. Within my own experience here, when I was a new member, we defeated the Morrison tariff bill. We defeated it in a Democratic House and defeated it by Democratic votes; in part defeated it by the votes, among others, of two Democrats from the State of Ohio. Then came the McKinley tariff bill. On that bill was first placed, so far as Republican action was concerned, this vexed suggestion of reciprocity that now seems to be the signal of danger and fear to some of our friends.

I remember the discussion growing out of that bill. For ten long days we sat here in the Committee of the Whole and the bill was discussed. A great question arose; and, strangely enough, it was, among other things, the sugar tariff which caused the great interest therein. It was the purpose of the Republicans in that body to place sugar on the free list, and we had a sort of battle cry—I always thought it was more or less unworthy—of “a free breakfast table;” and we shook our fists in the faces of the Democrats on the other side and demanded a “free breakfast table.” So it was, however, that we placed sugar on the free list absolutely, making no tariff upon the raw-sugar product of Cuba, but placing a bounty of 2 cents a pound upon the American product of sugar. At that time we were looking forward to the question of the production of beet sugar. We also provided for the free introduction into the United States of machinery for the manufacture of beet sugar. We had made arrangements for the free introduction into the United States of sugar-beet seed.

I cite this fact to show that the sugar-beet industry was then in esse, if not in an assured condition of success. The great question as to the sugar schedule of that day grew out of the difference of opinion between Mr. Blaine, who had been for a long time an advocate of reciprocity, and William McKinley, who was at that early day also a disciple of Blaine reciprocity, but not committed to all the details of Blaine's position. It so happened that I myself heard in the State Department an almost acrimonious discussion between Mr. McKinley and Mr. Blaine upon this ques-

tion, one side favoring a tariff on sugar, hides, etc., all put into the schedule, and then left competent for the President of the United States, in case of reciprocity, to take the tax off sugar. This was a question of law and administration, and both the great leaders to whom I have referred favored the use of sugar as a basis of reciprocal negotiation. Sugar was then an “infant industry,” and yet these two great champions of protection favored reciprocity in this article.

There has never been an attempt to establish reciprocal trade with any great sugar-raising country that did not involve negotiation looking to the use of sugar as one of the articles to be affected.

The other great leaders of the party at the time took exactly the other view of it, and argued in favor of leaving the duty off or prescribing the amount that should be proclaimed by the President in case reciprocity should fail. And so it was that we ultimately placed sugar on the free list, providing that there was no adequate or sufficient or satisfactory reciprocity granted by the foreign States; then the President of United States might put sugar coming from such country onto the tariff schedule at a rate of duty which we prescribed in the law.

Then we went forward, and reciprocity for the first time found an enduring place upon the statute books of the United States. And reciprocity at that early period of time numbered within the articles that were to be taken possession of and dealt with for reciprocal trade with foreign countries this same vexed article of sugar. Then came the Democratic tariff of 1894, the so-called Wilson bill, which grew out of the defeat of our party in 1890 and 1892, and in that law the Democratic party placed itself in utter hostility to the reciprocity conditions or propositions of the McKinley law and put the tariff on sugar, and we went forward through the disastrous period with which we are all familiar and about which I do not propose now to talk.

Then came the Dingley bill. Now, let me tell gentlemen who undertake to assault members of this House for lack of fidelity to the Dingley law that it would be well for them, before they attempt to sow the seeds of discord in the Republican ranks in this country, before they attempt to aid the Democratic party of this country to secure a majority in the next House, it would be well for some politicians and statesmen to know something about what they are talking about. [Laughter.]

Everybody who had anything to do with making the McKinley law—and there are present in this House no less than seven or eight of the members who all that winter long following the election of McKinley in November sat down day and night and Sundays in the Cochran Hotel and worked on the bill which was to be offered in the spring, and they will all remember that Mr. Dingley and the weight of opinion in that conference was against the high rate of duty that afterwards appeared in the law on raw and refined sugar. But at last, after a long contest, lasting all winter, and after the sugar trust had been heard, and after the beet-sugar men had come here in full force—intelligent men, far-sighted gentlemen—the Dingley bill was passed in the House, providing for a certain reduction upon raw sugar from Cuba and every other country that would enter into reciprocal relations with the people of the United States.

No man who ever lived had a higher regard for his integrity, his wisdom, and his devotion to Republican principles than I had for Nelson Dingley. I esteem it an honor to have been a member of the committee over which he presided, and to have been in the councils of the party when that bill was produced and carried to triumphant results; and I do not know a member here who was cognizant of what was going on but that knows that the enormously high rate of duty placed on sugar, which stands in the law of the United States to-day, was put there for the purpose of reciprocity, and probably with the Island of Cuba.

What happened? The bill went over to the Senate, and our reciprocity provision was mutilated and destroyed in that body. Then came the committee of conference. It is customary in some cases nowadays to refer to private conversations with dead men; it is the most comfortable way to swear oneself occasionally out of a dilemma that I know of. [Laughter.] If you can only find the other person dead, and tell what you said to him and what he said to you, you have got a sure thing that you will never be contradicted. [Laughter.] Sometimes the act is called brave and sometimes it is denominated by a word standing at the other end of the line in the matter of its descriptive meaning. But it is known to the gentlemen who served upon the conference committee on the Dingley bill that Nelson Dingley understood perfectly that the rate of duty upon raw sugar was too high, was unreasonably high, and he voted and steadily voted for its reduction.

But at last came this troublesome question which I will make plain to you in a nutshell. If the duty was to be reduced on raw sugar, then the American Sugar Refining Company, which at that time refined about 90 per cent of the sugar of the United



States, would get the benefit of the reduction upon the general tariff line of imports from all the countries of the world. Therefore, while Mr. Dingley felt that the rate of duty was too high—unreasonably high—he was unwilling that it should be reduced unless the differential between the raw and the refined sugar was also reduced. Then came the beet-sugar men—then, I admit, somewhat in their infancy, because they are still an undeveloped industry in this country—and they arrayed themselves against the reduction of the differential.

If we should cut down the duty upon refined sugar it would harm the beet-sugar interest, and if we should cut down the duty on raw sugar, then we should benefit, it was said, the sugar trust, as it was called. So at last, finding ourselves led by Dingley, so far as the House members of the conference were concerned, we voted to retain those provisions—to retain the high duty upon sugar—with the distinct expectation which every member of Congress had at that time that sugar would be one of the prime articles that would be used in the interest of reciprocity.

We now hear talk about a repeal of the differential which exists between the article of raw sugar and the article of refined sugar, and one of the gentlemen who has made himself quite vigorous in his support of the opposition to the plan of the Ways and Means Committee has given notice, as I understand it, that he will distinctly offer a proposal to repeal the rates of duty on refined sugar while maintaining the present high rates of duty on raw sugar. This is to come, as I understand it, from the friends of the beet-sugar industry. The effect would be of course to open our markets to the tremendous product of beet sugar now being produced in Germany, France, and other European countries and assail the present protection that beet sugar has. This is to be done, as I understand it, for the purpose of an attack on the American Sugar Refining Company, and it doubtless would affect that company injuriously to some extent, but while it was doing that it would force the American beet producer into direct and open competition, unaided by Government protection, with all the beet sugar of Europe. If ever there was an industry in the United States that ought to cry out by day and by night "save us from our friends," it is the beet industry of the United States to-day.

Now, go to the debates in that Congress that enacted the bill, and there are many members here who recollect all about it. You will there see that there was a clear understanding that the tariff on sugar was an unnecessarily high tariff, as we now admit that the tariff on a great many other articles is an unnecessarily high tariff.

And right here I deflect from the line of my remarks to say that, devoted as I am to a protective tariff system, long and earnestly and faithfully as I have followed the flag of protection, fully as I have imbibed the teachings of the great fathers of the American principle, and earnestly as I have followed in the footsteps of the men who have been leaders in this House—McKinley and Dingley, and Harrison in the White House, and all the great leaders of the protective-tariff system—I have never yet permitted myself to become the worshiper of the schedules of a protective-tariff system as a fetish that could not be examined, criticised, and revised. And if there is in this House any young Republican who supposes that the shibboleth of his future political career is to be an unswerving demand that the hand of revision shall never touch a schedule of the Dingley tariff bill, that man might just as well go into retirement, for his services to his country will be absolutely valueless in the future.

I quote an extract from a speech which I had the honor to make on the day before yesterday at the convention in my own district in Ohio, which did me the honor to nominate me for Congress for the ninth time. I quote the paragraph from the newspaper report of the convention:

#### TRUE TO POLICY OF PROTECTION.

It may be said in this connection that no one in the Eleventh Congressional district of Ohio nor any man in the State acting intelligently has the slightest doubt of the stalwartness of General GROSVENOR's support of the true principles and practices of protective tariff. He made use to-day of the following language, which may be somewhat significant:

"Earnestly as I support the doctrine of protection, cordially as I stand by the platform of the party, enthusiastically as I defend the operation and effect of the Dingley tariff bill, I would not be classed among those who worship a statute as a fetish. A protective-tariff law is subject to the fluctuation of conditions, and it must be wisely considered and fearlessly made to adjust itself to the new conditions that are paramount to old prejudices; but when the time comes, and that time has not come yet, when there ought to be modification of the tariff law, the suggestion of wisdom is that the changes shall be made by the friends of protection, and I modestly suggest that no men are better capable of saying when changes shall be made and how they shall be made than are the men who observed the country suffering under the pangs of poverty and industrial depression under the only Democratic Administration since the war, and who emerged with the triumphant column of McKinleyism under the new leader, the venerated and ever to be admired Dingley, out over the Jordan of despair and into the promised land of prosperity and peace and hope in which we are now living."

Commenting upon this speech the following appeared in the Star of this city and reflects fairly the sentiment which I hold in regard to the attitude both of McKinley and Roosevelt:

#### GENERAL GROSVENOR ON PROTECTION.

The Republicans of the Eleventh Ohio district have renominated General GROSVENOR for Congress. He is an able man, and one of the leaders of his party in the House. His people have been well served by him, and they are wise in desiring to keep him in commission. In addressing the convention which had thus honored him General GROSVENOR said with other things:

The paragraph reproduced in the paper was the same as appears preceding this article.

This is the position that many Republicans take. They will assist in revising the tariff when the proper time comes; but that time, they assert, is not now. Business is booming. Confidence is widespread and well established. If the tariff, even in the slightest degree, is disturbed, conditions will be unsettled and disaster as pronounced as prosperity now is will follow. And so we arrive at that well-known adjuration, "Let well enough alone."

If we follow this reasoning, we must conclude that tariff revision must await dull times, or maybe hard times. But will anybody insist upon that? Would a revision of the tariff, with the schedules already high, and with our years of plenty ascribed to them, be suggested as a remedy for a tight money market and a collapsed trade? It certainly would not be by the friends of high protection. They would take any other ground than that.

But what was the position of Mr. McKinley? He thought eight months ago that the time had already arrived for a revision of the tariff. He was a very sagacious man, and particularly where the tariff was concerned. In his opinion, expressed at Buffalo, our enormous industrial growth and phenomenal prosperity had laid an obligation upon us to adjust our tariff arrangements by reciprocity and a removal of duties no longer needed for protection, to the demands of an expanding trade. He had no fear of an evil effect upon business. On the contrary, he thought that business would be promoted by such a course, and had he lived he would have emphasized his Buffalo argument both by additional words of mouth and by State papers.

But, for that matter, Mr. Roosevelt is of a like opinion. He also holds that reciprocity is necessary to our continued prosperity now, and probably that there are some industries which have prospered beyond the longer need of legitimate protection. Are there better names to conjure with in Republican circles than McKinley and Roosevelt?

From 1862 down to the great contest of 1888, and down through all the days of battle on this floor against the Mills bill, the Morrison bill, and in favor of the McKinley bill—against the Wilson bill and in favor of the Dingley bill—there has been a distinct recognition upon the part of distinguished Republicans that it was proper and competent always and under all circumstances to adjust and readjust the schedules of the tariff to the conditions of the country at the particular time. And he who stands riveted—chained—to a schedule is not the true friend of the protective system.

Why, sir, we did not dare to put into the platform of the Republican party following the defeat of 1890 and 1892 and following the success of Mr. Cleveland—we did not dare to put into our platform that we would reenact the exact schedules of the McKinley law. There is not a gentleman who reads platforms, who participates significantly in any debates upon the hustings of the United States, who will not remember that we distinctly told the people in 1896 that we were not wedded to the schedules of the McKinley law. No man made haste more energetically or more patriotically than did McKinley to tell the people of the United States that it was not a question of schedules, but it was a question of protective principles.

Now, when you are that sort of a man you are an intelligent and valuable Republican protectionist. When you believe that you must adhere to every word, to every dotting of an "i," to every punctuation mark in some bill that was passed under conditions which existed at the time, but may subsequently have changed, and when you say "I will never deviate from one line or one word of that great measure of protective tariff," you have written yourself down a useless member of the House of Representatives and a poor representative of the people at home.

What is it that agitates this country from one end of it to the other? The demand upon us that certain tariff schedules shall be changed. What is my position on that question? I will tell you what it is. I see no special reason why to-day the principles that underlaid the Dingley bill and which were carried into execution in its enactment should be changed or modified in any respect whatever.

I do think that I see the coming time, not far in the future, when there will be an unanswerable demand for changes in some schedules; and I call attention to the fact that the gentlemen who have assailed members of this House, who have attempted in their way to drive other members out of the Republican party, have made haste to point out in printed documents that have been circulated far and wide in this country the reason why there ought to be changes in the schedules of the Dingley tariff law. When the time comes the American people, if they are wise, will remit the question of the revision of the tariff to the Republican party, who will revise it intelligently and along lines based upon the fundamental principles of tariff protection. And there is nothing to-day that threatens the industries of the country so much—there is nothing to-day that is so greatly shaking the foundations of business—as the fact, known throughout the United States, that there is an organization in the House of Representatives prepared, by revolutionary measures, to overthrow the rulings of the Chair and precipitate this country into a great maelstrom of tariff agitation and premature tariff revision. That is what is to-day checking the tide of business.



It is not the Ways and Means Committee that is threatening tariff revision at this time. It is not the majority on the floor of this House that is menacing the country with tariff revision. We are proposing no tariff revision. No fair-minded man will say so. No fair-minded newspaper will say to the people of the country the Ways and Means Committee of the House of Representatives are threatening to enter upon a revision of the Dingley tariff. Times are not ripe for it. When a member of Congress deliberately introduces into Congress a bill to strike at certain specific industries because they are being produced at cheaper rates in this country than they can be produced abroad, he is not acting intelligently and will not stand by his own position, in my judgment. And when a member of the Ways and Means Committee deliberately votes to put on the free list the articles of American manufacture of steel and iron, while leaving the raw material of those products upon the dutiable list, paying high rates of duties, as under the Dingley law, he can not shake his gory locks at me and say that I am violating the principles of protective tariff.

They tell us—and this is a deflection from the line of my argument—they tell us about the farmer of the country. They echo the cry of the gentleman from South Carolina, who struck the tuning fork of the howl that went up from a certain organization in the House of Representatives. He said that we had done nothing for the farmer; that the farmer of the country was being struck at; that that was the only industry the farmer had in his country, and we were striking at it. Why, Mr. Chairman, the fondest dreams that all the farmers of the United States ever had, the most enthusiastic prediction that was ever made by or for the farmers of the United States never pictured or predicted a condition such as they are enjoying to-day at the hands of the Republican legislation of the Congress of the United States. [Applause.]

Exports of a billion dollars last year—a billion dollars! They sometimes talk about a billion-dollar Congress, and a billion-dollar country, but we have got a country that exported of the agricultural products of this country last year a billion dollars into the markets of other countries, and gentlemen stand up here on the floor of the House and say, "Oh, you will destroy all that if you do not hold up the high protection to beet sugar." The cry that Patrick Henry so gloriously described when he defended the American soldier for the misplacing of the beef sinks into utter insignificance as compared with the cry of gentlemen who will stand up on the Republican side of the House of Representatives with full knowledge that the farmers of this country are growing more prosperous and are prosperous beyond all the parallels and dreams that they ever had, and, scanning the figures of an exportation of a billion dollars in a year, then say that we are striking down the only interests that saves the agriculture of the country. God help the agriculture if it is narrowed down to that!

Now, I have shown conclusively, and I challenge contradiction, that sugar has been in Republican estimation, and in Republican enactment, and in Republican discussion understood to be a fit subject of reciprocity. Now, let us see how we came up to this question, and where we are now. I am not one of those who join in the shout in favor of the doctrine that the American people are under some kind of legal or moral obligation to do something that would be unwise or unpatriotic and injurious to any of our interests for the benefit of the people of the island of Cuba. Had I had my way about it from the very beginning I would have prayed that this cup might pass from us. I hesitated, and when the proposition was 50 per cent, declared with some considerable vigor that I would never vote for it. When it sank to the 40 per cent of the gentleman from Kansas, I still refused, and when I understood that the Administration ultimatum was 25 per cent, I said I would not do that if I could do better. Why? I had been a friend of the establishment of this industry of beet sugar. The gentleman need not read that speech of mine any more, unless he is satisfied, as I am, that it would be an improvement upon his own declaration to embody the greater part of it in his utterances. [Laughter.] He need not come to me and say that I have changed front, for there is not one word I ever wrote or spoke, that these gentlemen have been so industriously searching for, that I would not repeat to-day; and that is the real issue that we are contending for on this floor and in this Congress.

I want to refer for a moment to the utter unfairness that has been manifested in the assaults made upon myself, and incidentally but less directly upon the members of the Ways and Means Committee which in the Fifty-sixth Congress made the report which has been constantly read and reread here. The attempt was made to make it appear that the report which I wrote, and which has been so often referred to, was upon a proposition to reduce the tariff on Cuban and Porto Rican sugar. No greater injustice was ever done. No more palpable scheme of deception was ever attempted. The bill or resolution of the gentleman

from Tennessee [Mr. RICHARDSON], upon which that unfavorable report was written, was a bill to put all the products of sugar, all the ingredients entering into the manufacture of sugar, including molasses and all its ramifications, absolutely upon the free list, and to bring the production of Cuban cane and Porto Rican cane into the United States without any tax whatever, against which I inveighed in that report.

If I were rewriting that report I would not omit one word or syllable from it. It was a report defending the propriety of protection of sugar of the United States and against the building up of the substantial monopoly of the American Sugar Refining Company. What bearing has that upon the question involved here, which is simply and solely the question of whether there is left to the American sugar industry an ample and sufficient protection? I am not going to testify to any of the utterances of dead men, however it came. I will not go beyond the possibility of the vindication of any man by his own declaration of what I may say, but I accept the situation to be about this: We went to war with Spain for the liberation of Cuba. We did not treat Cuba as we have treated any other country on earth. It is not worth while for gentlemen to tell me now at this stage in the proceedings that this is a question of what we will do for a foreign country and that we are under no obligation simply because Cuba is a foreign country. The rule of estoppel applies here. The rule of estoppel, which applies in the business transactions of men's lives, applies as thoroughly and as strongly in the condition now at bar as though it were a lawsuit between two men. Cuba may or may not have invited us to interfere for her liberation. I do not know whether she did or did not. It is a matter of total nonimportance. We did go to war and we went to war because Spain would not surrender her sovereignty over the island of Cuba, and I do not care who produced the war.

There is somewhere in one of the comic operas of the country what purports to be a condition that happens at a battle, or about the time of a battle, between the Russians and the French, and there was a hotel keeper in the neighborhood whose hostelry stood on the disputed ground between the two armies. He had a splendid picture of a French soldier and another one of a Russian Cossack, life size, upon a peculiar sort of signboard which could be turned either way in a moment. As the news comes first from the battlefield that the Russian is gaining ground and is coming the landlord rushes out and turns the crank, and the Cossack makes his appearance. Directly the tide of battle seems tending in the other direction, the exhibition of the Cossack is at once put an end to and the splendid French soldier makes his appearance.

Mr. RICHARDSON of Tennessee. Napoleon.

Mr. GROSVENOR. It does not make any difference who it was; he was a Frenchman. Sometimes as I listen to these speeches and remember the history of 1898 I am reminded of the comic opera of the Black Hussar.

Mr. HENRY C. SMITH. And the sugar trust set up the drinks.

Mr. GROSVENOR. The sugar trust was not in that, my friend. I tell you, if the gentleman ever sees a spook at night, if he is ever out traveling in the nighttime and sees a spook, the gentleman always says, "That is the sugar trust." [Prolonged laughter.] Do not always feel that way. It may not be the sugar trust and may not be harmful. I hope the gentleman will trust to Providence that there are some ghosts beside the ghost of the sugar trust. [Laughter.]

Looking back to the spring of 1898 I am always reminded of the Cossack and the Frenchman. The only difference is that the two signs are a little wider apart; as I remember them, they were not susceptible of being immediately thrown into view. The Cossack would make his appearance in the White House and harangue the President and get kindly words from him and give kindly assurances, and the Frenchman would come down into the committee of the "reconcentrados" and discuss the question of overriding the Speaker of the House and turning topsy-turvy the whole organization of the party and going to war helter-skelter, and the devil take the hindmost—[laughter]—organization to overthrow the action of the House. The President was denounced, and all that sort of thing.

The only difference between the Cossack and the Frenchman of the opera we have with us is that the Cossack and the Frenchman of the opera lasted only through that battle, while our Cossack and Frenchman, the reconcentrado and the Presidential supporter, still live and flourish. We are up to the question; how did we get there and what is the question? While we were still in session here in the Fifty-sixth Congress, all of us hoping that Cuba would so act in the matter of her constitutional convention as to justify the good work that we had done for her, we learned that she finally reached a result that was totally unsatisfactory to the people of the United States, and the Administration refused to consider as a step in the direction of the ultimate relief of Cuba the constitution which she had formed. And a delegation of the



constitutional convention came up here, and they were told in unqualified terms that the so-called Platt amendment, which had been agreed to by the House and the Senate, was an ultimatum, and that unless they agreed to that the statu quo would be maintained and they would be held to be a conquered province and not even on the road to independence.

Now, what else happened? I do not know; but I know this, and I will go to the verge of what any gentleman ought to go. I know that after a full conference with the President, with the Secretary of War, and with the Secretary of State and other distinguished gentlemen, both in the legislative and the executive branches of the Government, that delegation went back from their conference with the President to Habana and told the people of Cuba officially and publicly that it was understood and promised by the Administration that in the event they would adopt as a part of their constitution the Platt amendment concessions in the form of reciprocity should be guaranteed to Cuba. This is a part of the written history of those days.

That is what they stated. I am not here to say whether it was true or false, but as a lawyer and as a man of some intelligence, and in view of the fact that that declaration was made—possibly not made while Congress was in session, but made publicly, in the full light of day, and no dissent made to it by the President or by anybody speaking for him—I say that it is fair to presume that that promise was made. In addition to that our representatives in Cuba have undoubtedly given assurance to the same effect. I think that sometimes they have not happened to be as fully intelligent representatives as they might have been, but I think we have reached the point that was fairly stated by the President of the United States yesterday. I wonder, I am amazed, after the tremendous assaults which have been made upon the Administration, that the President yesterday at Charleston should have dared to utter the language that he did last night in the best speech that he ever made in his life. I am glad that when the President believes he is right he stands by it.

Mr. Chairman, I will not stop to read, but I ask unanimous consent that I may publish as part of my remarks certain extracts.

Mr. HENRY C. SMITH. It may embellish your speech.

Mr. GROSVENOR. I have a great deal of my own that I could safely commend to the gentleman from Michigan in the same direction, in my opinion.

The CHAIRMAN. Does the gentleman desire that the request should be submitted at this time.

Mr. GROSVENOR. I ask unanimous consent to print certain extracts.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to insert certain extracts as a part of his remarks. Is there objection? [After a pause.] The Chair hears none.

The following are the extracts referred to:

#### WEST INDIES TO THE FRONT.

You have made a particular effort in your exhibition to get into touch with the West Indies. This is wise. The events of the last four years have shown us that the West Indies and the Isthmus must in the future occupy a far larger place in our national policy than in the past. This is proved by the negotiations for the purchase of the Danish islands, the acquisition of Porto Rico, the preparation for building an isthmian canal, and, finally, by the changed relations which these years have produced between us and Cuba. As a nation we have an especial right to take honest pride in what we have done for Cuba. Our critics abroad and at home have insisted that we never intended to leave the island. But on the 20th of next month Cuba becomes a free republic, and we turn over to the islanders the control of their own government. It would be very difficult to find a parallel in the conduct of any other great State that has occupied such a position as ours. We have kept our word and done our duty, just as an honest individual in private life keeps his word and does his duty.

Be it remembered, moreover, that after our three years' occupation of the island we turn it over to the Cubans in a better condition than it ever has been in all the centuries of Spanish rule. This has a direct bearing upon our own welfare. Cuba is so near to us that we can never be indifferent to misgovernment and disaster within its limits. The mere fact that our administration in the island has minimized the danger from the dreadful scourge of yellow fever, alike to Cuba and to ourselves, is sufficient to emphasize the community of interest between us. But there are other interests which bind us together. Cuba's position makes it necessary that her political relations with us should differ from her political relations with other powers. This fact has been formulated by us and accepted by the Cubans in the Platt amendments. It follows as a corollary that where the Cubans have thus assumed a position of peculiar relationship to our political system they must similarly stand in a peculiar relationship to our economic system.

#### RELATIONS WITH CUBA.

We have rightfully insisted upon Cuba adopting toward us an attitude differing politically from that she adopts toward any other power; and in return, as a matter of right, we must give to Cuba a different—that is, a better—position economically in her relations with us than we give to other powers. This is the course dictated by sound policy, by a wise and far-sighted view of our own interest, and by the position we have taken during the past four years. We are a wealthy and powerful country dealing with a much weaker one; and the contrast in wealth and strength makes it all the more our duty to deal with Cuba, as we have already dealt with her, in a spirit of large generosity.

Mr. GROSVENOR. Now, that has brought the question in an acute form to us. It is a question, gentlemen, of a duty that you can not shirk from, and your vote upon the passage of this bill will be a vote of approval of the attitude of the Administration—aye, of the two Administrations—or it will be a vote of open and

defiant condemnation. "Choose ye this day whom you will serve. If the Lord be God, serve him; if Baal, serve him."

Now, gentlemen, this question was in just as acute form before the Ways and Means Committee as it is before you gentlemen here. And just exactly what the President deemed to be a true and patriotic policy of the country on this question came up over there as you understand it now; and so the question is this under all circumstances, whether it is just or unjust; and the attitude of the President being thus clearly defined, will we reject the suggestion of the Ways and Means Committee and turn ourselves around to open and aboveboard hostility to the action of the Administration, and thereby start the work of disintegration in every Congressional district in the United States? Gentlemen think, because some of you represent the dominant sentiment, that there is not an underlying sentiment in every Congressional district in this country that the Administration of Roosevelt has been faithful, upright in his purpose of carrying into execution and practice the promises made at Buffalo, and do not get yourselves mixed up with the question that the people of the United States do not take broader views than some personal obligation of a member in a Congressional district may have to a local interest.

Now, I said a long time ago that I would not cast any vote in this House that would, in my judgment, injure any American industry. Nobody need come to me to tell me that the doctrine of the Republican party is that nobody shall lose a day's work. That is exactly what I have been fighting for during all these years. Let us see now if there is any danger. I am going to make my statement in round numbers, for there will be full demonstration made in this debate before it is done with that will substantiate all I say upon that question. I say, first, the tariff on raw sugar, as fixed in the Dingley bill, with the right of reciprocal reduction, is out of all reason, is out of all necessity, away above any demand that is justly made in behalf of that industry. As against the Cuban sugar the tariff is to-day 94 per cent. What do you think of that? Let me tell you. Agitate this question. I know that some of you are filling some of the Congressional districts with statements on this subject. There are 77,000,000 American people, and there are 76,500,000 of them that buy sugar, and there are less than 500,000 of them personally interested in the growth and prosperity of sugar production. And so, if you will make a careful consideration, you will find you have got yourselves allied in interest with a very small minority on the one side and an overwhelming majority on the other side. [Applause.]

Mr. VANDIVER. Will the gentleman allow me to ask him a question for information?

Mr. GROSVENOR. Certainly.

Mr. VANDIVER. In the interest of the 76,500,000, do you mean to imply that they would get their sugar cheaper?

Mr. GROSVENOR. We did get it cheaper under Republican policy when we took the tariff all off.

Mr. VANDIVER. Well, I am just asking for information for the benefit of the 76,500,000.

Mr. GROSVENOR. That is a matter very easily stated. I have sat around here and been hammered over the head for the last six weeks, and I have got some opinion upon this matter myself. I do not believe that the reduction of 20 per cent on sugar production in Cuba will make the smallest possible reduction in the value of the sugar of the United States.

Mr. VANDIVER. I only wanted the gentleman to explain that in the interest of the 76,500,000.

Mr. GROSVENOR. But I do believe the gentlemen that are arguing to the people of the country that we are about to reduce the protection on sugar so as to precipitate 800,000 tons of sugar onto the American market, and thereby destroy the beet-sugar industry, which means, in other words, to lower the price of sugar, I say that those gentlemen are dealing with edged tools that may come home to cut on the other side. That is what I say. It was an unwise act to start this panic. Mr. Oxnard, the greatest promoter of beet-sugar production in the United States, stated frankly and fairly that the beet-sugar industry could stand a reduction of 25 per cent. Had this bill been allowed to pass without opposition or contention, without reconcentrado opposition, and the cry that has gone up to the country, it is my judgment that the beet-sugar industry would never have felt the effects of this reciprocity. As it is, there may be a panic, stockholders may abandon their property, but you will see that there will be a Havemeyer or an Eastern capitalist for every share of stock that doubting stockholders are willing to sacrifice. It is just exactly as bad for their position if it does reduce the price of sugar as though it did not.

Mr. CANDLER. Will the gentleman tell us why it will not reduce the price of sugar?

Mr. GROSVENOR. Let me make my own speech, my friend. [Laughter.] I will give notice now that there will be nobody's speech published in the bowels of my speech. [Laughter.]



Mr. CANDLER. I asked simply for information.

Mr. GROSVENOR. I may be able to give it to the gentleman. I have said that the great question of figures, the statistics, and the arguments growing out of the 20 per cent reduction I will waive, because my colleague on the committee [Mr. LONG] will be more fully prepared for that emergency than I am myself. I hope that is satisfactory to the gentleman from Mississippi, for I mean no unfairness to the gentleman.

Mr. CANDLER. I was simply asking for information.

Mr. GROSVENOR. I think the gentleman will get it.

Ninety-four per cent tariff on an agricultural product the growth of which is being promoted by improvements and additional and improved facilities every day of our lives. Are we violating any principle of protection by reducing the tariff on sugar 20 per cent? No. And it is then 5 per cent, as I have shown, higher than it was ever intended by the framers of the Dingley law. Why is it not? There has not been a gentleman on the floor of this House—not one—who has been able to demonstrate to his own satisfaction that the reduction of 20 per cent will injure actually—now, I will use the word “actually”—the beet-sugar industry. No man has come here and said that to reduce the sugar tariff on the competitor of beet sugar from 1.70 or thereabouts down to 1.40 or thereabouts did not leave overwhelming protection on that sugar.

I may be allowed, I imagine, to refer to an incident that was a very striking one in the course of the debate here in the conference. A gentleman sitting right up there behind me from one of these beet-sugar States interrupted me to inquire whether this reduction would lower the tariff on sugar so as to make it too low in point of fact or whether sufficient protection would remain. And then he said that which has never been answered by a single advocate of the position on this floor of the opposition to this bill—he frankly said that was the whole question. Railing at members of the House of Representatives because at some time they voted for 1.70 on sugar and now want to cut it down to 1.40—I am using round numbers—and yet refusing absolutely to even say that, in their judgment, the 1.40 a hundred on sugar is not sufficient protection against all the world. I challenge gentlemen to prove it. If you have got an industry that can not stand a protection of that sort of ad valorem or that degree of specific duty, you have an industry that is weaker than, in my judgment, the beet-sugar industry stands to-day. I do not believe that any intelligent man, conversant with the sugar industry, believes that 20 per cent reduction does not leave ample, generous, and sufficient protection. Tell me, somebody who has got the equal of that, what agricultural product has got the equal of 1.38 on a hundred pounds of sugar? Where is it?

Mr. TAYLER of Ohio. Will the gentleman allow me a question?

Mr. GROSVENOR. Certainly.

Mr. TAYLER of Ohio. Does the gentleman think that the only question involved in this case, as related to the beet-sugar people, is whether or not a reduction of 20 per cent will injure that industry because of a lower tariff affecting the price of sugar?

Mr. GROSVENOR. I recognize that as one of the questions involved, because that has been discussed here.

Mr. TAYLER of Ohio. I remember the incident to which the gentleman refers, when he was interrupted by the member from Wisconsin, and I understood him to say in reply to that interruption that that was the only question—can the beet-sugar industry stand a reduction of 20 per cent?

Mr. GROSVENOR. That is the only question when gentlemen announce that the reduction is an abandonment of the principles of protection; there is nothing left but that one great question in the case. And my colleague, when he has denounced men here who have grown gray in the service which he has more recently entered as having abandoned the faith of their party, that question may be called up to show that the protection that we leave upon all sugar is not only high but ample and sufficient. Protection does not mean speculative conditions. Protection means a money difference between the cost value in this country of the commodity in competition and the cost value of the commodity imported from a foreign country; and when that protection is adequate and sufficient no man has a right to go to talking about speculative prices and higher protection than is absolutely necessary for the purpose.

Mr. HENRY C. SMITH. Now, if the gentleman will pardon me, I have not seen any ghost and I don't want to make any assault upon the gentleman, but I ask the gentleman if, in his opinion, the beet-sugar interests would not suffer, why it is that the State of New York, which the chairman, Mr. PAYNE, represents, pays a bounty for the production of sugar of one-half a cent a pound?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HENRY C. SMITH. I ask that the gentleman's time be extended to finish his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended to finish his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. The gentleman from Michigan, in the interest of fair enlightenment of myself or himself, asks me why it is, if there is abundant protection left on beet sugar, that the State of New York gives a bounty of half a cent a pound upon all the beet sugar produced in that State. Now, in the first place, to make that a pertinent inquiry pending a proposed reduction of the tariff here, it would be wise to know whether in the passage of that bill they have been actuated by this threat of reduction or whether it is a bill that was passed a good many years ago. I am unable to answer that question.

Mr. PAYNE. It was passed some time ago and amended this year.

Mr. GROSVENOR. Now, then, the next answer—

Mr. HENRY C. SMITH. It was passed within two weeks, I am told.

Mr. GROSVENOR. Oh, no; it is an old law. I know enough about the subject to know that. Nobody who is intelligent is scared on that question; I can tell you that. Before I get through I should like to hear the gentleman from New York [Mr. PERKINS] on that matter.

Mr. PERKINS. If the gentleman will allow me now, I will say that the law of the State of New York which gave a bounty of one-half a cent per pound on beet sugar was passed several years ago; and I would like to inform my friend from Michigan [Mr. HENRY C. SMITH], as bearing on this question, that at this very session of the legislature of the State of New York, notwithstanding the pendency of the bill now before Congress, a Republican committee, headed by Senator Raines, reported to the Republican Senate a measure which I doubt not will be adopted, the purpose of which is to reduce the bounty from one-half a cent a pound to one-quarter of a cent. And the committee of which Senator Raines, a Republican is chairman, said that in their judgment the entire bounty was wholly unnecessary. So there you have Republican doctrine on this subject.

Mr. GROSVENOR. Now, my friend from Michigan has got the answer, and I commend it to him. But I want to give him another question. Let him tell me why—

Mr. PAYNE. Allow me to say right here that Senator Raines represents the two counties in my district that produce the most beets and in which a beet-sugar factory is located.

Mr. GROSVENOR. Oh, the truth is coming out. People are getting awake to this situation. Why does Germany, with a prosperous condition of her beet industry, pay a great bounty for the production of the sugar-beet product? And why do a number of other countries in Europe do the same? I can tell the gentleman why. It is not to make the industry profitable to the beet-sugar producer, but for the avowed purpose of producing sugar so cheaply as to overwhelm the product in this country and to force their product upon our market at a lower price than we can produce sugar. And that outrage has been abrogated by the action of the Brussels convention.

There you have two answers. In the one case the State of New York does not feel that the bounty is required, and in the other case the foreign country pays the bounty, not to promote a fair profit to the producer, but to place it in the power of the German exporter to overwhelm the American producer.

Now, let me go on. Somebody was discussing here the other day about whether the tariff was paid by the consumer, and he wanted to know what we had to say about that old stale dogma of the free-trade Democracy. Well, I will tell him what we have to say about it. So far as it may concern 150,000,000 pounds, or whatever the amount may be, of sugar-beet product, and so far as it may concern all of the Porto Rico and Hawaiian and Louisiana product, we do not pay that duty. The importer who brings the sugar here pays that duty; but when it comes to the million and a half tons of sugar that we have to import from other countries, the consumer pays the tax. Why, sir, that is the simplest thing in the world. The consumer pays the tax on every pound of tea that has a tax on it, and the consumer pays the tax on every pound of sugar that he is compelled to buy from the foreign country. The gentleman from Michigan made this whole subject absolutely clear in a speech which he made on this floor.

So, then, we say to the American people, “We will tax you \$1.38 on every hundred pounds of sugar;” and the people of this country will say to the gentleman, “That is a sufficient and generous protection.” There is not a man here, from those who advocated this question before the Ways and Means Committee and whose testimony is in print down to the point where these gentlemen so eloquently argued in favor of their own local interests yesterday; not one of them has pretended to say that \$1.38 a hundred pounds is not ample protection.



Now, what do they say? What they say has truth in it; what they say has force in it; and if it can not be met by some just reply, it ought to have weight with the House of Representatives. They say, "That is all very true; but you promised in your platform, and GROSVENOR made a promise in a report he made to the Ways and Means Committee, and GROSVENOR made a speech in the House of Representatives, and Mr. PAYNE, of New York, and Mr. DALZELL and everybody else made promises; and now what we are afraid of is, not that this \$1.38 a hundred pounds is not sufficient protection, but that somebody will be afraid and will not invest his money in this branch of industry."

Well, gentlemen, it is a new argument, it is a new line of operations for the Congress of the United States to be indulging in, that because somebody somewhere wants to go into a nonprotected industry, Congress must in the first place put an unreasonable duty upon the product in order to stimulate the introduction of these gentlemen into the production of this new commodity, but must afterwards see to it that no change of condition shall ever frighten the timid souls who are engaged in the beet industry. I venture to say that there is not one man with money who in good faith ever intended to invest his money in a beet-sugar factory who has been staggered one jot or tittle by the probabilities of the passage or nonpassage of this bill.

Undoubtedly some men will drive hard bargains. Undoubtedly some promoters will strike somebody in New York who will say, "We are going to hesitate; we will not do it until you raise the terms and do better by us." But when there is some beet-sugar factory controlled by an intelligent corporation or individual that has undertaken actually to make preparations to close its business for the year 1902, lest this 20 per cent reduction shall take place, then I will consider the subject, and not until then, and then what shall I say? I will be compelled to say that protection is asked for to an extent that is unjustifiable. If you have an industry that must have such a tremendous protection as that, then your industry is not justifiable, and Congress has no right under the conditions that surround us to refuse to do what is the plain duty of the Congress of the United States. But such is not the case.

Now, Mr. Chairman, I have left unsaid a great many things that I had intended to refer to. We stand upon the brink, as it were, of a proposition fraught with political consequences, none other. Why, I will stop here to say that a few days ago I met a young lady not over 17 years of age, the daughter of a former neighbor of mine, a resident of one of the cities of Michigan, where the beet-sugar industry is largely in operation.

Mr. HENRY C. SMITH. If she was the product of a beet-sugar country she was a sweet girl.

Mr. GROSVENOR. Well, she is a sweet girl, let her come from any country.

Mr. HENRY C. SMITH. I inferred that, or you would not have been interested in her.

Mr. GROSVENOR. She was the daughter of an old neighbor of mine, and as soon as she met me she attacked me. They have them all organized up there. She said I was an enemy of the sugar-beet industry, and she went for me nearly as hard as some of these Republicans have been going for me in this House, with a little more good sense and judgment than they have manifested. [Laughter.] Well, I said, "What sort of an industry is that which you have got up there?" Her father is a man of substance, and I found that he probably had an investment in the stock of one of the companies. "Why," she said, "there never was anything like it in the history of Michigan." She said, "They broke up our salt industry, comparatively; the lumber industry failed; but we started this beet industry three or four years ago in the neighborhood where I live, and there is not a mortgage on any farm in that county. Everybody is getting rich. You never saw the like. They are building splendid houses and driving splendid carriages, and now you are trying to take that all away from us." I said, "My dear, sweet little friend, go back to Michigan and tell your people for me, for I seem to have been marked out for execution, that the whole trouble in this case comes of a stampede that may be a damage to that industry that never would have been thought of if your Representatives in Congress had quietly passed the 20 per cent and said nothing about it. In that case you would never have heard that it was passed." I do not know what she will say. I shall steer clear of that locality until I get a more favorable report than I could have gotten from her on that particular occasion to which I have referred.

Now this question must be decided. I predict that it will strengthen the doctrine and the principle and the immutability of the position of the Republican party in favor of a protective tariff. I do not believe that this is a break in the doctrine of protection; and until somebody can show me that this high protective duty is not a protection to American industry, I will not stand silently by and be charged with bad faith to the principles of my party.

I believe that this bill will pass. I believe that the American people stand to-day, 95 per cent of them, in favor of this much concession to the people of the island of Cuba. I do not believe that the people of the United States desire that we shall deal so harshly with Cuba as to force her into the Union of the United States, and I do believe that to adopt an amendment that proposed to demand practically of Cuba that she permit herself to be annexed to the United States is a repudiation of all the promises we ever made to Cuba, and a stultification of patriotism and common sense. When Cuba gets ready to come, we will recognize what the President said at Charleston last night. We will recognize that she stands in a different relation to us from any other foreign country, and we will deal with her to the best interests of the people of that country and to the honor and intelligence of the American people and the glory of the American flag. [Applause.]

Mr. WEEKS. Mr. Chairman, I know there are those in the House to-day who will think it exceedingly presumptuous for me to attempt to reply to the distinguished gentleman from Ohio [Mr. GROSVENOR], and I wish to say at the outset that I am not trying to play the rôle of replying in full to the argument of the gentleman. However, the gentleman gave me the cue to some preliminary observations which I desire to recall for a moment before I proceed.

It is now conceded that the question pending before the House is no longer a party political question. The distinguished gentleman who just criticised some of the younger members of the House in language not altogether sweet and tasteful, acknowledged here that no man was to be criticised for the opinions he might see fit to advance in this debate. And I wish to call the attention of the House to the fact that that policy has been clearly and emphatically adopted by the Republican and also by the Democratic side of the House. There is no party line drawn in this discussion. Every man has the right, according to his light and his own conscience, to give expression to his views upon the great question which this House is trying to settle.

I want to say to the distinguished gentleman, and also to the House, that I do not belong to that class of youthful Republicans to whom the gentleman refers. I do not belong to that class of younger statesmen who believe that the schedules of a tariff law are written, like the laws of the Medes and Persians, never to be changed. I believe, too, with the distinguished gentleman from Ohio [Mr. GROSVENOR], that tariff schedules are to be altered to suit the exigencies of the times, so that there is no dispute upon that question between the gentleman and myself.

Now, when the gentleman first began his address, he took many of us newcomers in the House far back in Republican political history and legislation. I thought at one time that he was about to give us a history of the coon-skin political campaign in Ohio of 1840, but he got this side of that after a while and began with the early history of tariff legislation by Congress and the tariff policy of the Republican party. Now, it was exceedingly interesting as history; but, Mr. Chairman, it lacks interest just at this time. The ancient history of tariff legislation in this House may be curious to the man who has time to sit down and read it over, as a matter of literature merely, but we are dealing with the questions of to-day and of this year, not of ten or twenty years ago. Now, in order that we may not get very far away from our moorings, I wish to read from the Republican platform of 1896 upon this question which we are now talking about. I want to ask you how this resolution would sound if we should go to our next national convention and incorporate it in our platform.

We condemn the present Administration for not keeping faith with the sugar growers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

Now, that is a very clear statement of political faith on the side of the tariff for the protection of sugar. As the Good Book says, "The wayfaring man though a fool can read," and understand exactly what was said and what was intended by the national convention of the Republican party at St. Louis in June, 1896.

Four years passed, and in 1900 this same great party met again in convention, and again it spoke upon this question; and I will not stop to read the section of the platform in full, but on the question of protection it was enough for the party to say this:

We renew our faith in the policy of protection to American labor. In that policy our industries have been established, diversified, and maintained.

There were other things said in regard to the protection of labor and industries, but ending up of that section or paragraph of the platform was this:

We favor the associated policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

There is no misunderstanding that. When the framers of the platform wrote that sentence the Spanish war had been fought



and ended. "Conditions," some of my friends in the House assert, "have changed." They had changed. At the time that platform was written these conditions which have so changed things had come upon us and the Republican party met the new situation which had been thrust upon the country.

That, Mr. Chairman, may not be enough, standing alone. Let us see how the Republican party officially interpreted these two platforms in 1900, and how my good friend who sits before me, the eloquent orator from Indiana [Mr. LANDIS], and other good friends, many of whom I see before me, who went upon the platform and upon the stump in their Congressional districts—let us see how they read to their Republican constituents. I read from the Republican text-book of 1900. Now, what did we say at that time, and what did our party say on this particular subject? Let us see who is getting away from our anchorage. I read from the text-book:

The farmers of the country have been encouraged by the Republican party in their ambition to produce the sugar of the country.

We had ended the Spanish war and were in possession of Cuba. There was just as much likelihood then that some day Cuba would apply for annexation to this country as there is now. It had been talked of for seventy-five years as not only a possibility but a probability, and we were "up against it" then just as much as we are to-day; and yet what did we say:

The experience of other nations and other parts of the temperate zone has shown that sugar can be produced from beets in great quantities and at very small cost, and can successfully compete with cane sugar under the most favorable circumstances. Under the stimulus given to the beet-sugar production by Republican legislation beet-sugar factories sprang up all over the United States, and the production of beet sugar has already reached large proportions and is increasing with wonderful rapidity.

Now, what did I say about the Republican party giving the farmers protection? When I got on the stump and read that, I called their attention to the declaration of the Republican party. I went further, and read in this official text-book of the party. I do not know who got it up, whether it was Colonel GROSVENOR, Mr. DALZELL, or Mr. PAYNE, or who it was, but somebody, some leader in the Republican party, got up this text-book and put it in my innocent hands [laughter] and led me astray. I read on:

The first thought that came to the minds of the farmers when the events following the war for the liberation of Cuba brought under our control certain tropical areas was whether or not the possession or control of tropical territory by the United States would injure, or perhaps destroy, the opportunities which they believed they had almost within their grasp for supplying the \$100,000,000 worth of sugar which the people of the United States annually consume.

That is what we have been talking about here—that hundred million dollars' worth of sugar. Now we proceed to relieve the distressed feelings of our agricultural friends by telling them that having taken that into consideration as our "first thought"—

In other words, it was a distinct promise to the farmer that he need not fear that the Republican party would permit the cheap labor and cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production, which the farmers of the United States have, under the fostering care of the Republican party, been building up during the last few years.

I want some gentleman on the other side of this question to tell me how I am going to explain myself to the Republican farmers of my district, having preached this doctrine, put into my hands by great leaders of the Republican party, upon the stump and upon the platform. [Laughter.]

Now, Mr. Chairman, upon these pledges—and I will read some more of them, because they are exceedingly interesting literature—have we been misled. Last night some kind friend sent to my house a card, upon which a lot of statistics were printed, and I have cut out some of them, conceiving that they might be useful to-day.

We have heard about the great leader on the floor of this House—Nelson Dingley. In 1897 he is reported to have said:

I believe that the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon.

There is another encouragement from a man that the Republicans of my State venerate, whose memory is sweet to the Republicans of Michigan—Nelson Dingley—and they took him at his word.

Then again in 1897 (that is not so very long ago) Congressman PAYNE, who has been quoted before on the floor of the House, said:

We propose to raise beet sugar and cane sugar enough in this country to supply all of our 73,000,000 people. We will not disturb our tariff in the next quarter of a century.

What on earth did he say that for? Why did he put that language into my mouth when I went out before my constituents and said, "The leader of the Republican party on the floor of the House says this tariff schedule shall not be disturbed in a quarter of a century; invest your money; devote your acres to sugar beets. When the great Republican leader, SERENO PAYNE, says, 'We will not disturb that industry by altering the tariff schedule in a quarter of a century,' you may depend upon it."

No; I am not one of those men who believe that tariff schedule

is a "fetich to be hugged forever to our bosoms." I do not believe that, but I do believe in standing consistently by such a proposition as that long enough at least for it to get seasoned.

What did the farmers do when these splendid promises were given us in platform, through our leaders in this House, and by the enactment of the Dingley tariff law? Why, availing themselves of the splendid soil and the splendid opportunity, we all put our money into beet-sugar factories. What did we do up in Michigan?

I want to show you something right here about the growth of the beet-sugar industry. In 1890, when the McKinley law was passed, we only manufactured about 2,800 tons of beet sugar in the whole United States. In 1896, when we put forth that first splendid pledge, which I read to you some time ago, the total product of the beet sugar in this country was only 40,000 tons.

Why, it was a dewdrop in the morning when compared with the gross amount of sugar consumed in the country. When we adopted that platform, 40,000 tons of sugar was the total product of the United States. The next year, in 1897, when the Dingley tariff law was enacted, we only produced 41,000 tons, or thereabouts. When these promises were fairly before the people, they began to invest; they built factories all over the United States, and so the splendid progress, as indicated by the red lines on this chart which I show you, in the development of that magnificent industry was made. From 1897, when the Dingley law was passed, when we only produced 40,399 tons as a total product of the country, because of these tempting promises made by the Republican party we went on until, in 1900, we had increased the output of sugar in the United States to about 76,859 tons.

Not only that, but the thing went on. This agitation had not yet arisen, and in 1901 statistics show that we had increased the product of sugar in the United States to 185,000 tons. There is the result of the Republican promises and pledges to the farmers and the capitalists in my State and in California and a few other sections of this country. I hold in my hand a table showing that since the Dingley tariff law went into operation there has been invested in the beet-sugar manufacturing industry in buildings or plants to manufacture sugar \$31,977,550. What invited that immense amount of capital into that investment? What induced people to invest their money in that enterprise? It was their confidence in the declarations of the Republican party, which up to this hour I have always declared never broke its promises to the people.

Now that may be used against me, as the distinguished gentleman from Ohio has said, in my district. But I would that he or any other man would go there and attempt to use it. Go into my district; tell the people that I stood up here and opposed the Ways and Means Committee—aye, the President of the United States—in an attempt to change these provisions of a wholesome tariff law, as affecting this industry in my State, in my district, in my city; tell it to them, and I will thank you for it. I have no fears on that score. [Applause.]

Mr. Chairman, I want now to call attention to another thing. Those who have spoken for the other side of this proposition are constantly saying, "Show us that this beet-sugar industry is going to be injured by this reduction of 20 per cent of the Dingley tariff." Here is a table showing that \$49,000,000 of capital, waiting investment in this same business, is now held up by the action on the floor of this House.

Is that an injury or is it not? There [pointing to the paper] is the name of the State. There is the name of the city or town where it is proposed to build, by capital now organized and ready for investment, factories to go into the business of manufacturing beet sugar with an investment of \$49,000,000. In excuse for my earnestness and the earnestness of my Republican colleagues from Michigan, I want to ask you to look at that table. There is what is waiting in Michigan. More than a third of all that \$49,000,000 is waiting in my State.

We have progressed in Michigan in such a marvelous way that it may seem like boasting to stop here and tell you of it. This is why the members from that State are interested in this subject. Our people are interested. We are manufacturing to-day 75 per cent of all the sugar consumed in Michigan. We are manufacturing a third of all the beet sugar produced in the United States.

I wish I had here the pictures that I brought to the Republican conference—not caucus—and put on exhibition one night here—the pictures of a dozen great plants that averaged in their investment \$600,000 each. There are the reasons for our earnestness.

There are thirteen such reasons within 80 miles of my house—sugar plants in active operation, and, I was going to say, successful operation. I hope I may say so hereafter. One or two of them have paid a dividend up to the present time. We have just arrived at the point where all these sugar factories might have been a paying and successful investment. But now, with this disastrous measure held over them, it is a very grave question whether any of them will pay dividends.



Now, with these reasons surrounding me and these other reasons which it is proposed to put up in the State of Michigan, I think the man who, representing a district in Michigan, would come here and falter for one instant as to his duty in this matter should never show his face within these four walls again. So much for the sugar interest as I see it and know it.

I have some observations to make now of a general character in regard to this movement—how it came into this House, etc. We all know that during this entire session there has been an intense interest, not only here but everywhere throughout the country, in this question of the reduction of the tariff on Cuban raw sugar. The question came before Congress upon the suggestion of the President in his first message to this body. At once, on the appearance of this message, the people of the whole country took it up and began to discuss it among themselves. The idea among the people seemed to be that this was a question which demanded the consideration of everybody. What did it involve? How did it look to the Republicans, we will say, of my district, who may be considered as representing the average people of the country? How did it look as a question involving an abandonment of the principles of protection to American industry and the opening up of the question of tariff revision.

Now, does anybody think that I am misstating that? It involves an abandonment, in some degree, at least, of the doctrine of protection to an infant American industry. There is no question about that. The gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR] insisted that it was not an abandonment of the doctrine of protection. Well, it was not an entire abandonment. I believe it is claimed by the chairman of the Committee on Ways and Means that it leaves about 57 per cent protection upon the industry after the 20 per cent is taken off.

Let it be conceded that ordinarily a 57 per cent protection is a very large degree of protection, but when you come to apply that to the actual state of facts which exists in my State and in other States in regard to the beet-sugar industry, any man who rides over the roads of my district or State can see at a glance that it is the fear of that reduction, as much as anything else, which paralyzes the prosperity that that business possessed.

You may take any industry in this country that is well protected, and let Congress take up and seriously discuss the question of taking off some of the protection of that industry, is there not a panic there at once? Does not the man whose capital is invested in that industry feel sorry that his money is there? Can you get men to pay their assessments upon stock as readily in an institution well protected which to-morrow is to lose part of that protection? That is the way our people look at it.

The second proposition the people thought they were up against was this: That it is a violation of pledges and platforms of the Republican party of 1896 and 1900. Now, my distinguished and eloquent friend, General GROSVENOR, for whom I entertain great respect always, says his present attitude is not at all inconsistent with those platforms. Well, now, I remember reading in *Hudibras*, one of the old English classics, of a man who could "by force of argument prove that a man was no horse," and I say that my distinguished and venerable friend makes an idle argument when he attempts to show that we are not, by removing part of the protection upon the beet-sugar industry, violating the pledges which we made to those who followed our advice and invested their money in that industry.

The people also thought that it was a new interpretation of the principle of reciprocity—and I will touch upon that in a moment—but the one thing they thought of as nearest to their interests was that it was an unfair discrimination against a great and growing industry in many States of this Union. Now, take the question of whether this was a new interpretation of the doctrine of reciprocity. To me (a young statesman, as the distinguished gentleman from Ohio [Mr. GROSVENOR] would have it) it looks as though it scarcely admits of an argument. Reciprocity has been defined so many times and by such distinguished gentlemen that it seems idle to spend time upon the floor of this House in attempting to give another definition.

McKinley in his last speech at Buffalo defined reciprocity, and what did he say it was? "A sensible trade arrangement between two nations which will not impede our domestic industries." Charles Emory Smith, Postmaster-General at the time, I believe sat by his side, and he later made a speech in which he alluded to this same doctrine of reciprocity. He defined it exactly as the President did—"a sensible commercial agreement for the exchange of commodities, which would not in any way impede or injure our domestic industries." He instanced like this: "Brazil raises coffee and we raise no coffee. We make machinery and Brazil makes no machinery. They want our machinery; we want their coffee. We agree to exchange. That is reciprocity."

So said Charles Emory Smith, I think, in the presence of the President when he made his speech. Afterwards Mr. Smith

made another speech along the same line before the Boston Merchants' Association on December 10, in which he said: "Reciprocity does not mean the sacrifice of one industry in order to help another; it does not mean the loss of the greater domestic market in the hope of gaining the less foreign market. President McKinley safeguarded it when at Buffalo he advocated sensible trade arrangements which will not interfere with our home productions. This is the touchstone. With this qualification reciprocity is wise; nay, more, it is practicable; nay, more, it is essential, looking both to progressive public sentiment and to trade requirements of the future."

Now, the "reconcentrado" and the "insurrecto" and the "insurgent" in this House subscribes to that. I am one of the "insurrectos;" I subscribe to that. I also subscribe to what President Roosevelt said very recently in his message to Congress when he gave his idea of what is meant by reciprocity. Here is what he said: "Reciprocity must be treated as the handmaiden of protection." Ah, how often that sweet sentence has been turned over under the tongues of our distinguished leaders in their debate on this question—"reciprocity is the handmaiden of protection." Well, we think so, too, and so did the President, and here is the way he said it:

Our first duty is to see that the protection granted by the tariff in every case where it is needed is maintained, and that reciprocity be sought for so far as it can safely be done without injury to our home industries. Just how far this is must be determined according to the individual case, remembering always that every application of our tariff policy to meet our shifting needs must be conditioned upon the cardinal fact that the duty must never be reduced below the point that will cover the difference between the labor cost here and abroad. The well-being of the wage-worker is the prime consideration of our entire policy of economic legislation.

Subject to this proviso of the proper protection necessary to our industrial well-being at home, the principle of reciprocity must command our hearty support.

Now the "reconcentrado" says "Amen." We subscribe to that doctrine. So we are not "outside the breastworks" on that question. I read a very interesting article a few nights ago in one of the leading magazines of the country on this subject of reciprocity, which I think ought to meet the approbation of us all. This article is from *Gunton's Magazine*, recognized by all as a leading magazine on economic questions:

#### RECIPROCITY AGITATION.

Reciprocity, like protection, should be adopted only in the interest of national welfare. It is not in the interest of national prosperity to adopt a policy that shall merely promote the interest of one industry by sacrificing that of another. So far as public policy is used at all, it should be used for the development of all domestic industry, both manufacturing and agricultural. Foreign trade, if it is acquired, should be acquired by the development of perfection and superiority in our domestic industries, so as to overcome foreign competitors by competition, but never by a special bargain that shall sacrifice or injure another domestic industry.

Before the manufacturers of this country give themselves over to the reciprocity movement they had better stop and count the cost, consider the influence, not upon the stove factories or the plow factories, but its influence upon the domestic industries of the whole country. They must remember that if favors are granted to one they must be granted to another and another and another. In fact, one concern has just as much right as another to ask the Government to buy its right of free entry into some foreign market by adding its neighbor to the free list. The only logical outcome, in fairness to them all, would be to put them all on the free list, which would, of course, accomplish the highest ideal of those who are most ardently promoting the reciprocity movement.

Before the people of this country commit themselves to a business-disturbing agitation on this question, in the name of reciprocity, it would be well for Congressmen to pay some attention to our experience in this direction. If the subject were frankly presented as a movement to revise our tariff and pare down our protective policy, there would be little danger from it, because the people would promptly relegate it to the rear. The American people to-day would refuse to consider any such business-threatening proposition as a free-trade or tariff-for-revenue experiment. The term reciprocity, however, is a taking phrase. When it is presented in the interest of American industries to promote our foreign trade, "by reciprocal relations beneficial to both," the subject assumes a plausible seeming. In the hands of the enemies of protection such a propaganda may easily be made a cover for a dangerous innovation into our protective policy, and before we are aware of it deal a mortal blow to our national prosperity.

This article illustrates the fact that the best writers on the subject agree with the "reconcentrado" on this floor that reciprocity is an exchange of commodities differing one from the other, not of the same commodity raised in the two countries to come clashing in competition together.

I desire to make a few remarks upon the question, as I view it, of our moral and legal obligations in this matter. I never believed that the people of the United States were indebted to the people of Cuba.

I always have maintained and still maintain that all the obligation is on the other side. We owe them nothing. They owe us their national existence and their hope of prosperity in the future. If we had not interposed at that critical time in her history and stricken the shackles from her limbs which Spain had fastened there, where would have been her prosperity to-day? And because our generous and whole-souled people did that at the expense of millions of dollars and hundreds of lives, ergo, say some of our distinguished leaders, we ran ourselves into a load of debt. I supposed when an act of that kind was done the indebtedness ran the other way, and that the obligation was upon the



party that had received the benefit and not the party that conferred it.

So that I repudiate the idea that we are under any obligations. Why, I have a mind to refer to the fact that by and by there is going to come before this House a bill to provide for the irrigation of the arid lands of the West. That bill is going to be pressed by gentlemen upon the floor of this House who tell us that our great moral obligation to Cuba demands of us that we shall put this legislation upon our statute books.

Suppose we should turn upon those advocating that bill and say, "Our great moral and legal obligation to the Piutes, the Navahos, and the tarantulas, and the rest of them out on those desert lands is so great that we can not fail to recognize the fact that when we civilized those people, when we attempted to give them an education and did all those things for them we owe them something, and we can not take from them their beloved desert of rock and sand but leave them to enjoy their happy homes just as God gave it to them." Suppose we should meet the presentation of that bill with an argument of that kind. We are under just about as deep obligation to Cuba in respect to what we have done in her behalf as we are to the Navahos and the tarantulas (big spiders) out there in the arid lands.

Now, I want to speak of another thing just for a moment. Where, under the broad canopy of the sky, arises our moral and legal obligation to Cuba? "Oh," said the very distinguished gentleman from Ohio [Mr. GROSVENOR], "I will go as far as any gentleman can in telling what a dead man has said," or something of that kind, and proceeded to tell us about that impecunious delegation that came up here from Cuba, and went to the White House to ask the President to give Cuba six or eight million dollars by way of reduction of the tariff.

President McKinley was one of those happy dispositioned men who never let a visitor go out of his presence without feeling that he had grown an inch taller while he was talking with him; and these impecunious Cubans, who came with outstretched hand of beggary, nothing else, caught the idea because the President was so gracious and kind that they had obtained his promise. They went back and they exaggerated and misrepresented the matter and told the Cuban people that President McKinley had promised them that he would do so and so.

Now, think of that for one moment. President McKinley could make no promise. He could not arrogate to himself the powers of this Congress and say to those Cuban emissaries, "I will do so and so, or I will see it done for you." He had no authority to make such a promise, and if those Cubans had known anything about the structure of our Government and the powers of the different departments—the executive, the legislative, and the judicial departments of the Government—they would have known that President McKinley not only did not but could not make any such promise to them.

Now, upon such a light foundation as that this whole structure of moral and legal obligation is built up and advocated by dignified, learned, and great statesmen on the floor of this House. I may be young in the House, but I have had some years in the business of the law, and other places. I think I know better than that; and he must be a statesman "yet moist behind his ears," to quote my distinguished friend from Ohio, who will accept such a foundation as that for a contract of this great nation to do what they are urged to do to-day for Cuba.

One other point that I desire, Mr. Chairman to call to the attention of this House, and that is this: The exceedingly weak foundation on which is built the demand upon this House. Upon what does the President place his policy. Why, his recommendation reads, it is based upon—

"weighty reasons of morality, of national interest" why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need of providing for a substantial reduction in the tariff duties on Cuban imports into the United States.

Then the Secretary of War, for whom I entertain as great respect as any man in this House; what is the foundation he places it upon? He makes his recommendation upon the proposition that "the chief hopes of future prosperity of Cuba are to be found in its commercial relations with the United States, and the prosperity of Cuba depends upon her finding a market for her products—sugar and tobacco—at a reasonable profit in this country."

The military governor of Cuba bases his suggestion on the statement that it was "the great desire of Cuba to obtain such a reduction on her imports into this country." They are all the time talking about the Cubans. The President-elect of Cuba put forward his recommendations on the ground that "the prosperity of Cuba depends upon the attitude of the United States toward the new republic and the moral obligation of this country toward Cuba."

Thereupon a great clamor was heard, the beating of tom-toms and Chinese drums in the newspaper centers. The newspapers began to demand that we should "make laws for the benefit of

Cuba." Now, do you not remember reading it, that "we must make laws for the benefit of Cuba?" And right here I want to say that I deny the power of this Congress to make laws for the benefit of any people except the American people. We are not sent here to make laws for the benefit of the people of Timbuktu, or Cuba, or any other people, except our own possessions, our own people, and our own countrymen.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. WEEKS. Certainly.

Mr. THAYER. Do you think that the Republicans were sent here to make laws in direct opposition to the wishes of the President of the United States?

Mr. WEEKS. The President has no more right to tell this Congress what laws shall pass than I would have to go down and tell him who he is to make a member of his Cabinet. That is a straight answer.

Now, I consider the most lamentable part of what I have read to be this: That while the President and Secretary of War and Governor Wood and the president of the Cuban Republic—who has not been on the island for twenty-five years and who has not started for the island yet—all place the obligation of the United States solely upon what the Cubans desire and the Cubans wish, and what is necessary for the Cuban people and their prosperity, but not one word as to what the people of my State and the people in California and Washington and Illinois want in the premises. They seem to have forgotten, one and all, that there is somebody else interested in this thing besides the Cubans.

I spoke a moment ago about the clamor set up by the newspapers. There is nothing new in that sort of thing in the history of American politics. You remember the clamor that we had at the time the Porto Rican tariff bill was before us.

There has been an immense deluge of pamphlets showered upon Congress and upon the people of this country, demanding of us to "do our duty toward Cuba."

Back on the quiet farms of Michigan and Illinois, Minnesota, Wisconsin, and far-off Washington and California, the plain American farmer was reading this literature, these campaign pamphlets that has showered and deluged us, and that were being hurled and rained upon us, and he was asking, "Who puts up the money to pay for this expensive business?" for it must have cost hundreds of thousands of dollars. Did the poor Cuban pay it? Where did the money come from?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCALL. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman may be permitted to proceed until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WEEKS. I will only occupy a moment or two more. I have got much to say, but I do not wish to exceed my time to any great extent. I was asking whom do you think put up the money to pay for that expensive pamphleteering and pictorial campaign? I had the curiosity to send up to New York to get quotations of the sugar stock in the New York Exchange, and I found that from the 2d day of January to the 3d day of April the stock of the sugar trust had been gradually rising in that market from 117 to 132½, and is higher than that within the last few days.

Every day that there appeared to be a prospect in this House that the opponents to this bill might succeed the stock went down a point or two, and the next day it went up again, and has been going up; and an expert has made the calculation upon the stock for me and tells me that there has been over \$600,000 profit made upon speculation in that stock because of the agitation in this House and because of the expectation that the sugar trust is going to be the beneficiary of this whole business.

Before I forget it, and in closing, I want to suggest another thing, that the difference of opinion which exists among Republicans on the floor of this House is not such a difference of opinion as will separate us from our leaders hereafter. This is not a political question. It is not a party question. The conference left all of us Republicans to our own consciences, whether we would support this bill or not. The Democrats have done the same, and we stand here each man on his own responsibility to his conscience and his constituents, and no one else.

Now, this difference is due to the fact that some of us claim that this measure will injure the beet-sugar industry, while others claim that it will not. That is all there is to it. I have attempted to show you that the beet-sugar industry is suffering to-day, and I could give you individual instances. I could tell you that in my own city one of these great factories is attempting to negotiate a loan upon its bonds for a working capital, having completed a plant costing \$600,000, and that the capitalists who stood ready to furnish the money before this agitation began have withdrawn from the negotiation and refuse to advance the money. Does



that injure the town? Does that injure the factory? Does that not embarrass my constituents? If it does not, I don't know anything about that kind of business.

The Ways and Means Committee contend that 20 per cent reduction affords ample protection to the beet-sugar industry. They claim there is 57 per cent protection with the 20 per cent taken off. Suppose it is so, you can not reduce a tariff which protects an industry which is just in the act of completing its factories, as the industry in my town is—just putting the cap, as you might say, on the smokestack and not do it injury.

This Congress says: "You are too much protected; you put your \$600,000 into this factory on the faith of what we had placed upon the statute book; you put this great pile of stone and frames of iron up, and this immense and beautiful chimney, an ornament to the city; you built that on the faith of what we had placed on the statute book, but we are going to knock it down." And you gentlemen tell me that this does not injure an industry in my town. No matter what my friends in this House may think or say on this subject, it is my firm belief that any reduction of the tariff on sugar will operate to the disadvantage of the beet-sugar industry, and, so believing, I am constrained to vote against this measure.

Now, I ask any man on the floor of this House, whatever his attitude may be on this question, Do you believe that this legislation is going to help the beet-sugar industry? It is not a neutral thing; it injures or helps—one or the other. It is a more or less violent change in existing law affecting a new industry. It will either hurt it or it will help it. Which do you think it will do? I think it will hurt it. You may talk about the "differentials," and the "kaleidoscope," and the "polariscope," and all these other scientific instruments and things, and the "percentage," and the "Dutch standard," but you never can make me believe that this legislation will simply allow everything to remain in statu quo.

It is going to hurt it or it is going to do it good. Which do you think it will do? I am not able to weigh or measure the amount or degree of injury it will do; I do not seek to. I do not reduce that injury to a question of ounces or dollars, but I know it is going to be an injury. But, Mr. Chairman, I object to it largely because it is an unjust discrimination against one industry. I said a while ago that I was not one of those who believed that the tariff schedule was to endure forever. I do not believe the sugar schedule will endure forever. Some day there will come a change, but not now. You never could make an attack upon the beet-sugar industry at so critical an hour in its existence as right now, and now is the time you propose this legislation.

Those who oppose this legislation are willing and anxious to have their attitude fully published and made known. With that end in view, I take the liberty here to state the principle laid down in the Republican conference as a basis of our action, which was as follows:

We oppose the proposition to reduce the tariff on Cuban products coming into this country because it involves a relaxation of the protective principle. The Republican platform of 1896 condemned the Democratic party for not keeping faith with the American sugar growers; we seek not to merit for ourselves the same condemnation.

The proposition to reduce the sugar tariff is unwise and unjust, because—  
1. It constitutes, in essence, an abandonment of the protective principle, even though it removes only one-fifth of the duty imposed by the Dingley law. And this abandonment is most unhappy because applied to the pursuit of agriculture in the most conspicuous instance in which specific and manifest protection is given to the farmer, and at the moment when the beet industry is not only in its infancy, but in an infancy so lusty and promising as to demonstrate the certainty of a rapid and prodigious growth. The beet-sugar industry exhibits in the most perfect form we have yet known the most approved principles of protection.

Heretofore the farmer has been compelled to find his justification of protection, from the standpoint of personal interest, in the prosperity reflected from the industrial artisan, and in the main he has, through good report and evil, been bravely loyal.

Since our platform of 1896 gave a party's guaranty of permanence the people took us at our word, and we have demonstrated that in the beet-sugar industry we could more vividly than in any other enterprise illustrate to the American farmer on his own broad acres the beneficence of the American system of protection.

The American market for over \$100,000,000 worth of sugar annually is rightfully his. We shall encourage no policy which delays the time when he shall come into his own.

2. As to the fancied duty to Cuba because of a distress which is only apparent in the admitted fact that every man on the island has all the work he can do at higher wages than he ever before received, we have only to say that the low price of sugar is a mere business condition of temporary character, and that to compromise with it on the terms proposed is, in its interference with the policy of protection, to pay too high a price for all the good that can possibly come to those whom it is intended to benefit.

The proposition is to undertake to insure commercial and industrial prosperity in Cuba, a foreign country and a foreign government. If we undertake it, when and where are we to stop?

It is a startling proposition entirely outside of our governmental functions and our constitutional power.

Whenever we have undertaken to insure commercial and industrial prosperity in the United States, our own country, by means of a protective tariff, we have been bitterly assailed on the ground of paternalism.

Now, at the expense of our own labor, our own capital, and our own industry, and largely at the expense of a single industry, without reducing the cost of sugar to the American consumer, we are asked to extend the paternal hand to a foreign people on the ground that, having given them liberty, we are

morally obligated to secure them commercial and industrial prosperity, even at the sacrifice of our own interests.

We emphatically deny that we are under any such obligation, morally or otherwise.

We insist that such an undertaking subjects the Congress of the United States to the charge of being false to its constitutional obligations, untrue to the people it represents, and, from a political standpoint, false to the pledges made by the party to the people when it asked and received their support.

3. Entirely independent of its effect on the beet-sugar industry as a present fact in established concerns, it would smother the further development of the industry through the scores of plants now in various stages of active advancement.

An industry which has grown fivefold in the last four years, and doubled since 1900, has in it the certainty of a future development so stupendous as to beggar prophecy and appeal with cogent force to our national pride.

4. In so far as the proposition professes to be in the line of Republican reciprocity, we assert that it is essentially a denial of that great policy. We deny that reciprocity is desirable except as a corollary to the greater policy of protection. Republican reciprocity, wise reciprocity, does not seek an exchange of products at the expense of any American industry; it does not seek to give, it does not give, commercial advantage to any foreign product which comes into competition with our own products; it does not seek an exchange of products which deprives any American artisan of his work or any American farmer of an opportunity to profitably till the soil.

This was explicitly declared by McKinley in his Buffalo speech in the following words:

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus."

And by President Roosevelt in his annual message in these words:

"And that reciprocity be sought for so far as it can safely be done without injury to our home industries."

5. To say that the duty on sugar is to be lowered on the plea that it helps Cuba is to say that it must always be lowered when Cuba needs help; and a reduction of one-fifth by the House of Representatives means that elsewhere, both in and out of Congress, the extent of that reduction shall be measured by the varying views of those who consider it.

It must, therefore, follow that the protective principle is to be subordinated to the question as to what amount of help Cuba may need.

With such a policy declared by a Republican majority, what wise business man can be induced to invest his money in the beet-sugar industry? What promise will there be of its future development?

And if that Republican majority is once constrained to such a policy, what license have we to believe that the citadel of protection will not be further assaulted in the house of its friends? When that time comes the days of Republican supremacy will be numbered.

Never more earnestly than at this hour have we been summoned to our duty; never has the cause of protection—to which we owe our party success and our national prosperity—more needed our undivided and unflinching support.

We pledged our faith in 1896 to the sugar growers of the country, and they took us at our word; in 1897 we kept the faith and passed the Dingley law, and the people, relying on that law and our party pride and traditions, proceeded to develop in amazing proportions the industry which we specifically encouraged them to enter.

We are told that the pending proposition will not hurt the beet-sugar producers; but surely no one anywhere has asserted that it would help them.

A tariff measure which has the unanimous indorsement of free traders is not above suspicion, and a search warrant will not be needed to find all the protection that is hidden away in it.

I submit to the country that the foregoing is a candid and forceful statement of sound Republican principles. Upon it we of the opposition go to our constituents, confident that no flaw can be found in our armor.

I will not occupy further time. I simply want to brush aside for a moment the curtain that time has let fall between the past and the present, in order to call your attention to a scene that took place during the civil war. It was at the battle of Chickamauga. There had been an awful conflict. The thunders of war had raged there for three days.

Rosecrans, the leader, with the bulk of his army, had sought shelter behind the rifle pits and the earthworks of Chattanooga. All was disorder, disaster, and defeat. At length, out of the smoke and dust—away out in front—there came a message, signed "George H. Thomas," saying, "I am here as firm as a rock." The instant that message was read order came out of chaos; victory came out of defeat. The Union Army was saved from destruction and the flag saved from disgrace.

Now, I want to say to my exceedingly good friend from Ohio [Mr. GROSVENOR], and my other exceedingly good friend and leader from New York [Mr. PAYNE], here we stand as firm as a rock, with the flag of protection floating over us, ready to do battle with you in the cause of Republican principles. In that cause we will gladly follow you in the future as we have in the past; but when you ask us to repudiate a principle of the great Republican party and turn against the industries of our own people, there we refuse to follow. [Loud applause.]

Mr. LAWRENCE. Mr. Chairman, in view of the convincing arguments already made in favor of the bill "to provide for reciprocal trade relations with Cuba," I do not propose to speak at length; I am, however, desirous of expressing briefly my approval of the pending measure. I shall give it my support for the reason, above all others, that we are under a moral obligation to the people of Cuba to grant the relief proposed by this legislation.

We declared war with Spain for the purpose of banishing inhuman rule from the island of Cuba. We have claimed that no war was ever entered upon with purer purpose, and I believe history will justify the claim. The sacrifices we have made in behalf of Cuba have not been small. Brave men risked their lives that Cuba might be free. We owe it to them to see to it that Cuba starts out as a free and independent state with well-founded hope of success.



In declaring war we disclaimed "any intention to exercise sovereignty or control over the island of Cuba except for the pacification thereof," and we promised when that was accomplished "to leave the government and control of the island to its people." Since the close of that war we have been endeavoring to establish a stable and independent government. Leonard Wood was appointed military governor of the island. No better appointment could have been made. His administration has been satisfactory to the people of this country and of Cuba. In the conduct of his high office he has reflected honor upon his Government and has done very much to make the establishment of a stable government possible. His patriotic service has furnished proof to the world that our efforts have not been based upon a selfish motive.

Now that he has practically finished his work and our pledge to leave the government and control of the island to its people is about to be fulfilled, his statements are entitled to receive from his countrymen and from us as their representatives full and favorable consideration. What is it that he has to say about the need of Cuba and our duty with reference to it?

He tells us that while we have expelled Spain, have cleaned up the island and laid the foundation for good government, that our work will be largely useless unless Cuba has the means to continue the work; that Cuba, hardly out of the ruin caused by the war, is obliged to compete with the bounty-fed sugars of Europe and the highly protected sugars of the United States, and that if we leave her under the present tariff conditions we do so knowing that it is highly probable she will not be able to maintain such a government as we have declared she shall establish and maintain. He puts the matter very eloquently and very forcibly before the American people in these words:

Her people have exhausted their resources in a heroic struggle to build up their industries, but they can not go on spending more than they receive any longer. This year's sugar crop, which will be over 800,000 tons, represents their supreme effort, and unless relief comes—and comes quickly—we must expect a crisis which will render Cuba's position most deplorable and ours most embarrassing. We have assumed the responsibility of establishing her as an independent stable government, and we are in honor bound to see to it that she is given a reasonable chance to maintain such government.

In the face of such a statement from such a source I do not propose to doubt for a moment the fact that distressing conditions exist and that it is our duty to act promptly. The appeal is honest and frank and manly. Let us meet it in the same spirit, in the way I believe the people would have us. I accept Governor Wood's statement of conditions in Cuba as absolutely correct. I know of no man in public life whose words with reference to this subject should be so convincing.

I believe, then, as I said at the beginning, that we are under a moral obligation to grant the relief for which he asks. The pending bill grants a reduction of 20 per cent of our tariff rates upon articles imported from Cuba until the 1st day of December, 1903. It is not a large concession. It is the very least we can do. We owe such action to the Cuban people, and in taking it we are but carrying out the spirit and purpose of the pledges we have solemnly made.

But the present bill is not simply a reduction of tariff rates upon articles imported from Cuba. It is a reciprocal arrangement. Cuba proposes to give us a substantial return. It is not charity which is asked, but an honest, equitable agreement which will be for the benefit of both the contracting parties. We shall increase thereby the foreign market for American products. During the year 1901 Cuba imported from countries other than the United States goods valued at over \$38,000,000. By far the greater part of these imports should come from the United States. With Cuba independent and prosperous its market will be of great value to us. And then, too, by the terms of the bill Cuba must adopt immigration, exclusion, and contract-labor laws as restrictive as the laws of the United States. This check upon the immigration of cheap labor can not fail to be of benefit to our own producers.

It has been urged that the Cuban producers (whom we are seeking to aid) would not receive the benefit of the proposed reduction in duties, as so large a proportion of this year's crop had already been sold. Investigation does not justify this inference, reports from official sources showing that an insignificant amount has been disposed of. It has also been claimed that the proposed concessions can not be made without serious injury to American industry, and especially to the beet-sugar industry. We certainly desire to carry out our obligations to Cuba without injury to any American industry.

It is claimed by the framers of the bill that while the Government may lose seven or eight million dollars of revenue, as a matter of fact none of our industries will be injured. It seems to me that this claim is justified by facts. We consumed last year about 2,300,000 tons of sugar, and it is estimated that our consumption during the current year will be about 2,500,000 tons. The entire production in Hawaii, Porto Rico, and the United

States is about 850,000 tons. If Cuba's crop amounts to 850,000 tons, as estimated, we shall be compelled to import from other countries about 800,000 tons. The proposed tariff reduction can not, therefore, reduce the price to the consumer. If Cuba's entire crop is sold in the United States, we must still buy elsewhere about 800,000 tons—a statement of fact which ought to satisfy one that the slight reduction proposed for so limited a period can not injure in any measure the beet-sugar interests of the United States.

In his message to Congress, at the beginning of the present session, President Roosevelt urged the enactment of some measure for the relief of Cuba. Over four months have passed since then, and time has served to justify the wisdom and justice of his appeal. In his message he said:

Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom—indeed, to the vital need—of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desire—that she should stand in international matters in closer and more friendly relations with us than with any other power; and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being.

In this recommendation the President is most heartily indorsed by the Secretary of War, who says that the same considerations which led to the war with Spain now require that a commercial arrangement be made under which Cuba can live.

I regret that this bill could not have been brought before Congress at an earlier date. Prompt action was demanded in the interest of both Cuban and American. Now that the matter is before us I trust there may be no further vexatious delay, but that the bill may soon become law.

By the provisions of the so-called Platt amendment the government of Cuba shall never enter into any treaty or other compact with any foreign power which will tend to impair its independence; it shall not contract any public debt for the ultimate discharge of which the ordinary revenues of the island shall be inadequate; it shall permit the United States to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty; and it shall sell or lease to the United States lands necessary for coaling or naval stations.

By our own action we have made it necessary that Cuba should stand in closer relations with us than with any other power. She must look to us, and to us alone, for such a commercial union as will give her that prosperity necessary for the maintenance of an independent government.

Another most important provision of the Platt amendment is the one which compels the government to execute plans for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

It is of the most vital importance to our own people that this provision should be carried out. A bankrupt government can not carry it out. Were we actuated by self-interest alone, we should make this reciprocal agreement under which Cuba can live.

If Governor Wood's evidence is not deemed sufficient, the testimony given before the Committee on Ways and Means, which considered the question at great length, ought to be convincing upon the point that a failure on our part to grant some concessions will result in great financial distress.

The reason why there is at present no such financial distress and that labor has been fully employed at fair wages is found in the fact that the producers of Cuba have relied upon reasonable, if not generous, concessions on the part of the United States. The planters are heavily in debt. If their sugar must be disposed of under present conditions, it must be sold at a price less than the cost of production. Failures will inevitably result.

The situation is serious for the Cuban people. In view of the far-reaching consequences which may follow, it is also serious for ourselves. Should bankruptcy and demoralization follow their establishment of an independent government the United States would be compelled to intervene again, and immediate annexation would be likely to be the result, a result which, for one, I do not desire.

The making of this commercial arrangement is in accord with the principles of the Republican party. It is a reciprocal agreement, and not a revision of the tariff or an attack upon our protective system. The desirability of supplementing our tariff system with reciprocity has of late been urged with great force. The need of wider markets is acknowledged by all. The home market is no longer sufficient.

During the coming years the growth of our export trade with Cuba will undoubtedly be very great, and the action we are now



proposing to take will not only give the aid so much needed, but will ultimately be of great benefit to our own producers. I am glad of the opportunity by my vote to place myself in accord with the President, the Secretary of War, and General Wood. I believe the outcome will be for the good of Cuba and the United States. It is not legislation based upon sentimentalism, but upon that sense of justice and right which has ever been characteristic of the American people. [Loud applause.]

Mr. PERKINS. Mr. Chairman, my position is quite embarrassing. Very distinguished members of this House have shown the errors in this bill in orations which were noticeable equally for their eloquence and for their length. It can not be expected that in the brief ten minutes allotted to me, a most undistinguished member of this House, I could show the errors of their argument; but I must say that although I have listened with close attention, I have been unable to comprehend or even to guess why such fervor should be shown in the opposition to this bill. It does seem to me, with very great respect to the distinguished gentleman who has so eloquently opposed it, that there is an immense amount of cry to an amazingly small supply of wool. Almost everyone agrees that whatever happens with the money taken out of the Treasury, the price of sugar as it is sold in the American market will not be affected.

Some gentlemen on the other side have asked of the chairman of the Committee on Ways and Means [Mr. PAYNE] and others, "Do you think the price of retail sugar will be affected or diminished?" and the answer has been no, as of course anyone can see must be the case. Now, what results? Some of the gentlemen think that the \$6,000,000 taken from the Treasury will be absorbed by the octopus that goes by the name of the sugar trust, and some of them hope that the \$6,000,000 may go into the pockets of the Cuban planters; but, Mr. Chairman, whether it goes to Mr. Havemeyer or whether it goes to some toiling Cuban, or no matter where it goes, if the retail price of sugar in the United States remains unaffected, as it must remain unaffected, for all commercial laws show that such a reduction as this must leave it unaffected, then I confess I can not understand why and how the beet-sugar man who sells his sugar, who is interested in but one thing in the world, and that is the price of retail sugar in the United States, is going to be affected by this legislation. It may be my lack of intelligence, but it is for that reason that all these eloquent remarks about the untimely demise of an infant industry have fallen very coldly upon my ear.

Now, Mr. Chairman, one thing more in my brief ten minutes. The gentleman from Massachusetts [Mr. LAWRENCE] said that there was a question of obligation due to Cuba. I wish to say, Mr. Chairman, that what is back of the demand for this legislation is the obligation which the people of the United States owe to themselves. Why is it that the Administration is in favor of this legislation? Why is it that the great mass of the people of the United States are back of the Administration in favor of this legislation? It can be stated, Mr. Chairman, in a very few words. Four years ago we undertook a war with Spain. We were not bound to do it. We are not bound to go to war in behalf of every poor and suffering people. We were not bound to enter upon a career of national knight errantry in behalf of Cuba or in behalf of any land or island. But we did it. Let us remember how loudly it was stated upon the floor of this House, how loudly it was stated all over the United States, that the people of the United States had undertaken an unselfish war, that they were willing to spend their blood and treasure for the good of others.

How often has it been stated, on this floor and off this floor, that as a result of the war, not merely the success gained in it, but the motives which led to its being waged, the position of the United States has been raised all over the world. Now, Mr. Chairman, I presume that is so; but having assumed that philanthropic rôle, we must live up to it. The proverb says that nobility imposes its obligations. To take a parallel case that was suggested by the chairman of the Committee on Ways and Means, let us suppose some poor waif oppressed by a cruel guardian. Any man has the right to say that he will not bother his head about that waif. He has the right to say that his time is taken with his own family and his money is absorbed in his own household; but if instead of that he says, and says quite loudly, with some assertion of virtue, that he is going to rescue that ward from the cruel guardian and make it a lot a happy one, and if he begins that laudable enterprise, if he interferes and gets it out of the charge and hands of the guardian, and the next morning changes his mind and buttons up his pocket and says if the ward is going hungry for breakfast that that is no business of his, those who would not have said one word if he had left the child alone will declare he is behaving in a shabby manner.

The situation is the same with Cuba. We have interfered where we were not bound to interfere. We have declared that we acted for the benefit of others without any personal consideration. What will be said if at the very eve of that, the very first

time that a question comes up in the American Congress which presses on the pocket of some large financial interest, we turn around and say we will do nothing? Gentlemen of the House have said: "Under what obligations are we to Cuba? Why should we interfere to relieve Cuban planters?" The time to say that, Mr. Chairman, was before the war was begun and not now. And that is why the people of the United States are back of this demand. They know the thing most important. The thing they care most for is the reputation of the country as a great and honorable and liberal nation.

The masses of the people are not disturbed, as are gentlemen here, by any question as to the future price of sugar or differential rates. They believe that there are things more important to a nation than its beets. They know that it is true in the past and will be true forever that "righteousness exalteth a nation." They demand that, instead of considering whether \$6,000,000 will come out of the Treasury or one-half of 1 cent per pound goes off the price of beet sugar, the Congress of the United States shall do the thing which will be consistent with the past record of the country, which will honor the land in the esteem of other nations and of posterity. I hope, Mr. Chairman, that the members of the Congress of the United States, on such a question as this, will not fall below the patriotic self-respect of the people whom they represent. [Loud applause.]

Mr. THAYER. Mr. Chairman, it is not my purpose to discuss at any length the bill before the committee. I think the bill gives altogether too small a concession to Cuba, and unless some one else precedes me in making the motion at the proper time, I shall move that the amount be increased from 20 per cent to 33½ per cent. I think if you fix it at 20 per cent it is entirely inadequate to the necessities of the Cuban people and will afford them but little practical relief, and if increased to 33½ per cent, the general impression is that it will relieve them at least temporarily, and an increase to that amount can be made without any detriment to the beet-sugar industry of this country. They would not feel it at all.

But my purpose, Mr. Chairman, at this time, in order to relieve the extreme tension under which this House has been in the last three days in the consideration and discussion of this bill, is to call the attention of the members of the committee, and through them the attention of the country, to a matter which I presented to Congress last Monday in the form of a resolution, which I will now ask the Clerk to read in my time.

The Clerk read as follows:

#### House resolution No. 203.

Whereas it is alleged in the public prints and in newspapers recognized of the highest standing in various parts of the country that a combination of six of the leading meat producers of this country has been formed for the purpose of controlling trade in meat products to the exclusion of smaller companies and individuals, and does control such trade to the immense amount of \$900,000,000 annually; that such a combination is formed for the purpose of restraining and controlling trade in meats and meat products and for raising the prices of the prime necessities of life; that such combine is apportioning territory and securing large rebates from railroads and interstate traffic; and

Whereas it is stated in the public prints and newspapers of the highest character that these six companies forming said combine have during the last year, by raising excessively the price of beef and beef products, secured a net profit for themselves of \$100,000,000; and

Whereas the following allegations are made in the New York Herald, a highly respectable and influential publication printed in the city of New York:

"Documentary proofs have been laid before the public of the oppressive monopoly of one of the most rapacious of all trusts, the beef trust, wielding a power to make a prime necessity of life a costly luxury. They show a combination of six or seven big concerns to monopolize the cattle trade of the West, control the meat market of the East, and advance prices to a pitch that means extortion to all consumers and deprivation to many, and this in order to enrich themselves at the expense of the masses. The methods of the beef trust would seem to constitute one of the worst abuses at which the anti-trust statute of Congress was aimed or at which any antitrust law can be aimed. It is a combination or conspiracy in restraint of trade. It is a monopoly destructive of competition. It controls prices and enforces extortion. It has the people, and especially the poorer masses, at its mercy in the matter of daily food. Its operations are interstate, and hence within the jurisdiction of Congress.

"Now arises the question vital to the public, whether such a trust is beyond the reach of the law. If its methods are not beyond the reach of the Federal law, then it is high time for the Attorney-General of the United States to move for the enforcement of the statutes. If it does not reach this outrageous abuse, then it may be pertinently asked, 'Of what earthly use is the law?' In either case it is up to the Department of Justice to take hold of this matter with promptness and vigor, that the people may know whether the existing statute affords any protection against one of the most oppressive of all trusts and whether additional legislation is needed to that desirable end.

"Moreover, it is charged that this same combination is violating the interstate-commerce law, designed to prevent unjust discrimination and favoritism in freight charges. That also is a matter to be rigorously looked into and the law enforced if violated. It is now for the Department of Justice at Washington to apply the remedy for evil, if existing statutes afford any remedy. If they do not, then it is high time for a law that will reach such abuses."

Therefore, be it

Resolved, That the Attorney-General be, and he is hereby, respectfully requested, if not incompatible with the public interests, to inform the House of Representatives what steps, if any, have been taken by the Department of Justice toward an investigation of the alleged charges hereinbefore stated; what, if any, steps have been taken toward ascertaining the truth or



falsity of these charges, and whether there has or has not been, in his opinion, an infringement of the law; and if so, what steps, if any, have been taken toward a prosecution of the parties violating the law.

**Mr. THAYER.** Mr. Chairman, I do not vouch for the truth of the allegations that are contained in the resolution, but in my judgment they come from the most conservative people and influential newspapers throughout the country, from Kansas to Maine, and I do not believe they would make these statements unless they had the evidence at hand for the proof of them. Now, if these allegations are true, and I must assume that they are from the sources from which they come, then these companies are openly violating the law, and I am confident we have sufficient law already to punish the violators of it. Chapter 647 of the laws of 1890 provides in the first section as follows:

**SECTION 1.** Every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Now, the second section provides:

**SEC. 2.** Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

It occurs to me, sir, that if these allegations are true, then the parties who have entered into this combine are amenable to the law. There are six corporations or companies who have entered into this agreement and contracts for the purpose of monopolizing and raising the price and controlling the sale of one of the prime necessities of life—meat and meat products. The allegations claim that the companies who have entered into this combination are Armour & Co., The Cudahy Packing Company, G. H. Hammond, Schwarzschild & Sulzberger, Swift & Co., and Nelson A. Morris. These companies control six hundred millions of money, and it is alleged in these newspapers and in the New York Herald and other papers that these six companies last year made a net profit of a hundred millions of money.

Now, the evidence that there is a combination is contained in the papers, and I want to call the attention of the members of the committee, and through them the attention of the country, to the condition in the contracts which these parties have entered into. Mr. P. L. Hughes, the eastern manager of the Cudahy Packing Company, wrote to his company in South Omaha, Nebr., as follows:

At our meeting to-day there was nothing accomplished worthy of mention after three hours of discussion. It seems we are not able to get together with the spirit that formerly prevailed at our meetings, but perhaps this will improve by further intercourse. Wheeler made a proposition, and was very persistent in advocating that we should sell but a stated number of cattle at each house Monday and Tuesday, and then meet again Wednesday, but that was voted as entirely out of the operation.

However, we all made a solemn promise that we would advance all grades from three-eighths cent to one-half cent if our stock is the same as received last week. I hope this agreement will be the means of giving us a decent price for it.

Later:

I voted in favor of the proposition for various reasons, one of which is the fact that next door to us at Harlem they have a fine house, and they will not be troublesome competitors when bound by the association rules, as they would be otherwise. The same might be said of Brooklyn, where they are selling beef directly across the street from us, and as the credit association affairs and matters pertaining to other subjects would be kept entirely separate and distinct I should certainly be in favor of taking them in.

Again—I do not read all of it, but it appears in the New York Herald of March 31:

I agreed with others that we should have a general meeting and get the market up to where it ought to be, and therefore deferred my visit to Pittsburgh until next year, although my annual passes for 1898 will expire to-morrow.

Later on he says:

While at Utica we had representatives from each of the Western shippers, and after having gone over matters generally we decided to advance the price of all grades of beef 50 cents, and we braced pork loins at 74 cents.

I have never failed to get those fellows to increase the price when I go there, but it generally lasts but a week or two. Nelson Morris has not sent an inspector there in over a year, although their man Sullivan visits Scranton and Wilkesbarre regularly. Doolittle, of Schwarzschild & Sulzberger, was there a few days this week, and he left in disgust without attempting to do anything with them. I think, however, we will get better results from there for the next week or two.

In order to show that they have divided up this country between themselves, each one taking his share, here is a letter written to Cudahy Packing Company by P. L. Hughes, wherein he states the agreement to extend credit:

First. The undersigned agree that on and after August 7, 1899, all dealers in fresh meats may have the privilege of paying their bills of the previous week on or before Tuesday of the following week, and to this end we will print on all our bills and statements "All bills payable on or before the Monday following date of sale." All fresh meats must be weighed and charged to customers on day of sale. Should, however, any dealer in fresh meats be delinquent on any account contracted after the above date, he shall be sold for cash or check only until such account is paid in full. It is further under-

stood and agreed that this agreement does not apply to sales of provisions, but does cover all sales of fresh meats, the term "fresh meats" meaning all beef, pork, veal, or mutton in carcass, or any portion of the same, which has not been cured, pickled, smoked, or canned; also all dressed poultry and game.

Third. We hereby appoint Arthur Colby arbitrator under this agreement, at a salary of \$3,000 per annum, to be paid by us pro rata, with full power to examine our books, papers, and accounts, and to impose and collect a fine of not more than \$50 for each violation of this agreement that may be proved to his satisfaction, and from his decision no appeal shall lie. This appointment is terminable by thirty days' notice, in writing, on either side.

Again, mark the enforcement of the terms of the contract prohibiting either party to it from selling at less price than fixed upon. It appears in this letter from P. L. Hughes, Eastern manager to the Cudahy Packing Company, South Omaha, Nebr.:

DEAR SIR: I inclose herewith drafts on our Braddock house on account of our having sold pork under the agreed price.

P. L. HUGHES.

Here is the provision in the agreement. After a purchaser has once refused or neglected for twenty-four hours, no matter what his condition may be, to pay for the goods he had bought twenty-four hours earlier, he can not afterwards purchase one pound of beef from these companies, who control over 80 per cent of the beef sold in this country; he can not go anywhere and buy a dollar's worth except for spot cash. If he has violated these rules in not paying every twenty-four hours from the time when he got his product his credit is, with this combine, entirely destroyed.

**Mr. KLEBERG.** May I interrupt the gentleman?

**Mr. THAYER.** Certainly.

**Mr. KLEBERG.** Is it not true that in the hearings before the Interstate Commerce Commission it was shown that these beef-packing trusts had a rebate of 25 per cent on the railways?

**Mr. THAYER.** That is exactly true, and I will show that a little later. I might read more, but I have read enough, it occurs to me, to show that these people come within the provisions of the statute, namely, that they have combined for the purpose of refusing credit to the purchaser, for the purpose of controlling the output of the beef in all this country, and prohibiting any one of their members from selling at prices less than that agreed upon by the whole.

**Mr. GAINES of Tennessee.** Will the gentleman allow me an interruption?

**Mr. THAYER.** Certainly.

**Mr. GAINES of Tennessee.** Is not one of the troubles to which you allude this, that in the Knight sugar trust case the court thought that the antitrust act in question did not apply to the monopoly which manufactured, but only applied to the product after it is manufactured and entered into interstate commerce; in other words, that the trust law in question did not apply to the trust which created the manufactured article, but only applied to the manufactured article after it became interstate commerce?

**Mr. THAYER.** I am not cognizant with the case to which the gentleman refers, and therefore can not answer his question.

**Mr. GAINES of Tennessee.** Clearly the act does apply to interstate contracts and interstate trust contracts, and it should be rigorously and promptly enforced. This Knight case and what the court there said is clearly set out in the more recent Addyston Pipe case, 175 United States, page 240.

**Mr. THAYER.** What I have asked in this resolution is that the Attorney-General shall investigate this matter of those charges, and if, upon investigation, he comes to the conclusion that these facts do not bring the parties within the statute, then I say to this House that rather than attempt to change the Constitution, which will take many years, if it can ever be done, we should apply ourselves to it at once and place some legislation on the statute book that will meet the conditions presented by these facts.

**Mr. PRINCE.** Mr. Chairman, I have listened to all the speeches made on both sides of this question. I heard the distinguished leader, the chairman of the Committee on Ways and Means [Mr. PAYNE] in his opening address state the reasons which, in his view, warranted him and his committee in bringing this measure before the House. I have heard gentlemen on the other side contending that the position of the gentleman from New York and his committee is not sound. Thus far the main illustration that has been used by gentlemen favoring this proposition is the relation of guardian and ward. It has been used on more than one occasion. As I recall it, there are two kinds of guardians—guardians of the person and guardians of the property. In this case, I presume, we are guardians of the person of Cuba and also guardians of her property. As guardians of her person, what have we done? For many years she struggled for her independence, which she could not attain. We stepped in in 1898, now high on to four years ago. If I recollect correctly, about the 21st of April, 1898, we started out to relieve the person of Cuba from the control of her Spanish master. We have expended in this effort hundreds of millions of dollars. We have sacrificed many lives. We have improved the cities of Cuba; we have made that a healthy country. We have



advanced her material interests in many ways. All the expenses for the doing of these things have been paid largely by appropriations made in this House out of the Treasury of the United States. So far, then, as the person is concerned, we have treated the person well. As guardians we will soon turn the island with all the improvements over to her, and on the coming 20th of May we shall make of her a free and independent government.

Now let us look a little further. We have freed her from Spanish rule and Spanish taxation, and relieved her from \$300,000,000 of bonded indebtedness. Let us look at the condition of Cuba as it is now. Thus far I have not heard from the lips of any person addressing the Chair, or his fellow-members, a word showing that Cuba is in present distress. Her people are busy. She raised more sugar in the year 1901 than she had raised in any one year for many years, if ever, prior to that time. Her industries are improving. Her men and women are busy. The farm hands are being paid a higher wage to-day in Cuba than such labor is being paid in any of the northwestern States of the Union.

But we are told that we are still guardian of her person and her property. Now, I know of no law book that ever declared that the guardian must take the money out of his own pocket and pay it to the ward whenever the ward came to him and asked for such payment. I have known, as a lawyer, that the court has held the guardian to a strict accounting for the manner in which he controlled the person of the ward and the manner in which he controlled the property of the ward. Now we have a new doctrine advanced in this House by eminent lawyers—the doctrine that we must take \$8,000,000 out of the Treasury of the United States and give it to Cuba, the ward, out of our own money. What right have we to do that? Fellow-members of this House, we have been elected here to represent the people of the United States. We have been sent here as the agents of our own people. We have been told to conserve the interests of America. In 1896 and in 1900 we announced as Republicans certain positions in our national platform, which I quote:

[From the Republican national platform of 1896.]

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

[From the Republican national platform of 1900.]

We renew our faith in the policy of protection to American labor. In that policy our industries have been established, diversified, and maintained. By protecting the home market, competition has been stimulated and production cheapened.

When the distinguished leader on the Republican side, the gentleman from New York [Mr. PAYNE], was confronted by his speech made in 1897, in which he said that he hoped that for twenty-five years the tariff would remain and there would be no change in it, he quickly turned round and said:

Ah, yes; that was made at a time when there was no war and no prospect of war in this country.

That was in 1897, at the extra session called by Mr. McKinley after he had been elected and inaugurated President of the United States. I heard that speech on the floor of this House. I desire here and now to read what the Ways and Means Committee then—and members now—said. I read:

[Mr. PAYNE, July 19, 1897; RECORD, p. 2749, first session Fifty-fifth Congress.]

What shall be done with the sugar trust? Well, I will tell you what, in my opinion, is the best way of dealing with it. Establish a beet-sugar factory in every Congressional district in the United States. [Applause on the Republican side.] Give competition, and lots of it, everywhere. Put the farmers over against the trust by passing this bill, and reduce the price of sugar so that German raw sugar can not be brought in to be refined here. Gentlemen on the other side, come over and help us, while we help the farmers out. [Laughter and applause.] You grangers over there, come and help us. You Populists that go up and down the streets day after day proclaiming your devotion to the interests of the farmers, help us out now when we are trying to help the farmers in this industry that we can establish so successfully. In this way you will do something toward demolishing the trust. You will accomplish more in this way than by mere invective—by running windmills and all that. [Laughter and applause.]

Why should we not produce all of our sugar in this country? Why, it costs us, Mr. Speaker, about one hundred millions. We were looking around for proper subjects for taxation. We knew that sugar would produce an enormous revenue; and besides all that, we knew that an adequate protective tariff would build up the industry in this country, and as it was gradually built up the revenue from that source would be reduced; by and by the revenue will come in more largely from other sources, and when this industry is fully established and revenue from sugar ceases, the reduction will keep pace with the increase. The thing will regulate itself; we will not disturb our tariff in the next quarter of a century. And then—

[Mr. Dingley, March 22, 1897, RECORD, p. 121.]

The duty on sugar has also been increased, both for purposes of revenue and also to encourage the production of sugar in the United States, and thereby give to our farmers a new and much-needed crop. We now pay foreign countries about \$4,000,000 for imported sugar, notwithstanding the abnormally low price, and this sum will soon be increased to \$100,000,000. The success which has attended the growing of sugar beets and the production of beet sugar in California and Nebraska in the past five years, not to mention the progress in the production of cane sugar in Louisiana, has made the problem of producing our own sugar no longer doubtful; and now that we must have the increased revenue from sugar for the present, a favorable opportunity presents itself to give this boon to our agriculture.

[Mr. GROSVENOR, March 24, 1897, RECORD, p. 240.]

We are going to force upon Louisiana that which she dare not ask for herself. Suppliant at the hands of Congress, with people representing not the claims and the clamors of her own people, we will force upon her the beneficence she dares not hope for or ask for herself. We will give to the sugar producer of Louisiana an opportunity to enlarge his products and turn over some of the splendid lands of that beautiful State to the production of sugar, instead of corn, cotton, and other products of the soil; and so, Mr. Chairman, throughout Nebraska, through Kansas, and all of the States of the Union we propose to offer the same beneficent opportunities.

The Republican party comes and offers to the agriculturists of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization; and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all of these States from the production of corn, oats, wheat, potatoes, and cotton, to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming lands of the country a better market, with less competition than they now have.

[Mr. STEELE, speech on March 25, 1897, Appendix of RECORD, p. 123, first session Fifty-fifth Congress.]

With regard to sugar, I predict that if the tariff fixed by this bill is unchanged for a period of ten years we will at the end of that time be producing not only enough for our home consumption, but as much as we care to export, and at very little additional cost to the consumer. The farmers in the 20 States where the sugar beet can successfully be raised will reap a double benefit from the development of the sugar industry—first, because the sugar beet is a more profitable crop than wheat or corn, and second, because the land devoted to raising beets will no longer be producing wheat and corn, and the lessened production will increase the price of these products.

In 1898 came the war with Spain. Within three months after it was declared we had conquered Spain, and Cuba was practically free. That was in 1898. But here is a platform prepared by the Republican party in 1900. I ask the gentleman from New York [Mr. PAYNE] and the gentlemen of the Ways and Means Committee, what is your answer to that? You state that the war was the cause of your change of front on this question, and yet the war was ended nearly two years before this platform was made. Why did you not, some of you who were delegates to the national convention, stand up there when the plank I am about to read was presented and say: "Here is a plank that is not true, and must not be put in the platform?" Here is the plank to which I refer:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets.

I stand squarely upon that platform now.

That was our platform then. We reaffirmed our determination to stand by a protective-tariff policy. There is not a Republican sitting here in this Hall to-day who does not know that in every Republican convention in every State we declared again in our platform that we would not make any change upon this question. Every one of us went to our people and said: "It is not so much the money question that is disturbing our country; the trouble is due to tariff tinkering." We went to our people and asked them to send us back to Congress, promising that we would stand by the doctrine of protection; that we would stand by the doctrine of Republican reciprocity; that we would continue the prosperous conditions in our country, if our party was continued in power. Are we all to-day keeping the faith?

Oh, but gentlemen say, "the exigencies of the times, not here, but in Cuba, demand this measure." Sir, the only chart that governs my action in this House is the chart that directed my footsteps when I came here as a member of Congress, as one of the results of the election of 1900. When the party speaks in 1903 in a State convention or in my Congressional convention and directs me to do otherwise I will do it, and not until then. [Applause.] And I question the right of any other Republican to change front upon this question at this hour of the day. April 7, 1902, my home county spoke as follows:

The Republicans of Knox County in convention assembled desire to express their satisfaction with the existing conditions and their sincere belief that the maintenance of the same is dependent upon the continuance of the Republican party in power in nation, State, and county.

The distinguished gentleman from Ohio [Mr. GROSVENOR] said—I listened closely to him—that when this measure was first presented to him as he heard of it, wanting a reduction of 50 per cent, he said no; when the proposition came to him with a reduction of 40 per cent, he said no; when it came as an ultimatum of the President, as he said, using his own language—I do not wish to be held responsible for it—when the ultimatum came from the President that it should be 25 per cent, he said no; but he finally said, "I will agree to 20 per cent." Ah, in his own judgment he had come to the danger line; in his own judgment he was close to the line of danger to an infant protected industry in this country of ours, and he said:

This is not my doing; I did not bring this measure here; I will not tell how it came here, but it came here, and I wish the cup was not pressed to my lips, and I do not want to drink of it.

Gentlemen, I propose, as a Republican, not to drink a drop of it, 20 per cent or any other per cent. [Applause.] I listened also to the distinguished gentleman from New York [Mr. PAYNE], and I found from him no reason why we should do this, except an anticipated trouble. Oh, he said, in the future there is financial



trouble for Cuba, and that we must anticipate—the financial crash that will come upon that people—and we must legislate for them. Gentlemen of the House, we heard it first when we heard it in December; we heard it again in January; we heard it again in February; we heard it again in March. It is now close on the middle of April, and that island has not sunk into the sea nor have the people gone into financial ruin and bankruptcy—not at all.

It is a part of the Cape of Fears. In the old geographies you will remember that beyond a certain line there was a great shadowy substance which was called the Cape of Fears, but as the mariner got out into it he found it disappeared; and so, my Republican friends, if we can resist this a little longer, this anticipated trouble will be found another Cape of Fears that our distinguished leaders and mariners will have no trouble with if they will stand by the Republican party and the Republican pledges they have made to their people in their districts.

But what do they ask us to do by this bill? They ask us to go to the Treasury of the United States and take out \$7,000,000 arising from sugar duties that comes in here and \$1,000,000 arising from tobacco duties that comes here, and give it to somebody, somewhere. And what do we get in exchange? Nothing. There is not a consumer in the United States who will get his sugar one cent less or one ten-thousandth part of a cent less than he does today. Then what will the consumer get? He will get \$8,000,000 less in the Treasury, which has to be made up in some way by taxation upon the men and the women that we are supposed to represent in this body. That is the first proposition. Is there financial distress in Cuba that we should do this act? No. Is there any reason assigned? No; except possibly that we may get a little more trade. How much more? Thirty-eight million dollars of the trade of Cuba.

They say Cuba has a trade with the world to a certain amount. A certain amount comes to the United States. The difference between what comes to the United States and what goes to the balance of the world is \$38,000,000. I desire to state right here that our farmers furnish to Cuba now all the hogs and sheep she buys. We also furnish her now all the soft coal and paving brick she uses. We furnish her now practically all the bran, wheat, corn, oats, flour, cars and rails for railroads, and carriages and vehicles she now uses. The passage of this measure will not increase our market for the above-mentioned articles one bit, as we have it all now. Now they say if you will give to somebody, somewhere, \$8,000,000 of clean money you can have the opportunity of taking your chances and getting profit on a prospective trade that may never come to any person in the United States. Is not that a smart bargain for statesmen to make with the people's money out of the Treasury of the United States? And yet it is your bargain.

Oh, you say, it will not affect the sugar interests of this country. Gentlemen, I believe as a Republican in standing by the Republican members of Congress. I have confidence in the Representatives from Michigan; I have confidence in the Representatives from Minnesota; I have confidence in the Representatives from California, Utah, Washington, North Dakota, and Wisconsin. They are my own kith and kin, politically; they belong to my side of the House; they come from Republican States which send solid Republican delegations. Am I to say that their judgment is not correct? I am supposed to represent my district. Each individual is supposed to stand on this floor representing his individual district. Do not the gentlemen from those States know best the interests of their States, and every one of them declares on the floor of the House and elsewhere that this bill, if passed, means the destruction of sugar-beet property in their States. How much is interested in it? As I recall, one gentleman stated about \$49,000,000. How many people? In the neighborhood of 40,000 people are dependent upon this industry. Thousands of acres of land are used in raising beets; 30,000 people are employed in this industry alone, in the field and in the factory, and in addition there are thousands of people employed in the Southern States in the production of cane—your people and mine, the people who pay the taxes, who support the schools and the colleges, and who build the roads, and who, when difficulty comes, defend your flag and mine. [Applause.] I am legislating for them; I am not legislating for some one else, somewhere else.

When this bill passes, if pass it does, and the factories are closed, or the number of men employed in the factories is lessened and their wages are reduced, you will have put to work a condition of affairs that you can not down. You will have started for self-preservation the great organizations of the United States, the labor organizations in the cigar factories, in the tobacco factories, in the fields and in the factories of the beet-sugar industries and the cane-sugar industries, and link by link they will gather together, and in my judgment they may change the political complexion of this House. [Applause.]

I am for the American farmer, native and naturalized. I am

for the American factory hand and the American laborer, by birth and by choice, as against those people over on the other side, for they have no further claim upon us on this question as against the interest of our own people. But where is the advantage? I ask. None. Oh, but they say that it will not affect the price of sugar in this country; that sugar will remain the same; that the beet-sugar industries will thrive; that they will get the same price from the consumer that they are now getting. I deny it. Why do I deny it? I will give you my reasons. As the proof shows, in the central portion of our country the American Sugar Refining Company—the sugar trust, as it is known—have taken the profits that they have in their treasury and have temporarily and locally underbid the factories that are there—have put them down by competition and closed them. You gentlemen who favor this bill propose to give annually to that trust from two to ten million dollars as a net profit and gain. They will take that two to ten million dollars and they will go up into the Northwest and undersell your factories. You have given them a club in the shape of money to go up and undersell those people, so as to drive them out of the market; and when they have driven them out and their factories have closed, then they will control the market and immediately advance the price of sugar, for the only persons that refine sugar in the United States are the sugar trust.

Remember that the beet-sugar factory takes the raw beets and by the processes of that factory turns over the refined sugar to the consumer. The cane-sugar planter raises his cane and sells the raw product to the only buyer, the sugar trust, that controls the market for the raw product because it is the only buyer. Now you propose to give to that one market from five to ten million dollars in cold cash with which to throttle and destroy the only opposition that it has in the United States. Do you believe it will not do it? You have more faith and confidence in the sugar trust than I have if you believe that, because this is a simple business proposition with the sugar trust. For one, I am not in favor of it and I shall not so vote either in the Committee of the Whole or in the House.

In so doing I do not believe I am any less a Republican. I believe I am a truer and a more genuine Republican by so voting here than by voting the other way. [Applause.] Why do I believe it? Because I am sustained by the Republican platform and by the utterances of McKinley and Roosevelt, because I am not favoring reciprocity upon a product produced in another country which enters into competition with a product produced in this country. We have never favored that. It is not Republican doctrine. Mark the distinction. We believe in a trade, in trading an article that we produce in this country for one that is produced in another country the like of which is not produced in this country. That is Republican reciprocity. We do not believe in trading an article produced in this country for a like article produced in another country for the purpose of striking down and destroying an infant developing industry in this country which we pledged to maintain and develop in our platforms of 1896 and 1900. That is the distinction. We call it fair trade. You upon the other side call it free trade.

Mr. HENRY C. SMITH. You might just as well reciprocate on Australian wool.

Mr. PRINCE. We might just as well reciprocate on wool with Australia, and I do not believe there is a gentleman from Ohio who would venture to vote in favor of that for a moment.

But you insist that it is not the danger point. We insist that it is. You insist that if this legislation is not passed Cuba will have future financial distress. We insist that if this legislation is passed, beet-sugar interests will be destroyed. In a question of honest doubt are you for Cuba against your own people? We are not. We quote the gentleman from Ohio, as he told of the drop from 50 to 20 per cent. The danger there was so close in his judgment that he was willing to take chances at that time. Now we are not willing to take those chances. The danger line is below that, and we believe it is at the very initial point.

But I am glad to state that this measure has taken such shape that no man's party politics can be called in question for voting either one way or the other upon it. The bill was brought out from the Ways and Means Committee by three distinguished Democratic leaders joining with some of the Republican members of the Ways and Means Committee in voting to bring the bill to the House. When the question came up on a vote whether we should go into Committee of the Whole, as I recall it, 63 distinguished Democratic members of this House voted with some of the distinguished Republican members of this House to go into Committee of the Whole, while 41 distinguished Democratic members upon the other side joined with 39 stalwart Republicans upon this side in opposition to the motion to go into the consideration of this measure.

Then where is the party question? If it is any kind of a party measure, it is more a Democratic free-trade, tariff-tinkering, business-unsettling measure than a Republican measure in any event



[applause], for more Democrats, relatively, voted for it than Republicans. When you gentlemen on the other side seek to make a party question of it in my district when I stand for reelection, I will read the roll call. I will read the report that is signed by the men who brought in this bill before the House, and I will read the roll call in my district, and show that men on that side were as much in favor of it as men on this side. It is not a party question. The distinguished gentleman from Ohio said it was not a party question; that it was a question for each individual to solve for himself. Said he, "Choose ye this day whom you will serve, God or Baal." I do not know what he calls the name of the Deity he worships, but 39 of us worship God on this side of the House. [Loud applause.]

In conclusion, I desire to state that thus far I have heard no one affirm in debate that the late President McKinley favored the form of relief proposed in this measure for Cuba. I have not heard it stated that President Roosevelt favored this specific form of relief mentioned in the proposed measure. No such message has been sent to Congress by the President. It is true that President Roosevelt favors commercial measures favorable to the material well-being of Cuba, but he favors them along Republican lines of protection and reciprocity.

Those of us Republicans who are standing out against this measure are willing to vote to aid the material interests of Cuba along the same lines that we voted to relieve the material interests of Porto Rico. [Applause.] We favor this method, that we shall continue to collect the full Dingley rate for articles coming from Cuba to the United States, and that we shall pay over to the Cuban government such portion of the amount of the duties collected as may be necessary for the interests of her material well being, and that in consideration thereof, we shall receive from Cuba such reciprocal concessions as she may be able to grant. In other words, we are willing to refund and pay over to the Cuban government such a per cent of duties collected from products coming from Cuba as may be necessary for the interest of her material well being.

In this event, the money will go directly to the Cuban government at a time when she is starting out, and it will keep her government from being a prey from money sharks and exploiters who may desire to bond the country. It will give the government an opportunity to give her people work by employing them on public works. The benefit thus derived can be apportioned by the government, if it so desires, to the betterment of the condition of the Cuban planter, if he really is in need, which I doubt.

The owners of the sugar plantations in Cuba are largely Spanish foreigners and American exploiters, who do not need any help from this Government and who are abundantly able to take care of themselves.

The views I have expressed are clearly set forth in the following reasons:

1. It will afford relief both to the Government and to the people of Cuba.
2. It makes certain that Cuba and her people, and no one else, will be the beneficiaries of our action.
3. By its adoption we keep faith with the people of this country and with the people of Cuba.
4. It does not violate our national party platforms of 1896 and 1900.
5. It does not disturb existing conditions in this country.
6. It does not alter or modify any schedule of the present tariff law.
7. It does not injure or discourage any domestic industry or prevent its further development.
8. It avoids an inopportune agitation of questions affecting industrial conditions of unparalleled prosperity.
9. It would secure reciprocal trade concessions from Cuba and give time to ascertain the value of such trade relations between the two Republics under existing conditions.
10. Its reciprocal feature furnishes a consideration which makes the proposed measure of undoubted constitutionality. It is as competent for Congress to purchase trade concessions from foreign countries as to purchase naval or coaling stations.
11. It is sustained by precedent since the establishment of our Government, and particularly by the legislation refunding duties collected on the products of Porto Rico and the Philippine Islands.
12. It affords the means and opportunity for successfully inaugurating and permanently establishing the new government of Cuba during a time which the experience of all nations has shown will be its most critical period.
13. It affords relief until the present adverse trade conditions affecting the price of sugar shall have been improved by the abolishment of European sugar bounties.
14. It discharges every obligation assumed by us under the provisions of the treaty of Paris, the Platt amendment, and by our intervention to secure the independence of Cuba.

These views are in line with the President's message to Congress. [Applause.]

Those of us who opposed this legislation are willing and anxious to have the country know our position relative to this proposed bill. Those of us who are opposed to this legislation prepared a statement, giving our reasons therefor, which is as follows:

We oppose the proposition to reduce the tariff on Cuban products coming into this country because it involves a relaxation of the protective principle. The Republican platform of 1896 condemned the Democratic party for not keeping faith with the American sugar growers; we seek not to merit for ourselves the same condemnation.

The proposition to reduce the sugar tariff is unwise and unjust, because—

1. It constitutes, in essence, an abandonment of the protective principle, even though it removes only one-fifth of the duty imposed by the Dingley

law. And this abandonment is most unhappy because applied to the pursuit of agriculture in the most conspicuous instance in which specific and manifest protection is given to the farmer, and at the moment when the beet industry is not only in its infancy, but in an infancy so lusty and promising as to demonstrate the certainty of a rapid and prodigious growth. The beet-sugar industry exhibits in the most perfect form we have yet known the most approved principles of protection.

Heretofore the farmer has been compelled to find his justification of protection, from the standpoint of personal interest, in the prosperity reflected from the industrial artisan, and in the main he has, through good report and evil, been bravely loyal.

Since our platform of 1896 gave a party's guaranty of permanence the people took us at our word, and we have demonstrated that in the beet-sugar industry we could more vividly than in any other enterprise illustrate to the American farmer on his own broad acres the beneficence of the American system of protection.

The American market for over \$100,000,000 worth of sugar annually is rightfully his. We shall encourage no policy which delays the time when he shall come into his own.

2. As to the fancied duty to Cuba because of a distress which is only apparent in the admitted fact that every man on the island has all the work he can do at higher wages than he ever before received, we have only to say that the low price of sugar is a mere business condition of temporary character, and that to compromise with it on the terms proposed is, in its interference with the policy of protection, to pay too high a price for all the good that can possibly come to those whom it is intended to benefit.

The proposition is to undertake to insure commercial and industrial prosperity in Cuba, a foreign country and a foreign government. If we undertake it, when and where are we to stop?

It is a startling proposition entirely outside of our governmental functions and our constitutional power.

Whenever we have undertaken to insure commercial and industrial prosperity in the United States, our own country, by means of a protective tariff, we have been bitterly assailed on the ground of paternalism.

Now, at the expense of our own labor, our own capital, and our own industry, and largely at the expense of a single industry, without reducing the cost of sugar to the American consumer, we are asked to extend the paternal hand to a foreign people on the ground that, having given them liberty, we are morally obligated to secure them commercial and industrial prosperity, even at the sacrifice of our own interests.

We emphatically deny that we are under any such obligation, morally or otherwise.

We insist that such an undertaking subjects the Congress of the United States to the charge of being false to its constitutional obligations, untrue to the people it represents, and, from a political standpoint, false to the pledges made by the party to the people when it asked and received their support.

3. Entirely independent of its effect on the beet-sugar industry as a present fact in established concerns, it would smother the further development of the industry through the scores of plants now in various stages of active advancement.

An industry which has grown fivefold in the last four years, and doubled since 1900, has in it the certainty of a future development so stupendous as to beggar prophecy and appeal with cogent force to our national pride.

4. In so far as the proposition professes to be in the line of Republican reciprocity, we assert that it is essentially a denial of that great policy. We deny that reciprocity is desirable except as a corollary to the greater policy of protection. Republican reciprocity, wise reciprocity, does not seek an exchange of products at the expense of any American industry; it does not seek to give—it does not give—commercial advantage to any foreign product which comes into competition with our own products; it does not seek an exchange of products which deprives any American artisan of his work or any American farmer of an opportunity to profitably till the soil.

This was explicitly declared by McKinley in his Buffalo speech in the following words:

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus."

And by President Roosevelt in his annual message in these words:

"And that reciprocity be sought for so far as it can safely be done without injury to our home industries."

5. To say that the duty on sugar is to be lowered on the plea that it helps Cuba is to say that it must always be lowered when Cuba needs help; and a reduction of one-fifth by the House of Representatives means that elsewhere, both in and out of Congress, the extent of that reduction shall be measured by the varying views of those who consider it.

It must, therefore, follow that the protective principle is to be subordinated to the question as to what amount of help Cuba may need.

With such a policy declared by a Republican majority, what wise business man can be induced to invest his money in the beet-sugar industry? What promise will there be of its future development?

And if that Republican majority is once constrained to such a policy, what license have we to believe that the citadel of protection will not be further assaulted in the house of its friends? When that time comes the days of Republican supremacy will be numbered.

Never more earnestly than at this hour have we been summoned to our duty; never has the cause of protection—to which we owe our party success and our national prosperity—more needed our undivided and unflinching support.

We pledged our faith in 1896 to the sugar growers of the country, and they took us at our word; in 1897 we kept the faith and passed the Dingley law, and the people, relying on that law and our party pride and tradition, proceeded to develop in amazing proportions the industry which we specifically encouraged them to enter.

We are told that the pending proposition will not hurt the beet-sugar producers; but surely no one anywhere has asserted that it would help them.

A tariff measure which has the unanimous indorsement of free traders is not above suspicion, and a search warrant will not be needed to find all the protection that is hidden away in it.

I ask my constituents and the country to read the same, and I feel confident that they will approve of my action on this measure.

We are to-day enjoying the largest measure of prosperity we have ever known. The country does not want tariff revision at this time. The country wants to be let alone. I regard this measure as the forerunner of tariff tinkering, and I beg of my Republican colleagues not to force this matter further, as it will surely produce lack of confidence in the business interests of the country, and we may be again approaching the dark and terrible days which followed the election of Mr. Cleveland in 1892.

As a Republican I propose to stand by the platform of my party. I propose to legislate as best I know how to continue the blessings which our people now enjoy. [Applause.] Our



people are busy, and prosperity and peace and plenty are abroad in the land. In the language of the distinguished Senator from Ohio, I beg of you, Republicans, "Let well enough alone." [Loud applause.]

Mr. MIERS of Indiana. Mr. Chairman, before voting in the exercise of a choice of evils presented by the bill before the House (H. R. 12765), I desire to enter my protest against its adequacy to effect the purpose which is its ostensible object. It claims to be a bill "to provide for reciprocal trade relations with Cuba"—a reciprocity bill. Webster defines reciprocity to be mutual obligations," and a reciprocity treaty as "a treaty concluded between two countries, conferring equal privileges as regards customs or charges on imports, and in other respects."

The Century Dictionary defines it to be "mutual responsiveness in act or effect," and "equality of commercial privileges between the subjects of different governments in each other's ports."

The enactment and enforcement of such a principle in a treaty would seem to be most beneficent, calculated to promote the peace and harmony of both, the welfare and prosperity of both. It would seem that if nations have any duties in relation to one another, the duty of reciprocity must stand at the head.

What is our duty to Cuba? Thomas Estrada Palma, president-elect of the Cuban Republic, on the announcement that the United States would withdraw from Cuba and permit her to take her place among the republics of the earth, published a declaration in which he said:

The Government of the United States has shown the most beautiful example of good faith in dealing with a weak government which it undertook to rescue from its oppressors. It has demonstrated its generosity and patriotism, and by the shedding of its own blood has helped Cuba to break the chain which united it with Spain. Some countries would have sought some pretext for selfish gain in undertaking a work of this character, and would have taken advantage of some technicality for their own aggrandizement, but the contrary spirit has been manifested by the United States, and it has given to the world an evidence of good will seldom found. The people of the United States have remembered their own Declaration of Independence, and have fulfilled a duty to mankind.

There is, Mr. Chairman, in this statement of President Palma, a fraternal spirit and a generous interpretation of our conduct which calls for the exercise on our part of reciprocity of a plenary kind. I need not say that there are many people in this country who could not sincerely indorse his declaration. There are hundreds of thousands—nay, millions—of people in the United States, and not a few under the roof of this Capitol, who hold that we have not treated Cuba as a loving mother would treat her child or a loving brother his junior; that having freed Cuba from Spain we had no right to impose our manacles upon her; that the Platt amendment included principles, defined relations, and imposed conditions which were as far as possible from reciprocity; that to establish suzerainty for an indefinite period over a beautiful land which we had promised to make independent was an act of perfidy, and that to establish laws of trade which carried poverty and destitution in their enforcement was not exactly in accordance with the great utterances of the Declaration of Independence, which Mr. Palma invokes, or the grand "self-denying ordinance" which bears the name of the senior Senator from Colorado.

The charter of our liberties, Mr. Chairman, declares that man has rights which are inalienable—rights of which he can not be robbed, and which he can not voluntarily surrender—the rights of life and liberty, without which happiness is impossible. It declares that governments derive their just powers from the consent of the governed. It declares, in spirit, that taxation without representation is tyranny, and that no people with an overlord can be free. These principles are now scouted and derided by the party which, forty years ago, considered them sacred and declared them undeniable. We are now told that men are not equal, and differences in height, form, color, education, and intellect are pointed out. But all men are equal in the sense in which the immortal Jefferson used the words—they are equal in their right to justice; they are equal before the law. We are told that all men are not born free—that some are born slaves.

I deny the proposition. All babes on earth are born free, though some have slavery imposed upon them by the thoughtlessness or cupidity of men. The sons of the Queen of the Antilles love freedom and equality of rights as much as we do. They have suffered in the struggle to attain them for hundreds of years. I know it is the fashion of tyrants who desire to trample nations under foot to slander their people and declare them loafers, bandits, and paupers, without any sense of justice, any aspiration for freedom, or any capacity for self-government. We have heard this vile calumny under this roof and seen it in the daily papers—scurrilous defamation seeking to show that they are unworthy of assistance and of sympathy.

When Weyler established his reconcentrado camps in Cuba a howl of angry denunciation went up from all parts of the country, not least vociferous from the camps of the Republican party. Attention was called to the poverty and destitution of the poor

prisoners of the tyrant. But since we have "taken over" Cuba all this seems changed. The poverty of the people is mentioned as a disgrace. They are called tatterdemalions by men who forget that our own forefathers struggled barefoot and in rags through the snows and swamps of the Jerseys to win the liberty which we have inherited. If the poverty of a people fighting for freedom is a disgrace, we must blot Valley Forge from our history and Marion's beggarly supper from the memory of our children.

The miserable provisions of this bill are perhaps better than nothing; but I remonstrate against it because it is not reciprocity and because it will not promote the prosperity and happiness of the Cuban people. Twenty per cent is a bagatelle, and it is in the interest of the sugar trusts and will give no relief to the Cubans. Fifty per cent would be much better, but I would ten times rather vote for a bill offering true reciprocity by taking off all the duty and making them free indeed. Having made Cuba our ward, we are under the most sacred obligations to take good care of her. We should adopt no temporary or transient policy. Some legislators seem to think only of the present day, and act as if ordaining justice was not at all essential to the happiness of Cubans or Americans. "You take these matters too seriously," they tell us; "things will come all right; there is no cause for worry." These devil-may-care mortals, anxious only for the present moment, remind us of that other stepmother to a large and suffering community, the optimistic Mrs. Squeers, who, when an unusually offensive dose of brimstone and treacle extorted an unusually exasperating howl of anguish, was accustomed to say, in consoling accents, "It'll all be the same in a hundred years."

We should legislate for the future. We should so legislate as to make all Cubans glad that Weyler was driven away and that Spain was compelled to relinquish her hold. Under Spain Cuba had an immense representation in the Spanish Cortes—the parliament at Madrid. Under Spain Cuba had a representation to justify taxation. Under Spain she had free trade and could sell her sugar and tobacco to whom she would. Shall we Americans adopt and enforce a policy contrasted with which the policy of Spain will seem generous and magnanimous? I would foster Cuba's interests in every possible way. Some distinguished and foolish person—I am afraid to say he was a member of Congress—perhaps the author of the Platt amendment, while in favor of coercing and dominating Cuba, has spoken of her as "our economic enemy." This designation recalls to our minds the plaint of the inebriated old Eccles in the play of "Caste," who, wanting wherewithal to get a drink, steals his baby grandchild's necklace and denounces him as a bloated aristocrat and oppressor of the poor.

Perhaps Cuba may some time seek to come into our fold. If she does so seek, and so declare, after a fair and honest general election, I would consent to hear her with every assurance of friendship and equality. But it must be after full discussion and a clear understanding.

Let it be remembered that we have made magnificent promises to Cuba, while we have promised nothing to the Philippine Islands beyond the pledges which are implied by the Declaration of Independence and by our century of history. As far as written promises go, therefore, we are under specific obligations to the Cubans.

It is still legal to hold a political meeting in Cuba. It is still permitted to read the Declaration of Independence on that island, either secretly or vociferously. But this great charter of our rights is tabooed in the islands of the Pacific. We can not quote too often for the benefit of the American people the prohibition of the War Department in order 292, section 10, entitled "An act defining the crimes of treason, etc.," and enacted "by the United States Philippine Commission, by authority of the President of the United States." It reads as follows:

Until it has been officially proclaimed that a state of war or insurrection against the authority or sovereignty of the United States no longer exists in the Philippine Islands it shall be unlawful for any person to advocate orally or by writing or printing or like methods the independence of the Philippine Islands or their separation from the United States, whether by peaceable or forcible means, or to print, publish, or circulate any handbill, newspaper, or other publication advocating such independence or separation. Any person violating the provisions of this section shall be punished by a fine of not exceeding \$2,000 and imprisonment not exceeding one year.

Of course circulating the Declaration of Independence or the bill of rights would be a violation of this order. It would tend to excite in the Filipinos a desire to be free. Is it true, as a popular American newspaper has alleged, that a distinguished Army officer recently characterized the Declaration of Independence as "a damned incendiary document?" Whether this report be true or not, is it not true that this is a fair characterization of that document in all regions subject to this order of Taft, approved by the President of the United States? Schools of a curious kind, in which the teachers and pupils can not understand each other, are being established in the Philippines, but the pupils can not be



permitted to declaim Patrick Henry's speech, "The sword of Bunker Hill," or—

Freedom's battle, once begun,  
Bequeathed from bleeding sire to son,  
Though baffled oft, is ever won.

or extracts from Webster's speeches or Lincoln's messages, or that patriotic outburst—

Stand! The ground's your own, my braves!  
Will you give it up to slaves?  
Will ye look for greener graves?  
Hope ye mercy still?  
In the God of battles trust!  
Die we may, and die we must,  
But, oh, where can dust to dust  
Be consigned so well  
As where heaven its dew shall shed  
On the martyr patriot's bed,  
And the rocks shall raise their head  
Of his deeds to tell?

The fact is, if the Declaration of Independence is to remain repealed as far as the Philippine Islands are concerned, and this ukase of Mr. Taft's is to stand, all the reading books that go to the schools of the Philippine Islands must be revised to suit that longitude. Neither the brown youngsters nor their parents can be permitted to read any history of the United States. The situation bears some resemblance to that in the Bermudas, where the British commander has forbidden the distribution to the Boer prisoners of the books of Psalms sent out from this country on the ground that some of the Psalms are aggressive and warlike and "calculated to encourage false hopes."

Our mistake in dealing with Cuba has been in not carrying out in word and letter the joint resolution which Senator TELLER offered and President McKinley signed, and of which this is the last section:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island [of Cuba], except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

This might be called a conscience offering to justify to the American people their own action. It was universally accepted as pledging the United States to retire immediately from Cuba just as soon as the Spaniards were expelled and the island delivered to the Cubans. It was adopted four years ago—April 20, 1898. The Spanish war ended in the treaty of Paris eight months later. From that day to this we have heard of no single act of disorder in Cuba. Since that date and that action Cuba has been as peaceful as Indiana—as peaceful as New England.

Yet the Administration deemed that the adoption and imposition of the Platt amendment was essential to the pacification of Cuba! In fact, the pacification of Cuba is the only excuse for the adoption of that amendment. For on June 14, 1901, the author of that amendment, in a public speech in New York City, declared that "during the last two years and a half not an American soldier in Cuba has been called outside of barracks for military service." When asked what he meant by alleging that his amendment was necessary to the island's pacification, he said, virtually, "If we do not bind her hand and foot, she may some future day become turbulent and unpacified."

So an alleged "treaty" has been made, forcibly imposed upon Cuba by the United States, binding her to do certain things and to forego doing certain other things. It is by sacrificing her independence that she has become independent. Is she happier than she was under Spain? Is she more prosperous than she was under Spain? Has she the liberty we promised her and what she had a right to expect of the American Republic? Let her people answer, when they get a chance. Let us solicit an answer from the American-Spaniard, Mr. Palma, who, a citizen of New York for many years, has now been declared elected President of Cuba, but hovers, shivering, in the American metropolis, fearing to return to his native land to be inaugurated.

The mistakes which many well-meaning Americans make concerning this subject are these: First, they assume that our Republic can seize subject provinces and hold vassals because the monarchies of the Old World do so. Second, they assume that no people are fit for self-government who have an idea of government differing from our own. Let us examine these. If this Republic can rightly steer as a buccaneer across the seas, lay hold of defenseless islands, and brand them as its own, against the will of their millions of inhabitants, then the Declaration of Independence is not true and the peans we have raised to liberty are but the cant of hypocrites. Gibbon calls attention to the fact that the Republic of Rome first felt its foundations sapped when it reached out its bandit hand and seized Sicily and other outlying nations to increase its power. Anthony Froude, the distinguished historian, says in Chapter I of his *Cæsar*:

If there be one lesson which history clearly teaches it is this: That free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution itself will fall to pieces from mere incompetence for its duties.

This was the very mistake which England made in dealing with her American colonies. She taxed them lightly, to be sure. She let them have their own way in most matters, but she refused to admit them to the equal rights of British citizenship. This is the mistake which England makes in dealing with Ireland. She allows Ireland representation in Parliament, but imposes upon its people disabilities that are intolerable. The brand of Great Britain is upon India. Being a monarchy, she can hold down the oriental empire with a mailed hand. She is endeavoring to put her brand upon the Boer republics of South Africa, but up to the present time has succeeded only in marking them faintly with a rubber stamp.

Great Britain has killed the Boers, but they are still there; she has beaten them, but they are unconquered; she has scattered them to the four quarters of South Africa, but she meets them on every crossroad; she has made camps of death along the railroads and protected her soldiers behind these prison pens of Boer women and children, but Botha, Delarey, and De Wet carry on the campaign with a desperate resistance hitherto unknown in the history of warfare. Kitchener says to the Boer women: "Send for your husbands to come in and surrender and we will change your swamp camp to the hillside and spare your babies' lives;" and the Boer mothers, braver than the Spartan mothers, answer Kitchener back: "Murder us if you will and kill our babies; we tell our husbands to fight on." These heroic women and their babes, according to the account the British themselves send us, are dying at the rate of four or five hundred to every thousand in a year, and still the mothers spurn the tyrants' offer of bread presented as a bribe. And this free Republic says not a word.

In the entire Transvaal and Orange Free State there are fewer people, counting men, women, and children, than there are in the city of Washington, and the Boer men are reduced to a mere handful fighting against the fearful odds of 15 to 1. Of these heroes, the Boer delegates to America who were refused audience by the President, issued a statement before sailing for Europe in which they said:

Their farms have been ruined; their houses burned; their stock and agricultural implements destroyed; their orchards leveled to the ground; their women and children driven by force into those awful deathtraps—the concentration camps—resulting in the loss of whole families in an incredibly short space of time; their leaders, some already banished for life, and the others, according to proclamation, with the same fate before them; their property liable by proclamation to confiscation, in order to pay for the horrible reconcentrado system; their generals, leaders, and burghers, like Lotter, Scheepers, Louw, and others, shot or hung after court-martial—the veriest travesty of justice when the life of an enemy is at stake during war, when men's passions are inflamed and their judgment clouded—and, lastly, no definite prospect before them, in case they surrender, but the very definite statement of Lord Salisbury, that they shall not have a shred of independence.

We respectfully urge upon everybody in the interest of civilized methods of warfare to protest, first, against the system of concentration camps; second, against the execution of our leaders and generals, and, third, against the proclamation of banishment and confiscation.

These are noble descendants of the "free Frisians" of old, whose boast it was that no Roman taxgatherer had ever set foot among them, and of the Dutchmen who in a later day for generations resisted the power and the cruelty of Alva. And these burghers have been reenforced by the blood of the Huguenots, men who amid suffering and every privation so long withstood the terrible siege of La Rochelle.

Bertrand Shadwell, of Chicago, well sums it up as follows:

I've read my "Mottey," and I see again  
Some of its stubborn Dutchmen on the stage—  
Pick of Prince Maurice's own fighting men  
Come back to life from that historic page—  
The same old dogged valor, calm resolve  
To free their land or sleep beneath its sod  
(As constant water-drops the rocks dissolve).  
The psalm, the prayer, the steady faith in God.  
I see pale Philip in his palace halls  
Reading the last dispatch which Alva sends:  
"To-day the mine is sprung, the city falls.  
The leader dies, and all resistance ends."

And still, their captain captive, wounded, dead  
(Who was their heart, their brain, their sword, their steed),  
Another and another in his stead  
Springs to the van to battle and to bleed.  
Doomed and defeated in a hundred fields,  
When all but honor seems forever gone,  
There's not a man who owns his freedom yields,  
But, undespairing, still they struggle on.

The concentration camps which the British have established in South Africa are places of indescribable and inconceivable torture—veritable camps of death. The motive behind their existence seems to be the cumulation of so much distress as to intimidate the fighting men in the field and compel their withdrawal. If the fighting men persist, the only ultimate result seems to be extermination. Even the London Times, the Government's own, published a year ago letters from its correspondent in the field, of which the following are portions:

In one tent I saw a 6 months' baby gasping its life out on its mother's knee. The doctor had given it powders in the morning, but it had taken nothing



since. There were also two or three others drooping and sick in that tent. In the next, a child recovering from measles, sent back from the hospital before it could walk, lay stretched on the ground, white and wan, while three or four others were lying about. In another, a dear little chap of 4 had nothing left of him but his great brown eyes and white teeth, from which the lips were drawn back, too thin to close. I can not describe what it is to see these children lying about in a state of collapse. It is just exactly like faded flowers thrown away. And one has to stand and look on at such misery, and be able to do nothing.

Though many of the officers in charge of the different places are really kind and do what they can to help, frequently the women are in want of almost the absolute necessities of life. In some cases there is so little fuel that on many days people can not cook at all their scanty rations of raw meat, meal, and coffee; while we learn that clothing is very scarce, some women having made petticoats out of thick, rough brown blankets, and nearly all the children have nothing left, but a thin print frock; while shoes and stockings are long since worn-out. Some of those who have recently come into the camps are shortly expecting their confinement, and yet they have to sit all day upon the bare ground, drenched with storms, or try to rest within their tents, while the sun pours down through their single canvas and the temperature reaches 105°, or even 110°; and with the winter, which is shortly coming on, we fear that their sufferings from the cold will be even more intense than the hardships which they have endured in consequence of the excessive heat. Most of them have no mattress on which to lie down, and are subject to any inclemency of the weather. Of course, anything like privacy is out of the question.

The Times said a year ago:

Miss Hobhouse has been able to do something to alleviate the worst cases of distress, and the military authorities have shown themselves willing to adopt various suggestions which her woman's wit has put forward on behalf of her suffering sisters.

But when this same Miss Hobhouse went again to South Africa last fall to bring home reports from the concentration camps, she was not allowed to leave Cape Town, and a letter from there states that—

When the return steamer was ready to sail for England she was notified to take it. She declined, and was tied in her chair with her shawl and carried to it by five soldiers.

The Red Cross Society also, the angel visitant of all armies, has been prohibited from visiting the concentration camps.

The following extract from a letter from a clergyman's wife in one of these pestilential prisons gives some idea of its condition:

WOMAN'S CAMP, January 3, 1902.

I am afraid we will all die of fever if we remain much longer in this crowded and closed camp. The wire fencing is quite close to the tents, and there is no air, and there is no chance for a walk in order to get a little fresh air. We can not even go into town any more. Measles, whooping cough, and fever have been raging most furiously among old and young. Oh, to see the dear little children wasting away like tender plants before the hot rays of the sun. Every day there are 2, 3, up to 8, to be buried. We can not live in these single Bell tents; they are too hot in the daytime, even though the lower part is rolled up.

All of a sudden a thick cloud comes from the Natal Mountains; it rains, and you go in for the night with a very cold, damp wind playing upon you all night. Often these tents leak, for some of them are old and thin. Many a measles patient was wet all over, and consequently died of inflammation of the lungs. Even though the tents do not leak, still your bed and clothes and everything gets quite damp on rainy nights. We have to fasten up the openings of the tents on rainy days and creep in underneath, through the mud. Oh, it is a horrid life. There are broken hearts in almost every tent. "Rachel weeping for her children, and will not be comforted, for they are not." Oh, when will an end come to all this suffering and abomination of desolation? "My soul is troubled therewith." Poor Mrs. L. is no more; she got the measles; her tent was near mine. I watched over her and brought her food. She did not seem bad at first, but her tent got wet and she got inflammation of the lungs. I went immediately for the doctor; he had his hands so full that he could only come three days later. He took her to the hospital, where she died the same day in full confidence of her Saviour. May we be enabled to sing "Peace on earth," for now it is hell in South Africa; and, oh, I can not stand it any longer.

YOUR LOVING FRIEND.

From one farmhouse alone 10 children died. In nine months the official returns show (February, 1902) an increase in the death rate among the children of 450 to the thousand, and one of the semi-official statements declares that "not a child under 2 years of age is left alive in the Transvaal" at this time.

Instead of fighting barbarians, Great Britain in this war has proved herself barbarian. She has taken to killing her prisoners of war on the plea that they are traitors. The disgraceful act which the United States was not driven to during four years of desperate rebellion is not too disgraceful for Great Britain to adopt as one of the rules of her warfare. Not only private soldiers have been deliberately murdered by her under pretense that they owed her allegiance, but such great commanders as Scheepers have been ceremoniously executed in the presence of their relatives and friends on the ground that they were rebels against British authority.

In sharp contrast to this the Boers, who have captured twice as many prisoners of war as they number fighting men, have let them all go without even a parole, and when they caught the great pet of London society, Lord Methuen, they merely said a prayer over him and released him. Some of the friends of the burghers indeed charged them with an excessive humanity. But it is certainly a humanity for which, even if Quixotic in its tenderness, they will not be likely to suffer in the judgment of history.

The dreadful fact that the United States is in some sense an ally of Great Britain in this war upon the Boers is one for which the American people when they next go to the polls will not be likely

to forgive this Administration. More than half a hundred thousand horses have been corralled in the West by British quartermasters, driven on British transports without disguise, and carried to reinforce the British army in South Africa. The Administration has not been able to find in its principles or its feelings any warrant whatever for interfering in this shameful traffic. The people, when the question reaches them for solution, may not be so blind or so dumb.

When the dastardly war of England against South Africa began her defenders affirmed that the Boers were ignorant and filthy barbarians and not fit for self-government. She made exactly the same plea that our Government is making against the Filipinos. They are both equally mistaken. The most ignorant and debased people on earth are fit for self-government. They may not be fit for a republic, but a republic is not necessarily the best form of self-government. A monarchy may be the best form of government for those who are not fit for anything better. But whether they establish a republic or a monarchy or an absolute despotism, every people on earth are qualified to govern themselves. They may not have newspapers, they may not have schools, they may not cherish high aspirations, but they know better than anybody else can know the conditions that prevail among them and the environment in which they live.

It is for this reason that the Papuans are better qualified to govern themselves than the people of Massachusetts are to govern them. It is for this reason that the people of Boston, Philadelphia, or Chicago could not make the Society Islanders, Greenlanders, or Patagonians more happy by seizing their lands and trying to teach them a lofty civilization. Therefore, to discuss the question whether any given people are qualified for self-government is to waste time and breath. All people on earth are so qualified. If this Republic shall hold in fee the Sulu Archipelago for a hundred years, it is doubtful if it succeeds in increasing one iota the happiness of its people. The only benefit one nation can confer upon another is in establishing reciprocal (preferably free) commercial relations and in setting a friendly example in improved methods.

For the people of these States to insist that the inhabitants of Luzon, Samar, Mindanao, and Guam are not qualified for self-government merely because their character, relations, civil and social customs, and personal requirements demand a kind of government different from ours is an exhibition of towering conceit. If our temporary possession of Cuba, Porto Rico, and the Philippines is to be anything better than an unmitigated curse for them and us, we must show that we love liberty so well that we will concede it to them the moment they demand it. We must restrain our egotistical declarations of supremacy; we must concede to them abundant capability for self-government; we must sheathe our sword without hesitation or delay, and we must set them an object lesson in prudence, kindness, progress, modesty, wisdom, love, justice, and self-control and self-denial that will make us, without asserting it, an exemplar of what enlightened self-government ought to be. [Loud applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 173. Joint resolution to authorize the Commissioners of the District of Columbia to issue certain temporary permits; and H. J. Res. 155. Joint resolution granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor.

#### RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. KLEBERG. Mr. Chairman, this bill, unless it be properly amended, is a sham and a pretense on its face. Pretending to give aid to Cuba, it demands as a condition precedent of Cuba the enactment of immigration, exclusion, and contract-labor laws as fully restrictive of immigration into Cuba as the laws of the United States before our Government is to enter into negotiations of reciprocal trade relations with Cuba. It further requires concessions in favor of the products and manufactures of the United States by rates of duty which shall be less by an amount equivalent to at least 20 per cent ad valorem upon such products and manufactures than the rates imposed upon the like articles when imported into Cuba from the most favored of other countries. Then, and not till then, shall there be a reduction of the tariff of the United States against Cuba.

In other words, Cuba must first shackle herself with such immigration, exclusion, and contract-labor laws and restrictive tariffs against other nations as we choose to impose upon her before she is to receive our 20 per cent tariff reduction. I submit that this kind of help to Cuba is very much like cutting a man's head off to cure him of the headache—the remedy is most effective, but it does not benefit the patient. It occurs to me that the Platt amendment has already deprived Cuba of much of the independence that was vouchsafed her by the Teller amendment and that if we now pass the Payne reciprocity bill, there will be nothing more left, in point of fact, than a military possession, and we shall have simply added another colony to our already large variety. It strikes me that if Cuba actually asks for bread, we are giving her a stone and that this bill is completely stripped of its mask of pretended American generosity when it is conceded that the 20 per cent reduction of the tariff on her raw cane sugar will not materially aid her and that the probability is that the \$8,000,000 which we take out of the United States Treasury annually is not likely to go to Cuban sugar producers, but will most likely find its way into the pockets of the American sugar refining trust.

From the arguments both for and against the bill this pretended aid for Cuba has become a hollow mockery, and the artful scheme to strike down the American production of raw cane sugar in the Southern States and refined beet sugar in the Western States is as plain as the nose on a man's face.

Is it a tariff-reform measure? No. It does not even pretend to be such, as it can only affect two Cuban products, sugar and tobacco; neither does it pretend to reduce the tariff on a single manufactured article, such as the American farmer or consumer needs and which enter into his daily consumption or use. Does it cheapen the price of refined sugar to the American consumer? No. It rather tends to raise it, by allowing the sugar trust to drive refined beet sugar out of the home market and permitting the Cuban sugar planter to cripple the American producer of cane sugar. It does not even cheapen the necessities of the Cubans, but changes the new Cuban revenue tariff as to importations from other foreign markets to a prohibitive tariff and permits the American manufacturer to add this prohibitive tariff to the price of his goods in Cuba. The Platt amendment, so called, does leave Cuba free to make commercial treaties with foreign nations; this bill aims to fetter the commercial freedom of Cuba.

But we are told that as Democrats we must support this bill in its present form because it reduces the tariff on raw sugar and is, therefore, to that extent a tariff reduction and conforms to Democratic tariff doctrine. To this position I can not assent. As a Democrat, I insist that a tariff should be for revenue, so laid as not to discriminate between classes and sections, and that it should be so adjusted as to equalize as much as possible the burden of indirect taxation, and that it should not discriminate in favor of the finished product of the manufacturer as against the raw product of the agriculturist. Necessarily, every tariff, whether for revenue or otherwise, must carry with it incidental protection to the article upon which it is levied. As a Democrat, I claim that the same incidental protection which is afforded the manufacturer should be afforded the producer of raw material, and I insist, as a Southern Democrat, that in this instance it is not fair and just or equitable to single out raw sugar and tobacco, both products of the South, and discriminate against them by reducing the tariff 20 per cent on raw sugar and not cutting off the differential on all imported refined sugar.

We are told in one breath by advocates of this bill that the reduction of the tariff on raw cane sugar will help Cuban planters, but will not injure the cane growers of Louisiana and Texas. This is strange logic indeed. This is equal to saying that if I take 20 cents from A and hand it over to B it will enrich A to that extent. The very fact that the tariff on raw sugar is lowered in this bill, whether it entails an actual loss or not, is sufficient to discourage the cane industry of the Southern States. Who will go into business or extend his investment therein with the threat implied in this measure, that the Cuban cane grower is to eventually drive the American cane-sugar grower out of the field? What effect will such unfriendly legislation have upon the domestic capitalist who has his eye now turned to the rich sugar lands of Louisiana, Texas, and Florida? Speaking of my State, I may say that Texas has an area of sugar lands equal to the whole of our sister State, Louisiana, and it is being rapidly developed into rich sugar fields dotted with sugar mills. Is this measure going to encourage or discourage this enterprise which now affords investment of domestic capital and employment of home labor? With me charity begins at home.

In the section of the great State of Texas which I have the honor to represent the cotton-boll weevil is making its ravages on the cotton planter and has almost forced him out of the business, and he has turned to producing sugar and molasses from cane, and is largely embarking in the production of these enterprises. How is this sort of legislation going to affect him? Will

it not deter him in these new enterprises—cheapen his lands and investment and depress the wages of those who work in the sugar-cane fields of Texas? Do not comfort these American producers by saying we have not reduced the tariff much on sugar and tobacco. What is to stem this sort of tariff discrimination from finally taking the entire tariff from raw sugar and tobacco and including every product of the Southern farmer?

This bill is but the avant-garde of a series of measures that must follow the selfish policy of Republican reciprocity which will tend to discriminate against the raw material of the South; such a policy once begun is not apt to halt until all of the raw material of the Southern States is placed on the free list. No one is more willing to vote for tariff reductions on necessities than I am; take off the differential on all refined sugar imported into the United States, and I will vote for this bill; lower the tariff on farming implements, wire, nails, twine, bagging, paper pulp, etc., and I will vote for your bill; present any just tariff reform, and I will vote for it, but I shall not consent to a measure which strikes at a product of the Southern and Western farmers without offering to place a corresponding burden on the manufacturer. [Loud applause.]

Mr. PRINCE. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, there seems to be no one ready to go on. I want to give notice that if this occurs again we will go on reading the bill. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker pro tempore (Mr. LACEY) having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12765, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 12490. An act granting an increase of pension to Joseph Culbreath;
- H. R. 7847. An act granting an increase of pension to Charles S. Wilson;
- H. R. 7290. An act granting an increase of pension to Lizzie B. Green;
- H. R. 6023. An act granting an increase of pension to Robert L. Ackridge;
- H. R. 2613. An act granting an increase of pension to Thomas H. H. Gibbs;
- H. R. 4172. An act granting an increase of pension to George R. Chaney;
- H. R. 11025. An act granting a pension to Mary A. Carlile;
- H. R. 291. An act granting a pension to Christina Heitz;
- H. R. 3260. An act granting a pension to Jacob Golden;
- H. R. 7613. An act granting an increase of pension to Evaline Wilson;
- H. R. 12275. An act granting a pension to Amelia A. Russell;
- H. R. 4055. An act granting an increase of pension to Henry E. De Marse;
- H. R. 1476. An act granting an increase of pension to Henry F. Benson;
- H. R. 4176. An act granting an increase of pension to Nathan W. Snee;
- H. R. 1685. An act granting an increase of pension to Augustus E. Hodges;
- H. R. 8427. An act granting an increase of pension to Sarah E. Allen;
- H. R. 1485. An act granting an increase of pension to Thompson B. Moore;
- H. R. 1709. An act granting an increase of pension to Edwin J. Godfrey;
- H. R. 11916. An act granting an increase of pension to Andrew B. Spurling;
- H. R. 3352. An act granting an increase of pension to Margaret M. Boyd;
- H. R. 3884. An act granting an increase of pension to Erastus C. Moderwell;
- H. R. 10710. An act granting an increase of pension to Frances E. Scott;
- H. R. 12395. An act granting a pension to Ruth Bartlett;
- H. R. 3354. An act granting an increase of pension to Thomas Young;
- H. R. 4116. An act granting an increase of pension to William Berry;
- H. R. 9378. An act granting a pension to Clara B. Townsend;



H. R. 9654. An act granting a pension to John S. James;  
H. R. 3876. An act granting an increase of pension to Theophile A. Dauphin;  
H. R. 7525. An act granting a pension to Marion Barnes;  
H. R. 10957. An act granting an increase of pension to Mary E. Stockings; and  
H. R. 184. An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 176. An act to provide for the extension of the charters of national banks.

#### ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, by an order made the other day Tuesday of next week was set apart for war claims. I would like to have that order changed from Tuesday to Friday—that is, simply changing the day from Tuesday to Friday—and I understand from my colleague, Mr. SHERMAN, that this would be acceptable to the chairman of the Committee on War Claims, Mr. MAHON.

Mr. SHERMAN. Mr. Speaker, I saw the chairman of the Committee on War Claims, Mr. MAHON, just before he left the city, and he said to me that if this question arose I might say that if some other day would better accommodate the House he was entirely willing to have a later day substituted for Tuesday under an order precisely the same as that under which we would operate on Tuesday.

The SPEAKER pro tempore. The Chair would suggest that next Friday would be the day for the Committee on Claims.

Mr. PAYNE. My information is that it would be for war claims, as war claims has had no day yet.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that Friday, a week from to-morrow, be substituted for next Tuesday for the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I wish we could arrange to-night for closing the general debate. If any gentleman has any suggestion to make—

Mr. RICHARDSON of Tennessee. Mr. Chairman, I understood that debate was to run until 5, but the gentleman did not occupy the time that he was expected to this evening.

Mr. PAYNE. I did not hear the gentleman.

Mr. RICHARDSON of Tennessee. I do not want to consent that members who desire to shall not have an opportunity to be heard.

Mr. PAYNE. I suggest that we close general debate on Tuesday of next week and take up the bill on Wednesday under the five-minute rule. That will leave three more days for general debate.

Mr. RICHARDSON of Tennessee. I would not be willing, with only two or three dozen gentlemen present, to agree to that, when objection was made by the gentleman from Minnesota; and I call for the regular order, at present.

Mr. PAYNE. Well, I move that the House adjourn, Mr. Speaker.

The motion was agreed to.

And accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. C. Sutton and F. S. Black, administrators of estate of Allen Black, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ellen Bray and Bridget Wetcher, heirs of estate of James Jennings, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martha S. Carmichael, sole heir of estate of Emeline Hutchins, against the United States—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RAY of New York, from the Committee on the Judiciary,

to which was referred the bill of the House (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, reported the same without amendment, accompanied by a report (No. 1522); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2979) to ratify an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect, reported the same with amendments, accompanied by a report (No. 1524); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9324) construing the provisions of the act approved March 3, 1879, exempting from the limitations named therein the claims to pension by or in behalf of children under 16 years of age, reported the same without amendment, accompanied by a report (No. 1525); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901, reported the same with amendment, accompanied by a report (No. 1526); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3908) granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie Military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservations as pasture or grazing land, reported the same with amendments, accompanied by a report (No. 1532); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 13445) temporarily to provide for the administration of civil affairs in the Philippine Islands, and for other purposes, reported the same without amendment, accompanied by a report (No. 1540); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway, reported the same without amendment, accompanied by a report (No. 1541); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4792) relative to the control of dogs in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1545); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions," submitted the views of the minority of said committee (Report No. 1522, part 2); which views were ordered to be printed and referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2063) granting a pension to Ida S. McKinley, reported the same without amendment, accompanied by a report (No. 1527); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 10678) for the relief of the Florida Brewing Company, reported the same without amendment, accompanied by a report (No. 1529); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 201) granting an increase of pension to Jane K. Hill, reported the same with amendment, accompanied by a report (No. 1533); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12370) granting a pension to Ida M. Briggs, reported the same with amendments, accompanied by a report (No. 1534); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11343) granting a pension to Mary Louise Lowry, reported the same with amendments, accompanied by a report (No. 1535); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 624) granting a pension to Dorcas McArdle, reported the same with amendments, accompanied by a report (No. 1536); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13066) granting an increase of pension to O. D. Jasper, Mexican war veteran, reported the same with amendments, accompanied by a report (No. 1537); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9794) granting a pension to Zebulon A. Shipman, reported the same with amendments, accompanied by a report (No. 1538); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11850) granting an increase of pension to Susan A. Volkmar, reported the same with amendments, accompanied by a report (No. 1539); which said bill and report were referred to the Private Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2966) for the relief of George W. King, reported the same without amendment, accompanied by a report (No. 1542); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the Senate (S. 3421) for the relief of Eleonora G. Goldsborough, reported the same with amendment, accompanied by a report (No. 1543); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13217) granting an increase of pension to Thomas W. Dodge, reported the same with amendments, accompanied by a report (No. 1544); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. GRIFFITH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 114) to reopen and readjust the accounts of certain registers and receivers of the United States land offices, and for other purposes, reported the same adversely, accompanied by a report (No. 1523); which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 13297) granting a pension to Martin Greeley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13396) granting an increase of pension to Jennie Wagner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13423) granting an increase of pension to Elizabeth Wall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8571) to authorize and direct the Secretary of War to compute the amount of pay and allowances of Fitz-John Porter, as major-general of Volunteers and as colonel, United States Army, from January 28, 1863, to September 1, 1866, and from September 1, 1866, to August 7, 1886, respectively, and making appropriation of the necessary amount for the payment of the same to his widow and children—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 1269) appropriating \$248 and interest from May 10, 1864, to pay William D. Hubbard as a scout, guide, etc.—Committee on Appropriations discharged, and referred to the Committee on War Claims.

A bill (H. R. 4149) granting a pension to Edna K. Hoyt—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6670) granting a pension to Hercules H. Price—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NAPHEN: A bill (H. R. 13501) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States, approved July 24, 1897—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: A bill (H. R. 13502) to prevent robbing the mail, to provide a safer and easier method of sending money in small amounts by mail, and to increase the postal revenues—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN (by request): A joint resolution (H. J. Res. 174) to cancel assessments for benefits under street-extension act of February 10, 1899, in the District of Columbia, and a new assessment ordered without limiting the jury—to the Committee on the District of Columbia.

Mr. OLMSTED, from the Committee on Elections No. 2: A resolution (H. Res. 206) on the contested-election case of John J. Lentz v. Emmett Tompkins—to the House Calendar.

By Mr. HENRY of Connecticut: A resolution (H. Res. 207) for a rule to consider H. R. 9206—to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BROMWELL: A bill (H. R. 13503) granting an increase of pension to Charles Haltenhof—to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 13504) for the relief of W. D. Caddell—to the Committee on War Claims.

By Mr. GILLET of Massachusetts: A bill (H. R. 13505) granting an increase of pension to William F. Stanley—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13506) granting an increase of pension to Eli S. Weathers, late of Company B, Sixth Kansas Volunteers—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 13507) granting a pension to Samuel Short—to the Committee on Invalid Pensions.

By Mr. LESSLER: A bill (H. R. 13508) granting a pension to William Hearn—to the Committee on Pensions.

By Mr. MARSHALL: A bill (H. R. 13509) granting an increase of pension to George H. Fay—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 13510) granting an increase of pension to James P. Thomas—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 13511) granting an increase of pension to Joanna R. Forster—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 13512) for the relief of John Scott—to the Committee on Claims.

By Mr. SHALLENBERGER: A bill (H. R. 13513) granting an increase of pension to Jason O. Keeney—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 13514) granting an increase of pension to Margaret Murray, widow of William Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13515) for the relief of Evermont Nicholas, deceased, to remove the charge of desertion—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 13516) granting a pension to Addie L. McFelia—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13517) granting a pension to Tabitha L. McGlasson—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 13518) for the relief of Julia A. Pierce and John Pierce, heirs of John C. Pierce, deceased—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 13519) granting an increase of pension to James M. Clements—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 13520) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.—to the Committee on Claims.

By Mr. VANDIVER: A bill (H. R. 13521) for the relief of the legal representatives of H. S. Thompson, deceased—to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 13522) giving military record to James Mitchell—to the Committee on Military Affairs.



## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of St. John's Society, of Buffalo, N. Y., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. BROMWELL: Petition of William C. Biles and other citizens of Cincinnati, Ohio, in favor of House bills 170 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill 13503, granting an increase of pension to Charles Haltenhof—to the Committee on Pensions.

By Mr. BURKETT: Petition of 494 soldiers of the civil war, for the passage of House bill 7475, for additional homestead land—to the Committee on the Public Lands.

Also, letter of D. W. Pierson and other communications in relation to monetary conditions in the Philippine Islands—to the Committee on Insular Affairs.

Also, petition of the National Association of State Dairy and Food Departments, in favor of uniform legislation for the conduct and operation of said departments—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Auburn, Nebr., asking for the appointment of a commission to investigate woman suffrage in the Western States—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolutions of the Maine State Board of Trade, Portland, Me., in regard to the bankruptcy law—to the Committee on the Judiciary.

By Mr. CONRY: Petition of Boston Fruit Produce Exchange, relative to the findings of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petitions of Woman's Christian Temperance Unions of Woodville, Antrim, and Meriden, N. H., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. DAVEY: Resolutions of American Association of Masters and Pilots of Steam Vessels, No. 18, of New Orleans, La., favoring House bill 10158, removing all discrimination against American vessels in the coasting trade—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Resolutions of Hudson River Lodge, No. 365, Troy, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Papers to accompany House bill 9987, granting a pension to Aaron Young—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of Congress Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HANBURY: Resolutions of Congress Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, letters of Sanderson & Son and Atlantic Transport Company, New York, protesting against the passage of House bill 9059, known as the Tawney bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petitions of Polish societies of South River, Perth Amboy, and Sayreville, N. J., favoring House bill 16, for the erection of an equestrian statue to the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. HULL: Protest of Business Men's Mutual Association of Pella, Iowa, against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KERN: Resolutions of Federal Labor Union No. 8714, Tilden, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Resolutions of Carpenters' Union No. 767, of Ottumwa, Iowa, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Resolutions of Congress Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Resolutions of Central Labor and Trades Council of Bridgeton, N. J., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of Retail Merchants' Protective Association of New Brunswick, N. J., indorsing the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Electrical Association, favoring the passage of the metric system bill—to the Committee on Coinage, Weights, and Measures.

By Mr. McCALL: Petition of Boston Fruit and Produce Exchange, of Boston, Mass., in favor of legislation that will enable the Interstate Commerce Commissioners to enforce their findings—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER of Louisiana: Resolution of American Association of Masters and Pilots of Steam Vessels, No. 18, New Orleans, La., in favor of House bill No. 10158, to remove all discrimination against American vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORRIS: Petition of Polish National Progress Society, of Duluth, Minn., for an appropriation for a monument to the memory of Maj. Gen. Henry Knox—to the Committee on the Library.

Also, resolutions of Martin Clancy Division, No. 350, Railway Conductors, Two Harbors, Minn., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. PEARRE: Resolutions of Machinists' Union No. 213; Potomac Lodge, No. 2, and Independent Trades Council, all of Cumberland, Md., for the construction of warships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of the International Association of Machinists, favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. PERKINS: Paper to accompany House bill for the relief of John Scott—to the Committee on Claims.

By Mr. ROBINSON of Indiana: Petition of Brotherhood of Stationary Firemen No. 40, of Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUPPERT: Resolutions of the United Neckwear Cutters' Union No. 6939, of New York, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolutions of the National Hay Association, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions of Federal Labor Union, No. 9587, of Creal Springs, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Paper to accompany House bill 13516, granting a pension to Addie L. McFelia—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of Horse Nail Workers' Union of Hartford, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SIMS (by request): Petition of Lee Sroup and other citizens, in favor of House bills 170 and 179—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of Boston Fruit and Produce Exchange, relative to the findings of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. VANDIVER: Papers to accompany House bill for the relief of the heirs at law of H. S. Thompson, deceased—to the Committee on War Claims.

## SENATE.

FRIDAY, April 11, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WELLINGTON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

## REGULATIONS FOR EXCLUSION OF CHINESE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 9th instant, the departmental regulations relating to Chinese exclusion and the date and authority by which such regulations were adopted; which, with the accompanying papers, was ordered to lie on the table, and be printed.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 291) granting a pension to Christina Heitz;

A bill (H. R. 1476) granting an increase of pension to Henry F. Benson;

A bill (H. R. 1485) granting an increase of pension to Thompson B. Moore;

A bill (H. R. 1685) granting an increase of pension to Augustus E. Hodges;  
 A bill (H. R. 1709) granting an increase of pension to Edwin J. Godfrey;  
 A bill (H. R. 2613) granting an increase of pension to Thomas H. H. Gibbs;  
 A bill (H. R. 3260) granting a pension to Jacob Golden;  
 A bill (H. R. 3352) granting an increase of pension to Margaret M. Boyd;  
 A bill (H. R. 3354) granting an increase of pension to Thomas Young;  
 A bill (H. R. 3427) granting an increase of pension to Sarah E. Allen;  
 A bill (H. R. 3876) granting an increase of pension to Theophile A. Dauphin;  
 A bill (H. R. 3884) granting an increase of pension to Erastus C. Modderwell;  
 A bill (H. R. 4053) granting an increase of pension to Henry E. De Marse;  
 A bill (H. R. 4116) granting an increase of pension to William Berry;  
 A bill (H. R. 4172) granting an increase of pension to George R. Chaney;  
 A bill (H. R. 4176) granting an increase of pension to Nathan W. Snee;  
 A bill (H. R. 6023) granting an increase of pension to Robert L. Ackridge;  
 A bill (H. R. 7290) granting an increase of pension to Lizzie B. Green;  
 A bill (H. R. 7525) granting a pension to Marion Barnes;  
 A bill (H. R. 7613) granting an increase of pension to Evaline Wilson;  
 A bill (H. R. 7847) granting an increase of pension to Charles S. Wilson;  
 A bill (H. R. 9378) granting a pension to Clara B. Townsend;  
 A bill (H. R. 9654) granting a pension to John S. James;  
 A bill (H. R. 10710) granting an increase of pension to Frances E. Scott;  
 A bill (H. R. 10957) granting an increase of pension to Mary E. Stockings;  
 A bill (H. R. 11025) granting a pension to Mary A. Carlile;  
 A bill (H. R. 11916) granting an increase of pension to Andrew B. Spurling;  
 A bill (H. R. 12275) granting a pension to Amelia A. Russell;  
 A bill (H. R. 12395) granting a pension to Ruth Bartlett; and  
 A bill (H. R. 12490) granting an increase of pension to Joseph Culbreath.

#### PETITIONS AND MEMORIALS.

Mr. BARD presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the construction of a free public road into the Yosemite Valley, California; which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the construction by private enterprise of a Pacific cable; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of a national quarantine law; which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation providing for the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry officers of the National Guard of California, praying for the enactment of legislation to increase the efficiency of the militia of the country; which was referred to the Committee on Military Affairs.

He also presented petitions of Retail Clerks' Local Union No. 506, of Petaluma, and of Broom Makers' Local Union No. 53, of Los Angeles, in the State of California, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Painters' Local Union No. 271, of Los Gatos; of Federal Labor Union No. 9489, of Visalia; of Paperhangers and Fresco Painters' Local Union No. 509, of San Francisco; of Lithographers' Association No. 22, of Los Angeles; of Ramona Lodge, No. 386, Brotherhood of Locomotive Firemen, of San Diego; of the Gold Cross Miners' Union, of Hedges; of

Boot and Shoe Workers' Local Union No. 216, of San Francisco; of W. S. Hancock Council, No. 20, Junior Order United American Mechanics, of Los Angeles; of Miners' Local Union No. 44, of Randsburg, and of Miners' Local Union No. 51, of Mojave; all in the State of California, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. SCOTT presented a petition of sundry citizens of Moundsville, W. Va., praying for the adoption of an amendment to the internal-revenue laws, relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of sundry telegraph operators of the Chesapeake and Ohio Railway, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy," and the use of "restraining orders and injunctions," in certain cases; which was ordered to lie on the table.

Mr. HOAR presented a petition of Laborers' Protective Union No. 8908, American Federation of Labor, of Northampton, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. CLARK of Montana presented a petition of Judith Mountain Miners' Union, No. 107, of Maiden and Gilt Edge, Mont., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Mill and Smelters' Local Union No. 117, of Anaconda, Mont., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Martinsdale, Mont., and a petition of 54 citizens of Deer Lodge, Mont., praying for the adoption of an amendment to the internal-revenue laws relating to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. SPOONER presented a petition of Typographical Union No. 431, American Federation of Labor, of Manitowoc, Wis., and a petition of Machinists' Local Union No. 343, American Federation of Labor, of West Superior, Wis., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union, of Green County, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy, and also for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on the Judiciary.

He also presented a petition of the Lithographers' International Protective and Beneficial Association, American Federation of Labor, of Milwaukee, Wis., and a petition of Painters, Decorators, and Paper Hangers' Local Union No. 316, American Federation of Labor, of Sheboygan, Wis., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Stationary Firemen's Local Union No. 31, of Neenah; of Stove Mounters and Range Makers' Local Union No. 47, of Neenah; of Machinists' Local Union No. 343, of West Superior, and of the Federated Trades Council of Green Bay, all of the American Federation of Labor, in the State of Wisconsin, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. HAWLEY presented the memorial of Samuel Gompers and Edward J. Livernash, remonstrating against the adoption of certain amendments to the pending Chinese-exclusion bill; which were ordered to lie on the table.

He also presented the memorials of William A. Willard and 20 other citizens of Hartford, of Cashell Lippett and 11 other citizens of Norwich, and of U. L. Frank and 36 other citizens of New Haven, all in the State of Connecticut, remonstrating against the passage of the pending Chinese-exclusion bill in its present form; which were ordered to lie on the table.

He also presented the petition of E. H. Sears, president of the Collins Company, of Collinsville, Conn., praying for the enactment of legislation to encourage the sale and exportation of articles of domestic manufacture; which was referred to the Committee on Finance.

He also presented petitions of the American Federation of Labor, of the Brotherhood of Locomotive Engineers, of the Brotherhood of Locomotive Firemen, of the Order of Railway Conductors, of the Brotherhood of Railway Trainmen, of the Sailors' Union of the Pacific, of the International Seamen's Union, and of the Chinese-exclusion commission of California, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.



Mr. FOSTER of Washington presented a petition of Musicians' Mutual Protective Union No. 117, of Tacoma, Wash., praying for the reenactment of the Chinese immigration law; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of Lodge No. 71, International Association of Machinists, of Sedalia, Mo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. FRYE presented a letter from the Secretary of War transmitting a telegram from the Cigar and Cigarette Manufacturers' Association of Habana, Cuba, praying for a larger reduction of the duty on Cuban cigars and cigarettes imported into the United States; which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4663) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport:

A bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida; and

A bill (S. 4897) to authorize the construction of a bridge across the Chattahoochee River at some point between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill., reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 4410) for the extension of Twenty-fourth street NE., and for other purposes;

A bill (S. 3325) for the widening of California avenue from its intersection with Connecticut avenue westerly, District of Columbia;

A bill (S. 2696) to regulate the assessment and collection of personal taxes in the District of Columbia;

A bill (S. 2481) to effect relinquishment and surrender by the Baltimore and Potomac Railroad Company of its right to use and occupy a portion of the Mall for a passenger station, and provide for a passenger station and terminals in the city of Washington, D. C., to be used in common by the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, and for other purposes;

A bill (S. 1965) for the extension of Seventeenth street to the Walbridge subdivision of Ingleside; and

A bill (S. 3432) for the extension of Seventeenth street NW. from Florida avenue to Columbia road.

Mr. HEITFELD, from the Committee on the District of Columbia, to whom was referred the bill (S. 4725) for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 500) granting a pension to Samuel S. Beaver, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3397) granting an increase of pension to Eliza A. Walker, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3903) to provide for suitable accommodations at the Government Hospital for the Insane for the detention and treatment of indigent female epileptics and feeble-minded persons resident in the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4871) granting an increase of pension to Helen M. Worthen; and

A bill (S. 4979) granting an increase of pension to Paul Fuchs.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4293) granting an increase of pension to Elizabeth C. Vincent, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom

was referred the bill (H. R. 10230) granting an increase of pension to Harrison C. Vore, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2347) granting an increase of pension to Alfred M. Wheeler, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12101) granting a pension to William E. Gray;

A bill (H. R. 11314) granting an increase of pension to Mary E. Pettit; and

A bill (H. R. 1455) granting an increase of pension to Aaron S. Gatliff.

Mr. MASON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3555) for the relief of William Dugdale, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2660) to amend section 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, as amended by an act approved March 3, 1887, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes, reported it with an amendment, and submitted a report thereon.

#### RETROCESSION OF A PORTION OF THE DISTRICT OF COLUMBIA TO VIRGINIA.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 50) directing the Attorney-General to bring suit to determine the constitutionality of the retrocession of that portion of the original District of Columbia which was ceded to the United States by the State of Virginia, to submit an adverse report thereon, which I should like to have read at the desk, as it relates to a matter of a good deal of public and historic interest.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). The report will be read as requested.

The Secretary read the report, as follows:

The Committee on the Judiciary, to whom was referred the joint resolution (S. R. 50) directing the Attorney-General to bring suit to determine the constitutionality of the retrocession of that portion of the original District of Columbia which was ceded to the United States by the State of Virginia, submit the following report:

The territory on the other side of the Potomac River, including the city of Alexandria, which was originally a part of the 10 miles square, was ceded by Virginia for the seat of government. It was retroceded to Virginia by act of Congress in 1846, accepted by Virginia, and thereafter Congress exercised no jurisdiction over it, except so far as it controls the Arlington National Cemetery, the experimental farm of the Department of Agriculture, the military school for cavalry, and the Signal Corps, with the land and buildings occupied by them.

It seems to the committee that it is not expedient that this act of retrocession should be set aside by Congress, even if Congress have the power so to do, without the consent of Virginia. Virginia accepted the transaction, it being understood that it was at the desire and for the benefit of the National Government. She has established in Alexandria the important and intimate relations which every State forms for its own citizens dwelling on her own soil; and the people, on the other hand, we presume, feel the loyal and deep attachment which such a relation excites. Such a tie ought not to be wantonly broken, and ought not to be broken at all without the consent of the parties, except in case of some paramount and overwhelming public interest.

As to the suggestion that the retrocession was unconstitutional, it seems to us the answer is that from the nature of the case it is a political and not a judicial question, and that it has been settled by the political authorities alone competent to decide it. It is like the question, What is the true State government, the true and lawful government of a State?—like the question, What is the true frontier?—where any dispute exists as to whether territory belongs to us or to a neighboring foreign country; and many like questions.

These are partly questions of law and partly questions of fact. The questions of law may be settled by the highest court to whom, in the course of judicial proceedings, they may be taken, unless and until that court choose to reverse its previous opinions. But the fact must be determined in each case, when it arises, by the jury or other tribunal authorized to find the fact. It would be utterly intolerable that territory should be held in one case to be a part of Virginia, and in another case to be a part of the District of Columbia, according as might be held in the individual case.

So it seems to us the case must be deemed settled by the acquiescence in the act by Virginia and of the United States, as manifested by the conduct of the departments of Government for more than half a century. The consequences of holding that this retrocession has been void from the beginning would be very serious.

If it be desirable that Alexandria become a part of the District of Columbia again, the only way to accomplish it will be to open negotiations with Virginia and get her consent. (See *Luther v. Borden*, 7 How., 1.)

The committee, therefore, report adversely, and recommend that the resolution be indefinitely postponed.

The PRESIDING OFFICER. The bill will be indefinitely postponed.

## RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 12346) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported it with amendments, and submitted a report thereon.

On motion of Mr. FRYE, it was

*Ordered*, That there be printed for the use of the Senate 300 copies of the river and harbor appropriation bill as reported to the Senate, in addition to the usual number.

## BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 5189) for the relief of C. C. Huckabee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5190) for the relief of J. B. Roberson, administrator of the estate of J. P. Roberson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN (by request) introduced a bill (S. 5191) for the relief of holders and owners of certain District of Columbia special-tax scrip; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced a bill (S. 5192) for the relief of the estates of John Nelson, deceased; A. J. Donelson, deceased; Sarah Donelson, deceased, and for the relief of the distributees and personal representatives of said decedents; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 5193) granting an increase of pension to John P. Goshen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5194) granting a pension to E. S. Tennent (with accompanying papers);

A bill (S. 5195) granting a pension to James E. Murdock (with an accompanying paper);

A bill (S. 5196) granting a pension to Dolphas McCrary (with an accompanying paper);

A bill (S. 5197) granting a pension to Zebedee V. Radford (with accompanying papers); and

A bill (S. 5198) granting a pension to John Roberts.

Mr. PRITCHARD introduced a bill (S. 5199) for the relief of Charles W. Wood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5200) for the relief of B. O. Morris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 5201) to prevent robbing the mail, to provide a safer and easier method of sending money in small amounts by mail, and to increase the postal revenues; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE introduced a bill (S. 5202) granting an increase of pension to Jennie Wagner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5203) granting an increase of pension to Lewis B. Tooley (with accompanying papers);

A bill (S. 5204) granting an increase of pension to Andrew J. Pierce (with an accompanying paper);

A bill (S. 5205) granting an increase of pension to Grace E. Ash (with an accompanying paper); and

A bill (S. 5206) granting an increase of pension to John M. Wheeler.

Mr. WELLINGTON introduced a bill (S. 5207) for the widening of Wisconsin avenue northwest from its intersection with High street and Thirty-seventh street to the District of Columbia boundary line; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5208) for the extension of Seventeenth street northwest from Prospect street to Columbia road; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FOSTER of Washington introduced a bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5210) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 5211) granting a pension to Joseph J. Stephens; which was read twice by its title.

Mr. COCKRELL. I present the petition of Joseph J. Stephens for a pension, together with Pension Office letter, War Department letter, and affidavits of Dr. E. G. Nichols, Dr. S. A. Poague, Levi C. Sams, and L. S. Naftzger, and certificates of J. J. Chastain, clerk. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BARD introduced a bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torres band or village of Mission Indians; which was read twice by its title, and referred to the Committee on Public Lands.

## AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$20,000 for the equipment of the quarantine station to be established at Miami, Fla., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment providing that hereafter each United States commissioner shall be entitled to a fee of 50 cents for drawing an affidavit for a search warrant, with oath and jurat to same, and a fee of 75 cents for issuing a search warrant, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MALLORY submitted an amendment proposing to appropriate \$32,000 for completing construction of the road from Pensacola, Fla., to the national cemetery near that city, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

## WILLARD WARNER.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee on Privileges and Elections:

*Resolved by the Senate of the United States of America*, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to Willard Warner, formerly a Senator from the State of Alabama, the sum of \$5,543.33, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

## SAN FRANCISCO MOUNTAINS FOREST RESERVE.

Mr. BURTON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

## MEMORIAL SERVICES ON THE LATE SENATOR KYLE.

Mr. GAMBLE. I desire to give notice that on Saturday, the 19th instant, at 3 o'clock p. m., I shall submit resolutions commemorative of the life and character of my late colleague, the Hon. JAMES H. KYLE, and that I shall ask the Senate at that time to suspend its business in order that fitting tributes may be paid to his memory.

## CHINESE EXCLUSION.

Mr. McLAURIN of South Carolina. Mr. President, I rise to give notice that on Monday next, after the morning hour, I shall submit some remarks to the Senate on the pending Chinese-exclusion bill.

## CONSIDERATION OF BILLS HERETOFORE PASSED OVER.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Calendar under Rule VIII is in order.

Mr. HALE. I ask that the Senate proceed to the consideration of the Calendar as it appears on page 5—bills passed over without prejudice, under Rule VIII. Several Senators have bills reported under that heading, which is under Rule VIII, which have never been reached in the consideration of the Calendar. It seems to be but right and fair, as those bills have been simply passed over without prejudice, that we should take them up and go as far as we can with them.

The PRESIDENT pro tempore. The Secretary will report the first case on the Calendar of bills passed over without prejudice.

## ISTHMIAN CANALS.

The bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as first in order.

Mr. HALE. Let that bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

## MISSOURI RIVER BRIDGE NEAR OACOMA, S. DAK.

The bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge



across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak., was announced as next in order.

Mr. GAMBLE. I hope that that bill will be taken up for consideration at this time and not passed over. It is a matter of local importance in South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Commerce with amendments.

The first amendment was, in section 2, on page 3, line 5, after the word "next," to strike out "joining" and insert "adjoining;" so as to read:

That if a bridge shall be built under this act as a drawbridge, the same shall be constructed as a pivot drawbridge, with one or more draws, as the Secretary of War may prescribe, and of spans of not less than 200 feet in length in the clear on each side of the central or pivot piers of the draws, and the next adjoining spans over the river to the draws shall not be less than 250 feet in the clear, measured at low water; and said spans shall not be less than 10 feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river at high water.

The amendment was agreed to.

The next amendment was, in section 3, on page 4, line 17, after the word "bridge," to insert "or its accessory works," and in line 18, after the words "Secretary of War," to strike out "substantially" and insert "unreasonably;" so as to read:

And any change in the plans of such construction or any alteration in the bridge after its construction shall be subject to like approval; and whenever said bridge or its accessory works shall, in the opinion of the Secretary of War, unreasonably obstruct the free navigation of said river he is hereby authorized to cause such change or alteration to be made as will effectually obviate such obstruction.

The amendment was agreed to.

The next amendment was, on page 5, line 18, to add to section 4 the following:

And all railroad companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree; and equal rights and privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INVENTIONS OF NAVAL OFFICERS.

The bill (S. 1104) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent was considered as in Committee of the Whole. It proposes that whenever, in the judgment of the Secretary of the Navy, the public interests require the use in the naval service of any invention or discovery covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, the Secretary shall proceed to use the invention or discovery in the manner and to the extent required by the naval service, and such royalties and compensation as may be equitably due the officer, considering all the circumstances connected with the making of the invention or discovery, and especially all facilities in originating, working out, or perfecting the invention which the officer may have enjoyed by reason of his official position, may be recovered by suit brought by the officer in the Court of Claims, and that the court shall make rules for the trial of such cases, conforming as far as may be with the rules established by the Supreme Court for the practice of courts of equity, and all cases shall be determined within one year from the filing of the petition therein unless, in the discretion of the court, upon sufficient cause shown, the time is extended; and the Secretary of the Navy is prohibited from making any contract or payment for the use of any patent taken out by any naval officer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DEFINITION OF "CONSPIRACY," ETC.

The bill (S. 4553) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

#### MARY E. PARKER.

The bill (S. 1153) for the relief of Mary E. Parker was announced as next in order.

The PRESIDENT pro tempore. This bill was reported adversely by the Committee on the Judiciary. If there be no objection, it will be regarded as before the Senate, as in Committee of the Whole, and open to amendment.

The bill was read; and the Senate, as in Committee of the

Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to Mary E. Parker \$5,000 in full compensation for extra services rendered to the United States by her husband, I. C. Parker, deceased, late judge of the United States district court for the western district of Arkansas.

Mr. HOAR. Mr. President, I reported that bill adversely by the authority of the Judiciary Committee, who came to a conclusion against it on my report there; but I confess I am very much shaken in my conviction. I have been shaken by a letter I got through the mail this morning, dated April 8, from the lady who is the person mentioned in the bill, which I think I ought to read to the Senate. The bill is one to give her \$5,000 in consideration of her husband's extraordinary services as judge in the Indian Territory. My report and the opinion of the committee was based upon the feeling that, while this claim was just in itself, it was likely to become a precedent for like claims, and that it would be very difficult to draw the line; but, on reflection, I am more and more inclined to think that it is so absolutely unique in its character, and so impossible of recurring, that it would not be a public danger to grant this particular claim. I shall read the letter, and if anybody thinks I am a little weak in yielding to it I must take the criticism. The letter is as follows:

FORT SMITH, ARK., April 8, 1902.

DEAR SENATOR: An effort will be made during the present term of Congress to procure for me one year's salary for the extra service rendered the United States Government by my husband, Judge Isaac C. Parker, deceased, late judge of the United States court for the western district of Arkansas.

As you may remember, Senator, Judge Parker was appointed by President Grant in 1875. He had the position till his death, November 17, 1896, a period of twenty years. I write to you, Senator, begging you to look over the papers sent to the Judiciary Committee, taken from the records of the court, showing the basis of this claim.

The records of his court show that no court in the country transacted the same amount of business in the same length of time. Judge Parker held court every month in the year, never in all these years taking a vacation, holding night sessions night after night, thus saving thousands of dollars each year to the Government, but sacrificing his own life. His untimely death was the result of what he believed to be his duty as an officer of this great Government. To protect society against banded criminals, to bring peace to the Indian Territory, to stamp out the evils that afflicted it, to bring to it civilization and light. This was his labor and aspiration. That he succeeded the honor and respect in which his court was held and the advance made in the Indian Territory bear witness. For sixteen years of this arduous labor his salary was only \$3,500. He was unable to save anything out of this, and his untimely death left his family destitute.

The cyclone which passed over Fort Smith three years ago leveled our home, all that was left to us, to the ground, destroying furniture, library, and all our belongings, taking from me the last vestige of support. This claim surely can not be objected to on the grounds that there is no precedent, or that it would make a precedent for district judges' families, as it is unique in itself, on account of the great jurisdiction of the court and the immense amount of work done by Judge Parker. The jurisdiction is now divided between four judges. If I have made a mistake in trespassing upon you with this matter, please pardon me. Let my helpless condition and the memory of the great esteem in which my beloved husband held you as one of our truest statesmen, who stood for justice and right, plead my excuse for appealing to you.

I earnestly ask your assistance in this matter, which seems to me but an act of simple justice.

Most respectfully,

MRS. I. C. PARKER.

HON. GEORGE F. HOAR,  
United States Senate, Washington, D. C.

I have no doubt the facts stated in this letter are true. I am inclined to think that while we can not admit the doctrine that extra services will warrant a claim by any public official or by his family after his death, however great these services may have been, it is almost utterly impossible that a case so extreme in all its particulars will arise. The fact that the man worked in a community different from ordinary civilized communities, as the Indian Territory was at that time; that he had an enormous jurisdiction; that he worked far into the night and all the year round without any respite; that he sacrificed his life in doing it, and left his family with nothing but the little home, which immediately afterwards was swept away by a tornado, makes the case so peculiar that there is not much danger that it will be a precedent for anything else. I shall myself, contrary to my original opinion, vote for the claim.

Mr. JONES of Arkansas. Mr. President, I asked that this bill be placed on the Calendar at the time when it was adversely reported by the Senator from Massachusetts [Mr. HOAR]. I did so because I knew the facts of Judge Parker's life and death. He held court every day in the week, as stated by his widow in the letter which has been read. He never took a vacation. His court was in session all the time, and it was the hardest-worked court, I believe, that has ever sat in the United States. He not only held court all day, going to the court room early in the morning and holding continuous sessions during the day, but he held court at night almost all the time. He was constantly in court attending to the business of the court—the hardest-worked man I ever saw. I believe he absolutely killed himself by his devotion to his duties and by the work he did. He was a judge for twenty-one years.

We have made provision to take care of judges after they have served a considerable time on the bench, and when a Senator or a



Member of the House of Representatives dies in the discharge of his duties something in the way of a provision for his family is made by giving them the balance of a year's salary. Under these circumstances, and considering the poverty of Judge Parker's family—he leaving nothing whatever to them, except one building, which was blown down by a cyclone, and which they have not been able to rebuild because they did not have sufficient money—it seems to me if there ever was a case that should appeal to the humanity of Senators and justify the payment of a claim of this kind this is the case.

Mr. CULLOM. What is the amount provided in the bill?

Mr. JONES of Arkansas. Five thousand dollars is the amount proposed to be paid.

Mr. GALLINGER. Not committing myself, Mr. President, to how I shall vote on this bill, I want to warn the Senate that if they suppose this will not form a precedent that will come back here in numerous cases they are laboring under a delusion. I have had a great deal of experience with bills of a minor character, and I know from sad experience that no unusual pension bill ever passes this body that is not noticed by a very large number of people, and claims are made that precedents have been established and that their cases ought to have consideration.

Now, Mr. President, this case is very likely unique; but if the Senate passes this bill, every widow of every judge who dies hereafter, especially in straitened circumstances—and I do not think that really will make much difference—will come here citing this precedent and asking for a similar appropriation. If it is wise to do it in this case, I do not see how Congress can fail to do it in cases that will come up hereafter for our consideration.

Mr. HAWLEY. Mr. President, I am willing to trust to future Senates to deal justly with other cases. We should deal justly with this case. We are a great court of equity; we represent a very wealthy, an extraordinarily wealthy, nation, which is anxious to do the just and generous thing everywhere. I think a reasonable sum of money ought to be paid, as it easily can be, to this poor widow, whose husband distinguished himself by serving with very great ability for twenty-one years, and by his fidelity to his duties killing himself, as no doubt he did, in the service of his country.

Mr. MONEY. Mr. President, I do not care to discuss this bill; I shall vote against it, but I want an opportunity to make some reply to a paper which was read yesterday by the junior Senator from New York [Mr. DEPEW] concerning a proposed amendment which he intended to offer to the joint resolution to amend the Constitution of the United States in relation to the election of Senators.

Mr. HOAR. Will the Senator allow us just to finish the little bill which is pending, affecting a poor widow?

Mr. MONEY. How long will it take?

Mr. JONES of Arkansas. Only a minute.

Mr. MONEY. Oh, certainly; go on.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

#### ✓ ELECTION OF UNITED STATES SENATORS.

Mr. MONEY. Mr. President, yesterday during the morning hour, which is usually devoted to the introduction of petitions, memorials, reports of committees, and the introduction of bills, I was in the House of Representatives on official business, and my colleague [Mr. McLAURIN of Mississippi] was in one of the departments likewise engaged. In that hour the junior Senator from New York read a paper concerning an amendment intended to be proposed by him to a joint resolution to amend the Constitution, should it be reported favorably, which is the one now before the Committee on Privileges and Elections, proposing to change the mode of electing Senators. I do not exactly understand why his speech was made at that time, because it is generally understood here that the committee will report adversely upon the proposed constitutional amendment. I do not know whether or not I am correct about that.

At any rate, the junior Senator from New York improved the opportunity to present a proposed amendment to the joint resolution, and in support of it to submit some remarks, which were evidently carefully prepared. I understood he read them from manuscript. In the course of his remarks he took occasion to select the State of Mississippi, which I have the honor in part to represent on this floor, and to criticize it for disfranchising its citizens, contrasting its meager vote with what he termed the manhood suffrage of the great State of New York, that honored him by sending him here.

I do not know whether or not the proposed amendment of the Senator from New York is intended to deter anyone from supporting the measure which is now under consideration by the Com-

mittee on Privileges and Elections. It would certainly fall very short of its aim if it was so intended. In fact, Mr. President, the old days of the catapult and the ballista have passed away, and we have got down to the time of heavy artillery, and this rattle of small arms does not seem to scare anybody in his convictions on the subject of the proposed amendment. With that question when it comes before the Senate we will be prepared to deal. I for one am willing to say now that I shall vote, if it is favorably reported, or if it is brought up for consideration, for the resolution submitted to the Committee on Privileges and Elections, and the reasons I will be able to state when it is apropos. For the present I content myself with replying to this fire of the skirmishers, if it should be thought necessary to do so, with the promise, however, that when the heavy guns come up we will try to give them suitable entertainment on this side.

The Senator from New York proceeded to say, among other things, and he said very truly and correctly—

This provision was not adopted because of distrust of the people, but to create a chamber of independence and dignity in which the States should have an equal voice as in their sovereign character.

And he might have added also that there never would have been a ratification of the Constitution of the United States if that clause had not been inserted, and if that clause had not been made irrevocable by any future action of the Government it never would have been ratified at all. He could have been very much more emphatic in many other ways, but as he had prepared himself with some care of course he finished his work to suit his own taste. He is perfectly correct about that.

Now, the Senator says:

The amendment under consideration proposes to make the Senate a popular body and reverse the principle upon which the Government has existed down to the present time.

I can not understand that. It does not reverse the principle which was the only principle in the case, and that was the equality of representation on this floor of each sovereign State of the Union. That was the only principle embodied in the Constitution. The method of choosing this equal representation was another matter, and went only to the manner of choosing and not to the principle of representation.

Mr. HOAR. I should like to ask the Senator whether he has considered the language of the Constitution on this subject?

Mr. MONEY. Yes, sir.

Mr. HOAR. It gives a definition of the Senate, that the Senate shall consist of two members from each State, chosen by the legislature thereof. It does not use that peculiar language as to the House of Representatives or anything else. The idea was not that there should be two popular bodies, but it was that there should be a Senate, and you could not maintain the constitutional principle by abolishing the Senate or by having a different kind of a body. You must have a body in which the States are to be represented as equals of a particular quality and character. That is the proposition.

Mr. MONEY. The principle was the principle of equality in Senatorial representation, without which provision there would have been no ratification of the Constitution by the smaller States, as is abundantly testified to by the text. It is abundantly borne out by contemporaneous history, by the records and the journals of the convention that adopted and framed the Constitution, by the temper of the people at that time, and especially of the States, which alone had sent representatives to that convention. It was not a popular meeting. It never at any time was a meeting of the people of the United States, although a New England historian of very great renown took occasion to state during the civil war that there was not any such thing as a State mentioned in the whole instrument, although it provided that nine States must ratify it before it became the Constitution.

There has been considerable care taken all along recently to exclude the idea of the sovereignty of the State and to keep it before the public mind here and elsewhere that the Constitution was framed by the people irrespective of State lines. In fact, it was the creature of the sovereign States acting in their sovereign capacity, accrediting to that convention such delegates as each saw proper to send, and all of them acting for the States and not for the people of the United States. They were not then the people of the United States; they were the disunited States of the Confederation.

I was going to say that the principle is well established, and it can not be changed, that there shall be an equal representation, and the further language to which my distinguished friend the Senator from Massachusetts directed my attention is only to provide the method by which that representation shall be secured here. The language is too plain to be misunderstood, and I do not suppose there is a Senator in this Chamber who has not read it a thousand times.

The argument of the Senator from New York was that the character of the representation here would be changed if the



method of selecting the Senators should be changed by an amendment to the Constitution. In other words, that to-day the sovereign States send men here because the legislature of the State is the elector of the Senators. But could not the Constitution be amended so as to make the great body of the voters the elector, and still the State have equal power of sovereignty, reserving all her rights intact just as well as to-day, when the Senator is elected by the legislature of the State? So I think my friend from New York is mistaken about the principle being at all attacked. He proceeds to say:

A number of States have by various devices prevented a third, or a half, or more, of citizens, recognized as such by the Constitution of the United States, from exercising the right of suffrage.

Does the Constitution prescribe the qualifications of the electors of a State? Never. It has no power to do anything of the sort. The Congress of the United States has no power to prescribe the qualifications of electors. Then how, in this connection, can the Senator from New York say that the citizens as such—that is, as voters for Senators—have been recognized by the Government? He speaks of manhood suffrage. Are there no restrictions upon manhood suffrage in this country? Do the felons and the criminals and the paupers who crowd the jails and almshouses of New York vote? Are they entitled to vote by the State constitution and laws of New York? Do not the women of Colorado and Wyoming and Kansas vote? There is such a thing as womanhood vote in this country as well as manhood vote, and there is a restriction in every State in the Union upon pure manhood suffrage. There is not a State which permits every male inhabitant, because he arrives at the age of 21 years, to vote in State or other elections. There is a guard thrown around the exercise of this vital principle of self-government—the elective franchise, the suffrage of the people of the country. I think the Senator is mistaken about that. He says:

The local reasons which have led to the adoption of these measures are not pertinent to this discussion.

And I am very glad he did not discuss them at this time.

The adoption of these new constitutions in several States, however, containing "grandfather" and other clauses, has led to a movement in the House of Representatives and in the legislatures of some of the States to change the representation in the House of Representatives from population to votes. That will reduce very largely the number of Congressmen which those States are entitled to.

If the States are entitled to them, then the number ought not to be reduced, and I hope I will find the able Senator from New York opposing such a measure, although he seems to take it for granted it will become law.

That measure does not receive the attention it would because, the House of Representatives being elected by the people, the vast majority of population vote upon manhood suffrage—

Incorrect again—

and therefore the majorities are so large they do not feel acutely the discrimination which these measures bring about. But if in the election of United States Senators a small oligarchy—

A word the connection of which I do not see in this relation—

in any State can send here a representation equal to that of great States like New York, which have manhood suffrage—

Mr. President, if the vote of all the people of a State can be called a small oligarchy, what will we say of the present system when a few corporations control the legislature and send their two instruments into this body. Is that an oligarchy or not? The people of this country are to-day very much more afraid of the oligarchy of trusts and corporations than they are of the oligarchy of the great mass of the citizens of this country, whether they are voters or not, because the two characters are not necessarily blended in the same individual—

if States in which half of the votes are disfranchised are to have an equal voice in this body with States like Pennsylvania, of five or ten times their population and with manhood suffrage; if New York, which casts, because of its manhood suffrage—

This is a sweet morsel, rolled under the eloquent tongue of the Senator from New York—

1,547,912 votes, is to be neutralized in legislation affecting her vast interests by Mississippi, casting 55,000 votes, because the majority of her citizens are disfranchised—then the situation becomes intolerable.

Is it not intolerable now to the Senator from New York? Does not that exact condition prevail to-day? And how can it be made worse when the suffrage for Senators is transferred from the legislature, whom the people elect, to the people themselves?

There are some mistakes in the statement, however, with all respect to the Senator from New York, which I shall point out. In the first place it is not true, as a matter of fact, that a vast majority of the people of Mississippi, or any majority, have been disfranchised. It is not true of any Southern State, whether it has a grandfather clause in its constitution or not. The grandfather clause of the constitution is amenable to the construction of the Supreme Court of the United States; and I venture to say

that if a case comes from the State of North Carolina the court will find that the grandfather clause is not objectionable in the light of any amendment to the Constitution of the United States. But that is too large a subject to discuss this morning in the brief time I intend to occupy, begging the indulgence of the Senate.

The State of Mississippi does not disfranchise its citizens. The fourteenth amendment provides that if any State shall deny to or abridge the right of any male inhabitant to vote "the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

The question whether anybody has been denied or abridged in his right to vote in the State of Mississippi I shall not argue at length now, but I shall, perhaps, if the occasion presents itself at some future time. I deny that one single citizen of that State has been denied or abridged in his right to vote at any election in that State for State or Federal officers. If the State had said that a man whose skin was black should not vote, or that a red-haired man should not vote, or that a man on account of some physical disability which it was impossible for him to overcome should not vote, that would have been objectionable to the fourteenth amendment, and the court would have so held.

But when a State says, as Massachusetts says, and as Mississippi says, that a man before he can vote must be able to read—and Massachusetts adds an additional qualification, be able to write, and Mississippi qualifies that seemingly hard provision by saying he must be able to read or to understand, if read to him, a clause of the constitution—it is not a disability within the purview of the fourteenth amendment, because it is something the proposed voter can easily overcome. There is not a man with the intelligence to entitle him to vote who can not in three months acquire the qualifications necessary to vote, at the public schools scattered all over the State of Mississippi, provided for this year by a more munificent appropriation of money than that voted by any State in this Union, according to assessed wealth.

Not only that, but the further provision is made in our constitution that the man shall pay a poll tax before he can vote. There is not a man in the State of Mississippi or any other State of this Union who can not pay \$2 poll tax if he desires to vote. Those are no disqualifications that the voter can not of his own motion most easily overcome and put himself on the list of registered voters of the State.

The statement as to the 55,000 votes, made by the Senator from New York, is evidently misleading, although he did not intend perhaps to mislead anybody. I think there is a misunderstanding of the facts on his part and not an intention to misstate them or misconstrue them. But 55,000 is not the registered vote of Mississippi. Those were only the votes which were cast at a certain election, and that election, on account of the lack of opposition to the Democratic party in the State, was no more than a ratification of the election returns of the primaries of the State. In the primaries of the State there is a full turn-out not only of the registered vote, but also of the unregistered vote, because in our primaries they have not held them to the legal registry for the regular election, but permit people who are not registered and could not register under our constitution to vote.

I ask him if that is to be the test—the vote cast—what will he say of the State of Connecticut, which a few years ago with a registered vote of 225,000 polled only 119,000? The people did not care to vote, and it is nobody's business but theirs whether they vote or not; and so with the people of Mississippi. If they choose to hold their real election at the primary and go but scantily to the polls at the regular election, whose concern is it but theirs? But it does not sustain the contention of the Senator from New York that they are forbidden to vote or prohibited from voting because the people do not choose to do it, not seeing any particular necessity for everybody going to two elections when the opposition ticket does not amount to anything.

The great State of Massachusetts did not poll one-third of her registered vote. I could go over the States of this Union. Take the State of New York, where the spoils of office seem to be pretty eagerly pursued and the whole force is brought out, and where the assemblymen and the wardmen and the ward heelers seem to have their followers well trained. They poll a very large manhood vote, with certain qualifications.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. MONEY. Certainly.

Mr. SPOONER. Has the Senator ever known an illiterate white Democrat in Mississippi who did not understand the constitution?

Mr. MONEY. Did you ever know a black man who did not?

Mr. SPOONER. I never knew a black man that an election officer would not decide against.



Mr. MONEY. Do you know anything about it?

Mr. SPOONER. I do not. Therefore I was asking the Senator.

Mr. MONEY. You ask me if I know of any white voter, presumably a white voter in the State of Mississippi, who has been refused registry on account of not being able to understand the constitution. Nor do I know of a black one. I want to say in reply to the inquiry of the Senator, which was pertinent, that in canvassing the State in 1895, in which I made about 80 speeches, going nearly all over the State, I took pains to inquire of the custodians of the books of registration, and I never found a single one who said any man, black or white, had been refused registry because he could not understand the constitution.

I would not give the snap of my finger for that clause in the constitution in Mississippi so far as it affects the vote of that State. We are not attacking the negro, because we could not do it. To use the language of the supreme court of Mississippi, repeated in totidem verbis by Justice McKenna in the case of Williams against Mississippi, we swept the whole field of characteristics of the negro and legislated against them because we wanted a sound and intelligent electorate to protect our institutions from ignorance, not only from those ignorant of public affairs and public interests, but from the vicious ones. That is what we did.

The provision that hurts in Mississippi and keeps in the rear ground a vast number of voters is the tax. You can not get certain improvident people, who refuse to look beyond the needs of to-day in their physical wants, to pay \$2 in February that they may vote next November. They will not do it. I have in my desk at my room at the hotel supplements to every paper in the State, or all that I get at least, showing the number of delinquent poll taxes. In one county, the county of Monroe, it is over 3,000. And so it goes. It happens that the delinquent poll taxes are generally in what are called the black counties of the State. It is not a disqualification. There is not a man in the State who can not pay \$2 to vote if he wants to vote.

The point, however, that I am going to make on my distinguished friend from New York is this. While great concern was strenuously manifested in the beginning of his speech about maintaining the principle of equal representation in the Senate, he goes exactly to the contrary, in *toto coelo*, to show that it is a rank injustice, no longer sufferable in this body, that a little State with a few thousand votes should have the same voice that a great State like Pennsylvania or New York has. In other words, his argument is to destroy the very equality, the principle of the Constitution which he says will be violated by the provisions now pending in the Committee on Privileges and Elections, and to which he has offered an amendment purposely to make it worse than it was before. If he does not want equal representation here, if he wants to destroy that part of the Constitution which its framers said should be irrevocable, then he made that argument in this speech which I will read in part:

But if in the election of United States Senators a small oligarchy in any State can send here a representation equal to that of great States like New York which have manhood suffrage; if States in which half of the votes are disfranchised are to have an equal voice in this body with States like Pennsylvania, of five or ten times their population and with manhood suffrage; if New York, which casts, because of its manhood suffrage, 1,547,912 votes, is to be neutralized in legislation affecting her vast interests by Mississippi, casting 55,000 votes, because the majority of her citizens are disfranchised—then the situation becomes intolerable.

"Intolerable" means something you can not stand any longer. You have stood it as long as you could. You have had equal representation in the Senate. The Senators from the small State of Rhode Island, of Delaware, of Nevada have been here so long the equals of the distinguished Senator from New York and his colleague and the two Senators from the great State of Pennsylvania and the Senators from the great State of Illinois that it has become intolerable to him. Oh, it is intolerable to a man representing so many millions of people and so many billions of dollars to sit here with no more power than a man from a poverty-stricken agricultural State in the South or a decreasing mining State in the West. It is intolerable, gentlemen. The whole idea of equality is intolerable to some people; yet it is the foundation stone upon which the institutions of this free country are placed and it is the muniment of title to liberty to every man in this country.

I am going to read from this singular argument again. It is Janus-like. It faces one way in the beginning and the other way in the conclusion. The anxiety for the preservation of this principle of the Constitution, the equality of each State in the Senate Chamber, is quite offset by the solicitude that the Senators representing the great States shall have more consideration than those representing States which poll a few feeble thousand votes.

Again, he says:

I am not, under ordinary circumstances and normal conditions, in favor of the proposed reduction of Representatives in the Southern States; I am not in favor of any legislation by the General Government which interferes with the local affairs of those Commonwealths—

That does credit to the sagacity and wisdom of the Senator from New York—

but if the door is opened by the adoption of this amendment to the Constitution for the changing of the character and constitution of the Senate of the United States, then that measure must necessarily be accompanied by power to insure a full and honest vote of the citizens of the Republic, and protect this body in the election of those who may be designated here as Senators.

How will it change the character and constitution of the Senate if the Senator is elected? By what subtle chemistry is the Senator elected by the legislature to be changed in mind or body or soul by the fact that at the next election he is elected not by the legislature, but by the people who elect the legislature? In what particular are his convictions to be unsettled, his disposition to be changed, his knowledge to be darkened, his counsel to be dimmed, or his voice to be made less persuasive because he has been elected by the sovereign, the source of all power in this country, and not by a delegated few whom that sovereign power has selected for this special duty according to the terms of the Constitution of the United States? I should like somebody to explain how the character of that man is to be changed.

I have been elected by the legislature, yet I am selected by the primaries. Those primaries are the Democratic voters of the State, and in Republican States a great many do the same thing. Some of them vote by convention, as they have done in Illinois once or twice, I believe. They have different methods whereby the people say how the legislature shall vote, and in the contest in Illinois to decide the seat of our genial and eloquent friend the junior Senator from Illinois [Mr. MASON] it is stated that certain counties by primaries have declared for this and that candidate for his seat.

How will the Senator stop that? I ask him if his amendment should prevail, provided the other comes in, what more duty will be imposed upon the United States Government to supervise an election than it has to-day—I mean as to its effect upon the character of the representative sent here, or in the manner of voting or changing the wishes of the people, or any material fact whatever? How does it change it? What good is it to do? He says that if we have elections by the people, necessarily the United States Government must step in and hold the polls and certify to the election. In other words, the State is to be abolished; and yet that is the thing the Senator so eloquently inveighed against in the beginning of his remarks.

So swift do these contradictions tread on each other's heels—in one part, jealous for the dignity of the State and its right as a sovereign State, and in the next breath providing for an arrangement by which the same State in its most sovereign capacity, through its citizens, shall say who they will have here, yet providing for a supervision not alone in qualification, but in the casting of the vote and counting the returns and certifying the same to the President of the Senate. How do these things consist? I am glad to say that the Senator from New York can at least be acquitted of being guilty of what Lord Palmeston said, that the vanity of consistency was the vice of statesmen. He has not that vanity.

Now, he goes on, carrying out the last idea, not the first, which are here in parallel columns.

There are 19 States which have in the aggregate less population and smaller industrial, commercial, and financial interests than the State of New York, who are represented here by 38 votes, while New York has only 2.

But the Senator forgets how great the two are, which very much goes toward making up this invidious difference between the power given by the Constitution to the several States.

Twenty-three States, with a population of 13,755,364 and casting 2,363,285 votes, have a majority in the Senate, while 22 States, with a population of 60,851,857 and casting 11,609,170 votes, are in the minority.

Is this an argument for maintaining the equality of representation in the Senate on the part of the States, for preserving the dignity and independence, to quote the Senator's language, of this body, to have an equal representation of sovereign States in this great family of nations in one greater nation? Not much. But here is the argument to make this Senate like the House of Representatives, to be based not only upon the number of people within its borders, but upon the amount of its wealth; and more and more the thing come to the surface, and more and more the individual disappears below it as we progress in these advanced new ideas of the Constitution and of free government in this country.

I have the profoundest reverence for the Constitution.

I congratulate the Senator upon that. I have always noticed that those people to whom religion was the most mysterious were always the most devout; the less they understood about it the more they revered it and the more they loved it. There was once a preacher who told me that he would not have a religion that he could understand. Probably some Senators are in the same condition—they do not care about a constitution that they can understand.

Every scheme of government in every other nation of the world has failed and been changed during the last century.



We are just one hundred and twenty-five years old. According to human annals, according to years, we are in the infancy of the Republic, but I think we are a hothouse plant and develop rapidly. Some poet said that we do not live by years, but—

We should count time by heart throbs.

Measured by heart throbs and action and accomplishment, we are an ancient nation, but according to the mere annals of years we are an infant yet, and have had no very great time to change our form of government.

Our Constitution alone has stood the test of time, experiment, and expansion, and has proved the most perfect system of government ever devised for a self-governing people. Revolutions never go backward.

They have done it very often, nevertheless. It is a saying which is not true, but quite common, and which may be classed along with the other popular fallacies that are being exploded by events as fast as they appear.

With the proposed change in the constitution of the Senate the people will and ought to be fairly and equitably represented here. The next and inevitable step will be to have the people and not the States control this body.

Now, Mr. President, that is the conclusion of these remarks of the Senator. I do not see how it is an inevitable step or an inevitable conclusion, because the moment that a sovereign State, as prescribed by the amended Constitution, shall appeal to the sovereign people themselves, the source of all power, who shall vote directly for Senators, I can not see how the sovereignty of the State will be in one jot diminished or lessened or infringed upon, denied, abridged, qualified, or modified in any manner whatever.

But I do see that an effort has been made to prevent this body from being crowded by the agents of corporations and trusts and to prevent people who command untold sums of money from coming into seats, who if they had a hundred thousand dollars and proposed to come here would be put in a madhouse by their friends, but having a great lot of money it is a proper thing.

When the people come to vote upon this proposition, it seems to me that they are quite as likely to exercise sound discretion and judgment in the selection of their Senators as the legislatures, the membership of which, being few in number, is much more easily controlled by improper influences than all the people themselves.

I do not want to discuss that subject now, Mr. President, but I wish to state for the State of Mississippi that she has been made the target of attack unceasingly by people who do not understand her constitution, some of whom have never read that constitution and are not acquainted with its provisions and still less know of its working.

Before the constitution of Mississippi was framed, if the Senator will examine the vote of Mississippi, he will find that the vote had diminished; and he will find also, if he will consult the last census, that in the decade just passed Mississippi increased her population over 20 per cent, as against 14 per cent in the decade from 1880 to 1890. Yet this constitution is the work of 1890, which so disfranchised, you would have us to believe, a majority of the people of that State; and yet people have poured into it, and they are of that character which the Senator has in mind when he says the people have been disfranchised. The white people of Mississippi, its energetic young men, have sought new fields, where more glittering prizes tempted them, in the far West, in the Middle West, in the North, and some in the Northeast. But the colored people from the older States have constantly come to Mississippi, to be oppressed and downtrodden and denied the rights of citizens.

Every citizen is not a voter. Women are citizens, children are citizens, even corporations are citizens in some respects.

Now, I will give the Senator what the registered vote of Mississippi is. It is 125,571. That is a majority of the voters of the State. So he is mistaken in the assertion that they have been disfranchised by the constitution, or the operation of the constitution in the hands of the officers of the State. It has not been manipulated. There are 128,000 names on the polls, and every newspaper in Mississippi published, as I said, lists of those who did not think enough of the franchise to pay their poll tax of \$2 in February in order that they might vote in November.

So little do they value the responsibilities and the privileges, much less the duties of citizenship, that they are willing to let it all go out of their hands for the paltry sum of \$2. If there is a man on the top of this globe, a citizen of a self-governing republic like ours, who has not enough pride in the institutions of his country, who has not enough respect for himself to pay \$2 that he may have the privilege of a free man in helping to control the destiny of the country, in all conscience let him do without the vote, and the body politic will be healthier for that self exclusion from its deliberations. It need not trouble anybody afar off to come to Mississippi and talk about remedying her evils. We are quite capable of taking care of ourselves.

Now, I wish to state the registration in 1896. I have not a later one. The vote in 1900 was only 51,000 out of a registration

of 125,000. The reason I gave a few moments ago is perfectly evident to everyone who has visited the State or knows anything about it; but we are so apt to talk, Mr. President, in this Chamber of things we know nothing about, because it offers such an illimitable field and it is so easy for the imagination of the orator to soar when untrammelled by any knowledge of facts, and we can discourse eloquently upon anything we do not understand.

I was stating the registration in Mississippi. The polls are 290,210. That means the polls of people 21 years of age, made without regard to criminals or paupers, idiots, or anything else. The registration is 125,000.

When this question comes before the Senate to be discussed at large I may have something to say about it. I did not intend to say anything. I am going to vote for it simply because the people of this country desire it. I do not desire it particularly. I could get along either way as far as I am personally concerned, but there is evidently a desire on the part of the people of the Union, irrespective of sections, manhood suffrage, woman suffrage, any sort of suffrage, qualified or unqualified suffrage, to change the constitutional mode of electing Senators. It is not the States of the South that have been asking for it. The State of Mississippi has not asked for this change, and there are a great many others in her category of invective and denunciation so frequently heard here who have not asked for it. But the demand is from the States where there is no negro population. They are the people who ask for an election of Senators by the people. They are Republican States.

Why do they ask it, Mr. President? Because they are dissatisfied with the men whom the legislatures of those States have sent. If they had been satisfactory to their constituents there would not be this clamor for a change in the mode of electing Senators and transferring that duty from the legislature of the State to the sovereign people of the State. If all had been fair and smooth to the people of those States there would have been no effort made to pass memorials and resolutions in State legislatures and bring in propositions to amend the Constitution in this respect. The proposition does not come from my section of the country, but from another.

Whether the people of this country shall have their way or not depends, of course, upon the action of the Senate. I do not know that the measure is going to carry. I only know what I will do myself. I do not care what other people do. It is very immaterial to me personally, as far as my political fortunes are concerned, what the Senate does about it; but at any rate the people of the United States, if we can trust them in every form in which they can manifest their wish, desire to have this change made; and no one yet found, until the eloquent Senator from New York arose yesterday in his place, that they are going to change the character of the representation here; that it was going to in any means abridge or qualify the sovereign character of the States that are represented, or that the duties would be changed, or that we would have two Houses of Representatives and no Senate, or a unicameral legislature instead of one a bicameral. I think the fears of the Senator are not well founded. When his amendment comes before the Senate there will doubtless be very instructive reasons given by the Senator for propounding his amendment and there will doubtless be a sufficient answer in opposition to it.

Mr. DEPEW. Mr. President, I did not intend to fully discuss this question until it came before the Senate on the report of the Committee on Privileges and Elections, of which I have the honor to be a member. I proposed the amendment yesterday in order that it might get before the Senate and before the country, so that we could have a discussion of this question, which we never have had before.

Legislatures have, it is true, passed resolutions in favor of the proposed amendment of the Constitution but they have passed them, as a rule, in a pro forma manner, without any discussion in the legislatures and without any discussion in the press of the different States. The joint resolution itself, which is now before the Committee on Privileges and Elections of the Senate, passed the House of Representatives without any discussion whatever. It passed the House of Representatives upon a general consent by those who favored and those who opposed it that they would unload the whole question on the Senate, which was the body most affected.

Here is an amendment proposed to the Constitution which, in my judgment, opens Pandora's box for amendments to the Constitution of the United States, the end of which no man can see; and yet this amendment, proposing so radically to change the conditions under which our Government has existed and our legislation has been enacted for one hundred and fifteen years, passed the popular branch of Congress without a single discussion upon it or any reason given for or against it.

My eloquent friend the Senator from Mississippi [Mr. MONEY] has in his speech, which I have listened to with great pleasure,



taken issue upon the question whether there should be an equal vote of the citizens of the United States for United States Senators if they are to be elected by popular suffrage. If Senators of the United States are to be elected by popular suffrage, then the whole question of the tenure of their place here will be called up every time their certificates are presented.

Now, the Senate does not go behind the legislature to find how it was elected. It has been decided that it can not do that. But when the Senator from Mississippi comes here by a popular vote, as I trust he will, if this amendment is adopted, the Senate will want to know whether the people of his State who are citizens under the fourteenth and fifteenth amendments of the Constitution have had the right to vote for or against him, and if they find that the citizens who are by the Constitution of the United States declared to be citizens, who for thirty-five years have had the right to suffrage in his State, have by device and subterfuge and a scheme been deprived of that suffrage the Senator will have a hard road to travel when he takes his seat in this body.

The Senator sneers at manhood suffrage. He speaks with contempt of the 1,500,000 citizens who cast their votes in the State of New York. He says that they are controlled by trusts and controlled by corporations. It is the pride of the State of New York that she puts no restriction whatever upon the native-born or naturalized citizen who has reached 21 years of age and has the possession of his faculties. We have found no difficulty in our State growing out of legislation by members elected to our senate and our house of assembly and our governors who have reached their position by this manhood suffrage.

This is a disagreeable question. I dislike exceedingly to go into it. I have no disposition to interfere with the local affairs of Mississippi or any other Southern State. I do not propose nor would I stand here for one minute for what is called the force bill, reaching every part of the suffrage of the Southern States in their local matters. But when the people of the United States are to elect Senators by the people of the State doing it, then the men who cast their manhood vote in the State of New York want to know whether people equally entitled with themselves have cast a manhood vote under similar circumstances in the State of Mississippi.

Notwithstanding the exceedingly ingenious and the exceedingly able explanation given by the Senator from Mississippi, everybody knows that there is no fairness in the tests which are provided by the constitution of that State for the registration of voters. The canvassing board are all of one party. The canvassing board are selected for one purpose—to prevent the negro from voting, no matter what his intelligence may be; to prevent the negro from being registered, no matter what his intelligence may be.

And what is the device? Twenty or 50 or 100 white men who can not read, who can not write, and who do not know whether the constitution is the Constitution of the United States or of the State of Mississippi or of their own bodies, are not asked the question, because their grandfathers voted. That qualifies them to vote. But a negro comes up who is a graduate of Yale College and who does understand the Constitution of the United States and the constitution of the State of Mississippi. He has passed through Columbia College or Harvard Law School.

This registration board ask him if he can read. "Yes." "Can you write?" "Yes." "Do you understand the Constitution of the United States?" "I do; I have learned it by heart." "Do you understand the constitution of the State of Mississippi?" "I do; I know it by heart." "Well, you must construe it intelligently. Construe that section;" and that construction never can satisfy that registration board, and he is disfranchised. That is the kind of a vote which would send United States Senators to this body. That is the kind of an agitation which would be precipitated into this Chamber. That is the kind of a controversy which would take up the whole time of the Senate in deciding who were entitled to vote.

Why, Mr. President, suppose a Senator came here from Kentucky, elected under the Goebel law, upon the facts as proved at the time that Governor Beckham was seated by a returning board who themselves admitted that his opponent, Taylor, had a majority. What was that case? After throwing out 28,000 votes, Taylor still had a majority, according to a Democratic returning board, of 2,800; and then the legislature declared that he was not entitled to his seat because, under the Goebel law, they had the right to say so, no matter what the vote. Under that Goebel law a returning board in the State of Kentucky could send here a Senator by a less vote than his opponent had a majority.

All I propose, Mr. President, is that a State in the election of a United States Senator and a member of the House of Representatives, and in no other case can not do such a thing. If we are to change the method of the election of Senators to this body, then this body must be kept pure by the electorate being upon the same basis in one State as in another, and the electors of the

States themselves standing for the man who comes here to fill the high function of representing his State in the Senate.

My eloquent friend from Mississippi says what difference would it make, because substantially the same people would come here from the Southern States by the people as now come here by the action of our legislature and our primaries. I will tell you what difference it would make. If there was manhood suffrage there would be here Republican Senators from Virginia; there would be here Republican Senators from Kentucky if they had a proper election law in Kentucky. If there was manhood suffrage the distinguished Senator from North Carolina [Mr. PRITCHARD], who has been sent here twice, would be sent here again.

There was no fear of negro domination in the State of North Carolina. There was no complaint of the negro debauching the suffrage or of debauching the laws or of debauching the legislature in the State of North Carolina. Then why did the North Carolina Democracy put a clause in the constitution of that State excluding the negro from voting? In order to keep Senator PRITCHARD out of the Senate when his term expires, and for no other purpose whatever, and in order to elect a Democrat in the place of the Populist Senator Butler, and for no other purpose whatever.

Now, my friend from Mississippi says that there are 125,000 registered voters in the State of Mississippi. Well, those 125,000 registered voters in the State of Mississippi do not represent more than one-half of those who would be entitled to vote if the fourteenth and fifteenth amendments to the Constitution were in force, and living and vital force, in that Commonwealth. But with 125,000 registered voters in a Presidential election, with Bryan running on one side, representing the gospel of Mississippi, and with McKinley running on the other side, representing the gospel of patriotism and of good government, which was an issue to call out the vote, it called out only 55,000 votes in the Presidential election—55,000 out of 125,000.

Where were the 70,000? Why were they not in evidence in the great Presidential election that the whole world was interested in? They were not in evidence because the election laws of the State of Mississippi, the constitution of the State of Mississippi, the returning boards of the State of Mississippi had fixed the election in that State before the vote was cast and the voting was a farce. I do not propose, nor do I believe, that there is a Senator on this side of the Chamber who proposes that 55,000 voters out of 125,000 registered and 100,000 more deprived of the right of suffrage shall send two Senators to this body to legislate, as against the manhood suffrage of the States which we represent.

My friend, the distinguished Senator from Mississippi, says this is a popular demand, and the voting is to be done by the great body of the people instead of by the people whom they may elect to the legislature for this purpose.

Why, Mr. President, we all know what the difference would be if we could meet in town meetings, as they do in the towns of New England. If we could meet in general assemblies, as the people did on the great plain at Athens, then I would say, "Amen; it is the popular voice; it is the vox populi; it is the voice of God."

But if we adopt the proposed constitutional amendment, what does the Senator propose to substitute for the legislature elected by the people, with the candidates all before them, elected upon this issue in every assembly district, as it was when I ran for the Senate, with the people of the entire State and the whole press canvassing for a month before the election and canvassing for a month after the election, until the legislature decide on the qualifications, the ability, and the patriotism of the men who are the candidates for this great place? He proposes that this question shall be relegated to the party conventions.

Under our political system there is no other way of getting at such matters but by a State convention, composed of a thousand members, elected by all sorts of process, and some of them by no process whatever, meeting for one day, not knowing one another, not acquainted with one another, having no responsibilities in the way of a record of their votes, having no responsibilities in the oath of office, keeping no record to go back before the people, trading here and there in order that one locality may have a governor, another a lieutenant-governor, another a commissioner of canals, another a State-prison inspector, and another a judge—that body, sitting for one day, selecting a United States Senator as against the process which is now in vogue, the people having no choice, because the convention of one party selects a candidate for United States Senator for whom the people of one party are to vote and a similar convention selects a candidate to be voted for by the people of the other party. The people have no choice as to what they shall do except to take one or the other of the candidates presented for their suffrages.

Mr. President, there is just this one question, which I will not discuss, but it has been discussed with great ability and power by the Senator from Mississippi, and that is the possibility of changing the character of this body by admitting Senators here from the different States based upon the population of the States. I



did say in my brief remarks yesterday that revolutions never go backward, and I repeat it. I did say in my remarks yesterday that the people will have their way, and if you once break down the existing principle in their mind, and they come to think that the election of Senators is their matter and not the matter of the sovereign States, the next step will be that they and not the States will control the Senate.

I submit to the Senator, and I submit to the very many eminent lawyers in the Senate this question. It is true that in the Constitution there is a clause that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." It is true that provision is in the Constitution; but if we begin by having Senators elected by the people, instead of having them elected as now, by the legislatures, with the whole of the people understanding that in that way the corporate body, the sovereignty of the State, is represented in the United States Senate, we at once start the question of the inequalities between the several States, for the people themselves will take up that question; and then we shall find entering into every canvass for United States Senator in every State the fact that 23 States, casting 2,363,000 votes, have a majority in this body, and can deprive 22 States, casting 11,600,000 votes, of what they want, what they demand, and what they are unanimously in favor of.

Every year a proposition is presented to Congress for basing representation in the Senate upon population, on the ground that the people must have their way; every year it is voted down; and yet in every succeeding year it comes up and receives more votes. Why? It receives more votes because in the political emergencies of a great State the enmities, the divisions, the rivalries among party leaders are so great that, in order to preserve party harmony and secure party success, these leaders must be pacified, and they are pacified by the promise, "When New York gets 14 Senators, or 12 Senators, or 10 Senators, or 6 Senators, or whatever the basis may be, then we will take care of you." It will not be a decade before, on that principle, there will be 34 of these greater States voting here for this constitutional amendment and adopting it in their several States.

Now comes for my friends, the lawyers and judges, a very hard nut to crack. Those 34 States elect those Senators; they come here, and they are sworn into this body, which is the judge of the qualifications of its own members. Who is to put them out? How are you going to get the question before the Supreme Court of the United States? How is the Supreme Court of the United States going to make effective upon this body any rule which it may adopt? You are at once opening the door for the wildest and the widest revolution which has been suggested since the Constitution of the United States was adopted, in 1787.

It is an extraordinary thing about that Constitution that its primary character has never been changed; that no amendment has been added to it in one hundred and fifteen years which has affected anything respecting its organic principles relating to the executive, legislative, and the judicial branches of the Government. All the amendments added to it have related to matters of detail or to matters of suffrage.

Mr. President, I have been betrayed into a much longer discussion than I expected. I was surprised to hear my friend the Senator from Mississippi claiming that the legislatures of most of the States which elected Senators by manhood suffrage, where manhood suffrage elected the legislature, are controlled by corporations and trusts, but that in the States where the full suffrage is suppressed the corporations and trusts have no power.

Thank God, Mr. President, the people of the State of New York can deal with corporations and with trusts in their own sweet way, just as they like. There is no charge in that State by the representatives of either party but what the corporations and the trusts are controlled by the people. The people tell the legislature what to do with them, and the legislature carries out that will, and the corporations and the trusts are powerless. There is no charge even in the most radical paper, even in the most yellow of the yellow journals—if that means anything, and I do not think it does—but that the legislature of the State of New York represents the people who elected its members, the people voting for them upon manhood suffrage, and represents no one else.

#### CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of Senate bill 2960, known as the Chinese-exclusion bill.

Mr. MONEY. I ask the Senator from Pennsylvania to yield to me for a few moments.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). The Chair would state that the Senator can only proceed at this time by unanimous consent of the Senate.

Mr. MONEY. Then I ask unanimous consent.

Mr. PENROSE. For what purpose?

Mr. MONEY. I ask unanimous consent, Mr. President, because I desire to reply to the Senator from New York [Mr. DEWEY].

Mr. PENROSE. Mr. President, I must insist on my motion that the Senate proceed with the consideration of the Chinese-exclusion bill. The Senator from Colorado [Mr. TELLER] who has the floor has been waiting patiently to address the Senate.

Mr. TELLER. I will yield to the Senator from Mississippi when I take the floor.

Mr. MONEY. Very well.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of what is known as the Chinese-exclusion bill.

Mr. GALLINGER. Will the Senator from Colorado yield to me for a minute or two?

Mr. TELLER. I will yield, if I have the floor.

Mr. GALLINGER. The Senator, I think, has the floor.

Mr. TELLER. Very well.

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania [Mr. PENROSE] has not yet been acted upon. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

#### POST-OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MASON. I move that the Senate insist upon its amendments and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. MASON, Mr. PENROSE, and Mr. CLAY were appointed.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. GALLINGER. I have two or three telegrams in reference to the pending bill, which I should like to have read. I think the Senator from Colorado will be glad to hear them read.

Mr. PENROSE. Before the Senator does that, and because it may precipitate a running discussion, I should like to ask at this time if the Senator from Colorado will yield to me—

Mr. TELLER. Certainly.

Mr. PENROSE. I ask the Senate at this time for unanimous consent that an agreement be made that the pending bill be disposed of at 3 o'clock on Monday next, after which hour there shall be limited debate under Rule VIII.

Mr. GALLINGER. I shall have to object to that, Mr. President.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). Objection is made.

Mr. FORAKER. Would not Tuesday next suit the Senator as well? I understood him to say yesterday that it would. Some of us are so situated that we can not address the Senate on the bill sooner than Monday, and I have already given notice that at that time I desire to discuss the measure.

Mr. PENROSE. Has the Senator from Ohio any suggestion to make as to the day which would be acceptable and convenient to Senators who have not yet addressed the Senate on the bill?

Mr. FORAKER. What is the inquiry of the Senator?

Mr. PENROSE. I ask the Senator from Ohio whether he would suggest a day?

Mr. FORAKER. I have suggested Tuesday.

Mr. PENROSE. Then, I will ask for an agreement that a vote be taken on Tuesday next at 3 o'clock.

Mr. FORAKER. I suggested that because I understood the Senator from Pennsylvania to say on yesterday that Tuesday would be acceptable to him.

Mr. PENROSE. After which hour there shall be debate on the amendments already offered and to be offered, limited under Rule VIII.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that on next Tuesday at 3 o'clock general debate shall cease on the pending bill.

Mr. ELKINS. I do not see the Senator from Vermont [Mr. DILLINGHAM] here, and I do not think we should agree to that in his absence.

Mr. LODGE. The Senator from Vermont has no objection to this agreement.

Mr. PENROSE. I understand he has no objection.

Mr. ELKINS. I think the matter had better be postponed until the Senator from Vermont comes in.

Mr. PENROSE. The only trouble about postponing action upon the question now is that there is a reasonably full Senate present.

Mr. LODGE. I hope the Senator from West Virginia [Mr. ELKINS] will not stop the agreement. There is great anxiety to get this bill voted on and out of the way.

The PRESIDING OFFICER. Does the Senator from West Virginia withdraw his objection?

Mr. ELKINS. I should rather have the Senator from Vermont present. Some one sent word to me to make a request for the Senator that an agreement as to taking the vote should not be made in his absence.

The PRESIDING OFFICER. The Senator from West Virginia objects.

Mr. TELLER. Mr. President—

Mr. GALLINGER. Will the Senator from Colorado yield to me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. TELLER. I yield to the Senator.

Mr. GALLINGER. I have in my hand, Mr. President, two telegraphic dispatches addressed to the President pro tempore of the Senate, which I desire to have read.

The PRESIDING OFFICER. The Secretary will read as requested in the absence of objection.

The Secretary read as follows:

BOSTON, MASS., April 10, 1902.

Senator WILLIAM P. FRYE.

United States Senate, Washington, D. C.:

Great injury will be done United States vessel owners if Clark's amendment is passed in Senate not only to vessels now running to Orient from Pacific, but to new proposed lines if subsidy bill passes. This business is growing and should not be hampered.

ALFRED WINSOR,

Pres. Boston S. S. Co. and Boston Tow Boat Co.

SEATTLE, WASH., April 9, 1902.

Hon. WILLIAM P. FRYE,

Chairman Committee on Commerce,

United States Senate, Washington, D. C.:

The amendment to the Chinese-exclusion bill adopted by House yesterday prohibiting employment of Chinese on American vessels engaged in foreign trade will be disastrous to American shipping engaged in oriental commerce. If it becomes a law it will without question force every American ship on the Pacific trading to the Orient to sail under a foreign flag. While doing incalculable harm to American shipping, the amendment does no good to anybody.

THOMAS BURKE,

Chairman of Committee on National Affairs, Chamber of Commerce.

Mr. GALLINGER. Mr. President, I desire to have two other telegrams read, which I send to the desk.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

WASHINGTON, D. C., April 9, 1902.

ROBERT H. SWAYNE,

Care Swayne, Hoyt & Co., San Francisco:

James R. Dunn has read a statement before Senate Immigration Committee, as follows:

"I am informed upon absolutely credible authority (here I will state that I will give to the chairman of this committee, if desired, the name of my informant, which, however, I will not divulge in this public meeting) that a prominent San Franciscan, personally favorable to the admission of Chinese, called the attention of the general manager of the Pacific Mail Steamship Company to the possibility of 'bringing over' large numbers of Chinese laborers in the guise of merchants, students, teachers, and travelers. It appears that until then this generous provision of the law had been virtually ignored by the promoters of Chinese immigration. After very careful consideration by the representatives of the steamship company the scheme was put in operation and agents were sent to China for the purpose of working up the business. Chinese laborers were provided with certificates as merchants, students, etc., and the Chinese passenger traffic grew to immense proportions. For some two or three years the business thrived. The collectors of customs looked upon these certificates as absolute evidence of the right of the applicants to admission, and they were admitted after little or no investigation."

Dunn now gives your name as his informant, and says that you told him

that you advised me as to the possibilities of bringing over large numbers of Chinese laborers in the guise of merchants, students, teachers, and travelers. Please wire me at once over your signature whether this statement of Dunn's is true or not.

R. P. SCHWERIN.

SAN FRANCISCO, CAL., April 9, 1902.

R. P. SCHWERIN,

New Willard, Washington:

Replying to your telegram 9th, please deny for me without qualification Mr. Dunn's statement. It is not true that I ever told him that I advised you as to the possibilities of bringing over large numbers or any number of Chinese laborers in the guise of merchants, students, and travelers, nor have I ever suggested such an idea to anyone at any time. I will be glad to put this in the form of an affidavit if desired.

ROBT. H. SWAYNE.

Mr. DILLINGHAM entered the Chamber.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. I yield.

Mr. PENROSE. The Senator from Vermont [Mr. DILLINGHAM] being now present, on whose behalf the Senator from West Virginia [Mr. ELKINS] requested that the effort to secure a unanimous-consent agreement to vote on the Chinese-exclusion bill be suspended, I desire to ask the Senator from Vermont whether next Tuesday at 3 o'clock will be an hour suitable to his convenience to vote upon the bill?

Mr. DILLINGHAM. Any time will be suitable to me, but there are several Senators on the floor who have expressed to me a desire to have Wednesday fixed as the time for voting. Whether they want to be heard or not I do not know. Personally I am perfectly willing to vote at any time, and have no objection to fixing upon Wednesday as the time.

Mr. PENROSE. If Wednesday will suit the Senator better, I will make the request that the time for voting on the pending bill be fixed at 3 o'clock on that day, debate to proceed thereafter under Rule VIII.

Mr. ALLISON. I suggest to the Senator from Pennsylvania that he fix an earlier hour than 3 o'clock, in view of the suggestion of the five-minute debate; that is, provided it is his purpose to complete the bill on Wednesday.

Mr. LODGE. That is the agreement proposed.

Mr. PENROSE. I think the Senator's suggestion an excellent one, and I will accept any hour he will indicate.

Mr. ALLISON. I suggest that the voting commence at 1 o'clock.

Mr. PENROSE. I will modify my request then, Mr. President, to that effect.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that on next Wednesday at 1 o'clock general debate on the pending bill shall cease, and that thereafter debate on the bill shall proceed under the five-minute rule, the voting to begin at that time on the amendments already offered or which may be offered up to that time—

Mr. ALLISON. Or that may be offered at any stage.

Mr. PENROSE. Thereafter.

The PRESIDING OFFICER. At any stage, and that the final vote be taken before adjournment on that day. Is there objection?

Mr. TELLER. I suggest to the Senator from Pennsylvania that 2 o'clock will be a more suitable time. That will give us nearly two hours if any Senator wishes to speak.

Mr. PENROSE. Well, I will say at the end of the morning hour.

The PRESIDING OFFICER. Is there objection to that suggestion?

Mr. ALLISON. I do not specially object, but I know there are a great number of amendments to this bill, and there probably will be more, and therefore ample time should be given for brief debate, so as to have the final vote taken before midnight. I do not know that there will be a long debate.

Mr. TELLER. Mr. President, most of the amendments are already before the Senate, I presume, and they will be debated, I think, with the bill. I am not going to make any objection to 1 o'clock if the Senator from Pennsylvania insists upon that.

The PRESIDING OFFICER. The agreement, then, as stated by the Chair, will stand, 1 o'clock on next Wednesday being the hour at which general debate upon the bill shall cease and the voting commence.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I desire to modify the amendment which I proposed last evening, and I think it is only fair to the Senator from Colorado that it should be done before he speaks. I suppose I have a right to modify it.

Mr. TELLER. If the Senator had done it last night and it had



been printed, it would have been a good deal more convenient to me. But I will listen to it. I should like to know what the modification is.

Mr. PLATT of Connecticut. I ask that it be read.

The PRESIDING OFFICER. The amendment as modified will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause, and insert:

That all laws now in force prohibiting and regulating the coming of Chinese persons and persons of Chinese descent into the United States, and the residence of such persons therein, be, and the same are hereby, extended and continued in full force and effect until the 7th day of December, 1904, and so long as the treaty between China and the United States concluded on the 17th day of March, 1894, and proclaimed by the President on the 8th day of December, 1894, shall continue in force.

SEC. 2. That in case said treaty be terminated, as provided in article 6 thereof, this act, and the acts hereby extended and continued, shall remain in force until there shall be concluded between the United States and China a new treaty respecting the coming of Chinese persons into the United States, and until appropriate laws shall be passed to carry into effect the provisions thereof.

SEC. 3. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations as he may deem necessary and proper to execute the provisions of this act, and of the acts hereby extended and continued, and of said treaty of December 8, 1894, and, with the approval of the President, to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

Mr. MONEY. Will the Senator from Colorado yield to me? I want to correct some statements made by the Senator from New York.

Mr. TELLER. I think under the circumstances I will have to yield to the Senator from Mississippi.

Mr. MONEY. I shall be very brief.

Mr. TELLER. I will resume the floor when the Senator from Mississippi gets through.

#### ▲ ELECTION OF UNITED STATES SENATORS.

Mr. MONEY. Mr. President, I am very greatly obliged to the courtesy of the Senator from Colorado for permitting me to have a few moments which I could not obtain from the Senator in charge of the bill.

I do not intend to reply to the speech of the Senator from New York, but to correct some statements of fact which I know he would not have made if he had been acquainted with the facts. The Senator stated that the voters of the State of Mississippi were voting under an organization, a device, a scheme, which was intended to defraud them of their right to vote. He said that there were managers of elections, commissioners of registry, and a returning board composed all of members of the same party, and that when the grandfather clause came up only the whites were permitted to vote and the blacks were denied the right to vote. He said a certain colloquy—which exists only as a figment of his brain, it never having occurred in the State—took place at the polls which excluded some and included others who were really disqualified. As a matter of fact, if the Senator had taken the least pains to investigate the constitution and laws of Mississippi he never would have made these useless statements to the Senate. I understand very well that so honorable and distinguished a gentleman would not willfully misstate the facts, but he has carelessly done so.

There is no such thing as he imagines of organization or scheme in Mississippi. There is no returning board of the State. The boards of managers of elections and of registration, according to the laws of Mississippi, can not be composed all of members of the same party, as he states here, but, on the contrary, just the reverse. The commissioners of election are named by the governor of the State, the secretary of state, and the attorney-general of the State. Sometimes they are Republicans and sometimes they are Democrats in the State of Mississippi, just as I have seen Democratic Senators from and Democratic governors in the great State of New York. The law and the constitution stand there without regard to the party that enforces them. So these three officers of the State are the board ex officio which names each one of the county boards of commissioners of registration, and they can not be composed of members of the same party. These name the managers of election at each voting precinct of the State, and they can not be composed, as I say, of members of the same party nor can the clerks and judges of election or the managers. That is the condition.

As to the grandfather clause, the Senator overlooked the fact that there is no such provision in the constitution of Mississippi. Therefore it can not operate, and there is no grandfather business about it. He has mistaken the constitution of the State of Mississippi for the constitution of Louisiana and the constitution of North Carolina, which have clauses commonly called the grandfather clauses. I think it can be proved very conclusively, and I will undertake to do it when the proper time comes, that the grandfather clause is not objectionable to the Constitution in any of its amendments.

As to the device or scheme which he says is intended to disfran-

chise the people of the State of Mississippi, it has stood the test of the Supreme Court of the United States in the case of *Williams v. The State of Mississippi*, and the Supreme Court has the misfortune to differ with the learned Senator from New York as to the constitutionality of that scheme or device, as he has denominated it.

Mr. BATE. The Supreme Court of the United States?

Mr. MONEY. I said the Supreme Court of the United States—both the supreme court of Mississippi and the Supreme Court of the United States.

As to my sneering at the manhood suffrage of New York, he is mistaken. If I left such an impression upon his mind, I hope to disabuse him of it as speedily as possible. I have the greatest respect for the suffrage of the whole people, and I recognize the wisdom of the legislature which disqualifies as electors for any office the vicious and the criminal, and I might say those so careless of their education and of their property that they can not pay a poll tax and can not read. But the State of Mississippi even modifies what he seemed to consider a harsh rule by providing that where a man could not read, if he was only able to understand that which was read to him he is permitted to register.

Now, as I said, I have so much respect for the manhood suffrage of the State of New York that I am perfectly willing to leave to that manhood suffrage the election of Senators to represent that great State in this honorable body. But the Senator who has such respect for the suffrage of the people is unwilling to trust that very people to elect him to the seat he occupies here, if what he says to-day may be taken for his real opinion upon that subject.

Mr. McLAURIN of Mississippi. Will the Senator from Colorado allow me a minute or two to read from the constitution of the State of Mississippi?

Mr. TELLER. I yield to the Senator from Mississippi for that purpose.

Mr. McLAURIN of Mississippi. Mr. President, I wish to read the section of the constitution of Mississippi in reference to the elections and the qualifications of electors to which my colleague has referred. Section 240 is very brief, and reads as follows:

All elections by the people shall be by ballot.

Section 241 reads:

Every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upwards, who has resided in this State two years, and one year in the election district, or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid, on or before the 1st day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district if otherwise qualified.

That is section 241 of the constitution. That constitution was adopted on the 1st day of November, 1890. Then there is a provision in order to enable those who can not read to have time to prepare themselves for the discharge of the duties of an elector. There is another provision, which is contained in section 244 of the constitution and is as I read:

On and after the 1st day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the 1st, A. D. 1892.

Now, then, by that section he is required either to be able to read the constitution or to give some interpretation of it after it shall have been read to him, or any portion of it. There is no qualification of writing about it. It is only to read the constitution.

Now, the first section of the constitution which has reference to elections is section 102:

All general elections for State and county officers shall commence and be held every four years, on the first Tuesday after the first Monday in November, until altered by law; and the electors, in all cases except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance at elections and in going to and returning therefrom.

Section 114 shows how the returns shall be made. It is as follows:

Returns of all elections by the people shall be made to the secretary of state in such manner as shall be provided by law.

Then section 140, or that part of it in reference to the counting or returning of votes, for it is a good long section and I will not read all of it, is as follows:

The returns of said election shall be certified by the election commissioners, or a majority of them, of the several counties and transmitted, sealed, to the seat of government, directed to the secretary of state, and shall be by him safely kept and delivered to the speaker of the house of representatives at the next ensuing session of the legislature within one day after he shall have been elected. The speaker shall, on the next Tuesday after he shall have received said returns, open and publish them in the presence of the

house of representatives, and said house shall ascertain and count the vote of each county and legislative district and decide any contest that may be made concerning the same, and said decision shall be made by a majority of the whole number of members of the house of representatives concurring therein, by a viva voce vote, which shall be recorded in its journal: *Provided*, In case the two highest candidates have an equal number of votes in any county or legislative district, the electoral vote of such county or legislative district shall be considered as equally divided between them. The person found to have received a majority of all the electoral votes, and also a majority of the popular vote, shall be declared elected.

Section 3601 of the code of Mississippi of 1892 provides for the appointment of three election commissioners in each county, and I will read the section, as it will explain itself better than I can explain it:

There shall be a State board of election commissioners, to consist of the governor, the secretary of state, and the attorney-general, any two of whom may perform the duties required of the board; a board of election commissioners in each county, to consist of three discreet persons who are freeholders and electors in the county in which they are to act, and who shall not all be of the same political party, if such men of different political parties can be conveniently had in the county; and a registrar in each county, who shall be the clerk of the circuit court, unless he shall be shown to be an improper person, to register the names of the electors therein.

Then section 3633 of the code provides as follows:

At the election in 1895, and every four years thereafter, there shall be elected a governor, lieutenant-governor, secretary of state, auditor of public accounts, State treasurer, attorney-general, superintendent of public education, three railroad commissioners, land commissioner, clerk of the supreme court, senators and members of the house of representatives in the legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, treasurers, assessors, surveyors, and members of the boards of supervisors, justices of the peace, and constables, and all other officers to be elected by the people. All such officers shall hold their offices for the term of four years, and until their successors are elected and qualified. The State officers, including railroad commissioners, land commissioner, and the clerk of the supreme court, shall be elected in the manner prescribed in section 140 of the constitution.

If I may be indulged a minute longer, to read what the State has done in providing for the education of the people of the State of both colors, white and black, in order that they may qualify themselves to become electors, I will take up just a little more of the time of the Senate to quote from the report of the State superintendent of education. The report of the superintendent of education of the State of Mississippi, Hon. Henry L. Whitfield, who is a most excellent man, a splendid educator, a man who has been in the business of teaching ever since he arrived at the years of manhood, shows that for the year 1900-1901 there attended the common schools in Mississippi, upon an average, 158,154 white and 193,588 colored children.

Those were the common schools, exclusive of separate school districts. Including the separate school districts, there was an attendance upon the schools of 179,142 white and 208,346 colored children. Provision is made for the education of the children of the State, both black and white, and there is no "grandfather" clause in our constitution, as was properly said by my colleague.

I thank the Senator from Colorado for yielding to me at this time. I hope to have, at some other time, an opportunity to say something further in reference to this matter.

Mr. TELLER. Mr. President—

Mr. SIMMONS. I ask the Senator from Colorado to yield to me for a moment.

Mr. TELLER. I yield.

Mr. SIMMONS. Mr. President, I was not in the Chamber at the time the Senator from New York [Mr. DEPEW] made his speech, and I do not know of my own knowledge what he said with reference to the constitutional amendment which has recently been adopted in my State and with regard to the existing election laws of my State. I am informed, however, by Senators who were present, that in general terms he made the charge that this amendment and these election laws were passed for the express purpose of securing the removal of my predecessor, Senator Butler, from this Chamber, as well as the prospective purpose of removing from this Chamber my colleague, and that but for that amendment and these election laws my State would now be Republican.

I merely rise now for the purpose of saying that if the Senator from New York made these observations with respect to the purpose and object of the people of my State in adopting this amendment and with reference to the use by the Democratic party in that State of the existing election laws, he is entirely mistaken about the facts, and I do not think had he been in possession of the facts he would have made the statements which are credited to him by those who heard him.

Mr. HOAR. Permit me to call attention to the fact that the Senator from New York is not now in the Chamber.

Mr. SIMMONS. I am not saying anything about the Senator from New York that I think it particularly necessary for him to hear. I merely propose showing he is mistaken as to the facts. I am sorry he is not the Chamber, however.

Mr. TELLER. If the Senator will allow me, I should like to suggest that the Senator from New York left while this question, and this very phase of it, was under discussion. If he is not here, he knew it was being discussed. Go on.

Mr. SIMMONS. I do not desire or intend to enter upon a general reply. I will reserve that until I have seen the remarks of the Senator.

I do wish to say now, Mr. President, that if the Senator from New York made the statement I understand he did make, to the effect that the constitutional amendment passed by my State was for the purpose of legislating Senators of the opposite party out of this Chamber and legislating Senators of my party into this Chamber, that statement has no sort of support in the facts with reference to the adoption of that amendment, because, while the amendment was adopted in August, 1901, it has not yet gone into effect, and will not go into effect until July of the present year. The next election, to be held in November of this year, will be the first election to be held in my State under that amendment.

Now, if the Senator from New York said, or meant by what he did say, that we have used the present election law and election machinery for the purpose of voting Republicans out of this Chamber and voting Democrats in this Chamber, that statement is equally unwarranted by the facts. In 1898 the opposite party in my State was in control of every department of the government.

Mr. TELLER. The Republican party?

Mr. SIMMONS. The Republican party and the Populist party in conjunction, for they were in fusion in my State. They were in control in 1898 of every department of the government of my State, and the election law under which the election of that year was held was an election law passed by the Republican and Populist legislature of 1894. So the election in that State was held under a law of their own making, with the entire election machinery in their hands, and in that election, held under these circumstances, the Democratic party carried the State by a majority of nearly 20,000. That is the way the Democratic party got into power in my State.

Again, Mr. President, if the Senator from New York meant to say or meant by what he did say that we have used the election law which we passed when we came in power in 1898 to vote out Republicans by the suppression of the colored vote of the State or any part of it, the answer and the conclusive answer to that statement is that there were polled in North Carolina in the election of 1901 a larger vote in proportion to the population over 21 years of age than was polled in a majority of the States of the Union, and there was polled for the legislature which elected me to this Chamber the largest vote ever polled in North Carolina in any election except the election of 1898, when the Democratic party overthrew the combined opposition and came back into power.

Now, Mr. President, because I do not know exactly what the Senator from New York said in reference to my State, I content myself with these general observations, reserving the right, when I have read in the RECORD what he has said, to reply to any statement I have not met and answered and which I may think requires an answer.

Mr. BLACKBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. TELLER. I yield to the Senator from Kentucky.

Mr. BLACKBURN. I do not know, Mr. President, that I am warranted in detaining the Senate even for a moment to take any notice of the remarks made by the junior Senator from New York [Mr. DEPEW] so recently. I have heard the Senator from North Carolina [Mr. SIMMONS] admonished by the senior Senator from Massachusetts [Mr. HOAR] that the junior Senator from New York was not in the Chamber at this time. Neither was I when he took occasion to refer to a recent election in the State of Kentucky.

Mr. HOAR. Will my honorable friend the Senator from Kentucky permit me to say a word?

Mr. BLACKBURN. Certainly.

Mr. HOAR. I rose for no purpose of admonishing any Senator or complaining of any Senator proceeding. But I thought, as the Senator from New York had been here so recently and was not here now, that anybody who read the RECORD might possibly think he failed to answer.

Mr. BLACKBURN. I think it was altogether proper.

Mr. HOAR. Therefore I wanted the fact of his absence to appear. I had no purpose of suggesting any criticism of the Senator from North Carolina.

Mr. BLACKBURN. I did not so understand it, and I think it was altogether proper that the Senator from Massachusetts should have protected the Senator from New York to the extent of noting his absence from the Chamber. But the fact remains that the Senator from New York, when playing the rôle of that animal that has been so often quoted—he who disports himself after such a peculiar fashion when he gets into a china shop—did not hesitate to leave the floor of the Senate in the midst of the reply of the Senator from Mississippi.



I was absent from the Chamber for forty-five minutes by our clock, during which time he saw fit to criticise the election laws and the election processes of a number of States in this Union, it seems, but I was in this Chamber when he left it, going into his cloakroom in the middle of the reply of the Senator from Mississippi to him. It is his business to be here if he is to be protected in a controversy which he traveled out of his way to invite.

I was amazed on yesterday when the junior Senator from New York, during the transaction of morning business, sprung a premature explosion upon the Senate, probably an illustration of spontaneous combustion. He is a member of the Senate Committee on Privileges and Elections, and so am I. The proposed amendment to the Federal Constitution making Senators elective by a direct popular vote of the people is pending in that committee.

Mr. DUBOIS. And is to be voted on at the next meeting.

Mr. BLACKBURN. He knew, as well as the Senate may now know, that on last Tuesday the committee agreed to come to a final vote on that very amendment on next Tuesday. Then why the necessity for doing that which, in my somewhat extended service in the Senate, I never saw done before by anybody?

I went to the senior Senator from Massachusetts [Mr. HOAR] and asked him if he did not think that his colleague upon the Committee on Privileges and Elections had been guilty of a disregard of discipline in springing this bombshell, as he seemed to regard it, upon the Senate, when as petitions were being filed and bills were being offered and reports of committees were being made he saw fit to deliver himself of a speech, which, to say the least, was peculiar in more respects than one. I made no comment on it on the floor of the Senate at the time.

Mr. DEPEW entered the Chamber.

Mr. BLACKBURN. I am glad to see that the junior Senator from New York has returned to the controversy that he has found necessary to provoke.

Mr. DEPEW. I returned on purpose to hear the eloquence of the Senator from Kentucky.

Mr. BLACKBURN. I appreciate the compliment more than I may tell the Senator, and only hope that I may be able to interest him. I did not comment at that time—I will not say upon a violation of the rule—but I will say upon the unprecedented performance to which I was so fortunate as to have the opportunity of listening yesterday morning. I thought probably it was to be attributed to the fact that the Senator from New York did not know any better than to make political speeches and inject them into the transaction of morning business.

I thought he might have contained his soul in peace until next Tuesday, when he will doubtless know, when he is bound to know, what the vote on the proposed amendment shall be in the Committee on Privileges and Elections. But in the course of that speech I thought I detected the purpose that lay behind it and that actuated its deliverance, and that was to take time by the forelock and to be the first man to shape the revitalized representative of reconstruction days, to be the first man to waive the excavated bloody shirt and threaten certain Commonwealths of this great Union with a loss of representation if they dared to press the matter of this amendment any further. In the course of what that Senator had to say to-day, as I have said, he might, by looking over in this direction, have noticed that I was not in the Chamber; but I have the extended notes of the Reporter, and I find that that Senator is credited with having said this:

Why, Mr. President, suppose a Senator came here from Kentucky elected under the Goebel law, upon the facts as proved at the time—

I invite the prayerful attention of the Senator to this his utterance—

upon the facts as proved at the time that Governor Beckham was seated by a returning board who themselves admitted that his opponent, Taylor, had a majority.

I think we had better dissect this statement as we go along. I here and now offer a premium, and leave it to the claimant to determine its magnitude and character, to any man on this earth who with the aid of a search warrant will find a single solitary statement in what I have before me that is true. Either as to the law or as to the majorities, I assert that there is not a solitary truthful statement in what I have in my hand. It is all the product of an exuberant fancy with which the distinguished junior Senator from New York has long been credited.

Mr. DEPEW. Will the Senator allow me?

Mr. BLACKBURN. With the greatest pleasure.

Mr. DEPEW. I, of course, was not engaged in the controversy over that gubernatorial contest, and so I had to rely upon public prints, especially upon the reports which were in all the New York papers—Republican, Democratic, and independent—at the time. They were to the effect that the returning boards in the different counties under the Goebel law threw out 28,000—

Mr. BLACKBURN. If the Senator is going to discuss in de-

tail that election, I would rather he should do it in his own time than in mine.

Mr. DEPEW. As the Senator thought the statement was made from the exuberance of the imagination, I am just stating where I got my facts. They were not disputed, I may say, in New York nor by representatives of the press in Kentucky, so far as the New York papers and their Kentucky correspondents were concerned. The statement was to the effect that after the local boards had thrown out Republican counties where there were large majorities, the Democratic returning board still found that Mr. Taylor had 2,800 majority, and when they could not be moved from that decision, and I may attribute to them absolute honesty in that, the legislature reversed that without any foundation upon which to act.

Mr. BLACKBURN. Let me get back to the facts.

Mark, now, how a plain tale shall put you down.

I want to prove to the satisfaction of every Senator on this floor that my statement was not an exaggeration, but a conservative, truthful statement of facts when I said that there was not a solitary statement in this paper that is true. That is not the worst of it. The ignorance displayed by the statement upon this subject is more marvelous than the result to which I called attention, if that be possible.

Suppose a Senator came here from Kentucky, elected under the Goebel law.

That is not the statement of a fact; it is a supposition.

Upon the facts as proved at the time that Governor Beckham was seated by a returning board who themselves admitted that his opponent, Taylor, had a majority.

Taylor never was Beckham's opponent. The Senator from New York does not seem to have found that out. Beckham never ran against Taylor any more than he did against the Senator from New York. Beckham was not a candidate for governor.

Mr. DEPEW. He was the candidate for lieutenant-governor.

Mr. BLACKBURN. Goebel was the Democratic candidate for governor and Taylor was the Republican candidate for governor. So there we see that this statement is at variance with the facts.

Governor Beckham was seated by a returning board who themselves admitted that his opponent, Taylor, had a majority.

How many, I will not say false statements, but how many mis-statements of fact there are in that I will have to employ a mathematical calculation to determine.

The Senator said that returning board admitted Taylor had a majority and that returning board seated Beckham.

Beckham never was seated by the returning board or by the legislature either, and has not up to this time been seated either by the returning board or by a legislature. That returning board never did find and never did say, and there never was a newspaper article on the face of the earth, I think, that ever did say that that board admitted that Taylor had a majority.

That returning board, as you call it, consisted of three State commissioners, and two of the three said that Taylor had a majority on the face of the returns, but that the proof submitted to the returning board was irresistible that tissue ballots were used. Probably the Senator from New York, if he is a lifelong Republican, has heard before about tissue ballots. The whole three of the returning board declared that there were more than 3,000 false tissue ballots used, and the proof was irresistible to two of the three returning board officers.

Two of the three State commissioners, for that is their description, decided that their duties were simply ministerial. They printed and published their report to the world, in which they said that Taylor did not have a majority of the votes cast according to law; that Taylor had a majority of votes if you would include all the tissue ballots which came from certain mountain counties in the State, and that those ballots should not be counted because they were not lawful, but that, as they understood it, their duties were simply ministerial, and they had no judicial function and no right to pass upon the validity of a ballot.

So with one dissenting the two controlling votes in that board of State commissioners issued certificates of election to Taylor and every other Republican candidate on the Republican State ticket. All three of these State commissioners were lifelong Democrats and men of the highest character and position, socially and politically, in my State. They all three agreed that Taylor was not fairly elected, but by a vote of two out of three they gave the certificates of election to every candidate on the Republican ticket, and coupled with it a statement over their signatures to the world that if they had been clothed with power to pass upon the validity of a ballot, Taylor and the whole Republican ticket had been defeated.

The law provided for an appeal by any party deeming himself wronged or aggrieved in a political contest. That appeal was taken and prosecuted. It was prosecuted through the courts of the State. Goebel, the candidate on the Democratic ticket for

governor, was the contestant of Taylor's seat. It was not Beckham. Beckham was the candidate for lieutenant-governor on the Democratic ticket.

Goebel prosecuted his appeal against the action of this protesting State commission of election, all three of whom, as I tell you, and I will repeat it, for I want to emphasize it, were Democrats at that time. Two of them protested that they, exercising simply ministerial functions, must issue the certificates according to the plurality or majority vote as it appeared upon the returns, without the slightest regard to its validity or its fairness. They coupled with it the statement that if their duties had been other than ministerial they would have rejected the tissue ballots, which were more than enough to have changed the result and made Goebel the governor instead of Taylor. But Goebel prosecuted his appeal from the action of that board.

In the meantime the legislature met, and as it had the unquestioned right—a right which no man ever has dared to dispute, even in the realm of newspaperdom—that legislature by joint ballot, supported by a majority of all the membership of it, declared, as did the whole number of three State commissioners, that Taylor and his Republican associates upon the ticket had never been elected. That legislature declared that Goebel was the legally elected governor of the Commonwealth.

That contest was prosecuted through the State of Kentucky to and including its supreme court, which we denominate the court of appeals. The contention of the Democrats was sustained. Nor did it stop there. That contest was brought beneath the Dome of this Capitol and passed upon by the Supreme Court of the United States, and the action taken by the local courts of Kentucky was sustained and vindicated.

These are the facts, and no man who knows aught of them will dispute a single, solitary statement.

What is it that the Senator from New York is complaining about? The Goebel law, he said. Why, the Goebel law has been sustained by the supreme court of Kentucky, and that has been sustained and vindicated in the opinion of the Supreme Court of the United States. Is it possible that the supreme courts of the Commonwealths of this Union and the Supreme Court of the United States itself must reverse their findings, change their opinions, review their own decisions, and come to learn law at the hands of a worthy distinguished and conspicuous corporation railroad attorney.

I stand upon the opinion of the supreme court of my State and upon the opinion of the Supreme Court of the United States, and I think I may safely stand there with a hope of not having the underpinning knocked from beneath me by the opinions of the junior Senator from New York.

But let us go a little further:

What was that case?

He asked. What case? He has never stated a case in this connection, unless it was the supposition of a Senator coming from the State of Kentucky elected under the Goebel law.

What was that case?

Before I pass from it I would inform the Senator what he has probably neither read nor heard. If he will take up the CONGRESSIONAL RECORD he will find that within the last fortnight a contested-election case was brought in the other House of Congress. It was elaborately argued by three Republican members of the House Committee on Elections, three men who ought to be among the best equipped and ablest in that body because of their assignment to service on that committee, three men who I think are among the ablest and best equipped of the House membership to discuss such a question.

It was argued at length, and not one of the Republicans taking part in the discussion of that election contest, as shown by the CONGRESSIONAL RECORD, though the Goebel law was the very foundation of the contention, ever charged, ever said, or ever intimated that that was not a fair election law, but upon the contrary they admitted that it was.

I am not traveling out of the record. I am not referring to matters that have taken place in the other House. I am speaking of the CONGRESSIONAL RECORD as it is printed and laid upon the desks of every Senator for his own information and instruction. Not a man who took part on the Republican side in the debate of the Rhea-Moss contest in the House ever dared to charge or to intimate that the Goebel election law was lacking in justice or wanting in fairness. How could they when the supreme court of the State had upheld it and the Supreme Court of the United States had upheld the opinion of Kentucky's court?

What was that case? After throwing out 28,000 votes Taylor still had a majority, according to a Democratic returning board, of 2,800.

I wish the junior Senator from New York would tell me (for I have no idea that it would be a matter of interest to anybody else in this Chamber) his authority for the statement that 28,000 votes were thrown out and still a Democratic returning board found Taylor with a majority of 2,800.

Mr. DEPEW. Mr. President—

Mr. BLACKBURN. His figures are suspiciously alike. It is either 2,800 or 28,000, and it does not seem to matter much to the Senator from New York which.

Mr. DEPEW. May I ask the Senator from Kentucky a question?

Mr. BLACKBURN. With the greatest pleasure.

Mr. DEPEW. I have just been informed that in order to elect Goebel one-third of the vote of the State was thrown out. Is that true?

Mr. BLACKBURN. As true as these other statements, for there is not an atom of truth in either.

Mr. DEPEW. Was the city of Louisville thrown out?

Mr. BLACKBURN. It was not; nor was it necessary, to elect Goebel, to throw out the city of Louisville.

The Senator from New York is now trying to shift his ground, and I am perfectly content to have him do it, for nothing would please me better than to go through the whole and every phase of that contest, for the action of the Democratic party is absolutely impregnable, either upon the one line or the other.

Now, as I am engaged, so far as that saying is concerned, in performing the duties of an instructor here this morning upon a recent Kentucky election, let me tell him that there were certain mountain counties which sent down tissue ballots, which used them, and the duplicates and some of the originals were preserved and brought down and put in evidence in this contest. Certain mountain counties used tissue ballots. The city of Louisville was not charged with using tissue ballots.

The vote of the city of Louisville was protested, but on another ground altogether, and that was because a Republican governor of the State of Kentucky, Mr. William O. Bradley, left his office in Frankfort, trampled the provisions of the constitution beneath his feet, shipped a lot of Gatling guns and collected soldiers in the city of Louisville, and issued a proclamation declaring that on that day of election he himself, in violation of the plainest mandate of the constitution, would take command of his military and take charge of the polls of the city of Louisville.

That is not permissible in Kentucky except when a Republican administration is in power. Kentucky was admitted into the Union in June, 1792, and from that day down until now it never has been afflicted with a Republican administration but once, and that is the time the constitution was defied and trampled under foot, because it provides that whenever the military is needed for the preservation of order or the maintenance of law that military officer shall report to a civil officer, and names them in the order of succession. He shall report to the county judge; he shall report to the sheriff; and if he can not find either he shall report to the coroner, and he shall be under their orders and command.

This Republican governor of the State of Kentucky issued a proclamation and published it in the newspapers that on that election morning he would be in Louisville personally in command of the troops, and he was; and he paraded the streets with Gatling guns, I presume to show the citizen that it was safe for him to come out and vote. When the Democratic laboring man of the city of Louisville saw Governor Bradley at the head of his State guards with Gatling guns, whether double shot or not I do not know, parading and tramping the streets of that metropolis, do you know that every Democrat felt absolutely safe in his right of suffrage? That was the ground on which the vote of Louisville was contested.

But it was not necessary to throw out the vote of Louisville to defeat the Republican ticket and elect the Democratic ticket. All you had to do was to throw out tissue ballots, which all three of that board the Senator terms a returning board declared to be fraudulent, invalid, and unlawful, or if they wanted to let the Republicans count all the tissue ballots that the mountain people had used you might let them all in; and if you excluded the vote of the city of Louisville, which was controlled by Bradley's gatling guns and military, that defeated the Republican ticket and elected the Democratic ticket.

Now, look at the registration and the vote in the city of Louisville. In Kentucky, cities of that class must register its voters. They did register, and the registration showed a given number two weeks before the day of election. On the day of election those people who had thought enough of their right of suffrage to take the trouble and leave their business and go to the registration booths and register their rights did not vote by 10,000.

You may say that Bradley and his State guard and his Gatling guns furnished no explanation of their change of purpose. Of course, I can not prove that that did it. I state the facts. I say that the vote on that election day fell more than 10,000 short of the registration of two weeks before.

But however that may be, there stand the facts. Never did a Democratic board of election commissioners, never did a Democratic returning board, as the Senator prefers to designate it, never did a member of that board ever report, conclude, or



decide that Mr. Taylor was elected or had a majority of the lawful ballots cast in that election. But the Senator says:

After throwing out 23,000 votes—

Well, it is not I who challenge that statement; the figures, the facts, the truth, challenge the statement—

Taylor still had a majority, according to a Democratic returning board, of 2,800—

There is just the same foundation for that statement that I find for the other—

and then the legislature declared that he was not entitled to his seat—

If that was a substantive statement, if that was a sentence in itself, I would greet it with acclaim of joy and satisfaction, for it would be the first statement of a fact that I have discovered in this paper; but it is not. I have just gotten to a comma and the truth is all extracted before I can reach a period—

and then the legislature declared that he [Taylor] was not entitled to his seat—

Why?—

because under the Goebel law they had the right to say so, no matter what the vote.

It goes without saying that the truth does not appear in that statement.

Under that Goebel law a returning board in the State of Kentucky could send a Senator here by a less vote than his opponent had a majority.

That is such an admirable, delightful mixture and confusion of things possible and things impossible that I hardly know how to take hold of it. The legislatures do not send Senators here by a majority less than an opponent's majority. There can not be a very big majority in the vote by which any State sends a man to the United States Senate. The time may come when there can be, as I hope that time will come.

Mr. DEPEW. That is the time of which I was speaking.

Mr. BLACKBURN. I hope the time will come; but under our present system a Senator is elected by a vote of the legislature, and I take it that on an average 100 or 150 constitute the membership of a State legislature. The number is less than 150 in my State. A man is very lucky if he gets into the Senate at all from Kentucky, but infinitely fortunate if he can get here by a majority which you can count on the fingers of your two hands. So I can not understand what that statement is intended to convey. It certainly conveys no meaning to the average mind.

Mr. DEPEW. If the Senator will permit me, when the time comes that the election of Senators is directly by the people, then the result in Kentucky will be what I said if the Goebel law is in force and if we do not have the elections supervised by United States officials.

Mr. BLACKBURN. Oh, now I can understand. I suggested as much before. The Senator is anticipating the adoption of the constitutional amendment, which seems to be disturbing his dreams at night.

I have stated the facts cursorily, but fairly, I think, in connection with that law which the Senator criticises, or, rather, the results of which law do not seem to meet his approval. I think the Senator is unnecessarily alarmed and is needlessly disturbed as to the dire results that are to follow the adoption of this proposed constitutional amendment. It is not going to bring the Dome of this Capitol toppling about our ears; it is not going to make wreck and havoc of the whole structure of constitutional government as handed down to us by the fathers.

I do not believe that it would produce a ripple on the surface, though I do not intend to follow the Senator's example and discuss that amendment in advance of its submission to the Senate; but I would suggest to him, just by way of panacea to quiet the Senator's nerves, to soothe him into a condition of peaceful rest and slumber, if such a thing can be accomplished, that probably his difficulty might be obviated, as he contemplates, with hair on end, the adoption of the amendment making Senators elective by the popular vote, and that all his troubles might be avoided and his disquietude might be gotten over if he would suggest—and if he will do it, I will take it under profound and prayerful consideration, both in committee and in the Senate, with a view of trying, if I can, to gain the consent of my confrères to help him in the effort—he might be reconciled to a constitutional amendment, I take it, that changed the present method and mode of electing United States Senators by making an exception in the case of New York and allowing her railroads, or even the New York Central Railroad, not to be deprived of its right of naming at least one Senator who shall come from the Empire State to the councils of the nation.

I thank the Senator from Colorado [Mr. TELLER] for his courtesy.

Mr. DEPEW. Mr. President—

The PRESIDING OFFICER. The Senator from Colorado [Mr. TELLER] is entitled to the floor. Does he yield to the Senator from New York?

Mr. TELLER. I yield.

Mr. DEPEW. Mr. President, I do not intend to occupy the time of the Senate in reply to the remarks of my eloquent and distinguished friend from Kentucky [Mr. BLACKBURN].

I had not the accurate knowledge of Kentucky politics and of the methods in that State which he has, and, necessarily, I had to take my information from the public prints. My criticism was based simply upon the fact that these results would follow in the case of Kentucky, if I understood the Goebel law and its action, in case there was an election of United States Senators by the people; and therefore I contended that if there was an election of United States Senators by the people, there should be a Federal election law under which the people could vote under conditions in all the States where the Senate would know who were the electorate upon whose suffrage Senators took their seats in this body.

So far as my being a railroad lawyer is concerned, I am happy to say that I have been one for thirty-six years; and I am very proud of my record in connection with the railways of this country as a railway lawyer, as a railway president, as a railway director, and as a railway worker. I have 1,000,000 associates in that honorable profession. All of us are proud of the connection and feel that it is quite as honorable as that in which any other citizen is engaged. We feel that it is quite as honorable to be in the service of the railways of the country in one capacity and another as it is to take retainers from the railways of the country, as the lawyers, who are not on the railway pay rolls, do in order to advocate or defend their causes.

In reference to the electorate of the State of New York, I will say that I am just as ready to submit my claims to that electorate as I am to submit them to the legislature. I was not a candidate to come here, except that I was made such by my party in all the platforms during the whole of the canvass, and except that when the legislature was elected every single newspaper in the State of New York of all parties, save one, and of all denominations and all religions, save one, asked the legislature to send me to this body. I had as lief submit my claims to sit here to the electorate of New York as to submit them to the legislature of New York. When my term expires I shall have reached a period of life when it will be exceedingly doubtful whether I shall care to come here again. So the practical question, so far as I am concerned, is not vital.

My position on this question is based not on any personal view whatever; not on any personal ambition whatever; not upon anything that is likely to happen to me, or not to happen to me, in the future, but I maintain it because I believe that in opening this door, in changing this mode of electing Senators, we are letting loose a Pandora box of amendments to the Constitution which will change the whole form of our organic laws as they were framed by the founders of the Constitution and as they have worked most admirably down to this day.

I believe that the Senate, both in its past and in its present, comes up to the highest ideals which the founders of the Constitution expected it to reach. I believe that the method of selecting United States Senators, with its time for deliberation, with the selected electors who are chosen for that purpose, has made this body to-day of such a character and conferred on it such a reputation that it commands the confidence of the people of the United States and the admiration of the world.

I want to say one thing further, though I am sorry that I am taking the time of the Senator from Colorado, but I will take just one moment more.

When in France last summer I met one of the most distinguished, if not the most distinguished, of the statesmen of France. I asked him about the stability of the French Republic, which has been threatened with overthrow by Bonapartists, by Boulangers, and by Orleanists several times in its thirty years of existence, and several times has come very near to overthrow. He said: "The safety of the Republic of France has been secured by the constitution of its senate. We felt that in the revolutionary conditions attending the elections of our deputies, with the waves of passion that were passing over the country and with the influences brought to bear at one time and another, there must be somewhere a conservative force with an electorate behind it, giving it independence, stability, and conservatism."

"So we studied your system, and we finally perfected it so that there is no man in France who is a republican, and wants the Republic to survive, who would change it. Our method is this: We have no States, and so we have divided the country into communities, in which there are a certain number of cities, villages, and municipalities, from which are elected a certain number of deputies to our lower house. We gave to the common councils and mayors of those communes, cities, and villages, and to the deputies from those districts, the power to meet in convention and to elect a senator from the district. The result was that the senator had to be a man of commanding influence; he had to be a man of distinction, one well known. It was not possible for



anyone to be elected senator on a sudden impulse or without the greatest discussion and without his claims being passed upon by this electorate, and no demagogue or dangerous man could be elected. The result has been that our senate is like your Senate, a body which fearlessly and judicially meets such questions as always arise in a republic, in which somewhere must be the power to prevent the passion of a moment or the impulse of the hour overthrowing the best results of the centuries in the legislation of the republic, a power where its best traditions can be preserved intact."

Mr. TELLER. Mr. President, it might be well now, perhaps, to consider the bill which is before the Senate, inasmuch as we have fixed a time for voting on it. [Laughter.]

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. TELLER. Mr. President, I do not intend to discuss the question of the necessity for the exclusion of the Chinese, for everyone who has spoken on the subject has declared himself to be in favor of that. But I have had twenty years' experience here in this matter, and I have noticed that at all times, with a few exceptions, the declarations were always in favor of exclusion. I have noticed another fact, that those who are most vociferous in their declarations of anxiety to exclude the Chinese have rarely been able to find any bill which satisfied them so that they could vote for it. Almost invariably they carp at something in the bill. They think it is harsh; they think it is unconstitutional in some feature, and they dwell with great anxiety, as a general rule, upon the danger that will come to us in our trade and the sufferings that we shall endure if we pass this or that bill which the real friends of exclusion have proposed.

Every speech and address to the Senate that has been made on this subject during this debate has declared that this bill is extremely harsh in its provisions. The senior Senator from Illinois [Mr. CULLOM] read to us a carefully prepared speech, in which he declared and redeclared that it was harsh in its terms, calculated to excite the animosity of China, and unnecessarily severe in its provisions; and the Senator from New Hampshire [Mr. GALLINGER], who addressed us in a carefully prepared written speech, also made the same statement. These statements, Mr. President, have usually been made without any reference to any particulars in the bill. Senators have complained of it in a general way, and they have complained also of the execution of the existing law. One would suppose from what has been said here that the Treasury Department, charged by law with the enforcement of these restrictive measures, has been exceedingly wicked and ugly, and that it has administered the law in such a way as to greatly outrage humanity.

Any law which is restrictive and repressive in its character, such as the pending bill, must have some severe provisions in it. It can not be enforced unless there are such provisions. No matter what nation you are dealing with, you must have provisions that will enable the officer to determine whether or not the class asking admission are entitled to admission.

Twenty years ago this Government adopted the policy of exclusion, a policy which, I think, every man who has given any attention to the subject must admit is a proper exercise of power, and that, too, without reference to the wishes or the will of the Empire of China.

To hear the Senator from Illinois, the Senator from New Hampshire, and some other Senators here, one would suppose that we were restricted to the making of a treaty with China, that if China did not see fit to allow us to do certain things we should be incapable of doing them. Distinguished diplomats come before the committee and declare that if we do this and that it will be a violation of the treaty. There is no violation of a treaty when we repeal a provision of it by a process of law. That is not a violation of it; it may be an abrogation of it, but we have an unquestioned right to abrogate a treaty. It is not only our right but it is our duty to abrogate a treaty when we find it bears harshly upon the American people. There can be no controversy over that. The Supreme Court settled that doctrine long ago, it is admitted by everybody, and every nation that treats with us does so with the knowledge that a treaty, when accepted, becomes the law of the land, and may be repealed, not by the executive department alone, but by the legislative and executive acting together; and all of the qualifications of the treaty that have been made by law have been made in a legal and constitutional method.

In 1868 we made a treaty with China, which we soon found was a very improper treaty, and on a bill which had passed the House of Representatives by an almost unanimous vote and had come to

the Senate, 39 Senators to 27 voted deliberately to abrogate the Burlingame treaty. Among those who voted to abrogate that treaty were some of the most distinguished members of the Senate at that time, and I may say of any other time. I do not care now to read the names of the Senators who joined in voting to abrogate that treaty; but I recall very well that we were told that we would destroy our trade with China if we abrogated that treaty. Subsequently we made a treaty with China—and I am not now going into the details of this matter—but in 1894 we made another treaty, and, as stated yesterday by the junior Senator from Massachusetts [Mr. LODGE], all the legislation upon the statute book was made prior to that treaty, and in that treaty China admitted this to be a proper position on our part, namely, the absolute prohibition of the immigration of the Chinese laboring classes and the admission of the excepted classes on terms that we should provide and regulate, so that no other class should get in.

I have gone over this bill with care. I have read every line of it. I have within the last five days read every statute that we have passed since 1882, and every treaty that we have made in relation to this subject; and I say here that the committee which has had this bill in charge has practically inaugurated in it the very spirit of the treaty of 1894, which is the last treaty and the treaty at present in force, together with some of the regulations which have been made by the Treasury Department. Every regulation made by that Department has been in accordance with law. Every regulation made has thus far stood the test of being in accordance with the statute and in accordance with the treaty, because the treaty is the last law upon this subject. I admit, Mr. President, that anything in the treaty inconsistent with the laws which had been before enacted would supersede those statutes.

Complaint is made of some of the regulations made by the Treasury Department; and perhaps I shall call attention to them before I get through. I am not familiar with all the regulations, because I understand that some have been made recently; but practically every regulation of any importance, those which have been published so that we could get at them, have been made after consultation with the law department of this Government, and they have the support either of the Attorney-General or of the Solicitor-General. This bill, then, is an embodiment of the law as it now stands; and I challenge any Senator who thinks that this is a cruel and harsh law to show me where it violates, if he wants to use that term, any provision of the treaty, or where it abrogates any provision of the treaty.

It must be presumed when China made a treaty of this kind with us, and put in certain provisions, such, for instance, as that a merchant might come here, that China must have known what had been the adjudications up to that time of the definition of the word "merchant." Undoubtedly she did, and to that extent the laws that were in existence, of course, entered into and became a part of the treaty so far as construing what the treaty meant. It is very evident to me that some of the Senators who have spent considerable time in making speeches have failed to read the treaties or the statutes on this subject, or, if they have read them, they have overlooked some of the very important points in them.

I wish to read from the treaty of 1894:

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

Now, we start out, then, with the fact that for ten years China has agreed to this exclusion. It may be said that as China limited it to ten years we must wait, and if China does not agree to it we must abandon this policy. If some Senator will take that side of the question and assert it, there would be some reason perhaps in his position. But does anybody expect, does the Senator from Connecticut, who proposes to extend the statutes now in existence until the termination of the treaty in 1904, expect, that we will then abandon this doctrine of prohibition of Chinese laborers or the policy as to merchants and teachers and students and travelers, or that we will yield anything beyond what we have yielded upon the doctrine of transit across our borders from one section of the country to the other.

It is true that there are not so many Chinamen in the United States, according to the census, as there were when the treaty was made, and yet if the Treasury Department be correct, there are a great many more. I am willing to debate this matter upon the theory that we have reduced the number of Chinese in the United States, and if we have, we have reduced them under this system of ours. Does anybody believe that if we had not passed these restrictive measures and had not attempted to enforce them with great persistency and diligence there would be a decrease of the Chinese population? In every country where there is an inducement for them to go, they have gone in greater and increasing numbers every year. Our neighboring country, Canada, was



compelled to pass a law prohibiting their entrance into that country, although they declined to do it when we commenced it years before. Australia and New Zealand have done the same, and where it has not been done, and where labor is well rewarded, there they have gone.

Do we not know, and does not the evidence before the committee show, that a Chinaman will pay from \$300 to \$500 or \$600 to secure admission into this country? Why? Because he can get rich here in a few years, as riches are numbered in China. I have not any doubt, Mr. President, that if there had been no restrictive measures there would be 1,000,000 Chinamen in the United States. I believe now that if you will remove for ninety days the limitations, with the certainty that every Chinaman can come here who wants to, you will have 100,000 in ninety days if there is shipping enough to bring them here.

MR. SPOONER. Will the Senator allow me to ask him a question?

MR. TELLER. Yes, sir.

MR. SPOONER. Does anybody propose to do that?

MR. TELLER. No. I believe there are a good many people in this country who wish we would, and I believe there are members of the Senate who would not sit up nights and weep very much if the bill failed and there was an interregnum of that kind.

MR. SPOONER. The Senator does not impute that to me.

MR. TELLER. Oh, no; but I know in this country there is an element that is demanding this cheap labor. I have been appealed to since this measure has been here by more than one man from the Pacific coast who said to me, "You know, Senator, we must have more labor there." A gentleman came to me the other morning and said, "We can not get hired help in our houses. We can not get help in our orchards." I said to him in reply, "No; and you never will unless we open the door and let in the Chinese until you get rid of the Chinese in your orchards and in your kitchens." You can not get the American boy, born on the Atlantic coast or in the interior, to go there and work side by side with a Chinaman. California never did herself more injury in the world than she did when she admitted the Chinaman to her borders; and if she could get rid of everyone of the Chinese she could fill their places with good American toilers or men from foreign lands who would assimilate with us and become in time a part of the population and of the strength of this country.

I wish to say a word or two about the Chinamen. I have been somewhat familiar with them. I know the Chinaman. I have been in the place that the Senator from Washington told you he went to in San Francisco. I have seen them in every place almost in the West. I have seen them in some of the mining camps in the early days, when they were in greater number than the white population by two or three to one. I know they have most excellent qualities in some directions. They are the best laborers in the world. They are nearly as good as a laborer made out of iron who would not eat nor wear clothes, for they come next to that. Does anybody believe if you could create an automaton that could do the work men are doing it would be a blessing to humanity? Is it a blessing to us to have men come here who are skilled and who can work more hours than any American can or will and for infinitely less wages; who consumes practically nothing and who buys in China and not in the United States practically everything he does consume?

I do not know what the merchants may do in San Francisco. I suppose there are large stores there. I believe there are; but I have never seen a Chinese merchant in my State, and I have seen a great many; and I have never seen a Chinese merchant in the neighboring States, in mining camps, where they depended upon the trade of the American for anything. They sell exclusively to the Chinaman, and they sell exclusively to them the things they buy from China. I have seen a mining camp of several hundred men by the side of a flourishing mining town, where there would not be as much advantage in the trade of four or five hundred Chinese as there would be in the trade of four or five good American miners. They would not buy as much in the community, and when they accumulate, as they do accumulate, they get out of the country and spend their money at home.

The Chinese do not strike. I have never heard of a strike among the Chinamen. I have never heard of any trouble among the Chinamen except in one or two instances, and probably the Chinamen were not so much to blame for them as some others. As a rule, they hire out and do their work and do it well, but they never do become a part of the American people, and they never can become a part of the American people. They do not come here for that purpose. Are Senators willing to take the position that we can afford to let the Chinese come in and take labor from our own people because they work cheaper and are more docile? They are not desirable persons to have in a community.

I have no prejudice against the Chinese, Mr. President. I like to read some of the high-sounding phrases in what might be

called the Chinese classics. There is probably no people in the world who will have so much to say upon virtue as the Chinaman; and the less he has apparently the more he has to say about it. He will prate about liberty and equality and truth, and I will venture to say there is not a Senator here from the Pacific coast, who has had any experience with the Chinaman, who would go into a court of justice and hear a Chinaman swearing, who would have the slightest idea that he was telling the truth if it was his interest not to do it. He is a sycophant. He will meet you with a courteous bow. If he can talk English he will give you a compliment with every phrase, and he will declare that he is the most abject creature in the world as compared with yourself.

Mr. President, I wish to take up the bill and go over it a little and see where the harsh places are, because nobody has yet pointed them out, except in a general way. Take the first section, which is one of absolute prohibition. That is according to the treaty. Nobody objects to that. Then the second section is a provision to carry out article 1 of the treaty. I am not going to take the time to read this all through, but if anybody wants to question the statement I make I am prepared to take it up; otherwise, as I did not get at this speech quite as early as I expected and do not intend to keep at it as long as I probably otherwise would, I will forbear reading them. This section is to carry out article 1 and article 3 of the treaty. That is all there is of it, and I should like to have some Senator get up and show any violation of the provisions of that treaty or anything inconsistent with those provisions.

Section 3 defines what a laborer is, just what we defined in the act of 1893 and just what has been defined by the Treasury Department in its regulations years before when China, knowing what our act of 1893 was, in 1894 made this treaty and said we might prohibit these laborers, she knew what we meant by a Chinese laborer. So I need not bother about that. I put that against the statements of Senators who say that these are harsh and unnecessary and unreasonable provisions.

Take section 4. This is one which is very much criticised:

That from and after the passage of this act the privilege of Chinese persons other than laborers to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as hereinafter defined.

Then come the definitions in this bill which I repeat are the definitions which have been in existence for years. The definitions which have been applied to the Chinaman to keep him out, some of them in statutes, more of them in the regulations of the Department which recently and now are being attacked in the Supreme Court of the United States. If anybody can raise a question on the definition in this bill and show that there is anything improper in it I wish he would do so. Nobody has done so up to the present time. It is easy for a Senator to get up and say "these definitions are harsh, these particulars are harsh," and yet not tell us wherein.

We have heard a good deal about the term "teacher." Does anybody suppose that Chinamen are coming here to teach common schools in this country? Does anybody suppose they are coming here to teach the rudimentary lessons we give our children? Everybody knows that is not possible, and everybody knows that you must construe the treaty in accordance with existing conditions; that is, that they could not come here in any other capacity as teachers than in the capacity that the bill provides for—for the teaching of the higher branches of what you may call Chinese learning. That provision was put in to meet the demand made by a few colleges that they might have Chinese teachers, which they have.

It is complained that we say:

That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

The only people who will come in as teachers are those who have already been engaged by some of our colleges to teach certain branches of Chinese learning, and I say now that there is not an instance, in my opinion, where any man who came for that purpose has had any embarrassment at all in getting in and carrying on the business for which he came. I do not believe you can find that a single man who was entitled to come in under the teacher clause has been excluded from the United States.

Then we come to the term "merchant." The term merchant was defined in the act of 1893 practically just as it is defined in this bill, and that act provided just as this does—that he must be actually engaged as a merchant. This is not harsher than the act of 1893, and when the Chinese Government made use of this term they knew exactly what we implied and what proof we exacted of men who came here as merchants.



Take the term "traveler." Everybody knows what that means. I assert here now that there is no provision in this bill which applies to travelers that is not a necessary provision and a proper provision, and if some Senator will tell me what we could leave out of those guards that it is proposed the law shall put on where the regulations have put them on before, I will be very glad to have him do so, and if he does not do so, I think in common decency Senators ought to refrain from making general charges of harshness and wickedness and cruelty of this bill.

I skipped the term "student." It says:

That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

This definition may be a new one. I do not believe I have found anything about that except in the regulations. There is nothing in the statute, I think, but the regulations clearly have provided for this, and they have been in force for some time. What class of Chinamen come here as students? Not for the common schools. A few, and a few only, come here to go to the colleges. There have been quite a number—I have met some of them myself—who have gone to our American colleges, and I repeat, as I said about the merchants, if any Senator can show that any student who came here as a student properly intending to take a course in any of our colleges or schools has been excluded, I wish he would do it. It can not be done. It is not amongst the possibilities that it can be done.

Mr. HAWLEY. I did not quite understand the last remark of the Senator.

Mr. TELLER. I said if any Senator can show a case, a single case, where a man who was really a student had been excluded, I wish he would do it. We have always been willing to let them in, and they always get in. There is not any more danger of a student, who comes here as a student, being excluded, than there is of the Chinese minister being excluded. There is not any more danger that a man who comes here as a teacher will be excluded, either, any more than there is with respect to the Chinese minister. All these suggestions of unfairness and injustice and all that arise from an anxiety, it seems to me, to make a bill which will, if made, in my judgment, be very inefficient and absolutely valueless.

Mr. President, you have to consider the class of people you are dealing with. I need not go over that. The Senator from Washington [Mr. TURNER] in an address here, remarkably conservative and truthful, explained about the character of the Chinaman. He is not a fool. He is an adroit diplomat. I do not care whether he is a laborer or whether he is a minister who comes here, the Chinaman is the equal, when it comes to a contest of that kind, of any of his class in any nationality. He has the art of diplomacy as it was understood in ancient days by some people, at least, that he is never at all embarrassed by facts. He can make a case to fit the one before him. As the Senator from Nevada [Mr. STEWART] told you the other day, he can spend more time in trying to fool one of his gods than he would spend in trying to please him by a good deal.

This bill, I repeat, is the product of experience, and it has the approval of the class of men who have dealt with this subject in an official way; that is, the Treasury Department employees. It has, in addition to that, the approval of men who have been dealing with this question actively and earnestly for the last twenty years, who see in this system of exclusion the only safety for American labor, that it shall not be put in competition with Chinese labor.

We pride ourselves upon our labor. We say it is the most intelligent and the most effective in the world, and it is in many ways. But after an American mechanic has invented a piece of mechanism I will guarantee that a Chinese laborer, belonging to the lower classes of Chinamen, will take it and make one as perfect as any American mechanic can make. I will guarantee that the Chinaman can take it and operate it as faithfully and efficiently as any American mechanic can operate it. He will do it upon a food basis on which the American mechanic would die. He can do it and live in places where no American mechanic could live. He will do it without any of the obligations that the American mechanic has with respect to a family. He will do it without any of the obligations that the American mechanic has of supporting the State in which he lives.

After an experience of forty years in the West, I believe the Chinese-exclusion law is an absolute necessity for the maintenance of Western civilization. I believe if we had not twenty years ago by repressive legislation kept them out the western part of this continent to-day would be a Chinese colony. You can put them across that great sea for from five to ten dollars apiece, and they can come into California and Idaho and Colorado and Mon-

tana and Washington and live there, I repeat, upon food that no American mechanic alone could live on, much less support his family. It may be that the Senators who live where this Asiatic peril has never threatened can weigh carefully the question of what humanity demands and that they can accord in their minds and in their hearts to the Chinaman the same that they mete out to the American mechanic, but I confess I can not do it. I admit here I do not want to do it, either. I know the American mechanic is better for the American nation than any number of Chinamen, and between them I am going to give my sympathies and my support to the American laborer and the American mechanic.

There have been no regulations made by the Department, I am sure, that are cruel or unusual. I do not know what the last ones are, but, as I said before, nearly all of them have been made by the two officers of the Government whom I have mentioned.

Mr. President, yesterday the Senator from Massachusetts [Mr. HOAR] called our attention to the fact that we were making a distinction between the laboring Chinaman and the merchant, the student, the teacher, and the traveler—that is, we exclude the laborer and admit the other class under certain conditions.

The Attorney-General of the United States, in an opinion which he gave concerning Chinamen, said that the law was intended to keep out Chinamen, no matter where they came from; that whether they were subjects of Great Britain, France, or any other country, it was directed at Chinamen. He said it is a moral and a racial question.

Mr. President, with me it is an economic question as well. I wish to add to what the Attorney-General said. It is an economic, moral, and racial question, and it is to the economic feature I want to call the attention of the Senator from Massachusetts and those who feel with him. We may be making a distinction and dealing more harshly with the laborer than we are dealing with the merchant or the teacher or the student. It is the laborer of China who threatens our stability as a prosperous people by coming here and taking from the American laborer the opportunity to labor and depriving him of his ability to live. We are not threatened with the teacher. We are not threatened very much with the student. We are not threatened with the merchant. What we are concerned about in regard to the merchant, the student, the teacher, and the traveler is that under pretense of being merchants, travelers, and teachers Chinese shall not come in and in fact be laborers. Beyond that we have but little interest.

We know that if there are 90,000 Chinamen in the United States to-day they displace 90,000 American laborers. That is why we are opposed to this scheme. We are in favor of this bill because we believe that the bill itself is in accordance with the treaty; but if it was not, and it was necessary that it should be otherwise, we would repeat the act of the Forty-fifth Congress, when we abrogated a treaty by a direct vote of the two Houses of Congress, with the approval of the President. But we do not need to do that. We will carry out the treaty of 1894 in this bill.

We are now asked by the Senator from Connecticut [Mr. PLATT] to agree to an amendment that he offers to-day. I may be mistaken as to what it means, but I judge from the other amendment which I had the opportunity to examine that the Senator intends to continue until the expiration of the treaty the existing laws under which these regulations were made and under which the features exist which are complained of as being harsh. Does the Senator go beyond that?

Mr. PLATT of Connecticut. And until some new treaty shall be negotiated and until laws are passed to carry out its provisions.

Mr. TELLER. Or until some other treaty?

Mr. PLATT of Connecticut. If no other treaty is negotiated it is an indefinite continuance of the laws.

Mr. TELLER. Now, I should like to know—I expect when the Senator makes his speech he will tell us—what benefit comes of that. I dwell a little upon the fact that we are not going to retire from this policy. Nobody will claim that. Nobody will pretend that there is going to be a hiatus. Nothing in the passage of this bill will prevent our making a treaty with China. We have added no new features in this bill. Everything restrictive and repressive in the bill is in the treaty or in the regulations which have been made under the treaty or that were in existence when we made the treaty. We may have provided a little more in detail as to how we shall determine whether a Chinaman is a student, a teacher, or a laborer.

Mr. ELKINS. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. ELKINS. Are the restrictions on the employment of Chinese on American vessels in the treaty?

Mr. TELLER. I am coming to that in a minute. It is a subsequent provision of the bill.

Mr. ELKINS. I was going to inquire of the Senator if he had overlooked that.



Mr. TELLER. I have not. I am not going to talk much longer, but—

Mr. ELKINS. When the Senator speaks on that point, let me ask him to tell us whether he is not willing to treat American ships as fairly as we treat foreign ships, and prohibit foreign ships from employing Chinese if we put this restriction on American ships. I should like to have him answer on that point at the right time.

Mr. TELLER. Mr. President, I will get to that in a moment. I said in the beginning that I did not care to discuss the question whether we ought to pursue this policy, because so far no Senator has risen here to say that it was not a proper policy, and if it is a proper policy I suppose it is because we have a realizing sense of the character of the Chinamen. So I need not go into that, as it has been gone into before. The Senator from Washington [Mr. TURNER], who has had some experience in this matter, has gone into it with a great deal of care, and I think with a great deal of conservatism and fairness. If Senators here would like to look into that question, a very fair and conservative speech, made by a gentleman from Pennsylvania in another place, which Senators have access to, who has been over in that country within the last year, is well worthy of their attention. But we all agree, we are for exclusion, and the only question now is how are you going to do it and do it fairly? I want to do it so that it will be effective, and so that it will not be unnecessarily cruel.

I challenge the statement made here on this floor that we have inflicted cruelty upon those people. Of course, when a Chinaman comes and it is doubtful whether he is entitled to enter the country, he must stay on the ship until that question is determined, which is done very quickly. No unnecessary delay is ever made. I do not believe that anybody can justly complain of the administration of these laws for the last twenty years. The courts have been open to the Chinamen. Take the decisions of the courts and you will find innumerable cases where they have passed upon the rights of Chinamen. The courts are open under this bill to the Chinamen. The bill provides for all those matters.

Now, Mr. President, I am going to say a word about the shipping business. I am one of those who have been exceedingly anxious to see American ships on the oceans of the world, and I have voted on various occasions since I have been in the Senate for measures which I have believed were calculated to bring about that desirable end. I did not vote the other day for the ship-subsidy bill. I did not believe it would bring about what Senators who supported the measure believed it would accomplish. I said then, and I repeat, that if I believed as they do I should have voted for it. I had no constitutional scruples about it and I knew we could spare the money. It did not seem to me that it was a proper scheme, and that was all about it; and I was in hopes we might get another and a better one.

I know very well that for the last forty years there has been no inducement for an American boy to become a sailor. I was not born on the Atlantic coast; I was born 300 miles and more from it, and yet I can go back to my boyhood days and remember many of my associates who became sailors. There were young men brought up in western New York, in good families, of good character, who found it convenient to go down to the New England coast and go on a fishing excursion, perhaps for a year or two, and ultimately upon an American ship. That has not been done, I will venture to say, by any youth in that neighborhood in the last thirty-five or forty years. You will never have an American marine such as you want until you have an American force on American ships.

If I believed what has been said by some, that the intense heat in the Pacific Ocean is such in the hold of a vessel that the firemen and the coal heavers must be of some other nationality, and that Americans should not be used for that work, I should be very loath to vote for any repressive measures with reference to that feature of the bill. But the senior Senator from California [Mr. PERKINS] told us that that is not the fact. We have some telegrams here. My colleague [Mr. PATTERSON] has some telegrams that have been sent to him upon that subject and which I will now have read. They were not sent with reference to this bill; they were sent with reference to the statement I had just been questioning. I ask to have them read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

SAN FRANCISCO, CAL., March 20, 1902.

Senator PATTERSON,  
United States Senate, Washington, D. C.:

The Marine Engineers' Association most emphatically assert that a white fireman can do far better work than a Chinaman, even in the greatest heat. Refer you steamships of the Oceanic Steamship Company and army transports.

HENRY B. LISTER,

Corresponding Secretary Marine Engineers' Association.

[Telegram.]

SAN FRANCISCO, CAL., March 18, 1902.

Senator PATTERSON,  
United States Senate, Washington, D. C.:

White stewards, cooks, bakers, butchers, waiters are sailing to-day on United States transports, Australian and Panama steamers, and no cases of prostration from heat come to our knowledge.  
MARINE COOKS AND STEWARDS' ASSOCIATION,  
EUG. STEIDLE, Secretary.

[Telegram.]

SAN FRANCISCO, CAL., March 19, 1902.

Senator PATTERSON,  
United States Senate, Washington, D. C.:

White firemen have been employed in the steamers trading to Australia, Manila, Panama, and Tahiti for years; no cases of being overheated have come to my knowledge.

JOHN BELL,

Secretary Pacific Coast Marine Firemen's Union.

Mr. TELLER. Mr. President, the great bulk of the shipping which goes from our coast to the Asiatic coast goes so far north that I doubt whether there can be any great trouble of that kind. We have not only the testimony of the Senator from California, and the statements now made, but we know also that on the Government transports which go across to Manila, and which take the southern and the hotter route, there has been no complaint—at least, I have never heard any complaint—of the inability of American sailors to serve on those ships in any capacity that they were needed to fill.

The Senator from West Virginia [Mr. ELKINS] asked me if I am willing to apply the same rule to other ships. I suppose that we can do what some of the Australian colonies have done. I have not looked it up, but I understand they have declared that ships carrying Chinese crews should come in under some disability, that they decline to pay any subsidies whatever where Chinamen serve on ships. They have been paying subsidy for some years to a line that runs from San Francisco to Australia, and that line, I understand, has never carried any Chinese sailors or Chinese stokers or anything of that kind. I suppose the committee have looked into this matter. I am not a member of the committee. On that point I mean to follow the committee. I do not believe that there is any danger that we shall do any harm by doing so. I should like to see all the places possible filled with American sailors.

Now, Mr. President, I only want to say in conclusion that this is not a question which seems to excite the Senate very much. It has been under debate for several days, and a good deal of the time there has been practically no attention paid to the debate. I have heard quite interesting speeches—and I am not referring to my own—made here with not to exceed ten Senators in the Chamber.

This is a question of vital importance to the American people. It is one of deep interest to the people in the West. I hesitate somewhat to say what I am going to say, but I believe that every Senator here who has read this bill with care, who has in his heart an anxious desire to exclude the Chinaman, will vote for it. For myself I shall see with a great deal of regret an amendment adopted, like that offered by the Senator from Connecticut, which will revive this controversy in four years from now. I will not say that the Senator from Connecticut put in that amendment because he does not want to vote for an efficient measure, but I am sure that the bill is more efficient than any other measure we have had proposed. It is not cruel, and it will accomplish what the Senator from Connecticut says he wants to accomplish and what we all want to accomplish.

I wish to say one word about the trade. Mr. President, if I knew that the passage of a proper exclusion bill would destroy every dollar's worth of trade between us and China, I should vote for the exclusion bill. I know that the trade between here and China is not worth the admission of Chinese hordes into this country, and if I had to choose between the two I should take the exclusion.

But, Mr. President, there is no necessity for that. I have heard every time we have had an exclusion bill up the same caution given, "Now, if you are not careful you are going to excite the Chinaman and he will not trade with you." There are no people in the world the Chinaman has such reason to complain of as of the Japanese, and since the cause of complaint arose the trade of China with no part of the world has compared with the increased trade between China and Japan. I venture the assertion here that not one Chinaman out of a million will know what are the provisions of this bill, except to know that it is a prohibition against one class absolutely and a qualified admission of a few others. Anyone who supposes that the Chinamen are going to get excited about this bill does not know the Chinaman. He would not be excited about it under any circumstances. If he could sell to the American people a Chinese article for a pittance more than he could sell it to anybody else he would sell it to us. If he could buy in our market an article for a pittance less than

he could buy it of anybody else he would buy it of us. So all that is simply, in my judgment, a bugbear gotten up to frighten people from voting for an efficient and valuable bill.

If this bill did not have the support of the Government officials who have been dealing with this subject, who I believe are reputable gentlemen, I should hardly speak of it with the positiveness I do, even if my judgment was, as it is, that it is the best bill which has ever been offered on this subject, and that it is not an objectionable bill from the standpoint of any man who desires to have an exclusion act passed.

#### NORWEGIAN STEAMSHIP NICARAGUA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith, as a case not acted upon by the Fifty-sixth Congress, a report from the Secretary of State, and accompanying papers, relating to the appeal for indemnity addressed to the equitable consideration of the Government of the United States by the owners of the Norwegian steamship *Nicaragua*.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, April 11, 1902.

ROBERT S. WOODBURY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table:

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 4th instant (the House of Representatives concurring), I return herewith Senate bill No. 3010, entitled "An act granting an increase of pension to Robert S. Woodbury."

ABBIE GEORGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table:

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 4th instant (the House of Representatives concurring), I return herewith Senate bill No. 1872, entitled "An act granting an increase of pension to Abbie George."

THEODORE ROOSEVELT.

WHITE HOUSE, April 11, 1902.

#### FISH-CULTURAL STATION IN SOUTH CAROLINA.

Mr. TILLMAN. I ask unanimous consent to call up the bill (S. 4069) to establish a fish hatchery and fish station in the State of South Carolina.

Mr. FORAKER. Mr. President—

Mr. TILLMAN. I do not wish to interfere with anyone. I thought we were through discussing the exclusion bill for to-day.

Mr. FORAKER. I intended to take advantage of this opportunity to make some remarks on the bill instead of speaking next Monday, as I gave notice I would do.

Mr. TILLMAN. I do not want to interfere with the Senator.

Mr. FORAKER. If the Senator's bill is not a long one I will yield.

Mr. TILLMAN. It will not take three minutes, possibly not more than one minute.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill; and the Senate, by unanimous consent, proceeded to its consideration. It appropriates \$25,000 for the establishment of a fish-cultural station in the State of South Carolina, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. FORAKER. Mr. President, on account of a suggestion which has just been made to me, I have concluded that I will not address the Senate at this time, but according to the notice I have already given.

Mr. PLATT of Connecticut. Does the Senator from Ohio desire to go on this evening?

Mr. FORAKER. No; I was just saying that in view of a suggestion which has been made to me I have concluded to defer until Monday making the remarks I desire to make to the Senate.

Mr. PLATT of Connecticut. The Senate is very thin.

Mr. FORAKER. Yes; I observe that it is.

Mr. PLATT of Connecticut. If the Senator from Ohio does not desire to go on to-night, I will move an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 12, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 11, 1902.*

##### CIVIL SERVICE COMMISSIONER.

James R. Garfield, of Ohio, to be a United States Civil Service Commissioner, vice William A. Rodenberg, resigned.

##### COMMISSIONER OF IMMIGRATION.

William Williams, of New York, to be commissioner of immigration for the port of New York, in the State of New York, to succeed Thomas Fitchie, whose term of office has expired by limitation.

##### PROMOTIONS IN THE NAVY.

Lieut. Thomas F. Carter, to be a lieutenant-commander in the Navy from the 16th day of March, 1902, vice Lieut. Commander Charles E. Fox, promoted.

Asst. Surg. David B. Kerr, to be a passed assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 1st day of June, 1901, to fill a vacancy existing in that grade.

Asst. Surg. Frank E. McCullough, to be a passed assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 10th day of August, 1901, to fill a vacancy existing in that grade.

##### APPOINTMENTS IN THE ARMY.

##### Artillery Corps.

William McK. Lambdin, at large, late captain, Fortieth Infantry, United States Volunteers, to be first lieutenant, September 23, 1901, to fill an original vacancy.

Willis C. Metcalf, of Illinois, late first lieutenant, Second Illinois Volunteers, now first lieutenant, Porto Rico Provisional Regiment of Infantry, to be first lieutenant, September 23, 1901, to fill an original vacancy.

David Y. Beckham, of Kentucky, late captain, Third Kentucky Volunteers, to be second lieutenant, August 22, 1901, to fill an original vacancy.

John V. Green, at large, late first lieutenant, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, September 23, 1901, to fill an original vacancy.

##### Infantry Arm.

Thomas J. Rogers, of Wisconsin, late captain, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, February 2, 1901, to fill an original vacancy.

Charles D. Winn, of Kentucky, late captain, Second Kentucky Volunteers, to be second lieutenant, February 2, 1901, to fill an original vacancy.

##### PROMOTIONS IN THE ARMY.

##### Medical Department.

Lieut. Col. Charles L. Heizmann, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, April 7, 1902, vice Kimball, retired from active service.

Maj. Louis M. Maus, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, April 7, 1902, vice Heizmann, promoted.

##### POSTMASTER.

Joseph H. Harris, to be postmaster at Kansas City, in the county of Jackson and State of Missouri, in place of Samuel F. Scott. Incumbent's commission expires May 16, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 11, 1902.*

##### APPOINTMENT IN THE ARMY.

##### Artillery Corps.

Charles O. Zollars, of Colorado, late second lieutenant, First Colorado Volunteers, to be first lieutenant, September 21, 1901.

##### CONSUL.

Charles V. Herdliska, of the District of Columbia, to be consul of the United States at Callao, Peru.

##### PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Claude H. Lavinder, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Asst. Surg. Taliaferro Clark, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

##### POSTMASTER.

Horatio S. Whetsell, to be postmaster at Kingwood, in the county of Preston and State of West Virginia.



## HOUSE OF REPRESENTATIVES.

FRIDAY, April 11, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4355. An act authorizing the issuance of a patent to the county of Clallam, State of Washington;

S. 4969. An act granting an increase of pension to Abbie George; and

S. 3898. An act to provide for the purchase of a site and the erection of a public building thereon at Flint, in the State of Michigan.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 11354. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903.

## COMMITTEE TO ATTEND FUNERAL OF W. S. ROSECRANS.

The SPEAKER. The Chair makes the following announcement.

The Clerk read as follows:

Committee to attend the funeral exercises of the late W. S. Rosecrans: W. P. HEPBURN, C. H. GROSVENOR, EUGENE F. LOUD, GEORGE W. STEELE, WASHINGTON GARDNER, MONTAGUE LESSLER, WILLIAM ELLIOTT, CHAMP CLARK, AMOS J. CUMMINGS, GEORGE W. TAYLOR of Alabama.

## LIGHT KEEPER'S DWELLING AT CALUMET HARBOR, MICHIGAN.

Mr. MANN. Mr. Speaker, I submit the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

WM. P. HEPBURN,  
JAMES R. MANN,  
R. C. DAVEY,  
*Managers on the part of the House.*  
JAMES McMILLAN,  
KNUTE NELSON,  
A. S. CLAY,  
*Managers on the part of the Senate.*

The statement was read, as follows:

Statement of the managers on the part of the House of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor.

The managers on the part of the House state for the information of the House that the Senate recedes from its amendment.

The bill, therefore, as presented by the conference is the same as it was when it passed the House.

W. P. HEPBURN,  
JAMES R. MANN,  
R. C. DAVEY,  
*Managers on the part of the House.*

The conference report was considered, and agreed to.

## POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I ask unanimous consent that the Post-Office appropriation bill be taken from the Speaker's table, and that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from California, chairman of the Committee on Post-Offices and Post-Roads, asks unanimous consent that the Post-Office appropriation bill be taken from the Speaker's table, that the House disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

## REPRINT OF A BILL.

Mr. LACEY. Mr. Speaker, House bill 11536 and the report are out of print. There is considerable demand for this bill and I ask unanimous consent for a reprint.

Mr. PAYNE. What is the title of the bill?

Mr. LACEY. The bill relates to the forests reserves.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the reprint of House bill 11536 and the accompanying report 908. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

## RECIPROCITY WITH CUBA.

Mr. PAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 12765.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the further consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

Mr. LONG. Mr. Chairman, few measures have received more careful consideration by a committee of the House of Representatives than reciprocity with Cuba.

The Committee on Ways and Means began hearings on the subject on the 15th of January and continued them until a volume of 766 pages was required to contain the statements of persons who voluntarily appeared before the committee.

The question was then considered by the Republican members of the committee for some weeks, and finally a resolution was adopted to submit the question to a Republican conference. Such a conference was called, and after five successive meetings the conference directed the Committee on Ways and Means to report a bill providing for reciprocal trade relations with Cuba. Further consultations were held, and finally on March 31 the committee, by a vote of 12 to 5, reported the bill now under consideration to the House.

It has been alleged by Republicans in this debate that this is not a Republican measure; that in some way or manner it lost that quality when three Democrats in the committee voted to report this bill. I say to these Republicans that this measure was strongly recommended in the annual message of Theodore Roosevelt, a Republican President of the United States. It was indorsed by a Republican conference by a vote of 85 to 31. This bill was considered in the Committee on Ways and Means, and nine of the eleven Republican members of that committee voted to report it. It is before the House of Representatives by virtue of that report and it is none the less a Republican measure because three Democrats of the committee joined with the nine Republicans to report it.

This is not a proposition to revise the tariff. The bill is not subject to an amendment changing the rates of duty in any schedule of the Dingley law. The claim that it is the duty of all protectionists to oppose this measure because it opens up a revision of the tariff is unwarranted. The maintenance of a protective tariff is not involved in this proposed legislation, but the future of the policy of reciprocity depends upon the fate of this bill. If we can not have reciprocity with Cuba, we can not have it with any other country. The defeat of this bill would mean that the Republican party had refused to follow the leadership of Blaine and McKinley, and it would mean that reciprocity was no longer a part of the Republican faith. If reciprocity is to be restricted to articles that we do not produce in this country, it will mean an abandonment of that doctrine.

## PENDING BILL FOLLOWS REPUBLICAN PRECEDENTS.

The Republican platform of 1896 contained the following statement in regard to the repeal of the reciprocal agreements made under the McKinley law:

We believe the repeal of the reciprocity arrangements negotiated by the last Republican Administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

One of the reciprocity arrangements above referred to was with Cuba, and we are now engaged in an attempt to renew and extend it. After the Republican party returned to power, as a result of the election of 1896, the Dingley bill was reported to the House by the Committee on Ways and Means, and on the 31st of March, 1897, it passed this body and was sent to the Senate. Section 3 of that bill as it passed the House contained a provision authorizing the President, without further action by Congress, to make reciprocal agreements with other nations, by reducing the duties imposed by the bill upon certain specified articles. The Dingley bill, containing this provision, passed the House supported by gentlemen on the Republican side who are now opposing this legislation.

Sugar was one of the articles on which the President was authorized to reduce the duties. The duty on 96° raw sugar was fixed at \$1.63 per 100 pounds, instead of \$1.685, as in the present law. The President was authorized to reduce the duty 8 per cent, or to \$1.499 per 100 pounds. If this bill becomes a law, the duty on the same grade of Cuban sugar will be \$1.348 per 100 pounds. If the Senate had not changed the Dingley bill, the President, under it, would have been authorized to make agreements not only with Cuba that would have let in her sugar at \$1.499, but also with Germany, France, Austria, and every other sugar-producing country that would have admitted their sugar at \$1.499. Section 3 was changed in the Senate, so that sugar was not included among

the articles upon which the President was authorized to make concessions.

Section 4 of the present law, however, was incorporated in the bill, which authorized the President to make reciprocal treaties, that must be concurred in by two-thirds of the Senate and approved by Congress, which may reduce any of the duties of the Dingley law not exceeding 20 per cent. If this bill becomes a law, the President will be authorized to reduce the duty on Cuban sugar 20 per cent, or to \$1.348, a reduction no greater than he could have made under section 4 of the Dingley law if he had made a treaty within two years from its passage.

#### THE REPUBLICAN PLATFORM OF 1900.

We are met by the statements of the gentleman from Michigan [Mr. WM. ALDEN SMITH] and other gentlemen that the policy of the Republican party on the question of reciprocity has been changed by the platform adopted at Philadelphia in 1900; that at present we can have reciprocity only on articles that we do not produce in this country. These gentlemen have read from this Republican platform to establish their proposition. I can not consent to this interpretation of the platform of 1900. Let us read it:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets.

Now, these gentlemen construe the word "what" to mean "articles." They would make it read that we should open our markets on favorable terms for "articles" that we do not ourselves produce. That is not the language of the platform. While subject to that interpretation, it is also subject to another interpretation, and that is that we can open our markets under reciprocity arrangements for such part of our consumption as we do not produce in this country. We do not produce all the sugar we consume. We will consume this year 2,550,000 tons. We will produce from beets and cane in the United States, including Porto Rico and the Hawaiian Islands, only 875,000 tons. This leaves us to import from other countries 1,625,000 tons.

Under these conditions a fair interpretation of the Philadelphia platform authorizes reciprocal arrangements which include sugar. If we confine reciprocity to such articles as we do not produce at all, we abandon the doctrine. It means that we will no longer have reciprocity as part of the Republican faith. To show that this interpretation is a fair one, I want to call attention to some things that have been done by a Republican President since this platform was adopted on June 20, 1900.

It is fair to assume that President McKinley, who was unanimously renominated at that convention, understood the platform and indorsed its declaration of principles.

Section 3 of the Dingley law, which has been followed in form in the Payne bill now under consideration, authorized the President to make reciprocal agreements. Such agreements were made with four countries—France, Germany, Italy, and Portugal. They are now in force, and include articles which we produce in this country. Two of these four agreements were signed by President McKinley after the adoption of the Republican platform of 1900. On July 13, 1900, he signed the agreement with Germany, and on July 18, the one with Italy. The agreement with France was signed May 30, 1898, and the one with Portugal, June 12, 1900, just one week before the assembling of the Philadelphia convention. Under these agreements, certain articles which we produce in this country are admitted at greatly reduced rates of duty. These four agreements have been in operation ever since. They are in operation now. They include articles that we produce in this country.

Mr. HEPBURN. Will the gentleman be so kind as to name those articles he relies upon as sustaining his assertion that the platform of 1900 was an abandonment of the old doctrine of reciprocity?

Mr. LONG. I do not claim that it was an abandonment of the old doctrine of reciprocity. I claim the platform of 1900 did not change the policy of the party on reciprocity.

Mr. HEPBURN. You said it was an abandonment of the theory that we were to admit articles that we did not produce.

Mr. LONG. I said that if you confined the doctrine to articles that we do not produce in this country—that if you put that interpretation on the platform—then William McKinley, when he made these agreements, violated the platform upon which he was renominated.

Mr. HEPBURN. Possibly there are to be found in those treaties articles of insignificant character that sustain the gentleman's assertion. But I would like to have him name those articles that he relies upon as proof of his proposition and also to name the value of the importations of such articles.

Mr. LONG. I will do so. The value or importance of the articles is immaterial. It is a question of principle. If we interpret the platform to mean that we can not admit articles under reciprocity that we produce in this country, then we should not vio-

late the platform by the admission of such articles. I will now name some of the articles. Among the articles included in these agreements were brandies, all other spirits manufactured or distilled from grain or other materials, champagne and other sparkling wines, and still wines.

During the fiscal year ending June 30, 1901, the importations under these agreements were: From France, \$4,350,334; from Germany, \$1,181,552; from Italy, \$1,355,558; from Portugal, \$297,194. The importations from these four countries under these agreements in that year amounted to \$7,185,235. The amounts from all other countries on articles included in these agreements were \$8,131,790.

I am informed by the Director of the Census that the champagnes and other sparkling wines manufactured in the United States in the census year amounted in value to \$664,972; that the total amount of still wines were of the value of \$6,504,701, and that spirits manufactured from grain and other materials amounted to \$140,000,000.

It is reasonable to suppose that the value of such articles manufactured in the fiscal year 1901 amounted to as much as those manufactured in the census year.

Not only have we this, but we have further evidence of the practical construction of this platform. It was adopted in June, 1900.

Mr. NEEDHAM. Does the gentleman contend these agreements were in force without ratification by either branch of Congress?

Mr. LONG. Certainly, certainly; they were put in force just like this bill will be put in force. We have under the Dingley law two kinds of reciprocity—one in section 3, covering certain specified articles on which we authorize the President to make a reduction. We say in advance what the reduction shall be. We give him authority to make the *agreement*. He makes it; issues his proclamation, and that ends it. No further action by Congress is necessary, just as under this bill. Then, under section 4, we have reciprocity *treaties*. They are negotiated by the President, but must be ratified by the Senate and approved by Congress before they become effective.

Mr. NEEDHAM. Does that power extend indefinitely as to time?

Mr. LONG. Two years is the limit in the Dingley law for making *treaties*. Now, there were treaties made—

Mr. NEEDHAM. The time is passed, then.

Mr. LONG. There were seven treaties negotiated under section 4 and submitted to the Senate the year previous to the adoption of the Philadelphia platform. In December, 1900—

Mr. PRINCE. Will the gentleman yield for a question?

Mr. LONG. Certainly.

Mr. PRINCE. You say that under the law as it now stands the President can enter into a reciprocal treaty with another country?

Mr. LONG. A reciprocal treaty?

Mr. PRINCE. Yes.

Mr. LONG. The gentleman can not get me into a controversy with the Senate on that proposition.

Mr. PRINCE. Very well.

Mr. LONG. The Senate—that is, some Senators—insist that the President can, under the Constitution, make a treaty of commerce, of reciprocity, just the same as he can make a treaty covering any other subject and submit it to the Senate for ratification.

Mr. PRINCE. Then he has that right?

Mr. LONG. They claim so. I am not discussing that proposition or taking any position upon it.

Mr. PRINCE. Has President Roosevelt the same right to make a treaty with Cuba that President McKinley had to make a treaty with Italy and Germany, the countries you have mentioned in your argument?

Mr. LONG. He has not the authority to make a reciprocal agreement with Cuba which would include sugar and tobacco. We are now engaged in the business of giving him that authority.

Mr. PRINCE. Why, I thought you said under the two provisions—

Mr. LONG. Oh, no; the gentleman misunderstands.

Mr. PRINCE. Very well.

Mr. LONG. Those *agreements* were made under section 3 of the Dingley law. They are similar to the fifteen agreements that were made under section 3 of the McKinley law, under which the President is given authority in advance to reduce the duties. The duty is fixed in the law. Then we say to the President: "You can make a reciprocal agreement, and if you do, the rates shall be so and so," designating them. He can then make the agreement within those limitations, and the Supreme Court, in the case of *Field v. Clark* (143 U. S., 649), in construing the McKinley law, decided that such reciprocity agreements are constitutional.

Mr. PRINCE. Very well. Then you claim, as it now stands,



if Cuba was free and independent and she wanted to enter into a like arrangement with the United States that Germany entered into that she can not enter into it.

Mr. LONG. Certainly. A similar agreement could be made with Cuba; but the articles named in section 3 of the Dingley law are not produced in Cuba. We are now endeavoring to authorize the President to make a similar agreement on articles that Cuba does produce.

Mr. PRINCE. Yes; very well.

Mr. LONG. We are now endeavoring to give the President such authority. That is the purpose of this bill. If the gentleman will read the Payne bill, now under consideration, and also read section 3 of the Dingley law, he will find—and it is no reflection on the distinguished chairman of the Committee on Ways and Means—that Mr. PAYNE has followed very closely the language in section 3 of the Dingley law, which in turn followed the language of section 3 of the McKinley law.

The *treaties* negotiated by President McKinley under section 4 of the Dingley law—and I now desire the attention of the gentleman from Iowa [Mr. HEPBURN]—covered articles that we produce in this country. The treaties with Great Britain provide for the admission of sugar and molasses from the Barbadoes, British Guiana, and Jamaica at a reduction of 12½ per cent from the rates of duty fixed by the Dingley law. The treaty with Argentina provides for a reduction of 20 per cent of the Dingley duties on all sugars—just the reduction proposed by this bill—as well as a reduction of 20 per cent on hides and wool. The treaty with France reduces the duties from 5 to 20 per cent on silk, cotton goods, jewelry, and many other articles, all of which are produced in this country.

These treaties were submitted to the Senate the year before the Philadelphia convention. They had not been ratified, however. In December, 1900, in his annual message to Congress, President McKinley again urged their ratification upon the Senate. He said—and I want the special attention of the gentleman from Iowa [Mr. HEPBURN] to this—

The failure of action by the Senate at its last session upon the commercial conventions then submitted for its consideration and approval, although caused by the great pressure of other legislative business, has caused much disappointment to the agricultural and industrial interests of the country which hoped to profit by their provisions.

Further on he says:

The policy of reciprocity so manifestly rests upon the principles of international equity and has been so repeatedly approved by the people of the United States that there ought to be no hesitation in either branch of Congress in giving to it full effect.

I commend to the consideration of the gentleman from Iowa [Mr. HEPBURN] and to other Republicans who are opposing this measure because it provides for reciprocity on articles that we produce in this country these words of President McKinley, written in December, 1900, after his triumphant reelection upon the Philadelphia platform.

Mr. SCOTT. That is from his message?

Mr. LONG. That is from his message submitted to Congress. So I say that under the interpretation given to that plank of the platform by the acts and words of President McKinley we can not construe it to mean that reciprocity must be confined to articles that we do not produce in this country. Therefore the Committee on Ways and Means, in reporting this bill authorizing reciprocity with Cuba, are not untrue to the Republican faith when we include among the articles tobacco and sugar, which are produced in this country.

#### WILL ANY AMERICAN INDUSTRY SUFFER?

Reciprocity with Cuba involves the consideration of the question whether a reduction of 20 per cent on Cuban products will injure the sugar and tobacco interests of the United States.

Congress can not determine whether reciprocity *treaties* that have been negotiated by the President will injure any American industry until such treaties are submitted to it for ratification and approval. But in authorizing the President to make reciprocity *agreements* that will become effective without further action by Congress, as is provided by this bill, it is the duty and province of Congress to determine in advance whether such agreements so authorized would harm any American industry.

I do not admit that Congress must leave it to the special interests concerned to determine whether they are harmed or not. If we do so, we will have no more reciprocity agreements; if we do so, we will never change any schedule of the Dingley law in all time to come. For there will always be special interests that will appeal to Congress and say, "Do not do that; do not change that schedule; it will ruin us." Must Congress stop just because these special interests make these claims? Is it the duty of Congress to abandon proposed legislation when such claims are made? I say no. It is the duty of Congress to look into the question and determine, if a reciprocity agreement is made, whether there will still be sufficient protection left to our industries and whether any harm will come from the reduction.

The production of cane sugar in this country is confined to the States of Louisiana and Texas. Beet sugar is produced in 42 factories, located principally in the States of Michigan, New York, Colorado, Utah, Nebraska, Oregon, and California.

During the calendar year 1901 we consumed in this country 2,372,316 tons of sugar. Of this amount 292,150 tons were produced in Louisiana and Texas from cane, 309,070 tons in Hawaii, 66,279 tons in Porto Rico, and 124,859 tons from beet sugar of the United States. The total amount of sugar imported last year, on which duty was paid, was 1,551,881 tons, of which 559,800 tons came from Cuba. Our estimated consumption of sugar for the current year is 2,550,000 tons, of which amount 750,000 tons will come from Cuba; 300,000 tons will be produced in this country from cane; Porto Rico, 100,000 tons; Hawaii, 300,000 tons; beet sugar, 175,000 tons. Nine hundred and twenty-five thousand tons will be imported from other countries than Cuba. Eight hundred and seventy-five thousand tons will be free and 750,000 tons will come from Cuba.

Can we take the sugar and tobacco of Cuba at a reduction of 20 per cent without harm to our industries and labor? This trade arrangement will undoubtedly extend the outlet for our increasing surplus, but will it interrupt our home production?

#### TOBACCO AND SUGAR ENJOY HIGHEST PROTECTION.

The total duties collected upon all imports into this country for consumption in the fiscal year 1901 amounted to \$230,641,499.82, of which amount \$62,680,260.03, or 27 per cent, was realized from duties on sugar.

In the fiscal year 1901 cotton and its manufactures paid an average ad valorem duty of 54.87 per cent; wool and its manufactures, 70.21 per cent; silk, 53.07; iron and its manufactures, and steel and its manufactures, 38.15 per cent; leather and its manufactures, 35.13 per cent; tobacco and its manufactures, 110.63 per cent; sugar, 73 per cent.

Sugar constitutes 44 per cent of all of Cuba's exports. It practically all comes to this country. Tobacco and its products constitute 45 per cent of all Cuba's exports, and we take 46 per cent of all the tobacco she exports. Sugar and tobacco are the two principal industries of Cuba. Of course, later on, after they have read the very eloquent speech of my good friend from Michigan [Mr. WM. ALDEN SMITH], in which he advises them to go out of the sugar business and go into the orange, lemon, and coffee business, they will quit raising sugar, abandon their plantations with millions of dollars invested in them, and go to raising fruits and come into competition with some of the industries of my friend from California, [Mr. NEEDHAM]. At present—

Mr. KAHN. Is not that what the people there are asking the people of Louisiana to do—to go out of the sugar business?

Mr. LONG. Not at all. The sugar of Cuba comes to this country and will continue to come here, either at a profit or loss.

The average ad valorem duty on all imports into this country was 49.64 per cent in the fiscal year 1901. The duty on sugar is higher now, comparatively, than it was in 1901. It is still \$1.685 per 100 pounds, but during 1901 the Cuban planter received an average of \$2.30 per hundred pounds for his sugar, which made the duty 73 per cent of his selling price. To-day he receives only \$1.60 per hundred for his sugar. The duty is still \$1.685 per hundred, which is 105 per cent of what he gets for his sugar. To-day the beet and cane sugar producers of this country are protected from the competition of Cuban sugar by an ad valorem duty of 105 per cent. Can the sugar industry of this country stand a reduction of 20 per cent on this duty without injury?

A reduction of 20 per cent of the present duty would leave the specific duty on sugar \$1.348 per 100 pounds. With sugar worth \$3.375 in New York, to-day's price, it would be worth \$1.937 in Cuba. This would leave the equivalent of the specific duty of 69 per cent ad valorem. It would still leave sugar the most highly protected industry, excepting only tobacco.

During the fiscal year 1901 we imported cigars and other manufactured tobacco products from Cuba of the value of \$2,292,151. The duties on these articles amounted to \$2,485,150.75. The duties were \$192,199.75 greater than the value of the articles imported.

Surely, with the duties on manufactured tobacco amounting to 110 per cent, a reduction of 20 per cent can be made without harm to the tobacco industry.

Sugar is one of the most highly protected articles in the Dingley law, the object being, as the gentleman from Ohio [Mr. GROSVENOR] says, to use it as trading stock in reciprocity agreements. Now, when we come to make the agreements, we find Republicans from Michigan, California, and other States throwing up their hands and saying: "Oh, we can not stand this."

Mr. WM. ALDEN SMITH. Were they not put in there for the purpose of stimulating and protecting an American industry?

Mr. LONG. Certainly. It is so stated in the conference report on the Dingley bill.

Mr. WM. ALDEN SMITH. Were they not put in there for the purpose of stimulating American production?

Mr. LONG. Yes, sir; the differential duty on refined sugar that you have said you would move to strike out—

Mr. WM. ALDEN SMITH. No; I have not announced my intention to make that motion.

Mr. LONG. Have you not announced your intention to join the Democrats in that effort?

Mr. WM. ALDEN SMITH. Not at all.

Mr. LONG. Have you not stated that you would vote with them to overrule the Chair?

Mr. WM. ALDEN SMITH. No, sir; I am a Republican.

Mr. LONG. You are a Republican clear through?

Mr. WM. ALDEN SMITH. Clear through.

Mr. LONG. I believe it was the gentleman from Minnesota [Mr. MORRIS] who said he would make that motion.

Mr. WM. ALDEN SMITH. The gentleman ought not to get confused about that matter.

Mr. LONG. I am glad to know the gentleman's position. I do not know whether he speaks for all the beet-sugar contingent on this floor.

Mr. WM. ALDEN SMITH. I do not recognize that there is any beet-sugar contingent on the floor. I speak for the protectionists on this side.

Mr. LONG. Does the gentleman speak for all protectionists?

Mr. WM. ALDEN SMITH. All those who have registered up to date on the committee's proposition. [Applause.]

Mr. LONG. Will the gentleman tell me how many are registered?

Mr. WM. ALDEN SMITH. The gentleman ought to know how many are registered, as he has been continuously for five weeks every day in this House endeavoring to find out. [Applause.]

Mr. LONG. But I have not had the opportunities for ascertaining the number on that register like the gentleman from Michigan.

Mr. WM. ALDEN SMITH. Kansas does not see any limitation in the gentleman's ability.

Mr. LONG. I thank the gentleman for his observation.

Mr. HAMILTON. What is the matter with Kansas?

Mr. LONG. But the fact is, Michigan's information is much more accurate than mine.

Mr. WM. ALDEN SMITH. Michigan claims no superior light over that given to the gentleman from Kansas.

#### DIFFERENTIAL FOR PROTECTION OF BEET-SUGAR INDUSTRY.

Mr. LONG. I want to call attention to the differential duty on sugar in the Dingley law. It was the same in the House bill as in the law. The Senate increased it, but the conference committee agreed to the House differential. In the conference report, signed by Mr. Dingley, Mr. PAYNE, Mr. DALZELL, and Mr. GROSVENOR, I find this statement:

In deference to the wishes of those interested in beet-sugar production, that the Senate rate of 1.95 on refined sugar might be retained as an increased encouragement to this industry, the duty on raw sugars is increased seven and one-half hundredths, so as to make the increase on them the same as the increase on refined sugar, and thus leave the differential between raw sugar and refined the same as in the House bill.

That was done as a protection to the beet-sugar industry, and yet there are Republicans in this House—I am glad to know the gentleman from Michigan is not one of them—who have announced their intention, if they can not defeat this bill, to seek to amend it, striking off the differential on sugar from all countries, and thus let in foreign refined sugar in competition with the refined sugar of the United States. If that is done, it will be the first time in our history that there is no differential in our tariff rates between refined and raw sugar.

Mr. COOPER of Texas. Does the gentleman find that in the Walker bill of 1846?

Mr. LONG. I do; and the gentleman can find it. If he will refer to the Walker tariff of 1846, which was a Democratic tariff, he will find that the duty was 30 per cent ad valorem on all sugars. If he will refer to the prices of sugar at that time he will find that the price of refined sugar was much higher than the price of raw sugar. This difference in prices made a differential in the Walker tariff that was much greater than the present differential.

Mr. COOPER of Texas. Does the gentleman say that is expressly stated in the law?

Mr. LONG. Expressly stated in the law in this way: The law said 30 per cent ad valorem on all sugars. This made a differential in the Walker tariff, because there was a difference in the values of the sugars on which this duty was levied. There has been a differential in all other tariffs, whether Federal, Whig, Democratic, or Republican, from 1789 down to the present time. The differential of one-eighth of 1 cent per pound in the Dingley law is lower than the differential in any other tariff law.

Mr. COOPER of Texas. The gentleman has stated that in the Walker tariff of 1846 there was a differential. Now, I find that in that tariff there was a uniform duty of 30 per cent ad valorem upon sugar of all kinds. I would therefore like the gentleman to

state where he finds his foundation for the statement that that tariff contained a discrimination or differential?

Mr. LONG. Does not my friend understand that there was a difference at that time in the prices of raw sugar and refined sugar?

Mr. COOPER of Texas. In the market?

Mr. LONG. Yes; in the market.

Mr. COOPER of Texas. But here is a duty of 30 per cent ad valorem levied upon all kinds of sugar—

Mr. LONG. Certainly. Take the duty in that tariff of 30 per cent ad valorem on crushed sugar worth \$11.37 a hundred. That duty would amount to \$3.41. Then take Havana brown sugar worth \$7.80 a hundred. The duty on that sugar at 30 per cent ad valorem would be \$2.34. The difference, \$1.07 per 100 pounds, was the differential established by the Walker tariff. The present differential under the Dingley law is  $12\frac{1}{2}$  cents per 100 pounds.

Mr. COOPER of Texas. That is a question of the market price, not a question as to the law. The law fixed a uniform duty of 30 per cent ad valorem upon all sugar. That was not a differential.

Francis K. Carey, president of the National Sugar Manufacturing Company, of Sugar City, Colo., gives the freight rate (Hearings, p. 436) from Sugar City to Kansas City and common points as 25 cents per 100. The following is his testimony as to the cost of producing beet sugar in Colorado (Hearings, p. 438):

Mr. METCALF. Let me put this question right here; I want to put it in connection with this line of remarks. You asked Mr. Carey the price he received for his sugar in his first campaign, Mr. NEWLANDS, and my recollection is that he said somewhere about 5 cents a pound. What did it cost you, Mr. Carey?

Mr. CAREY. It cost about 9. [Laughter.]

Mr. NEWLANDS. Now, how about your second campaign? What did it cost you in that campaign?

Mr. CAREY. I am not able to answer that question at present, but I think I can tell you what you want to know. My opinion is that during the first campaign our sugar cost us all the way from 7 to 9 cents, according to what you allow for depreciation, what you call betterments, and what you call operating expenses, and whether you do or do not allow interest on the cost of the investment. I think that for the first two campaigns we will manufacture between nine and ten million pounds of sugar, at an average cost of about  $5\frac{1}{2}$  cents a pound.

Mr. LONG. I am surprised to have such a proposition submitted to me by a colleague on the Committee on Ways and Means. If it had come from some gentleman who had not given the close attention to economic questions that the gentleman from Texas has, I might not have been so much surprised. But when the gentleman is unable to find any differential in the Walker tariff of 1846, which levied a 30 per cent duty on sugar of one value and 30 per cent on sugar of a higher value, of course I must decline to explain the matter further.

Mr. COOPER of Texas. I appreciate the gentleman's kindness; but I still adhere to the assertion I made that there was in that law a uniform duty levied. It may be that in consequence of the prices of different kinds of sugar one kind had an advantage over another kind; but there was no discrimination or differential in the law; there was a uniform tax levied on all kinds of sugar. That was the law.

Mr. LONG. The Wilson-Gorman tariff law levied a duty of 40 per cent ad valorem on all sugar, and in addition a specific duty of one-eighth of 1 cent on refined sugar. Does the gentleman claim that the only differential in the Wilson-Gorman law was that one-eighth of 1 cent specific duty?

Mr. COOPER of Texas. No; I have not said and do not claim that there was not a difference in tax in the practical operation of the law upon the different kinds of sugar; but I want to reply to the gentleman by asking him this question: Is he willing now to adopt the system adopted in the Walker tariff and levy a uniform duty on all sugar?

Mr. LONG. Certainly not. We have discarded ad valorem duties whenever possible. We impose specific duties, because we know just what they are.

Mr. COOPER of Texas. If, under a uniform duty, you had practically the benefit of a differential, as you claim, why should you object to putting a uniform tax on all these products?

Mr. LONG. Because of the fact that ad valorem duties give opportunity for fraud by means of undervaluation. The Dingley law was framed upon the theory that duties should be specific as far as possible. Am I not correct [turning to Mr. PAYNE]?

Mr. PAYNE. Certainly.

Mr. LONG. At some future time, in the quietude of the consultation room of the Committee on Ways and Means, I will endeavor to explain to the gentleman from Texas the differential in the Walker tariff of 1846, as well as in all other tariffs since the beginning of the Government.

Mr. COOPER of Texas. I suppose it is a problem of multiplication and division.

Mr. LONG. It is.

I now refer to the duty on sugar from Cuba. The present price of 96° raw sugar in New York is \$3.375 per 100 pounds. The



present equivalent ad valorem duty on that sugar is 105 per cent. If we reduce the duty on Cuban sugar 20 per cent it will leave the equivalent of 69 per cent ad valorem. Yet the gentleman from Michigan said his industry would decline and dwindle away under a protection of only 69 per cent ad valorem.

Mr. WM. ALDEN SMITH. I said it would imperil the industry.

Mr. LONG. Imperil it! The growth of his industry lies in the difference between a duty of 69 per cent ad valorem, what it would have under this bill, and 105 per cent, that which it has now!

Mr. WM. ALDEN SMITH. Will the gentleman allow me?

Mr. LONG. Certainly.

Mr. WM. ALDEN SMITH. I say the security of our industry lies in the difference between the maximum production of sugar in Cuba of 800,000 tons to-day and a possible production of 2,500,000 tons in the future.

Mr. LONG. We will take care of the 2,500,000 tons of Cuban sugar when it comes. We will meet the problem of increased production in three or four years, when the application is made by Cuba for annexation to the United States. A great increase of production will not happen under this reduction of 20 per cent of the duty.

If this legislation fail and no concession be made to Cuba, if the policy of President McKinley and President Roosevelt be defeated, it may result in free sugar from Cuba. After the establishment of the Republic of Cuba a treaty may be negotiated with that country by the President. That treaty can provide for the annexation of the island of Cuba, as the recent treaty did for the annexation of the Danish West Indies, and that treaty can be submitted to the Senate and ratified. The moment that the ratifications are exchanged, under the decision of the Supreme Court in the Porto Rican case, we would have free trade with Cuba on all products.

So this House is not supreme, and it does not control or dominate this situation. It would be the part of wisdom for us to make a reasonable concession that will not injure any industry in the remotest degree. This question will not be settled if Congress at this session declines to take action. Conditions in Cuba are such that this question will not be settled until action is taken that will afford the desired relief, and will enable Cuba to recuperate. The failure of concessions at this time may mean the growth of annexation sentiment in Cuba, and in the near future the beet-sugar industry of this country may have to face the possible annexation of Cuba, which would ultimately mean free sugar from Cuba as it has from Porto Rico.

Annexation will probably come in the not far-distant future, but when it does come I want it to come by the free act of the Cuban people, and when they come permanently under our flag, I do not want them to feel it is forcible annexation, which President McKinley characterized as "criminal aggression."

#### CUBA CAN NOT COMPETE WITH BEET SUGAR IN CHICAGO.

Will a specific duty of \$1.348 per hundred be a sufficient protection to the beet-sugar industry of the United States? It costs 9 cents per hundred for freight and other charges to ship raw sugar from Cuba to New York City. It costs \$2 per hundred to produce sugar in Cuba and put it on board ship. Hence it would cost the Cuban planter \$3.488 per hundred under the proposed law to place his raw sugar, duty paid, in New York City, without any profit. It is conceded that it costs \$0.625 per hundred to refine sugar (Hearings, p. 575), without profit to the refiner. Hence it would actually cost \$4.063 per hundred to turn out refined sugar in New York from Cuban sugar paying \$1.348 duty per hundred pounds.

On this basis neither the planter nor the refiner would make or lose. Chicago and Missouri River points, especially Kansas City, are the markets for the beet sugar produced in this country. The freight on refined sugar from New York to Chicago is 29 cents per hundred pounds, and 36½ cents to Kansas City. Adding these freight charges to the actual cost of refined Cuban sugar in New York, it would cost \$4.353 per hundred to lay such sugar down in Chicago without profit to anyone. It would cost \$4.428 per hundred to deliver it at Missouri River points. Can the beet-sugar producers meet these prices on a cost basis? Chicago is the market for the beet sugar of Michigan and the Northwest. Can the producers of sugar in Michigan place their refined sugar on the Chicago market for \$4.353 per hundred?

N. H. Stewart president of the Kalamazoo Beet Sugar Company, when before the Committee on Ways and Means, made the following statements (Hearings, page 212):

Coming to the cost of manufacturing sugar in Michigan, it costs \$5.20 for 1 ton of beets; \$1.06, cost of supplies per ton of beets; \$1.51, cost of labor for entire year per ton of beets; \$1.09, cost of repairs and depreciation per ton of beets; 91 cents, cost of interest, insurance, and taxes per ton of beets; 6.3 cents, cost of selling sugar per ton of beets. This make a total cost per ton of beets of \$9.883; total cost per 100 pounds of refined sugar, \$4.682.

The above estimate includes 5 per cent interest on the total capital in-

vested, and 7 per cent annual depreciation on the value of the plant. Leaving out these two items, the cost of manufacturing each 100 pounds of refined sugar is reduced \$0.671, or to \$4.011.

Mr. Stewart states that the freight rate to Chicago is 13 cents per hundred. It costs his company \$4.011 plus \$0.13, or \$4.141 per hundred pounds, to put its sugar into Chicago without profit, while it costs \$4.353 to put the Cuban sugar there in competition with it, a difference of \$0.212 in favor of the beet-sugar producer under the proposed reduction.

W. L. Churchill, president of the Bay City Beet Sugar Company, stated (Hearings, pp. 468-469):

Mr. CHURCHILL. I mean 1899-1900. It cost 4½ cents to make sugar. That amount represents labor and the cost of the beets, all combined.

The succeeding year (now let us not get mixed again), which would be 1900-1901, we had learned a little more about our business. The first year we were in the kindergarten class. We got out of that into the A B C class. Then we produced sugar for \$3.96 per hundred pounds. I want you to bear in mind all the time that the farmer comes in and is a great factor in this matter. We paid the farmer \$2.51 for the sugar contained in the beet as he delivered it to our bins.

The CHAIRMAN. I am a little anxious to know how you came out the next year.

Mr. CHURCHILL. I am frank to say, gentlemen, that I have not a full, detailed statement that I can make to you in regard to this year; but I can assure you that we will make sugar this year at a cost of not to exceed \$3.60 or \$3.75 per hundred pounds.

The CHAIRMAN. You think it will be between those figures?

Mr. CHURCHILL. Yes.

The CHAIRMAN. Have you there a statement in detail about the cost of sugar?

Mr. CHURCHILL. I have.

The CHAIRMAN. Will you leave that with the stenographer and have it printed in the hearings?

Mr. CHURCHILL. I will do so. It is as follows:

#### BAY CITY SUGAR COMPANY.

##### Statement of cost of making sugar, 1900-1901 campaign.

Beets .....	\$273,517.95
Coal .....	23,707.20
Labor, including clerks' salaries .....	54,962.63
Supplies, such as sulphur, oil, filter cloths, piping, paper fitting, etc. ....	6,767.15
Lime rock .....	3,951.00
Coke .....	1,925.00
Barrels and bags .....	10,480.00
Insurance and taxes .....	10,024.00
Expenses .....	1,900.00
Repairs .....	23,000.00
Salaries .....	15,000.00
Total .....	425,234.93

To make 10,730,543 pounds sugar, or 0.0396 cent per pound.

Amount paid for sugar in beets .....	\$0.0251
Amount of factory expenses .....	.0145

Total cost production 1 pound sugar ..... .0396

While still in the A B C class, Mr. Churchill's factory produced sugar for \$3.96 a hundred, although \$23,000 for repairs is included in this cost. If the Bay City freight rate to Chicago be the same as that from Kalamazoo—13 cents—his company can lay its sugar down in Chicago for an actual cost of \$4.09, as against an actual cost of \$4.353 for the Cuban sugar, a difference of \$0.263 in favor of beet sugar.

#### BEET SUGAR HAS ADVANTAGE ON KANSAS CITY MARKET.

Kansas City and Missouri River points are the market for the beet sugar of Nebraska and Colorado. The actual cost of placing Cuban sugar refined without profit on this market under the proposed reduction would be \$4.428. Can the sugar producers of Colorado and Nebraska meet this price on a cost basis?

When we get through our third campaign, I think the total sugar manufactured for the three years will not have cost us over 4 cents. In making this last calculation I am estimating on the future; but I am anxious to make it plain that I believe the cost of sugar in Colorado under normal conditions, which we will sooner or later have surrounding our factory, ought not to be over 3 cents a pound, and I am not afraid to say that I will some day manufacture it for less than that sum. If I had not thought so, I would not have invested my own money or the money of my friends in the industry in Colorado. In other words, I think Colorado is the natural place to produce sugar for consumption in America. It is not a case of "protecting bananas grown under glass." If I am mistaken in my belief that sugar can be grown in Colorado for 3 cents or less, I am free to admit that I have no standing before this committee, and have no right to ask for the protection of my industry.

It will be noticed that Mr. Carey's company is now producing sugar cheap enough to reduce the average cost on the 9,000,000 to 10,000,000 pounds put out during their first two campaigns from 5½ to at least 4 cents. He evidently bases his statement that his factory can turn out sugar for 3 cents upon a substantial basis. But taking \$4 a hundred as the average cost for three years, and adding the 25 cents freight rate to Kansas City, his sugar would cost him only \$4.25 in that market against \$4.428 for Cuban sugar, a difference of \$0.178 in favor of beet sugar.

#### OXNARD ON COST OF MAKING BEET SUGAR.

Henry T. Oxnard, president of the American Beet Sugar Association, said (Hearings, pp. 169-170):

The cost of producing beet sugar in the existing factories in the United States to-day varies tremendously, and the only way to arrive at any satisfactory conclusion is to take the averages. If this is done, we find that Michigan has produced sugar at about 4 cents. Taking the average of all the factories with which I have been connected in the past ten years, we will find

that the cost is just about 4 cents, varying all the way from 3½ to nearly 6 cents in the different factories during different years.

Mr. SWANSON. That is the turned-out product.

Mr. OXNARD. That is the finished granulated sugar, ready for the consumer.

Our company has two factories in California, two in Nebraska, and one in Colorado, and this ought to give a very fair average. We see individual factories varying from one year to another in a remarkable way, this variation being due to the quality of the material, the quantity worked, and the fluctuating cost of labor and materials in different years. You must not forget that this is a new industry and has not come down to its bearings, but when sugar has been produced for about 3 cents it is safe to say that some day the average of the United States will not only be brought to this, but probably under it. But, as I said before, the average cost of producing granulated beet sugar in the United States to-day, from all the facts and figures which I have been able to obtain, will bring that cost somewhere between 4 and 4½ cents without any interest on the capital invested, but including from 5 to 7 per cent for depreciation of plants, which is a very moderate reduction, and probably below the actual figures which ought to be applied.

#### COST OF MAKING BEET SUGAR IN UTAH.

Thomas R. Cutler, president of the Utah Sugar Company, shows (Hearings, pp. 237-238) that the beet-sugar industry of Utah has nothing to fear from Cuban competition, even at a much greater reduction than that which is proposed. He gives the average cost to his company of refined beet sugar for five years as follows: 1897, \$4.51 per hundred; 1898, \$4.46; 1899, \$3.55; 1900, \$3.55; 1901, \$3.42. The average cost of producing sugar for these five years was \$3.86 per hundred, and the average selling price has been \$5.76 net, or a clear profit of \$1.90 per hundred. Mr. Cutler explains that Utah has an abundance of child and woman labor, and that it is so far inland that the freight rates from either coast are very high, and adds:

I desire to call to your attention these local conditions because of the reputation my company has had for paying dividends, and to tell you why we have been able to do so.

Upon his return to Utah, after testifying before the committee, the following interview with him was published in the Lehi (Utah) Banner of February 6, 1902:

BISHOP CUTLER HOME—THINKS THAT CONGRESS WILL CONCEDE SOMETHING TO CUBANS—HAD PLEASANT TRIP—HE THOUGHT THE FIGURE WOULD BE ANYWHERE FROM 25 TO 33½ PER CENT OF THE EXISTING TARIFF.

Manager T. R. Cutler returned from his eastern trip Sunday evening. He went to Salt Lake on Monday and attended a directors' meeting of the Utah Sugar Company. Speaking of the Cuban question, he said: "It is my opinion Congress will concede something to the Cubans, though not so much as they have asked for." He thought the amount would be anywhere from 25 to 33½ per cent of the existing tariff. He rather thought the higher figure would prevail. This would mean a reduction of 56 cents per hundred pounds taken off the present tariff in favor of Cuban sugar.

Mr. Cutler said he was aware that his remarks, stating that the beet-sugar interests could stand a reduction of 25 per cent, had been criticised, but he could not in honesty take any other course.

We have been in business about eleven years, all of which, with the exception of a few opening ones when the industry was being started, have been successful. If we were to say now to our stockholders and investors that we could not stand a 25 per cent reduction without bringing ruin upon our business, they might well be alarmed, especially in view of the fact that no one in the East supposes that such a reduction would affect materially the price of sugar. Cubans themselves insist that it would not, because they need all the benefit of the reduction at home. Besides the great overshadowing question of the future, which the beet-sugar interests will have to face, is the possible annexation of Cuba, which would mean free sugar. It will be much better, to my mind, to agree on a compromise of 25 per cent if that question can be staved off indefinitely.

#### OXNARD FACTORIES FEAR NO COMPETITION.

In further proof of the proposition that the beet-sugar producers of the United States can successfully compete with cane sugar from Cuba, I refer to the following statement of the American Beet Sugar Company, taken from the New York Times of April 2, 1902:

#### Beet-sugar profits.

The annual meeting of the American Beet Sugar Company was held in Jersey City yesterday, when what is known as a "campaign statement"—practically an annual statement—was presented, and directors were elected as follows: W. Bayard Cutting, R. Fulton Cutting, Henry T. Oxnard, James G. Oxnard, Dumont Clarke, George Foster Peabody, Edwin M. Bulkley, Kalman Haas, James G. Hamilton, Robert Oxnard, and James A. Murray. The only change was in the election of Mr. Murray, who succeeds Dennistoun Wood, deceased.

The campaign statement is as follows:

Sugar produced, 77,932,502 pounds.	
Total credit.....	\$3,521,047
Cost of operating.....	2,667,029
Gross profits.....	854,018
Cost of maintenance.....	362,710
Profits of campaign.....	491,307
Estimated results for the fiscal year ending June 30, 1902:	
Campaign profits, Norfolk.....	15,226
Campaign profits, Rocky Ford.....	276,403
Campaign profits, Oxnard.....	258,191
Total.....	549,820
Campaign loss, Grand Island.....	\$15,430
Campaign loss, Chino.....	43,063
	58,513
Campaign profits.....	491,307
General expenses and interest.....	225,000
Available for dividends.....	266,307

No statement explaining the items in the report was forthcoming, but an officer of the company said the idea was to show the stockholders that there

were profits enough to insure dividends. The company has \$5,000,000 6 per cent noncumulative preferred stock and \$15,000,000 common stock. All the latter is outstanding and \$4,000,000 of the preferred. Six per cent on this preferred would be \$240,000, while, as the report shows, there is available for dividends \$266,307.

I call attention to the statement of Mr. Cutting, chairman of the board of directors of the American Beet Sugar Company, whose president—Henry T. Oxnard—has devoted his attention very assiduously and closely in Washington this winter in an endeavor to frighten the American Congress and prevent action on this matter on the ground that the beet-sugar industry of the country would be ruined by this reduction. Then he goes to New York on the 1st day of April and has a meeting of his stockholders. They figure up what they have made this year in their different factories. Then comes this statement, and I call the especial attention of my genial friend from Michigan [Mr. WM. ALDEN SMITH] to it:

W. Bayard Cutting, chairman of the board, in his statement to the stockholders, says:

In presenting to you the campaign statement of your company the chairman wishes to call attention to the fact that large amounts were expended during the year for alterations and improvements to the company's plants. Without going into tedious details, it may be said that with the prospect of a good tonnage, and the record for 1900 of a fair price for sugar, the officers determined to put their factories into a position to avail of the latest manufacturing facilities, so that they might be able to compete in sugar-making capacity with any plants in the world. This, we think, has been done.

The increasing tonnage operated and the consequent necessity for being amply prepared for the opening of the campaign compels a very large increase in the amount of supplies permanently on hand at the company's five factories.

The factory at Oxnard is now, as your chairman believes, in a condition of thorough efficiency. For the first time in the history of this factory the management is confronted with the probability of a full supply of beets of a high quality.

The agricultural conditions at Chino are similar, and the officers report that they are assured of an acreage as large as they dare engage. At Rocky Ford, Colo., the conditions are singularly encouraging. The factory seems sure of a supply of not less than 125,000 tons of beets. The conditions in Nebraska are somewhat more favorable than last year at this date. It is difficult to predicate results in that district so early in the year, where the "weather" is still to come.

Everything looks more favorable for a satisfactory campaign for 1902 than at any time in the writer's experience, if the price of sugar be excepted. The abnormally low price of sugar in the world's markets is causing us, in common with every sugar producer here and elsewhere, a reduction of business profits below what is reasonable. In 1900 we enjoyed 5.32 cents per pound for our output (which was smaller than the output in 1901). For 1901 we will average, after all our sugar is sold, not over 4.40 cents. The difference between these figures would have amounted, on our output of 1901, to about \$565,000, or about 3½ per cent on the common stock.

Your chairman does not venture to prophesy as to sugar prices. He believes them to be in certain parts of the country below the cost of production, as indicated by the market price of raw sugar, the expenses of refining, and the transportation charges. He believes that your plants can manufacture the refined product more cheaply than any other beet-sugar factories in the United States, and therefore below the cost of granulated sugar made from imported raws.

Does the gentleman from Michigan understand that statement?

Mr. WM. ALDEN SMITH. Yes; and does he say where that raw sugar is to come from, what raw sugar it is?

Mr. LONG. He makes no exception in this statement. He does not except or refer at all to this proposed legislation or say that if this bill does not pass they are all right, and if it does they are ruined.

Mr. WM. ALDEN SMITH. I should regard it as very important if he said he could do that as against the raw sugar of Germany.

Mr. LONG. He makes no exception. He says further:

The abolition of the sugar bounties recently recommended and adopted by the Brussels conference will certainly tend toward higher prices for sugars throughout the world, as operating to reduce the proportion of beet sugar in the European countries that now produce two-thirds of the world's consumption. The experts of Europe are quoted as stating that the reduction in the beet-planted acreage in Europe will amount to 12½ per cent of this year's crop, an amount estimated at about 800,000 tons.

At this the expert must leave the subject. You are probably as well able as he to indulge in prophecy as to this branch of the business, and on the agricultural and operating side the officers of your company are able to make a pleasant showing for the next campaign. The sugar market is not within their control; when they have prepared themselves to meet the market with a cost of product lower than that of any competitor they have done all in their power or all that you or any reasonable person could expect.

Mr. SCOTT. What does he mean when he says the price of sugar is not within their control?

Mr. LONG. He means that the price of sugar is fixed at Hamburg, and that conditions over there control the world price, as I shall show later along in my remarks.

Mr. SCOTT. What is the antecedent of the word "their?"

Mr. LONG. That refers to the men managing the factories. He is speaking for the managers, the men who are managing the Oxnard factories; and remember that Mr. Oxnard, in his statement as to the cost of production, put it at the same figure as your Michigan manufacturers did.

Mr. WM. ALDEN SMITH. What was that rate?

Mr. LONG. About 4 cents a pound. Bishop Cutler and those who are making sugar in Utah and Colorado put it less. They said they could make it for 3 cents a pound in those factories, but Mr. Oxnard and the Michigan manufacturers put it at 4 cents a pound.



I will not weary the committee further with a statement as to the cost of producing sugar in this country, but this is the proposition: Will the admission of 750,000 tons of sugar from Cuba at a reduction of 20 per cent affect the price of refined sugar in this country? If it does—if it lowers the price—we will fail in the object of our legislation, because no benefit would go to the Cubans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the time of my colleague be extended, so that he may conclude his remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his colleague's time be extended so as to permit him to conclude his remarks. Is there objection?

There was no objection.

THIS REDUCTION WILL NOT LOWER SUGAR PRICES.

Mr. LONG. Will the price of refined sugar in this country be affected by this reduction? If it be not, then there will be no harm done to the beet-sugar industry. They will get the same price in the markets which they now supply as they did before the legislation was enacted.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman a question, if he will yield.

The CHAIRMAN. Does the gentleman yield?

Mr. LONG. Certainly.

Mr. SMITH of Kentucky. As I understand from that portion of the gentleman's argument which he has just completed, he takes the position that 69 per cent will be ample protection to the beet-sugar industries; that is, they can live with the protection that will be left after the passage of this bill.

Mr. LONG. Yes, sir.

Mr. SMITH of Kentucky. Well, now, why should not this bill be made to apply to sugar imported from all countries? If the beet-sugar industry will not be hurt by this kind of a reduction, then why should not we reduce all along the line?

Mr. LONG. I am just coming to that proposition. You admit 750,000 tons of sugar at a reduction, and keep the present duty on 925,000 tons imported from other countries, and you do not affect the price of sugar in this market.

Mr. SMITH of Kentucky. No; but as I understood the gentleman, he made the statement that under 69 per cent protection, without regard to what the rate might be on sugar from other countries—that under a 69 per cent protection the beet-sugar industry could live and thrive.

Mr. LONG. Sixty-nine per cent on sugar from Cuba.

Mr. SMITH of Kentucky. But the gentleman did not limit it in his remarks to Cuba.

Mr. LONG. I certainly did, and called attention to it. I have not been arguing for a reduction of 20 per cent in the duties on sugar from other countries than Cuba.

Mr. SMITH of Kentucky. No; but your argument was directed to the proposition that by taking off this much tariff on sugar, the beet-sugar industry could still thrive.

Mr. LONG. Not on all sugar, but on sugar from Cuba.

Mr. SMITH of Kentucky. That may have been the gentleman's purpose, but I did not so understand his remarks.

Mr. GROW. That is what the gentleman from Kansas [Mr. LONG] said in his speech.

Mr. LONG. The hearings contain many statements made by beet-sugar witnesses that the price of refined sugar in this country would not be affected by a reduction on Cuban sugar of 20, 25, or even 50 per cent; and some of them went so far as to say that free sugar from Cuba would not affect the price of sugar in this country if the present duty was retained on sugar from other countries.

The gentleman from Nevada [Mr. NEWLANDS], a member of the Committee on Ways and Means, who is opposed to this bill, made the following statement in his speech in this House in opposition to this bill on April 8, 1902:

Now, admit Cuban sugar free, or admit it with a reduced duty, and what is the result? Will the price of our domestic sugar be reduced? Not at all, for the price of our domestic sugar to-day is the world's price of sugar plus our duty, plus the freight to this country, and that will be the case until the United States produces its entire consumption. As long as 100,000 tons are imported from abroad and this duty lasts the domestic price of sugar in this country will be the world's price plus the duty, which means that in America to-day the American people pay double the world's price for their sugar.

Now, suppose we let in Cuban sugar free or with a reduced duty. It means that only one-third of the two-thirds of foreign production comes in with a reduced duty. We still import 750,000 or 800,000 tons, and the price of that will be the world's price plus the duty, so that the domestic price to consumers will be maintained at the same rate.

Mr. COOPER of Texas. The gentleman then admits that the consumer would not get any advantage by this reduction?

Mr. LONG. Reduction on sugar from Cuba?

Mr. COOPER of Texas. From Cuba—that the consumers in America would not be the beneficiaries; that the sugar eaters would pay the same price after this bill becomes a law as they pay now?

Mr. LONG. I have been endeavoring for over an hour to make that point clear. I am sorry that I have failed as completely to enlighten the gentleman on this point as I did in making clear the differential in the Walker tariff.

Mr. COOPER of Texas. It may be clear if you will answer the question.

Mr. LONG. For the benefit of the gentleman I will say that this reduction in duties on Cuban products is for the benefit of the Cubans and not for the benefit of the consumers of this country. If the price of sugar went down 20 per cent as a result of the reduction, the Cubans would not be benefited. They would get that much less for their product.

Mr. COOPER of Texas. Then, let me ask you the further question: Then this is a gratuity of \$8,000,000 to the Cuban people; a gift to Cuba of \$8,000,000 by the people of the United States?

Mr. LONG. It is a concession to Cuba on our tariff rates.

Mr. COOPER of Texas. It is a gratuity, a gift, a concession; it does not make any difference what the language is in which you express the idea. If you are going to make this concession, why do you not take it out of all the industries of all the people of America instead of taking it from a few agricultural industries?

Mr. LONG. It is not a gratuity; it is not a gift. There were some in the Republican conference who wanted to make it a gift. They wanted to give a bounty to be paid out of the Treasury of the United States to the government of Cuba for distribution among the people of that island. My friend from Pennsylvania [Mr. DALZELL] demolished this scheme so completely that up to date it has not been referred to in this debate. We are to make concessions on Cuban products, and under the reciprocity agreement they are to make concessions on our products.

Mr. COOPER of Texas. A reciprocity that does not reciprocate.

Mr. LONG. We will obtain concessions on the meat products of Texas. Your district and your State, on their meat and other products which they will sell to Cuba, will probably get more benefit than any other part of the country, unless it be Minnesota, on her flour products. [Applause.]

Mr. COOPER of Texas. In reply to that, allow me to say that all the flour they use there now goes from the United States under the present tariff and present tax.

Mr. LONG. The gentleman should understand that the Cubans did not make their present tariff. It was made by our War Department. We have reduced the duty on flour almost 400 per cent, on bacon 200 per cent, lard almost the same, while the reduction on corn and machinery has been even greater. In other words, while doing nothing for Cuban products we have manipulated the Cuban tariff for our own advantage, and out of the five articles mentioned, four are agricultural products. We made these reductions to benefit the products of Texas and other States in the Union. This is a military tariff, made by us. We have no assurance that the people of Cuba after they get control of their government will still leave these great concessions on our products if we refuse to make the concession of 20 per cent on Cuban products coming into this country.

Mr. COOPER of Texas. Then, it is my understanding that the gentleman is legislating here for Cuba.

Mr. LONG. I am glad that the gentleman from Texas has at last understood me. We are legislating for Cuba—

Mr. COOPER of Texas (continuing). And not your people.

Mr. LONG. We are also legislating for our people. A reciprocity agreement is advantageous to both countries, or it is not a good agreement; and I shall show later on that it has advantages at our end of the line.

Mr. COOPER of Texas. Did you not say just a moment ago that this was a concession of \$8,000,000 to Cuba from the people of this country? The consumers of sugar in this country will not get the benefit of it. If it is reciprocity, then it is a reciprocity that benefits the Cubans, and will not benefit your own people.

Mr. LONG. Can not the gentleman understand?

Mr. DALZELL. I do not think he can.

Mr. LONG (to Mr. DALZELL). You do not believe he can? Probably he can not, but I will try it on him again. [Laughter.] Can not the gentleman understand that while Cuba will get the benefit of the concessions that we make on her sugar and other products coming into this country, that we will get benefits when the meat products of Texas and the flour products of Minnesota and Kansas enter Cuba at a reduction of duties?

Mr. COOPER of Texas. They go there now; and it is very evident that the teacher is not able to instruct his pupil.

Mr. LONG. They go there now under the military tariff we have made.

Mr. COOPER of Texas. Of course it is your tariff.

Mr. LONG. It is a military tariff made by the War Department, and may be changed at any time after the Cubans obtain control of their government.

A number of witnesses stated before the Committee on Ways and Means that a reduction of from 25 to 50 per cent on Cuban

sugar would not affect the price of refined sugar in the United States. I refer to a few of such statements. Robert Oxnard, representing the beet-sugar interests (Hearings, p. 313), said:

The only active competition that the refining interest has is the beet-sugar production. Therefore I claim that the price of refined sugar in the United States will not be lowered by the admission of Cuban sugar free or by a reduction of duty, except in so far as it suits the refining industry at certain periods of the year and in certain localities to put down the price in order to make it unprofitable for its competitors.

Henry T. Oxnard, president of the American Beet Sugar Association, on page 184, in answer to the questions of Mr. McCLELLAN, said:

Mr. McCLELLAN. If the duty on raw sugar is reduced between Cuba and the United States, what will be the effect upon the price of refined sugar?

Mr. OXNARD. Will you state what reduction?

Mr. McCLELLAN. We will state first, free raw sugar.

Mr. OXNARD. It will be imperceptible.

Mr. McCLELLAN. Then how will you be injured by the price of refined sugar remaining the same?

Mr. OXNARD. I will tell you how. Because capital would go into Cuba, and the Cuban industry would be artificially stimulated up to a point of producing what the United States would use, and filling the markets and driving us out as long as she was not annexed and could work under either semi-cool or slave-labor conditions, and we had to pay a high price for labor. It is a fact that the whole cane-sugar industry of the world never thrives very well except with semislave labor. The history of it has been so, unless they worked under some sort of semislave cool-labor conditions.

Mr. McCLELLAN. Then a reduction of less than that would affect the price still less?

Mr. OXNARD. I said I did not think it would affect it hardly any to the consumer; I do not believe it would.

Mr. McCLELLAN. Say there was a reduction of 50 per cent, would that practically have any effect?

Mr. OXNARD. Not to the consumer, in my opinion.

Mr. METCALF. Who will get the benefit, in your opinion?

Mr. OXNARD. In my opinion the sugar trust and the merchants who control these factories in Cuba who lend their money to do the work.

Mr. METCALF. We allowed Hawaiian sugar to come in free in 1876, did we not?

Mr. OXNARD. Yes, sir.

Mr. METCALF. Did that result in a reduction of the price to the consumer?

Mr. OXNARD. No.

Mr. METCALF. Who received the benefit?

Mr. OXNARD. The refiners and the Hawaiian planters, but exactly in what proportion they got it I do not know; but the consumer got absolutely no benefit of the reduction of raw sugar from the Hawaiian Islands.

Mr. Leavitt, on page 253, in answer to the question as to what would be the effect of a 25 per cent reduction on Cuban sugar, said:

Mr. LEAVITT. It would be to give no benefit to the community at large in the price of sugar; but it would enable the sugar trust, by maintaining the present price of refined sugar in markets in which our beet sugar does not come in competition with them, to so increase their profits that they could use that increased profit to further extend their operations of last summer, of selling sugar at  $\frac{3}{4}$  cents per pound on the Missouri River, or half a cent below the cost of raw sugar in New York.

James D. Hill, on page 275 of the hearings, said that a reduction of 50 per cent on Cuban sugar would affect the price of raw sugar in this country, but when asked whether it would affect the price of refined sugar, said:

Mr. HILL. Not according to my theory, as that price is fixed by the cost in Hamburg, plus insurance, tariff, and the like, delivered in New York.

#### DR. H. W. WILEY'S TESTIMONY.

Dr. H. W. Wiley, in his testimony before the committee, on page 504 of the hearings, said in regard to the production of beet sugar:

The important question now arises, "May not the price of production be diminished to meet the fall in prices which Cuban free sugar would produce?" I myself have long been a believer in lower and yet remunerative prices for sugar, and have stated that the amount of sugar produced in Porto Rico, the Philippines, and Cuba in 1899-1900 could be introduced duty free without danger to our own industry. These prices would be the result of better agriculture, improvement in the sugar content of the raw materials, improved technique in the factories, resulting in economy of fuel, saving of labor, and more profitable utilization of by-products. As a prophet, I have looked forward to the time when the cost of making refined sugar would not be quite 3 cents a pound in this country, and when, with fair profits to farmers, makers, and factory, it would go on the consumer's table at less than 4 cents a pound.

The Doctor refers here to his statement before the Industrial Commission on May 14, 1900. On page 654 of volume 10 of the report of the Industrial Commission, he said:

Mr. CONGER. How about the Philippine Islands as a place for the sugar industry?

Dr. WILEY. I know less about them than Cuba.

Mr. CONGER. Is it your idea that those engaged in this beet-sugar industry need have no fear of the effect of their being included?

Dr. WILEY. Absolutely none. When the Spanish war commenced and my friends commenced to write to me these despairing letters that we were going to be ruined by free sugar, I never for a moment had any fear. If we to-day were to admit absolutely free from duty every pound of sugar made in Porto Rico and Cuba and the Philippines, it would not affect the progress of our sugar-beet industry in this country. We still have to have this deficit in sugar supplied from some place, and the best place to get it is here, right in our own country.

Mr. CONGER. If this cane sugar from Cuba would be admitted free, would not the price of sugar be less here, necessitating the factories running at a less profit and possibly at a loss?

Dr. WILEY. Suppose we admit free of duty this sugar. We would still have to import sugar, and the duties on sugar would probably remain the same as they are. That would tend to fix the price of sugar. By the way, it is not an unmixed evil to have a low price on an agricultural crop. It has a good many good points. In the first place, it increases consumption and the demand for the article, and that tends to restore the price. In the second place, it teaches economy in the manufacture which otherwise would never have been taught. Louisiana people, if you had told them two or three years

ago that they would have to sell their sugar at  $2\frac{1}{2}$  cents a pound, they would have held up their hands in horror; but they are doing it and making money.

To show that Dr. Wiley still holds the same views, I refer to his testimony before the Committee on Ways and Means, at page 513 of the hearings:

Mr. NEWLANDS. Another question. Doctor: Which would you prefer with reference to the general interests of America—a reduction of 50 per cent in this duty on Cuban sugar or the annexation of the island as a part of the United States? Which, in your judgment, would be the most injurious?

Dr. WILEY. You know I am an expansionist. Personally, I believe in getting everything we can get hold of.

Mr. NEWLANDS. And if you are an expansionist, you believe in getting a good and a rich country, do you not?

Dr. WILEY. I certainly do.

Mr. NEWLANDS. And you regard Cuba as one of the best and richest countries in the world, do you not?

Dr. WILEY. Yes; and I am against the views of my sugar friends, in that I am in favor of annexing Cuba for the good of all concerned.

#### SPECIAL AGENT SAYLOR'S TESTIMONY.

Special Agent C. F. Saylor, the beet-sugar expert of the Department of Agriculture, believes that beet sugar can be produced at a profit, even though refined sugar is much lower than it is to-day. He says (Hearings, p. 532):

The beet-sugar industry can only be successfully introduced in this country, and factories will only go in and make the attempt, when the opportunity is offered them to work out and solve the problems they have to encounter. To-day they are producing sugar at something like 4 cents and over per pound.

I offer it to you as my best knowledge and belief that the time is coming when they can cut down that cost of production one-half, as Germany cut down her cost of production one-half. (See p. 575, Hearings.)

If the reduction on Cuban sugar will not lower the price of refined sugar in this country, and even if it does, if Dr. Wiley and Mr. Saylor are correct, then the beet industry of this country need have no fear from a concession on Cuban sugar. Mr. Saylor, in his testimony before the Industrial Commission on May 16, 1900, page 587, volume 10, made this statement:

We are able to produce in this country at the present time beet sugar under the best conditions for about 3 cents per pound, the cost ranging from 3 to possibly  $3\frac{1}{2}$  cents per pound. In Porto Rico it was my privilege to make an investigation of the cost of producing sugar in that country, and after making a careful analysis of the cost, through a great many factories, I found that they could produce sugar at actual cost to themselves and place it on our markets for about  $\frac{1}{2}$  cent per ton—short ton. This does not figure in our tariff, which is  $\$1.68$  per hundredweight.

Mr. CONGER. Two cents a pound?

Mr. SAYLOR. Yes; 2 cents a pound.

Mr. CONGER. Refined or raw?

Mr. SAYLOR. Raw.

Mr. CONGER. What is it worth to refine sugar?

Mr. SAYLOR. It is worth about 65 per cent on the west coast and about 55 on the Atlantic.

Mr. CONGER. That gives the cost of raising a pound of sugar in Porto Rico and placing it on the market here refined as something over  $2\frac{1}{2}$  cents, according to your opinion?

Mr. SAYLOR. Yes; that is, actual cost to themselves, figuring no profit to anybody anywhere. While I made investigations along this line in Cuba, I had not the facilities or time for giving it as close an analytical study as I had in Porto Rico, but the conclusions I came to were that it would cost very nearly the same in Cuba. I have recently been making investigations along the same lines in the islands of Hawaii. There are factories there that can produce sugar a great deal cheaper than that, but the cost of producing sugar in the islands of Hawaii and shipping it to this country is about  $\$40$  a ton on the average.

On page 588, same report, Mr. Saylor expressed an opinion in regard to the effect upon the beet-sugar industry in this country, saying:

Mr. CONGER. Your idea is, then, that those who engage in the production of beet sugar in this country have little reason to fear this competition from the islands?

Mr. SAYLOR. Yes. Is that the idea you get from my talk?

Mr. CONGER. We get the idea from your talk that, in spite of our having acquired this territory, it is still a safe business to engage in here.

Mr. SAYLOR. Yes; perfectly safe.

Mr. CONGER. In your opinion, then, the future of beet sugar in the United States is not menaced by this acquisition of territory?

Mr. SAYLOR. I do not think so. I do not think island competition is going to be extensively started at once, and I think every year we are in it that our people will reduce the cost of production, and that the islands will be increasing in the cost of production, referring to the Hawaiian Islands and Porto Rico and Cuba.

If no material reduction in the price of sugar is caused by the concessions on Cuban sugars, what injury can come to the beet-sugar interests of the United States?

#### WILL SUGAR TRUST RECEIVE BENEFIT OF CONCESSION?

Another important question to determine is whether concessions made on Cuban sugar will help the Cuban planters or whether it will inure to the benefit of the sugar trust. The claim was made in the hearings before the Committee on Ways and Means that any concession made on sugar would not benefit the Cuban sugar planter, but would inure to the benefit of the sugar trust. The benefit will surely accrue to the person owning the sugar at the time the concession is made.

The gentleman from Texas [Mr. COOPER] seems to admit that this concession will go to Cuba and to the Cuban planters. There is where we want it to go. But there have been some gentlemen on this floor who claimed that the concession would not go where we want it to go, but would go to the sugar trust, and so would not benefit the Cuban sugar planter.



Mr. COOPER of Texas. Then may I ask the gentleman a question there? Is it not the consumer that pays the tax? If your measure goes through, will it not be the sugar trust who will purchase it and acquire it and pay the tax and collect this tax out of the American consumer?

Mr. LONG. The gentleman himself is one of the consumers. Mr. COOPER of Texas. But the sugar that comes here is acquired by the sugar refiners, is it not? They are the consumers, are they not? The consumer pays the tax. They are the consumers who purchase that sugar, which they refine, and pay the tax.

Mr. LONG. The gentleman himself is one of the 80,000,000 consumers of sugar in this country.

There is only one price for sugar in New York, whether it comes from Cuba, Hawaii, Porto Rico, or Hamburg. The Hawaiian planter gets this price upon the payment of freight and insurance from Honolulu. The Louisiana planter gets this price upon the payment of insurance and freight charges from New Orleans. The Porto Rican planter gets this price upon the payment of insurance and freight charges from San Juan. The owner of sugar in Hamburg gets this price by paying freight and insurance from Hamburg, and in addition the duty and the countervailing duty. The Cuban planter gets this price by paying the freight and insurance charges from Havana, and in addition the duty. This duty on 96° raw sugar is \$1.685 on each hundredweight. The Cuban planter must pay this much in addition to the Porto Rican planter to land his sugar in New York, which is practically the only market for sugar from Porto Rico and Cuba.

When Congress two years ago granted a concession of 85 per cent on Porto Rican sugar the price of sugar in San Juan instantly rose that much, and the Porto Rican sugar owner got the benefit of that reduction. If the reduction of 20 per cent on Cuban sugars is made the Cuban planter will have to pay \$1.348 per hundredweight, in addition to freight and insurance, in order to deliver his sugar in New York, instead of \$1.685 per hundredweight, as he does now.

Now, while there have been a good many assertions on this floor that the sugar trust will get the benefit of the concession, there has been only one gentleman who has attempted to prove this assertion by figures. The gentleman from Minnesota [Mr. MORRIS] is the only one who has attempted to show by a mathematical demonstration that this concession goes to the sugar trust. He said he had demonstrated it "with the exactness of a theorem in Euclid."

#### CUBAN AND PORTO RICAN PRICES COMPARED.

Prior to May 1, 1900, Porto Rico paid full duty on her sugar; from May 1, 1900, to July 25, 1901, 15 per cent of Dingley rates; since July 25, 1901, her sugar has been duty free. Who got the benefit of these reductions, the Porto Ricans or the sugar trust?

In the Republican conference the gentleman from Minnesota [Mr. MORRIS] used the following table, taken from official statistics, showing the average prices received by Cubans and Porto Ricans for their respective sugars per 100 pounds at port of shipment for the eleven fiscal years ending June 30, 1901:

Year.	Porto Rico.	Cuba.	Difference.	
			Porto Rico.	Cuba.
1891.....	\$3.00	\$3.10	.....	\$0.10
1892.....	2.90	3.10	.....	.20
1893.....	3.20	3.30	.....	.10
1894.....	3.20	3.00	\$0.20	.....
1895.....	1.80	2.20	.....	.40
1896.....	2.10	2.20	.....	.10
1897.....	1.80	2.10	.....	.30
1898.....	1.90	2.20	.....	.30
1899.....	2.30	2.50	.....	.20
1900.....	3.40	2.60	.80	.....
1901.....	3.40	2.40	1.00	.....

The above table shows that the average price of sugar in Porto Rico in 1901 was \$3.40 and the average price in Cuba was \$2.40. The difference in duty between Porto Rico and Cuba at that time was \$1.43, and as the difference in price was only \$1 instead of \$1.43, the gentleman from Minnesota argued that the sugar trust had absorbed the other 43 cents per 100 pounds.

I answered that argument in the Republican conference by showing its fallacy, and the erroneous conclusion reached by it is due to the mistaken premises upon which it is based. It is based upon the hypothesis that Cuban and Porto Rican sugars are of the same grade and that they test 96° on the average. Porto Rican sugars, taken crop for crop, are inferior in quality to Cuban sugars, pound for pound. This is shown by the table just quoted. Up to and including the year 1899 Cuba and Porto Rico paid the same duties and sold their crops on our markets under the same conditions. Yet it will be seen that in eight out of the nine years Cuban sugars sold for from 10 to 40 cents per hundred more than the Porto Rican.

#### WHY PORTO RICO RECEIVES LESS FOR SUGAR.

The Annual Report of Commerce and Navigation for 1901, issued by the Treasury Department, gives a detailed statement of all sugars imported into the United States from Porto Rico during the 15 per cent of regular tariff period, from May 1, 1900, to July 25, 1901. This statement shows that an unusually large proportion of Porto Rican sugars are of low grades. The dividing line between centrifugal and muscovado sugars is 91°. These tables show that 43.2 per cent of all Porto Rican sugars tested 91° or less, and that only 56.8 per cent of them tested above 91°. I regret that no similar statement in reference to Cuban sugars alone is obtainable. But this same report gives a similar statement for all duty-paying cane sugars imported into the United States for the fiscal year 1901. Cuban sugars are included in these tables and constitute 39 per cent of them. Of these sugars, only 22 per cent tested 91° or less, while 78 per cent of them tested above that grade.

Assuming that the Cuban sugars were up to the average of those in the table in which they were included, we have the following results: Taking 91° as the dividing point between centrifugal and muscovado sugars, 43.2 per cent of the Porto Rican and 22 per cent of the Cuban fall below the line; 56.8 per cent of the Porto Rican and 78 per cent of the Cuban go above it. The appraiser of the New York custom-house kept a record of the tests of all sugars arriving at that port during January, 1902. The average for Porto Rico was 91°; for Cuba, 93.67°. So, apply what test you may, the fact remains that Porto Rican sugar is, and for years has been, marketed in a less advanced state of manufacture than Cuban sugar. Consequently, it sells for a less price per pound.

Refiners pay for the saccharine in the different grades of sugar, taking into consideration the cost of refining each grade. Centrifugal sugars are bought and sold on the basis of their testing 96°, muscovado and molasses sugars on the basis of 89°, or that they are 96 per cent and 89 per cent pure saccharine. Muscovado sugars sell regularly for 50 cents per hundred less than centrifugals, while molasses sugars sell for 25 cents a hundred less than muscovadoes. Hence the prices of sugar from different countries, or even from the same country, will vary greatly per pound, according to the stage of manufacture or the kind of sugars marketed. The June, 1901, Summary of the Commerce of Cuba, issued by the Division of Insular Affairs, War Department, on the sugar industry of the island, states:

The lack of uniformity in prices for the same month, as shown in the following tables, is due to the difference in the quality of the sugars. Some ingenios produce a better—that is, a more refined—sugar than other ingenios, and this difference in grade determines the price.

This in large part explains the gross irregularities in the prices obtained for sugar exported to countries other than the United States. For example, the sugar which Havana exported to Spain was the American refined article reshopped. Other shipments, some of them bringing less than 2 cents per pound, were mixtures of sugar and syrup, the third-class article, and were bought by ships' masters for consumption on board their vessels.

#### PORTO RICO RECEIVED FULL BENEFIT OF TARIFF REDUCTIONS.

The daily sales of sugar in New York are a matter of record, just as are sales of hogs or cattle in Kansas City. I had recourse to these records of sugar sales. I sought and obtained from nine different commission merchants of New York and Boston account sales of 11 different lots of Porto Rican sugars and 12 of Cuban sugars. No one firm knew what had been requested of any other firm. So far as possible sales of Cuban and Porto Rican sugars to the same refinery, but by different commission merchants, were selected, sales made on the same day or on the same market prices. In no instance was the same firm asked for account sales of both Cuban and Porto Rican sugars. These sales cover the three duty periods in Porto Rico. They show that in each instance both the Porto Rican and the Cuban obtained the regular market price for the quality of sugar he had on the market. They show that the Porto Rican received every penny of the benefit derived from the reductions in his tariff. They also explain how and why the Cuban received 20 cents a hundred more than the Porto Rican did for his sugar in 1899, and how these conditions were reversed in 1901 until the Porto Rican received \$1 a hundred more than the Cuban.

#### SPECIFIC ACCOUNT SALES ANALYZED.

I first call attention to two sales made in March, 1899, one Cuban and one Porto Rican, while both islands were paying full duty.

No. 1. Sale of Porto Rican sugar, March 31, 1899.—This was 500 bags of centrifugal sugar shipped by Messrs. Ramon Cortada & Co. from St. Johns, Porto Rico, by the *Arcadia*, to A. S. Lascelles & Co., New York commission merchants, for sale: Date of sale, March 31, 1899; class of sugar, centrifugals; market price that day, \$4.375 to \$4.4375 for 96°; basis of this sale, duty paid, \$4.4375 for 96°; net weight of sugar, 136,812 pounds; actual test of sugar, 95.70°, or .30° below standard; sold to American Sugar Refining Company.

#### Proceeds of sale.

136,812 pounds, at \$4.4375 per 100 pounds.....	\$6,971.03
Deduction for .30°, at $\frac{1}{2}$ cent per 1°.....	41.03

Gross proceeds of sugar..... \$6,930.00

## Charges.

Freight, at 14 cents per 100 pounds	\$191.00
Duty	2,517.98
Marine insurance	18.10
Custom-house entry and stamps	8.50
Lighterage	50.00
Wharfage	20.00
Sewing and mending	5.00
Weighing and taring	16.31
Fire insurance	7.50
Commission and brokerage	75.38

Total charges.....\$2,704.77

Net proceeds of sugar.....3,325.23

No. 2. *Sale of Cuban sugar, March 25, 1899.*—This was 1,230 sacks of centrifugal sugar shipped by Messrs. J. Regney & Co. from Manzanillo, Cuba, by the *Seneca* to Hugh Kelly, a New York commission merchant, for sale. This was a "cost-and-freight" sale, one in which the buyer pays the duty, insurance, and custom-house charges, the seller paying the freight and all other charges. Date of sale, March 25, 1899; class of sugar, centrifugals; market price that day, \$4.375 for 96° duty paid; basis of this sale, cost and freight, \$2.6875 for 96°; rate of duty on 96°, \$1.685; cost-and-freight price, plus duty, \$4.3725; margin for insurance and custom-house charges, \$0.0025; net weight of sugar, 336,592 pounds; actual test of sugar, 96.80°—0.80° above standard; sold to B. H. Howell, Son & Co.

## Proceeds of sale.

336,592 pounds, at \$2.6875 per 100 pounds	\$9,047.39
Allowance for .80° at $\frac{1}{2}$ cent per 1°	84.10

Gross proceeds of sugar.....\$9,135.49

## Charges.

Freight at 12 cents per 100 pounds	403.91
Additional marine insurance	16.10
Sewing and mending	12.30
Weighing and taring	50.99
Testing and petties	3.50
Commission and brokerage	250.95

Total charges.....737.66

Net proceeds of sugar.....8,397.83

In these sales the Cuban sugar netted its owner \$2.492 per 100 pounds; the Porto Rican, its owner \$2.43 only. Yet, the Porto Rican sold March 31 on a market (\$4.4375) which was \$0.0625 higher than the market (\$4.375) on which the Cuban sold March 25. Each received the full market price for his sugar, yet the Cuban sold for \$0.1245 more, on the same basis, than the Porto Rican because of its better quality.

## EFFECT OF PORTO RICAN TARIFF REDUCTION SHOWN.

The next sales to the details of which I call attention were made in October, 1900, when Porto Rico paid only 15 per cent of the duty which Cuba paid.

No. 3. *Sale of Porto Rican sugar, October 15, 1900.*—This was a duty-paid sale of 266 bags of centrifugal and 277 bags of molasses sugars shipped by Geo. I. Finlay from San Juan, Porto Rico, by the *Ponce* to L. W. & P. Armstrong, New York commission merchants. The sale was to B. H. Howell, Son & Co. Date of sale, October 15, 1900; class of sugar, 266 bags centrifugals, 277 bags molasses; market price that day, \$4.75 for 96° centrifugals, \$4 for 89° molasses; basis of this sale, \$4.75 for 96° centrifugals, \$4 for 89° molasses; net weights of sugar, 65,634 pounds centrifugals; test of the lot, 95.15°; selling price on basis \$4.75 for 96°, \$4.44375; net weight of one lot molasses sugar, 38,848 pounds; test of this lot, 88.60°; selling price on basis \$4 for 89°, \$3.96; net weight of one lot molasses sugar, 29,985 pounds; test of this lot, 86.30°; selling price on basis \$4 for 89°, \$3.73; sold to B. H. Howell, Son & Co.

## Proceeds of sale.

65,634 pounds, at \$4.44375 per 100 pounds	\$2,916.61
38,848 pounds, at \$3.96 per 100 pounds	1,538.38
29,985 pounds, at \$3.73 per 100 pounds	1,118.44

Gross proceeds of sugars.....\$5,573.43

## Charges.

Freight, at 16 cents per 100 pounds	\$215.03
Duty:	
65,433, at \$1.6142—15 per cent	\$158.43
38,961, at \$1.42337—15 per cent	83.18
29,938, at \$1.36825—15 per cent	61.57
Marine insurance	47.91
Custom-house charges, weighing, taring, testing, fire insurance, etc.	38.65
Lighterage	47.73
Wharfage	27.15
Commission and brokerage	69.66

Total charges.....749.31

Net proceeds of sugars.....4,824.12

No. 4. *Sale of Cuban sugar, October 16, 1900.*—This was a duty-paid sale of 4,000 bags of centrifugal and 231 bags of molasses sugars shipped by Messrs. Sanchez Hermanos from Gibara, Cuba,

by the *Caretyba*, to Mosle Brothers. New York commission merchants. The sale was made to B. H. Howell, Son & Co.: Date of sale, October 16, 1900; class of sugars, 4,000 bags centrifugals, 231 bags molasses; market prices that day, \$4.75 for 96° centrifugals, \$4 for 89° molasses; bases of this sale, \$4.75 for 96° centrifugals, \$4 for 89° molasses; net weight of sugar, 1,302,872 pounds centrifugals; test of this sugar, 96.35°; selling price on basis \$4.75 for 96°, \$5.021875; sweepings, centrifugals, 620 pounds; selling price, \$2.51; net weight on one lot molasses sugar, 82,567 pounds; test of this sugar, 83.60°; selling price on basis \$4 for 89°, \$3.45; sold to B. H. Howell, Son & Co.

## Proceeds of sale.

1,302,872 pounds, at \$5.021875 per 100 pounds	\$65,433.63
620 pounds, at \$2.51 per 100 pounds	15.56
82,567 pounds, at \$3.45 per 100 pounds	2,848.56

Gross proceeds of sugars.....\$68,297.75

## Charges.

Freight, at 11 cents per 100 pounds	\$1,510.84
Duty:	
1,200,686 pounds, at \$1.70485	\$22,012.64
534 pounds, at \$1.5695	
82,272 pounds, at \$1.24487	1,024.18
Marine insurance	23,006.82
Custom-house charges, weighing, taring, testing, fire insurance, etc.	342.55
Interest on charges	454.10
Commission and brokerage	42.52
	1,878.18

Total charges.....27,265.01

Net proceeds of sugars.....41,032.74

These sales netted the Cuban an average of \$2.96 for his sugars and the Porto Rican \$3.58 for his. The difference is only 62 cents a hundred. The Porto Rican's duty averaged \$0.2256 per hundred; the Cuban's, \$1.6757. The difference is \$1.4501. Yet it is very easy to see from the figures of these sales why the Porto Rican did not get \$1.45 a hundred more for his sugar than the Cuban, although he got every penny of the benefit in the reduction in the tariff. These were the regular prices. The records show that on the three business days of October 13, 15, and 16, 1900, there arrived on the New York market 133,737 bags, 29,622 baskets, and 114 barrels of sugars from Honolulu, Brazil, Java, Cuba, Porto Rico, Peru, Demerara, Germany, St. Croix, and Surinam which sold at these same prices at which these Cuban and Porto Rican sugars were sold: \$4.75 for 96° centrifugals and \$4 for 89° molasses.

But the Porto Rican centrifugals tested only 95.15°, while the Cuban tested 96.35°. So the selling price of neither was \$4.75, because of the variances from the standard. The Porto Rican price dropped to \$4.44375, while the Cuban went up to \$5.021875; yet each got the same amount of money for 100 pounds of the saccharine contained in his sugars. The difference in prices was due to the difference in the quality of the sugars and not to the sugar trust. It is also worthy of note that 94 per cent of the Cuban sugars were centrifugals above the standard, while only 48.8 per cent of the Porto Rican were centrifugals and those below the standard.

## ACCOUNT SALES WHEN PORTO RICAN SUGAR FREE.

The next sales to which special attention is called were made after Porto Rican sugar became free.

No. 5. *Sale of Porto Rican sugar, January 30, 1902.*—This was a duty-free sale of 1,499 bags of centrifugal sugar, shipped by Messrs. Morales & Co., from Ponce, Porto Rico, by the *H. Luckenback*, to Messrs. Czarnikow, McDougall & Co., New York commission merchants. The sale was made to Arbuckle Brothers. Date of sale, January 30, 1902; class of sugar, centrifugals; market price for that day, \$3.6875 for 96°; basis of this sale, \$3.6875 for 96°; net weight of sugar, 361,140 pounds; test of this sugar, 95.9726°; selling price, on basis of \$3.6875 for 96°, \$3.68476; sold to Arbuckle Brothers.

## Proceeds of sale.

361,140 pounds, at \$3.68476 per 100 pounds	\$13,307.14
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## Charges.

Freight, at 14 cents per 100 pounds	\$505.60
Marine insurance	65.00
Repairing, tests, cables, etc.	3.00
Commission and brokerage	133.07
Interest on charges	.51

Total charges.....707.18

Net proceeds of sugar.....12,599.96

No. 6. *Sale of Cuban sugar, January 30, 1902.*—This was a duty paid sale of 1,500 bags of centrifugal sugar shipped by Messrs. Cacicodo & Co., from Cienfuegos, Cuba, by the *Cienfuegos*, to Messrs. Lawrence Turnure & Co., New York commission merchants. The sale was made to Arbuckle Bros.: Date of sale, January 30, 1902; class of sugar, centrifugals; market price for that day, \$3.6875 for 96°; basis of this sale, \$3.6875 for 96°; net weight



of sugar, 496,658 pounds; test of this sugar, 95.70°; selling price on basis \$3.6875 for 96°, \$3.6575; sold to Arbuckle Bros.

*Proceeds of sale.*

496,658 pounds, at \$3.6575 per 100 pounds.....	\$18,314.27
<i>Charges.</i>	
Freight (8.95 cents per 100 pounds).....	\$422.31
Duty (\$1.67674 per 100 pounds).....	8,202.42
Marine insurance.....	68.51
Custom-house entry, bond, stamps, etc.....	1.25
Weighing and taring.....	66.79
Extra cost of discharging cargo.....	17.47
Polarization.....	1.00
Interest on charges.....	14.74
Commission and brokerage.....	227.06
Total charges.....	9,041.55
Net proceeds of sugar.....	9,123.72

**TOTAL REDUCTION OF TARIFF GOES TO PORTO RICO.**

These two lots of sugar are just about the same grade. They are both centrifugal, sold on the same day, at the same price, to the same refinery, but by different commission merchants. The tests are very nearly the same, the Porto Rican being 95.9726°; the Cuban, 95.70°. If the Porto Rican gets the benefit of the tariff reductions he ought to get the full amount of this tariff more for his sugar than the Cuban received. Let us see how they came out.

The Cuban had to pay \$1.67674 per 100 duty. If the sugars were just the same and the other charges the same, the Porto Rican ought to have received \$1.67674 per 100 pounds more for his sugar than the Cuban. But the sugars were not the same. This time the Porto Rican had the better sugar.

On the basis of \$3.6875 for 96° sugar, the Porto Rican got \$3.68476 for his sugar; the Cuban, only \$3.6575 for his, because it was not as good an article. Consequently—if the other charges were the same—the Porto Rican should have received the difference between \$3.68476 and \$3.6575, or \$0.02726, in addition to the duty more than the Cuban. Adding \$1.67674 and \$0.02726 gives \$1.704 per hundred as the amount the Porto Rican should have received more than the Cuban, if the other charges were the same. But these charges were not the same. It will be seen that the Porto Rican had to pay 14 cents per hundred freight, while the Cuban paid only 8.95 cents. The difference is \$0.0505 in favor of the Cuban. Deducting this \$0.0505 from \$1.704 gives \$1.6545 as the correct amount per hundred which the Porto Rican should have received more than the Cuban. As a matter of fact, he received \$1.6579 a hundred more than the Cuban, or nine-twentieths of 1 cent a hundred more than the difference in duty and freight. This Porto Rican sugar netted its owner \$3.4889 per hundred; the Cuban, \$1.831.

It will thus be seen by the above statements of prices received in New York, on actual transactions, that the Porto Rican sugar producer has received the full benefit of the reductions that have been made on sugar from that island. It makes no difference whom we thought would be benefited by these reductions, the fact remains that the benefit accrued to the Porto Rican sugar producer.

These six transactions illustrate the results of our war with Spain upon Cuba and Porto Rico. Cuba had been fighting valiantly for years to throw off the economic and political tyranny of Spain. Her cities had been sacked, her plantations laid waste, her mills and factories burned, her men killed, and her women and children subjected to the horrors of the reconcentrado camps. Porto Rico lay by her side. Her people were tranquil and as prosperous as they had been in recent years. They had never raised a hand or fired a gun to throw off the yoke of Spain.

We went to war with Spain to relieve Cuba. The world applauded the act. After we had sunk the Spanish navies in Manila Bay and off the southern coast of Cuba and decimated her armies on land, Spain sued for peace. The Teller resolution stayed our hand and we did not take Cuba. But we took Porto Rico. What are the results? Have we relieved Cuba? What have we done for Porto Rico? What have we done for Cuba? Sugar is the main dependence of each island. Before we intervened Cuba's sugar, because of its superior quality, netted its owner from 10 cents to 40 cents more per hundred than the Porto Rican. But we have given Porto Rico free trade. To-day the Porto Rican, who never fired a gun or shed a drop of blood to bring about the results, is getting from \$1.50 to \$1.65 more for his principal product than he did before the war, while Cuba, despite her heroism, her suffering and bloodshed, is getting less than before. Such is the irony of fate and the results of legislation by Congress.

**ANOTHER FALLACIOUS COMPARISON.**

It is not surprising that when the gentleman from Minnesota [Mr. MORRIS] came to argue this question in the House he abandoned his comparisons of Porto Rican and Cuban prices. However, he made the following comparisons of Porto Rican, Hawaiian, and Cuban sugar prices with prices of Hamburg sugar for the fiscal year 1901.

*Morris's comparisons.*  
[Record, p. 4155.]

PORTO RICO.		HAMBURG.	
Price at San Juan.....	\$3.40	Price at Hamburg.....	\$2.20
Freight to New York.....	.12	Freight to New York.....	.08
Duty.....	.23	Countervailing duty.....	.27
Greater value to refiner.....	.65	Duty.....	1.63
Total.....	3.80	Total.....	4.18
HAWAII.		HAMBURG.	
Price at Honolulu.....	3.90	Price at Hamburg.....	2.20
Freight to San Francisco.....	.15	Freight to New York.....	.08
		Countervailing duty.....	.27
		Duty.....	1.63
		Greater value to refiner.....	.25
Total.....	4.05	Total.....	4.43
CUBA.		HAMBURG.	
Price at Havana.....	2.40	Price at Hamburg.....	2.20
Freight to New York.....	.08	Freight to New York.....	.08
Duty.....	1.65	Countervailing duty.....	.27
		Duty.....	1.63
		Greater value to refiner.....	.15
Total.....	4.13	Total.....	4.33

He then said:

We see that the American buyer, the sugar trust, was paying to the Porto Rican 38 cents per 100 pounds less than he ought to have been paid on all the sugars brought from that island to New York during the fiscal year 1901, to the Hawaiian 38 cents less per 100 pounds on all the sugar brought from those islands to San Francisco during the fiscal year 1901, and to the Cuban 20 cents less per 100 pounds on all the sugar brought from that island to New York during the fiscal year 1901.

I am glad now to observe the presence of my genial friend from Minnesota [Mr. MORRIS]. I had noticed his absence. I want to ask him, with his permission, some questions. Why do you put the "greater value to the refiner" at 5 cents on the Porto Rican side of your table and at 25 cents on the Hamburg side in your Hawaiian table?

Mr. MORRIS. The Porto Rican sugar has a degree of 92½—2 degrees less than the Hamburg sugar, the Hamburg sugar being 94½. To compensate for that I have put it on that side of the equation. The Hawaiian sugar has a degree of 96 or more, being greater than the Hamburg or beet sugar, and the difference in value to the refiner therefore goes on the other side of the equation.

Mr. LONG. Why, in comparing the Cuban sugar with Hamburg, do you put "greater value to the refiner" on the Hamburg side?

Mr. MORRIS. Because the degree of the sugar coming from Cuba is 95, half a degree greater than sugar coming from Germany. Now, mark what the expert says in regard to that. Degree for degree, the cane sugar is worth 10 cents a hundred more than the beet sugar; that is, cane sugar at 94½ is worth 10 cents more than beet sugar of the same degree. Now, add for the other half degree and you get 15 cents. The Hawaiian sugar, instead of being 95 as is the Cuban sugar, is a little more than 96. The Treasury statistics give it as high as 96.7—nearly 97.

Mr. LONG. Very well; I am glad to get the gentleman's explanation. I can not agree with him exactly as to the countervailing duty and other items. He puts the countervailing duty at 27; it is really 26.

Mr. MORRIS. I took that from Mr. Leavitt's statement before the committee, which was uncontroverted.

Mr. LONG. Neither can I agree with the gentleman as to some of the details of his computation. I think they are wrong; but in the main, I take the gentleman's explanation of his table. Now, let us analyze it. It would have been better for the gentleman if he had stood on the proposition he made in the Republican conference and had used it in his speech to the House—the comparisons between Porto Rico and Cuba—rather than to have made comparisons with Hamburg prices.

Mr. MORRIS. In my speech in the conference I made comparisons on the Hamburg prices. There is where the gentleman misunderstood what I said. I told him so at the next conference. The testimony shows that the world's price of sugar is fixed in Hamburg; and my comparisons in the conference were made on the Hamburg prices.

Mr. LONG. You compared Cuba with Porto Rico.

Mr. MORRIS. Yes; and I made a mistake. I can make the comparison now. The difference between Porto Rico and Cuba is not as great as between Hamburg and Porto Rico, because in Porto Rico and Cuba the sugars are all cane sugars. The comparison by the price at Hamburg, which fixes the price, gives the differences.

**FATAL ERROR IN COMPARISONS.**

Mr. LONG. Let me analyze the gentleman's statement. His comparisons of prices cover the importation of sugar in the fiscal year 1901 from Hamburg, Porto Rico, Cuba, and Hawaii. The following table will show the imports, in tons, of raw beet sugars from all countries and of raw cane sugars from Hawaii, Porto Rico, and Cuba during the fiscal year 1901, by months, with New York average prices by months.

The prices are obtained by taking the average of the weekly prices found on page 3104 of the June, 1901, Summary of Commerce and Finance, issued by the Treasury Department. The imports of beet sugars and of the cane sugars from Porto Rico and Cuba are taken from the several Monthly Summaries of Commerce and Finance issued by the Treasury Department for the fiscal year 1901. No Government publication gives the monthly imports from Hawaii, as sugar from those islands was duty free. The Hawaiian figures are taken from Willett & Gray's Weekly Statistical Sugar Trade Journal of the issues of January 3, 1901, and January 2, 1902.

Month.	New York price.	Hamburg.	Hawaii.	Porto Rico.	Cuba.
1900.					
July	\$4.80	67,016	21,536	6,175	43,167
August	4.87	46,059	27,426	2,548	6,710
September	4.99	25,047	4,184	376	278
October	4.76	13,877	18,119	398	1,335
November	4.38	29,299	12,918	154	1,729
December	4.40	47,695	892	89	354
Total	4.70	228,993	85,075	9,740	53,573
1901.					
January	4.23	64,850	6,787	1,574	31,088
February	4.23	41,791	6,999	5,147	70,924
March	4.03	20,898	13,681	10,033	94,513
April	4.16	1	13,331	9,215	78,711
May	4.27	8,574	17,790	13,701	106,459
June	4.25	40,554	28,184	14,320	55,088
Total	4.21	176,668	86,782	53,993	436,783
Grand total		405,661	171,857	63,733	490,356

These figures will show the error into which the gentleman has fallen and that he overlooked some considerations in these comparisons that he ought to have noticed before he presented them to the House. Beet sugar from Europe comes in largely in the autumn, and sugar from Porto Rico and Cuba in the spring. I call the attention of the gentleman to the average monthly prices during the last fiscal year. In July, 1900, the average New York price was \$4.80 a hundred.

Mr. MORRIS. Where are the gentleman's prices taken from?  
Mr. LONG. The prices are taken from the Summary of Commerce and Finance for June, 1901, and the gentleman can find them on page 3104.

Mr. MORRIS. What prices are they?

Mr. LONG. New York prices.

Mr. MORRIS. My prices were all at the port of shipment, every one of them.

Mr. LONG. Your prices were at the port of shipment?

Mr. MORRIS. Yes.

Mr. LONG. Certainly; but these are the New York prices that the Hamburg, Porto Rican, Cuban, and Hawaiian sugars sold for in New York. The prices "at the port of shipment" which you take from Government statistics are obtained by subtracting from these New York prices the freight, insurance, and duty, if any.

What do these figures show? The following is a comparison between the first six months of the fiscal year and the last six months of it:

Average price.	Hamburg.	Hawaii.	Porto Rico.	Cuba.
	Tons.	Tons.	Tons.	Tons.
\$4.70, first six months	228,993	85,075	9,740	53,573
\$4.21, last six months	176,668	86,782	53,993	436,783

The first six months the average price was \$4.70, and 228,993 tons of beet sugar came in from Hamburg at that high price. There were 85,075 tons from Hawaii, only 9,740 tons from Porto Rico, and only 53,573 from Cuba.

The average price for the last six months was \$4.21 as against \$4.70 in the first six months. How about the importations? There were 176,668 tons from Hamburg as against 228,993 in the first six months; 86,782 from Hawaii as against 85,075; 53,993 from Porto Rico as against 9,740; 436,783 from Cuba as against 53,573.

Let me compare certain months. Take September, 1900, when the price was \$4.99, and March, 1901, when the price was \$4.03. The following are the figures:

Date.	Price.	Hamburg.	Hawaii.	Porto Rico.	Cuba.
		Tons.	Tons.	Tons.	Tons.
September, 1900	\$4.99	25,047	4,184	376	278
March, 1901	4.03	20,898	13,331	10,033	94,513

There were 25,047 tons from Hamburg, 376 tons from Porto Rico, and 278 tons from Cuba in September. In March, when

the price was so low, \$4.03, there were 20,898 tons from Hamburg, 10,033 tons from Porto Rico, and 94,513 tons from Cuba.

The Hamburg sugars came in when the average price was \$4.70 and the Cuban and Porto Rican sugars came in when the average price was \$4.21. The difference between \$4.70 and \$4.21 is 49 cents, and the gentleman only claims that there was a difference of 20 cents between Hamburg and Cuba and 38 cents between Hamburg and Porto Rico. These figures settle the questions between Cuba and Hamburg and Hamburg and Porto Rico.

#### MISTAKE IN HAWAIIAN FREIGHT RATES.

How about Hawaii and Hamburg? There is a difference of 38 cents. Now, we find that in the first six months of that year there were 85,075 tons came in from Hawaii, and in the second six months 86,782 tons. They had the advantage of both the high and low price, and we can not account for the difference in the Hamburg and Hawaiian prices on that proposition. But what did the gentleman do in his figures? He compared Hawaiian sugar at San Francisco with Hamburg sugar at New York, and he made a difference of 38 cents. What is the difference between the prices of sugar in San Francisco and in New York? It is the difference in the freight rates from Honolulu to the two points. He gives the freight at 15 cents. That is the freight from Honolulu to San Francisco. But is it fair to compare sugar in San Francisco with other sugar in New York? The difference in freight between Honolulu and New York and Honolulu and San Francisco is 37½ cents per hundred.

Mr. MORRIS. Will the gentleman allow an interruption there?  
Mr. LONG. Yes.

Mr. MORRIS. Might you not just as well make a comparison between the price of sugar from Hamburg sent to San Francisco as to make it from Honolulu sent to New York? The natural American port for the sugar from Hamburg is New York. The natural American port for sugar from Honolulu is San Francisco. If you are going to make a comparison of the price of sugar from Honolulu with the price of sugar from Hamburg, you had just as well add the freight from Hamburg across the continent to San Francisco for Hamburg sugar to meet Honolulu sugar as to add the freight across the continent the other way for Honolulu sugar to meet the Hamburg sugar. Does not the gentleman understand that?

Mr. LONG. Is it fair to compare Hamburg sugar in New York with Hawaiian sugar in San Francisco?

Mr. MORRIS. Surely.

Mr. LONG. Why not compare Hawaiian sugar in New York with beet sugar in the same place?

Mr. MORRIS. And why not compare beet or Hamburg sugar in San Francisco with cane sugar from Hawaii in the same place?

Mr. LONG. You can compare it there if you wish, but you did not do so in your comparisons. You compared Hamburg sugar in New York with Hawaiian sugar in San Francisco.

Mr. MORRIS. If I took the Hamburg sugar to San Francisco, then the item of freight instead of being 8 cents from Hamburg to New York, as I made it, would be 8 cents plus the 37½ cents across the continent.

Mr. LONG. If the gentleman wants to take Hamburg sugar out of New York, where he has it in his comparisons, and put it in San Francisco, all well and good. We will meet that when the gentleman does it. He must add to the freight to New York the difference in freight between Hamburg and San Francisco and Hamburg and New York.

Mr. MORRIS. That would make the difference of the freight across the continent.

Mr. LONG. New York is the market in the United States, and there is where the sugar should be brought in order to make a comparison. Hawaiian sugar is sold at the New York market price on the day previous to its arrival either in New York or San Francisco. On arrival at San Francisco—and I want the attention of gentlemen to this—the difference between the freight from Hawaii to New York and the freight from Hawaii to San Francisco is deducted from the New York market price. San Francisco is a limited market.

The freight from Hawaii to San Francisco is 15 cents a hundred pounds, as you give it, and the freight from Hawaii to New York is 52½ cents a hundred pounds. The difference is 37½ cents a hundred pounds. The New York price of 96° sugar yesterday was \$3.375. Should one cargo of Hawaiian sugar arrive in New York to-day and another in San Francisco, the one arriving at New York would sell for \$3.375 and the one arriving at San Francisco would sell for \$3 per hundred.

If you want to compare Hamburg sugar with Hawaiian sugar, you should add 37½ cents to the freight on the Hawaiian sugar in order to land it in New York City, where you have your Hamburg sugar. When you do this the difference between them will be one-half cent a hundred pounds. [Applause.]

Mr. MORRIS. Now let me ask the gentleman a question there. If you take your Hamburg sugar to San Francisco have you not to add the same freight?



Mr. LONG. Certainly. You must add the difference in freight. Mr. MORRIS. Which you say is 37½ cents.

Mr. LONG. You take it away from the market when you do that. Mr. MORRIS. Is not San Francisco the market for the Honolulu sugar?

Mr. LONG. Not for all of it. Only a small portion of it can be disposed of in San Francisco. There is but a limited market at San Francisco. The beet sugar produced in California almost fills up that market, and the surplus Hawaiian sugar must go to New York.

Mr. MORRIS. But you are figuring the freights across the continent. Now, if you compare the prices at New York for Hamburg sugar, then you want to compare the prices in San Francisco. Charge your freight one way the same as you do in the other.

Mr. LONG. I am not adding the freight across the continent. Mr. MORRIS. You do.

Mr. LONG. I am not. The difference between the San Francisco market price and the New York market price is not the difference in freight between San Francisco and New York, but it is the difference in freight between Honolulu and New York and Honolulu and San Francisco, which is 37½ cents a hundred pounds.

Mr. MORRIS. Certainly.

Mr. LONG (continuing). You have taken the Hawaiian sugar to San Francisco only, and you add 15 cents a hundred for freight. You should take the sugar to New York and add 52½ cents.

Mr. MORRIS. And I have only taken my Hamburg sugar to New York.

Mr. LONG. Certainly. And you must put both sugars in the same place to make a fair comparison—you must have them in the same market.

So much for the gentleman's figures. They are the most misleading, when analyzed, of any that I have seen since the Fifty-fourth Congress, when the gentleman's predecessor, Mr. Towne, stood in that aisle and for two hours and a half argued that the price of silver always controlled the price of wheat and other products. He made that argument amid applause on both sides of this Chamber.

But the gentleman himself knows that argument was fallacious, and the American people have declared at every election since that time that they did not believe it. The figures of the present gentleman from Minnesota [Mr. MORRIS] are just as unreliable on this sugar question as were the figures and the arguments of his predecessor on silver.

There is a great similarity between the sugar question and the silver question. There were a number of international conferences on silver. There have been more on sugar. There were four on silver. There have been twelve on sugar. The twelfth has just adjourned at Brussels. All these conferences have been upon the question of abolishing the bounties on sugar.

#### CUBANS HOLDING SUGAR HOPING FOR RELIEF.

If the sugar trust or any other corporation should purchase all the Cuban sugars before this law is enacted, then they would receive the benefit of the reduction this year. If the price of sugar in this country is lowered as a result of the concession on Cuban sugars, the Cuban planter is not benefited and this legislation would be in vain. On the other hand, if there is no fall in the price of sugar there is no question that the owner of the sugar at the time of the passage of the law will get the benefit of whatever concession is made.

The statement has been made that sugar has but one buyer in New York, and that is the American Sugar Refining Company, or popularly known as the "sugar trust." In the hearings before the Committee on Ways and Means it was developed that the different refineries belonging to the sugar trust have a capacity of 40,000 barrels daily, and that the ten independent refineries in the different parts of the country have a capacity of 20,000 barrels per day. The sugar trust refines about five-eighths of the sugar of this country, and the independent refineries, about three-eighths. These refineries are the purchasers of the raw sugar, and of course they buy it as cheap as possible; but it is not a fact that there is no competition in raw sugar, for the competition at times is very active and determined.

To show that the Cuban sugar producer thoroughly understands the situation and is endeavoring to hold his crop until this legislation becomes effective, note the fact that although this year's crop is much larger than that of last year, yet the amount of sugar from Cuba that has been placed upon the market is much less. Last year, from January 1 to April 1, 198,129 tons had been received in the United States. This year during the same period but 89,713 tons have come to the United States. Last year on April 1 there was a stock of 237,000 tons in Cuba. This year the stock amounts to 420,000 tons. It is evident that the Cuban crop is being held awaiting our action, and the important question is, To whom does it belong?

#### SITUATION INVESTIGATED BY GOVERNOR-GENERAL WOOD.

On March 25 the following cablegram was sent by General Wood, while he was in Washington, to Acting Governor-General Scott, in Havana:

It is important to know the exact facts about the ownership of this year's sugar crop. Present solution of Cuban reciprocity threatened by allegation that large amount already sold or contracted to be sold to the American Sugar Refining Company. Many Congressmen willing to allow concessions for next year, because they understand that American Sugar Refining Company will gain benefit by any concession covering this year's crop. Therefore, I wish you would find out definitely, as soon as possible, how much of present year's crop has been sold and delivered, how much has been contracted for but not yet delivered, how much is pledged as security for loans, and whether the American Sugar Refining Company or any American purchaser have options on the present crop, and if so, to what extent.

Also how much sugar of this year's crop has been exported from Cuba to date, especially to the United States. It is suggested that you get definite reports from the some 164 "centrals" that are now reported to be grinding, and also from reliable commission houses, and that this information be tabulated and furnished the War Department, and that you request all these different sources to immediately advise you thereafter of any change covering sales or contracts that may be made in the future, and that you tabulate this information from time to time and cable War Department accordingly.

WOOD.

To this cablegram the following reply has been received:

[Copy of cablegram received at War Department April 2, 1902, and the figures given in bags (320 pounds) reduced to tons (2,240 pounds).]

HABANA, April 2, 1902.

EDWARDS, War Department, Washington:

Telegrams sent to 194 sugar centrals, to which 126 answers have been received to date, also telegrams to 36 Cuban banking firms, to which 34 replies have been received.

Figures, according to replies received, as follows:

	Bags of 320 pounds.	Tons of 2,240 pounds.
Output for the year to March 25.....	4,089,814	584,259
Amount actually in hands of planters.....	1,522,325	217,561
Sold and delivered to island firms.....	1,364,395	194,913
Contracted for in island and not yet delivered.....	305,048	43,578
Pledged as security for loans in island, but not sold.....	1,646,585	235,222
Held at option of the American Sugar Refining Co.....	23,000	3,285
Held at option of other American purchasers.....	16,000	2,285
Exported to the United States.....	182,652	25,646

All sugar above mentioned, except that at the option of American Sugar Refining Company and other American purchasers, is in the hands of Cuban planters and Cuban and Spanish commission houses doing business in the island of Cuba and is not at the option of anyone. Where held as security for loans advanced to planters the planters will get the advantage of any rise in the price under conditions of deposit, as is the custom in the island. This statement shows conclusively the absolute falsity of the declarations that the sugar trusts have control of considerable portion of Cuban sugar crop. Other statements will be furnished as soon as possible.

WOOD, Military Governor.

On April 7, 1902, the following cablegram was received at the War Department:

HABANA, April 7, 1902.

EDWARDS, War Department, Washington:

Reference your telegram to-day, telegrams sent to 194 sugar centrals, as previously reported in my telegram 2d instant. Ten additional replies received since, which report as follows:

	Long tons.
Output for the year.....	24,755
Amount in hands of planters.....	13,260
Sold and delivered.....	11,311
Contracted for with island firms, but not delivered.....	3,019
Pledged as security for loans in island, but not sold.....	1,546

All sugar above mentioned is in hands of planters and Cuban and Spanish commission houses doing business in the island with exception of 2,398 long tons exported to United States. None at option of American Sugar Refining Company nor other American purchasers. Where held as security for loans planters will get advantage of rise in price as stated in telegram 2d instant. Two remaining banking firms replied: "Do not make loans on sugar." Above amounts should be added to my cable of April 2. No change in situation.

WOOD, Military Governor.

Adding the data of these two cablegrams, we have the following totals:

Answers from 136 centrals out of 194 in the island; and 36 banking firms out of 36:

	Tons.
Output for the year to March 25, 1902.....	699,014
Left in the hands of the planters.....	230,821
Sold and delivered to island firms.....	205,224
Contracted for in the island and not yet delivered.....	46,597
Pledged as security for loans in the island, but not yet sold.....	235,768
Held at the option of the American Sugar Refining Company.....	3,285
Held at the option of other American purchasers.....	2,285
Exported to the United States.....	28,014

#### LARGE SURPLUS SUGAR STOCKS CAUSE DEPRESSION.

It is well known that general distress and imminent bankruptcy exist in all cane-sugar-producing countries. This is due to the fact that cane sugar has been unable to compete with the bounty-fed beet sugar of Europe. It is hoped that the convention signed by the Brussels conference on March 5, 1902, will be more successful in the abolition of the bounty systems of Europe than those that have preceded it. If the purposes of this conference are attained, and all direct and indirect bounties are abolished, the sugar industry in cane-producing countries may be rescued from total destruction.

The convention does not go into effect until September 1, 1903,

and until that time there can be no possible change in the situation. There will still be a large stock of surplus sugar on hand on October 1, 1903. The following is an estimate made by Willet & Gray of the stocks of sugars in the principal countries from October 1, 1899, to October 1, 1903:

	Tons.
Stock in principal countries October 1, 1899.....	661,420
World's production, 1899-1900.....	8,455,951
Total supply, campaign 1899-1900.....	9,117,380
World's consumption, campaign 1899-1900.....	8,812,960
Stock October 1, 1900.....	304,420
World's production, 1900-1901.....	9,648,243
Total supply.....	9,952,663
World's consumption, campaign 1900-1901.....	9,230,308
Stock in principal countries October 1, 1901.....	722,355
Estimated world's production, 1901-2.....	10,762,756
Estimated total supply.....	11,485,111
Estimated consumption, campaign 1901-2.....	9,630,000
Estimated stock in principal countries October 1, 1902.....	1,855,111
Estimated world's production, 1902-3.....	10,184,631
Estimated total supply.....	12,039,742
Estimated consumption, campaign 1902-3.....	10,000,000
Estimated stock in principal countries October 1, 1903.....	2,009,742

It is estimated that there will be an average reduction of 10 or 15 per cent in European sowings; but the prices of beet roots have been reduced in Austria to \$3.05 a ton, in central Germany to \$3.90, and to \$3.42 in eastern Prussia. At these prices the manufacturers will be able to produce sugar cheaper than formerly.

#### HAMBURG CONTROLS WORLD'S SUGAR PRICES.

Hamburg controls the price of sugar throughout the world because Germany is the largest exporter of both raw and refined sugars. The New York duty-paid price of all sugars, whether they come from Java, Hawaii, Brazil, Cuba, Porto Rico, or Germany, can be ascertained accurately any day in the year by taking the Hamburg price as a basis. To this must be added the freight and other fixed charges, the regular duty and then the countervailing duty, which equals the bounty paid by Germany. The total of these figures will be the New York duty-paid price. Occasionally there are breaks in the market when for a few days the New York price will be below the Hamburg price, or the Hamburg price below the New York price, but the parity is soon restored.

The price for which sugar will sell in any other country for importation to the United States can be ascertained by taking the New York price thus established and deducting therefrom the freight from such country, the fixed charges, and the duty, if any. Thus all these prices are based upon and regulated by the Hamburg price.

#### BRUSSELS CONFERENCE AND BOUNTIES.

It is evident that the abolishment of direct bounties alone will not affect the New York price of sugar. Germany pays an export bounty of 26 cents per 100 pounds on raw sugar and 38 cents on refined; but under the Dingley law we levy and collect a countervailing duty of these same amounts upon them. April 1, 1902, raw sugar was selling for export at Hamburg for \$1.40 per hundred pounds.

The exporter received a bounty of 26 cents from the German Government on every hundred pounds he shipped to New York, but he had to pay this 26 cents into the United States Treasury as a countervailing duty, over and above the regular customs duty. The moment Germany ceases to pay this export bounty we will cease to collect the countervailing duty. If the exporter can still afford to sell his sugar at Hamburg for \$1.40 a hundred he can lay it down in New York, duty paid, for 26 cents a hundred less than he can now, because he has 26 cents a hundred less duty to pay. Or he can raise his Hamburg price 26 cents, from \$1.40 to \$1.66, and still sell his sugar in New York at the same price he does now, because he has that 26 cents less duty to pay. The New York refiner would get his sugar for the same old price and the Hamburg exporter would get the same amount of money for his goods. The difference would be that the German Government would not have to pay that 26 cents bounty and our Government would lose the 26 cents now collected as countervailing duty. The countervailing duties collected on bounty-fed sugars during the fiscal year 1901 amounted to \$2,147,956.09.

The agreement reached by the sugar conference was announced February 28, and the next day the Hamburg price of raw sugar fell 3 cents per hundred. Prices can not possibly advance materially until after the present surplus and the surplus from next year's campaign shall have been absorbed. Irrespective of what the final results of such a readjustment may be, it is certain that the effect for the next year or two will be a tendency toward low prices in sugars due to the pressure of the immense stocks of sugar throughout the world.

#### DUTIES, SURTAX AND CARTEL OF GERMANY.

Germany imposes customs duties amounting in the aggregate to \$4.328 per 100 pounds on foreign sugars. This duty is absolutely prohibitive. A tax of \$2.18 a hundred is imposed upon all sugar consumed within the Empire. The surtax which is to be reduced to a uniform figure by the countries interested is the difference between the import duty and the consumption tax. A reduction of this surtax would not affect the export price of sugar at Hamburg directly. Would it do so indirectly? If it does, it must be through the effect of this reduction of the surtax on the cartel. And what is the cartel?

The cartel of Germany is a comparatively new institution. It has been in operation since June 1, 1900, only; but it is fashioned closely after the cartel of Austria, which has been in very successful operation since 1890. Volume XVIII of the Report of the Industrial Commission, published as House Document No. 187 of the present Congress, is devoted to industrial combinations in Europe. It contains lucid explanations of the cartels of Austria and Germany.

The German Government controls the output of German sugar absolutely. The total amount of sugar to be produced each year is fixed. The percentage of refining to be allowed to each refiner is determined. The amount of raw sugar that each manufacturer may sell to refiners and export is specified. The Government exercises this supervision over the industry in order to regulate and limit the bounties that it may be called upon to pay. But, as a matter of fact, the production has regularly fallen short of the contingent fixed by the Government, except the last crop. The Government limitation for the sugar year ending September 30, 1900, was 1,889,319 tons of raw sugar. The production for that year was 1,791,250 tons, or 98,069 tons short of the contingent. Aside from these regulations the Government does not participate in the workings of the cartel.

#### MAGDEBURG AND HAMBURG PRICES.

It may be well to study the cartel from the results it produces. Magdeburg is the market for both refined and raw sugars for German consumption. Hamburg is the export market for both. German refiners pay Magdeburg prices for raw sugars. Foreign refiners pay Hamburg prices. German wholesale merchants can buy refined sugars at Magdeburg prices only. Exporters pay Hamburg prices for the same sugars. On April 1, 1902, the selling prices of raw sugar was \$1.70 per 100 pounds at Magdeburg, and \$1.40 at Hamburg. The selling prices of refined sugar were \$6.04 at Magdeburg and \$1.83 at Hamburg. This is the work of the cartel.

All the raw sugar produced in Germany last year was sold either at Magdeburg to the refiners or at Hamburg for export. All this sugar cost \$1.80 per 100 pounds to produce. The part of it disposed of at Magdeburg sold for \$1.70, or a loss of 10 cents per 100 pounds. The part of it sold at Hamburg for export brought \$1.40 per 100 pounds, or 40 cents below the cost of production. Yet the raw sugar manufacturers of Germany made \$6,702,428 on these sales. A combination that can take sugar that cost \$1.80 and sell part of it at one place for \$1.70 and the remainder for \$1.40 and still make \$6,702,428 out of the business—

Mr. OTEY. How did they do it?

Mr. LONG. I will explain, if the gentleman will have patience.

Mr. METCALF. That is simply the surplus raw sugar that is sold below cost?

Mr. LONG. Oh, no; it is all their raw sugar. That portion of it which was sold for export brought \$1.40 per 100 pounds. That was the exact export price on the 1st day of April. It ranged a little higher than that last year.

Mr. METCALF. But you limit it to the sugar sold for export?

Mr. LONG. This is the sugar sold for export. The rest of it was sold at Magdeburg for \$1.70, but all of it cost \$1.80.

#### REFINERS FURNISH THE CARTEL WITH FUNDS

The cartel is composed of two syndicates. Refiners of sugar comprise one; the manufacturers of raw sugar the other. Those concerns that manufacture refined sugar direct from the beet belong to each syndicate. These two syndicates have agreed upon \$2.78 a hundred as the normal inland price of raw sugar.

The refiners' syndicate guarantees this price to the manufacturers of raw sugar, unless it falls below \$2.04. The manufacturer of raw sugar is required to sell his product for the best price obtainable. If this price be \$2.78 or better, the refiners' syndicate pays him nothing. If it be less than \$2.78, the refiners pay him the difference between that price, whatever it may be, and \$2.78, with one limitation. The refiners do not "margin" the raw sugar below \$2.04. If it sells for \$2.40 the refiners pay the other 38 cents per hundred, so as to bring the price up to \$2.78. If it sells for \$2.04, they pay 74 cents per hundred. But this is the limit. No matter how much it falls below \$2.04 the payment out of the cartel is only 74 cents.

Where does the refiner get the funds with which to pay this



"cartel" to the manufacturers of raw sugar? Every month each member of the refiners' syndicate pays into the treasury of his syndicate the difference between the average Magdeburg price for raw sugar and \$2.78 during the past month, provided always that this difference is not greater than 74 cents. He pays this amount upon each 100 pounds of refined sugar he has produced for home consumption during said month. To this amount 10 per cent is added for the expenses of the cartel. The entire sum thus collected is known as the *kartellnutzen*, or "combination advantage." With raw sugar below \$2.04 at Magdeburg, as it is now, the refiner pays the full margin of 74 cents plus the 10 per cent, or 81.5 cents, on each 100 pounds of refined sugar produced by him for home consumption.

#### RAW SUGAR MANUFACTURERS' PROFITS AND LOSSES.

It costs \$1.80 a hundred to produce raw beet sugar in Germany, without profit, according to the International Sugar Journal for April, 1900. During the last sugar year the manufacturers of raw sugar sold a total of 1,375,000 tons of raw sugar to the refiners at Magdeburg prices. The present Magdeburg price is \$1.70. On this basis they lost 10 cents per hundred, or an aggregate of \$3,080,000 on this sugar, to start with. But the refiners manufactured 691,000 tons of refined sugar for home consumption out of this raw sugar. On this 691,000 tons of refined sugar they paid the raw sugar manufacturers a cartel allowance of 74 cents per 100 pounds. This amounted to \$11,453,916. Deducting the \$3,080,000 loss at the time of sale from this amount, the net profit of the raw sugar manufacturers on their Magdeburg business is found to be \$8,373,916 for the year.

But the manufacturers of raw sugar lost part of this profit on their export business. Their sugar cost \$1.80 per hundred. The present Hamburg or export price is \$1.40, which means a loss of 40 cents a hundred. Here, however, they get an export bounty of 26 cents per hundred, so their net loss on their export business is only 14 cents per hundred. The raw-sugar manufacturers exported 533,000 tons during the last sugar year. A loss of 14 cents per hundred on this amount is \$1,671,488. Deducting this amount from the net gain of \$8,373,916 at Magdeburg leaves \$6,702,428 as net gain on the year's total business. This is an average of 19.6 cents per hundred on the total production of 1,908,000 tons of raw sugar.

#### REFINERS' CARTEL PROFITS AND LOSSES.

From what source does the refiner get back this 81.5 cents per 100? To-day he pays \$1.70 for his raw sugar. Assume that the cost of refining sugar is 62.5 cents, the same as in this country. His refined sugar then stands him at \$2.325 per 100 pounds. They sold part of this refined sugar at Hamburg for export for \$1.83 per 100 pounds, or 49 cents less than it cost them, and yet they made almost \$10,000,000 on their year's business.

Mr. OTEY. That is another wonderful shuffle that I do not understand. [Laughter.]

Mr. LONG. Where did they make their money? That is what the gentleman from Virginia is very anxious to know?

Mr. OTEY. It is.

Mr. LONG. I will tell you where they made it. Take a given hundred pounds of this refined sugar and note the difference in selling it for domestic consumption and for export. If sold for consumption, the refiner must pay 81.5 cents into the cartel and \$2.164 consumption tax. It then costs him \$5.804. He sells it at Magdeburg for \$6.04. His profit is 73.6 cents per hundred.

Mr. OTEY. He is robbing somebody. Who is it?

Mr. LONG. They are all robbing the German consumer. But what happens if the refiner sells at Hamburg for export? His sugar has cost him \$2.325. He sells for \$1.83. His first loss is 49.5 cents per hundred. But this is not all loss. The German Government pays him a bounty of 38 cents per hundred. This reduces his actual loss to 11.5 cents per hundred. On all the sugar he sells at Magdeburg for domestic consumption he makes 73.6 cents a hundred. On all he sells at Hamburg for export he loses 11.5 cents per hundred. Last sugar year ending September 30, 1901, the German refiners sold 691,000 tons of refined sugar at Magdeburg for home consumption. A profit of 73.6 cents per 100 pounds on this amount of sugar is \$11,392,102. They sold 547,000 tons at Hamburg for export. A loss of 11.5 cents per 100 pounds on this amount of sugar is \$1,409,072. In other words, the cartel made \$11,392,102 for the German refiners on their Magdeburg business and lost them \$1,409,072 on their Hamburg business. On all their business they made \$9,983,030 by the workings of the cartel and were still enabled to throw away \$1,409,072 in an effort to crush all competition on refined sugar.

#### GERMAN CONSUMERS FORCED TO MAINTAIN CARTEL.

These calculations are based upon the Magdeburg and Hamburg prices of April 1, 1902, which are lower than the ruling prices of the past year. With the prices higher, the profits arising from the cartel are greater for both the refiners and raw-sugar manufacturers.

The entire cartel system is dependent for its success and sta-

bility upon the exorbitantly high price which it compels the German consumer to pay for refined sugar. This price is now, and for some time has been, \$6.04 per 100 pounds. The actual cost of refined sugar to the refiner is \$2.325 to-day. But the refiner must pay the German Government a tax of \$2.164 per 100 pounds on all he sells for home consumption. This would make the actual cost of such sugar \$4.489. The difference, \$1.551, between this figure and \$6.04, the present selling price, represents the \$0.815 paid into the cartel and the \$0.736 refiner's profit. The German refiners are enabled to keep the price of refined sugar up to \$6.04 only by reason of the large surtax. This surtax is the difference between the rate of duty or taxation to which foreign sugars are subjected and that imposed upon the home product. The German import duty is now \$4.328 per 100 pounds on all sugars; the consumption tax \$2.164; hence the present surtax is \$2.164 per 100 pounds on refined sugars. This tax is prohibitive. No foreign sugars are imported into Germany.

This is the game that the Cuban is playing against. This is the game that some Republicans are indorsing when they favor striking off the differential and reducing the duty on refined sugar. They favor the admission of the bounty-fed refined sugar of Europe. They favor transferring the refining business from this country to Germany, where this infamous cartel exists. They would make it so there would be no market here for Cuban sugar; for if there were no refineries here, there would be no purchasers of raw sugar. They would destroy the cane sugar of Cuba and Louisiana. They would destroy the refining industry and the beet-sugar industry of the United States and turn the production of sugar over to this German trust or cartel that has monopolized the sugar industry of Europe and fixed the world's price of sugar below the cost of production.

Mr. OTEY. The "game" that you speak of is carried on, as I understand, in this country under the present Dingley law. That is about as fair as the German "game," is it not?

Mr. LONG. In what respect?

Mr. OTEY. You spoke of the kind of "game" they are trying to play to deprive the producer in Germany—

Mr. LONG. Have you not in Virginia had good times for the past four years under the Dingley law?

Mr. OTEY. I do not know.

Mr. LONG. Have not the people of Virginia been reasonably prosperous and happy under the Dingley law?

Mr. OTEY. I think they would have been a great deal more prosperous if we had not had it.

Mr. LONG. You think so?

Mr. OTEY. Yes, sir.

Mr. LONG. You did not have this prosperity under the Wilson-Gorman law, did you? How did you get along in your State under that law?

Mr. OTEY. Well, times have changed a little since then, you know. [Laughter.]

Mr. LONG. Yes; they have changed.

Mr. OTEY. We are growing a little, you know.

Mr. LONG. In this country we have never had anything which compared with the cartel of Germany. The Brussels conference has agreed on a convention which will go into effect September 1, 1903. Whether that convention will destroy the cartel is a very grave question. We shall know more about it when it has become effective.

Mr. OTEY. The gentleman spoke a few moments ago of the kind of "game" that was being played on the German consumers, or words to that effect. He said it was the same kind of a "game" that some Republicans on this side of the House were trying to play. Now, I want to know what he meant by that?

Mr. LONG. The gentleman has been on the Republican side so little that he does not understand my language. [Laughter.]

Mr. OTEY. I may not understand the language of the gentleman, but I am trying to get a little enlightenment. When he spoke of the "game" I asked him what was the object of that game. He said, if I recollect correctly, that that is the "game" they are playing on the consumers of sugar in Germany.

A MEMBER. The gentleman was referring to Cuba.

Mr. OTEY. Oh, no; the "game" in Germany. And then he said: "That is the kind of game that some Republicans on this side of the House are playing on Cuba," or wanted to play on Cuba. That is what I understood.

Mr. LONG. The gentleman misunderstood me.

Mr. OTEY. Then say it again, so that I may understand what you mean.

Mr. LONG. I will do so for the gentleman's benefit. I called attention to the operation of the cartel in Germany; I said that there are some Republicans who have threatened to join with the Democrats—

Mr. OTEY. That is what you said in the first part of your remarks. I am trying to get at what you said later, when you spoke about the "game."

Mr. LONG. I said there are some Republicans who threaten to vote with the Democrats to strike off the differential on sugar. They want to strike off the differential and turn the refining business of this country over to the cartel of Germany and let foreigners do the refining. They want to kill the refining industry in this country and destroy the market for Cuban raw sugar, for Cuban sugar must first be refined. They would destroy our beet-sugar industry and leave us at the mercy of the German cartel system. That is what I said.

Mr. OTEY. Very well, then.

Mr. LONG. I have not time to pursue further this question of the German cartel.

Mr. OTEY. Take all the time you want. Everybody will give you all the time you want. It is very interesting, and I would like to know something more about it.

Mr. LONG. I am pleased to know that I am not wearying the gentleman.

Mr. OTEY. You are not wearying me at all, sir; I am glad to hear you.

Mr. LONG. I will be as brief as possible.

#### IS THE TRADE OF CUBA DESIRABLE?

Another consideration pertaining to every reciprocity agreement should be to endeavor to secure something in return for any concession that may be made. Will any benefit come to the people of the United States, to any of our domestic industries, from reciprocity with Cuba? Let us look into conditions in Cuba and the possibilities of Cuban trade. Let us see what we have already and what we can obtain by securing special concessions to us in the Cuban tariff.

The position is taken by some members of the House that Cuba should be given charity, that there is distress there, and that we should relieve it, as we would make appropriation for those who have had their property destroyed by floods on the Mississippi River.

This is not my idea of the basis on which we should legislate on this question. I favor reciprocity with Cuba because I believe it will be helpful to the people of Cuba; but I also believe we will get an adequate return.

I think that phase of the question demands more attention than it has received in this House. What Cuba wants is not charity. It is not a gift; it is not bounty. Cuba wants an opportunity to live. It wants to make an exchange of products with us; it wants to give us the trade of that island in return for concessions on sugar and tobacco that will not injure in the remotest degree any of our domestic industries.

Mr. Place, one of the Cuban delegates, in the hearings before the Committee on Ways and Means, said (p. 408, Hearings):

Now, gentlemen, the Cuban representatives are fighting their own cause on its own merits. For every dollar we ask from you we are willing to give you another one.

Is appears to me what we have been looking for has not been well understood. We beg your assistance for our products, and in compensation we want you to secure the trade of Cuba.

If we secure the trade of Cuba, what will we get?

#### RESULTS OF CUBAN RECIPROCITY IN 1891-1894.

We had reciprocity with Cuba under the McKinley law from September 1, 1891 to August 27, 1894. Under that law we admitted sugar, molasses, coffee, and hides free, and in consideration of the free admission of these articles into the United States Spain agreed that certain articles which were the product and manufacture of the United States should be admitted into Cuba free, others at a reduction of 50 per cent of the regular rates, and others still at a reduction of 25 per cent. We thus have had an object lesson showing the benefits to the United States of reciprocity with Cuba.

In 1891, the last complete fiscal year before the agreement went into effect, our total exports to Cuba amounted to \$12,224,888. In 1893, the first complete fiscal year after the agreement was in force, our exports amounted to \$24,157,698. In 1896, the first complete fiscal year after the agreement was abrogated, our exports to Cuba had fallen to \$7,530,880. Our exports of corn to Cuba in 1891 were valued at \$220,187. In 1893 they had risen to \$592,050, and in 1896 they had fallen to \$93,201. We sold Cuba wheat flour in 1891 of the value of \$591,836, in 1893, \$2,821,557, and in 1896 our exports of wheat flour had fallen to \$647,057. Our total exports of breadstuffs to Cuba in 1891 were \$874,979. In 1893, under reciprocity, they had increased to \$3,512,207, while in 1896, after reciprocity, they had fallen to \$896,673.

Before reciprocity, in 1891, we sold Cuba bacon and hams to the value of \$586,413. In 1893, under reciprocity, our total exports of these articles to Cuba amounted to \$1,317,829. In 1896, after reciprocity, we sold Cuba of these articles \$734,540. We sold Cuba lard of the value of \$2,079,534 in 1891, increased this amount to \$4,023,970 under reciprocity, and had it reduced again in 1896, after reciprocity, to \$1,551,185. Our total meat and dairy products sold to Cuba in 1891 amounted to \$2,787,608, and in 1893, under

reciprocity, the total value of these products taken from us by Cuba amounted to \$5,700,536. In 1896, after the destruction of reciprocity by the Wilson-Gorman tariff law, Cuba bought of us only \$2,166,677 of such products.

Our trade with Cuba under McKinley reciprocity is all the more remarkable when considered in connection with our foreign trade of that period. There was a marked falling off in our exports in 1893 as compared with 1891. This was especially true with reference to all Latin-American countries and the West Indies, excepting Cuba. Nicaragua, Honduras, and Brazil were disturbed by insurrections, which materially decreased the foreign commerce. An extraordinary succession of poor crops had reduced the purchasing power of other Central and South American countries to the minimum. A period of financial and commercial depression, unprecedented in its severity, prevailed throughout all countries where silver was the standard currency. The Mexican dollar, the standard in Cuba, fell in value and purchasing power from about 76 cents in gold, in 1891, to about 56 cents, in 1893. Other nations suffered in their trade just as we did. In 1893 the London Chamber of Commerce, the greatest commercial body in the world, presented a memorial to the British Government setting forth the deplorable condition of the foreign trade of Great Britain, and asking that the International Monetary Conference be reassembled, in the hope of finding some remedy for existing conditions. Our total exports fell from \$884,480,810, in 1891, to \$847,665,194, in 1893. But our exports to Cuba jumped from \$12,224,888, in 1891, to \$24,157,698, in 1893, notwithstanding the fact that it then took three Mexican dollars to pay the bills that two settled in 1891. Our total exports rose again to \$882,606,938 in 1896. But reciprocity with Cuba was at an end. Cuban prosperity had departed. Our exports to that island were only \$7,530,880. The same is true with other countries with which we had reciprocity at that time. While our exports to the world at large were decreasing, we sold more and more, year after year, to the countries with which we had reciprocity. When reciprocity ceased, our trade with these countries dwindled away.

Certainly reciprocity with Cuba under the McKinley law was a benefit and not an injury to the United States. The trade of Cuba is not large compared with that of some European countries, but the advantage to the United States comes from the fact that she consumes articles which we produce in abundance and for which we must find a foreign market. Her industries are largely confined to sugar and tobacco, and by the admission of these products at a reasonable concession we obtain the entire market of Cuba for products that we produce in abundance, and of which our surplus must be, of necessity, disposed of abroad.

#### WHAT HAS CUBA TO OFFER?

If we secure the trade of Cuba, what will we obtain that we do not now possess?

Last year, under the present military tariff, we practically had all of the trade of Cuba in corn, wheat, flour, and other breadstuffs; but Cuba also imported cattle and animals to the amount of \$8,476,509, of which only \$1,994,218 came from the United States. Cuba imported dairy products to the amount of \$1,071,711, of which only \$491,318 came from the United States. Cuba imported meats and meat products to the amount of \$8,791,689, of which only \$666,211 came from the United States. Cuba imported oils, grease, and paraffin to the amount of \$2,598,938, of which only \$713,737 came from the United States. Cuba imported cotton, and manufactures of, to the amount of \$6,068,241, of which only \$464,816 came from the United States. Cuba imported iron and steel, and manufactures of, to the amount of \$4,799,216, of which only \$3,403,607 came from the United States. Cuba imported of boots and shoes \$1,638,084, of which only \$405,682 came from the United States.

Of the articles that are distinctly those of the farm, the importations of Cuba last year were \$24,371,808; of which only \$12,137,708 came from the United States.

The total imports of Cuba for the last fiscal year amounted to \$65,050,141; of which only \$28,078,702 came from the United States.

All the witnesses before the Committee on Ways and Means stated that with prosperity in Cuba the importations of that island would amount to \$150,000,000 to \$200,000,000 annually. This is the trade that Cuba offers to the United States in return for concessions on her products.

Is this charity? Is it not a good business bargain, viewed from the standpoint of the United States?

#### AN IDEAL OPPORTUNITY FOR RECIPROCITY.

The relations between this country and Cuba furnish an ideal opportunity for the establishment of reciprocal arrangements between the two countries. President McKinley, in his Buffalo speech, said:

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus.



He also said:

We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our entire industrial development under the domestic policy now firmly established. \* \* \* Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

Cuba, therefore, answers every definition and complies with every requisite which reciprocity demands. I have shown that reciprocity is Republican doctrine, and I have argued this question upon that assumption, without referring to the fact that we are under any obligations to Cuba growing out of the war with Spain. I have discussed it simply as a good trade arrangement such as we had under the McKinley law and such as we said in our national platform of 1896 should be extended and enlarged. In stating that it is Republican doctrine I have the support of the able chairman of the committee [Mr. PAYNE], who in his report on this bill says:

Aside from the exceptional case that Cuba presents, the action of the committee is in entire accord with the reciprocity doctrine of the Republican platform and the declarations of President McKinley and President Roosevelt. It involves no proposed revision of the tariff or anything not entirely in harmony with the maintenance of the protective system.

Joining in that report are the gentleman from Pennsylvania [Mr. DALZELL], another strong protectionist, and the gentleman from Ohio [Mr. GROSVENOR], who in his speech yesterday indorsed the doctrine of reciprocity as I have been arguing it this afternoon.

#### IS RECIPROCITY DEMOCRATIC DOCTRINE?

Is it Democratic doctrine? On that I am in doubt. I am left in doubt by the various reports filed by the Democratic members of the committee. The gentleman from Louisiana [Mr. ROBERTSON] who is a high protectionist on sugar and a freetrader on everything else, has this to say in regard to reciprocity as contained in this bill:

It seems to me that this kind of reciprocity is absolutely impossible under a Democratic tariff. Should the tariff ever be revised on the line and plane of the principles of the Democratic party, reciprocity would be entirely unnecessary and impossible, as the rates would not be prohibitive, and the extension of our trade would as a natural consequence flow from the imposition of such tariff rates without the necessity of reciprocity.

That is one Democrat. Here is another. Here is the gentleman from Texas [Mr. COOPER], another member of the committee, who never lets go by an opportunity to seek light and information in regard to any Democratic tariff, and who seems to be especially anxious this afternoon to get information on the differentials. Here is what he says in his report on this bill:

It inaugurates the policy of reciprocity, which, as now advocated by the Republican party, is as un-Democratic as a tariff for protection, and which has been aptly called the "handmaiden of protection." The Democratic view has always been that tariffs should be laid fairly and equitably to raise revenue for the support of the Government. It is as much a perversion of the taxing power to use it as a means to dicker and barter with other countries as it is to use it to protect favored industries against foreign competition. Tariffs should be framed for revenue and should be applied to all nations alike, enabling them to trade with us upon terms of equality.

Here comes another Democratic member of the committee, the gentleman from Nevada [Mr. NEWLANDS]; a new leader of the Democratic party; a gentleman who does not hesitate to lead the party simply because he is a new member of it; a gentleman who in the Fifty-sixth Congress was registered in the Congressional Directory as a Silverite, but who always acted with the Democrats in that Congress. I am proud to say, speaking a good word for the Congressional Directory, that it has finally caught up with the procession, and now the gentleman from Nevada is registered under his true colors, as a Democrat. Here is what he has to say as a leader of his party, a leader who is trying to lead it into favoring the forcible annexation of Cuba:

Nor should the tariff reformer be misled by the suggestion of reciprocity. Reciprocity does not mean free trade. It means the extension of the policy of protection to other countries. It makes the trade of the world subject to the varying treaties made by the different countries of the world, each country seeking to obtain an advantage, each country seeking to favor some and to discriminate against others. \* \* \* The Democratic party, therefore, should, in my judgment, take strong grounds against reciprocal treaties of any kind.

These are three eminent Democrats of the Ways and Means Committee who have taken strong ground against this bill, because they say it is not good Democratic doctrine. But there are others. I now refer to the report of that other leader of the Democratic party, the gentleman from New York [Mr. MCCLELLAN]. I do not want the members of this House to be confused by my references to the various leaders of the Democratic party. It is well known that they have several. [Laughter.]

The gentleman from New York [Mr. MCCLELLAN] has supported this bill from the beginning, and has assisted very materially in its progress up to this time. What does the gentleman from New York [Mr. MCCLELLAN], who does me the honor to listen to me at this time, say in his report?

Thomas Jefferson, whose Democracy is unquestioned, was the first American to preach the doctrine of reciprocity. The first treaty of reciprocity was

negotiated by Franklin Pierce, a Democratic President, with the Dominion of Canada. The Hawaiian treaty of reciprocity was renewed by a Democratic President, Grover Cleveland. The Democratic platform of 1882 proclaimed the Democratic doctrine of reciprocity. Republican leaders have torn a leaf from the gospels of Democracy, as written by the Democratic evangelist, Thomas Jefferson, and tried to copyright it as a new dispensation of Republican dogma. The reciprocal feature of this bill may well cause Republicans to hesitate, for it is the purest, most unadulterated Democracy.

While we may differ on this side as to reciprocity and what it means, our differences do not, in variety, compare with the differences of the Democratic party on this proposition. While the gentleman from New York had no Democrat to join him in these views, neither did any of the other Democrats who filed minority reports. They were utterly unable to get the consent of any of their colleagues on the committee to any of the propositions they advanced unless they were stated in their own language.

But the gentleman from New York has distinguished support, for when the bill was voted upon in the committee he was gratified to behold marching under his banner, the banner of reciprocity as he upheld it, the Democratic leader [Mr. RICHARDSON of Tennessee] and that other distinguished Democrat from Virginia [Mr. SWANSON].

While the gentleman from New York [Mr. MCCLELLAN] abides within the shadow of Wall street, and many of his constituents may be interested in the sugar trust, yet he is supported in his position on this bill by that distinguished Democrat from the plains of Nebraska, sitting in his editorial sanctum.

Mr. MANN. Or his barn. [Laughter.]

Mr. LONG. Or his barn. That great leader of the Democracy, that defeated but not abandoned leader of the Democracy, writes editorials on this question that have been put into the CONGRESSIONAL RECORD by the gentleman from New York [Mr. MCCLELLAN] in indorsement of his position.

So, I say to Democrats, I say to the gentleman from Virginia [Mr. OREY], you can take your choice as to what the true Democratic doctrine is and whether you are a good Democrat when you support this bill.

But there is a higher ground than this. It does not surprise me that there are Democrats supporting this measure. I recall the fact that when the intervention resolution was passed every member of this House, Democrats and Republicans, except six, voted for it. When it went to the Senate, it was supported by Republicans and by Democrats. If it had received only Republican votes in the Senate, it would have been defeated. When the war was over and the treaty of peace had been made and was submitted to the Senate, I recall that it was ratified only with the aid of Democratic votes. As this bill deals with a question that has grown out of the war with Spain, I am not surprised, though it was recommended by a Republican President, that yet it is receiving the support of Democrats as well as Republicans.

#### OPPOSITION'S CHANGE OF POSITION.

Mr. SMITH of Kentucky. If it will not disturb the gentleman, I was called out of the Chamber and deprived of hearing a part of the gentleman's entertaining speech. I want to know if he touched upon the question as to about how much of the present sugar crop of Cuba is now in the hands of the people of that country?

Mr. LONG. I have quoted from and will put in the RECORD a statement from Governor-General Wood, giving the latest information as to the ownership of Cuban sugar. The opponents of this bill have changed their position on this question since the gentleman from New York [Mr. PAYNE] read the statement in his speech.

The claim before that was that the sugar trust owned all the sugar. The claim since has been that the sugar trust has refrained from purchasing sugar; that the sugar trust is awaiting the result of this legislation before purchasing largely. They sought to prove it by the annual statement of the sugar trust, which showed a large decrease in the amount of raw sugar on hand.

Mr. GROSVENOR. To the extent of \$10,000,000 short.

Mr. LONG. Yes; to the extent of \$10,000,000. It is claimed they are waiting until after this bill becomes a law before they will purchase Cuban sugar.

Mr. SMITH of Kentucky. I hope that is true as far as I am concerned.

Mr. LONG. That is the argument which the opponents of this bill have been using since the gentleman from New York [Mr. PAYNE] read the cablegram from General Wood, which I will insert in my remarks.

Mr. SCOTT. What is the gentleman's theory as to why the American Sugar Refining Company is \$10,000,000 short in its stock of raw sugar at this time?

Mr. LONG. The American Sugar Refining Company is conducted on a business basis. It would be a very unwise business concern that would buy sugar long in advance, considering the conditions of the sugar market the world over. The price of

sugar has been fluctuating greatly during the past year, falling all the time. It has been uncertain what the price would be from one day to the next. It has changed from week to week and month to month under the operation of several influences, one being the sugar conference at Brussels; another, the imposition of duties on sugar in England, and still another, the great overproduction of sugar throughout the world.

They could not safely buy sugar at any price beyond their immediate demands. Sugar on the 1st day of April, in New York, was \$3.62½ a hundred, and it is \$3.37½ a hundred to-day. It has been fluctuating like that all winter, and of course no wise business concern would lay in a large supply of sugar under these circumstances.

Mr. PAYNE. Let me ask the gentleman if it has not advanced in price since the 1st of January?

Mr. LONG. No.

Mr. PAYNE. Is it not higher now than it was the 1st of January?

Mr. LONG. No; it is \$3.37½ per hundred to-day, which is the low point during the past year. On the 1st of January it was \$3.62½; on the 1st of February, \$3.69; the 1st of March, \$3.62½, and on the 1st of April \$3.62½. In these various months it has gone up and come down to to-day's price several times before during the winter. It has been constantly fluctuating, not only here, but in Hamburg. This is caused by the immense stock of sugar on hand throughout the world, and other causes to which I have referred.

Mr. SCOTT. The gentleman does not concede then that this action on the part of the sugar trust is due wholly to its anticipation of the result of this legislation?

Mr. LONG. Not at all. The price of sugar is fixed in Hamburg, and the New York price will follow the Hamburg price in the future as it has in the past.

#### OUR RELATIONS WITH CUBA.

It may be well to refer to some recent history touching our relations with Cuba. In the intervention resolution at the beginning of the war with Spain we disclaimed any intention to exercise sovereignty or control over Cuba, except for the pacification of the island, and that when that was accomplished we would leave the government and control of Cuba to its people.

Under the Platt amendment we defined our relations with Cuba in detail.

The claim has been made in this debate that the United States received no benefit from the Platt amendment, but that the different provisions of this amendment were for Cuba alone, and entirely independent of any benefits to the United States. That this position is untenable is clearly shown from the language of the amendment itself.

The first clause of the amendment recognizes the Monroe doctrine, which we have insisted upon for so many years. It plainly says that Cuba will not authorize or permit any foreign power to obtain lodgment or control in any portion of the island. Is not this for the good of the United States? Are we not benefited by the assurance that the government of Cuba in its constitution, which is finally to be put into a permanent treaty, guarantees that no foreign power shall obtain lodgment in the island?

In the second clause Cuba agrees not to contract any public debt, to pay the interest on which, and to make reasonable sinking-fund provision for its discharge, the ordinary funds of the island after paying expenses are not adequate.

This, it is true, is for the benefit of Cuba, but it is also for our benefit in making doubly sure that no foreign power obtains control in Cuba. If Cuba had unlimited power to borrow money from foreign powers or their citizens, there might eventually arise serious complications when efforts were made to collect the debts.

While this clause is for the benefit of Cuba it may inure to our own advantage as well, and it has rendered it absolutely necessary that the government of Cuba shall have ample revenues to pay current expenses as well as to pay the interest and sinking fund on any indebtedness that may be contracted.

Cuba is a Latin country, and such countries have long been in the habit of supporting their governments out of the revenues received at the custom-houses. The taxes on real estate and personal property will not be sufficient to more than pay the expenses of the municipal and provincial governments. The general government of Cuba must be supported by the custom-houses.

Export duties should not be levied, as they will be an additional charge on sugar and tobacco. Import duties alone should produce the required revenue. The larger the imports, the more the revenues there will be to run the new government. The last fiscal year the total imports amounted to \$66,264,767. The exports amounted to \$64,245,801. If Cuba is prosperous and her exports increase to one hundred or to one hundred and fifty millions, her imports will increase to a similar amount. With the increase of her imports the revenues collected at the custom-houses will also

increase. This is necessary in order to carry out the provisions of the Platt amendment.

It is certainly to the interest of the United States that there should be peace and order in Cuba instead of insurrection and disorder.

Clause 3 of the amendment gives to the United States the right to intervene not only for the preservation of Cuban independence, but for the maintenance of a government adequate for the protection of life, property, and individual liberty. We will claim the right to determine when the conditions justify our intervention. We can insist that American citizens shall have equal protection of the law in any country where they may temporarily abide, but no other country but Cuba has agreed to accord us the right to intervene when the existing government is unable to protect the life, property, and individual liberty of its own citizens.

It is to the interest of the United States that our Southern cities should be kept free from a recurrence of epidemic and infectious diseases. Since the American occupation in Cuba, Havana and the other cities in Cuba have been singularly free from epidemic and infectious diseases. When Cuba is free from such diseases, the chances of an epidemic in our Southern cities are greatly reduced.

And so clause 5 of the amendment, while passed for the benefit of Cuba, is also for the benefit of the United States. Cuba obligates itself to extend the plans already devised and others that may be mutually agreed upon for the sanitation of the island.

All this requires money, and that money can only be obtained at the custom-houses on imports, and imports only come in when exports go out at a profit. So it is that the Platt amendment, which is in the main intended for the welfare of the island of Cuba, is also for the benefit of the people of the United States, and was so understood at the time of its adoption. As the Secretary of War so clearly states, "the peace of Cuba is necessary to the peace of the United States, the health of Cuba is necessary to the health of the United States, the independence of Cuba is necessary to the safety of the United States, and the same consideration which led to the war with Spain now requires that a commercial arrangement be made under which Cuba can live."

A stable government, with revenues sufficient to pay its expenses, is absolutely necessary for the good of Cuba, and such a government can not be organized or maintained unless it is based on the prosperity of the people of the island. Her principal product is sugar, which she now sells in our market below the cost of production. We can relieve the situation and insure the maintenance of a stable government in Cuba if we will permit the sale of that product in our market at a profit."

When the Platt amendment was submitted to the Cuban constitutional convention, there was much opposition to its adoption. It was finally agreed to by the convention with an appendix which General Wood submitted to the Secretary of War. This appendix provided that at the time the Platt amendment was agreed to by Cuba, a treaty of commerce based on reciprocity between the natural and manufactured products of both countries should be agreed to. On May 28, 1901, the Secretary of War wrote to General Wood in regard to this appendix, which was called by the Cubans an "explanation," saying:

The explanation further emasculates the clause by tacking to it a provision for a reciprocity treaty at the same time; that is, it makes the sale or lease of coaling stations dependent upon a reciprocity treaty satisfactory to Cuba.

The whole subject will be laid before the President as soon as possible after his arrival here on Thursday, when I will communicate with you further.

On the same day General Wood cabled to the Secretary of War that the Platt amendment and appendix had been passed by the constitutional convention that day.

On May 31, 1901, the Secretary of War wrote to General Wood in regard to the "explanation," saying:

The explanation further adds a provision for the celebration, at the same time, of a reciprocity treaty between Cuba and the United States, so that the sale or lease of coaling stations, instead of being ordained by the convention, is left to the uncontrolled will of the government of Cuba under an authority not to be exercised unless it obtains at the same time a satisfactory reciprocity treaty, which, however desirable it may be, is not even referred to in the Platt amendment. The effect of all this is that the naval-station clause of the act of Congress is entirely destroyed.

The Secretary also states in his letter that the Platt amendment, being a law of the United States, the President is bound to execute it, and to execute it as it is. He can not change or modify, add to, or subtract from it. He stated that the executive action called for by the statute is the withdrawal of the army from Cuba, and the statute only authorizes such action when the statute is incorporated into the constitution of Cuba.

In order that a definite understanding might be had with the President and Secretary of War, a commission from the Cuban convention came to Washington. These commissioners had interviews with the President and with the Secretary of War. La Patria, a newspaper published in Habana, under date of May 25,



1901, contains the report made by the chairman of the commission of the interview with the Secretary of War:

The chairman of the commission spoke of the steps taken to obtain a formal promise from the Executive for the purpose of securing favorable legislation for Cuban products, and the efforts made to learn the state of American opinion on the subject. The Secretary (of War) stated that while only speaking for himself and on behalf of the President, he could assure the commission that if the Cuban government were once established there would immediately be appointed a commission to take up the question and propose a commercial treaty between the two countries; that the President would immediately appoint a representative for the purpose of conferring with a Cuban representative as soon as possible with reference to the treaty, which should be based on mutual advantages.

This interview was had on April 24, 1901.

To show the Cuban understanding of what the assurances were I quote from the statement of Miguel Mendoza, found on page 412 of the recent hearings before the Committee on Ways and Means:

Mr. LONG. You state that you were given certain assurances by the President?

Mr. MENDOZA. By President McKinley.

Mr. LONG. By President McKinley, when you accepted the Platt amendment?

Mr. MENDOZA. Yes, sir.

Mr. LONG. Will you state how and in what manner those assurances were given?

Mr. MENDOZA. Well, when the Platt amendment was made they did not want to accept it in Cuba, and commissioners were sent here to say that they would be willing to accept it if some economic concessions were made to Cuba. Then, as Congress was not in session, they were assured that that could not be done at once, but that they should accept the amendment as it had been framed; and the President said that while, of course, he could not promise anything (because that does not depend upon the President) he would use his influence, as I have said, in the direction of our receiving fair treatment and getting some concessions.

Mr. LONG. That was President McKinley?

Mr. MENDOZA. President McKinley; yes, sir; and President Roosevelt has followed President McKinley's policy in that respect, because he supports us in his message.

On June 13, 1901, General Wood cabled the Secretary of War that the Platt amendment had been accepted by the constitutional convention, exactly as written, without any change or modification whatever, by a vote of 16 in favor to 11 against.

#### WHY CUBA WANTS "McKINLEY RECIPROCITY."

It is necessary only to refer to recent history to understand why the people of Cuba are so anxious for reciprocity with the United States. They had it once under the McKinley law, and it was so popular in Cuba that they call it to this day "McKinley reciprocity." The repeal of the McKinley law by Congress in 1894 was no less disastrous to Cuba than it was to the United States. With the repeal of that law, reciprocity with the United States came to an end.

Mr. Robert P. Porter, special commissioner of the United States, in 1898 made a report to the Secretary of the Treasury, using the following language:

Several of the witnesses examined in Havana and other cities of Cuba earnestly requested that the rates of duty of the McKinley reciprocity treaty be reenacted on articles coming from the United States. In support of this they urged the fact that the Spanish-Cuban war was to a large extent a commercial war; that the repeal of the McKinley reciprocity treaty was a severe blow to the Cuban producer, and brought to an end a period of considerable industrial prosperity in the island of Cuba.

The figures of importations into Cuba during the years in which reciprocity was in force bear evidence of this. The first year of the reciprocity treaty the amount of imports from the United States into Cuba was \$11,000,000; the second year, \$17,000,000; and the last year it amounted to \$23,000,000. We were able, under this treaty, to have the Cuban market entirely to ourselves. The English, French, and Germans were left out altogether. These figures do not fully indicate the benefits arising from the reciprocity treaty. The only attainable figures are from Spanish sources, and therefore, very much allowance must be made for undervaluation, false classification, and smuggling. In view of this there are some competent authorities who contend that if the above figures were all multiplied by two it would give a more accurate idea of the value of the commodities sent from the United States to Cuba during this prosperous period.

The effect of what the Cubans call the McKinley reciprocity treaty was almost magical, and many witnesses referred to that period not only as the most prosperous in recent years in Cuba, but as giving them opportunity for improving their estates and making purchases otherwise impossible.

To what extent the repeal of this reciprocity treaty may have been responsible for the war it is impossible to say, nor is such a discussion within the province of this report, dealing, as it does, with the present industrial condition of the island.

Nevertheless, there may be found in all the ports of the island of Cuba visited by your Commissioner a very strong feeling that the closer the ties of reciprocal trade are between the United States and Cuba, the better for that island.

#### ECONOMIC CONDITIONS CAUSED WAR IN 1895.

Mr. Porter then quotes the following from a memorandum sent by the Cuban planters to the Spanish Cortes in 1895:

The uneasiness and discontent prevailing in Cuba proceeded mainly, if not exclusively, from economical causes. That modern history teaches and logic confirms the truth that as long as the grave economical questions which interest and convulse Cuba are not settled no moral peace and no confidence in the future are to be expected.

The report then continues:

These words may be taken in conjunction with the testimony of many other witnesses, who have openly insisted that the Cuban war was a commercial war, culminating in consequence of the repeal of the McKinley reciprocity treaty.

To show that Spain recognized that the Cuban insurrection had its origin in economic conditions, and that reciprocity with the United States would relieve the situation, bring prosperity to Cuba, and help to end the war, is shown by the proceedings preceding the granting of autonomy to Cuba. Sagasta in submitting the new constitution to the Queen Regent on November 25, 1897, said in regard to the conditions in Cuba:

Complaints arose, not from the existence of discriminating duties, but from the fact that these duties were too high, and that this prevented the Antilles from securing the markets which they needed for their rich and abundant productions and from the lack of reciprocity.

In the constitution given to Cuba on the above date, it was provided that treaties of commerce affecting the Island of Cuba should be conducted by Spain, but assisted by special delegates duly authorized by Cuba. This was the first time Cuba ever was permitted to participate in the negotiation of treaties of commerce. Spain immediately endeavored to negotiate such a treaty with the United States. On March 17, 1898, within a month before our war with Spain began, the Spanish minister in Washington addressed a note to the Secretary of State advising him of his appointment, together with representatives from the insular government of Cuba, to conduct negotiations for a treaty of reciprocity between the United States and Cuba. If economical causes brought on the insurrection against Spain, may not similar conditions in the island produce like results in the future?

Can the Cubans be censured for wishing to have an understanding with the United States in regard to reciprocity before they accepted the Platt amendment? The island had had reciprocity under the McKinley law, and the people knew what it meant to them. The people of this country, after the repeal of the McKinley law and their experience under a different policy, demanded its reenactment, and Congress gave them the Dingley law in its place. The people of Cuba, after their experience under McKinley reciprocity and its repeal, wanted it renewed, and have asked the United States for its reenactment. Let us, in the interest of Cuba and also for the benefit of the people of this country, give them the pending Payne bill.

#### OUR OBLIGATIONS TO CUBA.

As President Roosevelt said in his message to Congress, there are weighty reasons of morality and national interest why the policy of reciprocity should be held to have a peculiar application to Cuba. Cuba has consented that the United States may intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for the discharge of the obligations imposed by the treaty of Paris. It is apparent to anyone that to carry out the obligations assumed by Cuba that it is necessary that the people of the island shall be prosperous and that the government shall be successful.

There is no market but ours for Cuban sugar. Practically her entire crop will come here for sale in the future, as in the past, to be disposed of either at a profit or a loss. By tariff regulations and restrictions, practically every European country has shut out Cuban sugar. It will come here to be disposed of, and it is the chief source of revenue for the Cuban people. If this product is disposed of at less than the cost of production it will prevent the people of Cuba from purchasing from other countries anything except the bare necessities of life. If the purchasing power of Cuba is reduced to a low level her revenues will decline and her government will be unable to carry out and perform the obligations imposed by the Platt amendment.

It is apparent to anyone that the obligations can only be discharged by a solvent government, established over a free people who are contented and prosperous. If sugar is the principal product on which the people of Cuba depend and that product can not be disposed of except at a loss, it means general destitution to the whole island. Three-fourths of the people of Cuba are directly or indirectly interested in the success of the sugar industry. When it is prosperous the island is contented and happy, and when failure comes they are all sad and despondent. We are not obliged nor are we under any obligations to feed and clothe the people of Cuba. It is not a question of charity, and we should not look upon it in that way.

#### INDEPENDENCE VALUELESS WITHOUT PROSPERITY.

But this nation, witnessing the condition of the island during its struggle against Spain, insisted that the cruel war should stop and that the people of Cuba should have a right to establish a government of their own. That government is soon to be established. The military government that we have maintained in the island ever since the end of the Spanish war is shortly to be succeeded by a government of their own selection. But a free government, even though selected by the voice of the people, can not be successful if the people themselves are not prosperous. We certainly can not claim that our mission is ended if when we withdraw our Army from Cuba and leave the island to its own people

and to the government they have selected business conditions in the island are similar to what they were before we intervened.

President McKinley, in his message to Congress, December 5, 1898, said:

As soon as we are in possession of Cuba and have pacified the island it will be necessary to give aid and direction to its people to form a government for themselves. This should be undertaken at the earliest moment consistent with safety and assured success. It is important that our relations with this people shall be of the most friendly character and our commercial relations close and reciprocal.

President McKinley also said in his annual message of December 5, 1899:

This nation has assumed before the world a grave responsibility for the future good government of Cuba. We have accepted a trust the fulfillment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how or how far is for the future to determine in the ripeness of events. Whatever be the outcome, we must see to it that free Cuba is a reality, not a name, a perfect entity, not a hasty experiment bearing within itself the elements of failure. Our mission, to accomplish which we took up the waver of battle, is not to be fulfilled by turning adrift any loosely-framed commonwealth to face the vicissitudes which too often attend weaker States whose natural wealth and abundant resources are offset by the incongruities of their political organization and the recurring occasions for internal rivalries to sap their strength and dissipate their energies. The greatest blessing which can come to Cuba is the restoration of her agricultural and industrial prosperity, which will give employment to idle men and reestablish the pursuits of peace. This is her chief and immediate need.

These words were used over two years ago, and later the Platt amendment put into statutory form our present relations with Cuba. There must be a stable government in Cuba, capable of performing its international obligations, and such government can not exist or be maintained except by ample revenues through the ordinary channels of taxation, and the revenues can not be obtained unless the people of the island can dispose of their products at a reasonable profit.

The Secretary of War states the whole proposition in his last report as follows:

Cuba has acquiesced in our right to say that she shall not put herself in the hands of any other power, whatever her necessities, and in our right to insist upon the maintenance of free and orderly government throughout her limits, however impoverished and desperate may be her people. Correlative to this right is a duty of the highest obligation to treat her not as an enemy, not at arm's length as an aggressive commercial rival, but with a generosity which toward her will be but justice; to shape our laws so that they shall contribute to her welfare as well as our own. \* \* \* Aside from the moral obligation to which we committed ourselves when we drove Spain out of Cuba, and aside from the ordinary considerations of commercial advantage involved in a reciprocity treaty, there are the weightiest reasons of American public policy pointing in the same direction; for the peace of Cuba is necessary to the peace of the United States; the health of Cuba is necessary to the health of the United States; the independence of Cuba is necessary to the safety of the United States. The same considerations which led to the war with Spain now require that a commercial arrangement be made under which Cuba can live.

#### OUR RESPONSIBILITY NOT YET ENDED.

It is contended by the opponents of this bill that our responsibility for the welfare of Cuba ended with the war with Spain; that there is no obligation resting on us to provide for the future commercial prosperity of the Cuban people. To those who believe that our work in Cuba is ended I commend a careful reading of the following editorial in the Havana Post of January 19, 1902:

But the primary cause which led to war, to Cuban independence, and to intervention by the United States is not removed. Good government has ameliorated the conditions, but it can not change them. The best government can not long be maintained here, if the present economic conditions shall continue. There would have been no uprising in 1894 if Cuba had not been dependent then, as she is now, upon the production of sugar; and economically her people are no better off to-day than they were then.

To leave her now, as it is proposed, without relief, but still the victim of the world's sugar tariffs and crushed by the appalling misfortunes which the last ten years have heaped upon her, would be to cast to the winds every shred of the admirable fabric of free government which the Americans have created. American intervention can not stop at this point. Good sense, business foresight, fair play and common honesty will all unite to prevent it. It is not the practice of the United States to let good work go backward, to miss opportunities for business advancement, to ignore her obligations, or to inflict needless suffering upon any people. And she would be guilty of all these if she withdrew from Cuba at this time without securing to the island industrial as well as political freedom.

That it is our duty to complete the work undertaken in Cuba is recognized by every patriotic American. We can discharge this obligation and still do no harm to any American industry. Special interests have endeavored to prevent action and tried to alarm Congress by the cry that their particular industries will be ruined if reciprocity with Cuba is adopted. The facts do not warrant this assumption, and if this Congress does its duty, as did the Congress that passed the resolution of intervention, it will provide before this session ends for reciprocity with Cuba, which will bring happiness and contentment to the people of that island, further promote the prosperity of the people of the United States, and honorably finish the work undertaken when the war with Spain began. [Prolonged applause.]

#### APPENDIXES.

##### APPENDIX A.

COMPARISON OF HAMBURG AND NEW YORK PRICES FOR EIGHT YEARS. German beet sugars, 88 per cent analysis per 112 pounds, f. o. b. Hamburg, with equivalent in dollars per 100 pounds for 96° test centrifugals at New York, compared with market price at New York.

[From Willett & Gray's Weekly Statistical Sugar Trade Journal.]

Date.	Hamburg price.	New York equivalent.	New York price, 96°.
1894.			
January 1	12 6 <sup>1</sup> / <sub>2</sub>	\$3.07	\$2.875
February 1	12 8 <sup>1</sup> / <sub>2</sub>	3.10	3.06
March 1	12 9	3.11	3.18
April 1	12 6	3.06	2.94
May 1	11 6 <sup>1</sup> / <sub>2</sub>	2.86	2.75
June 1	11 9 <sup>1</sup> / <sub>2</sub>	2.91	2.75
July 1	11 9	2.90	3.125
August 1	11 3 <sup>1</sup> / <sub>2</sub>	2.80	3.125
September 1	12 0	4.08	3.75
October 1	10 1 <sup>1</sup> / <sub>2</sub>	3.48	3.75
November 1	9 11 <sup>1</sup> / <sub>2</sub>	3.42	3.50
December 1	9 9 <sup>1</sup> / <sub>2</sub>	3.37	3.50
1895.			
January 1	9 6 <sup>1</sup> / <sub>2</sub>	3.30	3.00
February 1	9 3 <sup>1</sup> / <sub>2</sub>	3.22	3.18
March 1	9 2	3.18	3.00
April 1	9 3	3.21	3.00
May 1	9 9	3.33	3.125
June 1	10 0	3.44	3.375
July 1	9 8 <sup>1</sup> / <sub>2</sub>	3.35	3.25
August 1	9 10 <sup>1</sup> / <sub>2</sub>	3.40	3.25
September 1	9 6	3.29	3.25
October 1	10 9 <sup>1</sup> / <sub>2</sub>	3.70	3.56
November 1	10 6	3.60	3.37
December 1	10 6	3.60	3.375
1896.			
January 1	10 9	3.69	3.75
February 1	11 9	4.01	3.875
March 1	12 3 <sup>1</sup> / <sub>2</sub>	4.17	4.125
April 1	12 4 <sup>1</sup> / <sub>2</sub>	4.20	4.18
May 1	12 3	4.16	4.25
June 1	10 6 <sup>1</sup> / <sub>2</sub>	3.61	3.875
July 1	9 11 <sup>1</sup> / <sub>2</sub>	3.42	3.50
August 1	9 10 <sup>1</sup> / <sub>2</sub>	3.40	3.375
September 1	9 0 <sup>1</sup> / <sub>2</sub>	3.14	3.25
October 1	8 9 <sup>1</sup> / <sub>2</sub>	3.06	3.06
November 1	9 1 <sup>1</sup> / <sub>2</sub>	3.17	3.25
December 1	9 2	3.18	3.25
1897.			
January 1	9 2 <sup>1</sup> / <sub>2</sub>	3.18	3.18
February 1	9 0	3.13	3.18
March 1	8 9 <sup>1</sup> / <sub>2</sub>	3.07	3.25
April 1	9 0	3.13	3.375
May 1	8 10 <sup>1</sup> / <sub>2</sub>	3.09	3.25
June 1	8 8 <sup>1</sup> / <sub>2</sub>	3.05	3.25
July 1	8 6	2.97	3.50
August 1	8 6	4.06	3.75
September 1	8 10 <sup>1</sup> / <sub>2</sub>	4.15	3.75
October 1	8 8 <sup>1</sup> / <sub>2</sub>	4.10	3.94
November 1	8 6	4.06	3.81
December 1	9 0	4.18	3.875
1898.			
January 1	9 4 <sup>1</sup> / <sub>2</sub>	4.26	4.25
February 1	9 1	4.20	4.06
March 1	9 3 <sup>1</sup> / <sub>2</sub>	4.24	4.18
April 1	9 3	4.19	4.125
May 1	9 3	4.23	4.25
June 1	9 8 <sup>1</sup> / <sub>2</sub>	4.33	4.31
July 1	9 4	4.25	4.25
August 1	9 4 <sup>1</sup> / <sub>2</sub>	4.26	4.125
September 1	9 6 <sup>1</sup> / <sub>2</sub>	4.28	4.375
October 1	9 6 <sup>1</sup> / <sub>2</sub>	4.29	4.25
November 1	9 7 <sup>1</sup> / <sub>2</sub>	4.30	4.31
December 1	10 1 <sup>1</sup> / <sub>2</sub>	4.42	4.44
1899.			
January 1	9 5 <sup>1</sup> / <sub>2</sub>	4.27	4.31
February 1	9 9 <sup>1</sup> / <sub>2</sub>	4.34	4.25
March 1	9 8 <sup>1</sup> / <sub>2</sub>	4.32	4.375
April 1	10 1 <sup>1</sup> / <sub>2</sub>	4.44	4.44
May 1	11 3	4.66	4.625
June 1	11 2	4.62	4.625
July 1	10 4 <sup>1</sup> / <sub>2</sub>	4.46	4.50
August 1	10 10 <sup>1</sup> / <sub>2</sub>	4.59	4.50
September 1	10 4	4.40	4.50
October 1	9 5 <sup>1</sup> / <sub>2</sub>	4.27	4.31
November 1	9 4	4.19	4.31
December 1	8 11 <sup>1</sup> / <sub>2</sub>	4.16	4.25
1900.			
January 1	9 2 <sup>1</sup> / <sub>2</sub>	4.22	4.25
February 1	9 9	4.34	4.44
March 1	9 8 <sup>1</sup> / <sub>2</sub>	4.33	4.375
April 1	10 1 <sup>1</sup> / <sub>2</sub>	4.41	4.41
May 1	10 6 <sup>1</sup> / <sub>2</sub>	4.50	4.44
June 1	10 9	4.56	4.56
July 1	11 2 <sup>1</sup> / <sub>2</sub>	4.65	4.69
August 1	11 9	4.78	4.875
September 1	11 3 <sup>1</sup> / <sub>2</sub>	4.67	4.875
October 1	10 0	4.39	5.00
November 1	9 5 <sup>1</sup> / <sub>2</sub>	4.27	4.375
December 1	9 9	4.33	4.375
1901.			
January 1	9 7 <sup>1</sup> / <sub>2</sub>	4.20	4.375
February 1	9 8	4.23	4.25



## German beet sugars, etc.—Continued.

Date.	Hamburg price.	New York equivalent.	New York price, 96°.
1901.	s. d.		
March 1	9 2½	\$4.22	\$4.19
April 1	8 11½	4.16	4.03
May 1	9 2½	4.22	4.25
June 1	9 5½	4.27	4.25
July 1	9 3	4.23	4.22
August 1	9 3	4.23	4.15
September 1	8 0	3.95	3.81
October 1	7 6½	3.84	3.75
November 1	7 1½	3.75	3.81
December 1	7 2½	3.76	3.75
1902.			
January 1	6 6	3.62	3.625
February 1	6 8½	3.66	3.60
March 1	6 7½	3.64	3.625
April 1	6 5½	3.60	3.625

Method of ascertaining the New York equivalent price of 96° centrifugal sugar when the Hamburg price of 88 analysis beet sugar is given.

[Computation made on the Hamburg price on April 1, 1902.]

	Per pound.
Beet sugar at 6s. 5½d., f. o. b. Hamburg, 112 pounds—Exchange at \$4.88	
per cwt.	1.40
Freight, 7s. 6d. per ton	.083
Insurance, bank commission, loss weight, one-half per cent each	.022
Duty (88 analysis outturns 94° polarization)	1.615
Countervailing duty (German sugar)	.26
Lighterage at New York	.03
Difference in value to refiners between 88 analysis and 96° polarization.	.19

Parity 96° polarization cane centrifugals. 3.60  
 Beet 88 analysis 6s. 5½d. f. o. b. Hamburg parity of centrifugals 96° polarization 3.60 cents per pound at New York.  
 Fluctuations of 1½d. equal .027 cents; fluctuations of 3d. equal .054 cents.

## APPENDIX B.

Sales of Porto Rico sugars at New York, compared with market price at New York and showing value f. o. b. Porto Rico.

[Freight to New York, 0.16 cent on bags and 0.22 cent on hogsheads. Insurance about 0.02 cent, duty 15 per cent of Dingley rates (equal to 0.2527 cent on 96° test and 0.216 cent on 89° test).]

[Willett & Gray's Weekly Statistical Sugar Trade Journal, March 6, 1902.]

## FULL DINGLEY RATES.

Date.	Articles.	New York market price.	Value f. o. b. Porto Rico.
1899.		Cents.	Cents.
Mar. 8	3,719 bags muscovados, basis 89°, at 3½ cents	3½	2.25
8	944 bags centrifugals, basis 96°, at 4½ cents	4½	2.51
8	5,000 bags centrifugals, basis 96°, at 2½ cents, c. and f. (equal 4½ cents duty paid)	4½	2.51
9	550 hhd. muscovados, basis 89°, at 3½ cents	3½	2.19
10	100 tons centrifugals, basis 96°, at 2½ cents, c. and f. (equal 4½ cents duty paid)	4½	2.51
10	250 tons muscovados, basis 89°, at 2½ cents, c. and f. (equal 3½ cents duty paid)	3½	2.25
15	1,500 tons muscovados, basis 89°, at 3½ cents	3½	2.25
15	6,900 bags centrifugals, basis 96°, at 4½ cents	4½	2.51
20	1,000 tons muscovados, basis 89°, at 3½ cents	3½	2.25
21	500 bags centrifugals, basis 96°, at 4½ cents	4½	2.57
22	600 hhd. muscovados, basis 89°, at 2½ cents c. and f. (equal 3½ cents duty paid)	3½	2.19
22	600 bags molasses, basis 89°, at 2½ cents c. and f. (equal 3½ cents duty paid)	3½	2.13
22	7,500 bags centrifugals, basis 96°, at 2½ cents c. and f. (equal 4½ cents duty paid)	4½	2.51
31	634 bags centrifugals, basis 96°, at 2½ cents c. and f. (equal 4½ cents duty paid)	4½	2.57
Apr. 1	420 tons muscovados, basis 89°, at 3½ cents	3½	2.32
1	1,275 bags centrifugals, basis 96°, at 4½ cents	4½	2.57
1	200 bags molasses, basis 89°, at 3½ cents	3½	2.19
11	1,700 tons muscovados, basis 89°, at 4½ cents	4½	2.44
11	1,500 hhd. muscovados, basis 89°, at 4½ cents	4½	2.44
14	5,500 bags centrifugals, basis 96°, at 4½ cents	4½	2.70
17	115 hhd. muscovados, basis 89°, at 4½ cents	4½	2.44
17	1,700 bags centrifugals, basis 96°, at 4½ cents	4½	2.70
20	300 tons centrifugals, basis 96°, at 2½ cents c. and f. (equal 4½ cents duty paid)	4½	2.70
20	100 tons molasses, basis 89°, at 2½ cents c. and f. (equal 4½ cents duty paid)	4	2.38
27	318 bags centrifugals, basis 96°, at 4½ cents	4½	2.76
27	3,500 bags centrifugals, basis 96°, at 4½ cents	4½	2.76
May 3	800 bags centrifugals, basis 96°, at 4½ cents	4½	2.88
4	2,000 bags centrifugals, basis 96°, at 4½ cents	4½	2.88
June 1	1,000 bags muscovados, basis 89°, at 4½ cents	4½	2.51
1	1,500 tons muscovados, basis 89°, at 4½ cents	4½	2.51
1	700 bags molasses, basis 89°, at 4½ cents	4	2.36
1	1,500 bags centrifugals, basis 96°, at 4½ cents	4½	2.36
2	1,000 hhd. muscovados, basis 89°, at 2½ cents, c. i. f. (equals 4½ cents duty paid)	4½	2.44
3	1,000 bags centrifugals, basis 96°, at 4½ cents	4½	2.76
3	2,000 bags molasses, basis 89°, at 4½ cents	4½	2.38
7	1,000 tons centrifugals, basis 96°, at 4½ cents	4½	2.82
7	1,200 bags molasses, basis 89°, at 4½ cents	4½	2.44
14	600 hhd. muscovados, basis 89°, at 4½ cents	4½	2.51
16	2,655 bags muscovados, basis 89°, at 4½ cents	4½	2.51
17	4,313 bags centrifugals, basis 96°, at 3½ cents, c. and f. (equals 4½ cents duty paid)	4½	2.82
20	800 bags centrifugals, basis 96°, at 4½ cents	4½	2.76
27	400 bags centrifugals, basis 96°, at 4½ cents	4½	2.70
28	2,400 bags centrifugals, basis 96°, at 4½ cents	4½	2.70

## Sales of Porto Rico sugars at New York, etc.—Continued.

## FULL DINGLEY RATES—continued.

Date.	Articles.	New York market price.	Value f. o. b. Porto Rico.
1899.		Cents.	Cents.
28	1,954 bags molasses, basis 89°, at 3½ cents	3½	2.32
July 5	6,300 bags centrifugals, basis 96°, at 4½ cents	4½	2.63
6	8,000 bags centrifugals, basis 96°, at 4½ cents	4½	2.63
6	3,000 bags muscovados, basis 89°, at 3½ cents	3½	2.25
13	600 hhd. muscovados, basis 89°, at 3½ cents	3½	2.19
25	1,000 hhd. muscovados, basis 89°, at 3½ cents	3½	2.19
27	80 hhd. muscovados, basis 89°, at 3½ cents	3½	2.26
July 27	3,000 bags centrifugals, basis 96°, at 4½ cents	4½	2.61
Aug. 2	540 tons muscovados, basis 89°, at 3½ cents	3½	2.25
18	10,000 bags centrifugals, basis 96°, at 4½ cents	4½	2.70
18	500 bags molasses, basis 89°, at 3½ cents	3½	2.25

## 15 PER CENT OF DINGLEY RATES.

Date.	Articles.	New York market price.	Value f. o. b. Porto Rico.
1900.			
Apr. 18	For arrival after May 1, 3,000 bags centrifugals, basis 96°, at 4½ cents c. and f. (duty, 2527 cent, equal to 4½ cents, duty paid)	4.44	4.07
May 3	800 tons centrifugals, basis 96°, at 4½ cents	4½	4.04
8	7,000 bags centrifugals, basis 96°, at 4½ cents	4½	4.01
8	192 hhd. muscovados, basis 89°, at 3½ cents	3½	3.49
8	1,000 bags molasses, basis 89°, at 3½ cents	3½	3.36
28	1,250 bags centrifugals, basis 96°, at 4½ cents	4½	4.07
31	1,000 tons muscovados, basis 89°, at 4½ cents	4½	3.67
June 7	3,000 bags muscovados, basis 89°, at 4½ cents	4½	3.73
13	600 bags centrifugals, basis 96°, at 4½ cents	4½	4.20
14	1,000 tons muscovados, basis 89°, at 4½ cents	4½	3.73
14	2,500 bags centrifugals, basis 96°, at 4½ cents	4½	4.20
23	150 tons muscovados, basis 89°, at 4½ cents	4½	3.73
July 5	2,500 bags centrifugals, basis 96°, at 4½ cents	4½	4.32
14	5,000 bags centrifugals, basis 96°, at 4½ cents	4½	4.38
21	600 tons centrifugals, basis 96°, at 4½ cents	4½	4.44
21	200 tons molasses, basis 89°, at 4½ cents	4½	3.73
28	1,200 bags muscovados, basis 89°, at 4½ cents	4½	3.98
30	1,000 bags muscovados, basis 89°, at 4½ cents	4½	3.98
28	3,300 bags centrifugals, basis 96°, at 4½ cents	4½	4.44
31	2,800 bags centrifugals, basis 96°, at 4½ cents	4½	4.44
31	900 bags molasses, basis 89°, at 4½ cents	4½	3.73
Aug. 1	700 tons centrifugals, basis 96°, at 4½ cents	4½	4.44
9	350 tons centrifugals, basis 96°, at 4½ cents	4½	4.38
9	200 tons molasses, basis 89°, at 4½ cents	4	3.61
Sept. 24	200 bags centrifugals, basis 96°, at 5 cents	5	4.57
Oct. 8	300 bags centrifugals, basis 96°, at 4½ cents	4½	4.32
15	50 hhd. muscovados, basis 89°, at 4½ cents	4½	3.80
15	266 bags centrifugals, basis 96°, at 4½ cents	4½	4.32
15	277 bags molasses, basis 89°, at 4½ cents	4	3.61
Dec. 3	250 bags molasses, basis 89°, at 3½ cents	3½	3.30
27	200 bags muscovados, basis 89°, at 3½ cents	3½	4.48
1901.			
Jan. 3	1,200 bags centrifugals, basis 96°, at 4½ cents, c. and f. (duty, 2527 cent, equal to 4½ cents, duty paid)	4½	3.88
Feb. 7	500 bags molasses, basis 89°, at 3½ cents	3½	3.11
26	250 hhd. muscovados, basis 89°, at 3.50 cents, c. i. f. (duty, .216 cent, equals 3.7185 cents duty paid)	3.71	3.27
26	2,300 bags centrifugals, basis 96°, at 3.93 cents, c. i. f. (duty, 2527 cent, equals 4.1875 cents duty paid)	4.18	3.76
Mar. 13	40 hhd. muscovados, basis 89°, at 3½ cents	3½	3.05
Apr. 1	400 bags centrifugals, at 4½ cents	4½	3.60
9	78 hhd. muscovados, basis 89°, at 3½ cents	3½	3.09
18	100 hhd. muscovados, basis 89°, at 3½ cents	3½	3.17
22	144 hhd. and 1,078 bags muscovados, basis 89°, at 3½ cents	3½	3.27
26	500 bags centrifugals, basis 96°, at 4½ cents	4½	3.75
May 1	5,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.82
2	2,000 bags molasses, basis 89°, at 3½ cents	3½	3.11
2	3,000 bags muscovados, basis 89°, at 3½ cents	3½	3.36
7	1,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.82
7	1,000 tons muscovados, basis 89°, at 3½ cents	3½	3.36
9	3,500 bags centrifugals, basis 96°, at 4½ cents	4½	3.86
9	1,500 bags molasses, basis 89°, at 3½ cents	3½	3.11
9	300 tons muscovados, basis 89°, at 3½ cents	3½	3.36
May 9	300 bags centrifugals, basis 96°, at 4½ cents	4½	3.86
13	1,200 tons muscovados, basis 89°, at 3½ cents	3½	3.36
13	5,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.86
13	500 bags molasses, basis 89°, at 3½ cents	3½	3.11
17	3,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.86
17	1,000 bags molasses, basis 89°, at 3½ cents	3½	3.11
17	65 hhd. muscovados, basis 89°, at 3½ cents	3½	3.30
23	190 tons muscovados, basis 89°, at 3½ cents	3½	3.30
23	400 bags molasses, basis 89°, at 3½ cents	3½	3.11
23	600 bags centrifugals, basis 96°, at 4½ cents	4½	3.86
June 7	8,500 bags centrifugals, basis 96°, at 4½ cents	4½	3.82
7	2,500 bags molasses, basis 89°, at 3½ cents	3½	2.98
10	2,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.82
10	700 tons muscovados, basis 89°, at 3½ cents	3½	3.23
21	2,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.79
July 18	4,600 bags centrifugals, basis 96°, at 4½ cents	4½	3.73
18	1,000 bags molasses, basis 89°, at 3½ cents	3½	2.86
FREE OF DUTY.			
July 26	10,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.93
26	1,200 bags molasses, basis 89°, at 3½ cents	3½	3.13
30	1,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.98
Aug. 1	1,500 bags centrifugals, basis 96°, at 4½ cents	4½	3.98
8	2,000 bags centrifugals, basis 96°, at 4½ cents	4½	3.94
Sept. 11	58 hhd. muscovados, basis 89°, at 3½ cents	3½	3.01
17	473 hhd. muscovados, basis 89°, at 3½ cents	3½	3.07
Oct. 21	2,523 bags centrifugals, basis 96°, at 3½ cents	3.81	3.67
23	650 tons muscovados, basis 89°, at 3½ cents	3½	3.07

*Sales of Porto Rico sugars at New York, etc.—Continued.*  
15 PER CENT OF DINGLEY RATES—continued.

Date.	Articles.	New York market price.	Value f. o. b. Porto Rico.
1901.	FREE OF DUTY—continued.	Cents.	Cents.
Nov. 6	800 bags muscovados, basis 89°, at 3½ cents.....	3½	3.07
22	400 hhd. muscovados, basis 89°, at 3½ cents.....	3½	3.01
Dec. 6	9,000 bags centrifugals, basis 96°, at 3½ cents.....	3½	3.57
6	361 hhd. muscovados, basis 89°, at 3½ cents.....	3½	3.05
6	5,000 bags molasses, basis 89°, at 3½ cents.....	3½	2.85
1902.			
Jan. 14	120 tons muscovados, basis 89°, at 3 cents.....	3	2.82

Sugars are shipped from the ports of San Juan, Ponce, Mayaguez, Arecibo, Arroyo, Humacao, Manabo, Jabos, Guanica, Yabacoa, and Aguadilla, on the island of Porto Rico. Owing to competition of new line of steamers, freight is now reduced to 7 cents on bags and 10 cents on hogsheds.

## APPENDIX C.

*Exports from the United States into Cuba for the years 1891, 1893, and 1896.*  
[Compiled from publications issued by Bureau of Statistics, Treasury Department.]

	Exports in quantities.			Exports in values.		
	1891.	1893.	1896.	1891.	1893.	1896.
<b>Breadstuffs:</b>						
Bread and biscuit.....lbs.	261,853	468,613	182,358	\$17,930	\$31,650	\$11,941
Corn.....bush.	367,324	1,041,474	199,193	220,187	582,050	93,201
Corn meal.....bbls.	856	1,225	629	2,909	4,001	1,748
Oats.....bush.	21,837	59,615	7,732	10,598	24,202	2,321
Wheat flour.....bbls.	114,447	616,406	176,724	591,886	2,821,557	647,057
All other breadstuffs.....				31,469	48,747	18,524
<b>Total breadstuffs.....</b>				<b>874,979</b>	<b>3,512,207</b>	<b>896,673</b>
<b>Meat and dairy products:</b>						
Beef, canned.....lbs.	6,238	588,135	23,484	531	49,878	1,778
Salted, pickled, and cured.....lbs.	63,500	64,066	26,150	2,676	3,259	1,277
Tallow.....do.	40,268	717,506	618,505	2,068	29,674	24,285
Bacon.....do.	5,423,621	6,977,298	6,168,201	351,955	556,747	886,475
Hams.....do.	2,141,208	5,834,286	3,408,718	234,458	761,082	348,065
Pork, pickled.....do.	547,190	685,810	195,600	33,315	59,276	10,286
Lard.....do.	32,054,107	42,683,652	26,218,302	2,079,534	4,023,917	1,551,185
All other meat products.....				34,816	38,605	61,886
Butter.....lbs.	101,130	234,156	49,982	18,119	49,257	10,080
Cheese.....do.	90,275	225,421	42,896	12,910	32,494	7,508
Milk.....do.				17,226	46,347	63,852
<b>Total meat and dairy products.....</b>				<b>2,787,608</b>	<b>5,700,536</b>	<b>2,466,677</b>
	1891.	1893.	1896.			
Total exports from United States into Cuba.....	\$12,224,888	\$24,157,698	\$7,530,880			
Total imports into United States from Cuba.....	61,714,395	78,706,506	40,017,730			

## APPENDIX D.

*Cuba's imports for the fiscal year 1901.*

[From Commerce of the Island of Cuba, June, 1901, Division of Insular Affairs, War Department.]

	All countries.	From United States.
<b>Animals:</b>		
Cattle.....	\$7,351,864	\$1,260,176
Horses.....	490,353	208,193
Mules.....	344,336	208,678
Hogs.....	200,241	196,288
Sheep.....	5,472	4,199
All other animals.....	4,423	2,749
<b>Total animals.....</b>	<b>8,336,639</b>	<b>1,940,283</b>
<b>Breadstuffs:</b>		
Bread and biscuit.....	62,290	33,651
Barley.....	38,765	1,266
Bran and mill feed.....	66,252	66,252
Corn.....	785,797	781,334
Corn meal.....	9,036	8,826
Oats.....	133,163	132,358
Oatmeal.....	327	323
Macaroni and vermicelli.....	16,039	8,054
Rye.....	398	398
Wheat.....	470	450
Wheat flour.....	2,206,759	2,206,174
Wheat-flour foods.....	22,279	5,620
All other breadstuffs.....	13,174	4,236
<b>Total breadstuffs.....</b>	<b>3,354,749</b>	<b>3,248,942</b>

*Cuba's imports for the fiscal year 1901—Continued.*

	All countries.	From United States.
<b>Cotton, and manufactures of.....</b>	<b>\$6,068,241</b>	<b>\$464,816</b>
Eggs.....	550,451	549,296
Hides and skins, not fur.....	139,921	64,455
<b>Beef products:</b>		
Beef, canned.....	6,132	6,132
Beef, fresh.....	248,909	248,909
Beef, salted or pickled.....	53,344	53,344
Beef, jerked.....	1,916,043	706
Beef tallow.....	98	98
<b>Total beef products.....</b>	<b>2,224,526</b>	<b>309,179</b>
<b>Hog products:</b>		
Bacon.....	7,292	7,139
Hams and shoulders.....	704,906	657,031
Pork, canned.....	1,318	657
Pork, fresh.....	40,200	40,198
Pork, salted and pickled.....	995,463	995,049
Lard.....	2,986,236	2,981,053
Lard products.....	10,400	7,625
<b>Total hog products.....</b>	<b>4,745,815</b>	<b>4,689,052</b>
<b>Mutton.....</b>	<b>21,408</b>	<b>21,408</b>
<b>Oleomargarine.....</b>	<b>79,613</b>	<b>73,299</b>
<b>Imitation butter.....</b>	<b>76</b>	<b>76</b>
<b>Poultry and game.....</b>	<b>139,951</b>	<b>134,630</b>
<b>All other meat products.....</b>	<b>315,750</b>	<b>148,015</b>
<b>Total meat products.....</b>	<b>559,798</b>	<b>377,428</b>
<b>Dairy products:</b>		
Butter.....	108,293	23,319
Cheese.....	490,743	59,333
Condensed milk.....	502,675	402,666
<b>Total dairy products.....</b>	<b>1,071,611</b>	<b>485,318</b>
<b>Vegetables:</b>		
Beans and pease.....	779,533	471,076
Onions.....	279,230	37,194
Potatoes.....	512,799	281,198
Vegetables, canned.....	141,515	13,548
Dried pulse.....	247,750	5,722
All other vegetables.....	145,208	59,485
<b>Total vegetables.....</b>	<b>2,106,125</b>	<b>868,223</b>
<b>Wool, and manufactures of.....</b>	<b>686,689</b>	<b>22,006</b>
<b>Rice.....</b>	<b>3,335,721</b>	<b>3,702</b>
<b>Agricultural implements.....</b>	<b>283,322</b>	<b>210,920</b>
<b>Cars, carriages, etc.....</b>	<b>448,291</b>	<b>425,983</b>
<b>Iron and steel, and manufactures of.....</b>	<b>4,799,216</b>	<b>3,403,607</b>
<b>Boots and shoes.....</b>	<b>1,638,084</b>	<b>405,682</b>
<b>Total of all imports of island.....</b>	<b>66,264,767</b>	<b>28,561,141</b>

*Cuba's exports for the fiscal year 1901.*

	All countries.	To United States.
<b>Sugar and molasses:</b>		
Molasses.....	\$1,142,865	\$1,142,855
Sirup.....	215	208
Sugar, raw or brown.....	27,061,628	27,058,648
Sugar, refined.....	2,390	9
Candy and confectionery.....	17,857	11,179
<b>Total sugar and molasses.....</b>	<b>28,224,955</b>	<b>28,212,899</b>
<b>Tobacco, unmanufactured:</b>		
Leaf, wrappers.....	15,739,364	10,659,825
Stems and trimmings.....	540	540
All other.....	315,391	29,660
<b>Total unmanufactured tobacco.....</b>	<b>16,055,295</b>	<b>10,690,025</b>
<b>Manufactures of—</b>		
Cigars.....	12,466,891	2,564,601
Cigarettes.....	319,062	13,413
All other.....	66,806	7,754
<b>Total manufactures of tobacco.....</b>	<b>12,853,759</b>	<b>2,585,768</b>
<b>Total of all exports of island.....</b>	<b>64,245,801</b>	<b>45,891,832</b>

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LANDIS having taken the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries.

## RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. SHAFROTH. Mr. Chairman, it is needless for me to say that I feel deeply upon the question involved in the bill pending before this House. I can not concur in the opinion of the proponents of this measure, that it is for the best interest of the Government, or that its benefits will accrue to the poor people of Cuba. To my mind there is something in this proposition which does



not appear upon its face. Although I have no doubt that our opponents are absolutely honest in their belief, yet, in view of the conduct of the American Sugar Refining Company in the past year, I can not but conclude that this measure is more in the interest of that company, commonly called the sugar trust, than of our own Government or the people of Cuba. In my judgment it is a continuation of the fight which the American Sugar Refining Company has been making to exterminate the beet-sugar industry of America.

The company has not used corrupt methods, but has applied far more effective weapons. It started a literary bureau, which disseminated throughout the United States articles that appealed for such legislation. Many newspapers which in some manner are under the influence of its members reiterated and approved the same. Commercial organizations which contained men who were interested in the company indorsed and resolved in favor of the same.

It started upon the proposition that a reduction of duty on Cuban sugar would reduce the price of sugar in the United States, and therefore would be in the interest of the consumer; that as the consumers constituted the entire population of the country, great benefits would accrue to the poor and laboring classes. Many disinterested newspapers, believing this plausible argument, advocated the proposition. Many of the people, thinking the statement true, approved the measure.

But, Mr. Chairman, the parties interested have all admitted before the Ways and Means Committee that such claim is not true; that the consumer will not get any benefit of the proposed 20 per cent reduction of duty on Cuban sugar, but the Cuban planter, or the purchaser thereof, will receive the advantage.

This literary bureau of the sugar-refining company next took the position that the people of Cuba were in distress and many of them at the point of starvation, which was reiterated by many papers of the country. Even the New York Herald, on February 9, 1902, began an editorial as follows:

Anarchy or annexation! One or the other is bound to result from further delay in granting relief to Cuba. While Congress potters and procrastinates the Cuban people starve.

This company knew that such an appeal would strike a responsive chord in the hearts not only of the members of Congress, but of the entire American people. It is no wonder that many of our best citizens regarded this as a most humane and meritorious measure.

But, sir, when the evidence was taken by the committee these claims were proven to be absolutely false. Even the witnesses appearing in behalf of the American Sugar Refining Company admitted that the price of labor in Cuba had risen 75 per cent since the Spanish-American war, and that everyone who wanted to work could find employment.

#### WAR ON BEET-SUGAR FACTORIES BY SUGAR TRUST.

These claims and positions indicate to me, perhaps more than to many other members of this House, that this is a trust measure, a movement in the attempt of the American Sugar Refining Company to crush out of existence the beet-sugar industry of this country, so that a complete monopoly of the sugars refined in the United States may be concentrated in its hands. Why does it so impress me? Because, Mr. Chairman, last fall this same company made a war—a war to the knife—against the beet-sugar industry of my State. It was then predicted that if it failed the next movement would be to procure legislation through Congress that would strengthen its own position and demonstrate to capital that conditions as to the beet-sugar industry are so unstable as to make it unsafe for further investments.

Three years ago there was not a pound of sugar raised in the State of Colorado. Last year we produced 20,000,000 pounds. Four factories are now producing sugar. Three sugar-beet factories are now in course of construction in the Congressional district I represent, ranging in cost from \$500,000 to \$1,000,000 each. Companies have the plans drawn and the capital raised to erect four more factories, but are waiting to see the result of this Congressional action, and whether the trust will permit them to live.

The beneficial effects to the farmers residing in the vicinity of these factories are marvelous. This is the one industry that promises to give some fair remuneration to the farmer of the West for his toil and labor. He can now hope to acquire a competence for old age. A large part of the value of the total produce goes to him for the beets he raises, and hence remains in his community.

In view of this development it was but natural that the people of the State of Colorado should take deep interest in and become aroused over the war of The American Sugar Refining Company against this young and promising industry.

Colorado having last year produced more sugar than she could consume was compelled to find a market beyond her borders. That market was naturally in the Missouri River Valley. The

agents of this industry went to the cities of that valley and negotiated sales for their product. They had to guarantee that sugar would not on the open market fall below the then selling price, which in Kansas City was \$5.23 per hundred pounds. The American Sugar Refining Company, thinking it could compel great losses to the Colorado factories upon those contracts, and thereby make the production of sugar by them unprofitable, ordered sales by the Kansas City agents, not at fair competitive prices, but at absolutely ruinous prices both to itself and the Colorado producers. That company ordered a cut in sugar to \$3.50 a hundred pounds, such a cut, I believe, as was never before made. This reduction, however, was only at the Missouri River cities where Colorado sugar had been sold. The price remained \$5.03 per hundred in New York, and still higher in Chicago, St. Louis, and the other parts of the country. The cut was made for the very purpose of ruining the beet-sugar industry of our State.

Mr. Chairman, I will now read a few extracts from papers, showing the purpose and intensity of that war of extermination. The following is from the Chicago Tribune of October 4, 1901:

#### DECLARES WAR ON BEET-SUGAR REFINERS.

War to the knife with the Colorado beet-sugar refiners was declared to-day by the American Sugar Refining Company.

The American Company's price at Kansas City has been 5.23 cents a pound. To-day it was reduced to 3½ cents a pound. The same cut applies to Missouri River points generally, only applying, however, to sections of the country in which beet sugar is in competition with cane sugar. The price made is below the cost of raw sugar, which, of course, means that the company will sustain a loss on its present sales in that section of the country. It is said that the reduction means that most of the beet-sugar factories will be compelled to market their product at a loss if they live up to the contracts they have recently made.

No change was made in American Sugar Refining Company's prices for Eastern markets to-day, and a difference of 1.10 cents a pound held between the price of the raw and the manufactured article. The New York price for raw sugar was quoted at 3½ cents a pound for centrifugal.

Mr. Chairman, it must be borne in mind that this ruinous competition was made by a company with millions at its command against individual refineries and factories which had just started and were in most instances heavily mortgaged. The next extract is from the Omaha Bee of October 10, 1901, which is as follows:

#### THE WAR ON BEET SUGAR.

The sugar trust is prosecuting its war on the beet-sugar industry with a vigor which plainly denotes a determination to destroy that industry if possible. The reduction in the price of granulated sugar for Missouri River points ordered by the trust last week was probably but the beginning of the war and is likely to be followed by further action on the part of the trust and its Western ally looking to the breaking down of the beet-sugar interest.

The trust may be in position to carry on the war much longer than the beet-sugar interest apparently believes, and there is no doubt the trust is prepared to make a very considerable sacrifice in order to break down the beet-sugar industry, which stands in the way of its scheme to secure the free admission of raw Cuban sugar. That is the inspiration of its present action, and it can be confidently predicted that it will continue the war until the question of our treatment of Cuban sugar shall have been determined.

The Springfield Republican remarks that the sugar war "is spreading out to envelop Congress and make of Cuba—its annexation or its admission to reciprocity with the United States—the ground of a most bitter industrial and political struggle. The sugar trust and the cane interest will stand for reciprocity or free trade with Cuba, and the beet-sugar association will fight this movement to the utmost limit of its resources."

There can be no mistaking the motive of the war on the beet-sugar industry. The trust has declared itself in favor of admitting Cuban raw sugar free and retaining the duty on refined. Under such a policy the domestic-sugar industry would be destroyed and the trust would secure complete and absolute control of the American market. If it can now seriously cripple the beet-sugar industry and discourage its further development it may achieve its object.

It will be observed that the prediction was then made that the sugar trust would continue the war by attempting to secure Congressional legislation which would strengthen its position and injure that of its opponents; that the sugar war would envelop Congress and make the very question before this House now "the ground of a most bitter industrial and political struggle." Is not the prediction almost prophecy?

The next extract is from the Boston Transcript of October 12, 1901, which is as follows:

#### THE WAR ON BEET SUGAR—TRUST MAY JOIN WITH THE CUBAN INTERESTS.

The action of the American Sugar Refining Company in making a radical reduction in the price of granulated sugar in the Missouri Valley may be regarded as a skirmish preliminary to the great battle between the cane and beet interests, of which the attitude of the United States toward Cuba is the objective point.

This action of the "trust" and such an interview are perhaps more significant than anything else in showing that the "trust" will doubtless make common cause with the Cuban sugar raisers in their warfare against the claims of the beet interests of the West. This gives a strong combination of commercial forces on one side against what is notably, especially in its political ramifications, a strong alliance on the other. Twenty-six States are said to be raising sugar beets, and 52 Senators are claimed as necessarily responsive to the beet interest.

Several years ago the American Sugar Refining Company could not be brought to see that there was any danger in beet-sugar competition. To-day its managers are fully alive to it, as their recent attack shows. That this was a wise move for them to make may be very much doubted. Popular sympathies are always against the "trust," and wherever one seems to be crushing out a local industry by temporarily lowering prices, strong local resentment is liable to result. It is unfortunate, therefore, to ally the cane-sugar cause with the "trust," even though it, as the great user of cane sugar, is naturally interested.

Here again we find the prediction made that the American Sugar

Refining Company will seek by Congressional action to better its condition in its effort to destroy the beet-sugar industry of America. Although these papers have no interest in these industries, yet they all declare the war is on and means ruin and destruction.

Mr. Chairman, this war upon the beet-sugar industry of Colorado was made in no other part of the United States. It was not waged against the Michigan sugar companies because the sugar trust thought it had more numerous and wealthy factories there with which to deal, but in Colorado, with but four factories, the trust believed it could strangle them in their infancy.

It goes without saying that when a war of this kind is waged the people of such State become aroused upon the subject and as one man condemn such aggression, and so it was in Colorado. Every paper in the State condemned this assault upon our industries. It was advocated by the press that the same treatment our forefathers gave in the colonial days to the products sent from England be given to the sugar trust; that the people should combine and agree not to use any sugar of the trust, no matter at what price it was offered for sale. The grocery stores of the State began to sign agreements not to purchase a single pound of sugar from the American Sugar Refining Company irrespective of tempting rates and terms, and had the cut in prices continued, I have no doubt the agreement would have been universally signed and rigidly enforced.

There is no one, Mr. Chairman, within the confines of my State, who indorses this bill. There is not a Democrat or a Republican there who approves this measure. This sentiment is universal, not only in the agricultural parts, but in the cities, the oil sections, and mining districts as well.

#### POLICY OF SUGAR TRUST AS TO COMPETITORS.

Mr. Chairman, I now want to call attention to the systematic action which the American Sugar Refining Company has always pursued with respect to its rivals; how it has time and again pursued its exterminating policy with success, until to-day it controls 90 per cent of the refined sugar of the United States; how it is now attempting to use the United States Congress in its battle against a home industry.

I read from the statement of Mr. F. R. Hathaway in the hearings before the Committee on Ways and Means on this measure, at page 225, relative to the testimony of Mr. Havemeyer, president of the American Sugar Refining Company, before the Industrial Commission:

The relief of Cuba is but an incident in the larger policy of the sugar trust to crush all competitors. The greatest competitor this organization has to fear is the beet-sugar industry of the North and West, which is developing with such rapidity as to astound the Eastern refiners. \* \* \*

What is the attitude of the sugar trust toward all competitors? On page 108 of the Report of the Industrial Commission on Trusts and Industrial Combinations, Mr. Havemeyer's testimony reads as follows:

Q. If you can make it unprofitable to them (other refiners) they will stop their sales, and in the long run the expectation is that the profit will be larger to your stockholders?

A. That would be the natural inference. Of course, it goes without saying, if we protect our own meetings, it can only be done under the condition of things that makes it unprofitable for our competitors, the real motive being the protection of our own business, and the result being an absence of profit to them.

"Again, from Mr. Havemeyer's testimony on page 120:

Q. Now, I also understood you to imply at least that it is the policy of the American Sugar Refining Company to crush out all competition if possible?

A. But that is not so; there is no such testimony. I understand it has been put in that form by one of the gentlemen, but it is not the fact. What I said was that it was the policy of the American Company to maintain and protect its trade, and if it resulted in crushing a competitor it is no concern of the American Company. If he gets in the press, that is his affair, not ours.

Q. And if anyone interferes with the business, profits, or competition of the American Sugar Refining Company, it is its policy to prevent it if possible?

A. By lowering profits to defy it.

Q. And if it results in crushing him out—

A. (Interrupting.) That is his affair.

Q. Not the affair of the American Sugar Refining Company?

A. No.

"Again, from Mr. Havemeyer's testimony, page 125:

Q. When you sell in this country, you control the price?

A. Yes, sir.

Q. And it (the trust) was organized, as I understand it, with a view of controlling the price and output to the people of this country?

A. That was one of the objects of consideration.

Q. And you have succeeded in doing it?

A. Yes, sir.

Q. That was the principal object in organizing the American Sugar Refining Company?

A. It may be said that was the principal object.

"This testimony was read to Mr. Havemeyer as having been given by him before the Lexow committee.

"On page 60 the Industrial Commission states: 'Mr. Havemeyer's testimony before the Lexow committee in 1896 was read to him and he stated that he stood by every word of it.' \* \* \*

"From the time of its organization down to the present the path of the American Sugar Refining Company has been strewn with the wrecks of its competitors. Sometimes these have been crushed and then bought up; sometimes they have been crushed

and allowed to remain where they were ruined. (See p. 45.) The same man who has guided the policy of the American Sugar Refining Company from its inception to the present still retains control. His power is as absolute as ever. His policy is plainly declared. The beet-sugar industry of the United States, his only rival, can expect no mercy at his hands. If he has the power he will crush it and coolly state, as he replied to the Industrial Commission, that such a result is not his affair.

"If the American Sugar Refining Company can crush out its competitors, will it then be able to control the sugar business of this country?

"On page 107 Mr. Havemeyer's testimony reads as follows:

Q. What proportion does your output form of the total output of the country now?

A. I have never been able to get at those figures, but I should say about 90 per cent.

Q. You think about 90 per cent of America?

A. That is not of the capacity, but of the output. The fact is that these refineries are not working full.

Q. Does the American Sugar Refining Company itself have a capacity enough to supply the total demand if it were not for the opposition? Your company could easily supply the total demand at the present capacity?

A. The demand and 20 per cent in excess.

"On page 60 the Industrial Commission quotes from Mr. Havemeyer's testimony before the Lexow committee as follows:

It goes without saying that a man who produces 80 per cent of an article can control the price by not producing.

This evidence shows that in 1899 Mr. Havemeyer was not only able to supply the entire consumption of sugar in the United States from refineries owned by him, but without increasing their capacity could supply 20 per cent more than the people of the United States could use.

If the sugar trust secures the absolute control of the American market, what will be its policy toward the consumer?

"On page 112 Mr. Havemeyer states:

We maintain that when we reduced the cost we were entitled to the profit, and that it was none of the public's business.

"On page 117 Mr. Havemeyer's testimony reads as follows:

Q. I say he (the consumer) may be benefited temporarily for six months or a year, but if, after the crushing out has taken place, you then, as you said in your testimony, resume a margin of profit which you consider is the right thing, and that is the only thing you were governed by, I ask you then whether the consumer will be materially benefited or not?

A. Is he not benefited to the extent of the reduction of the prices during the fight?

Q. He is; but if he has to pay double or three times the price after the fight is ended I fail to see where he is benefited.

A. He is not if he has to pay that.

Q. I understood you to say when the war was ended you evened up?

A. Yes.

Q. The price you put on was for the benefit of the stockholder?

A. Yes.

Q. Do you think it is fair that the customer should pay a dividend to your company on brands, good will, etc.?

A. I think it is fair to get out of the customer all you can consistent with the business proposition.

Q. You state that as an ethical proposition before this Commission, and you have to stand on that ethical position for fair play. Now, I want to know if you think—you stated that the consumer received the benefits of this consolidation of industry—it a fair ethical position, independent of the business view you put on it, that the consumer should pay dividends on this \$25,000,000 of overcapitalization?

A. I do not care 2 cents for your ethics. I do not know enough of them to apply them. \* \* \*

"The Industrial Commission, on page 46, sums up the effect of Mr. Havemeyer's position on prices as follows:

On the whole, the chart seems to make it perfectly evident that the sugar combination has raised the price of refined sugar beyond the rates in vogue during the period of active competition before the formation of the sugar trust and the two competitive periods during its existence.

#### CAPITALIZATION.

The report of the Industrial Commission, page 123, shows that the original capital stock of the 15 or 16 companies that were merged into the sugar trust in 1887 was \$5,500,000. When the new company was organized it was capitalized at \$50,000,000, half of which was preferred and half common stock. (See page 124.)

During the years 1890 and 1891 the active competition against the American Sugar Refining Company was so keen that an additional issue of stock, amounting to \$25,000,000, was made, in order to buy up all the other sugar refineries. (See page 43.) The capital stock of \$75,000,000 remained until 1901, when, according to newspaper statements, the stock was increased to \$90,000,000. Now, new refineries have, however, been erected since the last issue of stock. The purpose for which this stock was issued is not plain, but in many quarters it is supposed that the major part of the new \$15,000,000 was to be used in Cuban investments. We are, however, unable to substantiate this rumor.

On page 111 Mr. Havemeyer states that his refineries could be rebuilt new at a cost of from \$50,000,000 to \$50,000,000.

Mr. Post, on pages 151 and 152, estimates that the cost of rebuilding the American Sugar Refining plants new would cost even less.

Upon the testimony of Mr. Havemeyer we base our conclusion that there is from \$50,000,000 to \$80,000,000 water in its present capitalization.

The Industrial Commission finds, page 43, that the dividends on the stock of the American Sugar Refining Company since 1891, for each year, have been 7 per cent on preferred stock and average 12 per cent on common stock. The dividends on common stock range from 4 per cent, the year the company was formed, to 21 per cent in 1893. (See page 43.)

Mr. Chairman, this evidence shows that the American Sugar Refining Company from the time of its incorporation to the present has pursued an unrelenting war of subjugation or extermination against every company that attempted to enter into the business of refining sugar. Sir, not content with sharing the markets with other companies, which were equally entitled to the same;



not satisfied with competition within the margin of profit, the life of trade, but using the full power of its \$90,000,000 of capital, it has, at enormous expense, inflicted such losses upon rival enterprises as produced the only alternative of ruin or surrender. There is no justification for such rule or ruin policy. Almost as well might we justify one body of men crippling the limbs of their rivals so as effectually to prevent competition in labor.

\* The consolidation of these factories means no good to the consumer of sugar. The evidence shows a profit as high as 21½ per cent on common stock in one year upon a capital of \$50,000,000, when the aggregate capital of the refineries consolidated amounted only to \$6,500,000, or more than 100 per cent in one year. Although the selling quotation of sugar is reduced during the fight, yet after it is over the loss is made good by increased prices.

The fact that the present price of the stock of the American Sugar Refining Company is \$115,000,000, when their plants could be duplicated for \$35,000,000, shows what large profits it makes in refining sugar.

Mr. Chairman, that is the kind of competition the beet-sugar industry is compelled to fight for existence. The ruinous cut on sugar in the Kansas City market was simply carrying out the general policy of the company. Is it any wonder that having failed in their Missouri River Valley war it should bend all the energies of its literary bureau and the newspapers subject to its influence toward forcing through Congress a measure that will add millions to its treasury, strengthen its attitude in this contest, and render unstable and weak the position of its opponents?

These are the reasons why I believe this is more of a trust measure than legislation for the people.

#### ARE WE UNDER A MORAL OBLIGATION TO CUBA?

Mr. Chairman, they tell us that the United States is under a moral obligation to Cuba to relieve her distress. By what facts or principle of the moral law do they justify such an obligation? It is said the Platt amendment imposes such a duty, but when we examine the provisions of that legislation we fail to find any stipulation or inference that will justify such a contention.

The first provision of that law is that Cuba shall not make any treaty impairing its own independence; the second is that she shall not contract any debt greater than her revenues in time can liquidate; the third is that we can intervene to preserve Cuban independence and government; the fourth validates the acts of our Government in Cuba during our occupation; the fifth is that Cuba shall extend the work of sanitation; the sixth is that the Isle of Pines shall be omitted from the boundaries of Cuba; the seventh provides that Cuba shall sell or lease to us land for coaling or naval stations; the eighth is that Cuba shall embody these provisions in her constitution.

Where is there an inference of obligation in any of these provisions? We have not deprived Cuba of any market she had prior to our intervention. We do not restrict Cuba in the slightest in the formation of any commercial treaty she may deem it expedient to make.

But, sir, the obligation is all on the other side. What have we done for these people? We have intervened at their instance and request to relieve them from the tyranny and oppression of Spain. We have given to them just what they wanted, liberty and freedom and a government of their own. We have expended in order to give them these blessings more than \$250,000,000. But that is not all we have done for them. Spain had contracted a public debt of \$300,000,000 which was specified should be payable out of the revenues of that island. By the treaty of Paris we wipe out that obligation on the part of Cuba. Thus we see we have expended out of our own Treasury for the benefit of Cuba \$250,000,000, and saved to that government the payment of \$300,000,000 of bonds which Spain would have forced her to pay.

Mr. LITTLEFIELD. Three hundred and thirty million dollars.

Mr. SHAFROTH. I thank the gentleman. I have always heard it referred to as \$300,000,000. We have paid for and saved to each man, woman, and child of Cuba nearly \$400. We have never been so generous to our own people.

In addition, we voted out of our Treasury \$3,000,000 to relieve the distress, suffering, and starvation of the poor of that island. And above all, for the cause of that people, we have sacrificed on the field of battle and by disease many of the bravest and best of the youth of our land. The moral obligation is all on the part of Cuba and not the United States.

#### REDUCTION OF DUTY ON CUBAN SUGAR WILL NOT BENEFIT THE CONSUMER.

It has been admitted in this debate that the passage of this bill making a reduction of 20 per cent on imports from Cuba will not affect the price of sugar in the United States. And yet I presume there are some who do not see why that is true. The reason is, because there is an international market price for sugar. Hamburg is the great sugar market of the world. The market price at Hamburg determines the price of sugar in every other country.

The New York price is the Hamburg price plus freight and

duties. The Cuban price is the New York price less freight, duty, and refining charges. It is impossible for two sugars of the same grade to sell in the New York market at different prices. The Cuban sugar can not pull down the price of the Hamburg sugar, because it is small in quantity compared to the world's supply, and the Hamburg price is determined by the world's demand for and supply of sugar, including that raised in Cuba. As Cuban sugar can not pull down the price of Hamburg sugar, and as sugars of the same grade can not sell in the same market at different prices, the irresistible conclusion is that Cuban sugar in the New York market will be elevated to the price of the Hamburg sugar. If the production of Cuban sugar, together with our domestic sugar, were more than sufficient to supply our demand, so that we would not be compelled to buy any from the Hamburg market, then the admission of Cuban sugar at reduced duty or free would affect the price in New York, and the consumer would derive a benefit from the same. But that is not the case.

Our consumption of sugar this year will be 2,500,000 tons. There will be supplied by—

	Tons.
Cuba, about.....	850,000
Porto Rico, about.....	150,000
Hawaiian Islands, about.....	350,000
United States, about.....	350,000
Total.....	1,700,000
Leaving to be purchased from Hamburg.....	800,000

All of the 800,000 tons from the Hamburg or other market subject to its influence must pay the full tariff rates and hence must sell at the Hamburg price plus freight and duties.

We are familiar with this economic truth when applied to wheat or cotton. The world's market for those commodities is at Liverpool. The price of wheat or cotton at any point in the United States can be ascertained by deducting from the Liverpool price the cost of transportation.

Mr. Havemeyer himself published a statement in the Boston Herald of January 21, 1902, in which he used the following language:

The American Sugar Refining Company's attitude has been merely to place before the public the operation of the tariff laws on sugar, in the hope that Congress would remove the entire duty on raw sugar. Any partial removal in favor of any country would accrue entirely to that country and not to the consumers of sugar in the United States.

The chairman of the Committee on Ways and Means in his report on this bill made the following statement:

All the experts who were called before the committee admit that the price of sugar will not be less to the consumer on account of the 20 per cent reduction proposed.

All the minority reports upon this bill also admit the same thing. Therefore it seems to me conclusive that the consumer in the United States will not get any benefit from a reduction of the duty on Cuban sugar authorized by this bill.

It is asked by some, If that is true why do those who represent States in which sugar is produced object to the enactment of this legislation? The answer is, because the passage of this bill will terrorize capitalists seeking investment in the beet-sugar industries—make them believe that conditions as to beet sugar are unstable and therefore unsafe for investment.

Because it will stimulate the production of sugar in Cuba, which might, if the provisions of this bill were extended some years after January 1, 1904—the date of its expiration—cause Cuba to supply our entire market to the extinction of our own product. The testimony shows that Cuban lands when fully developed are capable of producing 4,000,000 tons of sugar.

Because it will amount to a donation out of the United States Treasury of a large sum of money.

#### A GIFT OF FROM \$7,000,000 TO \$8,000,000.

The amount lost to the revenues of this Government by reason of the passage of this measure will be between seven and eight millions of dollars per annum, or from fourteen to sixteen millions during the time of the operation of this bill. Inasmuch as the sole market for the surplus Cuban sugar is now and always has been the United States, that product is bound to come to this country whether this legislation is enacted or not, hence a reduction in duty on Cuban sugar is a loss of just that much to the revenues of our Government. The chairman of the Committee on Ways and Means in his report says:

The reduction of 20 per cent proposed in this bill means a loss of revenue of between seven and eight million dollars.

The reduction of 40 per cent would make a loss of twice that sum.

The benefit of that reduction therefore is equivalent to a rebate or gift out of the public Treasury.

#### NO DISTRESS OF THE POOR IN CUBA.

Mr. Chairman, a few months ago it was claimed that the poor of Cuba were in distress at the point of starvation, and that every impulse of humanity should prompt us to vote legislation such as this to relieve them. No people at the point of starvation have ever

appealed to the United States in vain, and never will, but the evidence is conclusive that no suffering exists in Cuba.

I want to read the testimony of the witnesses appearing before the Ways and Means Committee in favor of this bill upon this question.

Mr. Edwin F. Atkins, a merchant, sugar planter, and stockholder in the American Sugar Refining Company, at page 18, testified as follows:

Mr. TAWNEY. Are they import agents for the Sugar Refining Company or sugar trust?

Mr. ATKINS. No, sir. The trust imports its own sugar, where it is imported at all. They have no agent.

Mr. TAWNEY. They are sugar brokers in New York?

Mr. ATKINS. Yes, sir.

The CHAIRMAN. You have just said, in reply to Mr. METCALF, that your sugar business in Cuba has been profitable. Was it profitable last year?

Mr. ATKINS. It was profitable last year. I do not deny it, sir; and if you will allow me to make a statement here—

The CHAIRMAN. Of course you can make any statement you desire in answer to a question.

Mr. ATKINS. I do not deny I made money in Cuba last year. I do not think that is anything to my discredit. But the average planter in Cuba last year, I am assured by the very best authorities of the island, did not make money out of last year's operations, but barely covered the cost of its production.

Mr. COOPER. What is the difference in the price of wages there now and the price of wages before the war?

Mr. ATKINS. Before the war, during the insurrection, wages were very low indeed. The price of wages at the present time—well, I should think that they had increased 75 per cent, but wages before the war, during the three years of the insurrection, were abnormally low.

Mr. ROBERTSON. I understood you paid \$23 for twenty-six days' work.

Mr. ATKINS. That is about the average on my place.

Mr. RUSSELL. And you mentioned other localities and plantations where they paid \$1 a day.

Mr. ATKINS. Exactly; and that is \$26 for twenty-six days' work.

Mr. RUSSELL. Then you certainly pay less than they do?

Mr. ATKINS. I pay less than they pay, but I pay more than gentlemen from the provinces of Habana and Matanzas.

Mr. RUSSELL. How much more?

Mr. ATKINS. Mr. Mendoza says the rate I spoke of is \$3 higher than he pays.

Mr. RUSSELL. You are paying what might be considered the average rate?

Mr. ATKINS. I think I am paying the average rate on the island.

Mr. Miguel G. De Mendoza, Cuban commissioner on economic affairs and sugar planter, at page 66 of the hearings before the Ways and Means Committee, testified as follows:

Mr. TAWNEY. Is labor generally employed on the island outside of Habana?

Mr. MENDOZA. Sir?

Mr. TAWNEY. Is the laboring class more generally employed on the island outside of Habana?

Mr. MENDOZA. It is. All the sugar plantations are working by this time. They are all employed. There is plenty of work for the workmen in Cuba to-day.

Mr. TAWNEY. And at good wages?

Mr. MENDOZA. Well, not very good, because the wages in Cuba increase according to the price of sugar. When sugar is low we can not afford to pay high wages.

Mr. TAWNEY. They are paying now for common laborers as high as \$30 per month, are they not?

Mr. MENDOZA. In some places in the island, but not in all. In the eastern part of the island, which is less populated, the wages of labor are higher.

Col. T. S. Bliss, United States Army, collector of the port at Habana, at pages 389, 392, and 399 of said hearings, gave evidence as follows:

Mr. METCALF. Is there any distress at the present time in the island of Cuba, Colonel?

Colonel BLISS. Any distress? No, sir.

Mr. METCALF. The people are all employed?

Colonel BLISS. Yes, sir; I should say that there was no distress whatever, from all I have seen.

Mr. RUSSELL. Is there any distress in any industry in the island of Cuba except the sugar industry?

Colonel BLISS. I should say not.

Mr. NEWLANDS. As I understand it, the labor in Cuba is at present well employed and at good wages.

Colonel BLISS. Yes, sir.

Mr. NEWLANDS. That means that the present production of sugar utilizes all the labor that now exists in Cuba, does it not?

Colonel BLISS. Yes, sir.

Mr. TAWNEY. You have said that labor there is employed, all over the island. In what does this distress of which you speak consist?

Colonel BLISS. I have not spoken of any distress, except to deny that any existed, so far as I knew. It is a long time since I have seen anyone begging on the streets, or anybody who wanted to work who was not at work at good wages.

The testimony of these men, especially when not contradicted, ought to settle conclusively that the poor in Cuba are not in distress, but are in better condition than they have ever been in the history of the island. In fact there has been such a shortage in labor there that 60,000 laborers were imported to supply the market.

SHOULD WE RELIEVE FOREIGN PLANTERS FROM LOSSES IN SPECULATIVE VENTURES?

But, sir, it is now said that the price of sugar in Cuba is below the cost of production; that her plantations are mortgaged, and her sugar crop pledged to secure debts bearing interest at from 8 to 18 per cent per annum; that she is on the eve of a financial panic, and that we should relieve this condition by the passage of this bill.

Some gentlemen have, in our presence, even made a calculation showing just how much of a reduction we ought to make in order to prevent loss to the Cuban planters and give them a small profit.

This condition is much to be regretted, but it is no fault of ours. This situation is not due to any legislation upon the part of this Government, but is due to the overproduction of sugar in the world, caused largely by the action of the European governments in granting bounties for the raising of beet sugar.

Is there any reason that we should vote revenues out of our own Treasury to relieve such distress in a foreign country, when we have never done it for our own people? Charity should begin at home. When corn was selling at 8, 9, and 10 cents per bushel in Kansas a few years ago, which was below the cost of production, did Congress vote money to make good those losses? Did even a Kansas Representative in this House suggest a measure that squinted at giving these farmers a donation from the Treasury of the United States? When cotton was selling in the South at 4½ cents a pound no Southern Representative made the suggestion that on account of the wealth and generosity of the American people Congress should save the cotton planters from loss upon their crops.

Mr. Chairman, there never was a people that had so much distress inflicted upon them in times of peace as the people of the State of Colorado in 1893. This condition was directly caused by legislation upon the silver question by the American Congress.

A thousand silver mines were shut down by reason of the drop in the price of silver, caused by the legislation of that body. Ten thousand men were thrown out of employment and left the State because the mines could not be operated at a profit. The production of silver being at that time the leading industry of that State, naturally it was the main support of the value of all the real estate of her cities. The drop in the price of silver was followed almost instantaneously by enormous depreciation in the value of her property. Owners of real estate, who had no fear of the little mortgages upon their premises, suddenly found themselves bankrupts.

Although this distress and suffering were inflicted by reason of legislation of this body, yet no one ever suggested that the Treasury of the United States should be opened to reimburse the mine owners who had suffered loss nor the miners who were thrown out of employment by reason of that great calamity. We did not then relieve our own miners who had ventured their all in mining properties. Should we now relieve foreign planters who have met with losses in a speculative venture in sugar lands?

WHO WILL GET THE \$7,000,000 OR \$8,000,000 OF THE FIRST YEAR?

But, sir, that is not the worst feature of this proposition. Who will get the seven or eight million dollars that is proposed we shall take from the revenues of this Government the first year. The laborer can not get it, because the crop has been harvested, the raw sugar produced, and he has been paid his wages.

Most of the planters can not get any of the amount this year, because by the time this bill passes the Senate and the Cuban legislature meets and enacts the necessary laws in acceptance of this bill almost the entire sugar crop of Cuba will be in the hands of the purchaser.

The testimony at first was that to relieve the planter it was necessary that this legislation should be enacted by March 1, 1902. The testimony shows that there are no sugar refineries in Cuba and that the American Sugar Refining Company is the sole customer of that commodity.

So it seems conclusive that the sugar trust will get at least nine-tenths of the first year's benefit of this legislation.

WHO WILL GET THE BENEFIT OF THE SECOND YEAR'S REDUCTION?

It is said the planters will receive the advantages of this measure next year. Most of the cane grown in Cuba is raised on large plantations which are chiefly owned by Spaniards. Some large plantations are owned by Americans, among whom are stockholders of the American Sugar Refining Company.

Mr. BISHOP. Has the gentleman made any investigation as to how much of this sugar land in Cuba is owned by Spaniards living outside of Cuba and by people living in the United States?

Mr. SHAFROTH. More than two-thirds of the lands, I understand, are owned by the Spaniards and Americans, but as to where they live I do not know. Of such lands the Spaniards own more than twice as much as the Americans.

But I want to show that of the \$7,000,000 or \$8,000,000 of revenue to be taken from the Treasury next year the American Sugar Refining Company will get the major part.

It is conceded by Mr. Havemeyer that his company is the sole purchaser of Cuban sugar, which is bought at Havana and other points in the island. The sugar is not marketed by the planter at New York, but even if it were he would find only the same customer there.

In the negotiations for sugar, of course the American Sugar



Refining Company will endeavor to buy as cheap as it can and get as much of the benefit of this reduction of duty as possible. The Cuban planter will try to do the same thing. Which is in the better position, which more likely to gain advantage in the negotiations?

The American Sugar Refining Company has a capital of \$90,000,000, which is worth to-day on the stock market \$115,000,000. The planters, according to the testimony, have mortgages on their plantations upon which they are paying large rates of interest. Which party is in the better position to dictate terms? The agent of the American Sugar Refining Company will go to the planter and say, "I will pay you the same price for sugar as I have been giving." The sugar producer will say, "No; since my former sales a 20 per cent reduction in duty on Cuban sugar has been made by the United States, and I should have the benefit of the same." The agent will respond, "I do not care to buy to-day." The sugar trust has the world's market in which it can buy raw sugar. The Cuban planter has no other market than America in which to sell and no other customer than the American Sugar Refining Company to whom he can sell. Which can hold out the longer? The American Sugar Refining Company, with its millions, can wait. The planter, with interest at ruinous rates accumulating, must sell. A compromise will be effected, but the company will get the greater part of the 20 per cent reduction.

Thus this measure means that under the plea of relieving distress in Cuba nine-tenths of the millions of the revenue donated by this bill for this year and more than half for the next year will go into the pockets of the American Sugar Refining Company. If a greater reduction is made, the greater the benefit the trust will receive. Is not that too much of a bonus to give in order that a small portion may reach some speculative planters in Cuba who may now be in distress? Will not this bonus strengthen the arm of a company, which, by reason of its monopolizing the sugar market, has added sixty millions of watered stock to its capital, and which has used the full force of that capital and will use the full power of this bonus to exterminate the individual beet-sugar factories of the United States?

No surer indication that the larger part of the revenues appropriated in this bill will find their way into the coffers of the American Sugar Refining Company can be found than the effect this bill has had on the stock of that company.

It was on March 18, 1902, that the majority of the Republicans on the Ways and Means Committee approved this bill. The increase in the value of the stock of this company by reason thereof is shown in the following:

COMMON STOCK.	
\$45,000,000, at \$116.50 a share in January, 1902.....	\$52,425,000.00
Same stock at \$133.50 a share March 22.....	60,075,000.00
Net increase.....	7,650,000.00
PREFERRED STOCK.	
\$45,000,000, at \$115 a share in January.....	\$51,750,000.00
Same stock at \$119.50 a share March 22.....	53,775,000.00
Net increase.....	2,025,000.00

COMMON AND PREFERRED.  
Total increase in valuation of both common and preferred stock since first week in January..... \$9,675,000.00

The papers of New York City, which are almost all in favor of this measure, indicate the cause of the increase in the value of that stock. The following are some of the views:

Sugar jumped up on the many protests that more than a 20 per cent reduction on raws from Cuba should be granted. Of course, the larger the cut on raw-sugar duties the larger the benefits to the sugar trust. What refiners of cane sugar in New York want is a lower duty on the raw material, so that they can crush out the domestic beet-sugar industry more easily. (New York Press, March 21.)

Sugar refining reacted sharply in the early trading under pool realizing. The stock was stimulated in the later trading on buying orders executed by houses with Washington connections, and reports of a 33 1/3 per cent reduction on Cuban sugar, instead of 20, in the reciprocity treaty were circulated. (New York Herald, March 21.)

American sugar.—The expectation (now almost a certainty) of the reduction in the duty on Cuban sugar has been the chief bull argument on sugar-trust stock, which has advanced on buying by Washington and sugar-trust interests. The sudden upward movement on Friday was coincident with a five-point advance in the price of refined sugar. (New York Times, March 22.)

The stock brokers' advice of Messrs. Haight & Freese Company, of New York, of February 15, 1902, is as follows:

#### THE COMING SUGAR STRUGGLE AT WASHINGTON.

FEBRUARY 15, 1902.

DEAR SIR: All eyes interested in sugar are centered on Washington for first indications as to what will be done relative to duties, the subject coming up in the interest of Cuba. Sugar is one of Cuba's greatest products, and the American duty thereon will have the greatest importance and bearing upon many interests, notably the American Sugar Refining Company. The question is, Will the United States reduce the present duty 25 per cent or thereabouts on sugar coming from Cuba or will it let matters rest as they are? Opposed to the action is the beet-sugar interest. In favor of it are the \* \* \* President and the interests of the American Sugar Refining Company.

If the measure goes through Congress and becomes operative, the stock of the American Sugar Refining Company will have a tremendous rise and easily gross 150; if it fails, the stock would undoubtedly suffer quite an ex-

tensive decline. If the reduction becomes a law, the primary beneficiary would be the American Sugar Company, inasmuch as they would be in possession of the raw sugar instead of the planter.

Mr. Chairman, these facts ought to demonstrate to all that the American Sugar Refining Company will receive the greater part of the benefits extended by the passage of this measure.

#### NO ADVANTAGE IN RECIPROCITY WITH CUBA.

This bill provides that until January 1, 1904, we shall reduce the duty on our Cuban imports 20 per cent and Cuba shall reduce her duty the same amount on our exports to her. Nearly all our import from Cuba is sugar. We buy from that island three times as much as she buys from us. Her tariff rate now is on the average 21 per cent of the value of her imports.

Twenty per cent reduction on the rate will therefore be only 4 per cent of value, which is not a sufficient advantage to appreciably increase our sales in that country. We now have with Cuba all the trade which naturally belongs to us. She is buying our wheat, flour, beef, bacon, machinery, and other commodities and articles we export to foreign countries. Her reduction of duty will not cause her people to buy appreciably any more than they do now. Our producers will not get the benefit of the Cuban duty reduction, because the Cuban market for our products is too small to affect the world's price, at which we sell all our products shipped to that island, but the Cuban people themselves will obtain the benefit of the same.

Thus it seems that the reciprocity feature of this bill will be of very little advantage to our trade. But even if otherwise, it would be simply swapping off the prospects of almost the only industry from which the farmers derive an advantage from the tariff in order to give some trade concessions to manufactured articles which are already heavily protected and to the protected steel trust which sells steel at home at \$1.65 per hundred and in foreign countries at 95 cents for the same quantity.

#### CONCLUSIONS.

Mr. Chairman, I have endeavored to show—

First. That the sentiment in behalf of this measure has been produced by the literary bureau of the American Sugar Refining Company by the assumption of conditions that did not exist; that the passage of this bill will result in a victory for that company in its war of extermination against the beet-sugar industry of this country.

Second. That there is no obligation, moral or legal, upon the United States to give any advantages or revenues to Cuba or her people.

Third. That there is no suffering among the poor in that island, that her workmen are receiving higher wages than ever before, and that every man there who wants work can obtain employment.

Fourth. That the consumer in the United States will not receive the benefit of the proposed reduction in the duty on sugar.

Fifth. That this legislation will produce a check in the development of the sugar-beet industry of this country.

Sixth. That of the revenues lost to the Government by reason of the reduction of duty, authorized in this bill nine-tenths of the same for this year and more than half for next year will go directly to the American Sugar Refining Company.

Seventh. That the balance of the revenues so lost will go into the pockets of foreign planters who have failed in their venture to make fortunes out of Cuban sugar lands.

Eighth. That the 20 per cent reduction of Cuba's tariff can not appreciably increase our trade, but the benefits therefrom will accrue to the Cuban consumers and not to the American producers.

For these reasons I maintain the bill should be defeated.

Mr. Chairman, this measure will result in placing the sinews of war in the hands of a company which will use them to exterminate a legitimate American industry. I appeal to you in the name of justice and right not to aid a monopoly in its determination to annihilate an industry which promises to give fair remuneration to the farmer for his toil and labor. Instead of standing for a monopoly and foreign planters, let us stand by our own Treasury and by our own people. [Applause.]

Mr. HENRY of Mississippi. Mr. Chairman, this bill is a most unsatisfactory one. It is unsatisfactory to those who raise the beet from which the beet sugar is made; it is unsatisfactory to those who make the sugar from the beet; it is unsatisfactory to those who raise sugar cane in the United States; it is unsatisfactory to some of the Republicans who do not desire a reduction of tariff in any form, and it is unsatisfactory in an entirety to the Democratic party and the Democratic members of this House, because while it is a reduction of the tariff it does not in any manner reduce it as it should, and, I might add, my speech on this question may be most unsatisfactory to the Republicans and some Democrats. The Democratic platform last promulgated, a portion of which I quote, reads as follows:

#### PLEDGE TO CUBA.

We demand the prompt and honest fulfillment of our pledge to the Cuban people and the world; that the United States has no disposition or intention



to exercise sovereignty, jurisdiction, or control over the island of Cuba, except for its pacification. The war ended nearly two years ago, profound peace reigns over all the island, and still the Administration keeps the government of the island from its people, while Republican carpetbag officials plunder its revenues and exploit the colonial theory, to the disgrace of the American people.

This is my law until a new declaration of principle is announced, and, as you see, declares that this Government should get out of Cuba as hastily as possible, which has been held far too long, and that we should do all in our power to help Cuba become a great republic, standing independent and alone, but with the flag of the Monroe doctrine floating over its land, not as a menace to Cuba and its citizens, but announcing to the world our determination to uphold the Monroe doctrine. In that same platform, which I take as my creed, we declare against the present tariff law—the Dingley tariff. Here is what it says:

We condemn the Dingley tariff law as a trust-breeding measure, skillfully devised to give the few favors which they do not deserve and to place upon the many burdens which they should not bear.

We state that the Dingley tariff was a hurt and an injury to all the people. We ask for a reduction of the tariff. We now have at last, even as Democrats, an opportunity—even though it be but a small step—it is a chance to reduce that tariff. As a Democrat I therefore see no reason for us to do other than support this bill, which I submit is not a good one, which we know is not satisfactory, but which in a manner tends toward the end that Democracy has taught us to try and reach. I hope we Democrats will have an opportunity to vote for an amendment to this present measure giving a greater reduction than that presented and also taking the tariff off refined sugar.

There have been discussions on the other side of this House by the leaders from which I am led to hope that they have reached the dividing of the ways. I am led to believe that they see the handwriting upon the wall. I am led to believe that they see, and that they know, that the time has come when they must have a reduction of the tariff, not only on raw sugar, but on many other articles which they now protect. It looks to me, if we may judge by their speeches, that they are preparing for the fall that is bound to come to them, and that they are paving the way for the future. The Republicans are making this move, I believe, in order that they may, when the next campaign comes on, hold up this bill, however iniquitous it may be in its shortcomings, and say that upon this occasion, in the House of Representatives, they urged this reduction as a forerunner of what was to come hereafter, and they will be delighted to have us fight it. Let us not please them. No, my friends, this measure is a raking of straw in order that their fall may be softened.

Simply because it is a Republican measure and emanates from the Republican side of the House, are we as Democrats to refuse it? Are we to say that we will not help you even though you go our way and go our road—the right way as is laid down in the Democratic platform? I for one am unwilling to say that, and I stand here as a Democrat and openly declare that I will not be driven from the right, even though the Republican party leads. If the Republican side of the House is willing to go my way, I am glad to help them in my humble way. The perturbed condition of the minds of some of the members on the other side who are against this bill is really pleasing to observe; they are making apologies for this measure, as if to say that they are the better Republicans, a rather "I am holier than thou" kind of spectacle. It matters not to me who is the better, and criminations and recriminations will not avail them. I am indifferent as to which is the better Republican.

I know that this measure is unsatisfactory to them, but they are wise, they are astute, and they swallow the pill. I doubt not that, while they have their ruptures and differences on this matter, that when it comes to the time to vote upon any other question that may come up before this House they will get together and stand together in a solid phalanx, as they usually do, much to the regret of Democrats. They know how to lay down; as a rule, they sacrifice their ideas and opinions and indorse party measures. This bill is not satisfactory, Mr. Chairman, to the President of the United States. I say that because I judge him by his printed words sent to this Congress, when the President of the United States, in his message to Congress, said—I read from his message:

In the case of Cuba, however, there are weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duty on Cuban imports into the United States.

This is not a substantial reduction; this is not the reduction the Cubans deserve, nor what they should get, nor what Democrats would give. Quoting further the President says:

Cuba has in her constitution affirmed what we desired—that she should stand, in international matters, in closer and more friendly relations with us than with any other power—and we are bound by every consideration of

honor and expediency to pass commercial measures in the interest of her material well-being.

That, sir, is from the President of the United States. I, as a Democrat, say that is good, sound doctrine; I, a Democrat, say that it is right, that it is just, and I, a Democrat, commend the President of the United States for his utterance. I say this bill is not satisfactory to him, if he intended what he wrote, and I believe that he did. It is not satisfactory to him because, being bound by every consideration to help Cuba, it does not, as he says it should, to any considerable extent. He desires no such paltry reduction as this. His party leaders, however, prevailed on him, so rumor says, to accept this little.

Now, Mr. Chairman, the argument of the gentleman from New York, Mr. PAYNE, the chairman of the Ways and Means Committee, is perfectly satisfactory, I doubt not, to the great trust of this country. It is not satisfactory to me, because I desire to bring the trust down on a level with the rest of the people. But he declares that it does not injure the trust, and I confess that I do not see that it helps them, for if I did no one would do more than I would to defeat the bill. He says that he would not commit any act that would injure the sugar trust. That is perfectly patent and reasonably plain, judging him by his party, and, too, we have his word for it. He says that it will not injure the trust, but that it will help Cuba, and he is willing to take \$8,000,000 from the people and give to Cuba, but he is not willing, he says in effect, to take the \$8,000,000 from the trust and give it to Cuba. So far as I am concerned, I would much rather that we get the \$8,000,000 from the trust and give it to Cuba than to take it from the people. But, sirs, we can not get it from the trust. Oh, no; we can not hope for that under Republican rule. They are helped and aided by the Republican party, and that party is in power, and we can not hope to hurt them in any way, unless we can prove to the American people that the trust controls the prices and also the present Republican party, which seems to be the case. I would do anything in reason to break the power of that great octopus. I would call down upon them the just condemnation of an outraged people. I would do anything that I could for the Cuban people at the injury of the trust, but as we are powerless under the present Administration to call them to account is no reason to fail in our obligation to Cuba.

Mr. COOPER of Texas. Do you not think, if this measure should pass, that the trusts will get the eight millions that is given in this reduction?

Mr. HENRY of Mississippi. No, sir; I do not; and I will tell you why. I believe that when this crop of raw sugar is brought into this country it will be sold, and it will benefit the Cubans to the extent of the 20 per cent reduction. That, I take it, is the intention of the bill; that is certainly the way it reads, and unquestionably the purpose for which it was drafted. We can only hope that the future will bring us further reduction, as expressed in the Democratic platform; and we hope there will also come a day when some kind of competition will spring up to fight the trust. I will say this: That if this bill and this measure does help the trust, then the Republican party is responsible for such a condition of things. It will go to the country then that the Republican party by their act did help the trust, though declaring to help Cuba; it will prove to the country what we Democrats are urging—that there should be legislation against trusts, more effective than the present laws which govern them; that the present laws are inadequate and worthless, and the consequence is upon the Republican heads, and they must take it, and the people can then rightfully judge them.

Mr. COOPER of Texas. The gentleman does not want to be accessory to the crime, does he?

Mr. HENRY of Mississippi. I hope not, certainly not wittingly; but I am willing to take the consequences of this act. I can not say that it will benefit us, but it is a step in the right direction, and that is all I care for; and so long as it is a step in that direction I am ready to take it. It is Democratic doctrine to reduce the tariff. I am against the Dingley tariff, and stand ever ready to cut it whenever and wherever I can.

Mr. COOPER of Texas. The trust purchases all of the sugar shipped from Cuba, and they have the power to regulate the price. Does the gentleman think they are going to be so righteous and charitable as to give the Cuban people the benefit of this reduction when they have the power to take it themselves?

Mr. HENRY of Mississippi. I confess there is little to be expected from the trust, but I will say this, that this is lending a helping hand to the people of Cuba, the people for whom we have already spent millions of dollars. As it does not hurt the American people to spend \$8,000,000, I am in favor of letting them have it, because our money is expended anyhow. There is no danger of ever having an overflowing Treasury as long as the Republicans are in power. The Republican party will see to it that every dollar is expended. Therefore, if we are going to spend it, let us give it to the new republic, the republic that we have



helped to make, and let them start on the earth in good shape and fashion. Then, too, my friend, it is Democratic to reduce the tariff. The opportunity to begin to cut is at hand; will you as a Democrat refuse to accept the chance?

Mr. COOPER of Texas. I do not interrupt the gentleman to confuse or take up his time, but would he vote to-day to give a bounty to the cotton growers of Mississippi because they have to sell their cotton at  $\frac{1}{4}$  cents a pound?

Mr. HENRY of Mississippi. I understand the argument of the gentleman, but I have only a limited time. I understand, of course, how the price of cotton is fixed, as the price of wheat and the price of sugar is fixed in foreign ports, and I confess that I would do anything in reason to help the people who raise cotton so long as those people are compelled to sell in an open market and buy their goods in a protected one. But that is not the point I am discussing. I do not think it is pertinent to the question.

Now, Mr. Chairman, raw sugar is pretty raw stuff. I know it is not used by the people in that crude state, but, as I say, it is a step in the right direction, its reducing; it will help, in my opinion, for if they reduce this article to-day, and it does not hurt anyone, on to-morrow we may hope for more, and if our sugar-beet friends will retaliate on the party (Republican) that is injuring them, we may soon see the tariff taken from off the refined sugar. How does that idea strike the gentlemen from Michigan and Minnesota? Down in my State when cotton is selling at  $\frac{1}{4}$  or  $\frac{1}{2}$  cents a pound some of our people do not use clarified or refined sugar; they are not able to pay for it, and a little long sweetening in their coffee will help them much, and, as I say, let us start the reduction and hope for a long reduction and some short sweetening.

Mr. BURLESON. Will the gentleman permit me a question?

Mr. HENRY of Mississippi. I would like to do so, but my time is limited. I think I can not yield to the gentleman now, but should there remain to me any time after I have concluded my remarks I will be delighted to answer any questions I can.

Now, Mr. Chairman, we have expended much money in liberating Cuba. We have expended more in fighting the Filipinos in their far eastern islands in bringing about with blood and fire that "benevolent assimilation." I would like to stand here to-day and vote for a measure to liberate the Filipinos. I would be glad to stand here and vote for some measure giving to them a new government on the face of the earth. I would like to aid and help them. The other side of the House is attempting to make capital out of our acts on this side and criticised the vote of the Democratic party not long since on an appropriation bill because we objected to the building of barracks down in Manila for the soldier boys in the Philippines. That, sir, do you not know, was not a vote against the soldier boys; it was a vote against the permanent retention of the Army there in the Philippines, and all who know of the amendments offered know that to be the case.

My distinguished colleague from Mississippi [Mr. WILLIAMS] said, during the course of a speech made in this House in December last, that "he would sell the Philippine Islands if the worst comes to the worst." I can not believe that he meant that; he certainly would not barter away 10,000,000 people who came to us as they did. I would not barter away a country, much less a people. I would not sell for millions of dollars the country that has come to us as the Filipinos have, born in blood and blood now being given. What title could we give? "The one Spain gave us." She gave none, nor have we title, except by might and power to crush a weak nation who at first believed us their friends. I would turn them loose and give them their freedom, but money could not buy them. They are not ours by aught but force to dispose of.

Mr. Chairman, while touching upon the action of the Republican party in drifting toward Democracy, I am reminded of an item which I read with much pleasure in this morning's paper. It is an article which I want to read to you now, to show how the Republican party, or at least one of the distinguished members of that party, feels on the subject which is drawing us closer together, and which may finally disrupt the Republican party. I read from the Post of this morning:

[Special to the Washington Post.]

PINE FOREST INN, Summerville, S. C., April 9, 1902.

Thank heaven that the time has at last arrived when somebody has the courage to say the final word about a reunited nation.

President Roosevelt is the man. The occasion was his speech this afternoon in the auditorium of the Charleston Exposition. "The time was," said the President, laying aside his manuscript at the conclusion of his address, "when the statement could not have been made with truth that we were a reunited people, a people, indeed, and forever one. It can be said with equal truth that there was a time when it was necessary to keep saying it, because the assertion made it appear more true. The time is at hand, I think," continued the President, his voice ringing through the vast building, "that the time has already come, when it is absolutely unnecessary to say it again."

The tremendous demonstration which followed this remark and which made the rafters tremble, was convincing evidence of the approval it elicited in the hearts of his hearers. The speakers who had preceded President Roosevelt—Governor McSweeney, of South Carolina; Governor Aycock, of North Carolina, and Mayor Smythe, of Charleston—had all dwelt upon the fact that the country was now free from all sectional lines, but it remained

for the President to take up the theme of unity where they had left it and insist that there was no longer any reason or necessity for repeated protestations of the South's loyalty to the Union.

Those are the utterances of a great man—the President of the United States. No man, Mr. Chairman, could give voice to such thoughts but who would be respected, admired, and loved that he dared utter them. Those are the words of a man who has gone among the Southern people to talk to them, to see and know them, to see their exhibition, see their thrift and industry, and see what they can do—to honor them with his presence. And to-day we are confronted here in this House with a resolution introduced by the gentleman from Indiana [Mr. CRUMPACKER] which calls for an investigation of States, but which is aimed at the Southern States. Let me read the resolution:

*Resolved, That the Speaker shall appoint a select committee, consisting of 13 members of the House, whose duty it shall be, and who shall have full and ample power, to investigate and inquire into the validity of the election laws of the several States and the manner of their enforcement, and whether the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of any of the States or the members of the legislature thereof, is denied to any of the male inhabitants of any of the States, being 21 years of age and citizens of the United States, or in any way abridged, except for crime. Said committee shall have power to subpoena and examine witnesses, under oath, and to send for records and other evidence that may be necessary for a full and complete investigation of the several subjects herein mentioned, and it shall be authorized to sit during the sessions of the House and to have such printing and binding done as it shall deem necessary. Said committee shall make a full report to the House of the result of its investigation at as early a date as is practicable.*

How different is the attitude of the gentleman from Indiana, who is urging an investigation of the Southern people because, as he says, they do not conduct their elections fairly. How different, I say, is his attitude from that of the President of the United States, who has just expressed the sentiments as I have read. Let us compare the two men and draw a parallel of their positions and their declarations. We have on the one hand the President of the greatest Republic on the face of the globe declaring, in no measured or qualified terms, a condition which is at once inviting and most acceptable to the Southern people, whose loyalty, as he said, can never again be questioned. The President spoke not from hearsay, but from observation. He went down among the people of the South. He went down among the people whose men have ever stood up for what was right and just, as they understood and believed, and have never yet stooped to dishonorable methods. He went among a people who would not for personal gain use any weapon against a common enemy other than that which the highest sense of honor would declare just.

He went among a people who are hospitable, a people who have no feeling of class distinctions, a community in which the man who follows the plow is as good as the man who sits in his castle. He went among a people where the man who sits down to his humble repast of corn bread and bacon is as good as the man who eats his sumptuous repast at a kingly breakfast table. He went into a community where the women are beautiful and intelligent and are ever gentle, well-demeaned, and refined, where they are loyal to their husbands and love their children. He went among a people where the children are trained in domestic homes and are taught to honor their father and their mother. He visited a land which, though once laid waste by the devastating hand of war, has blossomed forth anew like the rose of spring after a winter's sleep and sheds its sweet perfume over a gladdened and harmonious country. These are the people he saw and came to know; this is the land he visited. These are the utterances of the President of the United States, the acknowledged head of a great people, a reunited people, a united people, if you please.

The resolution which I have read was submitted and urged by the gentleman from Indiana, and is the utterance of an individual coming from a State where perhaps the negro is a factor in politics as he is in strikes, and where the negro desires to dominate, and where individuals may hope to gain their votes by such methods as the introducing of resolutions in order that they may be returned to Congress.

I thank God that it appears to be the disposition of this House to let that resolution sleep. I believe that the leaders of the Republican party are going to allow it to stay in its present resting place, where it belongs, in the gloom of its own company, from which it should never appear and blacken the earth by one moment of its darkened purpose.

Speaking for Mississippi, I might say we do not fear an investigation, because our constitution, at least, has been tested in the courts of the country. But speaking for the Southern people, speaking for the South generally, I say that I believe the Republican party feels that it will be doing a proper, just, and honest thing in allowing this resolution to slumber in its present obscurity for ever and ever. [Applause.] We of the South are bound to view any such resolution with feelings of misgiving and grave forebodings. That no good is intended for us can not be questioned, and we are made to feel that such proposed legislation would be an especial thrust at a great and good people of a united



Union by a hostile partisan. We believe such an act would eventually call for a rebuke from the voters of the country. I ask the question of the Republican members, Will the Republicans believe the President of the United States, or will they follow the gentleman from Indiana? [Great applause.]

I trust, Mr. Chairman, that I have made myself plain, and have shown why I support such an unsatisfactory measure. [Applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MASON, Mr. PENROSE, and Mr. CLAY as the conferees on the part of the Senate.

Mr. PARKER. Mr. Chairman, I do not know whether I should take any note of the sentiments that have fallen from the distinguished gentleman who has just taken his seat [Mr. HENRY of Mississippi]. I understood that he was to speak in favor of the bill. I believe he has said that he will vote for it. But if any part of his speech has been directed to the bill itself, it has been to give a reason for his vote upon it, with which not one on our side will agree. Whether it was exactly to be expected of him when he took the floor in advocacy of this measure that he should attempt to put its advocates as much in a hole as he could is a question which I must leave to the gentleman himself. It has not been my habit to comment on what has been said by others. I want to stick to my subject—to the bill itself—and I shall do so.

I commence by saying that this is not a measure which is advocated by us because it is a step toward free trade; and anyone who favors it upon that ground will make a mistake.

Mr. Chairman, I approach this subject in an earnest spirit, far beyond any mere question of business or moneyed interest. I want to vote upon this question as a man who is looking, not to the interest of Cuba, not to the pockets of any man, not, indeed, to the mere pecuniary interest of the country, but to the general welfare of this people. And I want to say that in my opinion the vital question before us to-day is not whether the beet-sugar industry shall be successful in the United States or not. I do not believe that this bill will interfere with a single American industry. But the vital question is not that. The vital question is whether Cuba shall have a coolly population and be another Santo Domingo, or whether it shall grow up as a free and independent nation, colonized by people who are fit to make it so.

All history emphasizes what I have said. Cuba is too near for us to be indifferent to what goes on there—not for her sake, but for ours. To those who speak about the interests of any industry of this country, I appeal to say whether the difficulties to which we have submitted on account of Cuba are not of greater consequence than the interests of any such industry in these whole United States. I appeal to my friend from Michigan or my friend from Minnesota to say whether during the old days Cuba was not the protector of the slave trade; whether the traders that ran there were not always slipping slaves into the United States; whether there was not constant friction with this nation on that account; whether, coming down to a later period, the insurrections in which the people there were engaged did not bring on collisions with this country which many times all but went to the verge of war; whether the affair of the *Virginian* did not appeal to us more than any question of trade; whether the destruction of the sailors of the *Maine* does not always so appeal to us as we recall the awful fact and the tremendous consequences.

History teaches us that we can not be indifferent to the welfare of Cuba. What is more, our own action binds us to feel such an interest. We have been strenuous in asserting the new development of the Monroe doctrine, which demanded of us that, as to all American nations, and, most of all, Cuba, we will maintain their independence, their territorial integrity, and the rights of their population against European domination. In the case of Cuba we have made it a matter of agreement—

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

We have claimed and exercised the right and power to intervene to prevent any foreign domination. We did this in Mexico under the Monroe doctrine. In Cuba we have made this a matter of agreement and we have agreed with Cuba that if her liberty be in danger we will maintain it.

The Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the main-

tenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

Mr. Chairman, those obligations were obligations to maintain a proper government. We have assumed no control. Cuba is free. We have rather assumed the protection of the liberties of Cuba and of its people in just government, and we can not be indifferent to what sort of people there shall be there. Questions of trade, questions of commerce, are subject to the question of who will be there. What constitutes the state? Men constitute the state. If we do not pass this bill, if three-quarters of the plantations of Cuba are sold under the hammer, what will happen? What better way could there be of putting them under the domination of the sugar trust than that? And over half are mortgaged—heavily mortgaged.

If my friends wish to give the sugar trust power, let them refuse to pass this bill. Mortgage foreclosures will give the sugar trust the power. But, whether it be they or other large land owners who get control of the lands of Cuba, their wish will be for labor, and if this bill do not pass, and it be possible for them, they will do what Hawaii has long wished to do, namely, encourage coolly immigration, Chinese or otherwise, under contracts, which amount to slavery, and will reestablish the cheap and nasty methods of the cultivation of sugar cane in that island. It is an island which has 41,600 square miles of land, sufficient, with the density of population that there is in Massachusetts, to accommodate 15,000,000 of people, although it has now only 1,600,000.

It is an island which, with the density of population that there is in Porto Rico, would have sufficient land to maintain a population of 10,000,000 of people. If this wonderful and fertile land, with its gentle slopes and fertile plains, and with its equable climate except on the immediate sea coast; if that place is to fill up with labor contracted for from China (perhaps contracted for from Africa—for who knows, in these days, but that this commerce may extend even into the midst of the Dark Continent?); if this country is to fill up with that sort of labor, it will be another Santo Domingo—neither more nor less—and we shall have to maintain the guaranty that we have given, not by the strength of the people of Cuba, but rather by the sword—by our Navy and by our Army—and by no other means.

If, on the other hand, as proposed by this bill, that sort of immigration and contract labor shall be cut off, if they can only admit population as good as that which comes to the United States, if the island can grow up as Texas did when it became an independent State and was peopled by the immigration of English-speaking people to such an extent that, although Spanish was once the language of that magnificent State, it is to-day almost unknown. If Cuba can grow in that way, if such growth can be encouraged by encouraging trade with America so that our capital will go there, so that their trade will come here, so that the affiliations between one and the other will be the same as has existed between Florida and the North, and that have built up that garden of flowers; I say if this can be done, the guaranty of independence costs us nothing. She has her independence, an independence protected not by war, but protected, created, and maintained by the sweet and blessed arts of peace.

Mr. Chairman, I have wondered sometimes why this clause of the bill has not been more attended to, why there has not been laid upon it more stress. We do not agree to give Cuba reciprocity absolutely. It is upon condition of the enactment by its government of immigration, exclusion, and contract-labor laws as fully restrictive of immigration as the laws of the United States. That condition is emphasized by the last clause of the bill, which provides that if these laws be not enforced it shall be the power and the duty of the President, whenever he shall be satisfied "that either such immigration, exclusion, or contract-labor laws or such agreement mentioned in this act is not being fully executed by the government of Cuba, to notify such government thereof, and thereafter there shall be levied, collected, and paid upon all articles imported from Cuba the full rate of duty provided by law upon articles imported from foreign countries."

Mr. Chairman, the emphasis of this bill is given, and justly given, to this clause. It appears in the beginning as a condition, but if the condition contemplated by the bill shall not take effect, it appears in the end as a proviso, by which it shall be defeated.

Mr. COOPER of Texas. May I interrupt the gentleman?

Mr. PARKER. Certainly; I am glad to be interrupted.

Mr. COOPER of Texas. Does that clause not exclude the laborer of America, of the United States, from going to Cuba under contract?

Mr. PARKER. Under contract, yes.

Mr. COOPER of Texas. Then do you think it right that we should legislate to prohibit people in Cuba from contracting with laborers in this country?



Mr. PARKER. I would like very much to prevent, if possible, any contract which would take any man from Massachusetts to the West or from the West to the East if it be done by contract. It is not done in that way.

Mr. COOPER of Texas. Then would you legislate to prohibit a man in Massachusetts from entering into a contract to go to Cuba?

Mr. PARKER. I have not said so.

Mr. COOPER of Texas. The bill so says.

Mr. PARKER. No, sir.

Mr. COOPER of Texas. You are advocating the bill?

Mr. PARKER. I am advocating the bill.

Mr. COOPER of Texas. And that particular clause you emphasize.

Mr. PARKER. I have emphasized this and the whole bill. I do not believe we want to fill up Cuba with people even from the United States who would not be fit to come to the United States, and you know what contract labor means.

Mr. COOPER of Texas. But the laws of the United States are now that you can not go abroad and contract for labor of a certain character and bring it here.

Mr. PARKER. That is true.

Mr. COOPER of Texas. Would you prohibit the Cubans from contracting with American labor and carrying it there to develop that country?

Mr. PARKER. Custom in this country prohibits that sort of contract for labor, without any law against it. The gentleman knows that the population of the United States is such that you can not get a gang of a thousand men in one part of the country and take them off to another part of the country. The only exception to it that I know of is in the turpentine districts of certain parts of North and South Carolina and Georgia, where I have seen gangs traveling about on the cars from place to place, going in gangs, men and women, who were run by contract in that way; and when I have seen that, I have been ashamed that there could be no law to prevent it. The American spirit means the hiring of each man, and not the contract system that is referred to by the gentleman.

Mr. COOPER of Texas. Your proposition, however, would prevent a man in this country, skilled in farming, from going there and improving the condition of the people of Cuba.

Mr. PARKER. No, sir.

Mr. COOPER of Texas. It would prevent an electrician entering into a contract to go there.

Mr. PARKER. No, sir.

Mr. COOPER of Texas. That is this bill.

Mr. PARKER. No, sir.

Mr. COOPER of Texas. Does the bill not say that no contract for labor shall be entered into by the people of Cuba in any other country?

Mr. PARKER. No, sir; it says that Cuba must enforce the same rules with reference to contract labor that we do.

Mr. COOPER of Texas. Our contract-labor laws would prevent a skilled electrician in England from making a contract there to come to take a position in the United States.

Mr. PARKER. Any electrician in England will not find the slightest difficulty in coming to the United States to engage in work here. He can make his arrangements without infringing any of the laws of the United States.

Mr. COOPER of Texas. If he entered into a contract to come here he would infringe the law.

Mr. PARKER. Well, it could be arranged easily enough in that case. The gentleman knows what the contract labor system is and what the law is aimed to prevent.

Mr. COOPER of Texas. Then you insist that the proper way to do would be to dodge the law or evade the law.

Mr. PARKER. I am not insisting that they should avoid the law. The gentleman knows perfectly well what the contract-labor system means. In nine cases out of ten it means not a contract with the laborer himself, but a contract with the boss of a gang, who brings the laborers. It is to prevent this that our contract-labor laws were passed. Whether they be right or wrong, whether they go too far or not, they are passed to prevent human slavery under the guise of contract—a slavery which I have seen existing in other countries and, alas, sometimes in this country itself.

Mr. COOPER of Texas. You have just said he could make arrangements to avoid that, and I inferred from your statement that you meant he could make arrangements to evade the law.

Mr. PARKER. No, sir.

Mr. COOPER of Texas. The law is that you can not enter into a contract to bring laborers into this country. Under this bill Cuba would be prohibited from making contracts with American citizens to go there. Do you favor that proposition in the bill?

Mr. PARKER. I would not want to import people from Cuba under a contract-labor system.

Mr. COOPER of Texas. We prohibit that now, but this bill proposes to prohibit Cuba from making any contract to bring in labor from outside that country.

Mr. PARKER. Must there not be reciprocity in all such arrangements? The gentleman knows perfectly well you can not have one thing for one country and another for the other. If we have a rule against Cuba we must allow them to have that rule against us.

Mr. COOPER of Texas. But we compel them to do it whether they want to or not.

Mr. PARKER. Better that than have a contract-labor system, which amounts to human slavery. The gentleman seems blind. Let me ask the gentleman a question. Does he want Cuba filled up with contract labor?

Mr. COOPER of Texas. No, sir. I want Cuba to make her own laws and execute them. I want her to be an independent government. I want her to be a country to make and execute her own laws without the aid of the United States.

Mr. PARKER. You are answering more than the question I asked. I will ask the gentleman a question.

Mr. COOPER of Texas. I will answer it categorically if I can.

Mr. PARKER. Does the gentleman think there is no danger of Cuba filling up with contract labor if we refuse to pass this act?

Mr. COOPER of Texas. There is only a possibility.

Mr. PARKER. Does not the gentleman think there is danger of it?

Mr. COOPER of Texas. Only a possibility of it.

Mr. PARKER. Then I differ with him. This is the parting of the ways now as to that fertile land. It means either enormous plantations worked by contract labor or else it means that we encourage immigration, not contract immigration, but free immigration of Americans and proper immigration from all countries of the world into a country that ought to be the garden of Eden, a garden not because of its fertility or wealth, though it has both of these, but a garden because it ought to be filled with the best people in the world instead of the worst.

Mr. HENRY C. SMITH. Will the gentleman allow me to ask him a question?

Mr. PARKER. Certainly.

Mr. HENRY C. SMITH. Do you contend under this law people from the United States can not go to Cuba?

Mr. PARKER. I do not contend anything of the sort. The gentleman asked me whether the contract-labor law of the United States would not prevent an electrician in London from making a contract. It would not prevent the electrician coming to the United States.

Mr. HENRY C. SMITH. Any man in the United States could go to Cuba freely.

Mr. PARKER. Certainly. Of course there might be difficulty in making an arrangement which would end in employment. That is possibly so. If so, we could correct that by further legislation. We can not expect any bill to be taken up and completed at once.

Mr. HENRY C. SMITH. Do you mean that we are going to keep on legislating for Cuba?

Mr. PARKER. We might make a reciprocity agreement with Cuba.

Mr. SAMUEL W. SMITH. Do you hold that the sugar now held in Cuba is not largely held in Cuba by the sugar trust and not by the producers?

Mr. PARKER. I know so little about sugar, after hearing all this debate, that I am really ashamed of it. I do know something about the growth of nations; I do know something about the history of Cuba, and I do know also that if the sugar trust has large holdings in Cuba, those holdings will be doubled after six weeks of panic; and I do know that the gentleman from New York [Mr. McCLELLAN] in his speech said that the great bulk of the sugar was now in the hands of independent producers.

Mr. SAMUEL W. SMITH. Independent of the sugar trust?

Mr. PARKER. Yes.

Mr. SAMUEL W. SMITH. Held by people living in this country?

Mr. PARKER. By native Cubans.

Mr. SAMUEL W. SMITH. Only 7 per cent is held by native Cubans.

Mr. PARKER. You are getting away from my position.

Mr. SAMUEL W. SMITH. No; I am holding you right square up to the bill.

Mr. PARKER. This bill says, and the principal part of the bill is, that Cuba shall not be filled up with coolies, Asiatics, or Africans, and it is vital to her. Now, gentlemen talk of annexation. I do not believe in annexation now—I may disagree with other people in the House—I do not believe in it now.

If Cuba were filled with Americans and Americanized, I might say "yes;" until then I say "no." I will say what may appear

a curious thing at first blush, namely, that annexation would hurt Cuba more than it would hurt the United States at the present time. That is a strange thing to say. But reflect one moment. At present Cuba collects her revenues by tariff duties. Annex her and she has to collect revenue by a land tax.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question.

Mr. PARKER. Excuse me, I am on another topic. Is it on this topic?

Mr. SMITH of Kentucky. You have said that you are opposed to Cuban annexation.

Mr. PARKER. Let me get through with my statement as to the reason why. If Cuba were annexed she would get no revenues collected either from a protective tariff or a revenue tariff, but she would have to take her revenues from a land tax. What is more, she would be overrun by the cheaper products of American manufactured goods, manufactured cheaper than by the hand labor, such as she has down there; and the tailor would give way to the ready-made American clothes; the shoemaker would give way to the American ready-made shoes; the carpenter to the American ready-made furniture; the blacksmith, who makes even the hinges of the doors there, would give way to American manufactured hardware goods.

From that moment Cuba would become forever a farming country. We have seen that same thing in some of our own States from the effects of free trade. We can point out one or two States in New England that are not as rich as they were a few years ago. That is true of part of my own State, where it is purely a farming country. Manufacturers have not settled there, and they have not been able to compete with the great West, and the result is, being Americans, they have moved away from the deserted farms. You will find them in the hills of New Hampshire and in New York and New Jersey, farms deserted by the young, where a few old men eke out a poor existence in their old age, while the young men have gone to the mills and the West, and into the great broad community which we call American.

Let gentlemen consider the results if free trade be put upon Cuba, whose people speak a foreign tongue, with a different education and different customs, and have no place to migrate to where they can take their places in the mills and upon farms. They must stay there and starve. All history proves it.

What has free trade done for Ireland? Her people were different from those of England; they could not find a place there; if they had been English they could have moved over when England manufactures crowded their own out. As my friend Dominie Robinson, an Irish Republican protectionist, said, "The best way to see the effects of free trade in a farming country is to emigrate to Ireland." Now, take Jamaica and you have the same thing. Jamaica is a part of England—

Mr. TAWNEY. Does the gentleman want to apply free trade to the West and protection to the East by the adoption of this policy?

Mr. PARKER. No. If the gentleman will wait I will answer him. Take Jamaica and take the Cape of Good Hope, take India, and in each of these cases the old manufacturers of the country have been crowded out by English cheap-made goods, and the people have been impoverished; they do nothing agriculturally and the wealth is falling away rather than growing up. Now, I will answer the gentleman from Minnesota.

Mr. FITZGERALD. Will the gentleman allow an interruption?

Mr. PARKER. I am going to answer the gentleman from Minnesota.

Mr. FITZGERALD. I want to know if I understood the gentleman correctly. Is he attributing the present condition of Ireland to free trade?

Mr. PARKER. It has been emphasized by free trade, and has grown worse within the last forty years.

Mr. FITZGERALD. That has nothing to do with it. It is the infamous policy of the British Government toward Ireland, irrespective of free trade.

Mr. PARKER. Well, I will drop Ireland. I will take India and Jamaica. I will apologize to the gentleman, for I do not want to get into a controversy of that sort. [Laughter.] I will say, on the other hand, that where you see colonies like Canada and Australia you find precisely the opposite. They legislate to protect their own manufacturers by tariffs against even the home country. They are growing, and they are all the more loyal because they are all the more prosperous. I do not believe in the annexation of Cuba. It would mean death to her to make her absolutely equal with us and on an equality of trade.

Now, I want to answer the gentleman from Minnesota. The gentleman asked if I wanted protection of the East and free trade for the West. No; I do not. We can raise beets as well as the West. The gentleman need not think we can not. We can furnish capital toward the beet-sugar industry as well as the West.

What is more, we take our medicine of tariff changes from time to time, and take it without quite so much fuss as comes from the gentlemen of the West. In my State we had an enormous leather business, but at the last end of the Dingley tariff law there was tucked in a tax upon hides, our raw material. It knocked out at first about one-half of the leather business, and we have had to go into other things to make it up. There are hundreds of examples, for my town makes thousands of different articles.

When we find it is for the good of the country that one particular thing should be treated as raw material and others as manufactured product, and we find that we suffer from it, we turn our attention to other things, as all Americans will do. And remember that these laws are meant for the good of the country, and every American will submit to them for that reason.

The gentleman from Kentucky [Mr. SMITH] desired to ask me a question. I will gladly listen to him.

Mr. SMITH of Kentucky. I understood the gentleman to say that he was opposed to the annexation of Cuba, and he went on to give his reason—that it would result in the practical destruction of the people of Cuba. Now, I want to ask him whether such has been the result in Porto Rico, and whether there are not much stronger reasons for the annexation of Cuba than there were for the annexation of Porto Rico or the Philippines.

Mr. PARKER. I will answer the gentleman very frankly. At the time when the Porto Rican tariff was under consideration I opposed very strongly the abolition of that tariff. I believe time will bear out my view on that subject. I believe that through a succession of good crops Porto Rico has been more prosperous than might have been expected, but, on the other hand, she has had to substitute a land tax for the old-fashioned system of taxing the products when they reached the markets; and I am very fearful that if there should be at any time any failure of the crops, she will suffer the fate of all agricultural communities similarly situated—the fate that has fallen especially upon the Indian ryot—that is to say, most of her landholders will be sold out.

I am glad the gentleman called my attention to this point. I believe that the continuation of the Porto Rican tariff would have been to the advantage of Porto Rico. For a similar reason I believe that the Philippines are rightly preserving their right to a protective tariff for their own benefit, and are taxing even our own goods that are sent there.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a question?

Mr. PARKER. Certainly.

Mr. RICHARDSON of Alabama. Does not the gentleman believe that it is for the interest of this Government in the future to confer statehood upon Cuba as early as possible?

Mr. PARKER. I will answer the gentleman's question—

Mr. RICHARDSON of Alabama. Is it not the best policy that this Government could pursue to confer upon Cuba, with her consent, at as early a day as practicable, statehood, regardless of beet sugar or Louisiana sugar or any other consideration of that kind?

Mr. PARKER. I will answer the gentleman's question by saying that I am not willing to take in as a part of the United States any country that has not been practically Americanized.

Mr. RICHARDSON of Alabama. That is not answering my question.

Mr. PARKER. I am answering the question. When Cuba has been, if she ever will be, Americanized and wishes to come to us, yes; until then, no. I believe that the policy in regard to Texas was right—the policy by which we first recognized her independence, then filled her with Americans, and then took her in.

Mr. RICHARDSON of Alabama. And we pursued the same course with California. Now, does not the gentleman believe that the speediest way of Americanizing Cuba is to confer statehood upon her?

Mr. PARKER. On the contrary, I think that the speediest way of failing to Americanize her would be to do anything of that sort. We have not Americanized Porto Rico—not in the least.

Mr. RICHARDSON of Alabama. Neither have we made her a State.

Mr. PARKER. We have given her free trade; we have given her greater opportunities than if she were a State of the Union. We more than pay the expenses of her government.

Mr. RICHARDSON of Alabama. We have not given her free trade.

Mr. PARKER. We have.

Mr. RICHARDSON of Alabama. Not absolutely.

Mr. PARKER. Absolute free trade.

But you can not Americanize a Spanish colony unless you make it profitable for Americans to go there; and the way we propose to make it profitable for Americans to go there, not merely to run sugar plantations but to do whatever work there is to be done, is by arranging a differential tariff, by reciprocity between that country and our own, and especially by keeping the coolies out.

Mr. RICHARDSON of Alabama. Is it not a fact that your



opposition to conferring statehood upon Cuba is based principally upon the fact that when Cuba comes in as a State all these questions in regard to tariff will vanish, and there will be absolute free trade between Cuba and the various States of this Union, just as there is to-day between Massachusetts and Illinois?

Mr. PARKER. No, sir. My difficulty is not in regard to trade questions at all. My difficulty in regard to bringing in Cuba now is first that it would ruin her financially, and second that she has not, in my judgment, the people or the government to send proper representatives to this country, because they do not feel about things as we do, and on many questions we should not agree. There would be matters of politics and religion in regard to which we should always be in trouble. I believe we must Americanize that country first by giving her an opportunity to carry on a government for herself.

Mr. WILEY. Will the gentleman pardon an interruption?

Mr. PARKER. Yes, sir.

Mr. WILEY. I understand the gentleman to declare that he will be in favor of the annexation of Cuba whenever that island has become Americanized. It has cost the United States about \$250,000,000 to break the grasp of Spain's merciless despotism over Cuba, and to establish a republican form of government there. The gentleman has just stated that he favored that clause in the pending bill which will prevent an American citizen having property interests in Cuba from taking contract laborers from the United States and working them in Cuba. Will the gentleman, who is in favor of such offensive discrimination against the American workingman, explain how he ever expects Cuba to become Americanized?

Mr. PARKER. I will answer the gentleman. The gentleman seems to have misunderstood the whole of my argument. I will answer him by saying that it never would be Americanized if Americans could take contract laborers there.

Mr. WILEY. Why not?

Mr. PARKER. Because you would fill it with coolies.

Mr. WILEY. With coolies? Why, what are you going to do with the Southern negroes?

Mr. PARKER. Then you would fill it with negroes. Do you want to put on Cuba all of the difficulties which now result from the race question in the South?

Mr. WILEY. I have asked the gentleman a question and I would be glad if he would please answer it.

Mr. PARKER. I have answered it. I said that instead of Americanizing it you will destroy it. I do not believe in contract labor anywhere. I have come now to the end of my time, and I can not submit to any further interruption. Briefly, to resume what has been said, the most vital question now before the American people is not whether they will make a profit more or less in any particular branch of business, but the question is more far-reaching; it is a wider question.

It is the question of whether there shall be pursued in Cuba a policy which will attract and bring to her people who shall renew her life and make her cease to be the thorn in our side that Cuba has been for the last fifty or one hundred years; it is whether there shall be created in that island a condition which will people it with those who will be a help to us instead of a hindrance, a people who will help us to carry out the agreements that we have made for the independence of Cuba and for her freedom from foreign control; it is whether she shall be made the home of the coolie or the home of the independent farmer and citizen. It is not a question of trade; it is a question far beyond the matter of prices. There rests upon us a duty because we have assumed to protect. This bill lies before us as the path, not only of honor, but of simple, direct common sense, that in the end we may make of that country one of which this land, as its creator, may be proud. [Applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore, Mr. DALZELL, having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12768) to provide reciprocal trade relations with Cuba, and had come to no resolution thereon.

#### NORWEGIAN STEAMSHIP NICARAGUA.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the Congress of the United States:

I transmit herewith, as a case not acted upon by the Fifty-sixth Congress, a report from the Secretary of State and accompanying papers relating to the appeal for indemnity addressed to the equitable consideration of the Government of the United States by the owners of the Norwegian steamship *Nicaragua*.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, April 11, 1902.

The message, with the accompanying document, was ordered to be printed and referred to the Committee on Claims.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 4383) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

- H. R. 2770. An act granting an increase of pension to Otilia M. Smoot;
- H. R. 8696. An act granting an increase of pension to William B. Rowe;
- H. R. 10193. An act granting an increase of pension to John Hollister;
- H. R. 11381. An act granting an increase of pension to Abraham N. Bradfield;
- H. R. 7990. An act granting an increase of pension to Uriah Reams;
- H. R. 5413. An act granting an increase of pension to Alfred H. Van Vliet;
- H. R. 6029. An act granting an increase of pension to Mary E. Kelly;
- H. R. 1011. An act granting an increase of pension to John S. Raulett;
- H. R. 10044. An act granting an increase of pension to William Larzalere;
- H. R. 9301. An act granting an increase of pension to Barbara McDonald;
- H. R. 2120. An act granting an increase of pension to Horatio N. Warren;
- H. R. 2124. An act granting an increase of pension to Dewitt C. McCoy;
- H. R. 1706. An act granting an increase of pension to John E. White;
- H. R. 3180. An act granting an increase of pension to Edward S. Dickenson;
- H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry;
- H. R. 3418. An act granting a pension to Dennis Dyer;
- H. R. 11375. An act granting a pension to Charles F. Merrill;
- H. R. 10289. An act granting a pension to Eliza Stewart;
- H. R. 9821. An act granting a pension to John W. Moore;
- H. R. 6466. An act granting a pension to Josephine M. Dustin;
- H. R. 10117. An act granting a pension to Sarah H. H. Lowe;
- H. R. 3084. An act for the relief of bona fide settlers in forest reserves;
- H. R. 10363. An act to establish a life-saving station on Ocracoke Island, on the coast of North Carolina;
- H. R. 10530. An act to repeal war-revenue taxation, and for other purposes;
- H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia; and
- H. R. 184. An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.

#### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 173. Joint resolution to authorize the Commissioners of the District of Columbia to issue certain temporary permits.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

- S. 4969. An act granting an increase of pension to Abbie George—to the Committee on Invalid Pensions.
- S. 4355. An act authorizing the issuance of a patent to the county of Clallam, State of Washington—to the Committee on Public Lands.
- S. 3898. An act to provide for the purchase of a site and the erection of a public building thereon at Flint, in the State of Michigan—to the Committee on Public Buildings and Grounds.

## CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 3091) granting an increase of pension to Matilda R. Schoonmaker and the bill (S. 1225) granting an increase of pension to Clara W. McNair; and the same were referred to the Committee on Pensions.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of House resolution 203; and the same was referred to the Committee on the Judiciary.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BOREING, indefinitely, on account of business.

## REPRINT OF A REPORT.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent to have a reprint of Report No. 1522, which is substantially exhausted. There has been a great demand for the report.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to know what it is—not by number, but by name.

Mr. RAY of New York. It is a report on the bill limiting the meaning of the word "conspiracy."

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent for a reprint of Report 1522. Is there objection?

There was no objection.

And then, on motion of Mr. PAYNE (at 4 o'clock and 49 minutes p. m.), the House adjourned till 12 o'clock noon to-morrow.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," reported the same with amendments, accompanied by a report (No. 1546); which said bill and report were referred to the House Calendar.

Mr. MOODY of North Carolina, from the Committee on Agriculture, to which was referred the bills of the House H. R. 3128, 6543, and 12138, reported as a substitute therefor the bill of the House (H. R. 13523) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as "the National Appalachian Forest Reserve," accompanied by a report (No. 1547); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan, reported the same without amendment, accompanied by a report (No. 1548); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. R. 71) directing the Secretary of the Interior to restate the accounts of certain registers and receivers of the United States land offices in the State of Kansas, and for other purposes, reported the same without amendment, accompanied by a report (No. 1549); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12349) granting certain privileges to the special policemen stationed at street crossings in the city of Washington, D. C., reported the same with amendment, accompanied by a report (No. 1550); which said bill and report were referred to the House Calendar.

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1178) providing for an additional circuit judge in the second judicial circuit, reported the same without amendment, accompanied by a report (No. 1551); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12452) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes, reported the same without amendment, accompanied by a report (No. 1552); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10159) to give the commandant of the Marine Corps the rank of major-general, reported the same without amendment, accompanied by a report (No. 1553); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida, reported the same with amendments, accompanied by a report (No. 1554); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River, reported the same with amendments, accompanied by a report (No. 1557); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga., reported the same with amendments, accompanied by a report (No. 1559); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 9455) to remove the charge of desertion standing against the name of Lorenzo Marchant, reported the same without amendment, accompanied by a report (No. 1555); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1321) to restore to the active list of the Navy the name of James G. Field, reported the same without amendment, accompanied by a report (No. 1556); which said bill and report were referred to the Private Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt, reported the same without amendment, accompanied by a report (No. 1558); which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 6336) for the relief of Peter Fisher—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 12381) granting an increase of pension to Isabella Ray McGunnagle—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MOODY of North Carolina, from the Committee on Agriculture: A bill (H. R. 13523) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," as a substitute for House bills 3128, 6543, and 12138—to the Union Calendar.

By Mr. NEVIN: A bill (H. R. 13524) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892—to the Committee on Pensions.

By Mr. COOPER, of Wisconsin, a bill (H. R. 13525) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to establish personal rights for the people of Porto Rico—to the Committee on Insular Affairs.

By Mr. SULZER: A bill (H. R. 13526) to establish a department of labor—to the Committee on Labor.

By Mr. JOY (by request): A bill (H. R. 13527) to amend an



act entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: A bill (H. R. 13528) to amend an act entitled "An act to provide a government for the Territory of Hawaii"—to the Committee on the Territories.

By Mr. BOREING: A bill (H. R. 13567) granting service pensions to the officers, soldiers, sailors, and marines of the civil war—to the Committee on Invalid Pensions.

By Mr. CURTIS: A joint resolution (H. J. Res. 175) authorizing the printing of 100,000 copies of a volume on farm animals—to the Committee on Printing.

By Mr. SCHIRM: A resolution (H. Res. 208) providing for the folding of speeches and pamphlets—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. APLIN: A bill (H. R. 13529) granting an increase of pension to Francis C. Baker—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 13530) for the relief of Ephraim Greenawalt—to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 13531) granting a pension to William F. Goggin—to the Committee on Pensions.

By Mr. HALL: A bill (H. R. 13532) to correct the military record of Joshua Campbell—to the Committee on Military Affairs.

By Mr. HASKINS: A bill (H. R. 13533) granting a pension to Elizabeth Kew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13534) granting an increase of pension to James Evans—to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 13535) for the relief of holders and owners of certain District of Columbia special-tax scrip—to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 13536) for the payment of C. Edward Artist, Edward F. Stahle, and Stahle & Artist, of balances due for surveying public lands—to the Committee on Claims.

By Mr. MOSS: A bill (H. R. 13537) granting a pension to Rupert S. Rives—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13538) granting a pension to Joseph Dasset—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13539) granting a pension to Henry Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13540) granting an increase of pension to John B. Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13541) granting an increase of pension to Charles W. Bivin—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 13542) granting a pension to James Pusey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13543) granting an increase of pension to Thomas Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13544) granting an increase of pension to John M. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13545) granting an increase of pension to Adam Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13546) to remove charge of desertion from record of Albert W. Keller—to the Committee on Military Affairs.

By Mr. OVERSTREET: A bill (H. R. 13547) granting a pension to David B. Wood—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 13548) granting an increase of pension to Caroline Bingham—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 13549) instructing the Attorney-General not to plead statute of limitation as a bar to suit of D. G. Lee—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 13550) for the relief of Hezekiah T. Embrey, administrator—to the Committee on War Claims.

By Mr. WARNOCK: A bill (H. R. 13551) granting a pension to Rachel Walker, widow of Curtis H. Walker—to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 13552) granting an increase of pension to Reuben B. Richards—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13553) granting an increase of pension to Ruth A. McMillan—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13554) granting an increase of pension to Edward E. Hicks—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13555) for the relief of John W. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 13556) for the relief of Robert H. Semple—to the Committee on Military Affairs.

Also, a bill (H. R. 13557) granting a pension to Robert Kenish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13558) granting a pension to William N. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13559) granting an increase of pension to Edward H. Hendrick—to the Committee on Pensions.

Also, a bill (H. R. 13560) granting an increase of pension to Joseph Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13561) granting an increase of pension to Ludwell J. Mosher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13562) granting an increase of pension to David Aibogast—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13563) granting an increase of pension to Anderson Allsed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13564) granting an increase of pension to James Barnes—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 13565) granting a pension to Mary V. Scriven—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13566) granting a pension to Mary A. Story—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 13568) for the relief of William T. Crump—to the Committee on Claims.

Also, a bill (H. R. 13569) granting a pension to Elizabeth McGinniss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13570) granting a pension to Amalia C. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13571) granting a pension to Joseph Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13572) granting a pension to Clarissa Wolcott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13573) granting an increase of pension to Richard Tiner—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, Allegheny, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. ADAMS: Resolutions of Pennsylvania Lodge, No. 511, Railroad Trainmen, Philadelphia, Pa., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

Also, resolutions of the Philadelphia Drug Exchange, of Philadelphia, Pa., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. APLIN: Resolutions of St. Joseph Society, No. 1, of Bay City, and Polish Roman Catholic Society of West Bay City, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. BOWERSOCK: Resolution of Blue Post, No. 250, Grand Army of the Republic, of Topeka, Kans., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of citizens of Topeka, Kans., favoring the abolition of the British station in Louisiana, from which horses, mules, etc., are shipped to South Africa, and asking that the belligerency of the Boers be recognized—to the Committee on Foreign Affairs.

By Mr. BURLESON: Resolutions of the Utah Cattle Growers' Association, protesting against the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. BURTON: Resolutions of Branches Nos. 258, 143, 17, and 458, St. Vincent and Sacred Heart Societies of the Polish National Alliance, all of Cleveland, Ohio, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. CASSEL: Papers to accompany House bill for the relief of Ephraim Greenawalt—to the Committee on War Claims.

By Mr. CASSINGHAM: Resolutions of Central Labor Union of Coshocton, Ohio, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of the Newark, Ohio, Board of Trade, approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. COONEY: Resolutions of Brotherhood of Railroad Trainmen of Springfield, Mo., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. CROWLEY: Paper to accompany House bill granting a pension to John W. Foot—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Polish Society of Pittsburgh, Pa., favoring the erection of a statue to the late Brigadier-

General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Brotherhood of Railroad Trainmen of Butler and Easton, Pa., and Order of Railway Conductors of Mauch Chunk, Pa., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Miners of Lick Run Union, No. 230, Broughton, Pa., on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. DE ARMOND (by request): Paper to accompany House bill granting a pension to John F. Mitchell—to the Committee on Invalid Pensions.

By Mr. EDWARDS: Papers to accompany House bill 13531, granting a pension to William F. Goggin—to the Committee on Pensions.

By Mr. FITZGERALD: Resolutions of Rochester (N. Y.) Credit Men's Association in regard to the bankruptcy law—to the Committee on the Judiciary.

By Mr. FOERDERER: Petition of Naval Commandry No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, favoring the passage of Senate bill 1220, to extend to organized camps of the Spanish-American War Veterans the privileges granted to Grand Army posts—to the Committee on Military Affairs.

Also, resolutions of Kensington Lodge, No. 113, Brotherhood of Railroad Trainmen, of Philadelphia, Pa., for the enactment of the Foraker-Corliss bill, amending the law relating to safety appliances—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Hay Association, favoring House bill 8337, to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Typographical Union No. 2, of Philadelphia, Pa., urging the defeat of House bill 5777 and Senate bill 2894, amending the copyright law—to the Committee on Patents.

By Mr. HEPBURN: Resolutions of United Mine Workers' Union No. 708, of Forbush, and Union No. 159, of Harkes, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of citizens of New Brunswick, N. J., urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. JACK: Resolutions of Charles S. Whitworth Post, No. 89, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolutions of a mass meeting in Topeka, Kans., in relation to the war in South Africa, and the abolishment of the alleged supply camp at Chalmette, La.—to the Committee on Foreign Affairs.

By Mr. LACEY: Resolution of Mine Workers' Union No. 790, of Pekay, Iowa, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Resolutions of Ship Carpenters' Union No. 9298, of Port Richmond, N. Y., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolutions of the Rochester Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. LONG: Papers to accompany House bill 12514, granting a pension to Joseph Gray—to the Committee on Invalid Pensions.

Also, petition of Frank Porter and 60 other citizens of Great Bend, Kans., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

Also, resolutions of Locomotive Firemen, Lodge No. 217, of Newton, and No. 515, Caldwell, Kans., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of a mass meeting at Topeka, Kans., requesting the abolishment of supply camp alleged to be conducted by the British at Chalmette, La.—to the Committee on Foreign Affairs.

Also, paper accompanying House bill 8560, to remove charge of desertion from the military record of James F. Gregg—to the Committee on Military Affairs.

By Mr. MAYNARD: Resolutions of Colonel Royal F. Frank Garrison, No. 50, Phoebus, Va., Army and Navy Union, in regard to personnel of the Navy—to the Committee on Naval Affairs.

By Mr. McRAE: Resolutions of the Little Rock (Ark.) Conference, against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, resolution of Alamo Division, Order of Railway Conductors, Texarkana, Ark., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Papers to accompany House bill 13547,

granting a pension to David B. Wood—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Paper to accompany House bill 13310, granting a pension to Anna McGowan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13308, granting an increase of pension to John T. Boyle—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13443, granting an increase of pension to Sarah G. Williams—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Hezekiah T. Embrey, administrator of the estate of Robert Embrey, deceased, asking that their claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Resolutions of Textile Workers' Union No. 155, of Fort Wayne, Ind., against the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RODEY: Resolution of Rio Puerico Division, No. 446, Locomotive Engineers, for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Resolutions of Federal Labor Union No. 6303, of Muscatine, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolutions of the Rochester Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Resolutions of Our Ladies of Mount Carmel Society and Sacred Heart Society, of Wyandotte, Mich., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SMITH of Kentucky: Papers to accompany House bill 12581, granting an increase of pension to Elijah F. Hocker—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolutions of Rochester Credit Men's Association, Rochester, N. Y., urging the passage of the bill to amend the bankruptcy law—to the Committee on the Judiciary.

By Mr. WARNOCK: Papers to accompany House bill —, granting a pension to Rachel Walker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill —, to amend the military record of S. B. Ellsworth—to the Committee on Military Affairs.

Also, paper to accompany House bill —, to grant five months' pay to A. B. Huff—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 13566, for the relief of Mary A. Story—to the Committee on Invalid Pensions.

By Mr. WILSON: Resolutions of Congress Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

## SENATE.

SATURDAY, April 12, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MASON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

### POST-OFFICE APPROPRIATION BILL.

Mr. MASON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 32, 33, 37, 39, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 31, 34, 35, 36, and 38 and agree to the same.

\* That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Page 1, line 11, strike out the word "edition" and insert in lieu thereof the word "editions;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 4, strike out lines 7 to 12, inclusive, and insert in lieu thereof the following: "The Postmaster-General is hereby directed to investigate and report to Congress as soon as possible the advisability and practicability of purchasing and adopting a uniform metal lock box, at a price not to exceed 50 cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost;" and the Senate agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Page 4, line 24, strike out the words "less than \$100 nor;" and the Senate agree to the same.

WM. E. MASON,  
BOIES PENROSE,  
A. S. CLAY,  
*Managers on the part of the Senate.*  
E. F. LOUD,  
GEO. W. SMITH,  
CLAUDE A. SWANSON,  
*Managers on the part of the House.*

Mr. TILLMAN. Mr. President, I should like to ask the chairman of the Committee on Post-Offices and Post-Roads, as the conferees bring in a substitute for the amendment which I offered day before yesterday, if he has any information from the Post-Office Department as to how long it will be before the report which is called for in the conference report will come in? In other words, is there any assurance that we shall have at this Congress an opportunity to legislate on the subject of rural free-delivery boxes at a cost price to the patrons?

Mr. MASON. I am informed unofficially, but by one of the members of the commission appointed by the Postmaster-General, that they will report to the Postmaster-General within the next two or three days.

I will say to the Senator from South Carolina that, so far as I am personally concerned, and I can speak also for several members of the committee of which I have the honor to be chairman, we favor a plan of this kind, and as soon as the Postmaster-General reports upon the practicability of it we intend to bring in a bill making a slight appropriation for the purchase of boxes, so that it is the intention, or it is at least my intention, to carry out the spirit of the amendment offered by the Senator from South Carolina at an early date, during the present session of Congress, if possible. I expect to bring in a bill and then ask to have it made a part of the sundry civil appropriation bill or the general deficiency bill, whatever bill it may be proper to put it on.

Mr. TILLMAN. I understand, then, one of the main reasons why this substitute was put on the bill in lieu of the amendment was because it carried no appropriation which enabled the Postmaster-General even to begin the business of buying and selling the boxes at cost.

Mr. MASON. That was one objection to the Senate amendment.

Mr. TILLMAN. Then if the amendment which is suggested by the Senator from Illinois is incorporated in the sundry civil or some other appropriation bill the money will not necessarily go out of the Treasury, but money will be given simply as a means by which the Postmaster-General shall carry out the amendment. That is satisfactory to me, Mr. President.

Mr. SPOONER. For the purchase of boxes?

Mr. TILLMAN. For the purchase of rural free-delivery boxes for the purpose of selling them to the patrons of rural free delivery at cost. There is complaint at this time because of an apparent monopoly by which the patrons of the rural free delivery—the farmers throughout the country—are compelled to buy one of 14 types of boxes at a price which they think is exorbitant. Complaint has reached me from various sources, and knowing from my own experience as a farmer that it is an unnecessary and a very heavy expense on a great many poor people, I have insisted that something should be done by the Government to protect these people from overcharges.

Mr. MITCHELL. I should like to ask the chairman of the committee what disposition was made of the Senate amendment on page 15, under the head of rural free-delivery service. The bill as it came to the Senate provided for the compensation of seven special agents in charge of divisions at \$2,400 each, and the Senate amended the provision by providing that there should be ten special agents in charge of divisions at \$2,500 each.

Mr. MASON. On what page is the amendment to which the Senator calls my attention?

Mr. MITCHELL. On page 15, in regard to rural free delivery. The House provided for seven special agents and the Senate increased the number to ten.

Mr. MASON. The Senate conferees receded.

Mr. MITCHELL. And the Senate increased the salary. The Senate conferees receded?

Mr. MASON. The Senate conferees were compelled to recede on the showing made by the House conferees.

Mr. GALLINGER. Both as to numbers and compensation.

Mr. MASON. Both as to numbers and compensation.

Mr. MITCHELL. I will state that the chief of that division was before the committee and insisted very strenuously that the force is inadequate.

Mr. MASON. The House committee had the subject under investigation for a long time, and they having so concluded, the Senate conferees yielded.

Mr. MITCHELL. I also inquire what disposition was made of

the Senate amendment as to inspectors of free-delivery routes? The House provided for 71 inspectors. The Senate provided for 75.

Mr. MASON. There is practically no difference. There is a change in classification. The Department recommended two classes, and the House passed the bill recommending four. The House had the matter under advisement and consideration for a long time; they took a large amount of evidence upon the subject; and the House conferees and the Senate conferees unanimously yielded to the judgment of the House, and agreed to the bill, upon the question of rural free delivery, substantially as it came from the House.

Mr. MITCHELL. By agreement, then, of the conferees the bill was taken substantially as it came from the House.

Mr. MASON. Substantially as it came from the House. I think there will be no objection to the adoption of the report.

Mr. LODGE. The House accepted that and two or three others.

Mr. MASON. They accepted that and two or three others.

The report was agreed to.

#### ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 173) to authorize the Commissioners of the District of Columbia to issue certain temporary permits; and it was thereupon signed by the President pro tempore.

#### PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the Board of Trade of San Francisco, Cal., praying for the enactment of legislation providing for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry officers of the National Guard of California, praying for the enactment of legislation to promote the efficiency of the militia of the United States; which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by sundry citizens of Yreka, Cal., expressing sympathy for the people of the South African Republic and the Orange Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of the State Council of California, Junior Order United American Mechanics, of Oakland; of Retail Clerks' Local Union No. 137, of Bakersfield; of Retail Clerks' Local Union No. 506, of Petaluma; of Painters, Decorators, and Paper Hangers' Local Union No. 294, of Fresno; of Sierra Nevada Division, No. 195, Order of Railway Conductors, of Sacramento; of Carpenters and Joiners' District Council of Alameda; of Bakers' Local Union No. 37, of Los Angeles; of West Lodge, No. 73, Brotherhood of Railway Telegraphers, of Kern, and of Cigar Makers' Local Union No. 228, of San Francisco, all in the State of California, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Branch No. 609, Amalgamated Society of Engineers; of the Sign Pictorial Painters' Local Union No. 510; of Paper Hangers and Fresco Painters' Local Union No. 509; of Boot and Shoe Workers' Local Union No. 216; of Marine Engineers' Association No. 35; of Iron Molders' Local Union No. 164; of Bakers' Local Union No. 24; of Machine Coopers' Local Union No. 131; of Barbers' Local Union No. 148; of Amalgamated Wood Workers' Local Union No. 147; of Photo-Engravers' Local Union; of Laundry Wagon Drivers' Local Union No. 256; of Cigar Makers' Local Union No. 228, all of the city of San Francisco; of Federal Labor Union No. 9489, of Visalia; of Miners' Local Union No. 61, of Bodie; of Miners' Local Union No. 90, of Grass Valley; of Miners' Local Union No. 141, of French Gulch; of Painters' Local Union No. 127, of Oakland; of Painters' Local Union No. 71, of Los Angeles; of Team Drivers' Local Union No. 240, of Sacramento; of Randsburg Miners' Local Union, No. 44; of Pacific Coast Lodge, Amalgamated Association of Iron, Steel, and Tin Workers, of Oakland; of Beer Bottlers' Local Union No. 102, of Los Angeles; of Locomotive Firemen's Local Union No. 386, of San Diego; of Bakers' Local Union No. 90, of San Diego; of Brewers, Malters, and Bottlers' Local Union No. 11, of South Valley; of Barbers' Local Union No. 256, of San Diego; of Iron Molders' Local Union No. 199, of Sacramento; of Typographical Union No. 389, of Vallejo; of Typographical Union No. 231, of San Jose; of Typographical Union No. 36, of Oakland; of Cigar Makers' Local Union No. 453, of Nevada City; of Cigar Makers' Local Union No. 252, of Oakland; of Plasterers' Local Union No. 188, of Fresno; of Plasterers' Local Union No. 194, of Pasadena; of Plasterers' Local Union No. 2, of Los Angeles, and of Teamsters' Local Union No. 70, of Oakland, all in the State of California, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. HOAR presented petitions of Central Labor Union of Adams, of the Boot and Shoe Workers' Local Union of New Bedford, and of the International Association of Machinists of Lawrence, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HAWLEY presented a petition of Cigar Makers' Local Union No. 156, American Federation of Labor, of Suffield, Conn., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Lodge No. 454, International Association of Machinists, of New London, Conn., and a petition of Horse Nail Workers' Local Union No. 6170, American Federation of Labor, of Hartford, Conn., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of Division No. 29, Order of Railroad Telegraphers, of New Haven, Conn., praying that the enacting clause be stricken from the substitute to the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

#### CHARLESTON (S. C.) HARBOR IMPROVEMENT.

Mr. TILLMAN. I present a paper concerning estimates recently made by the Chief of Engineers, relative to the cost of improving the inland navigation between Charleston, S. C., and opposite McClellanville. I move that it lie on the table and that it be printed as a document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4559) granting a pension to I. Winslow Ayer, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1326) granting an increase of pension to Thomas Thatcher;

A bill (S. 4983) granting a pension to John W. Smoot;

A bill (S. 4004) granting an increase of pension to Thomas L. Nelson; and

A bill (H. R. 10841) granting an increase of pension to Margaret Hoefer.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2050) granting an increase of pension to Edward N. Goff, reported it with amendments, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 3998) granting an increase of pension to Emma L. Kimble, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2452) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State and a Department of Justice, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 4962) to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians, of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect, reported it with amendments, and submitted a report thereon.

#### ISTHMIAN CANAL.

Mr. MORGAN. I submit from the Committee on Interoceanic Canals certain papers relating to the isthmian canal, which I move be printed as a document, and after they are printed that they be referred to that committee.

The motion was agreed to.

#### PROPOSED AMENDMENT OF THE RULES.

Mr. SPOONER. I am directed by the Committee on Rules to report a proposed amendment to the rules, accompanying it with the notice required by the rules.

The PRESIDENT pro tempore. The Senator from Wisconsin reports favorably from the Committee on Rules an amendment to the rules, which will be read.

The Secretary read as follows:

I am directed by the Committee on Rules to report the following resolution:

"Resolved, That Rule I, clause 4, be amended by inserting after the words 'Vice-President,' in the first line thereof, the words 'or whenever the powers and duties of the President shall devolve on the Vice-President,' so that the clause when amended shall read, as follows:

"In event of the death of the Vice-President, or whenever the powers and duties of the President shall devolve on the Vice-President, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence; and the Senator so named shall have the right to name in open session, or in writing, if absent, a Senator to perform the duties of the Chair, but such substitution shall not extend beyond adjournment, except by unanimous consent."

And further, by direction of the same committee, I give notice in writing of said proposed amendment to the fourth clause of the first rule, and that the purpose thereof is to so change the language of clause 4 that it will cover contingencies not now provided for.

JOHN C. SPOONER.  
For the Committee.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5213) providing for the selection and retirement of medical officers in the Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5214) granting an increase of pension to Charles F. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5215) granting an increase of pension to Thomas L. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5216) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENROSE introduced a bill (S. 5217) granting a pension to Peter A. Poorman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5218) granting a pension to Jacob Witmer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5219) to grant an honorable discharge from the military service to Robert C. Gregg; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 5220) for the construction of a public building at Owosso, Mich.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. SIMMONS introduced a bill (S. 5221) for the relief of Richard Berry; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5222) for the relief of M. T. Swick (with accompanying papers);

A bill (S. 5223) for the relief of the estate of John F. Redmond, deceased;

A bill (S. 5224) for the relief of J. R. Jeter; and

A bill (S. 5225) for the relief of the estate of John M. Winstead, deceased.

Mr. DANIEL introduced a bill (S. 5226) for the relief of the personal representatives of Henry H. Sibley, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 5227) granting an increase of pension to Elizabeth Whitty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURTON introduced a bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve;" which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PRITCHARD introduced a bill (S. 5229) to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of North Carolina; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SIMMONS introduced a bill (S. 5230) for the relief of C. G. Perkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5231) for the relief of Robert T. Cheek; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.



Mr. PENROSE introduced a joint resolution (S. R. 78) providing for translation and printing of the immigration laws in the languages of foreign countries; which was read twice by its title, and referred to the Committee on Immigration.

#### ESTATE OF CHARLES WILKES.

Mr. MORGAN. The bill (S. 2524) for the relief of the widow and heirs at law of Charles Wilkes, deceased, late rear-admiral in the United States Navy, was referred to the Committee on Claims by mistake. I move that that committee be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCOMAS submitted an amendment proposing to increase the appropriation for the continuation of the construction of the custom-house at Baltimore, Md., under the present limit, from \$100,000 to \$150,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$125,000 to authorize the Commissioners of the District of Columbia to purchase Anolatan Island, in the Potomac River, near the city of Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment relative to the payment of pensions to soldiers who are members of any Branch of the National Home for Disabled Volunteer Soldiers, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pensions, and ordered to be printed.

He also submitted an amendment relative to the payment of pensions to soldiers who are inmates of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to increase the appropriation for the construction of buildings and enlargement of military posts from \$1,500,000 to \$1,600,000 and providing that \$100,000 of this amount shall be expended for the erection of additional buildings at Fort Meade, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to appropriate not to exceed \$10,000 for the purchase or construction of a suitable launch for use in the customs service at and in the vicinity of Astoria, Oreg., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$2,700,000 for payment of drawback on tobacco products held by manufacturers or dealers on July 1, 1902, upon which tax had been paid at the higher rate than is imposed by section 3 of the act to repeal war-revenue taxation, and for other purposes, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### IRRIGATION STATISTICS.

Mr. MITCHELL submitted the following concurrent resolution; which was referred to the Committee on Public Lands:

*Resolved by the Senate (the House of Representatives concurring). That the Director of the Census be, and hereby is, authorized and directed, upon the completion of the volume of agricultural statistics, the year 1899, to complete and bring up to date of the crop year of 1902 the statistics relating to irrigation, the area of land reclaimed, the cost and value of the works, and such other information as can be obtained bearing upon the present condition of irrigation.*

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had on the 11th instant approved and signed the act (S. 3231) to legalize and maintain a new steel bridge, erected in place of the old wooden structure, across the Little Tennessee River at Niles Ferry, Tennessee, by the Atlanta, Knoxville and Northern Railroad.

The message also announced that the President of the United States had on this day approved and signed the act (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

#### ROBERT S. WOODBURY.

Mr. GALLINGER. Yesterday the President returned to the Senate the bill (S. 3910) granting an increase of pension to Robert S. Woodbury, and it was ordered to lie on the table. I ask that the bill be taken from the table and indefinitely postponed, the soldier having died since the bill was passed.

The PRESIDENT pro tempore. In the opinion of the Chair there is no necessity for such action. The bill simply stays here indefinitely.

Mr. GALLINGER. Very well; if its return disposes of it finally it is just as well.

#### MISSISSIPPI RIVER BRIDGE AT QUINCY, ILL.

Mr. COCKRELL. I ask unanimous consent to have a bill of just 12 lines, authorizing the rebuilding of a draw span in a bridge which is absolutely necessary, passed. I ask the Senate to consider the bill (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 1178) providing for an additional circuit judge in the second judicial district.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

#### CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of Senate bill S. 2960, known as the Chinese-exclusion bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. LODGE and Mr. VEST addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. VEST. I simply wish to make a few remarks on the Chinese-exclusion bill.

The PRESIDENT pro tempore. The Senator from Massachusetts gave notice that he would speak this morning immediately after the conclusion of the morning business.

Mr. VEST. I beg pardon. Will the Senator permit me just a few moments?

Mr. LODGE. Certainly; I will yield to the Senator with great pleasure.

Mr. VEST. Mr. President, I do not propose to discuss in detail the provisions of the pending measure. I only want to say that I sympathize entirely and fully with what has been said in regard to the propriety of excluding Chinese laborers from this country. I have so often voted and spoken in favor of such legislation that I do not consider it necessary now to give at length the reasons for my former action. It is sufficient for me to say, by way of summary, that I think any immigration is undesirable when it brings into this country people who want all the privileges and profits of American citizenship without participating in its responsibilities.

The Chinaman is a political, a social, and an industrial parasite. He comes here only on condition that, living or dead, he shall be carried back to the Celestial Empire, and it is not too harsh a term to say that he preys upon the people of the United States for his selfish purposes and is not willing to assume any of the responsibilities or dangers of the great problem in which we are engaged, the ability of the people to govern themselves.

This is all I desire to say in a general way in regard to the measure. I am heartily, I repeat, in sympathy with its general purposes. But I can not vote for this bill as it is, and I will give my reasons very briefly.

In the first place, there is a provision in the bill of the most extraordinary character, considering present conditions. The bill provides that no Chinaman shall be permitted to come to this country to any exposition or fair.

Mr. PATTERSON. Mr. President, if the Senator will permit me, that provision was stricken out, and an amendment was offered by the Senator's colleague, the Senator from Missouri [Mr. COCKRELL], which was adopted.

Mr. VEST. I am glad to hear that. I was not in the Senate when it occurred. I will simply continue what I was going to say in opposition to it, in order to make my ideas sufficiently clear for my opposition.

The Government of the United States has already invited China

to participate in the St. Louis Louisiana Purchase Exposition, and China promptly accepted the invitation. I am sorry to say that China is one of the few countries that has acted promptly upon the subject. To shut the door now in the face of the Chinese Empire would be not only a violation of international comity, but a shameful and indecent breach of hospitality. I am very much gratified to know that that extraordinary legislation which, as I am informed by a member of the committee, came into the bill in some mysterious way of which I do not care to speak has been eliminated.

Mr. PENROSE. Mr. President—

Mr. VEST. I yield to the Senator from Pennsylvania.

Mr. PENROSE. The mysterious way in which the provision came into the bill was by a direct request from the Secretary of the Treasury that the provision be inserted in the bill, and it was inserted as he sent it to the committee.

Mr. VEST. I do not care to enter into that discussion. I am not a member of the committee. My attention was called to the provision by a friend connected with a New York newspaper, and I could hardly believe that such a provision had come into a measure of this importance by the unanimous action as it appeared by the record of the committee reporting the bill. I am glad that it has been repudiated, for I do not believe that on examination a single member of the Senate would have voted for such legislation.

Mr. PATTERSON. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. PATTERSON. I was present at the last meeting of the committee at which the bill was finally revised. There were five or six members of the committee present. When that final revision was ended there was not a word in the bill upon the subject of excluding Chinese from attending expositions. I learned it in a way which makes it no secret that the Secretary of the Treasury—why I do not know—addressed a letter to the Commissioner-General of Immigration, including in it the provision that was printed in the bill and requesting that it be inserted. I have understood that the Secretary of the Treasury has been an opponent of Chinese exclusion, and it has been a mystery to me, that I have not yet been able to solve, why, on his official or personal responsibility, he should have made such an extraordinary request.

Mr. DOLLIVER. Will the Senator from Missouri allow me?

Mr. VEST. Certainly.

Mr. DOLLIVER. I do not think the honorable Senator from Colorado has any warrant for stating that the Secretary of the Treasury is or has been unfriendly to the legislation providing for the exclusion of Chinese laborers from the United States. I think this statement ought to be made in view of what has just been said.

Mr. PATTERSON. Very well; I simply said that that was my understanding. In addition to that I want to say that without an exception the commission from California who are representing the people of the Pacific coast upon the subject of Chinese exclusion were opposed and are opposed to the inclusion of any such provision in the bill, and at their request the clause that was in the bill has been stricken out and the amendment offered by the Senator from Missouri adopted.

Mr. VEST. Mr. President, I will proceed now to discuss very briefly another clause in the bill, which, if it remains there, will prevent me from giving it my support, much as I desire to do so. It is the clause in regard to prohibiting Chinamen from coming to the United States from the Philippine Islands. I hope it will not be considered hypertechnical upon my part if I allude to what I consider the unconstitutional nature of this provision. It is impossible for me, whatever view some of my colleagues who stand in the same position may take, to support this measure with that clause as it was reported from the committee.

The fourteenth amendment of the Constitution of the United States provides that all persons born or naturalized in the United States and subject to its jurisdiction shall be citizens. If the inhabitants—Chinamen or not Chinamen—of the Philippine Islands are in the United States, they are unquestionably subject to our jurisdiction, and whatever may be said of the adults, their children born in the jurisdiction of the United States and in the United States are certainly citizens under the provision of the fourteenth amendment.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. VEST. I yield to the Senator.

Mr. PATTERSON. The clause that excludes children born in the Philippine Islands of Chinese parentage has also been excluded from the bill.

Mr. VEST. Do I understand the Senator to say now that as the bill stands all children born in the Philippine Islands since we became the owners or proprietors of that archipelago are citizens of the United States?

Mr. PATTERSON. I simply intend to say that the clause in the bill that prohibited such children coming to the United States has been stricken out.

Mr. VEST. But the adults are still prohibited?

Mr. PATTERSON. Yes, sir; that is true. There are nearly a million Chinese and Chinese half-bloods that the bill will exclude.

Mr. FORAKER. Will the Senator from Colorado allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. VEST. Of course; with great pleasure.

Mr. FORAKER. If the Senator from Missouri yields, will the Senator from Colorado inform us whether the clause to which he refers as having been stricken out, relating to children born since our acquisition of the Philippines, was excluded upon the theory that they were citizens?

Mr. PATTERSON. It was excluded upon the theory that a number of Senators were opposed to that provision in the bill, and, because for reasons that upon consultation appeared satisfactory, that it ought not to be there, it was stricken out.

Mr. LODGE. Mr. President—

Mr. FORAKER. I wanted to know whether it was on that account; and if so, whether the clause was written in excluding not those born subsequent to the acquisition, but living there upon the theory that they were not citizens of the United States. I simply wanted to get the idea of the gentlemen championing the bill governing that particular part of the legislation.

Mr. PATTERSON. It often occurs that a question may be well answered by asking another. I would ask the Senator from Ohio whether, in his opinion, the inhabitants of the Philippine Islands at the time of our occupation of it are citizens of the United States?

Mr. FORAKER. No, sir; not unless Congress shall see fit to so provide. That is my opinion. In the treaty under which we acquired the cession of the Philippines it was expressly provided—

Mr. LODGE. Mr. President—

Mr. FORAKER. I trust the Senator from Massachusetts will not interrupt me.

Mr. LODGE. I only wanted to make a statement in regard to my yielding the floor.

Mr. FORAKER. I am answering a question of the Senator from Colorado.

Mr. VEST. I yield to the Senator from Ohio.

Mr. FORAKER. And if the Senator from Massachusetts will favor me a minute he can have all the time he likes.

Mr. LODGE. I only wanted to have an understanding about my yielding the floor to the Senator from Missouri; that was all.

Mr. FORAKER. I was not aware that the Senator from Massachusetts had yielded the floor to the Senator from Missouri. I was not in the Chamber when that was done. I beg pardon.

Mr. LODGE. I gave notice several days ago, I will say to the Senator, that I would speak to-day immediately after the routine morning business. I was recognized by the Chair and in possession of the floor, when the Senator from Missouri asked me if I would yield to him to make a speech. Of course I did so, with the utmost pleasure; but I did not yield for general debate, and I hope that the Senator from Ohio will allow the Senator from Missouri to complete his speech.

Mr. FORAKER. I will not trespass upon the time of the Senator from Massachusetts. If I had been aware of what the Senator has stated, I would not have asked any question at all; but inasmuch as the Senator from Colorado has asked me one, I trust I may be allowed, for I can do it with a sentence, to complete the answer.

I base the opinion which I have announced upon the fact that in the treaty ceding the Philippine Islands it was expressly stipulated that Congress should determine the civil and political status of the inhabitants of the islands.

The PRESIDING OFFICER (Mr. MITCHELL in the chair). The Senator from Missouri will proceed.

Mr. VEST. Mr. President, I regret very much that the Senate, with the consent of the committee reporting the bill, has not stricken out the whole of that provision. The question whether the Philippine Islands are a portion of the United States or whether all the inhabitants, not those born since we acquired proprietorship, but the adults included, are citizens of the United States is in a very nebulous condition.

I desire to make no discourteous allusion to the Supreme Court or its decisions. I have great respect for that august tribunal; but after as much study as I have been able to give to the various decisions given in the Porto Rican and Philippine cases, I have been unable, doubtless from my own incapacity, to understand exactly how the judges of that court are upon this very important question.



I understood the Senator from Washington [Mr. TURNER] to state the other day in his very carefully prepared and able address that it was our duty to give the benefit of a doubt to this bill and to wait with what patience we could what would be the ultimate position taken by the Supreme Court. I do not so understand my duty as a Senator.

Mr. MONEY. Will the Senator from Missouri permit me to put a question in that relation, if it will not interrupt him?

Mr. VEST. Certainly.

Mr. MONEY. I ask the Senator from Missouri if he can conceive of a mass of human beings amounting to 8,000,000 people who are not citizens of any country?

Mr. VEST. Well, that, of course, is a very difficult question to answer in any other way except in the negative. I believe that they are citizens of the United States, but whether I am right or not, whether the Supreme Court sustains my position or not, I have sworn to support the Constitution of the United States. Of course, when the highest judicial tribunal, whose duty it is to construe that instrument, decides adversely to what I think to be the correct interpretation of the Constitution, I yield, if not cheerfully, at least absolutely to the finality of that decision; but that does not necessarily change my opinion. Until that decision is made, I am bound to follow my own conclusion after examination in regard to what the Constitution actually does mean.

To concede that these islands are not a part of the United States and that their inhabitants are not citizens, is to concede the whole colonial system to be correct, and that this monstrous doctrine, as I consider it, that the United States possesses all the powers of any government in the world, is correct. I may belong to that old-fashioned, obsolete school which teaches that the difference between this Government and the monarchies and empires of Europe is that we are living under a written Constitution with distinct limitations, and that we can not violate that written instrument; that we can not, as the monarchies and empires of the Old World do, follow whatever may be dictated by present conditions to be politic, without any sort of limitation upon governmental power.

But I do not choose to take up the time of the Senator from Massachusetts [Mr. LODGE], who has been courteous enough to yield the floor to me, in any elaborate discussion of this question, which, I simply content myself by saying now, is in such a condition that the best lawyers in the United States are totally at variance in regard to what the Supreme Court means by its diverse opinions, delivered individually by its members upon these questions.

I hope, Mr. President, I may be permitted to say a few words about the debate on yesterday in this Chamber, not by way of criticism, but because I regret exceedingly that there was injected into our proceedings, without any regard to rules of parliamentary debate, a sectional discussion, which elicited some most unfortunate expressions and exhibited a bitter feeling, which I had hoped never to have witnessed again in the Senate of the United States during my service. My public career will end in a very few months, and I had fondly expected after the Spanish war that the men of the North and of the South, who stood together like brothers against a foreign foe, would continue to stand like brothers in this time of peace.

The people of the South are sincere mourners at the graves of Lincoln and Grant and McKinley, and no more honest tears were ever shed than those that dropped upon the bier of our last President from the eyes of men who had faced in battle the soldiers of the North during four long years.

The people of the North should remember that the South, too, has produced great and good and patriotic leaders. They should remember that Washington, Jefferson, and Robert E. Lee, the leader of the Confederate armies, were slave owners, and differed widely upon that question with their brethren in the Northern States.

I shall never cease to feel kindly toward the present occupant of the White House, Colonel Roosevelt, for what he said, in the broadest spirit of statesmanship and as a historian, in his *Life of Thomas H. Benton*, one of the American Statesmen Series, in regard to Robert E. Lee. He says in that most interesting production that Robert E. Lee was by far the greatest general that ever came from the English-speaking races, superior to Wellington, to Marlborough, and to his last great adversary, Ulysses S. Grant.

Yesterday, when I came to the Capitol, I was handed a dispatch from one of the family of another great Southern leader, formerly our colleague in this Chamber, that at 10 minutes before 9 o'clock he had passed over the dark river to join that great encampment upon the other shore.

Mr. President, I hope I may be pardoned if I speak very briefly of Wade Hampton, who is to-morrow to be committed to the earth; but whose memory will live for centuries to come among the people not only of the South, but of the whole country. I

knew him well, and loved him sincerely. He was the highest type of a Christian gentleman—patient, brave, honest, and unselfish. He was not depressed by adversity, nor unduly elated by prosperity. Having lost all, except life and honor, he bowed submissively to the result of a great war, in which he shared the fortunes of his people. He never uttered one vindictive word; he never gave any wild advice to the people who were suffering all the horrors of reconstruction, and who only needed his advice to dare again the utmost that fate could do against them rather than submit to the ills they had.

He commenced his public life, as a very young member of the legislature of South Carolina, by daring to face an overwhelming public sentiment in his own State, in denunciation of the infamous slave trade, which hot-headed men sought again to open. Afterwards he found it his duty to again oppose the will of his people upon a great financial question, but he did it without hesitation, and faced political death, almost certain, as he had often upon the battlefield faced death in defense of what he believed to be right.

I am informed this morning by one who sat by his deathbed on yesterday that he met death as calmly and as patiently as he had met all the adverse fortunes which had come to him in his later years. He could say—and I know honestly—in the beautiful lines of Tennyson:

And though from out our bourne of time and place  
The flood may bear me far,  
I hope to see my Pilot face to face  
When I have crossed the bar.

Mr. LODGE. Mr. President, I trust that no consideration for me has in any way hastened the Senator from Missouri [Mr. VEST] to a conclusion. It was with the most unfeigned pleasure that I was able to do him the very slight service of yielding the floor. I was glad to do it, no matter for what purpose he arose to speak, and certainly I think everyone must share with me in the feeling of deep emotion with which we have this morning listened to his eloquence, always beautiful and impressive, but never more so than on this occasion.

It is very hard, Mr. President, after listening to such words as those which are still sounding in our ears, to turn away to the discussion which I intend to take up here. After such feeling as the Senator from Missouri has expressed for his friend—a great man gone—it is not easy to return to the dry clauses of an exclusion bill, and I trust therefore that I shall meet with indulgence in dealing with the subject which I am now to discuss.

Mr. President, there has been a great deal of earnest debate in the Senate about the two bills presented to us for the purpose of excluding Chinese from the United States. One is the bill of the committee; the other is the substitute offered by the Senator from Connecticut [Mr. PLATT]. The discussion has proceeded as if between those two measures there was a great gulf fixed. I think the broadest distinction between the two measures is that Senators have read the bill presented by the committee and have forgotten the laws now standing on the statute book, which the bill of the Senator from Connecticut proposes to extend.

There is no difference whatsoever in principle between the existing law and the law proposed by the committee. Both laws—the proposed bill and the actual law—aim at the same thing, the absolute prohibition of the coming of Chinese labor into the United States. There is no difference in their purpose. There is no difference between them and the purpose of the treaty of 1894. No question of principle divides these two measures. And, Mr. President, I think I may say that members of the committee who are engaged in trying to perfect and pass suitable legislation are no more disposed to be inhuman or unreasonable than other Senators who have been discussing this case.

It is accepted as the policy of the United States that the coming of Chinese laborers into this country is to be prohibited; it is admitted by China in a treaty, where she pledges us her cooperation to that end. What we have before us, therefore, to determine is neither a principle nor a policy, but a pure question of legislative detail.

At the beginning of this session I introduced a bill extending the existing laws for Chinese exclusion. I then thought that was all that it was necessary to do. I took up the question in committee, I studied it with a preconceived opinion in my mind, as shown by the bill I introduced, and I came to the conclusion that in order to have intelligent legislation on the statute book and to relieve a very undesirable condition of affairs, it was necessary to codify the existing law and regulations and to make a new act.

We are now living under three statutes—numerous Treasury regulations, decisions of law officers of the departments, and of the courts of the United States. The present arrangement is loose. The method, I think, is bad. I believe it would be far better for the Chinese, as well as for the United States, that we should act under an intelligent, well-considered statute than under a loose body of regulations and of overlapping and sometimes contradictory acts.



For that reason I gave a great deal of time and labor to perfecting a new bill. Against the great body of that bill no objection has been made. It contains simple arrangements for putting the administrative features of this important law into a practicable, intelligent, coherent form. To throw away now all that legislation without discrimination seems to me a not very judicious manner in which to legislate. If there are defects in the bill reported from the committee, it is, I think, the duty of the Senate to perfect that bill.

There are matters in the bill as reported from the committee to which I am greatly opposed, points on which I reserved the right of dissent, and as to which each member of the committee reserved the right of dissent. I hope to see the bill improved by the omission of certain sections and by the modification of certain others; but before we modify the bill, before we try to perfect it, to undertake blindly to throw away an entire body of legislation, whose main purpose is to put all these laws, regulations, and decisions into an intelligible and coherent form, seems to me a very poor way to legislate.

Mr. President, let me say a word first as to the proposed substitute. It intends simply to extend existing laws; that is, the statutes already passed, the interpretations of the courts and of the law officers of the Government, and the regulations of the Treasury Department made in pursuance of those laws, with the power to make further regulations to the same ends. Although that substitute has passed through two or three editions already, it is, I think, still imperfect. It makes no provision as to the relations which we shall bear to the Chinese in the Philippines. On that point the Senator from Missouri made one of his objections, that we ought not to shut out, and had not the constitutional right, to shut out the Chinese resident in the Philippine Islands.

Mr. President, I think it will be admitted on all sides that the status of the people of the Philippine Islands has not yet been determined by Congress, to whom the treaty leaves it. Therefore we have a large latitude in dealing with them.

But the status of the people of Hawaii has been determined. They are citizens of the United States; their territory is an organized Territory, not merely domestic territory, under the decision of the Supreme Court, like the Philippines, but an integral part of the United States and an organized Territory, and yet the Congress of the United States in its resolution of annexation provided:

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

Not content with that, we went on and passed an organic act. In that organic act we inserted these words:

*Provided, however,* That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or district of the United States from the Hawaiian Islands.

That organic act passed this Senate without objection and without a record vote. As has been seen, it contained an absolute provision which says that the United States has the power to exclude the inhabitants or a portion of the inhabitants of an organized territory from entering other portions of the United States. If it was legitimate to do that in regard to an organized territory, it certainly must be legitimate to do it in regard to the population of islands, the citizenship of which has not been determined and the status of whose people is still open to consideration by Congress.

We did not hesitate to exclude the Chinese of Hawaii in the most absolute way from entering this country; we did not hesitate to say that no more Chinese should be brought into Hawaii; and yet, Mr. President, in the substitute bill it is left open to bring Chinamen from the Philippines into Hawaii and from the Philippines into the United States, for the simple reason that the existing laws did not contemplate, as they could not have contemplated at the time of their enactment the exclusion of Chinese in one part of the territory under the jurisdiction of the United States from entering the mainland territory of the United States.

If the Senate, after consideration, is prepared to open the United States to the introduction of the Chinese of the Philippines—I do not mean people of mixed blood, for I do not think that restriction ought to be made—but if we are ready to admit all Chinese of the Philippines into the United States it is for the Senate to say so. But when the Senate and the Congress of the United States have prohibited the passage of Chinese laborers from an organized territory, inhabited by citizens of the United States, into the mainland of the country, it is idle, as I think, to argue that we have not the power to prevent the immigration of Chinese from the Philippines into Hawaii, or into the United States, or into Porto Rico. My own belief is that it is better to shut them out.

There is a large body of pure Chinese in the Philippines—men born in China and who emigrated to the Philippines simply for

what they could make. The provision I suggest now does not touch the question of the mixed bloods, and I think if the purpose is, as I believe it to be, to exclude Chinese labor from the United States we can not draw the line on such points as that made by the Senator from Missouri.

We have shut out the Hawaiian Chinese. I think we have the undoubted right, and, in my opinion, it is proper also to shut out the Philippine Chinese. I do not think the proposed substitute meets that point. I do not think, moreover, that the proposed substitute covers the question of the introduction of Chinese into the Philippines. It may be argued that our laws extend there necessarily, but the situation in the Philippines is a peculiar and uncertain one. Large powers have been conferred upon the Philippine Commission; large recognition has been extended to their acts. It is not by any means clear that they might not modify the military order under which Chinese are now excluded from those islands.

I might as well say at this point as later in my speech that, in regard to those islands, in which I take a very particular interest, because I have given so much time and thought to them during the past winter, I hope the Congress of the United States will put it beyond any manner of doubt that the Chinese are to be excluded from the Philippines, certainly until such time as the people of the islands may ask to have them come in. I believe from all that I have been able to learn—and I have heard a great deal of testimony—that the people of the Philippine Islands, properly paid, under good laws, with ample return for their labor, are quite capable of performing all the labor of those islands and developing their great natural riches. General MacArthur, when asked yesterday before the committee what the Filipino people felt about the Chinese, used words which impressed me very much. He said, "They regard them with a shuddering dread." They have kept them out to the best of their ability hitherto, though the Spanish laws were lax in that regard. They do not want them there now.

I have no doubt, for Governor Taft and others so testified, that there are not in the islands enough skilled mechanics at this time; that there is a lack of that class of labor in Manila and elsewhere; but I had rather have them wait, I had rather the development would be slower, and I should prefer that they should progress less rapidly in an industrial and material way than to open the door of those islands to the influx of Chinese to be used by capital in the hope of a rapid exploitation. The people of those islands do not want the Chinese there, for when they come in and get hold they crowd the people of the islands out of all the small trades and businesses. As General MacArthur said, they regard the Chinese with a shuddering dread.

Now, in any bill which passes here, I hope, in justice to those people awarded to our charge, that whether our tenure of those islands be long or be short, we shall not throw open the doors to the influx of an immigration which the people of the islands so profoundly fear.

Mr. President, as to the bill of the committee, I suppose I occupy the unenviable position of not being particularly enthusiastic for either measure that is proposed. I think the bill of the Senator from Connecticut [Mr. PLATT] is totally inadequate. I think the bill prepared and reported by the committee, so far as my personal judgment goes, needs some very serious amendment. I think it can be made an excellent law, much better than a mere extension of existing laws, which is only putting off the evil day, for we have got to meet this question of the revision of the Chinese-exclusion laws sooner or later.

To come now to particular details in regard to the bill prepared by the committee, one of the objectionable propositions—a proposition to exclude Chinese brought here for expositions—has already been stricken from the bill. There is, however, another clause in it which I think even worse. Traveling far outside the question of the coming of Chinese into the territory of the United States, the bill has taken up the exclusion of Chinese from the merchant marine. That can only apply in practice to vessels trading on the Pacific Ocean.

The proposition, when I considered it in committee and when some amendments modifying it and softening it were adopted, seemed to me objectionable. I reserved the right to oppose it here, and since I have examined it with more care I am convinced that it is rather worse than objectionable. It seems to me almost insane.

Let us examine it. It proposes to exclude all Chinese from any vessels of American register. Now, the effect of that, under the conditions which the merchant marine meets on the Pacific Ocean, would be to put every American vessel in an absolutely hopeless position in competition with all the other lines which employ Chinese. Every American line will, for the sake of self-preservation, pass under a foreign flag. Then the bill also provides that every foreign vessel having a Chinaman on board, as soon as it comes into port, shall give a bond of \$2,000 for each



Chinaman. Mr. President, that would require the owners of one of those large trans-Pacific steamships when it comes into port to march up to the collector's office and offer a bond of three or four hundred thousand dollars for the time it was in port. Bonds of that magnitude can not be got easily. They can not be obtained in a moment. They involve a great expense. The result of that amendment, taken as a whole, would be to put every American ship under a foreign flag and then it would send every foreign ship into Vancouver.

Mr. MITCHELL. I will ask the Senator if it was not the intention of the committee really to have the \$2,000 bond apply to each ship, and is it not a mistake in the print here?

Mr. LODGE. I do not know that. I am not aware that there is a mistake in the print.

Mr. MITCHELL. I am inclined to think so. I entirely agree with the Senator that it ought not to be as it is.

Mr. LODGE. I knew the Senator agreed with me on that point.

Mr. SPOONER. Then it would not be much of a bond.

Mr. LODGE. The present bond is \$10,000 for the whole ship. That is a proper bond, a perfect protection. I do not agree with the Senator from Oregon that this was an accident. It was done, as I believe, to balance the objections which the persons who drafted that paragraph foresaw would be raised to the clause providing that no vessel of American registry should carry Chinese seamen, because they said, "We exclude Chinese seamen from vessels of American register and put them at a disadvantage with the competing lines, but we balance it by putting this tremendous burden on all foreign vessels which carry a Chinese crew." That, it seems to me, was the philosophy of the paragraph, taken as a whole.

But the ingenious hand which drew it overlooked the fact that while he struck the foreign vessel, after having driven the American vessel under a foreign flag, he sent them all alike to Vancouver, where alone they could carry on the trade profitably. The theory of that paragraph is that it is going to be a help to the American seaman. I will always vote for legislation to help the American seaman and the American ship, and go as far as any Senator or anyone else. It is a subject I have very much at heart. But this is a blow at American seamen and not in their favor. In the first place, there are not American seamen on that coast to take the place of the Chinese; there is no American labor seeking to get into the stokeholes and the furnace rooms of those ships. Most of the Chinamen who go, go as coal passers, firemen, cooks, in the inferior positions on board ship. The owners are only too glad to get American seamen on board those vessels, as I understand it, and the higher places are now all filled with Americans or men of the white races.

The second point is that the fundamental necessity for American seamen is to have American commerce, and if you are going to destroy American commerce on the Pacific, if you are going to send American ships under the foreign flag because they can not live against the others, and then if you are going to drive the whole of the Pacific business into Vancouver, there is no friendship for the American seaman in legislation of that kind, because when you destroy commerce there is not much pleasure to an American seaman to be told, "Yes, we have destroyed the commerce by which you live, but we have discriminated in your favor and against the Chinaman."

I hope and I have no doubt that the Senate will agree to throw out what is known as the seaman clause; that is, that we shall adopt the amendment of the junior Senator from Vermont, which has been very carefully drawn, and which I believe covers it exactly.

Now, I am by no means disposed to say that there are not other modifications which may be made in the bill with advantage. I have looked over the amendments of the Senator from Vermont [Mr. DILLINGHAM], who has given a great deal of attention to this subject, in detail. Many of them, I think, are excellent. Some, like the seamen amendment, I regard as absolutely essential, and I hope the Senate will consider those amendments and not hastily decide to throw away all the vast amount of intelligent legislation and codification in the committee bill because there is objection made to a section here or a section there. I think we need improvements in the present loose system of administering the law; and I repeat that the Chinaman, for whom so much interest has been displayed on this floor, is better protected under a reasonable and proper statute, keeping in view the fact that the object is the prohibition of the coming of Chinese labor, than he is under Treasury regulations which may be added to or enlarged or relaxed according to the temper of the moment and left thus to the mercy of the officers of the customs or of immigration or of the Treasury.

I think also, Mr. President—and this is a thing which is too much overlooked—that the purpose of the bill for which the substitute of the Senator from Connecticut is offered and the object of our existing law being to prohibit the coming of Chinese labor into the country, we ought to have and are entitled to have proper

machinery to see that it does not come in by fraud. Now, Senators here laugh at these frauds, and they do not think there are many of them and that there is not very much shown. That is not the conclusion to which I have come. I think there is a vast amount of fraud. I think that Chinamen are being steadily smuggled into the country in various disguises and in various ways, sometimes by bribery applied to our officers and our commissioners.

I happened to clip from a newspaper, the New York Sun, an article which I will not read. I will add it to my speech as an illustration and which gave an account of a case that occurred the other day. Six Chinamen were brought in over our northern border dressed as Roman Catholic nuns. They each had a little breviary. The gentleman who was engaged in smuggling them was disguised as a priest. By the merest accident of an overheard conversation, as it appears from the account here, one of the Treasury officers had his suspicions aroused, and the upshot was that the six nuns were arrested after they got over the border.

[New York Sun, March 30, 1902.]

CHINESE DISGUISED AS NUNS—NEW WRINKLE IN THE SMUGGLING TRAFFIC WITH CANADA—THE BOSS SMUGGLER DRESSES UP AS A PRIEST AND THE BEVY OF CHINAMEN HE IS STEERING ACROSS THE BORDER WEAR THE SOMBER GARMENTS OF WOMEN CELIBATES.

HULL, CANADA, March 29, 1902.

"Say, Dave, did you notice anything strange about that party of nuns? They seem to me to be a most peculiar lot."

"No; I didn't notice them particularly. Why?"

"Oh, nothing much. Only their queer yellow faces struck me as they came aboard in Montreal, and they were too meditative or too holy to say one blessed word, far as I could hear, all the way out."

That was all. A careless remark and a laugh between a couple of drummers, but it led an acute Yankee customs officer to make an important discovery, which has already had an effect upon the National Treasury.

This officer quietly arose from his corner of the smoking compartment wherein the short conversation had occurred, and just as the Canadian Pacific Railroad train was approaching Sutton, the last but one of the Canadian stations before entering United States territory at Richford, Vt., approached the conductor with the query: "Do you remember where the six nuns in the car ahead are booked for?"

"For St. Johnsbury, if I recall it rightly," was the reply. "The old priest who sits on the other side of the car has their tickets."

The officer turned and walked slowly along the aisle, turning his eyes upon the priest and well-shrouded nuns as he did so. Choosing a seat as close as he could to the somber party, he spent the next few minutes in a vain attempt to catch some word or action which should confirm his suspicions. At Richford, Vt., he went his rounds among the passengers as usual, and the little reticules of the nuns and his own bag were handed to him by the priest. These contained nothing out of the ordinary, though the Book of Hours in each one was evidently quite new and unused as yet. The clergyman was, in his bland French way, most affable to the officer.

As he bent over in conversation with this courteous gentleman he caught sight for the first time of the faces of two of the nuns who, from under their voluminous head coverings, were intently watching his movements. Of their Mongolian extraction there could be no doubt, and the officer probably showed the effect upon his mind of this discovery by his too expressive countenance, for when the train next stopped, having doubled back again into Canadian territory, the priest, rising in his place, made a signal to his friends and with them left the car.

A few hours later the whole party was arrested while tramping along near Troy, Vt., by officers of the United States customs. A short search revealed a natty queue neatly coiled away under each wimple and veil of the nuns, and also the fact that four of the six were males. The supposed priest, whose language was rather unclerical under the provocation, most unwillingly doled out the fines and the amount of the duties imposed upon such commodities as Chinese men and women, and returned to Montreal by the next train.

It was pretty evident that he was a professional "Chinese steerer" who had guaranteed—for, no doubt, a good, large consideration—to conduct the party safely into the land of the free.

The capture has been kept as quiet as possible, in the hope that the illicit percolation of Chinese into the United States from Canada might be diminished. Within the last three weeks it has happened that on two other routes the same ruse has been discovered, and in consequence the religious disguise appears now to have been discarded.

It is noticeable at the present moment that Chinese laundries are being established in several of the villages within 10 or 15 miles and on either side of the Maine and Vermont boundaries. Already in one Canadian village some of the boys, who, as is usual in small places, take a keen interest in the doings of strangers, have remarked that when one of the Celestials visits Montreal two return, and at the post-office and at the hotel bars all kinds of theories are advanced as to what becomes of the visitors.

In all probability these laundries are merely deposits for the use of smugglers of Chinese, the surprising resemblance between these foreigners making it exceedingly difficult to keep tally of those arriving and departing. But given dark nights and bad weather and it is not difficult for the Chinese contraband to smuggle themselves across the imaginary line between the two countries.

If the roads are watched, there are the fields, and the whole boundary can not be watched. And when once in the United States and domiciled with some compatriot washerman—who would pass for his own twin brother—no matter how suspicious he may be, it is about as easy for a wide-awake customs official to catch a Chinaman as it is to find the proverbial needle in a bottle of hay.

A farmer near Pigeon Hill lately heard his mastiff having an argument with some one in one of his fields at night. Next day he found a loose coat made of dark glazed material lying at the door of the dog's kennel. What had become of the Chinaman to whom it had belonged has not transpired. But the farmer's next-door neighbor farms United States soil, so that it may be taken for granted that Uncle Sam received an immigrant that night who lacked the upper portion of his attire.

I put this in merely as an illustration of the ingenious devices which are resorted to, and I think in dealing with such people it is well to remember that laws which might seem very stringent and very harsh if applied where there was no effort to come in, and where an intelligent people were not attempting it systematically, become very reasonable and very natural under existing circumstances.



Before the committee there were developed three forms of opposition to this legislation. There was very vigorous opposition, represented by extremely able counsel, coming from transportation companies both by land and by sea, and I was very much impressed by the fact that although we had stopped Chinese immigration, and our Chinese population was declining, and there were no more coming here, the great transportation companies in the East as in the West, whose annual revenue reaches into the millions, found the transportation of Chinese so important and so large an item that they thought it necessary to oppose this legislation before the committee.

If, Mr. President, the indications of interest which I have seen on the part of transportation companies are any true guide, and I believe they are, for the transportation companies are managed by men of the very greatest ability and keenest intelligence, the 100,000 Chinese whom we have in this country pass their lives on the trains or the steamboats, and they are the most valuable traveling population that this country can show. I find no fault with the transportation companies. Men, of course, ought to look after their business interests, and I do not in the least quarrel with their doing so, but it is well to understand their purpose and interest.

The next objection is the commercial objection, that we are going to injure our commercial relations with China, and the third objection may be called philanthropic.

Now, as to the commercial objection, the ground of it is that we are going to violate treaty provisions. Mr. President, I am, I think, as firmly devoted to the maintenance of the sanctity of treaties as anyone can be. I have as deep a sense of our responsibility and obligation, I believe, as anyone can have. I would not knowingly violate any treaty obligation with any country on the face of the earth, certainly not with China. But there are some things well to remember. The legislation now on the statute book, which was put there as the result of an irresistible, popular demand, was undoubtedly in violation of the treaties then existing. To cure that defect the treaty of 1894 was agreed to.

Now, Mr. President, all the legislation on the statute book, all the decisions, all the regulations, all the methods of carrying out those laws, were considered when the treaty of 1894 was agreed to. Every vote given for the substitute offered by the Senator from Connecticut is a vote in favor of the proposition that every law existing in 1894, with the proper means of carrying it into execution, is in accord with that treaty. I think if Senators will examine with care the provisions of the bill, some of which have been attacked, they will find that they conform with the laws and regulations which existed at the time of the treaty or with the decisions as to the meaning of the treaty, made by the law officers of the Government since.

But the argument that they conflict with the treaty is always based on the treaty alone, and without reference to existing law. If it can be shown, as I think it can be shown in almost every instance, that the provisions proposed in the bill are in accord with the laws or regulations which were in existence in 1894, then the provisions of the bill are in conformity with our treaty obligations. I have studied that point pretty carefully, and I think a great many of the sections which are attacked, whether in themselves they are good or bad, do not violate any treaty.

It is also to be remembered, and I think it is somewhat forgotten in debate, that this treaty is not a one-sided document. China has certain obligations, and I should like to see Senators who are so particular about our taking care of our duties and living up to the letter of our agreement apply the same doctrine to China. The agreement in those treaties is that China should cooperate with the United States in the exclusion of Chinese laborers coming into the United States. If we have had any of that cooperation it has not been brought to my notice. All we know is that there are systematic efforts on the part of a great trading company in China to force Chinese into this country, and I think it is idle to suppose that the Chinese Government, if it were so extremely anxious to prevent the coming of Chinese here or to live up to its own obligations, could fail by proper methods to stop the coming of cooly labor.

Mr. President, the commercial argument is that we are going to damage our commerce with China if we pass this bill in any form or if we disturb existing legislation. Every exclusion law that has been placed on the statute book has been met with that cry. Every time Chinese legislation has been introduced in Congress we have been told that it would break up our commercial relations with the Chinese Empire, and yet our commerce with that Empire has increased more than that of any other nation. More than that, Japan had a war with China, invaded her territory, destroyed her ships, captured her forts, imposed a humiliating peace on her, and within three years the commerce of Japan with China increased from 9,000,000 to 40,000,000 yen.

Mr. President, commerce does not go on sentiment. The Chinaman is not going to stop selling us teas and silks because we keep

out some Canton coolies who are trying to get into the United States. That argument has been used against every previous law, and it is used now against the proposed law, and there is nothing in it and there never will be.

I am as much in favor of developing our trade in the Orient as any man can be. It is one of the visions and the dreams of my public life to see American commerce spread over the Pacific and become the leading commerce of the Orient. But it is idle to say that our domestic regulations as to a particular kind of immigration will destroy our commerce in the East. It never has done so. It will not do so now.

Only last night I was reading *Men and Memories*, by the late John Russell Young, which has just been published. He was minister to China and knew Li Hung Chang well, describes him fully, and gives the opinions of the great Chinese statesman upon a great variety of questions. He says:

"Li Hung Chang never took any interest in the immigration question; he never had any soul or heart in it, and, when I once tried to speak to him about it, remarked, 'Oh, that is of no consequence. It is an English trade question.'"

That is exactly what it is. The Chinese who are sent to this country are sent just as goods would be sent here. They are sent simply to make profit; profit for the company, profit for themselves, and with the plan of taking themselves and their profits ultimately out of the country and substituting some other laborers in their places. They do not intend to come here to build homes, to become citizens. It is a mere trade system, and they are smuggled in just as you would smuggle in prohibited goods. You can not apply to them the same reasoning that you would apply to the migration of other people, because it does not rest on that basis at all. It is a mere trade question, as Li Hung Chang said, and nothing else. It is "How much money can we get out of this country by putting Chinese labor in here?" It is not sentimental with them the least in the world.

Mr. DOLLIVER. Mr. President—  
The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. With great pleasure.  
Mr. DOLLIVER. I note that the Chamber of Commerce of San Francisco, which seems to be in pretty close contact with our present oriental trade relations, sends a protest here against the provisions of the committee bill in respect to the treatment of Chinese merchants in the United States.

Mr. LODGE. There has been a great deal said about the treatment of Chinese merchants under the provisions of this bill. Now, if Senators will examine the clause in regard to merchants, they will find that it is based in exact words on existing law and Treasury regulations, and where it goes beyond them, if it goes beyond them so as to impose any injustice on the Chinese, I hope it will be amended, and I am ready to say that I hope an amendment, which I am not sure whether the Senator from Vermont has included amongst his or not, will be offered; that is, the amendment in regard to five bona fide traveling agents from a single house.

Mr. DILLINGHAM. That is in.  
Mr. LODGE. That is one of the amendments we should adopt if it can be done with safety. I was examining the amendment in the report last night, and I thought the Senator from Vermont had offered it here, and I am very glad he has. I do not want to do anything to keep any bona fide merchants out of this country, but what Senators do not understand, it seems to me. Senators who have not heard the testimony and given the time to it that some of the rest of us have, is that there is no trouble now as to a genuine merchant or a genuine teacher or a genuine student coming into this country. The difference between them and the class which it is designed to prohibit is extremely broad. There is a physical difference. There is an utter difference of appearance, and the universal testimony is that genuine merchants are not kept out, and we do not want to make the coming of those merchants unreasonably difficult. We do not want to put provisions on them which would be obnoxious. I quite agree with that.

But it must be remembered that there is a constant effort to smuggle in Chinese cooly laborers in the guise of merchants. They had an arrangement at one time under which they undertook to come in by showing they had an interest in a firm, and they would be given a nominal interest in some Chinese firm in Chicago or San Francisco or New York or somewhere and brought into the country, and then they would go to work as manual laborers. That has been stopped by a regulation of the Department and a ruling in regard to their having an interest in a business firm.

What I want to get at is to admit genuine merchants and genuine teachers (very few of them will come) and genuine students. I want to let them in; but if you are going to prohibit the coming



of Chinese laborers, you must have some method of detecting fraud, and the only question is, How shall you frame your legislation? We are all agreed as to the prohibition of Chinese cooly labor.

Now, the only question that remains is, How are you going to keep it out? What is the best method to adopt? My position—if I may be pardoned the repetition—is that the simple extension of existing law is putting off an inevitable question, is meeting the existing conditions imperfectly, is avoiding what we had better meet now, and that the true way is to take this bill, let the Senate examine it, and if they wish in their wisdom to amend it, to do so. I am not wedded to any part of it. I merely want to get intelligent, coherent, good legislation. The present legislation is neither.

Mr. DOLLIVER. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. With very great pleasure.

Mr. DOLLIVER. I believe we are all agreed on that, but if I have correctly understood some of the documents which have been read here, the San Francisco people are on record in a memorial asking Congress to reenact the present law, and describing it as having had a beneficent and effective operation; and the census reports seem to confirm the truth of that statement.

Mr. LODGE. That is the petition of a great mercantile body.

Mr. HANNA. May I be permitted for a moment?

Mr. LODGE. Certainly.

Mr. HANNA. I have received a telegram this morning, which I presume it is proper to read in connection with this discussion. I happen to know one of the gentlemen, and therefore I will read it:

SAN FRANCISCO, CAL., April 11, 1902.

Hon. M. A. HANNA,

United States Senate, Washington, D. C.:

The undersigned committee on direct steamship connection with Manila, which, as representative of the commercial interests of San Francisco, had the pleasure of meeting you last May, respectfully urge your assistance in defeating exclusion bill as now presented in Senate, on the grounds that such bill is unnecessary and injudicious, inasmuch as it will so severely cripple our commerce with China as to render it practically impossible for any steamship company now established on the Pacific to operate and maintain direct communication with the Philippines. The reenactment of Geary Act would amply protect all labor and other important American interests, and not only allow maintenance present trade relations with China, but enable us secure the greatly increased trade which all conditions indicate is surely within our grasp.

GEO. W. MCNEAR.  
GEO. A. NEWHALL.  
ANDREW CARRIGAN.

That is signed by George W. McNear, who is president of the Merchants' Exchange of San Francisco; George A. Newhall, president of the Chamber of Commerce of San Francisco, and Andrew Carrigan, who I understand to be a very large and influential merchant.

I have received another telegram:

SAN FRANCISCO, CAL., April 11, 1902.

Hon. M. A. HANNA,

United States Senate, Washington, D. C.:

I earnestly protest against passage of exclusion act as now framed in Senate, because it will cripple commerce of the Pacific. Will destroy trade with China, without which volume this port can not maintain proper service other oriental countries. Reenactment Geary law will fully protect this country's interests and yet enable us maintain and probably greatly increase the commerce between China and United States, and particularly commerce of the port of San Francisco. I find this to be the unanimous sentiment all merchants with whom I have conferred, and all others truly interested in the mercantile welfare of the United States and particularly of the Pacific coast and port of San Francisco.

ANDREW CARRIGAN.

While I am on my feet, I will ask the privilege to read an antidote to those two telegrams:

MANSFIELD, OHIO, April 11, 1902.

Hon. M. A. HANNA, Senate, Washington, D. C.:

Bartenders' International League No. 252 insists on your supporting the Chinese-exclusion bill in every essential.

W. W. ROBINS.

Mr. LODGE. Well, Mr. President, I have no doubt the time has been when the Senator from Ohio has found even the bartenders' vote a useful one—and they have a good many. I do not think this is a question to be decided merely by single petitions from this body or that body. I have taken the occasion to look at the whole body of petitions, and those in favor of this legislation represent pretty nearly the entire organized labor of this country, an opinion which ought to be seriously considered. I have had some experience with immigration questions; and I think there can be no doubt as to what the general feeling among the great mass of American workingmen is on this question; and if Senators have any doubt as to what their feeling is, they can omit legislation on the subject before May 5, leave open the doors to Chinese labor, and see what happens next autumn. My own impression is that they would find out the opinion of the American people. I think the House has an impression in that direction, too, and they are going to run for election; we are not. But I think all this is rather beside the question.

Mr. QUARLES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. With great pleasure.

Mr. QUARLES. I should like to ask the Senator whether he indorses that feature of the pending bill which gives a narrow definition of the word "student?" Does he not consider that to be a violation of the third article of the treaty—

Mr. LODGE. I do not.

Mr. QUARLES. Which permits students, without any limitation, to come into our country, while by the bill you propose to admit a very limited class of students.

Mr. LODGE. I am very glad the Senator raised that question. The treaty says "students" without defining them, but at the time the treaty was passed there was a law on the statute book in regard to them, and the treaty was made in consideration of that law; and the Senator is going to vote that that law then in existence is all right and in conformity with the treaty. The student provision, if I remember it, is taken word for word from the Treasury interpretation of that law, and when you vote to continue existing laws you simply vote for what is in the bill of the committee.

Mr. QUARLES. If the Senator will pardon me, I find by section 2 of the act of 1888 that students are to be permitted to come in without any limitation, except that it is provided in section 2 that they are to receive identification certificates from the consul. So that so far as existing law is concerned—

Mr. LODGE. The Senator will observe that I did not stop there. I said the law was interpreted by the law officers of the Government in a certain way and has been executed in that way, and this is the way the officers of the Government now execute the law.

Mr. MITCHELL. And without any protest from China?

Mr. LODGE. And without any protest from China.

A Chinese student is "a person who intends to pursue some of the higher branches of study, or one who seeks to be fitted for some particular profession or occupation for which facilities of study are not afforded in his own country; one for whose support and maintenance in this country, as a student, provision has been made, and who, upon completion of his studies, expects to return to China."

That is the language of the bill. That is the opinion of the Solicitor of the Treasury as to what the existing law, made at the time the treaty came into existence, meant.

Mr. QUARLES. I take it the distinguished Senator from Massachusetts would not surrender his own opinion as to whether this was a violation of a treaty to any official of the Treasury Department. I certainly would not. My interrogatory to the distinguished gentleman was to ascertain whether he approves of this provision in the pending bill.

Mr. LODGE. Whether I approve of the opinion of the Solicitor of the Treasury?

Mr. QUARLES. Whether the distinguished Senator approves of this provision of the bill, when it is compared with the treaty, and appears at least to be in derogation of it?

Mr. LODGE. I do approve of it, and I think it is not in derogation of the treaty as it is set forth here in the opinion of the Solicitor of the Treasury and also set forth in the Treasury decision; and after all, though my opinion, if adverse, might be a great deal better than that of the opinion of the Treasury, the Treasury is going to enforce the law. Of course it is quite possible that you can get law officers there who will relax the laws. I do not say that that may not be done.

Mr. PLATT of Connecticut. Mr. President, I will not interrupt the Senator unless he desires it.

Mr. LODGE. I do not object in the least. I am perfectly willing to be interrupted.

Mr. PLATT of Connecticut. If it be true that the bill with regard to the coming of students simply puts into form the law as interpreted by a Treasury official and as determined by Treasury decisions, is it not better to leave that, so that if hereafter it be found that students may be admitted not of the class which are specified in the Treasury regulations without impairing our ability to keep out laborers, it being in the shape of Treasury regulations and not in a statute which can not be changed?

Mr. LODGE. This illustrates my meaning very well. Under the Treasury decisions the Chinese student who comes here to study English can not be admitted. That is held by the Treasury to cover laborers coming under a pretense. Under this bill, however, the student of English can come, because nobody can say that English in some of our universities and elsewhere can not be regarded as one of the higher branches of study. The law is less drastic than the interpretation under which we are now acting.

But even if the provision in the bill were not less drastic than the existing interpretation, why can not the Senate consider that definition of student? If they think it is too rigid, modify it, but why leave it open for settlement and interpretation to the

casual Treasury official, to the man who comes from the necessities of the case to regard every Chinaman who comes to the country as his natural enemy? Why leave it to him to frame regulations? Why not define in reasonable terms a student? If the Senate thinks that provision in the bill too severe, let them modify it. You must have some test to define what a student is. You can not let a man in who merely walks up the wharf and says, "I am a student." You must have some test to determine whether he is a genuine student, and I think it is better to put that test in the form of law rather than leave it, as I have said, to the casual interpretation of one Treasury official after another. I think it is a more intelligent way to legislate.

I am not wedded to this definition of student. I have no doubt the Senator from Connecticut can devise a far better one; but let us have in the bill what we mean when we say student; let us put in what we mean when we say teacher, and what we mean when we say merchant. We are capable of putting in suitable definitions here if these are not suitable.

But while I am not wedded to that phrase, I do say that there is absolutely no ground for pretending that anything in the bill which follows existing law and the interpretation thereof by the duly constituted authorities is in violation of the treaty. The treaty was made in contemplation of all those laws and of the fact that the Treasury was to issue regulations and to interpret them.

Now, Mr. President, the philanthropic argument, and undoubtedly there is a certain amount of philanthropic opposition to Chinese legislation, I will not enter into. It was not largely presented to the committee. The opposition before the committee rested chiefly upon the commercial ground; but the philanthropic feeling, of course, found more or less expression. I do not think the committee intend—I certainly know it is not my intention—to vote for any legislation that is not humane and reasonable.

My friend, the Senator from Vermont [Mr. DILLINGHAM], was so moved the other day by the probable sufferings of the Chinese under this bill that he described in a most picturesque way two Chinamen who were brought before us. They had been arrested here for a violation of the law, and the marshal brought them before the committee. The impression made on my mind was somewhat different from that made on the mind of the Senator from Vermont. I thought they regarded us with the impassive contempt and indifference characteristic of the oriental.

Mr. SPOONER. Where were they brought from?

Mr. LODGE. They were in the custody of the marshal. I do not know where he brought them from. The Senator from Vermont said we put them on the rack. Mr. President, I certainly did not mean to put anybody on the rack. And yet I asked one question of those witnesses.

Mr. FAIRBANKS. What page is the Senator reading from?

Mr. LODGE. I am reading from page 71.

Senator LODGE. I should like to ask if these men knew that the papers which were given them were fraudulent?

Mr. POWDERLY. They undoubtedly did. They knew they were not merchants. They can read their own language.

Senator LODGE. What do they say?

CHARLES KEE (after speaking in Chinese with Chan Ling). He says he do thoroughly understand it. He says gave the picture in four months' time before his papers. Was called genuine merchant papers to let him in this country.

That was the extent of my racking the Chinese. I went no further. Then the Senator from Colorado [Mr. PATTERSON] took him in hand, and he asked him five questions. He asked him why he wanted to come to this country; what business he was engaged in here; who was Hip Lung, as that was the business firm he was coming to join, and whether he had a money interest in the firm. Those witnesses were asked just six questions. I have read the questions to the Senate because I know my friend the Senator from Vermont did not mean to convey the idea that the Senator from Colorado and myself were torturing innocent men.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. Certainly.

Mr. DILLINGHAM. I certainly did not intend to be understood as intimating that the members of the committee were to blame for that transaction, but if the Senator will read what Mr. Powderly said when those men were brought before the committee and will bring to the attention of the Senate the fact that although one of them had been here four years the night before orders were sent out and these two men were arrested and held overnight, without counsel, without suggestion, and were thoroughly interrogated by the officers of the Treasury Department through its interpreter, and then in the morning instead of following the law and taking them before a commissioner he brought them into the capital of the nation and made an exhibit of them as those who were illegally here concerning whom there was no doubt, the Senator will agree with me that that was something worthy of criticism.

But I wish at this time to say that I had no thought of criticizing any part the Senators took in the proceeding. The questions that were put were put through an interpreter while the men were in the room.

Mr. LODGE. The interpreter was cross-examined at great length.

Mr. DILLINGHAM. The answers that came from the interpreter conveyed the information that had been acquired from the Chinamen who had been brought before the committee when they had no counsel.

Mr. LODGE. As the responsibility of this thing might as well be fixed, I also want to read what Mr. Campbell, the Treasury agent, said:

They were arrested late last evening and committed last night. It was suggested and approved of by Mr. Gage, the Secretary of the Treasury, that these men should be brought here in order that the committee might see the kind of material that the Bureau and the Department have to deal with.

Mr. PLATT of Connecticut. Who was the Secretary of the Treasury?

Mr. LODGE. Mr. Gage. It was done, he said, on the suggestion and approval of Mr. Gage.

Mr. PLATT of Connecticut. Who said that?

Mr. LODGE. Mr. Campbell, Treasury agent. He brought them under direction. I do not mean to weary the Senate with testimony, but in this connection they undertook to bring in 117 men in one year as partners in one firm at Chicago. They tried to bring them in through North Dakota. That is a fraud. I do not believe in getting them in in that way.

Mr. DOLLIVER. How could it possibly be done under the present law except by the connivance and corruption of the Treasury agent at the port of entry?

Mr. PLATT of Connecticut. Did they get in?

Mr. LODGE. They were stopped, of course. We caught 117. I am only pointing it out as an illustration. The percentage of those caught I take to be very small.

Mr. DOLLIVER. If the difference between a student and a merchant is such as the Senator describes, it appears to me that it would be perfectly easy to detect the cooly laborer if you had an honest official at the port of entry.

Mr. LODGE. There is a great deal of corruption used in some of those ports of entry, if I am correctly informed. I have no direct proof of that, but I think it is the case.

Mr. SPOONER. It can not be done without a violation of the law?

Mr. LODGE. No. It is done by the commissioner before whom they are brought in some cases; I think in other cases by officers. It is worth about \$100 to smuggle one of those men in—I mean it is worth while to pay a commissioner \$100.

Mr. SPOONER. Will you get any better men under this proposed law than you have now?

Mr. LODGE. No; but I think you can prevent these frauds. Of course, no law will prevent corruption that I am aware of. You can not make men moral by statute. Now, Mr. Campbell says:

I should like to say, in reference to this particular business the interpreter refers to—the Hip Lung Company, of Chicago—that in 1898 alleged members of their firm in Chicago were finally discovered and 36 were arrested on the border as endeavoring to secure admission unlawfully. Of the 36, 19 were ordered deported, 4 or 5 of them were admitted as natives, 6 or 7 were admitted as merchants, and the rest of them jumped their bond.

That is the record in one particular case, but it is a typical case.

I only use those as illustrations to show why it is necessary to have some provision to define merchants. If you simply say, in the language of the treaty, that Chinese merchants, students, and teachers can come into this country, you will have a million laborers here in five years. You have got to apply some test; you must do it. If you do not, the country will be flooded by them. If it is the wish of Congress to flood the country with Chinese labor, of course that is another proposition, but we all profess to be in favor of excluding them, and, if we mean to exclude them, we ought to do it intelligently and thoroughly.

One great misconception that I have seen running through these debates is that we treat the Chinese and talk about them as if they were a lot of simple, guileless savages, as if they were negroes from the interior of Africa or Indians from the interior of South America, a kindly but savage or semibarbarous people.

The truth is widely different from this conception. The Chinese, Mr. President, live under one of the oldest civilizations in the world. They produced one of the greatest of philosophers, poets, and thinkers five hundred years before the Christian era, before Rome had reached her greatness. They have a civilization that has been great in art, great in poetry, great in literature. Our ancestors were running wild in the woods of Europe when they were a highly civilized people. They do not come here with admiration for our civilization. They come here with contempt for it. They are children of a civilization older and, as they think, mightier than ours. They differ from us in many of their



ways and habits. It does not follow that they are worse for that, but when they come to this country they do not come to seek our civilization or to adopt our habits. They come to a country whose civilization they despise. They are a highly educated and very astute people. The great difficulty, in my judgment, is the fact that they are products of a civilization which has been not only high and intelligent but which has shown itself immutable and immovable.

Do you suppose that the Chinese who come here come ignorant of the law, to be caught in the mesh of American astuteness? The Chinese know the law and the way to get into this country better than any Senator in this Chamber. They employ the best counsel. They are familiar with every device. They will know every word of this debate. There is not a Chinaman who comes to these shores who is not instructed on every single point as to how to get in. They are as acute and as astute as they can possibly be. They regard us as the Greeks regarded the rest of the world. Everybody outside of the Greek language was a barbarian, and the Chinaman regards everybody outside of the sacred boundaries of his Empire as a barbarian also. They come to us in that attitude, and they come with keen intellects and sharp intelligence, knowing exactly what they mean to do. Such a people trying to evade our laws and get into our country require thorough restrictions and careful tests if we are to keep them out.

We have been met at every stage of this debate by what I may call the census argument. I do not think it is very much of an argument, Mr. President, whether you accept the census figures or not. The fact that crime decreases does not seem to me to be a good reason for relaxing laws against murder. If the census figures are correct, then the laws have worked pretty well; but, heretical as it may seem, it is quite within the bounds of truth to say that a census may make mistakes. The census made a gigantic mistake not so many years ago in regard to the black population of the Southern States. I think it was the census of 1870 when a mistake was made which was only disclosed when the more accurate census of 1880 developed an increase of negroes so abnormal that it was seen at once that the census of 1870 must have been very defective. That was a great error in the census, caused by its coming against an ignorant people who were not interested in giving information, who, perhaps, in many cases were frightened at being cross-questioned, and so merely out of ignorance and unwillingness of that sort the census failed of correctness.

Here in the Chinese you have a people every one of whom knows that he does not want to be in the census, a people who know perfectly well that it is of the utmost importance to show a decline (it is entirely understood by them) in the number of Chinese in the country. The Treasury experts who have looked into this thing year after year and year after year and made counts in certain localities, estimate that there are 300,000 Chinese in this country, three times as many as the census gives.

I know that it is a fashion to laugh at the Treasury expert and to take the census as absolutely right in this debate; but I happened to stumble on a fact the other day which interested me. I was talking with the junior Senator from West Virginia [Mr. SCOTT] upon the subject of this bill. He told me in the course of conversation that he had been looking up the condition of the Chinese in Wheeling. I asked him how many there were there. He said the clerk of the city there, who had charge of such things, informed him that there were as a rule in Wheeling something over 50 Chinese; that the number had risen as high as 90 in the city, but that generally there were something over 50. I was interested in that statement because there was a local count—taken through the police, undoubtedly, by a city official—and the number was so small that it could be ascertained with reasonable accuracy. I turned to the census, and the census said that there were 56 Chinamen in the entire State of West Virginia, and that in the entire county in which Wheeling is situated there were 8. I could not find figures for Wheeling alone, but in the county in which Wheeling is situated the census says there were 8 Chinamen, while the people who lived there and had occasion to count them say there are always over 50 and sometimes as many as 90.

There is a considerable percentage of error in that census return, and there is no reason to suppose that the same error may not have gone into other places where concealment is even more easy. I do not blame the Census Office. It is very hard to take a census of a people who do not want to be taken, and there is nothing easier than to fail. It is very difficult to take a thorough census of an unwilling people. It failed in the case of the blacks and there were gross errors in that case. I have no doubt there are errors in regard to the Chinese and that there are a great many more Chinese in the United States than are given in the census.

I do not, however, personally think it affects the argument one way or the other whether there are more or less. I do not think that it affects the argument on this bill in the least. We know that we purpose to prohibit the coming of Chinese labor and we know that it is trying to come in fraudulent ways.

Mr. DOLLIVER. Mr. President, will the Senator from Massachusetts permit me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly.

Mr. DOLLIVER. While that is true, it would be interesting to know upon what the Senator bases his confident prediction that we are face to face with an immigration of a million of those people.

Mr. LODGE. I did not say we were face to face with an immigration of a million of those people. I never said anything resembling it. What I said was that if you simply said in the law that every Chinaman calling himself a merchant or a teacher or a student is to be admitted and you apply no test to them, you would have a million Chinese laborers in this country in a very few years. But I do not suppose that anyone thinks of doing that. I have not yet heard a Senator rise here and say that he was against the exclusion of Chinese labor. On the contrary, my friend from Iowa took great pains to relieve the Secretary of the Treasury from the imputation that he was not in favor of these laws. Therefore I suppose we are all for them. My argument is simply this: That if we are to prohibit Chinese labor, and it is the policy of this country to prohibit its coming in here, we want to do it intelligently and efficiently, with justice to them and with justice to ourselves.

Mr. President, I alluded to the census argument simply because I do not think the figures are in such condition as to sustain very securely any argument. I think even if the census figures were absolutely accurate in regard to the Chinese it would not affect the argument upon this bill at all, and I do not wish, therefore, to waste time upon it. The real point at issue is how we shall carry out the settled policy of the United States to exclude Chinese labor. I think that to merely continue the existing law is an imperfect method of carrying it out, and that the present bill as reported from the committee, with modifications such as I have suggested, and possibly others, is the better and the more intelligent way of doing it. We are going to meet a bill from the House, which lies on our table now, far more drastic than anything which has come out of our committee. We are going to be met with that bill in conference; and if Senators imagine that the House is going to throw away their entire bill and take a totally different one from us, they are more sanguine as to the yielding spirit of that body than I am.

I think we shall have to meet in conference the proposition to codify and rearrange existing law. We have done something in that direction in our committee. I hope we shall perfect the bill still more in the Senate, but I want to see the Senate meet the House with a reasonable proposition for the modification of the bill which they will bring us. You can not turn down that bill by merely declaiming against it; you have got to meet it. You will be compelled, in my judgment, to compromise with it, and I want to secure as a result the best legislation we can get. If this bill does not pass as it comes from the committee, modified as I have suggested; if it can not pass as I hope it will pass, because I think it is better legislation than the other; if the Senate sees fit to substitute the bill of the Senator from Connecticut [Mr. PLATT], I shall then vote for that bill on its passage. If I can not get the best, I will take the next best. I merely want to get the best and most intelligent legislation that can be had. I think it is a practical question of legislation which we are called upon to decide, and not a question of sentiment. I believe in the exclusion of Chinese labor: I am committed to that policy as absolutely as a man can be. What is before us now for decision is a difference in detail, not a difference in principle, for I do not understand that any of us differ as to the principle.

I should like to call the attention of the Senate, in conclusion—for I have occupied far more time than I intended—to what I think is really at stake here. Let us face the real reasons for excluding Chinese. We are not going to exclude the Chinese because they are immoral. The Chinese have their virtues, and they have their vices. So have all the races of the world. Their virtues may differ from ours, and their vices may differ from ours; but it does not follow that their vices are, therefore, worse or that their virtues are less to be respected. There is plenty of immigration which comes to these shores with morals quite as bad as those of the Chinese, and I am not seeking to legislate against the latter because I think they are immoral. They are a quiet and a thrifty people wherever they live. You do not find their names on the criminal records very much. They are honest in business, and they attend to their business. I have not attacked the Chinamen or the Chinese Empire, and I have no desire to do so. I hope, as we all must hope, that the day will come when the Chinese Empire will be Christianized and will accept the great faith which we call our own. Yet I would not exclude them now on account of their religion, nor have I anything to say against them on that account. The reasons we select them for exclusion from the

United States are two, and I think, Mr. President, they are absolutely unanswerable.

The first reason is that they are members not of a new and malleable race who can come here and adopt our methods and imbibed our ideas. They are members of an old and immutable civilization. They never can form a part of the body of American citizenship. They do not wish to do so. They would not do so if they could. They come here simply for profit. A great race which means to do that and nothing else in the United States is better outside the line than inside.

There is one other reason for Chinese exclusion which weighs with me with equal force, and I think it is what controls the people of this country in the policy which they have adopted. Let me first, before I state that second reason, call attention to the general immigration argument.

The Senator from New Hampshire [Mr. GALLINGER] said the other day that worse men came over the border of the Atlantic coast than ever came in from China on the Pacific coast. He said we needed some restrictive laws for immigration generally, and I agree with him. I sought to get improved restrictive legislation here, and a bill bearing my name was carried through both Houses and vetoed by President Cleveland. Another bill passed the Senate to the same effect, but was lost in the other House. I think nothing is more important than additional restriction of immigration coming from eastern Europe now pouring in and taking the place of the races that have made and built up the United States. But, Mr. President, because we have not got suitable immigration legislation on the Atlantic coast is no reason why we should deny it elsewhere. I, at least, can not legislate in that way. It is no argument to say because we fail in one place that we should not succeed in another. If I can not get good legislation for Atlantic-coast immigration, I will try to get good legislation to exclude what I think is a damaging immigration which comes into our Western ports.

The true arguments against the Chinese rests, first, as I have said, on the ground that they never can become a part of our citizenship, and, second, on the ground, as I feel it most strongly, that the Chinaman presents a form of economic competition which we can not meet. Under conditions which he can create he can survive and we can not survive.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Yes, sir.

Mr. GALLINGER. As the Senator has done me the honor to refer to an observation I made, I want to say to the Senator that I had hoped that I had made my position so clear that I could not possibly be misunderstood, as being absolutely opposed to Chinese immigration so far as laborers are concerned.

Mr. LODGE. If I gave any impression to the contrary I beg the Senator's pardon. Nothing was further from my mind.

Mr. GALLINGER. If the Senator will read his remarks in the RECORD to-morrow morning, he will see, I think, that they bear the interpretation I have suggested. I simply want to say that my objections to the pending bill were on different lines altogether, while agreeing with the Senator absolutely so far as the restriction of Chinese labor is concerned.

Mr. LODGE. I know the Senator introduced it only by way of contrast.

Mr. GALLINGER. That was all.

Mr. LODGE. I know he said, in so many words, that he was in favor of excluding Chinese labor.

Mr. BEVERIDGE. On that point I should like to ask the Senator from Massachusetts whether he knows of a single Senator in the Chamber who is in favor of the admission of Chinese laborers? It is admitted that they are all in favor of the exclusion of Chinese from competition with American workingmen.

Mr. LODGE. Mr. President, the Senator from Indiana has only come into the Chamber recently, otherwise he would have known that I have said, and if I have said it once, I have said it to the point of wearisomeness of repetition, that every Senator was in favor of the exclusion of Chinese laborers. I certainly never meant to suggest that any Senator was not.

But I wish to conclude what I was saying. Before I leave this subject I wish to define my own feelings in regard to the admission of Chinese labor, why I have always been opposed to it, why I am opposed to it now, and why I think we ought to have thorough, straightforward, honest, and effective legislation in regard to it.

As I was stating when interrupted, I am in favor of Chinese exclusion, because the Chinese can create economic conditions in which we can not survive. It is not the question of the fittest surviving, but a question of the survival of the fittest to survive. The best do not necessarily survive, and here we have a people 450,000,000 strong, who can produce an environment and a stand-

ard under which we can not live. Every people which has been actually threatened with serious Chinese immigration has shut or tried to shut the door against them. Australia will not let them in, and the Australians are people of our own kin and blood. Canada is agitating very wisely, as I think, to shut them out with a capitation tax which amounts to absolute exclusion. The Filipinos, as I said in the first part of my speech, regard the Chinese with a shuddering dread. In the history of the Philippine Islands there have been three or four massacres of all the Chinamen there by the native people rising against them. You may say that it is brutal, that it is horrible, but men become brutal when they are fighting for existence. You bring on the question of living between one man and another or one race and another and the primitive passion is going to come to the surface; you can not shut it down; and you can not put it aside by saying that it is brutal. When the Chinese in large numbers got into the Philippine Archipelago and drove the Filipinos out of employment and out of labor and threatened them with starvation, the Filipinos turned on them in a way a comparatively primitive people would turn on them—they turned on them and killed them.

Mr. President, when the Chinese came into this country there were outbreaks against them, which we all deeply regretted. Chinamen were killed at various points in this country. One of the objects this treaty sets forth is to prevent the recurrence of such deeds as that. I do not desire, for my part, that a people should come into this country against whom there rises up an instinctive hostility in the minds of large masses of our people. Let us, in the name of humanity and mercy, keep the races apart and shut out people who will excite such feelings. Let us keep such people from landing here.

One of my earliest remembrances, before I had taken the slightest interest in public questions, long before there was Chinese legislation, was an attempt to fill a great shoe factory at North Adams, in my State, with Chinamen in order to replace the white workmen who had struck for higher wages. I can still remember the impression that was made upon the community of Massachusetts. I can still remember the trouble that arose, the violence that occurred, and the feeling of relief that passed over the State when the whole thing ended. All this is the instinctive hostility of two races who can not meet on a common ground, economically speaking.

The Chinese are of the great Mongol family. We are of the Aryan race. Whether these Aryans came originally from the Pamirs in India or whether, as the more recent theory is, they poured down from the north of Europe into the south of Europe and thence east into Asia, it matters not. We are of that Aryan race, with a different language, a different past, a different hope, and a different future. There is the Mongol race; and when Chinese labor is brought into competition with our labor our labor can not meet it on the standard and in the environment that the Chinaman creates and live. That is why, as I believe, the great mass of American people, with a strong race instinct, with an instinct which can not be overcome, believes they should be shut out. I think that deep popular instinct is sound and wise. It is very easy to say, as is said constantly, "Oh, you are a friend of Denis Kearney; this comes up from the sand lot; it is the work of labor agitators," and all that sort of thing.

Mr. President, upon any great popular movement or upon a great popular desire the agitator and the demagogue are sure to fasten and seek their own profits, for the moment at least. But, Mr. President, if Senators think that the feeling or that the movement behind this legislation are only the work of the professional agitator or the sand-lot orator, they make, in my judgment, a very great mistake. I have the profoundest sympathy with this feeling myself. I think this is a question of dealing with a people utterly alien to us, who never can become a part of our civilization, who present economic conditions which we can not meet, and in the presence of whose labor our labor would perish.

We have wisely decided in the last twenty years to adopt the policy of exclusion. On that principle we are all agreed, and we are differing here now simply on details as to how to carry the principle into execution. All I hope and all I ask is that we should deal with this question with the feeling that this is no place for party lines or personal divisions of any kind, and that we may seek to get out of our discussion the best, the most intelligent, and the most efficient legislation that we as a legislative body are capable of giving to the country.

I think this is a great and important work, and I hope that the Senate will take up and consider and perfect, so far as they can, the bill of the committee. I also believe that it will be a great mistake to throw this measure aside, to avoid this question now, and pass a temporary bill to extend a loose, irregular system for two years, in order to be confronted, as we shall be, with this same question on the eve of a Presidential election, a time when



I do not think, to put it mildly, that the Chinaman would meet with any more consideration or justice than he will meet now. Possibly he would not meet with so much. I think it is better for the Chinaman, better for our commercial relations, better for our standing in every way, to take this subject up deliberately, make the best bill of this we now can, then consider it in conference with the other House, and put it on the statute book before the 5th day of May.

Mr. FRYE (Mr. KEAN in the chair). Mr. President, I receive now and then letters and telegrams directed to me as President pro tempore of the Senate, with the expectation on the part of the writers and senders that, as President of the Senate, I will communicate them to the body. I do not feel at liberty to do that, but as a Senator I do feel at liberty, and will take this opportunity to read two or three telegrams I received this morning on this subject. If the Senators from California are present they will notice these communications are from leading business men on the Pacific coast.

SAN FRANCISCO, CAL., April 11, 1902.

Hon. W. P. FRYE,  
President United States Senate, Washington, D. C.:

Sincerely hope exclusion act as proposed will not pass; unnecessarily severe; detrimental mercantile interest. Pacific coast urge reenactment Geary law as sufficient all requirements, yet allowing us maintain and increase trade relations with China.

W. L. B. MILLS.

SAN FRANCISCO, CAL., April 11, 1902.

Hon. W. P. FRYE,  
President United States Senate, Washington, D. C.:

Exclusion act as proposed unnecessarily drastic; will cripple commerce, destroy our trade China. Believe reenactment Geary Act would cover all requirements and preserve and increase present trade relations China.

A. A. Watkins, F. W. Vansicklen, A. H. Baldwin, Alexander Hamilton, Francis Carolan, Henry J. Crocker, H. L. E. Meyer, W. G. Irwin, C. A. Grouer, Jno. Scott Wilson, Alvinza Hayward, Chauncey R. Winslow, E. A. Wiltsee, Geo. W. Hooper, W. G. Dodd, Chas. N. Champion, L. I. Scott, H. A. Blackman, M. P. Gurrine, Geo. S. Folsom, Samuel Foster, L. H. Sweeney, W. P. Fuller & Co., Henry F. Allen, Arthur Page, Henry Rosenfeld, Geo. A. Gore, C. E. Bickford, E. L. Jones, W. H. Talbot, W. S. Davis, Harry J. Hart, Louis Rosenthal.

These names will be recognized by the Senators from California as the names of leading business men there.

SAN FRANCISCO, CAL., April 11, 1902.

Hon. W. P. FRYE,  
President United States Senate, Washington, D. C.:

Mercantile interests thoroughly aroused; protest against proposed exclusion act as too drastic; will not only prevent increased trade China, but will destroy what we already have. Respectfully urge reenactment Geary Act as amply sufficient all necessary requirements, and will allow us preserve and increase valuable business relations with China.

HENRY T. SCOTT,  
GEORGE A. POPE,  
F. W. ZEILE,  
ALFRED S. TUBBS,  
CHARLES WEBB HOWARD,  
BARNARD FAYMONVILLE.

SAN FRANCISCO, CAL., April 11, 1902.

Hon. W. P. FRYE,  
President United States Senate, Washington, D. C.:

If exclusion act now before Senate is passed our trade with China will be ruined and the commerce of this port seriously injured. Reenactment Geary Act sufficient and will not so seriously prevent increasing our business with Chinese ports.

A. CHEESEBROUGH.

One of the most important business men on the Pacific coast.

Mr. GALLINGER. Are those dispatches from San Francisco?

Mr. FRYE. They are from San Francisco. I received a letter this morning, which I desire to read to the Senate because it relates to one provision liable to be in this bill in which I take a greater interest than in any other, and which is in danger of becoming a law, whatever the Senate of the United States does, through a conference report, the resistance to a conference report being very much more difficult than resistance to a proposition pending before either body.

Before this debate is over I may have a few words to say in relation to a very extraordinary and somewhat spectacular performance a few days since between the senior Senator from Indiana [Mr. FAIRBANKS] and the senior Senator from California [Mr. PERKINS] relating to the employment of seamen on the Pacific Ocean.

Mr. FAIRBANKS. Mr. President, if it will not disturb the Senator from Maine—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Indiana?

Mr. FRYE. I do not propose to do it now, but later on I will give the Senator from Indiana ample opportunity to reply.

Mr. FAIRBANKS. I was not aware of any spectacular performance, I will say to the Senator.

Mr. FRYE. I said it seemed to me spectacular.

Mr. FAIRBANKS. It seemed only so to the Senator from Maine, then, I think.

Mr. FRYE. I doubt it; I think it struck quite a number of other Senators in the same way.

The following letter is from the Boston Steamship Company:  
BOSTON, April 10, 1902.

Hon. WILLIAM P. FRYE,  
Washington, D. C.

MY DEAR SIR: Having heard to-day of the amendment to the general Chinese-exclusion bill offered by Mr. CLARK, and which passed the House (which if it should become a law would be very disastrous to American vessels engaged in the Orient and Manila business from the Pacific coast), and feeling this is of great importance to American shipping, I took the liberty of sending you the following:

"Great injury will be done United States vessel owners if Clark amendment is passed in Senate, not only to vessels now running to Orient from Pacific, but to new proposed lines if subsidy bill passes. This business growing and should not be hampered."

You are probably aware that a very large percentage of the Orient and Manila business from the Pacific coast is now carried on by vessels under foreign flags, and you will readily see what a handicap it would be to the American flag if the amendment should pass.

One of my companies now has three steamers on the Pacific coast, and the first of the large new ships of this company sails the latter part of this month for that coast. It is far from encouraging to us, who are investing our money to build up the merchant marine, to find such legislation against the interests of American shipowners being suggested at Washington.

I am sorry to cause you any trouble in this matter, but felt that it was of such great importance that I must do so.

Yours, truly,

ALFRED WINSOR, President.

I simply desired to read these, without entering into the debate at all.

Mr. MITCHELL. Mr. President, as bearing upon the subject of the propriety or advisability of simply extending the Geary Act—because that is the proposition of the Senator from Connecticut [Mr. PLATT]—and in answer to some of the dispatches which have been read here, I desire to place the author of the Geary Act on the witness stand—Hon. Thomas J. Geary, the man who was the author of the legislation which it is proposed to extend, an old-time citizen of California, a former Representative from that State in the House of Representatives, who inaugurated this scheme of legislation, and a man who, I presume, knows as much as any other man in the city of San Francisco or on the Pacific coast in regard to the workings of the law which bears his name. I ask the Secretary to read what he says about the propriety of extending the Geary Act in a telegraphic dispatch which came to me unsolicited the night before last.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, CAL., April 10, 1902.

Hon. JOHN H. MITCHELL,  
United States Senate, Washington, D. C.:

In view of the present conditions and experiences of the past ten years, nothing short of the Senate bill No. 2960 as reported will effectually exclude Chinese laborers and protect the American against such competition. The American seaman is equally entitled to protection against alien rivals as the builder or owner of the ship. I hope that the protest of the few selfish employers on this coast, who do not represent its sentiment, or the impertinent threat of a foreign minister will not influence the Senate to forget its duty to the American laborer.

T. J. GEARY.

Mr. MITCHELL. Mr. President, in reference to one remark in that dispatch, wherein Mr. Geary refers to interference by a foreign minister, I desire to turn for a moment to the colloquy that took place a day or two since between the Senator from New Hampshire [Mr. GALLINGER], the Senator from Ohio [Mr. FORAKER], and myself in reference to the communication sent by his excellency the Chinese minister, Wu Ting-fang, to the Secretary of State, with a special request that it be communicated to Congress. I inquired at the time of the Senator from New Hampshire what he thought of the propriety of the Chinese minister to the United States attempting thus directly to influence legislation in which his Government was concerned. The Senator said he saw no impropriety in it, and if there was any it was upon the part of the Secretary of State. The Senator from Ohio came to his relief with a statement that the Chinese minister had a perfect right to do what he did by virtue of a provision of the treaty. The Senator from Ohio is clearly in error, as it seems to me. There is nothing whatever in the treaty of 1894 upon the subject. There is a provision in the treaty of 1880, which I shall read. It is as follows:

"The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him."

That, Mr. President, does not authorize the Chinese minister to send in a communication to Congress, either through the Secretary of State or any other officer, as I believe, and I think his doing so was a gross violation of his privileges as minister to this country. It is my private opinion, Mr. President, that if such a thing had been done by the ambassador from England, or the

ambassador from France, or the ambassador from Spain, or the ambassador from Italy, he would have received his passport inside of twenty-four hours.

Mr. HOAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. MITCHELL. Certainly.

Mr. HOAR. Does the Senator from Oregon understand that it is a breach of propriety for a government having a treaty with our Government, whereby either may call to the attention of the other what it believes to be an injustice in the working of an existing law, or the liability of a proposed law to work injustice, to send a communication to the Department of State with a request that it be laid before that department of the Government having authority on the subject?

That is, as I understand it, a provision of the treaty, that either party may call to the attention of the other any matter relating to legislation on a grave subject affecting both; and the treaty, it is true, goes beyond that, and says something else, which is that the two diplomatic authorities will discuss it together. The Chinese minister having that permission or agreement that the matter may be reconsidered by the two Governments, sent his views to the Secretary of State, and said, "Be good enough to make the department of your Government having legislative authority on this subject acquainted with our views." With great respect for the intelligence and knowledge of such things of my honorable friend from Oregon, the idea of finding an impropriety in that does not impress itself upon me as being very serious.

Mr. MITCHELL. Does the Senator from Massachusetts believe or hold to the doctrine that an ambassador of a foreign country or a minister of a foreign country, as in this case, has a right, within the lines of propriety and comity and the rights of ambassadors and ministers, to take up a piece of legislation reported from a committee of one of the Houses of Congress and discuss it and criticize it from one end to the other, as this minister has done, and have that communication sent to the Congress of the United States with a view of influencing Congress in dealing with the question?

Mr. HOAR. Certainly.

Mr. MITCHELL. I do not think so. We just differ.

Mr. HOAR. The Senator will allow me?

Mr. MITCHELL. Certainly.

Mr. HOAR. If Great Britain had pending in Parliament legislation affecting American travelers or American seamen, describing them by nationality and race, I should think it entirely proper for Mr. Choate, under the direction of our Government or in proper cases on his own motion, to call the attention of the foreign office to such suggestions as occurred to him in behalf of American interests on that subject, with the respectful request that he lay those suggestions before Parliament.

Mr. MITCHELL. With the exception of the last clause in the Senator's statement, I agree entirely with him. I have no doubt at all of the propriety of a foreign ambassador or minister communicating with the Secretary of State and pointing out what he may deem as something improper either in an existing treaty or in an existing law affecting an existing treaty, and then I have no doubt the Secretary of State has the right, through the President, to communicate with Congress. But what I object to is that the foreign minister takes up this piece of legislation and finds fault with it and criticizes it from one end to the other and asks that the communication be brought before Congress for the purpose of influencing legislation. That is something I do not think he ought to do within the lines of propriety.

Mr. HOAR. Let me ask my honorable friend if there is any earthly purpose of making the communication, which he says is proper, except that it may be laid before the lawmaking power of the Government? The Department has no control over legislation. It has no power over it. The Secretary of State has none. Now, therefore, if it is proper to communicate to him these reasons, it is certainly done for the sole and only purpose that they shall be communicated to Congress. You simply can not question that. Probably the Senator's complaint is simply that the minister put in words what everybody would know, that if such communication was made it was intended that it should be sent to Congress.

Mr. MITCHELL. There is a proper way of communicating with Congress.

Mr. HOAR. I understand.

Mr. MITCHELL. That is through the President.

Mr. HOAR. I know, and there is a proper way to communicate with the President, and that is through the Secretary of State.

Mr. MITCHELL. That is right.

Mr. HOAR. That is what the Chinese minister did.

Mr. MITCHELL. I find no fault with the Chinese minister for

communicating with the Secretary of State, so far as that is concerned.

Mr. HOAR. Is not the trouble with my honorable friend, in all candor, not so much the way he did it, but the power with which he did it, and the difficulty of answering his argument?

Mr. MITCHELL. This provision of the treaty, the Senator will see, simply authorizes him, after Congress has enacted legislation, to communicate with the Secretary of State if he finds fault with what Congress has done. That is all. I do not think the honorable Senator from Massachusetts, by the way, can point to a single case in the history of this Government where a foreign minister has communicated to Congress in criticism of a piece of legislation pending before Congress.

Mr. HOAR. Did not foreign governments, not only their ministers, but several of the governments, express their sense of the impropriety of provisions in the Dingley bill while it was pending and have them communicated to Congress for its consideration?

Mr. LODGE. I think foreign ministers have an unquestioned right to communicate to the Secretary of State and to have their communications laid before Congress, but I should like to know, as the authorities are now settling that point, whether the minister of a foreign power has a right to come into a committee room and discuss pending legislation, because if that is all right, then the Chinese minister, when he did it last year or a year or two ago in the Foreign Relations Committee, was perfectly justified in coming and seeing Senator Davis and myself in regard to it. I do not think he was.

Mr. GALLINGER. He did not do it this year.

Mr. LODGE. No; but he has done it. Perhaps he has been warned off.

Mr. HOAR. The question whether that is proper is a question for the committee. I suppose they will settle it in their own way. I do not want to have the Senate diverted from this particular point by another one just now.

Mr. FORAKER. Mr. President, I am very much obliged to the Senator from Massachusetts [Mr. HOAR] for making the answer which I would have tried to make, although I could not have made it so ably and completely as he made it, to the suggestion of the Senator from Oregon [Mr. MITCHELL]. When the colloquy which the Senator from Oregon refers to occurred in the Senate a few days ago I had no idea that anything was being said that anyone would take to heart or about which there would be really any difference of opinion.

Mr. MITCHELL. I have not taken anything to heart, so far as I am concerned. I merely referred to it as the Senator spoke of it in his speech.

Mr. FORAKER. But when a Senator refers to it and comments upon it in the spirited and zealous way in which the Senator from Oregon did just now it would seem that it had made a pretty firm lodgment in his mind, anyway. But, however that may be, the remark I made at the time of that colloquy was that according to my understanding of the matter then referred to the Chinese minister had a perfect right to do what the Senator from New Hampshire had shown he had done in sending to the Secretary of State a communication, which is to be found in the RECORD as a part of the speech of the Senator from New Hampshire.

What was it the Chinese minister did, and what was it that the treaty provided, to which I made reference—for the only part I took in that colloquy was to call attention to the fact that by our treaty stipulations with China it is provided that the Chinese minister representing China at this capital shall have a right to confer with the Secretary of State in regard to matters arising under our treaty provisions.

Mr. SPOONER. That would include writing?

Mr. FORAKER. That certainly would include writing.

Mr. TELLER. I desire to ask the Senator from Ohio if that would not have been the rule without its being in the treaty.

Mr. FORAKER. I think it would have been the rule without its being there.

Mr. TELLER. But that is not the question the Senator from Oregon has been discussing.

Mr. FORAKER. I understand it to be. The Senator from Oregon was taking exception to what I said in connection with that colloquy. What I said, in addition to what the Senator from New Hampshire said, which was to the effect suggested by the Senator from Colorado, was that he had a right as a minister to make that communication. He had also a right specifically conferred upon him by the provisions of the treaty. Here is what I referred to.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. TELLER. I did not mean to say he had a right to address a letter on this subject. He had a right to address a letter concerning legislation that we had enacted.



Mr. MITCHELL. That is what I mean.

Mr. TELLER. That is what he had a right to do, and that he had a right to do without the treaty, but not legislation that we are enacting. He has no right to do it, nor has the Secretary of State.

Mr. FORAKER. Let us see whether or not he has a right to do it. I agree absolutely with the Senator from Massachusetts [Mr. HOAR], as I understand his statement, that it is within the right of a minister representing a country at a foreign capital to confer with the proper officers of the government to which he is accredited with respect to contemplated legislation that will be objectionable to his country—to do it, of course, in a proper way, in a proper spirit, by a proper communication, and for a proper purpose, and that is all that the Chinese minister has done in this instance. He is pointing out, as the Senator from Wisconsin [Mr. SPOONER] suggests to me, in this communication to our Secretary of State, that the proposed legislation will not only be objectionable because of its provisions upon their merits, but that that legislation will be in violation of treaty rights.

Mr. MITCHELL. But the letter contains a threat—two of them.

Mr. FORAKER. Let us see whether it contains a threat or not. By article 4, which is still in force, of the treaty of 1880, it is provided as I shall read.

Now, in order that we may understand the scope of this specific authority to the Chinese minister, it is well enough to bear in mind that the treaty of 1880 was had at our solicitation; that it was entered into for the purpose of modifying the provisions of the treaty of 1868, simply a treaty negotiating additional articles to the treaty of 1858, which is the treaty that is in force between China and the United States to-day.

By the treaty of 1868 everybody could come from China to the United States who wanted to come, just as persons from other countries with which we had treaties of peace and amity. By the treaty of 1880, however, it was provided that we might regulate, limit, or suspend, and we promptly proceeded to suspend absolutely, although the treaty itself said while we had the right to suspend we should not absolutely prohibit even Chinese laborers.

Now, then, in view of the fact that it was within the contemplation of the parties that there should be legislation of a modifying character with respect to Chinese immigration, it was foreseen that there might be hardships imposed in connection with the enactment and enforcement of such legislation, and therefore it was provided as follows:

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States—

Mr. MITCHELL. Legislation already had.

Mr. FORAKER (reading)—

who will consider the subject with him—

Mr. MITCHELL. That is right.

Mr. FORAKER (reading)—

and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Mr. President, following the adoption of that treaty, legislation was enacted suspending the right of immigration, and then all the other legislation followed which has been commented upon in the course of this debate and on which I expect to comment in detail and at length on Monday next. But finally—

Mr. HOAR. May I ask the Senator a question right here?

Mr. FORAKER. Certainly.

Mr. HOAR. Is it not much better, much more convenient, more agreeable to both parties that the difficulties should be stated before the legislation is had than afterwards?

Mr. FORAKER. Unquestionably; and I want to point out that the Chinese minister proceeds upon that theory, and in a communication of most respectful and polite character he presents his views upon it. I not only think he had a right to do it, but I think it was his duty to do it, and I think he would have been derelict as the representative of his country at this capital accredited if he had not done so, entertaining those views.

Here now, Mr. President, is what he says. This is not addressed to the Congress of the United States. It is addressed to the Secretary of State, Mr. Hay, with whom, according to the provisions of our treaty, he was specifically authorized to confer whenever, in his judgment, it was proper that he should do so.

No. 240.] CHINESE LEGATION, Washington, March 22, 1902.

SIR: When the Chinese Government consented in 1880 to a modification of the treaty of 1868, whereby the free immigration of Chinese laborers into the United States was restricted, it was provided in the treaty that where the legislation of Congress authorized by that convention was likely to work hardships on the Chinese subjects the minister in Washington would be per-

mitted to communicate with the Secretary of State, to the end that mutual and unqualified benefit might result.

In making use at this time of the privilege granted in the cited treaty provision, I desire not to be understood as antagonizing the just provisions of pending legislation or influencing Congressional action, but to bring to your attention, and through you to Congress, some of the hardships which will inevitably result to the subjects of China in case some of the proposed legislation should become a law. Should I remain silent until the bills now before Congress be enacted into a law, it will then be too late to remedy the evil. I trust, therefore, that what I say to you may aid the honorable Congress in making a right conclusion on the subject.

Then he goes on to discuss the very objections that he, as the representative of the Chinese people, has to the legislation that is proposed, all of it in a perfectly respectful way. I do not propose at this time to read that. It is not necessary to insert it because it is in the RECORD as a part of the speech of the Senator from New Hampshire [Mr. GALLINGER]. But what I call attention to is that the communication was to the Secretary of State, with him, and to him, and nobody else.

That the communication has found its way into Congress and into the CONGRESSIONAL RECORD is something that the Chinese minister is not responsible for, except only in the sense that he is the author of the communication. Evidently Mr. Hay, the Secretary of State, did not think there was any impropriety in the Chinese minister sending him that communication, or that he had transgressed the privileges accorded to him in the treaty stipulations to which I have referred.

I did not know until this moment just how the communication got here, but I am informed by Senators sitting near me that the Secretary of State, thinking it entirely proper that he should do so in the discharge of his duty, sent it to the committee in the Senate having this legislation under consideration, and in that way it has come to be a public document. What I want to call attention to is that it was within the right and privilege of the representative of the Chinese Empire to make this communication without regard to the treaty. But the right and power to do it is emphasized by the treaty stipulation.

Mr. MITCHELL. Will the Senator from Ohio allow me?

Mr. FORAKER. Certainly.

Mr. MITCHELL. I had supposed until this moment that the communication had been sent as an official communication to the President of the Senate.

Mr. GALLINGER. That is right.

Mr. MITCHELL. But I infer from the colloquy which has just taken place between the Senators in front of me that it was sent informally to the Committee on Immigration. Is that it?

Mr. GALLINGER. The Senator is mistaken about that.

Mr. MITCHELL. I simply want to ascertain the fact.

Mr. GALLINGER. The Senator misunderstood a whispered suggestion I made to him. As I understand the matter, it was transmitted by the Secretary of State to the President pro tempore of the Senate, and by order of the Senate it was referred to the Committee on Immigration.

Mr. MITCHELL. If that is the fact, very well. I did not know what the fact was.

Mr. FORAKER. It was not the Chinese minister who sent it to this body or the other House, but it was our own official, the Secretary of State, to whom with propriety the Chinese minister had sent the communication.

I wish to call attention to the character of it, the fact that the Chinese minister, in sending it, plants himself upon his right under the treaty. Suppose he made a mistake about it? Suppose he is in error in so construing that provision? Is he to be condemned as having done something on account of which he should be given his passports, as was remarked here a moment ago? It seems to me that the zeal of those who want to condemn anything and everything connected with China, or likely to come to this country from China, has outstepped itself when Senators undertake to criticize in the manner in which this has been criticised a communication of this character. That is all I believe I care to say.

Mr. GALLINGER. Mr. President, I propose to make a single observation and not to detain the Senate more than a moment. I took occasion, when the matter which has been revived to-day by the Senator from Oregon [Mr. MITCHELL] was under discussion, to say that I was of opinion that no impropriety on the part of the Chinese minister could properly be charged; that the communication came through the State Department, and that we could not look beyond that. The document is here; it is open to the examination of every Senator, and I am very glad that I took occasion to put it into the RECORD, where some people in the country at least may read it.

I rose, however, to make a single remark concerning the telegram which the Senator from Oregon had read from the author of the so-called Geary law. That telegram, in its first sentence, is in these words:

In view of the present conditions and experiences of the past ten years, nothing short of the Senate bill No. 2900, as reported, will effectually exclude Chinese laborers and protect the American against such competition.

In the remarks I had the honor to make a few days ago I made this statement, which is according to the statistics furnished by the Director of the Census for the year 1900:

In 1890 there were 72,472 Chinese in California, while in 1900 there were only 45,753, a decrease of nearly 40 per cent in a single decade.

I should like to ask the Senator from Oregon what the present conditions are or what the experiences have been that are alarming Mr. Geary at the present time? In the State of California, where he lives, in the past ten years—and that is the period to which he alludes—there has been a decrease of 40 per cent. In other words, a decrease from 72,472 in 1890 to 45,753 in 1900.

Can the Senator explain to my benighted understanding what it is that Mr. Geary is so alarmed over and what the conditions are that makes it necessary for us to legislate more drastically and more offensively to the Chinese than we did when the Geary law was passed?

Mr. MITCHELL. We are not trying, in my judgment, to legislate either more drastically or more offensively.

Mr. CULLOM. What is the purpose?

Mr. MITCHELL. My judgment about the bill is simply this, in brief: That it is a codification of the existing laws, incorporating into the bill all those principles which have been definitely settled by decisions of the Treasury Department, the Department of Justice, and the Federal courts. I do not believe the pending bill is any more drastic than the existing law, when you view the existing law in the light of these decisions to which I have referred. That is my honest opinion about it.

There are a good many reasons for their codification. To know exactly what the law is now you have first to look into the treaty of 1894, then the treaty of 1890, and then the act of 1888, which, by the way, never materialized, in the opinion of many, because based on a treaty never ratified by China. In the opinion of the Solicitor of the Treasury, I believe, that act is, in part, in force to-day. You are compelled, then, to look into the act of 1892 and the act of 1893, which is amendatory of the act of 1892, and then you have to consider the various questions that have been settled by adjudication by the Treasury Department, by the Department of Justice, and by the decisions of the Federal courts.

That is the one great reason why the legislation proposed by the committee is preferable to a simple extension of existing law. It would be a peculiar piece of legislation on our statute books if the bill proposed by the Senator from Connecticut [Mr. PLATT] should be passed. The act of 1892, which is the Geary Act, was simply an extension of existing legislation, a kind of a drag net to drag along and keep in operation the act of 1888 and other acts then in existence. Then that was amended by the act of 1893. Then comes along the treaty of 1894. Now you propose to hitch on again by a legislative hook this act of 1892, and by a few lines to say that all existing legislation is continued in force. It is bad legislation to start with. The Senator from Connecticut will admit that, I think.

Mr. PLATT of Connecticut. Oh, no.

Mr. MITCHELL. I am—

Mr. SPOONER. Disappointed.

Mr. MITCHELL. I am disappointed. I regret to hear him say it. If his amendment should be passed, I venture to say the Senator from Connecticut can not point to a single piece of legislation like it on the statute books of this country since the beginning of the Government—not one. There may be several cases where there have been acts passed simply extending existing legislation. I doubt whether there ever was a case where, after a period of ten years had elapsed, under an act extending the operation of several acts, there has been a proposition to extend again the whole thing by a few lines extending existing legislation. It is bad legislation.

Now, in regard to the question asked by the Senator from New Hampshire, I think if he had read as carefully as I have read every word of the 580 pages of testimony taken by the Senate Committee on Immigration he would not ask the question. He would find in the evidence taken there a full, sufficient, and complete answer to the question.

Now, one other word, Mr. President, as long as I am up. What is the situation? What is the purpose upon the part of the two Houses of Congress in having committees? It is for the purpose of taking up bills and perfecting them and determining as to the character of legislation that ought to be enacted. Take this case.

Here were five or six bills introduced at the beginning of the session on the theory suggested by the Senator from Connecticut. One was introduced by the Senator from Massachusetts [Mr. LODGE], one by Senator PROCTOR, and one was introduced by myself, although mine went much further, because it had certain provisions condensing the law and bringing it up, besides extending the principle of exclusion to our insular possessions, but in a measure it was the same kind of legislation, and, as I now think after thorough consideration, a very bad bill. This committee took the subject up deliberately. It is one of the great commit-

tees of the Senate, composed of the ablest men we have here, good lawyers, able men, faithful Senators. They went about an investigation. They investigated and they took, as I said, 580 pages of closely written testimony. They went into the whole case thoroughly, and that committee come here and with one exception (I think the distinguished Senator from Vermont [Mr. DILLINGHAM] is perhaps the only dissenter in the committee) they report this bill to us.

Mr. SPOONER. As I understand the Senator, it does not change the existing law at all, but is a mere codification.

Mr. MITCHELL. It is my understanding of it that it does not change the existing law, construing the law as I have said, except the principle of exclusion is extended to our insular possessions.

Mr. SPOONER. Then it came pretty near falling within the Latin phrase, *Parturiunt montes; nascitur ridiculus mus*.

Mr. MITCHELL. That may be, as far as that is concerned.

Now, what is the Senate to do? Are those members of the Senate, who are not members of that committee, who have never had the opportunity, although just as capable as members of the committee to investigate this subject generally as are the members of the committee—why do you Senators want to rebuke this committee and present and pass a bill which that committee, the great body of it, I believe a majority of all, perhaps but one, think ought to be passed?

Mr. GALLINGER. Mr. President—

Mr. MITCHELL. Furthermore, if I may without violating the rules—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. MITCHELL. No, Mr. President; not just yet. After a little I will yield. I may say further—

Mr. GALLINGER. Mr. President—

Mr. MITCHELL. If I may be permitted to do so without violating the rules—

Mr. GALLINGER. The Senator is violating the rules, inasmuch as I yielded to him to answer a question and he is making a speech.

Mr. MITCHELL. Oh, no; I am not making a speech.

Mr. GALLINGER. I have the floor, Mr. President, I will suggest to the Senator.

Mr. MITCHELL. I ask only a moment longer.

Mr. GALLINGER. If the Senator asks me to yield to him I shall be glad to do it, but I will not admit that he has the floor.

Mr. MITCHELL. I simply want to call the attention of the Senate to the fact, if I can do it without violating another rule which I have in my mind, that the distinguished Committee on Foreign Affairs of the House of Representatives, headed by Representative HITT, has reported a more drastic measure than this, I am advised.

Mr. CULLOM. I think not.

Mr. GALLINGER. That is wrong.

Mr. CULLOM. I think the committee modified it very much, but afterwards the House ran over the committee and made it a more drastic bill.

Mr. MITCHELL. I think it was a very good bill as reported from the committee, and probably a little better bill after it had been doctored by the House. Now, then, I think we ought to do just what the Senator from Massachusetts [Mr. LODGE] said to-day. We ought to go on with this bill. If there is anything that is wrong about it let us amend it and fix it up and pass it. Time is passing, Mr. President. Unless we get legislation on this subject signed by the President of the United States before the 5th of next month, the doors are flung wide open and all the steamship companies in the country will be happy, because they will—

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. MITCHELL. Yes, I will yield.

The PRESIDENT pro tempore. The Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, in view of the fact that by unanimous consent we have to take a vote on this bill next Wednesday, I do not think the Senator's plea that time is passing has much potency.

The Senator from Oregon having disciplined the Chinese minister now proceeds to discipline the members of the Senate who do not chance to be members of the Committee on Immigration. I think we have an entire right to criticize the bill. I certainly am going to exercise that right to the fullest extent that I choose.

The Senator from Oregon suggests that all the members of that distinguished committee agreed to this bill except one; and yet when the Senator from Massachusetts ended his speech to-day I wondered whether he was for or against the measure, and the Senator from Pennsylvania, the chairman of the committee,



announced his willingness to have a portion of the bill stricken out. It strikes me that it was not a measure so well considered as it might have been by that very distinguished committee, and that it came here in a very crude shape. My judgment is that if this bill survives the ordeal through which it is to pass that the author of it, whether it be a Senator from the Pacific coast or Mr. Liver-nash, whoever he may be, who says he wrote it, will hardly be able to recognize the child of his creation. That is my judgment.

But, Mr. President, the Senator from Oregon, in the speech he made, did not answer my question. Evidently Mr. Geary had not been coached as to the attitude of the Senator from Oregon when he sent that telegram. Mr. Geary does not put his advocacy of the bill on the ground that he wants the law codified. He says nothing of the kind. He says he wants Senate bill 2960 enacted into law in view of the present conditions and experiences of the past ten years, so as to effectually exclude Chinese laborers and protect the Americans against such competition.

Mr. PLATT of Connecticut. And nothing short of that will accomplish it.

Mr. GALLINGER. And nothing short of that will accomplish what he desires.

Now, Mr. President, I have asked the question several times in the Senate—and I think I am not violating confidence when I say I have asked it in the cloakroom—of Senators from the Pacific coast, and I have never yet received an answer. What on earth are you making this hullabaloo about anyway? The number of Chinese in California is 40 per cent less to-day than it was ten years ago, and yet they want to get rid of the Chinese. Unless they propose to absolutely drive them from California and drive them from this country why do they want any different legislation on the statute books from what we have at the present time? If some Senator from the Pacific coast interested in this bill, whether he was a partner in drafting it or not, will answer that simple question, I should like very much to give him all the remaining time that I may claim in this debate for that purpose.

Mr. TELLER. Mr. President, the State that I represent in part is a Pacific State, in part at least. A goodly portion of it lies on the Pacific slope. I will answer the Senator.

We want a law that will exclude the laboring Chinese from coming to this country. We have several statutes. We have a large number of regulations, and while some of the regulations have the force of statutes they are liable, with a change of Secretary of the Treasury, to be changed. We want a condition created by law that will in time rid the American continent of every Chinese laborer. We do not want one of them on the continent, and the sooner we get rid of them the better it will be for the American people.

Now, Mr. President, we believe that this proposed law is neither drastic, inhuman, or violative of any provision of the treaty. We believe that it is consistent with every idea of humanity, and we do not want every two years to go through a contest for the passage of a bill of this kind, as we must do if the amendment of the Senator from Connecticut prevails.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 11418) to increase the pension of Hannah T. Knowles; in which it requested the concurrence of the Senate.

#### HANNAH T. KNOWLES.

Mr. PENROSE. I ask that the resolution which has just come from the House of Representatives may be laid before the Senate. It is a short resolution recalling a bill from the President, and Monday is the last day.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield for this purpose?

Mr. TELLER. Certainly.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 11418) "An act to increase the pension of Hannah T. Knowles."*

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania for the present consideration of the concurrent resolution?

The concurrent resolution was considered by unanimous consent, and agreed to.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the

District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. TELLER. The Senator from Maine [Mr. FRYE] read to the Senate quite a number of telegrams from distinguished citizens, he says, of California in which they speak of this bill in a severe manner. I will venture to say that they know nothing about the bill except the provision which excludes Chinese sailors from American ships. That is where their trouble comes in. They do not want that done, because it will lessen the profits of the shipowners. That is a separate proposition from the general provision of exclusion, but it falls within the principle that if we rightfully exclude Chinese from American soil we ought to exclude them from American ships.

Mr. President, I only want to say a word about the question of the interference of the Chinese minister. I have said nothing about it heretofore, but I want to say now that in my judgment, if any European minister had interfered with our affairs in the disagreeable and improper manner the Chinese minister has done for the last year, he would have been sent home long ago, and I am astonished that any Senator should stand in the Senate and say that it is the right of a foreign minister of any nationality whatever to give us advice as to what we shall do in a legislative way. I say it never has been done in the history of this country, and there is nothing in the treaty of 1880 which can be tortured into an excuse for doing it.

The treaty of 1880 simply provided that when we had enacted certain legislation, if it was not satisfactory to the Chinese Government they might confer with our Government with reference to another treaty, and that is all there is of it. I say no self-respecting nation has ever allowed, in the history of the world, a foreign minister to interfere in its affairs. What kind of a condition are we to be in, Mr. President, if, when we attempt legislation that the minister from Great Britain does not approve of, he can come here with his letters or even go to the State Department and enter his protest? Has such a thing ever been heard of? Never. The Senator from Wisconsin nods that it has. I challenge him to show that it has even been done except in an early day, and then it cost the minister his position here. He went home, Mr. President.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. Certainly.

Mr. SPOONER. Is there any danger in my accepting the challenge? I suppose not.

Mr. TELLER. I challenge the Senator to prove it. I do not expect to fight a duel with the Senator, but I want him to make good the proof if he means to assert that this has been done.

Mr. SPOONER. I can not furnish the proof at this moment, but I will furnish it. Unless I am very greatly mistaken in my memory there were communicated to the Senate, during the consideration of the Dingley bill, protests of foreign governments against certain of its provisions.

Mr. TELLER. If there were I did not know it. If there were, I venture to say it is a new precedent; it is this modern idea that we are not an independent sovereignty of our own.

Mr. SPOONER. That was not the Senator's challenge.

Mr. TELLER. But I doubt it, although I would not say it was not done, because I did not support the Dingley bill. I was not in the secrets of those who were passing it, and I have always been glad I did not support that measure.

Mr. FORAKER. I hope the Senator from Colorado will permit me to interrupt him for a moment.

Mr. TELLER. Certainly I will.

Mr. FORAKER. I understood the Senator to say that the only privilege granted to the Chinese minister by the stipulation of the treaty of 1880 was to confer with the Secretary of State in reference to the negotiation of a new treaty.

Mr. TELLER. That is what it amounts to.

Mr. FORAKER. I do not so understand it. Let me call the Senator's attention to the language of the treaty.

Mr. TELLER. Very well; read it.

Mr. FORAKER. I will not unduly interrupt the Senator.

Mr. TELLER. I know that no one can make a speech here without being interrupted, and I am ready to be interrupted.

Mr. FORAKER. I think it adds to the elucidation of the proposition under consideration. I do not like these set speeches. I think we accomplish a great deal more by interrupting one another, if we do it in a respectful way, and by these colloquies than by coming here and listening to long set speeches.

Mr. TELLER. I did not mean to complain, and I have refused to be interrupted but once in my life that I recollect.

Mr. FORAKER. I know the Senator does not complain, and therefore I feel emboldened to interrupt him, but I never interrupt him except for the purpose of expediting the discussion and for legitimate purposes.

Mr. TELLER. Go ahead.

Mr. FORAKER. This is the language that is in the treaty, in Article IV:

If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him.

That says nothing about the negotiation of another treaty, but it refers to the hardships that have resulted from the legislation which was to be enacted to carry out the treaty.

Now, that is what the minister discusses in this letter. He points out what has been done under these regulations. It has been said here that those regulations are in accordance with the treaty. I want to say, and I think I can satisfactorily demonstrate to the satisfaction of any unbiased mind—and I will try to do it on Monday—that those of which we make complaint—not all of them, but some of them—are gross violations of the treaty. What the Chinese minister points out is the operation of the law as it is being administered under the regulations. He points out that they are not, in his opinion, in conformity with the provisions of the treaty.

Mr. TELLER. Now, Mr. President, the Senator from Ohio has had his say. If it does not mean the negotiation of another treaty, it does not mean anything at all. The minister will confer with the Secretary. The Secretary could not set aside the statute. It must remain in force until a proper repeal, which could be done by another treaty I know.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. Yes; I will yield again.

Mr. FORAKER. I understood it to mean that they would confer, the Secretary of State being the agency through which the Chinese minister would communicate to our Government, and that the Secretary of State would, upon hearing his complaints, if he thought they were well grounded, submit his views to Congress in order that these laws might be repealed, if they were in violation of the treaty or if hardships were being committed under them upon the Chinese.

Mr. TELLER. If it means that, which it does not—

Mr. FORAKER. And another reason why it could not have meant the treaty is that the treaty is perpetual except only as to its limitation.

Mr. TELLER. Oh, Mr. President, there never was any treaty that was perpetual.

Mr. FORAKER. I mean by its terms—

Mr. TELLER. It can be modified at any time.

Mr. FORAKER. Certainly, by treaty.

Mr. TELLER. And no treaty in the world has ever been found to be perpetual, either.

Mr. President, it meant, if it meant anything at all, that the two Governments would consider whether there should not be a modification of it. The only way the Secretary could assist in the modification really was by a new treaty. If we had made a new treaty with the Chinese Government that we had accepted, it would repeal every provision of the statute inconsistent with the treaty. That is what it meant. But that it meant the other thing, that he was to submit it to us, that is not the condition. It referred to existing law. This proposition of the Chinese minister is now to interfere with an attempt to enact a law. I hope the Senate can see the distinction if the Senator from Ohio can not. What it might be proper for a minister to say as to a law already enacted would be exceedingly improper for him to say as to a proposed enactment that Congress was considering.

Mr. President, the Secretary of State and his officers have not any right to say to us that this proposed measure in the Senate or in the House is not a proper one. The President has not any such right. It is a breach of privilege of the body. The King of Great Britain has not that right and dare not exercise it. The President of the United States may send to us a treaty, advising us what kind of laws he thinks ought to be made for some particular emergency, I have no doubt, but he can not send a treaty here, without a gross violation of the rights of the legislative body, when we are enacting a law, and say, "That will not do; we have got to have a different law." Does anybody here who has any idea of the courtesies, of the decencies, of the proprieties of the right of the Senate suppose that that could be done? And, if our own officers can not do it, can a minister from Great Britain, or China, or anywhere else do it? Mr. President, the thing is absolutely absurd.

The only way to treat this subject, I suppose, is to assume that the Chinese minister did not know. What astonishes me is that the Secretary of State should have complied with his request and sent it here. I can see that there would have been no impropriety in the Secretary of State concurring with him, and there would be no impropriety if the committee wanted to send to the Secretary of State to confer with him as to a proposed law touching

foreign affairs of this kind, if they see fit to do it. I do not believe that it would be a decent and proper thing for the committee to send for a foreign minister, nor do I believe he ought to be allowed to appear before any committee. It would be rather an unheard-of thing, I think, to send for the Secretary of State or the head of any other department of the Government except where there were intricacies and difficult things, like financial questions, when the Secretary of the Treasury is brought before the committee.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. Yes, sir.

Mr. FORAKER. The Senator's reference to a minister coming before the committee is perhaps based upon the statement made by the Senator from Massachusetts. I intended when I had the floor a few moments ago to say that I have been a member of the Committee on Foreign Relations ever since the session of the Congress which began March 4, 1897, and during all that time I have never heard of the Chinese minister or any other minister appearing before that committee. I have never heard of anybody connected with that committee taking the opinion of the Chinese minister or any other representative of a foreign government. I was quite surprised when the Senator made that statement. I do not know under what circumstances such a thing could have happened that I did not know something about it, for I have missed very few meetings of the committee.

Mr. TELLER. I know nothing whatever about it, except what the junior Senator from Massachusetts [Mr. LODGE] said. I have no doubt if the Chinese minister was there that he was probably invited to be there. I do not suppose that he would have attempted to attend without an invitation, and I do not suppose the committee would allow him to appear otherwise. But I would say that I regard it as an improper thing for a committee to confer either with a foreign minister or an accredited agent of a foreign government. That has been done by a committee at this session of Congress, but I deny the right of the agent of any foreign government to appear before a committee of this body. I know well that the committees have ample power to do almost anything, and that no one can call them to account for it. They may call before them, I suppose, anyone who can give them information. It is a question of propriety. But it is certainly contrary to the usual administration of public affairs for a foreign minister to interfere in any way with legislation, either in this country or in any other. I venture to say that if the American minister should attempt in the slightest degree to influence legislation in Great Britain he would have to come home by the next steamer. In my opinion, any self-respecting people will insist upon the enforcement of that rule.

Mr. DRYDEN. Mr. President, I only rise because of a remark made by the Senator from Oregon [Mr. MITCHELL] as to the position of members of the committee having this bill in charge with reference to the bill itself. He stated that he believed there was but one member of the committee who was not in favor of this bill. If he means by that that every other member of the committee is in favor of the bill in its entirety, I wish to dissent from that position. There are members of that committee now on this floor who will recollect distinctly that I, although I was then a new member of the Senate and a new member of the committee, objected to several of the provisions of the bill. I felt a great deal of delicacy in asserting myself because I was a new member, and because the testimony had about all been taken before I was put upon the committee and appeared at any of its meetings. Nevertheless, I did assert myself upon some of the provisions of the bill and particularly with reference to that provision which excludes the employment of Chinese laborers upon our vessels.

I have voted in the short time I have been a member of this body for a bill which I hope and believe will very much enlarge American shipping interests. I do not propose to be so inconsistent as to turn around and vote for a provision in another bill which will strike those interests down. If the testimony which was given before that committee can be relied upon, it seems to me evident that certain of our shipping interests will have to go from under the American flag if this bill passes with that provision in it.

I only want to make my position clear here, simply that I may not be considered inconsistent in any of the votes which I may choose to give upon the amendments pending to this bill or upon the bill itself, or if I should not vote in consonance with the position which the distinguished Senator from Oregon said he understood every member of the committee except one occupied with regard to it.

Mr. MITCHELL. Mr. President, I shall be glad to rectify it if in any way, by imputation or otherwise, I have misrepresented the position of the Senator from New Jersey [Mr. DRYDEN]. I did not mean by anything I said to convey the idea that all the



members of the committee agreed to all the provisions of the pending bill, because it is evident that that is not the case. The Senator from Massachusetts [Mr. LODGE] said in open Senate to-day that he was utterly opposed to some of the provisions referred to by the Senator from New Jersey.

Mr. PLATT of Connecticut. Mr. President, I do not rise for the purpose of continuing this debate, but simply to say that, having listened to the argument of the Senator from Massachusetts [Mr. LODGE], it seems to me that he presents unanswerable reasons why this bill should be referred back to the committee.

Mr. PATTERSON. Mr. President, we have had read here telegraphic and other communications from shipping companies, from merchants, and from other people in high station relating to this bill. There have been handed to me resolutions passed by several bodies of seafaring men—one in New York, one in Philadelphia, and one in San Francisco—men who are striving to survive in this struggle which the Senator from Massachusetts [Mr. LODGE] so eloquently and clearly described in his speech this morning. I should like to have the resolutions read.

The PRESIDING OFFICER. Without objection, the resolutions referred to by the Senator from Colorado will be read.

The Secretary read as follows:

Whereas Senators HANNA and FRYE stated that the heat in the stokeholes of steamers trading to the Orient is such that no white stokers can endure the same; and

Whereas this statement appears to have been the cause of the Senate voting down the anti-Chinese amendment to the subsidy bill; and

Whereas this statement is without any foundation in fact, the truth being that white stokers go in the transports from this coast through the Suez, the Red Sea, and the Indian Ocean to the Philippines, and that white stokers go in steamers to the West Indies, Central and South America: Therefore,

Resolved by the Marine Firemen's Union of New York, in regular meeting assembled, That we repudiate the heat argument and the idea that it had any justification in any humanitarian concern for the health of the stokers or marine firemen; and further

Resolved, That we have been and are now willing to serve as stokers in those vessels, and will gladly do the work now done by the Chinese; and further

Resolved, That we hereby urge upon Congress to give to us, who go to sea, the same protection from Chinese competition that it shall be willing to give to workers on land.

JAMES W. BIRD,  
Secretary A. C. M. F. U.  
WILLIAM MACQUEEN,  
Chairman.

Whereas during the subsidy debate and also during the hearings on the Chinese-exclusion bill it has been stated in Congress that white firemen for reasons of health can not be employed in the fire rooms of steamers trading in the Tropics; and

Whereas this statement is being used to deprive us of the protection against Chinese competition: Therefore,

Resolved, That we, the Firemen's Union of Philadelphia, call attention to the fact that we sail in vessels on the Gulf coast to Central and South America and in any vessels anywhere so long as we are wanted and paid; and

Resolved, That in our opinion it is not a friendly act to deprive us of work and give it to the Chinese; and further

Resolved, That it would be more frank and friendly to state the reason why Chinese are carried, it being known of all seafaring men that the wages for Chinese are \$9, while we, as American firemen, insist upon about four times that amount; and further

Resolved, That, being good enough to fight under the flag for its honor, we ought to be good enough to make a living under it.

Approved by regular meeting March 25, 1902.

WILLIAM ROBERTSON, Chairman.  
HORACE ATKINSEN, Secretary.

Whereas the United States Senate in passing the ship-subsidy bill killed the seamen's amendment of said bill; and

Whereas in the argument which caused the elimination of said seamen's clause, the advocates of the subsidy bill stated that white men were unable to endure the heat of the Tropics; and

Whereas we, members of the Pacific Coast Marine Firemen's Union, are now sailing in the ships of the Oceanic Company trading to Australia, in the United States Government transports running to Manila, and in the Pacific Mail Steamship Company's vessels trading to Panama, and are only too willing to accept employment in all vessels trading to any port on the Pacific: Therefore, be it

Resolved by the Pacific Coast Marine Firemen's Union, That we denounce the statements made and the arguments set forth in the United States Senate as misleading and not based upon facts, and assert that they can only be ascribed to ignorance of the true condition of the manning of some of the trans-Pacific lines running out of San Francisco; and be it further

Resolved, That a copy of these resolutions be sent to Senators PATTERSON and PENROSE, Representative KAHN, and others.

PACIFIC COAST MARINE FIREMEN'S UNION,  
Per JOHN BELL, Secretary.

SAN FRANCISCO, CAL., March 27, 1902.

Mr. SPOONER. I do not rise for the purpose of making a speech, but if I may have the attention of the Senator from Colorado [Mr. TELLER] for a moment, I find that under date of May 19, 1897, the following communication was sent to the then Vice-President of the United States, Mr. Hobart, by the Secretary of State:

DEPARTMENT OF STATE, Washington, May 19, 1897.

SIR: Agreeably to the request of the German ambassador, I have the honor to lay before you, with a view to their presentation to the Senate, copies of the correspondence indicated below, in regard to the protest of the German Government against differential treatment of bountied sugars in the tariff bill at present under consideration in the Senate.

Respectfully, yours,

JOHN SHERMAN.

HON. GARRET A. HOBART,  
Vice-President of the United States, United States Senate.

Then follows a very elaborate communication from the German ambassador to the Secretary of State. The Dingley bill was then pending in the Senate. The ambassador in his communication to the Secretary of State said:

By instruction of the Imperial Government, I have the honor respectfully to invite your excellency's attention to the fact that this provision—

That was in regard to the sugar differential—

can not be reconciled with the right of the most favored nation, which is granted by existing treaty stipulations to German products with respect to the duties to be imposed upon them on entry into the United States.

Of course I shall not take the time to read the entire communication. This communication was first presented to the Secretary of State, who sent it here, with a formal request that it be laid before the Senate.

There was also sent to the Senate under date of June 4, 1897, by the Secretary of State, this communication:

DEPARTMENT OF STATE, Washington, June 4, 1897.

SIR: Agreeably to the request of the minister of Austria-Hungary, herewith transmitted, I have the honor to lay before you, with a view to its presentation to the Senate, a translation of a note containing the protest of the Government of Austria-Hungary against the proposed treatment of bountied sugars in the tariff bill at present under consideration in the Senate.

Respectfully, yours,

JOHN SHERMAN.

HON. GARRET A. HOBART,

Vice-President of the United States.

Then there follows the protest and argument.

I am frank to say to the Senator, for I remember distinctly being in my seat at the time these communications were read to the Senate, that I did not like them. I only call attention to the matter.

Mr. TELLER. At that time I was not present in the Senate. The case cited by the Senator is a little different from the proceeding here. That was a governmental declaration, and it was from the Government of the country and not from its minister, as I understand.

Mr. SPOONER. The minister did this.

Mr. TELLER. But at the instigation of his Government.

Mr. SPOONER. And I presume the Chinese minister sent his communication at the instigation of his Government.

Mr. TELLER. There is nothing in his communication to indicate that, and in fact the conditions in China are such that I do not think this man has any communication at all with his Government. There is a wide distinction between the government of one country appealing to the government of another and a minister who is accredited here doing so. I am not surprised that the Senator from Wisconsin did not like it; it ought to have been resented, and I presume it was resented in the legislation which was enacted, for I do not suppose the Senate paid the slightest attention to that communication.

Mr. SPOONER. I do not care anything about it, but I do not see any distinction between the case of the Chinese minister and the other cases to which I have referred. It is a distinction without a difference, it seems to me. That was an argument, a protest, presented by the minister, and presented by instruction of his Government, to the Secretary of State, and he requested our Secretary of State to lay the communication before the Senate, which our Secretary of State proceeded to do, and the bill to which the communication referred was then pending and under consideration in the Senate.

Mr. TELLER. Mr. President, there is a vast distinction between the cases, but I want to insist now that the action of the Chinese minister was an interference not justified by the usual treatment by one nation of another. Such a communication should not have come here, and the Secretary of State, who did not dare himself to interfere, had no business to interfere in this way. I will not take back the assertion that a government can not maintain its dignity and legislate properly if it allows any other nation in the world to take a hand in its legislation; and then, if it fail to comply with the request, that that becomes an offense, for if other nations have a right to address us at all, it is because they have a right to influence our legislation. The thing is simply monstrous, it is simply horrible, though I admit that the Senator has found one precedent for it.

Mr. SPOONER. Two precedents.

Mr. TELLER. Two precedents; but at the same time that does not make the rule any better, and does not establish such a right.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I have finished.

Mr. FORAKER. Then I have the floor.

Mr. President, in answer to the statement of the Senator from Colorado [Mr. TELLER], that there is a wide difference between the precedents cited by the Senator from Wisconsin [Mr. SPOONER] and the action of the Chinese minister which has been referred to, and the difference is, as he defines it, that the one did it by

instruction of his Government, and the other without any such instruction, allow me to call the Senator's attention to what the Chinese minister says officially in his communication.

I have received repeated instructions from the Imperial Government, in view of the reenactment of the exclusion laws, to exert myself to see that treaty rights are observed and that no unnecessary hardships are placed upon Chinese subjects, and I feel that on account of the pendency of the legislation referred to I could not refrain from asking you to lay before the honorable Congress the views above set forth.

In other words, Mr. President, the Chinese minister in sending this communication regarded himself as complying with the instructions of his Government.

Mr. TELLER. He might have so regarded it, but he does not come here officially. He does not say so. That is an afterthought on his part; that is an excuse which he is making.

Mr. FORAKER. Mr. President, how can it be said to be an afterthought or an excuse when it is embodied in this communication, when he says to our Secretary of State that he addresses him officially and under instructions of the Chinese Government, which he represents here? This is in strict accord with the two precedents cited by the Senator from Wisconsin. I venture to say it has been the uniform practice from the beginning of this Government down to this time for accredited representatives of nations to communicate with our Government in a proper way whenever anything was proposed that they saw fit to express themselves in regard to. I have never heard of that right being questioned until now; but as the Senator has given us a challenge, I will undertake to answer it on Monday with numerous precedents.

Mr. TELLER. Very well, Mr. President, if the Senator will do so, I hope he will distinguish between a minister filling the newspapers with his vaporings and writing letters to the Secretary of State asking them to be sent here, and the action of a government. The State Department could hardly reject a declaration coming from the ambassador of Great Britain if he said he spoke for his Government and by its direction. There has been no pretense until now that this man, who has been filling the newspapers with his complaints about this legislation, has been speaking for his Government. If he had been doing so it would have been just as wrong in my opinion, and I do not believe, either, that such has been the precedent.

Mr. SPOONER. Mr. President, the fact that we recognize him as minister from China is conclusive on us that he represents his Government. Now, when the Senator talks about the minister going into the newspapers, that is a different proposition.

Mr. TELLER. It is not conclusive that everything he says comes from his Government. If that is the fact we ought to have sent him home long ago.

Mr. FORAKER. Mr. President, I have only one word to add, and that is, that this was not a vamping in a newspaper. I do not know to what the Senator from Colorado may refer in that connection. The Chinese minister may have expressed himself in interviews that have been published in the newspapers, and the Senator may have reference to those. If so, whenever they come properly before us, we will give consideration to them.

But now we are considering whether or not it was proper for the Chinese minister, acting under the direction of his Government, to communicate with this Government that recognizes him as the minister of that Government in the way in which he did communicate. Certainly there can be no exception taken to it, and there is no ground for criticism of it, except only, Mr. President, upon the same theory that this bill proceeds, in some respects, that a different rule is to be applied to China from the rule which is applied to any other country. As to no other country on the face of the earth with which we have treaty relations would we think of legislating in a way that did violence to treaty obligations, and if the representative of such a government were to make complaint to us that we were about to legislate in violation of a treaty nobody would think of making complaint of it.

Mr. HOAR. Mr. President, I do not wish to prolong this debate, but I wish to put on record my belief that it is the universal practice of all civilized governments who have diplomatic agents that when any legislation or other government action is proposed by one government which they think will be injurious to the citizens of the country which they represent to make known to the proper department of that government the facts which lead them to think it will be an injury. It is not only, in my belief, the existing custom acted upon by our ministers abroad, as well as by the ministers of other countries here, but it is a wise custom and constitutes one of the most valuable functions of a minister. It is not meddling with our affairs. It is letting us know facts in time for our consideration which we want to know, but which we might not know, and if it is done properly, through the regular diplomatic channel, it ought to be done.

I have no doubt that the lives of eminent diplomatists like Lord

Malmesbury, who was known better in diplomacy as Mr. Harris; and Canning, Viscount Stratford de Redcliffe, and the eminent men who have represented Great Britain in the United States and those who have represented us in Great Britain, would demonstrate that it has been a uniform custom. If there was pending and likely to pass in the House of Commons an act which would operate harshly upon American sailors or American travelers, Mr. Choate would be derelict in his duty if he did not go in a quiet way to the foreign office and say, "This legislation which is proposed in your Parliament will have such and such an effect on American sailors and travelers."

Mr. SPOONER. And it is much better to do so beforehand.

Mr. HOAR. Yes; it is much better to do so beforehand than after the legislation. In that particular case I do not know what else may have happened; but, in my opinion, the Chinese minister acted with eminent wisdom and propriety.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 13 minutes p. m.) the Senate adjourned until Monday, April 14, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 12, 1902.*

##### SURVEYOR OF CUSTOMS.

William L. Kessinger, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri. (Reappointment.)

##### COLLECTOR OF CUSTOMS.

George M. Warren, of Maine, to be collector of customs for the district of Castine, in the State of Maine. (Reappointment.)

##### UNITED STATES ATTORNEYS.

William D. Gordon, of Michigan, to be United States attorney for the eastern district of Michigan. A reappointment, his term expiring May 1, 1902.

James W. Ownby, of Texas, to be United States attorney for the eastern district of Texas, commencing July 1, 1902, vice Marcus C. McLemore, who is to be transferred to the southern district of Texas under the act approved March 11, 1902, entitled "An act to divide the State of Texas into four judicial districts."

##### MARSHAL.

William R. Bates, of Michigan, to be United States marshal for the eastern district of Michigan. A reappointment, his term expiring May 1, 1902.

##### DISTRICT JUDGE.

Waller T. Burns, of Texas, to be United States district judge for the southern district of Texas, commencing July 1, 1902. An original appointment under the act approved March 11, 1902, entitled "An act to divide the State of Texas into four judicial districts."

##### REGISTERS OF LAND OFFICES.

Angus J. Crookshank, of California, to be register of the land office at Los Angeles, Cal., his term having expired. (Reappointment.)

August Doenitz, of Wisconsin, to be register of the land office at Ashland, Wis., his term having expired. (Reappointment.)

John W. Dudley, of the District of Columbia, at present register of the land office at Sitka, Alaska, to be register of the land office at Juneau, Alaska, a new office to be opened June 1 under Executive order of April 2, 1902, also discontinuing the other Alaska land offices.

Patrick M. Mullen, of Nebraska, at present register of the land office at Rampart City, Alaska, to be receiver of public moneys at Juneau, Alaska, a new office to be opened June 1 under Executive order of April 2, 1902, also discontinuing the other Alaska land offices.

##### FIRST ASSISTANT POSTMASTER-GENERAL.

Robert J. Wynne, of Pennsylvania, to be First Assistant Postmaster-General, vice William M. Johnson, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 12, 1902.*

##### APPOINTMENTS IN THE ARMY.

##### Infantry Arm.

Edward J. Bloom, at large, to be second lieutenant, February 2, 1901.



*Artillery Corps.*

Louis E. Bennett, of Illinois, late major, Fourth Illinois Volunteers, now captain in the Porto Rico Provisional Regiment of Infantry, to be first lieutenant, September 23, 1901.

George L. Hicks, jr., of Maryland, late major and surgeon, Thirty-eighth Infantry, United States Volunteers, to be first lieutenant, September 23, 1901.

Guy E. Manning, of Ohio, late second lieutenant, Third Ohio Volunteers, to be first lieutenant, September 23, 1901.

*Cavalry Arm.*

Ralph E. McDowell, of Kansas, late private, Twentieth Kansas Volunteers, and Troop F, Eleventh Cavalry, United States Volunteers, now sergeant Troop F, Thirteenth Cavalry, United States Army, to be second lieutenant, February 2, 1901.

## PROMOTIONS IN THE ARMY.

*Cavalry Arm.*

First Lieut. George W. Moses, Fourth Cavalry, to be captain, March 31, 1902.

*Artillery Corps.*

Lieut. Col. James B. Burbank, Artillery Corps, to be colonel, April 1, 1902.

Maj. Richard P. Strong, Artillery Corps (detailed as assistant adjutant-general), to be lieutenant-colonel, April 1, 1902.

*Infantry Arm.*

Capt. Edward H. Browne, First Infantry, to be major, March 28, 1902.

## INDIAN AGENTS.

Frederic O. Getchell, of North Dakota, to be agent for the Indians of the Devils Lake Agency, in North Dakota.

A. W. Thomas, of Seymour, N. Dak., to be agent for the Indians of the Fort Berthold Agency, in North Dakota.

Albert M. Anderson, of Washington, to be agent for the Indians of the Colville Agency, in Washington.

Herman G. Nickerson, of Wyoming, to be agent for the Indians of the Shoshone Agency, in Wyoming.

## POSTMASTERS.

Henry F. Wolters, to be postmaster at St. James, in the county of Phelps and State of Missouri.

John McDuffie, to be postmaster at Laurel, in the county of Jones and State of Mississippi.

Aaron M. Storer, to be postmaster at Kosciusko, in the county of Attala and State of Mississippi.

## HOUSE OF REPRESENTATIVES.

SATURDAY, April 12, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## CENTRAL ARIZONA RAILWAY COMPANY.

The SPEAKER laid before the House a resolution of the Senate; which was read, as follows:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

## ADDITIONAL CIRCUIT JUDGE IN THE SECOND JUDICIAL CIRCUIT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1178) providing for an additional circuit judge in the second judicial circuit, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there shall be in the second circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction now prescribed by law in respect to the present circuit judges.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk has reported. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

## PETRIFIED FOREST NATIONAL PARK.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of Arizona and particularly described as follows:

Townships 16 and 17 north, ranges 23 and 24 east, Gila and Salt River meridian, Arizona.

Sec. 2. That said public park shall be known as The Petrified Forest National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specially for the preservation from injury or spoliation of the mineralized or fossilized formations or deposits, natural curiosities, and wonders within said park.

Sec. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, pieces or parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

Sec. 4. That all funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of said park.

Sec. 5. That all persons who shall unlawfully intrude upon said park, or who shall, without permission, appropriate, injure, or destroy any of the mineralized or fossilized formations or deposits found therein, or other natural wonders or curiosities therein, or commit unauthorized waste in any form upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in the sum of not more than \$5,000, or be imprisoned for a period of not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 6. That the Secretary of the Interior is authorized to make exchange with the owners of any land included within the limits of the said Petrified Forest National Park of an equal quantity of nonmineral, vacant, surveyed public land open to settlement, within the limits of the Territory of Arizona, of approximately the same value, and when such exchanges are made the owners of such lands to be so exchanged shall convey the same by perfect title to the United States, and the Secretary of the Interior shall cause patents to issue for the public land so exchanged to the persons making such exchange, or to their assigns.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill (H. R. 8326) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have a statement from the gentleman as to the bill.

Mr. LACEY. I will state, Mr. Speaker, that this bill passed the House in substantially the same form it is now reported in the last Congress, but did not pass the Senate. The proposed park is one of the most wonderful regions, not only in the United States, but in the whole world. There are other petrified forests in many countries, but this is the petrified forest of the world. It lies near the line of the Santa Fe Railway and would be visited by thousands of people if the proper arrangements were made for taking care of visitors. The stone forest is in a desert. It is surrounded by land of practically no value, and reserving it for the whole people will not in any way interfere with any settlement. It lies about 7,200 feet above the sea.

This wonder of the world lies in an atmosphere the purest and clearest ever breathed. There are three distinct but almost contiguous exposed tracts of the forest in view. Leaving the Santa Fe Railroad at either Holbrook or Adamana, the whole region can be visited easily in a day. The geological history of this deposit is astounding in its simplicity, and it makes the mind dizzy to think of the age of the trees that lie prone upon the sand exposed to the gaze of the visitor. Let me give some idea of its antiquity. The trees are of an extinct species, and are coniferous in their character. This forest is old enough for the trees to have grown to over 4 or 5 feet in diameter and to a height of 140 feet or more, and the smaller ends are often 2 or 3 feet in diameter.

Those trees fell down ages ago; were washed down some prehistoric, yes, pre-Adamite stream, and floated upon some ancient sea until the points of the roots and smaller branches were worn away. Then they sank to that venerable sea bottom, waterlogged and saturated with the salt water of the ocean. There they became covered with sand. They are ancient enough for a deposit of 40 feet of soft sandstone to have been slowly built over them by the action of the waves. There they turned to chalcedony, preserving within their bark more than the colors of the rainbow, and combining purple, pink, white, black, gray, blue, and orange in endless variety. Slowly the land rose until that old sea bottom was over 7,000 feet above the ocean of to-day. There, concealed under a heavy stratum of sandstone, they lay for countless ages.

A modern stream, usually dry, but often for a brief time after a rain an active torrent, aided by the wind, has carried off the particles of sandstone as they became detached from the old sedimentary deposit, and these trees have gradually been uncovered. There they lie to-day, thickly scattered, looking at a distance like a freshly drifted lot of waterworn trees. Along the edges of the bluffs may be seen the trunks projecting into the valley from under the old sandstone formation, preserving thus a faithful

record of their geological history. Lying thus upon the old bottom of the sea and preserved for all time by their own indestructible hardness, this remarkable forest needs protection only from the hand of man. Nature may attack it in vain. Such a wonder as this is well worthy to be preserved by having thrown over it the protection of the Government of the United States. This bill passed the House unanimously in the last Congress; I trust it will do so again this morning.

An attempt was made by commercial vandals to wholly destroy these trees a few years ago by working them all up into emery. A mill was put up, but the discovery was made that stone much nearer the market in Canada would answer the same purpose and the forest has been spared. It is time now to reserve it, before some other ingenious individual takes the matter of its destruction in hand. There have been many of these tree trunks blown up with dynamite in order to get the crystals from their center.

Mr. RICHARDSON of Tennessee. Is it a part of the public domain?

Mr. LACEY. It is upon the public domain.

Mr. McRAE. What is the area of this proposed park?

Mr. LACEY. About two townships.

Mr. McRAE. How many settlers are there in it?

Mr. LACEY. None at all.

Mr. McRAE. Then why the provisions for exchange?

Mr. LACEY. There is provision for lieu lands in a different form from any other heretofore made. The amendment requires that arrangements must be first made with the Secretary of the Interior before any selection can be made, so as to relieve this from the old objections as to lieu lands.

Mr. McRAE. If there are no settlers in the reservation of the proposed park, who owns the land?

Mr. LACEY. The railway company. The alternate sections belong to the railroad. I think there are no settlers whatever. There were some locations originally made, but abandoned. The land is utterly worthless for any agricultural purpose.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. LACEY. Certainly.

Mr. ROBINSON of Indiana. I suppose this is the same petrified forest in Arizona about which we have heard so much heretofore.

Mr. LACEY. It is the same forest. The matter was up in the last Congress, and the House passed the bill unanimously.

Mr. ROBINSON of Indiana. I have heard much of the wondrous petrified forest of Arizona. I think the gentleman from Arizona [Mr. SMITH] is accredited with the statement that it stands single and alone in the world of wonders.

May I ask if this is the forest where petrified birds sing petrified songs as they perch on the branches of petrified trees; the one wherein the petrified fish are seen swimming in petrified streams; the one wherein the buffalo is seen suspended in mid-air, having tried to jump across a canyon and having been petrified in its transit, and hanging there because, as it is stated, the laws of gravitation are petrified, too?

Mr. LACEY. No; that was in the Yellowstone. There are no petrified songs in Arizona. All songs there are strictly up to date.

And now, Mr. Speaker, I hope the bill will again pass the House with the same unanimity as in the Fifty-sixth Congress.

Mr. ROBINSON of Indiana. Where petrified fish swam in petrified streams. I think this is the one.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING PRIVILEGES TO THE MOBILE, JACKSON AND KANSAS CITY RAILROAD.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 12452) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes.

Be it enacted, etc., That in consideration of provisions hereinafter contained there is hereby granted to the Mobile, Jackson and Kansas City Railroad Company the right to build and construct wharves, docks, piers, and other structures for use in the operation of its railroad upon the tract of land at Choctaw Point, Mobile County, Ala., and now held by the United States for light-house purposes, and to lay its tracks upon and over said wharves, docks, and piers: *Provided, however,* That at least 300 feet of said wharves, docks, and piers shall be designated and set apart, subject to the approval of the Light-House Board, for the exclusive use of the United States for light-house purposes, which said wharves, docks, and piers so designated and set apart shall be maintained and kept in repair by the said railroad company, and the water approaches thereto kept dredged at the United States dredged channel depth without cost to the United States.

SEC. 2. That within fifteen days after the approval of this act the said railroad company shall file with the Secretary of the Treasury complete plans showing the wharves, docks, and piers to be constructed, upon which shall be designated the portion of said proposed wharves, docks, or piers to be set apart for the use of the United States as provided in the first section of this act, said plans, in so far as said wharves, docks, and piers are to be erected upon the lands of the United States, to be approved by the Light-House Board.

SEC. 3. That within thirty days from the approval of the plans as hereinbefore provided the said railroad company shall commence the construction of the said wharves, docks, and piers, and shall within five months from the commencement of the said work have completed and ready for use by the United States that portion of the said wharves, docks, and piers designated as hereinbefore provided for the use of the United States.

SEC. 4. That the United States shall have free access at all times across the tracks of said railroad company by the most convenient route, to be determined by the Light-House Board, for pedestrians, drays, and wagons, for light-house purposes, to the end of the wharf or pier designated as hereinbefore provided: *Provided, however,* That the United States shall have the right at any time, in the discretion of the Secretary of the Treasury, to take possession, for public purposes, of said tract of land and the wharves, docks, piers, and other structures so built and erected upon the land of the United States, and the United States shall thereafter make the said railroad company just compensation for the said structures so made upon the land of the United States by the said railroad company, and so taken by the United States, and said compensation shall be paid as soon as the amount thereof may be determined in the manner hereinafter provided. Should the Secretary of the Treasury and said railroad company be unable to agree as to the amount to be so paid by the Government, either party may bring proper proceedings in the circuit court of the United States at Mobile, in the State of Alabama, to ascertain and determine the amount of the liability of the United States: *And provided further,* That should the United States repossess itself of said land on account of failure of the railroad company to comply with the terms and provisions of this act, then the United States shall not be required to compensate the railroad company for said structures.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from New York.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. This is private pension day.

#### PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar in their order under the rule for this day.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of certain bills upon the Private Calendar under the rule, and the Clerk will report the first bill.

#### THOMAS BLACKBURN.

The first business on the Private Calendar was the bill (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby authorized and directed to correct the military record of Thomas Blackburn, late a member of the Eighty-fifth New York Infantry Volunteers, and to grant him an honorable discharge as of date May 30, 1862, from Company G of said regiment: *Provided,* That no pay, bounty, or allowances shall be allowed by reason of this act.

The bill was ordered to be laid aside with a favorable recommendation.

#### MARY JANE FAULKNER.

The next business on the Private Calendar was the bill (S. 1512) granting an increase of pension to Mary Jane Faulkner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Faulkner, widow of Josiah Faulkner, late of Company A, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### LOUISE WARD.

The next business on the Private Calendar was the bill (S. 2082) granting an increase of pension to Louise Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise Ward, widow of George S. L. Ward, late captain, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.



The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES B. WINGFIELD.

The next business on the Private Calendar was the bill (S. 1678) granting an increase of pension to Charles B. Wingfield.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Wingfield, late of Company A, First Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SUSAN HAYS.

The next business on the Private Calendar was the bill (S. 3103) granting an increase of pension to Susan Hays.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Hays, widow of John C. Hays, late colonel First Regiment Texas Mounted Rangers, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert in lieu thereof the word "twelve."

Mr. METCALF. Mr. Chairman, Mrs. Hays, the beneficiary of this bill, is not a resident of my district, but I knew her husband quite well, and at the request of many of the most influential and prominent citizens of California I introduced the bill to increase her pension. Senator BATE, who was a lifelong friend of Colonel Hays, and an officer in his regiment during the war with Mexico, introduced a similar bill in the Senate. The bill of Senator BATE passed the Senate, increasing the pension of Mrs. Hays to \$30 a month. It was sent over to the House, referred to the Committee on Pensions, but that committee saw fit to report the bill with an amendment reducing the pension from thirty to twelve dollars a month. Col. Jack Hays, as he was familiarly known, was born near the Hermitage, Tennessee, in 1817. In 1837 he moved to Texas, and at the age of 19 joined the United States forces. He fought with conspicuous gallantry and bravery in many of the Indian and border wars. He organized and commanded the famous company of Texas Rangers, and was twice mustered in as the colonel of the First Texas Mounted Rangers.

He commanded a regiment also under General Taylor and under General Scott, and at the close of the Mexican war moved to California. His long and honored career in Texas, Mexico, and California would fill volumes, for he was ever in the midst of times that "tried men's souls," ever in the front and conspicuous as a leader when danger threatened, and when the success of an enterprise depended on personal bravery and calm judgment. His widow is a most estimable lady, a lady of culture and refinement, but she is 73 years of age, feeble in health, and destitute in circumstances. If the career of her distinguished and honored husband entitles her to any consideration, then I ask that this committee amendment be voted down and that the bill passed by the Senate be favorably reported; for I am frank to say that I would honestly prefer to have this measure defeated than to have the bill passed granting her a paltry increase of \$4 a month.

Mr. RICHARDSON of Alabama. Mr. Chairman, the Committee on Pensions gave this case particular and careful attention. We have no issue to make with the gentleman from California on the worthy, honorable, and distinguished career of Colonel Hayes, but we have a fixed policy upon the part of your Committee on Pensions that applies to this case as it applies to all others, and has been enforced during the present Congress. It is this: That no consideration is given whatever in rating these matters to rank. This widow is receiving \$8 a month. It matters not whether her husband was a major-general, a brigadier-general, or a colonel, the committee has adopted a policy of allowing pensions only for service and not for rank.

That has been the universal rule regarding soldiers of the Mexican war. There is not a single exception that I can now recall, and I see no reason why there should be a departure from that conservative and wise rule in behalf of Mrs. Hayes. In accordance with that rule we have fixed this pension at \$12 a month. I have not the remotest personal feeling in the matter, but acting as I am to-day in the place of the chairman of the committee [Mr. LOUDENSLAGER], who is absent, I earnestly desire to maintain the rule established by the Committee on Pensions.

Now, there are some cases that have been before the committee which we have acted upon where we not only allow for service pension, but also for disabilities. This bill and amendment proposed by the gentleman from California goes even higher than the service and disability pension heretofore allowed by the committee, because it has never allowed a Mexican soldier more than \$25 where the soldier was disabled totally by injury or wounds received in the service. This amendment proposed by the gentleman exceeds the service pension and disability pension combined; and we ask that the amendment by the committee be adopted.

The CHAIRMAN. The question is on the committee amendment.

The question was considered; and on a division (demanded by Mr. RICHARDSON of Alabama) there were—16 ayes and 52 noes.

So the committee amendment was disagreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

SAMUEL J. LAMBDEN.

The next business on the Private Calendar was the bill (S. 4072) granting an increase of pension to Samuel J. Lambden.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Lambden, late of Company B, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee is as follows:

Strike out "twenty-five" and insert "sixteen."

The amendment recommended by the committee was agreed to. The bill was laid aside to be reported to the House with a favorable recommendation.

ROBERT WATTS.

The next business on the Private Calendar was the bill (H. R. 5877) granting a pension to Robert Watts.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Watts, late of Company H, United States Volunteer Engineers, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company H," insert "Third Regiment."

In line 7 strike out "fifty" and insert "twelve."

Mr. RICHARDSON of Alabama. Mr. Chairman, the Committee on Pensions proposed the following amendment:

In line 7, after the word "engineer," insert the words "war with Spain."

The amendment was considered, and agreed to.

The committee amendments were adopted.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARY J. FITCH.

The next business on the Private Calendar was the bill (H. R. 6434) granting a pension to Mary Fitch.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Fitch, widow of Seely J. Fitch, late of Company D, Second Regiment United States Light Artillery, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the claimant's name to "Mary J. Fitch;" and in the same line change the spelling of the soldier's name to "Seely."

In line 7 strike out "Light;" and at the end of the bill add the words: "and \$2 per month additional on account of each of the minor children of said Seely J. Fitch until they reach the age of 16 years."

Change the title so as to read: "Granting a pension to Mary J. Fitch."

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

FRANCES J. ABERCROMBIE.

The next business on the Private Calendar was the bill (H. R. 3277) granting a pension to Mrs. Frances J. Abercrombie.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Frances J. Abercrombie, widow of Abner Abercrombie, late of Ashurt's Alabama Volunteers, Indian war, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Mrs."

In line 7 strike out "Ashurt's Alabama Volunteers, Indian war," and substitute therefor "Captain Ashurst's company, Alabama Volunteers, Creek Indian war."

In line 8 strike out "twelve" and insert "eight."  
Change the title so as to read: "A bill granting a pension to Frances J. Abercrombie."

The committee amendments were agreed to.  
The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS WELLS.

The next business on the Private Calendar was the bill (H. R. 12576) granting an increase of pension to Thomas Wells.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Wells, late private, United States Marine Corps, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "United States Marine Corps," insert "war with Mexico."

In line 7 strike out "twenty" and insert "sixteen."

The committee amendments were agreed to.  
The bill was laid aside to be reported to the House with a favorable recommendation.

RICHARD G. WATKINS.

The next business was the bill (H. R. 7923) granting an increase of pension to R. G. Watkins.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place the name of R. G. Watkins on the pension roll, at the rate of \$30 per month, from and after the passage of this act, instead of and in lieu of the amount, namely, \$8 per month, now and heretofore received by said Watkins.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard G. Watkins, late ordinary seaman, United States Navy, war with Mexico, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

Change the title so as to read: "A bill granting an increase of pension to Richard G. Watkins."

The amendments were agreed to.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

ALICE D. H. KRAUSE.

The next business was the bill (H. R. 11181) granting a pension to Alice D. H. Krause.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice D. H. Krause, widow of the late Capt. William Krause, of the Third Infantry, United States Army, and pay her a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "Alice D. H. Krause" in line 6, and substitute therefor the words: "widow of William Krause, late captain, Third Regiment United States Infantry, and pay her a pension at the rate of \$30 per month."

The amendment was agreed to.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN J. MANNER.

The next business was the bill (H. R. 11787) granting a pension to John J. Manner.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Manner, late of Company B, Two hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Spain."

In line 8, strike out "thirty" and insert in lieu thereof "twenty-two."

The amendments were agreed to.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN CONTER.

The next business was the bill (H. R. 5186) granting a pension to John Conter.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Conter, late a member of Company I, Tenth Regiment United States Infantry, and pay him a pension of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the spelling of the claimant's surname to "Conter," and in the same line strike out "a member."

In line 7, after the word "pension," insert "at the rate."  
Amend the title so as to read: "A bill granting a pension to John Conter."

The amendments were agreed to.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BLACKLER.

The next business was the bill (H. R. 11623) granting an increase of pension to John Blackler.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Blackler, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH D. HARDING.

The next business was the bill (H. R. 12932) granting a pension to Elizabeth D. Harding.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth D. Harding, widow of Isaac N. Harding, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SUSAN E. CLARK.

The next business was the bill (S. 3995) granting a pension to Susan E. Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Clark, mother of James M. Clark, late of Company B, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

URIAH GARBER.

The next business was the bill (H. R. 9156) granting an increase of pension to Uriah Garber.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Garber, late of Company F, First Regiment T. H. B. Cavalry, Maryland, and pay him a pension at the rate of \$18 per month in lieu of the pension of \$12 which he now receives.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T" and insert in lieu thereof the letter "P."  
In line 7 strike out the word "Maryland" and insert in lieu thereof the words "Maryland Volunteer."

In line 8 strike out the word "eighteen" and insert in lieu thereof the word "twenty-four."

In same line strike out the words "the pension of twelve" and insert in lieu thereof the words "that he now receiving."

Strike out all of line 9.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES H. M'KNIGHT.

The next business was the bill (H. R. 11436) granting an increase of pension to James H. McKnight.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. McKnight, late of Company E, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.  
The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH ANNE HARRIS.

The next business was the bill (S. 3378) granting a pension to Sarah Anne Harris.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Anne Harris, mother of Theodore Harris, late second lieutenant Company C, Twelfth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. HATTON.

The next business was the bill (H. R. 11695) granting a pension to George W. Hatton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Hatton, late sergeant Company C, First United States Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant" and insert in lieu thereof the word "of."

In same line, after the word "First," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE R. BOYD.

The next business was the bill (H. R. 11545) granting a pension to Caroline R. Boyd.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline R. Boyd, widow of Augustus Boyd, late a captain and assistant quartermaster in the United States Army, war of the rebellion, at the rate of \$100 a month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "a."

In line 7 strike out the words "in the."

In same line strike out the word "war."

Strike out all of line 8 and insert in lieu thereof the following: "and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH D. M'CLURE.

The next business was the bill (H. R. 8026) granting a pension to Joseph D. McClure.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. McClure, late of Company F, Thirty-third Regiment of Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. REMINGTON.

The next business on the Private Calendar was the bill (H. R. 7878) granting an increase of pension to William J. Remington.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Remington, late a private in Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension of \$50 per month in lieu of the pension he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 8 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of forty."

In same line strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. SMITH.

The next business on the Private Calendar was the bill (S. 952) granting an increase of pension to George H. Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of George H. Smith, late musician, band, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWIN M. DUNNING.

The next business on the Private Calendar was the bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin M. Dunning, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HANNAH H. GRAHAM.

The next business on the Private Calendar was the bill (H. R. 7085) granting a pension to Hannah H. Graham.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah H. Graham, surviving widow of A. Judd Graham, a private in an unassigned company of Kentucky Volunteer Infantry attached to the command of Col. T. T. Garrard, in the Perryville campaign, and to pay her a pension at the rate of \$12 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah H. Graham, widow of A. Judd Graham, late of Captain Taylor's company, Kentucky Militia, and pay her a pension at the rate of \$8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

C. C. SHEETS.

The next business on the Private Calendar was the bill (H. R. 4008) granting a pension to C. C. Sheets.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place the name of C. C. Sheets upon the pension roll, and that he be paid a pension of \$50 a month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher Columbus Sheets, late an acting recruiting officer of the United States in the civil war, and pay him a pension at the rate of \$30 per month."

Amend the title so as to read: "A bill granting a pension to Christopher Columbus Sheets."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM WHEELER.

The next business on the Private Calendar was the bill (S. 2079) granting an increase of pension to William Wheeler.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wheeler, late captain Company D, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES E. MILLER.

The next business on the Private Calendar was the bill (H. R. 2615) granting a pension to Charles E. Miller.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Miller, late of Company F, Fourth New Hampshire Volunteer Infantry.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Miller, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles E. Miller."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES ALFRED DE ARNAUD.

The next business on the Private Calendar was the bill (H. R. 1047) granting an increase of pension to Charles Alfred De Arnaud.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Alfred De Arnaud, late captain on Fremont's staff, of Missouri Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Charles Alfred De Arnaud."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRIETTA GOTTWEIS.

The next business on the Private Calendar was the bill (H. R. 292) granting a pension to Henrietta Gottweis.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Gottweis, stepmother of Fred Konemann, late of Company F, Third Missouri Infantry Volunteers, and pay her a pension at the rate of \$8 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Gottweis, dependent stepmother of Frederick Koenemann, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. F. GILMAN.

The next business on the Private Calendar was the bill (H. R. 1678) granting a pension to Mary E. F. Gilman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. F. Gilman, widow of Samuel D. Gilman, late of the Stratford Guards, New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the word "Militia."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID T. NUTTLE.

The next business on the Private Calendar was the bill (H. R. 2224) granting a pension to David T. Nuttle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of David T. Nuttle, Company I, Ninety-seventh Regiment Pennsylvania Volunteers, at the rate of \$35 a month from the passage of this act.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Nuttle, late of Company I, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to David T. Nuttle."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DEWITT CLINTON LETTS.

The next business on the Private Calendar was the bill (H. R. 7901) granting a pension to De Witt Clinton Letts.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of De Witt Clinton Letts, late corporal of Company C, One hundred and thirty-ninth Regiment New York Volunteer Infantry, war of rebellion, upon the pension roll, and to grant him a pension of \$25 per month from date of his application, No. 1242715.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewitt Clinton Letts, late of Company C, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to Dewitt Clinton Letts."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERTINE SCHOENECKER.

The next business on the Private Calendar was the bill (S. 4414) granting an increase of pension to Albertine Schoenecker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albertine Schoenecker, widow of John W. Schoenecker, late captain Company C, Forty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. RIGHTMIRE.

The next business on the Private Calendar was the bill (H. R. 12899) granting an increase of pension to William H. Rightmire.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Rightmire, late of Company K, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES P. MAXWELL.

The next business on the Private Calendar was the bill (H. R. 2470) granting an increase of pension to Charles P. Maxwell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Maxwell, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WARREN W. H. LAWRENCE.

The next business on the Private Calendar was the bill (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren W. H. Lawrence, late captain and assistant adjutant-general, United States Volunteer Infantry, and pay to him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the word "Volunteers."

In the same line strike out the word "to."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PETER BITTMAN.

The next business on the Private Calendar was the bill (S. 2329) granting an increase of pension to Peter Bittman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Bittman, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.



## WILLIAM H. VAN RIPER.

The next business on the Private Calendar was the bill (H. R. 5984) granting an increase of pension to William H. Van Riper. The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Van Riper, late of Company G, Fifth Regiment New York Heavy Artillery Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."  
In same line strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## MARY J. ADAMS.

The next business on the Private Calendar was the bill (H. R. 6402) granting a pension to Mary J. Adams.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Adams, widow of John D. C. Adams, late of Company A, First Maryland Volunteer Infantry, and pay her a pension at the rate of \$15 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8, and insert in lieu thereof the following: "of Mary J. Adams, widow of John Adams, late of Company A, First Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$12 per month, such pension, however, to cease upon proof that said John Adams is still living."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to place in the RECORD as a part of my remarks a petition, not upon this particular question but another question, referring to the repeal of the tax on tobacco. Without taking up the committee's time, I will ask unanimous consent to put it in the RECORD as a part of my remarks. It is very short, only a couple of typewritten pages.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may place in the RECORD as a part of his remarks upon the bill the document which he sends to the Clerk's desk. Without objection this permission will be granted. The Chair hears no objection.

The petition is as follows:

At a mass meeting in Clarksville, Tenn., on April 7, 1902, the following was agreed upon:

To the honorable Chairman of the Ways and Means Committee:

We, your petitioners, in behalf of ourselves and children, and in behalf of the 300,000 toilers in the tobacco field, one-half of whom are colored and one-half white, and in behalf of the wives and children of said 300,000 field laborers, numbering about one and a half millions, all of whom are dependent largely for food and clothes on what money they get for their tobacco, now impoverishingly low by depression of prices caused by and striven for by the tobacco manufacturers and their association combines, and in behalf of justice and right and government equity to all toilers in the field, pray your honorable committee to repeal all tax on manufactured tobacco, because the tax on it enables the manufacturer of large means to crush manufacturers of moderate amount of money by dropping the price below cost in the consumer's market for a time, or as long as may be necessary to crush the manufacturer of small money, when they quickly recover losses sustained in crushing their opponents of small and moderate means by raising prices to consumers.

This they have done till the men of small means know the manufacturers' combine and their associates, consisting largely of those who buy for emperors and kings, will make them lose the money they put into the business of manufacturing tobacco, and therefore the manufacturers' combine, by reason of the tax of 6 cents a pound, have all power over the markets when the growers have to sell the product of their toil, and this power they exercise with such greedy oppression as impoverishes the laborer in the tobacco field; and as long as the tax of 6 cents on the pound of manufactured tobacco continues among the internal-revenue laws of the United States the Government virtually handcuffs the poorly paid laborer in the tobacco field and invites the cupidity of the wealthy manufacturers of tobacco to rob him and his wife and children.

If your honorable committee can not arrange sufficient revenue without some tax on tobacco, we, as men who have responded with our money and our blood for the maintenance of our Government, ask and pray that it be reduced to 2 or 3 cents, as this will diminish the power of the manufacturers' combine to crush out all competition in our selling markets. Then, too, as to revenue, the Government would get as much money likely with a tax of 3 cents as with a tax of 6 cents, because the price to consumers would be so much lower that they would buy more, perhaps two or three times as much of it, for now the average price paid by consumers for chewing and smoking tobacco is about 75 cents a pound, whereas if the tax was reduced to 2 or 3 cents a pound men of small and moderate means and of enterprise would engage in the business of manufacturing and could stay in the business, because the tax of 2 or 3 cents a pound would be largely saved by these small manufacturers in various economies not easily in the reach of the now manufacturing monopoly.

Still, if your honorable committee can not so abolish or reduce the internal-revenue tax on manufactured tobacco, then we pray your committee to repeal all laws and parts of laws putting any tax on leaf tobacco with the stem in it, and to enact a law plainly declaring that leaf tobacco with the stem in it may be bought and sold free from any tax, and that dealers in leaf tobacco with the stem in it shall not be liable to any molestation by any United States officers, but that dealers in leaf tobacco with the stem in

it shall be as free from Government interference and Government tax as our dealers in wool, or cotton, or sugar, or wheat, or corn.

And we, your memorialists, will ever remain, with grateful remembrance, your humble and respectful petitioners.

J. A. ROLLO, Chairman.  
W. S. ZILAFRO, Secretary.

## JAMES CURLEY.

The next business on the Private Calendar was the bill (H. R. 7312) granting an increase of pension to James Curley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Curley, late of Company D, Fifth United States Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company D" and insert in lieu thereof the words "Troop B."

In same line, after the word "Fifth," insert the word "Regiment."

In line 7 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## AARON S. POST.

The next business on the Private Calendar was the bill (H. R. 10908) granting an increase of pension to Aaron S. Post.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron S. Post, late of Company H, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## JAMES MERRICK.

The next business on the Private Calendar was the bill (H. R. 11325) granting an increase of pension to James Merrick, sergeant, Company I, One hundred and thirty-third Regiment.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Merrick, late of Company I, One hundred thirty-third Regiment Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "thirty," insert the word "and."

In line 7, after the word "Regiment," insert the words "New York."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to James Merrick."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## BENJAMIN F. H. LUCE.

The next business on the Private Calendar was the bill (S. 3849) granting an increase of pension to Benjamin F. H. Luce.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. H. Luce, late principal musician Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## WILLIAM H. HOXIE.

The next business on the Private Calendar was the bill (H. R. 6750) granting a pension to William H. Hoxie.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hoxie, late captain of Company M, Eighth Regiment Iowa Cavalry, and pay him a pension of \$72 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hoxie, late captain Company M, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William H. Hoxie."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## EDGAR A. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 11644) granting a pension to Edgar A. Hamilton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Edgar A. Hamilton, captain Company C, First New York Mounted Rifles, war of the rebellion, on the pension roll, and grant him a pension of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar A. Hamilton, late captain Company C, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edgar A. Hamilton."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## SIDNEY CABLE.

The next business on the Private Calendar was the bill (H. R. 11977) granting a pension to Sidney Cable, widow of Coonrod Cable.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney Cable, widow of Coonrod Cable, late of Company C, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "C" and insert in lieu thereof the letter "K." In the same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Sidney Cable."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## ABBY T. DANIELS.

The next business on the Private Calendar was the bill (H. R. 10821) granting a pension to Abbie J. Daniels.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie J. Daniels, the deaf-mute child of John C. Daniels, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Abby T. Daniels, widow of John C. Daniels, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided, however,* That in the case of the death of the helpless and dependent child, Abbie J. Daniels, on whose account the pension of Abby T. Daniels is increased, the pension of said Abby T. Daniels shall continue only at the rate of \$12 per month from and after the date of death of said helpless child."

Amend the title so as to read: "A bill granting an increase of pension to Abby T. Daniels."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## ERNEST WAGNER.

The next business on the Private Calendar was the bill (H. R. 7903) granting an increase of pension to Ernest Wagner.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernest Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Volunteer," insert the words "State Militia."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## CHRISTIAN CHRISTIANSON.

The next business on the Private Calendar was the bill (H. R. 7228) granting an increase of pension to Christian Christianson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christian Christianson, late of Company H, First Regiment Wisconsin Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Wisconsin," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## CAROLINE M. STONE.

The next business on the Private Calendar was the bill (H. R. 12165) granting an increase of pension to Caroline M. Stone.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline M. Stone, widow of William M. Stone, late colonel Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The Clerk read the committee amendment, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Mr. LLOYD. Mr. Chairman, I hope the committee amendment in this instance will not be adopted. This is certainly a very meritorious case. The person applying for a pension in this instance is the widow of ex-Governor Stone, of Iowa. The soldier served for over two years very effectively in the Army, and rendered valuable services, and at the time his services ceased he was colonel in the Army; but by reason of a nomination for governor of the State of Iowa at that time, he resigned his position in the service and became governor of the State.

This applicant for the pension, the widow in this instance, was a war widow. She married him in 1857. She now, since the death of her husband, is very poor. He left her no property. He did not even leave her the exemptions that would be permitted under the law. She is now drawing \$8 a month pension. She is greatly afflicted. She is paralyzed, and she needs the attention of some individual at all times. She is in such a condition that she needs help at the hands of the Government. If any of these cases are meritorious, it seems to me that this one is; and it is very important, if I understand the situation, and I think I do, because I have seen her myself and know something of her physical condition. We feel that it would be nothing but justice in this case, and that the committee amendment ought to be voted down. I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, in 1861 I was a private soldier in the Third Regiment Iowa Infantry Volunteers, in which Governor Stone entered the service. He was judge of the district court when the war broke out, and the day after the firing on Fort Sumter he ordered the clerk to "adjourn the court until after the war," closed the docket and went home, raised a company and went into the Third Iowa Infantry; afterwards became a major of that regiment, and was wounded at the battle of Blue Mills. He was promoted to colonel of the Twenty-second Iowa, and in the assault on the enemy's works at Vicksburg was severely wounded. He went home on leave, with his arm in a sling, and waiting for his arm to heal he happened to be at the convention of his party, when they took him up and nominated him for governor of Iowa, and elected him almost by acclamation.

He was in public life a long time—four years as governor, Commissioner of the Land Office under the Harrison Administration—and after his long service died poor, leaving his wife nothing. He was an able man, but money making was not his strong point. His wife is now old and entirely paralyzed and helpless, and to grant her a pension of \$30 a month under these circumstances, it seems to me, would be a very just action on the part of the House. I am satisfied that the Committee on Pensions, with a full understanding of the situation in this case, will not disagree with me when I say that the amendment ought to be withdrawn.

Mr. CALDERHEAD. Mr. Chairman, on behalf of the committee I ask leave to withdraw the amendment and allow the bill to pass as it was originally.

Mr. GAINES of Tennessee. I did not hear what the gentleman said.

Mr. LLOYD. The gentleman withdraws the amendment on behalf of the committee.

Mr. GAINES of Tennessee. That is right.

Mr. CHAIRMAN. The gentleman from Kansas, on behalf of the committee, asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none, and the amendment is withdrawn.

The bill was laid aside to be reported to the House with a favorable recommendation.

## GILBERT G. GABRION.

The next business on the Private Calendar was the bill (H. R. 5911) granting an increase of pension to Gilbert G. Gabrion.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Gilbert G. Gabrion, late of Company H, Thirteenth Regiment New York Heavy Artillery, at the rate of \$50 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert G. Gabrion, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES ALLEN.

The next business on the Private Calendar was the bill (S. 3390) granting an increase of pension to Charles Allen.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Allen, late of Company A, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WESLEY BRUMMETT.

The next business on the Private Calendar was the bill (H. R. 12420) granting a pension to Wesley Brummett.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley Brummett, late of Company F, Twenty-seventh Missouri Cavalry, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Wesley Brummett, late of Company F, Twenty-seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON BROWN.

The next business on the Private Calendar was the bill (H. R. 12855) granting an increase of pension to Milton Brown.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Brown, late of Company A, Fourth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Mounted."  
In line 8 strike out the word "fifty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES D. LAFFERTY.

The next business on the Private Calendar was the bill (H. R. 11133) granting an increase of pension to James D. Lafferty.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Lafferty, late a private in Company K, Fifty-eighth Illinois Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."  
In line 7, before the word "Illinois," insert the word "Regiment."  
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRENUS LARRABEE.

The next business was the bill (H. R. 8409) granting an increase of pension to Cyrenus Larrabee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrenus Larrabee, late of Company H, Eighty-fifth Regiment New York Volunteer Infantry, and

pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN ROBINSON.

The next business was the bill (H. R. 8237) granting an increase of pension to John Robinson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Robinson, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY STONE.

The next business was the bill (H. R. 6003) granting a pension to Mary C. Stone.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Stone, widow of George A. Stone, late colonel Twenty-fifth Regiment Iowa Volunteer Infantry, brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C."  
In line 7 strike out the word "brevet."  
In line 8 strike out the words "brigadier-general, United States Volunteers."  
In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."  
Amend the title so as to read: "A bill granting a pension to Mary Stone."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB SMITH.

The next business was the bill (H. R. 12976) granting a pension to Jacob Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Jacob Smith, late of Company G, One hundred and seventh Ohio Volunteer Infantry, on the pension roll at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Smith, late of Company G, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES AMBROOK.

The next business was the bill (S. 951) granting an increase of pension to Charles Ambrook.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Ambrook, late of Company K, Second Regiment Michigan Volunteer Cavalry, and first lieutenant Company B, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. WERTZ.

The next business was the bill (H. R. 11920) granting an increase of pension to George W. Wertz.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wertz, Company A, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, and agreed to, as follows:

In line 6, before the word "Company," insert the words "late of."

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES COOLEY.

The next business was the bill (H. R. 11091) granting an increase of pension to James Cooley, Company F, Thirty-first Ohio Volunteer Infantry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Cooley, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to James Cooley."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH H. LAKE.

The next business was the bill (H. R. 10449) granting an increase of pension to Sarah H. Lake.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah H. Lake, widow of Charles R. Lake, late of Company F, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH STEELE.

The next business was the bill (S. 1285) granting an increase of pension to Elizabeth Steele.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Steele, widow of James Steele, late first lieutenant Company K, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS SHERRY.

The next business was the bill (H. R. 5460) granting an increase of pension to Thomas Sherry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas Sherry, late a member of Company K, Fourth Michigan Volunteer Infantry.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Sherry, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving."

Mr. GAINES of Tennessee. Mr. Chairman, I beg the indulgence of the committee for two or three minutes. I have been absent from the city, and since my return I have not been able to be at the House and was not able to place in the RECORD my remarks (extended) on the river and harbor bill. This morning I received some information which I did not have when the river and harbor bill was pending here, information which has been hard to get. This information, received from the Commissioner of Labor, is very pertinent to the river and harbor bill, which is now pending in the Senate and, of course, will come back to the House. And I ask the indulgence of the committee, in view of the fact that I have just received this information and was unable to extend my remarks under the rule, for the reason that I did not have this information.

These two pages of figures give the assessed valuation of the real and personal property of the counties that abut on the Cumberland River from its beginning. I think, to its mouth, and the counties which adjoin the abutting counties, but which do not abut on the river. In other words, it shows the assessed valuation of the real and personal property two counties deep on each side of the Cumberland River. I will not take up the time of the committee to read these figures, but it is important to have them, and I ask the committee to allow me to place them in the RECORD.

Mr. CALDERHEAD. Mr. Chairman, I do not think the matter the gentleman refers to has the slightest relation to any of the pending pension bills, and that the Committee of the Whole might give unanimous consent for the transaction of business before it, but not for the transaction of business of the House.

Mr. GAINES of Tennessee. I can not hear the distinguished gentleman from Kansas. He has addressed the committee twice

this morning, but neither time did I hear a word he said. I hope the gentleman heard what I stated—that is, that we were all allowed to "extend" our remarks on the river and harbor bill, but I did not have and could not get this authentic information until this morning, and the time to extend my remarks has expired. Now, I have the desired information. It is very pertinent to the matter discussed in the House at the time the river and harbor bill was being discussed here, and which will be discussed in the Senate in a day or two. I hope the gentleman will indulge me that courtesy under the circumstances.

Mr. CALDERHEAD. I have not the slightest objection to the gentleman's asking unanimous consent of the House at the proper time, but I object to lumbering up the record of business upon the Private Calendar with discussion of matter that pertains to general legislation.

The CHAIRMAN. The Chair thinks that the insertion of the remarks the gentleman refers to in the RECORD would need to be by unanimous consent, and the gentleman from Kansas objects. The Chair assumes it can be done in the House.

Mr. GAINES of Tennessee. I ask the indulgence of the committee, then, to read just a few conclusions at the end. It will take but very little time—just a minute or two.

Mr. CALDERHEAD. If the gentleman is making an amendment to a pension bill pending, I have no objection to his speaking to that, but the question of the taxation of four counties in Tennessee has nothing to do with the matter pending before the committee at this time.

Mr. GAINES of Tennessee. Very well, Mr. Chairman, I will not insist, but I want to say to the gentleman that he is treating this material matter and the man who proposes it not with that consideration and courtesy with which I have always treated the pension advocates and lovers of pension laws, who hardly ever come here except to enact pension laws, whereas I have come here day after day, and sometimes night after night, and am here now to help the gentleman pass his just pension laws and fight his unjust pension bills. Yet the gentleman is now inconsiderate in his action toward me.

Mr. CALDERHEAD. Mr. Chairman, I have only to say that the gentleman is extending his distinguished consideration and courtesy to the committee. I have no objection to that part of it.

The CHAIRMAN. The Chair will state that the gentleman from Tennessee asks unanimous consent to include in his remarks upon the bill now pending the statement which he has outlined to the committee, and the Chair will ask if there is objection.

Mr. CALDERHEAD. I object.

The CHAIRMAN. The gentleman from Kansas objects. The question is on the amendment of the pending bill.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES VAN ZANT.

The next business on the Private Calendar was the bill (H. R. 5273) granting an increase of pension to James Van Zant.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Van Zant, late second assistant engineer United States steamer Mound City, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "acting."

In line 7 strike out the words "steamer Mound City" and insert in lieu thereof the word "Navy."

In line 8 strike out the word "thirty" and insert in lieu thereof the words "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FLORIAN V. SIMS.

The next business on the Private Calendar was the bill (H. R. 5146) granting an increase of pension to Florian V. Sims.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florian V. Sims, widow of Alexander Sims, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month, and one minor child at \$2 per month, in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 9 and 10 and insert in lieu thereof the following: "and \$2 per month additional on account of the minor child of the soldier until such child shall have arrived at the age of 16 years, in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.



## WILLIAM HOAG.

The next business on the Private Calendar was the bill (S. 2327) granting an increase of pension to William Hoag.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hoag, late of Company F, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## JAMES F. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 1257) for the relief of James F. Campbell, of Charleston, Bradley County, Tenn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James F. Campbell, of Charleston, Bradley County, Tenn., late first lieutenant Company G, Eleventh Tennessee Cavalry, on the pension roll, and pay to said Lieutenant Campbell the sum of \$36 per month as a pension instead of \$8 per month, which he now receives, for disabilities incurred while in the United States service and necessarily resulting therefrom.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Campbell, late first lieutenant Company G, Eleventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James F. Campbell."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## ELLEN W. RICE.

The next business on the Private Calendar was the bill (H. R. 884) granting a pension to Ellen W. Rice.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ellen W. Rice, widow of Francis G. Rice, late of Company K, Seventh Regiment of Wisconsin Volunteer Infantry, and pay her a pension of \$20 a month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen W. Rice, widow of Francis G. Rice, late second lieutenant Company I, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Ellen W. Rice."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## JOHN S. WHITLEGE.

The next business on the Private Calendar was the bill (H. R. 1605) granting a pension to J. S. Whitlege.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States, at the rate of \$20 per month, the name of J. S. Whitlege, of Bullitt County, Ky., late a private in Company F, in the Twenty-eighth Regiment of Kentucky Volunteer Infantry in the Army of the United States in the war of the rebellion, and to issue to him a certificate therefor.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Whitlege, late of Company F, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

Amend the title so as to read: "A bill granting a pension to John S. Whitlege."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## ALFRED HATFIELD.

The next business on the Private Calendar was the bill (H. R. 1466) granting a pension to Alfred Hatfield.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Hatfield, late a private in Company I, Twenty-third Regiment of Missouri Infantry Volunteers, and pay him a pension at the rate of \$25 per month from this date, without regard to any sum or sums of money he has heretofore received on account of pensions heretofore allowed him.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "of Alfred Hatfield, late of Company I, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## JOHN PETERSON.

The next business on the Private Calendar was the bill (S. 3388) granting an increase of pension to John Peterson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Peterson, late of Company E, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## JAMES C. G. SMITH.

The next business on the Private Calendar was the bill (H. R. 3756) granting a pension to James C. G. Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. G. Smith, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of any pension he is now drawing.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

In same line strike out the words "any pension" and insert in lieu thereof the word "that."

In line 9 strike out the word "drawing" and insert in lieu thereof the word "receiving."

Amend the title so as to read: "A bill granting an increase of pension to James C. G. Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## ADELBERT L. ORR.

The next business on the Private Calendar was the bill (H. R. 1346) granting a pension to Adelbert L. Orr.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelbert L. Orr, late a private, unassigned, Maine Volunteer Infantry, and pay him a pension at the rate of \$72 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who announced that the President had approved and signed bills of the following titles:

On April 11, 1902:

H. R. 610. An act to correct the military record of John F. Antlitz;

H. R. 6196. An act transferring a lot in Woodland Cemetery to city of Quincy, Ill.;

H. R. 12095. An act to amend section 4883 of the Revised Statutes, relating to the signing of letters patent for inventions;

H. R. 283. An act granting an increase of pension to Robert M. McCullough;

H. R. 725. An act granting an increase of pension to Joseph B. Arbaugh;

H. R. 809. An act granting an increase of pension to James P. Burchfield;

H. R. 918. An act granting an increase of pension to Charles Misner;

H. R. 1190. An act granting an increase of pension to Albert S. Whittier;

H. R. 1275. An act granting an increase of pension to Charles W. Thomas;

H. R. 1278. An act granting an increase of pension to La Myra V. Kendig;  
 H. R. 1938. An act granting an increase of pension to Michael Farrell;  
 H. R. 1714. An act granting an increase of pension to Levi H. Winslow;  
 H. R. 1938. An act granting an increase of pension to Helen V. Roser;  
 H. R. 2287. An act granting an increase of pension to George McDaniel;  
 H. R. 12315. An act granting an increase of pension to James Todd;  
 H. R. 2273. An act granting a pension to Martha A. De Lamater;  
 H. R. 10486. An act granting a pension to Alida Payne;  
 H. R. 5712. An act granting a pension to Alice Bozeman;  
 H. R. 8471. An act granting a pension to Eliza A. Wright;  
 H. R. 8651. An act granting a pension to Maggie Helmbold;  
 H. R. 10415. An act granting a pension to Sarah M. Smith;  
 H. R. 2545. An act granting an increase of pension to Isaac H. Crim;  
 H. R. 3275. An act granting an increase of pension to William G. Johnson;  
 H. R. 5327. An act granting an increase of pension to William H. Mackey;  
 H. R. 6016. An act granting an increase of pension to William J. Overman;  
 H. R. 6438. An act granting an increase of pension to Matthew C. Medbury;  
 H. R. 6687. An act granting an increase of pension to Lorenzo Blackman;  
 H. R. 7250. An act granting an increase of pension to Margaret Hendry;  
 H. R. 8048. An act granting an increase of pension to James A. Bramble;  
 H. R. 9621. An act granting an increase of pension to Andrew Y. Transue;  
 H. R. 9791. An act granting an increase of pension to John Reep;  
 H. R. 9848. An act granting an increase of pension to Joseph Cowgill;  
 H. R. 10141. An act granting an increase of pension to William R. Armstrong;  
 H. R. 10692. An act granting an increase of pension to David C. Maples; and  
 H. R. 11053. An act providing for the issuance of patent to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes.  
 On April 12, 1902:  
 H. R. 10530. An act to repeal war-revenue taxation, and for other purposes.

DAVID TOPPER.

The committee resumed its session.  
 The next business on the Private Calendar was the bill (H. R. 12422) granting an increase of pension to David Topper.  
 The bill was read, as follows:  
*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Topper, late of Company E, One hundred and sixty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.  
 The amendments recommended by the committee were read, as follows:  
 In line 6 strike out the letter "E" and insert in lieu thereof the letter "C."  
 In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."  
 The amendments were agreed to.  
 The bill as amended was ordered to be laid aside with a favorable recommendation.

ELEANORE F. ADAMS.

The next business on the Private Calendar was the bill (H. R. 11686) granting a pension to Eleanore F. Adams.  
 The bill was read, as follows:  
*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanore F. Adams, widow of William S. Adams, a contract surgeon during the war of the rebellion, and pay her a pension at the rate of \$12 per month.  
 The amendments recommended by the committee were read, as follows:  
 In line 6 strike out the word "Eleanore" and insert in lieu thereof the word "Eleanore."  
 And in lines 6 and 7 strike out the words "a contract surgeon during the war of the rebellion" and insert in lieu thereof the words "late acting assistant surgeon, United States Army."  
 Amend the title so as to read: "A bill granting a pension to Eleanore F. Adams."  
 The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY J. GILLAM.

The next business on the Private Calendar was the bill (H. R. 10954) granting a pension to Mary J. Gillam.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Gillam, widow of James Gillam, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "G" and insert in lieu thereof the letter "K."  
 In same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."  
 In line 8, after the word "month," insert the words "in lieu of that she is now receiving."  
 Amend the title so as to read: "A bill granting an increase of pension to Mary J. Gillam."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN E. MORGAN.

The next business on the Private Calendar was the bill (H. R. 10222) granting a pension to Benjamin E. Morgan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin E. Morgan, late of Company H, Twelfth Kentucky Cavalry, and pay him a pension at the rate of \$30 per month in lieu of any pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Twelfth," insert the word "Regiment."  
 In line 7, before the word "Cavalry," insert the word "Volunteer."  
 In same line strike out the word "thirty" and insert in lieu thereof the word "twenty."  
 In line 8 strike out the words "any pension" and insert in lieu thereof the word "that."  
 Amend the title so as to read: "A bill granting an increase of pension to Benjamin E. Morgan."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA SOPHIA HARPER CILLEY.

The next business on the Private Calendar was the bill (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Sophia Harper Cilley, widow of Clinton A. Cilley, late major and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NELSON CHURCHILL.

The next business on the Private Calendar was the bill (H. R. 8698) granting an increase of pension to Nelson Churchill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Churchill, late of Company D, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE E. BROWN.

The next business on the Private Calendar was the bill (S. 4022) granting an increase of pension to Annie E. Brown.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Brown, widow of Frederick T. Brown, late chaplain Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GIBBONEY F. HOOP.

The next business on the Private Calendar was the bill (H. R. 8457) granting an increase of pension to G. F. Hoop.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. F. Hoop, late surgeon Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$75 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the word "Gibboney."

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Gibboney F. Hoop."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. SMITH.

The next business on the Private Calendar was the bill (H. R. 7882) granting an increase of pension to John H. Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Smith, late of Company E, Eighty-fourth Illinois Infantry, and pay him a pension of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Illinois," insert the word "Regiment."

In same line, after the word "Illinois," insert the word "Volunteer."

In line 7 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE SHINN.

The next business on the Private Calendar was the bill (H. R. 7541) granting a pension to Annie Shinn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie Shinn, widow of Nehemiah Shinn, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mrs."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Annie Shinn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EGBERT A. STRICKSMA.

The next business on the Private Calendar was the bill (H. R. 5554) granting a pension to Egbert A. Stricksma.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is, authorized and directed to place upon the pension roll, subject to the statutes and limitations of the pension laws, the name of Egbert A. Stricksma, late a seaman on board U. S. S. *Brooklyn*, United States Navy.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Egbert A. Stricksma, late of the U. S. S. *North Carolina* and *Brooklyn*, United States Navy, and pay him a pension at the rate of \$8 per month."

Mr. TIRRELL. Mr. Chairman, I move to amend the committee amendment by striking out the word "eight" and inserting in lieu thereof the word "sixteen;" so as to make it read "\$16 per month."

Mr. SULLOWAY. If the gentleman will make it "twelve" instead of "sixteen," the committee will accept it.

Mr. TIRRELL. I will modify that and make it "twelve," Mr. Chairman.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALVIN DUCKWORTH.

The next business on the Private Calendar was the bill (H. R. 3330) granting a pension to Calvin Duckworth.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Calvin Duckworth, late a private in Company H, Sixty-third Regiment of Missouri Enrolled Militia, and to pay him a pension of \$30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin Duckworth, late of Company H, Sixty-third Regiment Missouri Volunteer Infantry (Enrolled Militia), and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY RUNNELS.

The next business on the Private Calendar was the bill (H. R. 1478) granting an increase of pension to Henry Runnels.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Runnels, late captain of Company E, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 3, after the word "and," insert the word "he."

In line 6, before the word "Company," strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. LAUCHLEY.

The next business on the Private Calendar was the bill (H. R. 8840) granting a pension to J. H. Lauchley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. Lauchley, late of Company F, Ninth Regiment Illinois Volunteers, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of John H. Lauchley, late second lieutenant Company H, One hundred and tenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John H. Lauchley."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

H. J. ROWELL.

The next business on the Private Calendar was the bill (H. R. 11621) to correct the military record of H. J. Rowell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion now standing against the military record of H. J. Rowell, late of Company E, Forty-eighth Regiment New York Volunteer Infantry, and issue to him an honorable discharge.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That for the purposes of the act of Congress approved March 2, 1889, entitled 'An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico,' and the acts amendatory thereof, H. J. Rowell shall be held and considered to have been prevented from completing his term of enlistment as a private of Company E, Forty-eighth Regiment New York Volunteer Infantry, by reason of injury received in line of duty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI WELLS.

The next business on the Private Calendar was the bill (H. R. 9723) granting an honorable discharge to Levi Wells.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion on the records of the War Department against Levi Wells, now of Spencerville, Allen County, Ohio, late a private of Company F, Twenty-fifth Ohio Volunteer Infantry, and a detail to the Twelfth Ohio Battery, and grant him an honorable discharge.

The amendment recommended by the committee was read, as follows:

*Provided, That* no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RODNEY W. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 962) granting a pension to Rodney W. Anderson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Rodney W. Anderson, late acting assistant surgeon, United States Army, at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rodney W. Anderson, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARVEY B. LINTON.

The next business was the bill (H. R. 8145) granting an increase of pension to Harvey B. Linton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey B. Linton, late first sergeant and brevet second lieutenant in Company I of the Sixth Iowa Infantry, and pay him a pension at the rate of \$24 per month in lieu of that which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey B. Linton, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BRILL.

The next business was the bill (H. R. 6063) granting an increase of pension to John Brill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brill, late of Company H, One hundred and eighty-sixth Regiment New York Infantry Volunteers, and pay him a pension of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers," and in same line, after the word "New York," insert the word "Volunteer."

In line 8, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOSES WHITCOMB.

The next business was the bill (H. R. 9950) granting an increase of pension to Moses Whitcomb.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Whitcomb, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS J. PLEASANT.

The next business was the bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Pleasant, late of Company H, Fifth Regiment Tennessee Infantry, Mexican war, and Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10, and insert in lieu thereof the following: "of Thomas J. Pleasant, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BEESON.

The next business was the bill (H. R. 2817) granting a pension to John Beeson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beeson, late a soldier in Company G, Seventy-ninth Indiana Volunteers, and pay him a pension at the rate of \$25 per month in lieu of the pension he is now drawing.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Beeson, late of Company G, Seventy-ninth Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Beeson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY E. WILLIAMS.

The next business was the bill (H. R. 1105) granting an increase of pension to Henry E. Williams.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Williams, late of Company B, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN D. CAMPBELL.

The next business was the bill (H. R. 7367) granting a pension to Ellen D. Campbell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ellen D. Campbell, widow of Jerome T. Campbell, late a member of Company B, One hundred and seventy-first Regiment Ohio Infantry Volunteers, at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen D. Campbell, widow of Jerome T. Campbell, late of Company B, One hundred and seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. HELMCAMP.

The next business was the bill (H. R. 13146) granting an increase of pension to Charles H. Helmcamp.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Helmcamp, late of Company A, First Regiment Texas Cavalry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MATTHEWS.

The next business on the Private Calendar was the bill (H. R. 2486) granting an increase of pension to William Matthews.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Matthews, late of Company B, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.



The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES DALRYMPLE.

The next business was the bill (H. R. 1528) granting an increase of pension to Charles Dalrymple.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Dalrymple, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK O. CLARK.

The next business was the bill (H. R. 12148) granting an increase of pension to Frederick O. Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick O. Clark, late of Company H, Seventy-sixth Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Seventy-sixth," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. BARRY.

The next business was the bill (H. R. 9544) granting a pension to George W. Barry.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Barry, late of Company H, Second Regiment Berdan's United States Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Berdan's."

In same line, before the word "Sharpshooters," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY RUNNEBAUM.

The next business on the Private Calendar was the bill (H. R. 2660) granting an increase of pension to Henry Runnebaum.

The bill was read, as follows:

*Be it enacted, etc.,* That the pension of Henry Runnebaum be, and the same is hereby, increased from \$12 per month to \$50 per month; and the Secretary of the Interior is directed to enter said Henry Runnebaum on the rolls at \$50 per month.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Runnebaum, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 10795) granting an increase of pension to William A. Campbell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Campbell, late of Company G, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANCIS W. ANDERTON.

The next business on the Private Calendar was the bill (H. R. 12037) granting an increase of pension to Frank W. Anderton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank W. Anderton, late a private in Company I, Eleventh Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the word "Frank" and insert in lieu thereof the word "Francis."

In same line strike out the words "a private in" and insert in lieu thereof the words "first lieutenant."

In line 7, before the word "Ohio," insert the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Francis W. Anderton."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES M. MONTGOMERY.

The next business on the Private Calendar was the bill (H. R. 11783) granting an increase of pension to Charles M. Montgomery.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Montgomery, of Limestone County, Ala., late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "of Limestone County, Alabama."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT A. PINN.

The next business on the Private Calendar was the bill (H. R. 9819) granting an increase of pension to Robert A. Pinn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$50 per month, in lieu of the pension he is now receiving, the name of Robert A. Pinn, late a member of Company I, Fifth Regiment United States Colored Infantry, and now a resident of Massillon, Ohio.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert A. Pinn, late of Company I, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM WARNER.

The next business on the Private Calendar was the bill (H. R. 10899) granting an increase of pension to William Warner.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Warner, late of Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

Amend the title so as to read: "A bill granting an increase of pension to William Warner."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN LILLEY.

The next business on the Private Calendar was the bill (H. R. 12995) granting an increase of pension to John Lilley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lilley, late a private in Company F, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## GEORGE K. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 4451) granting an increase of pension to George K. Thompson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George K. Thompson, late a landsman, United States ship Connecticut, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "United States ship" and insert in lieu thereof the letters "U. S. S."

In line 7, after the word "Connecticut," insert the words "United States Navy."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## FREDERICK A. SLOCUM.

The next business on the Private Calendar was the bill (H. R. 3524) granting an increase of pension to Frederick A. Slocum.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick A. Slocum, formerly a private of Company B, Seventh Massachusetts Volunteer Infantry, serving in the war of the rebellion, at the rate of \$30 per month, which rate of \$30 per month shall be in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick A. Slocum, late of Company B, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Frederick A. Slocum."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## AURELIA M. POWER.

The next business on the Private Calendar was the bill (H. R. 7110) granting an increase of pension to Mrs. B. F. Power.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby is, authorized and directed to grant an increase of pension to Mrs. B. F. Power, widow of Benjamin F. Power, late captain Company C, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her at the rate of \$25 per month in lieu of the pension which she is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia M. Power, widow of Benjamin F. Power, late first lieutenant Company C, One hundred and twenty-second Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Aurelia M. Power."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## WILLIAM L. CHURCH.

The next business on the Private Calendar was the bill (H. R. 12977) granting an increase of pension to William L. Church.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William L. Church, late of Company B, Forty-seventh Ohio Volunteer Infantry, on the pension roll at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Church, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## WILLIAM G. BUCHANAN.

The next business on the Private Calendar was the bill (H. R. 6897) granting an increase of pension to William G. Buchanan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Buchanan, late a private in Company B, Twenty-sixth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of \$50 a month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

In the same line strike out the word "a" and insert in lieu thereof the word "per."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## MARGARET A. STUART.

The next business on the Private Calendar was the bill (H. R. 1238) granting a pension to Margaret A. Stuart.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Stuart, widow of Iley T. Stuart, late of the Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of \$8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out all after the word "Stuart," and all of lines 7, 8, and 9, and insert in lieu thereof the following: "late of the Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of \$8 per month."

Amend the title so as to read: "A bill granting a pension to Margaret A. Stuart."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## SARAH L. BATES.

The next business on the Private Calendar was the bill (H. R. 12683) granting a pension to Sarah L. Bates.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah L. Bates, widow of Joseph J. Bates, late of Company C, First Battery Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Battery" and insert in lieu thereof the word "Battalion."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## DAVID T. BRUCK.

The next business on the Private Calendar was the bill (H. R. 3262) granting an increase of pension to David T. Bruck.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Bruck, late of Company H, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of David T. Bruck, late hospital steward, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## WILLIAM KUNSELMAN.

The next business on the Private Calendar was the bill (H. R. 11170) granting an increase of pension to William Kunselman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kunselman, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

## CARRIE M. SCHOFIELD.

The next business on the Private Calendar was the bill (H. R. 12770) granting a pension to Carrie M. Schofield.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions



and limitations of the pension laws, the name of Carrie M. Schofield, widow of the late Walter Schofield, late corporal, Company I, Ninth Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Carrie M. Schofield, widow of Walter Schofield, late of Company I, Ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Carrie M. Schofield."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL L. MALLICOAT.

The next business on the Private Calendar was the bill (H. R. 8323) to pension Daniel L. Mallicoat.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States the name of Daniel L. Mallicoat, late a captain of Company N, Greene County, Mo., Home Guards, and to pay him a pension of \$50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel L. Mallicoat, late captain, Company N, Greene County, Mo., Home Guards, and pay him a pension at the rate of \$10 per month."

Amend the title so as to read: "A bill granting a pension to Daniel L. Mallicoat."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAVALETTE D. DICKEY.

The next business on the Private Calendar was the bill (S. 721) granting an increase of pension to Lavalette D. Dickey.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavalette D. Dickey, widow of Charles J. Dickey, late captain, Twenty-second Regiment United States Infantry, and major, Eighth Regiment United States Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Charles J. Dickey until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

AGNES CLARK.

The next business on the Private Calendar was the bill (H. R. 12299) granting an increase of pension to Agnes Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Clark, widow of Henry C. Clark, late of Company B, Sixteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. ASHLEY.

The next business on the Private Calendar was the bill (H. R. 7507) granting an increase of pension to James M. Ashley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Ashley, late of Company L, First Kentucky Cavalry Volunteers, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Kentucky," insert the word "Regiment."

In the same line, after the word "Kentucky," insert the word "Volunteer."

In line 7 strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARVIN CHANDLER.

The next business on the Private Calendar was the bill (H. R. 1745) granting an increase of pension to Marvin Chandler.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Marvin Chandler, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY SHEARER.

The next business on the Private Calendar was the bill (H. R. 12446) granting a pension to Mary Shearer.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Shearer, the dependent and blind daughter of William Shearer, late of Company —, Eighth Kentucky Volunteer Infantry, in the war of the rebellion, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "blind" and insert in lieu thereof the word "helpless."

In line 7, after the word "Company," insert the letter "B."

In same line, after the word "Eighth," insert the word "Regiment."

In line 8 strike out the words "in the war of the rebellion."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY LANE.

The next business on the Private Calendar was the bill (H. R. 3592) for the relief of Henry Lane.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to revoke and set aside the special orders of the War Department, dated March 30, 1863, dismissing from the service, for absence without leave, Henry Lane, late first Lieutenant Company F, Thirtieth Regiment New Jersey Volunteers, to date March 1, 1863, because he was then, and for weeks before had been, on duty in the field, and to grant him an honorable discharge as of date April 7, 1863.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES S. ELY.

The next business on the Private Calendar was the bill (H. R. 2849) granting an increase of pension to Charles S. Ely.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Charles S. Ely, late of Company B, Forty-third Ohio Volunteer Infantry, on the pension roll, at the rate of \$24 per month, from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Ely, late of Company B, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension of \$20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Charles S. Ely."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALICE A. FITCH.

The next business on the Private Calendar was the bill (H. R. 9776) granting an increase of pension to Alice A. Fitch.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Fitch, widow of Ezra Fitch, late major, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN A. PHELPS.

The next business on the Private Calendar was the bill (H. R. 10321) granting a pension to Susan A. Phelps.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Phelps, widow of the late Ithamar D. Phelps, captain of Company K, Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late."  
In line 7, before the word "captain," insert the word "late."  
In same line strike out the word "of."  
In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Susan A. Phelps."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CALEB C. BRIGGS.

The next business on the Private Calendar was the bill (H. R. 11665) granting an increase of pension to Caleb C. Briggs.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caleb C. Briggs, late assistant surgeon of the One hundred and fifty-ninth Regiment of the Nineteenth Army Corps, under Gen. N. P. Banks in Louisiana and under Gen. Phil. Sheridan in Virginia, and pay him a pension of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Caleb C. Briggs, late assistant surgeon One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. DAVID.

The next business on the Private Calendar was the bill (S. 181) granting an increase of pension to William C. David.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. David, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 12299) granting a pension to William C. Roberts.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Roberts, late of Company H, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$25 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. BARGER.

The next business on the Private Calendar was the bill (H. R. 13323) granting an increase of pension to Mary E. Barger.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Barger, widow of Harrison C. Barger, late second lieutenant of Company D, Second Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In same line, before the word "Illinois," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN S. BONHAM.

The next business on the Private Calendar was the bill (H. R. 13321) granting an increase of pension to John S. Bonham.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Bonham, late of Company K, First California Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "California," insert the word "Regiment."

In same line, after the word "California," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD M. KELLOUGH.

The next business on the Private Calendar was the bill (H. R. 12724) granting an increase of pension to Richard M. Kellough.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard M. Kellough, late of Company D, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN LUDWIG.

The next business on the Private Calendar was the bill (H. R. 1931) granting an increase of pension to John Ludwig.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John Ludwig, late second lieutenant of Company A, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 a month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ludwig, late of Company A, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. BARSTOW.

The next business on the Private Calendar was the bill (H. R. 12458) granting an increase of pension to William M. Barstow.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Barstow, late of Company D, Twenty-sixth Regiment Michigan Volunteer Infantry, at the rate of \$40 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and pay him a pension."

In line 8 strike out the words "of the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIETTA ELIZABETH STANTON.

The next business on the Private Calendar was the bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marietta Elizabeth Stanton, widow of the late Gen. Thaddeus H. Stanton, United States Army, and pay her a pension at the rate of \$75 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late General."

In line 7, after the word "Stanton," insert the words "late brigadier-general."

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES D. PALMER.

The next business on the Private Calendar was the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles D. Palmer, late of Company F, One hundred and fifty-ninth Ohio National Guard Infantry, and pay him a pension at the rate of \$75 a month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Palmer, late of Company F, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving."



Mr. STARK. Mr. Chairman, I am sure the committee will pardon me for the time used in submitting a few remarks on the subject of service pensions.

On April 3, 1897, the house of representatives of the State of Nebraska passed a resolution urging the Senators and Representatives in Congress to pass a service-pension bill, and on April 10, 1897, in compliance with their resolution, I introduced a service-pension bill. The war with Spain coming on overshadowed nearly all kinds of legislation, but I made an effort to get a hearing before the committee, but it was never reached. In the Fifty-sixth Congress I did not introduce a service-pension bill, but cooperated with other members in attempting to have a law enacted providing for a nonpartisan pension court to hear appeals and make recommendations to Congress, believing if the measure became a law that there would be some form of a service-pension bill recommended by said pension court. The measure failed to become a law. In the Fifty-seventh Congress I introduced a service-pension bill, a copy of which, with suggested amendments, follows my remarks.

From the last report of the Commissioner of Pensions it appears that there are 370,037 claims of all kinds pending, arising from the civil war. Twenty-four thousand two hundred and six are claims for accrued pensions, 6,577 are claims filed by soldiers who have since died, 11,798 have never been adjudicated, 32,520 are rejected claims, 41,399 are claims for new disabilities, and 228,534 are claims for increase, making a total of 355,034, and 15,203 unclassified. There are 33,532 pending claims on account of the war with Spain in addition to the above.

According to the estimates prepared in the War Department, there should now be living 965,313 survivors of the war of the rebellion, excluding deserters. There are now on the pension rolls the names of 735,789 invalid pensioners, exclusive of those based on the war with Spain, leaving 229,524 survivors of the civil war who are not pensioners. The Commissioner of Pensions says that about 25 per cent of those have filed claims for pensions. The annual value of each pension for civil-war service was decreased from \$132.39 to \$131.87 since the report of the Commissioner of Pensions was issued for the year 1900.

Under the provisions of my bill giving \$12 per month to each survivor of the civil war there would be required \$33,051,456 to pay the 229,524 survivors not yet pensioned.

On page 90 of the report of the Commissioner of Pensions, it appears that under the act of June 27, 1890, there are pensioned:

	Per month.
104,834 at.....	\$6
4 at.....	7
138,233 at.....	8
38,452 at.....	10
138,900 widows at.....	8
4 widows at.....	10

By computation it appears that it would take \$21,776,496 per year to bring all up to \$12 per month.

On page 89 of the same report is given in detail the different monthly rate paid under the general law to pensioners, and by computation it appears that it would take \$6,391,324.20 per year to bring all up to \$12 per month. This makes a total of \$28,167,820.20 for the veterans and the widows to bring them all up to \$12 per month.

On page 18 of the report of the Commissioner of Pensions it appears that there should now be living 965,313 survivors of the civil war. There are now on the pension rolls the names of 735,789 invalid pensioners, exclusive of those based on service in the war with Spain, and nearly all of these are pensioners on account of the civil war.

These figures indicate that there are 229,524 survivors of that war who have never been pensioned, and only 25 per cent of whom have filed claims for pensions. To allow this 25 per cent who have applied \$144 annual pension would require \$8,262,720. That would leave 172,143 survivors who have not yet and probably a large number never will ask for a pension. But to the end that we may touch "high-water" mark let us provide for allowing all of them a pension of \$144 annually which would require \$24,788,592.

To bring all now on the pension rolls up to \$12 would require \$28,167,820.20; to allow all survivors who have applied, \$8,262,720; to allow those survivors who have never applied, \$24,788,592, making a total increase of \$61,219,132.20. The House appropriated this session \$138,500,000. This makes a grand total of \$199,719,276.20.

On page 90 of said report there are 281,583 veterans, 138,904 widows, and on page 89 there are 120,274 veterans and 1,620 widows, and on page 18 there are 229,524 veterans, making a total of 771,905 who, under my proposed bill, would receive \$111,154,320 in United States Treasury notes, called "pension money," which would leave to be appropriated from the United States Treasury \$88,564,956.20.

Of course it is apparent that this would make a saving of medical examining fees and increases under all of the laws, claims for

which are now pending, and expense of administering the Pension Bureau, which is largely conjectural, though it must be a great sum. From the best information that I can obtain, a conservative estimate of the average age of the survivors of the civil war is about 60 years, which gives an expectation of life of about fourteen years. The appropriation and issue would therefore decrease each year one-fourteenth, or \$14,265,662.30.

I want to call your attention to the further fact that my bill provides for a pension for the widows and minor children, while some of the others do not. Another difference between other bills and mine is that the others depend upon an appropriation from the public Treasury, and if the appropriation is insufficient there can be no more claims allowed. Mine issues the money upon the allowance of claims, to be redeemed in five years from date of issue, thus automatically appropriating the money when the claim is allowed without further legislation being necessary.

At this place the practical question arises, from what source will the money be derived to pay these increased pensions, and it seems to me to be the part of wisdom instead of making an additional demand upon our revenues under present conditions, to follow the precedents established in the early part of our civil war; to issue demand notes which are in effect noninterest-bearing obligations of the United States, having the legal-tender function which constitutes money, and behind it as a guaranty is the wealth of this nation—over two and a half billion acres of land with all the cities, villages, and property of our country, and all the genius, energy, rustle, and capacity of 75,000,000 people—the same to be redeemable at any time after five years from the date of its issue at the option of the Government; and it is provided that it shall be receivable at its nominal value in full payment for all taxes, internal-revenue duties, excises, duties on imports, amounts due on sale of public land, debts, and demands of every kind due to the United States of America.

This is an application of the law of set-off that has existed in the common law of England since time out of mind and is the "law of the land," because it is not inconsistent with the Constitution of the United States or with any law passed by Congress, for there is no way under the present financial law to maintain as a standard of payment legal-tender notes unless you exchange gold coin for them or stand ready to do so, but there is a way to redeem them other than by tendering gold, and that way is by set-off, by standing ready to receive the notes in payment of all taxes, internal-revenue duties, excises, duties on imports, debts, and demands of every kind due to the United States of America.

There is nothing original on my part in providing for the issue of this kind of money, and it simply follows the opinion of the Supreme Court of the United States, delivered on January 15, 1872, in the cases of *Knox v. Lee* and *Parker v. Davis*, reported in 12 Wallace, page 457, and is now the law of the land, never having been reversed, modified or distinguished; in fact has been reaffirmed in *Juilliard v. Greenman*, 110 United States, page 421. This case was decided March 3, 1884, and declares the law to be that Congress has the constitutional power to make the Treasury notes of the United States a legal tender in payment of private debts in time of peace as well as in time of war.

To illustrate: On April 9, 1902, the Government receipts were as follows, viz:

Customs.....	\$1,007,396.67
Internal revenue.....	609,760.73
Miscellaneous.....	168,133.54
Total receipts.....	1,785,290.94

The "pension money" provided in this bill could be used by way of set-off to pay in part some of the debts and demands due the United States and are redeemed and paid in that way. Under the option of the Government, after five years from the date of its issue it may ultimately redeem the notes in the manner then provided by law, and being issued every three months no such amount could be presented at any one time as to deprive the Government of ample funds to meet other obligations.

While I am a strong believer in scientific money, and more convinced of its justice as the years roll by, yet as a lawmaker, to reach practical ends, I must take into account the law as it now exists. The financial law now upon our statute books provides for the redemption of greenbacks in gold, and if at any time the gold reserve falls below \$100,000,000 the Secretary of the Treasury shall issue bonds. Therefore, to prevent the issuance of bonds, I provide for time of the redemption of the pension greenback to be five years from the date of its issue, which carries us by two Congressional and one Presidential election and gives an opportunity to repeal the Republican financial law now in force in this country. As the pensions are paid quarterly, the money would be issued quarterly, thus preventing a demand for redemption oftener than quarterly after the five years expires. The pension greenback, outside this redemption feature made necessary by our

financial law, is identical with the Abraham Lincoln greenbacks, good for all debts, public and private, with no exception clause of any kind.

There is an item of expense in regard to the administration of pensions that escapes general notice from the fact that it is carried in another appropriation bill, and that is the expense of the Pension Department at Washington, D. C.

In the legislative appropriation bill, which passed the House February 7, 1902, are the following items:

Pension Office: For the Commissioner of Pensions, \$5,000; First Deputy Commissioner, \$3,600; Second Deputy Commissioner, \$3,600; chief clerk, \$2,250; assistant chief clerk, \$2,000; medical referee, \$3,000; assistant medical referee, \$2,250; 2 qualified surgeons, who shall be experts in their profession, at \$2,000 each; 38 medical examiners, who shall be surgeons of education, skill, and experience in their profession, at \$1,800 each; 10 chiefs of division, at \$2,000 each; law clerk, \$2,250; chief of board of review, \$2,250; 57 principal examiners, at \$2,000 each; 20 assistant chiefs of division, at \$1,800 each; 3 stenographers, at \$1,600 each; 70 clerks of class 4; 85 clerks of class 3; 330 clerks of class 2; 400 clerks of class 1; 250 clerks, at \$1,000 each; 145 copyists; superintendent of building, \$1,400; 2 engineers, at \$1,200 each; 3 firemen; 33 messengers; 12 assistant messengers; 20 messenger boys, at \$400 each; 45 laborers; 10 female laborers, at \$400 each; 15 charwomen; 1 painter, skilled in his trade, \$900; 1 cabinetmaker, skilled in his trade, \$900; captain of the watch, \$840; 3 sergeants of the watch, at \$750 each; 20 watchmen; in all \$1,664,810.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners, or other persons employed in the Bureau of Pensions detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance and any other necessary expenses, including telegrams, \$350,000: *Provided*, That two special examiners or clerks detailed and acting as chief and assistant chief of the division of special examiners may be allowed, from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation \$3,000 and \$1,800, respectively, and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service; and the Secretary of the Interior shall so apportion the sum herein appropriated as to prevent a deficiency therein.

For an additional force of 150 special examiners for one year, at a salary of \$1,800 each, \$195,000, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office, or as special examiners, may be reappointed if they be found to be qualified.

This makes an annual salary and expense roll for the Pension Office at Washington alone of \$2,509,810. My bill, if enacted into law, would so simplify matters that one-fourth of the present number of employees could attend to the work without detriment to the public service. Curiously, this is a larger amount than is paid to the 17,630 pensioners residing in the State of Nebraska, who receive \$2,414,213 annually. Notwithstanding the 33,532 claims pending on account of the war with Spain, the Appropriation Committee reports a bill for the payment of pensions for the fiscal year ending June 30, 1903, of the smallest amount appropriated for that purpose since 1891. Since my service in Congress I have had a great number of personal complaints against Commissioner Evans, and many resolutions have been sent to me condemning his methods of administering the Pension Department.

I think, from my experience and observation, that many of them are unfair and unmerited. Mr. Evans administers a department under laws made by Congress and rules made by his superior officers and a fixed appropriation. It must be plain to anyone that when the appropriation is made he must first take therefrom the amount of the pensions that are already allowed, and the balance forms the fund, together with that which remains after the death of a pensioner, from which to allow original, increase, accrued, widow's, and minor's pensions, and when that part of the fund is exhausted there can be no further allowance, no matter what the testimony filed may show. The amount of the appropriation for payment of pensions is in a recommendation from the Secretary of the Interior, who is the superior officer to Mr. Evans, and the Secretary, being one of the Cabinet officers, is on confidential relations with the President of the United States.

Every little while Mr. Evans is sued for from fifty to one hundred thousand dollars damages by some attorney whom he has disbarred from practicing in his department, and that on top of all the charges and resolutions that are aimed at him. It is not fair. Put the blame where it belongs—on Mr. Evans's superior officers. Those officers might answer that the blame really rests on Congress for not passing proper laws, and to that charge I answer, speaking for myself, that I have introduced a reasonable, rational service-pension bill, which is all that I can do. I might be asked why my bill does not cover the Spanish-war survivors. I reply that that was such a short time ago that plenty of evidence can be obtained in their behalf. In 1828 Congress passed a service-pension bill for all the survivors of the Revolutionary war, forty-seven years after the close of the war. It is now thirty-seven years after the close of the civil war, and this Government is much better able to pay a service pension to the survivors of that war than were our fathers to the heroes of the Revolution.

[H. R. 7656, Fifty-seventh Congress, first session. In the House of Representatives, January 6, 1902.]

Mr. STARK introduced the following bill: which was referred to the Committee on Invalid Pensions, and ordered to be printed:

A bill granting a service pension to soldiers, sailors, marines, and their widows and orphans, and for other purposes.

*Be it enacted, etc.*, That every soldier, sailor, or marine, whether an officer or an enlisted man, who enlisted and was sworn into the military, naval, or marine service of the United States in the war for the suppression of the rebellion, and who was honorably discharged therefrom, shall, from and after the passage of this act, receive a pension of \$12 per month: *Provided*, That the provisions of this act shall in no manner interfere with any pension now being received by a pensioner, except to raise the same to the sum of \$12 per month where a less sum is now being received; nor shall it in any manner interfere with the right to an increase, rating of a pension, or other right now enjoyed under the pension laws in force.

SEC. 2. That the Army, Navy, and marine service rolls, and an honorable discharge shall be the only evidence required to entitle any soldier, sailor, or marine to the pension granted by this act; and the Commissioner of Pensions is hereby directed to formulate such rules for the identification of such soldiers, sailors, or marines as may be necessary.

SEC. 3. That in the event of the death of any soldier, sailor, or marine who is drawing or who has drawn a pension under the provisions of this act or under the provisions of any other law or laws of the United States, no matter what the cause of death may be, the widow of such soldier, sailor, or marine, while she remains such widow, shall be entitled to a widow's pension of \$12; and any minor child or children of any dead soldier, sailor, or marine who, if living, would be entitled to a pension under the provisions of this act or any other law or laws now enforced, shall be allowed the sum of \$5 per month each until each child or children shall have attained the age of 18 years.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to cause to be issued quarterly Treasury notes of the United States which shall be full legal-tender paper money of the United States of America, and shall be receivable at its nominal value in full payment for all taxes, internal-revenue duties, excises, duties on imports, amounts due on sale of public lands, debts, and demands of every kind due to the United States of America, and be redeemable at any time after five years from the date of its issue, at the option of the Government, in sufficient quantity to pay the amounts due under the provisions of this act, and in denominations of \$5 and \$2 bills; and all pension payments under the provisions of this act shall be made in these bills to pensioners, and said money shall be reissued whenever and as often as it may become the property of the United States of America until redeemed, and all penalties for counterfeiting and all provisions of law for the renewal of any mutilated or worn-out United States of America paper money shall apply to the pension money hereby created.

SEC. 5. That in all official statements and publications of the Treasury Department of the United States of America showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation, the various amounts issued under this act shall be designated as "pension money."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PITSAR INGRAM.

The next business on the Private Calendar was the bill (H. R. 2299) granting an increase of pension to Pitsar Ingram.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET M'CUEEN.

The next business on the Private Calendar was the bill (H. R. 9833) granting an increase of pension to Margaret McCuen, widow of Alexander McCuen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret McCuen, widow of Alexander McCuen, late captain Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Seventy-second," insert the words "Company E."

In the same line strike out the word "Seventy-second" and insert in lieu thereof the words "Two hundred and third."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Margaret McCuen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OTTO H. HASSELMAN.

The next business on the Private Calendar was the bill (S. 4404) granting an increase of pension to Otto H. Hasselman.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otto H. Hasselman, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DOLLIE M. CRONKITE.

The next business on the Private Calendar was the bill (H. R. 8421) granting a pension to Dollie M. Cronkite.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dollie M. Cronkite, widow of Tunis Cronkite, late of Company I, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LUCINDA A. SIRWELL.

The next business on the Private Calendar was the bill (H. R. 8466) granting a pension to Lucinda A. Sirwell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and instructed to place the name of Lucinda A. Sirwell, invalid daughter of William Graham Sirwell, late colonel of the Seventy-eighth Pennsylvania Infantry, on the pension roll and pay her a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda A. Sirwell, the helpless and dependent daughter of William Sirwell, late colonel Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLE THOMPSON.

The next business on the Private Calendar was the bill (H. R. 5951) granting an increase of pension to Ole Thompson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Thompson, late of Company C, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL DONNE.

The next business on the Private Calendar was the bill (H. R. 5219) granting an increase of pension to Daniel Donne.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Donne, late sergeant of Company G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN CANTY.

The next business on the Private Calendar was the bill (H. R. 6006) granting a pension to John Canty.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Canty, late of Company A, First Regiment District of Columbia Cavalry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Canty, late of Battery M, Third Regi-

ment United States Artillery, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Canty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 7491) granting an increase of pension to William H. Chapman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William H. Chapman, late of Ninth Battery, Ohio Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Chapman, late of the Ninth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY A. KILLOUGH.

The next business on the Private Calendar was the bill (H. R. 7815) granting a pension to Nancy A. Killough.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized, empowered, and directed to place upon the pension roll, under the limitations of the pension laws of the United States, the name of Nancy A. Killough, widow of John H. Killough, of Company D, Thirty-third Iowa Infantry Volunteers, at the rate of \$12 a month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. Killough, widow of John H. Killough, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IRA L. EVANS.

The next business on the Private Calendar was the bill (H. R. 7334) granting an increase of pension to Ira L. Evans.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira L. Evans, late of Company A, First Regiment Michigan Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In same line, after the word "Michigan," insert the word "Volunteer."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN REVLEY.

The next business was the bill (H. R. 3263) granting an increase of pension to John Revley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Revley, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$14 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

COURTLAND C. MATSON.

The next business was the bill (H. R. 5020) granting an increase of pension to Courtland C. Matson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Courtland C. Matson, late lieutenant-colonel of the Sixth Indiana Cavalry, to \$30 per month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of Courtland C. Matson, late lieutenant-colonel Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EBENEZER WILSON.

The next business was the bill (H. R. 12489) granting an increase of pension to Ebenezer Wilson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer Wilson, late of Company M, First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTIN BOICE.

The next business was the bill (H. R. 11812) granting an increase of pension to Martin Boice.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Boice, late of Company D, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHEOBE L. PEYTON.

The next business was the bill (S. 4643) granting an increase of pension to Pheobe L. Peyton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Pheobe L. Peyton, widow of Jacob M. Peyton, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and captain Company I, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM W. RICHARDSON.

The next business was the bill (H. R. 945) granting an increase of pension to William W. Richardson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Richardson, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHINEAS CURRAN.

The next business was the bill (H. R. 12468) for the relief of Phineas Curran.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phineas Curran, late of Company G, Thirty-eighth New Jersey Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Thirty-eighth," insert the word "Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

Amend the title so as to read: "A bill granting an increase of pension to Phineas Curran."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IDA S. MCKINLEY.

The next business was the bill (S. 2063) granting a pension to Ida S. McKinley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ida S. McKinley, widow of William McKinley, late President of the United States, and pay her a pension at the rate of \$5,000 per year from and after the passage of this act.

Mr. BELL. Mr. Chairman, I would like to hear some explanation of the principle or precedent, either or both, on which this bill is supposed to rest.

Mr. GROSVENOR. Mr. Chairman, the bill is in conformity to the uniform practice of this Government to give to the widow of a deceased President a pension of this character. A pension corresponding in all respects to this was given to the widow of George Washington; to the widow of John Quincy Adams; to the widow of William Henry Harrison, \$25,000 in a round sum; to Dolly Madison; to Sarah Childress Polk, \$5,000 a year; to Margaret S. Taylor, widow of Zachary Taylor; to Dandridge Bettie Taylor, daughter of Gen. Zachary Taylor; to Julia Gardiner Tyler, a pension of \$5,000 a year; to Mary Lincoln, widow of Abraham Lincoln, \$25,000, from which was to be deducted any amount paid on account of salary, and a pension in addition of \$5,000 a year; to Julia Dent Grant, widow of General Grant, \$5,000 a year; to Mrs. Garfield, \$5,000 a year, with \$50,000 additional. And then we gave to the executor of the estate of Henry Wilson, who died while Vice-President, \$10,332, and to Eliza C. Hendricks, widow of Thomas A. Hendricks, who died while Vice-President, \$8,000.

Mr. BELL. Then this is in accordance with uniform precedent.

Mr. GROSVENOR. It has been uniform practice. I have no knowledge of any case where this was not done where the President left a widow surviving.

Mr. BELL. Mr. Chairman, I wish to say just a word. If, as appears to be the fact, this is in accordance with a precedent, the precedent is absolutely wrong and indefensible as applicable to a true republic. If this splendid woman could possibly spend—could possibly use this money, or if she had a child to whom it might possibly go, I would be one of the first to say, "Yes, she must have it." But it is utterly impossible for her to spend the income of her estate.

She has an independent estate in her own right. The New York Journal a few days ago had a whole page covered with a description of her mines and the stock of her mines alone at market value of stock in the McKinley Mining Company is worth over \$150,000. I understand that she has much property besides. Her husband's estate invoiced—that which went into the hands of the executors—\$310,000. She has no heirs whatever, and she can not possibly spend the income of her own fortune.

Now, then, the Government, under the sanction of pension laws, presumes to be just to every pensioner from the lowest to the highest; and I want to suggest to our friends that we have hundreds of thousands of widows of old soldiers who died in the ditches defending this country who can not get a pension, because of difficulty of making proof. Under the dependent act widows are refused pensions who have an income of \$250. Now, I want to say that this bad precedent gives this pension to collateral heirs only. It does not go to this splendid woman, and God knows I sympathize with her as much as any man can, but I am not willing to give my sanction to a precedent that is an absolute wrong because of our sentiment for the woman.

Now, this \$5,000 per annum that this Congress proposes to give—and I know she does not ask it; I do not believe she wants it—would pay a pension of \$8 a month to 52 of these old widows whose husbands' lives were shortened by reason of fighting for this country and whom we refuse to pension because they have an income of \$250 per annum. I am not going to object to this pension of Mrs. McKinley. The gentleman [Mr. GROSVENOR] says it is according to precedent. I say if it is according to precedent it is a bad precedent for a Republic which presumes that every man is as good as his neighbor. I would say that if there is any possibility of this splendid woman needing this or wanting it, or if she had an heir, she should have it. But she is absolutely independent, from a financial standpoint, has no heir, and still she must have this \$5,000 a year to bequeath to some collateral heirs.

Now, I dislike to be compelled to say this much, but we do a great many wrongs, not from lack of judgment so much as from sentiment, and this is nothing more than a sentimental act of this House and of the other House, because of the sad, sad occurrence which took place but a short time ago; but let me say to you that your sentiments would be directed in channels that could be approved much easier by thoughtful consciences if you would distribute this \$5,000 among 52 old widows of soldiers of the late war, who can not get pensions because we say that the Government can not afford to pay those who have the pittance of \$250 per year. I want it understood that I make these remarks because I think a precedent that forces this pension where it can not be used, and is probably not desired, is wrong.



Mr. GROSVENOR. Mr. Chairman, I very much regret the gentleman from Colorado should have taken this occasion to say some of the things which he has said. It is not pleasant for me to submit to the truth of his statement that this pension is not asked for by Mrs. McKinley and not desired by her, when I know the exact reverse of that is probably true. I have never known the widow of a President of the United States to come begging at the door of Congress for a bill to be passed in conformity with the principle and proposition of this bill. I do not believe that the widow of President Polk of Tennessee, whom I had the honor to know, ever asked Congress to give her a pension, nor did she leave behind her, as I recollect it, any heir.

Mr. RICHARDSON of Alabama. None at all.

Mr. GROSVENOR. And I state now upon new information which agrees with my own nearly perfect knowledge that she did not. I think that this Government of ours, Mr. Chairman, is a little bit above a coroner's inquest to ascertain whether a woman has children or may have children or not. I leave that field of discussion to the gentleman from Colorado [Mr. BELL]. I know nothing about the value of the mine alleged to be held in some part by Mr. McKinley. It may be valuable and it may be worthless, as nine out of ten of the Western mines have been. No bill of this kind has ever been put upon the basis of pauperism and indigence. Think of a mighty Government like ours, whose President was shot down in the discharge of a duty that he owed to his country, and went to his grave beloved and honored by men of all parties, putting in motion a coroner's inquest, a vulturous performance headed by a member of Congress to go to the office of the judge of probate of the county to ascertain whether the widow can live or not live.

What a sentiment, what an idea, what an estimate must be put upon the loving generosity of the people of the United States, if they would put their action upon a ground like that. Call it sentiment, if you please. It is sentiment. Bereft of her husband, I do not know how long she may live. The gentleman who seems to have investigated the inventory of the estate has also investigated the length of life that may come to this woman, this lovely woman, who stands to-day the object of the sentiment and love and affection of the American people. I do not believe that in the State of Colorado there can be found three widows of honorably discharged soldiers who would countenance the suggestion made by the gentleman from Colorado. It is the first time, so far as I know, in the history of this legislation, which began at the death of Washington and has come down through all the years, that there was ever found a man with the sentiments of a Shylock standing upon the bridge and estimating the amount of property that the woman might have upon some speculation that her father has entered into.

This lady is not without heirs. She is not without those who have claims upon her. They may be called collateral, if you please, but they are those upon whom she has lavished the love and affection of a lifetime, and in whose behalf she has always taken a great deal of interest.

Now, Mr. Chairman, in this connection I deny that the Government of the United States has ever said to a soldier's widow that she could not have a pension because the Government was not able to give it to her. There is no such condition of things. The most liberal system of pensions known to civilization is that of the American people to their soldiers and the widows of their dead soldiers. There has been legislation to cut off a certain class of widows that were ranked in the estimation of Congress as adventuresses; but beyond that the utmost and grandest liberality has been extended to them.

I regret very much that there should have been a discussion of this question over this bill. I do not believe there is an American Congressman who will register in a yea-and-nay vote against the passage of this bill, and it is surely just a little ill-timed now, following so promptly upon the grand exhibition of love and affection that has gone out to McKinley and to his wife and to his Administration from his countrymen, that a discussion of this sordid, venal character should have entered into the question of the passage of a bill that is in entire consonance with the history and spirit and sentiment of this whole country.

Mr. CANNON and Mr. BELL rose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, all are equal before the law. Now, we must have an organization if we have a government. We boast that ours is a government of the people; but somebody here and there must from time to time be in a position to execute the will of the people. Take it in the House, we come here elected every two years, soon to be almost 400 in number, now 360. We get our \$5,000 a year. If we die, we are buried at the expense of the contingent fund, and ordinarily the family gets the remainder of the salary to the end of the term, if it does not exceed \$5,000.

There is no law for that, but it has grown into a precedent. The same thing is true on the Senate side. Then we have the Executive and we have the courts. We have the Army and the Navy and our foreign representatives, with salaries ranging from \$16,000 or \$17,000 down, as the case may be. We do not pay as large salaries in this country as they do perhaps in almost all other considerable countries on earth. But the President of the United States gets \$50,000 a year, whereas a man who helped elect him earns on an average perhaps \$800 a year, perhaps more than that if you average it all over the country. I am not exact—it may be over a thousand. Now, all people can not all the time be equal in salaries and in position. There can only be one President at a time and one Chief Justice at a time, and so on. They change from time to time according to the will of the people. Certain duties are to be performed.

Now, touching these matters, in the history of the Republic certain precedents have been established. Some of them I have referred to. I knew the late President very well, served with him in Congress with many others in the House. It is not necessary for me to speak of his great merit as a legislator, as a citizen, or as President. The practice has grown up of giving pensions to the widows of Presidents. I think it is well not to depart from it. It is true that there are many soldiers' widows and soldier citizens who are not receiving pensions, some of them that ought to; but the proof is defective, perhaps, or otherwise they fail to receive them. Yet, while it is true they do not receive very large pensions as individuals, it is true that they do receive, in the aggregate—soldiers, widows, and all—\$140,000,000 in pensions annually, such pensions as were never paid, even in a small degree, to the defenders of the government, in the aggregate, by any other country on earth.

Now, I have said all I wanted to say about this matter. I loved McKinley as a man, as a friend, and as President. But whether I loved him or not, he was our President, and these are the precedents. I have no doubt the bill will pass. I believe it would pass by unanimous consent. Even the gentleman from Colorado [Mr. BELL] says that he will not object to the passage of the bill. For me, I think its passage is apt from the standpoint of public policy, as well as the standpoint of precedents that have been made.

Mr. GAINES of Tennessee. Before the gentleman takes his seat I would like to ask him has a pension been granted to Mrs. Benjamin Harrison?

Mr. CANNON. I think not.

Mr. GAINES of Tennessee. Can the gentleman inform the committee why it has not been?

Mr. CANNON. I will refer the gentleman to the committee. I do not care, so far as I am concerned, to pursue the subject further. Does the gentleman from New Hampshire desire to make a statement?

Mr. GAINES of Tennessee. My information is that she is left with much less money than Mrs. McKinley, and I have never heard her name mentioned in this great committee.

Mr. GROSVENOR. The gentleman is quite mistaken. The subject has been discussed, and Mrs. Harrison herself has been consulted upon the subject, and action will no doubt be taken. The gentleman from Tennessee will appreciate the fact that Mrs. Harrison stands upon a very different relation to this whole subject-matter than does Mrs. McKinley, or did Mrs. Grant, or Mrs. Garfield, or Mrs. Polk, for Mrs. Harrison married Mr. Harrison after he went out of office.

Mr. GAINES of Tennessee. That is so; but she has children by him.

Mr. GROSVENOR. I do not want to discuss that matter.

Mr. GAINES of Tennessee (continuing). Mrs. McKinley has none.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina.

Mr. GAINES of Tennessee. When was the question discussed here?

The CHAIRMAN. The gentleman from Tennessee should have addressed the Chair.

Mr. GAINES of Tennessee. I beg the Chair's pardon.

The CHAIRMAN. The gentleman from Tennessee asked the gentleman from Illinois a question. The Chair had previously arranged to recognize the gentleman from North Carolina, and he now has the floor.

Mr. GAINES of Tennessee. Will the gentleman yield to me a moment?

Mr. KLUTTZ. I will.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman yields to me for a moment. I ask the gentleman from Ohio when this question was discussed in the House or in the committee about pensioning Mrs. Harrison?

Mr. GROSVENOR. I never said it was discussed in the House.

Mr. GAINES of Tennessee. I understood the gentleman to say that it had been discussed here.

Mr. GROSVENOR. I did not. I said it was discussed between Mrs. Harrison's friends and members of Congress, and the matter will doubtless be taken up in the proper time. I do not want to go into the family affairs of Mrs. Harrison. I shall vote to give her a pension whenever the question will come up, and I hope the gentleman from Tennessee will do the same thing. The fact that Mrs. Harrison's bill has not yet made its appearance casts no light upon the question whether this bill ought to pass.

Mr. GAINES of Tennessee. The gentleman is aware of the fact that Mr. Harrison, whom everybody respected, a great man, died long before President McKinley was assassinated, and yet we have heard nothing here of a pension being given to Mrs. Harrison.

Mr. GROSVENOR. Why has not the gentleman introduced a bill?

Mr. GAINES of Tennessee. She is not one of my constituents.

Mr. GROSVENOR. She is not one of mine, either.

Mr. GAINES of Tennessee. I want to say that I have paid as much attention to pension matters as anyone else, and I have had a constituent of my distinguished friend from Illinois [Mr. CANNON] write to me to look after a pension claim for him, and I had very great pleasure in doing it. [Laughter.]

Mr. CANNON. I will say, if my friend will allow me just a moment, that I have many thousands of applications to look after for pensions myself, and I am doing the best I can, and I should be very glad to have my friend help shoulder the matter.

Mr. GAINES of Tennessee. I will do it right now.

Mr. CANNON. And if he is as zealous in that as he is upon the floor it would be well done. [Laughter.]

Mr. GAINES of Tennessee. I shall be just as zealous on the floor as anybody, and my record shows that I advocate just pensions as much as any man on the floor, and that I am just as diligent to examine them as anybody and just as diligent in trying to condemn unrighteous pension legislation as anybody, and I insist that this committee ought to do equal and exact justice to the widow of every President of the United States.

Mr. KLUTZ. Mr. Chairman, I shall support this bill most heartily and cheerfully. [Applause.] I regret very much that the question of a pension for Mrs. Harrison should have been injected into this discussion, as it is entirely irrelevant, not before the House, and the circumstances entirely different. As has been shown by the distinguished gentleman from Ohio [Mr. GROSVENOR], this country and the Congress have established a well-defined policy of pensioning the widows of Presidents of the United States, and I think that policy easily justified.

I think it is the duty of this great country, and of this Congress as representing it, to place absolutely beyond want, and beyond peradventure of want, the future of the widows of our Presidents. It is a duty which has been performed in all other cases, and I can see no reason why an exception should be made in this. [Applause.]

Indeed, sir, if the precedent had never been established, if we had not pensioned the widow of a single President, I should be in favor of pensioning the widow of William McKinley. [Applause.] I do not believe this country ever had a more devoted public servant than he. [Applause.] I do not believe that "the earth which holds him dead bears alive a knightlier gentleman." [Applause.] He fell in the prime of his usefulness; fell by the hand of an assassin; fell, to the grief and regret of this great nation. [Applause.]

Mr. Chairman, I regret that any objection should be raised in this presence against a pension for his widow, especially in view of what we have done for the widows of his predecessors. I hope, Mr. Chairman, this bill will pass unanimously. [Applause.]

It is not a dole of charity. It is but a generous recognition of the universal sentiment of our people toward Mr. McKinley. It is only the expression of a desire that his widow should be placed on a plane with those of his distinguished predecessors and that the remaining desolate years of that life which was so large a part of his should be made more tolerable and more pleasant by that recognition. [Great applause.]

Mr. BELL. Mr. Chairman, the gentlemen who have followed me simply confirm what I said before, that if this is a precedent, it is a bad one. Because in this case, however much the gentleman from Ohio [Mr. GROSVENOR] may try to escape it, the entire country knows that the widow can not possibly use the pension we are giving her; that she has an independent fortune, and what I attempted to suggest and now suggest is the poor precedent, if this is a precedent.

A few weeks ago, in this House, we had from this same committee a bill cutting down the application for a pension for Captain Slocum's widow. He was shot with a bombshell, and had a most splendid reputation. After a full argument this House stood on the question of \$3, insisting that he was shot, as the report stated

it, when he was a lieutenant and before he was raised to a captain. That small distinction was made, and though the report said that the soldier died from his injuries in the war, yet, said they, he died from injuries received when he was a lieutenant, and therefore the widow ought not to have more than \$17 a month and, by a division in this House, the committee unanimously voted that that widow, who was shown not to have a cent of income, could only have \$17 per month, and so they cut her down \$3.

Now, as I said before, I am not considering Mrs. McKinley, or Mr. McKinley, or this pension, but this unrepugnant precedent. I would give her anything on earth that she could possibly expend. I would give her anything that was necessary to make her comfortable. Here is a gift of something, however, that can never be expended; here is a gift of a pension to collateral heirs that would give an \$8 pension to 52 widows of the soldiers in the last war. I say if we strip it of sentiment, and of this bad precedent, there is where this money might go.

Mr. CALDERHEAD. Mr. Chairman, the pension in this case does not rest upon quite the same principle as other pensions reported to the House by the Invalid Pensions Committee. There is no statute law providing for pensions for widows of civil officers of this Government. There is no statute law providing pensions for the widows of Presidents. There is no law of the land requiring that the Washington Monument should have been built; that his statue should stand in every city of the country, or that the statues of Lincoln should adorn the public parks, or that the statues and memorials of the great ancestors of the Republic should stand in this Capitol.

These things all exist because the country owes something to the spirit of patriotism. Men who were as brave as Washington followed him in the ranks. Men who were as loyal as Lincoln carried a musket in the field. No monuments could sufficiently commemorate the patriotism of men who founded the Government or of the men who preserved it, yet the country has recognized its duty to the spirit of patriotism and to the memory of its great men who have rendered eminent and distinguished services to it. The pension roll for private soldiers and officers in the Union Army is called the roll of honor, and a pension is given to them not as charity, nor as the fulfillment of a civil contract, but is given to them as a just recognition of the spirit of patriotism with which they served the country.

The spirit was as voluntary and willing in the private soldier as in him who led the advance in the field, and yet it never was possible for any private soldier to render services upon the field of the Wilderness that could be measured at the same value, even though they bore the same relation to the country that the services of Uncle John Sedgwick bore. It was never possible for the man who carried the musket in the ranks to render as a private soldier the same service to the country that Grant and Sherman and Sheridan rendered. The purpose was the same; the courage and fidelity the same; the spirit of patriotism was the same in all of them—equal in degree; yet to these more distinguished men was intrusted the vast care of the armies that they led and directed, and the recognition of their eminent services comes in the monuments that have been erected in their memory.

This pension for Mrs. McKinley is not granted as charity. It is not based upon the possibility of her needs. It is not based upon any supposed condition of poverty on her part, nor upon any request or demand from her or from her friends. This pension bill is reported to this House from the Committee on Invalid Pensions because no other committee in this House seemed to have jurisdiction of such a measure. It is reported not as charity nor as compensation. It is reported as a testimonial by the country to the value of the eminent services which her great husband rendered to the country. It is reported in response to the spirit of patriotism which his distinguished life and public services inspire.

The other pensions which have been granted to the widows of Presidents in prior times had the same foundation. They were the testimony of the country to the value of the services that had been rendered to the country by the eminent husbands of the recipients of these pensions. They were granted as due from the country to the spirit of patriotism within it, and not as a matter of charity.

I said a little while ago that the great pension roll of the Union Army was neither charity nor contract, but the voluntary offering of the country to the men who gave their services to it. It is true that the general law grants pensions for injuries received in the service, for there seems to be no other foundation on which these pensions might be proportioned, either as to the services rendered or as to the injuries received.

But every soldier knew when he enlisted that the nation had the right to call for his life without any other compensation than the hope that the national life and the National Government might be saved for his land and for his children. These pensions are not granted to pay him for the offering that he made; that



debt could not be paid in dollars. Under the general law the pension was graduated according to the disabilities and injuries that he received in the service, simply that there might be an equitable distribution of the bounty of the Government.

Then the pension law of 1890, which is a still further recognition of the spirit of patriotism in the men who served in our armies, grants them a pension when they are disabled from earning a support by their own labors, whether such disability was incurred in the service or since the service, not as any part of an original contract with the Government made in employing them for its defense, not as charity to them as paupers, but as a recognition of the patriotism with which they as volunteers served the country when their hour of duty came; and that pension is proportioned as it is that there may be some equitable distribution of that recognition on the part of the Government.

Under the general law 88,000 widows draw pensions whose husbands died from injuries received upon the field or in active service in behalf of the Government. Under the law of 1890 139,000 widows, many of whom married the men long after the service had been rendered, have received this recognition of the patriotism of the husband who offered and rendered his service to the country, not because the country owed the widow a debt, not because the country owed her charity, but because the country owed to the spirit of patriotism within it a recognition of some kind for services offered for the preservation of the life of the Union.

These soldiers and their widows and orphans are not to be put in the attitude of paupers asking relief or to whom the Government gives a charity. The pension roll is not a national pauper roll. The pension appropriations are not to be deemed a pauper fund. That kind of language cultivates no patriotism.

The pension is the mark of honor which a grateful country bestows on those who have made great sacrifices and who have rendered great services to our country.

And upon this foundation the monuments to our eminent men and the pensions to their widows rest, not because there was any contract on the part of the nation that a duty of this kind should be paid to their memory; not because they were paupers appealing for relief; but because the nation owed it to the men who served her in her hour of trial; owed it to the men whose lives brought national honor—that patriotic service upon the battlefield or in the forum or in the legislative halls should have a just recognition at the hands of a patriotic country. The spirit of patriotism requires it. Upon this foundation we tender to the widow of William McKinley this pension.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I do not know that it is necessary that I should say a word in this debate. I did not intend to participate in it at all. I do not understand that any gentleman on either side of the Chamber has interposed an objection to the passage of this bill. I do not suppose any gentleman here will vote against its passage—none on this side, so far as I know.

Since I have had the honor to occupy a seat on this floor, Mr. Chairman, I have seen pensions voted to the widows of several Presidents; I think to Mrs. Grant, Mrs. Garfield, and to Mrs. Polk—if not the original to her, an increase of her pension. I believe, Mr. Chairman, that this custom has been followed for a long time. I can not see any reason why we should depart from that custom in the case now before us. I would not put it upon the ground that the widow of the President was needy. I would not put it upon the ground that it was necessary for her comfort and ease during the remainder of her days that the widow of a President of the United States should be voted a pension.

If it were presented to us as a new proposition, if there had never been a pension heretofore voted to a widow of a President, it might be then that we would stop to inquire whether in the first case the widow was needy and deserving of the pension in order to make the remainder of her days comfortable, contented, and happy; but inasmuch as it has been the time-honored custom of Congress to vote these pensions to the widows of Presidents, I, for one, would not be willing to break that precedent in the case of William McKinley. I am not here to pay any tribute to him; it is not necessary. He deserves all I could say and more, but this is not the time nor the occasion for a tribute to be paid to his memory. For one, Mr. Chairman, I announce that I shall vote for the passage of this bill. [Applause.]

Mr. KLEBERG. Mr. Chairman, as a member of the Invalid Pensions Committee, and as a member of the minority of that committee, I wish to make a few remarks on this bill. Much has been said, in the first place, about the inequality of pensions. That is a matter which no doubt every gentleman on this floor deprecates, but it is an impossibility to mete out exact justice to every Union soldier, or to the widow of every Union soldier, and it is my deliberate opinion, aside from the wisdom or nonwisdom of a pension law, that inasmuch as we have a pension law, that that law is administered about as well and about as equitably as can be done under the circumstances.

Now, I do not join in the tirade against the Commissioner of Pensions. He construes these matters according to law, not so much according to the spirit of the law, but he has held principally and holds himself to the letter of the law. Such cases in which the Congress believes that possibly not exact justice has been reached go through the Committee on Invalid Pensions, and finally through the Committee of the Whole and through this House, and I believe that in most cases, with few exceptions, approximate justice, if not exact justice, is done. Now, what have we in this case? This is the widow, not only of a brave Union soldier who joined the Union Army when he was a mere youth, who joined it as a private and who came out as a major and who covered himself with glory in that grand struggle, but she is the widow of one who has reflected credit upon this great nation from many standpoints.

I agree with the gentleman from Tennessee [Mr. RICHARDSON] that this is not the time nor the occasion, nor is it necessary, to enter into a panegyric of William McKinley, and while I appreciate a great many of the great acts that he has done, although I have differed with him as a Democrat in many things that he has done, I say that there is one act of his which stands forth pre-eminent at this time and which should be remembered at this hour when we pass upon the question as to pensioning his widow, and which, if he did nothing else, would be sufficient to immortalize him. That was the fact that he wiped out the last vestige of sectionalism remaining between the South and the North. [Applause.]

Now, in the face of the precedent of having provided for the widows of Presidents and the descendants of Presidents, can it be possible that anyone on this side or on the other side of this House would be willing to make a discrimination between the widows of former Presidents and the widow of our martyr President, William McKinley? Certainly not, and for one who wore the gray in that great struggle, who was a private in the Confederate army, I am not only willing, but, as an act of justice and of patriotism, proud to give to the widow of a major who wore the blue and who since has distinguished himself as a great statesman and civilian that pension which is now offered from this committee. [Applause.]

The CHAIRMAN. Shall the bill granting a pension to Ida S. McKinley be laid aside with a favorable recommendation?

The question was taken, and the bill was laid aside with a favorable recommendation.

JANE K. HILL.

The next business on the Private Calendar was the bill (S. 201) granting an increase of pension to Jane K. Hill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane K. Hill, widow of Roland G. Hill, late first lieutenant, Twentieth, and captain, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IDA M. BRIGGS.

The next business on the Private Calendar was the bill (H. R. 12370) granting a pension to Ida M. Briggs.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Briggs, widow of Fred T. Briggs, late first lieutenant Company E, First Regiment Washington Volunteer Infantry, and pay her a pension at the rate of \$25 per month, and \$2 per month additional on account of each of the minor children of said Fred T. Briggs until they reach the age of 16 years.

The following amendments recommended by the committee were read:

In line 8, before the words "and pay her a pension," insert "war with Spain;" and in the same line strike out "twenty-five" and insert "twelve."

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment to the amendment, to strike out the word "twelve" and insert the word "seventeen."

The CHAIRMAN. The gentleman from Washington moves to amend the committee amendment by striking out the word "twelve" and inserting the word "seventeen." The question is on the amendment to the amendment.

Mr. JONES of Washington. Mr. Chairman, in view of the action of the House on the last few bills I feel that this amendment will meet with the approval of this committee when they are told the facts in this case. I desire to say, as to my interest in this matter, that Lieut. Fred T. Briggs was a neighbor of mine for ten years in my home town. I knew him and I knew his



family. A better man or a better soldier never lived. A more estimable lady than his widow does not live.

The facts relative to this matter are that Mr. Briggs enlisted in the war with Spain. He served until his regiment was mustered out. He came home and resumed his business, which was that of an operator, in a small town in our State. A few months ago he blew out his brains. In other words, his death was caused by his own act. The Pension Department held that the proof was not sufficient to connect his death with the service. Testimony has been offered to the committee that has satisfied that committee sufficiently so that they have resolved the doubt in favor of his widow, and have resolved the question in favor of the theory that his death, though by his own hand, was the result of disease that he contracted in the service and of the suffering that he endured on account of that disease.

His medical record shows that for four or five months before he went to the Philippines he suffered with typhoid fever at San Francisco. I know myself that his life hung in the balance for several weeks, and that finally his wife went to San Francisco, expecting to bring his dead body home. He recovered, however, and went with his regiment to the Philippines. He was there treated for malarial fever several times, and he also contracted diarrhea. But he continued in the service, became the adjutant of his regiment, served with much distinction and gallantry, came home with his regiment, and was mustered out.

With reference to his entering the service I want to say that he was a man with a family of four children, one of them at the time that he entered the service being only a couple of years old. I, along with his other neighbors and friends, said to him, "Lieutenant Briggs, you owe a duty to your family. It is not your duty to enlist in this war at this time. The necessities of the Government are not such as to overcome the duty that you owe to your family and to require your enlistment." He said "No, I have been in the National Guard of this State during times of peace. I have been an officer in my company; and now, when the time comes to fight, I feel that it is my duty to answer the call of my governor and my President, and I shall do it." There spoke the brave, loyal, patriotic man that he was.

As I have said, when his regiment was mustered out he came home and went to work. I have seen him since that time, and learned that he had been suffering ever since he came home. I asked him why he did not apply for a pension. He said: "No; I did not fight in the battles of my country in order to get a pension; I will not apply for it;" and he did not. Yet the testimony shows here that this man hardly spent a well day from the time he came home until he took his life. The testimony shows that he was a changed man.

I know myself that before the war, as the report of the committee shows, he was a jolly, jovial, companionable man; but the testimony of witnesses who knew him well since that time and the testimony of his wife shows that after he came home he was melancholy, taciturn, sober, sometimes sullen, and that he constantly complained of intense pain and suffering. I have here an affidavit that I received after the committee made its report, that I did not have an opportunity to present to them, from a man who knew him intimately from the time he came home and became an operator at Spangle, in our State, until his death. I desire to read an extract from this. Leaving out the preliminary part, he says:

That from such sources, as well as from statements made to this affiant by the said Fred T. Briggs, this affiant knows that the said Briggs was in very poor health at the time he went on duty as station agent as aforesaid, being sorely afflicted with rheumatism and diarrhea, which the said Briggs told this affiant he had contracted while in service of the United States Army in the Philippines; that during all his days spent as agent as aforesaid the said Briggs did not get well from said disease, but grew worse, and for six weeks before he took his own life this affiant believed the said Fred T. Briggs was insane, due to his sufferings from rheumatism and diarrhea, many times the said Briggs being almost wholly unable to attend to office duties, and Mrs. Briggs being compelled to aid him to keep up his work. This affiant further says that the average time spent each day with said Fred T. Briggs by this affiant was about two and one-half hours.

B. C. ROYCE.

Subscribed and sworn to before me this 1st day of April, A. D. 1902.

[SEAL.]

M. H. SULLIVAN,

A Notary Public in and for the State of Washington,  
Residing at Spangle, Wash.

I am satisfied, from what I know of Mr. Briggs, from being ten years his neighbor, that his death was caused by the suffering and the hardship that he endured in the service and the pain and disease with which his body was racked after he came home. There was no other reason for it. His relations with his family were of the most loveable and pleasant character. He had no trouble with his friends and neighbors. He lost no property, because he had none. There is no explanation, except that he was crazy, and that this was brought about by the disease and intense and continued suffering.

There is one other ground upon which I ask the favorable action of this committee, and that is justice to his widow. She was his

wife when he was at the front battling for the flag of his Government. She endured as much, yea more, even, than he did. I believe that when we come to Congress for special legislation the widow of a soldier, who was his wife during the war, deserves the same gratitude and consideration at the hands of this Government as the soldier himself. While he fought at the front she was fighting the wolf from the door at home and caring for their children. The committee recommends \$12. She is the widow of a first lieutenant. As I understand under the general law if the Pension Department had found that his death was due to the service, she would be entitled to \$17 as the minimum. That is what I ask by this amendment.

The committee finds the doubt in his favor—that his death was caused by his service. I therefore can see no reason why they should not give \$17 a month to his widow. The testimony shows that she is in needy circumstances; that she has four children dependent upon her for their support; that she has no property, and has nothing except the income from some life-insurance money, amounting to about \$130 per annum. I desire to call the attention of the committee to the bill that we have just now passed in behalf of Jane K. Hill. Her husband was a first lieutenant. He was a graduate of the Military Academy in 1881, and was in the service until 1898; he was not in any war so far as the report shows. His widow married him in 1886, and he died in the service. The general law gave her \$17 a month pension. The committee says:

The testimony accompanying the bill, including the claimant's sworn petition, shows that aside from this pension her income is less than \$300 per annum—

This woman that I want this pension for, without her pension, has only \$130 per annum—

and under all the circumstances your committee believe that some measure of relief may properly be granted, and the passage of the bill is therefore recommended with an amendment fixing the rate of pension at \$25 per month.

I do not complain at this. It is just and right, but if the committee was justified in giving Mrs. Hill \$25 I am certainly justified in asking for \$17 for Mrs. Briggs.

I believe I would be justified in asking this committee to report this bill as I introduced it, for \$25 a month, but I simply come and ask you that in justice to this man, in justice to his widow, that the pitiful sum of \$17 a month shall be granted to her. She is not the widow of a general, or a governor, or a President. She is the widow of a humble though brave lieutenant, but she is none the less worthy of the bounty of this Government. [Loud applause.]

Mr. RICHARDSON of Alabama. Mr. Chairman, I am very much surprised to hear this application from the gentleman from Washington. He has filed no additional evidence whatever, and no obligation rests upon the committee in that respect to change a conclusion that the committee thought satisfactory to the gentleman from Washington. I want to state to the committee why I say I am surprised. The gentleman from Washington [Mr. JONES] came before the Committee on Pensions and in a most earnest manner asked the committee to allow this pension. The committee, after hearing the gentleman from Washington and considering all the evidence and solving all the doubts in favor of the widow, fixed the amount in the bill. He introduced the bill at \$25 a month, but he said he was willing to abide by whatever the committee did.

Mr. JONES of Washington. I beg the gentleman's pardon.

Mr. RICHARDSON of Alabama. I understood it that way. I was the member of the committee, Mr. Chairman, who made the motion.

Mr. JONES of Washington. Will the gentleman allow me?

Mr. RICHARDSON of Alabama. Certainly.

Mr. JONES of Washington. I think it was the gentleman from Alabama [Mr. WILEY] that I spoke to. I had introduced a bill for \$25, and he expressed his disapproval, and said of course the amount was for the committee to say. But I did not say, and had no thought, that I would submit or abide by whatever the committee might recommend.

Mr. RICHARDSON of Alabama. It was my pleasure to make the motion. I merely give my impressions as to the remarks made by the gentleman from Washington before the committee. The committee fixed it at this amount—\$12 for the widow and \$2 each for the three children who are under 16 years of age, making \$18. I say to this committee here that with such limited experience as I have had on the Pension Committee in the Fifty-sixth Congress and in this Congress that I have never seen nor heard the committee give more thorough consideration to any case before it than was given to this one. The benefit of all doubts were given to the widow—all solved in her favor.

What are the facts about the case? Take them as they are stated by the gentlemen from Washington, and this committee is bound to conclude that the Pension Committee gave the most liberal benefit of the doubt to the widow. Having done that, the



gentleman from Washington comes forward now and asks us not only to solve the doubt in favor of the widow, but to make it an absolute fact, and give her the amount that the general law would have given her.

Now, what are the facts in the case as to this bill for the relief of the widow of Fred T. Briggs? He was a first lieutenant of Company E of the First Regiment of Washington Infantry, and was mustered out as adjutant of the regiment, with field and staff, November 1, 1899. He died October 27, 1901, about two years after he was discharged from the service. His widow made application to the Pension Bureau, and her claim was rejected upon the ground, as the widow stated in her application, that "he had destroyed himself by a revolver in his own hands," committed suicide two years after he was discharged from the service.

The Pension Bureau decided against the application of the widow, and would not allow a pension because he had killed himself with his own hands and his death was not brought about by service in the Army nor was it the result of service in the Army. It was claimed that he had nervous prostration, diarrhea, and rheumatism. Now, the facts as disclosed before this Pension Committee were that he was a telegraph operator and freight agent for two years from the time that he was discharged until he died. He never called in a doctor, and there has never been any proof that a doctor was in the case or was called in.

These are substantially the facts about the case, and, considering the helpless condition of the widow and four children, I was one of those, as I have always been in pension matters, liberally disposed to aid and help them in any way I could, and I moved to amend by fixing the amount at \$12. It was done by the committee. Now the gentleman complains and says we ought to have made it \$17. That is not right. He refers to a case of one Hill that the committee had, as he alleges, acted on differently from the rule as I have stated it.

Now, the facts about the Hill case, where we allowed \$25, was that he was in the service from 1877 to 1898. I will not enter upon a full presentation of all the facts in the Hill case, but they are absolutely different from the facts of this case; no parallel whatever between them. I contend in this case that the committee has been extremely liberal to this widow; that we have given her \$12 and to each one of the children under 16 years of age \$2 apiece, making \$18. We do not think the bill ought to be disturbed as amended by the committee.

Mr. JONES of Washington. Mr. Chairman, I am not complaining of the action of the committee. I know that the committee deals liberally with applicants for pensions, and I approve of the policy which the committee has adopted toward these bills in general. I know that the gentleman from Alabama [Mr. RICHARDSON] is one of the fairest and most just men on this committee. I know he is doing exactly what he thinks is right, and I do not complain at his course. I know personally all of these matters and have a personal acquaintance with this applicant and of the deceased, and that may explain to some extent the interest I have in the matter.

Now, in reference to the service in the last case to which the gentleman refers, it also appears in the testimony that Lieutenant Briggs also served five years in the Regular Army before he served in the Philippines in active service. The gentleman says that he was not attended by a physician. That is true. He told me he would not have a physician. Why? Because he considered his case absolutely hopeless and the man knew and realized his condition. He felt that a doctor could do him no good, and it is true that he did not consult a physician. It seems to me the additional affidavit that has been presented to this committee here reinforces the affidavits I have already presented to the committee which reported this bill, and it seems to me it warrants the committee in not insisting too strenuously upon cutting this widow out of an additional \$5 which the general law would give to her as the widow of a first lieutenant.

Mr. RICHARDSON of Alabama. The affidavit was not from a doctor.

Mr. JONES of Washington. Oh, no; I admit that he never sent for a physician. He had no hope of relief, and I submit that this amendment should be agreed to.

Mr. SULLOWAY. Mr. Chairman, for the purpose of passing a resolution calling upon the President for the return of a bill, I move that the committee do now rise temporarily. There is a mistake in the bill which needs to be corrected.

The CHAIRMAN. The Chair will state to the gentleman that the question before the committee is now upon the amendment of the gentleman from Washington.

Mr. SULLOWAY. Very well; I will wait.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington to the committee amendment that the amount of this pension be increased from \$12 to \$17 per month.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Alabama) there were—24 ayes and 2 noes.

So the amendment to the amendment was agreed to.

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. SULLOWAY. Now, Mr. Chairman, I move that the committee rise temporarily.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. LACEY] having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry private pension bills, and had come to no resolution thereon.

HANNAH L. KNOWLES.

Mr. BURK of Pennsylvania. Mr. Speaker, I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 11418) to increase the pension of Hannah L. Knowles.*

The resolution was agreed to.

Mr. SULLOWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the further consideration of private pension bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. CAPRON in the chair, for the further consideration of private pension bills.

MARY LOUISE LOWRY.

The next business on the Private Calendar was the bill (H. R. 11343) granting a pension to Mary Louise Lowry.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Louise Lowry, the helpless and dependent daughter of Maj. Horatio B. Lowry, late quartermaster of the United States Marine Corps, and pay her a pension at the rate of \$12 per month.*

The committee amendments were read, as follows:

In line 7 strike out "major;" and after the word "late," in the same line, insert "major and;" and in the same line strike out "of the."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DORCAS M'ARDLE.

The next business on the Private Calendar was the bill (H. R. 624) granting a pension to Dorcas McArdle.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Dorcas McArdle, widow of Barney McArdle, soldier of Mexican war, and pay her a pension of \$8 per month.*

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "otherwise."

Strike out all in the bill after the words "Barney McArdle," in line 6, and substitute therefor the following: "late of Captain Mahone's company, First Regiment Georgia Volunteers, war with Mexico, and pay her a pension at the rate of \$8 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OBEED D. JASPER.

The next business on the Private Calendar was the bill (H. R. 13066) granting an increase of pension to O. D. Jasper, Mexican war veteran.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of O. D. Jasper, late of Company —, Fourth Regiment Kentucky Volunteer Infantry, Mexican war, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.*

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "O." and substitute therefor the name "Obed D."

In same line strike out "of Company" and substitute therefor "unassigned recruit."

In line 7 strike out "Mexican war" and substitute therefor "war with Mexico."

In line 8 strike out "twenty-four" and insert "sixteen" in lieu thereof. Amend the title so as to read: "A bill granting an increase of pension to Obed D. Jasper."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903.

## ZEBULON A. SHIPMAN.

The committee resumed its session.

The next business was the bill (H. R. 9794) granting a pension to Zebulon A. Shipman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zebulon A. Shipman, late of Company D, First Battalion United States Marine Corps, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of Company D, First Battalion" and insert in lieu thereof the word "private."

In lines 7 and 8 strike out "and pay him a pension at the rate of \$12 per month" and substitute therefor the words "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## SUSAN A. VOLKMAR.

The next business was the bill (H. R. 11850) granting an increase of pension to Susan A. Volkmar.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Volkmar, widow of the late Col. William J. Volkmar, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "the late colonel."

In line 7, after the word "Volkmar," insert "late major and assistant adjutant-general."

In line 8 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## THOMAS W. DODGE.

The next business was the bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Dodge, late acting master United States ship Young Rover, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Rover," insert the words "United States Navy."

In same line strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

## LORENZO MARCHANT.

The next business was the bill (H. R. 9455) to remove the charge of desertion standing against the name of Lorenzo Marchant.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion standing against Lorenzo Marchant from the United States steamship Roebuck, under date of August 25, 1862, and issue to him an honorable discharge.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. I move that the committee rise and report to the House the various bills passed.

The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having taken the chair as Speaker pro tempore, Mr. CAPRON reported that the Committee of the Whole House, having under consideration the Private Calendar, had passed sundry private bills, some with and some without amendments, and had directed him to report the same to the House with the recommendation that the action of the Committee of the Whole be concurred in.

## PENSION BILLS, ETC., PASSED.

The House proceeded to the consideration of the bills just reported from the Committee of the Whole House; and House bills of the following titles, reported from the Committee of the Whole

without amendment, were taken up, ordered to be engrossed and read a third time, were accordingly read the third time, and passed:

H. R. 12932. A bill granting a pension to Elizabeth D. Harding;

H. R. 10908. A bill granting an increase of pension to Aaron S.

Post;

H. R. 12165. A bill granting an increase of pension to Caroline M. Stone;

H. R. 10449. A bill granting an increase of pension to Sarah H. Lake;

H. R. 1528. A bill granting an increase of pension to Charles Dalrymple;

H. R. 10795. A bill granting an increase of pension to William A. Campbell;

H. R. 11170. A bill granting an increase of pension to William Kunselman;

H. R. 3592. A bill for the relief of Henry Lane;

H. R. 12724. A bill granting an increase of pension to Richard

M. Kellough;

H. R. 8429. A bill granting a pension to Dollie M. Cronkite;

H. R. 3263. A bill granting an increase of pension to John Revley; and

H. R. 9455. A bill to remove charge of desertion standing against the name of Lorenzo Marchant.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 5877. A bill granting a pension to Robert Watts;

H. R. 6434. A bill granting a pension to Mary Fitch (title amended);

H. R. 3277. A bill granting a pension to Mrs. Frances J. Abercrombie (title amended);

H. R. 12576. A bill granting an increase of pension to Thomas Wells;

H. R. 7922. A bill granting an increase of pension to R. G. Watkins (title amended);

H. R. 11181. A bill granting a pension to Alice D. H. Krause;

H. R. 11787. A bill granting a pension to John J. Manner;

H. R. 5186. A bill granting a pension to John Canter (title amended);

H. R. 11623. A bill granting an increase of pension to John Blackler;

H. R. 9156. A bill granting an increase of pension to Uriah Garber;

H. R. 11436. A bill granting an increase of pension to James H. McKnight;

H. R. 11695. A bill granting an increase of pension to George

W. Hatton;

H. R. 11545. A bill granting an increase of pension to Caroline

R. Boyd;

H. R. 8026. A bill granting an increase of pension to Joseph D. McClure;

H. R. 7878. A bill granting an increase of pension to William J. Remington;

H. R. 7229. A bill granting an increase of pension to Edwin M. Dunning;

H. R. 7085. A bill granting a pension to Hannah H. Graham;

H. R. 4008. A bill granting a pension to C. C. Sheets (title amended);

H. R. 2615. A bill granting a pension to Charles E. Miller (title amended);

H. R. 1047. A bill granting an increase of pension to Charles Alfred De Arnaud;

H. R. 292. A bill granting a pension to Henrietta Gattweis;

H. R. 1678. A bill granting a pension to Mary E. F. Gilman;

H. R. 2224. A bill granting a pension to David T. Nuttle (title amended);

H. R. 7901. A bill granting a pension to De Witt Clinton Letts (title amended);

H. R. 12899. A bill granting an increase of pension to William H. Rightmire;

H. R. 2470. A bill granting an increase of pension to Charles

P. Maxwell;

H. R. 2129. A bill granting an increase of pension to Warren W. Lawrence;

H. R. 5984. A bill granting an increase of pension to William H. Van Riper;

H. R. 6402. A bill granting a pension to Mary J. Adams;

H. R. 7312. A bill granting an increase of pension to James Curley;

H. R. 11325. A bill granting an increase of pension to James Merrick, sergeant, Company I, One hundred and thirty-third Regiment (title amended);

H. R. 6750. A bill granting a pension to William H. Hoxie (title amended);



- H. R. 11644. A bill granting a pension to Edgar A. Hamilton (title amended);
- H. R. 11977. A bill granting a pension to Sidney Cable, widow of Coonrod Cable (title amended);
- H. R. 10821. A bill granting a pension to Abbie J. Daniels (title amended);
- H. R. 7903. A bill granting an increase of pension to Ernest Wagner;
- H. R. 7228. A bill granting an increase of pension to Christian Christianson;
- H. R. 5911. A bill granting an increase of pension to Gilbert G. Gabrion;
- H. R. 12420. A bill granting a pension to Wesley Brummett;
- H. R. 12855. A bill granting an increase of pension to Milton Brown;
- H. R. 11133. A bill granting an increase of pension to James D. Lafferty;
- H. R. 8409. A bill granting an increase of pension to Cyrenus Larrabee;
- H. R. 8237. A bill granting an increase of pension to John Robinson;
- H. R. 6003. A bill granting a pension to Mary C. Stone (title amended);
- H. R. 12976. A bill granting an increase of pension to Jacob Smith;
- H. R. 11920. A bill granting an increase of pension to George W. Wertz;
- H. R. 11091. A bill granting an increase of pension to James Cooley, Company F, Thirty-first Ohio Volunteer Infantry (title amended);
- H. R. 5460. A bill granting an increase of pension to Thomas Sherry;
- H. R. 5273. A bill granting an increase of pension to James Van Zant;
- H. R. 5146. A bill granting an increase of pension to Florian V. Sims;
- H. R. 1257. A bill for the relief of James F. Campbell, of Charleston, Bradley County, Tenn. (title amended);
- H. R. 884. A bill granting a pension to Ella W. Rice (title amended);
- H. R. 1605. A bill granting a pension to J. S. Whitlege (title amended);
- H. R. 1466. A bill granting a pension to Alfred Hatfield;
- H. R. 3756. A bill granting a pension to James C. G. Smith (title amended);
- H. R. 1346. A bill granting a pension to Adelbert L. Orr;
- H. R. 12422. A bill granting an increase of pension to David Topper;
- H. R. 11686. A bill granting a pension to Elenore F. Adams (title amended);
- H. R. 10954. A bill granting a pension to Mary J. Gillam (title amended);
- H. R. 10222. A bill granting a pension to Benjamin E. Morgan (title amended);
- H. R. 8698. A bill granting an increase of pension to Nelson Churchill;
- H. R. 8457. A bill granting an increase of pension to G. F. Hoop (title amended);
- H. R. 7882. A bill granting an increase of pension to John H. Smith;
- H. R. 7541. A bill granting a pension to Mrs. Annie Shinn (title amended);
- H. R. 5554. A bill granting a pension to Egbert A. Stricksma;
- H. R. 8330. A bill granting a pension to Calvin Duckworth;
- H. R. 1478. A bill granting an increase of pension to Henry Runnels;
- H. R. 8840. A bill granting an increase of pension to J. H. Lauckley (title amended);
- H. R. 11621. A bill to correct the military record of H. J. Powell;
- H. R. 9723. A bill granting an honorable discharge to Levi Wells;
- H. R. 962. A bill granting a pension to Rodney W. Anderson;
- H. R. 8145. A bill granting an increase of pension to Harvey B. Linton;
- H. R. 6063. A bill granting an increase of pension to John Brill;
- H. R. 9950. A bill granting an increase of pension to Moses Whitcomb;
- H. R. 7041. A bill granting an increase of pension to Thomas J. Pleasant;
- H. R. 2817. A bill granting a pension to John Beeson (title amended);
- H. R. 11051. A bill granting an increase of pension to Henry E. Williams;
- H. R. 7367. A bill granting a pension to Ellen D. Campbell;
- H. R. 13146. A bill granting an increase of pension to Charles H. Helmcamp;
- H. R. 2486. A bill granting an increase of pension to William Matthews;
- H. R. 12148. A bill granting an increase of pension to Frederick O. Clark;
- H. R. 9544. A bill granting an increase of pension to George W. Barry;
- H. R. 2660. A bill granting an increase of pension to Henry Runnebaum;
- H. R. 13037. A bill granting an increase of pension to Frank W. Anderton (title amended);
- H. R. 11783. A bill granting an increase of pension to Charles M. Montgomery;
- H. R. 9819. A bill granting an increase of pension to Robert A. Pinn;
- H. R. 10899. A bill granting an increase of pension to William Warner, Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry (title amended);
- H. R. 12995. A bill granting an increase of pension to John Lilley;
- H. R. 4451. A bill granting an increase of pension to George K. Thompson;
- H. R. 3524. A bill granting an increase of pension to Frederick A. Slocum (title amended);
- H. R. 7110. A bill granting an increase of pension to Mrs. B. F. Power (title amended);
- H. R. 12977. A bill granting an increase of pension to William L. Church;
- H. R. 6397. A bill granting an increase of pension to William G. Buchanan;
- H. R. 1238. A bill granting a pension to Margaret A. Stuart;
- H. R. 12683. A bill granting a pension to Sarah L. Bates;
- H. R. 3262. A bill granting an increase of pension to David T. Bruck;
- H. R. 12770. A bill granting a pension to Carrie M. Schofield (title amended);
- H. R. 3323. A bill granting a pension to Daniel L. Mallicoat (title amended);
- H. R. 12339. A bill granting an increase of pension to Agnes Clark;
- H. R. 1745. A bill granting an increase of pension to Marvin Chandler;
- H. R. 7507. A bill granting an increase of pension to James M. Ashley;
- H. R. 12446. A bill granting a pension to Mary Shearer;
- H. R. 2849. A bill granting an increase of pension to Charles S. Ely (title amended);
- H. R. 9776. A bill granting an increase of pension to Alice A. Fitch;
- H. R. 10321. A bill granting a pension to Susan A. Phelps (title amended);
- H. R. 11665. A bill granting an increase of pension to Caleb C. Briggs;
- H. R. 12299. A bill granting a pension to William C. Roberts;
- H. R. 13323. A bill granting an increase of pension to Mary E. Barger;
- H. R. 13321. A bill granting an increase of pension to John S. Bonham;
- H. R. 1931. A bill granting an increase of pension to John Ludwig;
- H. R. 12458. A bill granting an increase of pension to William M. Barstow;
- H. R. 13019. A bill granting an increase of pension to Marietta Elizabeth Stanton;
- H. R. 13371. A bill granting an increase of pension to Charles D. Palmer;
- H. R. 2289. A bill granting an increase of pension to Pitsar Ingram;
- H. R. 9833. A bill granting an increase of pension to Margaret McCuen, widow of Alexander McCuen (title amended);
- H. R. 8466. A bill granting a pension to Lucinda A. Sirwell;
- H. R. 5951. A bill granting an increase of pension to Ole Thompson;
- H. R. 5219. A bill granting an increase of pension to Daniel Donne;
- H. R. 6006. A bill granting a pension to John Canty (title amended);
- H. R. 7491. A bill granting an increase of pension to William H. Chapman;
- H. R. 7815. A bill granting a pension to Nancy A. Killough;
- H. R. 7334. A bill granting an increase of pension to Ira L. Evans;
- H. R. 5020. A bill granting an increase of pension to Courtland C. Matson;
- H. R. 12489. A bill granting an increase of pension to Ebenezer Wilson;
- H. R. 11812. A bill granting an increase of pension to Martin Boice;

H. R. 945. A bill granting an increase of pension to William W. Richardson;

H. R. 12468. A bill for the relief of Phineas Curran (title amended);

H. R. 12370. A bill granting a pension to Ida M. Briggs;

H. R. 11343. A bill granting a pension to Mary Louise Lowry;

H. R. 624. A bill granting a pension to Dorcas McArdle;

H. R. 13066. A bill granting an increase of pension to O. D. Jasper (title amended);

H. R. 9794. A bill granting a pension to Zebulon A. Shipman;

H. R. 11850. A bill granting an increase of pension to Susan A. Volkmar; and

H. R. 13217. A bill granting an increase of pension to Thomas W. Dodge.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 2877. An act to remove the charge of desertion standing against the record of Thomas Blackburn;

S. 1678. An act granting an increase of pension to Charles B. Wingfield;

S. 3103. An act granting an increase of pension to Susan Hays;

S. 3995. An act granting a pension to Susan E. Clark;

S. 3378. An act granting a pension to Sarah Anne Harris;

S. 952. An act granting an increase of pension to George H. Smith;

S. 2079. An act granting an increase of pension to William Wheeler;

S. 4414. An act granting an increase of pension to Albertine Schoenecker;

S. 2329. An act granting an increase of pension to Peter Bittman;

S. 3849. An act granting an increase of pension to Benjamin F. H. Luce;

S. 3390. An act granting an increase of pension to Charles Allen;

S. 951. An act granting an increase of pension to Charles Am-  
brook;

S. 1285. An act granting an increase of pension to Elizabeth Steele;

S. 2327. An act granting an increase of pension to William Hoag;

S. 3388. An act granting an increase of pension to John Peterson;

S. 3064. An act granting an increase of pension to Emma Sophia Harper Cilley;

S. 4022. An act granting an increase of pension to Annie E. Brown;

S. 721. An act granting an increase of pension to Lavolette D. Dickey;

S. 181. An act granting an increase of pension to William C. David;

S. 4404. An act granting an increase of pension to Otto H. Has-  
selman;

S. 4643. An act granting an increase of pension to Phoebe L. Peyton; and

S. 2063. An act granting a pension to Ida S. McKinley.

Senate bills of the following titles, reported from the Committee of the Whole with amendments, were severally taken up, the amendments concurred in, and the bills as amended were ordered to a third reading, read the third time, and passed:

S. 1512. An act granting an increase of pension to Mary Jane Faulkner;

S. 2032. An act granting an increase of pension to Louise Ward;

S. 4072. An act granting an increase of pension to Samuel J. Lambden; and

S. 201. An act granting an increase of pension to Jane K. Hill.

MR. GIBSON. I move to reconsider the various votes by which bills reported to-day from the Committee of the Whole House were passed, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANDREW J. FELT.

Mr. CALDERHEAD. I rise to present a conference report.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2371) granting a pension to Andrew J. Felt, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

W. A. CALDERHEAD,  
J. A. NORTON,  
HENRY R. GIBSON,

Managers on the part of the House.

J. H. GALLINGER,  
WM. J. DEBOE,  
GEO. TURNER,

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

This bill passed the Senate at \$24 per month, but was amended in the House of Representatives to \$30 per month. The result of the conference is

that the Senate recedes from its disagreement, and the conferees recommend that the bill pass at \$30 per month, as it was amended in the House.

W. A. CALDERHEAD,  
J. A. NORTON,  
HENRY R. GIBSON,

Managers on the part of the House.

The report of the committee of conference was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 4798. An act to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill.;

S. 911. An act authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.;

S. 1104. An act providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent;

S. 1153. An act for the relief of Mary E. Parker; and

S. 4069. An act to establish a fish hatchery and fish station in the State of South Carolina.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4798. An act to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the drawspan of its bridge across the Mississippi River at Quincy, Ill.—to the Committee on Interstate and Foreign Commerce.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. J. Res. 173. Joint resolution to authorize the Commissioners of the District of Columbia to issue certain temporary permits;

H. R. 1476. An act granting an increase of pension to Henry F. Benson;

H. R. 1485. An act granting an increase of pension to Thompson B. Moore;

H. R. 1685. An act granting an increase of pension to Augustus E. Hodges;

H. R. 1709. An act granting an increase of pension to Edwin J. Godfrey;

H. R. 2613. An act granting an increase of pension to Thomas H. H. Gibbs;

H. R. 3354. An act granting an increase of pension to Thomas Young;

H. R. 3427. An act granting an increase of pension to Sarah E. Allen;

H. R. 3876. An act granting an increase of pension to Theophile A. Dauphin;

H. R. 3884. An act granting an increase of pension to Erastus C. Modervell;

H. R. 4053. An act granting an increase of pension to Henry E. De Marse;

H. R. 4116. An act granting an increase of pension to William Berry;

H. R. 4172. An act granting an increase of pension to George R. Chaney;

H. R. 4176. An act granting an increase of pension to Nathan W. Snee;

H. R. 6023. An act granting an increase of pension to Robert L. Ackridge;

H. R. 7290. An act granting an increase of pension to Lizzie B. Green;

H. R. 7613. An act granting an increase of pension to Evaline Wilson;

H. R. 7847. An act granting an increase of pension to Charles S. Wilson;

H. R. 10710. An act granting an increase of pension to Frances E. Scott;

H. R. 10957. An act granting an increase of pension to Mary E. Stockings;

H. R. 11916. An act granting an increase of pension to Andrew B. Spurling;

H. R. 12490. An act granting an increase of pension to Joseph Culbreath;

H. R. 291. An act granting a pension to Christina Heitz;

H. R. 3260. An act granting a pension to Jacob Golden;

H. R. 7525. An act granting a pension to Marion Barnes;

H. R. 9378. An act granting a pension to Clara B. Townsend;

H. R. 9654. An act granting a pension to John S. James;



H. R. 11025. An act granting a pension to Mary A. Carlile;  
H. R. 12275. An act granting a pension to Amelia A. Russell;  
and  
H. R. 12395. An act granting a pension to Ruth Bartlett.  
And then, on motion of Mr. GIBSON (at 3 o'clock and 50 minutes  
p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Reeser against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia, submitting an estimate of appropriation for public schools and health department—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1560); which said bill and report were referred to the House Calendar.

Mr. SIBLEY, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 13169) relating to third and fourth class mail matter, reported the same with amendment, accompanied by a report (No. 1561); which said bill and report were referred to the House Calendar.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred House bill 11172, reported in lieu thereof a bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River, and known as Lock 4, accompanied by a report (No. 1562); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11286) granting a pension to Ellen M. Pooke; and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOSS: A bill (H. R. 13574) to regulate the venue of actions in certain counties of the western district of Kentucky before the United States district and circuit courts sitting at Bowling Green, Ky., and for other purposes—to the Committee on the Judiciary.

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4, as a substitute for H. R. 11172—to the Union Calendar.

By Mr. BURTON: A joint resolution (H. J. Res. 176) to permit a change in the building lines of the public building at Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. DICK: A concurrent resolution (H. C. Res. 48) that with a view to correct errors in dates of original appointments, upon their graduation from the United States Military Academy, the President is hereby authorized and directed to cause the names of Capt. James J. Hornbrook, William A. Clark, and Samuel G. Jones, of the cavalry, to appear upon the lineal list of captains of cavalry, in the order above named, next below that of Capt. Frank M. Caldwell—to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 13576) granting an

increase of pension to Albert Moulton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13577) granting an increase of pension to George P. Sherwood—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 13578) granting an increase of pension to Albert L. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13579) granting an increase of pension to Lorenzo B. Fish—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 13580) for the relief of Thomas J. Goodman—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 13581) granting an increase of pension to George W. Goulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13582) granting an increase of pension to William A. Quinby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13583) for the relief of Mabel A. Parks, postmaster at Reese, Mich.—to the Committee on Claims.

By Mr. LANDIS: A bill (H. R. 13584) granting an increase of pension to Eliza J. Searcy—to the Committee on Pensions.

Also, a bill (H. R. 13585) granting an increase of pension to Laura Fitch McQuiston—to the Committee on Pensions.

By Mr. LOVERING: A bill (H. R. 13586) granting a pension to Sarah R. Greeley—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 13587) for the relief of William M. Henry—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 13588) granting an increase of pension to Judson A. Chafee—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 13589) granting an increase of pension to Alfred H. Snow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13590) granting an increase of pension to Lewis Hitt—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 13591) for the relief of the heirs of Edward Smith—to the Committee on War Claims.

By Mr. TOMPKINS of Ohio: A bill (H. R. 13592) granting an increase of pension to Theodore Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13593) granting an increase of pension to August Graf—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 13594) granting an increase of pension to Robert Hargreave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13595) granting an increase of pension to Lewis N. Woolman—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13596) granting a pension to Margaret Boyce—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 13597) granting an increase of pension to Edmund B. Appleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13598) granting a pension to John J. South-  
erland—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Merchants and Manufacturers' Exchange of Detroit, Mich., and Board of Trade of Springfield, Mass., in relation to increasing the efficiency of the foreign service and the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. BEIDLER: Papers to accompany House bill 13578, granting a pension to Albert L. Howe—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: Resolutions of Pennsylvania Lodge, No. 511, Brotherhood of Railroad Trainmen, Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURTON: Petition of Arthur G. McKee and other citizens of Cleveland, Ohio, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. CROMER: Petition of Spring Steel and Wire Fence Company and others, of Anderson, Ind., asking that the Dingley tariff rates be not disturbed—to the Committee on Ways and Means.

By Mr. CURTIS: Resolutions of Blue Post, of Topeka, Kans., Grand Army of the Republic, favoring the construction of war ships in the United States navy-yards—to the committee on Naval Affairs.

Also, resolutions of a mass meeting at Topeka, Kans., requesting the abolishment of supply camp alleged to be conducted by the British at Chalmette, La.—to the Committee on Foreign Affairs.

By Mr. DOVENER: Papers to accompany House bill 13596, granting a pension to Margaret Boyce—to the Committee on Invalid Pensions.

By Mr. EDWARDS: Petition of W. N. Aylesworth and 53 other

citizens of Deer Lodge, Mont., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Smeltermen's Union No. 117, of Anaconda, Mont., favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of Judith Mountain Miners' Union, No. 107, of Maiden, Mont., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of the Milwaukee Credit Men's Association, indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the League of American Sportsmen, for legislation for the protection of the buffalo and other animals in the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. GRAHAM: Resolutions of the League of American Sportsmen, for legislation for the protection of the buffalo and other animals in the Yellowstone National Park—to the Committee on Public Lands.

Also, resolutions of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, Allegheny, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of William G. Lowry Circle, No. 27, Grand Army of the Republic, Wilkesburg, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Petition of Typographical Union of Philadelphia, Pa., urging the defeat of House bill 5777 and Senate bill 2894, amending the copyright law—to the Committee on Patents.

By Mr. HOWELL: Resolutions of the Board of Trade of Newark, N. J., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. KAHN: Petitions of officers of the California National Guard, favoring House bill 11654, increasing the efficiency of the militia—to the Committee on Militia.

Also, resolutions of Iron Trades Council and Republican Mutual Alliance of San Francisco, Cal., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., favoring House bill 11808, with certain modifications—to the Committee on Ways and Means.

Also, resolutions of Drug Clerks' Association of San Francisco, Cal., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the Pacific Coast Marine Firemen's Union, favoring the seamen's clause in the Chinese-exclusion bill—to the Committee on Foreign Affairs.

Also, resolutions of Ship Joiners' Union of Vallejo; Sutter Lodge, No. 340, Railroad Trainmen, of Sacramento, and Castle Crag Lodge, No. 458, Division 553, Locomotive Engineers, of Fresno; and Marine Engineers' Association No. 35, Painters' Union No. 510; Engineers' Society No. 609, and Lithographers' Union No. 17, all of San Francisco, Cal., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. KEHOE: Petition of Joseph Heiser Post, No. 13, Grand Army of the Republic, Department of Kentucky, indorsing House bill No. 12206, providing for internment of indigent pensioners—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of George W. Tilton Lodge, No. 375, of Chicago, Ill., favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Resolutions of a public meeting in Topeka, Kans., in the interest of the Boers—to the Committee on Foreign Affairs.

By Mr. OTEY: Resolution of Central Labor Trades Council of Roanoke, Va., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. RAY of New York: Petition of the Trades Assembly of Norwich, N. Y., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHATTUC: Papers to accompany House bill 13160, granting an increase of pension to Estey Patch—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8900, to amend the military record of Emanuel Preston—to the Committee on Military Affairs.

By Mr. SIBLEY: Resolutions of Bradford Lodge, No. 228, Railroad Trainmen, Bradford, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, for the further restriction

of immigration—to the Committee on Immigration and Naturalization.

By Mr. SAMUEL W. SMITH: Resolutions of the Trades and Labor Council of Lansing, Mich., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of commissioned officers of the Second Regiment Connecticut National Guard, favoring House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

By Mr. STEPHENS of Texas: Resolution of Cattle Raisers' Association of Texas, favoring the passage of the bill to extend the limit of cattle from twenty-eight to forty hours; also, for the passage of a measure to secure a complete census of live stock every five years—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same association, for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same association, favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of the same, in favor of Senate bill 3311, relating to the leasing of public lands—to the Committee on the Public Lands.

By Mr. THOMAS of Iowa: Petition of 1,060 citizens of the Eleventh Congressional district of Iowa, in favor of a resolution protesting against the murder of Commander Kritzing and other Boer officers, and against certain alleged cruelties—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Papers to accompany House bill for the relief of Edward Smith—to the Committee on War Claims.

By Mr. WEEKS: Resolutions of the Board of Trade of Grand Rapids, Mich., approving the Nelson-Corliss bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Almont Grange, No. 478, Patrons of Husbandry, of Michigan, relative to the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WOODS: Papers to accompany House bill 13552, granting an increase of pension to Reuben B. Richards—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Resolutions of Gustin Post, No. 154; Phelps Post, No. 124, and Saxton Post, No. 65, Department of Pennsylvania, Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of Courtland Saunders Post, No. 21, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of the Philadelphia Drug Exchange, of Philadelphia, Pa., favoring a reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. ZENOR: Resolutions of Federation of Labor Lodge No. 9488, of Troy, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

## SENATE.

MONDAY, April 14, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading of the Journal was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### FUTURE OF THE PHILIPPINES.

Mr. CULBERSON. Mr. President, I desire to present an article from Mr. Charles Denby, member of the first Philippine Commission, entitled "Future of the Philippines," being a reprint from the Chicago Daily News of March 28, 1902, and I ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Texas submits an article from Mr. Denby, printed in a Chicago paper, with a request that it be printed in the RECORD. Is there objection? The Chair hears none, and the order is made.

The article referred to is as follows:

[Reprint from Chicago Daily News, March 28, 1902. By ex-Minister Denby.]

### FUTURE OF THE PHILIPPINES.

The burning question as to what shall be the future of the Philippines seems as far from settlement as it was when our complications with those islands first began nearly four years ago. Recent discussions in Congress indicate that leading Republicans are losing heart before the energetic attack of their Democratic colleagues. Some, like Senator SPOONER, have openly announced that we should not hold the islands permanently, but should educate the people and give them independence. Sometimes to this declaration is attached the absurd postulate of maintaining a protectorate, even after



autonomy is granted. In modern history the first step to agglutination is the establishment by a strong government of a protectorate over a weak one. France has a protectorate over Tonquin and Anam, but no diplomatist is so silly as to imagine that it will ever give up its hold on those countries. England permits the native rulers still to play at government in India, but they are tools in the hands of the British residents, who absolutely control their exercise of governmental powers. Our new theorists are putting the cart before the horse. Elsewhere in the world a protectorate comes first. With us the new idea is to prepare nationalities for independence, and then exercise a protectorate over them—a policy which is, of course, nonsense. The notion is a makeshift. It is the recoiling of weak and irresolute men before the bold attacks of more audacious statesmen.

The time has come for us to outline the course of policy that we intend to pursue toward the Philippines. We have been groping in darkness for four years, afraid to comply with the treaty of Paris, which requires that Congress shall determine the status of the Filipinos; afraid to say anything touching this momentous subject, except that the military with the "mailed fist" shall be supreme. The result has been that we have spent hundreds of millions of dollars and sacrificed tens of thousands of valuable lives uselessly and needlessly. No man who knows anything about the Philippines doubts that if Congress were to declare to-day that the Philippines shall be independent as soon as their people are fit to maintain and carry on an independent government the troubles in that distracted region would cease to-morrow. If, therefore, our real and honest purpose is to give autonomy to the islands as soon as the people develop sufficient capacity to govern themselves, the declaration of that purpose should be immediately made. There can be no object in holding it back which is conducive to the general welfare of our country. Congress has forborne to express any opinion on the subject, but many of its members, Republicans and Democrats, have openly declared that we should not hold the islands permanently.

The pending Philippine bill has been amended so as to provide that when it shall have been certified to the President that the insurrection has ceased and peace has been established there shall be a general election of delegates to a species of legislature which is to be known as the Philippine assembly. The delegates so elected are to constitute a lower house, and the members of the Commission are to form a senate. After this election the legislative powers of the Commission are to cease, except so far as the Moros and other noncivilized tribes are concerned. This plan is contingent on the happening of an event which may not occur for some years, and, if present conditions continue, may never occur—the pacification of the islands. It conduces very little toward that end. It settles nothing as to the future of the Filipinos. It does not promise independence nor does it affirm permanent control. It will please nobody. The Filipino who opposes us and who demands independence will surely claim that this plan embodies an intention on our part to hold the islands, and his antagonism will be augmented, while the native who is inclined to favor us will regard it as a premium offered to continue active hostility. As civil government is not to come until peace ensues, it will be greatly delayed, of course.

Accompanying this plan also there is no statement of the all-important fact as to whether such a government is to be temporary or permanent. The status of the natives, whether it is to be colonial or territorial, is not fixed. There is no promise to the native who is inclined to favor us that our rule will be permanent. The plan decided on leaves this question in doubt, and the friendly native does not avow his real sentiment lest we should withdraw from the islands and leave him in the power of the hostile Filipino. Pacification can scarcely be hoped for under such circumstances. How can we ask the natives to come over to us unless we openly declare to them what our purpose is in holding their country? Under the recent decisions of the Supreme Court the Executive claims absolute sovereignty and dominion over the Philippines. The Spooner resolution emphasizes this claim. As long as Congress fails to provide a form of government necessarily the Executive must treat the islands as conquered territory and subject to its will. It must put down any insurrection and make military rule supreme. It is difficult to recognize the existence of a civil commission alongside of the military authorities and acting independently of them. All through the term of the first and the second commissions antagonism has existed between the civil and the military representatives. Even the civil commission reports to the Secretary of War and is responsible to him. The laws enacted by the Taft Commission savor greatly of military orders. The enactment against sedition might well have emanated from a supreme military commander.

I am not disputing the necessity of harsh and repressive laws. In the incongruous and uncertain condition in which we are involved severity is probably necessary to repress disorder. What may be reasonably complained of is that nothing serious has been done hitherto toward establishing a civil government, and the reason which underlies this failure to act is the deplorable cause of existing troubles. The reason is that Congress has not determined whether the Philippines should be permanently held or not. So long as this question remains in doubt there can be no peace in the islands. Recall the conditions under which we went there. Remember that Dewey took Aguinaldo in a man-of-war to Cavite; that he landed that person in the boats of his fleet; that he gave him arms and license to attack the Spaniards; that he turned over Spanish prisoners to him; that he regarded him not as an ally, but as efficient to fight the common enemy.

The treaty was made in December, 1898, and ratified in February, 1899, and from May, 1898, down to the present time Congress has not vouchsafed one word to the Filipinos as to what their future is to be. Nothing has been done to encourage the friendly Filipinos to stand by us or to remove from the mind of the hostile Filipino the ingrained idea that independence is to be granted. Nearly half the orators in the United States put in their days and nights in uttering fervid and splendid declamation to the effect that we are worse than England was; that we are tyrants, robbers, and oppressors; that we are violating all human and divine laws, including our own Constitution and every line in the Bible. Except in the days of antislavery agitation such oratory was never heard before, and, singularly enough, it comes now largely from those who occupied the opposite position when slavery was the issue. On the other side, the meek exponent of the existing policy gets up and shows how we are establishing schools; how we are starting municipal governments; how we are improving physical conditions; how we are going to elevate and instruct the poor, downtrodden Filipino, but he does not say one word as to what form of government he is going to give him. All these benefactions are well enough, but in the present condition of the Filipino mind one whiff of independence would outvalue them all.

Are there any original expansionists left in the country? Are there any men who believe that the Philippines would constitute a valuable portion of our territory? Are there any men who are looking to the expansion of our trade? Are there any men who do not believe that sugar and tobacco interests should rule 75,000,000 people? Is there nobody left who can rise above the selfish considerations of a tariff or a trust? Is there anybody who thinks that it is not important to anyone except the tobacco smoker that his cigars may be purchased 1 cent a hundred cheaper than now? Does all the world, which once so largely favored expansion, now agree that the question of our power and duty to collect a tariff on sugar and bananas is the one great question before us? Is there nobody in this country that has formed an opinion as to whether we should hold the Philippines or not? If such a person exists, is he

too timid to express his opinion, and if so, why? Certainly while McKinley lived there was no evasion of the question. He it was who asked, "Who will tear down the flag?" and to this question the country responded by giving him an overwhelming majority. Particularly in the West, which best understands this question, were the majorities great.

We must do something to make the world believe that we are in earnest in our mission in the Philippines. We must cease the aimless slaughter of human beings. If we are mad, we must have some method in our madness. After four years of killing human beings we must at least tell the survivors why we have been killing their fellows. We are in a fair way to spend in the Philippines enough money to pay the national debt. We must tell the taxpayer what this expenditure is for, what its object is, what we expect to accomplish by the sweat and the toil which make it possible to spend this money. We must tell the foreign powers whether they may reckon on treating in a year or two with an independent nation or whether our flag will still fly over Manila. We must let our Christian people know whether or not it is prudent to send bishops and ministers, Protestant churches, and societies to the Philippines. We must let our merchants know our plan, so that they may conduct their business wisely. The miner, the wood sawyer, the shipbuilder, are waiting to know whether they can invest safely their capital and their brains in the Philippines. All this knowledge is cut out and excluded. No American can to-day impart any information as to our intentions toward the islands. We have learned rapidly from imperial powers the art of throwing all responsibility on the military, and no German can boast louder than we do of the "mailed fist."

This quietude, this self-abnegation of the exercise of plain powers, this patent dissimulation of real intention—if such exists—is not worthy of our nation or honorable to our people.

What Congress should do in the matter of the Philippines seems so plain that no man ought to fail to see it.

It should do what the first Philippine Commission earnestly recommended. It should establish a Territorial government for the islands. This policy would take the Constitution thither, and why not? Are Americans afraid of their Constitution? Under it we have ruled Territories for a hundred years, and our power over them was never disputed. As we expand our Territorial system goes forward. We have had it in New Mexico, Hawaii, Oklahoma, and Porto Rico, and we are soon to have it in Alaska, the Danish islands, and the Indian Territory. Such a tutelage may last a hundred years, and what if it does? It may result in building up new States in the Tropics, but we will control that question. We can not tell what the future may develop. It is possible that the whole system of annexation of noncontiguous territory is an error; and if that be true, we will find it out and we will change our policy.

The insistent problem is, What is the best to do now? Almost nobody proposes to give the Philippines up instantly, on the moment. Almost everybody agrees that we must hold them for a certain period of time. The writer does not agree that we should hold them an hour longer than we can decently get rid of them, unless we are going to hold them permanently. The minute that we agree that they shall at any period hereafter be independent, that instant we should institute proceedings to let them go. All this talk about the capacity of the people for self-government is mostly without foundation. They are as capable of self-government as the Cubans are. After having been four years in contact with Americans they will be able to organize and maintain a republican government. But whether they are fully equipped for self-government or not is no business of ours if they are to be independent.

We could survive the loss of the Philippines. They are not absolutely essential to our happiness. It is the doubt, the misconception of our intentions, the horrors of the actual situation, which are profoundly agitating Americans. We can do away with all these troubles in two simple ways. The first is a resolution by Congress that we do not intend to hold the archipelago permanently; the second is the institution of a Territorial form of government.

In the latter event the islands would become a part of our soil: our Constitution and laws would follow the flag; peace would prevail. The constitutional orator would disappear; he would have nothing to talk about. It would be an accomplished fact that the Philippines belonged to us. Trouble would come, perhaps, as it came and endured for many a year with the Indians, but who doubts that we would overcome every obstacle to peace and quietness?

All that our people want to know in order to make the Philippines great, rich, and prosperous is that they will remain permanently ours. I defy the world to produce any cogent reason, disconnected with politics and trusts, why this information should be withheld.

CHARLES DENBY,

Member of the First Philippine Commission.

EVANSVILLE, IND.

#### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants' Exchange of Buffalo, N. Y., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Milkmen's Protective Union No. 8744, American Federation of Labor, of Rochester, N. Y., and a petition of the Republican district committee of the Twenty-eighth assembly district, of New York County, N. Y., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Central Labor Union of Auburn; of the Trades Assembly of Norwich; of the Ship Carpenters and Joiners' Union of Elm Park; of Laborers' Protective Union No. 9512, of Ticonderoga; of the Central Associated Trades Council of Corning; of Local Union No. 6939, of New York, and of the Trades and Labor Council of Olean, all of the American Federation of Labor; of Lodge No. 381, of Syracuse; of Lodge No. 406, of New York City, and of Hudson River Lodge, No. 365, of Troy, all of the International Association of Machinists, in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Albany, N. Y., praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of



Buffalo, N. Y., praying for the enactment of legislation granting pensions to certain members of the Life-Saving Service; which was referred to the Committee on Pensions.

He also presented a petition of the Congress Club, of Kings County, N. Y., and a petition of the Hell Gate Republican Club, Thirtieth assembly district, of New York, N. Y., praying for the enactment of legislation to increase the salary of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented petitions of Bakers' Local Union No. 57, of Grand Rapids; of Local Union No. 95, of Jackson, and of Knot Sawyers' Local Union No. 8338, of Manistee, all of the American Federation of Labor, in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Grand Rapids, Mich., and a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Bakers' Local Union No. 57, American Federation of Labor, of Grand Rapids, Mich., and a petition of Iron Workers and Helpers' Local Union No. 8903, American Federation of Labor, of Saginaw, Mich., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a memorial of the Board of Control of the State House of Correction and Branch Prison, of Marquette, Mich., remonstrating against the enactment of legislation calculated to restrict the interstate transportation or manufacture of prison-made products; which was referred to the Committee on Education and Labor.

He also presented a petition of Milo Warner Post, No. 232, Department of Michigan, Grand Army of the Republic, of Cass City, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a memorial of Executive Council, American Federation of Labor, of Washington, D. C., remonstrating against the adoption of the so-called Platt amendment to the Chinese-exclusion bill; which was ordered to lie on the table.

Mr. BLACKBURN presented a petition of Federal Labor Union No. 9316, of Caseyville, Ky., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Kentucky, praying for the adoption of an amendment to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DRYDEN. I present a petition of the Board of Foreign Missions of the Presbyterian Church in the United States of America, requesting that in any bill enacted for the restriction of Chinese immigrants the rights of students, teachers, and preachers coming from China to study in institutions of learning be conceded and safeguarded. I ask that the petition lie on the table, and that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

THE BOARD OF FOREIGN MISSIONS OF THE  
PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.  
156 Fifth Avenue, New York, April 11, 1903.

DEAR SIR: In behalf of the Board of Foreign Missions of the Presbyterian Church, we would most earnestly request that in any bill passed by the Senate dealing with the problem of Chinese immigration the right of students, teachers, and preachers coming from China to study in colleges, universities, and other institutions in this land, having no intention to reside here or to enter into any competition with American labor, should be conceded and safeguarded. It is our fear lest the terms of the Mitchell and Kahn bills, while appearing to concede and protect this right, are liable to such misinterpretation as shall, on the other hand, quite annul it.

We beg leave to express our solicitude also lest any unnecessary severity in new legislation excluding the Chinese may react upon our own representatives—commercial and religious—in China. We recognize certain limits to representations from missionary societies in such matters, but we feel that we owe it to a class of Chinese, sure greatly to increase, to ask that they be not unduly hindered from coming to this country to acquire sympathy with our institutions and a better understanding of our Western life, in order to return to their own people for their uplifting and the general strengthening of relations of sympathy between them and the West. With regard to this class, and, indeed, with reference to some other classes, also, we would beg that the terms of any further legislation should not be more severe or exclusive than the terms of the so-called Geary law.

Very respectfully,

DARWIN R. JAMES,  
Chairman Finance Committee.  
ROBERT E. SPEER,  
Secretary.

HON. J. F. DRYDEN,  
United States Senate, Washington, D. C.

Mr. DRYDEN presented a petition of Masons' Local Union No. 16, American Federation of Labor, of Newark, N. J., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 138, American Federation of Labor, of Newark, N. J., remonstrating against the enactment of legislation to reduce the import duty on cigars coming from Cuba and the Philippine Islands; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Newark, N. J., remonstrating against the ratification of the pending reciprocity treaties and concessions; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 21, National Alliance of Theatrical Stage Employees, American Federation of Labor, of Newark, N. J., praying for the enactment of legislation to increase the salary of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Newark, N. J., remonstrating against the enactment of legislation which will tend to sacrifice or injure any American industry; which was referred to the Committee on Commerce.

He also presented a petition of Local Division No. 85, Order of Railroad Telegraphers, of Trenton, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Belvedere, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of Typographical Union No. 235, American Federation of Labor, of Rahway, N. J., remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of Painters, Decorators, and Paper Hangers' Local Union No. 223, of Summit; of Feeders and Assistant Pressmen's Local Union, of New Jersey; of Local Union No. 8588, of New Jersey; of the Central Trades and Labor Council of Bridgeton; of the Essex Trades Council, of Newark; of Local Union No. 169, of Jersey City, and of the Boot and Shoe Workers' Local Union No. 148, of Newark, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of the American Federation of Labor, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railway Trainmen, the Order of Railroad Telegraphers, the Sailors' Union of the Pacific, the International Seamen's Union of America, and the Chinese-exclusion commission of California, praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a memorial of Mullica Hill Grange, No. 50, Patrons of Husbandry, of Gloucester County, N. J., remonstrating against the enactment of legislation relative to the opening up to settlement for irrigation purposes of the arid lands of the West; which was ordered to lie on the table.

He also presented a memorial of the Executive Council, American Federation of Labor, of Washington, D. C., remonstrating against the adoption of the so-called Platt amendment to the Chinese-exclusion bill; which was ordered to lie on the table.

He also presented a petition of the National Indian Association of the United States, praying for the enactment of legislation providing for a reform in the administration of Indian affairs; which was referred to the Committee on Indian Affairs.

Mr. KEAN presented a petition of sundry citizens of Summit, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Lodge No. 271, Brotherhood of Locomotive Firemen, of Port Morris, N. J., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented petitions of the Central Trades and Labor Council, of Bridgeton; of Painters, Decorators and Paper Hangers' Local Union No. 223, of Summit, and of Mineral Mine Workers' Local Union No. 8588, of Port Oram, all in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. CLAPP presented a petition of the Lithographers' Local Union, of St. Paul and Minneapolis, Minn., praying for the enactment of legislation providing an educational test for immigrants



to this country; which was referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., praying for the enactment of legislation granting per diem pensions; which was referred to the Committee on Pensions.

Mr. PENROSE presented petitions of 38 citizens of Philadelphia, of 55 citizens of Bellevue, of 19 citizens of Pittsburg, and of 23 citizens of Donora, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Journeymen Barbers' Local Union No. 278, of Newcastle; of the Central Trades Council Union of Kittanning; and of American Flint Glass Workers' Local Union No. 36, of Monaca, all in the State of Pennsylvania, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Central Labor Union of Shamokin; of the Iron Workers' Local Union of Lancaster; of the Central Labor Union of Meadville; of the Central Labor Union of Lancaster; of Lodge No. 348, International Association of Machinists, of Philadelphia; of Local Union No. 8874, of Shenandoah; of Anna M. Ross Council, No. 553, Junior Order of United American Mechanics, of Philadelphia; of Local Union No. 1665, of Summit Hill; of Federal Labor Union No. 9257, of Renovo; of the Central Labor Union of Ashland; of United Wire Workers' Local Union No. 8914, of Wilkesbarre; and of Federal Labor Union No. 9182, of Ashland, all in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Colonel Croasdale Post, No. 256, of Riegelsville; of John M. Good Post, No. 502, of Elizabethtown; of Post No. 408, of Liverpool; of C. A. Craig Post, No. 75, of Parker's Landing; of Colonel P. B. Housum Post, No. 309, of Chambersburg; of John A. Koltz Post, No. 228, of Philadelphia; of Lieutenant M. A. Lucore Post, No. 216, of St. Marys; of King Post, No. 365, of McConnellsburg; of H. H. Hoagland Post, No. 170, of Catawissa, and of Post No. 507, of Hendersville, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men of the Army and Navy of the United States when 50 years of age and over and to increase pensions of widows of soldiers to \$12 per month; which were referred to the Committee on Pensions.

Mr. QUAY. I present what may be termed a memorial from the Board of Foreign Missions of the Presbyterian Church in the United States which bears upon the Chinese-exclusion bill now pending. It is brief, and I ask to have it read.

The PRESIDENT pro tempore. The same memorial has already been presented this morning and ordered to be printed in the RECORD.

Mr. QUAY. Then I withdraw the request. I did not know that had been done.

The PRESIDENT pro tempore. The memorial will lie on the table.

Mr. QUAY presented petitions of Federal Labor Union No. 9251, of Renovo; of Federal Labor Union No. 918, of Ashland; of Local Union No. 887, of Shenandoah, and of Wire Workers' Local Union No. 8914, of Wilkesbarre, all of the American Federation of Labor, in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Lieutenant M. W. Lucore Post, No. 216, of St. Marys; of Mercer Post, No. 169, of Mercer; of Jacob Maynard Post, No. 377, of North Mehoopany; of Captain G. W. Ryan Post, No. 364, of Middleburg; of General John F. Reynolds Post, No. 71, of Philadelphia; of Colonel S. D. Barrows Post, No. 385, of Williamsport; of General Simon Cameron Post, No. 78, of Middletown; of E. D. Baker Post, No. 8, of Philadelphia; of George Simpson Post, No. 44, of Huntingdon; of Billings Post, No. 392, of Nicholson; of Colonel Croasdale Post, No. 256, of Riegelsville; of Lieutenant H. C. Titman Post, No. 93, of Auburn; of General George D. Bayard Post, No. 178, of Belle Vernon; of Saxton Post, No. 65, of Granville Center; of Phelps Post, No. 124, of East Smithfield, all of the Department of Pennsylvania, Grand Army of the Republic; of Circle No. 34, of Steelton; of Warren Circle, No. 67, of Philadelphia; of Major William G. Lowry Circle, No. 27, of Wilkesburg, of the Ladies of the Grand Army of the Republic, and of Encampment No. 4, Union Veteran Legion, of Beaver Falls, all in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years

of age and over and increasing the pensions of widows of soldiers to \$12 per month; which were referred to the Committee on Pensions.

Mr. PROCTOR presented a petition of the trustees of the Howard Relief Society, of Burlington, Vt., and a petition of Horse Nail Workers' Local Union, No. 9487, of Vergennes, Vt., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HOAR presented a petition of Machinists' Local Union No. 138, of Lowell, Mass., and a petition of Bay State Lodge, International Association of Machinists, of Springfield, Mass., praying for the enactment of legislation providing an educational test for immigrants; which were referred to the Committee on Immigration.

Mr. FRYE presented a memorial of the Chamber of Commerce of Muscogee, Ind. T., remonstrating against the passage of the bill to create the Territory of Jefferson and to provide a temporary government for the same; which was referred to the Committee on Territories.

He also presented a petition of the Board of Foreign Missions of the Presbyterian Church in the United States of America, praying that in any bill enacted for the restriction of Chinese immigrants the rights of students, teachers, and preachers coming from China to study in our institutions of learning be conceded and safeguarded; which was ordered to lie on the table.

He also presented petitions of Anthon S. Soagee, of Augusta; of A. A. Cummings, of Augusta, and of Masons' Local Union No. 7, of Bangor, all in the State of Maine, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4865) granting an increase of pension to Joseph D. Hazzard;

A bill (S. 2346) granting a pension to Amanda C. Bayliss; and

A bill (S. 1638) granting a pension to John R. Homer Scott.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 4494) granting an increase of pension to Oscar Van Tassell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4783) granting an increase of pension to Mary Breckons;

A bill (S. 1593) granting an increase of pension to Eben C. Winslow; and

A bill (S. 4758) granting an increase of pension to Mary L. Doane.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3999) granting an increase of pension to Emma S. Hanna; and

A bill (S. 5065) granting a pension to Jemima McClure.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4300) granting an increase of pension to Ann Comins;

A bill (S. 4619) granting an increase of pension to Clifford Neff Fyffe; and

A bill (S. 2081) granting an increase of pension to Horatio N. Whitbeck.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11737) granting a pension to Irenia C. Hill;

A bill (H. R. 658) granting an increase of pension to John H. Jack;

A bill (H. R. 2128) granting an increase of pension to Abram O. Kindy;

A bill (H. R. 10532) granting an increase of pension to John L. Bowman; and

A bill (H. R. 2167) granting a pension to Mahala Jane Kuhn.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4455) granting an increase of pension to Hallowell Goddard, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2511) granting a pension to William Phillips, reported it with amendments, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 3991) granting a pension to Waity West, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6107) granting an increase of pension to Elijah E. Harvey; and

A bill (S. 3552) granting a pension to John A. Reilley.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 4043) granting an increase of pension to Catharine A. Carroll, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on the Judiciary, to whom was referred the bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 944) to provide for the appointment of an additional circuit judge for the Ninth judicial circuit, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the bill (S. 3298) granting an increase of pension to William A. Kimball, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6020) granting an increase of pension to Russel A. Williams;

A bill (H. R. 2619) granting an increase of pension to William Holgate;

A bill (H. R. 12129) granting a pension to Minnie M. Rice; and

A bill (S. 4941) granting an increase of pension to William Nichol.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 9625) granting a pension to Elizabeth L. Beckett; and

A bill (S. 4650) granting an increase of pension to Delania Ferguson.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3063) granting an increase of pension to H. J. Edge; and

A bill (S. 2755) granting a pension to Ruth H. Ferguson.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 1903) granting an increase of pension to Hamline B. Williams, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3032) granting a pension to Samuel J. Christopher and Jane Vickers, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4729) granting an increase of pension to Daniel A. Hall;

A bill (S. 1038) granting an increase of pension to Gustavus C. Pratt;

A bill (S. 2048) granting an increase of pension to Louis G. Latour; and

A bill (S. 5059) granting a pension to May D. Liscum.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4730) granting an increase of pension to George W. Youngs, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4655) granting an increase of pension to Oliver K. Wyman; and

A bill (S. 4853) granting an increase of pension to Amos Moulton.

Mr. SCOTT, from the Committee on Pensions, to whom was re-committed the bill (H. R. 8553) granting a pension to Joseph Tusinski, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2551) granting a pension to Amelia Engel;

A bill (S. 3781) granting a pension to George A. Mercer; and

A bill (S. 2638) granting a pension to David O. Carpenter.

Mr. SCOTT, from the Committee on Pensions, to whom were

referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2935) granting a pension to Joanna Rommel;

A bill (H. R. 10951) granting an increase of pension to Pauline M. Roberts;

A bill (H. R. 9140) granting an increase of pension to Mary Ann E. Sperry; and

A bill (H. R. 8631) granting a pension to Mary E. S. Hays.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 9494) granting an increase of pension to Mary A. Andress, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3401) for the relief of H. Glafcke, reported it without amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 9th instant, proposing to appropriate \$2,000 to pay the rental of suitable rooms and accommodations for the holding of the circuit and district courts in the northern district of Georgia at Athens, Ga., and at Rome, Ga., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FOSTER of Washington on the 11th instant, relating to the fees of United States commissioners for drawing affidavits for search warrants, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment proposing to appropriate \$50,000 for the purchase of land belonging to the heirs of M. H. Schneider, adjoining the present Garfield Memorial Hospital on the west, in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

#### DIPLOMATIC CORRESPONDENCE AND FOREIGN RELATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 77) providing for printing the general index to published volumes of the Diplomatic Correspondence and Foreign Relations of the United States, to report it favorably, without amendment, and I ask for its immediate consideration.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. McLAURIN of Mississippi introduced a bill (S. 5232) for the relief of Emily E. Bishop; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5233) for the relief of the estate of H. C. Henderson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5234) for the relief of Jacob A. Paulk;

A bill (S. 5235) for the relief of M. V. Stearnes; and

A bill (S. 5236) for the relief of W. B. Olive.

Mr. BURTON introduced a bill (S. 5237) to enable claimants of the Jose Manuel Royuela and John Charles Beales grant (commonly called the Beales grant), lying within the territory acquired by the United States from the Republic of Mexico by the treaty of Gaudalupe Hidalgo on the 2d day of February, A. D. 1848, to institute proceedings in the Court of Private Land Claims, and for other purposes; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5238) granting an increase of pension to Newton W. Elmendorf;

A bill (S. 5239) granting an increase of pension to Joseph O. Kerbey, alias Joseph A. Kerbey (with accompanying papers); and

A bill (S. 5240) granting an increase of pension to Emma B. Hartley (with accompanying papers).

Mr. CLARK of Wyoming introduced a bill (S. 5241) granting a pension to Benjamin F. Wiley, jr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.



He also introduced a bill (S. 5242) granting a pension to Fannie E. Strohaner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 5243) to annex a portion of Arizona Territory to the State of Utah; which was read twice by its title, and referred to the Committee on Territories.

Mr. BURNHAM introduced a bill (S. 5244) granting an increase of pension to William H. Maxwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

- A bill (S. 5245) for the relief of Robert R. McGuire;
- A bill (S. 5246) for the relief of Isaac C. Easterly;
- A bill (S. 5247) for the relief of Daniel Butts;
- A bill (S. 5248) for the relief of Abner Ogles;
- A bill (S. 5249) for the relief of the estate of Thomas Williams;

- A bill (S. 5250) for the relief of Elam Cooper;
- A bill (S. 5251) for the relief of the estate of Mrs. E. M. Booker, deceased;

A bill (S. 5252) for the relief of Martha A. Booth, administratrix of the estate of W. A. Booth, deceased;

A bill (S. 5253) for the relief of Thomas Caldwell; and

A bill (S. 5254) for the relief of G. Wat. Garner, sr. (with accompanying papers).

Mr. BERRY introduced a bill (S. 5255) granting an increase of pension to Matthew F. Locke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5256) to correct errors in dates of original graduation appointments of certain officers of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5257) granting an increase of pension to Edward King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5258) granting an increase of pension to Myron T. Spencer; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$25,000 for the construction of a light-house and fog signal in Semiahmoo Harbor, Gulf of Georgia, Puget Sound, State of Washington, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. QUAY submitted an amendment relating to labor for maintenance and engineering service in the national military parks, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment directing a survey to be made of the Colorado River, Nevada, with a view of removing obstructions and deepening and rendering navigable the channel between El Dorado Canyon and Riverville, Nev., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BACON submitted an amendment relative to half-yearly returns to the Attorney-General by clerks of district and circuit courts of the United States of all fees and emoluments of their offices and of all necessary expenses of the same, intended to be proposed by him to the sundry civil appropriation bill; which was, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BACON subsequently, from the Committee on the Judiciary, reported the above amendment favorably, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

#### TAXES IN DISTRICT OF COLUMBIA.

Mr. HEITFELD submitted an amendment intended to be proposed by him to the bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia; which was ordered to lie on the table and be printed.

#### DENTAL SURGEONS IN NAVY.

Mr. PETTUS submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Navy is directed to inform the Senate whether dental surgeons, other than the one for the Naval Academy, have been enlisted and detailed to render professional services to the officers and enlisted men of the Navy, and, if any have been so enlisted and detailed within the last four years, how many in each year, the position to which enlisted, the tests of professional qualifications required, and the transfers, removals, and resignations occurring; the number now in the service, and the

cost of equipment and supplies for the use of such detailed dental surgeons, and from what appropriation paid.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2371) granting a pension to Andrew J. Felt.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903.

The message further announced that the House insists upon its amendment to the bill (S. 4071) granting an increase of pension to George C. Tillman, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRAFF, Mr. FOSTER of Vermont, and Mr. OTEY managers at the conference on the part of the House.

The message further announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 201) granting an increase of pension to Jane K. Hill;

A bill (S. 1512) granting an increase of pension to Mary Jane Faulkner;

A bill (S. 2082) granting an increase of pension to Louise Ward; and

A bill (S. 4072) granting an increase of pension to Samuel J. Lambden.

The message also announced that the House had passed the following bills:

A bill (S. 181) granting an increase of pension to William C. David;

A bill (S. 721) granting an increase of pension to Lavalette D. Dickey;

A bill (S. 951) granting an increase of pension to Charles Ambrook;

A bill (S. 952) granting an increase of pension to George H. Smith;

A bill (S. 1285) granting an increase of pension to Elizabeth Steele;

A bill (S. 1678) granting an increase of pension to Charles B. Wingfield;

A bill (S. 2063) granting a pension to Ida S. McKinley;

A bill (S. 2079) granting an increase of pension to William Wheeler;

A bill (S. 2327) granting an increase of pension to William Hoag;

A bill (S. 2329) granting an increase of pension to Peter Bittman;

A bill (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn;

A bill (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley;

A bill (S. 3103) granting an increase of pension to Susan Hays;

A bill (S. 3378) granting a pension to Sarah Anne Harris;

A bill (S. 3388) granting an increase of pension to John Peterson;

A bill (S. 3390) granting an increase of pension to Charles Allen;

A bill (S. 3849) granting an increase of pension to Benjamin F. H. Luce;

A bill (S. 3995) granting a pension to Susan E. Clark;

A bill (S. 4022) granting an increase of pension to Annie E. Brown;

A bill (S. 4404) granting an increase of pension to Otto H. Haselman;

A bill (S. 4414) granting an increase of pension to Albertine Schoenecker; and

A bill (S. 4643) granting an increase of pension to Pheobe L. Peyton.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 292) granting a pension to Henrietta Gottweis;

A bill (H. R. 624) granting a pension to Dorcas McArdle;

A bill (H. R. 884) granting an increase of pension to Ellen W. Rice;

A bill (H. R. 945) granting an increase of pension to William W. Richardson;  
 A bill (H. R. 962) granting a pension to Rodney W. Anderson;  
 A bill (H. R. 1047) granting an increase of pension to Charles Alfred De Arnaud;  
 A bill (H. R. 1238) granting a pension to Margaret A. Stewart;  
 A bill (H. R. 1257) granting an increase of pension to James F. Campbell;  
 A bill (H. R. 1346) granting a pension to Adelbert L. Orr;  
 A bill (H. R. 1466) granting a pension to Alfred Hatfield;  
 A bill (H. R. 1478) granting an increase of pension to Henry Runnels;  
 A bill (H. R. 1528) granting an increase of pension to Charles Dalrymple;  
 A bill (H. R. 1605) granting a pension to John S. Whitlege;  
 A bill (H. R. 1678) granting a pension to Mary E. F. Gilman;  
 A bill (H. R. 1745) granting an increase of pension to Marvin Chandler;  
 A bill (H. R. 1931) granting an increase of pension to John Ludwig;  
 A bill (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence;  
 A bill (H. R. 2224) granting an increase of pension to David T. Nuttle;  
 A bill (H. R. 2289) granting an increase of pension to Pitsar Ingrani;  
 A bill (H. R. 2470) granting an increase of pension to Charles P. Maxwell;  
 A bill (H. R. 2486) granting an increase of pension to William Matthews;  
 A bill (H. R. 2615) granting an increase of pension to Charles E. Miller;  
 A bill (H. R. 2660) granting an increase of pension to Henry Runnebaum;  
 A bill (H. R. 2817) granting an increase of pension to John Beeson;  
 A bill (H. R. 2849) granting an increase of pension to Charles S. Ely;  
 A bill (H. R. 3262) granting an increase of pension to David T. Bruck;  
 A bill (H. R. 3263) granting an increase of pension to John Revley;  
 A bill (H. R. 3277) granting a pension to Frances J. Abercrombie;  
 A bill (H. R. 3323) granting a pension to Daniel L. Mallicoat;  
 A bill (H. R. 3330) granting a pension to Calvin Duckworth;  
 A bill (H. R. 3524) granting an increase of pension to Frederick A. Slocum;  
 A bill (H. R. 3592) for the relief of Henry Lane;  
 A bill (H. R. 3756) granting an increase of pension to James C. G. Smith;  
 A bill (H. R. 4008) granting a pension to Christopher Columbus Sheets;  
 A bill (H. R. 4451) granting an increase of pension to George K. Thompson;  
 A bill (H. R. 5020) granting an increase of pension to Courtland C. Matson;  
 A bill (H. R. 5146) granting an increase of pension to Florian V. Sims;  
 A bill (H. R. 5186) granting a pension to John Canter;  
 A bill (H. R. 5219) granting an increase of pension to Daniel Donne;  
 A bill (H. R. 5273) granting an increase of pension to James Van Zant;  
 A bill (H. R. 5460) granting an increase of pension to Thomas Sherry;  
 A bill (H. R. 5554) granting a pension to Egbert A. Stricksma;  
 A bill (H. R. 5877) granting a pension to Robert Watts;  
 A bill (H. R. 5911) granting an increase of pension to Gilbert G. Gabrion;  
 A bill (H. R. 5951) granting an increase of pension to Ole Thompson;  
 A bill (H. R. 5984) granting an increase of pension to William H. Van Riper;  
 A bill (H. R. 6003) granting a pension to Mary Stone;  
 A bill (H. R. 6006) granting an increase of pension to John Canty;  
 A bill (H. R. 6063) granting an increase of pension to John Brill;  
 A bill (H. R. 6402) granting a pension to Mary J. Adams;  
 A bill (H. R. 6434) granting a pension to Mary J. Fitch;  
 A bill (H. R. 6750) granting an increase of pension to William H. Hoxie;  
 A bill (H. R. 6897) granting an increase of pension to William G. Buchanan;  
 A bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant;

A bill (H. R. 7085) granting a pension to Hannah H. Graham;  
 A bill (H. R. 7110) granting an increase of pension to Aurelia M. Power;  
 A bill (H. R. 7228) granting an increase of pension to Christian Christianson;  
 A bill (H. R. 7229) granting an increase of pension to Edwin M. Dunning;  
 A bill (H. R. 7312) granting an increase of pension to James Curley;  
 A bill (H. R. 7334) granting an increase of pension to Ira L. Evans;  
 A bill (H. R. 7367) granting a pension to Ellen D. Campbell;  
 A bill (H. R. 7491) granting an increase of pension to William H. Chapman;  
 A bill (H. R. 7507) granting an increase of pension to James M. Ashley;  
 A bill (H. R. 7541) granting a pension to Annie Shinn;  
 A bill (H. R. 7815) granting a pension to Nancy A. Killough;  
 A bill (H. R. 7878) granting an increase of pension to William J. Remington;  
 A bill (H. R. 7882) granting an increase of pension to John H. Smith;  
 A bill (H. R. 7901) granting a pension to De Witt Clinton Letts;  
 A bill (H. R. 7903) granting an increase of pension to Ernest Wagner;  
 A bill (H. R. 7922) granting an increase of pension to Richard G. Watkins;  
 A bill (H. R. 8026) granting an increase of pension to Joseph D. McClure;  
 A bill (H. R. 8145) granting an increase of pension to Harvey B. Linton;  
 A bill (H. R. 8237) granting an increase of pension to John Robinson;  
 A bill (H. R. 8326) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park;  
 A bill (H. R. 8409) granting an increase of pension to Cyrenus Larrabee;  
 A bill (H. R. 8429) granting a pension to Dollie M. Cronkite;  
 A bill (H. R. 8457) granting an increase of pension to Gibboney F. Hoop;  
 A bill (H. R. 8466) granting a pension to Lucinda A. Sirwell;  
 A bill (H. R. 8698) granting an increase of pension to Nelson Churchill;  
 A bill (H. R. 8840) granting an increase of pension to John H. Lauckly;  
 A bill (H. R. 9156) granting an increase of pension to Uriah Garber;  
 A bill (H. R. 9455) to remove the charge of desertion standing against the name of Lorenzo Marchant;  
 A bill (H. R. 9544) granting an increase of pension to George W. Barry;  
 A bill (H. R. 9723) granting an honorable discharge to Levi Wells;  
 A bill (H. R. 9776) granting an increase of pension to Alice A. Fitch;  
 A bill (H. R. 9794) granting a pension to Zebulon A. Shipman;  
 A bill (H. R. 9819) granting an increase of pension to Robert A. Pinn;  
 A bill (H. R. 9833) granting an increase of pension to Margaret McCuen;  
 A bill (H. R. 9950) granting an increase of pension to Moses Whitcomb;  
 A bill (H. R. 10222) granting an increase of pension to Benjamin E. Morgan;  
 A bill (H. R. 10321) granting an increase of pension to Susan A. Phelps;  
 A bill (H. R. 10449) granting an increase of pension to Sarah H. Lake;  
 A bill (H. R. 10795) granting an increase of pension to William A. Campbell;  
 A bill (H. R. 10821) granting an increase of pension to Abbie T. Daniels;  
 A bill (H. R. 10899) granting an increase of pension to William Warner;  
 A bill (H. R. 10908) granting an increase of pension to Aaron S. Post;  
 A bill (H. R. 10954) granting a pension to Mary J. Gillam;  
 A bill (H. R. 11051) granting an increase of pension to Henry E. Williams;  
 A bill (H. R. 11091) granting an increase of pension to James Cooley;  
 A bill (H. R. 11133) granting an increase of pension to James D. Lafferty;  
 A bill (H. R. 11170) granting an increase of pension to William Kunselman;



A bill (H. R. 11181) granting a pension to Alice D. H. Krause;  
 A bill (H. R. 11325) granting an increase of pension to James Merrick;  
 A bill (H. R. 11343) granting a pension to Mary Louise Lowry;  
 A bill (H. R. 11436) granting an increase of pension to James H. McKnight;  
 A bill (H. R. 11545) granting an increase of pension to Caroline R. Boyd;  
 A bill (H. R. 11621) to correct the military record of H. J. Rowell;  
 A bill (H. R. 11623) granting an increase of pension to John Blackler;  
 A bill (H. R. 11644) granting an increase of pension to Edgar A. Hamilton;  
 A bill (H. R. 11665) granting an increase of pension to Caleb C. Briggs;  
 A bill (H. R. 11686) granting a pension to Elenore F. Adams;  
 A bill (H. R. 11695) granting an increase of pension to George W. Hatton;  
 A bill (H. R. 11783) granting an increase of pension to Charles M. Montgomery;  
 A bill (H. R. 11787) granting a pension to John J. Manner;  
 A bill (H. R. 11812) granting an increase of pension to Martin Boice;  
 A bill (H. R. 11850) granting an increase of pension to Susan A. Volkmar;  
 A bill (H. R. 11920) granting an increase of pension to George W. Wertz;  
 A bill (H. R. 11977) granting a pension to Sidney Cable;  
 A bill (H. R. 12148) granting an increase of pension to Frederick O. Clark;  
 A bill (H. R. 12165) granting an increase of pension to Caroline M. Stone;  
 A bill (H. R. 12239) granting an increase of pension to Agnes Clark;  
 A bill (H. R. 12299) granting a pension to William C. Roberts;  
 A bill (H. R. 12370) granting a pension to Ida M. Briggs;  
 A bill (H. R. 12420) granting a pension to Wesley Brummett;  
 A bill (H. R. 12422) granting an increase of pension to David Topper;  
 A bill (H. R. 12446) granting a pension to Mary Shearer;  
 A bill (H. R. 12458) granting an increase of pension to William M. Barstow;  
 A bill (H. R. 12468) granting an increase of pension to Phineas Curran;  
 A bill (H. R. 12489) granting an increase of pension to Ebenezer Wilson;  
 A bill (H. R. 12576) granting an increase of pension to Thomas Wells;  
 A bill (H. R. 12683) granting a pension to Sarah L. Bates;  
 A bill (H. R. 12724) granting an increase of pension to Richard M. Kellough;  
 A bill (H. R. 12770) granting an increase of pension to Carrie M. Schofield;  
 A bill (H. R. 12855) granting an increase of pension to Milton Brown;  
 A bill (H. R. 12899) granting an increase of pension to William H. Rightmire;  
 A bill (H. R. 12932) granting a pension to Elizabeth D. Harding;  
 A bill (H. R. 12976) granting an increase of pension to Jacob Smith;  
 A bill (H. R. 12977) granting an increase of pension to William L. Church;  
 A bill (H. R. 12995) granting an increase of pension to John Lilley;  
 A bill (H. R. 13019) granting an increase of pension to Marietta Elizabeth Stanton;  
 A bill (H. R. 13037) granting an increase of pension to Francis W. Anderton;  
 A bill (H. R. 13066) granting an increase of pension to O. D. Jasper;  
 A bill (H. R. 13146) granting an increase of pension to Charles H. Helmcamp;  
 A bill (H. R. 13217) granting an increase of pension to Thomas W. Dodge;  
 A bill (H. R. 13321) granting an increase of pension to John S. Bonham;  
 A bill (H. R. 13323) granting an increase of pension to Mary E. Barger; and  
 A bill (H. R. 13371) granting an increase of pension to Charles D. Palmer.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the Presi-

dent had on the 11th instant approved and signed the following acts:

An act (S. 965) granting a pension to Eliza B. Gamble;  
 An act (S. 3072) granting a pension to Oliver Gisborne;  
 An act (S. 3213) granting a pension to Anna J. Thomas;  
 An act (S. 3518) granting a pension to Nadine A. Turchin;  
 An act (S. 3650) granting a pension to Sarah A. Carter;  
 An act (S. 3660) granting a pension to Mary Sweeney;  
 An act (S. 4021) granting a pension to Sarah Frances Taft;  
 An act (S. 4304) granting a pension to John S. Nelson;  
 An act (S. 4346) granting a pension to Augusta Turner;  
 An act (S. 6) granting an increase of pension to Charles H. Stone;  
 An act (S. 13) granting an increase of pension to George Daniels;  
 An act (S. 880) granting an increase of pension to Emory S. Foster;  
 An act (S. 1039) granting an increase of pension to Nathaniel C. Goodwin;  
 An act (S. 1095) granting an increase of pension to Mary Morgan;  
 An act (S. 1264) granting an increase of pension to Torgus Haraldson;  
 An act (S. 1289) granting an increase of pension to Julius W. Clark;  
 An act (S. 1630) granting an increase of pension to Ella R. Graham;  
 An act (S. 1681) granting an increase of pension to Maria Louisa Michie;  
 An act (S. 1924) granting an increase of pension to Thomas Feneran;  
 An act (S. 1942) granting an increase of pension to Kate H. Clements;  
 An act (S. 1967) granting an increase of pension to Andrew J. Freeman;  
 An act (S. 1979) granting an increase of pension to Samuel M. Howard;  
 An act (S. 1982) granting an increase of pension to Eugene J. Oulman;  
 An act (S. 2006) granting an increase of pension to James Lehw;  
 An act (S. 2046) granting an increase of pension to Thomas E. Sauls;  
 An act (S. 2262) granting an increase of pension to George Farne;  
 An act (S. 2287) granting an increase of pension to Georgie Josephine Walcott;  
 An act (S. 2379) granting an increase of pension to George H. Evans;  
 An act (S. 2396) granting an increase of pension to George W. Myers;  
 An act (S. 2505) granting an increase of pension to John Barnard;  
 An act (S. 2625) granting an increase of pension to Carlin Hamlin;  
 An act (S. 2768) granting an increase of pension to John G. Hutchinson;  
 An act (S. 2938) granting an increase of pension to Margaret Dunn;  
 An act (S. 2976) granting an increase of pension to Edward Thompson;  
 An act (S. 3187) granting an increase of pension to Leroy S. Smith;  
 An act (S. 3216) granting an increase of pension to Henry M. Taylor;  
 An act (S. 3299) granting an increase of pension to Isaiah Tufford;  
 An act (S. 3481) granting an increase of pension to James E. Dexter;  
 An act (S. 3514) granting an increase of pension to Leander Parmelee;  
 An act (S. 3577) granting an increase of pension to Mary V. Walker;  
 An act (S. 3696) granting an increase of pension to Edward H. Armstrong;  
 An act (S. 3743) granting an increase of pension to Frances Gurley Elderkin;  
 An act (S. 4486) granting an increase of pension to Myra W. Robinson;  
 An act (S. 4086) granting an increase of pension to Charles W. Foster;  
 An act (S. 4095) granting an increase of pension to Charles C. Dudley;  
 An act (S. 4413) granting an increase of pension to Martha A. Greenleaf; and

An act (S. 4214) granting an increase of pension to John McDonald.

The message also announced that the President of the United States had on the 12th instant approved and signed the act (S. 176) to provide for the extension of the charters of national banks.

#### SAN FRANCISCO MOUNTAINS FOREST RESERVE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. BURTON, was, with the accompanying bill, referred to the Committee on Public Lands:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 12th instant (the House of Representatives concurring), I return herewith Senate bill No. 4563, entitled "An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve."

THEODORE ROOSEVELT.

WHITE HOUSE, April 14, 1903.

#### CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of Senate bill 2960, known as the Chinese-exclusion bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. PENROSE. If the Senator from Ohio, who is entitled to the floor, will permit me for a moment, I have here a memorandum sent to me a few moments ago from the Chinese exclusion commission, "indicating some of the objectionable features of certain amendments proposed in the matter of Senate bill 2960, the Pacific coast bill for the exclusion of Chinese laborers," and requesting me either to have it printed as a Senate document or to have it inserted in the RECORD for the use of the Senate as soon as possible. I therefore request that it be inserted in the RECORD.

Mr. CULLOM. May I ask who are the parties?

Mr. PENROSE. The Chinese-exclusion commission.

Mr. CULLOM. Who are they?

Mr. PENROSE. They are James H. Budd, James D. Phelan, Andrew Furuseth, Truxton Beale, and Edward J. Livernash.

Mr. CULLOM. Who appointed them?

Mr. PENROSE. They were commissioned by the governor of California and a popular convention of 1,000 accredited delegates. Their headquarters are at room 32, Post Building, Washington, D. C.

Mr. CULLOM. I only wanted to know who they were. I did not know but that it was some Government commission I had not heard of.

Mr. PENROSE. No.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania that the memorandum be printed in the RECORD? The Chair hears none, and it is so ordered.

The memorandum is as follows:

*Memorandum indicating some of the objectionable features of certain amendments proposed in the matter of Senate bill 2960, the Pacific coast bill for exclusion of Chinese laborers.*

#### SECTION 2.

Mr. DILLINGHAM's amendment strikes out words prohibiting immigration to our mainland of Chinese laborers who were in our insular territory when the same was acquired by the United States. It substitutes words restricting (under rules of statutory construction) the prohibition to Chinese laborers who have entered the islands since they became ours.

When Hawaii was acquired the group had a large Chinese population, so large that Congress deemed it prudent to forbid Hawaiian Chinese to migrate to our mainland. The amendment would enable the Hawaiian Chinese of that time to enter our mainland, for it would operate as a repeal of the existing prohibition.

When the Philippines were acquired they had a large Chinese population. Governor Taft said in his recent testimony before the Senate Committee on Immigration that at present there are between 150,000 and 250,000 Chinese of the full blood in the Philippines and a great number of Chinese of the mixed blood. At the time of acquisition of the archipelago there were among the inhabitants more than 1,000,000 persons who were Chinese or of Chinese descent. The amendment would enable this immense population to pour itself into Hawaii, Porto Rico, and the United States proper. Who, save heedless and unscrupulously selfish capitalists, desire a calamity like that?

Moreover, Chinese duplicity is such that if any Chinaman who was in Hawaii or the Philippines at the time of acquisition may freely enter our mainland territory, we will find it in practice virtually impossible to disprove false representations of time of coming to the islands.

The amendment, if adopted, will make the Philippine feature of the bill the emptiest sham, and the change will be directly and very seriously damaging to American labor.

If it be not the purpose to use the Philippines as a treasury of cheap labor on which capital may draw at pleasure in forcing our white labor to unhappy conditions of competition, the amendment will be killed.

#### SECTION 7.

Mr. DILLINGHAM's amendment strikes out the words obliging the student to go home when his student days are over and the purpose for which he came hither has been accomplished.

There is no good reason for a change like that. The language of the section is the language of the present law, and that law has worked well in the

case of students and should be preserved. That it is the language of the present law the reader will see by turning to page 159 of the printed report of the Chinese-exclusion hearings of the Senate Committee on Immigration. Who is asking that the present law be weakened?

#### SECTION 8.

Mr. DILLINGHAM's amendment strikes out the words which express one of the most important features of established practice as to alleged merchants.

To fail to provide that the coming merchant must have done something more than announce an intention to enter mercantile business before he can pass into our territory would be fatal. The most ardent promoter of improper immigration from China could ask for nothing much better than this amendment.

Production of certificate frequently means nothing except that the applicant has fraudulently acquired the paper by perjured representations across the Pacific; production of the small sum of money essential to become a part owner in some little shop here may mean nothing more than that the Chinese Six Companies have made an advance for the express purpose of meeting the money requirement of the law. The only conclusive test is the actual arranging to become a merchant here. It is this actual test of which the amendment would deprive us.

Who is asking that the present practice be made more satisfactory to the Chinese Six Companies? Why should the present practice be modified in the dangerous way proposed?

#### PROPOSED NEW SECTION, TO FOLLOW SECTION 9.

Mr. DILLINGHAM's amendment adds a section to enable representatives of Chinese commercial houses to come here.

Mr. DILLINGHAM admits that such representatives have no treaty right to come here. He wishes to go further than the treaty goes.

The amendment is so dangerous that it would come near to defeating the exclusion policy if adopted.

There are no Chinese "commercial representatives." Those who say there are do not understand the Chinese business system.

But the amendment would bring thousands of Chinese laborers to the front in the guise of "drummers."

There are hundreds of thousands of Chinese establishments which could qualify as jobbing institutions, for nearly every Chinese shop deals in wholesale as well as retail trade.

Is it not probable that great numbers of thrifty Chinese shopkeepers would multiply their revenues by certifying their quota of "commercial representatives?" Is it not probable that laborers would be glad to take their chance of creeping through our laws as "commercial representatives?"

We find it almost impossible to deal with the duplicity of the Chinamen in the matter of our present "merchant" provisions, carefully drawn though they have been. What could we do with a class having no need of a business place, no occasion for immediately available funds, no obligation to buy or to sell anything within any given time?

The Chinese system is one of branch houses on the selling side of the trade case. The bill provides easy and clear-cut facilities for entry of persons coming to establish branch mercantile establishments, big or little.

In the matter of purchase of American goods the Chinese system is one of buying of agents sent to them. They do not send out purchasing agents to any country whatever. The most cursory inquiry will show this statement to be strictly within the fact.

Why should we go shadow-chasing, and while doing so open a broad gate in our exclusion wall?

#### SECTION 11—AMENDMENT ON PAGE 16, PARAGRAPH 5.

Mr. DILLINGHAM's amendment of the fifth paragraph of the section strikes out one of the primary features of the long-established law.

The words stricken out appear verbatim in section 7 of the act of September, 1888, and ever since the adoption of that statute have been a most valuable safeguard against issuance of return certificates to Chinese laborers not having the return qualifications called for by treaty.

The change makes the preliminary statement of the Chinaman to the officer at the applicant's place of residence conclusive of the right of the Chinaman to receive a return certificate. It does away with the power of the port officer to inquire—a power essential in very many cases if frauds are to be prevented.

It would be extremely imprudent to cut away any of the safeguards given by the present law. Those safeguards need strengthening, and certainly should not be weakened or destroyed.

#### SECTION 11—AMENDMENTS OF FINAL PARAGRAPH.

Some amendments of the final paragraph of this section have been accepted by the Committee on Immigration since the bill was reported; others have not.

It is sought to make Richford, Ogdensburg, Alburg, Portal, Neche, Pembina, St. Vincent, and Warroad—all places along the Canadian border—statutory ports for entry of Chinese immigrants.

It is sought also to make El Paso and Nogales—both on the Mexican border—statutory ports for entry of Chinese immigrants.

None of these places should be made a statutory port of entry as proposed. To make them such ports would be decidedly dangerous.

The final paragraph of the section is verbatim the present law. (See section 7 of the act of September, 1888.)

Never since the beginning of our exclusion policy has any place along the Canadian or the Mexican frontier been a statutory port of entry to Chinamen. The change it is sought to make is a radical departure from long-established law, and along a line full of perils. The Canadian Pacific Railway Company and the Southern Pacific and Mexican Railway companies are eagerly seeking to have this departure; but the original proponents of the bill are strongly opposed to any change of the sort, and if such change be made it will be made in direct opposition to the expressed advice of the Bureau of Immigration, the Bureau charged with administration of our exclusion laws.

There have been extensive smuggling operations along the northern and southern borders of this country in the matter of Chinese laborers, and one of the exceedingly difficult tasks of the Government is the prevention of such smuggling.

It would be most unfortunate if, at a time when frauds are common and the situation full of dangers, comfort should be given offending agencies and corporations by giving statutory entry character to border villages.

At present the Treasury Department designates ports of entry along the border. The bill provides that the present practice shall continue. The exact language of the present law is preserved in this respect.

As the law stands border ports of entry, gaining their character by designation by the Treasury Department and not by the letter of the statute, are subject to be closed if abuses justify such action. This is a most desirable check and should be continued.



What possible excuse is there for weakening the present law in the matter of the borders?

The ports named in the statute and the bill as it was reported are seaports. Atlantic, Pacific, and Gulf coasts are dealt with.

Omission of inland places has from the beginning been the result of careful consideration. It has enabled the Treasury Department to gain for the country the advantages flowing from a consciousness on the part of Chinamen and railway concerns that if occasion demanded this or that border port could be closed just as easily as it had been opened.

In point of fact, every border place named in the amendments, one excepted, is now a port of entry for Chinamen, by virtue of Treasury regulations.

The railway corporations are not satisfied to have these villages simply ports of entry. They wish them beyond the reach of the Treasury control now authorized and which the bill seeks to continue.

Attention is invited to the following matter bearing on the smuggling operations the Treasury Department is trying to prevent.

Peculiarly important testimony on the transit frauds is afforded by the following statement of Mr. Lyman Mowry, a leading citizen of California, made on the 3d of last August, to Mr. James Dunn, inspector of Chinese at San Francisco, one of the Treasury Department's most trusted officers. The statement is submitted verbatim:

"Mr. DUNN. Knowing your very extended acquaintance with matters relating to the Chinese, especially the early history of the immigration of Chinese to Mexico, as well as later events in which the Government is interested, I have to request you to give us such information as you are prompted by friendly interest to give, and particularly to begin with the statement showing your knowledge of the earlier political aspects of the case.

"Mr. MOWRY. My first experience with the Chinese in Mexico was in 1890, when I went from San Francisco to the City of Mexico to make a contract to supply 8,000 Chinese laborers to the Tehuantepec Railroad. That road was a Government railroad, which was to run from Salina Cruz, on the Gulf of Tehuantepec, to the city of Coatzacoalcas, on the Gulf of Mexico.

"When I arrived in the City of Mexico, in the early part of 1890, there were but 20 Chinese living in the City of Mexico, and they were all from the province of Kwan Sai, in China. They were Chinese who had escaped from the island of Cuba, and from certain labor contracts upon which they had been taken from China to Cuba. These Chinese had intermarried with the Mexican people and were Mexican citizens.

"In the year 1890 I went from the City of Mexico to China to secure these 8,000 laborers. I discovered there that under the laws of Hongkong no Chinese laborers could be taken to Spanish America under contract.

"There were two shipments of Chinese made from Macao in that year, one by the German ship *Amigo* of 500 Chinese laborers, and the other by the steamship *Independent* (another German vessel) of 650. Those Chinese went to Salina Cruz, and after working four months the original contractor of the Mexican Government failed and these men scattered themselves all over the southern portion of Mexico. The same year I sent 40 men from San Francisco—Chinese—under fishing concession on the Gulf of California, with headquarters at Altata, in the State of Sonora, the port of entry to Culiacan, the capital city in the State of Sonora. That fishery was abandoned in about a year.

"On my return from China I again went to the City of Mexico and urged upon the officials there the necessity of a treaty between China and Mexico to secure immigration into the Republic. At that time there existed a Treasury order, made by Mr. Windom, Secretary of the Treasury, that no Chinese should pass through the port of San Francisco for Mexican ports. I went from the City of Mexico to Washington in the interest of the steamship companies, the railroad companies, and my own interest, to secure a modification of that order, and succeeded in procuring from Mr. Foster, who was then Secretary of the Treasury, a modification which permitted Chinese to pass through San Francisco, by water, for Salina Cruz and all points south, but no points north.

"At the request of the Chinese minister, Tsey Qui Ying, and the Mexican minister, Signor Romero, I prepared a draft of a treaty between the United Mexican States and the Empire of China, as a basis of negotiation, which has since resulted in the treaty that now exists between the two countries.

"I sent a considerable number of Chinese to Salina Cruz under that modification, but it was impossible to keep them in southern Mexico. Subsequently I made contracts with three distinct plantations to supply them with 500 Chinese laborers each, with wages at \$1 a day (Mexican), and to be employed for three years on these plantations.

"It must be understood that in Mexico there is no way of enforcing a labor contract any more than there is in the United States. These contracts were to supply laborers in the southern part of the State of Vera Cruz, State of Oaxaca, and the State of Chiapas. The lands in question all belonged to American corporations; in fact, the Americans have secured vast tracts of land in those three States for the purpose of raising rubber, vanilla, coffee, sugar, and tobacco. There is needed at the present time on the plantations that are now in operation at least from 10,000 to 15,000 additional Chinese laborers. One of these corporations constructed, under my direction, proper houses for these laborers to live in, with proper kitchens, etc., with all necessary sanitary arrangements.

"I shipped to that corporation a large number of Chinese from Hongkong via San Francisco, by the Southern Pacific, Mexican Central, and Mexican International Railway companies, though not more than 20 ever reached the plantation. Although their fare was paid from Hongkong to the city of Vera Cruz, by water from Hongkong to San Francisco, and by rail to Vera Cruz, via the City of Mexico, we never succeeded in getting into the country, of the many hundreds that were shipped, over 20, and those 20 at the first opportunity left. My judgment is that they all came north to the United States.

"The inducement for these Chinese to come to the United States is the fact that all the Chinese that I shipped came from the province of Kwangtung, and all the Chinese in the United States came from the province of Kwangtung, and as the tribal relation exists among the Chinese in its very strongest form, and every Chinaman belongs to a tribe, and the tribesmen are all interested in one another, every Chinaman who comes to Mexico has some member of his tribe in the United States, and that member of the tribe is drawing his tribesmen into the United States.

"I have no doubt, from my experience with these people since 1890 in this immigration, that none of the Chinese that go to Mexico go there with the intention of remaining, except a very few who are engaged in mercantile transactions in that country and who act as boarding-house keepers, cooks, and waiters on the lines of the railroad companies leading out of the United States into the Republic of Mexico.

"Only last year I sent an agent to the city of Torreon, which is the junction of the two leading railroads out of the United States—the Mexican Central and the Mexican International—where I knew there were 200 or 300 Chinese waiting to get into the United States, and offered them, through this agent, employment for from three to five years on the plantations in Vera Cruz with wages at \$1 per day and their transportation from Torreon to the plantations, and we offered to advance them money enough to pay their

debts, as all of them were in debt to the boarding houses at Torreon. We did not get one passenger.

"There is no need of any Chinese laborers in northern Mexico, and this for many reasons.

"Beginning at the west, the State of Sonora is a desert in all its northern portion, and is only fitted for mining and grazing, except in a few small spots or oases. Same is the case with the State of Chihuahua, the next State, though Chihuahua is a much better grazing country than Sonora, but there is very little agricultural land in the State of Chihuahua excepting on the banks of the Rio Grande, where they take the water out for irrigation purposes.

"There is a railroad owned by the Southern Pacific Company (and connecting with the main line at Benson, Ariz.) running through the State of Sonora across the line at Nogales to the city of Guaymas, on the Gulf of California. Large numbers of Chinese pass through the port of San Francisco for Guaymas. There is very little employment for these Chinese, excepting fishing, on the gulf. Most of these Chinese return to the line and cross.

"The Mexican Central Railroad connects with the Southern Pacific at Ciudad Juarez, immediately opposite the city of El Paso, Tex. This road runs 1,235 miles south to the City of Mexico, going the whole length of the State of Chihuahua, but there is no employment for Chinese in Chihuahua, and there are a sufficient number of Mexican Indians to perform all the labor in the mines and in the grazing country without calling upon Chinamen.

"The wages are very much lower in northern Mexico than have been offered to these Chinese to work on the plantations in southern Mexico.

"The eating houses on the line of the Mexican Central Railway from the city of El Paso to the city of Torreon, in the eastern end of Durango, are kept by Chinese. The Southern Pacific Railroad Company owns a line which connects with its main line at Spofford, in Texas, and crosses the Rio Grande in the State of Coahuila at Eagle Pass, in Texas, on the Rio Grande. The city immediately opposite on the same river is Ciudad Porfirio Diaz. A large proportion of the Chinese who come to the port of San Francisco in transit for Mexico pass over this line. By an examination of the map it will be seen that this line from Eagle Pass, known as the Mexican International, runs through the State of Coahuila into the eastern end of Durango and crosses the Mexican Central at the city of Torreon, and from thence proceeds to the city of Durango.

"The State of Coahuila is exactly the same in character as the States of Chihuahua and Sonora, being fit only for grazing purposes—that is, there being in spots agricultural land, but the bulk of the land is fit only for grazing. There is no employment for Chinese in this State.

"A remarkable thing about the Chinese going into Mexico is the fact that such a large proportion of them should go by way of the Southern Pacific and the Mexican International, because these Chinese make a voyage of over 1,000 miles out of their way to get into Mexico, thus, to wit, the passage from El Paso by the Southern Pacific to Spofford, and by Spofford via Eagle Pass to Torreon, describing both sides of a right-angled triangle, when they might just as well take the hypotenuse through El Paso to Torreon by the Mexican Central.

"There is existing now, and has existed all this year, a contract between a Chinaman by the name of Ng Hok Fong, who was sent to China as my agent, to send Chinese to southern Mexico to work on plantations (he has ceased to be my agent for more than a year), by which he receives either fifteen or twenty dollars—I believe twenty—commission per head for all Chinese sent by him through the port of San Francisco to Mexico, and I am credibly informed that he has already sent, this year, 2,000 Chinese laborers under that contract, none of whom were destined for work on the plantations in southern Mexico."

#### SECTION 16.

Mr. DILLINGHAM'S amendment would be needlessly vexatious to the Chinese immigrant, and might lead to confusion at ports of arrival.

What would be gained for anyone by having the certificate in a foreign language as well as in English? And if translations happened to be defective, might there not be disputes prejudicial to the interest of the immigrant?

#### SECTION 26.

Mr. DILLINGHAM'S amendment strikes out language designed to carry into permanent form those primary Treasury practices affecting transit of Chinese laborers across our territory which experience has shown to be worth preserving and which are so primary as to be matter rather for statute than for Treasury rule. It further strikes out—beyond power of Treasury Department to cure by regulation—the system of contract checks on transit frauds, a system recommended by the Bureau of Immigration as a result of the large experience of the Government since the adoption of the Geary Act.

In this regard the following matter is quoted, illustrative of conditions along the borders:

[Henry M. Hoyt, Assistant Attorney-General of the United States.]

It will be proper to state the notorious experience of the Treasury Department. \* \* \*

The Chinese who transship at San Francisco for Mexican or Central American ports, or who pass by rail through the country on their way to West Indian ports or to a final destination in the interior of Mexico, in many or most cases do not really know where they are going. They go in groups under a guidance or direction which disposes of them almost like animals—that is to say, notwithstanding alleged destinations and manifest lists, and even where they really go through to foreign territory, they are unshipped in batches at the first convenient port or station across the Mexican boundary. The border towns on the Mexican side are generally filled with large numbers of Chinese obviously waiting only for a favorable opportunity to enter this country. They do not seek work at these towns, and remain there idly in Chinese lodging houses and restaurants until a safe avenue of entrance to this country is opened. It is impossible to police effectively the entire stretch of that long frontier.

The port of Ensenada, in Lower California, about 40 miles below San Diego, was formerly a point where they disembarked in numbers, the border being conveniently near. Now, Guaymas, inside the Gulf of California (with a direct railroad line to Nogales, in Arizona), Mazatlan, and San Blas, farther down the Mexican coast, are the points where the sea transit often ends, whatever the asserted destination. While with Chihuahua, Saltillo, the City of Mexico, and other interior points as ostensible destinations, Chinese going by rail transit are unloaded at the first convenient station across the Mexican border, so that along the lines of travel, as at Eagle Pass, El Paso, and Nogales, there is a concentration, in the Mexican villages near the line, of Chinese awaiting an opportunity to enter this country.

The Chinamen themselves generally have no knowledge where they are going, and various unmistakable indications show that their only conception is that ultimately they will be landed in the United States by the various mysterious agencies who seem to guarantee this result.

This statement indicates the reason why the Treasury regulations provide for a strict scrutiny of identity, destination, and good faith to prevent the privilege of transit from being abused, as it undoubtedly is in many cases.



(Brief for the United States in case of *Fok Young Yo v. United States*, now pending in the Supreme Court of the United States, pp. 13, 14, 15.)

[T. V. Powderly, Commissioner-General of Immigration.]

Gross frauds are perpetrated under cover of the transit privilege, not only along the Mexican border but along the Canadian border as well. There is urgent need of careful legislation on the subject. (Testimony given before the Committee on Foreign Affairs, House of Representatives, February 3, 1902.)

[Thomas F. Turner, special agent of the United States Industrial Commission.]

As already stated, large numbers of Chinese \* \* \* come into the United States every year from Canada. The line of frontier is so extensive that it is next to impossible to police it effectively. I think, however, that if the Government were to guard more carefully the railway lines operating over the border, the number of coolies who enter the United States upon those lines would be greatly reduced.

Hundreds of Chinese immigrants who are denied landing at Seattle and San Francisco secure passage to some Mexican port, usually to Ensenada, from which points they work their way over the Mexican border into the United States. (Report of official investigation made for the Industrial Commission, 1899, 1900.)

#### SECTION 28.

Offending transportation companies responsible for unloading on us Chinese immigrants having no right to enter the United States do not always see to it that Chinamen given over to them actually are deported. Some of the Chinamen who should be returned to China are suffered to avoid that experience.

There should be power in the Treasury Department to discipline the negligent companies by electing to effect return of Chinamen by lines not offending, charging the cost against the negligent concerns. Such a power would rarely need to be exercised. Its existence would kill the grievance.

Mr. GALLINGER's amendment prevents the desirable vesting of authority.

#### SECTION 39.

Mr. DILLINGHAM's amendment strikes out the provision prohibiting the employment on American ships of Chinese persons not entitled to enter the United States.

In support of the provision it is sought to have stricken from the bill the following matter is quoted from a memorandum put forth by the American Federation of Labor, the International Seamen's Union of America, the various unions of American marine firemen, the Sailors' Union of the Pacific, the Brotherhood of Locomotive Engineers, the Brotherhood of Railway Trainmen, the Order of Railway Conductors, the Order of Railway Telegraphers, and the Chinese Exclusion Commission of California:

"Mr. Andrew Furuseth, secretary of the Sailors' Union of the Pacific, and a representative of the International Seamen's Union of America, testified as follows before the Committee on Immigration, Senate of the United States, February 4, 1902:

"We find that the stepmotherly manner in which seamen have been treated in the past has not induced the American boy to seek the sea for a living, and we therefore ask that we may now receive the benefit of such protection as you shall choose to give to other workers. We find it impossible to compete with the Chinese in any trade wherein they enter. They simply absorb the trade and drive us out, and where, as in the trade in question [that of the seamen], they are assisted by such legislation as we have, both in a positive and negative way, they will man every American steamer that now plies or shall hereafter ply between railroad terminals on the Pacific coast and the Orient. \* \* \* They are as a rule docile and attentive. They do not criticize among themselves any orders given, and if they do, it is not understood. They yield that ready obedience to, and apparent respect for, superiors, which gradually becomes pleasing even to strong, well-balanced men. \* \* \* Sailors of Chinese blood may be had in Hongkong in practically unlimited numbers at \$15 Mexican per month, and firemen or stokers at \$18 per month, Mexican. This means, respectively, \$7.50 and \$9 in gold.

"The wages which would be paid to sailors if they were hired on the Pacific coast would be at least \$25 gold—more likely \$30 gold—being four times the amount paid to Chinese in Hongkong. A vessel would not carry as many whites as she does Chinese, but the difference in a year would probably be between \$30,000 and \$40,000 gold; a sum, surely, sufficient to determine the choice if the choice be left with the shipowner. \* \* \* I do not think, gentlemen, that it would be safe to go on in the way you have been going. I do not think it is safe to put your merchant marine of the Pacific into the keeping of the Chinese, and unless you adopt some law that will give it to the whites, there is where it will go." (Chinese-Exclusion Hearings, Sen. Com. on Immigration, pp. 242-257.)

"In the course of his testimony before the Senate committee Mr. Furuseth stated that at present the trans-Pacific steamship companies controlling vessels running between oriental ports and transcontinental-railway terminals in the Pacific States employ Chinese exclusively as sailors, stokers, cooks, stewards, and waiters.

"During the recent Chinese-exclusion hearings before the same committee one of the trans-Pacific steamship corporations interested in this matter—the Pacific Mail Company—produced as a witness Capt. William B. Seabury, for thirty years in its service as a shipmaster on the Pacific. From his testimony, given on February 15, 1902 (Chinese-Exclusion Hearings, Senate Committee on Immigration, pp. 360-367), these statements are summarized:

"1. Chinese are capable seamen under ordinary conditions, and because of their temperance and servility are preferred by Captain Seabury to white seamen.

"2. There is no difficulty of obtaining an abundance of them in ports of China or at Hongkong, and the wage of sailors or firemen is about one-fourth the wage of white sailors or firemen shipped in Pacific-coast ports.

"3. Trans-Pacific liners plying between the Pacific States and the Orient employ exclusively Chinese as sailors, stokers, cooks, stewards, and waiters.

"4. Not only are Chinese supplanting the Caucasians as seamen on the Pacific, but they are encroaching on the Japanese of that sea, and are also successfully competing with the Lascars on the Indian Ocean.

"The testimony of Mr. Furuseth and Captain Seabury, concerning employment of Chinese seamen, is in line with a report of the United States Commissioner of Navigation. 'The crews of our own steamships plying to China and Japan,' says that officer, 'are almost wholly Chinese and Japanese, shipped before American consuls at foreign ports where the vessels enter and clear.' (Report Com. of Nav., 1898-99, p. 20.)

"However, not pursuing this subject so far as relates to the Atlantic trade, but returning to the case of the Pacific, there can be no claim that the wages paid to seamen employed aboard our ships is in excess of the wages paid by their competitors, for, as has been shown, our ships are employing the worst-paid seamen in the world—the Chinese.

"But, it is argued, if our ships on the Pacific are obliged to employ dearer

labor, they will be so disadvantaged that they will be driven to adopt the British flag to escape the burden.

"The American vessels now employing Chinese seamen are owned by the Pacific Mail Steamship Company (San Francisco to Hongkong) and the Northern Pacific Steamship Company (Tacoma to Hongkong). The Pacific Mail Steamship Company is controlled by the capitalists who control the Southern Pacific and Union Pacific railway systems. The Northern Pacific Steamship Company is controlled by the capitalists who control the Northern Pacific Railway system. The vessels of each of these companies are run in connection with railway terminals, so that the Harriman railroads have a through transportation line from New York to Hongkong and the Northern Pacific Railroad has steamship extension from its Tacoma terminal to Asia.

"It has been admitted that there is a considerable difference between the cost of operating a vessel with white seamen and the cost of operating the same vessel with yellow seamen; but the annual wage difference in the case of the companies named would be a trifle viewed in connection with the general outlay and income of the vast combinations of which the steamship concerns are only parts. No testimony has been produced showing that the difference would be crippling to either steamship corporation, even considered apart from railroad connections.

"There is no serious danger that any of the ships of the mentioned corporations would change their registry rather than hire white seamen. The navigation laws of the United States make it impossible for any vessel of foreign registry to engage in our 'coastwise' trade; and Hawaii and the Philippines fall within the 'coastwise' limits. The vessels carrying our flag have a monopoly of our freight and passenger business with Hawaii, and this will be true, also, of the Philippines. This immense advantage, and it will be increasingly important, should silence those who plead for Chinese labor as essential to keep our flag on ships trading to the Orient.

"Wherein, anyhow, is the nation advantaged by having the American flag borne by ships manned by Asiatics not eligible to citizenship? Unless a ship gives employment to our people and can be counted on in time of national peril to yield men for duty in our Navy, what does it matter to us whether she does or does not fly our flag?

"The statement that Caucasians can not endure the heat of stokeholes in our China trade is quite erroneous.

"The United States transports plying between San Francisco and Manila go nearer the equator than do our China liners, yet white men are employed on them as stokers and in other capacities. Even those transports which ply between the Atlantic coast and Manila via Suez carry white men in the stokeholes. The merchantmen plying between our Pacific coast and Australia cross the equator, as the Pacific Mail and Northern Pacific vessels never do, yet all of the Australian ships carry white men exclusively on deck and in stokeholes.

"So, too, all of our ships plying between San Francisco and Panama, though they pass through the great calm tract of the Pacific, a tract more deadly in heat than anything experienced in the China trade, carry white men only, not excluding the vessels owned by the Pacific Mail Steamship Company. In the same way all the merchantmen plying between our Atlantic ports and the West Indies and South America carry white seamen as sailors and firemen.

"The sailors and marine firemen of this country are not only willing but eager for the work the majority of the House Committee on Foreign Affairs declares white men do not wish to perform. In proof of this the following resolutions are quoted:

#### "RESOLUTIONS.

"Whereas during the subsidy debate and also during the hearings on the Chinese-exclusion bill it has been stated in Congress that white firemen for reasons of health can not be employed in the fire-rooms of steamers trading in the Tropics; and

"Whereas this statement is being used to deprive us of the protection against Chinese competition; Therefore,

"Resolved, That we, the Firemen's Union of Philadelphia, call attention to the fact that we sail in vessels on the Gulf coast, to Central and South America, and in any vessels anywhere so long as we are wanted and paid; and

"Resolved, That in our opinion it is not a friendly act to deprive us of work and give it to the Chinese; and further

"Resolved, That it would be more frank and friendly to state the reason why Chinese are carried, it being known of all seafaring men that the wages of Chinese are \$9, while we, as American firemen, insist upon about four times that amount; and further

"Resolved, That being good enough to fight under the flag for its honor, we ought to be good enough to make a living under it.

"Approved by regular meeting March 25, 1902.

"WILLIAM ROBERTSON, Chairman.  
"HORACE ATKINSON, Secretary.

#### "RESOLUTIONS.

"Whereas Senator HANNA and Senator FRYE have stated that the heat in the stokeholds of steamers trading to the Orient is such that no white stokers can endure the same; and

"Whereas this statement appears to have been the cause of the Senate voting down the anti-Chinese amendment to the ship-subsidy bill; and

"Whereas the statement is without any foundation in fact, the truth being that white stokers go in the transports from this coast through the Suez, the Red Sea, and the Indian Ocean to the Philippines, and that white stokers go to the West Indies, Central and South America; Therefore,

"Resolved by the Marine Firemen's Union of New York in regular meeting assembled, That we repudiate the heat argument and the idea that it had any justification in any humanitarian concern for the health of the stokers or marine fireman; and

"Resolved, That we have been and are now willing to serve as stokers in those vessels and will gladly do the work now done by the Chinese; and

"Resolved, That we here urge upon Congress to give to us who go to sea the same protection from Chinese competition that it shall be willing to give to workers on land.

"WILLIAM MACQUEEN, Chairman.  
"JAMES W. BIRD, Secretary.

"MARCH 25, 1902.

#### "RESOLUTIONS.

"Whereas the United States Senate in passing the ship-subsidy bill killed the seamen's amendment of said bill; and

"Whereas, in the argument which caused the elimination of said seamen's clause, the advocates of the subsidy bill stated that white men were unable to endure the heat of the Tropics; and

"Whereas we, the members of the Pacific Coast Marine Firemen's Union, are now sailing in the ships of the Oceanic Company trading to Australia, in the United States Government transports running to Manila, and in the Pacific Mail Steamship Company's vessels trading to Panama, and are only too willing to accept employment in all vessels trading to any port on the Pacific; Therefore, be it

"Resolved by the Pacific Coast Marine Firemen's Union, That we denounce



the statements made and the arguments set forth in the United States Senate as misleading and not based upon facts, and assert that they can only be ascribed to ignorance of the true condition of the manning of some of the trans-Pacific lines running out of San Francisco; and be it further

"Resolved, That a copy of these resolutions be sent to Senators PATTERSON and PENROSE, Representative KAHN, and others.

"PACIFIC COAST MARINE FIREMEN'S UNION,  
"Per JOHN BELL, Secretary.

"SAN FRANCISCO, CAL., March 27, 1902."

Attention is also invited to the following quotation from the CONGRESSIONAL RECORD of April 8, 1902:

"Mr. FAIRBANKS. Something has been said as to the inability to secure American seamen for the trans-Pacific service. I should like to have the Senator, if he can, give us some information upon that subject.

"Mr. PERKINS. The best answer I think I can make to the question is that there are a number of steamship companies running vessels out of San Francisco employing a large number of sailors, firemen, and coal passers which do not employ Chinese. I have myself for thirty years been connected with a steamship company employing from 1,500 to 3,000 men most of the time, and we never have employed, to my knowledge, a Chinaman during that period.

"As to vessels running into the Tropics, all of the United States transports now engaged in the service, plying between San Francisco and the Orient, the Philippine Islands, and Japan, have white coal passers, white stokers, and white firemen. Their whole crews are Caucasian.

"The ships plying to Central America from San Francisco and to the coast of Central America and Mexico, and German ships running down the coast of Central America to South America, all employ white firemen and white coal passers and white deck hands (sailors). The ships of the Oceanic Steamship Company, one of which runs every two weeks to New Zealand and Australia, run to Honolulu, across the equator, and go down through the Tropics. They all employ white men. The steamers running from San Francisco to Samoa, to the Fiji Islands, also employ all white men. It is the same way with vessels of our Navy.

"In this connection I will state that when there was under consideration the bill to promote American shipping interests I voted for the amendment proposed by the junior Senator from Colorado [Mr. PATTERSON] prohibiting the employment of Chinese upon those ships. I did it for the reason that I supported the bill, believing it would build up and resuscitate and again give to us the carrying of our own trade under the Stars and Stripes as we formerly had it. I believe the correct way to do that is to encourage and make honorable and elevate the dignity of the life of a sailor, and it requires some courage to be a good sailor man. It requires a good deal of courage to be a fireman or a coal passer, to go down into the hold of one of these ships and there toil for four, six, or eight hours during the twenty-four, or longer.

"I have always had quite as much admiration for the stoker who went down into the hold of the *Merrimac* and went into that famous blockade at Santiago as I did for the man who stood upon the bridge, and it was on my motion that Congress kindly recognized their bravery by giving each one of them a medal.

"Mr. PENROSE. I should like to interrogate the Senator from California.

"The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Pennsylvania?

"Mr. PERKINS. Certainly.

"Mr. PENROSE. I should like to ask the Senator from California whether it is true or not that there is a sufficient supply of white sailors upon the Pacific slope, and whether white sailors can stand the Chinese climate in pursuit of their occupation?

"Mr. PERKINS. The same question has been asked by the senior Senator from Indiana, and I have been answering it in part.

"Mr. PENROSE. I beg pardon. I was not in the Chamber at the time.

"Mr. PERKINS. I have been credibly informed by the Firemen's Union of San Francisco that there are plenty of men to fill these positions. The question is one of wages. I believe it is worth something to be an American citizen. It is worth a great deal. It is worth a great deal to have the right to fly the Stars and Stripes at the peak, and our ships plying out of San Francisco or New York to any foreign port have certain rights and privileges which foreign ships do not have. An American ship sailing from San Francisco may carry freight and passengers to Honolulu, to the Philippine Islands, and then continue on her voyage to Japan and China.

"Mr. GALLINGER. Mr. President—

"The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Hampshire?

"Mr. PERKINS. Certainly.

"Mr. GALLINGER. The Senator says it is worth something to be an American citizen. Will the Senator kindly inform the Senate what proportion of the sailors whom he says are of Caucasian blood on the ships that sail from San Francisco are American citizens?

"Mr. PERKINS. In the coasting trade it amounts to about 60 per cent.

"Mr. GALLINGER. How about the foreign trade?

"Mr. PERKINS. In the foreign trade it is less than 50 per cent—some forty-odd per cent.

"Mr. GALLINGER. So that half of these men are not American citizens?

"Mr. PERKINS. They are all capable of becoming American citizens. Many of them come here who are not citizens. They have their families in San Francisco or at Oakland, across the bay. They have their little cottages, many of them building them perhaps on the installment plan, and when they come back after a voyage to Australia or to the Orient they are greeted by their children and their wives. There they see the schoolhouse that they pay their taxes to build, and there they see the little church where their wives and children worship. Those people become good American citizens in time. If they are not American citizens their children surely are, and they have the pride and honor that attach to it.

"I took a deep interest when I first came to Congress in ascertaining the percentage of foreigners in our Navy. I found there was some 65 per cent of foreigners in the Navy. I had several interviews with the Secretary of the Navy and the Chief of the Bureau of Navigation, and with their assistance we have established several naval training stations.

"We now have a number of vessels shipping landmen, who go off on training voyages. The result is that we have reduced the percentage of foreigners in the Navy from 65 to 41 or 42 per cent. We have been making splendid progress in the last five or ten years, and I hope and expect to live to see the American flag flying on ships as I once saw it, when a sailor boy sailing out of your own native State, Mr. President [Mr. FRYE in the chair], which we all honor and love, the dear old Pine Tree State, and which we felt much interest in going to see. Then the boy in the forecabin looked forward to the time when he would walk the deck and command the ship, and was just as sure of reaching it as daylight follows darkness.

"So I believe in building up the American merchant marine. I believe the best way is to encourage the American sailor. I would make him an honorable vocation, as it is, and when it is only a question of dollars and cents I would give the preference all the time to the American citizen, or the one who is capable of becoming an American citizen, sooner than I would to a Chinaman, who would work for a pittance and take that pittance to China."

#### SECTION 46.

Mr. PROCTOR's amendment adds words excepting from finality of Treasury ruling on application to enter the United States any person claiming a treaty right to enter.

Every Chinaman not a citizen of the United States who applies for admission to this country looks to the treaty of 1894 for his right to enter, so that the amendment must be designed to kill the section it amends.

The provision made by the section can not justly be deemed harsh. It has long been the law, and at present applies to all immigrants to the United States—Caucasians as well as Asiatics. Here is the text of the present law:

"In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury." (Sundry civil act of August 18, 1894; 28 Stat. L., 890.)

The constitutionality of this provision has been established by the Federal Supreme Court in the case of *Lem Moon Sing*, 158 U. S., 539.

To adopt the amendment would be to overwhelm our courts with Chinese cases needlessly, and would be to discriminate in favor of Chinese immigrants as against Caucasians. It can not be possible that it will be deemed prudent to weaken the present law in any such way.

#### SECTION 52.

Mr. DILLINGHAM's amendment, in effect, provides that Chinese persons of mixed blood who are natives of the Philippines shall be free to enter Hawaii, Porto Rico, and the United States proper.

The testimony before the Senate Committee on Immigration establishes that when the Philippines were annexed they contained a vast number of Chinese of the half blood, born in the archipelago.

For all practical purposes the Chinaman of the half blood is as dangerous to American labor as the Chinaman of the full blood, just as the mulatto compares with the negro of the full blood.

What is more, Chinese deceptiveness is such that if a Chinaman of mixed blood may come from the Philippines into Hawaii, Porto Rico, or our mainland territory, only those Chinamen will be of the full blood who do not wish to leave the archipelago. It would be in practice impossible for our Treasury officers to disprove the assertion of an applicant that he had in him a strain not Chinese.

To adopt the amendment would be to make the Philippine features of the bill of no value, so far as they are intended to prohibit locomotion of Chinamen from the Philippines to other portions of our territory.

#### THE PLATT SUBSTITUTE.

The amendment offered by Mr. PLATT has these defects:

(1) It does not carry forward, as it appears to carry forward, the statutory provisions now being enforced. It carries forward only so much of the present exclusion system as is valid. There are pending in the Supreme Court of the United States five exceedingly important cases, in which the validity of nearly all of our present exclusion provisions is directly assailed. It is the belief of the best lawyers in the country that in at least two of these five cases the court will have to hold against the laws assailed.

In this connection the following quotation is made from a brief filed with the Senate Committee on Immigration during the recent Chinese-exclusion hearings:

"Now, in order to accomplish what we are accomplishing in excluding undesirable Chinese immigrants we are (as the foregoing citations show) relying upon a part of the act of Congress of 1882, a part of the act of Congress of 1884, practically all of the act of Congress of September, 1888 (the Scott Act), a part of the act of Congress of 1892 (the Geary Act), all of the act of Congress of 1893, the convention of 1894, and numerous Treasury rules and regulations.

"In order to continue to do that which we have been doing we must hold the laws and regulations we are now treating as valid.

"But the validity of a large part of those laws and regulations is questioned in five important test cases pending in the Supreme Court of the United States.

"As the citations abundantly prove, if the Scott Act, the act of September, 1888, is not valid, then a considerable and vital part of our exclusion system must fall unless the Congress shall come to the rescue by express reenactment avoiding the danger points.

"And it is to-day being claimed before the Federal Supreme Court that no part of the Scott Act ever took effect, and that such act must be stricken from the living body of exclusion laws.

"In the case of *Fok Yung Yo v. The United States of America*, on appeal from the district court of the United States of the northern district of California, this claim of invalidity of the Scott Act is made; and it is also made in the case of *Lee Gon Yung v. The United States*, on appeal from the circuit court of the United States for the northern district of California.

"Mr. Maxwell Evarts is counsel for the appellant in each of these cases, and as such counsel is seeking to tear down that large portion of our present bulwark against the Chinese which is known as the Scott Act, notwithstanding that before committees of the Congress he is representing that the present bulwark should be maintained.

"In these two cases the following claim is made, the quotation being verbatim from the brief filed by Mr. Evarts in the *Fok Yung Yo* case:

"This act of Congress of 1888 was passed subject to the ratification of the then pending treaty between the United States and China. This treaty was never ratified. The act therefore never took effect."

"It would not be surprising to find that in this claim Mr. Evarts is right. The opening section of the Scott Act is: 'That from and after the date of the exchange of ratifications of the pending treaty between the United States of America and his Imperial Majesty the Emperor of China, signed on the 12th day of March, A. D. 1888, it shall be unlawful for any Chinese person, whether a subject of China or of any other power, to enter the United States except as hereinafter provided.'

"The treaty referred to in this opening section of the Scott Act was never ratified by China, and has never gone into effect. The treaty of 1880 ran along until the signing of the treaty of 1894.

"In a letter written by the present Attorney-General of the United States to the Secretary of the Treasury, under date October 10, 1901, this opinion is expressed: 'The act of September 13, 1888, was passed with reference to the treaty between the United States and China then pending, and it has always been doubtful whether any part of this act took effect. Section 1 made it unlawful, after the ratification of that treaty, for any Chinese person to enter the United States "except as hereinafter provided." That would seem to make the entire act dependent upon the treaty.'

"If the Scott Act is not valid, is in truth dead, then adoption of any bill whose general terms renew the living law can not avail to give us the benefit of that dead law which we are now treating as valid.

"Just as Mr. Evarts is assailing the exclusion laws from one quarter, so those laws are assailed from another quarter. In three pending cases the



whole fabric of our present exclusion system is attacked in the Supreme Court of the United States. These cases are entitled as follows: *The United States v. Lee Yen Tai, Chin Bak Yan v. The United States, Chin Ying v. The United States*. The first of these three cases is upon certificate of the United States circuit court of appeals for the second circuit; the others are on appeal from the district court of the United States for the northern district of New York. A suggestion of their importance is contained in these paragraphs taken from a motion to advance, made in January of this year in the Supreme Court by the Solicitor-General of the United States:

"The Solicitor-General respectfully moves that this cause be advanced and assigned for argument at an early day for the following reasons:

"1. The question is fundamental and goes to the validity of most of the existing Chinese-exclusion laws. To deny their validity is a startling proposition. The Government believes it to be manifestly untenable. Whether or not well founded, the doubt should be resolved promptly, in order that the laws may be rightly understood and enforced."

"What appears to be essential, in order to defeat the litigants now seeking to destroy the efficacy of our exclusion system, is that the Congress codify all of the present statutory and Treasury provisions which are worth preserving and give to such codification the sanction of direct legislative approval."

The objections are not met by a provision giving the Secretary of the Treasury power to frame regulations. The provision of law now authorizing the Secretary of the Treasury to frame regulations, and which is under fire, is only one of numerous provisions the opponents of our exclusion system are attacking in the Supreme Court.

(2) The amendment ignores the problems presented by the Philippines.

(3) The amendment ignores the failure of the present law to protect the American seaman from competition with Chinamen.

(4) The amendment ignores the following considerations: The present exclusion laws are badly scattered, and for the Congress to extend them, as under the Platt amendment, would be for the Congress to do an important work negligently. The existing laws are living provisions of the acts of Congress of 1882, 1884, 1888, 1892, and 1893, and the treaty of 1894, as also portions of the statute providing a government for Hawaii, and portions of the sundry civil acts of 1894 and 1900. It would be at least orderly and becoming for the Congress to cut away all the dead sections of the various statutes and gather together in one living body the laws touching the immigration of Chinese.

There are cogent reasons, moreover, for preserving not only the statutory provisions which have given us a somewhat satisfactory exclusion system, but also the most important features of the body of Treasury practice which has grown up under those statutory provisions. We have had in the last twenty years some very uncomfortable experience with Secretaries of the Treasury, and the present practice, the present rules and regulations, which time has demonstrated to be wise and valuable, should not be left at the mercy of an unknown future. Who shall say what may be the will or the opinions of the gentlemen who, during the next several years, may in the Treasury Department of our Government, or in a department of commerce, have the framing of exclusion rules and regulations?

(5) The amendment ignores the defects discovered in the present laws since 1893.

Mr. FORAKER. Was it the request of the Senator from Pennsylvania that the memorandum be printed in the RECORD or printed as a document?

The PRESIDENT pro tempore. That it be printed in the RECORD, the Senator asked.

Mr. PENROSE. I only want it in such shape as will be most convenient for Senators during the next two days, and I assume that it will be most convenient to be found in the RECORD.

Mr. FORAKER. It will be found conveniently there. I suggest that it be printed also as a document, and that will be still more convenient.

Mr. PENROSE. I will accept the Senator's suggestion, if he thinks that better, and have it printed as a document.

The PRESIDENT pro tempore. The Senator from Ohio asks that the same paper be also printed as a document. The Chair hears no objection, and it is so ordered.

Mr. FORAKER. Under the notice given, I suppose I have the right, under the rules of the Senate, to the floor at this time. The Senator from South Carolina [Mr. McLAURIN], who also gave notice that he would desire to address the Senate to-day, has requested that I give him precedence because of a necessity he is under to leave the city on an early train this afternoon, and therefore I yield to him, but with the understanding, which I hope the Senate will allow me, that I shall follow him.

Mr. McLAURIN of South Carolina. Mr. President, it was not my intention to make any formal remarks on a measure which has already been so ably and fully discussed on both sides. But so little has been said regarding an aspect of the question, which affects so intimately the interests of my section, that upon reflection I have finally considered it my duty to ask the attention of the Senate for a short time to this point—which is the trade aspect, or commercial phase, of the question at issue.

It may be, Mr. President, as has been so frequently intimated in certain quarters, that to look at this Chinese-exclusion matter from the commercial standpoint is to consider it in the lowest and narrowest sense. It may be that considerations of national commercial prosperity should be made subordinate to considerations of sentiment. Undoubtedly they should be subordinated to considerations of national honor. The honor of the country, like the honor of the individual, is the first and highest consideration of all. It is inconceivable to me that any honorable nation—least of all the United States of America—should surrender its integrity by deliberately adopting policies and enacting laws in violation of its own sworn compact and treaty with any other nation, and that, too, during a period of profound peace and amity, without any provoking cause therefor on the part of the

other nation. That the proposed bill does involve many and serious infractions of our treaty with China has been so clearly and abundantly proven already by demonstrations from several distinguished Senators, that I do not consider myself justified in making more than this passing allusion to that branch of the subject.

As to the importance of effecting a complete exclusion of Chinese laborers from this country, there is, I suppose, no difference of opinion here, and therefore no occasion for argument. The question then turns upon the comparative merits of the two plans of exclusion, namely, the plan now being followed and the plan proposed by the new bill. No doubt exclusion would be effected by the proposed law, but exclusion is also satisfactorily effected by the present law. Why, then, should we change, unless we can derive some benefit from the proposed new law that we fail to derive from the existing law?

The United States would derive no benefit from the proposed change, Mr. President, but, on the contrary, a positive and serious injury. The pending bill is calculated, by its restrictive action and inimical spirit, to kill our trade with China.

This is a consideration of vital importance to the State which I have the honor in part to represent, to the whole South, and in an almost equal degree to New England, New York, and, indeed, the entire country. If this Chinese trade could not be secured by us except at the price of coolly immigration I would be the last man to raise my voice in behalf of it. The South has had quite enough of "race issue," as it is, and heaven forbid that another race issue should be precipitated upon the South, or the North either, by any further irruption of a Mongolian nature!

But as the exclusion of Chinese laborers is assured under both measures—the present law and the new measure under discussion—and as the former nourishes our trade with China, while the latter would check and stunt if not ruin it, why should we hesitate to express our preference for a continuance of the existing law?

Speaking for South Carolina, Mr. President, I may safely say that South Carolina demands first of all that this country shall do its duty on a question of honor—that it shall maintain its integrity in the fulfillment of its treaty obligations; and, next, that this country shall so legislate as to secure fair play for all its sections and all its citizens alike—for rich and for poor, for the laborers on the Pacific coast and also for the laborers on the Atlantic coast, for the miners of California and also for the mill workers of South Carolina. Aye, fair play, too, for the Governments and respectable citizens of all foreign nations as well, including China. South Carolina does not want contract labor or coolly labor in this country, and would not tolerate it. Nobody wants it. It is out of the question—out of the calculation altogether. It will not be had under the present law or under the proposed law or under any other law, past, present, or future. But fair play we ought to have and must have for all respectable labor, for all respectable business men and enterprises, and for all respectable Governments under the sun.

Now, is it fair play to the people of the South, just as they are beginning to prosper in manufacturing and commercial enterprises, after long years of trouble and privation, to tear down and crush their new enterprises, on the assumption that such a ruinous policy is necessary in order to keep out the Chinese, when in point of fact it is not at all necessary and the Chinese are being kept out by the existing law? That is the plain business proposition at the basis of the whole question.

Let us look at the matter a little more in detail.

South Carolina is now the second cotton-manufacturing State in the Union. The development of its cotton-mill industry has been without parallel in any other part of the United States. In 1890 there were 34 establishments in South Carolina devoted to this industry, representing a capital of \$11,141,833, employing 8,071 wage earners, and turning out products valued at \$9,800,798. In 1900 the number of establishments had increased to 80, the amount of capital to \$39,258,946, the number of wage earners to 30,201, and the value of products to \$29,723,919. While for the whole of the United States the average increase, for the decade, of capital employed in cotton manufactures was 32 per cent, that of South Carolina was 252 per cent. While the average increase in the number of wage earners was 31½ per cent, that of South Carolina was 274 per cent. While the average increase in the value of products was 26½ per cent, that of South Carolina was 203 per cent. The manufacture of cotton goods is now the most important industry of South Carolina, since it gives employment to 62.7 per cent of the wage earners employed in the State, and turns out 50.6 per cent of the total value of the manufactures produced in the State. The development of this industry, which was temporarily arrested by the Chinese troubles a year ago, has been vigorously resumed, and bids fair to proceed at such a pace that South Carolina, which has already passed Rhode Island, will



in the next ten years take the place of Massachusetts as the foremost cotton-manufacturing State in the Union.

This brilliant prospect can be blighted—the prosperity of the South Carolina mills and the gaining of a livelihood by an army of 60,000 workers can be interrupted—in only one way, and that is by a shutting down of the export demand for American cotton cloth. That demand amounted in the first two months of the present calendar year to more than \$6,000,000, and it is being maintained at a rate without example in the commercial history of the country, so that for the current fiscal year our exports of manufactured cottons will probably exceed in value \$30,000,000, or fully \$6,000,000 more than in 1900, the most prosperous of any of the preceding years. Of this export demand 60 per cent is represented by our sales to China, and it is on the continuance and increase of these sales that the prosperity of the cotton industry, not only of South Carolina but of the whole United States, absolutely depends.

That this fact is keenly appreciated in business circles in the North as well as in the South was strikingly demonstrated at the recent hearings before the Committee on Immigration, on which occasions there were present representatives of the cotton-manufacturing interests of both sections, and of many other commercial and business interests as well—men from the North like Messrs. Charles S. Hamlin, of the Boston Merchants' Association and Chamber of Commerce; Theophilus Parsons, president of the Arkwright Club of cotton manufacturers; P. Y. De Normandie, of the Laconia and Pepperell Mills of Maine; Clarence Cary, of the American China Development Company, which is now building a railroad in China; John Foord, Silas D. Webb, and other prominent business men; while from the South there were Mr. D. A. Tompkins, in behalf of the North Carolina cotton-mill owners, and from South Carolina a large and influential delegation, including Messrs. Ellison A. Smythe, of the Pelzer and Belton Mills; W. A. Courtenay, of the Courtenay Manufacturing Company; John B. Cleveland, of the Whitney Manufacturing Company; J. H. Montgomery, of the Pacolet and Spartan Mills; John C. Cary, of the Lockhart Mills, and T. J. Hickman, of the Graniteville Mills, representing, probably, at least one-half of the entire cotton-manufacturing interests of the State.

All of these representative business men bore witness that they were opposed to coolly immigration, and did not wish any legislation that would make exclusion less stringent; but that they objected to the proposed new legislation because, while it was not needed for the purposes of exclusion, it would necessarily subject reputable Chinese merchants and other business men to much personal inconvenience and annoyance, and would give them and their Government good cause for taking offense, so that the natural effect would be to greatly injure our trade relations with China and to retard if not to stop altogether the progress of that trade.

The assertion is often made on the opposite side of the question that China will continue to trade with us just the same no matter how we treat her. This assertion is as discourteous to China as it is untrue to the principles of human nature and to the recorded facts of history. Without multiplying illustrations we need only to go back a year or two to the recent Boxer disturbances to show what would probably happen in case of the passage of the pending bill. The testimony of Mr. Ellison A. Smythe, before the committee in one of the hearings that I have alluded to, is so important and clear on this point that I quote a few sentences of it here. Mr. Smythe said:

Largely the mill interest in the South is dependent on the export trade, and this is peculiarly so with the trade to China. This was very acutely felt during the depression incident to the war in China, which lasted about twelve months, in its effect on the Southern millers. I doubt if there was one Southern mill, or at least there were very few Southern mills, that during the fiscal year ending last July were able to show any profit at all on their business during the preceding twelve months, and most of them showed very considerable losses owing to the stagnation in trade, the piling up of their goods, and their inability to sell their products. And the efforts to get into other trades and to make other goods that were used in this country led to very fierce competition with the mills of the country that were built and that are devoted to the home trade. \* \* \* If any additional restrictions are imposed upon the coming to this country of Chinese merchants it may lead to very disastrous results for the Southern manufacturers and cause very fierce competition between the mills in this country for our home trade, as there will be a large production that will either have to be sold at some price, made of some kind of goods to suit the home trade, or the mills will have to stand idle. It would lead—

And I invite the attention of my friends from New England to this language—

It would lead to very great competition between the mills of the South and the mills in New England for the home trade.

It may seem strange that the difference between profit and loss on an industry whose annual product is valued at \$339,000,000 should hinge upon the retention of an export demand of \$17,000,000 or \$18,000,000 a year. But this is not mere guesswork; it is a fact which has been demonstrated by costly experience. What was the amount of the falling off in export business which, as stated by Mr. Smythe, the executive head of the great Pelzer

group of mills in South Carolina, began to spell ruin for the cotton mills of the South and demoralization for the entire cotton textile market of the country? It was simply the difference between an export to China of \$8,783,134 in the fiscal year 1900, and \$4,552,534 in the fiscal year 1901. If a decrease in the export demand amounting to only a little more than \$4,000,000 had the results which every cotton manufacturer knows to his cost it had a year ago, what might be expected from an interruption of the present very much larger volume of our exports to the Chinese Empire?

Col. James L. Orr, one of the most successful mill men in South Carolina, told me last night that the Piedmont Mills had averaged a net profit of \$180,000 per year for eleven years, except during 1900, when, owing to the Boxer troubles, the profits dwindled to less than \$12,000. I know personally of a number of mills which closed down and others that ran at a loss.

To illustrate this point I have prepared a table showing month by month during portions of the fiscal years 1901 and 1902, the exports of cotton cloth from the United States to China:

*Statement of the exports of domestic cotton cloths from the United States to China during the eight months ended February 28, 1901 and 1902.*

	Yards.	Value.
<b>1900.</b>		
July .....	15,519,945	\$871,000
August .....	1,700,363	103,520
September .....		
October .....	300,000	25,375
November .....	363,732	27,978
December .....	354,666	22,581
<b>1901.</b>		
January .....	3,147,374	172,123
February .....	4,552,000	255,924
<b>Total .....</b>	<b>26,028,080</b>	<b>1,478,501</b>
<b>1901.</b>		
July .....	33,988,783	1,709,605
August .....	21,670,164	1,076,466
September .....	28,432,423	1,380,270
October .....	17,885,805	917,170
November .....	12,950,152	641,436
December .....	20,910,648	997,188
<b>1902.</b>		
January .....	37,672,467	1,773,585
February .....	33,737,739	1,590,116
<b>Total .....</b>	<b>207,248,181</b>	<b>10,094,836</b>

Here is a forcible illustration of the difference between a market practically closed and the same market reopened and expanding. In the first group of eight months, during the disturbances, we see our exports of cotton cloth to China dwindling suddenly from nearly \$1,000,000 a month down to less than \$25,000 a month, with a total for the whole eight months of less than a million and a half. In the second eight months, after the troubles had all been adjusted, we see the same exports amounting to from one to two millions a month, with a total of over ten millions for the whole eight months.

Now, it does not need a war in China to bring about a return of the conditions which so greatly affected our trade there during the fiscal year 1901 and which had so disastrous an influence on the entire cotton-manufacturing industry of the United States. You have only to accept the logical results of the policy toward China and the Chinese which is embodied in the provisions of the bill before you, to bring about a condition of commercial warfare between this country and its chief customer in the Orient, in the course of which the trade, of which I have given the returns, will shrink to, or below, the dimensions it had during the Boxer troubles of 1900. The statement has been made before a committee of the Senate and repeated here on this floor that we have nothing to fear from the retaliation of China, in any case. Let me quote to you on this point the testimony of possibly the largest exporter in this country of cotton domestics to China, Mr. Silas D. Webb, the president of the China and Japan Trading Company:

All business in China is done under a system of guilds, based very much on the lines of the Federation of Labor in the United States. No person can go into business in China without being a member of a guild, that is, into any business of importance. The guild is governed in such a way that if its members should take a notion that the Americans were insulting them, they would have a meeting quietly and state that they did not want to do any business with Americans, or handle American goods, and it would be utterly impossible for any business to be done.

We shall certainly do our best to provoke such action if we insist on placing such annoying and humiliating restrictions upon the entrance and business activity in the United States of Chinese merchants or students as would be resented by the citizens of the pettiest nation with which we have commercial intercourse. Our trade with Japan has been greatly furthered by the fact that so many Japanese students and merchants came here to investigate



and carried home with them not only American ideas but also American wants, and so helped to create a market for our merchandise. We shall deliberately surrender any such advantage in regard to China if we turn over her mercantile representatives to our commercial rivals in Europe. If we persist in subjecting China to humiliating treatment, what ground could we have to complain if the Chinese Government in the negotiation of the pending commercial treaties should say to the United States: "You can not enjoy the benefit of the most-favored-nation clause in any new agreement touching your commerce with us, because you refuse to accord to our people the kind of treatment which the people of every other nation with which you have treaties demand and receive at your hands?" I do not see that we should have any just cause for protest if China were to place the same embargo on our merchants, students, and travelers visiting the Empire that we are now asked by the advocates of the pending bill to make perpetual in regard to hers.

Now, reverting to the conditions in the South, what would be the chief effect of a shut-down in the China trade and the consequent collapse of Southern cotton manufacturing? The first would be to glut the home market with cotton goods in a few weeks, and then to close up the mills. Who would be the chief sufferers? Not the mill owners, not the cotton growers, not the merchants and exporters, though all these would suffer much. The chief sufferers would be the operatives in the mills—the thousands of happy, busy, well-paid wage-earners now employed steadily in these mills and making a good living under agreeable and comfortable circumstances. These deserving operatives, most of whom have no other means of support and hardly any reserve funds, would be suddenly thrown out of employment, and who can measure the suffering that would ensue? In my own State the number of these operatives would reach perhaps 60,000, to say nothing of their families and the very many who would be injured directly or indirectly by their loss of work; but there would be hundreds of thousands besides, throughout the South, who would be compelled to suffer in like manner. The effect would be felt acutely and painfully in North Carolina, in Georgia, in Alabama—in all the States where cotton is grown or cotton goods are manufactured. The needs and rights of the laborers on the Pacific coast are entitled to be respected and defended, but when their principal demand can be satisfied by the present existing law, under which their Southern fellow-laborers can thrive, why should they insist on a new law which will serve their own purpose no better, and under which their Southern fellow-laborers so much poverty and misery.

The prosperity of the North is closely linked with the prosperity of the South. Southern prosperity reacts upon and increases Northern prosperity, and one of the most potent factors in the recent advance of the whole country in prosperity has been the wonderful increase of profitable and successful manufacturing and other business enterprises in the South. The official figures show that in 1880 the total value of the manufactures of the fourteen Southern States was \$450,000,000; in 1890, \$917,000,000; in 1900, \$1,466,000,000. Here is an increase of more than 200 per cent in twenty years. In the specialty of cotton mills the increase has been still more extraordinary. In 1880 the capital invested in cotton mills in the South was \$21,000,000, and the number of spindles in operation was 600,000. In 1890 the capital was \$61,000,000, and the number of spindles 1,700,000; and in 1900 the capital was \$150,000,000, and the number of spindles 6,000,000. These totals have, moreover, greatly increased since 1900. But with the enormous natural advantages and facilities of the South, with its cotton grown on the premises, so to speak; with its illimitable water power; and with inexhaustible supplies of coal and wood ready at hand; with its abundant labor supply; and with its unsurpassable climate, the rate of increase hitherto—great as it has been—would be as nothing compared with the rate of increase hereafter, provided that there is no interference with the export trade. The further rapid development of this cotton-manufacturing industry in the South is absolutely certain if we can but keep our control over the markets in the Orient. Otherwise, there would be no outlet for the goods manufactured—no reason for building new mills, and not sufficient market to keep the old mills going. For the three years past the production of cotton goods in the United States has exceeded consumption by 35 per cent, and as production is increasing more rapidly than population the importance of the China market is obvious. For, as pointed out by Mr. John C. Cary, of the Lockhart (South Carolina) Mills, in a recent number of the Manufacturers' Record, the Chinese-American trade is particularly reciprocal because we produce much that China needs and China produces much that America needs. Accordingly, it is especially important in our case that we should not enact laws calculated to impede our trade with China. Mr. Cary's argument is very clear and well worth reproducing here. He says:

The present exclusion act seems to be in a manner satisfactory to the Chinese Government, and is accomplishing its end. It also admits of friendly

trade relations; and under it, with the treaty between this country and China, we have invaded a small, and indeed a very small, territory of China with our trade after hard and persistent efforts to introduce American goods, to the advantage of all classes of this country and to the detriment of none. Not one dollar of capital nor one arm of labor has been or will be injured by reason of this friendly intercourse, and why not encourage it by fair, just, and honorable laws? It is plain to all that we must have a foreign trade, and as China offers the greatest possibilities for our products, the manufacturer and tradesman naturally look to her for a market, but with irritating and exacting legislation by this country, how can we expect to extend our trade, or even hold the little we have? We can not expect our enemies to trade with us; therefore it is of the highest importance that we should be friends to China.

As Mr. Cary goes on to show, the question, so often asked, as to why the China trade should be considered so important, is very easily answered. So far as the cotton-goods market is concerned the answer is that the Southern cotton mills produce for the most part goods that are particularly adapted to the Chinese demand. The chief products of those mills, probably three-quarters of the whole, are coarse sheetings and drills, which are not particularly required by the European market but are exactly what the Chinese want. There is also considerable demand for them in Mexico and some of the South American countries, but the great market for them has been found in China. The products of our cotton mills are much preferred by the Chinese above the products of the English mills, and consequently the natural drift of the Chinese trade would be toward the United States in respect to cotton goods. As I have already pointed out, also the Southern mills if deprived of this foreign market for their coarse goods would be compelled to change over to a manufacture of finer goods for the home and European markets, with the result of competing ruinously with the home manufacturers and eventually letting that market become glutted.

Another important confirmation of the general position assumed and maintained in this argument is found in a paper recently read before the New England Cotton Manufacturers' Association by Mr. William Whittam, jr., a prominent manufacturer of Woonsocket, R. I. Discussing the possibilities of trade expansion in cotton manufactures, he called attention to the importance of the fact that whereas the standard makes of American cotton fabrics can be sold to a limited extent in almost all foreign countries, the markets in which they can be disposed of in large volume are comparatively few, and the best of these are China and Mexico. He insisted with great force that the cotton trade of the world is as yet practically untouched by us and that it is manifestly our duty to do everything possible to enlarge our market for these goods instead of adopting policies for contracting what markets we already have. Mr. Whittam bore emphatic witness to the remarkable natural advantages of the South in cotton manufacture, saying that present conditions in the industrial centers of the South are more favorable for the remunerative manufacture of coarse, heavy cotton fabrics than they are in any other manufacturing country in the world.

Echoing his sentiment, I would inquire: "Need more be said of the importance of making the hundreds of millions of cotton-clad foreigners our customers?"

No, Mr. President, the pending bill is not drawn in the interests of the United States. Its operation, if enacted, would infallibly injure the country instead of benefiting it. It is claimed to have been framed for the relief and elevation of American labor. Instead of that it would unquestionably inflict enormous loss and distress upon American labor. Without conferring upon the working people of the Pacific coast any further advantages than they now possess it would take away from the operatives of the South much of the advantage that they have fairly won. It would likewise injuriously affect the business interests of the North, and, I believe, of the Pacific coast as well.

Imputing to my friends who advocate this measure all of the purity of purpose and honesty of intention that I claim for myself, I am still forced to conclude—after impartial study of the question—that the bill as it is presented for passage is faulty in conception, faulty in execution, faulty in deduction, faulty in logic, faulty in its premises and its conclusions. If this is too strongly put, I am at least sure that there is sufficient doubt as to the efficacy of this measure to accomplish its desired purpose and sufficient menace in the probable results of its unfairness to the great Empire of China to make wise its postponement and the postponement of any legislation upon this question until the expiration of the present treaty with China which embraces the existing exclusion law.

Mr. FORAKER. Mr. President, on Saturday last the Senator from Oregon [Mr. MITCHELL] took occasion to speak of the necessity we are under in this body of acting by committees, primarily at least, in the investigation of all important questions; and he spoke of the respect that we are all under obligation to pay to our committees, their action, and their reports. He spoke with the disposition, as it seemed to me, to criticize all who are not able to fully agree with and support the action of the committee in this instance.



I want to say at the outset, Mr. President, that I recognize the propriety of all that the Senator has said, except only that part which is in the nature of criticism. It is true that we must act by committees, and it is true in this instance that we have a committee of able Senators, conscientious men, who have approached the consideration of this question, I have no doubt, conscientiously, and their report shows that they have labored zealously to arrive at what, in their judgment, is the legislation that should be enacted on this subject. I am always loath to differ from a committee, and especially such a committee; and yet, Mr. President, while loath to differ from a committee, there will come times when a Senator is unable to agree throughout, at least, with a committee. I am in that situation now.

I have no difference of opinion with the committee as to some important parts of this proposed legislation, but I have a very decided difference of opinion as to some of the provisions of the bill. My purpose here is not to differ unnecessarily with a committee—certainly not to obstruct the work of a committee, certainly not to criticize unnecessarily the work of a committee—but only to do my own duty according to my own conscientious judgment with respect to so important a subject after I have on my own account, as it is the duty of every Senator to do, carefully investigated it and reached a conclusion.

It is in that spirit, with a most profound respect for the committee, and with extreme regret that I cannot agree with the committee in every respect, that I want to express my differences of opinion so far as this measure gives rise to differences of opinion, and to give the reasons why I can not agree with the committee throughout.

At the outset, Mr. President, let me say, and say with particularity; and say, not only for myself, but I feel I can say it for every member of this body, that no one who has spoken in criticism of any part of this measure is opposed to the general proposition that Chinese laborers, whether skilled or unskilled, should be excluded. I think every member of this body agrees to that proposition. We have a right to agree to that proposition if we approve that policy. That has become an established policy, the wisdom of which no one now, so far as I have heard any expression, questions. It is not only a wise policy that the Chinese laborer should be excluded and efficiently prohibited from coming to this country, but it is a policy which we have a right to adopt and enforce by appropriate legislation under the treaty stipulations we have with China.

Therefore, Mr. President, I do not propose to discuss that question. It is not necessary that it should be discussed. I refer to it with particularity only because there are those here who, speaking on this subject in this debate, have taken occasion to say that which looks as if they were trying to put those of us who have seen fit to criticize this measure in the attitude of favoring the coming into this country of Chinese laborers.

While I do not propose to discuss the general proposition that we have a right to exclude laborers under our treaty, and that it is a wise policy that we should so exclude, neither do I intend to discuss any of the provisions of this bill in that behalf to determine whether they are drastic or otherwise. I might differ from the committee as to the necessity of some of those provisions; but that is a matter that is nonessential, if I may, without being misunderstood, use that term. The committee having examined into that matter, the provisions which they have seen fit to report in favor of in that regard I am disposed to accept.

My objection to this bill, therefore, is not on account of its prohibition of Chinese laborers coming into this country, nor of any provisions contained in this bill for giving effect to that policy of prohibition of Chinese laborers. My objection to it is that in its other provisions—the provisions having reference to what has been termed here the exempted classes—it is, first, in violation of our treaty obligations, and, in the second place, irrespective of our treaty obligations it is unwise and calculated to do serious injury to the best interests of this country, and to nobody in this country so much as to the wage-workers of this country.

Some Senators in discussing this bill have apparently taken it upon themselves to assume and to speak as though they were the special representatives of the laboring men of this country. Mr. President, if they are, in my judgment they are most mistakenly undertaking to advance the interests of the laboring man. The interests of the laboring man do not lie in the direction of improper treatment of the great Chinese people, and certainly not in a violation of our treaty obligations.

The provisions of this bill of course are such, and intended to be such, as to keep out Chinese laborers. In my opinion the provisions of this bill as to the so-called exempted classes, those who are not laborers, are designed in practical effect to keep out everybody else who is a Chinaman, but not a laborer. In other words, Mr. President, it is not stating it any too strongly to say that the difference would not be material in practical results if we were

to strike out all after the enacting clause and make this bill read as follows:

That from and after the passage of this act no Chinaman shall be allowed to come into the United States.

That is what is the effect of it. By that I mean to say that the definitions of the terms "teachers," "students," "merchants," and "travelers" are such, and the requirements with which they must comply in order to get into this country under this law are such, as to practically make it impossible for any of them to come into this country. "Oh," it is said, "we have recognized their right to come; we have provided that they may come." Yes, but with a provision that makes it impossible for any of them to want to come or desire to come or to be likely to come. That is what I shall undertake to point out.

I say at the beginning that it is just as futile to say that we have provided here for Chinese teachers, students, merchants, and travelers to come into the United States, attaching the provisions you have attached, as it would be to say you had provided for them to come in if, instead of the requirements you have here, you were to say that every teacher, student, merchant, and traveler may come into the United States of his own free will and accord whenever he wishes to do so, provided he can show, like the Indian in the Pocahontas picture in the rotunda, that he has six toes on his right foot and only four toes on his left. It would not be a bit more ridiculous.

Now, Mr. President, what is it we have a right to do in legislating on this subject in view of our treaty stipulations? Of course, if we want to violate our treaty obligations we can do so. The Congress of the United States can abrogate a treaty by refusing to comply with its provisions and requirements; but I take it that no Senator wants to violate any provision of our treaty. Certainly Senators have been asserting that they did not want to violate any treaty, for on every occasion, and indeed when there was apparently no occasion for it, they have been particular to emphatically assert that this bill is but a codification or compilation of the laws already in force, and I have heard it repeatedly asserted here that there is not a provision in the bill which is not warranted by our treaties and consistent with our treaty obligations and the rights of Chinamen under them.

Now, let us see what our treaty rights, stipulations, and obligations are. I have taken the trouble, Mr. President, recognizing the importance of this subject—for it is important not only as involving our good name as a great people, but it is important also as involving in a great way the prosperity of this country, especially the prosperity of the men who work in the factories, in the mills, in the foundries, and in the shops of this country—I have taken occasion, in view of that, to look carefully at the entire record. I need not repeat it all. At this stage of the debate Senators are familiar in a general way with our treaty engagements, but I may briefly recapitulate them in order that I may reach by proper approaches what I want to say.

Our first treaty, as all know, was a treaty of peace, amity, and commerce with the Chinese nation, entered into in 1844. That treaty continued until 1858, when the treaty now in force was negotiated, ratified, and put into operation. I do not mean that it is in force just as it was then adopted, but I mean that that is the basis of all the treaty provisions now in force and effect between China and the United States.

The treaty of 1858 was substituted for the treaty of 1844, except possibly as to some minor provisions. The treaty of 1858 is very long and comprehensive and covers generally the subjects that could be treated of in such an instrument. I do not wish to call attention to any of its provisions except only one article. I refer to Article XXV. I do not call attention to the rest of the treaty because nothing is in the treaty except only in Article XXV that is pertinent to this discussion; that is to say, in this treaty the subject of immigration was not dealt with, neither was the subject of classes dealt with in any manner, but this provision is here. I have not heard anybody call attention to it, and I do so because it is in force and effect this very minute and has been in force and effect from the moment when the treaty of 1858 was adopted. But I will show you how it bears presently on the question that we are compelled here to consider.

Article XXV of the treaty of 1858 reads:

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labors—

See how broad it is—

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labors.

This was a treaty negotiated at the solicitation of the United States, and that is a provision in behalf of the United States. That is not all. The clause continues:

And the persons so employed shall not for that cause be subject to any

injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

Mr. President, that provision of the treaty of 1858 has never been under consideration by the treaty-making representatives of the two Governments since the moment when it was adopted; it stands to-day as the supreme law of this land. Any citizen of the United States has a right by that treaty, any person in China has a right, if a person in the United States sees fit to exercise his right, to accept employment as a scholar or as a literary man, to assist in any kind of literary labor in the United States and to come to the United States for that purpose. Let us bear that in mind.

Mr. LODGE. Will the Senator allow me to ask him a question? Mr. FORAKER. Certainly.

Mr. LODGE. Does that clause provide that this employment shall be in the United States?

Mr. FORAKER. It does not in express words say that the person so employed shall come to the United States, but, Mr. President, what avail is it to me here in the United States to have a right to employ a Chinese scholar or literary man to assist me in literary labor or to teach the Chinese language, unless I can bring him to the United States, where I am likely to want such person and to utilize him; and for the Senator to suggest that this means nothing more than that a citizen of the United States going to China, and being there may there employ a man to assist him in literary labor is, it seems to me, entirely unwarranted.

Mr. LODGE. I only asked if it was expressly stated.

Mr. FORAKER. No; I say it is not expressly stated. But I submit that there is no room for argument as to what is intended, and the right is given and broadly given to the Chinese on the one hand to employ Americans and American teachers and American people of literary qualities to assist them, and then, reciprocally, the right is given to the people of the United States to employ that class of Chinese people. That provision is now in force. That was the treaty of 1858, and without further comment I pass from it to the next treaty, which is known as the "Burlingame treaty."

I need not comment on the circumstances attending the negotiation of that treaty. All are familiar with it. It was thought at the time to be one of the most brilliant chapters in American diplomacy. When Mr. Burlingame, resigning his position as minister to China, headed an embassy and brought it to the United States, attracting the attention of the whole country, visiting Washington, visiting Congress, he was everywhere received with acclaim, and as a result of it all he negotiated and secured the ratification in due time of what is known as the "treaty of 1868." Ten years had passed since the other treaty from which I have been reading had been put into operation.

Now, what is the character of this Burlingame treaty? It is not a general treaty, but it is, according to the expressions of the treaty itself, a supplementary treaty. The purpose of it was to adopt "additional" articles to the treaty of 1858. There was not a thing in the treaty of 1858 interfered with. However, as I said a moment ago, the treaty of 1858 did not deal with the subject of immigration. This dealt almost exclusively with that, and this was negotiated and adopted because there was no provision about immigration in the treaty of 1858.

Now, in this treaty, the articles of which are additional to the treaty of 1858, not inconsistent with, those occur Articles V and VI, both of which I wish to read. Senators are already pretty familiar with them, but I desire to have them put in the RECORD in this connection.

#### ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China, or to any other foreign country without their free and voluntary consent, respectively.

#### ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China nor upon the subjects of China in the United States.

Stopping there for the moment, for there is another section to which I wish to call attention and read, there is by the adoption of Articles V and VI the unlimited right, the unrestricted and unrestrained right, conferred upon the Chinese to come and go in this country just as the citizens of other countries come and go

with whose countries we have treaty relations. Now, passing sections 5 and 6, I wish, Senators, to call particular attention to Article VII, for this article is supplementary to the article upon which I have commented, found in the treaty of 1858. It relates to education, scholars, teachers, and their rights, not naming them in the way they are named in subsequent treaties, but as I shall read; and this stands as section 25 of the treaty of 1858 stands, absolutely without change or modification down to this moment:

#### ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

That stands unaffected by any subsequent treaty provision.

Mr. LODGE. Do I understand the Senator to say that it stands so entirely unaffected by the treaty of 1894 that Chinese laborers can come in under that clause?

Mr. FORAKER. No, sir; not at all. I do not suppose anybody would want to bring here a Chinese laborer of the type we are seeking to exclude for the purpose of establishing an educational institution or assisting in the conduct of it, but what I wish to call attention to is that the Chinamen, by our treaty obligation which is to-day in force, have a right to establish and maintain educational institutions in this country, and therefore, of course, to bring here everybody necessary thereto.

Now I am coming, as I said at the outset I would, by proper approaches, to the very point in all this controversy. The question about which we are concerned is not a question as to the admission of laborers; we are all agreed that they shall be excluded; but the question is whether or not the exempted classes, those who are not laborers, shall be allowed to come, and when we have a provision of this kind, viz, that the Chinese have a reciprocal right to establish and maintain educational institutions in this country, to conduct them, to teach the Chinese language, or anything else they want to teach in those educational institutions, we have no right to render nugatory, null, and void a provision of that kind; and an attempt to do it is a violation of the honor of this country—something you can not afford to do, no matter at whose behest we are asked to do it.

Down to and including the treaty of 1868 we have this status resulting from our treaties, that everybody in China, a subject of the Empire, who may want to come to the United States has the free and unrestricted right to come, and the Chinese have the right to establish and conduct educational institutions here. We exercised our reciprocal right to do that. I do not know how many American institutions there are in China maintained to-day, but there are more than one. The Chinese would have the right to have any number they might see fit to have in this country because of that clause of the treaty. Nobody has ever suggested a modification of it.

So much for the treaty of 1868, which let everybody in. The Chinese proceeded to avail themselves of that privilege, and it was not long until we recognized that a mistake had been made—a mistake in this, and in this alone, that the unrestricted immigration into this country of laborers was prejudicial to our body politic and to our best interests.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. FORAKER. Certainly.

Mr. STEWART. That treaty recognized the evil of Chinese importation under contract. China in that treaty undertook to stop it and failed, and then, as they came in under contract just as before, the United States was bound to act.

Mr. TELLER. Is that the treaty of 1880?

Mr. STEWART. The Burlingame treaty of 1868.

Mr. FORAKER. I have already said essentially that. We got better acquainted after the treaty of 1868, and the influx to which we were subjected of Chinese laborers—

Mr. STEWART. China was unable to carry out her part of the treaty to stop the incoming of Chinese.

Mr. FORAKER. By the treaty of 1868 China did not undertake to stop it. Chinese subjects were given a right to come to the United States.

Mr. STEWART. I beg pardon.

Mr. FORAKER. The Senator must be thinking of the treaty of 1880. By the treaty of 1868 it was dealt with in the way I have indicated.

Now, following that came the treaty of 1880. I was about to say the laborers came so thick and so fast that we became apprehensive that bad results would ensue, and at the solicitation of the United States, as the treaty itself recites, China yielded to another



negotiation. As the result of that the right of immigration was modified. There was not a modification of the right to establish and maintain educational institutions in this country. There was no modification of the right of any kind of a professional man to come into this country. There was no modification which touched any class of people coming into this country except only the class of laborers.

Mr. STEWART. I beg the Senator's pardon. I was mistaken in the treaty.

Mr. FORAKER. I thought the Senator had misunderstood me as to the treaty to which I was referring.

Mr. STEWART. The Senator from Ohio is correct.

Mr. FORAKER. I am now coming to the treaty to which the Senator alludes, or, rather, I will after I am through with this. Now, in this treaty, in view of our desire to restrict Chinese labor, we finally succeeded in securing this agreement, and the record shows that China granted it reluctantly and only after assurances were given by our commissioners as to fair dealing and that it was for the best interest of all concerned. However, that is outside of the record. We stand on the treaty. Article I of this treaty says:

#### ARTICLE I.

Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

Stopping there now for a moment, we all know from the recitals in the preamble to this treaty that it was the purpose of the treaty to deal only with Chinese laborers and no other class, and that the only purpose of dealing with that class was to restrict the right of that class to come to this country.

Mr. SPOONER. My attention was distracted for the moment. I should like to ask from what the Senator is about to read.

Mr. FORAKER. I am reading from the treaty of 1880. I am reading from the Compilation of Treaties of 1899. The preamble, which goes before the article I have just read, recites the purpose of the treaty.

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit, etc.

Showing that the purpose of it was to deal with the laboring classes.

Now, I wish Senators to note that until this time there was no restriction upon any class, any laborer, skilled or unskilled, any professional man, any man of character, quality, or degree, who was the subject of the Chinese Empire; all had a free and unrestricted right to come to the United States, subject to no other disadvantages or inconveniences than those we imposed on the citizens of the most favored nation.

Mr. CULLOM. And our people had a right to go there.

Mr. FORAKER. And our people had a right to go there. This article provides that as to laborers the United States may, when in its opinion that may be necessary—

regulate, limit, or suspend such coming or residence [of laborers], but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations.

That is the provision in that article. Now follows the second article, and I ask Senators' attention to this particularly, because it has been contended in this debate that because in the second article of the treaty of 1880 certain exempted classes are named, no others who are Chinese, except only those who belong to the exempted classes, are allowed to come. Senators take that position notwithstanding the fact that in this treaty where occurs this article it is provided that only laborers are to be affected. Now, let me read this article, and then I will give you my idea, whether it is right or wrong, as to what the article means:

#### ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or travelers from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

I say it has been contended in this debate that because in Article II teachers, students, merchants, and travelers are enumerated no other classes of people who are not laborers can come in. In other words, because of the recitation here in this way of these facts and the repetition of them in the treaty of 1894, bankers, brokers, civil engineers, every other class of educated men, the

great publicists (and they have some of the greatest in the world), and all of their great literary men are excluded; that unless a man is a teacher, unless he is a student, unless he is a traveler, unless he is a merchant, coming within the definition given in this bill, and in certain Treasury regulations which have been relied upon as law, but which I will undertake to show are in open violation of our treaty obligations, he can not come in, narrowing it so that if China were to treat us reciprocally she would have a right, if we pass this bill, to say that inasmuch as the United States, by its Congress, has enacted that no minister, no physician, no engineer, no broker, no salesman, no clerk, no learned man of any character or description shall come into the United States, neither shall any such man come into China from the United States.

Mr. PLATT of Connecticut. Under this construction of the law and treaties and this bill would it have been possible for Li Hung Chang to have come to the United States?

Mr. FORAKER. Not at all.

Mr. PLATT of Connecticut. Except as an official.

Mr. FORAKER. Except as an official. Independently of his official character, Li Hung Chang could not have come. He is not a teacher, he is not a student, he is not a merchant, he is not a traveler within the definition given in this bill.

He could not have come here; and I say if China were to treat us reciprocally—and by what authority do Senators say she would not treat us reciprocally if we enact such legislation as this—she would, by an edict, which could be issued in an hour's time by the Emperor, debar from China every missionary who is there, shut up every educational institution we have there, shut out every civil engineer we have there engaged in carrying on American work, in which American capital has been invested. We are building railroads there. We are spending millions of dollars in China. They could drive every American out, if they would only act reciprocally. That is all they would have to do. Who has the right to say they would not do it? Why should they not mete out to us our measure to them?

The Senator from Massachusetts [Mr. LODGE], speaking here on Saturday last, said that by the treaty of 1894 the Chinese Government undertook to cooperate with us to exclude Chinese laborers, and he challenged anybody to point out an instance where it had assisted and cooperated. I regret that the Senator from Massachusetts is not in his seat. I thought he was there when I referred to this. I will say, however, as I have said that much about it, that I took occasion this morning to go to the State Department to ascertain whether or not there had been any charge made by this Government against the Chinese Government, or any representative of the Chinese Government, of dereliction in the discharge of their undertakings under the obligations of this treaty, and I was told at the State Department that not a single instance of the kind did they have any knowledge of.

In this connection I call attention to a clause in the letter of the Chinese minister, about which we had some debate here on Saturday. I will refer to it now only for that purpose. In the course of this, I think, most admirable letter—admirable in spirit, admirable in point of ability, admirable in its qualities of politeness, logic, and everything else that you can think of—he says, before concluding, addressing Mr. Hay, our Secretary of State:

You know that in regard to the exclusion of laborers my Government and myself have stood ready to cooperate with your Government in making the treaty prohibition effective.

The entire letter is as follows:

No. 240.] CHINESE LEGATION, Washington, March 22, 1902.

SIR: When the Chinese Government consented in 1880 to a modification of the treaty of 1868, whereby the free immigration of Chinese laborers into the United States was restricted, it was provided in the treaty that where the legislation of Congress authorized by that convention was likely to work hardship on the Chinese subjects the minister in Washington would be permitted to communicate with the Secretary of State, to the end that mutual and unqualified benefit might result.

In making use at this time of the privilege granted in the cited treaty provision I desire not to be understood as antagonizing the just provisions of pending legislation or influencing Congressional action, but to bring to your attention, and through you to Congress, some of the hardships which will inevitably result to the subjects of China in case some of the proposed legislation should become a law. Should I remain silent until the bills now before Congress be enacted into a law, it will then be too late to remedy the evil. I trust, therefore, that what I say to you may aid the honorable Congress in making a right conclusion on the subject.

I desire especially to direct attention to the bill S. 2960, which has been reported to the Senate from the Committee on Immigration. In the concluding paragraph of the report which accompanies the bill it is said:

"There can be no doubt that under a wise, humane, and fearless enforcement of this act the importation of Chinese laborers will be prevented and the ingress of Chinese merchants and others of the exempt classes facilitated, and that the present relations between the United States and China will be strengthened thereby."

I feel it my duty to say to you, and through you to the Congress which will soon be called to act upon this bill, that if it becomes a law it will have just the contrary effect from that stated by the committee. It can not fail to seriously disturb the friendly relations which have up to the present existed between the two Governments and peoples.

I do not wish to go into the different provisions of the bill in detail, but I should like to call your attention in a general way to its effects. It restricts



the privileged Chinese persons, other than laborers, to come to the United States to only five classes, viz, officials, teachers, students, merchants, and travelers, in direct contravention to the treaty of 1880, in Article I, where it states that the limitation or suspension of immigration shall apply only to laborers, "other classes not being included in the limitation." So also the history of the negotiation shows that it was the intention of the two Governments that laborers alone were to be excluded.

Under the bill there would be excluded bankers, capitalists, commercial agents or brokers, and even merchants who come only to make purchases; also scholars and professors, of which there are many in China of high attainments; also physicians, clergymen, and many other classes which do not fall under the five classes exempt by the bill. The provisions of the bill as to the five exempt classes are so restrictive as to practically nullify the treaty in regard to them. The definitions as to teachers, students, and merchants are so contrary to the spirit of the treaty as to make them almost impossible of observance.

A woman married according to the Chinese custom to a person of the exempt classes would be prohibited from entering the country, because according to the provision of the bill it is necessary that the marriage shall be legal and binding by the laws of the United States.

The bill requires that all Chinese laborers now in the United States shall undergo a new registration. It will be remembered that my Government remonstrated against the first registration that was proposed under the Geary law, and only consented to it at the earnest request of the Secretary of State at the time. All the Chinese laborers submitted to that requirement and were registered, and now it is proposed to nullify all that and subject them to the annoyance and trouble of a new registration. It is an unnecessary hardship and should not be required.

The bill also contemplates the registration of all merchants and of others of the exempt class. This can not be required under the treaty, but the bill attempts to obviate that obstacle by making the failure to register a serious prejudice of their rights.

I have heretofore complained to you of the great hardships to which laborers, merchants, and others are subjected after they have been admitted to the United States and are lawfully domiciled in this country. Past experience shows that Chinese have been arrested by the wholesale, placed in jeopardy, and subjected to molestation and insult. When found innocent, no redress is obtained for such illegal arrest. Persons charged with being unlawfully in the country and taken before a court are denied the privilege of bail, but must remain in jail until their case is decided. The bill, in place of providing some relief for these hardships, rather adds restrictions thereto.

The provisions with regard to transit across the United States imposed by this bill are almost impossible to be complied with, because people who are passing through the United States en route to other countries do not know the laws of the country, and they can not understand the intricate rules and regulations made by the Commissioner-General of Immigration.

The report of the committee says that "the greatest degree of fairness and justice to the exempt classes will be insured by the provisions of the bill, which provides better means for the investigation and disposition of their claims." And again it says: "The features of the bill \* \* \* will tend to protect the worthy immigrant in his treaty rights and privileges."

I have referred to the fact that the provisions as to the admission of the exempt classes are in direct violation of the treaty; and in addition to this the bill provides that the exempt classes must submit their right to admission to the adjudication of the Immigration Bureau, which, as I showed in my note to you of December 10 last, was a purely ex parte investigation, where the claimant was not permitted to confront the witnesses, was deprived of the privilege of counsel, and was excluded from an appeal to the courts. I can not understand how the committee can style this "the greatest degree of fairness and justice," or how the "worthy immigrant is protected in his treaty rights and privileges." It seems to me, on the contrary, that his treaty rights are taken away from him.

The provisions of the bill above referred to, and others which might be cited, place so many restrictions upon Chinese persons and require them to comply with such strict provisions that no Chinese having the least respect for himself would submit to such indignities and come to this country. I fear the effect of the bill, if it becomes a law, will be that Chinese merchants will not come here to buy goods nor students come for educational purposes.

Another feature of the bill must be alluded to. The new possessions of the United States, such as Porto Rico, the Hawaiian Islands, the Philippines, and others which may hereafter be acquired, are subjected to its provisions. It can not be claimed that they were considered when the treaty was negotiated, and it is hardly just or in accordance with international comity that the treaty should be extended to them without the consent of China.

I have received repeated instructions from the Imperial Government, in view of the reenactment of the exclusion laws, to exert myself to see that treaty rights are observed and that no unnecessary hardships are placed upon Chinese subjects, and I feel that on account of the pendency of the legislation referred to I could not refrain from asking you to lay before the honorable Congress the views above set forth. You know that in regard to the exclusion of laborers my Government and myself have stood ready to cooperate with your Government in making the treaty prohibition effective. But with regard to the exempt classes who seek to come here for trading, educational, and other legitimate purpose, I must earnestly protest against the unwarranted and unjust provisions of the bill.

In place of "insuring the greatest degree of fairness and justice," as stated by the Immigration Committee, it would impose such indignities and hardships upon these classes that few, if any, would come here. And notwithstanding the sincere wish of my Government and myself to maintain and cement closer the friendly relations between the two countries, I greatly fear that those friendly relations would be endangered by the enforcement of the act.

Accept, sir, the renewed assurance of my highest consideration.

WU TING-FANG.

Hon. JOHN HAY,  
Secretary of State.

Mr. FORAKER. Mr. Hay sent that letter to the Senate of the United States without taking any exception to that statement. He acquiesced in it, and he acquiesced in it because he had no ground to take exception to it—no ground, I say, because of what I learned at the State Department this morning. There is not one single charge registered there against the Chinese Government with respect to its obligations under these treaties to assist in making this prohibition effective—not one.

Now, another thing. When we read in this treaty, in Article I and in the preamble, that it has reference only to the laboring classes, we are quite prepared, it seems to me, if we are going to take the sensible view of how the language should be construed, if we are going to take the instrument by its four corners and read it altogether, to take issue with those who say that the enu-

meration of the five exempted classes excludes all other classes, who are not laborers. Let me read it again:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Just preceding that it is stated that Chinese laborers shall be excluded, but that no other class shall be included in that exclusion, and yet we are told that because five classes are named, on the principle that naming one excludes all others, all others are to be barred out and were intended to be.

Mr. President, it is just as manifest as anything can be—and I reached that conclusion as soon as I read these treaties and before I had any knowledge of the facts in regard to this matter—that those classes were enumerated by way of illustration, not as an intended enumeration of all the educated classes who might come in, and that the way to read it, in view of the first article, in which it is expressly stated that only laborers are to be excluded, is:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or as travelers from curiosity, etc.

That would convey the proper meaning; that would show that it was the intention of the parties to bar out laborers and let everybody else come in, and that they enumerated a number of classes only to indicate what classes might come.

Now, I have confirmation of that. My visit to the State Department was not in vain. I found that on December 10 the Chinese minister sent a communication to the Secretary of State, which was sent to the Committee on Foreign Affairs of the House. It is a very able communication. I do not know why it was not sent to the Senate. I do not know why it does not appear in the reported hearings had before the committee. This document is dated "Chinese Legation, Washington, December 10, 1901." On page 5 of this publication—

Mr. TELLER. What document is it?

Mr. FORAKER. This is entitled "Exclusion of Chinese Laborers." It has not been printed as a Senate document. I think it ought to have been as a part of the hearings before the committee, and I will ask to have it printed as a Senate document.

Mr. FAIRBANKS. If the Senator will allow me, I hold in my hand a Senate document which is a republication of the letter of the Chinese minister to the Secretary of State of the same date.

Mr. FORAKER. Perhaps that is this.

Mr. FAIRBANKS. It is dated December 10, 1901.

Mr. FORAKER. I am very much obliged to the Senator. I did not know such a document had been printed. I have never been able to find it, and it was placed in my hands only this morning.

Mr. FAIRBANKS. It is No. 162, but I do not know whether it is the same document or not.

Mr. FORAKER. What the Senator from Indiana calls my attention to, and I am very much obliged to him for doing it, is the same thing. I was not aware it had been printed as a Senate document. In view of that, I withdraw my request if I had made it, as I intended to do, that it may be printed as a Senate document. On page 5 of the publication, as I have it before me, appears the following from the Chinese minister:

The treaty of 1894 in its preamble recites the object of the treaty of 1880, and gives as the reason for its amendment "the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise." Thereupon it amends Article I of the treaty of 1880, under which the immigration of Chinese laborers could be suspended, but not absolutely prohibited, by authorizing their absolute prohibition for ten years—

He is speaking now of the treaty of 1894, which I have not yet come to, but will in a moment. In this respect the two treaties are practically the same, so what I am putting in here is applicable to the treaty of 1894 as to that provision:

And it amends Article II, as to Chinese laborers, under which they were allowed to go and come of their own free will and accord, by restricting their return to the United States by the terms set forth in Article II of the new treaty. A provision not found in the treaty of 1880 is added, as to registration of "Chinese laborers;" but in no other respects is the treaty of 1880 modified or affected by the treaty of 1894, except as already stated respecting the certificate to be given to Chinese subjects residing in foreign lands. It repeats in Article III the recital of "officials, teachers, students, merchants, or travelers for curiosity or pleasure," but expressly states that their right of coming to the United States is under the status "at present enjoyed;" that is, under the treaty of 1880. In the Chinese text of Article II of the treaty of 1880 and of Article III of 1894, the words "officials, teachers, students, merchants, or travelers for curiosity or pleasure" are followed by the words "et cetera."

Which clearly shows the intention of the negotiators and confirms my argument on this point.

Now, Mr. President, I said before reading this that to any man accustomed to the construction of language, to any man capable of analyzing the provisions of a treaty, it would necessarily be manifest when he would come to read this treaty as a whole and construe this provision in connection with the context, that he would have to read it in order to give good sense to it, with an "et cetera"



following, or, as "for illustration," or some language of that kind, thrown in simply to show that the recited classes were only illustrations of the classes that were to be admitted. Necessarily he would have so to treat it because the treaty, so plainly that no man can misunderstand it, expressly declares that only laborers are to be excluded and that no other class shall be affected by that limitation or restriction.

My contention is, therefore, Mr. President, that after the treaty of 1880 had been negotiated and put into operation our status was this: We had a treaty of peace, amity, and commerce with China, under which they had a right to come into this country subject to this restriction, that laborers could not come if we saw fit to suspend the right, but that all other classes had a right to come of their own free will and accord—teachers, merchants, travelers for curiosity, officials, students, publicists, physicians, theologians, Confucians, philosophers, anybody who might see fit to come, who was of a class of citizens in China not included within the broad term of laborer.

Mr. MITCHELL. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. With pleasure.

Mr. MITCHELL. Can the Senator from Ohio give any good reason, if his construction is correct, why only the five exempted classes were inserted? If everybody else except cool laborers were to have the privilege of coming in, why was the provision inserted that merchants, students, teachers, and travelers for curiosity or pleasure should be permitted to come?

Mr. FORAKER. If the Senator from Oregon was in the Chamber when I was dwelling upon that, I have spoken to very little purpose, for I have been seeking for the last ten minutes to show that identical thing.

Mr. MITCHELL. I confess that I came in only a moment ago.

Mr. FORAKER. Yes; I thought so. I have been explaining, if the Senate will indulge me while I briefly repeat, that in the Chinese text of the treaty of 1880 these words are followed by the words "et cetera," showing that they were used only for illustration. The same thing occurs in the treaty of 1894, according to the communication which I have read.

Now, Mr. President, if I may have the Senator's attention further—and I hope the Senator will honor me with his attention until I finish answering his question—

Mr. MITCHELL. Certainly; I beg pardon.

Mr. FORAKER. In the treaty of 1880 it is expressly provided that it is to deal with the laborers and nobody else. In Article I it is provided that this Government shall have the right to limit, regulate, or suspend, as it may see fit, in its judgment, having reference to certain purposes enumerated, the right of laborers to come into this country. But it expressly provides that that right of restriction shall not apply to any other class.

Mr. MITCHELL. But that is not the language of the treaty. It does not say it shall not apply to any other class.

Mr. FORAKER. I am quoting the exact language of the treaty. The Senator is mistaken. In article first, and that is what I am talking about, there is this language:

Whenever in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Now, that refers only to laborers.

The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations.

Mr. MITCHELL. But, Mr. President, if the Senator will allow me—

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. FORAKER. Certainly.

Mr. MITCHELL. If physicians, lawyers, and bankers were to have the privilege of coming in, as stated by the Senator, why did they insert the clause to the effect that merchants, teachers, students, and travelers for curiosity or pleasure should be permitted to come? Does not the rule, *expressio unius, etc.*, apply?

Mr. FORAKER. "*Expressio unius est exclusio alterius*" would apply if there were nothing else here but a simple statement that certain enumerated classes should have a right to come, but you must read the whole instrument together, and that rule does not apply and can not apply here, because, in the first place, it says all laborers shall be kept out and no other class shall be kept out. Only laborers are to be excluded. Then it proceeds:

Chinese subjects, whether proceeding to the United States as teachers, students, etc.

That is for illustration, is my contention, and the Chinese text of this treaty sustains that contention.

Mr. MITCHELL. I suppose the Senator is aware of the fact that the construction placed upon that treaty by the Treasury Department and also by the courts is different from that which he finds.

Mr. FORAKER. That is next in order, after I call attention to the treaty of 1894.

Mr. PLATT of Connecticut. May I here, as shedding some additional light on this argument, call attention to the language of the treaty as proposed by our commissioners? In that treaty as proposed were these words:

And the words "Chinese laborers" are herein used to signify all immigration other than that for teaching, trade, travel, study, and curiosity hereinbefore referred to.

That was objected to by the Chinese commissioners and was abandoned by our commissioners. This is found on page 178 of Foreign Relations.

Mr. FORAKER. I have no doubt whatever but that those words were injected here simply for illustration, not to name those who might come and upon the principle of exclusion referred to exclude everybody else.

Now, the Senator from Oregon asked me, and I call attention to this particularly, if it be true that the construction I am contending for is the correct one, why is it that the Treasury Department and everybody else construed it differently? I am surprised that the Senator should ask that question, because he is mistaken in his assumption. The Treasury Department never did so construe it until within the last five or six years, until the administration of this law fell into the hands that are now administering it. On the contrary, until then, they construed it precisely as I contend it should be construed, and the Supreme Court of the United States itself so construed it.

I call the Senator's attention, in the first place, to the decision of the Supreme Court of the United States in the case of *Wong Shing v. The United States* (140 U. S., p. 424). The syllabus of this case I will read. The decision was on the 11th day of May, 1891. It considers all the legislation enacted down to that time, and all the treaty provisions that we had agreed upon down to that time. Therefore, it passes upon the treaty of 1868 and 1880 and the legislation of 1882, 1884, and 1888. What do the Supreme Court say? They had before them the treaty of 1880, the last which at that time had been entered into. They say, in view of it all, after carefully considering and reviewing it all:

The result of the legislation respecting the Chinese would seem to be this: That no laborers of that race shall hereafter be permitted to enter the United States, or even to return after having departed from the country, though they may have previously resided therein and have left with a view of returning; and that all other persons of that race, except those connected with the diplomatic service, must produce a certificate from the authorities of the Chinese Government, or of such other foreign governments as they may at the time be subjects of, showing that they are not laborers, and have the permission of that government to enter the United States, which certificate is to be viséed by a representative of the Government of the United States.

In other words, Mr. President, the Supreme Court of the United States in 1891, reviewing this identical treaty upon which I have been commenting and reviewing all our legislation prior to that time enacted, said the effect of it all was to exclude laborers and to allow everybody else to come who was not a laborer on the production of a certificate from his own government viséed by our representative at the place where it was granted.

Now, does not that foreclose this whole matter? And, Mr. President, how was it as to the Treasury Department? We are told in this debate about Treasury regulations. There were no Treasury regulations until quite recently inconsistent with this contention. On the contrary, all our Treasury regulations recognized that we had a right to exclude laborers, and did not have a right to exclude anybody else. Never until 1898 was there a different rule, at which time an opinion was given by the Attorney-General, which has made all this trouble.

But, Mr. President, the whole case is as clear as anything can be. Here is what Hon. John G. Carlisle, while he was Secretary of the Treasury, said on this subject. I have known Mr. Carlisle all my life. I practiced law with him at the same bar practically. He lived across the river from Cincinnati, in Covington, Ky., and practiced there for thirty years or more. He is known, however, to this body. He was a member of it for years. Every man knows that he is one of the foremost lawyers of this country. Here is how he construed this matter. In the directions which he gave on the subject in 1893, he said:

No class of Chinese are prohibited from coming into the United States, or remaining there, except such as may properly and within the meaning of said statutes be known as "laborers."

It was in 1880 that that treaty was adopted. I gave the Senate my opinion as to how it should be construed. The Senator from Oregon rose in his place to know, if I contended for that, why it was that the courts and Treasury officials had construed it in the opposite way, so that not only laborers but every other class of people except the expressly enumerated class were excluded.

My answer to him is that the courts and the Treasury officials

never did so construe it until 1898, but they construed it just as I have construed it, just as every man who conscientiously and candidly examines this matter, it seems to me, is bound to construe it, that by the treaty it was intended to preclude laborers and allow everybody else to come in, and that the five exempted classes that were named for purposes of illustration, and it was never dreamed that we were to bar out representatives of mercantile houses, salesmen, brokers, civil engineers, publicists, physicians, theologians, and other men who were desirable in this country.

Mr. GALLINGER. Mr. President, if it will not interrupt the Senator, I should like to put into the RECORD two recent cases where Chinamen were refused admission to this country.

Mr. FORAKER. If the Senator will allow me to put in one other ruling; I will then quit that point, and I would rather do that in this connection.

Mr. GALLINGER. Certainly.

Mr. FORAKER. I gave you what Mr. Carlisle said in 1893. In 1896 Hon. Charles S. Hamlin, Acting Secretary, to whose Department Chinese matters especially belonged, announced the following, shown in Regulations of 1896, at page 9. He says:

The persons referred to in the acts of Congress to which these regulations applied, and whose immigration into the United States is prohibited, are limited to Chinese laborers.

That was in 1896, and there was never, Mr. President, until after 1896, an attempt on the part of any Treasury official to give to this any other interpretation, and 1896 was two years after the treaty of 1894 was negotiated and put into operation.

Now, I yield to the Senator from New Hampshire to put into the RECORD what he desires to put in, while I look up the treaty of 1894.

Mr. GALLINGER. Mr. President, my attention has been called to two cases in point. One is as follows:

This certificate is issued to Tang Pao Tung, the person hereinafter described, and whose photograph is hereto attached, a Chinese person "other than a laborer," who is about to go from China to the United States, as evidence of the permission of the Chinese Government for him to go to the United States and as a means of establishing his identity.

Name signed by himself, Tang Pao Tung.  
Full name, individual, Pao Tung; family, Tang; tribal, ———.  
Native place, the district of Siang Shan in the province of Canton.  
Title or official rank, ———.  
Age, 16 years; height, 5 feet 2 inches.  
Physical marks and peculiarities, ———.  
Former occupation or profession, a student.  
Present occupation or profession, a student.  
Where pursued, in Shanghai.  
When ———.  
For how long ———.  
Resides at, Shanghai.  
Nature of business (merchant) ———.  
Character of business (merchant) ———.  
Estimated annual value of business (merchant) ———.  
Hong name ———.  
Street number ———.  
City ———.  
Province ———.  
Intends to go within the United States to study the English language at his own expense.  
Financial standing in place of residence, his father is a comprador of Dodwell & Co., Limited.  
This above-described man (or woman) is entitled to come within the United States.  
Viséed, June 28, 1901.

JOHN GOODNOW,  
Consul-General, United States of America, Shanghai.  
YUAN,  
Taotai of Shanghai.

NOTE.—This certificate must be filled out exactly and signed by the duly authorized Chinese official. It must be viséed by the United States consul after proper proof is given him of the correctness of the statements herein.

Tang Pao-tung, the holder of the above certificate, arrived at Malone, N. Y., in July, 1901, and applied to the collector of customs at that port for admission into the United States as a student. His application was denied on the ground that, as stated in his certificate, his coming to this country to study the English language did not make him a student. Accordingly, he had to return to China. There is not the least doubt that Tang Pao-tung was a student within the meaning of treaty provisions. His father was a comprador, one of that wealthy class of Chinese who act as middlemen between foreign importing houses and Chinese merchants in China, and was amply able to provide him with necessary funds during his stay in this country.

There was no question of fraud in this case. The applicant was denied admission on a mere technicality.

The other, Mr. President, is the case of Yee Ah Lum:

#### CERTIFICATE FOR MERCHANT.

To all to whom these presents may come:

This is to certify that Yee Ah Lum, a Chinese person "other than a laborer," is about to go to the United States and is hereby permitted and entitled under the provisions of section 6 of the act of Congress of the United States of America, entitled "An act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, as amended July 5, 1884," and the treaty between the United States of America and China, dated November 17, 1880, and the treaty between said Governments dated December 8, 1894, to go within the United States of America upon presentation of this certificate to the collector of customs of the port in the district of the United States at which he shall arrive.

The individual, family, and tribal name in full of said permitted person is: Individual, Lum; family, Ah, and tribal, Yee.

The following is the name of the said permitted person in his own proper signature:

His title or official rank is ———.

His age is 20 years.

His height is 5 feet 4 inches.

His physical peculiarities are well-defined scar on left side of forehead.

His former and present occupation is that of merchant, doing business under the name of Chuen Chin, having a capital of \$12,000, and this applicant's interest therein is \$4,000 in such business which he pursued in Canton for the period of three years.

His place of residence has been in San Ning, Kwang Tung, China.

This certificate is issued in accordance with the provisions of the treaties and laws aforesaid, and it is evidence of permission having been granted to the said Yee Ah Lum to depart from China for the purpose of visiting the United States.

Issued by the Imperial Government of China at the office of the superintendent of the imperial customs at Canton. In witness whereof I have hereunto set my hand and affixed the seal of my office on the 30th day of May, 1899.

CHWONG SHAN,

Superintendent of Imperial Customs, Canton, China.

I, Hubbard T. Smith, vice-consul of the United States at Canton, do hereby certify that I have examined into the truth of the statements set forth in the foregoing certificate, and find upon examination that the same are true; that the seal and signature to the foregoing [Photograph] certificate are the genuine seal and signature of the duly qualified and acting superintendent of the imperial customs at Canton. In witness whereof I have hereunto set my hand and affixed the seal of this consulate at Canton on the 1st day of June, 1899.

HUBBARD T. SMITH,  
United States Vice-Consul in Charge.

Fee, \$1 gold.

[Indorsement.]

Certificate 82; serial 576; name, Yee Ah Lum; class, merchant; place, August 15, 1899, No. 685, Chinese; Ex. S. S. Gaelic, July 30, 1899; registration, —; partnership, —; landed, —; denied September 11, 1899; J. P. Jackson, collector.

It is to be observed that no mention is made in the English portion of this certificate of the nature and character of the applicant's business, but in the Chinese portion it is expressly stated that he is a dealer in pearls and jade ornaments.

Yee Ah Lum, the holder of the above certificate, was one of some 30 Chinese merchants of Canton who came to the United States in August, 1899, for the purpose of buying American goods. Their applications for admission into this country were rejected by the collector of customs at San Francisco on the ground that their certificates were defective. The alleged defect was simply the omission of the particulars respecting the nature and character of their business in the English portion of the certificates, though such particulars were plainly stated in the Chinese portion. Thereupon Yee Ah Lum and the other Chinese merchants appealed to the Secretary of the Treasury, but the Secretary sustained the decision of the collector.

It was urged on behalf of Yee Ah Lum and other merchants that as there was no doubt that they were bona fide merchants they should be allowed to land on a good substantial bond, and that their certificates be sent back to China to get the American consul to supply the omission, but this reasonable request was not acceded to.

They were accordingly deported. It was afterwards learned that they went to Europe to make their purchases.

The above-mentioned cases are only typical cases of bona fide Chinese merchants and students who have been denied admission into the United States. Special attention is called to the fact that in the two cases above mentioned the proper consular officers of the United States certified to the truth of the statements contained in the certificates, and yet the applicants were not permitted to land on account of some frivolous objection or other. This is certainly contrary to the intent of treaty stipulations.

Mr. President, I simply put these two typical cases in the RECORD to show that the contention of the Senator from Ohio is true, that this is not only the exclusion of laborers but practically the exclusion of all exempted classes.

Mr. FORAKER. Now, Mr. President, the next treaty was that of 1894. By the treaty of 1880 it was provided that the United States might, whenever in its opinion it was necessary for the purposes named, regulate, limit, or suspend. In 1894 another modification was negotiated by the treaty of that year agreed upon, and I call attention to it now before I call attention to the legislation that followed the treaty of 1880.

By Article I of the treaty of 1894 it was provided as follows:

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratification of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

Article II goes into details as to how that provision shall be enforced with respect to laborers of a certain class. I will not stop to read it, because there is no contention about that.

Article III, however, is important, and it is as follows:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

I call attention to that. In a moment when I come to speak of this bill, I will point out that by the provisions of this proposed legislation a student can not come into the United States until, meeting all the other absurd and impossible conditions imposed, he agrees and stipulates also that immediately after the completion of his study he will depart from the United States. The treaty provision is that he may come, and having come he may reside in the United States, yet we are told that this proposed legislation is not inconsistent with the treaty.

Mr. PATTERSON. Mr. President, may I ask the Senator a question?

Mr. FORAKER. Allow me first to read all this article.

Mr. PATTERSON. It is in this direct connection.



The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. FORAKER. I should like to read all, and then I will yield with pleasure. I want it all to go into the RECORD together. The balance of Article III is as follows:

To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

In other words, Mr. President, only laborers are prohibited, and all other classes have a right to come and here reside. I call attention in this connection to the fact that they are not required by this treaty to come here to follow here their avocations in China. A merchant in China has a right to come here because he is a merchant. His right to come is not to be restricted to a case where he wants to become a merchant in the United States.

A man who is a student within the accepted meaning of that term has a right to come here, not because there is some particular study he wants to pursue in the United States, but because he is a student. And so it is with every other class named. The publicist is not, if he is within the exempted class, to be allowed to come here because he wants here to practice statesmanship, but because of his character.

Mr. MITCHELL. Will the Senator from Ohio allow me?

Mr. FORAKER. Certainly.

Mr. MITCHELL. This bill professes and purports to permit that very thing to be done. Now, I want to ask the Senator from Ohio what test he would apply for the purpose of determining whether a man is a teacher or a merchant or a student?

Mr. FORAKER. I am coming to that in a moment. I said in starting out that the fault I have to find with the bill in this respect is that the definitions given are unreasonable. They are of such a character, coupled with the requirements imposed upon them, as to make it impracticable for any of these classes to come.

Mr. MITCHELL. Now, what would be reasonable?

Mr. FORAKER. I was coming to that in a minute, but I will take it up now. I say it is reasonable, and it was enough that the contracting parties should say a man is a student. Does not the Senator know what a "student" is? Does not everybody know what is meant by a "traveler"? Does not everybody know what is meant by a "merchant"? This whole thing is simply an effort, Mr. President, never resorted to until after 1896, to refine and legislate away rights guaranteed by a treaty.

Mr. MITCHELL. The Senator says that I know and everybody knows what is a "student."

Mr. FORAKER. I said the Senator knew.

Mr. MITCHELL. Suppose a man comes from China and says to the collector of customs at Portland, Oreg., or at San Francisco, Cal., "I am a student." Must the collector take his word for it?

Mr. FORAKER. No, Mr. President; certainly not.

Mr. MITCHELL. Then what is the test?

Mr. FORAKER. Only a student can come in under the term "student;" and the treaty provides what credentials he shall furnish. He shall come armed with a certificate granted by his own Government and viséed by the consular representative of the United States at the port whence he sails. That is the only requirement that the treaty imposes, and that is reasonable and all that should be required.

Mr. President, when this treaty was framed, in the first place, nobody dreamed that there would be any difficulty to determine what was meant by the term "laborer," and therefore it was thought enough to say that no laborer should come; that everybody else could come; and then these words crept in for illustration: Teachers, students, merchants, travelers, etc. That is what the Chinese treaty says, and what our treaty, I have no doubt, ought to say. That is what it is in effect.

Therefore, as I have just said, all classes except laborers have a right to come to this country. The only requirement that the Commissioners of the United States, negotiating this treaty, thought it necessary to impose was the requirement that those who would come should come with the certificate of their own government that they belonged to one of these exempted classes, and that that certificate should be viséed by our consular and diplomatic representative.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Yes, sir.

Mr. PATTERSON. I would ask the Senator from Ohio, in reference to his construction of the treaty of 1894 in this respect, as to whether it is amendatory of any preexisting or then existing treaty, or whether it is a separate and independent treaty, which takes the place of provisions of previous treaties relating to the

admission of Chinese or the exclusion of Chinese from coming into the United States?

Mr. FORAKER. Mr. President, I have already answered the question of the Senator from Colorado.

Mr. PATTERSON. I have not heard the Senator do so.

Mr. FORAKER. Then the Senator could not have been in the Chamber all the time I have been speaking—

Mr. PATTERSON. Yes, sir; I have been here.

Mr. FORAKER. And I have certainly been speaking in audible tones.

By the treaty of 1868 all were given the right to come in. By additional articles, as they were called, of 1880, there was a modification of the right, giving us the right to "regulate, limit, or suspend."

But, then, by the treaty of 1880 there is a further modification of the provisions with respect to immigration. All these treaties are in this way ingrafted upon the treaty of 1868, which is still in full force and effect, except only as subsequent provisions are inconsistent with it.

Mr. PATTERSON. I should not desire to interrupt the Senator, except that this is a matter of some importance for us to know.

Mr. FORAKER. I will take pleasure in answering any question the Senator may put to me, if I can.

Mr. PATTERSON. It is important for us to know whether the treaty of 1894, so far as it relates to the exclusion of Chinese and the incoming of the excepted classes, is a separate and independent treaty, setting aside all previous treaties on that subject, or whether it is simply amendatory of preexisting treaties.

Mr. FORAKER. Have I not answered that precisely? I started out by answering it.

In the treaty of 1880, which was a modification, by which additional articles were agreed upon, and which treaty is sometimes referred to as the supplemental treaty of 1880, it was provided that we might limit, regulate, or suspend; and we promptly proceeded to suspend. Then in 1894, not satisfied with the treaty of 1880, which gave us that right of suspension, we agreed that as to immigration we should have the right to absolutely prohibit. Of necessity that was a substitute in that particular for the treaty of 1880, and all the other provisions on that subject are similar.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. PATTERSON. We can readily gather from the treaty of 1868 that it is amendatory of the treaty of 1858; we can readily gather from the treaty of 1880 that it is amendatory of the treaty of 1868; but I ask the Senator to point out where in the treaty of 1894 there is a suggestion that it is anything but a separate and independent treaty, amendatory of nothing, supplemental to nothing, but a treaty permanently, or at least for a period of ten years, of exclusion of the Chinese; and in that individual case, why are not all the preexisting provisions in the treaties upon that subject set aside permanently? Can the Senator claim that when the treaty of 1894 ceases to exist any preexisting treaty will have effect so far as it relates to the subject of the treaty of 1894?

Mr. FORAKER. Mr. President, the Senator seems to proceed upon the theory that if a treaty be supplemental or additional it must say so on its face. That is not necessary. If the treaty in its nature is a further modification of something that has already been treated about, it is supplemental.

It is true the treaty of 1894 does not say anything about what it is supplemental to, but in view of the fact that in 1880 we agreed that we might limit, regulate, or suspend, and then in 1894, treating on the same subject, that we might have a right for ten years thereafter to absolutely prohibit, it is my conclusion, and I have no difficulty in reaching it, that the treaty of 1894 takes the place on this subject of immigration of the treaty of 1880, and it stands there as the law, the supreme law, of the land, that even a Treasury official has no right to violate.

It stands there, Mr. President, until it expires by limitation. When does it expire? At the end of ten years if either party may see fit to denounce it; otherwise it will go on for twenty years; and at the end of twenty years it ceases to be the supreme law of the land, and the treaty of 1880, without doubt, and possibly the treaty of 1868, will then recur.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Yes; but I hope the Senator will not ask that same question again. [Laughter.]

Mr. PATTERSON. I should be fully justified in asking it again, but I do not propose to do so.

Mr. FORAKER. I submit, Mr. President, that the Senator would not be justified in asking it again, for I have answered that question, not only three times in direct response to a specific question, but I answered it in the beginning of my remarks

before the Senator asked it. I know, however, the Senator is in good faith about it, and I am glad to have him ask any question he thinks proper. I only desire to make progress with my remarks.

Mr. PATTERSON. I recall to the Senator from Ohio that on Saturday last he declared interruptions to be the very heart of debate and that he was always ready to yield to them.

Mr. FORAKER. But I added a qualification, Mr. President, if the Senator will allow me. I said when the interruptions were intended to expedite the elucidation of a proposition.

Mr. PATTERSON. That is exactly what I am now engaged in doing to the best of my ability.

Mr. FORAKER. Well, have I not elucidated one of them?

Mr. PATTERSON. If I am obtuse, it is my fault.

Mr. FORAKER. Oh, no; the Senator is not obtuse. The trouble with the Senator is that he is very astute.

Mr. PETTUS. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Alabama will state his point of order.

Mr. PETTUS. My point of order is that this conversation on the floor is expressly against the rules of the Senate.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. FORAKER. I yield.

Mr. PATTERSON. Will the Senator from Ohio state to the Senate whether he distinguishes between the force and effect of a later statute upon a previous statute with which the later statute is in conflict, and the force and effect of a later treaty upon a previous treaty with which the later treaty is in conflict and in which later treaty there is no suggestion that it is either supplementary to or amendatory of a preexisting treaty?

Mr. FORAKER. Mr. President, answering the Senator from Colorado, there is no distinction between the effect of a subsequent treaty not in harmony with a previous treaty and that of a subsequent statute inconsistent with a previous statute. The latest expression of the legislative will always governs, and in the case of a treaty the latest treaty always governs.

It is true the treaty of 1894 does not say that it is supplemental, but when a previous treaty said we might suspend or limit or regulate this immigration, and after a few years, I will say, of experiment, we said "we have concluded that we want to absolutely prohibit," and we agreed to prohibit, I say the last is a substitute for the former, but the time of its life is prescribed in it, and the life of it is ten years, except only on the condition named, when it will be twenty years.

That being true, let us inquire what difference it makes. Here is the treaty of 1894. It does not make any difference whether it is supplemental or additional, or whether it is absolutely independent. In a certain sense every treaty is independent of every other treaty.

Mr. President, let us see what point there is. I can not see, with all respect to my friend from Colorado [Mr. PATTERSON], how there is any serious point involved in what he has been trying to impress upon me, for the fact remains, looking alone to the treaty of 1894 as containing all the law, although it does not, for I have already pointed out that there is a part of the treaty of 1858 applicable, a part of the treaty of 1880 applicable, and now a part of this treaty applicable, but, looking to this as all the law—I was about to say all the treaty—applicable to the subject, what difference does it make whether this is absolutely independent of all other treaties or only supplemental?

It is a substitute for the time being for something we had before agreed upon. The question is, What does this provide? It provides as follows—I have already read it—that the United States may under this treaty "absolutely prohibit laborers"—not a suggestion that anybody else is to be prohibited—"may prohibit laborers." Nobody complains of that. We are all agreed that, according to this treaty, Chinese laborers may be prohibited from coming to this country by a statute. Then in article 3 the treaty provides:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

That is the point I want to make particularly emphatic.

To entitle such Chinese subjects as are above described to admission into the United States, they may—

Do what? The commissioners who represented us dealt with that subject. They determined upon what kind of terms and conditions people who were not laborers might come into the United States, and they wrote it in this treaty, which is the supreme law of the land, unless the Secretary of the Treasury or the Superintendent of the Bureau of Immigration has the power to undo it and override it.

To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

That being our treaty stipulation, I say that whenever a man who belongs to any class not a laborer comes to one of our ports with a certificate from his government, viséed by our consular representative in China, he has a right to admission without any more ado about it, and no Congress—unless we want to violate and disregard our treaty obligations which, of course, we have the power to do—not even the Congress, unless we want to do that, certainly no Treasury official, has a right, in the name of making regulations, to disregard and override it.

Why, Mr. President, the whole country is familiar with the attitude of the United States with respect to our treaty obligations. It is only a few years ago now—I do not remember just how long—since we had a case that every Senator must well remember. A question arose between this Government and the Government of Great Britain in regard to the extradition of the forger Winslow. We had a treaty—the treaty of 1842—with Great Britain, under which forgery was made an extraditable offense. Winslow committed forgery in this country, fled to Great Britain, and took refuge there. We sent a requisition for him.

The British Government declined to extradite him upon our request unless we would give assurance that we did not mean to prosecute him for any other offense than that charged against him in the requisition, which was forgery. What did this Government say? This Government said: "It is not so written in the treaty, and we will not give you any such assurance; you have no right to ask anything beyond the provisions of the treaty. Forgery is an extraditable offense; this man is charged with it; we have a right under the treaty to take him, and we deny the right of Great Britain to add one iota to this convention."

Then Great Britain turned Mr. Winslow loose, and then President Grant, I believe it was, who was President at that time, sent a message to the Senate of the United States reciting the case and asking the Senate or Congress—the Senate, I believe it was, though I have not been able to look at this matter recently, but I remember it well—to at once suspend all our extradition treaties and proceedings with Great Britain and not to honor any requisition coming to this country from Great Britain until Great Britain agreed to abide by her treaty with us. Great Britain for a time held out, but finally yielded, and rearrested Mr. Winslow, who was then sent here without any conditions being attached.

That, Mr. President, is the way we deal when we come to deal with such powers as Great Britain; that is the way we ought to deal with China, and that is the way she ought to deal with us, and the way China would deal with us if she could.

Senators have been saying upon the floor in the progress of this debate that China has been acquiescing in our action respecting her subjects. China has not acquiesced in any of it from the very moment when we first undertook to legislate, attaching definitions to these terms of "merchant," "student," etc., and undertook to adopt regulations restricting their rights as guaranteed by these treaties; but China, on the contrary, at once commenced to protest, and the history of our foreign relations is full of protests, one after another, under every Administration we have had since this trouble commenced, made by their ministers against such legislation—protests made by direction of their Government, pointing out what the treaty stipulations were as to any teacher, any student, any merchant, any traveler who may come into this country, and denying the right of any official of the United States to add to that requirement. Is not the Chinese Government right about it?

Why, sir, there is not a precedent in the history of our diplomacy to the contrary, not one, nor could there be; and, Mr. President, with no other Government with which we have treaty relations, excepting only China, would we think of such a thing as giving to an official in charge of the Bureau of Immigration power to adopt any kind of regulation, no matter how violative of our treaty obligations, that might occur to him as appropriate, which would make it more and more difficult, until it became impossible, for any Chinaman to get into this country.

Mr. HOAR. With the permission of the Senator from Ohio, I will remind him of another illustration, the Fortune Bay incident, where the local authorities undertook to enforce sundry regulations against our fishermen.

Mr. FORAKER. Just the same. But the Senator will pardon me for not dwelling longer upon that. I have already occupied so much more time than I intended that I want to hurry to a close. Besides, one illustration is sufficient.

The point I am making, Mr. President, is that according to these treaties—and I am now dealing with the last one, that of 1894—you can not find a word which excludes anybody, except



only a laborer, unless upon the principle *expressio unius est exclusio alterius*; and that principle does not apply, because the text makes it manifest, and surely the context does if the text does not, that the enumerated classes are used only for purposes of illustration. It was never dreamed of or thought of by anybody that when we were providing that teachers and students might come into this country we were excluding all other educated and professional people. They are desirable in this country.

I asked some one the other day during the progress of this debate whether or not a single instance has ever occurred in which any harm has come to the American people or to any class of the American people on account of any of the educated classes of China not being debarred from coming into this country. Nobody has pointed out any such case. We are all agreed that the laborers should be kept out. We have agreed to that by our treaty stipulations, but also that everybody else should come in. I am not going to support any legislation that takes away that right, in the first place, because it is a violation of our treaty obligations; and, in the second place, because it inaugurates an unwise policy.

Now, let me pass to the legislation on this subject. I have undertaken to show what was the nature and the effect of the treaty of 1880, and I have undertaken to show, by quoting from the Supreme Court decisions and from Mr. Carlisle and Mr. Hamlin, what the courts and what the Treasury officials down to 1896 construed these treaties to mean, and that they were construed by these officers and courts to mean just what I have been contending for.

Mr. President, following the treaty of 1880 came first the act of May 6, 1882, and I call the attention of the Senators having this bill in charge to the fact that when they come to section 6—I do not care for the other provisions of the law having reference only to laborers—that when they come to section 6, where they deal with persons other than laborers, they provide simply that for the purposes of identification a person not a laborer shall be allowed to enter when he comes with his certificate viséed properly just as the treaty provided. So the Congress of the United States, in the act of 1882, enacted immediately after the adoption of the treaty of 1880, so interpreted the treaty.

There is much more in that statute which, under other circumstances, I might call attention to in answer to some of the suggestions in this debate, but I hurry through it, coming next to the act of 1884, which was the next legislation on the subject. This was an act amending the act of 1882. The amendments are not very material, except only as making new conditions and provisions more drastic, but there is not enough difference to justify my stopping to speak of them in detail.

What I want to call attention to is that by this act of 1884, for the first time, was a definition of any of its terms attempted. Never by any Treasury official, never by any law officer of the Government, never by Congress, never by anybody had it been pretended that such a word as "merchant," "student," "teacher," or "traveler" needed a statutory definition—never until then. In this act it is provided:

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word "merchant" hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

That is the first definition ever attempted, and then the trouble commenced. Immediately upon the enactment of that provision, the Chinese Government commenced to expostulate, to protest, to say our treaty provides thus and so, and by legislative enactment you are adding to the requirements. In the treaty it was stated that every merchant could come freely of his own will and accord into the United States, and that the only credential that he needed to produce to enable him to come was a certificate from the Chinese Government identifying him as a merchant, and that certificate viséed by our consular representative.

Mr. MITCHELL. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Certainly.

Mr. MITCHELL. That act, of course, was passed several years prior to the treaty of 1894.

Mr. FORAKER. Certainly it was.

Mr. MITCHELL. Now, is it not a fact that, by reason of every rule of construction and common sense as well, China, when she entered into a solemn treaty while that statute was on the statute book, assented to that very construction?

Mr. FORAKER. No, Mr. President; I will show you—and that is what I am reading this for—what China accepted and what China did not accept. China entered her protest against this. The archives of this Government are full of communications on this subject, one after another—

Mr. MITCHELL. Is there anything in any treaty regarding it?

Mr. FORAKER. Protesting against these definitions and against these drastic measures intended to make it impossible for those people to come into this country as we had stipulated. That was the first, and that is the only reason I have referred to it.

Following that the act of 1888 was passed; then the act of October 1, 1888, was passed; then the act of May 5, 1892, was passed; then the act of November 3, 1893, was passed; and then came the treaty of 1894, and what did it provide on this subject? The Senator from Oregon asked me to state whether or not this legislation, having been passed prior to the treaty of 1894, China was not bound by the agreement of that convention to accept this statutory definition. No, I answer him; and the treaty on its face so shows.

Mr. MITCHELL. The statement I made was not that China, as a matter of fact, was bound to do it—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Let me answer the question, and then I will yield to the Senator.

Mr. MITCHELL. I did not state that China was bound to do it. China was not bound to do anything except that which she agreed to do voluntarily. What I mean to say is that China entered into a solemn treaty on the 8th of December, 1894, when this statute, which the Senator from Ohio has read, was on the statute books, defining what the word "merchant" meant; and, without any insertion in that treaty to the contrary, she made the treaty. I say she, by doing that, accepted the definition placed there by every rule of construction and common sense.

Mr. FORAKER. Mr. President, by every rule of construction, in view of what is said in this treaty, she did not do any such thing. That is what I want to point out. In the act of 1884 not only was this definition found, but also the requirement under section 6 for registration. China objected to the registration, to this definition, and to all these other conditions and requirements that exceeded the provisions of the treaty. She claimed that they were unwarranted.

Now, that provision for registration was upon the statute books, and what was done with respect to it in this treaty of 1894, which was intended to be a meeting and an agreement between the sovereign powers, by their duly accredited commissioners represented, that would put at rest all these points of difference? That was what was intended to be done, and that is what the record of that convention shows they undertook to do, and what everybody supposed they were doing. What was done? All these acts were under review. The Chinese Government would not agree to any provision of them—and the record shows it—except only the agreement in regard to registration. Now, let me quote what it is:

The Government of the United States, having by an act of the Congress, approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts; and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

Mr. President, the record of the convention at which that treaty was negotiated and was agreed upon shows that all these points of objection were under consideration, and that China agreed to waive her objection to registration, for the reason in that treaty mentioned, but did not waive her objection to anything else; and every official of this Government, until after 1896, so construed that treaty. In other words, at that time, working out all that had preceded in the way of treaties and statutes on this subject, they agreed as to what? That Chinese laborers should be absolutely prohibited from coming to this country and all other classes should be allowed to come in whenever they presented a certificate signed by their Government and viséed by our consular representative.

Mr. LODGE. Mr. President, may I ask the Senator a question, while he is on that point, if he will allow me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. Do I understand the Senator to say that the clause in the law of 1884 which the Senator has read was the first attempt at definition?

Mr. FORAKER. Yes.

Mr. LODGE. Do I understand him to say that that was in violation of the then existing treaties?

Mr. FORAKER. Yes, sir; I do.

Mr. LODGE. I agree with him. I think it was.

Mr. FORAKER. Absolutely in violation—

Mr. LODGE. In violation of the then existing treaties?

Mr. FORAKER. Yes.

Mr. LODGE. Does he think it is in violation of the treaty of 1894?

Mr. FORAKER. Unquestionably it is, because the provision of the treaty of 1894 is precisely the same in that respect as that of 1880.

Mr. LODGE. Precisely. Then the existing law upon the statute book is in violation of the treaty of 1894?

Mr. FORAKER. It is.

Mr. LODGE. Then we ought to repeal it.

Mr. FORAKER. Certainly we ought to repeal it, and that is what I am coming to, and that is what I am contending for.

Mr. LODGE. But the substitute of the Senator from Connecticut extends it in whole.

Mr. FORAKER. Yes; that is true.

Mr. LODGE. It extends it; it does not repeal it.

Mr. FORAKER. Undoubtedly. I think it is in violation of the treaties, just as this proposed statute is in violation of it.

The PRESIDING OFFICER. The Chair suggests to Senators that when they desire to interrupt they must address the Chair, according to the rules of the Senate.

Mr. FORAKER. But here is a choice between two evils. I am coming now to speak of the very matter the Senator has in mind. The continuance of the existing law is far less objectionable than to enact into law a statute that embodies in the way of codification and compilation all these unwarranted and obnoxious rulings of the Treasury Department.

So long as it is only the Treasury Department proceeding under general authority of statute and enacting this, that, and the other provision, prohibitory, for that is all it is, we have no responsibility except only in the sense that we do not act to right a wrong, but when we deliberately take up those regulations and make them the law of the land we indorse and approve and put into operation all that the Treasury, without any warrant or authority, has done.

I have been undertaking to show, and if I have talked to any purpose I have shown, that we have the right under our treaty stipulations with China to prohibit laborers and nobody else. Every other class has the right to come in, and every other class has the right to come in in accordance with the terms and provisions and conditions of the treaty of 1894. That treaty provides that any man who belongs to any one of the classes entitled to come in shall be given admission to this country whenever he produces the certificate of his own Government, viséed by our representative. That being true and the term "laborers," as used in the treaty, having application to nobody else except only laborers, I take exception to certain provisions of this bill, which at last, after so many interruptions, I am happy to realize I have reached.

The first section prohibits laborers. That we will pass by. It is all right. For the present I pass by that section which relates to the Philippines and other insular possessions. I come, therefore, to section 3. Now, this is the first time we have had a definition of the term "laborer," except only heretofore it has been said the term "laborer" should apply to skilled as well as unskilled laborer. Now, we have this provision in the pending bill:

That the term "laborer" used in this act shall be construed to mean both skilled and unskilled manual laborers, Chinese persons employed in mining, fishing, huckstering, peddling, or laundry work, and those engaged in taking, drying, or otherwise preserving shellfish or other fish for home consumption or exportation.

I suppose we have a right to make that kind of a definition. I am not going to quarrel with it here, although I think I might with propriety say a good deal in criticism of it as not being warranted by the convention. I pass it by for what is more important.

Mr. PENROSE. That is almost a verbatim copy of the act of 1893. It is the existing law. There is nothing new in it.

Mr. FORAKER. Certainly. I have already called attention to the fact that the act of 1893 was in violation of the treaty then in existence and one of the precipitating causes of the treaty of 1894, and in the treaty of 1894 we did not adopt any of the objectionable features—I mean objectionable to China—except only the provision of our law in regard to registration. I say by the treaty of 1894 we effaced all that. Is this a part of any law? Let me read:

And every Chinese person shall be deemed a laborer, within the meaning of this act, who is not an official, a teacher, a student, a merchant, or a traveler for curiosity or pleasure, as hereinafter defined.

Now, look at that. That is buttoning it up double-breasted. What is the first part of the definition if the last is to be incorporated into this statute and made a law? If every person is a laborer who is not a merchant, teacher, student, or traveler for curiosity or pleasure, that would seem to be sufficient, and we need

not bother about huckstering and catching fish, live or dead, drying them, or otherwise.

Now, what is the purpose of all that? We have a convention under which we can prohibit laborers, and under which everybody else is entitled to come into this country. By this bill they are seeking to have the Congress of the United States say that not only laborers shall be kept out, but that everybody else shall be kept out who does not belong to some one of the five enumerated classes. Publicists shall be kept out, physicians shall be kept out, theologians shall be kept out, philosophers, statesmen, everybody, capitalists, bankers, brokers, civil engineers—every such man shall be debarred the right to come into this country, although by treaty stipulation he has that right.

That is not all. I said it is proposed to make it double-breasted, first defining what is a laborer, and then that all these other people shall be kept out, which is repeating the same definition. Now, next they have devoted a whole section to the subject—

Mr. PENROSE. I do not want to interrupt the Senator's very interesting remarks, and I shall not hereafter—

Mr. FORAKER. I shall be very much obliged to the Senator if he will interrupt me at his pleasure.

Mr. PENROSE. In order to set this matter right, once for all, I will state that the provisions of the bill with respect to the exempt classes depart hardly one word from the existing law and practice, and the matter in the bill which the Senator is criticizing as being an improper definition of the word "laborer" is in compliance with the decision of the district court in *Ah Fawn*, 57 Federal Reporter, page 591, to be found on page 153 of the testimony.

Mr. FORAKER. The 57 Federal Reporter is not very modern.

Mr. PENROSE. I do not know—

Mr. FORAKER. And in view of the authorities I have cited it is not good law, for subsequent and long subsequent to any decision that can be found in 57 Federal Reporter, the Supreme Court of the United States told us who had a right to come and who did not have a right to come.

Mr. PENROSE. In that case it was laid down distinctly as a principle that all who were not in the exempted classes were laborers.

Mr. FORAKER. Yes; but have I not called the attention of the Senate to decisions of the Supreme Court subsequent to that decision which holds that only laborers are excluded and that everybody else has a right to come. What is the use of citing 57 Federal Reporter? It is like somebody said the other day in telling a story of a man who was gathering up last year's calendars. He was asked, "What are you going to do with them?" He said he was getting ready to sell them in Philadelphia. [Laughter.]

Following after those definitions comes this section, to which I wish to call attention:

SEC. 4. That from and after the passage of this act the privilege of Chinese persons other than laborers to enter or remain in the United States shall be restricted to officials, teachers, students, merchants, and travelers for curiosity or pleasure, as hereinafter defined.

Here, then, we have three definitions, each of which I have read separately, following one after the other, defining the word "laborer" in such a way as to make it apply to every class of people in China except only the teachers and students and merchants and travelers and the officials. Now, I have already contended, and I do not want to spend more time upon it, that the five classes are not the only classes, but that all who are not laborers are entitled to come in.

Now, evidently down to that point I am warranted in the statement I made a while ago that it was the purpose of this bill not only to keep out laborers, but everybody else. Stopping at this point, they would unquestionably keep out every laborer and every man of any other class who is not a student, teacher, merchant, or traveler, or an official, and that, I contend, I have shown is unwarranted. Let us look at the definition of these classes.

SEC. 6. The term "teacher"—

Did anybody ever think it necessary to define by statutory enactment what our commissioners meant when they said teachers should be allowed to come in? Why was that language employed? I have shown—simply illustrative—

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education—

Teaching Greek, and Latin, and astronomy, I suppose, and calculus—

and who proves to the satisfaction of the appropriate Treasury officer—

Who, of course, would know all about it; those who preside at the ports of entry and lock up the Chinese in a loft for weeks and months at a time until it suits their pleasure to release them, as the testimony shows—

and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States



and intends to pursue no other occupation than teaching while in the United States.

Now, let us analyze that. In the first place the treaty says that any man who is a teacher shall have free entry into this country whenever he comes with a certificate from his own Government, viséed by our consul or diplomatic representative in China. That is the only condition. China had a right to answer us, and did answer us, when we undertook to legislate these Treasury regulations upon that provision, just as we answered Great Britain when she asked us to give assurance, before she would surrender a fugitive to be extradited, that we would not try him for any other charge than that named in the requisition—China had a right to answer that it was not so written in the treaty.

She had a right to say, "Our teachers are entitled to free entrance"—and they are. Mr. President, they are entitled, under the treaty of 1858, to come into this country for the purpose of establishing and maintaining institutions of learning. They are entitled to come here under the provisions of the treaty of 1868, to which I called attention, whereby Americans are authorized to employ scholars, or "any people," to use the language of the treaty, "from any part of China, to assist in literary labors."

They are entitled to come in under that provision, and now they are entitled to come into this country under the treaty of 1894 whenever they present the proper certificates properly viséed. But when they present it our representative at San Francisco says: "Have you been teaching for two years next preceding your coming?" Suppose he had not been. Suppose he had been teaching all his life, had no other business, but for two years or even five years had been retired from the active prosecution of his profession and had taken a notion, using what money he had accumulated as a teacher, to travel abroad and see something of the world and come to the United States.

He does not have to come to become here a teacher. If he be a teacher he has the right to come. We did not say a teacher might come if he wanted to teach school here. We did not say a teacher might come if he could teach Latin and Greek and had perfected arrangements to teach in some one of our institutions. We said, "if you are a teacher you can come in." It was our tribute to education. It did not occur to anybody that the coming of a Chinese teacher into this country would hurt labor, or hurt our institutions, or hurt our body politic, or hurt anything else.

Therefore we were content to say any teacher may come in. But, no, he must prove that he has been continuously engaged for two years not only in teaching, but listen to this:

And who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements—

That he has done it in advance—

to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

I say it is impracticable for such a provision as that to work in the way the treaty intended, and when this came up in a colloquy here a few days ago, we were told by some Senator in the course of the colloquy that no teachers have applied and none are going to apply. Of course they are not going to apply if that is the provision, for what teacher in China can perfect arrangements to teach the higher branches in one of the great institutions of this country until he has had a chance to come here and consult with the faculty and the employing power?

The treaty does not impose any such restriction. The treaty is broad and unrestricted in its relation to that matter. Any man who is a teacher can come, and he does not have to teach at all while he is here, and he can stay here as long as he wants to.

The treaty of 1894 says these classes shall have the privilege of coming at their free will and accord and of residing here in the United States, and we are proposing to take that right away from them. At least, in regard to students. Let me read that definition:

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study—

He can not pursue any but the higher branches of study—

Mr. PLATT of Connecticut. He can not come to learn the English language.

Mr. FORAKER. No—

or to be fitted for some particular profession or occupation for which facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

Let me read in this connection the provision of the treaty of 1894:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

That is what the treaty says, and yet we are told that this bill is framed in exact consistency with the treaty stipulations.

Mr. QUARLES. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. QUARLES. I should like to inquire if the Senator's attention has been called to the new departure in Chinese policy just now announced?

Mr. FORAKER. Yes. I have a memorandum of it, and I am going to speak of it in a moment. I am obliged to the Senator from Wisconsin for calling my attention to it, and if I undertake to sit down without doing so, I will be gratified if he will remind me.

Mr. QUARLES. I will suggest to my distinguished friend whether every one of the Chinese youths educated in our high schools and colleges will not be an advance agent for American trade and civilization?

Mr. FORAKER. I am coming to that as soon as I can get to it. Perhaps I might just as well speak of it here.

In the Outlook, the one just issued, I find an article which I desire to read. This is the Outlook of April 12, the one that came last Saturday. I will read it in this connection. No teacher, no student, can come unless he is going to study the higher branches and unless he is going to depart the minute he gets through. I am obliged to the Senator from Wisconsin for calling my attention to this. I cut it out and brought it here intending to use it in another connection, but I will put it in here now for fear I forget it.

#### EDUCATION IN CHINA.

No more significant sign of progress has appeared within the past six months than the edicts issued in Peking providing for the establishing of schools throughout the Chinese Empire, and ordering viceroys and governors of provinces to select and send students abroad. The first edict declares (1) that the Imperial University at Peking "must be put in thorough order;" (2) that all viceroys and governors shall convert the schools at their provincial capitals into a college, one for each capital; (3) that "each prefecture (including five to ten counties), subprefecture, and independent department shall establish an intermediate school," and that (4) "each department and district a lower grade school, with (5) numerous primary schools."

The curricula of these schools include the usual Chinese classics, to which are added history, the science of Chinese and foreign governments, and industrial science. Thus, in the words of the edict, "a foundation will be laid to secure men equipped for the duties of government." These edicts also mean that there will be a call for a large number of foreign educators who can speak Chinese to open the colleges, intermediate, lower grade, and primary schools, and also to train native teachers in the new learning in every province of the Empire.

Through its organization of 8 viceroys, 16 governors, and 2,000 civil officials the Chinese Government rules its 400,000,000 people. Each mandarin, therefore, controls on an average of 200,000 souls. The central Government seems finally to have grasped the fact that the chief need for China at present is education, of which the first field to be considered is elementary education for the masses. The pedantry which has hitherto characterized Chinese home learning is likely to give place to progressive scholarship, and a new era may begin in China.

Then comes another article, immediately following, entitled "Chinese students abroad," and to this I invite the careful attention of every Senator who is asked to vote for this definition which I have just read, found in the pending bill:

#### CHINESE STUDENTS ABROAD.

Equally necessary is education of the Chinese students abroad. The world must inform China. All civilized peoples have recognized this. It is a satisfaction that the Chinese Government now recognizes it. Its edict calls upon the viceroys and governors to select young men "of mental gifts, upright character, literary talents, and general knowledge of affairs, who shall go abroad thoroughly to educate themselves, particularly in the specialized branches of industrial science."

Let them acquire a thorough mastery of some profession. \* \* \* When their education shall have been completed \* \* \* and they shall have returned to China, let the viceroys and governors and literary chancellors of the provinces concerned at once divide them into classes, according to the courses of study which they may have pursued, and examine them. If their knowledge shall really correspond with the statements made in their diplomas, the authorities mentioned shall issue a document certifying the same and send it with the student to the board of foreign affairs, which, after further examination, shall select the most worthy and memorialize us, requesting honors to be conferred on them.

As to the expenses attendant upon such travel and study, let each province arrange some satisfactory method of paying the same and it will be permitted to enter the item under the head of "Government expenditure." If those Chinese who go abroad to study at their own expense and report to the Chinese minister in the country visited obtain "first-class diplomas," they may be permitted on their return to China to enter the examinations on the same terms as the students who have been sent abroad by the Government. Thus a quarter of the human race is taking a new departure.

After the ominous darkness which has hung for centuries over the Chinese Empire, this is a ray of light. As we learn from "China's Only Hope," by Chang Chi Tung (perhaps the most enlightened of Chinese viceroys), there is pathetic necessity for the second edict. The majority of the mandarins in power are still unaware of the very nature of the problems which must be solved in China, not to mention their ignorance of the methods necessary to their solution. The only hope of progress is in laying all civilizations under tribute educationally, and this the Imperial Government has now wisely done.

So it is that it is matter for us seriously to take into consideration that we are asked to enact this legislation by which we bar out all students, for it has no other effect, and could not have any other effect, in a practical way, and never was intended to have any other effect, and just at the time when we are asked to enact such legislation China is making provision to send students abroad.

Where? To the United States? No; not here, where we are seeking to exclude them and subject them to all kinds of humiliating and annoying conditions of entrance, but they will send



them to Germany, to Russia, to France, to England, and to the other countries of the world, and there they will learn their ways, they will become affiliated with them, and when they go back to China it will be to report the excellence of those institutions, to introduce their merchandise, and to give to those people advantages in trade and commerce.

I do not think a more unwise, impolitic, and, considering our treaty obligations, a more violative provision has been submitted to the Senate of the United States since I have been a member of it than is this bill. I will not vote for any such measure, and if the Secretary of the Treasury undertakes to make any such regulation he does it without any warrant or authority of law, and he ought to be removed from his office for it.

That it is in violation of the treaty no man can question. Every Senator here so admits. Why, then, do we seek to enact it? Are we to suffer any injury from having Chinese students come here? From having teachers come here? From having merchants come here? What becomes of the provision in the treaty of 1858, and still in force, that the Chinese may establish and maintain educational institutions in this country, if no teacher can come except only to teach the higher branches in some institution of learning already established and recognized as such in this country?

Now, I have said as to teachers and as to students probably all that it is necessary I should say. I only want to indicate why, in my opinion, the provisions with respect to them both, the definitions and the requirements they are subjected to, as to certificates and proof of their condition, are all violative of the treaty. The treaty itself prescribes the terms on which they shall come and what credentials shall be sufficient.

Now, we come to the term "merchant." I do not want to dwell upon that. The bill says:

SEC. 8. That the term "merchant," used in this act, shall be construed to mean only one who is engaged in buying and selling merchandise, at a fixed place of business, and who, during the time he claims to be a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States, or any portion of the territory thereof.

That is as far as I have patience to read.

The treaty provides that any man who is a merchant coming to our shores with a certificate to that effect from his Government properly viséed shall have a right to come in, and yet we proceed by legislation, adopting Treasury regulations that nobody ever had any authority to adopt, to so legislate that in addition to that he must show that he has money enough to conduct a business, that he has had certain experience in business, that he has already completed arrangements for engaging in business, and what the nature of it is, and all that. Do you think if we were to go to China under such a treaty provision to let Chinamen come here and they were to undertake to exact such conditions of our citizens we would stand it for a minute? Not one. Everybody knows we would not.

Now, Mr. President, I am not going to pursue that subject. Perhaps I had better call attention before leaving it to the definition given of a traveler. I supposed I knew what a traveler was. The commissioners who framed this treaty undoubtedly thought they knew what was meant by a traveler. They did not think it necessary to define that term. They said that students, teachers, travelers, and merchants should have a right to come in. They contented themselves with that. They thought everybody would understand what was meant by that. But this bill, following some Treasury regulations and some legislation that had no warrant whatever under our treaty, proceeds to define a traveler as follows:

SEC. 9. That the term "traveler," used in this act, shall be construed to mean only one who shall establish to the satisfaction of the appropriate Treasury officer that he is in present possession of adequate funds for paying the cost of the intended travel within the territory of the United States and that his purpose in seeking entry is in good faith solely to travel for pleasure or curiosity, and who intends to depart from the territory into which he is permitted to pass promptly on the conclusion of such travel.

I do not want to dwell upon that, but will in a word repeat what I have said about it. Our commissioners said these classes, who were not laborers, should be allowed to come, enumerating certain classes for illustration. If a man be not a laborer he has a right to come, and the treaty prescribes on what condition; and we have no power or authority, without violating our treaty, to add one iota to the provision and condition named in the treaty. This Government would not allow England to do it, and we ought not to ask China to let us do it. The treaty says whenever a trav-

eler or a teacher or a merchant or an official or a student shall come into this country with the certificate of his Government viséed by our representative he shall be allowed to come.

Now, I say I am opposed to all these provisions in the bill that add to that requirement as being violative of our pledged obligation to China, and I do not want to vote for any measure that sanctions any addition to those treaty stipulations. I do not want to do it, because it is not necessary, if we want these exempted classes to come, if we are willing that they shall come, that we should annoy them in undertaking to bar out the laborer. I do not care how emphatically you exclude the laborer; I do not care how drastic, so they be not unreasonable, the provisions of your bill may be to enforce the exclusion of the classes to be excluded, but I do protest against imposing conditions upon classes that have a right to come under pretense that it is necessary to annoy them and debar them to keep out the laborer.

I think in continuing all the laws in force on the subject we of necessity, as I said a moment ago, must continue some objectionable provision of the statute; but I never would vote for it if I had the opportunity to deal with it anew. However, to do that is infinitely preferable to adopting this measure, which codifies and compiles and makes Congress responsible for every one of these Treasury regulations, all of which are without any warrant under our treaty.

Now, Mr. President, there is another view to be taken of this matter. I have already said we are agreed the laborer is not desirable, but by our treaties we have said that other classes are at least permissible. We have agreed that they shall be so treated, that we shall allow them to come. I do not hesitate to say they are desirable. I do not know why anybody should object to a Chinese teacher, a Chinese student, a Chinese merchant, a Chinese traveler coming into this country. Why should we object?

It is said that under guise of being of that character and one of that class they practice the fraud of bringing in the laborer. If so, it is not necessary to annoy the student and the teacher and the traveler in trying to keep out the laborer. Let us legislate drastically, if you see fit, to keep out the laborer, but let us keep our treaty stipulation, and honorably and consistently with the proud character and good name of this Government, let others come as to whom we have agreed they may come. Let us keep our pledged faith.

The Senator from Wisconsin [Mr. SPOONER] has called my attention to the fact that I said we have no power to do what is proposed, suggesting that what I must have meant was that we have no moral power. That is true. I thank him for making the suggestion to me, but I think I would have been so understood anyway, for earlier in my remarks I took occasion to say that notwithstanding this treaty, entered into by the President and the Senate, Congress has power to legislate in violation of it. But we do not want to legislate in violation of it, unless we are prepared to abrogate it, unless we are prepared to say so. I say that we are violating it and to that extent abrogating it in legislating in the way proposed, if we should so legislate as this bill proposes.

But, Mr. President, there is another view, and I wish to present it with a word, not undertaking to do justice to it by any means. That is the commercial side of this question which has been referred to. We have been told in the progress of this debate that the laboring interests of this country demand this kind of legislation. Mr. President, I have no doubt but that there are wage workers in this country who have that opinion, who conscientiously are of that belief, who imagine that every Chinaman who comes into this country, no matter whether he is a laborer or not, enters in some manner or other into prejudicial competition with him. But, sir, I deny that the interest of the wage worker can be subserved by legislating in violation of our treaty with China and in such a way as to cut off from this country the influx of the educated classes who are entitled to come.

We have reached in the progress of our development a point where we not only supply our home markets with what we manufacture and what we produce on our farms and out of our mines, but we have a great surplus to sell, which we must sell in the markets of the world. We have been looking across the Atlantic to Europe for markets, and we will continue to look there. But in Europe they will take from us only what little, in addition to what they can produce for themselves, they may want, and that is not enough to exhaust our surplus.

We must look elsewhere, to the whole world—and particularly to the Far East, now that we have a base of operations in the Philippines—to China, Japan, Oceania, the Straits Settlements, and Southern India. They have there a thousand millions of people who are just beginning to learn that they want and must have—if they would keep pace, even in their own way, with the progress of the world—that which we produce, both to wear and to use and to eat.

In China, therefore, the greatest of all the countries to which I have referred, is the greatest opportunity for the development



of a market that the world affords to-day. It has been said there are 400,000,000 Chinamen. You might just as well say there are 600,000,000. Nobody knows. It is all guesswork. There has been no census, but nobody says there are less than 400,000,000 to 450,000,000 Chinamen. What is the trade of China? It is only a few years since she began to trade with the world. Already her foreign trade amounts to more than \$100,000,000, but out of it all, whatever it may be—and I do not want to go into figures and quote them—we sell there less than 10 per cent, I believe, of what she buys. Why should we sell to China only 10 per cent?

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. That is based upon direct imports to China. The exports to Hongkong, which of course all go into distribution in China, are classified under a different head, because it is British. The two together make about \$28,000,000.

Mr. FORAKER. Let it be \$28,000,000. What percentage is that of the whole?

Mr. LODGE. It is large and will be greater.

Mr. FORAKER. What percentage is that of the whole?

Mr. LODGE. I do not know.

Mr. FORAKER. I have seen it stated that our total contribution is something like 10 per cent. The Senator from Vermont [Mr. DILLINGHAM] tells me that our total contribution amounts to only about one-tenth as much as Great Britain sells them. Whatever the facts may be, we all know that while our trade with China is growing, yet it is but in its infancy. We all know that we have just reached the point where we have a great surplus for which we are to find markets. There is no place in the world so inviting as China. We are to develop our trade there if we are wise.

In that behalf, Mr. President, with a diplomacy that is entitled to the highest eulogy, the Administration of William McKinley secured the assurance of an open door. What does that mean? It means that the United States is to be permitted to go into China on the same terms and conditions that every other nation goes there; that Russia, France, England, Germany are to have no advantage over us to be derived by rebates or exclusion or in any other manner.

We are to have an open, free field, and that is all the American merchants ask. If we have a fair chance our merchants have the ability to do the balance. We have been looking forward with a just and laudable pride to the fact that our commerce with China, just now practically beginning to be important, is to grow with the years until it will not be \$28,000,000, as the Senator from Massachusetts says it is, but \$100,000,000, \$200,000,000, \$500,000,000 is not at all an exaggerated expectation.

When was there a time in the history of this Republic when we so needed that market? The wage worker says, "Keep the Chinaman out; do not let him come here and stand by my side to compete with his cheap labor;" and we say, "Very well, we will keep him out." But while we are keeping the laborer out, while we have induced the Government of China to agree with us that he shall be kept out, we are not going to offend and insult the people of China and thus close in our face the door that President McKinley and Secretary Hay, with their wise diplomacy, opened wide for the American merchant and manufacturer and wage worker.

What does the wage worker want? He wants a market for this country in which we can sell the products that he manufactures.

I have no concern about how the wage workers of Ohio may regard this measure. They have good sense. I think the wage worker everywhere has good sense. A man can not work at a lathe unless he has brains. A man can not be a mechanic without having more ability than some people have who undertake to legislate.

I repeat that I have no concern, Mr. President, about the wage-workers of Ohio. They know that what they most desire is that the factories in which they work, the mills in which they are employed, may continue to run; that their employers may continue to have demand for the product which they are turning out. They know that if for any reason the market is taken away the mill must stop, and it does not avail them in such case that the Chinese laborer has been kept out, if through supreme folly in legislation we have closed the door and robbed ourselves of a market and at the same time robbed ourselves of the respect of the world, because we have violated our treaty obligation.

Therefore it is, for I do not want to pursue this matter, that standing here, representing in part the State to which I have referred, I insist that the legislation as proposed by the provisions of this bill is legislation that we can not afford to enact.

What shall be done with it I have not stopped to study. I have supposed that those in charge of the bill and those who are making specific objections to it would probably be able to agree upon

amendments that would remove from the measure its objectionable features.

I was much pleased with what the junior Senator from Massachusetts [Mr. LODGE] said in that regard when he addressed us on Saturday. He said there were provisions in the bill which, although a member of the committee, he was dissatisfied with, and he spoke particularly of the seamen clause. I am not going to stop to dwell upon that. Enough has been said against it. I have been trying simply, in a general way, to show, in the particulars I have mentioned, that the measure should not be enacted.

Mr. President, if the substitute offered by the Senator from Connecticut [Mr. PLATT] is adopted, I hope it will be with an amendment to the effect that only such regulations may be adopted and enforced by the Secretary of the Treasury as are not inconsistent with the treaties in force. Without that provision in it we will stand in the attitude, as it has been correctly suggested by Senators in favor of this bill, of continuing legislation to which we are taking exception. But that I would rather do, should this amendment be not added, than to adopt this bill, because here we take not simply that which has been legislated by the Congress, but also all the Treasury regulations, and that I can not agree to.

Mr. MITCHELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Certainly.

Mr. MITCHELL. The Senator from Ohio, in the course of his very able argument, because it has been able and interesting, referred to article third of the treaty of 1894, which provides what shall be done by one of the exempted classes in order to enable him to enter this country. It provides, after referring to the different classes of exempted persons; as follows:

To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate from their Government or the Government where they last resided viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

Now, did the Senator from Ohio consider that provision in connection with section 6 of the act of 1884, which provides as follows:

That in order to the faithful execution of the provisions of this act, every Chinese person other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case, to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to the above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid—

And so on.

What I wish to get at is this: Does the Senator from Ohio hold that this provision in the third article of the treaty of 1894 abrogates and repeals this section of the treaty?

Mr. FORAKER. Unquestionably, Mr. President; and that is what I asserted over and over again and argued for.

Mr. MITCHELL. I entirely agree with the Senator from Ohio. I think so.

Mr. FORAKER. Then let me answer your question.

Mr. MITCHELL. Then, Mr. President, I insist that the proposed amendment of the Senator from Connecticut will simply leave us without any legislation at all on the subject of the exempted classes, save and except the naked treaty of 1894.

Mr. FORAKER. And what I stand here to assert, and have spent more than two hours in contending for, is that we have no right to add to the treaty provisions in prescribing the conditions on which Chinamen shall be allowed to enter.

Mr. MITCHELL. The Senator is absolutely logical from his standpoint, but where does it leave us?

Mr. FORAKER. I shall show the Senator where it leaves us, if he will allow me.

Mr. MITCHELL. Very well.

Mr. FORAKER. I called particular attention to that legislation; that it preceded the treaty of 1894; that as soon as that legislation was enacted the Chinese Government protested against it; that when our commissioners met with the commissioners of China to consider and negotiate and agree upon this treaty, all these questions came under consideration, and that the commissioners agreed that as to this legislation one point of objection should be waived, and China refused, as the record shows, to waive any other.

What was it China did? The Senator has read from a statute in which the requirement as to registration is found and in which all these other requirements are found.

Mr. MITCHELL. That was retained by the treaty.

Mr. FORAKER. Well, here is what the treaty said and what the Chinamen did. They said, "We will not overlook that requirement; you shall not add to the conditions with respect to entry into the United States, but we will overlook your statute in regard to registration;" and so they provided and agreed as follows:

The Government of the United States, having by an act of the Congress, approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations, etc.

At the time when they agreed not to object to the enforcement of the law as to registration their protest was on file as to all these other conditions added to the treaty stipulation, and they were not only then protesting, but they have been protesting against them ever since as being provisions outside of and in violation of the treaty, and the Senator agrees with me that they are in violation of the treaty, and yet he stands here insisting that we shall adopt the Treasury regulations calculated to enforce this invalid provision—I mean invalid in the sense that it is in conflict with the treaty—

Mr. MITCHELL. The Senator misapprehends me, and misapprehends, I think, the point I wish to accentuate.

Mr. FORAKER. No; I am not misapprehensive of anything. I will be glad to have the Senator suggest anything. I know he is very much interested in this measure. I am glad to have the benefit of his suggestion. If I can answer where I differ with him, I shall be glad to do it, and if I can not answer, I shall be glad to say so.

Mr. MITCHELL. The point I wish to impress upon the Senator at this time is simply this: I will adopt the Senator's argument so far as he asserts that the third article of the treaty of 1894 repeals the sixth section of the act of 1884. I accept that as logical and correct. I believe the treaty does repeal the sixth section of that act—

Mr. FORAKER. It does not as to registration.

Mr. MITCHELL. Not as to registration, of course. That being so, if we should adopt the Platt amendment, I say all it does in reference to the exempted classes is to leave them precisely where they stand in the treaty, and nothing more.

Mr. FORAKER. That is exactly what I have been standing here contending it would do.

Mr. MITCHELL. That is right.

Mr. FORAKER. Why should we not leave it where the treaty leaves it? Why should we by legislation undertake to add to the treaty something that the treaty did not provide? The treaty dealt with this subject.

Mr. SPOONER. We must either leave the treaty as it is or abrogate it.

Mr. FORAKER. As the Senator from Wisconsin well suggests, we must either leave the treaty as it is or else abrogate it. Of course you have the power, so far as the naked power is concerned, to legislate inconsistently with the treaty, but that would be an abrogation of the treaty.

Mr. MITCHELL. All we propose to do is to legislate within the provisions of the treaty. We do not propose to abrogate any provision of the treaty.

Mr. FORAKER. There is where we differ. The Senator has a right to insist that he is within the provisions of the treaty, and while the Senator has agreed that the clause he has just read was in violation of the treaty, yet in the bill he asks us to vote for he has incorporated that clause.

Mr. MITCHELL. I did not say that it was in violation of the treaty.

Mr. FORAKER. I thought you did.

Mr. MITCHELL. I said it was abrogated and repealed by the treaty. That is what I said, and that is what I say yet.

Mr. FORAKER. In other words, how is it abrogated, except only that the treaty is inconsistent with it, as it might well be?

Mr. PLATT of Connecticut. I should like right here to say that section 3 of the amendment which I proposed gives to the Secretary of the Treasury the power to change such rules and regulations as he may believe necessary to execute the treaty of 1894, and I think that the Secretary of the Treasury can, without a violation of that treaty, make rules which will, to all intents and purposes, exclude laborers and admit those persons who belong to the exempted classes.

Mr. FORAKER. Undoubtedly he can; but I do not want to pursue that matter further. Yet there is this remark appropriately to be made, suggested to me by the Senator from Wisconsin [Mr. SPOONER], that if the treaty abrogated the law, as the

Senator from Oregon [Mr. MITCHELL] quoted, then the enactment of the law which he proposes would, of necessity, as being the latest legislation, abrogate the treaty. So, then, we shall have no longer the treaty of 1894, and then, "Where would you be at?" At any rate, back to the treaty of 1880, if not back to the treaty of 1868, under which everybody could come in.

No, Mr. President. There is just one safe way to proceed, and that is the way of honor, which is also the way of interest, within the treaty, and in such a way as to retain the friendship of China, where we have such great commercial interests at stake. To do that we are all agreed that Chinese laborers should be excluded, and we do not care how drastic the provisions may be in that regard so they are within the limitations of reason. We must also all be agreed that we have a treaty, under which, at least, certain classes of educated men are entitled to come to this country.

I claim that everybody is entitled to come who is not a laborer; but at any rate, as to those classes named, I insist that we shall keep faith; that we shall maintain our honor, and that we shall by doing so maintain the respect of the world and the friendship of China. I contend that nothing we can do in this matter will so subserve the interest of the wage-worker in this country as to maintain relations that will enable us to extend indefinitely our markets in China. Cut off those markets and you cut down the pay rolls, and that I oppose.

Mr. LODGE. Mr. President, when this bill was read I asked to have section 39 passed over. I should like now to offer amendments to that section and have it disposed of as the other sections of the bill were disposed of.

On page 40, line 3, before the word "thousand," I move to strike out "two" and insert "ten;" and in the same line, after the word "dollars," to strike out "for each of said Chinese persons;" so that, when amended, it will read:

That the master of any foreign vessel which shall bring to the United States in the crew of such vessel, or otherwise in its service, any Chinese persons not entitled to entry, shall be required to execute a bond satisfactory to the Treasury Department, in the sum of \$10,000, the condition of said bond being that none of such Chinese persons shall be permitted to land from said vessel for any purpose whatever.

The PRESIDENT pro tempore. The question is on the amendments submitted by the Senator from Massachusetts.

The amendments were agreed to.

Mr. LODGE. In further amendment of that section I move to strike out all after line 11.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out in section 39, page 40, line 11:

And it shall be unlawful—

Mr. LODGE. There is no need of reading the amendment proposed by the committee, because by striking out the section the amendment proposed by the committee falls.

The PRESIDENT pro tempore. The Chair understands the amendment of the Senator to be to strike out the words between lines 12 and 19, inclusive?

Mr. LODGE. Yes.

Mr. PETTUS. Mr. President, I ask that the words to be stricken out may be read.

The PRESIDENT pro tempore. The words proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out, beginning in line 12, on page 40, section 39, as follows:

And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. PATTERSON. I should like to have the Senator from Massachusetts explain the effect of that amendment.

Mr. LODGE. The amendment proposes to strike out what is known as the seamen's clause.

Mr. PATTERSON. To that I object, Mr. President. I hope no vote will be taken on these amendments until the bill comes up on Wednesday under the agreement.

Mr. LODGE. We have voted on the rest of the committee amendments, and this is a reserved amendment of the committee.

Mr. PATTERSON. I do not understand that this is a committee amendment.

Mr. LODGE. I beg the Senator's pardon. The clause was passed over, not being a part of the bill that has been dealt with. All the rest of the bill has been dealt with, and this carries a committee amendment. I did not say the amendment I have offered was a committee amendment, though the chairman of the committee has no objection to my amendment.

Mr. PATTERSON. This is not a committee amendment. The amendment has been offered by the Senator from Massachusetts [Mr. LODGE], and I object to the matter being voted upon now,



until all the amendments can be discussed on Wednesday, when it was agreed the vote should be taken. We want to have a record vote upon the amendment that strikes out the seamen's clause, and we want to have an opportunity to debate it under the rule as the rule was announced.

Mr. LODGE. I have no objection to allowing my amendment to be pending. There is an amendment, offered by the Senator from Vermont, of a similar kind pending; but all of the bill has been perfected by the committee except this section, which was passed over at my request and at the request of the chairman of the committee, who said he would like to have the first revision of the bill completed to-day. I called it up in order to dispose of the only part of the bill that had not been read and dealt with. Of course, my motion can be voted down very easily, if Senators so desire.

Mr. PATTERSON. I object to voting upon that amendment now.

Mr. TELLER. Under the unanimous-consent agreement the voting was to commence at a certain hour on Wednesday. Of course, the questions that are not controverted might be taken up at any time, but controverted questions are, under the unanimous-consent agreement, to be acted upon on Wednesday. They can not be voted on now except by unanimous consent, as I understand the rule.

Mr. LODGE. Mr. President, if there is objection, I am perfectly willing the amendment shall go over. I do not wish to force a vote upon it now; I have no desire to insist upon it; but let the amendment remain pending.

Mr. TELLER. Let the amendment remain pending, of course. The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Massachusetts to line 11, on page 40. There are two immaterial amendments there that perhaps it might be as well to perfect now.

Mr. LODGE. Yes; those are two committee amendments.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In section 39, on page 40, line 11, before the word "vessel," it is proposed to strike out the word "the" and insert "said," and after the word "vessel" to strike out "concerned."

The amendments were agreed to.

Mr. TELLER. Mr. President, I do not wish to debate this bill, but as the Senator from Ohio [Mr. FORAKER] has spent much time over one phase of it, and has insisted that under existing law everybody is exempt except laborers, I wish to say that such has not been the interpretation of the law by the Department charged with its interpretation. The Treasury Department submitted to the Law Department of the Government—to the Attorney-General—the question as to the meaning of the act. By a well-established rule of practice in this country, when the Attorney-General renders a decision, it is as binding upon the Department requesting it as the decision of the Supreme Court. It is the rule that when the head of a Department calls on the Attorney-General for an opinion respecting a particular subject-matter, the head of the Department must follow that opinion. The Attorney-General was called upon for an opinion respecting this matter. I think the Senator from Ohio will see that the Attorney-General does not agree with him in the view that the only exclusion of Chinese immigrants was of laborers.

Mr. FORAKER. What Attorney-General?

Mr. TELLER. I do not remember who it was, but the Senator will be able to ascertain very readily when I read the opinion.

Mr. FORAKER. I cited the opinion of the Attorney-General in 1898. I said the Attorney-General then had given a certain opinion; but down to that time the ruling had been to the contrary, and the Senator will so find.

Mr. TELLER. If that was the case—I could not hear all the Senator said, for there was some confusion in the Chamber and he had his back turned to me during a good portion of the time he was speaking—that became the law of the Department, and that is the law to-day. If the substitute offered by the Senator from Connecticut [Mr. PLATT] be adopted instead of the bill, unless by some provision of this act we reverse that decision, it will remain the law for the government of the Department. Let us see what the regulations of the Treasury Department say:

12. Chinese persons known as "traders" should not be allowed to land in this country, even though they submit the certificate prescribed by section 6 of the act of July 5, 1894.

Now, these are the words of the Attorney-General:

The true theory is not that all Chinese persons may enter this country who are not forbidden—

That is the theory of the Senator from Ohio—

but that only those are entitled to enter who are expressly allowed. Collectors of customs are directed to admit only Chinese whose occupation or station clearly indicates that they are members of the exempt class of Chinese named in Article III of the treaty with China, viz: "Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or

pleasure," and to deny admission to Chinese persons described as salesmen, clerks, buyers, bookkeepers, accountants, managers, storekeepers, apprentices, agents, cashiers, physicians, proprietors of restaurants, etc. (Opinion of Attorney-General, July 15, 1898; S. 19077.)

There is a case, which I have not at present before me, in which, in 1899, the court of appeals of the ninth circuit rendered an opinion that is in keeping with that decision of the Attorney-General. I have not the case before me, but I examined it the other day.

Mr. President, I do not know that I correctly understood the Senator from Ohio, but I understood him once to say that we had not the power to abrogate a treaty by legislation. I think he afterwards corrected that statement.

Mr. FORAKER. Oh, no; I said just the contrary. I said we had the power to abrogate a treaty, and that if we legislated inconsistently with the treaty it would be in effect an abrogation of it.

Mr. TELLER. The Senator spoke of this as an illegal proposition.

Mr. FORAKER. If I did so, I used the word inadvertently, but I think I corrected myself and said I meant that it was in violation of treaty rights which I understood everybody wanted to maintain; that I did not understand that anybody wanted to abrogate a treaty. The contention was whether or not it was within the provisions of the treaty.

Mr. TELLER. It was my contention the other day and I contend now that there is no violation of the treaty in this bill; that is to say, there is no exclusion of anybody who could be admitted under the treaty. All there is in this bill is an application of what is in the treaty, a provision for carrying out the treaty, by which the Treasury Department may determine what is the character of the applicant, whether he is a merchant or whether he is not a merchant. As I said the other day, the Chinese Government when they made this treaty knew exactly what our definition of a merchant was in our statute, and I have not heard that they have ever complained of it.

Mr. President, there is not ordinarily anything improper in Congress abrogating a treaty. That must depend upon whether or not a treaty ought to be abrogated. If it ought to be abrogated, we have the power to abrogate it; so the courts have declared. I recall that in 1879, after a very thorough discussion of this question here on the first bill that we ever passed to exclude Chinese, the question came directly upon a bill from the House of Representatives, not to exclude Chinese, but to abrogate and set aside the Burlingame treaty. I want to read the list of names of those who voted "yea" on that question. I said the other day that I would not read it, but I am going to read now the names of some of the men then in the Senate who voted to abrogate that treaty; who not only recognized our right to do so, but our power to do so and the propriety of doing so at that time. This was on the passage of the bill. I will read the names in the order in which they occur. They are as follows:

ALLISON of Iowa, Bailey of Tennessee, Bayard of Delaware, Beck of Kentucky, Blaine of Maine, Booth of California, Cameron of Pennsylvania, Coke of Texas, Dennis of Maryland, Dorsey of Arkansas, Eaton of Connecticut, Eustis of Louisiana, Garland of Arkansas, Gordon of Georgia, Grover of Oregon, Hereford of West Virginia, JONES of Nevada, Kirkwood of Iowa, Lamar of Mississippi, McDonald of Indiana, McPherson of New Jersey, Maxey of Texas, MITCHELL of Oregon, MORGAN of Alabama, Oglesby of Illinois, Paddock of Nebraska, Patterson of South Carolina, Plumb of Kansas, Ransom of North Carolina, Sargent of California, Saunders of Nebraska, Sharon of Nevada, Shields of Missouri, Spencer of Alabama, TELLER of Colorado, Thurman of Ohio, Voorhees of Indiana, Wallace of Pennsylvania, and Windom of Minnesota—39 yeas. You have heard me read the name of Thurman of Ohio, who was not only a famous lawyer, but a famous Senator of this body, and the name of Bayard of Delaware, who afterwards became Secretary of State.

Mr. President, I am not ashamed to have my name enrolled with that list of names. I want to insist that there is just as much right to abrogate a treaty by Congress as there is by the Executive and the Senate to make a treaty in the first place, and that every nation who treats with us knows what our power is in that particular. The Supreme Court has repeatedly so held. Whenever we think it is to our interest to abrogate a treaty, we ought to abrogate it. I do not say we should abrogate every treaty. I think if we could get modifications of a treaty, as a rule, that would be the best form of procedure; but we could not get a modification of the Burlingame treaty by the ordinary methods of modifying a treaty. It was only when China knew that Congress intended to exclude her people that she agreed upon the terms on which they might be excluded.

Mr. DILLINGHAM. Mr. President, by a whispered suggestion the Senator from Ohio [Mr. FORAKER], when he was speaking about the trade with China, was led to make a remark upon my statement that the share of the United States in the trade

with China was only about one-tenth of that of Great Britain. The fact, as I understand it, is that it is about one-tenth of the trade of China with all other nations. I want to make that correction.

#### EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, April 15, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 14, 1902.*

##### NAVAL OFFICER OF CUSTOMS.

Robert A. Sharkey, of New York, to be naval officer of customs in the district of New York, in the State of New York. (Reappointed.)

##### APPOINTMENT IN THE ARMY—GENERAL OFFICER.

*To be brigadier-general.*

Col. Mott Hooton, Twenty-eighth Infantry, vice De Russy, to be retired from active service.

##### SUPERINTENDENT OF MINT.

John H. Landis, of Pennsylvania, to be superintendent of the mint of the United States at Philadelphia, Pa., to succeed Henry K. Boyer, resigned.

##### COINER.

Albert A. Norris, of Pennsylvania, to be coiner of the mint of the United States at Philadelphia, Pa., to succeed John H. Landis, promoted.

##### REGISTER OF LAND OFFICE.

Thomas A. Roseberry, of California, to be register of the land office at Susanville, Cal., his term having expired. (Reappointment.)

##### RECEIVERS OF PUBLIC MONEYS.

Alfred H. Taylor, of California, to be receiver of public moneys at Susanville, Cal., his term having expired. (Reappointment.)

Henry Malloch, of California, to be receiver of public moneys at Marysville, Cal., his term having expired. (Reappointment.)

##### INDIAN AGENT.

George W. Saunders, of Bazile Mills, Nebr., to be agent for the Indians of the Santee Agency in Nebraska, vice Henry C. Baird, term expired.

##### POSTMASTERS.

Benjamin J. Rosewater, to be postmaster at Eureka Springs, in the county of Carroll and State of Arkansas, in place of Benjamin J. Rosewater. Incumbent's commission expired March 4, 1902.

B. F. Campbell, to be postmaster at Fayetteville, in the county of Washington and State of Arkansas, in place of Thomas J. Hunt. Incumbent's commission expired February 16, 1902.

James P. Glynn, to be postmaster at Winsted, in the county of Litchfield and State of Connecticut, in place of Charles K. Hunt. Incumbent's commission expired March 9, 1902.

William E. Burch, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia, in place of William E. Burch. Incumbent's commission expired March 22, 1902.

William E. Nipe, to be postmaster at Mount Carroll, in the county of Carroll and State of Illinois, in place of Charles I. Smith. Incumbent's commission expired March 22, 1902.

George W. Baber, to be postmaster at Paris, in the county of Edgar and State of Illinois, in place of George W. Baber. Incumbent's commission expired March 9, 1902.

Romie P. Dryer, to be postmaster at Lagrange, in the county of Lagrange and State of Indiana, in place of Romie P. Dryer. Incumbent's commission expires April 21, 1902.

Wesley L. Booton, to be postmaster at Greene, in the county of Butler and State of Iowa, in place of Wesley L. Booton. Incumbent's commission expired March 22, 1902.

Sidney H. Knapp, to be postmaster at Clyde, in the county of Cloud and State of Kansas, in place of Sidney H. Knapp. Incumbent's commission expired March 22, 1902.

L. V. Fulghum, to be postmaster at Fredonia, in the county of Wilson and State of Kansas, in place of John G. Beasley. Incumbent's commission expired January 10, 1902.

Berry T. Conway, to be postmaster at Lebanon, in the county of Marion and State of Kentucky, in place of Berry T. Conway. Incumbent's commission expired March 22, 1902.

John A. Duplan, to be postmaster at Patterson, in the parish

of St. Mary and State of Louisiana, in place of George W. Mensman. Incumbent's commission expired March 9, 1902.

Winchester G. Lowell, to be postmaster at Auburn, in the county of Androscoggin and State of Maine, in place of Winchester G. Lowell. Incumbent's commission expires April 26, 1902.

Thomas R. Hill, to be postmaster at Amherst, in the county of Hampshire and State of Massachusetts, in place of Thomas R. Hill. Incumbent's commission expired March 9, 1902.

Albert G. Thompson, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts, in place of Albert G. Thompson. Incumbent's commission expired March 22, 1902.

J. Mark Harvey, jr., to be postmaster at Constantine, in the county of St. Joseph and State of Michigan, in place of John B. George. Incumbent's commission expires April 28, 1902.

Richard M. Johnson, to be postmaster at Middleville, in the county of Barry and State of Michigan, in place of Richard M. Johnson. Incumbent's commission expires April 28, 1902.

Andrew Sutherland, second, to be postmaster at Oxford, in the county of Oakland and State of Michigan, in place of Andrew Sutherland, second. Incumbent's commission expired March 16, 1902.

William J. Smith, to be postmaster at Elkton, in the county of Cecil and State of Maryland, in place of William J. Smith. Incumbent's commission expired March 31, 1902.

Ziba C. Goss, to be postmaster at Wabasha, in the county of Wabasha and State of Minnesota, in place of Ziba C. Goss. Incumbent's commission expired March 4, 1902.

M. M. Campbell, to be postmaster at Albany, in the county of Gentry and State of Missouri, in place of George W. Shoemaker. Incumbent's commission expired January 12, 1902.

James M. Crowder, to be postmaster at Lexington, in the county of Lafayette and State of Missouri, in place of James M. Crowder. Incumbent's commission expired March 22, 1902.

Ulysses G. Holley, to be postmaster at Sikeston, in the county of Scott and State of Missouri, in place of Ulysses G. Holley. Incumbent's commission expired May 27, 1901.

Ogden H. Mattis, to be postmaster at Riverton, in the county of Burlington and State of New Jersey, in place of Ogden H. Mattis. Incumbent's commission expired March 22, 1902.

Alexander C. Yard, to be postmaster at Trenton, in the county of Mercer and State of New Jersey, in place of Alexander C. Yard. Incumbent's commission expired March 22, 1902.

Fred C. Nagle, to be postmaster at Dunkirk, in the county of Chautauqua and State of New York, in place of Fred C. Nagle. Incumbent's commission expired February 11, 1902.

Amos Youmans, to be postmaster at Fulton, in the county of Oswego and State of New York, in place of Amos Youmans. Incumbent's commission expired March 22, 1902.

Robert W. Warner, to be postmaster at Ilion, in the county of Herkimer and State of New York, in place of Robert W. Warner. Incumbent's commission expired March 21, 1902.

Frank B. Dodge, to be postmaster at Mount Morris, in the county of Livingston and State of New York, in place of Frank B. Dodge. Incumbent's commission expired March 22, 1902.

George E. Call, to be postmaster at Northport, in the county of Suffolk and State of New York, in place of George E. Call. Incumbent's commission expired March 23, 1902.

John H. Oakley, to be postmaster at Ravenna, in the county of Portage and State of Ohio, in place of John H. Oakley. Incumbent's commission expired March 30, 1902.

William H. Cullen, to be postmaster at Paulding, in the county of Paulding and State of Ohio, in place of William H. Cullen. Incumbent's commission expired March 9, 1902.

William E. Johnston, to be postmaster at Tecumseh, in the county of Pottawatomie and Territory of Oklahoma, in place of Clem White. Incumbent's commission expired March 30, 1902.

John H. Martin, to be postmaster at Greenville, in the county of Mercer and State of Pennsylvania, in place of Henry R. Thorpe. Incumbent's commission expired February 4, 1902.

George L. Holliday, to be postmaster at Pittsburg, in the county of Allegheny and State of Pennsylvania, in place of George L. Holliday. Incumbent's commission expired March 30, 1902.

Samuel J. Matthews, to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania, in place of Samuel J. Matthews. Incumbent's commission expired March 30, 1902.

George W. Shaeff, to be postmaster at Susquehanna, in the county of Susquehanna and State of Pennsylvania, in place of George W. Shaeff. Incumbent's commission expired March 16, 1902.

James O. Ladd, to be postmaster at Summerville, in the county of Dorchester and State of South Carolina, in place of James O. Ladd. Incumbent's commission expired March 9, 1902.

Robert J. King, to be postmaster at Clarksville, in the county



of Red River and State of Texas, in place of Robert J. King. Incumbent's commission expired March 31, 1902.

John T. Cunningham, to be postmaster at Graham, in the county of Young and State of Texas, in place of John T. Cunningham. Incumbent's commission expired January 10, 1902.

Sumner W. Thompson, to be postmaster at Davis, in the county of Tucker and State of West Virginia, in place of Sumner W. Thompson. Incumbent's commission expires April 21, 1902.

Henry G. Kress, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin, in place of Henry G. Kress. Incumbent's commission expires May 24, 1902.

John C. Freeman, to be postmaster at New London, in the county of Waupaca and State of Wisconsin, in place of John C. Freeman. Incumbent's commission expired March 22, 1902.

La Fevre Webster, to be postmaster at Ventura, in the county of Ventura and State of California, in place of L. F. Webster, to correct name.

Eli E. Starkey, to be postmaster at Seabreeze, in the county of Volusia and State of Florida, in place of Mary N. Herrick, removed.

George E. Buckman, to be postmaster at Washington, in the county of Beaufort and State of North Carolina, in place of John B. Respass, removed.

Josephine Chesley, to be postmaster at Bellville, in the county of Austin and State of Texas, in place of Frank P. Cumings, removed.

Sarah J. Hebson, to be postmaster at Sylacauga, in the county of Talladega and State of Alabama. Office became Presidential April 1, 1902.

Kate W. Kirkpatrick, to be postmaster at Decatur, in the county of De Kalb and State of Georgia. Office became Presidential April 1, 1902.

Robert S. Middleton, to be postmaster at Vienna, in the county of Dooly and State of Georgia. Office became Presidential April 1, 1902.

Arthur G. Clapp, to be postmaster at South Deerfield, in the county of Franklin and State of Massachusetts. Office became Presidential April 1, 1902.

Frank B. Williams, to be postmaster at Enfield, in the county of Grafton and State of New Hampshire. Office became Presidential April 1, 1902.

David S. Burt, to be postmaster at Byesville, in the county of Guernsey and State of Ohio. Office became Presidential April 1, 1902.

Harrison Brown, to be postmaster at Watonga, in the county of Blaine and Territory of Oklahoma. Office became Presidential April 1, 1902.

Frank X. Roberts, to be postmaster at Manville, in the county of Providence and State of Rhode Island. Office became Presidential April 1, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 14, 1902.*

##### SUPERINTENDENT OF MINT.

John H. Landis, of Pennsylvania, to be superintendent of the mint at Philadelphia, Pa.

##### COINER OF MINT.

Albert A. Norris, of Pennsylvania, to be coiner of the mint at Philadelphia, Pa.

#### HOUSE OF REPRESENTATIVES.

MONDAY, April 14, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, April 12, was read and approved.

##### BUSINESS OF THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that next Monday be set apart for the consideration of business reported from the Committee on the District of Columbia instead of to-day.

The SPEAKER. The gentleman from Wisconsin, from the Committee on the District of Columbia, this being District day, asks that next Monday, a week from to-day, be set apart for the consideration of business from the Committee on the District of Columbia. Is there objection?

There was no objection.

##### MOBILE, JACKSON AND KANSAS CITY RAILROAD COMPANY.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12452) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes.

*Be it enacted, etc.,* That in consideration of provisions hereinafter contained there is hereby granted to the Mobile, Jackson and Kansas City Railroad Company the right to build and construct wharves, docks, piers, and other structures for use in the operation of its railroad upon the tract of land at Choctaw Point, Mobile County, Ala., and now held by the United States for light-house purposes, and to lay its tracks upon and over said wharves, docks, and piers: *Provided, however,* That at least 300 feet of said wharves, docks, and piers shall be designated and set apart, subject to the approval of the Light-House Board, for the exclusive use of the United States for light-house purposes, which said wharves, docks, and piers so designated and set apart shall be maintained and kept in repair by the said railroad company, and the water approaches thereto kept dredged at the United States dredged channel depth without cost to the United States.

SEC. 2. That within fifteen days after the approval of this act the said railroad company shall file with the Secretary of the Treasury complete plans showing the wharves, docks, and piers to be constructed, upon which shall be designated the portion of said proposed wharves, docks, or piers to be set apart for the use of the United States as provided in the first section of this act, said plans, in so far as said wharves, docks, and piers are to be erected upon the lands of the United States, to be approved by the Light-House Board.

SEC. 3. That within thirty days from the approval of the plans as hereinbefore provided the said railroad company shall commence the construction of the said wharves, docks, and piers, and shall within five months from the commencement of the said work have completed and ready for use by the United States that portion of the said wharves, docks, and piers designated as hereinbefore provided for the use of the United States.

SEC. 4. That the United States shall have free access at all times across the tracks of said railroad company by the most convenient route, to be determined by the Light-House Board, for pedestrians, drays, and wagons, for light-house purposes, to the end of the wharf or pier designated as hereinbefore provided: *Provided, however,* That the United States shall have the right at any time, in the discretion of the Secretary of the Treasury, to take possession, for public purposes, of said tract of land and the wharves, docks, piers, and other structures so built and erected upon the land of the United States, and the United States shall thereafter make the said railroad company just compensation for the said structures so made upon the land of the United States by the said railroad company, and so taken by the United States, and said compensation shall be paid as soon as the amount thereof may be determined in the manner hereinafter provided. Should the Secretary of the Treasury and said railroad company be unable to agree as to the amount to be so paid by the Government, either party may bring proper proceedings in the circuit court of the United States at Mobile, in the State of Alabama, to ascertain and determine the amount of the liability of the United States: *And provided further,* That should the United States repossess itself of said land on account of failure of the railroad company to comply with the terms and provisions of this act, then the United States shall not be required to compensate the railroad company for said structures.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CORLISS. Mr. Speaker, I desire to have this bill debated before I determine whether I will object or not. I desire to present the facts to the House.

The SPEAKER. Does the gentleman object to its consideration now?

Mr. CORLISS. I desire to be heard on the bill.

The SPEAKER. If consent is given, it is open to debate, as the gentleman understands.

Mr. CORLISS. I should like to ask the gentleman from Alabama a few questions.

The SPEAKER. Does the gentleman from Alabama yield?

Mr. TAYLOR of Alabama. Certainly.

Mr. CORLISS. I should like to ask the gentleman if it is not true that this land was purchased by the Government of the United States many years ago?

Mr. TAYLOR of Alabama. Seventy years ago.

Mr. CORLISS. For the purpose of giving the Light-House Board proper terminal facilities at this point?

Mr. TAYLOR of Alabama. That is true. That was done seventy years ago.

Mr. CORLISS. And that Congress has authorized this railroad company to obtain this land, under a special act, by exchanging this piece of land for any other point or place upon the river acceptable to the Light-House Board.

Mr. TAYLOR of Alabama. That is true. A bill was passed to that effect in 1896, and every effort has been made by the railroad company to make that exchange.

Mr. CORLISS. And is it not true that the Light-House Board have selected a point that will be satisfactory to them, and has not the railroad company refused to buy it?

Mr. TAYLOR of Alabama. It is true that the Light-House Board selected a point, the value of which is said to be \$50,000, and the railroad is unable to buy that property and pay \$50,000 for it when this property in question here is estimated to be worth \$2,500.

Mr. CORLISS. Is it not true that the railroad company have failed to carry out the provisions of the prior act, but have gone on and built their road and prepared to use this very point for transportation purposes, ignoring the privilege extended by act of Congress heretofore?

Mr. TAYLOR of Alabama. No; that is not true. The railroad company have made their plans and specifications for the purpose of submitting them to the Treasury Department, and they have been so submitted, and the Light-House Board and the railroad company have been before the Secretary of the Treasury, who has decided in favor of the railroad company and in favor of the commerce of the city of Mobile.

Mr. CORLISS. Is it not true that the Light-House Board have protested against the sacrifice of this property by Congress, demanding that it be reserved as a public necessity to them?

Mr. TAYLOR of Alabama. My understanding is that the Light-House Board have not protested. On the contrary, the Light-House Board are under the Secretary of the Treasury, and the Secretary of the Treasury has decided in favor of this bill. In fact, the bill as drawn is approved by the Solicitor of the Treasury and myself, and not only meets the approval of the Secretary of the Treasury, but has his hearty approbation.

Mr. CORLISS. Does not the gentleman admit that the Light-House Board reported to the Secretary of the Treasury emphatically against the provisions of the bill and the taking away of this property from that Board, but declared that it was necessary for their use?

Mr. TAYLOR of Alabama. Not in the language in which the gentleman puts it. The objections of the Light-House Board are presented to Congress by the Secretary of the Treasury in his letter to the Committee on Interstate and Foreign Commerce, which reported this bill.

Mr. CORLISS. And did not the representative of the Light-House Board appear before the Committee on Interstate and Foreign Commerce and there protest, in the presence of the gentleman from Alabama, against this bill in its present form?

Mr. TAYLOR of Alabama. The representative of the Light-House Board appeared twice before that committee, and the committee reported in favor of the bill unanimously, after hearing both sides.

Mr. CORLISS. Mr. Speaker, I have been personally requested to let this bill pass. I do not wish to stand here objecting to the interests of the constituents of members upon this floor, but I desire to record the fact that this property was purchased years ago for the Light-House Board; that it is important for the Light-House Board to hold it; that the railroad company have come to Congress before this time and obtained an act authorizing them to exchange this property for another piece upon that river which would answer the purpose of the Light-House Board; that the railroad company have failed to carry out the provisions thereof, but instead have gone on in disregard of that act and constructed their tracks, depending upon getting control of this property by some other means than that provided in the former act of Congress.

And now, Mr. Speaker, they come here again and ask Congress to enact that this property shall be turned over to them so that they can use it for railway terminal purposes. Under the terms of this bill they will have entire possession of the property now controlled by the Government, and in consideration they simply give the Light-House Board, away out on the end of the pier, a small space for light-house purposes, wholly inadequate, compelling the employees of the Light-House Service to pass over the dangerous tracks of the company and over a long pier in order to reach their storehouse. I say to members on this floor that this bill ought not to become a law.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TAYLOR of Alabama, a motion to reconsider the last vote was laid on the table.

#### EVERETT HARBOR, WASHINGTON.

Mr. BURTON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 56, providing for a modification in the adopted project for the improvement of Everett Harbor, Washington.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in carrying on the work of improvement of Everett Harbor, Washington, authorized in the river and harbor act of March 3, 1899, the Secretary of War may, in his discretion, postpone the dredging and improvement of Old River, and may widen or deepen, or both widen and deepen the harbor basin and channel through the tide flats, and take such steps as may seem to him desirable to protect and conserve the work as performed.

The following amendments recommended by the Committee on Rivers and Harbors were read:

In line 6 strike out the word "postpone" and insert in lieu thereof the word "abandon."

In lines 7 and 8, after the word "and," in line 7, strike out "may widen or deepen, or both widen and deepen," and insert in lieu thereof "any balance heretofore appropriated or authorized for the present approved project may be used for the widening or deepening of."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The committee amendments were agreed to.

Mr. BURTON. Mr. Speaker, there is another amendment, to make it more clear, which should be made in line 11, before the word "take," to insert the words "the Secretary of War may."

The amendment was read, as follows:

In line 11, before the word "take," insert the words "the Secretary of War may."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON, a motion to reconsider the last vote was laid on the table.

#### COURT-HOUSE AND JAIL, SANTA CRUZ COUNTY, ARIZ.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county.

The SPEAKER. The gentleman from Arizona asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.,* That the board of supervisors of the county of Santa Cruz, Territory of Arizona, is hereby authorized to issue bonds on said county in the sum of \$5,000 for the construction of a court-house and jail for said county and vaults for the preservation of its records.

SEC. 2. That said bonds may be in such denominations as the said board may prescribe and shall bear not more than 5 per cent interest per annum, and shall not be sold for less than their par value. Said bonds shall be made payable in thirty years, with an option on the part of the county to pay any or all of them after ten years from the date of their issue.

SEC. 3. That for the purpose of paying the interest on said bonds as it becomes due and provide for a sinking fund to pay said bonds the said board of supervisors shall levy and cause to be collected, as other county taxes are levied and collected, a sufficient tax on the assessable property in said county as will meet the interest as it falls due and provide a reasonable sinking fund to pay said bonds when due.

SEC. 4. That said bonds shall be printed with interest coupons attached thereto; each coupon shall represent one year's interest on the bond, and when the interest represented in a coupon is paid the coupon shall be detached from the bond and placed by the treasurer with his other vouchers before the board of supervisors.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

#### UTAH SCHOOL INDEMNITY LANDS.

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 13025) to make the provisions of an act of Congress approved February 23, 1891 (26 Stat., 796), applicable to the State of Utah.

*Be it enacted, etc.,* That all the provisions of an act of Congress approved February 23, 1891, which provides for the selection of lands for educational purposes in lieu of those appropriated for other purposes, be, and the same are hereby, made applicable to the State of Utah, and the grant of school lands to said State, including sections 2 and 32 in each township, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said act, anything in the act approved July 16, 1894, providing for the admission of said State into the Union, to the contrary notwithstanding.

SEC. 2. That wherever the words "sections 16 and 36" occur in said act, the same as applicable to the State of Utah shall read: "sections 2, 16, 32, and 36," and wherever the words "sixteenth and thirty-sixth sections" occur the same shall read: "second, sixteenth, thirty-second, and thirty-sixth sections," and wherever the words "sections 16 or 36" occur the same shall read: "sections 2, 16, 32, or 36."

The amendment recommended by the committee was read, as follows:

Add at the end of section 2 the following: "and wherever the words 'two sections' occur the same shall read 'four sections.'"

The SPEAKER. Is there objection?

Mr. McRAE. Reserving the right to object, I want to ask the gentleman if this bill enlarges the amount of the grant for school purposes for Utah in any way?

Mr. SUTHERLAND. No, sir; it does not enlarge the grant. Under the enabling act by which Utah was admitted into the Union, in view of the fact that it is a mountainous State, there was granted to it four sections for school purposes instead of two. It was found in a large number of instances the land was barren and mountainous, and was therefore valueless for cultivation.

Nine-tenths of our lands or more is mountainous and of practically no value except for grazing purposes, and for that reason it was recognized that Utah ought to have four sections of land instead of two. Under the act of 1891, which by this bill is made applicable to the State of Utah, only two sections are mentioned, because only two sections were granted the other States. This bill has been approved by the Commissioner of the General Land



Office and by the Secretary of the Interior. The Secretary of the Interior, or the Commissioner of the General Land Office, concurs in the language of the act by which it was extended to cover the four sections instead of two.

Mr. McRAE. Then, if it does not enlarge the grant made by the enabling act, what does the State get by it?

Mr. SUTHERLAND. Simply as a matter of administration—

Mr. McRAE (interrupting). What is the substantial change in the law?

Mr. SUTHERLAND. The act by which Utah was admitted into the Union provided for the selection of indemnity lands in certain cases. Now, that act was passed in 1894—

Mr. McRAE. I understand that; but there was also in the enabling act a provision for indemnity school lands. Now, what is the substantial difference between the two laws as to the selections?

Mr. SUTHERLAND. I was going to state to the gentleman that in the act of 1891 there is a provision, for instance, that where these school sections are within an Indian reservation that the State need not wait until the reservation is opened, but may select school-indemnity lands in place of them. There is a provision in the act that where the sections are missing, either in whole or in part, that indemnity lands may be selected for them. These two provisions are not in the enabling act of Utah, but are in the general act of 1891, so that the result is that every other public-land State may select indemnity lands where the school lands are either within the limits of a reservation or found to be missing by reason of some natural condition, like the existence of a lake, except in the case of Utah; and this simply makes applicable to the State of Utah the provisions that prevail as to the other public-land States.

Mr. McRAE. Is there not also another benefit your State gets by this bill? Is it not true that under the enabling act you must select your indemnity lands in not less than quarter sections nearest to the lands lost, whereas by this act you can take it in as small subdivisions as 40 acres?

Mr. SUTHERLAND. I do not so understand it. If so I see no reason why Utah should be put upon different conditions from other public-land States.

Mr. LACEY. Is there not also this: You are required to select the lieu lands near by, adjacent to, instead of at a distance from the school lands?

Mr. SUTHERLAND. I am glad the gentleman from Iowa called my attention to that fact. Utah was constituted as a Territory something like fifty years prior to its admission into the Union as a State in 1896. The valley lands were settled throughout the Territory, as they were more valuable, and therefore the more valuable school lands had been taken up and settled upon. Now, under the provisions of the enabling act we must select lands as nearly contiguous to the school lands for which they are taken as we can possibly. Now, the same cause which induced settlement upon the school lands in the fertile valleys, because they were the most valuable lands, also induced settlement upon the adjoining valley lands, and when we undertake to select the most nearly contiguous lands to the school sections, for which they are taken as indemnity, we are driven into the mountains.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I did not catch the reason given why Utah did not get the benefit of these sections when admitted into the Union.

Mr. SUTHERLAND. The reason was that in preparing the enabling act for Utah the gentlemen who drafted the bill took the provision from the enabling act of some State admitted prior to 1891, and overlooked the provisions of the act of 1891.

Mr. RICHARDSON of Tennessee. Oh, yes.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment of the committee.

The question was taken; and the amendment of the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SUTHERLAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I desire to present the conference report on the Post-Office appropriation bill.

The SPEAKER. The gentleman from California presents the report of the committee of conference on the Post-Office appropriation bill, which the clerk will report.

Mr. LOUD. Mr. Speaker, as there is a statement accompanying the report, I would ask that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from California asks unanimous consent to dispense with the reading of the report and that

the statement be read. Without objection, this course will be pursued. The Chair hears none.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 32, 33, 37, 39, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 29, 31, 34, 35, 36, and 38 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Page 1, line 11, strike out the word "edition" and insert in lieu thereof the word "editions;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 4, strike out lines 7 to 12, inclusive, and insert in lieu thereof the following: "The Postmaster-General is hereby directed to investigate and report to Congress as soon as possible the advisability and practicability of purchasing and adopting a uniform metal lock box, at a price not to exceed 50 cents, for the purpose of selling the same to patrons on rural free-delivery routes at cost;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Page 4, line 24, strike out the words "less than \$100 nor;" and the Senate agree to the same.

E. F. LOUD,  
GEO. W. SMITH,  
CLAUDE A. SWANSON,  
*Managers on the part of the House.*  
WM. E. MASON,  
BOIES PENROSE,  
A. S. CLAY,  
*Managers on the part of the Senate.*

The statement of the committee of conference was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, as follows:

The Senate made 40 amendments to the bill, producing a total increase of \$307,158.60. An increase of \$500,000 is made in the provision for pneumatic-tube service, \$45,100 in officials for the rural free-delivery service, \$55,000 for printing, binding, and distributing new edition of Postal Laws and Regulations, \$7,000 for two additional inspectors, and \$58.60 for claims.

By the action of the conferees the Senate recedes from amendments involving an increase of \$52,158.60.

The effect of the action of the committee on amendment numbered 1 is to permit the Department to have the new editions of Postal Laws and Regulations and Digest to accompany the same prepared for distribution and make available the amounts appropriated for such service in previous acts.

Amendments numbered 2 to 26, inclusive, relate to increase in force and increase in salaries of rural free-delivery officials, as follows: Increase in salary of special agents in charge of divisions from \$2,400 to \$2,500, and increase in number from 7 to 10. Increase in salary of clerks at division headquarters from \$1,200 to \$1,400 for the highest grade, and increase in number of 12 for all grades. Increase in number of highest grade of special agents from 15 to 30, and rearrangement of the grades so as to increase the salary of the lowest grade from \$1,300 to \$1,400. Increase in number of route inspectors from 75 to 85. The amount of per diem allowance was increased to meet the increases referred to. From all of which amendments the Senate receded.

The effect of the action of the committee on amendment numbered 27 is to strike out the provision inserted by the Senate directing the Postmaster-General to purchase rural mail boxes at 50 cents each and dispose of same to patrons at cost and insert a provision directing the Postmaster-General to investigate said subject and report to Congress as soon as possible the advisability and practicability of so doing.

Amendment numbered 28 provides for the prosecution and punishment of those who destroy or steal from rural letter boxes, and the action of the committee in respect thereto is to strike out the minimum fine for such offense.

Amendment numbered 29 permits special agents, route inspectors, and examining inspectors in rural free-delivery service to administer oaths, and is agreed to.

Amendment numbered 30 permits rural carriers to administer oaths, and the action of the committee is to strike out such provision.

Amendment numbered 31 makes the appropriation for printing facing slips, card slide labels, manifold books, etc., available for the registry service, and is agreed to.

Amendments numbered 32 and 33 are claims—one for carrying the mail on a certain route and the other for payment of a post-office order. They are both stricken out.

Amendments numbered 34 and 35 provide for the establishment of a pneumatic-tube service, and appropriate therefor for the ensuing fiscal year \$500,000, the Postmaster-General not being permitted, prior to June 30, 1904, to enter into contracts for this service which will aggregate an annual expenditure in excess of \$800,000. The provisions of this amendment are identical with those contained in a bill recently reported favorably by the Committee on the Post-Office and Post-Roads of the House, with the exception that the limitation of 8 inches for the diameter of the tubes is eliminated. Your committee have agreed to the amendment as incorporated by the Senate.

Amendment numbered 36 enables the Postmaster-General to pay the sum of \$1,000 to the legal representatives of railway mail clerks killed or who may die from injuries received while on duty, and your committee agreed to the same.

Amendment numbered 37 provides for the extension of special facilities from Washington to Jacksonville, Fla., in addition to the provision providing for such service from Washington to New Orleans. The Senate receded on the same.

Amendment numbered 38 permits the Postmaster-General to have special-delivery and adhesive postage stamps manufactured in the Bureau of Engraving and Printing without advertising for bids therefor, and your committee agreed to the same.

Amendments numbered 39 and 40 provided for the appointment of two inspectors in the office of the assistant attorney-general of the Post-Office

Department and appropriated \$7,000 therefor. The Senate receded on the same.

The bill as it passed the House carried \$137,916,598.75.

The bill as it passed the Senate carried \$138,523,757.35.

The bill as agreed to by conferees carries \$138,471,598.75.

E. F. LOUD,

GEO. W. SMITH,

CLAUDE A. SWANSON,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman what the bill carries now for pneumatic-tube service?

Mr. LOUD. Five hundred thousand dollars. Mr. Speaker, I will make a statement to the House in regard to the only two amendments which are of much importance to which the committee agreed. You will note that the increase we have agreed to is about \$550,000 or a little over. Fifty-five thousand dollars is simply a reappropriation of money for printing the postal laws and regulations. Five hundred thousand dollars is for the pneumatic-tube service for the coming year, and in explanation of that I will state that the Post-Office Committee had under consideration the advisability and practicability of again permitting the use of the pneumatic tube in the larger cities of the country.

The opinion of the committee has been for some years that the service as established was of such an extravagant character that it should not be continued. We then took under consideration the question of so safely guarding the pneumatic-tube service, and recognizing, I believe, that the pneumatic-tube service, if it could be had reasonably enough, should be continued. We framed a bill and reported it to the House which provides that this service can only be instituted after due advertisement, and that such service should be awarded to the lowest responsible bidder. We then provided that "no contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes and all other expenses of such service in excess of 4 per cent of the gross postal revenue of said city for the last preceding fiscal year."

There we put a limitation upon the extension of this service. To illustrate. If a city has receipts of a million dollars for the past fiscal year, then under this bill the pneumatic-tube service could be established providing for an expenditure of not exceeding \$40,000.

Further, we provide:

No contract shall be made in any city providing for 3 miles or more of double lines of tube which shall involve an expenditure in excess of \$17,000 per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

The tube that was operated in the city of New York, under contract entered into some five or six years ago, provided for an expenditure of about \$35,000 a mile, and your committee have limited it to \$17,000. Recognizing that pneumatic-tube service was an aid to the postal service, if it could be safely guarded, your conference committee took the views of the Post-Office Committee, felt authorized in receding from the amendment of the Senate, and recommending to the House that it be concurred in.

Mr. MOODY of Massachusetts. Will the gentleman allow me a question?

Mr. LOUD. Certainly.

Mr. MOODY of Massachusetts. As I understand it, the provision in the conference report is a limitation of \$17,000 per mile per annum. If I understood the gentleman correctly, the amount paid for the pneumatic tube in New York, when it was stricken out some years ago, was about \$35,000 per mile.

Mr. LOUD. A little over \$5,000.

Mr. MOODY of Massachusetts. In addition to that, is it not a fact that a large amount of expenditure was made by the Government in providing for power?

Mr. LOUD. I am not positive about that for New York. The company furnished some power, and I think the post-office department some power in the main office.

Mr. MOODY of Massachusetts. The gentleman can not give me any accurate information on that point?

Mr. LOUD. The expense of power would not be more than fifteen or sixteen thousand dollars a year, and would not increase the service in New York to a large extent.

Mr. MOODY of Massachusetts. My impression is there was an annual appropriation in the sundry civil bill providing for power for the pneumatic-tube service.

Mr. LOUD. There was in Boston.

Mr. MOODY of Massachusetts. And there was also in New York. It comes to my memory now. Now, is it provided in the gentleman's conference report that the expenses for power shall be met by those operating the pneumatic tube?

Mr. LOUD. I believe that the committee have drawn this provision so it will cover every possible item. The committee

spent some time on this provision, and I will read it again. It is as follows:

That no contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service, in excess of 4 per cent of the gross postal revenue of said city for the last preceding fiscal year.

That no contract shall be made in any city providing for 3 miles or more of double lines of tube which shall involve an expenditure in excess of \$17,000 per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

I think we have covered as much as we could by language; at least, that is the intention. The same provision is in the next paragraph, which relates to the amount paid—

Mr. MOODY of Massachusetts. I know it was proposed in the appropriation bill to build a new boiler for the purpose of providing power for the tube in New York. As I understand the gentleman, it would not be necessary to do that now.

Mr. LOUD. That is what the committee intended. There is one difficulty about post-office appropriations. We provide for one character of an expenditure, and another committee, of which the gentleman is a member, provides for other expenditures. Now, of course, if an appropriation committee shall provide for an expenditure of money for power, I do not think we could prevent it, although we have drawn this bill as carefully, I think, as it is possible to do it. I hope the Appropriation Committee will not attempt to make any provision to take care of any part of the pneumatic-tube service if it shall be installed as provided here.

Mr. MOODY of Massachusetts. I see the gentleman from Illinois [Mr. CANNON] now in his seat.

Mr. CANNON. Let me ask the gentleman from California a question or two. The limitation proposed, as I understand, is 4 per cent. That is not much of a limitation, if the service extends for 2 or 3 miles.

Mr. LOUD. Four per cent in each city.

Mr. CANNON. What would it be in New York?

Mr. PAYNE. Not exceeding \$17,000 a mile.

Mr. CANNON. Ah! That is a very important matter.

Mr. LOUD. That is another provision.

Mr. CANNON. Does the provision which the gentleman has just read provide, substantially, that all expenses for power and everything else shall, in the first place, be limited to 4 per cent, and, in the second place, shall not exceed \$17,000 a mile?

Mr. LOUD. The provisions on this subject are embraced in two paragraphs, of which I have read only one. Another paragraph follows.

Mr. CANNON. Let us hear that.

Mr. LOUD (reading)—

No contract shall be made in any city providing for 3 miles or more of double lines of tube which shall involve an expenditure in excess of \$17,000 per mile per annum; and said compensation shall cover power, labor, and all operating expenses.

Mr. CANNON. Then as to all cities that have 3 miles or more of tubes the limitation, as I understand, is conclusive; but if there should be a city that has less than 3 miles of tubes the \$17,000 a mile, as I understand, would not be conclusive.

Mr. LOUD. That is correct.

Mr. CANNON. I want to say to my friend from California that, in my judgment, he need have no fear of the Committee on Appropriations reporting anything not authorized by law in connection with this matter. We have not the power of legislation, nor would it be in order to appropriate anything not authorized by law.

Mr. LOUD. Sometimes things are "sneaked in," you know, when we do not see them.

Mr. CANNON. Sometimes they may be "sneaked in" from ignorance; but I say to my friend that he will search in vain, so far as I recollect, for anything providing for an enlargement of expenditure in connection with the public service that was ever "sneaked in" upon a bill from the Committee on Appropriations.

Mr. LOUD. Sometimes things get in, and we do not understand them ourselves. Let me say to the gentleman that in three or four or five or eight or ten years if the Treasury Department should urge upon the Appropriations Committee the necessity of the enlargement of a plant or the expenditure of money in a Government building the gentleman might not discover what that expenditure was intended to do, and though not thoroughly understanding the subject might recommend an appropriation.

Mr. CANNON. Well, I will confess so far, and so far only, that the Committee on Appropriations has from time to time reported legislation in connection with appropriations; but it has always called attention to the matter in the report, and never, so far as I have recollection or belief, has reported anything that took on additional expenditures. What little legislation the committee has reported in connection with appropriations has, I think I can safely say, been invariably along the line of a reduction of expenditures and a more economical administration.



Mr. MOODY of Massachusetts. Mr. Speaker—

The SPEAKER. Does the gentleman from California yield to the gentleman from Massachusetts [Mr. Moody]?

Mr. LOUD. I yield to the gentleman.

Mr. MOODY of Massachusetts. If I understand this conference report correctly, these limitations as to the payment per mile apply only where there are 3 or more miles of tube in operation?

Mr. LOUD. That is correct.

Mr. MOODY of Massachusetts. But that will not cover Boston, where there are not 3 miles in operation.

Mr. LOUD. The committee spent a great deal of time on this subject, and we examined quite a number of witnesses. These provisions were prepared, I will say, in the Post-Office Department; but the Department, I think, would hardly recognize them now, because we have put around them every additional safeguard that we possibly could.

When we considered the rate to be paid per mile for a tube of less than 3 miles in length, the best evidence that we had convinced us that if a tube in a city was only half a mile or a mile in length, with two expensive terminals and with an expensive power plant, \$17,000 a mile was probably not sufficient. And again, we took into consideration that we must trust our officials. We can not lay down an iron-clad rule so strong that it will absolutely prohibit the initiation of service.

Now, let me say that so far as the city of Boston is concerned I believe the contemplated service there will cover much more than 3 miles.

Mr. MOODY of Massachusetts. If they get all they wish, it certainly will. In Philadelphia how much tube is there in condition to be operated?

Mr. LOUD. About a mile, I think.

Mr. MOODY of Massachusetts. Then this limitation under existing conditions will apply only to the city of New York?

Mr. LOUD. That is true, under existing conditions.

Mr. MOODY of Massachusetts. And it makes the expenditure somewhat less than half what it was when the provision for this service was stricken from the bill.

Mr. LOUD. Of course, as I have suggested to the gentleman, we must depend upon the wisdom, the honesty, and the integrity of the Post-Office officials. If we do not or if we can not, we had better go out of business.

Mr. MOODY of Massachusetts. I agree with the gentleman on that point.

Mr. LOUD. We consulted quite freely with the Second Assistant Postmaster-General, who, as the gentleman knows, is not the same man who was filling that position when the former contract was entered into.

Mr. MOODY of Massachusetts. I have all confidence in him.

Mr. LOUD. I have faith in the Second Assistant Postmaster-General, from some association with him ever since he has been in that office. I have never found him yet conducting the affairs of that office in any other manner than that in which a good business man would conduct his own affairs; and as we could not apply the limitation where there was less than 3 miles of tubing in a city we have arranged it in the manner now reported.

Mr. MOODY of Massachusetts. I think this is a very important matter, and under ordinary circumstances I might have wished to have the question reserved for further consideration; but the House very well knows the great confidence I have in the gentleman from California and his committee, and if he desires to dispose of this matter now I will have nothing further to say. It is an important matter—the gentleman I know agrees with me on that—and the House can give very little consideration to it under these circumstances. I had hoped that the matter of pneumatic-tube service might come up in some other way than on an appropriation bill, so that there might be a full and free discussion and an opportunity for amendment; but I think, under the conditions which gentlemen all know, I shall make no further observations.

Mr. CANNON. There is one word I want to understand. I think I understand it now, but I want to emphasize it in view of the gentleman's statement a few minutes ago. In all cities now, as I understand it, that will have less than 3 miles of pneumatic tubes the limitations that the gentleman refers to do not apply; so that if at the next session of Congress or some future session of Congress estimates should be submitted for power outside of this limitation they would be in order under the law.

Mr. LOUD. Technically, I suppose that that would be true, yet I should hope that the Post-Office Department would take what appears to a reasonable mind to be a mandate; that so far as is possible the conditions laid down here shall be absolutely complied with.

Mr. BINGHAM. There will be no extension until 1904, anyway.

Mr. HULL. Does not the 4 per cent limitation apply to all offices?

Mr. LOUD. Oh, yes; that applies to all of them. In an office having receipts of \$1,000,000—and there are not exceeding 12, I think, in the whole United States that have receipts in excess of that—they could only expend \$40,000 for pneumatic-tube service.

Mr. SAMUEL W. SMITH. Does this bill limit this to pneumatic-tube lines that are already in operation?

Mr. LOUD. There are none now in operation. I want to say, in reply to the gentleman from Massachusetts [Mr. Moody], that if the House wants to discuss this matter it has the same opportunity here that it could have if we had disagreed to this amendment, because this is the only matter really upon which any question would arise. The House can dispose of it just the same. I do not want the House either to adopt or reject any measure that may be agreed to or disagreed to, coming from a committee of which I am a member, unless the House shall thoroughly and absolutely understand the question before them. Under ordinary circumstances, as one member of the committee on conference, I should not have agreed to this amendment upon an appropriation bill. The gentleman from Massachusetts [Mr. Moody] knows well my views upon this question, but neither he nor I can continually stand in the way of progress without continually being run over. I have done all in my power in the past.

Mr. MOODY of Massachusetts. Let me call the gentleman's attention to the fact that we have stood in the way of progress, and we have not been run over up to the present time.

Mr. LOUD. Well, the gentleman and myself here tried to discontinue—

Mr. MOODY of Massachusetts. And succeeded.

Mr. LOUD. Tried to discontinue a pneumatic-tube service which was conceived in sin. The gentleman well remembers that.

Mr. MOODY of Massachusetts. I quite agree to that.

Mr. LOUD. We were run over then.

Mr. MOODY of Massachusetts. The gentleman had not my assistance then. [Laughter.]

Mr. LOUD. I think I have had the gentleman's assistance ever since the pneumatic-tube service has been in operation.

Let me say in conclusion, Mr. Speaker, that I recognize that the pneumatic-tube service is a service that we must have. The people in this country, in the large cities, demand it; and when we realized that condition, we safeguarded it as carefully as we could possibly frame legislation and make it effective. Now, there is the whole case. The House is in possession of all the facts, and the House can discuss it or dispose of it.

Mr. SHERMAN. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. SHERMAN. I notice three provisions in this bill incorporated by the Senate—amendments 28, 29, and 30—which do not make an appropriation and which are administrative, and the report fails to show why those amendments were rejected. Two of them it occurred to me are quite important. One of them permitted the special agents to administer oaths, to swear witnesses, relieving them of the difficulty of carrying a notary public with them, for instance, when they are taking evidence. Amendment 30 provides that rural carriers may administer oaths to pensioners for their certificates. I suppose that was inserted because the rural routes frequently take away the fourth-class post-offices; and fourth-class postmasters, as I understand, have the right to administer oaths. This I assume was to take the place of that. I should like to know why that was discarded.

Mr. LOUD. Amendment 29 was agreed to.

Mr. SHERMAN. I understood from the reading of the report that it was not.

Mr. LOUD. Amendment 30 was disagreed to. Amendment 30 conferred the power upon rural carriers to administer oaths, and we thought that was going a little too far. We permit the route inspectors and agents to administer oaths, but we did not think it advisable to confer that power upon an ultimate forty or fifty thousand rural carriers.

Mr. SHERMAN. That is a satisfactory explanation. I assumed that there was some very good reason that impelled the gentleman to reject the amendment. Why was amendment 28 rejected?

Mr. LOUD. Amendment 28 was agreed to.

Mr. SHERMAN. I misunderstood the reading of the report.

Mr. LOUD. Amendment 27 was also accepted with an amendment.

Mr. CANDLER. I heard something in the statement which I could not exactly understand in reference to the amendment by the Senate concerning the boxes along these rural-delivery routes. They passed a certain amendment, and it was changed to some extent in the conference committee. Will you please explain what the provisions are in reference to that as the bill stands now?

Mr. LOUD. Amendment No. 27 directed the Postmaster-General to purchase lock boxes at a price not exceeding 50 cents

each and to sell them at cost to the patrons of the route. We amended that amendment by putting on a provision directing the Postmaster-General to report to Congress regarding the practicality and advisability of purchasing these boxes.

Mr. CANDLER. No further action will be taken in reference to these boxes until his report to Congress comes in on this subject?

Mr. LOUD. No; we did not consider it wise to adopt that amendment in the shape in which it was in the bill.

Mr. CANDLER. So the law will remain as it now is in reference to the boxes until that report comes in and Congress takes action in the premises?

Mr. LOUD. Yes.

Mr. CANDLER. I thank the gentleman for the information.

Mr. LOUD. If no other gentleman desires to ask any further question, I will ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

ROBERT J. SPOTTSWOOD.

The SPEAKER laid before the House the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, with a Senate amendment thereto.

The Senate amendment was read.

Mr. FOSTER. I move that the House nonconcur in the Senate amendment and that a conference be asked for.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. GRAFF, Mr. FOSTER of Vermont, and Mr. OTEY.

GEORGE C. TILLMAN.

The SPEAKER laid before the House the bill (S. 4071) granting an increase of pension to George C. Tillman, with a House amendment thereto to which the Senate had disagreed and asked for a conference.

Mr. LOUDENSLAGER. I move that the House insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. LOUDENSLAGER, Mr. BROWELL, and Mr. RICHARDSON of Alabama.

RECIPROCITY WITH CUBA.

Mr. PAYNE. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 12765, to provide for reciprocal trade relations with Cuba, and pending that, Mr. Speaker, I ask for general leave to print upon the bill for three days after the final vote upon it.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 12765, and pending that asks unanimous consent for general leave to print on this bill, lasting for three days after the final disposition thereof. Is there objection?

Mr. APLIN. I object.

The SPEAKER. The gentleman from Michigan objects.

The motion of Mr. PAYNE was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba, with Mr. SHERMAN in the chair.

Mr. McCALL. Mr. Chairman, the bill pending before the House may be considered in two aspects—from the purely business standpoint of an economic measure in the interest of the commerce and industries of two nations, and from the standpoint of those weightier considerations of a high political and moral character. If the bill were even more important to this nation as a purely business proposition than it is, it would hardly deserve the great place it has taken in the public mind and in our own deliberations; and yet from that point of view it is of considerable importance.

It fixes the basis upon which is to be conducted the trade between two peoples, which to-day amounts in the aggregate to seventy-five millions a year, and which I believe, under the operation of the bill, would soon amount to more than three times that sum. It contains advantages to both nations without doing injury to either, as a whole, or to any interest in either. One party to the transaction is so strong and rich that even a greater benefit would hardly be perceptible, although the bill is in the direction of a sound national policy of great importance even to it, but to the young and now weak people—hereafter, I trust, to be prosperous and great—it comes as the very bread of life.

Let me call your attention to the general features of our trade with Cuba without reviewing the details. A glance at the figures of that trade will, I think, show the lack of accuracy in the observation of the gentleman from Nevada, who is usually accu-

rate, that the trade which the bill would secure for our country would be in those articles which are produced by the trusts. The table of imports into the island of Cuba, which I hold in my hand, will prove the gentleman's error.

In the first subdivision, which bears the title of "Alimentary articles," Cuba in the year ending June 30, 1901, imported from the United States \$3,789,320 of value, and from all other countries \$12,924,071 of value. I do not know of a single article which enters to any material extent in that list which is under control of a trust. They are articles of food or drink, and the far greater part of them in value are the direct products of agriculture or the products of our fisheries. I would say that the preferential duty which is called for by this bill would probably secure to this country much the greater part of the thirteen millions of trade which under that item goes to other nations.

The next important heading embraces fibers, tissues, cotton and other clothing, boots and shoes, and wearing apparel generally. In that subdivision the total value of goods purchased from the United States amounts to only \$1,127,160, while from all other countries there were purchased \$10,186,029. Under the heading of "Miscellaneous," the most important item of which is cattle, there were purchased from this country \$2,347,009, and from all other countries \$6,772,868. The grand total of all articles contained in the exhibit of this portion of Cuba's trade amounts to \$10,356,725 of goods purchased from the United States, and \$34,930,183 of goods purchased from all other countries.

It is practically certain that instead of having such a small percentage of this trade, under the operation of the pending bill this country would secure 80 per cent of it all. That is a most important item in itself. It embraces, not as has been said—the products of the trusts—but it embraces in a great degree the products of our agriculture, our fisheries, and our common manufactures. Instead of selling, therefore, to Cuba about \$30,000,000 of goods each year on the basis of her trade of the last fiscal year we should, under this bill, be selling her about \$60,000,000. This is a trade that will enormously increase with the growth of the population and the prosperity of Cuba. In the present impoverished condition of that people they must be content with the bare necessities of life. If they are prosperous their consumption of the articles entering into their trade will greatly increase.

The objection to the bill which has been urged with the greatest force, and indeed the only one that can command our attention, is that its passage will be attended by an injury to a new and growing American industry, which would otherwise have before it a great future. If that objection were a sound one it would be fatal to the bill. I for one certainly could not see my way clear to support a measure which would throw a growing American industry to the wolves for the advantage of any other industry, however meritorious, in our own country or for the advantage of any other nation.

I am sure I should be the last to injure knowingly the beet-sugar industry, which has prospered so splendidly in Michigan, and which promises so much for the whole nation. I have no criticism to make of the Representatives of the States in which that industry is established, although I feel confident that they are mistaken in their belief that this bill would bring any harm to their industry.

I have listened to the eloquent speeches of my friend, the gentleman from Michigan, and of others who are upon this side of the Chamber, and share his views upon the subject, and I have been entertained even if not convinced by their efforts. They have read to the House from Republican platforms and the speeches of prominent Republicans declarations in favor of protecting the beet-sugar industry.

The sentiments they have quoted are all highly interesting but hardly pertinent to this debate. They tend too much to generalities. They proceed upon the theory that when the Republican platform, for instance, of six years ago declared in favor of protection to beet sugar it meant to declare in favor of 1.685 cents a pound, no more and no less, although that rate was not determined upon until a year afterwards. There is no question here of protection to the beet-sugar industry, certainly upon this side of the House.

I believe Republican members are unanimous in their desire to foster that industry. I think it should be supported, because we have such large areas in this country where the soil and climate are favorable to its development that after a few years of protection we shall be enabled to produce, at a less price than we are paying now, sufficient sugar at home to supply our own consumption. Even under the discouraging circumstances of the last year, when the overproduction, caused by a system of bounties abroad, created an abnormally low price, the output of our beet-sugar factories increased about 100 per cent.

The question, I say, therefore, is not whether we should protect the beet-sugar industry, but what would be a sufficient protection



and whether it could be harmed by this bill. Will the reduction of the duty upon raw sugar coming from a single country to 1.35 cents a pound in the slightest degree endanger that industry? If gentlemen would address themselves to that proposition, they would discuss the question which long ago struck me as the vital one in this case. In my opinion the evidence is conclusive, not merely that which was produced before the committee, but that which springs from the very nature of the case itself, that the beet-sugar industry would not be weakened at all.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. McCALL. Certainly.

Mr. MONDELL. Does the gentleman believe that by any possibility the beet-sugar industry can compete on equal terms with cane sugar grown in the Tropics?

Mr. McCALL. I think so. I am coming to the general question between cane and beet sugar later.

The situation is so clear that I question whether the fright which has been so conspicuously displayed since this agitation began is anything more than a mere simulated and theatric fright. I shall cite to the House a few figures bearing upon the cost of producing beet sugar, from the highest beet-sugar authority, and then leave it to determine what possible danger there can be from the proposed reduction upon Cuban sugars. The beet-sugar forces are led by an able political general, as well as one highly accomplished in the business of manufacturing sugar.

Mr. Oxnard has been engaged in manufacturing beet sugar for about twelve years. After he had been nine years in the business, when he could speak from practical experience instead of mere theory, he stated that with beets at \$4 per ton and an expense of working them of \$3 per ton, there would be produced 250 pounds of sugar, the estimated amount from a ton of beets, for \$7, and upon that expenditure of \$7 for raw material and for labor the manufacturer would receive, at 4 cents per pound, \$10 for the finished product, a profit of 43 per cent upon the cost of the labor and the material employed.

He said that in a factory which was in operation the cost of working the beets was less than \$3 a ton and that in a proposed new factory the cost would be below \$2 a ton, but for the sake of conservatism he adopted the estimate of \$3 a ton. So that upon this estimate, which after nine years of experience in the business he declared to be conservative, there was this great profit to pay for the general expenses of the business and for dividends, although he was reckoning the finished product of refined sugar at only 4 cents a pound.

Now, take this estimate as a starting point, that refined sugar could be sold within the area of the beet-sugar country at 4 cents a pound with this great margin to cover depreciation and interest. Let us see at what price Cuban sugar, estimating upon the basis of the cost of its production, can be placed in that area. Colonel Bliss, our collector at Habana, has made a special effort to ascertain the actual cost of producing sugar in Cuba, taking, I think, eight different plantations, and he arrived at the conclusion that that cost is 2 cents a pound.

Mr. E. F. Atkins, a great business man who has been engaged in manufacturing sugar in Cuba for many years, and who has shown the same grade of capacity in that business that Mr. Carnegie has displayed in the steel business, and who is intimately acquainted with the conditions in Cuba, said to the committee that the average cost of producing sugar in Cuba was  $2\frac{1}{8}$  cents a pound. While Mr. Atkins was an interested witness, he was perfectly frank with the committee, and as between him and Colonel Bliss I should accept his testimony because of his more intimate personal acquaintance with the facts.

But I will take here Colonel Bliss's estimate, for the purpose of my comparison, and shall consider the average cost of producing sugar in Cuba without any profit to the producer as 2 cents a pound. This bill proposes a duty of 1.35 cents per pound upon Cuban raw sugar. That would be equivalent to an ad valorem duty, taking the actual cost of production as representing the value, of 67½ per cent. I know that some of the friends of beet sugar have displayed a sensitiveness when we mention an ad valorem duty.

They say that the Republican party has always denounced ad valorem duties. As a matter of fact, the duties enacted by the Republican party are largely ad valorem, and the objection which its members have urged against the ad valorem can not apply in this instance, because here the duty is specific; it must be so much per pound. There is no danger of undervaluation or of fraud upon the American Treasury or the American producer. There can be nothing odious in translating the specific duty into the equivalent ad valorem duty.

If, as some gentlemen who apparently never saw Cuba contend, sugar can be produced there at less than 2 cents a pound, then it is obvious that the equivalent ad valorem will be greater than 67½ per cent; and if the estimate were correct of a cost of 1½ cents a pound, which to my mind is a ridiculous estimate, then the duty proposed by this bill would be about 110 per cent of the

cost of producing Cuban sugar. I propose, however, to follow the statement of our collector at Habana and estimate the cost of production at 2 cents a pound.

A great deal must be added to this—the freight and shipping charges from Cuba are about 0.35 of a cent a pound. That would bring the cost in bond in New York to 2.35 cents a pound. Now, if to that you add the duty proposed by this bill, the cost of transshipment, and the freight to the territory which the beet-sugar manufacturers naturally supply, you have 4 cents per pound, at the very lowest calculation, or a practical protection of 100 per cent, upon the cost of producing raw sugar in Cuba. Then, adding the cost of refining, you would get not merely 4 cents for your sugar in the beet-sugar territory, which, according to Mr. Oxnard's own estimates, would enable him to make 43 per cent upon the cost of labor and raw material expended, but would have at least 44 cents a pound.

I know Mr. Oxnard retreated somewhat in his testimony before the committee from the estimate which he made in 1899, but he admitted that the average cost of making refined sugars in his factories had been 4 cents a pound, so that in either event there would be for the refined product a very substantial profit indeed. Two cents a pound is a price which will not stimulate production in Cuba at all, because there is no motive for men to enlarge their production of an article which it does not pay them a profit to produce.

Should the price of sugar increase so that the Cuban would get more for his crop and therefore be encouraged to produce more sugar the American purchaser of Cuban sugar would have to buy at a higher price obviously than to-day and the protection accorded the beet-sugar industry would be correspondingly increased. I have proceeded upon the assumption that the world's price of sugar is the Habana price and that the protection of our producer would be simply the amount of duty that we added against Habana sugar. But the case is obviously stronger than that.

It is admitted by practically everybody upon both sides of this controversy that the world's price of sugar is the Hamburg price. We shall consume in this country during the present year about two and one-half million tons. Of that amount practically one-third is produced upon American territory, substantially another third will be brought from Cuba, and the remaining third or the great mass of about 800,000 tons must be purchased in the world's market.

So long as there is a considerable deficiency in our production the price for sugar in New York will be the Hamburg price, with the full freight and the full duty added, and the effect of remitting 20 per cent of our present duties to Cuba will be to add that much to the value of the products of Cuba.

Mr. WM. ALDEN SMITH. The gentleman from Massachusetts will recall that Colonel Bliss in his statement before the Ways and Means Committee said that the Cuban planter would not get but 30 per cent of that.

Mr. McCALL. I am arguing now what I think will inevitably follow from the plainest economic principles, and I would like to have the gentleman, if he will give the House the pleasure of listening to him hereafter, show why a planter in Habana should sell his sugar for any less there than he could get in New York after he pays the freight and shipping charges to New York.

So that our beet-sugar producer would receive the full benefit of the protection of 1.685 cents per pound until such time as our consumption would be substantially supplied by our own product and by that of Cuba, a condition that can not possibly occur during the life of the proposed measure, or that there would be any reason to apprehend could occur if its life were protracted for ten years.

The testimony of the beet-sugar men themselves shows clearly that the proposed reduction upon Cuban sugar would not lessen the price of sugar to the consumer in this country in the least. If not, how could the beet-sugar industry be injured? Let me quote from Mr. Oxnard upon this point, because Mr. Oxnard was very specific. In his testimony before the committee, found on page 179 of the record, he said:

I do not believe that a small reduction of the tariff would reduce the price one penny to the consumer.

The CHAIRMAN. What do you call a small reduction?

Mr. OXNARD. Why, 10 to 20 per cent.

And 20 per cent is the amount of reduction proposed in this bill.

The CHAIRMAN. Would it reduce the price to the consumer?

Mr. OXNARD. I do not think it would reduce the price of sugar to the consumer, because you would have to go abroad to get such a large quantity of your raw material that the price of refined sugar would be fixed there plus the duty.

That is an unqualified admission of the principle underlying this entire case. So long as there must be a great mass of sugar bought by us in the world's market in addition to what we get from our own producers and from Cuba, the price of sugar in the central market of the United States will be the Hamburg price



plus the freight plus the full duty. That can not be denied. It is admitted by the leader of the beet-sugar forces, and with that admission the whole case of a direct injury to the industry goes by the board.

But at this point the gentlemen interested in beet sugar become the guardians of the public and say that if the duty is reduced upon Cuban sugar the sugar trust will get the benefit of that reduction, and they do not propose to consent to any such a wicked transaction. This doctrine has the merit of novelty and implies the discovery of a new trait in human nature. It is in effect that a soulless corporation will as a rule pay one set of men more for a given article of common use than it could buy the same article for at the same time and in the same place from another set of men.

I think that it can be asserted without any unreasonable presumption that sugar of the same grade will at any given moment of time bring the same price in New York Harbor, providing it is handled by rational beings. Of course, the owner of any commodity is liable to be buncoed, but as a general proposition either buyer or seller will take advantage of the conditions which exist in his favor. I do not understand that anyone has ever claimed that there would be two ruling prices for sugar in New York at the same moment of time.

That being true, it would follow as a general proposition that the parity of price would be substantially maintained between ports having intimate trade relations with each other, like New York and San Juan and Hamburg. My eloquent friend from Minnesota has simply been quarreling with an axiom when he has taken the contrary position. It requires no long arithmetical computation on the floor of this House to disprove the proposition so obviously at war with one of the deepest principles of human nature.

Why should the owner of sugar in Porto Rico accept a less price in San Juan than he could get by shipping his sugar to New York? Why, again, does not the sugar trust get the benefit of the whole duty as against the producer of raw cane sugar in Louisiana—because that producer is said to have no other market? Of course the scarcity of sugar at one port—compared with the demand, the distance to the port of supply, and the temporary scarcity of freights, and considerations of that nature—will produce slight deviations from the parity, but these exceptions only prove the rule, and the infinitesimal divergencies which the ingenuity and the diligence of the gentleman from Minnesota led him to think he had discovered between New York and San Juan prices would only prove the rule if these divergencies, as a matter of fact, had existed.

The proposition of the gentleman is contrary to all the laws of trade and to all the laws of human nature. There will be one price for the same grade of raw sugar in New York at the same time, whether you pass this bill or whether you do not, and whether or not you pass it the Cuban planter will be able, if he has ordinary human sagacity, to get that price whenever he enters that market. Whatever obstacle you remove from his course in entering that market will inure to his advantage. I well remember that two years ago it was repeatedly asserted that the removal of the duties upon Porto Rican sugar would inure to the benefit of the sugar trust.

There were some of us who did not share that opinion, although I will admit that there were very few of us upon this side of the House, but I call to your attention the result of the experiment that we then tried, and I assert with absolute confidence that the result of granting free trade to Porto Rico has been that the Porto Rican sugar grower, and not the American trust, got the benefit of the removal of the duty. I think, therefore, it is entirely clear that there is no ground for the alarm which the beet-sugar interests display at the pending bill, and the case is so clear that, in my opinion, as I have previously said, that alarm is affected.

They have consistently contended from the start that the great octopus, the American sugar trust, was forcing through legislation here to stifle and crush its growing rival.

I do not think it is exactly fair to discredit the cause of Cuba by bringing in the sugar trust or by holding up the sugar trust as the beneficiary of this legislation. Of course we understand that the sugar trust is a bogey that it is always safe to batter, but I do not think that in the consideration of an economic question we should be frightened from looking at the facts as they are in the light of economic principles.

Mr. LITTLEFIELD. Does the gentleman understand that the sugar trust favors or opposes this legislation?

Mr. McCALL. Upon that point I do not understand whether they favor it or oppose it. I venture to say as a practical proposition that every member on this side of the House has received 10 pamphlets and 10 documents against this bill from the friends of beet sugar where he has received 1 pamphlet or 1 document from the sugar trust in its favor.

I for one decline now, as I did two years ago, to be frightened

from the calm consideration of an economic measure by this conjuring with the octopus. The methods advised by some advocates of the beet-sugar industry in this particular connection do not commend themselves to my judgment. Having elected to consider the sugar trust, instead of the President, instead of the governor of Cuba, instead of the Secretary of War as the essential promoter of this legislation, some advocates of beet sugar propose to take off all the protection upon the business of converting raw into refined sugar in this country if they are compelled to accept the slightest reduction from the enormous protection which they themselves receive.

Now, I am not wasting any sympathy upon the sugar trust. I do not know whether the business of converting raw sugar into refined sugar is so established in this country that it can get along entirely without protection or not. If it could get along without protection and prosper, then we should have the sturdy competition, I am glad to say, of the producers of beet sugar; but if it could not get along and thrive, I say the people of this country are vitally concerned in having the business of the independent refining of sugar conducted in this country and not be turned over to the tender mercies of a highly-protected industry like that of beet sugar.

Mr. HEPBURN. I would like to interrupt the gentleman to ask him a question in that connection.

Mr. McCALL. Certainly.

Mr. HEPBURN. How many persons are there employed now in the refining of sugar—I do not mean of beet sugar, but the cane sugar—in the United States?

Mr. McCALL. I do not know. I can not give the exact number.

Mr. HEPBURN. The number is very small, is it not?

Mr. McCALL. I am not familiar with the exact number. You are speaking, now, of the number of concerns and not the number of men?

Mr. HEPBURN. No; I am speaking of the number of men employed in the industry of the refining of cane sugar or of imported sugar.

Mr. McCALL. I do not know, I would say, how many men there are employed.

Mr. HEPBURN. I have seen the statement that the refining process costs 1 mill per pound. Is that correct?

Mr. McCALL. I think that is probably very incorrect. I think that is probably something like the statement which has been made that sugar could be produced in Cuba at a cent and a quarter a pound.

Mr. McCLELLAN. It was testified before the committee, if the gentleman will permit me, that of the 1 cent additional charged by the sugar-refining company about five-eighths was the cost of refining and about three-eighths of a cent was profit.

Mr. McCALL. I understand that the cost of refining is something in excess of one-half cent, but I will admit that I am not competent to answer the gentleman upon that point.

Mr. METCALF. It was stated before the committee that the cost of refining was about half a cent a pound.

Mr. COOPER of Texas. The gentleman from New York [Mr. McCLELLAN] has reversed the figures. As I understand, the testimony was that the cost was three-eighths and the profit was five-eighths.

Mr. PAYNE. Oh, no; the testimony of Mr. Post was that the cost was 62½ cents per hundred pounds.

Mr. McCLELLAN. Will the gentleman permit me to interrupt him? In answer to the gentleman from Michigan [Mr. WM. ALDEN SMITH], I will say that on page 395 of the testimony Colonel Bliss stated:

I think the most of the Cubans to whom I have talked agreed with me that if you were to give 50 per cent off, or 33½ per cent, or whatever you give, probably not more than 30 per cent at the very most would go to the planters, and the rest of it, whatever did not stay in the United States, would go to the laborer and the colono, the man who cultivates small fields of cane.

Mr. WM. ALDEN SMITH. That is on the supposition that his wages would be increased.

Mr. McCALL. Of course, that would increase the cost of producing sugar over the estimate made by Colonel Bliss; but I do not know of anything that is peculiar in the production of cane sugar that would have any worse effect upon human nature than the production of beet sugar. I do not think there is anything in the beet that would give men an immunity from that spirit of gain that prevails in all kinds of trade. I do know that the German beet-sugar cartel, which sells sugar for export at 2½ cents a pound and extorts 6 cents a pound from the German people, is something compared with which the American sugar trust, however wicked it may be, is an eleemosynary institution, and I prefer, and I think the people of this country prefer, to have the business of independent refining maintained in this country.

Now, if it can get along without any protection at all, all well and good; but I would suggest to the gentleman that there are people living in this country at a great distance from the beet,



who do not regard that vegetable as sacred, and that they will not look with complacency upon a great protected industry like that with 67½ per cent, if it is to submit to the slightest reduction attempting in revenge to strike the protection entirely off from another competing industry.

Mr. WM. ALDEN SMITH. Mr. Chairman, the gentleman from Massachusetts certainly does not propose to compare either the cartel or the bounty produced sugar of Germany with the beet sugar of our own country.

Mr. McCALL. I was not making any comparison except to this point, that some gentlemen engaged in the manufacture of beet sugar in Germany are robbing the German people; and now the gentleman goes on the theory that the beet-sugar people of this country are not going to get all they can out of their trade, that they are benevolent and charitable gentlemen, and that we have nothing to fear from them.

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. McCALL. Certainly.

Mr. LITTLEFIELD. Has the gentleman ever heard any complaint about the sugar schedule until somebody wanted reciprocity with Cuba?

Mr. McCALL. Any complaint about the sugar schedule?

Mr. LITTLEFIELD. Yes; complaint that it was too high—the tariff on sugar. I have heard complaints about other schedules—hides, steel, glass, and several other things—but I had never heard any complaint about the sugar schedule until we got ready for reciprocity with Cuba.

Mr. McCALL. I never heard any special complaint about the sugar schedule.

Mr. LITTLEFIELD. I never heard any.

Mr. McCALL. Of course there is always a general hue and cry about the differential, and there is also a general complaint about all tariff duties from which the sugar schedule is not exempt.

Mr. WM. ALDEN SMITH. The differential is ample, is it not?

Mr. McCALL. Undoubtedly it is ample. I do not understand that anyone is asking for an increase. I say it may possibly be susceptible of reduction, but I say the gentleman would not be in a very noble and unselfish attitude if, representing an industry that has this enormous protection, which it is proposed possibly from his point of view to cut down slightly, he should say that he would cut down all the protection upon this other industry.

I suggest to the gentlemen that they are adopting neither a sound nor a safe method of legislative procedure when they propose, if their own protection in the case of a single country shall be reduced to 67½ per cent, that they will remove all protection from a competing industry.

Mr. SAMUEL W. SMITH. Will the gentleman yield to me for a question?

Mr. McCALL. Certainly.

Mr. SAMUEL W. SMITH. Did not the debates both in the Senate and the House at the time the bill was passed expressly show that the rates were fixed on raw sugar and refined so as to build up the beet-sugar interests of this country?

Mr. McCALL. Undoubtedly. That question has been discussed here. I am not making an effort to give all the arguments and all the evidence in the particular speech I am making.

The climate and soil of Cuba are highly favorable to the growing of cane, and they are favorable to a great many other crops. It is significant that it was urged on behalf of the tobacco growers who appeared before the Committee on Ways and Means that a reduction of the duty on tobacco would enormously stimulate its production in Cuba; that new lands would be given over to it, and that our own producer would be swamped. That prospect is about as reasonable as the fear that Cuba is going to rush into the production of sugar when it would cost her 3½ cents a pound to get the raw product into our market, a sum which is in advance of the price she receives at present. Certainly they can not produce tobacco and sugar from the same land at the same time.

Mr. TAWNEY. Will my colleague permit me to interrupt him?

Mr. McCALL. Certainly.

Mr. TAWNEY. Does not my colleague believe that the testimony shows that, with reasonable encouragement in the treatment of Cuba, in a very short time it can produce at least two or three million tons of sugar annually?

Mr. McCALL. Cuba, if she went to the full extent of her production, could at least produce—

Mr. TAWNEY. Not the full extent, but in the next five years.

Mr. McCALL. I do not think that there is anything that would be called testimony that would establish that proposition. I have no doubt that if you encourage it something might be done, but not enough to make it formidable. They raise tobacco and sugar, and they could not raise both tobacco and sugar on the same land at once.

Mr. TAWNEY. Let me ask my colleague this question: Is it

not a fact that all the witnesses conceded that at least within five years Cuba could, with free sugar, produce all the sugar that the United States consumes?

Mr. McCALL. I do not think all conceded that within five years that could be done.

Mr. PAYNE. Will the gentleman allow me to ask him this question? Has the gentleman heard anyone state, either in the House or in the committee, that the production of sugar would be substantially increased during the next year, the period for which this bill is to run?

Mr. McCALL. Why, certainly not. Under the present prices there is no inducement to the people of Cuba to increase their crops, unless we suppose that they are going to extend the production of an article which they are now producing at a loss. They certainly could not greatly increase their crop during the life of this bill.

A recent writer has pointed out the partnership between sugar and slavery and how the monarchs of a few centuries ago would compare their ships freighted with sugar to the bees laden with the sweetness of the fields. The sugar, however, with which they were familiar was tropical or cane sugar. One member of the copartnership has gone. Slavery has practically vanished from the earth. A new industry has come into being. As a rule, when both beet and cane sugar are produced by free labor, beet sugar has the advantage.

As Mr. Oxnard has said, sugar is essentially an agricultural product. Fitted as we are for agriculture, and able to compete successfully with the whole world in the production of those things to which our soil and climate are adapted, the producers of America need have no fear of producing sugar against the world when their industry shall be established. With the abolition of the indirect bounties abroad and with the enormous protection of 1.68½ cents upon every pound of sugar, it is preposterous to suppose that our sugar producers can not maintain themselves in our markets.

What will the beet-sugar people do in the case of the annexation of Cuba? Suppose our agents there have after all told the truth? Suppose the present low price of sugar shall produce financial disaster, failure, distress, and want in Cuba, and that disorder ensues, and that this country may be compelled to take her in order to bring about her regeneration? What will become of the beet-sugar industry then? I confess it is hardly a satisfactory answer which gentlemen give to that proposition, to say to us grandly that we will face that crisis when we reach it.

It is a simple question: What will the beet-sugar industry do if Cuba is annexed? It will not meet the point to say that they will then have to produce sugar under a protected market and with severe anti-immigration and anticontract-labor laws, because the provisions of this bill will put upon Cuba, if she shall assent to them, our own contract-labor laws and will put her under our protected markets, so that practically all her supplies bought from other nations will be purchased in this market.

If our beet-sugar industry can not hold its own with Cuba with a specific duty equal to 67.5 of the cost of Cuban production, what will happen when Cuban sugar has absolutely free access to our market? The great threat to the sugar industry of this country does not come from this bill, but it will come from a failure to pass the bill. It will come from a condition which makes annexation necessary. Viewed, therefore, simply from its economic aspects as a measure to promote international trade, I think it is entirely clear that the pending bill will be for the interests of both countries and will injure no class of people in either nation.

As to the future of cane sugar in the United States, I can see little ground for optimism. It seems to me it can not stand beet-sugar competition at home when that industry shall be developed. People who are engaged in that industry, if they take a far look ahead, will prepare to use their fields for some other purpose. Cuba is one of the few countries in the world where cane sugar can be raised in competition with the beet sugar of other nations. They need only to plant their cane on the average once in every ten years.

In Louisiana it must be planted every two years at a cost, as was testified, of \$20 an acre. It is a rational application of protection to develop those industries which we are by nature fitted to carry on, but a mere exotic industry which we are not fitted to carry on and which must be maintained by a perpetual tax upon the American people is something that does not come within any proper application of the doctrine of protection.

If the soil, the sunshine, and the air of Cuba will do work for the American people which those same natural agents refuse to do in our own country, it would be the grossest kind of waste for us to refuse to accept the benefit of those blessings and forever to put upon poor human nature the burden of doing the work which nature herself would do for us with her lavish hand. We have enough of avenues for the profitable employment of labor without

taxing ourselves to maintain industries which can never be profitably maintained.

But there remain what, to my mind, are vastly the most important considerations underlying this bill, and those are the considerations of equity and duty which are involved, and also, I may add, those considerations of a high political nature which have reference not merely to some particular industry in this country or to our pecuniary interest, but to the future of the American commonwealth. The important reasons for this bill are those which rest upon moral obligations.

In our resolution which led to the Spanish war we absolved ourselves from the guilt of that war by calling upon mankind to witness the unselfishness of our motives, and we declared, first:

That the people of the island of Cuba are, and of right ought to be, free and independent.

And, fourth:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

There was no equivocation in our attitude. We went to war for the purpose of freeing Cuba, and declared that she was, and of right ought to be, free and independent; and we declared our purpose, as soon as the island was pacified, to leave the government and control of it to its people. One year ago when the pacification of the island was advanced, and the question arose as to the withdrawal of our troops, we passed the Platt amendment. I was one of those who thought that amendment scarcely compatible with the lofty declarations with which we embarked upon the war; but gentlemen with as keen a sense of national and personal honor as my own thought otherwise.

At any rate it was passed and it declared itself to be in fulfillment of the declaration which we had made with reference to the future of Cuba. It was not passed, therefore, in forgetfulness of what we had promised, but it was declared by us to be our interpretation of that solemn promise. Now, what did we say? We provided that Cuba should either insert into its constitution, or in an ordinance appended thereto, certain declarations. I will advert to the more material ones in connection with this bill:

#### I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which may impair or tend to impair the independence of Cuba nor in any manner authorize or permit any foreign power or powers to obtain by colonization, or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island.

#### II.

That said government shall not assume or contract any public debt, to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of the government, shall be inadequate.

#### III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

#### V.

That the government of Cuba will execute and, as far as necessary, extend the plans already devised or other plans to be mutually agreed upon for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the Southern ports of the United States and the people residing therein.

#### VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

#### VII.

That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defence, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

Now, gentlemen tell us that this leaves Cuba absolute freedom to make treaties of trade with other nations. Bear in mind that we have, right under our eyes, one illustration of the manner in which we have construed a promise made to the Cuban people. Look upon the Platt amendment as our interpretation of what the Teller resolution meant, and is there a gentleman upon this floor who would contend for an instant that Cuba could freely make a treaty with Germany or any other power by which that power would secure her trade as against us and that that transaction would go unchallenged by us? Treaties are not always kept when they are made between nations.

Suppose Cuba should make a treaty with Germany and she should not keep it. The rights accrued under that treaty might call for a display of force. How could that be made under the Platt amendment? What nation that did not wish to invite a quarrel with the United States, having in view the Platt amendment, would care to make such a treaty with Cuba? Suppose,

again, that the trade should not, in our judgment, leave the Cuban government sufficient revenue to carry it on. Should we not intervene? There can be no doubt about it, that as practically construed Cuba, under the Platt resolution appended to its constitution and now a part of her organic law, falls in all international matters under the absolute predominance of the United States.

Will gentlemen assert that we have discharged all our obligations to Cuba when we set her out upon the highway of nations thus gagged and bound hand and foot, and that all that remains is for us hereafter to sing praises to our own virtue for making her nominally free? We have put ourselves under obligations which we can not disregard.

How have we treated the other islands wrenched from the sovereignty of Spain? We have given 25 per cent concessions to the Philippines, although they are at the other side of the globe, and not one American in a thousand ever heard of them before the war broke out.

We have given free trade to Porto Rico, which is a thousand miles away. But it is said they are a part of our country. But our Government has taken the position, in which I need hardly say I did not concur, that they were not entitled as of right to free trade with the United States, and that we had the power to determine in each instance what, if any, concessions should be made.

How does Cuba's case stand in equity compared with that of the Philippines? Cuba is at our doors. She guards a great stretch of our coast, the mouth of the Mississippi, and the Isthmian Canal. It was her cause that stirred the hearts of the American people. She is a part of us, not by the harsh fiat of war which, in defiance of the laws of nature, sets up an artificial and unnatural relation with incongruous peoples who live under another sky and who are not so far separated from us by the space of half the planet which divides us as by those more ineradicable differences in institutions, in race, and in civilization, but she is a part of us by those common interests which bind peoples together.

I know it is commonly said that destiny decrees that she should some day become an integral part of the American Union. Destiny is too often a mere synonym of unhallowed greed. For my part, I prefer to have her go on and flourish as an independent republic rather than to have her take a part in the Government of the people of the United States. Under the protection of this nation in foreign affairs, with the instability of the races which inhabit her, regulated and tempered by people of American birth, whom prosperity will attract to her in large numbers, I think she can flourish as an independent government in a way that will make her the model of the other Latin-American States. But if she is ever to become a part of us, it is far better that she should enter as a prosperous and contented member than through the door of starvation.

But I do not care to see the governing agencies of our great nation extended any farther toward the Tropics. Let me read to you from the utterance of a famous writer who unites the far-sighted vision of the historian with the sound judgment of the statesman. In a book just issued Prof. Goldwin Smith asks the question: "Does the white man in his overflowing philanthropy want a burden?" And then he proceeds to answer it:

He has it at his own door. If he is a member of the British Parliament, let him step out into Whitechapel or Houndsditch, or let him read the White Slaves of England, and see how in his own country the alkali worker, the nail maker, the slipper maker, the wool comber, the white lead maker, the chain maker live. In the United States the white man has a burden such perhaps as no other nation has been called upon to bear. \* \* \*

To the black population of the Southern States is apparently soon to be added the black population of Cuba, while even the white population is not American or truly republican in character. Should expansion pursue that course, Santo Domingo and the West Indies, with their black millions and their alien civilization or barbarism, will probably be annexed. The Isthmian Canal will act as a lure to expansion on the continent southward.

The slave owners' dream of an empire extending south may thus be practically fulfilled. What, then, will become of the American commonwealth? One of two things apparently must ensue: either a radical change in the character of the nation and in the spirit, if not in the form of its institutions, or a second disruption. Have expansionists looked ahead? Have they made up their minds what direction their expansion shall take, and considered, if it takes a southern direction, what is likely to be the effect? The decision can not safely be left to traders, who are apt to care little for national character or for anything but the immediate extension of their trade.

If we are to have Porto Rico and Cuba and other tropical countries with their incongruous populations admitted to participate in the government of the American commonwealth, we must be prepared for a radical change in the character of our institutions. For the sake, then, of our own future, as well as for the sake of that new-born republic, let us pass this bill. Whatever the faults of the Cuban people, we must all admit the great patience and serenity with which they have acted during the last three years.

Let us now set them upon their course as a nation with the help and the encouragement contained in this measure. That little republic is the child of this great nation, sprung from her loins, and she appeals to our highest interests, to our tenderness, to our sense of justice, and to that high sentiment that makes



men respond to the call of duty, and I trust that such an appeal will never be made to this Republic in vain. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. VAN VOORHIS having taking the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On April 12, 1902:

H. R. 10363. An act to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina.

On April 11, 1902:

H. R. 6918. An act granting an increase of pension to Thomas Bliss.

RECIPROCITY WITH CUBA.

The committee resumed its session.

[Mr. ROBERTSON of Louisiana addressed the committee. See Appendix.]

Mr. BRANTLEY. Mr. Chairman, it was my privilege some days ago, upon the floor of this House, to speak at considerable length in favor of Cuban reciprocity. I advanced at that time the reasons appealing most forcibly to me in behalf of freer trade relations between Cuba and our country. I have no desire now to repeat what I then said, but inasmuch as the pending bill has been completed and reported to the House since that time, and inasmuch as the arguments against reciprocity have become more well defined, I desire now to briefly supplement what I have already said, with some additional remarks on the subject.

The pending bill is not satisfactory to me in the small concession it makes to Cuba, and in the conditions it imposes upon her, nor does it contain as much tariff revision as I would like to see, and if I am given the privilege of doing so I shall vote to amend it, but if it can not be amended I shall vote for it in its present form, believing that it does offer some relief to Cuba and does tend toward freer trade relations between that island and the United States.

The situation in Cuba that demands relief at our hands has been so clearly stated so many times that I do not deem it necessary to more than briefly mention it now. The causes that have brought about this situation are twofold: In the first place, the bounty system so long in vogue in foreign countries, reenforced by the cartel, has so stimulated the growth of beet sugar that there is not only now an immense overproduction of sugar in the world, resulting in the reduction of the price of sugar to an abnormally low figure, but the cartel and the bounty system enable the foreign producer of sugar to put his sugar upon the market and sell it at less than the cost of production, a thing utterly impossible for the Cuban producer to do. The second cause of Cuba's present condition arises from the impoverishment of her people, growing out of her last war for freedom. Our own statistics show that her wealth has been reduced 75 per cent, and the facts show that fully three-fourths of her people are directly or indirectly dependent for a livelihood upon her sugar industry.

It necessarily follows, therefore, that for her to market her present crop of sugar, amounting to some 850,000 tons, at a price below the actual cost of production means absolute ruin and bankruptcy to her people, already overwhelmed with debt, as they have absolutely no means by which they can recoup themselves for the loss thus entailed upon them. It means not only ruin for the present, but for the future, as there will be no means with which to make the next crop and no inducement to make it. These people have appealed to the United States to aid them, not by making any donation to them, but simply by giving them the benefit of the markets in the United States for their products at a living price. It has been well demonstrated that the United States can do this, and do it by the loss only of a small portion of her large surplus revenue, and substantially without any injury to any producers in the United States.

The only question presenting itself to us is whether we shall grant this relief, and thereby extend our trade relations, or shall we refuse it, because, upon the one hand, it is claimed to be un-Republican to grant it, and, upon the other hand, claimed to be un-Democratic to grant it. In my judgment, the American people are not so much concerned in knowing whether or not the pending bill is un-Republican or un-Democratic as they are concerned in knowing that it grants sufficient relief to Cuba.

It seems to me that gentlemen who speak of Cuba and refer to Cuba as a foreign country are not entirely accurate. Cuba is not a foreign country to us in the sense that every other country not a part of our system is foreign. She is not foreign in the sense of distance, because she lies at our very door; and neither is she foreign in the relations that she bears to this country, which are such relations as no other country in the world bears to us. The

concessions that she has made to us of parts of her sovereignty, which give us a certain supervision and control over her actions, and the concessions that she has made of valuable rights to us, make her, if not substantially a part of our system, at least one in whose welfare we are directly interested.

Gentlemen flippantly speak of the proposition to relieve Cuba as being purely sentimental. They might with more force have referred to the war that we waged for her freedom at a sacrifice of blood and immense treasure as being based upon sentiment. The truth is, however, that the justification for the war, as well as the justification for the proposed relief, is founded upon something more substantial than sentiment. The war between Cuba and Spain affected us in many material ways. It interfered with the rights of our citizens. It interfered with our trade. It was expensive to us. Among other expenses, it entailed the necessity of patrolling our coast to overtake *The Three Friends*, the *Dauntless*, and numerous other boats, charged with carrying contrabands of war to Cuba.

It interfered with us in many other ways, and it was this interference with our substantial interests, as well as a humane desire to confer freedom upon Cuba and to end the cruel and devastating war within her borders, that furnished the justification given by our Government for intervention. We have greater interests now to protect in Cuba than we had then. We have more interest now in seeing a stable and independent government in Cuba than we had then. And yet when it is proposed now for us to protect the substantial interests we have in Cuba by making a slight concession to her in our tariff rates, in order that she may live, a thing we can do at a tithe of the cost the war brought upon us, the proposition to do so is slightly referred to as being purely sentimental.

The avowed purpose and intention of the United States Government ever since the Spaniards were driven from Cuba has been to establish there a stable and independent government, as it was in duty bound to do. This "stable and independent government" is to take charge of the affairs in Cuba during the coming month, and the authority of the United States is to be withdrawn at that time. Will our purpose have been accomplished or our good faith maintained or our duty performed if we withdraw from the island and leave it to the care of a government bankrupted before it begins? Do we not run the risk in so doing of necessitating another speedy intervention upon our part, and one that will cost us far more than will a trifling concession now in our tariff rates? Is it mere sentiment or is it business sagacity that seeks now to provide against such a contingency?

Is it mere sentiment that seeks to give Cuba a stable and independent government, one that can maintain its duty and its obligations to its own citizens and to foreign countries—the performance of which duty and obligations we have practically underwritten—or is such effort the part of ordinary business caution and prudence, to say nothing of self-protection? Men might fill volumes with talk about this legislation being founded solely upon sentiment, but they could never convince me that I am actuated solely by sentiment in my desire to see Cuba given a government able to maintain and enforce the present sanitation laws of that island so as to protect the people on our Atlantic and Gulf coasts from the invasion of yellow fever, and this is but one of many things highly important to us for the government of Cuba to do and perform.

The truth is, Mr. Chairman, that when Cuba wrote into her constitution the Platt amendment, and when she granted to us every concession that we asked of her, she became entitled to ask us in return not to leave her upon the same footing, in her commercial dealings with us, that all other countries dealing with us are placed. Good faith to her requires that a different treatment should be accorded her from that accorded to other countries who have made no such concessions to us. Not only does good faith require a different treatment of her, but the protection of our own interests, both in the island and in our own country also, require this different treatment of her to the end that she may maintain a stable and independent government.

The Government of this country, Mr. Chairman, has in operation a high protective tariff system. I am not responsible for the establishment of this system, but the fact that I am not responsible does not blind my eyes to the existence of the system. Cuba knows and feels the effect of it, and our own people know and feel the effects of it. Cuba has no money with which to pay bounties to her sugar producers and has absolutely no way by which she can put herself in position to compete with the bounty sugars of Europe, and if our tariff laws will not let her into our markets except at a loss, her only alternative is to starve.

If there was any other country in the world other than ours to which she could go and form an alliance, offensive and defensive, for the protection of her commerce, we have prevented her from doing so by the conditions we have exacted from her, as I have heretofore demonstrated. Does not every instinct of American



justice, therefore, demand that we grant her simple request that she be not treated as strictly a foreign country, but that she be permitted to come just a little way within the circle of the protection that we have set up for our sugar producers against the bounty sugars of Europe?

Gentlemen say, however, that they can not support this bill, because its purpose is not to reduce prices to American consumers. If they mean by this contention to argue that this bill does not purport to reduce the price of sugar 20 per cent to our consumers, while reducing our tariff to Cuba 20 per cent, then their contention is well founded, but their argument is all at fault. If simultaneously with the reduction of the duty to Cuba a similar reduction was had upon the price of sugar in this country, then Cuba would derive no benefit from the reduction and the purpose of the bill would fail entirely.

The bill is designed primarily to relieve Cuba; and if that purpose fails, then the bill must itself fail. Our people, however, are benefited by the concession made in the increased trade that they will enjoy with Cuba, both in exports and imports, the figures concerning which I stated in my former remarks. In this way we will derive as much benefit from the reduction or more than Cuba will derive, and, in addition, we will hope to enjoy the peace and security and protection that will come to us and our interests by a stable and independent government in Cuba.

Other gentlemen say that they can not support this bill because it imposes upon Cuba the requirement that she shall adopt a protective tariff for her people. The only trouble about this argument is that it is unfounded in fact. This bill does not require Cuba to adopt any kind of a tariff different from that which she already has and which is admitted to be a purely revenue tariff, and it must also be admitted that she could substantially increase her present tariff and the same would still be a tariff for revenue only. The bill only requires that Cuba shall make a difference in her tariff rates to us of not less than 20 per cent as against her rates to the most favored country.

If she elects to maintain her present tariff and reduce it 20 per cent to us, she will comply with the conditions of this bill; but if, in lieu of doing this, she prefers to increase her present tariff, still giving us a 20 per cent concession, she will still have complied with the bill. In other words, she is left free and untrammelled to impose whatever kind of a tariff it is her pleasure to impose. I certainly am not in favor of requiring her to adopt a protective system, nor am I in favor of saying to her that she shall not do so. Neither am I in favor of saying to her that her present tariff, one framed by our military government, is too sacred to be touched or changed by her.

I think she should be left free and independent to have just such tariff laws as she desires, and this bill gives her just that kind of freedom and independence. The truth is gentlemen are very much in error who construe this bill to make anything in the nature of a demand upon Cuba so far as her tariff is concerned. The bill really grants to Cuba the prayer that she has made in that regard. It was her own proposition to reduce her tariff rates to us in return for a reduction of our rates to her, and this bill merely gives her the privilege of doing what her representatives and delegates have time and again said they wished the privilege to do. It is the granting of a request and not the making of a demand, and grants a concession that Cuba can accept or reject just as she pleases.

But gentlemen tell us we should not allow Cuba to make any tariff concession to us because there are other trusts than the sugar trust and these other trusts would be benefited thereby. If this be sound logic and good statesmanship, the conclusion is forced upon us that none of our producers, none of our manufacturers, and none of our people can look forward to an extension of their foreign markets or to any concessions for their benefit that our Government may be able to obtain for them in any foreign country, because whatever extension of trade or concession comes to our country it will have to be shared in by all our people, whether in or out of a trust. I am not prepared to deny an advantage to my constituents because some other man's constituents will be benefited thereby, nor am I prepared to refuse relief to Cuba in the only rational way it can be given because in the relief given her a benefit accrues to my people in which other people in whom I am not interested to help will share.

It is also argued, with a zeal to be commended but a judgment to be deplored, that the effect of this bill will be that all the benefit of the reduction made will go to the sugar trust, and at the same time that our sugar producers will be ruined, and if not ruined seriously injured. Both of these contentions can not be true, and one or the other of them must fail as a matter of logic, while both of them will probably fail as a matter of fact. The only possible way for the sugar trust to receive the full benefit of the reduction in this bill will be to have the present price of sugar in this country maintained, and, if the price is maintained, then none of our sugar producers can possibly be affected. It is inter-

esting to note also that if our sugar producers are affected by a reduction in the price of their product, then more than 99 per cent of the American people will be benefited, because more than 99 per cent of them are sugar consumers as against less than 1 per cent of sugar producers.

Gentlemen who are so solicitous that the sugar trust shall receive no benefit from this bill also lose sight of another very important fact; and that is, if it should unfortunately prove true that the benefit in this bill intended for Cuba goes to the trust, the people of this country will nevertheless receive the full benefit of reciprocal trade relations with Cuba, and the people who will be most hurt by this perversion of justice will be the poor Cubans.

As to whether or not the trust will get the benefit of the reduction in this bill appears from all the statements to that effect that have been made to be purely speculative. It is only an opinion that may or may not prove to be well founded. The facts about the matter are that to-day if Cuban sugar is put upon the market in New York it will command the market price, and out of that price the Cuban producer will pay the tariff amounting to 1.685 cents per pound, and what he has left will represent the price that he gets for his sugar, out of which, of course, he has to pay all other charges. If to-morrow the tariff rate is 20 per cent less than it is to-day, it seems to me that the Cuban producer is bound to pay out of the price received by him 20 per cent less for tariff duties, and that the difference in tariff duties paid represents that much saved by him.

If any different result is to follow, it would necessarily require that on the same day, in the same market, for the same sugar, there shall be two separate and distinct prices, which, to my mind, is an absurdity. It is an established fact that Porto Rico and the Hawaiian Islands have received the benefit of the reduction in the tariff made to them; and if they have received it, why not Cuba? So well pleased are the Hawaiian Islands and Porto Rico with what they have received that they are to-day protesting against any tariff concession to Cuba. Judging the future by the past, and that is the only way we can judge it, the argument all seems to be in favor of the Cubans receiving the benefit of the reduction in this bill, if it becomes a law. Certain it is, to my mind, that we can not refuse to-day to make the tender of help to Cuba in the only practical way offered to us through fear of a possibility that that help may not reach her.

As I have previously demonstrated, however, if the trust should devise a way by which it can rob Cuba of the relief contained in this bill, then Congress has the power to correct this great wrong by removing the differential on refined sugar, and, so far as I am concerned, I am ready to deprive the trust of any possible power to rob Cuba by removing now this differential on refined sugar.

Gentlemen also talk about this being a bill aimed solely at reducing the tariff on agricultural products, and offering nothing in compensation for the reduction to the agricultural classes. The answer to this suggestion, in brief, is that this bill is not a 20 per cent reduction of the tariff on anything. It is a 20 per cent reduction only on the goods coming from one country, and leaves the tariff on these same goods coming from all other countries exactly as it is to-day.

The reduction that is made is not limited to agricultural products. The bill makes a reduction on everything that Cuba has of 20 per cent, and in return provides that Cuba shall make a 20 per cent reduction on everything that we have. The bill therefore is in no sense limited to agricultural products at either end of the line. The reduction being limited to Cuba, and all that Cuba has to sell not being sufficient to supply our home consumption, it necessarily follows that the prices received by our producers will continue to be fixed by the price of the importations that come from countries other than Cuba and against which the full tariff rates are imposed. It also follows that the reciprocal advantages to come to us by the concession in the Cuban tariff must go to all our people and that no one class or classes will be singled out to be benefited in preference to others.

It was argued for a while that the sugar trust had already bought all of the present crop of Cuban sugar and for this reason that the effect of this bill would be solely in the interest of the sugar trust. Governor-General Wood, however, has furnished information as late as the 7th of this month, which has been read upon the floor, showing that an official inquiry instituted all over the island reveals the fact that only an exceedingly small part of the present crop has been sold to anyone, and he advises, upon the strength of his information, that the Cuban planters will get the full benefit of the reduction made in this bill, so that this argument can no longer be insisted upon.

It has been stated upon this floor that the rate of duty that we impose upon sugar is about the amount of the world's price of sugar, so that our present tariff schedule on sugar compels the American consumer of sugar to pay practically twice the price for his sugar that he would have to pay if this tariff did not exist. In other words, the American consumer of sugar is taxed 100 per cent



on the sugar he consumes in order to protect our sugar producers. Notwithstanding this enormous tax that the American people are paying the real purpose of this bill is not to reduce this tax, because its purpose is primarily for the relief of Cuba and not for the relief of the American consumer. The tendency of such reduction, however, is in the interest of the American consumer; and when Cuba's crop increases to sufficient size to supply or approximately supply American consumption, the effect of the reduction, if then in existence, undoubtedly would be to reduce the cost of sugar to the American consumer, and, in my opinion, an occasional reference in this House to the rights of the American consumer, against whom all protective tariffs are laid, ought not to be out of order.

So much, Mr. Chairman, for the several arguments against this bill, predicated upon the merits of the bill itself. Other arguments of a purely political nature have also been made prominent in the discussions we have had. I have so far endeavored to discuss the bill from a purely nonpartisan and American standpoint. I have done so because I regard the question involved as concerning the good faith, honor, and fair dealing of the American Government in its relations both with Cuba and its own people, and one that should be considered from an American rather than a party standpoint.

Gentlemen upon the other side of the Chamber, however, have asserted—and I assume they considered the assertions necessary to their arguments—that this bill is in strict accord with the Republican doctrine of protection, while other members upon that side, equally able and equally loyal to their party, have asserted in effect that the bill undermines every principle upon which the doctrine of Republican protection is founded. They also charge that this bill marks the opening of what they are pleased to call the red path of tariff reform. Other gentlemen have been led to tell us that the bill is both un-Republican and un-Democratic, and so long as it is defeated they are willing to exculpate both parties from any responsibility for it. These discussions concern me but little, because they throw no light upon the merits of the question and ignore entirely Cuba's need for relief and the duty of this Government to grant it.

In view of what has been said, however, upon both sides of this Chamber, I ask the privilege to refer briefly, as a Democrat, to the political phases of the question before us as they present themselves to me. I know, and regret to know, that among my colleagues on this side there are Democrats, able, just, honest, and loyal to their party, who oppose this bill, some upon one ground and some upon another. I have no admonition, no lecture, no quarrel to offer them. I am content that in this matter they shall be guided by their consciences, as I am guided by mine. Perhaps it would have been better—I think it would have been better—to have eliminated politics from this discussion. They have been brought in, however, and I think it only proper that I should express myself from that standpoint.

I wish to say that reciprocity, a proper reciprocity, one that is established by the Congress, and not merely by the President and Senate, and one that gives freer trade relations between our country and another country, has no terrors for me as a Democrat. It was just such reciprocity that Jefferson declared for, and it was this reciprocity that the Democratic platform of 1892 declared for when it said:

Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of the Democratic faith.

It is true that this platform condemned, and properly condemned, not reciprocity, but the "sham reciprocity" of the McKinley law. The reciprocity of the McKinley law was in restraint of trade, and not in favor of its enlargement. It was aimed as a retaliatory measure to trade that existed, and not as an invitation to an increased trade. The McKinley law placed sugar, molasses, coffee, tea, and hides on the free list, and the reciprocity feature of the McKinley law only authorized the President to take these articles off the free list if their free introduction was found to be "reciprocally unequal and unreasonable;" and, further, it limited all reciprocal trade relations to countries producing the said agricultural articles so placed on the free list.

The pending bill, however, calls for a horizontal reduction of 20 per cent on everything in both this country and in Cuba, and if this is not a recognition of the principle of true reciprocity I am at a loss to define the word. It is not full reciprocity, but it is a percentage of it and sustains the principle. It is a reduction on everything, with no discrimination of the one thing against the other. It means enlarged trade for our country and less restrictions and greater privileges for our trade.

It seems to me that these things are and have been the aim of the Democratic party, and for my part I can not decline to accept freer trade with one country because I can not get it still freer, and because I can not get it freer with all countries. If ever we are to have freer trade generally there must be a beginning. A beginning is now offered, and as I can not get more I will accept it.

I beg to suggest that if the Democratic party stands for tariff reform, for tariff revision, and for tariff reduction, as I have been taught to believe that it does, that it is not clear to me how the party's position on these great questions will be made plain and manifest to the country if we, as a party, here refuse to vote for this bill, it being the only bill before this body with a single atom of tariff reduction in it for which we can make our votes effective. It is not clear to me how we can sustain ourselves by refusing to accept a slight concession in the tariff upon the ground that we can not obtain a complete concession.

In voting for a slight reduction of the duty on sugar I am not ready to believe that it is undemocratic to vote to reduce the highest schedule in the highest tariff in the history of our country.

When Democrats stood upon this floor two years ago, and I was among the number, and contended against the adoption of the Porto Rican tariff, I did not think that our discussion was purely academic. I thought that results, as well as principles, were involved in that discussion. I thought that the tariff and all of it and any part of it was hurtful to the Porto Ricans, and for that reason, as well as for constitutional reasons, should not be imposed. I believe that the recent imposition of a large percentage of the Dingley tariff rates against the Philippine Islands is both wrong in principle and hurtful in effect upon these islands. A reduction of these rates would be beneficial to them, and so a reduction to Cuba will be beneficial to her, and I believe that the greater the reduction the greater the benefit.

I agree, Mr. Chairman, that those who are responsible for this bill and stand sponsor for it disclaim that it even hints at tariff revision or tariff reform, but are we to determine what the bill is by the name they give it or by an inspection of the bill itself? I dare say that no leader of the Republican party, in the present frame of mind of that party, would call any bill reported by him to this House a tariff-reform measure. Therefore, of necessity, we must look to the terms of any bill reported in order to determine what it is, and an examination of the bill now pending before the House, no matter by what name they call it, shows, by its express terms, that it provides for freer trade relations between the United States and Cuba, and freer trade is the main contention of all tariff-reform advocates. It may well be asked, after such an inspection, how does it happen that a bill reducing tariff schedules and freeing trade comes from the high priests of protection? We are taught to beware of the Greeks bearing gifts, and there are those exceedingly skeptical of any good thing coming out of the Republican Nazareth.

To my mind these suggestions form the most interesting phase of this entire question. If this bill was really a protective measure, if it was intended to still more tightly bind the American consumer with the coils of protection, it is pertinent to ask, Why has the Republican Ways and Means Committee waited four long months before presenting it to the House? The President made the demand upon them for some such legislation the first of last December. The urgency of such legislation, so far as Cuba's good was concerned, existed then. It was pointed out that sugar shipments would be ready in December, and that ordinarily all sugar shipments from Cuba would be over by the 15th of March, and that whatever was done for Cuba's good should be done without delay.

Notwithstanding the urgency of these appeals, and notwithstanding that Cuba's condition was daily growing worse by the piling up of her interest accounts and the stagnation of trade, this bill granting some relief was not brought before the House for consideration until the 8th day of April, more than four months after the House convened. Can any Democrat explain such delay upon the part of the Republicans in reporting a purely Republican measure if this measure answers to that description? If this bill is in strict accord with Republican doctrines, and if it marks no departure from Republican principles of protection, why did the Republican members of the Ways and Means Committee lack the courage to report it without first submitting it to the Republican caucus? If it breathes nothing but the doctrine of Republican protection, why was it that the Republican members of this House spent night after night in sweat and turmoil in their caucuses in the effort to find enough votes upon the Republican side of the House to pass it? These actions speak louder than any declamations now can do as to the real effect and meaning of this bill.

It may be asked, however, How is it that the bill is reported at all if it violates any of the principles of Republican protection? One might answer by asking, How is it, if it does not violate these principles, that stalwart protectionists upon the Republican side refuse to support it, and base their refusal upon the ground that it is contrary to the doctrine of protection, and contrary to the pledges of the Republican party, and in strict accord with Democratic profession? The real answer, though, is found in the demand of public sentiment that relief be given to Cuba, a demand founded in so much justice and fairness that the leaders of the



Republican party did not dare to openly refuse it. Those of them who are wise and farsighted enough, read the handwriting on the wall, that if the greed and rapacity of the protected classes in this country are allowed to stand in the way of the just and humane performance by this Government of its duty, involving its good faith to Cuba, the result will be the overthrow of high protection and the downfall of Republicanism.

Mr. ROBERTSON of Louisiana. Will the gentleman allow me an interruption?

Mr. BRANTLEY. I can not; my time is limited.

Mr. ROBERTSON of Louisiana. I just wanted to ask the gentleman a question, and that is, How can the 20 per cent preferential rate of reduction on Cuban tariff against the United States extend the trade of the United States in the matter of imports into Cuba when we already control the trade, except upon mere sentimental grounds which must be overcome in the future?

Mr. BRANTLEY. If the gentleman had been present at the opening of my remarks he would have had an answer to his question. The Democratic position is, if you have a high tariff wall between you and another country, every degree you make on that tariff wall means a free trade to that extent. It is 20 per cent freedom on all trade coming into this country from Cuba, and it is 20 per cent freedom on all going from this country into Cuba.

Mr. ROBERTSON of Louisiana. But the gentleman has not answered my question.

Mr. BRANTLEY. I have answered it to the best of my ability.

Mr. ROBERTSON of Louisiana. I want to know in what respect a 20 per cent reduction on the high tariff wall the gentleman refers to is going to increase our trade with Cuba?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BROUSSARD. I ask, Mr. Chairman, that the gentleman be allowed to conclude his remarks.

The CHAIRMAN. How much time does the gentleman want?

Mr. BRANTLEY. Ten minutes.

The CHAIRMAN. The Chair recognizes the gentleman for ten minutes more.

Mr. BRANTLEY. Mr. Chairman, the question of my friend from Louisiana I have answered to the best of my ability. I had passed beyond that question and was proceeding to discuss the political aspects of this question, and have undertaken to show that these Republicans who were farsighted enough to read the handwriting on the wall had discovered that they could not afford to allow the greed and rapacity of the protective classes of this country to stand in the way of the performance of its duty by this Government to the island of Cuba.

This idea was conveyed by the gentleman from New York [Mr. PAYNE], in the course of his speech supporting the bill, when he retorted to the gentleman from Michigan [Mr. FORDNEY], who interrupted him, by saying, "You are taking a course that would strike down the industry you are assuming to protect." This is why the Republican leaders have labored so earnestly to procure enough Republican votes to pass this bill. They do not wish the attention of the country called to their humiliating position of being unable to maintain the honor and keep the faith of this Government without the aid of Democratic votes, and all because the protected classes have become so bold as to openly announce that the only interest and the only care of the Republican party shall be to foster, maintain, and fatten them. This bill therefore comes to us, after prolonged delay and discussion in the ranks of the Republican members of the House, not as representing their doctrine, but as an attempt to appease and in part satisfy a public sentiment that can not be trifled with, and it comes with the assurance from Republican leaders to their faithful followers that protection shall be taken care of, notwithstanding the apparent concession made to its enemies by this bill.

That this bill is intended merely as a sop to public sentiment is plainly shown by the long delay in reporting it, by the many caucuses of the Republicans upon it, by the meager concession—meager in amount and meager in the time in which it is to operate—that it makes to Cuba, and by the conditions imposed upon her—conditions that still further affront her sovereignty and call for still further delay before the small concession granted can be made available.

I am persuaded that public sentiment and public justice are not going to be satisfied with this bill, because it goes too far in its demands upon Cuba, and not far enough in its concessions to her, and fails to do the justice and to keep the faith that the people demand of the party in power.

The discussion we are now having reveals a state of affairs in the majority party never before witnessed by me during the five years that I have been here. I have never before witnessed a real division in the ranks of the majority, and little did I expect to see a division come over the matter of protection, a matter so sacred to the Republican heart. This division shows that the leaven of tariff reform is at work, and the friends of this great

reform must draw some courage and hope from this division among their long-time antagonists.

The Republican leaders, through stress of circumstances uncontrollable by them, have made an advance toward the Democratic position—not much of an advance, it is true, only 20 per cent on one road, but nevertheless an advance. Because of this advance shall we abandon our position? What becomes of our vaunted faith and courage in our position if we are to be driven from it in order that Republicans may seize and occupy it? Is it not better for us to hold our ground and herald to the country this concession to the principles we maintain, and to fight for still greater concessions to come? Tariff reform can not be intrusted to its enemies or left in the keeping of those who have made reform a necessity; and every victory that tariff reform wins in the public mind or in this forum must redound to the good of the Democratic party. [Loud applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, the pending bill occupies an anomalous position before this committee.

It is not supported sincerely by a majority on either the Republican or Democratic side of this House. It comes before the House reported from the Committee on Ways and Means, the majority of which strongly oppose any other measure of tariff modification.

This bill is also supported by a free-trade Democratic element, which will vote for any modification of any tariff schedule, on the theory that it is one step toward their paradise of free trade. The bill is opposed by two elements of the Republicans; by one, which on principle opposes any changes whatever in our present tariff schedules; by another element which desires modification in our tariff schedules affecting such items as iron and steel, glassware, wood pulp, etc., and resists the passage of this bill, that such modifications may be the earlier made.

This bill is also opposed by some Democrats who favor a limited protection and by others who believe in free trade with no intermediate steps.

#### ARGUMENTS FOR PASSAGE OF BILL.

It is urged that this bill is an Administration measure, and that it is our duty to pass it for three reasons: First, that we owe an obligation to Cuba, our ward, to start the island upon its career as an independent nation—prosperous and able to properly perform its governmental functions—and that because the present price of sugar, the main crop of Cuba, is so low in the markets of the world that Cuban merchants and planters are threatened with bankruptcy, and hence distress, disaster, and possibly revolution may befall its new government.

Secondly, it is urged because the adoption of the so-called Platt amendment by the Cuban convention implied or promised an obligation on the part of our Government to grant preferential trade privileges.

Third, it is urged that the reciprocity proposed by this bill would be of mutual benefit to Cuba and to the United States.

Thus it will be seen that this bill is proposed by two classes of our people—by those who conceive from a sentimental or charitable view we owe an obligation to Cuba and by those who believe it would be good business policy for our country to enter into the trade relations provided in this bill.

#### OBLIGATIONS OF CUBA TO THE UNITED STATES.

It is important at the outset to examine the relations between Cuba and the United States and to ascertain the true condition of the island and its people.

It is admitted that the United States made war upon Spain mainly because of Cuba; that for Cuba several thousand of our brave boys yielded their lives; that our people expended more than four hundred millions of our treasure, and will carry on the pension rolls of our nation the names of many thousands of our heroes, who for years in the future will receive millions from our Treasury as a partial compensation for their sacrifices on behalf of Cuba.

From our own funds we paid \$3,000,000 to the insurgent army and at the close of the war donated 6,000,000 of rations to her starving people.

We cleaned her cities from the accumulated filth of centuries, banished the scourge of yellow fever from her ports, and made the pest holes of the West Indies the sites of a flourishing commerce and of a happy, healthy people. We have builded magnificent roads across the island, employing their people, improving their property, and developing their resources.

We have established more than 3,000 schools, where the bright youth of the island can lay the foundation for the future of that country and acquire that learning and experience of American methods and patriotism that will insure some day a splendid prosperity.

We have given their people the benefit and example of one of the most just and efficient civil governments in all history, a model to all the nations, and an example indeed to many of the



municipalities in our own country. Within the Dingley bill was a provision for a discriminating and countervailing duty in our markets against the bounty-fed sugars of Europe, to the extent of such bounty thereby preventing such sugars overwhelming our country, and retaining the best market in the world for the benefit of the Cuban planters. For the past four years the sugar industry in Cuba has been kept alive by this discrimination in their favor, though by it our exports have incurred the hostility of the sugar-producing nations of Europe, and undoubtedly a loss of some millions in our export trade has been caused by this preference to Cuban sugar and this devotion to the Cuban people.

We establish this Cuban government with a revenue system properly administered, and send it forth as an independent government, free from all national indebtedness. No nation on earth ever entered upon its career with so many blessings in its hand granted by the bounty of its generous benefactor.

For all these we have received and asked and been offered no recompense.

If any further obligation from our Government or our people can be conceived, we should know whether it is due to the Cuban people as classes or individuals or to the Cuban government as a separate entity.

#### OBLIGATIONS TO CUBAN PEOPLE.

Whatever obligations we may be under to Cuba, whatever obligations we are under to its people, it is important for us to consider carefully what these various obligations are, to what people or classes of people we owe a duty, and if we owe a duty, what we should do to adequately fulfill it.

I wish to discuss briefly what classes of the Cuban people have been presented to whom it is claimed an obligation from this Government is due. First, it is necessary always to consider that class which can never help themselves, which is always dependent upon any government for protection, and whose prosperity is always the foundation of real prosperity of the nation, and that is the laboring class of the community. The testimony before the Ways and Means Committee, the statements in the press, the observations of those who are acquainted with the conditions of the island of Cuba, all inform us that not only has there been no distress among the laboring classes of Cuba up to this time, but in the future there promises to be no great distress requiring such extreme action as this bill proposes. Work has been more than plentiful during the past year. In public work there is being constructed a railroad nearly 700 miles, the length of the island, and lateral branches to the north and south shores. Much public work in building roads, sewers, and the like is going on at Habana and Santiago.

The crop of sugar for the year has been harvested, or will be by the 1st of May. The crop of next year is practically planted and must be cared for. The same plants which have raised the present crop of Cuban sugar will raise the crop for next year and must be cared for on the large plantations. Any plantings this year will produce a crop for seven and in many cases ten years following, and the large plantations will not be allowed to run to waste when work now will produce a profit for more than two-thirds of that period. During the past year there has been a deficiency of labor. At one part of the island along the railroad line the contractors were obliged to discharge their men, over 3,000 in number, in order that these men might be utilized in securing and harvesting the crop of sugar. That condition will continue during the next year, so there is no real danger of any distress among the laboring classes of the island, and they do not need the relief afforded by this or any other bill. What they need is what all classes always need—a good, just, wise, and strong administration that shall inspire confidence in the development of the magnificent resources of that lovely island.

#### OBLIGATIONS TO PLANTERS.

It is next important to consider the class which has principally clamored for relief, and that is the large planters of the island. Many of this class have appeared before the Committee on Ways and Means, and their testimony appears in the printed hearings. Their statements have been published in the public press, and that testimony shows that nearly all of them are not residents in Cuba. They are not citizens of that little nation and do not expect to be. They live on the continent of Europe, in Paris, in Madrid, in London, and some of them live in this country and have their splendid homes and offices in New York or in Boston.

This one thing is evident. Those men have no particular love for Cuba; they are looking after their own business. They come here to protect that business. They care nothing in general about the public conditions in Cuba. It is this class of men who ask relief from Congress. They have gone to Cuba from foreign nations, have invested thousands and hundreds of thousands in a business speculation, and when there seems a prospect of a temporary loss of profits they ask a guaranty of their investments from this Congress.

These men took no part in the revolution that is to make Cuba independent. They took no great part in the proceedings that will establish the independent government of Cuba. They will take no particular part in the conduct of its affairs. Yet they have the effrontery to come to this Congress and ask that we change our fiscal policy in order to help their business. They have gone into that business just the same as every man in this country has gone into his business. Many of them have made money in the island of Cuba in the past; they will make money in the future. But because there happens to be a temporary loss in their revenues—because this year by reason of conditions beyond the control of Congress, beyond the control of this country, there is a depression and possible loss in their business—they ask us to make good that deficiency.

#### WORLD'S SUGAR PRODUCTION.

There is a large surplus of sugar in the world's markets to-day, far more than can be soon consumed.

The world can use about 10,000,000 tons of sugar each year. The best estimate of the world's production for the current year 1902 is taken from the recent Monthly Summary of Commerce and Finance for January, 1902, page 2759, as follows:

United States:	Tons.
Louisiana .....	290,000
Porto Rico .....	100,000
Hawaiian Islands .....	800,000
Cuba, crop .....	875,000
British West Indies:	
Trinidad, exports .....	50,000
Barbados, exports .....	60,000
Jamaica .....	30,000
Antigua and St. Kitts .....	25,000
French West Indies:	
Martinique, exports .....	32,000
Guadeloupe .....	35,000
Danish West Indies:	
St. Croix .....	13,000
Haiti and Santo Domingo .....	45,000
Lesser Antilles, not named above .....	8,000
Mexico, crop .....	95,000
Central America:	
Guatemala, crop .....	9,000
San Salvador, crop .....	5,000
Nicaragua, crop .....	3,500
Costa Rica, crop .....	1,500
South America:	
British Guiana (Demerara), exports .....	95,000
Dutch Guiana (Surinam), crop .....	6,000
Venezuela .....	3,000
Peru, exports .....	105,000
Argentina, crop .....	115,000
Brazil, crop .....	215,000
Total in America .....	2,516,000
Asia:	
British India, exports .....	15,000
Siam, crop .....	7,000
Java, crop .....	765,000
Japan (consumption 170,000 tons, mostly imported) .....	
Philippine Islands, exports .....	70,000
China (consumption large, mostly imported) .....	
Total in Asia .....	857,000
Australia and Polynesia:	
Queensland .....	117,000
New South Wales .....	19,000
Fiji Islands, exports .....	33,000
Total in Australia and Polynesia .....	169,000
Africa:	
Egypt, crop .....	95,000
Mauritius .....	145,000
Reunion .....	35,000
Total in Africa .....	275,000
Europe—Spain .....	33,000
Total cane-sugar production (W. & G.) .....	3,850,000
Europe beet-sugar production (Licht) .....	6,710,000
United States beet-sugar production (W. & G.) .....	150,000
Grand total cane and beet sugar .....	10,710,000

It is also estimated that at least half a million tons of old sugar had accumulated in the world's markets, and it is noticeable that the above table includes none of the beet-sugar crop of 1901 of the United States, estimated by the Agricultural Department at 182,000 long tons. It will be seen that there is at this time a surplus of a million to a million and a half tons in the world. This of necessity reduces prices of sugar in all markets. Cuba produced at least her share of this increase and surplus. This increase amounted last year to fully 200,000 tons over the previous year. Under ordinary circumstances and conditions Cuba and the sugar raisers of Cuba would be obliged to stand the low prices caused by this surplus. I fail to see any obligation on the part of this Government to increase sugar prices to these speculators who have helped in causing the depression.

Mr. Chairman, I can not consent to vote for any bill that helps that class of people. I do not believe that the Government of the

United States is under any obligation to help that class of our citizens or foreigners who invest their money in a foreign land to compete with our own citizens who pay our taxes and bear the burdens of our country.

#### OBLIGATION TO CUBAN MERCHANTS.

But there is another class that the report of the Committee on Ways and Means represents as needing relief—the merchants of the island of Cuba. The report goes on to state that business in Cuba is stagnating; that one class of merchants can not pay its indebtedness to another class; that there is a general condition of depression on the island. Who are these merchants who are coming to this Congress asking for relief? Under what obligation are we to them? A large majority of the merchants doing business upon the island of Cuba are Spaniards—men who were born in Spain, men who have never renounced their allegiance to Spain, men who are not citizens of the island of Cuba and do not intend to become such. These native Spaniards, these Spanish citizens, control the sugar trade of Cuba, and they intend to do so. They are the men who come before this Congress and ask for relief. They opposed the revolution; they have opposed the establishment of an independent government for Cuba, and they will not help that government after it is established.

Now, let us consider the condition of distress in which those people are stated to be. Remember that these men have almost a monopoly of the sugar business. They have driven out the native Cubans. They have driven out the English and the Germans and the French. They have driven out the American merchants, and they have even driven out the Hebrew merchants. Go through the island of Cuba to-day and you see no Hebrew merchants. The Spaniards have driven them out, and those are the same Spaniards who are coming here and asking relief of Congress. Let us see how much they need it.

One year ago it was my privilege, together with the gentleman from Illinois [Mr. WARNER], to visit that island. We went over that island from east to west and from north to south. While we were in the city of Cienfuegos we went into the largest bank of the city in order to transact some necessary financial business. While there we inquired about the condition of the merchants and the planters in that vicinity.

Now, the city of Cienfuegos is the largest city in the southern part of the island. It is the center of the sugar district of southern Cuba, where Mr. Atkins, of Boston, and Mr. Terry, the great planter, do their business. At that point cluster a large number of rich and splendid plantations of these sugar barons. We asked the condition of the merchants and planters of that city. The banker took out a statement of the bank deposits on that day in that city; and it showed that in Cienfuegos on the first day of April a year ago there was on deposit in the banks of that city over \$12,000,000 Spanish gold. Twelve millions Spanish gold on deposit in the banks of one city of 59,000 people by the census of the year before!

#### COMPARE BANK DEPOSITS WITH UNITED STATES.

Mr. Chairman, that is a larger amount per capita than can be found in any city of the United States. I have here a list sent to me last week by the Comptroller of the Currency showing the national-bank deposits of some of the cities of the United States.

*Deposits of national banks, as shown by reports of condition February 25, 1902.*

Cities.	Population.	Deposits.
Washington, D. C. ....	280,000	\$19,299,966.05
Memphis .....	102,320	6,891,612.22
Nashville .....	80,865	5,317,341.84
Seattle .....	80,671	11,196,686.21
Richmond .....	85,050	7,090,053.48
St. Paul .....	163,065	16,241,090.59
Duluth .....	52,969	4,059,599.78
Rochester .....	162,608	5,609,037.10
Syracuse .....	108,374	7,096,093.05
Louisville .....	204,701	12,124,429.06
Omaha .....	102,505	13,452,738.85
Charleston, S. C. ....	55,807	3,344,201.53

Now, let us compare that city of 59,000 people that is said to be in a condition of distress, but has bank deposits amounting to \$12,000,000. Let us make a comparison with the condition of affairs at some of the banks in the United States. The city of St. Paul, with a population of 163,000—nearly three times as large—has deposits of \$16,000,000—but a fourth more. The city of Washington, with 280,000,000 population, has bank deposits amounting to about \$19,000,000; the city of Memphis, with 102,000 inhabitants, has about \$6,800,000 deposits; the city of Louisville, with a population of 204,000, has bank deposits amounting to \$12,124,000; the city of Seattle, with 80,000 population, has bank deposits amounting to \$11,150,000; the city of Richmond, with 85,000 inhabitants, has bank deposits amounting to \$7,000,000. And so I might go on. You will find that no single city in the

United States had on the date in question the amount of deposits per capita that the city of Cienfuegos had.

I tried to verify my figures. I called at the insular bureau of the War Department and asked the accommodating chief, Colonel Edwards, for all information on file. He said he had nothing in his office upon that subject, but he had no doubt that they were correct from his general information upon that point, and that there was a larger sum per capita on deposit in Habana than there was in Cienfuegos, and probably as much, at least, in Matanzas as there was in Cienfuegos.

#### NO PANICS IN CUBA.

In addition to that is another significant fact stated by Mr. Charles M. Pepper in his letter from Cuba, published in the Washington Star of April 12, 1902, that notwithstanding all the ravages and losses of the war no financial panic had occurred upon the island of Cuba.

The large banking institutions, public and private, the large mercantile institutions had weathered the stress and storm of a terrible revolution and yet now we are asked to relieve them when the price of sugar falls, as the chairman of the committee [Mr. PAYNE] states, to 1.81 cents per pound.

The same issue of Monthly Summary, January, 1902, page 2736, shows that at Matanzas, December, 1899, the price of sugar was as low as 1.76 cents per pound and yet no cry of distress was raised, and they did not even claim they were losing money and demanded no help from the United States.

Now, gentlemen, that was the condition of the merchants and the rich planters of the island. That is the condition of the Spanish merchants, who have a monopoly of the sugar business in that island. They have more money on deposit to-day than has the average merchant class of the United States, and yet they have the effrontery to come before this Congress and ask that we should pass this bill for their relief.

#### OBLIGATION TO SMALL PLANTERS.

But there is yet another class for whose necessities we are asked to pass this bill, and that is the class of the small planters of the island that were spoken of so eloquently by the gentleman from New York [Mr. PAYNE] in his opening address. Now, let us examine the condition of that class, for if any people in the island of Cuba do need relief it is the small planter. The facts before the committee show and a report of the census of Cuba shows that the small planter is heavily mortgaged; that in the provinces of Matanzas and Santa Clara, where the greater part of the sugar is raised, those small plantations are mortgaged for 80 per cent of their value. That is true. It is true, also, that those mortgages are overdue, that foreclosure of them has been stayed by the military power, and that stay will necessarily expire in May next, when the military authority of the United States will go out of operation.

Now, remember those mortgages are due in May. It is undoubtedly true that their crops are either mortgaged or sold and that those crops are practically harvested now. Now, conceding all of those things to be true, how does this bill afford them any relief? Conceding that they ought to have relief, conceding that they need relief, let us see how this bill relieves them. The gentleman from New York stated that there were between 15,000 and 16,000 of them. The census of the island of Cuba shows that there were 13,517 of them. Another report I have, which I obtained from the Insular Department, shows there were about 14,414 of them; so it is perfectly safe to state that there were about 15,000 of these small planters in the island of Cuba. The gentleman from New York also stated that by reason of the passage of this bill there would be a reduction in our revenues of sugar of about \$6,000,000; in other words, that we would try to help the sugar planters of the island of Cuba by this reduction of about \$6,000,000. How much of this will go to the sugar trust I confess I do not know.

I have read the testimony of Colonel Bliss, the collector of customs at Habana, one of the fairest of witnesses, who stated that about 30 per cent would go to the planters and the rest of those who raise sugar on the island. Upon this basis only \$1,800,000 annually would be received by the large and small planters. Perhaps as fair a statement as I have seen was made by Mr. Pepper, the correspondent of a syndicate of American newspapers, who advocates the passage of this bill. Mr. Pepper has a large experience in Cuba. He has traversed that island several times and perhaps is as accurate and as careful as anybody in his knowledge of its affairs. In a letter to the Washington Star, another paper which strongly advocates the passage of this bill, published on the 15th day of March last, Mr. Pepper went into this question somewhat and made the statement, giving it his approval, that a small planter there thought that about one-half of our concession would go to the sugar trust and about one-half of it to the planter. That seems a fair estimate. One-half, then, of \$6,000,000, or \$3,000,000, would be received by the planters.



Now, the census figures show that two-thirds of the land producing sugar is owned by large planters, not included in this class of 15,000, so that two-thirds, or \$2,000,000, of this reduction would go to these nonresident large planters, or leaving about \$1,000,000 for the relief of these 15,000 small planters. One million dollars divided among 15,000 makes an average of \$66 apiece, and that is the relief proposed by this bill. Sixty-six dollars on an average to pay off their mortgages, to pay for the hypothecation of their crops, to save themselves, their families, and their farms for next year. If Colonel Bliss's estimate be correct, only one-third of \$1,800,000, or \$600,000, would be received by the small planters, or an average of \$40 each. But when does this \$66 or this \$40 come?

#### CONDITIONS OF RELIEF.

It comes, as the bill goes on to provide, after they have passed our immigration and labor restriction, Chinese-exclusion, and that kind of laws. Now, remember the Cuban government goes into effect on the 20th day of May. They must get their congress together, they must form their committees, they must appoint a committee that can examine our laws (printed in a foreign language), consider the effect of those foreign laws, and then frame as best they can a system of laws adapted to their country that shall be similar or substantially the same as our immigration, contract-labor, and Chinese-exclusion laws. After they have passed those laws they must certify those laws to this country.

The President must again examine them and find they are substantially the same as ours, and then as one condition he can issue his proclamation, so they can begin to realize this \$40 or \$66. Now, how long will that take? Everyone knows it must require at least six months to do all of that business. But another thing that they must do. They must give us at least 20 per cent reduction of their tariff upon our goods going into Cuba. Remember that government must get into operation; it must have its congress, which must appoint its committee, and a committee must completely revise its tariff. Because they are on a revenue basis, they need all of their revenues and more to carry on their business. They have no margin of tariff to concede for reciprocity with any country. Now, it is a rather important thing to revise the tariff, as the gentleman from New York and his associates claim. They strongly denounce any attempt to revise the tariff of this country on the ground that it will greatly disturb the business interests of the country. Yet as one of the main conditions of this relief the Cubans must revise their tariff at the beginning of a government and at a time of such business distress that requires the passage of this act.

It is stated a period of business stagnation exists; yet you compel those men to revise their tariff, raise the tariff on things coming from other countries than ours, and either leave ours stationary or lower the tariff on articles coming from this country. After that is done it must be certified to this country. The President must examine it to see there is at least a 20 per cent reduction, and that also will take six months. So that it is thoroughly safe to say, from the conditions surrounding this matter, that it will require at least six months to get it into full operation. At the end of six months these poor planters whose property is mortgaged, whose crops are mortgaged, who are suffering and distressed, can get from \$40 to \$66, if they can last that long.

#### LIQUIDATION NECESSARY.

In our own country these conditions would require liquidation of this indebtedness and the getting into the region of new people and additional capital. Some suffering and distress always attends, but it may be necessary for the future of the island, for the future prosperity of the people, that some liquidation be had there and new owners, new blood, new ideas, and new methods and capital flow into the waste places and make them "to blossom as the rose."

Gentlemen, I do not believe the American people, if they understood that proposition, would advocate that petty kind of relief. I certainly can not vote for it.

#### RELIEF IN THIS COUNTRY.

But we in the West and South have had some experience with our people who have needed relief. We have had small farmers in our section of the country who have needed assistance. We have had people who have come from abroad, have declared their intention to make their homes with us. Men, too, from our own land—born here—have gone into the frontier and taken their families. They have builded their huts of sod or of logs as best they could. They have done their best to make a crop. They have seen the pitiless sun or the equally pitiless flood wipe that crop off the face of the earth. They have seen their families starving and suffering the horrible privations of inclement winter, their little property mortgaged and taken sometimes by pitiless creditors. They have asked for relief in their desperation; but up to this time I have not heard one of those cries heeded by the American Congress. And I believe that it would be a sad precedent for us to give relief even to those who need it as sorely as

many have in the West and South. I believe those matters should be relegated to the States, and I believe the matter of relieving these Cuban planters should be relegated to Cuba itself. They are able to take care of it. We will establish them as an independent government, free from all indebtedness. They have a rich island, one of the most productive and resourceful under the sun.

They can borrow money if necessary; or, if we need to help them, let us help the government of Cuba and let that government do as it ought—help its own people. Our States have done that in the past, and the Cuban state can do it in Cuba. If they need seed, let the government of Cuba give it to them. If they need roads to employ their labor, to keep them from starvation, as we have done in the North, let the government of Cuba build those roads. Let them dig harbors and sewers and streets; let them build their buildings; let them give their people information and encouragement and whatever assistance may be needed in the diversification of their crops. Let them do these things and they will find and develop a happy and a prosperous people. But if you adopt this method of encouraging the raising of one crop you will continue the condition there that has been a curse in every part of this country. A one-crop region is an accursed region. It has blasted our Northwest when we raised wheat alone. It has blasted the Southwest when they raised corn alone. It has blasted the South when they raised cotton alone. It will blast Cuba if she raises sugar alone. And yet this bill tends to perpetuate that accursed condition on the island of Cuba when it practically gives a bounty for the raising of sugar.

#### NO OBLIGATION TO INDIVIDUALS.

I do not believe that the Government of the United States should assist or that this bill will help any needy individual or class of individuals.

If we are under obligation to do anything it is not to help a class, but the whole; not to help individuals, but the mass of the people or the nation itself. If we are under any obligations beyond the multitude of our good works already performed, it is to establish a government that shall render equally good service to the governed. This bill can not accomplish that result.

If to prevent starvation and bankruptcy it be necessary for the Cuban Government to help its planters and laboring men, by work and seed and loans and roads and the like; if we are really under obligation to render some assistance, let us help to accomplish these really beneficial things.

The Cuban Government will start with a treasury nearly empty. If we must help, let our Government, from its overflowing resources, purchase rights to naval and coaling stations, to the Isle of Pines, and to preferential trade, if necessary, and pay for these a good round sum—millions of dollars—that shall really help the Cuban Government, and through it may reach the deserving Cuban people.

Such payment could not be absorbed by the sugar trust, could not be reached by the rich nonresidents and foreigners. It would establish a weak government at the critical time of its history and could be applied to help that people which really needs relief. If any obligation from us is really due, that is the way to fulfill it.

#### NO IMMEDIATE ANNEXATION.

Now, there has been a reason advanced by nearly every one of the advocates of this bill—that if we did not pass it Cuba would speedily seek annexation to the United States. The gentleman from New York [Mr. PAYNE] hung up this "bogey man" to scare the members of this House into voting for this bill. Now, gentlemen, I really can not consent to be scared in that way. I do not believe there is any danger of immediate annexation of the island of Cuba to the United States. I do not believe that Cuba wants it or would allow immediate annexation. The reasons for that to me seem conclusive. There are practically three classes of people to consider in ascertaining whether or not Cuba wants annexation. The first class would be similar to those who have appeared before the Ways and Means Committee, the class of large planters, the class of Spanish merchants, the class of the professional men who reside in the cities and towns.

Undoubtedly many of them favor and would profit by annexation. That class opposed the revolution. That class did nothing to free Cuba from the dominion of Spain. That class have done comparatively little to establish the Cuban government. That class is doing little now to carry on affairs in Cuba. They are a selfish class of people. They have looked after their own interests closely. They have tried during the past few years to carry water on both shoulders. They have favored Spain when they were with the Spanish; they have favored the revolution when they were with the Cubans; they have favored "Cuba libre" when they were with the native Cubans during the last few years. They have come to us while we have been in possession and have told us "For God's sake do not desert the island." They dare not stand upright for annexation. They have never dared to defend the good name on interests of the United States, even



when we were helping them. They have never dared to stand for anything in the island of Cuba.

That is the first class—the class which really desires annexation.

#### NATIVES OPPOSE ANNEXATION.

Now, the second class composes the great bulk of the population of Cuba, the native Cubans, the laboring classes, the classes who work in the factories and on the farms and in the cities and villages. Now, remember that more than two-thirds of the whole people and the principal part of that class can not read and write. They are an ignorant, narrow people. They know nothing outside of their own little immediate vicinity. They know nothing of the great power and advantages of a union with the United States. They know nothing practically of affairs in their own island. There has been one idea dominating those people for the past generation, and that is free and independent Cuba. Cuba libre has been the cry of the native Cubans. They have seen their brothers and their fathers suffer and die on account of Cuba libre. They have seen them and their families starve in the camps of reconcentration, and those cries and struggles, those sufferings have impressed one thing above all others upon the native Cuban, and that is that he wants an independent, free government for Cuba.

This is not a bad or a vicious people. They are not hard to govern within their limits and prejudices. But their ways are not our ways. They are prejudiced against the United States. They do not like us or our methods. They do not want us or our government, and we might expect an awful conflict to enforce any of our authority.

All the American planters, and all the witnesses before the Ways and Means Committee, and all the machinations of the military government can not change the determination of the native Cubans to have Cuba libre. I do not want them to change it. I want them to have it, and to do all that they can to make it prosperous. Now, that is the second class to be considered.

#### POLITICIANS OPPOSE ANNEXATION.

The third class are the native Cuban politicians, the men who were interested in the active Cuban current affairs. The men who agitated the beginning of the revolution with Spain, who carried on that revolution, who dominated the Cuban convention, and who to-day will dominate the Cuban government. They are the men who are directly interested in free Cuba. They want the offices of the island; they want her a free and independent nation; they want to have the power, the offices, and the glory, and some of them undoubtedly want plunder.

Now, these are the men who have control of and will control Cuban sentiment. They know how to control that second class, the great native population of the island. They know how to stimulate that sentiment for a free and independent Cuba. They have prejudiced them against our Government and people. You go among the Cuban people to-day the native Cubans, and among the Cuban politicians and laborers, and you will find that they are prejudiced and hostile toward us. Gentlemen, you can pass your bill or fail to pass it, but it will make no difference in the sentiment of those people so far as annexation is concerned. The great bulk of the population of that island know nothing about it and will know nothing about it.

I noticed with some interest an article in the current North American Review for April by the Right Hon. James Bryce, a member of the British Parliament, the author of *The American Commonwealth*. He treated this question at some length. I commend it to the attention of the gentleman from New York, and after its careful perusal I think he can well afford to lay aside his boggy man. Some day the destiny of Cuba will be linked with that of the United States. But that day is not near and will not be affected by this measure.

#### PLATT AMENDMENT.

It is urged, as a second reason for the passage of this bill, that because the Cuban convention adopted the so-called Platt amendment, defining the relations between Cuba and the United States, that thereby was promised or implied some obligation on the part of Cuba to receive trade preferences from Congress.

It would seem almost unnecessary to consider such a proposition were it not seriously urged by honest, patriotic men.

The Constitution of the United States clearly defines where lies the power to make promises and incur obligations relative to trade and finance. The history of this country for more than a century has settled that point. Congress is the only authority which can incur such obligations or can make such promises, and no one pretends that Congress has ever acted. If we now allow the naked promise or assurance of any official, however patriotic his motives or lofty his purpose or his station, to be regarded as an obligation compelling legislation by Congress upon our fiscal or governmental policies a sad precedent will be established, liable to lead to a multitude of evils.

The country realizes there is too much power in the great Executive Departments now. We must not allow more by conceding power to make promises affecting legislation upon our revenues. The Platt amendment benefited Cuba even more than it did the United States.

Without any expense to Cuba it protects her independence as a nation—the life, property, and security of her people, the health of her communities, and her future from the reckless extravagance and waste of corrupt rulers, as well as from the clutches of remorseless creditors. There should be and will be unspeakable gratitude flow to us for this beneficence instead of obligations for our action in securing the adoption of this ordinance by the Cuban convention.

#### ABILITY TO MAKE TREATIES.

It is seriously urged that this Platt amendment destroyed the power and ability of Cuba to make commercial treaties with other nations, and that when Cuba became separated from Spain she lost the markets of her mother land. These arguments have no basis in fact, conditions, or history. Spain never purchased Cuban sugar and never would. For the ten years previous to the war less than 2 per cent of Cuban sugar went to Spain, and for some years past Spain has produced a surplus of sugar for sale in the markets of the world. Last year her surplus was 33,000 tons. There is no nation in the world which would make any advantageous trade alliance with Cuba so that Cuban sugar could have entered its markets.

Every important nation in the world, except Great Britain and the United States, is a producer and an exporter of sugar, and no nation except the United States has ever entertained a notion that it would be good policy to admit Cuban sugar to compete and possibly crush her own domestic sugar industry, so that no trade agreements are possible to help the sugar interests. Great Britain will not make preferential trade agreements with any nation; she does not even favor the cane sugar produced by her own colonies. The English market is monopolized by the bounty-fed German beet sugar to the exclusion of West Indian cane sugar. There are to-day 35 refineries for beet sugar, and only 1 for cane sugar in the British Islands.

#### COUNTERVAILING DUTIES.

The result is that the only market in the world for Cuban sugar is or can be the United States. We have maintained that market for the benefit of the Cubans by a provision in the Dingley bill for countervailing duties on continental sugars which receive export bounties. This has not only preserved the sugar industry of Cuba, but has increased it from 212,000 tons in 1897, to about 900,000 tons in 1902.

Not one note of gratitude has yet been heard for this invaluable assistance by the American people. Instead there is a demand for further concessions that threaten to ruin our own domestic sugar production and embroil us in commercial warfare with some of our best European customers, who wish entrance to our markets for some of their vast surplus of sugar. The European nations which export sugar annually purchase more than \$300,000,000 of our products, mostly agricultural and produced by the farmers of the West. This immense export trade is threatened by restriction or extinction, if we allow our market to be monopolized by Cuban sugar, by reason of trade agreements in which they are not equally favored.

I do not believe any obligation exists or has ever been conceived which requires our people or our Government to undertake a course of action toward Cuba which may result in such distress and disaster to our own people. I am opposed to that sort of obligation and that sort of legislation.

One point more, Mr. Chairman, on the question of reciprocity. Now, I am a Republican. I believe in reciprocity. I believe in the protective system, so that reciprocity may be possible. If you were to create genuine reciprocity in this bill I would favor it. It is necessary to consider in connection with the question of reciprocity how far the cost to us will equal the aid we get. If this question be considered alone on the plane of sentiment, if it be considered alone on our duty and obligation to Cuba, so be it. From such a basis I do not believe this measure meets any expectation, fulfills any obligation, or helps the Cuban to attain his destiny. But from the other standpoint of reciprocity for the benefit to and fro, I do not believe it justifiable. It is urged on behalf of this bill that we will get large benefits and extension of our trade. Let us consider that, not from a sentimental standpoint, but from a practical standpoint. Remember, this bill lasts only for a year and a half, until December, 1903. It is important, first, that we consider under its operations how much extension of trade Cuba would probably have in the aggregate with all the countries of the earth.

#### TRADE OF CUBA.

Now, the most prosperous era in the island of Cuba was during the McKinley reciprocity period in 1894. In that year they sold



us more than \$78,000,000 of their products. They sold different countries of the world over \$100,000,000 of their products. One would think that if there was any period in their history when they would purchase a large amount of goods from the markets of the world that would have been the time. During that time in that year, when there were more than \$100,000,000 worth of exports to the markets of the world, they purchased and imported \$68,713,280. Now, in 1900—I just want to make a comparison so that we can see how much may be done—Cuba purchased \$66,700,000 worth, and in the same year sold \$48,904,648 of her goods. It does not make any large difference whether they sell \$100,000,000 worth of goods or \$50,000,000 worth in any particular year, the trade of Cuba will not be greatly increased. There is another reason why it can not be greatly increased under the provisions of this bill. It is stated by gentlemen who favor this bill that all labor is employed upon the island. There can be no increase in the sugar crop without more labor, and this bill by its terms prohibits the introduction of more labor. Without having additional labor, by prohibiting that labor, there can be no increase in their sugar crop, and without an increase in the sugar crop there is no hope of enlarging their purchases from the markets of the world.

It is true there was an increase in our export trade to Cuba from about \$11,000,000 in 1891 to about \$24,000,000 in 1894 under the McKinley reciprocity act. But it is equally true that with no reciprocity our exports to Cuba in 1900 were over \$39,176,002, and in 1901 were over \$28,078,633, an increase in each of these years of over \$4,000,000 above our greatest exports during the most splendid era of reciprocity.

#### LIST OF EXPORTS.

I have carefully examined the list of exports in 1894 and in 1901, to ascertain what articles were sold in larger amounts in 1894 than were sold in 1901. This examination discloses that the following list covers practically all of the articles in which there was a decrease in 1901, viz, breadstuffs, including all grains and flour; fruit, hay, provisions, including beef and dairy products, tallow and hog products, such as hams and lard; potatoes, machinery, railway bars and cars, engines, saws, and tools, wire, nails, and harness. In every other line there was an increase of sales in 1901 over 1894. An examination of the above list of articles purchased by Cuba in the years 1900 and 1901 further discloses that in all of them the United States has practically a monopoly of the Cuban market.

Appended is a statement showing the approximate percentage of such goods obtained by Cuba from the United States during the last two years:

	Per cent.
Mules—We furnish of her mules over.....	75
From United States:	
Hogs.....	95
Corn.....	99
Bran and fodder.....	89
Oats.....	98
Brick.....	90
Cars (railway and street).....	99½
Coal.....	99
Hay.....	90
From United States—Continued.	Per cent.
Instruments (scientific).....	90
Steel and steel rails.....	88
Structural iron and steel.....	99½
Agricultural and electrical machinery.....	98
Sewing machines.....	90
Steam engines, locomotives, stationary engines, and boilers.....	62
Sugar machinery.....	93
All other machinery.....	88

Flour, all from the United States.  
 Builders' hardware, 52 per cent from the United States.  
 Tools and implements, 61 per cent from the United States.  
 Tin, United States and Great Britain about divide the trade.  
 Paints, nearly 50 per cent from the United States.  
 Paper and manufactures of, the United States, Germany, France, and Spain divide the trade.  
 Malt liquors, about 71 per cent from the United States.  
 Meats (salt and pickled), 50 per cent from the United States.  
 (a) Beef, canned, all from United States; fresh, all from United States.  
 Beef, salt or pickled, all from the United States.  
 (b) Beef, jerked or tajaso, nearly all of Uruguay.  
 I will explain this further on.  
 Bacon, nearly all from United States.  
 Hams and shoulders, nearly all from United States.  
 Pork, salt or pickled, nearly all from United States.  
 Lard, nearly all from United States.  
 Oleomargarine, nearly all from United States.  
 Condensed milk, nearly all from United States.  
 Butter, United States, Denmark, and Spain divide the trade.  
 Cheese, mostly from the Netherlands. (Matter of taste, probably.)  
 Rice, from Great Britain and Germany, \$3,100,000. (I will refer to rice again.)  
 Beans and peas, 60 per cent from United States.  
 Potatoes, 55 per cent from United States.  
 Wood (a) boards, shingles, shooks, logs, lumber, and timber, nearly all from United States.  
 (b) Furniture, nearly all from United States.  
 (c) Hogsheads, all from United States and Spain.

Meats, Mr. Place (p. 92) wanted the committee to assume that Cuba with reciprocity or liberal reduction of duty would take American beef instead of jerked beef. There is really no chance for any such result.

(See Commerce of Cuba, Insular Affairs, War Department, November, 1900, p. 304.)

The report cited shows that Uruguay and Argentina (if not Cuba itself eventually) will furnish the beef for the island. There is a 66 per cent advantage in favor of South American meat, to say nothing of climatic conditions, which make more favorable the safe handling of beef products from South America.

It will be seen that the only reason there is a decrease in the amounts of these articles sold is because the Cuban people do not use more goods. When they use more we will sell more, and it must also be recalled that the prices per unit for all of these articles is very much less in 1901 than it was in 1894. The price of flour per barrel averaged a dollar and 1 cent less in the later year than in the earlier. The aggregate amount exported of bushels of corn or oats or pounds of provisions have actually increased from the earlier to a later year.

#### POSSIBLE GAIN IN EXPORTS.

The only articles then in which there is possible a gain of trade under any reciprocal treaty would be those shown by the report of Cuban imports that were not purchased in the United States and in which we can fairly compete. The statement of Colonel Bliss, collector of customs, on page 581 of the hearings before the Ways and Means Committee on the present bill, was that over \$34,962,000 of Cuban importation were from other countries than the United States.

Careful examination shows that about \$18,000,000 of these articles either can not be produced in the United States or can not be produced profitably for the Cuban market. Most of these articles, when used in the United States, are imported by this country, such as wines and liquors, silks, some fine varieties of textiles, crockery, books, and art goods, fruits, and various kind of cattle that can not be produced economically here. There remain then about \$16,000,000 in which we may compete with other countries in the Cuban markets. A careful examination of the last report of the Insular Bureau upon Cuban imports shows that there were 37 articles imported into Cuba during the eight months ending August, 1901, of which more than \$100,000 were purchased in other countries than the United States. In these articles it is possible to obtain additional trade by reason of discrimination of preferences in the Cuban tariff.

The aggregate imports of these are about \$16,000,000 from all countries. The present Cuban tariff was constructed by our own officers and naturally inclines slightly in our favor. It is not possible under the provisions of this bill for us to hope to obtain more than one-half of this additional trade.

#### PREJUDICED AGAINST OUR GOODS.

The people using these articles are prejudiced against this country and against its products. The importers who handle these goods and direct the tastes and habits of the people are mostly Spanish, who prefer to encourage French and Spanish manufacturers and who prefer to deal with those with whom they have dealt for many years past. It will require a long time for these merchants and these people to become accustomed to our goods. It will require a long time for our merchants and our manufacturers to adapt themselves and their trade in these competing articles to the Cuban taste and to the Cuban market. It will require large expenditures on their part to solicit this trade, introduce their goods, and change their machinery and methods to meet the Cuban requirements.

#### CUBAN PREJUDICES.

On two occasions in Cuba I personally noticed the native prejudice against American goods.

At Santiago I met a Philadelphia traveling man for a linen house of that city, and went with him to the various merchants of Santiago. Not one of these merchants would consider any trade with the United States. They would not examine the goods, though the prices were as low and the traveling man claimed the quality and terms as good as would be furnished by European competitors.

A few days later, at Cienfuegos, I met a Boston traveling man for a boot and shoe house. He had a similar experience; only one merchant in Cienfuegos would examine his goods, although we stated, what is everywhere known, that American shoes have the best quality and style of any in the world. The prices were low, but the native taste preferred the cheap Spanish product.

This bill only proposes a preferential tariff for about eighteen months, until December, 1903. Clearly not a sufficient time for either the Spanish merchants or the Cuban people to become accustomed to American goods or for American merchants and manufacturers to adapt themselves to the tastes and wants of the Spanish merchant or the Cuban people. Some few goods will be sold to which the Cuban people are accustomed, but there can be no reasonable hope of securing the monopoly of this trade of \$16,000,000 annually in which other nations have a chance for competition. A careful scrutiny of these different articles and the conditions of their sale in Cuba discloses that if there be a

gain of our trade of \$8,000,000 annually by reason of the passage of this bill, it is all that can be reasonably expected.

#### COST OF INCREASED TRADE.

The gentleman from New York [Mr. PAYNE] stated the reduction of our revenue by reason of the passage of this bill would be about \$8,000,000 annually. It would pay, then, for our Government to purchase every dollar's worth of the additional goods which would be sold from our own country to Cuba by reason of the passage of this measure, send them to Cuba and donate them to its people. This is not the reciprocity of Blaine and McKinley, and it is not the reciprocity proposed by Republican platforms and policies, yet this is the kind of reciprocity and reciprocal gain in our trade that is proposed by this measure.

#### COLLATERAL EFFECTS.

Its collateral effects upon both Cuba and the United States in their dealings with other nations should not be underestimated. Cuba sells the bulk of her cheap manufactured tobaccos to the extent of from \$10,000,000 to \$15,000,000 annually to other countries than the United States.

There is no market for such goods here, and we do not want them here to interfere with our own manufacturers of cigars. But if Cuba discriminates against the products of Germany, Spain, France, and England, who use these tobaccos, she must expect in return that retaliation will be made and her tobacco trade be greatly injured. And the United States must expect that if it discriminates in favor of Cuban sugar, so that German, French, Dutch, and Austrian sugar be excluded from our markets, that retaliation will be made against our products, and that our annual trade of more than \$300,000,000 with these nations will be greatly impaired.

#### IT IS UNWISE LEGISLATION.

From every standpoint this proposed legislation is unwise and unpatriotic. It does not help the Cubans who need assistance, it does not help the Cuban government to assist or protect its people or to carry into effect its agreements with our Government, and it does not help our trade materially with Cuba, but instead may seriously injure our present trade relations with some of our best customers.

But the bill under consideration necessarily helps somebody and some interests, and if it helps one interest it must necessarily hurt some competing interest.

#### AMERICAN SUGAR MARKET.

The American sugar market is the greatest in the world. Our people consume about 68 pounds of sugar annually per capita. Last year we used 2,300,000 tons, and next year it is estimated that the people will consume about 2,500,000 tons, and in but few years the total consumption will exceed 3,000,000 tons annually. The United States annually pays for sugar imported more than \$100,000,000 more than for any one article of importation. There was produced in this country the past year the following tonnage of sugar:

	Tons.
Southern States, cane sugar, about.....	300,000
Hawaii, cane sugar, about.....	300,000
Porto Rico, cane sugar, about.....	100,000
Northern and Western States beet sugar.....	182,000
Total.....	882,000

or some over one-third of the total consumption of the United States.

The cane sugar is purchased from the Tropics raw, is brought into the immense refineries principally controlled by the American sugar trust known as the American Sugar Refining Company, and from these refineries is distributed all over the country. The only competition with the sugar trust are the cane factories of Louisiana and Texas and the beet-sugar factories of the United States. There are forty-one of the latter scattered from New York to California. These beet-sugar factories all manufacture refined sugar and sell directly to the trade. None of the American beet sugar passes through the refineries of the sugar trust. This is the competition which the American sugar trust desires to strangle; this is the enemy which it mostly fears.

#### BEET-SUGAR POSSIBILITIES.

The reports of our consuls in Germany and France and the testimony of the Cuban planters all concur that at this time beet sugar refined is produced in Germany as cheaply as cane sugar can be produced in Cuba and refined or distributed in the United States. And it is conceded that refined beet sugar can and will be produced at from 2 to 2½ cents per pound under favorable conditions. These great results can be attained in Germany, there is no reason why equally good results can not be obtained in the United States. Our soil and climate excel those of Germany; our fertilizers are cheaper; our mechanics and manufacturers are more ingenious and skillful and either have or will perfect machinery that can supplant the drudgery of the cheap hand labor in the field in Ger-

many. Our methods of distribution are superior, and the markets for this whole product are close at hand.

With the development of beet-sugar cultivation and the manufacture must equally go a diversified cultivation in all lines of agriculture. Farmers do not and will not grow sugar beets alone. The pulp from which the saccharine juice is expressed will be used for food for cattle, hogs, and for fertilizing. Other by-products are utilized to reduce the net cost of sugar to consumer and profits to the manufacturer. The Agricultural Department reports that at least 22 States of the Union are equally as well adapted as Germany to the cultivation of beet sugar.

#### PROTECTION NEEDED.

But it will necessarily require from five to ten years of expensive experimentation and experience in the treatment of soils, fertilizers, and the handling of products, and many other incidents before refined sugar can be produced within the lowest limit of cost. If there be one article of American production which now deserves the application of the protective principle of Republicanism, it is the beet-sugar industry of the United States.

It is the one article in which the American farmer may become interested. It is the one article which he can produce and for which a vast market awaits him at his own door. But its successful development would necessarily throw the sugar trust out of business. If the sugar consumed in the United States could be produced in our factories from the products of our own farms it would require more than 600 different factories, with a capitalization of over \$350,000,000, and pay out more than \$100,000,000 annually to the farmers and wage-earners of the country.

#### BEET SUGAR IN MINNESOTA.

No State is better adapted to this culture than is Minnesota. At the Buffalo Exposition in 1901 the sugar beets from Minnesota received the highest prize for greatest excellence. Their saccharine test was 17.8 per cent—considerably higher than the average of the German beet. If Minnesota produced the sugar consumed within her own borders there would be required 30 factories, with a capitalization of over \$15,000,000 and paying out over \$5,000,000 annually to our farmers, mechanics, and laborers.

#### SUGAR-TRUST OPPOSITION.

It is this condition of affairs that the sugar trust desires to avert. It desires to perpetuate its monopoly upon the American people, from which it annually draws a profit of nearly \$25,000,000. The plants which now compose its vast system have not cost more than \$30,000,000. They are capitalized at about \$135,000,000 and pay an annual dividend on this immense watered stock of more than 7 per cent annually. They have commenced and encouraged this sentiment on behalf of aid for suffering Cuba.

#### PURPOSES OF TRUST.

They desire to accomplish two purposes. First, to purchase the Cuban raw sugar cheaper, so their direct profits could be increased, and, second, to create such an agitation as should deter capital from enlisting in the production of beet sugar. For these purposes an expensive lobby has been maintained in Washington all winter. Expensive pamphlets have been prepared, newspaper articles have been furnished wherever they could be used, a bureau of publication has insidiously worked upon the generous sentiments of the American people to incite sympathy for the "distressed" Cubans.

The course of stock of the American Sugar Refining Company on the New York Stock Exchange clearly shows the effect of this legislation. In January, when the agitation commenced, common stock was quoted at 115 to 117. As favorable prospects for the passage of the bill increased the price of the stock likewise increased, going as high as 135 per share. Whenever the prospects of the bill were doubtful the stock correspondingly fell, and in every case the reasons for the shifting prices were given that the results of this Cuban legislation directly affected the value of this stock of the sugar trust.

#### GAINS OF TRUST.

Colonel Bliss, the collector of customs at Habana, in his testimony stated that he thought about 30 per cent of the concession would be received by the Cuban planters. Mr. Pepper, the well-informed American correspondent in Cuba, estimated that 50 per cent of this concession would be received by the planters. The rest would be absorbed by the merchants and the sugar trust, because the sugar trust has practically a monopoly of cane-sugar refining in the United States, is the only customer for the Cuban product, and at its will can dictate terms to the sugar raisers of Cuba. The result of this legislation will be evident. The present crop season has practically expired. Of a crop of nearly 900,000 tons, less than 5 per cent of it has been up to this time imported into this country. The balance is held in Cuba either by rich merchants or by the sugar trust. Six months must elapse before this legislation can take effect. The poor planter who really needs



assistance can not hold on to his crop. He must sell to the sugar trust, for there is no other customer. The result will be that out of the present crop the rich merchants, and the sugar trust will gain a profit of nearly \$6,000,000 by the passage of this bill. The poor planter who needs assistance will get practically nothing.

It is admitted by all witnesses that the price to the consumer will not be reduced by the passage of this measure; that the whole benefit from this concession will be received by those who do not need it. This failure to reduce prices to the consumer is strongly urged as a conclusive reason why the beet-sugar interests of this country will not be injured by the passage of this act.

A little reflection will show the fallacy of such a proposition. It is probably true that factories already established in favorable localities and under good management will not be greatly injured. And it will probably be true that a few more factories might be established in extremely favorable places and under extremely favorable circumstances.

#### BEET SUGAR INJURED.

There are only 41 beet-sugar factories now, and but few more can be expected to be constructed if this bill passes. These at the most would produce only from 7 to 10 per cent of our probable consumption of sugar. What every patriotic American should desire is that the greater part of the sugar consumed here should be produced here. It is admitted and conclusively shown by the reports of the Department of Agriculture that newly established beet-sugar factories in the United States can not produce for the first five years sugar less than from 4 to 5 cents per pound. Some of them average as high as 8 and even 9 cents per pound, and these are compelled to run at a great loss. Capital can not be enlisted in such enterprises unless it is assured that it will receive encouragement and protection from the National Government of sufficient amount and for a sufficient period to properly experiment with the soils, climate, and methods of production and by economies and experience overcome the period of loss and reduce the cost of beet sugar to a profitable basis.

Every capitalist who contemplates embarking in such an enterprise knows that a tariff must be high enough and must last long enough to enable him to survive that period of experimentation and preliminary experience and of serious losses.

#### CUBAN SUGAR.

He knows, too, that Cuba is the richest sugar-producing land under the sun; that less than one-fourteenth of her area has been cultivated; that she raised more than 1,054,000 tons of sugar per year, and has sugar land enough to easily produce all the sugar that is needed on the American continent. Whether it can be produced in Cuba and refined in the United States and sold in the United States cheaper than beet sugar can be produced and sold in the United States no one can now tell.

But beet sugar is entitled to its trial. Its friends insist that it can hold its own if given a fair chance.

These capitalists know that tropical cane sugar in Cuba is indigenous to the soil, is cultivated by cheap, ignorant, half-servile labor, and upon vast plantations. It does not require preliminary experience and experimentations as does beet sugar.

#### PRESENT AGITATION INJURES BEET SUGAR.

These capitalists and the sugar trust know that under these conditions and circumstances if they can now discourage the beet-sugar industry and prevent any considerable amount of capital enlisting in its production they can gradually stifle or control the present limited production and again monopolize the American sugar market completely. They know well that continued agitation for free Cuban sugar will accomplish this result. If this bill passes the House of Representatives with a 20 per cent concession, they will start an agitation for a 33½ per cent concession in the Senate. After they have received that the Cubans will have more distress, and the cries will go up for more reciprocal relations and that the concession must be increased to 50 per cent.

The Cuban planters are demanding this now. General Wood and other Cuban officials are sustaining this demand. The chambers of commerce of several of our cities and many American newspapers are urging that 50 per cent be granted. If 50 per cent shall be granted, then the same agitators, the same influences, will demand absolute free trade with Cuba, and they expect that the same men who have yielded to 20 per cent will yield to 33, then to 50 per cent, and then to the free admission of Cuban raw sugar. The agitation and influence that has been powerful enough to work up this great sentiment in its favor among the American people and with the American press can be depended upon to continue that sentiment until it achieves its desired results.

#### HAWAII AFFECTED.

It is the fear of this agitation and of these influences and these results that will deter capital from enlisting in beet-sugar production in this country, and that will finally ruin the beet-sugar

business. Governor Dole, of Hawaii, in an interview in the Washington Star of April 10 last, makes the following significant statement:

The uncertainty as to the action of Congress toward Cuba has had some effect. It has injected an element of uncertainty as to the future in sugar prices, and it has also affected the value of plantation shares.

If such be the effect in Hawaii with its industries so well established and profitable, it can be appreciated how much greater it will affect the beet-sugar interests of the United States. The time to save that industry to the American farmer is right now. The way to save it is to defeat this measure and notify the American sugar trust that the American Congress proposes to protect this infant industry and prevent a monopoly by the sugar trust of the American market.

#### WESTERN FARMERS PROTECTIONISTS.

The Western farmer stood by the cradle of protection. He has supported it through evil as well as through good report, and by his support that principle has accomplished the beneficent results that we now see all over the land.

We have become the greatest manufacturing nation in the world, because the American farmer had the wisdom and patriotism to do his share in forming and sustaining a governmental policy that has developed these vast industries. And now with indignation he beholds these same industries, fattened with the fruits of his sacrifices, still demanding and receiving the enormous protection which they may have needed in the earlier years, now selling their goods cheaper to his foreign competitor than they do to himself. And the American farmer further knows that the extreme protection which has been received and is now enjoyed by many of the manufacturing interests of the East has caused and will cause retaliatory tariffs by European countries against our agricultural products.

He knows that when Europe discriminates against American products it is the agriculturists always who are injured. But he has stood all this patiently and without rebellion.

#### WESTERN FARMER INJURED.

Yet now he finds the Eastern highly protected manufacturer falling in with this agitation for the sugar trust, ready to menace if not to ruin the industry of the Western farmer for the sake of a possible slight increase in the export of Eastern manufactured goods. He finds the Eastern industries ready to imperil an infant Western interest to obtain some slight advantage to themselves. The American farmer and the Western Republican is ready and anxious to stand his share of any reduction that may be necessary in the schedules of a general tariff revision. If the tariff on iron and steel, glassware, wood pulp, lumber, crockery, the textiles, shall be reasonably reduced, he can fairly consent that a like reduction be made on agricultural products. But he demands that this reduction be not made on agricultural products alone. If an Eastern monopoly must be encouraged by law, he demands at the same time that other monopolies be compelled to yield part of their profits to the people who pay the bills.

#### REVISION OF TARIFF.

These Eastern interests loudly and strongly denounce any revision of the tariff, because it would disturb their particular business. Their influences have defeated the ratification of the treaties with France, Canada, and other countries, because competition would be increased with their products. Yet now they are ready and anxious to revise the tariff on the one particular industry affecting the farmer and compel him to pay the price which may advance their own interests. The people of the West protest against this discrimination and outrage. They would welcome a reduction in tariff schedules, but want all interests treated equally and fairly and at the same time.

#### EXPECT PROTECTION FOR BEET SUGAR.

We expect to continue under the banner of protection the contest for the establishment of the sugar industry in the United States.

We believe in a system that shall produce all the sugar that may be needed for our people upon the fertile fields and farms of the great and growing West; that shall manufacture it in the smaller communities, scattered all over our country, and by the labor of the high-priced, free, intelligent American citizens who here make their homes, rear their families, bear our burdens, and are benefited by the influences of our American civilization.

I do not believe an industry with such capabilities should be sacrificed to an odious monopoly of one of the principal food products, to be raised in a foreign land, under tropical skies, by cheap, half-servile labor, who never can approach the standard of American citizenship, and never use much of the products of American industry, and to be distributed and controlled in this country by a corrupt and greedy monopoly like the sugar trust.

The West will continue this contest, and believes that the sober

sense of the American people will sustain its protection and development. It asks no discrimination above that of other industries and of other interests. It will gladly yield its share of reduction when the time comes for a scaling of our tariff schedules, that our trade with all the peoples of the world may be increased; that the burdens of our own people may be lightened, and the development of every national resource be encouraged. [Loud applause.]

Mr. ROBINSON of Indiana. Mr. Chairman, I am opposed to the annexation of Cuba, and shall endeavor to make clear the grounds for my belief; and may I not hope that they will enter the heart and mind of the gentleman from Nevada and find a responsive echo as he presses for annexation?

I deny that Cuban annexation, either by invitation or pressure, is democratic or American, as she is entering the threshold of independence as a republic. Statesmanship should not go out of its way to secure incorporation.

No one questions the Americanism or the Democracy of the gentleman from Nevada [Mr. NEWLANDS] or his ability to serve with honor on the Ways and Means Committee. But as he differs with all his Democratic colleagues on that committee and, as I believe, with nearly all his Democratic colleagues on the floor, I may be privileged to give the cause of my dissent from his proposition of Cuban annexation.

I like sunshine, optimism, and enthusiasm. I love to see the rosy early morning sunshine kiss the Dome of the Capitol, paint it with golden, and make it look glad. I would have it enter this Chamber and shed its radiance as the solons meet to deliberate on grave questions of state. I would have it enter their hearts and touch them up. I like sunshine, optimism, ardor, and enthusiasm when not over exuberant and when not misplaced; but, sir, I am filled with astonishment when my friend, with an optimistic smile, apparently oblivious to his American surroundings, with an enthusiasm worthy of a better cause, asks us to inflict another disaster on labor here and on his countrymen, and another misfortune to his country.

If statesmanship ever looked for annexation years ago, it was in the time of slavery, when labor of that kind could be availed of. The change in that respect has changed conditions entirely.

It was at a time when Spain was the possessor of a large portion of the Western Continent, when she possessed Cuba, and when wise statesmanship could foresee the dangers and turmoils that subsequently came.

Were they not wise?

But conditions have changed.

Republics have been erected in the Western World. Cuba aspires to the highest ideal of Americanism—liberty.

Will the gentleman be the first to deny it? Will he crush her aspirations and bring her in lieu under the dominion of a country which he asserts is tyrannically crushing out the liberty of others? The gentleman says it is sentimental legislation, this attempt of ours to aid Cuba to aid herself among the nations of the world.

Is there not some shade of the sentimental in the gentleman's break away from his colleagues in this veiled attempt to crush out the liberty of the Cuban republic? The statesmen who wanted to annex Cuba under different conditions were justified and were wise. To-day it is ill advised.

If Cuba had been annexed fifty or one hundred years ago, the unfortunate and un-American pages of our history of the last few years in the Orient would never have been written.

The effort to annex Cuba now, though it be under the veil of the mild but, to the Cubans at least, unentrancing resolution of the gentleman, will not detract the Democracy from its duty.

I was pained to hear the gentleman, in answer to the gentleman from Florida [Mr. SPARKMAN], give as a cardinal reason for annexation that Cuba was the richest island in the world.

This favors so much of the reasons given by the imperialists for holding in subjection the Philippines that it does not sound harmonious on this side of the House. Of course, the gentleman stated that Cuba is capable of supporting 13,000,000 of people, and were the conditions favorable, with the present population there of only 1,500,000, there is room for 11,500,000 more. For this surplus of American population I had thought the gentleman had an expedient in his arid-land projects, but he may be intending to abandon those with this new field for exploitation.

The gentleman does not seem to hear the wails of his people, or he heeds not their piteous cry, as they are wafted to Congress across the Pacific from Hawaii, that he voted to annex as a "coast defense" 2,600 miles away. Let me ask the gentleman to read their long and earnest petition for relief, filed in the Senate on April 8, and to be found on page 4040 of the CONGRESSIONAL RECORD. These appeals of mechanics must be heeded or a day of reckoning may come.

They ask for protection, patriotically ask for true American pro-

tection against the cheap cool labor and semicontract labor conditions that subsist and flourish on those islands.

Who knows how many of these 319 petitioning mechanics out of the total of 5,000 Americans on the islands may have been seduced to go there by the dulcet eloquence of the gentleman as he pleaded, on June 13, 1898, in this forum for the annexation of Hawaii, one-tenth of the circumference of the world away from our Western shore? The gentleman's policy of annexation was not Democratic doctrine then; his policy of Cuban annexation is not Democratic doctrine now.

I do not question the gentleman's consistency since he admits the parallel of Hawaii and Cuba as concerns annexation. The gentleman is fortunate that he did not then and does not now stand for his party. I know that his resolution before embarrassed some of his colleagues then, but in view of recent disclosures in governmental affairs and labor conditions none can be embarrassed now. The gentleman says he does not believe in sentimental legislation.

Was there not something sentimental in the annexation of Hawaii?

Is not something real and sentimental necessary to protect Americans, then, against the hordes of Orientals admitted to compete, and their descendants, and against the Orientals who came to Hawaii since annexation?

On annexation it was promised that a vast field was opened up for the profitable and remunerative employment of American labor. How roseate the promise, how futile the performance. Orientals are driving American workmen from the farm and the factory. The negro will do it in Cuba, with all your safeguards. The gentleman must remember that social equality is the rule among the races in Cuba, and he must reckon with that condition. What promises does the gentleman give for Cuba? It is a false conclusion as against the negro, but I quote it. He says:

The Cuban planters will gradually seek for white labor, and they will secure it among the Porto Ricans, the Italians, and the Portuguese.

Is that the best the gentleman can promise to American white labor? Does he not see and hear the protests of American workmen fast flowing to Congress against this very class of competition? Does the gentleman approve of it?

The gentleman says that "sentiment" should not prevail with legislators; but may we not ask the gentleman to aid his American countrymen against the orientals and those who come from the south and east of Europe?

In his speech he said that labor conditions had improved in Hawaii. I deny that it has from the American standpoint.

In the year of annexation, 1898, cool labor from the Orient was paid in Hawaii from \$15 to \$16 a month, board and clothe themselves; American labor \$18 a month on like conditions. The former slave contracts, the latter all but free.

The wages now are but a few dollars more a month than in 1898, and the advance in prices of necessities equals the raise. Now, what benefit has American labor reaped by annexation in matter of immigration to Hawaii? This table shows that Oriental laborers have increased by immigration to an alarming extent since our flag was raised over Hawaii. It shows the people on the islands in the respective years:

	1890.	1898.	Census 1900.
Japanese .....	12,360	25,000	61,111
Chinese .....	17,002	21,500	25,767
Hawaiians .....		39,000	37,918
Portuguese .....		15,000	
White .....			29,204
American .....		4,000	
British .....		2,250	
German and European .....		2,000	
Miscellaneous .....		1,250	
Total .....		110,000	154,000

The gentleman says that the labor condition is getting better in Hawaii. The figures irrefragably show the reverse. It is getting worse and worse. It will continue to do so. It is proven by the appeals of Americans for relief; it is proven by the immigration figures. If the gentleman seeks to justify annexation in the interest of American labor he will find his pathway so beset as to be dangerous; his course of argument will be so devious, so interminable, and so tortuous that he will meet himself a number of times coming back.

Mr. Chairman, I desire to call the attention of the House to the petition filed from Hawaii on the 8th of this month in the Senate.

To the Senate and House of Representatives  
of the United States of America, greeting:

We, the undersigned citizens of the United States, do hereby represent—  
First. That the present and future prosperity of this nation depends in a



great measure on the maintenance of the present high standard of living of its inhabitants.

Second. That this standard can not be maintained if the sphere of the American mechanic is invaded by the hordes of Asia, whose mode of life enables them to live comfortably on a sum which to an American would be a mere pittance.

Third. That at present fully 75 per cent of all the labor of the Hawaiian Islands, both skilled and unskilled, is being performed entirely by Orientals.

Fourth. That practically all the labor, both skilled and unskilled, which has been performed on buildings and grounds in this Territory for the Federal Government has been and is still being performed entirely by Japanese and Chinese, to the entire exclusion of competent American mechanics, who, by reason of these conditions, are at present forced into almost complete idleness.

Fifth. That the population of the Hawaiian Territory is 150,000, of whom the Chinese and Japanese number nearly 87,000, the Americans about 5,000, and the natives 57,000.

Sixth. That by rigidly excluding all Orientals from this Territory and from the United States conditions would soon become such that American citizens would be enabled to earn a living for themselves and families, which they are now practically unable to do on account of the deplorable and entirely un-American conditions now existing here.

Seventh. That, for the reasons above set forth, your petitioners earnestly ask that suitable legislation be framed the results of which would be—

First. The complete exclusion of both Japanese and Chinese or their descendants from American territory.

Second. The requirement that all labor of every description whatsoever which is performed for the Federal Government shall be done by, and only by, citizens of the United States.

And your petitioners will ever pray.

The gentleman would not wait till Cuba knocks at our door for admission. She can not in a hundred years become a State in the Union. If she remains a territory, as she must, all considerations that flow from precedents, law, and policy dictate the wisdom of keeping her out. This will be so till conditions change, conditions which to me seem impossible of change.

There, Mr. Chairman, is the situation that prevails in Hawaii. That stands here as a shining example of annexation under the resolution of the gentleman who repeats it on the subject of Cuba.

Let me see what the gentleman on the 8th said on this subject:

I am opposed to any concessions to Cuba unless they are accompanied by a cordial invitation to Cuba to become a part of the United States.

By this I understand the gentleman to say that unless this bill bears an invitation to Cuba to enter the Union, he will vote against it, and vote against the protection to American labor that will come in some measure if our immigration and contract-labor laws are adopted by Cuba. The gentleman can not construe this bill into anything but an invitation to Cuba to agree with us. The gentleman would admit her and all her conditions—race, climatic, and labor—by a wholesale process, but would not grant a slight concession to her and a full concession to our labor.

The gentleman would give no reciprocity to Cuba, and would not advance any of the interests of American labor. His theory is, unless we invite them into the Union, force them into the Union, because that would be implied by the invitation; he would give no concession; he would make it wholesale or not at all. This I gather from his speech and report. His theory is that if a mule is heavily loaded down with a heavy sack of wheat, it will not do to take any of it off as he staggers along, or the mule would collapse. His theory is to put on another sack, and the mule will walk off all right.

So it is contended by his report; so it is contended in his speech. He insists upon giving no reciprocal relations, no benefits to Cuba. He would take away the invitation that the United States would give her by this bill to frame an agreement for reciprocity and give her 20 per cent concessions. He would not trade this for her safeguards to us in cooly labor restrictions, but at the same time he would throw the full force of 100 per cent against American labor by annexation.

The gentleman says, further:

While you speak of the distress of Cuba, it is not an existing distress; it is anticipated distress.

He admits that distress may prevail there, but declines to aid in its relief unless Cuban annexation goes with it.

The gentleman says our policy has been perfidious and hypocritical toward Cuba, and that we unjustly deprived her of just rights and powers under the Platt amendment. In this I agree. But we know that when Cuba sets herself up she can restore these powers. But the gentleman would not aid in this consummation, but would bring her under the full tyrannical rule, a partial exercise of which causes the gentleman to so bitterly complain.

Further on he says:

But when our immigration laws and contract-labor laws are applied to that island, when she becomes a part of the United States, when we can enforce them, and not leave them to be enforced by the people there, the immediate effect will be an increase in the price of labor, just as in the case of Hawaii.

What will we say to labor when we see and they feel the force of Cuba's labor condition if we fail to do all we can to keep out the Chinese, the Japanese, and the Italians and Portuguese, if we can get the consent of Cuba to do so on a reciprocal agree-

ment, and when she fills up, as has the gentleman's "gem of the Pacific," with nine-tenths of its inhabitants orientals and colored and others equally undesirable?

If Cuba elects to extend our labor laws (and it is purely a matter of full and free election and choice with her) it will be the clearest evidence that Cubans want 20 per cent reciprocal relations with us for their own benefit and for their industrial advancement.

Mr. Chairman, I deny that the price of labor has been increased appreciably in Hawaii by annexation or that it will be in Cuba by annexation. I stand firm on the proposition that we who voted against Hawaiian annexation did all our duty and are not responsible for the race and labor conditions resultant from the admission of the Hawaiian Islands, unfortunate as she is in such labor conditions as I have shown, and we will perform our full duty to labor, to our people, and to democracy when we oppose the admission of Cuba into the Union. [Applause.]

Mr. MANN. Mr. Chairman, this is a bill to reduce the tariff 20 per cent from the usual rates on goods, etc., coming from Cuba to this country, subject to the provision that Cuba will grant a reasonable reduction in its tariff rates on goods which we send from here there and will also adopt our immigration and Chinese-exclusion laws. I am in favor of the bill. I favor it largely for sentimental reasons. While it does not seem to me that we owe this to Cuba and that, therefore, in granting it we are not paying an obligation, yet we can afford to do this as a gift to that island. Through the instrumentality of this country Cuba will soon be a nation.

A few years ago we saw her bleeding and in distress close to our shores, suffering from what we believed to be the rapacity and the inhumanity of Spanish dominion, and we lifted our voice in protest to Spain because we thought that Cuba was receiving mistreatment from the Spanish Government. We threatened to intervene in the domestic quarrel between Spain and her Cuban colony. We did this with full knowledge that war between our country and Spain was almost sure to follow. We held out to Cuba a helping hand of fellowship, knowing that that very act would make us use that very hand in fighting Spain.

We held out to the world and we said it to ourselves that we were thus intervening between Spain and Cuba wholly from methods of broad, sympathetic humanity, and not because of any selfish desire to become the possessor of the island of Cuba. Our country spent its treasure and its blood. The war cost us many lives and millions of money. Since the close of that war our Government has proceeded in an orderly manner in the island. Our officials there are soon to be withdrawn, to be succeeded by the republic of Cuba. We have kept faith with humanity.

But Cuba has suffered much for years. It was their suffering which caused the people of Cuba to commence their revolution against Spain, and during the period of that revolution their distress was naturally increased. If there had been no other disturbing causes except the war between Spain and Cuba, it could not be expected that the people of that island could yet have regained prosperity.

Cuba is probably the most fertile spot in all the world, but her great crop is cane sugar. Sugar is now suffering from an unexampled depression in price. The beet-sugar countries of Europe, through the system of bounty payments, have so enormously increased the production of sugar that the supply in the world to-day far exceeds the consumption, even at the present low prices. The European countries recognize this fact and have only recently entered into an international agreement providing that bounty payments for the raising of beet sugar shall cease by September 1, 1903.

Cuba finds her market for sugar in the United States. That sugar to-day has to pay a tariff when it enters our country, which amounts to nearly as much as the cost price of the raw sugar in Cuba. It is admitted, I believe, that the Cuban people can not raise sugar at a profit and sell it at the prices now prevailing in that island. And the question presented to us is whether by this bill we will take 20 per cent off the tariff for two years' time. That is all the bill proposes. It is estimated that the total reduction in the tariff through this 20 per cent cut will amount to seven or eight million dollars for each of the two years.

Mr. Chairman, this bill is being bitterly opposed. During my short term in this House I remember no other measure which has been fought with such bitterness and such tenacity. The contest over this bill has split wide open the Republican membership of this House as well as the Democratic membership. It seems to me, Mr. Chairman, that this bill illustrates one of the peculiarities of selfish human nature. Before we commenced the war with Spain we passed a bill in the House by a unanimous vote placing \$50,000,000 in the hands of President McKinley to use as he might please in preparing for a possible conflict with Spain in our efforts to relieve the distress of Cuba.

We went to war and we spent money almost without limit and

spilled blood without fear. When we were willing to do so much for Cuba to relieve her from distress then, before our Government had assumed any moral or national obligations to that island, one might naturally think that we would now be willing to relinquish without question the payment of \$15,000,000 in tariff duties to relieve her present distress. If we were justified in going to war to deprive Spain of her dominion over Cuba, it seems to me we are more than justified in doing something for her now.

Cuba is close to our shore. Her prosperity or her distress will depend upon us, and is a matter of great importance to us. We can not expect or hope for a stable, prosperous government there unless her people are prosperous. They can not be prosperous unless they can sell to us their products at a fair profit.

I was originally opposed to any interference by this Government in the Cuban situation. But when it reached the point where every dictate of the human conscience forced us to take a hand, I then favored speedy action. A similar condition confronts us now. Gentlemen may argue about our duty to our own people and our lack of duty to the Cuban people, but the fact remains that the distress of Cuba will continue unless we grant relief through a bill like this.

We ought to do it, and I believe that the conscience of this Congress will coincide with the conscience of the President and of the people generally throughout our country, and will cause us to again reach out our hand to help the struggling people of that island in their hour of need.

The people of our country are to-day the most prosperous people in the world. With the return of the Republican party to power, with the reestablishment of a proper protective tariff schedule, with the decision of our country in favor of a sound standard of money, and with the renewal of confidence in our land, there came a prosperity in business which is unexampled elsewhere on the globe.

We do not need a tinkering with the tariff at present. There ought to be no unsettlement of business, which would surely follow an attempt at a general revision of the tariff at this time. But without attempting to revise the tariff schedule, we can, through this bill, be more than just to the Cuban people; we can, without injury to ourselves, be generous to them.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCall] asks unanimous consent to extend his remarks in the RECORD. The Chair inadvertently omitted to put the question. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 12765 and had come to no resolution thereon.

#### LEAVE TO PRINT.

Mr. PAYNE. Mr. Speaker, I asked this morning unanimous consent for leave to print on this bill, to continue for three days until after the bill was finally disposed of. I understand the gentleman from Michigan withdraws his objection, and I renew the request.

The SPEAKER. The gentleman from New York asks unanimous consent that leave to print on the pending bill be given for three days until after the bill is disposed of. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I have no objection to that, but I suggest to the gentleman that he make it five days instead of three.

Mr. PAYNE. Very well, Mr. Speaker; I will ask for five days.

The SPEAKER. The gentleman from New York modifies his request from three to five days. Is there objection? [After a pause.] The Chair hears none.

#### URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Chairman, by direction of the Committee on Appropriations, I submit the bill (H. R. 13627) making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes, and I ask unanimous consent that the bill may be considered in Committee of the Whole House on the state of the Union as in the House.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks that the urgent deficiency bill just reported may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1902, and for other objects hereinafter stated, namely:

#### EXECUTIVE OFFICE.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, \$3,000.

#### TREASURY DEPARTMENT.

To defray the cost of canceling documentary stamps imprinted on checks, drafts, and other instruments, where the return of such instruments is demanded by the owners, and all necessary expenses incident to such cancellation, including room rent, drayage, and boxing, to be disbursed under the direction of the Commissioner of Internal Revenue, \$15,000, to remain available during the fiscal year 1903.

#### SENATE.

For miscellaneous items, exclusive of labor, \$15,000.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$20,000.

#### HOUSE OF REPRESENTATIVES.

For fuel and oil for heating apparatus, \$7,200.

#### PRINTING AND BINDING.

For printing and binding for the Department of Justice, \$6,000.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would like to ask whether we are to have a deficiency bill every week.

Mr. CANNON. I hope not.

Mr. RICHARDSON of Tennessee. We had one last week, and we have had bills of this kind, it seems to me, nearly every week during this session. There are now about 12 gentlemen present on the other side of the House, and I have counted just 38 on this side. It does seem that if we are to have these bills brought in for action they ought to be called up in a full House.

Mr. CANNON. One word in reply to the gentleman. The question which the gentleman from Tennessee has just asked I asked of myself and of members of the committee with quite as much emphasis as the gentleman has asked it now; but I am informed by a member of the Senate Committee on Appropriations that, owing to investigations which are being carried on over there, they are absolutely out of money. The request for an appropriation of \$35,000 for such expenses and for miscellaneous items came to us for the first time to-day. As to the item for the Department of Justice, in reply to a vigorous inquiry on the part of the committee why the estimate had not come in before, we were told that it had been neglected and the Department was out of money for such expenses. Then there is the item for fuel and oil for the House of Representatives, \$7,200. We asked with some vigor why it had not been brought in before, and the reply was, "Oh, well, we did not know about it." So there you are. I have no apology to make. I report the bill by direction of the Committee on Appropriations.

Mr. PAYNE. I notice one item in the bill that came from the Committee on Ways and Means—the item of \$15,000 for canceling documentary stamps imprinted on checks, drafts, etc. This appropriation ought to be made; indeed it ought to have been made before.

Mr. CANNON. As a member of the House and the committee, I am to blame for the delay in regard to that item. As to the propriety of the legislation, I express no opinion; but it is a matter which ought to have been included in a former urgent deficiency bill; and I will say frankly to my friend from Tennessee it would have been had I not overlooked it.

Mr. RICHARDSON of Tennessee. It is very unusual for the gentleman from Illinois to make a mistake or an oversight. For myself, I feel that these deficiencies ought to be carried in the general deficiency bill; and did it not appear that several of these items are urgent, I should have objected. But I will not object.

Mr. CANNON. They are all urgent, so far as that is concerned.

Mr. RICHARDSON of Tennessee. But there ought not to be a deficiency bill passed here every week.

Mr. CANNON. We passed some time ago a deficiency bill which in the main was intended as the deficiency bill for the session.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution without amendment:

#### House concurrent resolution 47.

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 11418) to increase the pension of Hannah T. Knowles.*



## HANNAH T. KNOWLES.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 12th instant (the Senate concurring), I return herewith House bill No. 11418, entitled "An act granting an increase of pension to Hannah T. Knowles."

THEODORE ROOSEVELT.

WHITE HOUSE, April 14, 1902.

Mr. LOUDENSLAGER. I ask unanimous consent for the present consideration of the resolution which I send to the desk. The Clerk read as follows:

Resolved, That the bill (H. R. 11418) entitled "A bill granting an increase of pension to Hannah T. Knowles," with the accompanying message of the President, be transmitted to the Senate by the Clerk, with the request that the Senate reconsider its action in passing the bill, in order that the bill may be amended as follows:

Change the title so as to read: "A bill granting a pension to Hannah T. Knowles."

Change the initial letter in name of the deceased sailor from "T" to "M," so as to read: "William M. Knowles."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RICHARDSON of Tennessee. It seems to me this is a most unusual resolution. I do not know that I have ever known a resolution of this kind to be passed by the House.

The SPEAKER. The Chair will state that this has been done once before this session. It is the usual procedure in a case of this kind.

Mr. RICHARDSON of Tennessee. I understood the message from the President was a veto message.

Mr. LOUDENSLAGER. For the information of the gentleman from Tennessee, I will say that the President returns this bill to the House in response to a resolution requesting its return for the purpose simply of amending the title and changing a letter in the name of the deceased sailor. It is a bill granting a pension to a widow.

Mr. RICHARDSON of Tennessee. Simply changing the name?

Mr. LOUDENSLAGER. Changing the middle letter of the name of the deceased sailor. In addition to that, the bill read "granting an increase of pension," when it should have read "granting a pension."

Mr. RICHARDSON of Tennessee. Then the corrections are entirely technical?

Mr. LOUDENSLAGER. Altogether so.

The SPEAKER. The Chair will state that this is not a veto message, but is a message returning a bill in pursuance of a resolution requesting such return. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered, and adopted.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 7675. An act to construct a light-house keeper's dwelling at Calumet Harbor.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1178. An act providing for an additional circuit judge in the second judicial circuit.

## SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4535. An act granting an increase of pension to Lydia M. Granger—to the Committee on Invalid Pensions.

## WASHINGTON GASLIGHT COMPANY.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill (H. R. 13405) authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes, reported from the Committee on the District of Columbia.

The SPEAKER. The gentleman from Missouri asks unanimous consent to file the views of the minority on the bill H. R. 13405, which the Clerk will report by its title.

The Clerk read as follows:

A bill authorizing the Washington Gaslight Company to purchase the Georgetown Gaslight Company, and for other purposes.

The SPEAKER. Without objection, the views of the minority will be filed with those of the majority.

There was no objection.

## COMMANDANT OF THE MARINE CORPS.

At the request of Mr. BUTLER of Pennsylvania, unanimous consent was granted to withdraw the report on the bill (H. R. 10159)

to give the commandant of the Marine Corps the rank of major-general, for the purpose of correcting a verbal mistake.

Then (at 4 o'clock and 48 minutes p. m.), on motion of Mr. PAYNE, the House adjourned until to-morrow at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Surgeon-General, Marine-Hospital Service, submitting an estimate of appropriation for quarantine station at Portland, Me.—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Connecticut, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, reported the same with amendments to the amendments of the Senate, accompanied by a report (No. 1602); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7642) to amend "An act to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein," approved May 3, 1892, and repealing all acts and parts of acts in conflict therewith, reported the same with amendments, accompanied by a report (No. 1603); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4798) to authorize the Quincy Railroad Bridge Company, its successors and assigns, to rebuild the draw span of its bridge across the Mississippi River at Quincy, Ill., reported the same without amendment, accompanied by a report (No. 1604); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12597) to ratify and confirm an agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes, reported the same with amendments, accompanied by a report (No. 1608); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the joint resolution of the House (H. J. Res. 42) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays, reported the same without amendment, accompanied by a report (No. 1610); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4749) granting an increase of pension to Eunice A. Smith, reported the same without amendment, accompanied by a report (No. 1563); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1037) granting an increase of pension to Helen A. B. Du Barry, reported the same with amendment, accompanied by a report (No. 1564); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1629) granting an increase of pension to James W. Humphrey, reported the same

without amendment, accompanied by a report (No. 1565); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10462) granting a pension to Mary A. Munson, reported the same with amendments, accompanied by a report (No. 1566); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12107) granting an increase of pension to Benjamin T. Wells, reported the same with amendments, accompanied by a report (No. 1567); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13132) granting an increase of pension to Annie Cotter, reported the same with amendments, accompanied by a report (No. 1568); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12978) granting an increase of pension to Charles F. Smith, reported the same with amendment, accompanied by a report (No. 1569); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3217) granting an increase of pension to Charles Dixon, reported the same without amendment, accompanied by a report (No. 1570); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2971) granting an increase of pension to Silas D. Strong, reported the same without amendment, accompanied by a report (No. 1571); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3820) granting an increase of pension to Warren B. Nudd, reported the same without amendment, accompanied by a report (No. 1572); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4740) granting an increase of pension to Maria L. Godfrey, reported the same without amendment, accompanied by a report (No. 1573); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4658) granting an increase of pension to Charles F. Rand, reported the same without amendment, accompanied by a report (No. 1574); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4056) granting an increase of pension to Minerva Melton, reported the same without amendment, accompanied by a report (No. 1575); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12015) granting an increase of pension to E. T. Daniels, reported the same with amendments, accompanied by a report (No. 1576); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13017) granting an increase of pension to James Austin, reported the same with amendment, accompanied by a report (No. 1577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13162) granting an increase of pension to Augustin M. Adams, reported the same with amendment, accompanied by a report (No. 1578); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13352) granting an increase of pension to Charles E. Brown, reported the same with amendment, accompanied by a report (No. 1579); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7779) granting an increase of pension to William Belk, reported the same with amendment, accompanied by a report (No. 1580); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3678) granting an increase of pension to John Washburn, reported the same with amendments, accompanied by a report (No. 1581); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1643) granting an

increase of pension to Ellen J. Clark, reported the same without amendment, accompanied by a report (No. 1582); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3108) granting an increase of pension to Inez E. Perrine, reported the same without amendment, accompanied by a report (No. 1583); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4514) granting an increase of pension to Mary Beals, reported the same without amendment, accompanied by a report (No. 1584); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1625) granting an increase of pension to Jethro M. Getman, alias James M. Getman, reported the same without amendment, accompanied by a report (No. 1585); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3472) granting an increase of pension to Zeno T. Griffen, reported the same without amendment, accompanied by a report (No. 1586); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3519) granting an increase of pension to Charles L. Cummings, reported the same without amendment, accompanied by a report (No. 1587); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2943) granting an increase of pension to Thomas S. Rowan, reported the same without amendment, accompanied by a report (No. 1588); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13554) granting an increase of pension to Edward E. Hicks, reported the same with amendments, accompanied by a report (No. 1589); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12008) granting an increase of pension to Charles D. Coyle, reported the same with amendment, accompanied by a report (No. 1590); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11748) granting an increase of pension to Samuel Ashmore, reported the same with amendments, accompanied by a report (No. 1591); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9569) granting an increase of pension to Albert Deits, reported the same without amendment, accompanied by a report (No. 1592); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7840) granting an increase of pension to Oliver Kerr, reported the same with amendments, accompanied by a report (No. 1593); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 324) granting an increase of pension to Nellie Loucks, reported the same without amendment, accompanied by a report (No. 1594); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3633) granting an increase of pension to Samuel L. Leffingwell, reported the same without amendment, accompanied by a report (No. 1595); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1814) granting an increase of pension to Anna E. Luke, reported the same without amendment, accompanied by a report (No. 1596); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 665) granting a pension to Laura Newman, reported the same with amendments, accompanied by a report (No. 1597); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1014) granting a pension to Laura Lavensaler, reported the same with amendments, accompanied by a report (No. 1598); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1363) granting



an increase of pension to James A. McKeehan, reported the same without amendment, accompanied by a report (No. 1599); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4111) granting an increase of pension to Abner J. Pettee, reported the same without amendment, accompanied by a report (No. 1600); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4335) granting an increase of pension to John Brown, reported the same without amendment, accompanied by a report (No. 1601); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 10921) for the relief of Charles A. Cutler, reported the same with amendment, accompanied by a report (No. 1605); which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 2413) for the relief of Frank J. Burrows, reported the same without amendment, accompanied by a report (No. 1606); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 169) for the relief of Robert D. McAfee and John Chiatovich, reported the same without amendment, accompanied by a report (No. 1607); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13082) for the relief of the estate of Sven J. Johnson, reported the same without amendment, accompanied by a report (No. 1608); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 13584) granting an increase of pension to Eliza J. Searcy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13579) granting an increase of pension to Lorenzo B. Fish—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13599) authorizing a survey to be made for the selection of a site for a military post in the vicinity of Buffalo, N. Y.—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 13600) relating to the appointment of dental surgeons in the Medical Corps of the Navy—to the Committee on Naval Affairs.

By Mr. NEVIN: A bill (H. R. 13601) providing for the alteration and repair of the public building at Dayton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH: A bill (H. R. 13602) for the extension of Le Droit avenue and other streets—to the Committee on the District of Columbia.

By Mr. CANNON: A bill (H. R. 13627) making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes—Ordered to be printed.

By Mr. BURLESON: A joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac—to the Committee on Printing.

By Mr. MUDD: A joint resolution (H. J. Res. 178) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes—to the Committee on the District of Columbia.

By Mr. MARTIN: A concurrent resolution (H. C. Res. 49) providing for the printing of 1,000 copies of Preliminary Description of the Geology and Water Resources of the Southern Half of the Black Hills and adjoining regions in South Dakota and Wyoming—to the Committee on Printing.

By Mr. LACEY: A resolution (H. Res. 209) extending the privileges of the floor of the House to the commissioner from Porto Rico—to the Committee on Rules.

By Mr. McDERMOTT: A resolution (H. Res. 210) instructing the Committee on Ways and Means to report within ten days a bill removing all duty on imported beef—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 13603) for the relief of the estate of Kinchen Bell, deceased—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 13604) granting an increase of pension to Charles A. Rubin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13605) for the relief of George A. Detchemendy—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 13606) granting an increase of pension to David Woods—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13607) for the relief of W. B. Stanford, Roswell, Colo.—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 13608) granting an increase of pension to Elvira M. Cooper—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 13609) for the relief of Henry Knisely—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 13610) for the relief of John A. Bishop—to the Committee on Military Affairs.

Also, a bill (H. R. 13611) granting an increase of pension to Samuel Miles—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 13612) granting a pension to Margaret Bell—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 13613) granting an increase of pension to Charles G. Howard—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 13614) granting an increase of pension to William H. White—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 13615) granting an increase of pension to James A. Morrison—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13616) granting a pension to Joseph Johnston—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13617) granting a pension to Anne M. Luman—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 13618) granting an increase of pension to Daniel S. Chase—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 13619) for the relief of James B. Franklin—to the Committee on Military Affairs.

By Mr. TIRRELL: A bill (H. R. 13620) granting an increase of pension to John R. Teague—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 13621) granting an increase of pension to Arison Greeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13622) granting an increase of pension to George Deland—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 13623) for the relief of Peter Larsen—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13624) granting a pension to Louisa Phillips—to the Committee on Pensions.

By Mr. WARNER: A bill (H. R. 13625) granting an increase of pension to Vatchel Carman—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 13626) for the payment to C. Edward Artist, Edward F. Stahle, and Stahle & Artist of balances due for surveying public lands—to the Committee on Appropriations.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of R. B. Hawkins Division, No. 114, Order of Railway Conductors, Pittsburg, Pa., in relation to House bill 11030—to the Committee on Rules.

Also, resolutions of General George D. Bayard Post, No. 178, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Resolution of the Buffalo Merchants' Exchange, of Buffalo, N. Y., opposing the proposal of the Mather Power Bridge Company for the erection of a bridge from the mainland to Grand Island, Niagara River—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same body, favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same, favoring House bill 163, relating

to officers in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Kentucky: Petitions of Federal Labor Unions No. 9816 and No. 9384, of Caseyville; Labor Union No. 9812, and Mine Workers' Union No. 993, of Nortons Gap, Ky., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. APLIN: Petition of St. Joseph's Polish Society, of Bay City, Mich., favoring the passage of House bill 16, for the erection of a statue to the late Brigadier-General Count Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. BELL: Resolution of the League of American Sportsmen, favoring the passage of House bill 10306, for the preservation of wild animals and game birds—to the Committee on the Territories.

Also, resolutions of the National Encampment at Springfield, Ill., Spanish War Veterans, for allowance of travel pay from Manila to San Francisco, Cal.—to the Committee on Military Affairs.

By Mr. BURLESON: Petitions of officers of Company A, Signal Corps, of the Texas Volunteer Guards, favoring House bill 11654, increasing the efficiency of the militia—to the Committee on the Militia.

By Mr. BUTLER of Pennsylvania (by request): Resolutions of Colonel George F. Smith Post, No. 130, of Westchester, and Phoenixville Post, No. 45, Department of Pennsylvania, Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Resolutions of Lithographers' International Beneficial Association of the United States and Canada, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. DEEMER: Resolutions of General Mansfield Post, No. 48; Colonel S. D. Barrows Post, No. 385; George Cook Post, No. 315, and George W. Moyer Post, No. 379, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Martha Proven and other citizens of Bellevue, Pa., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, report of the committee on foreign commerce and the revenue laws of the Chamber of Commerce of the State of New York, urging the reduction of the tariff on the imports into the United States from the island of Cuba—to the Committee on Ways and Means.

By Mr. GRIFFITH: Evidence to accompany House bill 13094, granting an increase of pension to John Parker—to the Committee on Invalid Pensions.

Also, testimony to accompany House bill 10740, to amend the military record of Henry Davis—to the Committee on Military Affairs.

By Mr. HAMILTON: Resolutions of Harlow Briggs Post, No. 80, Grand Army of the Republic, Department of Michigan, protesting against granting pensions to ex-Presidents or their widows—to the Committee on Invalid Pensions.

By Mr. HANBURY: Resolutions of the Eighteenth Assembly District Republican Club, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Carpenters' Union No. 639, of Brooklyn, N. Y., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEMENWAY: Resolution of Labor Union No. 8398, of Boonville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HITT: Resolution of the League of American Sportsmen, favoring the passage of House bill 10306, for the preservation of wild animals and game birds—to the Committee on the Territories.

By Mr. JACKSON of Kansas: Resolutions of Federal Labor Union No. 8460, of Stippville, and Union No. 8454, of Independence, Kans., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JOY: Coupon petitions of 1,075 readers of the St. Louis Evening Star, asking Congressmen to vote for House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: Resolutions of Central Labor Union of Adams, Mass., and Boot and Shoe Workers' Union of Dalton, Mass., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of Loyal Lodge, No. 406, Association of Machinists, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring a reduction of not less than 50 per cent of

the duty on Cuban sugar and tobacco—to the Committee on Ways and Means.

By Mr. NEVIN: Resolutions of Lithographers Protective Beneficial Association, Coshocton, Ohio, for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of citizens of Alexandria, Va., protesting against the "Jim Crow" car law—to the Committee on the Judiciary.

Also, resolution of Stuart Reed Lodge, No. 300, Association of Machinists, Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Resolutions of Mine Workers' Union No. 169, of McAdoo; Labor Unions No. 9182, of Ashland, and No. 8874, of Shenandoah, Pa., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of Oswald Bruckner and 126 other citizens of Fort Wayne, Ind., on tariff and reciprocity—to the Committee on Ways and Means.

By Mr. RUSSELL: Resolution of commissioned officers of the Second Regiment Connecticut National Guard, favoring House bill 9972, increasing the efficiency of the militia—to the Committee on Militia.

Also, petition of H. J. Kilroy and other citizens of Norwich, Conn., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of New London Lodge, Association of Machinists, New London, Conn., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Business Men's Association of Waterbury, Conn., favoring an appropriation for a public building at Waterbury—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: Resolutions of the Industrial Council of Pittsburg, Kans., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHACKLEFORD: Petition of John Brooks, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. THAYER: Resolutions of Boot and Shoe Workers' Union No. 52, of North Grafton, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WARNOCK: Petition of Subordinate Association No. 19, of Lithographers' International Protective and Beneficial Association, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of T. D. Weld and others, of the Eighth Congressional district of Ohio, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. ZENOR: Proof to accompany House bill 3005, for the relief of John Hammond—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, April 15, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their respective titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3592) for the relief of Henry Lane;

A bill (H. R. 9455) to remove the charge of desertion standing against the name of Lorenzo Marchant;

A bill (H. R. 9723) granting an honorable discharge to Levi Wells; and

A bill (H. R. 11621) to correct the military record of H. J. Rowell.

The House pension bills received yesterday were severally read twice by their titles, and referred to the Committee on Pensions.

The bill (H. R. 8326) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park, was read twice by its title, and referred to the Committee on Public Lands.

### SCHOONER GEORGE AND JANE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of



January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel, schooner *George and Jane*, Clark Elliott, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed, with amendments, the joint resolution (S. R. 56) providing for a modification in the adopted project for the improvement of Everett Harbor, Washington; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which is requested the concurrence of the Senate:

A bill (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a courthouse and jail for said county;

A bill (H. R. 12452) granting to the Mobile, Jackson, and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes;

A bill (H. R. 13025) to make the provisions of an Act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah; and

A bill (H. R. 13627) making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes.

The message further announced that the House had passed a resolution transmitting to the Senate the bill (H. R. 11418) granting an increase of pension to Hannah T. Knowles, with the accompanying message of the President, with the request that the Senate reconsider its action in passing the bill, in order that the bill may be amended.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 1178) providing for an additional circuit judge in the second judicial circuit;

A bill (H. R. 7675) to construct a light-house keeper's dwelling at Calumet Harbor; and

A joint resolution (H. J. Res. 155) granting permission for the erection of a monument in Charlotte, N. C., and for the ornamentation of the public grounds in that city.

#### PETITIONS AND MEMORIALS.

Mr. LODGE. I present a letter, in the nature of a petition, from H. L. Wheatley, representing business interests in Chicago and New York, praying that the provisions of the Senate bill to give a temporary civil government to the Philippine Islands, being S. 2295, in regard to corporations owning or controlling more than 50,000 acres of land, be changed to permit them to hold 20,000 acres. I move that the petition be printed as a document.

The motion was agreed to.

The PRESIDENT pro tempore. Is any reference to be made?

Mr. LODGE. It may lie on the table, as it relates to the bill now pending.

The PRESIDENT pro tempore. The petition will lie on the table.

Mr. FAIRBANKS presented a petition of Winfield Scott Hancock Post, No. 337, Department of Indiana, Grand Army of the Republic, of Veedersburg, Ind., praying for the enactment of legislation granting per diem pensions; which was referred to the Committee on Pensions.

He also presented a petition of North Vernon Division No. 9, Order of Railroad Telegraphers, of North Vernon, Ind., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 8398, of Boonville; of Fire Insurance Agents' Local Union No. 8530, of Elwood; of Federal Labor Union No. 8971, of Sullivan, and of Foundry Helpers' Local Union No. 9433, of Indianapolis, all in the State of Indiana, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. NELSON presented a petition of Local Division No. 356, Brotherhood of Locomotive Engineers, of Breckenridge, Minn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. PERKINS. I present sundry telegraphic dispatches signed by Hon. E. E. Schmitz, mayor of San Francisco, and the board of supervisors, the labor council, and many representative citizens of that city, relative to the passage of the pending Chinese-exclusion bill, and remonstrating against the passage of any other bill relating to the same subject. I move that the dispatches lie on the table.

The motion was agreed to.

Mr. RAWLINS presented a petition of the Cattle Growers' Association of the State of Utah, praying for the cession by Congress to the State of Utah of that portion of the Territory of Arizona lying north and west of the Colorado River and adjoining southwestern Utah; which was referred to the Committee on Territories.

He also presented a petition of the Cattle Growers' Association of Utah, and a petition of the Wool Growers' Association of Utah, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Cattle Growers' Association of Utah and a petition of the Wool Growers' Association of Utah, praying for the passage of the so-called Grosvenor pure-fiber bill, relating to the labeling of manufactured goods; which were referred to the Committee on Finance.

He also presented a petition of the Wool Growers' Association of Utah and a petition of the Cattle Growers' Association of Utah, praying for the adoption of an amendment to the census law providing for the taking of an annual classified census of live stock; which were referred to the Committee on the Census.

Mr. CLAY presented a petition of the Chamber of Commerce of Atlanta, Ga., praying for the adoption of certain amendments to the bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. QUAY presented petitions of Lodge No. 348, International Association of Machinists, of Philadelphia; of Lock Workers' Local Union No. 9354, of Lancaster, and of the Federal Labor Union of McSherrystown, all in the State of Pennsylvania, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of 38 citizens of Pittsburg, of 40 citizens of Bellevue, and of 20 citizens of Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of J. K. Taylor Post, No. 182, Department of Pennsylvania, Grand Army of the Republic, of Bethlehem; and of Captain Foster Alward Circle, No. 130, Ladies of the Grand Army of the Republic, of New Kensington, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

Mr. PENROSE presented a petition of the Allied Printing Trades Council, American Federation of Labor, of Philadelphia, Pa., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Jones-Darling Camp, No. 186, National Association of Spanish-American War Veterans, of Elkhart, Ind., praying for the adoption of an amendment to the so-called flag bill, authorizing camps of Spanish War Veterans to use the flag in the same manner as that authorized for the Grand Army of the Republic; which was referred to the Committee on Military Affairs.

He also presented a petition of officers and veterans of the Pennsylvania State Soldiers and Sailors' Home, praying for the enactment of legislation to promote the efficiency of the clerical service of the United States Navy, etc.; which was referred to the Committee on Naval Affairs.

He also presented petitions of G. W. Ryan Post, No. 364, of Middleburg; of John T. Greble Post, No. 10, of Philadelphia; of Post No. 465, of Duncansville; of Graham Post, No. 106, of Pottstown; of Captain Walter S. Newhall Post, No. 7, of Philadelphia; of Lieutenant Arnold Labach Post, No. 297, of Newport; of Captain A. J. Mason Post, No. 322, of Espyville; of Gustin Post, No. 154, of Troy, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

Mr. SCOTT presented a petition of Federal Labor Union No. 8532, of Martinsburg, W. Va., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of West Virginia, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. COCKRELL presented a petition of Colonel Hassendeubel Post, No. 13, Department of Missouri, Grand Army of the Republic, of St. Louis, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a memorial of Typographical Union No. 206, of Sedalia, Mo., remonstrating against the enactment of legislation permitting the importation of books printed in a foreign language; which was referred to the Committee on Patents.

He also presented a memorial of Cigar Makers' Local Union No. 23, of Springfield, Mo., remonstrating against the enactment of legislation to reduce the import duty on cigars from Cuba and the Philippines; which was referred to the Committee on Finance.

Mr. COCKRELL. In support of Senate bill 2974, granting an increase of pension to Samuel J. Boyer, I present the affidavit of Dr. W. E. Dawson of April 12, 1902, showing total blindness. I move that the affidavit be referred to the Committee on Pensions, to be considered in connection with the bill.

The motion was agreed to.

Mr. FRYE presented a petition of the League of American Sportsmen, praying for the enactment of legislation providing for the protection of game in the Western States; which was referred to the Committee on Forest Reservations and the Protection of Game.

#### DIVORCE LAW OF THE DISTRICT OF COLUMBIA.

Mr. WELLINGTON. I present a document relating to the divorce law of the District of Columbia. It is practically the same as Senate Document No. 174, Fifty-sixth Congress, first session, with additions. I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. MALLORY, from the Committee on Patents, to whom was referred the bill (S. 4647) to amend section 4929 of the Revised Statutes, relating to design patents, reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 4577) for the relief of William McCarty Little, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 6760) granting a pension to Susan House, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2699) to provide for the temporary detention of persons dangerously insane in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5153) granting an increase of pension to Eri W. Pinkham;

A bill (H. R. 11550) granting an increase of pension to William G. Gray; and

A bill (H. R. 2207) granting an increase of pension to Louis Hahn.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2229) for the relief of J. M. Bloom;

A bill (S. 3779) for the relief of Thomas J. McGinnis; and

A bill (S. 2709) for the relief of John F. Finney.

#### PRINTING OF GENERAL INFORMATION SERIES.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. 79) providing for the printing of 3,000 copies of each volume of the General Information Series, the annual publication of the Office of Naval Intelligence, Navy Department, in addition to the number now authorized by law, was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter there shall be printed, in addition to the number now authorized by law, of each volume of General Information Series, the annual publication of the Office of Naval Intelligence, Navy Department, 3,000 copies, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.*

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MANUAL OF SURVEYING.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States, to report it favorably without amendment, and I ask unanimous consent, it being a short bill, that it be considered at this time.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The Secretary read the bill, as follows:

*Be it enacted, etc., That section 2399 of the Revised Statutes of the United States, as amended by act of Congress of October 1, 1890 (Stat. L., vol. 26, p. 659), and act of Congress of August 15, 1894 (Stat. L., vol. 28, p. 285), be further amended so as to read as follows, namely:*

*"Sec. 2399. The printed Manual of Surveying Instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date January 1, 1902, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."*

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. RAWLINS. I do not quite understand the purpose of the bill.

Mr. HANSBROUGH. The bill simply reenacts the existing law legalizing the Manual of Surveying Instructions. It merely changes the date in the law, as has been the custom heretofore. The urgency of the case is owing to the fact that the printed instructions are now in the hands of the printer, and the passage of the bill at this time will obviate delay.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. QUAY. As it seems that nothing is indicated in the title of the bill, I should be very glad to have the Senator from North Dakota explain its purpose.

Mr. HANSBROUGH. I thought I had explained the purpose of the bill. In order to make it more clear, I think it would be well to have the report of the House committee read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

Mr. LACEY, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 12536):

Your committee recommend the passage of the bill without amendment. The bill was introduced at the request of the Department of the Interior, as contained in the following House document:

[House Document No. 456, Fifty-seventh Congress, first session.]

#### DEPARTMENT OF THE INTERIOR,

Washington, March 11, 1902.

SIR: I inclose a copy of a letter from the Commissioner of the General Land Office, dated the 8th instant, in which he has asked that the Congress be requested to legalize the Manual of Surveying Instructions, dated January 1, 1902, approved by the Department December 30, 1901, and now in the hands of the printer, by an act in the usual form and as embodied in his letter.

I have the honor to recommend that the legalizing measure, as requested by the Commissioner, be enacted into law, and invite attention to the suggestion of early action.

Very respectfully,

THOS. RYAN, Acting Secretary.

#### DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, D. C., March 8, 1902.

SIR: I have the honor to request that Congress may be requested to legalize the Manual of Surveying Instructions, dated January 1, 1902, recently approved by the Department, and now in the hands of the Printer, by the following act, which is in the same language as the act legalizing the Manual of 1894 (see U. S. Stats., vol. 28, p. 285).

I have the honor to ask that the immediate attention of Congress may be at once called to this proposed legislation in order that the date of Congressional enactment may be inserted in the manual when issued.

Very respectfully,

BINGER HERMANN, Commissioner.

The SECRETARY OF THE INTERIOR.

The bill was ordered to a third reading, read the third time, and passed.

#### IRRIGATION STATISTICS.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the concurrent resolution submitted by Mr. MITCHELL on the 12th instant, authorizing the Director of the Census to complete certain statistics relating to the present condition of irrigation, asked to be discharged from its present consideration and that it be referred to the Committee on the Census; which was agreed to.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. CULLOM (for Mr. MASON) introduced a bill (S. 5259) granting a pension to Isadore T. W. Gillmore; which was read twice



by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 5260) to provide for the purchase of a site and the erection of a public building thereon at Easton, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL introduced a bill (S. 5261) reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5262) granting an increase of pension to John H. Martens;

A bill (S. 5263) granting a pension to Fannie Frost; and

A bill (S. 5264) granting a pension to Jane E. Morris (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5265) to grant an honorable discharge from the military service to Frank McCloskey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5266) granting an increase of pension to Robert E. Wardwell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5267) granting an increase of pension to Peter Farley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5268) granting an increase of pension to Florence Courtney Cochnower; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5269) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States; which was read twice by its title.

Mr. CULLOM. I desire to state that I introduced a bill very much like this some time ago, but after consultation it was changed somewhat, and I have now introduced the bill as improved. I move that it be referred to the Committee on the Library.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5270) granting an increase of pension to Abner Taylor; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Abner Taylor for an increase of pension, together with the affidavits of John J. C. Owens, John Keohler, Dr. A. R. Elder, and Dr. M. P. Overholser. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5271) granting an increase of pension to Jacob Stiger; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Jacob Stiger, late private, Company I, Forty-ninth Ohio Veteran Volunteer Infantry, for increase of pension, together with the affidavits of Dr. T. M. Anderson, J. C. B. Davis, G. W. Morgan, and John Bailey, and also the Pension Office letter of March 15, 1902. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McMILLAN introduced a joint resolution (S. R. 80) postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903, from November, 1902, to May, 1903, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 81) to enlarge the use of electric conduits in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

#### AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. QUAY submitted an amendment proposing to appropriate \$50,000 for the construction, under the direction of the Secretary of the Treasury, of a steam revenue cutter for service at the port of Philadelphia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

HENRY F. TOWER.

On motion of Mr. TELLER, it was

*Ordered*, That the Committee on Pensions be discharged from the further consideration of the bill (S. 930) granting a pension to Henry F. Tower, and that leave be granted the said Henry F. Tower to withdraw the papers in the case from the files of the Senate.

#### INJUNCTIONS IN CONSPIRACY CASES.

On motion of Mr. HOAR, it was

*Ordered*, That Senate Document No. 190, Fifty-seventh Congress, first session, be printed for the use of the Senate.

ANDREW J. FELT.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2671) granting a pension to Andrew J. Felt having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. H. GALLINGER.

WM. J. DEBOE,

GEO. TURNER,

*Managers on the part of the Senate.*

W. A. CALDERHEAD,

J. A. NORTON,

HENRY R. GIBSON,

*Managers on the part of the House.*

The report was agreed to.

ROBERT J. SPOTTSWOOD.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist on its amendment and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PENROSE, Mr. LODGE, and Mr. CLAY were appointed.

JANE K. HILL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 201) granting an increase of pension to Jane K. Hill, which was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five."

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The bill (H. R. 8752) authorizing the board of supervisors of Santa Cruz County, Ariz., to issue bonds for the erection of a court-house and jail for said county was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 12452) granting to the Mobile, Jackson and Kansas City Railroad Company the right to use for railroad purposes the tract of land at Choctaw Point, Mobile County, Ala., and now held for light-house purposes was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1892 (26 Stat., 796), applicable to the State of Utah was read twice by its title, and referred to the Committee on Public Lands.

HANNAH T. KNOWLES.

The PRESIDENT pro tempore laid before the Senate the following resolution from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, April 14, 1902.

*Resolved*, That the bill (H. R. 11418) entitled "A bill granting an increase of pension to Hannah T. Knowles," with the accompanying message of the President, be transmitted to the Senate by the Clerk, with the request that the Senate reconsider its action in passing the bill, in order that the bill may be amended as follows:

Change the title so as to read: "A bill granting a pension to Hannah T. Knowles."

Change the initial letter in name of the deceased sailor from "T" to "M," so as to read: "William M. Knowles."

Mr. GALLINGER. Mr. President, a few days ago a Senate bill was recalled from the President precisely similar to this one. Understanding that after a bill had been signed by the presiding officers of the two Houses of Congress it could not be reconsidered and amended, I introduced a new bill, which was passed through the Senate and sent to the other House. I want now to ask the Chair whether, in his opinion, it is competent for this body to reconsider and amend a bill that has received the signatures of the presiding officers of the two Houses?

The PRESIDENT pro tempore. In the opinion of the Chair the only remedy in such a case is the introduction of a new bill.

Mr. GALLINGER. Very well. Then I move that the resolution of the House of Representatives lie on the table.

The motion was agreed to.

#### IMPROVEMENT OF EVERETT HARBOR, WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 56) providing for a modification in the adopted

project for the improvement of Everett Harbor, Washington, which were, in line 6, to strike out "postpone" and insert "abandon;" in line 7, to strike out all after the word "and," where it occurs the second time, down to and including "deepen," in line 8, and insert "any balance heretofore appropriated or authorized for the present approved project may be used for the widening or deepening of;" and in line 9, after the word "and," to insert "the Secretary of War may."

Mr. FOSTER of Washington. I move that the Senate concur in the amendments to the joint resolution proposed by the House or Representatives.

The motion was agreed to.

#### REPORT OF BUREAU OF AMERICAN REPUBLICS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Acting Secretary of State submitting the annual report of the Director of the Bureau of American Republics, with accompanying papers.

THEODORE ROOSEVELT.

WHITE HOUSE, April 15, 1902.

#### CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of Senate bill 2960, known as the Chinese-exclusion bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. FAIRBANKS. Mr. President, I wish to give notice that after the routine morning business on to-morrow I shall submit some remarks upon the pending bill.

Mr. GALLINGER. Mr. President, I have a large number of telegrams received by the President pro tempore of the Senate in reference to certain features of the bill now under consideration, which I have been requested to read.

SAN FRANCISCO, CAL., April 14, 1902.

The PRESIDENT OF THE SENATE, Washington, D. C.:

Through a telegraphic dispatch from Washington James R. Dunn, chief inspector of the Chinese bureau at San Francisco, is accredited with having made before the honorable Senate Committee of Immigration the following statement: "Passengers denied admission are apt to be held anywhere from three weeks to six months, as in almost every such case an appeal is taken to the Secretary of the Treasury, and the delays are caused by the action of the attorneys engaged in this business, who have no scruples as to the methods applied in fighting their cases, in holding up the Chinamen for all that can be obtained from them, and pursuing tactics which would not be permitted in any court and which place this class of attorneys quite outside of the pale of legal practitioners. I do not hesitate to say that many of the attorneys with whom we have to deal are absolutely unscrupulous and engage in the promotion of fraudulent cases to such an extent that they can not find employment in the respectable practice of the law."

The undersigned attorneys and counselors at law of San Francisco, practicing in the State and Federal courts, who at times have business before the Chinese bureau, and to whom the above-quoted language by inference may be held to refer, beg leave to reply thereto. The statement that the undersigned act in other than an upright manner in the presentation of their cases or that they pursue unscrupulous methods or tactics which would not be permitted in any court of justice is absolutely and unqualifiedly false and malicious. The undersigned most earnestly and respectfully request that Mr. Dunn be called upon to give the names of those attorneys with whom he has to deal and who he states are absolutely unscrupulous and engaged in the promotion of fraudulent cases. As to the professional and individual character and standing of the undersigned, they most respectfully refer to the honorable Senators from California and to the various Representatives from the Congressional districts of this State. The undersigned feel that in justice to themselves a full investigation of the charges made in the above statement should be made.

Very respectfully submitted.

GEO. A. MCGOWAN.

H. S. FOOTE,

Late United States Attorney,

Northern District California.

WM. M. MADDEN.

JOSEPH C. MEYERSTEIN.

DENSON & SCHLESINGER.

NATHAN C. COUGHLAN.

STIDGER & STIDGER.

JOHN E. BENNETT.

FRANK V. BELL.

GASTON STRAUSS.

JAMES L. GALLAGHER.

OLIVER DIBBLE.

H. C. SCHAEFTER.

J. E. FOULDS.

EARLL W. WEBB.

TACOMA, WASH., April 14, 1902.

Senator W. P. FRYE, Washington, D. C.:

We protest against adoption Clark amendment to Chinese-exclusion bill.

PACIFIC COLD STORAGE CO.  
NATIONAL BANK OF COMMERCE.  
LONDON AND SAN FRANCISCO BANK, LTD.  
GREAT WESTERN STOVE CO.  
PUGET SOUND SAVINGS BANK.  
PACIFIC NATIONAL BANK.  
HARDY SHIPBUILDING CO.  
FIDELITY TRUST CO.  
LUMBERMEN'S NATIONAL BANK.  
DODWELL & CO.

SEATTLE, WASH., April 14, 1902.

Hon. W. P. FRYE, United States Senate, Washington, D. C.:

I beg you to use all possible influence to defeat Clark amendment to exclusion act. Its adoption means disaster to American shipping interests on Pacific coast.

M. F. BACKUS,

President Washington National Bank.

SEATTLE, WASH., April 14, 1902.

Hon. WILLIAM P. FRYE, United States Senate, Washington, D. C.:

I respectfully urge you to prevent, if possible, the passage of Clark amendment to Chinese-exclusion act. Its passage would be serious blow to Pacific Ocean shipping, and its failure to pass would do no injury.

HERMAN CHAPEN,

President Boston National Bank of Seattle.

SEATTLE, WASH., April 14, 1902.

Hon. W. P. FRYE, United States Senate, Washington, D. C.:

In the interest of American shipping on the Pacific we earnestly urge the adoption of the Platt amendment to Chinese-exclusion bill, proposing reenactment of Geary exclusion act. This bill as it stands without this amendment might as well be entitled "An act to drive out American ships from the trans-Pacific continental trade," for unless amended our trans-Pacific traffic to the Orient will pass from American to foreign bottoms.

J. FURTH.

SEATTLE, WASH., April 14, 1902.

Hon. W. P. FRYE, United States Senate, Washington, D. C.:

Believing Clark amendment to Chinese-exclusion bill disastrous to our shipping interests, I urge everything be done to prevent such errors.

E. V. ANDREWS, President.

PELZER MILLS, S. C., April 15, 1902.

Senator FRYE, United States Senate, Washington, D. C.:

The Pelzer Manufacturing Company and the Belton Mills, of South Carolina, exporters of cotton goods to China, repeat our protest against the Mitchell Chinese-exclusion act and favor the Platt amendment.

ELLISON A. SMYTHE, President.

NEW YORK, April 14, 1902.

Hon. WILLIAM P. FRYE, President Senate, Washington, D. C.:

It is our sincere hope that the contemplated legislation looking to drastic Chinese exclusion will be defeated in the Senate and the Platt amendment adopted.

DEERING, MILLIKEN & CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Strongly urge the adoption of Platt amendment, April 11, reenacting Geary Act.

ABNER DOBLE CO.,

M. A. DOBLE, President.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Geary Act by Platt amendment April 11 will give all the protection desired.

PACIFIC METAL WORKS,  
J. A. MORROW, President.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, President of the Senate, Washington, D. C.:

Highly recommend passage of Geary Act by Platt amendment of April 11.

LEMOINE SCOLLEY.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Platt amendment April 11 reenacting Geary Act we consider fully protects American interests and American labor. Urge its passage.

BYXLEE & CLARK.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Strongly urge passage Platt amendment April 11 reenacting present Geary Act.

A. A. WIGMORE,

Vice-President John Wigmore & Sons Co.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Failure to pass Platt amendment April 11, reenacting Geary Act, will prove detrimental commercial interests of the entire nation.

E. L. ALLEN,

Agent Newport Wharf and Lumber Company.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Imperative Platt amendment, April 11, be passed reenacting present Geary Act in order secure best results this coast, as also country at large.

H. LEVI & CO.,  
By J. LEVI, JR., Treasurer.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Consider pending bill injurious, and interest of the country will be fully protected by Platt amendment reenacting Geary Act.

W. S. RAY MANUFACTURING CO.



SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Consider business interests Pacific slope demand acceptance Platt amendment, April 11, reenactment present Geary law.  
 NEVILLE & CO.,  
 By C. M. OSBORN, *President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Best interests Pacific coast served by Platt amendment, April 11, reenacting present Geary law.  
 HAAS BROS.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Many interests will suffer by passage pending measure. Would urge substitution Platt amendment reenacting Geary Act.  
 C. J. HENDRY CO.,  
 By G. W. HENDRY, *President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Please urge passage Platt amendment reenacting Geary Act. This will fully protect labor interests.  
 BOESCH LAMP COMPANY.  
 EDWIN SAVERY, *Vice-President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Consider mercantile interests California best served by passage Platt amendment, April 11, reenacting Geary Act.  
 MEESE & GOTTFRIED CO.,  
 By F. GOTTFRIED, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Demand passage Platt amendment April 11, reenacting present Geary Act, otherwise detrimental best interests this section.  
 G. M. JOSSELY & Co., Inc.,  
 By A. W. FORBES, *Manager*.

SEATTLE, WASH., April 14, 1902.  
 Hon. WILLIAM P. FRYE, *President Senate, Washington, D. C.*:  
 Re proposed exclusion act, unamended House bill too severe. Believe reenactment Geary Act sufficient to prevent unrestricted immigration.  
 MERCHANTS' ASSOCIATION.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Please urge passage Platt amendment April 11, reenacting Geary Act. Not only the commerce but the industries of this coast would be injured by pending bill.  
 GORHAM RUBBER CO.,  
 By E. H. PARRISH, *Vice-President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *President Senate, Washington, D. C.*:  
 Present Geary Act protects American labor. Favor Platt amendment April 11.  
 HOOPER & JENNINGS,  
 By H. M. JOHNS, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Pending bill too severe. Passage Platt amendment, April 11, reenacting present Geary Act, far preferable.  
 L. P. DEGEN BELTING CO.,  
 By L. P. DEGEN, *President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Washington, D. C.*:  
 Passage pending Chinese-exclusion act would be a national misfortune. Would urge Platt amendment reenacting Geary Act.  
 CRUCIBLE STEEL CO. OF AMERICA,  
 By K. L. HYDES, *Manager*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Washington, D. C.*:  
 Platt amendment reenacting Geary Act entirely satisfactory. Pending bill too severe.  
 ALLEN & HIGGINS LUMBER CO.,  
 By K. E. HIGGINS, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Washington, D. C.*:  
 Consider the interests this coast would be injured by passage pending act. Platt amendment reenacting Geary Act satisfactory.  
 JUDSON MANUFACTURING CO.,  
 By J. D. OSBORNE, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Platt amendment reenacting Geary Act would be highly satisfactory. Pending bill altogether too severe.  
 CALIFORNIA ARTISTIC METAL AND WIRE CO.,  
 By ST. JOHN E. MCCORMACK, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Washington, D. C.*:  
 Believe reenactment Geary Act will fully protect American interests, and Platt amendment April 11 should be passed.  
 FRED B. HAIGHT.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Platt amendment April 11 fully protects us. Present Geary Act should be reenacted.  
 VULCAN IRON WORKS,  
 By GEO. M. PINCKARD, *President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Consider Geary Act protects American labor. Urge passage Platt amendment April 11.  
 PACIFIC TOOL AND SUPPLY CO.,  
 By CHAS. STALLMAN, *Proprietor and Manager*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Confident reenactment Geary bill would be advantageous to labor and mercantile interest alike.  
 DODGE, SWEENEY & CO.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 The Geary Act has well safeguarded American labor, and its reenactment as provided for in Platt amendment of April 11 is urged.  
 THE 76 LAND AND WATER CO.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Hope pending bill will not pass. Too drastic for American commercial interests. Would urge passage Platt amendment April 11.  
 LEVENSON & Co.,  
 By E. LEVENSON, *President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Consider pending bill objectionable to commercial interests. Platt amendment April 11 reenacting present Geary Act is what we want.  
 LOUIS T. SNOW & CO.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Exclusion bill of House will be great detriment to commerce; favor strongly Platt amendment of April 11 reenacting Geary law.  
 GETZ BROTHERS, Incorporated,  
 By LOUIS GETZ, *President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Platt amendment April 11, should be passed reenacting present Geary Act to best serve interests this section.  
 THE CHARLES NELSON CO.,  
 By JAMES TYSON, *Manager*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Washington, D. C.*:  
 The coolies will be kept out by the reenacting of the Geary law. The Platt amendment of April 11 should be carried.  
 J. K. ARMSBY,  
 A. G. FREEMAN,  
*Vice-President*.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 We strongly advise adoption of Platt amendment of April 11, reenacting Geary Act.  
 HOLT BROTHERS CO.,  
 Of Stockton and San Francisco.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Urgently recommend adoption Platt amendment April 11. Fully answers all requirements and will not hamper commerce.  
 DIECKMAN & CO.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Interests of the State would undoubtedly suffer by passage of impending measure. Highly favor Platt amendment reenacting Geary Act.  
 CHAS. NELSON.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 Recommend passage of Platt amendment of April 11. House bill too drastic.  
 SCHWARTZ BROTHERS.

SAN FRANCISCO, CAL., April 14, 1902.  
 Hon. W. P. FRYE, *Senate, Washington, D. C.*:  
 If Platt amendment, April 11, passed, reenacting present Geary Act it will serve best interests Pacific coast.  
 S. E. SLADE LUMBER CO.,  
 By S. E. SLADE.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *Senate, Washington, D. C.*:

Platt amendment of April 11 should be adopted. The House bill will be highly injurious to commerce of country.

MARK SHELTON COMPANY,  
MARK SHELTON, *President*.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT OF THE SENATE, *Washington, D. C.*:

We urge the substitution of the Platt amendment of April 11 for the House bill.

JOHN A. ROEBLING'S SONS COMPANY.  
S. V. MOONEY, *Manager*.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT OF THE SENATE, *Washington, D. C.*:

House bill too drastic. Favor Platt amendment April 11, reenacting Geary Act.

ERLANGER &amp; GALINGER.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT UNITED STATES SENATE, *Washington, D. C.*:

Platt amendment of April 11, reenacting Geary Act, keeps out coolies and fully protects American labor. House bill too stringent.

JONAS ERLANGER DAVIS Co.  
E. DAVIS, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT OF SENATE, *Washington, D. C.*:

Instead of pending bill urge Platt amendment, April 11, reenacting Geary Act.

WOLF &amp; SONS.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *Washington, D. C.*:

Platt amendment of April 11 keeps out cool labor and protects American labor without stifling commercial interests. Favor it.

LIVINGSTON &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *Washington, D. C.*:

Urgently recommend passage of Platt amendment of April 11. Fully keeps out coolies, and will not injure commercial interests.

CASTLE BROS.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *Washington, D. C.*:

We urgently ask adoption of Platt amendment of April 11, reenacting Geary law. Present proposed legislation is too drastic, and will seriously injure growing trade with the Orient.

HOOKER &amp; CO.

SAN FRANCISCO, April 15, 1902.

Hon. W. P. FRYE, *Senate, Washington, D. C.*:

We urgently favor adoption Platt amendment April 11, extending Geary law. House bill injurious to commerce.

FIELD MERCANTILE Co.,  
By F. F. LYDEN,  
*Treasurer and Manager,*  
*Director.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *Washington, D. C.*:

Platt amendment April 11, reenacting Geary Act, less drastic than Senate bill 2900. In our judgment protects mercantile and labor interests. We urge its adoption.

THE CALIFORNIA FRUIT AND WINE LAND CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *Senate, Washington, D. C.*:

We urge adoption of the Platt amendment of April 11, reenacting Geary law.

GULF BAG Co.  
W. N. DEKKER, *Manager*.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *Washington, D. C.*:

Commercial interests this coast demand passage Platt amendment April 11, reenacting present Geary Act.

F. H. AMES Co.,  
By F. H. AMES, *President*.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT OF THE SENATE, *Washington, D. C.*:

The Chinese have decreased in number under Geary Act. Consider it sufficient protection. House bill will be highly injurious. Urgently recommend adoption of Platt amendment of April 11.

WILSON &amp; BRO.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT OF THE SENATE, *Washington, D. C.*:

The adoption of the Platt amendment of April 11 will keep out all coolies and will not injure commercial relations with Orient. Favor its passage.

THE GUIDGE PUBLISHING Co.  
WM. F. EMPEY.

SAN FRANCISCO, CAL., April 14, 1902.

PRESIDENT OF THE SENATE, *Washington, D. C.*:

Commerce will be greatly injured by passage of House bill. Recommend passage of Platt amendment of 11th instant, extending Geary Act.

SHERWOOD &amp; SHERWOOD,

BENICIA, CAL., April 14, 1902

Hon. W. P. FRYE, *President of Senate, Washington, D. C.*:

We strongly urge adoption of Platt amendment of April 11, reenacting Geary Act.

BENICIA AGRICULTURAL WORKS.

LOS ANGELES, CAL., April 14, 1902.

Hon. W. P. FRYE, *United States Senate, Washington, D. C.*:

SIR: On behalf of the interests of the Pacific coast we respectfully urge the reenactment of the Geary Act with the Platt amendment.

J. S. Slauson, R. J. Waters, Harry Chandler, H. C. Austin, G. W. Burton, W. F. Botsford, E. P. Johnson, A. H. Naftzger, E. Q. Storry, J. A. Reid, James H. Adams, N. B. Blackstone, M. A. Newmark & Co., Herman W. Helman, A. B. Cass, Chas. Silent, A. A. Petsch, J. B. Lankershim, H. Jevno, E. Q. C. Klokke, J. M. Elliott, C. D. Willard, J. C. Drake, Jno. D. Hooker, F. W. King, Union Hardware and Metal Co., Haas, Barch & Co., W. H. Perry.

NEW YORK, April 14, 1902.

Senator W. P. FRYE, *United States Senate, Washington, D. C.*:

We most earnestly protest in the interest of our oriental trade against the passage of any such legislation as the Mitchell bill and in favor of the substitution of the Platt bill.

THE JOHN THOMSON PRESS CO.,  
THE NEPTUNE METER CO.,  
253 Broadway, New York City.

NEW YORK, N. Y., April 14, 1902.

Hon. WILLIAM P. FRYE, *United States Senator, Washington, D. C.*:

As stated before Immigration Committee, we regard any such legislation as proposed in Mitchell bill as threatening friendly commercial relations with China and imperiling development of a rapidly expanding trade.

CHINA AND JAPAN TRADING CO., LIMITED.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.*:

Senator PLATT, in his amendment of April 11, extending the Geary Act, has judged our desires fully.

W. P. FULLER &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.*:

The sentiment of business interests here is, "Give us the Geary Act by Platt amendment April 11."

ROTH, BLUM &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.*:

Geary Act and Platt amendment 11th instant means protection to our labor and trade to our exporters.

S. FOSTER &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.*:

The people demand protection to American labor, and that will be amply secured by the extension of the Geary Act by Platt amendment April 11.

H. S. CROCKER COMPANY,  
W. A. SWINERTON, *Secretary*.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.*:

Times for all us will be better if we can have the Geary Act with Platt amendment of 11th instant.

SPERRY FLOUR Co.,  
JAMES HOGG, *Manager*.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.*:

You are bound to satisfy all interests if Geary Act continued by amendment April 11 Senator PLATT.

LANGLEY & MICHAELS Co.,  
By C. T. MICHAELS, *Treasurer*.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.*:

Urgently advocate adoption Geary Act by Platt amendment 11th instant.

C. A. MALMS CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.*:

China's demand for American products is increasing. Make our relationship with her closer by passing Geary Act with Platt amendment of April 11.

S. L. JONES CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.*:

All interests safeguarded by reenactment Geary Act by Platt amendment April 11.

J. C. JOHNSON &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.*:

The passage of Geary Act as amended by PLATT April 11 will not hurt a single interest, will fully protect labor, and is all we want.

THE HARRY UNNA COMPANY OF SAN FRANCISCO,  
Per HARRY UNNA, *President*.



SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.:*

Protection to the workman, business for the merchant, if you reenact Geary Act as amended by PLATT April 11.

STOCKTON MILLING CO.,  
SIGMUND SCHWABACHER, *President.*

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.:*Ample protection secured by Geary Act, Platt amendment April 11.  
ALBERT SUTTON.

MARTINEZ, CAL., April 14, 1902.

Hon. W. P. FRYE, *President United States Senate, Washington, D. C.:*

House bill unnecessarily drastic; urge adoption of Platt amendment of April 11.

R. L. ULSH.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President United States Senate, Washington, D. C.:*Senate bill 2060 more drastic than necessary; same will materially injure growing trade with China. We suggest and urge passage of amendment offered by Mr. PLATT, reenacting Geary Act, thus giving full protection to American labor and not restricting growing trade relations with the Orient.  
Respectfully,

BAKER &amp; HAMILTON.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*Platt amendment of April 11 renewing Geary Act suits us well.  
GEO. H. TAYLOR COMPANY,  
E. P. DANFORTH, *President.*

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

American labor will be best protected and our industries best profited by reenactment of Geary Act by Platt amendment 11th instant.

LEECE &amp; HASKINS.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

All commercial interests and welfare of American labor insured by extension of Geary Act by Platt amendment 11th instant.

WHEATON, POND & HARROLD, INCORPORATED,  
GEO. S. WHEATON, *Secretary.*

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

The sentiment of the commercial community favors reenactment of Geary Act by Platt amendment April 11.

NORTON, TELLER &amp; RODEN.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

Public sentiment seems in favor reenactment Geary Act as per Platt amendment 11th instant.

JOHN TAYLOR &amp; CO.

SAN ANSELMO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

Respectfully petition all United States Senators vote for Platt amendment April 11, as other measures entirely too drastic and detrimental best interests Pacific coast, and particularly State of California.

EDWIN E. STODDARD.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*Platt amendment April 11 renewing Geary Act just what we want.  
ELECTRIC RAILWAY AND MANUFACTURING SUPPLY CO.,  
SAML. N. TAYLOR, *Treasurer.*

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*

Our prosperity will be guaranteed if we get the Geary Act as amended by PLATT on 11th instant.

J. SCHWEITZER &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*

Our present amicable relations with China would be continued by renewal of Geary Act as per Platt amendment April 11.

BLAKE, MOFFITT & TOWNE,  
By A. G. TOWNE, *Secretary.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.:*

Geary Act with Platt amendment 11th instant affords every protection to American labor and means volume of export trade.

GEO. W. CASWELL CO.,  
GEO. W. CASWELL, *President.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.:*

The Geary Act, as amended by PLATT April 11, is a just one to labor and capital alike. Let us have it.

M. EARMAN &amp; CO.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*

Great benefit to all would result from enactment of Geary Act as amended by PLATT April 11.

BOWERS RUBBER CO.,  
W. F. BOWERS, *President.*

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*Pass Geary Act amended by PLATT April 11; good for all interests.  
GEO. W. TENDELL.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.:*

Reenactment of Geary Act by Platt amendment 11th instant protects our wage earners and encourages large field for our exports.

BOYLE, LACOSTE &amp; CO.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *United States Senate, Washington:*The adoption of Geary Act by Platt amendment April 11 will please.  
CHAS. C. MOORE & CO.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*By all means extend Geary Act by Platt amendment April 11.  
W. T. GARRATT & Co.,  
Per A. L. TAYLOR,  
*Vice President and Treasurer.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*Earnestly desire the extension of Geary Act by Platt amendment of April 11.  
H. N. COOK BELTING,  
By WILTON H. COOK, *Manager.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*

No interest will be injured by continuation of Geary Act, as suggested by PLATT April 11.

C. W. MARWEDEL &amp; CO.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*Heartily indorse Platt amendment April 11, Geary Act.  
GEO. E. DOW PUMPING ENGINE CO.,  
GEO. E. DOW, *President.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President Senate, Washington, D. C.:*Favor enactment Geary Act by Platt amendment April 11.  
JOHN FINN METAL WORKS,  
By JOHN FINN, *President.*

SAN FRANCISCO, April 15, 1902.

Hon. W. P. FRYE, *President Senate, Washington:*Unite all interests by passing Geary Act with Platt amendment of April 11.  
NEW HALL'S SONS & CO.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President of the Senate, Washington, D. C.:*

You can not better please all good American citizens of the Pacific coast than by passing the Geary Act by Platt amendment April 11.

JOHN ROSENFELD'S SONS.

ALAMEDA, CAL., April 15, 1902.

Hon. W. P. FRYE, *President United States Senate, Washington, D. C.:*

For the protection of our commerce with China, respectfully urge the passage of the Platt amendment of April 11, reenactment Geary law. Consider other pending legislation absolutely inimical to United States interests at large, and particularly to interests of the Pacific coast.

CHARLES M. CURTIS.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

Reenactment of Geary Act, as proposed by Platt amendment 11th, means amicable and satisfactory settlement of question.

OSGOOD &amp; HOWELL.

VISALIA, CAL., April 15, 1902.

WILLIAM P. FRYE, *President Senate, Washington, D. C.:*

Respectfully urge adoption Platt amendment April 11; House measure unnecessarily severe.

C. B. SIMMONS.

PORT COSTA, CAL., April 15, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

Platt amendment April 11 by all means most satisfactory.

J. C. QUINN.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, *President of Senate, Washington, D. C.:*

Times are very prosperous here. Give us the Geary Act, by Platt's amendment of April 11, and keep them so.

CONTRA COSTA LAUNDRY CO.,  
By GEO. H. HALLETT, *President.*

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, President of Senate, Washington, D. C.:

With existing laws have not had too great an influx of Chinese labor, and with the extension of the Geary Act by Platt amendment of April 11 we shall have greater protection in the future. Let us have it.

THE HICKS JUDD CO.,  
N. A. JUDD, President.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, President of Senate, Washington, D. C.:

Give us China's good will and her commercial patronage by extending Geary Act by Platt amendment of April 11.

FRANK B. PETERSON &amp; CO.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, President of Senate, Washington, D. C.:

Beg to offer hearty approval Platt amendment, 11th instant, to reenact Geary Act.

E. E. DRAKE,  
Agent Union Metallic Cartridge Co.

SAN FRANCISCO, CAL., April 15, 1902.

Hon. W. P. FRYE, President of the Senate, Washington, D. C.:

We want the Geary Act and Platt's amendment of April 11: no more.  
DOUGLAS S. WATSON.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. W. P. FRYE, President of the Senate, Washington, D. C.:

The American laborer will be protected by continuation of the Geary Act by the Platt amendment of April 11.

THE HASLETT WAREHOUSE CO.,  
By S. M. HASLETT, Secretary.

SAN MATEO, CAL., April 15, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

We favor adoption of Platt amendment.

J. H. GAZELL,  
C. L. DRESBACH,  
CARL W. FISHER,  
GEO. B. DRESBACH,  
J. H. MOSS,  
WM. L. NORRIS,  
H. R. MOSS.

LOS ANGELES, CAL., April 14, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

Collective telegram sent by J. S. Slauson this morning signed by leading citizens of Los Angeles.

F. Q. STORY,  
President Chamber of Commerce.  
NILES PEASE,  
President Merchants and Manufacturers' Association.

NEW YORK, April 14, 1902.

Hon. WILLIAM P. FRYE, President Senate, Washington, D. C.:

American Asiatic Association renews most emphatically the protest against Mitchell bill as contrary to treaty stipulations, flagrantly unjust to China, and calculated to provoke retaliation highly damaging to our trade association; favors Platt amendment.

SILAS D. WEBB, President.

SAUSALITO, CAL., April 15, 1902.

Hon. W. P. FRYE, President Senate, Washington, D. C.:

All interests would be best served by passage of the Platt amendment of April 11 reenacting Geary Act.

L. M. HICKMAN.

Mr. PERKINS. Mr. President, it is said the earth produces poison and it also furnishes the antidote. My friend from New Hampshire has read many telegrams from representative citizens of California. It is, therefore, only fair that I should read a few of those I have received. First I will read one addressed to the Senate, in my care. It reads as follows:

SAN FRANCISCO, CAL., April 14, 1902.

To the Senate of the United States,

Care of Senator PERKINS,

Senate Chamber, Washington, D. C.:

Senate bill 2900, as requested by committee, meets requirements of Pacific coast. Platt measure or all other similar bills hostile legislation. Protests San Francisco capitalists and Chamber of Commerce do not represent business interests in general.

E. E. SCHMITZ,  
Mayor San Francisco.

SAML. BRAUNHART,  
HORACE WILSON,  
ROBT. J. LOUGHERY,  
FRED K. EGGERS,  
W. J. WYMAN,  
JOHN A. LIANCH,  
GEO. B. MCCLELLAN,

JOHN CONNER,  
PETER J. CURTIS,  
FRED N. BENT,  
A. COMLE, JR.,  
JAMES P. BOOTH,  
S. U. BRANDENSTE,  
HENRY PAYO,

Members Board of Supervisors.

As appears from its face, the gentlemen who signed this telegram are all members of the board of supervisors of San Francisco, a city which has, as Senators know, a population of 350,000, and the supervisors are the legislative body of that city.

The next telegram I shall read is as follows:

SAN FRANCISCO, CAL., April 14, 1902.

To the Senate of the United States,

Care of Hon. GEORGE C. PERKINS,

Washington, D. C.:

Platt or any similar bill hostile legislation. Pacific coast requires Senate bill 2900, as reported by committee. Coterie San Francisco capitalists petitioning Senate not representative of mercantile community in general.

W. D. GOFF, President,  
ED ROSENBERG, Secretary,  
San Francisco Labor Council.

Another telegram I have here reads as follows:

SAN FRANCISCO, CAL., April 14, 1902.

To the Senate of the United States,

Care of Senator PERKINS,

Senate Chamber, Washington, D. C.:

Senate bill 2900 meets all demands of Pacific coast. Platt bill and other proposed measures considered hostile. Protests of capitalists and chamber of commerce not believed to represent general business interests.

FRANK H. KERRIGAN,  
FRANK J. MURSAKY,  
J. V. COFFEY,  
THOS. F. GRAHAM,  
Judges of Superior Court.

The next telegram I read, Mr. President, is as follows:

SAN FRANCISCO, CAL., April 14, 1902.

To the Senate of the United States,

Care of Hon. GEORGE C. PERKINS,

United States Senate, Washington, D. C.:

Chinese should be excluded, and our people demand the passage by the Senate of the bill reported by committee.

JOSIAH HOWELL,  
Police Commissioner, San Francisco,

The next telegram is as follows:

SAN FRANCISCO, CAL., April 14, 1902.

To the Senate of the United States,

Care of Hon. GEORGE C. PERKINS,

United States Senate, Washington, D. C.:

I earnestly commend and support all of the provisions of the Mitchell-Kahn bill, and consider that it should be immediately passed.

JOHN HUNT.

This gentleman is a judge of the superior court. I have another telegram, reading as follows:

SAN FRANCISCO, CAL., April 14, 1902.

To the Senate of the United States,

Care of Hon. GEORGE C. PERKINS,

United States Senate, Washington, D. C.:

With few exceptions among capitalists, this State emphatically demands passage of bill now pending before Senate for exclusion of Chinese. Any substitute would certainly be hostile to interests of Pacific coast.

A. BOUVIER,  
Ex-Chairman Republican County Committee.

Mr. PROCTOR. Will the Senator from Pennsylvania in charge of the pending bill yield to me to move an executive session?

Mr. PENROSE. I yield for that purpose, Mr. President.

Mr. PATTERSON. I should like to have two telegrams read to supplement those just read by the Senator from California [Mr. PERKINS].

The PRESIDENT pro tempore. Does the Senator from Vermont withdraw his motion for that purpose?

Mr. PROCTOR. I withdraw the motion temporarily.

The PRESIDENT pro tempore. The telegrams submitted by the Senator from Colorado [Mr. PATTERSON] will be read.

The Secretary read as follows:

SAN FRANCISCO, CAL., April 14, 1902.

Senator PATTERSON,

United States Senate, Washington, D. C.:

The chamber of commerce statement in regard to the Chinese-exclusion bill is grossly misleading. It does not express the sentiment of the people of California. California will be ruined if the Chinese are admitted. In regard to Chinese firemen, all prominent engineers and the Marine Engineers' Association assert that white firemen are better and more reliable than Chinese in any climate.

H. B. LISTER,

Secretary,

And J. J. SEAREY,

Business Manager of the Marine Engineers' Association.

JOHN BELL,

Secretary Pacific Coast Marine Firemen's Union.

L. J. BARRY,

Independent Longshore Union.

JOHN KEAN,

Secretary Sailors' Union of the Pacific.

SAN FRANCISCO, CAL., April 14, 1902.

Senator PATTERSON, United States Senate, Washington, D. C.:

We, the American Association of Masters and Pilots of Steam Vessels, California Harbor, No. 15, state that white sailors and white firemen are superior to Chinese in all climates. We also condemn as misleading the statements of the chamber of commerce. We know of no greater calamity that could happen to the people of California than the admission of Chinese.

F. R. WALL, Acting Captain.

Mr. MITCHELL. I also desire to present some telegraphic dispatches on the same subject.

Mr. PENROSE. I hope the Senator will defer his request so that we may hold a brief executive session.



Mr. PROCTOR. The executive session will take only a moment, and it is quite important that the matter should be attended to immediately.

Mr. MITCHELL. Very well; I will withhold the telegrams for the present.

#### EXECUTIVE SESSION.

Mr. PROCTOR. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### ADDITIONAL URGENT DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 13627) making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes; which was read twice by its title.

Mr. HALE. I ask unanimous consent for the consideration of that bill at this time. After the bill shall have been taken up I shall offer an amendment to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I offer the amendment which I send to the desk to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Maine will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

#### DISTRICT OF COLUMBIA.

Board of Children's Guardians: For care of feeble-minded children; board and care of all children committed to the guardianship of said board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, \$9,000.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. MITCHELL. Mr. President, I now desire to present some telegraphic dispatches in reference to the Chinese-exclusion bill. The first I shall present is signed by 16 members of the San Francisco board of supervisors, and is as follows:

SAN FRANCISCO, CAL., April 14, 1902.

Senator MITCHELL, Senate Chamber, Washington, D. C.:

Senate bill 2960 as requested by committee meets requirements of Pacific coast. Platt measure or all other similar bills hostile legislation. Protests San Francisco capitalists and chamber of commerce do not represent business interests in general.

E. E. SCHMILZ,  
Mayor San Francisco.

SAML. BRAUNHART,  
HORACE WILSON,  
ROBT. J. LOUGHERY,  
FRED K. EGGERS,  
W. J. WYMAN,  
JOHN A. LIANCH,  
GEO. B. MCCLELLAN,  
JOHN CONNER.

PETER J. CURTIS,  
FRED N. BENT,  
A. COMLE, JR.,  
JAMES P. BOOTH,  
S. U. BRANDENSTE,  
HENRY PAYOL,  
Members Board of Supervisors.

I also present a number of other telegrams relating to the same subject, which I ask to have read.

The telegrams were read, as follows:

SAN FRANCISCO, CAL., April 14, 1902.

Senator MITCHELL, Washington, D. C.:

We urge passage of Senate bill 2960 as only effective Chinese-exclusion measure. We protest against substitutes or amendments and especially against passage of Platt bills. A small band of San Francisco capitalists are misrepresenting position of general mercantile community and of the people.

M. CASEY,  
President Brotherhood of Teamsters,  
JOHN McLAUGHLIN,  
Secretary.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. JOHN H. MITCHELL, United States Senate, Washington, D. C.:

People of the Pacific coast urge passage of Senate bill 2960 as reported by committee. Any representation that our people are not unit in demanding enactment of this bill is erroneous.

A. M. McDONALD,  
Member California Assembly, Tuolumne County.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. JOHN H. MITCHELL, United States Senate, Washington, D. C.:

Interests of united labor and mercantile class demand enactment of Senate bill 2960. This coast and entire country will be injured by passage of any substitute. San Francisco capitalists who have petitioned otherwise represent only their own personal interests and do not speak for business community at large.

H. M. Burnet, secretary San Francisco Machinists' Union, 68; Rudolph Speck, secretary Brewery Workmen's Union 227; George Hook, secretary Brewery Workmen's Union 27; Guy Lathrop, secretary California State Federation of Labor; D. McLennon, secretary San Francisco Iron Trades Council; C. J. Collins, president Pattern Makers' Union; Miss Hannah Mahoney, general secretary Laundry Workers' Union (2,600 members); E. I. Wisler, business agent Machinists' Union 28.

SAN FRANCISCO, CAL., April 14, 1902.

Hon. JOHN H. MITCHELL, United States Senate, Washington, D. C.:

Workingmen and merchants of Pacific coast demand enactment of Senate bill 2960. Platt substitute or any other amendment is hostile to best interests of this coast.

San Francisco capitalists who ask for anything else do not represent mercantile or labor interests of our community.

J. S. PARRY,  
Fire Commissioner, San Francisco, and Secretary Union Labor Party.  
A. H. EWELL,  
Chairman Union Labor Party.  
CAPTAIN KRIMPHOFF,  
Member Executive Committee Union Labor Party.  
V. BELLO,  
Longshoremen's Union.  
P. DUFFY,  
Tanners' Union.  
M. FITZPATRICK,  
Rammers and Pavers' Union.  
J. MULALLY,  
Executive Committee Boilermakers' Union.  
FRANK CARNEY,  
Machinists' Union.

Mr. HANSBROUGH. In connection with the telegrams which have been read on the Chinese question, I have received a telegram from San Francisco, which I think ought to go into the RECORD, and I ask that it be read at the desk. It is very brief.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, CAL., April 11, 1902.

Senator HANSBROUGH, United States Senate, Washington, D. C.:

Exclusion act, as proposed, will seriously injure all commerce and practically destroy our trade relations China. Reenactment Geary Act would cover necessary requirements and still allow us maintain and increase trade with China.

W. L. B. MILLS.

Mr. HEITFELD. Mr. President, I am opposed to the immigration of Chinese laborers to this country, and represent a people who would be deeply injured if it were permitted. The friends of exclusion desire a law that will exclude. A loosely drawn enactment will be ineffectual. I think the measure as presented meets the requirements. I see nothing in it that is not essential and doubt if it can be amended to advantage.

It is charged by the opponents of this measure that it is too harsh in its provisions, and some of the opposition even assert that it is inhumane. A careful comparison of the bill with the existing laws and the present Treasury regulations will disclose that the pending bill is no more severe than the laws now in force and that there is no material difference between them.

The severity of this bill is the only argument advanced against it by its opponents. Experience has taught us that the most stringent laws and regulations are necessary to effectually keep the Chinese laborers from coming here, and the Pacific coast Senators and Representatives are satisfied that nothing short of the proposed measure will successfully bring about the desired results.

The present laws and the Treasury regulations relating to them have successfully stood the test, and we now desire to embody the whole of them into one law, a law that is specific in all its details and not subject to as many possible constructions as we have officials to carry out its provisions.

The chief difficulty with the present laws is that they are too general in their scope. Hence, the Treasury found it necessary to make certain regulations and to define the meaning of certain terms in order to secure uniformity. For example:

Section 5 of the pending bill construes the term "official." The present law fails to do this.

Section 6 defines the term "teacher." At present the inspectors are governed by a definition laid down by the Treasury Department.

In section 7 the term "student" is likewise defined.

The term "merchant" is defined in this bill the same as in the act of November 3, 1893.

So, throughout the entire bill every provision is plain and specific. Every provision of this bill with the exception of such

Country.	1899.		1900.	
	<i>Hk. taels.*</i>		<i>Hk. taels.*</i>	
Great Britain.....	40,161,115	\$28,936,083	45,467,400	\$32,768,382
Hongkong.....	118,096,208	85,088,318	93,846,617	67,635,257
India.....	31,911,214	22,992,030	16,813,029	12,117,150
Straits Settlements.....	8,646,195	2,627,083	2,625,258	1,892,023
United States.....	22,288,745	16,059,041	16,724,493	12,053,342
Philippine Islands.....	21,641	15,592	12,815	9,236
Europe, except Russia.....	10,172,898	7,329,213	10,273,405	7,404,433
Russia.....	8,233,239	2,229,549	4,236,507	3,053,251
Manchuria, Russian.....	289,165	208,343	136,956	98,704
Japan and Formosa.....	35,896,745	25,863,605	25,752,694	18,559,967
Macao.....	3,408,516	2,455,835	2,236,289	1,611,693
Turkey in Asia, Persia, Egypt, etc.....	841,850	606,533	1,237,413	891,804



EXPORTS.				
Country.	1899.		1900.	
	<i>Hk. taels.*</i>		<i>Hk. taels.*</i>	
Great Britain.....	18,962,547	\$10,060,015	9,356,428	\$6,743,178
Hongkong.....	71,845,558	51,764,725	63,961,694	45,097,150
India.....	1,731,498	1,247,544	2,865,345	2,065,050
Singapore and Straits Settlements.....	2,231,792	1,608,006	2,435,355	1,755,160
United States.....	21,685,715	15,624,558	14,751,631	10,631,500
Philippine Islands.....	61,629	44,404	113,831	82,068
Europe, except Russia.....	36,763,506	26,488,106	24,976,619	18,000,649
Russia.....	15,331,186	11,046,120	7,222,733	5,205,424
Manchuria, Russian.....	3,225,806	2,324,063	5,151,353	3,712,601
Japan and Formosa.....	17,251,144	12,429,449	16,938,053	12,207,254
Macao.....	5,824,487	4,196,543	4,710,359	3,394,756
Turkey in Asia, Persia, Egypt, etc.....	2,496,982	1,799,076	2,604,610	1,877,142

\*The haikwan tael in 1899 was valued by the United States Mint at 72.05 cents; in 1900, at 72.07 cents.

An example of China's lack of sentimentality in a matter of trade is clearly demonstrated in her present trade relations with Japan, a country that but a few years past gave her a sound drubbing and wrested from her a province. China imported from Japan in 1892, two years before the war between those countries, about 5 per cent of her total imports. In 1899 China imported from Japan more than \$25,000,000 worth of goods, or more than 12 per cent of her total imports for that year.

Since organized labor and the workmen in general have, by petitions and resolutions, plainly demonstrated that they are unalterably opposed to anything but the most rigid laws on this subject no one can question their position on this issue. Now, what interests are there which oppose this measure, and why all this opposition to a policy which has been in force for twenty years?

The answer can be found in the hearings before the Committee on Immigration. A representative of the China Development Company appeared in opposition to this measure. A representative of certain manufacturing interests in this country also appeared before the committee. Next we find a representative of the American Asiatic Company. Then came the president of the China and Japan Trading Company of New York. The Pacific Steamship Company had a representative on the ground. A gentleman presented credentials from the Boston Chamber of Commerce and the Boston Merchants' Association. Later it appeared this man was counsel for the Canadian Pacific Railroad Company, which company also operates one of the most important steamship lines between this continent and Asia. This concern is said to be most actively engaged in smuggling Chinamen across our northern border.

Now, in looking over this aggregation of "representative" gentlemen we must conclude that it is the corporate interests of this country which are so much concerned about the Chinaman and which beg us, for heaven's sake, to deal kindly with the yellow man.

Why all this solicitude? Why are the corporations so concerned about this race? It is for the sake of trade, for the sake of a few millions more of money. Little do they care what effect Chinese immigration may have on our own people.

The Mr. Stephen W. Nickerson, who said he represented "the opinion of a public meeting held in our city of Boston," delivered himself of the following utterance before the committee:

I wish to say this much plainly, that it is felt by a great many of my people that legislation has been passed against the Chinese—a people who have had no political voice, and who were powerless, and who had few friends—because it offered an easy opportunity for certain politicians “to square” themselves with their fellow-countrymen for betraying interests very important in legislation. That is plain speaking. It is not because I wish to say unpleasant things, but it is because I wish this committee to know what I ask. The people in my State perhaps have always been a little theoretical for right, but we have also been practical for trade. I know what the oriental trade did for my grandfather. I know that in my family there are still the evidences of the trade with Shanghai and the profits that came from trade and have descended to us. I know of great fortunes made in New England as the result of the Asiatic trade, when our section became wise enough to cease dealing with their fellow-men in rum in the West Indies and elsewhere and adopted a commercial policy of trade with the Orient.

Mr. President, it is clearly the purpose of certain corporate interests to ultimately get Chinese cooly labor into this country. At present they have not the courage to boldly advocate such a policy. They are playing for more time, and if it is granted them they will, at some not far distant day, make known their real purpose. Our new island possessions give these interests a splendid opportunity to do by indirection what can not otherwise be accomplished.

Major-General MacArthur, in his report to the Adjutant-General of the Army of the United States, dated July 4, 1901, in treating the subject of the Chinese people and Chinese immigra-

tion into the Philippine Islands, sounds a note of warning. I will quote from his report:

Although at present absolutely incapable of organizing on a large scale for political purposes at home, they have solved many of the minor problems relating to economic cooperation, especially of cooperative protection and production.

Such a people, largely endowed as they are with inexhaustible fortitude and determination, if admitted to the archipelago in any considerable numbers during the formative period which is now in progress of evolution, would soon have direct or indirect control of pretty nearly every productive interest, to the absolute exclusion alike of Filipinos and Americans.

This view is stated with considerable emphasis, with unmistakable indications of the application of organized and systematized efforts to break down all barriers to a view to unrestricted Chinese immigration, for the purpose of quick and effective exploitation of the islands—a policy which would not only be ruinous to the Filipino people, but would in the end surely defeat the expansion of American trade to its natural dimensions, in what is obviously one of its most important channels. In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquilize the people of the archipelago arises from their dread of sudden and excessive exploitation, which they fear would defraud them of their natural patrimony and at the same time relegate them to a status of social and political inferiority.

Mr. President, General MacArthur did not sound a false alarm. Ever since this question has been under consideration we have been receiving circulars, pamphlets, and marked copies of newspapers, all asking for some modification of our exclusion policy. But by far the most urgent demands come from our island possessions. Only a few weeks ago many Senators received copies of a memorial from the Chamber of Commerce of the city of Manila, asking for free and unrestricted immigration of Chinese cooly labor into the Philippine Islands. It is said that the members of this body of business men are American citizens. I give the circular herewith:

The American Chamber of Commerce of Manila. An appeal to Congress for the enactment of laws allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

*To the Congress of the United States of America:*

The American Chamber of Commerce of Manila, P. I., respectfully represents to your honorable body:

That by authority and under instruction of resolution adopted at a full meeting of this chamber held on the 3d day of January, 1902, this chamber does petition and earnestly request the enactment of laws by Congress allowing cooly labor to enter the Philippine Islands under such restrictions and laws as the Philippine Commission may from time to time enact.

The present restrictive law does not benefit the Filipinos, nor is it of benefit to anyone. This labor will not enter into competition with American labor, and its entry into the Philippine Islands is imperatively needed.

Tobacco, hemp, and sugar plantations are only partially cultivated by reason of insufficiency of manual laborers. There are at present people in the city of Manila who came here for the purpose of investing in plantations and to cultivate them upon lines far in advance of the primitive ideas now in vogue. Investors are compelled to either leave these islands or await such time as laborers can be secured. This being the situation at present, without this legislation the Philippine Islands can not be properly developed.

Building in the city of Manila has been retarded for months, and only since the quarantine has been raised and those Chinese entitled to land have returned to these islands has building actively revived.

For the development of these islands the urgent necessity for the immediate enactment of such laws can not be placed too strongly before Congress. For which relief this chamber, composed of American citizens representing the commercial interests of the Philippines, does most respectfully pray.

F. E. GREEN, *President.*

ROGER AP. C. JONES, *Secretary.*

The Manila Critic of March 1, 1902, has the following editorial comment on the proposed legislation:

The Chinese-exclusion bill which the Pacific coast Representatives have agreed to support is a direct menace to the very best interests of the Philippine Islands, and if it should pass would render well-nigh impossible the exploitation of these islands by the Americans, and would cause an irretrievable loss of much capital now in the archipelago. The bill denies the right of entry to the Chinese not only into the mainland ports of the United States, but also into any of the insular possessions, including the Philippines. The cumulative evidence of many years proves that the native labor here is not to be depended upon. If the business of the archipelago be developed, as it can be, and ought to be, the services of the Chino are absolutely necessary. It is to be hoped that the memorial of the American Chamber of Commerce and the recommendation of the Commission will raise up some friends for the Philippines in Congress. It is late to contemplate the idea, probably, but an authorized delegation of business men in Washington would be very valuable just now.

In the same paper also appears the following article, headed "Cooly labor necessary:"

With the several requests already made on the Philippines for a labor supply for other countries, the question as to what this country will do for a stable and assured labor in the future is brought very distinctly to mind. Regarding the new territory of the United States, Hawaii, it must be borne in mind that the country now asking for labor is practically without a labor supply of its own, and is dependent on other lands for men to till its fields and carry on the necessary work of its different business and plantations.

The conditions are quite similar in many ways to the state of affairs here, notwithstanding the fact that in these islands there is an ample supply of men perfectly able, physically, to work, but apparently without the disposition to exert themselves any more or for a longer time than is necessary to accumulate a few pesos for food, fiesta, or cock fight. In the one instance the money investor and producer is unable to secure a home labor for the reason that it is very limited and not nearly sufficient for the needs, and in the other case, while the supply is ample, the quality does not seem, from general appearance and experience, to be trustworthy enough to be depended on in time of real necessity. In all agricultural pursuits there are certain seasons of the year in which the entire success of the twelve months' work and expense is dependent on the time in which harvesting must be accomplished, else the complete loss of the crop will follow. Especially at this time



is it required that the employer should be assured of such labor as can be depended on for the work in hand, and in order to do this he is necessarily compelled to keep a greater number of men under pay through part of the year, in which he derives little benefit from their names on his pay roll.

Now, with ignorant labor under the control of a gang or labor boss and subject to his will and dictation, the boss will possess absolute control of the plantation owner's interest and be able to dictate the price of his men at the time when it is absolutely required that the employer shall have men or suffer the loss of his entire investment for the year. If large capital is expected to seek this country as a field for investment in tropical agricultural pursuits, it must be borne in mind that the success of a plantation is dependent on labor for its welfare, and until this matter is settled beyond a reasonable doubt, capital will not be overanxious to locate in a place where it is not assured of a reasonable amount of protection by law.

Ignorant labor can not be controlled by honeyed phrases or fair treatment at all times. The cooly class is not gifted with any unusual amount of judgment in matters beyond the present, and if left to its own way in work which would be better done at once in place of the future, no place dependent on it would ever see a successful year. The only way of settling the question for the general welfare of the country in general would seem to be the enactment of a just and fair contract law, under which the laborer would be given every protection of the laws of the country, yet at the same time would be bound in such a way that he could be compelled to work in times of necessity, provided of course that his health and general condition were not affected.

This country is naturally an agricultural country, and its wealth in that line is equal, at least, to any other country in the world. Its development depends entirely on the question of labor, and it is not a question to be passed over without the most serious of thought and consideration.

Will the people of the Philippines take kindly to this wholesale policy of exploitation? Will they be satisfied to surrender their native land to the greed of the corporate interests which care not what may become of the poor native so long as they are allowed to reap the harvest? Is it not probable that, goaded to desperation, the Filipinos may repeat the horrors of two centuries ago? In volume 1 of the report of the United States Philippine Commission, dated January 31, 1900, the Commission, in commenting on the hostility of the Filipinos to the Chinese, gives us a bit of history. Its language is as follows:

In the middle of the seventeenth century there were some 30,000 Chinese in the neighborhood of Manila. At that time they revolted against the Spanish Government and for some days besieged Manila. After various futile attempts they were convinced that they could not conquer in the Philippines and finally withdrew, raising the siege, and then they were pursued to a point behind Cainta and slaughtered in great numbers without pity. As a result of this revolt against the sovereignty of Spain in the archipelago greater restrictions were imposed on their immigration. In spite of these restrictions the Chinese colony gained in strength what it had lost in extent, because these restrictions gave the Chinese the undeniable right to manage their own commercial affairs and enabled them to always corrupt the administrative element in the Philippines.

In 1755 all non-Christian Chinese were ordered to be expelled, but before the day arrived for their expulsion, June 30, 1755, many had become Christians and many others were studying the mysteries of the faith. Two thousand and seventy were banished from Manila. In the time of Don Simon de Anda (1762-1764) it is calculated that some 8,000 died in the central provinces of Luzon, who were exterminated in those towns by the order of the governor-general, only those who lived in Manila and its suburbs remaining alive. As a consequence of this anti-Chinese campaign many of them who survived these assassinations emigrated to their own country, and the number of Chinese established in these islands diminished little by little.

The exploitation of the Philippine Islands with the aid of Chinese labor, directed by American energy and ingenuity, would undoubtedly produce marvelous results. Governor Taft and others tell us that at present there are but 5,000,000 acres of land held in private ownership under cultivation. Sixty-five million acres are yet public lands and lying idle. General Hughes estimates that 75 per cent of the public lands are fit for cultivation. Sugar and tobacco are the principal products. Cotton is also grown. It is highly probable that if these islands are retained by the United States at no far distant date they will become a dangerous rival of our Southern States. The cotton raiser of the Southern States will not be able to compete with the planter of the Philippine Islands if the latter is allowed to employ the Chinese cooly. And the cotton manufacturer of the South will see the oriental trade, for the sake of which he is now willing to allow the cooly to come into this country, monopolized by the manufacturers of cotton in those islands.

The sugar planter of Louisiana and the sugar-beet grower of the West are to-day alarmed about the possibilities of Cuba since peace has come and renewed energy prevails on that island. If Cuba, with her 40,000 square miles, is a menace to the sugar interests of this country, how much greater will be the danger of a rival which is nearly three times as large in area and which can avail itself of a class of labor which is unexcelled and which can be had for prices so low that it leaves no possible chance for our planter to successfully compete. The tobacco industry of the Philippine Islands is to-day a formidable one. With the tobacco plantations supervised by expert tobacco growers from this country and cultivated by the Chinese cooly, the possibilities of the islands in that direction may be expected to give the planter of this country considerable concern. The Philippine Islands, left to the natives, will maintain their own people in comfort, but will supply little for the world's trade; but with the island lands in the possession of large corporate interests, cultivated by Chinese coolies under the control of labor bosses, the result would become disastrous to our Southern States and

our Western beet-growing States, as well as to that class of our citizens which works at the manufacture of cotton goods and tobacco.

The provision of this bill denying the Chinese in the Philippine Islands admission to the United States is a most important one in the light of the conditions now existing in those islands. It is very doubtful if we can enact any law that will successfully keep the Chinese laborer out of the islands. Years of experience in this country has taught us how difficult it is to deal with these people, and it stands to reason that the islands, with their immense seacoast and their close proximity to the home of the Chinaman, will be invaded by great numbers of Chinese despite any barrier we may place in their way. Hence it is all important that we legislate in anticipation of the rush from the islands into this country. If this gap is left open the islands will afford the open door through which the yellow horde can reach the United States.

Mr. President, I repeat that this is not a question of sentiment, but a question of policy. We should legislate in the interest of our own people and not in the interest of the Chinese.

The people of the Pacific coast are almost a unit in favor of this bill, and the workmen of our entire country are in sympathy with them. Every man who works, either as a common laborer or as a mechanic, is vitally interested. He knows that he can not possibly compete with those people, a people who can live and thrive on a wage that would not supply the American workman and his family with bread and water, much less furnish them with such food and raiment as is necessary to keep them in good health and ordinary comfort.

What benefit will the Chinaman be to this country? He has the ability to produce, but since he does not consume anything worth mentioning, he is bound to bring about a great surplus and a general reduction will follow. Displace our American laborer with the Chinese cooly and who is to consume the enormous output of everything we produce? The Chinaman will not consume it, and the white man, being out of work and having nothing with which to purchase it, can not consume it.

It is well known that substantially all the Chinese ever in America have come from a single one of the many vast and densely populated provinces of China. Yet there are in that single province of Kwangtung about twice as many people as there are in the United States of America west of the Mississippi River. We know from past experience how that one subdivision of the Chinese Empire has poured its poor laboring people into this country. What would result if our doors were opened even partially to the countless legions of all China, the home of one-third of the human race? We have the door closed; let us keep it closed.

Mr. PRITCHARD. Mr. President, I desire briefly to state the reasons why I can not support the measure which has been reported by the Committee on Immigration, and in doing so I shall consider this question from a local standpoint, as it affects the Southern section of our country.

#### THE "OLD" AND THE "NEW" SOUTH.

Thirty years ago the South was crippled and poverty stricken. Possessing natural resources of wealth unsurpassed, she was without strength, opportunity, or implements, or capital to develop them. What with her utterly demoralized labor system, incident to the abolishment of slavery, her railroads—such as she had—and other methods of communication and transportation destroyed or broken, the survivors of this unhappy internecine struggle, confronted by the new conditions stated and other discouragements, well might have stood appalled over the future prospect.

But, facing this future with Spartan bravery, from the wreck and ruin in which she was then engulfed the South has now "worked out her own salvation" and has at last emerged triumphant, and to-day on the threshold of a new century she stands serene, sanguine, and progressive, if not aggressive, in her eagerness to grapple with the new and mighty problems of the new "world power" which our reunited States have become through the fortunes of war.

To-day the South stands on the verge of unprecedented industrial expansion. Equipped, as pointed out, by nature with abundant raw material, she has likewise been and is being fast supplied with the last and most improved machinery, with ample capital and credit to turn those limitless resources to the best account.

The two leading elements of productive wealth in the United States, agriculture and manufacture, bear the ratio of 28 per cent for agriculture to 52 per cent for manufacture, from which the South has been taught the lesson that her prosperity will be greatly enhanced by a general system of manufacturing her raw material on its native heath. There was a time when agricultural wealth surpassed all other wealth, but it is the magic of manufacturing which has produced within comparatively few years the extraordinary change in the wealth of the East as compared with the agricultural sections of the West and South and



which is now fast bringing the South up on a plane of competition with the New England manufactories.

In 1850 the capital invested in manufacturing in the United States was only \$750,000,000. At the outbreak of the civil war this capital had grown to be \$1,000,000,000; in 1870 there were \$2,750,000,000. This shows that from 1850 to 1860 a growth of 33 per cent had occurred, but from 1860 to 1870, a war period, there was an increase of 75 per cent in capital engaged in manufacturing industries. From 1870 to 1880 there was the large increase of \$1,000,000,000, while during the next ten years the capital increased to the enormous sum of \$6,250,000,000, or over 100 per cent increase. Since 1890 the increase has been stupendous, and the gigantic industrial capital of America so employed has well-nigh passed a point where ordinary business experience can well grasp or comprehend it.

#### COTTON AND ITS DEVELOPMENT.

Immediately following the civil war, when the work of reinstating their shattered fortunes was being instituted, the output of cotton grown in the eight cotton-growing States of the South—namely, Alabama, Arkansas, the Carolinas, Georgia, Louisiana, Mississippi and Texas—aggregated only 2,097,254 bales of 444 pounds each, selling for 31½ cents per pound, with an aggregate value in New York, basis middling, of \$193,322,944.44. In 1870 there was grown more than twice as much, or 4,352,317 bales, weighing an average of 442 pounds each, and valued at 16.95 cents per pound, basis middling, or \$74.91 per bale, equivalent to a total valuation in New York of, say, \$326,032,066.47.

Within the next decade, or in 1880, the crop had been augmented to 6,605,750 bales of 460 pounds each, and estimated at 11.34 cents per pound, or \$52.16 per bale, its aggregate value was \$344,553,920. This was equivalent to an increase of output within thirteen years of over 300 per cent in number of bales and 333 per cent in actual number of pounds. But on the other hand, showing such a great falling-off in price as to yield but a fraction greater than one-third per pound, with a net cash result varying in the last ten years only \$18,000,000, or more accurately, \$18,523,854. In 1890 the Southern crop still showed a marked increase in weight of output, but a corresponding decline in price, viz, 8,052,597 bales of 473 pounds each, worth 9.03 cents per pound, or a total aggregating in value \$369,118,787.02.

After 1890 the price of middling cotton never exceeded 10 cents per pound, but continued to decline to as low as 5 cents in the interior markets. In 1892 middling cotton, basis New York, ruled at 8.24; in 1893, at 7.67; in 1894, at 6.50; in 1895 it reacted back to 8.16, declining in 1896 to 7.72, and in 1897 to 7.4 cents per pound. Since that date the price "slumped" as low as 4 to 5 cents in the interior. In 1898, notwithstanding the crop aggregated the large amount of 11,199,994 bales of 500 pounds each, it netted the farmer only 4½ cents per pound, or \$22 per bale, the total money valuation being \$246,399,868, which was \$100,002,200 less than the net valuation of the crop of 1890, \$75,696,302 less than in 1880, and \$79,632,198 less than the valuation of the crop of 1870.

And this despite the fact that the number of bales had increased more than 550 per cent since 1886, and nearly 100 per cent since 1880, and 30 per cent since 1890; whereas for the thirty-two years the increase in actual weight was over 600 per cent. In other words, while the money crop of the South had thus increased in point of output or quantity produced during the thirty-two years to the extent of 600 per cent, on the other hand it had marked a decrease in cash valuation the very huge sum of \$100,000,000 per annum.

Meantime, be it noted that the population of the South from 1870 to 1890 had been augmented by 100 per cent, and the last decade shows a corresponding or proportionate increase, and at the same time, with perhaps a few exceptions, each nation of the globe has registered a marked increase in its population, though perhaps not so great as the United States.

#### CAUSES AND CONDITIONS FOR LOW PRICES OF COTTON.

Divers and sundry theories have been advanced to explain this unwelcome fact suggested by the gradual and almost uniform decline in price while the world's population was at the same time, if not jumping by leaps and bounds, as in our own country, at least was growing steadily, and the world's consumption of cotton goods was being likewise concurrently augmented. One of these attributed it to a defective national money system, while still another found advocates in a supposed baleful influence wielded by the cotton exchanges and so-called "bucket shops," which fostered gambling in "cotton futures."

In my opinion, neither of these influences can account for the phenomena mentioned, but that it springs from

INADEQUATE COMPETITION IN THE SPINNERS' PURCHASES, AND THE IMPERATIVE NEED OF A GREAT AND GROWING EXPORT MARKET, ETC.

In 1875 there were in operation throughout the world 67,940,000 spindles. Of these the English owned and operated 60 per cent,

or 39,000,000, although in area England covers not as much ground as one of our States. In 1876 England's spindles were increased to 41,881,789. Now England's takings of American cotton has averaged 65 to 68 per cent of the whole crop grown.

In 1880 there were in all the world 72,370,000 spindles, of which England still kept in operation the majority, and in 1885 she had 43,000,000 out of 81,145,000 spindles, or more than all the rest of the world combined. So, in 1890, she had 43,750,000 out of a total in the world of 86,145,000 spindles, and in 1895 she had 45,400,000 out of a total of 50,094,000 spindles for the world at large. As nearly as can be arrived at the last figures at hand reports the total number of spindles in operation in 1900-1901 throughout the world at about 98,000,000. Of these England then had 45,000,000, or just about one-half of the world's spindles being confined under the control of comparatively a few great cotton-manufacturing firms or corporations, and as many as 93 per cent of the latter concerns being actually located within 50 miles in and around Manchester, which is only 30 miles removed from that greatest cotton mart—Liverpool.

In other words, out of an estimate or census of 5,310 cotton factories or purchasers throughout the world, fully one-half of these (2,655) were almost in sight of each other and "touching elbows" on the Liverpool Exchange—in person or through brokers—daily. Small wonder, then, that after comparing notes and seeing that America had increased her output of cotton 600 per cent in thirty-two years, while the increase in spinning capacity had been only 50 per cent within the same period—not forgetting the handful of great concerns who dominated the markets, if not in name, certainly in fact—there was thus brought about a "community of interest" which crystallized into the more modern "trust," which thus easily reduced the price of cotton to \$22 per bale.

In 1875 England had 41,000,000 spindles and \$450,000,000 capital, or \$11 per spindle of invested capital. Estimating the spindles now at, say, about 80,000,000 throughout the foreign countries, and at the rate of \$11 per spindle, would represent \$900,000,000. Now, English capital is plentiful at rates as low as 3 and 3½ per cent, and her spinners have been netting from 8 to 12 per cent dividends and German spinners from 8 to 18 per cent. If these foreign spinners average, say, 10 per cent dividends where the customary rate of interest is as low as 4 per cent, then the South should receive a sum equal to at least 6 per cent on this capital, which would yield for its cotton \$54,000,000 more than it realized, say, in 1898, or a net increased profit of \$5 per bale.

Suppose, for sake of argument, that all of the spindles now operated in England, within an area of less than one of our States, were transposed into this country and planted in the cotton fields throughout the eight or ten cotton-growing States, the inevitable result of the active local competition from these buyers of the raw material would have enhanced the price to 7 cents per pound, or \$35 per bale, which would have realized for the South's use about \$168,000,000 annually in excess of its cash supply.

But admitting, on the other hand, that Southern cotton manufactories thus multiplied would not stimulate, as claimed, active competition in the purchase of cotton, it must still be conceded that 1,000,000 of the 12,000,000 Southern people could have found employment as operatives, and that the value of the manufactured product would reach \$1,750,000 annually instead of the \$246,000,000 for raw cotton for the single year named.

To recapitulate: The world's spinning capacity since 1875 has increased, say, about 50 per cent, while the production of cotton has increased in same period by 600 per cent annually, or an increase in actual output of 600 per cent against only 50 per cent increased spinning and weaving capacity. Since 1890, while the output of raw cotton grown has marked an increase of 30 per cent, the spinning capacity has increased only 15 per cent.

Clearly it follows that much of our misfortunes in the matter of the low plane of prices prevailing in more recent years can not be ascribed to "overproduction," but, rather, we contend, to "underspinning," and in some measure also to overcrowding the manufacturing capacity of our foreign customers with a plethora of our raw material, thereby diminishing, if not losing absolutely, the benefit of the zest and stimulus that comes from competitive bidding for our raw cash crop.

England, with her 50 per cent of the spindles of the world, and New England, with her 13 per cent of same, could not be coerced, if local conditions in each of these quarters justified it, to increase their plants to larger proportions, and by thus increasing their demands likewise necessitate competition with themselves in enhancing the price they should pay to the South for their raw material.

#### GROWTH AND PROSPERITY OF COTTON MANUFACTURING IN THE NEW ENGLAND STATES.

This can best be illustrated by taking the single State of Massachusetts—by far the wealthiest State per capita and per area, and which has the largest manufacturing output per area and per capita in the Union. In 1880 the wealth of Massachusetts was but



little changed from previous census, but the manufacturing output had increased to \$631,135,284. In the census returns of 1890 the wealth of Massachusetts was placed at \$2,803,645,447—an increase of 100 per cent in ten years. Her manufacturing output had increased to \$888,160,403, giving her \$962 per capita of assessed wealth as against only \$407 average throughout the United States.

Thus, devoid of any agricultural resources or native raw material, a State only one seventy-fifth part the size of the cotton-growing States was able to show in 1890 assessed wealth equal to that of Alabama, Arkansas, Georgia, Louisiana, Mississippi, North and South Carolina, and Texas combined—States growing 80 per cent of the production of cotton of the world, whereas Massachusetts only manufactures one-tenth of the American cotton. Therefore, considering that Massachusetts thus takes the raw material of her Southern neighbors, and by carrying it through her various processes of manufacturing, etc., has multiplied its value up to a volume of \$890,000,000 annually, does not this furnish the South an eloquent example to follow, and which she has been assiduously following of late years to her lasting prosperity, as evidenced by the following facts, many of which are vouched for by that undisputed authority, the Manufacturer's Record?

Before passing from this subject of "cotton" and taking up its kindred or correlative branch—"cotton manufacturing"—I will submit some interesting and recent statistics in the former connection by way of demonstrating not only the colossal proportions of the cotton crop of the South at large, but, incidentally, of the conspicuous part my own State itself contributes to swell these grand totals.

In a "supplement" to the Manufacturers' Record, of Baltimore, issued as a special cotton and cotton manufacturing edition, touching upon the "Future of cotton production," Hon. Charles W. Dabney, of Tennessee (referring to the preceding year's cotton crop), had this to say:

#### THE FUTURE OF COTTON PRODUCTION.

The chief facts with regard to the past history of cotton in the South are familiar to all. Few people appreciate, however, the vast importance of this crop and its value to the United States and the world. The American crop this year will probably reach 9,000,000 bales, worth nearly \$900,000,000, of which amount nearly 70 per cent will be exported and bring some \$210,000,000. The cotton produced in America in the last hundred years has been worth at the average price of each year in gold about \$15,000,000,000. The 82,000,000 pounds exported from this country during the last hundred years was worth about \$11,000,000,000. These figures are almost beyond comprehension.

Soil and climatic conditions restrict the cultivation of cotton to a group of States in the southern portion of America, constituting less than one-fourth of the total area of the United States. Yet these States grow over 60 per cent of all the cotton consumed in the world. The total value of the annual crop is exceeded among the cultivated crops of the United States only by Indian corn, which is grown in every State in the Union, and about one year in four by wheat, which is grown in almost every State. Its production not only engages almost exclusively 7,000,000 of our people, but its handling for domestic and foreign markets and manufacture employ the capital or labor of several millions more. It is within the truth to say that 6,000,000 or 7,000,000 of people in these United States make their living out of cotton. Our interest in it is therefore a very great one, and it concerns us deeply to learn what we can about its future.

The future of cotton will be determined by the inexorable laws of supply and demand. We are not able to predict very much about the demand for cotton, further than that it is sure to grow with civilization and the progress of the arts. According to Mr. Edward Atkinson, less than half of the people of the world are supplied with cotton goods made by modern machinery. It will require an annual crop of about 45,000,000 bales to raise the world's standard of consumption of the best civilized nation. It is fair to assume that all of the fibers of the world have been pretty well tested as to their capabilities and uses. We must conclude, therefore, that cotton, which is now the preferred fiber, and is growing steadily in the favor of civilized man, will continue to be used by him in increasing amounts. If science teaches us anything, it is that the uses of cotton will multiply rather than diminish. We are constantly finding new uses for it, such as those in gun-cotton and celluloid. Doubtless many others will be found as science progresses and the wants of man increase. From the increases in the demand for cotton in the last twenty years, it is safe to predict that the world will in 1920 want at least 30,000,000 bales to supply its wants; provided, of course, that the price does not exceed the present ruling prices, say 7 or 8 cents a pound.

[Extract from editorial review of cotton manufacturing in the South, its growth and future development, by Hon. R. H. Edmonds, editor.]

#### THE TEXTILE FIELD.

Cotton growing used to be regarded as the dominating power in Southern economy. It was largely responsible for a fallacy that the South could do better as a producer of raw material for manufactures than as an artisan and mechanic, handling in many processes its own cotton, lumber, and leather at home. This theory retarded industrial life, though it did not entirely suppress it, especially in those States where slaveholding was becoming a burden. In other States, however, the eminently sound policy of placing cotton mills in close touch with the cotton fields, if not actually within them, was successfully essayed at an early day.

Under more favoring circumstances it has been extended through the Piedmont region, teeming with reserves for the industrial army, readily and intelligently adapting itself to the betterment of changed occupations, and around its gratifying results, notably at Charlotte, N. C., have gathered mill-supply establishments, machine shops, and minor industries, materially affecting public opinion, inspiring to similar efforts in other directions, and more than compensating for increasing disadvantages encountered by the older cotton regions attempting to compete on traditional lines with the newer. Its value has become enhanced as the source of power has evolved from direct water, through steam obtained at a minimum cost, to electricity derived from streams having their heads high up in the mountains of eternal spring, as abundant fuel has at places been mined almost within shovel throw of the mill boilers, and as local capital, patiently and persistently pocketing its 10 per cent dividends, has been willingly and gladly supplemented by that from the North and East, in enlargements of well-proven

undertakings, in independent buildings, or in such a phase as the investment by a Massachusetts textile firm of over two millions of money in the construction of a duplicate factory at Huntsville.

In the drift of the center of cotton production toward Texas has followed the mill builder, until flourishing concerns have set an example and given an impulse to others in the Mississippi Valley and have started practical projects in Texas itself.

Meanwhile, the success of plain goods being assured, and new mills even closer to the cotton fields entering upon that particular plane, the manufacturers of the older communities are gravitating to a higher class of goods, either by reequipping existing buildings or by erecting others and filling them with up-to-date machinery.

This pregnant variation, to be expected with the reduplication of the number of spindles within twenty years from 667,000 to 5,000,000, and with the Southern consumption of cotton increasing within ten years from 547,000 bales to 1,399,399 bales, has been accompanied by a tendency to diversification of crops among the cotton growers. The ability thus acquired to raise food and feed supplies at home, rendering the farmer comparatively independent of the fluctuating price of the staple, the adoption of planting methods looking more to the character or quality of the crop than to its quantity, and to the consequent stricter attention to the improvement of farm labor will reduce the cost of cotton production, even while its quality shall be maintained, as a larger quantity is produced to supply a world's needs, and will attract more mill capital than ever to profit in the South.

The same intensive ideas will persist in the handling of cotton's great by-product, cotton seed. Already the crushing of the seed for its oil and meal, sought in domestic and foreign markets, requires \$40,000,000 capital, with millions of pounds of material still employed only primarily, and as more money seeks an outlet in this direction, as wider differentiation in the use of the oil occurs, the wealth of the South will grow.

Methods of spinning the fiber and of crushing the seed in vogue in the South point to the ultimate principle in textiles, the derivation by the producer of all the benefits possible from the product. When are established plants in which shall be conducted all the handling of cotton, from the boll to the sheetings, duck, twine, undergarments of knit goods and colored prints, to the oil prepared for table dressings, lubricants, and divers uses in the arts, to the meal ready to be fed to cattle after all industrial ingredients have been removed, to the hulls a basis for a fertilizer or a fuel, and even to the stalks and other waste, perhaps, converted into paper or other commodity; when bonded warehouses shall give the farmers a convenient means for using their crop as collateral and at the same time shall act as a regulator of the market; when bales sent to other parts of the country or to foreign lands shall be compressed in such a way that they shall be exempt from pillage, protected from damage, and relieved from many of the burdens of insurance, freight, and middlemen, which to-day entail an annual loss upon farmers of certainly \$20,000,000 for an average crop, the impression that cotton has lost any of its regal attributes will be dissipated. It is by no means an absolute monarch, and never can be. But as long as cotton is the cheap material for clothes, and as long as civilization, not yet universal, teaches more and more men and women to use clothes, it will be a mighty monarch, though in triple or quadruple alliance with others.

#### OTHER STATISTICS SHOWING THE WONDERFUL DEVELOPMENT OF THE COTTON-MANUFACTURING INDUSTRY IN THE SOUTH AND THE CONDITIONS WHICH HAVE CONTRIBUTED THERETO.

Mr. Edmonds, in tracing this encouraging development, and in ascribing his reasons for indulging in rosy predictions for the future of the South, sums up as follows:

To-day it has \$1,000,000,000 invested in manufacturing, with an annual output valued at \$1,500,000,000, and paying \$350,000,000 in wages. Its cotton mills, with 5,000,000 spindles, representing an investment of \$125,000,000, already consume yearly 1,400,000 bales of cotton. It is producing about 2,500,000 tons of pig iron a year, 40,000,000 tons of coal, from 10,000,000 to 11,000,000 bales of cotton, probably 10,000,000,000 feet of lumber, and 750,000,000 bushels of grain, and its railroads, steadily improving and increasing in length, have already a 50,000 mileage. The South has accomplished much. It has much more to do before its full growth shall have been attained. That it will be equal to its mighty task is proved by its present lustiness.

Its virility is no new trait of the South. It is not an artificial acquirement. It has existed as long as the South, but has at times been hampered by shortsightedness within or by unfriendly pressure from without. It has more than once been misdirected or wasted in rash experiment. In experience it has gained in judgment, though, until the point has been reached where it may be exerted to the best and truest ends, to the enrichment of its home and the well-balanced development of the whole country.

It is grounded and rooted in the South's stores of minerals, timber, cotton, and general agricultural supplies capable of wonderful expansion for the enlargement of domestic trade and the extension of foreign commerce.

It is manifested in cotton mills sending their products to the other side of the globe and equipping themselves with latest machinery for the manufacture of higher and higher grades of goods.

And Mr. J. B. Killebrew, of Tennessee, indulging in the same sanguine sentiments, follows in the same vein:

3. The low price of cotton is not without its compensations. Nay, the low price of cotton is stimulating its manufacture to a degree that was almost inconceivable twenty years ago. The cotton mills in the South in 1894 used 720,000 bales. To-day the cotton mills require 1,400,000, which is more than half the amount taken by Northern mills. And this great industry is hardly begun. Its rapid increase has astonished the cotton-manufacturing world, and in many countries is producing consternation. In 1880 the South had 180 cotton mills, 667,854 spindles, and 14,300 looms. Recent reliable statistics show that it has at present 550 cotton mills, 4,952,032 spindles, and 104,446 looms.

While the number of mills has only increased within nineteen years 206 per cent, the number of spindles within the same period has increased 641 per cent and the number of looms 630 per cent. The mills now building have far greater capacity and better equipment than those that were in operation in 1880. At that time the average number of spindles to the mill was 3,771; in 1899 the average number is 9,000. But this is not the most encouraging feature. In the six years ending September, 1899, the number of mills and spindles have doubled, as well as the consumption of cotton in the South, thus showing an accelerated movement.

THE CRYING NEED OF THE COTTON MILLS OF THE UNITED STATES BOTH IN NEW ENGLAND AND IN THE SOUTH NOW IS THE WANT OF FOREIGN OR EXPORT MARKETS, SUCH AS OFFERED BY THE ASIATIC TRADE AND THAT OF THE SOUTH AMERICAN REPUBLICS, ETC.

The foregoing statistics and other data arrayed under their respective heads show what the South has already accomplished and what it is to-day accomplishing, and mark out the lines upon which the South promises to progress safely, conservatively, yet



surely, as its limitless resources become, under the spur and impetus of abundant and enlivening capital and confidence born of success, contributors to the commerce which the United States are sending to all quarters of the globe.

As one of the South's staunch advocates, whose mission has been addressed particularly in the direction of exploiting her wonderful resources, well has said: "The South's story is a fascinating one. Two large volumes have been written. Their sequel is only beginning. It is full of the promise of greater interest and profit than either of the preceding ones."

The effect of cotton upon the commercial and social relations of mankind is, however, too far-reaching for estimation in dollars and cents. By reason of its many excellences and its cheapness cotton has become the favorite fiber for the clothing of all races and conditions of men in all parts of the world.

Of the four great staples that provide men with clothing—cotton, wool, flax, and silk—cotton is rapidly superseding its rivals among all peoples. The demand for it is steadily growing with civilization. The author of Sartor Resartus, Mr. Carlyle, defined man as distinguished from the brute in that he "wears clothes," and so it seems that dating from the time of Adam and Eve, the first substantial mark of civilization in man or woman as they advance in civilization finds expression in the matter of dress. And so cheap and so attractive have become the plain white and fancy colored cottons made in this country that the veriest savage has begun to clothe his nakedness with at least a cotton shirt.

There are 1,500,000,000 people in the world, of whom possibly 7,000,000 are financially interested some way in the growing, handling, and manufacturing of cotton, and possibly 8,000,000 in its sale, and thus we have remaining 99 per cent of the human family who are possible customers in the consumption of cotton in the manufactured state.

Of this huge population mentioned, China alone constitutes well-nigh one-third—a boundless field whose teeming hordes of humanity must be clothed. Owing to the honest goods they have been receiving so far from this country—our cotton being so cheap that it is as much a matter of cheapness and policy as of principle for our manufacturers to avoid the foreign ingredients commonly in use by foreign manufacturers, such as clays, starch, sizing, coloring, and other deleterious matter to make up for the raw cotton—the American cotton goods are given the preference everywhere abroad, "everything being equal." This is particularly true of the tropical countries, where the natives use the wash fabrics freely.

It is a fact that by reason of the proximity of the cotton to the mills of the South, and a multiplicity of other advantages we need not enumerate, to the Southern mills has been surrendered almost wholly the manufacture of the coarse and cheaper cotton goods which are exported to the Asiatic markets. Those of the great cotton-mill plants in the New England States which had developed a large export demand for their special brands, such as the "Indian Head" and other well-known brands, recognizing these superior advantages, solved the situation by simply erecting in the South, in a number of instances, branch factories, in which the manufacture of their brands for export continued, while their machinery in the New England mill was turned on to new and finer numbers, more especially competing with England.

Consequently the two sections—the New England and Southern mills—instead of being necessarily rivals for business, have a common interest in developing this Asiatic trade, in that whatever tends to relieve the congestion at home thereby leaves both sections free to follow this policy, namely, the South supplying the cheap, coarse cottons to the Asiatic trade and other tropical climes such as Africa, South America, etc., while the New England mills supply the home trade in fancy cottons and "lock horns," as stated, with England in placing her surplus abroad.

The spinning and weaving capacity of the United States having already far outstripped home consumption, inevitably it follows that foreign markets must be forged and forced to open and remain open to our expansive and expanding cotton manufactures. Per contra, check this outlet by such legislation as now threatens under this Chinese-exclusion bill, and the usual Asiatic markets being closed to the Southern mills, then in self-defense they must turn their machinery on to that class of goods made in the New England States and come in immediate competition with them for the control of the limited home market.

The sequence will be that it will inevitably resolve itself to a case of the survival of the fittest, and with her conceded numerous advantages, who doubts will be the sufferer in the end? New England, of course. Therefore it would seem plain that while the Southern mills have a direct and all-important concern over this threatened legislation, of the two sections, New England mills have a far greater reason to desire that this harsh measure do not pass.

The vital importance of this question to both sections can be

better demonstrated by a home experience or example to be found in the evidence of Col. James L. Orr, of South Carolina, president of the flourishing Piedmont Mills, of Piedmont (near Greenville), S. C. The experience recited by Colonel Orr is but the echo of the history of very many other prosperous Southern mills. It will be remarked that he especially stresses the fact that fully 75 per cent of his 39,000,000 yards of cloth is exported to China, Africa, and South America.

#### TEXTILES IN THE PIEDMONT REGION.

[By Col. James L. Orr, of South Carolina.]

In an interview with a representative of the Manufacturers' Record Col. James L. Orr, president of the Piedmont Mills, of Piedmont, S. C., regarding the textile industry in the Piedmont region of the South, said:

"The real beginning of cotton manufacturing in the Piedmont section of the Carolinas dates back to 1820, when William Bates, a native of Massachusetts, and who learned his trade in the old Arkwright Mills, near Providence, came to upper South Carolina at the instance of the Lesters, and finally built Lesters' factory upon the site of what is now Pelham. The machinery for this mill was bought in Philadelphia second hand, shipped to Charleston by water, and hauled from there by wagons over 300 miles.

"The real beginning of cotton manufacturing as we have it now commenced with the Piedmont Mills, projected and successfully carried out by the late Col. H. P. Hammett, a son-in-law of Mr. William Bates. This mill was begun in 1873, and began the manufacture of goods in the spring of 1876. In a very few years (1882) this venture was followed by the Pelzer Mills and the Clifton Mills. These pioneer mills soon demonstrated to a very skeptical world that cotton goods could be manufactured in the South as cheap, if not cheaper, than in any other section of the United States. The Piedmont Mills have grown from a small plant of 5,000 spindles to nearly 61,000 spindles; from a capital of \$200,000 to \$300,000, which is far below the value of the property.

"The market value of the stock is 185, but very little changes hands, being held for investment exclusively. Piedmont uses 32,500 bales of cotton annually, producing 39,000,000 yards of cloth, of which 75 per cent is exported to China, Africa, and South America.

"Following the signal success of these pioneer mills others were soon erected, 1,500,000 spindles, representing an outlay of nearly \$40,000,000. Ten per cent dividends, and many mills make more, represents annually a net profit of \$4,000,000. All this has been done in thirty years.

"The profits in cotton manufacturing during this period has been satisfactory, varying, of course, as the conditions have been more or less satisfactory. These mills have been through as hard times as have ever been known in the history of manufacturing in the United States. They have demonstrated their ability to live through unfavorable conditions and make money. As investments they are as well tried as any business investments in the world. They have been built by a combination of Northern and Southern capital, the former being, however, limited to those immediately having business relations with the mills. Gradually it has forced its way into all the investment world that as dividend payers there are none better, and their stocks are being sought for, and command, in many cases, fancy prices. As the facts become more generally known this will grow. Far-sighted New Englanders are to-day in the market for stock in standard Southern mills. One of these days the general public will see the desirability of these stocks as investments.

"As yet, however, we have only entered a small realm of cotton goods. Year by year, however, the number of mills are increasing that make finer numbers, some mills even now making finer goods than print cloths. The process is an evolution; but as to the future, it is well to let that take care of itself. We are dealing with facts of to-day, and those outlined are well within the truth.

"A new field for the products of cotton mills has been opened in the Far East. Southern cotton mills have entered this field, and some brands are as well known and appreciated in China and Africa as they are at home. With this new demand the danger, if there ever was any, of overproduction is remotely removed. Broadly stated, every bat of cotton that is not burned or lost at sea is manufactured. The crop is all manufactured at some point or other. If the natural advantages we possess are as good or better than other places, then we must continue to get new spindles, as well as the keeping of our old ones going."

FACTS AND STATISTICS SHOWING OUR DEPENDENCY UPON THE TRADE OF THE CHINESE EMPIRE IN PARTICULAR, AND THE CONSEQUENT REASONS WHY AT LEAST EXISTING RELATIONS UNDER THE GEARY LAW SHOULD REMAIN UNDISTURBED, IF NOT LEGISLATION HAD AMELIORATING THE HARSH CONDITIONS ATTACHING TO THE PRESENT LAW.

To show the utter dependency of the mills of this country upon this outlet in the Asiatic markets the single instance of one mill in the South might be referred to which was compelled to pile up as many as 30,000 bales of cotton goods—sheetings and drills for export—for which they had no outlet or market by reason of the paralysis to trade incident to the Boxer uprising in China—this being the chief if not sole market to which this mill had been sending its output.

And this was but one example out of numerous others.

During the year 1890, just preceding the Boxer troubles, and before the exports to China from this country were shut off, within the single month of July there were exported to China 15,519,945 yards of domestic cottons, valued at \$871,000, but within less than ninety days after the trouble began this export demand dwindled down to only 390,000 yards, valued at only \$25,375, and still kept down to this nominal figure until July, 1901, when the reaction having come, and the markets of China having been thrown open, the exports for the single month of July of that year aggregated 33,988,783 yards, valued at \$1,709,605. It gravitated around these figures from that time on until it crawled up in January, 1902, to the very encouraging figures of 37,672,467 yards, valued at \$1,773,585. It is estimated that for the current fiscal year our exports of manufactured cottons will probably exceed in value \$30,000,000.

It is the sheerest folly to assert that the Chinese Government will submit to any harsher measures than are embodied in the present Geary law, especially when the pending bill so ruthlessly



disregards and openly violates existing treaty rights. That she will as a self-respecting nation adopt some means of retaliation goes without saying.

Mr. President, I am in favor of the ship-subsidy bill as well as the bill authorizing the construction of an interoceanic canal, and I am satisfied that both of these measures will be enacted into law during the present session of Congress. The people of the South are in favor of both of these propositions, upon the ground that their adoption will facilitate the extension of our trade into foreign countries, and such being the case, many of us who live south of Mason and Dixon's line fear that the pending measure will curtail the amount of our foreign trade in the future.

I am opposed to the importation of Chinese labor, and will vote for any proposition which will prevent Chinese or cooly labor from coming in competition with the laborers of this country, provided its provisions will not interfere with our commerce in China. Such being the case, I shall vote to extend the provisions of the Geary Act, believing, as I do, that the extension of this measure will be adequate and at the same time by its adoption we will incur no risk of interrupting our present relations with the people of the Chinese Empire. I can not support the bill which has been reported by the committee, for its adoption would prove disastrous to the interests of the cotton manufacturers of the South, and would result in curtailing the amount of goods manufactured and lessen the demand for labor, which would necessarily result in a reduction of wages of operatives employed in the cotton mills in the Southern States.

Mr. MALLORY. I submit an amendment to the substitute proposed by the Senator from Connecticut [Mr. PLATT]. I ask that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. CLAY in the chair). The amendment will lie on the table and be printed.

Mr. GALLINGER. Mr. President, if any other Senator desires to be heard on the bill I will be glad to yield. If not, I will occupy a few minutes in presenting one particular phase of the question.

The indications are that the so-called seaman clause in the bill is to be stricken out. At any rate, I feel confident that such will be the result of the vote. It does not seem to have had very earnest support from any quarter, not even by the committee that reported the bill. I notice on page 134 of the so-called testimony the chairman of the committee made this observation:

I confess it does not seem reasonable to me to prohibit the employment of Chinese seamen on vessels plying to Chinese ports.

It will be remembered that the Senator from Massachusetts [Mr. LODGE] on yesterday offered an amendment striking that section from the bill, the Senator from Massachusetts being a member of the committee which reported it.

There has been a good deal of controversy as to the conduct of Chinese sailors, especially in time of danger. Going back to the discussion of the ship-subsidy bill, I find that the Senator from Colorado [Mr. PATTERSON] made some criticisms upon the Chinese in this regard. I wish to read very briefly from the speech of the Senator from Colorado, made on the 17th day of March last. He said:

It is true, Mr. President, that Chinese sailors are desirable for some purposes. They are obedient, they are sober; but while they possess traits such as these, it has been the experience from the time that Chinese sailors first manned vessels between the Pacific coast and China that in times of emergency they have always proved miserable failures. We know from those who testified before the Senate committee that in cases of wreck or collision, where it required bravery and presence of mind in the crews, the Chinese have always proved a failure, and ships have been lost and hundreds of lives sacrificed in the waters of San Francisco simply because in times of peril the Chinese crew were stricken by panic, and for that reason there has been a failure to save lives which otherwise would have been saved.

Mr. President, I personally know nothing about Chinese crews, nor whether they are brave or cowardly in time of danger and distress. What I do know is that the statements before the committee, upon which the arguments of the Senator from Washington [Mr. TURNER] and the Senator from Colorado [Mr. PATTERSON] have been based, appear to have no foundation in point of fact. Reference was made before the committee to the case of the collision between the *Oceanic* and the *City of Chester* in 1888, and to the sinking of the *Rio de Janeiro* in 1901. The *Oceanic* and the *Rio* both carried Chinese crews, and Mr. FURSETH made the following statement in regard to them in support of his argument that Chinamen were cowards in time of danger:

As such, we could point to the notorious unreliability of the Chinese and other Asiatics in times of emergency on shipboard.

This characteristic has been demonstrated on numerous occasions—in fact, in every case of wreck or other serious accident. By way of illustration we would cite the case of the collision between the steamers *City of Chester* and *Oceanic* in the Golden Gate some years ago. The former vessel, manned by American seamen, sank with great loss of life. The *Oceanic* (chartered by the Pacific Mail Steamship Company), though little damaged, rendered practically no assistance to the sinking vessel, for the reason that her Chinese crew became terror stricken and were unable to launch the boats. The American seamen and firemen of the *City of Chester* had actually to make their way to the Chinese-manned vessel and launch the latter's boats, and by

so doing managed to save many lives that would otherwise have been lost through the inefficiency and cowardice of the Chinese. The *City of Chester* belonged to what we called the good old "Perkins boats"—that is, the Pacific Coast Steamship Company's line coastwise boats.

Coming down to the recent loss of the Pacific Mail Steamship Company's steamer *City of Rio de Janeiro* in the harbor of San Francisco, it will be remembered that that vessel remained above water for fifteen or twenty minutes after striking, thus affording ample time to get the boats overboard and secure the lives of the passengers. In this case, too, a panic occurred among the Chinese crew, with the result that 127 lives were lost, including the greater number of passengers, many of whom were women and children. Only one boat was launched, and that was captured by the Chinese, in utter disregard of the lives intrusted to their care.

Before I answer this charge of cowardice made against the Chinese race, let me call to the attention of the Senate the character of some of the statements in other matters made by Mr. FURSETH, who makes the accusation. Like Mr. Dunn, who appeared before the committee as representing the Treasury Department, Mr. FURSETH has a fondness for making sweeping charges based upon alleged information received from persons whose names he declines to reveal. He said on pages 253 and 254 of the testimony as follows:

The CHAIRMAN. You referred to the difficulty about seamen during the Spanish war. I had not heard of any difficulty before. Will you explain what you mean?

Mr. FURSETH. I have what I consider unquestionably true information from men who were in the Navy at the time and from naval officers that only six of our fighting vessels attached to the Atlantic fleet were fairly well manned.

Senator CLAY. How is that? I did not catch your statement.

Mr. FURSETH. Only six of our fighting vessels attached to the Atlantic fleet were fairly well manned.

Senator FAIRBANKS. Can you give the name of your informant or informants?

Mr. FURSETH. I would not care about doing that. I will put you in the way of getting it; though I can tell just what I have a right to tell.

The CHAIRMAN. That is rather a sweeping statement, which I have never before heard intimated either in newspapers or in rumor.

Senator FAIRBANKS. For that reason I think it would be well for Mr. FURSETH to be a little more specific.

Mr. FURSETH. There are a great many men who were in the American Navy at the time of the war who are now in the merchant marine. There are a great many in San Francisco, a great many in New York who served around Cuba and on the Eastern coast. A great many of the men who were in the *Oregon* when she made her trip around and who were transferred from her on board other vessels are to be found in our seaports at the present time.

But I have referred to naval officers, and I want to say that two years ago there came to the Sailors' Union office in San Francisco a naval officer who said that he was instructed by the Navy to obtain the average age, nationality, how many had taken out intention papers, how many were citizens of the men then sailing on the Pacific coast and from the Pacific coast. I said to him, "I believe you have come to the right person, because I have got the records of those things, but I would like to know what you want it for before I give it." He says, "I have been instructed to obtain that information." I said, "Why?" "Because we found that the landsmen employed during the Spanish war were not efficient—would not do."

Senator FAIRBANKS. What was the name of that officer?

Mr. FURSETH. If he was authorized to get the information, which he got, and was acting under instructions of the Navy Department, as he said he was, then by obtaining the information, Senator, you can obtain the name.

Senator FAIRBANKS. Do you know his name?

Mr. FURSETH. I do not remember his name at the present time; so I can not tell it.

Senator FAIRBANKS. Very well.

Mr. FURSETH. But even if I remembered it, I do not know that I had a right to tell it, because he said, "Do not give it to the public."

Senator CLAY. Do I understand you to say that only six of our vessels were properly manned during the Spanish war?

Mr. FURSETH. That is what I said, referring to the Atlantic fleet.

Senator CLAY. That is a peculiar statement.

Mr. FURSETH. It is rather a peculiar statement. It is a strong statement, Senator. If you were to investigate carefully the running of our Navy and the manning of our Navy during that time, and get the real facts of the case, I think it would agree just with what I said.

Senator CLAY. We would not have had to fight any battles, then, if the vessels had been properly manned?

Senator FAIRBANKS. Do you make that statement upon investigation of your own?

Mr. FURSETH. I make it partly upon investigation of my own and partly upon inquiries that have been made at the Navy Department.

Senator FAIRBANKS. By this man whose name you have forgotten?

Mr. FURSETH. Yes.

Senator FAIRBANKS. That is all.

Mr. FURSETH. Now, I think I can find—

Senator CLAY. It is a right serious matter, I declare, and if it is true, we ought to know something about it.

Mr. FURSETH. It is very easily verified by getting information from the Navigation Bureau of the Navy Department.

Senator FAIRBANKS. Did you examine the reports upon which you based your information; and if so, what reports?

Mr. FURSETH. No, I did not examine the reports; the written reports.

I read this from the statement of Mr. FURSETH for the purpose of showing to the Senate what manner of man he is; and I now come back to his assertion that in the disaster which befell the *Oceanic* in 1888 her Chinese crew were terror stricken and unable to launch her boats.

Mr. President, I hold in my hand an original letter from the captain of the *Oceanic* at the time of the collision, which I will now read:

PACIFIC IMPROVEMENT COMPANY,  
OFFICE OF SECRETARY, CROCKER BUILDING,  
San Francisco, Cal., February 14, 1902.

DEAR MR. SCHWERIN: Your 2a of the 5th instant just received on my return from a trip to Portland.

In reply I beg to say that the statement of Mr. FURSETH, as quoted in the paper mentioned, is absolutely false in every particular.



The Chinese portion of the crew of the steamship *Oceanic* at the time of the collision occurring between her and the *City of Chester* behaved splendidly and with excellent discipline. When the collision occurred, the order was given to clear away the boats, and in three to four minutes three boats from the starboard side and one from the port side were alongside of the *Chester*, manned by the Chinese and an officer or petty officer in charge, and saved a number of the *City of Chester's* people.

There was not the least effort made to clear away the boats of the *Chester*. On the contrary, the major part of the crew scrambled up over the bow of the *Oceanic* and were the first to leave her. One boat got away from the *Chester*, and that was got out by the captain and, I should judge, some of the passengers.

In fourteen years' experience of Chinese as sailors and firemen I consider their conduct an example for that of any nation, being sober and industrious, and I never saw them try to evade their duties under trying situations.

I am yours, truly,

J. METCALFE,

Surveyor to Lloyds Register,

Late Master of the *S. S. Oceanic*, twelve years.

R. P. SCHWERIN, Esq.,

Vice-President and General Manager

Pacific Mail S. S. Company, San Francisco.

Mr. President, I will now read a statement appearing in the San Francisco Call of August 23, 1888, which contains an extract from the testimony taken at the time in an investigation of the collision made by Federal officials in San Francisco. The Call says:

"How did the Chinese crew behave?" asked the vice-consul of Captain Metcalfe. "Splendidly; we had not the slightest trouble in getting the boats off. We have boat drills every day in port and every week at sea. We can put off 10 boats, fully manned, in fifteen or eighteen minutes. But in an emergency this can be done much quicker. We always carry four boats, ready for immediate action. We rescued people from the *Chester* over our bow with a rope and by hand." "Did the Chinese render any assistance in rescuing the *Chester's* people?" was asked. "Yes; very readily; but there were a large number of Chinese passengers who had nothing to do with the ship. Our crew consisted of 130 men, 35 of them white. The fact is that four minutes after we struck the *Chester* our boats were in the water. The Chinese acted splendidly. Their movements were exceedingly rapid. As the *Chester* sank one of her yards struck the boat in which Second Officer Bridgett was carried down in the vortex, and the four Chinamen only escaped by reason of their presence of mind in seizing hold of a piece of wreckage. All came to the surface and clung to the keel of the boat until they were rescued. Officer Bridgett was severely hurt, and was within an ace of being drowned. Another Chinaman (Ah Lun) jumped overboard to rescue a little 4-months-old baby. He was dragged down with the wreck, but caught hold of the child and climbed with it on the keel of the boat. His legs and feet were fearfully lacerated.

Mr. President, I will now present the decision of the board of investigation, taken from the San Francisco Call, as follows:

**Decision.**—That the master, John Metcalfe, and Louis Meyer, the pilot, appear to have navigated the steamship *Oceanic* in a safe and proper manner, and when casualty was apparently inevitable to have done everything in their power to avert the calamity. The chief officers, G. T. Tilston, G. E. Bridgett, second officer, and the other officers of the crew were each and all at their respective stations, proper discipline appearing to have been maintained, and all orders properly attended to. The boats, which were immediately manned, were the means of saving many lives. The court has no ground for blaming any of the above officers or crew of the steamship *Oceanic*, but desire to record their praise that each and all performed their duty.

Yet, Mr. President, that is the crew which Mr. Furuseth slanders in the so-called testimony that he gave before the committee, declaring them to have been cowards, and saying that through their cowardice hundreds of human lives were sacrificed in that collision.

As to the charge that the crew of the *Rio de Janeiro* were cowards, I read a statement which appeared in the San Francisco Call under date of March 2, 1901:

On the evidence of the surviving officers the greatest credit must be given to the Chinese crew of the *Rio Janeiro*. Every witness yesterday testified under oath that the Chinese had acted with great coolness and bravery, many of the men displaying remarkable ability under the sudden circumstances of the shipwreck.

Third Officer Charles Holland, of the *Rio Janeiro*, testified under oath before Commissioner Morse that "the Chinese make a good crew; that they obey orders; that there was no confusion among them; that they did all they could to launch the boats and save life; that they understood and spoke English sufficient to respond to all the orders given them." Mr. Holland, with five Chinese sailors, lowered the first boat from the *Rio Janeiro*, and, instead of the Chinese capturing this boat, it was crushed and upset by a falling spar from the sinking ship.

Frank Cramp, the carpenter of the *Rio Janeiro*, testified that he considered the Chinese a good crew, as far as seamanship goes; that they obey orders promptly. He says, under oath: "I have been in one typhoon with the *Rio*, and the Chinese sailors were at their post of duty, ready for call, and always obeyed every order that was given to them thoroughly. Every one on the *Rio* understood English."

Cramp's Chinese boat crew were at their station on the morning of the wreck.

Now, Mr. President, what I have said relates to the matter of the Chinese-crew clause, but I called it to the attention of the Senate not because of its relation to that clause, but because it shows the character of some of the men who have appeared before the committee, and upon whose statements this Pacific slope bill has been reported. This whole bill seems to be based upon just such statements as those of Furuseth, to which I have alluded. It was drawn by one of the men who made these statements, Mr. Livernash—at least he claims its authorship—and, in my opinion, the bill should never have been reported to the Senate.

After hearing the true facts as to the *Oceanic* and the *Rio de Janeiro*, it is difficult to see how any weight can be attached to

the arguments advanced by certain Senators on the point which I have briefly discussed.

As I said in the beginning, I feel very confident that that section of the bill will be eliminated. It certainly ought to be stricken from the bill. It would do immense damage to the transportation interests of this country, and I do not see that it possibly could do any good to anyone.

Mr. President, I ask permission to insert in the RECORD a brief statement as to the reasons why the Chinese-crew clause should be stricken from the bill under consideration.

The PRESIDENT pro tempore. Without objection, it will be inserted in the RECORD.

The matter referred to is as follows:

REASONS WHY THE CHINESE-CREW CLAUSE IN SECTION 39 OF SENATE BILL NO. 2960, KNOWN AS THE CHINESE-EXCLUSION BILL, SHOULD BE STRICKEN OUT.

It has been stated that if it was made illegal for the Pacific Mail Steamship Company to employ Chinese crews upon its ships plying between San Francisco and ports of the Orient there would be an opportunity for American seamen to replace the Chinese now employed in the different departments of their vessels. The second paragraph of section 39 of Senate bill No. 2960 reads as follows:

"And it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States or into the portion of the territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000."

If this section should become law it would be directed against the Pacific Mail Steamship Company and would amount to class legislation. There are to-day 60 ships plying between Hongkong and ports on the Pacific coast from Vancouver to San Francisco. Ninety per cent of these ships fly the British or Japanese flag and employ a Chinese crew, in whole or in part, and many of them receive large subsidies. Three of these ships sail under the American flag and are owned by the Pacific Mail Steamship Company, and, practically, are the only ships engaged in this commerce which are affected by this proposed legislation. If this clause should become law the Pacific Mail would either have to give up business or else be obliged to place its ships under a foreign flag, leaving no ship in the trans-Pacific trade under the American flag.

The Pacific Mail Steamship Company employs three vessels in the trans-Pacific trade, as follows:

*China*—total officers and crew, 162; 35 Americans and Europeans, 1 Japanese interpreter, and 126 Chinese.

*City of Peking*—total officers and crew, 133; 35 Americans and Europeans, and 98 Chinese.

*Peru*—total officers and crew, 122; 35 Americans and Europeans, and 87 Chinese.

The above gives a total of 105 Americans and Europeans, 311 Chinese, and 1 Japanese.

These three ships represent the entire tonnage of the Pacific Mail in trans-Pacific trade under the American flag, and the above figures show that more than one-quarter of the total complement of the crews is composed of Americans and Europeans.

The following lines are also engaged in trans-Pacific trade in competition with the 3 steamers of the Pacific Mail Steamship Company, all of which have Chinese crews in whole or in part, as follows:

1. Canadian Pacific Steamship Company, British line, operating 5 steamers between Vancouver, British Columbia, and Hongkong, China. These vessels are manned entirely by Chinese, with the exception of the English officers and the imperial naval reserve deck force, and the company is allowed a subsidy by both the British and Dominion governments.

2. The "Nippon Yusen Kaisha," a Japanese line, operating 8 steamers between Seattle and Hongkong, and receiving a subsidy from the Japanese Government. It has Japanese and English officers, a partial complement of Japanese and Chinese.

3. Northern Pacific Steamship Company, operating from 6 to 8 steamers between Tacoma and Hongkong. Ships are British; chief officers are Englishmen and the balance of the complement Chinese; no subsidy.

4. The China Mutual, operating between Seattle and Hongkong, has a fleet of 12 vessels, all British. The chief officers are Englishmen, and the balance of the complement Chinese; no subsidy.

5. The Glen Line, operating between Seattle and Hongkong, has a fleet of about 10 vessels, all British. The chief officers are Englishmen and the balance of the complement Chinese; no subsidy.

6. The Portland and Oriental Line, operating between Portland and Hongkong, has 4 vessels, all British. The chief officers are Englishmen; balance of complement Chinese; no subsidy.

7. California and Oriental Line, operating between San Francisco, San Diego, and Hongkong, has 6 vessels, all British. The chief officers are Englishmen; balance of complement Chinese; no subsidy.

8. The Occidental and Oriental Steamship Company, operating 3 steamers between San Francisco and Hongkong, under the British flag. Officers Englishmen; crew all Chinese.

9. Toyo Kisen Kaisha Steamship Company has three steamers operating between San Francisco and Hongkong under the Japanese flag. The officers are Englishmen, deck force Japanese and Chinese, and the balance of the crew all Chinese. This line receives from the Japanese Government a subsidy of \$35,000 United States gold coin for each round voyage of each steamer. The line makes eighteen round voyages a year, making the total subsidy \$630,000 United States gold coin.

In addition to the above, there is a large number of tramp steamers carrying lumber and other commodities from San Francisco and Puget Sound ports to north China ports and Siberia, probably amounting to 40 departures from American ports in a year. Practically all these vessels carry a Chinese crew.

It is therefore apparent from the above that if the vessels of the Pacific Mail Steamship Company, which form but a minimum percentage of the total tonnage employed in trans-Pacific trade, are compelled to substitute foreign seamen other than Chinese or seamen who have "intention papers" for the present crews, it will affect to a very small degree the employment of the so-called American sailor on the Pacific coast. Further, the business between China and the United States is only obtained by the keenest competition in regard to rates; and if the Pacific Mail Steamship Company is especially singled out from among all its competitors and compelled to pay a different rate of wage, it will be unable to continue to work under the American flag if it expects to remain in this traffic against the competition of ships under a foreign flag.

For example, it has been heretofore stated that the crew of the *China* numbered 162 souls; the monthly pay roll of the Americans and Europeans amounts



to \$2,220 and of the Chinese to \$1,012.02, or a total of \$3,232.02. If a white crew is substituted for the Chinese, that portion of the pay roll will be increased from \$1,012.02 to \$1,520, United States gold coin, or the total monthly pay roll will be \$6,740, thereby increasing the yearly pay roll by \$42,095.96. In addition to the increase of the pay roll, there will be a very material increase in the cost of feeding the white crew as against the Chinese crew, which will amount to about \$900 per month for each steamer, or \$18,000 per year for the three steamers, while the total increase for the present three steamers would amount to about \$144,000 per annum.

Two steamships are being built for the Pacific Mail Steamship Company at the shipyards at Newport News, Va., for use in the trans-Pacific trade. One has just made her trial trip; the other is nearing completion. They are the finest and largest ships ever built in the United States. If the Chinese-crew clause should remain in the Chinese-exclusion bill, to take these new ships to the Pacific coast would be of doubtful expediency. The cost of operation would be increased by this bill \$75,000 a year for each ship above what it would be under the present conditions. The ships would therefore necessarily be placed under a foreign flag.

There have been several attempts to aid and assist, by both Federal and State legislation, American bottoms in foreign trade. In this act class legislation has developed, which, instead of assisting such bottoms in foreign trade, brings about a condition of increased expenditure which will practically prohibit continuing American ships under the American flag, without giving any commensurate benefit to the present so-called American seamen, a class which does not exist to-day in the foreign trade.

Again, it is important to bear in mind that the steaming distance from San Francisco to Hongkong is about 7,200 miles. It takes a race peculiarly constituted as regards their physical qualifications to stand extreme heat in the fire rooms of these ships while passing through the Tropics and the China seas. This bill also contemplates that the steamship company will be able to man its vessels with other than Chinese crews, but offers no alternative to the company provided that white men decline to ship in the fire rooms, or, having shipped, prove absolutely incompetent physically to perform the necessary continuous service.

It might be of interest to note that Hongkong has shipyards and dry docks not surpassed in any part of the world, and that the labor employed is entirely Chinese and is paid corresponding Chinese wages. All the vessels of the lines cited above which compete with the Pacific Mail Steamship Company have their repairs made in Hongkong, while it has always been the practice of the Pacific Mail Steamship Company to repair its ships at the Union Iron Works in San Francisco, and the records show that this company has spent about \$1,200,000 per annum in San Francisco for the different necessities of its vessels, including those operating between San Francisco and Panama, about one-third of the total expenses being incurred for the trans-Pacific steamers. This work would naturally be done in Hongkong if the ships were placed under the English flag.

As this bill is framed and intended to prevent the illegal entry of Chinese into the United States, it would appear that the Pacific Mail Steamship Company has been especially selected to suffer the results of class legislation, in so far that it is to be prevented from carrying a Chinese crew under the present register of its vessels, while vessels of other nationalities, without hindrance, can enter any port of the United States with Chinese crews; hence it can not be claimed that this legislation was necessary to prevent Chinese illegally entering the United States, as it is shown that the small number of Chinamen employed on the Pacific Mail Steamship Company's vessels is of little consequence compared with the total number of Chinese entering American ports on foreign vessels, which are the Pacific Mail's competitors; and further, there has never been a complaint that any of the crew of any of the steamers of the Pacific Mail Steamship Company have ever attempted to desert and illegally enter the United States.

The Pacific Mail Steamship Company had intended to enter the trade between the ports of the Philippine Islands and China with vessels under the American flag, but it will now be compelled to abandon this venture, for it is absolutely impossible for any vessels to obtain any other class of crews in these waters than Chinese. The bill therefore prohibits the further expansion of American shipping in these waters.

This bill makes it absolutely unlawful for any vessel holding an American register to have any Chinese person employed in its crew (whether such vessel may be operating between American and foreign ports or solely between foreign ports), and there is no qualification by which a vessel under the American flag can enter into trade between foreign ports where the conditions are such that only Chinese labor is available or where the Chinese are the only people capable of withstanding the climatic conditions. This bill deprives American vessels of this right, even though other governments permit subsidized lines to employ Chinese in their crews where the climatic conditions are such that other races are not physically adapted to perform certain services.

The Toyo Kisen Kaisha, a Japanese subsidized line, was compelled to carry, under its subsidy, crews composed entirely of Japanese, but was permitted in the beginning of the subsidy to carry for a certain period foreign officers, in addition to the Japanese officers provided by law. It was found that European passengers would not travel on these steamers provided they carried solely Japanese officers, nor could shippers by this line obtain satisfactory insurance rates. The law was therefore modified so that European officers should be carried solely. It was further found that the Japanese force in the fire and engine room was unable to stand the intense heat under high-speed conditions, and there were cases where these men abandoned the fire room and the ship was absolutely unable to proceed on its way except at reduced speed, after the men with great difficulty had been persuaded to return to their work. This resulted in a still further modification of the subsidy law, and these vessels were permitted and do now carry solely Chinese in their engine-room force.

The North German Lloyd have a subsidized line from Germany to Yokohama via India and China ports. They found that the German firemen and coal passers were unable to work in the fire room, owing to the intense heat. Article 31 of the contract of the North German Lloyd Line with the German Government was modified as follows:

"Asiatics shall not be employed in the crew on the Australian main line, and on the Chinese and Japanese main lines they may be employed only in the engine and fire rooms in so far as the employment of Europeans is impracticable for sanitary reasons.

"Exceptions to the foregoing conditions are permitted only with the consent of the Imperial Chancellor."

The fire rooms of the Pacific Mail ships have registered as high as 140° for many consecutive days. The experience of the Japanese line and the North German Lloyd Line will undoubtedly be the experience of the American steamers in the Asiatic trade; yet there is no provision to meet such a contingency. On the contrary, the wording of the bill is absolute. Further, the bill does not permit any American vessels to even employ a Chinese as interpreter or a Chinese cook, though its vessels are specifically in a trade carrying Chinese passengers, where the services of a Chinese interpreter can not be dispensed with. There is, according to law, a regular Chinese passenger traffic between the United States and China, and American vessels will be at a great disadvantage in this traffic, as the Chinese passengers will un-

doubtedly prefer to travel on vessels which have a Chinese crew, and under this law these can only be carried on foreign vessels.

From the wording of the clause eliminating Chinese from the crew of American vessels, it would appear to be aimed particularly against merchant vessels of the United States in the foreign trade, and that the employment of Chinese on Government vessels—that is, United States men-of-war—is not denied; nor does it appear that it is repugnant to the General Government, for it is a matter of fact that Chinese have for years been employed as stewards, cooks, and waiters on American men-of-war on foreign stations, and this act does not prohibit the continuance of such practice.

R. P. SCHWERIN,  
Vice-President and General Manager of the  
Pacific Mail Steamship Company.

Mr. MALLORY. Mr. President, I did not intend to say anything upon this bill or upon any of the amendments to it, but after listening to the remarks of the Senator from New Hampshire [Mr. GALLINGER], who has just taken his seat, it occurs to me that possibly it is not inappropriate for me to say something from the view point which I have in looking at this particular subject, that is, the prohibition upon the employment of Chinese upon American ships anywhere.

The Senator from New Hampshire has stated that he is quite satisfied that this prohibition will be stricken from the bill. What his source of information is I do not know, because the Senator himself is, I believe, the only one, so far as I know, who has taken the trouble to make anything approximating toward an argument against that feature of the measure.

There have been read here a number of telegrams from gentlemen high in the social sphere and also, I believe, in commercial circles, protesting against the prohibition of the employment of Chinese as sailors, and I think there have been some counter telegrams, but so far as any argument is concerned or any reason that is assigned for removing from the bill the provision which the committee saw proper to insert in it, I have not heard a word, and I do not think anything has been said on the floor of the Senate on that subject outside of the remarks which we have just listened to from the Senator from New Hampshire.

It seems to me, Mr. President, that it is rather a remarkable thing that there should be such a universal assent to the abrogation of the principle embodied in that prohibition without anything having been said on the subject in the Senate against the views of the committee or of Senators who have had impressions and views upon that subject.

I think, Mr. President, if we analyze the question and give it a few moments thought that it will be rather a difficult thing for anyone to reach the conclusion summarily that this proposed action is proper to be now taken.

We have recently committed this body to a measure which proposes to devote \$9,000,000 per annum, if necessary, to the building up of the merchant marine of the United States; and one of the essentials of the merchant marine is the manning of them, the encouragement of men who will go into that business for the purpose of manning a ship, and I think everyone will admit that you can not take a farm hand or a man from the woods or from the mines, make a sailor of him, and render him in a few days capable of steering a ship by a compass or doing any of the ordinary elementary things which are required of men who follow the sea. It was urged in the advocacy of that bill, by those Senators who distinguished themselves peculiarly as its exponents and advocates, that that measure was in the interest of the American seaman, that one of the essential features of that measure was that we were to encourage the employment of American seamen, so that in times of stress, when it was necessary to man the naval vessels of the country, we should have a reserve corps to draw upon—a thing which does not exist to-day.

In addition to that, Mr. President, there was incorporated into that ship-subsidy bill a provision whereby men engaged in the deep-sea fisheries along the New England coast, not only the individual fishermen themselves, but the men who owned the vessels, were to receive a bonus, a subsidy, emoluments, not because of any particular merit in themselves, but in order to encourage American seamen.

Mr. President, the policy of the dominant party of this country has been—at least it has professed that that is its policy—to throw its protecting shield around the laboring man of the country in order that he may enjoy the benefits of enhanced prices by receiving enhanced wages. If there is anything which our Republican friends try to dwell most upon in their campaigns in this country in the political field it is when they appear before the laboring people of the land and call attention to the glorious results of the efforts of the Republican party to insure and secure beyond any question the highest possible wages as remuneration for the labor of the American wage-earner; and yet in this bill, which professes to be a measure to some extent looking to the protection of the American wage-earner, the only provision which undertakes to prevent the competition of the world against American wage-earners is to be stricken out, and to be stricken out without any reason being assigned therefor. I confess, Mr. President, that it is somewhat surprising to me.



I do not care to discuss the measure in the abstract. Many of its features are not such as I, if I were drawing a measure relating to the exclusion of the Chinese, would adopt; but of all the features that are contained in it I do not think there is any which this body can more consistently adhere to and incorporate as a part of this measure than the very one which the Senator from New Hampshire takes it for granted is going to be, by a kind of unanimous consent, stricken out of it to-morrow.

I have taken occasion, Mr. President, to offer an amendment, which is now pending, to the amendment proposed to this bill by the Senator from Connecticut [Mr. PLATT], in which I add to the provisions of the amendment proposed by the Senator from Connecticut the proposition contained in the bill prohibiting the employment of Chinese sailors on ships holding an American register. My reason for that is, as I have stated, that if we are going to protect American labor against Chinese competition, there is no one in all the vast field of effort in this country among the American wage-earners who is more in need of such protection and who has had less of such protection than the American sailor. We are here expending our breath from session to session protesting how anxious we are to build up the American merchant marine and lift the American sailor above the low plane to which he has sunk.

It seems to me, Mr. President, that if we wish to be consistent, if the Republican party wishes to put itself on record as being in line with what it professed only a few months ago, that it will carefully avoid striking out that provision regarding the Chinese sailor.

Mr. FAIRBANKS. Mr. President, I move that sections 6 and 7 of the bill be stricken out.

Mr. TELLER. What are they?

Mr. FAIRBANKS. They are the sections relating to teachers and students.

Mr. TELLER. The Senator will not call for a vote on them now, I suppose?

Mr. BEVERIDGE. May I inquire what is the proposed amendment?

Mr. FAIRBANKS. It is to strike out sections 6 and 7. Section 6 defines the term "teacher," and section 7 defines the term "student." I hope that motion will be acceptable to the chairman of the committee.

The PRESIDENT pro tempore. Objection was made yesterday that, under the unanimous-consent agreement, votes on contested amendments could not be taken until to-morrow.

Mr. TELLER. If the amendment proposed by the Senator from Indiana is a committee amendment, and all the members of the committee are in favor of it, I shall not enter any objection to its being acted upon now.

Mr. PENROSE. I feel authorized to accept those two amendments for the committee. I think they are not only favored by the committee, but by the Chinese-exclusion commissioners and the friends of the bill. In fact, they were suggested by members of the Chinese-exclusion committee. If the amendment be adopted, the result will be that the Treasury regulations will be amply sufficient, and that these two amendments will remove many objections which have been made to the bill.

Mr. TELLER. If it is the desire of the committee to get this bill in such a shape that every Senator will vote for it, whether he is in favor of Chinese exclusion or not, I think when we get through with the bill it will be of very little value.

Mr. FAIRBANKS. I would say to the Senator from Colorado that these two sections have been matters of difference with the committee, and that the committee deemed, upon full consideration, that the ends of the friends of the bill would be subserved by amending it as I have proposed and leaving the subject to be dealt with by the Secretary of the Treasury.

Mr. TELLER. I think that a good deal of the fault which has been found with this bill would be found with any bill that was of value.

Mr. PENROSE. I agree with the Senator on that.

Mr. TELLER. I have had a good deal of experience here. I commenced my service in this body in 1879, and I have heard the same thing at every session when we have had a Chinese-exclusion bill pending before us. We never got a bill that was satisfactory to certain Senators and to certain sections of the country, and we never shall.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. It is proposed to strike out, on pages 3 and 4, sections 6 and 7, as follows:

SEC. 6. That the term "teacher," used in this act, shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Indiana [Mr. FAIRBANKS] to strike out the sections which have been read.

The amendment was agreed to.

Mr. PENROSE. Mr. President, we have had many telegrams and communications read to the Senate to-day in opposition to the pending measure. I have upon my desk and I shall present and ask to have inserted in the RECORD as an appendix to my speech a large number of petitions which I have presented during this session of the Senate from labor unions of the State of Pennsylvania. I also have a large number presented by my colleague [Mr. QUAY] in this body, which I shall likewise ask to have printed.

Mr. President, the bill which is now under discussion is as urgently demanded by the laboring people of the State of Pennsylvania as it is by the people of the Pacific coast. All our great industrial centers, all our miners' unions and other labor organizations throughout the anthracite and bituminous regions of Pennsylvania urgently demand and insist upon the enactment of effective legislation to exclude Chinese laborers from our territory.

When the American Federation of Labor was formed, in 1881, at the city of Pittsburg, Pa., a preamble and resolution was unanimously adopted asking at the hands of Congress the passage of a law that should not restrict but should exclude Chinese laborers from coming into the United States. The language of the preamble and resolution is as follows:

Whereas the experiences of the last thirty years in California and on the Pacific coast have proved conclusively that the presence of Chinese and their competition with free white labor is one of the greatest evils with which any country can be afflicted: Therefore, be it

Resolved, That we use our best efforts to get rid of this monstrous evil which threatens, unless checked, to extend to other parts of the Union, by the dissemination of information respecting its true character and by urging upon our representatives in the United States Congress the absolute necessity of passing laws entirely prohibiting the immigration of Chinese into the United States.

At the last convention of the American Federation of Labor, held at Scranton, Pa., last December, the executive officer of that organization called attention to this fact in a report from which I desire to read a brief extract. He said:

In my last report your attention was called to the fact that the Chinese-exclusion act will expire May 5, 1902. This fact is repeated now, and the warning given that energetic and immediate action is an imperative necessity. There is no question to be considered by the present Congress fraught with half so much import to the American people as is the question whether or not the Chinese shall be excluded from our country and its domain. Fully realizing the immense importance attached to the work done by the American Federation of Labor and the danger of underestimating the strength of the antagonistic element, I have arranged for a most active and energetic campaign.

Being aware that the pro-Chinese element in the country depends in a large measure upon the general ignorance of many of us east of the Rocky Mountains as to the merits or demerits involved, literature has been prepared upon the subject for general distribution. We have issued a pamphlet containing in substance the result of official investigations, made by special committees of the California legislature, a special committee of the board of supervisors of San Francisco, and the several commissioners of the bureau of labor statistics of California, together with extracts from memorials adopted by State and anti-Chinese conventions; also containing the views of some famous statesmen and economists, furnishing exhaustive and startling data which will enable those interested to obtain the information necessary to combat ignorant or unreasoning opposition.

Then the report goes on to say:

There can not be any honest division of opinion on Chinese exclusion. However much we may oppose, and with justice, unrestricted immigration from elsewhere, this Chinese question is not at all to be compared with or included in a general immigration law. Important as are the interests of labor involved, they form by no means the sole or controlling influence governing us in our efforts to continue the policy of exclusion.

Apart from the fact that we are workmen, we are also American citizens, fully imbued with the grand principles underlying our form of government and our present system of civilization. The introduction or continuance of an element so entirely at variance with our economic, political, social, and moral conceptions, and so utterly incapable of adaptation to the Caucasian ideas of civilization, is not only dangerous to us as a class, but is destructive of the various institutions we are so earnestly striving to uphold, maintain, or attain. Whatever may be the opinion of others, to us this matter does not permit a compromise.

Chinese exclusion is an issue upon which all organized labor is a unit.

The hearthstone of American citizen is in danger.

Every incoming coolie means the displacement of an American and the lowering of the American standard of living.

It represents so much money sent out of the country.

So much more vice and immorality injected into our social life in its place. We can not afford to trifle with a race of people so utterly unassimilative, so ruinous to our general prosperity, and so blighting to our every prospect.

Comparison with immigration of other peoples is only possible by contrast. While we object to an indiscriminate influx of other foreign laborers, we maintain that discrimination in the case of Chinese immigrants is impossible.

We insist upon an exclusion act which will effectively exclude. Provision must be made for proper enforcement of the law when enacted, and the jurisdiction and execution of the law so conferred as to remove it from the legal juggling to which former laws have been subject.

The general importance of this legislation justifies me in again urging the necessity of ceaseless and untiring activity in whatever direction it may



be essential, and, furthermore, that every honest and legitimate effort be used to impress others with the same zeal for the furtherance of this law, so that all may contribute toward the successful consummation of an act so absolutely necessary for the best interests of the nation.

Mr. President, the report of the special committee appointed by that convention, only two members of which hailed from the Pacific coast, was unanimous in favor of this legislation. That report declared, among other things, the principal dangers of Chinese immigration.

First. The mobility of the Chinese as a race and their tendency to move in vast numbers toward countries offering them opportunities (by excessive toil and the cheapest possible method of living) to save enough with which to return to their native land.

Second. An invasion of a people representing uncounted millions, wedded to inferior social standards would itself become a calamity.

Third. It would hamper our progress as a nation, by the introduction of a large element which, on account of their highly developed race consciousness, can not be assimilated.

Fourth. Their presence in considerable numbers would engender a hostility which would make them a disturbing factor in society.

Fifth. Their admission would provide an unfailing supply of degraded servile laborers that would affect our efforts to improve industrial conditions.

Sixth. It is not only a question of wages, but one which concerns the moral and social well-being of the people.

Seventh. From common observation they foster vices peculiar to their race and most degrading to humanity.

Eighth. To admit them would be a dangerous reversal of a public policy which has proven to be sound.

Ninth. The demand for their exclusion is unanimous upon the part of all citizens, save those having special financial interests to serve.

Mr. President, I desire to file the petitions which have been offered by me during the present session of Congress as well as those of my colleague urging the passage of this particular bill.

No law will be effective to accomplish the exclusion of the Chinese except some bill substantially like that reported by the Committee on Immigration or as that passed by the House of Representatives. Any other bill is but a subterfuge of those who either have no particular interest in the exclusion of the Chinese or, on the other hand, perhaps are in favor of their general admission.

The details of the question have been gone over so carefully by others that it is not necessary for me to go into the reasons for the enactment of this legislation at this time. The fact remains that this bill is simply a reenactment of the Geary law and of the Treasury regulations which have been promulgated under that law and have been in practice for a number of years. When I say the Geary law, Mr. President, I mean one only of several existing measures relating to Chinese exclusion.

The United States Treasury officials in carrying out the exclusion policy of the United States are, in fact, acting under nine different laws, in whole or in part, and the Treasury decisions and regulations and a great mass of decisions of the Supreme Court of the United States, circuit and district courts, of the United States Commissioners, besides the opinions of the Attorney-General and of the Solicitor-General of the Treasury, and the decisions of the Secretary of the Treasury, and various collectors of customs. The bill is, therefore, a codification of existing laws, decisions, and regulations. It is not an exaggeration to say that there is hardly a vital departure to be found in this bill in any of its many sections. The bill is in the interest of uniformity in enactment and in practice.

Not only will no substitute for this bill be effective, but it will not even embrace all the subjects which confront us as the result of our recent expansion in the direction of the Pacific. It will not affect the condition of our insular possessions, and if those possessions are left open for the admission of Chinese from the coasts of Asia, or if we permit Chinese persons to come from them to the mainland territory of the United States, we have opened a gateway which will render ineffective any reenactment of the Geary law.

It is admitted and must be understood that this legislation is extraordinary in its character. The reason is that we are confronted with the menace that has threatened the white peoples of Europe for thousands of years. First it was military and warlike competition with the Mongolians; now it is industrial competition with them. It is legislation directed against a particular people. The provisions of the law are stringent and unusual. The principle of exclusion herein embodied is the product of national development, and has become a vital principle of American policy, essential for the protection of American citizenship and for the preservation of American civilization.

The policy of the United States Government in reference to the admission of Chinese persons has gone through three phases of progression, from free immigration in 1868 to prohibition in 1894, to wit: Free immigration from 1868 to 1880, restriction from 1880 to 1888, exclusion from 1888 to 1892, and prohibition from 1892 to the present time. From free immigration in 1868, therefore, we have reached a point when the principle of Chinese exclusion confronts us as a labor problem, as a social problem, and in a still more vital degree as a political problem, involving the integrity of American civilization.

Our first treaty with China was negotiated by Caleb Cushing in 1844 and marked a great advance in trade and in a recognition of the rights of American citizens in the Chinese Empire. Instead of trying to keep out the Chinese, American diplomacy was then engaged in enabling American citizens to secure admission into China and to break up that exclusion and isolation in which the great oriental Empire had been involved for ages. In fact, there had been, with the exception of a few ports, an absolute exclusion of Americans and all foreigners from the Chinese Empire; and the rapid development of commerce in the Orient soon made necessary a revision of the treaties of all the Western nations.

We were then laboring under no apprehension of an invasion of cooly labor from China. The object of our diplomacy was to secure admission for our own merchants and traders, as it was that of England and the nations of Europe.

France and Great Britain in 1857 invited the United States to join in an armed intervention to compel China to grant the additional commercial privileges which they desired. Without resorting to force, however, we were at length able to bring about the treaty of 1858, by which we secured additional commercial concessions.

In a few years, however, a new situation of affairs in the Pacific was developed. In order to unify the nation and bring the Pacific States into easy communication with the rest of the Union the construction of a railroad across the continent and over the mountains became a necessity. Labor was scarce on the Pacific coast. The construction of a railroad was delayed, and resort was had to China for workmen. They came in large numbers, and by their aid that great transcontinental work was being carried to successful completion. But the Chinese were brought in under a contract system which was practically slavery—naturally repugnant to the American people.

In 1868 a large embassy from China arrived in the United States, the first ever sent abroad, having at its head an American—Anson Burlingame, who had resigned the post of minister to accept the position. With this embassy Secretary Seward negotiated what was termed "additional articles to the treaty of 1858." The Burlingame treaty secured greater privileges to the American citizens in China, recognized the autonomy of the Empire, disavowed any intention to interfere in its internal affairs, and prohibited the cooly contract system. The treaty was hailed as a triumph of American diplomacy, because it marked another advance in the admission of our own people into China.

The Chinese question had not then assumed menacing proportions, and our chief concern was to secure greater privileges to American citizens in China. Our people beheld the immigration of thousands of Chinese every month to the Pacific coast without any great apprehension, and were disposed to entertain a good opinion of their assiduity, patience, and fidelity; while it was felt that a great advance had been made toward opening the Empire to our civilization and religion, giving promise to the future of greater and greater practical results in the diffusion of our arts and industries, our manufactures and material importance, and the sentiments of government and religion.

But the development was so rapid upon the Pacific coast it was not long before our Government was again compelled to ask for a modification of our treaty relations with China. The sentiment was emphatic from the Pacific States that some check should be placed upon Chinese immigration in the interest of American labor. The immigration treaty of 1880 was finally agreed to, restricting the coming of Chinese persons; but even this treaty did not prove satisfactory as a sufficient protection against the rapidly increasing danger to American labor from Chinese immigration, and the Scott Act was passed by Congress in 1888, while efforts were being made to negotiate further treaty stipulations with China.

Then we have the treaty of 1880 substituted by the treaty of 1894, under which we are at present living. Our early treaties were controlled by conditions utterly different from those existing at the present day. Then it was the effort of the people and the merchants of the United States, as well as of the nations of Europe, to break into the exclusion which the Chinese Empire had maintained with rigid consistency in all the recorded time of its existence. It was to open to our merchants and to our traders those rich oriental markets which have always dazzled the minds of men. It was only as our own Pacific coast developed that this menace of Chinese cooly labor grew darker and darker upon us.

Then China finally agreed and consented to restrict cooly labor and to provide for certain exempted classes of her own people. To say that when this treaty expires we must go back to the treaty of 1868, negotiated under conditions so absolutely different from those which prevail in the United States at the present day, to say that we must go back to the treaty of 1868 after China, by two successive treaties, has given her consent to the restriction of Chinese cooly labor into this country, is to extend a veneration



and a regard for ancient treaties of this country with other nations for which I have very little sympathy.

Mr. President, even if it were so in a question of this character, involving as it does, in my opinion, the protection of American labor, the protection of the American home, and the preservation of our American civilization, I should say let Congress exercise its right, which has been declared by the Supreme Court of the United States, and let it by proper enactment of exclusion measures abrogate all treaties, ancient and modern, on this question.

It will be seen that the policy of the United States with reference to the exclusion of Chinese laborers has been one of slow growth. In the beginning Chinese exclusion was not a matter of much concern. The principal object of our diplomatists was to break through the exclusion of the Chinese Empire and to secure access for our citizens and the development of our trade. With the growth of the Pacific coast conditions became changed, and the demand became more and more insistent that Chinese immigration should be restricted and regulated, and finally that it should be prohibited. The principle of exclusion became a national necessity.

Our expansion since the Spanish-American war has compelled us to extend the principle of exclusion upon a proportionately extended scale. The existing laws and regulations have been extended to the Philippines, and, in fact, to all of our insular territory. In the Hawaiian Islands, Chinese immigration is prohibited by the joint resolution of annexation and by the act of Congress providing for the government of the Territory of Hawaii. The existing laws and regulations providing for exclusion of Chinese from the United States have been established and enforced in the Philippine Islands by military proclamation, and the present bill therefore makes permanent conditions already existing.

Mr. President, the Committee on Immigration carefully considered the question of the exclusion of the Chinese from the Philippines. There were presented to the committee many petitions and some testimony urging the admission of unskilled or at least skilled labor into the Philippine Islands. It was the opinion of the members of the Committee on Immigration that it was better to postpone the commercial and industrial development of the Philippine Islands for a time and to preserve those islands for the Filipino people themselves and not to threaten them with that of which we understood they had the greatest apprehension, that the islands should be immediately thrown open to the exploiter and speculator.

The question of exclusion is as important in the Philippines as it is in the United States. Manila must not be permitted to exist as a gateway through which Chinese immigrants can find entrance into the United States, and it is our obligation and our duty to preserve the Philippine Islands for the Filipino people, extending to them as rapidly as possible the principles of American civilization and the largest practical measure of free government. A feeling of hostility toward the Chinese on the part of the Filipinos seems to have always existed in the islands and to be as strong as any similar sentiment in the United States.

In the middle of the seventeenth century there were about 30,000 Chinese in the neighborhood of Manila. At that time they regarded the Spanish Government and for some years before Manila. They finally withdrew, raising the siege, but they pursued to a point beyond Canarta and slaughtered in great numbers. As a result of this revolt against the sovereignty of Spain in the archipelago greater restrictions were placed on their immigration, but in spite of these restrictions the Chinese colony, notwithstanding their great loss, always displayed a peculiar ability to corrupt the administrative element in the Philippines.

In 1755 all non-Christian Chinese were ordered to be expelled, but before the day arrived for their expulsion (June 30, 1755) an extraordinary number had become Christianized, while many others began to study the mysteries of the faith. Several thousand were banished from Manila, and in the time of Don Siman Deon, 1762 to 1764, it was calculated that some 8,000 died in the central province of Luzon, being exterminated by the order of the governor-general. The Chinese question has always been a serious one for the governors-general. In 1859, when Señor Norzaray gave up his command in the Philippines, he declared that one of the most difficult questions remaining to be solved was that of the commerce carried on by the Chinese in the provinces.

The clamor against the Asiatics he declared to be general in the country, because competition with them was impossible. Spaniards, Mestizos, and Indians all gave them a free field in retail business when they entered the islands. Their few needs, their patience under every insult and vexation and sacrifice, their great industry, their low standard of living, and their close cooperation among themselves all gave them extraordinary advantages. The governor-general inquires, "Are the complaints of thousands of individuals of other races sufficient warrant for the prevention of their invading activity in all their industries?" And his answer is in the affirmative.

Since the administration of Norzaray down to the beginning of the war between the United States and Spain, the influence of the Chinese in the Philippines has been increasing in commerce and industry. The Chinese were able by giving valuable presents to overcome any opinion unfavorable to them, both in the government of the islands and at Madrid. By means of this policy, they triumphed over the anti-Chinese report, which was sent to the Government of Spain in June, 1896, signed by many merchants and manufacturers of the Philippines, both natives of the islands and of the peninsular.

It may be true that the exclusion of the Chinese from the Philippines will delay the exploitation and development of these islands. It may be true that Chinese labor is needed in some parts of the Philippines, and that Chinese skilled laborers are needed everywhere there; but it is our duty and it should be our policy to protect the native Filipinos and to insure them in the enjoyment of the Philippine Islands and their great resources. One of their greatest apprehensions concerning American domination is the fear that the islands will be exposed to reckless, selfish, and unscrupulous exploitation.

The sooner the Philippine people realize that our first duty is to secure their freedom and happiness, the sooner will peace and order be restored to the islanders. It is hoped and confidently believed that with a suitable government established, and with the arts of a higher civilization introduced, new wants will be created among the Filipino people, and that they will in a short time be aroused to the habits of industry, which will gradually produce an ample supply of labor, skilled and unskilled. In any event, it is better that we should act conservatively in this matter; it is better that the commercial and industrial development of the islands be delayed for the ultimate advantage of the Philippine people and of the American people than that they should be given over to the speculator, the capitalist, and the exploiter regardless of the permanent welfare of the islands.

Our trade with China is becoming an important factor in our commercial development. The commerce of the Pacific seems to point in the direction of the great commercial expansion of the future. In the opinion of many interested in this growing trade, legislation, apparently hostile to the citizens of the Chinese Empire, is not calculated to encourage and foster this commerce, but rather to depress and discourage it by incurring a sentiment of hostility among all classes in China. Even if such were the case, this legislation would still be justified as vitally necessary to protect American labor and to preserve the integrity of American civilization and American institutions, but it is difficult to see how any just complaint can be made against such legislation enacted by the American Congress.

It is difficult to see how existing treaties, international obligations, or even international comity, are violated in any way by the proposed legislation. Circumstances have changed completely since our first treaty with China, when the principal object of our diplomats was to break the exclusion of the Chinese Empire and open it for our citizens and our trade. From the outset the position of the foreigner in China has been one of violation and exclusion. His rights have been limited under treaties to certain specific objects within the narrow limits of the treaty ports and extended only at the will of the Chinese Government to residence and travel in the interior.

Other nations by treaty with China have impliedly recognized the inherent right of the Empire to regulate the domicile and business of aliens within its borders by obtaining from China the limited privileges expressed by the former treaties and the expanded privileges growing out of them. Innumerable incidents might be mentioned where citizens of the United States, peacefully dwelling or traveling in China, have been the victims of mob violence and of hostile aggression on the part of local authorities. The fact that foreign nations have any rights at all in China at the present time is only the result of years of diplomatic endeavor.

We alone are the judges as to whether an emergency has now arisen requiring more stringent legislation on our part to continue the exclusion of Chinese laborers. The assumption is a false one which claims that the status of the Chinese subjects with relation to the body politic of the United States is similar to that of aliens of other nationalities. Neither in the light of international reciprocity nor of municipal sovereignty can these assumptions hold good. The restrictions upon foreigners in China are especially narrow as to vocation, residence, and travel. In fact, Chinese legislation is based on the great primitive fact that natural barriers exist which seem to forbid the assimilation of the foreign element with the active Chinese race.

This condition of immiscibility is likewise as forcibly present in the case of Chinese in the United States as it is generally absent in regard to aliens of the same race and blood as our own. It is the inherent prerogative of sovereignty to take cognizance of such incompatibilities, to provide special conditions for the



tolerance of the immiscible element in the national community. Chinese exclusion can be justified on these grounds, and this sovereign right is freely exercised by the United States in the adoption of restrictive or discriminating legislation in regard to any class of alien immigration whenever the exigencies of the public needs demand and to whatever extent they may require.

So far from injury having been inflicted upon our growing trade with China by exclusion legislation, our commercial relations have, on the contrary, tended to develop to a remarkable degree. In our diplomatic relations our attitude has been generous and disinterested and free from all suggestion of territorial aggrandizement beyond any other nation. We stand preeminently for the integrity of the Chinese Empire, and our magnanimous attitude is duly appreciated. In 1897, when all of the most drastic of the present Treasury regulations were in operation, our trade with China nearly quadrupled the trade of 1882, which marked the beginning of our exclusion policy, and more than doubled the trade of the year in which the Geary Act was passed.

It is believed by many in a position to judge that if we make allowance for the large part of our China trade which passes for British and Japanese trade, it is probable that the United States is second to Great Britain in goods sold to the Chinese. American kerosene oil, cotton cloth, American drills, American sheetings, and American agricultural products find an increasing market in China. The controlling factor of these commercial relations is self-interest. Sentiment enters very much less in the Chinese trade than in the trade of any other nation. The Chinese lack to a marked degree the national spirit. They will buy our goods because they are the best and because they are the cheapest.

We are indeed looking upon the expanding horizon of a new century, and we have awakened to the splendid possibilities of our future since the fortunes of war have given us possessions in the Far East across the Pacific Ocean. The most available direction for our free commercial expansion is in the direction of China. Our trade with South America does not give promise for great development in the future.

A large part of Africa, India, Australia, and Canada are necessarily more or less within the sphere of British influence, but if the commerce of the Pacific is to supplant, in the not distant future, that of the Atlantic in importance, and to transform the commercial, industrial, and political conditions of the world, the American people in geographical situation are destined to be the principal beneficiaries in the rapid development of intercourse with the Orient. Across the Pacific from the States of California, Oregon, and Washington is a coast line of 4,000 miles, from Vladivostok and Yokohama on the north to Bangkok and Singapore on the south.

If we include Australasia, we can extend this coast line so that it will be 8,000 miles, with some 500,000,000 people immediately identified therewith, with whom is exchanged a foreign trade exceeding \$2,000,000,000. This great trade already existing is yet in the infancy of its development. The wonderful possibilities of growth are illustrated in the case of Japan, the foreign commerce of which thirty years ago was about \$30,000,000, or nearly \$1 per head. To-day, I believe, it averages between \$6 and \$7 per head.

Korea and Siam offer enormous possibilities for commercial development in the future. Right in the center of this populous and busy coast line is Manila. No one can question the commercial importance of Manila and the Philippines. If the foreign trade of these islands amounted to \$30,000,000 under restrictive Spanish rule, there is no reason why, under American direction, when peace and order are finally and firmly established, this total should not reach one hundred and fifty millions per annum within the next decade.

Such increase would be no more remarkable than that which Hawaii has shown, nor more than Burma showed after ten years of British authority. Java, with an area less than Luzon, and with no greater variety of resources, has developed under the control of Holland an important foreign trade, valued at nearly \$200,000,000 per annum. Similarly across the South China Sea from the Philippines, French Indo-China, including Tonkin, Anam, and Cambodia, has shown a wonderful capacity for commercial growth under French control—possessing a trade nearly fourfold greater than it was when the French first took possession.

It is not necessary to refer to the enormous possibilities of Australia, New Zealand, and the neighboring islands. With all these countries the future channels of foreign commerce are in the direction of the United States. As steamship facilities are improved, cables are laid, and the transisthmian canal completed there will come a growth of trade that will surpass the wildest expectations. China, with a population of 400,000,000 persons, seems to be on the verge of a marvelous development. China's foreign trade in the year before the Boxer outbreak amounted approximately to \$333,000,000. This was less than \$1 per head.

Compare this with Japan's advance from less than \$1 per head to \$7 per head in thirty years. If China, which is far more re-

sourceful than Japan, is open to the foreign world and provided with a progressive administration, it is logical to estimate that its foreign commerce ought to amount to at least \$6 per head in the next two or three decades. The demand for manufactured and raw cotton will increase to such an extent as to have a marked effect upon the cotton mills and plantations of the South.

When we consider that in China's area of 4,000,000 square miles there are not more than 400 miles of completed railway, we can picture in some measure the demand that will be made upon our iron and steel industries to supply the construction of the future great development of her railway system. The Pacific coast of the United States is destined soon to rival our Atlantic shores in population and in commercial and industrial development.

In view of our possession of the Philippines, our occupancy of Hawaii, our intention to preserve the open door in China, and our policy in maintaining cordial relations with Japan, Australia, and other countries on the Pacific, we have good ground to predict that when the interoceanic canal is constructed, the Pacific cable is laid, and vigorous methods employed to advance our interests, our commercial expansion in the East will grow with rapidly to splendid proportions. Legislation by the American Congress prohibiting the immigration of any class of unassimilable and immiscible foreigners can not affect the march of this great development.

Legislation of the character of this Chinese-exclusion bill is necessarily exceptional and extraordinary. It can hardly be said that the ordinary rules of consistency and propriety apply. We are face to face with a fact originating in prehistoric times—the immiscibility of the white European races and the Mongolian races.

The Senator from Massachusetts the other day referred to it as a contest between the great Aryan peoples and the Mongolian. I believe he was right, and he referred to a point which I have had in mind in the consideration of this question.

The researches of modern science disclose an enormous antiquity for the human race, and coming down to comparatively recent times we have the geological records of more than one great ice age, when a large part of the northern hemisphere was buried under a stupendous sheet of ice, sending out glaciers, and between these Glacial periods with arctic climates we have intervals of tropical conditions. We suppose that a race of men, described as "the men of the river drift," took up their abode in Europe and struggled with the extremes of climate. This race of men is probably now as extinct as the cave bear or the mammoth.

Late in what is known as the Pleistocene period he disappeared from Europe, and was replaced by a new race coming from the northeast, along with the musk ox and reindeer, and called the cave men. Both cave men and river-drift men were in the stage of culture known as the Paleolithic or old Stone age—that is, they used only stone implements. The river-drift men belonged to the southern fauna, which existed in Europe before the approach of the Glacial cold.

As the climate of Europe became arctic and temperate by turns the river-drift men appear to have retreated southward to Italy and Africa or advanced northward into Britain along with the leopards, hyenas, and elephants, with which they were contemporary. After several such migrations they returned no more, and instead of them we find plentiful traces of the cave men, a race apparently more limited in its range, and clearly belonging to a subarctic fauna, being contemporary with the reindeer and bison, the arctic fox, the mammoth, and the woolly rhinoceros. We may suppose that the cave men were identical with the Eskimos at present living about the Arctic Circle.

With the passing away of Pleistocene times further changes occurred in the geography of Europe and in its population. The British Isles became detached from each other and from the Continent. The North Sea and the Irish Channel had assumed very nearly their present sizes and shapes, and in general the geographical and physical structure of Europe assumed very much the position it has retained until the present time. The dog, the horse, the ox, the pig, the sheep, and the goat appear among the animals inhabiting Europe and with them a new race of men, the first, as far as we know, in Europe to become tamers and owners of these domestic animals.

These men represented a higher step in civilization, as they built rude huts and had stone instruments of fine edge and improved design. The age to which they belonged is known to archaeologists as the Neolithic age. The lake villages of Switzerland have come down to us from that time. It is certain that the domestic animals did not originate in Europe, but were domesticated in central Asia, which was the home of their wild ancestors, and, moreover, they were not introduced into Europe generally one by one, but suddenly and en masse. It is clear, therefore, that they must have been brought in from Asia by the Neolithic men.

The same is true of the four kinds of wheat, two of barley, the millet, apples, pears, plums, and flax which grew in the orchards



of Neolithic Switzerland. This elementary and Neolithic civilization was spread all over Europe, and, unlike the cave men and river-drift men who had preceded it, it has remained there in a certain sense to this day, and constitutes a very important part of our ancestry. This race which once possessed the whole of Europe in the Neolithic age, and until the Aryan invasions, is known as the Iberian, and is still represented in a few corners of Europe, as in the instance of the Basques of northern Spain.

At last, in what may be termed very recent times, probably not more than twenty centuries before the Christian era, Europe was invaded by a new race of men coming from central Asia. These were the Aryan people, described as a tall race, massive in stature, with round and broad skulls, powerful jaws and prominent eyebrows, face rather square and angular than oval, fair ruddy complexions, blue eyes, and red or flaxen hair. They came in successive swarms, generally described as the Kelts, followed by the Teutons, and later times by the Slavs. They were further advanced in civilization than the Iberians, and they everywhere overcame them. The swarthy Iberians and the fair-skinned Aryans have given rise to the present mixed population of Europe.

It is neither pertinent nor profitable at this time to speculate as to the place of origin of the great Aryan race. It is sufficient to say that we find them advancing from the north and spreading over the country between the Euphrates and the mouth of the Ganges. They first seem to have attained something like historical importance in the highlands of central Asia between the source of the Oka and the Jaxartes. They seem to have migrated from the Oka in the direction of Hindostan.

The dominant race in Persia and in ancient India was one and the same approaching India from the northwest. But, Mr. President, the remarkable fact is that the migration of the Aryan race seemed subsequently to have been diverted westward, and they have continued ever since to take a westward course. The eastern domain has altered but little for many centuries, but westward it has extended until it has occupied all of Europe, has crossed the Atlantic Ocean and extended to the Pacific coast, has at length crossed the Pacific Ocean, and is now confronting the immiscible people of Asia.

Europe possesses a wonderfully mixed population, Iberian and Aryan, divided into several great nationalities. These various Aryan people, Celts, Gauls, Romans, Greeks, Teutons, and Slavs, consolidated into their various European nationalities, have crossed the Atlantic, and in a new admixture of peoples have come to constitute under new geographical, climatic, and political conditions a new and homogeneous race, the people of the United States.

The migration of the imperial Aryan race, which seems in all times to have been the custodian of all progress and civilization, has ever been westward. In other words, the course of empire has been westward. The reasons would seem at first to be involved in mystery, but little investigation will make it evident that this course has probably been due to the pressure of external masses of barbarism, ever on the alert to break through the barrier that has walled it off from growing civilization, ever threatening to undo the costly work which has been accomplished. Whether the enemy at times appear in the shape of invasions of barbaric hordes in the fifth century, and of Mongols in the thirteenth century, and at other times as exemplified by Arabs and Turks, the principle involved has always been the same.

In every case the stake has been the continuance of higher civilization, although the amount has greatly varied. When the Greeks confronted social organization of inferior type at Marathon and at Salamis, the danger was considerable. In prehistoric times it may well have happened more than once that some crumb of progressive civilization has been snatched away in a torrent of conquering barbarism. Until the rise of the Roman power the general military business of the civilized community had been to drive out the barbarian.

The Tartaric hordes which molested the Aryans in far Asia and to whose attack, as well as the unmanageable increase of their own numbers, we must probably ascribe their gradual and long-continued migration into Europe, were far less civilized than the Aryan people. Only after many centuries those less civilized Aryans, known as Germans and Slavs, were driven into collision with their more civilized brethren of the Roman Empire. Their invasion was in an all-important respect different from the invasions of Huns and Tartars; the followers of Alaric, Hengist, and Chlodwig came to colonize, whereas the followers of Attila came but to riot and destroy.

When we survey the field of our political, administrative, and commercial development, when we consider the great height which we have already attained, and contemplate the limitless and splendid future which seems to be opening before us, the American people can not fail to be imbued with the deep sense of responsibilities accompanying our great triumphs in every field of activity. The people of Europe are astonished at the rapid extension of American activity and influence.

That is the keynote to the vital principle which has enabled us so rapidly to develop this American continent and to preserve American institutions under tremendous civil and military conflict. We stand to-day as the most successful and the greatest nation that has ever existed in the history of the world.

Mr. President, it behooves us for our own interests and that of our posterity to see that these institutions are not imperiled. They depend upon the individual energy and intelligence of each citizen of the United States. In my opinion, they would be imperiled if we are to have all our great cities and in many of our agricultural centers inhabited by a people never assimilative, not desiring to be assimilative, whose ways are so different from our ways, separated by so many thousand years of separation that it does not seem likely that they ever will be assimilative.

Mr. President, I would rather go a little slow in our development than have these institutions for one moment threatened by an element in our population which can not, as I have said, at any time be assimilated with American civilization. The mysteries surrounding the Orient have always excited the curiosity of men. It inspired them in the early days to build up the commerce of Naples, Genoa, and Venice and the great commercial cities of the Mediterranean.

Subsequently, after the Mongolian and the Turk and the other non-Aryan people blocked the approaches to China and the East, the decadence of those Mediterranean cities began, and then men's thoughts faced the ocean and they endeavored to find a passage to the East across the ocean or around the Cape of Good Hope in Africa.

Finally the Portuguese discovered the Indian Ocean around the African continent. Portugal, by reason of her oriental trade, was built up and became for a brief period the great commercial center of Europe. Then when the Portuguese Empire was absorbed with Spain and her brief period of commercial prosperity ceased, the nation of Holland, the Dutch cities, became prominent, and for a time the most important commercial cities of Europe through their trade with the East. It built up England later on, and in our own time it seems to afford the greatest prospect for our own expansion.

I believe that we are destined to secure that expansion and to get our full share of the trade of the East. I believe it is as certain to come to us as is the gradual growth of population upon our own mainland territory.

But I am willing, Mr. President, to imperil it rather than to imperil for the present generation, in my opinion, and for posterity the integrity of American civilization and American institutions by letting down in any degree the bars which keep out Chinese laborers on the ground that they are a race which can not be assimilated and which can not mix with our people.

In my opinion, any member of this body who believes that a measure briefly enacting existing law is sufficient to cover this case either deceives himself or is grossly deceived. If he believes that it will satisfy the undoubted public clamor and demand which exists for this legislation he is gravely mistaken and is rushing to his undoing. It will not satisfy the demand, but in my opinion if any inadequate, half-way legislation is passed at the present session of Congress, the demand will rise so rapidly, increasing so urgently, so irresistibly, from the Pacific coast and from all the industrial States of this Union for effective Chinese exclusion, that the opponents of the pending measure will bitterly regret that they have laid any obstacle in its path.

#### APPENDIX.

*Petitions and memorials praying for the reenactment of the Chinese-exclusion law presented by Mr. Quay.*

December 4.—Petitions of Pioneer Fire Company, No. 1, of Hazelton; the Carpenters' Association of Philadelphia; of Local Union No. 1376, United Mine Workers of America, of Hazelton; of Washington Camp, No. 16, Patriotic Order Sons of America, of Harrisburg; of the Council of the Allied Building Trades, of Philadelphia; of the Central Labor Union of Hazelton; of Local Union No. 1499, United Mine Workers of America, of Freehold; of Local Union No. 1659, United Mine Workers of America, of St. Nicholas; of Local Union No. 865, United Mine Workers of America, of Arnot; of West Philadelphia Council, No. 561, Junior Order of United American Mechanics; of Local Union No. 1736, United Mine Workers of America, of Rossiter; of Local Union No. 343, United Mine Workers of America, of Wilkesbarre; of Local Union No. 1138, United Mine Workers of America, of Edwardsville; of Local Union No. 166, United Mine Workers of America, of McAdoo; of Local Union No. 1513, United Mine Workers of America, of Nuremberg; of Branch No. 10, Glass Bottle Blowers' Association, of Roysford; of Local Union No. 1383, United Mine Workers of America, of Mahanoy City; of Local Union No. 801, United Mine Workers of America, of Munson Station; of 207 members of Abraham Lincoln Council, No. 513, Junior Order United American Mechanics, of Montoursville; of 108 members of General William Lilly Council, No. 323, Junior Order United American Mechanics, of Philadelphia; of 76 members of Eden Council, No. 988, Junior Order United American Mechanics, of Eden; of 110 members of Media Council, No. 749, Junior Order United American Mechanics, of Media; of 53 members of Roseville Council, No. 680, Junior Order United American Mechanics, of West Hanover; of 147 members of James E. Hyatt Council, No. 923, Junior Order United American Mechanics, of Philadelphia; of 110 members of Oriole Council, No. 877, Junior Order United American Mechanics, of Chantlersburg; of Local Union No. 884, United Mine Workers of America, of Shamokin; of citizens and members of the Ninth District United Mine



Workers of America, of Lykens; of Shawnee Council, No. 34, Junior Order United American Mechanics, of Hazleton; of Local Union No. 570, United Mine Workers of America, of Portage; of Local Union No. 378, United Mine Workers of America, of Glen Richey; of Local Union No. 1549, United Mine Workers of America, of Trescow; of Local Union No. 205, United Mine Workers of America, of Shamokin; of the Amalgamated Journeymen House Painters and Decorators' Beneficial Association, of Philadelphia; of Trades Unionist Publishing Company, of Hazleton; of 36 members of Hampton Council, No. 685, Junior Order United American Mechanics, of Hampton; of 91 members of Westchester Council, No. 633, Junior Order United American Mechanics, of Westchester; of 151 members of Colonel David F. Houston Council, No. 739, Junior Order United American Mechanics, of Westchester; of 123 members of Black Creek Council, No. 51, Junior Order United American Mechanics, of Weatherly; of 188 members of Guarantee Council, No. 95, Junior Order United American Mechanics, of Wissa; of 112 members of Shenandoah Valley Council, No. 530, Junior Order United American Mechanics, of Shenandoah; of 608 members of Allen Council, No. 753, Junior Order United American Mechanics, of Allentown; of 67 members of Enbaut Council, No. 231, Junior Order United American Mechanics, of Enbaut; of 210 members of Camp Curtin Council, No. 629, Junior Order United American Mechanics, of Harrisburg; of 180 members of George Bancroft Council, No. 571, Junior Order United American Mechanics, of Tacony; of 142 members of Melrose Council, No. 928, Junior Order United American Mechanics, of Harrisburg; of 293 members of Hazleton Council, No. 258, Junior Order United American Mechanics, of Hazleton; of 238 members of Edwin A. Shubert Council, No. 728, Junior Order United American Mechanics, of West Philadelphia; of 203 members of St. Clair Council, No. 933, Junior Order United American Mechanics, of St. Clair; of 146 members of Juniata Council, No. 372, Junior Order United American Mechanics, of Altoona; of 493 members of James G. Blaine Council, No. 703, Junior Order United American Mechanics, of Philadelphia; of 212 members of Harmony Council, No. 53, Junior Order United American Mechanics, of Philadelphia; of 484 members of Chester Council, No. 36, Junior Order United American Mechanics, of Chester; of 165 members of Woodlawn Council, No. 179, Junior Order United American Mechanics, of Philadelphia; of Washington Camp, No. 60, Patriotic Order Sons of America, of Altoona; of 78 members of Wapwallopen Council, No. 891, Junior Order United American Mechanics, of Wapwallopen; of Bridesburg Council, No. 135, Junior Order United American Mechanics, of Bridesburg; of 80 members of Dunns Council, No. 918, Junior Order United American Mechanics, of Dunns; of 442 members of Keystone Council, No. 11, Junior Order United American Mechanics, of Philadelphia.

December 5.—Petitions of Protection Council, No. 935, of McKeesburg; of Lititz Springs Council, No. 197, of Lititz; of Grace Council, No. 631, of Philadelphia; of Clear Ridge Council, No. 940, of Clear Ridge; of Beaver Falls Council, No. 48, of Beaver Falls; of Industrial Council, No. 437, of Orwigsburg; of Uhlertown Council, No. 522, of Uhlertown; of Mount Carmel Council, No. 874, of Mount Carmel, and of Bowmans Council, No. 440, of Bowmans town, of the Junior Order United American Mechanics, and of Local Union No. 160, United Mine Workers of America, of Shamokin, all in the State of Pennsylvania.

January 16.—Petitions of Councils Nos. 124, 28, 89, 68, 43, 17, 139, 154, 45, 81, 61, 6, 150, 162, 68, 134, 61, 69, 148, 57, 46, 42, 77, 55, 2, 141, 10, 94, 63, 116, 172, 127, 19, 95, 53, 147, 5, 146, 138, 20, 100, 118, 50, 52, 71, 40, 44, 102, 35, and 108, all of the Daughters of Liberty; of Councils Nos. 621, 71, 904, 837, 230, 967, 407, 1001, 235, 839, 188, 319, 800, 787, 112, 1000, 199, 421, 90, 671, 63, 304, 64, 946, 448, 17, 691, 925, 371, 127, 305, 555, 932, 244, 713, 13, 885, 253, 333, 169, 523, 59, 122, 812, 1024, 1194, 140, 54, 18, 906, 70, 744, 161, 836, 579, 954, 44, 1503, 259, 65, 909, 86, 115, 443, 938, 29, 24, 123, 606, 1500, 495, 15, 453, 370, 211, 546, 720, 330, 439, 89, 339, 333, 357, 271, 9176, 1024, 549, 898, 984, 944, 367, 54, 324, 280, 1004, 149, 620, 233, 894, 553, 159, 75, 232, 517, 605, 12, 134, 526, 803, 52, 531, 23, 99, 384, 107, 853, 141, 1012, 233, 306, 315, 242, 172, 22, 393, 277, 194, 345, 55, 163, 42, 200, 780, 273, 1939, 330, 272, 541, 474, 332, 5, 49, 41, 900, 648, 27, 948, 777, 360, 732, 249, 352, 493, 957, 934, 362, 77, 373, 909, 573, 848, 302, 219, 696, 210, 505, 528, 703, 144, 640, 1005, 125, 201, 307, 335, 108, 858, 160, 685, 755, 602, 679, 164, 338, 504, 396, 101, 292, 754, 844, 945, 615, 1007, 607, 80, 182, 84, 927, 121, 46, 1011, 659, 355, 722, 763, 114, 775, 123, 985, 276, 308, 516, 977, 875, 378, 162, 840, 228, 110, 488, 31, 716, 37, 635, 886, 196, 997, 922, 738, 518, 513, 661, 617, 480, 401, 574, 354, 244, 979, 117, 961, 282, 521, 943, 537, 879, 180, 234, 129, 717, 720, 520, 708, 1, 580, 83, 204, 21, 746, 351, 167, 111, 139, 508, 65, 121, 500, 444, 442, 962, 816, and 757, all of the Junior Order of United American Mechanics; of Local Unions Nos. 486, 122, 124, 198, 847, 228, 233, 394, 150, 723, and 86, all of the American Federation of Labor; of sundry citizens of Arch Spring, Harrisburg, Allegheny, Myoma, Verona, Jefferson, Center, Buffalo, New Brighton, Philadelphia, Schellsburg, Christiansburg, Pittsburg, Reynoldsville, Spring Hill, Ingram, Crafton, Maxwell, Washington, Myersdale, Carbon County, Pittsburg, Chester, Apollo, Berwyn, Montrose, Newberry, and Eno, all in the State of Pennsylvania.

January 15.—Petition of Council No. 23, Junior Order of United American Mechanics, of Turtlecreek, Pa.

January 16.—Petition of Conemaugh Council, No. 137, Junior Order of United American Mechanics, of Conemaugh, Pa.

January 20.—Petition of 403 members of Allegheny Council, No. 23, Daughters of Liberty, of Allegheny, Pa., and a petition of the Past Councilors and Active Workers' Association of Lycoming County, Junior Order of American Mechanics, of Montgomery, Pa.

January 22.—Petition of Massassauga Council, No. 608, Junior Order of United American Mechanics, of Erie, Pa., and of District Assembly No. 3, Knights of Labor, of Pittsburg, Pa.

January 27.—Petition of J. P. Winower Council, No. 618, Junior Order United American Mechanics, of Pittsburg, Pa.

January 28.—Petitions of 230 members of Walburba Council, No. 859, Junior Order United American Mechanics, of Pitcairn, and of sundry members of the congregation of the Methodist Episcopal Church of Pittsburg, in the State of Pennsylvania.

February 3.—A petition of the United Labor League of Western Pennsylvania, of Pittsburg, Pa.

February 6.—Petitions of the Central Labor Union of Wilkesbarre and of Tub Molders' Union No. 7452, of New Brighton, in the State of Pennsylvania.

March 25.—Petitions of sundry citizens of Bradford; of Local Union No. 173, United Mine Workers of America, of Beaver Rock; of Local Union No. 1824, of Leechburg; of Railway Telegraphers' Local Union No. 67, of Wilkesbarre; of sundry citizens of Bethlehem; of sundry citizens of Brownfield; of Typographical Union No. 437, of Franklin, and of Retail Clerks' Local Union No. 196, of Wilkesbarre, all in the State of Pennsylvania.

March 26.—Petitions of Bricklayers' Local Union No. 31, of Braddock; Cigar Makers' Union No. 446, of Norristown; Oil City Union, No. 156, of Oil City; Brewery Workmen's Union No. 22, of Charleroi; Retail Clerks' Union No. 209, of Meadville; 20 citizens of Galeton; 53 citizens of Irwin; Electrical Workers' Union No. 91, of Easton; 17 citizens of Tyrone; Central Labor Union of Hanover and McSherrystown; Bricklayers and Plasterers' Union No. 37, of Easton; Local Union No. 84, of Erie; Local Union No. 3, of Belle Vernon; Local Union No. 615, of Fayette; 18 citizens of Columbia; Bricklayers' Union No. 40, of Johnstown; Carbondale Typographical Union, No. 239, of Carbondale; Local Union No. 1254, of McGovern; Local Union No. 1359, of Bowertown; 40 citizens of Verona; 23 citizens of Archbald; Local Union No. 558, of McDonald; 22 citizens of Williamsport; Bricklayers and Masons' Union No. 43, of

Franklin; Hod Carriers' Protective Union No. 7351, of Reading; Harrisburg Typographical Union, No. 14, of Harrisburg; Pittsburg Lodge, No. 18, of Pittsburg; of sundry citizens of South Side, Pittsburg; Newspaper Writers' Union No. 11, of Philadelphia; Journeymen Barbers' Union No. 198, of Meadville; Bricklayers, Masons, and Plasterers' Union No. 47, of Pittsburg; Bricklayers and Masons' Union No. 16, of York; Cigar Makers' Union No. 257, of Lancaster; Stone Masons' Union No. 34, of Philadelphia; United Brotherhood of Carpenters and Joiners of America, Local Union No. 709, of Shenandoah; sundry citizens of Artz; Federal Labor Union No. 7204, of Carbondale; Coopers' International Union No. 101, of Allegheny; United Mine Workers' Local Union No. 79, of Webster; Philadelphia Plate Printers' Union, No. 1, of Philadelphia; sundry citizens of Hellertown; Local Union No. 1787, of Fayette; Miners and Mine Workers' Local Union No. 248, of Fayette; Retail Clerks' Union No. 61, of Easton; Iron and Steel Workers' Union No. 8610, of Lebanon; Local Union No. 761, of Webster; Cigar Makers' International Union No. 104, of Pittsville; sundry citizens of Kutztown; Local Union No. 376, of Roscoe; sundry citizens of Johnstown; Bakers and Confectioners' Union No. 132, of Lancaster; Iron and Steel Workers' Union No. 9249, of Pottstown; Brotherhood of Railroad Trainmen's Union No. 172, of Reading; Erie Typographical Union, No. 77, of Erie; Local Union No. 1572, of Lansford; sundry citizens of Pittsburg; Typographical Union No. 2, of Philadelphia; Bricklayers and Plasterers' Protective Union No. 8, of Bethlehem; sundry citizens of Dunbar; sundry citizens of Conemaugh; Bricklayers and Masons' Union No. 56, of Greenville; sundry citizens of McKeesport; sundry citizens of Elkhart; Pattern Makers' Association of Erie; sundry citizens of Fogelsville; Coal Miners' Union No. 1323, of Canonsburg; Brotherhood of Railroad Trainmen's Union No. 43, of Sunbury; Bartenders' Local Union No. 225, of Meadville; the Central Labor Union of Kane; sundry citizens of O'Hara Township; United Mine Workers' Union No. 132, of Pricedale; sundry citizens of Springgrove borough; sundry citizens of Philadelphia; sundry citizens of Shiremanstown; Stone Masons' Union No. 38, of Reading; Stove Mounters' Union No. 6, of Philadelphia; Local Union No. 11, of Washington; Local Union No. 1736, of Saltsburg; United Mine Workers' Union No. 1234, of Tarentum; the Central Labor Union of Charleroi; Stove Mounters' Union No. 42, of Reading; International Bricklayers' Union No. 54, of Norristown; Society of St. Joseph, No. 239, of Lansford; Bricklayers' Union No. 12, of Chester; Cigar Makers' Union No. 194, of Bradford; United Mine Workers' Union No. 1622, of Greenock; Bricklayers' Union No. 4, of Allegheny; Brotherhood of Blacksmiths' Union No. 104, of Philadelphia; sundry citizens of Tidal; Granite Cutters' National Union, of Philadelphia; sundry citizens of Pittston; sundry citizens of New Stanton; United Mine Workers' Union No. 548, of Buena Vista; Meadville Central Labor Union, of Meadville; Glass Bottle Blowers' Branch Union No. 95, of Tarentum; Barbers' Local Union No. 297, of Lansford; Journeymen Barbers' International Union No. 277, of Easton; Cigar Makers' Local Union No. 406, of Easton; Journeymen Plumbers' Union No. 207, of Bradford; Powder Makers' Union No. 8742, of Olivers Mills; Carpenters' Local Union No. 492, of Reading; sundry citizens of Jeannette; United Mine Workers' Local Union No. 700, of Hauto; Local Union No. 1115, of Pricedale; sundry citizens of Steelton; Local Union No. 187, of Pittsburg; Local Union No. 556, of Meadville; sundry citizens of Johnstown; Cigar Makers' Local Union No. 232, of Sellersville; Shirt Waist and Laundry Workers' Union No. 74, of Reading; Ellwood City Lodge, No. 5, of Ellwood City; Federal Labor Union No. 8139, of McSherrystown; Local Union No. 500, of Butler; Journeymen Bakers' Union No. 150, of Reading; Central Labor Council, of Franklin; Typographical Union No. 7, of Pittsburg; the Central Labor Union of Hazleton; Coopers' International Union No. 102, of Brownsville; United Mine Workers' Union No. 844, of Carbondale; Tanners and Slaters' Union No. 7382, of Newcastle; United Mine Workers' Local Union No. 1887, of Seek; Federal Union No. 9257, of Renovo; Tin Plate Workers' Union No. 30, of Washington; Typographical Union No. 258, of Easton; Iron Molders' Union No. 370, of Reading; Federal Labor Union No. 9220, of Newcastle; Local Union No. 1515, of Roscoe; Amalgamated Sheet Metal Workers' Union No. 146, of Easton; Iron Workers' Union No. 9261, of Lancaster; Local Union No. 1263, of Monongahela; Boiler Makers' Union No. 147, of Susquehanna; American Tin Workers' Union No. 10, of New Kensington; Local Division No. 85, Amalgamated Association of Street Railway Employees of America, of Pittsburg; Electrical Workers' Union No. 56, of Erie; sundry citizens of Westcoastville; Cigar Makers' Local Union No. 295, of Scranton; Machinists' International Union No. 159, of Philadelphia; Local Union No. 51, of Monongahela; Cigar Makers' Union No. 236, of Reading; Central Labor Union of Lancaster; delegates to the Federal Trades Council of Reading; the Central Trades Assembly of Washington; Typographical Union No. 86, of Reading; Slate and Tile Roofers' Union No. 8626, of Reading; Local Union No. 32, of Canonsburg; Powder Workers' Union No. 8974, of Wapwallopen; the Central Labor Union of Carbondale; International Jewelers' Union No. 5, of Philadelphia; Good Hope Lodge, No. 19, of McKeesport; Glass Cutters' Union No. 78, of Monaca; Local Union No. 6, of New Kensington; Printing Pressmen's Union No. 31, of Pittsburg; the American Lace Curtain Operators' Union of Philadelphia, all in the State of Pennsylvania.

April 4.—Petitions of sundry citizens of Pittsburg; of Typographical Union No. 321, of Connessville; of Railroad Telegraphers' Division No. 3, of Harrisburg, and of Falls City Council, No. 885, Order United American Mechanics, of Falls City, all in the State of Pennsylvania.

Petitions and memorials praying for the reenactment of the Chinese-exclusion law presented by Mr. Penrose.

December 4.—Petitions of Clearfield Council, No. 394, Junior Order of United American Mechanics, of 76 members of Eden Council, No. 988; of 53 members of Roseville Council, No. 680; of 110 members of Media Council, No. 449; of 131 members of West Philadelphia Council, No. 561; of Local Union No. 166, United Mine Workers of America, of McAdoo; of Local Union No. 1738, United Mine Workers of America, of Rossiter; of Local Union No. 865, United Mine Workers of America, of Arnot; the Amalgamated Journeymen House Painters and Decorators' Association of Philadelphia; of Local Union No. 1499, United Mine Workers of America, of Freeland; of Pride of Mountain City Council, No. 472, of Altoona; of Amalgamated Sheet Metal Workers' International Association No. 140, of Hazleton; of Local Union No. 1627, United Mine Workers of America, of Freeland; of Washington Camp, No. 16, Patriotic Order Sons of America, of Harrisburg; of Local Union No. 117, United Mine Workers of America, of Springfield; of Local Union No. 1549, United Mine Workers of America, of Trescow; of Local Union No. 205, United Mine Workers of America, all in the State of Pennsylvania.

December 5.—Petitions of Pioneer City Council, of Carbondale; Lititz Springs Council, No. 197, of Lititz; Chester Council, No. 36, of Chester; Black Creek Council, No. 51, of Weatherly; James G. Blaine Council, No. 703, of Philadelphia; Local Union No. 884, of Shamokin; Guarantee Council, No. 95, of Wissahickon; George Bancroft Council, No. 571, of Tacony; Edwin A. Shubert Council, No. 728, of West Philadelphia; Melrose Council, No. 928, of Harrisburg; Shenandoah Valley Council, No. 530, of Shenandoah; Keystone Council, No. 11, of Philadelphia; Allen Council, No. 753, of Allentown; Enbaut Council, No. 231, of Enbaut; Dunns Council, No. 918, of Dunns; Camp Curtin Council, No. 629, of Harrisburg; St. Clair Council, No. 933, of St. Clair; Colonel David F. Houston Council, No. 739, of Chester; Harmony Council, No. 53, of Philadelphia; Juniata Council, No. 372, of Altoona; Ira Council, No. 713, of



Red Lion; Oriole Council, No. 877, of Chambersburg; James E. Hyatt Council, No. 923, of Philadelphia; Peace Council, No. 395, of Philadelphia; Pennsburg Council, No. 961, of Pennsburg; Siker Council, No. 802, of Manchester; Battlefield Council, No. 717, of Gettysburg; Abraham Lincoln Council, No. 513, of Montoursville; William Lilly Council, No. 326, of Philadelphia; Industrial Council, No. 437, of Orwigsburg; Protection Council, No. 935, of McKeesburg; Clearbridge Council, No. 940, of Clearbridge; Natrona Council, No. 214, of Natrona; Hampton Council, No. 965, of Hampton; West Chester Council, No. 633, of West Chester; Uhlertown Council, No. 522, of Uhlertown; Mount Carmel Council, No. 874, of Mount Carmel; Beaver Falls Council, No. 48, of Beaver Falls; Greble Council, No. 13, of Philadelphia; Linesville Council, No. 555, of Linesville; Bowman Council, No. 440, of Bowmanstown; Grace Council, No. 631, of Philadelphia; Hazle Council, No. 258, of Hazleton; Wapwallopen Council, No. 891, of Wapwallopen, all of the Junior Order United American Mechanics, in the State of Pennsylvania.

December 9.—Petitions of 158 members of North American Council, No. 332, of Philadelphia; 40 members of O. W. Howell Council, No. 210, of Stauffer; 32 members of Port Kennedy Council, No. 844, of Port Kennedy; 110 members of McAllister Council, No. 1011, of Hanover; 230 members of Twin City Council, No. 121, of Allegheny; 127 members of Quaker City Council, No. 84, of Philadelphia; 44 members of Pride of Pickering Council, No. 927, of Pickering; 40 members of Octorara Council, No. 977, of Parkesburg; 413 members of Wayne Council, No. 48, of Phoenixville; 243 members of York Council, No. 505, of York; 108 members of Acme Council, No. 219, of Pittsburg; 87 members of Muncy Council, No. 516, of Muncy; 108 members of Martha Washington Council, No. 528, of Philadelphia; 202 members of Hero Council, No. 668, of McKeesport; 172 members of Pequea Council, No. 875, of Gap; 50 members of Latrobe Council, No. 80, of Latrobe; 118 members of Landisville Council, No. 1007, of Landis Store; 35 members of Belsano Council, No. 182, of Belsano; 243 members of Kearsarge Council, No. 822, of Philadelphia; 177 members of John Morton Council, No. 738, of Chester; 61 members of North Star Council, No. 493, of Wilmerding; 46 members of Col. John Clark Council, No. 615, of Holmesburg; 64 members of Neptune Council, No. 777, of Philadelphia; 120 members of Audenreid Council, No. 775, of Audenreid; 110 members of Lansdale Council, of Lansdale; 52 members of Greensboro Council, No. 355, of Greensboro; 67 members of Nuremberg Council, No. 763, of Nuremberg; 69 members of Blandburg Council, No. 957, of Figart; 150 members of Council No. 985, of Leesport; of sundry citizens of Springville; the officers and members of Paoli Council, No. 500, of Paoli; 119 members of Victor Council, No. 870, of Greencastle; 98 members of West Hazleton Council, No. 943, of West Hazleton; 97 members of Mertztown Council, No. 444, of Mertztown; 172 members of Active Council, No. 617, of Philadelphia; 214 members of Monument Council, No. 847, of Girardville; 271 members of Roversford Council, No. 521, of Roversford; 175 members of Pittsburg Council, No. 117, of Pittsburg; 113 members of Ivyland Council, No. 661, of Ivyland; 79 members of Harrogate Council, No. 979, of Philadelphia; 145 members of Shenango Council, No. 180, of Newcastle; 320 members of William J. Byars Council, No. 282, of Wilkesbarre; 81 members of Sarversville Council, No. 401, of Sarversville; 182 members of Iron City Council, No. 171, of Pittsburg; 96 members of Lescalle Council, No. 442, of Pittsburg; 44 members of Rising Star Council, No. 708, of Rouzerville; 51 members of Elizabethville Council, No. 992, of Elizabethville; 192 members of Carlisle Council, No. 574, of Carlisle; 74 members of Henry Seybert Council, No. 520, of Abington; 165 members of Woodland Council, No. 179, of Philadelphia; 104 members of Roberts Council, No. 460, of Minersville; 120 members of Electric Council, No. 354, of East Mauch Chunk; 99 members of American Council, of Bloomsburg; of sundry members of Southwark Council, No. 144, of Philadelphia; 110 members of Federal Council, No. 129; 121 members of Port Richmond Council, No. 234, of Philadelphia; 86 members of Banksville Council, No. 720, of Banksville; 256 members of Clearfield Council, No. 894, of Philadelphia; 147 members of American Star Council, No. 49; 523 members of Kensington Council, No. 5, of Philadelphia; 238 members of Robert Morris Council, No. 41; 143 members of West Fairview Council, No. 716; 167 members of True American Council, No. 196, of Homestead; 31 members of Monongahela Council, No. 122, of Braddock; 62 members of Lebanon Valley Council, No. 885, of Avon; 143 members of Reserve Council, No. 253, of Philadelphia; 125 members of Jefferson Council, No. 31, of Philadelphia, and of 30 members of Morton McMichael Council, No. 886, of Philadelphia, all of the State of Pennsylvania.

December 10.—Petitions of 676 members of Allegheny Council, No. 112, of Allegheny; 70 members of McDonald Council, No. 199, of McDonald; 96 members of Aurora Council, No. 304, of East Prospect; 213 members of Science Council, No. 127, of Philadelphia; 100 members of William Penn Council, No. 64, of Pittsburg; 210 members of Samuel J. Randall Council, No. 448, of Reading; 110 members of American City Council, No. 1000, of Philadelphia; 225 members of Lieutenant Cushing Council, No. 839, of Philadelphia; 290 members of Aolian Council, No. 17, of Philadelphia; 175 members of Mount Holly Council, No. 671, of Mount Holly Springs; 75 members of Troy Hill Council, No. 319, of Allegheny; 92 members of Robert Fulton Council, No. 890, of West Philadelphia; 212 members of Wenona Council, No. 63, of Germantown; 116 members of Girard Council, No. 509, of Philadelphia; 128 members of Reliance Council, No. 787, of Philadelphia; 57 members of Captain Philip Schuyler Council, No. 188, of Philadelphia; 113 members of Southampton Council, No. 946, of Holland; 140 members of Neversink Council, No. 371, of Reading; 210 members of Coatesville Council, No. 421, of Coatesville; 100 members of Reliable Council, No. 90, of Allegheny; 257 members of Mount Prigot Council, No. 123, of Mauch Chunk; 185 members of Brandywine Council, of West Chester; 43 members of Major G. Lowery Council, No. 732, of Rimersburg; 90 members of Penbrook Council, No. 398, of Penbrook; 50 members of Monroe Council, No. 390, of Swiftwater; 230 members of Garfield Council, No. 114, of Rochester; 48 members of Goshen Council, No. 607, of Rocky Hill; 65 members of Annette Council, No. 732, of Philipsburg; 418 members of Freeland Council, No. 343, of Freeland; 300 members of Resolute Council, No. 27, of Reading; 23 members of Golden Heart Council, No. 648, of West Whiteland; 70 members of Milroy Council, No. 635, of Milroy; 122 members of Spring City Council, No. 900, of Spring City; 150 members of John Grey Council, No. 249, of Pittsburg; 415 members of U. S. Grant Council, No. 552, of Pottstown; 55 members of Fort Washington Council, No. 488, of Lemoyne; 33 members of Emsworth Council, No. 474, of Emsworth; 147 members of General John C. Fremont Council, No. 518, of Philadelphia; 247 members of Duquesne Council, No. 110, of Pittsburg; 90 members of Ardmore Council, No. 169, of Ardmore; Mount Pleasant Council, No. 37, of Birdsboro; 68 members of Picture Rocks Council, No. 523, of Picture Rocks; 396 members of Mount Vernon Council, No. 333, of Harrisburg; 159 members of Lafayette Council, No. 59, of Hazleton; 89 members of Cressona Council, No. 812, of Cressona; 65 members of Sumneytown Council, No. 997, of Sumneytown, and 185 members of Versailles Council, No. 691, of McKeesport, all in the State of Pennsylvania.

December 17.—Petitions of West Liberty Council, No. 273, of Allegheny County; of Pleasant Valley Council, No. 391, of Allegheny; of Tamaqua Council, No. 547, of Tamaqua; of Council No. 272, of Ford City; of Globe Council, No. 45, of Mount Carmel; of Industry Council, No. 163, of Reading; of Clifton Heights Council, No. 730, of Clifton Heights; of Pema Council, No. 200, of Strafford; of James Allen Council, No. 835, of Allentown; of Star Council, No. 55, of New Brighton; of Livingston Council, No. 923, of York; of Eldred

Council, No. 345, of Kunkletown; of Pride of the West Council, No. 157, of Allegheny; of Local Unions Nos. 1024 and 1194, of Mayfield; of Tube City Council, No. 378, of McKeesport; of Dartrum Council, No. 989, of Sharon Hill; of Courtland Saunders Council, No. 866, of Philadelphia; of Council No. 161, of Wilkesbarre; of Council No. 954, of Annville; of Colonel Theodore Hyatt Council, No. 573, of Chester; of Central Labor Union, of Kane; of Commonwealth Council, No. 597, of Mechanicsburg; of Carpenters' Council, No. 848, of Ashland; of Mechanic Local Union, No. 723, of Lansford; of Local Union No. 185, of Hazleton; of Triumph Council, No. 502, of Sardis; of Cranberry Local Union, No. 1434, of West Hazleton; of Local Union No. 1550, of Williams-town; of Carpenters' Union No. 541, of Washington; of Cigar Makers' Union No. 236, of Reading; of Councils Nos. 44, 375, 456, 1, 967, 904, 230, 146, 243, 70, 837, 239, 495, 109, 77, 15, 362, 621, 71, 703, 909, 969, 744, 86, 65, 96, 20, 276, 57, 52, 75, 1023, 31, 72, 513, 86, 1599, 18, 842, 54, 1003, 153, 115, 407, 71, 160, 317, 167, 257, 110, 1168, 1534, 135, 349, 1687, 1062, 1513, 181, and 1413, all of the Junior Order of United American Mechanics, in the State of Pennsylvania.

December 18.—Petitions of 99 members of Cohocksink Council, No. 166, of Philadelphia; of Pacific Council, No. 44, of Malvern; of 80 members of Resolute Council, No. 77, of Mechanicsburg; 53 members of Pride of Mount Carmel Council, No. 42, of Mount Carmel; 174 members of Banner Council, No. 46, of Chambersburg; 190 members of Columbia Council, No. 43, of Wilkesbarre; 80 members of Akron Council, No. 906, of Akron; 95 members of Royalstar Council, No. 140, of Royalstar; of Friedensburg Council, No. 1001, of Friedensburg; 72 members of Doylestown Council, No. 40, of Doylestown; of Pride of the West Council, No. 27, of Allegheny; 137 members of Mount Vernon Council, No. 150, of Harrisburg; of Pride of East Mauch Chunk Council, No. 162, of East Mauch Chunk; 61 members of Riverside Council, No. 97, of New Cumberland; 64 members of Bloomsburg Council, No. 81, of Bloomsburg; 101 members of Oberlin Council, No. 754, of Oberlin; 151 members of Harrisburg Council, No. 328, of Harrisburg; 57 members of White Haven Council, No. 840, of White Haven; 234 members of Steelton Council, No. 162, of Steelton; 157 members of Eagle Council, No. 3, of Philadelphia; 77 members of Etna Council, No. 439, of Etna; 71 members of Vine Cliff Council, No. 83, of Allegheny; 200 members of Moses Taylor Council, No. 151, of Scranton; of Local Union No. 1640, of Minersville; 276 members of William Windom Council, No. 580, of Philadelphia; 320 members of Mantau Council, No. 83, of Philadelphia; 37 members of General Cameron Council, No. 851, of Mount Joy; 134 members of Orient Council, No. 72, of Johnstown; 183 members of New Tripoli Grand Council, No. 204, of New Tripoli; 260 members of Jordan Council, No. 745, of Allentown; 250 members of Fidelity Council, No. 21, of Bristol; 117 members of Mountville Council, No. 65, of Mountville; Local Union No. 1571, of Tamaqua; 94 members of West Side Council, No. 288, of West Nanticoke; 150 members of Capital City Council, No. 327, of Harrisburg; 12 members of Cambria Council, No. 192, of Wilmore; 114 members of General John F. Reynolds Council, No. 143, of Germantown; 249 members of Colonel Robert P. Decker Council, No. 978, of Philadelphia; 34 members of Wise Council, No. 18, of —; 42 members of Colonel T. M. Bayne Council, No. 163, of Belevue; 182 members of Excelsior Council, No. 4, of Williamsport; 112 members of Susquehanna Council, No. 158, of Steelton; 117 members of Martha W. Crow Council, No. 65, of Philadelphia; 128 members of Reserve Council, No. 91, of Philadelphia; 60 members of Betsey Ross Council, No. 119, of Gettysburg; 290 members of Silver Star Council, No. 130, of Harrisburg; 218 members of Bethlehem Council, No. 508, of Bethlehem; 151 members of Perseverance Council, No. 72, of Harrisburg; 80 members of Westchester Council, No. 45, of Westchester; 57 members of Moss Rose Council, No. 282, of Seven Valleys; 200 members of Susquehanna Council, No. 89, of Wrightsville; 672 members of Champion Council, No. 8, of Philadelphia; 157 members of Golden Star Council, No. 6, of Middletown, and of Loyal Orange Lodge, No. 237, of Altoona, all of the Daughters of Liberty, Junior Order of United American Mechanics, and United Mine Workers of America, in the State of Pennsylvania.

January 7.—Petitions of councils Nos. 140, 172, 127, 149, 620, 583, 125, 151, 100, 61, 201, 526, 118, 154, 43, 68, 66, 500, 139, 35, 89, 102, 28, 123, 7, and 148, all of the Daughters of Liberty, and of councils Nos. 108, 550, 421, 148, 550, 120, 141, 546, 271, 357, 1804, 1533, 538, 24, 9178, 780, 504, 15, 29, 863, 104, 988, 443, 235, 28, 111, 945, 164, 101, 154, 640, 211, 838, 307, 125, 901, 496, 806, 335, 549, 172, 896, 331, 339, 22, 207, 1005, 384, 124, and 393, all of the Junior Order of United American Mechanics, in the State of Pennsylvania.

January 9.—Petitions of Council No. 685, of Ferndale; of Council No. 755, of Columbia; of Council No. 194, of Freedom; of Hand in Hand Council, No. 50, of Quakertown; of Bellevue Council, No. 682, of Philadelphia; of James G. Blaine Council, No. 2, of Philadelphia; of Shamokin Council, No. 128, of Shamokin; of the Typographical Union of Carbonade; of Heilmann Council, No. 277, of Philadelphia; of Webster Council, No. 23, of Schuylkill Haven; of Rock Council, No. 54, of Glen Rock; of Clover Council, No. 99, of Archbald; of Council No. 306, of Worthington; of Major Wm. H. Jennings Council, No. 367, of Shenandoah; of Fairview Council, No. 52, of Philadelphia; of Council No. 984, of Easton; of Vinco Council, No. 944, of Mineral Point; of Camac Council, No. 315, of Philadelphia; of Volunteer Council, No. 679, of Philadelphia; of Lewisberry Council, No. 1012, of Lewisberry; of Quaker City Council, No. 17, of Philadelphia; of Local Union No. 1691, of Olyphant; of West End Council, No. 230, of Easton; of Colonial Council, No. 605, of York; of Neptune Council, No. 141, of Philadelphia; of Progressive Council, No. 63, of Shippensburg; of Grace Council, No. 147, of Philadelphia; of Federal Council, No. 19, of Philadelphia; of Edwin A. Schubert Council, No. 5, of Philadelphia; of Loyal Council, No. 94, of Philadelphia; of General Harrison Council, No. 95, of Greencastle; of Williams Valley Council, No. 317, of Tower City; of Council No. 10, of Philadelphia; of Cincinnati Council, No. 116, of Philadelphia; of Just in Time Council, No. 346, of West Bethlehem; of Saratoga Council, No. 232, of Pittsburg; of General McClellan Council, No. 150, of Verona; of Dawson Council, No. 75, of Dawson; of Poetter Council, No. 894, of Caletton; of Mahoning Council, No. 233, of Punxsutawney; of Wm. Thaw Council, No. 306, of Allegheny City; of Clearfield Council, No. 146, of Philadelphia; of Royal Council, No. 342, of Adamsburg; of Colonel A. L. Hawkins Council, No. 334, of California; of Charles A. Gerasch Council, No. 1004, of Kutztown; of Carpenters and Joiners' Local Union No. 57, of Shamokin, and of the Glass Bottle Blowers' Association of Pittsburg, all of the Junior Order of United American Mechanics, in the State of Pennsylvania.

January 14.—Petitions of Seemsville Council, No. 757, Junior Order United American Mechanics, of Seemsville; of West Park Council, No. 108, Daughters of Liberty, of Philadelphia; of Rachel Hill Council, No. 816, Junior Order United American Mechanics, of Johnstown, and of Charity Council, No. 64, Daughters of Liberty, of Nesquehoning, all in the State of Pennsylvania.

January 20.—Petition of Turtlecreek Council, No. 28, Junior Order United American Mechanics, of Turtlecreek, Pa., and of Conemaugh Council, No. 137, Junior Order United American Mechanics, of Conemaugh, Pa.

January 23.—Petitions of District Assembly No. 3, Knights of Labor, of Pittsburg; of Allegheny Council, No. 23, Daughters of Liberty, of Allegheny, and of the Past Councilors' and Active Workers' Association of Lycoming County, Junior Order United American Mechanics, of Montgomery, all in the State of Pennsylvania.

January 31.—Petition of Lodge No. 140, International Association of Machinists, of Williamsport, Pa., and a petition of Massassauga Council, No. 608, Junior Order of United American Mechanics, of Erie, Pa.



*February 4.*—Petitions of Watarba Council, No. 859, of Pittsboro; of J. P. Winower Council, No. 618, of Pittsburg, all of the Junior Order of United American Mechanics; of the United Labor League, American Federation of Labor, of Sharpsburg; of Washington Camp, No. 252, Patriotic Order Sons of America, of Lansford, all in the State of Pennsylvania; of the Chamber of Commerce, of Boston, Mass., and of the Merchants' Association of New York City.

*February 6.*—Petitions of Local Union No. 18, United Mine Workers of America, of Phillipsburg, and of Local Union No. 228, United Brotherhood of Carpenters and Joiners of America, of Pottsville, in the State of Pennsylvania.

*February 11.*—Petitions of Leather Glaziers' Union No. 5, of Philadelphia; of Federal Union No. 7174, of Jermyn; of Tub Molders Helpers' Union No. 7452, of New Brighton; of Kindling Wood Workers' Union No. 7100, of Austin; of the American Lace Curtain Operative Union, of Philadelphia; of Cigar-makers' Local Union No. 466, of Easton, and of Local Union No. 6, Tin Plate Workers' International Protective Association, of New Kensington, all of the American Federation of Labor, in the State of Pennsylvania.

*February 12.*—Petitions of Press Feeders and Helpers' Union No. 31, of Pittsburg; of Iron Workers' Local Union No. 9334, of Columbia; of Division No. 8, Brotherhood of Railway Trackmen, of Spruce Creek; of United Cloak Pressers' Local Union No. 3, of Philadelphia; of American Glass Workers' Local Union No. 38, of Beaver Falls, and of Local Union No. 348, International Association of Machinists, all in the State of Pennsylvania.

*February 13.*—Petitions of Jewelry Workers' Local Union No. 5, of Philadelphia; of the Central Labor Union, of Carbondale; of Federal Labor Union No. 9101, of Johnsonburg, and of Good Hope Lodge, No. 19, of McKeesport, all of the American Federation of Labor, in the State of Pennsylvania.

*February 23.*—Petitions of 45 citizens of Tionesta; of 22 citizens of Steelton; of 48 citizens of Jeannette; of 32 citizens of Johnstown; of Local Union No. 1719, United Mine Workers of America, of Lansford; of Local Union No. 556, of Meadville; of Local Union No. 210, International Association of Machinists, of Wilkesbarre; of Cranberry Local Union, No. 1434, of Hazleton; of Lebanon Circle, No. 25, of Lebanon; of Elwood City Lodge, No. 5, of Elwood; of Boiler Makers' Local Union No. 17, of Chester; of Glass Bottle Blowers' Local Union No. 85, of Tarentum; of Local Union No. 1055, National Mine Workers of America, of Carbon; of the Central Labor Union of Meadville; of Barbers' Local Union No. 297, of Lansford; of Machinists' Local Union No. 217, of Philadelphia; of Local Union No. 548, United Mine Workers of America, of Buena Vista; of Federal Labor Union No. 7150, of Bradford; of Journeymen Plumbers' Local Union No. 207, of Bradford; of Local Union No. 115, of Pricedale; of Powder Makers' Local Union No. 8742, of Olivers Mills; of Local Union No. 700, United Mine Workers of America, of Horton; of Journeymen Barbers' International Union No. 277, of Easton; of Carpenters' Local Union No. 432, of Reading; of Glass Bottle Blowers' Local Union No. 76, of Sharpsburg; of Cigar Makers' Local Union No. 489, of Souderton; of Chair Makers' National Lodge No. 1, of Braddock; of Team Drivers' Local Union No. 22, of Ashland; of Iron Molders' Local Union No. 370, of Reading; of Typographical Union No. 258, of Easton; of Tile Layers' Union No. 4, of Pittsburg; of Local Union No. 1315, of Roscoe; of Cigar Makers' International Union No. 257, of Lancaster; of Tin Plate Workers' Local Union No. 30, of Washington; of the Federated Trades Council of Reading; of the Central Trades Assembly of Washington; of Local Union No. 1687, United Mine Workers of America, of Leek; of Shirt Waist and Laundry Workers' Local Union No. 74, of Reading; of Local Union No. 844, United Mine Workers of America, of Carbondale; of Keystone Associated Shirt and Waist Cutters' Local Union No. 40, of Philadelphia; of Federal Union No. 9251, of Renovo; of Boiler Makers and Boiler Workers' Local Union No. 46, of Reading; of Glass Bottle Blowers' Local Union No. 83, of Butler; of John F. Ward Union, No. 9, Iron and Steel Workers, of Newcastle; of United Brotherhood of Carpenters and Joiners' Local Union No. 500, of Butler; of the Central Labor Council of Franklin; of Journeymen Bakers' Local Union No. 150, of Reading; of Typographical Union No. 7, of Pittsburg; of the Central Labor Union of Hazleton; of Federal Labor Union No. 8139, of McSherrystown; of Cigar Makers' Local Union No. 232, of Sellersville; of Slate and Tile Roofers' Local Union No. 8236, of Reading; of Powder Workers' Local Union No. 8974, of Wapwallopen; of the Central Labor Union of Lancaster; of Typographical Union No. 86, of Reading; and of the Philadelphia Board of Trade, of Philadelphia, all in the State of Pennsylvania.

*March 4.*—Petitions of the Bricklayers and Masons' Local Union No. 16, of York; of the Cigar Makers' Local Union No. 108, of Lock Haven; of the Journeymen Barbers' Local Union No. 241, of Scranton; of the Cork Makers' International Union No. 53, of Philadelphia; of Coopers' Local Union No. 9, of Philadelphia; of Local Union No. 169, of McAdoo; of Local Union No. 376, of Roscoe; of Plate Printers' Local Union No. 1, of Philadelphia; of Local Union No. 248, of Fayette; of Local Union No. 1787, of Fayette; of Leather Workers' Union No. 32, of Fremont; of the Iron and Steel Workers' Local Union No. 9249, of Pottstown; of Newspaper Writers' Local Union No. 11, of Philadelphia; of Coal Miners' Local Union No. 1826, of Canonsburg; of Local Union No. 1572, of Lansford; of Amalgamated Sheet Metal Workers' Local Union No. 146, of Easton; of Local Union No. 761, of Webster; of Cigar Makers' International Union No. 104, of Pottsville; of Bakers and Confectioners' Local Union No. 132, of Lancaster; of Typographical Union No. 77, of Erie; of Paving Cutters' Local Union No. 7, of Gray Station; of American Tin Workers' Local Union No. 10, of New Kensington; of Local Union No. 1202, of Monongahela; of Boiler Makers' Local Union No. 147, of Reading; of Retail Clerks' Local Union No. 61, of Easton; of Iron and Steel Workers' Local Union No. 8610, of Lebanon; of Local Union No. 51, of Monongahela; of Cigar Makers' Local Union No. 295, of Scranton; of Bricklayers, Masons, and Plasterers' Local Union No. 47, of Pottsville; of International Association of Machinists, Local Union No. 159, of Philadelphia; of Journeymen Barbers' Local Union No. 198, of Meadville; of Local Union No. 91, of Oil City, all of the American Federation of Labor; of 21 citizens of Hellertown, 50 citizens of Johnstown, 43 citizens of Kutztown, and 27 citizens of Bradys Bend, all in the State of Pennsylvania; of Typographical Union No. 36 of Oakland; of Ship and Machine Blacksmiths' Local Union No. 168, of San Francisco; of Local Union No. 143, of Vallejo; of the Iron Ship Builders' Union of Vallejo; of the Federated Trades Council of San Jose; of Cigar Makers' Local Union No. 225, of Los Angeles, and of Local Union No. 64, of San Francisco, all of the American Federation of Labor, in the State of California; of the Journeymen Barbers' Union No. 215, American Federation of Labor, of Omaha, Nebr.; of the Lake Seamen's Union, International Seamen's Union, of Marine City, Mich.; of the Lake Seamen's Union, International Seamen's Union, of Cleveland, Ohio; of the Lake Seamen's Union, International Seamen's Union, of Milwaukee, Wis.; of the Tonawanda Branch of the Lake Seamen's Union, International Seamen's Union, of New York City; of the Pacific Coast Marine Firemen's Union, International Seamen's Union, of San Francisco, Cal.; of the Seamen's Union, International Seamen's Union, of Toledo, Ohio, and of the Lake Seamen's Union, International Seamen's Union, of Ashtabula, Ohio.

*March 6.*—Petitions of Local Union No. 159, Brotherhood of Railroad Trainmen, of Derry; of Typographical Union No. 241, of Hanover; of Local Union No. 158, Mauchchunk Division, Order of Railroad Conductors, of Mauchchunk; of Bartenders' Local Union No. 225, of Meadville; of Carpenters and Joiners' Local Union of Hazleton; of 27 citizens of New Stanton; of 25 citi-

zens of Springgrove; of Bricklayers' Local Union No. 12, of Chester, of Stove Mounters' Local Union No. 6, of Philadelphia; of International Bricklayers' Local Union No. 54, of Norristown; of Stone Masons' Local Union No. 38, of Reading; of the Central Labor Union of Charleroi; of Cigar Makers' Local Union No. 194, of Bradford; of Bricklayers' Local Union No. 4, of Allegheny; of 32 citizens of Philadelphia; of Local Union No. 132, United Mine Workers of America, of Providence; of the Central Labor Union of Kane; of Stone Masons' Local Union No. 34, of Philadelphia; of Local Union No. 11, of Washington; of 21 citizens of Artz; of 50 citizens of Shivemans; of Stove Mounters' Local Union No. 42, of Reading; of St. Joseph's Society, Local Union No. 293, of Lansford; of Stone Masons' Local Union No. 10, of Newcastle; of Local Union No. 1726, of Saltsburg; of Journeymen Bricklayers' Protective Union No. 1, of Philadelphia; of 15 citizens of Fogelsville, and of 100 citizens of O'Hara, all in the State of Pennsylvania; of the Labor Council of San Francisco; of Cloak Makers' Local Union No. 8, of San Francisco; of the Granite Cutters' Local Union of San Francisco; of San Jose Typographical Union, No. 231, of San Jose, in the State of California, and of Ship and Machine Blacksmiths' Local Union No. 168, of Washington, D. C.

*March 7.*—Petitions of 42 citizens of Philadelphia; 50 citizens of Pittsburg, and 52 citizens of Tidal; of the Pattern Makers' Association of Erie; of Typographical Union No. 181, of Meadville; of the Granite Cutters' National Union, of Philadelphia; of the Bricklayers' Local Union No. 2, of Pittsburg; of Brotherhood of Blacksmiths' Local Union No. 104, of Philadelphia; of Local Union No. 337, of Sayre, all of the American Federation of Labor, in the State of Pennsylvania, and of 101 citizens of Wilberton, Ind. T.

*March 11.*—Petitions of 109 citizens of Irwin; of Core Makers' Local Union No. 83, of Meadville; of Jersey Shore Division 168, Order of Railway Conductors, of Jersey Shore; of Cigar Makers' Local Union No. 446, of Norristown; of Typographical Union No. 232, of Uniontown; of Brewery Workmen's Local Union No. 1, Branch 1, of Charleroi; of Bricklayers' Local Union No. 31, of Braddock; of Switchmen's Local Union No. 38, of Erie; of Oil City Local Union, No. 157, of Oil City; of Youghiogheny Lodge, No. 218, Brotherhood of Railroad Trainmen, of Connellsville; of Bricklayers and Masons' Local Union No. 53, of Greenville; of Bricklayers and Plasterers' Local Union No. 8, of Bethlehem; of Typographical Union No. 2, of Philadelphia; of A. L. Dunbar Lodge, 142, of Meadville, and of 35 citizens of Dunbar, all in the State of Pennsylvania.

*March 14.*—Petitions of 50 citizens of Punxsutawney; of 51 citizens of Derry Station; of 28 citizens of Tyrone; of 25 citizens of Columbia; of Honest Workers Lodge, No. 25, Amalgamated Association of Iron, Steel, and Tin Workers, of Reading; of Liberty Bell Lodge, No. 587, Brotherhood of Railway Trainmen, of Philadelphia; of the Central Labor Union of Hanover and McSherrystown; of Cigar Makers' Local Union No. 436, of Olyphant; of Bricklayers' Local Union No. 40, of Johnstown; of Bricklayers and Plasterers' Local Union No. 37, of Easton; of Local Union No. 3, United Mine Workers of America, of Belle Vernon; of John F. Ward Lodge, No. 9, Amalgamated Association of Iron, Steel, and Tin Workers, of New Castle; of Patriotic Order Sons of America Camps of Berks County, and of Local Union No. 615, United Mine Workers of America, of Fayette; all in the State of Pennsylvania.

*March 20.*—Petitions of Retail Clerks' Local Union No. 185, of Girardville; of Allegheny City Division, No. 314, of Allegheny; of Bricklayers and Masons' Local Union No. 43, of Franklin; of Local Union No. 132, of Reading; of Team Drivers' Local Union No. 219, of Dubois; of Tailors' Local Union No. 115, of Souderton; of Coremakers' Local Union No. 83, of Meadville; of Plasterers' Local Union No. 8, of Philadelphia; of Local Lodge No. 323, Brotherhood of Railroad Telegraphers, of Freedom; of Bricklayers and Masons' Local Union No. 23, of Erie; of sundry citizens of Williamsport; of Bartenders' Local Union No. 187, of Bradford; of 49 citizens of Verona; of Miners' Local Union No. 1254, of McGovern; of Mine Workers' Local Union No. 1359, of Bowertown; of Lackawanna Division No. 12, Order of Railway Conductors, of Dunmore; of Steel and Copper Plate Printers' Local Union No. 2, of Washington; of Cigar Makers' Local Union No. 108, of Lock Haven; of the Amalgamated Society of Engineers, of Pittsburg; of Retail Clerks' Local Union No. 102, of Williamsport; of Typographical Union No. 239, of Carbondale; of Bricklayers' Local Union No. 18, of Scranton, all in the State of Pennsylvania; of sundry citizens of Hartshorne, Ind. T.; of Teamsters' Local Union No. 85, of San Francisco, Cal.; of Local Division No. 389, Brotherhood of Locomotive Engineers, of Fremont, Nebr.; of Cigar Makers' Local Union No. 132, of Brooklyn, N. Y., and of the Immigration Restriction League, of Washington, D. C.

*March 21.*—Petitions of Journeymen Tailors' Local Union No. 56, of Philadelphia; of Typographical Union No. 14, of Harrisburg; of Local Division No. 95, Order of Railway Telegraphers, of Wellsboro; of sundry citizens of South Bethlehem, West Bethlehem, and Bethlehem; of Railway Conductors' Local Division No. 144, of Derry; of Hodcarriers' Local Union No. 7351, of Reading; of Just in Time Lodge, No. 346, Brotherhood of Railroad Telegraphers, of Bethlehem; of Stone Masons' Local Union No. 35, of Philadelphia; of Southwest Union, No. 63, Brotherhood of Railroad Telegraphers, of Scottsdale; of Bricklayers' Local Union No. 18, of Scranton; of 43 citizens of New Alexandria; of 59 citizens of Pittsburg; of Tobacco Workers' Local Union No. 59, of Wilkesbarre; of 68 citizens of Brownville, all in the State of Pennsylvania, and of Bricklayers and Masons' Local Union No. 2, of Lincoln, Nebr.

*March 24.*—Petitions of Local Union No. 3, of Waynesburg; of Painters, Decorators, and Paper Hangers' Local Union No. 370, of Pittsburg; of Local Union No. 24 of Newcastle, all of the American Federation of Labor; of Lodge No. 228, Brotherhood of Railroad Trainmen, of Bradford; of Council No. 853, Junior Order of United American Mechanics, of Chester County; of 44 citizens of South Bethlehem, and of Local Division No. 357, Order of Railway Conductors, of Connellsville, all in the State of Pennsylvania.

*March 25.*—A petition of the Ship-Keepers' Protective Union No. 8970, American Federation of Labor, of Vallejo, Cal.

Mr. PENROSE also presented petitions of the Brooklyn Branch, of Brooklyn, N. Y.; of the Providence Branch, of Providence, R. I.; of the Portland Branch, of Portland, Me., and of the Baltimore Branch, of Baltimore, Md., all of the Atlantic Coast Seamen's Union; of the Seattle Branch, Pacific Coast Marine Firemen's Union, of Seattle, Wash.; of the Seattle Branch of Sailors' Union of the Pacific, of Seattle, Wash.; of San Pedro Sailors' Union of the Pacific, of San Pedro, Cal., and of the San Pedro Brande Sailors' Union of the Pacific, of San Pedro, Cal., praying for the enactment of legislation providing for the protection of American seamen from Chinese competition.

*April 2.*—Petitions of Painters, Decorators, and Paperhangers' Local Union No. 208, of Washington; of Retail Clerks' Local Union No. 204, of Ashland; of Boiler Makers' Local Union No. 41, of Elwood; of Typographical Union No. 321, of Connellsville; of Local Division No. 3, Order of Railroad Telegraphers, of Harrisburg; of Mine Workers' Local Union No. 1824, of Leechburg; of Railway Conductors' Local Union No. 187, of Sunbury; of 130 citizens of Donora, and of Silk Mill Workers' Local Union No. 246, of Plymouth, all in the State of Pennsylvania, and of Steam Fitters' Local Union No. 82, of Omaha, Nebr.

*April 3.*—Petitions of 64 citizens of Pittsburg; of Fall City Council, No. 385, Order of United American Mechanics, of Fall City; of Mount Moriah Lodge, No. 319, of Philadelphia, all in the State of Pennsylvania.

Mr. FAIRBANKS. Mr. President, I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.



The motion was agreed to.

Mr. FAIRBANKS. The amendments made to the bill a short time ago render a couple of brief amendments necessary in section 4.

I move that after the word "teachers" the word "and" be inserted, and after the word "students" a semicolon be inserted in place of the comma; that before the word "merchants" the words "and to" be inserted, and after the word "merchants" the comma be stricken out, so that the section as amended will read:

That from and after the passage of this act the privilege of Chinese persons other than laborers, to enter or remain in the United States shall be restricted to officials, teachers, and students; and to merchants and travelers for curiosity or pleasure, as hereinafter defined.

Mr. TURNER. Mr. President, I understood yesterday when an amendment to another section of the bill was offered that all amendments which went to the substantial framework and structure of the bill were to be left until the voting commenced tomorrow at 1 o'clock. I was in the Chamber when the amendments to which the Senator from Indiana refers were passed, but my attention was diverted, and I was not aware of what was taking place. Otherwise I should have objected to taking the vote upon those amendments at that time. I hope the Senator will permit that vote to be reconsidered at this time and allow the bill to stand as it originally was until the vote is taken tomorrow. All of the discussion is not over. These are important and substantive provisions of the bill, and they are provisions that a great many members of the Senate think ought to be retained in the bill.

Mr. FAIRBANKS. The amendments were proposed and accepted by the chairman of the committee on behalf of the committee.

Mr. TURNER. But I do not understand that the committee has ever had its attention called to them. I am a member of the committee, and I do not know of any committee action ever having been taken. I do not understand that it is conformable to the rules of the Senate that the chairman of a committee should speak for the committee unless the committee has taken some action in the premises. I know that there are a great many Senators who consider sections 5 and 6 to be very valuable provisions in the bill and would regret very seriously to see them stricken out. I would think, in view of that, that no vote ought to have been taken until the time for the voting to-morrow.

Mr. FAIRBANKS. Could not the Senator accomplish the same purpose by offering to amend the bill so as to make it stand as it did before these amendments, embodying what was reported by the committee and what has been stricken out?

Mr. TURNER. That puts those who are in favor of those provisions in a different position from what they would be if the provisions were left in the bill. The matter went, as I understood, pro forma, and it seems that it is not asking too much to request the Senator who moved that amendment to permit it to remain unacted on until the voting commences to-morrow. I hope he will take that course, because if a majority of the Senate is in favor of those amendments they will be made on to-morrow, but the bill ought not to have been changed by an amendment of this character made at this time.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Colorado?

Mr. TURNER. Certainly.

Mr. PATTERSON. Mr. President, I was not in the Chamber when the amendment was made. However, a short time before I went out of the Chamber the Senator from Indiana [Mr. FAIRBANKS] spoke to me about the amendment, and I said to him I had no objection to it. That is all I know about the matter.

I wish to say to the Senator from Washington that the effect of the amendment, as I understand it, is that it includes in the prescribed classes teachers and students, leaving to the Secretary of the Treasury, and requiring the Secretary of the Treasury, to make proper rules and regulations to carry into effect their exclusion—in other words, leaving the law as it is, and making the law in the pending bill precisely as it is now. The bill incorporates the definition of students and teachers. The law as it was simply mentions students and teachers, and the Secretary of the Treasury made regulations defining what they were. Those regulations have been carried into this bill, and if the amendment remains, the law, so far as this new bill is concerned, will continue to be precisely as it is now.

Mr. TURNER. Do I understand the Senator to say that the amendment is satisfactory to those having the bill in charge?

Mr. PATTERSON. That is my understanding about it.

Mr. TURNER. Then I withdraw my request, Mr. President. The PRESIDENT pro tempore. The Senator from Indiana [Mr. FAIRBANKS] has offered an amendment, which will be stated.

The SECRETARY. In section 4, on page 3, line 4, after the word "teachers," it is proposed to strike out the comma and insert the

word "and;" after the word "students" to strike out the comma and insert in lieu thereof a semicolon; before the word "merchants," in the same line, to insert the words "and to;" and after the word "merchants" to strike out the comma; and in line 5, after the word "pleasure," to strike out the comma; so that if amended the section would read:

That from and after the passage of this act the privilege of Chinese persons other than laborers to enter or remain in the United States shall be restricted to officials, teachers, and students; and to merchants and travelers for curiosity or pleasure as hereinafter defined.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. TURNER obtained the floor.

Mr. HANSBROUGH. Mr. President—

Mr. TURNER. Does the Senator from North Dakota rise for the purpose of discussing the bill?

Mr. HANSBROUGH. I wish to offer an amendment to the pending bill.

Mr. TURNER. I desire to submit a few observations to the Senate, but I shall yield to the Senator from North Dakota for the purpose indicated by him.

Mr. HANSBROUGH. I do not believe that the amendment which I intend to offer will give rise to any controversy. It is to perfect the bill. I offer the amendment which I send to the desk, and ask that it may be read.

The PRESIDENT pro tempore. The amendment offered by the Senator from North Dakota will be stated.

The SECRETARY. In section 11, on page 10, line 4, after the words "New Orleans," it is proposed to insert the words "Portal, Neche, Pembina, Saint Vincent, Warroad, El Paso."

The PRESIDENT pro tempore. The amendment will lie upon the table.

Mr. HANSBROUGH. I ask the Chair if the amendment is not in order at the present time?

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Chair thinks that these amendments should be postponed until 1 o'clock to-morrow.

Mr. HANSBROUGH. Very well. The amendment has been offered and printed several days since. Being of a nature not requiring any debate, I supposed it would be in order now.

Mr. TELLER. I mean to object to any further amendments being adopted until to-morrow at 1 o'clock, according to our agreement.

The PRESIDENT pro tempore. Any amendment, the Chair thinks, comes within the purview of the unanimous-consent agreement.

Mr. PLATT of Connecticut. Then those which have already been adopted—

The PRESIDENT pro tempore. That was by unanimous consent.

Mr. PLATT of Connecticut. And accepted here ought to be reconsidered, and stand with the rest of the amendments. Those amendments were entirely agreeable to me; but there may have been a good many Senators absent from the Senate who ought not to be bound by those amendments.

Mr. TELLER. That is the reason we ought not now to vote on them at all.

Mr. FAIRBANKS. They were in the nature of committee amendments, and unanimous consent was given.

Mr. PLATT of Connecticut. I have no objection to the amendments being adopted. They are entirely satisfactory to me. Mr. President, I wish to make an inquiry as to section 53.

Mr. TELLER. I did not mean to say that I should object to the amendment which has already been adopted, but I shall object to adopting any more. We had better stop now on these and wait until to-morrow.

Mr. PLATT of Connecticut. I am not proposing an amendment. I am making an inquiry about what is meant in a certain section. Section 53 provides:

That the term "Chinese" and the term "Chinese person," used in this act, are meant to include all male and female persons who are Chinese either by birth or descent, as well those of mixed blood as those of the full blood.

Now, I should like to inquire whether it is the understanding of those in charge of this bill that the bill would prevent the coming into the United States of all persons from the Philippine Islands who had the slightest trace of Chinese blood in their veins? I make that inquiry because I think the Senator from Massachusetts [Mr. LODGE] said in his address that he would not be in favor of extending the prohibition to the mixed bloods in the Philippine Archipelago. It is well known there that a great many of the Filipinos have more or less of Chinese blood in their veins; and this provision would debar every such person, even if he was only one thirty-sixth Chinese, coming from the Philippine Archipelago to the United States, as I understand it. I wish to know if that is the understanding of the committee?

Mr. TURNER. Mr. President, I wish to notice briefly the contention made by the Senator from Ohio [Mr. FORAKER] yesterday in the very able and forceful speech which he made to the effect that the true construction of the several treaties with China, particularly the treaties of 1880 and 1894, was that nobody was to be excluded from this country except Chinese laborers, and that the restrictive words of the treaties of 1880 and 1894, defining other classes, to wit, that part of it which permitted those to enter who were defined as officials, teachers, students, merchants, and travelers for curiosity or pleasure, were merely by way of illustration and were intended to indicate that all the Chinese other than laborers, similar in character to those mentioned, were entitled to come in under the provisions of those treaties.

The Senator from Ohio made quite an elaborate examination of our treaties with China for the purpose of establishing this proposition, and went back as far as the treaty of 1844, our first treaty; followed that up with an examination of the treaty of 1858, then of the treaty of 1868, then of the treaty of 1880, and finally of the treaty of 1894.

This was the principal contention in his speech, to which he directed most of his argument, and on it he based the proposition that it was contrary to public policy and good morals for us to extend the restrictions beyond the classes named, because it would be a violation of our plighted faith with a friendly nation.

I do not consider any of these treaties essential to a determination of the question raised by the Senator from Ohio, except the treaties of 1880 and 1894, because it is by those treaties alone that we have made provision for Chinese exclusion. Nor do I consider any treaty necessary to be examined to determine the question, except that of 1894, because each of the treaties following, from the first down to the last, that of 1894, were intended to be a little more and more restrictive than the former treaties.

It is sufficient to determine this question, applying the ordinary principles of construction, to look at the language of the treaty of 1894. If there be any obscurity in that treaty, of course it is proper to look back to the prior treaties to see what the intention was in the use of the particular language employed in the later treaty; but there is nothing obscure in it; there is nothing in the treaty of 1894 which requires an examination of prior treaties.

The language of that treaty, on which the friends of this bill rely as excluding all except those specifically mentioned, is found in the third article of the treaty of 1894:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

The Senator from Ohio insisted that the designation of those who may come in under the article which I have just read is merely by way of description; but it seems to me utterly impossible for any logical mind to take this article and put any such construction as that upon it. There is not anything in the language to indicate that either the United States or China meant anything of that kind:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure—

From being admitted into the United States. If it was the purpose to put this merely by way of illustration, it seems to me very clear that different language would have been employed, that appropriate phraseology would have been used. Instead of an iron-bound designation, as we find in this article of the treaty, which uses without qualification the terms, "officials, teachers, students, merchants, or travelers for curiosity or pleasure," the wording would have been, "Chinese subjects of the classes such as officials, teachers, students, merchants, or travelers," etc., or something of that kind. That is so plain that it would suggest itself readily to any mind; and the minds of those who were engaged on both sides in formulating this treaty, I imagine, were as astute as any in the diplomatic service of any country of the world.

The construction which might be placed on this language would have so readily occurred to them that they would have employed apt and appropriate words to indicate a contrary construction if they had so intended, words showing plainly that they used the terms employed by way of illustration, instead of using them for the purpose of indicating, as claimed by the friends of this bill, the particular classes that might be permitted to come in under the provisions of the treaty.

This, it appears to me, is made absolutely certain and conclusive when the second clause of the third article is read. That clause reads:

To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

If the contention of the Senator from Ohio is correct, clearly the language of this last clause would have been "To entitle such Chinese of the classes above described," or "To entitle such Chinese other than laborers to come into the United States." But no. The language is "To entitle such Chinese subjects as are above described," showing that the parties had no other classes of Chinese in their minds than those who had been specifically described in the preceding provision of Article III.

If that be correct, Mr. President, then the force and effect of the greater part of the magnificent speech delivered by the Senator from Ohio yesterday is destroyed, because that speech largely proceeded upon the theory that this bill was an unfair, an unjust, and an unconscionable effort to extend the restrictions upon Chinese immigration much beyond anything contemplated by the treaty.

When we consider, moreover, that this treaty has been given this identical construction for the last ten years, not only by the lawmaking department of the Government, but by the executive department as well, and that it has been acquiesced in by China, with the exception of one letter written by the Chinese minister only two or three months ago, and evidently in contemplation of this legislation, which it was known would come before Congress—when we consider all of these factors, in addition to the logical conclusion which must necessarily be derived from the language employed, it seems to me that there is absolutely no justice whatever in attempting to enforce upon the Senate a proposition that in the enumeration of the classes who may come here, as provided in the present bill, there is any attempt to stretch the provisions of the law one iota beyond the provisions of the treaties of 1880 and 1894.

The Senator from Ohio went further and undertook to say that the Supreme Court of the United States had given a construction to our treaty obligations with China in consonance with his position. The Senator is certainly mistaken about that. The Supreme Court of the United States has never, in any of the litigation that has come before it involving the Chinese, or any question growing out of the Chinese treaties, or any question growing out of the exclusion laws, had occasion to determine this particular and identical question.

It is true that in the case to which the Senator referred, reported in 140 U. S., the justice delivering the opinion therein undertook to give something of a history of the spirit and purpose of the exclusion laws; but it was pure obiter, and had nothing at all to do with the determination of the question then before the court. The statement was about a matter which the justice writing the opinion had a right to suppose would never be called in question, either in court or in the halls of legislation, and concerning which he need not be as accurate as he would be with reference to those matters which were immediately before the court.

The only question before the court in the case to which the Senator from Ohio referred was the question of the right of a Chinese person claiming to be a merchant to enter the United States under the provisions of the then existing law; and the Supreme Court of the United States held that he was not entitled to be admitted for two reasons: first, because he did not have the certificate contemplated by the law viséed by the consular officers of the United States in China; and second, because the testimony showed that he was a laborer and not a merchant and was endeavoring to enter the United States in a fraudulent character.

The words employed by the learned justice in the conclusion of the opinion, which were the words read by the Senator from Ohio, were not intended as a determination of either of these questions and were not necessary to their determination, but were merely a loose statement of the justice as to what he understood the object of the legislation to have been. This was what the justice said and what was quoted by the Senator from Ohio:

The result of the legislation respecting the Chinese would seem to be this: That no laborers of that race shall hereafter be permitted to enter the United States, or even to return after having departed from the country, though they may have previously resided therein and have left with a view of returning; and that all other persons of that race, except those connected with the diplomatic service, must produce a certificate from the authorities of the Chinese Government, or of such other foreign governments as they may at the time be subjects of, showing that they are not laborers and have the permission of that government to enter the United States, which certificate is to be viséed by a representative of the Government of the United States.

He does not even say in the language which I have read here, and which was read by the Senator from Ohio, who the particular classes are that may come in; but simply—

that all other persons of that race, except those connected with the diplomatic service, must produce a certificate.

Evidently the court did not have this contention in its mind at all, as every lawyer must see who reads the case, or intend to make any determination or adjudication on the subject.

So that we are remitted to the logical construction of the treaty of 1894 for a determination of this question, and it is impossible



to read the two clauses of the third article of the treaty of 1894 and say that both parties did not have in mind that the only other Chinese persons besides laborers who should be permitted to enter the United States without the consent of the United States were officials, teachers, students, merchants, and travelers for curiosity or pleasure.

Mr. President, this bill did not have any politics in it when it came to this Chamber from the committee. It was conceived in a spirit of the highest patriotism. It is the first and only public measure originating in Congress since I have been a member of this body with the assent of any considerable part of the dominant majority which has had for its object the protection of the rights and the interests of the common people of the land, which is based upon a recognition of their partnership in our Government and of their right to the provident care and protection of the Government.

The considerations which induced the members of the committee to accept this bill without regard to their party affiliations I had hoped would be equally effective in inducing both sides of this Chamber to accept and pass it. But from the time it was reported here by the Committee on Immigration down to the present hour sentiment has been crystallizing against it on the other side of this Chamber, until at this moment, outside of the three or four Republican members upon the Committee on Immigration who gave it their assent in that committee, and outside of most of the Republican Senators from the Pacific coast, I do not believe it has a single friend upon the other side of the Chamber.

The truth of the matter is that politics has crept in in spite of everything that anybody could do to keep it out. The ingrained tendencies of Republican policy have had their operation to bring about a strong and forceful sentiment upon the other side of the Chamber against the enactment of this just measure.

The powerful corporations have been heard from upon the subject while the bill has been pending here. The business interests have become alarmed, or have affected to become so; the leaders and representatives of organized labor have had the imprudence to show themselves in the corridors and committee rooms of the Capitol, and that has been an additional cause of offense in the eyes of some people.

When we consider that the Republican party worships at the shrine of wealth, when we consider that it regards the sole or at least the chief duty of government to be the conservation of wealth rather than the promotion of an honest, intelligent, and patriotic citizenship, the wonder to my mind is not that sentiment should have crystallized against this measure on the other side of the Chamber, but that there should be found anybody upon that side strong enough, with patriotism and statesmanship enough in his composition to cast aside the influences of his environment and give his support to the bill. I honor those who have been able to do so and believe that they will find in the approving views of their countrymen full justification for the course which they are pursuing.

In what I say upon this subject I do not intend, either by insinuation or innuendo, to accuse any Senator of pursuing any other course than that which his conscience demands. I am simply stating as a philosophic reason for the action of Republican Senators the fact that the Republican party finds its chief end and aim and object in life in the conservation of wealth, instead of in the protection of the common people of the land.

I am stating that as a reason why at this time, after all this debate, after the merits of this measure have been so fully shown to the Senate and to the country, the sentiment against the bill should have crystallized as it has done upon the other side of this Chamber.

I believe that the Republican party to-day is in favor of the dollar instead of the man, and this measure, conceived and framed in the interest of the manhood of the American people, goes down by the vote of the other side of the Chamber when the dollar mark of disapprobation has been put upon it.

The question now and here has come down, in my judgment, to a determination whether the committee bill, framed in the interest of the people of the land, shall receive the assent of the Senate or whether the substitute offered by the Senator from Connecticut [Mr. PLATT] shall receive the vote of the Senate.

Our friends upon the other side may not be conscious of the fact; I have no doubt they feel justified in the course which they are about to pursue by an approving conscience, but I believe that those who vote in favor of the Platt substitute will do so because way down in their hearts, perhaps unconsciously to themselves, they are opposed to restricting the immigration of Chinese to our country, and they are opposed to it because the manufacturing corporations, the transcontinental railroads, and the steamship companies want unrestricted Chinese immigration into this country.

I desire to tell the Senate what they are going to do when they

adopt, in lieu of the committee bill, the substitute offered by the Senator from Connecticut. They are going to leave in the utmost confusion the restriction laws now in force. They are going to make difficult their application because of that confusion. Those laws are scattered through a half dozen different enactments. They are difficult for the legislator to find, and when he finds them they are in so many different shapes, there are so many conflicting provisions, there are so many provisions that coincide, that it is exceedingly difficult for even a trained legal mind to determine what the law is upon any specific point.

And, moreover, they are going to prevent the officers who have the duty of administering our Chinese-exclusion laws, the lawyers and the judges who are called upon in judicial matters to enforce those laws, from having ready access to the Treasury regulations on the subject, made as the necessities of the case and as experience have shown they ought to be made. They will thereby prevent an efficient administration of such laws as we have, and they are going to do that, in my judgment, because way down in their hearts they are opposed to Chinese exclusion.

Even as a mere matter of codification, as a matter of revision, for the purpose of presenting in one compact and intelligent system our laws upon the subject of Chinese exclusion, the committee bill ought to be accepted here in preference to the substitute offered by the Senator from Connecticut. It should be passed preferably if there were no other object than that. But there is another object for this extended codification of these laws, which everybody knows here, which nobody has undertaken to controvert at all, and concerning the policy of which there ought to be no question in the mind of any Senator.

Do you want a lame, a halting, an inefficient administration of the laws relating to the exclusion of Chinese from our shores? Do you want as many holes to be punched into those laws as possible? Do you want to leave as many loopholes as possible to enable the Chinese to come here? If you do, then you want to vote for the Platt substitute for the pending bill, because that is what it will do.

A great part of the present laws upon Chinese exclusion are found in the act of 1888. A great part of the effective laws upon the subject of Chinese exclusion are the regulations made by the Treasury Department supplementing the legislation, which experience has shown are absolutely essential to any efficient carrying on of our policy against the admission of Chinese to our country. It is a fact that both the Scott law and the Treasury regulations are being attacked in five cases in the Supreme Court of the United States, with the great probability that that court will be compelled to declare that the Scott Act has no force and effect as a law because it was passed in contemplation of the ratification by the Chinese Government of the treaty of 1888, which that Government declined to do.

So if you adopt the substitute offered by the Senator from Connecticut, instead of passing the committee bill, you are going to give us a lame, a halting, an inefficient system of laws, under which it will be impossible to have any efficient exclusion of Chinese from the country pursuant to the policy entered upon twenty years ago.

More than that, Senators, the substitute drawn by the distinguished Senator from Connecticut provides by its own terms that it shall run with the present Chinese treaty and expire when that treaty expires, and it is a distinct statement to the statesmen of the Chinese Empire, as it is a distinct statement to the laboring men of this land, that the Republican party in this country does not propose to have Chinese exclusion hereafter except with the consent of the Chinese Government.

Mr. PLATT of Connecticut. Will the Senator from Washington permit me to interrupt him?

Mr. TURNER. Certainly.

Mr. PLATT of Connecticut. I do not see how the Senator from Washington can claim that when the amendment provides:

That in case said treaty be terminated as provided in Article VI thereof, this act and the acts hereby extended and continued shall remain in force until there shall be concluded between the United States and China a new treaty respecting the coming of Chinese persons into the United States, and until appropriate laws shall be passed to carry into effect the provisions thereof.

If no treaty should be negotiated, then they would be continued indefinitely.

Mr. TURNER. I am very glad to be informed by the Senator from Connecticut that he has added that clause to his proposed substitute. I was not aware of it before. But still I think the substitute must be taken as an indication of the purpose stated, because it would be satisfied by the making between this country and China of a treaty of any character on the subject of Chinese exclusion.

Mr. PLATT of Connecticut. I presume the Senator himself can not ask more than that these laws shall be in force if China refuses to make a treaty, and if it does, certainly we ought not to go beyond the provisions of the treaty in its enforcement.

Mr. TURNER. Undoubtedly. My proposition is that any treaty which we may negotiate with China, no matter how inefficient its terms might be, would meet the purposes of the amendment which the Senator has now added to his proposed substitute.

I think, in view of the evident disposition on the part of the dominant political party in this country to break down or at least to render as inefficient as possible our laws and regulations upon the subject of the exclusion of the Chinese, we may expect at no very distant day after China has denounced the present treaty, that another treaty will be made upon the subject of Chinese exclusion which will fairly meet the present views and purposes of the Chinese Government, but which will not meet the views and purposes of the common people of this land, who demand that their labor, their morals, and their civilization shall not be perverted by the inroad of the hordes of Chinamen who will come here whenever our present policy of restriction is broken down or materially weakened. But at any rate the substitute prepared by the Senator from Connecticut will be an invitation to the Government of China to abrogate the treaty in 1904.

The minister from China has written strong letters, showing that the purpose of the Chinese Government is to break down our present exclusion laws if possible; showing his dissatisfaction with the present system of Chinese exclusion, and certainly that Government will take advantage of the clause in the treaty of 1894 authorizing it to denounce the treaty at the end of ten years if it has tendered it such an invitation as that which is couched in the proposed substitute of the Senator from Connecticut.

Mr. President, I do not see why there should be all of this exceedingly great tenderness upon the subject of our treaty relations with China, all this exhortation upon the good faith with which we should observe our treaty obligations with that Government. I am not in favor of violating any of them, but I have been amazed at the almost hysterical utterances which I have heard here from day to day since this matter has been under consideration, to the effect that it would be a breach of national honor, it would be a stain upon the fair escutcheon of our country if we should pass any laws which in any respect trench upon any of the provisions of any of these treaties.

It has only been about eighteen months or two years since the Government of China had our minister and the members of his legation penned up in the legation building in the city of Peking endeavoring to murder them. To-day, under the terms of these treaties with China, there is not a single American who dares to go anywhere in the interior of China, and there is not one in China to-day anywhere within its interior. They are all confined to the treaty ports. They do not dare to go anywhere else, because the Chinese Government could not protect their lives anywhere else from the ferocity of the Chinese people.

It does seem remarkable, with this condition of affairs prevailing in China, that Senators should declaim here in a hysterical manner and demand in the name of sacred honor that we observe rigorously and scrupulously every provision of the Chinese treaties.

Mr. President, if we wanted an excuse to overrule and override any treaty we have with China, that country has furnished it over and over again a hundred times in the breaches of the treaty of which she has been guilty within the last two years and a half.

I did not rise for the purpose of making a speech particularly, but simply to notice the ground upon which the distinguished Senator from Ohio [Mr. FORAKER] founded the greater part of the very eloquent speech which he made to the Senate yesterday. In concluding I wish to present to the Senate some telegrams from labor organizations in my State which I have received since yesterday upon the subject of the pending bill. I ask that they be read to the Senate by the Secretary.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, Portland, Washington, D. C.:

The Longshoremen's Protective Association urges the adoption of Chinese-exclusion bill reported by committee, seamen's section included.

J. WEAVER, President.  
J. McCURDY, Secretary.

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

The Western Central Labor Union urges the adoption of Chinese-exclusion bill reported from committee, seamen's section included.

A. POHLE, President.  
F. A. RUST, Secretary.

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

The Seattle Branch of the Sailors' Union urges adoption of Chinese-exclusion bill reported from committee, seamen's section included.

P. B. GILL, Agent.

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

The Marine Cooks and Stewards' Association of Seattle urges the adoption of Chinese-exclusion bill reported from committee, seamen's section included.

R. POWERS, Agent.

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

The Seattle Branch of the Marine Firemen's Union urges the adoption of Chinese-exclusion bill reported from committee, seamen's section included.

J. CARNEY, Agent.

TACOMA, WASH., April 13, 1902.

Senator GEORGE TURNER, Portland, Washington, D. C.:

We urge your vote for adoption sailors' section Chinese exclusion.

TACOMA TRADES COUNCIL,  
J. MENZIES, Secretary.

TACOMA, WASH., April 14, 1902.

Senator G. TURNER, Washington, D. C.:

We urge your vote for adoption sailors' section Chinese exclusion.

TACOMA SAILORS' UNION.

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

Chamber of commerce received dispatch from Washington asking if retention of seamen's clause of Chinese-exclusion bill will be detrimental to oriental shipping. Committee on national affairs given full power to act; hence Mr. Burke's telegram.

P. B. GILL.

SEATTLE, WASH., April 14, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

Thomas Burke, chairman committee national affairs, chamber of commerce, is attorney for Great Northern Railway Company. Prohibition of Chinese seamen on American vessels will not force them to sail under foreign flags. The owners are too anxious to receive subsidy. Will wire later about chamber of commerce.

P. B. GILL.

TACOMA, WASH., April 14, 1902.

Senator GEORGE TURNER or Senator A. G. FOSTER, Washington, D. C.:

We urge you work and vote for adoption of sailors' section Chinese exclusion.

EXECUTIVE COMMITTEE OF  
WASHINGTON STATE FEDERATION OF LABOR,  
WILLIAM BLACKMAN, President.

ABERDEEN, WASH., April 15, 1902.

Hon. GEORGE TURNER, United States Senate, Washington, D. C.:

Organized labor of Aberdeen in mass meeting assembled urgently request you to vote and work for seaman's clause in exclusion act.

C. R. HUTTON, Chairman.  
C. J. CAMPBELL, Secretary.

Mr. SPOONER. Mr. President, I am not satisfied with the bill reported by the committee, amended very materially as it has been, nor am I satisfied with the substitute offered by the distinguished Senator from Connecticut [Mr. PLATT] as it is now framed, and I wish very briefly to state my position upon each proposition.

I do not stop to reply properly to the very bitter speech which has just been delivered by the Senator from Washington [Mr. TURNER]. I have personal friendship for him and great admiration for his ability, and I am, I confess, quite amazed that he should find it in harmony with his inclination or his belief to impute to every member of this body on this side of the Chamber who does not happen to agree with him unworthy motives or a surrender to influences which ought not to affect any Senator on either side of the Chamber.

Mr. TURNER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. SPOONER. Certainly.

Mr. TURNER. Mr. President, I must disclaim having imputed to any Senator on the other side any unworthy motive. I especially endeavored to guard against that by saying that I attributed the sentiment which had been crystallizing upon the other side of the Chamber to the peculiar tenets and policies of the Republican party which had become ingrained in the consciousness of the members of that party.

Mr. SPOONER. I can not account for the bitter feeling of the Senator toward the Republican party. Senators on the other side of the Chamber who have been lifelong Democrats disagree with us—

Mr. TURNER. Will the Senator permit me to explain that also?

Mr. SPOONER. I think it might take some time.

Mr. TURNER. No, sir; just a moment. I was cozened by the Republican party for thirty years, and when I found it out I became very bitter toward that party.

Mr. SPOONER. The Senator thinks apparently that the moment he left the party all the virtue, all the patriotism, all of its traditional regard for the interests of labor and for humanity departed with him. The Senator is mistaken.

There should not be—and I was not aware until the Senator



from Washington made his speech that there was—any politics in this proposed legislation, and I resent, for one, the suggestion that because I do not agree with the Senator from Washington as to this bill I am any less in favor than he is of excluding Chinese laborers from the United States; and I deny that there is a Senator on this side of the Chamber, so far as I know, who is not as thoroughly committed, not simply mentally, but in his heart, to the protection of American labor against this impossible competition as the Senator or any of his associates.

I do not need to defend the Republican party in its devotion to the interests of labor, Mr. President. Its record does that, and one ground of Democratic attack upon it always has been that it was its policy to do that. The Republican party has been in favor of protecting the labor of the United States not only against alien contract labor but against the products of that labor made in other lands and brought here into unjust and unfair competition with similar products of our own labor. It is too late for any man to suggest, with the expectation that he can command the confidence of the people in the statement, that the Republican party is hostile to the interests of labor. Strike from the statute books, Mr. President, what the Republican party in its history has done for labor in the United States, and what would there be left?

I do not know what sentiment, if any, has crystallized upon the pending bill on this side of the Chamber. I never ask any Senator how he intends to vote. I never canvass the Senate. I do not know how Senators will vote except as they have declared themselves in their utterances upon this measure.

Mr. President, the Senator from Washington regards, from my standpoint, somewhat loosely treaty obligations. It is not a question of power. I agree entirely with the Senator from Colorado [Mr. TELLER]—I agree entirely with the Senator from Washington—that Congress has the power to pass laws abrogating every treaty which exists between us and foreign governments. It has the power to cut us off, if it chooses to exercise it, from international comity and relation. A treaty in our system of government is unique.

By the Constitution the power to make laws is vested in the Senate and House of Representatives, but the Constitution gives to a treaty, after it shall have been entered into by the President and ratified by the Senate, the force of law throughout the land equally with laws passed by Congress. That is the one instance where a supreme law of the land, binding everybody but Congress, binding courts, obligatory upon the people, passes to the statute books without the intervention oftentimes of the House of Representatives or the Senate, acting as a legislative body. It is made by the Executive and the Senate.

That is not all, Mr. President. There is something of uniqueness in it beyond that—that it can not be made by the President and the Senate without the intervention of a foreign power. So it becomes a law, but it is also a compact or a contract. Being a law, the Supreme Court has repeatedly decided that it is subject to repeal by the lawmaking power of the country.

But there is something about it all beyond that which does not go to the courts, for whether the Congress acts wisely or justly in abrogating a treaty is not for the courts to review. That is a question solely for the Congress to determine.

And these treaties with foreign powers, Mr. President, rest in honor. They are not like compacts or contracts between individuals which can be enforced in courts of justice. In the last analysis they are enforceable only at the cannon's mouth, because, as the court has repeatedly said, while we have the power to abrogate them, we do it at our peril; we do it subject to reprisal upon the part of the injured party to it.

A man who does not keep his contracts stands not well in any community, and the man stands best, Mr. President, who keeps his contract—or, in other words, his word—where the obligation is such that it can not be enforced in any tribunal. Among honorable men an honorable obligation is as strong, if not stronger, than one enforceable in the tribunals of the land.

There are cases where a country is justified in abrogating a treaty. I am frank to say here, although I resisted with other Senators for two years any attempt to abrogate the Clayton-Bulwer treaty, which shackled the United States and prevented us from constructing in the interest of commerce and in the interest of our safety a canal connecting the oceans. I was influenced partly by the fact that negotiations were pending to abrogate it; but if they had failed I should have deemed it entirely compatible with the honor of this country to have voted to abrogate it, because compacts between nations sometimes—containing no clause authorizing a denouncement—which affect the safety, as time goes on, of a people, they are not bound to observe, and a government can not trade away for all time the safety or the well-being of its people. This is a doctrine underlying treaties. Happily there was in the case of the Clayton-Bulwer treaty no such exigency, as I did not believe there would be.

So Congress passed an act to abrogate the Chinese treaty, and

it was a justifiable abrogation. The Supreme Court so declared in the "Chinese-exclusion case" (*Chae Pang Ping*, 130 U. S.). I think the act was not signed. It was justifiable because we had entered into a treaty with China for unrestricted intercourse, and it brought to our shores an army of Chinese laborers, and, because of their racial instincts, because of their characteristics, because of their peculiarities, because of the absolute impossibility of their ever assimilating with us, because of the impossible competition which it put upon our labor, that Government not being willing to abrogate it or modify it, it being perpetual in form, in the interest of labor, in the interest of society, in the interest of our whole people, Congress passed a bill to abrogate it.

So to-day, Mr. President, there is no man, so far as I know, except those who consult a purely selfish interest (and if they have any representative here I do not know who he is), who is in favor of throwing open the gates to the immigration of Chinese labor. We are afraid of them; that is the truth about it. They can not become citizens of the United States. They create Chinese societies in our midst which are as isolated as if they were in China. They are acute, patient, thrifty, imitative, able, and with a standard of living which would enable them, if they could come here at will, to drive American labor to the poorhouse, if America would permit it, which American labor would not.

So, Mr. President, it is not only in the interest of American labor that they are to be excluded, but it is in the interest, from the standpoint of humanity, of Chinese labor that they should be excluded. I do not yield—and I think I speak in that respect for every Senator on this side of the Chamber—to the Senator from Washington [Mr. TURNER] in the slightest degree in strength of purpose and desire to exclude Chinese labor from the United States.

Now, Mr. President, a great Government like this, as powerful and as rich as this Government is, able to deal with the greatest to enforce its just demands, can ill afford, except where there is supreme necessity for it, to violate its plighted faith with other governments. It can ill afford to do it, Mr. President, beyond all things, with the weaker governments of the earth and as to those from whose fleets and guns it has nothing to fear.

I believe in observing treaty obligations. If they are not satisfactory, I would seek to modify them. If they can not be modified and the public interest certainly demands it, I would exercise the power which we possess to relieve the Government from it, but I would do it always only as a last resort.

I venture to say, Mr. President, that if the Geary Act, as it is called, did not expire for three years this bill would not be here. Legislation is necessary, that is conceded, because with the coming of May, if there be none now enacted we are left, as I understand it, without exclusion legislation, and that would be intolerable. We are not to go back to the treaty of 1880. I think Senators never will find the time when our people are willing to let down the bars to Chinese labor, no matter if some railway companies desire it, no matter if some Pacific steamship companies desire it, no matter who desires it for a selfish and ulterior purpose, never.

The Senator criticised the substitute proposed by the distinguished Senator from Connecticut [Mr. PLATT]. I said, and I will refer to that for a moment as I go along, although I meant to deal with it later, that it is not satisfactory to me. It is not satisfactory to me for two reasons. In the first place, it is not satisfactory to me because it does not provide distinctly that Chinese from the Philippine Archipelago shall not come into the United States. Possibly they would be excluded by existing law. I have some doubt about it.

Congress, upon the record, had doubt about it as to Hawaii, and notwithstanding there was in force this Chinese-exclusion legislation when we acquired the territory of Hawaii, to which acquisition I was opposed, the Congress, in the act of annexation, as I recollect it, prohibited the coming from Hawaii to the mainland of Chinese, and again, as the Senator from Massachusetts [Mr. LODGE] said the other day, when the government bill for Hawaii was passed in Congress was that prohibition repeated. I do not know exactly what would have been the effect, as a matter of law, of the annexation without that legislation, but this to me is certain, that having enacted it as to Hawaii, if we omit it as to the Philippines, the Philippines not having been the property of the United States when the treaty was entered into, it might raise a question which I think all possibility of should be eliminated.

That is not all. I do not like the substitute proposed by the Senator from Connecticut for another reason. It continues in force all existing laws for the exclusion of Chinese. That is the language of it. I am told that there is now pending before the Supreme Court of the United States a case, perhaps more than one, in which it is contended that the Scott law never took effect. I was a member of this body when that law passed, and I think I voted for it. If the Supreme Court of the United States should so decide, then that would not be one of the laws falling within the use of that word in the substitute offered by the Senator from



Connecticut. So I suggested to him privately, and I suggest to him now publicly, that I think for safety his substitute should be amended by inserting at the proper place the words "including the act entitled 'An act to prohibit the coming of Chinese laborers to the United States,' approved September 13, 1888."

Mr. PATTERSON. May I ask the Senator from Wisconsin a question?

Mr. SPOONER. Yes, sir.

Mr. PATTERSON. If the Scott law shall turn out to be a void law, can it be vitalized by mere general terms?

Mr. SPOONER. I did not say a void law.

Mr. PATTERSON. Well, suppose it is declared to have never been operative?

Mr. SPOONER. Well, Mr. President, it might be declared never to have been operative, and it would not follow from that at all that Congress had not the power to make it operative, would it?

Mr. PATTERSON. The thought in my mind is that if the Scott law shall be declared void for constitutional or other reasons it was void from its inception, and I do not believe there is a possibility to give vitality to such a law by mere general legislation of the kind that is proposed.

Mr. SPOONER. I agree entirely with the Senator, that if the Scott law should be decided to have been void because as contravening the Constitution it would be void because unconstitutional.

Mr. PATTERSON. Or for any other reason.

Mr. SPOONER. Oh, not at all. I am going to divide the question. If the Supreme Court of the United States shall decide that the Scott law is void as being in contravention of the Constitution, and hold the act to be an entirety, exempt from the doctrine of dependent and independent provisions, Congress could not give it vitality, because—I do not need to argue to my friend from Colorado, who is an excellent lawyer—that Congress can not pass an unconstitutional act and give it vitality.

Mr. PATTERSON. That is not the logic of my question at all.

Mr. SPOONER. It is the logic of my answer. Now, the Senator says, "or for other reasons." He has gotten away now from the first reason he gave, which was a constitutional reason. He says "for other reasons;" and perhaps in order to be able to answer the question intelligently I ought to know the other reasons; but I undertake to say—

Mr. PATTERSON. I can suggest a reason.

Mr. SPOONER. What reason?

Mr. PATTERSON. For the reason that the law was based upon a treaty that never went into effect. That might be one.

Mr. SPOONER. The law having been based upon a treaty which never went into effect, the only reason the law never would have been a law was because it never went into effect, would it not be? It would be because the condition precedent upon the happening of which depended its going into effect never happened. Would that prevent the Congress of the United States from reenacting it, to take effect at once, without any precedent condition?

Mr. PATTERSON. Mr. President, I think that Congress would have the right in terms—I do not mean simply by the naming of the law, referring to its title and the date of its passage, but by proceeding as we enact any law—to reenact that law. Of course, it would have the right to do it. But when a law was void because it was based or intended to be based upon something years ago that did not exist, and that never came into existence after the passage of a number of Congresses, I do not believe it can be made a vital law simply by general terms.

Mr. SPOONER. The Senator from Colorado has forgotten the doctrine of legislative recognition. He has forgotten the long, long line of decisions by which the courts have held repealed laws to be revived by being treated as if in force, and those decisions are overwhelming in numbers. For the Senator to say that because the act never took effect, not on account of unconstitutionality, but because the treaty upon the ratification of which depended its going into effect never was ratified, Congress has not the power to reenact it except formally, surprises me.

Does the Senator mean to say that if the amendment of the Senator from Connecticut, continuing in force all laws relating to Chinese exclusion, had incorporated in it these words, "including the act entitled 'An act to prohibit the coming of Chinese laborers to the United States,' approved September 13, 1888," that from the approval of the substitute bill by the President that would not become a part of the law of the land?

Mr. PATTERSON. That is practically my contention. It would at least place the law in a very dangerous situation. It would give to the enemies of Chinese exclusion a most excellent ground, with a substantial hope of ultimately succeeding, by going into court for the purpose of having the law again declared invalid. That is my view of it.

Mr. SPOONER. If there is a lawyer in the United States

who would charge much to a client for taking that proposition into court I do not think he ought to be paid for it. But if the Senator from Colorado has any doubt about that, and I have none, he can remove his own doubts by moving to amend this amendment, if he desires, by saying "which is hereby reenacted." How would that do?

Mr. PATTERSON. My notion is that you would have to set out each section of the law in totidem verbis.

Mr. SPOONER. Then that amounts to this: That if Congress should pass an act saying that from and after the 1st day of July next the McKinley law, naming it by chapter, should be in force as the law of the United States, it would be a brutum fulmen and without effect as a piece of legislation. What is the answer to that question?

Mr. PATTERSON. What law do you refer to?

Mr. SPOONER. The McKinley Act, or any other act.

Mr. PATTERSON. You mean the tariff act?

Mr. SPOONER. Yes.

Mr. PATTERSON. I think it would be a very grave question whether in the case of a law that is absolutely dead, of which the country has been relieved, which if there was a revision of the laws would be wiped from the statute books altogether and would not appear, simply by naming that law by title it could be revived in all of its terms. I do not believe that it could be done.

Let me suggest this further proposition to the Senator from Wisconsin. Suppose a law is declared to be unconstitutional that has passed with all the regularity and solemnity required for the passage of a law, and shortly thereafter the constitutional trouble has been relieved. Would the Senator from Wisconsin claim that by referring to that act by title and declaring that it shall be reenacted it would be given vitality upon the statute books?

Mr. SPOONER. Yes. At common law the repeal of a repealing act revived the original act. There is no particular solemnity necessary to constitute a law.

Mr. PATTERSON. But there is reasonable particularity.

Mr. SPOONER. No, there is no reasonable particularity in the sense in which the Senator now uses that phrase. All that is necessary is an enacting clause, authority existing under the Constitution, and language which makes plain the purpose of Congress.

Mr. PATTERSON. May I ask the Senator a question?

Mr. HOAR. May I ask the Senator to allow me to remind him, what I dare say he would think of himself, that we have frequently adopted a body of laws for Territories by saying, for instance, that the law of Oregon should be in force in Alaska?

Mr. SPOONER. Certainly.

Mr. PATTERSON. Mr. President, replying to the Senator from Massachusetts, that does not meet the objection. You are applying a live law to another subject or another section of the territory of the United States.

Mr. SPOONER. What is the difference between applying a live law to a section of the territory of the United States and applying a live Congress to a dead law?

Mr. PATTERSON. There is the difference between reviving or attempting to revive a carcass by electricity and securing signs and evidences of life in a body that for the time is simply comatose. That is the difference.

Mr. SPOONER. Mr. President, if the Senator can not see any distinction between the revivifying effect of electricity on a carcass and the power of Congress on a repealed law in order to revive it, I can not make it clear.

Mr. PATTERSON. They are both dead.

Mr. SPOONER. Yes.

Mr. PATTERSON. What is the difference between a carcass and a dead law?

Mr. SPOONER. One is dead with no power on earth to bring it to life and the other is dead with the power on earth that made it in the first place to bring it to life. That is the difference.

Mr. PATTERSON. Let me ask the Senator to answer another question.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Of course.

Mr. PATTERSON. Suppose you want to enact a law adopted by the English Parliament. Can you make that the law of this land?

Mr. SPOONER. Why not?

Mr. PATTERSON. Could it be particularized by simply enacting that a law, with the following title, adopted by the Parliament of England at a certain time, shall from this day forward be the law of the United States?

Mr. SPOONER. Why not?

Mr. PATTERSON. Simply because you can not do it. You might try it, but you would fail.

Mr. SPOONER. That is the only knockdown I have had.

Mr. PATTERSON. That is the best I can give you.



Mr. SPOONER. Simply because you can not do it. You can reenact a law by a reference to it, can you not?

Mr. PATTERSON. In my judgment, you can not reenact a dead law. You can not put life into that which is dead, that which has passed out of existence, simply by calling it by name.

Mr. SPOONER. It takes a new law and becomes a new law.

Mr. PATTERSON. That is where we differ.

Mr. SPOONER. No; that is where I think the Senator does not understand.

Mr. PATTERSON. I may be obtuse.

Mr. SPOONER. I did not mean that.

Mr. PATTERSON. Yes.

Mr. SPOONER. We do not reenact a live law; we reenact a dead law, and make it live again. That is all.

Mr. PATTERSON. Of course you can enact anything, but you can not reenact a dead law by reference to its title.

Mr. SPOONER. You can not perhaps make it retrospectively alive; it was dead, but when it is revived by an act of Congress it lives again.

Mr. PATTERSON. I despair of convincing the Senator from Wisconsin, and so I shall cease.

Mr. SPOONER. If the Senator did not despair of convincing me of his proposition, I should despair of myself. We have the power of reenacting by reference—and I think very few will dispute it—any law which has hitherto been repealed by Congress, provided that the reference to it is so specific that the purpose of Congress to revive it and reenact it is plain.

But I have spent—I had expected to be through before this time—all my time in practically an elementary discussion of the law with the Senator from Colorado.

Now, Mr. President, what has been the trouble with the existing law? Any? They say that frauds have been attempted to be perpetrated upon it. Frauds will be attempted to be perpetrated upon any law on this subject which you pass; frauds are attempted to be perpetrated upon the tariff law; and wherever avarice is the moving motive among men, and they are only restrained by legislative enactment, frauds will be sought to be perpetrated upon the law. You may say there has been some bribery and corruption among officials. Can you pass any law to prevent that? No matter whether you continue the existing law or pass this bill, which liberty-loving and patriotic men must support under penalty of impeachment of their motives, is it to be said that there will be no attempt to evade it and perpetrate frauds upon it?

What has been the effect of the existing law? Has it thrown the doors open to Chinese laborers? I talked the other day upon this subject with a gentleman who has had much to do with the matter; an able, clear-headed, frank man. He might not be willing that I should name him here, but he talked to me frankly and clearly. He did not hesitate to say that the existing law has been effective, but said the trouble was they were afraid it would be overturned so far as it related to the Scott Act by the decision of the Supreme Court of the United States. I want to guard against that as completely as any Senator can, and my suggestion of that possibility and of an amendment to guard against it was not made for the first time to-day by any means.

The census figures have been brought to the attention of the Senate. In 1890 the number of Chinese in the United States was 107,480; in 1900, 89,863; in California, in 1890, 72,472; in 1900, 45,753—nearly 40 per cent decrease the Senator from New Hampshire [Mr. GALLINGER] said in his argument here as to California, and nearly 17 per cent, or quite that, of decrease during the decade in the United States. What did it? Did the Chinese abandon their desire to come here, or was it the enforcement of the law in this country which has brought about this result?

It was suggested by the Senator from Massachusetts [Mr. LODGE] that the census which has just been taken is erroneous in its results as to the number of Chinese in the United States. It is pretty early to impeach the census. If it is false in this respect, in what other particulars is it untrustworthy? It has been generally considered throughout the country to have been managed with great skill and with integrity. The work of the Director of the Census has been extolled by Senators on both sides of this Chamber, and I regret that the exigencies of debate have seemed to compel anyone, almost within a month after the publication of its bulletins, to impeach its accuracy. It leads men to doubt it, it casts suspicion upon it, which, so far as I know, finds no justification whatever in the facts.

Senators say that this bill is only a codification, and that they are proposing to enact by it only Treasury regulations. Is that true? And they ask what is the harm in enacting Treasury regulations? Do not Senators see the great distinction between Treasury regulations for the enforcement of a treaty and statutory regulations for its enforcement? Administrative officers construe the treaty, which is a law, and they construe our statutes in carrying them out; but even if inconsistent with

treaty obligations, Mr. President, they do not violate the treaty on the part of this Government; they do not abrogate the treaty, to speak more accurately, because that is a question of construction. It is not for the Congress to construe laws. That is a function of the courts.

Anyone whose right under a treaty is invaded by Treasury regulations incompatible with the national obligation has his day in court; and if the Treasury regulation made by the Commissioner of Immigration is not in harmony with a treaty—if it deprives some one of a right in fact conferred upon him by the treaty—the courts will say that, and the honor of the country will be saved by one of its Executive Departments, and that the one to which is committed by the Constitution that function. But if the Congress, whose duty is not to construe laws but whose duty it is to make laws, enacts into a statute regulations incompatible with a treaty, *pro tanto* it abrogates the treaty. That is the difference, and it is a wide difference.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I do not like to interrupt the Senator, but he is complaining that we are abrogating some of the provisions of the treaty with China by this bill. I wish the Senator would point them out. I myself have not been able to find them.

Mr. SPOONER. I will point them out. But to some Senators that does not make any difference.

Mr. TELLER. Mr. President, I say it would not make any difference to me if I thought a treaty ought to be abrogated, but I do not see where in this bill we are abrogating the treaty. It would not make any difference to the Senator if it ought to be done. The Senator said he was in favor of abrogating a treaty that ought to be abrogated.

Mr. SPOONER. Yes, as a last resort, I said. Two years from now we shall have the right to denounce this treaty of 1894, and China will have the right to denounce it. This country, of course, will never rest content with any less liberal treaty than the treaty of 1894. I do not assume to doubt, especially in view of the attitude of this Government during the last two years toward China, that, when the day comes, that Government will be found willing to yield to our wishes in this respect. I do not feel even as to China—I would not do it as to the weakest and poorest government under the sky; I would rather do it as to the strongest—that we should violate by statute the honorable obligation of this Government, rather than continue in force the efficient laws now upon the statute book, when within two years the question will be open. The Senator asked me whether it violates the treaty.

Mr. TELLER. In what particular does the bill violate the treaty?

Mr. SPOONER. In several particulars. The Senate has stricken out, I believe, on motion of members of the committee, some of the provisions in the bill which violated the treaty. The student clause, I believe, has been stricken out. Why? If it ought to have been there when it came from the committee, if it ought to have been there yesterday, why did it go out to-day?

Mr. FAIRBANKS. Mr. President, is the Senator objecting that it has gone out?

Mr. SPOONER. No, sir; I am not objecting to its going out.

Mr. FAIRBANKS. We are dealing here with practical things and not with theories.

Mr. SPOONER. Yes, we are; and so am I.

Mr. FAIRBANKS. If the Senator objects to its being stricken out, he can put it back by amendment.

Mr. SPOONER. Not at all. But what excites my curiosity is, if it went out because it was in violation of the treaty, why was it put in, and why has it been contended for here all these days, and why put that violation of the treaty out and leave other violations of the treaty in?

Mr. MITCHELL. Nobody, so far as I know, who had any connection with this bill has said that this provision did violate the treaty.

Mr. SPOONER. Why, then, did it go out?

Mr. MITCHELL. Why does any provision go out in considering a bill in any legislative body, where it has been discussed pro and con, and when the members of the committee themselves are not quite agreed after consultation? Is it in any wise unusual to strike a clause out of a bill that has been reported? Is that a sufficient cause to excite the Senator from Wisconsin to the tremendous pitch into which he seems to have gotten?

Mr. SPOONER. I am not excited at all.

Mr. MITCHELL. I am perfectly amazed at the Senator from Wisconsin.

Mr. SPOONER. I am glad I have succeeded in impressing myself upon the Senator from Oregon. [Laughter.]

Mr. MITCHELL. I am absolutely amazed to see that the Senator is making such a rumpus, because after an investigation and

discussion here of ten days, the committee has consented that a certain provision of the bill shall go out.

Mr. SPOONER. If it was essential to protect the laborers of the United States against Chinese laborers and was not in violation of the treaty, why did the provision go out? It ought to have stayed in.

Mr. MITCHELL. There is a difference of opinion in regard to that matter. The members of the committee differ in opinion, so they tell us, and the members of the Senate differ in opinion. For one, I believe the provision ought to have remained in the bill. I believe it is necessary to the protection of American labor that it should have remained. I do not believe that it abrogated any provision of the treaty. I think it was in strict accordance with the fair and honest construction that has been placed upon the treaty by the Department of Justice and by the Department of the Treasury.

Mr. SPOONER. Well, did it go out because there was a difference of opinion among the members of the committee as to whether or not it violated the treaty?

Mr. MITCHELL. I think the Senator can satisfy himself upon that point.

Mr. SPOONER. Well, I am amazed at the Senator from Oregon—[laughter]—amazed that he should leave his committee in such an attitude.

Mr. MITCHELL. In the first place, Mr. President, I am not a member of the committee.

Mr. SPOONER. The Senator ought to be.

Mr. MITCHELL. I am not a member of the committee, and do not want to be; but I was so amazed, if I must repeat the word, at the peculiar attitude of the distinguished Senator from Wisconsin that I could not help so expressing myself.

Mr. PERKINS. Mr. President, I am informed by members of the committee—

Mr. SPOONER. Is the Senator a member of the committee?

Mr. PERKINS. I am not; but I am informed by members of the committee that they hoped by striking out this provision they would secure the advocacy, the support, and the vote of the distinguished Senator from Wisconsin. [Laughter.]

Mr. MITCHELL. I never expected that.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Yes, sir.

Mr. PATTERSON. The reason the members of the committee consented to striking out the clauses which defines a student and a teacher is as follows: We were conscious that there was no violation of the treaty nor any addition to the rules and regulations as they exist with those express provisions in the bill, but we also believed that the efficacy of the bill was in no wise destroyed, because we believed that the Secretary of the Treasury, making regulations to carry into effect the provision of the treaty which under certain circumstances permits the admission of teachers and students, will leave the law precisely where it is now as applicable to those two classes.

Mr. SPOONER. Well, then, why could he not by making regulations leave the merchant where he is now, as well as the rest of them?

Mr. PATTERSON. Because the description of a merchant is contained in the treaty itself and in the act of Congress itself. That is the very reason.

Mr. MITCHELL. Also "laborer." That is a statutory definition.

Mr. PLATT of Connecticut. Oh, no.

Mr. SPOONER. Yes; it is.

Mr. MITCHELL. "Laborer" and "merchant" are both defined in the act of 1893.

Mr. SPOONER. I am about to speak of that now.

Mr. MITCHELL. And this bill, I may say in that connection, follows the precise language, the precise phrase, although there is a proviso at the end that somewhat qualifies it.

Mr. SPOONER. Yes; I know that.

Now, Mr. President, as to the contention of the Senator from Ohio [Mr. FORAKER] in construing Article III, upon which the Senator from Washington [Mr. TURNER] has commented, I have reached the same conclusion as that announced by the Senator from Washington.

I am not prepared to say, reading the treaty of 1880 and the treaty of 1894, that the latter treaty left all classes of Chinamen except laborers entitled to come into the United States. If they had omitted Article III altogether and had limited this treaty of 1894 to the prohibition of the immigration of Chinese laborers, there would have been force in the contention of the Senator from Ohio. They did not do that. The fact that they revised that subject-matter forces us to find the law as to the excepted classes in this revised article upon that subject.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

I had underlined the next clause to which the Senator from Washington referred, which, to my mind, is absolutely conclusive that his construction of this treaty of 1894 is the correct one and that the Attorney-General was correct in the decision of 1898, to which the Senator from Ohio referred. It says:

To entitle such Chinese subjects as are above described—

Students, merchants, travelers for curiosity or pleasure, teachers, officials—limited to them.

To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

That is the condition precedent, defined in the treaty itself, to the excepted classes obtaining entrance to this country, and if the construction put upon this treaty by the Senator from Ohio [Mr. FORAKER] is correct it leaves all other Chinese classes, except those here mentioned and laborers, to come here freely without any means of identification or any evidence of the class to which they belong being indicated by the treaty; which never could have been and obviously never was intended.

Mr. MITCHELL. I indorse that statement.

Mr. SPOONER. So it is clear to me that while the laborer is prohibited from coming, the teacher, the student, the merchant, or the traveler for curiosity or pleasure may come upon affording the evidence provided for by the treaty.

Mr. MITCHELL. If the Senator will allow me just at that point—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. SPOONER. Yes.

Mr. MITCHELL. I agree entirely with what the Senator has just said—

Mr. SPOONER. The Senator agrees with me?

Mr. MITCHELL. Yes; I do.

Mr. SPOONER. I am amazed at the Senator. [Laughter.]

Mr. MITCHELL. I am a little amazed myself that I am able to agree with the Senator, but still I do.

I desire to ask the Senator a question right at this point in regard to the third article of the treaty of 1894, about which he has been speaking, which provides that the exempted classes shall be permitted to come to this country by producing a certificate from their Government or the Government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they departed. The question I desire to put to the Senator is this: In his judgment, can Congress, without transgressing the provisions of this treaty or running counter to them, provide any other means or conditions that shall attach to these exempted persons in coming here than the one prescribed in the treaty?

Mr. SPOONER. Reasonable regulations to protect the country against fraud in the administration of this treaty.

Mr. MITCHELL. The Senator is familiar with the sixth section of the act of 1884?

Mr. SPOONER. Yes.

Mr. MITCHELL. It refers to the return of these exempted classes and it provides a great many things that they shall do other than those prescribed in the third article of the treaty of 1894. There are quite a number of things. A photograph must be presented, and a great many things are provided for in that section. I will not stop to read it. The Senator is doubtless familiar with it. Does the Senator think that provision is in conflict with the treaty?

Mr. SPOONER. That is a serious question. Reasonable regulations against the perpetration of fraud by these excepted classes—

Mr. MITCHELL. The amendment of the distinguished Senator from Connecticut, as the Senator knows, proposes to extend that as one of the laws which he extends by his amendment.

Mr. SPOONER. That is a law which has been in force many years.

Mr. MITCHELL. Yes, sir; it has been in force many years.

Mr. SPOONER. And the Chinese Government has not seen fit to denounce the treaty as destroyed by its violation under that law.

Mr. MITCHELL. That is what I desire to get at. What I wish to say further is that the pending bill is no more drastic in its provisions than the sixth section of the act of 1884.

Mr. SPOONER. I rather think it is.

Mr. MITCHELL. I do not think the Senator can point it out.

Mr. SPOONER. I rather think it is. Take Article II, which deals with the right of Chinese who have been lawfully in this



country and have gone out of it to return, what do they say about that?

Mr. MITCHELL. I am speaking of the exempted classes.

Mr. SPOONER. I will get to that. This is the language of the treaty:

The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States.

That is pretty plain.

A lawful wife.

Under this treaty we agree that a Chinaman, having a lawful wife in the United States, who returns to China may return to the United States within a year, complying with certain regulations which are indicated here. Where do you get the authority to provide that he must have been married to that wife a year? His coming to the United States is made by the treaty dependent upon a question of fact—had he in fact a lawful wife in the United States whom he had left here?

I suppose if he had been married to her only three months he might possibly desire to come back to her, if he loved her, and the treaty gives him the right to do it. If we find the fact to be that he has here a lawful wife, you provide in this bill, as I recollect it, that he must have been married to her a year before he left the country.

Mr. MITCHELL. What provision of the treaty does the Senator refer to?

Mr. SPOONER. I refer to Article II. If we have the right to provide that he shall only come back if he have a lawful wife to whom he shall have been married a year, we have the right to provide that he shall only come back if he have here a lawful wife to whom he has been married ten years.

Mr. MITCHELL. Not at all. The Senator admits that we should have some reasonable regulations to determine those things.

Mr. SPOONER. To prescribe reasonable regulations to get at the fact.

Mr. MITCHELL. Just so.

Mr. SPOONER. You could provide any regulation you please to elicit the fact whether he was lawfully married in the United States and left a wife here, but where do you get the authority under this treaty, it being admitted that he left a wife in the United States, to provide that he shall not come back unless he has been married to her a year before he departed?

Mr. MITCHELL. It is one of the regulations and seems reasonable.

Mr. TELLER. I call the attention of the Senator from Wisconsin to the fact that this provision is in the statute of 1888, and was in existence when the last treaty was made.

Mr. SPOONER. That act, it is claimed, did not go into effect. But there is force in what the Senator says. But technically the treaty repealed it.

Mr. TELLER. The Department always claimed that a portion of it did take effect—from sections 4 to 14, inclusive, except section 12. The Department always insisted that those sections took effect.

Mr. SPOONER. Here is another:

Or property therein of the value of \$1,000.

I think it is all right to provide, of course, that that shall be over and above incumbrances. That is a proper provision.

Or debts of like amount due him and pending settlement.

Mr. MITCHELL. That is in the treaty?

Mr. SPOONER. Yes.

Debts of like amount due him and pending settlement.

What does "pending settlement" mean? Pending payment? Unpaid, does it not? Where is there any authority for providing in the bill that he shall not be permitted to come in even if debts are owing to him amounting to a thousand dollars or \$20,000 or \$50,000 if they are represented by a promissory note or notes?

Mr. HOAR. Or a Government bond?

Mr. SPOONER. Or a railroad bond or a Government bond? Must it be unliquidated indebtedness?

Mr. MITCHELL. It is the wording of the treaty. It follows substantially the wording of the treaty.

Mr. SPOONER. No.

Mr. MITCHELL. So far as property is concerned.

Mr. SPOONER. It does not.

Mr. MITCHELL. Where is the difference?

Mr. SPOONER. I will show you the difference.

Mr. MITCHELL. Before the Senator does that—I was looking for the Scott Act a moment ago. The Senator objects to a provision in the pending bill that a man must have a wife to whom he has been married at least a year prior to the application. That very provision is in the Scott law, which the Senator from Wis-

consin proposes to extend. The sixth section of the Scott law provides:

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

The Senator from Wisconsin proposes to incorporate that in the amendment of the Senator from Connecticut and make it the law of the land.

Mr. SPOONER. There is this to be said about it, as suggested by the Senator from Colorado. That was the law when the treaty of 1894 was entered into. What the court would hold about that I do not undertake to say. But you have provided here in the tenth section of the pending bill that—

If the right to return be claimed on the ground of property or debts, it must appear: (a) In the case of property, that the ownership is of property other than money and is in good faith; that the requisite minimum value is over all incumbrances, liens, and offsets.

I see no objection to that.

In the case of debts, that the debtor is solvent—

That is not in the treaty—

that the amount due is not less than the required sum, clear of offsets and discounts; that the debts do not consist of promissory notes or similar acknowledgments of ascertained or settled liability; and that the indebtedness was not created with a view to evasion of this act.

That it must be a bona fide indebtedness. Now, under that clause, if a man, as I understand it, had \$20,000 of railroad bonds and the company had defaulted and gone into the hands of a receiver, and he wanted to come back here to save all he had in the world, he could not come, because the indebtedness was liquidated and evidenced by promissory notes.

Mr. PLATT of Connecticut. And the debtor was insolvent.

Mr. SPOONER. And the debtor was insolvent. He could not come back to collect his *pro rata* share, to prove his bonds, to protect his interests. Is that in harmony with the treaty? The treaty says:

Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty.

We agreed as a nation to that.

So much of my time has been taken by the Senator from Colorado and others that I must omit a number of things to which I desired to call attention.

Take this provision as to merchants. The treaty of 1894 is a unique treaty in this respect, that it refers to statutes of exclusion that had been enacted by Congress before it was entered into.

The Government of the United States having, by an act of Congress approved May 5, 1892, as amended by an act approved November 3, 1893—

Incorporating by reference those two acts in Article V—

required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts.

That is not all, either. They adopt, if the Senator from Oregon will hear me for a moment, as I view it, in the treaty of 1894 the definition of "merchants" contained in the act of 1893 as fully as if it had been written in the body of the treaty, and if it had been written in the body of the treaty, I take it no Senator would claim that it could be lawfully added to by inconsistent provisions or burdensome requirements.

And reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

It is not possible to contend that that definition of merchants as made by the act of 1893 is adopted there as to American merchants who go to China and is not adopted by the United States as to Chinese merchants who come here. The great word "reciprocally" is used in the clause. It is mutual. It applies to our merchants going to China, and it applies equally to their merchants coming here.

Mr. TURNER. Will the Senator from Wisconsin permit me a question?

Mr. SPOONER. Certainly.

Mr. TURNER. Is there any part of China to-day outside of the treaty ports to which an American merchant would dare go?

Mr. SPOONER. That has nothing to do with the construction which honest-minded men who wish to keep the obligations of the Government should put upon this language. There has been trouble in China. That is unquestioned. The whole world knows it. China was punished much by force of arms for it. China was punished much by the governments aggrieved by the exaction of

an indemnity for that, and also by obeisance and apology demanded by Germany. I do not know that the Chinese Government was responsible for that trouble. No Senator, I think, is able to say that. China suffered for it. Are we, because of that trouble, to violate this treaty?

Mr. TURNER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. SPOONER. Certainly.

Mr. TURNER. Does the Senator have any doubt that the Chinese Government was responsible?

Mr. SPOONER. I have had great doubt about it.

Mr. TURNER. You have?

Mr. SPOONER. Yes, sir. There were prominent men under the Chinese Government who were responsible for it. Possibly the Chinese Emperor was responsible for it. Possibly the Dowager Empress was responsible for it. I am not able to say. But we have demanded indemnity for it. Other Governments have demanded indemnity for it and have put upon the Chinese Government punishment at the cannon's mouth. Are we in this way to add to that? Are we to violate the treaty because of the outbreak in China?

The outbreak in China, to me, gives an added reason why we should in this instance, if not in all others, move along the line of honor, giving to treaty obligations scrupulous observance, because out of the trouble in China came the splendid attitude of the United States Government toward China that ought to win the friendship of China, which, from a commercial standpoint, I believe our people in the long years to come much desire and will much profit by.

The attitude of this Government—and I am glad we were in a position which gave weight to it—was against the seizure and partition of China. Never, in my judgment, under any administration was there finer diplomacy than that which characterized that Administration in relation to the whole Chinese difficulty. When the time of settlement came we exacted no punitive damages from China. We put upon China no humiliation. We stood out apart from some other nations as we stood apart on questions of partition from some, and exacted from China only actual damages.

We have a right to feel that China owes us her friendship. Is there any man here who is anxious to have nonintercourse for all time to come between China and the United States? Are we not looking to the Orient for an immense, incalculable addition to our foreign trade? Is there any reason why that should be considered only a dream? Is there any reason why we should not in the future have our share of it? Is there no reason in the interest of labor why we should be just to China in the observance of treaty stipulations? Is there any pressing necessity within the next two years for our departing from the line of good faith and violating in fact and in spirit obligations of this treaty?

I have not been able to see it. If there were need for it, if we were threatened with an influx of Chinese labor, I would vote to pass this bill and to make it more drastic even than it is. I am willing, as matters stand—I feel it as a Senator to be a duty—to continue, not simply for two years, but until another treaty is made, followed by necessary legislation, the laws now in force, including the Scott Act—laws which hitherto have been so effective as to reduce the number of Chinese residents in the United States.

Take the matter of merchants. What does "merchant" mean? I have authorities as to what it means, but I can not take time to refer to them. It is used there, I think, in its generic sense. It is defined in this treaty, where they adopt the definition in the act of 1893.

This bill provides, in addition to the definition in the treaty, as follows:

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

And where an application is made by a Chinese person for entry into the United States as one formerly or at the time engaged in China as a merchant, or in some other foreign country as a merchant, or where such application calls for entry into one portion of the United States from another portion thereof, then, as a prerequisite to entry, the applicant must have been engaged as a merchant for at least one year next preceding his application; and it must appear to the satisfaction of the appropriate Treasury officer at the port of entry that he comes to exercise in good faith his calling as a merchant, and that calling exclusively, and that he has the means under his immediate control for forthwith becoming, and has completed the arrangements for forthwith becoming, the owner, in whole or in part, of a good-faith mercantile business in the United States, or any portion of the territory thereof.

May he not under the treaty come to buy our goods or to sell his own? May he not come, being a merchant, upon his business, as a merchant, in our interest and in his, without opening an establishment here? He is not a traveler, teacher, student, etc. He does not come as a commercial traveler to sell some one else's goods, but to sell his own or to buy ours. The treaty was intended,

in this provision, to promote commercial intercourse between the two countries.

Being a merchant in China within the definition of the treaty, he can not under this bill come here to become a merchant unless before he comes and before he knows any place or person he shall have completed arrangements for forthwith becoming the owner in whole or in part of a "good-faith" mercantile business in this country. Is this in the "merchant" definition of the treaty? Clearly not. It is a plain violation of the treaty in every way.

Suppose a merchant engaged in business in China at a fixed place of business conducted in his name wants to come to the United States to make business arrangements, to study our productions, to examine into our machinery, to buy our goods, to select some agent or factor to sell his wares, is he not under the treaty entitled to come, and entitled to come by producing the certificate of his Government visé by our representative abroad?

To say that he shall not, to put the restrictions upon him which are put in this bill, is practically in my judgment to exclude him, and a plain, palpable violation of the treaty. Merchants have a right to come, in my opinion, being properly vouched for by their Government and our own representatives, as men who are within the definition adopted by the treaty of 1894, and if we may put the restrictions about them which are put into this bill without violating the treaty, we can add others without limit.

I intended to analyze this provision, but I have not the time to do it. The interruptions have taken time which I intended to devote to the consideration of some other sections here in their relation to the treaty. There are several violations of it, in my judgment. I can not take further time, and all I wish to say in conclusion is that I hope the Senator from Connecticut [Mr. PLATT] will accept the amendment which I have read in the hearing of the Senate, modifying it if there is any doubt about its reviving the Scott Act, which I am certain there is not, so as to revive it beyond all question.

I hope, also, he will amend his substitute so as to clearly exclude the Chinese from coming from the Philippine Archipelago into the United States. Whether they ought to be permitted to come any longer into the archipelago I do not know. There seems to be a difference of opinion about that among our officials over there, and I have thought, as we are in a few days—probably on Thursday—to take up the Philippine government bill, that on a fuller discussion and better opportunity to get at the truth and consider from all standpoints this particular phase of the subject, we might take up the matter when that bill is before the Senate. I regret to have been so diverted as to preclude a more thorough discussion of this bill. There is no need to violate the faith of the Government, and I will not vote, without necessity, to do it.

Mr. HOAR. I simply want to say to the Senator from Wisconsin that I hope, in making his proposed amendment to the amendment of the Senator from Connecticut where he revives the Scott Act, he will say "so far as not in violation of the treaty," or some such phrase. The Scott Act, as I understand it, preceding the treaty, we had a right, without violating any treaty, to make a provision that the laborers should have been married a year; but following the treaty, as the Senator has so conclusively argued, we have no right to do that. Therefore, if he simply revives the Scott Act in his suggested amendment to the amendment of the Senator from Connecticut, he is encountering the same difficulty.

Mr. SPOONER. It is abrogating the treaty in that respect.

Mr. HOAR. But if, when he revives the act of 1888, he simply says "so far as not inconsistent with the treaty," that will make it more clear.

Mr. PLATT of Connecticut. Mr. President, I do not wish to say that the Senate is getting technical. I thought when I proposed this amendment and when I said "that all laws now in force prohibiting the coming of Chinese," etc., should be "extended and continued in full force and effect," etc., I included what is known as the Scott law. I supposed that that law was now in force, the whole of it, it not having been decided that it was not in force by the Supreme Court of the United States, and it having been decided by the attorney for the Treasury Department or the Attorney-General that the sections from section 5 to section 14, inclusive, except section 12, took effect whether the treaty was ratified or not. I supposed, therefore, when I drew the amendment, that there was not any question about its applying to the Scott Act and continuing that in force.

But I am willing to accept the suggestion of the Senator from Wisconsin and to insert, after the word "therein," in the fourth line of the first print of my amendment, the language suggested by him, as follows:

Including the act entitled "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888.

I am willing to add the suggestion of the Senator from Massachusetts, "so far as the same is not inconsistent with the treaty obligations now existing." How will it read now?



The PRESIDENT pro tempore. The Senator from Connecticut modifies his substitute as follows:

The Secretary read as follows:

Including the act entitled "An act to prohibit the coming of Chinese laborers to the United States," approved September 13, 1888, so far as the same is not inconsistent with the treaty obligations now existing.

Mr. PLATT of Connecticut. I have a right to modify it, I believe.

The PRESIDENT pro tempore. Undoubtedly.

Mr. PLATT of Connecticut. In view of the suggestion of the Senator from Wisconsin, I am willing to adopt language which was furnished me by the junior Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. If the Senator will allow me, I have worked up what I think is a little better form. I will suggest it to the Senator before he moves it. It is to add at the end of section 2:

And said laws shall apply to all territory under the jurisdiction of the United States and to all immigration of Chinese laborers from the island to the mainland territory of the United States or from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That this shall not apply to the transit of Chinese laborers from one island to another island of the same group or to any island within the jurisdiction of any State or of the district of Alaska.

Mr. HOAR. Does that leave still in force the provision defining what is an island—that it is not something within the jurisdiction of any State?

Mr. TURNER. Mr. President, I ask who has the floor?

The PRESIDENT pro tempore. The Senator from Connecticut has the floor.

Mr. PLATT of Connecticut. If it will make it more acceptable to the Senator from Massachusetts, I will adopt his language.

Mr. LODGE. Perhaps I had better have it printed.

Mr. PLATT of Connecticut. We will have it printed. I propose to add at the end of section 1 what I send to the Chair.

Mr. HOAR. The question which I put—without being recognized, and, I am afraid, out of order—to my colleague is one which I ask recognition to put to the Senator from Connecticut, if he will consent.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield?

Mr. PLATT of Connecticut. Yes, sir.

Mr. HOAR. As I understand it, the phraseology of the committee's bill referring to coming into the United States from islands to the mainland would apply to the coming from Long Island to New York, or from Mare Island to San Francisco, or to Nantucket or Marthas Vineyard in Massachusetts, but for a definition in the committee's bill which is that the term "island" shall only be understood to apply to islands not forming a part of any State. But if you put it into this proposition of the Senator from Connecticut, which has not that provision in it, then you have regulated the going and coming across from the island of Nantucket, or Long Island, or any other island off our coast to the mainland. So it ought to be accompanied with the adoption into the Senator's amendment of the provision of the main bill defining island. Am I mistaken in that respect?

Mr. LODGE. I think that can be added to the proviso so as to cover it.

Mr. HOAR. I have not studied it carefully, but I suppose that is correct.

Mr. McCOMAS. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield?

Mr. PLATT of Connecticut. Yes, sir.

Mr. McCOMAS. Will the Senator from Massachusetts, in the time of the Senator from Connecticut, tell me why a simple provision excluding Chinese coming from any islands of the Pacific Ocean subject to the jurisdiction of the United States would not cover the whole business?

Mr. HOAR. How about Porto Rico?

Mr. LODGE. It is necessary to prevent their going to Porto Rico.

Mr. McCOMAS. And with the words "Porto Rico" added.

Mr. LODGE. I think mine is phrased correctly. The language is drawn with some care.

Mr. McCOMAS. I suggest that it read "the island of Porto Rico and the islands of the Pacific Ocean subject to the jurisdiction of the United States."

Mr. HOAR. It struck me that committee's phrase, though, of course, I do not support their bill at all, is a very good one; that it is an island not within the jurisdiction of any State. That is in the bill, and is, I thought, a very comprehensive and a very felicitous phrase.

Mr. MITCHELL. Will the Senator from Connecticut yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield?

Mr. PLATT of Connecticut. Yes, sir.

Mr. MITCHELL. I desire to give notice that when the time

comes, if it be in order then, before we shall vote on the amendment of the Senator from Connecticut, I shall move to amend the amendment, if it is not accepted by the Senator, in the following manner: I shall move to strike out all after the words "force and effect," in line 5, page 1, section 1, and to insert in lieu thereof the following:

until the 8th day of December, 1904.

So that should that amendment be adopted or accepted it will simply extend existing laws absolutely until the 8th day of December, 1904, at which time the treaty of 1894 will expire, unless denounced either by China or the United States six months before the 7th day of December, 1904.

Mr. PLATT of Connecticut. Now let the Secretary read the amendment suggested by the Senator from Massachusetts [Mr. LODGE].

Mr. TURNER. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Connecticut yield to the Senator from Washington?

Mr. PLATT of Connecticut. I wish to get my amendment perfected. It will take only a moment now.

The PRESIDENT pro tempore. The Senator from Connecticut modifies his amendment as follows.

The SECRETARY. It is proposed to add at the end of section 1, the following:

And said laws shall apply to all territory under the jurisdiction of the United States, and to all immigration of Chinese laborers from the island to the mainland territory of the United States, or from one portion of the island territory of the United States to another portion of said island territory: *Provided, however*, That this shall not apply to the transit of Chinese laborers from one island to another island of the same group or to any island within the jurisdiction of any State or of the district of Alaska.

Mr. TURNER. Mr. President, I wish to question the character of the courtesy which has been exhibited by my friends on the other side. The Senator from Wisconsin having made a number of personal allusions in the speech just concluded, which must have been apparent to everybody, I should like to have the opportunity of answering. The moment he concluded the Senator from Connecticut took the floor, and we were treated to a family colloquy between Senators on the other side, brushing me aside at this late hour of the evening like I was a fly upon a wheel. I beg to assure my friends on the other side that I am very far from that. I may not amount to very much, but I know enough to insist upon my rights, and know when I am being treated with discourtesy.

Mr. HOAR. I am one of the persons who spoke, and, if the Senator will pardon me, I do not believe that any discourtesy to him could be intended, but it may be some consolation to him to reflect that probably he is the first man since the creation of the world that was ever brushed aside by a family colloquy.

Mr. TURNER. Whether I am the first or not, it is quite evident that there was an attempt to do so on this occasion.

Mr. PLATT of Connecticut. If the Senator will permit me—  
The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. TURNER. Yes, sir.

Mr. PLATT of Connecticut. I certainly ought not to be put in the position of being discourteous to the Senator from Washington. I certainly intended no discourtesy. I rose and was recognized by the Chair, and supposed I was within my rights to perfect the amendment which I had offered. I did not suppose it would take more than a minute, and it did take several minutes. I assure the Senator that I did not intend to be discourteous. I have taken no time in this debate.

Mr. TURNER. When I undertake to perfect an amendment, I sit down at my desk or in my committee room and I write out the amendment in the way I want it to read, and at some appropriate time—and certainly there will be plenty of time before the bill is to be voted on for the Senator to perfect his amendment—I offer it, instead of taking up the time of the Senate uselessly and at a late hour and depriving some other Senator who desires to go on with the discussion of the bill of having the opportunity to do so.

I do not, however, desire to detain the Senate longer here tonight if Senators are impatient and desire to go home, although I am ready to proceed with such observations as I want to make at this time if Senators are ready to remain.

Mr. FAIRBANKS. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. TURNER. I do.

Mr. FAIRBANKS. As the Senator knows, the hour for voting is not far away. This morning I gave notice that after the routine business to-morrow I should do myself the honor of addressing some few remarks to the Senate upon this subject. The Senator from Colorado [Mr. PATTERSON] and the junior Senator from Ohio [Mr. HANNA] indicated a desire to be heard in the time to-morrow morning. I would suggest to my honorable friend that,

if he could do so, he conclude his observations to-night, because we will be very much restricted to-morrow.

Mr. TURNER. I am very willing to do so.

Mr. HOAR. Will the Senator allow me to make a suggestion which may be agreeable to him? It seems that if the Senate is to vote on this bill at 1 o'clock and have the five minutes' debate after that, it might be well to change the hour of meeting to-morrow from 11 o'clock to 10 o'clock. That would give an added hour for general debate.

Mr. TURNER. I desire to take about half an hour in reply to the Senator from Wisconsin. If we might have unanimous consent to postpone the hour of voting until 2 o'clock instead of 1 o'clock to-morrow, I think it would enable me to make such observations as I want to make, and other Senators could do the same thing.

Mr. HOAR. I do not believe we can change a unanimous-consent agreement when there are very few persons present. To test the question, I move that when the Senate adjourns to-day it adjourn to meet at 10 o'clock.

Mr. TURNER. Very well; that is satisfactory to me.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that when the Senate adjourns to-day, it adjourn to meet at 10 o'clock to-morrow.

Mr. GALLINGER. Has not a motion been adopted that when the Senate adjourns it shall adjourn to meet at 11 o'clock to-morrow?

The PRESIDENT pro tempore. It has.

Mr. GALLINGER. It seems to me that ought to be reconsidered.

Mr. HOAR. It does not require that.

Mr. GALLINGER. It seems to me it would be an extraordinary proceeding if we do not.

Mr. HOAR. I move to rescind the order by which the Senate agreed to meet at 11 o'clock.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to reconsider the vote by which an agreement was made that when the Senate adjourns to-day it adjourn to meet at 11 o'clock. Is there objection? The Chair hears none, and it is reconsidered. The Senator from Massachusetts moves that when the Senate adjourns to-day it adjourn to meet at 10 o'clock to-morrow.

The motion was agreed to.

Mr. TURNER. I hope now that I may be permitted to have the floor on the assembling of the Senate to-morrow.

Mr. PETTUS. I ask the Senator to yield to me to make a motion?

Mr. TURNER. I yield.

Mr. PETTUS. I move that the Senate adjourn.

Mr. PLATT of Connecticut. Will the Senator withhold that motion for a single moment?

The PRESIDENT pro tempore. Does the Senator from Alabama withhold his motion?

Mr. PETTUS. I did not understand what the purpose was.

Mr. PLATT of Connecticut. I wish to propose an amendment to the bill to be printed.

Mr. PENROSE. I hope the Senator will suspend his motion for a single minute. I wish to make a request in reference to the pending bill.

Mr. PETTUS. I will yield for anything that will not tend to delay. I think we have been here long enough.

Mr. TURNER. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Alabama withdraw his motion for the present?

Mr. TURNER. I simply wanted to ask if I would be entitled to the floor on the reassembling of the Senate to-morrow.

The PRESIDENT pro tempore. The Chair should consider himself rather obliged to recognize the Senator immediately after the routine business to-morrow.

Mr. TURNER. Very well.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] has offered an amendment to the pending bill. What disposition does he desire to be made of it?

Mr. PLATT of Connecticut. I ask that the amendment may be printed and lie upon the table.

The PRESIDENT pro tempore. The amendment will be ordered to be printed and lie upon the table.

Mr. PENROSE. I ask that the usual number of copies of the pending bill be printed for the use of the Senate, so that Senators will have it before them in its final shape to-morrow morning.

The PRESIDENT pro tempore. How many copies does the Senator desire to have printed?

Mr. PENROSE. The usual number for the use of the Senate. I do not know how many that is.

The PRESIDENT pro tempore. The usual number is 1,600.

Mr. PENROSE. Well, I will say 200 copies.

The PRESIDENT pro tempore. In the absence of objection, the order to print 200 copies of the bill as amended will be made.

## EXECUTIVE SESSION.

Mr. PENROSE. There is rather an important nomination to be acted upon, to which I do not think there will be any objection, but it is somewhat urgent, and I therefore move that the Senate proceed to the consideration of executive business. It will not take a minute.

Mr. PETTUS. I move that the Senate adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. PETTUS], that the Senate do now adjourn. [Putting the question.] The "noes" seem to have it.

Mr. PENROSE. Mr. President—

Mr. PETTUS. I ask for the yeas and nays, Mr. President.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

Mr. PETTUS. I call for the yeas and nays.

Mr. PENROSE. I raise the point of order, Mr. President, that the decision of the Chair has been announced.

The PRESIDENT pro tempore. The Senator from Alabama on this question demands the yeas and nays.

The yeas and nays were not ordered.

Mr. PENROSE. I now move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate do now adjourn, if the Chair has decided that the motion for an executive session has been rejected.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire, that the Senate do now adjourn.

Mr. PENROSE. What decision did the Chair make on my motion for an executive session?

The PRESIDENT pro tempore. The decision was that the motion had carried.

Mr. PENROSE. Then I ask that the order be executed, and that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The fact that a motion for an executive session was agreed to does not prevent the motion to adjourn being made. Will the Senator from Pennsylvania state what he desires?

Mr. GALLINGER. I withdraw my motion for an adjournment. I did not understand—

Mr. PENROSE. I do not like to discuss executive matters in open session, but there is a nomination desired very urgently by the head of a department.

Mr. GALLINGER. Will the Senator from Pennsylvania permit me to make a statement?

Mr. PENROSE. Certainly.

Mr. GALLINGER. I did not understand that the Chair had announced that the motion to go into executive business had carried. I thought the Chair announced that the motion had not carried.

The PRESIDENT pro tempore. No; the Chair announced that the motion had carried.

Mr. GALLINGER. Very well.

The Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 16, 1902, at 10 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 15, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 8587, the war claims bill, and ask for a conference thereon.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the House nonconcur in the amendments of the Senate to the bill H. R. 8587, the war claims bill, and ask for a conference. Is there objection?

Mr. MADDOX. Mr. Speaker, I object.

The SPEAKER. Objection is made.

## CLERK FOR ELECTIONS COMMITTEE NO. 3.

Mr. JOY. Mr. Speaker, I am directed by the Committee on Accounts to call up House resolution 171, which I will send to the desk and ask to have read, together with the report.



The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 171, for the appointment of a clerk to the Committee on Elections No. 3 at a compensation of \$2 per day, and providing that such appointment shall not deprive the chairman of said committee of personal clerk hire allowance, have had the same under consideration, and report herewith a resolution in lieu thereof and recommend its adoption.

The second paragraph of the original resolution, providing that the appointment of a clerk to said committee shall not deprive its chairman of personal clerk-hire allowance, contemplates a change of existing law, which can not be done by resolution of the House. Your committee therefore, believing that the Committee on Elections No. 3 is as much entitled to a clerk as the other two Committees on Elections, report herewith a resolution for the appointment of a clerk to said committee for the sessions of the present Congress at the usual compensation of \$5 per day, and recommend its adoption, to wit:

*Resolved*, That the chairman of the Committee on Elections No. 3 is hereby authorized to appoint a clerk to said committee, to be paid out of the contingent fund of the House at the rate of \$5 per day during the sessions of the fifty-seventh Congress.

Mr. BARTLETT. Mr. Speaker, I would like to ask the gentleman from Missouri if he will yield for a moment?

Mr. JOY. Certainly.

Mr. BARTLETT. I want to say to the House and to the gentlemen on this side of the House that that resolution simply provides a clerk for the Committee on Elections No. 3, which is the only Committee on Elections that has not been provided with a clerk. The House considered the resolution in the opening of the session providing for clerks, I think, without understanding the situation of the work before the Committee on Elections No. 3, and, I thought at the time, more in a spirit of fun than anything else, struck out the resolution reported to the Committee on Accounts the provision providing for a clerk for that Committee No. 3. Now, these gentlemen have had their work to do, and I understand the chairman has been compelled to provide for clerk hire out of his own pocket for the work of the committee, and under the rules he has not been provided with a clerk for himself. Therefore this is but a just and proper resolution in my judgment, and as such met the approval of the entire Committee on Accounts.

The SPEAKER. The question is on agreeing to the substitute resolution reported by the Committee on Accounts.

The substitute resolution was agreed to.

On motion of Mr. JOY, a motion to reconsider the last vote was laid on the table.

#### CUBAN RECIPROCITY.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12765) to provide for reciprocal trade relations with Cuba. Pending that I would like to see if some arrangement can not be made by which we can close debate, say, on Thursday next, and on Friday consider the bill under the five-minute rule, a vote to be taken in the committee on reporting it to the House, say, at 4 o'clock, and in the meantime, if there is any desire on the part of the House to meet to-morrow and next day at 11 o'clock and also to meet to-morrow evening and the next evening, holding a session from 8 to half past 10 for debate only, to make such arrangement. This, of course, would involve a change of debate fixed for the War Claims Committee from Friday, and I would suggest that it be changed from Friday to Tuesday, if that be agreeable to the chairman of that committee.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765, and pending that motion seeks to make an arrangement to close debate on Thursday next and to meet to-morrow and the next day at 11 o'clock in the morning instead of at 12, and to-morrow evening and the next evening.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12765, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 12765) to provide for reciprocal trade relations with Cuba.

[Mr. SWANSON addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from West Virginia [Mr. DAYTON] is recognized for fifteen minutes.

Mr. DAYTON. Mr. Chairman, as a protectionist and a Republican I have no apology to make for my opposition to this bill after having listened to the remarks of the gentleman from Virginia [Mr. SWANSON]. [Applause on the Republican side.] I have not in my political career trained in the school that would teach to this country the idea that we are to reduce revenue simply to break down its institutions and industries. I do not for one moment allow myself to be subjected to the charge that 20 per cent or 10 per cent or 5 per cent or 1 per cent of Democratic free trade has been infused into my political composition. [Laughter on the Republican side.]

When I remember the effect of that Democratic free trade, the effect that every man in this country can recall if he will stop a moment, that prostrated the industries of the country and brought us all to our knees in distress and almost in despair, I for one am opposed to having any repetition of it; and believing, as I honestly do, that this bill is in the nature of a tinkering with the Dingley law, that the representative of the Democracy from Virginia has just now so vigorously denounced, I am opposed to it. When I look over this great land of ours and see it the most prosperous under heaven, when I see its mills all running, its mines in operation, everybody making money and everybody happy as a result of five years of practical experience under that Dingley tariff law, the gentleman from Virginia can stand here and denounce it until he is baldheaded, and I will, if permitted, stand here to uphold it and vote for it. [Applause on the Republican side.]

It is not given to us to understand the inner thoughts of our fellow-men, but I would be glad to know what some of the leaders of this House thought when they heard the prophecy of the gentleman that this bill—their work—was the beginning of the sweeping away of the Dingley tariff law and the beginning of a new era of free trade!

Mr. WM. ALDEN SMITH. And free silver.

Mr. DAYTON. I am aware that some of my friends here, for whom I have the highest regard, have expressed themselves upon this subject, and have told us that conditions have changed, and changes are therefore in order in our tariff laws. I am not like the warrior who, when purchasing his horse, wanted one that could turn quick and run fast. I do not want to turn the corner of free trade and run away from the Dingley bill and its schedules. Let me call attention very briefly to some reasons for the position I take.

In the first place I insist that when the Dingley law was passed five years ago it was for the purpose of establishing prosperity in this country. I look every Republican in the face and ask you if there is any greater satisfaction in your hearts than the one which springs from the fact that you can go before your constituents and defy any one of them to point to a single promise, or a single pledge, or a single prophecy of prosperity that has not been redeemed by reason of our passing that law. [Applause on the Republican side.] And I want to ask you if there has ever been a stronger confidence established between man and his fellow-men than has been established between us, as the representatives of the Republican party and the great constituencies of this country, because they recognize and know the fact that prosperity has come in so full measure as the result of that law and of our pledges and of our policies.

And we told the people, Mr. Chairman, that that Dingley law was to bring stability as well as prosperity. It was to bring stability in prosperity. Under the complex business conditions of this country there is no element so essential as that there shall be stability in our tariff and revenue laws. The distinguished chairman of the Ways and Means Committee recognized that when he stood upon the floor of this House and said that the Dingley law was to last a quarter of a century. It has lasted five years, and I regret to say that the first tinkering with it has come from his own hands. Not only that, but so recently as last June, when another distinguished Republican, who has been eulogized by the Democratic party, started out in another direction, there was an outcry in all parts of this country from these distinguished leaders on our side against any such tinkering.

The chairman of the Ways and Means Committee himself in an interview denounced the Babcock bill. The distinguished gentleman from Pennsylvania [Mr. DALZELL] came out in an interview in which he stated that the Babcock measure, that affected the steel schedules in which his State was interested, would not be corrective of the trusts; and that very distinguished gentleman from Ohio [Mr. GROSVENOR], who has reflected upon some of the members here because they were young and inexperienced, also had something to say upon the same subject. I do not claim to have been a member of this House so long that "the memory of man runneth not to the contrary," but I was a member of this House five years ago when the Dingley law was passed. I may at least be called of indifferent age, old enough to be allowed to speak for myself.

Therefore, my friends, I want to say to the gentleman from Ohio that I have not changed my opinions in the last six or seven or eight months. Some insist that conditions have changed since the Spanish war, and that these utterances of theirs were uttered five years ago. I want you to hear what the distinguished gentleman from Ohio [Mr. GROSVENOR] said not five years ago but last June: in the balmy month of June, when we were all taking our vacation, and when we had a chance, under our own vine and shade tree, to consider of these things. In a communication, dated on the very 1st day of June, 1901, this distinguished gentleman, who came before us a day or so ago to tell us that these schedules are not to be stable, said this to the people of the country:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,  
June 1, 1901.

EDITOR OF THE AMERICAN ECONOMIST, New York.

DEAR SIR: The great danger to the future welfare of the American people lies in the shortness of their memory.

In view of the position taken by the gentleman here, I might say, "Lord, be with him yet, lest he forget, lest he forget."

Mr. HAMILTON. He says the Lord is with him now.

Mr. DAYTON. Wait a minute. Let me quote further from the gentleman.

Two things have made this country prosperous and rich, and are moving forward with enormous strides toward making us the richest country on earth. Those two things are, first, the Dingley tariff law, and, second, the confidence which up to a recent period the American people had that we were to have steadfast adherence to the status quo, that it was to be maintained, and that disturbers of the peace—

God save the mark! Where does he come in now? [Laughter.]

that disturbers of the peace and prosperity of the country were to be relegated to the rear.

[Applause on the Republican side.]

The demand for tariff reform—

Watch, now, how carefully he defines all possible conditions of things—

The demand for tariff reform, tariff revision, tariff anything whatever other than what we now have, comes from two classes of people. First, the free trader in all his forms, semblances, and phases, and, second, the man who, stampeded about trusts and combinations, has been carried off his feet by the cry of the tariff reformer, that we ought to repeal the tariff on certain products in order to break up the trusts.

Now, listen how he illustrates the case to you, my brother Republicans:

It is a small matter to get up on an elevation where there is a reservoir of water and bore a gimlet hole through the structure and let a stream of water the size of a straw project itself out upon the city below, but when it is entirely apparent that there is that sort of a gimlet hole which will become an auger hole, and finally a breach in the wall, and that the flood will come down on the town, then the old Bible illustration becomes forcible: "It is the beginning of strife."

[Laughter and applause.]

And to think that he should be boring a gimlet hole in the protective wall that surrounds our industries!

Mr. Chairman, let us consider this matter just a moment. Is it not enough to make any thoughtful Republican stop and consider, when he hears a Democrat like the gentleman from Virginia [Mr. SWANSON] already undertake to dictate and tell us what we shall do to get ourselves out of the dilemma that our own leaders have placed us in? I am not yet prepared to say that the great protective policy is intended to be put into the guardianship of such men as the gentleman from Virginia.

But let us look at this matter from another standpoint. If you will take this measure by the four corners and shake it, it seems to me you will find it is based on no sound principle of economy, nor any sound principle of morality, either. It is neither "flesh, nor fowl, nor good red herring." [Laughter.] They say that it is proposed in the interest of Cuba, and they say that under our peculiar relations to Cuba we must establish a government—a "stable" government, according to the language in the report—in Cuba. Is that true? Grant it for the moment, that we are to establish a stable government in Cuba. But does that mean that we are to establish a certain class of Cuba's citizens in a stable private business?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to extend his remarks until they are concluded.

The CHAIRMAN. How much time does the gentleman desire, if he desires any?

Mr. DAYTON. I desire to say, Mr. Chairman, that I understood originally that I had thirty minutes, but the Chair announced that I had but fifteen. I would be very glad if my time might be extended. I shall not take the time of the committee longer than fifteen or twenty minutes.

Mr. CUSHMAN. The request was made that the gentleman be permitted to close his remarks.

The CHAIRMAN. The gentleman from Washington has properly stated what the request was that the gentleman made; but the Chair did not recognize anybody to make that request. The Chair has allotted the time so far as he could so that everybody might be accommodated. It is within the province of the Chair to extend the time of the gentleman for fifteen or twenty minutes. The Chair thinks that he can do so, and still take care of other gentlemen who desire to speak, and therefore it is not necessary to submit the request of the gentleman from Michigan.

Mr. DAYTON. I think I will be able to conclude my remarks in twenty minutes.

The CHAIRMAN. The gentleman is recognized for fifteen minutes.

Mr. DAYTON. I say that this proposition is not based upon a logical proposition to establish a stable government in Cuba. There are very many things that enter into that proposition that do not enter into this.

According to the statement of this report itself, since we have had charge of the affairs of Cuba its business has increased threefold. But they say that business has been expensive; that there has been an overproduction in sugar—one of the kinds of business in Cuba—and that therefore the price has gone down to such an extent that some of the Cuban planters will (not now) go to the verge of bankruptcy if we do not pass this bill. I want to ask you, gentlemen, legislating in the interests of our own country, when we ever took the revenues from our Treasury and gave it to anyone (one of our own people) to whom the possible contingency of misfortune and disaster was to come in business? They say that this business interest in Cuba is an incident to the establishment of a stable government. So it may be; but there are a thousand and one other things that are a part and parcel and incident to the establishment of a stable government in Cuba. Among other things there must be patriotism there. There must be disinterested patriotism and a lack of selfishness and the presence of virtue in Cuban people themselves or else that government never will be stable.

And all the laws of this country can not establish that government unless the inherent elements of self-government are in the people of Cuba themselves. And if those elements are in the Cuban people, they ought to be, and would be, the last people on earth to come cringing to another nation asking its money, asking its laws, asking its help to give them the power to govern themselves. It strikes me that if I were a patriotic Cuban, hoping and trusting to establish a stable government in my land and my country, the last thing on earth I would do would be to go to a foreign nation and place myself under obligations to it in order to establish some of my fellow-citizens in a private business by such a measure as this; and I would repudiate unquestionably the interference of that foreign country in the character of the laws my country should establish for its self-government.

How do we know what may be best for Cuba as to its naturalization, as to its immigration, as to its labor laws? Why not do the thing itself that would be reasonable and allow Cuba to become a part of us if we have to supply her citizens with the money to carry on their business? What kind of a stable business do you propose to establish under such conditions as that?

Then they tell us it is for the purpose of "establishing reciprocal trade relations with Cuba." Does any man think here for one moment that a few months, or a little over a year's time, under a bill like this will establish reciprocal trade relations with Cuba? How many of the people of Cuba will be able to get their bearings before this bill has passed away? How many will be able to establish trade relations with this country of a satisfactory character before the time comes when it has expired?

The more I study this bill, and I say it unhesitatingly, the more I believe its sole practical effect will be to disturb the sugar industry in our own country in the interest of the sugar trust that is seeking to get it by the throat. It can not have any effect in establishing a stable government. It can not have any effect in establishing reciprocal trade relations. It does not last long enough to do it, and the excuse for it is not justified by any practical business experience or sound business judgment.

Why, they tell us that the sugar trust is the sole purchaser of the sugar of the Cuban planter. Does any man suppose, if that is true, that under the extraordinary conditions in that country, where the sugar planters are embarrassed, that the sugar trust will allow the planters to go to the wall and suffer? If they do they cut off their supplies of raw sugar for refining, do they not? Business sense will tell us that the trust will see to it that the temporary financial difficulty is bridged over, and that it is bridged over without any loss or destruction of the source of supply. There are many men in different classes of business in our own country who have met temporary embarrassment by reason of extraordinary exigencies which have arisen.



I know that is true in regard to the coal men of our country. The fact that they must operate for a year or two in the hands of a receiver is not an uncommon thing. So these sugar planters will be able to make temporary loans necessary to bridge them over the difficulty. It is a mere bugaboo. This agitation was started by the trust that first sought to destroy the beet-sugar industry by putting down the price of sugar, and when the beet-sugar men met that by buying trust sugar and selling it at a price that they could realize a profit from, then it started the hue and cry in regard to the suffering in Cuba, and when the matter came before the Ways and Means Committee, as the gentleman from Minnesota [Mr. MORRIS] pointed out, it was the men interested in the sugar trust that appeared before that committee and made the argument. There they had to admit that Cuba was not in a suffering condition, but they insisted that some of her people were about to suffer.

But, Mr. Chairman, I want to say to the members of this House that opposition to this measure should not be based, in my judgment, solely on the ground of our obligations to the beet-sugar industry or to any special industry in this country. The broad general proposition that I want to lay down is that when you are doing well let well enough alone. It is this tariff agitation that I cry out against. It started with the proposition coming from the distinguished gentleman from Wisconsin [Mr. BABCOCK], and the leaders of the House opposed that. Now, I cry out against their coming here with a proposition that means tinkering with the tariff in another direction.

I can talk plainly because I have no private interests to subserve. There is not a single stick of sugar cane, not a single sugar beet, nor a pound of sugar grown or refined in my State. Our soil and climate are not adapted to the growing of the sugar beet. We have not anything to do nor can have nothing to do with these industries. On the other hand, I have always been a sincere friend of Cuba.

Just prior to the Spanish war, when under the leadership of this House it was sought to quell and repress agitation for relief to Cuba, I had the fortune to be one of the first to stand on this floor and urge our country's intervention in order to stop the butchery and cruelty that was going on in that island, and give to her her freedom.

But what have we done? We have given her \$3,000,000; we have loaned her our Army and Navy at an expense of \$200,000,000; we have given her freedom; we have established her cities in healthful condition. We have done all this. And now we are asked to do what we never in our Government's history did for any class of our own citizens. We are asked to take the revenues of the United States and give them to a class of private citizens in Cuba in order to establish them in business. I rebel against such a proposition. It seems to me that it is contrary to good morality.

What right have we—yes, even Democrats, whom the gentleman from Virginia so enthusiastically praised and to whom individually I have no objection, but whose policies somehow or other I feel safest in keeping as far away from as possible—I ask Democrats under what law of morality they can justify themselves in taking and giving away \$8,000,000 of the revenues of this country without reducing the price of the article to the consumer a single cent? It is conceded that this is the purpose by all. Under what right and by what law and by what principle of morality will you take these revenues and give them to some citizens in a foreign country? How will you justify this proposition? In my judgment, gentlemen, there is no justification for it.

The gentleman from Virginia played the play of Hamlet, but left Hamlet out. On this measure he favors a 20 per cent reduction. For what purpose? For the mere purpose of reducing the revenue in the interest of the sugar trust. I say to you gentlemen who are clamoring for improvements in the South—for the improvement of your rivers and your harbors and for the building up of your naval stations—what argument can there be for cutting down the revenue of the United States if it does not bring any good to the people of this country? Do you not believe that the \$8,000,000, which you propose as a free gift for the benefit of some of the private citizens of Cuba, can be expended in your Southland and my Southland in building up the country and repairing the ravages which still exist as the result of the civil war—expended in the improvement of our rivers and our harbors? Why do we want to cut down these revenues, the effect of which must be that these improvements can not be made?

Mr. DINSMORE. I understood the gentleman from West Virginia [Mr. DAYTON] to insist that the reduction of the tariff on sugar provided for in this bill will not reduce the price of sugar?

Mr. DAYTON. I stated that on what I believe to be good authority, the authority of the report of the committee.

Mr. DINSMORE. If that be true, then, how can any injury result to the beet-sugar producers from this bill if it is not going to reduce the price of sugar?

Mr. DAYTON. Why, sir, that argument has been met over and

over again by the special friends of the beet-sugar industry in this way: The proposed reduction may not put a stop to the present industry, but it will retard its development and growth. It will prevent the building up of large manufacturing establishments for the prosecution of this industry.

Mr. DINSMORE. How so, if the price of sugar does not go down?

Mr. DAYTON. The mere fact that the great policy established in respect to this industry (for, as will be shown by an examination of the discussions on the Dingley tariff bill, the sugar schedule was established for the purpose of providing that the \$100,000,000 spent annually by the American people for sugar should inure to the benefit of the beet-sugar industry) has been repudiated at the instance, as I believe, of the American Sugar Refining Company must have the effect to cause those contemplating investment in this direction to think that eventually much greater reductions will be made.

Mr. WEEKS. Is it not also to be considered that the discrimination against this one industry, selected out from all the other industries of the country, would have a tendency to alarm and impede this branch of production?

Mr. DAYTON. Certainly.

Mr. DINSMORE. The gentleman from West Virginia has conceded that the reduction of duty will not lower the price of sugar. That being so, I ask him whether it will or will not inure to the advantage of the consumer?

Mr. DAYTON. Certainly it will not. That branch of this question has been thoroughly gone over by those who specially represent this industry. As my time is limited, I do not care to enter into minute details in regard to the price of sugar or the effect of this measure upon it. But I do know this, as the gentleman suggested a moment ago: That for this Congress to select that industry in its youth as the single schedule that is to be affected by this legislation will have a retarding effect, a paralyzing effect, on the beet-sugar industry; and I want to call the attention of the gentlemen from the South to another condition that enters into this and which no man can deny.

The hearings before the Ways and Means Committee showed clearly that the cane-sugar industry in the State of Louisiana has not been prosperous this year; that they have had to meet the same condition of an overproduction of sugar, and that if we pass this measure at the instance of Cuba we do it discriminating against our sugar planters down there, and the distinguished chairman of the Ways and Means Committee himself admitted that there was danger of paralyzing the sugar industry in Louisiana. My friends on this side, I want to call your attention incidentally to the fact that there are 375,000 colored people in the State of Louisiana who get their bread and butter day by day and year by year from this industry, and I can not reconcile it as good morality for us to discriminate against these colored people, our own citizens, for the benefit of the foreign raisers of cane sugar. [Applause.]

Mr. SAMUEL W. SMITH. Mr. Chairman, impressed as I am with the belief that I ought not to give my support to the pending measure, I feel that I owe it to myself, to the House, and to my constituents to give some of the reasons which actuate me at this time.

When I came here at the beginning of the Fifty-fifth Congress, all branches of industry were in a deplorable condition. Capital was idle, agriculture was depressed, and the laboring men of the country were without employment. During the exciting contest of 1896 I had said to my constituents that if they honored me with a seat in Congress I would do all in my power to bring about a change for the better, and I at once set myself to work, as best I could, to accomplish that purpose.

Some one has said in the course of this debate that those of us who oppose this legislation are not in accord with the Administration. It is true that the President, Secretary of War, and Governor Wood have made certain recommendations. But have we not the right to differ with one or all of them and to make our objections known? This is a Government composed of three great departments—the legislative, judicial, and executive—and notwithstanding the Supreme Court of the United States is the court of last resort, I hold that it is the right of every citizen not only to differ from but in a respectful manner to criticize the court's decisions. Surely the legislative is an independent branch of the Government.

I do not believe we ever had a President who more thoroughly respected one who honestly differed with him or who had more decidedly the courage of his convictions than President Roosevelt. I may be wrong in the views which I entertain about this proposed legislation, but God knows I am honest in the position which I take. I have great admiration for the President, and congratulate him upon the splendid Administration that he is giving to the country; and his recent trip to Charleston demonstrates that he is not simply the President of the Republican

party or of a divided country, but that he is the President of all the people of this great Republic. [Applause.]

I congratulate him on the statesmanship displayed in that hour of great national grief, when he said to the people that the policy of William McKinley should be his policy, and, further, that he should call to his counsel those who had been the counselors and advisors of our lamented President. No one event in recent years has given such universal satisfaction; and, sir, when a vacancy occurred in his Cabinet, I congratulated him that he came to this forum and selected one of our number. Our best wishes will go with our colleague in his new field of labor, and may the time be near at hand when he shall occupy as prominent a place in the counsels of the Cabinet as he has in this august body. [Applause.]

We differ also with some of the Republican members of the Ways and Means Committee, but nevertheless we respect their great ability and believe them to be honest and conscientious in the discharge of their every duty; and we express the hope that their constituencies, recognizing their commanding ability and their years of service and experience, which have given them a foremost place in the greatest of legislative bodies, will continue to send them here as long as they will consent to come.

There ought to be no partisan politics in this measure; indeed, from my standpoint, there is none. This is clearly shown by the fact that Mr. RICHARDSON of Tennessee, the minority leader; Mr. McCLELLAN, of New York, and Mr. SWANSON, of Virginia, all leading and able Democrats, have joined with a portion of the Republican members of the Ways and Means Committee in reporting this bill to the House.

I repeat that it is not properly a political measure, because it is one which will either injure or benefit one of the new and leading industries of the country; and as a further reason why there should be no politics in it I desire to call your attention to the fact that the Government has already expended a large sum of money in helping to promote this new industry, as is shown by a letter of recent date from Hon. James Wilson, Secretary of Agriculture, which I will present herewith:

APRIL 2, 1902.

DEAR SIR: With reference to the expenditure of money in this Department for the investigation and encouragement of the sugar-beet industry, I may say that this work was begun in 1881 and since that time has been conducted in a number of bureaus and divisions of the Department. The largest expenditures have been made in the Bureau of Chemistry, extending from 1881 to 1892. Beginning with the fiscal year 1898, an annual appropriation has been made for the investigation of domestic sugar production, and, beginning at the same time, an annual distribution of sugar-beet seed has been made. Where this special appropriation has been used to pay salaries of chemists working under the direction of the Bureau of Chemistry, as occurred in the years 1899-1901, inclusive, or where, as in the year 1900, part of the sugar-beet seed for general distribution was purchased from this appropriation, it has been subtracted and put under the heading "Bureau of Chemistry" and "Distribution of sugar-beet seed," respectively, to avoid duplication. Following is an itemized statement of the expenditures that have been made:

Bureau of Chemistry, 1881-1892	\$25,518.54
Sugar investigations:	
1898	4,941.32
1899	5,545.95
1900	3,476.93
1901	3,488.87
1902	*5,000.00
Distribution of sugar-beet seed, including cost of seed and labor:	
1898	3,301.06
1899	3,531.85
1900	3,705.20
1901	2,467.75
1902	1,706.00
Investigation of sugar-beet disease, 1902	3,000.00

Total 65,683.47

Trusting that the foregoing information will be satisfactory, I am,  
Very truly, yours,

JAMES WILSON, Secretary.

Hon. SAMUEL W. SMITH,  
House of Representatives.

The efforts of the General Government in this direction are only in keeping with what several States have already done in their individual capacity, through the instrumentality of their agricultural colleges, and I point with pride to the fact that no State in the Union has taken a greater interest in promoting this industry than has the State of Michigan, through its Agricultural College, and to Prof. R. C. Kedzie, of that college, as well as to others. No little credit is due for their years of patient effort in seeking to make the raising of sugar beets in this country a success.

Mr. Chairman, my first objection to this measure is that the proposed legislation is repudiated in advance by Mr. Palma, the President-elect of the Cuban Republic, as is shown by the following statement by him, published in the New York Tribune of January 25, 1902:

The prosperity of Cuba depends to a great extent upon the attitude of the United States to the now forming republic. The full moral obligation of

\*This figure is the appropriation for the fiscal year 1901-2, and probably is considerably in excess of what actually will be expended for beet-sugar investigations.

this great nation to Cuba will be discharged when the United States has opened the only market that is possible to Cuban products. We must have this market. Unless we receive a reasonable reduction on sugar and tobacco prosperity will be an impossibility. If this is denied it will be the ruin of the country. It is impossible to improve the bad condition of our principal staple, sugar, by reducing the American duty one-third. In that way the problem will not be solved at all. The clamor for further reduction will continue.

Also the Washington Times of March 25, 1902, quotes General Palma as saying:

We have said from the beginning that a reduction of 50 per cent, or possibly 40 per cent, was necessary for Cuba's relief, and I have said before, as I am compelled to say now, that 20 per cent reduction will not be of any benefit.

And recently before the New York Chamber of Commerce he gave expression to the same views. If such are his opinions, can we not confidently expect, when the new republic is organized on May 25 next, and the Cuban congress adopts this legislation—if it ever reaches them—that he will promptly veto it, upon the grounds that it affords the Cuban—at least the poor Cuban resident planter—no relief? Would it not be much better to defer this legislation until after the organization of the new republic, so that we may know not only the views of the president-elect, but also of the Cuban congress? We ought not to seek to force upon the Cubans legislation which is unprofitable and unacceptable to them, and especially when it is being urged by the sugar trust, which, in a large degree, is to be the recipient of the benefits of this legislation.

Next, I am opposed to this legislation because we were told, in the first instance, that there was great suffering in the island of Cuba, and that the proposed reduction of 20 per cent was needed by the poor Cuban planter, and it is further urged that he will be largely benefited if this measure becomes a law. I deny the truth of both these statements.

In order to determine what the conditions were in Cuba, hearings were had before the Ways and Means Committee, beginning January 25, 1902, and continuing until the 29th of that month. Eighteen witnesses testified in favor of tariff reductions in the case of Cuba, and their testimony disclosed clearly what the conditions are in Cuba.

I quote briefly from the testimony as to these conditions, as to wages, and as to in whose hands are the property and business of the island:

#### HUNGER AND DISTRESS DO NOT EXIST.

BLISS. I have not spoken of distress except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets or anyone who wanted work who was not at work at good wages. (P. 359.)

BLISS. I should say there was no distress whatever from all I have seen. (P. 359.)

HAWLEY. Q. And anybody who comes there will be a competitor in the field of labor, and as all these people are now employed, how can they be distressed and starved? (P. 362.)

A. Who has said they are?

MENDOZA. Q. Then this condition of hunger or starvation which you have just outlined or detailed here does not exist to-day, does it?

A. Not yet; it will exist. (P. 67.)

ABAD. Q. Then there is no suffering among the laboring classes, is there?

A. No; that is not the case, because living in Cuba is very high; it is very expensive. (P. 144.)

#### LABORERS' WAGES \$23 TO \$30 PER MONTH.

ATKINS. The wages are high. Wages there run quite as high as the average agricultural labor in the United States. (P. 15.)

ATKINS. The price of labor in Cuba is in excess of the price of labor in the Southern States. (P. 29.)

BLISS. The men themselves get varying wages, but many of them, in many portions of the island, get as much as \$30 a month, American gold; others much less than that. When I say much less I mean \$4 or \$5 or \$6 less. (P. 388.)

ATKINS. In my section I pay about \$23 for a month of twenty-six working days. Mr. Kelly has to pay \$1 a day. (P. 18.)

HAWLEY. Q. Is labor employed there? (P. 358.)

A. It is.

Q. Can labor find full employment?

A. It has employment at the present time.

Q. At good wages?

A. At good wages; yes. (P. 358.)

KELLY. Roustabout or unskilled labor in Cuba is 90 cents to \$1.10 per day, United States gold. (P. 51.)

KELLY. In our end of the island we are paying an average of \$30 a month. (P. 57.)

MENDOZA. There is plenty of work for the workmen in Cuba to-day. (P. 66.)

PLACÉ. We are paying \$22 to \$24 a month. (P. 76.)

#### PROPERTY AND BUSINESS OF THE ISLANDS IN THE HANDS OF SPANIARDS.

ATKINS. A large proportion of the property of the island is owned by Spaniards. (P. 11.)

PLACÉ. The business of the island is in the hands of the Spaniards. All business is in their hands. The majority of the Spaniards have not renounced their allegiance [to Spain]; they remain Spanish. (P. 95.)

PLACÉ. We are taking the money we get from you and going to Europe to spend it. You buy seven-eighths of our products, and we buy from you one-third of what we consume. (P. 45.)

MONEY AT 8 TO 13 PER CENT, STILL THE SUGAR INDUSTRY OF CUBA IS PROFITABLE.

MACHADO. We pay from 8 to 12 and sometimes 18 per cent per annum, sir. (P. 513.)

ATKINS. It was profitable last year; I do not deny it, sir. (P. 18.)

This ought to show that there is no great and widespread suffering or distress in the island, such as has been represented.

Now, as to the suggestions that the poor resident Cuban planter



is in need and is to be benefited by the proposed reduction, I think it is conceded that there are about 15,000 poor Cuban planters, many of whom are hopelessly in debt; that for some years, by some process of law in Cuba, they have been protected by Generals Blanco, Weyler, and Wood, and that if they were in this country they would take advantage of the bankruptcy law. Can we afford to legislate for these foreign people, who are being carried along by the payment of from 8 to 18 per cent, to the injury of a new and infant industry in our own country?

Let us see who will get the greater portion of this proposed 20 per cent reduction, and how much of it. The duty on raw sugar is 1.685 cents per pound. One-fifth, or 20 per cent, of this is 0.337. On 1 ton of 2,240 pounds the reduction would be \$7.55. The reduction on this year's Cuban product would be \$7.55 multiplied by 800,000 tons, which would be \$6,040,000. Let us for the purpose of this argument call it \$6,000,000.

Mr. H. Gilson Gardner, the Washington correspondent of the Chicago Journal, in writing of Cuban conditions, says: "Only 7 per cent of the sugar plantations in the island are owned by native Cubans." Mr. Gardner is doubtless correct, but let us be generous and say 15 per cent. If so, the poor native Cubans would get 15 per cent of \$6,000,000, which is \$900,000, and if you divide this among the 15,000 poor Cubans, they will receive the enormous sum of \$60 each, which will not do much to relieve them from the great burden of debt under which it is claimed they are laboring.

But it is equally interesting to know what is to become of the balance of the \$6,000,000, which is \$5,100,000. I assert, without fear of successful contradiction, that it will be divided among such men as Edwin F. Atkins, who is a resident of Boston, Mass., an American sugar refiner interested in a syndicate owning a 14,000-acre Cuban sugar plantation, and one of the organizers and original directors of the American Sugar Refining Company (sugar trust); also, Mr. Havemeyer (president of the sugar trust); Mr. Howell, in the syndicate owning a 75,000-acre Cuban sugar plantation (this is equal to more than three townships of land in the State of Michigan); also, James H. Post, of New York, president of the National Sugar Refining Company, controlled by the sugar trust, who is much interested in Cuban sugar and a partner of B. H. Howell, Son & Co., sugar merchants; also, Hugh Kelly, of New York, interested in the Santa Teresa Sugar Company, owning a 9,000-acre Cuban sugar plantation, and in one other plantation company; also, Miguel Mendoza, of Habana, owner of a 27,000-acre Cuban sugar plantation; and so we might go on adding to the list. What a shame and pity it is that Congress has not been more active and diligent in caring for these poor Cuban suffering planters, nearly all of whom live in the United States and enjoy the blessings of everything that wealth can command! [Applause.]

It will be interesting to still further inquire what amount some of these individuals whom I have named would receive by the proposed tariff reduction. I quote from page 8 of the hearings heretofore referred to, as follows:

The CHAIRMAN. Can you tell us what proportion of the present crop is owned by citizens of the United States or by corporations of the United States?

Mr. ATKINS. I am not prepared to give you those figures.

The CHAIRMAN. Can you give us an estimate?

Mr. ATKINS. No; I can not even estimate it for this reason, that there are so many naturalized Cubans, American citizens, in the island that you can not tell, even by talking with them, whether they are Americans or Cubans; it is impossible.

The CHAIRMAN. Well, leaving out that class—

Mr. ATKINS. Well, I can name them on my fingers. Mr. Kelly, who is here, represents an estate, of which he is a part owner, on the south side of Cuba, which turns out from 10,000 to 12,000 tons of sugar per year.

Mr. ROBERTSON. What grade of sugar is that?

Mr. ATKINS. That is standard 69 centrifugal sugar. The Trinidad Sugar Company, of which I am president, at Trinidad, Cuba, has an estate the capacity of which is about 10,000 tons per annum. My own property at Cienfuegos has a capacity of about 12,000 tons of sugar. We turned out last year 11,000 tons. The Homiguero estate is held by a New York corporation, located at Cienfuegos, Cuba, and has a capacity of 12,000 tons. The Constancia estate, recently purchased by parties in Louisiana, represented by Mr. Spellman, connected with the Illinois Central Railroad, I should say should have a capacity of about 20,000 tons of sugar. The United Fruit Company, of Boston, at a place called Banes have a factory—a new factory started last year—with a capacity of about 20,000 tons. There is the property called the Chaparra Sugar Company at Puerto Padre, on the north coast of Cuba, which is about ready to start up, owned by New York gentlemen, in which ex-Representative Hawley, of Texas, is interested and which has a capacity of about 20,000 tons. This estate has never been operated. There is an estate near Santiago called the San Francisco, in which Mr. Craig, of Philadelphia, is interested, which will start, I believe, this year with a capacity of 15,000 tons of sugar. Now, as far as my memory serves me, I think that is all the bona fide American interests there.

The Trinidad Sugar Company, of which Mr. Atkins is president, would receive \$7.55 by 10,000 tons, or \$75,500. Mr. Atkins would receive \$7.55 by 12,000 tons, which would be \$90,600. The Homiguero estate would receive the same amount. The Constancia estate would receive \$7.55 by 20,000 tons, or \$151,000; the United Fruit Company, of Boston, the same amount; and so on until the whole \$5,100,000 would be divided up among wealthy people who

have invested their money in Cuba, and who have been very largely interested with the sugar trust in creating the clamor for the reduction of the duty on sugar, under the plea that it was to be for the poor and destitute of the island of Cuba. We thus see very plainly, Mr. Chairman, where the bulk of this \$6,000,000 of good, solid American money would go. It would go straight into the pockets of these few rich American sugar capitalists. And where would it come from, Mr. Chairman? Straight out of the pockets of my Michigan constituents and the rest of our American beet-sugar producers. Is this right? Is this just? Is this even expedient and politic? Not while I have a voice or a vote in this Chamber will I fail to denounce and combat any such scheme for allowing the sugar trust to injure and defraud my honest, deserving, and hard-working constituents. I can hardly see how this legislation commends itself to anybody, and I am sure that when it is thoroughly understood, as it will be by the people later on, they, too, will repudiate it and say to those of us who have opposed it, "Well done, good and faithful servants." [Applause.]

Much has been said about our moral and legal obligation to Cuba, and if there is anyone here on either side of the Chamber who longer maintains that we are under either a moral or legal obligation to Cuba, I would be glad to have him say so. I hear no response. [Applause.]

Much has been said also about this proposed reduction benefiting the consumer. Already in this debate it has more than once been admitted on both sides of the Chamber that the consumer will receive no benefit by the reduction. Before Congress convened and for some time since a portion of the newspaper press was busy, as I believe, in the interest of the sugar trust (which was proper, for doubtless the trust paid for it) in circulating the statements of the sugar trust to the effect that the consumer would be benefited, and elaborate statements were made and sent out to that effect. In my judgment, when the American Sugar Refining Company (commonly known as the sugar trust) is found doing anything for the consumer, then you can confidently state that the devil has commenced to quote the Scriptures correctly. [Applause.]

Much has also been said to the effect that we ought to give up or yield a portion of our markets to Cuba. The hills and valleys of Cuba are sprinkled with the blood of our brave soldiers, \$300,000,000 of our National Treasury has been expended that Cuba might be free, and she has been relieved by our help from more than \$300,000,000 of debt. Suppose Cuba, unaided by the United States, had secured her own liberty from Spain, then where and how would she have secured a market for her products? Would we have been under any special obligation to her under those circumstances? And are we under any greater obligations to her to-day, after having given freely to her of our blood and treasure, and after releasing her from helpless bondage and bankruptcy?

We also are informed that we owe Cuba a market for her products because of the Platt amendments. It is said that these amendments forbid her to enter into commercial relations with the other nations of the earth. I deny it, and believe that a careful reading of the amendments will bear out my denial.

#### THE PLATT AMENDMENTS NO BAR TO CUBAN COMMERCE.

##### I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island.

##### II.

That said government shall not assume or contract any public debt, to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

##### III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

##### IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

##### V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of Southern ports of the United States and the people residing therein.

##### VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

## VII.

That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

## VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

These stipulations have been well analyzed in the following terse language:

Nos. 1, 2, and 3 are simply applications of the Monroe doctrine. Nos. 4 and 5 are simply exigencies of the occasion of occupation. No. 6 refers to acquisition of territory which is meaningless in that it refers the whole matter to a future treaty. No. 7 is an implied contract with Cuba to grant us, for a consideration, coaling and naval stations either by lease or grant of the fee to the same, dependent also on future treaties.

I cite the Chicago Tribune (and could cite many other influential journals) to prove my contention that the Platt amendments are no bar to Cuba's entering into commercial relations with other nations:

There is a mistaken idea that the Platt amendment forbids the republic of Cuba making treaties with foreign countries without the consent of the United States. The Platt amendment does not deprive Cuba of any treaty-making right, with the single exception that the republic of Cuba is forbidden to enter into any treaty which would impair its independence or which would authorize any foreign power to control any part of the island for military, naval, or other purposes. There is nothing to prevent the republic of Cuba making any kind of tariff treaty it sees fit providing for reciprocity with any country.—*Chicago Tribune*, March 3, 1902.

Let it be clearly understood that those of us who do not favor his legislation are in no wise opposed to entering into reciprocal relations with Cuba on a fair basis, and that we have also always expressed our willingness to vote to relieve any distress which may actually exist in the island of Cuba. Not less than two or three propositions have been submitted to the Ways and Means Committee, all of which have been rejected by that committee upon the ground that the majority of the committee deemed them unconstitutional. They do not seem so to me and to many others. I will proceed to outline two of these plans of relief. Why can we not, under the seventh clause of the Platt amendment, either lease or buy coaling stations of Cuba in consideration of reciprocal trade relations? This is the first plan, and it has been summarized as follows:

First. It is claimed that a remittance of money from our Treasury to the Cuban treasury based on a percentage of our tariff is unconstitutional.

Second. Taking it for granted that we are going to acquire said naval or coaling stations either by lease or purchase, it must be assumed that either feature represents a purchasable value.

Third. Base our settlement of Cuban concessions by payment to the Cuban treasury from our Treasury on the bona fide purchase of the lease or fee of said coaling and naval stations.

Fourth. We certainly have a right to buy anything we need, and this proposition meets the so-called "Cuban exigency," leaving the Cuban government to provide for the interests distressed.

Fifth. It makes the Cuban respectable and not a beggar and assures our people that their money is being spent for legitimate purposes.

Sixth. This appropriation of money for coaling and naval stations can be distributed on a sliding series of years consistent with the judgment of those responsible for its enactment.

Seventh. The settlement of the question in the manner outlined will aid Cuba in establishing her commercial relations at the inception of her government.

Eighth. It will advise home producers of their exact status.

Ninth. It stops any meddling or tariff tinkering.

Tenth. It places the money in the hands of the Cubans and not the American sugar refiners.

Eleventh. It satisfies public sentiment.

Twelfth. It gives us a quid pro quo for our money.

Thirteenth. It benefits the Cuban people generally or specifically, as they may determine.

Fourteenth. It is honest; it is equitable; it is fair.

I also submit a plan credited by the Chicago Record-Herald to Senator Spooner, one of the great constitutional lawyers of the Senate:

Senator Spooner, of Wisconsin, has devised a plan by which it is believed the warring elements may be reconciled and Cuba be given what she asks without any political or industrial harm in this country.

The beet-sugar and tobacco people of this country do not object to Cuban products coming into the United States, provided the price be not cut so as to injure home industries. Hence they are willing to have a rebate allowed or a bounty to the foreign producers. But the idea of direct American bounty to foreigners is too ridiculous to receive serious consideration. The Cuban planters are not satisfied to have a rebate unless they can get it, for in such cases they will be no better off than before. It is here that the Senator from Wisconsin comes along with the following ingenious plan:

"1. The United States to charge full Dingley rates on all sugar and tobacco coming in from Cuba.

"2. But in consideration of the agreement of the Cuban republic to reduce the Cuban tariffs on American goods going into Cuba the United States is to refund to the Cuban government, say, 40 per cent of the duties collected on Cuban sugar and tobacco.

"3. So far as the reciprocity agreement between the two countries is concerned it is to go no further than this. But the Cuban congress can turn round and pay to its own planters an export bounty on sugar and tobacco equal to the drawback received from the United States.

"By this plan there would be a fair reciprocity between the two countries, the United States would return to Cuba, say, 40 per cent of the revenue derived from sugar and tobacco imported from that island. For this concession the United States would secure a valuable return in tariff concessions by Cuba. The Cuban government would take the money which it receives from

the United States and turn it back to the exporters as a bounty, the bounty exactly equaling the drawbacks and finding its way to the proper parties.

"In other words, Cuba would get the relief asked for and no producing interest in the United States would be hurt."

A number of Senators to whom this plan has been submitted believe Senator Spooner has found a solution of the vexing problem. President Roosevelt is satisfied with it, the Cubans would be pleased with it, and there is no reason why the beet and tobacco people should object to it. Cuban sugar has to enter into competition with the bounty-paid sugars of Europe, and there is only one good reason why the government of Cuba should not also pay a bounty. This reason is that Cuba has not the money to pay it with. Here the United States proposes, for a valuable consideration—to wit, an enlarged Cuban market—to pay into the Cuban treasury the money needed for that purpose.

The domestic sugar industry would not thereby be endangered, at least for a time, the United States Treasury would get the bulk of the duty, and the rebate would go to the Cuban planters instead of going into the pockets of the sugar trust, as it would in case of a reduction of the duty. Moreover, it would be a gift from the American people as a whole, instead of being given entirely at the expense of one industry.

If there are no constitutional objections, there remains the one serious question if other foreign nations will not insist on the countervailing duties on their sugar being taken off if no such duty is put on Cuban sugar, which, under this plan, would receive a bounty.—*Chicago Record-Herald*.

I am further opposed to the pending measure because it is in violation of the principles of the Republican party as expressed in our national platform and in the utterances of leading Republicans in the House and Senate during the passage of the Dingley law, and since. It is the pride of every Republican that the party has always stood for protection to American industries and American labor, and further that it has faithfully kept every pledge and every promise made to the American people. Protection has accomplished four things in all industries naturalized and established in America—

1. Supplied the demand.
2. Cheapened the cost to the consumer.
3. Given remunerative employment to labor.
4. Quickened the spirit of invention.

That it will accomplish as much for the beet-sugar industry, if allowed to do so, no one can reasonably doubt. [Applause.]

In the platform of 1896 we said:

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually.

During that exciting contest, we frequently quoted from the platform, which says:

The country demands a right settlement, and then it wants rest.

Did we mean what we said to the sugar growers, and did we later on settle the question and settle it right? If so, why seek to disturb it now in the interest of a foreign nation and of capitalists who have invested their money there rather than in the United States? We shall long remember the solicitude manifested by all parties in that campaign, and among the means used to win the desired victory was a document issued by the Republican national committee to the capitalists and farmers showing the benefits to be received from the new and infant beet-sugar industry. I respectfully herewith submit the same:

## AMERICAN BEET-SUGAR INDUSTRY.

The following statement shows the benefits which will accrue to farmers, artisans, and the various trades of the United States from the fostering of the beet-sugar industry by means of a proper protective tariff, insuring home production of the 85 per cent of sugar consumed in this country, which is now imported into the United States and for which over \$100,000,000 are paid to foreign farmers and manufacturers.

It has been compiled and calculated from the official statistics of the United States Government for 1894-95, and from the actual experience of the beet raisers in California, Nebraska, and Utah; also from official returns of some of the beet-sugar factories now in operation in the United States.

More particularly, it exhibits:

First. The amount of sugar consumed, produced, and imported into the United States in 1894 and the amount of money paid on this account to foreign countries by our people and thus withdrawn from our circulation.

Second. The sources of supply and the countries benefited.

Third. The number of factories required and the number of people who would be supported in producing the sugar now imported.

Fourth. The value, cost of production, and profits to our farmers from the growing of the amount of sugar beets required to produce the sugar now imported.

Fifth. The cost of construction of the number of factories necessary to produce the sugar now imported and the amount of money which would be distributed among our machine shops, mechanics, and laborers for the erection of the plants.

Sixth. The amount of money which would be annually expended among our people in the beet fields and for labor and material in the factories, if the sugar now imported were produced at home.

Seventh. Recapitulation of benefits to farmers and the various trades were the sugar now imported produced in our own country.

## I. CONSUMPTION OF SUGAR IN THE UNITED STATES IN 1894.

	Tons.	Value.
Sugar consumed.....	2,024,694	\$128,871,960
Sugar produced at home.....	305,800	20,283,014
Sugar imported.....	1,718,894	108,588,946



## II. SOURCE OF SUPPLY OF SUGAR IMPORTED IN 1895.

	Tons.
Europe.....	1,003,761
Cuba.....	164,310
Sandwich Islands.....	150,845
East Indies.....	135,894
British Indies.....	120,557
Brazil.....	87,646
Demerara.....	45,757
Other West Indies.....	45,947
Porto Rico.....	31,402
Other countries.....	15,137
Total.....	1,804,866

## III. FACTORIES REQUIRED AND NUMBER OF PEOPLE SUPPORTED.

To produce the amount of sugar now imported would require 920 factories, with a capacity of 250 tons of beets each for every working day of twenty-four hours. Each factory would work up the product of 2,000 acres of sugar beets, and the 920 factories would utilize the product of 1,840,000 acres. At an average of 10 tons of sugar beets per acre, this would equal 18,400,000 tons of beets, which would be the amount of beets necessary to produce the sugar now imported. The total number of men employed in the factories and in the beet fields would represent a population of about 2,500,000 people.

## IV. BEET GROWING AS AN AGRICULTURAL INDUSTRY.

The total average amount annually paid to our farmers for sugar beets required by 920 factories, in order to produce 1,718,894 tons of sugar now imported, would be:

For 18,400,000 tons of beets, at \$4.20 per ton, \$77,280,000, 40 per cent of which (or about \$30,000,000) would on an average represent the farmers' share of the total sum earned.

## V. COST OF FACTORY CONSTRUCTION, ETC.

The average cost of construction of each factory having a capacity of 350 tons is \$400,000, or for 920 factories \$368,000,000, which would be distributed among our machine shops and the building trades. Since 90 per cent of nearly all our factories represents labor, it would follow that \$331,200,000 would go directly into the hands of our mechanics and laborers.

The annual expenditure for materials and labor in extracting the sugar from the 18,400,000 tons of beets (the amount necessary to manufacture the sugar now imported) and the amount of money placed in circulation through the channels of this most important industry would be as shown in the following detailed statement:

Detailed estimate of cost of extracting the sugar from 18,400,000 tons of sugar beets.

Labor and materials.	For 1 factory.	For 920 factories.
Labor as per pay roll.....	\$19,130	\$17,599,600
Beets, 20,000 tons, at \$4.20.....	84,000	77,280,000
Coal, 2,800 tons, at \$3.33.....	9,333	8,586,360
Lime rock, 1,200 tons, at \$2.....	2,400	2,208,000
Coke, 144 tons, at \$13.....	1,872	1,722,240
Filter cloth, 4,000 yards, at 17 cents.....	680	625,600
Filter bags, 800, at 25 cents.....	200	184,000
Sugar bags, 44,000, at 14 cents.....	6,160	5,667,200
Sulphur, 44 tons, at \$22.....	968	91,080
Hydrochloric acid, 60 carboys, at \$3.....	180	165,600
Soda, 200 pounds, at 35 cents.....	70	64,400
Cylinder oil, 50 gallons, at 60 cents.....	30	27,600
Machine oil, 200 gallons, at 30 cents.....	60	55,200
Tallow, 300 pounds, at 7 cents.....	21	19,320
Coal oil, 10 cases, at \$1.80.....	18	16,560
Waste, 200 pounds, at 10 cents.....	20	18,400
Beet knives, 150, at \$1.....	150	138,000
Carbon for 100 electric lights, at \$1.....	100	920,000
Chemicals for laboratory.....	250	230,000
Incidental and petty expenses.....	500	460,000
Taxes, at 1 1/4 per cent.....	1,875	1,725,000
Insurance, 1 per cent.....	1,000	920,000
Repairs and maintenance.....	5,000	4,600,000
Total annual expenditure.....	266,296	122,496,160

## VI. LIST OF TRADES BENEFITED, WITH AMOUNTS.

The amount of money which would be paid per annum to our farmers and to each of the various trades and industries if the 1,718,894 tons of sugar now imported were produced in our own country would be as follows:

To farmers, for beets.....	\$77,280,000
To laborers in factories, as per pay roll.....	17,599,600
To miners, for coal.....	8,586,360
To quarrymen, for lime rock.....	2,208,000
To coke manufacturers, for coke.....	1,722,240
To textile manufacturers, for filter cloth, filter bags, and sugar bags.....	918,160
To machine shops and repairers, for annual repairs.....	4,600,000

## VII. RECAPITULATION AND CONCLUSION.

Previous to 1888 there was practically no beet-sugar production in the United States.

The annual production of sugar in the United States from 1888 until 1896 was as follows:

Year.	Cane.	Beet.
	Tons.	Tons.
1889.....	143,745	2,000
1890.....	252,255	2,800
1891.....	180,250	5,400
1892.....	228,604	12,000
1893.....	297,737	16,000
1894.....	355,384	20,443
1895.....	260,000	30,000

Sugar beets can be successfully grown over the greater portion of the United States, and States unable to grow beets produce sugar cane or sorghum. Farmers receive from \$4 to \$5 a ton for their beets, delivered, according to location of factory.

One of the greatest advantages of this crop to the farmer is the knowledge which he has, when he puts his seed in the ground in the spring, of the exact amount which he will receive at harvest in the fall as the result of his year's work, since contracts are made with the farmer in the spring stipulating the price to be paid for beets at harvest, unlike oats, corn, wheat, and other crops, which are subject to speculation and to manipulation by the boards of trade of New York, Chicago, and London. If the crop of cereals is good, the price is apt to be low; whereas with beets the farmer gets all the advantage of a good crop. Why not help the farmer when the opportunity is offered?

Another point to be considered, which farmers within a very considerable radius of a sugar factory appreciate, is the increase in value of their lands. In fact, land values around and about sugar factories have increased 25, 50, and even 100 per cent wherever beet-sugar factories have been located. Because of the thorough tillage of land required for a crop of beets, other crops, when rotated, yield a double product. When the pulp is used for feeding cattle, as it is used abroad, the increase in number and weight of stock becomes apparent.

There is no known industry which calls for the employment of such a variety of labor and of material as the manufacture of sugar. There is no industry in which agriculture, manufacture, and transportation or inland commerce are brought so closely together, none which so completely shuts out the middleman who is abroad in the land, preying upon the people. The farmer has a sure market close at hand. He delivers his beets or cane and receives his money in cash, without deductions for commission, storage, or other charges which reduce his profits, and he knows just what he is to receive per ton and when he is to receive it, so that he can calculate very closely what his profit will be. It has been fully demonstrated that we have the soil and the climate to produce our own sugar. If we do it, we shall keep over \$100,000,000 at home annually which we are now sending abroad.

Germany has just increased its bounty to sugar exporters, and France has increased its protective duties for sugar producers. In this connection it might be well to quote from a recent report sent to the Department of State, in which the consul at Magdeburg, Germany, under date of May 30, 1896, says:

"In conclusion, I desire to speak a word for our own beet-sugar industry. If we consider the enormous wealth which has accrued to Germany and all other countries that have introduced and fostered this industry, it is indeed to be desired that the United States should be put on such a footing as to be able to produce its own sugar. With our vast territory and varied climate and soil we should find a sufficient area adapted to grow all the sugar we consume, if we can sufficiently protect the industry against European competition, unduly aided by direct or indirect bounties."

If the United States is to compete with these and other countries in the production of sugar, American manufacturers and producers must receive the same encouragement from their Government that Europeans receive from theirs. It goes without saying that if the \$100,000,000 which we now send abroad for sugar could be kept at home, this country would be much better off and our farmers would be enormously the gainers. The home production of sugar would diminish exportation of gold, because the importation of sugar would be so reduced that the balance of trade would be largely in favor of the United States; much money would therefore flow toward this hemisphere which now flows away from it.

This \$100,000,000 would be spent for American labor, and that would mean the employment of thousands of idle men. The farmers would have more money and could spend more; they could pay off their mortgages and return to the times when they were prosperous and happy.

The candidate for the Presidency nominated by the Chicago convention is bitterly opposed to helping the sugar industry. He worked and voted when in Congress against the sugar bounty; he worked and voted against a tariff for protection. In his speech in Congress in January, 1894, when the sugar tariff was under consideration, Bryan said: "If Congress can not properly give a bounty directly to the sugar industry, neither can it properly impose a tax upon sugar for the avowed purpose of protecting the sugar industry. It is as easy to justify a bounty as a protective tariff, and it is impossible to justify either." Should he be elected, no bill in aid of the sugar industry would receive his sanction.

If, on the contrary, the Republicans succeed in electing McKinley, there will be speedy legislation in favor of sugar, and not only will the price of beets be higher, but new factories will go up all over the United States, in proof of which we quote the plank inserted in the Republican platform at St. Louis last June: "We condemn the present Administration for not keeping faith with the sugar producers of the United States. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which we are sending abroad annually more than \$100,000,000 to foreign countries."

Since 1891 not a single new sugar factory has been built. With the probable return of the Republican party to power the erection of new factories is projected; and hope and animation pervade this industry, where gloom and despair have existed for the last four years.

I desire also to call your attention to the closing words of the splendid 1896 platform of the Republican party:

Such are the principles and policies of the Republican party. By these principles we will abide, and these policies we will put into execution. We ask for them the considerate judgment of the American people. Confident alike in the history of our great party and in the justice of our cause, we present our platform and our candidates, in the full assurance that the election will bring victory to the Republican party and prosperity to the people of the United States.

It has brought unparalleled prosperity, and for one, while I recognize that in the near future the tariff will have to be revised, I am opposed to doing it now, fearing the disturbance that may come to the business interests of the country; and when it is done, I want it done by the Republican party, which, so far, is the only party that has ever shown its fitness and ability to do so. [Applause.]

Who besides the sugar trust is asking for a reduction of the duty on sugar? I have been asked to seek to have the duty on hides and glass reduced. I have the honor of representing a district in which more carriages and buggies are manufactured than in any other in the Union, and considerable glass is used in the manufacture of show cases, etc.; but when requested to seek to reduce the duty on hides and glass, I have declined for the present, and have given as my reasons those which I have just assigned. There are now two beet-sugar factories in the district which honors me with a place here, and the money has been

subscribed for the building of at least two more, and I confidently believe that if it were not for this unwarranted agitation, they, and possibly one or two more, would have been built during the present year.

The gentleman from New York [Mr. PAYNE] has said that the proposed reduction would not injure the sugar-beet industry. In 1898 there was only 1 beet-sugar factory in Michigan. The growth has been so rapid that we now have 13. During the last year 5 of these factories did not make any money, and 1 of the factories has been or is being removed to Canada; and Mr. F. R. Hathaway, secretary of the Michigan Sugar Manufacturers' Association, is authority for the statement made in the presence of several other gentlemen competent to bear witness that the Michigan factories only made last year an average net profit of 7 per cent. Certainly, no one will regard this as an extravagant profit, and in addition we respectfully call the gentleman's attention to the fact that if it were not for this agitation there would have been built during the present year in the United States more than 80 factories with a capitalization of \$50,000,000.

President McKinley convened Congress in extraordinary session March 15, 1897, and, thanks to the Republican members of the Ways and Means Committee of the House, we were offered without delay the Dingley tariff bill as prepared by them after weeks and months of patient study and care. During the ensuing discussion the leading members of that committee put themselves on record in speeches in regard to the subject of protecting beet sugar, in a most emphatic and positive manner, and repeatedly. Their utterances are not less eloquent and appropriate if applied to the present situation, and some of them appear rather inconsistent in connection with the attitude of certain leaders of that committee toward the pending measure. I quote as follows from the speeches in 1897 by Mr. Dingley, then chairman of the Ways and Means Committee; Mr. PAYNE, the present chairman; Mr. STEELE, and Mr. GROSVENOR, prominent committee members:

[Congressional Record, July 19, 1897, page 2708.]

DINGLEY.

It should be borne in mind that the general increase of duty on sugar made in the proposed tariff has been made not only to increase the revenue, but also to further encourage the production of beet sugar in this country and furnish a new crop for our farmers, who are being sorely pressed as to our large wheat surplus by Russia and South American competition. I believe that the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon, and thus the seventy-five millions—soon to be one hundred millions—sent abroad for the purchase of our sugar ultimately distributed here to our own farmers. Already, indeed, it has been demonstrated that we can successfully produce beet sugar here, and the proposed duty placed on that article will gradually bring this about, while for the time being affording increased revenue.

Certainly nothing can be done so successfully to clip the wings of the sugar trust as to develop our beet-sugar industry. Sugar-beet factories turn out their product in a refined form, and thus become the efficient competitors of other refiners. The successful establishment of the sugar-beet industry in even half of the 26 States which can and will successfully grow sugar beets under the proposed tariff would speedily end any sugar trust, and would at the same time confer immense benefits on our farmers and all of our people.

[Congressional Record, March 25, 1897, pages 902, 903.]

PAYNE.

Well, we did not get revenue enough yet, so we examined the sugar question. The people of this country seem to have a sweet tooth, as the saying is. We consume more sugar per capita than any other nation that the sun shines upon. Why, we consume 2,100,000 tons of sugar a year, and the entire sugar production of the world is only about 7,000,000 tons. We thought that was a good item upon which to raise revenue. \* \* \*

We knew that the people of Louisiana had been working hard for years to build up the industry, working with more zeal than wisdom, because if they had had as much wisdom as they had zeal they would have sent men to represent them in the Congress of the United States who believed in a protective law that would protect all the interests of this country, and not simply sugar. [Loud applause on the Republican side.]

We hope that the Representatives of Louisiana are wiser to-day, and will support this bill. We did not want to destroy that Louisiana industry in 1890, and, furthermore, the hope was held out that we might raise beets for making sugar in 20 States of the Union.

If we could do that, there was no reason why we should not produce as much beet sugar in this country as they produce in Germany or in France. So we gave the sugar growers a bounty, saying, as I said then in my speech, that if it should result in developing the industry we would still protect it, even if it became necessary to go back to a tariff on sugar.

Well, it did develop the industry. The production increased from 2,000 tons of beet sugar in 1889 to 37,000 tons in 1896, notwithstanding the Wilson-Gorman bill and the repeal of the bounty. The product increased in Louisiana from 200,000 tons in 1890 to 317,000 tons in 1896, notwithstanding the Wilson-Gorman Act. There is a bright outlook for sugar in this country, as there is for many an item in this bill. \* \* \*

Mr. Chairman, I said I would tell the House how we proposed to reduce revenue when it becomes necessary to do so, but I can only hint at it now, as my remaining time is so limited. We propose to take off five or six millions a year of duty on the linen that we import by producing it in this country and not having to pay any duty upon it, because it will not be imported. [Applause on the Republican side.] We propose to raise beet sugar and cane sugar enough in this country to supply all our 73,000,000 people who must have the best in the world, and in that way we will take off \$50,000,000 in the course of a few years.

We will take off four and a half million dollars which we are now paying for foreign tin plates brought into this country. So I might go all through the bill. I have not time to speak of the other items, but we will reduce the revenue as it becomes necessary by building up the industries of the United States. [Prolonged applause on the Republican side.] When we have done that,

Mr. Chairman, we shall cease to send \$75,000,000 a year abroad to pay for foreign sugar.

[Congressional Record, July 19, 1897, page 2748.]

PAYNE.

What did we do? We raised the duty on refined sugar from 1.87¢ to 1.95¢, and then raised the raw sugars all along the line in the same proportion as we raised the refined. Did we do anything wrong in that? I ask you men, who are surrounded at home by farming constituencies that are reaching out for some new industry to take the place of others on their farms, did we do anything wrong in holding out this encouragement to the sugar-beet industry?

Men stand up here and seem to think that the way to demolish a trust is to start a windmill and interject invectives into this debate. [Laughter and applause.] And every name that they can get out of their vocabulary, whether in the dictionary or not, is applied to the trust. But you will never destroy a trust in that way. Gentlemen talk about destroying the trust by taking away the differential between the raw and the refined sugar; they say, "Let them all come in on a common plane." Well, of course, when you do that you break down the line of protection to that sugar-beet industry. You not only break down the refiners, you not only send their employees to tramp the streets looking after other jobs, but you break down the most promising farming industry that has been held out to the farmers of this country in the last century. The remedy is worse than the disease when you try to eradicate the trouble in any such manner as that. \* \* \*

What shall be done with the sugar trust? Well, I will tell you what, in my opinion, is the best way of dealing with it. Establish a beet-sugar factory in every Congressional district in the United States. [Applause on the Republican side.] Give competition and lots of it everywhere. Put the farmers over against the trust by passing this bill, and reduce the price of sugar so that German raw sugar can not be brought in to be refined here. Gentlemen on the other side, come over and help us, while we help the farmers out. [Laughter and applause.] You grangers over there, come and help us. You Populists, that go up and down the streets day after day proclaiming your devotion to the interests of the farmers, help us out now when we are trying to help the farmers in this industry that we can establish so successfully. In this way you will do something toward demolishing the trust. You will accomplish more in this way than by mere invective—by running windmills and all that. [Laughter and applause.]

Why should we not produce all of our sugar in this country? Why, it costs us, Mr. Speaker, about one hundred millions. We were looking around for proper subjects for taxation. We knew that sugar would produce an enormous revenue; and, besides all that, we knew that an adequate protective tariff would build up the industry in this country, and as it was gradually built up the revenue from that source would be reduced; by and by the revenue will come in more largely from other sources, and when this industry is fully established and revenue from sugar ceases, the reduction will keep pace with the increase. The thing will regulate itself; we will not disturb our tariff in the next quarter of a century.

[Congressional Record, Appendix, March 25, 1897, p. 123.]

STEELE.

I am a protectionist because I believe firmly in protection, and if I had my own way in framing a bill I might overdo the matter. I believe in manufacturing in this country everything that the country needs and that it is possible for us to manufacture. I believe in our growing everything that it is possible for us to grow in this country and keeping at home the money we send out to buy the products of other countries.

With regard to sugar, I predict that if the tariff fixed by this bill is unchanged for a period of ten years we will at the end of that time be producing not only enough for our home consumption, but as much as we care to export, and at very little additional cost to the consumer. Germany gives an export bounty on sugar, yet the home consumer pays from 6 to 8 cents per pound for it, the bounty enabling the German producer to sell it in this country at a lower price, while the French consumer pays from 8 to 10 cents a pound for the same reason. The farmers in the 20 States where the sugar beet can be successfully raised will reap a double benefit from the development of the sugar industry; first, because the sugar beet is a more profitable crop than wheat or corn, and second, because the land devoted to raising beets will no longer be producing wheat and corn, and the lessened production will increase the price of these products.

[Congressional Record, March 24, 1897, p. 210.]

GROSVENOR.

We have put wool upon the dutiable list for two purposes: First, to raise revenue and, second, to give that industry another chance to live in the United States. Not only that, but we propose that agriculture and the agriculturists of my district and of all the districts shall be both directly and indirectly benefited by this wool schedule. First, we desire that the agriculturist shall have an opportunity to sell his wool at a fair price when the effects of free wool shall have been gotten rid of and, secondly, we propose that the agricultural lands unfitted in fact for the culture of anything but sheep shall be devoted to the sheep industry, and that that land shall cease to be competitive in the production of cereals and vegetables. We propose that instead of sending \$125,000,000 a year to the foreign countries of the world, most of which goes to pay labor in the production of sugar, we will make it possible for every pound of sugar that we want to be produced in the United States of America. [Applause.]

We are going to force upon Louisiana that which she dare not ask for herself. Suppliant at the hands of Congress, with people representing not the claims and the clamors of her own people, we will force upon her the beneficence she dares not hope or ask for herself. We will give to the sugar producer of Louisiana an opportunity to enlarge his products and turn over some of the splendid lands of that beautiful State to the production of sugar instead of corn, cotton, and other products of the soil; and so, Mr. Chairman, throughout Nebraska, through Kansas, and all of the States of the Union we propose to offer the same beneficent opportunities. The Republican party comes and offers to the agriculturist of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization; and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all these States from the production of corn, oats, wheat, potatoes, and cotton, to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming lands of the country a better market, with less competition than they now have.

During this debate Republicans and Democrats alike were profuse in professions of their willingness and eagerness to enact legislation that would benefit the farmers and laboring men of the country. The bill having passed the House, it was at once taken up in the Senate, and I call your attention to some utterances on the beet-sugar question by the distinguished Senators from Iowa [ALLISON], Nebraska [THURSTON], and Massachusetts [HOAR].



[Congressional Record, June 11, 1897, p. 1674.]

ALLISON.

Mr. ALLISON. That is the situation as respects the sugar schedule. Now, I wish to say a word about the policy of it. It is that we shall do what Europe has done; that we shall establish the industry of producing sugar in our own country, instead of paying \$100,000,000 per annum, as we have been paying for the last twenty years, to other countries who are engaged in agriculture. But for that part of this policy I would follow Senators who would place a duty of only 40 to 45 per cent ad valorem even upon sugar as one of the methods of raising revenue to carry on the Government.

We import into the United States now nearly 3,500,000,000 pounds of sugar from other countries, and in increasing quantities constantly from Europe from sugar beets, which sugar beets are grown upon land in Germany, Austria, Holland, and Belgium that is worth three or four times the land in our own country which would produce, and by actual test can produce, sugar from beets equally well with the countries I have named. It is for this purpose that I favor these provisions for a high duty upon sugar.

The Senator from California [Mr. White] did me the honor a while since to quote what I said two years ago. It was the policy in 1890 to encourage the growth of the sugar industry in our own country by paying a bounty. That policy of course failed. It failed, perhaps, first, by the rapid increase of the production of sugar in our country, requiring a large draft upon the Treasury. It failed, secondly, by the policy of the Democratic party four years ago, when they decided that they would do nothing to encourage the beet industry of our country and but little to encourage the continuation of the production of sugar from cane.

So, Mr. President, the schedule stands or falls, and this policy stands or falls, as we succeed in establishing the beet-sugar industry in our country, which can be established, as shown by chemical tests, in nearly half the States of the Union.

Mr. HOAR. It is a great agricultural industry.

Mr. ALLISON. It is an agricultural industry, as my friend from Massachusetts suggests, and a great agricultural industry. It is said that it is the beet-sugar production in Germany that has given to that country its marked prosperity for the last few years. Can anyone tell me why it is that we should export the corn, the meat, the pork, and the grain of Iowa to Europe, grown upon fields in the interior of our own country and bearing the burden of transportation to the countries of Europe which now produce sugar, and then draw from them the refined sugar which we consume in Iowa? That is the question we are deciding here.

Of course, the other question is also under consideration, and I do not minimize the importance of it, and that is that while we are doing this we shall so balance the scales as between all interests as to give neither to the refiner nor to the producer an undue advantage.

That is all there is in this schedule. It may be that we have had the schedule adjusted and arranged not precisely as it ought to be, but it is confessedly within a fraction of all the schedules that have been devised in the past upon the subject, except that of 1894, and this one is much lower than any prior schedule.

I was asked by the Senator from Arkansas [Mr. Jones] to state why this three-eighths should not be counted as a part of the differential duty to refiners. This three-eighths of a cent is only 11 cents on a hundred pounds to the refiners, 27 cents of which is upon raw sugar. It is a fact, and a certain fact, as it seems to me, that if we do not give the three-eighths and the 27 the effect of it will be that our industry, which we call the beet-sugar industry, and the cane-sugar industry, if you please, will be still, as it has been, at the mercy of the beet-sugar raisers of Europe. If we shall not charge this countervailing duty, then we are in no position to compete with German sugars or with the sugars of the Continent. Therefore this countervailing duty is put on now, as it was put on in 1894 in the Wilson bill, so-called. They put on a countervailing duty equivalent to the bounty at that time. The result was to get rid of the countervailing duty.

Germany, France, and Austria all increased their bounties, so that the countervailing duty which the Senators on the other side of the Chamber put on four years ago proved unavailing to protect our sugar industry; and I think our own sugar industry would not be protected unless we place this countervailing duty of three-eighths of a cent per pound upon the sugars produced in Europe or in bounty-paying countries. Now, that is all there is of it. If Senators can show me that the countervailing duty is an injustice, I will deal with them in a spirit of justice as respects it. It is not involved now in the particular question before us; but I can see no way of protecting our industry in this country, whether it be beet or cane sugar, except by imitating what was proposed by the Senators on the other side in 1894 and imposing a countervailing duty equal to the bounty.

[Congressional Record, July 3, 1897, page 2244.]

Mr. JONES of Arkansas. Will the Senator give the Senate some idea as to why cane sugar and sugar made from sorghum should be discriminated against in this way? If I remember aright, the Committee on Appropriations, of which the Senator is chairman, has made appropriations of considerable amounts of money to develop the cultivation of sugar from sorghum, and great promise was made by the Agricultural Department of results to come from that industry. The development of cane sugar in this country has, I understand, been considered a sort of pet project with gentlemen on the other side. We would be glad to have some idea about what the theory of the committee was in proposing to discriminate in favor of beet sugar and leaving out sugar produced from other sources besides beets.

Mr. ALLISON. It is for the purpose, and that only, of introducing the cultivation of the sugar beet and the production of sugar from sugar beets, with the idea, whether it is a vain one or not, that in this country we can produce sugar from beets as well as can be done and is done in all the countries of Europe, and that in every State in the Union we can cultivate the sugar beet and produce sugar from it.

Mr. WHITE. I am inclined to accede to that proposition.

Mr. ALLISON. That is true as affects this scale. In endeavoring to distribute it, if I may use that word, the Senate conferees in dealing with the subject desired that there should be as much protection, if I may use that word without offense, given to beet sugar as could reasonably be done. Therefore we have protected in our bill the beet-sugar industry to the extent of \$1.95, whilst the House had protected it to the extent of \$1.87. I mean in the sense of giving that advantage to our beet-sugar producers and our cane-sugar producers.

[Congressional Record, July 6, 1897, pages 2408, 2409.]

THURSTON.

Mr. THURSTON. When the Republicans of the Nebraska legislature passed the beet-sugar-bounty act of 1895, they did it over the veto of Governor Holcomb, our Populist governor. He vetoed the bill, and so far as was within the power of the Populists of the State of Nebraska they continued their consistent record of enmity to the beet-sugar industry.

The votes cast for the bill were all cast by Republicans; the votes cast against it were all cast by Populists.

Once more the Republican party stood for the encouragement of this great industry. Once more it declared in favor of a local policy under which our

beet-sugar manufactures would have greatly increased, for Mr. Oxnard, who has been referred to here, has repeatedly stated that with a bounty such as the Republican legislatures of the State of Nebraska have twice placed upon the product of beet sugar there would be no need for any further bounty from the National Government.

But my colleague says that the Republican party stands pledged in its national platform to another bounty. Not at all. The Republican party at the St. Louis convention declared that—

"We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than \$100,000,000 annually."

For protection that will lead to the upbuilding of the beet-sugar manufacture, not to any particular form of protection, not to a tariff per se, or a bounty per se, or a combination one with the other, but for whatever protection will adequately develop and build up and render successful this great national possibility, that, in my judgment, is one of the most promising features of our present industrial, agricultural, and commercial situation.

What has the Republican party done to keep this pledge? It has taken sugar from the list where my colleague placed and left it, without a bounty or an adequate compensatory tariff. So far as was in his power he stopped beet-sugar manufacture in Nebraska, and made it utterly impossible to build another factory.

Yes, Mr. President, I say my colleague virtually left sugar on the free list without a bounty so far as the State of Nebraska is concerned, because the tariff of the Wilson act amounted to nothing to the sugar producers of my State.

Mr. President, I love the interests of my State. I have been, perhaps, more instrumental than any other Senator in securing favorable action upon this beet-sugar bounty question from my Republican associates. But, Mr. President, I said then, and I say now, that I hold over and above any mere local interests of my State the interests of my country.

For myself, I have no apology to make. On that record I can face the American people and my constituents as well; and God knows, Mr. President, upon this question of beet-sugar encouragement in the State of Nebraska I will put that record beside the record which my colleague in this Chamber has deliberately made for himself.

The Republican party on this side of the Chamber is for an adequate protection to the beet-sugar industry. It stands to-day, and it will stand at the first available opportunity, for the passage of a law that will give the beet-sugar producers of my State fair and reasonable protection.

[Congressional Record, June 11, 1897, p. 1676.]

HOAR.

Mr. HOAR. Before the Senator sits down, I want to ask one question as to a part of his statement which goes to the country, and it is obvious enough, I suppose. Would not the transferring, as the result of an inadequate protection of the sugar-refining business, to other countries tend very largely to prevent the establishment in this country of the business of raising cane and beet sugar for our domestic consumption?

Mr. ALLISON. There is certainly no doubt of that. The dealing with this great sugar question, from the time of its production to its final consumption, is an entirety; and if we are to foster and protect it in our country, we have got to do it with the work in our country.

Mr. HOAR. I put that question to the Senator because I have heard it said more than once on this floor that the framers of this bill were indifferent to the agricultural interests of this country. Now, if I understand it—whether the details be right or wrong I am not competent to discuss, and there is no time to discuss them now—but if I understand the attempt of the Senator from Iowa and his associates, it has been to establish, encourage, and promote a great agricultural interest of this country, which shall be enabled to supply not foreign markets, but the home market, which is now largely possessed by other countries; and it seems to me that the gentleman shuts his eyes to the effort of the framers of this measure who does not see that the struggle over this sugar scheme which we are making with our Democratic and our other opponents is a struggle to establish one of the greatest, most profitable, and most valuable agricultural industries that we can possibly get for the purpose of supplying our home market.

Mr. ALLISON. I have failed to be understood if I did not say in the beginning that but for the fact that we all believe this schedule will secure at an early period the production, from beets chiefly, of the sugar necessary for the consumption of the people of our country, I would not support this sugar schedule.

[Congressional Record, June 14, 1897, p. 1714.]

Mr. HOAR. Some Senators or some newspapers say we do nothing for agriculture. Mr. President, if you had in your hand the wand of a magician and could compel anything in the way of wealth or prosperity to spring up at its touch, you could not accomplish for agriculture any benefit like that which you could accomplish if you could cause the farmers of this country to raise the material for supplying this country with its sugar. Certainly next to the blessing which Providence gave us when we found these great and virgin wheat fields, ready for the cultivation of the immigrants, would be the benefit of such a condition as I have described, and that benefit can be accomplished and wrought by wise and judicious and bold legislation. I wish I could see both parties in this country eager and emulous in rivaling each other without political division to accomplish and bring about that great boon to the people of the Northwest.

Gentlemen of the committee, we Representatives of the Northwest urge you Representatives of the East and Northeast to remain true to the principles of the great Republican party and to your own convictions as repeatedly expressed here and elsewhere in former years. We ask you Representatives from Massachusetts to stand by the utterances of your distinguished Senator. From you Representatives of the other New England States we invoke a reciprocation of the assistance which we have always loyally given to your communities. We ask you Representatives from the States of Pennsylvania, New Jersey, and New York, to whom in past years we have given our votes most willingly to build up your splendid industries, do not forsake us in this hour of our trial, when we are looking to you to stand by us in maintaining this infant industry. [Applause.]

Before leaving this branch of the subject it will be in order to present the opinions of Hon. DAVID B. HENDERSON, of Iowa, the present Speaker of the House, on this subject, as expressed by him in an article recently published in the Moline (Ill.) Mail:

I am just in receipt of your letter, which I have read with care and interest. It seems to me that you do not segregate the questions before Congress.



There are three theories or questions pending or pressed upon us. First, the wiping out of all war taxes, which the party promised to do when we put them upon the people to carry on the war with Spain, and no one of any intelligence can say that the time has not come for wiping out these taxes, since we have \$176,000,000 surplus in the Treasury, with a working balance of about \$50,000,000 in the hands of disbursing agents for current work. If this pledge is ever to be fulfilled, it seems clear that it ought to be now. This first question stands alone without reference to any other.

The second question is, What are we going to do for Cuba? It is a separate and distinct proposition, and this is the situation: Those contending for Cuba want a reduction of 50 per cent or a clean sweep of duties between us and that country. Contending for this doctrine is, first, the American sugar trust, which is here in the person of its ablest managers; second, the money—the capital that has been put into the construction of railroads in Cuba, where a system of railroads extending along what may be termed the backbone of the island, with arms extending from the backbone into each part of it, is in process of construction.

All the money in this enterprise is anxious, of course, to build up the commerce of Cuba. Third, there are millions of dollars that have gone into Cuba buying up plantations, cheap lands, and with large syndicates formed, are seeking to make fortunes out of the sugar industry. Then, again, there are Americans over there with vast sums of money in various enterprises who are all anxious for this. Then, again, the Cubans themselves who have the capital are anxious to have free-trade relations with the United States. These all touch elbows and are working together.

On the other hand, the beet-sugar industry of the United States and the cane-sugar industry are fighting most vigorously against any reduction. The beet-sugar industry has developed to a wonderful extent, and so much so in the States of California, Colorado, Nebraska, Wisconsin, and Michigan that the delegations from those States have their faces set vigorously, firmly, and most determinedly against any reduction, their contention being that for the first time in the history of the country the farmer finds a direct interest in protection. They stand upon the doctrine of protection. The Secretary of Agriculture tells me that every acre of land in Iowa is capable of raising the sugar beet, and this is true of every State throughout the West and in the Mississippi Valley.

Now, in regard to my own position. You have accepted the lies sent out by the press, which is being manipulated in the interest of free trade with Cuba. I have never expressed an opinion against doing something, whatever we possibly can, to strengthen the hand of Cuba. I have stood side by side with the President and the Ways and Means Committee trying to devise some plan to do this without injuring the farmers of our own country and at the same time give encouragement to Cuba. The contention is brought to us from our own people that we have shed blood and money enough for Cuba, now an independent government, so to speak, without slaughtering the farming interests of our own country, and the most intense feeling exists.

I doubt if, with all the combined influence we have to bring to bear, we can dislodge or change the views of the States that I have named, that are operating in the beet-sugar industry, with sufficient force to carry the House. It may be that we can hit upon some other plan and harmonize matters, but I beg of a man of your intelligence and experience not to accept the flying reports and dispatches sent out and stimulated by the concrete organization, as I have indicated, who, indifferent to our own farming interests in this country, want to break down all the barriers between us and Cuba.

Representative EDGAR D. CRUMPACKER, of Indiana, in a recent able article on the subject in the Chicago Tribune, hit the nail on the head when he characterized the pending proposition as "crazy-quilt reciprocity." I quote him also, as follows:

We might grant concessions upon lines where we can not produce enough for our own consumption, such as sugar. It is insisted in many quarters that we should make substantial reductions of the tariff in favor of Cuban sugar out of considerations of benevolence as well as of business. Let us see what the result would be: Suppose we produce one-sixth of the sugar we consume and Cuba could produce three-sixths. If we should reduce the tariff on the Cuban importation, say, 25 per cent, it would take \$10,000,000 a year out of the Federal Treasury, and who would get it? The Cuban sugar grower. The Cuban importation and our own production would supply only two-thirds of the demand, and the price of all would be fixed by the cost of the other third, which would have to pay full tariff. It is an incontestable law of economics that the price of a commodity is fixed by that part of it which is necessary to supply the demand and which is produced at the greatest cost.

A reduction of the tariff on Cuban sugar of \$10,000,000 a year would not cheapen sugar a farthing to the American consumer, but it would take that amount out of the people's Treasury each year and put it into the pockets of the Cuban sugar producer. In order to cheapen the cost to the consumer the tariff upon the entire importation must be reduced, and that would be of no special benefit to Cuba. We can not help Cuba by special tariff reductions upon her sugar product, except at the direct expense of our own people.

But we are told that Cuba might buy more of our flour, bacon, etc. If she did it would be because we took the \$10,000,000 a year out of the Treasury and gave it to her sugar growers. It would have all the objectionable features of an export bounty without its chief virtue, for the bounty would be paid to the foreigner, and at the same time we would likely lose a market for twice as much in Germany and other countries on account of the discrimination. Is it a sound permanent policy to materially reduce the tariff upon a portion only of an imported commodity necessary for our consumption? Is it just to the millions of American consumers and taxpayers?

Any reciprocity arrangement that lets into our markets on special terms only a portion of a necessary commodity simply takes out of the Treasury so much money and puts it into the pocket of the importer without cheapening the commodity to the consumer a particle.

This crazy-quilt hit-and-miss reciprocity is illogical and unnatural, and is not the policy the late President spoke of in his magnificent address at Buffalo. Our reciprocity policy ought to be upon the broad foundation of principle and permanency. Wherever we can make concessions without material injury to home industries and home labor we ought to do so in the interest of foreign trade, but all concessions should be general. They should apply to all foreign countries alike, where our interests are given equal consideration. If any country discriminates against us, we should promptly and vigorously retaliate.

I respectfully call your attention further to the following declarations of the Republican party as expressed in its national campaign book of 1900:

[Republican Campaign Text-Book, 1900, p. 152.]

The first thought which came to the minds of the farmers, when the events following the war for the liberation of Cuba brought under our control certain tropical areas, was whether or not the possession or control of tropical territory by the United States would injure, or perhaps destroy, the opportunities which they believed they had almost within their grasp for supplying the \$100,000,000 worth of sugar which the people of the United

States annually consume. This fear—if it reached the stage in which it could be called by that name—was answered in the negative by the Republican party when it passed the Porto Rican bill. The Democratic party fought with all of its power to prevent the enactment of that measure which placed a duty upon articles coming into the United States from Porto Rico.

That duty was small, but it was an explicit declaration by the Republican party that it proposed to retain the power to fix such tariff as it might deem judicious against the products of cheap tropical labor, wherever located and under whatever conditions. In other words it was a distinct promise to the farmer that he need not fear that the Republican party would permit the cheap labor and cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production which the farmers of the United States have, under the fostering care of the Republican party, been building up during the last few years. The farmers of the temperate zone can produce beet sugar successfully in competition with the sugar cane of the Tropics when both are handled by free labor, and this advantage which the farmer of the temperate zone has will be strengthened in the United States so long as the Republican party retains its control and is enabled to apply the protective principle in the interests of its farmers, as it did in the case of the Porto Rican bill, but against which the Democrats turned their every energy. With a few years of moderate protection against the cheap labor of the Tropics the beet-sugar industry in the United States will be placed fairly and squarely upon its feet, and will be fully able to contend with the cane-sugar industry of the Tropics, while meantime the improved condition of labor in the Tropics, and the opportunities for better earnings which the guidance of the United States will give them, will more nearly equalize the two systems of production.

One further fact in regard to the world's production and producing capacity is worthy of consideration in this connection, and that is that nearly one-half of the sugar now being imported into the United States comes from the islands of the Pacific. The total importation of sugar into the United States in the twelve months ending June, 1900, amounted to 4,018,000,000 pounds, and of this amount 1,756,000,000 pounds were from the East Indies, the Hawaiian Islands, and the Philippine Islands, thus indicating the possibilities of our Pacific territory to supply that portion of our consumption which it will be necessary to import until the farmers of the country are able to supply the home demand; and thus, instead of sending to other countries and other peoples the \$100,000,000 per year which we have been annually expending for foreign-grown sugar it may be expended under the American flag and in a manner which will benefit the people of those islands and incidentally those of our own people who may enter upon business enterprises in them.

I wish also to call attention to the following letter from Prof. C. F. CURTISS, B. Agr., M. S. A., who is the director and professor of agriculture in the Iowa Agricultural College, and one of the leading agricultural authorities and experts of the United States:

AMES, IOWA, September 11, 1900.

MR. EDWARD C. POST,  
Secretary Farmers' Cooperative Beet Sugar Company, Dundee, Mich.

DEAR SIR: I have your esteemed favor, and in reply beg to say that the following quotation from the National Sugar Beet Grower is correct:

"During the past summer I had an opportunity of observing the industry as it exists in Germany, the locality from which so much of our import sugar comes. I had heard of high-priced lands, high rents, and expensive fertilizers, and I was a little incredulous about some of it, but I went out over the farms in the vicinity of Magdeburg and found that the best sugar-beet lands in the most favored localities were valued at \$800 to \$900 per acre, that ground rents were from \$20 to \$25 per acre, and that the beet grower was compelled to pay out \$12 to \$15 per acre in addition for commercial fertilizers. This seems like an enormous outlay, and, indeed, it is, and the land that commanded this rental, I am prepared to say is no better in any way, and will produce no more beets or no better beets than the best lands of northern Iowa and adjoining territory."—*National Sugar Beet Grower*.

I personally investigated these conditions in Germany last year and found them to be as reported in the above. I feel confident that the sugar industry is destined to occupy a permanent place in agriculture.

Very truly, yours,

C. F. CURTISS.

Give to the American farmer an opportunity to enhance his lands to the value of German lands, as he can do if given an opportunity. Think of the increased wealth in this country by so doing. Give to him the blessings of rural free delivery, telephones, and enlarged facilities by the building of electric railways, and you have transformed his life from one of monotony and dreary toil to one of broader mental activity and awakened interest in agricultural developments, which will tend to make farm life more attractive and lucrative.

Better still, you will have kept our young men and women at home on the farm and away from the villages and cities, where many of them go in pursuit of happiness and better employment, only to meet disappointment and defeat.

In view of all the past utterances of the prominent leaders of the party, of which the above are only short random samples, how can any Republican support this pending measure?

But some have taunted us with the statement that the sugar-beet industry has not made very rapid progress. It certainly has since 1896, for there are to-day in this country more than 40 factories. Michigan last year, with her 13 factories, produced 75 per cent of all the sugar that she consumed; and it is confidently hoped that during this present year her output will be sufficient to supply all of her consumption.

I point you to the progress of this industry in France and some other countries. Marggraf, an eminent Prussian chemist, gave to the world his discovery of sugar in the beet and kindred roots in a paper read before the Berlin Academy of Science in 1747. No practical results followed, however, for a generation. It remained for Napoleon, after the British had blockaded France, to make a practical test of the beet-sugar discovery and to establish it firmly in his country; and this is the greatest monument the victor of Marengo and Austerlitz left to his distracted countrymen and the world.



The struggle by which France produced beet sugar was a long and at times a discouraging one. But she won, and to-day is an exporter of beet sugar. This she has done by protecting the industry; and besides accomplishing this great result, she furnishes her people a better grade of sugar at less cost than consumers had paid for imported sugar. There were other and great results from the establishment of the beet-sugar industry in France, as there will be in this country. The soil, mellowed and fertilized by the beet, produces more wheat; the residuum of the sugar mills feeds more cattle than the same lands formerly sustained, while labor finds in the sugar factory remunerative employment.

Not only in France but in other foreign countries has this industry been zealously guarded until to-day it assumes monstrous proportions, and it should not be allowed to compete with our new and infant industry, at least not until the industry shall have been given an opportunity to gain a foothold and be firmly planted in this country. There are to-day in France 368 sugar-beet factories, in Germany 403, in Russia 226, in Austria-Hungary 213, in Belgium 121, in Holland 30, in Spain 15, and in Sweden 10. So we have only to encourage this industry, as we have many others in this country, under the wise and protective policy of the Republican party, and it will be but a few years more until we shall be able to raise the beets and manufacture all the sugar that we consume in this country. [Applause.]

In all parts of the United States the beet-sugar industry is still in its infancy, and this is emphatically the case as regards the industry in Michigan.

The gentleman from Kansas [Mr. LONG] has sought, in an able speech of more than two hours, to demonstrate the benefits of reciprocal trade relations between Cuba and the United States, and has endeavored to show what our trade with that country would be worth to the farmer in the sale of his flour, meats, and other products. I call your attention to the fact that the reciprocal commercial agreement with Spain, with relation to Cuba and Porto Rico, went into effect on September 1, 1891, and terminated on August 27, 1894, being in force almost exactly three years. The fiscal years 1892, 1893, and 1894, though not corresponding precisely with the above-named period, correspond sufficiently for the purposes of comparison.

Imports of merchandise from Cuba to the United States and exports of merchandise from the United States to Cuba, for the fiscal years 1892, 1893, and 1894 were as follows:

	1892.	1893.	1894.
Imports .....	\$77,931,671	\$78,706,506	\$75,678,261
Exports .....	17,953,570	24,157,698	20,125,321
Total .....	95,885,241	102,864,204	95,803,582

These figures show what has been done, and what can be reasonably hoped to be done, under reciprocity with Cuba. It will be seen that even in the most favorable year, 1893, under the reciprocal arrangement, we exported to Cuba goods valued at only a little more than \$24,000,000. On the other hand, there were imported into the United States during the year 1891 4,670,000,000 pounds of sugar, at a cost of about \$115,000,000. Now we are asked to throw off a part of the duty on sugar, in favor of Cuba, on the plea that we shall make up all the difference and save all that we pay out for foreign sugar by means of the immense increase in exports from this country to Cuba which would result from the new arrangement.

Judging from our past experience, it will be a long while before our exports to Cuba, which were less than \$25,000,000 during the year 1893, under our last reciprocal commercial agreement with Spain, will amount to the \$115,000,000 which we are annually sending abroad for sugar, and which we have promised the people we would try to keep at home by the building up of industries in this country.

While we are on the subject of commercial statistics it will be appropriate for me to quote a few facts and figures from recent official statements by our Treasury Department and the insular division of the War Department, showing that Cuba is not in such dire financial straits after all, and that she has been prospering better during the few years of her independence than the United States did for many decades. During the ten months ending October 31, 1900, Cuba imported in round numbers \$55,000,000 worth of goods and exported \$41,000,000 worth. In the corresponding eight months ending October 31, 1901, Cuba's imports were \$54,000,000 and her exports \$56,000,000, showing a balance of trade in her favor in the third year of her national existence. This is certainly a most remarkable showing, especially as compared with the record of the United States, which showed a balance of trade against us in all but fifteen years previous to 1874, the average annual adverse balance of trade being upward of \$120,000,000.

The record of the Cuban government receipts is equally striking, showing, as it does, that during the last two years they were almost as great as were the average receipts of the United States Government during the first seventy-five years of our national existence.

I quote from a recent official statement in regard to this matter, as follows:

*Cuban revenues.*

Receipts.	1900.	1901.
Customs .....	\$16,068,035.90	\$15,945,666.42
Postal .....	258,237.17	367,950.28
Internal .....	884,783.29	658,535.92
Miscellaneous .....	174,848.99	182,736.96
Total .....	17,885,905.35	17,154,939.58

UNITED STATES GOVERNMENT RECEIPTS.

[1790 to 1863—seventy-four years.]

Total net ordinary receipts of the United States Government 1790 to 1863—seventy-four years .....	\$1,744,021,185
Average net annual receipts .....	23,567,866

These comparative figures show that once Cuba is launched as an independent government she will have no difficulty in meeting her expenses, and will not need to ask favors of Uncle Sam or of anybody else.

The fact is that Cuba has not sought relief since we freed her from the Spanish yoke. Those who are begging for favors are the same old Spaniards we dragged off the Cubans, their numbers being augmented with representatives of the sugar trust and other Americans who have acquired enormous sugar plantations on the island.

In fact, of the 16 witnesses who pleaded the Cuban cause before the Committee on Ways and Means, 5 were Spanish owners of extensive sugar plantations, 3 were Americans interested with the sugar trust in Cuban sugar plantations covering 98,000 acres, 4 were sugar trust representatives, 2 represented New York exchanges, 1 was a civil engineer, and 1 was the collector of the port of Habana.

The Cuban was noticeable only by his absence.

In this connection it will be remembered that the American Beet Sugar Association sent a petition to the Committee on Ways and Means last February, in which petition the American Cane Growers' Association joined, asking for the appointment of a special committee to visit Cuba for the sake of examining and ascertaining the real facts of the situation there. This petition challenged General Wood's statement that the average cost of the production of sugar in Cuba was not less than 2 cents per pound and contended that it had been proved beyond controversy that said cost was not over 1½ cents per pound. The petitioners argued from this that Cuba was now raising and selling sugar at a profit, so that the proposed reduction of our tariff in her favor had no possible justification. It would have been no more than just to have granted this petition, and any such investigation as proposed therein would no doubt have proved the contention of the petitioners. [Applause.]

Before I close I desire to emphasize the bitter war which is being waged against the beet-sugar industry at the instance and in the interest of the sugar trust by a number of editorial comments and statements, culled from a large number of the leading journals of the United States, of all parties, Republican as well as Democratic, and of all other shades of political opinion. These extracts show plainly that the intelligent and patriotic press of the country has become fully aroused upon this question. They show how the trust is endeavoring to ruin the beet-sugar industry, how it fears its home rival, how the success of the trust will lead to higher prices, and how the war by the trust on beet sugar has been now transferred to Washington. Yes, gentlemen, I do not hesitate to say that the sugar trust has had its headquarters in the national capital all the past winter and is encamped here even now, exerting its malign influence to the utmost of its power. I call attention to the following pertinent extracts:

The reduction is a blow aimed directly at the beet-sugar interests of the country.—*New York Journal of Commerce.*

War to the knife with the Colorado beet-sugar refiners was declared to-day by the American Sugar Refining Company. The object is to deal a blow to the beet-sugar manufacturers in their own territory.—*Chicago Tribune (Republican).*

The cut recently made is designed to cripple the beet-sugar manufacturers.—*Denver Republican (Republican).*

Threats have been made that sugar prices will be sent down within a few days to a point that will bring the purveyors of the beet product to their knees.—*Chicago Chronicle (Democratic).*

The sugar trust has finally come out openly against the beet-sugar industry.—*Portland Oregonian (Republican).*

It is a means to fighting the beet-sugar producers.—*Sioux City Tribune (Democratic).*

Havemeyer has started this war with the object of demoralizing the beet-sugar industry.—*Lansing Journal (Democratic).*

It is a struggle of home industries, backed by millions of people, against a mercenary, soulless corporation with millions of money.—*Denver Times (Republican).*

The trust is trying to keep down the beet-sugar manufactories that are being started all over the land.—*Peoria Journal.*

The trust is prepared to make a very considerable sacrifice in order to break down the beet-sugar industry, which stands in the way of its scheme to secure the free admission of raw Cuban sugar.—*Omaha Bee (Republican).*

The piratical sugar trust has declared war of extermination on the beet-sugar industry of the West.—*Denver Times (Republican).*

The sugar trust appears to have determined that, within the limits of its power to prevent it, no one but itself shall enjoy the benefit of the protection which American law gives to the sugar business.—*Lansing State Republican*.

The sugar trust is prosecuting its war on the beet-sugar industry with a vigor which plainly denotes a determination to destroy that industry if possible.—*Des Moines Farmers' Tribune*.

The sugar trust is bent upon the ruin of this new home industry.—*Denver Times (Republican)*.

The last move of the sugar trust against the beet-sugar producers is a demonstration of the fear it has of the new industry.—*Denver News (Independent)*.

The output of beet sugar has become sufficiently large to interfere with its (the trust's) desire to control the sugar market of the United States.—*Leavenworth Times (Republican)*.

There could be no surer indication of the increasing importance of the beet-sugar industry in this country than the war which the American Sugar Refining Company has declared on the makers of beet sugar.—*Syracuse Journal (Republican)*.

The trust fears that a rival may grow up in beet sugar which will wax as strong as itself, a situation incompatible for a trust.—*Portland Oregonian (Republican)*.

It is this development which has alarmed the Havemeyer interests and led it to enter upon a campaign for the annihilation of the beet-sugar refineries.—*Minneapolis Journal (Republican)*.

The trust sees in the rapid development of this (sugar beet) industry a competitor which must be destroyed if possible.—*Philadelphia Record (Democratic)*.

The laws will protect the beet-sugar growers and manufacturers until they can supply the home demand for sugar and enter into competition for the sugar trade of the world.—*Des Moines State Register (Republican)*.

The trust has been keeping more closely in touch with the development of the beet-sugar business than has anybody else, and has plainly reached the point where it is alarmed.—*Sioux City Tribune (Democratic)*.

Apparently the intention is to force the producers of beet sugar to sell their raw product to the trust.—*Chicago Tribune (Republican)*.

The trust has made a standing offer to the beet-sugar producers to take the raw product off their hands at the regular raw-sugar price.—*Chicago Post (Independent)*.

It (the trust) is fighting for monopoly within the usual methods, cutting prices in order to ruin the beet-sugar refiners, after which it hopes to fix prices to suit its own convenience.—*Chicago Tribune (Republican)*.

Its (the trust's) sole object, aim, and purpose is to crush out a rival industry in order that the stockholders and managers of the sugar trust may reap greater profit.—*Denver Republican*.

Should this warfare prove successful, every ounce of sugar that sweetens the poor man's tea would be at the absolute dictation of monopoly.—*Quincy Herald (Democratic)*.

The sugar war is spreading out to envelop Congress and to make of Cuba—its annexation or its admission to reciprocity with the United States—the ground of a most bitter industrial and political struggle.—*Springfield Republican (Independent)*.

The trust will doubtless make common cause with the Cuban sugar raisers in their warfare against the claims of the beet interests of the West.—*Boston Transcript (Independent)*.

The trust is trying to procure from Congress a change in the tariff which will admit raw sugar free or nearly free of duty.—*Denver News (Independent)*.

They (the trust) will attempt in some way to bring the product in free of duty, perhaps, from Cuba or some of our colonies.—*Colorado Springs Gazette (Republican)*.

The trust will come before Congress this winter with a proposition to admit crude cane sugar free.—*Peoria Journal*.

The trust has declared itself in favor of admitting Cuba raw sugar free and retaining the duty on refined. Under such a policy the domestic sugar industry would be destroyed and the trust would secure complete and absolute control of the American market. If it can now seriously cripple the beet-sugar industry and discourage its further development, it may achieve its object.—*Omaha Bee (Republican)*.

The trust first demanded free sugar from Cuba, then a reduction of 75 per cent, 50 per cent, 33 per cent, 25 per cent, and, finally, at the present writing, has reduced its demands to a 20 per cent reduction on tariffs on Cuban imports. Even this reduction to Cuba would yield the trust a trifle over \$3,000,000 extra profits annually with which to fight the home beet-sugar interests, and would not aid Cuba in the least, for there is no way in which she can force a demand for it, and it is hardly to be presumed that the trust will voluntarily turn it over to her. The purpose of the trust being perfectly obvious, there can be no doubt Congress will refuse to play into its hands by making such tariff concessions on Cuban raw sugar as would operate to the injury of, and perhaps ultimately destroy, the domestic industry.—*Philadelphia Record (Democratic)*.

Congress can ill afford to establish the policy of reducing the present rate of duty by reciprocity, or in any other way, which would have the certain effect of enriching the trust on one hand, and on the other the killing of the most promising industry in the agricultural business of America.—*Los Angeles Express (Republican)*.

It would be unfair to the beet-sugar interests of the United States to do anything in the way of tariff reductions that would give not only the Cuban growers, but also the American refiners of cane sugar, a further advantage in the cost of production.—*Milwaukee Wisconsin (Republican)*.

To conclude a reciprocity agreement with Cuba so as to admit her products into destructive competition with similar products of home growth is opposed to the policy expressed by both Presidents, and is not reflected in the doctrine of the Republican party in this manner. No such agreements are in accord with the spirit of section 4 of the Dingley bill. Adhesion to that declaration is all that home-protected interests demand, and that demand is justified. On the pledge of the Dingley bill the people invested heavily in these industries. Under it vast acreages have been redeemed to profitable cultivation and the development of the richest lands of America. Under that guaranty towns and cities have been built up, great communities founded, and countless fortunes been invested, while millions of men and women have entered upon employments dependent upon such industries. To cast all these down would be little less than criminal.—*Sacramento Record-Union (Republican)*.

It is undeniable that partial reduction of the duty on sugar to Cuba alone is a gift to the sugar-refining interest without any compensation to consumers of sugar in reduction of price. The American people are sure to be impatient of this. They endured the same thing for a long time in the case of Hawaii, but the amount of sugar involved was small and the American market affected was local. Here is a gift of five or six million dollars to a large manufacturing interest, which is considered to be sufficiently prosperous, although it conceals its profits carefully. There is certain to be a demand for a compensating reduction in the tariff on refined sugar.—*Minneapolis Tribune (Republican)*.

The sugar trust is playing for a high stake. It stands to win probably

\$5,000,000 if it can secure a 25 per cent reduction, and it can well afford the few thousands which it costs to send cablegrams from Cuba and to scatter letters and appeals throughout the United States.—*Newport Herald (Independent)*.

The sugar trust's cunning is limited only by the capacity of human brains to invent. It is behind the sanctimonious appeals for justice and favor for Cuba. It is inspiring the pleas for sympathy for the Cubans. It is working the reciprocity game for all there is in it. It is also instigating a large proportion of the manufactured demands for tariff revision.—*Denver Times (Republican)*.

The sugar trust does not benefit the people of this country. Its product comes from foreign countries in the raw state and is refined in this country; hence their anxiety to obtain raw sugar free of duty.—*Fremont News (Independent)*.

Congress will make a great mistake, we believe, if, at the demand of the sugar trust, it reduces the duty on raw sugar. Just at present the trust is working through the emotions of the Congressmen.—*Peoria Journal*.

Just now they have the proof that the trust is attempting to crush the beet-sugar manufacturers of this country, and will doubtless succeed if the tariff on sugar is reduced. Congress and the people should stand by the sugar producers of the nation, for only a few more years will be required to make that business as safe as the making of steel rails and tin plate, both of which the free traders insisted could not be manufactured in the United States.—*Des Moines State Register (Republican)*.

The president of the National Sugar Refining Company, who appeared before the committee to testify in favor of the concessions, frankly admitted that free sugar from Cuba, or anything approximating it, would entirely destroy the American sugar industry. There are 25,000,000 acres of land on the island available for sugar culture, of which only 300,000 acres are under cultivation. Under the impetus of tariff concession this acreage would rapidly be increased, and eventually, the committee feels certain, the result would be disastrous for the sugar business at home.—*Washington correspondence of Chicago Journal (Independent)*.

The movement for free raw sugar would attract little attention if it were not backed by the sugar trust. That great organization has been dictating rates on sugar ever since it came into existence. Its influence at Washington has always been great enough to get all, or nearly all, that it desired in the way of duties on sugar. Every tariff bill before Congress has been held up until the trust was satisfied, or at least placated. In the act of 1890 it got free raw sugar, but a bounty was paid to the domestic producer. Free raw sugar had afterwards to yield to the demand of the revenue, but the trust got what differential rates it demanded. Now that there is again a surplus of revenue, the trust is again in the field for free material and is making promises that it does not intend to keep about cheap sugar to the consumer.—*Louisville Courier-Journal (Democratic)*.

Whenever the sugar trust comes in the disguise of a philanthropist, the American people may well have their suspicions aroused. At present the trust is sending out computations to show that the consumers are paying a great many extra millions for their sugar by reason of the present tariff, and that the duties on raw sugar should be abolished. The trust's present attitude is in striking contrast with its position during the discussion of the Dingley bill in Congress. At that time the trust moved heaven and earth to have the tariff duties retained, awful scandals attended its work in the lobbies, and the reputations of several Senators were involved. Everybody knows what the disinterested work of the sugar trust means. It aims at the destruction of the sugar-beet industry, the only rival that has up to this time given it any concern. If the trust were sincere in its professed desire to lighten the burdens of the consumer, it would insist upon Congress removing the tariff on the refined product also, that the sugar of European countries might have a larger market here. But it would fight such a proposition, of course. It does not want more rivals. It wants to get rid of the only competitor that it now has in order to clinch its hold on the sugar trade of this country.—*Indianapolis News (Independent)*.

The following article from the Los Angeles Herald, on this subject, is conceived in such a novel spirit and written in such a graphic style that it is well worth quoting entire:

#### TEN THOUSAND MILES OF SUGAR.

It is difficult for the mind fully to comprehend the statement that the United States is annually importing about 2,000,000 tons of sugar. The thought instantly occurs, of course, that the figures represent a mountain of sweetness. The American mind, with its aptness for reducing things to cash valuation, sees at once that there would be "millions in it" if the United States could produce all its own sweet goods. But does anybody stop to figure out that aggregate sugar importation, so that the mind may readily grasp its magnitude? Glance at this object lesson.

One net ton—2,000 pounds—is a fair 2-horse wagonload on average country roads. Team and wagon in the road require approximately 25 feet of longitudinal room, allowing for a little margin, if other teams are in line. Now, load up that 2,000,000 tons of sugar, with one ton to each wagon, and start a procession from Los Angeles eastward to—where?

Four of the sugar turn-outs would reach 100 feet; 40 of them would cover 1,000 feet; 200 of them would extend almost a mile—call it a mile for concession in figuring. Then, 2,000 of them would reach eastward 10 miles; 20,000 would extend 100 miles; 200,000 would cover 1,000 miles, and 2,000,000 would stretch out 10,000 miles!

Ten thousand miles of sugar the United States is importing every year, when every pound of it might be produced at home. The line is even longer than the figures indicate, in fact, because bulk sugar is marketed in gross tons of 2,240 pounds. That adds 12 per cent to the total weight and extends our sweet procession in like proportion. With that addition the sugar line reaches 11,200 miles, nearly half the circumference of the earth.

Is it worth while to fight for the domestic production of that sugar or shall we continue to import it every year? That issue is involved in the present effort of the sugar trust to crush the beet-sugar industry? California alone is capable of producing every pound of sugar in that 12,000-mile procession. We may in time produce a large part of it, at least, if the sugar trust fails in its purpose. If the trust wins, however, good-by to our sugar-producing prospects and to cheaper sugar for American consumers.

#### [Applause.]

It would seem as though every true American's heart would swell with pride and joy in contemplating the magnificent future of the beet-sugar industry of the United States if its progress is not impeded by such adverse legislation as that which is now contemplated. On this point there is no better authority than our present well-informed Secretary of Agriculture, Hon. James Wilson. He has expressed his opinions in regard to the matter most positively and convincingly. In a recent statement by the Secretary he pointed out that the growth of the sugar-beet industry



had alarmed the sugar trust to such an extent that it was disposed to spend a large amount of money in opposition to the further development of the home industry. The Secretary said that he was not at all surprised at this, and added:

It would no doubt be very profitable to the members of the trust if they could destroy this new industry that promises to supply home demands within a reasonable number of years, but I think their efforts will be in vain. Our people are gradually learning the value of the by-products of the sugar-beet factories, and as soon as they fully comprehend these opposition from any quarter will be entirely in vain.

Mr. Wilson went on to state that the Department of Agriculture "has been well satisfied for some time that it is only a question of time when all the sugar used in America can be made within the States of the Union." Continuing, he said he believed also that "the time will come when none of the islands of the sea will be able to produce sugar as cheaply as it can be produced in connection with diversified agriculture in the prairie States of the Northwest." Secretary Wilson proceeded to elaborate his ideas on the subject in a most interesting and instructive manner, showing conclusively that he had good and sufficient reasons for prophesying the grand results to be expected from the development of this industry in the United States. His investigations, he said, had proved to his satisfaction that any one of the States of Michigan, Illinois, Indiana, Iowa, and Nebraska could produce from beets all the sugar needed in the United States. I quote from him as follows:

It will not be necessary in the United States, where sugar beets are grown, to fertilize the lands. Under a system of rotation, which can be practiced profitably, the lands of the Mississippi Valley can produce a crop of beets once in four or five years without detriment to the soil. It is only a question of time when the dairymen of the United States will discover that the by-product of the sugar mill is valuable for all domestic animals. In foreign countries it is even fed to horses. It will take the place with the Western dairymen of bran from the wheat mills and by-products from the oil mills, glucose factories, etc. The water will be pressed out of the pulp very soon, and, in fact, it is now being done in California, and the farmer will haul home the cake when he takes beets to the factory. The by-product contains all the elements of nutrition the domestic animal requires. Taking the sugar from the beet really reduces its feeding quality but little, because the animal gets all the carbonaceous matter it requires in its fodder.

About three years ago we had some 30,000 tons of beet sugar produced in the United States, two years ago about 55,000 tons, a year ago about 82,000 tons, and this year we will have something like 200,000. The following table shows an estimate of sugar-beet production in 1901, made by experts who have been watching the sugar beet development, and is particularly interesting:

*Estimated beet-sugar production, 1901.*

	Tons.
California.....	80,000
Michigan.....	60,000
Colorado.....	20,000
Utah.....	15,000
Nebraska.....	7,000
New York.....	7,000
Wisconsin.....	3,000
Minnesota.....	2,000
Washington.....	2,000
Oregon.....	2,000
<b>Total.....</b>	<b>198,000</b>
<i>Cane sugar.</i>	
Southern States.....	300,000
Porto Rico.....	100,000
Hawaii.....	300,000
<b>Total.....</b>	<b>700,000</b>

It is eminently wise for the farmer to grow beets and sell sugar, because he only disposes of something that comes from the atmosphere, for the pulp is fed to the dairy cow, and everything taken from the soil is restored to the soil, and there is no deterioration whatever. It will not be many years before all the money now paid foreigners for agricultural products of all kinds, including sugar, will be kept at home.

The committee on statistics of the Michigan Sugar Manufacturers' Association in a recent report to the association furnished some striking and suggestive considerations which it would be well for the people of the United States to ponder. Among these considerations are the following: The beet-sugar industry in Michigan is carried on at present by 13 companies, with a daily capacity of 6,600 tons and a total investment of \$7,700,000. The number of acres of beets harvested in the State last year was 66,400, yielding to the farmers \$3,107,520. The number of laborers employed was about 30,000 on the farms and nearly 3,000 in the factories. The development of the industry in Michigan has greatly stimulated the manufacture of agricultural tools and machinery suitable for the cultivation of beets, and also the manufacture of American sugar machinery for the factories.

The report points out this interesting distinction, namely, that when the sugar trust buys and imports its raw sugar from other countries, and then refines it, the laborers employed by the trust get about 15 cents for refining every hundred pounds, and that is all they do get, because the labor required in producing the raw sugar is performed by foreign workmen in foreign countries; whereas the beet-sugar manufacturers of this country pay the farmers and other laborers both for the raw sugar and for the refined to the amount of about \$2.50 for every hundred pounds, and the difference between 15 cents and \$2.50 is the measure of the advantage to labor in this country from the development of

the beet-sugar industry as compared with the industry of the sugar trust. [Applause.]

As for the future of the industry in Michigan, I will add that four more companies besides the thirteen already alluded to will be in full operation this coming year, making the total daily capacity for next season about 9,000 tons, with a total investment of at least \$10,500,000. It is expected that Michigan will grow next summer very nearly, if not quite, 1,000,000 tons of beets and produce very nearly 200,000,000 pounds of granulated sugar, or an increase of over 50 per cent above the output of the last year. As the committee's report says, "This is a startling showing, but the rate of increase is no greater than it has been ever since the inauguration of the industry in Michigan four years ago." Besides the four new companies just mentioned, there are four other companies that have been organized in the State and are awaiting the action of Congress before going any further. The projects of these companies will be abandoned if the sugar tariff is reduced.

So far as the country at large is concerned, the annual consumption of sugar in the United States is now considerably above 2,500,000 tons and will probably reach 4,000,000 tons by the year 1910. This immense amount of sugar can be easily grown and furnished at home if no unfavorable legislation intervenes. If this statement appears at all wild, let it not be forgot that Europe, which has a much smaller area of land suitable for beet cultivation than the United States, produces annually 6,000,000 tons of beet sugar. Viewed in the light of this fact, the ability of the United States to produce its own sugar must appear much more practicable even to the most incredulous.

It all depends, Mr. Chairman and gentlemen, upon what is done in regard to the tariff. If the tariff is allowed to remain as it is, this glorious future of the American sugar-beet industry is absolutely assured. If the tariff is removed or reduced, this most promising and beneficial industry will be cut down instantly, like summer flowers beneath the first killing frost of autumn. Can this great deliberative body hesitate a moment as to what its conduct should be in regard to this very serious and important matter? I for one will not believe that the Congress of the United States will vote to strike down this new American industry so fraught with benefit and profit to the whole country in opposition to the time-honored principles of the dominant party, in violation of the dictates of patriotism and common sense, and at the behest and dictation of the sugar trust.

A word to the little band of faithful followers, who from the first have been actuated by a devotion to principle, and I am done. Let us present an unbroken front and the victory will yet be ours. Our numbers have been depleted, and many have been convinced against their will and better judgment. Let us stand upon that bed-rock principle of our party—protection—and that immortal principle that all men were created free and equal, which principles together brought into being that great organization—the Republican party.

So grounded and ever inspired by considerations of justice and right to all the people, we will move confidently forward to a great and enduring triumph. [Long-continued applause.]

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries.

#### RECIPROCITY WITH CUBA.

The committee resumed its session.

Mr. WHITE. Mr. Chairman, while I regard the pending measure as important in some of its bearings as affecting the revenues of Government, not very materially, however, and as extending some relief to the people of Cuba, the most interesting phase of the subject, to my mind, is that the discussion of the bill will tend to dispel the delusion, which has so constantly been kept before the people of this country for political effect and for special interests and classes, that a high scale of tariff duties has brought all the happiness and prosperity we have enjoyed in recent years, for we have now the admitted fact here brought forward and advocated by those who have so persistently made this plea that this protective scale may be lowered upon one at least of the articles of daily use by the people—the sugar they consume—without destroying the domestic industries furnishing it, thereby presenting an ultimate hope to the great toiling masses of consumers of the country that a time may come when the various manufacturing interests supplying their necessities of life can reasonably be expected to pursue their business without being specially favored and fostered by Government aid at the expense of by far the more numerous classes of the people of this country, except to the extent the aid may be given in laying a just measure of tariff duties to raise revenue for the Government.

But we can not help but note the determined character of the struggle here being made to continue this protection, persistently



claimed now as a right, by the representatives of these favored industries. They almost shed tears in their pathetic appeals for the continuance of this favoritism to their particular sections and fostered industries, that accumulated corporate wealth may flourish at the expense of the people.

Thinking that these aspects of the case are made sufficiently manifest already by the discussion, I will ask the indulgence of the House to present my views briefly upon a matter which, to my mind, is of greater consequence to the American people than any other now asking for solution at their hands.

The policy pursued by the Government and the course of events in the Philippine Islands since the treaty of Paris mark an epoch in American history, not to be noted so much for the relinquishment of sovereignty over the islands by Spain as for the influence and ultimate effects upon our own country and its institutions; not so much to be weighed by any changed condition of the unfortunate inhabitants of these remote and to us worse than useless islands if the change has done aught but bring deeper gloom to them as by the drift and tendency upon our own political moorings and destiny.

Unhappy Filipinos, borne down by ages of foreign misrule, deprived of the boon of liberty and independence, seemingly won after years of repeated toil and suffering, stricken by an unlooked-for, irresistible hand, alluringly held out in apparent friendship and protection, when all your hopes and struggles for freedom appeared at successful termination, how doubly visited by a fate of adversity, an endless gloom of oppression!

It is well remembered how the negotiations of that treaty lingered; how it was soon known that Spanish authority would be withdrawn from Cuba, and Porto Rico ceded to us—conditions justified by the circumstances and approved by our people; how, when near the close of the treaty, the realization was first brought to our country that a cession of these Asiatic islands was to be forced upon Spain.

This result was not expected by the people of the United States, nor generally approved by them, but they awaited the course of events with feelings of uncertainty and apprehension. But little did they know the fateful consequences that were to follow. The event was of far-reaching, momentous importance; not, indeed, that the political power of one of the old monarchies of the world was to be removed, for Great Britain once before, in 1762, wrested these possessions from Spain, and after holding them two years, and finding them worthless, restored them by treaty; but the great and vital importance was that Spanish dominion over these distant territories was to be forever parted with at the mandate of the only nation of all ages founded upon principles of liberty and self-government, upon a solemn declaration on our part in the beginning that the purpose of the conflict which brought the result was to advance liberty, uplift humanity, and confer independence to those offering their lives for its blessings.

What result should have followed? What was the reasonable expectation? Why should we require this sacrifice by Spain of her ancient possessions improved by her efforts for centuries? Was it to compensate us for the cost of the war? No; for it was a coincident fact that the payment of \$20,000,000 came as a proposal from our commissioners upon demanding the cession of these islands. Was conquest the object? This was denied by our declaration and nowhere demanded by the great and generous people of this country.

No, Mr. Chairman, the motive inspiring the people of the United States had a higher purpose than paltry indemnity, useless conquest, or the acquisition of territory from a weaker adversary.

It was a motive to relieve the downtrodden—to strike the shackles of oppression from people contending for the right of self-government. And this high purpose should have been carried out by those intrusted with the Administration. There was but one rightful sequence, but one justification for the removal of Spanish power from the Philippines, and that was to confer upon the inhabitants the greatest of all political rights—that of free and independent government. The opportunity was then offered, as never before in all history, to vindicate to the world the strength, the grandeur, the beneficence, and humanity of our institutions, and recommend them to the intelligence of mankind.

To turn aside from this, our plain path of duty and sound policy, was to disregard the fundamental principles of our Government, the teachings and admonitions of its great founders, and every consideration of wisdom, peace, and safety. It was the greatest political mistake of any age. It was worse than a blunder; it was a crime.

The proposition may be laid down as easy of logical demonstration, if it is not self-evident, that the relative location of territory to that of our Union should form a controlling consideration in the question of making it a part of our national domain, whether with the consent of the inhabitants or not. No valid argument can be presented nor any just expectation entertained that islands or territory thousands of miles from our shores, not

a part even of our continent, can bring to us the unity of purpose, the same aspirations, joint efforts, and common interests that bind together the people of our States in the ties which constitute our pride in peace and bulwark in war.

If these elements of sympathy and joint interests are not to be found in the possessions and among the people to be united with us, if there is to be no cooperation in a common destiny and in public dangers, what desirable bond of union can there be? But when there is added the still greater obstacle, that of the determined opposition and hostility of this remote and numerous people, there is presented a barrier to a beneficial or peaceful union of the gravest nature, and in view of our form of Government, one that is insurmountable; especially as is the case here, when their numbers, geographical position, state of civilization, and capacity for self-government point to the conclusion that a separate nationality would be a measure of justice and an act of humanity to them—considerations which address themselves to our people as well as to the intelligence of mankind, in behalf of right and justice. For I hold the proposition as reasonable and supported by the history of the world that when these conditions to form a separate nation exist, the people possessing them, who aspire to independence, will never long submit to foreign dominion.

This is not a question of acquiring situations for commercial purposes, for coaling stations, or for military or naval operations; of taking possession of uninhabited country; of extending civilization to people incapable of governing themselves. A course of policy based on these motives and considerations is not found here. These are not the dominant questions, and when they are interwoven in the arguments in defense of this dangerous and unjust course suddenly thrust upon our people they only tend and are only meant to obscure the real purpose and objects of the advocates of military rule and force, always the first and always the greatest danger to republican institutions. There is no precedent to be found in former acquisitions of territory to our Union for this policy. It stands alone in all our history in its hideous characteristics of militarism, of useless conquest, of barbaric slaughter; of disregard of all primary principles and teachings underlying our political system, of utter and open departure from all of our former professions.

And how easy to have avoided this war—this useless waste of treasure and life. It only required a just and considerate application of the spirit of our laws, a due regard for the rights of others, sympathy for the distressed, and attention to the precepts of religion and cause of humanity. It needed only a friendly, candid, and honorable declaration by this Government that, subject to such control and occupation for peace and order as needed to protect life and property, upon the withdrawal of Spanish authority these islands should be free and independent when a stable government was established by their people, in the formation of which our Government would lend all needful assistance. Such a declaration would have been an act of the greatest wisdom and justice, of sublime duty and humanity.

But we are told that large commercial advantages will arise from our governing this archipelago rather than to allow the natives to do so themselves. How these benefits are to accrue, however, is not distinctly set forth, and in view of the admitted poverty of the people of these islands they are not made manifest, unless we shall further impoverish them by military rule and exactions, excessive taxes, or oppressive conditions imposed in trade. It must be noticed, however, that so far as our trade has increased with the country of these stricken people since our occupation, it is accounted for chiefly, if not solely, from supplying our military and naval forces there.

It is also claimed that the Filipinos are uncivilized and incapable of self-government. This is an assertion easily made and has often been the plea for oppression. It is equivalent to saying that Spanish rule has never brought advancement to its colonies, notwithstanding the building of churches, cities, institutions of learning, and all the establishments for national, religious, and educational progress. While Spain from time to time has lost her vast colonial possessions, she has always left remaining magnificent works of art, architecture, and learning—monuments to attest her power and civilization wherever she has ruled. And if Spain could not civilize these people in three hundred and seventy-five years, a mighty task indeed have we taken upon ourselves. But while portions of the inhabitants of these islands are uncivilized, the assertion is shown to be unfounded as to the classes and sections that would furnish the mental forces and energies that would control in forming and administering a government for their country. The conflicts of these people for their liberties have brought forward men of ability who have evinced to the world that they are fit and worthy to control the destinies of their country.

But if it were true that commercial benefits would result to our country by holding these islands permanently, or that their people are uncivilized, wherein moral and religious agencies might



be better applied than the sword, still these contentions are inadmissible and should not control if the structure of our institutions or considerations of sound policy should dictate that it is wrong to force our rule upon these people who once looked to us for succor, friendship, and protection.

And upon this question, which may be the turning point of our entry upon that course which has hitherto marked the destinies of nations, the experience, enlightened judgment, and patriotic sentiment of the American people must be invoked, until a final and just decision is made for the honor and for the weal or woe of this Republic.

Mr. Chairman, in all former additions of territory to our country that might affect its welfare, of Louisiana, Florida, Texas, California and New Mexico, Alaska—more especially all the first named—their fitness in our national boundary and system, that they might aid in the common advancement and national strength, weighed as the controlling considerations. They were but the natural extensions of our country, dictated by wise foresight and just policies.

So far as I am concerned, Mr. Chairman, the counsels and admonitions of those who laid the foundation of our political fabric shall be a sufficient guide. And it will be an evil day when the American people shall forget or turn aside from these warnings and teachings. The great author of our Declaration of Independence said:

Governments are instituted among men, deriving their just powers from the consent of the governed.

Peace, commerce, and honest friendship with all nations; entangling alliances with none.

The Father of his Country said to us:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connections as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. \* \* \* Our detached and distant situation invites and enables us to pursue a different course. \* \* \* Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? \* \* \* In offering you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of passions or prevent our nation from running the course which has hitherto marked the destiny of nations.

In direct opposition to these teachings we now have proclaimed the uncertain and boastful doctrines, bounded by no determinate limits, of a liberal construction of our organic law; of strong, aggressive foreign policies; of making our nation a world power; of expanding our possessions to distant islands and countries for commercial purposes; of great and ever-increasing naval and military establishments.

A mission of peace to the people of the Philippine Islands will be sent from our people in the near future, I trust, bearing the message of freedom and independence for them. Let us hope that this blessing to them and honor to ourselves may not be long delayed. [Applause.]

Mr. SWANSON. Mr. Chairman, during the progress of this debate I may have said something to my friend from Georgia [Mr. BARTLETT]—I think it is possible I did—that may have been discourteous to him. I desire to say that there is no member on this floor on either side whose relations have been more intimate than those of the gentleman from Georgia and myself. We have been like two brothers. There is no man for whom I have a higher personal regard as to his patriotism, integrity, and ability than I have for him. His family and mine are as intimate as any two families in Congressional life can be. I desire to say that if I said anything that wounded his feelings or was in the least discourteous that I regret it, and I desire to disclaim to the House and through the House to him any intention to wound his feelings or to be in the remotest degree discourteous. [Applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAMILTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

S. R. 77. Joint resolution providing for printing the general index to published volumes of the diplomatic correspondence and foreign relations of the United States.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 201) granting an increase of pension to Jane K. Hill.

The message also announced that the Senate had passed with amendment the bill (H. R. 13627) making appropriations to supply additional urgent deficiencies for the fiscal year ending June 30, 1902, and for other purposes; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, disagreed to by the House of Representatives, had agreed to the con-

ference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. LODGE, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12536. An act to further amend section 2399 of the Revised Statutes of the United States.

#### RECIPROCITY WITH CUBA.

The committee resumed its session.

The CHAIRMAN. The gentleman from Texas is recognized for forty-five minutes.

Mr. BURGESS. Mr. Chairman, this bill now offered to this Congress, stated in legal effect, means this: That America says to the independent established government of Cuba, if you will pass immigration-exclusion and contract-labor laws as restrictive as ours, the President of these United States will enter into negotiations with you, and if you will agree and bind yourself by treaty to so adjust your tariff laws as that American manufactures and products shall get admission into your territory at 20 per cent less than those of any other country on earth, then this country will agree that you can send your products into ours at 20 per cent less than the present tariff rates.

Now, as a Democrat, I can see no reason on earth why I should give my support to that bill. I see no reason, in fact, why any Republican should give his support to the bill. It is purely a Republican Administration measure, forced into this House under a party whip cracked as never before in its history, and attempted to be foisted upon the country by a combination of Republican and Democratic votes. There is no substantial reason to uphold it before the thinking and intelligent masses of this country.

It is offered under a pretended cry of relief for Cuba and moral obligation to Cuba. So far as I am concerned, I am frank to say that the action of this and the preceding Republican Administration with reference to the Philippines and the sullen silence of both while the governmental tragedy of the century is being enacted in Africa does not make me believe in its sympathy for any people anywhere. As I see it, Republican sympathy is a question of profit. It is trade wind solely. It is a mere interrogative emotion, and with Republicans the only question is, "Will it pay?" Nor do I believe that the facts justify sincere sympathy for Cuban distress.

The hearings before this committee have forced men who originally began to support this bill on the cry that Cuba was bankrupt to shift their position, and from the statement of facts take the position that it was a prophecy of the future. The hearings before the committee have demonstrated beyond question that labor is now employed and well paid in Cuba, that so far as present distress is concerned it does not exist in the islands. And I will tell you that, so far as threatened disaster is concerned, the chances are far greater for it to occur in Louisiana than in Cuba. I tell you the Cuban is not the only man who suffered by the low price of sugar. I tell you it has hurt the beet-sugar man of the West, and it has staggered the enterprise along that line in Texas and Louisiana.

I tell you if you dare assert that the Cuban can not make sugar at a profit at half the cost that it can be made in Louisiana and Texas, you simply do not know what you are talking about. I tell you that under the present price of raw sugar in the markets of the United States the Louisiana cane raiser is trembling on the verge of bankruptcy. I can call some names of those who within a year have had their plantations sold out from under them on account of their losses in the cane-sugar industry.

I tell you the distress is more threatening and imminent with them than the Cubans, and if you are going to base this matter on charity, I insist that it shall begin at home. The reasons why this is true are simple and obvious. In no part of the United States can cane be raised without replanting every two years. In Cuba it can be raised without replanting in from ten to fifteen years. It takes 1 acre of cane to plant 3 acres to get a crop, and it is easy to figure that upon that proposition the island of Cuba has 33 per cent advantage over the cane raiser in any section of the United States.

Not only that, but by reason of the soil and climatic condition more tons of cane per acre can be raised in Cuba than in any section of the United States. Not only that, but in Cuba there is a greater extraction of sugar per ton than in the United States. In Cuba they use no fertilizers, and in Louisiana this has gotten to be a considerable item of expense. In Louisiana the cost of drainage is another considerable item, and the planters are heavily taxed to maintain levees to protect the crops against high water.

Not only all this, but in Cuba there is never any danger from a freeze, while in Louisiana this is ever present, and scarcely a year passes but what the crop is to some extent injured by frosts, and some years nearly destroyed. These are the reasons why under the existing tariff law sugar production has so vastly increased in

three years in Cuba, while the growth of the industry in Louisiana and Texas has been slight. I am no protectionist, but I am frank to confess that to the limit admissible under Democratic principle so long as I am in Congress I shall remain the friend of the agriculturist and the stock raiser of this country.

They have the supreme merit in my eye of being the investors in American enterprises, and their interests are not to be compared with the American and Spanish land grabbers in Cuba, who seek to enrich themselves by investment in American and foreign enterprises, and who are hand in glove with the protected manufacturer of this country, who would filch from the consumer in both this and the Cuban market under this bill.

I am opposed to stimulating sugar production in Cuba and trust the sugar interests will prosper in this country, for it is clear that the increased sugar production in Cuba will aid no agricultural interest in this country, whereas the increase of cane acreage in this country offers a practical crop diversification in the reduction of cotton acreage, its decreased production, and a consequent increased price for cotton, the production of which now is not profitable, and but for the discovery and growth of the cottonseed industry would be ruined.

I believe the sugar tariff one of the best schedules of a tariff for revenue bill; that it produces more revenue with less injury to the toiling masses, and bears more evenly in burden in proportion to wealth than almost any article which produces any considerable revenue. When a tariff revision comes the raw materials of the South and West ought to be the last reached and the least reduced. Why not tackle and reduce the tariff on agricultural implements, barbed and smooth wire, locks, hinges, nails, and all those articles so highly protected which are essential to agricultural development, and the building of homes for the people?

I am for an honest tariff for revenue, for a revision of the present outrageous Dingley bill, so arranged as to break up and destroy the trusts and bring relief to the toiling masses. I am bitterly opposed, however, to free trade for the South and West and protection for the North and East, you may call it what you please. [Laughter and applause.] And that is the tendency of this Republican reciprocity scheme, to maintain protection in the North and East, while it seeks to broaden the markets for such protection by trading off tariff schedules on raw materials of the South and West.

I am for the old Democratic doctrine of equality in taxation, and I desire a revision of the tariff so arranged as that one section shall not be traded off for the benefit of another. Nor do I believe that the parties who would get this alleged 20 per cent reduction deserve it at our hands. Who are they? Who are these poor, distressed Cuban planters that seek a benefit of 0.34 of a cent a pound on sugar? I will tell you. All the testimony before the committee shows that at least 65 per cent of them are Spanish and American investors in an industry in a foreign country that asks us to surrender our revenues and facilitate the investment of American money under the flag of another country.

That is neither Democracy nor Republicanism, it is neither patriotism nor Americanism, and I will not support any measure that tends to throw out a life line to people who have not the nerve to plant their stuff in American soil. [Applause.] I have got no sympathy with the land grabber, whether he is in the Philippines or Cuba or Porto Rico or anywhere else.

We have lots of fine land all over this broad country, stretching from Maine to Mexico, and if you have any money and patriotism I want you to stay at home and plant it here, and keep your family here, and not invest it in Cuba, and then knock at the doors of the American Congress and ask for relief so that you can get rich and enjoy your European trips abroad. Get out, the whole brood, for I have no sympathy with such a gang. [Laughter and applause.]

Some of them have tried it, have money invested in Louisiana. I am not calling names, but I can do it. They found out that it did not pay under the existing tariff laws, and they went and invested their money in Cuba. They hid themselves away and planted it in Cuba, and I do not care if they lose every dollar of it. I would like to help do it. They deserve no consideration.

This is not attacking the bill on any party lines whatever. I want to say to you that, as a Democrat, I do not believe a single Cuban will get relief to the extent of a single nickel under this bill. I want to say to you that many Democrats are going to stand by me when I fling out what I believe to be the old flag of the Democratic party, that never trailed in the dust on the tariff issue no matter how much tattered and torn it may have been on other lines.

I understand the Democratic party contends that the consumer pays the tax. I understand that it was only the protectionist and the Republican that ever contended that the foreigner pays the tax. I can understand how the gentleman from New York [Mr. PAYNE] and the gentleman from Ohio [Mr. GROSVENOR] and the Republican leaders who have rocked its cradle—and I trust they

will live to stand by its grave—I understand how they can argue that the foreigner pays the tax, and that if you take off 34 cents you will put it in the pockets of the poor Cuban, but how a Democrat can believe that passes my comprehension.

I understand, as a Democrat, that the consumer pays the burden of the tariff tax which is put on the product that comes into this country. If that is true, then the reduction of this 20 per cent is a sham and a pretense, false from every Democratic standpoint, and ought not to receive any Democratic support. It will not get mine, I will tell you that right now. [Laughter.]

I am not going to vote for a miserable pretended policy that overturns every Democratic principle that I have fought for, whether in Congress or out of it, whether in office or out of it, since I attained my majority. [Applause.]

The true economic view, as I understand it, of tariff taxation is that it operates to interfere with the law of supply and demand—that it tends to shut out supply; and if we bar off supply, while the demand does not diminish, we increase the price; and that is why the consumer pays the tax.

Now, suppose we make this reduction of 34 cents on the 100 pounds, what would be the effect? Would the Cuban get the benefit of it? No. Why? Because it will not add a single purchaser to his present market; not one. Who buys the Cuban sugar that comes into this country now? The American sugar refiner, for purposes of profit. Will this bill add a single purchaser to the market for the Cuban crop? Not one.

Now, mark you, I admit that if this measure were to continue in operation for ten, fifteen, or twenty years, possibly it might open an inviting field to competition with the American Sugar Refining Company. Other companies might spring up, so that in the competition for the purchase of the Cuban sugar the Cuban might ultimately get more. But you fix a limit upon this thing, so that what I have just described can not possibly happen. You have so framed this measure that it applies only to the crop now in hand and the next crop. Into whose hands will the present crop go?

In my judgment it will all go to the benefit of the American Sugar Refining Company, giving only one more crop for this law to operate upon. No American capitalist will be foolish enough to start and organize another sugar refining company to become a competitor with the American Sugar Refining Company for the Cuban sugar crop. Hence the market for Cuban sugar will not be extended; the demand will not be increased; the supply will be the same. Hence the American Sugar Refining Company will purchase under the same market conditions and for the same price, and the Cubans will not get a nickel of relief. This I understand to be Democratic doctrine, hoary with age and sacred with legislative enactment.

Where, then, will the benefit from this measure go? Some say that the price of sugar in this country may be reduced, and we are urged, upon the theory that this is genuine tariff reduction, to support the measure. But, sir, there is not a man in this House who in his heart believes or who has the courage to proclaim it as a logical proposition growing out of this bill that there is to be a reduction in the price of sugar.

No one here has dared to make such a statement. The pretense here wobbles between the suggestion that this measure may give relief to the Cubans and the suggestion that it may give relief to the American consumer. But in fact there is no faith in any such relief. Gentlemen in their hearts doubt whether it will give Cubans or Americans any relief; and this proposition applies to the other side of the House just as well as this. I will not draw any party line on that proposition.

That is enough to condemn the measure—the fact that none of the experts of either party are agreed as to where the money will go, except that all agree that possibly it will go into the till of the American Sugar Refining Company. I do not propose to take that risk. I do not propose to have my intelligent and honorable constituency charge me with having contributed to that result and to have me explaining a much worse position than that which some Democrats are to be called upon to make for having voted for this bill.

Mr. Chairman, I maintain that the consumer in this country will not get any benefit under this bill. It really is not necessary to argue this proposition, because every member of the committee who reported the bill has agreed upon that. That is the one thing which no one seems to differ about. The gentleman from New York [Mr. PAYNE] says in his report:

All the experts who were called before the committee admit that the price of sugar will not be less to the consumer on account of the 20 per cent reduction proposed.

Who disputes that? Why is that true? Because of the differential on refined sugar, which increases the tariff, which gives life and existence to the American Sugar Refining Company, and which, it is pretended, amounts to only thirteen one-hundredths of a cent, does in fact, under the manipulation of the "Dutch



standard" test by the American Sugar Refining Company in its importations, amount to at least forty one-hundredths of a cent. That is the truth about the matter. Nobody knows—not even the expert can tell—exactly how much benefit the American Sugar Refining Company now gets under the miserable schedule rates of the Dingley bill on sugar.

In this way competition in refined sugar in this country is barred off. The sugar trust buys raw sugar in the Cuban market at the same price as before. He brings it into this country, pays a less tariff, puts the difference in his pocket, and sells in the same restricted market as before.

Do you believe the trust voluntarily surrenders any of its profits? I do not. Do you believe this trust, from motives of pure philanthropy, will reduce the price of sugar to the American consumer? Not much. So that I reach the logical conclusion that this bill of itself, by reason of trade conditions under the existing unaffected schedules of the Dingley bill, will not add one cent to the profits of the Cuban planter, nor will it cheapen the price of sugar to the American consumer. It is a Republican trust measure, pure and simple, and every particle of the reduced tariff will go into the till of the trust. The reason is obvious why its agents in public and private, by pamphlet, circular, lecture, and speech support the bill.

Now, I do not say that sugar may not decline in price after the passage of this bill. That is far less certain, however, than that the stock of the American Sugar Refining Company will go up. Nor do I say that the price for Cuban raw sugar may not slightly be advanced by the trust. If either or both occur, however, there will be method in the seeming madness of the trust.

I think it likely that the trust may decrease the price of sugar in this country at points where it competes with refined beet sugar for the purpose, not of benefiting the American consumer, but of injuring the beet-sugar industry, its only competitor in the American refined sugar market; and that it may increase the price for Cuban raw sugar in order to stimulate production there and check development here in Louisiana and Texas, its object in both instances being to ultimately increase its monopolistic power and profit.

The remainder they will doubtless contribute to such campaign funds as will inure to their benefit in the coming Congressional election, in the main in the interest of Republican nominees, for, while I do not contend that the American Sugar Refining Company exactly owns the Republican party, it has a good, solid lien upon it.

I do not say that it will contribute alone to Republican success. It is wonderfully impartial. It will help anybody that will help it. I believe Jay Gould told the truth of all these concerns when under oath he once said of himself:

In a Republican district I am a Republican, in a Democratic district a Democrat, in a doubtful district doubtful, but I am always an Erie man.

So with the trusts. But that is not the worst of this measure from a Democratic standpoint. My contention is that is a straight Republican policy outlined in this bill, that it is Republican reciprocity from start to finish, advocated in all their tariff legislation and national platforms since 1890 and denounced in all our platforms and voted against by Democrats in all tariff legislation since 1890. Now, let us see if I am not correct in that. The distinguished chairman of the Committee on Ways and Means says in his report:

The action of the committee is in entire accord with the reciprocity doctrine of the Republican platform and the declarations of President McKinley and President Roosevelt—proposed revision of the tariff or anything not entirely in harmony with the maintenance of the protective system.

Mr. GROSVENOR, who recently delivered a searching and critical lecture to the insurgents in his camp, leads up in an extended argument to the conclusive presumption that reciprocity found its place in the legislation of the country under the Blaine régime and the McKinley bill, and that that bill contained a provision, as well as the present Dingley law does, in exact accord with this policy of trading off the revenues of one agricultural country with the revenues of another agricultural country, condemned in express terms in the national Democratic platform of 1892.

Mr. PAYNE says in his argument in this House:

Why, the Republican party started out on the idea of reciprocity in 1890, and section 3 was ingrafted into the McKinley bill providing for reciprocal trade relations; and when the committee and Chairman Dingley were making the sugar schedule of the Dingley bill we had a section 3 that provided that the President might make reciprocal trade relations with other nations, and when he did, and proclaimed them a good deal after the manner as stated in this present bill, then that certain duties should be decreased, and one of the duties to be decreased was the duty on sugar.

Turning from these words of the two recognized leaders of the Republican party, and turning to their platforms of 1892, 1896, and 1900, you find they sing continually the joint praises of protection and reciprocity. They say in one sentence the two policies are "associated policies." They say in one platform, "Protection and reciprocity are twin measures of Republican policy

and go hand in hand." I believe that is true. "Democratic rule has recklessly struck down both, and both must be reestablished."

I believe the hand of Democracy and the Wilson bill struck down protection and reciprocity, and I hope that there will be another reunion of Democratic hosts of this country that will strike down both these twin doctrines that now stand on the statute books in the Dingley law. What has the Democratic party said on this subject? It is the one bright light that shines along its pathway from 1840 down to to-day.

It has forever declared we favor a tariff for revenue so levied as to meet the needs of honest government economically administered, and really there never could have been any other Democratic position than that. Why? Democracy from its birth draws its inspiration out of a strict construction of the Constitution of the United States in its just application to the conditions of the country.

The Constitution provides, as a means of raising revenue, for a tariff, and hence out of that grew the old Democratic position that a tariff for revenue was the only constitutional tax, and that to exceed a tariff for revenue to meet the needs of honest government economically administered was to violate the Constitution as well as sound economic principles.

That is one issue upon which the party has never divided, even in the exciting times that led from Grover Cleveland's last Administration down to our last defeat at the polls. Men of all shades of political thought in the Democratic party have adhered openly and unflinchingly to this flag "of tariff for revenue." Certain people are trying to proclaim the doctrine now in this country that the Republicans have torn a leaf from the gospel of Democracy and proclaimed it as true Republican dogma with reference to this question of reciprocity.

I deny that the Republicans stole reciprocity, but I am willing to admit that if they did, it was only after the chemistry of commerce had converted the drug into a poison, and it had been abandoned as useless and worthless, that the Republican party took it up to use to strengthen on their feet the staggering and intoxicated trust-ridden industries of this country.

But before I leave the platforms on this subject I want to read a declaration from the national Democracy that I think concludes this debate, fairly considered. Something has been said about the traditional policy of the Democratic party being in favor of reciprocal trade relations. Of course it is. It believes in the equality of trade everywhere, on equal terms, as well as just taxation. But that is not the question presented in this bill. This bill forces a reciprocal treaty with Cuba that is not equal and just to either of the contending parties, or just to the outside world with which we trade. What said the 1892 platform on reciprocity? Listen!

We denounce the sham reciprocity which juggles with the people's desire for an enlarged foreign market and freer exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products—

Speaking of our own country at that time, in 1892—

with other countries that are also agricultural, while erecting a custom-house barrier of prohibitive tariff taxes against the richest countries of the world that stand ready to take our entire surplus of products and to exchange therefor commodities which are necessary and comforts of life among our own people.

That has the genuine ring of Democracy in it. It was these pretended trades that you want to make with countries that are agricultural, and hence in competition with the farmers of this country, whose products can not be protected here, and sham trades in the further interest of protection that can possibly bring no benefit to the toiling masses in this country.

So I find that by Democratic platforms, by Republican platforms, by Republican leadership, this bill is Republican reciprocity. And if GROSVENOR, of Ohio, and PAYNE, of New York, and DALZELL, of Pennsylvania, are not Republican authorities upon Republican doctrine, I do not know who is.

Turning from that, I say that the policy of reciprocity is wrong, even if the Democracy had never written a line on the subject and Republicans had never written a line on the subject, and it was a question of "first impression" for Democrats to consider now. Why? I say it violates every Democratic principle pertaining to correct domestic policy, and to correct foreign policy as well. A tariff for revenue fairly levied to meet the needs of an honest government economically administered—in such a system as that I ask you what place would exist for this traffic in revenue with another country?

What would you have to trade on if you had a just Democratic tariff? Upon what basis would you offer to trade with any country on earth? Can you answer that successfully? But you may say, "Well, we can not get that." The difference between you and me, then, narrows down to this: I believe we can, I hope we can, I am ready to fight for it, but you are ready to surrender at the firing of the first gun. That is the difference. The traffic in revenue says to another country, "You lick our skillet and we



will lick yours." This will invite the enmity of every other nation in the world and incite them to unite to break both skillet and lick us both. That is the narrow, short-sighted statesmanship of Republican reciprocity.

And that is not the worst of it. It was a scheme cunningly devised by the shrewdest protection leaders this country ever had to escape the clamor for tariff revision, to maintain protection in the East and North, and at the same time to appear to yield to the clamor by extending the power of these protected industries at home by trading off a few minor interests for a market extension abroad.

How did protection and reciprocity arise? They are twin children, born at the same time, and born of the same mother—protection. Why, many of these older Democrats can remember the time when the cry of the protectionist was the "home market." When you declaimed against protection he said to you, "The home market is abundant to meet and call for all the output of the manufacturers of this country. Protection can not hurt so long as it only forces the development of manufacturing industries here and the home market calls for their products."

But that period is past and gone forever. It is the dream of the gentleman from Ohio and the gentleman from New York that was dreamed years ago. It has long vanished. To-day the factories in this country are making more than the home market demands. What was the result when we reached that condition? Why, at once two things occurred. The trust was organized to prevent competition in the home market, and aid the organized manufacturers to hold up prices to the tariff limit and continue to filch from the pockets of the American consumer; and on the other hand reciprocity was invented to extend the foreign market and further aid the same protected manufacturer at home.

They are twin children of the same miserable mother, and no Democrat ought to think for a moment of supporting either one of the policies. For my part I had just as soon vote for Republican reciprocity as for Republican protection. I do not care a cent which one comes first. I know they are both unmitigated curses, if the Democratic view of the tariff is right, and I will vote for neither. On the Republican side they are both considered as "policies." Conceding reciprocity is a policy, I will not vote for a "policy" that overturns all the principles in which I believe. I believe the people of this country are clamoring for genuine, honest tariff revision. I believe it can not be much longer denied, and unless tariff reform is wounded in the house of its friends it will be effective in the next Presidential and Congressional elections.

The people are feeling the effects of these trusts having been formed in barbed wire and agricultural machinery, and that they are selling them cheaper to other countries than they are to our own, that the people of Cuba will get them for less than the United States, and these old farmers are pressing these truths home to their Republican Representatives in Congress; and that is why Mr. BABCOCK got a move on him, and that is what is the matter with that crowd. They see the handwriting on the wall. I tell you this country will not remain dominated by the protected trusts. It will be broken down ultimately or the Government itself will go down in wreck and ruin. Do not doubt it.

But I have said that this policy of reciprocity runs counter to the true Democratic American foreign policy. How? For one I am as proud as any living American of the great commerce and industrial supremacy of America. No man lives who loves the flag with a deeper devotion and who would be more willing if it was imperiled to give his life to defend it than the man who now addresses you.

I am proud as an American that we are capturing the markets everywhere, that American invention, American labor, American skill, and American enterprise, the "get up and get," that policy of "get there" that Sam Jones talks about, is making us the greatest nation in the world. Let me tell you that it is provoking the enmity of all the other nations. Sullenly and silently there is coming a feeling in Europe that the commercial supremacy of America must be checked and their markets rescued from this horde that have invaded them.

I am in favor of no policy that will give them just cause for resentment against America and throw us into a commercial war, as nearly all the wars of our country have been. I regard this as the immediate threatening danger to America, and that this policy will ultimately lead the European powers to enter into a combination to check our commercial power, the great power of American commercialism. Why do I say that? I say that you have not read the history of the world right if you do not recognize the fact that most wars we have had have had commercialism behind them.

Now, let us see how this foreign policy of reciprocity works. We have had members of the Republican and Democratic party with one glad acclaim hailing the wisdom and statesmanlike policy indorsed by Cleveland and McKinley of the open-door policy

in the Orient. It is a very good policy in China. Why is it not equally fair when applied to Cuba? Will not Europe think we are discriminating against their trade in a country foreign to ours as well as theirs.

Can they not justly say, You miserable traders in revenue, you talk about what you have done for Cuba, you prate about your patriotism. You took by war the gem of the ocean from Spain and pretended that you did it in the interest of freedom. You have hedged that about with Platt amendments; you have coerced them into tariff discrimination against all of us to their injury and to your benefit, and yet you ask us to join with you in maintaining an open-door policy of trade in the great markets of the Orient, and that in spite of your Chinese-exclusion acts, your restrictive immigration and contract-labor laws, all of which you have coerced Cuba into adopting. Why should we not join in coercing the countries of the Orient into closing this open door against American manufacturers, and leave it open only to us? Why should we not retaliate on account of your miserable Cuban policy? If you do this with one independent American republic, what assurance have we that you will not at the first opportunity take similar action with the other South American Republics under the wing of your Monroe doctrine. Why should we not unite in barring American products wherever possible in any of the world's markets. If you call on this commercial war, why should we not fight for our trade?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Texas. Mr. Chairman, I ask unanimous consent that my colleague may be permitted to conclude his remarks.

The CHAIRMAN. The Chair desires to say to the gentleman from Texas that he has agreed to recognize other gentlemen, and an extension of the time prevents other gentlemen from being heard and from speaking at the time they expected.

Mr. COOPER of Texas. My colleague thinks that ten minutes will be sufficient for him to conclude in.

The CHAIRMAN. If the committee desire to shut out other gentlemen the Chair is not responsible if they can not be heard. Unanimous consent is asked that the gentleman may be permitted to continue his remarks for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURGESS. Now, rapidly trying to conclude, Mr. Chairman and gentlemen, this foreign policy, in my judgment, to which we will be committed when we vote to support this bill is the most dangerous feature under existing conditions. My friend from Virginia [Mr. SWANSON] tried to meet the argument of my colleague [Mr. BALL of Texas] in discussing this bill of forcing on Cuba a protective wall of 20 per cent by saying that the Cubans could reduce the tariff in our favor and make up the necessary deficiency by an internal-revenue tax, and thus met Mr. BALL's argument. But it does not meet mine.

I do not care whether he lets the tariff up or down, it will be 20 per cent difference in favor of the United States against every nation on earth, and we will be charged with having, as the guardian of our ward, forced that international principle upon an independent nation against the interests of European countries, and they will say to us, you have no right under our international law to ask us to join with you in an open-door policy anywhere.

The diplomats of Europe, ever ready to take advantage of our mistakes and turn them to their commercial account, will turn this unreasonable proposition against the American people, and it will result in God knows what. For one I am not willing to commit myself to it. I would rather stand for the old doctrine of peace and amity with all nations and entangling alliances with none. And of all the entangling, contemptible, miserable alliances is the selfish one based on the dollar; having no patriotic sentiment in their union, and offering nothing on earth to posterity.

I have no feeling against Great Britain, but I have a bitter contempt for any sort of an alliance with her, commercially or otherwise, against any other European powers. I feel the same way toward Germany, France, and Russia. Let us have the old-time Democratic peace and amity and good will of all nations and no entangling alliances. Let us dare to hold the Democratic doctrine of tariff for revision for revenue, and repudiate the sham reciprocity which seeks to juggle with the revenues of the people.

In conclusion, gentlemen of the committee, I welcome the fact that this controversy has arisen, has been intense, has been bitter and prolonged, for I am one of those who believe that discussion which leads to thought and investigation is one of the surest aids to Democratic supremacy, and a benefit to the toiling masses of this country. Whether this bill passes or not, Democracy will be strengthened. Reciprocity and representation are two issues which will not bear honest investigation, and I regard the Cuban and CRUMPACKER as both unwittingly giving friendly comfort to Democratic hope of success.

It is time that the farmer and stock raiser of this country should awake to the realization of the fact that the Republican party offers him no substantial relief, and that if he is inclined to its



support he had better pause ere he trades off his birthright for a mess of political pottage.

In the coming Congressional and Presidential campaign, older and abler hands than mine will snatch the mask from the face of protection and her twin children, the trust and reciprocity, and then aroused patriotic conscience in the American voter will force at the polls, not a reorganization of the party of the people, but a reunion under the old flag and on the old battle ground that shall bring an overwhelming Democratic victory.

I can hear the tread of the gathering clans as they come from divers pathways, merging into the high road of tariff reform, which leads to the old and ever victorious Democratic battlefield of "Equal rights to all and special privileges to none."

I can see gathering on the one hand the battle-scarred veterans who followed the golden banner of Cleveland and Carlisle. I can see on the other hand the gathering of the great clan who followed the silver-starred banner of Bryan and Bland. I can see gathering and mingling with these the faces of thousands of patriotic recruits coming from paths leading from all parties, and mingling in the great patriotic reunion of the forces of the people against the oppression of protection, trusts, reciprocity, and imperialism.

I can see floating serenely among this great gathering of hosts the old-time Democratic banners with their old-time inscriptions, and I can hear the trumpet call to conflict, as of old. I can hear the shout of our great commander in that coming battle, whose obscure face I can not now define, as he calls to this host of people with the old cry, "We denounce the doctrine of protection as a fraud, a robbery of the many to enrich the few. Down with trusts and with imperialism and rescue this Republic from the hands of those who now would wreck it, and save 'the government of the people' to the people!"

The issue of that conflict can not remain in doubt. If this reunion occurs a triumphant victory will crown such a Democratic reunion, and again in the sweep of the century will be demonstrated the deathlessness of Democracy. [Prolonged applause.]

Mr. MEYER of Louisiana. Mr. Chairman, in what I shall say upon this bill I shall endeavor to avoid any personal reflection upon any member of this House, so far as motives are concerned, and also upon the Executive. But, sir, I can not speak or think of this bill without indignation. It violates the economic principles declared and recognized by both of the two great political parties of the land. It disregards their solemn pledges and plain duties. It makes war upon the most elementary principles by which the statesmanship of great and wise nations is managed and has been managed all over the world, including the better days of our own Republic. It flouts the teachings and maxims of our wisest and most renowned statesmen and Presidents. It makes war upon two of our industries, both agricultural industries, North and South and West, which are supporting hundreds of thousands of laborers, and which, though now temporarily depressed, promise upon the highest authority a great development in the immediate future.

#### SELECTION OF VICTIMS.

There is some impartiality, I concede, Mr. Chairman, in your selection of your victims. You assail directly and confiscate one hundred and thirty millions of capital invested in some eight or ten States of the Union under the implied pledge of your past legislation, and you injure, also, affiliated industries in these and many other States. The white man in Michigan who grows beets or makes beet sugar you are willing to ruin as quickly as the Louisiana planter. But this is not enough for you. You turn out of employment over a quarter of a million of black men whom you enfranchised in 1865, and to whom we are giving employment and bread, and will continue to give bread as long as we are allowed by you to do so. With all your loud professions you seem to think you owe these negroes nothing. Your bill says to them,

"ROOT, HOG, OR DIE."

It says, "Go to the cotton fields and labor markets, if you can pay your way there, and help to beat down the wages of your fellow colored man;" or, if you can not get work there, borrow an idea from the grand army of Cuban patriots, who by threatening robbery and brigandage secured three millions of bounty from the United States Government at the close of the Spanish war. But the black man of Louisiana no longer claims your sympathies. You have set up a new idol—a new object of worship. You are greatly concerned, or profess to be, about the Cubans, the Spaniards, the Africans there, the mass of Asiatics or coolies, and the planters, Spanish Cuban. I say "profess" carefully.

#### THE NEW YORK SUGAR TRUST THE BENEFICIARY.

The slightest knowledge and investigation of this question discloses the fact that the Cuban planter and his hands will get little benefit from this destruction of our sugar industries. The profit

will go almost entirely to the great New York buyer of this sugar, the only buyer—the New York sugar trust—who will fix the price and dictate terms. They will get the Cuban sugar now produced and in prospective at lower rates, and in this way their existing differential, out of which they have made such enormous dividends, will be largely increased. The title of this bill should be changed so as to read: "A bill to increase the differential of the sugar trust and to augment their profits, while the cane and beet-sugar industries are destroyed." The title of the bill should correspond to the actual facts and the known effect of the bill.

I propose to speak on this bill not as a mere partisan. [Applause.] It is really as hard to excuse a Democrat who votes for it as a Republican who does so. Although this is an Administration measure, and without the urgency of the Executive could not stand one hour in this House, we find a number of Democrats willing to support it. It is hard to conceive why they should do so. I counsel no mere factions opposition to the recommendations of the President on any subject, and in my service here for ten years I have never indulged in it. Now, the Democrats on the Ways and Means Committee endeavored to amend this bill. They tried first to abolish the differential duty of the sugar trust. The Republican members voted that proposition down. The Democrats have nothing to expect in the way of political help from the sugar trust; they know well its unscrupulous character; and it seems to me that this revelation of its purpose alone ought to have sufficed to lead them to vote against this bill first, last, and all the time.

There was another proposition of the Democratic members of the committee, namely, to have a

#### GENERAL REVISION OF THE TARIFF.

and not to pick out the sugar and tobacco industries as special victims of reduced duties. This proposition would have relieved the bill to some extent, at least, of the charge of being a harsh, invidious, and discriminating statute, singling out special industries for attack; but this, too, was rejected. The cut was to be applied to the farmer, or rather to two or three classes of farmers. The sugar grower and the tobacco grower are selected for the sacrifice. The farmer all along the northern border is now protected against his Canadian rival. His lumber, poultry, eggs, chickens, hops, butter, barley, oats, potatoes, and all farm products are protected by heavy duties. Is he a better man than the beet-sugar grower of Michigan and Minnesota?

Is not this bill a precedent for striking him down next by a Canadian reciprocity arrangement? Such a scheme is proposed and urged. It naturally finds favor among the New York capitalists, who seem to have such a strange and mysterious influence upon our legislation. I do not envy the Democrat representing an agricultural constituency who goes home and has to explain his course in voting for a bill which singles out large farming classes for various reductions, while it leaves untouched all the interests protected by the trusts. If he has to meet the charge that he helped the Republicans to cripple those agricultural interests and to enhance the profits of the New York sugar trust, he may have a hard time to explain his vote to a constituency of farmers. He may in the end have to call on the mountains to cover him from their wrath. [Applause.]

The farmers of the land are an intelligent class of men, and they know well by this time that their interest consists in standing together. Suppose they should say to this candidate, "We can not just now reach the real or chief authors of this unjust legislation, but you have helped to turn us over to the tender mercies of the sugar trust, and as you have indorsed this note we will hold you responsible." How about the representative of a tobacco-growing or manufacturing industry? He may attempt to excuse his vote by alleging that the tobacco grower in his district is not endangered by Cuban competition, but then he is confronted by the fact that the tobacco growers and manufacturers of this country have, with one voice, protested against this measure. This is significant. Do not these gentlemen—the tobacco growers—understand their interests quite as well as the Congressman? Who can measure the possibilities of Cuban tobacco and say with certainty that any kind of tobacco grown in the United States will be free from Cuban competition if the tariff be reduced?

#### TOBACCO INTERESTS.

The tobacco grower and manufacturer both protest against any reduction of duty, and the politician who endangers their livelihood may have an account to settle for the act. I think that Ohio, Pennsylvania, Connecticut, Virginia, and Maryland may all be heard from on this question of the tobacco duty. A few years ago nobody dreamed that Connecticut, Pennsylvania, and Ohio could enter the field of tobacco growing and produce the highest and most valuable grades. It was supposed by some that certain counties in southern Virginia and some North Carolina counties had this advantage exclusively, but now the Northern farmer is reaping high profits from tobacco culture. Such



discoveries as these, such changes in culture so common nowadays, ought to admonish incautious gentlemen that in throwing down the bars they may develop in Cuba rivals in all the brands and forms of tobacco; and here, leaving them entirely without excuse, comes in the indisputable fact that the Cuban tobacco industry is prosperous and has suffered nothing, as sugar has, from general overproduction or from European legislation.

In view of these considerations, Mr. Chairman, I think that the Representatives of agricultural districts who favor this legislation are laying up trouble for themselves at home by doing so, and that their own interest and that of their constituents would prompt a very different course. I am not willing to make my appeal to them based on the mere ground of personal interest. But they owe something to the great farming class of this country, and they owe everything to those great principles of justice and equity without which any tariff bill becomes iniquitous, oppressive, and criminal. How can any Democrat who votes for this bill hereafter arraign the Dingley tariff bill for its alleged discriminations, for being class legislation, for fostering and promoting trusts, and for treating the farmer class with injustice?

TRUST V. FARMER.

Have the farmers of this land come here from any section to ask for this bill? You have seen the work of the sugar trust and the Cuban speculators about the Capitol. Their literature is spread broadcast over the land, and according to the high authority of our Speaker they have manipulated a portion of the American press in favor of the policy of this bill, but the farmers, so far as they have spoken at all, have spoken against it. The sugar planters and the beet growers have asked you and begged you not to destroy their industry and wipe out their capital.

I do not see how any Democrat can consistently refuse to listen to this appeal. I feel that I have a right to appeal as a Louisiana Representative to every Democrat of this House not to give a vote which will strike down an industry which supports over half a million of people in the State of Louisiana. Remember, that our sugar lands are not adapted to other farming products which thrive elsewhere, such as wheat. Surely the bankruptcy and misery of our people will do no good to yours. Louisiana has done them and you no wrong. What is our crime that we are thus strangely and cruelly denied your sympathy in an hour of trial and danger?

Mr. Chairman, I am aware that some gentlemen will say that they desire a reduction and a general revision of the tariff, and that they feel bound to go for any bill which offers a reduction in any direction, even if they can not get more. It would be a full and complete answer to this position to say that even if the sugar tariff were excessive, which I deny, it would be the height of injustice to cut it down unless at the same time the planter is relieved of the high prices he has to pay for anything and everything used in his industry and in his household. If you can and will give him lower prices for his machinery, farming implements, and the like, clothing of all sorts, then you may fairly take up the question of the sugar duties for consideration, and not before. The Louisiana sugar planter did not suffer under the tariff of 1846 because, while he had to stand a lower rate of duty, the tariff was also reduced on everything he had to buy.

The question of the tariff has been a topic of political discussion at different periods of our history. It has rarely been made a strictly party question. Neither party has a consistent record on this subject. The public men of each party have differed and differed honestly. The tariff bill of 1846 was indeed a party question and was carried by a party vote of the Democracy. But the tariff bill of 1857, which made a general reduction of the rates of that of 1846, was carried through the two Houses of Congress by a nonpartisan vote. It was supported by a number of the most distinguished Republicans of both Houses of Congress. The Republicans acquired control of the National Government in 1861, and except for eight years have held it to this time—that is to say, thirty-three years out of forty-one years. These war tariffs were mainly to raise revenue, and it was so also for long years after the war. The issue of protection was not prominent at all.

In these years some of the leading Republicans in Congress had a warm side for the revenue idea of a tariff. General Garfield, one of their most accomplished and intellectual leaders, was, I recall, a member of the celebrated Cobden Club, a political, free-trade club, named for the great English statesman, who was the leader of the agitation which overthrew the corn laws and made England a free-trade country. The Republicans made many tariff changes, and, as time passed, have become more and more committed to the protective tariff theory, though I regret to say they are not applying it fairly in this bill. In 1890 they passed a bill highly protective, but they took sugar out of the class of protective industries. It is true they gave a liberal bounty to sugar, but they knew it was a mode of legislation which could not be expected to stand, and it was finally overthrown.

The Democrats have not been any more consistent on this issue than the Republicans. In the earlier party contests, and during the long period from 1789, when our first legislation was framed,

TARIFF WAS NOT PARTY ISSUE.

down to 1828, the tariff was not made a party issue. The first tariff bill passed—namely, that of July 4, 1789—in its preamble stated, among other objects, that it was necessary "for the encouragement and protection of manufacturers that duties be laid on goods, wares, and merchandise imported." These duties were not excessive, but the idea of protection and of building up manufactures was there in the preamble to that initial tariff statute. This thought was a very natural one, indeed. The thirteen colonies were then mainly agricultural, almost exclusively so in fact, and in their seven years' struggle with England they felt the lack of a development in the arts. The same trouble, I may here state, was felt in the South during the war between the States. The great men of that day, I mean 1787-1789, wanted a country independent in peace and also in war. In this light I am bound to construe the 8th section of article 1 of the Federal Constitution, which reads as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

I believe these last words are words of limitation rather than a general and original grant of power; but plainly enough it is said that duties and imposts may be laid in order to provide for the "common defense" of the United States. Such an object was a wise provision of statesmanship by men who had gone through a seven years' struggle, handicapped by the lack of manufacturers, and it comports with the tariff bill of 1789, which you remember was passed only two years after the United States Constitution was framed at Philadelphia.

My recollection is that the Democrats of that period made no issue on the tariff question, but they did object to the system of internal-revenue duties and excises enacted by the Federal party under John Adams, and when they came into power they proceeded to wipe them out. The effect of repealing internal-revenue taxes was, of course, to necessitate a higher tariff in order to support the Government.

I beg to say here that the language of the act of July 4, 1789, was not used lightly or carelessly. On the contrary, the text of the preamble I have quoted was reiterated word for word in the very next tariff act passed, namely, the act of August 10, 1790. Remember that at that time General Washington was President and Thomas Jefferson was his Secretary of State. I am very sure that you will not find in the writings and record of Washington, Jefferson, Madison, or Monroe anything in conflict with the idea of protecting our industries.

In 1888 the Hon. Samuel J. Randall, an honored leader of the Democracy and one of the truest friends the South ever had, was assailed because he would not support the famous Mills tariff bill. He defended himself by quoting from Jefferson's repeated letters, by citations from the recorded opinions of Madison, Monroe, and Jackson. I could easily quote these opinions, but I do not want to consume your time. If gentlemen think that the authority of these great Democratic leaders is entitled to any weight they can find them set forth in Mr. Randall's speech of May 18, 1888, on the tariff, delivered in this Hall.

Mr. Calhoun opposed, as he had a right to do, the bill of 1828, and under Mr. Clay's wise leadership that act was repealed and the compromise tariff bill of 1832 enacted, thus ending a painful controversy. It must be remembered, however, that Mr. Calhoun favored the tariff bill of 1816, which was a protective tariff bill, and when the tariff act of 1846 was under discussion he opposed the doctrine of free raw material on which some gentlemen insist.

I wish to observe here and emphasize this position and statement: The sugar duty has generally been maintained and insisted on by the Democratic party and by the revenue tariff men

SUGAR DUTY DEMOCRATIC.

as a revenue duty. The high duties imposed by the old statutes of 1789 and 1790 on sugar were, of course, revenue duties strictly, for at that time Louisiana had not been acquired and we were making no sugar. A duty is surely a revenue duty when it yields a big revenue, and this is what sugar has done all through our legislative history.

On the other hand, it is obvious that if you are to apply the protection principle to our industries fairly, the farmer and the sugar grower are equally entitled to full protection along with other industries. The protectionist who is not willing to concede such equality is not fair or logical, in my opinion.

I care not what principle you adopt, whether of protection or seeking to raise the large revenue we need, the sugar duty is defensible on either theory of public policy. [Applause.]



It is well, I think, Mr. Chairman, to consider the trend of public opinion on this question. In the early days of the tariff controversy it was urged by the friends of protection that protective or discriminating duties were necessary to protect the American laborer against the pauper labor of Europe. At that time Europe was the competitor we chiefly had to dread. The hordes of Asia were not then considered by the disputants. But since then the Asiatic peril has become a serious menace. We see in China over 400,000,000 of people—hardy, industrious, intelligent, and with a wonderful faculty in the arts. I do not mean discovery but imitation. They readily learn any branch of work. They will work as long as a white man or longer. They can live and thrive in their own land on 5 to 10 cents per day. They can live here on one-fourth of the wages of an American workingman. We have had to pass laws to exclude them. But the question is one of the admission of their products, with prices based on such a low scale of wages.

There are hundreds of millions more of Asiatics who live as cheaply in Asia as the Chinaman. So it is not so much a question of competing with the pauper labor of Europe as it is with the pauper labor of Asia. The position of the question is changed, and I think public opinion has finally settled down upon the position that the difference in the prices paid to labor must be taken into account in framing our tariffs. I do not expect to see in my time any struggle or dispute over that question. Sir, I consider that the best thought of the Democratic party and, I may say, of the country, is fairly embodied in the language of the Democratic platform of 1884, adopted at Chicago. It declared:

#### DEMOCRATIC PLATFORM.

Knowing full well, however, that legislation affecting the operations of the people should be cautious and conservative in method, not in advance of public opinion, but responsive to its demands, the Democratic party is pledged to revise the tariff in a spirit of fairness to all interests. But in making reduction in taxes it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be. Moreover, many industries have come to rely upon legislation for successful continuance, so that any change of law must be careful of the labor and capital thus involved. The process of the reform must be subject in the execution to this plain dictate of justice—all taxation shall be limited to the requirements of economical government. The necessary reduction and taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Such was the wise and considerate statesmanship of the Democratic national convention which assembled at Chicago in July, 1884. I ask the Democrats of this House—each and all of them—to test this bill by this platform, and say which is right, the platform or this sugar-trust bill.

What would that convention of 1884 have said to a proposition to give the power to the sugar trust—the power to crush out all competition in the United States and to monopolize absolutely the business of refining all our sugar and fixing the price to the consumer?

The Democratic national convention which met at St. Louis in 1888 recognized expressly the same principle embodied in the platform of 1884—that in adjusting the rates of a tariff "due allowance" must be made "for the difference between the wages of American and foreign labor."

So far as the Republicans are concerned, I might spend days and weeks in citing authorities, platforms, and expressions which absolutely condemn the present bill, but I will content myself with one or two extracts which I consider specially appropriate.

On April 30, 1901, the celebrated Home Market Club of Boston gave a grand dinner, at which were present a number of eminent Republicans. The principal speaker eulogized the tariff enacted by the Republicans (which is now to be attacked piecemeal by its own friends) and complimented the club by saying:

#### PROTECT LABOR.

But you have established the principle that the tariff shall always protect the conditions of American life by a duty at least equivalent to the difference in the labor cost here and abroad.

The orator who enunciated this sound principle was Vice-President Roosevelt, now the President of the United States. The situation in respect to the relative cost and conditions of labor between our own country and tropical countries has not changed one iota since April, 1901. Economic truth has certainly not changed in the past twelve months. There is hardly an intelligent high-school boy who does not know that the "conditions of American life" and of the American laborer are altogether different from those of the Cuban laborer, whether he be a negro, a Spaniard, or a cooly or some Cuban who may perchance be willing to work.

The tropical laborer can get along with far less rich food—less meat, butter, and other things—than the American laborer. It costs far less to feed him. The climate is mild. There is no winter, frost, or snow. His clothing need not cost him a third of what it would cost our laborers in Louisiana or Michigan. He does not

need fuel to keep him and his family warm. As for that, he is often not a family man. He can sleep outdoors in a hammock and not suffer. There are hundreds of comforts and necessities which the American laborer needs and is accustomed to have, and to which the Cuban or tropical laborer is absolutely indifferent. If he is a Chinaman or a cooly, the contrast is even stronger. Everyone who knows anything about tropical life in the East or the West Indies knows this to be true of the laboring or peasant class in these countries.

The condition of the American laborer, whether in Louisiana or Michigan, white or black, is altogether different. The American laborer wants comfort for himself and his family; he wants not a hammock, but a house well warmed; he wants nourishing food, expensive food, warm and more expensive clothing, fuel, and many other things, and he gets them and will continue to get them unless you take the bread from his mouth and make him a wanderer on the face of the earth.

With such facts we have a right to ask President Roosevelt to stand by his Home Market speech. [Applause.]

Mr. Chairman, there is one other Republican authority from whom I beg to quote, not merely on account of the high personal and official character of the witness, but because he vividly portrays the situation around this capital and throws a flood of light upon the abominable influences which have plotted and demanded the sacrifice of our domestic industries for the benefit of Cuban speculators and the New York sugar trust. I quote from a letter written on the 6th of February last, about two months ago, by the Hon. D. B. HENDERSON, Speaker of this House. Probably no man in this body has such ample opportunity for knowing all the ins and outs of legislative work and of penetrating the secret, occult influences which are brought to bear to pass or defeat a particular measure. His position usually constrains him to silence, but on this occasion he spoke out with refreshing vigor. In this letter he says:

#### SPEAKER HENDERSON EXPOSES SUGAR TRUST.

The second question is, What are we going to do for Cuba? It is a separate and distinct proposition, and this is the situation: Those contending for Cuba want a reduction of 50 per cent or a clean sweep of duties between us and that country. Contending for this doctrine is, first, the American sugar trust, which is here in the person of its ablest managers; second, the money, the capital that has been put into the construction of railroads in Cuba, where a system of railroads extending along what may be termed the backbone of the island, with arms extending from the backbone into each part of it, is in process of construction; all the money in this enterprise, of course, is anxious to build up the commerce of Cuba; third, there are millions of dollars that have gone into Cuba, buying up plantations, cheap lands, and, with large syndicates formed, are seeking to make fortunes out of the sugar industry. Then, again, there are Americans over there with vast sums of money in various enterprises who are all anxious for this. Then, again, the Cubans themselves who have the capital are anxious to have free-trade relations with the United States. These all touch elbows and are working together.

Mark well the language of our Speaker. Note the character of this allied army—the New York sugar trust, the American speculators and syndicates in Cuba, and the rich Cuban planters—all seeking to remodel our tariff system to put money in their pockets, and in order to secure this result, eager to destroy our sugar industries and to imperil our tobacco industry, to say nothing of others, the tariff is to be cut 20 per cent to satisfy this greedy crowd—sugar, tobacco, iron, and everything else—to enrich a class of men who probably did not contribute a dozen men, all told, to secure the freedom of Cuba. [Applause.]

The Speaker says in this letter that the Secretary of Agriculture told him that every acre of land in Iowa was capable of raising the sugar beet and that this was true of every State throughout the West. The sugar trust demands the sacrifice of this industry and the entire abandonment of this business. "Stand and deliver" is their modest request to the Western farmer.

I should like to have time to quote more of this very able letter. There is one passage worthy of the attention of members who have of late been inundated with sugar-trust literature. He speaks of the lies sent out by the "press which is being manipulated in the interest of free trade with Cuba."

If any member has any doubt of the connection of the sugar trust with this contest, let him study the quotations of this stock in the New York market. It was not the interest of the trust to let their hand be seen. It was not deemed advisable for them to put their known leaders in the foreground when they could put up before the committee men not notoriously connected with them to advocate their interests. Nor was it their interest or good policy for them to let their stock go up too rapidly, as that rise would challenge public attention, but the idea of outside parties that they would carry their project, at least in part, has had its natural effect on the sugar stock. It is a subject of comment in the daily press. If this bill should pass, the result of your benevolence will be promptly recorded in the stock market of New York by a big rise in sugar-trust stock.

In the month of January last the Ways and Means Committee gave nine days, beginning on the 15th and ending on the 29th, to the different interests that desired to be heard on this question.



They heard certain American interests favoring reciprocity legislation, and also Cuban interests on the same side, both Cubans and Americans. On the other side—the side of the American farmer—were heard the American interests opposed to this legislation. These included the beet-sugar manufacturing interests, the beet-growing interests, the American cane-sugar interests, and the American tobacco interests, cigar makers, manufacturers, dealers, and packers, and the tobacco growers. The doors were thrown open also to the Hawaii, San Domingo, and Porto Rican interests. In addition to this, Dr. Harvey W. Wiley, chief of the Bureau of Chemistry in the United States Department of Agriculture, was heard at length, and spoke with a fullness of knowledge and candor that can not be too highly commended. Other Government experts testified also. The committee have added in an appendix a number of valuable documents. The result is a volume of nearly 800 pages of the most instructive character.

I wish that every member of this House could have listened to these hearings, or at least would give a careful study to this volume before casting his vote. If this were done, I should have very little fear of the result.

#### PROFESSOR WILEY ON SUGAR.

Professor Wiley is a perfectly disinterested witness. He has not a dollar of interest in any beet-sugar or cane-growing industry, but he understands the subject thoroughly in its scientific, practical, and political aspects, and anyone who wishes to understand the whole question and its present conditions ought to study his testimony. It covers the whole ground. I wish here to call special attention to his statement of the cost of making refined beet sugar and cane sugar in this country. He puts the former at 4 cents a pound and he puts the cost of producing fair refining centrifugal sugar of 96 polarization in Louisiana at not less than  $3\frac{1}{2}$  cents per pound.

The State of Louisiana has such a deep, vital, and pressing interest in this question that she sent up a delegation of her most intelligent and representative citizens to protest against this legislation. There were representatives from every great interest—from the planters, all the commercial bodies, the associated banks of New Orleans, and gentlemen representing both the great political parties of the country. As I can not repeat, or even refer in detail, as I would like, to their testimony, I think I ought at least to specify the names and character of those witnesses and ask gentlemen of the House to read and weigh what they said before the Committee on Ways and Means.

#### STATEMENT OF LOUISIANA REPRESENTATIVES.

Col. James D. Hill, president of the Poydras Planting and Manufacturing Company of New Orleans, made the first statement. It was full, elaborate, and a candid presentation of the question, especially in reference to conditions in Louisiana and Cuba. He was followed by ex-Governor Warmoth, a prominent Republican, and a large sugar planter, who began planting twenty-odd years ago. Then came Mr. J. N. Pharr, a cane grower and sugar manufacturer, and Mr. James W. Porch, representing the Board of Trade of New Orleans and the New Orleans Progressive Union. Mr. Porch also presented the protest of the New Orleans Cotton Exchange against this proposed legislation. These three organizations, as Mr. Porch said, cover practically the entire commercial field in New Orleans. Mr. Porch has lived a good deal in Latin America or tropical countries, and was able to contrast the two civilizations.

Then came the Hon. T. S. Wilkinson, a large sugar planter, who for a long time ably represented Louisiana on this floor. Mr. G. W. Nott is not a sugar planter. He came in behalf of the associated banks of New Orleans to protest against this legislation and to say for these banks that already the mere threat of legislation is crippling the sugar industry by preventing the necessary advances to make the crop. He presented their letter to President Roosevelt to this effect. Another important witness was Mr. D. D. Colcock, secretary and superintendent of the Louisiana Sugar Exchange, secretary and treasurer of the Cane Growers' Association, and secretary of the Scientific Agricultural Association of Louisiana.

#### VARIED LOUISIANA INTERESTS.

Surely this enumeration ought to satisfy you that it is not a few planters only that you are dealing with, but all the varied interests of Louisiana—planting, cotton, sugar, manufacturing, commercial, and banking. Nor are you dealing alone with the white race. There are far more colored men employed in the sugar industry than whites, and in the suffering which will be the inevitable result of this legislation the black race will probably suffer the most. He rarely has any capital; he lives by his labor, and he can not afford to roam over the country to find employment. This class of laborers engaged in sugar can not find other employment in Louisiana, even at lower wages, and while in their distress they may not resort to robbery, they will have as good an excuse for it as the so-called Cuban army, to whom you gave three

millions of dollars, and the hybrid laborers of Cuba, whom to help and pacify is the alleged object of your bill.

The colored men of Louisiana understand the situation, and they have, by their Colored Men's Industrial League and the Colored Men's Laboring Alliances, protested against this policy of sacrificing them and their race under the pretense of aiding Cuba. In other forms and modes the black man has appealed to you to stay your hand. It is pretended that as the United States delivered Cuba from the Spanish yoke and relieved her from a multitude of taxes, imposts, and exactions, and has given her independence and a free hand, this country is bound to set her up in business.

Uncle Sam must put his hand into his own pocket, or, it would be more correct to say, into the pockets of the American beet-sugar and cane interests, in order to insure good wages and prosperity to the Cubans. Allow me to ask right there this question: You enfranchised the blacks at the close of the civil war. Did you do anything for the blacks then in the way of giving them employment or bread? You gave them the ballot, I know, and now and then a vote will buy a breakfast or a day's board, but it will not maintain a man or a family for a week, and still less for a month or a year. These eight or nine millions of negroes in the South whom for over thirty years you have turned over for employment to the whites who were left ruined and beggared by the war and your action—have not these negroes as good a claim on you for bread and employment as the Cuban laborers? How is it that in one direction you are so sentimental and hysterical and in the other cold, indifferent, and even cruel?

There was a time when Louisiana raised one-half of the sugar consumed in this country. In those days we had organized, steady labor and no hostile tariff. Sugar everywhere had a high price, largely exceeding present rates. We did not plant with a constant sense of insecurity. The idea of sacrificing our industry to benefit foreigners or speculators had not entered the mind of man. The war came with its havoc and desolation. Labor was disorganized and unreliable. The levees had been cut and our best lands for sugar and cotton were under water. Capital had been swept away. Under every discouragement possible our people went to work to restore this industry. We have had no help from the Federal Government. We have had continual tariff charges and a constant sense of insecurity.

#### HOSTILE SUGAR LEGISLATION.

We have had hostile tariffs and unfriendly legislation in respect to sugar. We have had to meet high duties on everything the planter needed in his business to support his household. We have had the sugar-beet industry of Europe, Germany especially, and the New York sugar trust, both seeking to destroy us. We have had to face of late years an extraordinary overproduction of sugar and a great fall in prices. This overproduction has operated against us in Louisiana, as well as against the Cuban sugar growers, and the American sugar-beet growers.

Notwithstanding all those obstacles and discouragements we kept up our industry. [Applause.] We have not gone on in the old ways, but have availed ourselves of every improvement in sugar culture and sugar manufacture, and of every method that science and experience could suggest. We are producing 300,000 tons of sugar per year. With an adequate and fair duty this product may be largely increased. I should say that with fair treatment and steady legislation Louisiana and other cane-growing sections of the South could finally supply the wants of the American people, but I am bound to consider in this connection that the consumption of this country is rapidly increasing and will be very large in the immediate future. And then there is the amazing growth of the sugar-beet culture in the United States, which began only the other day and already produces 150,000 tons per annum.

When you consider what has already been done with this industry, the prospect of further improvements in culture, and the great area of the United States and the number of States able to produce sugar beets with a high degree of saccharine matter, as shown by Professor Wiley's testimony and maps, and demonstrated by experience, it is hard to conceive any limits to the possibilities of the beet-sugar culture, unless, indeed, with a stupid purpose and reckless legislation this Government shall set to work to destroy it.

#### SUGAR SHOULD BE SUPPLIED BY UNITED STATES.

Mr. Chairman, it is certain that the cane-sugar growers and the beet-sugar producers at no distant day can supply the United States with sugar. Is not this a grand desideratum? Sugar is not an article of luxury but of necessity for all classes and conditions—the rich and the poor. It is a great article of our food supply. Ought we to be dependent on foreign nations for any part of our necessary food supply? Suppose you have a war, are you sure that you will have the command of the sea? Great Britain, with her immense navy, may, indeed, sacrifice one of her dependencies, as she has done, and trust to her navy to protect her trade, but even she is beginning at last to change her policy. She has announced that



she will no longer sacrifice her sugar refineries and her sugar producers to the German bounty-fed sugar.

But we are not the first country in naval power. Assuming that we are equal to Germany on the sea and will so continue—which is not certain at all—we are not equal to England, France, or Russia singly, and a combination of powers inferior to these nations would cut off our sugar supply. Is it not a wise act to be self-reliant and produce in our own country the sugar that we may need, or at least the bulk of it? Is it not rank folly to be dependent on a foreign country for our sugar? The country ought to be independent in war and in peace. The wisdom of the fathers, the experience of France in the Napoleonic wars, ought to teach you this much.

#### LOUISIANA'S CONDITIONS AND INTERSTATE RELATIONS.

Mr. Chairman, the population of Louisiana by the last census was a little under 1,400,000, very nearly equal to that of Cuba, but immeasurably superior to the people of Cuba both in the white and black population—superior in character, intelligence, industry, and the standard of comfort for all classes. Many persons have come there from all portions of the Union. They have had far greater difficulties than Cuba to contend with in the past forty years. They are at work building up a beautiful city and a great State. They have vastly more trade with the rest of the Union than we may expect to have with Cuba. The Cuban trade may increase, but our trade will increase more rapidly with our sister States of the Union than the trade of the United States with Cuba.

If you have any doubt about this, compare the trade of the Dominion of Canada with that of Mexico, rich as Mexico is in natural resources and with twice the population of Canada. Your trade with all the tropical regions is insignificant compared with your trade with the natives living in temperate climes. The latter are forced to labor; they produce and they consume. They have something to exchange. In the Tropics life is easy, the climate is enervating, and the great mass of the people are able to live with little exertion. A little labor suffices for their simple and inexpensive wants. Judging by our experience with these tropical countries, there is nothing to encourage us to sacrifice or imperil any of our own industries for schemes of reciprocity or to indulge in idle dreams of a vast trade with them. Our fiscal system and hope of a great trade development must be built on a broader basis and on calculations resting on a wide experience and observation.

Out of this 1,400,000 of people living in Louisiana, some 500,000 are directly or indirectly engaged in the sugar industry. This is over a third of our population. Destroy or cripple this industry, and the lands can be put to no other purpose that will support the present population. We can not raise wheat there at all, nor can we grow cotton to any advantage. Mr. Hill testified that the cotton goes to stalk. Perhaps we could grow some corn, but not enough to compete with our Western rivals and the States higher up the Mississippi Valley. Rice was discussed by Mr. Porch, a member of the New Orleans Board of Trade, which handles our rice crop. He said that it was one of those crops which are easily overproduced and that it was not one of those things generally consumed as is sugar.

It is the judgment of all our planters and experts that these sugar lands are not suitable for raising other products for profit. Even if they were, I suggest that it is very serious business to cripple and bankrupt one industry with the expectation that some day another industry may be substituted for the one abolished. It would not be a kind or a sensible thing to say to a man living in New York, Pennsylvania, or Massachusetts, "We are going to break you up, but after you are ruined you may perhaps turn your hand to something else."

#### \$100,000,000 INVESTED IN SUGAR INDUSTRY.

The capital invested in the sugar industry is \$100,000,000, and it was stated in the testimony before the committee that this property was one-third of the whole taxable values of the State of Louisiana.

If, therefore, the sugar industry be crippled and bankrupted, the result will be that the whole burden of supporting the State government will be thrown on the remainder of the States, and also of maintaining those who may be made destitute by your legislation. Thus you practically consign the whole State to bankruptcy. You crush New Orleans, a city which, after a very long period of depression, is once more becoming prosperous and has just begun certain necessary local improvements which involve a very heavy expenditure, say twenty or more millions of dollars. And yet, while you make your hand heavy on this people, you will go on to celebrate Jackson's victory over the British at New Orleans, and you appropriate \$5,000,000 to celebrate at St. Louis the acquisition of Louisiana by the Jefferson Administration.

According to Dr. Stubbs, of the Louisiana Experiment Station, great improvements are going on there in the sugar industry.

The output of sugar per acre and per ton of cane has been greatly increased. New lands are being opened. Old sugar lands are better drained and tilled. Every surplus dollar made in sugar since the war has gone into sugarhouses and improvements. The acreage is increased. The sum of \$100,000,000 has been invested. The present harvest of cane is from over 300,000 acres. The crop of 1900 brought about \$35,000,000. There are many things for which the planter must resort to other States. He wants machinery, lumber, bricks, mules and horses, coal and oil, flour and provisions of all kinds, feed for his stock, wagons, carriages, and agricultural implements, meats, lard, cheese, butter, beef, boots, shoes, clothing of every kind.

#### BENEFITS TO SISTER STATES.

The Louisiana sugar culture benefits Pennsylvania, Tennessee, New York, Illinois, Alabama, Mississippi, Kentucky, Missouri, Iowa, Kansas, Minnesota, and the New England States. This trade is a large one, and will increase all the time unless you cripple it. I speak of this point only in its material aspects. But your people of the North go down in numbers to New Orleans in the winter for health and enjoyment—to have a good time. If they go there another year and find a gloomy and stricken city they will ask who did all this, and your reputation as statesmen and patriots will not be enhanced by the suggestion that you were helping Cuba.

#### OVERPRODUCTION OF SUGAR.

The testimony before the Ways and Means Committee shows that the sugar industry has suffered everywhere by the overproduction of sugar, by bounties, and the cartel system of Europe. Cuba has suffered the past year, but Louisiana has suffered quite as much by all this, and we are making no profits. We are barely existing, but we have not asked you for new legislation or increased duties. We are content to struggle as best we may, and in the meantime we hope not to have any new burdens put upon us. We have not complained of your high duties on all the articles we need for our industries and for our daily wants. We are not threatening you with "disturbances" or brigandage if you do not help us out of our trouble; and here let me say that there is as good order and good feeling between the two races in the sugar country of Louisiana as in any part of the American Union. The papers tell us that in some parts of this Union the negro laborer is not allowed to compete for employment with the white man. This is not the case in the sugar-growing portion of Louisiana. The black man is welcomed as a laborer and will not be discharged from any plantation unless you make it impossible to employ him by legislation hostile to him and to us.

#### SUGAR AND TOBACCO PAY FOR CHARITY.

But it is urged that we are bound to assist Cuba and relieve her from the consequences of the low price of sugar caused by overproduction. You do not owe anything to your own people. Such is the position. Well, if you do owe anything to Cuba, why not give it from your full Treasury, as you did three millions to the insurgents at the close of the war? Why not let everybody contribute to this bounty instead of making two American industries bear the whole burden—sugar and tobacco. This would be the honest and fair way to do. But no. If it were a bounty given, it would be uphill work to ask the American people to renew it a year or two from now. Again, if the bounty system of European nations be swept away, as is now indicated, thus taking away all excuse for alleged unprofitable culture in Cuba, the planter there, in addition to the absence of low European sugar as a competitor, would still have the American market by a discriminating duty of 20 per cent in his favor. The Louisiana sugar grower and the beet grower would be out of the way and Cuba would have the field.

The Cuban planter would supply us with raw sugar and the New York sugar trust would have the whole American field of refining sugar and an increased differential; so it will not do to pay direct from the Treasury if this precious scheme is to work. The sugar trust would then have the beet grower as a rival growing more dangerous every year.

#### OWE CUBA NOTHING.

But, sir, I deny your proposition. I deny that the United States owe any debt to Cuba. The practice of every enlightened nation is to take care of its own people, not of foreigners. What it owes to foreigners is simple justice. There is not a government in the world that even professes to act on any other principle. Even England in her war on the Boers does not claim that she went to war to help the Boers, but to maintain, as she says, the rights of her own people and the glory and prestige of her imperial authority in South Africa. Take your Federal Constitution.

It does not set forth in the preamble that it is framed for the benefit of other countries, but for the "common defense and general welfare" of the United States—our own land. And then when you come to the taxing power, what does it say? Congress shall have power to lay and collect taxes and "to pay the debts

and provide for the common defense and general welfare" of the United States. It is not for Cuba or Spain or any other country. How much did you do for France, without whose timely help you could not have succeeded in the struggle for independence? You never gave her a dollar for it. You gave her in her death struggle a neutrality which was not even "benevolent," as the phrase goes.

#### ACCOUNT WITH CUBA.

State your account with Cuba, if you please. What is it? First, you forced Spain to moderate the harshness of her war on the Cuban insurgents, and after she had made every concession you required you next demanded that she should withdraw her land and naval forces from Cuba, relinquish her sovereignty, stating at the same time that you asked nothing for yourselves—only freedom and independence for Cuba. You spent some three hundred millions of money to enforce this demand. You spent your treasure and your blood to secure your object in two hemispheres. You got precious little help from the Cubans—nothing in money and hardly any fighting—and then, at the close of the war, you forked over three millions to those so-called patriots of the Cuban army to keep them from robbing and burning the cane fields, as they had been in the habit of doing. We kept our army there at a big expense after the war, and have maintained order at the critical period, while they were being manipulated and trained for self-government.

We have wiped out absolutely all the debt which Spain claimed to be due her from Cuba. So Cuba starts as a nation without any debt. There were export duties and a multitude of exactions on trade, production, and industry which were a burden to Cuban industry. These we have all swept away. All customs duties have been reduced or abolished.

Have we done Cuba any harm? I ask how, where, and when? We have cut her off from no market. She only sent in former days a trifling quantity of her sugar to Spain. The American market, which for a long period has been her main reliance, is as open to her as it has been in days gone by.

What is the result of our beneficence?

The Treasury Bureau of Statistics states the sugar output of Cuba in 1894 at 1,054,214 tons, the largest crop ever made in Cuba, but greatly below what could have been made under a good government, such a government as Cuba has under us to-day. The war of rebellion in 1895-96 followed, and this production fell to 225,221 tons, the lowest figure known in fifty years. In 1898 the Spanish-American war terminated Spanish rule. Peace came. After all this waste and havoc of war, such was the wonderful and natural fertility of the island and its special adaptation to sugar that in the year 1899-1900 Cuba made 300,000 tons; in 1900-1901 the production rose to 600,000 tons. The product for 1901-1902 is estimated at 850,000 tons. There is no reason to doubt that without this proposed legislation the sugar product of Cuba, which is now approximating her best year, will in two or three years greatly exceed any yield she has ever made.

The present crop is made from only 2 per cent of the cultivable area of Cuba. There has been a loss generally to many of the sugar planters everywhere in the last year, but the bounty system is doomed and overproduction will then cease. The Cuban sugar planter will set to work with a soil and climate superior to any in the world for sugar culture and free from the exactions and burdens of Spanish rule. [Applause.]

#### PLATT AMENDMENT.

It is said that we are bound to help Cuba because she agrees to the Platt amendment. Why, what is the Platt amendment? It does not prevent Cuba from making a reciprocity treaty with any European nation. It is simply a bond to guard against her allowing any European nation to use her soil as a base to strike a blow at us. Where and how does it cost Cuba a dollar? We are to get one or two naval stations the better to protect her against aggression, and for these we are to pay her.

Mr. Chairman, the Platt amendment is a boon and a blessing to Cuba. She need not create an army or a navy. We say to Europe "hands off." Suppose we did not do this? It would involve for Cuba the expense of an army and a navy. What that means anybody can find out by a glance at our annual appropriation bills.

There are many aspects of this question which I have not the time to discuss, but there is one feature of this proposition which demands the most serious attention. I refer to the employment of cooly or contract labor by Cuban plantations. The Ways and Means Committee claim that they have guarded against this danger. They admit that they have no right to expose our industries to the competition of Asiatic, or, rather, Chinese labor. This reciprocity is not to begin until after the new Cuban government shall have adopted immigration, exclusion, and contract labor laws as fully restrictive of immigration as our own laws.

Suppose they do go through this form? What guaranty have

we that they can or will be enforced? The coast of Cuba is 1,200 to 1,500 miles long, with countless places where laborers can be landed. Much of the coast line is unsettled—a mere jungle. Slaves were landed easily in the old days. Even if the people and government of Cuba were to act in perfect good faith the administration execution of such laws would be very difficult, if not impossible. Our friends on the Pacific coast tell us that it is very hard to keep out the Chinaman. In spite of every endeavor he slips by the Government officer and helps to beat down American wages. Yet the population of the Pacific coast are almost unanimously opposed to allowing the Chinese to come in. Public sentiment there and all over the Union is behind the exclusion laws. Then you have the American labor organizations, intelligent and vigilant, determined that the law shall be enforced.

You have no such burning public sentiment for exclusion in Cuba, and no such organizations constantly on the alert to help to enforce such statutes. The Cuban planter's interest is all on the side of the free admission of all the cheap labor he can get, and there will be no one with the power or the wish to keep out John Chinaman. He will run in and be welcome. Instead of 10 cents a day at home he will get 50 to 75 cents per day, and will live on, nothing, or next to nothing; no fuel; little clothing; no house rent to pay. Three or four dollars will give him a shed and ample shelter. His food will cost him little more than in China. Perhaps there will be complaints made of the Chinese coming in. There will then come denials from Cuba, and plausible affidavits to back up the denials. The code of morals in tropical countries is none too strict. The Chinaman will have a field of labor open to him so long as you throw down the bars of the American market by this species of legislation.

#### NOT DEMOCRATIC DOCTRINE.

An attempt has been made to clothe the nakedness of this bill by the allegation that the plan of reciprocity treaties fixing customs duties is sanctioned by the Democratic faith and precedents. This I deny. You may find perhaps one or two tentative expressions in its favor by Mr. Jefferson, but at that time it was difficult for us to be a neutral power, and our fiscal policy was hardly unfettered. Mr. Jefferson, however, was President for eight years, and he had Congress fully in sympathy with him; but he made no reciprocity treaty in all that time. Madison followed with eight years of power, Monroe with eight years, and Jackson with eight years. Here were thirty-two years of Democratic rule and no reciprocity treaty. There was one, indeed, under Franklin Pierce with Canada, but it was not renewed.

When the Democrats came into power in March, 1885, they found a number of these treaties pending in the Senate, largely, I think, with tropical countries. Mr. Bayard was Secretary of State. All of these treaties were recalled and withdrawn and consigned to the wastebasket. My colleague, Mr. ROBERTSON, in his excellent report, has shown you that they were condemned in the Democratic platform of 1892. There are some considerations which ought to make every Democrat oppose such treaties. They operate to transfer the legislative power over taxation to the Executive. Instead of open, public action on the taxes to be paid by our people, you have secrecy and jobbery. In such arrangements the farming class is always sacrificed. The interest that can maintain a

#### LOBBY AT THE CAPITOL

controls the situation as we see to-day. [Applause.] Every corrupt interest in this Union will be glad to substitute for the regular public, healthy action of the two legislative bodies the stealthy methods of reciprocity treaties. You can rely on the sugar trust being with you for such methods of tariff arrangements. The argument of Mr. NEWLANDS, of the Ways and Means Committee, in his minority report, is, I conceive, overwhelming and unanswerable. If we by our legislation and power lead Cuba to make a discrimination of 20 per cent in favor of our products, with what grace can we demand an "open door" in the vast Empire of China, with its large prospective trade? There is danger that the other powers would laugh us to scorn.

#### CHAIRMAN PAYNE'S ARGUMENT REFUTED.

I have listened to the debate on this bill with deep interest. The chairman of the Ways and Means Committee always commands our attention by reason of his high ability and commanding position as the leader of the House. I think his speech, while wholly unsound in its conclusion, will be found equal or superior in interest to any delivered. I thought that it was intended chiefly to satisfy, if possible, those Republicans who were really and honestly in favor of the protection theory, and especially the Republicans representing States where the sugar-beet industry was in existence or was capable of existing. His language to them was in the nature of an emollient. The sum and substance of it was:

We are going to take off 20 per cent of your protection at this most critical stage of your industry, but it won't hurt you much. You can stand it. In



fact, it will not hurt you at all. All your uneasiness is the result of an excited imagination. Your delegations who came here lately to protest might just as well have stayed at home.

The Democrats were turned over by the chairman to his colleague from New York City, and if there was a thought for the Louisiana sugar growers and the negroes employed by us, it did not crop out on the surface of the chairman's speech. I think the Democrats who are following the lead of the chairman of the committee ought to have had a word of thanks and encouragement for their services.

The inaccuracies of the gentleman's speech are very striking. He told us that sugar was not going to be hurt; the sugar growers did not understand the subject. Then, too, that no one pretended to claim tobacco would be injured by the reduction, and this with the whole American tobacco trade and leaf growers of tobacco appearing before his own committee to make their protest.

Then, again, that the Cubans would get all the benefit of this 20 per cent reduction and the sugar trust would get nothing. He avowed himself an enemy of the sugar trust. I concede that the statement is perfectly sincere; but if this bill is the best fight he can make against them, I do not think the sugar trust will lie awake at nights studying how to guard against his hostility.

The Cuban planter has no market save the United States for his sugar at present. He must sell his raw sugar here, so he and his allies say, or not at all. He does not refine at all. He sells his raw sugar where he can. The

#### ONLY BUYER IS THE TRUST.

The trust can dictate terms and give him out of the 20 per cent just as much or as little as they please. They will give him enough and only enough to keep him agoing, and he will have to take it. Suppose the Cuban does not like the price, where is his remedy?

But I pass from the gross inaccuracies of the gentleman to his pregnant admissions. They are of the highest consequence in this debate. I will briefly notice some of them. There are a number of Democrats in this House who are sensible of the bad features of this bill and of its speculative origin and peculiar surroundings, but they have an idea that if it passes it will lower the price of the refined sugar of consumption to our own people. I mean the sugar that the American people use on their tables every day. Now, the chairman of the Ways and Means Committee, who has been over the whole ground of investigation, tells you Democrats that this idea of yours is all a delusion—he tells you that the—

universal testimony before the committee was that it would not reduce the price unless the reduction was continued for such a length of time as to enable Cuba to supply the principal part of the imported sugar.

He followed this up by his frank reply to a question of Mr. BARTLETT, of Georgia, that the bill "would not reduce the price of sugar to the consumer." Ponder this well, my friends, you who are willing to endanger our industry to get cheaper sugar for the people. You do not get it.

There is big money to be made by the bill, of course, by somebody. The American consumer is not to get any benefit, the cane grower none, the sugar-beet grower none. The sole question remaining is as to the relative shares of profit to the Cuban planter and speculator and the New York trust.

Mr. Chairman, remember that the Louisiana growers and the sugar-beet growers are the only people you can rely on to check by their competition the price of the refined sugar of the New York trust. The moment our crop enters the market the effect is perceptible.

Another important statement and admission of the distinguished gentleman who is responsible for this bill: He tells you that this 20 per cent bill is going to involve a loss of our revenue amounting to \$8,200,000, seven millions on sugar alone. Now, I ask you to weigh well this admission. Is our revenue redundant? No such excuse is put forth for this bill, for we have just repealed all the war-revenue taxes. We have heavy burdens to bear for our Army and Navy. We are maintaining a costly establishment in the Philippines. We shall have to increase our Navy at a heavy expense if we are to maintain the Monroe doctrine and our rights everywhere. We have a pension system to keep up. There is our costly postal system. Which of these do you propose to reduce?

#### MUST NOT SACRIFICE REVENUE.

We have had no river and harbor bill for three years. Commerce is suffering for the lack of such improvements. The commercial interest loudly demands a bill. Then there is the project of the isthmian canal, which the American people want constructed without delay. You must soon appropriate a large sum for much-needed public buildings. You will soon have to pay for the Danish West Indies and for naval stations in Cuba. Is this a time to sacrifice over eight millions of revenue? You can not reduce your revenue, and you will not. Therefore if you throw away

\$8,000,000 in this way, you must raise the money in some other way, and by taxation. This taxation and the hundreds of millions you have already spent to help Cuba—where do they come from? I answer, From the American people, and mainly from the laboring and producing classes. They are working and groaning while the trust barons are clipping coupons.

Mr. Jefferson, in the year 1793, in a peculiar situation of our affairs, favored some experiments in reciprocity, but in his after life I find nothing from him in its favor. His example as President is against it. In his early life, in the Notes on Virginia, he expressed himself against having manufactures, but it is well said, "Wise men change their opinions." In a letter written about January, 1816, to Mr. Benjamin Austen, twenty-three years later and after a wide experience in public affairs, he said that "he who contended against domestic manufactures must be for reducing us to dependence on foreign nations—that manufactures, to the extent of our own supply, were as necessary to our independence as to our comfort."

I ask that the wisdom embodied in this letter to Mr. Austen may be compared with the foolish policy which would make us dependent for our raw sugar on a foreign country.

Reciprocity can not plead the examples of Jefferson, Madison, Monroe, or Jackson. It lacks the sanction of all the Democratic national conventions which have assembled since the first one, in 1832. It is only a recent dogma of a portion of the Republicans. I am not aware that Hamilton, Clay, or Webster, the great founders of the protective theory, ever favored it. I remind Republicans that the tariff bill of 1890 was framed and fashioned by William McKinley, jr., who had made a study of the whole tariff question, and that the bill when it left this House to go to the Senate did not contain a line or a syllable of reciprocity legislation. How many Republicans in Congress to-day would vote for any kind of a reciprocity treaty with Canada? Would our chairman of the Ways and Means Committee vote for such a measure?

To conclude, I ask for justice to the farming class; I ask for some mercy at least to the black laborer in our fields; I appeal to you to spare your own industries and to be true to the people who sent you here, to your own country. "Why quit your own to stand upon foreign ground?" Recognize your

#### OBLIGATIONS TO THE AMERICAN TAXPAYER.

Discard all this silly, sentimental, and hysterical legislation, and substitute the practical good sense which is the characteristic of the American people in business and private life. All that you owe to foreigners is justice and good faith. Be true to your own people, your own workers, and study the methods that have conducted you to greatness and the respect of mankind. The poet well says:

This above all: To thine own self be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.

[Prolonged applause.]

Mr. SUTHERLAND. Mr. Chairman, what I may say upon the pending question may have little if any effect upon the result. The discussion has already been so thorough that every member of this House has already determined how he will vote, but I can not, with decent regard to my own convictions on this subject, allow the vote to be taken without saying a word or two of protest against the proposed bill. Something like four months ago the country was startled by the sensational claim that the people of Cuba were on the point of starvation. On December 3, 1901, the Cuban people themselves addressed a petition to the American people asking for action of the character now proposed. That petition was based upon two grounds—first, that the United States is under moral obligation to aid Cuba in the reestablishment of prosperity in the island so far as aid can be given without injury to American industry; second, that the commerce and industry of Cuba are in imminent danger of disaster if aid is not given immediately.

That was the claim of the Cuban people on December 3, 1901—over four months ago. In January, 1902, the Cuban Planters' Association appealed to the American people in this language:

An effort has been made to show that Cuba is in no need of help. Such a claim is wholly without foundation. The cry has come up from all over the island, "Save or we perish." It has come from the official heads of every municipality in the island. It has come from every organization of trade, commerce, or labor. It has come from planters, large and small. It has come from the Cuban people. It has been echoed by the President of the United States, by the Secretary of War, by the military governor of Cuba, by American boards of trade and commerce, and by every American newspaper of high standing, with the exception of the few which are published in the immediate locality of the special interest which now opposes the proposition for reciprocal trade relations with the island of Cuba. It is echoed in the hearts of the American people. We can not stand by and see the land for whose future we are now responsible fall into disaster. Much less can we allow it to be said that ours was the hand which dealt her ruin.

On January 13, 1902, the situation apparently became acute, and telegraphic applications for relief began to come to this country. One of these, a sample of the others, was addressed to

Mr. Corwine, who appeared before the Ways and Means Committee on this subject in behalf of the Cuban people. It read as follows:

Immediate relief to Cuba situation absolutely necessary. Your most energetic cooperation solicited. Condition of affairs so serious prompt solution has become a question of humanity.

We had a right to understand from that language that the situation was grave—acute—the necessity for help immediate, imperious, and overwhelming.

The Ways and Means Committee, however, refused to be stampeded by these appeals, and proceeded to enter upon an investigation. Among the witnesses who appeared before that committee was a gentleman named Mendoza, a Cuban planter. Mr. Mendoza, in the course of his examination, made this statement with reference to the situation in Cuba:

The military government has attended to the sanitary situation in the island. It has improved it a good deal. But the stomachs of the inhabitants are empty, and I fear that the consequences of the reconcentration policy of General Weyler are going to come up again in a different way.

Mr. Fowler, a native Cuban, who testified on this subject before the Ways and Means Committee, said:

The cry for aid has come to you from all over the island. It has come up from the heads of all the municipalities in the island. It has come up from every organization of trade, of commerce, and of labor. It has come from planters, large and small. It has come from the Cuban people. It has been echoed by the President of the United States, by the Secretary of War, by the military governor of Cuba, by American boards of trade and commerce, and by every American newspaper of high standing, with the exception of the very few which are published in the locality of the special interest which now opposes the proposition for reciprocal trade relations with Cuba. It is echoed in the hearts of the American people. Gentlemen, you can not stand by and see the land for whose future you are now responsible fall into disaster; much less can you allow it to be said that yours was the hand that dealt the ruin. We, therefore, as representatives of the suffering class, come to you with our last anguishing breath to say: "Help us or we perish!"

The newspapers of the country took up the cry. They insisted that while Congress was hesitating the Cuban people were starving. Our people, always quick to respond to the cry of distress, generous as only a great and splendid people can be, were swept by a wave of sympathy and demanded that something should be done for the relief of starving Cuba. We were led to believe by these various calls upon us that the gaunt figure of famine already stalked among the people of Cuba, and only the prompt action of the American Congress could save them from death by starvation.

But while the newspapers fumed and fretted, and the people demanded, the Ways and Means Committee patiently investigated; and we found, after we had proceeded with the investigation a little while, that the cry that Cuba was in distress—that the people were starving—was a myth; that it was simply a piece of cheap and false sensationalism. We discovered that we had been listening not to a sober statement of a solemn fact, but to the extravagant superlatives of an imaginative people.

Mr. Mendoza, who, in his direct examination to which I have already referred, declared that the people of Cuba were starving, testified upon cross-examination by Mr. TAWNEY as follows:

Mr. TAWNEY. Is labor generally employed on the island outside of Habana?

Mr. MENDOZA. Sir?

Mr. TAWNEY. Is the laboring class more generally employed on the island outside of Habana?

Mr. MENDOZA. It is. All the sugar plantations are working by this time. They are all employed. There is plenty of work for the workmen in Cuba to-day.

Mr. TAWNEY. And at good wages?

Mr. MENDOZA. Well, not very good, because the wages in Cuba increase according to the price of sugar. When sugar is low we can not afford to pay high wages.

Mr. TAWNEY. They are paying now for common laborers as high as \$30 a month, are they not?

Mr. MENDOZA. In some places in the island, but not in all. In the eastern part of the island, which is less populated, the wages of labor are higher.

Mr. TAWNEY. Then this condition of hunger or starvation which you have just outlined or detailed here does not exist to-day, does it?

Mr. MENDOZA. Not yet; it will exist.

Mr. TAWNEY. This request, then, for the admission of sugar is in anticipation of distress?

Mr. MENDOZA. Yes, sir. It will exist, and it will exist, not after the island has been left to the Cubans (as they say they are going to do; I do not believe it myself), but—

Mr. Atkins testified to similar effect. He and a number of other witnesses—among them Colonel Bliss—testified that there was absolutely no suffering, no distress of any character whatever in the island of Cuba to-day. Colonel Bliss clinched the matter in this manner:

Mr. TAWNEY. You have said that labor there is employed, all over the island. In what does this distress of which you speak consist?

Colonel Bliss. I have not spoken of any distress, except to deny that any existed so far as I knew. It is a long time since I have seen anyone begging on the streets, or anybody who wanted to work who was not at work at good wages.

To-day no well-informed person will contend that there is any present suffering in Cuba. Labor is better employed and better paid than ever before. Anyone who wants work can obtain it at remunerative wages. Instead of there being any scarcity of work there is actually a scarcity of workers.

So that the people who were demanding relief for Cuba were driven from the position that there was any immediate need—driven from the position that there was any suffering in Cuba at the present time; and they then insisted that they needed help along the lines that this bill provides, because if relief were not extended there would be suffering in the future. Now, upon that subject there has been very full investigation before the committee. The evidence is before this House; and we are just as capable of passing an opinion upon it and determining what the future will bring to the island of Cuba as the witnesses who came before the Committee on Ways and Means and gave their opinions on the subject, and I think that we are quite as likely to reach a correct conclusion upon this evidence as a gentleman like Mr. Mendoza, who is intensely interested in the final determination of this question.

Mr. Mendoza is the owner of something like 10,000 acres of sugar lands in the island of Cuba, lands that are capable of raising 25,000 tons of sugar per annum, and which at a reduction of duty of 20 per cent would mean a difference to Mr. Mendoza of \$150,000 upon a single year's crops. It can not be said that a man who owns that much land, who is going to reap that much benefit from this legislation, is to be regarded as a disinterested witness upon this subject. Up to the present time, therefore, it is settled beyond any question that there has been no loss to the island of Cuba. Mr. Atkins testified that he had not raised sugar at a loss. Mr. Mendoza testified that he made a profit upon his sugar in the year 1901; but Mr. Atkins said that he believed there were some upon the island of Cuba who had not made anything upon their sugar, and when he was asked to explain why it was that he had made a profit on his sugar and others had not, he shrugged his shoulders, and, with a smile, said that modesty forbade him giving an answer, implying that it was his superior business methods and, we may conclude, the superior business methods of Mr. Mendoza that had enabled them to make profits when other people on the island of Cuba had not.

Now, I submit that if that is true it is no part of the duty of the American Congress to make up the difference between good business ability and bad business ability. It is no part of the duty of the American Congress to equalize the difference between good business ability and bad business ability, even among our own people, let alone among the people of a foreign land. But it is said—

Mr. UNDERWOOD. Mr. Chairman—

The CHAIRMAN. To what point does the gentleman rise?

Mr. UNDERWOOD. I rise to a question of personal privilege.

The CHAIRMAN. The Chair does not think the gentleman can take the floor from another gentleman on a question of personal privilege.

Mr. UNDERWOOD. It is a question of the highest privilege. I do not like to interfere with the gentleman from Utah, but I do not think a debate on as important a matter as this should go on at this late hour without a quorum, and I make the point that there is no quorum present.

Mr. SUTHERLAND. I suggest to the gentleman that if he will permit me to proceed until half past 5 I will then yield to a motion to rise.

Mr. UNDERWOOD. I will withdraw the point, if that is the agreement.

The CHAIRMAN. The gentleman withdraws the point. The gentleman from Utah may proceed.

Mr. SUTHERLAND. The whole case, therefore, it seems to me, Mr. Chairman, turns upon the question as to whether or not the Cuban people can make a profit upon their sugar at the prices they are able to realize for it at the present time and at the prices they will be able to realize for it during the period of nearly two years that this bill will be in effect if passed.

Now, upon that question I desire to call the attention of the House to a few facts that appear from the record made before the Ways and Means Committee. In the first place, there is certain direct evidence on the subject. It appears from the testimony before the Ways and Means Committee that in the island of Cuba they can raise about 25 tons of sugar cane to the acre; that that sugar cane will yield  $2\frac{1}{2}$  long tons of sugar, amounting in round figures to 5,600 pounds. There is the testimony of half a dozen absolutely disinterested witnesses upon this subject to the effect that that sugar can be raised at not to exceed an average of  $1\frac{1}{2}$  cents a pound. Mr. Saylor, the expert of the Agricultural Department, a gentleman who has absolutely no interest in this question, it seems to me, after a very thorough investigation into the conditions in Porto Rico, and an examination into the conditions in Cuba, testified that sugar could be raised there and be laid down at the ports of the island ready for shipment from Cuba at from  $1\frac{1}{2}$  to  $1\frac{3}{4}$  cents per pound, an average of  $1\frac{1}{2}$  cents a pound. That testimony is borne out by the statements of Mr. Douré, a Frenchman, who made an examination of the same



subject in the island, and of Mr. Weinrich, and of other gentlemen whose names I do not now remember.

There was testimony to the contrary upon the subject. Mr. Atkins, whom I have already shown is intensely interested in this legislation, but who is modest and knows it and admits it, testified that it would cost over 2 cents a pound. Mr. Hawley, another man who was intensely interested in the subject, testified to the same effect; Mr. Machoda testified to the same effect, and Mr. Fowler, a native Cuban, testified to the same effect. Now, all these gentlemen are sugar planters, and are interested in the result of this bill. The only disinterested witness who testified to that effect was Colonel Bliss, and he based his statement upon certain written statements that had been made to him by planters. In other words, the statement of Colonel Bliss was based entirely upon hearsay. So that we have the hearsay testimony of Colonel Bliss and the statement of the planters on the island of Cuba, whose profits are to be enhanced by the passage of this bill, upon the one side, and the testimony of these disinterested witnesses upon the other side. It seems to me that, taking all the testimony into consideration, any unprejudiced investigator must come to the conclusion that sugar can be raised and laid down at the ports of Cuba for not to exceed  $1\frac{1}{2}$  cents per pound.

It appears from the testimony that the lowest price that has been realized for sugar up to the present time has been \$1.81 per hundred at the ports of Cuba. I think since that time it has risen to \$1.91 per hundred. If sugar can be raised and laid down at the ports of Cuba for  $1\frac{1}{2}$  cents a pound, then there is a profit of 81 cents per hundred, or 20 per cent upon the cost of the sugar, which ought to satisfy the Cuban planters.

But there is a piece of evidence which to my mind shows beyond any question whatever that up to the present time there has been absolutely no loss, and that there will be no loss in the future upon sugar. It has been testified that wages have advanced in that island from 50 to 75 per cent during the last year or two. Now, I never in my life heard of a case where a country was upon the verge of bankruptcy, where its business was about to fail, where the business men were not making profits and where the wages of the men employed in that business had risen as wages have risen in Cuba, from 50 to 75 per cent. The best barometer of the business prosperity of any industry is the wages paid to its laborers.

Another fact. It appears from the testimony that the amount of sugar produced in Cuba has been steadily increasing. Two years ago the amount produced was about 300,000 tons. The crop for this year, when finally gathered, will amount to over 850,000 tons, which indicates that instead of there being any hardship in the industry it is a thriving and growing industry.

One other fact. It appears, as I have said, that 25 tons of cane can be raised to the acre in Cuba; that that cane will produce  $2\frac{1}{2}$  long tons of sugar, or in round figures 5,600 pounds. The rule in Cuba, as I understand from the testimony, is that one-half of that goes to the planter. In other words, the planter raises the sugar cane and takes it to the centrales, and is there paid for his cane one-half of the sugar which is produced. It is not turned over to him in kind, but he receives the value of one-half of the sugar.

It is the same as if the planter had received from the 5,600 pounds of sugar which his cane will yield 2,800, which at \$1.81 per hundred, the lowest price, would mean \$50.68 per acre, or at 2 cents a pound, which is about the average price that he has received during this year, it will mean \$56 to the planter; \$56 for every acre of land planted in sugar cane in the island of Cuba. Now, in the United States we raise upon the beet-sugar lands an average of 10 tons of beets to the acre. That is a large average. In many of the States the average is only 9 tons. I am taking the largest amount. We raise 10 tons of beets at an average of \$4.39 per ton, which is paid to the farmer, and which would give to the farmer \$43.90 per acre. So that the planter in the island of Cuba receives a gross revenue from his land, at the lowest price that sugar has ever been, of \$50.68, while the beet-sugar planter in this country receives a gross profit on his land of \$43.90 per acre. Now, anyone who understands the situation knows that it costs the American farmer more to raise an acre of beets than it does the Cuban planter to raise an acre of sugar cane in Cuba. So that the point I make is this—that if the sugar-beet farmer in this country is doing well and making a profit upon his land with a gross income of \$43.90 per acre, the Cuban planter must be making a good profit when he receives a gross income of \$50.68. [Loud applause.]

But, Mr. Chairman, it is not sufficient to show that the Cuban people need this legislation. We must go further and show that it will not injure any American industry. We must pay some attention to the protests of our own citizens who are engaged in the production of cane and beet sugar. The injurious effect upon the cane growers of Louisiana and Texas has been so forcibly and so clearly demonstrated by gentlemen who represent those States that it is not necessary to further discuss it. The slightest

interference with the duty is sure to result disastrously to the industry in those States. Mr. Fowler, a native Cuban planter whose hysterical appeal for aid I read a moment ago, while apparently recognizing this fact, coolly and blandly suggests that the cane planters take their machinery to Cuba and turn their sugar estates into rice fields to supply Cuba with rice. He says:

Louisiana, producing refined sugar from cane, should find her markets in her own sphere of influence. If unable to do so, it is wholly clear that sugar cane is, as it is said to be, an artificial product for which her vicinity is unsuited, and her planters would do well to take their machinery to Cuba and turn their sugar estates into rice fields to supply the Cuban demand, for that article is largely consumed on the island.

An exceedingly generous proposition to come from an alien and a stranger who is himself seeking our aid for the preservation of his own sugar lands! It would not be unreasonable to commend to him his own advice. If Cuba can not produce sugar at a profit under existing conditions, let her turn her sugar lands into coffee farms and supply us with an article that will not come into competition with any product of our own.

But it has been argued here that the proposed reduction may be made without injury to the beet-sugar producers. It may be true, it probably is true, that there are factories in especially favored localities that will not be injured by a reduction of 20 per cent of the duty. The Utah Sugar Company's factory, at Lehi, in my own State, has been referred to. The gentleman from Kansas [Mr. LONG] called attention to the statement of Mr. Cutler, manager of that factory, on the subject. It is claimed that Mr. Cutler stated that the beet-sugar industry would not be injuriously affected by the proposed reduction.

I know Mr. Cutler very well indeed. I am glad to number him among my close personal friends. I am ready to stand by and vouch for any statement which he has made upon this subject; but I have searched Mr. Cutler's statement before the Ways and Means Committee in vain to find any such declaration. I think he does substantially say that the Lehi factory would not be injured. The Lehi factory, I think, is more favorably located and is in a better position to stand the reduction of the duty than any factory in the United States. It is an old factory, under excellent management, in which every expense has been reduced to the minimum. Auxiliary plants are situated 15 or 20 miles to the north and 15 or 20 miles to the south of the main factory, respectively, and with connecting pipe lines. The beets grown in their locality are taken to these auxiliary plants, and there sliced, and the juice sent to the main factory by means of the pipe lines, and thus a great saving in the cost of transportation is effected. There are other circumstances which result in cheapening the cost of the sugar product, and it is entirely safe to say that sugar can be produced at this factory very much more cheaply than at any other factory in the United States. So much for this exceptional case.

The question, however, is not whether this factory or that factory can stand the proposed reduction, but a broader question is presented: What will be the effect upon the sugar-beet industry itself? Will that be injured? The distinguished gentleman from Ohio [Mr. GROSVENOR] in his speech the other day answers this question in the negative, and he refers with somewhat contemptuous emphasis to the members upon this side of the Chamber who have had the hardihood to differ with him as "juvenile Republicans." Now, I submit, Mr. Chairman, that when a man is being arraigned for his party loyalty to a cardinal principle it is not so much a question as to how long he has been a protectionist as it is how good a protectionist is he. Tested by that rule, the men who are standing together upon this side in opposition to this bill are better protectionists by 20 per cent than those who are bending every effort to pass it. Less than three months ago the gentleman himself took the position which we occupy to-day. On January 28, in a hearing before the Ways and Means Committee, the following colloquy took place between him and Mr. Carey:

Mr. GROSVENOR. Allow me to ask you a question; and don't get me on the wrong side, either.

Mr. CAREY. I will assume that it comes from a friendly source this time.

Mr. GROSVENOR. Is it possible, in your judgment, to make a concession to Cuban sugar that will benefit the Cuban people and still not injure the production in the United States of cane and beet sugar?

Mr. CAREY. I do not think anything about it; I know that it is not.

Mr. GROSVENOR. Nobody could help knowing that who knew enough to put two and two together.

In other words, the position of the gentleman then was that it was as plain as two and two make four that any reduction which would help the cane-sugar growers of Cuba would injure the beet-sugar growers of the United States. If it was true then, it is true now. If it is not true now, then the gentleman was mistaken ten weeks ago, when he took the position that it was a self-evident truth. If he was mistaken ten weeks ago, at the end of an exhaustive investigation into this subject, upon this vital question, by what sort of consistency can he insist that we shall follow him to-day?

Mr. Chairman, "I appeal from Philip drunk to Philip sober."



I appeal from GROSVENOR filled with the intoxication of debate to GROSVENOR in the calm reflective atmosphere of the committee room. In my experience I have known of but one case where so complete a change of sentiment was wrought in a shorter time. Some years ago I had the honor of being a member of a Republican caucus charged with the important duty of selecting a candidate to be presented to the legislature as United States Senator. There were two candidates before the caucus. During the proceedings the supporters of one of these candidates concluded that it was to their interest to postpone action, and some gentleman moved that an adjournment be taken until the following evening. One of his colleagues had been partaking somewhat freely of the cup that cheers and also inebriates, and had not observed that the motion came from his side. He at once arose, and, addressing the chair, said: "Mr. Chairman, there are two propositions before this caucus. One of those propositions is, Shall we adjourn? Another of those propositions is, Shall we not adjourn? Now, Mr. Chairman, so far as I am individually concerned, I am unalterably opposed to adjourning." Just at this point he caught sight of his colleague who had made the motion shaking a warning finger at him, and, without changing his emphasis or tone, he proceeded, "But, Mr. Chairman, if there is any gentleman here who wants to adjourn, so far as I am concerned, I am entirely willing."

But in addition to being characterized as "juvenile Republicans" we are also derided as "amateur statesmen." I am willing to overlook the insult conveyed by the first word in the expression in consideration of the implied compliment contained in the second, and cheerfully plead guilty to the charge. I think I know what the distinguished gentleman means by the expression. An "amateur statesman" is a member of the House who has not been in the business long enough to have acquired the ability to be upon more than one side of the same question at the same session.

But, Mr. Chairman, I think it is beyond doubt that the sugar-beet industry of this country will be injured by this legislation. If in no other way, confidence will be destroyed. It will be difficult and in some instances impossible for many of the factories to obtain the credit so necessary to business enterprises. But in addition to this there will be a discouragement to the further extension of the industry. As shown by the statistics of the Agricultural Department, there is to-day in contemplation the erection of 93 factories in the United States, involving an expenditure of the enormous sum of \$49,000,000. The erection of these factories will be discouraged by this legislation. It has been well said that "there is nothing in this world so timid as a million dollars except two millions."

If you pass this legislation you will put money into the hands of the sugar trust to fight the beet-sugar industry. We are familiar with the history of the American Sugar Refining Company and we know its disposition. A year ago it reduced prices in the Missouri Valley below cost in order to crush its rivals. If the result of this legislation shall be to put into the hands of this gigantic monopoly \$6,000,000 that will go to somebody, or to put into its hands only one-half of this amount, you will simply give to it that much money to be used against its only competitor in the production of refined sugar. It is said, however, that the trust will not get the benefit of any part of this reduction, but that the whole of it will go to the Cuban planters. If anyone imagines that the American Sugar Refining Company will not get some benefit from this reduction he is credulous enough to be called foolish. The sugar trust has a monopoly of the refining of raw sugar in this country. The Cuban planters can sell their raw sugar to no other customer. It is perfectly clear that the sugar trust being the only purchaser, it can dictate its own price to the seller, who must sell. It will not be disputed that the trust has the disposition to rob the Cuban planters of the benefit they would otherwise derive from this reduction in order to enrich itself. If further proof of this disposition is required it will be found in the testimony of Mr. Havemeyer, its sole manager, before the Industrial Commission, as follows:

Q. Now, I also understood you to imply at least that it is the policy of the American Sugar Refining Company to crush out all competition, if possible?  
A. But that is not so; there is no such testimony. I understand it has been put in that form by one of the gentlemen, but it is not the fact. What I said was that it was the policy of the American Company to maintain and protect its trade, and if it resulted in crushing a competitor it is no concern of the American Company. If he gets in the press that is his affair, not ours.

Q. And if anyone interferes with the business, profits, or competition of the American Sugar Refining Company it is its policy to prevent it, if possible?

A. By lowering profits to defy it.

Q. And if it results in crushing him out—

A. (Interrupting.) That is his affair.

Q. Not the affair of the American Sugar Refining Company?

A. No.

On page 117 Mr. Havemeyer's testimony reads as follows:

Q. I say he (the consumer) may be benefited temporarily for six months or a year; but if, after the crushing out has taken place, you then, as you said in your testimony, resume a margin of profit which you consider is the right

thing, and that is the only thing you were governed by, I ask you then whether the consumer will be materially benefited or not?

A. Is he not benefited to the extent of the reduction of the prices during the fight?

Q. He is; but if he has to pay double or three times the price after the fight is ended I fail to see where he is benefited.

A. He is not if he has to pay that.

Q. I understood you to say when the war was ended you evened up?

A. Yes.

Q. The price you put on was for the benefit of the stockholder?

A. Yes.

Q. Do you think it is fair that the consumer should pay a dividend to your company on brands, good will, etc.?

A. I think it is fair to get out of the consumer all you can consistent with the business proposition.

Q. You state that as an ethical proposition before this Commission, and you have to stand on that ethical position for fair play. Now, I want to know if you think—you stated that the consumer received the benefits of this consolidation of industry—it a fair ethical position, independent of the business view you put on, that the consumer should pay dividends on this \$25,000,000 of overcapitalization?

A. I do not care 2 cents for your ethics. I do not know enough of them to apply them.

Does anyone believe that this gentleman, as tender and gentle a commercial buccaneer as ever "cut a throat or scuttled a ship," having both the power and the disposition, would permit the Cuban planter to receive \$1 of the saving effected by the reduction of the duty that he was able to take for himself?

It is a significant fact that the stock of the sugar trust has advanced from about \$116 to \$133 per share since the time it became reasonably certain that this bill would be passed. The gentlemen who deal in this stock are willing to pay these enhanced prices, because they believe that the trust will be benefited by this legislation, and if they, shrewd business men and shrewd speculators, believe it, why should we doubt?

But it is said that this proposed law is to last for less than two years; that the beet-sugar industry will not be hurt in this short time. The difficulty is that this legislation is proposed at the most critical time in the history of this industry. As I have already said, 93 factories are projected. If their erection is discouraged—as I firmly believe will be the case—the money will be invested elsewhere, and the opportunity for this great development will be gone. It is not much consolation to a man who is to be ruined to tell him that it will be done quickly. I am reminded of the gentleman who undertook a trip down the Niagara River in a barrel, upon a wager. By some strange dispensation of Providence he was saved to relate his experience. He said that it was "all plain and easy and beautiful sailing above the falls, and all plain and easy and beautiful sailing below the falls, but going over was h—l."

I am not going to take the time to discuss at any length the question of our duty to Cuba, because it is now practically conceded that we are under no moral or legal obligation to the Cuban people to pass this law. It must be conceded by everyone that we have been more than generous to these people. We have relieved them of \$300,000,000 of Spanish debts; we have distributed \$3,000,000 in cash among her people; we have distributed 5,493,500 rations among her people; we have cleaned her harbors and cities; we have given her liberty and independence at the cost of uncounted treasure of our own and the sacrifice of the lives of the best and bravest of our sons, and still they come to us for more. In heaven's name, when will this "Oliver Twist" among peoples be satisfied?

It is said, however, that it is a good business proposition for the United States. In return for this reduction upon our duties we are to be given a similar reduction and thereby obtain the Cuban markets for ourselves. This particular question must be considered apart from the question of our duty to the Cuban people, and so considered we have a right to analyze it as we would analyze any other business proposition. We propose to give to Cuba (or somebody) the equivalent of over \$6,000,000. We turn aside from our Treasury this much money, and for all practical purposes it is precisely the same as if we first permitted it to go into the Treasury and then paid it out again. What do we get in return?

Cuba last year bought from us a little more than \$28,000,000 worth of goods. She bought from other countries a little more than \$37,000,000. No one supposes that we would secure this entire trade; but suppose, for the sake of argument, we do. In exchange for between six and seven millions of dollars some of our business men would secure the sale of \$37,000,000 worth of their goods. Let us assume that upon these goods these business men would receive a profit of 10 per cent net, which I think is a very large estimate. This would amount to \$3,700,000. Reduced to the last analysis, therefore, this is a proposition to give to the Cuban people or the sugar trust, or both, over \$6,000,000 in order that some business men in this country may reap a possible profit of \$3,700,000.

I wish I had time to discuss at length my objection to this legislation upon the ground that it is opposed to Republican principles, but I have not. Upon the plainest principles of common honesty the Republican party can not afford to be responsible for it. We specifically invited the people of the United States to



engage in the growing of sugar beets and in the manufacture of sugar therefrom, under a pledge, not made expressly but none the less explicit, that we would protect them against the cheap sugar of other lands.

The bill is not in line with the Republican idea of reciprocity. In 1900 we declared—the Republican platform declared—that we favored the “associated policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.” It was never intended by that declaration, it is not a part of the Republican policy, it is contrary to every declaration which the party leaders have made, to say that we shall make a trade agreement with a foreign country by which there shall be admitted to our ports a class of goods which will come into direct competition with the products of our own people.

But Mr. Chairman, I must conclude. I am opposed to this bill because it is based upon a cry for aid that is shown to be false; because it will destroy confidence in the sugar industry of our own land; because its benefits will go to the grasping hands of a mercenary trust that has already grown fat by feeding upon the people; because it is contrary to the best teachings of the Republican party under which we have become the greatest producing nation the world has ever seen; in short, because it is unnecessary, unwise, unbusinesslike, and un-Republican. [Loud Applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee rise. The motion was agreed to.

The committee accordingly rose; and Mr. LACEY having resumed the chair as Speaker pro tempore, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12765 and had come to no resolution thereon.

#### ANNUAL REPORT OF BUREAU OF THE AMERICAN REPUBLICS.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Acting Secretary of State, submitting the annual report of the Director of the Bureau of the American Republics and accompanying papers.

THEODORE ROOSEVELT.

WHITE HOUSE, April 15, 1902.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, by direction of the Committee on Military Affairs, I submit the report on the bill (H. R. 18676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, and ask that it be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The SPEAKER pro tempore. The bill and the report will be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order on the bill.

The SPEAKER pro tempore. All points of order are reserved by the gentleman from Tennessee.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 911. An act authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 1153. An act for the relief of Mary E. Parker—to the Committee on Claims.

S. 4069. An act to establish a fish hatchery and fish station in the State of South Carolina—to the Committee on Merchant Marine and Fisheries.

S. 1104. An act providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent—to the Committee on Naval Affairs.

S. R. 77. Joint resolution providing for printing the general index to published volumes of the diplomatic correspondence and foreign relations of the United States—to the Committee on Printing.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *George and Jane*, Clark Elliott, master, against the United States—to the Committee on Claims.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan, reported the same without amendment, accompanied by a report (No. 1611); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1906) for the erection of a keeper's dwelling at Grosse Isle, South Channel Range, Detroit River, Michigan, reported the same without amendment, accompanied by a report (No. 1612); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga., and to transfer certain counties from the northern to the southern district in said State, reported the same with amendments, accompanied by a report (No. 1613); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 2218) for the relief of the legal devisees of James W. Schaumburg, reported the same with amendment, accompanied by a report (No. 1615); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 3692) for the relief of Elizabeth B. Eddy, reported the same without amendment, accompanied by a report (No. 1616); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2482) for the relief of W. J. Kountz, reported the same with amendment, accompanied by a report (No. 1617); which said bill and report were referred to the Private Calendar.

Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 12075) for the relief of Jacob Swigert, late deputy collector seventh Kentucky district, reported the same without amendment, accompanied by a report (No. 1619); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the House resolution (H. Res. 203) requesting the Attorney-General to inform the House of Representatives what steps have been taken by the Department of Justice to prosecute alleged violations of anti-trust law, reported the same adversely, accompanied by a report (No. 1614); which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8021) granting a pension to Jonathan F. Martin, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. NORTON (by request): A bill (H. R. 13628) for grading V street from North Capitol street to Lincoln avenue east—to the Committee on the District of Columbia.

By Mr. BROWNLOW: A bill (H. R. 13629) amending an act approved February 26, 1881, providing for the payment of pensions to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 13630) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes—to the Committee on the District of Columbia.

By Mr. MARSHALL: A bill (H. R. 13631) to reserve 640 acres of land in the State of North Dakota, embracing the White Stone Hills battlefield and burial ground, as a memorial park, and to embellish and improve the same—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 13632) providing for memorial tablets to mark the position of each regiment and battery of regular United States troops engaged in the battle of Gettysburg—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 13672) providing for the leasing of gilsonite mineral lands in the Uncompahgre Reservation in Utah—to the Committee on the Public Lands.

By Mr. McLACHLAN: A bill (H. R. 13673) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal.—to the Committee on the Library.

By Mr. OVERSTREET: A bill (H. R. 13674) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors—to the Committee on Ways and Means.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes—to the Union Calendar.

By Mr. KEHOE: A joint resolution (H. J. Res. 179) providing for the annual printing of franks used in sending out seeds—to the Committee on Printing.

By Mr. BURLESON: A resolution (H. Res. 211) requesting the Secretary of War to furnish the minutes of the court-martial of Maj. Littleton W. Waller—to the Committee on Military Affairs.

By Mr. BURTON: A resolution (H. Res. 212) concerning compensation for clerical services rendered Committee on Rivers and Harbors—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 13633) granting a pension to Laura M. Swan Anderson—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie—to the Committee on Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 13635) granting an increase of pension to George W. Burgess—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 13636) granting a pension to Sarah A. Grinnell—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13637) granting a pension to Orlena Beasley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13638) granting an increase of pension to Thomas Hickman—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13639) granting an increase of pension to Hannah Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13640) granting an increase of pension to John Settle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13641) for the relief of the heirs of Joseph Jennison—to the Committee on War Claims.

Also, a bill (H. R. 13642) granting a pension to Joel O. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13643) granting an increase of pension to Arthur F. Devereux—to the Committee on Invalid Pensions.

By Mr. GROW: A bill (H. R. 13644) granting a pension to Maletta Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13645) granting a pension to Hiram B. Wilson—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 13646) granting an increase of pension to John G. Heiser—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13647) granting an increase of pension to Hiram Booth—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 13648) for the benefit of Elizabeth Redmon, Joseph Redmon, Charles Redmon, Frank Redmon, Mrs. M. L. Hull, Mrs. W. W. Hall, and Mrs. G. K. McProud, heirs of John Redmon—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 13649) granting a pension to Mary A. Baldrige—to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 13650) to correct the military record of James M. Olmstead—to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 13651) granting a pension to John Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13652) granting an increase of pension to Anderson H. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13653) granting an increase of pension to Ermina A. Boss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13654) granting an increase of pension to Charles Reiter—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13655) for the relief of the estate of James T. Ball, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13656) granting an increase of pension to Charles H. Baugher—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 13657) for the relief of George W. Mattingly—to the Committee on War Claims.

Also, a bill (H. R. 13658) for the relief of Ellen Mansfield and Mattie Mansfield—to the Committee on War Claims.

By Mr. SNODGRASS: A bill (H. R. 13659) for the relief of Daniel Ladd—to the Committee on Pensions.

Also, a bill (H. R. 13660) for the relief of Jackson Pryor—to the Committee on Military Affairs.

Also, a bill (H. R. 13661) for the relief of Joseph P. Rollins—to the Committee on Military Affairs.

Also, a bill (H. R. 13662) granting a pension to Calvin E. Myers—to the Committee on Pensions.

Also, a bill (H. R. 13663) granting a pension to Dempsey D. Driver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13664) granting a pension to Solomon C. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13665) granting an increase of pension to George R. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13666) granting an increase of pension to Andrew F. Byers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13667) granting an honorable discharge to George W. Peneyhouse—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 13668) for the relief of the heirs of Nathan D. Adams—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 13669) granting an increase of pension to James H. McVicker—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 13670) granting an increase of pension to Annie Freeman—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 13671) for the relief of Charles F. Sayles—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 13675) granting an increase of pension to George W. White—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Polish Roman Catholic Societies, of Everson, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, papers to accompany House bill 4429, granting a pension to George W. Meanor—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4426, granting increase of pension to Daniel Sims—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Resolutions of the Board of Trade of Columbus, Ga., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

By Mr. BATES: Petition of officers and veterans of the Pennsylvania State Soldiers and Sailors' Home, Erie, Pa., for the passage of House bill 13438, to promote the efficiency of the clerical service in the Navy, etc.—to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: Petition of Owen Hoey and others, of South Dakota, in favor of House bills 170 and 179, for



the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Petition of John F. Jelke, Chicago, in relation to the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of McAllister Lodge, No. 374, of Herrington, Kans., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. COOMBS: Petition of D. R. Hess and others, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CROMER: Resolution of Fire Insurance Agents' Union No. 8530, of Elwood, Ind., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Resolutions of Laborers' Protective Union No. 9512, of Ticonderoga, N. Y., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of Rabbi V. Caro, in the name of Jewish citizens of Milwaukee, Wis., in relation to the violation by Russia of its treaty with the United States, and in support of the Goldfogle bill—to the Committee on Foreign Affairs.

By Mr. GIBSON: Papers to accompany House bill granting a pension to Orlena Beasley—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Thomas Hickman—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Woman's Board of Home Missions of the Presbyterian Church, New York, protesting against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

Also, resolution of United Mine Workers of Tarentum, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of T. J. Morgan and officers of various missionary boards in the United States, protesting against the teachings and institutions of Mormonism—to the Committee on the Judiciary.

Also, petitions of Major W. G. Lowry Post, No. 548, of Wilkesburg, and St. Kress Post, No. 284, of Slattington, Pa., Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Papers to accompany House bill 13641, granting an increase of pension to John Settle—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of Walker Ritter, of Frederick County, Va., for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. HEMENWAY: Resolutions of Labor Union of Owensville, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. KERN: Petition of sundry citizens and farmers of Smithton, Ill., favoring the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of Foundry Employees' Union No. 9617, of Belleville, Labor Union No. 8769, of Muscatine, Ill., and Labor Union No. 8306, of Sandoval, Ill., for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolution of Eureka Lodge, No. 434, Association of Machinists, Brooklyn, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER: Resolutions of Laborers' Protective Union No. 9465, Corinth, N. Y., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. MARSHALL: Resolutions of Journeymen Tailors' Union No. 237, of Fargo, N. Dak., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MARTIN: Petition of citizens of South Dakota, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. McANDREWS: Petitions of various Polish societies of Chicago, Ill., favoring House bill 16, for the erection of an equestrian statue to the late General Pulaski at Washington, D. C.—to the Committee on the Library.

Also, resolutions of Reliable Lodge, No. 253, of Chicago, Ill., Association of Machinists, favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of the same lodge, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Horse Nail Makers' Union No. 7180, Chicago,

Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McCLEARY: Resolution of the St. Paul (Minn.) Jobbers' Union, favoring amendments to the national bankruptcy law—to the Committee on the Judiciary.

Also, letters of Augusta A. Connor and other citizens of Minneapolis, Minn., asking for the appointment of a commission to investigate woman suffrage in the Western States—to the Committee on the Judiciary.

By Mr. MORRELL: Petition of the East End Suburban Citizens' Association of the District of Columbia, for the passage of bill authorizing the use of electric lights by means of wires on poles east of Rock Creek and beyond Florida avenue—to the Committee on the District of Columbia.

Also, resolutions of Machinists' Association No. 348, Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEVILLE: Paper to accompany House bill 5171, for the relief of Catherine Grace—to the Committee on Claims.

By Mr. NORTON: Petition of Merle Miller and other citizens of Sycamore, Ohio, and resolutions of American Flint Glass Workers' Union No. 31, of Fostoria, Ohio, favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Federal Labor Union, No. 88, Sandusky, Ohio, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Division No. 124, Locomotive Engineers, Bucyrus, Ohio, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, papers to accompany House bill to grade V street from North Capitol street to Lincoln avenue east—to the Committee on Appropriations.

Also, papers to accompany House bill granting an increase of pension to Charles Reiter, Tiffin, Ohio—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Ermina A. Boss, Vermilion, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Anderson H. Ash, Marion, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John Rodgers, State Soldiers' Home, Ohio—to the Committee on Invalid Pensions.

By Mr. PALMER: Resolutions of the Board of Trade of Pittston, Pa., urging the passage of House bill No. 8337, confirming certain powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: Papers to accompany House bill granting an increase of pension to Charles H. Baugher—to the Committee on Invalid Pensions.

By Mr. ROBB: Papers to accompany House bill for the relief of George W. Mattingly—to the Committee on War Claims.

By Mr. SHATTUC: Papers to accompany House bill 13377, to place D. B. Jeffers on the retired list of the Army—to the Committee on Military Affairs.

Also, papers to accompany House bill 5274, granting an honorable discharge to Isaac Dulhagen—to the Committee on Military Affairs.

By Mr. SIBLEY: Petition of Mount Pleasant Grange No. 68, of Pennsylvania, protesting against the passage of bill for the irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SNOOK: Petition of Subordinate Association No. 19 of Lithographers' International Protective and Beneficial Association, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, paper to accompany House bill 12495, granting a pension to Amelia Hollinshead—to the Committee on Invalid Pensions.

By Mr. STARK: Papers to accompany House bill 12751, granting an increase of pension to Martin L. Pembleton—to the Committee on Invalid Pensions.

By Mr. STEELE: Resolutions of Kokomo Lodge, No. 463, Machinists Association of Kokomo, Ind., for the restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. STEWART of New Jersey: Resolutions of Trenton, N. J., Lodge No. 28, Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolutions of the New York Board of Trade and Transportation, in favor of the enactment of the Lovering bill in relation to the export trade—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany

House bill for the relief of the heirs of Nathan D. Adams—to the Committee on War Claims.

By Mr. VAN VOORHIS: Resolutions of Lithographers' Protective Beneficial Association, Coshocton, Ohio, for the exclusion of illiterate immigrants—to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Resolution of the board of control of State house of correction and prison at Marquette, Mich., relative to the restriction of transportation of prison-made merchandise—to the Committee on Interstate and Foreign Commerce.

## SENATE.

WEDNESDAY, April 16, 1902.

The Senate met at 10 o'clock a. m.

Prayer by Rev. HENRY N. COUDEN, Chaplain of the House of Representatives.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CLAPP, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

### REPORT ON FRAUDULENT ENTRY OF CHINESE LABORERS.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of the Treasury; which was read, and ordered to lie on the table:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, April 14, 1902.

SIR: In response to Senate resolution of 9th instant, I have the honor to inform you that thus far the official report made to the Treasury Department by Inspector James E. Dunn, referred to in said Senate resolution, has not been found among the correspondence on file in the Department.

It is recalled in the Bureau of Immigration that such a report was made, embodying, as well, various other matters in relation to the enforcement of the Chinese-exclusion laws at the port of San Francisco; but under the system of filing of the said Bureau some question of administration would be taken as the subject of such a report, and it would be given an appropriate number designating that subject rather than a statement of the nature referred to in the Senate resolution. The search, however, will be continued, and when found, if still desirable, the official report referred to will be forwarded.

Respectfully,

L. M. SHAW,  
Secretary.

The PRESIDENT OF THE SENATE,  
Washington, D. C.

### STATUE OF GEN. ULYSSES S. GRANT.

The PRESIDENT pro tempore laid before the Senate the report of the Grant Statue or Memorial Commission relative to the selection of a site, plans, and designs for a statue or memorial of Gen. Ulysses S. Grant, late President of the United States and General of the armies thereof, etc.; which, with the accompanying papers, were referred to the Committee on the Library, and ordered to be printed.

### LANDS OF THE CHEROKEE NATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the national council of the Cherokee Nation requesting the individualization of the lands and disbursements of moneys, etc., together with a draft of a bill prepared by direction of the Secretary; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### CHINESE EXCLUSION.

The PRESIDENT pro tempore. The President of the Senate has received a communication from the executive council of the American Federation of Labor, relating to the pending Chinese bill, with the request that it be read. Is there any objection to its being read? The Chair hears none, and the Secretary will read the communication.

The communication was read, and ordered to lie on the table, as follows:

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., April 15, 1902.

Hon. WILLIAM P. FRYE,  
President pro tempore United States Senate, Washington, D. C.

DEAR SIR: The undersigned, the executive council of the American Federation of Labor, being in session in this city of Washington, D. C., had under consideration the matter of legislation relative to the exclusion of the Chinese laborers from the United States and its insular territory. It may be unnecessary to indicate how deeply interested are the men and women of our country whom we have the honor to represent in the matter of this legislation, and desirous of serving them, as well as all people of our country, to the very best of our ability, we have adopted the following preambles and resolution:

"Whereas the Philippines, with their large Chinese population of the pure and mixed blood and their proximity to China, serve, and could to a greater degree serve, as a reservoir of Chinese laborers, and a bridge over which Chinese could and would come to the mainland territory of the United States unless stopped by effective legislation; and

"Whereas any law which does not exactly define the meaning to be given to the treaty terms 'official,' 'teacher,' 'student,' 'merchant,' and 'traveler' would, in view of Chinese duplicity, be a mockery and of no value; and

"Whereas the seamen are clearly entitled to equal protection from Chinese competition and contamination as are other workers in our common country; and

"Whereas the validity of the entire Scott Act of 1888 is in controversy in an appeal case now pending before the Supreme Court, and it is generally admitted that the attack will be sustained by the court, neither the Proctor bill nor the Platt amendment dealing in any way with these new questions or the emergency which will beyond doubt arise by the court's decision:

"Resolved by the executive council of the American Federation of Labor in session assembled, That we hold said Proctor bill and Platt amendment utterly inadequate and contrary to the best interests of labor all over the country, in the mills of New England or the Carolinas, as well as the workers on the Pacific coast and in the intermountain States; and

"Further resolved, That we are firmly convinced that the Mitchell-Kahn bill, as reported from the Committee on Immigration and passed by the House of Representatives, is the only exclusion bill that will exclude now before Congress; and we therefore urge all true friends of the policy of the exclusion of Chinese laborers from the United States to vote for this bill and to defeat any amendment offered thereto tending to weaken it in any of its essential or effective features."

We sincerely trust that this petition, embodying our best judgment, may meet with your favorable consideration, and that you may honor us by presenting the same to the Senate in session.

Thanking you in advance, in anticipation of your compliance with our request, we have the honor to remain,

Very respectfully,

Samuel Gompers, of New York, president; James Duncan, Boston, Mass., first vice-president; John Mitchell, Indianapolis, Ind., second vice-president; James O'Connell, Oil City, Pa., third vice-president; Max Morris, Denver, Colo., fourth vice-president; Thomas I. Kidd, Chicago, Ill., fifth vice-president; D. A. Hayes, Newark, Ohio, sixth vice-president; John B. Lennon, Illinois, treasurer; Frank Morrison, of Chicago, secretary, executive council American Federation of Labor [seal].

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The President of the Senate has received 61 additional telegraphic memorials from the Pacific coast against the Mitchell bill (so-called) and for the Platt amendment. Also 2 from Seattle, protesting against the seamen clause; also 12 from the labor unions of Portland, Me., in favor of the Mitchell bill and against the Platt amendment. The President of the Senate does not feel like filling the RECORD with these telegrams, and will suggest, if there be no objection, that they simply be noted in the RECORD. Is there objection? The Chair hears none.

Mr. TURNER. Do I understand that some of those telegrams are from Seattle?

The PRESIDENT pro tempore. There are two from Seattle. Mr. TURNER. I should like to have an opportunity to examine them.

The PRESIDENT pro tempore. They are by themselves here. The telegrams were ordered to lie on the table, as follows:

A telegram from S. M. Mears, president of the board of trustees, Chamber of Commerce of Portland, Oreg.;

A telegram from A. H. Mohler, president of the Portland and Asiatic Steamship Company of Portland, Oreg.;

A telegram from John Breuner Company, of San Francisco, Cal.;

A telegram from Charles Forman, ex-president of the Chamber of Commerce of Los Angeles, Cal.;

A telegram from George H. Stewart, of Los Angeles, Cal.;

A telegram from R. P. Burr, of Sacramento, Cal.;

A telegram from Theodore B. Wilcox, president of the Portland Flouring Mills Company, of Portland, Oreg.;

A telegram from John F. Francis, of Los Angeles, Cal.;

A telegram from H. J. Knowles, secretary of the Pacific Steam Whaling Company, of San Francisco, Cal.;

A telegram from William Wolfe & Co., of San Francisco, Cal.;

A telegram from Lawrence Harris, of San Francisco, Cal.;

A telegram from O. G. Sage, of Sacramento, Cal.;

A telegram from W. A. Kelsey, of the Los Angeles Capital, of Los Angeles, Cal.;

A telegram from J. F. Sims, of San Francisco, Cal.;

A telegram from T. M. Stevens & Co., of Portland, Oreg.;

A telegram from W. E. Dennison, president of the Steiger Terra Cotta and Pottery Works, of San Francisco, Cal.;

A telegram from Gladding, McBean & Co., of San Francisco, Cal.;

A telegram from Charles E. Fredericks, president of Joseph Fredericks & Co., Incorporated, of San Francisco, Cal.;

A telegram from J. Eppinger, of San Francisco, Cal.;

A telegram from G. W. McNear, jr., of San Francisco, Cal.;

A telegram from H. L. Tatum, of San Francisco, Cal.;

A telegram from Thomas C. Berry, of San Francisco, Cal.;

A telegram from T. C. Gibbons, of San Francisco, Cal.;

A telegram from L. Kauffman, of San Francisco, Cal.;

A telegram from E. A. Bresse, of San Francisco, Cal.;

A telegram from George H. Higbee, of San Francisco, Cal.;

A telegram from Andrew E. Moseley, of San Francisco, Cal.;

A telegram from George P. Morrow, of San Francisco, Cal.;

A telegram from John Herd, of San Francisco, Cal.;

A telegram from G. W. Hume, of San Francisco, Cal.;

A telegram from George W. Scott, of the Scott & Van Arsdale Lumber Company, Incorporated, of San Francisco, Cal.;

A telegram from Meyer Wilson & Co., of San Francisco, Cal.;



A telegram from G. H. Fuller, president of the George H. Fuller Desk Company, of San Francisco, Cal.;

A telegram from G. V. Selby, manager of the Boston Woven Hose and Rubber Company, of San Francisco, Cal.;

A telegram from J. D. Harron, president of Harron, Rickard & McConne, of San Francisco, Cal.;

A telegram from C. W. Weaver, secretary of Studebaker Brothers Company of California, of San Francisco, Cal.;

A telegram from E. D. Page, manager of the Howe Scale Company, of San Francisco, Cal.;

A telegram from Joseph Rosenberg, of San Francisco, Cal.;

A telegram from Juda Newman, of San Francisco, Cal.;

A telegram from W. G. Lowry, of San Francisco, Cal.;

A telegram from O'Brien & Sons, of San Francisco, Cal.;

A telegram from W. F. Soule, of San Francisco, Cal.;

A telegram from William Rennie, for Fairbanks, Morse & Co., of San Francisco, Cal.;

A telegram from E. W. Ferguson, of San Francisco, Cal.;

A telegram from S. J. Newman, of San Francisco, Cal.;

A telegram from Isaac L. Requa, of San Francisco, Cal.;

A telegram from H. C. Norton, vice-president and manager of the Pacific Coast Rubber Company, of San Francisco, Cal.;

A telegram from Redington & Co., of San Francisco, Cal.;

A telegram from Clark & Sons, of San Francisco, Cal.;

A telegram from C. F. Runyon, secretary of the Goodyear Rubber Company, of San Francisco, Cal.;

A telegram from Murphy Grant & Co., of San Francisco, Cal.;

A telegram from Whittier Coburn Company, of San Francisco, Cal.;

A telegram from H. T. Lally, manager for the Crane Company, of San Francisco, Cal.;

A telegram from Mack & Co., of San Francisco, Cal.;

A telegram from A. B. Costigan, of San Francisco, Cal.;

A telegram from S. B. McNear, of San Francisco, Cal.;

A telegram from the treasurer of the Nathan Dohrmann Company, of San Francisco, Cal.;

A telegram from Francis Smith & Co., of San Francisco, Cal.;

A telegram from Vanderlinn Stow, secretary of the Thomas Day Company, of San Francisco, Cal.;

A telegram from Girvin & Eyre, of San Francisco, Cal.;

A telegram from John W. Classen, secretary of the Tacoma Mill Company, of San Francisco, Cal.;

A telegram from Frank Waterhouse & Co., of Seattle, Wash.;

A telegram from Moran Brothers' Company, of Seattle, Wash.;

A telegram from M. H. Schlitter, secretary of the Granite Cutters' Union, of Portland, Me.;

A telegram from W. J. Lappen, secretary of the Barbers' Union, of Portland, Me.;

A telegram from S. C. Phillips, agent of the Seamen's Union, of Portland, Me.;

A telegram from A. Reed, secretary of the Team Drivers' Union, of Portland, Me.;

A telegram from James H. Flynn, recording secretary of the Painters' Union, of Portland, Me.;

A telegram from John C. Clarke, secretary of Iron Molders' Union, of Portland, Me.;

A telegram from Michael McDonough, for the Masons' Union, of Portland, Me.;

A telegram from D. A. Cameron, secretary of the Carpenters' Union of Portland, Me.;

A telegram from J. H. Dooley, president of the Typographical Union of Portland, Me.;

A telegram from Charles L. Fox, secretary of the Central Labor Union of Portland, Me.;

A telegram from Patrick J. Joyce, vice-president of Bricklayers Tenders' Union of Portland, Me.; and

A telegram from James J. Mullen, secretary of Cigar Makers' Union of Portland, Me.

Mr. PERKINS. I present a telegraphic petition signed by M. Casey, president, and John McLaughlin, secretary, of Brotherhood of Teamsters of San Francisco, Cal., praying for the passage of the pending Chinese-exclusion bill, and remonstrating against any substitute or amendment therefor. I move that the dispatch lie on the table.

The motion was agreed to.

Mr. KITTREDGE presented a petition of Prairie Lodge, No. 170, Brotherhood of Locomotive Firemen, of Huron, S. Dak., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was referred to lie on the table.

Mr. QUAY presented petitions of General James B. Rickett Post, No. 57, of Dillsburg; of John Ennis Post, No. 47, of St. Clair; of Jesse Taylor Post, No. 450, of Mount Morris; of Post No. 95, of Bellefonte; of Major W. G. Lowry Post, No. 548, of Wilkinsburg; of Captain Lyons Post, No. 85, of Glenwood; of Samuel Kress Post, No. 284, of Slatington; of C. S. Davis Post, No. 148, of Selins-

grove, and of Lieutenant David H. Nessley Post, of Mount Joy, all of the Department of Pennsylvania, Grand Army of the Republic, in the State of Pennsylvania, praying for the enactment of legislation providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and to increase the pensions of widows of soldiers to \$12 per month; which were referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1300) granting a pension to Judson N. Pollard; and

A bill (S. 3505) granting an increase of pension to Matthew B. Noel.

He also, from the same committee, to whom was referred the bill (S. 1299) granting a pension to Ambrus U. Harrison, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9455) to remove the charge of desertion standing against the name of Lorenzo Marchant, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, reported it with amendments, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. CLAPP introduced a bill (S. 5272) for the relief of Darwin S. Hall; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 5273) to amend section 4139 and section 4314 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLARD introduced a bill (S. 5274) to remove the charge of desertion from the name of Frederick W. Joslin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 5275) to provide for the purchase of lands that may be required for military purposes and for the building of barracks and quarters thereon, to be paid for from the proceeds of the sale of abandoned military reservations; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

#### AMENDMENT TO APPROPRIATION BILL.

Mr. QUAY submitted an amendment proposing to appropriate \$255 for the purchase of "The Jesuit Relations" for the library of the Military Academy, intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### EXPENSES OF MILITARY OPERATIONS, ETC., IN THE PHILIPPINES.

Mr. CULBERSON. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

1. A statement of the amount of money paid by the United States for or on account of the Philippine Commission to the date when such expenses were paid out of the Philippine Treasury.

2. A statement of the amount of money paid by the United States for or on account of railway transportation for troops to and from the Philippine Islands since the ratification of the treaty of peace between the United States and Spain, and the several railway companies to which it was paid and the sums paid each of them.

3. A statement of the amount of money expended and the amount, as far as he is able to state the same, for which the Government of the United States is liable, remaining unpaid, for equipment, supplies, and military operations in the Philippine Islands each year from May 1, 1898, to the present time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BEVERIDGE. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over under objection.

#### EXPENSES OF NAVAL OPERATIONS IN THE PHILIPPINES.

Mr. CULBERSON. I submit a resolution and ask for its immediate consideration.

The resolution was read as follows:

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate a statement of the amount of money expended, and the amount, so far as he is able to state the same, for which the Government of the United States is liable, remaining unpaid, for equipment, transportation, supplies, and naval operations in the Philippine Islands each year from May 1, 1898, to the present time.

Mr. BEVERIDGE and Mr. KEAN. Let it go over.

The PRESIDENT pro tempore. The resolution will go over.

## THE NICARAGUA CANAL.

Mr. MORGAN. Mr. President, I had a conference yesterday with the Senator from Massachusetts [Mr. LODGE], in which he said that the Philippine-government bill would succeed the bill that is to be voted on to-day; that he expected it would be made the regular order of the Senate for to-morrow, but he would yield to another Senator after the bill was taken up for business connected with the District of Columbia.

I wish to give notice that on to-morrow, after the conclusion of the routine morning business, I shall ask the Senate for leave to make some observations on the Nicaragua Canal, which will occupy probably from an hour to an hour and a half.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands; and

An act (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 181) granting an increase of pension to William C. David;

A bill (S. 201) granting a pension to Jane K. Hill;

A bill (S. 721) granting an increase of pension to Lavalette D. Dickey;

A bill (S. 951) granting an increase of pension to Charles Ambrook;

A bill (S. 952) granting an increase of pension to George H. Smith;

A bill (S. 1285) granting an increase of pension to Elizabeth Steele;

A bill (S. 1678) granting an increase of pension to Charles B. Wingfield;

A bill (S. 2063) granting a pension to Ida S. McKinley;

A bill (S. 2079) granting an increase of pension to William Wheeler;

A bill (S. 2327) granting an increase of pension to William Hoag;

A bill (S. 2329) granting an increase of pension to Peter Bittman;

A bill (S. 2877) to remove the charge of desertion standing against the name of Thomas Blackburn;

A bill (S. 3064) granting an increase of pension to Emma Sophia Harper Cilley;

A bill (S. 3103) granting an increase of pension to Susan Hays;

A bill (S. 3378) granting an increase of pension to Sarah Anne Harris;

A bill (S. 3388) granting an increase of pension to John Peterson;

A bill (S. 3390) granting an increase of pension to Charles Allen;

A bill (S. 3849) granting an increase of pension to Benjamin F. H. Luce;

A bill (S. 3995) granting a pension to Susan E. Clark;

A bill (S. 4022) granting an increase of pension to Annie E. Brown;

A bill (S. 4404) granting an increase of pension to Otto H. Haselmann;

A bill (S. 4414) granting an increase of pension to Albertine Schoenecker;

A bill (S. 4643) granting an increase of pension to Pheobe L. Peyton; and

A bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903.

## CHINESE EXCLUSION.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of Senate bill 2960, the Chinese-exclusion bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. TURNER obtained the floor.

Mr. CULBERSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll; and, after a delay of some minutes, the following Senators answered to their names:

Allison,	Cullom,	Kean,	Quay,
Bacon,	Dietrich,	Kittredge,	Simon,
Bard,	Dillingham,	McLaurin, Miss.,	Stewart,
Berry,	Fairbanks,	McMillan,	Taliaferro,
Beveridge,	Foster, La.,	Martin,	Teller,
Burnham,	Frye,	Millard,	Turner,
Burrows,	Gibson,	Mitchell,	Warren,
Clapp,	Hale,	Money,	Wellington,
Clark, Mont.,	Hanna,	Morgan,	Wetmore.
Clark, Wyo.,	Harris,	Patterson,	
Cockrell,	Heitfeld,	Pettus,	
Culbertson,	Jones, Ark.	Proctor,	

The PRESIDENT pro tempore. Forty-five Senators having answered to their names, a quorum is present.

Mr. TURNER. Mr. President, during the speech of the Senator from Wisconsin [Mr. SPOONER] yesterday, in answer to the taunt made in his statement that it was extraordinary that I should show so much bitterness toward the Republican party, I said that it was because I had been cozened by that party for thirty years. I can not permit this answer, given on the spur of the moment more in jest than in earnest, to stand as a serious expression of my views.

I have no feeling of bitterness toward the Republican party of Abraham Lincoln and Ulysses S. Grant, nor do I believe that that party ever cozened anybody. So long as those great men were the leaders of that party, so long as the principles which they stood for animated that party, so long as the slightest shred of principle which they ever stood for animated that party, I was a loyal, ardent, and consistent follower of it. The Republican party in that day stood for human rights. Abraham Lincoln declared that it was brought into existence to bring this Government back to the principles and the practices of Thomas Jefferson, and I believe that the Republican party of that day was as truly the exponent of the principles of Thomas Jefferson as I believe that the Democratic party of this day is the exponent of the principles of Thomas Jefferson.

But it would be a brave man who would assert and undertake to establish that the Republican party of to-day has anything in common with the Republican party of Abraham Lincoln's day. That great man, if he could come back to earth, would not recognize it as the party which honored him and which he honored in the high office to which it elevated him; that party which to-day finds the principal ground for its existence in the exercise of boundless extravagance and gross favoritism in government; which has had its sentiment so shriveled and shrunken that on all occasions it prefers the dollar to the man, and which has so little regard for liberty and the sacred principles upon which our free institutions are founded that at this moment it is endeavoring to drown in a sea of human blood the aspirations of a friendly and an allied people for liberty and independence.

I followed that party as long as I could; I followed it longer than I ought to have done because of the associations which clustered around it; but the time came when conscience pointed in one direction and the Republican party pointed in another, and I followed my conscience. I have never had any occasion, Mr. President, to regret the course which I pursued in leaving the Republican party. When the scales have fallen from one's eyes he can see more clearly than he did before, and I see to-day that all idealism, all sentimentality in favor of human liberty has departed from the Republican party, and that it is gross and material in all its instincts. It stands to-day not for a pure and simple administration of this Government in the interest of the common people of the land, but it stands for the material interests of the nation, for the corporations, for the trusts, and for the enormous aggregations of capital which come to the halls of Congress and demand exceptional legislation in their favor. It does not stand, as it did in the day of Abraham Lincoln, for the rights of the common people of the land.

I did not imagine, as the Senator from Wisconsin said, that when I left the Republican party all virtue had departed from that party. I have some old-fashioned notions that the Government of the United States was established to conserve the interests of the American people rather than the interests of wealth and the organizations which have been formed to promote the aggregation of wealth. I have some old-fashioned ideas that it is our duty here to legislate for the people rather than to legislate, by gross favoritism, for the building up of a few enormous fortunes in the United States. The only thing that I have imagined in connection with my departure from the Republican party was that I saw the tendencies of the Republican party more clearly than do some of my friends upon the other side, so that I was enabled to break away from my attachments to that party, which were very strong indeed, and which holds some of my friends on the other side, I believe, contrary to—I will not say contrary to their convictions, but at the expense of many misgivings upon their part concerning the course which that party is pursuing.



And upon the part of nobody on the other side do I find those misgivings more clearly shadowed forth than in the utterances and the actions of the distinguished Senator from Wisconsin, who taunted me by saying that I thought all virtue had departed from the Republican party when I left that organization.

I find that in his utterances against the wicked and unconscionable and unconstitutional course which his party is pursuing toward the Philippine Islands and in the reluctance which he has shown to follow that party in that course; I find that in his action upon the ship-subsidy bill, in connection with which the Republican party ran its arms down into the Treasury of the United States up to the armpits for the purpose of favoring the protected and the exceptional interests of capital invested in the shipping industry, and I believe firmly that if the Republican party goes on in the course which it is pursuing, showing a contempt for the just rights and interests of the people of the land, indicating, as plainly as it has been doing for the last few years, that the only thought that exists in the breast of its leadership is the conservation of wealth in this country, that these misgivings which I find in the breasts of some of my friends on the other side will continue to grow, and that they will see their conscientious duty in the same way that I saw mine when I left that Republican party, because I could not approve of the course it was pursuing and which I saw it was determined to continue to pursue.

The Senator from Wisconsin complained that I impugned the motives of Senators on the other side of the Chamber because I said they had been actuated by politics in the consideration of this measure. Mr. President, I do not consider that I have impugned the motives of any Senator upon the other side. I was particularly careful to disclaim any reflection upon the motives of any Senator upon the other side. I simply asserted that they were following the ingrained tendencies of Republican policies when they had permitted sentiment to be crystallized upon the other side in opposition to the enactment of this just and wise and well-conceived measure reported by the Committee on Immigration for the purpose of carrying out the policy of this country against Chinese exclusion. I said that the policy of the Republican party was the conservation of wealth rather than the protection of the common people of the land, and that whenever wealth appealed to the Republican party any just measure designed for the protection of the people went down when it had upon it the dollar mark of disapprobation.

I also called attention to the fact that since the bill had been reported here we had been hearing from wealth upon the subject of the enactment of this measure. Their telegrams and petitions are presented here and laid upon the table every day, and some have even been presented this morning. The transcontinental railroads have had their agents here inveighing against this measure. The great shipping companies on the Atlantic and Pacific coasts have had their agents here inveighing against this measure. The business interests, the commercial interests, the trade interests affect to have been frightened by this measure. They have all exerted their influence to bring about the operation of this ingrained tendency of the Republican party to oppose everything which wealth wants defeated and to deny to the people everything which they want enacted.

Mr. President, if that is an impeachment of the motives of Senators, it is so because the facts stated are an impeachment of their motives, and nobody is to be held responsible for it simply because he refers to it. It is the facts themselves which constitute the impeachment, and they do so because they stamp disapprobation upon Republican policies and disapprobation upon Republican Senators who undertake to follow Republican policies.

I have had occasion to look through most of the speeches delivered in this Chamber upon this bill since it has been under consideration. I find the keynote of all of them to be the fact that we want to build up our trade with China; that the business interests are alarmed at the drastic features of this bill, and therefore, notwithstanding the strong appeals which are made to the Congress of the United States to enact this legislation, notwithstanding that the interests of civilization are bound up in our having adequate Chinese restriction laws, that the commercial interests are so preponderant in the minds of our friends on the other side that the peoples' measure is to be laid aside in favor of a halfway measure which has no merit except that it meets the approval of those interests.

I shall read briefly from the speech of my distinguished friend from Ohio, which I had occasion to refer to yesterday, to show the views which appear to be most potent in governing his action upon this bill. The Senator from Ohio in that speech said:

We have reached in the progress of our development a point where we not only supply our home markets with what we manufacture and what we produce on our farms and out of our mines, but we have a great surplus to sell, which we must sell in the markets of the world. We have been looking across the Atlantic to Europe for markets, and we will continue to look here. But in Europe they will take from us only what little, in addition to what they can produce for themselves, that they may want, and that is not enough to exhaust our surplus.

We must look elsewhere, to the whole world—and particularly to the Far East, now that we have a base of operations in the Philippines—to China, Japan, Oceania, the Straits Settlements, and southern India. They have there a thousand millions of people who are just beginning to learn that they want and must have—if they would keep pace, even in their own way, with the progress of the world—that which we produce, both to wear and to use and to eat.

In China, therefore, the greatest of all the countries to which I have referred, is the greatest opportunity for the development of a market that the world affords to-day. It has been said there are 400,000,000 Chinamen. You might just as well say there are 600,000,000. Nobody knows. It is all guesswork. There has been no census, but nobody says there are less than 400,000,000 to 450,000,000 Chinamen. What is the trade of China? It is only a few years since she began to trade with the world. Already her foreign trade amounts to more than \$100,000,000, but out of it all, whatever it may be—and I do not want to go into figures and quote them—we sell there less than 10 per cent, I believe, of what she buys. Why should we sell to China only 10 per cent?

And in pursuance of this idea that we ought to develop our trade with China and that we ought to be very careful how we tread upon her toes in the violation of any of our treaty obligations, I find the Senator from Ohio making this most remarkable proposition. He reads a letter from the Chinese minister to the Secretary of State for the purpose of supporting his construction of the treaty of 1894, which shows that the Chinese version of the treaty of 1894 is different from the version delivered to the American representative, and now on file in the Department of State, and upon this statement of the Chinese minister, to the effect that there are other words in the Chinese version than those which are in the English version, the Senator predicates his remarkable proposition that all Chinamen, except laborers, are entitled to come into this country under and by virtue of the treaty of 1894.

Who has read anything concerning the duplicity of oriental statesmen, who has read the many instances in which in their cunning and deceit they have interpolated provisions into their own copy of treaties which did not appear in the copies of those with whom they were treating, that does not know, if there be any difference in the wording of the Chinese treaty between the copies written in Chinese and the copies written in English, that it is an instance of the duplicity of Chinese character, and that it does not and ought not to militate at all against the force and effect of that version written in English? Acting upon the Chinese version, however, which the Senator from Ohio accepted without any question, simply because of the statement of the Chinese minister, the Senator makes this remarkable proposition:

In other words, Mr. President, only laborers are prohibited, and all other classes have a right to come and here reside. I call attention in this connection to the fact that they are not required by this treaty to come here to follow here their avocations in China. A merchant in China has a right to come here because he is a merchant. His right to come is not to be restricted to a case where he wants to become a merchant in the United States.

A man who is a student within the accepted meaning of that term has a right to come here, not because there is some particular study he wants to pursue in the United States, but because he is a student. And so it is with every other class named. The publicist is not, if he is within the exempted class, to be allowed to come here because he wants here to practice statesmanship, but because of his character.

That being our treaty stipulation, I say that whenever a man who belongs to any class not a laborer comes to one of our ports with a certificate from his government, viséed by our consular representative in China, he has a right to admission without any more ado about it, and no Congress—unless we want to violate and disregard our treaty obligations, which, of course, we have the power to do—not even the Congress, unless we want to do that, certainly no Treasury official, has a right, in the name of making regulations, to disregard and override it.

The proposition is, as urged by the Senator from Ohio, that any Chinaman who can get a certificate from the Chinese officials that he is not a laborer, and who can procure that certificate to be viséed by the consular representative of the United States in China, has the right to come here upon those papers, and that neither Congress, nor the Secretary of the Treasury, nor any other executive officer of the Government, has a right to require any other evidence of his good faith with respect to the character in which he pretends to come here. And that, I take it, Mr. President, is the reason why our friends upon the other side want to emasculate these provisions from this bill which experience has shown to be necessary, and which the Secretary of the Treasury, out of the experience of that Department, has formulated into the shape of Treasury regulations.

Mr. President, the reason for the outcry against these necessary regulations, which go beyond the treaty, but which are not in opposition to the treaty, because designed for the purpose of requiring a fair and just execution of the treaty, is based upon the idea that we have no right to supplement the treaty provisions at all, but are to be remitted to the tender mercies of the Chinese Government and to the action of our own consuls in China, under all of the difficulties under which they must labor there in attempting to carry out their duties.

This fails to take account of the duplicity of the Chinese character, which everybody who has been in that country and who has written upon the subject tells us extends from the highest to the lowest. Even the Emperor of China is not exempt from this trait of duplicity. It is said that when England sent an embassy



to China in 1796 for the purpose of compelling the observance upon the part of that Government of its treaty stipulations with England the Chinese vessel which carried the envoys of England to the Chinese court had printed upon its flag the words "Tribute bearer from the country of England." It is said further that in 1873, when the envoys of the civilized countries had succeeded in forcing from the Chinese Government the concession that those envoys might be received in audience by the Emperor as the representatives of their several sovereigns and their several countries, they were received by the Emperor in what was called the "pavilion of light," an apartment used for giving audience to envoys from tributary States.

It is known that not only deception but corruption prevails from the highest to the lowest in the governmental service of China. Li Hung Chang, whose name was mentioned yesterday as one who would have been prohibited from coming into the country under the construction of the treaty which the friends of this bill advocate, who died only a few months ago, leaving one of the colossal fortunes of the world, and who was the chief minister of China for over forty years, is known to have amassed his immense fortune as the result of the corrupt use of his office.

With certificates permitting Chinamen and Chinawomen to enter into this country worth anywhere from \$500 to \$1,500 or \$3,000, as my friend from Idaho [Mr. HEITFIELD] suggests, if the gates are to be thrown open upon the mere certificate of these Chinese officials, we might just as well have no Chinese exclusion.

The Senator from Wisconsin thought we had suffered no bad results by the execution of the present law, and therefore that the substitute proposed by the distinguished Senator from Connecticut [Mr. PLATT] was amply sufficient for the future carrying out of our policy of Chinese exclusion, and he criticised those here who undertook to impeach the correctness of the recent census returns upon the subject of the Chinese population of this country. Mr. President, it has not been the Senators in favor of this bill who have inveighed against the correctness of the census returns. It was the Treasury officials themselves who came before the Immigration Committee and told that committee that those returns were not correct, and that, whereas those returns showed that there were only 93,000 Chinamen in the United States, their information led them to believe that there were more than 300,000 Chinamen in the United States, and that they were here as the result of frauds perpetrated upon the Government by Chinamen who were, in fact, laborers, but who had come to the country under other guises and under other designations.

Mr. President, I must hurry on and conclude what I have to say, because I do not wish to discommode other Senators who wish to take the floor. I was very much gratified that the Senator from Wisconsin—for whom I have a very high regard and whose kindly expressions toward me I heartily reciprocate—I am very much gratified to have his opinion, that my contention concerning the true construction of the treaty of 1894 was the correct construction, and to have him coincide with the view that those Chinamen only might be admitted into the United States who belong to the classes specifically enumerated in the treaty, to wit: Officials, teachers, students, merchants, and travelers for curiosity or pleasure, because that admission takes the sting out of ninety-nine one-hundredths of all that has been said in this Chamber against the enactment of this measure as it comes from the committee. This is true, because that measure does nothing except to formulate into the shape of statutory provisions the clauses of the treaty, with the necessary Treasury regulations enacted into law to carry them into effect, or, speaking more accurately, to give it honest and effective enforcement.

I took occasion to point out on yesterday a number of reasons why the Platt substitute could not take the place of this well-considered measure reported by the committee, but there was one reason I did not then mention and which I now desire to call to the attention of the Senate.

That substitute has been amended from time to time so that many of the objections urged to it have ceased to have force. But this objection has not ceased to have force, and that is that that amendment does not take account of the right of the seamen of this country to the same protection for their labor that all other labor has received under the protection policy of the Government. Why is it that this most important and deserving class of labor in this country is brushed aside in this way? Why is it that they are to be put upon the level of the Mongolian in the matter of their wages?

Our Republican friends say they are the friends of labor, that their policy has built up labor, that they want to conserve it and upbuild and uplift it in every possible way. Why, then, is it, my Republican friends, that you insist upon dropping the American seaman down to the level of the Mongolian seaman? Why is it you refuse to give him the protection he insists he ought to have in the American merchant marine? What reason is there for it?

I have not heard a single reason urged in this Chamber, except the telegrams and letters which have been read here from day to

day from the merchant shipowners to the effect that this would involve them in great hardship in competition with vessels of foreign nations. But is it not a fact that this Chamber has just passed a measure which undertook to equalize those hardships? Is it not a fact that that measure proceeded very largely upon the theory that it was necessary by reason of the larger wages which were paid to American seamen to give our ships a subsidy to enable them to compete with the ships of other countries? This did not prevail as to the Pacific coast, because our shipping there employ Chinese the same as the ships of other countries. If they are to be permitted to go on in the employment of Chinese crews at Chinese wages, they would receive for nothing the subsidy which you propose to give them. There is no doubt about that. They are going to get a subsidy under the terms of the bill which lately passed this Chamber and which will undoubtedly pass the other House that will more than compensate any inequality even between American seamen and European seamen. They are going to get a subsidy which is not necessary by reason of any inequality in the wages of seamen upon the Pacific coast.

Why is it that the rights of American seamen should be dropped out of this bill and that it should be enacted in a shape utterly regardless of their interest? I confess I can see no reason for it. Every reason urged in favor of the ship-subsidy bill exists to-day in favor of the retention of the merchant-seaman clause in the bill now under consideration. The rights of our seamen; the interest of the traveling public, who are entitled to be protected by the employment of efficient seamen upon these great ocean carriers; the building up of an American merchant marine for the education of American sailors, who can man our war ships in time of war, demand it. Everything demands it; and yet it has been determined that it shall go out of this bill simply upon the ipse dixit of the shipowners.

Mr. President, two telegrams were read this morning from shipping interests in the city of Seattle, in my own State. I hold in my hand a clipping from the Seattle Post-Intelligencer of April 9 in which I find the views of the shipmasters of Seattle stated in a way different from that in which it was stated in the two telegrams, and I should like to read this clipping and then conclude my remarks. The paper says:

The contention of Congressmen HITT and CANNON that the passage of the exclusion bill, with the amendment providing that Chinese shall not be employed on vessels of American register, will drive the American ships on the Pacific under the British flag is not supported by local marine men.

This is a Republican paper from which I am reading.

With one noteworthy exception, all who were questioned anent the claim of the two Congressmen yesterday promptly declared it to be incorrect.

Capt. E. E. Caine, of the Pacific Clipper Line: "Such talk on the part of any Congressman is utter nonsense. Almost all of the Chinese employed on American vessels are cooks. I would prefer that the lines had not been drawn quite so close, because it frequently happens that it is a difficult matter to get other cooks. But to claim that American ships on the Pacific will go under the British flag on account of the enactment of such a law is nonsense, pure and simple."

C. W. Miller, assistant general agent of the Pacific Coast Steamship Company: "The Pacific Coast Steamship Company employs a few Chinese cooks on the steamers running to Alaskan points. It sometimes happens that on the boats running between here and San Francisco there are a few Chinese laborers. At other times there are none in our employ. I think the claim of Congressmen HITT and CANNON absurd in every way. I fail to see where they can bring forward a single legitimate argument showing that their contention will materialize with such a law in operation. I think but few American vessels on the coast employ Chinese labor. So far as American shipping is concerned, the law will do no damage whatever."

Capt. John B. Libby, of the Puget Sound Tug Boat Company: "The claim of those opposed to the passage of the amendment is ridiculous. American ships on the Pacific are not manned by Chinese. A great many of them employ Chinese cooks, because they are trustworthy. If the proposition that American ships can not be manned without employing Chinese is true, we would better shut up shop. I would be one of the first to get out of the business."

L. H. Gray, agent of the Pollard Line: "It is perfect nonsense to advance any such argument against the bill as was made by Messrs. CANNON and HITT. Both those estimable gentlemen would do well to come out here and study conditions for a short while. A good many Chinese cooks are employed aboard American ships, but many white and colored men could do just as good work."

Capt. J. F. Trowbridge, of the Pacific Clipper Line: "I think the amendment to the exclusion bill is a good provision. The talk about American ships being driven under the British flag is childlike. A few Chinese cooks are employed on the American vessels plying the waters of the Pacific, but that is about the limit."

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. TURNER. Certainly.

Mr. BEVERIDGE. I have listened with attention to all the quotations the Senator from Washington has read, and I wish to ask him if they do not all refer to our coastwise trade? Is there a single reference there made to any trans-Pacific line or ship?

Mr. TURNER. I think one or two of the lines referred to are engaged in the foreign trade, and others have reference to American vessels in the domestic trade. But these gentlemen are all intelligent men, and they knew what they were referring to. Their opinion was sought by this newspaper because they were familiar with shipping and were familiar with the effect which this measure would have upon our foreign shipping. While some of them may refer to the employment of Chinese upon lines engaged in the coastwise trade, the opinion which they gave had



reference to the employment of Chinese upon American ships engaged in the foreign trade.

Mr. BEVERIDGE. I do not question the intelligence of the gentlemen who are quoted, but listening with attention to the quotations, as I have to the remarks of the Senator, and as I always do, I observe that they have reference to our coastwise trade, and that the companies whose officers were quoted were all coasting companies, and that not one of them referred to our trans-Pacific trade. If that is true, then the quotations are not in point, since it is not insisted, of course, that our coastwise trade would be driven under a foreign flag. It could not be, since there is an absolute prohibition against any coastwise ship sailing under a foreign flag.

Mr. TURNER. Undoubtedly the gentlemen quoted had reference to our ships engaged in the foreign trade being driven under the foreign flag.

Mr. BEVERIDGE. But they do not say so. They refer and even mention twice the coastwise trade.

Mr. TURNER. You could not drive our ships engaged in the domestic trade under a foreign flag.

Mr. BEVERIDGE. Of course not.

Mr. TURNER. Foreign ships can not engage in that trade.

Mr. BEVERIDGE. Therefore, the quotation is beside the point.

Mr. TURNER. Manifestly these gentlemen, who are all intelligent men, whose opinions were asked simply because they were engaged in the shipping trade and might be supposed to have knowledge concerning the effect of this amendment upon that trade, whether foreign or domestic, had reference in the statements which they make here to the effect of this amendment upon ships under American registry engaged in the foreign trade.

But, Mr. President, I have taken up more time than I ought to have done, and will conclude.

Mr. QUAY. Mr. President, I rise to ask what is the order as to the offering and discussion of amendments to the pending bill. I have an amendment to offer, as the Senate knows, which I regard as important. I do not desire to speak upon the bill; that is for the senior wranglers of the Senate, to whose utterances I am always ready to listen with the greatest of pleasure. I always sit at their feet to drink in the words that fall from their superior wisdom. But I desire, bearing upon the question of the admission of Christian Chinese and of the gallant Chinese soldiers who fought in defense of the American legation and American men and women, and who defended the Pe Tang Cathedral, to have read some pages from recent works describing the defense of the legations in China. It may occupy a little more than five minutes, which is, I understand, the time allotted. If that is the case, I wish to say that I will ask the Senate—and I do not often occupy its time, as the Senators all know—to give me a little more than the time allotted under the order, which was made when I was not present.

Mr. PLATT of Connecticut. The Senator will have five minutes on his own amendment.

Mr. QUAY. Five minutes? I will probably require ten. I will not in personal remarks consume more than one minute; but the chapters I desire to have read may occupy from five to ten minutes.

The PRESIDENT pro tempore. On one amendment the Senator can occupy five minutes; when another amendment is offered he can, if he is recognized, occupy five minutes more; but to occupy more than five minutes on one amendment by one Senator would be against the unanimous-consent agreement.

Mr. FORAKER. I suggest to the Senator that he read his chapters now.

Mr. QUAY. I am ready now to say what I have to say in a few moments, but I do not wish to interfere with the Senator from Colorado [Mr. PATTERSON], who has given notice that he desires to speak to the bill.

Mr. FORAKER. I beg pardon. I was not aware of that.

Mr. QUAY. The Senate understands the situation.

Mr. PATTERSON. Mr. President, before the debate closes I wish for a short time to occupy the floor to recur to what is known as the Platt amendment, and to show, if I can, why it should not be adopted and why the bill as reported from the committee should receive the practically unanimous vote of this Chamber.

Entirely independent of the devious and uncertain way in which laws are to be continued in force, the omission of certain provisions material to the proper exclusion of Chinese labor from the United States and the territory of the United States is a full and complete reason why the Platt amendment should not be adopted. We may congratulate ourselves, however, that the result of the debate has been to force the advocates of the Platt amendment to the acceptance of certain provisions to which I am inclined to think they are at heart opposed, but without which they could see no hope of carrying their measure.

The omission to which I particularly refer is a clause that pro-

hibits the ingoing of Chinese into the Philippine Islands. The last amendment accepted prohibits Chinese coming from the Philippine Islands to the United States, but it is entirely silent as to the going of Chinese from China or other lands into the Philippine Islands.

Whatever the motive of Senators may have been in omitting this very material clause, I am inclined to think that those outside of this Chamber who have urged its omission have a very well-defined and determined purpose in the omission, which is, Mr. President, to leave the Philippine Islands in such a condition that they may be exploited by the aid of unlimited Chinese labor, no matter what the result may be to the native inhabitants of the islands and to the honor and welfare of the United States.

In this connection I desire to read what General MacArthur has said upon the subject, so that the Senate may not for a moment suppose that it is a note of alarm originating either with myself or this side of the Chamber. General MacArthur, in one of his annual reports to the War Department, makes the following statement:

Such a people—

Referring to the Chinese—

Such a people, largely endowed as they are, with inexhaustible fortitude and determination, if admitted to the archipelago in any considerable numbers during the formative period which is now in progress of evolution, would soon have direct or indirect control of pretty nearly every productive interest, to the absolute exclusion alike of Filipinos and Americans.

And then he continues:

This view is stated with considerable emphasis, as unmistakable indications are apparent of organized and systematized efforts to break down all barriers, with a view to unrestricted Chinese immigration, for the purpose of quick and effective exploitation of the islands—a policy which would not only be ruinous to the Filipino people, but would in the end surely defeat the expansion of American trade to its natural dimensions in what is obviously one of its most important channels.

In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquilize the people of the archipelago arises from their dread of sudden and excessive exploitation, which they fear would defraud them of their natural patrimony and at the same time relegate them to a status of social and political inferiority.

I ask the members of this body whether the exclusion from the United States by the Platt amendment of Chinese coming from the Philippine Islands, and the omission to exclude them from the Philippine Islands coming from China or other foreign countries, is not the equivalent of a notice to the Philippine Commission and the American authorities in the islands that the policy of exclusion from the islands is looked upon with disfavor by the party in power; and that the barriers there should be thrown down, so that there may be no obstacle to the inroad of Chinese from across the sea?

I can see no other motive upon the part of those outside of this Chamber in excluding from the United States Chinese coming from the Philippine Islands and remaining silent upon the invasion of the Philippine Islands by Chinese from their own country, than that it shall be given out as the policy of the United States that the Philippine Islands are to be left open to the invasion, in order that when the time for exploitation comes it may be rapid and effective through the agency of Chinese labor.

Mr. President, we could not commit a more indefensible act during this formative period in the Philippine Islands, when the destiny of the islands is as yet unsettled, when it is undetermined whether the islands shall be permanently annexed to the United States or whether they may have a government of their own, than to flood their country with a people they hate, with a people who will practically drive them from the possession of their land and their trade and commerce.

I wish to call the attention of some of the Senators on this side of the Chamber to the fact that the effect of the last amendment to the Platt substitute is to prevent them from voting for the substitute. I listened to the eloquent and incisive argument of the Senator from Missouri [Mr. VEST], stating why he could not vote for the committee bill. It was because it prohibited the Chinese from coming from the Philippine Islands to the United States.

The Platt amendment as it now exists prohibits Chinese from coming from the Philippine Islands into the United States, and the honored Senator from Missouri and those who may have been opposed with him to the committee's bill for that reason can not vote for the Platt substitute now by reason of that amendment.

But, Mr. President, I can not take any longer time upon that proposition. I desire to devote what remains of the time which it has been agreed I shall occupy to that clause of the measure which excludes Chinese sailors from American ships in foreign trade.

I call attention to the significant fact that every class of American labor except that of seamanship has been protected by Congressional legislation in three different ways, and that the seaman is not only abandoned to his fate, but American shipowners are invited to go into the cheapest markets of the world to man their ships with the cheapest and meanest sailor labor that can be found in any of its ports.

It is claimed by the friends of the present tariff that protection



protects every laborer within the United States, whatever branch of it he may follow. Let us, for the sake of the argument, admit that that is true. Then we have a law upon the statute books which excludes what is known as contract foreign labor from the shores of the United States, ostensibly for the benefit of all the labor within our country. Then we have the Chinese-exclusion law, which prohibits Chinese laborers from contesting for the bread of life with American laborers.

All these laws are for the benefit of labor within the limits of the United States, but when we turn to the sailor we find that he is protected by none of them. The so-called protection policy of the Republican party can not protect him. On the contrary, in the purchase of whatever he needs he contributes to the Treasury for the purpose of subsidizing ships from which by legislation he is excluded.

In addition to that, Mr. President, by section 20 of an act of Congress entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, known as the Dingley shipping act, it is expressly provided:

That every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination.

So we see that not only is the labor of seamanship not protected by the law excluding foreign contract labor, but American ship masters are advised to go to foreign ports wherever they can find sailor labor cheap and mean enough to suit their purposes, and with that labor to man their vessels, opening the ports of the United States to this contract foreign sailor labor to the exclusion of the American and the Caucasian sailor.

Mr. CLAY. Will the Senator from Colorado allow me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. CLAY. I desire to ask the Senator whether, under the provisions of the bill, if it is passed, Chinamen who are legally entitled now to be in this country could procure employment on our ships, and I ask the Senator if a crew were to strike in China, under the provisions of this bill, the master of the ship would be authorized to employ a crew in China for the purpose of bringing the ship back?

Mr. PATTERSON. As to the first part of the Senator's question, Can Chinamen within the limits of the United States man American vessels under the provisions of the proposed law, I would say no, because they are not citizens of this country. They are yet subjects of their own Government across the ocean, and there is no reason why any exception should be made in their favor above those who have not come to this country.

As to the other part of the question, the bill fully and amply provides for the manning of American vessels with Chinese sailors if an emergency requires it. If by reason of a striking crew or the loss of a crew in any other legitimate way the vessel can not reach an American port without the aid of Chinese sailors, then for the purpose of bringing the vessel into port Chinese sailors may be employed and used. So that the objection which has been made to this clause upon the ground that American ships might be stranded, as it were, across the ocean does not exist.

Mr. President, I have wondered why it is that gentlemen upon the other side are so solicitous about the American flag flying at American mastsheads. We discover that there are but two methods by which they are willing to hoist American flags upon American ships.

One is by means of a subsidy, the using of money paid into the Treasury by the people of the country as taxes to rich shipowners, to enable them to make the greater profit by such ships as they are willing to sail under the American flag, and the other method is by driving out and from the sea American and Caucasian sailors and manning American ships with the cheapest seamen that can be procured the world over. If they can have American ships with American registry and floating the American flag by either the one or the other of these methods, then they welcome the flag; otherwise they do not want it.

Mr. President, we all know that if to see the American flag on the mast of an American ship is a delight to the eyes of the American people the world over, all that Congress has to do is to repeal our present shipping laws, a relic of barbarism—laws that have been rejected by almost every other nation upon the face of the globe—and allow American capital to be invested in ships over which will be raised the American flag and that will sail under American papers.

No, Mr. President, a plan so simple as that will not do. One of the two methods or both must be adopted, either to tax the people that those who are willing to sail ships may be paid the taxes, or to drive from the ships of the country the manly, the able, and the worthy American and Caucasian sailor.

I assert, Mr. President, that we want American ships flying the American flag and manned by American sailors. The Amer-

ican flag or any flag, after all, is but a piece of cloth. It may be cut and sewed together in stripes of red, white, and blue.

You may put upon its field the stars. After all, what does it signify? Other nations have flags with colors of red, white, and blue, fashioned with red stripes and stars, and such flags emblemize in many instances all that is mean and cowardly in government. A flag is only to be revered as it emblemizes that which the human heart aspires to—that emblemizes manhood and liberty and law.

So far as our flag is concerned, Mr. President, if it is to be at the head of our armies that invade other people's countries to subjugate their populations, to subject their people to torture, under its folds to burn down towns and cities—if our flag is to be raised at the mastsheads of ships manned by a yellow-skinned and white-livered peon race, then it is better that our flag be taken down and cleansed, and that it be again unfurled to emblemize that of which the American nation are proud, to let it again kiss the breeze and meet the gaze of the downtrodden, of the oppressed of every nation, who see in the American flag an invitation to come to our shores, where they will be met with extended arms and live upon equality and be protected by the never-dying proposition that all men are created equal, and that governments derive their just powers from the consent of the governed.

Mr. President, I sincerely hope that the Platt amendment will be voted down. It is insufficient. It does not meet the demands either of the American people or of American labor. It leaves the Philippine Islands to be despoiled by those who are now waiting to invade its soil and take from their inhabitants their rightful possessions, the property by means of which they expect to live, and it discourages American seamanship and mans our ships with sailors whose only merit is that of cheapness and who can not be depended upon in a time of emergency.

I speak not only for the Pacific coast sailor, but I speak for the sailor of the Atlantic coast. When the isthmian canal is built, and I sincerely trust it will not be long before that great work is accomplished, Atlantic steamers will be sailing from Atlantic seaports to the ports of China, and unless this clause is upon the statute books you will find the ships of the Atlantic and the Southern ports manned by the yellow sailor, and the comparatively few white sailors now upon the ocean will be driven from the occupation.

Mr. HANNA. Mr. President, I had not intended to take any part in the discussion of this Chinese puzzle until within a day or two. I have been in receipt of numerous telegrams, some of which I have presented to the Senate. There seems to be an anxiety in the minds of some men as to where I stand upon this proposition. Therefore I thought it best in my own interest to tell the people and save postage and the answering of telegrams.

I have in my hand one of numerous telegrams which have been sent to me in which there is great similarity. This one says, "We insist upon your supporting the Chinese-exclusion bill in every essential feature." The phrase "every essential feature" is in nearly every telegram, which is self-explanatory as emanating from one fountain head.

I am going to support the essential features of this bill, but I reserve the right to define for myself what is meant by the essential features. The essential feature of this bill is that the law which has for years protected the workingmen of the United States from Chinese labor shall be reenacted. There is not a member of this body who has spoken upon the subject but has laid that down as the essential feature of this bill, to accomplish which we may differ as to the method. I have my own ideas upon that subject.

The essential feature as given to me by representatives of the interests that we are seeking to protect, by a committee who waited upon me, was that what they wanted was an extension of the Geary Act. I am in favor of the extension of the Geary Act carried by the Platt amendment, which to my mind covers the whole ground, provides for all emergencies, and absolutely protects the workingmen of the United States. It goes further, Mr. President; it protects the dignity and integrity of this Republic.

Senators may claim that there is no violation of our treaty with China in the verbiage of this bill, but I for one, a layman, who have listened to the arguments upon that proposition as if I sat upon a jury under oath, can testify that in my belief some of the provisions of the bill are in direct violation of our treaty agreements. Therefore, after protecting, to the fullest extent that law can carry it, the rights and interests of the American workingmen, certainly we can appeal to the patriotism of American citizens and the Congress of the United States to protect the dignity of the nation.

In giving attention to the origin and construction of this measure, I received from the Treasury Department within a day or two the following:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, April 12, 1902.

MY DEAR SIR: With reference to the part taken and services rendered by Mr. Dunn in connection with the draft of the new Chinese-exclusion act, I



have to state that Mr. Powderly advises me that in November last, after a conference with my predecessor, Mr. Dunn was requested to come to Washington for consultation, and that after his arrival the various phases of the existing Chinese-exclusion act and the many issues growing out of its administration were thoroughly gone over and a bill prepared by Mr. Richard Campbell, of the Bureau, assisted by Mr. Dunn. He was then informed that his services were no longer required by the Department.

Thereupon the Pacific coast delegation in Congress asked that he might be permitted to remain for purposes of consultation. This request was granted. After the Senate and House bills were presented it was again suggested to Mr. Dunn that he return to the Pacific coast. Then the Senate Committee on Immigration requested that he be permitted to remain, and he has since then been at their service. Mr. Dunn has never and does not represent the Department, and his presence at this time is a courtesy extended to the various committees having the matter in charge in Congress.

Very truly, yours,

L. M. SHAW.

Hon. M. A. HANNA,  
United States Senate.

Mr. Dunn, as an expert and an officer of the Government, holding the position of Chinese inspector at San Francisco, was sent for by the Treasury Department last fall to furnish such evidence and testimony as he might be able to give that would aid in the construction of a law which was to take the place of the one about to expire. The statement was made yesterday that had it not been for that circumstance—the expiration of the law by limitation—this question would not have been mooted at the present session of Congress. That is most probably true.

Therefore Mr. Dunn's presence here in obedience to orders from the Department was to aid in the construction of a new law, and as far as his evidence was required by the officials of the Department in the construction of such a law he was used to that effect and then told to go back. This letter states that he remained in an advisory capacity with the delegation from the Pacific coast, and later at the request of the Committee on Immigration of the Senate. He was not detailed to represent the Treasury Department of the United States Government, to sit at the executive sessions of the Committee on Immigration and make statements which have proven to be false, nor to make suggestions that would mislead the members of that committee in the construction of the details of the proposed law.

When this bill was reported from the Department of the Treasury it was supposed to cover every point, by the way of suggestion only, that the Department had to offer for the assistance of the committee of the Senate, and anything beyond that which the Committee on Immigration may choose to have adopted from any information obtainable was the work of the committee. All the information that was extracted from the man who was counseling them was misleading and in several cases not true. The committee are not to blame and can not be held responsible, and I here state, knowing the man and knowing the evidence which has come before the Senate, that Mr. Dunn is an unreliable witness and adviser. Now, I will read some extracts from Mr. Dunn's own statement:

I must first make a personal statement: Your committee was addressed in a previous hearing by an attorney for the Pacific Mail Company, who appeared before you under the halo of a great name, honored and respected by all Americans. The misfit of this halo was no more manifest than was the dual position assumed by this man in his conflicting representations before the committees of the House and Senate in the consideration of Chinese-exclusion legislation.

The name of the attorney was Mr. Evarts, the son of that distinguished statesman who has sat in this body and who has occupied the exalted position of Secretary of State, a worthy man and a worthy son of his father. This man speaks of the halo as if the son had smirched the reputation and honor of his father, which, according to Mr. Dunn's testimony, he has done by appearing as an attorney in the interest of the Pacific Mail Steamship Company. Suppose he did? He had a right to appear there. Mr. Dunn had no exclusive privileges before the committee. The Committee on Immigration were not bound to consider only the statements of this man, whose only prestige was that he was an officer of the United States Government. That sarcastic remark only reflects the character of the man. Mr. Dunn proceeds:

I have been requested to explain the reasons for my appointment to this service. Some four or five years ago, in the early part of McKinley's Administration, a commission of special agents was sent to San Francisco to investigate the alleged frauds perpetrated in the Chinese service, and as a result of a very searching investigation an exhaustive report was made which resulted in the resignation or dismissal of the inspector in charge of the Chinese bureau at that port. At that time I received a letter—which I am told is the only one of its kind ever sent from any department of the Government—stating, in effect, that my name was being considered for this position, which required certain stated qualifications, and continuing as follows: "It will be well for you to know that if you accept this position, and do your duty, you will make enemies of powerful interests who will undoubtedly smirch your character and seek to ruin you."

That letter from a department of the United States Government! Why does he not produce the letter? I disclaim that he ever received such a letter. The head of any department in the city of Washington could not be found who would ever dictate such a letter. The inference meant to be conveyed was that it came from the President of the United States because Mr. Dunn lived in his own county. If that be so, I deny it, and take the responsibility upon myself.

In spite of this warning I was fool enough to accept the position. Informed the President, however—

And there is the connection—

after considering all of the circumstances, that I did not care to go to San Francisco, but I was held to my promise. I then informed the President that I would accept "the position for six months, which was as long as anyone could be expected willingly to live in hades"—

My friend from California [Mr. PERKINS] is not in his seat. I should like to congratulate him—

that I had been in San Francisco some years before, knew something of the circumstances relating to Chinese matters, and considered that six months was as long as anyone could be asked to occupy the proposed position.

Mr. Dunn was a seeker after office within thirty days after the Administration of McKinley began in 1897, and continued as such until he accepted the first position that was offered him.

Now, were it not that there was gravity in the situation, that there was something above any personality, I would not at this time and place expose this situation, but knowing and believing that the Committee on Immigration were misled by the statements of this man, and in so much as some of the speakers on the other side have seen fit to drag politics into this question, disclaiming any intention of impugning the rights or the motives of anyone who appears here in behalf of labor, I propose to go to the root of this matter, and if the temperature of San Francisco is too high and has produced a feverish condition in the body and mind of Mr. Dunn, I suggest that he be sent to—well, say Nome.

Mr. KEAN. Guam.

Mr. HANNA. Guam would be a better place.

Because of my exceptional experience I was selected by the Treasury Department to assist in this work, with a view to urging only such legislation as will carry into the new law those administrative features which have been found effective and possible of enforcement. It is proper for me to say that the Treasury Department is taking no stand as to the principle involved, nor is it making any argument as to the advisability of excluding the Chinese. Very properly it leaves such matters to the legislative body, but seeks to have incorporated in any law which may be passed all such measures as may render it easy of enforcement.

I have heard from Mr. Gage, the ex-Secretary of the Treasury, and from Mr. Vanderlip, the ex-Assistant Secretary of the Treasury, both of whom state positively that they never in any way advised with this inspector nor sought his advice, nor would they consider his advice worth having in connection with such important legislation as this before us. The present Secretary of the Treasury has told me personally that he was not in accord with the provisions of this bill as to the execution of its provisions.

The Treasury Department do not advise that the regulations which have heretofore existed shall be enacted into statute law, and they give good reasons for it. Neither has the Secretary of State nor his Department been consulted in the construction of this proposed law, although the all-important question of a treaty is involved, and further, a commercial treaty with China, opening upon this new era conditions between the Orient and the United States, is now under consideration. But the deference was not paid to the Department of State that their advice should be sought in the formation of the bill.

No, Mr. President; this self-constituted agent and chairman of committee, Mr. Dunn—self-constituted I say because he can not show any authority for the information which he transmitted to the Committee on Immigration as coming from the Department of the Treasury—seems to be the chief adviser, and upon his representations of conditions, without regard to other testimony which followed, he is the only one who represents the Treasury Department in the discussion of this proposed law.

I repeat, in view of the charge he has made against a reputable firm of attorneys in San Francisco, which has been absolutely and unequivocally denied, his evidence is put out of court, in my judgment.

I want to refer for one moment to something said by the Senator from Massachusetts [Mr. LODGE] in the course of his discussion of the bill. I am sorry that he is not present because I should like to ask him about the correctness of this language. His speech has not been printed, but, as I get it, he made this statement:

There is no question what the feeling among the great mass of American workmen is on this question, and if Senators have any doubt as to what their feeling is they can omit legislation on this subject and see what happens next autumn. My own impressions are that they will find out. I think the House has an impression in that direction too. They are going to run for election; we are not.

I am sorry that the Senator from Massachusetts has such an opinion of the workmen of this country. As a friend of that class I want, standing here, to resent the imputation that they would undertake to pass through Congress any legislation, that they would criticise differences of opinion that might arise in the debate, and that if the judgment of the United States Senate were not entirely in favor of a certain method of procedure in accomplishing their purpose, they would threaten a Senator with their vote. No, Mr. President, I would not forfeit my respect and confidence in the leaders of the great mass of workmen in the United States, knowing them as I do, by believing for one



moment that any such language has been used in the Capitol or outside of it, intended to be a threat or menace as to whether a Senator who would not vote as they dictated should afterwards receive their support.

There is but one section of this bill that has an interest for the workingman—no, I will not say that, but I will say they are interested in both questions. They are interested in protection for themselves, which they have a right to demand and which will be conceded to them unanimously, and they have a further right to raise their voice on behalf of their country and to insist that no provision of this bill shall carry with it an obligation which means that this nation has disregarded its promises and its covenants.

If we differ as to methods, that is fair and honest and debatable, it is only a question of method; and, therefore, in view of all the amendments which have been offered on this floor, if any part of this body decides that those arguments are convincing, that the best method is through the operation of the Platt amendment, have we not a right to vote our judgment without having it said that we are biased by dollars, without having politics injected into this question by the attempt to put upon the Republican party a responsibility which does not exist as to it, for, as I have stated before, it is only a question of protection to the workingmen and the upholding of our treaty stipulations.

I regret that any Senator should deal in such an argument and attempt to bring into this discussion the responsibilities of either the Republican or the Democratic party on a question that is absolutely nonpolitical, when it is understood and agreed that there is no man on the floor of this Chamber who is not in favor of the essential features of this bill.

Mr. President, I have already occupied more time than I intended. I had meant to stand here to-day and refute the insinuation that there is any disposition on the part of anyone on this side of the Chamber, Republican or otherwise, by vote this afternoon to indorse any principle of this bill which will in any way in the slightest degree violate the rights and interests of the workingmen of the United States; but I do claim—and I restate it—that the man who has been posing under the official seal of a United States officer has misrepresented the matter and has spoken without authority to the prejudice of the members of the Committee on Immigration.

In view of all these facts, as a final analysis, there is but one question upon which we vote—the best way to accomplish the object for which we are striving; to make this bill as effective as the English language can do; to make it just as effective under regulations of the Treasury Department as it would be under statutory law. After all, the success of the execution of this law will depend upon the vigilance of the officers in charge of its enforcement. The men who are stretched along our borders from the Atlantic to the Pacific coast are men who will be responsible, and can they not act as faithfully and as energetically under the regulation of the Treasury Department as they could if that regulation were a statute? I think they would do so.

Therefore I believe, Mr. President, that in the interest of this measure, under the conditions which are presented to-day, it is our duty, as it should be our privilege, to vote for the best law which will carry into effect the provisions we enact without violating the dignity and integrity of our Republic.

Mr. FAIRBANKS. Mr. President, the debate upon the pending bill has proceeded for several days. There are many features of it to which I should like to advert if time permitted, but it is obvious that in the short space remaining before the vote begins I can only touch upon a few of its most important features.

There is one thing that has impressed me since the bill was reported to the Senate, and that has been the very strong feeling against it, due, it has seemed to me, to a misconception of its scope and purpose.

What is the precise question before the Senate? The question is whether the bill reported by the Committee on Immigration or the substitute proposed by the distinguished Senator from Connecticut [Mr. PLATT] shall be adopted. The bill as reported from the committee contained features which did not have the unanimous support of the members of the committee; but in its large purpose if had, I believe, the full approval of every member of the committee, Republican and Democratic alike.

The bill comes to the Senate from a committee the majority members of which are Republican, but it is not a party measure, and must stand solely upon its own merits. Is it against the interest of the American people or against any treaty of the Government? Wherein does it violate any treaty between the United States and the Chinese Empire? If there be in this bill one solitary word which is violative of any treaty I will gladly vote to eliminate it, for we should keep our international faith unshaken and unimpaired.

The distinguished Senator from Wisconsin [Mr. SPOONER] yesterday urged the observance of faith with foreign nations, and he did not urge it too strongly. Sir, I have, and the members of the

Committee on Immigration have, as sensitive a regard for the national honor as has my distinguished friend or anyone else in the Senate of the United States. This bill violative of treaty rights? I challenge anyone in opposition to the measure to point out one line in it, as amended in the Senate by the committee and as it stands now, that is an infraction of our treaty obligations.

The bill as it was presented to the committee was drafted by the distinguished Senator from Oregon [Mr. MITCHELL], as able a statesman as ever sat in the Senate and regardless of the national honor. Associated with him were other distinguished Senators, Senators FOSTER of Washington and HEITFELD; and in the other House, Representatives METCALF, NEWLANDS, and KAHN.

The committee heard, in support of the bill and in opposition to it, everyone who was interested in the subject of Chinese exclusion. Who were they? The representatives of the Brotherhood of Locomotive Engineers, of the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, the Order of Railroad Telegraphers, the Knights of Labor, the Sailors' Union, representatives of manufacturing companies from New England and from the South, and the commission from the State of California—able, conservative men, knowing the needs of the service as well as anyone in the United States.

We heard also, Mr. President, the representatives of the Pacific Mail Steamship Company. They had a perfect right to be heard. Their interests were deeply concerned. The representatives of the Treasury Department also were heard. Furthermore, the eminent and able counsel of the Chinese Empire was heard at length in opposition to the bill. We gave to his arguments most careful attention, and wherein they were well founded in the opinion of the committee the bill was modified.

When the bill was reported to the Senate it contained some provisions which, as I said before, did not have the entire assent of the committee. I may be permitted to say they did not all have my approval.

The clause which excluded Chinese seamen from American ships did not have my approval nor the approval of all the members of the committee, and since the bill came to the Senate a motion was made to strike out that clause, by the honorable junior Senator from Massachusetts [Mr. LODGE], with the concurrence, I may say, of the majority members of the committee.

Why? Because it was supposed that it would not accomplish the desired end of putting American seamen upon ships bearing the flag of the United States engaged in trans-Pacific service. The motion prevailed, and the objectionable clause was eliminated. Mr. LIVERNASH, an intelligent and worthy citizen, chairman of the Pacific coast commission, appeared before the committee, and, being interrogated upon this subject, said:

Speaking tentatively, for again I must remind the Senators that my information on this subject is comparatively vague, I will say that it seems to me probable something would have to be done for shipowners, by subsidization or otherwise, if the Congress should determine to drive Asiatics from American ships. The argument made before this committee—

Senator FAIRBANKS. They are operating in opposition with the British line immediately north of them, which employs Chinese cheap labor.

Mr. LIVERNASH. The Pacific Mail Steamship Company, whose vessels ply between Hongkong and San Francisco, competes with at least one English company running vessels between Hongkong and San Francisco and carrying Asiatic seamen. The Canadian Pacific steamships do not, I am informed, carry so many Chinese, proportionately, as do the trans-Pacific steamships plying to Pacific ports of the United States.

The general manager of the Pacific Mail Steamship Company, an able and intelligent officer, submitted a statement which was presented to the Senate yesterday, as follows:

It is therefore apparent from the above that if the vessels of the Pacific Mail Steamship Company, which form but a minimum percentage of the total tonnage employed in trans-Pacific trade, are compelled to substitute foreign seamen other than Chinese or seamen who have "intention papers" for the present crews, it will affect to a very small degree the employment of the so-called American sailor on the Pacific coast. Further, the business between China and the United States is only obtained by the keenest competition in regard to rates; and if the Pacific Mail Steamship Company is especially singled out from among all its competitors and compelled to pay a different rate of wage, it will be unable to continue to work under the American flag if it expects to remain in this traffic against the competition of ships under a foreign flag.

For example, it has been heretofore stated that the crew of the *China* numbered 162 souls; the monthly pay roll of the Americans and Europeans amounts to \$2,220 and of the Chinese to \$1,012.02, or a total of \$3,232.02. If a white crew is substituted for the Chinese, that portion of the pay roll will be increased from \$1,012.02 to \$4,520, United States gold coin, or the total monthly pay roll will be \$6,740, thereby increasing the yearly pay roll by \$42,095.96. In addition to the increase of the pay roll, there will be a very material increase in the cost of feeding the white crew as against the Chinese crew, which will amount to about \$500 per month for each steamer, or \$18,000 per year for the three steamers, while the total increase for the present three steamers would amount to about \$144,000 per annum.

Two steamships are being built for the Pacific Mail Steamship Company at the shipyards at Newport News, Va., for use in the trans-Pacific trade. One has just made her trial trip; the other is nearing completion. They are the finest and largest ships ever built in the United States. If the Chinese-crew clause should remain in the Chinese-exclusion bill, to take these new ships to the Pacific coast would be of doubtful expediency. The cost of operation would be increased by this bill \$75,000 a year for each ship above what it would be under the present conditions. The ships would therefore necessarily be placed under a foreign flag.



It is perfectly manifest that if we exclude Chinese sailors from our ships, we must absolutely drive every ship from the Pacific which bears our flag. We have but few ships on that great ocean. We should not drive them to seek foreign register. We should not adopt a policy which will pull down our flag and raise in its place the flag of some foreign nation. We shall have accomplished nothing in the interest of American seamen by the effort to exclude Chinese seamen from our ships under existing conditions. We shall do nothing but take a step backward in our attempt to build up a merchant marine. I shall be glad to see American seamen upon all our ships, but that we can place them there in the manner proposed is in the highest degree improbable.

Mr. President, there was in the bill as it was reported to the Senate another objectionable paragraph—the one which excluded Chinese from participating in expositions. It would have prevented their taking part in the exposition which is soon to be opened at St. Louis, in the great Mississippi Valley. China has accepted the invitation extended by the United States, but the bill as reported would have excluded her subjects from participating.

I am glad to say that provision was struck out upon the motion of the committee, upon the floor of the Senate, and an amendment offered by the Senator from Missouri [Mr. COCKRELL] was incorporated in the bill, under which China will be permitted to freely enjoy the hospitality of the United States under the invitation which was cordially extended.

What of the so-called Platt amendment? Under it the subjects of the Chinese Empire are absolutely forbidden to participate in the great exposition. I invite to this feature of the amendment the attention of those Senators from the Mississippi Valley, who are so interested in the success of this great international enterprise.

There were two other important features of the bill as it was reported to the Senate by the committee which did not meet my entire approval. They were sections 6 and 7, defining "students" and "teachers" among the excepted classes in the Gresham treaty. I am glad to say that, upon a motion made by me yesterday, those two sections were eliminated from the bill. I had a fear, Mr. President, shared in by some but not by all of my colleagues upon the committee, that those sections were violative of the treaty of 1894. Those who held to that view did not wish to write in this great law a solitary line that would be violative of a solemn international compact.

The term "merchant," which has been much criticised in the progress of this debate, is defined in the bill. It is but a literal reproduction of the definition found in existing law. In the opening of the debate there were those who believed that the provision of the bill with respect to merchants was unduly restrictive and that if it should become a law, it might interfere with our commerce with the Chinese Empire.

Mr. President, I pause here to say that the claim made by those in opposition, that it will impair or prejudice American commerce with China, seems to me to be without good foundation. It has not had that effect hitherto. Why should it operate prejudicially in the future?

It became necessary in the law of 1893 and other laws to define strictly the meaning of the word "merchant" as used in the treaty. That definition, as I have observed, is carried into the pending bill. Why? In order to prevent the admission of Chinese laborers contrary to the spirit and letter of the Gresham treaty in the interest, Mr. President, of the citizens of the United States.

Many frauds have been practiced upon the Government under the merchant clause of the treaty. Chinese merchants are easily and freely manufactured in the United States, and hundreds of Chinese laborers, known to be such in the Chinese Empire, have been admitted through the ports of the United States as belonging to the excepted class—merchants. One firm in Chicago was composed of over 50 members, claiming to be merchants, but who, excepting two or three, were nothing but laborers.

The Chinese know what our laws are and how to evade them. I sometimes think, Mr. President, they are more attentive students than some of our own citizens. How many of us have read the treaties, the laws, and the rules and regulations promulgated—

Mr. GALLINGER. Mr. President—

Mr. FAIRBANKS. Of course the Senator from New Hampshire has done so. He always does in full measure a statesman's duty.

Mr. GALLINGER. I rise, with the permission of the Senator, to say that one Senator had done so, and that he takes an entirely opposite view of this question from that being advocated by the Senator from Indiana. And now, Mr. President, if the Senator will permit me—

The PRESIDING OFFICER (Mr. PENROSE in the chair). Does the Senator from Indiana desire to be interrupted?

Mr. FAIRBANKS. I only have fifteen minutes remaining, Mr. President, and I have much ground to cover.

The PRESIDING OFFICER. The Senator from Indiana declines to be interrupted.

Mr. GALLINGER. He has not yet declined, Mr. President.

Mr. FAIRBANKS. I always gladly yield to the Senator.

Mr. GALLINGER. I yielded very graciously to the Senator from Indiana the other day, and at length; but, of course, if the Senator does not wish to yield—

Mr. FAIRBANKS. I do yield with pleasure; no matter what time the Senator takes, he is welcome to it.

Mr. GALLINGER. I shall take but a moment.

The Senator from Indiana, Mr. President, is going to give us now some testimony of the frauds perpetrated by the Chinese. I want to ask the Senator if, in his opinion, the frauds perpetrated by the Chinese are any greater than those perpetrated by American citizens in the matter of the undervaluation of goods at the port of New York?

I want to call the attention of the Senator to just one other thing. The other day the junior Senator from Massachusetts [Mr. LODGE] very dramatically read from the New York Sun a story to the effect that six nuns had been smuggled into this country, or were attempted to be smuggled in, by a Chinaman in the garb of a Catholic priest. The Treasury Department knows nothing of that incident, and, in my opinion—and I have taken occasion to investigate it—there is no truth in it whatever.

Mr. FAIRBANKS. I regret that I can not dwell upon that now. I wish that I had sufficient time to do so. But there are frauds, and I will ask permission to insert in the RECORD, without reading, the following evidence bearing upon the manner in which frauds are systematically committed under the merchant clause: The case is that of a Chinese laborer claiming to be a domiciled merchant returning to his store. As original evidence had been inadequate, he is here told how to deny and correct his previous statements.

For the information of Ah Choi: I have just sent a lawyer to the customhouse to inquire about your paper, as to why you could not land. It is because there is discrepancy in your testimony. It seems that you said you had been in the Man Wah Tai business for only seven months before you returned to China; that does not comply with the law; for that reason you are not allowed to land. You have to be in the business for more than a year before you can comply with the law. You said you went into business Kwang Shu 22d year, 10th month; that you went back to China Kwang Shu 23d year, 5th month, which makes but seven months; hard to land under those circumstances.

On the 26th day of the 6th month, a few days ago, I had already sent you testimony paper inside of shrimp pates. I don't know whether you have received it. I believe, though, that you did not receive it, because had you received it you would never have testified as you did.

I am now taking means to get your testimony fitted. Perhaps a new petition or affidavit has to be prepared, asking the collector of customs to command the interpreter to give you a second hearing, and perhaps you will be able to land. You may be sure I will do my best.

You say you went into the Man Wah Tai business Kwang Shu the 21st year and 10th month, making one year and seven months in business before your return to China.

In case you should be asked, "Why, then, did you formerly say that you went into business 10th month of the 22d year Kwang Shu, making only seven months that you were in business before your return to China," you answer, "I didn't say anything of the kind; I said I went into business in the 10th month and 21st year of Kwang Shu, making altogether one year and seven months in business. Very likely you did not hear right."

According to these means very likely you will be allowed to go.

The total capital in the Man Wah Tai business is \$7,000, divided into 14 shares, as follows: Lee Kung Yeo, \$500; Lee Choi, \$500; Lee Sher Dick, \$500; Lee Sher On, \$500; Lee Sher Wing, \$500; Jui Yock, \$500; Lee Kung Yau, \$500; Lee Steung Tsung, \$500; Lee Lok, \$500; Lee Look Tseam, \$500; Lee Yuen Sim, \$500; Lee Tsok, \$500; Lee Lum, \$500; Lee Po, \$500.

The manager, Lee Kung Yeo, attends to money matters; Lee Choi, salesman; Lee Sher On, bookkeeper; Lee Lok sold goods; the others were outside partners. Lee Kung Yeo sleeps in the store; the other partners live elsewhere.

I have known Lee Kung Yeo five or six years; I do not know whether Kung Yeo has not been back after his visit to China.

You say you went into the Man Wah Lee place at Borden; you have a share in that business of \$500; Lee Sai's share is \$3,000; Lee Sik Sam has a share of \$3,000; Lee Tsung has \$2,000; Lee Seung's share is \$1,000; Lee Kung Hin has \$1,000; Lau Tso, \$1,000; Man Wah Lee's business consists of seven shares; total capital, \$11,500. I lived in the town of Borden eight or nine months, until the tenth month of the twenty-first year, when I came out and went into the Man Wah Tai business because I was consumptive and I did not attend to much in the store. I went to San Francisco to engage the services of a doctor; that's how I became manager of Man Wah Tai's.

The fare from Borden to San Francisco is \$6.35. You first get to Madeira; farther in is Fresno, 20 miles away.

Your saying you were a laborer before the 20th year of Kwang Shu (1894) is all right.

If you should receive this testimony paper, send word by anybody that may be going ashore; will then act accordingly. Or if you send written word and let some one bring it up, that will be all right.

Be sure that you be very careful of written letters. Don't let them be captured.

I will not stop to point out other flagrant frauds upon the Government—there are many of them—and show the necessity of carefully guarded laws.

Now, Mr. President, it seems to me the way in which the committee has gone about perfecting this legislation is the only rational and satisfactory way. The bill has 55 sections. The present treaties, laws, decisions of the Attorneys-General, decisions of the solicitors of the Treasury Department, rules and regulations promulgated by the Treasury Department are found in a

pamphlet which has been laid upon the desk of every Senator, covering 57 closely printed pages.

Let anyone obliged to execute the Chinese-exclusion laws endeavor to learn the measure of his duty and the rights and duties of the United States and the rights and duties of those seeking admission from China, and he has to wade through numerous acts of Congress, numerous regulations, numerous decisions of the various law officers of the Government, covering many years. They are widely scattered. It is a serious task to find them. Is that right?

Mr. President, there is no one obliged to execute the laws of the United States who can go through the labyrinth of laws, regulations, and decisions relating to Chinese exclusion without often becoming confused. Was it not the duty of the Treasury Department to ask, as it has done, to have them codified into one comprehensive, compact, scientific bill?

The Platt amendment simply adds one more law to the mass upon the statute books, while the bill proposed by the committee embraces all laws, rules, and regulations now in force upon this question, and that is all it does. Is that prejudicial to China's interests? The committee, sir, has done well to present to the Senate a comprehensive measure for the guidance of the executive officers of the Government.

Mr. President, some reference has been made to the fact that the Chinese in this country have decreased during the last decennial period as compared with the preceding ten years. What does that signify? That no other laws are necessary? Does it suggest that the laws upon the statute books have not been evaded or violated? No, it shows nothing of the sort. It seems to me to be of no possible significance.

If at all times there had been adequate laws which the officers of the Government were obliged by the mandate of the Congress of the United States to execute, the number of Chinese laborers might have been still less, and probably would have been. Would that have been in derogation of the national interest? No, Mr. President. As an American citizen, I shall be glad to see the number diminish and their places taken by American citizens.

I shall be glad to see the Chinese labor population diminish and their places taken by Germans, by Dutch, by English, by Scandinavians, by other nationalities from whose blood we have sprung and have become the most puissant people upon the face of the globe. As Chinese laborers go out American laborers will go in. Is that hurtful to our national interest, Mr. President? Is it not in the fullest measure in the highest and best interest of our civilization?

Reference has been made to the very able letter of the Chinese minister, and much has been made of it. Minister Wu is an able and accomplished diplomat and, I may say, one who possesses the admiration and good wishes of the American people. What is his complaint, in a word? Is it that our laws with respect to the excepted classes are too restrictive? No; his chief complaint is that we exclude Chinese laborers.

What the minister most earnestly protests against is our labor-exclusion laws; and, in his judgment, we can secure a larger measure of commerce by the admission of Chinese labor into the United States. I read from his letter of the 10th of December last:

The review of the diplomatic history which I have made makes it clear, I think, that the Chinese negotiators of the treaty of 1880 did not contemplate a permanent exclusion of Chinese laborers from the United States, and the American commissioners held out the hope that it would be only a temporary measure and not general in its application.

That, Mr. President, is the gravamen, the exclusion of Chinese laborers.

And further—

Certain it is that if it had been proposed or intimated that the exclusion would continue for twenty years the Chinese Government never would have agreed to the treaty. It is also quite certain that if the present laws shall be reenacted the two Governments can not have the cordial and harmonious intercourse which should be maintained; neither can the commercial relations be as extensive, as intimate, and as profitable as the economic conditions of the two countries demand and justify.

Mr. GALLINGER. Does the Senator read from the letter of March 22?

Mr. FAIRBANKS. No, sir; I read from the letter of December 10. It is in Document No. 162.

Mr. GALLINGER. It is not the last letter.

Mr. FAIRBANKS. It continues:

Can the Government of the United States afford to pay the high price which it will cost to maintain laws which I think I have shown are contrary to the spirit and intent of the treaties, to the recognized principles of jurisprudence, and to the spirit of amity and fair dealing which should control the conduct of nations? I feel confident that if the honorable Congress of the United States will cause a thorough investigation of this subject to be made, uncontrolled by the unthinking clamor or selfish interests, it will find a better way to conserve the interests of this great country than by the reenactment of the Chinese-exclusion laws as they now exist and are enforced.

It is obvious from what the distinguished Chinese minister says that any bill which affects Chinese exclusion he regards as imperiling the good relations existing between the two powers.

Mr. President, the great complaint is that we exclude Chinese laborers from our hospitality. He is apparently not so much concerned as to the excepted classes.

The United States is not unfriendly to the Chinese Empire. The proposed law is not dictated by any hostility to that venerable Government. We have but to go back a few months to find the most manifest evidence of our cordiality, of our friendly interest, and sympathy.

When the great nations of the earth sat about the international council chamber and many of them looked with covetous eyes upon the harbors, upon the cities, and provinces of China, the United States with her potential voice said "the integrity of the Chinese Empire shall not be destroyed;" and when other governments undertook to exact indemnities which would have bankrupted the Empire, the United States spoke for moderation, for justice, and for equity, and saved to China many millions of dollars.

Those who have suggested that the pending measure will jeopardize our commerce, misconceive its effect. It does not change existing laws and the regulations promulgated to give them effect. It is a change in form, but not a change in substance. By the enactment of the bill into law our trans-Pacific commerce will not decay, diminish, or fade away. We all desire to see our commerce expand; but we can not consent to purchase its extension by the abandonment of those restrictive measures which experience has justified, and which have tended to uphold the exalted standard of our American civilization.

By adhering to the course we have hitherto pursued we shall enjoy our full share of the trade in and beyond the Pacific. "Who shall say," said Garfield, "that the Pacific will not yet become the great historic sea of the future—the vast amphitheater around which shall sit in majesty and power the two Americas, Asia, Africa, and the chief colonies of Europe? In that august assemblage of nations the United States will be easily chief if she fill worthily the measure of her high destiny."

Mr. President I have but a moment more at my command. Let me again ask, in conclusion, what provision in the pending bill is in derogation of our treaty obligations to the Chinese Empire? If it is not in contravention of any treaty, if it is but a codification and simplification of existing laws, it should, it seems to me, receive the favorable consideration of the Senate.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. LODGE. I think my amendment to strike out lines 11 to 18 on page 40 is the pending amendment. I moved it last night, to perfect the committee bill.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment which will be stated.

The SECRETARY. On page 40 strike out lines 11 to 18, both inclusive, as follows:

And it shall be unlawful for any vessel not foreign—that is to say, any vessel under the flag of the United States—to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the particular territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

Mr. STEWART. Mr. President, the adoption of the amendment will relieve the bill of a very objectionable feature. All commerce is conducted on the high seas by sailors where they can be had. I suppose it would be impossible for an American ship to cross the Pacific Ocean and return if it could employ only American citizens. I doubt even if it could conduct the coast-wise trade if American citizens were to be employed altogether. Sailors are all over the world, and they are employed by shipmasters where they can get them.

Now, to say that this is in the interest of labor, it seems to me, is a burlesque. If we make it impossible to carry the American flag on our ships, we will injure shipbuilding here, and we will put out of employment in that business a thousand men where you give one American citizen the privilege of a coal heaver in the Tropics.

It is very difficult now to obtain enough skilled labor to man the ships. One-third of the crew on all the ships on the Pacific and in the Tropics must necessarily be high-grade labor, and it must be white labor, though not necessarily American. Many of them are foreigners, but it is very difficult even to get them. The privilege of taking the place of Chinese in heaving coal and cooking—doing the ordinary work on the ships in the Tropics—is not a privilege which American citizens covet. They prefer that we should have commerce, which will give them employment at home in building ships, creating products to be transported.

It is an absurdity to assume that anything which benefits commerce, which benefits industry, which makes wealth, is prejudicial to labor. All wealth is produced by labor, and if you destroy the means of producing wealth you impoverish labor. We must have markets for what we produce and we must carry our products to those markets. The laboring people of this country are



not such imbeciles as to think that this particular provision would be in their interest. There appears to be a desire to pander to some false sentiment. I am under no necessity to do it on this subject. But for me, as the RECORD will show, the Chinaman could have been a citizen. I did what I regretted very much to do at the time. I was on the Judiciary Committee. An amendment came in to strike out the word "white" after we had agreed to vote, not more than ten minutes before the vote was to be taken.

I said I would not be bound by the agreement. Every member of the committee begged me not to violate the agreement. All my friends about the Senate appealed to me. I told them I must violate it if they brought in that proposition. Finally the Senator from Vermont, Mr. Edmunds, on the committee, appealed to me to let the vote be taken. I let the vote be taken, and it was voted in by a vote of 27 to 22. The struggle went on over the 4th of July. No adjournment was taken, and about 1 or 2 o'clock on the 5th of July the vote was taken in the Senate. The first vote was taken as in Committee of the Whole. When the vote was taken in the Senate the amendment was beaten by a vote of 30 to 14. There was no question about it. It got in first without debate. When the time came to explain it, it was beaten. I took that risk, and I took it knowing that the Senate would absolve me if the Senate knew what the proposition was.

I can not be led away by a desire to pander to some sailors. When we have protected labor on land, when we have protected labor everywhere, as we do protect it, we have to employ foreigners in our shipping. If you pass a law to the contrary we destroy it. It is a new idea, a foolish idea, prejudicial to labor, and I am delighted that the Senator from Massachusetts [Mr. LODGE] has offered an amendment to strike it from the bill.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. QUAY. Mr. President, I accept the suggestion of the Chair made an hour or two ago, and will speak to this amendment. I desire to say in beginning that I will speak briefly, and further, that I can not join in the general howl and attack upon the Chinese as Chinese. I have a deep respect for the Chinese nation—for its antiquity, intelligence, patriotism, and exclusiveness. Its history reaches farther back into the past than that of any other nation. Its great families have genealogies of thousands of years, well authenticated, and surpassed in duration only by a very few among the Hebrews. It invented gunpowder, the mariner's compass, the manufacture of porcelain and silk, and China was the mother of philosophy and higher mathematics. Its ruler, the present Empress Dowager, who during fifty years, since she was 18 years of age, has dominated its policy and governed 400,000,000 people, is the greatest woman born in Asia for many centuries.

I regret that China has become obnoxious in the circles of American politics on account of her barbarism and the low condition of her laboring classes.

The organization known as the Boxers is the offspring of patriotism. Its underlying idea is the theory of this bill. "Exclude the foreign devils; China for the Chinese," cries the Chinese Boxer.

"Exclude the Chinese; America for the Americans," says my distinguished colleague, the chairman of the Committee on Immigration, and to a large extent I sympathize with him. If he will strike out the word "Chinese" in the first paragraph of this bill and add to it the words "during the term of five years," making it exclude all importation of labor, I could adopt its eccentricities and vote for it, panicky and tumultuous as it is. I can not approve of the segregation of China from the world as the object of a commercial hostility. I can not conceive of the propriety of excluding Chinese labor and opening our ports to all the ring-streaked, speckled, and spotted importation of Asia and Africa, nor why a Tartar living on the left bank of the Amur River should come free into this country and the Tartar on the right bank should not.

We have labor enough in this country now for general purposes. It is our surplus labor which in hard times brings down wages and produces distress and disorder. We are short in agricultural labor. But for improved machinery we could not harvest our crops. The want of domestic servants has also become a great and vexatious problem. These classes compete with no American labor and might well be excepted in this bill. But our laboring people in Pennsylvania have become imbued with the idea that they are threatened with a flood of competing Chinese labor and with no other competition, and I feel like deferring to some extent to their wishes in this legislation. They favor the House bill. I can not go with them to that extent, and I do not recognize the House bill in the mutilated measure now about to be voted upon.

I will proceed to speak as to my amendment proper when it becomes in order.

Mr. PLATT of Connecticut. Mr. President, I understand that

during my temporary absence from the Chamber the amendment which I have proposed was criticised on the ground that it did not include a provision allowing Chinese persons to come to this country in connection with the St. Louis Purchase Exposition. I do not think it is at all necessary that it should. As the bill was reported from the Committee on Immigration it contained a clause to the effect that Chinese persons should not be permitted to come to this country for the purpose of taking part in expositions. There was no such provision in the law before. There is no such provision in the proposed law now, it having been amended upon the motion of the Senator from Missouri, to allow Chinese persons to come and participate in the St. Louis Exposition. They have always been allowed to come and participate in expositions. They were here at the Buffalo Exposition, the most recent. There is nothing in the present law which forbids it, and Treasury regulations and the administration of the law under Treasury regulations have permitted it.

Mr. President, when the St. Louis Exposition bill passed there was provided for an invitation to foreign countries. In section 9 it was provided:

SEC. 9. That whenever the President of the United States shall be notified by the national Commission that provision has been made for grounds and buildings for the uses herein provided for, he shall be authorized to make proclamation of the same, through the Department of State, setting forth the time at which said exposition will be held, and the purpose thereof; and he shall communicate to the diplomatic representatives of foreign nations copies thereof, together with such regulations as may be adopted by the Commission, for publication in their respective countries; and he shall, in behalf of the Government and the people, invite foreign nations to take part in the said exposition and to appoint representatives thereto.

I do not know whether or not that invitation has gone forward to China. I do know, I think, that a representative of the fair has been appointed to go to Asiatic countries and endeavor to secure their participation in the exposition.

Now, Mr. President, it being the fact that under the law as it exists, and which my amendment would continue, Chinese subjects have been permitted to come for the purpose of participating in fairs, and it being the fact that the bill providing for the St. Louis Purchase Exposition directs the President to invite foreign nations without exception to come and participate, I think there can be no objection to my amendment on that ground.

Mr. MALLORY. Mr. President, the amendment which is now before the Senate, presented by the junior Senator from Massachusetts, proposes to strike out of the bill the provision prohibiting the employment of Chinamen on vessels holding American registry. That is, in my humble judgment, one of the most important and beneficent provisions of the pending measure.

The purpose of this measure, as I understand it—that is, the purpose which seems to have great weight with members of this body—is to prevent the influx of any very large number of Asiatics into this country, because of the apprehension that they may materially interfere with the employment of our American workingman. In fact, those members of this body who are opposed to the committee bill are largely in favor of the amendment proposed by the Senator from Connecticut, which continues in force the existing law, whereby Chinese immigration is greatly limited and restricted. It is a fact that that is one of the main objects and purposes of this measure and one in which almost all Senators agree, namely, the purpose of excluding Chinamen from competing with our domestic labor. If that be the fact, then it appears to me that this is a most striking illustration of that species of legislation.

Our merchant marine, as has been said here time and time again, is in a languishing condition, and we have thought proper, at least the majority of this body have thought proper, in order to rehabilitate it to put upon our statute books, as far as this body can do it, a law appropriating \$9,000,000 per annum, if necessary, for the purpose of encouraging the building of ships and enabling shipowners to carry on their business. It is well known that we have not enough native American seamen to man the Navy which we are building. We certainly will not add to the number of seamen of this country by opening the door for hordes of Chinamen who, as has been stated here on several occasions in different debates in this body, work for at most about one-half what the American or Caucasian sailor is willing to work for, and unless we do something that will exclude this extremely cheap competition with the American sailor we will drive him from the high seas, we will drive him from the decks of our own vessels, and therefore deprive ourselves of a resource for manning our naval fleet with American seamen. The Chinaman can not be naturalized under existing law, he can not become a citizen of the United States, and in time of war when we want to draw upon our merchant marine for sailors, stokers, firemen, and oilers to man the battle ships and swift cruisers that we are building, we will find that we have none but Chinamen on the Pacific, at least unless we do something to prevent the influx of these Chinese competitors with the American sailor.

The argument which is presented here, some telegrams received



from shipowners, that this would paralyze the shipping industry on the Pacific, is one which I do not think is at all conclusive, although it may be plausible, because it is a fact, as far as I have been able to gather, that there is now only one important line of ships sailing from the Pacific coast to the Orient which employs Chinese sailors. If we put our stamp of reprobation upon the employment of Chinamen on board of our ships I take it that there will be no effort hereafter to put them into the service of our merchant marine and that we will hereafter have no difficulty, so far as the Pacific is concerned, in securing Caucasian sailors whenever they are needed.

As it is now, if this amendment is adopted and this provision stricken from the bill, it will be notice to the world that the United States is ready to invite all the Asiatic cheap labor that chooses to come from the Asiatic shores on American ships to this country. It will drive out a great many American sailors who now have employment upon the various lines plying from the Pacific coast to Australia and to the Orient generally, and it will certainly have a most injurious effect upon the morale of the American sailor. We need, besides men before the mast, stokers and firemen, intelligent men, to run the engines in case of necessity, coal passers, and deck hands generally. Those men are absolutely essential, and by being employed in the commercial marine they are enabled to learn the ways of the sea and could be rendered very useful in the service of the Navy.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. ELKINS. Mr. President, I am heartily in favor of this amendment on the ground of common justice to American shipping and American interests. The amendment should be adopted. I can not understand what was in the mind of the committee reporting the bill, why it saw fit to discriminate so sharply against American shipping in favor of foreign shipping by prohibiting American vessels from employing Chinese crews and allowing foreign vessels to do so. The difference under this provision against the American line on the Pacific amounts to about \$40,000 per annum.

It is well known that on the Pacific there are 8 foreign and 1 American steamship companies doing business between the Orient and Pacific coast ports. The 8 foreign companies employ 56 vessels and the American steamship company 3. This committee is willing that the 8 foreign steamship companies shall employ Chinese labor and land at all of our ports on the Pacific coast or wherever they choose without let or hindrance, but when it comes to American ships Chinese labor must be excluded. The bill expressly provides that the foreign ships with Chinese crews shall land under certain conditions and restrictions, but refuses to allow these restrictions to extend to American vessels. If foreign vessels can land with Chinese crews under proper safeguards, why could not American vessels do the same?

Now, what was the purpose? Why was this done? Why was this discrimination made against American vessels? What has the senior Senator from Washington [Mr. TURNER], so violently interested in this bill, against American interests and American ships, and why does he strongly prefer foreign ships? How can he justify his vote here in bringing in a bill of this kind?

I stand here for American interests against all other interests, and I want American shipping under our laws to be on an equal footing on the Pacific Ocean and elsewhere with foreign ships. Prohibiting American vessels from employing Chinese makes a difference in cost of operating of about \$42,000 per annum. This is a large item in running expenses, and is, in effect, a donation to foreign vessels in competition with American vessels. If American vessels are not to be allowed to have Chinese crews, then I am opposed to any foreign vessels landing at any ports of the United States with Chinese crews. This is only fair dealing. I am not ready to drive American ships off the Pacific by discriminating in favor of foreign vessels.

Let us make conditions equal so far as we can. Why not exclude all vessels from landing that employ Chinese crews and Chinese labor the same as you have provided in the bill against American ships?

Mr. President, all of us are against Chinese immigration. We are united in excluding Chinese labor from our country. It is a definite, determined American policy; one that can not be reversed; the people will not allow it. The present act simply carries out this definite policy.

I hold that unless we should exclude the Chinese they would in the end exclude us, and therefore it is in our interest to do so; and because I can not vote for this bill that is so drastic, so offensive to a friendly government, so recklessly drawn that it sounds like a stump speech instead of a solemn act of Congress, I do not want it taken that I am in favor of the Chinese or Chinese immigration. Furthermore, Mr. President, because I can not agree that the Republican party worships at the shrine of wealth, and here protest against such a charge, I am not to be set down as a friend of Chinese immigration.

Now, Mr. President, this bill is clearly against treaty obligations. They are sacred and should be kept. This Government must keep its faith until the treaty is denounced, no matter what China has done. It does not justify us because of a Boxer rebellion that occurred a year or two ago, and the Chinese Government could not control, that we are entitled to violate at random and recklessly solemn treaty obligations. Because China may have done wrong does not authorize this great Republic to become a highwayman among nations and do wrong also. I am astounded that any Senator should advocate such a course. It is the weight of opinion of the best lawyers in the Senate and in the country that this bill, if it becomes a law, will violate the treaty, and I claim as long as the treaty is in force its provisions must be observed.

Then, again, Mr. President, under the present law the number of Chinese in the United States is being reduced at the rate of 40 per cent in ten years. There are only about 56,000 Chinese in the United States, according to our last census. At this rate of reduction under the present law it will not take long to get rid of all the Chinamen in the country. This is gratifying progress, and we are doing it in a way that does not offend the Chinese Government. We have won great prestige in the Orient, and especially in China, by our policy and conduct last year, and we want to maintain this prestige. We want to maintain friendly relations in the interest of extending and establishing our trade with 400,000,000 consumers. We do not want to recklessly throw this advantage away.

Mr. President, there is danger of this bill, if it became a law, offending China and this would be very serious. Any other self-respecting nation on earth would be offended. If China should withdraw her minister from this capital, sever diplomatic relations, be as harsh to us as this bill is to them, expel our merchants, close her ports to American ships, this would simply prove disastrous to the United States and especially the South. The first hour after Congress assembled again it would repeal such an act in order to win back the friendship and trade of China; but it might be too late. Already our exports are about \$30,000,000 a year.

Now, do we want, or does the South want, to turn its back on this trade—throw away this opportunity and get nothing in return? I am from the South. I love the South, desire its success and its progress. I love its people and I seek its good. Although I am a Republican, I feel I have a right to speak in part for the South. What the South needs now is to put aside prejudice and build up her business—take advantage of her great resources.

Cotton goods are the largest factor in our exports to China, and they are largely from the South. England and Russia are ready to take advantage of any mistake we may make. Suppose they secure this advantage pending a disagreement or difference between China and the United States, how are we to win it back? We might never be able to do so. President McKinley and our very able Secretary made a great effort to secure the open door for the United States in China. Now, are we ready by law and by our own act to close this door, which may never be opened to us again?

Mr. PATTERSON. Mr. President, an American ship is American territory, and the American flag flying over an American ship, it seems to me, should afford the same protection to the men who are engaged in sailing that ship as the flag gives to laborers on the land.

As I suggested a little while ago, every class of labor in the United States, except the sailor labor, is protected by three separate and distinct acts of Congress—by the tariff law as claimed by every friend of protection, by the law that excludes contract labor coming from foreign countries, and by the Chinese-exclusion laws. I can not comprehend why the sailors of the United States should be cast adrift upon a barren and bleak shore, there to perish, while every other class of labor of the United States, it is claimed, receives perfect and ample protection.

The Senator from New Hampshire [Mr. GALLINGER] yesterday morning read somewhere in the neighborhood of a hundred telegrams, chiefly from San Francisco, for the purpose of demonstrating that the provisions of this measure, including the clause that excludes the Chinese from American ships, are obnoxious to the Pacific coast. I need only refer to the attitude of the two Senators from the State of California upon this measure with reference to this clause to show that his telegrams are misleading, for I imagine that the Senators from California comprehend what the sentiment of the State of California and the Pacific coast is and what is good for the interests of those States and what is good for American shipping better than the comparatively few gentlemen who were induced to send the telegrams the Senator from New Hampshire read yesterday.

Mr. President, I want to call attention again to what the Senator from California [Mr. PERKINS] said upon the subject of the



amendment that is now under discussion. The Senator from Indiana [Mr. FAIRBANKS] said:

Something has been said as to the inability to secure American seamen for the trans-Pacific service. I should like to have the Senator, if he can, give us some information upon that subject.

The Senator from California [Mr. PERKINS] replied:

The best answer I think I can make to the question is that there are a number of steamship companies running vessels out of San Francisco employing a large number of sailors, firemen, and coal passers which do not employ Chinese. I have myself for thirty years been connected with a steamship company employing from 1,500 to 3,000 men most of the time, and we never have employed, to my knowledge, a Chinaman during that period.

As to vessels running into the Tropics, all of the United States transports now engaged in the service, plying between San Francisco and the Orient, the Philippine Islands and Japan, have white coal passers, white stokers, and white firemen. Their whole crews are Caucasian.

The ships plying to Central America from San Francisco and to the coast of Central America and Mexico, and German ships running down the coast of Central America to South America, all employ white firemen and white coal passers and white deck hands (sailors). The ships of the Oceanic Steamship Company, one of which runs every two weeks to New Zealand and Australia, run to Honolulu, across the equator, and go down through the Tropics. They all employ white men. The steamers running from San Francisco to Samoa, to the Fiji Islands, also employ all white men. It is the same way with vessels of our Navy.

The Senator from California further testified that there were plenty of white sailors upon the Pacific coast to man every American ship now in existence, and that there would be enough to supply them as fast as they were brought into existence. So far as the other ships are concerned—ships belonging to foreign companies—if the Senator from West Virginia [Mr. ELKINS] will do what he said he would do, I stand ready to introduce an amendment to prohibit any ship entering an American port manned by Chinese crews. There is nothing in our laws, Mr. President, and everything in our policy that would sustain an amendment such as that.

Mr. GALLINGER. Mr. President, I am very sorry indeed that the one hundred and twenty-odd telegrams that I had the honor to read did not convert the Senator from Colorado [Mr. PATTERSON] to a support of the Platt amendment to this bill.

During my enforced absence this morning I believe something over a hundred more telegrams from the Pacific coast were presented to the Senate by the President pro tempore. I have six or eight additional ones which I want to put into the RECORD in the hope that before we come to a final vote on the bill even the Senator from Colorado and the two Senators from California may see their way clear to vote for the Platt amendment. These telegrams are as follows:

MENLO PARK, CAL., April 15, 1902.

WILLIAM P. FRYE, President United States Senate, Washington, D. C.:

Platt amendment, Chinese bill, ought to be adopted.

J. LEROY NICKEL.  
S. E. SLADE.

MENLO PARK, CAL., April 15, 1902.

WILLIAM P. FRYE, President United States Senate, Washington, D. C.:

Adoption of Platt amendment, Chinese bill, is important and just.

TIMOTHY HOPKINS.  
C. W. SMITH.

SAUSALITO, CAL., April 15, 1902.

Hon. W. P. FRYE, President United States Senate, Washington, D. C.:

Respectfully urge passage Platt amendment, April 11; believe it amply sufficient for all needs and more just to mercantile interests.

ROBERT P. GREER.

MENLO PARK, CAL., April 15, 1902.

WILLIAM P. FRYE, President United States Senate, Washington, D. C.:

I hope Congress will admit Chinese merchants and students.

JOHN P. DOYLE.

SAUSALITO, CAL., April 15, 1902.

Hon. W. P. FRYE, President United States Senate, Washington, D. C.:

Passage of exclusion bill now pending in the Senate would be an act of injustice to the mercantile interests of the United States and particularly affecting the Pacific coast. Respectfully petition use every effort for the passage of the Platt amendment of April 11, reenacting present Geary law.

C. T. HAMILTON.

MENLO PARK, CAL., April 15, 1902.

WILLIAM P. FRYE, President United States Senate, Washington, D. C.:

We approve of Platt amendment Chinese bill.

PERRY EYRE.  
AUGUST TAYLOR.

MENLO PARK, CAL., April 15, 1902.

WILLIAM P. FRYE, President United States Senate, Washington, D. C.:

We favor adoption of Platt amendment, Chinese bill.

THEODORE PAYNE.  
HUGO D. KEIL.

Now, Mr. President, I have only one minute to say that I think these telegrams, probably over 200 in number, coming from men who are engaged in mercantile and transportation pursuits on the Pacific coast, are entitled to a great deal of consideration by the Senate of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. MALLORY. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. ALLISON. I ask that the amendment may be read.

The PRESIDENT pro tempore. The amendment will be again read.

Mr. BATE. I do not know whether it is a motion to lay on the table or not. Let us know the parliamentary situation.

The PRESIDENT pro tempore. The question is directly, up to the present time, on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to strike out certain words, which the Secretary will read.

The SECRETARY. Strike out on page 40, lines 11 to 18, inclusive, as follows:

And it shall be unlawful for any vessel not foreign—that is to say, any vessel under the flag of the United States—to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the particular territory of the United States to which such vessel plies; and any violation of this provision shall be punishable by a fine not exceeding \$2,000.

Mr. CULBERSON. The Secretary seems to be reading from an old copy of the bill.

The PRESIDENT pro tempore. He is reading from the last printed edition.

Mr. BACON. I ask him to give the section, as we have different copies.

The PRESIDENT pro tempore. The page and section will be read.

The SECRETARY. Section 39, page 40, strike out lines 11 to 18, inclusive.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. KEAN (when Mr. DRYDEN's name was called). My colleague [Mr. DRYDEN] is necessarily absent. He is paired with the junior Senator from Idaho [Mr. DUBOIS]. If he were present, on this question he would vote "yea."

Mr. HEITFELD (when Mr. DUBOIS's name was called). My colleague [Mr. DUBOIS] is absent by reason of sickness in his family. He had intended to speak in support of the bill and to vote for the bill and against all amendments that were material. He, as the senior Senator from New Jersey [Mr. KEAN] has stated, is paired with the junior Senator from New Jersey [Mr. DRYDEN]. If my colleague were present he would vote "nay" on this amendment.

Mr. HANSBROUGH (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. If that Senator were present I should vote "yea."

Mr. FOSTER of Louisiana (when Mr. McENERY's name was called). My colleague [Mr. McENERY] is absent by reason of sickness. He has a general pair with the Senator from New York [Mr. DEPEW]. I am authorized by my colleague to state that if he were present he would vote in favor of the bill and against the pending amendment.

Mr. McMILLAN (when his name was called). I ask if the Senator from Kentucky [Mr. BLACKBURN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. McMILLAN. I am paired with that Senator and withhold my vote.

Mr. CULLOM (when Mr. MASON's name was called). My colleague [Mr. MASON] is absent, but I understand he is in favor of this bill.

Mr. MITCHELL (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. He is absent, as has been stated, by reason of sickness in his family, and my pair has been transferred to the junior Senator from New Jersey [Mr. DRYDEN]. I vote "nay."

Mr. MONEY (when his name was called). I have a general pair with the junior Senator from Iowa [Mr. DOLLIVER], who has not voted. He is not here. I respect that pair. I do not know how he would vote. If he were here, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 47, nays 29; as follows:

#### YEAS—47.

Aldrich,	Dillingham,	Jones, Nev.	Platt, N. Y.
Allison,	Elkins,	Kean,	Pritchard,
Beveridge,	Fairbanks,	Kearns,	Proctor,
Blackburn,	Foraker,	Kittredge,	Quarles,
Burnham,	Foster, Wash.	Lodge,	Quay,
Burrows,	Frye,	McComas,	Scott,
Barton,	Gallinger,	McCumber,	Spooner,
Clapp,	Gamble,	McMillan,	Stewart,
Clark, Wyo.	Gibson,	Millard,	Warren,
Cockrell,	Hanna,	Morgan,	Wellington,
Cullom,	Hawley,	Pettus,	Wetmore.
Dietrich,	Hoar,	Platt, Conn.	

## NAYS—29.

Bacon,  
Bailey,  
Bard,  
Bate,  
Berry,  
Carmack,  
Clark, Mont.  
Clay,

Culberson,  
Foster, La.  
Harris,  
Heitfeld,  
Jones, Ark.  
McLaurin, Miss.  
McLaurin, S. C.  
Mallory,

Martin,  
Mitchell,  
Nelson,  
Patterson,  
Penrose,  
Perkins,  
Rawlins,  
Simmons,

Taliaferro,  
Teller,  
Tillman,  
Turner,  
Vest.

## NOT VOTING—12.

Daniel,  
Deboe,  
Depew,

Dolliver,  
Dryden,  
Dubois,

Hale,  
Hansbrough,  
McEnery,

Mason,  
Money,  
Simon.

So the amendment was agreed to.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the clause in section 39, beginning in line 19, on page 40, and going down to line 12, on the next page. Those lines are connected with the clause which has just been stricken out, and in the opinion of the Chair no action is necessary, because this provision was passed over when it was reached as a committee amendment.

Mr. CARMACK. Mr. President, I offer an amendment, to which I call the attention of the Senator from Pennsylvania [Mr. PENROSE] who reported this bill. In section 2, on page 2, line 7, after the word "laborers," I move to insert "not citizens of the United States;" in line 9, of the same section, after the word "all," I move to insert "such;" and in line 13, in the same section, after the words "apply to," I move to insert the word "such."

Mr. PENROSE. I feel authorized to accept that amendment, because it is simply a declaration of what has been the law anyway.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. In section 2, on page 2, line 7, after the word "laborers," it is proposed to insert "not citizens of the United States;" in line 9, after the word "all," to insert "such;" and in line 13, after the words "apply to," to insert "such;" so as to make the clause read:

SEC. 2. That from and after the passage of this act the entry into the American-mainland territory of the United States of Chinese laborers not citizens of the United States coming from any of the insular territory of the United States shall be absolutely prohibited; and this prohibition shall apply to all such Chinese laborers, as well to those who were in such insular territory when the same was acquired by the United States as to those who have come there since, and it shall also apply to those who have been born there since, and to those who may be born there hereafter. And the same prohibition of entry shall apply to such Chinese laborers coming to one island of the United States from any other insular territory of the United States, except territory of a group whereof such island is a member.

The PRESIDENT pro tempore. Without objection, the amendment will be regarded as agreed to.

Mr. SPOONER. No, Mr. President; I hope that amendment will not be adopted. I do not understand the object of it. Under our naturalization laws, as I understand, no Chinaman may become a citizen of the United States. If that amendment is adopted it would be an implication, so far as legislation could raise an implication, of the understanding of Congress that, because of the acquisition of territory by the United States in which reside Chinamen, they may thereby become or have become citizens of the United States.

Mr. CARMACK. If they have become citizens of the United States can they be excluded?

Mr. SPOONER. Whether they have become citizens is a question of law, which need not be aided by any legislative recognition from my standpoint. I hope the amendment will not be adopted.

Mr. HOAR. May there not be a Chinese laborer born in Milwaukee, under the definition of this bill?

Mr. SPOONER. There might be a Chinese laborer born in Milwaukee.

Mr. HOAR. Yes; and if he left the country he might be denied the right to return to the United States, within the definition of this bill.

Mr. SPOONER. Then I think the amendment ought to be amended so as to be confined not to Chinese born in Milwaukee, but to Chinese born in the United States.

Mr. McCOMAS. I should like to ask the Senator if this Chinaman, Wong Kim Ark, himself born in this country of parents who were citizens of the United States, should go out of this country and come again into it, how could he be admitted under this section of the bill, unless the amendment of the Senator from Tennessee were adopted?

Mr. SPOONER. I do not know that Wong Kim Ark, or whatever his name may be, was a citizen of the United States.

Mr. McCOMAS. He was, because he was born of parents who were subject to the jurisdiction of the United States.

Mr. SPOONER. He was born in a State?

Mr. McCOMAS. Yes; and when he wanted to come back to this country, under this section of the bill how could he come into the country unless this amendment were adopted?

Mr. SPOONER. I am perfectly willing that the amendment should be adopted applying to Chinamen born in the United States, but as it is offered it might mean very much more than that.

Mr. HOAR. Does not the amendment of the Senator from Tennessee, as I understand it, include only citizens?

Mr. CARMACK. That is all.

Mr. HOAR. If that be true, citizenship will be determined by the courts under the Constitution and the laws, and this act of Congress can not change the Constitution one way or another. The word "citizens" seems to me to cover everything.

Mr. TELLER. Before the interdiction of Chinese naturalization some Chinamen were naturalized. I have known some Chinese who were legally naturalized, and of course we can not take away from them the right of naturalization. Quite a number of children have been born of Chinese parents in the United States, and, as the courts have held, they are citizens. So that there is enough of that class to afford a reasonable excuse for putting the proposed amendment in the bill.

Mr. BACON. Mr. President, I have before me the case of Wong Kim Ark, in which the Supreme Court of the United States distinctly decided that the fact that Wong Kim Ark was a citizen of the United States entitled him to entry into the United States, and that he could not be excluded from the United States. The issue in that case really was whether the Chinaman Wong Kim Ark was a citizen of the United States. That fact being ascertained, the court ruled, as a matter of undeniable and indisputable law, that he was entitled to entry into the United States. The court having determined that he was a citizen of the United States, his right of entry into the United States was recognized and conceded as beyond dispute. The court ruled that, although born of a Chinaman and a Chinawoman not citizens of the United States, he was still a citizen of the United States, because born in the United States, and, being a citizen of the United States, he was entitled to come into this country. The distinct issue was as to whether he had a right to enter the United States, and the court ruled that, being a citizen, he was entitled to enter.

Mr. President, I do not see in what way the apprehension of the Senator from Wisconsin [Mr. SPOONER] can have any legitimate foundation. The amendment is a simple declaration of that which is the right of a citizen, so declared by the Constitution of the United States; a right which, in the absence of words sought to be inserted, might be denied to such a person; and, as suggested by the Senator from Maryland [Mr. McCOMAS], the language as it is now found in the bill would deny to any Chinese laborer, even though he be a citizen of the United States, the right to enter. Upon that decision of the court, in 169 U. S., found on page 649, it seems to me the amendment of the Senator from Tennessee is entirely proper.

Mr. PLATT of Connecticut. If I may ask the Senator a question, does he think we can by any law bar out a citizen of the United States from coming into the United States?

Mr. BACON. I do not.

Mr. PLATT of Connecticut. Then the amendment is unnecessary.

Mr. BACON. But, Mr. President, we ought not to say that which we have no right to say. This bill does say that no Chinese laborer shall enter the United States whether he be a citizen or not a citizen; and while I believe the courts would declare that it would be inoperative to the extent that it sought to exclude one who is a citizen, we, as legislators, certainly ought not to put upon the statute book that which is in violation of the Constitution of the United States simply upon the supposition that the courts will declare it to be inoperative.

Mr. SPOONER. If the Senator will permit me, I was not able for a moment to see how an American citizen could be a Chinese laborer.

Mr. BACON. Oh, yes.

Mr. SPOONER. He might be an American laborer of Chinese descent.

Mr. BACON. Yes. But the Senator certainly will appreciate the fact that the words "Chinese laborer" here are a generic term, which intend to include every Chinaman who is of the class of laborers. A man who is by birth or by race, although born in this country, of Chinese blood, is called a Chinaman. If he is of the cooly class, he is called a Chinese laborer; but, according to the terms of this bill as it now stands, even though he be a citizen of the United States—and it has been shown that that is entirely possible—he would be excluded so far as this law could exclude him. Of course, it is true that the law might be declared inoperative, and I think it would be, but that does not relieve us of the obligation to so frame this law as to make it in its letter, so far as we can, within the terms and requirements of the Constitution.

Mr. HOAR. The term "Chinese" is defined in section 52 of the bill, and it includes "all male and female persons who are



Chinese either by birth or descent, as well those of mixed blood as those of the full blood." So the term "Chinese," without any limitation or qualification, includes an American citizen, whether naturalized or born of Chinese parents. That being true, we should either make the exception which the Senator from Tennessee proposes or we have got to rely on the fact that it would be unconstitutional to pass the bill without the exception. I mean the bill without the exception would be unconstitutional. Now, if we rely on the latter fact, nobody supposes that the custom-house officials are going to take the responsibility of declaring an enactment of the United States unconstitutional. The party aggrieved, therefore, has got to carry his case to some court of sufficient dignity and authority to presume to declare that this law is pro tanto unconstitutional. It seems to me, therefore, that, if without the limitation it is constitutional as applied to a certain class of persons, we ought to put the limitation in it.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. The Chair begs pardon of the Senator for a moment. The Chair calls the attention of the Senate to the fact that under Rule VIII no Senator is entitled to speak more than once to the same question. The Senator from Tennessee.

Mr. CARMACK. Mr. President, my object in offering this amendment is to make it clear that we are not attempting to do an unconstitutional thing. It is true, as the Senator from Connecticut [Mr. PLATT] says, that we have no right to bar any person who is a citizen of the United States; but the language of the section as it stands now may be construed as an attempt to do that very thing. I simply want to make it clear that we are not attempting to do it, and that we are not attempting to violate the Constitution of the United States by the passage of this bill.

Mr. MITCHELL. Mr. President, I hope the amendment of the Senator from Tennessee will be adopted. I think it should have been in the bill in the first place, if for no other reason because of the fact that we have a good many native-born Chinamen in this country. We have in my own town quite a number, who vote at every election, of persons who were born in the United States of Chinese parents. As the bill now stands, it seems to me if any of those citizens of Chinese descent should go to China or go out of the United States they would not be permitted to return here.

So far as I am concerned, I have no fear of the great mass of Chinamen in the Philippine Islands having become citizens by virtue of the transfer of allegiance from Spain to the United States. That question does not trouble me at all, but, perhaps, it may trouble some Senators. For the reason I have stated, I think the amendment should be adopted.

Mr. QUAY. Mr. President, speaking to this amendment, I desire to have read Chapter XXXV from a work entitled "China in Convulsion," by Arthur H. Smith, a standard authority upon what transpired in Peking during the siege of the legations. The succeeding three chapters I desire to have printed in the RECORD as a part of my remarks, without reading.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read the matter referred to.

The PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

Mr. QUAY. Mr. President, I ask that the Secretary be allowed to read the concluding sentence of the chapter, being Miss Bishop's statement as to the character of the Chinese. It is the last clause in the chapter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania? There being no objection, the Secretary will read the request.

The Secretary resumed and concluded the reading, as follows:

#### XXXIII.—NOTABLE EXPERIENCES.

##### CANADIAN PRESBYTERIAN MISSION, NORTH HONAN.\*

The trouble which began in Honan during the spring seemed to be local in character, originating in the severe drought from which we had been suffering. Three crops in succession had failed. As early as March there were riots in different places. Some of these were of a serious nature, in which there were conflicts between the people and soldiers, lives being lost on both sides. By the month of June matters became very serious indeed, every day bringing fresh reports of granaries searched and wealthy farmers looted by bands of starving men. The magistrates stationed small posts of militia at all the market towns, but were unable to preserve peace. They acknowledged their helplessness by refusing to punish any who were accused of stealing grain, saying it was useless to punish starving men, and that those who had lost grain might look upon it as having afforded help to their distressed neighbors.

\* Prepared at the author's request by the Rev. James A. Slimmon, one of the party.

On June 15 we were startled to receive a telegram from Tientsin saying, "Escape south." We also got the news of the murder of two Belgians at Pao Ting Fu. Not having had any reliable news from Tientsin for several weeks, we were ignorant of what was happening there and did not feel like deserting our station without knowing the reason why we had been advised to do so. We waited on anxiously looking for letters but none came.

Meanwhile we communicated with Mr. Jameson and party of the Peking Syndicate, who had passed through our town on the way to Huai Ch'ing Fu. In reply, there came a letter from Mr. C. D. Jameson, saying that he saw no reason for escaping, as he had not had any word from his agents at Tientsin or Peking, and he could rely on their sending word if matters were very serious. But for our comfort, he added, that if we thought it necessary to go he would place everything he had at our disposal—arms, money, etc.—and the personal services of himself and Messrs. Reid and Fisher.

On June 19 we received word that our friends at Ch'u Wang were besieged by a mob of over a thousand people. This trouble was brought on by a woman who declared she had seen Mrs. MacKenzie at an upper window performing mysterious rites and sweeping the clouds from the sky. Mrs. MacKenzie had been cleaning a window in her new house, and this, seen from the outside, looked like making passes and motions toward the clouds. The mob gathered around for two or three days, but seemed to be in need of a leader. The official on being appealed to for help promised to send it, but first of all tried to disarm our friends by asking for a loan of any rifles or other arms in their possession. This ingenuous request was politely refused, as was also one for a few thousand taels of silver "to purchase arms for the soldiers."

From this time on till the 24th things began to look more and more threatening. Our bankers refused to pay us any more money, although they had a considerable balance in our favor. We heard of Boxer societies springing up in different towns and gradually coming nearer us, until on the 24th a few Boxer teachers arrived and founded a Boxer school. The motto of this branch was "First kill the foreigners, then annihilate the Manchus."

On June 25 we received word that our friends at Chang Tê Fu and Ch'u Wang had decided to make their escape, and that they were arranging to travel together to Chi Nan Fu, which seemed the best route. Later on they had to abandon this plan, as they found it impossible to hire carts for the trip, could get no escort across the strip of Chihli Province which lies between Honan and Shantung, and had no means of speedy communication with the governor of Shantung. Our friends had decided on this step because of another telegram which had arrived, saying that the Taku forts had been taken by the Allied Forces. We knew then that trouble was certain. We sent off messengers, one to ask Mr. Jameson and party to meet us at the Yellow River, another to the prefect at Wei Hui Fu, and another to the magistrate at Hsü Hsien. We were afraid of delay in being referred from one yamen to the other.

We got no help from the prefect. An escort however was promised by the district magistrate, and friendly messages were returned. But he refused to take charge of our house, saying that in the present state he could not possibly guarantee protection of our property.

Things were at their very darkest on the 27th. We had got together the few things that we had decided to take with us, but it looked as if we should require to make our escape in the dark, taking no more with us than we might be able to carry ourselves. The carters who had agreed to take us had backed out of their bargains and would not come near us, though we offered four or five times the usual rates. Our servants were panic stricken, as we heard of one band of desperate characters planning to attack us before we left our premises; and of another band at the other end of the town formed for the purpose of attacking us after we left.

There was no sleep for us that night; indeed there had not been much for several nights; but this particular one was passed in trying to put courage into our servants, and in spurring on the few friends we had in the town to take active measures on our behalf. We induced one man—our teacher (a literary graduate)—to interview the leaders of one band, and by reasoning, expostulating, and threatening, to persuade them to let us go in peace. Another friend performed the same office with the other band. But the argument that weighed most with both was that we had failed to secure carts and could carry nothing away with us.

Daybreak of the 28th arrived, and while we welcomed it as a relief from the terror of the night, we dreaded it as the day on which we should have to set out on our journey without having been able to make proper arrangements for transport. We had sent a messenger to a neighboring town to secure carts there at any cost, and as he had not yet returned we feared he had failed in his mission. To our great relief, he turned up with four carts while we were pretending to take breakfast. It did not take us long to get our boxes and bedding on board.

And here one of those incidents occurred that force us to believe in a special providence. Just as we were almost ready to mount our carts and face the mob that had gathered around our door, the



officer in command of the militia in our town returned from an expedition against some robbers, bringing prisoners with him. At our request he called on us and we persuaded him to send some of his men to escort us a few miles on our way. This nonplussed the mob, who got the impression that the officer had come by arrangement for our special protection. And the fact that he had prisoners with him proved to the rowdies that he did not hold his office in vain.

The whole town was gathered together to see us off, and lined the streets three and four deep on both sides all the way from our house to the town gates; but all passed off quietly and a few miles out our special escort left us to the care of four men who had been provided by our magistrate. We made our first halt at Wei Hai Fu, and at once sent our cards to both civil and military officials, also to Father Gerrard, who called on us in the course of the evening. We explained the situation to the priest and invited him to join our party. He replied that he had not power to do so without permission from his bishop, and if the bishop concluded that it was not safe for the priests to remain at their posts, they would all retire to a place already prepared among the hills, where all their converts were armed and could hold out against an army.

The military official arrived just in time to disperse the mob that had gathered around the door of the inn, and was getting beyond the control of our escort. The local soldiers dispersed them and we had peace for the rest of the night. Next day we halted at Hsin Hsiang Hsien for our midday meal. I was well known at this place, and put up at the inn of a man who had been friendly for some years. We had been there about an hour when this innkeeper told us that some Boxers had arrived in the town a day or two before and that some of them had just come to him making inquiries about us, our destination, etc. We at once sent our card to the official to inform him and ask for protection. The only result was that we were told that the official was not at home, and that our informant was at once sent for by the Yamen people and told to get rid of us at once. We started off fully expecting to be pursued by the Boxers, but reached our inn at night without having heard anything more of them, and from there on "Boxers" seemed to be an unknown term.

Next day, 30th, we reached Yuan Wu Hsien, quite close to the ferry on the Yellow River, where we were to meet Mr. Jameson and party. The official here at once put a strong guard at the door of our inn and thus secured perfect quietness for us inside.

In the evening we were much relieved by the arrival of a mounted messenger from Mr. Jameson, bringing word that he and his party were coming with a large escort, plenty of silver, and a few firearms.

Next day, Sunday, 1st July, we got to the bank of the Yellow River first and waited two hours for Mr. Jameson. When they arrived, we found them dressed in Chinese costume. They had found the people at Wu Chih Hsien—their last halting place—very rude. The magistrate not only declared he could not protect them unless they put on Chinese clothing, but made them give up much of their luggage. The clothing not only failed as a disguise, but seemed to emphasize the fact that they were refugees, and must have been meant by the officials to humiliate them or else as a practical joke, for they certainly looked awkward and clumsy.

Just as we got to the south bank of the river, we saw the Chang Te Fu and Chi'u Wang party arrive on the north bank, so we waited till they came across. We were now a large company—made up as follows: Chi'u Wang party, Mr. and Mrs. MacKenzie and one child, Dr. and Mrs. Leslie, Misses McIntosh and Dow; Chang Te Fu party, Mr. and Mrs. Goforth and three children, Miss Pyke and Miss Dr. Wallace, Messrs. Griffith and Hood; Hsin Chen party, Mr. and Mrs. Mitchell, Mr. and Mrs. Slimmon and one child; Pekin Syndicate party, Messrs. Jameson, Reid, and Fisher. The missionaries had only a small escort, but Mr. Jameson's party had a fine escort of mounted men, and a petty court officer who was very useful in making arrangements with officials by the way, about local escorts, inns, etc. Having now the Yellow River between us and the Boxers, we got off bright and early next morning, all in good spirits, with the exception of Mrs. Slimmon, who was beginning to be anxious about her baby, who showed signs of breaking down under the strain of the journey.

Mr. Jameson was inspired with a happy thought this morning and sent a man off on horseback to dispatch a telegram from K'ai Feng Fu to the British and American consuls at Hankow, informing them of our whereabouts and asking that help be sent. The messenger had 70 miles to go, 70 miles back, and then to catch up with a party traveling 35 miles a day. It was a great undertaking, but Mr. Jameson was not a man to be daunted by difficulties, and the feat was accomplished at the expense of the plucky little pony, that died after reaching Fan Ch'eng. The sending of the telegram proved to have been a wise proceeding, as it conveyed to our friends the first intimation that we were alive, and also enabled our consuls to get Chang Chih Tung to send us much-needed help.

The next two days we suffered much from heat, as we were traveling through the loess region. The sun blazing down into the deep roads made them like ovens, and the roads being 30 or 40 feet below

the level of the country, there was no possibility of getting any breeze. On reaching Hsiang Hsien we found Mr. and Mrs. Gracie living in seeming peace and quietness. They were surprised to learn that we were fleeing for our lives and invited Mrs. Slimmon and myself to stay with them for a while and give our little one a chance to recover. She was by this time very ill indeed, and we were sorely tempted to run the risks and accept the invitation. But at midnight Mr. Gracie came to our inn and told us that the converts and friends had strongly advised them to join our party, which they decided to do and would have done, but found it impossible to secure carts. They expected to be able to do so in the course of the day and try to overtake us. Subsequently we learned that they made their escape by way of Chou Chia K'ou to the province of Anhui, having most harrowing experiences by the way.

We were now approaching the Nan Yang Fu district, the only place where we really anticipated any trouble, and our fears proved to be only too well grounded. On the 7th July we arrived at Hsin Tien, thirty li north of Nan Yang city. We had intended halting there for the night, but on our arrival we found it impossible to get accommodations for the whole party. Mr. Jameson, with his usual thoughtfulness for the ladies and children, decided to push on to Nan Yang city, well knowing that it was a most dangerous place at which to halt.

And just here I would like to say that Mr. Jameson and his party nobly fulfilled the promise that they personally, and all they had, would be at our disposal. They not only gave us the best rooms at the inns when there was any choice, but shared their stores with us, giving up their last tins of milk when they learned that our friends had exhausted their own supply. They let us have all the silver we needed, and without this help it would have been impossible for us to get along. Mr. Jameson also proved himself to be a born leader. It was a great relief to leave everything in his hands, knowing that there was no detail of arrangements, such as interviewing mandarins, getting the daily local escort, securing inns, and the hundred and one little things incidental to such a journey, but were in most capable hands. He never seemed worried or anxious, but had a cheery word of encouragement for each one as he went his daily rounds.

On leaving Yu Chou at daybreak Mr. Goforth's servant took the wrong road and later the other parties got separated from us and went by a different way. This took the large company of ladies and children safely past a procession of rain dancers that we ran into in one of the towns en route. Mr. Jameson and his friends were on horseback 500 yards ahead of our carts, and suddenly found themselves surrounded by an armed body of men 200 strong, followed by a huge rabble. The rain dancers wore green wreaths on their heads, and were armed with huge swords, being on a pilgrimage to a famous temple to pray for rain. Catching sight of the foreigners they at once surrounded them, crying out "Here are the foreign devils that have chased away the rain." One of the leaders suggested killing them at once, and our friends had a bad ten minutes persuading the crowd that it would be a dangerous thing to try. Meanwhile we came to the fringe of the crowd, and, learning that it was a rain procession, we did not stay to make further inquiries but turned hastily up the first lane, which proved to be a cul de sac, and our carts stood there with their backs toward the main street, effectually screening us from the mob, who passed by quite unaware of the fact that there were foreign women in their midst. Upon getting through the town we found Mr. Jameson and friends filled with the gravest apprehensions for our safety.

We arrived at Nan Yang Fu after dark, and, searching the city for quarters, had finally to separate and put up in miserably poor inns, but this turned out to our advantage. We approached our inns from the south, thus throwing those off the scent who were expecting us from the north. On trying to see the official we were told he would see us at 8 o'clock next morning. This looked ominous. At midnight a messenger arrived from the party at Hsin Tien, saying they were besieged in their inn, and asking for help. We tried to see the mandarin to get help for our friends, but only succeeded in getting a promise that some runners would be dispatched to put down the disturbance. Mr. Jameson, seeing that it was useless to expect help from the mandarins, sent back half of his mounted escort.

Some of our servants told us that the Roman Catholics had been besieged in their fortified place 4 miles away, and that a soldier had been beheaded by the officials, because he had carried out their orders too literally and in trying to disperse the besiegers had injured one of them. We also learned that plans had been made to kill the whole of our party, and it was for this reason that we had been told to wait till 8 o'clock next morning.

Realizing our danger, we at once got our tired animals hitched up again and got off at 3 o'clock and traveled to Hsin Yeh Hsien. Here some of the mounted men who had been sent back to Hsin Tien to help our friends turned up and told us what had been taking place. Our friends had been in negotiation with their besiegers, who were demanding a large sum of money. They waited on in